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PROCEEDINGS AND DEBATES OF THE SIXTY-FIFTH CONGRESS, FIRST SESSION.

SENATE.

WEDNESDAY, *April 25, 1917.*

(Legislative day of Monday, April 23, 1917.)

The Senate reassembled at 12 o'clock m., on the expiration of the recess.

FOOD PRODUCTION (S. DOC. NO. 11).

The VICE PRESIDENT. The Chair lays before the Senate a communication from the Federal Trade Commission, transmitting the commission's final report on the price of gasoline in the year 1915. The communication and accompanying paper will be referred to the Committee on Interstate Commerce without printing.

FOOD PRODUCTION (S. DOC. NO. 11).

The VICE PRESIDENT. The Chair lays before the Senate a communication from the Secretary of Agriculture, transmitting, in response to a resolution of the Senate of the 20th instant, information relative to the action being taken by the department to induce a larger production of foodstuffs throughout the United States. The communication and accompanying paper will be referred to the Committee on Agriculture and Forestry and ordered printed.

CALLING OF THE ROLL.

Mr. SMOOT. Mr. President, the chairman of the committee in charge of the pending bill has been detained for a few moments, and there are very few Senators here. I suppose the Senate can not do anything until more Senators arrive. Therefore I suggest the absence of a quorum.

Mr. CHAMBERLAIN entered the Chamber.

Mr. SMOOT. The Senator from Oregon having entered the Chamber, I withdraw the suggestion.

Mr. CHAMBERLAIN. We wish to proceed with the unfinished business, Mr. President, and I do suggest the absence of a quorum, because there are some who desire to speak and I do not see them in the Chamber.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hitchcock	Nelson	Smoot
Bankhead	Hollis	New	Sterling
Borah	Husting	Overman	Sutherland
Brady	James	Owen	Thomas
Broussard	Johnson, Cal.	Page	Thompson
Calder	Johnson, S. Dak.	Penrose	Townsend
Chamberlain	Jones, N. Mex.	Poindexter	Trammell
Colt	Jones, Wash.	Pomerene	Underwood
Culberson	Kellogg	Robinson	Vardaman
Curtis	Kendrick	Saulsbury	Wadsworth
Dillingham	King	Shafroth	Walsh
Fall	Kirby	Sheppard	Warren
Fernald	Knox	Sherman	Watson
Fletcher	La Follette	Shields	Weeks
France	Lodge	Simmons	Williams
Frelinghuysen	McCumber	Smith, Ariz.	Wolcott
Gallinger	McKellar	Smith, Ga.	
Gerry	McLean	Smith, Md.	
Hale	Myers	Smith, Mich.	

Mr. CHAMBERLAIN. I desire to state that my colleague [Mr. LANE] is detained from the Chamber by illness. I ask that this announcement may stand for the day.

Mr. FRELINGHUYSEN. I wish to announce the unavoidable absence of my colleague [Mr. HUGHES] on account of illness. I ask that this announcement may stand for the day.

Mr. SUTHERLAND. I desire to announce the absence of my colleague [Mr. GOFF] on account of illness. I will let this announcement stand for the day.

Mr. SHEPPARD. I wish to announce that the senior Senator from Oklahoma [Mr. GORE], the junior Senator from South Carolina [Mr. SMITH], the junior Senator from North Dakota [Mr. GRONNA], the junior Senator from Iowa [Mr. KENYON], the junior Senator from Nebraska [Mr. NORRIS] and the senior Senator from Louisiana [Mr. RANSDELL] are detained on official business in the Committee on Agriculture and Forestry.

Mr. THOMPSON. I was requested to announce the unavoidable absence of the senior Senator from Illinois [Mr. LEWIS] on official business.

The VICE PRESIDENT. Seventy-three Senators have answered to the roll call. There is a quorum present.

INCREASE OF MILITARY ESTABLISHMENT.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1871) to authorize the President to increase temporarily the Military Establishment of the United States.

Mr. CHAMBERLAIN. Mr. President, I propose the following unanimous-consent agreement.

The VICE PRESIDENT. It will be read.

The SECRETARY. The Senator from Oregon asks unanimous consent that at not later than 1 o'clock p. m. on Thursday, April 26, 1917, the Senate will proceed to the consideration of S. 1871, a bill to authorize the President to increase temporarily the Military Establishment of the United States, and that at 5 o'clock p. m. on that calendar day will vote without further debate upon any amendment that may be pending, any amendment that may be offered, and upon the bill S. 1871 through the regular parliamentary stages to its final disposition; and that after the said hour of 1 o'clock p. m. on said calendar day, April 26, 1917, no Senator shall speak more than once or longer than 10 minutes upon the bill nor more than once or longer than five minutes upon any amendment offered thereto.

Mr. GALLINGER. Is the Senator serious in asking the Senate to vote on this bill to-morrow?

Mr. CHAMBERLAIN. I really think we ought to reach a stage in the proceedings where we can agree to a vote on the bill. It has been under consideration since Saturday. We all realize the great importance of the measure. So far as I am advised there are only a few Senators who have indicated a desire to speak on it. There may be more, but those who have advised me that they intend to address the Senate on the subject could easily finish by that time. But I will say to the Senator there may be a great many others who are going to address the Senate who have not indicated any purpose to do so.

Mr. GALLINGER. I think the Senator from Oregon will find it to be a fact that there are others who have not indicated to him their purpose, and it strikes me that if we get a vote on the bill by Friday or Saturday we will be doing very well, all things considered.

Mr. CHAMBERLAIN. The Senator knows me well enough to know that I never have desired to prevent the full discussion of a measure.

Mr. GALLINGER. I understand that.

Mr. CHAMBERLAIN. I hope that we may be able to reach a time when the bill may be voted upon. I beg that the Senator will suggest a date that would suit him.

Mr. GALLINGER. I will venture to suggest a date that will suit me personally. I do not know how it may be with my associates on this side of the chamber or my friends on the other side, but I would suggest to the Senator to make it Saturday in place of Thursday.

Mr. CHAMBERLAIN. I am perfectly willing to do that, if there is a disposition on the part of the Senate to agree to it—as important as the bill seems to be—because the whole preparation for the defense of the country is in the air until Congress acts. Any reasonable date, so that we may know the bill is going to be disposed of soon, will suit me. One o'clock on Saturday would suit me.

Mr. GALLINGER. The Senator, I think, could better test the sense of the Senate by changing the date to Saturday. There may be objection to that. I will personally agree to it.

Mr. CHAMBERLAIN. I am perfectly willing to do that.

Mr. MCCUMBER. Does not the Senator really think it would be better to wait until we see what the developments are to-morrow? By to-morrow we would be in a better position to fix a time. I think it is a little early now to fix a day. The

Senator does not know how many desire to speak on the subject.

Mr. CHAMBERLAIN. I will say to the Senator, my purpose in bringing up the matter at this time was to have some sort of expression from the Senate, to see how Senators felt. I am perfectly willing to let it go over until later in the afternoon and then take up the matter. By that time I hope we may be able to know about how the bill is likely to proceed.

Mr. BORAH. Would the Senator be willing to let it go until to-morrow and take it up then?

Mr. CHAMBERLAIN. We can do that.

Mr. BORAH. I certainly have no desire to delay a vote on the bill, but I think we would make more progress, perhaps, if we would wait until to-morrow to see how the matter runs to-day.

Mr. CHAMBERLAIN. I am glad to see that there is no opposition to such a course. So far as I am concerned, I realize fully the importance of this legislation, and I am willing to let the matter go until to-morrow, and I will say to the Senator that I will bring it up to-morrow morning.

Mr. SMITH of Georgia. It may be that the debate will end to-day.

Mr. LODGE. Before the Senator from Oregon takes his seat I should like to ask him if it would not be worth while before we fix a time—and I am as desirous as anybody to have a time fixed as early as possible—to assure ourselves as to the situation of the House? We might get in such a position that the bills would cross, and we would find ourselves with one bill passed by one House and another bill passed by the other House, which would only lead to complications and delay.

Mr. CHAMBERLAIN. I will say to the Senator I do not think there is any danger of that. I have been in consultation with one of the members of the Committee on Military Affairs of the House, and I think that can be avoided.

Mr. SMITH of Michigan. Let me ask the Senator from Massachusetts if he means to indicate by that suggestion that the Senate would necessarily share the opinion of the House or whether its action would influence our action at all?

Mr. LODGE. Not the least. It was only the parliamentary situation that I was thinking of; that it would bring more quickly the Houses together, because the bills, I apprehend, will differ somewhat. If the House bill came here, for instance, and we substituted our bill for it and sent it back, that would bring us at once to a conference. If each House passes a separate bill about the same time, we may create some situation that it would take time to arrange.

Mr. SMITH of Michigan. If the Senator will pardon me for a moment, I desire to say that if it is the purpose of Senators to pass the bill in charge of the Senator from Oregon it seems to me it should be done promptly. All the plans of the Commander in Chief await our action, and the force and effect and propriety of what we are about to do should not be dissipated by protracted debate. I do not believe the Senate is going to change this bill in any essential particular, and I hope the Senator from Oregon, who has charge of the bill, will speed its consideration to an early conclusion. The country, of course, expects the highest wisdom to prevail, without cavil or subterfuge. What the people desire is to be officially informed of our plans.

Mr. CHAMBERLAIN. I think that legislative situation might be avoided without any difficulty. Senators will remember that when the Army reorganization bill was passed a couple of years ago one was passed by the House and another by the Senate, and we did not get into the impasse that has been suggested. I think there will be no trouble about the legislative situation.

Then, Mr. President, I withdraw the requst for the present, but I will say to the Senate that I shall either later in the afternoon or to-morrow when the Senate convenes propose it again.

Mr. REED. Mr. President, I desire if I can——

Mr. McKELLAR. Will the Senator yield to me for a moment just to put in two amendments?

Mr. REED. Very well.

The VICE PRESIDENT. The Chair must enforce the rule, or it must be repealed—one of the two. A Senator on the floor addressing the Senate is not to be interrupted for the purpose of making any report, introducing resolutions or amendments, and the Chair is required by the rule to enforce it. It can not be violated by unanimous consent. I wish the Committee on Rules would recommend a withdrawal of the rule, because it is violated every hour of every day.

Mr. REED. Mr. President, America has been the most positive of all modern nations in asserting the doctrine that a nation must rely for its defense upon the valor and the patriotism of its citizens. We have been foremost in repudiating the idea that a government is best defended by hired men, who make fighting a profession. We have hitherto asserted that free men with arms in their hands could defend the Republic; and until within the last 30 days we have proudly boasted that the manhood of America, without coercion of law or threat of authority, would, if called, rush to the colors and defend them against all enemies. This is the historic doctrine of the Republic. We are now asked to repudiate it.

We have listened for some days to discussion of the bill; we have read in the press many articles largely along one line and seemingly inspired by one purpose. Both in the Senate and outside of the Senate this bill is greatly misunderstood. I have talked with intelligent men outside the Senate and I have talked with Senators who plainly did not understand what is contained within the four corners of this proposed measure. I intend, if the Senate will give me its attention and its patience, to analyze some of the false arguments and notions that have been put forward and to endeavor, if possible, to arrive at a plain statement of what is involved in this measure.

Mr. President, this bill is constantly referred to as a bill for universal service, and arguments in favor of universal service are mustered in favor of the bill. It is not a bill for universal service. It in fact directly affects less than one-half of 1 per cent of the total population of the United States. It does not affect them as a matter of their own volition, but as a matter of coercion. They are not to be selected by reason of any condition in life as citizens by reason of any special qualifications which they may possess, but they are to be subjected to the hazard of the gambler's chance, and are to be called into the service, not because they come voluntarily, not because any special duty is imposed upon them but because the gambling chance has fallen against them.

It is claimed that the military task now set is so great that it is necessary to reverse all our traditional policies in order that it may be accomplished. The fact is that in the national-defense act of June 3, 1916, we provided for the entire force to be called out under the pending bill, except the 500,000 conscripts, and under the Volunteer Army bill, which was passed in 1914, we provided for volunteers in case of war. So the only new proposition we have now is to raise by conscription 500,000 men, instead of the raising of those 500,000 men by voluntary service.

Now, mark you, the volunteer-officer bill, passed less than two years ago, was approved by the War Department, and was the product of the War College. The national-defense act, passed less than 11 months ago, was sanctioned by the War College, and was the product of the military authorities. It did not undertake to change the volunteer act of 1914, and therefore in effect affirmed it. So that we are now not only asked to reverse the traditional policies of our country as they have existed from the first—nay, more, the traditional policies of the English-speaking people as they have existed for a thousand years—but we are asked to reverse the recommendations of the War College itself, made less than 11 months ago.

The national-defense act provided for a peace strength and a war strength for the Army and the Navy, and for the organization of a militia force for the various States which might be called into the service in time of war. War was declared on the 5th day of April. On that day the total strength of the Army and Navy was slightly below the maximum peace establishment. Enlistments from that day on have been rapid, so that the Army and Navy have been recruited as follows: From April 5 to April 23 the Regular Army increased from 129,000 to 145,000. Enlistments are now coming in at the rate of 2,000 per day. The total authorized war strength of the Regular Army under the proposed bill is 304,500. The total number yet to be raised in the Regular Army is 159,500. At this rate of 2,000 a day, in 75 days of time the Regular Army will be filled to its full war strength.

The strength of the Navy on April 5 was 64,680. It had been recruited up, on April 23, to 77,422. Its total authorized war strength is 87,500. There were left to be raised on the evening of April 23, according to the reports sent in, only 10,087 men, and they were coming in at from 1,300 to 2,000 per day.

The Marine Corps, on the 5th of April, had a total of 14,100 men. On April 23 it had 17,000. Its total authorized war strength is 17,400. On April 23 it was within 400 of the war strength, and undoubtedly has reached that point now.

How about the militia? The authorized strength of the militia seems to be in dispute. I am unable to get from the War Department any answer that satisfies me. I do not say this in criticism; but, as I read the militia law, as written in the national-defense act, it provided for a militia of 200 for each Representative and Senator, with an increase of 50 per cent on June 3 of the present year, and with a proposition of

further increases of 50 per cent each year until the militia reaches 800 for each Representative in Congress. The Militia Bureau states that if the present organization was recruited to peace strength the total that could be raised would be 220,000 men. As a matter of law, however, the States are given the authority to enlist to the number of 800 for each Representative and Senator; and, if that is done, the total number to be raised could, by the action of the States, not of the Government, be brought to 424,800.

Now, what are the facts about the militia? On the 5th day of April it numbered 125,000. I have estimates and figures here to show that, notwithstanding the War Department stopped enlistments, they nevertheless raised the total number approximately at this date to 220,000, or peace strength, while the total authorized strength under the law of the Government is only 159,300. The militia officers in the States, acting under the authority and right of the States, notwithstanding the retarding action of the Federal Government, have gone beyond the legal requirements of the defense act, which provided for 159,300 men, and have to-day approximately 220,000 men enlisted.

Mr. President, those figures are an estimate. I propose to show the Senate how I arrive at that estimate.

Mr. HITCHCOCK. Mr. President, I will say to the Senator that I sent out telegrams last night to the adjutant general of every State in the Union. I am now receiving replies and shall be glad to turn over the information to the Senator. I think they will bear out the statement he makes as to the militia.

Mr. REED. I thank the Senator. I did not send telegrams to all of them; but I have here now some telegrams that I propose to lay before the Senate. The question I am now discussing is the present situation. Whatever that is, we ought to know it. We will gain nothing by indulging in fancies when it comes to raising armies.

I sent the following telegram to the adjutant generals of the States of Missouri, Ohio, Kansas, Pennsylvania, Nebraska, Iowa, Arkansas, Minnesota, California, Oregon, Texas, Massachusetts, New York, and Mississippi:

Please wire me, collect, immediately, for use in Senate, number of recruits National Guard of your State since declaration of war; how many regiments called into service. Have these regiments been recruited to peace strength? Have you been authorized to recruit to war strength? Can you promptly recruit the guard of your State to war strength? Prompt reply requested.

JAMES A. REED.

I shall read the answers because I want the Senate to know the facts upon which I am acting.

Nevada, Missouri—

This comes not from the adjutant general but from the general commanding in Missouri, a man who was on the Mexican border from first to last during the recent troubles there—

One thousand four hundred and seventy recruits enlisted since declaration of war. The St. Louis and Kansas City regiments, which are the only Missouri troops so far called into Federal service, were promptly recruited to the authorized peace strength of 100 men per company. They have not been authorized to recruit to war strength yet. All Kansas City units, including the Third Regiment, Battery B, the Signal Corps Battalion, and the Ambulance Corps, are all at full peace strength and have a waiting list. We have not yet been authorized to exceed peace strength.

H. C. CLARK.

That is from Missouri.

Now I am going to give you the only discouraging answer I have received:

COLUMBUS, OHIO.

Five hundred recruits in Ohio National Guard, Third and Sixth Regiments and First Battalion Signal Corps Engineers and Field Artillery, are now in Federal service. Regiments have not been recruited to peace strength. No authority to recruit to war strength. Can not promptly recruit Ohio Guard to war strength.

WOOD, *Adjutant General.*

Mr. President, I was born in Ohio and feel a little pride in the State. I undertake to say, knowing the history of Ohioans for gallantry, that the militia can be recruited to war strength; that Ohio does not merit the inglorious distinction of being the only State that can not recruit its guard to war strength. That is not like Ohio.

Mr. POMERENE. Mr. President——

The VICE PRESIDENT Does the Senator from Missouri yield to the Senator from Ohio?

Mr. REED. I do.

Mr. POMERENE. As the Senator has referred to Ohio, there is not any doubt about the patriotism of the people of that State, and they will do their duty; but I am satisfied that the sentiment of the State is in favor of the conscript plan, and I say that, basing my opinion upon letters and telegrams that I have received from all sections of the State.

Mr. REED. I am not asking whether the sentiment of the State is in favor of the conscript plan. I am asking whether it is necessary to apply conscription in the grand old domain of Ohio in order to get a few men in the Army. I say not.

Mr. HITCHCOCK. Mr. President——

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Nebraska?

Mr. REED. I do.

Mr. HITCHCOCK. Of course, the plan of conscription does not do away with the raising of the National Guard to war strength. In fact, it rather contemplates that it shall be raised; and my information is just as the Senator from Missouri has given—that in every State where it has been pushed they have raised it to full peace strength and are ready to raise it to war strength.

Mr. REED. Now, here comes "Bleeding Kansas;" a better name is "Glorious Kansas."

Recruits since declaration of war, 1,503. No regiments called into service from State. Have not been authorized to recruit to war strength. Many organizations have enrolled additional men to bring them to war strength. Guard can be promptly recruited to war strength. Applications from all parts of State for new organizations. All organizations now peace strength.

MARTIN, *Adjutant General.*

Mr. WEEKS. Mr. President——

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Massachusetts?

Mr. REED. I do.

Mr. WEEKS. I ask the Senator if he means by that to minimum peace strength or to maximum peace strength?

Mr. REED. Maximum peace strength is what I understand is meant. I read my telegram, and I am reading the answers just as I received them.

Mr. WEEKS. I heard the Senator read his telegram, and I do not think he stated whether maximum or minimum peace strength was meant. Very many National Guard organizations were under minimum peace strength when they were called last summer.

Mr. REED. I can answer the Senator from the language of these telegrams. When an adjutant general wires that he is up to peace strength and that he has a waiting list he manifestly must mean that he is up to the maximum peace strength, or he would not have a waiting list; otherwise he would enlist those on the waiting list and bring his organization up to the full strength.

I know these telegrams are a little discouraging to the advocates of military compulsion. I know that it is the old military idea that in order to have a good soldier you must first have a slave, and I am going to try to show that that miserable idea still lingers in some parts of America. The detestation of a volunteer officer and the contempt in which he is held by war authorities is well illustrated down here at the War College.

The Senator from Colorado [Mr. THOMAS] just called my attention to an illustration of the truth of the statement I have just made.

Within that magnificent structure, the War College building, are four pedestals on which are to be placed the statues of the four men selected from all countries and times whose memories are best calculated to arouse the ambition and inspire the souls of the Army officers who attend the War College. One of these pedestals is already occupied. It supports the statue of Frederick the Great, of Prussia. The three remaining positions of honor are reserved for Napoleon, for Cæsar, and for Alexander. There was no place for Washington. There was no spot saved for any of those valiant men who rode to death and deathless fame as volunteer officers.

But I proceed with these telegrams:

HARRISBURG, PA.

Telegram received. Returns not in showing recruits enlisted in Pennsylvania National Guard since declaration of war. Four regiments of Infantry now in United States service. All regiments now above minimum peace strength. Have not been authorized to recruit to war strength, but if so authorized can do so promptly, as many organizations have waiting list to bring to war strength.

THOMAS J. STEWART,
Adjutant General.

A telegram from Nebraska:

Approximate number recruits since declaration of war, 518. One regiment called into Federal service. Regiments have been recruited to peace strength. Orders from War Department are to recruit to 100 men per company Infantry. No orders received to recruit to war strength. Can recruit to war strength and, if necessary, furnish additional regiments.

HALL, *Adjutant General.*

From Des Moines, Iowa:

Recruits, guard, since declaration war, approximately 1,600. One regiment Infantry in Federal service. War Department would not allow this regiment to recruit to peace strength when first called, stating no equipment available. Past few days have authorized recruiting, and they are to-day 103 below peace strength. Organizations not in Federal service. Have 534 above peace strength required by War Department. No authority to recruit to war strength, but could

do so in few days, as many organizations have waiting lists more than sufficient to fill to war strength. War Department refuses to allow additional organizations under defense act, while many could now be organized, adequately housed, and efficiently officered if we were permitted to act.

GUY E. LOGAN, *Adjutant General.*

Well, that sounds like Iowa. She was settled largely by soldiers just after the great war. Her loyalty has never been doubted.

LITTLE ROCK, ARK.

Reference your wire this date, 1,820 recruits obtained since declaration of war. One regiment called into service. Almost recruited to peace strength. Not authorized to recruit to war strength. Can recruit guards promptly to war strength.

ENGLAND, *Adjutant General.*

Add to my message yesterday that in my opinion plans of administration should be followed.

SACRAMENTO, CAL.

Reference your telegram 22d instant, approximate strength California National Guard 25th ultimo, 3,624; approximate strength 20th instant, 5,642; increase, 2,018. California Naval Militia same dates, 945, 1,350; increase, 405. Called into Federal service 3 Infantry regiments and 6 companies Coast Artillery National Guard, and 11 deck divisions, 2 engineer divisions, 1 marine company, and 1 aeronautic section Naval Militia. All units approximate minimum peace strength. Recruitment to war strength first authorized, then suspended, and now authorized only to recruit minimum peace strength, Regular Army.

How do you suppose the National Guard is to recruit to war strength when the orders are to recruit only to minimum peace strength?

I continue reading:

Statement issued by War Department that National Guard called for police purposes only is practically cessation of recruiting. Should War Department order all National Guard into active service and issue statement that they are for expeditionary purposes recruitment required can be obtained in 48 hours. At present recruiting for organizations in Federal service permitted only at mobilization camps. This office now successfully recruiting through chamber of commerce at some station of each company not now in Federal service.

BORREE, *Adjutant General.*

The telegram just read rings with true Americanism. It is the expression of a man who believes that American citizens are yet willing to defend the flag and to vindicate the honor of the Republic. It is the expression of a man who has not yet come to the belief that you must drag American citizens like cravens to the line of duty.

PORTLAND, OREG.

Reference your wire even date, number of recruits received since call approximately 1,970. One regiment of Infantry called and mustered into service at full war strength. Information as to authority on recruitment should be procured from War Department. Reference your last question, remaining units of this State can be recruited to full war strength promptly, as all forces now filled to maximum authorized strength, with large waiting list.

WHITE, *Adjutant General.*

Now, here is a telegram from the adjutant general of Texas. He evidently thought that he would save the Government or me some money, and he referred me to the war authorities here. He says:

Respectfully suggest that all information requested from all the States is of record in Militia Bureau, Washington.

The adjutant general did me too little honor and the War Department too much. He assumed that I did not have sense enough to go first to the War Department to inquire, and he further assumed that the War Department had the information on hand, which it did not have. So I can not give you any information from Texas.

ST. AUGUSTINE, FLA.

One battalion Infantry recruited to maximum peace strength has been called into Federal service. Not authorized to recruit it to war strength. Will have no difficulty in recruiting guard of State to war strength when call is made.

CHRISTIAN, *Adjutant General.*

Mr. TRAMMELL. Mr. President, will the Senator yield to me for a moment?

Mr. REED. I yield.

Mr. TRAMMELL. I will state that I have received telegrams from the adjutant general some two weeks ago insisting upon authority to recruit to full strength the Second Regiment; and unless that authority has been granted in the last two or three days, although it is stated that they have ample numbers on the waiting list to recruit to full strength, they have not been authorized to recruit the Second Regiment.

Mr. REED. I thank the Senator.

BOSTON, MASS.

Response to your telegram 22d instant. Massachusetts National Guard has enlisted 2,407 men in the organizations not called into Federal service since March 24. Three regiments of Infantry have been called by President and are now recruited to peace strength. Authority to recruit entire Massachusetts Guard to war strength requested, but refused. Can recruit entire guard to war strength in three days.

Splendid! I somehow like that doctrine from Massachusetts better than the doctrine of the distinguished Senator from Massachusetts, who has so earnestly declared the country should adopt conscription. The State that makes the road to Lexington and the field of Concord holy ground still has red-blooded men.

ALBANY, N. Y.

Reference your telegram, about 3,000 recruits New York National Guard since declaration of war. Six regiments Infantry and one squadron of Cavalry in Federal service. Not all at maximum peace strength. State authorities have not authority to recruit for organizations in Federal service. War Department has not granted authority to recruit to war strength. Could promptly recruit at this time to war strength if we could get authority from War Department to do so. Withholding of this authority very discouraging and has bad effect on National Guard.

LOUIS W. STOTESBURY,
Adjutant General.

I commend that sentence to the Senator from New York.

Mr. WADSWORTH. Mr. President, will the Senator yield?

Mr. REED. I yield.

Mr. WADSWORTH. Let me say to the Senator from Missouri that that last sentence in the telegram from Adj. Gen. Stotesbury, of New York, is no news to the Senator from New York. It could be done very, very shortly.

Mr. REED. Then why is the Senator from New York trembling in his boots lest we can not get 500,000 men in the United States without conscripting them?

Mr. WADSWORTH. Mr. President, will the Senator yield further?

Mr. REED. I yield.

Mr. WADSWORTH. The Senator from New York is not trembling in his boots with respect to the ability to recruit the National Guard to maximum war strength by the volunteer system which is provided for in the bill now under discussion.

Mr. REED. Well, is the Senator of the opinion that the patriotism of the country will be exhausted when the National Guard has been brought to war strength, or will there still be others ready to join as volunteers under the Volunteer Army bill?

Mr. WADSWORTH. The Senator from New York does not regard the patriotism of the young men of the country as having been exhausted in the event the National Guard will be filled to maximum war strength nor the Regular Army filled to maximum war strength. The Senator from New York, however, regards it as very doubtful whether an additional 500,000 volunteers can be organized under efficient officers.

Mr. REED. Now, that brings up once more the question of efficient officers, and let us forever and a day put a quietus to it. This whole question has been argued here upon the assertion that you can not have good officers for volunteers. The Volunteer Army bill, which the amendment offered by the Senator from Tennessee [Mr. MCKELLAR] proposes to put into force, provides substantially a method of selecting officers for the Volunteer Army as is provided for selecting officers for the proposed conscript army, except that the number of men taken from the Regular Army to be put into the Volunteers is limited, I think, to four officers to each regiment. But the President makes every appointment of every officer under the Volunteer Army law.

Mr. CHAMBERLAIN. Mr. President——

Mr. REED. In just a moment. If there is danger of getting bad officers for the Volunteers, then the same danger will exist for the conscript army. Now, I yield to the Senator from Oregon.

Mr. CHAMBERLAIN. I merely call the Senator's attention to section 7 of the Volunteer Army act of 1914. I think the Senator will find that it is at variance with the statement he has just made.

Mr. MCKELLAR. Mr. President——

Mr. REED. I yield to the Senator from Tennessee.

Mr. MCKELLAR. I will say to the Senator the principal difference between the selection of officers in the present bill and the section of the volunteer act of 1914 is that an omission is made in the present bill by which about 11,000 officers who have been selected and registered and passed upon by a board of Army officers under previous volunteer acts are omitted entirely from the present bill, and we have about 11,000 less officers to choose from by that omission. I wish to say that I am going to offer an amendment to the bill which will include those officers as a part of the Army.

Mr. REED. I think the Senator from Tennessee is correct. I am quite sure that section 7 of the volunteer bill reposes practically absolute authority upon the President in the selection of officers. I read:

SEC. 7. That in appointing the volunteer officers authorized by this act the President may select them from the Regular Army, from those duly qualified and registered pursuant to section 23 of the act of Congress approved January 21, 1903, from the country at large, from the organized land militia of the District of Columbia, and, upon the recommendation of the various governors——

Mr. CHAMBERLAIN. There you have the variance; it begins right there.

Mr. REED. Exactly. Now, wait a moment—

upon the recommendation of the various governors—

But the President is not obliged to take the recommendation of the various governors or anybody else.

Mr. CHAMBERLAIN. I ask the Senator to read the balance.

Mr. REED. Very well; I will read it:

from the organized land militia of the several States and Territories in proportion, as far as practicable, to their respective populations, and as far as compatible with the interests of the military service, from the localities from which the troops with which the officers appointed upon said recommendation are to serve shall have been recruited.

Now, is there a man here who will claim that that does not give the President a free hand to reject any man who is incompetent? What, then, becomes of this miserable pretense that the volunteers must go out badly officered, since the President has as wide authority as the country and the privilege of picking from the entire population of the land, civilian and military? The truth is, this case is being argued on a false issue and has been so argued from the first.

I repeat, and I challenge denial, that under the Volunteer Army act the President of the United States must put the sign manual of his approval on every officer. The charge, therefore, that the Army will be incompetently or inefficiently officered amounts to an assertion that the President of the United States will not do his duty. If you make that with reference to the volunteers, then you have likewise condemned the President as an unfit man to select the officers of the Regular Army. No man will bring that charge against President Wilson.

I have just one more telegram to read:

JACKSON, MISS.

Five hundred and fifty-six men recruited since war resolution. One regiment Infantry in Federal service recruited to peace strength. No authority to recruit to war strength, but authority to recruit to statutory peace strength for Regular Army 100 men per company. The regiment is short 298 men, account no Federal transportation available for recruits. National Guard can be recruited to war strength promptly, provided—

I would like to have the Senator from Mississippi hear this—

provided War Department will make definite assignment of character and number of troops desired from State and authorize for recruiting parties and transportation of recruits at Federal expense.

SEALES, *Adjutant General.*

Mr. VARDAMAN. I did not hear the first part. Will the Senator let me see it?

Mr. REED. I will send it to the Senator. It simply states the situation.

Mr. President, I have read every telegram I have received. I sent them out indiscriminately; I did not pick particular States for any reason. As the names of the States came into my mind I asked my stenographer to write them down and send the telegrams. Has any Senator here received a report from his State that it can not recruit its National Guard to full war strength? Is there a Senator here who will arise and say that his State is not willing to do its part?

Now, what is the real significance of these telegrams? They say that the War Department has absolutely handicapped the militia officers; that instead of calling upon them to recruit to full war strength, such orders have not been issued, but, on the contrary, recruiting has been actually stopped. Notwithstanding this, according to the best estimates I am able to make, the National Guard actually has been recruited to 220,000, which is over 60,000 in excess of the total number the Federal Government will, on the 3d of June, be authorized to demand from the States under the national-defense act.

The State authorities may, by virtue of their power as State officers and not because of the requirements of the national-defense act, further increase the militia to 424,000. Should this amount be raised—and the adjutant generals whose telegrams I have read are substantially unanimous in the opinion that it can be—then that would furnish a force of 265,000 in excess of what the Government can require; and if this 265,000 is subtracted from 500,000 it is proposed to conscript, there will be left to be raised either as conscripts or volunteers only 235,000 men.

I turn to another proposition. It is said that we can not rely upon volunteers. It is argued by the proponents of this measure that there is something wrong about volunteers. The prevalent opinion seems to be that the only way you can get a good soldier is to take a citizen by the nape of the neck and drag him in. And yet they stand here arguing, and the Secretary of War has been heard to argue, that the present bill does admit volunteering. He says, and the chairman of the committee says, there can be nearly 400,000 volunteers raised in the militia, and therefore the system is not purely a draft, for, say these distinguished gentlemen, you may volunteer if you want to do so.

Now, let us examine that argument and apply a little common sense and reason to it. If 400,000 men can volunteer in the National Guard and are to be accepted in the National Guard, then they are either fit for soldiers or they are not fit for soldiers. If you admit they are fit for soldiers, then you have admitted that the volunteer plan is a good plan, because it gets you 400,000 good soldiers. Of course the guard are not strictly volunteers within the ordinary meaning of that term, but they come voluntarily to the colors, and in that sense they are volunteers.

Now, let us have done with men standing here in one breath arguing that volunteers can not make good soldiers and at the same time saying, "You people ought not to complain because we are going to give you 400,000 volunteers who will not make good soldiers." If they will not make good soldiers, then you have no right to admit them at all. If they will make good soldiers, then you have lost your argument against the volunteer system and your case is ended.

The telegrams I have read anent the recruiting that has been going on in the Regular Army and Navy make it perfectly plain that there will be no difficulty whatever in securing without draft all the recruits required under the present bill.

The total number which the bill provides for is 500,000 conscripts and 160,000 additional men for the Navy and the Army. The National Guard, as I have said, has already gone beyond the legal requirements of the Federal statute, they requiring but 159,000, while the guard, in the face of all that the Government has done to discourage it, is at 220,000.

Remember now that the Regular Army is recruiting at the rate of 2,000 per day. Remember that the Government has been tendered the services of a vast number of voluntary organizations now practically ready to serve in bodies.

In view of these facts, can any man doubt the ability of the Government to secure the troops now desired without resorting to conscription? I affirm that this Government can secure the troops without compulsion. I challenge again any Senator to rise on this floor and say that if the Government calls on his State for his quota of troops it will not produce them. I dare any Senator to stand here and make that statement.

Mr. CHAMBERLAIN. Mr. President, I do not think any Senator will make that statement. I do not think that anyone has had it in his mind to make that statement. But I do make the statement that from my own experience in my State the young men who have volunteered in the National Guard are splendid young fellows from the farm, from behind the counter, from the manufacturing enterprises, from the shipbuilding plants, from the machine shops, and the very men who ought not to be permitted even to go into the service.

Mr. REED. Now, that brings up another proposition, to wit, volunteering ought not to be permitted, not because the volunteer will not come in sufficient numbers, not because he will not come willingly, not because he will not serve faithfully and gallantly, but because he is too valuable a man to be taken out and shot. That is the argument. Is that, then, the selective draft? Is that, then, your democratic draft? Is that this blessed plan which you have been telling us falls equally upon all, resting its burden alike on rich and poor, high and low?

Is the reason for selective draft to be that some military man shall go around and say to the wealthy son of a wealthy man, "You have a large fortune to manage; you shall not go, even though willing; we will lay our hand on some poor wretch who has had no advantage in life; he will make good cannon fodder"? Or perhaps the military gentleman, being actuated by the spirit of democracy and equality and fairness, will say to the machinist who has been drafted, "You had an opportunity to learn the trade, and therefore you shall not go; I will look around and find some one who never had a chance, who can only work with his arms, and say to him, 'You have no trade, and therefore it shall be your business to die in defense of the man who has the trade.'" That, sir, is democratic equality of the selective draft.

Mr. CHAMBERLAIN. May I interrupt the Senator once more? The Senator misconstrues the insistence of men who occupy the same position with reference to this question that I do. I belonged to the National Guard for five or six years. I was the captain of a company for a number of years, and I only got out of it in 1892.

Mr. President, the men who were in the company which I commanded were young fellows from the farms out in the country, young clerks, and the class of men I mentioned a while ago. The rich men's sons were not in it, but the young men who were volunteering to serve at that time and to prepare

themselves for the defense of their country were the same character of young men who are being prepared now. There were many men in my community who ought to have served, such as bankers' sons. I am not criticizing them; they did not have to serve unless they wanted to do so; but the richer class of men d'd not go into the National Guard, and the Senator from Missouri knows that just as well as I do. Why should they be exempt?

Mr. REED. The remarks of the Senator are no answer to the inequalities and injustices which will result from the selective draft. They are utterly aside from the question. What has the experience of the Senator with the National Guard to do with the selective draft?

It is claimed that the selective draft is democratic because it will fall on all alike.

A moment's consideration will demonstrate the utter falacy and absurdity of this claim.

First. There are in the United States approximately 104,000,000 people.

No one proposes to apply the military burdens to any but the male population. Hence, the first exemption must be approximately 52,000,000 females.

Second. Of the 52,000,000 males, approximately 32,000.000 are under the age of 19 or over 45, or physically incapacitated.

Hence, there is another absolute exemption of 32,000.000, which, added to the 52,000,000, gives absolute exemption to 84,000,000 of the population.

This leaves liable to military duty approximately 20,000,000.

Third. Of the 20,000,000 of military age, it is proposed to apply the draft to only those between the ages of 19 and 25. Of these there are approximately but 6,000,000.

Hence, it appears that there is completely exempted from even the gambling hazard of the draft 98,000,000 of people.

Fourth. The draft is to be applied to 6,000,000, but here the burden does not fall equally. All must equally take the gambler's hazard, but only 1 in 12 will be drafted.

Fifth. But the inequality does not end here. If you win out in the gamble, if you escape being drawn, if some other man is drawn, that man may be entirely excused either under general rules made by some military board in the name of the President or by the judgment of some military tribunal, and you may find yourself substituted for the man let out.

The board is clothed with absolute power to exempt any man whose release it thinks is "for the national interest." Accordingly, this board having drawn a plumber or machinist or druggist may say his release is "necessary to the national interest" and grab a laborer in his stead; or it may conclude the laborer is "necessary to the national interest" and let him go and grab the farmer, and so on.

Under this scheme you are not given the equal chance of the gambler's hazard, because if you win in this game at the military roulette wheel your winnings are liable to be turned over to the man who stood beside you and lost. Now, that may be necessary, but I am tired, sick, disgusted with the argument that a draft of this kind falls equally on all, and is therefore democratic. Here is the claim that the draft imposes an equal burden upon the population. Expressed in figures the draft falls on 8¼ per cent of the male population between 19 and 25. It falls on one-fortieth of the male population between 18 and 45—the military population. It falls on one two-hundred-and-eighth of the total population. This the advocates of the new-fangled doctrine of military democracy call equality. I now yield to the Senator from Montana.

Mr. President, I desire to return to one phase of the question that I was discussing. I said I would challenge any man here to rise as the representative of his State and say that the people of his State are such cowards and poltroons that they will not respond to a call for volunteers. I dare any man to say it, in view of the fact that 5,000,000 gallant Englishmen, constituting 11 per cent of the total population of England, volunteered; that 400,000 Canadians volunteered—and I am informed that nearly 40,000 of them are American citizens who have moved over into Canada or who went over there to live—and approximately 400,000 men of Australia and New Zealand.

Now, mark you, England did not adopt the draft until 5,000,000 of her men had volunteered, and when she did adopt it she did it merely to apply to 600,000 men who had proven they were not willing to do their duty.

The Canadians more nearly resemble the people of the United States than those of any other nation on earth. You can cross the Canadian border, and, unless you get into some of the French-speaking Provinces, you can not tell that you have gone from the United States into Canada by your intercourse and talk with the people. These men are almost bone of our bone and flesh of our flesh. The war has been very close to Canada, for the Canadian is as loyal to Great Britain as are the sons of Great Britain who were born within the confines of England or of Scotland. The Canadian Government, notwithstanding the great stake and interest that country had, with Germany for three years almost thundering at the gates of the mother country, with her own sons bleeding upon the plains of France and gallantly leading charges until regiment after regiment had been decimated and redecimated, so that there were scarcely enough left to be called the skeleton of a regiment—with all this, Canada has not gone to conscription. I repeat that with all this Canada has not gone to conscription.

Australia had a tremendous stake, and New Zealand had a tremendous stake. They did not go to conscription, and England did not. Although she is in form a monarchy and although her people have been taught loyalty, although they have sucked reverence for the Government in the very milk of their mothers' breasts, although they are a wonderful people to stand by their Government and accept its mandates, England did not go to conscription until 5,000,000 of her people were on the battle line; until, indeed, the majority of her homes were already represented by those who were fighting and dying in defense of England.

We are 3,000 miles away from the scene of conflict, and yet we are told we must come to conscription at once. Let me read you a line or two from Collier's—"The Story of the Great War"—about conscription in England. These articles were prepared by P. F. Collier & Sons with great care. Speaking of the draft, they say:

> The measure only aimed at the 657,160 single men who had failed to attest after patient inducements had been extended to them under the volunteer system. As a conscription measure it was therefore only a whip for recalcitrants, and the fact that the overwhelming majority of men in the trenches, in training, or in the home guards had volunteered without being canvassed, or hectored, or shamed into joining the colors, proves that the voluntary system had only failed in reaching a minority, though the latter had been considerable enough to necessitate legislation. In fact Lord Derby pointed out later that if not a single man to whom the conscription bill applied came forward until he was fetched, the British Army would nevertheless consist of 93 per cent volunteers and 7 per cent conscripts.

Who is holding the line in the north of France? Who is charging the German trenches in the north of France? Who is bearing in triumph the proud flag of England in the north of France? History will answer—the volunteers of England. Who has the right to say, in the face of this testimony, that the United States must go to conscription to raise a paltry half million troops, when men are coming into the Regular Army at the rate of 4,000 a day; and it is well known that men do not ordinarily fancy service in the Regular Army, a fact that is shown by the circumstance that the Regular Army can never recruit up to peace strength in time of peace.

Mr. President, I want the privilege of digressing for just a moment from this particular line of thought to deal in some generalities.

Two hoary miscreants—hereditary autocracy and military caste—have traveled side by side the road of the centuries. Hereditary autocracy asserted that a select few had been divinely appointed to administer the affairs of government, and that all others were incompetent to make or enforce laws. Military caste declared that the State could only be effectively defended by the professional soldier. The first of these heresies was overthrown by the votaries of popular government and expelled from the United States in 1776. It has since been driven from country after country, and to-day it is making a last stand in the capitals of the Hohenzollerns and the Hapsburgs. The second has been repudiated by the chief military powers of Europe. Germany, Austria, and France have all abandoned standing armies of professional soldiers for universal military training, which is only another way of saying that these governments have found that the professional soldier can not withstand the citizen soldier if the latter be properly trained.

In no sense of the word were the armies of France and Germany at the outbreak of the present war composed of professional soldiers. The military establishment embraced all citizens capable of bearing arms. The army in active service was composed of those citizens who at the time happened to be in training. The United States and England, of all the first-class nations, have adhered to the doctrine of the standing army. At the outbreak of the European war they were the most poorly prepared for a great military conflict.

It is proper at this juncture to note that the experience of modern times has clearly demonstrated that the only real defense of a nation must be found in the body of the people. She can not rely upon professional soldiers. She is forced to place her confidence in the mass of her population.

I am not now discussing the question of training or of universal service. The point I seek to emphasize is that in time of war the great military powers have been compelled to abandon the professional soldier and to rely upon all the people. The question of universal military training goes to the utilization of all the powers of the people. The question of draft or conscription applies alone to the method of calling people; but the bald fact remains that the professional soldier has given place to the citizen soldier in the great armies of the world, and no single great nation to-day relies upon anything but the citizen soldier. Voluntary military service and representative government have always been deemed essential to a free people.

Mr. President, it may be entirely out of place to hark back to the Constitution, to go back to tradition, to speak with reverence of the fathers; and yet somehow I can not escape the idea that the great wheel of human experience turns round and round upon the axis of the centuries, and that experiences repeat themselves, and that the wise men of 1776, standing in the fierce light of their experience, reading the pages of the world's history splashed with blood, seeing how chains had been forged and fetters had been riveted for the limbs of the people, understood even better than we can understand where the evils originated, and how they must be met and crushed. And so, sir, certain principles became ingrained in these old patriots, and among those were two of transcendent merit, viz, that voluntary military service and representative government were twins that could not be separated in a free country.

Let me call your attention to some observations of Mr. Greene, the historian:

> The usual statement of our military policy is that we maintain a small Regular Army in time of peace, raise large volunteer forces in time of war, and maintain at all times a "well-regulated militia" in the various States. This policy rests upon certain fundamental principles, namely, distrust of a standing army, reliance upon untrained troops, and dependence upon voluntary service. It is a singular fact that while we have been successful, not only in the general result but in the specific military events, in all our wars except the second war with Great Britain, yet the principles upon which our armies have been raised and organized have been denounced by professional soldiers in every generation—

Says this author—

> beginning with Washington, as wasteful, extravagant, inefficient, and wrong.

I deny the statement regarding Washington, and shall answer it from this author's own words. Washington denounced the way we were getting volunteers, but he did not denounce the volunteer system.

Continuing, this author says:

> The policy which we have adopted was not, as Gladstone said of the Constitution, "struck off at one time by the brain and purpose of man," but, on the contrary, is due in part to our geographical situation, but chiefly to racial prejudices which have their roots far back in English history; as far back, indeed, as the very beginning of English—as distinguished from British—history, in the fifth and sixth centuries.
>
> The Teutonic tribes which then conquered Britain and founded England brought with them two ideas of profound significance—namely, the ideas of representative government and of voluntary military service; these ideas or principles have never been abandoned, but have been maintained, developed, and enlarged during nearly 1,500 years. They are the foundation of English civilization, English government, and English habit of thought. Our ancestors brought them to America in the seventeenth century, at the very time when the Stuart kings were endeavoring to rule without Parliament, to levy taxes without legislative sanction, to create a standing army for the destruction of the liberties and the religion of the English people. These twin principles—representative government and voluntary military service—were the foundation of the State no less in Virginia than in New England, for, while the Puritan looked upon the army as an instrument of oppression, to the Cavalier the words "standing army" meant Cromwell's disciplined troops, who had arrested members of Parliament, stabled their horses in cathedrals, insulted and robbed the nobility and gentry, and murdered the king. To both Cavaliers and Puritans, therefore, as they founded their settlements in America, the name of "standing army" was hateful, with a bitterness and intensity of hatred which we can at this distance hardly appreciate. A hundred years or more later this hatred was, if possible, still further intensified by the acts of an English King and Parliament, who again used a standing army to enforce their law for levying taxes against the will of those taxed. Thus the outbreak of the Revolution found our ancestors, North and South, not only inheriting the hatred of a standing army through generations of their own forbears, but at the instant confronted with a standing army as the instrument of the oppression which they were determined no longer to tolerate. Detestation of the word army was not alone an inherited prejudice, but a vital fundamental principle in the political faith of the day.
>
> On the other hand, the militia in England antedated the regular army by at least 1,000 years; it was part of the local government, and although derided in Dryden's Witty Verse it was always popular with the great body of the English people. It was essentially the same in the sixta century as in the seventeenth, and again in the nineteenth; its members were by turns fishermen, husbandmen, judges, and warriors; they followed the trade of soldier, not as their chief occupation, but as incidental and subordinate to some other occupation by which they gained food, shelter, and clothing. Their service was voluntary, although—for the ablebodied—the liability to service was universal: they elected their own officers; they were part of the people, and not a class apart.

Mr. President, it would be well for us to give attention to these lessons of history. In Europe they require universal military service. That is bad enough, but they had in connection with it in Germany one other thing. They had a class of professional officers which constituted a military caste; and so, in Germany, the army came to dominate the State. So, in Germany, the citizen was compelled to salute the soldier as he passed him on the street. I saw in a Washington paper a few days ago, as perhaps the first fruitage of this new policy, an article declaring that our citizens should be at least required by custom to salute the uniform as it passed by. In Germany they continued to salute the uniform and salute the military gentlemen in it until at last the military caste, overcoming all else, was able to thrust Germany into this world war, into the vortex of which we have at last been dragged.

And now it is said that as we enter that war the first thing we must do is to abandon a great fundamental principle of Americanism; that we shall refuse to defend our country by volunteers; that we shall lay the heavy hand of authority upon the shoulders of our young men and compel them to come, refusing those who volunteer and dragging in those who for one reason or another do not desire to serve. Mr. President, let us be careful that in overthrowing Prussianism we do not destroy Americanism.

Why should America repudiate the volunteers? In what I am about to say I mean to give no possible offense to that great national with which we are now allies, and yet I can not refrain from referring to the proud traditions that are dear to the heart of every schoolboy of our land.

Confidence in the valor of our people was early planted in the hearts of Americans. The advocates of professional military establishments received their first great shock when on the 9th day of July, 1755, Braddock and his trained soldiers, overwhelmed, routed, and about to be massacred upon the bloody field of Monongahela, were rescued by a 23-year-old Virginia planter and his skin-clad volunteers. Twenty years later, before the same intrepid commander and his band of ragged continentals, the trained soldiers of Great Britain fled at Princeton and the Hessian hirelings broke in disgraceful rout at Trenton. Finally, the professional soldier, Cornwallis, surrendered his army of regulars to Washington and his volunteers at Yorktown.

There was no standing American Army when the guns spoke first at Lexington. There was no standing American Army when the troops froze and starved and suffered at Valley Forge. There was no standing American Army when the proud flag of England came down, never to rise again in this country, save as we lift it as an act of courtesy; and it came down before the volunteer soldiers of the young Republic.

The claim that the volunteer soldier can not defend his country against professionals is repudiated by the story of Bunker Hill, where Warren, the civilian general, poured his heroic blood into the baptismal font of liberty. The claim that men who fight for love of country are not the equal of those who take up arms for hire, or who make soldiery a life profession, is answered by the immortal names of Israel Putnam, Ethan Allen, John Stark, and Nathanael Greene. It was given the lie when Francis Marion rallied the forest chivalry of South Carolina to prodigies of valor. It was destroyed forever when mad Anthony Wayne led the forlorn hope against the fortress of Stony Point.

The whole of the difference between a soldier who makes a profession of arms and the citizen who draws his sword in defense of country is summed up in Wayne's letter to Washington reporting the Battle of Stony Point. I want to read it all. It is the shortest and most glorious letter ever penned by an American commander:

> DEAR GENERAL: The fort and garrison, with Col. Johnston, are ours. Our officers and men behaved like men determined to be free.
>
> ANTHONY WAYNE.

"Behaved like men determined to be free." Silently, without a whisper, they had crept to the fortress, silently they had advanced to the charge, silently they use the cold steel, and their lips broke forth in sound only when the flag of young America went up, and then these volunteers paused to cheer.

The War of the Revolution was fought and won by volunteers against the trained soldiers of the foremost military nation of earth. The American volunteer fought for home and liberty, and as he stood upon the battle line a vision of empire filled his soul and inspired him to deeds of valor which have never been performed by men fighting for hire.

The War of 1812 is constantly referred to and commented upon. Well, what of the War of 1812? The failures and mistakes of that war were the failures and mistakes of an administration and of a small body of military gentlemen, most of

whom had been officers in the great Revolution. The truth is the country was plunged into war without any time for preparation. The truth is that the old generals failed. But wherever there was brought into the Army new blood and a reasonable time allowed for preparation and the forces were approximately equal victory nearly always perched upon our arms.

Upon the sea who gave luster to the American reputation and to American valor? Was it a professional or was it the volunteer Paul Jones? What soldier gave glory to our arms? Was he not a former Member of Congress, a volunteer soldier at the head of volunteers? On the 8th of January we still celebrate the Battle of New Orleans, where Jackson, with 1,500 volunteers, beat back and conquered 15,000 professional soldiers of Europe. And yet some people say that volunteers can not be trusted to defend the country.

Who fought and won the Mexican War? At the beginning of that war the Regular force was only 8,600 men. Not many would volunteer in the Regular Army in time of peace. None of us when we were boys would have joined the Regular Army in time of peace, but if war had been threatened and there had been no other place to go some men in this body would have been gallant enough to have joined. So it is in the country. The Army was only 8,600, but immediately the Army was recruited. Men joining under such circumstances have many of the characteristics of volunteers. The purely volunteer forces, however, aggregated 73,532.

So far as I am aware, no page of history records a single fact indicating that the volunteers did not perform their task as well as the Regulars. The immortal march of Col. Doniphan, the St. Louis lawyer, at the head of 900 volunteers, down the Santa Fe Trail, and his defeat of 4,000 Mexicans is a fitting example of the character of service rendered by the volunteers of the Mexican War.

Sir, who fought the War of the Rebellion? At its beginning there were in the Regular Army only 15,000 men. Let me read you a little about that from Greene, and I am reading from an article by a gentleman who undertakes to justify a change from the present system. I read from page 306:

REGULAR ARMY FROM MEXICAN WAR TO CIVIL WAR.

The close of the war brought the usual reduction—to 10,320; but the Army was soon increased by adding to the number of privates in each company, equivalent for the whole Army, about 4,400, and later by two regiments of Cavalry and two of Infantry, about 4,000 men, carrying the authorized total to 18,349. At no time, however, did the actual strength exceed 15,000. With these exceptions there was no additional legislation until the outbreak of the Civil War.

REGULAR ARMY DURING CIVIL WAR.

Enlistment in the Regular Army was not popular. Its total strength never reached 26,000, or two-thirds of what was authorized, and of these a large number were stationed in the fortifications and on the western frontier. The force available for the field was probably less than 10,000, and most of these served in the "regular division," forming part of the Fifth Army Corps. They formed an inconsiderable part of the great Army by which the war was carried on.

Note the enlistments in the Regular Army were very unpopular during the whole of the war. They could not get above 26,000 Is it not the fact that men do not want to enlist in the Regular Army which has caused the Regular Army officers to-day to recommend a bill by which men will no longer be asked to enlist, but will be drafted in and put under their command? I would not say to-day a thing harsh or unjust of the Regular Army officer, or of the Regular Army. I recognize the fact that we must have a small Regular Army. But I warn the Senate and I warn the country that when it is proposed to build up the Regular Army by forced conscription in a time like this it will be only one step further to fill the Regular Army by conscription in time of peace, and when that transpires in the Republic, one of the great facts that distinguish the free country of America from the autocratically ruled, king-cursed countries of Europe will have largely disappeared. It is foolish to take the step, because there is absolutely no necessity for doing so.

Mr. President, I told you the number of the Regular Army who were in the last great war. On the Federal side the total number of volunteers and militia was 2,762,670. There was that total number of volunteers and militia called for. There actually came 2,778,340, several thousand more than were called for.

In the face of that experience gentlemen pretend to tell us that our country, nearly three times as great in population as it was when the War of the Rebellion began, can not raise for its defense an army of 500,000 without resorting to conscription. The most hateful word in the English language is "conscript."

Mr. President, we had only a little over 2 per cent of conscripts in the Civil War. Let us see how it worked at that time. Gen. Miles said:

As far as conscription was concerned, that was tried out during the Civil War with unsatisfactory results. I think there were 54,000 men added to the Army—54,000 additional to the 2,000,000 men—by conscription; but I know that just at the time of the crisis of the Gettysburg campaign thousands of the best troops, drilled and disciplined men in the Army, had to be taken out of the field and sent back to suppress the riots occasioned by that unpopular measure. Approximately 10,000 or 12,000 were ordered to New York—

I do not observe the Senator from New York [Mr. WADSWORTH] here—

and I know that there was a brigade in Pennsylvania which was organized at Huntingdon, and instead of being sent to the field where they were needed they were sent to Philadelphia to maintain order. It was a very unpopular measure at that time in that great crisis of the Nation.

President Wilson, in his history, volume 4, page 236, in commenting upon the experience of our Government at that time, states:

The draft act meant that Congress realized at last the magnitude and the almost desperate difficulty of the war it had embarked upon. In carrying it into execution the Government learned something more of the temper of the people. Intense excitement everywhere accompanied the progress of the conscription. The excitement culminated more sharply and ominously in New York than anywhere else, and in the city of New York very serious outbreaks occurred—savage "draft riots," which were to linger in the recollection many a long year like an ugly nightmare. For four whole days of that memorable summer (July 13–16, 1863) the town was practically at the mercy of mobs which surged in its streets almost at will and defied the Government to put the obnoxious act into execution. It was executed, none the less, in the end. Inequalities in its enforcement as between locality and locality were corrected but its essential rigor was not abated.

Mr. GALLINGER. Mr. President, will the Senator permit me?

The PRESIDING OFFICER (Mr. HUSTING in the chair). Does the Senator from Missouri yield to the Senator from New Hampshire?

Mr. REED. Certainly.

Mr. GALLINGER. On yesterday I telegraphed a well-known military man in my State and made inquiry as to the experience New Hampshire had in the Civil War in the matter of enlistment and conscription. I have the reply by telegraph, and if the Senator will permit me—it is only a few lines—I should like to read it.

Mr. REED. Certainly.

Mr. GALLINGER. He says:

New Hampshire, in the Civil War, furnished 17 regiments of Infantry, 1 regiment each of Cavalry and Artillery, 3 companies of sharpshooters, and 3,500 enlistments in the Navy, making a total of 39,000 volunteers. A few men were drafted in August, 1863 and sent to regiments at the front. Further drafts were unnecessary, as quotas were easily filled.

Then he makes a note—

I am strongly tempted to intrude a humble personal opinion, as follows. Conscription policy unusually bad, inducing wholesale desertions.

We had wholesale desertions from one regiment which was conscripted near the close of the war.

Mr. REED. I thank the Senator.

Mr. President, I can not help reflecting how rapidly opinions change, and how a constant force employed against a resistant body will be certain to improve the first opportunity to break through. All this is well illustrated here. The constant desire of the Regular Army to compel service, the constant belief of the Regular Army officer due to his training, due to his environment, that to the trained soldier alone can the safety of the State be entrusted, is improving this opportunity to break through the barriers the fathers set up, and will, I fear, impose upon this country, not for this day or this hour but for the future, the principle of involuntary military service.

But only a few months ago they did not dare avow such a doctrine. A few months ago they had a prize contest for essays on military subjects, and the gold-medal prize was awarded First Lieut. James J. Mays of the Twenty-fourth Infantry of the United States Army. It is published in the Military Journal of April, 1910. He states of the draft system:

It is not compatible with our institutions that the General Government shall exact military service from any citizen except under some contingency such as justified the conscription of the Civil War. The spirit of our system is that the General Government may call upon the States for quotas of militia, and the States shall fill those quotas from its Organized Militia and from volunteers until calls for volunteers fail. After that conscription may be resorted to.

After the call for volunteers has failed, after the men have been given a chance to save their country, after the brave have been given the opportunity to come forward.

I continue reading:

Conscription could also be resorted to when there was not time to await the results of calls for volunteers. Conscription must be a last resort in the United States.

And that was awarded the gold medal prize by a body of high Army officers. But, ah, that was a few months ago. "A change has come over the spirit of our dreams." The god of war is tramping with bloody feet across the earth and men are for-

getting that there is a Republic to preserve and that it may be as easily destroyed from within as from without.

Mr. WEEKS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Massachusetts?

Mr. REED. I yield.

Mr. WEEKS. I suppose the Senator is aware of the fact that in awarding prizes for essays of that character in the Army and Navy it is based on the literary character of the work and the character of the argument rather than the question discussed.

Mr. REED. I suppose that if a lot of Army officers are called upon to write on military subjects the test is whether they will write good, sound sense, not whether they produce examples of the literary art. If the prizes are given because of literary polish, that is only additional evidence that the United States Army itself needs some reformation. A fine test is the literary test to apply to an Army officer. Why, in such a contest as that I might enter, and JAMES HAMILTON LEWIS would skin any officer of the Army alive and get all the gold medals. [Laughter.]

Mr. WEEKS. Mr. President——

The PRESIDING OFFICER. Does the Senator yield?

Mr. REED. Certainly.

Mr. WEEKS. I did not say that it was based entirely upon literary excellence. I said on the literary excellence and the character of the argument.

Mr. REED. Oh, literary excellence and the character of the argument. Well, I am glad to know they really give some consideration to the argument. But I shall not waste further time discussing the point.

I call attention to the Volunteer Army law passed in 1914, drawn by the War Department. This is what Gen. Wotherspoon said, I presume under oath, at least before a committee of Congress:

> This is decidedly the best bill I have ever seen drafted for this purpose, and, so far as I can see, meets every requirement of the Government that can be anticipated.

Now, that was in 1914. In 1916 the Army officers came forward with another bill, a general reorganization of the Army bill, and they did not touch the Volunteer Army law because it was so perfect, I presume. But Gen. Wotherspoon was not the only man who testified about it. Gen. Wood, speaking of the Volunteer Army bill, said:

> I believe the bill as now presented to be a thoroughly good bill, and I recommend its approval as tending to provide a means for raising and properly organizing volunteer troops in case of war, and I believe that the bill as proposed is a great improvement on the existing law.

Brig. Gen. Murray, Chief of Coast Artillery and assistant to the Chief of Staff, of the War Department, said:

> As I further understand it, the bill was prepared first by that branch of the General Staff known as the War College Division, and later received the approval of the Chief of Staff and of the Secretary of War.
>
> * * * * * * *
>
> As a whole, I think the bill is an excellent one, and one that should be made a law; but there are one or two little verbal changes in it that I would suggest or invite attention to. So much for the bill generally.

In his annual report for 1911, after the Army Board had been working a long time to get this bill through, Secretary Stimson said:

> I earnestly recommend the passage of the volunteer bill. There is no new policy or principle involved in the proposed volunteer bill, which is based on the experience of all previous wars.

In 1912 the Secretary of War again recommended the bill—the same bill now a law that the minority of the committee are now asking you to put in as an amendment to the pending bill. This is what the Secretary then said:

> There is now pending in Congress a bill which makes such a provision, and which I believe is admirably adapted to meet the exigencies which would be presented in case of war.

Why, they got this act up for just such an emergency as we now have; and all we are asking is that it shall be now applied.

What kind of men are we? Are we acrobats, who turn somersaults, quite indifferent whether we turn forward or backward? Have we any principles; have we any anchorage; have we any convictions? Has Congress any duty to perform? Was this body, that was created by the fathers in the light of the experience of the ages, that was intended directly to represent the people and to speak for them and respond to them, created in vain? Are Senators to lay aside their judgments? Is Congress, that was given the sole right to declare war, to abdicate its office and its functions in matters pertaining to the conduct of the war? If so, then Congress is a useless and an expensive thing. Unless this body is to exercise its best and its soundest judgment, unless carefully and prayerfully in the presence of a great crisis such as now confronts our land every Member of Congress shall do his duty, then are the people betrayed. In so speaking I am not concerned with the dignity of Senators or of Representatives. I care nothing for their prerogatives. But I am concerned that the people of the United States shall be represented as in their Constitution provided. I am concerned that they shall have a voice, and the only way the people can speak is through the lips of Senators and Representatives, who speak not in their own right, but in the right of the sovereign people.

Yielding always to argument, to reason, to persuasion, conceding always that my associates and that our great President and his Cabinet all have opinions worthy of the highest consideration, still in the end I must, under my oath of office, stand for that which I believe is of the fundamentals; and, sirs, I shall not change my opinion with reference to the gravity of dragging citizens in by involuntary draft and substituting it for a volunteer army without giving any opportunity to volunteer—I shall not change my opinion on that question, even though the General Staff may have changed its mind in the last nine months.

Mr. CHAMBERLAIN. May I interrupt the Senator there?

The PRESIDING OFFICER (Mr. PHELAN in the chair). Does the Senator from Missouri yield to the Senator from Oregon?

Mr. REED. Certainly.

Mr. CHAMBERLAIN. The Senator is criticizing the General Staff for having changed its position in reference to this legislation, and I know the Senator wants to be fair about that. I think it is safe to say that Congress at no time has adopted the General Staff plan without such modification as practically to nullify the original intent.

Take the Army reorganization plan of 1916, which was crystallized into a statute known as the act of June 3, 1916. That was not the General Staff plan in its entirety, though it was in part; and the Senator from Missouri will remember the discussion that we had at that time on the floor of the Senate. The proposition of the Secretary of War was the continental army scheme, which was in the nature of a general Army reorganization; but that was not accepted. That was the recommendation of Mr. Garrison, who was then Secretary of War; and the Senator will remember that on the floor of the Senate, as a final compromise, there was submitted what was known as section 56 of the national defense act of June 3, 1916, which was the volunteer act. It was not the plan of the General Staff, but it was attempted to be embodied in the national defense act of June 3, 1916, in order to arrange for a volunteer system instead of the continental army, and the Senate voted it down by a vote of one or two. So the national defense act, taking it in its entirety, was not the General Staff plan, but it was changed very materially from the General Staff plan.

I desire to have this go into the RECORD in connection with the Senator's statement. The General Staff plan did not involve the federalization of the militia, the National Guard of the country. That was formulated and presented to the other House by the National Guard representatives themselves, and it was finally embodied in the national defense act; but it was not a part of the General Staff plan.

Mr. REED. Now, let us see where that leaves us. The Regular Army Staff got up a volunteer army plan, submitted it to us, and had it adopted in 1914; and they came here and testified it was the right thing.

Mr. McKELLAR. Mr. President——

Mr. REED. Just one moment, if the Senator pleases. I want to conclude this, and then I will yield to the Senator. They said that it would create an effective force of 502,000 mobile and Coast Artillery troops.

When they came to submit the national-defense act to us, it was so drawn that it seemed to leave the militia out, and some Members of Congress insisted on putting the militia in. That, I understand, is the change which the General Staff did not like. Congress put the militia in, or hung it onto the national-defense act. So all Congress did was to add the militia plan to the plan which had been formulated by the General Staff; and whatever value the militia is, it is that much value in addition to the plan of the General Staff. So I do not see what point there is in the Senator's argument. Within a short time after Congress preserved the militia we had to call them, and it was demonstrated that they were ready to serve; and they are ready now to serve.

Now I yield to the Senator from Tennessee if he desires to interrupt me.

Mr. McKELLAR. I merely wanted to call the Senator's attention to a fact in answer to what the Senator from Oregon had to say. While it is true that there was some difference about the national-defense act of June 3, 1916, and some difference

between the General Staff and Congress, in so far as the volunteer act of 1914 was concerned, it was adopted after seven years of request on the part of the General Staff.

Here is what the Senator from Oregon said in submitting the volunteer plan in 1914 to the Senate. The Senator stated in his report:

The legislation now proposed has received the approval of the military authorities and has been pending in various forms before Congress for the last seven years. It has been urgently recommended by every Secretary of War since the incumbency of Mr. Root. Its general purpose is to provide for a complete organization of any force of volunteers that may hereafter be called out, whether that force be a single regiment or an army of a million men.

And that bill, thus urgently pressed by the General Staff, came before Congress and passed practically without any amendment and by the unanimous vote of this body and, I believe, of the body at the other end of the Capitol.

Mr. CHAMBERLAIN. May I interrupt the Senator for just a moment? What he has read has reference to the act of 1914?

Mr. McKELLAR. Yes, sir.

Mr. CHAMBERLAIN. There is not any question but that was a good plan as compared with the legislation on the statute books at that time, just as the Dick bill of 1903 was a very great improvement on the former legislation. It was the crystallization of the better sentiment of the country into a law that improved the militia laws that had been enacted prior to that time. As the Dick law was an improvement over the laws as they before existed, the act of 1914 was a very great improvement over that, because it came more nearly to federalizing the handling of the Army of the United States. I said at that time, and I repeat now, that it was the best and most constructive piece of legislation that ever found a place on our statute books affecting the military organization up to 1914. There is no question about that.

Mr. REED. Yes; and now they propose to wipe it out.

Mr. CHAMBERLAIN. May I interrupt the Senator just once more? There was an attempt to make it a part of the general reorganization plan here on the floor of the Senate, though it was not what the Senator claims it was—a part of the General Staff plan. I think the Senator was one of those who voted against it in 1916.

Mr. REED. Oh, the Senator is in error about my ever having voted against any proposition for a volunteer army. The Senator knows that I have always been an advocate of the citizen soldiery, of volunteer armies in time of war, and of the militia in time of peace, and if there was such a vote at the time the Senator speaks of it was because the question was presented from some other angle. I have no recollection of any such occurrence.

Now, Mr. President, while I am speaking about that, here is the report made by the Senator himself. I read the title:

February 20, 1914.—Mr. CHAMBERLAIN, from the Committee on Military Affairs, submitted the following report:

In the report he states:

A study of the bill was made by the War College Division of the General Staff under date of August 7, 1913, and is incorporated below as part of this report.

They state:

2. In the five principal wars in which the United States has been engaged since its existence as a separate State the records show that of the total number of men enrolled 7.5 per cent were furnished by the Regular Army, 69.7 per cent were volunteers, and 22.8 were militia, rangers, and emergency men.

That answers the question of who has taken care of this country in time of danger, does it not?

3. The report of the Board on the Organization of the Land Forces of the United States shows that at the outbreak of war with a first-class power we should be capable of mobilizing at once an effective force of 502,000 mobile and Coast Artillery troops as a minimum for the first line, and that to augment this force and replace losses plans should be in existence for raising immediately an additional force of 300,000 men; total, 802,000 men—

And so forth.

Now, Mr. President, it is not proposed to change that system to improve it; it is proposed to annihilate it and to substitute for it a system that is covered with odium, and that is handed down to us with the execrations and curses of all the past clinging to it—a conscript system pure and simple, a system that broke down when it was attempted during the Revolutionary War; that broke down when it was attempted during the War of 1812; that was a failure in the great Civil War, when it only produced 2 per cent of the troops, and when the good troops were busy keeping the bad troops in order and suppressing riots. It is proposed to wipe out the very things the General Staff has been recommending for years and that the distinguished chairman of the committee himself has asked us time and again to adopt, and which, following his lead, we have adopted.

And how about these volunteers? Grant was a West Pointer, but he had left the Army and he was out near St. Louis engaged in farming. He volunteered. Of course, he brought to his task all the knowledge and learning he had acquired at West Point and all that he had acquired in the War with Mexico. He was the greatest soldier of all modern times. This is what he had to say, speaking of the two armies that met, one from Burkesville Junction and the other from the neighborhood of Raleigh, N. C., the union of Sherman's army and another:

The troops were hardy, being inured to fatigue, and they appeared in their respective camps as ready and fit for duty as they had ever been in their lives. I doubt whether an equal body of men of any nation, take them man for man, officer for officer, was ever gotten together that would have proved their equal in a great battle.

And yet the great majority of the officers, if I mistake not, were volunteers, and nearly all of the men were volunteers. In the old line of the Army there were only 10,000 Regulars, and they were assigned to one corps. Grant continues—and I wish he was carnate and with us in the flesh now in this crisis of our country—and gives this as his opinion:

The armies of Europe are machines; the men are brave and the officers capable, but the majority of the soldiers in most of the nations of Europe are taken from a class of people who are not very intelligent and who have very little interest in the contest in which they are called upon to take part.

Our armies were composed of men who were able to read—

And listen to this—

men who knew what they were fighting for—

And now note this—

and could not be induced to serve as soldiers, except in an emergency, when the safety of the Nation was involved, and so necessarily must have been more than equal to men who fought merely because they were brave and because they were thoroughly drilled and inured to hardships

But of course Grant is gone; and behold, a greater than Grant is here!

Sherman, as the Senator from Colorado [Mr. THOMAS] stated in the RECORD a day or so ago, like Grant, eulogized his volunteer soldiers. And Lee! With what kindliness he regarded his gallant troops. And Stonewall Jackson! With what fatherly care and invincible courage he called to his men, "Come on." And from every hillside cottage there went up prayers for the army, the Army of the North and the Army of the South, and for the army's success, because in the army was the boy who had gone voluntarily to fight. He had not been dragged there by a corporal's guard; he had left home with the kisses and tears of the mother upon his cheek, but he had left also with her "God bless you" following him, and with the cheers and congratulations of his neighbors and friends as he went forth, a gallant man offering to serve his country. What a different picture there would have been if the corporal's guard had battered at the door with the butts of their muskets, if they had torn an unwilling son from the arms of a despairing mother, if they had carried away the father while children wept and clung to their mothers' skirts, if they had dragged father and taken brother and son to the death line to take their chances of being killed.

When you do things of that kind, you break the spirit that is the one invincible thing in war, the spirit of volunteer service and sacrifice, the spirit that must be in a body of men if they stand for great achievement, the spirit of Thermopylæ, where the Greeks chose death rather than life in a country disgraced; the spirit which was evinced the other day when on board a British vessel which had been torpedoed and was sinking, the British volunteer stood at attention as the ship went down bearing him to his death—that spirit that has never lost a great war or a great campaign for a great nation; that spirit that has lived in America and will live as long as it is appealed to in the name of country and duty and home. But it will not be cultivated by a posse comitatus driving a boy to trial or by a corporal's guard dragging him against his will to the line of battle.

The Senator from New Hampshire [Mr. GALLINGER] read a telegram in which reference was made to desertion under the conscript system. Yes; if you apply this law you will have desertions. The man who hangs back and does not want to serve, to whom, as Abraham Lincoln said, God Almighty may have given a pair of coward's legs—this man will desert. Then we will be treated to the spectacle, it being a time of war, of the firing squad, of the blast of the rifles, of the groan from bloody lips, of the limp body sinking to the ground, and of mother and sisters coming to bear away the corpse. We shall have all this in this land of the free and home of the brave; the while there are men willing to serve, anxious to serve, men who would regard the privilege of putting upon their shoulders the uniform of their country as a prize of honor.

Mr. MYERS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Montana?

Mr. REED. I do.

Mr. MYERS. The Senator has paid a very magnificent tribute to the fighting qualities of volunteer soldiers, and I hesitate to interrupt him in what may be the peroration of his eloquent address; but I want to ask him if the world has ever known any better fighting than has been done during the present war by the German Army, in which there are no volunteers, as I understand?

Mr. REED. Mr. President, the advocates of this draft system naturally go to Prussia for all of their examples as well as for their philosophy.

Mr. MYERS. They may well go there for an example of fighting, I submit.

Mr. CHAMBERLAIN. Mr. President——

Mr. REED. It will be a digression—perhaps the chairman of the committee desires also to plant himself on the Prussian soil. If so, I yield to him.

Mr. CHAMBERLAIN. I want to plant myself as a Democrat on the Jeffersonian soil, Mr. President. I think Secretary Garrison was recognized as a pretty able man and a pretty good Democrat. In his reported plan, presented to Congress on January 6, 1916—which differs from the War College plan, let me say to the Senator—he says what I am about to read. The Senator spoke of our planting ourselves on the Prussian soil. He says:

> It is curious to realize that as far back as 1805 the fundamental idea of this plan received actual expression. On December 31 of that year Thomas Jefferson, writing to the Secretary of War, Gen. Dearborn, inclosed a bill to be sent to Congress proceeding exactly along the lines now recommended. The only difference is that Jefferson's bill required universal military service.

I just wanted to call the Senator's attention to that.

Mr. FALL. Mr. President, will the Senator yield to me for just a moment?

Mr. REED. I should be glad to, although I should like to answer this particular statement first. Does the Senator quote Secretary Garrison as a military authority? Why, Secretary Garrison left the Cabinet because the plan he had submitted was turned down by the present President of the United States, if the press is to be credited with having told us the facts, and I think it did.

Mr. CHAMBERLAIN. Mr. President, I want to say to the Senator that I do not quote Secretary Garrison as a military expert. I quote him as an expert on Jefferson, but I do agree with the Senator that he was not a military expert. As a matter of fact, he turned down the General Staff plan in toto and adopted one of his own that had not been heard of before.

Mr. REED. And then he got turned down by the President.

Mr. CHAMBERLAIN. Yes; which was very proper.

Mr. REED. Yes.

Mr. FALL. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from New Mexico?

Mr. REED. Yes; I yield to the Senator.

Mr. FALL. I simply want to call the attention of the Senator to the authority just quoted by the Senator from Oregon. Mr. Garrison says, in his report, that—

> If the volition of the citizen does not result in the securing of the needed number, there will be a complete demonstration of the inability of any volunteer system to produce results. It is certainly not the sentiment of this country to-day that any such failure is possible. It is the widespread belief that our people realize their responsibility and duty to their Government, and will cheerfully and gladly render it. Certainly they must be given the opportunity to do so before there is any procedure upon the assumption that they will not do so.

Mr. REED. Mr. President, that, of course, is from Mr. Garrison. Now, whether the chairman of the committee will reject that because it was the utterance of a man not skilled in military matters, or whether he will accept it because it was the utterance of a man skilled in Jeffersonian philosophy, I do not know. It comes from the same source.

Mr. CHAMBERLAIN. Mr. President, I was not quoting Mr. Garrison as a military expert, and I do not claim to be one myself; but I differed very radically from the Secretary of War in his views about the Army. I rather favored the General Staff plan, Mr. President; and if I were to read from it to-day the country would conclude that if that plan had been followed we would not be involved in this critical condition now with respect to the Army, because they recommended a feasible and a most excellent plan.

Mr. REED. Mr. President, I want now to answer the Senator from Montana [Mr. MYERS], who, having asked me a question, has gone out of the Chamber. However, I might as well answer him in his absence, because he is not the only man who points to Germany as the ideal that we ought to follow.

Mr. President, I would rather see my country lose a great battle, I would rather see my country lose a great campaign, I would rather see my country suffer anything except the overthrow of her institutions, than to see her reduced to that kind of military servitude which has cursed Germany. I can not see what there is left for a man to fight for or die for if he must live under the domination of a class, a caste, that is headed by a man who asserts that God Almighty picked him out and put him upon this earth to dominate the lives, the fortunes, and the happiness of millions of people.

But, Mr. President, the question of general military training properly applied does not necessarily Prussianize our country, and that is a matter with which I have a very considerable sympathy, if it be worked out in a way so as not to place great hardships upon the people.

But what has that to do with this question? The truth is Germany has made a wonderful fight. The truth is she has been preparing her people for it for many years, and the system is a development of over 150 years of experience. She started in with the theory of standing armies under Frederick, the father of Frederick the Great. She continued that theory under Frederick the Great, although it was enlarged to a considerable extent. Finally Prussia abandoned it, and said: "Every man shall serve; every man shall be a soldier; every man shall be trained."

What was the result of it? France had to come to universal military training, and other countries had to come substantially to it. Thus great military powers were being created, and in the end came the clash; and now we are told that in our own country, because of that system set up over in Prussia, we must begin drafting our citizens without once giving them an opportunity to come voluntarily to the colors.

But, Mr. President, I deny that the experience of the war in Europe has demonstrated the superiority of the German system. It did demonstrate that she could strike quicker than any other nation, except perhaps a nation that had trained everybody as she had. It demonstrated that. But the experience on the fighting line over there has been that the English and Canadian volunteer, once he is trained, once he is equipped, is a better fighting man than the German. The experience of the last few weeks has demonstrated that these volunteers know how to go to their death with cheers upon their lips. It has demonstrated that invincible spirit that lives through every kind of disaster. It can not be claimed, sir, that there is anything in the war in Europe that argues in favor of universal military service except the one proposition of being instantly ready to pounce upon a neighboring State.

But, Mr. President, the chairman of the committee knows that we do not have universal military training now, so what use is there in talking about it?

Mr. CHAMBERLAIN. I want to say to the Senator, with his permission, that we would have it if I had my way.

Mr. REED. Oh, Mr. President, the Senator became a convert to that doctrine, I think, about six months ago.

Mr. CHAMBERLAIN. The Senator is very much mistaken about that. I made speeches on it a year and a half ago and introduced in the Senate a bill on the subject a year and a half ago.

Mr. REED. Well, a year and a half ago.

Mr. CHAMBERLAIN. But I want to say to the Senator that I became converted to it long, long ago, when, as governor of Oregon, I found how many men who ought to have been in the militia of the State were not in it.

Mr. REED. Well, I do not know just when the Senator's conversion took place. I guess I was mistaken. Probably a year and a half ago he began making speeches for it; but if he had had it adopted when he first spoke about it on the floor of the Senate, if this military board known as the General Staff had recommended it a year and a half ago, and if we had adopted it, we would not yet have had it in practical operation. It took 17 years to establish general military service in France. But what is to be gained by discussing the question of what we might have or what we might not have? We do not have at this time universal military training.

Mr. CHAMBERLAIN. Let me say to the Senator that he was discussing it; nobody else was discussing the universal military training feature; but in his discussion of it he did not state my position correctly. The fact is, I want to say to the Senator, that the idea of preparing a bill on the subject did not originate with the General Staff or anybody else. As a matter of fact, nobody has been with me in the War Department until very recently on the principle involved in universal military training.

Mr. REED. Very well. The Senator says I was discussing it and nobody else was. The question was dragged in here by the Senator from Montana [Mr. MYERS], and I have been re-

plying to him; and I have been very generous, and have allowed everybody who wanted to make an argument during the course of my remarks just to come on and make it, but I am adhering to the record with reasonable tenacity.

Now, Mr. President, I want to say that the whole trouble with the volunteer system has not been in the volunteer system at all; it has been in the application of that system and the management of that system. There have been defects in it, but the fact that there have been defects in the application of the system is no reason for abandoning the system. The thing to do is to correct the defects. If you have a magnificent house that has stood and weathered the storms of the years and protected you, and the plumbing gets out of order, if you are a wise man, you do not burn down the house. You have the plumbing fixed, however hazardous that undertaking may be.

The difficulty with the volunteer system was pointed out by George Washington, and it was not with the system itself. It was with the method of applying it.

This is what Washington said, speaking of the militia, and it is his final opinion. Those who have been quoting Washington as against the militia have been quoting him falsely. I am reading from Greene, page 294:

> The final word of Washington, as General in Chief, on military policy was given in the address which he sent to the governors of the States from Newburgh about six months prior to resigning his commission. * * * He stated that there were four things "essential to the well-being, I may even venture to say to the existence, of the United States as an independent power," and one of them was "the adoption of a proper peace establishment." His opinion on this was as follows: "The militia of this country must be considered as the palladium of our security and the first effectual resort in case of hostility. It is essential, therefore, that the same system should pervade the whole; that the formation and discipline of the militia of the continent should be absolutely uniform and that the same species of arms, accouterments, and military apparatus should be introduced in every part of the United States. No one who has not learned it from experience, can conceive the difficulty, expense, and confusion which result from a contrary system, or the vague arrangements which have hitherto prevailed."

So that Washington did not condemn the military system. Washington did not rely upon regular armies. Washington regarded the militia—as he used it, it was meant to cover just such a case as the present—as the great force we must call upon.

But there were defects, and these defects in our volunteer system and these defects in our militia system have been recognized from time to time, and have been from time to time remedied. The first great step in that direction was taken by William McKinley in the War with Spain. I again read from Greene. Although this article is an attempt to defend the other view, I commend its facts to the Senate.

After stating that we had called for 125,000 volunteers, and afterwards for 75,000, in the War with Spain, the author states:

> The President of the United States, William McKinley, had in his youth trudged through the long marches and fought in many battles of the Civil War; the Secretary of War, R. A. Alger, had also served in the same war; The Adjutant General, Henry C. Corbin, had not only had the same experience but was a man of rare executive and administrative ability and of tireless energy. They used their utmost efforts, and with success, in persuading Congress so to legislate that the mistakes of the Civil War and our previous wars might not be repeated. It will be noticed that there was no limit except the President's discretion to the number of men to be called for—

That is, in the Spanish War—

> That national volunteers, officered by the President under regulations prescribing examinations as to their military qualifications, were provided for. Therefore, when the second call for volunteers was made, the rule was established and rigidly enforced that the recruits should be sent to fill up existing regiments from every State, and no new regiments were formed until this had been done.

That is the very defect that the Senator from Minnesota stated to us had existed during the Civil War, and it was remedied, under the advice of William McKinley, before we entered upon the War with Spain in 1898.

The author continues:

> The laws passed and the regulations established for carrying them into effect in 1898 are models for similar occasions hereafter. It should be noted, however, that the able-bodied population was then about 13,000,000, and the number of men called for, about 250,000, was only 1 in 50, instead of 1 in 2 as in the Civil War. It may be a question whether the principles established in 1898 can be carried out in a war making such a demand on our military strength as did the Civil War. There seems to be no ground to doubt that they can be, if the number of volunteers in the first call is sufficiently large, and if, in case volunteers do not respond the conscription is immediately applied.

And that is what is proposed here. We do not seek to deny you the right to force men to come if they do not come voluntarily.

The author says:

> There was no such difficulty in 1898. The number called for was ample, and the response was instantaneous, not only for the Volunteer but also for the Regular Army.

Notice how our people will come when there is any real fighting to be done.

> Within a month the Regulars were increased to 44,125 and the Volunteers to 124,804; within 90 days, Regulars to 56,258 and Volunteers to 212,094. These troops were all organized, armed, equipped and in the field within the dates named. When the peace protocol was signed, on August 12, recruiting was stopped; there were then 274,717 men in the field, of which approximately 59,000 were Regulars, 16,000 United States Volunteers, and 200,000 State Volunteers. The Army had numbered only 28,183 on April 1.

Now, Mr. President, it thus appears——

Mr. KELLOGG. Mr. President——

The PRESIDING OFFICER (Mr. JOHNSON of California in the chair). Does the Senator from Missouri yield to the Senator from Minnesota?

Mr. REED. I do.

Mr. KELLOGG. I just want to inquire the book from which the Senator is reading?

Mr. REED. I am reading from Greene, entitled "The Revolutionary War." Greene has written a number of histories. This is the one on that subject; and I was reading from pages 317, 318, and 319.

Thus, Mr. President, it appears that the volunteers and the militia have fought and won every war this country has ever had. Thus it appears that these defects in the system which had existed, which undoubtedly were a serious handicap during the Civil War, were remedied prior to the Spanish War. Thus it appears that subsequent to that time, and still further for the purpose of remedying all possible defects, the General Staff evolved the bill of 1914, a bill which places within the power of the President the naming of every officer of the volunteer forces, and gives substantially the same sources for securing those officers as are proposed to be granted under the present bill.

Now, Mr. President, with these defects wiped out, with this splendid advance made, we are asked to utterly ignore and destroy the volunteer system and to go at once to the draft.

I am aware that I have taken up entirely too much time; but I want to answer, as briefly as I can, certain fallacies that have been advanced. My friend from Colorado [Mr. THOMAS] says that he wants to suggest the absence of a quorum. I have found that drafting men into the Senate, compelling them to come in, gets about the same kind of service that drafting men into the Army does. A man comes in and backs out. He is not interested in the question, or he does not like the speech, or he does not like the speaker, and he vamooses; he disappears.

Mr. GALLINGER. In other words, he deserts.

Mr. MYERS. Then I will ask the Senator if he thinks that the response to the call for volunteers for the Army would be any better than in the case of the volunteers who are listening to the Senator's speech?

Mr. REED. I do. I blame no man for not wanting to listen to anything I have to say.

Mr. MYERS. I am always interested in what the Senator says.

Mr. REED. I blame any man for not being willing to serve his country. Not listening to me is a matter of taste. Responding to your country's call is a matter of duty. I do not criticize, either, the Senators who are not listening, because many men have other things to do. Some of them may be conducting investigations. I was absent yesterday trying to get together some of this material that I have been producing here to-day, and I did not hear the speeches, I very much regret to say, of Senators who spoke on yesterday, and I may have repeated the very things that they said; but I desire now to answer some of the arguments that have been produced.

Mr. VARDAMAN. The Senator has said them well.

Mr. REED. I thank the Senator from Mississippi.

The claim is that the volunteer lacks training. That is the first argument made here. Drafting men does not obviate that difficulty. Now, just get that in your heads—and let the country get it in its head—that, if volunteers fail because of lack of training, drafted men will fail for the same cause.

What is the proposition? What will be the condition of these men we are about to get. There is this difference between the drafted man and the volunteer: According to Gen. Miles's testimony, there are in this country substantially 1,000,000 men outside of the Military Establishment who have been trained as soldiers. Some of them have served in the Regular Army, some of them have served in the militia, some of them have served in military schools or have gone to military schools—1,000,000 of them. If you call for volunteers, the probabilities are that the greater part of those men will volunteer, or a great many of them—a great percentage of them.

But if you resort to the draft you substantially get untrained men. Now, if this draft, instead of being limited to boys between 19 and 25 years of age, was applied to men who had had military experience, so that we could start with 1,000,000 men who had had military experience, there would

be some sense in a draft; but, instead of getting those men, it excludes them to all intents and purposes, as I shall show.

First. The age limit of the draft is so low that practically none of them will be reached.

Second. Even if the age limit were raised to embrace all capable of military service, still the number of trained men obtained by the draft would only be that proportion which the number drafted bears to the total population of the country capable of bearing arms. It is estimated that there are in the United States 20,000,000 men capable of bearing arms. If there is a total of 1,000,000 trained or partially trained reserves, then the draft of 500,000 would only reach 1 out of 40, or 25,000 of the trained men.

It is obvious, therefore, that a volunteer force will bring to the colors a greater proportion of trained men than will be obtained by the proposed draft.

The historic argument against volunteers always has been that they are composed of raw troops and that men can not fight without training.

Let us concede the fact fully that raw troops can not stand against trained men. The United States must now raise 670,000, exclusive of militia. Five hundred thousand of these under the draft system will substantially all be untrained men. Under the volunteer system a large percentage will be trained or partially trained men. Hence, the weight of the argument in this instance is in favor of the volunteer system.

The second historic argument against the volunteer is that he is not amenable to discipline. This argument has no standing in view of the provision of the pending bill and proposed amendment, because the volunteer, the conscript, and the new enlisted man of the Regular Army all serve for the same length of time, are equally subject to discipline and training; and the volunteer and conscript will be alike officered by men appointed by the President of the United States, the officers in all instances being drawn from the same general class.

The solitary distinction which any human being can draw between the volunteer and the conscript under these circumstances is to be found in the fact that the spirit which caused the volunteer to offer his service and his life is likely to stay with him in camp and field and inspire him to supreme effort, while the spirit which caused the conscript to hang back is likely to make him come to the battle like a "quarry slave scourged to his dungeon."

It surely will not be claimed that the untrained volunteer is not the equal of the untrained conscript. The problem in each case after the raw man is obtained is the same. It is one of training, except that a body of volunteers will obtain a greater per centum of trained men, as I have already shown.

Why, then, can not an effective plan to train the volunteer be evolved as easily as a plan to train the conscript?

If the volunteer system has ever failed for lack of training, then the thing to do is to furnish the training. The training must be furnished whether the man be a volunteer or a conscript.

If the volunteer system has failed for want of proper officers, then the thing to do is to furnish the officers. The officers must be furnished whether the man comes voluntarily or whether he be dragged in by a corporal's guard.

Only the prejudiced or foolish will condemn a great system because in the past it has failed through a defect not in the system but in the utilization of the system. Wherever the volunteer has failed it has not been because of the volunteer but because of the way he was handled. The defects in the system were known to military men, and they were all presumptively met and cured in the volunteer act of 1914.

Now, I put this question to the Senate: Has any English-speaking country ever drafted its citizens at the beginning of a war?

Mr. MYERS. Not that I know of, but there is a British officer over here telling the people of this country they are very sorry right now that they did not do it at the beginning of the war.

Mr. REED. Yes; there is a British officer over here now who undoubtedly is a gallant gentleman. I wish that his name might not have been drawn into this debate, but it will be remembered that the question of whether they were going to have conscription or not was debated long in England. At last Lord Derby, I believe it was, said that the married men who would volunteer would not be called under their volunteer agreement until the single men had responded. Nearly all the single men did respond, but there were some 600,000 who hung back. There is a percentage in every nation of men who will not do their duty. Thereupon the draft act was passed, applicable to that 600,000, and it was passed more for the purpose of keeping faith with the married men who had volunteered under the promise of Lord Derby than for any other purpose. To-day there are on the fighting line 6,500,000 British, of whom practically only 600,000 are conscripts, and England did not pass this law until she had upon the fighting line 5,000,000 volunteers. She did not insult her people and repudiate her traditions at the very beginning of the war by demanding that they be drafted.

We all know that this distinguished gentleman, coming here with his gallantry, his splendid manhood, with his heart inspired as it must be with love of his country and a determination to win, can not see why they should not at the very first have called the draft in England. But, sir, there were wise statesmen in England who knew that the best way to concentrate British opinion and British valor back of a great enterprise was to deal with the English people as free men and not to try and drive them. So the draft was never undertaken in England until the vast majority, 90 per cent, of all the people in England were on the battle line or represented on the battle line by their flesh and blood. Under those circumstances, of course, they could say to the people who had hung back, you must do your duty.

Mr. THOMAS. Mr. President——

Mr. REED. I yield to the Senator.

Mr. THOMAS. If the Senator will permit me, I wish again to remind the Senate that the method pursued by Great Britain which the Senator has just so eloquently described received the approval of England's greatest soldier, Lord Kitchener.

Mr. MYERS. I should like to say at this point, as there has been so much said in this debate about 5,000,000 Englishmen volunteering before conscription was resorted to, that so far as I have read or heard all the British authorities admit that it was a mistake that they did not resort to it sooner.

Mr. THOMAS. It would have been resisted then.

Mr. MYERS. Does the Senator from Colorado mean to say by analogy that if we have a draft in this country the people of Colorado will rebel against it and will not submit to authority?

Mr. THOMAS. I say no such thing, but I do say when the people are confronted with all the brutalities of the conscript system it will not be so popular as we now imagine it is from the vast number of telegrams which have been inspired and which have been sent to us. I do say that if Great Britain had resorted to this system at the outset it would have been resisted by force from one end to the other of the British Isles, and nobody knew better the fact than those men having charge of the destinies of the British Empire. What England did was wise, and, whatever her other blunders may have been, this was not one of them.

Mr. MYERS. Then the Senator differs from many of the leading English statesmen of the day. I want to say that whatever the people of England may have done or should have done in the case of a draft, the people of Montana and, I believe, the people of all the country when the country summons them to save the honor and integrity and life of their Nation will respond.

Mr. THOMAS. They will go, most of them, when the call is made for volunteers.

Mr. MYERS. Or by draft, or any other form.

Mr. REED. The statement of the Senator from Montana absolutely shows that the draft is unnecessary and that it is brutal to apply it, for if the people of Montana are ready to come and serve and do their duty, and I know they are, then why should the draft be applied to them?

Mr. MYERS. I said they would respond when summoned, and it makes little difference to them whether the summons comes in the shape of a call for volunteers or in a draft.

Montana never will have to be dragged into war.

Mr. REED. I do not think Montana will. I think, if I know the temper of the people of that State they are keen enough for a fight. I do not think that they are any more so than the people of other States. I think the expression "keen enough for a fight" is unfortunate. I think that the people of the United States do not want war. They do not want to go into the business of killing. But when their country needs them they will come, if the country calls them. That is what I say. But the advocates of the draft say in effect that the people of the United States will not come if called, that they must be lashed like cowards on the fighting line. The only justification that can be given for the draft is that the people will not come or else an even more contemptible reason, that certain Army officers will prefer to have "compelled soldiers" rather than "voluntary soldiers."

But the Senator from Montana says that there never was any difference of opinion with English statesmen in that way.

I have already read from Colliers "The Story of the Great War," volume 8, page 2409, statements showing that a number of great English statesmen were against conscription.

You will remember that the British cabinet practically dissolved over this issue.

Even after they had been at war, when the English could hear the guns of the Germans reverberating from the battle line clear to the shores of Britain, when German ships stole out at night and bombarded the cities and towns where men and women slept, and slaughtered from the air the babes in the mothers' arms—after all that, Great Britain did not attempt to force the draft. Even after call after call had been made, and when at last the draft measure was adopted applicable to all of a certain class, not a draft by lottery, they gave those men the chance to volunteer. They did not do as you propose to do by this bill, to slap every patriot in the face and reject his service in advance, to decline the gallant swords of gallant men and to accept only those men who are forced into the service.

Mr. MYERS. Mr. Roosevelt?

Mr. REED. I sometimes think some people are advocating the draft and opposing volunteers lest Mr. Roosevelt may organize a body of men and get a commission. I candidly believe, and the remark of the Senator from Montana calling the name brings it to my mind, that there may be men so small as that. So far as I am concerned, I have never offended against my politics or my conscience by voting for Theodore Roosevelt. I have seldom agreed with anything Mr. Roosevelt has ever done. I do not think I could subscribe to a single political principle that Theodore Roosevelt has ever advanced. But, Mr. President, Theodore Roosevelt is a gallant American, and if he is willing to organize a body of brave men to defend this country, then God give to his arms strength and to his soul additional valor.

Mr. MYERS. I desire to say that I am in hearty accord with what the Senator said about Mr. Roosevelt. I am in favor of giving him a commission in the Army.

Mr. REED. But I suppose you would insist on drafting him. You would not let him come forward and say "I am willing"; you want to get him by the scruff of the neck and say "You must come or go to jail."

Mr. MYERS. If drafted, I do not think he would fight very hard against going into a fight.

Mr. REED. I think he would go in if he were drafted. I do not think drafting will necessarily make a man refuse to serve his country. He may be patriotic enough to serve it notwithstanding it has drafted him. When did it become necessary to draft men to get them in this country?

Here is how the volunteer system worked in England. Col. Maude says:

> England, in January, 1915, had enrolled 2,500,000 men out of a total male population of 4,600,000 between the ages of 19 and 35. This is almost two-thirds of the total men available under 40 and almost exactly the same proportion as the strictest law of compulsion in Europe (the French) would have given her. It is one-sixth more than the Germans had been taking out of their annual contingents. (Col. F. N. Maude, Nineteenth Century and After, January, 1915.)

After that England contributed nearly twice as many. Now, let me put a question. Is not Canada more closely related to the United States in the character of her population and in her geographical location than is any other nation; and is not Canada a loyal portion of Great Britain, and has her stake in this war from the first not been that if Great Britain were defeated Canada might be brought under German rule? And yet, with this great menace over her, with her people realizing the danger, Canada has not to this blessed hour adopted conscription. Yet she gave 400,000 of her sons. Just the other day it was Canadian volunteers who took the supposedly impregnable portion of the line of Germany; that part where Germany had planted herself to stay was wrested from her by Canadian volunteers. The Senator was not here, and I repeat it for his benefit.

Another loyal part of the British Empire is Australia; New Zealand is another, a gallant and brave and progressive people. Together they have furnished as volunteers approximately 400,000 men. They have not applied the conscription system to their brave people. Why, then, should we be asked to apply it? If that advice is being given from abroad, let it be taken a little farther north and given to the Canadian Parliament and to the Canadian people.

The claim that the draft is democratic is the very antithesis of the truth. The draft is not democratic, it is autocratic; it is not republican, it is despotic; it is not American, it is Prussian. Its essential feature is that of involuntary servitude. It is justifiable in a republic only when the imminence of danger is such that all rights, privileges, and liberties of the citizen must be surrendered to preserve the nation. I deny that we have reached that condition.

Mr. KING. Before the Senator leaves that point, will he yield for a question?

Mr. REED. Certainly.

Mr. KING. I desire to ask the Senator if, in his examination of this question, he has thought of the proposition as to whether or not the Constitution contemplates that when an army is required it shall come from the States as States and in proportion to their population? Does not the Constitution contemplate that when an army is raised the sovereignty and autonomy of the State, as a part of the Federal Union, shall be recognized, and that volunteers shall come from the States as States rather than from the country as a whole?

Mr. REED. Well, Mr. President, that was originally the construction generally placed upon the Constitution; but in these latter days I am sometimes in doubt whether we have any regard for the Constitution. I do not find it necessary, however, to raise the question which the Senator has suggested, because in my view of the matter it ought to be settled upon even broader grounds. However, the objection raised by the Senator is worthy of very serious consideration.

There is a very curious argument which has been advanced, namely, that if you call for volunteers you will skim from the country all of the talent and all of the brains and all of the valor—that you will get them all at once.

Mr. President, if that is true, then it affords an excellent argument for volunteers. If you never have to go beyond the first 500,000, then you will have the bravest of the brave to compose that 500,000; but if you have to call for a second 500,000, or a third 500,000, then out of these capable men who made up your first 500,000 and who have been trained, will come the officers for subsequent levies. Instead of that being an argument against the volunteer system, it is one decidedly in favor of the volunteer system.

Mr. President, it is claimed that without this draft we may not get men as rapidly as we would desire them. My reply to that is, that under the volunteer system we will get men more rapidly than we can by the draft. I treat for the present, as a part of the volunteer system from this standpoint, the militia, although they are not, properly speaking, a part of the volunteer army. The telegrams that I have read demonstrate that the Federal Government has retarded enlistments in the militia. One reason, at least, is the lack of ability to equip them. Therefore you are getting them faster than you can equip them, and that is about as fast as you ought to want them.

Second, while before the declaration of war we could not get any enlistments at all in the Regular Army, to speak of—they came in tardily and at great expense; I think it cost us about $100 for each recruit we got, advertising to get him—yet as soon as war was declared enlistments increased, and they are having as many as 4,000 in one day. Four thousand enlistments in a day will soon raise a considerable body of men. If kept up for 100 days, it means 400,000. I have called attention to similar experiences in the Marine Corps and in the Navy; this answers the question of the willingness of our people; but, in addition to that, there are a large number of organizations in every State in the Union of men who have banded themselves together, and who are practically ready to come at a moment's call. In a few days' time several regiments can be raised in my own State. I think I am entirely within the facts when I say that within 20 days' time from three to five regiments of first-class men can be there raised. So there is no difficulty in getting troops in time.

But, mark you, it is admitted we can not equip this army before the 1st of August, and all that is asked by the minority of the committee is to give the volunteer system a chance of trial until the 1st of August.

Mr. President, they are not able to take care of the enlistments in the Navy at the present time. Let me read to you from the Washington Star, of April 23, the following:

> RECRUIT QUARTERS NEEDED—NAVY TO HOUSE MEN TEMPORARILY ON INTERNED GERMAN SHIPS.
>
> Navy recruiting has increased to a point where the question of temporary housing is a pressing problem. Men are pouring in at the rate of 1,300 a day, and every ship and all training stations are crowded to their capacity. Admiral Usher telephoned from New York to-day that even though he had taken over an armory in Brooklyn, as well as other quarters, the congestion remained acute.
>
> Secretary Daniels, after a conference with Secretary of the Treasury McAdoo, announced that the German vessels interned in New York will be employed as barracks for naval recruits. Their temporary use for that purpose is expected to relieve the crowded conditions at naval stations until such time as the men may be distributed through the various arms of the service and further provision made for their accommodation.

Now, sir, in view of this state of affairs, what is left of this demand for a draft? We can get the troops. The demonstration is complete. We can get them before we can equip them. The proof in the telegrams I have read and that I have otherwise offered is incontrovertible. These men, when obtained, will be officered as the President of the United States shall say they shall be officered. They will be organized under a bill that was drawn and brought to Congress by the General Staff itself, that was recommended to Congress by the chairman of the Committee on Military Affairs, and that was passed at his instance and solicitation, and largely upon his judgment. Why, then, the draft? Mark you, if the volunteer system breaks down, the draft can immediately be applied; the machinery for its application can be organized at once; indeed, not a day of delay need be occasioned; but who is there dare stand here—and I utter the challenge again—and say that his State will not bring forward its quota?

What is the great difference, then, between the draft and the volunteer system, between volunteer service freely rendered and conscription secured at the point of the bayonet? Is it possible in this country that the doctrine has been somewhere inculcated that a man will make a better soldier if he is compelled to come to the colors than if he comes voluntarily? Is it possible, on the other hand, that there are men in the Senate who believe our people have become poltroons and that they will not respond to their country's call? If neither of these arguments is brought forward, then there is no argument left for the draft.

It is no hardship to a citizen who comes forward voluntarily and offers his services that he shall be permitted to serve. You can not base your argument upon the flimsy pretext that you are protecting a man against doing a voluntary injustice to himself. What, then, is the reason? Why is it that all our policies are to be reversed? I can not answer the question. I challenge any man to give a sensible and satisfactory reason.

Mr. President, what is it makes a nation invincible in war? I answer, it is the spirit of the people. Germany was prepared for war and Great Britain was not; and yet Great Britain has responded in this war in a way that makes it perfectly plain that if a great, free people are determined upon any project, if all their hearts and souls are united in one enterprise, then is that great nation well-nigh invincible.

It seems to me that the first thing that we ought to consider in this Chamber is the creation of that invincible spirit of determination among our people, and that we should never lose sight of the fact that it will be the most potential thing in the great struggle ahead of us. Arouse the American people so that every heart and every soul shall respond to the same sentiment; build the fires of patriotism hot in the bosoms of all of the men and women of this land; and I say to you there is no nation on this earth that can stand before us single and alone.

How ought we then to treat this question? Two ways are presented. One is to create a great body of officers all over the country who shall act as registrars, and then the mandate shall go forth that all boys between 19 and 25 must on a certain day go to the county seat and there register their names—and when they go they go by compulsion of law—and when their names are registered father and mother and brother and sister hope and pray that there shall be no such misfortune as the drawing of that name. Then will come the day of the draft and the names will go into the wheel, and out of the wheel will come the fateful ticket that will tell the story to some boy that he must go, not of his own volition, but because he is ordered to go; and in that home they will wait with a sickening fear in their breasts that their son or brother may be conscripted. Then, when the conscription has taken place, an Army officer will sit down and he will say to the boy who escaped the draft, "I shall turn loose and send back to his people or to his business this young man because he is more learned than you; that young man, because he can perform in peace something that you can not perform; but you, having been more humbly born or being possessed of less of those valuable things which this machine of efficiency we are about to create demands, shall go into the trenches and you shall be shot at."

Now, mark you, treat any man in that way, appealing not to his courage, appealing not to his patriotism, and if he be not possessed of blood and iron to an unusual degree you send him to the battle line cringing from the contest. That is the picture of this bill. When you come to enforce it, it will be the corporal's guard marching down the lane to take the boy; it will be the officer of the law dragging the wretch to the courthouse in some instances—not in all, not in many, but in some—to try him; and then there will be the desertion, and, as I said a while ago, there will be the firing squad; there will be the body carried home—not all, of course; not all men will feel so because they have been drafted; not the majority; but that is the tendency, and that is the natural effect.

But now, sir, let us turn this picture around and look upon its other side. Our country calls. The President issues his proclamation and asks for the brave to come, and every boy feels somewhat of a thrill when he hears that cry. The orators will stand and paint the glory of citizenship that sacrifices itself to its country's needs; there will be the music of the boisterous drum and the inspiring notes of the bugle; there will be cheers from the people for those who go; and there will be laurel wreaths scattered along their pathway and handed to them by the lily fingers of our fairest daughters; and there will march forth from this land boys who feel they have a country to fight for, boys who feel that it is a privilege to die for the land that Washington fought for and that our fathers and our mothers baptized in blood and in tears. Such a soldiery as that will reproduce its valor back in the hearts at home, and all will stand together in one mighty demand that the justice of our cause shall be vindicated. And so once more upon the battlefields we will water with our blood the flowers of human liberty. And so once more shall we prove the courage of our race. We have our choice. I intend, so far as I am concerned, to vote to give the men of America the opportunity to volunteer in the cause of America.

Mr. VARDAMAN. Mr. President, I shall not consume very much of the time of the Senate this afternoon in discussing the pending bill. I shall not undertake to treat the subject in detail at all.

Mr. KING. Mr. President, I ask for order.

The PRESIDING OFFICER. The Senate will please be in order.

Mr. VARDAMAN. I am always glad to suspend while the tribute of love, respect, and admiration is paid my friend, the able Senator from Missouri [Mr. REED]. I want to also join with Senators in paying the tribute of my admiration and to express my gratitude for his superb effort, and to say that I wish every American citizen could have heard the speech that has just been delivered. The subject matter of that speech is substantial, and the spirit of true Americanism running through it, together with the gorgeous imagery, unanswerable logic, and peaks of eloquence reached by the speaker is to me an inspiration—a tonic for the patriotic soul. Mr. President, the speeches delivered by the eloquent Senator from Missouri [Mr. REED], and the able Senator from Tennessee [Mr. MCKELLAR], and the learned Senator from Colorado [Mr. THOMAS] treat so exhaustively in detail of every question involved in the pending measure that I feel that anything I may say will fall as a "twice-told tale," vexing the dull ears of a tired Senate.

But I am going to depart somewhat from the usual course of treating the question and touch upon some of the general phases of the great problem which confronts the American people at this time.

This Congress is making history every moment.

The spirits of the illustrious dead who gave their talents and best services of head and heart to the development of this great Government, and the counsel of whose experience, should point the way in this uncertain period are doubtless with consuming solicitude looking down upon us to-day. If our fleshly ears could catch the words that fall from their spirit lips I am sure they would advise conservatism and urge the greatest care and circumspection in meeting the issues of the hour. It behooves us, therefore, Mr. President—

> To look to our work and be wise,
> Certain of sword and pen;
> We are neither children nor gods,
> But men in a world of men.

Mr. President, free government in America is undergoing a severe test. The citizen whose individuality is a vital element in government, in whom is reposed the strength and the virtue, the intellect, that writes the laws of the land, and whose toil produces the wealth of the Republic, is about to be merged into an indistinguishable mass of humanity. Verily "The individual withers and the world is more and more." The promontories and beacon lights of history, by which the ship of state has been steered successfully for 125 years are no longer regarded as safe to point the proper way. A new philosophy of government engages public attention, and leaders heretofore unknown in legislative matters are taking a prominent part in directing the Nation's course. The concentration of power in the executive department of the Government is a distinguishing, and, I think, an alarming fact in recent political developments. Hunger for power and the avidity with which every opportunity is embraced to exercise authority, characterizes the conduct of the head of every bureau in the Govern-

ment. The decentralizing teachings of Jefferson, Monroe, Madison, Lincoln, Davis, and George are forgotten, or, if remembered at all, are regarded of inconsequential importance—really, they are considered obsolete—in this hour of desperate emergency.

I am not a worshiper of antiquity. An ancient error is as repulsive to me as a new lie. Time does not impart sanctity, nor longevity add truth to falsehood. I respect the past only as it gives me light by which I may walk without stumbling into the darkness of the future. But I will not reject a good idea or discard a tested system because it happens to be old.

Mr. President, it is one of the most inexplicable facts of history, which doubtless has been observed by all thoughtful students, that the so-called wise men—"the followed persons of the earth," as Walt Whitman called them—who played the most prominent parts in those periods of the world's history which mark the turning points of time, that they themselves were wholly unmindful of the consequences of their own acts at that time.

For instance, it will be remembered, that when the crisis of our late Civil War was upon us many talked of the breeze that would blow off in 90 days. Poor short-sighted souls, they little thought that humanity was gathering its resistless might to take one more bloody step in the onward march of civilization. It will be remembered also, that when Luther, with a soul illuminated with a light from God, nailed his thesis to a church door at Wittenburg, Europe saw only one disaffected monk, and little thought that really the modern world was rousing itself to shake off the dogma-drugged sleep of the Middle Ages; when Copernicus, whose genius pierced the blue canopy of heaven and discovered the long-hidden story of the stars, died, after one look at his speedily forgotten volume, few imagined then that the old heavens had folded away like a scroll, a new earth given to men, and the former things had passed away; and when the hypocritical, self-glorified Pharisee had gotten rid of the troublesome Meddler from Nazareth and lay down to his triumph sleep, he little thought that he had pulled down his own temple about his ears and turned the disgrace of the cross into the symbol of a world-conquering religion.

With eyes blinded by the flamboyance of ephemeral authority, and ears filled with the flattery of the fawning, it is not surprising that one should be unable to see things in their due proportion and "not being possessed of the trance-prophetic eyes fail to observe the consummation of the centuries."

The flippancy and ignorant assumption of superiority which has characterized the discussion of the pending bill by some of the Senators who favor the measure has produced in me mingled feelings of amusement and apprehension. There is nothing so dangerous to the Republic as the stupid man in authority who is obsessed with the idea of his own infallibility. A few of us, profoundly impressed with the magnitude of the enterprise upon which the Nation is embarking, who would move cautiously in this fatal hour of our Nation's life, are sneeringly referred to as "pacifists," "slackers," or some other equally opprobrious epithet. Some of the miserably mendacious and slanderous newspapers have held us up to scorn and charged in direct terms that we are disloyal to the Government. A more flagitious falsehood never marred the pages of a prostituted sheet or polluted the lips of a dishonest man. I spurn the suggestion with ineffable contempt, and despise the power or person who would resort to such pusillanimous methods to effect his purpose.

Discussing conditions which existed in the life of the Roman Republic similar to that through which America is now passing, the wise historian, Froude, has said:

> The popular leader of the hour sees some present difficulty or present opportunity of distinction. He deals with each question as it arises, leaving future consequences to those who are to come after him.

Mark the striking similarity, the deadly parallel to the bandwagon statesman of to-day, who finds it necessary, in order to make himself secure in his own judgment, to question the motive of others. But, continuing:

> The situations change from period to period, and tendencies are generated with an accelerated force which when once established can never be reversed. When the control of reason is once removed, catastrophe is no longer distant, and then nations, like all organized creations, all forms of life, from the meanest flower to the highest human institution, pass through the inevitable recurring stages of growth, transformation, and decay.

"A commonwealth," says Cicero, the greatest of ancient statesmen, "ought to be immortal and forever renew its youth." Yet commonwealths have proven as unenduring as any other natural object.

> Everything that grows
> Holds in perfection but a little moment,
> And this huge state presenteth naught but shows
> Whereon the stars in silent influence comment.

And he was right. Republics have proven to be less enduring, probably more short lived, than any other form of government. That is due, probably, to the fact that it is the most artificial form of government. It is the only form of government among men where eternal vigilance is the price of liberty. It is because republics derive all of their just power from the consent of the governed, and unless the people are wise, vigilant, patriotic, and insist upon the exercise of the citizens' rights unhindered, performing without restraint or proscription the functions of the real ruler, the republic will cease to exist. It may be preserved in name, and the outward form may be observed, but the soul, the living vital part, will be dead. This Government of ours draws its life, its mind, its wealth, and its morals from the individual citizen, and because of the inherent qualities of the individual citizen, given free and full liberty of action and the exercise of intelligent judgment, the Republic has grown from a narrow strip of territory on the Atlantic coast to the most gigantic colossal in strength and wealth that the world has ever known.

Can the advice and wisdom of the men who builded so wisely and so well be safely disregarded in this hour of extraordinary emergency? Can we with safety throw aside the lessons learned from those heroic lives?

The able Senator from Massachusetts [Mr. WEEKS] a day or two ago rather sneeringly referred to the errors which the Government of the United States had made in 1812, 1847, 1861, and 1898 in not having prepared for war. He draws a gloomy picture, in which the patriots and wise men of those days are presented as groping in the darkness, devoid of the higher attributes of prescience and forward looking, which happily glorifies the brain of the statesman of 1917.

The contrast which the learned Senator draws would be amusing if it were not so downright sad. To my mind it is the quintessence of pathos. It is a singular fact, Mr. President, that after every one of the mistakes pointed out by my distinguished friend from Massachusetts, when the war was over and peace restored, the armies were disbanded, the advice of Jefferson regarding the danger involved in a large standing army was followed. The soldiers returned to the farm, the workshop, the factory, the banker's desk, the pulpit, and the lawyer's office, and America continued to grow and expand, throwing the effulgence of her splendid example over the benighted minds of the king-cursed peoples of the Old World until she reached the present unparalleled proportions. Jackson, the hero of New Orleans, did not approve a large standing army. Grant, the victor in one of the bloodiest wars of modern times, thought the soldier could serve his country best as a private citizen. Theodore Roosevelt, even after the War with Spain, was content with a small army. Thank God for the difference between the statesmen of bygone days and the present war-daft expounders of the Constitution and autocratic reflectors of the public will.

I believe a large standing army is a menace to free government, and I hope the time will never come when the American people will permit the maintenance of a standing army that will absorb the products of human toil and dominate public sentiment in this country to the detriment of the men and women whose labor and sacrifice feed and clothe the world, and finally the utter overthrow of free government. I believe, with the able occupant of the White House, in December, 1914, who has unhappily changed front on this question, that—

> We have always found means to defend ourselves against attacks, and shall find them whenever it is necessary without calling our people away from their necessary tasks to render compulsory military service in time of peace.

If our forefathers had been as much imbued with the military spirit and had followed the lead of the present propaganda for "preparedness" as seems to obsess the minds of some modern statesmen, America to-day would not be a free government deriving all of its just powers from the consent of the governed, but, on the contrary, I believe it would be a military despotism.

But, Mr. President, we are in a state of war—it is necessary that the Government should make every preparation essential to a successful termination of this conflict. I am willing to vote for a call to arms of 1,000,000 men or 2,000,000 or 5,000,000 if it is necessary. But I would include in that call men as well as boys. I would let the able-bodied citizen, whose heart is aflame with patriotic desire to serve his country, have an opportunity to serve regardless of the age limit. I would make it a volunteer army filled with the zeal and eagerness of the patriot. I voted to give the Chief Executive all the money that can prudently be spent at this time by him in maintaining our allies in this war and to organize and equip our own forces. I expect to be called upon in the very near future to vote for another bond issue, with an increased rate of interest, and I shall respond to that call.

I trust I may be permitted to digress just a moment to say that while we are discussing the question of compelling men to render military service, to offer up their lives on the field of

battle for their country, I submit that it would not be out of place to consider for a moment the question of compelling the dollars that have been coined of the blood and tears of women and children, and men sacrificed upon the field of battle to do some service without pay in this war. The man who takes advantage of his country's misfortune to extort money from the taxpayers for the hire of his hoarded gold is entitled to the same affectionate consideration that I have for the nasty bird that follows in the wake of war and preys upon the soldier slain upon the battle field. If you are going to compel men to serve let us conscript a little of the unholy increment acquired during this unfortunate war. Posterity will be mortgaged to the fourth or fifth generations to pay the expenses of this devastating struggle. But the means, the sinews of war, must be provided, however heavily it may press down upon the aching stoop of the toiler. I should like to do everything the President thinks necessary to be done, but I can not get my consent to offer a deliberate affront to the patriotism of the American citizen, the man whose wisdom writes the law, whose labor produces the wealth of this Nation in time of peace, and whose strong arm fights the country's battles in time of war. I can not afford to question that man's patriotism by voting for a law compelling him to perform his duty to his country.

This man has done his duty to his country in the past. He has never faltered or proven recreant. He is not disloyal in the present emergency, and I think that he can be relied upon without compulsion to make any sacrifice, render any service necessary to keep the Stars and Stripes unstained and triumphant in the air. Compulsion is not necessary to meet the present emergency. I think that it is an insult to the patriotism of freemen, not needed now, and I would not vote for such a law to be used in creating a great standing Army for the future. I believe the psychological effect of such legislation upon the citizen will be bad. No man, however patriotic he may be, will entertain that same affectionate regard for a Government that will needlessly put such a stigma upon his patriotism.

If from the people all the just powers of government are derived, can not the people be trusted to furnish the force necessary to uphold in honor the flag of their Nation? It is their country and not the private property of the few who are accidently in authority in Washington to-day. Must European autocracy be imitated in America in order that free institutions may live on the Western Hemisphere? Can we wage a successful war against European autocracy while at the same time we are laying the foundation for a European autocracy on American soil? Is it possible that all wisdom, all patriotic devotion to country, and loyalty to principle are reposed in the brains and hearts of the few men who are to-day temporarily residing in the District of Columbia? Are the lessons of the past to be thrown in the wastebasket while the untried, book-taught professional soldier writes the laws to govern a free people? The soldier who would rather serve a monarchy than a republic?

I am not going to vote for compulsory service until I am convinced that the majority of the American people are cravens and must be driven as dumb brutes to defend their country's cause. If the people are given a chance in this emergency, they will do their duty as they have always done it. But if the high ideals which led them in the past have been abandoned and they shall prove recreant and refuse to answer the call of the President to arms, then I shall vote to enact such autocratic laws as the present bill. Compulsory service has been tried in the past and has proven a failure. The conscript and convict have been held by patriotic brave men in equal contempt. The republic that must be defended by a conscripted soldiery has about run its course and ought to change its form of government.

I admit that conscription has been resorted to in England as a last resort in the present war, but I also assert with pride and gratification that the free governments under the English flag have declined to use the undemocratic method of compulsory service. Australia, with a population of about 5,000,000 white people, has contributed an army of over 300,000 brave and patriotic soldiers. Canada has given to the mother country from her limited population 400,000 dauntless heroes, many of whose lives have been sacrificed and whose blood has been shed as a glorious offering upon the altar of their country's cause. No, Mr. President, I shall not by my vote write upon the statute books an affront to the manhood of America. I shall not vote to put the shackles of the culprit upon the wrist of that brave American boy, the priceless jewel of a fond mother's heart and the inestimable asset of this Nation. I shall not even question their loyalty; but, on the contrary, I shall indulge the hope, and act upon the assumption, that the spirit of the glorious past still animates the lives of our men of the present day.

But it is maintained that certain men—men of certain vocations—could better serve their country on the farm, in the workshop, and other places where their talents are needed. I am willing to concede that, but the selective plan can be carried out quite as well by the volunteer system as by going out and taking the citizen by the collar with the strong arm of the law and forcing him to perform certain services to his Government without consulting him. The strength of this Republic, I repeat, Mr. President, consists not in its lines of transportation, its banks, broad acres, rich mines, and other material resources, but rather in the moral qualities and intellectual acquirements of the men and women who compose its citizenship.

Not in hewn stones,
Nor well-fashioned beams,
Not in the noblest of the builder's dreams;
But in courageous men of purpose great,
There is the fortress, there is the living state.

The independence of the American citizen must not be abridged or limited. His marvelously fruitful initiative must not be hindered, crippled, or discouraged. Those qualities of mind and soul have made this country great. They can be relied upon in the future to preserve its institutions and promote its well-being.

It is the duty of the Government to assist the citizen in every way consistent with the principles underlying our system of government. But that help should be for the support rather than the direction of the citizen.

The pages of American history are illuminated with deeds of heroism, of wisdom, and the patriotic devotion of our people to the flag. In the halls of state, on the hustings, on the field of battle, in scientific research, in agriculture, and in all the industrial arts, America, notwithstanding her youth, has led the world. Can the Congress afford at this time to imitate the effete autocracies of Europe which have brought the world to the present sad plight and discredit and dishonor the qualities of mind and soul that have created a civilization which challenges the admiration of mankind and commands the emulation of the world? God forbid. Let us not forget American history and the salutory lessons it teaches.

Speaking of the volunteer and his great service to his country, one of America's greatest orators has said, "It is a sight worth the genius of our great Republic to behold at the country's call great armies leap forth in battle array, and when their services are no longer needed to return again to the communities whence they came. And thus the dark thunder cloud at nature's summons marshals its black battalions and lowers upon the horizon at length, its lightning spent, its dread artillery silenced, disbanding its frowning ranks, it melts into blue ether, and the next morning you will find it in the dewdrop, upon the flower, or assisting with its kindly moisture in the growth of the young and tender plant. Great and glorious country is this, where every citizen can be readily converted into an efficient soldier and forthwith after the war is over return to his home a peaceful, self-sustaining, self-governing, self-supporting, law-abiding, private citizen."

The safety of the Nation is with the people, and my faith in their loyalty and devotion to the flag bids me trust them absolutely.

Mr. SHERMAN addressed the Senate. After having spoken for some time,

Mr. CHAMBERLAIN. Mr. President——

Mr. SHERMAN. I yield to the Senator.

Mr. CHAMBERLAIN. Does the Senator desire to conclude to-night?

Mr. SHERMAN. I shall be glad to yield at any time.

Mr. CHAMBERLAIN. Quite a number of Senators are tired, having been here pretty steadily all day; and I will ask the Senator if it will be agreeable to him to resume his remarks in the morning?

Mr. SHERMAN. I will be very glad to resume in the morning.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a joint resolution of the Legislature of the Territory of Alaska, which was referred to the Committee on Territories and ordered to be printed in the RECORD, as follows:

Senate joint resolution 2. (By Senator Ronan.)

To the President of the United States, the Senate and House of Representatives in Congress assembled:

The Legislature of the Territory of Alaska in session assembled herewith extends to the President of the United States, the Senate and House of Representatives its approval of the passage of the resolution "that a state of war exists" between the United States and the German Empire; and we, the people of Alaska, pledge our unfaltering support and signify our readiness to loyally and patriotically stand in line with the American people in maintaining the country's honor and defending the principles of civilization.

The attitude of the people of Alaska is clearly expressed in the words of our governor, spoken upon the declaration of war.

"This is a time in the history of our country which calls for self-sacrifice and devotion to those democratic institutions and ideals that have been a beacon light to the 'oppressed of all nation'; and now, in obedience to those principles of right and truth and justice, in the struggle now being waged between the forces of democracy and autocracy, the citizens of this great Republic may be depended upon to act well their part. There should be no division of sentiment, but each and all, laying aside every consideration of partisanism, should remember that they are called upon to defend those great truths upon which this Republic was founded, and should uphold and strengthen the hands of the President and his administration in the international crisis that has been forced upon the country. The time for action is here, and I am sure that the people of Alaska stand ready to do their part, and to do it well. The fires of patriotism have been kindled anew, and Alaskans are ready to respond whenever duty calls."

Passed the senate April 9, 1917.

FRANK A. ALDRICH,
President pro tempore of the Senate.

Attest:

W. M. EDDY,
Secretary of the Senate.

Passed the house April 10, 1917.

LUTHER C. HESS,
Speaker of the House.

Attest:

A. H. ZIEGLER,
Chief Clerk of House.

Approved.

GOVERNOR OF ALASKA.

UNITED STATES OF AMERICA,
Territory of Alaska, ss.

I, Charles E. Davidson, secretary of Alaska, do hereby certify that the foregoing is a full, true, and correct copy of senate joint resolution No. 2, of the Alaska Territorial Legislature, passed at the third session thereof.

Witness my hand and the seal of the Territory of Alaska, affixed at Juneau, the capital, this 16th day of April, A. D. 1917.

[SEAL.] CHARLES E. DAVIDSON,
Secretary of Alaska.

Mr. JAMES. I present a resolution adopted by the Louisville (Ky.) Optimistics Club, which I ask may be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

LOUISVILLE, KY., *April 24, 1917.*

Hon. OLLIE M. JAMES,
United States Senate, Washington, D. C.:

Be it resolved by the Optimistics Club of Louisville, That we strongly urge the passage of the selective-draft bill as prepared by the General Staff of the United States Army. The volunteer system is not only unreliable from the standpoint of raising an army, but it is unfair, and it takes out of the industries of the country the sort of men that are needed in these industries. The selective draft will take men from all classes, and largely a class of men who have not yet achieved such positions in industry as make it difficult to fill their places.

Passed by unanimous vote, April 24.

LOUISVILLE OPTIMISTICS CLUB.

Mr. KNOX presented resolutions adopted by the congregations of sundry churches in the State of Pennsylvania, praying for national prohibition during the period of the war, which were referred to the Committee on the Judiciary.

Mr. TOWNSEND presented 57 telegrams from citizens and firms in the State of Michigan, praying for compulsory military service, which were ordered to lie on the table.

Mr. SIMMONS presented petitions of sundry citizens of Charlotte, Tarboro, and Statesville, all in the State of North Carolina, praying for compulsory military service, which were ordered to lie on the table.

Mr. NELSON. I present a memorial of the House of Representatives of the Territory of Alaska, which I ask may be printed in the RECORD and referred to the Committee on Territories.

There being no objection, the memorial was referred to the Committee on Territories and ordered to be printed in the RECORD, as follows:

House joint memorial 3. (By A. A. Allan.)

To the Congress of the United States of America:

The Legislature of the Territory of Alaska respectfully represents that—

Whereas the prime essential to the development of the vast resources of Alaska is transportation; and

Whereas railroad and steamship facilities are inadequate to such development unless supplemented by a system of wagon roads and trails, and Congress has recognized this fact by repeated appropriations for such purposes; and

Whereas the annual appropriation for the construction of roads and trails in Alaska was not made the last session of Congress, and the failure of Congress to make appropriation at this special session will not only paralyze the efforts of the road commission for future developments but, by preventing necessary repairs and maintenance, will result in the great deterioration of the roads already constructed, to the great loss of the Territory and of the United States; and

Whereas the construction of an adequate road system in Alaska will not only open for development immense areas of mineral, coal, and lands suitable for farming and cattle grazing, but will afford an invaluable asset to the United States in case of war; and

Whereas the Legislature of Alaska has created Territorial road commissions to supplement the work of the United States road commission and will appropriate moneys to this end to the extent of its financial ability; and

Whereas the Territorial road construction to be of any considerable value must be tributary to and an extension of Government construction; and

Whereas the discontinuation of governmental policy of road construction in Alaska would result in a loss to the Territory and to the United States far greater than the sum asked by the Secretary of War for maintenance and construction, and would be, under the circumstances, utter folly: Now, therefore:

We, your memorialists, urgently call your attention to the situation as above presented and respectfully but earnestly represent that the sum of $500,000, requested in Senate amendment, in lines 7 to 11, on page 55 of House of Representatives bill No. 20783, for appropriation for the construction and maintenance of roads and trails in Alaska, should be allowed.

We, your memorialists, will ever pray.

Passed the house March 30, 1917.

LUTHER C. HESS,
Speaker of the House.

Attest:

A. H. ZEIGLER,
Chief Clerk of the House.

Passed the senate April 2, 1917.

FRANK A. ALDRICH,
President of the Senate pro tempore.

Attest:

W. M. EDDY,
Secretary of the Senate.

UNITED STATES OF AMERICA,
Territory of Alaska, ss:

I, Charles E. Davidson, secretary of the Territory of Alaska, do hereby certify that the above and within is a full, true, and correct copy of the original House joint memorial 3, on file in my office, and of which I am the proper custodian.

In testimony whereof I have hereunto set my hand and affixed the great seal of the Territory of Alaska, at Juneau, Alaska, this 13th day of April, A. D. 1917.

[SEAL.] CHARLES E. DAVIDSON,
Secretary of Alaska.

Mr. NELSON presented petitions of the Commercial Club of Bemidji, the National Security League of St. Paul, the congregation of the First Congregational Church of Minneapolis, and of sundry citizens of Campbell and Albert Lea, all in the State of Minnesota, praying for compulsory military service, which were ordered to lie on the table.

Mr. WEEKS presented petitions of the trustees of Phillips Academy, Andover, and of the Tennis and Racquet Clubs of Boston, in the State of Massachusetts, pledging support to the Government and praying for compulsory military service, which were ordered to lie on the table.

Mr. McLEAN presented a memorial of the New Haven (Conn.) Trades Council, remonstrating against speculation in foodstuffs, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the congregation of the Howard Avenue Methodist Church of New Haven, Conn., praying for national prohibition as a war measure, which was referred to the Committee on the Judiciary.

He also presented a memorial of Local Union No. 37, Brewery Workers of New Haven, Conn., remonstrating against national prohibition, which was referred to the Committee on the Judiciary.

Mr. THOMPSON presented memorials of sundry citizens of Goessel, Fravel, McPherson, and Tampa, all in the State of Kansas, remonstrating against compulsory military service, which were ordered to lie on the table.

Mr. PHELAN presented resolutions adopted by the faculty of the University of Southern California, of Los Angeles; of the California Society, Sons of the Revolution, of Los Angeles; and of the California State Realty Federation, of Oakland, all in the State of California, favoring compulsory military service, which were ordered to lie on the table.

Mr. SMITH of Maryland. I present resolutions adopted by a number of patriotic societies of Baltimore, Md., which I ask may be printed in the RECORD.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

At a large, enthusiastic meeting of a number of patriotic societies of Baltimore City, Md., including the Department of Maryland, Grand Army of the Republic, and Confederate Veterans, held under the auspices of the Frederick County Colony in Baltimore, at Odd Fellows Temple, Baltimore City, Md., on Thursday evening, April 19, 1917 (the anniversary of the Battle of Lexington, April 19, 1775), the following preamble and resolution were unanimously adopted:

"Whereas a state of war now exists between the United States of America and Germany, forced upon the Government and the people of the United States by reason of the murder of its defenseless men, women, and children and the destruction of their property, as well as an intriguing attempt to dismember its territory, and that it is the imperative duty of all loyal citizens to assist in the vindication of their lives and properties; and

"Whereas it is a wise policy to profit by the experience of existing as well as past events: Therefore be it

"*Resolved*—

"First. That it is the sense of this meeting that it is the duty of the Congress of the United States to stand by the President of the United States, by enacting such laws as will immediately require a rigid conscription of its physically qualified citizens for military or naval service, as occasion may require, offering, at the same time, to its patriotic citizenship an opportunity to volunteer their services.

"Second. That copies of this resolution, properly attested, be sent to the President of the United States and the Senators and Members of Congress from Maryland."

We hereby certify that the foregoing is a correct copy of preamble and resolution passed at the meeting as aforesaid.

GEO. W. F. VERNON, *President.*
JOHN E. H. RINE, *Secretary.*

—

Whereas the Hon. Emerson C. Harrington, governor of the State of Maryland, has heretofore appointed a committee known as the Preparedness and Survey Commission, and a committee known as the County Agents Advisory Committee; and

Whereas at a joint meeting of said committees held on the 19th day of April, 1917, in the city of Baltimore, the Hon. Emerson C. Harrington, governor of Maryland, addressed said joint committees; and

Whereas it is the sense of these committees that one of the greatest needs of the farmers and one of the most difficult problems for them to solve is the securing of sufficient amount of potash to produce even average crops; and

Whereas said committees are advised that there are deposits of potash rock in the United States which have not been developed commercially, and which probably could not be worked economically after the termination of the war in competition with Germany, and that therefore the manufacture of potash in the United States has not and is not likely to be entered into upon a sufficiently large scale by private capital to meet the necessary demands of agriculture: Therefore be it

Resolved, That it is the sense of these joint committees that Congress be recommended to provide as an emergency and defense measure for the manufacture and sale by the United States Government to farmers at a reasonable price of potash for fertilizer; and be it further

Resolved, That a copy of this resolution be sent to the Senators and Representatives in Congress representing the State of Maryland.

CHAS. J. FOX,
Chairman joint committees.

—

Whereas the Hon. Emerson C. Harrington, governor of the State of Maryland, has heretofore appointed a committee known as the Preparedness and Survey Commission and a committee known as the County Agents Advisory Committee; and

Whereas at a joint meeting of said committees held on the 19th day of April, 1917, in the city of Baltimore, the Hon. Emerson C. Harrington, governor of Maryland, addressed said joint committees; and

Whereas it is the sense of said committees that in order effectively and fairly to raise armed forces and at the same time encourage the production of food products, in order that there may be no shortage in the food supply of this country, the selective-draft plan of raising such army as recommended by the President of the United States is the only effective and fair method of recruiting without depleting the farms of farm labor: Therefore be it

Resolved, That these committees hereby urge the passage by Congress of the bill recommended by the President of the United States for the raising of an army by the selective-draft plan; and be it further

Resolved, That a copy of this resolution be sent to the Senators and Representatives in Congress representing the State of Maryland.

CHAS. J. FOX,
Chairman joint committees.

Mr. SMITH of Maryland presented petitions of the Presbytery of Baltimore, of the congregation of the First Baptist Church of Baltimore, and of sundry citizens of Baltimore and Frederick, all in the State of Maryland, praying for national prohibition; which were referred to the Committee on the Judiciary.

Mr. GALLINGER presented petitions of the congregation of St. Luke's Episcopal Church, of Derry; of 20 citizens of Whitefield; of the congregation of the Congregational Church and the Christian Endeavor Society of Canterbury; of the congregation of the Baptist Church of Meriden; of the congregation of St. Mark's Church, of Ashland; all in the State of New Hampshire, praying for national prohibition during the war; which were referred to the Committee on the Judiciary.

Mr. SHEPPARD presented a telegram in the nature of a memorial of W. H. Bertrand, of Dallas, Tex., remonstrating against the drafting of men below the age of 21; which was ordered to lie on the table.

He also presented petitions of 275 citizens of the tenth congressional district of Texas, of sundry citizens of San Antonio, and of the State Convention of the Texas Association of the Young Men's Business League, all in the State of Texas, praying for the adoption of a selective draft for the Army; which were ordered to lie on the table.

He also presented petitions of sundry churches of Center and Broaddus; of the Maher Manufacturing Co., of Dallas; of the Bering Manufacturing Co., of Houston; of 64 citizens of Canadian; of 16 citizens of San Antonio; of the First Baptist Church of Robstown; of the Citizens Committee of Katy; of the Tyler Street Methodist Church, of Dallas; and of the Arthur A. Everts Co., of Dallas, all in the State of Texas, praying for national prohibition; which were referred to the Committee on the Judiciary.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time and referred as follows:

By Mr. CHAMBERLAIN:

A bill (S. 2089) for the relief of Amos Dahuff; to the Committee on Military Affairs.

By Mr. CHAMBERLAIN (For Mr. LANE):

A bill (S. 2090) granting an increase of pension to Edward Smith (with accompanying papers); to the Committee on Pensions.

By Mr. JONES of Washington:

A bill (S. 2091) to authorize and direct the Secretary of the Interior to issue patent for certain land to Estella McReynolds; to the Committee on Public Lands.

By Mr. KNOX:

A bill (S. 2092) granting an increase of pension to James S. Gray; to the Committee on Pensions.

By Mr. SUTHERLAND:

A bill (S. 2093) for the relief of James Johnson; to the Committee on Military Affairs.

A bill (S. 2094) for the relief of the heirs of Dennis C. Snook; to the Committee on Claims.

A bill (S. 2095) granting a pension to Kate G. Morris; and

A bill (S. 2096) granting an increase of pension to Isaac Wharton; to the Committee on Pensions.

INCREASE OF MILITARY ESTABLISHMENT.

Mr. CURTIS. I present two amendments to the pending bill, which I desire to have printed.

The VICE PRESIDENT. The amendments will lie on the table and be printed.

Mr. McKELLAR. I submit two amendments to the pending bill and ask that they be printed.

The VICE PRESIDENT. The amendments will lie on the table and be printed.

MOBILIZATION OF AGRICULTURE.

Mr. FLETCHER. Mr. President, I have received a cablegram from Mr. David Lubin, American delegate to the International Institute of Agriculture at Rome, and a statement as to world conditions regarding agriculture. It is a comparatively short statement, and, coming from the International Institute of Agriculture at Rome, I should like to have the cablegram and the statement printed in the RECORD.

The VICE PRESIDENT. Without objection, it is so ordered.

The cablegram and statement are as follows:

ROME, *April 2, 1917.*

Senator DUNCAN U. FLETCHER,
Washington, D. C.:

War situation bearing on economic condition and grave additional world cereal shortage render mobilization of agriculture imperative. Strongly advise you, with committee of Senate and House, to consult President on immediate passage of bill for national chamber of agriculture. Wire result of your action.

LUBIN.

THE MOBILIZATION OF AGRICULTURE—A WAR MEASURE.

WORLD CONDITIONS SHOWING THE NEED FOR THE PASSAGE OF SENATE BILL 5973 FOR A NATIONAL CHAMBER OF AGRICULTURE.

The institute's report on cereals shows that, bad as was the situation in October, 1916, it has grown even worse in March, 1917. Instead of a reserve there is now a deficit of cereals (wheat, rye, barley, oats, maize) for all the countries open to trade (exclusive, therefore, of Russia and Roumania). This deficit amounts to 35,000,000 quintals less than the normal requirements.

The following quotations are from the proof sheets of the institute's half-yearly statistical report on cereals for April, 1917, pages 20–23:

"Germany: A decree of October 28, 1914, forbids the use of wheat and rye for feeding live stock. In January, 1915, this interdiction was extended to oats, except in the case of horses, whose ration was fixed at 1½ kilograms per day.

"On January 25, 1915, a decree was issued requisitioning all stocks of wheat and rye and rye, barley, and oat meal.

"By a decree of June, 1916, the wheat and rye crops of 1916 and all supplies of flour were requisitioned, and on July 24 this measure was extended to barley and oats.

"On March 1, 1917, the Imperial Bureau of Cereals ordered that 94 pounds of flour were to be obtained from every 100 pounds of wheat and 84 pounds from every 100 pounds of rye.

"A decree of October 24, 1914, ordered that wheat bread was to contain at least 10 per cent of rye flour and rye bread at least 5 per cent of potato flour. On January 5, 1915, the order was to mix 30 per cent of rye flour in wheat bread and 10 to 30 per cent of potato flour in rye bread.

"The daily ration of bread has been fixed in January, 1916, at 200 grammes per head.

"A decree of June 26, 1916, requires all townships of more than 40,000 inhabitants to collect all the kitchen waste and remainders from meals, such as broken bread, relics of vegetables, fruit, meat, fish, soup, sauce, potatoes, including skins, and to keep them in special boxes. A penalty of 6 months imprisonment or 1,500 francs fine is provided for those who fail to collect such broken victuals or who steal them from the boxes provided for that purpose.

"Austria: A decree of January 30, 1915, provides that the flour used in making bread must consist half in wheat or rye flour and half of other farinaceous stuffs.

"A decree of February 21, 1915, requisitioned all stocks of cereals and flour; a decree of June 21, 1915, requisitioned all the 1915 crops; and a decree of June 11, 1916, requisitioned all the crops of 1916.

"A decree of March 26, 1915, fixes the ration of flour per inhabitant at 200 grams per day and introduced bread and flour cards.

"Hungary: A decree of September 8, 1916, requisitioned all stocks of wheat, rye, barley, and oats, and on the 29th of September, 1916, this measure was extended to include maize.

"A decree of February 16, 1915, ordered that 50 per cent of maize flour or 25 per cent of potato flour was to be used in bread making.

"France: A ministerial decree closed all confectioners' shops on Tuesdays and Wednesdays. A decree of February 9, 1917, forbids the sale of new bread.

"Great Britain and Ireland: A Government commission has the monopoly of importing and distributing in Great Britain and Ireland all foreign wheat, maize, and rice.

"Bread must be one day old before it can be sold. It is forbidden to use milk and sugar in baking bread. The food controller has fixed the ration of bread and flour at 4 pounds per inhabitant per week.

"Italy: A decree of February 21, 1917, orders that 90 pounds of flour shall be obtained from every 100 pounds of wheat.

"A decree of December 12, 1916, enacts restrictions on the consumption of food in hotels, pensions, restaurants, cafes, dairy shops, etc., and forbids certain foods on certain days, limits the number of dishes which may be served, etc. A decree of March 10, 1917, forbids the sale of all cakes and confectionery."

—

[From an editorial in the London Times, Mar. 24, 1917.]

For the first time since the Crimean War the price of bread in this country is to be raised to a shilling for a 4-pound loaf. * * *

The country was led to concentrate its attention upon meatless days and potatoless days, and up till now has paid very insufficient attention to the even more pressing question of bread. * * * If it is necessary to prescribe the number of ounces of meat which may be consumed at a meal in a hotel, as undoubtedly it is, why not rigidly limit the bread also? * * * The teashop requires scrutiny just as much as the restaurant. * * * Three meals a day and nothing between, ought now to be the extreme limit for everybody in the land. We shall be lucky if we do not in the end get down to two meals a day.

Possibly domiciliary search for food hoards has become necessary. * * * The food controller's suggested order touches every householder in the land, and might easily become a cause of widespread irritation.

A further reduction of the sugar ration is about to be promulgated.

(Sumbitted by David Lubin, delegate of the United States International Institute of Agriculture, Rome.)

RECESS.

Mr. CHAMBERLAIN. I move that the Senate take a recess until 12 o'clock to-morrow.

The PRESIDING OFFICER. The question is on the motion of the Senator from Oregon.

The motion was agreed to; and (at 5 o'clock and 30 minutes p. m.) the Senate took a recess until to-morrow, Thursday, April 26, 1917, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *April 25, 1917.*

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Infinite and Eternal Spirit, we approach Thee in the faith and confidence inspired by the world's great religious teacher, that Thou art a God hearing and a God answering prayer. We need the inspiration of Thy presence moment by moment, hour by hour, as the years come and go. Guide us in the great problems which confront us in the present crisis, that we may fulfill our obligations to mankind and lead on to larger and nobler life. We thank Thee for the distinguished guests from our sister nations here to consult our leaders in this hour of trial, that we may be united in thought and purpose against a common foe. Hear us and thus guide them and us by Thy counsels. In the spirit of the Master. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, its enrolling clerk, announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 1800. An act to amend an act approved June 29, 1906, and entitled "An act to authorize the Grand Lodge of the Independent Order of Odd Fellows of the District of Columbia to sell, hold, and convey certain real estate."

WILLIAM H. TOPPING.

Mr. PARK. Mr. Speaker, I present a privileged resolution from the Committee on Accounts.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

House resolution 36 (H. Rept. No. 29).

Resolved, That the Clerk of the House be, and he is hereby, authorized and directed to pay, out of the contingent fund of the House, to William H. Topping, clerk to Cyrus A. Sulloway, late a Representative from the State of New Hampshire, at the time of his death, March 11, 1917, the sum of $125, being an amount equal to one month's salary of a clerk of a Member of the House.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

JANITORS FOR COMMITTEES.

Mr. PARK. Mr. Speaker, I also submit another privileged resolution.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

House resolution 40 (H. Rept. No. 28).

Resolved, That the Doorkeeper of the House of Representatives be, and is hereby, authorized to appoint two janitors for committees located in the Capitol, at the rate of $60 per month each, to be paid out of the contingent fund of the House, during the sessions of the Sixty-fifth Congress, beginning on the 2d day of April, 1917.

Mr. MANN. Is that for the session?

The SPEAKER. It is during the session.

Mr. MANN. The first session?

Mr. PARK. The first session.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken, and the resolution was agreed to.

ASSISTANT CLERK TO THE COMMITTEE ON RULES.

Mr. PARK. Mr. Speaker, I also submit another privileged resolution.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

House resolution 66 (H. Rept. No. 27).

Resolved, That the Committee on Rules be allowed an assistant clerk at the rate of $100 per month, during the first session of the Sixty-fifth Congress, beginning the 2d day of April, 1917, to be paid out of the contingent fund of the House.

Mr. STAFFORD. Mr. Speaker, will the gentleman yield?

Mr. PARK. Yes.

Mr. STAFFORD. Is this in addition to the clerk that is authorized in the legislative, executive, and judicial appropriation bill for this year?

Mr. PARK. Yes, sir. It is a customary allowance, the gentleman from North Carolina [Mr. POU] said, for his committee.

Mr. MANN. They always give it every year.

Mr. STAFFORD. The Committee on Rules is not very active this session.

Mr. PARK. They are going to be very soon.

Mr. STAFFORD. I question if they will be pretty soon. I do not think there is need of an extra clerk, the Committee on Rules having no rules to present to the House.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

E. C. ROST.

Mr. PARK. Mr. Speaker, I also present the following resolution from the Committee on Accounts.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 55 (H. Rept. No. 26).

Resolved, That the Clerk of the House be, and he is hereby, authorized and directed to pay, out of the contingent fund of the House, to E. C. Rost, clerk to Henry T. Helgesen, late a Representative from the State of North Dakota at the time of his death, April 10, 1917, the sum of $125, being an amount equal to one month's salary of a clerk of a Member of the House.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

CLERK FOR COMMITTEE ON ENROLLED BILLS.

Mr. PARK. Mr. Speaker, I also offer another resolution.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

House resolution 63 (H. Rept. No. 25).

Resolved, That the Committee on Enrolled Bills be allowed a clerk, at the rate of $6 per diem, during the first session of the Sixty-fifth Congress, beginning the 2d day of April, 1917, to be paid out of the contingent fund of the House.

Mr. MANN. I do not remember what the practice is, but I think it ought to be an assistant clerk.

Mr. PARK. He is an assistant clerk.

Mr. MANN. The resolution does not say so.

Mr. PARK. Then I move to amend it so that it will read "assistant clerk."

The SPEAKER. The gentleman offers an amendment inserting the word "assistant."

The question is on agreeing to the amendment.

The amendment was agreed to.

The resolution as amended was agreed to.

ATTENDANT FOR LADIES' RECEPTION ROOM.

Mr. PARK. Mr. Speaker, I also present the resolution which I send to the Clerk's desk.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 43 (H. Rept. No. 24).

Resolved, That the Doorkeeper of the House of Representatives be, and he is hereby, authorized to appoint an attendant for the ladies' reception room of the House of Representatives during the Sixty-fifth Congress, at the rate of $75 per month, beginning on the 2d day of April, 1917, to be paid out of the contingent fund of the House.

Mr. MANN. Is that for the session or for the Congress?

Mr. PARK. It says for the Congress. She has about as much work in vacation as any other time.

Mr. MANN. If that is the case, I think she should be paid from the 4th of March.

Mr. PARK. This is satisfactory.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

EXTENSION OF REMARKS.

Mr. PARK. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of sweet potatoes.

The SPEAKER. The gentleman from Georgia asks unanimous consent to extend his remarks in the RECORD on the subject of sweet potatoes. Is there objection?

There was no objection.

INCREASE OF THE MILITARY ESTABLISHMENT.

Mr. DENT. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 3545) to authorize the President to increase temporarily the Military Establishment of the United States.

The SPEAKER. The gentleman from Alabama moves that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of House bill 3545.

Mr. MANN. Pending that, by uanimous consent, may I ask the gentleman whether, under the agreement entered into last night, the understanding is that general debate closes to-day?

Mr. DENT. No, sir; that was not the understanding. We have not reached any agreement on that subject yet.

Mr. MANN. Well, there was a question. The gentleman asked unanimous consent to have the general debate run not later than 10 o'clock to-night. That was not intended to close debate, then?

Mr. DENT. No; that was not intended to close debate then, unless we can reach an agreement during the day to that effect and the matter is again submitted to the House.

The SPEAKER. The question is on agreeing to the motion of the gentleman from Alabama.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 3545) to authorize the President to increase temporarily the Military Establishment of the United States, with Mr. SAUNDERS of Virginia in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 3545, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 3545) to authorize the President to increase temporarily the Military Establishment of the United States.

Mr. DENT. Mr. Chairman, I yield 20 minutes to the gentleman from Alabama [Mr. HUDDLESTON].

The CHAIRMAN. The gentleman from Alabama is recognized for 20 minutes.

Mr. HUDDLESTON. Mr. Chairman, the traditional method of raising American troops is by the volunteer system. We fought our Indian wars with Volunteers. We fought our colonial wars with Volunteers. Washington never commanded a conscript. The men who added glory to the American arms in 1812 were Volunteers. The Americans who broke the proud spirit of the veterans of the Spanish Peninsula at New Orleans were Tennessee and Kentucky Volunteers. The Mexican War was fought by men who had voluntarily given their service. They were not humble conscripts. They were not soldier-slaves, driven to the flag.

Is there any truthful man who will dare say that conscripts added anything to the undying glory that attaches to the flag of the Southern Confederacy, to the Stars and Bars? Is there a man so unmindful of our proud American traditions as that he would claim that in 1861 to 1865 any conscript contributed anything to the deeds of imperishable valor and courage that crowned the Union Armies with victory? There were no conscripts in 1898. Never down to this good day has it been proposed to place our flag in the hands of conscripts and to rest for the preservation of American honor upon men who are driven by compulsion into the ranks.

The men who propose at this time that we should commit an act are bound to give us some sound reasons for their position. It must be no mere matter of temporary convenience. It must be no mere whim. It must not be to satisfy anybody's selfish interest. It must not be for the purpose of perpetuating in this free land of a system of compulsory military service. It must have no ulterior motive. *It must have for its object the winning of this war.*

Men who take that position are bound at the outset to give us some good and satisfactory reasons for this radical change. Have Americans lost their courage? Is patriotism gone out of the land? Are we no longer free men, willing to fight for our institutions? Have we forgotten our glorious past? Have we come down at last to the worship of money and ease and selfishness?

I say it is not so. Any man who would take such a position is an unjust and libelous traducer of the fair name of our America. Any man who would impute to our people a lack of patriotism and devotion; who would say that we are less capable than the English to defend our institutions; who would say we are not as patriotic as our neighbors on the north, the Canadians; who would say that we are not able to hold up the memories and traditions that have honored this country in the past, would utter a libel on his country and his time. Surely there is none who will so befoul the time in which he lives.

We have been offered some reasons for this measure, and I want to discuss those reasons. We have been offered reasons for public consumption. We have been offered reasons to appeal to the mob with. We have been offered reasons with which corrupt newspapers may lash the unthinking into a fury. But have we been offered any reasons that should appeal to patriots and to thoughtful, sensible men? That is the question.

A PROBLEM FOR STATESMEN.

I am amazed to see men of intelligence and patriotism standing up and saying that we ought to leave all this question to the President's military advisers; that we ought to let Regular Army officers settle this matter for the American people. If it were a mere military matter, I should agree with that proposition. If it were merely a matter of how many men it takes to conduct a campaign when the campaign is laid out, if it were a matter of the best means to arm men and how they should be drilled and sent against the foe, then I would abide the opinion of some epauletted general on the subject.

But this is not a military problem. The military feature is the smallest aspect of it. It is a social question; it is an industrial question. In the big way it is not a question for soldiers. It is a question for statesmen. God grant that the American Congress can produce statesmen, enough real statesmen, to deal with a subject like this in a time like this! Are we men sent here with a commission by the people of the United States or are we contemptible cowards? Will we shift our responsibility to the shoulders of somebody else? Will we allow a lot of little editors from the back rooms of their publishing houses to dictate to us, who represent the majesty of the American people? If we are content to do that, then we may well say that some little whippersnapper of an Army officer should tell the American people what they are to do. But if we are men, and willing to meet our responsibilities as men, let us decide upon this question just as we do upon other questions, upon its merits. If we do our duty here we must deal with this matter not as one of mere military expediency but as one that touches the whole life and the vitals of the Nation. We should deal with it for ourselves like men. Let no man plead moral bankruptcy when he goes before his people.

This is much more of a social and industrial question than anything else. The people who want it—not you, gentlemen, but the people who have inspired this campaign; you know who they are—are concerned with it in its social and industrial aspects. The same ones are clamoring for conscription now that have been clamoring for it for the past two years.

Our country is now at war. We have our part to play in the terrible tragedy heretofore confined to the stage of the Old World. The vital question of the hour is how we may win the war as speedily as possible and at the least cost in blood, treasure, and American ideals.

The contest which has been going on in our country for the past two years between the conscriptionists and those who oppose that system has completely changed its aspect. The shallow arguments in favor of conscription in time of peace are no longer applicable. The pretexts that conscription is needed for its effect upon the public health, the discipline of youth, teaching respect for property, and docility to the people are now spent. Nothing that could be said on behalf of conscription in time of peace can now truthfully be said. On the other hand, every argument which has ever been made against conscription remains in effect and is stronger in the present crisis.

Although this is true, we find the same forces that originated the idea of conscription in time of peace solidly aligned in behalf of conscription in time of war. They have recruited their ranks from the frightened and thoughtless, but the commanders of the undemocratic array consist of the old guard of munitions makers, war contractors, captains of industry, Wall Street speculators, metropolitan financiers, reactionary and corrupt newspapers and all their crowd of underlings and liberty-hating parasites, snobs, and flatterers. This motley array, beating their tomtoms of fear, now are seeking to drive the Nation into the conscription trap. As was said publicly by the most prominent conscriptionist among them just before war was declared, "Now is our chance to get permanent compulsory military service. Let's make our big drive for it now while the people are excited over the war."

REASONS FOR CONSCRIPTION NOW.

In his recent letter to Representative HELVERING, of Kansas, President Wilson gave as the sole reason why conscription should be adopted at this time that those should be chosen as soldiers who could be most readily spared from other pursuits.

To say the least of it this is an inconclusive reason. The same rules may as well be applied in accepting volunteers as in selective conscription. The idea is that men occupied in necessary callings such as food and munitions production should be continued at their work, and that men who are engaged in producing luxuries and other unnecessary pursuits should be first taken for the Army. Clearly there is not the slightest reason why when a volunteer offers to enlist his occupation may not be ascertained, and if it should be one of the necessary occupations that he should be rejected. This was the course taken by the British in their enlistments and worked well; it is the method followed in Canada to-day. Surely we are not to abandon our traditional American voluntary system on such a flimsy pretext.

In shocking inconsistency with the President's argument, over 3,000 men daily are even now being recruited for the Army and Navy. More than 50,000 have been recruited since April 1. These recruits are taken indiscriminately from industry. No questions are asked as to their usefulness in their callings. They are being recruited in flat violation of the policy announced by the President.

The argument is inconsistent in itself since the plan is to conscript the least useful men between the ages of 19 and 25, so that all of the useless—call them slackers and cowards if you choose—between 25 and 45 go scot-free. Any sensible system of selective conscription would take the least useful of all ages fit for military service. What argument can there be for omitting loafers, slackers, and useless men between 25 and 45 and victimizing only the young. Is this to be a boys' war?

Another claim for conscription heard in some quarters, but not mentioned by the President, is that the voluntary system takes the best, bravest, and most patriotic and requires them to fight the battles of the country while the cowards, slackers, and useless are permitted to remain at home. This is a claim that is likely to be given some weight by the uninformed. In truth, however, it is not sustained by the facts and experience which show that very largely the same classes volunteer in time of war that enlist in the Regular Army in time of peace. There are, it is true, a small percentage of highly patriotic men who enlist in time of war, but usually these do not compose one-fourth of the total. The remainder who volunteer are adventurous spirits, men out of employment, the thoughtless, the ne'er-do-wells, the discontented, and other similar classes.

In a typical company of volunteers called during the Spanish War it was found that 18 were men who had left responsible positions and enlisted from a sense of patriotic duty; 22 were immature boys who had been overpersuaded by the recruiting officer, and who were in school or had no regular occupations; 23 for social reasons had previously served in the National Guard and felt obligated to volunteer; 24 were workmen out of jobs; 14 were idlers, transients, or nondescripts and could not be classified; 3 were freshly landed immigrants who had not become settled in the country. All of them were, no doubt, influenced to a large extent by curiosity, the spirit of adventure, and the persuasion of recruiters.

I would not, of course, leave the impression that in a war of the magnitude of the present volunteer regiments would be composed of identical material with those in the Spanish War. Also manifestly it must be impossible to learn with certainty a soldier's motive for enlisting. Again, perhaps, every volunteer has mixed motives. It is a fact, however, which will not be denied by anyone having a thorough first-hand knowledge of the subject that a majority of those who volunteer do not do so from high motives of pure patriotism, and that usually other factors than an unmixed sense of duty control. Those who have studied the subject will agree that men of the highest character and the keenest sense of duty may not as a rule be the first to volunteer. Such men have conflicting obligations which they weigh carefully. On the other hand the imprudent, the adventurous, the thoughtless, the shiftless, the homeless, these comprise a majority of those who are first attracted to the recruiting office. *The voluntary system in chief drains away the surplus men, not the ones who are most useful.* Men who are highly skilled in their trades or who have permanent positions and draw good wages are the ones who sacrifice most and hence are slow to enlist,

TROOPS RAISED MORE QUICKLY BY VOLUNTARY SYSTEM.

One of the false arguments put forth by the conscriptionists is that we have need for great armies immediately, and that troops may be raised more quickly by conscription. The fact is, as experts from the War Department admit, our armies may be recruited more rapidly by the voluntary system. To put conscription in force the entire country must be organized, agencies established, and all men subject to service enumerated and registered. This is a much larger task than taking a mere population census and would require several months' time and cost a great deal of money. The lowest official estimate of time within which men of desired ages may be registered is three months. When this is finished the process of selection and examination may proceed. Regiments must be constituted and organized outright. Conservative expert opinion is that if conscription is used it will be not less than five months before any substantial number of soldiers can be put in training.

On the other hand, if volunteers are called for they will be raised in companies and regiments and turned over to the Government as complete units. Sixty days will be sufficient to bring them into the field. Many men who have served in the Regular Army or in the National Guard and are already trained will enlist. The training will be well underway in 60 days.

It is a fact, however, that there is no occasion for haste in getting the men assembled. Under the national-defense act of 1916 the Government is already authorized by law to raise 641,000 volunteers and to increase the Regular Army to 287,000, total troops now authorized being 928,000. No effort is being made to fill up the National Guard organizations. The fact is that the War Department has not got supplies for the men already authorized, neither uniforms, guns, nor other equipment. Notwithstanding the appropriation for the Army of $287,000,000 made a year ago, there are no arms and equipment on hand sufficient for even 500,000 men. It will take until July 1 next to accumulate equipment for 500,000 men, and even at that time there will be no heavy cannon for these men. Although the money for the purpose was appropriated last year and is still in hand, no heavy cannon will be available for seven months yet.

In a recent statement Mr. Secretary Baker said:

> We will have enough supplies and equipment of all kinds, except, of course, heavy ordnance and things of that sort, which require a long time in the making, for 500,000 men by the 1st of July, and we will have adequate supplies of all kinds, except, of course, these long time-consuming constructions of heavy ordnance and things of that kind, for 1,000,000 men inside of eight months.

The Army has at this time only 690,000, all told, of the regulation rifle now in use. This includes all rifles in the hands of the Regular Army and National Guard. These rifles can not be obtained by contract, and the supply has increased only about 13,000 during the past year. Our new armies will have to be equipped with the English Enfield rifle, not so good a gun as the one now in use; and even these rifles are yet to be manufactured, and months will be consumed in producing a sufficient number.

I do not mention these facts to call attention to the shocking inefficiency of the bureaus charged with accumulating supplies for the Army. It has been no fault of Congress, for Congress has made the necessary appropriations. Congress has done all that it was asked to do. I refer to the situation to show those who press for the immediate enlistment of large numbers of men that we have no use for the men at this time. We have for them neither arms, equipment, nor supplies. They could do nothing, not even be trained, if they were now brought into the field. The question of speed in recruiting is therefore not important. *Even were haste required, armies could be raised more speedily by the voluntary system than by conscription.*

"AVOID BRITISH BLUNDERS."

We hear the cry from the conscriptionists that we should "avoid British blunders." By this glittering generality the impression is sought to be made that Britain's failure of complete success in the war has been due to the failure to adopt conscription at the beginning. This is a grossly false impres-

sion. The British have blundered in handling troops in the field and in other military and political measures. They blundered in failing to furnish their troops with an adequate supply of heavy guns and ammunition, but it can not be honestly said that there has been a blunder in their method of raising men by the voluntary system. Britain entered the war with only 175,000 regular soldiers. To January, 1916, in the British Isles alone over 5,000,000 men had been raised as volunteers. A conscription law was then passed, and something like 1,000,000 additional have since been brought under arms. To-day five out of every six men in the British Army are volunteers.

Canada has raised 400,000 men, and yet has not adopted nor have her people even considered adopting conscription.

What a commentary! The great United States, with its 100,000,000 population, with no immediate need for men and no ability to equip them, with no chance to send them to the battle field, proposes to start the war with conscription when little Canada, with less than one-tenth of our population—our immediate neighbor on the north and much the same kind of people that we are—has not even proposed conscription to this time.

Australia has also raised about 400,000 volunteers. In October, 1916, a proposition for conscription was submitted to the people of Australia and was voted down by a decisive majority.

What a commentary! Are we less democratic than the British Islands? Are we less democratic than Canada and Australia? Are we more willing to surrender our liberties and submit to an odious system of forced military service than they?

The British at all times have had plenty of men. The men were brought to the colors faster than they could be equipped. For 12 months after certain regiments had been raised they marched to and fro on Salisbury Plain, without ever having had guns in their hands. Soldiers without arms! Britain has always had the men, but she went into the war unprepared in the sense that she did not have the supplies, equipment, and the munitions. Her factories had not been organized so as to produce these articles for war. It is only now when Britain's industrial activities are coordinated for the production of war supplies that she is able to put forth her full strength. A conscript in camp is worth nothing without equipment. You can not train him. He is useless, a mere idler.

The British blunder was not in failing to take adequate measures to raise the human material for war, but in failing to foresee the immense consumption of munitions and supplies on the battle field. We have already committed the British blunder in that our officers charged with the duty of spending the money that Congress appropriated have not accumulated sufficient arms and supplies for armies that we wish to raise, and these essentials will not be available for several months yet.

As a matter of fact, conscription was never necessary in Britain. As finally adopted it does not apply to Ireland. It was adopted as a political measure rather than a military necessity. Britain has her conscriptionists, her privileged and selfish classes who have been clamoring for conscription for years. It is from them that our conscriptionists have borrowed their methods. The British conscriptionists comprise a powerful political faction; through their newspapers they hammered the Government constantly. They criticized and bullied and finally the British Government gave in. Conscription in Britain was adopted to disarm the political opposition of the conscriptionists, not because it was necessary to carry on the war.

REASONS OF THE MILITARY SATRAPY.

The powers which are seeking to fix a system of conscription upon us have one set of reasons that they give to the public, another set which they privately entertain. One reason which influences military circles is the desire to increase the numbers of the Army so as to multiply opportunities for promotion and to give an excuse for larger pay and higher rank and honors. Their objection to the National Guard and to any system of volunteering is based on their opposition to men from civil life coming into the Army as officers. The average Regular Army officer cherishes an intense caste spirit. He hates Volunteer officers, for they are his rivals. They receive rank and position which he regards as his exclusive prerogative. According to the standard of the Regular Army officer, the Volunteer officer is too democratic, too much at home with his men—treats the enlisted men with entirely too much consideration and good fellowship. He is a source of irritation in a system of rigid caste and tends to disrupt the iron discipline which would create an impassible social gulf between officer and men.

The average Army officer lives in a rigid groove of caste prejudice and professional practices. The Volunteer officer tends to disrupt this system. He brings in new ideas. He has a free and easy way of overturning precedent and ripping red tape, cardinal sins in Army circles.

The iron determination of the Regular Army officers in favor of conscription at this time as opposed to the National Guard and all other voluntary systems is based on the desire to keep the National Guard officers out of the Army, especially officers of high rank. Necessarily many thousands of new officers must be admitted, but these in the main will be unformed boys of the upper classes, who may be easily shaped into the Army caste, and all new officers will be given only the most subordinate places. The vast increase in our troops furnishes a golden opportunity for officers of the Regular Army, opportunity for rapid promotion and wide influence. With 1,000,000 or 2,000,000 men in the field every Regular Army officer of the age of 30 or thereabouts will become in due course, and without effort or merit on his part, of rank as high as colonel. Already they propose to abolish the rank of brigadier general, so that from colonel hundreds will jump to the rank of major general, with its pay of $9,300 per year. Others still will be lieutenant generals, and perhaps will go forward until we vie with the military systems of Europe with field marshals of incredibly large pay, honors, and authority.

These are the prizes for which the Regular Army men are fighting. Personal prizes, not prizes of patriotism. Small wonder, then, that the Government's military advisers are unanimous for conscription.

Perhaps there may be hope for a slightly increased efficiency under the organization which the Regular Army proposes. There will be few politicians given opportunities to make names as Army officers, and for this let us be thankful. Men are to be enlisted in regiments without regard to the localities from which they come. They are to be fed into regiments wherever required. It will be less trouble to pick up a conscript and send him into a remote regiment to fill a vacancy than to regiment men from various States and localities together. This, so the Regular Army says, is in the interest of efficiency. There will be no Alabama troops, no Ohio troops, merely troops of the United States—conscripts all.

I believe that men will make better soldiers fighting alongside their friends. Boys will be desperately homesick, driven into strange regiments without friends, acquaintances, or anyone from home, and I do not believe the system proposed by the Regular Army will in this respect make for the highest efficiency. I do not believe that the fighting qualities of an army so organized will equal that of American troops organized under the old system, where friend stood along with friend and brother by brother's side.

MOTIVES OF CONSCRIPTIONISTS.

The civilian conscriptionist has even less creditable motives than his associate in military life. For the past two years an energetic and expensive propaganda has been carried on in this country in favor of compulsory military service. This propaganda has been through books and publications issued in its behalf and the parasite newspaper organs of the selfish interests which were advocating it, by paid lecturers sent over the country, by motion pictures, and in other ways. This propaganda had its origin and has been financially supported by small groups located in financial and industrial centers and whose identity is well known.

When it appeared that war with Germany would be declared these selfish groups redoubled their activities. *As stated by one of their leaders, the war seemed to be the best chance they would ever have of putting their scheme through, so they sought to strike while the iron was hot.* A special effort was made, their vicious newspapers redoubled their efforts, prominent lecturers were sent into various centers upon various pretexts to rouse the people, to frighten them, and to prepare the way for what was to follow.

On the day before war was declared there came to me through the mail a number of pamphlets, letters, and so forth, urging a declaration of war upon Germany. This propaganda came from certain conscriptionist sources and had a common purpose. I read it with interest. One leaflet was from the Yale Club, of New York, and recited pompously that "We men of Yale" demand war with Germany, and followed that by a demand for the immediate inauguration of a system of compulsory military service. Another leaflet was from the Tavern Club, of Boston; another from the Harvard Club; another from the American Rights League, signed by Joseph H. Choate, George De Haven Putman, Elihu Root, and others. Another pamphlet was from the Union League Club, of New York, and there were others from similar exclusive organizations. This propaganda came from the most reactionary sources in the United States, the most undemocratic sources, the least enlightened sources, from those who had constantly championed conscription in time of

peace as a means to discipline youth, teach respect for law, order, and property, make society more stable, and to create a reservoir of reserves to be drawn upon in case of war. Not one of the arguments which had previously been used by these conscriptionists is now assigned by anyone connected with the Government in behalf of the proposed conscription legislation.

All of these pieces of propaganda were in substance the same. They first demanded war with Germany and, second, demanded conscription. In no instance were the reasons which are now given assigned for the latter demand.

I have before me the publication from the Union League Club, of New York. It contains the report of a special committee which, among others, included Robert Bacon, George F. Baker, Cornelius N. Bliss, jr., Joseph H. Choate, Henry P. Davison, Chauncey M. Depew, Samuel W. Fairchild, Clarence H. Mackay, Frank A. Munsey, Ogden Mills Reid, Elihu Root, Herbert L. Satterlee, Theodore N. Vail, and Cornelius Vanderbilt.

Anyone acquainted with American finance and big business will at once recognize these names. They are identified with all that is monopolistic, oppressive, and unjust in American business life. They and their associates are the men who practically run this country. They have monopolized our natural resources; they are exploiting the people, not only of America, but of a large part of the world; they control public opinion through their parasite newspapers. Indeed, they bestride the new world like colossi, and common men exist largely through their sufferance. These are they who are the champions of conscription. They are the natural enemies of democracy. There can be no democracy when these men rule. There will be none where their schemes are put through.

The interests behind conscription are largely big business and big finance. Its champions are dreamers, but they dream vicious dreams of world conquest and exploitation. Their dreams are of the American flag sent into the remote corners of the world to protect their operations and to guard the extension of the systems whereby they have brought America under their feet.

The champions of conscription, they who originated and have financed the scheme, need big armies and navies to protect their investments in foreign lands, to secure for them the safe return of dividends from concessions of mines, railroads, and so forth, and the exploitation of weak and undeveloped peoples. They cherish political schemes, for theirs is the "New Imperialism" which would place America alongside the plutocratic European nations in their conquest of the world. Under their baneful influence Dewey was sent into Manila Bay so that we might seize the Philippines as a base for expansion in China and the Orient. For them we raped Colombia of Panama, so that we might extend our operations throughout South America. For them we have sent our soldiers into Haiti, Santo Domingo, and Costa Rica and stand like a bloated bully with a drawn club over the petty States of Central America. What may be their further dreams I do not know, but I fear that they are fraught with the most evil consequences to American ideals.

The interests engaged in promoting conscription want big armies for home use. They say, "We have too much discontent, too many Socialists, too many I. W. W.'s, too many strikes, too much industrial disorder, too much freedom of speech, too many ranting demagogues and labor agitators." They would suppress all this with the iron hand of the military. They would take the youth of the land while it is yet impressionable, force it into their armies, rob it of its principles of democracy, teach it docility and respect for them and their property, so that the New World might be made over to resemble the Old, with its castes of prestige and privilege.

The financial and big business interests that are championing conscription as a permanent system see in this national crisis their golden opportunity. They have seized on the war crisis as the time to put through their scheme. It is not for the war that they wish conscription but for its effect when peace has come. With them it is now or never. They expect to commit the Nation to conscription at this time so that forced military service will be fixed on us as a permanent thing and we will never be able to shake it off again. This is the stake that they are playing for.

These forces seem to have wanted the war for the opportunity that it gives to fix their system on us. They did not want conscription for the war, but wanted the war hoping that they might get conscription out of it. They have roused themselves to their supremest activity. Every influence of which they can avail themselves is being brought to bear. They have sent out the word and their minions are lashed into a fury. Their newspapers belch out their noxious gases in the nostrils of the people, and all who may be deceived, frightened, or intimidated, all of the thoughtless, timid, or corrupt elements in the land are marshaled under their flag.

I fight these influences in defense of our national dignity and honor. I fight them as I would the foe across the sea to preserve American ideals and institutions. I will not surrender to them. I would rather die than to lose so cheaply the liberties for which our ancestors shed their blood.

CONSCRIPTION IS UNNECESSARY.

Conscription is unnecessary in two senses. In the first place, we can get all the troops we need by the voluntary system. It seems unlikely that 1,000,000 volunteers will enlist to go across the seas to shed their blood in foreign lands. If it is our purpose to send vast armies to take part in European battles, then forced service may be necessary. But if we intend to send only 500,000 men to France, enough hot-blooded Americans can be found to enlist for that adventure. Recruited to full strength, our Regular Army will comprise 287,000 and will alone furnish men for a European campaign.

Our people when they volunteer want to know what they are fighting for. If they are fighting for our national defense and honor, millions of volunteers will come forward. If the campaign is to settle quarrels between European dynasties, perhaps only the hardy and adventurous, those who will fight for the sheer love of it, will enlist.

Why not enlist two forces with a definite understanding as to what they are to do? Enlist one force for foreign service. If 500,000 will suffice, enough volunteers may be had. Enlist another force for the defense of our country with the understanding that they are not to be sent into foreign lands. No matter how many men may be desired for this force, they will readily come forward. Our people are not lacking in real patriotism. They will volunteer just as well as the British have done. Millions of Americans will rush to the flag if they are to be used only to defend our own shores.

To insist on conscription at the beginning of this war is an imputation against the courage and patriotism of our people. It is equal to a charge that they are selfish and unworthy. It is a confession upon the part of the conscriptionists that the war is not a popular war, that the heart of the people is not in the war. There may be some basis for the thought that America does not give herself whole-heartedly to this war. However that may be, our people are patriotic and there will be no lack of men to defend our country. Men will enlist whether they approve the war or the means by which it came on or not.

Conscription is unnecessary in another sense. Our Regular Army recruited to full strength is 287,000. The National Guard when recruited to war strength is 641,000, making a total of 928,000 already authorized under existing laws. No call for volunteers has been made. The President has issued no proclamation asking the people to enlist, yet they are enlisting at the rate of over 3,000 each day. This enlistment is going on although there is no equipment for the men and the States have been refused permission to muster in new regiments of National Guard or to bring the National Guard up to full war strength.

Let the President issue his proclamation asking for volunteers and authorizing the States to bring up the National Guard to full war strength. Within 60 days the entire quota of 928,000 men will be raised. We have not got guns and equipment for even these men. Surely our armies will be large enough for the present when such a vast number is brought to the colors. When these armies have been raised and equipped it will then be time to consider whether we should go further in our war preparations.

CONSCRIPTION IS UNAMERICAN.

The Revolutionary War was fought by volunteers as were our colonial wars. From the beginning of American history volunteers have been relied on in this country. Volunteer service is shrined in American tradition. It is the traditional American method of raising armies.

During the Civil War it was thought expedient in 1863 to pass a sort of conscription act to stimulate enlisting men in the Union armies. Out of 2,700,000 Union soldiers in the Civil War only about 60,000 were conscripts. The enforcement of the draft act caused riots, generally disorganized the country, and was of no real military value.

The Southern Confederacy raised a few soldiers by conscription. Most of the conscripts laid down or ran away the first battle. Many of them were Unionists and deserted to the Union Army. The attempt to conscript soldiers into the Confederate Army drove thousands of southerners who were loyal to the Union into the Federal Army. Over 30,000 Federal soldiers enlisted from Tennessee alone. Five entire Union regiments were enlisted among Confederate prisoners at Rock Island.

Desertions largely operated to break the back of the Confederacy. Many of the deserters were conscripts.

The average American likes to regard himself as a free moral agent. As a volunteer he fights heroically, cherishing the ideal that he is serving his country without compulsion. It will break the morale of our men to force them into service. Conscription is violative of American traditions. Our people may be led; they can not be driven. They are not of exactly the same stuff as the docile European conscript. It will serve to impair their fighting qualities when they look upon themselves as dumb animals driven to the trenches rather than as free Americans fighting voluntarily for their country.

It was well said in time of the Civil War that it took two good soldiers to keep one conscript in line. Under a system of conscription many will be forced to the ranks who have conscientious objections and who are dissatisfied for other reasons. A general spirit of discontent will be engendered; regiments will be honeycombed with unrest and dissatisfaction. The martial spirit of our people will be dulled. There will be many aliens in our ranks fighting against those of their own blood. I would rather have one-half the number in enthusiastic wholehearted soldiers than to infect the whole with the discontent and unrest of the unwilling minority.

If we are to expect our armies to acquit themselves in accordance with our glorious military traditions, they must fight on the same plane with the Americans of previous wars. They must have the same respect for themselves, the same ideals of freemen. They must cherish the same glorious memories. You can not get that kind of fighting out of servile conscripts.

I am able to understand the pride which a soldier may take in the name of "volunteer." I remember well the bright Sunday morning of the 1st of May, 1898, when I shouldered my rifle as a private soldier at the outbreak of the Spanish War. I remember the pride that I took in myself and in my comrades as volunteer soldiers. I was sustained throughout the trials of service by the thought that I was serving of my own accord. Always I have looked back upon my service as a soldier with a feeling of pride and added self-respect because I was a volunteer. *I am unwilling to rob the men who must fight this war of the proud name of volunteer. I am unwilling to brand them as conscripts, as those who must be forced to serve their country.*

CONSCRIPTION BREEDS FAVORITISM AND CORRUPTION.

All claims in behalf of the justice of conscription are based on the assumption that it will be fairly enforced, that the burden will rest upon all classes equally, and that it will be enforced impartially against all. Upon no other theory is the idea of conscription tolerable for an instant, but experience has shown that it opens wide the door for the gravest administrative abuses.

To bring men into the ranks under a system of conscription requires their registration, their division into classes, and so forth. Medical examinations are required, and there are many loopholes through which favored ones may escape on the way. The administration of the law will necessarily be left to a governmental bureau and its details in charge of officials, many of whom will be hastily selected petty officers. It is inevitable that there will be many instances of favoritism, perhaps even of corruption. Men will be omitted from registration, because there is no way to check the matter up. Men will be excused for falsely certified small defects, defective eyesight, hearing, or teeth, or flat feet, or rheumatism, or some minor disease. This is inevitable. It will impair the confidence of the people in the system and cause intense dissatisfaction.

It is already being planned that all the commissioned officers are to be taken from the better educated and upper social classes. Few indeed are the working men or their sons who will be allowed to wear swords. The masses will do the digging and the sweating. They will be shown the least favoritism and allowed the fewest exemptions.

The system whereby officers for the new armies will be chosen has already been exposed. They are to be taken from the idle rich men who have attended the Plattsburg camps, from college boys, and others of the upper classes. The lowest commissioned officers are to be appointed only after rigid educational tests. It will take at least a high-school graduate to stand the examinations. It is not proposed to appoint practical, every-day sort of men, used to dealing with men and affairs as officers. Rather it is intended to make commissions the prize of a sort of Chinese pedantry which will exclude all but the best educated. The truth is that there is more concern to select men who are "socially right" than those who are capable of dealing with the practical concerns of army life.

An enlisted man of the Regular Army or National Guard will have no chance for a commission based upon his record of honorable service and his capacity for performance of military duty. He must stand the test of examination in the sciences and mathematics to be admitted. Gen. Forrest, perhaps the most capable Cavalry commander that the world ever saw, would be unable to get a commission as second lieutenant in the American Army.

I am receiving hundreds of letters from men of the upper class seeking commissions in the Army; not one of these has expressed a willingness to enlist as a private. No workingman has asked for a commission. They know that there is no chance for them no matter how capable, generally speaking, they may be.

It is one thing to pass conscription laws; another to enforce them. Always it is easier to enforce the laws against the poor and humble. If any may escape their meshes, it is the classes having wealth and influence. Let no hard-handed workingman expect to find the son of the capitalist serving alongside his son on terms of equality. A way will be found to avoid that. As a last resort there are unmerited promotions and soft places to be found, perfunctory duties to be performed, easy clerkships, and such like. The toil and the drudgery, the digging and the sweating, will be reserved for the sons of the masses.

CONSCRIPTION IS DISCRIMINATORY.

Conscription is based on discrimination. It starts out with its exemptions and its methods of selection. It is not intended to rest equally upon all citizens. It culls out a few for military duty. These victims are subjected to rigid discipline and all the hardships of the campaign with the risk of their lives. The balance go free and continue to enjoy all their pleasures and privileges. Conscripts are not even chosen by lot out of the entire mass. Those above prescribed ages and following exempted callings are never under the hazard that they may be taken. Yet all these might render useful service for the State, even many of them do so now as officials and will continue to draw the salaries and enjoy all the privileges of peace.

Conscription can not be fair and democratic, unless all are taken, from the oldest down to even the youngest who is useful. If one citizen should be forced to serve the State all should be equally subject. The fact that a man can not render active service as a soldier is nothing. The civilian side of war's activity is much wider than the military side. The production of the necessaries of life for the people as well as supplies and equipment for the Army calls for vast numbers in civilian employments. If citizens may be taken for service in the trenches, why may they not also be taken for service in the fields and workshops? Why should unproductive bankers, agents, and professional men go scot-free merely because they are over a certain age or physically unsuited for trench duty? Why should not these parasite classes and social burdens be seized upon and put to doing something that is useful, something beneficial to the whole? Why should we not send them into the fields to harden their muscles and to improve their physical condition with fresh air and outdoor work?

Just conscription levies not on a few but upon all. It does not discriminate between the worker in a munition factory and a clerk behind the counter. It does not say to Jack, "You shall go to war because you are of this age," and to John, "You are free because you are a year older." It does not say to William, a clerk, "You are to go into the trenches; you are to sweat or shiver or starve and to lose your life or to come home maimed all for $15 per month," and to Henry, the munitions worker, "You are to continue on at your employment enjoying all the pleasures and privileges of peace at $5 per day."

Conscription is State slavery. It is involuntary servitude, not for crime. It is so harsh and violative of every principle of liberty that it should not be used except in time of actual necessity. It is a measure for an extremity not for ordinary times. To make it necessary the peril of the Nation should be so great as to require a supreme sacrifice from every citizen. If conscription is justified at all, then it is only when universal conscription is necessary. There should be no exemptions nor exceptions. Not that all may be needed as soldiers but that all may be needed for service for the Nation, for service for the public welfare. All should be put upon an equality without discrimination between married or single, rich or poor, educated or ignorant. Family and business ties should be ignored and every citizen regarded as merely a member of the community to serve the whole and to be cared for by the whole.

Property is not so sacred in its nature as life and liberty. The right of the individual to control his own actions is more important than his right to own property. Conscription is confiscation of men. It restrains their liberties, forces their actions, and drives them into danger, perhaps at the cost of their lives. *If conscription of men be permissible conscription of property is also justified. If men's liberties and lives may be taken for the public welfare, then property may also be con-*

fiscated. Surely it will not be argued that property stands upon higher ground than man.

A system of conscription of men which leaves property free is inherently unjust. It is undemocratic. That a man who has nothing but his life to lose shall be forced to hazard it in service for the State and that a capitalist shall preserve his property intact is shocking to an enlightened conscience.

If it be said that the conscript man is used temporarily—borrowed, as it were, for the emergency—and that the hazard of his life is a mere incident, I answer by asking why, then, should property not be borrowed, used temporarily, and returned at the end of the war? How can it be just when human material for war is taken without compensation that war supplies and finances for war may not also be taken? What justice is there when men are being conscripted that property owners should be receiving incomes from their possessions?

CONSCRIPTION IS UNDEMOCRATIC.

Why is conscription undemocratic?

First. Even when laid equally upon all ages and classes it imposes the burden of public defense equally per capita upon the population, whereas the burdens of government should be borne in proportion to the benefits received. Since property enjoys the chief benefit of government and its protection occasions the chief governmental expense it should bear the chief part of the burden of public defense. Men should be required to respond to public duty in the same measure that they receive a benefit from the public. Conscription rests the burden of public defense upon the individual without regard to property interests or benefits derived from the Government.

Second. Conscription for military duty can not be equally borne by the whole people, for many are physically unfit, others are cowards and can not fight, many are too old, many are too young, many are women; all these escape, yet all share in the benefits of government.

Third. The burden of conscription is not laid equally on all, even of those taken for service. Some 3 per cent are commissioned officers enjoying position, honors, pay, and opportunities immeasurably above the remainder; 15 to 20 per cent are petty officers enjoying superior emoluments and comforts to a marked degree. The remainder are private soldiers who do all the work and most of the suffering and get nothing in return except the scantiest necessaries of life.

Fourth. Conscription is undemocratic because it develops bureaucracy, takes the control of affairs from the representatives of the people, places it in the hands of officials who are out of contact with them. Hence the administration of the system of conscription is subject to the discretion of unresponsible officials and the peculiar subject of the grossest abuses, oppression, corruption, and favoritism.

Fifth. It is undemocratic because it forces men into an autocratic system in which respect is given to authority, not to merit, in which the rewards go to place and not to capacity, in which servile obedience is the highest virtue and independence and individuality the most serious vice. Out of this system men may come humble, docile, and unimaginative but never virile, aggressive, and reasoning citizens. Its tendency is toward autocratic and not toward popular government.

THE CRUELEST INJUSTICE.

Selective conscription, so called, is the worst form of all. It consciously and intentionally lays its burden upon a select few. It is its purpose not to reach all alike, but to victimize certain classes and callings. Its administration is left to a bureau which is out of touch with the people; that it will be the means of the grossest oppression and tyranny can not for a moment be questioned.

The cruelest feature of selective conscription, its most vicious feature, is the plan to victimize the boys of the land. It proposes to seize on those under 21. It is not content to discriminate among those of mature age, but aims its vile purpose at helpless and inoffensive boys.

What a cruel injustice to deprive a boy of his chance, to rob him of the opportunity of his youth, to finish his education, to learn a trade, to get a fair and early start in life!

The conscription of men under 21 is grossly unjust. It is undemocratic and oppressive, because it levies upon nonvoters, those who have had no voice in bringing on the war, who were not consulted, who are helpless, who are not represented in Congress or official place, boys who have no votes with which to avenge themselves upon those who would force this system upon them, who are driven like dumb helpless sheep to slaughter. The shame of it to limit the age of those who are to be conscripted at below 25! Not a Member of Congress but is above that age, not a Government official but is above that age, not an agitator for conscription from one end of the land to the other but is above that age. We would vote that on others which neither we nor any of our age or class will have to endure. This in the name of democracy!

Conscription of boys is wrong. It is foolish to take boys out of the home circle before their characters are formed, innocent boys, and unaccustomed to temptation, unschooled in the ways of the world; to take uninformed boys and thrust them into the vicious moral atmosphere of the camp, where they will be subject to every vile temptation and moral pitfall that ever lay in wait for humanity.

Conscription of boys is economically unjust and foolish. The life of a soldier is one sometimes of hardship and privation, spasmodically laborious, but chiefly that of an idler. "Soldiering" is a word that has a well-defined meaning. Boys should have a chance to finish their education, to learn a trade, and get some little start in life, to make some plans for the future. But with a year or two taken out of their lives at the beginning of manhood, taken out of their lives and devoted to army life, they will come back stripped of ambition, schooled as idlers, with no inclination to learn a trade or to prepare themselves for life.

If we are to have conscription let us spare the boys, spare them for the sake of their health, for they are physically soft and unformed, are heedless and imprudent. They do not know how to care for themselves physically nor what to eat nor drink, and they will come back from the campaign broken and bent and diseased wrecks. They will come back rheumatic and malarious. In 1915 when our country was at peace, all our soldiers living comfortably in barracks, receiving the best of food, medical attention and care, and under the most favorable conditions for health we had an average of 93,262 enlisted men in the Army. During that year alone 69,442 were admitted to the hospital for disease or injury; there were 10,045 cases of venereal disease and 358 cases of insanity, 1,351 were discharged for physical disability, and 436 died. These were carefully chosen men of ages between 18 and 35. They were subjected to the most rigid medical examination before being admitted to service. They were not reenlisted if physically defective. Practically every case of disease originated in service. This is especially true of venereal diseases, from which one man in every nine suffered. No doubt many men were diseased when discharged, no record having been made of it, and will carry through their lives the marks of service.

Yet in the face of this terrible record conscriptionists persist that Army service will promote the health and physical well-being of young men.

MY VOTE.

I will not vote for conscription unless it shall appear necessary. I will not consider conscription necessary so long as sufficient armies to defend this country can be raised by the voluntary system. I will not vote to conscript men to send them across the sea to fight the battles of European monarchs. I will not force our boys into the raging hell of Europe in order to decide whether Italy shall have Trentino, whether Bosnia shall belong to Servia or to Austria, whether Russia may sit at the Dardanelles, and whether Poland as a kingdom shall be under the control of Germany or Russia.

I clearly foresee the fury that my political enemies will raise against me at home. Already in my ears there rises the roar of the torrent of abuse and misrepresentation. I am duly mindful that I am refusing to obey the dominant voices of my city, the newspaper voices, the voices of wealth, prestige, and influence. But I am undismayed by the prospect. I hear rather the still small voice of conscience than the thunder of opposition. I hear rather the pleading mothers and the plaintive voices of common men, of those who toil while others sleep.

I have been a private soldier, and if it should be necessary will enlist again. I am willing to fight with arms in my hands in defense of our institutions. Surely, I should be willing to speak and vote to defend them. I would be willing to shed my blood defending my country against a foreign invader. I am no less willing to defend American liberties with my life if need be when they are assailed by internal foes.

I have no word of criticism for those who hold to opinions which differ from mine. This is America, the land of the free. Freedom of opinion is one of the things that makes this country worth fighting for. I respect any man's conscientious and deliberate opinions. I crave for my own the same consideration and regard. I do my duty as I see it. Let others be guided by the same light of conscience.

Mr. McKENZIE. Mr. Chairman, I yield 15 minutes to the gentleman from Alamana [Mr. BANKHEAD].

Mr. BANKHEAD. Mr. Chairman, I must make the frank confession that up until the last few days I had reached the conclusion to vote against any bill embodying the essential features of a selective draft unless predicated upon the prior use and

patent failure of a pure volunteer system. In fact, I had so stated my purpose to some of my colleagues here. I was impelled to that conviction by the very arguments used by those now supporting the majority report.

By now stating, that after more mature reflection, and after hearing the arguments urged I have reached a different conclusion and shall vote for a selective draft, or universal obligation to service, it is probable that I shall share the censure of those who are being criticized as mere rubber stamps and marionetts, to register only the will of the Executive. But I am comforted by the reflection that of all the personal autocracies known to man the most despicable and indefensible is that of intolerance of an honest conviction candidly expressed.

To take the side of voting against the selective draft would be imminently "the easiest way." It would require less explanation; it would invite no personal political disaster; but, Mr. Chairman, in an hour like this, under conditions unprecedented in our national history, in deliberating upon great questions of national policy involving even our national life, it seems to me that it is a time to subordinate every element of the personal equation and to forget the geographical confines of a congressional district, to merge these considerations into the larger necessities of a national emergency. [Applause.] Whatever of disaster or blundering our arms may suffer, the people of the tenth district of Alabama will measurably suffer with every other district in shame, in regret, in humiliations.

What is the thing we are here contriving to do? To raise a new army for national security and defense. How shall such an army be raised? From among the male citizens of the United States. And why should the Government expect them to serve as soldiers under its flag? Because of an implied and specific moral and civic obligation. If our flag has been insulted, our citizens murdered on the high seas in contravention of all law human, international, and divine; if our outraged national dignity and self-respect stands flouted before the world, are these accumulated grievances directed against us as a Nation, or only against that proportion of our people who would be gallant enough to volunteer to resent them? [Applause.] It is our national sovereignty that is defied, and not a capricious portion of our people. This Nation in its political autonomy is one fabric, indivisable and homogeneous. Whatever alien hand strikes at a single star in the flag strikes at them all, and all the peoples of the States they represent. [Applause.] Whoever would lay an impious stripe of shame upon those of honor and glory profanes at his peril a whole people. [Applause.]

So our burden and our duty in this crisis is joint, not several; it is universal, not fantastic. Who shall fill the ranks? Only those choice spirits whose first impulse of duty and honor calls them to the colors, while the slumberers and the callous share not their peril but only the fruits of their sacrifices?

It is one of the mudsills of our structure of freedom that all men are guaranteed equality of opportunity under the law, equality of protection in life, property, and the pursuit of happiness. Is it not fair, is it not just, is it not honest, that the Government should not only expect but require equality of burden under the law? What man among the slothful would be laggard in claiming the benefit of habeas corpus if improperly imprisoned or trial by jury if under indictment for felony? It is his to claim. His Government has given him that constitutional right. If his property is unlawfully seized, he invokes the writ of detinue. If his character is assailed, he can sue for defamation. But, sir, if his Government is assailed, which gives him all this protection; if the sacred traditions and inviolable rights of its citizens on the high seas are "plundered, profaned, prostituted, and disinherited," he says I will let my neighbor volunteer to look after that business; I am not personally involved. Gentlemen, is that democracy; is that even decent human conduct?

Universal obligations of service and burden are inextricably interwoven in all our political and civic relations to the State. Where is there a public treasury that would receive just consideration if the payment of taxes was voluntary? What court of justice could rely upon a single venire to try some desperate and disagreeable murder case if the jury boxes of the country only contained the names of those citizens who volunteered to perform that duty? The public highways of America in every township would soon resolve themselves into ruts and quagmires were it not for the law of compulsory road duty within certain arbitrary limitations. Every peaceful community in the country would be subject to the merciless brutality of a desperado save for the watch and ward of a posse comitatus of civilians drafted for emergency.

I can find no good reason or sound logic to urge that in the gravest of national, which really in its last analysis means personal, peril to our citizens, their wives and children and hearthstones, there should be an entirely different standard of duty for all men within the same arbitrary reasonable limitations.

It is argued that the main advantage of the majority bill is that it will give soldiers quicker than by waiting for the registration proposed by the minority plan. God knows that I am in no hurry to get them to the trenches. I still maintain that there does not now exist any justification to send an American army to Europe. I voted for the Britten amendment to the war resolution not to send our boys to the shambles except by consent of Congress, but if they are to go let us see to it by this legislation that they go thoroughly trained, equipped, experienced, and prepared for trench warfare in its abominable worst, and that they go each on equal terms of honor and self-respect and each with the consoling consciousness that if he dies on the field of honor or if he survives it was because his country called him on terms of equal dignity and justice with every comrade who shares his fate. [Applause.]

Now, gentlemen, these considerations I have suggested have been intended to touch upon the reason and justice and fairness of this proposal. There are other considerations of a practical nature that seem to me involved in this controversy.

I am a new Member of this body. I am not accustomed to the intricacies of government and government regulations, the same as you enjoy, but in my observation of human organizations I have always found it necessary to lodge and to fix the final arbitrary power with some head of some governing body.

We have as President of the United States a man chosen by popular majority of the people of this country to counsel with and admonish us upon the great questions of governmental concern; and for one I fully believe in my heart that I am speaking the sentiments of a majority of my native State of Alabama [applause], although some of my colleagues differ with me, and I recognize their right to a candid difference of opinion, when I express the belief that when the final judgment of our people is made up, that the great and overwhelming majority of the people of Alabama will say that we elected that man as Chief Executive, that we believe in him and stand behind the reasonable and logical policies of our Commander in Chief, the leader of our party, the Chief Executive of the Nation, Woodrow Wilson, and I am willing to share his judgment and to follow his leadership. [Applause.]

I believe that the moral and psychological effect of an army such as would be made up under this just and equal system would have a profound effect upon Hollweg, Von Tirpitz, Hindenburg, and the Kaiser, without firing a gun, and lead to peace; but a haphazard, half-hearted, discredited, discarded system of mobilization would tend to hearten them in the belief that a sluggish and halting policy possessed America, and that there was no real punch behind our brave words.

We have a great Council of National Defense chosen from all of the citizenship because of their expert knowledge, their experience, and their judgment, and their wisdom in broad lines of human endeavor. We have invested them with power to make suggestions to the President and Congress. We are relying in this emergency upon their wisdom; and I believe we should, without question, accept their advice and suggestions.

Why, by the same token and by the same reason, can we not afford to accept the advice of these experts who constitute the General Staff of the Army, especially when those views are concurred in by the Commander in Chief of the Army and Navy of the United States. If a volunteer is all that is needed, it appeals to me, gentlemen of the House, that these great belligerent nations in Europe who have given it a fair and impartial trial would adhere to that system instead of all of them discrediting and discarding it. Now, Mr. Chairman, a great many of us voted for this resolution declaring a state of war to exist, and I want to read a portion of it for wour reminder:

Resolved, That the state of war between the United States and the Imperial German Government which has been thrust upon the United States is hereby formally declared, and that the President be, and he is hereby, authorized and directed—

By you—

to employ the entire naval and military forces of the United States and the resources of the Government to carry on war against the Imperial German Government; and to bring the conflict to a successful termination all of the resources of the country are hereby pledged by the Congress of the United States.

[Applause.]

Gentlemen, it seems to me that that comprehensive term embraces not only railroads, not only public utilities, not only manufacturing establishments, not only all these great enterprises the Government is mobilizing to meet this emergency, but it also involves in its largest and best analysis the mobilization upon these reasonable, fair, and just restrictions of the greatest power we possess—that is, the man power of the United

States of America. [Applause.] Gentlemen, I have no desire to trespass upon the patience of the committee. A good deal has been said in the course of this debate about sending young men under the age of 21 to the war or drafting them. I agree with the proposition suggested, but that is not involved in the controversy now before the House. I am unalterably opposed to including in the selective draft young men under the age of 21 years [applause], because, my friends, I do not believe that it is just and proper; and I want to make the statement that I shall feel very much inclined to vote against the whole proposition if that amendment does not stand like it is reported by the minority to this House. A great deal has been said about womanhood and motherhood in this debate.

Gentlemen, that phase of the case has appealed to us all, no doubt; but I do not believe—and I believe I am authorized, although not personally, to make this assertion and this statement—that the motherhood of America, those glorious women who have given these sons to the Nation, that it is not their purpose and not their anxiety and not their wish in this hour, when so much is involved, to restrain and withhold their sons from equal service upon terms of equality in this great enterprise of defending the United States of America. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. ADAMSON. Mr. Chairman, I hope the gentleman from Illinois will permit the completion of this very able and interesting address.

Mr. BANKHEAD. Mr. Chairman, I would ask for a few minutes more if it is agreeable.

Mr. McKENZIE. I yield five minutes additional.

Mr. BANKHEAD. Ah, sir, I do not believe that the motherhood of America has forgotten what transpired in Belgium and northern France. I believe that behind this crusade of justice is a matter which will move the hearts of our soldiers and fill them with real courage to resent the indefensible outrages which have been perpetrated upon the motherhood and sisterhood of Belgium and France in this great and cruel struggle. Ah, I do not believe that they have forgotten Miss Cavill and those of her sort, and that they are now in this emergency, as they have always been in the trying hours of our Republic, eager and anxious to make equal sacrifice with the fathers of the country for the preservation of the institutions of liberty, equality, and justice which prevail in this country.

Now, Mr. Chairman, I am grateful for the indulgence of the committee. It is not my purpose in these remarks to say anything that might possibly, or that could possibly, wound the feeling of any of my colleagues, especially my colleagues from the State of Alabama. I regret we can not agree upon the fundamental question involved in this bill; but after, as I suggested in the beginning, mature, thoughtful, and dispassionate consideration I could not honestly reach any other conclusion except that in this emergency the bill proposed by the minority report is the wisest, fairest, most just, and democratic method to serve the interests of our people in this great national emergency. [Applause.]

The system of selection is the only way in which every man of military age, may secure a fair and square chance to serve upon terms of equality with his neighbor. The rich and poor are on the same simple level of responsibility and mutual liability to service.

This is the only way to keep this from being "a rich man's war and a poor man's fight."

It gives the President the right to say to the man on the farm, in the mine, in the cotton mill, "You are liable to service, but the country needs you more to stay where you are to produce food and fuel and clothes than in the Army, and I choose you to serve at home."

The people of my district, I know, are willing to serve their country if they know that they will be called to serve on equal terms with all and without favoritism or partiality, and in my judgment the President's plan guarantees this result.

Mr. DENT. Mr. Chairman, I yield 15 minutes to the gentleman from South Carolina [Mr. BYRNES].

Mr. BYRNES of South Carolina. Mr. Chairman and gentlemen of the House, I have been at a loss to understand the processes of reasoning by which some of the Members of the House have during the last few days suddenly become converted to the righteousness and the wisdom of immediate conscription, but the gentleman who has just preceded me can leave us in no doubt as to the reason for the position he assumes. He says that he voted for the Britten resolution, which would have prevented the United States Government from sending a soldier to France to fight the battles of this country. He says to-day he is not so very much in favor of sending the boys to the trenches, and therefore it is natural for him to take the position that he is opposed to this selective volunteer plan and in favor of this conscription plan, which would delay the raising of an Army for six months more.

Mr. BANKHEAD. The gentleman is not doing me justice. I am not accurately quoted.

Mr. BYRNES of South Carolina. I do not desire to do so. What did you say?

Mr. BANKHEAD. I said I voted for the Britten amendment to the war resolution not to send an army to Europe without the consent of Congress. The gentleman did not state that in his statement.

Mr. BYRNES of South Carolina. When did the gentleman expect Congress to send them there?

Mr. BANKHEAD. If the gentleman will permit, does not the Britten resolution——

Mr. BYRNES of South Carolina. Oh, the gentleman pictures the suffering of women in Belgium and says the women of this country have not lost their patriotism, and yet he forgot all about the suffering women of Belgium and joined the gentleman from Illinois [Mr. BRITTEN] in his effort to prevent the President from sending an army of the United States Government over to Belgium. [Applause.]

He said, my friends, that he is unalterably opposed to drafting men under 21 years of age. He says that now; but he knows and I know the Senate is going to pass that 21-year provision, and it is going to conference and it is going to come back in the bill, and the same process of reasoning that induced him to turn turtle on the conscription business will induce him to turn turtle on the age limit. He says that the volunteer system, with its sluggish mobilization, would hearten Germany. What would he do? He would follow Mr. BRITTEN in a policy described by my friend from Georgia [Mr. HOWARD] as directing the Army to "Hang your clothes on a hickory limb, but don't go near the water." [Laughter.] Would not it hearten Germany to say we are going to have war, but will not send an army unless Congress hereafter shall meet and determine that it should be sent. It is in keeping with every other argument of every man who has favored this conscription bill.

The gentleman from Massachusetts [Mr. GALLIVAN] yesterday was in favor of conscription because, he said, he thought it would keep "the Kelleys and Burkes and Sheas" at home. He favors conscription because he wants to keep the Irish in Boston, and the gentlemen who represent mining districts believe it will keep the miners at home. They tell the men from manufacturing districts that conscription will keep the skilled workers at home, and then they go down into the agricultural sections of the South and say, "We are going to keep your farmers at home." Then, in God's name, who is going to fight?

Mr. KEARNS. Will the gentleman yield?

Mr. BYRNES of South Carolina. No; I can not. I have but 15 minutes, and I can talk an hour about this, the most infamous proposition ever submitted to this or any other American Congress.

Tell me who is going to be exempted. There is but one class of people whom they say will be drafted, and that is the pool-room sharks. I have not heard a conscriptionist discuss the subject yet who did not say, "We are going to keep all the workingmen at home, but we are going to draft the pool-room fellows." Are you going to defeat Germany with an army of pool-room sharks? [Applause and laughter.] Why, my friends, they tell me that this is no sentimental thing; this is a serious thing. You are going up against the greatest fighting organization in the world. And yet in this country they talk as though the war was to be fought with billiard balls instead of bullets. If they took all of the pool-room sharks in the United States of America they would not have an army. Under the lottery you provide for in this conscription bill 4,000,000 names are put in a box and 500,000 drawn out, and the pool-room loafer has seven chances to one that he will not be drawn.

In the vain effort to bolster up this bill, what does the gentleman from Wisconsin [Mr. LENROOT] say? Now, if he can not make an argument for a proposition, nobody else here can. What did he say? He resorted to fancy and fiction instead of relying upon facts. He read here, with the evident approval of the House, figures purporting to show that one-half of the Army of the United States Government in the Civil War was 18 years old. Where did he get the figures? He said he got them from a speech made by Senator NELSON in the Senate last Saturday. I looked at them, and do you know what they show? They show that there were 1,183,130 men under 18. There were 1,158,438 men of 18. That makes 2,341,568 of 18 years and under, and as he said the total enrollment was only 2,606,000, he did not leave but 264,432 soldiers in the Union Army over 18 years of age. Who believes it? They show, further, that of those of 22 years of age there were 880,000. How could there be that many when he had left but 264,000

from 18 years up? Then I telephoned The Adjutant General's Office, and he said that there was absolutely no record in the War Department of the ages of the United States soldiers. He said that some time ago a newspaper published the statement concerning it, but it was a fake. I telephoned to Senator NELSON'S office, and his secretary said he got those figures last year from the Kansas City Star. And possibly that accounts for the attitude of the gentleman from Missouri [Mr. BORLAND]. [Laughter.]

My friends, thus it has ever been. But I have an inquisitive mind, so I inquired of the Legislative Reference Bureau for what information they had, and their information, compiled from statements of men who ought to be in a position to know, was that the average age was 25, and the secretary to The Adjutant General says that a statement compiled by them, from the survivors of the veterans of the Civil War on the Union side, shows that the average age was 28. The gentleman from Wisconsin [Mr. LENROOT] said, "Do you think that the patriotism of the boys of 18 has departed and they will not volunteer?" I ask him if he thinks that the patriotism of the men over 25 has departed, and will they not volunteer if he will only give them a chance? [Applause.]

Oh, no. This is universal! The only thing universal about it is the universal support it receives from men over 25 who will save their skins. [Applause.] Universal? The gentleman from Alabama [Mr. BANKHEAD], who preceded me, said, "Equality of opportunity." Yes. Equality of opportunity to the boys between 19 and 25, and them alone. Would he levy taxes only on the boys from 19 to 25?

They say the volunteer system would delay things. And yet every man in this House knows that under conscription, according to the department officials, it would be six months before they could put men on the training grounds. If you allowed men to volunteer and get only 250,000 in six months, you would have 250,000 more than if you relied only on conscription and waited six months.

What other argument? My good friend from Wisconsin, who tried to bolster his argument up by figures about the Civil War, turned to us and said, "You men from the South, how can you oppose this thing when the Confederate States imposed a conscription bill in the second year of the war?"

But what did he know about the forces of the Confederacy? Did he tell you that when they did that, practically every man able to shoulder a gun had already volunteered, and that in all the period from April, 1862, to the close of the war we had in the Confederate armies only 81,993 men who had been conscripted into the army, and so great was the hatred of the word "conscript" that while men were being conscripted during these years, 76,206 volunteered and went into the armies of the Confederacy of their own accord? He says if it had not been for the conscript act the Union forces would have defeated the Confederate forces two years earlier. [Laughter.] But that statement is absolutely untrue. It was not until after we conscripted men that you ever succeeded in defeating the forces of the Confederacy. [Laughter.]

What did Preston Brooks, the military historian of the Confederacy, say on that subject? He was the best authority in the United States on the subject. He said:

> Acknowledging the estimate of 600,000 as affording the most favorable possible showing for conscription (a procedure which more than makes up for the manifest inaccuracies in the report of the number of conscripts), conscription appears to have put into the war not more than 25 per cent of the total. But it is unfair to credit conscription with having augmented the armies even to that extent, because the conscripted classes were confessedly almost worthless as fighting material, and no doubt the 100,000 deserters admitted by Gen. Preston to be at large were principally conscripts.
>
> Compulsory service was, furthermore, a weakening force in that it brought conflict with the States which led to half-hearted support in some instances and did much to make service in the army unpopular. Another untoward result may be laid to the door of the system as organized—the very lax laws of exemption provided an easy and more or less honorable avenue of evasion, thereby keeping out of the armies thousands who might otherwise have been forced by public opinion to volunteer.

That is also the opinion of the gentleman from Ohio, Gen. SHERWOOD, who was an officer in the Union Army, and of every other man of like knowledge. When those conscripts were taken into the ranks of the Confederacy they lowered the morale of the army. Instead of their ranks being composed of men who fought for their homes and for their country, who fought for the ideals that they believed to be right, they had been driven into the ranks to fight as slaves, and to-day in many sections of the South the words "convict" and "conscript" are synonymous.

How about the forces of the Union? An eminent historian, Mr. Woodrow Wilson, in his history——

Mr. BORLAND. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from South Carolina yield to the gentleman from Missouri?

Mr. BYRNES of South Carolina. No; I regret I can not.

The CHAIRMAN. The gentleman declines to yield.

Mr. BYRNES of South Carolina. That eminent historian, the President of the United States, in his "History of the American People," depicts the rioting and bloodshed throughout the country that followed the attempt on the part of the United States Government to enforce conscription. Do you think the spirit of the people has changed? It has not; and when conscription is attempted in this country, especially under this infamous and unequal lottery proposition that you have here, you are going to inspire more domestic insurrection and rioting and internal warfare than you can think of, so that it will be difficult to prosecute successfully a foreign war. [Applause.]

Mr. BORLAND rose.

Mr. BYRNES of South Carolina. I know what my friend from Missouri wants to ask me. He has asked but one question since this thing started. [Laughter.] He wants to ask, "Have men not had a chance to volunteer now? And if they have not volunteered, does it not prove they will not?" [Laughter.] That is what he wants to ask.

Mr. BORLAND. Mr. Chairman, will the gentleman yield?

Mr. BYRNES of South Carolina. No; I refuse to yield. I told the gentleman so. I can not yield when I can ask his question quicker than he can do it, and answer it, too. [Laughter.]

Mr. BORLAND. The gentleman is wrong about that. I want to correct him.

Mr. BYRNES of South Carolina. The answer is this: "I do not want to join the Regular Army." Not a man in this House does, and his friends do not. For reasons satisfactory to them, they will not.

Then he says, "How about the National Guard?" If he does not know it, he ought to know it, that the War Department wants to abolish the National Guard. He knows that they construed the national-defense act as not allowing them to raise additional units. They did place that construction upon it. The members of the Committee on Military Affairs asked the Secretary of War for his authority, and when he had none he then notified the States that they could raise additional units, but he accompanied that statement with the statement that he hoped the governors of the States would not authorize the organization of additional units. Was that encouraging volunteers? Only a few thousand have volunteered in the Regular Army, but if you say that is a fair test of the willingness of this country to fight Germany, you say patriotism has departed from the country and the American people do not want this war, and you thereby reflect upon the American people and upon this administration. [Applause.]

Mr. BORLAND. Will the gentleman vote to repeal the war resolution?

Mr. BYRNES of South Carolina. No; I will not. But I can defend it, while you can not defend this infamous proposition that is presented here. I voted for the war declaration. I want to prosecute this war, but I want to prosecute it with free men and not with slaves. [Applause.] I am not going to be driven by a press-conducted propaganda, as extensive and as infamous as any other ever conducted in this Nation. [Applause.]

You can not tell me why people changed overnight. I know it is because the newspapers say, "You are not standing by the President; you are not standing by the War Department." That is what the press says. The War Department and the Department of Justice have sent a special bill down here to bridle the newspapers. The newspapers denounce it, and if you dare to vote with the administration the newspapers will charge you with voting against the freedom of speech and being but a rubber stamp. If you vote for this volunteer plan they will call you a traitor. [Laughter and applause.]

The CHAIRMAN. The time of the gentleman from South Carolina has expired.

Mr. BYRNES of South Carolina. I ask for five minutes more.

Mr. DENT. Mr. Chairman, I yield to the gentleman five minutes more.

The CHAIRMAN. The gentleman is recognized for five additional minutes. [Applause.]

Mr. BYRNES of South Carolina. They say we have got to accept what the War Department wants in this thing, because they are experts in this military business and we are not. Yet every gentleman who gets up here says "the War Department wants the age of enlistment to be fixed at from 19 to 25; but I am unalterably opposed to that. I want it raised from 19 to

21." [Laughter.] Why do they not accept the expert advice of the War Department on that?

Mr. BURNETT. Mr. Chairman, will the gentleman yield?

Mr. BYRNES of South Carolina. Yes.

Mr. BURNETT. The War Department also wants all brigadier generals to be made major generals?

Mr. BYRNES of South Carolina. Yes; which would incidentally increase their compensation from $6,000 to $9,300 a year, at a time when your people are called upon to economize and pay more taxes.

Mr. BURNETT. Do they ask for increased pay for the private soldier?

Mr. BYRNES of South Carolina. No; they are going to be conscripts, and they can not ask it for themselves.

Why, they say by this proposal you will divide this country into volunteers and slackers. You will do no such thing. You will divide this country into Congressmen and conscripts. [Laughter.] The Constitution of the United States says no man is eligible for Congress unless he is over 25. You say by this thing that every man under 25 is subject to conscription. [Laughter.] Yes; we can all laugh at it now, but, my friends, you have fixed it finely. You have fixed it from 19 to 25. If any of you suffer the misfortune to be defeated, as some of you ought to be for voting for this thing, you can go home and live in safety and comfort, and say, "I will go when my time comes," knowing your time will never come.

The gentleman from Wisconsin [Mr. LENROOT] pictures a man as walking forth from among his neighbors when he is summoned to go, and says his neighbors will look at him as he marches forth, and will say, "There goes a man selected for distinguished service. He goes to fight our battles." [Laughter.] They may do it, but if they do they ought to be ashamed of themselves. [Applause.] There are 20,000,000 men of military age in this country. Not more than 4,000,000 names of boys between 19 and 25 will be put in this lottery box, and the man over 25 is out of it. I see three homes by the side of the road. In one home is the only son of a woman who is trying to educate him. In the home to the right there are three boys between 19 and 25. In the home to the left there is one man 26 years of age. In this lottery that you provide, one out of every eight will be drawn, and it is quite possible that that only son will be called for this distinguished service. And when he goes forth the three sons in the next house may stand on the porch and say, "He goes to fight our battles," and the man of 26, who is entirely exempt from service, may point to him and say, "He goes to fight our battles," and the mother with the patriotism of the American woman may bravely smile as she bids him goodbye, but deep down in her heart she will curse the statesmanship that so framed a law as to leave all the men and take her boy to fight their battles and suffer and die in the trenches of Europe. [Applause.]

You say your proposition is efficient, that it is not sentimental. My God! you can not fight a war without sentiment. When the people's hearts are not in a war it can not be won. They say the Prussian Army is effective; that you must have an equally effective army; that you must fight them with their own methods. Is it true? Have we come to that? Must we Prussianize ourselves in order to win democracy for the people of the world? If so, what do we gain? Have you got to adopt the methods of the Kaiser in order to win democracy for the world? If so, then may you not paraphrase a question that was asked centuries ago: "What shall it profit a man if he gain the whole world and lose his own soul?" What shall it profit America if she democratizes the rest of the world and loses her own democracy? [Applause.]

The volunteer bill authorizes the President to immediately call for 500,000 volunteers. It provides that while these volunteers can select their company officers, that before an officer so selected can be commissioned he must stand the examination prescribed by the President. It provides that no man will be accepted as a volunteer if he is now engaged in any occupation that in the opinion of the President would make his service of greater value in maintaining the food supply or the industries of our country than serving his Nation as a soldier in the field. It provides further that while these volunteers are being raised the President must proceed to enroll the men of the country for the purpose of conscription, if necessary, and authorizes the President, whenever he decides that the volunteer system is ineffective, to enforce conscription. It provides further, both in the volunteer and conscriptive features of the bill, that the soldiers, so far as possible, shall be grouped into units from the States and the subdivisions of the States from which they come.

The conscription bill, fathered by the ranking Republican member, Mr. KAHN, which is the bill prepared by the War Department and which has the approval of the President, does not allow men a chance to volunteer, but provides for the raising of an army of men between the ages of 19 and 25 years by conscription, and it would give to the department the right to have a man from South Carolina assigned to a company with men from Massachusetts or Oklahoma.

It is admitted by those who favor the conscription bill that it will take at least three months to complete a census of all the boys in the United States between the ages of 19 and 25. These boys must then be examined and the physically disqualified must be eliminated from the census. They must next decide how many of the boys whose names are on this list are engaged in occupations so essential to the maintenance of the industries of the country as to justify their being exempted from Army service and eliminate their names from the list. The names that are left must be placed in a box, and in the gamble that follows the boy whose name is drawn must go to the front.

The friends of this bill assert that it will take five or six months to complete this procedure and have these conscripts sent to the training grounds. I am satisfied that it will take 10 or 12 months; but even if they are correct, and it takes but 6 months, I know of no reason why during these 6 months we should not proceed to raise an army of volunteers and place them at the training camps as quickly as they volunteer. No sane man can argue that the Dent bill means delay in raising an army. I do not believe that patriotism has yet departed from the American people, and I am confident that they will respond to the call of their country in this crisis just as quickly as they have responded to every previous call of the President of the United States. If they do, then thousands of them will be at the training grounds long before even the conscription census can be completed. But if the friends of conscription are right and patriotism has departed from the people, and this war is so unpopular as they would have us believe, and men will not volunteer, then just so soon as that is apparent, the President of the United States is authorized by the Dent bill to immediately order the enforcement of the conscription features, and as the census will then be under way, not one day or one hour will be lost by reason of the opportunity the Dent bill will give to the men of this Nation to volunteer and fight for their country.

Nor can it be said that it will be an ineffective army. Some men have suddenly discovered that the only effective army is an army of conscripts. The history of the world disproves this statement. Human nature itself revolts at the idea. No man can tell me that an army of brave men who volunteer to fight for their country and whose hearts are in the fight, who understand what they are fighting for and fight by the side of their neighbors, can ever be defeated by an equal number of conscripts who have been dragged like convicts into the fight, whose hearts are not in the fight and who fight not through love of country but because they have to do it. They claim that the history of the volunteer system of this Nation has proved it a failure, but the argument is false. The Armies of Washington, Lee, and Jackson were Volunteer Armies. Again we have never attempted to organize a volunteer army in accordance with the selective plan provided for in the Dent bill. You might just as well argue that conscription is a fraud because when resorted to by the United States Government during the Civil War it furnished an opportunity for all of the shrewd, slick cowards of the Nation to either pay their way out or swear their way out of the draft, while brave men fought for what they believed to be right.

It is proposed to give to the War Department the power to say what occupations are essential to the maintenance of the industries of the country. Every man of any influence who wants to secure an exemption for his son is going to try to have him exempted by the War Department. The poor people of this country without influence, without knowledge sufficient to enable them to frame an affidavit, and without information as to where the affidavit should be sent even if it is prepared, will have their sons conscripted while others are left at home.

In order to secure support for conscription, efforts have been made to lead the farmers of the South to believe the bill would exempt them from service. There is not one word in the bill exempting farmers from service. The Secretary of War told the Military Committee he would not say who he thought should be exempted until after the bill passed. But what his views are can be gathered from his testimony before the committee, when he said:

So far as the present year is concerned it seems unlikely that our arrangements could be perfected so as to begin the drafting of men until after the season of planting has passed and the season of cultivation is well advanced. The season of harvest would therefore seem to be this year the one we have most to consider. The Council of National Defense would undoubtedly be constantly in touch with that situation, through

the Department of Agriculture and subordinate committees, and if it should turn out to be at all a necessary thing to do, some system of furloughing from the Army during the peak load of the harvest season might be adopted to relieve the situation.

Mr. KAHN. But if our troops were sent to the battle fronts of Europe, how would you furlough the men?

Secretary BAKER. Of course, it would be impossible under those circumstances.

Again, on page 105, the Secretary of War stated:

According to the law of chances, we would get one out of five on the farm, but we would get one out of four of those who left the farms for the city.

So, if any person is supporting conscription because he believes farm boys will be exempt, he knows that the Secretary of War, who will alone have the power of exemption, says he will get one out of five of those who stay on the farm and one out of four of those who go to the city.

Whenever a man contends that the volunteer system is a failure he refers to the Army raised by us during the Spanish-American War. He overlooks the fact that while that Army was officered by men without any military training, under our volunteer plan no man could secure a commission as an officer unless he could stand the examination prepared by the Regular Army officers of the War Department.

Some of them say that the volunteer system failed in England during this war. But Great Britain, governed by a King, and without claiming for its people the democracy we claim, did not resort to conscription until a very short time ago, and under the volunteer system it raised an army of 5,000,000 men. To me this does not look like a failure. The British victories to-day are being won by the volunteer army, not one conscript having yet reached the firing line. It is much fairer to refer to the army of Canada, the nation to the north of us, as many of our people during the years past have emigrated to the agricultural sections of Canada. When called upon to raise an army, they did not resort to conscription; they called for volunteers and raised an army of 500,000 men, sent them to the fields of Europe, and whenever you read to-day of the success of the British Army you will read of the bravery and effectiveness of the volunteer army of Canada. Great Britain has not even attempted to force conscription in Ireland, and the volunteer soldiers of Ireland, and the 245,000 volunteer soldiers of Australia, to-day compete with Canada in fighting the battles of Great Britain. Whenever conscription has been urged in either Canada or Australia, it has been rejected.

To gain some support for this draft or conscription measure the newspapers have called it the universal military training bill, when they know that the two propositions are as different as day is from night, and no universal military training bill is being considered by this Congress. But they are the wise men. In the days of the Confederacy when conscription was finally resorted to, the newspaper boys were seemingly as influential as they are now. The bill was passed in April, 1862, and in October of the same year it was amended, and it was provided that editors of newspapers should be exempted from conscription. I have no doubt they were for conscription thereafter. Now, this bill limiting the ages of service from 19 to 25 will exempt them in this war. Take, for instance, a newspaper editor of 30, physically qualified, who has been clamoring for war for two years and denouncing every man who does not agree with him in everything, he is exempt under this bill and can safely remain at home. He can not claim his occupation is essential to the maintenance of the Army. On the contrary, the Government will find it necessary to bridle them. But he is exempt. I think it unfair to them and believe they should be given an opportunity to serve instead of restricting it to boys under 25.

There is absolutely no excuse for the War Department not agreeing to the provisions of the volunteer bill providing that men shall serve, so far as possible, with other men from their own communities. The Regular Army officer can have no reason for opposition to it other than his desire to abolish State designations. He wants to have no South Carolina regiments and no Georgia regiments. He wants regiments "A" and "B," and wishes to have the right to assign men to serve where he pleases. Apparently they believe it wise to nationalize the Army. It is true that some of them say that if this bill is passed they may allow men to serve with their neighbors, but they strenuously object to any such restrictions being placed in the bill, and wish to have given to them the right to assign men wherever they please. Under the War Department's conscription bill they would have the right to assign a boy from South Carolina to serve in company "A," regiment "B," by the side of a negro from Indiana. If they did this they would not have to go to Europe for war. It is true that the Secretary of War states that in the past they have endeavored to segregate the races, and he states that he presumes that in the future it will be done, but yet there is in the bill nothing that would prevent it.

I care not what they say, my knowledge of human nature causes me to believe that if a man from South Carolina is allowed to serve by the side of his neighbors and friends from his own State, in a South Carolina regiment, he will make a better soldier than if he is assigned to regiment "A" as a conscript to fight by the side of a conscript from Massachusetts and a conscript from Wisconsin. When a man goes into danger it is natural for him to want to have his friends by his side, and if the boys from South Carolina have to go to the battle fields of Europe, if they can fight by the side of their neighbors and maintain the prestige of the State from which they came they can be depended upon to fight with the same spirit with which their fathers fought in the days gone by.

Mr. Speaker, I have given to this subject the best thought of which I am capable. I have but one object, and that is to promote the cause of my country. We are at war, and I want to successfully prosecute that war. I believe it can best be done through the selective volunteer plan. I think that 60 or 90 days should be fixed as the time in which men can volunteer, and during this time the conscription machinery should be perfected, and that it be resorted to only in case the volunteers fail to respond, and in no event until the expiration of the 90 days. But I want to cooperate with the President, and if the definite time limit can not be secured I will vote to give the President the absolute power to order conscription whenever he decides the volunteer system has failed. With this absolute power he certainly will not be embarrassed by the volunteer plan.

The way to embarrass the President and injure the country abroad is to depart from the traditional method of calling for volunteers and order immediate conscription, thus creating the impression abroad that the people are opposed to the war, would not volunteer, and had to be conscripted.

I know from my conversations with Members of this House that a considerable majority of them are at heart in favor of the selective volunteer plan; and if it shall be defeated, it will be due entirely to the belief entertained by some that the President demands the passage of the War Department bill without the crossing of a "t" or the dotting of an "i." I do not believe he entertains any such view or makes any such demand. I have stood by him on every measure in his war program, and have done so because I believed he was right. But I know he respects manhood and reveres constitutional government, and I do not believe he would want Members of Congress, charged by the Constitution with the duty of legislating, to dodge their responsibility, sacrifice their conscientious convictions, and, in a matter where the lives of their people are at stake, pass a bill prepared by the War Department without any consideration. In this matter there is no principle at stake. It is a matter of policy only. I know the President would not say to us, "Yes; you give me the absolute power to order conscription whenever I decide that it should be done, but, in addition to that, I want you to say by your votes that you want me to exercise that power immediately, whether you really want me to do so or not." I have too high an opinion of him to believe he would make such a request of us. If you say, "Stand by the President," I say we are standing by him and are giving him even more than he asks for. We are giving him authority to conscript and, in addition, a volunteer army while he is getting ready to enforce conscription.

In connection with the President's views, it is fair to call attention to the statement contained in his letter to Secretary of War Garrison on February 10, 1916, with regard to the Continental Army. The President wrote:

As you know, I do not at all agree with you in favoring compulsory enlistment for training, and I fear that the advocacy of compulsion before the committee of the House on the part of representatives of the Department of War has greatly prejudiced the House against the proposal for a Continental Army, little necessary connection as there is between the plan and the opinion of the Chief of Staff of compulsory enlistment.

Again, on Memorial Day, May 30, 1916, in a speech at Arlington, he used the following words:

I have heard a great many people talk about universal training. Universal voluntary training with all my heart, if you wish it, but America does not wish anything but compulsion of the spirit of America.

I know that the President has approved of the bill drawn by the Secretary of War, but in view of the above statements I can not believe that in his heart he is very much in favor of it, and I do not believe that he will be offended at any man now giving utterance to sentiments he entertained and expressed less than a year ago.

The gentleman from Louisiana [Mr. ASWELL] stated on yesterday that he was afraid some members of the Military Com-

mittee had been influenced by political considerations. This charge is unfair and unjust. I know that the members of that committee have given the most careful study to this question. They had the opportunity to hear the witnesses for and against the bill, and by a majority of 13 to 8 decided in favor of the selective volunteer plan. Three-fourths of the Democrats on the committee favored the volunteer plan and only one southern Democrat voted against it. It is supported by the Democratic Speaker of the House and the Democratic leader. I know that if a man desired to play politics the thing for him to do is to vote for the War Department bill which was approved by the President, for then he doesn't even have to think about it, but can simply make of himself a rubber stamp and say, "The War Department asked for it, the President approved it, and the press demanded it." But, Mr. Speaker, in a matter of this kind, affecting every home in the Nation and every man, woman and child in those homes, a man can not allow his action to be influenced by political fears. He can not transfer to newspaper editors, the Secretary of War, or anybody else the right to think for him. As an honest man, elected by his people to legislate, charged by the Constitution with the duty of legislating, he must vote his conscientious convictions, for only by so doing can he retain his own self-respect and the respect of the people who have honored him with their confidence.

Mr. McKENZIE. Mr. Chairman, I yield eight minutes to the gentleman from Pennsylvania [Mr. MOORE].

Mr. MOORE of Pennsylvania. Mr. Chairman, being in very bad voice this morning I shall ask not to be interrupted, since I may not be able to finish in the time allotted to me.

Mr. Chairman, when Congress accepted the President's interpretation of the German menace to American rights it committed itself to war. It committed itself to the support of the President for a vigorous prosecution of the war. There is no escape from that conclusion, and every thoughtful citizen must agree that if democracy and the independence and permanent peace of the United States depend upon this war it is best to wage it vigorously and to an early finish. No matter whom it affects nor how disastrously the war proclamation can not now be recalled. We are in the fight and must see it through. [Applause.]

Despite the feverish criticisms of Congress by ostentatious patriots who have thus far avoided the recruiting stations, Congress has already shown its confidence in the President, a larger and more sublime confidence in a financial sense, than has ever been reposed in any ruler of any nation. But that was only the first step in our tremendous undertaking. We must now proceed further, and from furnishing money to support the President's war policy must furnish men. It is right that Congress should deliberate upon so grave a question as the sending of American boys into the trenches, and it is right that every safeguard should be thrown around them so that the sacrifies they are to make for their country shall not be in vain. It is a solemn task which confronts Congress, this duty of contributing of its own flesh and blood to a European war, and Congress is right in not proceeding too hastily; but Congress must now do its duty and do it without flinching. It must do it speedily, but fairly and justly, with due regard to the rights and liberties of the American people first. To criticize Congress for moving thus cautiously is as gratuitous on the part of American critics as it would be ungracious on the part of foreign nations who are to be the beneficiaries of American assistance. [Applause.]

It is known to this House that our participation in this European war was not of my choosing. I had hoped the peace and happiness of the people of the United States might be preserved by other means than war. My reasons were stated in the discussions preceding the final appearance of the President to tell us officially of our peril as a nation. But all that is now behind us. We can not now dally with the past; we have decided upon war and war is here. There is no room for division upon questions which have hitherto aroused our passions or that have caused us to suspect the war was brought upon us by design. We must fight as a common people in a common cause, no matter what the burdens or the torments of war, until the permanent peace of the United States is again assured. Difficult as it may be for peace-loving and peace-deserving Americans to realize the gravity of this new situation, we must now meet the conditions that confront us with practical minds and a firm determination to win.

The pending bill is not acceptable to the President and his war experts, but discussion of it has done no harm. Throughout the debate no effort to thwart the main purpose of the President has developed. Discussion has hinged largely upon the question whether the President shall have authority to draft men for the service immediately or give them a limited time to volunteer. Ultimate conscription is generally conceded on both sides of the debate. If the young men of America are given 90 days to volunteer, then conscription is to follow, if they have not appeared in sufficient numbers to fill up the quotas of the Army and Navy and of the National Guard. It is chiefly a question of time. Conscription is to come, anyhow.

I have read the committee's bill with some care and have noted that the minority desires to strike from the bill the paragraph allowing time for volunteers. It is with some satisfaction I note that those who volunteer or those who are drafted are to serve only for "the present emergency." It is not obligatory upon them to make professional soldiers of themselves and thus forsake life's civic opportunities. If that provision is maintained, it seems to me there will be less trouble in recruiting the young men of America who are willing to fight for their country but who do not desire to become mere numbers in a military aristocracy. Since Congress must furnish men to support the President, I am glad they may be drawn into the service with the understanding that independent careers still await them after the war is over. That is an American principle that ought to be preserved. [Applause.]

Another feature of the bill relates to the "selective" draft. I am not sure that I understand the full significance of the word "selective." The President, however, wants the "selective" draft, and the Secretary of War, influenced somewhat by foreign information, has indicated his cordial support of it. What does "selective" mean? If it spells favoritism—the selection of one able-bodied man who has no influential friends and the exemption of another equally serviceable, who has influential friends, I would oppose it. By a process of elimination it would be possible under such a system to establish a military oligarchy which would not be tolerated by a free people. I am convinced that the President nor the military authorities of America have any such purpose in mind; and yet I would prefer that we should be as fair in matters of conscription which affects human life as we are expected to be in the matter of taxes which relate to property. I realize the war, as now proclaimed by the United States, will fasten its burdens directly or indirectly upon all the people, but, so far as we can do so by legislation, we should make these burdens uniform and in fair proportion. If I vote for selective conscription, it will be with the understanding that no favorites are to be played, whether high or low, rich or poor. The man who shouted for war or who profited by war should not be permitted through influence or station to lay the burdens of war unduly upon his fellow man.

Now, as to conscription itself. Shall we wait longer for volunteers to fill up the depleted quotas of our Army and Navy, or shall we permit the President to proceed at once to organize his machinery for the draft? If peace is to be the more speedily restored by quick action, the answer to this query would suggest conscription. It is contended by the minority that a blast from the President's bugle horn would produce 500,000 men in 90 days. If I am not mistaken, the President has already called for volunteers, backed up by every influential newspaper, without producing desired results. The metropolitan press has been filled with alarms of war, frequently devoid of truth, but so startling as to inflame the public mind; but that call for volunteers has not been complimentary to the power of the pen. Mass meetings have passed patriotic resolutions and thousands upon thousands have cheered and waved the flag, but few have enlisted. Civic associations, encouraged by ample publicity, have done their best to stir up the workers of America to the enlisting point, but they, too, have largely wasted their efforts. The amusement places have been thronged with able-bodied men who rise repeatedly and reverentially as the band plays the Star-Spangled Banner, but the recruiting offices continue to beg for recruits. War was virtually declared April 2, full three weeks ago, and every agency of the Army and Navy and of the National Guard has been busy "badgering" men for the service. They have failed to make good the depleted quotas. What, then, shall be done to put the country in fighting trim? It is evident we can not fight battles with patriotic resolutions; neither can we win against a highly efficient organization like that of Germany with cheering patriots in theaters and moving-picture shows. Harsh and surprising as it may be, it seems necessary to resort to the draft. I have resigned myself to that conclusion, believing now that time is the important factor in all our efforts and that the 90 days of grace for volunteers will hinder rather than advance the ultimate restoration of peace. The House bill provides that men shall be drawn whose ages range from 21 to 40 years. It is said there is no dispute in the committee as to the propriety of these age limits. I am glad there is not, because I would prefer not to vote into the service lads under 21 years of age who have had no opportunity to vote upon national questions and who would thus be taken,

with or without their own consent or that of their parents. These minors, if not drafted, would have ample opportunity to volunteer if the bill passes as presented. I am not persuaded that any odium will attach to the man who is conscripted under the system proposed in this bill if its provisions are fairly administered. When all men between 21 and 40 years and capable of service are treated uniformly and without favor there can be no disgrace attached to the service. It is inequality and favoritism that justifies the criticism of conscription. If conscription is the law and one man thus drawn is not unduly preferred above another, the complaint against conscription falls to the ground. I shall vote to support conscription because it is necessary to prosecute the war. I shall support it because, as I understand it, the man who has been urging war will be required to do equal service with the man who has hoped the war might be avoided. I shall support it not because I am enamored of the principle, but because the war we have proclaimed must be fought quickly if the prestige, the peace, and the independence of the United States are to be upheld. [Applause.]

Mr. DENT. Mr. Chairman, I yield 15 minutes to the gentleman from Arizona [Mr. HAYDEN].

Mr. HAYDEN. Mr. Chairman and gentlemen of the House, this is the best piece of military legislation that has ever been offered at the beginning of any war in which this country has been engaged. A study of its terms will demonstrate that the authors of this legislation have familiarized themselves with the lessons taught by American history and that they have carefully avoided the disastrous mistakes so common in other wars.

ENLISTMENTS FOR THE WAR.

To begin with, the term of enlistment is for the duration of the war or for the emergency, so that there is no danger that when the army which we are about to raise shall reach its maximum efficiency that its ranks will be depleted by the expiration of enlistments. No more severe arraignment of the evil of short enlistments was ever made than the following statement by George Washington in a letter to the President of the Continental Congress:

> Had we formed a permanent army in the beginning we should not have been the greatest part of the war inferior to the enemy, indebted for our safety to their inactivity, enduring frequently the mortification of seeing inviting opportunities to ruin them pass unimproved for want of a force which the country was completely able to afford, and of seeing the country ravaged, our towns burnt, the inhabitants plundered, abused, murdered, with impunity from the same cause.
>
> There is every reason to believe that the war has been protracted on this account. Our opposition being less, the successes of the enemy have been greater. The fluctuation of the army kept alive their hopes, and at every period of the dissolution of a considerable part of it they have flattered themselves with some decisive advantages. Had we kept a permanent army on foot the enemy could have had nothing to hope for, and would in all probability have listened to terms long since.

SHORT ENLISTMENTS IN OTHER WARS.

Despite Washington's warning, the same mistake was repeated in the War of 1812 when of the 527,000 men called into the service of the United States but 63,000 were enlisted for a year or more, with the result that during the entire war enough trained and disciplined soldiers could not be assembled at any one time to conquer Canada, although the largest number of British regulars in the Dominion was but 16,500 men. At the outbreak of the Mexican War the enlistment period was fixed at one year, with the inevitable consequence that Gen. Scott was compelled to halt his victorious march to the city of Mexico. He was delayed for six months in the interior of the country until new volunteers arrived to take the places of the time-expired men.

The lesson, however, remained unlearned. The first call by President Lincoln for troops to "suppress the rebellion" specified that their services would be limited to three months. It has been estimated that if enlistments had been made for the duration of the war at the beginning of the conflict between the States that the war would have been shortened by at least a year and that the number of individuals employed in the military service could have been reduced by nearly one-half, with the consequent saving in lives and millions of money. Even to the present time we are directly paying for this lack of foresight, because the size of the pension roll, which still numbers over 350,000 veterans of the Civil War, would have been correspondingly reduced if the Union had been saved by a fewer number of trained men. Let us, therefore, take credit for the prudence and economy which impel us to declare in this bill that the term of enlistment shall be for the duration of the war.

RESERVE BATTALIONS.

Next in importance to enlistments for the war as a method for preventing the depletion of armies is the establishment of a system whereby the regiments at the front can always be kept at full war strength. This bill provides for the creation of a depot or reserve battalion where the recruits for each regiment can be assembled, equipped, and disciplined, so that as casualties occur at the front there will always be trained men to fill up the ranks. During the Civil War nothing of this kind was done. When a regiment was once raised by the State authorities and turned over to the Federal Government all interest in the organization ceased. The governors were more interested in granting new commissions to officers in new regiments than in providing privates to keep the old regiments at full war strength, with the result that untrained men continued to go out under untrained officers to die of camp diseases or to be slaughtered in battle through the incompetence of their commanders.

TERRITORIAL RECRUITMENT.

As a corollary to the establishment of depot battalions the bill provides for territorial recruitment, a plan for raising armies that has been adopted by every European nation, but the merits of which has never been recognized in securing enlistments for our Regular Army. It is but human nature for the soldier to prefer military service among his friends and neighbors. We instinctively dread the idea of dying alone or among strangers, and when one is asked to engage in an enterprise where the chances are that he will be required to lay down his life for his country that solemn prospect can be faced with greater fortitude if one knows that there will be some one near at hand who can at least send the word home that when the final hour came he was not a coward, but died like a man. There is nothing that promotes what the French call "esprit de corps" more than the organization of troops from the same locality, and the establishment of one or more depot battalions in every congressional district in the United States will do more to keep the army filled with willing soldiers than any other method that can be followed.

This bill for the first time at the outbreak of war recognizes the value of expanding the Regular Army and the National Guard to full war strength. Ample provision is made for filling up the ranks with recruits who, by associating with the soldiers who have seen service on the Mexican border, can more quickly be fitted for service in the field than in any other way. By following this plan we will get full value for the $160,000,000 that has been expended as the result of the mobilization of troops within the past year on our southern boundary.

BOUNTIES AND SUBSTITUTES.

In most of our wars bounties of either land or money have been offered in order to obtain enlistments. In this war we are starting out with the theory that the Government has a right to demand of each citizen that he serve his country without being paid a premium to do so. Therefore, there is no mention of bounties in this bill. For the same reason permission is not granted for drafted men to furnish substitutes. Personally I would prefer that both of these evil practices be specifically prohibited, and I shall offer an amendment to that effect when the proper time comes.

CONSCRIPTION THE ONLY ISSUE.

We are all agreed upon these most excellent features of the bill. The only disagreement is over the question of conscription. Gen. Upton, in his Military Policy of the United States, repeatedly declares that the proper way to raise armies in America in time of war is by voluntary enlistments coupled with conscription. This bill follows his advice to the letter, but that does not satisfy those who are seeking to use this legislation as a precedent for the adoption of a system of universal military training and service in time of peace. To the advocates of conscription any recognition of the voluntary principle is abhorrent, and they are therefore demanding that this bill shall provide for a draft forthwith, without waiting to see whether volunteers can be obtained or not.

THE DRAFT IN ARMY REORGANIZATION ACT.

A little over a year ago I had the honor to prepare an amendment to the Army reorganization bill, the adoption of which caused more comment and discussion than any other feature of that act. As finally perfected, my amendment provided for the organization of reserve battalions when the National Guard is in the service of the United States in time of war, and then said:

> If for any reason there shall not be enough voluntary enlistments to keep the reserve battalions at the prescribed strength, a sufficient number of the unorganized militia shall be drafted into the service of the United States to maintain each of such battalions at the proper strength.

That provision was the chief theme for Socialist orators in all parts of the United States during the last political campaign. Pacifists everywhere denounced it. I was even abused in my own State until I explained to my friends that I copied this language from the military code of Arizona, and that I believed that if such a law was good for the people of our State it would also be beneficial to the Nation.

Now, let us analyze the provision that I have just quoted. It can readily be divided into two parts: First, that if in time of war there are not enough voluntary enlistments, then, second, there shall be a draft. I was condemned as a militarist for laying down this proposition in 1916. I am supposed to be lacking in patriotism for defending this identical idea in 1917. The bill that is before the House, which I intend to support, is based upon this very principle.

VOLUNTARY ENLISTMENTS COUPLED WITH CONSCRIPTION.

The bill as favorably reported by the majority of the Committee on Military Affairs provides that the President shall immediately call for volunteers to fill up the ranks of the Regular Army and the National Guard to full war strength, and then says that if and whenever the President decides that men can not be obtained by voluntary enlistment to maintain these organizations at the maximum legal strength, then recruits shall be obtained by selective draft. There is no dispute over this part of the bill; it is agreed to by gentlemen on all sides.

The same plan for raising an additional army in increments of 500,000 is also provided for in this bill. It is with respect to these new forces that the controversy over compulsion rages, because the conscriptionists are willing to compromise by allowing volunteers to be admitted to the Regular Army and the National Guard, but they insist that from then on all new organizations shall be raised and maintained by selective draft. For the life of me I can not see why, if volunteering is thought desirable for the Regulars and the National Guard, it should be so fervently condemned in other military units. The same kind of men are to be welcomed at one place if they will volunteer but will be turned away if they freely apply for enlistment at another.

COMPULSION WHEN NECESSARY.

I am no fanatical supporter of the volunteer system. Whenever necessity demands it, conscription is justified. I have but little patience with what is called the political principle that an American citizen can not be compelled either to defend his country or to fight for the democratic principles upon which this Government was founded. In discussing this question in Arizona during the last political campaign I was particular to state on all occasions that in time of war if for any reason volunteers can not be obtained conscription is not only authorized by the Constitution, but justified by necessity.

When this country goes to war it is not your war nor my war, but everybody's war, and America has the right to say that liability to bear the brunt and the burden and the agony of the struggle shall rest on all of her sons. When that time comes no man should be permitted to pick and choose whether or not he will serve in his country's cause. We are in a great war at this very moment, a war that we must win, for if the Imperial German Government be victorious and thereby obtain dominion over the world it will be but the beginning of other wars, because humanity could not long endure the yoke.

I am not here to say that the blow that we are preparing to strike against Germany should in any wise be weakened by the failure to get recruits into our Army. There should be behind that blow every ounce of the strength of this great Nation, because the sooner the victory is won the sooner can our soldiers return to their homes and to the pursuits of peace. It is by reason of my sincere conviction that volunteers who train and fight of their own free will can hit a prompter and harder blow than conscripts that I am pleading that the voluntary system be given a fair trial before it is condemned. An army composed of men who are the masters of their own souls, men who know what they are fighting for and why, is the most effective force that we can employ to bring this war to an early and a successful termination.

PRECEDENT FOR PERMANENT MILITARY POLICY.

In addition to my conviction that volunteers will make a better fighting machine than conscripts, I have a further objection to this hasty adoption of the draft. Much as I dislike to believe it, yet I am convinced that most of the propaganda in favor of selective conscription is founded not so much upon a desire to win the war as it is to accustom the people to this method of raising armies and thereby establish it as a permanent system in this country. Every Member of the House today received a circular letter from Mr. Joseph Leiter, president of the Army League of the United States, approving the General Staff bill in toto but ending with this significant statement:

> The only objections to the administration's bill, from the standpoint of the advocates of national defense, is that it does not give the country a permanent policy. There are no provisions in it by which in the future young men can be trained in peace for war.

I have never been in favor of universal military service in time of peace. I deny that it is possible to devise a complete, coherent, and defensible system of compulsion which will apply equally, honestly, and impartially between different individuals or different classes. In peace or war the time will never come when the entire manhood of this Nation will be summoned to the colors. Unless this is done there can be no equality of service. In every drafting device it is contemplated that many shall be called but that few shall be chosen.

The only justification for conscription is that it is a prompt and a certain way to raise armies when they are needed. Disguise it as you will by the high-sounding title of "universal liability to military training and service," or with other verbal changes, to gull the public, the fact remains that the essence of the thing is compulsion to serve. We hear the phrase "equality of sacrifice" repeatedly uttered, yet there can be no such thing. One who is willing to sacrifice himself does not stop to see whether everyone else will surely do likewise. Sacrifice scorns compulsion. It springs from man's free will, and therein lies the glory of it.

A WAR TO END WARS.

No one can tell what will be the outcome of this war, but it is the devout hope of every one of us that we are making war to the end that wars shall cease. If this hope is not realized, we can at least look forward to a victory which will make the limitation of armaments a reality. Let us trust that the world will be so sick and tired of blood when this war is over that compulsory service will be unnecessary in America.

If unfortunately there should be a barren and inconclusive peace, a mere breathing spell, wherein all the nations of the earth would immediately begin active preparations to spring at each other's throats in the next great war, there may be then good reasons for maintaining a large army in the United States. Should such an evil time arrive, I shall not be found standing in the way of my country's welfare by saying that the size of the Army shall be limited by the number who will voluntarily serve in it.

THE SWISS SYSTEM.

But if a large army is necessary in time of peace it certainly should not be modeled on the plan proposed in this bill. We should in the first place follow the good example of the Swiss Confederation and dethrone the cast that now rules our military establishment by abolishing the Regular Army. Article 13 of the Swiss constitution provides: The Confederation shall have no right to maintain a standing army.

We should deny to but a few army officers a life tenure in their positions, and then if we are going to have a democratic army we should recruit into the military service every able-bodied young man in the country as he comes of age for a comparatively brief period of training, exempting no one. That would be universal service.

The selective draft does not comprehend that principle. There is a great difference between actual service and liability to service. There is too much loose talk about universal liability to service. If 10 men are liable and 1 man goes, the 1 man may give up his life in battle and the other 9 suffer not at all. That is the essence and the unfairness of the selective draft. You can not have universal service unless everyone serves. If this is done, if the reforms that I have suggested are adopted, it might be possible to have universal military service in this country without endangering our democratic institutions.

Mr. HARDY. Mr. Chairman, will the gentleman yield for a question?

Mr. HAYDEN. I yield to my friend from Texas.

Mr. HARDY. Did I understand the gentleman to say that if he believed that volunteering would not produce sufficient soldiers to win the war finally he would favor conscription from the beginning?

Mr. HAYDEN. Yes; and I shall prove that such has always been the policy among every people and in every nation on earth in the crisis of a great war.

Mr. HARDY. Then, if I understand the gentleman, his opinion is that there will never be any need to resort to conscription?

Mr. HAYDEN. No; because for the size of the army that we are to raise for this war I believe that an ample number of volunteers can be obtained. At any rate we should at least try to get them before we surrender the voluntary principle.

But the kind of conscription in time of peace that I have proposed is the last thing that the militarists, who now urge compulsion, are seeking. What they want is the creation of a still larger body of military overlords, with no other profession but that of arms. They want to have the right to select and train but a comparatively small part of our citizenry who can be disciplined by years of drilling until, like the Germans, they will fight when told to do so, no matter how unholy the cause.

I pray that the result of this war will be a peace so just and so profound that the American people will not be called upon to endure even the most democratic form of conscription.

There is no virtue in military training for its own sake. Those who preach that false doctrine do so only with a view to making an objectionable dose more palatable. No one can make me believe that the barracks is a better place for a young man than his own home. I would rather trust the morals of a boy to his own father and mother than to any drill sergeant. Neither is there much virtue in the oft-repeated assertion that Army life teaches obedience and respect for authority. Men's characters are not made strong through system of discipline which breaks down as soon as the restraining force is removed.

The primary purpose of an army is to fight for the country. Let us not advance sham reasons and false purposes to explain the existence of armed forces. We resort to the draft when we can not get men for the Army. That is reason enough and we need not hunt for another. There is no need to deceive ourselves. Compulsory military service is not founded on confidence, but upon timidity; it is not founded on freedom, but upon the denial of liberty, and it should always be avoided except when there is no other way to find soldiers.

NOT A PERMANENT MILITARY POLICY.

I am very thankful that the President and the Secretary of War had the wisdom and the courage to resist the demands of their military advisers so that we are not asked to adopt a permanent system of conscription which will endure beyond the war. President Wilson, in a published statement, has said:

This legislation makes no attempt to solve the question of a permanent military policy for the country, chiefly for the reason that in these anxious and disordered times a clear view can not be had either of our permanent military necessities or of the best mode of organizing a proper military peace establishment.

We are assured by Secretary Baker that this bill is not the beginning of the practice of universal training or service and does not commit the Government to a present decision of that problem. This legislation therefore can not be considered as a precedent for future legislation which will be binding on Congress in time of peace. The bill itself clearly and repeatedly states that the armies raised in accordance with its terms, whether composed of volunteers or conscripts, shall be disbanded when the present emergency is over.

SIMILAR ASSURANCES IN ENGLAND.

It was necessary that similar assurances be given by the Government in England before the British Parliament would consent to the passage of the compulsory military service bill. I want to put into the RECORD the statements made by the members of their cabinet to refute any claim which may be made that England, whose example we are asked to follow in all military matters, adopted conscription during the war with a view to its continuance after peace is declared. If you will permit me, I would like to read a few extracts from the debates in the House of Commons.

Right Hon. Herbert H. Asquith, the then premier, said:

Although I am, I believe, as keen a supporter of the volunteer system as any man to be found in this House, I consider this bill to be necessary.

Later in the debate he said:

My right honorable friend fears, I am sure quite genuinely and honestly, that if this bill is carried it may be used as a precedent or as a starting point for the adoption of something in the nature of general compulsion. I have no such fear.

ARTHUR J. BALFOUR.

Mr. Chairman, we have with us in America as the head of a great commission to consider the joint conduct of the war a member of the British Cabinet, who was, at the time of the consideration of the military-service bill in the House of Commons, the first lord of the Admiralty, the Right Hon. Arthur J. Balfour. Many of us had the pleasure of meeting him last night. Let us hear what he said at the time that conscription was adopted in England:

Let me repeat that I have never been one of those who looked with favor upon compulsion in any form—conscription in any form. I have never thought, so far as my knowledge goes—differing in this respect from many of those with whom I agree on almost every other political subject—that the necessity of that position had been demonstrated, and until it could be demonstrated I have always held that it should not be undertaken.

Further along in that same speech he said:

There are those who say that this is the thin end of the wedge of a permanent system of conscription. As they object, like myself, of course, to a permanent system of conscription, they say, "Do not attempt the thin end of the wedge; do not admit this small drop of poison which will permeate the whole body politic."

I believe that they are laboring under a profound mistake. I do not believe this bill is the thin end or by any conceivable turn of the wheel of fortune can be made the thin end of the wedge of the universal system of conscription.

Another member of the cabinet, Herbert Samuel, the home secretary, makes this observation:

There are, no doubt, men in this country and in the house who regard universal military service, apart from military necessity, as a good thing itself—good for the physical training of the people, good for the development of certain moral qualities, good for the inculcation of discipline. For my own part, I emphatically do not belong to that school. Those arguments appear to me to be specious. Physical training can be given far better in other ways than by military service; moral education can also be inculcated in a different fashion with much greater efficiency; and, although discipline within measure is, no doubt, a very desirable thing in a people, independence of character is even more desirable. It has always been the strength of the British nation; and for my part I would rather run the risk of having too little discipline than of having too little independence.

Now, listen to this:

If there be any attempt to introduce compulsion for the sake of establishing a system of universal military service, I, for one, am not a party to that conspiracy, and I do not think I am its unconscious dupe.

A. Bonar Law, secretary of state for the colonies, made the following declaration in the course of the debate in the House of Commons:

NEW ACT OF PARLIAMENT NECESSARY.

The bill, as the prime minister has pointed out, takes these men for the duration of the war and no further; therefore, if what they consider conscription after the war is to come, it can only come by a new vote in a new house of commons.

Arthur Henderson, president of the board of education, one of the labor members in the coalition cabinet, clearly indicated that he supported the bill because it did not mean conscription after the war:

Let me give my reasons for supporting this bill: I do so, as I have already hinted, as a convinced and ardent supporter of the voluntary system. If, therefore, I come forward on behalf of compulsion to-night, I hope the house will believe that it is only because I am convinced that some measure of compulsion is a military necessity and because I see in it none of the insidious menaces to industrial freedom of which we have heard or read so much.

At a later date Mr. Henderson said:

Not only have the prime minister and the secretary of state for the colonies given the most definite assurance that this policy does not obtain after the war, so far as this bill is concerned, but the bill itself is so drafted that the policy it sets up can not be carried on through that same act of parliament.

HISTORY OF CONSCRIPTION.

Mr. Chairman, if the House will bear with me I want to indulge in a brief discussion of the history of conscription, because there is no better way of estimating the effect of the legislation proposed in this bill than to ascertain the reasons which impelled other nations to accept the draft as a mode of raising armies. We can only judge the future by the past, and all history teaches us that it is unwise to do anything by compulsion which can be accomplished voluntarily. I believe that I can conclusively prove that it is only when there was no other way to be found, and when the need was dire, that any nation has ever adopted compulsory military service.

We are told that Cromwell's new model army, with which he liberated England, was largely composed of conscripts; but let us see what it was that induced the great commoner to adopt the draft. By the time the war had lasted a year he found that the zeal of his supporters was insufficient to fill the ranks of the army of the Commonwealth. England must be made free from the power of an absolute monarch. As the only way to win the war which established constitutional government in England, Cromwell resorted to impressment.

THE JOURDAN LAW IN FRANCE.

The first universal military-service law ever adopted by any country was passed in 1798 by the Five Hundred, which was then the legislative body in France. The newly established Republic was threatened by a coalition of kings, and greater armies were needed to meet their onslaught. On September 23, 1798, the conscription law was voted, upon Gen. Jean Baptiste Jourdan's recommendation. It declared that every Frenchman was born with the obligation of serving his country. Young men from 20 to 25 years old were divided into five classes designed to supply the necessary conscripts, beginning with the youngest. The Government was first to call the class of 20 years, then all the others in succession, according to its needs. In time of peace the conscript was to be released at the end of five years. In time of war he might be held to the colors for an indefinite period. This law, designed to meet a great emergency, fastened universal military service onto the people of France.

THE "KRÜMPER SYSTEM" IN PRUSSIA.

Prussia, defeated by Napoleon and in fear of his power, was the next great country to adopt conscription. Scharnhorst's "Memoir on the Defense of the Country and on a National Militia," which bears date of July 31, 1807, is the earliest document which sets forth the idea of universal service. The plan he proposed, afterwards known as Krümper system, was systematically put into action so that the Prussian Army came to be boastfully called "the union of all the moral and physical energies of the nation."

By a secret article of the treaty made after the peace of Tilsit, it was agreed that Prussia should limit her army to 42,000 men and should not form a militia or civic guard. Prussia had lost more than one-half of her territory and the most valuable

fortresses remained in the hands of the French. In this hour of sore distress Scharnhorst devised his plan of universal military service to regenerate the Prussian Army. By this plan the whole male population would in time pass through the army, because as the recruits became drilled they were granted furloughs and fresh men were called to take their places. Within five years Prussia had 150,000 trained men ready for the war of 1813, and they greatly contributed to the defeat of Napoleon. But by the adoption of this system the foundation of Prussian militarism was laid. This plan of universal military service, which was afterwards extended to all of Germany, is the root and source of all of the misery and ruin which has been wrought by this world-wide war.

CONSCRIPTION IN THE CIVIL WAR.

There were no pressed men in the American armies by act of Congress during the Revolution, the War of 1812, the Mexican War, or the War with Spain. It was only in the War between the States, when all recognized that the life of the Nation was at stake, that the people of this country consented to the draft. The first experiment of conscription on this continent was undertaken by the Confederate Congress in April, 1862.

It has been said that in all human history no deliberative body ever dared to push its authority so far as did the Confederate Congress in the adoption of conscription. Let us see what it was that drove the members of that body to such drastic action. In the West Fort Donelson had fallen, with the loss of 9,000 prisoners. The Confederates had been defeated in the desperate Battle of Shiloh. In the East the Army of the Potomac, large and well disciplined, was ready to advance on Richmond. The one-year enlistments of the Confederate soldiers were about to expire, so that their armies were hastening to dissolution. Upton, in his Military Policy, thus describes the situation:

A month more, or two months at the furthest, and the gigantic Rebellion, organized to establish the sovereignty and independence of the States, would be a thing of the past, its leaders fleeing from the wrath of a loyal and outraged people. The situation was desperate; the crisis had arrived; the triumph of the Union was at hand.

At this juncture it was reserved for a Confederate Congress to explain for all time the meaning and extent of the power to raise and support armies. Appalled, but not unmanned, it rose to the occasion and setting an example that was followed a year later by the National Congress, resolved to meet the emergency by declaring every man between the ages of 18 and 35 a soldier. Had it been the object of the law to force reluctant citizens into the ranks, the experiment might not have seemed hazardous, but going far beyond, to conscript armies numbering more than 100,000 soldiers who had faithfully fulfilled their engagements and were already turning their affections homeward, the temerity of this legislation finds no parallel in the history of the world. But the end justified the means; the reorganization which was languishing was immediately completed; the ranks were filled up and given the strength of increasing numbers; the Confederate armies again took the field to baffle and resist the onset of the Union hosts until, dwindling to the former shadows of themselves, they were finally compelled to lay down their arms at Appomattox Court House.

LINCOLN AND THE DRAFT.

Within a year after the Confederacy adopted conscription the Federal Government was likewise forced to resort to the draft. We are told that Abraham Lincoln approved this legislation, but let us see what it was that drove him to do so. Lincoln said:

The republican institutions and territorial integrity of our country can not be maintained without the further raising and supporting of armies. There can be no army without men. Men can be had only voluntarily or involuntarily. We have ceased to obtain them voluntarily, and to obtain them involuntarily is to draft, the conscription. If you dispute this fact and declare that men can still be had voluntarily in sufficient numbers, prove the assertion by yourselves volunteering in such numbers, and I shall gladly give up the draft. Or if not a sufficient number but any one of you will volunteer he for his single self will escape all the horrors of the draft and will thereby do only what each one of at least a million of his manly brethren have already done. Their toil and blood have been given as much for you as for themselves. Shall it all be lost rather than that you, too, will bear your part?

No one can read these words of Abraham Lincoln and then say that he favored conscription for its own sake.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HAYDEN. Will the gentleman from Alabama yield me more time?

Mr. DENT. Before I yield additional time I would like to make an announcement which I think would be of some interest to Members of the House. I had an agreement with the gentleman from California [Mr. KAHN] that in view of the large number of requests made of him and of me to speak on this bill that we will continue general debate all day to-morrow, and that I will ask the House when it adjourns, to meet at 10 o'clock to-morrow morning for that purpose, so that everybody can be accommodated who desires to speak. I yield 10 minutes additional to the gentleman from Arizona.

Mr. HAYDEN. It is universally admitted that the limited number of conscripts actually obtained in both the North and the South were almost worthless as fighting material. Many of them deserted at the first opportunity and but few showed that they had any heart in the work of the war. The chief result of the draft on both sides was that this plan kept thousands of veterans in the armies who would have otherwise been discharged and other thousands voluntarily enlisted to avoid the odium of compulsion. The laws for the draft indirectly supplied the need for soldiers, which caused its passage, but I have yet to hear of anyone who has pointed with pride to the fact that such legislation was necessary.

CONSCRIPTION IN GREAT BRITAIN.

In Great Britain we have the latest example of a free people who have been driven by military necessity to adopt conscription. After raising over 5,000,000 soldiers by voluntary enlistments the British Parliament reached the conclusion that the failure to bring every available man into the army meant the triumph of Germany with all that that implies. The issues at stake were so vital and the successful conclusion of the war so essential to the future welfare of the English people that they broke with the greatest of their traditions and accepted universal compulsory military service during the present war. David Lloyd-George, the then minister of munitions, gives all the reasons in a few words:

Those who are responsible for the conduct of this war, the most serious war in which we have ever been engaged, a war in which there are greater issues involved to this country and for humanity than any other war that has ever been waged, are advised by the military authorities that it makes a difference possibly between defeat and victory for us to secure these men. We can not find other means of getting them; we must get them immediately. * * * I would rather be driven from public life than have on my conscience the refusal of such a demand.

The sum and the substance of all of these references to history is that the citizens of no country have been willing to yield up their personal liberty and to sacrifice their individual freedom except where it was brought home to them that there was no other way to save their country. When such necessity has been proven the burden is accepted, rights are waived, and every available man is called up and made ready to go into the field to fight, and if need be to die, that the Nation may live.

Mr. BORLAND. Will the gentleman yield?

Mr. HAYDEN. I have but 10 minutes.

Mr. BORLAND. I will make a very short question.

Mr. HAYDEN. I yield.

Mr. BORLAND. The gentleman is in favor of the draft if it is necessary to win the war?

Mr. HAYDEN. Yes; if absolutely necessary.

Mr. BORLAND. Does not the gentleman think that the British arms would have been more effectual and probably have shortened the war if they had resorted to draft at first instead of at last? I would like to have the gentleman discuss that proposition.

Mr. HAYDEN. If the British Government had done as we are proposing to do by this bill, they would have promptly accomplished every military purpose. That is to say, called for volunteers with the draft ready for action instead of getting soldiers after months and months of waiting.

Mr. BORLAND. The gentleman thinks this prolonged the war on the part of the British Government?

Mr. HAYDEN. That is the universal testimony.

Mr. FIELDS. Will the gentleman yield for an observation?

Mr. HAYDEN. I yield to my friend from Kentucky.

Mr. FIELDS. The mistake of the British Government was not in the amount of men they got but because they had no safeguards around the volunteer system, and therefore they enlisted men whose services were indispensable in the industries upon which the success of the army must depend.

Mr. HAYDEN. Yes; and I want to compliment the members of the Committee on Military Affairs for the safeguards which they have placed in this bill which do so much to perfect the volunteer system.

Mr. FIELDS. We have put those safeguards in our bill.

Mr. HAYDEN. The volunteer system, with proper safeguards, should have a fair trial in this country. Until it has been tried we should, at least, preserve the voluntary principle and we should not be hasty in doing away with it.

Mr. MASON. If the gentleman will yield, I understand they are enlisting now, under present conditions, at the rate of 4,000 a day, and the Secretary of the Navy makes the statement he was enlisting more rapidly——

Mr. HAYDEN. That may be true in the Navy, but it is hardly true in the Army. I desire to state in conclusion that the question before this House to-day is, has such a compelling military necessity been proven that we should abandon the traditional plan of raising armies by voluntary enlistments and secure our soldiers by conscription? No one is more anxious than I to see all those who fight for democracy emerge victorious from this war, and if I believed that nothing but an army composed of millions of Americans could bring about the destruction of Prussian militarism, which threatens to involve the world, I would not hesitate to vote to draft all the men that are needed to complete the work so nobly begun by our fellow democrats who are fighting in France. But, as I view

the situation, it is not more soldiers that the allies need in order to bring the Teutons to terms. The fighting forces of the entente powers now outnumber our enemies by over 4 to 1. It is not men, but munitions and rations, that are needed to win this war. The least service that the United States can render is to add to the already overwhelming numbers at the front.

FOOD, CLOTHING, AND AMMUNITION NEEDED.

Our chief part in this conflict, and for it we are well prepared, is to see that the veterans who have learned through two bitter years of struggle the way to drive the Germans back shall not suffer for food or clothing or for an abundance of all forms of the arms and ammunition which are required in such great quantities in modern warfare. Our people are not trained to arms, and the year that must be spent before any large number of our soldiers can be fitted for service on the battle fields of Europe might better be spent in using these same men in the production of the things that the allies most sorely need. It follows logically that if our greatest contribution to the war is to be in the form of the products of our fields and mines and factories, then but a limited number of men should be permitted to cease from work of national importance in order t become soldiers. To send such men out of the country would be not only an economic but a military waste.

MILITARY NECESSITY NOT PROVEN.

Lincoln said:

We must somehow obtain more men or relinquish the original object of the contest, together with all the blood and treasure expended in the effort to secure it. * * * We have ceased to obtain them voluntarily.

Lloyd-George said:

We can find no other means of getting men; we must get them immediately.

Can anyone favoring conscription advance like reasons at this time? No; for the voluntary system has not been even tried. No call has been issued asking for willing soldiers for this war, and if the officers of the Regular Army have their way, no such call will even be made. It is their desire that a vast horde of men shall be forced to present themselves for inspection and that out of this great number the best shall be taken to serve in the Army. This bill, temporarily at least, denies these officers that privilege by saying that those who freely offer their services shall be first enlisted and that if enough come forward of their own free will there shall be no draft. The American volunteer, under trained officers, can more quickly learn the art of war than any other man on earth. Why waste time teaching unwilling conscripts when better material can be had for the asking? Who knows how many Americans will volunteer? Nobody. The only way to find out is to try, and I want to see every proud-spirited man given a chance to volunteer before any man is drafted.

OBJECT OF THE WAR.

What are we fighting against in this war? Autocracy and militarism. We want to see the German people delivered from a system of government which lodges the war-making power in the hands of the Kaiser. But however much the Emperor of Germany might have the will to make war, he would not do it if he did not have a conscript army ready to obey his commands. Therefore to have permanent peace in the world we must not only destroy kaiserism but we must take away the facile weapon of tyranny which enables him to terrorize the world. Let us not pay Prussian militarism, which we are seeking to destroy, the compliment of adopting the most hateful and the most baneful of its institutions.

Mr. FIELDS. Mr. Chairman, I yield 15 minutes to the gentleman from Illinois [Mr. STERLING].

Mr. STERLING of Illinois. Mr. Chairman, there has been much confusion in the public mind as to the purpose and purport of this proposed legislation. Many of the members, I am sure, have received letters and messages from people throughout the country urging them to stand by the President's plan of universal military training and universal military service. Some of them have said that they believed in the principle of universal obligation to military duty. There has been a propaganda throughout the country for conscription under the disguise of universal military service [applause] and universal military training. Of course no Member of this House is deceived by that disguise. We all know there is nothing in the House bill, nor the Senate bill, nor in any amendment that has been proposed, so far as I know, that relates in any way to universal military training or universal military service. The only proposition before this Congress that in any way relates to the principle of universal obligation to perform military duty is the provision providing for conscription which denies the principle of universal obligation to military service. [Applause.]

It is proposed by this plan of conscription to compel 2,000,000 men to fulfill their obligation to the Government and deny to 20,000,000 men of serviceable age the right to fulfill their obligation to the country to do military service. You strike a blow at the most fundamental principle of government and at the most sacred duty of the citizen. [Applause.] Yet it has been sent out broadcast throughout the country that some of us are opposed to the principle of universal obligation to do military service. If there are any here who do not recognize the principle of universal obligation, it must be those of you who would force the burden of defending their country on the few and deny to the many the privilege of fulfilling their obligation—that same obligation to defend their country. This obligation is admitted by all. The proposition is not susceptible of argument. It is the very fundamental truth on which human government is founded. The solemn oath to defend is born with every native and subscribed by every naturalized citizen. Nobody but an anarchist would deny the principle of universal obligation to defend his country in the hour of need. There is no issue of that kind before us and these propagandists have sought to deceive the people.

What is the issue before the House? We are at war and all agree that we must raise an army. How shall we raise it is the sole question. You gentlemen who favor conscription have the burden to show to the country that conscription is better than the system that we have followed from the beginning of the Republic. You are seeking to substitute a military plan that has never been tried by this Government at the beginning of any war for one that has given us the best armies in the world, and has been the glory of our soldiery and the pride of the American people. It was the spirit of the volunteer that has conquered every foe with whom we have contended. Yet men have charged that is a failure. Where has it failed? Not a man on this floor has pointed to a single instance where the American Volunteer Army has failed. [Applause.] I defy any man who has spoken or who is to speak, to show us where such failure is recorded in history. The only instance that I know where conscripts fought on American soil were the Hessian mercenaries, which surrendered without firing a shot, and those Hessian conscripts were made prisoners by a little band of Volunteers who crossed the Delaware on the ice in the night time. [Applause.] Where in the history of our Republic will you go to find proof for conscription? He who charges failure of the volunteer plan does not know or is not true to the history of his country.

I am in favor of universal military training. Next to these important, these immediate war measures now before Congress, the most important thing we could do would be to adopt a system of universal military training. And I am in favor, too, of universal military service to the utmost limit of the country's need. But you gentlemen who profess to stand for these things would nullify the very principle of universal obligation by limiting the opportunity to service to a very few.

Gentlemen have produced some strange arguments here in favor of conscription. One gentleman said yesterday that if we adopted the volunteer system and it failed, and we had to resort to conscription, it would be an indication to the world that the spirit of America was not in this war. If we adopt conscription now, will not our enemy have the same reason to say, right at the very inception of the war, that the spirit of the American people is not in favor of the war?

My colleague from Illinois [Mr. MCKENZIE] eloquently portrayed to this House the horrors of raising an army by a volunteer system. He said the politicians would appeal to the passions of men; that by impassioned speech they would create hard feelings in the minds of the soldiers against our enemy, and inspire bitterness and hatred in their hearts. It is that very spirit that rules nations at war and is a splendid spirit for a soldier to have who goes out to fight. What will you do with these conscripts? Will you teach them "peace on earth, good will to men," and send them across the ocean to be shot by the guns of the Kaiser, or will you have them shoot back? They say they will not enlist, that the young men of America will not volunteer. How do you know that? They have always volunteered. Never in the history of our country has the country needed volunteers but that it got them. Point to a single instance where we did not have enough volunteer soldiers to fight our battles and to win our victories.

Mr. TILSON. Will the gentleman yield?

Mr. STERLING of Illinois. Yes.

Mr. TILSON. What about 1863?

Mr. STERLING of Illinois. Does the gentleman cite the Civil War as a failure of the volunteer system? [Applause.] Did it not succeed then? Does any gentleman still think that war a fail-

ure? Did not the volunteer soldiers of the North come forward as fast as the Government could use them? Two and one-half million men volunteered and only 61,000 were drafted. Do you conscriptionists point with pride to any great victories won in the Civil War by the conscripts? Not one regiment of them was at the front in a single battle.

Mr. TILSON. Why did they pass a draft act at all?

Mr. STERLING of Illinois. I suppose they passed it to get some of the skulkers that would not volunteer. If they passed it to get soldiers, they were disappointed. The gentleman from Wisconsin on yesterday cited the draft riots of the Civil War as an argument in favor of the draft system. Now, just think of it! The conscript law of 1863 when enforced caused riots; therefore we should have another conscript law. What a pitiable spectacle this great Republic would present to the nations if we, by some unwise step now, in adopting a conscript system, would cause draft riots in the United States at the very inception of this war. Let those volunteer who will, and then public sentiment will sustain the draft of those who will not.

It was the volunteers who fought the battles in the War of 1812. Whatever degree of failure we suffered in that war, it is not chargeable to the volunteer army. It was due to the fact that a little band of miserable pacifists concluded a treaty of peace before Jackson could get his volunteers into action. And then those volunteers were so determined to whip somebody that they whipped an army of twice their size in a period of profound peace. It is true they did not know that peace had been declared, but they knew that an armed force had invaded American territory, and to the volunteer that is sufficient. I remember so distinctly the account of the casualties as given in the old school history which I studied when a boy. It was like this: "British killed, 2,600; Americans killed, 8; wounded, 13."

Another reason for conscription, urged by those who favor it, is that it takes all the men into the service on an equality. That suggestion is abhorrent to me. You take away from the man who stands ready and willing to defend his country the glory that he is entitled to. On account of that splendid spirit you have no right by legislation to deprive him of that glory. By the very law of good and evil he is entitled to it. It proves his appreciation of his obligation, and society, by its decree, has crowned that man with the glory which he has earned. Why should you seek to put the sluggard on the same plane? He has earned no such place in the public favor. It is not in the heart of him to realize his obligation to his country, and he is not entitled to be placed by law in the same class with the man who will cheerfully offer his sacrifice on the altar of his country. The volunteer is entitled to the distinction, and the conscript deserves the stigma. The decree of society in this is inexorable, and you can not change it by legislation. It is in the very nature of human government for citizens to do homage to the man who willingly defends it. Away with this false doctrine that he who is willing and he who is unwilling should by legislation be placed on the same dead level. Would you take away from the soldier his greatest inspiration and kill the very spirit of patriotism on which our Republic must depend for its defense in the hour of trial?

Let me answer those who urge conscription on the ground that the American youth will not volunteer to fight his country's battles. You gentlemen get that from the War Department. I submit that it does not take a military expert to tell Members of Congress whether or not the young men of the country will enlist in their country's cause. We ought to know better the feeling of the people than the military man who stands aloof. I am willing to defer to military authority in matters pertaining to an army, but I am not willing to defer to them as to the best means of raising one. The Constitution devolved that duty on us, and the man who votes for conscription because the President wants it is shirking his responsibility. Even though the President is willing to assume the responsibility, we have no right to evade it, and we ought to be willing to perform our duties in accordance with our convictions. I have heard Members of this House say that they much prefer the volunteer system, but they defer to the President in the matter and will vote for conscription.

I believe that men will volunteer in the Army for the war. They will come faster than the War Department is prepared to train and equip them. I believe that we should give the President the best army the country will produce, and my judgment is guided by the experience of the past when I resolve that the volunteer plan is the surest way to get it. I am guided by history, and I know of no reasons why the teachings of the past should be ignored. The Army men tell us that they know they will not volunteer for the war, because they have not volunteered in the Regular Army. It has been some years, it is true, since the regular organizations were filled to the limit, and it is true that some special effort has been made within the last year to recruit the Regular Army, but I do not wonder that young Americans do not volunteer for the Regular Army. A life of idleness around an army post is distasteful to most of them. The young manhood of this country has some aim in life; they have hopes and ambitions, and they hesitate to mortgage their seven best years to military life in time of peace. The very fact that they will not enlist in the Regular Army in time of peace is the best evidence that they have that mettle which will volunteer in time of war. I know that some will volunteer, and I appeal to you that it is our duty to give those who are willing the chance to distinguish themselves by voluntarily offering their services to their country. We owe that to them whether few or many, and if it fails to bring to the flag the required number, then will be time enough to pass conscription, and we will have on our side the only justifiable reasons for conscripting a man to military service—the fact that he will not volunteer.

How can one who knows the histories of wars contend for conscripts? They have been pronounced by the wisest military men of the world as inferior soldiers. I say to you that you can not point out a single instance in all history where a conscript army defeated a volunteer army of equal or greater size. [Applause.] The pages of history are illumined by the recital of great battles where volunteer armies have beaten conscript armies of equal or greater size.

Look at the Battle of Marathon, where Greek volunteers defeated the Persian hosts of conscripts. Eleven tribes fighting separately each under his own chief and all under Miltiades. Neighbor fought by the side of neighbor, kin fought side by side, 10,000 men in all met and vanquished 100,000 conscripts from Persia on the plains of Marathon. [Applause.] At the battle of Valmy, Kellermann, with his little army of volunteers, made up of artisans, mechanics, laborers, and lowly peasants, met the king's conscripts and won, and from that day France dates the beginning of free government. [Applause.]

Ah, you say, this volunteer system sacrifices the best men of the country. You say that only the brave, only the very flower of young manhood, goes into a volunteer army. And that is true. You do sacrifice the best men of the country, and that has been the price that every nation and every people has paid for liberty throughout the history of the world. It is the only price at which it may be bought. If we would continue to enjoy it we must, when assailed by autocracy, be prepared to make the most costly sacrifice, that of our bravest, most loyal men.

It is true if we pass conscription at this time before a call for volunteers is made, many brave and loyal men will be taken. Men who with their fine sense of obligation to their country will serve as valiantly as if permitted to volunteer, but it is for them that I plead. I want them to have the distinction to which they are entitled. Let us not class them with the men who would not have volunteered. Let us give the young men of the country a chance to divide, so that those who come forward will be known as the real patriots and those who lag behind until the conscriptor comes may be known for what they are. Let us make it so that the patriot who falls may be duly glorified, and that those who survive may feel a pride in the distinction which they earned.

The volunteer system is the logical system of republics. Every autocracy that ever existed has maintained itself by conscription. It is the weapon which autocrats have always used to enforce tyranny. Every free government when assailed has called for volunteers. The cause of this awful war is a military autocracy, and if it can be destroyed the world will have some compensation for its cost. But let us beware that we fasten no military autocracy on this Republic. If we do, it is the beginning of the end of free government.

The CHAIRMAN (Mr. BYRNES of South Carolina). The time of the gentleman from Illinois has expired.

Mr. SHALLENBERGER. Mr. Chairman, I have been instructed by the chairman of the committee to yield to the gentleman from Tennessee [Mr. SIMS] 15 minutes.

The CHAIRMAN. The gentleman from Tennessee is recognized for 15 minutes.

Mr. SIMS. Mr. Chairman, I suppose that in some respects I am differently situated from any other Member of the House, so far as this bill is concerned. In my canvass last fall, in the beginning of the canvass, the Republican nominee was suffering from a slight indisposition and declined to agree to a joint canvass. I went ahead and canvassed a number of my counties before he got well enough to begin his speeches, or at least until he did begin them. He began his canvass on the 25th day of October, and his first speech was printed by him in pamphlet form and sent out, and I hold a copy of it in my

hand. There you will see his picture. It is good-looking, and he is a strong and popular man.

This is no hatched-up, post-election promise or decision that I have taken. Now let me read to you what he said in that first speech. Under the head of "Preparedness," he says:

I am not a "peace-at-any-price" pacifist. I am in favor of enough military preparation to properly police the country, but to say that we are immune from militarism is absurd. I am unalterably opposed to that part of the national-defense act which Mr. SIMS voted for, which provides that the President of the United States can conscript or have conscripted, in time of war, any citizen of the United States subject to military duty between the age of 18 and 45 years. He can under this act go to your home, force your boy before he is old enough to vote to join the Army, and if one of these conscripted soldiers shall make any show of violence against any superior officer he shall suffer death, no matter what the provocation may have been. That is militarism with a vengeance, and is wholly at variance with American ideals of liberty. It tends to reduce us to the standard of European customs in subjecting us to the rule of a military despotism. If I had been in Congress and had allowed this extreme militaristic influence to clutch the American people by the throat in this way without strenuous objection and emphatic protest, and had sanctioned it with my vote, I would not only retire from Congress but would never ask a free people for another position of trust.

In a newspaper published in his town a week later, a newspaper which was championing his canvass since his campaign began, this statement was made:

Mr. SIMS lined up against the masses and voted for the conscription of our boys in the service and the penalty of death if they refuse to go to become gunfodder, as provided in the national-defense act. Do you call a vote compelling the sons of American freemen and the husbands of American women to go to war against their will, to be drafted into the service and forced to face death regardless of their wishes and will in the matter, voting for the masses?

When making a speech at Big Sandy on the 25th of October I was informed by telephone that my opponent had made the above-quoted statement, and I was informed that it would absolutely destroy my prospects of election if it was not contradicted and was generally believed. I stated that the statement was not correct—that I had not voted for conscription. I stated that if I had it had been sneaked into the bill in some way without my knowledge. I said not only that I had not voted for it but that I never would vote for conscription unless it was a last resort, and that there was no other means by which an army could be raised wherewith our institutions might be saved and perpetuated.

Now, how could I, in view of that preelection promise, take any other position than the one I am taking? It took all I could do by telephone, telegraph, and by personal letters, and by my own speeches to overtake that incorrect and untrue statement sufficiently early to prevent my defeat by it. And in spite of it all it came near defeating me. I was elected by only 221 majority. I think my opponent had been imposed on by some newspaper statement as to what was in the national-defense act.

Now, my friends, I do not use this fact as an excuse for my vote, but, aside from this incident, I could not vote any other way than against conscription as a system for raising our armies [applause] without being untrue to my pledged word and promise made many times prior to the above charge. If I should do so, no man would ever believe that I made that promise for any other purpose than to be elected, with the mental reservation to repudiate it when elected. I hope I have moral courage. I care nothing for brute courage only when I am dealing with a brute. But moral courage is the foundation of our institutions, of our integrity, of our judicial system, of our moral standards, and is the bulwark of human society. I will not vote in violation of my pledge if I lose the seat I hold by refusing to do so. I could not in honor do any other way than to vote against conscription in any form.

Mr. BORLAND. Will the gentleman yield?

Mr. SIMS. I have very little time.

Mr. BORLAND. I know the gentleman well enough to believe that he certainly reserves the right to follow his best judgment at any crisis of danger, regardless of previous convictions or previous statements.

Mr. SIMS. Well, then, you do not know the facts; that is all.

Mr. BORLAND. Do not I? Then the gentleman ought not to represent a district in this House.

Mr. SIMS. I stated in my speech——

Mr. BORLAND. If the gentleman is not willing to meet the danger of the moment by the exercise of his judgment, he ought not to hold a seat in this House.

Mr. SIMS. Do not make my speech for me unless you are going to change again. I said I would never vote for conscription under any circumstances, except as a last resort. This is the first war legislation presented. Would that come within the terms of my pledge and promise? We have not fought a battle; we have not fired a gun; we have not enlisted a soldier under this act, because it is not yet a law. The implication of the gentleman's question is that because somebody else, the General Staff or somebody professing to have greater knowledge of military affairs that I have, says it is necessary to win the war, the gentleman wants me to violate my plighted faith and to follow some technical expert. If the gentleman expects me to do that, he is very much mistaken. If I did not know that the gentleman is my warm personal friend, I would regard his last statement as offensive and insulting.

Mr. KELLEY of Michigan. Will the gentleman yield for a question?

Mr. SIMS. Surely; if the gentleman will be quick about it.

Mr. KELLEY of Michigan. The bill presented by the majority of the committee has conscription in it after a certain time.

Mr. SIMS. And I am absolutely opposed, in initial legislation, to providing for alternative conscription.

Mr. KELLEY of Michigan. Then the gentleman is opposed to both propositions?

Mr. SIMS. I am against that part of the House bill absolutely and unconditionally. If I vote for a proposition for two systems, and leaving it to those who are to execute it to accept either, I think that it would not be a compliance with my promise and my position in opposition to adopting conscription as a system for raising armies.

Mr. BARKLEY. Is the gentleman going to offer an amendment to strike out that provision?

Mr. SIMS. I am willing to offer it and vote for it and do everything I can to knock it out of the House bill.

Mr. BARKLEY. Then if it is defeated, will the gentleman vote for the bill offered by the majority of the committee?

Mr. SIMS. Just like it is in the Senate?

Mr. BARKLEY. No; like it is offered by the majority of the committee.

Mr. SIMS. As between it and the Chamberlain bill, which I consider to be worse; yes.

Mr. BARKLEY. No; I am asking the gentleman, if his amendment is defeated, will he vote for the bill?

Mr. SIMS. The gentleman is taking up my time. I know he does not want to do it. If he will get me the time, I will be glad to yield to him. I say that to provide for conscription in initial legislation is to say to the world that we ourselves have not confidence in getting volunteers enough to fight for and save the institutions of free government and democracy to the world. That is what it means. But as between two propositions that I do not like, I will take the lesser of the two evils.

Now, my friends, we are being bombarded with letters and telegrams asking us to stand by the President. Some of those telegrams and letters come from sources that utterly condemned and repudiated the policy of the administration and its conduct of our affairs with Mexico, who charged the administration with being weak and vacillating, and with being the cause of the loss of the lives and property of American citizens in Mexico. Some of these gentlemen have charged that the *Lusitania* would not have been sunk if it had not been for the weak and vacillating note-writing policies of the administration. What did some other very distinguished men who now want me to violate an honorable pledge in order to vote for what they want—what did some of them say about the President's acts and words? What did one distinguished man say? How did he characterize the words and acts of the President of the United States? He characterized them as "weasel words and weasel deeds" that deserved the contempt and repudiation of the American people. My friends, the time does not permit me to discuss all these things, but I suppose some people would not accept salvation under the voluntary plan as being too undemocratic and too unequal. The future life, the souls of men and women must be saved, if saved at all, by the voluntary sacrifice of the Son of God Himself. He came to this world and died on the cross that others might live in eternal bliss and happiness. No soldier of the cross is a drafted man. At one fell swoop in the only war that they ever had in heaven the volunteers turned out the conscripted forces and sent them to where they have been ever since. [Applause and laughter.]

But let me tell you, my friends, you must look at this thing from a practical standpoint. Now, do not mistake me. I am talking offhand. I say it takes ballots as well as bullets to win a war. Two general elections have been held for Congressmen and Senators since this war began. If it takes as long to prepare an army under either plan, as the War Department says it will, not less than 8 or 10 months, will any soldier recruited in this country except under the volunteer plan be confronting an actual German phalanx before the next election? If this war is going to be won, as some men claim it will be, in six or eight months, we will never get a man to the firing line in France, especially under the conscript system; and if the Germans are

to be vanquished in that short time it will have to be done by the soldiers of the allies who are now there doing the fighting. In one year from now there will be primaries to nominate Members of the House and Senate, and nothing could happen which would be more unfortunate than for a Congress to be elected in opposition to the war policies of the administration. When you go out with a new-born courage and seek reelection after you have reversed the whole American policy, the policy of free choice and free service for the European continental compulsory service systems, how many do you think will get back here?

Mr. YOUNG of North Dakota. The majority of them.

Mr. SIMS. That is a matter of judgment.

Mr. McLAUGHLIN of Michigan. Will the gentleman yield?

Mr. SIMS. Yes.

Mr. McLAUGHLIN of Michigan. The gentleman from Tennessee expects to be a candidate for reelection?

Mr. SIMS. I never become a candidate this far ahead.

Mr. McLAUGHLIN of Michigan. I thought the gentleman was going to be a candidate.

Mr. SIMS. I never begin a race so far ahead.

Mr. FOCHT. Will the gentleman yield?

Mr. SIMS. I will yield.

Mr. FOCHT. A high-class Member of this House said the other day that it did not matter which side you took on this question, we were all going to be licked anyhow. [Laughter.]

Mr. SIMS. That may be true, but I do not want it to be made absolutely certain by following the advice of men who have sought to discredit the administration ever since it came into power. What was one of the first things that happened after this administration came in? It was the celebrated Carabou dinner in Washington, in which the song "We will give them the Kraag" was featured in the dinner. It was regarded as so offensive to the administration and the President that the Secretary of the Navy and the Secretary of War reprimanded the officers of the Army and the Navy that took part in it. That was the very first thing. What did a very distinguished general in the Regular Army do? What happened to him? He was called down for making a speech at Plattsburg and stopped from making more speeches like it.

The fact is that the military classes of this country have not been in accord with the administration. What happened a few days ago? A retired rear admiral was refused an opportunity to accept an invitation in which it was generally believed that a speech criticizing the administration would be delivered.

Now, you prate about standing by the President. I voted in every instance and under all circumstances for the general policies of the administration. This conscription idea was not born in the brain of the President. He has been told, as we have been told, that the volunteer system is a failure, and that the only way to win a war is by conscription, and, believing it, has accepted the advice of military experts. It was not born in his brain. He never initiated the policy of compulsory service. That policy is as old as despotism.

Mr. HOWARD. Will the gentleman yield?

Mr. SIMS. Yes.

Mr. HOWARD. If the gentleman had a horse to shoe, would he take it to a lawyer or a blacksmith?

Mr. SIMS. Well, I have known a man who is both a lawyer and a blacksmith.

Mr. HOWARD. If you were President and wanted advice as to military matters, would you go to the military advisers?

Mr. SIMS. Why, as a matter of course. I said the President never originated the idea of abandoning the volunter system on his own initiative, but by reason of the advice of the military experts, the General Staff, who have never been in sympathy with the volunteer system.

Mr. BARKLEY. Will the gentleman yield?

Mr. SIMS. Yes; briefly.

Mr. BARKLEY. Does the gentleman recall that the President is something of a historian himself and knows a few things?

Mr. SIMS. Yes; I have read some of the historical writings of the President.

Mr. McCORMICK. Will the gentleman yield?

Mr. SIMS. Yes.

Mr. McCORMICK. Did not this bill originate with the President?

Mr. SIMS. I do not think so. I understand it originated in, or is the product of, the brains of the General Staff and of the War College.

Mr. McCORMICK. At the instance of the President.

Mr. SIMS. Here is the gentleman from Nebraska, on the Military Committee; he can tell you.

Mr. SHALLENBERGER. The Secretary of War stated that he drafted the bill himself, with the advice of the war experts.

Mr. McCORMICK. Did not the Secretary of War draw it at the instance of the President?

Mr. SIMS. Have not I already said that the President accepted the advice of those upon whom he must rely in time of war?

Mr. McCORMICK. Was not the President the first person to refer to the selective draft and recommend its adoption?

Mr. SIMS. I do not know; I know that the gentleman from Illinois was not the first man that ever defended this administration.

Mr. McCORMICK. No; nor to attack it either.

Mr. MEEKER. Will the gentleman yield?

Mr. SIMS. Yes; for a brief question.

Mr. MEEKER. Has not the gentleman during his past career literally taken the hide off from the fellows that did not stand by the President?

Mr. SIMS. I have; and I expect to take some more the same way. [Laughter.] But those were propositions that came from the President, were advocated by the President on his own initiative, and not depending upon the advice of experts.

Mr. GOOD. Will the gentleman yield?

Mr. SIMS. Yes.

Mr. GOOD. It has been stated upon the floor of the House by the gentleman from Massachusetts [Mr. GARDNER] that Congress in this emergency is a mere rubber stamp. Is not the gentleman placing the President in the same class?

Mr. SIMS. No; not at all; because it is apparent that as the military experts have got to fight the war, that their advice should not be too lightly disregarded, and that it would be more logical to follow their plan in providing for the means with which to fight the war. I have only said that, in my opinion, this compulsory service plan did not originate with the President.

Mr. HOWARD. Will the gentleman yield again?

Mr. SIMS. Yes.

Mr. HOWARD. The gentleman advised us to stand by the President up to the time that we got into the war, but when we get into the war he advises us all to desert him.

Mr. SIMS. No; that is not at all correct. I do not advise anyone to desert him. I am going to vote as I said I would before election, and without which declaration I could not have been elected. [Laughter and applause.] You can all repudiate your preelection pledges if you want to, but I can not do so. I, without expert knowledge, do not believe that we can fight a successful war with the mightiest military power on earth by abandoning the old-established well-known volunteer system and adopting the European systems of conscription. I want us to win this war, and, therefore, I want the next House and the Senate to be prowar, proadministration, and I do not want us to do anything that may bring about a different result.

Mr. DYER. Is not this the time to stand by him—when we are at war?

Mr. SIMS. I am standing by the President. I voted for the declaration of war; I fought and voted against the McLemore resolution, and I thought and said at the time that a 30-day ultimatum ought to have been given to Germany as soon as the *Lusitania* was sunk. I have been as much in favor of standing by the rights of humanity and the international law of the world as any man in this House, and I believe a great and sufficient body of men of military age in this country are ready to volunteer in order to preserve and maintain the institutions of this country and its ideals, and that they do not have to be drafted, selected, or secured in any other new and untried way other than of their own volition and willingness to sacrifice their lives in order to save the institutions of our country, for which our forefathers have always fought, and for the eternal perpetuity of which we always will be willing to fight and die, if need be. [Applause.]

Mr. Chairman, I have never had military training and service, and this may cause my words to be lightly regarded when weighed in the balance with the words of the General Staff, as they are all military experts. Therefore I am going to read in my time the words of a man who has served as a soldier in the Regular Army of the United States, and therefore entitled to the weight that such service and experience gives them. The article is an editorial from the Chattanooga News, of Chattanooga, Tenn., and whose editor spent several days recently in Washington and has had this question presented to him in its every phase. Mr. Milton says:

VOLUNTEER SYSTEM OR THE DRAFT.

"Senator McKELLAR is a new Member of the Upper House, but has immediately come to the front because of his long service in the Lower House on the Military Affairs Committee. He was assigned to a similar committee of the Senate and has

been taking a leading part in the discussion of the legislation so fraught with importance to the country which is now before the Congress.

"He has introduced an amendment to the Chamberlain bill as reported, his amendment providing that an army of 500,000 volunteers shall be asked for by the President before conscription is resorted to.

"Senator McKELLAR is anxious to know the views of Tennesseans on the three propositions now before Congress. He writes:

"'There are three plans of organizing an additional army before the Congress.

"'The first plan is the General Staff plan, which provides for selective conscription between the years of 19 and 25, giving the War Department the right to select by conscription 500,000 young men at a time and train them as fast as they can be trained.

"'The second plan is for Congress to authorize the President to call out 500,000 volunteers at once, and such others as he may deem necessary under the present law.

"'The third plan is to give the President the right immediately to call out 500,000 volunteers and supplement this with the right of conscripting as many as he sees fit to secure an army. The idea being to give those who desire to volunteer an opportunity to do so, and make it absolutely certain that an army may be organized at once by giving the President the right to conscript.

"'I would appreciate hearing from the people of Tennessee as to which one of these three plans they think should be adopted.'

"It is a time for frank discussion of these plans, and such should be indulged in without any bitterness or rancor or the attributing of improper or unpatriotic motives to those of other views. All the Members of Congress have shown that they would support the Government in the carrying out of any plan agreed on. The voting of $7,000,000,000 in money to carry on the war was notice to Germany that the American Nation was united. The only question at issue is how best to raise an efficient army.

"Now, let us examine briefly what is said pro and con as between the volunteer and the draft principles.

"All of our previous wars have been fought largely by volunteers. Let us see as to our own State. In the time of the Revolution the only conscription resorted to in this region was the conscription to stay at home. Before the Battle of King's Mountain twice as many men gathered at Sycamore Shoals on the Watauga River as Sevier, Shelby, and Campbell could take across the mountains, and many were forced to remain. So it was in Jackson's campaigns in the Horseshoe and at New Orleans in the War of 1812, and in the Mexican War the Tennessee volunteers were so numerous that the sobriquet "Volunteer State" was finally fixed.

"In the Civil War not only did Tennessee furnish next to North Carolina more men to the Confederacy than any other southern State—a total of 110,000—but it sent 30,000 soldiers to the Union Army, too.

"In the Spanish-American War the State furnished more troops in proportion to its quota than any other State in the Union, again sustaining its reputation.

"So it will be seen that volunteering is not a slow method of raising troops—certainly not in Tennessee—and as much may be said all through the South. But in the past volunteers from this and other States have entered the service of their country in units. Young men of the same communities and known to each other have, as a rule, formed together their organizations, which were offered to the Government. Their officers have been chosen from their ranks, often by their own selection, and the military forces thus organized have been democratic, much as is the army of France to-day. Our men resent the caste system in vogue in the Regular Army. They submit to discipline obediently, but they are not willing to be treated as underlings and to suffer indignities, such as too often are inflicted on the private soldier, causing desertions, etc.

"That they make the best soldiers in the world is attested on the pages of history covering all the wars of the United States. Of such volunteers were Pickett's men at Gettysburg, Zollicoffer's at Mill Springs, Bates's at Chickamauga, and too many others to mention. On a thousand battle fields in Tennessee alone their courage was shown. When such armies met under Grant and Lee in the campaign in Virginia, the world looked on in amazement. We may never hope for better armies.

"It is true that both North and South in the later years of the war resorted to the draft for men; but it is a notorious fact, attested by all historians, that the drafted men were not as good soldiers as volunteers, nor were the proportions of conscripts in the armies of the North and South large as compared with the volunteers. The draft was not a success in either region. It met with resistance in the North, notably in the large cities, and in the mountains of the South it led to revolt and guerrilla warfare.

"In the camps of Southern Confederate Veterans of to-day the conscripts of the sixties are not admitted.

"The proposition for conscription is put forward under the term 'universal service.' But this is a misnomer. The words are deceptive. The service proposed is not universal. It is proposed that it shall apply only to men between certain ages—19 to 25. It does not apply even to all men of those ages. It has been announced that very few farmers would be taken. Thus at one sweep nearly three-fifths of the country's population is given exemption. They are to be permitted to show their patriotism by raising food supplies, most valuable and honorable work, it is true; but it is quite a different matter from going into the trenches. Then it is said that all munition workers and kindred industries, railroad men, miners, and others are to be exempt. Thus a very large element of working population is to be removed from any danger. Where the army is to come from so far has not been made clear.

"Neither the words 'selected' nor 'conscription' sound democratic. It should not be left to any recruiting officer to show his favoritism or yield to influence in granting exemptions. 'Conscription' depends on the principle of force. Democracy is founded on the principle of free will or consent. The draft is undemocratic, and in former days only resorted to in cases of dire need, when the national danger made it imperative. If resorted to now, some plan should be adopted by which the service is not at the option of some official, but the liability should be universal in the true sense. Otherwise we set up the tyranny of a small military class over the citizen.

"If most of the agricultural workers of the country and most of the industrial workers are exempted, we shall be bereft of the best material for an army. These classes of men make our best soldiers. The farmer is steady and inured to toil. The industrial worker is needed for the machines of modern war. It is true, as stated, that an army may be impressed from pool rooms and on the street corners of cities, but what kind of an army? The personnel of our American forces is as important as its size.

"Are we going to exempt farmers, miners, organized labor, merchants, and many other most desirable classes for recruits and recruit an army of loafers? If so, we may have to blush in shame for the showing made by the men marching under Old Glory on the battle field. No army training will change a man's character.

"And how about State pride?

"Every boy who has read American history knows how troops from different States of the Union marched together in our wars and the local pride is kindled again by knowledge of their deeds. Shall we lose sight entirely of the proud Commonwealths of the American Union? In song and story the deeds of State troops have been told. Virginia and Tennessee marched side by side in high tide at Gettysburg.

"As a method of allowing free expression of the patriotism in the American heart to-day we believe the volunteer system will be much more effective. If the States of the Union were permitted, under Senator McKELLAR'S amendment, to offer 500,000 men in units of their own formation, officered by appointment of their governors, as in times past, we believe the volunteers would be forthcoming much more rapidly than the Federal Government could receive, equip, and train them.

"No matter what plan is adopted, the men are likely to be received much more rapidly than they can be made ready for the service. It will take at least six months for the organization of an expeditionary force. It should be done carefully and well.

"The United States has entered the war and ought to do its full part. We do not think we should content ourselves with mere naval and economic participation. We have made the cause of the allies our cause, and we should be willing to offer our blood on the battle field in justification of our convictions. How shall American patriotism best express itself, is the issue. Looking over the experience of the past, we must not too hastily abandon the method which has made that history possible.

"To resort to conscription right at the start in this war will be taken by Germany as an evidence of the unwillingness of the United States to furnish an army of free-will, but that force was at once resorted to, and it will be charged that our hearts are not in the war. No greater encouragement could be given for prolonged Teutonic resistance. On the other hand, if volunteers were called for and promptly furnished, the enemies of the Nation would have before their eyes additional evidence

that Uncle Sam intended to do his full share in bringing the war to a successful conclusion.

"The President has very strong influence with Congress and a wonderful power over the Nation. He has been led to take his position by the advice of the military advisers about him. They are honest and sincere in their convictions, of course, and he is patriotic to the utmost degree. But, on the other hand, those at Washington are not always best qualified to advise in a matter of this kind. The American people are unaccustomed to drafts or conscription, however sugar-coated they may be. The words repel. They come of dire need and are out of the system of autocracies. An immediate draft would frighten the Nation as to what might be the future. Would the next step be martial law, suspensions of constitutional rights of various kind, rights of free speech, free press and petition? The President should realize that the eastern press is not a safe guide. It has always fought him. Now, its advice may be dangerous.

"Expressions through telegrams, letters, and mass meetings may not always be safe guides, either. The greater number of people rarely declare themselves in such a way.

"Many of these telegrams and letters are written by persons of the classes exempted by age or occupation. Some of these possibly would volunteer in case that plan is adopted, but at least they might so signify before urging legislation which will keep themselves at home and send others out into the places of danger at the front.

"In many other cases due consideration has not been given to the question.

"Congress has become so sensitive to these surface manifestations of sentiment, so frightened at possible disapproval, that it no longer frankly voices the convictions of its Members. When the administration takes a position in opposition to Congress it is able to set a great back fire among the constituents of Members, and they usually yield. Congress, therefore, frequently of late has been dubbed a 'rubber stamp.' This is not as was intended by the fathers of the Constitution. The Members of Congress ought to vote their honest convictions. When they fail to do so we may well consider some other form of our Government. The legislative is equally clothed with authority along with the executive. Either branch may be in error. It was because of the disposition of human beings to err that a system of checks and balances was devised by the founders of our Government. If it is broken down, then free institutions may perish.

"The volunteer plan is not aimed to prevent promotion of Regular Army officers. Since it is proposed in any event to increase both the Regular Army and the National Guard to the full strength, there will be need of many additional officers of high rank and promotions naturally will follow. But there are now not enough trained officers in the United States to command the first army. For the second army of 500,000 officers must be appointed from civilian life, and most of these will have to be trained. It will not affect matters at all whether they are raised by volunteering or by the draft. The only difference will be in the manner of appointing officers.

"As a last objection to conscription or universal military training we may mention with regret that the South particularly has a peculiar race situation. All is quiet now, but we live over a volcano. The relations of the races are most friendly. We wish them so to remain. Perhaps it would not be dangerous to the South to give military training to millions of colored citizens. We are not blind to the fact that they are patriotic and have made good soldiers in the past. But we must not overlook all possibilities. The day would come when they would return to their homes. In many regions of the South they are in the majority. They might be unwilling to live under conditions now quietly accepted. An apple of discord might thus be thrown in our midst, and scenes like those during reconstruction days follow. Also, if universal service is applied, how may the fourteenth amendment be ignored? Under that blacks would go into ranks alongside whites. Congress should very gravely discuss this phase of a question which seems to have escaped attention.

"For the above, as well as many other reasons, it is sincerely to be trusted that Congress will be very cautious as to this legislation."

It is claimed that the General Staff plan is democratic. If so, it is the democracy of servitude. Many slaveholders have been democratic in the treatment of their slaves. They have treated them all alike, have not discriminated between them; but were they any less slaves on that account?

In order to win this war in the quickest possible time I am opposed to experimenting with European compulsory military systems. We know what we have done and what we have accomplished in the past by the volunteer system of raising and maintaining armies, and our experience gives us confidence as to what we can do if we stand by our time-tried war-tested American volunteer system.

Mr. McKENZIE. Mr. Chairman, I yield 20 minutes to the gentleman from Illinois [Mr. FULLER].

Mr. FULLER of Illinois. Mr. Chairman and gentlemen of the committee, I have so far taken no time in the discussion of the great questions coming before Congress at this session. However, I feel it now to be my duty to say a few words as to my position upon the questions now at issue. This Congress has voted, in both Houses, by an overwhelming majority, for a resolution declaring that a state of war exists between the Imperial German Government and the Government and people of the United States. I was one of the minority who voted against that resolution; not because I did not think there was ample cause why we might declare war, but because I had been hoping against hope that this country might be spared the terrible scourge of war, and because I did not wish to be held responsible in any degree for bringing about that great catastrophe. My conscience upon that question and on that vote is clear. I hate war and hoped it might be avoided. I have no apologies to make for my vote upon that resolution and no regrets. I represented, as I believed then and as I believe now, the great majority sentiment of the people of the district I represent. But conditions have changed. We are at war, and every Member of this House who voted for that resolution and every Member who voted against it, for that matter, knew at the time that if that resolution was adopted it would be necessary for us, in common prudence, to provide a great Army; and I think he knew that under existing conditions and the feeling of the people, it would be impossible to provide such an Army as we ought immediately in common prudence to have under the old volunteer system or without some provision for compulsory service. I believe that every American citizen, especially in times of war, owes to his government whatever service may be required and which he may be able to render. I do not like the word "conscription," and that seems to be generally objectionable; but every citizen is liable to conscription for civil duty. No court in the land that has a jury calls for volunteers. It has a system of selective conscription, and men are compelled to serve. They may be excused, perhaps, for cause, but if there is no cause they are compelled to serve in civil life, and they should be compelled also in times of stress and in times of war to render any service the Government may need. I think this is the hardest question I have ever been required to vote upon.

Under existing conditions I am in favor of and shall vote for the selective-draft plan, as proposed by the President and the War Department. I do not believe it will be possible at the present time to raise such an army as we ought to have, in order to protect our coasts alone, and our insular possessions, by the old volunteer system. Oh, I know, as my friend from Illinois [Mr. STERLING] has said, what a great army we raised during the Civil War by the volunteer system. It was a great, a wonderful, a patriotic host of brave and loyal men.

I also know that North and South, after those armies had become trained and hardened and used to the service, no better or more efficient armies ever fought a battle or ever trod the earth. However, thousands of lives were needlessly lost before they reached that condition of efficiency and before the men were fit for service. However, those volunteers, especially in the later years of the war, did not always volunteer so disinterestedly as a great many seem to think. I am old enough to remember those days of the Civil War, and know something of how the armies were raised. They did not all volunteer from purely patriotic motives. In the little county where I lived at that time, and where I live now, the people of the entire county almost bankrupted themselves in raising money to pay bounties to induce men to enlist, and ofttimes, especially in the early days of the war, the men who volunteered to go were those who could least be spared. In one little country township 6 miles square, where I then lived on a farm—and there was not a village in the entire township—123 boys went into the war, and the old men and the women and the children were left to cultivate the soil and to raise the food that was necessary. I believe now that it is the duty of every American citizen to stand by the administration in this war, whether we were for a declaration of war or against it. A great many people do not yet seem to realize that we are actually at war and what it may mean. The Almighty alone knows what the end will be, how we may come out, and when and where. I have voted for the past two years for every measure for adequate preparedness that came before this body, because I thought it better to be prepared than to be sorry, and I only regret that we are not now more and better prepared. If we had been, I think Germany would have thought twice or thrice

before she brazenly defied us. If we had had a great Army and a great Navy and were prepared for war, as we should have been, I do not believe we would have had any war. Many think that this war will not amount to much anyway; that it will only be the expenditure on our part of a few billions of dollars and a little more taxation for everyone, and that we shall not suffer any of the actual hardships of war. That reminds me that at the beginning of the late unpleasantness between the North and the South it was said that Gen. Bob Toombs, of Georgia, remarked that the South could whip the North with popguns. After the war was over he was reminded of that remark. Some one said to him, "General, I thought you said that we could whip the North with popguns," and the old general blurted out, "We could, we could, but the damned Yankees wouldn't fight with popguns." [Laughter.]

And it has been pretty well demonstrated that the Germans are not at present fighting with popguns or golf sticks. We do not know what we may have to meet, but we do know that we ought to be prepared, and I say now that I believe we ought in the shortest possible time to raise a great army, at least sufficient to protect our shores from invasion and our insular possessions. We can not, in my judgment, do that by the volunteer system, and therefore I am decidedly in favor of the system recommended by the President and the War Department, and I believe now that it is the duty of all American citizens to stand by the administration and render every service possible and give every aid possible in the prosecution of the war. We have but one country, the United States, and but one flag, the glorious Stars and Stripes; and to them every man owes allegiance and the best service that he can possibly render. When we go into a war, like the present war, the greatest, the most terrible, ever before known since the world was created, we should, like our heroic ancestors in the days of the war for independence, each and every one, be willing to "pledge our lives, our fortunes, and our sacred honor." [Applause.]

We have given to the President, in the resolution adopted by such an overwhelming vote, a pledge of all the resources of this country, and we have not only authorized him but we have directed him to use the entire Army and Navy of the United States and the resources of the Government in prosecuting the war against Germany. Now, having done that, I insist that we should back up the resolution and furnish him with all the means and with all the men necessary to prosecute that war to a speedy and successful termination. I believe it is a duty we owe to our Government, and I can not understand how any man who voted for that resolution for war can now justify himself in hampering the administration and in refusing to give every aid possible in the prosecution of that war, which will be won, if it is won, by American resources and American arms. [Applause.]

Mr. McKENZIE. Mr. Chairman, I yield 30 minutes to the gentleman from Connecticut [Mr. TILSON]. [Applause.]

Mr. TILSON. Mr. Chairman, from the remarks of some gentlemen on this floor it would seem that in the minds of some men there is more importance attaching to the election of Members to Congress than to the necessary preparation for taking part in the greatest war in the world's history. Personally that matter may be of some importance to individual Members, but how it pales into insignificance when compared with the great world-wide question which we are considering. How paltry are such considerations in the presence of such a task. What matter our political or personal fortunes? They ought to fade from our minds and disappear from our consideration. [Applause.]

War is no pink-tea performance. As a matter of fact, it is the most damnable business in which mankind can possibly engage. Gen. Sherman was mild and conservative in his choice of language when he described war in his most famous utterance, and we have entered into that hell. I hate war with all the fervor of my being and am grieved beyond the power of expression that this country is in war. Yet with all my hatred for war, on the only two occasions in my life when it was possible for me to have served under the flag of my country in a war or a near war I accepted the duty and volunteered. [Applause.] I did not do it because I am fond of war, nor because I sought the hardships of the camp or the march. In both instances there was present the compulsion of duty. I scarcely need to add that if my services shall be needed in this present war, although I have passed beyond the limit of the age suggested in this bill, or in any bill for compulsion, of course, it goes without saying that my services are again at the disposal of my country. [Applause.]

I am very much in favor of universal military training and am genuinely sorry that this bill does not carry in it provisions to that effect. If it carried such provisions, it would show to the world, and especially to our enemies, that hereafter we mean business; that whatever may have been our past mistakes, from this time forward we are going to prepare ourselves to protect ourselves and our rights in the best possible way. However, the President and Secretary of War have thought that this is not the proper time to ask for that legislation and so it is left out of this bill. We all realize that nothing can be done in this emergency along that line unless it has the approval of the Commander in Chief of the Army and the Navy.

This is an emergency measure. It is so stated in the bill. It provides that it shall not remain in effect after the emergency is over. It is a great emergency, the greatest in our history, and we all wish to adopt the very best means possible to meet that emergency. The only question between us is which is the best plan? I agree that gentlemen who favor the volunteer system are just as patriotic as I; that they desire the welfare of the country just as much as I. We differ only as to methods. The volunteer system, they say, should have a trial, and yet in the bill which the majority has brought in the draft provision is coupled with the volunteer system in such a way that volunteering does not have a fair chance. On the part of the majority of the committee there was a commendable disposition to compromise, as is usually necessary in matters of legislation. With the best intentions in the world the proponents of this bill have compromised themselves out of court, practically, because there is no sound foundation upon which the bill as written can rest. If a purely volunteer bill had been brought in, manifesting full confidence in the American people that they would fight this war to a finish by volunteering, that would have been one thing. At any rate, that would have been meeting the issue fairly and, to my mind, far more wisely than to say we will have volunteering only while the President is getting his lists ready to have a draft. [Applause.] Is that a fair trial of the volunteer system with a draft feature already enacted and in the hands of the President hanging over them? That is not a trial of the volunteer system at all.

Mr. SHALLENBERGER. Will the gentleman yield for one interruption?

Mr. TILSON. I yield for a question.

Mr. SHALLENBERGER. Does not the present bill of which the minority approve hold that same threat of conscription over men that you propose to take in the Regular Army and National Guard? Does the gentleman object to that?

Mr. TILSON. That is entirely a different matter, for this reason: Let no one try to deceive himself into the belief that we are trying a volunteer system in the Regular Army or National Guard at all. That is a different matter altogether because those organizations are already formed and in existence. The officers are all appointed and the noncommissioned officers. All that is necessary is to fill them up to the proper strength and this is going to be done in the same way it has been done before.

Mr. SHALLENBERGER. Will the gentleman yield for one more question?

Mr. TILSON. Yes.

Mr. SHALLENBERGER. You criticize the majority of the committee because we brought in a bill that does not stand absolutely for volunteering. If you believe in conscription, why did not you stand for absolute conscription at once instead of for volunteering while you were getting ready your conscription?

Mr. TILSON. I think there is a good enough reason for that. There are going to be some boys below the age of 21, provided in this bill, who will wish to volunteer, and it may be perfectly proper that they should volunteer. They will make good soldiers. This will give them a chance to come into the Regular Army or National Guard. Then, as I said to the gentleman before, these are organizations of which the units are already in existence. They only need to be filled up, and having been filled, as they have been, by the volunteer system up to this point, it is thought by our military advisers better that those particular organizations should be filled up by volunteering. At any rate, we are spared one great fault of the volunteer system, the acceptance of untrained officers in new organizations.

Mr. STAFFORD. May I ask the gentleman how many eligibles will be in the class of 21 to 40 if conscription is in force?

Mr. TILSON. There will be a great many millions. I have not the exact figures in mind, but something like 15,000,000.

Mr. STAFFORD. Does the gentleman approve of the conscript class extending between the ages of 21 and 40 when there will be so many more eligible for conscript than what is conceived as being necessary at the present time for service?

Mr. TILSON. Oh, yes; because I think that is the fairest and most efficient way to make the selection.

Mr. STAFFORD. If there were 20,000,000 eligible between the ages of 21 and 40 he would still believe they should be drafted, even though 20,000,000 would be in the lottery class?

Mr. TILSON. We do not know but we may need every man of the 20,000,000 before it is over. What is going to be the situation if we start with a volunteer system, asking for 500,000, and, as soon as this 500,000 have been enrolled, then the President decides under the provisions of the majority bill to enforce the conscript provision? By doing this we are placed in the position of having 500,000 volunteers and 19,500,000 slackers, if they shall be needed and shall later be conscripted under the bill as it now stands. I do not believe in making that distinction. I believe in starting right at the beginning and selecting the men that the Government thinks should serve, leaving the others subject to call, of course, up to the limit of the 20,000,000 that the gentleman refers to. That would be my plan.

Mr. GOOD. Will the gentleman yield for a question?

Mr. TILSON. I will yield for a question.

Mr. GOOD. The gentleman has stated that under the plan of the General Staff it is proposed to fill up the Regular Establishment and also the National Guard by voluntary enlistment. Can the gentleman give the committee the number that it is proposed to increase, in both the Regular Army and the National Guard in that way?

Mr. TILSON. It will be substantially a million in the two. The Regular Army will be close up to 300,000, and the National Guard will be something over 600,000.

Mr. GOOD. Not a million in addition to those that are already in the National Guard?

Mr. TILSON. Oh, no; all told.

Mr. GOOD. My question was, How many additional volunteers for each branch of the service will be called?

Mr. TILSON. Oh, there are now, roughly speaking, 135,000 Regulars, all told, and a little more than that of the National Guard. So there will be about 600,000 more to raise.

Now I desire to pass for a moment to the experience of the Civil War. That has been discussed back and forth so fully that I enter upon it with some little hesitation. In my judgment we do not study history aright if we conclude, because those men who volunteered for service made good soldiers on both sides of the Mason and Dixon line, that therefore the volunteer system was right or effective. We should draw a distinction between the volunteer and the volunteer system. It is not the volunteer that I condemn, because he was always a good soldier—of course he was and always will be—but it was the inefficient system which did not wisely utilize the man power we had. That is why I object to the system.

What happened in the Civil War? Mr. Lincoln called for troops. Men from all over the country rushed into the first quota upon a short enlistment. How were those regiments formed, and how were the volunteer regiments formed all through the war? They were formed by prominent men of the community. Politicians, somebody has said—although I have nothing against the politicians—rushed in to raise regiments. The big politician was made colonel, the lesser lights majors, the still smaller captains, and so down to the small fry in the lower offices and noncommissioned offices. That is the way the regiments were raised all over the country. That was the system. I do not condemn anybody for raising a regiment that way. If that is the way it must be done such men are to be highly commended. If the majority bill should go through I may possibly ask to raise a regiment myself, much as I oppose the system which will permit that to be done. That was the way it was done in the Civil War. It is the only way it can be done under a volunteer system. What happened? Men without knowledge of the soldier's duties, men who had no training whatever, went out as officers in those regiments. Most of them did not know the first principles of being officers. They did not know how to take care of themselves, much less their men, and although they were good and capable men and finally did learn the business of soldiering, it was at great sacrifice of blood and treasure that they learned the lesson. While they were learning it the personnel of their regiments dwindled by camp diseases and by casualties in battle until by the time the regiments were throughly trained they were mere skeletons of regiments—often only 200 or 300 men. Read your war records and you will see that I am not painting a black picture at all, but stating actual facts. Would new volunteers come in to fill up those skeleton regiments? Not at all.

The only way that they would come in was by other politicians or somebody else going out and raising new regiments, with new officers. Could anything be more unwise or more nearly suicidal than what actually happened? The old regiments, with their trained officers and veteran soldiers, had to be disbanded. Many of the officers who by long service and at fearful cost had learned the business of war were retired to private life or given less important duties while new and untrained officers were in command of organizations. These in their turn, and at the same fearful cost, would proceed to learn the duties of command. So it went on from the beginning of the war until 1863, when it became impossible to raise the volunteers even in that way, and the draft followed. In the southern Confederacy it was used a whole year earlier, but not until the mischief had been done.

Ah, gentlemen of the House, that is the history of the Civil War when stripped of rhetoric and Memorial Day persiflage. The same thing happened in the Spanish-American War, although the consequences were not so fearful on account of the smallness of that war. I was a volunteer in the Spanish-American War. That is the way my regiment was formed. They were as fine a lot of men as ever served their country who became officers in that regiment. There were a few of them who had had a little military experience. I myself got into the regiment as a second lieutenant because I had had one year's experience as a private in the ranks of a National Guard regiment. The colonel was so eager to have an additional officer who had had some prior experience that he saw to it that one second lieutenant was not accepted in order to give me a chance to get in. He wanted at least one officer in that battalion who had had a little military experience.

Mr. LITTLE. Is that the military experience you had, with the militia?

Mr. TILSON. That was the extent of my military experience prior to the Spanish-American War.

Mr. LITTLE. Do you call that "military experience"?

Mr. TILSON. I do not care what you call it. That is what I had. [Laughter.] That was more than the others had, so that it made me the best available drillmaster, because I had been a private for one year. That is the way that regiment was formed, and that is the way the others were formed. That is just the way regiments will be formed if the majority bill becomes a law. It is provided in it that they shall be raised by organizations. You can not raise volunteers in any other way, so that if you vote for this bill as it is drawn, this mongrel, hybrid bill, which is neither fish, flesh, nor good red herring, that is just what you will have. [Applause.] It is the only way you can get your men, and then you will start in with a fearful experience, like the Civil War and just as we had it in the Spanish-American War.

Do you want to do that? I do not. Whether my seat in this body is at stake or not, that makes no difference to me. I do not believe that is the best way to fight this war, and whatever the sacrifice may be, I shall not support any such measure as that. Instead of "conscript" being a term of reproach as we have heard so often, I do not believe that there will be any such opprobrium attached to the men who are selected under the selective-draft system. I believe that instead of calling it a "conscript army," we should give it a new name. We should take the word that is most prominent in this bill, "selective" draft, and call these men who are selected and called out from among their fellows a "selected army," for that is just what it would be—a selected army. These men are selected, and the others are kept in reserve to be called if needed when their turn comes.

The gentleman from South Carolina [Mr. BYRNES] this morning painted a very gruesome picture of the conscripting officer coming into a community where there was one man 27 years of age and three boys of one family between the ages of 19 and 25—which is not in our bill, by the way—and one son, the only son of a dependent mother. The names of the four eligibles are put into the wheel and the lone son, of course, comes out first and he is chosen. Then the gentleman pictures the pain of that mother as she is giving up this lone son while the man of 27 goes free and while the three sons all remain at home.

I suppose if the volunteer system were in vogue the chances would be ninety-nine out of one hundred that the lone son would be one of the first men to volunteer, and then it would be put up to that poor mother to decide whether she would permit him to go or refuse, and thus stand in her country's way. By the system of selective draft we provide for just such cases as that. Where there are dependents there are to be exemptions, and so under our plan this lone son with a dependent mother would be exempted by law. Then he could look his companions in the face and say that he had not been chosen at all, but had been exempted by the law itself. After all, what difference does it make to the mother whether her son is selected for duty or whether he volunteers and goes? What is the difference? He is gone from her in either case. A selective draft properly administered would require him to stay at home. Here is the practical situation, and here is just what the gentlemen who are favoring this volunteer plan are standing up for: Let us

assume, first, that all men of military age are willing to serve their country, just as they should be. If we select a part of them to go out and serve, what harm have we done to anybody? [Applause.] They are all willing to go. We have selected only a part of them to go out for the time being because that is all we can use. The rest may have to follow later.

Mr. MEEKER. Mr. Chairman, will the gentleman yield?

Mr. TILSON. In a moment. But supposing a part of them are willing to go and a part of them are not willing to go, as might be the fact. Then to whom do we do the harm? Certainly not to those who are willing to go, because if they are chosen by selection they go just as they would go if they were volunteers. Then who are left to object? Only those men who are eligible, who are of proper military age, who have no one dependent upon them, and yet who are unwilling to go. Are those the men we wish to agitate about? [Applause.] When we reduce it to cold facts, gentlemen, those are the only men you are exercising yourselves about. [Applause.] The word "volunteer" sounds grand. It really sounds fine to say that in 48 hours enough men will spring to arms—if we happen to have the arms to spring to—to defend the country. It sounds so grand that we like to repeat it, but it is more rhetorical than practical. What we are dealing with in this bill is a cold, practical proposition of the best way to go about an immense task. It has been proven by our own history and the history of other countries that the volunteer system when thoroughly tried out has never produced the best results. The Civil War, instead of proving that the system under which it was fought is a wise one, only shows what brave and patriotic men can do in spite of a bad system. If the selective plan had been used from the very beginning, in my judgment the war would have been finished with half the sacrifice of blood and treasure, and possibly in half the time.

Mr. LITTLE. May I ask the gentleman a question?

Mr. TILSON. I yield for a single question.

Mr. LITTLE. Is not the fact exactly the contrary, that every war this country has ever won was won by volunteers, and that no army of conscripts ever won a victory for this country or any other?

Mr. TILSON. If the gentleman calls the soldiers of France and Germany conscripts, and I suppose he does, they have been winning some victories on both sides.

Mr. LITTLE. Have their conscripts won the war for either of them in less time than the Civil War was won by volunteers?

Mr. TILSON. Not yet; but probably, there being conscripts on both sides, the conscripts on one side or the other are going to win.

Mr. LITTLE. That may depend on the Americans. You say both armies in Europe are conscripts. Have they got any better results than the volunteers got for this country in 1861–1865?

Mr. TILSON. It makes my heart bleed when I think of the unnecessary losses in 1861–1865. When I think how those brave young men were sacrificed and slaughtered, while their equally brave but untrained officers were learning how to lead them, I pray that we may never repeat the error. Then think of this country, drenched in blood for four years, when much of it might have been saved. [Applause.]

Mr. LITTLE. And the conscript systems of Europe have sacrificed ten times as many men in half the time.

Mr. TILSON. Oh, I differ with the gentleman. I am very sorry that the conscripts or anybody else are fighting in Europe. I began my remarks with stating how sorry I was that there was any war, and especially that we were in it. But we are in it, and we are facing a practical question.

Mr. STAFFORD. The gentleman claims that the volunteers of the Civil War were sacrificed. Were they not sacrificed by officers of the Regular Army, and is it not a fact that the successful issue of the Civil War came as a result of the skill of volunteer officers, such as Grant?

Mr. TILSON. Many volunteers became fine officers, but the gentleman is unfortunate in his reference to Gen. Grant, who was a Regular Army officer.

Mr. STAFFORD. And was it not Regular Army officers like McClellan who sacrificed the volunteers?

Mr. TILSON. Unfortunately great battles can not be fought without sacrificing men. That is one of the things I dislike about war.

Mr. RAGSDALE. Grant was a graduate of West Point.

Mr. STAFFORD. Gen. Logan was not a West Pointer. He was a volunteer, and Oglesby was another volunteer.

Mr. FESS. And Gen. Grant left the Regular Army service.

The CHAIRMAN. Gentlemen must not interrupt except by the consent of the Member who has the floor.

Mr. TILSON. I yield to the gentleman from Ohio [Mr. FESS] for just one question.

Mr. FESS. Gen. Grant was a volunteer, having left the Regular Army six years before the war broke out, and he got his commission from Gov. Yates, of Illinois.

Mr. TILSON. Oh, Gen. Grant was a West Pointer.

Mr. FESS. Certainly he was.

Mr. TILSON. He had been in the Army for a number of years.

Mr. FESS. But he had left it, and he was a volunteer.

Mr. TILSON. I have not said anything against the volunteers. I have been singing their praises and the brave deeds they accomplished under a wasteful, ineffective system.

Mr. GREENE of Vermont. Was not this volunteer, Gen. Grant, not only educated at West Point, but was he not a veteran of the Mexican War?

Mr. TILSON. Yes. There can be no question about our volunteers fighting bravely and making the greatest of soldiers. A number of them rendered distinguished service as officers of high rank, but, unfortunately, not a very large proportion of them became great generals in the Civil War. [Applause.]

The CHAIRMAN. The gentleman's time has expired.

Mr. McKENZIE. I yield five minutes to the gentleman from Tennessee [Mr. FISHER].

Mr. FISHER. Mr. Chairman, it is my purpose to state very briefly my position as to the two systems for raising an army now under discussion. I am going to vote for the selective draft system which carries with it the recommendation of the President of the United States. [Applause.] It is the most democratic, applying to the rich and the poor. It is the most efficient, because with it is carried the well-defined policy of the President to keep going those activities in our country which are essential to its very life.

In my district there is now being waged a magnificent campaign for food preparedness. My people are thoroughly aroused. The business man, the banker, and the farmer realize the field for patriotic service in increasing the food supply. Vacant lots have been turned into gardens; over 10,000 children in the city of Memphis are daily working gardens; manufacturers have cleared away acres of rubbish and planted potatoes; on the farms, where heretofore every acre has been given to cotton, many hundreds of acres have now been planted in foodstuffs. Everywhere there is aroused a patriotic demand to increase the food supply, and the finger of scorn is pointed to those who do not join in the fight. We all admit that to win in this war we must also win in the fight to raise more meat, more food, as well as men and ammunition.

Under the volunteer system havoc would trail in the path of the Nation's farm and food campaign. The men working away in the fields, hearing the call of their country, with hearts swelling with patriotism, would enlist and stop the very necessary work that they are doing.

Under the selective plan the Government would say:

> You are doing an equally patriotic service. Some of you must keep at work, increasing the food supply, for hungry men can not fight.

I believe the people of the United States have implicit confidence in the President, and they are looking to his able and clear-headed leadership to guide this country through the dark, trying days ahead. I know full well my people are solidly supporting him and his policies. They are now impatient when any obstruction is placed in the path of his policies being put into force. They trust him absolutely and they expect of me that which I am eager to give him, my whole-hearted and unqualified support. [Applause.]

It seems the natural and reasonable course to pursue, with an able commander in chief of the Army, who has carefully considered the two systems, has reached a conclusion, and has made a specific recommendation, that we should follow him. There can be no doubt that he wants the selective conscription system, because in his matchless address at the opening of Congress, when speaking of how serious a step a declaration of war would be, he said:

> It will involve the immediate addition to the armed forces of the United States already provided for by law in case of war at least 500,000 men, who should, in my opinion, be chosen upon the principle of universal liability to service, and also the authorization of subsequent additional increments of equal force so soon as they may be needed and can be handled in training.

And again only a few days ago in a published letter he made this statement:

> The process of the draft is, I think, very clearly set forth in the bill drafted by the War Department and which I so earnestly hope that Congress will adopt; but it is worth while to state the idea which underlies the bill a little more fully.

Can it be said that we are standing back of him and supporting him when he specifically says he "earnestly hopes" Congress will adopt the selective draft system; and it is not given him? It will be a very difficult proposition to explain back home that you stood by and backed him up when you spent hours fighting the measures he recommended and "earnestly hoped" you would vote for.

About 17 years ago, as a student under the then professor of Princeton University and now our President, I found out that he had a very great capacity for reaching correct conclusions. I have watched his career very closely since then, and I have now the same belief in his capacity, and in that belief I am joined by my constituents. [Applause.] I firmly believe that the President is the greatest man living to-day. He has given very careful thought and study to these two systems. His conclusions are backed up by the Secretary of War and all the military experts of our Army. He believes "the supreme test of the Nation has come." He asks us "to speak, act, and serve together." There may be some of you who will desert him in these trying hours, but the path of duty for me is clear. [Applause.]

Mr. McKENZIE. I yield 10 minutes to the gentleman from Illinois [Mr. WHEELER].

Mr. WHEELER. Mr. Chairman, our country is now engaged in war with a foreign foe. I was one of that small minority of this House who voted against entering this conflict. But since the result of that vote was announced I have never allowed myself to entertain even a doubt as to the righteousness of our position.

We as a Nation have passed from the sphere of propriety into that of necessity.

The former permits of divergent views on each and every question; it permits of endless discussion and debate; it even tolerates friendly jest and criticism of the proponents of any proposition.

But in times like the present I believe we should, at least in great measure, subserve our ideas to the recommendations and suggestions of those who are intrusted with the responsibility of prosecuting this war.

They have before them, or at their disposal, information and data which the average Member of Congress does not possess, and much of which he could not, even if he so desired, acquire.

The President, as Commander in Chief of the land and naval forces of the United States, has notified Congress that in order to be successful in this war we must place all our resources at the country's service.

Congress was prompt in providing the necessary funds; it has given tacit consent to the mobilization of our industrial and commercial forces; it has interposed no objection to the mobilization of our battleships; and why should we not display the same degree of patriotism and place no obstacle in the way of the immediate mobilization of men.

We all agree that we must have men if we are to prosecute this war. They are necessary to man our battleships; they are essential on the firing line. Therefore, why not subserve our ideas regarding the methods required for such mobilization to those of the President and our military and naval experts.

They tell us that prompt action is necessary. They declare the volunteer system to be haphazard and unsafe. They have no criticism of the volunteer; in fact his unselfish devotion to his country and his willingness to die in defense of the flag would prevent criticism. But they tell us, and we all know, that quantity as well as quality is needed.

I am not one of those who assume that the majority of our young men, simply because they are slow in enlisting, are disloyal. I am not fastening upon them the stigma of "slacker."

Many entertain scruples, religious or otherwise, against war; others give way to parental objections; others hesitate at the thought of the possible grief that may come to their parents, brothers, and sisters by their enlistment.

These boys are doing their duty as they see it. We should not brand them as cowards. But if we refuse to order them to the colors and fail to say to them that they must set aside their scruples and respond to the Nation's call, we are officially classifying them as "slackers" and disloyal.

The responsibility of defending the flag of our country must not rest upon a few. It is a responsibility all must bear. And Congress should not say that all are not ready to do their duty.

I am not an advocate of an immense army of professional fighters—of men trained in the arts of slaughter—but I am a believer in the practicality of universal military training. I believe it will be a means for increasing the efficiency and the health and character of our young manhood, and I also believe it will serve as a guaranty for the safety of democracy.

As our President has ably pointed out, this is a time when every man, woman, and child should cheerfully bear his or her part of the burden. This is a nation's war; it is not the war of any one section or any one party. Therefore there is a universal liability. And it is unfair to those brave young men who rush to the recruiting station at the Nation's first call to say that they must bear the burden alone.

I have heard many of my colleagues voice their opposition to conscription. They contend it savors too much of autocracy. I have heard others denounce the selective-draft system as one open to abuse and which will pave the way for discrimination.

But, after giving these matters careful consideration, I have accepted the President's recommendation, because I feel it will not only be the means of conserving our commercial and industrial strength but will at the same time provide the necessary men for our naval and military forces.

We must not wreck our industrial, our commercial, or our agricultural forces, for these are as essential as the military and naval units. And in my estimation the only safeguard against such a calamity is the select draft.

Each individual should be called upon to render the service he can, some in one capacity and some in another. There is a duty for each citizen, either in the fighting ranks or with that vast army which will be needed at home to make our military and naval operations successful.

Then, too, there is another phase to be considered at this time: We must wipe out the bitter feeling that is prevalent in some sections between capital and labor, between the rich and the poor, between the native-born and the naturalized citizen.

We must instill into the hearts of those immigrants who have taken up residence in this country a lesson in loyalty to American institutions which was instilled into the hearts of our fathers by war and privation. They should be taught that they have responsibilities as well as privileges. And, in my opinion, this can only be done by compelling each and every citizen to do his or her duty, irrespective of place of birth, of position and wealth. For we are all Americans, and as such must stand united against the foe. [Applause.]

Mr. Chairman, I yield back the remainder of my time.

The CHAIRMAN. The gentleman yields back three minutes.

Mr. DENT. I yield 30 minutes to the gentleman from Texas, a member of the committee [Mr. GARRETT]. [Applause.]

Mr. GARRETT of Texas. Mr. Chairman, for more than half a century our country has been at peace with itself and all the world, save a misunderstanding with the Spanish Government, which was of short duration.

Our people had come to be lovers of peace; friendship, fellowship, brotherhood, and good will dwelt among them and had become a controlling factor in their national life.

The bitterness, sectional hatred, and partisan strife growing out of the late War between the States had become a matter of history; the surviving veterans of that titanic struggle had long since met in joint reunion, shaken hands across the bloody chasm, and as brother men now sit in the evening of life calmly and peacefully beholding the setting sun casting his golden rays over a reunited people, with one hope, one country, and one flag. And, sirs, while our people thus reunited in domestic peace and tranquillity, rejoicing in the hope and belief that our country would know war no more forever, there suddenly came, as it were, a thunderbolt out of a clear sky, and the war gods of the Orient were crying aloud and all America stood breathless, for the world seemed on fire. Millions of people were rushing to war in the Old World. Our people began immediately to ask themselves the question, Will our country be drawn into this awful catastrophe? Will this terrible war fire spread to our shores and consume our people?

Our Christian people offered up their prayers daily to the God of our fathers that our country might be saved from the vortex of this awful, cruel war. But the face of Jehovah seemed turned from them. How strange are Thy ways, O Lord! Yea; they are beyond our understanding.

President Wilson set himself about to save our country from this world-wide conflagration—to protect the rights of America and her people, at home and abroad, upon land and sea—and to maintain neutrality and peace before the world with honor. The President of the United States did all in his power to avert war with the Imperial German Government. He was exceedingly patient and long-suffering.

Finally when it became perfectly apparent that the German Government had determined upon a course which absolutely ignored all rights guaranteed to our people as a neutral country upon the high seas, and had offered to conspire with friendly nations to destroy our Government and dismember our Union.

the President came before Congress and delivered a message in which, concerning the conduct of the German Government toward the United States, he said:

Vessels of every kind, whatever their flag, their character, their cargo, their destination, their errand, have been ruthlessly sent to the bottom without warning and without thought of help or mercy for those on board, the vessels of friendly neutrals along with those of belligerents. Even hospital ships and ships carrying relief to the sorely bereaved and stricken people of Belgium, though the latter were provided with safe conduct through the proscribed areas by the German Government itself and were distinguished by unmistakable marks of identity, have been sunk with the same reckless lack of compassion or of principle.

I was for a little while unable to believe that such things would in fact be done by any Government that had hitherto subscribed to the humane practices of civilized nations. International law had its origin in the attempt to set up some law which would be respected and observed upon the seas, where no nation had right of dominion and where lay the free highways of the world. By painful stage after stage has that law been built up, with meager enough results, indeed, after all was accomplished that could be accomplished, but always with a clear view, at least, of what the heart and conscience of mankind demanded. This minimum of right the German Government has swept aside under the plea of retaliation and necessity and because it had no weapon which it could use at sea except these which it is impossible to employ as it is employing them without throwing to the winds all scruples of humanity or of respect for the understandings that were supposed to underlie the intercourse of the world. I am not now thinking of the loss of property involved, immense and serious as that is, but only of the wanton and wholesale destruction of the lives of noncombatants—men, women, and children—engaged in pursuits which have always, even in the darkest periods of modern history, been deemed innocent and legitimate. Property can be paid for; the lives of peaceful and innocent people can not be. The present German submarine warfare against commerce is a warfare against mankind.

There is one choice we can not make, we are incapable of making: we will not choose the path of submission and suffer the most sacred rights of our Nation and our people to be ignored or violated. The wrongs against which we now array ourselves are no common wrongs; they cut to the very roots of human life.

With a profound sense of the solemn and even tragical character of the step I am taking and of the grave responsibilities which it involves, but in unhesitating obedience to what I deem my constitutional duty, I advise that the Congress declare the recent course of the Imperial German Government to be in fact nothing less than war against the Government and people of the United States; that it formally accept the status of belligerent which has thus been thrust upon it; and that it take immediate steps not only to put the country in a more thorough state of defense but also to exert all its power and employ all its resources to bring the Government of the German Empire to terms and end the war.

Mr. Chairman, immediately upon receiving this message, a resolution was introduced in the Congress declaring that a state of war now exists between the United States and the Imperial Government of Germany.

I supported this resolution without hesitation or mental reservation. While I regretted to the very bottom of my soul that our country was forced into this war, it is now no longer a question of peace or war.

Our country had already been drawn into the war against its wish by reason of the outrages committed against its people by the German Government, as set forth in the President's message.

We must now either submit to these outrages or fight.

Our national honor demanded that we fight and fight we will. [Applause.]

And I want to say here and now, Mr. Chairman, that from the day I took the oath of office as a Member of the Sixty-third Congress until this hour, I have stood steadfastly by President Wilson without hesitation or halting; I have walked by his side all the way, holding up his hands at every turn of the road; I am standing by him just as steadfastly now.

I have voted on the floor of this House and in the committee to give the President all the money and men to carry on this war that has been asked for, but because I do not agree with every provision of an Army bill prepared in the Department of War should not and will not by my friends be construed as an act of infidelity, either to the President or my country.

The discussion on the floor of the House and in the press of the country attempts to place those who are advocating the committee report of this bill in the attitude of being against the President. To me that is a personal affront. If there is a man on the floor of this House, if there was a man in the House of the Sixty-third Congress, who stood more steadfastly day by day and week by week by President Wilson than myself I would like to hear his name called. I was one of the Members in 1914 who stayed on the floor of this House through that long summer, when my own political fortunes were in the balance at home, and I never deserted the President for one moment then, although it cost me my seat in this House. [Applause.]

I am receiving, as I guess many of you gentlemen are, telegrams from my home people. I received one something like this, as shown by a newspaper publication in my State:

Maj. George W. Littlefield, of this city, member of the American Defense Society of New York, has received a telegram from that organization in which it is alleged that D. E. GARRETT, of Houston, one of the two Congressmen at Large from Texas, is not giving wholehearted support to the President in his war program, and requesting that mass meetings be held in Texas to show Congressman GARRETT that Americans who sent him to Congress demand that he support universal military training and the President.

The society asked Maj. Littlefield to please wire of his willingness to fight for a united Nation now.

Maj. Littlefield wired assurance to the American Defense Society that he and representative citizens of Texas are standing behind the President in his war policy, and that Congressman GARRETT had been so advised.

The following telegram was sent to Congressman GARRETT:

You are reported as opposing the President's policy for raising an army. If true, you do not represent the great majority sentiment of the State, who are heartily with the President. We urge you to give his policy your open and actual support.

Now, mark that telegram. In the first place, it raises the question of universal military training, which is not before the House of Representatives, and has not been during this Congress. [Applause.]

The American Defense Society is trying to foist on the people the idea that I want to oppose the President, which is wholly untrue, and that I am opposed to a policy, military training, not now being considered by the House.

Here is a society in New York attempting to make people in my State believe that I am not standing by the President of the United States, and not true to my country, simply because I do not take without equivocation a bill from the War Department and agree to support it without dotting an "i" or crossing a "t." I am more than anxious to receive instructions from my home people, and would welcome the personal opinion of Maj. Littlefield, but I must protest against the New York society bringing in question my loyalty to the President, my people, or my country.

I say this, Mr. Chairman, because of criticism appearing in some of the papers in my State, of my action in the Committee on Military Affairs in voting with the majority of the committee in reporting out this bill. It is well known to the committee that this bill does not fully reflect my views, but it was the best we could get under prevailing conditions in the committee.

Mr. Chairman, coming now to the provisions of the bill. There can be no difference of opinion among Americans that we should have, at the earliest practical moment, an efficient and effective Army to help crush that Government that would, if it could, destroy our own. But I am fully persuaded that there is ground for honest difference of opinion as to the method and manner of raising the men and money. This is a legislative duty devolving upon Congress and for which the Congress will be held responsible by the country, and, as one Member of Congress, I have tried to do my duty as I have been given wisdom. And I shall stand ready to be judged by my people for my action at this time. They may doubt my judgment, but I do not believe they will question my sincerity of purpose.

The bill as reported by a majority of the committee differs from the bill drawn by the War Department in two or three particulars only; all other parts of the bill are substantially the same.

The committee bill and that of the War Department authorizes the increase of the Regular Army and the raising of the National Guard to war strength, first by voluntary enlistment, and afterwards, if necessary, by draft.

There is no difference in the War Department bill and the committee bill in this respect. Both recognize and retain the volunteer system. When the Regular Army and National Guard have been recruited to full war strength, either by the voluntary system or draft, in the discretion of the President, then the War Department bill provides that the additional force of 500,000 men, and if, in the discretion of the President, a second call for 500,000 men be needed, that such force shall be raised and maintained by selective draft exclusively of all male citizens between the ages of 19 and 25.

The difference, in the main, between the majority of the Committee on Military Affairs and the War Department is upon this feature of the bill. We have not been able, after most careful and conscientious study of the question, to reach an agreement whereby we are willing to say that a great war like the one in which our country is now engaged, contending, as we are, against the greatest military nation on earth, shall be fought by the boys and young men of America between the ages of 19 and 25, while all other citizens capable of bearing arms shall be relieved of military service in such a crisis. I believe this to be a man's war, in which the men of the country between proper military ages should respond to the call to arms, based upon liability to military service, according to their ability to render. I am unwilling for the boys so young in years to be conscripted into the Army of the country while the loafers around pool halls and billiard rooms and the street-

corner gazers shall be exempted because they happen to be over 25 years old, as most of that crowd are.

Can it be said that a boy should be conscripted into the Army to fight for his country before his country has given him a voice in the management of its affairs, or before he is old enough to vote or to execute a will?

I desire, gentlemen, to call your attention to the following table, compiled by Mr. MORIN, of the Committee on Military Affairs, which is taken from the constitutions of the countries, showing the ages at which universal compulsory and voluntary services begin:

Norway, universal compulsory service begins at	23
Brazil, universal compulsory service begins at	21
Greece, universal compulsory service begins at	21
Chile, universal compulsory service begins at	21
Austria, universal compulsory service begins at	21
Hungary, universal compulsory service begins at	21
Roumania, universal compulsory service begins at	21
Serbia, universal compulsory service begins at	21
Sweden, universal and volunteer service begins at	21
Denmark, universal service begins at	21
Germany, universal compulsory service begins at	20
Turkey, universal compulsory service begins at	20
Bulgaria, universal compulsory service begins at	20
France, universal compulsory service begins at	20
Russia, universal compulsory service begins at	20
Italy, universal compulsory service begins at	20
Japan, universal compulsory service begins at	20
Portugal, universal compulsory service begins at	20
Switzerland, universal compulsory service begins at	20
Argentina, universal compulsory service begins at	20
England, volunteer.	
Belgium, volunteer and compulsory; 49 per cent conscription, no definite age.	

It will be observed that not one of these foreign countries force their boys into military service at the age of 19, the age proposed by the War Department for conscripting American boys.

The committee bill simply authorizes the President to issue a call for a volunteer army of 500,000 in the first instance, and an additional force of 500,000 if he deems it necessary; but does not attempt in any manner to direct the President what action he shall take in the premises, whether he will or will not issue the call for volunteers is left entirely in his hands.

All the machinery for putting into effect, the draft system, as provided in the War Department's bill, is retained in the committee bill. Secretary of War Baker stated to our committee that it would take from three to four months to make registrations and to put the draft system into operation.

So that if the President should issue a call for volunteers immediately upon the passage of the act it would give all citizens of military age about four months in which to volunteer their services, should they desire to do so. And I do not see how there can be any reasonable objection to this. However, should the machinery for the draft system be put in operation sooner than anticipated by the Secretary of War, and in the event the President decides that such additional force or forces shall not have been effectually raised under the call for volunteers, the President is fully authorized to raise said force or forces by draft, the same as provided in the War Department bill. Except under the committee bill the draft, based upon liability to military service, applies to all male citizens, or male persons who have declared their intentions to become citizens, except alien enemies, between the ages of 21 and 40 years, both inclusive; and not between the ages of 19 and 25 years, as provided in the War Department bill; so that the main differences between the committee bill and War Department bill is:

First. During the time between the passage of the act and the completion of registration as provided under the draft system all persons of military age should be given an opportunity to volunteer, if they desire to do so, which, I believe, would greatly facilitate the raising of an adequate Army at once.

Second. The ages for military service under the draft system is changed from 19 and 25 to 21 and 40 years, inclusive.

The only other change of any consequence is: The committee bill provides that all forces other than the Regular Army shall be composed of men who come from and officers who are appointed from the same State and locality, as far as practicable; to the end that the soldier boys may be of whatever comfort they may to each other in dispelling that homesickness incident to Army life. The bill prepared by the War Department contained no such provision, which, for the social comfort and happiness of our soldiers, is very important and desirable.

The bill provides that all officers, whether in the National Guard or Regular Army, shall be appointed by the President, which makes the bill absolutely void of all political entanglements. The bill appropriates $3,000,000,000 for the use of the Army, as recommended by the War Department.

That the voluntary system has been successful in our country in times past is a matter of history.

The committee bill in no way attempts to dictate to the President whether or not he will issue a call for volunteers or say whether or not this Army shall be raised by volunteer enlistment or whether he will put in force immediately upon the completion of the registration, the draft system. Can there be any possible complaint about that? You may read this bill from one end to the other, and you will find nowhere in it where there is one single obstacle thrown in the way of the President or the War Department to prevent them from raising an efficient Army and raising it now. But are we ready to depart from the volunteer system altogether? I was somewhat amused yesterday afternoon to observe in one of the newspapers that a British officer, now in this country on an important mission, had given out an interview wherein he criticized the volunteer system of England in this war and in which he refers to the fact that the volunteer system has given his country a great deal of trouble. That distinguished officer, however, did not say that in this great conflict England had called to her colors by voluntary enlistment more than 5,000,000 men and that there are less than 1,000,000 who have been raised by conscription.

Who is it to-day on the northern front of France that is battering down the breastworks and driving back inch by inch and foot by foot the indomitable army of the Kaiser? Who is it that is taking the big guns away from his men? Who is it that is capturing prisoners and driving the German Army back to their own soil? It is the brave, fearless volunteer soldiers of England and France. [Applause.] I wondered when that distinguished gentleman was speaking concerning the failure of the volunteer system in England if he could not recall that in this country at the time when Washington and Lafayette lived and moved among men, that this country had considerable to do with the volunteer system in this country. It was quite successful then and entirely satisfactory to the American people. Are we to abolish it not? Throw it aside like a worn-out garment and forget that it was through the volunteer army that our Republic was established, its Constitution written, and its life preserved until this very hour? If we are to abandon the volunteer system altogether at the beginning of this war, and men are not to be permitted to respond to the call of their country as volunteers, then I ask your most serious consideration of the question of whether or not the boys of America between the ages of 19 and 25 shall be made to fight this war against the most powerful military nation on this earth, while all men above the age of 25 shall be exempt? To my mind such a proposition is so unjust, unfair, undemocratic, and unpatriotic that it should receive the just condemnation of every Member of this House. As far as I am concerned, I want this war to be fought by the men of the country and not the schoolboys. [Applause.]

Mr. GRAHAM of Pennsylvania. Mr. Chairman, will the gentleman permit a question?

Mr. GARRETT of Texas. Yes.

Mr. GRAHAM of Pennsylvania. I would like to know for my personal information where the limit of 19 to 25 appears in the bill that is under consideration?

Mr. GARRETT of Texas. The limit of 19 to 25, I will answer the gentleman, appears in the bill sent down to our committee by the War Department, which has been recommended for passage in the Senate, and will be over here in a few days, and I want this House to be ready for it when it gets here.

Mr. GRAHAM of Pennsylvania. It is not, then, in the bill that is before the House?

Mr. GARRETT of Texas. It is not.

Mr. GRAHAM of Pennsylvania. As I understand it, that provides 21 to 40.

Mr. GARRETT of Texas. Yes; and I say, to the credit of the minority of the Committee on Military Affairs, that I do not know a single one of them who is in favor of putting the limits 19 to 25 in this bill.

Mr. COX. Mr. Chairman, I would like to ask the gentleman a question for information. Does he know whether or not the minority members of the Committee on Military Affairs are proposing to offer what is known as the Chamberlain bill as a substitute for the majority committee bill?

Mr. GARRETT of Texas. I do not.

Mr. COX. I wish some one would discuss that question.

Mr. GARRETT of Texas. I could not give the gentleman that information.

My friends, this is a question that we must settle for ourselves; and do not forget this fact, that we are going some day

to be called to judgment for the way we cast our votes here upon this question. I am willing that the boys of the country, even down to the age of 18, as provided in our national-defense act, if they so desire, may volunteer; but I can not believe that this Congress, representing a Government of over 100,000,000 people, with more than 20,000,000 men of military age, will write upon the statutes of the country a law saying to the boys of the country of the ages of 19 and 20, "You have not reached such years of discretion and have not that judgment of mind that would entitle you to cast a ballot for the election of Members of Congress, but you possess ample ability to shoulder a rifle and go out to be shot down for your Government." [Applause.] No, gentlemen, I can not believe this Congress will ever do that. [Applause.]

Mr. COOPER of Ohio. Will the gentleman yield?

Mr. GARRETT of Texas. I will.

Mr. COOPER of Ohio. I would like to ask the gentleman if he is willing to have the boys shot down under the volunteer system?

Mr. GARRETT of Texas. I answer the gentleman unhesitatingly, no. Wars are sometimes thrust upon people without their making, just as this one has come upon us. We can not always choose whether we shall live or die when our country is invaded, for then it becomes the duty of every man capable of bearing arms to come to his country's defense.

Mr. CARTER of Oklahoma. Will the gentleman yield?

Mr. GARRETT of Texas. Yes.

Mr. CARTER of Oklahoma. Does not the gentleman think when this boy volunteers to fight for his country that he has the right to expect that every other boy of equal capacity and of equal age shall stand in line by him and protect his rights?

Mr. GARRETT of Texas. Unquestionably, but for the life of me I can not see how a man can reach the conclusion that a law, under the guise of universal service, that limits the age of those who shall do the fighting from 19 to 25 years is producing universal service.

Mr. CARTER of Oklahoma. Is there any proposal to do that by anybody in the House that the gentleman knows?

Mr. GARRETT of Texas. I am trying to prepare the House against that hour that doth soon appear. [Laughter.] I know it is coming, and I know that when it gets here the same reason will be given to push it through this House and adopt it that is now being given to abandon the time-honored principle of volunteering. [Applause.] I am only trying to warn you that when that hour does come that the House of Representatives may stand by and say, "You may abandon the volunteer system if you will, but you can not put over us a universal service of only 19 to 25 years." Not only that, my friends, but may I ask this, Why should not this volunteer system remain upon the statute books, to be used in the discretion of the President if it in no manner impedes or hinders the progress of raising an army at this time? I will say further to the gentlemen: If the President or the Secretary of War should come to the Congress and say that we need an army, we need it now, we can not raise it under this system in this emergency, and asked me if I was willing to set aside the volunteer system under those conditions, I would unhesitatingly say "Yes." But they have never done that. It will take four months, the Secretary of War said, before he can get his machinery in operation and be ready to enter upon the draft system. Is there any reason why, pending the time the War Department is making ready for the installation of the draft system, that the President could not issue a call for a million volunteers. My candid opinion is that if the President should issue such a call, they would never need a list of conscripts, because the men would be standing at the doors waiting. [Applause.]

Mr. GORDON. Will the gentleman yield?

Mr. GARRETT of Texas. I will.

Mr. GORDON. Is there any provision of law to-day by which any man can enlist in the Regular Army or the National Guard for a period of less than seven years—three in the active and four in the reserve?

Mr. GARRETT of Texas. I think not. I think the gentleman is correct, and that is the law, and that is one reason——

Mr. GREENE of Vermont. Will the gentleman yield there?

Mr. GARRETT of Texas. In one moment. That is another reason why those people who want to be on the honor roll to fight our country's battles, but who do not wish to be in the Regular Army and who do not wish to be in the National Guard, but are willing to volunteer in this war, ought to, in my opinion, be given an opportunity to do so.

Mr. GREENE of Vermont. It is true under existing law that permissions to enlist in the Regular Army are as stated; but is it not provided in this bill that the term of enlistments in these organizations are for this emergency and shall be only for this emergency?

Mr. GARRETT of Texas. This bill we are discussing has not become a law.

Mr. GREENE of Vermont. The gentleman is discussing his bill, and his bill is the bill which he expects us to pass.

Mr. GARRETT of Texas. Now, gentlemen, in conclusion, I would say this——

The CHAIRMAN. The time of the gentleman has expired.

Mr. DENT. Mr. Chairman, I yield such time as he may desire to use to the gentleman from Missouri, the Speaker of this House [Mr. CLARK]. [Loud applause.]

Mr. CLARK of Missouri. Mr. Chairman and gentlemen of the House of Representatives, I desire to announce before I begin that I do not want to be interrupted until I get through, and then I will answer any reasonable and pertinent question that any gentleman wants to ask. I know what I want to say and I want to say it in a connected way. Two things are true beyond the shadow of a doubt:

First. For a Member of the House or Senate to differ with the President of the Republic—any President—is not pleasant. On the contrary, it is painful, especially when the President is one whom you have helped elect. I have made it a rule to always support the President—any President—when I believe he is right, and on doubtful questions give him the benefit of the doubt. Further than that I will not go, so help me Almighty God! Further than that I can not go and make good the oath that I took when I was sworn into this House. Further than that I can not go and be true to the principles of representative government. [Applause.] The President of the United States is the most powerful personage in the wide, wide world—more powerful than the Kaiser, Emperor, or King, any other variety of potentate. It is because he is the head of 100,000,000 free people. [Applause.] That is the reason he is powerful. He has his functions to perform and, as far as I have been able to observe, he is not bashful about performing them. [Laughter.] The House and Senate have their functions to perform, and if we are men we will perform them. [Applause.]

When a Member of the House or Senate has thoroughly and conscientiously studied a question with open mind and with all the lights available and has formed a conclusion, he should vote that conclusion, even though it runs counter to the desire of the President. If he does not do that, he is unfit to sit in House or Senate. He should resolutely and courageously do that, be the consequences to him personally what they may. Believing these things, I am about to express my opinion on the pending bill in language as temperate, kindly, and courteous as possible—an opinion arrived at after much investigation and more thought. I regret exceedingly that I can not agree with the President and his advisers on everything in this bill. But this is still a free country, and free speech has not yet been prohibited in the House of Representatives. For many years I have served the people in various positions of trust, always with perfect fidelity and with whatever capacity God has blessed me. I shall continue to do so to the end, whether that be near or far.

Second. We have entered into a great war—upon a stupendous undertaking. That being the case, this House will vote every man and every dollar needed to press it to a speedy and successful conclusion. On that we are all agreed, and anybody anywhere who disputes that pregnant fact grossly misrepresents a large number of men in House and Senate who are honestly endeavoring to discharge their duties. The only thing about which we debate is how best to accomplish the desired end; how most efficaciously to serve our country and our kind. The principal difference betwixt the contending forces here is this: One side wants a conscription and conscription only; nothing else will satisfy them. The other desires to give patriotic men of military age a chance to demonstrate their courage and their patriotism by volunteering within a reasonable time before the conscription mill is started grinding. Why any man should be denounced by all the vile names found in the dictionaries and by some not admitted to any dictionary and heard only in the stews for supporting either one of the two propositions is utterly beyond my comprehension. Those in favor of giving the traditional volunteer system a chance have never abused or denounced those in favor of conscription. All the foul abuse and malicious slanders are directed against the men who advocate giving a fair, reasonable trial of the old volunteer system which gained us victory in all our wars. [Applause.] It is astounding, and it is a safe and cowardly performance at a distance—much safer than to attempt it at a space of 3 feet. [Applause.] I am unreservedly in favor of the volunteer amendment to the Army bill. [Applause.] Mr.

DENT and the majority of his committee deserve great credit for reporting it, notwithstanding the pressure and blandishments used to induce them not to do so. I do not in any way impeach the integrity or the patriotism of the minority who want conscription, notwithstanding they fly squarely in the face not only of our own history but of the history of all English-speaking peoples; but why should Chairman DENT and the majority of the Military Committee be assailed with inhuman rancor because they stand for the American doctrine of giving an opportunity for the brave, the patriotic, to volunteer to fight for their country?

Of all men, Missourians should be the foremost to defend the volunteer system, for Missouri is the only State in the Union to send more than her full quota—without a draft, mark you—into both the Union and Confederate Armies. [Applause.] That is a record to which there is no parallel in all history. In 1860 her total vote was only 165,518; yet she sent 111,000 volunteers into the Union Army and, as nearly as can be ascertained, 50,000 volunteers into the Confederate Army, a grand total of 161,000 volunteers [applause], and there can be no question that she will do her full share in this emergency if only given a chance. [Applause.]

Now, when some of these high conscriptionists undertake to give the records of their State let them give one that will approach that. For a chance for that imperial Commonwealth to have the glorious privilege of raising her full quota of her brave and gallant sons by the volunteer system instead of being dragged into the Army by the scruff of their necks, I humbly pray the American Congress. [Applause.] I protest with all my heart and mind and soul against having the slur of being a conscript placed upon the men of Missouri. In the estimation of Missourians there is precious little difference between a conscript and a convict. [Applause.] Missourians wish to serve shoulder to shoulder, elbow to elbow, heart to heart with their neighbors, friends, and kindred and do not desire to be broken up into small squads and distributed among strangers from distant localities. Wounded, their neighbors would render first aid. Sick, their friends would minister unto them. Dead, their friends and neighbors would bury them. Homesick and discouraged, their comrades would cheer them up. All history teaches that men fight better under such circumstances. There can not be any question about it. You can not produce any single great military name that will deny it. Some of these carpet knights may do so. [Laughter.] They want the folks back home to know that they discharged the duties of a soldier bravely, faithfully, and well, even unto death. Whatever else may be said of the Germans, nobody save an incorrigible and congenital idiot will deny that they fight well and know something about warfare. Pick up any newspaper, and what do you see? "The Bavarian Troops"; "The Saxon Troops"; "The Brandenburg Division"; "The Potsdam Guards"; "The Wurttemberg Infantry"; and so on through all the 26 States comprising the Empire and their subdivisions. Fighting thus, a pride of home is cultivated, thereby increasing their gallantry and their efficiency. So in the British Army troops have local designations such as "The Scotch Greys," which twice in their experience have been almost absolutely destroyed; "Princess Pat's Regiment," which has been nearly wiped out in Europe.

Why not have Missouri troops at least in companies, regiments, and brigades; Illinois troops; Kentucky troops; and so on through all the States?

It is asserted, however, that such arranging of units, such as I have suggested, into Missourians, Kentuckians, Kansans, Mississippians, and so forth, will be made. My friends, be not deceived by such talk. It is a tub to the whale—a sop to Cerberus, a blind for your eyes, a snare for your feet, a trap for the unwary—merely that, and nothing more. [Applause.] Why do I say that? Because the Senate is this very moment considering the War Department bill without the volunteer feature and without local units. The newspapers say that it will pass the Senate in the precise shape in which it was sent to the Senate by the War Department. What they hope is that we will turn down the majority of the House Committee on Military Affairs and swallow the War Department bill hook, line, and sinker. Failing to ram it down our throats in open fight here on the floor of the House, they hope to induce the conferees to give them what they want. If they have their way, there is no more chance for the organization of troops by State units than there is for us to be translated in chariots of fire after the manner of the prophet Elijah. [Applause.]

It is maliciously asserted that we who desire to give the volunteers a chance to serve their country are endeavoring to retard the creation of an army. That is simply preposterous, and if I did not want to keep within the bounds of parliamentary language I would make it a great deal stronger than that. [Applause.] On the contrary, the call for volunteers would hasten the formation of an army. It is understood that War Department officials say that it will require from three to five months to set the draft going. Why not then call for volunteers at once and secure a large volunteer army while preparing for the draft? [Applause.] Clearly it is those who oppose calling for volunteers and not those favoring the volunteers who are delaying the formation of an army.

Another thing, if the President had the day after the war was declared asked Congress to authorize him to call for 500,000 volunteers or even a million, both Houses would have passed the bill in 48 hours, and by this time he would have thousands of volunteers in camp and in training. [Loud applause.]

But it is said in answer to all this that anyone desiring to volunteer can enlist in the Standing Army! That is no answer at all, because it is a very different thing to serve as a volunteer with volunteers and to serve in the Standing Army. There is no use to give the reasons. [Applause.] They exist and intelligent people understand them full well.

Another serious objection to the War Department bill is the conscription age limit of 19 to 25. If we are to have conscription, it should apply to all men of military age. And if it did there would not be such a hullabaloo in certain quarters. When I went out to Chicago on St. Patrick's Day to make a speech to the Friendly Sons of St. Patrick—I think that is the name of the society—a reporter came to the hotel to interview me about this war. I did not want to be interviewed; I was not in a talkative humor. I said, "I wish all the editors of this country who are shouting for war could be put into the front rank." [Applause.] I think that interview was never published. [Applause and laughter.]

Why single out boys who were too young to vote for President and Representatives? They had nothing to do with bringing on the war, and why should they not be of the exempted classes in this selective or seductive conscription, so they may finish their educations, thereby fitting themselves for the duties of citizenship? [Applause.]

Consistency is rated as a jewel. I have always thought that it is better to be right and inconsistent than to be consistent and wrong. However that may be, I beg leave to call to your attention the most delicious piece of inconsistency ever put into print since Gutenberg invented movable types.

All of us read the Washington Post, and it is a bright paper. All of us know that it is one of the stanchest advocates of conscription to be found betwixt the two seas. Homer sometimes nods, and surely the Post editor nodded when he wrote the leader in the issue of Sunday, April 22.

Here is an excerpt from it—all that is pertinent to this discussion:

THE ROOSEVELT VOLUNTEERS.

Officers in the War Department are said to be opposed to granting permission to Col. Theodore Roosevelt to raise a division of volunteers for early service in France, because they think it would be inconsistent with the plan for raising a regular army by selective draft.

If this objection were valid, Col. Roosevelt's patriotic offer should be declined.

But where is there any inconsistency? Where would the two plans conflict, and how?

Roosevelt is a fighting man. Nobody denies that. I think a great deal of him, because he knows a little about more things than any other human being I ever clapped my eyes on. [Laughter.] And he is not mealy-mouthed about telling it, either. [Laughter.]

Col. Roosevelt proposes to raise a division of volunteers, to be commanded by Regular Army officers. He proposes to accept men above the age of 25, who would not be subject to draft.

But they ought to put into parenthesis "Regular Army officers under him."

He proposes to accept men above the age of 25, who would not be subject to draft.

In that he is entirely correct.

The President's plan for selective draft would not be affected in the slightest degree by raising a division of volunteers.

If it will not be infringed upon in the slightest degree by raising one division of volunteers, how would it be infringed upon by raising a hundred times a thousand volunteers? [Applause.] Then he says:

The President's plan for selective draft would not be affected in the slightest degree by raising a division of volunteers.

That is what Prof. Squeers, of Dotheboy's Hall, would denominate "richness." I am reasonably certain that could Isaac Disraeli return to earth and get out a new and enlarged edition of his Curiosities of Literature he would give a prominent place to the foregoing excerpt from the Post. Col. Roosevelt is one of the most famous Americans, but is not giving him a division of volunteers a clear infringement of the se-

lective draft? Why should the honor of volunteer service be granted to him and denied to all other American citizens? There is no question about his fighting qualities; but there are others. [Applause.]

Now, there is another thing: Nor will the statement, oft repeated in the public press and in debate, that the volunteers will be less efficient than conscripts, because they will elect their own officers, and in many cases elect incompetent men, stand for an instant the light of truth. Under the present volunteer act the officers would be taken from the Officers' Reserve Corps, selected by the War Department after proper examination. In fact, a volunteer army would be officered in exactly the same way that the conscript army would be.

Another thing: These gentlemen insist that they would have to drill an army if you would have conscripts. Now, will some of them rise and state how it happens that they can drill conscripts, who do not want to go into war at all, any quicker than they can drill volunteers? What is the sense in that sort of twaddle? [Laughter.]

Gentlemen, I am going to read a few words from an old document. I am not certain but that I ought to apologize for reading it at all. Nevertheless I am going to read it. It is the Constitution of the United States. [Laughter and applause.] It is an instrument that Gladstone said was the greatest performance ever struck from the human mind at one time, an instrument at whose making George Washington presided. And by the way, he was simply a plain volunteer. [Applause.] He was not a Regular Army officer. He was not a conscript, bless your soul! [Applause.] And while I am at it, and while it has nothing in the world to do with this debate, I am going to give you briefly my opinion about him; and, that is, that we do not do him honor enough, even yet. [Applause.] In my judgment he rendered greater service to his country and to the cause of human liberty as the President of the Constitutional Convention than he did either as Commander in Chief of the Army or as President of the United States. [Applause.] If it had not been for his vast influence we never would have had any Constitution agreed upon, and if it had not been for the certainty that he would be the first President they never would have ratified it. [Applause.] They came mighty near not ratifying it anyhow.

I want to read to you from the Constitution. I still believe we are living under the Constitution. [Applause.] Here is what it says about armies; it is in the eighth section of Article I, where the powers of Congress are granted:

> To raise and support armies, but no appropriation of money to that use shall be for a longer term than two years.
>
> To provide and maintain a navy.
>
> To make rules for the government and regulation of the land and naval forces.
>
> To provide for calling forth the militia to execute the laws of the Union, suppress insurrection, and repel invasions.

That is prefatory. Then—

> To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States, respectively, the appointment of the officers and the authority of training the militia according to the discipline prescribed by Congress.

My fellow Representatives, has the Constitution of the United States also become "a mere scrap of paper"? [Applause.]

There was once a man in this country named Ulysses Simpson Grant, who had some vogue as a soldier. I take it that those who are howling for conscription and nothing but conscription would rather take the opinion of these modern carpet knights than that of the silent soldier. So far as I am concerned, I pin my faith in this matter to the invincible warrior. In his memoirs, by the way, one of the most readable books in our vernacular, he says:

> While at Cairo I had frequent opportunities of meeting the rebel officers of the Columbus garrison. They seemed to be very fond of coming up on steamers under flags of truce. On two or three occasions I went down in like manner. When one of their boats was seen coming up carrying a white flag a gun would be fired from the lower battery at Fort Holt, throwing a shot across the bow as a signal to come no farther. I would then take a steamer and, with my staff and occasionally a few other officers, go down to receive the party. There were several officers among them whom I had known before, both at West Point and in Mexico. Seeing these officers, who had been educated for the profession of arms both at school and in actual war, which is a far more efficient training, impressed me with the great advantage the South possessed over the North at the beginning of the rebellion. They had from 30 to 40 per cent of the educated soldiers of the Nation.
>
> They had no standing army, and consequently these trained soldiers had to find employment with the troops from their own States. In this way what there was of military education and training was distributed throughout their whole army. The whole loaf was leavened.
>
> The North had a greater number of educated and trained soldiers, but the bulk of them were still in the Army and were retained generally with their old commands and rank until the war had lasted many months. In the Army of the Potomac there was what was known as the "regular brigade," in which, from the commanding officer down to the youngest second lieutenant, every one was educated to his profession. So, too, with many of the batteries; all of the officers, generally four in number to each, were men educated for their profession. Some of these went into battle at the beginning under division commanders who were entirely without military training. This state of affairs gave me an idea, which I expressed while at Cairo: That the Government ought to disband the Regular Army, with the exception of the Staff Corps, and notify the disbanded officers that they would receive no compensation while the war lasted except as volunteers. The register should be kept up, but the names of all officers who were not in the volunteer service at the close should be stricken from it.

Now, gentlemen, I take it that the witness is competent, and that he is intelligent about the things he is talking about; and it strikes me that we had better pay some attention to such men as that, rather than to a lot of fellows that have never been under fire.

I want to read now an article that was published in the Baltimore Evening Sun. It is signed by a veteran. I read:

HARK, FROM THE TOMBS COME AN ARGUMENT AND A SONG ABOUT EQUAL IN QUALITY.

To the EDITOR OF THE EVENING SUN.

SIR: Within the last six months a great deal has been said about regulars, volunteers, and drafted men. Nearly every old soldier of the Union Army knows that during the Civil War the volunteer regiments did more than nine-tenths of the fighting. In Fox's report of the 300 regiments that did nearly all the fighting, he has 296 volunteer regiments, four regiments of Regulars, and no drafted regiments.

They would not put them in the front. [Applause.] They were afraid to trust them. [Applause.] I read further:

> Also, of the 46 regiments that lost between 200 and 300 killed in action, the whole 46 were volunteer regiments. Pennsylvania's share was 11, nearly one-fourth; and a New Hampshire regiment had the highest number (298) killed in action. No regiment reached 500 killed in action. The old song that I sang in war times—
>
> "Our troops are the best the world ever saw;
> Our men are the bravest that ever went to war;
> Our people, they are good wherever you go;
> Our boys, they are fast, and our girls, they are not slow."
>
> Chorus:
>
> "Then hoist up the flag," etc.
>
> VET.

BALTIMORE, *April 17.*

[Laughter and applause.]

One of the very best books ever written about the Civil War—I think Gen. Dick Taylor's Destruction and Reconstruction is the best—is a book entitled "Stonewall Jackson in the American Civil War," by Col. Henderson. I advise all of you who think well of the American volunteer to get it and read it. Here is what he said—and remember he was a colonel in the British Army:

> Of the prowess of Lee's veterans sufficient has been said. Their deeds speak for themselves. But it was not the battle field alone that bore witness to their fortitude. German soldiers have told us that in the war of 1870, when their armies, marching on Paris, found, to their astonishment, the great city strongly garrisoned and hosts gathering in every quarter for its relief, a singular apathy took possession of the troops. The explanation offered by a great military writer is that "after a certain period even the victor becomes tired of war"; and "the more civilized," he adds, "a people is, the more quickly will this weakness become apparent." Whether this explanation be adequate is not easy to decide. The fact remains, however, that the Confederate volunteer was able to overcome that longing for home which chilled the enthusiasm of the German conscript. And this is the more remarkable inasmuch as his career was not one of unchequered victory. In the spring of 1863 the Army of the Potomac, more numerous than ever, was still before him, firmly established on Virginian soil; hope of foreign intervention, despite the assurances of the politicians, was gradually fading, and it was but too evident that the war was far from over. Yet at no time during their two years of service had the soldiers shown the slightest sign of that discouragement which seized the Germans after two months. And who shall dare to say that the southerner was less highly civilized than the Prussian or the Bavarian. Political liberty, freedom of speech and action, are the real elements of civilization, and not merely education. But let the difference in the constitution of the two armies be borne in mind. The Confederates, with few exceptions, were volunteers—

[Applause]—

> who had become soldiers of their own choice, who had assumed arms deliberately and without compulsion, and who by their own votes were responsible that war had been declared. The Germans were conscripts, a dumb, powerless, irresponsible multitude, animated, no doubt, by heriditary hatred of the enemy but without that sense of moral obligation which exists in the volunteer. We may be permitted, then, to believe that this sense of moral obligation was one reason why the spirit of the southerners rose superior to human weakness, and that the old adage which declares that "one volunteer is better than three pressed men"—

[Applause.]

I wish you gentlemen would recollect who it is that is saying this—a trained soldier of the British Army, who observed the war with the eye of a military critic.

> We may be permitted, then, to believe that this sense of moral obligation was one reason why the spirit of the southerners rose superior to human weakness, and that the old adage which declares that "one volunteer is better than three pressed men" is not yet out of date.

[Applause.]

I do not know whether Col. Henderson is dead or not. I hope he is not. If he is alive it will make his eyes pop open like morning-glories when he finds out what they are trying to do here. [Applause.]

Nor is it an unfair inference that the armies of the Confederacy, allied by the "crimson thread of kinship" to those of Wellington, of Raglan, and of Clyde, owed much of their enduring fortitude to "the rock whence they were hewn."

I stand on these quotations from Gen. Grant and Col. Henderson without any ceremony, and put them against every word that has been said in this country, high or low, in favor of conscription. [Applause.] And with those two witnesses only I might close the evidence on our side.

But I want to read to you another little piece. One of the greatest writers on army matters that ever lived in any country, and who has writen a great many books, is Col. F. N. Maude, of the British Army. Whether he is the man who is the conqueror of Mesopotamia and the capturer of Bagdad I do not know, but he is a British colonel, at any rate. Here is just a short extract from him. After telling what the British have done he says:

What more in numbers could compulsion have afforded us; and what about the quality? After the distinction already won by many territorial units in the field—

You know what territorials are—

it is hardly necessary to say anything on this point, and as to the regulars, also volunteers, we will let the Prussian Guards and the German staff tell us now what they really think of our armies. Compulsion had done all that it could do, and more than even the best Prussian dared to expect, for their troops. It has carried them forward to almost certain death in a manner which has exacted the admiration of all our men and officers; but at that critical moment when the fate of empires hangs in the balance it has always failed them, and our men—territorials and regulars alike—

And he takes pains to say that the regulars are volunteers—

territorials and regulars alike have sprung forward upon them with the bayonet with a determination never dreamt of in warfare since the days of Waterloo and the Peninsula.

Now, my friends, some gentlemen with more zeal than discretion have been trying to make out that everybody who is in favor of the volunteers is in some strange manner attacking the President of the United States and opposing him. We are not doing anything of the sort. We are supporting him better than they are, and I am going to prove it by him. [Applause.] He might not acknowledge it, but nevertheless it is true. This may be a little dry, but it is what Horace Greeley would have called "mighty rich reading."

In the months of January and February, 1916, there took place considerable correspondence between Secretary of War Lindley M. Garrison and President Wilson over certain measures proposed for preparation for national defense. Secretary Garrison indorsed and warmly advocated the continental army plan of the General Staff as opposed to the National Guard plan proposed by Mr. Hay, chairman of the Military Affairs Committee.

You all know Hay. He is one of the ablest men we have had in Congress in some years. [Applause.]

The Hay plan, Secretary Garrison declared in a letter to President Wilson bearing date of January 12, 1916, was the entire abandonment of the idea of a Federal force of national volunteers. He added:

There is unfortunately very little knowledge and very little intense personal interest in any Members of the House concerning military affairs.

It has always astonished me that men who know everything, who could pass a tariff bill over night, who can pass any other great measure while you wait, do not come down here and get into one House or the other of Congress. [Laughter.] About two years ago, when we had up the Federal reserve bank bill, one of these men came into my room and was telling me that we were all a lot of lunkheads in both the House and Senate, and he kept on in that way until I got somewhat warm. I said, "I have always wanted to know why men like you young Solomons, who know everything instantly, right off the bat, and do not have to investigate anything, do not get elected to Congress and come down here and do these things." He said, "Why, everybody does not want to come to Congress." I said, "There are not a thousand men in the United States who, if they could, would not come either to the House or the Senate." [Applause.] "And I will tell you the reason you do not come down here and get into the House or the Senate, because you can not get votes enough." [Laughter and applause.] "People have not confidence enough in you." I have not heard anything out of him since. [Laughter and applause.]

Secretary Garrison urged upon the President the imperative necessity of his seeking an occasion at the earliest possible moment to declare himself with respect to the matter, and in doing so to make it clear beyond peradventure that nothing excepting national forces, raised by the Nation and subject to its exclusive authority, responsibility, and control, is any real settlement of this issue.

To this letter the President replied on the 17th of January, 1916, following, in part, as follows:

I am not irrevocably or dogmatically committed to any one plan of providing the Nation with such a reserve, and am cordially willing to discuss alternative proposals.

On February 9, 1916, Secretary Garrison wrote the President that he desired to be informed of the determination reached by him with respect to the so-called Clarke amendment to the Philippine bill—to which he was also unalterably opposed—and to the continental army bill.

On February 10, 1916, the President wrote Secretary Garrison in part as follows:

As I have had occasion to say to you, I am not yet convinced that the measure of preparation for national defense which we deem necessary can be obtained through the instrumentality of the National Guard under Federal control and training, but I feel in duty bound to keep my mind open to conviction. The bill in which it will be embodied has not yet been drawn, as I learned to-day from Mr. HAY. I should deem it a very serious mistake to shut the door against this attempt on the part of the committee in perfect good faith to meet the essentials of the program set forth in my message, but in a way of their own choosing. As you know, I do not at all agree with you in favoring compulsory enlistment for training, and I fear the advocacy of compulsion before the committee of the House on the part of representatives of the Department of War has greatly prejudiced the House against the proposal for a continental army, little necessary connection as there is between the plan and the opinion of the Chief of Staff of compulsory enlistment.

Upon receipt of the above letter Secretary Garrison immediately tendered his resignation as Secretary of War, and it was promptly accepted by the President.

In the account of Secretary Garrison's resignation, published in the Washington Post of February 11, 1916, that paper stated that the President declined "to take any irrevocable stand on the ground that it would not be proper for him to say to a committee of Congress that it would have to take his plan or none. He declared he did not believe Members of the House dealing with military affairs were ignorant of the military necessities of the Nation, but had found them well informed.

Should a bill be presented to him which he could not accept as accomplishing the essential thing sought, he said, it would be his duty to veto it and go to the country on the merits.

Now, I say, we come nearer to backing up his well-considered opinion than Brother KAHN and his confreres. I want to read another sentence or two from the President. He is a great and good man. He writes with a great deal of facility. There has not been a more skillful artist hold of the English language in a century than he.

On Memorial Day, May 30, 1916, he made a speech at Arlington. In that speech he used these refreshing words:

I have heard a great many people talk about universal training. Universal voluntary training with all my heart, if you wish it, but America does not wish anything but compulsion of the spirit of America.

Those words were fitly spoken and are "like apples of gold in pictures of silver."

Now, I challenge Brother KAHN, who is the head and center of this thing. It reminds me of the knighting of an Englishman. "Kneel, Julius; rise up, Sir Julius." [Laughter and applause.]

I want to say in all seriousness that if this conscription fad is to be put on the American people there are two men in this House who deserve more credit for it than any other two men on top of the ground. One is the gentleman from California [Mr. KAHN] and the other is the gentleman from Massachusetts [Mr. GARDNER]. I am in favor of giving the devil his due. [Laughter and applause.]

For several years there has been a systematic effort in Congress, in certain clubs in this city, in many newspapers, by some public speakers, and in sundry magazines to belittle, depreciate, and minimize the American volunteer. I resent such performance in the name of the living and the dead, in the name of the brave men who gave us our freedom and who have maintained it, in the name of the volunteers who have shed imperishable luster upon American arms and upon the American Republic. Our Regulars have always done well, but there have been few of them by comparison. God knows that I have not the slightest disposition to disparage them; but after all due honor has been done to the Regulars, the fact remains that the volunteer has done most of our fighting.

The American volunteer is one of the glories of the Republic. Under young George Washington he saved the remnants of Braddock's army from destruction. In the French and Indian War he fought side by side with the British regulars. From April 19, 1775, when on the village green of Lexington and at the Concord Bridge the embattled farmers and the Minute Men of Massachusetts fired the shot heard around the world down to the last shot in the Spanish-American War, the American volunteer has been a very present help in every time of trouble. He made Bunker Hill a name to conjure with forever. He captured Burgoyne at Saratoga. He upheld Washington amid the horrors of Valley Forge; he destroyed the Hessians at Tren-

ton; he achieved the astounding victory at Kings Mountain against Ferguson's British regulars, thereby turning the tide of the Revolutionary War. On a hundred fields, sometimes victorious, sometimes defeated, hungry, naked, footsore, and weary, he fought on with dogged pertinacity until he stood with the glorious and victorious Washington on the blood-stained heights of Yorktown, where Jefferson's declaration was made good and America was free indeed. [Applause.]

The critics of the American volunteer are always harping on the rout of a handful of untrained militia at Bladensburg by British regulars; why do they never, even by accident, mention Gen. Harrison's splendid men at the River Thames? How does it happen that they never can remember Andrew Jackson, and how at New Orleans, with 5,500 untrained backwoods volunteers armed with flint-lock, muzzle-loading rifles, he defeated Wellington's Peninsular army, who had snatched the iron crown of Charlemagne from the brow of Napoleon. That was the most amazing piece of shooting done by any army in any battle anywhere since the invention of gunpowder. And God be praised, American volunteers did it. [Applause.] But, strange to tell, these belittlers of the American volunteer are silent as the voiceless grave when it comes to Andrew Jackson and New Orleans! God forgive them for their lack of appreciation of the heroic deeds of the brave men who won imperishable renown on that bloody field!

The volunteer was our chief reliance in the War with Mexico. He conquered at Buena Vista, Churubusco, and Chapultepec, and placed the Starry Banner of the Republic on the palace of the Montezumas. In that war Col. Alexander Doniphan, with 1,100 green Missouri volunteers, marched from Fort Leavenworth, Kans., conquered Arizona, New Mexico, and Chihuahua, fighting dozens of battles, never losing even a skirmish, though frequently fighting ten times his own numbers, and finally reported to Gen. Taylor, ragged, hungry, but invincible, on the red field of Monterey—the most astounding march in the annals of war.

That is what a Missourian could do! The march of Xenophon and his 10,000 has been proclaimed by historians for 30 centuries, because he had sense enough to write a book giving an account of his own performances; but here is this brave Missourian, who made the most astounding march in the history of the human race, and Xenophon with his 10,000 is not a marker to it, and his glorious name does not appear in some of the great American encyclopedias. Why, if he had been a Massachusetts man, followed by Massachusetts volunteers, the world would hardly contain the books that would have been written about it. [Laughter.] I am a Missourian, thank God, and proud to be a countryman of Doniphan.

In the Civil War the volunteer did nine-tenths of the fighting on both sides. It is said that men will not volunteer; but nevertheless there was no draft until the North and the South had raised about 2,000,000 men—the best soldiers the sun has looked upon in 6,000 years of slaughter. At the first tap of the drum an entire people sprang to arms. We had, North and South, then only 33,000,000 people; now we have more than 100,000,000. Why doubt their love of country? Where is the man with sufficient temerity to stand up in a public place and assert that the volunteers who fought in the Civil War on both sides were not first-class soldiers? Who will dare to say that the men who charged with Pickett up the slippery slopes of Gettysburg or the men in blue who rallied around George H. Thomas, "The Rock of Chickamauga," for three dreadful days did not arise to the highest standard of military excellence? American volunteers, God bless them every one! [Applause.]

> On Fame's eternal camping ground
> Their silent tents are spread,
> And Glory guards with solemn round
> The bivouac of the dead!

If this stupendous war continues long, conscription may become necessary; but in the light of the history of English-speaking people we contend that it is not necessary now. Conscription has always been repugnant to men of our blood. [Applause.] In this very war Great Britain never ordered a conscription until she had raised 5,000,000 volunteers, a somewhat sizable army, certainly; and not one British conscript is fighting on the Continent now.

Canada, with only 7,000,000 population, 3,000,000 less than that of New York, has sent 400,000 volunteers across the sea. The Canadians have done such splendid deeds as to fill the world with their acclaim; and Canada has done her full share without a draft, and will have none of it. The Australians and New Zealanders have furnished their full quotas and acquitted themselves handsomely without a draft, and refused the draft on a referendum vote.

Why do gentlemen doubt the courage and the patriotism of the present generation of Americans? There is not a scintilla of evidence that we have degenerated into a race of cowards or mollycoddles. As for myself, I love to think well of my countrymen.

Patrick Henry said:

> I have but one lamp by which my feet are guided, and that is the lamp of experience.

The poet Campbell expanded Henry's thought into these lines:

> Go watch the wheels of nature's mazy plan
> And read the future from the past of man.

Assuming that the great lyric orator and the great Scotch poet were correct in formulating a rule for predicting human action, why do gentlemen jump to the conclusion that Americans of our time will fail in their full measure of duty and service in this time of stress? What right have they to assume any such preposterous condition of things? Our fathers did their duty; we will do ours, never fear.

> For we are the same our fathers have been,
> We see the same sights our fathers have seen;
> We drink the same streams and view the same sun
> And run the same course our fathers have run.

I am sure that the House will pardon a word purely personal. My only living son is, with my full consent, going into the Army in any capacity in which he can be useful, either as an officer or a private. [Applause.] Of course I hate to see him go, but he thinks it his duty, and I would not have it otherwise. Naturally he is dear to me—no dearer to me than other men's sons to them. I hope and pray that when the hour may come when he is subjected to the ordeal of fire, he may go into battle not by the side of the slackers and loafers whom the advocates of this bill say they desire to reach but shoulder to shoulder with free men who serve gladly, willingly, to fight for the honor, the safety, and the perpetuity of this Republic. Should he fall, I want the privilege of carving on his tombstone these words: "This man, a Missouri volunteer, died fighting for his country." [Prolonged applause.]

Mr. KAHN. Mr. Chairman, I yield such time as he may desire to the gentleman from Kentucky [Mr. SHERLEY].

Mr. SHERLEY. Mr. Chairman, I realize the disadvantage that any speaker must labor under who undertakes to follow the distinguished Speaker of the House, well beloved as he is by all of the membership of the House. However much anyone may differ with him, no man could have listened to the closing sentences of his very remarkable speech without having flee from his heart all sense of bitterness or personal antagonism which might have grown up because of a difference of view on this vital and all-absorbing question. And so I shall not in any way undertake to make my speech a reply to that of the distinguished gentleman from Missouri [Mr. CLARK] other than it may of necessity have to be, in reviewing the arguments that all have made on his side of the question and which he has so eloquently and well made. But I may be pardoned if I accept one challenge of the distinguished gentleman from Missouri. He challenged any Member here who might say on behalf of the people of his State what he so proudly said touching Missouri and her conduct in the Civil War. Knowing the distinguished gentleman's birthplace, I marveled that he did not also remember that Kentucky, his native State, also furnished her full quota to both sides in that great conflict. And while he was speaking I received a telegram from a very distinguished Kentuckian, a constituent of mine, a soldier during the long, bitter years of the Civil War. In that telegram he makes a request of me with which I shall comply. It reads:

> I have sent this letter to CHAMP CLARK. If he does not read it to the House, I hope you will.

Then follows the letter:

> As an old and steadfast friend, whom you have sometimes honored by calling him your teacher, I am constrained to challenge the vote it is reported you are about to cast upon the Army bill. If the war should last long enough to put the issue to actual test, it will surely return to dog your political future and bar your usefulness in public life. Our beloved country never faced a more exigent situation. Congress will make mistakes at the peril of all we hold near and dear. The volunteer system, like the stagecoach, served its purpose in primitive times, but like that stagecoach it proved unequal to the expanding needs of modern times. The selective draft system is the contribution which experience offers to intelligence. The talk about Prussianizing our Army is the chatter of unreflected demagogy. We must meet organism with organism and fight the enemy with both hands, not with one hand tied behind us. Out here in God's country the people understand the question perfectly. They know that the volunteer system favors the slacker and the shirk, while the selective draft system is fair to each and every man, but, above all, they know that the volunteer system has been a failure wherever tried, and seeking efficiency they prefer the selective draft system, just as seeking speed they would prefer a locomotive to an oxcart. I am distressed that you can not see your way to this view, but seem about to ally yourself with a policy of obstruction which can only embarrass us and aid the enemy. And it is in deep solicitude for our country and sincere affection for you that I venture to obtrude this protest.
>
> HENRY WATTERSON.

[Applause.]

Mr. Chairman, before I undertake somewhat briefly to state to the committee the fundamental principles that I think should guide us in determining this issue, let me say that it is not true, in my judgment, that those who favor the selective draft do or desire in any way to reflect upon the courage, the glory, or the patriotism of the volunteer soldier who of his own volition serves his country. [Applause.] That issue is not here presented, and no amount of oratory, no amount of review of the glorious pages in the history of America, of the things that we all love and have the right to recall with high pride can make that the issue. Believing, as I do, in the selective draft, and that it is absolutely essential for a consistent military policy at this time, I glory equally with the distinguished gentleman from Missouri [Mr. CLARK] in the achievements of the volunteer soldier. [Applause.]

The indictment that is undertaken to be brought against the individual citizen is not by those who plead for the selective draft, but by those who undertake to make the country and this House believe that under a selective draft you are only going to get shirkers and slackers and that it is to be put upon a plane of comparison with the old conscription that came after men had failed and refused in any degree to volunteer and when those who were affected by it had the deserved stigma of unwillingness to defend their country. I deny that there can be any sort of stigma upon a man who by the law of his country is to be called upon to perform the highest act of citizenship—to offer his life for the support of that country.

When we undertake to make the selective draft we do not classify invidiously our citizens. We do not say that those to whom the draft shall apply are cowards, unworthy and unfit to be classed with volunteers. But we do say this, that modern war is the most scientific pursuit of man; that the needs of the Nation are not simply on the battle field, but behind the line in the feeding of the army in front and behind that among the workshops and in the activities and industries of a nation, and we do say that in order that a nation may use its strength most effectively there must be some coordination, there must be some decision as to who shall perform a particular duty that he owes to the country and who shall perform a duty of another character; we do say that this system that is required can not be maintained by depending upon a fluctuating coming in of an army of volunteers. Believing that, I believe that it is absolutely illogical that you should apply every possible scientific method the moment you get your men in the service, but that you should not apply such method in getting the raw material for it. So I deny again that the issue here is an issue between men who are discrediting the value of volunteers and those who extol them or that we are proposing that men shall fight our battles who are lacking in courage and who will fight only because they are compelled to do so. A draft is not humiliating except when applied after failure of volunteering and on slackers alone.

Now, I want to undertake very briefly to convey to the committee what I believe to be the task ahead of us and how best it can be met. It is natural that all of us, abhorring war, should in our hearts hope, and with some of us that hope may lead to belief, that this European war is soon to end, and yet no more fatal mistake could be made than for Congress to enter upon the task now in front of it with the belief that the war is soon to end. God grant that in His mercy it will very quickly end, that the tremendous sacrifice of life now going on may stop, but this Nation must prepare on the assumption of the very worst and not the very best conditions that may confront it. [Applause.] It must prepare not only to spend its treasure, but to spend its life. If the poet be right, that blood be the price of admiralty, aye, even more is blood the price of the honor and the sovereignty of a people; and the people of America would be unworthy of their heritage if they were prepared to enter this war only with money, seeking to hide behind the sons of the countries in alliance with us in this war who are giving their blood upon the battle fields of Europe. Whether men believed this war should have been entered into or not, every man now worthy of the name of American wants to see American soldiers equipped and sent to the battle fields of Europe as soon as we can send an efficient fighting force. [Applause.] I should be ashamed of my country to believe that we would wait one hour after we can supply an efficient fighting force. I use the word "efficient" because to send any other force there is not a help, but a hurt, to the common cause. The question then comes as to how best we can provide in the quickest way for an efficient fighting force and how we can best guarantee to keep that force efficient and to supply the places in the ranks of those who shall fall fighting for our country. Before I go into a discussion of the respective merits of the proposal of the minority and the majority of the committee it may not be amiss if I undertake to state what I conceive to be the obligation of both the Nation and of the citizen. A government must, as a primary factor, consider its own preservation. It must do those things necessary to win a war in the quickest possible manner, though it should so do them as to place the burden most equitably upon the citizenship of the country.

The citizen, on the other hand, owes as a duty to give in any degree of property, of comfort, aye, of life, when the Nation may ask. It is not volitional with him. That is the basic fact that should underlie this debate. The citizen has not a right to volunteer. He has not a right to refuse to serve. He has a duty to serve as and how and when his Nation commands [applause], and any other citizenship is a citizenship that lacks the very essence of what goes to make the sovereignty of a nation.

No amount of argument will ever convince me that a nation can last that does not have the right, and, when the occasion arises, exercises the right, to compel of every citizen the doing of those things that may be necessary for the preservation of the national life. [Applause.]

In a less momentous way that question was met at the beginning of this Government. When the States were organized together by the Articles of Confederation, and the National Government undertook to obtain those things necessary to continue its life, it had to leave it to the volition of the separate States. And they were told what moneys they should furnish and what acts they should perform in order that the Nation might continue and might thrive. And their failure to perform those acts forced those practical men, faced with a concrete situation, to create a Nation where the obligation of the citizen to the National Government was direct, not indirect; mandatory, and not volitional. And it was because of that that these United States came into being.

I repeat that a citizen has no right, moral or otherwise, to refuse to give of his life, if need be, when his Nation calls. Any man who is not willing to accept that position has no right to live within a country and accept the benefits that come from the Government that protects him. I am not nearly so much concerned in this hour touching the rights of individual citizens as I am touching the duties of the citizenship of America. [Applause.] What little experience I may have had in life has taught me that the man is best and worthiest who thinks most of his duty and insists least upon his rights. [Applause.]

Now, which is the fairest? This Nation must do the necessary thing. It must get the men; but which is the fairest way to get them? To get them simply from those who volunteer first and demand nothing from those who do not see the obligation as those do who volunteer? And, mark you, it does not follow that because a man does not volunteer he is a coward or that he is unwilling to do that which he ought to do for his country. Men have different conceptions of duty. Aye, men in this country and on this floor have all degrees of belief as to the particular thing they should do and the degree of the emergency which now confronts this country. It is not fair to ask of the citizen that he shall determine for himself whether his duty is to go to the front or whether his duty may not be to perform some of the essential things behind. It is not fair to ask him to decide that question, and it particularly is not fair to say to those who do solve it along the line of duty in volunteering that they shall bear the burden and that the Nation, as a nation, shall not take any action touching the duties of other men and their obligations who yet have not seen fit to volunteer.

The one cardinal principle that must be kept in mind in all of this debate is that we here are spokesmen for the Nation and not spokesmen for the individual. We are not spokesmen for our congressional districts or our States. I speak to-day not as a Kentuckian—proud though I am of the title—but as an American citizen in a National Congress of the United States. [Applause.] The need of the Nation is paramount, and not the wish of the individual. These statements, to my mind, should be axiomatic. I can not conceive of any man seriously disputing them, and in their last analysis no man on either side of this question is disputing them, because the report of the majority of the committee contemplates the right, when the need may come, of the Government to draft men into the service and recognizes the obligation of citizens to obey.

What, then, will justify a departure from the principle that I have laid down of the Nation, as a nation, determining the dut yof its citizenship? Nothing but the efficiency that may be gained by a contrary system, and the only valid argument that is offered by those who favor the volunteer system is that you will get a more efficient force quicker. I deny it. I deny that you will get it as quick, and I deny that it will be more effi-

cient. Because, I repeat, under a selective draft, put in operation in the beginning, you are not choosing slackers and cowards; you are choosing from the mass of the citizenship of America according to their ability best to perform the function they are called upon to perform. And I, as an American, am unwilling to believe that the men who will come under the selective draft will come as cowards; or, to use the expression of the gentleman from Missouri, that the convict is equal to the conscript. I deny and repudiate any such suggestion. [Applause.]

It is said, however, that the selective draft can not be put in operation for many months, and that pending that you can obtain a volunteer force and that this volunteer force can be trained and officered and be made ready to take the field while you are getting ready to make your draft and make your enumeration. I deny it. I deny that there is anything in the testimony before the Committee on Military Affairs, every word of which I have read, that warrants that conclusion. Oh, but the gentleman from Kansas [Mr. ANTHONY]—I think it was—said, "Why, you in a measure confess it, because you provide for volunteering as to the Regular Army and the National Guard." I want to impress upon this House that the volunteering that is thus permitted, and which, by the way, gives an opportunity for those men who feel that their honor would be impaired if they obeyed the command of their country by reason of the law of their country, but that it will be kept bright if they volunteer, irrespective of a law, is justified by the existence of organizations in the Regular Army and National Guard already drafted that can absorb such volunteers, and——

Mr. MASON. May I ask a question?

Mr. SHERLEY. Yes.

Mr. MASON. Is there anything under the present law that would permit a man to volunteer during this war?

Mr. SHERLEY. No. And there is nothing under the present law that will carry out your plan. But if this bill passes, either according to the majority or the minority report, there will be an opportunity for men to enlist in the Regular Army and in the National Guard for the length of the war, and no longer. And every man here knows it, and nothing is more unfair than to try to produce the impression that there would be no opportunity for volunteers for the length of the war.

Mr. MASON. There is nothing there either, if you will pardon me, that justifies the impression that men ought to enlist now, when there is no call for enlistment and no opportunity to enlist during the war.

Mr. SHERLEY. Oh, the gentleman seems to be worried about there having been no call. I wonder at that man who thinks that the only kind of patriotic action is that which springs spontaneous and then talks about the need of a call in advance of volunteering. [Applause.]

When this law shall have passed, whether the view of the majority or that of the minority goes into effect, there will be an opportunity for enlistments. Gentlemen, if you will take the RECORD of to-day and turn to page 1023 you will find there a letter of the Secretary of War addressed to the Hon. JAMES H. BRADY, United States Senate, in which it is shown that there will be, according to the view of the Secretary of War, an opportunity for 724,718 volunteers.

Now, for my part I want to be frank with the House. I do not believe that any such number as that will be taken into the National Guard or into the Regular Army by volunteer methods. I question very much the desirability of doing it. But certainly there is an opportunity for two or three hundred thousand men to volunteer in these organizations.

Now I return to the pertinent inquiry: Why is it that the department says in one breath, according to the gentleman from Kansas [Mr. ANTHONY] and others, "We are not ready for volunteers, and we do not want volunteers now," and in the next breath points out a method for volunteering, running up into the thousands? To the casual observer there would be an inconsistency in that proposal; and yet there is nothing of the kind. I was stating when interrupted that the reason why volunteers can be taken into the Regular Army and into the National Guard now and mustered into the service is because the organizations are there, sufficient to absorb these men, and it is not necessary to go through the preliminary work of the organization and training of the officers that would be necessary if you were going to take men in under the volunteer system that is proposed by the majority of the committee. [Applause.] That fact is a dominant and pertinent fact, and it can not be lost sight of by any amount of oratory.

Oh, gentlemen say, "We will have an army quicker by virtue of the volunteer system"; and the gentleman from Kansas announced, with all the weight that attaches to membership on the Committee on Military Affairs, that one firm in America could furnish a million rifles in 60 days after the order was given for equipping these men. It is only charitable to hope that his other statements touching facts are more nearly accurate than that statement [applause], because in less than 20 minutes after the statement was made by the gentleman from Kansas, Gen. Crozier said to me before my committee that they hoped, after the order was given, within 60 days to get some deliveries, and at the end of 12 months they trusted to be able to get a million rifles.

But more than rifles are needed for soldiers. There are camps, there is shelter, there is food, there is clothing, there is all of sanitation. God forbid that this country should ever again go through the experience that it went through with volunteer forces in the Spanish-American War, called into groups and assembled in camps without any provision having been made for them, so that the death rate from disease was infinitely greater than any death rate from wounds received in battle; so that the camp was more deadly to the soldier than the battle front itself.

Gentlemen, to organize a modern army is not a matter of a few moments. It is not a matter of a few days. Men who have sat, as I have sat for 10 days past, and listened to the details of the estimates that go to make up the $3,000,000,000 that the Army is asking for would realize something of the tremendous task that is put upon the Army officers and the War Department in handling properly this force when it is called into existence.

Now, what is the proposal? The proposal is this, that these men shall be selected as the result of an enumeration of the citizenship of the land, which shall determine the numbers that are eligible, that they shall be selected and called for in such numbers and at such times as they can be properly taken care of and officered.

What is really the proposal that underlies the proposition of the majority of the committee? It crops out every now and then in the remarks of gentlemen. It came out to those who were observant in the speech of the distinguished Speaker of the House. It is this, that you can not and should not get volunteers except by getting them in units, when their organizations will be made up by them at the time; in other words, that individuals in my community and in your community shall be permitted to organize companies, and the companies shall be permitted to organize into regiments, and that these shall then be offered to the United States.

Oh, but some gentlemen will say the bill that is before the House provides that the President shall have the determination of the officers and may remove any that are incompetent. Gentlemen, there is a great deal of difference between what the law permits and what the facts will permit. If these men should be able, under their plan, as they say, overnight almost, to raise 500,000 men and to throw them into the Army of the United States, it would be absolutely necessary to take the officers that come with them, good, bad, or indifferent, because it would be better than any other available organization. But if you go along as it is proposed, by the training of officers, by making provision for the care and housing of these men, by the time your draft will have been made you will be prepared to receive your men as they come in, and these men will come in not according to chance but according to need. I repeat, the men will come in not as the result of chance but as the result of need. [Applause.] And it is entirely feasible and contemplated that when so taken in they shall be formed into regiments composed of men from the same State and, in large measure, locality.

Who is here so wise, so eminent, that he can tell how many men will volunteer, and from where. And who is here so courageous that he dare risk the safety of his country on the correctness of his guess. [Applause.]

The one essential thing for the proper organization of an army is continuity in the supply of men, and after that army is organized and it goes to the front, in order to support it with the reserves that are necessary to fill up the ranks, there must be knowledge of the number of men needed and the ability always to get that number. And when you leave it to the volition of men, you leave it to chance, say what you please.

If many men should volunteer in new units at once, we could not take care of them.

If we could not get them easily, we would have the disgrace of a campaign of recruiting such as England witnessed. If in the meanwhile we should be able to get organizations of officers, we would lack the men to fill the ranks. We could not know how many we would get from time to time, and could not make real provision for them. Of necessity we would have either organizations of officers without men, or men without effective organizations to feed them into.

Mr. DENT. Will the gentleman permit an interruption?

Mr. SHERLEY. Certainly.

Mr. DENT. Does the gentleman think that the majority report leaves that entirely to the volition of men? Does not the gentleman realize that we authorize the President to proceed with his program?

Mr. SHERLEY. Yes; I appreciate the fact that the gentleman's bill is really built on a repudiation of the principle for which he contends. [Applause.] But the principle of volunteering, for which the gentleman has contended, is a principle that leaves to the volition of men and not to any system, the acquiring of the units.

Mr. DENT. The gentleman has stated that I built this on a repudiation of my own ideas. I think I ought to be permitted to make this statement, that the idea of the majority of the committee was that while the machinery was being put in operation for the draft system, the President, if necessary, could call for volunteers, to fill up the ranks by volunteers; and if Congress adjourns before that happens, then he will have the authority. And we did that in order to meet the argument that you could not raise them by volunteers.

Mr. SHERLEY. The gentleman's plan contemplates getting the first 500,000 and then the second 500,000 by volunteers. Is not that true?

Mr. DENT. That is very true, if the President so decides.

Mr. SHERLEY. Yes. Now, if the President so decides, when does he get the power to decide otherwise? When in his opinion the volunteering system breaks down. Is not that true?

Mr. DENT. That, in his opinion, the volunteer system has broken down.

Mr. SHERLEY. Yes.

Mr. DENT. The President has the right to decide that it has broken down.

Mr. SHERLEY. Yes. Now, I repeat that your proposal, as a whole, is built on the assumption that the volunteer system will break down. [Applause.]

Mr. DENT. The gentleman is mistaken.

Mr SHERLEY. If the gentleman will pardon me, I am perfectly willing to concede that may not have been the motive and the desire of the gentleman, and I know he will appreciate that I speak in sincerity when I say to him that I attribute only the loftiest motives to him.

Mr. DENT. I am sure of that.

Mr. SHERLEY. But this House is not concerned with what was the intention of men. It is concerned with the legislative effect of their proposal. [Applause.]

Mr. DENT. The gentleman certainly will not state that if the majority report is adopted the President can not get everything that he asks for.

Mr. SHERLEY. Oh, no; but I think he has to get it after he has gone through the trial and the tribulation of finding the volunteer system inadequate, and he gets it by having to try a system that if it fails you then put upon men the very stigma that you gentlemen say you are desirous of keeping away from the citizenship. [Applause.]

Mr. DENT. I do not want to interrupt the gentleman——

Mr. SHERLEY. All right, sir.

Mr. DENT. But I want to ask the gentleman to state right in that connection if he believes we should use the selective draft in order to defend the country, why is it that the Navy, which is the first line of defense, is not selected in the same way? [Applause.]

Mr. SHERLEY. I am perfectly willing to answer the gentleman's inquiry. It is one thing to be able to furnish 100,000 men over a course of years, as ships come into commission, and to get them by the volunteer system, and it is quite another thing to organize 1,000,000 men by the volunteer system, with the uncertainties of enlistment and of volunteering. [Applause.] If the gentleman can not see any difference in practical effect between keeping the Navy fully manned from year to year as ships come into commission by volunteers from 110,000,000 people, and requiring in all something like 100,000 men to man the ships—if the gentleman can not see the practical distinction between that problem and the one which presents itself of suddenly getting 1,000,000 men to put in the field, why then he and I can not meet anywhere along the line. [Applause.]

Mr. DENT. "The gentleman" can see the difficulty in the problem; but what I want to understand is why it is that you should recognize the volunteer system when you come to fill up your enlisted men in the Navy, which confessedly is not filled up now, and yet repudiate the volunteer system when you come to the Army?

Mr. SHERLEY. I will answer the gentleman's question.

Mr. FARR. Eighty-seven thousand men for the Navy.

Mr. SHERLEY. Just a minute; one at a time. I am not undertaking to belittle the volunteer. I started my speech by a repudiation of that suggestion. My refusal to accept the volunteer system is not because I hold a grudge against the volunteer. God forbid that anything I should say should detract from the heroism and the patriotism of men who, wisely or unwisely, offer their lives at their country's call without waiting for law. [Applause.] But it is one thing to glory in the patriotism of men and it is another thing to adopt a system when there is imperative need of having the system work. [Applause.]

Mr. SHALLENBERGER. Will the gentleman yield?

Mr. SHERLEY. Yes; I will yield.

Mr. SHALLENBERGER. Why does the gentleman object to our offering to the President the opportunity to raise 500,000 men by volunteers——

Mr. SHERLEY. I have been rather stupid if I have not made plain to the gentleman and the House the reason why I object. The reasons why I object are these——

Mr. SHALLENBERGER. I did not finish my question. The bill from the War Department puts it up to the President that he shall be required to decide when the Regular Army and the National Guard is not being filled up rapidly enough, and we take exactly the same language which the bill uses to apply——

Mr. SHERLEY. I will answer the gentleman. The trouble with the gentleman is that he thinks that because he uses the same terms and applies them to different conditions he is consistent. Consistency consists not only in applying the same program, but in applying it when the facts upon which it is to be applied are the same. Now, I answer the gentleman in this way: The reason why it is practicable to accept volunteers in the Regular Army and the National Guard——

Mr. SHALLENBERGER. If the gentleman will permit me——

Mr. SHERLEY. Just a moment, to finish in my time the thought which I am trying to express. It is that in the National Guard and the Regular Army you have the organization that can absorb those men.

Mr. SHALLENBERGER. I yield all that.

Mr. SHERLEY. Whereas I deny that you could take care of half a million volunteers now if they were offered, in separate units.

Mr. SHALLENBERGER. But I understood the gentleman to say that we confessed our plan was a failure because we offered the alternative of the selective draft in the first two——

Mr. SHERLEY. If we can expedite this debate, I am perfectly willing to withdraw the statement that you all think it is a failure. I think it bears that construction, but I am willing to relieve you from that.

Mr. KELLEY of Michigan. Will the gentleman yield for a question?

Mr. SHERLEY. Yes.

Mr. KELLEY of Michigan. What the gentleman says about the organization of the National Guard and the Regular Army is also true of the Navy, is it not?

Mr. SHERLEY. Yes; absolutely.

Mr. KELLEY of Michigan. That the organization is there, and the question of volunteer officers is not involved.

Mr. SHERLEY. There have been many reasons advanced by many men for their position. You hear privately more than you hear publicly the statement that if you have a draft you will have riots in America. You usually hear that statement from men who did not believe that this country ought to go into war. [Applause.] I believe with my whole soul that this is a holy war that these United States are going to prosecute. [Applause.] I believe with every fiber of my being that every ounce of power that we have must be used in bringing the war to a victorious end. If we have riots, we shall know how to deal with them, but I deny there is any probability of riots. If they should come, we shall be able to separate the sheep from the goats.

I have little patience with men—I ought not to say that, because it is not the time when we should speak disparagingly of the motives of other men—but I am sure that those of us who feel the responsibility of having placed this country in a war are determined that by no failure of ours anywhere shall we make the success at all doubtful. [Applause.] Men have talked about it being difficult to vote against war. Each man must search his own conscience. It had been infinitely easier for me to vote "no" on the war resolution than to vote "aye." It is not a pleasant thing to send men into battle when you yourself shall not go. Nothing but a compelling sense of duty, I am sure, actuated those of us who on that fateful day voted "aye." It is a compelling sense of duty now that causes me to insist and to urge that this House do not adopt the system;

that they do not risk the lives of the men of America on a system that, however sincere their belief, has not the approval of those who have the duty to supervise, to train, and to lead this Army into battle.

I know it is the custom of the cloakroom, particularly in piping times of peace, to belittle the Regular Army officer and say that his viewpoint is the result of a selfish desire of promotion. If we send the Army into the trenches of France, the promotion that most of the officers of that first division will get will not be an earthly promotion. [Applause.] They present to you their views because upon them is the responsibility of getting results.

Let things go wrong in this country—we are an impatient people—and then these men will be held responsible. They tell you now, with a knowledge of what is needed, that it is not practicable to take over night 300,000 or 500,000 volunteers in new organizations and equip and train them. They tell you that the most important thing is to be sure of an adequate supply of men. They tell you, and England tells you, that the result of the volunteer system there was that at first they got more men than they could use, equip, and handle, and subsequently they got less, an finally they were forced to a draft. Men talk about their raising 5,000,000 men by the volunteer system. The last 2,000,000 or more of that 5,000,000 was raised by the most compulsory, odious method known to mankind. It was not the compulsion of the nation speaking as a nation; it was the compulsion of public opinion, public opinion that operated justly and unjustly upon the individual until it got so that no man fit to bear arms, no matter what the reason was, no matter how badly he should be needed at home, could stay at home because of what was said to him and of him by those in England.

Mr. GORDON. Will the gentleman yield?

Mr. SHERLEY. Yes.

Mr. GORDON. Is it, then, correct to say that those men who will be put in by compulsory law are fitted to fight alongside of the volunteers?

Mr. SHERLEY. I said that every man fitted to bear arms was under such criticism and attack that he sought to enlist whether he ought to have enlisted or not. As a result many who did enlist were sent home afterwards because they could serve their country better there than in the ranks. [Applause.]

Mr. GORDON. Then, they were sent home under the volunteer system. Could not they be sent home under this bill by the Executive?

Mr. SHERLEY. The important fact is not that they were sent home under the volunteer system, but they were sent home; and there was that much loss of motion, that much weakness to the nation, that much of delay in preparing to meet the issue that faced England. That is the thing we want to avoid. [Applause.]

Mr. GORDON. Will the gentleman yield?

Mr. SHERLEY. Yes.

Mr. GORDON. This bill provides the same method of leaving men at home under the volunteer system as the draft system. Where is the difference?

Mr. SHERLEY. There is a great deal of difference in practice. It is one of those cases where you have a paper similarity but an actual dissimilarity. You can not take men as volunteers, raise a unit, get a hundred men to go into a company because John Smith is going to officer it, and then have 11 other companies of similar organization, and the 12 formed into a regiment, have them then offer to come into the service, and then undertake to use the selective plan of rejection, for your volunteer system will go to pieces. The very argument you gentlemen have made in favor of the volunteer system is that these men will volunteer if permitted to do it in their way, but they will not volunteer for the Regulars or the National Guard because it is not their way. The moment you put in the right to reject for reasons stated in the bill, then their way of volunteering disappears and their voluntary act itself disappears. [Applause.]

Mr. KAHN. And, Mr. Chairman, if the gentleman will permit, I would suggest to him, in addition to the other matters he enumerated with regard to the volunteer who was sent home, the expense, the enormous expense, the waste of money, in training the man for the battle field and then sending him back to work in the industries.

Mr. SHERLEY. The gentleman is quite right. What has happened in Canada? We hear Canada talked of as being an example of the value of the volunteer system. Millions of money have been expended because of skeleton organizations that have to be maintained without the men in them, because the supply was not certain and shifted from day to day. Let us look at another aspect. Last summer I talked with a gentleman high in Canadian public affairs, who the day before had received the news of the death of his boy at the front, and he told me something of the Canadian situation. He said to me, "Mr. SHERLEY, from the Province of Quebec hardly 10,000 men have gone to the front." He was not referring to the city of Quebec, but to the Province of Quebec.

Mr. KAHN. And the city of Montreal, a great city, is in that Province.

Mr. SHERLEY. Yes; but irrespective of that, the statement was made that but a little over 10,000 men at that time had volunteered from the Province of Quebec.

Mr. MASON. And as I understand it, they had no draft there?

Mr. SHERLEY. No; they did not. The gentleman seems to think it is commendable that one part of Canada should let the rest of it bear the burden of Canada. [Applause and laughter.]

To continue, Mr. Chairman, this gentleman with whom I was speaking said to me, "I do not mind my boy having gone to the front; I felt when he left that I should never see him again, and I would not have had him do otherwise than go; but I do feel that some of these other men with sons similarly situated should have their sons bear part of the burden." [Applause.] That is a natural feeling.

I do not know that I can add much to what I have already said. I have spoken very much longer than I anticipated, but may I make just a reference or two to some of the things that were said by the distinguished Speaker of the House? He quoted a number of distinguished soldiers. He quoted Col. Henderson, an officer of the English Army, who wrote a life of Stonewall Jackson, and a very great book it is, a book that I have taken great pleasure in reading. He commended it to us. May I be pardoned the liberty if I commend to him a book to read? I commend to him and to every man here present who has not read it Upton's Military Policy of the United States, and I will ask you not to take the conclusions of the author, but to examine the references that he gives for every statement that he makes and then see—not that the volunteer was not a brave soldier, not that the volunteer would not and did not fight, not that we have not won our wars under the volunteer system—but see the wastefulness of it and see the prolongation of war because of it, and how the inability and the unwillingness of men to throw their minds into the future and prepare and plan along scientific lines has resulted in unnecessary loss of life, in the calling of unnecessary numbers to the colors, and in great loss of time, of money, and of all the things that are desirable in the prosecution and successful termination of a war.

I also believe that the way to judge the future of man is by his past history, and I was struck somewhat by what the gentleman said touching the letters that had passed between Mr. Garrison, when Secretary of War, and the President of the United States. And as he read those letters I could not help but think that the President of the United States has learned by the events that have happened since then, whereas the Speaker of the House refuses to consider those things. I am glad that in the very letter of the President he said he had an open mind. I would to God that all men might keep an open mind and let the events as they have unfolded from day to day and week to week and month to month control their judgments. [Applause.] That was before most of the Mexican border trouble. The President said he was willing to try out the National Guard system, that he was not wedded to it, and he properly rebuked the then Secretary of War for his aspersions upon Members of Congress, and I share in what the distinguished Speaker of the House said touching the tendency of men to criticize Members of this body upon the assumption that they themselves alone know the facts. But it so happens that events in America have proven that the system that we adopted and that we put through by what is known as the Hay law is by no means the ideal system, to speak charitably of it.

Mr. DENT. Mr. Chairman, may I interrupt the gentleman?

Mr. SHERLEY. Yes.

Mr. DENT. Does the gentleman think that the National Guard system, as patterned by the Hay bill, is a failure?

Mr. SHERLEY. I do not think it is a glittering success.

Mr. DENT. Does the gentlemen think it is a failure?

Mr. SHERLEY. I do not think it is a complete failure. I do not think any system that gets men into the service is a complete failure; but I am concerned not in what are complete failures but in the relative merit of things, and I hope to get hold of a plan that we will not have to describe in terms of failure, whether complete or partial. [Applause and laughter.]

Mr. DENT. The gentleman thinks that the Hay bill is not a success on account of the experience upon the Mexican border?

Mr. SHERLEY. Oh, yes. I do not think that all that was due to the National Guard. I think some of it was due to red

tape in the War Department, and much was due to the fact that you had two systems that are not fundamentally reconcilable, and undertook to reconcile them, and that they did not work.

Mr. DENT. One further question, in order that we may get the facts correctly. The gentleman is aware of the fact that the first call of the militia issued by the President for the Mexican border was issued prior to the adoption of the Hay law?

Mr. SHERLEY. Yes.

Mr. DENT. The gentleman is also aware of the fact that the Hay bill did not pass until June 3, 1916, and the last call of the President for the militia was issued June 18, so the Hay bill could not have been in operation very long.

Mr. SHERLEY. I am willing to concede the Hay bill did not get a complete or fair try out, yet it was not sufficiently different in fundamentals from the old National Guard system that they undertook to supersede to make any doubt in my mind as to its ultimate failure. By that I do not mean to say that it did not have value; but I am answering a contention of the Speaker of the House that because the President at that time did not agree with Mr. Garrison, then Secretary of War, we must now agree with the Speaker. I submit to those who are logicians that it is a non sequitur—it does not follow.

Just another word, gentlemen. Much has been said about our proposing that the boys shall do the fighting. Now, it might be a sufficient answer to that statement to say that the bill now before the House provides for a draft of men between the ages of 21 and 40, but men insist that this House will of necessity accept the terms of the Senate bill, and the Speaker, who generally is sure of the courage of the House and of its ability to hold its own, now warns you, gentlemen, that the House will lie down at the bidding of the Senate and accept whatever terms they put in the bill. I submit that this House can not in advance legislate on the theory that what it does it will give up simply because the Senate does something else. [Applause.] The statement was made by the gentleman that he would like to see the editors in the front ranks of the war. I do not want to see any class, because of its being that class, in the front ranks of the war. I should not vote for a particular age because it was a particular age. If men are to be chosen because of a given age, it is not because you want to make that age bear the burden, but it is because the efficiency of men of that age makes its requisite that they make the first sacrifice and that the Nation as a whole can better afford to put those men in that activity in war time than in some other. I repeat again the most dangerous thought men can have in the consideration of this subject is that of the individual. You have got to think of the Nation, and, hard though it may be, the individual can not count as an individual in face of the need and the necessity of the Nation. [Applause.] If we put through the selective draft younger men will go first, not because older men are unwilling to fight, not because older men would want to shunt off their responsibilities. That has not been the history of the world. When you have your volunteer system the married men usually volunteer more than do the unmarried ones. It is not the youngest men in society who furnish the more numerous volunteers.

The reason of the need of young men is because war now involves something more than it did in the old days. Men must get into their minds the fact that you have got absolutely to organize and mobilize the forces of the country. We talk a lot of this, but we do not seem to understand the very words that fall from our lips. War is not now simply a matter of men, but even more of metal. Statements have been made touching the men from my State who fought in the Battle of the Thames and those from my State and others who fought in the Battle of New Orleans; that they were volunteers who picked up their rifles and went to the front. It is true, and all glory to them and their bravery; but does any gentleman believe now, in cold, common-sense deliberation, that the need and conditions of men of that day, touching their ability to fight and win battles, has any relationship to the need and conditions of men to-day in fighting battles? If he does, why, then it is useless to point out to him the events that have been happening from hour to hour and from day to day. The mind of man has never been engaged in so scientific, coordinated an activity as it is now being engaged in on the battle fields of Europe.

Gentlemen, I can only end this rather desultory speech—because I have had no time for written preparation—as I began it by saying that the duty of the citizen is to give at the command of the Nation all that may be asked of him. His duty is to serve or not to serve as a soldier or as a civilian. The highest patriotism does not always exist in going to the front. Sometimes it is shown by a man playing a more humble rôle at home, even though some men may, with a sneer, say that it is a less hazardous rôle; but for a nation it is important that all men should be ready to give as the Nation determines, and it is absolutely essential, if we are to be prepared for what may happen, that we should first determine not the need for the next few weeks or the next six months but, if need be, for the next three or five years, and that our plans should be founded upon command and not upon volition, with the uncertainties of it. God grant that we may have the wisdom and the patriotism to rise to the needs of this hour and see to it that through no shirking of ours, disagreeable as the task may be, do we fail to give to the President and to those who are to carry into the field the colors of America the army and the means which makes it efficient that will bring this war to a short and a glorious end. [Loud applause.]

Mr. GREENE of Vermont. Mr. Chairman, I yield 30 minutes to the gentleman from Missouri [Mr. MEEKER].

Mr. MEEKER. Mr. Chairman and gentlemen of the committee, I think there is one thing we should make very clear and, if possible, hold it in mind from now until the end of this discussion, and that is that the men who are insisting upon the selective system have nothing but reverence and praise for the volunteer, past or present [applause], but that we do object to the system of butchery which destroys the volunteer when he gets in. We are talking about systems and not about patriotism.

The man who has read the story of any war that has been fought by volunteers in his heart bleeds because of the useless death of thousands of those men who came in under that haphazard system, managed by men who were strong of heart but not trained in military affairs, and certainly he does not wish to see the men of America started into this great war under such a system. We are discussing systems and not degrees of patriotism. There is another thing that we had just as well get clearly in our minds. If the volunteer system is right, the men who are for it ought to be willing to bank on it to the end of the war. If we ever intend to use the selective system, it is only fair that we begin with it. [Applause.]

You can never start a volunteer system and switch to the other without bringing about the very condition that you have condemned here for three days. I believe that we should take the men from 21 to 50, so far as I am concerned, and I am not in favor of selecting boys under age. [Applause.] But remember this, that I have a boy who has just turned 16. He is my only boy. He is already in uniform. He can outshoot his instructor now. He has been in khaki since he was a little chap. I will give him the best possible military training I can until the Government says it wants him; and his daddy has already offered to go with him. [Applause.] Any man who is willing to serve does not object to waiting until he is called, and I am rather surprised to hear men on this floor suggest that because a selective system, which means efficiency and wisdom and the use of the least number of men possible rather than the greatest we can crowd in—I am surprised to hear men suggest that there is a man in this Nation who is willing to serve under the volunteer system but is not willing to serve when the Nation calls him by selection.

I want to say another thing. It is popular to jump onto the newspapers when you can find nobody else to "cuss." But the editors of this country are just as patriotic as any other group of men. [Applause.] So far as I am concerned, the letters and telegrams which have come from my district are not those of a propaganda. They are personal letters from men whom I know, men in factories, in stores, in offices, men in high places and in low. And the significant thing of it is that 30 per cent of all the men who have written urging the conscriptive selective system are offering their services to go now. I do not find men who are willing to go objecting to the selective plan. And it is a strange message to send from the floor of this Congress that there could be found enough men in any community who, if the Nation should select those men to serve, could start a riot in opposition to the call of their country.

We are discussing, gentlemen, not the question of patriotism; we are discussing a system or a plan which has been the boast of our Government everywhere except in this. If there is anything we like to prate about it is about efficiency. We talk it everywhere. Who would imagine for one moment that in the mobilization of our industrial life we would leave it to chance and to volunteering? We are providing by our laws for this Government to take under control during this trouble every industry that is necessary, and propose that the Government shall say to that industry what it shall do, where it shall work, and how much it shall deliver for this mighty struggle. Who could think of a man organizing a great industrial plant and permitting a 50 per cent efficiency man to be put in some place where he could make only 25? This plan proposes that the 100 per cent man shall be put at the 100 per cent job, and the 50 per cent man shall be kept at his job. It appeals to common, prac-

tical horse sense. When we stop to think of organizing, if organization means anything it means there shall be some directive head; that there shall be some supervising force or mind. In the matter of our manufactures, of transportation, of finance, of supplying the foodstuffs and every other activity in our Nation, we are insisting upon organization and order and direction from a central head, until it comes to the Army, and then it is everybody's business, which means that it is nobody's business.

We should stop to consider this thing, which does not yet seem to have gotten clear home to some men, namely, that we are now at war, and at war with the most powerful military organization this world ever saw. In the second place, we have got to win! [Applause.] It does not matter how we may have felt about it before this declaration of war was made. We are now in. I am not concerned about any other thing than that this Nation shall in the quickest possible time so man and so equip its armies that the most powerful military force on earth which dared strike at Americans shall realize that when she deals with a Republic she is dealing with a people who have ability to organize and to strike as one individual. The selective plan is going through—I am convinced in my mind that we have passed the danger point—but when it shall have been adopted I hope that the gentlemen on the floor of this House who, in a moment, I believe, of unthinking speech, have suggested that the people of their district will resent it will have the courage, and the patriotism as well, to say to the men of those districts, "Let us all get ready, and when the call comes whichever man it happens to take, that man will be ready to go."

We have an illustration right here to-day. There are many heavy hearts amongst the men on the floor of this House. I have been talking with one this afternoon, the gentleman from Ohio [Mr. FESS]. He has three sons, all of military age. They have all offered themselves for service. What an honor! With what pride, even though his heart bleeds, the father should think of the three sons who have offered themselves! [Applause.] But is it not barely possible that under the selective system some of the boys might not be sent on the first draft, and instead of taking, as we heard a gentleman this morning speak of the three boys that stayed at home and the one who went to the front—instead of taking all three in the first instance, there might have been two of the boys left for later service?

Now, gentlemen, here is another thing that we have got to take into consideration: The very word "selection" means order. It means discipline. I think it was the great apostle who said that "All things should be done decently and in order." If there is any one thing that we Americans are accused of loving to do it is to make spread-eagle speeches about our own greatness and our own prowess. If there is not an opportunity to volunteer at present, I would like to know what it is that is going on down here at the Star Building and at other places night after night, with the Marine Band and some of the most eloquent gentlemen that we could find in the Halls of Congress, and in all these other places and cities throughout the country great rallies of every sort, trying to talk men into volunteering.

Everybody but the gentleman from Illinois [Mr. MASON] understands that there is a call now. Some gentlemen seem not to be able to understand that volunteers are wanted because they have not heard a call, but every man who reads and walks the streets by day or by night knows that every effort has been put forth for weeks past, every energy has been directed, toward getting men into the service by speeches and advertisements at our theaters, at our picture shows, on our billboards, in our newspapers, an the sides of delivery wagons, in the sermons at church on Sunday, and everywhere we are hearing only one thing put to the men of America. If the gentleman has not heard about it, at least some of the fellows who rushed to get married had heard about it and hurried into matrimony in order that they might hide behind the skirts of the girls who were foolish enough to take them. [Laughter and applause.]

Mr. GOODWIN of Arkansas. Mr. Chairman, will the gentleman yield?

Mr. MEEKER. Yes.

Mr. GOODWIN of Arkansas. With all this advertising, does the gentleman know that up to day before yesterday only 102 men had volunteered who reside in the District of Columbia?

Mr. MEEKER. Yes; I know that until day before yesterday only 102 men had volunteered who reside in the District. We all know that, and I am amazed that men should come in here and try to give the impression to the country that there is no opportunity afforded for enlistment. It only cheapens their position when we know that everything that possibly can be done has been done to lend the boys of this country into the service.

Now there is another thing to be said to these men who are talking about robbing the homes. Where else are you going to get these men if it is not out of the homes of America? Most men have homes. I have not heard these orators say anything about the homes that were robbed of the boys of 15 up to 18, amounting to over a million and a half, during the Civil War, and I have not heard them say anything about the high-school boys who at these very hours are being graduated in advance of June, in order that whole classes might go.

Mr. DALE of New York. Mr. Chairman, will the gentleman yield?

Mr. MEEKER. Yes.

Mr. DALE of New York. Is the gentleman aware of the fact that in the Borough of Brooklyn, in the city of New York, the high-school boys are now attending school in full uniform?

Mr. MEEKER. Yes. My son is in uniform in the high school. On my desk are letters from parents who are just as patriotic as any haphazard volunteer advocate on this floor, who are asking that the Congressmen shall write to their boys of 16 and 17—mere lads—advising them to stay in school until they shall have finished their education and have come up to something like maturity before they go. I have not heard any of these volunteering fellows talking about those boys. The boys of the high schools are the lads who, when they hear the fife, the drum, the band, and the oratory, in their youthful enthusiasm and their desire for adventure allow their hearts to overcome their judgment. They are the fellows who sign up, and your volunteer system means just what it meant in 1861. It means that officers who are going to raise companies, and who would rather have them filled with boys of school age than not filled at all, will wink at the statements in regard to age, and we will see the same thing we saw then. If there were no other reason for voting for the selective plan, I would vote for it simply to keep those boys out of the Army until they are old enough to go. [Applause.]

Listen to me. When you are talking about "protecting boys," that means that you are to tell them not to do things that they want to do. But your other system leaves it with the boy. Again I say, that if for no other reason than for putting the responsibility of this war and its burdens upon the shoulders of citizens to whom the Government has already said, "You can have all the privileges of citizenship, and because of that you have got to bear the burdens of citizenship," I would vote for the selective plan. [Applause.]

Mr. JAMES. Mr. Chairman, will the gentleman yield?

Mr. MEEKER. Yes.

Mr. JAMES. Is it not possible that the reason why the gentleman from Illinois [Mr. MASON] is against this conscription plan is that he knows that under the volunteer bill the skulkers who have tried to hide themselves behind the skirts of the girls whom they have married would escape service, and that under the compulsory system some of them would have to enlist in behalf of their country? [Laughter.]

Mr. MEEKER. Yes; but please do not ask me to inquire why the gentleman from Illinois is opposed to conscription. I have tried for three days to understand his position, but I can not. I can not see how any man who dares to say a word about protecting children can refuse to vote for the only plan that will keep the children out of the Army, namely, the selective plan. [Applause.] There is a vast difference between pure sob stuff and horse sense. [Applause.]

Mr. FIELDS. Mr. Chairman, will the gentleman yield?

Mr. MEEKER. Yes.

Mr. FIELDS. As I understand the gentleman, if the selective-draft system is adopted he opposes applying it to boys under 21 years of age?

Mr. MEEKER. Absolutely.

Mr. FIELDS. I am glad to know that.

Mr. MEEKER. Absolutely.

Mr. SHALLENBERGER. Mr. Chairman, will the gentleman yield?

Mr. MEEKER. Yes.

Mr. SHALLENBERGER. I guess the gentleman is aware that the bill as reported by the Army permits——

Mr. MEEKER. Oh, it is not here. I am sick and tired hearing about things that are not here.

Mr. SHALLENBERGER. It permits the enlistment of volunteers of 18 years in the Regular Army and in the National Guard.

Mr. MEEKER. Oh, I am talking about the selective-draft system.

Mr. FIELDS. If I may interrupt the gentleman further, there is at least that part of the administration plan of which the gentleman does not approve.

Mr. MEEKER. Oh, I am not bothering about the administration plan. I am talking about practical sense. I never followed the administration. I am for this thing, not because the President is for it, but because it is sensible and right, and I am glad he is sensible this time. [Laughter.]

Mr. DENT. The gentleman says the President is sensible this time?

Mr. MEEKER. Yes.

Mr. DENT. But the gentleman is not willing to follow the bill just as the President presents it?

Mr. MEEKER. No; I am not. Neither is the gentleman from Alabama. He has not come within a thousand miles of it. I am for one system and the gentleman from Alabama is for a double-geared concern, and it is a mighty difficult problem to ride two horses at the same time when they are going in opposite directions, as the gentleman and some others in this House have already discovered. You can not talk about the glories of the volunteer system and then when that has failed offer as a substitute your conscriptive plan. I would be man enough to stand for one or the other, and I would not pass the buck to the President when he was the President of my own party.

Now, aside from keeping the boys out of the Army, in this selective system the next thing, which is just as essential, is that it will provide for a steady supply of men for the service. We will not depend upon the oratory of the gentleman from Alabama or of the gentleman from Miama, Fla. And by the way, men, if it were not to call up bitter thoughts of the past, I would talk to those who in the past have held back our defense plans. I believe in laying the responsibility where it belongs. I want the men of this House who for the past three years have been opposing us and calling those of us cowards who have been working for a preparedness program that would have given us all the guns and clothing and everything we need—I want those men to understand that the condition we are in to-day lies at their door. [Applause.]

It is a mighty cheap thing for a man to do a thing of that sort, and when he comes to the test try to lay the responsibility somewhere else. We know why we are not prepared. We men here know who it has been in the last four years who have been sowing the seed in opposition to America equipping herself to take care of herself in this world war. As we have now entered at one door, let us not fool ourselves into believing that possibly before we are through we will not be involved with others than that nation against whom war has been declared. The moment we begin to sing ourselves into the belief that we are safe because we are big and lubberly and fat and rich, we have begun to sing our funeral dirge. These active nations of the world, who think only of themselves and of their interests, are going to take advantage of our unpreparedness and of our awkwardness with a gun and of our strange maneuvers in trying to get ready for war. Let us remember that every flounder we make, every misstep that we make, is judged by the enemy against whom we are pitted as evidence that we can not do anything but talk. There could no better and no more effective notice go to the Imperial Government of Germany as to what America will do—not what she says she will do, but what America will do—than the news that America has adopted a practical, sensible plan of supplying 1,000,000, 3,000,000, 20,000,000 trained men, if necessary. [Applause.] If there is anything that appeals to a German mind it is efficiency. That gets clear home to him, for he has got the most efficient fighting force all the way through that the world has ever yet seen. And every awkward step we make, every delay that occurs from this moment on—ah, even in the years gone by, in our experience in Mexico, in our attitude elsewhere—from all these things the world had been led to believe that we would not fight, and the world is not right sure of it yet. We have voted money; we have got more of that than anything else. We float bonds and take interest on the bonds, but, gentlemen, that is not war. There is just one last place where that will be decided, and that is where the armies of the two nations come face to face. When the man on the other side, facing the man on this side, knows that he is a better trained man, that he knows how to use the machinery that he has at hand, and that when he turns loose one of those messengers of death and hell he knows that his aim is deadly, will he respect and fear him as an opponent.

That great soldier of peace, Grant, who was the most merciless warrior America ever produced while he was in a battle, was the first general of the northern army who realized that the only way to stop that war was to make it such a hell of destruction that the men on the other side could not stand it. And that is the way with every war. We talk about the Civil War. We had volunteers on both sides; but oh, to read the story of how those high-spirited men died in swamps and on hillsides and everywhere because of the ignorance of army life is sickening. There sits before me my colleague from St. Louis [Mr. DYER], a veteran of the Spanish War. There are many of them here on this floor, and so far as I can ascertain they are all for the conscriptive plan, so that "George" shall not do it all this time. Let the men who served in that war, many of whom never reached foreign shores at all, tell you what occurred to thousands upon thousands of the boys who intrusted themselves in that volunteer scheme. I tell you, gentlemen, this is a test of the practical organizing sense of the American Congress. Upon the one side there is no greater patriotism than on the other. Nobody has a corner on that. Neither Congressmen nor editors nor preachers nor farmers nor bankers nor anybody else has a monopoly on patriotism, and it rather disgusts me to hear men talking about it. We are here to-day to determine whether we shall announce to the world that America can not only mobilize her industries, her transportation facilities, her money, and her food products, but that at the same time she can do that bigger thing, learn to think and act as under the direction of a single mind. Somewhere in every great struggle, at last, one mind must direct all. We can not have a division of counsel. We must have in this as in any other war—because we are going against a nation that is a solid unit—we must have a body of trained men, hard as steel, who serve because they are called and selected, and not because of some beautiful sentiment which they may have. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. GREENE of Vermont. Mr. Chairman, I yield five minutes to the gentleman from New York [Mr. MAGEE].

Mr. MAGEE. Mr. Chairman, any personal views I may have I am willing to yield temporarily to the judgment of those upon whom rests the responsibility of conducting the war. This is not the time for a division of sentiment between the executive and legislative branches of the Government. Each one must bend all his energies toward doing his bit in any capacity in which he may be of use and service to his country. [Applause.] Hard, practical common sense, not theories, must be applied in the wise solution of the great problems under consideration. The advice of those who know from bitter experience what we should do and do promptly should not be ignored. I would not regard my opinion as a civilian upon the best method of raising efficient armies in the shortest possible time entitled to serious consideration.

The Government has educated and trained officers of the Army and the Navy upon whom necessarily must rest the responsibility of conducting the war successfully. These officers with great unanimity endeavor to impress upon us what legislative action should be taken in this national emergency. So far as I am concerned I feel bound, basing my official action upon the sole consideration of the best interests of my country, to accept their advice. We must give to them what they say they must have to conduct the war to a speedy and successful conclusion. It is apparent that they regard time a vital element in the premises. We should respond promptly and unitedly, and vigorously sustain and support them during the period of the war. [Applause.]

I have never been in favor, and am not now in favor, of establishing a military oligarchy in this country. But the Nation is at war, the Government is in peril, and we are informed by the Executive, who must be presumed to have complete information before him, that the rights, the liberties, and the freedom of democracies are threatened with destruction in this titanic conflict between democracy and autocracy. Under such circumstances, and in view of the exigencies of the hour, we should not hesitate, in my judgment, to accept the recommendations of those to whom we must intrust in time of war the security and perpetuity of the Republic. [Applause.]

Mr. GREENE of Vermont. Mr. Chairman, I yield five minutes to the gentleman from Wisconsin [Mr. LENROOT].

Mr. LENROOT. Mr. Chairman, in my speech of yesterday I made use of certain figures relative to the ages of volunteers in the Civil War which I stated I had secured from the CONGRESSIONAL RECORD of last Saturday, placed there by Senator NELSON. Before making the speech I requested the Legislative Reference Bureau of the Congressional Library to verify, if possible, those figures. I received no report until this afternoon, and I find from the official report a substantial error in the figures that I gave. They gave me some unofficial figures that greatly vary. The one official report that they referred me to is a letter written to Hon. JOSEPH G. CANNON, on March 20, 1916, and placed by him in the CONGRESSIONAL RECORD of March 21,

1916, written by the present Commissioner of Pensions. It is as follows:

DEPARTMENT OF THE INTERIOR,
BUREAU OF PENSIONS,
Washington, March 20, 1916.

Hon. JOSEPH G. CANNON,
House of Representatives, Washington, D. C.

MY DEAR MR. CANNON: In compliance with your verbal request of to-day, I have the honor to hand you herewith what is believed to be a correct statement of the relative ages of the men who enlisted in the Union Army during the Civil War.

Trusting that this will serve your purpose, I am,
Very truly, yours,

G. M. SALTZGABER, *Commissioner.*

Age at enlistment—1861–1865.

The records of the office of The Adjutant General, United States Army, show that in the War of the Rebellion the enlisted men consisted as follows:

Those 10 years and under	25
Those 11 years and under	38
Those 12 years and under	225
Those 13 years and under	300
Those 14 years and under	1,523
Those 15 years and under	104,987
Those 16 years and under	231,051
Those 17 years and under	844,891
Those 18 years and under	1,151,438
Those 21 years and under (these two classes make the total number of enlistments)	2,159,798
Those 22 years and over (these two classes make the total number of enlistments)	618,511
Those 25 years and over	46,626
Those 44 years and over	16,071

Total men enlisted 2,778,304. The estimated number of individuals in service is given as 2,213,365.

On that occasion the gentleman from Illinois [Mr. CANNON] took occasion to say:

I had the privilege shortly after I came to Congress as a Member of the House to dine one evening when Gen. Sheridan, Gen. Sherman, Gen. Logan, and quite a number of others were present. I did not do any talking, but I did a good job of listening. I never shall forget that Gen. Sheridan made the statement that if it had not been for the boys under 21 years of age we could not have succeeded in that great struggle.

Now, Mr. Chairman, I wish to be accurate in the figures that I give on all occasions. I make this statement for the purpose of correcting the figures given by me yesterday. I want to say, however, that they do not in the least degree affect the force of the argument that I made on yesterday, because under this official report nearly 50 per cent of the volunteers of the Civil War were boys 18 years of age and less, and nearly 80 per cent, according to this report, of the men in the Civil War were boys of the age of 21 years and less.

I understand the gentleman from South Carolina [Mr. BYRNES] made an attack on the figures given by me yesterday. I want to say that the figures I now give under this official report serve every purpose for the argument, and if the gentleman from South Carolina cares to question these figures, his attack must not be upon me; it must not be on Senator NELSON; but he must attack the present Commissioner of Pensions, who made the report, a Democrat appointed by the President of the United States—a Democrat! [Applause.]

Mr. DENT. Mr. Chairman, I yield 10 minutes to the gentleman from Ohio [Mr. HOLLINGSWORTH].

Mr. HOLLINGSWORTH. Mr. Chairman, I can not vote for this bill if its volunteering features are stricken out as proposed. I will vote for it if such features are retained, out of deference to the judgment of the President, assuming that his wishes are correctly reported to us by the war journals and by those of our House leaders who are supposed to speak for him, although some of its other provisions, its colossal magnitude, its suggestions of close foreign cooperation and possible future entanglements, contrary to American ideals and contrary to the thought of many Members of the House when they voted for the declaration of war believing, as they did at the time, it was to be an American war, waged by American volunteer soldiers in defense of American rights ruthlessly invaded by the German Kaiser, as set forth in the President's address. Members of Congress of all parties were willing to trust the management of such a war to the President and his official advisers under American plans, not expecting them to resort to royal ways or royal advice.

Consideration of my own duty, therefore, in regard to the measure has been largely confined to the question of conscription without first giving the citizen, able and willing to serve his country, an opportunity to volunteer in its defense whenever or however it may be attacked. Conscription, without such opportunity, is, in my judgment, unrepublican and un-American. It is a stigma upon patriotism. Its advocates are fundamentally wrong in their basic conceptions. They declaim loudly about universal military service being the duty of every citizen of the State, but they strangely omit to mention the fact that in a Republic the people are the State and that therefore the duty they proclaim is but the ordinary reciprocal obligations of good citizenship, universal and binding alike upon all who would enjoy the blessings of a republican form of government. It is a proud privilege, a freeman's heritage, a most sacredly guarded right of the citizen to voluntarily join his copatriots in defense of their common country when assailed without being conscripted or unjustly classed with the unwilling or unworthy. Conscription implies involuntary servitude by force, a stigma not to be put upon the patriotic citizenship of a Republic excepting only when the volunteer system fails to produce satisfactory results.

This has been the rule of the Republic ever since its foundation. It has brought victory and never defeat to the Stars and Stripes. Its virtue has never heretofore been questioned. But it is now said a great emergency has arisen and that there is no time to study the historic lessons of our own Republic, founded by George Washington and his compeers, and that, therefore, American traditions and ideals must be abandoned and the old, old lights of the world invoked for our own immediate guidance.

A great English general, hero of nine wars and first British officer to meet the German line, according to reports in our war journals, tells us that the volunteer system is a failure. But his viewpoint is from that of a monarchy; he speaks for the citizenship of a Kingdom, not of a Republic. A study of some of the great battles of our Civil War, fought by volunteer soldiers, Federals and Confederates, might tell a different story.

The wheels of progress and thought are to be turned backward toward militarism, backward toward a condition which our modern Secretary of War, in his letter to Chairman DENT, calls a "philosophy." So be it. This bill with its elastic volunteering feature provides for just such supposed contingency, but it places the responsibility where it justly belongs—with the President. The House committee has wisely provided that—

In the event the President decides that such additional force or forces shall not have been effectually raised under the call for volunteers as herein provided the President be, and he is hereby, authorized to raise by draft as herein provided, organize and equip an additional force of 500,000 enlisted men, or such part or parts thereof as he may at any time deem necessary.

No limitation as to time is put upon this power of the President. If in his judgment conditions exist warranting it, he has power to so order at any time after volunteering begins. It is left discretionary with him; he is the sole judge, and the bill does not seek to restrain this exercise of executive power.

Early after the election of the President last fall, induced largely by the cry that "he kept us out of war," I resolved, as a matter of patriotic duty, to stand by his administration in so far as conscience would permit. I resolved in my humble way, waiving all conditions not vital to conscience, to follow his leadership. I have tried in this respect to be true to my country's best interest according to the light God has given me.

In this spirit I voted approval of the ill-starred expeditions into Mexico, although not entirely convinced that the Taft policy was wrong in declaring an embargo on the shipment of arms and ammunition across the Rio Grande and keeping the American Army encamped on the north bank ready to protect and defend American life and property from any and all assailants.

I voted without question for the President's modest recommendations, as originally made, for increasing our Army, relying, like a majority of American voters, upon his campaign promises.

I voted to sustain him in his German diplomatic letter writing, believing it to be in line with a well-considered policy of avoiding actual rupture with a great nation with which we had been at peace all our national life.

I voted approval of his severance of diplomatic relations, although I felt some hesitation, thinking possibly the necessity might have been avoided by a little stricter adherence to our announced policy of neutrality and the exercise of more real diplomacy in dealing with the German embassy at Washington.

I voted for the authority asked by the President and his advisers to arm American merchant vessels to defend against German submarines, which now on all hands seems to have been a useless waste of patriotism.

I voted for the declaration of war asked for by the President, yielding much of my own judgment to what I believed to be a patriotic duty, and to the necessarily superior knowledge of facts on the part of the President and his legal advisers.

I voted, with confessed misgivings as to where it might lead us but in accordance with my desire to patriotically stand by

the President, for the $7,000,000,000 appropriation asked to carry on the war, the immensity of which is staggering and has no parallel in history.

I have expressed my willingness to vote for this bill giving, as it does, to the President an absolute war power greater than that ever conferred upon king or potentate, saving only that over the life and death of the subject, if only the ideals of the Republic and its founders can be preserved and militarism pure and simple be thus avoided in the land of Washington and Lincoln. Conscription, in my judgment, without opportunity given to the citizen to first volunteer in defense of his country, leads directly to militarism. It is the sure precursor of the man on horseback; yea, more in these modern days, it heralds the motor truck with Army supplies overriding the people and crushing out all semblance of liberty in a land where now none but freemen live.

I can not follow the President in this.

I must answer to what seems to me a higher duty.

I criticize no one who differs with me.

I answer only to my own conscience, to my ideas of an overruling Providence, feeling that I am immune from the embittered charge of political self-seeking hurled against Members of the House who do not in this instance support the Army Staff ideas, not expecting again to be a candidate for Congress and having no future earthly ambition except to do my duty as God gives me to see it during this Congress, the most important parliamentary body ever assembled in the history of the world. I shall hope, however, if I live until March 4, 1919, to take home to my constituents a clear conscience and a pair of clean hands. [Applause.]

Mr. BURNETT. Mr. Chairman, will the gentleman yield?

Mr. HOLLINGSWORTH. Yes.

Mr. BURNETT. The gentleman is a veteran of the Union Army, is he not?

Mr. HOLLINGSWORTH. I am.

Mr. BURNETT. Is it not a fact that the experience of the gentleman was that the conscripts were never men who would stand the fire; that conscription was a failure in the Civil War to a very great extent?

Mr. HOLLINGSWORTH. I do not know much about this conscript business. We were all volunteers in the company in which I served. I was one of the boys under 17—16, a private—and did all that I could, and I did not concern myself much about who was a conscript. But I will say this: I attend Grand Army reunions, and I mingle with the boys who served in the Civil War and in the War with Spain, and I have never yet been able to find a man who would admit that he was a conscript. [Applause.] They will not do it, and I defy anyone who may speak upon this subject to name one man who served in any army who will admit that he was a conscript.

Mr. GREENE of Vermont. I yield 15 minutes to the gentleman from New York [Mr. SNYDER].

Mr. SNYDER. Mr. Chairman, on the 6th day of December, 1915, upon the opening of the Congress of that year, I had the honor to present to this House H. R. 621, which contained the provision authorizing the expenditure of $1,000,000,000 to be divided equally between the Army and the Navy, such money to be expended on the advice of the General Boards of both of these departments by the Secretaries of those departments, the money to be spent purely for equipment, ordnance, and munitions. At that time this measure seemed to be looked upon by this House and by a good part of the people of the country as more or less of a wild proposition. I am simply bringing this matter to the attention of the House at this time for the purpose of pointing out that if this measure had been given the consideration that it was entitled to, we would now find ourselves with sufficient equipment on hand to supply the first increment of the new army that we hope to provide for by this bill that we are now discussing, and we would also have saved to the Government of the United States not less than $300,000,000. I believe every man in this House will concede that there is not a single item that I have mentioned but what could have been purchased in December, 1915, for 30 per cent less than we can purchase these items to-day.

In considering the relative merits of the plans of selective conscription and volunteer service for the raising of an army of the size required for the present emergency, it seems to me that it is well to look at the matter from two principal standpoints. In the first place, which plan is best economically; and, in the second place, which plan will produce the most efficient army in the shortest time.

I am well aware of the fact that in the past the United States has always placed great dependence upon voluntary service. Essentially we are not by nature a military people and we have taken great pride in the fact that our wars have been won by the patriotic few. The fact that wars to-day are not won by the conflict of arms alone is apparent to anyone who has given the matter thought. Behind the bulwark of the Army and the Navy the great industries of the Nation must go on, not only without the slightest curtailment of production but with that production multiplied manyfold by the increased demands of the war. We have absolutely no right to enact into law a method of procedure which does not take fully into consideration the requirements of the war from an industrial standpoint.

The principle of selective draft or conscription rests squarely upon the assumption that the defense of the Nation should be directly in the hands of the citizens who compose it. Not a part of them but all of them. Under the volunteer system the first men to answer the call are those who have already made good in their chosen work, whatever it may be, for they are the kind of men who do things. The ne'er-do-wells, the tramps, the incompetents are the last to go and then usually under a draft. It is easy to conceive of entire industries being forced completely out of business while others go on practically unaffected, due simply to the fact that the employees of the one may be more patriotic than those of the other. The effect upon the industries of the country of voluntary service is a serious matter. We have all of us witnessed within the past few years the struggle made by England to equip and maintain in the field that first little volunteer army. It was only when the English Government had awakened fully to the defects of the volunteer plan and had by selective conscription replaced on the firing line in France the men who were needed at home to carry on the industries of a Government at war that they were able to make a beginning of that industrial and military preparedness which is to-day bearing the fruits of victory.

Selective conscription as advocated by the administration and favored by me, will have absolutely no adverse effect on the manufacturing and farming of the country. It is proposed that all able-bodied men, with certain specific exemptions, between the ages of 19 and 25, shall be made available. It is estimated that this provision will produce 7,000,000. It is also estimated that one-half of these will eventually be rejected for one cause or another, leaving 3,500,000 to select from, and that the number required at any one time shall be proportioned among the congressional districts, of which there are 435. Assuming, in round numbers, that there are an average of 116 election districts in each congressional district, a simple calculation discloses the fact that out of every election district 69 men would be required to produce an ultimate Army after all increments had been added of 3,500,000. In other words, on the first call for 500,000 each election district on an average would be required to furnish from 8 to 9 men.

Not an enormous matter, and as far as the industries of the Nation are concerned, a negligible quantity. Any plan that does not fully consider the effect of the sudden withdrawal from the mills and farms of the men who are absolutely essential to the increased demands of production is totally inadequate to meet the present situation.

Let us look at the question for a moment from the standpoint of the young man whose services will be required. In the first place the plan breathes the spirit of a true democracy. The service must be universal. The son of the rich man and the son of the poor man must drill shoulder to shoulder. Absolutely the only persons exempt will be those not physically fit or those who for some reason are the only support of their parent or parents. Will not this provision by itself eventually serve to crystallize in the minds of the coming generation that in the common defense, class distinction and pride of position have no part whatsoever.

In return for the increased measure of service that a young man will be able to render his country in time of need, he will receive for himself a training and a discipline which will be of inestimable value to him throughout his future life. In proportion as he becomes a better soldier will he become a better citizen. No man can go through a course of military training without coming out of it a better man physically and mentally. He will be subjected to a wise discipline and a thorough education in self-reliance.

When we get down to a consideration of the relative merits of the two plans from the point of the efficiency of the Army to be raised, there is a great deal of valuable information available, if we care to make use of it. In the first place, the principle of selective conscription is the carefully worked-out plan of men who know what they are talking about. It should be obvious that a department of the Government whose duty it is to study the question from every possible angle, with a wealth of data available, is in a position to draw up a proposition that

will be sound from a military point of view. I believe that the General Staff has presented through this measure such a proposition.

Even those of us who are not proficient in things military have read history and have seen demonstrated time and again in our own country and in others all of the evils of the volunteer system.

The particularly vicious feature of the amendment providing for the calling out of an army of volunteers is found in the provision that the company commissioned officers may be selected from among the various local contingents. With our eyes fully open to the grave dangers surrounding it, we are preparing to return to a system of political appointments—a system which absolutely destroyed the efficiency of the National Army in the first years of the Civil War.

This war is not for amateurs. It is a serious business. Do I want my sons, do you want your sons to volunteer to serve their country knowing that they must be clothed, fed, maintained, and finally be led into battle by a man who, no matter how high his motives may be, is not fully qualified by all the experience and training possible? I think not. I protest against it. I believe that when our young men go into this war we should be very sure that we have given them every fighting chance to the end they may eventually come back home and take their places in the pursuits of peace. Are we giving them this chance unless we insist that those to whose care they are intrusted are absolutely the best that the world can produce?

Gentlemen, I believe firmly in the principle of selective conscription and shall vote for it. I believe that in the last analysis it will be found the only method that will produce the results that are absolutely essential to the peace and well-being of this Nation. Without our desire we have been forced to take a hand in the shaping of the destinies of the nations of the earth. Fortunate indeed are we that up to the present moment it has not been necessary for us to participate actively in the struggle from which we have stood afar off and watched. Who can foretell the moment we will be called upon? When the time comes they will go. There is no question about that. They always have. Millions will answer, your sons and my sons, whether we want them to or not, untrained, most of them, not properly equipped; and we will watch them go with the full knowledge that we are sending them off to die for their country with the handicap of a mistaken policy hanging like a millstone around their necks.

Is it not time that we approached this question unflinchingly, to the end that by a system of selective conscription we shall give to the youth of this country an opportunity, nay, more than that, a duty to prepare themselves for the great work that they may be called upon to perform? [Applause.]

Mr. GREENE of Vermont. Mr. Chairman, I yield five minutes to the gentleman from Maryland [Mr. COADY].

Mr. COADY. Mr. Chairman, in view of the experience of England in the present war and our own experience in the Civil War, the action of the majority members of the Military Affairs Committee is, to my mind, inconceivable.

They admit there is some doubt as to the success of the voluntary plan they advocate by the insertion of the provision for selective draft as an alternative for voluntary enlistment in the event of the failure of a sufficient number of men to volunteer; or, as they say in their report, in the event the President decides that the force to be raised shall not have been effectually raised and maintained under the call for volunteers they provide for then there shall be conscription. Yet they ask this House to adopt a plan that is clouded in doubt. The gentleman from Alabama, the able and popular chairman of the committee, in his opening speech says he went to the President and Secretary of War with every proposition of compromise trying to bring about unity of action. Is not this another admission that the majority members of the committee were not sure that their plan would produce quick and satisfactory results?

If they had confidence in their own plan they should have stuck to their colors and never raised the banner of compromise. There is a principle involved in this proposition—the principle of justice and fair dealing—and you can not compromise a principle. The gentleman from New York in the minority views submitted by him says the bill makes it necessary to try out the volunteer system or declare it a failure before the draft can be put in operation.

Here we are at war with the greatest military power the world has ever seen and we are asked to resort to an experiment.

Nero fiddles while Rome burns. This is no time for experimenting. Let us adopt a plan that is sure of producing quick and satisfactory results and not dillydally with a problematical system of obtaining an army. Let us profit by the experience of others. It is ridiculous, it is nonsensical not to do so. Why try a plan that has broken down whenever and wherever tried; and why turn down a plan that is prepared and recommended by military experts? I know there is a disposition on the part of a number of Members of this House to resent any suggestions coming from the War and Navy Departments; but for myself I am willing to subordinate my judgment to the combined judgment of men trained in the science of warfare and whose whole lives have been devoted to its study.

If we can not rely on the advice of our military officers, trained and educated at West Point, officers who for bravery, intelligence, and ability are not surpassed by those of any other nation, then we must admit that that great institution of learning is a failure and the millions of dollars we have spent for its maintenance have been spent in vain.

Whilst I am ready and willing to rely on such advice for guidance in matters of this kind, I am not compelled to do so at this time, because abundant testimony has been furnished this House of the ineffectiveness of the volunteer system and the fairness and effectiveness of the selective-draft plan.

The sentiment in favor of the latter plan is stronger than some Members of this House imagine, and it is not confined to the big cities.

The demand for its adoption comes from the rural districts as well; and I know that Members from such districts have been in receipt of hundreds of telegrams and letters in its favor and demanding that they stand back of the President, as all patriotic Americans should now do. [Applause.]

Mr. GREENE of Vermont. Mr. Chairman, I yield 10 minutes to the gentleman from Pennsylvania [Mr. KELLY].

Mr. KELLY of Pennsylvania. Mr. Chairman, I remember to have heard a lecture by Elbert Hubbard, the famous Philistine, just a week before he sailed on the ill-fated *Lusitania*, which took him down to a watery grave, the victim of a Prussian torpedo. He described the experiences he had in a New York insane asylum. He said he had gone through the building and over the grounds of the asylum. Out from the buildings, probably a mile, he came upon a little guard about five and a half feet tall in charge of 25 of the huskiest insane inmates he had ever seen in his life. That little fellow was in absolute charge of the 25. Hubbard said he watched him for some time and then went down and spoke to the guard. He said, "I would like to ask you one question. What would you do if these 25 powerful fellows should get together and come at you all at once? You have no weapon, not even a club. What would you do?" He said that the guard looked up at him with a quizzical smile and said, "My friend, you belong here all right. What would I do if these 25 should get together and come at me all at once? Why, if they could get together with anybody or anything they would not be here. That is the trouble with them; that's why they're in an insane asylum."

Mr. Chairman, I want to say that it is the test of sanity to be able to get together in such a moment as this. Because I believe that getting together means coordination of all American activities, our military and our industrial as well, I am earnestly in favor of the selective draft as advocated by the President and the War Department. That means we act as a unit. It means that there is a real America, an organized nation. Whittier saw that in days of another crisis, when he said:

> Like warp and woof our destinies are woven fast.
> All linked together like the keys of an organ vast.
> Tear one thread and the web ye mar.
> Break but one of a thousand keys
> And the paining jar
> Through all shall run.

Mr. Chairman, we have heard much of the failures of the volunteer system in our own country in every war in which we have been engaged and in England during this war.

Even if the volunteer system would bring to the standards of America the millions of men needed in this gigantic conflict, and even the majority of the Military Affairs Committee, which brings out this bill, does not believe it will do that, it would be a fatal mistake to adopt it. The gentleman from Kentucky [Mr. SHERLEY] has ably emphasized that fact.

Fully as important in modern warfare as the man in the firing line is the man behind the fighting line. There must be skilled men in the mines and mills and factories and on the farms if the soldier is to be effective at the front.

In fact, the entire Nation must be mobilized, and to accomplish it there must be some power to direct the disposal of the Nation's resources in man power, to say to some, "Go," and they must go, and to others, "Stay," and they must stay. This can only be done if we recognize without quibble and equivocation that every man owes his services to his country, to be used where they are most valuable.

There is one rule of conduct which must be established, and that is that the Government shall compel the individual to relinquish self-will and self-interest when the safety of the Nation demands it.

Here is the fundamental difference between those who advocate the volunteer system and those who adhere to the principle of universal service. It is the age-old struggle between personal liberty and the common welfare, between individual rights and social obligations.

That has been the storm center around which has raged many strenuous conflicts in time of peace. Never has there been an attempt in this Congress to advance social and industrial justice but opponents have declared that such legislation was an interference with the sacred personal liberty of the individual. The public-school system, pure-food laws, railroad regulation, temperance legislation, and many other measures have been denounced as paternalistic and despotic attempts to restrict personal liberty.

But actual conditions in time of peace were the most effective arguments as to the menace contained in the philosophy of stark individualism. Its Ishmael tendency to put every man's hand against his neighbor, with no motive save selfish individual interest, had become a sullen incentive to anarchy and strife. The existence of a jungle warfare was bound to have the result it did have—the triumph of the strong and the crushing of the weak.

In pioneer days the principle of individual, independent action was effective and beneficial. But the changing conditions which transformed the Nation from an agricultural community into a nation of closely organized industries made the ideas of individual liberty as misleading as the guideposts to the German armies in the campaign of 1866 after the Austrians had turned them the wrong way.

We could not have gone much further even in peace on the theory of "every man for himself." The report of the United States Industrial Commission as to the causes of social unrest in this country is an eloquent revelation of the results due to the practical application of that theory. It shows clearly the injustice and inequity which results when personal liberty is put above the common good. I had earnestly hoped that the battle between these opposing ideas would be fought out in times of peace when the entire attention of the Nation could be centered upon them. There can be no doubt as to the end of the contest in favor of the common welfare over private advantage.

But now with the Nation at war the fundamental issues involved, though strange and new in appearance, are the same in reality. We are in the position of a town whose citizens had been called in mass meetings to consider plans for the common welfare. The interests that sought to profit by the exploitation of the many were being shorn of their power to prey. The welfare of the town itself was being put above the rights of a few powerful citizens.

Then suddenly comes the cry of "Fire!" Instantly the meeting is forgotten and the citizens rush to meet this menace. But now the efforts of all are required and each man must perform his duty. If responsibility for fighting the flames is placed upon a few, while the many hold their hands from helping, there will be no town left to benefit and all the measures for the public welfare will be of no avail.

That is the situation in America. The fire of war has endangered our safety and our future existence. Gone is the motto, "Every man for himself," and in its place rises a nobler slogan, "Each for all, all for each, and all together for a common cause."

In fact, the very war in which we are engaged is a struggle between the very elements which were contending for mastery in American life. On one side is the Imperial German Government, the very embodiment of the law of the jungle, the power of the mailed fist. For ourselves we have solemnly chosen to stand on the side of equal opportunity for all, the rights of man called "million," and the obligations of the fraternity of nations.

Now, in such a conflict shall the national defense be regarded as a choice for the individual or a matter of obligation resting upon every citizen alike? Shall we depend upon voluntary enlistment for military service and voluntary contribution of the necessary money, or shall we require both men and money to the full limit of the Nation's need?

To my mind, there can be no choice here. I have advocated measures time and again which recognized the superior claims of the common welfare over personal liberty. I have consistently maintained that this Government, instead of keeping its hands off everything except the preservation of law and order, should put its hands on everything whereby it could best serve the public good.

Now, in the test of war I can not hesitate to follow the same course and speak and vote for the principle of universal service and the obligation that every citizen owes his Nation in time of need.

I have heard gentlemen declaim as to the essential freedom of the volunteer system and the slave character of universal service.

Even if the volunteer system meant really the free choice of every individual, it would have no force against the need of the Nation for varied kinds of service. But does volunteering mean the absence of coercion? Experience proves that it rests upon the most relentless and unreasoning form of coercion possible—public ridicule and vituperation. The brand of cowardice and the stain of recreancy to duty is put upon those who refuse to enlist. White-feather devices are used to shame men into offering their services, and the contemptuous looks of men and women sear the souls of those who may have good reasons for not enlisting. The system makes necessary the arousing of white-hot passions and prejudices. Freedom of speech and press must be limited in such a campaign, since the publication of the truth would hinder recruiting.

The fact is there is less coercion in the determination that all shall recognize the obligation of service, each in his place of duty, than in a system which depends for military service upon the whips and scorns of bitter speech and slurs. The history of volunteering shows more evils of restricted liberty and compulsion than any system of universal service we can establish by law. Others have said here on this floor that the system of universal service is revolutionary and introduces an entirely new principle in American life. On the contrary, the principle is the logical development of the plan laid down by the founders of the Government and the framers of the first laws for the Nation.

The act of May 8, 1792, passed just three years after George Washington was inaugurated President of the United States, was a definite recognition of the principle of universal service, and it continued in force until its repeal some 14 years ago. It provided for the training of all citizens between the age of 18 and 45, and requires each man to provide his own weapons and equipment.

Thomas Jefferson, one of the great believers in democracy, in a letter written in 1813, had the following to say on the subject:

> I think the truth must now be obvious that our people are too happy at home to enter into the regular military service, and that we can not be defended but by making every citizen a soldier, as the Greeks and Romans, who had no standing armies; and that in doing this all must be marshaled, classed by their ages, and every service ascribed to its competent class.

Washington was a firm believer in universal service and advocated it on many occasions as the only method for adequate national defense.

Mr. Chairman, during this debate gentlemen have said that the universal service idea embodied in the minority report on this bill is essentially militaristic. I would like to ask what militarism is? Is it not a system whose very lifeblood is the domination of the few over the many? Militarism implies a despot ruler and a subject people. It is possible only where government is in the hands of irresponsible power. There can not be militarism in a democracy, a government of the people, for the people, and by the people. Any measures of national defense taken by a people's government are self-imposed. They are based on the principle of self-help, the imposition of military measures upon the people by the people themselves.

German militarism is a menace to world freedom, not because it means universal training and preparedness for defense, not because it requires time and money to guard against sudden peril. It is a peril because it is a weapon in the hands of autocrats who advocate the doctrine that might makes right and that brute force is the only true test of a nation's strength. It proclaims the value of war for war's sake and holds a people as helpless slaves before its tyrannical power.

There need be no fear of the establishment of militarism under the system of universal service. You could not recruit a single regiment in all America to carry out the orders for ruthless warfare, such as has characterized Prussocracy in Belgium and France and on the high seas. No more can you erect a militarism in a nation where the people insist that its army must be its servant and not its master.

Mr. Chairman, it can not be denied that there is widespread opposition to the idea of universal military service among the people of America. But this opposition is not against the principle so much as the injustice of expecting all men to perform equal obligations when they are not accorded equal rights.

This opposition, expressed in bitter attacks upon "conscription," is by no means due to the selfish desire to enjoy rights while the fulfillment of duties is evaded. It does not come from peace-at-any-price pacifists, nor from pro-Germans. It comes from true-blue American citizens, and it demands the most thoughtful determination to remedy the conditions responsible for the feeling.

You can not expect a tremendous desire for sacrifice from those who have been exploited and oppressed until they feel that they have no real stake in the country. When men are consistently denied their rights of protection against rapacious and conscienceless interests, they can not be expected to rush violently to the performance of duties which are supposed to depend upon those rights.

I want to say that there are millions of American citizens who to-day are burning under a sense of injustice in social and industrial relations. Nor is it a captious or fanciful assumption, but one based upon tragic reality.

Since this European conflict began the rising prices of every necessity of life have spelled privation and suffering. The increase in wages have meant nothing, for it was more than eaten up in increased prices. During a period of widely heralded prosperity, when great industrial corporations were declaring dividends of a hundred per cent and more, and the papers were full of the immense profits made from war materials, the workers have endured hunger and hardship. Though the toil never so hard and long, they found a steadily increasing gap between their incomes and the expenditure necessary to maintain themselves and families in any degree of comfort. For two years and more the cost of living has been ascending the scale and the situation in hundreds of thousands of American families has been growing more intolerable.

To fan the flames of discontent these workers have seen their efforts to organize for better protection beaten down brutally by these same prosperous corporations which had been receiving such bountiful gifts from the cornucopia of war-created profits. It is a fundamental right that the labor of this country be permitted to organize for collective action. Without it there can be no equality in the relations of capital and labor, and yet this right has been bludgeoned from hosts of American workers.

Is it any wonder that industrial workers everywhere in America are lukewarm to arguments of universal obligations in a democracy, especially when they see in the foremost rank of the spokesmen for such obligations the very men who have persistently and venomously fought against unionism and every attempt to secure a measure of democracy in industry?

Think of the situation right here in Washington. The head of the Washington Railway & Electric Railway Co. arbitrarily refused to permit organization of the employees of that company. Eleven hundred men were locked out when they insisted upon this right, and strike breakers were imported and put to work in their places. With an iron hand this despot of street car transportation crushed the effort of these men to secure their just demand.

Then in the very midst of such a situation this same man, with a fanfare of publicity, erects a great sign on Pennsylvania Avenue bearing the slogan in flaming words, "The Navy Needs You. America First."

For my part, I can readily understand why every man of the 1,100 employees of this street car company, their dependent ones, and their friends would view that sign with resentment and as a fiery insult.

The same thing is true elsewhere. What more biting sarcasm in very truth than that same cry of "America first" from those who have consistently fought to put Americans last.

That is the kind of injustice that has poisoned the high purpose and in some measure nullified the enthusiasm of the Nation. The profiters from privilege and the preyers upon the poor are in great part responsible for the sincere protests which are being made against universal service. They have brought us to the pass where American ideals seem blurred and American patriotism chilled.

But let it not be understood that these men are disloyal or that they are recreant to duty in any way. They are in fact the most sublimely patient citizens in all America and they are ready and eager to do that beyond which no man should be required to do—match their rights with their duties.

I am confident that the workers of America will support the principle of universal service for the common good. All they ask is that the principle be put into effect in everyday affairs, as well as military service. They are ready to do what they have always done—bear the burdens of fighting America's wars—but they demand a square deal for themselves and families, no more and no less.

Among the very first expressions of loyalty to the Government in this crisis was the declaration of the American Federation of Labor. Here is what that organization said:

> We, with the ideals of liberty and justice herein declared as the indispensable basis for national policies, offer our services to our country in every field of activity to defend, safeguard, and preserve the Republic of the United States against its enemies, whosoever they may be, and we call upon our fellow workers and fellow citizens in the holy name of labor, justice, and freedom to devotedly and patriotically give their service.

There can be no more sincere and noble pledge of loyalty than that, and it is the expression of genuine Americanism.

The masses of the American people will gladly accept the principle of universal service as soon as they understand that it is to be universal, without unfair advantages to wealth and influence. They are eternally opposed to a large standing Army in this country, an immense professional organization of mercenary soldiers. They know such an army would be a perpetual threat to labor and that universal service will be assurance as much against terrorism within as without.

The great majority of Americans now are ready for conscription of men if with it goes conscription of wealth. They will not consent to sacrifice themselves in order that a few men may add to their fortunes.

One thing is essential in the conduct of this war. There must be no unjust profits in it to any one. And as the Government takes men and does not borrow them, so it must take money, not borrow it. Excess profits over a small percentage should be conscripted to pay the costs of this war. The peaks of large incomes and fortunes should be conscripted to pay war expenses. Human rights are higher than property rights and common justice demands that if those who are best able to fight are required to fight, those who are best able to pay shall be required to pay.

This conscription of wealth can not, of course be provided for in this measure, but it can and must be in the tax bill which is soon to be reported.

Other measures can make real the principle that equal obligation go hand in hand with equal rights and privileges. Governmental control of every food supply in the country and the elimination of every food shark and speculator will give the inalienable rights of life and liberty to those who feel that at present they are eating the scanty and bitter bread of oppression.

More than that, America must not allow the defenders, raised under this bill, to be assailed and despoiled by the liquor traffic. When these hundreds of thousands of soldiers are gathered in mobilization camps their health, their morale, and their welfare are again a matter of universal obligation. We must see to it that the Government immediately exercises its authority to prohibit the sale of liquor to American soldiers, in uniform or in civilian clothes and in a wide zone around every concentration camp. The mothers who give their boys to the Nation's safety will not hold us guiltless if we permit the wanton defiling of that sacrifice.

Because I believe the principle of universal service is right and just and fair, and because I believe that these other phases of the same principle can be and will be enacted into law, I am unhesitating in my support of the President's plan of a selective draft.

I am convinced that its adoption now will show more effectively than was ever done before the interdependence of the American citizenship.

That relationship exists in peace as in war. And I warn you that an unjust carrying out of that principle, making it refer only to the Army in time of conflict, will be a perilous course.

We are going to compel all to accept and endure sacrifice as a common obligation. Let us face every condition in America to-day in the same "together" spirit, realizing that an injustice done to the poorest, weakest citizen in America is an injustice done to all.

There are only Americans and anti-Americans now. The most dangerous anti-American of all is the man or set of men who will not act and work for the common welfare.

This war in which we have engaged is a noble enterprise. It must not—it shall not—be made a force of reaction and despair for the American people. Rather it must be a new birth of freedom, through which our institutions may be revitalized with new purpose. It must bring us to the day when every citizen shall have equal rights with every other citizen, and equal obligations.

Mr. Chairman, the biggest word in America to-day is "together." As the Commander in Chief of the Army stated in his inspiring message to the American people, "The supreme test of the Nation has come. We must all speak and act and serve together."

Mr. GREENE of Vermont. Mr. Chairman, I yield 15 minutes to the gentleman from Connecticut [Mr. FREEMAN].

Mr. FREEMAN. Mr. Chairman, notwithstanding all that has been said in behalf of this bill, I am still of the opinion that since the passage of the war resolution on the 5th of April the sole all-important, vital test to be applied to every war measure is, Will its passage the better fit us to aid our allies and overcome our enemies? Applying that test to the pending bill, I am constrained to follow the trained professional judgment of the War College and the General Staff rather than the untrained amateur judgment of the majority members of the Committee on Military Affairs. If this be acting like a rubber stamp, make the most of it. Prior to the passage of the war resolution it was the right and privilege of every Member of Congress to exercise his individual judgment as to whether or not by any vote of his war could be honorably avoided. I have respect for the man who follows that well-known advice, "Beware of entrance to a quarrel." I lack respect for the man who ignores the balance of it, "but being in, bear't that those opposed may beware of thee."

This Sixty-fifth Congress was called together in extraordinary session, the exact situation was placed before us, and to us was given the choice of submission or resistance to the unlawful acts of Germany. With the patriotic words of the President ringing in our ears and echoing in our hearts—"There is one choice we can not make, we are incapable of making, we will not choose the path of submission"—this House decided upon the course of resistance by an overwhelming majority.

The question now presented is: Shall we conduct this fight standing up or lying down? As our Commander in Chief, the President has asked us, "To take immediate steps not only to put the country in a more thorough state of defense but also to exert all its power and employ all its resources to bring the Government of the German Empire to terms and end the war." In denying now to him the Army bill he seeks, the bill his military advisers deem absolutely necessary, are we dedicating "our lives and our fortunes, everything that we are and everything that we have" to the duty that we have undertaken? Great armies of men and vast sums of money will be needed in order that this war may be ended and peace be restored. We have voted the money and we intend to inforce its collection. We might have secured this money by asking voluntary contributions to the war funds, and in time, perhaps, the generous might have responded in sufficient amounts. We wisely took no such chances. We might raise the necessary men by voluntary enlistment, and in time the brave and patriotic might respond in sufficient numbers. But the war is already on, our allies need and are entitled to our help, and no time should now be wasted in doubtful uncertain experiments. The adoption of the policy of conscription by this Congress will assure our military leaders that they have behind them and their military plans the full power and strength of the American Republic. I labor under no illusions as to where our armed forces may be sent. I believe that we will fight this war like men and that our armies, when trained and ready, will be sent where, in the judgment of the General Staff, they may strike the hardest, most effective blows for the restoration and preservation of those American rights which by the Imperial German Government have been ruthlessly and brutally violated.

If any troops go abroad in all probability the Regular Army and the National Guard will be the first to go; and I say to you that it is not right; it is not fair or just to send a single American abroad, a Regular, a National Guardsman, or a Volunteer—not even Col. Roosevelt himself—or anyone else without the knowledge that every other able-bodied man of military age will be compelled to do his bit to sustain that American soldier with food, to equip him with munitions, and to reinforce and relieve him on the firing line and in the field and trenches. Only by the adoption of conscription can this be absolutely assured. If we go at all we should go in force. The more that go the easier will be the task of each individual, the less will be the risk of defeat, and the more speedy and certain the restoration of peace through victory. It has been truly said that God is on the side of the heaviest battalions, and that battles are won by having the greatest number of men on the right spot in the quickest possible time. I have grave doubts of the success of the volunteer system. In this peace-loving commercial age of ours there is altogether too much of the spirit of "Let George do it." In the course of debate it has been said the Volunteers did not fail in 1776, in 1812, in 1861, in 1898. Far be it from me to say anything that would reflect upon their glorious deeds. To them we owe our independence and the integrity of the National Union. Let me say, however, that Gen. Washington pleaded with the Continental Congress time and again for a continuous supply of trained men and for the adoption of a "uniform and well-digested" military policy. Of the militia that was raised from the several Colonies as occasion seemed to require, he said:

If I were required under oath to say whether they were the greater help or hindrance, I should be obliged to say the latter.

In the War of 1812, except upon the sea, there was very little of which to be proud and much to regret. We suffered an unbroken series of humiliations on land because of our untrained militia. Outnumbering the British 2 to 1, we abandoned and surrendered this beautiful city of Washington to the enemy with a total loss of but 12 men. If the North in the beginning of 1861 had had the policy of universal service that war would have been shortened years, thousands of lives spared, and millions of money saved.

In 1898 I recall my own personal experience under the voluntary system. The official United States record shows that Company I of the Third Connecticut mustered into the service of the United States 106 strong. The real facts are these: In May of 1898 we were a company of the maximum peace strength, 68 in all. When the call came in June we marched down the street 26 in number, of whom 9 were recruits enlisted between the day of the call and the day of entrainment; so that out of the original 68, 17 volunteered and 51 stayed at home. The 51 who stayed at home were brave enough, but they considered that there was no necessity for them to go into the United States Volunteer Army. I think it significant indeed that the volunteers of '98 now stand for conscription. [Applause.]

The burden of the national defense in time of war should not be shifted from the shoulders of the many to the shoulders of the patriotic few. Military service in time of war is the highest, greatest duty that every man owes to his country, and every man should pay and perform that duty in whatever manner or capacity the Nation may decide. The military advisors of the President have asked for selected conscription because, in their judgment, this policy will bring together the best and largest number of armed men in the quickest possible time with the least disturbance to our industrial and agricultural systems. The pending bill makes subject to selective draft all men between the ages of 21 and 40 years. I keenly realize that this power of selection is capable of being abused in its administration, but I do not believe that those charged with the enforcement of its provisions will take any advantage or play any favorites. I feel that to exempt at once arbitrarily, without examination, all those between the ages of 25 and 40 would be a grave mistake; but in time of war great power must be given in the trust that it will be wisely and properly exercised. I do know this, however, that a law of conscription is a solemn duty that we owe to the mothers and sisters of those now in the Regular Army and National Guard, many of whom will be between the ages of 18 and 21, in order that they may know that their boys will not be called upon to make all the sacrifices and that every other able-bodied American will be made ready to come to the assistance of their boys should the occasion ever require. To this end and purpose I favor the minority report. [Applause.]

Mr. McKENZIE. Mr. Chairman, I yield 15 minutes to the gentleman from Ohio [Mr. EMERSON].

Mr. EMERSON. Mr. Chairman and gentlemen of the committee, my good friend from Boston, Mr. GALLIVAN, in his speech of yesterday, said that he had heard that many Members of Congress had not seen the ocean.

I am convinced from what I have heard upon the floor of this House since the debate on this bill began that there are some Members of this House who have not heard that the United States has declared war against Germany.

Some Members of this House do not seem to know what war means or what war is.

I would like to state, for the benefit of those, that war is where people get hurt; where they get killed, maimed, disfigured, and sometimes lose their sight, hearing, or some of their limbs.

If any Member of this House thought when we declared war against the greatest military power in the world that we were going to have a lawn fête or a tea party he was seriously mistaken.

If Germany was not now having her attentions directed in other ways we would know what war meant, for German soldiers would now be on our soil. And we could not stop it.

It is no time now to discuss the beauties of the volunteer system or the hardships of the draft system of raising an army.

We have to have an army, and we have to have it quick.

If I was sick, I would consult a doctor.

If I needed legal advice, I would consult a lawyer.

If my soul was troubled, I would see a minister.

If I needed military advice, I would consult a soldier and not a politician.

I presume that the President of the United States consulted expert military advice, and that when he speaks he speaks from the knowledge he has received from that source.

I do not know much of anything about armies or the organization of armies, and as a Member of this House I am going to do what I can to assist in the winning of this war; and the best thing I can do, and the best thing all the Members of this House can do, is to follow our leader, our Commander in Chief, our President. [Applause.]

The German follows the Kaiser; the Frenchman follows his President; in England they have not much confidence in the King, so Lloyd-George acts as leader.

I want to say to those Democrats who are opposing the President now that they were mighty glad to be following him to victory last fall and will be awful glad to follow him again in 1918. He is the biggest man in your party to-day. Take Woodrow Wilson out of the Democratic Party and it would cease to exist.

If you do not have confidence in him as a leader, then select some one else. [Applause on the Republican side.] We must have a leader in this war.

If I were to select some one else, I know of but one man in the United States who would make a better leader than the President, and that is Col. Roosevelt.

And, by the way, I might say that it is my opinion that a volunteer soldier is better than a conscripted one. I believe that 100,000 volunteers under Col. Roosevelt would be better than half a million conscripted men under some leader they did not know. But that is not a question for me to answer. I am asked what is my duty now under the present conditions. Am I to set up my opinion against the opinion of my leader in this war, the President of the United States?

There is no excuse on earth for a Democratic Member of this House not following the President. If it were not for the President, half of you would not be Members of Congress now.

Next year every man now opposing him in this crisis will be out on the stump telling what a great President he is and how he stood up for American rights.

If there is to be any faultfinding with the President, it should come from the Republican side, not the Democratic side.

For instance, I believe that if the President had stood for the rights of American citizens in Mexico we would not now be at war with Germany.

I believe if the President had been firm for American rights and Germany really knew that he would enforce them she would not have violated them.

I believe that the War Department will not permit Col. Roosevelt to organize an army, because they fear him politically.

There are a great many things that the President has done that I would not have done, and there are many things he has left undone that I would have done.

But I am not going to complain now. The people have selected him as their leader.

I dislike the word "conscription" as much as any Member of this House. I dislike to feel that it is necessary to resort to conscription, but we must remember that this is not a very popular war and that it is harder to get volunteers now than it would have been three years ago. People have been reading of the horrors of war, and they hesitate not only to enlist but to permit their boys to enlist.

I disliked to vote for a $7,000,000,000 bond issue.

I disliked to vote for the declaration of war, but I felt that the position taken by the President in our international relations made such a declaration necessary.

I dislike to see our brave boys fill the trenches of France and hope they may never have to go to Europe.

I would rather the President would have confined the enforcement of our rights to those upon the sea.

I dislike this alliance with England, France, and Russia and their allies.

But it was not of my choosing.

We are now at war, and the only way we can win that war is by following our leader and doing as he thinks best, surrounded as he is by the best military experts in the world.

It is no time for arguing, for debating, for hesitating; that hour is past. The hour for action is here.

This country can not win this war without a proper leader, and the only thing for Congress and the country to do is to stand by the leader.

I am not going to vote for this conscription because I like it, but because in this emergency I am going to take the advice of the Commander in Chief.

Throughout this war I shall follow the advice and suggestions of the President, because I know that he is better informed than I am and because he has better opportunities to learn what is the best policy for the country to pursue.

It is no time to argue with the commander when the enemy is here.

It is no time to tie the hands of the President when war is declared.

It is no time to hesitate about ways to be pursued in this war, for some one must have his way.

If I am to choose between my own judgment and the judgment of the President in this crisis, I shall take his judgment, for he is in a much better position to know what to do than I am.

The sooner we stop useless talk and accept the President as our leader and commander the sooner the war will be over and the fewer lives will be sacrificed.

Mr. HILLIARD. Will the gentleman yield?

Mr. EMERSON. Yes.

Mr. HILLIARD. If war is declared, then, do you see any reason for Congress at all?

Mr. EMERSON. Congress exercises its legal function. But that is all farce. That is a child's question. We have got to have a leader. We have got to have a commander in chief. It is just as some one said here the other day, you might march a regiment out in front of the enemy, and before you ordered it to fight have a referendum to decide whether it should fight or not. It is just as nonsensical as the question asked.

Mr. HILLIARD. You do not think the Constitution has anything to do with it?

Mr. EMERSON. That is all nonsense. I wish the gentleman would not ask nonsensical questions.

Mr. NICHOLLS of South Carolina. You talk about standing behind the President. Do you propose to vote for any measure the President will offer here?

Mr. EMERSON. That is a child's question.

Mr. NICHOLLS of South Carolina. How far are you going?

Mr. EMERSON. That is a child's question. I believe the President of the United States has brains enough to act in this crisis. I opposed him last fall as vigorously as you defended him. I believe he has brains and intelligence enough in this crisis to lead this country. I might select somebody else if I had the selection, but he is the leader. But while he is leader I shall stand behind him. [Applause.]

A member of this House who stands here and says he is standing by the President, when he is opposing suggestions made by the President in the conduct of this war is either jollying himself or has a wonderful imagination.

It seems strange to see the Republican ranking member of this committee [Mr. KAHN] fighting for the President's policies and the Democratic chairman fighting against them, but that is what we must expect.

Mr. DENT. Will the gentleman permit an interruption?

Mr. EMERSON. Yes.

Mr. DENT. Does not the gentleman know that the gentleman from California [Mr. KAHN], the ranking Republican member of the committee, is not supporting the bill drafted by the President but is only criticizing one feature of the bill that the majority reported in?

Mr. EMERSON. I do not think that is a material question. It is an academic one. He is standing by the President better than you are. [Laughter.]

Mr. SHALLENBERGER. Will the gentleman permit an interruption? Will you define an academic question?

Mr. EMERSON. A child's question.

Mr. HILLIARD. And which a philosopher can not answer.

Mr. EMERSON. The Republicans will finally have to do all the fighting and will finally have to pay all the expenses of the war. So, it is not unusual to find the Republicans on the Military Affairs Committee standing by the President and the Democratic members opposing.

I sort of agree with the Democratic members. This war should be managed by the Republicans anyway.

Some members of the Military Affairs Committee on the Democratic side are worried because some one might get killed in this war. They throw up their hands in holy horror because some one may get hurt in this war. If I understand what war is, why, war means fight, and fight means some one gets hurt, and some one must do the fighting. The question is, Who shall do the fighting? I believe the President knows best how to conserve the resources of the United States. I believe the President knows best how to conserve our agricultural resources, how to conserve our manufactured resources, and how to conserve our resources of men.

I believe the President knows what is best for this country to do in this crisis, and I shall follow him as a leader.

If we are all to run the war, we might as well prepare to pay a subsidy to Germany now, for we are licked.

If every time the President asks us to do something or to pass some legislation we are to talk and argue and refuse and hold him up, we are defeated now. The sooner we get down to serious business the better it is for us and the better it will be for our country.

I can epitomize all I have said by saying, "Stand by the President." [Applause.] The question is, Who shall do the fighting?

Mr. GORDON. Mr. Chairman, will my colleague yield at that point?

The CHAIRMAN. Does the gentleman yield?

Mr. EMERSON. Yes.

Mr. GORDON. Is it your judgment that the conscripts—these skulkers and slackers that you propose to get by this system that you are favoring—will fight better than the volunteers? Is that the reason you favor the conscription plan?

Mr. EMERSON. No. I said that one volunteer was as good as two conscripts.

Mr. GORDON. Why do you not favor giving us the volunteers, then?

Mr. EMERSON. I will tell you why. I do not believe you can raise half a million men as volunteers in this country to be sent abroad, and neither do you. This is no baby war. [Laughter.]

Mr. GORDON. But you voted for it, did you not?

Mr. EMERSON. Yes; I voted for it, because the President had taken a position before the convening of Congress in extra session that we could not have withdrawn from without dishonor to the country.

Mr. GORDON. You support the President in the war for the reason that you are in favor of this minority report—because the President wanted you to be?

Mr. EMERSON. That is it exactly; because you have got to have a leader and a commander in chief. If Members of Congress were running this war, we know how it would be run. [Laughter.]

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. GORDON. Mr. Chairman, I ask unanimous consent that the gentleman may have more time. I want to ask him a question.

Mr. EMERSON. I do not care to have more time.

Mr. GORDON. I ask unanimous consent that the gentleman may have one minute more.

The CHAIRMAN. Is there objection?

There was no objection.

The CHAIRMAN. The gentleman from Ohio is recognized for one minute more.

Mr. GORDON. Does the gentleman yield for a question?

Mr. EMERSON. Yes.

Mr. GORDON. You say that one volunteer is worth two conscripts?

Mr. EMERSON. Yes; that is my opinion, although I may be wrong.

Mr. GORDON. And your opinion also is that no one will volunteer?

Mr. EMERSON. I did not say that. I said I do not think you can raise an army of half a million men to go to Europe by the volunteer system.

Mr. GORDON. That is simply your opinion?

Mr. EMERSON. Yes; that is my opinion.

Mr. GORDON. The majority report provides that if they shall call for volunteers and give those who desire an opportunity to enlist and fail to raise the necessary number and the President finds they can not be raised by volunteer enlistment, he may by an order put this conscription into effect. That would not delay the proceedings, would it?

Mr. EMERSON. That is putting it up to the President.

Mr. GORDON. That is what you are doing.

Mr. EMERSON. No. He puts it up to me.

Mr. GORDON. Do you think the President is competent to decide whether these men can be raised by volunteer enlistment?

Mr. EMERSON. That is not the question. He is the President of the United States, elected by the people.

Mr. GORDON. Oh, yes.

Mr. EMERSON. And if you are going to conduct a successful war and let every Tom, Dick, and Harry here in the House of Representatives suggest the manner in which the war should be carried on, you might as well get ready to pay a subsidy to Germany to-day.

Mr. GORDON. I am not opposed to the war, but the President is the Commander in Chief of the Army and Navy and not of Congress.

Mr. EMERSON. Oh, that is no man's question. That is a boy's question. [Laughter and applause.]

The CHAIRMAN. The time of the gentleman from Ohio has again expired.

Mr. McKENZIE. Mr. Chairman, I yield 15 minutes to the gentleman from Maine [Mr. HERSEY].

The CHAIRMAN. The gentleman from Maine [Mr. HERSEY] is recognized for 15 minutes.

Mr. HERSEY. Mr. Chairman, as I am a new Member of this House and have only 15 minutes, I would not like to be interrupted. I have no prepared speech. I simply have an idea here and there, gathered from the debate of the last three days. I stand for a selective draft.

This is a solemn moment in the history of this Nation. It was a solemn moment to me when I sat on the floor of this House for the first time and heard from the Speaker's desk the magnificent message of the President of the United States, which all of us applauded, and heard him say to you and me what war meant to us if we voted a declaration of war. The President said in unmistakable terms this:

> War will involve the immediate addition to the armed forces of the United States already provided by law in case of war at least 500,000 men, who should, in my judgment, be chosen upon the principle of universal liability to service, and also the authorization of subsequent additional increments of equal force so soon as they may be needed and can be handled in training.

It was a solemn moment to me, Mr. Chairman, when in the early hours, the gray hours of the morning, after a long debate in this House we voted almost unanimously a declaration of war, and in that declaration we said in unmistakable terms also that we would, as the Congress of this United States, pledge to the President "all the resources of the country."

Did we mean it? We pledged to the President all the resources of the country, and it seems to me it comes with ill grace from any Member who voted that declaration of war to say to-day that he is going to keep back a part of the price. [Applause.]

What are the resources of this country? Its most precious resources are its citizen soldiers from the age of 21 to 40. Are we going to keep back part of them? Are we going to say to the President, "Of these resources you can have only those that volunteer"? Are you going to say, "We thought the President was going to issue a call for those who could go or stay, just as they pleased"?

Some one has said that only 1 out of 10 would enlist voluntarily. Under selective conscription the 10 are at the call of the President. Which are we going to take? Why, Mr. Chairman, it seems to me, with all deference to the older Members of this body, that only here in Congress is there much of a difference of opinion as to what we should do. Among our constituents, out in our great beloved Nation everywhere, people are standing by the President for this conscription, this draft, and not for volunteers. The legislatures that have met since this message came before the country without an exception have stood by the President.

The legislature of my own State on March 8 declared by every vote in that legislature to stand by the President for conscription. The action of Maine was followed by the Legislature of New Jersey on March 19, by the Legislature of Rhode Island March 20, by the Legislature of New Hampshire March 22, by Massachusetts March 29, Connecticut March 30, Minnesota April 3, and of Texas April 23. Every legislature that has had the opportunity to vote has stood by the President. All the governors of the States, with one exception, stand with the President to-day. The Daughters of the American Revolution, speaking for the women of the land, the other day in this great city declared unanimously to stand by the President. The presidents and the educators of our colleges in the Nation are all with the President.

Three hundred and eighty-three mayors of cities in our land of over 5,000 inhabitants are with the President to-day. The Boston Transcript, the most reliable newspaper in this country, conservative and independent, says that 93 per cent of the press of the country is with the President and for conscription. You may make a little light of the press of the Nation, but I say to you that this Congress ought to pay some attention to the great press of this country.

The British Cabinet are for conscription, the French Cabinet are for conscription, the American Cabinet are for conscription. Every military man whose opinion can be obtained stands to-day with the President for conscription.

Among the great former Secretaries of War is Henry L. Stimson of New York. He said the other day:

From the standpoint of our military history there is no more clearly established fact than the failure of the volunteer system. The United States have not yet warred with a first-class power free to devote its entire attention to them. Nevertheless, in our wars the system has regularly broken down. The leading States of Massachusetts and Virginia were forced to resort to the draft by 1777, or only two years after the opening of the Revolution. During the course of that war, in spite of such sporadic efforts by different States, the patriot armies shrunk in number from 89,000 in 1776 to 29,000 in 1781, and our cause was only saved from failure by the timely intervention of the French fleet and army. In 1812 the volunteer system broke down in so many and varied ways as to make that war the most conspicuous example in our history of how not to carry on military operations. During the Civil War both sides were forced to use the draft—the South within a year and the North shortly thereafter. Even in our little War with Spain the full quota of volunteers called for by the President was never obtained. The failure last summer of recruits to appear when called for by the President to meet a national emergency, although over 1,000,000 citizens were parading and shouting themselves hoarse for preparedness, is merely the latest incident of what has been a practically unbroken record in our history.

Gen. Leonard Wood, our greatest military commander to-day, said, April 17:

A voluntary service, however delightful in theory, is ridiculous in practice. It would be a noble thing if every man rushed to the colors, but every man doesn't. The universal system treats all alike—rich or poor, native born or newcomer. So get behind the administration and you'll get rid of a lot of loose talk about war. Only 6,000 men have been enlisted in two weeks, and I leave it to you to estimate how long it will take to get an army of 1,000,000 men. Many men are willing, but they are not willing to do the work of "slackers." Compulsory service will cut out the "slackers"; so get into the fight and make up your minds that so long as there is a sun in Heaven you will never be caught in this fix again.

In this Nation we have 20,000,000 men between 21 and 40 for military service. Out of these under the selective-draft bill you select what you want. Under the volunteer bill men can come or stay at home just as they please. I believe that this Congress should vote to stand by the President of the United States, stand by the War Department, stand by the experience of the world in this matter, and give to the President all the power he needs. If you do that, what will happen? We will take our place once more among the great nations of the world. Then there will come to us all the power we need. Out of the 20,000,000 men from whom to select we will obtain an Army that will go from victory to victory; they will be selected—

From northern forest, from the sun-kissed shore
Of dreamy southland, from the western plain,
From city, town, and hamlet, as of yore,
The answer sounds, "We come—we come—again,
The kin of all who made our country free,
To light the world, the sons of blue and gray,
With all we have and are and wish to be.
Our country calls; we come, we come to-day
To man the ships that strain their leashes taut,
Impatient for the word to cross the wave
Where Jones and Farragut and Dewey fought,
To send the hidden death to hidden grave,
To fill the ranks, to answer every call,
To do or die where'er the flag may lead.
Another million, if a million fall,
And freemen all—ten million if you need!
To show to other men that we are men,
Willing to meet our God in death's mad dance,
To bear the starry flag, unsoiled, again
Unshamed beside the starry soul of France."
Of England, roused and grim, our motherland,
With hand unswerving on the furrowing plow,
No backward look, no trembling of the hand?
(We ne'er were prouder of our birth than now.)
Of Russia, born anew and stretching hands
Across the sea in freedom's brotherhood?
Of Italy, who left her sunny lands
To fight through snow and avalanche and flood?
Of bleeding Belgium, nursing still the spark
Of sacred fire in her stricken breast?
Swift must our answer be to war's alarms.
Our place is in the van upon the long
Red battle line, where valor, cleaned by fires,
Beckons all free men. There with flag unfurled
We'll show the world we're worthy of our sires
Until we blot forever from the world
This hideous foe of light. The night is o'er!
Our path is straight and shining is the goal!
Awake! America, from shore to shore,
And look not back! Thank God, we've found our soul!

[Applause.]

Mr. SHALLENBERGER. Mr. Chairman, I yield 15 minutes to the gentleman from Indiana [Mr. KRAUS].

Mr. KRAUS. Mr. Chairman and gentlemen, the public at least understand that the ethics of the House expect new Members to observe, for a season, certain reserve and self-restraint, and I confess a diffidence I feel in attempting to address you would in itself impose modesty in keeping with the rule.

But the new membership of this body represents 20,000,000 of our people, and the questions involved in the pending bill are so momentous and their correct solution will have such a far-reaching influence on the future development of the spiritual and physical life and well-being of our people, and the perpetuity of our national existence, that I am impelled to say a few words on the subject and give the reasons I have already assigned as my justification.

I am convinced that the volunteer method should be adopted in recruiting the armed forces we are seeking to enlist at this time to carry on the war. That this method should be our practice until it is apparent that an insufficient number of men are coming forward to carry on the war. In spite of all that is being put forward under the guise of reason to justify "conscription," a real scrutiny of our military history, a search for the profound lessons it has to teach us, a due regard for the love of country which we are all mightily interested in maintaining and bequeathing to posterity as a priceless gift of our day, the future progressive growth of our democracy and the desire to have the ideals and aspirations of free government dominate the civilized world all point to the one irresistible conclusion that we should perpetuate the volunteer system until there is at least some slight indication that the method might be found inadequate. I submit that neither during the present war nor in any of our wars in the past was the volunteer system found unsuitable for the purposes sought to be accomplished. Whatever weaknesses may have existed in our armed forces are not properly chargeable to this method of recruiting. The other and real reasons are readily discernible if we will not blindly close our eyes.

Every shot that was fired in the cause of liberty and for the right of representation at Lexington and Concord came from the musket of a volunteer. The weaknesses that became apparent in the subsequent period of that initial campaign of the American Revolution can not be laid at the door of the patriotic spirit that prompted our forefathers to take up arms; the volunteer method of enlistment never has been, nor will it at any time, be found to be responsible for the lack of arms and supplies, nor for the absence of an opportunity to train and be trained in military maneuvers and tactics, while conscription at once destroys the ideals and enervates the spirit of the freemen who should and will under our democracy protect its life and institutions. I will not be counted among those who, in advocating the "draft," impliedly admit that there is such a lack of national motive in our present war that we must resort to "conscription" in order that we may secure the man power necessary to defend our shores and bring to fruition our aims and aspirations in this contest.

During the War of the Rebellion the number of volunteers under arms prior to the institution of the draft was somewhat in excess of 600,000, and thereafter almost 1,370,000 men were enlisted, but the fact is recorded in our history that, notwithstanding the existence of the conscription act, more than 1,000,000 of the men recruited while it was on the statute books were volunteers, and, at that, less than 3 per cent of the total number of men recruited for the Army in this war were personally drafted. The history of recruiting during this period of the existence of the Republic is in itself a refutation of every pretended argument that is being put forth in advocacy of conscription. [Applause.]

I am convinced that what little sentiment there is among the masses of our people against this measure is based upon a misconception that is being given vitality by the propaganda exploiting conscription in the press. Before the declaration of war there was, and still is, a widespread belief in a system of universal military training which would, in the opinion of its advocates, be efficacious in preventing us from either entering into war for purposes of aggression, and in the event we were wantonly attacked it would be an effective instrumentality of defense. The propagandists are seeking to create the impression that such a system of universal training and conscription to meet the present situation are one and the same.

There is no basis for such an assertion or assumption, and it can not be shown more clearly than in the statement of Secretary of War Baker, in the official report of the hearings held by the Committee on Military Affairs of this House, on April 7, 1917, but the pronounced belief in a universal system of military training is being used to secure favor for conscription. I want to assert that in raising an army, either by volunteering or by conscription, neither plan has an advantage over the other in regard to the military qualifications of the personnel of the proposed armies. Under either system the army would stand on an equal footing in being composed of civilians to be developed into soldiers, but certainly the volunteer system would have the advantage of being composed of patriotic men who enlisted with the highest motives and the single thought of serving their country, which would certainly give it a forcefulness and strength of character above one composed of conscripted men. I sincerely believe in a volunteer system, also, because, in accordance with the ideals we have sought to develop and inculcate in almost a century and a half of national life, a conscript is without honor, and this stigma would doubtless attach to men of splendid character who would be compelled to enter service by a conscriptive measure.

True, it is argued by the advocates of selective conscription, that patriotic men may even now volunteer in the Regular Army, but as that Army to this time has been composed of scattered units, who have not been impelled by the patriotism that comes with national danger to sever home ties, surrender personal opportunities and sacrifice their aspirations, and who have enlisted when war was only a remote possibility, the distinctive honor of volunteering for this war would be lost to such as enlisted in the Regular Army, and, furthermore, would not be as congenial and inspiring as enlisting in a company and regiment from their own towns and communities, by which local enlistment they would hope to bring honor to their communities.

The element of the press that is advocating conscription is laying great emphasis on the selective idea as a feature of the proposed military establishment. Every word that has been written, and every syllable that may be uttered in favor of the purposes expressed by this word, as used in this legislation, is applicable to both the volunteer and conscriptive systems created by the law we have under consideration. For even a casual examination of the bill before us will disclose that the selective principle is made equally a part of both the volunteer and conscriptive systems and in any event should be retained in principle in the new organization that will be established by its provisions. Further, the proposed volunteer method has the advantage of affording the means of supplying the men required for our armed forces at a much earlier day than the conscriptive system. It can be made to operate and it is the expectation of its advocates that it will be in operation during the four months' period that it is conceded will be required as the registration period under the conscription system. In other words during the four months following the enactment of this law not a single conscript will be enrolled, but the volunteer method will be bringing hundreds of thousands of loyal patriotic Americans to the colors. When registration, which is an essential step under the conscriptive system, is an accomplished fact, if the volunteer system is supplying an insufficient number of men of the right quality, its operation can be at once terminated, and the right to conscript becomes by this very bill a power of the Government. Gentlemen, I submit to you in all candor, which system will care for the immediate national requirements? Can any valid reason be advanced why we should forego this advantage of enrolling immediately the thousands of men who can only be obtained by the volunteer system proposed in this bill and before the conscriptive method can become operative?

The argument that selective conscription would reach the sons of rich men that otherwise might escape service is, I believe, without justification, and is probably used by some to arouse prejudice in support of the conscriptive proposition. In our own war and in the present war in England it has been clearly demonstrated that this class has presented itself early for enlistment, and has suffered to at least as great an extent as any of the other elements in the country. [Applause.] Let us be frank and appeal to no prejudice. Patriotism is not the exclusive heritage of either the rich or the poor; it is a quality of mind and heart common to our people in all positions in life.

Let us look at a more recent example of the workings of the voluntary system. At the outbreak of the Spanish-American War there was such a wave of patriotism and demand on the military authorities for permission to enlist that there was much ill feeling and disappointment among thousands who were turned away. I may say, modestly, that with a whole company of boys who resided in my home community I was of this number, and I know of thousands of men in Indiana who made earnest efforts to enlist and were denied the privilege. Would anyone assert on the floor of this House that our citizens are not as loyal to-day, and when called would not answer as promptly and heartily now, as at that time? I am disposed to resent the implication which the conscriptive measure would awaken, that loyalty is so dead with us, as a people, that force must be employed to obtain an army at the beginning of this war. Are we not, as a people, as loyal as the Canadians, Australians, and English? The first two named countries have not to this day resorted to conscription, and Canada, with a population of but 8,000,000, has raised a volunteer army of 400,000 men; Australia, with a population of 5,000,000, has enlisted an army, without compulsion, of over 260,000; and Great Britain, with a population of 41,000,000, recruited a volunteer force of 5,000,000 men, and only resorted to conscription two years after the war began. Compulsion has not as yet been adopted in Ireland, but Erin has furnished more recruits in proportion to population than any part of the United Kingdom. No one would seriously contend that the expeditionary army which England sent to French soil in the early days of the struggle was weak because of the method by which it was recruited. It was weak only because its numbers were small compared with the forces they were compelled to meet. English military weakness in the early days of the war can not justly be made a count against the volunteer method of enlistment, but was in fact the weakness that is inherent in any system that embodies no policy of military training and education for youth, together with practically a total absence of a marshaling of the industrial and productive resources of the country for equipping and maintaining a large armed force on a war footing.

Every man in our Regular Army, from the private to the highest staff or line officer, is a volunteer, and is there a man within the hearing of my voice who believes or would assert that it is not as efficient in proportion to its numerical strength as we have a right to demand and expect, merely because each human being in it of his own free will sought membership in its various units?

Are not our hundred million people as loyal to our country as the people of the United Kingdom are to their Government? Has anyone the temerity to claim that the volunteer system will not bring to the colors as many men as can be used under the provisions of this bill in less time than our Government can prepare to train and care for them? [Applause.]

No doubt conscription will and should come, but we can not afford to have it adopted at the inception of this war. Do not put the brand of "conscript" on the patriotic young men of the Nation. I implore you do not put this system on the loyal men of Indiana. I know that the adjutant general of my State, under the direction of our governor, at the first breath of war, permitted the organization of companies and regiments to be started by volunteers, but recruiting was discontinued at the first suggestion of "the draft." I can assure you, my colleagues, that if you will but remove the ban imposed by the proposed conscription, Indiana will furnish her quota of the army it is proposed to recruit by this bill as soon as the mustering officers can reach the State. Every man will be animated by such love of country, ready to forego the pursuits of civil life in the protection and upholding of his country's cause, that we will have the army of a real democracy—an army imbued with the ideals that are basic in our Government, believing in the righteousness and justness of our cause, and worthy of battling to uphold and maintain the honor, aims, and aspirations of a free people. [Applause.]

Mr. McKENZIE. I yield to the gentleman from Illinois [Mr. GRAHAM] 20 minutes.

Mr. GRAHAM of Illinois. Mr. Chairman, inasmuch as I have a certain amount that I want to say on this subject, and a limited time in which to say it, I hope I may proceed without interruption.

Mr. Chairman, on the 5th day of April last this House, by a vote of 373 to 50, recognized the existence of a state of war with Germany and stated that "to bring the conflict to a successful termination all of the resources of the country are hereby pledged by the Congress of the United States." This resolution, having had the approval of both Houses of this Congress and the Chief Executive, is to-day the voice of the American people expressed in the only way our people can speak.

Having in this solemn manner pledged our resources, we are setting about to try to make our actions harmonize with our words. We have recognized a state of war with the strongest military power on earth, a people who, under the guidance of the Bismarckian theory of "blood and iron," for 40 years have been perfecting a military system that has to-day evolved the greatest military machine known in the history of the world. If it were not such a mighty fighting machine it would long since have been destroyed by the efforts that have been made to wreck it. The world sees for the first time a nation of 70,000,000 people completely mobilized for war. We have deliberately taken up the gage of battle that the Government of this nation has thrown down. In so doing we justify our action on the theory that we are forced to do this in defense of the rights and liberties of our people and in the holy cause of humanity and justice. We contend that we have exhausted every resource of arbitration and diplomacy and solemnly assert to the world that this thing we do we do because there is no other alternative, and lest if we do not now and here take up the sword our people now and in generations to come will suffer the loss of some of their essential liberties. We say also that there is abroad a disturber of the peace of the nations that it is our duty to help to suppress. Avowing these laudable and elevating motives for our actions, we have departed from our peaceful vocations and appealed to the God of our fathers for victory to our arms. Our declaration has also arrayed or will array against us the armies of three other nations.

It seems to me that in consideration of this matter we ought to take such steps as would enable us to cope with our antagonists, without regard to those who may be fighting side by side with us. We have no allies, so called. We should exercise the greatest care to avoid entangling alliances that would for all time ensnare us in the international maze of Europe and Asia. We should not enter such compacts that we can not easily recede therefrom at the close of the war. I am in favor of taking any advantage that may be of the fact that other nations are also fighting our antagonists. But this is our war. We went into it because we had a just cause. We will wage this war until that cause be removed and we be secured in all our rights as a free people. When we have fought our war and attained our purposes, in my judgment, we are done. Of course, a decent regard for the safety of our friends, who have fought side by side with us, and the continuing peace of the world may require us to continue the struggle for a time even after our own objects are attained. Therefore we ought to, in a measure, disregard the conditions that exist as to other nations and measure our own strength with that of our antagonists. Conditions may quickly arise that will throw us on our own resources. If the new Government of Russia quickly makes peace with the central powers, the conditions on the west front might be so changed that peace would be forced on the entente powers unless they received immediate and substantial help from us. We can not expect some one else to fight our battles for us. This is not an imitation war. Conditions may arise where it will require every ounce of energy we have as a people to protect ourselves, irrespective of waging an aggressive war against an enemy 3,000 miles away. We should not expect to declare war and calmly sit down and take our time to it. Wars will not conduct themselves.

The President of the United States has been intrusted by our people with high power in this emergency. He and his advisers have means and facilities for gathering information as to the conditions, information that is not available, in large part, to this body and to the people. We are not well and intimately advised of the exact economic, financial, and physical conditions of the nations at war with Europe. The President is. We act according to our lights only. He acts with those lights and many others. He has no doubt given the matters now in consideration by this House deep thought. As a result of this, he recommends to the Congress a course of action as to the raising of an army and solemnly states that, in his judgment, to adopt any other might end in inefficiency and disaster. Unless I know some good reason to the contrary I am willing to accept his judgment.

In this Nation we have three great resources: Money, men, and food. If we are wise we will conserve all three in any way possible. We must not lose sight of the fact that war is but a transitory diversion of our national life, but that when peace is again resumed our principal business in life recommences. For the period of the war I believe I am right in saying that this people ought to bend all its energies to carrying on the war for three reasons: First, to end the war successfully. Second, to end the war quickly. Third, to conserve our resources in every possible way.

During the period of this war, for general efficiency, profit making should cease. If the war is worth making, then it follows that the war should be waged as nearly on a cost basis as is possible. If there is any one thing the American people ought to do it is to see that some fortunate class or classes of our people are not allowed to fatten at the expense of those who patriotically are bearing the burdens of the war. In the making of munitions the owner and the laborer should alike contribute, the one from his labor and the other from his capital, to the common defense and welfare. The cost of living, now mounting sky high, largely as a result of speculation, ought to be controlled and regulated by the most stringent and far-reaching legislation during this emergency. This war, undertaken in what we protest to be a holy cause, must not be the occasion of the rich growing richer and the poor growing poorer. Let us fight our fight side by side; let us for a while forget our profits. In this emergency he who seizes the occasion to exact great profits from his factories, he who takes advantage of material wants to compel greater return for his labor, he who seizes the food of the people and demands inordinate profits is just as disloyal as the man who shirks and evades the service in the field or gives assistance to the enemy. [Applause.] And, furthermore, we should so vote on this matter as to minimize, as much as possible, the creation of such unnecessary conditions.

We have, by an almost unanimous vote of this House, contributed an immense sum for the carrying on of the war. We did it freely and willingly, and we will give as much more, if need be.

The greatest question that confronts us now, it seems to me, is how we may best conserve our human resources. We are all agreed that for six months, at least, it will not be possible for us to place any force of any importance on the battle line in France. We are also all agreed that if the allied troops are to carry on the war, and to have any chance of success, we must keep a lane open across the sea and keep them supplied with munitions, and especially with food.

The flow of foodstuffs across the sea has taxed our strength exceedingly during the last year, even when we were at peace. If this food supply stops, the allied nations can not keep the field. In addition to this burden we are now about to raise an army of about 2,000,000 men. These men will be drawn from the ranks of producers, and we immediately will have to feed them. Added to this is a very noticeable failure in crop prospects for the coming year. An inclement season has largely killed the winter wheat in some localities. There is, and has been for many years throughout the great Middle West, the mighty storehouse of the Mississippi Valley, a great scarcity of farm labor. Men have drifted into the cities, attracted by the conditions there, and the farms have been denuded. Examine the census reports and you will find that in the 10 years from 1900 to 1910 the population of many of the rural counties of the West decreased while the urban localities largely increased. Men are getting $50 a month in my locality for farm labor, and at that you can not get them. The problem of keeping the farms producing is one of most stupendous moment.

I believe in raising this new army we ought to conserve our human resources. We ought to conduct this war with the least expenditure of money, and especially of human life, possible.

I can not see, from all the light I have been able to get on the subject, how we can do this by the adoption of a volunteer system of raising an army. I appreciate the claims that are made by those who point with pride to our record in former wars when our people marched to the colors to defend the land. These are glorious traditions and are calculated to inspire us to patriotic thought and action. Through the smoke of battle, on many a field of glory, the American volunteer has proved himself the peer of any soldier in the world. I consider it my greatest pride of memory that I sprung from the loins of one of the men of '61, who, side by side with his comrades, wore the blue and laughed at pain and saw the bayonet's flash and heard the call to arms. [Applause.]

But, irrespective of this, experience has taught us that many thousands of lives of the best youth of our land have been lost needlessly by disease and inefficiency in our various wars of the past. There are men now here in this House, as I have heard them state, who felt their hearts torn with pity in 1898 when our boys died in the camps of Georgia and Florida. The same thing was true in 1861 and in 1812 and in 1776. The volunteer system is not efficient; it is wasteful of the one thing we ought to conserve above all things, human life. For example, in the War with Spain, in the volunteers, there were 3,729 deaths from disease and 190 killed in action and 78 died of wounds.

Two plans of raising this army are suggested: (1) That it be raised by a volunteer system, if possible, and if not, by selective draft by Executive order; (2) by selective draft. Either system includes the element of selective draft, but in the one Congress says, "let the President do it," and in the other it says, "we will do it ourselves."

If a call is issued for 500,000 volunteers under the act of April 25, 1914, there can be no choice of applicants, except as to physical fitness. I can find nothing in that bill to authorize a selection. Therefore a half million men will indiscriminately come from the country, out of lives of useful production, into the consuming class of the Army.

Mr. GORDON. Will the gentleman yield?

Mr. GRAHAM of Illinois. I stated at the beginning of my remarks that as I had only 20 minutes I preferred not to be interrupted.

I have heard much discussion on the question of the elements of our national life from which these will be recruited. It has been said to me that they will come mostly from the young men and adventurous and nonproducing classes of our people. I do not agree with this. Such is not the case in my country. If you will pardon a personal allusion, in my little town of 2,500 inhabitants we have already sent into the service 120 young men, and they are the cream of the town, students, farmer boys; we are giving the best we have. In 1861 our country was denuded of its best young blood. The same was, in a limited degree, true in 1898. I tell you that in my judgment a call for volunteers will take the best blood of the land, the blood that wisdom and discretion counsel ought to be conserved as much as possible. It ought to bear its share of the burden,

but no more. Our colleges and schools are boiling with patriotic fervor. The young men from the farms are ready and anxious to go, and will go when the call comes. It will be remembered that enlistment in the Regular Army or federalized National Guard does not appeal to the ordinary young man as the trumpet call of the President's call for volunteers would.

Let us be sensible about this matter. Let us conserve our vital forces. A friend of mine, in this House, said to me the other day: "Wars are expensive and have to be paid for, and the only legal tender is blood of brave men." It is true, and we ought at least to make the price as low as possible.

If we permit our young, strong element to go from the forge and the school and the farm indiscriminately, we cripple ourselves in our producing power. It may not appeal to the imagination so much, but the man who follows the plow and makes the earth produce and the man who makes the plowshare in the factory may be worth a hundred soldiers in the field. My district is in what is called the military tract of Illinois, I believe the richest tract of farm land in the world. I know what will happen if the call for volunteers comes—these farmer boys will go at the call of their country, and thousands of acres will not produce the foodstuffs we shall so much need before this coming winter is over. A great Government arsenal is in my district, where men toil night and day to make the things our fighting men need. If the call for volunteers comes, do you not think many of these men will go? The red blood of our fathers is in their veins, and with patriotic zeal they will hear the call of their country. We do not, as has been said, raise our taxes by voluntary subscription. Our institutions secure us the right to trial, when accused of crime, by a jury of our peers. When our time comes, we perform our service on juries by lot, unless we have some reasonable excuse that a fair court will accept. We all ought to bear the burdens of government equally. It might be different if there were in this country a governing class and a serving class. But here, thank God, the people rule. Here we have organized ourselves together and have formed a Government for the single purpose of protecting ourselves in our liberties and rights. Our Government has no other functions. Therefore, as we, the people, are the Government, we must each equally maintain the Government. There is no fair way to do this except by equal contributions of our money and time and service, according to our ability.

We have decided now that the necessary defense of our liberties and rights requires war. War requires time and money and service. The only question now is: What is my fair share of the burden—is it a part of my money or is it my time or my service? By a fair method this should be ascertained, and, whatever it is, we should give.

But it is said that to preserve American traditions we should first try the volunteer system, and if it fails, let the President draft men. I believe men will volunteer if such a call be made, but every farm and industry in the country will be crippled by it, and this we can not afford to do. But if it does fail, and then the draft is used, immediately you create two classes, the volunteer and the slacker who was forced to go. In either case, the experiment has not worked well.

If we start on selective conscription in the beginning, the burdens will rest equally on all of us. By local tribunals, having full knowledge of local conditions, the availability of each selected man may be passed upon and that man be placed where he will do the most good, and if the judgment is that he stay on the farm or in the factory, then the stigma of slacker will not be applied to him. By this means, production will not be crippled, and the farms will yield their golden store; by this means each man will fit in the place where he can do the most good, and the rule of conservation of our human and vital forces will obtain. Any other method is wasteful and ought not to be thought of.

But the greatest result that will follow the adoption of a selective-draft system immediately by this people will be the effect it will produce on our antagonists. Do you not believe that the spectacle of this great Nation girding on its armor and forgetting nothing, the vision of a people of 100,000,000 assembling and mobilizing all its energies in a careful and efficient and thorough manner, will impress those with whom we are to do battle with the intensity of our purposes to pursue our way until victory shall be attained? And when the war is ended, and the world has gone back to its ways of peace, do you not think that the national marauder that next sets about to disturb our national peace will have an indelible memory of a stalwart Nation, terrible when aroused and when its cause is just, of America mighty and America efficient?

I listened with great interest to two wonderful arguments this afternoon, one by the gentleman from Missouri, our respected Speaker, and the other by the gentleman from Kentucky [Mr. SHERLEY]. They were addresses such as few of us will ever listen to again. But after I had listened to them I tried to analyze them, and the determination I came to was that one appealed to the sympathy and the other to the reason. And this, I believe, is the reason for the great difference in opinion here. If we go by our sentiments the volunteer system is the system that appeals to our minds, while our reason tells us something else. And I could not help thinking as I listened to the Speaker's wonderful peroration, in which he mentioned his son's intention to give his service to his country, of the days we have seen this young man standing by his father here, intelligent, alert, active, useful, the incarnation of young manhood, that no system ought to be adopted that would permit this young man and 500,000 more of his kind, from patriotic and laudable motives, to go and give their lives on the field of battle, while 500,000 more young, strong men, but lacking in usefulness and appreciation of their duties as American citizens, loaf on the streets or in the barrooms or pool halls and idle away their lives, basking in the light of a freedom secured to them by a volunteer system and the valiant services of brave and patriotic men. [Applause.]

Several points have been made in argument for the majority report. Constant reference is made to the administration bill's limit of 19 to 25 years. There is no such bill before this House, and why waste time discussing it? It has been said no one could know what the exemptions may be if selective draft be authorized. Why not? Section 3 of the bill names the classes exempt. Neither side differ about these. I have heard it said that the President may make unfair regulations and certain districts be discriminated against. In the first place, I do not believe it. I hold no brief for Woodrow Wilson, but I refuse to believe the President of the United States would stoop to such ignoble measures. If any unfair measures were adopted by those in authority, it is a matter of administration of the law for which those responsible will be held to account by the American people at the polls. But you will observe that if the President might do so under the minority bill, he could also do so under the majority bill. Note the provisions of section 3 of the printed bill, page 9, lines 9 to 16. It has been said that the State units should be kept together and the neighborhood idea preserved. This is provided for in the third paragraph of section 1. That no State or Territory can be discriminated against and that each such division must contribute its pro rata part of the burden is amply provided for in the same paragraph.

I am, therefore, constrained to believe that the plan adopted by the majority of the committee is unwise and that the minority plan ought to obtain. I am a Republican, and after about four weeks' experience in this House my faith is to-day stronger than it ever was. I do not believe I agree with a single policy of the Democratic Party announced and followed by it for four years past. I do not agree with Woodrow Wilson in his conduct of international affairs prior to this war. But a majority of the American people did, and this is a country where the majority rules, and so be it. But when the President came to this Congress and asserted the rights of the American people, I enlisted under his banner, and I enlisted until the end of the war. He says now, by implication, that the adoption of any other method than that proposed, the selective draft, would end in confusion. He ought to know about this; he has had the benefit of the best advice from experts and through diplomatic channels and knows whereof he speaks. I have not been so informed. Therefore I have to-day my own reason and the advice of the Chief Executive both pointing out the same path for me to follow, and I shall follow, feeling sure that while I have perhaps not followed an easy path it is the best one my mind's eyes have yet perceived. [Applause.]

Mr. McKENZIE. Mr. Chairman, I yield 20 minutes to the gentleman from Oklahoma [Mr. HASTINGS].

Mr. HASTINGS. Mr. Chairman, on August 1, 1914, a war broke out across the sea and spread like a conflagration until it enveloped nearly all of Europe. The United States proclaimed its neutrality and did everything possible to keep out of it. For two and one-half years we succeeded. The President, with calm, patient diplomacy unequaled in the history of this country, succeeded in avoiding war. We were encouraged to believe that the end would come to the terrible conflict in the no distant future without our being drawn into it.

As in all wars, neutral rights were violated, and we entered vigorous protests. Lives of our citizens were taken on the high seas without warning, and at first excuses were made and apologies offered. About two years ago the *Lusitania* was sunk without warning, and the civilized world stood aghast. Among the passengers going to a watery grave were 115 American citizens.

A demand was made on the Imperial German Government by the United States to define its policy with reference to the use of submarines, and that Government was then informed if such a policy was to be followed longer it would lead to the severance of diplomatic relations and the holding of that Government to a strict accountability. Everybody applauded the diplomatic victory of the President, and our Government was assured of a discontinuance of the submarine policy of Germany.

This continued until January 31, 1917, when, without previous notice, our Government was warned that the submarine policy of Germany would be renewed again on February 1, 1917, against all vessels within a certain prescribed zone around the British Isles and in the Mediterranean Sea. This led to the severance of our diplomatic relations. There was no other course open for our country to pursue, because Germany had admittedly become an outlaw upon the high seas. The American people still hoped that this would not lead to war and that Germany would not in fact pursue the policy of destroying the lives of neutrals or the sinking of vessels without warning in admitted violation of international law. However, since that time, ship after ship flying alien flags and the flag of the United States has been submarined without warning and 224 Americans have lost their lives. This was murder as much so as if Germany had invaded the United States and killed our citizens on our own soil.

The President called Congress to meet in extra session on April 2, and on April 5 the House passed by an almost unanimous vote a resolution declaring that a state of war existed with Germany. There was no other course to pursue. This Government could not with honor permit the lives of American citizens to be taken in violation of international law. I voted for this resolution.

A war can not be fought simply by making a declaration. There must be men to fight and money to supply food and munitions. On April 14 the House passed an act authorizing the issuance of $5,000,000,000 in bonds and $2,000,000,000 in certificates for the purpose of conducting the war to a successful conclusion. I voted for this bill. This bill passed both the House and Senate unanimously. It authorizes the raising and expending of the largest sum of money of any measure passed by any legislative body in the civilized world.

We have voted the declaration of war, we have provided for the raising of this large sum of money and its expenditure, and we have now come to consider the present bill, authorizing the temporary increase of the Military Establishment of the United States.

It is unnecessary to discuss the bill at length. There is a majority and a minority report. The difference between the two reports succinctly stated is as follows: The majority report favors a trial of the volunteer system in enlisting men for the Army, and the minority report favors universal military service and the selective draft. The Military Committee of the Senate has reported in favor of the selective draft. The President favors it, as does the Secretary of War with all his Army officer advisers.

Let us examine the two systems. By the volunteer system an appeal is made to the patriotic men of the country to come forward and enlist for service in the Army. I have no doubt that if such a call were issued and the men of our country were assured of seeing real service, they would respond readily. The selective-draft system, on the other hand, contemplates a registration being taken immediately of men eligible for military service under rules and regulations prescribed by the President. Only men between the ages of 21 and 40 years are liable to military service. By this system all citizens are put upon a plane of absolute equality. Everyone between these ages is liable to military service. Exemptions are provided for men physically unfit, for men whose religious principles are against war, and certain other exemptions in the bill not necessary to enumerate. To my mind this is an absolutely fair method. It makes no distinction because of occupation, wealth, or station in life. It recognizes the principle that every one owes a duty to his Government.

Everybody should serve his Government in this emergency in some way. You can serve it as patriotically by raising food supplies, by working in munition plants, by assisting the transportation facilities of the country, or in thousands of other ways as effectively as you could in the Army.

By the selective method, every citizen could be required to do the work for which he is most fit and which he can do most effectively, where he can serve his Government best.

Discussion for the past two or three days upon the pending bill has taken a very wide range, and, to my mind, much of it has been far afield—wide of the mark. The question is not whether we shall vote for war. We voted for war April 5 almost unanimously. It is not a question of whether we shall give the war financial support. We unanimously voted $7,000,000,000 for this purpose on April 14. The question now before us is what is the most effective plan for enlisting men in the Army. What is an absolutely fair plan, the volunteer system or the selective system? We have heard much talk against the enlistment of boys under 21 years of age. That is not in the pending bill. Both reports provide for enlistments of men between the ages of 21 and 40. Why, then, should we discuss it? The only point of difference before the House is, which is the fairer method of enlisting men for the Army? The majority of the committee argue that men who volunteer would be the young, patriotic, liberty-loving sons of our country, who would come to the defense of our national honor and would sacrifice everything in defending the flag; but the question is, Can we consider this a fair method?

We love our Government and its institutions, because it guarantees protection to all alike; and I insist that there is a corresponding military obligation upon every citizen of this country to serve it and to defend its honor. [Applause.] You issue a call under the volunteer system. Public meetings will be held, patriotic speeches will be made, and references will be made to the glory of our past history in order to induce the very flower of our country to volunteer; but this argument will not appeal to many, and the slackers, who are the unproductive citizens at home, will not volunteer and pay a military obligation they owe this Government.

Mr. McCLINTIC. Will the gentleman yield?

Mr. HASTINGS. Yes.

Mr. McCLINTIC. Is it the gentleman's idea that a selective draft will produce more efficient men and at the same time make everybody bear an equal burden?

Mr. HASTINGS. I think so; and if the gentleman will wait patiently until I get through with the argument, I think it will appeal to him.

Under the selective system it is proposed that a registration shall be made of all men between certain ages, exempting from military duty men who are in the service of the Government of the United States, or of any State, and men engaged in industries including agriculture. In short, it would permit the selection of men of military age from those who are less productive and who can best be spared from the civil walks of life.

During the past three days, in the discussion of this bill, no one has pointed out the unfairness of the selective method. Assuming that this is a righteous war, that Congress should have voted for it as it did, and that Congress should appropriate money to sustain it as it did, it is our duty to enact a law which will raise an efficient army speedily. If all who are of military age are required to register and men claiming exemption are passed upon, I submit that it is fair to everyone for the remainder of the names to be drawn from a box or a wheel after the fashion that juries are drawn, up to the number called for. That is equality. That would require everyone to perform his military duty. No one during this debate has shown the unfairness of this method. The debate has run off on side issues.

Attention has frequently been called to the glorious record made by the volunteer armies of this and other countries. No one would pluck a laurel from the brow of any soldier of this country who volunteered in the Revolutionary War or any subsequent war; but because he volunteered and rendered distinguished service did not make it right that he should leave his home and fireside to suffer sacrifices while others owing an equal military obligation, but whose ears were deaf to the patriotic appeals of their country, remained at home. [Applause.] This war may be long. No man in this House can to-day foresee its end. We all hope that it will be terminated before any American boy crosses the sea and is landed upon European soil. [Applause.] About this there is no disagreement. However, that is not the question before us.

We are trying to provide the means for raising an army, and the question that must never be lost sight of is, Which is the fairest method to raise it? If this war continues any considerable length of time, every sort of sacrifice must be made. It is unnecessary to enumerate to those who saw any service in our past wars the great sacrifices that must be made not only by the soldiers in the ranks but by the loving mothers and the fair daughters of our land who will be called upon to make all kinds of personal sacrifices. We must prepare in every way to meet the greatest military nation on earth, and preparation does not mean only the raising of a large army and navy, but that we must provide an abundance of munitions of every kind and character, keeping in mind that we must furnish also our allies who are fighting side by side in a common cause. Not only this, but we must raise food supplies, keep our industries going and

our avenues of transportation open on land and sea. To do this will require large armies of men in civil life. We will require the active, energetic, industrious assistance of every farmer, and everyone who can be induced to go upon the farm to raise food supplies. Shoes and clothing must be manufactured in unusually large quantities, and there will be an increase in every kind of manufactured goods that will tax the maximum capacity of our industries and will require an additional force of trained men in order that foodstuffs, clothing, and munitions may find a continuous flow to the seaboard. An army of men must run the trains of the country. Manifestly, it would not be for the best interests of this Nation to permit men to be taken from these various civil walks of life, where they will serve their country to such a splendid advantage, and permit them to volunteer in an army, and at the same time allow the street loafer, the inhabitant of poolrooms, and the slacker to remain in idleness at home. Oh, so much has been said about the volunteers of the United States, England, Canada, and New Zealand. In 1862 the Southern States had to resort to conscription, and in 1863 the United States Congress passed a conscription act. All these volunteers, whether they served under Jackson and Lee or under Sheridan and Grant, rendered conspicuous service in their respective armies; but the point I want to invite attention to is that in both cases conscription had to be resorted to.

It is stated that the British Parliament never enacted a conscription law until May, 1916, and that some five million men volunteered, and that only about one and one-half million have been enlisted under this law. This does not show any objection to universal military service; but it is also stated that conscription is an odious term. It certainly would be a badge of disgrace if the men of military age were appealed to for two or three years to come to the defense of the flag of their country, and their ears were deaf to the patriotic appeals, and they were finally forced to enlist. If we pass this act, however, so that everyone comes in at the same time and under the same law, no one will have refused upon whom there is a military obligation to come to the defense of his country.

It has been said in debate that men conscripted in the Civil War, both in the North and in the South, did not make the best soldiers. I do not doubt it. Anyone would know it without looking into history. But it must be remembered that the patriotic sons, both North and South, readily joined the colors, and the conscripts were made up from the very dregs of the country. This is true in England. For two years every appeal known to the ingenuity of a patriotic people was made to secure enlistments. Of course, the very flower of the country enlisted, and it left the inferior classes to be conscripted from.

Again, you say that patriotism in the United States is not dead; that we are worthy descendants of noble sires; that we remember Concord, Lexington, Bunker Hill, and Valley Forge, and that our people can be depended upon to respond to our Nation's call. Of course, this is a fine sentiment, but public sentiment in every community throughout this Nation would conscript every brave, patriotic, self-respecting boy in this land, as it has in all past wars.

Mr. MORGAN. Will the gentleman yield?

Mr. HASTINGS. Yes.

Mr. MORGAN. I am much interested in the very able speech that the gentleman is making. I wondered, however, while I might not agree with him, whether the gentleman believed that under the volunteer system we could raise in Oklahoma all of our apportionment that might be made to us in a short time.

Mr. HASTINGS. In answer to my colleague, I have not the slightest doubt of it. I am arguing that if you make a patriotic appeal to my town, to the patriotic, liberty-loving boys and young men of that community or other towns in our State, they will at once enlist, but those to whom patriotism does not appeal and who do not respond to the obligations of the Government will be left at home among the unproductive class.

Mr. GORDON. Will the gentleman yield?

Mr. HASTINGS. Yes.

Mr. GORDON. Which does the gentleman believe will make the best soldiers—the ones who volunteer or the ones who want to stay at home?

Mr. HASTINGS. I have already stated, if the gentleman had followed my argument, that I thought the patriotic young men would make the best soldiers. I do not believe that that ought, however, to relieve the other young men of the country from their equal obligations to the Government.

Mr. GORDON. If the gentleman will permit, it was said in one of the best speeches on your side that has been made here to-day—by the gentleman from Kentucky [Mr. SHERLEY]—that we ought to forget persons and consider only the interests of the country. If that is true, is not the country entitled to the best it can get?

Mr. HASTINGS. I do not believe that the patriotic boys alone owe obligations to the country. I believe the rich and the poor, the high and the low, all owe the Government obligations; and if the gentleman had listened to me, I will say that they all ought to respond in this emergency to the country's call and come forth rendering their service in defense of the flag of this glorious country. [Applause.]

Mr. SHALLENBERGER. Will the gentleman yield?

Mr. HASTINGS. I will.

Mr. SHALLENBERGER. Does the gentleman think we can apply the same rule to the selection of officers, without regard to which one is the best man? Why not require that the men shall be chosen without any regard to fitness for position in order to distribute it?

Mr. HASTINGS. In civil life?

Mr. SHALLENBERGER. No; the Army officers.

Mr. HASTINGS. Everybody knows that you must have military experience for an officer.

Mr. SHALLENBERGER. We want the best, do we not?

Mr. HASTINGS. Unquestionably; but we can not apply that to the great body of citizens in civil life, because they have not had military training.

Mr. ROMJUE. Will the gentleman yield?

Mr. HASTINGS. Yes.

Mr. ROMJUE. As I understand the gentleman's argument, there are two classes of soldiers, the patriotic soldier and what the gentleman terms "slackers." Under the selective system you do not expect to use all of both classes, else there would be no selection; you must pick out some from among each, and you say you do not want to take all of the patriotic soldiers and leave slackers at home. Is it the gentleman's idea that you can better bring the war to a speedy conclusion by fighting the battles of the country with slackers? Is it the idea of the conscriptionist that they are going to take the slacker and leave the patriotic boys at home?

Mr. HASTINGS. I think I will answer that before I get through.

Every patriotic boy of my country would feel ashamed of himself, if enlistments were called for and patriotic speeches were made, to remain in the audience and look about him and see his friends and neighbors respond to his country's call and not offer himself to enlist. What about the boy or man to whom patriotism does not appeal, to whom patriotic appeals would fall on deaf ears? The nonproductive, idle citizens would remain at home and render no service to the State or Nation, while the patriotic, productive man would be taken in numbers from the various walks of life and made to defend the honor of his country, fight for the preservation of our institutions and for the Government, which guarantees protection to all alike—the rich and poor, the high and low. I can not escape the conclusion that there is an equal military obligation resting upon every citizen of this Republic, regardless of his station in life, and that in such an emergency as this everyone, in some respect, should patriotically respond to his Nation's call. Those best fitted should raise corn and wheat and oats and potatoes. Others should be in factories making hats, shoes, and clothing. Thousands should be in munition factories to see that all the necessary supplies are forthcoming. Others should be in the various industries of this country. In a war we should all be called to our Nation's service where we can best serve, whether in civil or military life, and we should sacrifice all upon the altar of our country. [Applause.]

Until I studied the pending bill patiently, I grant that I had deep-seated prejudice against conscription and that I had to fight to overcome this prejudice before I analyzed the pending bill with a clear vision.

I have always believed in a democratic form of government. I believe in equality of citizenship, equality of opportunity, and equality of obligation to the Government, both civil and military. We have provided a fund of $7,000,000,000 with which to conduct this war, and we are not going to raise this huge sum of money by voluntary contributions. Nobody believes this would be fair. No one has suggested it. Yet I submit that it is as fair to rely upon voluntary contributions to support this war financially as it is to rely upon voluntary enlistments. The wealth of this country should largely pay the financial burden of this great war, and it will pay it, but it will pay it by a system of taxation enacted by this Congress. Let us call it financial conscription. No one will feel disgraced because he is called upon to pay his share of taxes under an act of Congress, and no one should feel that there is any disgrace attached to his joining the Army under this bill providing for universal military service, which applies to all alike.

I deeply deplore this war; everyone does. But now that we are in it I have made up my mind to stand behind those in charge

of it, and to aid in the enactment of all legislation that will raise the most effective Army in the history of this country. To adopt the majority report is to postpone conscription. This report begs the question. The Members who wrote it had no confidence in it. They knew that it was doomed to failure. The people of this country will not be deceived. If they had been certain of their ground, if anyone in this House feels that the volunteer system is going to be a success, and he thinks it is fair and should be enacted into law, then he would not be justified in providing a substitute in the same bill. When the substitute provision was incorporated, it was an admission that the other would fail, and that the selective system would have to be ultimately resorted to. In other words, it was conscription postponed.

In the meantime our people would be torn by dissension, the Government would be humiliated at home and abroad, our allies in this common cause would be distrustful, and the common enemy that we are fighting would be encouraged. The best way to bring this war to a successful conclusion is not to hesitate in the appropriation of an adequate amount of money, the raising of an effective Army, and the supplying of the Army and the Navy with arms and munitions. Let us strike now, before some of our allies are torn with internal dissension and a separate peace is made. Let us lend them heart and courage, and when this war is concluded let it not be said that the flag of our country was ever lowered in defeat.

I am not on the Military Committee nor have I had occasion heretofore to make a close study of military matters. It does not, however, need a military man to know that the selective draft system is a shorter, quicker, and surer method of raising an efficient Army. All the military authorities are for the selective draft system. The Secretary of War favors it, and all the Army men advocate it. The President, who is charged with the grave responsibility of conducting this war to a successful conclusion, after having for months conferred with those in a position to know, insists upon the universal military liability system.

In this emergency I am not going to weaken the President, but I am going to uphold his hands. I sincerely hope that this war will be brought to a successful conclusion in the very near future without any American boy being taken across the sea as a soldier; but I insist that if it becomes necessary in the defense of the lives of our citizens and the flag of this Nation to raise an army and some of our people of military age should be required to join it and render service, no loyal, patriotic American father or mother, can blame me if I vote for a law that applies to all without distinction. [Applause.]

Mr. DENT. Mr. Chairman, I yield 10 minutes to the gentleman from California [Mr. CURRY].

Mr. CURRY of California. Mr. Chairman, after 30 years of economic and military preparation the German autocracy seized on the assassination of the Archduke Francis Ferdinand and his duchess, heirs to the throne of Austria, by a pan Slavic patriot in Sarajevo, Bosnia, on June 28, 1914, as an excuse for starting a world war which had for years been premeditated and which Germany started August 1, 1914. From the very beginning the German Government has trampled under foot every principle of international law and every rule of civilized warfare. In violation of a solemn treaty obligation she invaded Belgium and contemptuously referred to that treaty as a scrap of paper. She devastated the country and murdered women and children and said it was due to the exigencies of war. In her submarine warfare she has even sunk Red Cross boats without warning. Her accredited agents in the United States have been responsible for dynamite outrages. The Zimmermann note to Mexico and Japan is an indication of how far Germany will go in her desperation. If the European war in which we are now an ally succeeds in eliminating the Hohenzollerns and the Hapsburgs, those modern representatives of medievalism in government, it may be worth all the blood and treasure that has been and will be spilled and spent in prosecuting it to a successful issue. I had hoped that we could have maintained to the end an honorable neutrality and kept out of the war, but it was not to be. We stood insult after insult and violation after violation of our rights by the Imperial German Government until our attitude was misconstrued and Germany thought we were too proud or too cowardly to fight. We most certainly demonstrated to the world that we are a patient and long-suffering people and that we will only resort to war as a last recourse. But that has always been our policy. We have never prosecuted a war but in defense of liberty, human rights, national honor and national integrity. When necessary we will always fight in defense and in offense for any of them. In ancient times it used to be said that Carthage could fight to its last dollar, but Rome would fight to its last man. The United States will fight for the right to its last man and its last dollar. [Applause.]

There are worse things than war. No people ever attained liberty but by the sword, and no people ever retained liberty any longer than they possessed the power, the ability, the courage, and the patriotism to defend it with the sword. Our country was born of blood, was baptized with blood, and was saved and cemented by the shedding of blood.

While the desire for liberty is as old as the aspirations of the human heart for higher and better conditions, the liberty we enjoy is a new thing in government and dates practically from the Revolutionary War. It is the result of the best thought and the best efforts of the best minds that have inhabited and benefited the earth by right living and exalted thinking. It cost unnumbered precious lives and untold treasure. It is our obligation to transmit it to posterity as pure as we received it from the founders and preservers of the Republic, who suffered so much and who pledged their lives, their fortunes, and their sacred honor that they and we might be free. Freedom is not the natural state of man. It can not be conferred on a people by a constitution, by statute law, or by a declaration of independence. A republic is the highest expression of the evolution of government. It took our branch of the human race thousands of years to develop to the government-by-the-people stage of civilization. Such a government can only be maintained by a moral and intelligent and a courageous people who are willing, when necessary, to fight and to die in defense of the nation's rights and honor and independence and in defense of human liberty. We are in such a war now.

For the German Government and the frightfulness of German militarism I have the utmost abhorence, but for the German people I have the highest regard and sincerest sympathy. They are a moral, frugal, home-loving, God-fearing people. Some of our best citizens are Germans and of German descent. It is but natural that when the war was confined to Europe they should have sympathized with Germany, but now that the United States is in the war I feel certain, knowing them as I do, that 99 per cent of our citizens of German blood will be loyal and true to their flag and their country—the star-spangled red, white, and blue and the United States. [Applause.] In these trying times, when democracy and autocracy are engaged in a life-and-death struggle, we are Americans all, in heart and mind and soul and thought and deed. We will all do all in our power to assist in bringing the war to a speedy and successful conclusion, but in the excitement caused by the war the peoples' representatives must be careful not to enact legislation that will create a centralized autocratic power that may be dangerous to American institutions and to American liberty. I voted for the resolution declaring that a state of war exists between the United States and the Imperial German Government. I voted for the appropriations for the Army and Navy and for the $7,000,000,000 bond issue to prosecute the war. I am willing and ready to vote for more when necessary. I want to see the war prosecuted to a successful termination at as early a date as possible. To accomplish that we must raise and equip an army as expeditiously as we can. There are honest differences of opinion as to how this can best be done.

Personally I believe we should and could raise a volunteer army of 500,000 or 1,000,000 men quicker than we could by conscripting them, and we should immediately, in the same bill that provides for volunteers, adopt the Swiss system of universal training and universal service, modified to meet the different conditions caused by the great extent of the territory of the United States. This is not conscription. It is a recognition of the principle of universal obligation divested of favoritism, and it retains the home unit in the Army. Every great commander from the begnning of history has recognized the superiority of a volunteer to a conscript. They always call for volunteers for any extra hazardous and dangerous enterprise.

The volunteer and the conscript both have to be trained after they enter the service before they can make good soldiers. But the patriotic, willing volunteer can be trained into a good soldier much quicker than can the unwilling conscript. Neither Canada nor Australia has resorted to conscription, and I do not think we should do so without giving the volunteer system a chance in the same bill in which we provide for conscription if necessary.

I shall vote for the committee bill, but if that is voted down I shall vote for the bill as it is presented to the House for final passage, even though it should, contrary to my judgment, eliminate the volunteer system and provide for raising an army by the selective draft.

All of the wars in which our country has been engaged have been fought to a successful issue by volunteers.

During the Civil War, at the beginning of 1862, we had 637,000 volunteers under arms, and the Secretary of War discontinued recruiting. Under the act of March, 1863, 1,369,343 soldiers joined the Union Army, and of that number only 61,947 were drafted men. After six months' training and service no better soldiers ever trod the face of the earth than the men in the Union and Confederate Armies. I can not sit quietly in my seat and permit them to be traduced and their achievements belittled by theorists.

There is at the present time in the War Department a card-indexed list of 11,000 veterans of the Spanish-American War who have passed the physical and mental examination for officers on the reserve list of the Army. There are living to-day 245,000 veterans of the Spanish-American and Philippine Wars, over 100,000 of whom are under 40 years old, and there are in the United States 100,000 Greeks who saw service in two Balkan wars. At least 100,000 of the veterans of those wars would undoubtedly volunteer if given a chance, but under the selective draft they would all be exempt from the draft and prohibited by their age from enlisting in the Regular Army. [Applause.]

Mr. DENT. Mr. Chairman, I yield 20 minutes to the gentleman from New York [Mr. LONDON].

Mr. LONDON. Mr. Chairman and gentlemen, I am quite sure that very few people here will agree with me, but that will not prevent me from saying what I intend to say. The situation seems to be somewhat confused not only in the minds of the Members of Congress but in the minds of the people. It is very likely that the people are behind the President, but they are so far behind him that they do not know exactly where he stands right now, and they do not quite understand what he is calling upon them to fight for. One man out of every twenty thousand of fighting age has enlisted since the 2d day of April. Does that mean that out of every 20,000 men there are 19,999 cowards, or does it mean that the great masses of the people fail to understand the sudden change which has taken place in the international policy of the country? You must realize that the great masses of the people refuse to volunteer because they have not grasped the full significance of what has happened, because they have not grown up to the new international policy of the President, because they do not understand what it means to be asked to fight for democracy in Germany or Austria-Hungary and Turkey and Bulgaria so as to fix the boundary lines between contending European nations. Because they do not understand this change of international policy men talk about conscription, about coercion, about force, and duress. Is not this very fact, that up to the present moment 1 only out of 20,000 has volunteered a conclusive argument against the policy of conscription? Is not an opportunity to volunteer a sort of a referendum?

On the 6th day of December, 1915, I introduced a resolution calling upon the President to convene a congress of neutral nations and that the following be made the basis of international peace: The liberation of oppressed nationalities, a referendum for Poland, Alsace-Lorraine, and Finland, the establishment of an international court of arbitration, concerted disarmament, and the adoption of the commercial boycott as a substitute for war and as a means of punishing recalcitrant nations. That was on the 6th day of December, 1915. The Committee on Foreign Affairs had an interesting hearing, which lasted two days, but nothing was done with that socialist resolution. It was a socialist resolution laying down the basis of international peace. What do we find on the 2d of April, 1917? The President of the United States not only adopts that resolution in toto, but asks the people of the United States to fight for it, so that I am the conservative and he is the radical. I merely talk internationalism, while he wants you to fight for it. What does he say? He says:

> We are glad, now that we see the facts with no veil of false pretence about them, to fight thus for the ultimate peace of the world and for the liberation of its peoples, the German peoples included—

Notice that word "peoples," the plural, which may be a suggestion of the breaking up of the German Empire—

> for the rights of nations great and small and the privilege of men everywhere to choose their way of life and of obedience. The world must be made safe for democracy. Its peace must be planted upon the tested foundations of political liberty. We have no selfish ends to serve. We desire no conquest, no dominion. We seek no indemnities for ourselves, no material compensation for the sacrifices we shall freely make. We are but one of the champions of the rights of mankind. We shall be satisfied when those rights have been made as secure as the faith and the freedom of nations can make them.

This noble proclamation of internationalism is not understood by the people. They do not quite know what the President is talking about. They have heretofore not been called upon to fight for the liberation of any oppressed nationality anywhere in the world. Is not that really the trouble, and can it be cured by conscription? Can it be cured by compulsion? Can it be cured by forced recruiting? Is it not a question of a wider knowledge, of a deeper understanding of things? As between the minority and the majority report, like between most propositions in this Congress, a Socialist finds himself between the devil and the deep blue sea. I find myself in that position very often as between you Republicans and Democrats. There is no really essential difference between the two reports. What does the majority report say? We will compel you to serve if you do not volunteer. What does the minority report say? We will compel you right now to serve. You are deceiving yourselves, gentlemen; you are trying to embalm your own conscience. You are putting to sleep your own doubts. You know that you are really advocating conscription, but you throw the burden of it on the President so that you will be safe in your districts. [Laughter and applause.] I voted against the war resolution. I would vote against it to-day, in spite of the press and in spite of the whole world, if my vote were the only vote; and I would vote to-day for the revocation of that resolution. I did not vote, however, against the bond issue for the simple reason that my sympathies are in the main with the cause of the allies, and I believe that we should render them every form of noncombatant aid. I do favor the loaning of billions of dollars, if necessary, to the allies, but if you help them, let your help be real and genuine. What do you do? You loan them money, and then take it back from them in excessive profits. The shipping interests, according to an article in a conservative paper—the New York Times—make as much as 1,600 per cent profit on ships, and when you give a fellow a dollar and then charge him sixteen times as much for the article you sell to him you really only give him six cents, do you not?

I would not only loan money, not only help with food and every form of material, but I would protect them against exploitation by American capital. I would protect them against exploitation by the munition interests. I would seize all the munition factories and make them Government property and squeeze the profits out of the munition business for the protection of the people of the United States as well as for the protection of the allies. [Applause.] I would take hold of the basic industries of the country and put them on a national basis, on a democratic basis, and lay the foundation for a democratic management of industries, one thing that is inevitable and that is bound to come. I would conscript wealth and not men. We talk about German efficiency. Do you people realize what this fight means? Do you know that before 1914 Germany had 10,000,000 of men trained to fight, and do you really believe that you can raise an army large enought to become a factor on the European battle fields? Why, you are wasting time here. By the time you raise your army the war will be over. How will you transport a million and a half men? You will have to build several dozen bridges across the Atlantic Ocean or you will have to do what my ancestor did when he struck with his staff the Red Sea, and in that way permit your army to walk across the Atlantic Ocean. [Applause.]

And then it is wrong from the standpoint of international peace for the American people to encourage the idea that the war should last another year and a half. You will never be called upon to fight, and the reason the people do not volunteer is that they fear that they may be called upon to fight in the trenches, fight for something they do not understand. They do not know a thing about international diplomacy. Most of the people do not know whether Hamburg is in Switzerland or in Palestine. They are not going to fight for intangible things. Had Germany been foolish enough to send a submarine to fire a few shots at an American port the people of the United States would have been aroused, but you can not arouse them by international ideas, by the ideal of international peace, which is my ideal, except that I would not shed blood for it. I believe it can be obtained only by a wider knowledge, by a deeper sympathy, by more education. Germany is strong not only because she is following Napoleon, who was the first to take advantage of the conscript system and then march triumphant over Europe, Germany is powerful not only because she has a conscripted army compelled to fight, forced to fight, and it is, by the way, that very conscript army that destroyed the effort of the social democracy for peace, but Germany is powerful because she occupies contiguous territory with uninterrupted railroad communications. Out of this war there will come in all probability a stronger Germany, because the really sick man of Europe is Austria-Hungary. It will be Austria-Hungary that will be broken up and the German part of Austria-Hungary will ally itself to Germany.

The President asks us to become revolutionists and organize a revolution in Germany. Well, there are better Democrats in Germany than there are here. Germany has millions of social Democrats. They are doing their work for democracy. When they spoke for international peace they were told to stand by the Kaiser, and some people tell us here to stand by the President, whether he moves forward or backward, whether he is right or wrong. He calls upon the people of the United States to become revolutionists. Did you ever hear of conscripting a revolutionist? They talk about conscription as being a democratic institution. Yes; so is a cemetery. [Laughter.] Everybody is a conscript in a cemetery. [Applause.] It is the democracy of the cemetery and the equality of the slaughterhouse. [Applause.] The volunteer immolates himself on the altar of liberty for an ideal, for an aspiration, for a principle. He fights, and in fighting for an idea a man lives. There is nothing nobler than to fight for something when it is a matter of choice, of impulse, of fervor, of enthusiasm, when it springs from your heart, from within your own breast. That is the case with the volunteer, with the man who gives his life for what he believes to be a cause worth fighting for. The volunteer is a rebel, a fighter for freedom, a martyr. A conscript is a lamb led to the slaughter, a victim. Is not that true?

Mr. JAMES. Will the gentleman yield?

Mr. LONDON. I will yield a little later, when I develop my argument. I will yield to the gentleman in a few minutes. I said the war will not last long enough. It is wrong for us to encourage the thought that it will. New Russia was called upon recently to assure the world that she did not contemplate a separate peace with Germany. A separate peace between new Russia and Germany would have been a calamity to the world, and the Russian social democracy announced that they would fight for universal peace, although this war was not of their making, but they would continue to fight for universal peace provided no indemnities and no annexations were demanded.

The German social democracy insists now that the German Government should waive all claims to indemnity and annexation. The President says we want no indemnity and no annexation. What are we fighting for? These are the questions that disturb people's minds, the minds of intelligent men who are confronted with the problem of volunteering. They want to know why. They want to know what for.

The European peoples will be liberated not by an outside force, but by the force of the revolutionary elements of Europe. In every country of Europe the people will demand an accounting, and an explanation, and a reason, the why and the wherefore of this war. The wave of rebellion is coming. That is why I look upon this talk about raising an army and deceiving the people into the belief that you are not conscripting them because you give them a chance to volunteer before they are conscripted as so much wasted time.

Tell the truth! The truth is that both bills mean conscription. And the majority and the chairman of the Committee on Military Affairs yielded to the pressure of the White House and have surrendered their judgment in good old Democratic style. Yes; whenever the President sneezes the Democrats on the floor of this House wipe their noses every time. [Laughter.]

Mr. GORDON. Will the gentleman yield?

Mr. LONDON. Yes.

Mr. GORDON. In case the number of men required would volunteer there would not be any conscription under this majority report, would there?

Mr. LONDON. Of course, if there should be sufficient volunteers there would be no conscription. That is true. It is a little better than nothing.

Mr. JAMES. Will the gentleman yield now?

Mr. LONDON. Yes.

Mr. JAMES. The gentleman from New York and his socialistic friends are against conscription. If Congress should pass a volunteer bill would there be a wild rush from the Socialists to fight for their country?

Mr. LONDON. There would not be a bigger rush from the Socialists than from the membership of this Congress.

Mr. JAMES. I want to say that a good many Members of this House have enlisted once, and will be enlisted again.

Mr. LONDON. The only man that I will believe will enlist will talk to me in uniform.

Mr. JAMES. Then you will never have a Socialist talk to you.

Mr. LONDON. The Socialists have been fighting for democracy while every corporation lawyer in the ranks of other parties has been serving the capitalists against the working people. We have been the fighters for liberty throughout the world. We have been the fighters for international peace. Our men and women have voluntarily gone to the jails, to exile, and to the scaffold fighting for democracy, and it is cowardice on the part of anybody to accuse the Socialists of lack of courage.

Mr. COOPER of Ohio. Will the gentleman yield there?

Mr. LONDON. Yes.

Mr. COOPER of Ohio. Is it not a fact that the United States in taking the stand she has is going to fight for the protection of the lives of women and little children?

Mr. LONDON. Oh, but the President is nobler than that.

Mr. COOPER of Ohio. The gentleman did not answer my question.

Mr. LONDON. I did answer it. The President speaks for the people of the United States, and he does not speak in a spirit of revenge. Oh, no. He says that we shall fight this war without rancor, without selfish objects, seeking nothing for ourselves. The gentleman has not grown up to the President's policy. [Laughter.]

Is there any other question? I will extend my remarks by coordinating these different subjects.

Mr. JOHNSON of Washington. I understand the gentleman to say that he thought this war would be over at the end of six months.

Mr. LONDON. I do not believe you can organize the Army in six months.

Mr. JOHNSON of Washington. You think the war will be over before the Army will be organized?

Mr. LONDON. I think by the time this Army is organized the war will be over. I am quite confident of it, because I have faith in the awakened democratic forces in Europe. [Applause.]

Mr. GREENE of Vermont. Mr. Chairman, I yield 15 minutes to the gentleman from Rhode Island [Mr. O'SHAUNESSY]. [Applause.]

Mr. O'SHAUNESSY. Mr. Chairman and gentlemen of the committee, I happen to be not a recent convert of the doctrine of universal military service. I welcome those whom I find in the ranks to-night for that democratic institution. The best answer that I can give to the critics of universal military service is that in our work for the Nation in a war sense we should consider ourselves not a confederation but a nation. I take it for granted that the biggest objection that comes to the conscription idea is the fact that men can not be associated in units for the purpose of fighting, and that one man who knows another in a particular locality or community may for the moment be dissociated from his fellow. That is too sentimental a proposition for me in a military sense. I believe that war is a cold, merciless proposition, and to be successful should be devoid of too much sentiment. There is not any question that the volunteer proposition is predicated on sentiment. That proposition is built upon those fine and delicate tendencies that we would look for in pacificism and not in militarism. Efficiency and democracy are associated with the conscription idea, and I wish to say here to the Members to-night that I am unreservedly in favor of any proposition that entails upon the citizenship of the country equal service. [Applause.]

Citizenship does not lie alone in taking what a republic offers. It does not lie alone in gathering the fruits of comfort and of luxury and of good wages and good times. It comes rather in the acknowledgment in the hearts of men that they owe a service, a great service, to the country to which they give their allegiance, and especially to a country of this kind, the greatest republic upon God's footstool. [Applause.] In a crisis such as confronts us, a citizen's obligations are greater than his privileges. In the minority bill we correct the mistakes of the past, and we seek to be guided by the lessons of the present great conflict in Europe.

I will refer for a moment to this statement, and I believe that it can not be contradicted: "Twenty thousand regular troops at Bull Run would have routed the insurgents, settled the question of military resistance, and relieved us from the pain and expense of four years of war." That is what we paid at that time for a policy of unpreparedness. That is what we paid at that time for a policy of puling sentimentality, for the regard of one man toward another, for that inefficient conduct which goes to create and foster a sentiment rather than to produce results.

Let me refer to another instance:

The slow increase of the Continental Army shows that Congress was committed to a dual military establishment—one class of troops being Continental or regular, the other militia. In the former the gradual extension of enlistments to two or three years enabled the men to acquire the discipline which ultimately proved the salvation of our cause. The natural disposition of men to seek the easiest and shortest service permitted them to enlist in the militia in preference to the Continental regiments, and thus the only force that could be depended upon to cope with the British, both offensively and defensively, was always from one-third to one-half below its prescribed strength.

Mr. KEATING. Mr. Chairman, will the gentleman yield there?

The CHAIRMAN. Does the gentleman yield?

Mr. O'SHAUNESSY. I regret I can not. My time is too limited. That is dealing with the Revolutionary War. I will refer now to the War of 1812. These things are so important and significant and have to do so much with what we lost at that time through an inefficient policy and the policy of unpreparedness that I wish to incorporate some extracts in these remarks of mine. I read:

The failure of Congress, at the beginning of the war, to declare in favor of territorial recruitment and obligatory service affords another result equally striking. The Army voted in January, 1812, was 35,000; the number of inexperienced officers ultimately called out and whose average pay was at least four times that of the private soldier was 33,481.

Instead of falling upon the 5,000 British regulars who held Canada at the beginning and crushing them in a single battle, we allowed them to baffle every attempt at invasion, and to prolong the war until our loss in killed and wounded numbered 5,614.

In contrast with our reckless extravagance in employing more than a half million of men, the largest force of British regulars opposed to us was 16,500.

These figures, $198,000,000, which do not embrace the millions paid for pensions since 1823, may be accepted with slight variation as the immediate cost of the war.

Had Congress from 1808 to 1811 applied one-fourth of this sum to the maintenance of an army of 15,000 men, so organized as to have been capable of expansion by the aid of voluntary enlistments and obligatory service to double or triple its numbers, there is little reason to doubt that Canada would have been ours and the war brought to a close on a single campaign.

Canada would have been ours, and our flag would have waved from the far North to the Gulf of Mexico. It had been the dream of many an American spirit. Think of that great loss, think of that great sacrifice, through unpreparedness!

Now men shudder at the name "conscript." We need not be afraid of names. My Socialist friend, Mr. LONDON, says it is the conscription that leads to the democracy of the cemetery. Well, brave men need not be afraid of death, no matter where it occurs. But I plead for that democracy which entails equal service upon all, and I plead with all the vigor of my manhood, with every man in this Chamber, with every man throughout the country, for the equal-service principle. The man whose son is summoned to the colors, to stand by the honor of the country and to preserve its sacred institutions, is right when he says that that same obligation should rest equally as well upon the shoulders of the son of the man next door and of his neighbor. [Applause.]

What better argument do we want than that the best blood of the Nation should not be drained? Is it not futile to take the cream, if you please, of the population and leave the skimmed milk? We will be better off and, if my Socialist friend from New York is a good prophet when he says that the war will be over in six months, we will have as the result of our preparation a splendid lesson in military preparedness, 1,000,000 men standing erect, having learned the lesson that military preparation gives—that leaven with which to build up a new country and to instill into the hearts of our citizens a greater, a bigger, a broader patriotism; yea, more, a deeper devotion to the flag, and a readiness to sacrifice one's life for one's country. [Applause.]

Now, let me say, Mr. Chairman, that the consolidation of our heterogeneous elements into a more composite whole must be the result of our war with Germany, otherwise we will have fought largely in vain. A greater and more united Nation reflecting democracy's hopes, and centering the eyes of all upon a common flag should result and be handed down to generations yet unborn as a glorious heritage. The war was clarified by the elimination of autocratic Russia and the substitution of democratic Russia. Only smiles were provoked when we associated the Czar with democratic ambitions. President Wilson's address of April 2, 1917, vitalized the war and charged it with the living electric force of democratic thought. "Make room and clear the path for a world democracy" is his slogan. As a result kings are having nightmares, and crowns are rated at a lower figure. The rumblings of to-day will become the revolutions of to-morrow.

How glorious to read of the great reception in Petrograd to the grandmother of the Russian revolution after her 27 years of exile in Siberia. Where royalty was formerly entertained in the special rooms at the railroad station she was acclaimed by the people. The fruits of the early revolutionists were evident, and their sacrifices were glorified.

France has always thrilled us with her inborn love of democracy. Our debt to her for her aid in our Revolutionary War for freedom will never be paid. Her timely aid in men, money, and ships made possible the chapter ending at Yorktown. I was gratified to hear my good and learned friend, Mr. MONTAGUE, of Virginia, speak up so resolutely for France in this Chamber a few days ago.

He left one thing unsaid: The splendid service rendered by the Irish soldiers commanded by Count Dillon under Rochambeau; another Irish regiment commanded by Capt. Walsh likewise did their part, both at the siege of Savannah and at Yorktown. I speak of the great number of Irishmen in the French Army under Rochambeau, in addition to those enrolled in the militia and continental forces. For 100 years from the capitulation of Limerick to the days of the French Revolution the Irish exiles had fought for France. History teems with their gallant deeds. I need but mention Fontenoy. Gen. Anthony Wayne, the son of an Irishman, and Stony Point are inseparably linked. Gen. Daniel Morgan, another son of an Irishman, and his great victory at the Cowpens will never be forgotten. Gen. Henry Knox's hard travel to Lake Champlain for guns for the Revolutionary Army will always stamp him the possessor of Celtic blood and the daring so dear to the heart of Washington.

To the name of John Barry, the Irishman, will be forever attached "The First Commodore of the American Navy" and the commander of the first vessel of war that captured a British war vessel. The name of Gen. Richard Montgomery, of Donegal, Ireland, will forever ring in the ears of patriots as the man who gave his life for the revolution in escalating the Heights of Quebec before the Declaration of Independence was given to the world. So France and America are linked in this war for democratic ideals. What shall we say of Great Britain? The past is not the present. The future is made brighter by hope and not despair. I know England has liberal-minded sons who would do justice to Ireland. I know her statesmen have made generous improvements in the land laws of Ireland and given an impetus to a peasant proprietary. These reforms are but a modicum of justice. What horrible incubus grips her Government to-day in withholding a full measure of self-government to Ireland?

The American people love liberty; they want it not alone for themselves but for other peoples throughout the world. They long to see the day of Belgium's restoration; they will shout with very joy for Poland's reincarnation. We pray that everywhere the sovereign power will be lodged with the people, and that kings and their empty ceremonies will be set aside. Great Britain has a great chance to popularize this war. Let her be as democratic as the United States and France; let her be fair to Ireland. Forthwith give her freedom, and an admiring world will applaud. If, perchance, self-government should be denied Ireland until the close of the war, let me as an unadulterated American and a lover of liberty and freedom express the hope in this American Congress that when the representatives of the belligerent nations shall sit at the table to arrange the terms of peace it shall fall to the lot of our representatives to say a word for that Emerald Isle which has been oppressed for centuries. Let that word and action taken by America's representatives be the means of realizing the wish of that youthful patriot, Robert Emmet, who asked that his epitaph be not written until Ireland had taken her place among the nations of the world. [Applause.]

Mr. DENT. Mr. Chairman, in view of the fact that we have agreed to adjourn at 10 o'clock to-night, and in view of the fact that I intended to yield to the gentleman from Ohio [Mr. FESS], and that he could not finish his speech by 10 o'clock, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. SAUNDERS of Virginia, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 3545) to authorize the President to increase temporarily the Military Establishment of the United States, and had come to no resolution thereon.

LEAVE OF ABSENCE.

By unamimous consent leave of absence was granted to Mr. MOON for several days on account of important business.

INCREASE OF THE MILITARY ESTABLISHMENT.

Mr. SHALLENBERGER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting a telegram from Hon. John H. Morehead, for two terms governor of Nebraska and candidate for Vice President, the telegram being in reference to matters which are now at issue.

The SPEAKER. The gentleman from Nebraska asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

The telegram referred to is as follows:

FALLS CITY, NEBR., *April 24, 1917.*

Hon. ASHTON C. SHALLENBERGER, M. C.,
Washington, D. C.:

Conscription for Army service unpopular and should be used only as a last resort for national defense. Conscription for European service exceedingly unpopular. My associations such that I know the sentiment of the rank and file. No measure so unpopular during my lifetime as drafting our boys for European service. Let those go who are willing to volunteer is the unanimous verdict.

JOHN H. MOREHEAD.

HOUR OF MEETING TO-MORROW.

Mr. DENT. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock to-morrow morning, and that the pending bill (H. R. 3545) be considered in general debate under the same agreement as heretofore.

The SPEAKER. The gentleman from Alabama asks unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock a. m. to-morrow, and that general debate shall proceed under the rule we have been proceeding under for two or three days.

Mr. MANN. That means that the bill will not be read for amendment to-morrow?

Mr. DENT. No.

Mr. MANN. And the gentleman does not now ask to close general debate?

Mr. DENT. I do not.

The SPEAKER. Is there objection?

There was no objection.

ADJOURNMENT.

Mr. DENT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 48 minutes p. m.) the House adjourned until to-morrow, Thursday, April 26, 1917, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Navy, transmitting tentative draft of a provision of legislation relating to the precedence of officers of the Navy (H. Doc. No. 67); to the Committee on Naval Affairs and ordered to be printed.

2. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, reports on preliminary examination and survey of Dry Straits, Alaska (H. Doc. No. 68); to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

3. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of Missouri River from the city of Florence, Nebr., to the northern limits of Decatur, Nebr. (H. Doc. No. 69); to the Committee on Rivers and Harbors and ordered to be printed.

4. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination and survey of Coquille River, Oreg., from Coquille City to the entrance (H. Doc. No. 70); to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. WEBB, from the Committee on the Judiciary, to which was referred the bill (H. R. 291) to punish acts of interference with foreign relations, the neutrality, and the foreign commerce of the United States; to punish espionage and better to enforce the criminal laws of the United States, and for other purposes, reported the same with amendment, accompanied by a report (No. 30), which said bill and report were referred to the House Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. GALLIVAN: A bill (H. R. 3806) to grant citizenship to all aliens who have filed first papers and who have enlisted in the Army or Navy of the United States; to the Committee on Immigration and Naturalization.

Also, a bill (H. R. 3807) to increase the pay of all officers and men in the military forces of the United States; to the Committee on Military Affairs.

By Mr. GILLETT: A bill (H. R. 3808) authorizing the Secretary of War to grant permission for the relocation and rebuilding of dams across navigable rivers, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. SIEGEL: A bill (H. R. 3809) to indemnify the city of New York for expenses incurred in defense of the United States; to the Committee on Appropriations.

By Mr. RIORDAN: A bill (H. R. 3810) to repeal the literacy test; to the Committee on Immigration and Naturalization.

Also, a bill (H. R. 3811) to provide for the naturalization of certain aliens; to the Committee on Immigration and Naturalization.

By Mr. SNELL: A bill (H. R. 3823) for completing improvements of the Port Henry Harbor, N. Y.; to the Committee on Rivers and Harbors.

By Mr. GOODWIN of Arkansas: Joint resolution (H. J. Res. 68) creating a commission to report a plan for the adoption of a national budget system; to the Committee on Appropriations.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. DRUKKER: A bill (H. R. 3812) granting an increase of pension to Julia P. Overacker; to the Committee on Invalid Pensions.

By Mr. ELSTON: A bill (H. R. 3813) granting a pension to William D. Cole; to the Committee on Pensions.

Also, a bill (H. R. 3814) granting a pension to Peter Kanuk; to the Committee on Pensions.

By Mr. FAIRFIELD: A bill (H. R. 3815) granting a pension to Joseph J. Shane; to the Committee on Pensions.

Also, a bill (H. R. 3816) granting an increase of pension to William R. Gillispie; to the Committee on Invalid Pensions.

By Mr. KNUTSON: A bill (H. R. 3817) granting an increase of pension to William H. Wharton; to the Committee on Pensions.

By Mr. RANDALL: A bill (H. R. 3818) granting a pension to Emilie Louise Feely; to the Committee on Invalid Pensions.

By Mr. RIORDAN: A bill (H. R. 3819) granting a pension to Irving Wohl; to the Committee on Pensions.

By Mr. ROGERS: A bill (H. R. 3820) for the relief of Charles A. Carey; to the Committee on Claims.

By Mr. RUSSELL: A bill (H. R. 3821) granting a pension to Thomas E. Rector; to the Committee on Pensions.

Also, a bill (H. R. 3822) granting an increase of pension to Mary F. Kessinger; to the Committee on Invalid Pensions.

By Mr. ANTHONY: A bill (H. R. 3824) to reinstate Frederick J. Birkett as third lieutenant in the United States Coast Guard; to the Committee on Interstate and Foreign Commerce.

By Mr. GANDY: A bill (H. R. 3825) for the relief of Oscar Smith; to the Committee on Claims.

By Mr. STRONG: A bill (H. R. 3826) granting an increase of pension to Levi Vandervort; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. CAREW: Memorial of the Republican County Committee of the County of New York, pledging loyalty and support to the President; to the Committee on Military Affairs.

Also, memorial of American Society of Civil Engineers, favoring universal military training and service; to the Committee on Military Affairs.

By Mr. DALE of New York: Petition of Loose-Wiles Biscuit Co., against excise tax on corn sirup or glucose; to the Committee on Ways and Means.

Also, petition of J. S. Ohriner, of Brooklyn, N. Y., against stamp tax; to the Committee on Ways and Means.

Also, memorial of board of representatives of Federal Employees' Union, favoring bill for retirement of superannuated Government employees; to the Committee on Reform in the Civil Service.

Also, petition of the Republican Club of the City of New York, favoring universal military training; to the Committee on Military Affairs.

By Mr. DOOLING: Memorial of Chamber of Commerce of the State of New York, pledging support to the President; to the Committee on Military Affairs.

Also, memorial of Chamber of Commerce of the State of New York, in re raw supplies after the war; to the Committee on Interstate and Foreign Commerce.

Also, memorial of board of directors of the American Institute of Mining Engineers, favoring universal military training; to the Committee on Military Affairs.

By Mr. DRUKKER: Petitions of sundry churches of the State of New Jersey, favoring national prohibition; to the Committee on the Judiciary.

Also, memorial of State Board of Education of New Jersey, favoring the Federal staff bill; to the Committee on Military Affairs.

Also, petition of James Eastwood and others, of Paterson, N. J., favoring universal military service; to the Committee on Military Affairs.

By Mr. ESCH: Memorial of Republican Club of the City of New York, favoring universal military training; to the Committee on Military Affairs.

Also, memorial of board of representatives of Federal Employees' Union, favoring bill for retirement of superannuated Government employees; to the Committee on Reform in the Civil Service.

By Mr. FESS: Petition of Bishop Allgyer and others of West Liberty, Ohio, against universal military training; to the Committee on Military Affairs.

By Mr. FULLER of Illinois: Petition of Illinois Club of Chicago and committee on engineering cooperation, favoring universal military training; to the Committee on Military Affairs.

By Mr. GALLIVAN: Memorial of board of representatives of the Federal Employees' Union, favoring passage of Senate bill 281, for retirement law; to the Committee on Reform in the Civil Service.

Also, petition of Military Engineering Committee of New York, asking that all new units of engineer troops be organized by the War Department; to the Committee on Military Affairs.

Also, memorial of St. Botolph Club, Boston, Mass., pledging support to the Government; to the Committee on Foreign Affairs.

By Mr. HUTCHINSON: Memorial of State Board of Education of New Jersey, favoring the Federal Staff bill; to the Committee on Military Affairs.

By Mr. KREIDER: Memorials of Congregation of the Methodist Episcopal Church, of Mechanicsburg, and Park Street United Evangelical Church, of Harrisburg, Pa., favoring national prohibition during the war; to the Committee on the Judiciary.

By Mr. MOTT: Memorial of 500 women of Oneida, N. Y., favoring the adoption of an antipolygamy amendment to the Constitution; to the Committee on Military Affairs.

Also, memorial of Manufacturing Perfumers' Association of the United States, favoring universal military training; to the Committee on Military Affairs.

Also, memorial of Republican Club of New York City, favoring universal military training and service; to the Committee on Military Affairs.

By Mr. SNOOK: Petition of Northwestern Ohio Conference of the Church of the Brethren, asking exemption from military service; to the Committee on Military Affairs.

By Mr. STEENERSON: Memorial of Crookston (Minn.) Lodge, No. 64, Sons of Hermann, pledging its loyalty to the flag of the United States, their adopted country, and support of the country in whatever way they may be called upon to do in the present crisis; to the Committee on Military Affairs.

Also, memorial of Thief River Falls (Minn.) Lodge, of U. C. T. of A., pledging the loyalty and support of that branch of the society in the war against Germany; to the Committee on Military Affairs.

Also, memorial of Commercial Club of Fergus Falls, Minn., urging governmental regulation of grain and other foodstuff prices; to the Committee on Interstate and Foreign Commerce.

By Mr. STRONG: Petition of Grace Evangelical Lutheran Church, Leechburg, Pa., favoring closing of distilleries and breweries in the interest of our national food supply; to the Committee on the Judiciary.

Also, petition of 193 citizens of Marion Center and vicinity, Pa., favoring national prohibition as a war measure; to the Committee on the Judiciary.

By Mr. TINKHAM: Memorial of sundry citizens of Randolph, Mass., favoring universal military training; to the Committee on Military Affairs.

By Mr. WARD: Petition indorsed by Presbytery of Columbia County, N. Y., favoring establishment of Federal motion-picture commission; forbidding of interstate transmission of race-gambling bets; sectarian appropriations; Sunday-rest law for District of Columbia; uniform marriage and divorce law; and prohibition measures; to the Committee on Education.

By Mr. WASON: Petition of Arthur J. Wellington and 15 other residents of Rindge, N. H., favoring the principle of universal military service; to the Committee on Military Affairs.

Also, memorial of the Congregational Church and Christian Endeavor Society of Canterbury, N. H., favoring an effective method to prohibit the sale and manufacture of intoxicating liquors; to the Committee on the Judiciary.

Also, petition of E. W. Snow and 19 other residents of Whitefield, N. H., favoring an effective method to prohibit the sale and manufacture of intoxicating liquors; to the Committee on the Judiciary.

Also, petition of George I. Putnam and 28 other residents of Charlestown, N. H., favoring legislation which provides for the application of the principle of universal service in the raising of our national-defense forces; to the Committee on Military Affairs.

Also, resolutions of the East Concord (N. H.) Congregational Church, favoring nation-wide prohibition; to the Committee on the Judiciary.

Also, resolutions of the Baptist Sunday School of Antrim, N. H., favoring nation-wide prohibition; to the Committee on the Judiciary.

Also, petition of Fred A. Dunlap and 38 other residents of Antrim, N. H., in favor of national prohibition; to the Committee on the Judiciary.

Also, memorial of the citizens of New London, N. H., in mass meeting assembled, favoring universal military training and service; to the Committee on Military Affairs.

By Mr. YOUNG of North Dakota: Petition of Frank L. McVey, president of University of North Dakota, and others, advocating the raising of money by taxation rather than by bond issues; to the Committee on Ways and Means.

SENATE.

THURSDAY, *April 26, 1917.*

(Legislative day of Monday, April 23, 1917.)

The Senate reassembled at 12 o'clock m., on the expiration of the recess.

INCREASE OF MILITARY ESTABLISHMENT.

The Senate, as in Committee of the Whole, assumed the consideration of the bill (S. 1871) to authorize the President to increase temporarily the Military Establishment of the United States.

Mr. CHAMBERLAIN. Mr. President, because I am going to ask for a unanimous-consent agreement I suggest the absence of a quorum.

The VICE PRESIDENT. Will the Senator permit a suggestion by the Chair?

Mr. CHAMBERLAIN. I would be very glad to have it.

The VICE PRESIDENT. It is that he submit the unanimous-consent agreement and then have a roll call to disclose the presence of a quorum. It might not be necessary to call it twice.

Mr. CHAMBERLAIN. I will be glad to do that.

The VICE PRESIDENT. The proposed agreement will be read.

The Secretary read as follows:

UNANIMOUS-CONSENT AGREEMENT.

It is agreed by unanimous consent that at not later than 1 o'clock p. m., on Friday, April 27, 1917, the Senate will proceed to the consideration of S. 1871, a bill to authorize the President to increase temporarily the Military Establishment of the United States, and that at 5 o'clock p. m., on that calendar day, will vote without further debate upon any amendment that may be pending, any amendment that may be offered, and upon the bill S. 1871, through the regular parliamentary stages to its final disposition; and that after the said hour of 1 o'clock p. m., on said calendar day, April 27, 1917, no Senator shall speak more than once or longer than 10 minutes upon the bill, or more than once or longer than 5 minutes upon any amendment offered thereto.

Mr. CHAMBERLAIN. Now, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hale	McKellar	Simmons
Beckham	Harding	McLean	Smith, Ga.
Brady	Hollis	Martin	Smith, Mich.
Calder	Husting	Myers	Smith, S. C.
Chamberlain	James	New	Smoot
Cummins	Johnson, Cal.	Page	Stone
Curtis	Johnson, S. Dak.	Pomerene	Sutherland
Dillingham	Jones, N. Mex.	Ransdell	Thomas
Fall	Jones, Wash.	Robinson	Thompson
Fernald	Kellogg	Saulsbury	Townsend
Fletcher	Kirby	Shafroth	Trammell
Frelinghuysen	Knox	Sheppard	Vardaman
Gallinger	La Follette	Sherman	Watson
Gerry	McCumber	Shields	Williams

Mr. SMITH of South Carolina. I wish to announce that the Senator from Oklahoma [Mr. GORE], the Senator from North Dakota [Mr. GRONNA], the Senator from Iowa [Mr. KENYON],

the Senator from Nebraska [Mr. NORRIS], and the Senator from New York [Mr. WADSWORTH] are necessarily detained on account of business in connection with the Senate.

Mr. SUTHERLAND. I desire to announce the absence of my colleague [Mr. GOFF] on account of illness. I will let this announcement stand for the day.

Mr. FRELINGHUYSEN. I desire to announce the unavoidable absence of my colleague [Mr. HUGHES] on account of illness.

Mr. THOMPSON. I desire to announce that the Senator from Illinois [Mr. LEWIS] is detained from the Senate on official business.

Mr. RANSDELL. I wish to announce that the Senator from Louisiana [Mr. BROUSSARD] is necessarily detained from the Senate.

Mr. CHAMBERLAIN. I desire to announce that my colleague [Mr. LANE] is detained from the Senate on account of illness.

The VICE PRESIDENT. Fifty-six Senators have answered to the roll call. There is a quorum present. The Senator from Oregon has presented a proposed unanimous-consent agreement which will be read.

Mr. CHAMBERLAIN. I have changed the day from Friday to Saturday.

The Secretary read as follows:

UNANIMOUS-CONSENT AGREEMENT.

It is agreed by unanimous consent that at not later than 1 o'clock p. m. on the calendar day of Saturday, April 28, 1917, the Senate will proceed to the consideration of S. 1871, a bill to authorize the President to increase temporarily the Military Establishment of the United States, and that at 5 o'clock p. m. on that calendar day will vote without further debate upon any amendment that may be pending, any amendment that may be offered, and upon the bill S. 1871, through the regular parliamentary stages to its final disposition; and that after the said hour of 1 o'clock p. m. on said calendar day, April 28, 1917, no Senator shall speak more than once or longer than 10 minutes upon the bill, or more than once or longer than 5 minutes upon any amendment offered thereto.

Mr. SMITH of Georgia. I wish to ask the Senator from Oregon if he would be willing to modify his request, so that five minutes might be used upon any amendment presented at any time. That has been the way in which the Senate recently has made these unanimous-consent agreements. An amendment might be presented which would lead to just a few minutes of explanation, and yet it might come after 5 o'clock. If the agreement could be so changed that we would begin at the first hour named to vote upon the amendments and upon the bill, and allow five minutes on each amendment, I think it would be better. I am not going to object to the unanimous-consent agreement, however.

Mr. CHAMBERLAIN. I think the Senator from Washington [Mr. JONES] has some suggestion to make along the same line that will be satisfactory to the Senator from Georgia.

Mr. JONES of Washington. I wish to point out the difficulty I see about this unanimous-consent agreement. I want to say that I will not object to it; I would be perfectly willing to vote right now, so far as that is concerned; but if we are going to fix a time by unanimous consent I think we ought to provide so that amendments will have some discussion. This consent provides that after 1 o'clock the bill and amendments may be discussed for 5 minutes by a Senator, but whether amendments have been discussed or not they must be voted on at 5 o'clock, without further discussion.

I would suggest that we remove the limit of 5 o'clock and agree to vote upon the bill and amendments on the calendar day. Then, if all the amendments are not disposed of by 5 o'clock, we can go on until 6 o'clock or 7 o'clock until they are disposed of, but we must dispose of them on that calendar day. There are going to be many quite important amendments that are going to be presented and that ought to have some little consideration. I simply make the suggestion if we are going to limit the time after which there can be no debate to make it later than 5 o'clock.

Mr. CHAMBERLAIN. Mr. President, most of the speeches that I have been advised of have been made—that is, the longer speeches—and I assume that if we take until Saturday night, every phase of the bill with all the amendments can be thoroughly discussed. I have proposed to do that after consulting with my friends on the other side of the Chamber as well as on this side.

Mr. JONES of Washington. I make this suggestion to the Senator: In the proposed agreement the real debate upon amendments is confined between 1 o'clock and 5 o'clock. When the general discussion goes on there will not be very much attention given to a discussion in reference to particular amendments. Does the Senator think that between 1 o'clock and 5 o'clock is ample time for the consideration of amendments that have been presented and printed? As the Senator knows, there are going to be quite a number of important amendments presented upon which a good many Senators will want to express themselves when the amendments are really before the Senate for consideration. That is the reason why I suggest that instead of 5 o'clock a later hour be named.

Mr. CHAMBERLAIN. What time, then, would the Senator suggest?

Mr. JONES of Washington. I would suggest the calendar day. Then we will have all the evening up to 12 o'clock at night. That would suit me better. I am willing to stay here as late as necessary on that calendar day to dispose of the amendments. As far as I am concerned, I would prefer that course.

Mr. CHAMBERLAIN. Let me suggest that the amendment which is likely to lead to the most discussion is the volunteer amendment proposed and that has been discussed since Saturday pretty generally. As the Senator says, there are amendments which will evoke some discussion but I think nothing in proportion to the volunteer amendment. I can not see why we can not reach a vote by Saturday evening.

I have no objection to the amendment to the agreement suggested by the Senator from Georgia. That would warrant a five-minute discussion on the several amendments.

Mr. FALL. Will the Senator yield to me for a moment? The Senator said the amendments have been pretty thoroughly discussed. The Senator will admit that they have not been discussed by a very large number of the membership of the Senate. I am perfectly willing to facilitate the adoption of any rule which will bring us to a vote after this measure is discussed. I have no desire to occupy any great length of time. I propose myself to discuss this measure for such time as I think is reasonable and necessary. I think the time I will take will be comparatively short.

What I want to call the attention of the Senator to is this: This body adopted a rule by which it could close debate; that is, it could set a time for a vote. If that rule were now invoked by unanimous consent, debate would continue for 96 hours. Under the proposed agreement of the Senator the debate will continue for only about 12 hours, if we adjourn at the usual time—6 hours to-day and 6 hours to-morrow; and if one Senator takes up four or five hours of time, the time of other Senators will necessarily be very much limited. There is no method by which we can arrange the time. Every Senator must wait for the completion of another Senator's argument and then endeavor to secure recognition from the Chair. He has no knowledge of others who may desire to speak. There is no rule by which we regulate those matters.

While I am perfectly willing to give consent to fix a time, I want to know whether the Senator is going to agree that the Senate shall remain in continuous session until the time for a vote, so long as any Senator desires to address the Senate?

Mr. CHAMBERLAIN. That is, after 5 o'clock?

Mr. FALL. I mean all night, if necessary.

Mr. CHAMBERLAIN. I would be very glad to do that.

Mr. FALL. I will agree to it with that understanding, that if any Senator desires to address the Senate the Senate shall not adjourn or take a recess until the hour fixed.

Mr. CHAMBERLAIN. Yes. That is to be done at the request of one Senator?

Mr. FALL. At the request of any Senator, upon objection.

Mr. CHAMBERLAIN. I would be very glad to do that. I will be pleased that the Senate shall remain in continuous session until the bill is disposed of.

Mr. FALL. That is embodied in my suggestion, that if a Senator desires to speak, which means if he objects to a recess or an adjournment.

Mr. CHAMBERLAIN. I will be very glad to do that.

Mr. TOWNSEND. Mr. President, I am just as earnest in my desire to get a vote as the Senator from Oregon, but it occurs to me that the suggestion of the Senator from Washington is an entirely proper one; that is, instead of the hour being fixed at 5 o'clock, to vote on that calendar day. Then, beginning at 1 o'clock, we will be able to debate any possible amendment that might be proposed during the last hours of the discussion.

Mr. CHAMBERLAIN. In order to get some sort of an agreement for a vote, I am willing to extend it for the calendar day. That will make it midnight.

Mr. WILLIAMS. The legislative day?

Mr. CHAMBERLAIN. No; the calendar day, the Senator from Washington suggests.

Mr. FALL. I understand the Senator is willing to embody in the unanimous-consent agreement that the Senate shall not adjourn or take a recess until the vote is taken, if any one Senator desires to speak?

Mr. CHAMBERLAIN. I do not quite catch the Senator's suggestion.

Mr. FALL. There is so much confusion I can understand that the Senator can not catch my suggestion. I understand that the Senator who offered the unanimous-consent agreement is ready to accept the amendment suggested to the effect that so long as any one Senator announces his desire to speak the Senate shall not take a recess or adjourn until the hour fixed for the vote?

Mr. CHAMBERLAIN. Of course, so far as I am personally concerned, I should be glad to promise on my own behalf that it would not; but I can not control the Senate.

Mr. FALL. If that is not a part of the agreement, I should very much prefer—and I will sign the agreement right now—to invoke the rule. I will be one of 16 Senators or will agree to make it unanimous, to invoke the rule for 96 hours' debate.

Mr. CHAMBERLAIN. I will say that I will be glad to embody that in the agreement, and I should be very glad to have the Senate remain in continuous session.

Mr. FALL. So long as any Senator desires to speak.

Mr. WILLIAMS. I would suggest that, whether embodied in the agreement or not, if the Senator having control of the bill chooses to ask the Senate to remain in continuous session, the Senate will stand by him.

Mr. FALL. I should hope so; but I want to be assured that that will be the case.

Mr. McKELLAR. If the Senator from Oregon will yield to me, I wish to say that I was out of the Chamber temporarily when the proposed unanimous-consent agreement was read. Will the Senator allow it to be reread for the information of the Senate?

Mr. CHAMBERLAIN. Embodying the amendment proposed by the Senator from Washington [Mr. JONES]?

Mr. McKELLAR. Embodying the amendment proposed by the Senator from Washington.

Mr. JONES of Washington. Before the agreement is read, let me ask the Senator a question. Suppose that the bill that is now pending in another body comes over here before we vote upon the pending bill, under this unanimous-consent agreement, could that bill be substituted for this bill? If it can not be, it seems to me that an arrangement ought to be made so that if the House bill should come over to this body it can be substituted for the Senate bill, in order that we may act upon that, and not have the House send their bill over here and then we send a bill over there, and have the two Houses as far apart as they were when they began.

Mr. SMITH of Michigan. The Senator from Washington would have that agreed to as a part of the unanimous consent, of course?

Mr. JONES of Washington. I will add, as a part of the unanimous-consent agreement, if it is not already a part of it—and I doubt whether it is—that when the House bill shall come over here it may be substituted for the Senate bill.

Mr. SMITH of Michigan. With the object of having the debate terminated at the time proposed?

Mr. JONES of Washington. Yes.

Mr. SMITH of Michigan. And then such action could be taken either on the House bill or the Senate bill as the situation may develop.

Mr. JONES of Washington. So as to get the matter in conference. I would not want that there should be any doubt about it.

Mr. CHAMBERLAIN. Mr. President, I do not think there is any doubt that if the House bill comes over here we could substitute it for the Senate bill. I think that that is the substance of the agreement, but it might be written out in the form of an amendment to the proposed agreement by some Senator and offered right now.

Mr. JONES of Washington. I think that is correct, but I want to have that clear.

Mr. CHAMBERLAIN. Mr. President, may I ask that the proposed agreement be now read as it stands?

The VICE PRESIDENT. The Secretary will state the agreement as nearly as he understands it.

The Secretary read as follows:

UNANIMOUS-CONSENT AGREEMENT.

It is agreed by unanimous consent that at not later than 1 o'clock p. m. on the calendar day of Saturday, April 28, 1917, the Senate will proceed to the consideration of S. 1871, a bill to authorize the President to increase temporarily the Military Establishment of the United States, and that before adjournment on that calendar day the Senate will vote upon the bill S. 1871 through the regular parliamentary stages to its final disposition; and that after the said hour of 1 o'clock p. m. on the said calendar day, April 28, 1917, no Senator shall speak more than once or longer than 10 minutes upon the bill, or more than once or longer than 5 minutes upon any amendment offered thereto; and that so long as any Senator announces his intention to speak upon the bill or any amendment thereto no motion shall be entertained by the Chair on said calendar day to take a recess or to proceed to the consideration of executive business or to adjourn.

Mr. FALL. Mr. President, that is not the suggestion at all. It was not proposed to limit the time when a motion for a recess or adjournment could be made until after 1 o'clock on Saturday, but that limitation should be made from the time the agreement is entered into.

Mr. WILLIAMS. That the limitation should apply right now.

Mr. FALL. That was the suggestion that was accepted by the Senator. The suggestion, Mr. President—and I will repeat it so that the Secretary will get it—was that we would agree—and we will grant the unanimous consent now cheerfully—that we will proceed with the consideration of this bill until a final vote, the hour for the vote being fixed, and the limit of debate on amendments thereto being provided, and it is also agreed that there shall be no adjournment or recess from this moment until that final vote is taken, so long as any Senator announces his desire to speak.

Mr. CHAMBERLAIN. That is as I understood the suggestion.

Mr. THOMAS. How about executive sessions?

Mr. FALL. The suggestion would also apply to executive sessions.

Mr. SMITH of Michigan. Question!

Mr. OVERMAN. Would the agreement apply also to any other business?

Mr. FALL. It would apply to any other business that would interfere with the consideration of the pending bill.

Mr. OVERMAN. I should like to except one matter if I may. I should like to have it understood that one bill, which is very important, may be considered.

The VICE PRESIDENT. Will the Senator from New Mexico do the Secretary the kindness to come forward and indicate to the Secretary the form which the suggestion which has been made should take?

Mr. FALL. Mr. President, there is already an exception asked to be made to the proposed unanimous-consent agreement, and if we make one, we will make forty.

Mr. OVERMAN. I am not going to object; but I want to say to the Senate that I shall ask the consent of the Senator from Oregon and unanimous consent of the Senate to take up a bill that has heretofore passed the Senate and already passed the other House. We desire to get together. It is a matter that the representatives of two great countries have considered and asked us to pass at once. It relates to the recruiting or enlistment of citizens of other countries in the United States. We can dispose of it in a moment. I repeat, the Senate has already passed the bill, and the House has passed a separate bill. Of course, it is desirable that the two bodies get together in order to pass the measure at once, if we can. Therefore, I should like to have an understanding that that bill may be called up and passed. I know there will be no objection to it, and if the matter can be brought up we can easily settle it; otherwise, it will be difficult to settle. I have a message from our friends asking that it be passed. If I thought there would be any objection on the part of any Senator, I would not make the request; but, I repeat, I think the bill can be passed in a moment, just as soon as it is called up. I should like the Senator from Oregon to agree that that may be done.

Mr. CHAMBERLAIN. Mr. President, I should like to make that exception, but my experience with this distinguished body is that it is pretty difficult to get a thing through without discussion, and so I hope the Senator will not insist on his request. No harm will be done by waiting until Saturday.

Mr. SMITH of Michigan. Question.

Mr. OVERMAN. I have a message from the Attorney General, who is anxious to have the bill passed immediately. I think it ought to be passed, and I shall ask unanimous consent for the consideration of the bill. Of course, if consent is not given, I must yield.

The VICE PRESIDENT. The Chair does not want to be put in a hole. The rule provides that if the unanimous-consent agreement is entered into it can not be set aside for any purpose except after 24 hours' notice, and then only by unanimous consent.

Mr. SMOOT. Is not that true only in case there are any Senators desiring to speak? If at any time no Senator desires to address the Senate, then I see no objection to the Senator from North Carolina asking unanimous consent for the consideration of the bill to which he refers, and it is not necessary to put it in the proposed agreement at all. In other words, if a Senator desires to speak we can not adjourn, but if there is no Senator who desires to speak we can adjourn or take a recess.

I think that under the unanimous-consent agreement the Senator could ask unanimous consent for the consideration of the bill he has indicated.

Mr. OVERMAN. When no Senator desires to speak, I said I would probably call up the bill and ask unanimous consent for its consideration; but if the Chair rules I can not do so; of course it would be impossible.

The VICE PRESIDENT. The Chair will request the Secretary to again read the proposed unanimous-consent agreement, or the part of it at the end, to see whether it applies to the situation suggested by the Senator from North Carolina.

The SECRETARY. After the agreement fixing the vote on the calendar day of Saturday next and limiting the speeches upon the bill to 10 minutes and upon amendments to 5 minutes, the following words occur:

And further, that from this hour on, if any Senator announces his intention to speak upon the bill, or any amendment thereto, no motion to take a recess, to adjourn, or to proceed to the consideration of executive business, or to proceed to the consideration of any other business, shall be entertained by the Chair.

The VICE PRESIDENT. That is all right——

Mr. FALL. Mr. President, of course the agreement is to apply from half past 12 to-day.

Mr. CHAMBERLAIN. Mr. President, a Senator has suggested that we should only take a recess, instead of an adjournment, from now until this bill is disposed of. I can assure the Senator that I will always ask for a recess instead of moving to adjourn. I do not think it is necessary that that should go into the agreement.

Mr. POINDEXTER. I should like to ask the Senator from Oregon if the intent is that any Senator can prevent a recess or prevent an adjournment merely by announcing that he intends to make a speech?

Mr. CHAMBERLAIN. Mr. President, that is the unanimous-consent agreement proposed.

Mr. SMITH of Georgia. Mr. President, it means that if a Senator desires to speak at that time no such motion can be made, but it does not mean that if he desires to speak at some other time such a motion may not be made.

Mr. POINDEXTER. It says that if any Senator announces that he desires to make a speech on this bill then we can not take a recess or adjourn.

Mr. CHAMBERLAIN. The purpose of it was to give ample time to enable Senators to address the Senate and to discuss this bill. Some Senators fear that there may not be enough time to discuss it at length unless the Senate remains in continuous session.

The VICE PRESIDENT. If a Senator desires to address the Senate, then he can do so; but if no Senator desires to address the Senate at a given time, then the Senate can quit.

Mr. OVERMAN. Do I understand the Chair to rule that I can not call up the bill to which I have referred?

The VICE PRESIDENT. No; the Chair does not so rule as the agreement now stands.

Mr. REED. Mr. President, I suggest to the chairman of the committee, who has submitted the proposed unanimous-consent agreement, that, if the last clause is accepted, then under the previous rulings of this body, no matter what emergency might arise or however great it might be, the Senate would be powerless to act. I suggest to him the propriety of adding that "this proviso may be set aside by unanimous consent," so that if an emergency arises and every Senator is agreeable the difficulty could be met.

The VICE PRESIDENT. In the opinion of the Chair, there is not any question about the fact that, as the agreement now stands, by unanimous consent anything may be taken up.

Mr. REED. I do not think that is in the agreement.

Mr. OVERMAN. That is what the Vice President has ruled.

The VICE PRESIDENT. The Secretary will again read the proposed agreement.

Mr. FALL. I am perfectly willing that it shall be modified.

Mr. KNOX. Mr. President, let the entire proposed agreement be read.

The VICE PRESIDENT. The Secretary will read the entire agreement.

The Secretary read as follows:

UNANIMOUS-CONSENT AGREEMENT.

It is agreed by unanimous consent that at not later than 1 o'clock p. m. on the calendar day of Saturday, April 28, 1917, the Senate will proceed to the consideration of S. 1871, a bill to authorize the President to increase temporarily the Military Establishment of the United States, and that before adjournment on that calendar day will vote upon the bill S. 1871, through the regular parliamentary stages to its final disposition; and that after the said hour of 1 o'clock p. m. on the said calendar day, April 28, 1917, no Senator shall speak more than once or longer than 10 minutes upon the bill, or more than once or longer than 5 minutes upon any amendment offered thereto; and, further, that from this hour on (the hour of 12.30 p. m., calendar day of April 26, 1917) if any Senator announces his intention to speak upon the bill or any amendment thereto, no motion to take a recess, to adjourn, to proceed to the consideration of executive business, or to proceed to the consideration of any other business shall be entertained by the Chair.

Mr. REED. Mr. President, it is entirely satisfactory to me in that form. I think I was under a misapprehension.

The VICE PRESIDENT. The Chair himself was originally.

Mr. KNOX. Mr. President, I want to inquire from the Chair, or from some other source, in order that both the Senator from Ohio [Mr. HARDING] and myself may adjust some personal arrangements, whether, in the event of the debate exhausting itself, say, to-morrow, by unanimous consent the Senate could proceed to vote upon the bill?

Mr. TOWNSEND. No.

Mr. SMITH of Georgia. It is agreed that the vote shall be taken not later than the time specified.

The VICE PRESIDENT. The vote could not be taken before 1 o'clock on Saturday.

Mr. JONES of Washington. Mr. President, is it the understanding that if general debate should be concluded the Senate could not vote upon any amendment to the bill before 1 o'clock on Saturday?

The VICE PRESIDENT. No. The Chair will be compelled to state to the Senator from Pennsylvania, if the Chair reads the proposed agreement aright—and it has been somewhat mutilated and interlined—but if the Chair reads it aright it provides that at not later than 1 o'clock p. m. of April 28 the Senate will proceed to the consideration, and so on, and that before adjournment on that calendar day it will vote.

The Chair believes, if the discussion of the bill should be exhausted before that time, that at any time between 1 o'clock and midnight on Saturday the Senate can proceed to vote.

Mr. KNOX. But not before?

The VICE PRESIDENT. Not before 1 o'clock on Saturday; no.

Mr. CHAMBERLAIN and others. Question, Mr. President.

The VICE PRESIDENT. Is there any objection to the unanimous-consent agreement? The Chair hears none, and it is adopted.

Mr. HALE. Mr. President, I am indebted to the Senator from Illinois [Mr. SHERMAN] for the courtesy of having the floor for a few minutes at the present time.

Whatever may be the merits of the two plans proposed for raising an army, whether by conscription or by volunteering, there is no doubt, I think, in anybody's mind that conscription is the method considered by the warring countries of Europe as far and away the more effective. There are two ways of looking at the war and our reasons for entering it. One is that we have entered the war because of the insults and injuries we have received from Germany, which insults and injuries we are bound in honor to redress. If this is our only reason for fighting—and I do not believe that it is—then we can make war in any way that we choose and to the extent that we choose. When we deem that these insults and injuries have been properly redressed we can withdraw from the war at our own discretion and need not consult the other countries fighting against the central powers about doing so. If this is our only reason for fighting it may be that a volunteer army will fill our wants. It may be that our honor will not require us to send troops abroad to fight at all; that our breaking relations with the central powers, the protection of our commerce, and the sinking of a few enemy submarines will be sufficient. As in this sort of a war we should be entirely independent of the allies, so they would be entirely independent of us. They could at any time make peace and leave us to carry on the war by ourselves.

The other way of looking at the war, I think the right and only way, the way approved by the President in his great address to Congress, is that we, like nearly all of the rest of civilization, are fighting not alone to right the personal wrongs that we have received but because civilization can not and will not tolerate the intentions of the central powers and the methods employed by them to carry out these intentions. Should we thus join with the rest of civilization we take our place alongside of France and England and the other allies. Their war is our war, and no peace can be made that does not include us. Our obligation, then, is in every way to cooperate with the allies, and to aid them to defeat our common foe.

This war, however it may have started and whatever may have been the reasons that brought this or that nation into the conflict, has now resolved itself into a great organized effort on the part of most of the civilized world to resist German conquest. It is this great cause for which they are fighting that binds together countries whose interests are as different as those of England and France and Russia with a tie that can not be broken, even by the insidious and advantageous separate offers made by the German Government to individual nations of the

allies. It is true that the immediate cause of England's entering the war was the violation of the Belgian treaty. It is true that Russia went in because of the Austrian ultimatum to Serbia, just as it is true that we have declared war because of the destruction of our ships and the murder of our citizens; but it is equally true that every man, woman, and child in France and England—and I have recently visited those two countries—realizes that the cause for which they are now fighting is far greater than the redress of the wrongs of any individual nation; is, in fact, the cause of civilization against barbarism. I venture to say that the same feeling obtains in Russia and Italy and the other allied countries. So, if we are fighting, as they are fighting, for this greater cause, I say it behooves us to use every means in our power, every last resource of men and of treasure, to make certain that this cause shall prevail.

I was in England and France a short time before the severance of diplomatic relations with Germany, and I returned to America shortly after the break took place. I found three questions which puzzled the people of these countries: First, why, in view of the lofty ideals set up by this country, we had not joined with the rest of civilization against the foe of civilization; second, why we could not see that unless the allies won the war we ourselves must inevitably be the next German objective; and, third, how it was that a self-respecting nation could put up with the affronts that we have put up with. In talking with a prominent member of the British Ministry, in company with Mr. Frank Simonds, just before I left England, he asked us what, in our opinion, would constitute an act of war in the minds of our countrymen. Would the sinking of an American freighter without loss of American lives be such an act, or the sinking of a British ship with the loss of American lives? It never occurred to him to ask about the sinking of an American ship with the loss of American lives. And that last straw did break the camel's back, and we have declared war. When we gave the German ambassador his passports I found the most intense satisfaction in France and England over our entrance into the war, for such was considered to be the inevitable consequence of the break. Many people thought that it meant the beginning of the end of the war. Not on account of any actual immediate assistance that we might give, but on account of the moral effect. It was thought that the entrance of our country into the war at this period would show conclusively to Germany that there was no possibility of ultimate victory for her, and that realizing this her fighting spirit would break. Whether or not this will prove to be the case the whole world is now watching to see. It is what we do right now, what proofs we give to the world right now of what we intend to do in the war, that will determine this moral effect.

The question comes down to this: Do we give to the world the best promise of future military strength if we adopt the volunteer system, which in the eyes of experienced Europe is a proven failure, or do we so give it if we adopt the plan of conscription, which they know to be effective?

That we can send sufficient troops to the trenches at the present time materially to change the military situation abroad we know to be impossible. We are raising vast sums of money to help the allies. This does not mean that they will be able through this financial assistance to increase their armament or to do anything more than they are now doing or planning to do. Their every resource is now being used, or in course of preparation to be used, to its utmost capacity regardless of the cost. It does mean, however, a reassurance as to the future which will have an incalculably greater effect. In the same way the allies are not at the present time faced with a shortage of men, but just as financially we assure them for the future, so in this matter of men, the feeling that in the future they can count on us will give immeasurable comfort to the allies and a corresponding blow to the central powers. Proof of our intention to provide these men is the very best assistance that we can now give.

I found, especially in France, a very strong feeling that the moral effect of American troops, however few at first in number, fighting in France under the American flag would be enormous. The idea of an American legion and, they added, Theodore Roosevelt marching down the Champs Elysees on their way to the trenches, created tremendous enthusiasm in France. I hope that American troops will be sent to France. I hope that they will be sent, even though but a handful, in the very near future. As an earnest of what we propose to do, their coming will have a far-reaching effect commensurate with their numbers. I hope above all that we shall adopt the plan of conscription which will show, as nothing else can show, our undying resolve to fight this fight to the bitter end, and will hearten up the allies, who are fighting our fight, as nothing else can hearten them up. We have met the financial situation right gloriously. Let us show that we are ready to give up not alone our treasure but our life blood for the great cause in which we are finally engaged.

AMENDMENT OF FEDERAL RESERVE ACT.

Mr. SHERMAN obtained the floor.

Mr. OWEN. Mr. President——

The VICE PRESIDENT. Does the Senator from Illinois yield to the Senator from Oklahoma?

Mr. SHERMAN. I do.

Mr. OWEN. Mr. President, I am just in receipt of a letter which I regard as of sufficient importance to justify me in calling it to the attention of the Senate. It is a letter from the Secretary of the Treasury. He says:

As you, of course, know, the President approved yesterday the bill unanimously passed by both Houses of the Congress authorizing an issue of $5,000,000,000 of bonds and $2,000,000,000 of one-year certificates of indebtedness, "to meet expenditures for the national security and defense, and, for the purpose of assisting in the prosecution of the war, to extend credit to foreign governments, and for other purposes." The financial operations thus authorized are without parallel in the history of the country, and they, as well as the conditions arising out of the war which has been thrust upon us, must be met with vigor, energy, and organization. Financial operations of such tremendous magnitude and import as those upon which we must now enter can not be accomplished by mere optimism or casual confidence. It will take hard and intelligent work all along the line to secure the required results and, at the same time, to maintain the financial stability of the country with unabated prosperity.

We have the resources and the spirit to master the great tasks ahead of us, but without proper organization the potentiality of our resources is culpably diminished. Organization must be our watchword until all the resources of the country—financial, material, and otherwise—have been brought into a proper and thoroughly reciprocal relation. This is our immediate, as it must be our most appealing, task, if we are to assert the power of America effectively on the fighting fronts in Europe.

One thing of immediate and pressing importance is to further strengthen the Federal Reserve System so that the colossal financial operations of the Government may be facilitated and the commercial interests of the country be undisturbed. The amendments to the Federal reserve act, unanimously recommended by the Federal Reserve Board, are of infinite importance at this time. They have been carefully considered with relation to present problems, and to those which must arise out of the conduct of the war, and the entire board is impressed with the imperative necessity of strengthening the Federal Reserve System in the manner proposed in order that there may be no doubt about its ability to meet any test the future may impose upon it. May I beg, with all of the earnestness that I can command, that these amendments be enacted into law at the earliest possible moment? I am taking the liberty of writing to you on this subject because I know how vitally the interests of the country are involved in this legislation and how seriously the future will be jeopardized if there shall be any failure to act promptly and completely in the premises.

Mr. President, I shall not at this time ask any action by the Senate, but I wish to give notice that to-morrow I shall ask consent that at some very early time the Senate may dispose of this question.

Mr. SMITH of Michigan. Mr. President, will the Senator from Oklahoma indicate what these amendments are?

Mr. OWEN. They are set forth very completely and fully in the report, which has been printed, and the italics show exactly what the changes are. The Senator can very quickly run over it with his eye and appreciate the changes. The main purpose of them is to facilitate the entry into the system of State banks, where the State laws permit, and to have a tendency to drift into the Federal reserve banks gold which is now floating unused in the pockets of the people. Those are the principal things.

Mr. SMITH of Michigan. I will say to the Senator that I think it is a very important amendment. Unfortunately, however, in my State it will have no effect, because under the laws of my State a State banking institution can own no stock in any other corporation, and of course we could not own stock in the Federal reserve corporation. I think, however, that the amendment is an important amendment. If it opens the door to a concurrent and united membership in the Federal Reserve System of all of the banking institutions of the country, it goes in the right direction.

Mr. OWEN. We are trying to accomplish that.

Mr. SMITH of Michigan. I have been very slow to say that. In fact, I did not share the views that were entertained by the Senator from Oklahoma at the time of the passage of that act; but we are now in a time which calls for very serious reflection, and whether we have not builded better than we knew is not for me to say. I am rather inclined to think that we may have done so.

Mr. OWEN. I am holding the floor by the courtesy of the Senator from Illinois [Mr. SHERMAN]; otherwise I should be very glad to make some further comments on this matter. I shall be glad to do so to-morrow if I have a convenient opportunity.

I thank the Senator from Illinois for his courtesy.

INCREASE OF MILITARY ESTABLISHMENT.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1871) to authorize the President to increase temporarily the Military Establishment of the United States.

SPEECH OF MR. SHERMAN, BEGUN APRIL 25.

Mr. SHERMAN. Mr. President, by the ordinary canons of the military authorities who support this bill, the German cavalry ought now to be stabled in Westminster Abbey, and Prussian helmets ought to be policing the boulevards of Paris. Why this result has not been had I wait for those military authorities to explain. The best-drilled military machine the world ever saw was suddenly, on the 3d day of August, 1914, thrown against the defenseless frontier of the French Republic. The neutral country of Belgium was invaded as a necessary short step toward reaching French territory and the English Channel and thereby invading the British Isles.

For more than 40 years the Prussian soldier has been in the making. Hardly was the question of French indemnity settled after the Franco-Prussian war until it began. The echo of Prussian cannon had hardly ceased in the streets of Strassburg and Sedan nor had the question of indemnity been settled around the council table of the representatives of the two nations lately at war until the German soldier began to be trained for future military operations against whomever he might be ordered to attack.

It is not the first time in the history of the world, Mr. President, since recorded time has kept an account of these affairs that some military nation has risen to conquer the world. It is the dreary repetition of an ambition to subjugate and rule. I hope, in the providence of God and the wisdom of the sublimated experience wrought out by the sorrows and misfortunes of mankind that there may come a time when the Republics and constitutional governments of the world may unite that this may not again be.

From the earliest time, when the Chaldean shepherds watched the stars and became the first astronomers, through the days of the Assyrian Empire, the Medes and the Persians, the Babylonians and the Parthians, and all the great military powers of central and western Asia, with the Greek and the Roman in their day, there have risen up from time to time nations who essayed by the prowess of their arms and by the strength of their military organizations to dominate the world.

The Prussian is not the first of the human family who has undertaken to carry his Empire everywhere and to subdue every civilized power that had territory to annex or spoils to attract. From the days when such military powers fought the peoples who could not defend themselves, from the days when Nineveh sank in ruins and Cyrus conquered Babylon, it was the same manifestation of a great military power directing its energies and the government of men to the development of a great fighting machine that might destroy the peoples of the world and make the whole of the civilized globe subject to their arms.

The Senator from Missouri [Mr. REED] stated an undying truth both in civil government and in military defense. No great people, no great republic that has ever depended upon its volunteer force for its defense has ever perished from the earth.

I have not forgotten the lessons of the historians, military and civil. The historian is but the newspaper man of the centuries. He records the imperishable events that have molded human affairs and that have been the great peaks marking the epochs in human history that were vital to the perpetuation of government and the preservation of nations.

Germany to-day, or when she began this war, had approximately 60,000,000 of population. From 1873 she had trained her troops. It was my fortune in 1871, when a boy 13 years of age, to work in the harvest field where both French and Germans were my companions. The Alsatian coming from the annexed territory of France when the war broke out, fled from his country, crossed to Switzerland, and came to my part of the country in Illinois. The German was already there. They fought in the harvest field anew and again the war between France and Prussia. From the day that war ended this mighty machine has been formed, ruthlessly, heartlessly, and destructively.

The term "ruthless submarine warfare" describes nothing new. The whole military system of Germany is ruthless. If mere militarism could form men into individual fighting units, combine them in all the organizations known to military science and could conquer the world, the allies to-day would be lying prostrate at the feet of a conquering foe.

France had no great standing army. She had universal training. She had lived in the shadow of the threatened cataclysm from the time the treaty of peace was signed in the seventies. She knew that some time her wheat fields, her coal mines, her iron, and her cities, and the great seacoast that she possesses, both on the channel and the ocean, would be the object of predatory attacks from an enemy on their eastern border. Every mother had taught it to her child. Every great leader of the French Republic had talked it for years. Every one cognizant of French affairs and the protection of their national life always knew that at some time this would come. Still they did not maintain a great army and a great navy. They had universal training, as we ought to have had it long ago. Her territory was a part of the proposed conquest by the military power that coveted their country. The French Republic is waging a defensive war for the right to exist.

In Great Britain, her fleets and her navy were the strength of the British Isles. She has always been a sailor from the earliest times. Since Drake followed in the wake of Columbus she has been a great maritime nation. So she has been strong on the sea.

Her army when this war began was a mere nucleus. She did not even have enough drill sergeants to take the volunteers that came to the different recruiting stations of England. In spite of Kipling's poem of the drill sergeant, they drilled the Egyptian, the East Indian, they drilled the natives of far distant lands to which England gave law and order, but was never able to arouse the martial spirit at home nor even deemed it necessary to maintain a great standing army.

What was the result? Naturally when the war came she was unprepared. I shall not follow in detail her steps; it would serve no useful purpose at this hour in our national crisis. Some of her army officers are here with others who are in places of great responsibility and power. They are telling us of their mistakes. Why tell us what their country has never done?

How old is England? Ten centuries have passed since Alfred the Great first welded her provinces and her shires into a compact empire. It is a thousand years, Mr. President, since the Saxon flayed the Dane that invaded Northumberland and nailed his skin to the church doors of England, still to be seen in the time of old Pepys, the diarist, secretary of the English admiralty.

In the thousand years of that time England has never violated her traditional policy. Rome lived for twelve hundred years. England is a thousand years old, dating from King Alfred, in 900 A. D. The Assyrian Empire was eleven hundred years old when it perished. We are in the swaddling clothes of nations. We talk of our age of 142 years since Lexington and Concord. Who knows how long we will last in a world-wide conflagration? We are an infant in the kindergarten of human affairs.

Still England with her thousand years, with her civil revolutions, with her conquest by the Normans, with Kings in exile and one beheaded on the streets of London, with domestic revolution after revolution and foreign wars without number, has survived and kept her traditional policy of the superiority of the civil over the military with the innate national impulses that have always marked her in her days of peril. She has resolutely set her face against the maintenance of great standing armies. Her walls have been the sturdy heart that beats beneath a Briton's bosom. Like the Delphic oracle of old that told the Greek on the second invasion by the armies of Persia that the defense of Athens was wooden walls, which they interpreted to mean their fleet, England has built her walls upon tidewater and depended upon her navy as her first great line to meet a public enemy. Nor has her confidence been in vain. From this source she has maintained her public defenses and survived at times when she faced a world in arms.

It is true some English authorities now in our country tell us she made a mistake in calling for volunteers. Let it be so. If I were an Englishman as I am an American, I would not call England's volunteers a failure, when, with France, they have met the best drilled army in the world and turned them back from their invasion. England has made that mistake for 10 centuries. England has not been a conscriptive country. Her conscription acts of January, 1916, and May, 1916, are like our draft law in March, 1863. They were intended as much as anything else for moral effect. It is intended to notify even those who have not the public spirit to volunteer that unless they do the Government will exact from them an involuntary service. That was the value of the draft law of 1863 in our country. It was not the conscripted men, fewer than 67,000, who actually went into the Union Army that gave us our defense, it was the moral effect upon some who might not otherwise have volunteered.

I have before me, Mr. President, the most disagreeable task I have performed since I have been in the Senate, and that is at a time like this to differ from the Chief Magistrate and from the military authorities of my country. I know what it means

so to differ. I know, sir, honest critics who give their opinion are usually regarded as unfaithful to their country's cause. Nevertheless, criticisms must be made.

In ancient Persia it was a rule that the King's counselors should give him their best judgment on his proposed public acts. Every one who criticized the King was required to go out and stand on a golden tile in the floor of the throne room. If he did not criticize him and the King thereby made a mistake, he was executed for not giving the King advice. If he took his place on the golden tile and criticized him, he was beaten for presuming to differ from his sovereign. So one way it was death, the other it was stripes.

So the critics of the present administration's policy presented in concrete form in this bill stand on the golden tile, and political execution is threatened if we do not advise as we do upon various public questions or we shall be scourged with many stripes for presuming to offer advice to our sovereign.

I do not know, if it were not for the prospect that the country has of becoming "bone dry," but we might follow another custom of an ancient race. They always discussed everything of a public character rising to the gravity of this question before the Senate twice—once when they were sober and the next time when they were drunk. If they arrived at some decision when they were sober, they thought it might not have the proper enthusiasm and the power of execution that were formerly assumed to attend the use of alcoholic stimulants. So they postponed the final decision and all got drunk that night and reviewed the question which they had decided when they were sober. In this country we live in sluggish indifference until we fly into boundless excitement, under which we reverse ourselves completely.

The conscription movement is a campaign, Mr. President, born of printer's ink and the desire of autocratic power. From smug indifference we have passed to the extremity of precipitate military frenzy.

I am not unmindful of the fact that the metropolitan newspapers have cried long and loud for war. Neither can I forget the fact that their reading constituency in Chicago, New York, Philadelphia, and elsewhere of the large cities have not taken their advice and gone to the recruiting station. On the 9th day of April, 1917, by the record, nearly as many recruits were mustered in Muncie, Ind., with 35,000 population, as in New York City, with 6,000,000. Still, the Muncie newspapers had not been clamoring for war. For months the New York papers were chiding our Chief Magistrate and cartooning Congress, sleeping with cobwebs about their heads, because they did not instantly march upon the Prussian and annihilate him. Now their own reading constituency, I repeat, are so deaf to the voice of public duty that they are equally vociferous in asking for a conscription law to force their unwilling constituents into the military service in defense of the country.

I have sometimes thought it would be a wise rule if in this Republic no city were ever permitted to assemble within its limits more than a given population—say, 250,000. After that number was reached people might then be made to move into the country. A majority of our population gathered in large cities is a menace and marks the decay that ushers in national dissolution.

The vulnerable points of this Republic are the large cities. That much of the wealth, the genius, and the ability of the American people are gathered in the large cities is true. They are our Atlantic seaboard towns, our ports on the Mexican Gulf, and on the far Pacific shore. It is not amongst the country population, but it is in the cities where the treasure is gathered, where the wealth is stored, where large populations are found, requiring to be fed by the farmer, the stock raiser, the market gardener, and the dairyman of the country.

I can not forget, Mr. President, in this crisis of our affairs the unerring index finger of the past. Where a nation gathers the greater portion of its wealth, its manhood, its material resources, its stores of learning, its genius, and its ability to the great city the conquering legions came, the city was destroyed, and the nation perished from the earth. When Cyrus made his first great inroads on the Scythians he captured one of their chiefs, a nomadic head of the wandering tribes, and asked him where their principal city was. He said, "We have none; we live on the plains and on the boundless steppes of northern Asia; our people go to the ice sea," as he called it—the Arctic Circle. Cyrus failed to conquer them because there was no place to strike a vital point. He could disperse their bands, he could scatter their army, but he neither could starve them nor conquer them. They had no city to perish.

I had a letter from one of the court clerks in Chicago, telling me of 1,500 applications, in round numbers, in a single day for marriage licenses at the window of the license clerk. I never knew that Cupid and Mars ran together in such close union; and they never do out in the country, Mr. President, where you and I and many of us were raised. It is only in the city where you find such exhibitions.

There was one patriot, at least, as the story runs. His girl, to whom he was engaged, suggested that he might just as well get married and keep out of the service. "No," he said, "I have already enlisted, and I want but one war on my hands at a time." That has been made an object lesson—1,500 "slackers" in the city of Chicago in a single day crowding the marriage-license window in order that they may become heads of families. There are no such instances in the country towns. There are none out at the cross-roads in the great corn belt of the West. There the marriage ceremonies go along at about a normal rate, but, like other aggravated evils, you always find this condition in the metropolis.

I repeat, therefore, Mr. President, that the portion of the press that has ceaselessly agitated for war, now does not possess enough influence over its own readers to get them to enlist to prosecute the war that they largely have produced. We would have been at war two years ago if their advice had been followed.

Mr. President, for myself I can not abdicate my official powers of legislation for any Chief Magistrate, his Cabinet, nor any board of strategy or War College. I have not forgotten what happened in the Civil War, which I have heard my people tell when they recounted the days they spent in the camp and in the field. A number of desk generals, whose fighting was on paper, were here in this Capital. They are the ones who use gold braid not for war but for social functions. They are always in evidence everywhere. Grant once sent them a memorandum of how he would capture an important point. They discussed it far into the night and decided that it was impracticable and impossible. They broke up to go home, and as they got out in the corridor a yellow slip of paper was handed them by a telegraph messenger, saying that Grant had already captured the place and that no answer to his memorandum was necessary. He did the impossible; he was continually doing the impossible. Stonewall Jackson did the impossible until his lamented death. Albert Sidney Johnston did the impossible. They were trained soldiers, it is true; they were West Point men. So were Grant and Sherman and Sheridan and Hancock and McPherson and the whole galaxy of generals who trained the Volunteers. They all gave willing and eloquent evidence to the worth of the volunteer.

I hope the statement will be omitted from the CONGRESSIONAL RECORD when the revised speech appears or the final RECORD is made up, that Shiloh was fought by political generals. My kin were on the Union side there and the senior Senator from Mississippi [Mr. WILLIAMS] had kin in that struggle. He lost his father in the gray dawn of the morning of the assault. Were they political generals? I think not, because Grant was there. In his memoirs he pays a tribute to both his volunteer and Regular Army officers under him. He started from my home town of Springfield, Ill., in 1861 with the Twenty-first Illinois Infantry, which was raised in and about Mattoon, Coles County, Ill. He was a West Pointer. This Infantry company brought their officers with them from Coles County. Following the way in which volunteer regiments were organized in those days, they chose their own colonel and subordinate officers. They were a roystering lot, and many of them regarded it a sort of fishing camp instead of a military camp.

Thursday, April 26, 1917.

Mr. SHERMAN. Mr. President, I will resume at the point where I left off yesterday and as briefly as I can conclude what I have to offer on this question. I am as impatient of delay as the chairman of the Military Affairs Committee and others who are anxious to vote on this bill. I assure Senators that I shall take no undue time here in what I have to say.

Last night, when we recessed, I was referring to the Twenty-first Illinois Infantry. I stated, I believe, where it was raised. All of the volunteer regiments chose their own officers; they selected their colonels and subordinates; and they had done so in this case. The colonel was unable to obtain discipline. That is not unusual among volunteers. However, he was to blame himself, as appears from records that are unquestioned. He resigned. State Auditor Jesse K. Dubois was in the office of Gov. Yates—the elder Yates—at the time the question of selecting his successor was under consideration. The governor asked Mr. Dubois if he knew some one fit for colonel. Mr. Dubois said there was a West Point graduate in the adjutant general's office engaged in caring for papers connected with the organization of the Illinois volunteers, then being prepared for service in response to the first and second calls of President Lincoln. The first call was issued on the 15th day of April, 1861, calling

for 75,000 men. It is well enough to note that in response to that call more than 91,000 volunteers offered their services, an excess of 16,000. The second call, for 500,000, came on the 22d day of May, 1861. About this time a number of regiments were being raised in the western country. The governors of the loyal States were all quite busily engaged in taking care of the necessary details.

The adjutants general of the loyal States, of course, were giving attention to the military part and preparing the organization. They sent for the West Pointer, an inconspicuous-looking person, and asked him if he would take charge of the regiment. He said he would. He went out in the northwestern part of the city of Springfield, near where a school building now stands, where they were encamped. The outgoing colonel introduced him in a few words. He expected a speech from the new colonel appointed by Gov. Yates. All he did was to look the men in the face a moment. Some of them were sitting on the grass; some of them were engaged, a surviving member of the regiment tells me, in playing the familiar western game known as mumble-peg. He looked at them a moment and said, "Men, go to your quarters." He turned to his tent and disappeared. He issued an order in a short time that in the morning the regiment was to start for Quincy from Springfield, Ill., on foot. The new colonel was Grant. He had come down from Galena and volunteered his services.

In the morning they started. I adverted very briefly to the personnel of this regiment. They were a happy, careless lot in part. When they started for Quincy on foot there was some insubordination. This is not found in the histories of our country; it was related to me by a survivor of this regiment now living at Mattoon, Ill. He said one of the members of the company insisted the Government ought to furnish transportation. He declined to walk. The transportation was not forthcoming. He sat down on the grass where Lawrence Avenue, Springfield, Ill., now is, and said he would remain there until the Government furnished him adequate transportation. Grant was informed of the hiatus in the procedure. He detailed a soldier to bring in a couple of trace chains off a horse that was harnessed and about to be attached to an ammunition wagon. The chains were forthcoming and he ordered them attached to the insubordinate private, hitched him to the tail end of the ammunition wagon, and ordered the march to proceed, which it did. After being dragged some 20 feet this husky patriot decided that the walking was better than he had anticipated even. After that there was no further trouble. They marched to the Illinois River, where Meredosia, Ill., now is, and subsequently reached the city of Quincy.

These men were volunteers. They were rendezvoused at Cairo, Ill., the junction of the Mississippi and Ohio Rivers, and shortly afterwards were incorporated in the proper division. Grant remained as colonel of the Twenty-first Illinois Infantry until the 7th day of August following, when he was transferred to another division by order of the War Department.

I wish to state in this connection that the record of the Twenty-first Illinois, after this inauspicious beginning had a much better ending. They were raw volunteer recruits. They were not conscripts. They were a part of the alleged volunteer failures of this country. Here is their record in the regimental history compiled of all the regiments that saw active service in the Civil War.

Col. Ulysses S. Grant; Lieut. Col. John W. Alexander, killed in battle later. They participated at Stone River, Tenn.; Chickamauga, Ga.; Gays Gap, Tenn.; Iuka, Miss.; Chattahoochee, Ga.; Kenesaw, Ga.; Atlanta, Ga.; Franklin, Tenn.; and Nashville, Tenn. The regimental historian attaches a note in which he says:

A peculiar interest attaches itself to the Twenty-first, because it was Grant's old regiment. The men in that command little thought that the stranger assigned to them as their colonel was destined to become the grandest figure in the war. The recruits rendezvoused at Mattoon, where they were mustered into the State service, May 15, 1861, by "Capt." Grant, and on the 24th of June the regiment was mustered into the United States service by Capt. Pitcher, United States Army, with U. S. Grant as colonel. Grant continued in command of his regiment until the 7th of August, when he was promoted, and entered on the career which was to culminate in grandeur at Appomattox. The regiment served in Missouri until May, 1862—

And so forth.

After that, it gives the history which I have briefly taken from the tabulated statement.

I refer to this regiment not because of any particular merit it has above any others from that State and from many of the Western as well as other States of the Union. I name it in order to "point a moral and adorn a tale" that is very closely related to the Twenty-first Illinois and its colonel. I read from Grant's Memoirs, volume 1. It is an authority. A hundred years from now or more, Mr. President, I hope this will be a textbook in the public schools. I tired in my youth of reading Cæsar's Commentaries on the Gallic War. These are commentaries on the Civil War of our own country. Cæsar died a military dictator; Washington died a farmer; Grant died a private citizen, after completing the last manuscript copy of the memoirs, the first volume of which I hold in my hand. These memoirs are the life stories of a man as modest as he was great. They teach something most classical schoolbooks do not.

After reaching Springfield, Ill., from Galena he says the only Members of Congress he knew were Washburne, of the Galena district, and Philip Foulk. He knew only then Senator Douglas from his own State. He saw a good deal of Gen. Pope.

Of Gen. Taylor, of the Mexican War, he speaks, because Grant had been in the Mexican War. I remember that in the suburbs of Mexico City, at Cherubusco, they still show the cupola of the little stone mission where Grant mounted his little supply of artillery to get a good range at them and fire down in the stone inclosure around a church 300 or 400 yards away, and rout the Mexican forces out. It is referred briefly to by him in his Memoirs. So he saw something of service then, and knew Gen. Taylor. Gen. Taylor said on one occasion to Grant that he ought to go into the United States service.

I now quote:

I told him I intended to do so if there was a war. He spoke of his acquaintance with the public men of the State, and said he could get them to recommend me for a position and that he would do all he could for me. I declined to receive indorsement for permission to fight for my country.

Going home for a day or two soon after this conversation with Gen. Pope, I wrote from Galena the following letter to The Adjutant General of the Army.

I read this with a preconceived purpose:

GALENA, ILL., *May 24, 1861.*

Col. L. THOMAS, *Adjutant General, United States Army,*
Washington, D. C.

SIR: Having served for 15 years in the Regular Army, including 4 years at West Point, and feeling it the duty of everyone who has been educated at the Government expense to offer their services for the support of that Government, I have the honor, very respectfully, to tender my services, until the close of the war, in such capacity as may be offered. I would say, in view of my present age and length of service, I feel myself competent to command a regiment, if the President, in his judgment, should see fit to intrust one to me.

Since the first call of the President I have been serving on the staff of the governor of this State, rendering such aid as I could in the organization of our State militia, and am still engaged in that capacity. A letter addressed to me at Springfield, Ill., will reach me.

I am, very respectfully,
Your obedient servant,
U. S. GRANT.

That is the letter. The following is the text of Grant's comments concerning this letter:

This letter failed to elicit an answer from The Adjutant General of the Army. I presume it was hardly read by him, and certainly it could not have been submitted to higher authority. Subsequent to the war Gen. Badeau, having heard of this letter, applied to the War Department for a copy of it. The letter could not be found and no one recollected ever having seen it. I took no copy when it was written. Long after the application of Gen. Badeau, Gen. Townsend, who had become Adjutant General of the Army, while packing up papers preparatory to the removal of his office, found this letter in some out of the way place. It had not been destroyed, but it had not been regularly filed away.

I felt some hesitation in suggesting rank as high as the colonelcy of a regiment, feeling somewhat doubtful whether I would be equal to the position. But I had seen nearly every colonel who had been mustered in from the State of Illinois, and some from Indiana, and felt that if they could command a regiment properly and with credit, I could also.

I read that with the purpose in view, Mr. President, to show that Grant entered the service in 1861, not because he volunteered and sent his letter to the War Department, but was compelled to serve his country in a volunteer regiment that was raised for the Union Army or not at all. He entered it because another colonel could not enforce discipline. He obtained recognition not because anybody here in this Capital availed himself of his offer, but because the governor of a distant State gave him the opportunity to enter the service in that way.

From his appointment in May, 1861, with this insubordinate regiment he started, landing at last at Cairo, at Island No. 10, at Columbus, at Fort Donelson, Fort Henry, Shiloh, Corinth, Iuka, and so on through until the transfer came, and Congress created the position of lieutenant general, and finally he was placed in command of the Army that brought the conclusion at Appomattox.

But he began with a volunteer regiment. It was not until after the bloody baptism at Shiloh in which were men from the Western States who had volunteered, like the Twenty-first Illinois, that Grant was able to convince the authorities in Washington that there was in him some of the fighting blood that makes the soldier that wins battles and brings us speedy peace. If it had been left to the military disciplinarians at Washington to discover and use this lowly volunteer, he would have remained in the Mississippi Valley. Gov. Yates, of Illinois,

gave him his chance to serve the country as a volunteer officer, and Grant needed nothing else.

Mr. President, this is still a government of the people acting through its established channels and administering its public affairs by law. This is no time for a military dictatorship in the United States. Our country is not invaded. It may be. When it is we can act accordingly. Civil authority is still supreme. The courts are open, process can be served, judgments and decrees can be rendered, and the ordinary civil authorities can administer justice and protect life and property adequate to every civil purpose.

This bill is sought to be justified by the pressing public emergency. The emergency now is no greater in fact than it has been from the 3d day of August, 1914. The shadow then first fell across the world that to every observing man who had read history and knew the tendency of the power responsible for this war that we were approaching a time when some public defense would become indispensable. A state of indifference ensued. Now, those who once derided preparedness have passed from apathy to hysteria. One is as inefficient as the other for permanent results.

It is due to the chairman of the Military Committee of the Senate to give him credit for the pertinacity and intelligence with which I have heard him urge on the floor of the Senate nearly ever since I have been here the military training so indispensable either in peace or war. His was the lone voice in the wilderness. He elicited little response. Whatever may befall us his prescient warning must relieve him of responsibility.

I announced more than a year ago that I was willing to vote for universal military training. It is said that this is an absurdity, unless at the same time one favors universal military service which means conscription in the form provided in this bill. I do not so understand it, according to my limited processes of reasoning. Universal military training, if it had been put into operation in 1914 or 1915, would have given us the ability at this time to produce trained men, whether volunteers or conscripts. This is now our chief need.

I think, however, there is some undue importance attached to the mere term military training. I have seen law students trained in the best law schools of our country; I have seen surgeons come from the colleges; I have seen architects study until they were licensed by the board of some of the largest States of the Union; I have seen the architects build houses that fell down. Some surgeons failed the first time they undertook to practice on a major operation. I have seen lawyers become frightened at the trial table when on trial for the first time until they lost their wits and their case at the same time.

You talk like you could train a soldier by taking him in a camp and putting him in a tent and letting him sleep out doors, eat Government rations, drilling him, instructing him to handle a Government rifle, work artillery and a machine gun until at last you have made a soldier out of him. You have, as far as technical training will do so.

There is only one way to find whether there is a soldier in him or not, and that is the time that comes to every soldier if he is to be useful when he is under fire, and that test can never be met until he has seen actual service. His training, if he has in him the element of a soldier, will help develop him, but it will not make him a reliable force until he has actually been under fire; and that can not come from mere theoretical training. An army of slackers is a melancholy hope for our defense.

I think some things have been forgotten in this discussion. Congress has power under the Constitution by virtue of which this Nation lives, first, to declare war. That we have done. It has, second, power "to raise and support armies," to "provide and maintain a navy." The power to declare war resides in Congress. The power to raise and support armies is in Congress. The power to provide and maintain a navy is in Congress. Are any of the powers, or all of them, vested in the President, in the Cabinet, in the War College? They are not. The power, by the very instrument under which we sit in this body, is in Congress to raise and support an army and to provide and maintain a navy. If that be so, are we not doing so to-day? We are attempting under this bill to raise and maintain an army. It is not that the President has power to raise and support an army, but that Congress has the power. The newspapers, the criticisms, the endless correspondence by wire and by postal facilities that come to my office—I think I have over 3,000 which I can not answer until Congress has adjourned—all have the same burden. It is, "Pass the bill presented by the President." Do they argue it? No. "Support the President; pass the bill presented by the President, the Cabinet, the War College, and the General Staff." They vary, but they are all to the same effect—"Pass the bill presented to you by the Executive." If that was the intent of our Government, if that was meant by the fathers at Philadelphia when they wrote our Constitution, they would have written it so clearly that we would not cavil on what it meant to-day. They did not do so. There are no such powers vested in the President now.

For myself, I never permitted an Executive to vote me. Locally most of my difficulties in my own State arose out of the fact that in 12 years' service in the legislature of that State I never permitted a governor, Democrat or Republican, to order me what to do or how to vote while I was a member of a legislative body. This question is not a question of politics. It is a question of constitutional duty and power. The President of the United States is my President as much as he is the President of the majority side of this Chamber. If he were a Republican he could not come into this Chamber with a bill and tell me to vote for it. I will use my own judgment on a legislative matter so long as I hold a seat in this body. If my constituents do not think well of my judgment they have the power to reject me at the proper time and place. I act here with a full sense of my responsibility, and I propose to take the responsibility myself. I will not vote to put into the hands of any President I ever saw the power to raise and support armies. The supreme law of the land has vested that in Congress.

I have written many letters to the War Department in the last four years, and not in a single letter have I asked the War Department to do anything. Likewise with the Navy Department. I have written letters introducing the bearer as a man of honesty who could be trusted, who was worthy and of good character, as one they might safely talk what they pleased in his presence or to him; but as to requiring that he be given military or naval appointment, I have not done so. I am not qualified to do so.

When an army has been raised the President is the Commander in Chief. He exercises that great power through the appointment of proper military officers. Likewise he does so with the Navy. He is responsible for the proper results. I will give to him the utmost latitude in the performance of his military and naval duties. If the President is the Commander in Chief of the Army and Navy, after an army shall have been raised and a navy shall have been provided under the powers of the Constitution, I have no right, moral or legal, to interfere with him in the performance of his official duties. I have no right to evade the duty of voting to raise and support an army; the President has no more right to tell the Senate how our army shall be raised than I have to tell his as Commander in Chief how he shall use the army as a fighting instrument after it shall have been raised and put under his command.

In all the wisdom of the multitude of editors, of resolutions passed without number by patriotic bodies, whose motives I do not question, they have failed to grasp the elemental principle that this is a Government of the people in this country, and not the Government of a department. It was made a Government, Mr. President, with a division of powers. In that division of powers there fell to this body, with the other House, the power to raise and support an army. The Constitution does not say that the President shall order us to raise and support an army, that he and his advisers shall write a bill and order us to pass it, but that we shall raise and support an army. When that is done, the army is placed by the same mandatory provisions of our Constitution under the President, as Commander in Chief, as the great military force of the Republic. Then it is for him so to utilize it is to produce the necessary defense of the country. After the army is raised I have no right to interfere with him, nor would I by any act of mine to do. If I have no right to interfere with him in employing the Army and the Navy as a fighting force on land and on sea, then, reciprocally, he has no right to intrude himself into this Chamber and tell any of us how we shall vote on raising the Army. That is our business; and I propose for the one vote I have in this body to make it my business.

I am responsible to the immediate constituency I have the honor in part to represent. I know whence comes all this vast array of evidence presented to us in various ways. I know the signers of the greater part of these letters. You can not deceive me on the voice of the people. They shout Congress will be destroyed unless their clamor shall be obeyed. "Vox populi, vox dei." Yes; as Francis Leiber said in his Civil Liberty and Self-Government, "It was vox populi in the days of Pontius Pilate that sent the Savior to the cross." I am not a blind devotee of the voice of the people. I wish to know who the people are whose voice penetrates this Chamber, and I think I do.

Mr. President, out in our western prairies I know a good many people in many of the States, especially in my own. All

of my earlier associates from the time I was able to work at the humblest occupation until I left the farm, when I was 24 years of age, were farm boys, woodchoppers, boatmen, ditchers, those who grubbed in the forest and who made the clearings for the first opening of that mighty wave of immigration that came from the Eastern States to the frontier. I saw it all. Out of those in my own country there are five lawyers in the world to-day. One of them is the best lawyer there is in the northwestern country. Two millionaires went out of that crowd. I am not jealous of them; I am glad they made the money. I do not want to divide with them. I do not want to say, "Away with them and their possessions; let us confiscate them." They turned their activities and their minds to money making, while some of the rest of us did not follow that line, and so we have not anything. But those were my boyhood associates. They were humble men in humble walks of life in the beginning. They were the unfit in their youth. They are to be conscripted now while the favored ones escape. They were the children of humble men; men who wrested a reluctant living from the soil that had been trampled by the buffalo and the red man for centuries. They cut the sod for the first time. It had never been turned by the plow of a civilized being. They lived in that hardy way, and there, as in many of the States bordering on ours, where in the vast stores of timber the lumber trade had its origin, the pioneers came, and they and their children and their grandchildren wrested it from the wilderness. There were no millionaires in those days; there was no class privilege; there was no master and servant; there were no favors shown. They were men who lived literally by the sweat of their own faces. Two brothers I know, members of that little group of my boyhood friends, who are now in the cabs of locomotives. I know another who is working on a cotton plantation in Texas and is getting $35 a month. I know of others who are still hired hands on farms. I know of two brothers, one of whom became the lawyer of whom I have spoken, while the other is still tilling a little 80-acre farm in southern Illinois. They both had the same kind of mind, the same understanding, the same wide world open to them. One is professionally of great ability, while the other is still the plodder on the farm. Some belong to unions and some do not. I never made any distinction between them. To me a union man is as good as anybody else if he behaves himself as well as anybody else; and if he does not, and breaks the laws, he is a criminal, just like any other criminal, in spite of the fact that he carries a union card. Mere occupation excuses no one for his misconduct. I have told those associates of my early life these things. I believe them, and I will tell them so long as I have breath in my body to tell them.

Who are the men, then, who send these communications to us? Are they those associates of our early lives on the farm, the ditch digger, the grubber, the boatman, the locomotive engineer? Not one of them. I can call the roll, and nearly every one of them is an employer of men or wants to be an officer or has a relative that wants to be an officer in the Army, to order somebody around, or wants to be a candidate for office and thinks he can ride on a popular wave. What is left are those who never have an idea until they read it in a newspaper. They rave in unison with editors and have brainstorms every time somebody suggests that now is the appointed time to go into convulsions. I have no prejudice against them, but I do not propose to become a victim of their manufactured crusade or to delude myself with the notion that they are the only people in the United States to whom I ought to listen. The men who are to be conscripted have no powerful voice here. I remember who they are, however.

What is this cry? It is that the volunteers will take the best men out of the country; will lead them to the line of battle, where they will be sacrificed. Let the others go, they say. Who are the best men in any community? I was associated with doctors for between four and five years every day of my life in a certain branch of the public service. We got up a school at one time, for it was quite a fad, you know, following on the heels of the system of eugenics. They said, "We will sterilize all the worthless ones, so that our species may not degenerate." That sounded well. It was thought to be a great reform. You know a great many people so like to be reformers, and here was something on which they might sing a song in varied keys. And so they sang lustily, Mr. President, until it reached the point of who should decide who the unfit were and who might become the sires of the hardy, desirable stock that were to be perpetuated. It was said, "Well, leave it to a board." Certainly, to a board. Everything is left to a board, just like it is here in this Government—leave it to a commission. All right. Who appoints the commission? The governor. With that a gentleman over in the corner, who was a corn doctor, arose—he had been denied a right to a license to administer relief—and said, "I am opposed to the governor's naming a commission, because he might think I was one of the unfit." Who is to decide upon the unfit who are to go to the front to stop Prussian bullets? Who is to decide that under this bill? You wish the President to decide it. Well, now, he has not the time to decide it all. To whom will he delegate this power? To the War Department. Secretary Baker does not have time to do it all. He will delegate it to an Assistant Secretary, and it will be parceled out until, like the river that goes out in the sands of the desert, it disappears. No one will know where or how it has gone or whom to approach in separating the fit from the unfit. The singular thing is that the unfit in spirit, at least are to be the conscript armies of the Republic.

In other words, here is what it is: It is the same bureaucratic government that now, in times of peace, afflicts this Government until it is nauseating; not this administration in particular. I am general in my statement. It has been true of administrations here for at least 20 years; and, for one, I will not vote to perpetuate or to add to it.

Who will determine at last who are the worthy ones that are to stay at home, and who are the unfit or the unworthy that shall be drafted by selective conscription into the service, taken into a camp, and sent to France? How will we decide that? It has to be decided in some way. Leave it to the War Department, the provost marshal, who will apportion the country out into districts and subdistricts, and get down at last to the voting precinct. That will probably be adopted as the rendezvous or recruiting station where finally the issue will be settled.

What will happen? Here comes a farmer. Well, he is going to raise potatoes and beef and corn and wheat. Leave him at home. Certainly. Next, who is this man coming in here from a country village of 200 or 300 people? He is the town fisherman. He is the fellow that all the dogs and children love as their very lives. That is characteristic of them. Did he ever do anything? No. I have in my mind's eye just such a fellow. He was the boon companion of my childhood. He could catch more fish and steal more pups than anybody else in the whole township. I simply worshipped at his shrine. He knew all the good fishing holes along the Wabash and its branches. He lived to a green old age. He rivaled the Jewish patriarchs in years. He lived almost exclusively on the proceeds of his wife's washboard. Somehow those fellows live a long time. The good die young. I would not make any invidious comparison on the age of Senators. Some of them live to be quite venerable, but it is owing to their settled habits here, and the very great longevity that is attributable to holding Federal office. Nevertheless, it is perfectly evident that these gentlemen who belong to the union of the Perennial Sons of Rest live forever. The Great Father only knows why He ever let them come to this world. They eat three meals a day and get them somehow, and thereby add to the high cost of living. But they are here. No law has ever been enacted to kill them, and this is the first bill I ever saw that proposed to take them out and shoot them under the guise of military service, so as to save the fellow who is some account.

We agree about the town loafer. Let me push the analogy a little further. I would not give a cent for a law unless I know how it applies. Why, I remember some of the French constitutions, after the Bourbon Kings ceased to rule. Read their constitutions. I have them all—the translations; I can not read them in the original. They are the finest documents that were ever put on paper. They are instinct with liberty, fraternity, and equality. They talk without stint of abstract rights. I caught Thomas Jefferson poaching when I read them. He got his Declaration of Independence from the French encyclopedists and Magna Charta of King John's time. He is entitled to credit for modifying and adapting it to our conditions and making a great document for the English-speaking race out of it. But old Thomas cribbed a good deal of it bodily from the French revolutionists and England's charters.

Such principles at first were on paper; it required many years to reach a successful practice. This bill is on paper, but how will it work? I am going to apply it. I have a friend who is getting $30 a month. I was raised with him in boyhood. He is getting $30 a month because it is all he is worth. He has so gravitated in this jolt wagon of human life, as we journey from the cradle to the grave, that in the shaking-down process he has reached the $30 level, and he will stay there because he is as old as I am. Apply the process to those of military age. Take his young counterpart; send him; make a cook out of him, or something else. Take the town fisherman's children; take his boys that are from 20 to 30 years of age; what are they doing—following in the footsteps of their beloved father—certainly, take them.

Here is the machinist coming from the same crowd of boys, with a wage of, say, $200 a month. Take him? No; we must have him in a shop. Leave him there. All right. Conscript the $30-a-month man, and what do you do with him? Give him $15 a month as a soldier. Take him away from his family; put him in a camp; make a soldier out of him at $15 a month. Let his wife and her children take care of themselves. Well, that husband or son does not amount to much. They are just common sort of people. Yet their affections are as strong and their sorrows as deep as the genius or the millionaire. No matter, the man of affairs, the real nice people, must be kept home and the unrefined conscripted. The American race is recruited from the lowly. Every so often it breeds out at the top and must be supplied from the humble ranks of life; but I suppose, in the wreck of matter and the crash of worlds and the rise and fall of empires, that the common mortals are not to be considered. But one of them goes at $15 a month; you make a soldier out of him. The high-priced one stays at home; he still draws his wages. The common laborer, at $30 a month, is conscripted and serves his country at $15 a month. The $200-a-month man stays with his family and earns his wages and takes no risk.

This is called equality of service. It is so democratic, it is so fair to make everybody—to use the language of the English captain who testified before the committee—"do his bit." This is the democracy of sacrifice. Take one man who is getting $30 a month, cut him to $15 and send him into the service; leave the other at $200 a month at home with his family, with his salary, holding his place, and the other one conscripted under the terms of this bill at $15 a month, and you call that democratic equality! That is the way it works.

Selective conscription is the most obnoxious form of conscription; it opens the way for favoritism and discrimination. I never saw a bill that proposed to sort out the alleged most unworthy of the country and make of them an army to defend the Republic out of those who are alleged to be mostly unfit for anything else.

If a man is not worth anything in private life he will be worth precious little as a soldier. It is said that the men of affairs, the good men, will all be volunteers, and consequently they will be killed off. It is the good men in the world that work themselves to death, that crowd sanitariums, that die or are disabled with nervous prostration. The busiest, fittest men seem to be short lived in the business world. The sluggards live. The parasites of human society live. They flourish until, like the century-living crow, they have taken the last morsel they can absorb in their time. Why not kill them? If that is the right way, pass this bill; you will take all of that alleged unpromising crew to make the armies of the Republic.

Who will apply this? The War Department. It will take, by a selective conscription, those men that, it is claimed, are the best able to go. Somebody has to judge of that. It is like this eugenic meeting I spoke about a while ago; when you go to applying it, then comes the test and then the criticism begins, and I prefer to make the criticism now.

"Oh," it is said, "you must take the advice of the Secretary of War, of the bureau generals." I am going to make a prediction, that there is not a single general or military expert now in Washington who, when this war is over, will be a military hero and have the glad acclaims of the populace dinning in his ears as he passes down Pennsylvania Avenue after the treaty of peace is concluded. That is the fortune of war. You do not make generals nor admirals in Washington; you make them on the field of battle and on the sea. You do not make them here by military balls and favoritism; you make them in the camp and in the extremity of conflict, when the minds and souls of men rise to the level of the great emergency; they never can be found until the emergency has been met and passed.

I am asked to abandon my constitutional power of one vote, or the voice that I have in this body, and take the advice of the President and those men on how to raise an army. I expect, after the army is raised, and hereby pledge myself, to support that army in every needed way. I am now exercising a legislative power. That power is vested in this body by the organic law of our country. I shall not permit the gentleman of military experience only to tell me how to vote to raise an army. After he is in the field with the army we raise, it will be equally as presumptuous for me to tell him how to fight his battles. We are fighting now a legislative battle. I do not regard the advice of a military man on how to raise an army as any more valuable than I would regard my own advice to a general as to how to conduct military operations after I have raised the army, and he, by proper authority, has been made the head of it.

Who were these men in private life before it all happened? My sources of information, the grounds upon which I vote here, are just as satisfactory to me as those given me by the authorities. We have had as much or more experience in legislation than the Secretary of War. We have had more than the Secretary of the Navy. In matters of legislation in civil life I take no advice from those gentlemen as to my duties in the Senate. I take no advice from the editors of newspapers as to my duties in the Senate. I will meet them at the proper time and place. If they wish now to play the dictator, let them do so. I know as much about how to vote in the Senate as the editor of a metropolitan newspaper, and I propose to follow my own judgment. My lights are my own.

I adverted very briefly yesterday to the fact that, with all the influence of the metropolitan newspapers, they can obtain no recruits in the large cities at all commensurate with the population of the cities as compared with the population outside. Several editorials that have been clipped and sent to me say, in substance, that a vote against the conscription bill is a vote for the Kaiser; that the motives of those who vote against the bill are the same as those of the alien enemies who are plotting to destroy our country. That is an easy argument to make. It signifies no exalted mentality and carries no weighty reasoning processes. Anybody possessing the power of speech can say it. It is not the token of a great editor. It seems like the barren lucubration of an exhausted mind. I shall, for my part, continue to use my lights rather than to be influenced by inflammatory resolutions and by frenzied editorials.

Here is what the President asks, among other things. This is the bill of particulars:

(1) Complete bureaucratic government.

(2) Conscription. The conscription is military, naval, industrial, financial, and intellectual. The intellectual conscription is in the espionage bill, under which, as written, it is my deliberate judgment that a person could not leave the Senate Chamber, even with civil government in full operation, go out upon the platform, and say even what I am saying here this afternoon without danger of being arrested by a United States marshal and fined, jailed, or sent to the penitentiary. We are not in a state of war, as far as our domestic affairs are involved. Every civil process known to government and its institutions is in uninterrupted operation. No occasion for declaring martial law exists.

After making these liberal demands under the second head I have named, the third is he opposes the joint congressional committee on the conduct of the war. He wishes power to name all officers and select all privates, not by draft but by a process of discrimination.

I am going to say what I wish. If the amendment that is designed to substitute the volunteer feature for the conscription plan shall not be adopted, in that event there will be presented here the conscription bill as the only measure of raising an army. In that emergency I shall vote for the conscription bill, but under no other conditions. After that is done, how may we expect it to operate? We already have proof of it, and I am going to say what I think now. Gen. Wood has been assigned to South Carolina to vegetate, and Dr. Grayson has been created a rear admiral under a process of judicious selection. Is this the perfected fruit of selective conscription? When you begin at the heads of departments or of the officers, it is the only visible evidence up to this time we have to light our footsteps in this discussion. If that is a part of the process, then the term "political generals and admirals" is accurately applied.

I respect the junior Senator from Missouri [Mr. REED] for what he said yesterday. He said if Roosevelt wished to raise a division, he would vote to give strength to his arm and let him and his volunteers become a part of the fighting force of the country. There is no partisanship in that.

Mr. THOMAS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from Colorado?

Mr. SHERMAN. I yield.

Mr. THOMAS. I interrupt the Senator merely to remind him that if this morning's dispatches are reliable something like 123,000 applications have already been received by those representing Col. Roosevelt, anxious to join him and form part of the division which he proposes to raise under the volunteer system.

Mr. SHERMAN. One hundred and twenty-three thousand?

Mr. THOMAS. That is the statement in the Washington Post of this morning.

Mr. SHERMAN. I have not read the morning paper. I am very glad to have the Senator from Colorado add this to the discussion this afternoon. It is both timely and material.

If the day the declaration of war was made by the joint resolution the President had issued a call for volunteers, we would have definitely known at this time whether volunteers in sufficient numbers during the war would have offered their

services. If a man now goes to a recruiting office, he faces one of two alternatives, either entering the National Guard of the State for three years at least in the service and three years as a reserve, making six years, or seven years of Regular Army life.

Why did recruiting stop last June? From sometime in June up to July recruiting stopped. If you find the truth from the War Department, it was because the Army had then all the recruits they could drill or take care of. There would have been no argument if the proclamation had been issued for volunteers. That would have answered itself. If no volunteers had come, we could have demonstrated it on the floor of the Senate and we would have voted, I would have voted for my part, for a conscription act.

Fort Sumter was fired on the 12th day of April, 1861. It surrendered on the 14th day of April, 1861. On the 15th day of April Lincoln issued a proclamation calling for 75,000 volunteers. He convened in the same proclamation Congress in session on the 4th day of July, 1861. He did not call for conscripts; he called for volunteers. They were for three months' service. The second call was May 3, 1861, for 500,000 men to serve for six months, one year, two years, and three years. To the first call for 75,000 men 91,816 men responded. To the second call, in May of that year, for 500,000 men, 700,680 men responded. The third call was July 2, 1861, before Congress convened, at a time when there was no special authority vested in President Lincoln, other than as Commander in Chief of the Army and Navy of the United States, to issue such a proclamation. Congress did not convene until the 4th day of July, but on the 2d of July President Lincoln issued a call for 300,000 men, and the response was 421,465 men. The fourth call was issued for nine months' service. That was made August 4, 1862. It called for 300,000 men, and 87,588 men responded. The credits in the overenlistments in the other calls, by looking at the tabulation, will account for nearly all of the deficiency on this call. The fifth call was made for three years' service, October 17, 1863, for 500,000 men, of whom 369,380 were furnished. The sixth call was made on March 14, 1864, of 200,000 men, and 292,193 were furnished. This was in excess of the number required. The seventh call was made July 18, 1864, of 500,000 men, and 386,461 were furnished. The number was reduced by the excess of credits on previous calls and enlistments. The eighth call was made December 19, 1864, of 300,000 men; the quota assigned to the various States was 284,215, and 212,212 were furnished.

I now read from the report of the Secretary of War dated November 22, 1865, on this subject:

> Although experience had shown that troops raised for a short term were more expensive and of less value than those raised for a longer period, these troops did important service in the campaign. They supplied garrisons and held posts for which experienced troops would have been required, and these were relieved so as to join the armies in the field. In several instances the three-months' troops, at their own entreaty, were sent to the front and displayed their gallantry in the hardest battles of the campaign.
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> The troops disbanded were chiefly Volunteers, who went to the field to uphold the system of free government established by their fathers, and which they mean to bequeath to their children.
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> * * * * * * *
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> A foreign war would intensify the national feeling, and thousands once misled would rejoice to atone their error by rallying to the national flag. The question of time in which armies could be raised to quell insurrection or repel invasion is therefore the only question relating to troops.

This is signed by Edwin M. Stanton, Secretary of War. He had seen four years of service as head of the War Department, and he says the only thing is a question of time—paying this splendid tribute to the volunteer soldier of that war.

He continues:

> When Lee's Army surrendered thousands of recruits were pouring in, and men were discharged from recruiting stations and rendezvous in every State. On several occasions when troops were promptly needed to avert impending disaster vigorous exertion brought them into the field from remote States with incredible speed. Official reports show that after the disasters on the Peninsula in 1862, over 80,000 troops were enlisted, organized, armed, equipped, and sent into the field in less than a month. Sixty thousand troops have repeatedly gone to the field within four weeks. And 90,000 Infantry were sent to the armies from the five States of Ohio, Indiana, Illinois, Iowa, and Wisconsin within 20 days.

These were not, and it will not be contended could be, seasoned soldiers, but it shows the volunteer spirit produced men and produced them in adequate numbers. The only answer to that is that it produced the kind of men that ought not to be sent out into the field and camp to die of disease or in battle. I have answered that according to my view, that this is a process of selective conscription in order to build up an army out of what is alleged to be the most unserviceable part of our population. It is a novel argument that the inferior man shall be the unit of our Army.

On the face of the bill it admits it, and the process of deciding who the most worthless or those who can be best spared is left at last to the arbitrary, unbridled will of the power vested in the President or the War Department. I am not ready to establish a process of discriminative conscription and semimilitary and political dictatorship of that kind. It is just as important to me to preserve civil government, to keep intact our American institutional liberty, as it is in the world-wide war to destroy the autocracy of the Prussians. If we are to fail, if our institutions are to be lost, I would rather they would be lost to a foreign foe than by our own abandonment of the orderly processes of free government.

Congress alone can levy taxes, provide revenues, and appropriate in money bills the required sums to maintain the Army. These are the great war powers of Government: To declare war, to provide and support an army, to raise and maintain a navy, to levy taxes, to appropriate money.

Incident to raising an army it is a question as to whether it shall be by volunteering or by conscription. That is a question of civil government, a question that relates to the power of Congress to legislate and the exercise in their discretion of that power. Therefore I will not, so far as my vote is concerned on this question, surrender that into the keeping of any Executive of the Republic.

It is said that the volunteer system has always been a failure. It was an alleged failure in the Revolutionary War, and still we became independent. It was a failure in the War of 1812. Still we established our rights on the open sea. It is said that the War of 1775 ought not to have lasted eight years; that it ought to have ended in eight months. Against what power? England. What was England doing the world over between 1765, along when the revolutionary troubles first began in this country, and 1783, when the treaty of peace came?

Mr. CHAMBERLAIN. May I interrupt the Senator?

Mr. SHERMAN. Certainly.

Mr. CHAMBERLAIN. The Senator speaks of our having won in the War of 1812 and settled the differences between our country and Great Britain. Is it not the fact that when the treaty of Ghent was signed it was on the supposition practically that America had been whipped, and that we did not win the War of 1812 until the Battle of New Orleans; and, further, that the treaty of Ghent did not settle anything that was in controversy between the two Governments?

Mr. SHERMAN. It may not have been in the treaty. There is many a thing not written in a treaty that has been thoroughly respected by the belligerents. England has never sought to impress an American citizen who has been naturalized, although of English birth, from that time to the present. I care not what may have been written into the treaty settling the War of 1812; as a matter of fact the right has never been insisted on from the time the war ended up to date.

Mr. CHAMBERLAIN. It was never insisted on after the Battle of New Orleans, but they might have insisted on it if we had stopped with the treaty of Ghent.

Mr. SHERMAN. They could insist on it yet, but it is unlikely.

Mr. REED. Mr. President——

The PRESIDING OFFICER (Mr. NEW in the chair). Does the Senator from Illinois yield to the Senator from Missouri?

Mr. SHERMAN. I yield for a question.

Mr. REED. I call attention to the fact that the Battle of New Orleans was fought by 1,500 American volunteers against 15,000 British regulars.

Mr. CHAMBERLAIN. If the Senator will permit me, the question the Senator from Illinois was discussing was not the question whether they were volunteers who fought at New Orleans. I only called the Senator's attention to the statement made by him that we won the War of 1812. I say, when the treaty of Ghent was signed we were practically whipped.

Mr. REED. I do not claim that my remark was pertinent to the particular inquiry, but it is pertinent to the question which we are discussing here in the Senate.

Mr. SHERMAN. The Capital was taken and the Capitol burned in 1814 in that war, a part of the public buildings destroyed, some of the public records, because we did not have proper military forces to defend our own Capital. She is selfish, and no philanthropic motive prompted her to end the war. That we met some reverses does not argue that we ought to conscript our soldiers in 1917 in order to prevent the same thing from happening again. A conscript can not be drilled into a soldier any sooner than a volunteer. The melancholy and humiliating spectacle on the Canadian border referred to by the Senator from New Jersey [Mr. FRELINGHUYSEN] occurred. It may not be in the school history, but it occurred. It was as

likely to happen with conscripts as volunteers. Men who so act will perform the same way, however they enter the service. I refer now to another spectacle on the Canadian border.

In 1813 and 1814 Napoleon's star began to wane. The great European struggle centered in and about Dresden in Germany. He was defeated. It was renewed, terminating in the Battle of Leipzig. After the Battle of Leipzig all Europe saw the coming fall of Napoleon. The Battle of Leipzig saw him turn on the way to Elba, following on his first abdication. When this was evident, the veterans of the British Empire were released. England and her allies became paramount in The Peninsula. Great Britain's armies were relieved. Some who had fought under the eye of Wellington were sent to the United States. They were in the British forces that fought at Lundy's Lane within the roar of the cataract; the volunteer soldier redeemed the disgrace mentioned by the Senator from New Jersey. He redeemed it in a pitched battle against British veterans of the Napoleonic wars.

The Battle of Waterloo was not fought until the 18th day of June, 1815. The treaty of peace was made in December, 1814, before the Battle of New Orleans, the 8th of January, 1815. England knew the war was over for the domination of Europe by Napoleon. She had then no fear of the Napoleonic wars to induce her to make peace with us. Read the history of that time. The English historian says they did not insist upon any harsh terms in the treaty, because it was generally understood that no good purpose would be served by writing anything into the treaty that would have been burdensome or humiliating to the United States or that would lead to a prolongation of the war. There was nothing to be gained by it.

There was at the same time, written not in the face of it but in the diplomatic and political history of that period, the further knowledge that the French people were still to be reckoned with. That had something to do, no doubt, with the favorable terms of the treaty of peace signed in December, 1814. She knew the longer the war continued the more capable our military forces became and the more difficult peace became.

It can not be said the volunteer soldier has not served capably in every war of our country. The military element will become paramount over the civil if conscription becomes the rule. Speaking of the Revolutionary soldiers, Webster's matchless sentiment rises irresistibly to our minds:

> While actual danger was yet afar off, they raised their flag against a power to which, for purposes of foreign conquest and subjugation, Rome in the height of her glory is not to be compared; a power which has dotted over the whole globe with her possessions and military posts and whose morning drumbeat, following the sun and keeping company the hours, circles the earth with one continuous and unbroken strain of the martial airs of England.

Volunteer soldiers met a force that was worthy of any patriotic effort. They met it successfully and achieved their independence. The fact remains, whatever criticism may be offered.

I wish to read very briefly from Civil War military records, and then I shall close. I feel like apologizing to the Senate for taking so much time, but some of these things I must say now, because I shall make no further remarks hereafter. I have been here since the 2d of April and I have not occupied three minutes of the entire time of the Senate, and I hope not to be required to occupy it again. I wish to read from Fox's Regimental History, on page 139, on the volunteers. I will make it very short. Of these volunteers the one that leads is the Fifth New Hampshire. It was organized in October, 1861. It went through more pitched battles and suffered greater losses than any other regiment in the Civil War. It was at Fair Oaks, at Malvern Hill, at Antietam, at Gettysburg, at Chancellorsville, at Petersburg, and, in all, in 18 pitched battles. They were a volunteer regiment, entering the service in October, 1861.

Fox's Regimental Losses of the Civil War says of the Fifth New Hampshire:

> The rolls of this regiment were incumbered in 1864 with the names of conscripts and mercenaries; 420 of them deserted, most of them before joining the command.

Following them in the order of this regimental history are the Eighty-third Pennsylvania, the Seventh Wisconsin, the Fifth Michigan, the Sixty-ninth New York, and the Ninth Illinois. Those were all volunteers. For hard fighting they led all the heroic host that carried the Union to victory.

I wish further to read from this history on page 49, first, the number of volunteers in the Civil War. It is said that the volunteer has always been a failure. I want to know where he has failed. Can you train a conscript any sooner than you can train a volunteer? I want somebody to answer on the floor of the Senate. Can you make a soldier out of a conscript, willing or unwilling, any sooner than you can make a soldier out of a volunteer?

The volunteers in the Civil War were 2,067,175 men, total.

The Regulars were 67,000.

The colored troops were 186,097.

A total of 2,320,252.

It will be seen, therefore, that the great body of the troops in the Civil War were volunteer troops. Did that destroy the American people? Were so many of them killed that our race degenerated? Hardly. From it came the best disciplined, hardy, law-abiding men of that generation.

I wish to add one more quotation from page 532, speaking of the diminution of the active forces in the various services in the field:

> Another serious cause of depletion was the remarkably large number of desertions. The reported desertions during the war numbered 268,530. The Provost Marshal General estimated that 25 per cent of these were wrongly reported; that these men were absent unintentionally or unavoidably—and placed the number of actual desertions at 201,397. Of this number, 76,526 were arrested and sent to their regiments.

I have no doubt that what follows is a scandalous thing to put in the CONGRESSIONAL RECORD. I do not willingly place it there. If the attack had not been made upon the volunteer soldier, I would not have placed it there.

> The desertions were most frequent in the Regular Army. 16,365 men having deserted from that arm of the service during the war, a loss of over 24 per cent, while in the volunteer service the average rate was 6 per cent.
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> Desertions were frequent among the drafted men, for their service was compulsory; but there were not many of this class in the ranks. The Union Army was essentially a volunteer army. True, a conscription act was enforced, but its provisions for exemption were so lenient that the number of drafted men actually held to service was only 52,068—a small number as compared with the total enlistment. In addition to the drafted men held to service, there were 75,429 conscripts who sent substitutes.

In this, Mr. President, there is a record that is of value. The desertions in the Regular Army were 24 per cent and in the volunteers of the Civil War they were 6 per cent. It is proposed, however, deliberately by an act of Congress to adopt the plan that produced more than four times as many desertions in time of military service than that of voluntary service. In the light of this experience it can not be said that the volunteer system is a failure.

Mr. President, I have said all I care to say at this time, and I assure you that I have not willingly made these statements. As stated yesterday evening, to me it has been a disagreeable task. The criticisms offered against an administration in time of war are always misconstrued; they are always turned against the critic. I propose to take the chances on it. I have voiced my protest against a conscription plan. I have said that in my judgment this is a matter for Congress to settle. I will not permit the Executive to settle it for me. I will not permit an Army officer, however wise he may be in military matters, to settle it for me, for it is a civil question only. This measure goes to the method of raising an army, and that is for Congress to decide.

Mr. BECKHAM. Mr. President, it is my purpose to take comparatively a short time in the discussion of this measure. I realize, as do others, the emergency feature of it and the importance that such action as Congress shall take shall be taken as early as possible, in order that the Government may proceed actively and immediately to raise such armed forces as may be needed.

Mr. President, it is evident to all that the real issue in the debate upon this measure is very important and far-reaching. It is in some respects "a parting of the ways" upon a long-established principle as old as the Government itself; and in the light of its historic and unquestionable failures I am one of those who believe that antiquity is its only argument and that its advocates have failed to show any merit in it except unbroken use. For the first time in the life of our country, in the beginning of a war, Congress is seriously considering the policy of abandoning in part the volunteer system of raising an army for the defense of the country and of adopting the plan of a selective draft for that purpose.

It is not surprising therefore, Mr. President, that many able and patriotic Senators upon this floor find themselves opposed, and in some instances vigorously opposed, to changing a policy so deeply entrenched in the sentiments and traditions of our people, and expressing their unwillingness to embark upon a new plan for such a purpose so contrary to their time-hallowed prejudices. They tell us truthfully that in the beginning of each one of our wars the Government has issued its call for volunteers and consequently this one should be no exception. It must be admitted that they have the advantage of custom and usage upon their side, and therefore the burden is upon the advocates of the change to show its superiority over the old system.

The issue is, indeed, plain. There should be no confusion nor acrimony in finding its correct solution. The friends of this measure believe that the vital arguments are on their side

of the question, and that the experience of this country, as well as of other countries, has proven the volunteer system of raising an adequate army an undeniable failure, whose lesson should not be unheeded by us in our deliberations at this critical time.

It was a failure in our War of Independence. If there ever was a time when the volunteer system should have been sufficient to raise enough men for defense, it was then, when the colonists were engaged in a struggle for their lives, for their homes, and for their national existence. In 1777 when Washington and his few faithful followers were enduring all the terrible hardships of the winter in Valley Forge, when the fate of the cause of independence was trembling in the balance, and while the Continental Congress was still dilly-dallying in its futile efforts to raise volunteers, the two leading States, Virginia and Massachusetts, found it necessary to adopt the heroic method of resorting to a draft. Washington fully realized the inadequacy and danger of the volunteer system, and in his letters to Congress and to individuals he frequently complained of it, and warned them of the necessity of the draft.

Mr. REED. Mr. President, will the Senator yield for an interruption?

The PRESIDING OFFICER (Mr. KIRBY in the chair). Does the Senator from Kentucky yield to the Senator from Missouri?

Mr. BECKHAM. I should prefer to go on with my speech at present, and later will yield to the Senator.

In a letter to a friend in April, 1778, the great heart and indomitable spirit of Washington seemed to be oppressed with an unaccustomed degree of pessimism and despair when he said:

> Men may speculate as they will; they may talk of patriotism; they may draw a few examples from ancient story of great achievements performed by its influence; but whoever builds upon them, as a sufficient basis for conducting a long and bloody war, will find himself deceived in the end. * * * I do not mean to exclude altogether the idea of patriotism. I know it exists. * * * But I will venture to assert that a great and lasting war can never be supported on this principle alone. It must be aided by a prospect of interest, or some reward. For a time it may, of itself, push men to action, to bear much, to encounter difficulties; but it will not endure unassisted by interest.

Under the strain in which the Father of his Country found himself in those perilous times, he may have underrated the virtue of patriotism and expressed an opinion on the subject less favorable than he held when conditions seemed more hopeful. But there is no doubt in the mind of anyone who has read the military history of that war that Gen. Washington had reason to feel greatly discouraged, and at times almost hopeless, about the difficulties of securing enough men to fight even a defensive war against the British troops. That war, like all other wars in which our country has been engaged, could have been successfully ended much sooner than it was and at much less sacrifice to the people if the draft had been adopted originally in all of the Colonies.

Let me quote a part of another letter written by Washington, addressed to the President of Congress, dated August 20, 1780. It reads:

> It is the true policy of America not to content herself with temporary expedients, but to endeavor, if possible, to give consistence and solidity to her measures. * * * Experience has shown that a peremptory draft will be the only effectual one. * * * To one who has been a witness to the evils brought upon us by short enlistments, the system appears to have been pernicious beyond description, and a crowd of motives present themselves to dictate a change. It may be easily shown that all the misfortunes we have met with in the military line are to be attributed to this cause.
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> Had we formed a permanent army in the beginning, which by the continuance of the same men in service had been capable of discipline, we never should have had to retreat with a handful of men across the Delaware in 1776, trembling for the fate of America, which nothing but the infatuation of the enemy could have saved; we should not have remained all the succeeding winter at their mercy, with sometimes scarcely a sufficient body of men to mount the ordinary guards, liable at every moment to be dissipated, if they had only thought proper to march against us; we should not have been under the necessity of fighting at Brandywine, with an unequal number of raw troops, and afterwards of seeing Philadelphia fall a prey to a victorious army; we should not have been at Valley Forge with less than half the force of the enemy; destitute of everything, in a situation neither to resist nor to retire; we should not have seen New York left with a handful of men, yet an overmatch for the main army of these States, while the principal part of their force was detached for the reduction of two of them; we should not have found ourselves this spring so weak as to be insulted by 5,000 men, unable to protect our baggage and magazines, their security depending on a good countenance, and a want of enterprise in the enemy; we should not have been the greatest part of the war inferior to the enemy, indebted for our safety to their inactivity, enduring frequently the mortification of seeing inviting opportunities to ruin them pass unimproved for want of a force, which the country was completely able to afford; and of seeing the country ravaged, our towns burnt, the inhabitants plundered, abused, murdered with impunity from the same cause.

There is no need, Mr. President, to give any further statements about this matter from the great leader who, notwithstanding such difficulties, by force of his unconquerable spirit and patriotism, held together the slender and diminishing forces of the Colonies until the arrival of substantial help from France, and finally secured for us the independence of this land. Under that system of relying upon volunteers the American armies shrank from 89,000 in 1776 to 29,000 in 1781. The views of Washington upon the subject of volunteers in that war apply to the present just as forcibly as they did to the conditions then.

I need not take up the time of the Senate in discussing the failures of this system in raising troops in subsequent wars of the country; but right here, Mr. President, I have from the work of Gen. Upton a brief account of an event in the War of 1812, which shows conclusively—in fact, it is one of the best examples of—the inferiority of volunteer troops over trained Regulars. This event was the battle, if it may be dignified by that term, of Bladensburg. Gen. Upton says:

> July 12 and 17 Gen. Winder was authorized, "in case of actual or menaced invasion of the district under his command," to call out the entire Maryland quota of 6,000, as also 2,000 from Virginia, 2,000 from the District of Columbia, and 5,000 from Pennsylvania—in all, 15,000 men.
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> * * * * * * *
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> On the 24th of August the army described by its commander as "suddenly assembled without organization," or discipline, or officers of the least knowledge of service, numbered 5,401, of whom 400 were regulars, 600 marines, and 20 sailors, the remainder being volunteers and militia.
>
> The same day the army thus hastily assembled was as hastily formed in order of battle at Bladensburg, where, in the presence of the President and the Cabinet, it was attacked and routed with the loss of but 8 killed and 11 wounded.
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> * * * * * * *
>
> The British force, which landed at Benedict, on the Patuxent, numbered 3,500, of which only a part of the advanced division of 1,500 were engaged.

That the volunteer system has been a failure in every war is a fact, I believe, beyond dispute and established by the military history of those wars. It is well known that in our Civil War both sides began the struggle relying upon the volunteer system of raising troops, but were compelled subsequently—the South in 1862 and the North in 1863—to resort to the draft as a necessary means to carry on the war.

In my opinion, Mr. President, it is necessary for this country, if engaged in a war of serious proportions, to resort to the draft at some time in order to secure sufficient men for its armies. If that is true, is it not infinitely better to begin with a draft at the outset and not wait until we are compelled to adopt it through necessity? In our Civil War there was much feeling developed between the volunteers and the conscripts on account of the use of the two systems in the same war. The volunteers were disposed to look down upon the conscripts, and that prejudice against the words "conscript" and "draft" exists to this day.

No man can now tell how serious this war may be for us. We all, of course, indulge the hope that our allies have reached the point where they can break through the lines of the German Armies and, with our economic, financial, and moral support alone, crush Prussian militarism and reestablish peace upon an enduring basis. That might be true, but we would make a grave mistake in proceeding upon that pleasing prospect. It is not by any means beyond the range of possibilities that the success of the allies in this war and the success of democracy throughout the world and the maintenance of the safety and liberties of our people may yet depend upon the substantial assistance of the American Navy and the American Armies. German autocracy, so powerfully organized and so complete in its control of the German people, realizes that it is engaged in a life and death struggle for its very existence. It will fight even more desperately and brutally, if possible, than it has yet done; and if by any sad chance it can resist and defeat the military forces of the entente allies, we might as well look the plain and unpleasant fact in the face and understand that her full energies and her powerful engines of war will be turned against us.

For many years there have been several alarming evidences that Germany had her greedy eyes directed upon this continent for purposes of conquest. The rulers of that country have well understood that this country, with its Monroe doctrine, stood in the way of their territorial expansion over here. Her Government showed an unfriendly purpose toward us at Manila, in Venezuela, in Santo Domingo, and at other places and times. It is no longer a secret that the conduct of the German naval commander in Manila Bay toward Dewey indicated a decidedly hostile attitude toward our fleet, or that his conduct was in line with the orders he had from the Kaiser and the German Government. Americans should not forget the prompt and friendly action of the British commander on that occasion, which probably averted an open break between the German warships and our own under the command of Dewey.

Our position of neutrality, patient and forbearing and impartial to the highest degree in the present war, has not been satisfactory to the autocrats in control of that Government. They have resented our sales of munitions to the allies, even though they knew that we were exercising an unquestionable and hitherto undisputed right in doing so. These desperate leaders, blinded by hate and consumed with the desire for conquest, have even resented the fact that this Government has not submissively acquiesced in the inhuman violations of all international law and the outrages upon humanity and civilization in Germany's conduct of the war. With the terrible privations and the staggering debts which she has piled upon her people, and with her brutal disregard of all the laws of nations or of ethics, we need have no doubt that if she should succeed in overcoming the allies and thereby getting a free hand, she would immediately begin her preparations for direct attacks upon us. Our great wealth would be an irresistible temptation to the conscienceless mind of the Prussian autocrat.

Along this line, Mr. President, I wish to refer to a statement made in an address in Boston one night last week delivered by our late ambassador to Germany, Mr. Gerard. The Associated Press report in the newspapers of April 19 said:

To show "the deep hatred" which, he asserted, Germany has held against the United States, Ambassador James W. Gerard last night disclosed facts which, he said, had been kept from the American people during the past two and one-half years. He was the principal speaker at a national-defense dinner given by the Pilgrim Publicity Association.

Mr. Gerard said that Admiral von Tirpitz in thinly veiled statements, and the German Reichstag and Prussian Parliament in open discussions, proposed the institution of unrestricted submarine warfare against England with the intention "when England should have been subdued by hunger to come over to the United States and collect the price of the war from us."

"I want to tell you," Mr. Gerard added, "that if we had not gone into this war Germany would have fulfilled its intention to come over here afterwards and attack us and would have done so almost with the applause of the rest of the world. I can tell you, also, that everything consistent with honor was done to keep us out of the war. Beyond that, I am sure, none would have us go."

If, therefore, these things be true—and I have no doubt of them—then the allies in the heroic and magnificent contest which they have conducted for nearly three years against German imperialism and militarism have been fighting our battles as well as their own, and it becomes us now to do everything possible with the whole power and might of this Nation to help these gallant allies who have fought so bravely and so nobly under circumstances greatly to their disadvantage. We are engaged in a contest not only on behalf of democracy as against autocracy, and for the peace of the world, but it might be for our own safety and the liberties of our people. We have a direct and a deep national interest in the success of the allies.

Let us hope that their recent victories may promise an early downfall of the German Government; but let us not for a minute allow that hope to deter us from making ample military preparations. Those of us who advocate the selective-draft provision in this measure believe in light of the past experiences in this country, as well as in other countries, that it is not possible to raise enough men for that purpose under the volunteer system. I doubt very much if 500,000 men could be raised under it. It would not surprise many of us if no more than one-half that number could be raised. Even if we should adopt the amendment proposed, providing for first raising 500,000 volunteers, and we should get that number, there is hardly a doubt but that if we needed more we would have to resort to the draft. Why not, therefore, adopt it in the beginning and put all on an equal footing?

I have great respect for the opinion of those Senators who favor the volunteer plan. There is no question whatever about their patriotism or their earnest desire to see an adequate army secured. They make a mistake, however, when they undertake to show that the adoption of the draft is a reflection upon the patriotism of our people or a condemnation of the volunteer spirit.

No one doubts the willingness of the vast majority of Americans to fight for their country if need be. Millions of American men will readily take up arms to defend the country if they believe that the country is in serious danger. That belief does not prevail in the minds of the great majority of our people at present, and they will not in any considerable numbers volunteer for service as long as the country seems to them to be reasonably secure. If German warships should bombard some of our coast cities and towns, or if a large German army was being loaded upon transports to come across the Atlantic to invade our land, then there would be a rush of volunteers that might fill the need, so far as numbers were concerned. It takes the presence, or the apparent presence, of imminent and immediate peril to arouse the volunteer spirit to any great extent. But, Mr. President, it would be too late for volunteers, untrained and unequipped, when the peril comes.

In the earlier days of our country, when most men were trained in the use of the rifle by reason of the primitive conditions under which they lived, and when the implements of warfare were few and simple, it did not take very long to form and train them into military units and make capable soldiers of them. But, as we all know, there has been a remarkable development and change in warfare since those days, just as there has been in all other lines of human progress. War to-day is very different from what it was at the time of our Civil War. The soldier of to-day has to be trained and equipped far beyond the training and equipment of the men who followed Washington or Jackson or Grant or Lee. Many of the best experts in military science say that 12 months is necessary to prepare, train, and educate a soldier for modern warfare.

We hear a great deal in this debate about the large army of several millions raised by England in this war under the volunteer system, and yet England found it necessary to resort to conscription. Senators on the other side of this question who use this illustration fail to explain the vast differences in the conditions existing in England from those in this country.

A narrow channel of water alone separates England from the most terrible and gigantic conflict in all the ages of the world's history. In the very beginning of this war, in the heroic work of English and French soldiers holding back the overwhelming numbers of the German invaders from the capture of Paris, the Regular Army of England was practically wiped out of existence. Frequent attacks were made upon her coast towns and cities; Zeppelins and other aerial craft dropped destructive bombs upon her cities, destroying not only valuable property but many lives of women and children. The ruthlessness and barbarity of their enemy gradually dawned upon the minds of the English people, and they realized that their danger was immediate; that their existence as a nation was at stake; that the greatest war power in all history was directed against them. Not since the Spanish Armada has England or the British people been in greater danger than they have been since this war began. Even under such conditions they had great difficulty in raising as many volunteers as they raised. A systematic campaign was conducted to shame those men eligible for service who would not enlist. Social and business ostracism was applied, and even with all of that, Mr. President, England finally had to resort to conscription.

Mr. WEEKS. Mr. President——

Mr. BECKHAM. I yield to the Senator from Massachusetts.

Mr. WEEKS. May I suggest to the Senator from Kentucky that when volunteering was at a very low ebb in England the Germans made the first raid on their coast, and as a result of that raid there were 250,000 volunteers accepted within one week after it took place; and that was many times the number who had volunteered during the previous two or three weeks.

Mr. BECKHAM. I thank the Senator for the illustration to which he refers.

Senators on the other side of this question also refer to Canada and Australia as an illustration of raising volunteer soldiers and sending them to the aid of the mother country. It is true that much success was secured in Canada in the raising of volunteers, but it must be remembered that Canada and Australia were also in peril. Those countries knew that the overthrow of England meant, too, their overthrow and the substitution of autocratic German domination for the liberal democratic self-government which they have enjoyed under England.

We might be in danger, Mr. President, but the large majority of the American people do not now believe it. I hope they are right, but we must not fail to prepare for the worst. We must depend largely upon the judgment of those in power at this time upon whom the responsibilities for the successful conduct of this war must rest. The President, his Secretary of War, and all those men of military skill and wisdom around them urge us to authorize the Government to use the selective draft now. The two distinguished ex-Presidents, Col. Roosevelt and Mr. Taft, both earnestly approve and indorse this method. These gentlemen—the President and the two ex-Presidents who have occupied that high position—have possessed better opportunities than we have to observe and to determine the best plan upon which an army can be raised. Their views and their ideas should have great weight with us. The responsibility rests chiefly upon the President. He should be given every reasonable power that Congress can give to make his great work a success. He is a man of clear vision, great ability, and devoted to democratic principles. He is the inveterate foe of Prussian militarism and autocracy. We should give him the necessary weapons which he asks to use in carrying on this war to a speedy and successful conclusion.

No one's feelings need be hurt with the idea that the adoption of the selective draft is a blow to the patriotic spirit of the volunteer. There is absolutely no foundation for such a statement. There are now, and have been for some time, ample opportunities for volunteers to enlist either in the National Guard

or in the Regular Army. We have been informed that there are approximately 600,000 men needed to fill up to war strength those two branches of our military forces, and there is no reason why those who wish to volunteer should not enter either of those branches of the service. The selective draft, as provided for in this bill, will not work any hardship upon our young men. It will be applied by the Government with proper discretion, tact, and judgment. It is safe to say that a large majority of the young men selected under that system will gladly enter the service of their country. It will be so administered as to work no hardship upon peculiar and deserving cases.

There has been some disposition to criticize the officers and men of our Regular Army. This, Mr. President, I believe to be a great injustice. No body of men in this country are more patriotic than they, or readier to lay down their lives for the defense and honor of the country. These men form our first line of defense in the land forces. If bloody war comes they are the first to be sacrificed. They have given the best part of their lives to train and prepare themselves for such work, and it comes with ill grace for anyone to attack their motives when they advocate a plan for raising an army which many of us believe to be the only safe and certain plan for that purpose. The General Staff of the Army, composed of men of great learning and skill in military matters, have advised us to adopt this plan, and I believe that Congress in this crisis should not hesitate to accept it, backed up as it is by the General Staff of the Army, by the President, by his advisers, and by many leading, intelligent men throughout the country.

Mr. President, the principle involved in this discussion is broad and fundamental. It goes to the very root of the question of the citizen's relations to the Government under which he lives. It opens up for consideration, even in a general as well as a specific way, what service, if any, he owes to his country. Are those relations satisfied, so far as the citizen is concerned, by his mere payment of his proportionate part of the revenues collected for the support of the Government? If his country is in danger, is there no duty resting upon him to fight for it and even to die for it, if necessary? Many of the advocates of the volunteer system seem to take the position that a man should not bear arms in defense of his country unless he wishes to do so, and that it is wrong for the Government to compel him against his will. They grow so eloquent in declaiming about the rights of American citizens that they lose sight of the obligations of citizenship. We hear too much about privileges and too little about responsibilities.

Liberty that takes into consideration only the privileges and not the duties of the citizen can not endure and is not the kind of liberty our forefathers purchased for us with their blood. There is no country under God's shining sun whose people owe more to their Government than do the American people. We enjoy liberties, privileges, and opportunities not equalled by those of any other people on earth. If any able-bodied beneficiary of such blessings is unwilling to fight for the country that gives them to him when that country needs his services and he has no valid excuse not to do so, then I say he should be compelled, if necessary, to recognize his obligations and give his services in the defense of the land that nourishes and protects him. Upon no other principle, Mr. President, can this Republic, if danger comes—and it may be here now—be preserved. No braver nor more loyal people than the American people live in this world, and they will, I believe, overwhelmingly indorse the application in this measure of the patriotic principle of the universality of obligation and of service.

Mr. REED. Mr. President, before the Senator from Kentucky really takes his seat I want to call attention to one statement, namely, the statement that after having tried the volunteer system in the Revolutionary War, and after that system had, as the Senator states it, practically broken down, we were compelled to resort to the draft in the Revolutionary War.

Mr. BECKHAM. I did not say that, Mr. President. I stated that two States resorted to the draft.

Mr. REED. Well, two States did try to resort to the draft, and the Central Government tried to resort to the draft; and in both instances the draft was an absolute failure and the Revolutionary War was fought and won by volunteers. I did not want the impression to be left that the volunteer system broke down and then two States enforced a draft and thus gained the troops that won the war, or that the General Government enforced a draft and thus got the troops to win the war.

Mr. BECKHAM. I said nothing which should have given the Senator that impression.

Mr. REED. Well, I tried at the time to interrupt the Senator, but he did not want to be interrupted. I do not want to put him in any light that is not correct, but the impression left on me at the time was that the Senator was trying to convince us that the volunteer system failed in the Revolutionary War and that the draft system saved us.

Mr. BECKHAM. Oh, no, Mr. President; I did not say anything like that.

Mr. REED. Well, if the volunteer system failed in the Revolutionary War and the draft system failed in the Revolutionary War, then what argument is there left to the matter? You are advocating now a system that failed in the Revolutionary War.

Mr. MYERS. Mr. President, I would suggest that France helped to save us.

Mr. REED. Why, certainly, France helped to save us; nobody will deny that; but France did not win the Revolutionary War; France helped the volunteers of America to win it. Now, let me just fortify what I have said.

After calling attention to the various defects in the method of attempting to raise troops during the Revolution by the volunteer system, that they were only called for for a few months of time, and that the States or Colonies did not properly cooperate, and after calling attention to all the other difficulties that existed, Greene states that finally the States were required forthwith to fill up by drafts from their militia, or in any other way that should be effectual, their respective battalions of continental troops. Having no power to enforce its decree, this resolution of Congress had no more effect than its predecessors, but Washington's personal appeals, combined with the news of the French alliance, succeeded in bringing out enough men to carry on the war.

So it was not the draft that saved us in the Revolution. Moreover, while Washington spoke on many occasions of the desirability of having a permanent army and a trained army for the war, and complained because he did not have it, in like manner Washington complained that the people were not properly supporting the war; and yet all there was of the Revolutionary War was the degree of patriotism, great or small, that there was in our country; and it might as well be said that Washington had impugned the value of patriotism as to say that he had impugned the value of the services of the volunteers.

What Washington actually did was to complain bitterly that he was not being properly supported, and what really occurred was this: That in that struggle, every time there was a reverse of our arms, there was a lot of Tories who came out in the open and began to try to destroy the efforts of the patriots. We had no Government sufficiently fortified or established to maintain any kind of permanent military establishment, and volunteers were all that was possible, and volunteers won the struggle.

Mr. WEEKS. Mr. President——

The PRESIDING OFFICER. Does the Senator yield to an interruption?

Mr. REED. Yes.

Mr. WEEKS. It is pretty difficult to determine what the result of the draft was in the Revolutionary War, as men were enlisted for such short periods and under such different conditions; but it is well worth noting that the States that undertook the draft furnished a much larger number of men for the revolutionary armies in proportion to their population than did other States. Massachusetts furnished twice as many men to the revolutionary army as any other State, although it was not the most populous State, and there were two or three substantially as populous as Massachusetts. I do not mean to imply necessarily that the draft was entirely responsible for that; but it is a rather curious coincidence that those States which did undertake the draft furnished a number of men larger in proportion to their population than others.

Mr. REED. Why, of course, the more there was of patriotism, the more willingness there would be of all those who were carrying on the war to say: "Everybody has got to come in and help." That is always true, and very naturally in Massachusetts. This war began in Massachusetts. That is where we had the "tea party." That was the center of the struggle for a long time, and it is to the credit of Massachusetts that she fought so valiantly in that struggle.

Mr WEEKS. The Senator should not overlook the fact that Massachusetts was only the center of the war for the first year; that no battle was fought on Massachusetts soil after the first year of the war.

Mr. REED. Oh, I do not mean, technically speaking, but the war was always fought in Massachusetts. I would say that the head and front of the Revolutionary War was in Massachusetts. It is entitled to that very great honor; and a very close second was Virginia.

Now, Mr. President, before I get away from that theme——

Mr. BECKHAM. Mr. President——

Mr. REED. I find that interruptions only lead to digressions, generally, but I must yield to the Senator, of course.

Mr. BECKHAM. I was going to ask the Senator to explain why it was, if the volunteer system is such a good one to raise men, that the patriot armies dwindled from 89,000 in 1776 to 29,000 in 1781?

Mr. REED. Well, sir, I might answer that question by asking a great many. I might ask you with an equal sense of logic why the army of Napoleon dwindled just after the battle of Waterloo. The answer would be that Napoleon got whipped; and the answer in this case would be two-fold. In the first place, we suffered many defeats, and armies that are defeated are generally to some extent scattered and killed off; but the principal trouble, as the Senator must know, with his knowledge of history, was that the men in that war were enlisted generally in the first instance for only three months. They learned that that was a mistake, and then began to try for longer enlistments, and at last they were enlisting men for the period of the war. That was one of the things Washington clamored for.

In the War of 1812 we had a similar experience of the bad results of short enlistments. We repeated that experience again in the Mexican War, and we started the great Civil War with the same blunder; but in all these instances they came to learn that the only kind of enlistment that ought to be made was an enlistment for the war; and, accordingly, when the Spanish War came on, under the advice of William McKinley and other men of his type, the enlistments for that war were required to be for the entire period of the war. And so it was proposed in the volunteer bill which was enacted in 1914 that all enlistments in time of war should be for the period of the war. Thus, the thing which Washington declared had been the most inimical to the Continental Army, and that which all military experts agree was the most detrimental to our Army in 1812 and in the Mexican War and in the Civil War, was met and conquered; and yet, having been met and conquered, gentlemen go back and speak of the system as wrong, although the defect that was the cause of the trouble has been cured.

Now, let us see if Washington put his faith in conscription. Let us see if it is true that Washington denounced the citizen soldier. I read from Greene:

> The final word of Washington, as General in Chief, on military policy was given in the address which he sent to the governors of the States from Newburgh about six months prior to resigning his commission. * * * His opinion * * * was as follows:
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> "The militia of this country must be considered as the palladium of our security and the first effectual resort in case of hostility. It is essential, therefore, that the same system should pervade the whole; that the formation and discipline of the militia of the continent should be absolutely uniform"—

And so forth.

Now, Mr. President, I am going to appeal to the Senator from Kentucky, whom I esteem very highly, whether he thinks it is fair, in the discussion of a question of this kind, to charge to the volunteer system those troubles which were due to a failure to apply the system in the proper way; and if, those defects having been remedied, he does not think that a different situation is presented. I call his attention to the fact that the General Staff wrote the volunteer army bill of 1914 and certified to us that it would produce the very kind of army that is now demanded, and in writing that bill they provided the term of enlistment, and they provided against the defects that had been discovered in the past.

Mr. BECKHAM. Mr. President, will the Senator yield?

Mr. REED. Yes.

Mr. BECKHAM. The Senator, in answer to a question I asked him a while ago as to why the Continental Armies had dwindled from 89,000 in 1776 to 29,000 in 1781, gave two reasons; and I believe that the two reasons which he gave confirm and strengthen the position which we take that the volunteer system is a failure. He said that defeats prevented enlistment.

Mr. REED. No; I said——

Mr. BECKHAM. Pardon me. If the volunteer system of raising troops depends simply upon victories and success, that of itself proves it to be a failure.

Mr. REED. The Senator must not misquote me.

Mr. BECKHAM. I would not intentionally misquote the Senator.

Mr. REED. I did not say that it was defeats that prevented enlistments. I said it was defeats that dissipated the Army.

Mr. BECKHAM. Where were the volunteers?

Mr. REED. An army that was whipped naturally dwindled. Some of the men are killed, and some of them get put in prison, and some of them scattered.

Mr. BECKHAM. But could not their rank be easily filled by other volunteers?

Mr. REED. Oh, well, they could have been if there had been men to volunteer and if there had been patriotism; and I met that by telling you what the fact was—and it is a fact that we say under our breath, but readers of history know it to be true—that a very large proportion of the people at the time of the Revolution were in fact Tories.

Mr. BECKHAM. Continuing the answer to the Senator's question, the casualties from death and from wounds do not by any means account for this considerable dimunition in the number of troops. Now, the other reason that the Senator gave is even stronger confirmation of the position we take. He said that short enlistments were partly responsible, and that is true. Men enlisted only for three or six months volunteered, and when their time expired they exercised their right and went out of the Army without reenlistment. That volunteer spirit did not induce enough of them to reenlist, even though the Colonies were struggling for their existence. So I take it that the Senator has answered these questions for us by the explanation he gave.

Mr. REED. I am glad that the Senator is so well satisfied. Now, let me ask him a question.

Mr. BECKHAM. All right sir.

Mr. REED. Will the Senator tell me if conscription, which he admits was tried in the Revolutionary War, did not break down, and if it was not a failure?

Mr. BECKHAM. As I understand, it was applied for a while only in two States.

Mr. REED. I just read the authority that they tried it generally.

Mr. BECKHAM. They tried it in Massachusetts and in Virginia.

Mr. REED. The Continental Congress tried it. Well, it was a failure anyway, was it not? It did not get us anywhere, did it?

Mr. BECKHAM. Well, Mr. President, if the draft or conscription is a failure, then certainly volunteering would be a failure.

Mr. REED. Oh, no; it does not follow.

Mr. BECKHAM. If you can not compel them by law to serve, how could you expect them to volunteer?

Mr. REED. Well, now, let us see about that. About how many men volunteered in the great Civil War on the Northern side? I gave the figures the other day—considerably over 2,000,000. How many men did you get by conscription? Less than 2 per cent. The conscription was a failure. Volunteering was a success. Will the Senator tell me of a war that this country has ever fought where conscription has been of any real aid? So it would appear that conscription, although it has been tried in every one of our wars, has broken down and has been a complete failure. It also follows, whatever defects may have developed in the volunteer system, that with all of its defects the volunteer system has won every war for us that we have ever had, unless you count the War of 1812 a defeat, and in that instance almost the single bit of glory we obtained on the land came from Jackson and his Tennessee volunteers. So you get down to the point, if you are going to argue upon what has been a failure and what has been a success, that in this country drafting has always been a failure, an ignominious, an inglorious failure, while the volunteer system has always succeeded even with all its defects.

While I am on the floor I want to reply to another observation. The Senator states that if this country was absolutely menaced by Germany and the troops of Germany were about to land, he thinks we could get some volunteers, but it would then be too late; he states likewise it would be too late to draft men, for they would be raw levies. So that illustration gets us nowhere.

We all admit that we ought to raise an army at once. The Senator and all of us are at one on that. We agree that the army should be of the exact size named in this bill. The sole question is whether when you desire to raise an army you shall stand here and say to men who come offering their services, "We will not take you." That is the sole question; that is all there is left of it. It is a question whether you are going to refuse men who come voluntarily and insist that the only men you will receive are those who come under a forced conscription.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT. The Chair lays before the Senate resolutions of the American Newspaper Publishers' Association touching the espionage bill, which will be inserted in the RECORD and referred to the Committee on the Judiciary. The resolutions were referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

NEW YORK, N. Y., *April 25, 1917.*

Hon. THOMAS R. MARSHALL,
Vice President, Washington, D. C.:

The following resolution was unanimously adopted at the convention of the American Newspaper Publishers' Association at the Waldorf-Astoria, Wednesday afternoon, April 25:

"*Resolved*, That the American Newspaper Publishers' Association, representing the daily newspapers, requests Congress to eliminate the press-censorship provision from the espionage bill now pending. The proposed legislation strikes at the fundamental rights of the people, not only assailing their freedom of speech, but also seeking to deprive them of the means of forming intelligent opinion. It is drastic, yet vague in its terms, providing the severest penalties for acts the criminal quality of which is to be defined hereafter. Under a delegated authority its possible consequences in restricting the liberty of the press are full of peril to free institutions. The censorship proposed is believed to be a violation of the Constitution of the United States, which prohibits Congress from 'abridging the freedom of speech or of the press.' An effort to suspend this constitutional guarantee, whether ultimately sustained or not, is sure to be followed by grave injury to the rights of the people whose one great safeguard in time of war is an untrammelled press. A voluntary censorship, suggested by the Government, is being carefully observed by the newspapers of the United States, and no loyal newspaper will knowingly print that which would give aid to the enemy. Any newspaper that willfully publishes information of military value to the enemy can and should be prosecuted under the law of treason. Established means of communication carrying messages ordinarily regarded as private will be used by an enemy for the transmission of information, and every proper purpose of the proposed legislation would be served by the control of outgoing messages by mail, telegraph, cable, etc., and by search of the effects of persons traveling from the United States to foreign countries. In war especially the press should be free, vigilant, and unfettered. The American people are entitled to a full and frank statement of all that occurs, whether it be good or bad. There can be no justification for a restriction that abridges the liberty of the press, for the people must have confidence that they are getting the truth. The defeat of this objectionable legislation therefore is most earnestly urged upon Congress."

The following resolution was also unanimously adopted:

"Whereas our country is in a state of war with Germany; and
"Whereas the responsibility for the successful and honorable prosecution of the war rests on the President; and
"Whereas he and the General Staff have devised and are advocating the passage of measures deemed by them necessary in carrying out the grim business committed to them, and these measures are now pending in Congress.

"Therefore we, the members of the American Newspaper Publishers' Association assembled in convention, believing that duty in this hour calls for support of the President and for willingness to share in all responsibility which American citizenship imposes, whether in bearing arms in the present crisis or preparing to the end that future emergency may be averted, do hereby

"*Resolve*, That we pledge our hearty and undivided support to the administration in its plans for military preparedness. And believing that the failure of the administration measures for the raising of land and naval forces would be regarded at home and abroad as a severe blow to the effectiveness of our arms, and would, in fact, result in giving aid and comfort to the enemy, we urge the Congress to pass without delay the bills supported by the War Department and indorsed by the President providing for the enrollment of all men capable of bearing arms in the conflict and any measures necessary for the future creation and maintenance of an effective military force."

HOPEWELL ROGERS,
President.
JOHN STEWART BRYAN,
Secretary American Newspaper Publishers' Association.

The VICE PRESIDENT. The Chair lays before the Senate a joint resolution of the Legislature of California, which will be inserted in the RECORD.

The joint resolution is as follows:

SACRAMENTO, CAL., *April 25, 1917.*

Hon. THOMAS R. MARSHALL,
Washington, D. C.:

In compliance with the provisions of assembly joint resolution No. 23, by J. A. Pettis, of the sixth district, adopted by the California Legislature to-day, I am sending you a true copy thereof, in title and words as follows:

"Whereas in this hour of grave necessity many of our brothers are called upon to leave their usual employments and professions and enter upon the service of our country; and
"Whereas the offering of themselves for such service entails much sacrifice and real material loss; and
"Whereas the compensation allowed the American soldier even in times of war is inadequate and insufficient to meet his ordinary needs when in service or to permit him to contribute toward the care and comfort of those dependent upon him whose burden of suffering and deprivation is his greatest concern; and
"Whereas some relief of the existing conditions would have a tendency to strengthen, encourage, and sustain the soldier in the discharge of his duties and his dependents in their great sacrifices; and
"Whereas those loyal Americans not engaged in active service should be willing to lighten the burden of the soldier and take upon themselves some part of patriotic sacrifice: Now, therefore, be it

"*Resolved by the assembly and senate jointly*, That the Legislature of the State of California does hereby most respectfully memorialize the Congress of the United States to provide as expeditiously as possible a fairer and more adequate compensation for those engaged in active service in the Army and Navy of the United States."

B. O. BOOTHBY,
Chief Clerk of Assembly.

The VICE PRESIDENT. The Chair presents a telegram, in the form of a petition, from the General Board of Education of the Methodist Episcopal Church South, in convention at Nashville, Tenn., which will be inserted in the RECORD.

The telegram is as follows:

NASHVILLE, TENN., *April 26, 1917.*

PRESIDING OFFICER OF THE UNITED STATES SENATE,
Washington, D. C.:

Whereas the President and the Congress of the United States, acting as representatives of the people of the United States, have declared war upon Germany and are calling our sons from our homes and our schools to the Army, the Navy, and the training camp, the general board of education of the Methodist Episcopal Church South, in annual meeting in the city of Nashville on April 25, hereby adopt the following resolution:

"*Resolved*, That, while we desire our sons to do their full duty in furtherance of the best interests of humanity and in the defense of the honor of our country, as representative fathers and teachers of the youth of the Nation, we insist that the President and Congress shall protect our sons in the Army, the Navy, and the training camps from the covetousness and greed of the saloon and the harlot."

J. C. KLIGS, *President.*
STONEWALL ANDERSON, *Secretary.*

Mr. CHAMBERLAIN presented a petition of sundry citizens of Astoria, Oreg., praying for compulsory military service, which was ordered to lie on the table.

Mr. TOWNSEND presented petitions of sundry citizens of Grand Rapids, Gaastra, Marlette, River Rouge, Alpha, Detroit, Iron River, and Jackson, all in the State of Michigan, praying for national prohibition during the war, which were referred to the Committee on the Judiciary.

He also presented a memorial of Kiwanis Club, of Muskegon, Mich., remonstrating against the penalization of efficiency in Government arsenals at a time when the Nation is entering war, which was referred to the Committee on Military Affairs.

He also presented 31 telegrams from citizens and firms in the State of Michigan, praying for compulsory military service, which were ordered to lie on the table.

Mr. KENDRICK presented a petition of the Trades and Labor Assembly of Sheridan, Wyo., praying for an investigation into the price of foodstuffs, which was referred to the Committee on Agriculture and Forestry.

He also presented resolutions adopted at a mass meeting of citizens of Laramie and Albany, in the State of Wyoming, pledging support to the President and Congress in the present international crisis, which were ordered to lie on the table.

Mr. LODGE presented petitions of the Fire Chiefs' Club of Massachusetts and of the State Board of the Ancient Order of Hibernians of Massachusetts, pledging their support to the President, which were referred to the Committee on Foreign Relations.

He also presented a petition of the Public Safety Committee, of Sharon, Mass., praying for national prohibition during the war, which was referred to the Committee on the Judiciary.

He also presented a petition of the Massachusetts Society of the Sons of the American Revolution, praying for compulsory military service, which was ordered to lie on the table.

Mr. SMITH of Michigan. I present resolutions adopted by the Genesee County Dental Society and at mass meetings of sundry citizens of Kalamazoo and Grand Haven, in the State of Michigan, which I ask may be printed in the RECORD.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

GENESEE COUNTY DENTAL SOCIETY,
Flint, Mich., April 17, 1917.

Hon. WILLIAM ALDEN SMITH,
Washington, D. C.

DEAR SIR: To avoid causing you the inconvenience of a number of personal letters the undersigned, members of the Genesee County Dental Society petition you to use your influence in securing the passage of amendments which are being urged by the National Dental Association to the universal training bill.

The sections I refer to are section 17 and section 29 of this bill. The things we desire are briefly as follows:

First. A clause to recognize the contract or acting dental surgeon's service of members of the present corps. That is, the service rendered before they were commissioned be allowed toward promotion.

Second. Strike out paragraph 2, section 29, as this only affects these two corps, and in view of the importance of the dental surgeon's service is not fair to him.

Third. Provide a head for the Dental Corps with the rank of colonel, to be connected with the Surgeon General's Office. The increased number of dental officers should emphasize this.

Assuring you of our appreciation of any efforts you may make in our behalf, we are,

Yours, sincerely,

C. H. Matson, secretary; J. H. Beckwith, F. M. Annis, C. U. Walker, R. Nowack, E. A. Ross, M. C. Hutchins, R. Brown, C. F. Cantor, W. N. Miller, R. Lown, B. F. Miller, jr., L. E. Aldrich, F. M. Locy, E. C. Ryle, M. J. O'Neil, H. Mogford, J. H. Cunnington, J. H. Taylor, Wm. R. Davis, J. K. Paul, R. G. Fralick, H. I. Clark, A. M. Ritchie.

Whereas the Congress and President of the United States of America, having been forced to reluctantly declare and proclaim to the world that a state of war exists between the United States of America and the Imperial Government of Germany—a proclamation that was forced from them because of the broken promises, treaty relations ignored, the laws of nations trampled upon, the dignity and honor of the American Republic insulted, sneezed at, and held up to the world in ridicule;

Whereas the people of Grand Haven wish to express their sentiment as being fully in accord with our Government: Therefore be it

Resolved—

First. That we, the people of Grand Haven, at a great mass meeting, held in the Armory of Company F, Thirty-second Michigan Infantry, this 16th day of April, 1917, do hereby pledge our unqualified support, our lives, and sacred honor to aid our country in its hour of peril, and further stand ready to answer any call for duty that our country may require.

Second. We urge that Congress immediately enact into law the authority to fill the ranks of the Regular Army, the National Guard, the Navy, the Marine Corps, and the Naval Militia to a full war footing by means of a selective draft from the young men of the Republic of the ages of 18 to 25, inclusive, and that the same continue until such a time as our Government or State may by other process provide a reserve force, from which may be drawn by the Government or State the necessary recruits to maintain the Federal or State units up to war strength.

—

The following preamble and resolutions are presented at a general mass assembly of the citizens of Kalamazoo County, Mich., held at the armory in the city of Kalamazoo, April 19, 1917:

"Whereas our Nation has been forced into war in order to protect the lives and property of our citizens and to defend the principles for which our forefathers mutually pledged to each other their lives, their fortunes, and their sacred honor, and that the Nation now needs the assistance of every true and loyal citizen; and

"Whereas the Chief Executive of the United States has formulated and presented plans for increasing the Army and Navy to meet the important crisis before us, and has called upon our people to join in common cause in defending and protecting our rights and in carrying the blessings of freedom, which we enjoy, to others, even though they may now be our enemies, and that to accomplish these purposes there be provision made for universal military training and enforced military service; and

"Whereas Michigan has always rallied around the flag whenever the Nation has called for help, and it intends to do so now: Therefore the citizens of Kalamazoo County in mass convention assembled join together in support of these resolutions:

"*Resolved*—

"First. That our country needs the services in the Army and Navy of sufficient men to carry our banner to victory; that it also needs volunteers in civil life, who will care for those who may be injured or disabled in the conflict, and to aid the dependents of those who are on the firing line, and still others are wanted in our manufactories and on the farms and in the gardens, for the purpose of furnishing the necessary material and food for the military forces and our civil population, and that every loyal and patriotic citizen should act in accord with every other one to carry forward this work by the employment of their time, their money, and their energies and by making all necessary sacrifices.

"Second. That we are eminently proud to note that our Delegates in Congress were among the first in all the States of the Union to pass a resolution to stand back of the President in his plans for national defense.

"Third. That we are to-day all Americans, irrespective of where we or our ancestors may have been born. We can all trace our lineage from some foreign land, but the very fact that we, and those before us, left some other country and took up our residences here gives positive proof that we and they preferred the liberal laws and desired to enjoy the extended rights vouchsafed to us in this United States to anything which is offered by any other nation on earth and neither political opinion, religious belief, wealth or poverty, social distinction or otherwise, race or previous condition of servitude, should sway us from dutiful loyalty to our country.

"Fourth. We congratulate the noble men who have come voluntarily forward and offered themselves through enlistment for service at this time of the Nation's need, and we honor them and those who may hereafter join them for their patriotism and their loyalty. Our prayers are for their safety and our hopes for their speedy return to our midst. We who are left in the community of which they have been members pledge to them that we will not only do all we can for them during their absence but we will not be wanting in our hearty greetings and in extending them proper honors when they, with victory, march home again.

"Fifth. That we stand in unreserved and full support of the policies of Woodrow Wilson, President of the United States and Commander in Chief of our Armies.

"We believe the position taken by him for universal military training and for selective draft for military service, as approved by our Army leaders, is the correct and only proper mode of establishing in the shortest possible time an efficient soldiery; this, however, not to interfere with voluntary enlistment in the manner and for the purposes proposed by him.

"We not only pledge our support to President Wilson upon these questions but we offer him our aid in all legitimate ways that we may be able to serve to the end that we may be successful in the great task which is set before us, that our flag may not only continue to float unsullied over our own land, but that its folds may protect the downtrodden of other lands and bring new hope and inspiration to the people of all the earth."

DALLAS BOUDEMAN, *Chairman.*
WM. E. PRAEGER,
C. H. KLUNSTUCK,
ALBERT TEN BUSSCHEN,
PATRICK J. REDMOND,
Committee on Resolutions.

I hereby certify that the foregoing resolutions were unanimously adopted at the mass convention of the people of Kalamazoo County held on April 19, 1917.

DALLAS BOUDEMAN,
Chairman Committee on Resolutions.

Mr. GALLINGER presented the memorial of Rev. Dow L. Hilliard, of Rindge, N. H., remonstrating against conscription, which was ordered to lie on the table.

He also presented memorials of F. H. Whiting, of Greenville, and of George A. Quimby, of Laconia, in the State of New Hampshire, remonstrating against the imposition of a stamp tax, which was referred to the Committee on Finance.

He also presented petitions of John Z. Sheed, of North Conway, N. H., and of the executive committee of the New Hampshire Committee on Public Safety, praying for universal military training and service, which were ordered to lie on the table.

He also presented petitions of the congregation of the Congregational Church of Penacook; the New Hampshire Conference of the Methodist Episcopal Church of Plymouth; the Congregational Church of Plymouth; of 23 citizens of Charlestown; and of W. R. Brown, of Berlin, all in the State of New Hampshire, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. SHEPPARD presented petitions from farmers and business men of Wolfe City, Corpus Christi, and Terrell, all in the State of Texas, praying for selective conscription, which were ordered to lie on the table.

He also presented memorials of L. M. Stonehart, of Dallas, Tex., and of sundry citizens of Wolfe City, Tex., remonstrating against conscription, which were ordered to lie on the table.

He also presented petitions of National Grange, Woman's Christian Temperance Union, of San Antonio; of the Glenwood Methodist Episcopal Church South, of Fort Worth; and of sundry citizens of Dallas, all in the State of Texas, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented a petition of the Presbytery of Fort Worth, Tex., praying for Federal censorship of motion pictures, etc., which was referred to the Committee on Education and Labor.

Mr. PHELAN. I present a communication signed by the grand secretary of the Native Sons of the Golden West, which I ask to have printed in the RECORD.

There being no objection, the communication was ordered to be printed in the RECORD, as follows:

REDDING, CAL., *April 18, 1917.*

The PRESIDENT:

The grand parlor of the Native Sons of the Golden West, a patriotic fraternal society of more than 21,000 native Californians, at its early session this 17th day of April, 1917, unanimously adopted the resolution following:

"*Be it resolved,* That the Native Sons of the Golden West, through its delegates in annual session assembled, hereby pledge to the President of the United States the unswerving and undivided fealty of the 21,000 members of their order in the momentous struggle entered upon by their country in defense of its own honor and to safeguard the rights and liberties of humanity."

Presented by M. T. Dooling, past grand president; John E. McDougald, grand treasurer; Lewis F. Byington, past grand president.

FRED H. JUNG,
Grand Secretary Native Sons of the Golden West.

Mr. PHELAN. I present resolutions adopted by the city council of Alameda, Cal., which I ask may be printed in the RECORD.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

Resolution 32, pledging loyalty to the Government of the United States and offering the support of the municipal government.

Resolved, That we, the council of the city of Alameda, as our initial act after perfecting our organization under our new manager form of charter, hereby record our unswerving loyalty to the Government of the United States and our confidence in the wisdom and patriotism of the President and the Congress in their acts to preserve the rights of American citizens and to uphold the dignity and honor of our country's democratic institutions; and be it further

Resolved, That in the struggle upon which our Republic has been compelled to enter we pledge our stanch support and that of our municipal government to the Federal authorities in whatever they may do in behalf of our Republic; and be it further

Resolved, That we strongly indorse the proposition of adequate, complete, and immediate preparedness against foreign attack, believing as we do that it is vital not only to the proper defense but also to the permanent existence of our great and growing Nation.

Adopted and passed by the council this 17th day of April, 1917.

GREENE MAJORS,
President of the Council.

I hereby certify that the foregoing resolutions were adopted and passed by the council of the city of Alameda in regular meeting assembled on the 17th day of April, 1917, by the following vote: Ayes—Councilmen Dillman, Noy, Otis, Probst, and President Majors—5. Noes: None. Absent: None.

[SEAL.]

R. E. BOSSHARD,
City Clerk of the City of Alameda.

Mr. PHELAN presented a petition of the board of supervisors of Del Norte County, Cal., praying that an appropriation be made for the improvement and protection of the harbor at that city, which was referred to the Committee on Commerce.

He also presented petitions of sundry citizens of Pasadena, Cal., and of the congregation of Trinity Methodist Episcopal Church of Berkeley, Cal., praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. WARREN presented resolutions adopted at a mass meeting of citizens of Laramie, Wyo., pledging support to the President and Congress in the prosecution of the present war, which were referred to the Committee on Foreign Relations.

He also presented a telegram in the nature of a petition from John Baskerville, of Chicago, Ill., praying for conscription, which was ordered to lie on the table.

BILLS INTRODUCED.

Bills were introduced, read the first time, and by unanimous consent the second time, and referred as follows:

By Mr. GALLINGER:

A bill (S. 2097) for the relief of Charles S. Fries; to the Committee on Claims.

By Mr. PHELAN:

A bill (S. 2098) granting a pension to James W. Wilson (with accompanying papers); to the Committee on Pensions.

By Mr. OWEN:

A bill (S. 2099) providing for the modification of the design of the current quarter dollar; to the Committee on Banking and Currency.

A bill (S. 2100) to amend an act entitled "An act to parole United States prisoners, and for other purposes," approved June 10, 1910, as amended by an act approved January 23, 1913; to the Committee on the Judiciary.

A bill (S. 2101) granting a pension to Lucy Romary; to the Committee on Pensions.

INCREASE OF MILITARY ESTABLISHMENT.

Mr. FRANCE submitted two amendments intended to be proposed by him to the bill (S. 1871) to authorize the President to increase temporarily the Military Establishment of the United States, which were ordered to lie on the table and be printed.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1871) to authorize the President to increase temporarily the Military Establishment of the United States.

Mr. MYERS. Mr. President, I am very glad that my friend the distinguished Senator from Missouri [Mr. REED] has reappeared on the scene. I want to say some nice things about him a little later. After delivering a very eloquent argument yesterday he disappeared, seeming to think he had entirely proven his cause; but he seems to have changed his mind and decided it needs a little more bolstering up, and he has reappeared upon the scene, and will probably have to reappear each day for several days to bolster it up more and more, for it needs bolstering.

Mr. REED. Mr. President, I do not know what the Senator means by saying I have reappeared on the scene.

Mr. MYERS. I mean he did not take any further part in the argument from the time he closed his speech yesterday until now.

Mr. REED. I was in the Senate until the moment of the recess last evening. I was in the Senate all of this morning except when I went out to get some lunch. I came in the Senate immediately after my lunch, because I had been notified that the Senator from Montana was to speak. I am now standing here, and am about to sit down to listen to what he has to say. I do not know why he should remark about my appearing and disappearing.

Mr. MYERS. I did not mean to charge the Senator with any dereliction in his attendance upon the Senate, but I meant reappearing in the argument. It is very unusual for him to keep out of an argument for 24 hours. That is what I had reference to.

Mr. REED. I did not catch the last of the Senator's statement.

Mr. MYERS. I say that it is a very unusual thing for the Senator to keep out of an argument for 24 hours. Now, if the Senator will sit still for a little while I mean to say some nice things about him.

Being a member of the Senate Committee on Military Affairs, I have given this subject some thought and I crave the privilege of expressing to the Senate some of the views to which my thoughts have led. I am the more impelled to do so on account of some statements made yesterday in the very brilliant speech by the distinguished Senator from Missouri [Mr. REED], which was a very able effort, a fine oration, but which, in my opinion, was very much marred by a large number of fallacies which it contained. I shall endeavor before I finish to call attention to some of those fallacies.

This country is entering upon the most gigantic task of its existence. It is engaged in war with the most powerful, the most relentless, the most resourceful, the most remorseless, the most militaristic, the most determined, the most persistent nation on the face of the earth. The German soldier is the best-trained soldier in the world and therefore is the best fighter in the world to-day, as I believe events on the theater of the war for the last two years and nine months have proven. The German military machine is the most powerful and best organized military machine that the world has ever known. The present German Army I believe to be the best equipped, the best drilled, the most efficient, and best fighting force that the world has ever seen. Germany is a dangerous nation to fool with. It is a dangerous nation with which to become entangled. Armed to the teeth, prepared for many years past, utterly disregardful of its treaty obligations, wholly disregardful of the rights of neutrals, entirely disregardful of the rules of international law and of the common and ordinary rules of humane warfare, it appears to be ready at any time with slight provocation or without any provocation at all to attack and endeavor to crush any power that may cross its path or thwart its purposes, regardless of right or wrong.

I believe the German Kaiser to be the most forceful military character in the world to-day, and I say military character because while not in the field in direct charge of his armies he is the inspiring soul and spirit of this war. If he should drop dead, I believe the war would end in a very short time. As an executive official in the conduct of war, I believe he will rank with Julius Cæsar, Alexander the Great, and Napoleon Bonaparte. I say this without any admiration for the man, his purposes, motives, or methods whatever, because there is nobody who feels greater antipathy to his principles, his motives, his methods, and his militarism than do I. I believe that if the German Kaiser had it in his power he would rather blow up the universe with everything and everybody on it than to suffer defeat in the war in which he is now engaged; and that, I believe, is a feeling which is not characteristic of him alone. Determination and persistence are characteristic of the German people. I believe there are citizens of Germany who rather than suffer defeat in this gigantic contest would, if they could, blow the world into smithereens and tidbits and end the existence of everything and everybody on it. I believe there are German chemists who, if they were able to invent explosive instruments large enough and powerful enough, would do that very thing rather than suffer defeat.

It is this powerful and determined force with which we are about to engage in combat. I am not one of those who draw a fine line of distinction between the German Government and the German people, either. I am not one of those who can see how we can be fighting the German Government without fighting the German people; how we can fight the German nation without having any war with the German people. It is my understanding that people compose a country, and that a country is pretty typical of its government. The people make the government, or at least submit to it. We are at war to-day not with an invisible, intangible government but with the German people, people who, I believe, in a large measure share the powerful determination of their Government to overcome all opposition at all odds, no matter if all other nations of the world grapple in deadly combat with them.

Many of the people of the German Empire celebrated the affair when one of their submarines sank the *Lusitania*, and we have had many instances of their intense feeling against the people of this country whenever our Government chose to assert its rights on the sea or in any way to interfere with German ideas of ruthless warfare, disregardful of all the rules of humanity. This is the people with which we are engaged in war to-day. They are powerful opponents, too.

If this war had been left to be fought out between the entente allies and the central powers, I doubt very much if the entente allies would have prevailed in the end. For a long time I thought they would, but for some months past I have seriously doubted it. I believe that had the war been fought to a finish between the original combatants, when the last trench was dug at the boundary of the German Empire, when the Germans had been driven upon their own territory and had made a stand on their own ground, had made their last stand, they could and would have stood all the onslaughts of the entente allies for an indefinite period. The war might have continued under those conditions for years, and, in my opinion, it would quite likely have been a peace without victory, a war waged to a point of exhaustion on both sides, where neither one would have prevailed. Of course now that we are engaged in it there must be peace with victory. There can be no other termination; there can be no other conclusion; there can be no other spirit with which we enter upon this world-wide combat.

There are many things that induce us to enter upon it with that spirit. We are not only fighting to maintain our rights on the highways of the world, the high seas, where we have a right to be with our commerce, but we are fighting for the democracy of other nations. We are fighting to make secure the democracy of other peoples of the world and to make secure to others some of the rights of liberty and democracy that we have so long enjoyed.

While it must be now a war to the finish, while it must be a war to end in peace with victory, and the victory on the right side, yet we have engaged in a large undertaking, and the war may last for a long time yet. Germany, reports indicate, has from eight to ten millions of men under arms, and the reports are that there are many other younger men coming to the age of bearing arms to take the places of those who are killed on the field of battle and to fill up the decimated ranks. If they are driven within their own lines and intrench themselves upon their own territory, it may yet resolve itself into a question of starvation, one of the means of modern warfare, and when it comes to that, unless we carefully husband our resources, unless we stop waste, and unless the food crops of Great Britain and France and the United States are increased, it may be a question as to which side must first feel the pangs of starvation. On that point I clipped from a newspaper this morning a significant telegram which, to my mind, is worthy of serious thought, and I will read it:

LONDON, *April 25.*

The British public was solemnly warned to-day by Lord Devonport, the British food controller, that the country's shipping was being depleted daily in large volume and that severe privations menaced the nation before the next harvest was reached. Lord Devonport's warning was issued in the House of Lords in response to a question by Lord Lamington as to what success had attended the efforts at voluntary rationing and whether the Government intended to resort to compulsion.

In a long reply Lord Devonport recited the extensive efforts being made by the press, pulpit, and schools, and also by local committees, to impress on the community the urgency of food restrictions.

He said that it might be described as a general election on a grand scale, with the view of soliciting the allegiance of every citizen, particularly the women, to reduce their consumption of bread. He continued:

"If our shipping resources were assured, we could undoubtedly carry on, but they are not assured. Our shipping is being depleted every day in large volume, and although our existence depends thereupon, it is at the moment a wasting security. As there is no immediate prospect of our locked-up shipping being released from its present occupation, we have to face this grim fact. * * *

"Unless we exercise sufficiency of self-denial in the consumption of bread, I tell you the blunt truth, we shall not get through to next harvest without severe privation and all that it involves."

There are many factors which render the duration of this gigantic contest of uncertain prolongation. It is possible that a separate peace may be made between Germany and some of the entente allies. It is possible that there may be at almost any time a separate peace between Germany and Russia. I hope not and believe not, but you never can tell what will happen in times of peace, much less in time of war; and if Russia should drop out of this contest the United States Government would have to take its place and even do more.

I clipped out of a morning newspaper this morning the views of a newspaper correspondent on this subject, one who has recently returned from the theater of war, and I will read, in part, what he says:

The United States must act at once to save Russia, for if Russia is allowed to slip out of the war this summer by making a separate peace, as she will probably be forced to do, even with a new rule by 12 most capable men hampered by German intrigue, American soldiers will have to take the places of the Russian peasants in the struggle, and the United States will have to pay in the blood of thousands of its men, just as the European nations are doing.

"Let Germany know that America will be able to furnish 5,000,000 men in 1918, 1919, 1920, and the war will be over in a year, and we won't have to send more than an expeditionary force to Europe," he said. "But if we raise a trifling army of 500,000 to 1,000,000 men, it is quite possible that the war will last at least three years, and we may lose a million on the west front alone.

"If Petrograd is taken, the greatest munition and manufacturing base in Russia will be taken, the Russian fleet in the Baltic would be isolated, the lines of communication between England and Russia will be threatened, and the trans-Siberian Railroad will be given a terrific burden," he said.

"The Government must commence striking at the enemy with every means which is at its disposal—moral, financial, economic, and military," he added.

I indulge in these preliminary remarks on the nature of the contest in which we have engaged for the purpose of showing my belief that we must raise a large army, and that we ought to send troops to Europe to take part in the actual fighting over there. I believe that the 500,000 troops which are provided for in this bill will be only a beginning. I believe as soon as they are mobilized and the work of training them shall be begun there ought to be a levy of another half million troops, that that ought to be followed again in turn with a million more, and that we ought to raise two or three million men and prepare them for this contest; and we may have to raise 5,000,000 and more than 5,000,000 before we see the end of the contest.

I am glad to know, from the disposition manifested in Congress and from the message from the President on the subject of raising an army, that it is the disposition of the Government manifestly to send an army to Europe to take part in the fighting there, and that it is not to be on our part a war on paper only nor a war with dollars only, which would be un-American and a disgrace to our people and would blast the reputation of the American people and make the name of America a byword and a reproach for a thousand years to come and probably as long as time would last.

At this point I had intended to read with my very hearty approval a part of an address delivered some months ago in this city by Col. George Harvey on the subject of this country sending troops to Europe to take part in the war there. It has been read in the Senate before. I intended to read it for a different purpose and from a different motive, but I find I have it not with me, and, as time is slipping by, I will not send for it, and hence will not read it. I will say that the address expressed my sentiments at the time it was delivered, and it embodies my sentiments now. I believe it is the true spirit in which America ought to enter this war, and I am glad to say I believe it is the spirit which has been adopted by our people in entering upon the war.

In view of the huge undertaking we have before us, what is the best way of engaging it? What is the best way of raising an army? That is the question which is confronting us to-day. In the last generation I believe there has been a greater change made, and there has been more progress in the science of warfare than there has been in any other line of human endeavor. We may take the progress made in medicine, literature, education, commerce, the industries, manufacturing, agriculture—any of the pursuits of mankind—and I believe there has been more change wrought in the science of warfare, more progress made in it, than in any activity to which the hand of man is given.

Warfare is an entirely different thing now from what it was a generation ago. It is an entirely different thing from what it was when we waged our last war—the Spanish-American War. We can not now count upon waging a war by having men flock to the camps, the centers of training, as they did some generations ago, as the frontiersmen of Tennessee did when they turned out with their coonskin caps and squirrel rifles and offered their services to their Government. That was very loyal and patriotic in them, and they did good service in their day; but this war will not be won by coonskin caps and squirrel guns; that the old way of organizing volunteer forces of anybody who may come along haphazard and offer his services—and I suppose very few were refused—the old way of organizing a volunteer force and electing as brigadier general some country lawyer in Kentucky who makes the rounds of the circuit and makes speeches on the front steps of the courthouse on the opening day of the term of court, because he can make a good speech and can appeal to the sentiments of the boys, he expecting to use the position of brigadier general as a stepping-stone to being elected governor of his State and thereafter United States Senator; and electing as colonel of the regiment some likely young lawyer who is a good hand to get around among the boys, a good hand to slap fellows on the back, a good handshaker and mixer—that is not the fighting method of the people with whom we are going to war in Europe to-day. The present war in Europe is not being conducted on that plan. The system of waging war has changed, and the question with us is, What is the best way to raise an army to send to Europe to take our part in the war as one of the great powers, one of the foremost nations of the world? Concretely it is, Shall it be conscription or volunteers? That is the question before us.

How are we to determine that? I have a number of methods by which I have determined it in my mind. To begin with, our President, the Commander in Chief of the Army and Navy, his entire Cabinet, the entire War Department, all of the Army officers, the War College, the General Staff, the management of the Military Academy at West Point, the management of the Naval Academy at Annapolis, are all united in believing that conscription is the better plan, and they are earnestly advising and urging that plan. Of course we are not bound by that advice; nobody would suggest such folly; nobody would think of it; but we should take that into consideration and carefully weigh it along with all other factors in making so vital a decision. The undertaking upon which we are now embarking is so grave that I believe we should take into consideration any argument that appears to be based on reason and judgment which is presented to us, no matter from what source it may come, and should carefully weigh it in connection with all other influences before us in arriving at a decision.

I undertake to say that every modern military critic, every military author, who has written a book, a treatise, or a paper on the science of modern warfare has advocated conscription as the best means of raising an army in an emergency, in war time. I do not know of a single author who has written a book or a treatise on the subject who advocates volunteering in preference to conscription as a method of raising an army in war time.

If there is any such, it has not come to my attention; and I defy the opponents of this bill to produce a single volume by any modern writer on warfare which comes out squarely and argues in favor of the volunteer system in preference to conscription in raising an army in war time. If there is any, I have not heard of it. All of the military authorities of which I have heard strongly advocate conscription as the best method of raising an army in war time. Are we to pay no attention to these authorities? Are we to give them no consideration whatever? Are they worth nothing in deciding this momentous question? If I have litigation to conduct, I go to a lawyer; if I am sick, I go to a physician; if I want dental work done, I go to a dentist; if I want a horse shod, I go to a blacksmith; and I believe it is a pretty good rule when one wants information about how to raise and equip an army and how to conduct a war to go to military authorities, those who have made that subject a lifelong study, some of them being men whom we have educated for the very purpose of giving us their advice and information on the subject. They devote their lives to the study of this question; they study it not only in this country but they study it in foreign countries; they study it from the standpoint of the history of all the world from the beginning of recorded time.

As to raising an army, I believe it is one of the most substantial parts of waging a war. It is the beginning. You may say it is the foundation. If you go to build a house, you first lay the foundation, and then erect thereon the superstructure. Just so with waging war; the raising, equipping, training, drilling, and mobilizing of an army is the laying of the foundation. Where do we need expert advice more than on that important part of the work?

We have institutions at West Point and Annapolis where we train men for the profession of fighting, and unless their opinions are worth something to us, we might as well turn the Military Academy at West Point and the Naval Academy at Annapolis into agricultural schools, and make our officers of the Army and of the General Staff landscape gardeners, or something of that kind, at which they might be valuable to us and might serve some useful purpose. So, I say, that all the expert advice which we have, all our experts in the profession of war, all those who belong to that department of the Government, so far as I am able to learn, very earnestly advocate conscription as the best method of raising an army in war times. We have that to begin with, and I think it is entitled to very much weight and consideration.

What next is my reason for saying that conscription is the better method? The examples that we have before us to-day. Every nation engaged in this great war in Europe is to-day working under conscription, as I understand—Germany, France, Great Britain, Russia, Italy, Austria-Hungary, Turkey—there is not one of those countries which is not working under the system of conscription or of some compulsory method of military service.

Great Britain was the last to come to it, of course. The others, according to my information, adopted it at the start. Great Britain did not adopt it at the start, but has since come to it; and I believe it is practically the unanimous opinion of all public men in England, to-day, in charge of the conduct of the war, that it was a mistake that conscription was not resorted to sooner in that country. They say so; they tell us that it was a mistake and that they wish they had resorted to it sooner. They say they now see where their mistake was made and how they would be better off if they had adopted conscription sooner. It may be that the temper of the British people was such that they would not have stood conscription without serious trouble at the outbreak of the war, because probably the majority of the English people were not directly and personally interested in the prosecution of the war at the beginning, and did not understand what it meant to them.

It has been said that conscription would have produced rioting in England. I do not know how that may be. It may be true that it would have produced riots had conscription been adopted at the beginning of the war. I have also heard some suggestions of rioting and rebellion against conscription in this country. We have heard something said about draft riots during the Civil War; but I undertake to say that if conscription is put in force in this country in this war rioting will be unheard of. The American people are too patriotic and loyal for such a thing.

It is true that there were some draft riots in New York during the Civil War, and there may have been a few in some other places, but I believe the principal riots occurred in New York City. However, I desire to call attention to the fact that the Civil War was a fight between brethren; it was a fight between Americans, and there were very many people in the North who were loath to take up arms against their brethren in the South. At the outbreak of the war Horace Greeley said of the seceding States, "Let the erring sisters go in peace"; he opposed any attempt at coercion, and there were many thousands of people in the North who were opposed to coercing the seceding States. They felt they would be taking up arms against their brothers, and very many were lukewarm in the prosecution of the war for a long time after it was started.

I believe if it had been made known at the beginning of the war that one of the results of the war would be the abolition of slavery there would have been hundreds of thousands in the Northern States who would have refused to have taken any part in the war or to take up arms against their southern brethren. So the conditions which prevailed then are not like the conditions to-day at all.

I recall no rioting to amount to anything during the Civil War outside of New York City, and in that city there was a large foreign population, which, I presume, was not much concerned in our internecine struggle and did not care much about shouldering arms and taking part in the conflict.

Mr. CALDER. Mr. President, will the Senator allow me to interrupt him?

The PRESIDING OFFICER (Mr. KNOX in the chair). Does the Senator from Montana yield to the Senator from New York?

Mr. MYERS. I yield, with great pleasure.

Mr. CALDER. I will say to the Senator that the draft rioting in New York occurred entirely in the sections where the foreign population largely predominated.

Mr. MYERS. That is just what I was leading to. I had that in mind and had suggested it; but I thank the Senator for confirming it.

Mr. CALDER. It was in a measure also caused by the fact that at the beginning of the war those drafted were allowed to purchase substitutes; and it was not until the draft law was changed, giving to the conscript a very large bounty, a bounty equal to what a man would have to pay for a substitute, that the feeling in New York against the draft subsided.

Mr. MYERS. It is true there were a few draft riots in New York City, but the conditions are entirely different now.

During the Civil War there was more conscription in the South than there was in the North. There was more conscription in the Confederacy than there was in the Union. The Confederate Government resorted to conscription in the second year of the war, and started out by drafting every white male citizen between the ages of 18 and 35 years; but before the war was over the draft extended to every white male citizen between the ages of 18 and 50 years. So there was more conscription in the Confederacy than in the North, but nobody ever heard of any rioting in the South against conscription.

Mr. WILLIAMS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Mississippi?

Mr. MYERS. With great pleasure.

Mr. WILLIAMS. If the Senator will permit an interruption for a moment, I want to say that I received this morning a letter from an old Confederate soldier, formerly colonel in the Confederate Army, a volunteer who went out in 1861, who says: "If we in the South had had sense enough to enact a draft law in April, 1861, instead of waiting until April, 1862, we would have whipped the Yankees in eight months."

Mr. MYERS. I never heard it expressed in exactly that way before, that they "would have whipped the Yankees in eight months"; I never heard so short a time mentioned; but I have heard men of excellent military knowledge say that if the Confederacy had resorted to conscription at the beginning of the war and had armed a considerable number of the slaves early in the war, as was contemplated later in the war, the Southern Confederacy would have established its independence and would have won that conflict.

Mr. CALDER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from New York?

Mr. MYERS. I yield with great pleasure.

Mr. CALDER. The Senator himself does not believe that, does he?

Mr. MYERS. I am not a military critic; I am not a military man, and it seems to me that it is unreasonable, and I may say absurd, for men who are not military men to set up their judgment against those who are military men and who make military affairs their life profession. As to my belief, I can hardly say I do believe it, because the North so far exceeded the South in population, money, resources, and ability to send to foreign nations and import men and supplies; but I believe if the Confederacy had adopted conscription at the beginning of the war and armed a goodly number of its slaves, as was discussed later,

the gigantic struggle would have been prolonged probably several years. It might have been prolonged as long as eight years, as long as the Revolutionary War was.

I will say here that I am very glad that such was not the case; I am very glad that the Union was preserved, and that we to-day enjoy the beneficent benefits and blessings of a united country, which is, I believe, the best and greatest Nation of the earth, which could not be so if it were divided. I say that notwithstanding the fact that all of my kinsmen who took any part in that struggle fought in the Confederate Army to dismember the Union. I believe, though, that if the South had resorted to conscription earlier it would have put up a much harder and more prolonged fight than it did. I believe if the United States had resorted to conscription at the beginning of the Civil War that conflict would have ended far sooner than it did, and that many thousands of lives and much blood and treasure and property that were sacrificed in the vortex of war would have been saved to humanity to have been of some benefit to the world.

Speaking of military authorities, Gen. Upton says, in his work entitled "The Military Policy of the United States," that the Confederacy was tottering and about to fall in the second year of the war and could have lasted only a few months longer if the Confederate Government had not put conscription in force; and that by putting conscription in force it was enabled to carry on the war between three and four years longer and to tax the power of the United States Government to its utmost to suppress the rebellion. He proves that in his work to my entire satisfaction, and gives the reasons and the facts and the figures for his contention. It seems to me that his argument should be conclusive to anyone who will carefully read it.

Now, we are engaging in war with the greatest military machine in the world. I believe that it is justifiable sometimes to fight the devil with his own weapons, to fight the devil with fire, and that the best way to combat a military machine is to organize a little military machine of our own for the time being—and it may be that it should not be very little, either, before we get through.

I do not believe anybody will deny that the German Army has done as good fighting in the face of great odds in the last two years and nine months as has ever been done in the history of the world. There are no volunteers in that army. They are not depending upon volunteers. No; they make the individual a cog in the machine for the conduct of war; and, in my opinion, that is what we will have to do to win the struggle in which we are now engaged.

It is said that conscription is objectionable to the Anglo-Saxon people—I have heard that expression used on the floor of the Senate during this debate—that it is contrary to the sentiments, principles, and traditions of the Anglo-Saxon people. Yet it is my understanding that the German people are Anglo-Saxon; they are part of the Anglo-Saxon race or division of mankind, according to my understanding, and are the people from whom the English sprang in the beginning of their separate existence. Yet we have never heard of conscription being contrary to the principles of the German people.

Oh, it is said that conscription involves force, and that an American citizen should not be forced to do anything. I claim that force is back of all organized society. Organized society is maintained by force—the force of popular will, the force of public opinion, the force of public sentiment, the force of the will of the majority—but it is force nevertheless. Any government which does not have force back of it will not long maintain its existence. It need not be a tyrannical nor a despotic force. It ought to be the force of the popular will, of the majority, of the rule of the people, but it is force nevertheless. So force is not unknown to organized society in peace as well as in war.

Why, every function of our Government is sustained by force. A man is compelled to pay his taxes. He does not pay them voluntarily. I think very few pay them voluntarily, out of pure patriotism and loyalty. The majority pay their taxes because they have to pay them. Universal education, compulsory education, is maintained in nearly every State of the Union by force of law. Road work is done by force. Jury service is exacted by force. Every function of organized society has force back of it, and if it did not have force back of it, it would not amount to anything. So that conscription is no different from any other function of organized government when it has force back of it. The argument that force is objectionable might be applied to everything that is done under the power of organized government; if we have no force we will have no government.

It was force that preserved the Union in 1865. It was force that caused the seceding States to come back into the Union. Nothing but force sustained this Government in that great crisis, the greatest of its life. Had it not been for the prevalence of force, we would now have divided governments; and if the Confederacy had succeeded there is one thing about its theory of government that I never could fully understand—how the 13 States which constituted the Confederate Government would have been held together after they achieved their independence. There were 11 States that seceded. Missouri and Kentucky were admitted to the Confederacy by courtesy, because they made an attempt to secede, although not entirely successful, Federal troops interfering in the plans, and they were allowed representation in the Confederate Congress, representatives and senators; and if the Confederacy had succeeded, and those 13 States, on their theory of government, had established an independent government or confederation of States, I have never been able to see what would have held them together. It seems to me that any State which felt a grievance, which became offended, which did not like the way the joint government was conducted, would inevitably have seceded from the Confederate States, and that in time there would likely have been 13 little governments, each one separate and independent to itself; and that is one reason why I believe, in the providence of God, it is a blessing to the people of this country that the Confederacy—as much as I revere its memory and those who took part in it—did not succeed.

Mr. KING. Mr. President, will the Senator yield to me?

Mr. MYERS. I yield with a great deal of pleasure.

Mr. KING. While, of course, it is not pertinent to the very able discussion in which the Senator is engaged, he asked the question with respect to the tie which would have bound the States together if the Confederate States had prevailed. Does not the Senator find in the great resolutions known as the Kentucky and the Virginia resolutions, particularly the latter, the criterion to determine whether secession was permissible or not permissible?

Mr. MYERS. It has been a long time since I read those resolutions. My recollection of them is that the principal idea was declaring absolute State sovereignty and the right of secession. If there is any other prominent idea in them, I should like to have the Senator suggest it. I may have overlooked a point. I have not read the resolutions for a long time.

Mr. KING. I apologize to the Senator for diverting his mind from the theme engaging his attention——

Mr. MYERS. I would be glad to hear from the Senator from Utah on the subject.

Mr. KING. I do not think it would be proper now for me to elucidate my views with respect to the Kentucky and the Virginia resolutions; but certainly, with all due respect for the learned Senator, they are not susceptible of the construction which he places upon them.

Mr. MYERS. Did not those resolutions practically declare in favor of the doctrine of secession—that the State governments or sovereignties were superior to that of the Federal Government?

Mr. KING. Mr. President, in answer to the Senator, I do not think that that construction, baldly stated as the Senator has stated the proposition, is tenable.

Mr. MYERS. That has been my understanding of the intent and spirit of those resolutions. Resuming, I say that a government with no force back of it amounts to nothing at all and is no government at all.

I am inclined to believe that if a call for volunteers were made for the 500,000 troops that we are seeking to raise, in time—in a few months, probably—they would respond to that number, and we would be able to get them. There would be many things to cause delay. Young men would have to consult with parents, husbands with wives and children, and business affairs would have to be arranged, and I believe it would be a process that would take a few months, but I believe we would probably get the 500,000 volunteers. But if this is to be a great and prolonged war, as some anticipate, and as it may be, and as we ought to calculate, anyway, in entering upon preparations for it, how about the next 500,000 and the second 1,000,000 and the third 1,000,000 and maybe the fourth and the fifth 1,000,000, and perhaps even more than the fifth million that would be yet to come?

I do not believe that volunteering could be depended upon to that extent. In any war of any particular prolongation—the Revolutionary War, the War of 1861, and the present war in the case of England—conscription has been resorted to from necessity before the war was over. I anticipate that will be the way in the present war if it is to last as much as a year longer, and I doubt if anybody entertains very serious ideas of its ending in less than a year.

Now, if we are to get the first 500,000 soldiers by volunteers, as I am willing to concede, after a delay of some months, per-

haps, it may be asked, as it was asked yesterday, why resort to conscription? Why is conscription any better than volunteering?

I will say that even if we could get the first 500,000, even if we could get the first 1,000,000 troops by volunteering, there are a number of reasons, in my opinion, why conscription is superior to volunteering.

In the first place, as I have said, I do not believe volunteering would last all through the war. I believe it would come to a premature end. I believe we would have to resort to the draft before the end of the war, and then you have the old-time discrimination and idea of odium that exists in the minds of some people as to those who are conscripted. I do not think it ought to exist. I do not think there is anything dishonorable about being conscripted. I think the man who answers his country's call in the form of a conscript order and goes to his country's rescue in its hour of peril and does a soldier's duty as a soldier is entitled to all honor. But in the minds of some—and I am told particularly those engaged in the Army and in Army circles—there exists some reflection upon those who wait to be conscripted; and that would arise in this war if we had part volunteers and in the end had to have part conscripted soldiers. Feeling sure that the war will last a year or more, I therefore believe that we ought to take the methodical plan and resort to the draft from the beginning, so that all will serve their country alike, so that there will be no caste distinction and no sneers, no slurs, no discrimination in the matter of those who wait to respond to the draft. The businesslike way, the methodical way, the sensible way, if you feel you are going to have part volunteers and part conscripts, is to resort to the draft in the first place and have them all alike.

In the second place, what I think is a far better and superior reason, I believe that the draft serves our country's purposes better in time of war. It puts the entire matter in the hands of the Government, which must be in control of the war. Now, you may decry militarism; you may regard military officers as satraps and petty tyrants; you may inveigh all you please against the war spirit; but in war times, in order to win, there has to be some controlling power at the helm of the Army. There has to be some hand at the throttle that controls. There must be absolute control. We all know that; and I believe it is better, right in the beginning, to make that control complete and put it into the hands of the Government to say who shall be called to the colors and who may best serve his country in some other way.

When you call for volunteers, if we call for volunteers in this war——

Mr. KIRBY. Mr. President, I should like to ask the Senator a question.

Mr. MYERS. I yield to the Senator with the greatest of pleasure.

Mr. KIRBY. Is there anything in this bill that even indicates that anything is to be done except to select men for the Army between the ages of 19 and 25?

Mr. MYERS. No; not that I know of.

Mr. KIRBY. That is what you call the selective system, leaving others for——

Mr. MYERS. Yes. It is the privilege, the prerogative of the Government to say between what ages they shall serve. Of course, if we get into a war where we have to raise men by the millions, and the war lasts four or five years, or even two years, we may have to raise that age of draft from 25 to 35 or 40. The Confederacy started in with 35 as the maximum age and ended with 50. It is for the Government to say, and the authorities say—it has been stated on the floor here—that a draft of men from 19 to 25 would raise several millions of young men for the service of their country, more than we could equip and put in the field at once.

Mr. REED. Approximately six millions.

Mr. MYERS. Yes. I was just going to call on the Senator from Missouri for the figures. He has them at his tongue's end. It would raise approximately six millions.

Mr. REED. If the Senator will pardon me——

Mr. MYERS. With pleasure.

Mr. REED. It is understood that there are about 6,000,000 males between the ages of 19 and 25.

Mr. MYERS. Yes.

Mr. REED. Of course some of them would be incapacitated for service by reason of physical disabilities; I do not know what proportion.

Mr. MYERS. Oh, yes. The bill provides that those who have others dependent upon them for support may be exempted, in the discretion of the President, and provides for various other exemptions; so I take it that that provision would raise an army practically of unmarried young men with none dependent upon them for support—neither parents nor sisters nor younger brothers nor maiden aunts, nor anything of that kind. It would raise an army of young men from 19 to 25 having no one dependent upon them for support.

Now, as to ages, the history of all the world shows that boys from 18 to 21 years of age do the best fighting. They have always done the best fighting in all the wars of all time since warfare began, coincident with the existence of mankind. Why, it was boys, practically, 16, 17, 18, to 21 years of age who preserved the Union and won the victories for the Federal armies from 1861 to 1865. The ages have been read here. Why, it was boys who did the most gallant fighting and were found where the fighting was the hottest in Gen. Lee's Army from Bull Run to Appomattox and under Stonewall Jackson in his intrepid, brilliant campaigns in the Shenandoah Valley and western Virginia. It was boys who won all the glorious victories of the Civil War. It was boys——

Mr. GORE. They were volunteers.

Mr. MYERS. Yes. My friend the Senator from Oklahoma suggests that most of them were volunteers; but were those boys so craven and so stubborn that they would have fought any less valiantly if the Government had said, "Come on, boys; your services are wanted. Report at the drafting station"? Would that have diminished their patriotism and ardor?

Mr. GORE. They might not have gotten the same men.

Mr. MYERS. Why, they would have been bound to have obtained the same men. How could they have escaped?

Mr. GORE. Well, Mr. President——

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Oklahoma?

Mr. MYERS. I yield to the Senator with pleasure for the purpose of explaining that remarkable statement.

Mr. GORE. I will ask the Senator if he thinks an army of conscripted slackers would be equal to an army of patriotic volunteers?

Mr. MYERS. Yes; in large measure, because I do not believe that all conscripts are unpatriotic. I believe a man may be a conscript and may be patriotic. I am not one of those who believe that a man who was conscripted bears the brand of infamy on his brow and ought to be in a penitentiary instead of in the Army. Why, there was many a man conscripted in the Federal Army during the Civil War who was an honest man, good citizen, patriotic, and loyal, who made a good fighter and good soldier. He may not have volunteered at the beginning of the war because he may have had reasons which were amply sufficient. He may have had a family dependent upon him. He may have been engaged in business affairs which he could not abandon without great and unjustifiable sacrifice. There may have been many things which kept him out of the war. There was many a man conscripted in the Confederate Army who made a good soldier and did just as good fighting as those who rushed in at the first call for volunteers.

In September, 1915, there was a national Grand Army reunion held in this city. I was not here at that time, but I read of it and heard of it, and the old soldiers of the Grand Army, the gray and grizzled veterans, marched down Pennsylvania Avenue to the plaudits of admiring thousands of spectators. Is there anybody who would draw a line of distinction amongst those old veterans, as to whether they were volunteers or conscripts? What difference does it make? Is there anybody who believes that one is entitled to honor and the other should be the subject of dishonor? How are you going to inquire into the reason that caused a man not to rush headlong into the Army at the first call for volunteers, but to go willingly when he was drafted? How are you going to look into those reasons?

Why, when those old veterans marched down Pennsylvania Avenue the thousands who viewed them had only one thought, and that was: "These are the veterans who saved the Union and made our country what it is to-day." Did anybody stop to think, "Well, there is only a part of these men who are honorable men and who made good soldiers. Part of them were conscripts and are entitled to no honor upon this occasion"?

Mr. REED. Mr. President——

The PRESIDING OFFICER (Mr. LEWIS in the chair). Does the Senator from Montana yield to the Senator from Missouri?

Mr. MYERS. I yield with great pleasure.

Mr. REED. I take it, then, that the Senator thinks there is no difference or distinction which anybody ought to recognize or would recognize between the man who was drafted and the man who volunteered?

Mr. MYERS. I say that the man who responds to the call of his country, whether it be in the form of a call for volunteers or an order from a conscript office, and who does his duty, does a man's part as a man, does a soldier's part as a soldier,

faces the enemy to the last ditch, bares his breast to the flame and shot and shell of battle, is a good citizen and is entitled to the respect of his fellow-citizens and is not entitled to the odium which has been heaped upon conscripts on the floor of the Senate.

Mr. REED. That is not just the question I am trying to arrive at.

Mr. MYERS. Well, I will try again to answer it, then.

Mr. REED. I am trying to get at this: So the Senator thinks there is no difference between the volunteer and the drafted man and thinks they are entitled to equal consideration at the hands of everybody? That is his position?

Mr. MYERS. The volunteer is entitled to some more sentimental consideration and admiration; but I do not believe that the conscript is entitled to condemnation, by any means, if he makes a good soldier.

Mr. REED. Oh, no one has condemned him.

Mr. MYERS. And very often the first man to volunteer is the first man to turn around and run away.

Mr. REED. That frequently happens.

Mr. MYERS. Why, all the Federal soldiers who ran away from Bull Run were volunteers.

Mr. REED. Yes.

Mr. MYERS. I once asked an old soldier who was at the first Battle of Bull Run, "Did you run away?" He said, "Why, yes; of course. Them as didn't run away is there yet." [Laughter.] The volunteer has his shortcomings and failings as well as all other humanity.

Mr. REED. Mr. President, the Senator does not get the import of my question. I know he does not, because of the character of his answer.

Mr. MYERS. Well, I am willing to try it again.

Mr. REED. I will say to the Senator that I am not trying to cast any aspersions upon the conscript. I am not trying to claim that the volunteer is always necessarily a brave man. I am not charging that the conscript never does his duty or alleging that the volunteer always does his duty. But I understood the Senator to say that as these old veterans marched down Pennsylvania Avenue nobody drew any line of distinction between the volunteer and the drafted man; that each had served his country and that each was entitled to the same, or substantially the same, respect. That was, I understood, the Senator's position.

Mr. MYERS. I said nobody would discriminate; that each was entitled to the veneration and admiration of his fellow citizens.

Mr. REED. Now, if that is true, and if we should call for volunteers and get the first 500,000, as the Senator concedes we might, and if later there should be calls for 500,000 more and they should volunteer, which the Senator concedes might happen——

Mr. MYERS. No; I doubt if we could get more than the first 500,000.

Mr. REED. And then if there should be subsequent calls and not a response, and then men were drafted, the Senator has argued that that would put into the Army two classes of men, and draw a distinction between those two classes of men, and subject one of them to a sort of obloquy.

Mr. MYERS. Yes; in Army circles, I said.

Mr. REED. And yet he tells us now that between the drafted men who marched down Pennsylvania Avenue and the volunteers who marched, no line could be drawn or should be drawn. I do not see how the two arguments stand together.

Mr. MYERS. Oh, they are 50 years apart. This obloquy, or class feeling, I am told, exists to some extent among the men in the Army while they are serving. After the battle is over, after the warfare has ceased, and the men who have borne the heat and burden of the day have won the vantage for their country, I think they are all entitled to respect and consideration.

Mr. REED. I think the Senator then does think there is a difference between the two?

Mr. MYERS. I am told there is some feeling against conscripts in the Army.

Mr. STONE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Missouri?

Mr. MYERS. With the greatest pleasure.

Mr. STONE. I rise to a question of order.

The PRESIDING OFFICER. The Senator from Missouri rises to a question of order. The Senator from Missouri will state the question.

Mr. STONE. The question is that there are a number of Senators who desire to address the Senate, and under the rule the Senator can not yield as he has been yielding. I ask that the Senator be permitted to conclude his address.

Mr. MYERS. I understand that I can yield for questions.

Mr. VARDAMAN. I think it is unfortunate that that rule should be invoked just now.

Mr. MYERS. There is no rule against asking questions, and I have cheerfully yielded for questions and will continue to do so.

Mr. STONE. If the Senator desires to press that we will raise the question as to the rule.

The PRESIDING OFFICER. The point of order having been made, the Chair is called on——

Mr. STONE. No; I am not raising it; I just make the suggestion.

The PRESIDING OFFICER. The suggestion having been made, it is for the benefit of the Senate and not directed to the Chair.

Mr. MYERS. I am willing for the Senator from Missouri [Mr. STONE] to raise any point of order he desires and press any rule. I am speaking according to my understanding of the rule and shall stand on my rights.

The PRESIDING OFFICER. The Chair will hold that the Senator from Montana having yielded to the Senator from Mississippi, the Senator from Mississippi is at present interrogating the Senator from Montana.

Mr. VARDAMAN. I was going to say, Mr. President, that I agree with the Senator from Montana that every soldier, whether a conscript or volunteer, who did his duty in the line is entitled to the respect and the gratitude of the American people, but as to their being regarded and held in the same esteem I am advised that there were Confederate camps in the South that for many years after the war would not admit a conscript to their membership, and I am not sure but that rule obtains to-day.

Mr. MYERS. But that old prejudice has worn away now.

Mr. VARDAMAN. It shows the ignominy which attaches to the man who served his country only after he was compelled to do it; and I hold that no patriotic American citizen will do that.

Mr. MYERS. It may be a very unjust ignominy. In June of this year there will be an ex-Confederate reunion here in this city, and there will be many thousands of ex-Confederate soldiers in attendance. Is there any Member of this body who would, if he could, separate them and distinguish between those who volunteered in the Confederate Army and those who were conscripts, and give honor, respect, and veneration only to those who volunteered?

Mr. VARDAMAN. If the Senator asks me that question——

Mr. MYERS. I am asking it of anybody.

Mr. VARDAMAN. I would not.

Mr. MYERS. I do not think there is any man who would. I know the Senator would not.

Mr. VARDAMAN. Certainly not. I think they will come and receive the same courteous treatment. There will be no distinction made whatever. I have no word of condemnation for the conscript or the man who waits to be conscripted; it is not my province to judge, but it occurs to me, addressing it to the individual, that to be compelled to render a service which you owe to your country, to be driven as the Senator from Missouri said yesterday as the "quarry slave scourged to his dungeon"——

Mr. MYERS. I am going to refer to that.

Mr. VARDAMAN. It seems to me if the Nation needs the service of the citizen, to render that service would be the first thought that would enter the right kind of a citizen's mind, and the man who does not feel that way about it is lacking in those elements of patriotism, I think, to be absolutely essential to the higher order of man.

Mr. MYERS. The Senator is not able to look into the heart of any man who did not enter the Confederate or Federal Army upon a call for volunteers and see what was his motive for not volunteering; but if he was drafted and responded and did his duty as a good citizen and brave soldier, the Senator is able to see that and——

Mr. VARDAMAN. I can not see how he can respond to a draft or conscript. He is not called; he is simply caught by the scruff of the neck and dragged in. He is not responding or volunteering; he is simply being pulled in; and if he retreats or deserts, he is shot. A man does not respond to conscription; he simply obeys coercion.

Mr. MYERS. That expression about the neck is one that the Senator from Missouri used yesterday. I did not catch it then, and am not able to repeat it exactly, but as used it is one of the expressions for casting odium on the conscript. Now,

if the conscript is ordered by his country to do a certain duty and goes and does it, I say he is entitled to credit, as is the man who is entitled to credit for duty well done, and that there should not be such opprobrium and slurring remarks, I will say with all respect, as some of the Senators on the floor of the Senate here are disposed to use about those who are drafted. It is unjust. I know it is not intended to be unjust, but it is unjust.

Mr. REED. The Senator evidently directed that remark to me.

Mr. MYERS. Because the Senator used the same remark yesterday.

Mr. REED. The insinuation is——

Mr. MYERS. It is no insinuation at all; I am not insinuating.

Mr. REED. Or the direct charge, then, is, whichever way the Senator wants it, that I cast odium upon the conscript.

Mr. MYERS. I say you used terms which are calculated to cast odium upon him or are expressions that cast odium, and I think it is unjust.

Mr. REED. My speech is in the RECORD, in cold print, and is there substantially without revision or correction. You can not find a sentence in it intended to cast reflection upon the man who is conscripted. I said conscription was a reflection upon a man who stood ready to come, but I did not say that the man who was conscripted was a bad man or a cowardly man. I said that a brave man willing to come ought not to be subjected to the humiliation of being compelled to come under an order.

Mr. MYERS. The Senator used the same expression about the neck several times the Senator from Mississippi has just used.

Mr. REED. To take a man by the scruff of the neck?

Mr. MYERS. Yes.

Mr. REED. Has the Senator never used that expression?

Mr. MYERS. I never heard it until yesterday.

Mr. REED. It is not in the classics, but it is a part of the Missouri vocabulary.

Mr. MYERS. There may be a lot in the Missouri vocabulary with which I am not acquainted. I do not claim to know all that some Missourians know.

Resuming my argument where I left off, there is one of two things certain. When a man is drafted he is either a man who would have volunteered or a man who would not have volunteered. There is no escape from that statement. That is self-evident. If he is a man who would have volunteered, how is he hurt by being told by his country to come on and report to the drafting station?

Mr. REED. Mr. President——

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Missouri?

Mr. MYERS. With pleasure.

Mr. REED. Instead of being permitted to come and to render his service as a voluntary offering to his country he is ordered, like a servant might be ordered; he is compelled to be put in the class of those who serve by compulsion rather than permitted to stand with those who are willing to serve their country from love of country. I think that is a very great hardship and a very great wrong.

Mr. MYERS. If that fact dampens his ardor or lessens his loyalty or makes him any less a good soldier, then his kind of patriotism is a very poor sort of patriotism in the beginning. If he can not have his own way, like a spoiled child, if he says, "I will not fight with all my will and all my heart and soul unless I can fight in the way I want to fight and when I want to enroll," he is a mighty poor sort of a patriot.

Mr. REED. Mr. President——

The PRESIDING OFFICER. Does the Senator from Montana yield further to the Senator from Missouri?

Mr. MYERS. With pleasure.

Mr. REED. I did not say he would not fight. I did not say he would not do his duty even though you humiliated him.

Mr. MYERS. There should be no humiliation.

Mr. REED. It has been so regarded for something like a thousand years.

Mr. MYERS. No man should be humiliated by being told to do his duty to his country.

Mr. REED. The Senator from Oklahoma made a suggestion which pretty well covers it. A man who is willing to serve his country, a man who is ready to volunteer and is not permitted to volunteer but is drafted and ordered to respond may serve his country after he has been subjected to a humiliation that is unjust. It is like putting a husband who is entirely loyal and faithful to his family under bond to support his wife when he is ready to support her without any such coercion.

Mr. MYERS. If a man does his duty, there is no danger of his ever being put under bond to support his wife, but a man may do all of his duty and not be a volunteer in the Army upon a call for volunteers. There is no analogy whatever.

I say, if the man who is conscripted would have volunteered anyway he is not hurt and he should not object to being told by his country what to do; that is, if he loves his country and puts it above individualism and individual ambition, individual aspiration, individual selfishness and desire. Of course, if he wants to pose as a hero, as a man who jumps to arms at the first call and possibly be elected a lieutenant or a captain or something of that kind, wear a saber and epaulettes, then he may feel hurt that he was not allowed to volunteer; but if he puts his country above every other consideration on earth when the life of that country is trembling in the balance, when the life of that country is in danger, when his country is in the hour of her stress, then he will not object to being told where and how to serve his country. You will get all the volunteers anyway, and if they are good men, patriotic men, they will fight just as hard and just as faithfully and loyally as if they had been allowed to volunteer. If the man who is drafted would not have volunteered, then he ought to be drafted; that is the only way to get him; it is just and right that he should be drafted. So I can see no injustice done to anybody.

The opponents of this bill seem to proceed upon the theory that the citizens of a country owe their country no extraordinary duty in time of war. In extraordinary times, when the life of their country is at stake, when it is waging a war for its existence, they seem to think that every man ought to be allowed to do just as he pleases, to go and volunteer if he wants to, or to stay at home, or if he is more fit for some duty at home to say, "You must take me in the army; I insist upon fighting. I want the glory of the battle field"; that it is for him to say, that it is for each and every one of the 100,000,000 people of this country to say, just how they will serve their country in time of war, or whether they will serve it at all or not.

I will tell you my idea of a patriotic citizen, a good citizen. I will give you my idea of loyalty. My idea is that the man who, at the outbreak of war, says to his country as the prophet of old said, "Here I am; all that I am; my mind, body, intellect, heart, and soul are at the disposal of my country. I offer myself on the altar of my country. My life, if necessary; my services, my talents, my labor, my ability (if I have any), all in all, all that I am, all that I hope to be, I lay upon the altar of my country. Here I am; take me; put me where you will. If you choose to send me to the bloodiest grave of the bloodiest battle field of the bloodiest war that was ever waged, there I will be when the time comes. If you choose to send me to face sheets of fire and flame and shot and shell on battle fields raked with torrents of destruction, there I will be; if you choose to put me in the less heroic and less sentimental position of a mechanic, sharpening tools, making instruments of war; if you choose to have me work in a munitions factory, work on a farm, work at producing foodstuffs—if you choose to send me there, there I will go. I have no individual ambition to gratify; I have no individual desire to place above the welfare of my country. My country comes first with me in time of war; my country first, my country last, my country all the time."

That is my idea of a good citizen and a patriot—a man who is willing to serve his country in any capacity in which he may be told to serve it; who is ready to shoulder the musket or follow the plow; who is ready to obey the orders of the supreme power which must exist to conduct any war successfully. I say in that sense we should all be volunteers. If there are, roughly speaking, 100,000,000 people in this country, I say that every man, every woman, every child of the hundred million should be a volunteer and should offer to serve our country in any capacity in which the country may think each best fitted to serve it. If we will go into this war animated by this spirit, if we will go into this war as one in unity of purpose, spirit, and devotion, it will be won to the glory of this country and the triumph of justice in a great deal shorter time than if we should go into it in any other spirit. In support of that I quote the words of President Wilson, our President and the Commander in Chief of our Army and Navy. He says:

> We must all speak, act, and serve together.

How can we better do that than by each and every one of us saying, "Take me and put me where you will. If you want me to serve in the Army, tell me so; issue an order. If I am between 19 and 25 years of age and unmarried, with no one dependent upon me, and have no legitimate excuse for exemption, and if you think I am of the right age and material to serve in the Army, tell me so, and I will go. If I am over 25 years of age,

or if I am a mechanic or a person with any technical knowledge, and you think I am not so well fitted to serve in the Army as are some others, then send to the war the others who are better fitted to serve than am I and I will accept my more humble but just as useful place without complaining and without grumbling."

Mr. President, the Senator from Missouri [Mr. REED], for whom I have very warm regard and friendship, and who is a gentleman of very extraordinary ability, delivered a most brilliant speech in this Chamber yesterday in opposition to this bill. The Senator from Missouri [Mr. REED] is not only an orator but he is a rhetorician, and in doleful and lugubrious terms yesterday he painted a very sorrowful and sad picture of what the result would be if conscription were resorted to in this country. He said that very many of those who were drafted would be dragged to the Army as a galley slave is dragged to his dungeon; he referred to the wretches—the miserable wretches—who would be dragged to the county courthouse and there compelled to register and enlist.

The PRESIDING OFFICER. Will the Senator from Montana forgive the Chair for asking, Does the Senator desire to continue further than the usual hour of half-past 5 o'clock?

Mr. MYERS. I do.

The PRESIDING OFFICER. The Senator desires to continue further?

Mr. MYERS. Yes, sir; and I believe under the unanimous-consent agreement whenever a Senator has indicated a desire to speak, he has the privilege of doing so.

Mr. STONE. Under the unanimous-consent agreement, I think the Senator from Montana can continue indefinitely.

The PRESIDING OFFICER. The Chair was merely desiring to call the Senator's attention to——

Mr. MYERS. I will accept the invitation of the Senator from Missouri [Mr. STONE] to continue indefinitely; but I will not speak four hours and a half.

Mr. STONE. The Senator has very nearly accomplished that feat already.

Mr. MYERS. It may seem like four years and a half to the Senator from Missouri, but I have been speaking less than two hours. I do not know why the Senator from Missouri is so impatient about my remarks.

Mr. STONE. I am not impatient. I have been listening with profound interest and instruction to the very excellent and eloquent address of the Senator; but I was simply meaning to say to the Chair what I did say, that the Senator has the right under the unanimous-consent agreement to proceed indefinitely.

Mr. MYERS. I am very glad to have the Senator's confirmation of that right. That puts me at ease. I have noticed the patient interest of the Senator from Missouri in my humble remarks, and I shall proceed.

The PRESIDING OFFICER. If the Senator from Montana will permit the Chair, the Chair merely interrupted the Senator so that the Senator could inform the Chair as to his pleasure; and thinking the Senator desired a recess to be had at half-past 5, the Chair only desired to learn the Senator's pleasure upon the question.

Mr. MYERS. My pleasure, Mr. President, is to continue; and if it be the pleasure of any not to hear me, of course they have the privilege of retiring from the Chamber. I shall not suggest the absence of a quorum.

Now I will resume. I have been trying, in my feeble way, to make an argument on this matter, but it has been pretty difficult. As I was saying, the Senator from Missouri [Mr. REED], for whom I have very high regard, and who possesses very great ability as an orator and otherwise, in a most brilliant speech yesterday painted a very sad and lugubrious picture of what would be the result of conscription in this country. He referred to the young men who might be drafted as going into battle, cringing; he referred to the miserable wretches being dragged to the county courthouse and there compelled to enlist; he referred to many of them being dragged as is a galley slave to his dungeon. Now, if so disposed, I might ask if there are any of that kind of people in Missouri; if any Missourians are that kind of people; I might ask it, if I did not know better, but I want to know if the Senator was speaking for the people of his own State or others. He is commissioned to speak on the floor of this Chamber for the people of no other State. He is only commissioned to speak for the people of his own State. He should not characterize the people of my State in that way. Each State has two Senators here who are duly commissioned to speak for the people of their respective States. The Senator from Missouri is commissioned to speak here only for the people of his own State. I do not believe Missourians are that kind of people. I do not believe there are any of that kind of people in Missouri. The Missourians were not that kind of people when I lived in that State; and I do not believe they are now.

The people of that State are a brave and courageous people, descendants of those who crossed the Mississippi River in pioneer days and wrested a magnificent country from tribes of savage Indians. Following Daniel Boone, they kept one hand on the plow while they held a musket in the other hand. They kept their women and children in forts to protect them from the Indians. They plowed the prairies, felled the forests, built schoolhouses, churches, and homes, cities and towns and railroads. It was Gen. Doniphan who led an expedition to Santa Fe and opened up the great southwest trade of this country. In 1848 Missouri furnished a large quota of soldiers to the Mexican War. From 1861 to 1865 she furnished large numbers of soldiers to both the Federal and Confederate armies. At Springfield there is not only a Federal but a Confederate cemetery dedicated to those Missourians who fell upon that battlefield. At Springfield, at Lexington, at Carthage, at Lone Jack Missourians met Missourians in battle, and on each side proved their manhood and their mettle. Missouri furnished Sterling Price to the Confederacy and Frank P. Blair to the Federal Army. I will not say that the Senator's remarks imputed any such ignoble qualities to Missourians. I do not say it. Of course I would not say that.

Mr. REED. Then, to what purpose has the Senator been speaking for the last 10 or 15 minutes? He starts out with the broad charge, in effect, that I had stated in my speech yesterday that men if drafted would all be cowards.

Mr. MYERS. No; I did not say "all." The Senator is mistaken. I did not say all of them; I said "many of them."

Mr. REED. Then he asks me who I dare speak for except the people of my own State. He then asks if I was so speaking of the people of my own State; then he launches into a eulogy of the people of Missouri, in contradiction of this base charge that I have made against them, and then exculpates me from having cast any reflection whatever upon the people of Missouri. So he travels around the circle, and I do not know how to answer that kind of talk.

Mr. MYERS. If the Senator will hear my remarks to the finish, he will understand my meaning better. If the Senator does not know how to answer, I do not suppose it needs any answer then.

Mr. REED. I do not, either; I quite agree with the Senator.

Mr. MYERS. I will show the Senator, though, what does need an answer, I think. I exculpate the Senator from any such insinuation. I not only acquit the people of Missouri of any such imputation, but I acquit the Senator from Missouri of portraying them in any such character or holding them up in any such light. It is not, of course, in the Senator's heart to do so; but he spoke the words which I have quoted, and if they apply to the people of the whole country, then they apply to Missouri and all the rest of the States. However, I acquit him of any imputation that the people of the whole country or of any State in the country have any such qualities. Yet the Senator used the words. Why did he use them? I say that he used them in the excessive zeal of his overwrought feelings in fighting this bill. It was one of his flights of rhetoric, for which the Senator is famed and noted. I want to say that while the Senator delivered a very brilliant address and a very entertaining oration, so far as his argument is concerned, if you take the rhetoric out of his argument, it is a good deal like puncturing a balloon and taking the wind out of it; there is nothing left. The Senator's argument was full of beautiful rhetoric and strong terms, too strong, I think, for him to mean; too strong to seriously impute to his fellow citizens in any part of this country; and I do not think there is a man here who believes that there would be any such sad and disgraceful result as the Senator from Missouri has depicted if we should have conscription in this country.

I predict that this bill will pass and that when we have conscription the American people will respond nobly to the call of their country. I believe that when their country says "Come on, we want you, this one and that one, to go to the battle field, and we want others to remain on the farm and in the factory and the railroad shop and the munition plant," the people of America will respond with a patriotism and a spirit which will be worthy of their history and their traditions. There will be no riot, there will be no rebellion, there will be no hanging back and dragging of miserable wretches by the halter of the law, except perhaps in extreme and exceptional cases in different parts of the country. But I believe that the people of America will acquit themselves as they may be expected to acquit themselves, in view of the way they always have acquitted themselves in all the history of their Nation. They will respond with a spirit which will be worthy of the purpose for

which they will respond, and that will be to secure to other countries and other peoples some of the blessings which for nearly 150 years have been vouchsafed to us by a kind and beneficent Providence. They will respond not only to fight for themselves but to fight in order to carry democracy and liberty to others and to make secure the democracy and the liberty of the world. They will go to Europe not only to die for their own country but to die, if necessary, for immortal principles which are superior to any country on the face of the earth; and those are the principles of democracy.

It is recorded in Scripture:

Greater love hath no man than this, that a man lay down his life for his friends.

Some of those who go to Europe may die for the democracy of others, but if so they will die in a glorious cause which will redound to the honor of their own country as long as time lasts. It is written that during the French Revolution one man who was a victim was accorded the privilege of ascending the platform and giving up his life by the guillotine in the place of another man who had been chosen to be the victim, and as he went to his death he turned and faced the crowd and said:

The thing I am about to do is a far, far better thing than I have ever done. The death that I now am about to die is a far, far better death than any death I could ever have died.

Of those of our troops who respond to the order of their country to go to Europe to face the cannon on those dreadful fields of carnage, if they meet death there and are buried there, it can well be said of them: "They died not only for their country but for the rights, the liberties, the democracy of all people. The death which they died is a far, far better death than they could ever have died before, and that which they did is a far, far better thing than they ever did before."

By passing this bill, enacting it into law, providing that every man, woman, and child in this country shall be a volunteer and shall serve where his country places him, we have the privilege of writing upon the scroll of our country's history the brightest page that has ever been written there or probably ever will be written there.

Mr. GALLINGER. Mr. President, will the Senator from Montana yield to me for one moment?

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from New Hampshire?

Mr. MYERS. With a great deal of pleasure.

Mr. GALLINGER. I have a memorandum, which has been sent to me by ex-Senator Henry W. Blair, of New Hampshire, touching this bill. It is very brief, and I should like to have it inserted in the RECORD, if there be no objection.

The PRESIDING OFFICER. There being no objection, it is so ordered.

Mr. GALLINGER. I thank the Senator from Montana.

The memorandum referred to is as follows:

Amend the bill as follows, and the benefits of both volunteering and drafting are at once combined:

1. Let there be draft whenever men are wanted and there is delay to volunteer immediately.

2. When a draft is ordered, the date of drawing of names being fixed, and the quota of the district specified, volunteers having the qualifications required by the terms of the draft shall be allowed upon the quota and the actual drafting shall be for the deficiency only, if any, and taken from those enrolled who have not filed notice that they have volunteered.

Should the number of volunteers equal or exceed the quota in any given district as shown by the actual draft, the volunteers shall be accepted in preference to the drafted men in their order.

Volunteers must be enrolled in the district for which they are accepted.

Eligible volunteers not subject to enrollment may be accepted at any time in accordance with regulations by the President.

Thus no one need be drafted, and there is no threat or stigma incurred, because all enrolled and so liable equally to risk of impeachment, if there were any, of valor or patriotism.

In this way the impending draft secures immediate response of men and the whole community become recruiting officers at once and volunteers fill the quota.

I know how this works, for I have been through it during four years of the hardest State in the Union to raise quotas during the Civil War.

3. Substitute the full period of liability for military service for that in the bill, to wit:

Eighteen years to 45 years for 19 to 25 years, or much increase in the difference of ages.

It is a cruel blow to the potential prolongation and growth of national life to extirpate the period of romance from the lives of both sexes by casting the supreme burden of national defense upon our early manhood and womanhood, too, just because it is the most patriotic.

Suppose, as may now reasonably be anticipated, substantially the whole Army should be taken from this draft and there should be a corresponding gap of six years in the natural activities and functions of the transmission of national life from one generation to another as now performed by this selective element of our people; what would be left of the American Nation? Why, simply such as might be an inheritance of an inferior fatherhood and a forlorn and enfeebled motherhood, wan cheeked and wasted in withered forms.

Besides, we do not want an army of boys; we need the full proportion given of riper experience and sounder judgment among privates as well as officers which come only with increasing age.

HENRY W. BLAIR.

COLORADO BUILDING, *April 26, 1917.*

Mr. STONE. Mr. President, the large assemblage of Senators present is a conspicuous evidence of the profound interest they feel in the discussion of the grave questions before the Senate. This presence is in its way an inspiration. I am all the more impressed by it because of the fact that Senators rise from time to time to tell us early in their enlightening observations that they want to raise an army at the very earliest possible moment. Then they proceed to kill hours of time in hurrying to a vote on the bill. I hear Senators say, "I want to tell you my idea." I have heard that expression several times. Then those who did not hear it must plod through pages of wandering to find the idea.

The Senator who last addressed us spoke of my colleague [Mr. REED] in criticism. I wish in a very few words to say that my colleague is abundantly capable, as we all know, of taking care of himself. I wish to add that I believe, thank God, that the people of his and my State expect and desire their representatives in the two Houses of Congress to rise to the full height of their responsibility and duty as they severally see it. My colleague and I may differ, as we have differed, about some things—not many—but our differences have been honest and honorable differences, the differences of men clothed with great official responsibilities. I hope and believe that the people of Missouri expect this of each of us and all of us.

Mr. President, I shall not take 30 minutes of the time of the Senate to say what I have to say on the great question pending before us. I did not vote with the President for war; I shall vote with him for conscription.

I wish, however, to make my position on this subject plain. In a time of peace I would be unwilling to vote to pass a compulsory military service law. To me the principle involved in such a law is obnoxious. Compulsory military service is peculiar to monarchial governments. It is especially peculiar to continental Europe, where all the important governments, excepting France, have been monarchial from time immemorial. It is also peculiar to Japan. At least until very recently this compulsory-service system has had practically no support or sympathy with the people of this country. I have myself always coincided with that attitude of our people. I have always been unwilling to transplant this military system in vogue on the Continent of Europe to the United States and engraft it on the permanent policies of this country. We have in the past almost to a man denounced the military autocracy of Prussia, Russia, and other countries where this system of compulsory military service prevails, and we have seen and sympathized with thousands of stalwart young men who fled from their native lands to America that they might escape a military situation repulsive to them and toward which they maintained a hostile spirit. I have always until recently supposed it to be beyond things possible to so change the public sentiment of the American people in this behalf as to make it possible to transport this European system to our country and establish it here. But things seem to change overnight nowadays. It would be hard for me to so change the trend of my life thought on this subject as to believe that such a system to be established as a permanent policy would accord with the spirit of our institutions, or that it could ever become essential to our national safety.

It is hardly necessary to advert to a fact familiar to everyone that the conditions surrounding the United States are so different from the conditions surrounding European nations that there is no parallel between them. If we were surrounded by or contiguous to powerful nations with great permanent military armaments, between whom and this Government and people there were acute—I might say even possible—rivalries and jealousies, if nothing worse, there might be an argument, aye, a necessity, for maintaining a great standing army in the United States. But that situation does not exist, has never existed, and probably will not exist, at least for an indefinite future period. Mr. President, much might be said on these lines on this subject, but for the present I will pass it by with this cursory reference to the chief reasons to which I have adverted—barely adverted—as the ground of my opposition to the policy of conscription and universal compulsory service as a permanent policy of our Government.

Nevertheless, while expressing my opposition to that policy as a permanent policy, I wish to add that I would be very glad to see the younger men of the country in times of peace go through a substantial period of military training. I would gladly do anything within my power, which I deemed consistent with American principles and policy, to encourage the maintenance of the military or martial spirit among our people to a

degree sufficient to have at all times in readiness an adequate force quickly available for any national emergency. For example, I would be glad to see a great military school, essentially similar to that at West Point, established somewhere in the West—notably at such a place as Fort Logan, near the beautiful city of Denver, Colo. I would have the cadets sent to this school selected not as West Point cadets are selected, by Members of Congress and the President, but selected from young men serving in the ranks of the Army or from the National Guard or from those who have been faithful or most efficient at training camps. I think this would furnish a great incentive to a fine class of ambitious young men to enter the military service in some one of its several branches. I would also be willing to appropriate most liberally to make training camps attractive to young men, and to reasonably guarantee them against loss during the annual periods devoted by them to this service. I would also be willing to appropriate liberally to encourage not only universities and colleges but the high schools of the country to incorporate military training as a fixed part of the school curriculum. Cooperating with the States, as far as practicable, I would have the Government supply, or aid in supplying, capable and efficient officers as commandants in these various schools and to supply adequate equipment for thorough training. Boys who took the military training as they took mathematics as a part of their education would go out from their schools with excellent knowledge of all the substantial elements of military life. They would no more forget their military training on the campus or field than they would forget their instruction in the classroom; indeed, I surmise that the spectacular features incident to their military training would make a more lasting impression on their minds and memories than the more sedate instruction received in other branches. Other like things could be suggested and adopted. To such expedients as these I would cheerfully resort to encourage and induce our young men to enter voluntarily upon the task of acquiring military instruction and training. I would make the service far more attractive than it has been.

I have also long been an advocate of the Government itself creating and controlling adequate means for fully equipping both its Army and its Navy; also, abundant equipment of all kinds should, as I have said, be at the command of training camps and training schools and of the National Guard. The Government should at all times have at its disposal a very considerable armament ready for instant employment. We should keep abreast and, if possible, in advance of the balance of the world in the character and quality of our military and naval equipment; and the Government plants should be always kept in a position to meet as quickly as possible any situation or emergency that might arise. If at the end of the war we should organize a military system along the lines I have indicated, I would have the utmost faith in its success. In a very few years we would be sending forth annually from these schools and training camps more than a million men, who could be quickly mobilized and made available for active and effective service. In 10 years we would have millions of men, the very flower of the land, fit to take the field whenever an emergency should arise requiring that service at their hands.

Generally speaking, what I have said fairly well expresses in a brief way my views as to a military establishment for the United States in times of peace. And I say this now, for I apprehend that after the war this question will come before us again, and for myself I wish at this time to make my attitude a matter of record.

WAR.

But war and peace are wholly different things. For years we have gone about the business of so-called preparedness in slipshod fashion. We have had no real military system of any kind worth speaking of. We have only drifted along indifferently. An autocratic military system is only something worse than no system at all. But we could establish a system that would be not only effective, but at the same time be in accord with our theory and principles of government and better adapted to our national life. This would take time, of course—time and careful thought—to work it out. But it should be done, and done at once; done as something real and permanent.

But now we are in war, and we must get ready for this war without delay; that is the immediate duty pressing upon us. We are no longer merely talking about war; we are actually in war, and in the greatest war of history. We must grasp that tremendous fact. In this emergency the Nation must bear its part honorably, bravely, efficiently. At least in this particular the honor of the Nation is indeed at stake. No man has any right to shirk. Every man must do bravely and patriotically whatever the Government requires at his hands. There are millions of American men and women who did not want this country to enter into this war. They believed, as I did, that it would be a mistake for our Nation to become embroiled in this foreign conflict. But the Government—that is, the President and the Congress, who are authorized under the Constitution to speak for all the people in this behalf—determined that it was the duty of the United States to go into the war. The Government believed that the honor and vital interests of the Nation demanded that this dread enterprise should be entered upon, and so the Congress declared war. That action was authoritative, decisive, and final. Now, the duty of every citizen is plain—he must support the Government with all his might and strength. The spirit of Tennyson's ode, immortalizing the "Charge of the Light Brigade" at Balaklava, must pervade the breast of every American man and woman:

Forward, the Light Brigade!
Was there a man dismay'd?
Not tho' the soldier knew
Some one had blunder'd.
Theirs not to make reply,
Theirs not to reason why,
Theirs but to do and die.

We are to assemble 1,000,000 men, maybe 2,000,000 men, under arms. Many men both in and out of Congress believe that this great army should be collected through volunteers. Others believe that it is impracticable to get together an army of this magnitude made up of volunteers, at least in time for effective service. Judging by what has been accomplished, I can not but share in that belief. Moreover, the President and his advisers, who have thought much about this subject, and who have sufficiently tested the volunteer plan to be convinced that it is impracticable as a sole reliance in this emergency, are urgently advising Congress to enact a compulsory service law to be enforced through a carefully devised plan of selective drafts. The necessities are urgent and imperative, and all doubt about raising this army should be dissipated and all delay avoided as far as possible. I would make it plain that I shall vote for the bill as it stands, if thought best not to amend it. It embodies the President's view, and I am confident it will prove effective for the imperatively important purposes it is intended immediately to serve. But I would have it understood, also, that as for myself I shall vote for it as a temporary expedient and not as a permanent policy to be continued after the conclusion of the war. I would be glad if this view could be made more apparent in the text of the bill. I wish this could be made plainer and more certain than it is. With that end in view I have prepared what I may call a suggestion for an amendment. I will ask the Secretary to read it.

The PRESIDING OFFICER (Mr. STERLING in the chair). There being no objection, the Secretary will read as requested.

The Secretary read as follows:

Add as a new section the following:

"SEC. 8a. That the service of all persons selected by draft under the provisions of this act shall be for the period of the emergency, unless sooner terminated by discharge or otherwise. Whenever said emergency shall cease by the conclusion of peace between the United States and its enemies in the present war the President shall so declare by a public proclamation to that effect, and from and after the date of said proclamation the provisions of this act, in so far as they authorize compulsory service by selective draft or otherwise shall cease to be in force and effect."

Mr. STONE. I ask that this may be printed and laid upon the desks of Senators as a possible amendment to be offered.

The PRESIDING OFFICER. Without objection, it will be so ordered.

Mr. STONE. Mr. President, I do not at this time offer this as an amendment, but only as a suggestion for the consideration of the chairman of the committee in charge of the bill [Mr. CHAMBERLAIN] and of the Senate. I may not propose it at all, and certainly shall not without further consultation with the Senator from Oregon. For the present I wish merely to emphasize my anxiety to have this proposal for compulsory service limited to the period of the present war.

Mr. President, there is another provision of this bill which is especially objectionable to me, and I would be very glad to see it changed. The provision I refer to is in section 2 of the bill, wherein it is provided that liability to the draft authorized shall apply to male citizens "between the ages of 19 and 25 years." I do not like that. I wish the age limits could be changed so as to read "between the ages of 21 and 40 years." I am extremely reluctant right at the beginning to force immature boys into the service. If they desire to volunteer, I have nothing to say; but to compel them to go nolens volens is another thing. I prefer, infinitely prefer, to make up our fighting force of full-grown and responsible men—at least of adults. I may have something more to say on this subject later on.

FOR BILL EVEN UNAMENDED.

But whether any changes in the bill shall be made or not, I intend to vote to raise this army and put it in the field at all

hazards. Our entrance into the war has imposed this national duty upon us; I see no escape from it; I have no desire to escape it. In the opinion of the Government, we can not win this war by the mere expenditure of money, however vast the sum, or merely through the use of our naval strength. I accept this as true. We must, therefore, immediately organize and put into the field a powerful military land force, splendidly equipped for the arduous and dangerous duties of the war; and this should be done not for show but for service. It seems to me we must pass this bill. Let the work of selection go on; but, at the same time, I see no reason why the patriotic men of the country, within the age limits, should not come forward and volunteer their services to the Government. They will find a place in the service.

The Secretary of War is quoted as saying that these volunteers could be incorporated in the various units of the Army, and therefore I assume that the larger the number of volunteers the less will be the number called to the colors under the coercive features of the law. I hope that those who shall offer themselves will be so numerous as to reduce the necessity of actual conscription to the minimum. Since this coordinated plan of volunteering and conscription is deemed to be wisest, it is manifest to me that the vast aggregate of both units should be so mixed and molded as to make one harmonious whole. The idea of any kind of discrimination between the men at the front should be avoided. But the details of the plan I would leave to the executive branch of the Government. I join the President and my colleagues here in appealing to the stalwart, brave-hearted young men of the country to come forward and offer their services to the flag. Senators, we have differed in the past about this war, but the past is behind us. Now we must turn our faces resolutely to the future and do our duty, every man of us. Let no man, here or elsewhere, be deaf to the appealing call of his country. Therefore I say to all men able to serve their country in the field, "Go to the front like thoroughbreds." I say to all of them, "Go forward with the light of patriotism and daring aflame in your eyes." This is no time to think of personal consequences; this is the time to think only of a man's country. The more dangerous a patriotic service the greater is its glory. No greater service can any man render than to offer his life. I bid, I appeal to all American men capable of this hazardous but noble service to respond to the Nation's call, no matter in what form it comes. Great honors are waiting for some, grim death is waiting for others, but a crown of glory is waiting for all. Whatever befalls any of them, this inspiring memory will be forever throbbing through the Nation:

> When can their glory fade?
> O the wild charge they made!
> All the world wonder'd.
> Honor the charge they made!

Marshal Joffre, the great military chieftain of the French Army—a chieftain whose prowess is indissolubly connected with an army whose valorous deeds will live forever in the martial history of the world—is in Washington. He comes under the authority of his Government to confer with our President about the war. The press reports him as saying that an American Army is wanted at the front in France. This is not a Macedonian cry; but if it were, the greater reason why we should respond to it. We are in honor bound to respond in any event; we are in honor bound to go to the front. We have entered the war because our Government decided it was our duty to enter it. I did not agree with that view, as you know. But I told you from the start that, while I opposed this Nation entering the war, if it did enter it I would insist upon keeping the national faith, no matter to what length it might lead. Now we are pledged. In this war the enemy of France is now the enemy of the United States. There is no middle ground—no "No man's land." National honor and good faith require us to go the limit. I do not know whether the great hero of the Marne really said what I have quoted from the papers. But whether he said it or not, it must be true. We are needed on the battle fronts of Europe. Now comes the real test of our mettle. Now, we must determine, each man for himself, whether we shall make good the national pledge. There must be no halting at home, especially must there be no halting here. "Forward" is the one word in our vocabulary fit to voice the spirit that should animate us. How shall we go forward? Having a solemn duty pressing upon us, we should perform it quickly. While we are talking here in the Congress our allies are fighting to the death.

If we are going to fight, the sooner we get at it and into it the better. If we are only bluffing, we can go on talking. Over in France Frenchmen, Englishmen, and others of our allies are fighting and dying. We have agreed to go to their aid and fight with them; but we have been talking, not fighting. The first necessity confronting us is the necessity of getting ready to fight. What is the surest and quickest way of getting ready? I am sorry I can not agree with some of my colleagues here that we should first try out the plan of raising an army by volunteers. We have been trying that for some months. Almost every art has been resorted to to excite patriotism and induce enlistment. At all kinds of public gatherings—theaters, picture shows, patriotic gatherings especially assembled for the purpose—heroic scenes have been depicted before the eyes of the people—depicted amid the blast of bugles and the flaunting of flags. Hundreds of demonstrations calculated to thrill the hearts of the onlookers have been made throughout the country. All these things have been welcomed with applause, not tumultuous, but more or less enthusiastic; but few indeed have volunteered. So far the response has been not only unsatisfactory but discouraging. I offer no opinion as to why this is so, although I do not believe it difficult to understand. The President thinks the time is past for experimenting. I agree with him. It is imperative that we act at once and get ready with the least possible delay. I am for that plan which will most certainly, speedily, and effectively meet the demands of the hour. Pass this bill, and we will forthwith enter upon a plan that will not be experimental; its success will be assured from the beginning. Therefore I shall vote for this bill. This is not a time to halt or hesitate; we must go forward.

Mr. GORE, Mr. SMITH of Georgia, and Mr. JONES of Washington addressed the Chair.

The PRESIDING OFFICER (Mr. MYERS in the chair). The Senator from Oklahoma.

Mr. GORE. Mr. President, I ask unanimous consent to introduce a joint resolution, and ask its reference to the Committee on Interstate Commerce.

The PRESIDING OFFICER. The joint resolution will be read for the information of Senators, to see if there is any objection.

Mr. MARTIN. Mr. President, I hope the Senator will not interrupt to inject any other business. The time until a vote is reached on Saturday evening was set apart for the consideration of the pending measure.

Mr. GORE. I will say to the Senator that it is just the introduction and reference of a joint resolution.

Mr. MARTIN. There are several others here. The Senator from Georgia [Mr. SMITH] has one in his hand; the Senator from New York has one; and I appeal to Senators not to present them at this time. I dislike to object, but I shall be compelled to do so. We can not go into general legislation pending the consideration of this measure.

Mr. GORE. I will state that the excuse for my apparent haste is that the Interstate Commerce Committee meets tomorrow, and I was hoping to have a subcommittee appointed for the consideration of this joint resolution.

Mr. MARTIN. Well, there is plenty of time. This is just the commencement of a series of requests to interrupt the consideration of the unfinished business.

Mr. GORE. It is in the nature of emergency legislation to meet the present food situation.

Mr. MARTIN. Yes; and the Senator from Georgia has one to meet the present transportation situation, and the Senator from New York has one to meet the present coal situation.

The PRESIDING OFFICER. All the Chair can do is to ask if there is objection.

Mr. MARTIN. I shall be compelled, Mr. President, to object.

The PRESIDING OFFICER. Objection is made. The Senator from Georgia.

Mr. SMITH of Georgia. Mr. President, I suppose the Senator from Virginia is in the same situation with reference to myself. I wanted to introduce a resolution requesting information from the Interstate Commerce Commission as a basis for a discussion that I expect to present to the Senate early next week. We have had no morning hour now for several days, which has prevented the usual opportunity being given for such a course. Of course, there could not be a recess. I believe, however, we have a unanimous-consent agreement that carries the recess with it.

Mr. MARTIN. I am sorry to object, but I hope Senators will realize the impossibility of going into these various matters.

Mr. SMITH of Georgia. Then I ask permission to have inserted in the RECORD the table of figures I have before me. I can stand here and read it if it is necessary. This is not new matter. I just want it published for information.

Mr. MARTIN. I have no objection to an order being made to print it in the RECORD.

The PRESIDING OFFICER. That is ordered done.

The matter referred to is as follows:

The earnings of American railroads from the organization of the Interstate Commerce Commission down to the present time.

[From June 30, 1887, to June 30, 1916.]

Year ending—	Gross earnings from operation.		Net earnings or earnings from operation above operating expenses.	
	Revenue for each ton-mile in cents.	Total revenue.	Total.	For each mile of line.
June 30, 1888	1.001	$910,621,220	$315,626,564	$2,307
June 30, 1889	.922	964,816,129	320,109,428	2,087
June 30, 1890	.941	1,051,877,632	359,783,661	2,300
June 30, 1891	.895	1,095,761,395	364,873,502	2,282
June 30, 1892	.898	1,171,407,343	390,400,347	2,404
June 30, 1893	.878	1,220,751,874	392,833,575	2,314
June 30, 1894	.860	1,073,301,797	341,947,475	1,946
June 30, 1895	.839	1,075,371,402	349,651,047	1,967
June 30, 1896	.803	1,150,169,376	377,189,332	2,072
June 30, 1897	.798	1,122,089,773	362,565,030	2,016
June 30, 1898	.753	1,247,325,621	429,352,345	2,325
June 30, 1899	.724	1,313,610,118	456,641,119	2,435
June 30, 1900	.729	1,487,044,814	525,616,303	2,729
June 30, 1901	.750	1,588,525,047	558,128,737	2,854
June 30, 1902	.757	1,726,38[illegible],267	610,131,529	3,018
June 30, 1903	.763	1,900,846,907	643,308,055	3,133
June 30, 1904	.780	1,975,174,031	636,277,838	2,998
June 30, 1905	.766	2,082,482,405	691,880,254	3,189
June 30, 1906	.748	2,325,765,187	788,887,893	3,548
June 30, 1907	.759	2,589,105,578	840,589,764	3,696
June 30, 1908	.754	2,393,805,989	724,258,113	3,171
June 30, 1909	.763	2,418,677,538	819,234,128	3,505
June 30, 1910	.753	2,750,657,435	928,037,092	3,895
June 30, 1911	.757	2,789,761,669	874,707,664	3,583
June 30, 1912	.744	2,842,695,382	870,279,696	3,514
June 30, 1913	.729	3,125,135,798	955,166,874	3,930
June 30, 1914	.733	3,047,019,908	846,703,749	3,443
June 30, 1915	.732	2,956,193,202	867,510,246	3,386
June 30, 1916	.....	3,398,808,234	1,176,804,001	5,134

Mr. JONES of Washington. Mr. President——

The PRESIDING OFFICER. The Senator from Washington.

Mr. JONES of Washington. Mr. President, I am prepared to go on with reference to the bill that is under consideration. I understand, however, that several of the Senators would like to have a recess taken at this point. If I can be recognized and start in when the Senate meets to-morrow, I shall be perfectly willing that a recess shall be had.

Mr. MARTIN. I will say, Mr. President, that I shall be very glad to have the matter take that course and to have a recess taken, with the Senator from Washington entitled to the floor. I move that the Senate take a recess until 11 o'clock to-morrow.

Mr. FALL. Mr. President, I do not understand what the course is. We have a unanimous-consent agreement. I do not understand——

Mr. MARTIN. The unanimous-consent agreement is that we shall proceed and neither recess nor adjourn if any Senator desires to proceed.

Mr. FALL. Yes; I know what the unanimous-consent agreement is. I am just asking what the parliamentary situation is now.

Mr. MARTIN. The situation now is that this bill is before the Senate, and the Senator from Washington has been recognized, but he says he does not care to proceed to-night; and I move that the Senate take a recess until 11 o'clock to-morrow.

Mr. FALL. Well, Mr. President, withholding for the moment any objection, I should like to know what course is to be pursued with reference to the recognition of those who desire to address the Senate upon this subject.

Mr. MARTIN. I know that the Senators will be recognized by whoever is in the chair.

Mr. FALL. I can say to the Senator—I speak knowingly, having offered the amendment to the unanimous-consent agreement—that one reason for the insistence upon this procedure is that all day there has been upon the Vice President's desk a list of names of speakers who are being recognized. As each spoke, successively, he was recognized. Now, if that is to be the method which is to be pursued, those who do not know that there is any such list there may as well understand it now, and that one member or two Members, if the Senate adjourns, may take up the entire day to-morrow, and those who may desire to be heard will have no opportunity whatever under the unanimous-consent agreement.

Mr. MARTIN. Of course, the Senator knows that there is no rule of the Senate under which a list can be made and the preference given to Senators for recognition.

Mr. FALL. I have so understood.

Mr. MARTIN. And I take it for granted that, though there may be a list made, it is simply a reminder to the Chair of a wish to speak; but the Senator who addresses the Chair first will be entitled to be recognized.

Mr. FALL. If the Senator from Virginia were in the chair, having his word for it, I would understand that that would be the rule.

Mr. MARTIN. That is the rule of the Senate, as I understand it.

Mr. FALL. But the Senator from Virginia, unfortunately, or, possibly, fortunately for himself, is not in the chair. The Senator from Washington [Mr. JONES] desires to speak at this time, but he is perfectly willing, as I understand, to consent that the Senate take a recess, provided he is recognized to-morrow morning. I should be very glad to have the Senator from Washington recognized to-morrow morning—I want to hear the Senator—but there are other Senators following the Senator from Washington who are on this list. If a list is to be followed, then Senators who are not at the head of the list will have no opportunity of offering their very valuable observations to the Senate or, through the empty corridors of the Senate, to the public.

Mr. CALDER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from New York?

Mr. JONES of Washington. I do.

Mr. CALDER. My name is on the list, Mr. President, and I have waited here all day hoping it might be reached, intending to occupy the time of the Senate for a few moments. Other Senators have talked three or four hours, however. Now, I hope that I will be recognized to-morrow at some time; and, for my part, I shall keep the Senate here to-morrow night until I am afforded that opportunity.

Mr. JONES of Washington. Mr. President, I think I had better go on. I could almost have gotten through by this time.

Mr. MARTIN. Mr. President, in the hope that it may solve this difficulty, I am perfectly willing to move a recess until 10 o'clock in the morning. I am anxious that every Senator shall have an opportunity to present his views, but I hardly think it is desirable for any Senator to present his views with only three or four Senators in the Chamber.

Mr. JONES of Washington. We will have less than that at 10 o'clock in the morning; but that is immaterial to me. With the understanding that I hold the floor, I am perfectly willing to have that done.

Mr. FALL. Then I withdraw any objection.

RECESS.

Mr. MARTIN. I move that the Senate take a recess until 10 o'clock to-morrow morning, instead of 11.

The motion was agreed to, and (at 6 o'clock and 50 minutes p. m., Thursday, April 26, 1917) the Senate took a recess until to-morrow, Friday, April 27, 1917, at 10 o'clock a. m.

HOUSE OF REPRESENTATIVES.

THURSDAY, *April 26, 1917.*

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Let Thy spirit possess us, O Lord God Almighty, that working with Thee, through Thee, for Thee we may meet the responsibilities and daily duties of life as they present themselves, patiently, calmly, earnestly, and quit ourselves like men worthy of the blessings Thou hast bestowed upon us as individuals and as a people, leaving behind us a record worthy of emulation after the manner of the Lord Jesus Christ. Amen.

The Journal of the proceedings of yesterday was read and approved.

GRAND LODGE OF THE INDEPENDENT ORDER OF ODD FELLOWS.

Mr. JOHNSON of Kentucky. Mr. Speaker, the Senate has passed the Senate bill 1800, the title of which is to amend an act approved June 29, 1906, and entitled "An act to authorize the Grand Lodge of the Independent Order of Odd Fellows in the District of Columbia to sell, hold, and convey certain real estate."

This bill is an amendment to the charter of this organization. Under their old charter they have the right to mortgage or sell their property to reinvest in other property. They wish to build, and have made contracts for building upon the present site. The title company has held that there is possibly some

cloud on the title unless that provision is changed. I ask unanimous consent to call up the bill from the Speaker's table for present consideration.

Mr. MANN. Will the gentleman yield?

Mr. JOHNSON of Kentucky. Yes.

Mr. MANN. I have examined the bill. My understanding of the matter is that under the existing law this organization is authorized to sell its present site, buy a new site, and build on the new site, but it is not authorized to borrow money on the present site; that it wishes to borrow money and build on the present site, and this bill authorizes that to be done.

Mr. JOHNSON of Kentucky. I thought I had stated that.

Mr. MANN. The gentleman said that they were authorized to sell or borrow. They are not authorized to borrow.

Mr. JOHNSON of Kentucky. What they want to do is to get money to build on the present site, and the title company holds that it will not approve of their doing that, and they are delayed in getting their money.

Mr. MANN. They could build on the present site under existing law, but they could not borrow money under the present law.

The SPEAKER. The gentleman from Kentucky asks unanimous consent for the present consideration of the bill. Is there objection?

There was no objection.

The SPEAKER. The Clerk will read the bill.

The Clerk read as follows:

Be it enacted, etc., That the act approved June 29, 1906, entitled "An act to authorize the Grand Lodge of the Independent Order of Odd Fellows of the District of Columbia to sell, hold, and convey certain real estate," be amended to read as follows:

"That the Grand Lodge of the Independent Order of Odd Fellows of the District of Columbia, a corporation created under and by virtue of an act of Congress approved June 12, 1860, be, and hereby is, authorized to sell and convey for, or to borrow and secure by deed of trust thereon, such sum or sums as may be satisfactory to the several organizations hereinafter named as owners, those parcels of ground in the city of Washington, D. C., known and designated on the plat of said city as lot No. 11 and part of lot No. 10 in square No. 457, together with the buildings thereon, known as Odd Fellows' Hall, the title to which property is now held in trust by the said corporation for the following organizations, owners thereof, namely: The Grand Lodge of the Independent Order of Odd Fellows of the District of Columbia; Columbian Encampment, No. 1, Independent Order of Odd Fellows; Central Lodge, No. 1, Independent Order of Odd Fellows; Washington Lodge, No. 6, Independent Order of Odd Fellows; Columbia Lodge, No. 10, Independent Order of Odd Fellows; Beacon Lodge, No. 15, Independent Order of Odd Fellows; Excelsior Lodge, No. 17, Independent Order of Odd Fellows; and Eastern Lodge, No. 7, Independent Order of Odd Fellows, the consent of each of said several organizations being evidenced by a written instrument bearing the seal and the signature of its executive officers; the proceeds of said sale or loan may be applied to the payment and liquidation of any debt on said property or toward the purchase of other ground and the erection thereon of a building or buildings for like purposes as those for which the above-described property has been held, or to the erection of a new building, or to repairing or rebuilding on the ground now held, said property to be held in trust for said above-mentioned organizations according to their respective interests therein, and for such other organizations of the Independent Order of Odd Fellows as may hereafter contribute to the cost of such property, according to the amount respectively contributed by each: *Provided,* That any purchaser or purchasers of such property shall not be required to see to the proper application of the money paid therefor.

"SEC. 2. That the said corporation shall be authorized and capable of taking and holding real and personal property in trust for said organizations to any value not exceeding the sum of $1,000,000, and shall have full power and authority, upon a resolution or resolutions of each of said beneficiary organizations, to, from time to time, encumber any ground and the improvements thereon so held in trust for said organizations, or any part thereof, in such manner, for such purpose, and in accordance with such regulations as may be prescribed by said resolution or resolutions."

The Senate bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. JOHNSON of Kentucky, a motion to reconsider the vote whereby the bill was passed was laid on the table.

EXTENSION OF REMARKS.

Mr. TREADWAY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by the publication of resolutions passed by the Legislature of Massachusetts relative to the price of anthracite coal and other commodities.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. DALLINGER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by publishing resolutions of the Harvard Club indorsing the course taken by the President and Congress in joining the allied nations of the entente.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. POLK. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing therein resolutions adopted by the Delaware branch of the National Woman's Party, relative to the Federal amendment known as the Susan B. Anthony amendment, which I have been requested to have read into the RECORD.

The SPEAKER. The gentleman from Delaware asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. BARKLEY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing certain resolutions regarding the war with Germany.

The SPEAKER. The gentleman from Kentucky asks unanimous consent to extend his remarks in the RECORD. Is there objection?

Mr. MANN. How long are they?

Mr. BARKLEY. Very short.

The SPEAKER. Is there objection?

There was no objection.

Mr. RAKER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the bill S. 1800, which has just passed.

The SPEAKER. The gentleman from California asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

INCREASE OF THE MILITARY ESTABLISHMENT.

Mr. DENT. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 3545) for the increase of the Military Establishment; and upon that I ask unanimous consent that general debate continue during to-day until everybody has had an opportunity to speak; that general debate then close, with the exception of the closing speech on the part of the gentleman from California [Mr. KAHN] and the closing remarks of my own, to take place to-morrow.

The SPEAKER. The gentleman from Alabama asks unanimous consent that general debate shall continue to-day as late into the night as it will take for all gentlemen to express their views on the bill, under the same terms and conditions as the preceding debate, and that when we adjourn to-night general debate shall be closed, except that to-morrow the gentleman from California [Mr. KAHN] and the gentleman from Alabama [Mr. DENT] shall close the debate. Is there objection to that request?

Mr. MANN. I think that is a peculiar request. Let the gentleman from Alabama ask to vacate the order providing that the committee shall rise not later than 10 o'clock to-night.

Mr. DENT. I did not understand that that order applied to-day.

Mr. MANN. The gentleman asked unanimous consent last night that we proceed to-day under the order of yesterday.

Mr. DENT. I did not intend that that should apply to the hour of rising.

Mr. MANN. I do not know what the gentleman may have intended, but that was the request.

Mr. DENT. I did not intend that the hour should be the same for to-night, but, Mr. Speaker, I will ask unanimous consent to vacate the order.

The SPEAKER. The gentleman from Alabama asks unanimous consent to vacate the order of yesterday by which the committee was to rise not later than 10 o'clock to-night. Is there objection?

There was no objection.

Mr. MANN. Now the gentleman wants to ask unanimous consent that there be no general debate to-morrow except that of the gentleman from California [Mr. KAHN] and himself, which will close the debate.

Mr. DENT. I am willing, Mr. Speaker, to put the request in the language of the gentleman from Illinois.

The SPEAKER. The gentleman from Alabama asks unanimous consent that no general debate shall be had to-morrow on this bill except that of the gentleman from California [Mr. KAHN] and himself.

Is there objection?

There was no objection.

The motion of Mr. DENT was then agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. SAUNDERS of Virginia in the chair.

Mr. DENT. Mr. Chairman, I yield 15 minutes to the gentleman from Wisconsin [Mr. FREAR].

VOLUNTEERS OR CONSCRIPTS?

Mr. FREAR. Mr. Chairman and gentlemen of the committee, I did not expect to speak on this bill, but after examining the two bills proposed I can not remain silent on so important a subject. There are those who speak for us generally so that it is not necessary for the average Member to express himself on all bills, but at this time I believe every Member ought not only to place himself upon record by his vote but ought to indicate the reasons for that vote.

No man from my State can oppose the Army draft bill without taking his political fortunes in his hands. Practically every newspaper in that State, every large paper of influence, is reported to be in favor of that bill. Practically every telegram that I have received comes from good friends urging me to vote for a bill which, I take it, they have never seen, and some of them wired before the bill had ever been printed. That is an influence hard to resist and which comes to many Members in this House; but, in the words of our distinguished Speaker, who addressed the House yesterday, no man has a right to sit upon this floor or to vote who has not the courage of his convictions and who does not intend to vote according to his conscience. That is what I propose to do. The delegation from my own State cast a number of votes against the war resolution. I voted against that resolution. I have never made any speech of explanation; I thought it unnecessary; it would accomplish nothing if war was declared; and I care to make no defense of it now. To-day I am supporting the President of the United States in everything that he needs—in money or in men—and shall vote to that end. It has been suggested our State is unpatriotic, and some metropolitan papers of this country have in the past pointed a finger of scorn at the great State of Wisconsin, which shows by its history in the past and to-day a patriotism worthy of any State in the country. I will prove that its people are more patriotic than States in which such papers are published. Over 100,000 volunteers from Wisconsin served in the Union Army during the Civil War. There were no slackers and no conscripts. One of the greatest battles ever fought by the Union was at Gettysburg, aided by Wisconsin regiments, composing in part one of the grandest organizations known in all our history—the Iron Brigade. [Applause.] Commanded by Lucius Fairchild, a general of our State, with more men from Wisconsin in the brigade than from any other State, losing over half of some of its regiments in that one battle, but they helped save the day and stopped the advancing hosts of Lee. That is the character of men who lived in Wisconsin then, and the same kind of men live in Wisconsin now—men who will support the volunteer system without a draft if you give them the opportunity. [Applause.]

WHAT WISCONSIN OFFERS TO DO.

You ask how do I know that. Read in yesterday's RECORD the reports offered by the Senator from Missouri [Senator REED], which appeared in the senatorial discussion of yesterday, reports from the adjutant generals of the various States. See what they say for their respective States. Every State will furnish its full quota of volunteers if permitted to do so. Let me read you just briefly word received from Gen. Holway, adjutant general of our State, with whom I served as a lieutenant in another company of the same regiment some 25 years ago. Gen. Holway is known throughout the country as an able military man. He says in a statement received from Madison on April 12:

> The volunteer system will give us a large Army in a short time. Under this system Wisconsin can easily raise more than its quota of men. This State has already enlisted more men in proportion to its population than any other State in the Union.

Mark that. He would not make that assertion if it were not true. Take that word to some of the Eastern States, whose metropolitan papers have criticized my State and the volunteer system.

Mr. MOORE of Pennsylvania rose.

Mr. FREAR. I regret I can not yield to be interrupted now. I desire to finish my argument on these bills.

Gen. Holway continues:

> We now have about 7,000 members in the National Guard alone in Wisconsin.
>
> Conscription requires more time than one would think of. The census of eligible men would first have to be taken, and that alone is a big work. Then the men would have to be examined, more or less hurriedly. After this would come the long period of training, with problems big enough.
>
> It takes twice as long to form a conscript army as an army of volunteers, and after it is formed you only have an army of conscripts—drafted men. Wisconsin is able to furnish her full quota under any volunteer system that may be adopted—50,000 men or 100,000 men, if need be. Mr. Chairman, I will not offer any further word for Wisconsin. Anyone familiar with the history of our wars or with the history of the country itself knows that she is able and ready and as patriotic as any other State in the Union. To-day, as ever in the past, she is able and ready to do her full duty. I have heard statements upon this floor in regard to the patriotism of individuals. Some men opposing the volunteer system have arrogated to themselves special claims to be considered patriotic.

PATRIOTISM IS UNIVERSAL.

Patriotism does not belong to any Member of this House alone. I believe that the people of the whole country are patriotic and will show their patriotism if you give them an opportunity to express themselves. I had not intended to speak during this debate until some of these questioning suggestions were made. Let me make a brief personal statement: The man who is to-day commander of the Grand Army of the Republic of the Department of the Potomac, a man who served three years and six months in a Wisconsin cavalry regiment, a man who drew a resolution the other day, and secured its passage by his department, offering the support of the District Grand Army men to the President wherever they could serve and for whatever they could do, a man whose age numbers four score years and over, is my father. His only son, when a stripling, enlisted over across the river at Fort Myer and served five years in the Signal Service of the Army. [Applause.] Over 25 years ago that same son organized a military company in my home town in Wisconsin, a company that fought in the Spanish-American War and that to-day is under arms in my home town awaiting orders of the President for European service. When that company went to the front, another company of ex-members of the National Guard was organized by that same son and offered to the Government to go with the second call, which call never came. I make no claim to especial patriotism for a record with which I was connected, but am again ready to serve my country, if need be. I listened to the touching remarks of Speaker CLARK yesterday, because what he said came from the heart. He was against this same conscript bill, and sends his son now to avoid the possible stigma. I am in the same situation: I have an only son. I can not offer his services to the Government, for he told me that he himself had already done so. [Applause.] He and his friends will serve without conscription. You who have no son can not understand what that means. Neither worldly goods nor possible honors can mean so much to me. So, gentlemen, let no man arrogate to himself any particular patriotism. When our country calls and opportunity is given, our people will respond, because they are loyal to their flag and their country, and it does not become any man to say that his neighbor is not a patriot.

I believe the people will answer the call and fill the quota with volunteers if opportunity is given. Just give them the chance offered by the committee bill.

DIFFELENCES BETWEEN THE TWO BILLS.

Mr. Chairman, I want to give a brief statement of the radical differences between the Chamberlain Army staff bill and the committee bill now before Congress just in two or three sentences before taking up the discussion in detail. The staff bill is inconsistent and indefensible—

First. Because in section 2 of the bill it directs that the present Regular Army and National Guard be "raised by voluntary enlistment" up to the maximum legal strength, involving an increase of a half million men, and yet in the same section declares that all other forces shall be raised only by "selective draft." If volunteers are proper in one case, they are proper in all, and conscription should ensue in either case only at the will of the President, as provided in the House committee bill.

Second. The staff bill is inconsistent and indefensible because it fixes the limit of military service for selective draft purposes at from 19 to 25 years of age, whereas the Regular Army and National Guard provision permits enlistment between 18 and 41 years. No other government in the world has a conscription age limit of only seven years, and all governments average over 20 years, and I shall place in the RECORD a statement of the laws of the different countries.

Third. The staff bill is un-American, because in section 3 it places exclusive control in the hands of Regular Army officers to determine all selections and exemptions, abolishes the writ of habeas corpus to review any selection, and makes arbitrary and legal the most autocratic powers ever delegated to military officials in this or any other country.

In all these particulars the House committee bill has fully protected the rights of the citizens and yet has given the same immediate powers of conscription to the President in all cases, which he may put in force when deemed necessary to do so. Mr. Chairman, there have been some remarks as to what this selective draft will do. I gave to some brother Members a brief report of what is going to happen in the Army under the Chamberlain bill. Quoting from a statement signed by John Temple Graves, a highly reputable news correspondent, he says:

The first grand army of 500,000 men, according to the staff officers, will be raised under the selective draft from men not over 20 years of age. It will be the "first class." These selective conscripts will not necessarily be kept undistributed. The majority, however, will not be assigned to other divisions than that created by the first general levy.

And so forth. He goes on to say that the second levy of 500,000 is to come, if possible, from youths of 20 years to make up what he terms a "beardless army." Oh, no man over the age of 25 years need fear conscription, because they are going to take the children in this selective draft—boys who can not vote, who have no right to express themselves here or in any other place.

Now, my friends, I have explained in a preliminary way why I object to this bill. I believe it is not only undemocratic and un-American, but it places in the hands of Army officers a power that has never been given them before in the history of the country. You will not find equal power of conscriptive draft for young boys alone has ever been placed in the hands of officers of any other Government so far as my investigation shows. [Applause.]

Mr. Chairman, we must either support the committee bill or else a bill recommended by the Regular Army staff labeled "A universal-service bill." This term is deceptive, and the staff bill ought to be termed "A special draft bill for boys," "exempting from military service all able-bodied men from 26 years to 45 years of age." No other bill is before us, and the so-called staff or Chamberlain bill now before the Senate will become law unless we pass the committee bill.

Congress has declared war against the Imperial German Government, and it is the duty of every American citizen to uphold the hands of his Government in prosecuting that war. The President says all resources of the Government are pledged to a furtherance of that war. With that understanding Congress unanimously passed the greatest appropriation bill ever considered by any legislative body, and authorized that $7,000,000,000 be placed in the hands of the President to loan or expend practically without legislative restriction. The country stands unitedly with the President in seeking to prosecute the war to an early conclusion. We have given the President money; now we must give him men. He has pledged the war military strength of the Nation—some 22,000,000 men, if need be—and this Congress will give him as large an army as he desires to carry on the war.

The committee bill is the only bill now before the House. It provides that the President shall be given full power to call for volunteers and, if he so decides, thereafter to supplement that call with a draft of men of military fitness from 21 years to 40 years of age, inclusive. The bill preserves the right of habeas corpus and makes eligible to service in case of need upwards of 18,000,000 men of all classes.

The staff bill, miscalled a "universal military service bill," conscripts boys from 19 to 25 years of age and exempts all others from compulsory service. Further, the staff proposes to conscript 500,000 boys of 19 years of age for the first levy and to take others as fast as needed. I shall offer authority for the statement and invite correction if that is not the announced purpose of the Regular Army staff. I do not overlook the proposed modification as to age limit by the minority; but in the final test, according to the press and conscription champions, the Senate staff bill, or the Dent bill, is the real issue.

We are asked by the staff bill to repudiate the policy of a century and a half of democracy and to adopt an indefensible draft that smacks of the same autocracy which we are seeking to overthrow. Our draft act of 1863 included all men able to serve from 20 years to 45 years of age. Under that act only 62,000 conscripts went into service compared to over 2,500,000 volunteers. The population of the North then reached only 20,000,000 people. To-day we have 100,000,000. That law made all men liable to serve who were capable of bearing arms. It proceeded on the theory that eligible men from 20 to 45 years of age were unpatriotic if they did not volunteer. What shall be said of the bill recommended to us by the Army Staff as a "universal military service bill"? It is the realization of a militaristic dream that asks Congress to authorize a "select" draft for European service of youths from 19 to 25 years of age. All other men are exempt from its terms. Why not men from 26 to 45 years as in other countries. Army officers are to determine the selection of youths and boys who must serve. Without volition or consent on his part, the immature youth of the land is to be conscripted into service at $15 a month to fight the battles. We can till the soil, run the office and shops, but these boys must fight.

ALL OBLIGATED TO RENDER MILITARY SERVICE.

It is the duty of every man to serve his country and to render military service whenever called upon to do so, but before this bill was introduced the President addressed the general public in a statement wherein he said:

I call upon young men and old men alike to turn in hosts to the farm.

This call was for boys to go to the farm. In the same statement a general call was sent out by the President to the farmers of the South to cultivate food and cotton on Southern lands. On the same day Secretary Daniels, of the Navy, gave a statement to the press in favor of retaining boys in the factory, where they would perform a patriotic part of the national defense through shop work.

These suggested "selections" peculiarly seem to meet objections from farmers and organized labor now protesting against conscription, and I call attention to the proposed exemptions from Military service in order to ascertain who are expected to fight our battles and who will determine the selection.

Conscription is to affect only boys from 19 to 25 years of age, according to the so-called staff bill, but it is proposed that those married or supporting dependents, those working on farms and in factories, and those with religious scruples may be exempt. This leaves boys in schools, colleges, or occupations to be drafted to fight our battles.

This feature is not the worst part of the Army Staff bill. No man expects the President to personally select the boys who go on the farm, in the shops, or in the trenches. Regular Army officers will select 499,000 boys and more out of the first draft. That is the power conferred by the staff bill. Federal laws and State laws giving parents a voice over infants at law are to be wiped out. These boys are not now permitted to vote, not bound by contracts, largely irresponsible in law, because of immature age and judgment. When most in need of advice and counsel they are to be taken from homes without their consent or the consent of parents, and the highest court in the land is impotent. Officers just entering service will have greater authority to determine whether it is to be the farm, shop, or trench for the conscript than will the Supreme Court of the United States. No court can review or reverse their acts. The writ of habeas corpus, which protects the rights of criminals and the weak against the strong, is suspended by the staff bill as to the disposition of these boys.

A BEARDLESS ARMY OF BOYS.

But even this proposal, outrivaling autocratic Russia or Imperial Germany, does not set forth the real purpose of the Army staff bill. I read from a statement given out April 17, over his signature, by John Temple Graves, a newspaper correspondent of the highest standing. He says:

The first grand army of 500,000 men, according to the staff officers, will be raised under the selective draft from men not over 20 years of age. It will be the first class. The process of the original levy of the beardless first army of a half million was explained by a member of the General Staff. * * * The staff officers express full confidence there will be enough men of the 19-year class to make the complement of 500,000 and to render unnecessary the immediate calling of the "20-year class." If, however, the registration of 19-year-old men is not sufficient, the 20-year class will be called, and out of this second class will be selected by lot a sufficient number to make up the first 500,000. It is reasonably certain that this is the plan under which the first American Army will be selected and trained for the battle field.

There you have the plan. It does not appear in the press generally, for good reasons, but Graves discloses the fact that a beardless army of 19 years of age is first to be trained for the battle field.

Possibly over 500,000 boys of 19 years will be available for the first army. Of course, men or boys of other ages can be made to take up work now being performed by such boys, so that any "selective" draft for farms or shops is unlikely to occur at that age unless the exemption occurs through influences pressed on officers.

Next, an army of 20-year "beardless boys" will be taken from schools for the second half million levy and "trained for the battle field" to fight our battles in Europe at $15 per month. We will remain home and serve our country on the farms, in offices, or in the shops, while drafted "beardless" boys, unable to vote, with no voice in public affairs—just conscripts—must do the fighting.

A people who patriotically thrill over the concluding words of their national hymn, "the land of the free, and the home of the brave," are about to send their politically voiceless infants, of from 19 to 20 years of age, according to plans stated, to serve in European trenches.

No other Government ever sought to legalize exemption from service of fit men. No other Government ever proposed such a conscription law. No other Government has such a law to-day.

Let me append a statement to show the laws on the subject:

TABLE 1.—*Universal service—Liability and enrollment.*

Nation.	Liability.		Service begins (age).	Actual enrollment for service.						
				First period.		Second period.		Third period.		
	Ages from—	Total years of—		Years enrolled.	Years training.	Years enrolled.	Months training.	Years enrolled.	Months training.	Total years enrolled
Universal-service nations:										
Austria-Hungary	19 to 42	24	21	12	2½	9				21
France	20 to 48	29	20	14	3½	7	¼	7		28
Germany	17 to 45	29	20	7	2½	12	1	6		25
Italy	20 to 38	19	20	8	2	4		7		19
Japan	17 to 40	24	20	7½	2½	10	4	2¾		20
Russia	20 to 43	24	20	18	3½	5				23
Limited-service nations:										
Australia	19 to 26	8	19	8	1					9
Switzerland	17 to 48	32	20	12	⅓	8	⅓	8		28
Universal service:										
United Kingdom (1916)	18 to 40	23								
United States proposed draft (1917)	19 to 25	7								

Not one country has a conscription law that approaches the extreme Army Staff bill, and no nation in the world—except England in the present struggle—has ever adopted conscription for over-seas duty.

Ninety days ago not one Member of the House would have predicted that the most moderate of the above laws could be enacted in this country, and yet before a shot is fired we are asked to enact the most arbitrary law ever passed in any country and to abandon the system that has made us a Nation. What has come to pass within 90 days to bring about conscription?

Let us not mistake the situation. Boys are not asking to be relieved from service. They are as brave as their seniors, and are not seeking to escape any just obligation to their Government. All men are brave enough to fight, and 18,000,000 men now estimated to be in European trenches are fighting and dying for their respective countries, but no nation on the face of the earth has yet selected beardless boys from 19 to 25 years to do its fighting and exempted its men from service. Yet the press all over "the land of the free and the home of the brave" terms the Staff bill "universal military service."

This Army Staff bill can not be amended or changed after passing the Senate. We must accept it bodily. The staff refuses to permit any alteration.

Secretary of War Baker has written Chairman DENT, saying:

> I have a deep conviction that any compromise of the principles governing the bill submitted by the department for the raising of a new army would be attended with unfortunate results. * * *

ROOSEVELT WAS ONCE COMMANDER IN CHIEF.

Roosevelt offers 100,000 volunteers and over, ready to serve without delay, imbued with the same patriotism that caused Canadian volunteers to drive conscripts from the trenches. The Secretary of War is reported to have rejected his offer. We need an army, and yet refuse to permit one to be raised.

Will undue glory attach to Roosevelt and his command? Grant, Lee, Logan, and many others acquired prominence during the Civil War. All were not professional soldiers, yet brains and genius find their place in war as in peace. If troops are wanted immediately, why refuse this needed army?

In his most significant utterance made in this country, Balfour says:

> Realize, people of America, that you face a real fight; and be prepared for great individual sacrifice, for it will be demanded.

This war will be no forum in which to try out the comparative merits of the volunteer and regular soldier or the conscript, if you prefer. If won, and it will be won, it must be by hard fighting; it must be won by united effort, and the sooner that fact is recognized by the Army Staff the better for the Nation and all concerned.

The Dent committee bill provides for a volunteer army, but if volunteers are not promptly forthcoming then the President may draft men from 21 to 40 years of age. This gives a range of 20 years, whereas the staff "universal-service bill" (for youths) gives a range of only seven years and does not permit a first test of volunteer enlistments. This staff bill is now pending before a Congress that has been perfecting a child-labor law for the betterment of children. We are now asked to compel them to labor in the trenches at $15 per month.

For nearly a century and a half this country has relied upon its volunteer army. Volunteer service distinguishes a citizen democracy from a military autocracy that exists through conscription. Volunteer service levies patriotic tribute on all men able to serve instead of on the youth of the Nation who are to be drafted, yet those remaining have equal obligation on their part to support the Government on the battle front.

TEN MILLION VOLUNTEERS IF NEED BE.

Mr. Chairman, during the Civil War the number of volunteers from the North serving under different calls reached over 2,500,000, as stated, out of a population of 20,000,000. A draft law was passed in March, 1863, but the total number of men serving under conscription during the entire war only reached 61,947, about 1 in 40, or an insignificant fraction of the total. The 1863 conscription law provided that all men from 20 to 45 years of age should serve their country. On that same basis of population 10,000,000 volunteers easily ought to be raised to prosecute the European war if necessity demands an army of that size.

With less than one-half of our own population to draw upon Great Britain raised 5,000,000 volunteers before adopting conscription last year. Then she drafted all men up to 41 years of age. Four out of five of her men are volunteers. Both Australia and Canada have repudiated a draft law at the polls, but their brave troops on the battle line are driving conscripts out of the enemy's trenches day after day. With only 7,000,000 people to draw upon, Canada has furnished 400,000 men for service, and Australia, with less than 4,000,000 population has furnished 300,000 men. On that same basis our Government ought to raise 10,000,000 volunteers if need be. The committee bill provides if men do not volunteer then conscription will become effective, but volunteers are first accepted.

From a speech by Representative HUDDLESTON, of Alabama, I find the testimony of Gen. Nelson A. Miles on the subject of volunteer service. No more gallant soldier ever fought battles for his country than the man who recently held the highest command in the American Army. I quote from his testimony before the Military Committee:

> Mr. GORDON. In your judgment, could the continental army be filled without compulsion?
> Gen. MILES. I hope not with compulsion.
> Mr. GORDON. You are opposed to compulsory service?
> Gen. MILES. Absolutely.
> Mr. GORDON. Do you believe that we can raise 133,000 men each year for three years for the continental army without compulsion?
> Gen. MILES. With compulsion, I hope not. I think it would be a very dangerous step toward centralization. As far as conscription is concerned, that was tried out during the Civil War, and with unsatisfactory results. I think there were 54,000 men added to the Army—54,000 additional to the 2,000,000 men—by conscription, but I do know that just at the time of the crisis of the Gettysburg campaign thousands of the best troops, drilled and disciplined men, in the Army had to be taken out of the field and sent back to suppress the riots caused by that unpopular measure. Approximately 10,000 or 12,000 were ordered to New York, and I know that there was a brigade in Pennsylvania which was organized at Huntington and, instead of being sent to the field, where they were needed, they were sent to Philadelphia to maintain order. It was a very unpopular measure at that time in the great crisis of the Nation.

That is the statement of a general recently in command of the United States Army, and a man whose word should go unchallenged, because he knows whereof he speaks, and his word will be accepted before that of the average Regular Army officer. Gen. SHERWOOD, of this House, a man of great war experience, seconds Gen. Miles.

Gen. Leonard Wood, now in command of the Army, a volunteer officer, in official orders issued March 13, 1914, said of the Wisconsin National Guard volunteer troops from my own State:

The National Guard of the State of Wisconsin may be taken as a model in the matter of training, equipment, and business administration.

Following that high praise, I repeat in this place the statement of Gen. Holway, the present commander of the Wisconsin National Guard organization and an officer of high standing in the country and of many years' experience. His statement was given on April 12 of this year. Therein he says:

The volunteer system will give us a large army in a short time. Under this system Wisconsin can easily raise more than its quota of men; this State has already enlisted more men in proportion to its population than any other State in the Union. We now have about 7,000 members in the National Guard alone.

Conscription requires more time than is appreciated. The census of eligible men would first have to be taken, and that alone is a big work. Then the men would have to be examined. After this would come long periods of training with other big problems.

Gen. Holway says the volunteer system is more expeditious. He is right.

WISCONSIN'S GOVERNOR PROTESTS AGAINST CONSCRIPTION.

A telegram at hand from Gov. Emanuel L. Philipp, of Wisconsin, declares as follows regarding this conscription bill now before us:

MADISON, WIS., *April 10, 1917.*

Hon. JAMES A. FREAR,
House of Representatives, Washington, D. C.:

I recommend that you oppose plan of conscription suggested by the General Staff and reported by the press as being urged upon Congress at this time. The State of Wisconsin stands ready to furnish its full quota of the National Guard as provided by the military defense act of June 3, 1916, promptly or any additional force required to meet the present requirements. We can recruit volunteers much faster than we are receiving equipment and supplies. The spirit of our troops will be much better if we adhere to the volunteer system, and we shall avoid sore spots at home if we defer conscription until it can be shown to be a military necessity. As I see it, public sentiment is not ready for compulsory military service, and I trust that nothing will be done by Congress that will make the war unnecessarily unpopular with the people.

EMANUEL L. PHILIPP, *Governor.*

During this debate I have received a second and still a third telegram from the governor of Wisconsin. These telegrams are in accordance with my own views after a careful study of the two bills. I insert his third message in the RECORD:

MADISON, WIS., *April 24, 1917.*

Hon. JAMES A. FREAR, M. C.,
Washington, D. C.:

Am firmly convinced that conscription with selective draft at present stage of war is not the will of the people, and that certainly the great majority of those who must serve in the ranks is strongly antagonistic to it. I fear not so much active resistance to the operation of the measure, though this may happen, as passive obstruction to every necessary step of its just accomplishment. The emergency permits no delay. Plans, even if ideal, must reconcile with people and their opinions as they exist. I urge, therefore, that you vote for the Regular Army and the National Guard to be raised to the limit of existing law, and for the opportunity to volunteer as the quickest method to put in being the army that should now be in training; and I further urge that you now provide such legislation as is necessary to presently take all the steps for just conscription up to the selective draft itself, that such draft may immediately be put in effect if volunteering shall fail to meet the emergency.

E. L. PHILIPP,
Governor.

I could quote many high authorities on the value of the volunteer system, and history shows the last war on both sides was led by men who had retired from the Regular Army and whose point of view was enlarged by reason of that fact.

My own State, as previously stated, furnished over a hundred thousand volunteer troops during the Civil War, and while the courage of soldiers on both sides is a matter of common knowledge, it is with pride Wisconsin people point to the fact that our State furnished more troops than any other State for the celebrated Iron Brigade which stood like a rock at Gettysburg. Over half of the effectives of some regiments were lost in that fight, but those who stood their ground saved the day.

Gen. Lucius Fairchild, of Madison, Wis., a brave man, commanded that brigade, and the Grand Army post named after that illustrious officer last week passed a resolution unanimously condemning the Army staff conscriptive bill. Who will say these men are not patriotic. They have been tried in the crucible of war.

Wisconsin is ready to do its full share in carrying on this war. She will furnish her full quota of volunteers, or if the plans of the Army staff for conscription are adopted she will not shirk her duty, but it is not war to select heardless boys to do our fighting and to exempt all others equally able to serve. It is not universal service. It is militarism unequaled anywhere else in the world.

WHO IS IT SAYS BOYS ARE SLACKERS?

The press and the pulpit have inveighed against "slackers" found among boys of from 19 to 25 years, many of whom have not yet formed habits in life or knowledge or judgment of public affairs—boys who have no voice in the Government, and yet who have equal rights to live and be cared for. Why should they alone fight your battles or mine, or the battles of healthy, vigorous ministers of the Gospel, servants of the church, or athletic editorial writers, exempted from service by reason of this act? And yet such boys are termed cowards and slackers when they protest against the "selection" we are asked to make. Why are the boys slackers any more than their critics whom we are asked to exempt? How about the vast army of some 15,000,000 exempt men between the ages of 26 and 45, covering 20 of the best years of their lives? Who says the youth of the land alone shall fight our battles? Are boys to be lulled into a prospect of agricultural pursuits when this bill becomes a law? Will they be given only $15 a month while baring their breasts to gentle farm breezes or to German bullets? Will exempt boys be permitted by Army officers to handle tools in the factory at home at good wages, while their classmates of the same age are facing German tanks and German trench warfare, at $15 per month? Who determines the selection, and how and why and by what method? Graves says 19-year-old boys will first be selected. How and why?

Can it be that all exempt classes will be relieved from service by the Army Staff because of their need at home, while select-draft boys fight our battles. Who places confidence in such an unjust proposition? If it is a sacrifice to draw $15 per month while facing death in the trenches, then why not put all of military age in the list, as is done in every other country, and why not extend the age limit, in order to reach all those who have neither dependents nor responsibilities? That was the draft law passed in 1863 and the law of other countries. What conditions have changed the attitude of brave and patriotic men in their responsibility to government?

Nothing shows the gross injustice of this conscriptive bill more than the policy of selecting boys, one-half of whom have no votes nor influence, but are asked to do our fighting, and these boys are termed "slackers" if they rebel against this vicarious sacrifice.

We are continually urged by the press to stand by the President. I did so on the armed-merchantman proposal, and within 30 days learned from the same source that such course was useless.

On the $7,000,000,000 appropriation I voted like all others, with no means of verifying or determining the necessity for that enormous amount; yet, in common with the majority, I believe great power should be given the Executive. I am ready to place unlimited power in the hands of the President now.

The Dent committee bill gives the President power to raise troops by volunteers if possible, by draft if necessary, but it makes men, not boys alone, liable to conscription. Why not support the bill now before us?

CENSORSHIP VERSUS CONSCRIPTION.

The demand of the press that Congress pass the Army Staff draft bill would bear more weight if the press had accepted without protest the espionage and censorship demanded by the same Army Staff. Wisely enough, the press vigorously resented the Army Staff bill and Secretary Baker's proposal, and the President's program in this respect was modified, and modified because of the protests of the press. Yet when a measure of equally far-reaching importance emanates in like manner from Regular Army circles, a bill not equaled in autocratic military selective power in any other country in the world, a bill that the press has failed to discuss in detail so that its true meaning might become generally known, when legislators refuse to become a "rubber stamp," all are denounced and their motives impugned.

The espionage bill drawn by Regular Army officials would have endangered the freedom of the press for all time to come. It was undemocratic and un-American. The so-called selective-draft bill drawn by Regular Army officials will tend to inaugurate a precedent affecting the freedom of men who are to be selected by Army officers. No more abject or involuntary servitude was ever presented in this country, and it is equally un-American. All the pull, influence, and pressure that politics, wealth, and power can exert will be brought to bear on these officers by those looking for exemption from the European selec-

tive draft. I have shown repeated instances where another branch of the service has capitulated and indorsed worthless, wasteful waterway schemes because of powerful influences directly exerted on officers who owed their first start to such influences. How can the result be otherwise?

The power of "selection" is now demanded, and the influence invited to determine exemptions against such selections will be a thousand times more objectionable in a democracy than any mere question of dollars and cents. The anxious mother in her far-off home, the heavy-hearted father, or the boy drawn have no means of questioning his selection. He will be sent to fight the battles of his elders who are exempted from service, who live thousands of miles from the scene of conflict, and yet we call the staff indefensible bill "universal service" for war.

DELAY UNDER CONSCRIPTION.

Military authorities admit it will take four months to prepare conscription lists and make selections. They figure on a year before a green army of 1,000,000 conscripts will be ready for service. Members have claimed in debate full quotas will be ready, and the adjutant general of my own State guarantees Wisconsin's quota of volunteers will be ready in one-third of that time or less. The committee bill is expeditious and certain.

Under the committee bill volunteering immediately proceeds if the Army Staff does not block the way, while at the same time preliminary steps to compel conscription if needed will be pushed without a single day's delay. The committee bill will advance the raising of an army, the Army Staff plan will retard it.

These statements made in debate have not been denied, and yet Members on this floor have been bombarded with telegrams, letters, and abusive press articles founded on misinformation and misunderstanding of proposed measures and actual conditions.

Speaker CLARK, ex-Speaker CANNON, Gens. Miles, Wood, Sherwood, and many other patriotic men of this country voice their objections to throwing to the winds the volunteer system. Grant, Sherman, Lee, and other great authorities led volunteers and praised volunteers for their fighting qualities.

In my own State the governor, the adjutant general with whom I served when we were both lieutenants in the same regiment 25 years ago, and many other leading men have protested against abandoning the volunteer system until it has been tried. After a long service with officers and men, some of whom are yet in the Wisconsin National Guard, it is significant that out of 7,000 men and officers now in service not one has written me or asked me to support the Army Staff bill. Men who do not understand compulsory training from compulsory service and are exempt from service, men who have no accurate knowledge, past, present, or future, of the measures before us, have demanded we support the Staff bill. I do not criticize their insistence, but after five years' service in the Regular Army and a longer service in the State volunteer service I believe the Army Staff bill is un-American and indefensible, and I can not conscientiously vote for it. I desire to support the President and will place all power in his hands.

ALL POWER GIVEN THE PRESIDENT.

Unless opposed to draft under all circumstances, any man can patriotically support the committee or Dent bill, which comes to us from the committee with a majority vote. The committee by its bill has given the President full authority to try out the volunteer system without further action by Congress. If volunteers are not promptly secured, the President may compel conscription of all men from 21 to 40 years, inclusive. That will be universal service in fact, and it is the only universal-service bill before us.

The Army Staff should not fear to trust the President. Congress has placed in his hands $7,000,000,000 for war purposes and should trust his judgment as to the necessity and time for conscription. The people will trust him. By the committee bill conscription will cease with the end of the war. The right of habeas corpus to review arbitrary and unwarranted military selection is preserved by the committee bill and is denied by the Army Staff bill, which drafts children.

The selective-draft bill, in my judgment, outranks the conscriptive powers of any autocracy in Europe, is unjust and oppressive, and is a menace to the principles of democracy, which we have fought for and preserved during nearly a century and a half of national existence.

The committee bill gives every power granted by the Staff bill, extending the age limit and permitting us to continue a volunteer system which gained for us our liberties in 1776 and our unity as a Nation in 1865. It is the part of militaristic folly to throw this preserver overboard without first testing its effectiveness when war is again upon us. As has well been said, we are all equally patriotic and desire to win the war as soon as possible, but let us not repudiate without trial a system that has won for us every war in the past.

Mr. SHALLENBERGER. Mr. Chairman, I yield 20 minutes to the gentleman from Ohio [Mr. CROSSER].

Mr. CROSSER. Mr. Chairman, I must ask not to be interrupted until I have finished my argument, as I have only 20 minutes.

Mr. Chairman and gentlemen of the House, this is the gravest question which has confronted this country in a half century, if not in its whole history. It is proposed to overturn principles which the American people have cherished since the beginning of our Government, and yet on every hand there are forces which are impatient with any attempt at calm consideration and of counseling with each other as to the solution of the problem. The organized forces which are determined, at all costs, upon forcing the men of this country to serve on the battle fields of Europe have made practically no attempt at argument. Except in a very few cases those who are anxious to force men to go to battle have resorted to the most vile abuse and threats to accomplish their purpose. Even without knowing how a Member of Congress would decide the question, these people who would force men to the battle field have shown every degree of intolerance and contempt for the man who insists upon getting all the light and argument possible upon the subject before reaching a decision. They refuse to grant to others the right to act according to their consciences and information.

Mr. Chairman, a question which so vitally affects the welfare of the hundred millions of people living in this country now and of the countless millions who are to come hereafter can not receive too much consideration and investigation. I have spent days, yes, weeks, studying and investigating the question that is now before us. I have studied the hearings on the bill before the Committee on Military Affairs. I have read the hearings before the Senate Committee on Military Affairs on the subject of universal military service. I have studied the debates in the British House of Commons upon the bill to force men to serve in the army, and I have spent hours in conference with military experts discussing the subject. I have felt it my duty to do this, and yet many men with the intolerance of the primitive savage can not find words sufficiently vitriolic to vent their spleen upon Members of this body, not because the subject was not being given earnest and patient thought but because the question had not been immediately decided according to their wishes. [Applause.]

If this situation were not so full of tragedy, there would be really much amusement to be gained in observing that the very great majority of these men, to my personal knowledge, have opposed practically every effort to democratize our political institutions and our economic and industrial systems. Oh, how their hearts now crave democracy when they are anxious to force into service on the battle field people who are not so fortunate as to this world's goods as they themselves are. How beautifully they discuss the possibility of seeing the son of the rich family serving with the son of the laborer. How strange it all is that they have now become so desirous of rubbing shoulders with the factory hand and the miner from whom they have heretofore held aloof. The generosity of these men is enough to make the angels weep. They picture to us the beautiful sight of the millionaire sleeping in the same dog tent with the poor man as if that constituted real democracy. How far is all that from a democratic impulse that might cause the rich and poor in general to visit joyfully each other's homes. Without adopting the tactics of the forced military service advocates by charging hypocrisy, I do ask if such talk is not altogether disgusting? These new preachers of democracy know full well that with the most universal form of forced service on the field of battle, for which, by the way, this bill does not provide, practically all of those who serve will be the men that now have a hard battle to make a living for themselves and those near to their hearts.

One of the chief arguments made in support of forcing people to serve in battle is that it will enable those who sit in judgment to pick out for slaughter those whom they consider to be inferior men. Are these men really sincere in this argument? How does this reconcile with the proposition that it is democratic and will bring the rich man's son into communion with his fine-spirited but poor fellow being? Does anyone think that they really want this?

Who feels himself so important, so wise, and so just that he wishes to sit in judgment upon all his fellow men, and in this "selective" way, which the minority of the committee has described, decide which man they want to send to slaughter and who, on the other hand, because of their greater excellence and superiority, ought to be saved from slaughter? That, sir, is

a decision that I personally do not want to make for anyone else.

If there are men who have the disposition and nature which makes them wish to engage in battle, that is a different thing, and they only are responsible for their decision to fight, but I would feel it the part of arrogance in myself to assume the right and wisdom to say that a man is an inferior individual and of no consequence to society, and hence must go before the cannon and machine gun.

It has been constantly asserted that according to the philosophy of democracy there is a universal liability to serve in battle. This premise has been assumed by the conscriptionists. For my part I deny that the sound philosophy of democracy creates any such liability. There are two things which, according to sound principles of democracy, not only can not be left to the opinion of Government officials but can not even be left to the decision of the majority. One of these is the right to an equal voice in determining the rules of human conduct, the other is the right to life itself.

The fundamental principle of democracy is that the decision of the majority as to the rules of human conduct must always prevail, but if the majority could deprive all but a select few of the right to their equal voice in the determination of the rules of human conduct, the very purpose of democracy would be defeated and the individual could be made a slave at the mere whim of the majority. This is equally true as to the individual's right to live. In homely phrase, the individual must be assured of his right to life and to vote in order to give vitality to the principle of majority rule. If the principles of democracy should permit the destruction of all those "selected" by the majority, then the mere fact that one had become a part of such a Government would mean that he could be deprived of his life, and consequently of his voice in the Government upon any pretext, if the majority should so decide. As engaging in battle means almost certain death within a certain time, then the forcing of anyone into battle is equal to ordering his death and depriving him of the very advantages which he is supposed to have secured by becoming a part of the so-called democracy.

If men are forced to go into battle against their wish, it will be because, as of old, that a greater force compels them to do so and they can not help themselves and not because of any implied principle of sound democratic philosophy. [Applause.]

To be a good soldier, like anything else, one must be adapted to it. It requires special qualities to as great a degree as do mechanics, teachers, doctors, and others. It requires a certain quality of mind and body to be a good soldier. The man who must be pushed into battle not only is of no use as a soldier but is, in fact, a positive drawback to the rest of the army. This is not my opinion alone, but is the opinion and experience of many military men of long service.

Maj. W. C. Harllee, of the United States Marine Corps, who has served in that branch for 17 years and who served as a private, corporal, sergeant, and first sergeant during the Philippine insurrection—and, by the way, he was all the time among the bullets in the Philippines—and as a cadet at the West Point Military Academy for two years, in testifying before the Senate Committee on Military Affairs, said:

> Unwilling men burden armies, eat its substance, retard its action, and give it panic.

He further says:

> I am opposed to universal service or compulsory service, or any other kind of service than that rendered by willing men.

Mr. HARDY. Will the gentleman yield there?

Mr. CROSSER. I will if I have time left when I have finished my argument.

Many other military men, when free from restraint, speak to the same effect.

The British Army and Navy have been the strongest factors on the side of the allies in the present war and will unquestionably have more to do with the final outcome than any other single factor; and yet the British Navy is composed entirely of volunteers, and the British Army consists of 5,000,000 volunteers, who had enlisted before the draft law was put into effect. Under the draft law the British Government has added only a million and a half to its army, and thus far none of the drafted men have been put into action.

The soldiers from the British colonies, namely, the men from Canada, Australia, and New Zealand, have done as much, if not more, than any other part of the British Army. The Canadian and Australian volunteers have been in the hardest battles of the war.

Canada, with a population less than that of the State of New York, has raised a volunteer army of 400,000.

The people of Australia, long after the war had begun, voted upon the question of forcing men to go to war and voted the proposition down.

The British colonel, F. N. Maude, says:

> England, in January, 1915, had enrolled two and a half million men out of a total male population of 4,600,000 between the ages of 19 and 35. This is almost two-thirds of the total men available under 40, and almost exactly the same proportion as the strictest law of compulsion in Europe would have given her. It is one-sixth more than the Germans had been taking out of their annual contingents.

During the Civil War in this country, according to the report of the Secretary of War in 1865, the total number raised by draft from the beginning to the end of the war equaled only 2.3 per cent, or 62,000 men, of the total number of troops raised.

Gen. SHERWOOD says that during that war they sent him 72 drafted men, and that only 2 of them served at the front.

Another argument made by the advocates of forced military service is that the volunteers could not be organized as well as those brought in by draft; that they could not take care of them in such numbers as would present themselves.

In answer to that, I wish to ask if a force of men could not hold back the crowds of volunteers as easily as they could drag in the conscripts, and since the military officers of the Government would be in charge of both kinds of men would it not be possible for them to organize the volunteers as well as they could organize drafted men. If not, why not? But we are told that the purpose of selective draft is to enable the military authorities to take such men as they want for the armies and leave the others for industrial and agricultural pursuits. You know that the minority of the committee is going to make up a great army from the poolroom sharks, of which Mr. BYRNES of South Carolina spoke with such justified sarcasm. If they so desire, could not the military authorities also select from the volunteers the men that they desire for the Army and send back the remaining volunteers to the occupations of civil life?

Mr. BARKLEY. Will the gentleman yield?

Mr. CROSSER. Not now. I will endeavor to yield later if I am allowed time.

I do not wish to question the motives of anyone, but I am forced to the conclusion that the effect of the minority report, if adopted, would be to establish permanently the compulsory idea.

In my opinion if such a principle should be made a permanent policy it would endanger the fundamental principles of democracy.

The trouble with the military experts is that their desire to construct a human machine has blinded them to that grander thing, the human heart.

Sir, it is much easier to go with the tide than to swim against it. It would be much more convenient for the moment to do that which would silence those who have been indulging in fiery abuse and threats; but, being convinced after a great deal of thought that I would be deliberately doing that which I believe to be absolutely wrong in voting for the minority report, I can not with a clear conscience do so. [Applause.]

It has been suggested to practically every Member of this House that it would be to his political advantage to vote for conscription and thereby avoid the intolerant abuse in which most of the newspapers of the country have indulged. That, in my opinion, is an insult to any sincere man, and it would be moral cowardice of the basest kind to vote for what he believes to be wrong on as grave a question as this simply because he might wish to advance his political ambitions. I, for one, refuse to do it, and in reply to those who chatter and bark about "standing by the Chief Executive," I wish to say that I have supported his policies almost invariably heretofore, certainly as far as I could, and would do so in this case if I felt that in so doing I would be doing right.

The Constitution requires every man in this Congress to do his best—and that means that which he thinks is right—to promote the welfare of the people of the United States. No man can excuse himself for doing that which he thinks is wrong by saying that he did it because the executive branch of the Government insisted that he do so.

If it is desired by the people of the United States that Members of Congress should not vote and speak as their judgment and conscience dictates, then the Constitution should be changed so that the responsibility would not longer rest upon them in regard to such matters.

The favorite, because they consider it the most effective, cry of the draft advocates is that all who do not comply at once with their demands are "pro-German." The same cry was used in Australia during the referendum campaign on the question of conscription, which was submitted to the people long

after the war had started. In that campaign there were placards, "Vote yes, for Australia; no, for the Kaiser."

If you will pardon a reference to myself, I wish to say that every one of my ancestors on both sides were born in Scotland. My father and mother were both in middle age when they left that beautiful little country. I myself was 7 years old when my parents left Scotland for Ohio. At the beginning of the war two of my first cousins went with the British Army to the front in Flanders, not, however, as conscripts, but as volunteers. I believe a third went later as a volunteer. I think, therefore, that it will test the credulity of even the most intolerant advocate of forced military service to honestly believe that I am in the least "pro-German."

The CHAIRMAN. The time of the gentleman has expired.

Mr. CROSSER. Can the gentleman just give me three minutes additional?

Mr. SHALLENBERGER. I will yield the gentleman three minutes additional.

Mr. CROSSER. In conclusion I wish to quote upon this subject from the speech of Daniel Webster delivered in Congress on December 9, 1814. Webster has heretofore been considered one of the greatest thinkers this country, and even the world, has ever produced. Mr. Webster said:

* * * * * * *

The supporters of the measure before us (a bill for conscription) act on the opposite principle. It is their task to raise arbitrary powers, by construction, out of a plain written charter of national liberty. It is their pleasing duty to free us of the delusion, which we have fondly cherished, that we are the subjects of a mild, free, and limited Government, and to demonstrate by a regular chain of premises and conclusions that government possesses over us a power more tyrannical, more arbitrary, more dangerous, more allied to blood and murder, more full of every form of mischief, more productive of every sort of misery, than has been exercised by any civilized government, with one exception, in modern times.

* * * * * * *

A free government with arbitrary means to administer it is a contradiction, a free government without adequate provisions for personal security is an absurdity, a free government with an uncontrolled power of military conscription is a solecism, at once the most ridiculous and abominable that ever entered into the head of man.

* * * * * * *

Who shall describe to you the horror which your orders of conscription shall create in the once happy villages of this country? Who shall describe the anguish and distress which they will spread over those hills and valleys, where men have heretofore been accustomed to labor and to rest in security and happiness? Anticipate the scene, sir, when the class shall assemble to stand its draft and to throw the dice for blood. What a group of wives and mothers and sisters, of helpless age and helpless infancy, shall gather round the theater of this horrible lottery, as if the strokes of death were to fall from heaven before their eyes on a father, a brother, a son, or a husband. And in the majority of cases, sir, it will be the stroke of death.

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Laws, sir, of this nature can create nothing but opposition. If you scatter them abroad like the fabled serpent's teeth, they will spring up into armed men. A military force can not be raised in this manner, but by the means of a military force. If the administration has found that it can not form an army without conscription, it will find, if it venture on these experiments, that it can not enforce conscription without an army. The Government was not constituted for such purposes. Framed in the spirit of liberty and in the love of peace, it has no powers which render it able to enforce such laws. The attempt, if we rashly make it, will fail, and, having already thrown away our peace, we may thereby throw away our Government.

[Applause.]

Mr. SHALLENBERGER. Mr. Chairman, I yield 20 minutes to the gentleman from Texas [Mr. SLAYDEN].

Mr. SLAYDEN. Mr. Chairman, I shall endeavor to hurry through and cut out enough of this manuscript to be able to return to the gentleman from Nebraska a part of the 20 minutes he has so generously allotted me. Mr. Chairman, I do not know whether other gentlemen have noted a recent peculiar change in the situation as to this measure. For some time I received scores, hundreds of telegrams and communications asking me to support the policy of universal military service. [Applause.] I endeavored to find a bill before the House providing for universal military service and failed to do so. [Applause.] Suddenly the same gentlemen who previously could be satisfied with nothing short of universal military service began another crusade, and again I was flooded with telegrams and communications from New York, Boston, Philadelphia, Chicago, and other suburbs of my constituency asking me to vote for the President's plan of a selective conscription law. The principles of these gentlemen seem to be like the feasts of the church, movable. Monday they will be satisfied with nothing short of universal military training; Tuesday they demand a selective draft only, and can be satisfied with nothing else. What it will be on Wednesday remains to be seen.

Mr. Chairman, not a single Member of either House of the Congress of the United States wants to withhold from the Government all the military and naval strength it may need to meet and overcome its enemies. There is no division of sentiment on that question. All want to do the same thing so far as preserving the record of the American Republic, which has never been defeated in war and which, so far as any dangers that now threaten it are concerned, will remain unbeaten.

All the acerbity that has characterized this debate in Congress, in the newspapers, and on the streets has come from the heat with which the supporters of this or that plan have presented their views. I refer to those whose views are honest, not those who would promote military activities for profit, especially not to those munitions makers and other traders who would involve the universe in war and send scouting parties to Mars to insure dividends [applause], nor to financiers who have made investments in war bonds that they want the taxpayers of the United States to indorse. They are influential and noisy, but not above suspicion. [Applause.]

Many excellent people who read little but the articles of special pleaders have been persuaded that Germany, which has not yet sent an army across a sea that is from 30 to 300 miles wide, will be knocking at our doors in three months with 14-inch shells. They forget that England, the next-door neighbor to Germany and her favorite enemy, has not yet been invaded or seriously hurt. They also seem to forget that it is 3,500 miles farther from Wilhemshaven to New York than to the English ports. They are needlessly nervous, as the President said in one of his addresses to Congress.

These people make the sincere element that has joined in the choral demand for a reversal of the traditional American policy of reliance upon volunteers for the defense of the country.

They denounce Prussianism, which is merely the supreme development of militarism, as a hideous monster that must be destroyed and embrace it as means of doing so.

We are gravely told that volunteers have always failed, that American volunteers have failed, and that England found them a failure and was finally compelled to resort to conscription.

The greatest test that volunteers were ever put to in this country was in the Civil War. In that war the Union forces, first and last, amounted to about 2,800,000 men, and the Confederates from Fort Sumter to Appomattox had about 610,000 men. On both sides they were nearly all volunteers. Both sides tried conscription and it was not a success for either.

What has recently happened in Great Britain in the employment of volunteers has been repeatedly misrepresented.

The facts are, as reported by excellent authority, that Great Britain raised an army of about 6,500,000 men, of whom 5,000,000, or more than 11 per cent of the total population of the British Islands, were volunteers.

Are the British more patriotic or courageous than Americans? I do not think so. Can we get an adequate supply of volunteers? I believe so, and that we can get them more quickly than we can get an army of conscripts. Furthermore, I believe that they will be better soldiers. British volunteers came to the colors so rapidly that there was difficulty in handling them and the authorities actually discouraged enrollment by raising the standard for recruits. Secretary Stanton also had more volunteers in 1862 than he could handle and stopped recruiting for a while.

The population of Great Britian is less than half that of the United States and she raised 5,000,000 volunteers and converted them into an army almost within the sound of the guns of her mighty enemy and Von Hindenberg and the Crown Prince will admit that they are good soldiers, whatever the advocates of conscription here may think.

We are not in the desperate straits of France and England in August, 1914. There has been an unparalleled draft on the resources and men of the central powers for nearly three years. Germany, whom we have recently declared officially is our enemy, is now fighting on the defensive. Her power is necessarily declining while that of the allies has recently received the most tremendous increment in the backing of this Government.

We can organize an army on either the plan submitted by the majority of the Committee on Military Affairs or that of the minority. Both provide conscription, but that of the majority makes the stronger appeal to me. It does not insult the young men of the country by assuming that they will not do as the young men of England did, come voluntarily to their country's assistance. It provides for filling up the gaps in the Regular Army, and for taking into the Federal service all the State troops or National Guard.

In these two steps both bills are alike. It is in the third paragraph of section 1, in both bills, that we find the first difference in them. Besides the 925,000 men to come in through the Regular Army and the State troops both authorize the calling to the colors 500,000 more men. The bill of the House committee says that they shall be given an opportunity to volunteer and that if they fail to do so they may then be conscripted. The minority bill, that which was prepared where the laws of

a Republic should never be written, in the War Department, denies the opportunity to volunteer, assumes that our young men are not brave and patriotic, and proceeds at once to lay the hand of the conscript officer on the shoulder of such as may be wanted.

My contention is that the drastic method, the odious conscription plan, should not be resorted to until a chance has been given for getting men into the Army on a basis that is generally regarded as more honorable. Even advocates of the conscript system say that it is inadvisable to have volunteers and conscripts in the same army because the former are thought to have a more honorable status. I fancy this must be true, for certainly it will be the men of spirit who do not require compulsion to bring them to the defense of their country. [Applause.]

All southern men who undertake to discuss this question have it thrown at them that the Southern Confederacy resorted to conscription in the spring of 1862, less than a year after the war began. So it did, but the history of that period does not increase my respect for the system.

The first men enrolled by the Confederate States were in the main enlisted for one year. The periods of enlistment began to expire in the spring of 1862 and the authorities of the Confederacy, realizing the situation and the plight the Government would be in if the army that had had a year of service should be disbanded by expiration of their enlistment contract, took the drastic step of conscription. It was done primarily to retain in the service the men who had been trained and disciplined in the field. However, the law was made general and the abortive attempts to enforce it caused much discontent throughout the South, notably in North Carolina, Georgia, Alabama, and Tennessee.

In a political campaign in North Carolina in the autumn of 1863 conscription was made an issue and the charge was frequently uttered that a military despotism was being set up. It was specially unpopular in that State, although North Carolina sent a greater percentage of her people into the Confederate service than any other State in the South and none made a better record for loyalty and gallantry. The attitude of North Carolina to the Confederacy is summed up in the proud boast of her citizens that she was "first at Bethel, farthest at Gettysburg, and last at Appomattox."

The historian, John Christopher Schwab, of Yale University, in his book The Confederate States of America, says:

> Another cause of discontent, especially in North Carolina, was the adoption by the Confederate authorities of a policy of conscription.

The act was unpopular throughout the South, and the unpopularity of the law was increased by the exemptions.

However, the exemptions provided in the first two acts of the Confederacy were inconsiderable compared to those proposed in the bill supplied to Congress by the War Department. In that bill everybody is exempt except 500,000 of those who are 19 years old and not over 25.

It is interesting to note that newspaper men were exempt in the Confederate conscription act, and it has been said that at one time there were not less than 50 editors on one small paper in an unimportant town, unimportant from the point of view of population. The abuse of the editorial exemption became such a scandal that the act was amended to reduce the number of editors and printers who were not compelled to take up arms.

I am curious to learn how many of the noisy editorial shouters for war in the Northeastern part of our country have availed, or will avail, themselves of the opportunity now open to enlist in either the Regular Army or the State military organizations. Will they wait to be conscripted?

The popular opposition to conscription in the Confederacy led to dangerous conflicts between the Confederate and State authorities. Gov. Brown, of Georgia, had a hot correspondence with the officials of the Confederacy at Richmond protesting against it. Alexander H. Stephens, vice president of the Confederate Government, in a speech to the Georgia Legislature in March, 1864, declared the whole system of conscription radically wrong. In fact, it was popular nowhere, but it may be said in extenuation of the Richmond Government that it represented a constituency of about 7,000,000 white people, including Delaware, Maryland, West Virginia, and Kentucky, and was being hard pressed by the rich and powerful North, with a population of 20,252,382, according to the census of 1860.

From Draper's The Civil War in America I quote what he took from a book entitled "The Diary of a War Clerk in Richmond." The author of the diary said:

> To-day I saw two conscripts from West Virginia conducted to the cars, going to Lee's army in chains. It made a chill shoot through my breast.

The author goes on to say that conscription failed to replenish the army.

If the purpose of military circles to adopt the European system of enforced service should be agreed to by Congress, how long will it be before more Americans will be dragged in chains to the camp or battle field? May it not meet with resistance by people who are unaccustomed to the European military systems and class distinctions, a resistance that will very greatly disturb the peace? I hope its friends are not mistaken in their estimate of what they propose, but I fear they are.

Now, Mr. Chairman, I will take the liberty of quoting from a letter written by Gen. Howell Cobb, of Georgia, one time Speaker of this House and later Secretary of the Treasury, in which he gives a very frank opinion of the conscript law of the Confederacy that has been referred to in this debate. The letter was written to the Secretary of War at Richmond August 5, 1862. Gen. Cobb said:

> I venture to intrude some suggestions which my observations in Georgia have brought to mind.
>
> This war must close in a few months, perhaps weeks, or else will be fought with an increased energy and malignancy on the part of our enemies. I look for the latter result, and at all events think it is the contingency for which we should prepare. That preparation requires a large increase of our army. How is it to be effected? The conscript law has performed its work. It retained the 12-months men in the service. Besides that, it compelled large numbers to volunteer and thus fill up the ranks of the regiments already in the field. These two results have been accomplished, and beyond that it will be unwise to calculate upon the conscript law as the means of furnishing troops for the army. The number of conscripts will be very small—not worth considering in calculating the strength of our army. Such, I am sure, is the case in Georgia.

[Applause.]

Further along in the same letter Gen. Cobb, in speaking of the unpopularity of the conscript law, said:

> Why it is so is useless to inquire, though I may say, in passing, that the law is unpopular—almost odious. * * * I would, then, repeal the conscript law so far as the future is concerned, retaining all that you have made by it, and then call upon the governors to furnish quotas or authorize the formation of companies, regiments, and even brigades and divisions, to be accepted by the President and to be officered by him. * * * It will relieve the new recruits from the odium of being conscripts.

There is much more evidence from the inside circles of the Confederate States Government that shows the unpopularity and ineffectiveness of the conscript law of 1862.

Any reader of James Ford Rhodes's history and his account of the draft riots in New York, Boston, and Troy will learn that the policy was just as unpopular and ineffective in the North.

I have not the time to read it, Mr. Chairman, but I will print in this connection an article that recently appeared in the New York Evening Post on the question of conscription and how it failed to appeal to the free people of Australia. It was voted on by the suffragans of that huge country and all her soldiers in the field in Europe and at home. These men who were all battling for the British Empire in Asia and Europe were expected to support the conscription measure. They voted against it by a tremendous majority. [Applause.] Soldiers though they were for the time being, they knew that civil liberty is always menaced by the military spirit, and they voted against militarism.

No better illustration of that truth can be found than in the legislation in the German Empire.

The great Von Moltke, than whom an abler soldier has rarely appeared, contended that the army should be the judge of its own necessities and should have the power to vote a tax on the people to meet those necessities. But a man greater than Von Moltke, Prince Bismarck, vetoed the suggestion. He said that he would never consent to giving up civilian control of the army. [Applause.]

Yet the Parliament of the German Empire gave up the practice of voting military supplies each year, and in 1871 voted the annual requirements for three years; in 1874 it voted the military budget for five years, and in 1880 voted a largely increased amount for seven years. There is a lesson for us in that.

Mr. GORDON. Of course, our Constitution prohibits that thing.

Mr. SLAYDEN. Of course, it does; but what is the Constitution between militarists? [Applause.]

Mr. Chairman, we are at war with a powerful and resourceful enemy and we must see it through to a successful conclusion. Conscriptionists and anticonscriptionists alike hold that view. We have pledged all the resources of the country—men, money, and property—and I for one entertain no doubt of the success of our arms. But loyalty to the country does not call for an abandonment of one's views about how the campaign should be conducted, from the legal point of view, nor how the armies should be recruited. Whether conscripts or volunteers, our recruits will have to be trained, and if we follow the wise example of Lord Kitchener months will be required for that tedious but necessary work. I do not believe that men who go into the serv-

ice under compulsion will be more quickly educated to their new duties than the more responsive patriot who enlists because he is willing to make the supreme sacrifice for his country.

But how about the patriots who are behind this flood of telegrams that Members are receiving? Will they enlist, or is it their purpose to leave that privilege for the man who labors in the mine, factory, or field?

If all the people who are demanding compulsory military service will at once enroll themselves with the Regular Army or the National Guard, we will have an Army of a million men in 48 hours. And before we compel them to shoulder a musket let us call their attention to this opportunity to serve their country. If they should fail—and I will not insult them by suggesting that they will fail—to enlist, we can then resort to conscription unless meantime the surging democracy of Europe has toppled over the last remaining autocrat and established peace on the basis of common sense, justice, and democracy.

ANTICONSCRIPTION IN AUSTRALIA—COMMONWEALTH VOTED DOWN THE COMPULSION PROPOSAI—MANY SIMILAR FACTORS IN PRESENT SITUATION HERE—SOLDIERS IN FIELD REJECTED CONSCRIPTION.

[By Louis Esson.]

(Mr. Esson is an Australian writer, who landed in this country only a short time ago. He was in Australia throughout the campaign for and against compulsion, and was in a position to know and understand the situation in that country.)

Now that the question of conscription is being discussed throughout the United States, perhaps it might be worth while to relate how the problem was dealt with by the people of the Australian Commonwealth.

The conditions are not dissimilar. America is now faced with the same situation that confronted Australia at the beginning of the war. Both countries are democracies, both hate militarism, and value, above all, personal and intellectual freedom. Both are distant from the scene of action. Under the voluntary system Australia has sent over seas a number of men that, in proportion to population, represents a United States army of six millions. Has America to be conscripted before the people are given a chance to show what their response might be? And is conscription to be brought in without consulting the people at all?

When the prime minister of Australia, William Morris Hughes, set out on a diplomatic mission to London he was an opponent of conscription; but doubtless his triumphal tour through Great Britain, where he was hailed as the savior of the Empire, and the enthusiastic support he received from the Northcliffe press modified his earlier views, and he "evolved" so rapidly that he became the idol of the extreme jingo party. But the people of Australia had no illusions. As his star rose in England, so did it set in Australia. A labor man had departed from the Commonwealth; a dictator returned. As soon as he landed, though his statements were guarded, it was known that an attempt would be made to bring in conscription. A section of the press urged Hughes to bring in conscription at once, without consideration or discussion, but the opposition from the labor party was too strong, especially in the senate. So a compromise was effected. It was resolved to hold a referendum on the subject, every man and woman in the Commonwealth having the right to an equal vote.

ARGUMENTS USED HERE.

It is surprising how the same arguments used some months ago in Australia have been brought forward here to-day. History still repeats itself. A referendum was unnecessary, the militarists contended, for nine-tenths of the people favored conscription. The press said the same thing. At first it seemed that the vote would be carried by an overwhelming majority. "There is only one side to the question," said Hughes in the house, and it was only with difficulty that the arguments of the opposition ever got through to the people. The censor exerted his autocratic powers to the full. Free speech and discussion were thwarted as far as possible. Those who were opposed to conscription were assailed as pro-Germans, disloyalists, slackers, and enemies of society—terms not unknown in the amenities of controversy at the present time.

It was an exciting campaign, the bitterest Australia has ever known. While Hughes and other cabinet ministers were stumping the country in favor of compulsory service, other members of the party were speaking against the Government. With a territory about the size of the United States, and with only 5,000,000 of people, menaced also by swarming Asiatic neighbors, Australia had already sent to the front over 300,000 men, besides rendering useful service in the Pacific with its own navy. Far from voluntarism having failed, it had proved a triumphant success. Australia had not shirked its duty; but it was soon felt that the country could not further be drained of young men and be able confidently to face the future. Many important industries were short-handed. Farm laborers, harvesters, shearers, and other rural workers were needed in every district; and it was clearly seen that Australia could render more valuable service to Great Britain and the allies by keeping up her primary industries, especially the supply of foodstuffs.

Other arguments brought forward against conscription were the hatred of militarism in all its manifestations and the feeling that the citizen rights of a democracy were in grave danger. Militarists talked of the "equality of sacrifice" under compulsion; they still talk, but they no longer deceive anybody. Militarism and democracy are incompatible. It is certainly a measure opposed to the tradition of the British peoples, and to be resorted to only when voluntarism has been fairly tried and proved to have been a failure.

SOLDIERS VOTED AGAINST PLAN.

The result of the poll was a triumph for democracy, leading one to believe that no free people in the world would knowingly put themselves under the power of a military autocracy.

Sir William Irvine, a nephew of John Mitchell, the famous Irish politician, and one of the ablest men on the conscription side, had hopes to the last that the soldiers' vote would carry the day. It had been rightly decided that the Australian soldiers at the front should have their say in the matter, though a distinguished Melbourne lawyer thought it a simpler plan to add 200,000 votes to the "Yes" side, because he knew what the opinion of the soldiers would be. But to the surprise of many, who take their opinions ready-made, the soldiers voted against conscription by a huge majority. This fact was at first suppressed, but soon became an open secret.

No doubt, on his return from England Mr. Hughes believed that the newspapers really represented public opinion. Most of these papers urged him to go ahead, the people were with them, for they represented the people. Dis aliter visum—the people thought otherwise.

And it seems not unlikely that if a referendum were taken in the United States, or perhaps even in any country of Europe, the voice of the people would come as a startling surprise to many of the self-appointed "leaders," who talk so confidently for them.

Mr. SHALLENBERGER. Mr. Chairman, I yield 20 minutes to the gentleman from Illinois [Mr. MASON].

Mr. MASON. Mr. Chairman, gentlemen waste time talking about the righteousness of this war. That hour is past. War has been declared by the war-making power of this Government, which also has the power to make laws regulating the war. And when we made war we became a united people. We are ready to vote anything in the way of men or money to carry it to a successful conclusion.

Men waste their time talking about universal obligation. There is not a man here but what admits the truth of the proposition. Men waste their time in filling the CONGRESSIONAL RECORD upon the subject of universal service. The question now is a question of conscription—a chance drawing, a draft, a new proposition to take the place of the old rule of the volunteer service. And you may disguise the propaganda as much as you like and say it has nothing to do with the 10,000 telegrams and letters and newspapers we are getting every day to stand by universal service, universal training, and universal obligation. The question before us is whether we are to stop in the midst of crossing a stream and trade horses; whether we are to try the conscript plan and conscript only the boys who can not vote and have nothing to say, in order that they may do the fighting for us; change your whole plan and your whole system in the face of an enemy. And I for one will not vote for conscription [applause] until you have at least given an opportunity to the brave men who are willing to fight. [Applause.]

And I want to say here we want fighters and not slackers. If there is anything in the world that the Kaiser wants to meet it is an army of conscripts on the other side. You say men will not enlist? I say they will enlist, and they are enlisting. Notwithstanding the unfairness of the law of this Government, now, they are enlisting. Four thousand a day—more than the General Staff can even take care of. Excuse me, my Boston friend; I said "Stäff" and not "Stäff." I hope that is right. We call it "Stäff" out in Illinois. Now, in the South it may be "General Staff," but they will call it "General Debility" and "General Red Tape" before they get through with the drafting system.

The Secretary of the Navy says the men are coming here faster than they can use them. He does not want 25,000 a day, and I see in last night's paper that 4,000 were enlisted in a day, and Illinois leads in the enlistments—and it will lead them. [Applause.] The Secretary of the Navy says, "We are satisfied if we can maintain the present daily average—better satisfied, in fact, than if we got 26,000 men in a single day." The General Staff does not intend to let the volunteers have a chance in this war. [Applause.]

Col. Theodore Roosevelt, who was the Commander in Chief of the Army and Navy of this country for seven years, a trained soldier, tendered his services. I have offered a resolution here, asking, if it be consistent with public policy, that the Secretary of War let us know whether they have accepted his services or not. The papers showed that the colonel applied at the White House. I suppose his application was stamped in red ink and referred to the Secretary of War, and by him referred to the Assistant Secretary of War, and by him referred to the General Staff, and it is probably sleeping now somewhere; but you and I know that, conserving and protecting the General Staff and the fetiches that they worship, they do not intend to let the colonel enlist for fear it would destroy the draft plan, and they do not want to give up the draft plan, and they do not want to let the colonel make a hero of himself; for, while he is studying democracy in the Old World, he may raise hell with democracy in the United States. [Laughter and applause.]

Oh, we are spreading democracy and dough—especially the latter. [Laughter.] When our good British cousins took the first dose of dough yesterday of $200,000,000 I was delighted that my drafting friend from Rhode Island [Mr. O'SHAUNESSY] hoped and prayed that while they were spreading American dough in Great Britain they would give them a dose of democracy in Ireland and South Africa. [Applause.]

Ah, but gentlemen say that if Col. Roosevelt should enlist he would go right over there. You see, he is a volunteer of volunteers. He is like Hobson. He has already enlisted and volunteers for a soldier's extra hazardous service.

Ah, men, do you know the difference, you who have read the letters of the men and women? If you will ask for a volunteer army to defend American soil, you can not write the names; you will have 5,000,000 men in 48 hours to respond to your call. [Applause.]

Everybody knows Col. Roosevelt. Half of the people hate him and half of the people love him. Some wanted him to go, because the quicker he went and the longer he stayed the better it would suit them. [Laughter.] I was in that class a few months ago, but I have joined the other class. He has got the bowels to do the American thing, and this good man in the White House has not got the courage and the political daring to give him a chance to do the right thing. [Applause.] And then you say it is the General Staff that will not let him send Roosevelt to the war.

During the Spanish War I visited many of the camps of the boys. I got over into Camp Alger with the Sixth Illinois—and, by the way, there is to be no more Sixth Illinois when the General Staff gets through with it. The doctor said they had 18 men down with typhoid fever in Camp Alger, and asked if I could not get them some cots. I called up the red tape office, known as the War Department—this crowd that is now complaining of the failure of the volunteers. They decided that my application had been stamped and restamped, but the cots could not get out there until Thursday. This was Sunday, and the boys that were stricken with typhoid might probably be dead long before that. The doctors said they could not say how long they would last. I just went to the telephone and called up a friend of mine who kept a hotel, and I said "Can you send 20 cots?" The answer came back at once, "Sure, Mike," and they were there in three hours. I suppose the General Staff is now figuring on delivering those cots to Camp Alger, and probably somebody is under indictment for selling or not selling them. [Laughter and applause.]

The truth is that every word you say against the National Guard at the border, and every word you say against the volunteers, every word you say against the Spanish-American War men in condemnation of the services of the volunteer men, everything that went wrong was not on account of the volunteers, but on account of the Regular Army and regular standards and the War Department that was not prepared to take care of those boys. [Applause.] That is the truth about it.

The gentleman from Kentucky [Mr. SHERLEY], whose sophistry is almost as sweet as honey in the honeycomb, and whose phrases can never be forgotten, says that he stands not for the individual, but for the Government. Does he know that while he says it is the duty of the individual to serve the Government, it is the duty of the Government to conserve the private rights of the individual? And this is his idea: Here are two boys; one of them does not want to fight, one of them wants to go on with his work, and you put him in the dicebox and work him out and you take him. And here is the other boy who drank with his mother's milk a love of country and who wants to fight and is not afraid to fight, and he says, "Brother SHERLEY, I want to enlist." You say, "Turn him back; turn him out. Put in the man who does not want to serve and keep out the men who do want to serve." And this is democracy! God pity us and save democracy! [Applause.] That is democracy. Oh, but these military men, so familiar with the military needs and who study this question for four or five long days [laughter], tell us that war is the management of great machinery; that it is a science, with great guns, with great engines of destruction. Aye, so it is; and we must have them. But back of every gun you must have a brave man and an American heart or your gun is not worth a continental damn. [Applause.] You can not draft a brave patriotic heart. God made that instrument, and it is the only safe thing behind our American guns.

You must here know more possibly about human nature than even the General Staff. I do not want a man to try my lawsuit who does not believe in it. I do not want a doctor to doctor me who does not have a heart in his work and believe in it, and I do not want a man between the plow handles on my farm that would rather shoe a horse. I do not want a man to shoe my horse who would rather plow corn. I do not want to force a man to do the fighting for my country who is not willing to go and fight and be a man and serve in the line of his duty. [Applause.] You can not draft the kind of boys that we want. They will be bound to get there if you will give them a chance. But when you say you are giving them a chance now you are dodging the question. You are not fair.

If you want to enlist to-day, you have got to go into the Regular Army or National Guard, which, by the direction of the President, becomes a part of the Regular Army, for a long term of years. Up to the present time no legislation has been had that will allow a man to enlist for a service during this war. That is true, is it not? And your bill does not provide for any of the old-fashioned enlistments that allow the men and boys to get together in Chicago on the west side, where they have been going to school together, where they belong to the same churches or the same lodge, to carry out the news in the village, "They have gone and gone together."

Social life can not be taken away from the human being without making him a cold-blooded, useless machine. Gen. Smith D. Atkins once stood in line, and a man about my age came along and took his hand. Not a word was said, but I saw tears in the eyes of the man shaking the general's hand. I said, "General, that fellow seems to like you." "Oh, yes;" the general said, "he is from Freeport"—the district represented by my good friend, the gentleman from Illinois, Mr. MCKENZIE. The old general said, "Yes; you see he went out in my company, and I told his mother I would look out for him, and at the end of one day when they said he was dead, and piled up to be buried, I went to take a last look at him and see if there was anything on his person that I ought to send to his mother, and I found his heart was beating, and in two weeks after that he was back again in the regiment." [Applause.]

That whole spirit is taken away by your conscription. That sense of neighborhood; that sense of affection; that sense of care—the knowledge that Jim, Tom, and Dick and Harry from your town are marching side by side with you, and if you go right mother will know it, and if you go wrong all will know it, that is what makes a fighting army. They take their social life with them. You drive it out by this doctrine of conscription.

But the gentleman insists we are not representing the people. I was delighted, and am always glad to hear the distinguished gentleman from Wisconsin [Mr. LENROOT], who told you how when the conscript marched down the street, with the toot toot playing and the drums beating, the people would say, "There goes the boy that goes to fight his country's battles." But the unkind man on the sidewalk will say, "Yes; he is going to keep out of the penitentiary." That is your law, gentlemen. If he does not come in and sign up, it is a year in the penitentiary, is it not? Yes. A brave boy! And when you come to bury him and put the monument over his head, it will say, "Here lies the body of my son, who gave four years of his life to the cause of his country." And then some devil will come along in the graveyard and write below it, "Because he was afraid of going to the penitentiary or getting shot by order of court-martial." Gen. Dickey, who was chief of Grant's staff, told me once that they had a general understanding that when they were in close quarters in the enemy's neighborhood never to put a drafted man on the picket line. [Applause.]

You tell us we are not giving the President everything. We are giving him more than you are. The gentleman from Rhode Island [Mr. O'SHAUNESSY] sung the praises of the volunteers, as you all do, and he said they were the "cream" of the Army. We are willing to give the President the cream of the Army and not the skimmed milk that comes from the dicebox that you are providing for. [Applause.]

You say we will give courage to the enemy. Now, listen. Which will encourage the enemy most, to pass the bill of the majority, which says, "Gentlemen, we will have an army; Mr. Kaiser, look out; you are going to have an army coming against you; they are going to be volunteers until we can not get any more, and then we are going to draft them, but we are going to get them." The enemy will say, "By George, he means business; Uncle Sam means business." But what do you say? You confess to the world—you men who defended it right here yesterday said you could not get volunteers enough. Does that give any comfort to the enemy, when they know that Uncle Sam has gone into the war and his Congress confesses that he can not draw from the brain and brawn of American youth enough men to defend the righteousness of that war? [Applause.] Who is it that is encouraging the enemy by saying we have got to draft men to fight? Is it you, or is it we fellows who are willing to furnish volunteers to do this business? Now, you gentlemen who are scared of this propaganda, get out of that fear. There is nothing so old as yesterday's newspaper. [Laughter.] I got 40 or 50 telegrams yesterday—I got a hundred telegrams yesterday, most of them from millionaires. I have been getting them right along. A lot telegraphed me a week ago that they favored the plan adopted by the President, and I answered them, "For God's sake, tell me what it is; for, as a Member of Congress, it has not been furnished to me"; and it was not until last Friday that I knew what the final plan was presented by the Senate bill. I asked a man in every precinct—and I quite agree with the gentleman from Wisconsin—I asked a public-spirited man in 5,000 precincts in Illinois as to what the feeling was, and their answers are on my table, 3,000 of them. Ninety per cent say that in their precinct 90

per cent of the people of that precinct are against conscription. That weighs more with me than any propaganda.

Why, gentlemen, one letter I read late into the night from a woman who told me her story. At the end she said, "Please, Mr. MASON, excuse the appearance of this letter; I have stained it with my tears." A widow's tears weigh more in the heart of a brave man than all the thunders of a propaganda of Wall Street and a combination of newspapers. [Applause.]

I say to you that they will enlist, as did those under Lincoln, Grant, and Logan, who gave the country the greatest volunteer soldiers in all history. Give them a chance, Mr. Red Tape, give them a chance, Mr. General Staff, give them an opportunity and you will not have to spend a year training them. Ninety-nine out of a hundred will be ready to go upon the call of the President. You are drafting for the trenches in Europe. They will enlist to go anywhere this side of hell that the country calls them to go. [Applause.] But your demand for a draft first is an insult to every man that wears the copper button; it is an insult to every man that wore the gray; it is an insult to history. Give us a chance to volunteer, not under your plan but under ours. The General Staff and the red tape and the little Regular Army officer can make bootblacks of their boys. We have fighting boys. They will be ready to go. Do not refuse the President the greatest thing in this country, the American boy, who stands at night in uniform and as the colors go down uncovers his head with a glistening eye and swelling heart and reveres that flag. Open the door under that plan and we will say to the President: "We are coming Father Woodrow, 2,000,000 people strong. We are bringing you the cream of the American people, the best blood of the American people, for there is no blood too good to be sacrificed on the holy altar of your country." [Applause.]

The work of the Grand Army of the Republic and the Spanish War Veterans is not yet finished. Some of the Grand Army of the Republic and most of the Spanish War Veterans are willing and able to do their share now, but this bill leaves them all out. The great value in times of peace is that they keep alive the spirit of patriotism. One of the most patriotic events I ever witnessed was when a Spanish War camp made honorary members in that order of every member of the Grand Army of the Republic. On their every altar is the flag. Every camp fire is a school for loyalty, and the Sons of Veterans, the Women of the Grand Army of the Republic, and the Woman's Relief Corps spread the doctrine of charity and patriotism. Conscripts can not do this work for us.

SELECTIVE DRAFT.

The people have been deceived by the word "selective." Deliberately and wantonly deceived. Many letters and telegrams were sent me by honest people asking my support of the President's selective draft. It now turns out that the scheme is the dream of the General Staff, and that the word "selective" refers only to the manner of drawing by lot of those who go first. People were led to believe that selected meant that the President would select some for one thing and some for another. It now develops, and is admitted by all, what we have contended from the first, that it means drafting for military service by lot, and we are now informed our boys' names are to be all put in a wheel—between 21 and 40—and drawn by chance.

You say you want the slacker and the loafer, why not select them instead of compelling gentlemen to shake dice or take a chance on a wheel with them to see who is to go? To illustrate, here are two boys, one a respectable, hard-working boy who by reason of home ties honestly feels he can not go now, and does not enlist. The other is a loafer, supported by his parents, who might make a good soldier, and does not care for anything—his country or his family.

Under this law those two names go into the wheel and the blindfolded goddess of chance decides which shall go. If they are within the age and sound, the judges have no power to let out one and take the other. If the loafer is lucky at the wheel, he is free and the gentleman goes to the trenches. Do not tell me the people understand this. Another illustration: Here a family with two sons, one the support of wife and children and possibly parents. The family agree that he should remain at home, because he has learned a business that pays enough to support the family and agree the other, equally good and honest, but who has neither wife nor child and wants to go, may go. The family agree—but here comes your wheel—your dice-box, your law, and says your family do not know what is best—if the wheel decides it, and it may—"You must both go," or the wheel may say, "You who are willing to go stay and you who want to stay go." Oh, men of America, stop and think! Next autumn, if this war continues, when our people sit around their hearthstones and talk over family plans to get food and fire for the coming winter, and your "wheel" begins to turn, curses, like those from Pandora's box, will be amongst us. Fear, the greatest curse of mankind, will lead them all. It will hover like the shadow of death over every home. Fear of cold and hunger, fear of death—fear will lead, and trooping by her side will be hate, envy, jealousy, fraud, corruption, and violence. Turn your wheel that breaks the women's hearts. Shake your dicebox for the price of mothers' tears. Cast your lots, if you will, for the blood of our boys, as they did for the Master's garments at the foot of the cross, but if you leave out all opportunity for the brave before you brand as slackers and conscripts all who from a high sense of duty can not go, I will never vote for this bill.

Mr. Chairman, we all like to be popular, but it would be a coward's part to think of our business or political prospects or our party now. We are changing our form of government. The absorption of legislative power by the Executive was never so apparent. Then we go further, and nearly every one of you say you favor the draft because the Regular Army—the General Staff—recommended it. The military arm of this Government is passing this bill, and you know it. You admit it, and you yield to it because of the newspaper propaganda that has so misled the people and is misleading us.

Who misled the people? Who has commercialized public sentiment? I insert here an editorial from Devils Lake Journal. It was inserted in the CONGRESSIONAL RECORD February 9, 1917, page 3947.

I do say it is true. Whether it is true or not, the people should know, by giving the great editors of the United States a chance under oath to deny it.

Please read it. It is unanswered and uninvestigated.

In March, 1915, the J. P. Morgan interests, the steel, shipbuilding, and the powder interests, and their subsidiary organizations got together 12 men high up in the newspaper world and employed them to select the most influential newspapers in the United States and a sufficient number of them to control generally the policy of the daily press of the United States.

These 12 men worked the problem out by selecting 179 newspapers, and then began, by an elimination process, to retain only those necessary for the purpose of controlling the general policy of the daily press throughout the country. They found it was only necessary to purchase the control of 25 of the greatest papers. The 25 papers were agreed upon; emissaries were sent to purchase the policy—national and international—of these papers; an agreement was reached; the policy of the papers was bought, to be paid for by the month; an editor was furnished for each paper to properly supervise and edit information regarding the questions of preparedness, militarism, financial policies, and other things of national and international nature considered vital to the interests of the purchasers.

This contract is in existence at the present time, and it accounts for the news columns of the daily press of the country being filled with all sorts of preparedness arguments and misrepresentations as to the present condition of the United States Army and Navy and the possibility and probability of the United States being attacked by foreign foes.

This policy also included the suppression of everything in opposition to the wishes of the interests served. The effectiveness of this scheme has been conclusively demonstrated by the character of the stuff carried in the daily press throughout the country since March, 1915. They have resorted to anything necessary to commercialize public sentiment and sandbag the National Congress into making extravagant and wasteful appropriations for the Army and Navy under the false pretense that it was necessary. Their stock argument is that it is "patriotism." They are playing on every prejudice and passion of the American people.

Again, Mr. Chairman, this draft is making worse our food problems.

Many people in my State of Illinois can not afford the usual and customary food. Hunger stares us in the face. Only the rich are secure, and even they may go hungry. We need men on the farms. Crops will go unharvested and fertile ground uncultivated by reason of the draft.

How?

Read this advertisement, which was published in nearly every paper in the United States, taken from the CONGRESSIONAL RECORD. Thousands of our young men—possibly slackers—are going to Canada—Great Britain—where they are assured they will have good wages, steady work, "and no compulsory military service."

[From the Daily News, Apr. 12, 1917.]

FARM HANDS WANTED—WESTERN CANADA FARMERS REQUIRE 50,000 AMERICAN FARM LABORERS AT ONCE.

Urgent demand sent out for farm help by the Government of Canada. Good wages. Steady employment. Low railway fares. Pleasant surroundings. Comfortable homes. No compulsory military service. A splendid opportunity for the young man to investigate western Canada's agricultural offerings and to do so at no expense. Only those accustomed to farming need apply.

The demand for farm labor in Canada is so great that as an inducement to secure at once the necessary help required Canada will give 160 acres of land free as a homestead and allow the farm laborer who files on land to apply the time he is working for other farmers as residence duties the same as if he had lived on the land he had applied for. This offer made only to men working on Canadian farms during 1917, thus making it possible to reduce the necessity of actual residence to two years instead of three years, as under usual conditions. This appeal for farm help is no way connected with enlistment for military

service, but solely to secure farm laborers to increase agricultural output. A wonderful opportunity to earn good wages while securing a farm. Canadian Government will pay all fare over 1 cent per mile from St. Paul and Duluth to Canadian destination. For particulars as to railway rates and districts where labor is required or other information regarding western Canada, apply to ———, authorized Canadian Government agent.

Do you think we ought to draft our boys to fight for Canada while that good neighbor is seducing our boys to farm for them and escape the draft? I do not. Australia and New Zealand, parts of the British Empire, refuse to draft. They submitted it to a vote of the people—which you dare not do in democratic America—and they refused by an overwhelming vote to draft their slackers. Do you think we should draft our boys to fight for the country that does not draft their boys? I do not.

You say it is now "Our war." Yes; so it is. We got into it while delivering guns and food to Great Britain, and when they have drafted their slackers it will be time enough for them to ask and advise us to draft ours.

One paper said that we had in Chicago 20,000 slackers at our baseball game, because they would not enlist when invited to do so by our volunteers in the National Guard. They are not slackers. You do not under the present law, nor the law now pending, give them a chance to volunteer. If they enlist now, as my son has, they must enter the Regular Army either directly or by way of our National Guard. It is the Regular Army just the same, and we are given notice here by those who speak for the General Staff that the National Guard is to be wiped out and absorbed by the Regular Army. You do not, have not, and will not call for volunteers, so that each city, town, or county may raise troops amongst their friends to fight the enemy.

The 20,000 men at the ball game are not slackers. They are mainly men who work in the factories, stores, and offices, who struggle with high prices for food, but manage to get half a day and half a dollar to see the national game, and it comes with bad grace for countries we feed and fight for to demand the draft here, who do not draft at home.

You say we delay raising an army. That is not true. The bill reported by the majority, for which we stand, provides for the old-fashioned Lincoln call for volunteers, and authorizes the President to proceed at once to prepare the list for drafting if you fail to get an army. You say it will take three or four months to prepare the wheels and the lists of men and the three lottery managers, and we say that within three or four months you can have all the men you want if you call them and do not threaten them. Roosevelt has now offered more than 100,000 men. You by your vote have refused him and his men a chance. What the Senate will do I do not know. Never before has our country showed its weakness by ordering a draft at the beginning of a war. England raised 5,000,000 by volunteers, and they are the fighting men on the line. Washington asked for draft only when not sufficient men volunteered; Lincoln did the same. Our bill, the bill of the majority of our Military Committee, does the same, and men who say we are delaying the raising of the Army do not speak the truth.

I know every man here will do his duty as God gives him light to see his duty. Please give me the right you demand for yourself. You have been fair in this discussion. We have not quarreled here. The burden of this question has been the heaviest we have ever been called to bear. Little-brained men who have advised that we be murdered for expressing our honest opinion here simply have long-distance bravery and think it is patriotism.

Lincoln said:

God must have loved the plain people. He made so many of them.

I have found out what they want. Denied a referendum, I have adopted the best course I could to find out their sentiment; I say that 90 per cent are opposed to drafting our boys for European trenches.

Many stand for universal training, and all agree as to universal obligation. That is not this bill. Happy is the Congressman here who can have with him a majority of his people and the approval of his own conscience.

Mr. GREENE of Vermont. Mr. Chairman, I yield 20 minutes to the gentleman from Illinois [Mr. MADDEN].

Mr. MADDEN. Mr. Chairman and gentlemen of the committee, it would take a more eloquent man than I to respond to the eloquence of my colleague in any proper way, but I apprehend that we are not engaged in the contest of eloquence; we are engaged in making preparations for victory. [Applause.] We are engaged in war and we must do the things that are necessary to be done to furnish the supplies that we will need for American victory. [Applause.] Every man must pay his share, and every man must do his share. It is not what we say that is going to affect the opinion of Germany, it is what we do that counts. We may have all the eloquence of the best orators in all the land pleading for the sentimental side of this case, but I do not understand that we are going to win this war with sentiment. We are going to win the war because we are prepared to meet the issues. We have made the declaration, we have voted the money, we are levying the taxes, we are going to raise the army, and if we are going to have an army to be successful it must be an army that can furnish the reserves necessary to follow up the men at the front. The voluntary army can not do that. For you are always in a condition of uncertainty as to whether your regiments are going to be filled or empty if you depend on the volunteer system.

It is no disgrace to a man to be called to the colors by his country. He is a part of his nation. He claims a right to all the privileges, and he should be willing to assume the responsibility, and I apprehend that the men of America of fighting age are willing to assume the responsibility and do it in a way in which they are directed by the Government. This is a land of patriots, and our patriots are not standing on the question of whether they are to be allowed to volunteer. They are asking the Government to say how can they serve the country the most successfully. [Applause.]

They say they had trouble in raising an army in England by the volunteer system. Some say that the English people were reluctant to volunteer, and some say that they were forced to volunteer. It is infinitely better to have a single system, under which every man can serve, than it is to have men reviled for failing to volunteer. We want unity, we want success, but to gain success we need not only money but we need men, and we need men in such numbers that there can be no question of failure.

We have entered upon a most gigantic enterprise, and we have to assume the responsibility. We must meet this responsibility without fear or favor, for victory must perch upon the banner of America. [Applause.] Nowhere in all the world can there be found braver men than under the Stars and Stripes. [Applause.] Nowhere can there be found men more willing to do their duty, and if I understand the sentiment of the American people, it is that all men should be selected without respect to whether they are rich or poor, high or low, educated or ignorant; that all men do their part to prove to the world that this is a free country and that the American people are standing for a democracy throughout the world and the maintenance of the democracy within America. [Applause.]

I have no patience with those who believe that the men will object to being conscripted. Selective conscription may have some inequalities, because it must be operated by human agencies, but we can write amendments into this law that will make every State in this Union furnish its quota according to the percentage of its population to the total population of the country, and thereby prevent any favoritism to any State or any man in the Union, and I propose to offer such an amendment to this bill when it comes up for amendment and consideration under the five-minute rule. Every State, therefore, will be called upon to do its equal part, with no right on the part of any man, either the President of the United States or the General Staff, to play favorites anywhere throughout the Union.

Mr. GORDON. Mr. Chairman, will the gentleman yield?

Mr. MADDEN. I must decline to yield. This is America. It is said that when this Government was formed it was considered the most gigantic experiment that had ever been tried by men. Many people believe that we are still in the experimental stage of government here, but this bill, when enacted into law, will prove to the world that America and the American people are qualified to govern, that they are qualified to be trusted with the conduct of democracy, that our men will prove themselves to be brave and fearless, patriotic, ready to meet every obligation imposed upon them by the Constitution, that they will respond readily and willingly to the call to arms, and that they will prefer to be called by some uniform system than to have three or four other systems combined to embarrass the system best calculated to lead to the success which every American prays and hopes for in the contest upon which we are now engaged.

I have no fear that any man will complain because he is conscripted. I have no thought in my mind that a conscripted man will not be classed as high in the councils of the citizenship of his country as the volunteer man. Every man who bears the title of American citizen is the peer of every other man, and ought to be charged with like responsibility. No volunteer system can bring uniform service, and because of this fact and because of the further fact that the volunteer system calls forth to the colors some men who are more enthusiastic, perhaps more patriotic, than others, and leaves those less enthusiastic and less

patriotic at home, I am distinctly in favor of the adoption of the proposition to make a uniform selective conscription law, which will bear alike upon every man of military age, as provided in the minority amendment to be offered to the pending bill. With such a provision in the law there can be no favoritism, without it I fear there might be. I want America to succeed. I shall willingly do my part to maintain the Nation's honor. I want to see the burden fairly distributed. I want each man to do his part according to his ability. I want to see the fires of patriotism burning on every hilltop; I want to see its glow in every face throughout the land. I want to see the institutions of freedom, planted on this continent by the fathers, spread to every nation on earth. I want Old Glory to be seen in every land and upon every sea, and there applauded as the symbol of freedom. I want the word "American" to mean more than it ever meant before. I want Americans and American rights protected everywhere, and to this end I am ready to dedicate myself, my all.

Many people throughout the country think we are considering universal military training. There is nothing further from the truth than that. We are only preparing to meet the present emergency. That emergency is great, but not so great that it can not be met by the American people and successfully concluded, as the result of a unified America under the direction of the Commander in Chief of the American Army, the President of the United States. [Applause.]

Mr. GREENE of Vermont. Mr. Chairman, I yield five minutes to the gentleman from Pennsylvania [Mr. VARE].

Mr. VARE. Mr. Chairman, in my time I want to send a resolution which was adopted by the House of Representatives of the General Assembly of Pennsylvania to the Clerk's desk to be read.

The Clerk read as follows:

PENNSYLVANIA HOUSE VOTES FOR SELECTIVE DRAFT PRINCIPLE.

HARRISBURG, *April 24, 1917.*

The house to-night passed a resolution introduced by Representative Whitaker, of Chester, declaring for the principle of the selective draft. The resolution was introduced at a time when unanimous consent for its immediate consideration was necessary. There were no objections.

The resolution recited that it is the belief of the legislature that "only a selective draft can be depended upon to meet the needs of the emergency that now exists in this country."

Mr. VARE. Mr. Chairman, during the debate yesterday a reference was made to the number of volunteers who had gone into the service from the Dominion of Canada. I had occasion last summer to spend two weeks in the different cities of Canada, and my observation was that while they were operating under the volunteer system, it could well have been called a compulsory volunteer service. I am reminded that there was a campaign conducted upon the part of the Canadian Government which practically placed every man who was not enlisted in the position of being a slacker, regardless of what his individual position may have been. On all sides there were exhibited on public billboards, on all public places, pictures of Lord Kitchener. As you passed by these great signs there was the finger of Lord Kitchener pointing to the passer-by, saying to him, "Remember, the eyes of Kitchener are upon you. You should immediately join an over-seas regiment and fight for the cause of your country." I want to assure this House that had I been a Canadian and had I not enlisted I would have been ashamed to be upon the highways of Canada.

Because I feel that any other course would be a reflection upon the patriotism of the people of my district I will favor and vote for universal liability for service. Were I to adopt any other course it would be equivalent to saying that I feel that some of my constituents are patriotic and others are not. I believe that they are all imbued with the same love of country. Under the volunteer system some who should not enlist would not enlist, yet they would be charged with being slackers, although they might be staying home to perform duties for which they are better fitted and for which they are more urgently needed.

The principle of equality of service by selection places all American citizens, rich and poor alike, on the same footing. The volunteer system penalizes the patriotic for the benefit of those who are not patriotic. In the Civil War we had to abandon the volunteer system and adopt drafting. If we had had selective service then, the war would have been less costly. It would have ended sooner, and saved thousands of lives and countless millions.

Let us do the right thing at the right time, which is at once. Let us abolish special privilege from our military system. It is the very essence of the Constitution of the United States which guarantees every citizen the right to bear arms in defense. This is not a system which will remain in vogue after the conclusion of this war.

It is not because I fear there is any danger that we would not be able to raise a large enough army under the volunteer system, but because I believe there would be inequalities, and an inefficient distribution of man power under such a system, that I favor universal service by selection.

For the same reason I oppose any exemptions written into the law. If we exempted the farmer, thousands might go to the farms, not to aid production but merely to escape service. If we exempted the strategic industries, thousands might obtain employment in such industries when they may not be needed there. The President himself, in touch with the changing needs of the Army, Navy, and other strategic industries, should be the one authorized to say what men shall be kept at home for useful service and what ones should go into training.

There is a moral reason also for the immediate enactment of this selective-service military bill. I do not think that this moral reason has been stressed sufficiently in the present debate. I have believed all along that if we had been properly prepared from the beginning, if Germany had been made to realize that we were in earnest, and fully capable of waging a real war, there would have been no ruthless submarine campaign against American lives and commerce. But Germany had been convinced that we were not ready, and would not be ready for years; that we were slow to become aroused to wrongs committed against us, and slow to get into action. She knows that our volunteer system has not been entirely efficient in the past; that it was not efficient in England, and that it will not serve the purpose here now.

The $7,000,000,000 bond issue gave Germany preliminary notice that the United States intends to be effective financially. The measure before us will be final notice that this country means business. It will have a greater effect upon the people of Germany than anything else we are able to do at this time. It will make the German Government realize that this country is making ready for the long pull, if such a long pull becomes necessary. The adoption of selective conscription may shorten the war by months or by a year.

From the same standpoint Col. Roosevelt should be encouraged, rather than discouraged, in his plan to raise a division for early action in France. The French delegation headed by that statesman whose fame will be immortal, Gen. Joffre, is here now, and its members will tell us what the appearance of a division headed by the former President of the United States would mean as a moral influence in the trenches of France. The plan of Col. Roosevelt can not interfere with the conscription system, because men not called by selective service have already volunteered for his division, and the division would be confined to such men.

It is significant that Col. Roosevelt, confident of his ability to raise a division by the volunteer system, nevertheless strongly approves of selective service as the ideal military system for this great democracy. He favors it because it is efficient and American.

The volunteer system was not efficient in England, not because of lack of patriotism, but because men who should have been officers became privates; because surgeons and doctors who could have saved thousands of lives behind the trenches died on the firing line as privates or lieutenants. It failed because it was wasteful and unscientific, leaving at home men of independent means and in every way eligible for military service, while it took away men with dependents, leaving the Government to support these dependents.

The mothers and fathers of the country should not be made to bear the responsibility of saying that their boys should go to the front, lest they be regarded by their neighbors as slackers. The responsibility should be assumed frankly by the Government, so that when young men remain in the strategic industries it will be known that that is where the Government wants them and that they are doing military service required of them.

We have had war forced upon us. It was not of our choosing. We had to fight or surrender our national honor. Now that we are in the great world struggle for the maintenance of civilization itself let us not waste the lives or money of the people by any volunteer system which will increase our sacrifices or lengthen the war. Let us adopt the system our own experts tell us is necessary—the system which is representative of American democracy, which gives us the right sort of officers and men at the front, and a strong industrial organization at home. I am for selective service because it distributes the burden equally, because it treats all alike, and because it keeps us from making unnecessary sacrifices in vain. [Applause.]

Mr. GREENE of Vermont. Mr. Chairman, I yield 15 minutes to the gentleman from Massachusetts [Mr. TREADWAY].

Mr. TREADWAY. Mr. Chairman, I shall vote for the amendment to be offered by the gentleman from California to provide

for the increase of the Military Establishment through selective conscription.

I shall vote for this amendment because it is the principle which the Commander in Chief of the Army to-day urgently requests.

We were early taught that the first duty of a soldier is obedience. I am not to-day considering Mr. Wilson as the President, but, as we are engaged in this great war, he should be regarded as the Commander in Chief of the Army and Navy.

Selective conscription is positively recommended by the Commander in Chief, by the Secretary of War, by the officers of the General Staff—the military heads of our Government.

Congress holds a subordinate position in the question of responsibility in the actual guidance of war affairs and its method of conduct. It seems to me, Mr. Chairman, we are going a long way when we assert any individual independence on such a serious problem as now confronts the country.

We are in no sense abrogating our rights as Congressmen, nor are we placing ourselves in the position to be familiarly referred to as "rubber stamps" when we accept the judgment of men who have made warfare their life study and who have laid their views before the Secretary of War and the Commander in Chief. But if we could be so accused, it would be far better for us to be designated as "rubber stamps" rather than as "boneheads" if, as a result of our assertive independence, our country's cause should suffer and hundreds of thousands of lives of our fellow citizens be sacrificed.

I shall vote for the amendment because a volunteer system has been proven a failure not only in the present war but in previous ones. The example of England in the present war has been frequently cited, and no more pertinent illustration is needed in proof of this statement.

I shall vote for the amendment because the bill as proposed by the majority of the committee recognizes the possibility of failure of the volunteer system in that as a second expedient it provides for conscription. If the volunteer system is a proper one, why does the majority of the committee recommend that, following the 500,000, conscription should then be resorted to?

I favor one exception to complete conscription for two reasons. First, that practically all the men who would volunteer under the exception would be exempt from conscription; second, the man who would raise the volunteers has such a personality that the men who would serve under him would be a fighting force of astonishing power. There is no similar man in this country so that an exception is in no sense dangerous. A positive offer, which can be substantiated, to provide 20,000 to 25,000 men and rapidly prepare them for foreign service can not be easily overlooked. The proposal of Col. Roosevelt to secure the enlistment of this force should be accepted, and I trust an amendment of this nature will be presented to the House so that it may be voted upon. It means a well-drilled fighting machine, composed of men enthused by the personal magnetism of their leader, that will be a great addition to the forces to be raised under this bill.

I shall vote for the amendment because it is the only fair way to treat all men of military age. My only doubt comes from the possible misuse of the selective feature of conscription. We must, however, place sufficient confidence in our officials to expect them to see that the tribunal having to do with the exemptions is absolutely fair and just.

I shall vote for the amendment because no army can be successful of which the head is not thoroughly satisfied with the manner in which it is raised.

I shall vote for the amendment because after the Army is raised all men will feel they are on an equal basis. Should the volunteer system be adopted it can readily be seen that men who do volunteer will have a feeling of superiority over those who may be later on selected by conscription.

No one knows nor can foresee the extent to which our participation in this war may be carried. The bill of the majority of the Military Affairs Committee only deals with the possibility of securing 500,000 volunteers, and further provides that should that number not be secured conscription shall then be resorted to. In other words, the bill before us considers 500,000 as the limit of an army to be raised under the volunteer system. It does not consider that 500,000 is the limit of the army that may be needed, and it therefore shows both a mistrust of the system recommended and a division of method which can not be otherwise than harmful.

As it seems evident that conscription is bound to follow, what inducement can there be in the minds of men to volunteer? What will prevent carrying out the suggestion I saw yesterday in a paper published in my district, from which I quote:

WHY NOT PROVE IT NOW INSTEAD OF LATER?

Paradoxical as it may seem, we have become convinced that the most patriotic thing the young men of military age in this country could do to-day would be to refuse absolutely to volunteer their services for military duty.

As the days drag on it is becoming increasingly apparent that there is in Congress a fixed determination on the part of a more or less influential group to force the country to try once more the muddling, inefficient, unfair, undemocratic, and never yet successful volunteer system before getting down to business and doing at once what must be done eventually—organize our forces on a basis of selective conscription, which will pick the right man for the right place, irrespective of wealth or social position, and put him in the shortest possible time where he will do the most good.

This determination seems to have its foundation in a belief that there are in the country enough young men who will voluntarily shoulder all the burdens and risks and responsibilities of military service so that comfortable citizens can stay comfortably at home, easing their conscience by tossing a few dollars into the Nation's war coffers; so that the mean-spirited can continue undisturbed in their petty pursuits; so that the hypocrite, who "doesn't offer himself because he doesn't believe in war," can save his skin—on principle; so that the weakest, the unworthiest, the most decadent elements in the Nation, in short, may be preserved to propagate the race.

In certain contingencies extreme measures will often serve a swift purpose where other methods fail.

I shall vote for the amendment because I am convinced that the great majority of the people of the country consider it is both the fairest to them and the surest of producing the desired results.

We want to adopt such methods as will the most speedily place us in a position to strike effectively. We can not afford the enormous toll of lives and wealth that would be sacrificed should we not provide a thoroughly prepared and well-equipped Army. The argument of the majority of the committee is that a volunteer army can be more rapidly secured. Even if we should admit this to be true, we would secure a body of individuals all at one time rather than so proportioned that they could be readily absorbed and properly trained and equipped.

There is to-day opportunity for voluntary enlistment which is not being taken advantage of in sufficient numbers to fill the branches of the service up to present war strength. The method proposed by the minority of the committee is absolutely democratic and fair to all. It will give us a well-rounded and efficient military unit, and at the same time permit of continuance of service in industrial, commercial, and agricultural lines of those who can better serve the common cause in that way. In no other way can the whole machinery of our civic life avoid almost complete disruption.

I have frequently criticized the President for his insistence in his demands that Congress yield its own views to him. These criticisms were based on my regard for the belief in the value of the individual opinions and judgment of Members of Congress. These opinions are on subjects wherein our responsibilities are coequal with those of the Executive. As the country is now at war I, for one, do not feel that we should consider ourselves as sharing in equal measure with the President his duties as Commander in Chief. He alone holds that position. We are not sharers or participants in the duties and responsibilities of it.

To-day I commend that same insistence that I have previously criticized. I commend it because, as I first stated, his personality as President in the present crisis becomes secondary to his position as Commander in Chief of the Army. I believe his position in this question of volunteer or selective conscription is right, but whether it is right or wrong his is the greatest responsibility for the successful conduct of the war, and there must be a positive approval of his methods and wishes.

We, as subordinates, may advise and suggest, but we must not try to dictate.

As Members of the Sixty-fifth Congress, we have a tremendous responsibility in acting upon this bill. I venture to say that no matter how long any of us may remain Members of this body, as we in the future look back upon these days since war was declared, the realization of the importance of our action will grow in proportion as the years advance.

Let us not leave it as a heritage to our children that we to-day sounded a discordant note or voiced a word of opposition to the call of the Commander in Chief, which was so clearly expressed in his memorable address on April 2 when he referred to the army of at least 500,000 men "who should," he said, "in my opinion, be chosen upon the principle of universal liability to service."

No plainer command was ever given to a faithful people. Let us by our vote here, as their Representatives, show our willingness to obey.

The task before us is a stupendous one before a victorious peace is secured. It may mean hardships and suffering for the American people, which would to-day cause us to shudder.

We need at this time the strength of unison. The Congress gave an overwhelming vote in favor of the declaration of war. It cast a unanimous vote for the necessary funds to carry it on. Let us be as unanimous in our method of securing the essential force to make effective the votes we have already passed. We will thereby show our approval of the first implied order of the Commander in Chief. [Applause.]

Mr. GREENE of Vermont. Mr. Chairman, I yield 10 minutes to the gentleman from Oklahoma [Mr. McKEOWN].

Mr. McKEOWN. Mr. Chairman and members of the committee, during the few weeks which I have been here engaged together with you, performing my duties as one of the Representatives of the American people, it has been my endeavor to approach each problem upon which I was called to vote with a great deal of care and caution. I have listened with great interest to the speeches of the gentlemen in favor of the committee bill and to those opposing. The question to be determined by this House at this present time is not whether conscription shall be substituted for the volunteer system in the United States, because the committee bill simply provides that volunteers may be called during the time the preparation to put the conscription in effect is going on. What is to be gained by a Member who believes in the volunteer system in its entirety in voting for the committee bill? It does not offer the volunteer system as against the conscription plan, but it undertakes to give us a dual system. The conscription system is either right or the volunteer system is right. It appears to me that a combination of systems will not serve the purpose of those who believe in the volunteer system alone. The Kahn substitute means the abolition of the volunteer system in America and the putting in force the selective draft system. The principal objection to the conscription system is the well-founded and deep-seated prejudice of the American people to the word "conscript" and the domineering disposition of the War Department. The deep-seated prejudice of the civilian against the snobbishness of Army officers which has prevailed in some places among the Army circle is not sufficient reason why the selective-draft plan to raise an army in this emergency should be defeated. If the selective-draft system of raising an army in this Republic is to stand or fall upon prejudice against snobbishness and undemocratic conduct of our Army officers, then I of this House would be compelled to vote against the selective-draft system, for no man in the House has a greater prejudice than I have, for reasons well known to my colleagues from my State. And I say that, in my humble judgment, the principal moving impulses that actuate the Members in favor of the volunteer plan is their reluctance to release and give up that high idealistic sentiment that has found place in the breast of our patriotic citizens since the days of the foundation of the Republic, to which sentiment my heart clings with a fond affection, and clings to it like an heir who clings to the precious heirlooms of his ancestors; and as I sat in this Chamber and listened to that most ardent speech of the distinguished gentleman from South Carolina [Mr. BYRNES] my heart welled up, because he was born on the same soil that I was born, and I know the temper of his people and their traditions. My heart clings to those traditions of my native State with the same affection and with the same intenseness that those of my forefathers clung to Erin's Isle, but these are times and conditions that break traditions and hearts. [Applause.]

The fear that the details and administration of the plan of conscription might not be carried on with equal fairness to all the States and subdivisions, to all classes of our citizens, is a factor, no doubt, that deters those who cling to the volunteer idea from supporting the selective-draft plan. Fear that the change from the volunteer system, which has prevailed through the entire history of the Republic, to the new and untried system of universal service in the United States might tend to bureaucracy or militarism is, beyond no doubt, the principal ground upon which the opponents of the draft plan oppose the same. Gentlemen, we all agree that we oppose militarism in America. You are thinking of times of peace, but there is no peace. We are confronted with cold facts and conditions not of our making, and we have to meet the situation without hesitation and with the firm resolution to overcome our enemy.

Mr. McCLINTIC. Will the gentleman yield?

Mr. McKEOWN. I will yield to the gentleman.

Mr. McCLINTIC. Does the gentleman believe a sufficient emergency exists at this time to make it absolutely necessary to put the selective draft in operation?

Mr. McKEOWN. I do; but I believe 80 per cent of our people do not realize the importance of this emergency.

The only question here to determine is, Will temporary volunteer service with the selective plan or selective-draft plan immediately better answer the interests of this Republic? The solution of this question will require the best of our thought and every endeavor. Sentiment, prejudice, or personal considerations will not suffice. Let us reason together without anger or intolerances. Spontaneous public patriotism and public intolerance will drive men into the ranks who are entitled to the protection of this Government, and the men who are so callous to the impulses of patriotism or to the shafts of public condemnation will never respond until Uncle Sam lays his hand upon their shoulders and says, "We want you." In my humble judgment, 80 per cent of the American people do not realize what this declaration of war means. Many of them believe that it is merely a gala occasion for the American Navy to engage in a little target practice and our torpedo destroyers to have a little game of hide and seek upon the high seas with a few German submarines. I hope I am mistaken; but, in my humble judgment, we have matched a real war, the end of which we know not. If the necessity arises in the mind of the people, then, of course, volunteers will spring full grown from the hills and dales; but shall we wait until the causes of the war shall reach and arouse the interior? Is it not persuasive, at least, when the Commander in Chief says the necessity is here? England is cited as an example of volunteers, but some of us recall how, in order to get volunteers for the trenches, they posted the picture of Mike O'Leery on the posters, with these words, "O'Leery wants you to fight for Belgium." This is the same Mike O'Leery who captured five Germans single-handed, and when asked how he did it, he replied, "I just surrounded them."

In casting my vote for the selective-draft plan I know that my action will not meet the approval of the young, vigorous men in my district, because they are wiring me, asking that we give them a chance to volunteer, as they are anxious to go to the front, and many of them hope to again follow Col. Roosevelt even to the trenches of France. I would not deter any trained men from going under Col. Roosevelt, but I am constrained to hold in check the boys and those who can best serve their country at home. A farmer does not hitch his young, unbroken colts to his farm wagon, but rather hitches them in with the old horses, one at a time, and holds them in check. It is better for the colts and better for the driver. The selective-draft plan, in my judgment, will be better for the soldier and better for the country. The question is asked, Why change this volunteer system that has come down to us from the fathers of this Republic? To this question, I reply, Why did modern civilized nations change their methods of warfare? Back in the days when "knighthood was in flower" gunpowder was invented, and you will recall that a brave English knight said that gunpowder was the invention of a coward and that no brave man would stand back 50 paces and shoot his fellow man, but the brave man would put on his armor, gird his sword about him, and go within a spear's length of his antagonist and fight it out to the death.

When we fought the Revolutionary War we defeated the British with volunteers because we fought them in the primeval forests of the thirteen States with marksmen so unerring as to startle the British regulars. I might pause to say they carried one of them back to England to exhibit his unerring marksmanship, and the recruiting stations had to close up directly, because there were no more recruits. Trained volunteers who were trained by their daily vocation as woodsmen. At New Orleans we defeated Packingham with the riflemen from Tennessee and Kentucky, and in the War with Mexico we swept the enemy from the field at Buena Vista by giving them a little more "grape and canister." In the Civil War Between the States we fought like demons upon the surface of the ground and in the open, and no doubt it was patriotic volunteers on both sides that made those wonderful charges and fought the fiercest battle and performed the greatest deeds of daring and bravery with which history is replete. Yes; volunteers urged on by the fire of patriotism that caused them to enlist in what they believed to be a just and righteous cause. But as was said by the gentleman from Kentucky [Mr. SHERLEY], warfare today is not the warfare of 60, 80, or 140 years ago. It is all right to fight the other side with volunteers if they were fighting us with volunteers; but, sirs, this war is a war the like of which has never been recorded in the annals of history. The question for us to determine is, Shall we use the selective-draft plan to be able to successfully terminate this war?

The CHAIRMAN. The time of the gentleman has expired.

Mr. McKEOWN. Will the gentleman yield me three minutes additional?

Mr. GREENE of Vermont. I will yield three minutes to the gentleman.

Mr. McKEOWN. But above all and over all, Mr. Chairman, the one great impelling thought that prompts me is this thought, that the selective-draft system will bring together the American

people as no other plan will do. The pro-German sympathizers and the people who do not realize the seriousness of the causes of this war and inclined to criticize their own Government, will be required, whether willing or otherwise, to do their part under this selective-draft plan; but, sirs, whenever boys of pro-German parentage and of disturbing elements have once been drawn into the ranks, side by side with our native-born sons, this will be the melting pot that in my humble judgment will preserve the future of this great Republic. The pro-German sympathizer will no longer say "You wanted war, you go fight." The native-born American will no longer say, "You are pro-German, you are not entitled to live in America," because he can reply, "My boy is in the ranks with yours."

Mr. Chairman, the question has been asked, "Do you expect to whip Germany with the pool-room bums?" I answer, "No; it will require, in my humble judgment, a well-trained army of men;" and in reply to that question I wish to add this, that while we do not expect to whip Germany with the pool-room bums, yet, Mr. Chairman and members of this committee, we do propose that the pool-room bums, the dudes, toughs, and hobos will be required to fight for their country or go to work.

In conclusion, Mr. Chairman, I beg leave to say that if the committee bill becomes the law, I am authorized to say for the fourth congressional district of Oklahoma that it will equal or lead any other district in volunteers. [Applause.]

Mr. McKENZIE. Mr. Chairman, I yield 10 minutes to the gentleman from California [Mr. OSBORNE]. [Applause.]

Mr. OSBORNE. Mr. Chairman, as a new Member of this House I speak with great deference to the veteran legislators before me.

Peace is a time for minute scrutiny of all legislation, that imperfections may be avoided. War is a time for action, swift and certain. You will recall that throughout the Civil War there was an element of criticism and dissent, which found its expression in Congress through a small but persistent minority in efforts to impede war legislation proposed by President Lincoln and his administration. You will recall in what extreme disesteem these men were universally held. They were despised, while the great leaders of the Confederacy, who were physically engaged in the struggle, were respected. In those days I felt the general impulse and, as a boy, hated the very name of Vallandigham and his congressional associates. With added years and mature judgment, I am now able to make greater allowance for them and think it more than likely that they were actuated by conscientious motives. Unlike Douglas and other northern leaders, they fell into a habit of mind of constant criticism and dissent until they were finally obsessed with their ideas and could see nothing honest or admirable in the Lincoln administration and were generally regarded by Union men as little short of traitors to their cause.

I have felt extremely critical of this administration. I did not like its policy in Mexico. I started in, therefore, in a critical condition of mind. But the overwhelming importance of the present situation of war has deeply impressed me and given me a new viewpoint. What I may think and say as an individual is of little importance; but, as a sworn Representative on this floor, might I not, by an habitual indulgence in criticism of the administration and by embarrassing the administration by my votes on this floor, unconsciously and unwittingly gradually drift into the obstructive and censorious frame of mind that was the fate of Vallandigham and his associates on this floor at the time of the Civil War? I have determined to avoid everything that savors of carping criticism of the administration on war questions and to give it my hearty support upon all such questions, unless I have definite knowledge that the administration is wrong, or so believe.

Mr. Chairman, as one who had the honor and privilege to serve in the great Volunteer Army of the Union more than a half century ago, I give my assent to, and shall vote for, the selective-draft bill prepared by the General Staff of the United States Army and approved and desired by the President of the United States. In reaching this determination I am not unmindful of the great and glorious achievements of Volunteer Armies in the history of our Government or to the objections inherent to a draft of citizens for military duty. It was a consideration of these objections and of the universally grim and sinister character of war that rendered it so difficult for myself, and for most other Members upon this floor, to vote for the resolutions declaring a state of war on April 6, 1917. Before that date the United States was at peace with all the world. But a profound change was produced by that act. In a moment we were as a nation plunged into war. What would have been objectionable, and even repulsive, before that time now becomes a necessity of our condition and a patriotic duty.

The United States has been at peace for more than 50 years, with the exception of the brief War with Spain in 1898. Two generations have come into the world since the close of the great Civil War in 1865, who have no knowledge of the grim character of war, except as they have gained it in their reading of history. It is difficult for them to realize that the necessities of war demand repressive and restrictive rules of conduct, and a concentration of the entire power of the Nation in ways that are unusual, harsh, and sometimes even cruel, in order that war may be effectively carried on.

It was a realization of the absorbing and cruel character of war that caused the Members of this House to take the final step after long and careful deliberation and with extreme reluctance. Each and every Member realized that the infringement of the rights of our citizens upon the open seas and the wanton destruction of their lives by Germany fully warranted, and even demanded, the grave and decisive step which was advised by the President and which finally received the approval of Congress.

From the moment the President signed the resolutions declaring a state of war conditions were fundamentally changed. The Congress by its own act had placed upon the President the responsibility of successfully conducting that war. In the performance of that great duty he was entitled to receive from the Congress the widest latitude of power and authority, and this extraordinary power must be extended throughout the entire period of the war. Congress having delegated this extraordinary task upon the President should accompany it with the utmost degree of confidence that justly, wisely, and considerately it will be exercised, and that at the conclusion of the war these extraordinary powers, conferred for the accomplishment of a great purpose, will be returned to the Congress and to the people by whom they have been conferred.

For my own part, as the representative in Congress of a constituency of a half million American people, I do feel and I do extend that confidence, and in good faith it is my intention to carry out upon the floor of the House of Repersentatives the mandate which was given the President when the resolution declaring war was passed by voting him in principle and in detail every power necessary to a successful outcome of the great adventure of liberty and freedom of the peoples upon which our country has thus been launched.

Upon the great question of the system upon which we shall organize our armies—whether by the volunteer system or by a selective draft—I am prepared, upon the grounds which I have just set forth, to vote in accordance with the recommendations of the President, guided as he has been by the General Staff and the military authorities and opinion of our country. In declaring this determination I do not wish to detract in any way from the magnificent history and achievements of the volunteer system in this country in the past. On the contrary, I desire to pay a high tribute to that history and to those achievements, drawing a clear distinction, however, between those achievements and the utility of the volunteer system as a means of building up and assembling an efficient army with the least consumption of time.

The volunteer system is the system under which the Revolutionary fathers organized the Army with which they won the independence of the United States and laid the foundations of our Government.

The volunteer system was that with which our second war with Great Britain was fought. It is true that the capture by the British of the Capital City, in which we are now assembled, and the burning of the Capitol Building itself, in 1814, were attributable to the lack of military training and preparation. The condition of our country at that time, as to the lack of a defensive system, was much the same as it is to-day. It is also a curious fact that the newspapers and the public speeches of that period were much like those which we have been reading the past year in reference to the condition of unpreparedness and the absolute importance of preparation for the contingencies of war. Such successes as were gained by our armies in the War of 1812, notably that under Gen. Andrew Jackson at New Orleans, were gained under the volunteer system, although there was considerable drafting done by the various States in 1812, 1813, and 1814, and there were conscriptions for brief service during the Revolutionary War.

Although our small Regular Army was conspicuous in the Mexican War, it may be said in a general way that that war also was fought with volunteers.

The great achievements of the volunteer system, however, were the most conspicuous during the Civil War. The armies of the Union and those of the Confederacy were practically all volunteers. The full enlistments in the Union Army amounted to about 2,800,000 men and those of the Confederacy probably

1,000,000. On both sides these included reenlistments to the number of several hundred thousand.

It is not inappropriate to mention the extraordinarily youthful character of the Union Army. The records of The Adjutant General of the United States Army show nearly one-half of the entire enlistments were of boys of 18 years of age and under, or, in exact figures, 1,151,438, while more than two-thirds of the entire Army were 21 years of age and under, or 2,159,798. The military age was from 18 to 48, and of the 2,800,000 there were but 46,626 of 25 years of age and over. The following table of ages of Union soldiers of the Civil War is taken from the records of The Adjutant General's Office:

[Page 4557, CONGRESSIONAL RECORD, Mar. 21, 1916. Letter of G. M. Saltzgaber to JOSEPH G. CANNON.]

10 years of age	25
11 years of age and under	98
12 years of age and under	225
13 years of age and under	300
14 years of age and under	1,523
15 years of age and under	105,987
16 years of age and under	231,051
17 years of age and under	844,981
18 years of age and under	1,151,438
21 years of age and under	2,159,798
22 years of age and over	618,511
25 years of age and over	46,626
44 years of age and over	16,071
Total enlisted	2,778,309
Individual enlistments	2,213,370
Reenlistments	564,939

I have not the records of the gallant army of the Confederacy, but I have no doubt they would show a similarly striking record of the youthful character of their army.

The CHAIRMAN. The time of the gentleman has expired.

Mr. OSBORNE. Will the gentleman yield me a little more time?

Mr. McKENZIE. How much time?

Mr. OSBORNE. About five minutes.

Mr. McKENZIE. I will yield the gentleman five minutes.

Mr. OSBORNE. Whether or not these volunteer soldiers were worthy of their country and of the cause for which they fought may be answered by a reading of the history of the great battles of the Civil War—Gettysburg, Vicksburg, Shiloh, Antietam, Fredericksburg, the Wilderness, Chickamauga, Missionary Ridge, Cold Harbor, and Sherman's march to the sea. I believe I do not speak extravagantly when I say that the combined volunteer armies of Grant and Lee, of Sherman, Sheridan, and Stonewall Jackson, on the day of the great event at Appomattox, was the equal in effectiveness, in soldiery qualities of self-sacrifice, of determination and valor, and in all that constitutes a great and grand army, of any army that had ever assembled on the face of the earth. The combined numbers at that time, decimated as they had been by more than 2,000 engagements and battles, numbered about 2,000,000 men. Beginning with that day these 2,000,000 valorous, rugged soldiers peacefully vanished as an army, and its individual members quietly and unostentatiously took their places in the avocations of peace—frequently in lesser places than they had vacated when they rallied to the colors. But not for long. They soon constituted the virile force which builded up the wasted energies of the country. The civilian-volunteer soldiers of the Civil War, North and South, were the most vital force in all branches of useful activities in the Nation during the following third of a century, rehabilitating its physical powers and energies, vitalizing the patriotic impulses of the country, and keeping alive the spirit and soul of the Nation, and saving it from being overwhelmed by the waves of growing wealth and successful commercialism which their services in war and peace had rendered possible.

Nor did the volunteer system fail to produce thousands of officers of great courage and distinguished ability as soldiers. Nelson A. Miles was a major general at 26, and Adna R. Chaffee entered the Volunteer Army as a private, and after a lifetime of active and distinguished service, retired at the age of 64 as lieutenant general. It would be an almost endless task to mention the names of deservedly distinguished officers of the Union and Confederate Armies who were the products of the volunteer system.

I was impressed a few days ago by the remark of the distinguished gentleman from Georgia [Mr. HOWARD], himself a veteran of the Spanish War, who made the statement that with 10,000 volunteers he would undertake to whip an army of 100,000 conscripts. This statement was made to emphasize the belief in the greater value of volunteers as soldiers over drafted soldiers or conscripts. A circumstance within the range of my personal experience points in the same direction.

Under the last call of President Lincoln for 300,000 additional troops, I volunteered at the age of 16 and served during the closing months of the war in a regiment of recruits as a private soldier. Nine of the ten companies of this regiment were volunteers, and the tenth company was made up of drafted men from a northern county in the State of New York. It was the custom in raising troops during the Civil War for the President to issue his proclamation calling for such number of troops as he found necessary, beginning in 1861 with the original call of 75,000 men for three months, and followed at intervals during the four years by seven or eight proclamations, calling usually for 300,000 men, which was the occasion of the popular song of that day, "We are coming Father Abraham, three hundred thousand more!" Each State was required to raise its quota of men according to its population, and the States in turn divided the quota among the various counties, and each county was required to enlist its portion. If in any county there was a failure to enlist a sufficient number of volunteers a draft was resorted to. The company to which I have referred was drafted in this way.

They came from a rural community and were composed of young farmers—stalwart young Americans—and physically and morally were the equal, if not the superior, of any other company in the regiment. Some of the companies were raised in New York City, Albany, and other large towns, and their average in physique or morale was not equal to that of this drafted company.

The difference in practical service, however, was largely against the drafted company. The incredible fatigues of army service—the long march, the drills, parades, and inspections, the sleeping out in rain and storms—told on these splendid men more than it did upon the others. Those who had entered the service willingly, and who were all very young, after a few hours' sleep on the ground would spring back into good physical condition and be ready for whatever might happen, while the drafted men, their thoughts on home, on their little farms, and on the mothers, wives, or children that they might have left at home, would give way to these physical prostrations, would contract diseases that would be thrown off by men of lesser physical power, would be taken to the hospitals, and frequently die. The loss by death in this particular company growing out of these diseases was fully double that of any other company in the regiment. I mention this fact as one that has a bearing upon the important question before the House.

I sincerely believe that the new conditions, which contemplate a recruiting of the entire citizen army by the draft from among the whole people, may not have the weakening result which is suggested by this particular case. I am inclined to the opinion that where drafting is general all over the United States from a list embracing all men of military age and all subject to service, and especially where drafted men and volunteers are not placed in the same regiments, the outcome will be entirely different. Each man, knowing that every other man was liable, like himself, to service, and that his choice was the result of chance fairly encountered, will be reconciled to the situation in a way that he would not be if some were volunteers and some were drafted men.

I fully realize that the conditions of warfare have been revolutionized since the Civil War, and that what was best for that time is not best for to-day. But I could not let this occasion pass without saying a word for the glorious history of the achievements under the volunteer system. I do so upon the same ground that I would glorify the deeds of the wooden ships of the United States Navy a century ago. The annals of the sea contain no more glorious episodes than those of the United States Navy when all its ships were of wood. John Paul Jones gained imperishable renown as a commander of wooden ships of America. Perry's battle in Lake Erie was one on wooden ships. The deeds of Admiral Semmes during the Civil War on the *Alabama* were performed on a wooden ship, and the final sinking of the *Alabama* was by another wooden ship, the *Kearsarge*. Farragut's great naval successes were at the head of a wooden navy. Yet we would not to-day, in face of the marvelous advances in naval construction, think of trusting our fortunes to vessels of wood.

We are assured by the trained, educated, and patriotic officers of our Army that the former volunteer system, however glorious it may have been in the past, is no longer suited to the requirements of a modern nation. As a volunteer of the Civil War I may turn with regret from that system to confront the stern realities of to-day. We are engaged in a great war with a well-equipped and powerful enemy. It is for us to turn away from purely sentimental considerations and give our support to those

agencies and systems which modern science and the knowledge of the day indicate as being those necessary to win success. As sensible men we know that time is one of the most important elements in war, and that we can not too soon organize and equip our Army. At its best, we know that the volunteer system is a slow and crude method of getting together a great army. Had France depended upon that system, Paris would have been in the hands of her enemies more than two years ago. The Union success in the Civil War, under the volunteer system, was due to the fact that our brave opponents raised their army under the same system and both armies were under the same disability as to speed in assembling.

The Congress of the United States has voted for war. It has placed the conduct of that war in the hands of the President. Having placed that overwhelming responsibility upon him, let us sustain and uphold his hands in the conduct of that great enterprise in every possible way. Let us sink all personal and political considerations in the great contest before us.

The President has in many ways shown a sense of the great responsibility which rests upon him. Great occasions and great crises make great men. Two recent actions of the President have gone far to entrench him in the confidence of the people. One of these was the appointment of Gen. George W. Goethals to take charge of the building of our ships. Another was the appointment of that great young man of my own State of California, Herbert C. Hoover, as head of the food-supplies commission. These two conspicuously excellent appointments, combined with the magnificently patriotic address to Congress of the President, and his more recent address to the American people on consecration to the cause of our country, have produced a profoundly favorable impression upon the people in all parts of the United States. Should he, in the performance of his great task, deem it wise to accept the services of another great American, and commission Theodore Roosevelt to raise a division of soldiers and permit this body of Americans to bear the banner of our country to the lines of the fighting forces of our brave allies in France, it would be a glorious inspiration to them and to the American people as well. Such action, I contend, would not compromise the general principles of this bill and would go far to smooth away many of the obstacles to a complete and unified purpose of the people to place everything—fortunes, honors, and lives—upon the altar of their country, and inspire still greater and more unbounded confidence in the President.

Mr. Chairman, I shall vote for the bill framed and recommended by the General Staff of the United States Army, which is approved and desired by the President of the United States. [Applause.]

Mr. McKENZIE. Mr. Chairman, I yield 10 minutes to the gentleman from Ohio [Mr. WELTY].

Mr. WELTY. Mr. Chairman, it is not without some sense of hesitancy, or perhaps of reluctance, that I have consented to address the House upon the pending measure. The Members have indulged in a great deal of discussion on this subject, which on first thought seems to change our very course from that directed by the founders of our Nation.

The suddenness with which all these problems have thrust themselves upon our minds has almost overwhelmed us, and there is no wonder that the Nation pauses and gasps.

When the subject of conscription was first submitted by the President, I thought it was not only a reflection but an insult upon the patriotism of American citizenship.

At first I said to myself: "Was it not sufficient when I cast my vote for the resolution recognizing a state of war and placing all the resources of the Nation at the disposal of our Chief Executive to repel the assassin who has so foully murdered our citizens on land and sea and has destroyed our property without a just cause? Why should I now doubt the patriotism of the Nation by voting for selective conscription? Must I be required further, by my vote, to permit the mailed hand to tear an unwilling son from a fond and unwilling mother?"

All this seemed for the time, I say, almost to overwhelm me, and I not only hesitated but was ready and willing to cast my vote against conscription. But as I began to study the proposal and to compare it with the volunteer system which had been in vogue in this country and saw how miserably the latter system had failed at the very birth of the Republic because not enough volunteered; how, had it not been for the French soldier, we would probably not now be a free and independent people; and then again, when I considered the failure of the American Army in 1812, when the Capitol of the Nation was burned by invaders, and how the United States was forced to resort to the odious draft in the Civil War, and by offensive methods which stigmatized as poltroons 776,829 Union soldiers, who were either drafted or compelled to enlist to maintain the Union after the flower of our volunteer manhood had been destroyed—after I had reflected on the history of the volunteer system the question arose in my mind: "Shall we repeat the mistakes of our fathers by first sacrificing the volunteer and placing a handicap upon a large percentage of our citizenship who do not volunteer at first call?"

Democracy believes in equality, but to maintain that principle we must allow all to bear the burdens equally.

Mr. Chairman, democracy must be strong enough to maintain its own form of government as against domestic and foreign foes. It is said that we are aping after the autocracy we aim to destroy. How, I pray you, can we now meet this foreign foe unless we unite and organize?

The chances are that the man who now cries out: "Don't Prussianize America" is not a true friend of America. Mr. Chairman, the more I considered this question the more I came to the conclusion that the selective system is the only fair and just method in a democratic form of government. And as I remembered of the draft riots of the Civil War and how odious the system proved, after the destruction of the volunteer system, I was appalled at the thought that the country might not be prepared for this sudden change in the conduct of war, and that instead of considering it an honor to be selected, the men would resent it because it implied some force.

During the past week I have sent telegrams to the fifty-odd papers in my district inviting the opinions of the readers on the best method in which to raise an army. I want the Clerk to read one of these, coming from 50 boys all of military age.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Hon. B. F. WELTY,
House of Representatives, Washington, D. C.:

Your duty is plain. Fifty young men of Lima, Ohio, composing the Inner Club, all of military age, expect you to support the bill for universal service. You voted for war, and being at war we must fight, so let us all fight. Vote for conscription bill—politics and patriotism don't mix.

THE INNER CLUB,
By M. AUSTIN POTTER,
SEWARD G. FOLSOM,
PAUL T. LANDIS,
VAN CLEAVE HOLMES,
GEORGE L. PARMENTER,
Committee.

Mr. WELTY. Ah, Mr. Chairman, they say that the people can not distinguish and can not understand what the words "selective conscription" means. I was never more delighted and gratified than with the response which convinced me that they too, have been thinking about this very question before the House; and the hundreds of letters and telegrams have proved to me that a large majority of those who are giving this subject any thought are in favor of requiring everyone to do his part, and believe the selective system the only fair one. The Nation is not afraid of military autocracy so long as every citizen is a soldier.

The volunteer system is a beautiful dream when all are willing to do their duty and bear the burden equally—when all are willing to volunteer. But so long as we have men who are cleft with a selfish and cowardly spirit, and believe in the volunteer system because they know the other fellow is willing to volunteer, we can maintain the country longer by destroying the present volunteer system and give everyone a chance to do his full duty.

The slacker must bear his just share of the burden if he desires to enjoy long the freedom of his country. I find that there are two classes who believe in the volunteer system—those who are anxious to volunteer and those who rejoice because the other fellow is willing to go to the front. But our Americanism depends upon the degree of our willingness to sacrifice.

Mr. Chairman, no true American, "having put his hand to the plow and looking backward, is fit" for citizenship in "the land of the free and the home of the brave." Why are we halting between two ideas? Action, not words, is what the country wants. It is not now for us to decide what measures will be most popular with our constituents. We are not here to reelect ourselves. In a crisis such as this, when the ideals of the Republic are to be tested with the ordeal of fire, it is of no importance to patriots what measures might soonest win the stamp of approval. There is no time to be lost in the discussion of minor details. We must decide, and that right quickly, how best to serve the common welfare of the land, how most efficiently to prosecute the military campaign we have voted to undertake.

It is said that only the rich favor the volunteer system. If it were possible under this bill to purchase a substitute, I should not vote for it. The burden will fall equally upon all, and no man can complain because of that burden. This war will not be over in 60 or 90 days. We have a man's job on

our hands, and for the sake of our glorious ancestors we should at least meet the test so that our country may continue in its path of destiny.

Looking at it from a cold and dispassionate view, we must all come to the same conclusion—that the selective system proposed by the minority of the committee is the only fair and just requirement from every true and loyal American.

Should the volunteer soldier bear the entire burden? Should we not also look after the man who raises the crops or makes the munitions of war? Selective conscription can be made applicable to the needs of the country as those needs arise. Plenty of boys at first will volunteer to do their bit on the field of battle, but few will offer their services in a field of corn or wheat. Thousands will turn out to march behind the flag, but some must stay home to make the shells and shrapnel we will need. Mr. Chairman, the most effective mode of prosecuting this war will ultimately prove to be that which puts each man at the task where he can be of the greatest value to his country.

Again, I find that there are two classes of volunteers who will go unless restrained—the son with a dependent mother and the married man with a family of children. I want you men who favor the volunteer system as against selective conscription to consider the young man with a family, or the one who supports a widowed, or perchance an invalid, mother. He would like to go, but his better judgment tells him that he can best serve his country by supporting his home. Valor may not at first get the best of his judgment, and probably he will not respond at the first call, but neither does the slacker, who supports no one. The country needs more men; another call goes out. Are you going to embarrass the boy who has a dependent mother or the father of six children, and see him go? Yea, will you permit him to go, while the slacker, who is too lazy to work, or who, perchance, expects to make a fortune out of the war, remains at home? I pray you think on this subject in a cold and dispassionate manner.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WELTY. I think I can conclude in about three minutes.

Mr. McKENZIE. I will yield the gentleman three minutes.

Mr. WELTY. Mr. Chairman, I still remember the boys of '98, some resigning lucrative civil positions to volunteer in the ranks at $15.60 per month. In our regiment we had privates some of whom resigned and others had held city and county offices, merchants, printers, mechanics, and farmers—the best blood of the land—all ready and willing to join the ranks; and I can see the slacker as we left him, able-bodied, sitting on a store box whittling while his mother was earning a living over a washtub. When we came home I saw the same slacker whittling on the same store box. What are you going to do with that man? Does he, too, owe a duty to his country when the country needs men?

The other day we granted authority to England, France, Russia, and Italy to conscript their subjects in our country who attempt to escape military duty. Shall we treat our slackers differently? Another reason I am for selective conscription is because it places the man who should remain at home, on the farm or in the factory, on the same level as the patriot, and does not make him feel as though he is a poltroon if conscription is resorted to when the volunteer system fails.

Mr. Chairman, I was glad to hear the gentleman from Nebraska so eloquently describe the freedom his ancestors enjoyed in the Swiss Alps, and wondered whether our ancestors were neighbors. But I was rather surprised that he would justify his position by comparing the Swiss method with his proposed method of raising an army. He surely knows that every Swiss is a soldier, and as good as the world has ever known. If Germany had no more regard for the Swiss Army than she had for that of Belgium she would have invaded that country too. Had we the Swiss military system in this country we would not now be debating whether to call for volunteers or conscript our soldiers. They would be mobilizing while we are talking about it.

I do not fully agree with the minority report, and would suggest to the committee an amendment that boys from 18 to 21 be permitted to register, while men above that age be required to register. This will leave it optional with boys of 18 to 21 to offer their services. I offer this suggestion because I find a great many Members who will refuse to vote to conscript a boy who has no chance to vote against him if he does not approve his course.

We voted for war and have given the President all the money he requested to prosecute that war; now, I pray you, do not tie his hands when it comes to voting men so necessary to conduct that war to a successful conclusion. But let us be united in holding them up. He is not only the Commander in Chief of the Army and Navy but of every American citizen who is willing to make the full sacrifice necessary to maintain the rights of a free people. [Applause.]

Mr. McKENZIE. Mr. Chairman, I yield 10 minutes to the gentleman from Texas [Mr. JONES.] [Applause.]

Mr. JONES of Texas. Mr. Chairman, I shall support the administration plan in this emergency as the best and fairest means of raising and training an army. I do not like the committee bill because it seeks to evade the issue, and in the very heart of the bill it calls upon the American Congress to shirk a responsibility. The selective draft is right or wrong in principle. If right, it should be adopted; if wrong, it should be rejected utterly and only resorted to when there is no other way to save the Nation, and in the meantime should not be held as a club over the heads to force unwilling volunteers. No halfway measure that would leave the matter in a nebulous condition and shift the burden to the shoulders of another is worthy of this body of thinking men. We are face to face with an issue, and I believe the American Congress should rise to the responsibility. [Applause.]

All of my sentiment, my training, my ideas, and the impulses of my heart have clustered around the volunteer soldier—the glorious battles he has fought, the victories he has won. Our liberties were established by him, and the Republic has always been maintained by his valor. He fought at Lexington, at Concord, and at New Orleans. He stood guard while human freedom was cradled, and he has walked by the side of liberty during the unfolding and development of this country. He has been our mainstay and protection while we have grown from simplicity and honor to the proud heritage of freedom and power. But when the cold logic of reason is summoned, is the volunteer soldier not found to have borne more than his share of the burdens of government? Has he not been permitted to make too proud a sacrifice? Why should the best blood of a nation perish that a poorer type might enjoy the blessings of liberty? Why should military duty be voluntary any more than taxes, road service, or jury duty?

Conceding that the volunteer method would secure the necessary soldiers, I ask you, is it fair? We are wont to pay tribute in song and in story to the brave volunteer who has carried the flag to victory and possibly to death on the blood-red field of battle. But what does lip service mean to him after the tumult is over and the story grows old? What are you going to do for the man who has patriotic fervor enough to enlist, make the sacrifice for his country, carry the robe of glory on the field of carnage—to return a forgotten soldier to resume his activities in the aftermath, while his less worthy brother quenches the flame of patriotism, remains at home, makes money, ascends to higher position in his chosen vocation, and, while joining in the cheers, perhaps, has the returned soldier discounted in the stern battle of life's business? Why should the slacker be thus favored? Why should he, while remaining at his fireside, enjoy the protection and gain of another man's fighting? The volunteer system puts a premium on the sluggard in his sluggishness and penalizes the patriot in his patriotism. [Applause.] The objection is not to the volunteer soldier but to the system. The volunteer soldier is the greatest of soldiers, but the system is the poorest of systems. It takes the flower of the land and leaves a generation of delinquents to propagate the race. Is there any good reason why the brave, strong man should risk his life and his all that the stay-at-home might live and flourish? Modern warfare is the grimmest business that ever engaged the attention of a people, the most terrible ordeal that men must face. It must be on an efficiency basis. Every abled-bodied man should be placed where his Government feels that he can best promote the interests of the Commonwealth. [Applause.]

Since my boyhood I have heard the phrasing, "The classes incite and the masses fight." Heretofore there has been too much of truth wrapped up in that trite expression. Under the selective draft the rich and the poor, the high and the low, the baker's son, the banker's son, each—all must melt into a common sentiment and stand shoulder to shoulder and heart to heart. Could anything be fairer or more democratic? For once in all our glorious history let us have a war that is not a rich man's war and a poor man's fight. To this end I shall favor levying a draft upon wealth in the form of graduated income and excess profits taxes, in order that all our forces may be utilized in the prosecution of this fight and for the purpose of discouraging those who would make a profit out of warfare and coin American blood and tears into money, by removing any artificial inducement for war. There is no doubt that if every man must bear his part, both of money and liability to service, it will have a sobering effect on all people whenever war excitement prevails. Of course these taxes

should not be exorbitant, but taxation should be distributed in the fairest manner possible.

I take no stock in the argument that men will not volunteer. I have no doubt of our ability to secure volunteers at this time. A flame has swept the country. From the housetops to the hilltops—from the schoolhouse to the workshop—from the flaming forges of life, this great country, cleft by flowing rivers and framed in eternal hills, is ablaze with patriotism to-day. It was so in 1776, it was true in 1861. But the trouble is that if the volunteer system fails it always fails in the emergency, when the cold steel of the crisis comes. It happened in the Civil War. At first they were all enthusiastic but after service for a time the glamor faded, the ardor cooled, and conscription came. It was odious then. The slacker having lost all courage and self-respect by dodging his duty and by the abuse and villification which had been heaped upon him was brought into the Army a slinking coward. Conscious of his own shortcomings—every circumstance combined against him—he felt disgraced. It will not be so with the selective draft. When a man has registered he will have performed his duty until his name is drawn from the wheel and he is selected for the service. Conscription if adopted at the start carries no stigma with it. It is the natural and logical system.

If we all owe the duty of service when needed, the choice should not be left to the individual, for the selection will not then be from those that are needed least at home, nor from those who would be of greatest use in the Army, but from those who feel the pressure of that duty strongest, be they married or single, producer or nonproducer. I am very much inclined to the opinion that those would likely go that industry could least spare. At least, the selection would not be scientific or businesslike, and modern warfare is a business—a business for those at the front and those who are kept at home. There must be a mobilization of every resource of the Nation—of men, of supplies, of everything that constitutes a nation's resources. Who ever heard of the head of a mercantile firm going in among his men and calling for volunteers to carry a message or to do any particular duty? No; he assigns to each man the duty which he wishes performed. That is the modern successful business method. The allied forces need munitions and food supplies more than they need men. We have become the supply house of the earth. And yet the vast majority of new enlistments in this country to date have been from the open country, where men are most needed. This can be prevented under the proposed plan.

Switzerland is an ideal democracy. She has no standing army, no professional soldiers. That little country has universal military training and universal liability to service, and can mobilize her entire fighting strength in an incredibly short period of time. Five hundred thousand trained citizen soldiers are instantly available in that land, at less than one-third the expense to which this country is placed in maintaining a regular standing army of less than 100,000 men. Switzerland is in the pathway of the storm in Europe, and would have furnished a convenient passage for the armies, and yet not one of the belligerent countries has dared set foot upon her soil and not one of her citizen soldiers has been slain. We have heard in this discussion a great deal of talk of tradition and traditional policies. If the Swiss had used the old traditions, they would have stood on the mountain and pushed rocks off onto their enemies and used the old crossbow that William Tell used in his contests. Why not use the flintlock pistol and the old muzzle-loading squirrel rifle that our fathers used if we are going to use simply the argument of tradition? If the Swiss had adopted that policy, they would, instead of being men vibrant with life and energy, have been paying tribute to the brave volunteers who fought and died in defense of their country. I would rather have living men, untouched and unhurt, than to be paying tribute to the dead, no matter how gloriously they may have perished.

I hope the time may soon come when by international agreement we may have all armament and all military preparation reduced to a minimum, when all this economic waste may be avoided. This, however, is not practicable so long as the intense military attitude is assumed by other nations, and rulers who thirst for conquest and military glory hold the reins of government in other lands. We all long with an intense longing for the time when liberty, equality, manhood, and fair play shall be the ruling passion of men of all nations and when democracy will live and flourish among all peoples.

I wish it might all have been avoided. When the war resolution was up, our minds instinctively sought a peaceful solution. If faith, by delaying, could have seen a bow of promise through a rift in the clouds, or if hope, by lingering, could have seen a star in the far east to guide us amid all this gloom and depression, I should have been glad to follow and worship at the altar of peace, even though it led to a manger. But it could not be so. Prussianism had placed a cherubim of mockery and a flaming sword of ruthlessness, which turning in every direction guarded the gateway to the haven of peace. The die is cast. The dogs of war have been unleashed. In the battle of democracy against autocracy we are fighting for "rights that are more precious than peace." There is no doubt that the Kaiser dreamed and planned a world conquest just as surely as did Napoleon or Alexander. If successful, human liberty would be the martyr, and the rights for which men have worked and fought during all these years would be sacrificed.

Great events are making this period the most momentous in the annals of all time. New ideals are being born and almost instantly wrought into form by the plastic hand of progress. Recent events have shown that we can not stand still. The crust of civilization is too thin. We must move forward or backward, else human liberty will perish in the mire. The conditions call for emergency legislation, for the action of the times, and I prefer to follow the leadership of the Commander in Chief of our military forces in this crisis. There is more than the simple issue in the outcome of this war. This is the last death struggle of caste and privilege and of the tyranny of birth and blood. Tremendous changes are going on in the world's affairs. The Russian Czar has abdicated and a new Government is being established more glorious in form than the archaic and outworn Government of the past. We are being molded into a new world relationship just as surely as in the Revolutionary War the thirteen Colonies were being molded into a new form, which was afterwards slowly, but none the less surely, and gradually wrought out. If we assume our rôle in the new relationship, we can hope that there will be no other world war; that the battles of the future will not be destructive, but rather creative and constructive; that the rivalry between nations will be settled by each building up its own resources rather than by tearing down the neighboring commonwealth; that when the smoke of battle has finally lifted from this holocaust there shall arise a higher purpose, a nobler impulse, purified and refined as by fire; that the rights of nations great and small to the great highway of the seas will be recognized; and that human liberty will in the future be guarded with eternal vigilance by men everywhere with a common purpose. [Applause.]

Mr. SHALLENBERGER. Mr. Chairman, I yield 30 minutes to the gentleman from Ohio [Mr. SHERWOOD]. [Applause.]

Mr. SHERWOOD. Mr. Chairman, the gentleman who has just taken his seat says that the volunteer system was a failure during the Civil War. I deny it. History proves that that is not so. I claim that the conscript system during the war was a failure, and I am going to prove it before I take my seat. I have here an official report that will be presented for the first time on this floor of the draft riots throughout this country during the Civil War. And I am going to print it in the RECORD for the benefit of the "conscript fathers" on this floor [applause] and throw some enlightenment on this question.

The advocates of conscription seem to lose sight of the fact that the vital question of the hour is not what is the most equitable way to raise an army, but the vital question is what is the best and speediest way to raise the most reliable and efficient army. There is no doubt the volunteer always is and always has been and always will be a better soldier than the so-called slacker, who is rated as a moral and a physical coward. [Applause.] Another grave mistake the devotees of conscription make, and that is that conscription takes the rich and the poor all alike. As the family is the unit of society, let us see. I have recently been reading a very valuable pamphlet by Prof. George Nasmyth, a noted writer on sociology, author of a book on social progress, and another valuable book—A Study of Force as a Factor in Human Relations. This pamphlet deals with the question of universal military training or conscription, whichever you may call it. The argument for universal military service is that it treats the rich and the poor alike. This argument is not sound. Let me quote from Prof. Nasmyth a paragraph that goes to the root of the whole question:

> Does universal military service involve equal sacrifice on the part of rich and poor alike? If both are killed, of course, both have made the last great sacrifice. But for the families of the two men the difference is very great. For the family of the poor man the loss of the breadwinner means that the widow must go out to work; that the children must be deprived of an opportunity for education. For the rich man, on the contrary, no such sacrifice on the part of his family is involved. His wife is not compelled to go out and work; his children are not deprived of the opportunity of receiving a liberal education.

To that poor woman and her children life is a burden without hope.

As all our wars have been successful, all fought by volunteers, I am for the volunteer system for raising a patriotic and effective army. As forcing unwilling men into the Army, even to fight for the life of the Republic, resulted in riots and rebellion and bloodshed, and was a conceded failure in our greatest and longest enduring war, I am opposed to conscription now. The statement, so often repeated on this floor, that the volunteer system is a failure rests solely upon the assertions of those who have had no experience in war and who have presented no argument to sustain their statements. When I state that the draft system has always proved a disastrous failure in this country I do not propose to rest the statement on mere assertion. I am going to prove it.

During our great Civil War, which was fought on both sides almost exclusively by volunteers, we had in the armies of the Union from 1861 to 1865, 2,212,742 soldiers. Of this number, notwithstanding the drafts, covering a period of almost two years, less than 62,000 drafted men ever got in battle array at the front. [Applause.] The talk heard so often on this floor that an unwilling soldier, forced into the Army against his will and against his convictions, will make as serviceable or as valuable a soldier as a volunteer, who offers his services because of an all-prevailing sense of duty to his country or his country's cause, is not only absurd but absolutely foolish. During my four years' service in the Civil War I was never sick and never off duty, hence I was always at the front of observation. [Applause.] I was a member of three regiments and had as much experience, I believe, with both volunteers and drafted men as any ex-soldier now living. During the Atlanta campaign of 110 days, every day under fire, I had sent to my regiment 72 drafted men from northwestern Ohio, but of that 72 men only 2 proved of any value, only 2 out of the 72. [Laughter.] And you can not find a surviving soldier of the Civil War to-day in any part of the United States who will admit that he was forced into the Army as a drafted man.

Mr. MILLER of Minnesota. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. SHERWOOD. If I can hear you and they will give me all the time I want, I will be glad to yield.

Mr. MILLER of Minnesota. I am asking this for information. Several States gave bounties in order that they might secure the requisite number of volunteers. I have no information as to what may have been done in the State of Ohio, although I know that State furnished a splendid number of men for the Union Army. I would like to inquire if the State of Ohio gave bounties to any men to induce them to volunteer in the Civil War?

Mr. SHERWOOD. Oh, yes. It gave bounties.

Mr. MILLER of Minnesota. Does the gentleman think that a man who has to receive a bounty before he will enlist is a real volunteer?

Mr. SHERWOOD. I could not answer any questions as to things that occurred in the rear during the Civil War, as I never was in the rear. [Laughter and applause.]

All feel that the honor and glory of service comes only to the volunteer soldier. The deserters in our Army during the Civil War, and there were thousands of them, came almost exclusively from drafted soldiers. This was true also of the soldiers of the Confederacy, as I am well informed.

During the siege of Knoxville, Tenn., during the winter of 1863–64, I was in command of an outpost, and, without exception, the Confederate soldiers who deserted and came to my post were conscripted soldiers. [Applause.] In my judgment, if a draft is now ordered on our young men to be sent across the Atlantic to wallow in Europe's pool of blood, we will be confronted with formidable opposition. In the great Civil War, when the appeal to the patriotic manhood of the Republic was to save the Union of these States from disruption, the draft not only failed in adequate support but resulted in riots and bloodshed.

For four days on the streets of New York there were rioting and bloodshed, and the mob took possession of that city. And there to-day are more of the conscript fathers than in any other city in the Union and fewer recruits. [Laughter and applause.]

As to selective conscription I have numerous letters from humanitarians and students of sociology, all against taking our young men first. Among the letters is one from Mr. B. L. Smith, of Joliet, Ill. Mr. Smith says:

> Because of the youth of the boys called for in the first draft, the character of these boys is yet in the making. To compel carefully reared boys of this age to live month after month by the side of the street loafer and the poolroom fiend is liable to result in character ruin of the boy.

[Applause.]

> Boys under 23 (perhaps 22) are still highly plastic as regards character making. If the draft began with men of 23 or older, my protest would be less. Why not begin with the bachelors of 30 to 35?

[Applause.]

> Then take the unmarried men between 23 and 30, and then, if necessary, the boys of 19 to 23. In the event of peace before fighting occurs, the demoralization of the moral forces of our country would not be so great if the older men whose characters are fixed are called out first.

I could give you more proofs of the failure of conscription in the time that tried men's souls, and women's souls, too. These are memories of trial and travail burnt into my soul—indelibly as long as life and memory shall last.

The period of 1861 to 1865 of our great Civil War is conceded to be the most patriotic in all our 130 years of history, and the cause for which the Union Army fought was for the preservation of this Union of States, and the opposition to the draft during that period, 1863 to 1864, was not as intense as it is to-day among the young manhood of this Nation, who, under the selective plan of conscription, are to be forced into this damnable European war. I have recently returned from Ohio, and I am satisfied that the larger element clamoring for conscription are men not liable to draft. This element is largely made up of men over the draftable age, and the documents that I shall present and am presenting here now to show the opposition to the draft of '63 to '64 was not because they did not believe in the war or would not fight in the interest of the Nation, but because they believed the draft was un-American, unconstitutional, and unnecessary. The riots that occurred during that period, to which I am about to refer, are liable to be duplicated in this country in the near future if the attempt is made to send the stalwart young manhood of America into a foreign war that does not appeal to their patriotism, or in the defense of their country, or in the interest of Christian civilization or the future peace of the world. [Applause.]

Now, here is what Gov. Seymour says, the war governor of New York, afterwards a candidate for President of the United States:

> The failure of conscription in comparison with volunteering is shown by results in this State (New York):
>
> | | |
> |---|---|
> | Total number of volunteers enlisted, January, 1863, to January, 1864 | 56,156 |
> | Total number of conscripts who were delivered at military stations | 2,575 |
>
> Like results are conspicuous in all parts of our State and in all sections of the country—in New England, Pennsylvania, and the West. The attempt to fill our armies by drafting was abortive. While it gave no useful result, it disturbed the public mind, it carried anxiety and perplexity into the workshops, the fields, and the homes of our citizens. It not only fails to fill our armies, but it produces discontent in the service; it is opposed to the genius of our political system; it alienates our people from the Government; it is injurious to the industrial pursuits of the country. (Gov. Seymour's annual message to the New York Legislature, Jan. 5, 1864.)

This morning my distinguished and able colleague from Ohio [Mr. CROSSER] quoted from Daniel Webster. I have another quotation from Daniel Webster bearing on that question, from a speech delivered after the War of 1812 had progressed for two years. It was against the constitutionality of conscription. Daniel Webster was the ablest statesman of the ante bellum period. If you want to know what he looked like, go out into the Marble Room among the immortals and you will see him there. Here is what he said, among other arguments:

> Is this, sir, consistent with the character of a free government? Is this civil liberty? Is this the real character of our Constitution? No, sir; indeed it is not. The Constitution is libeled, foully libeled. The people of this country have not established for themselves such a fabric of despotism. They have not purchased at a vast expense of their own treasures and their own blood a Magna Charta to be slaves. Where is it written in the Constitution, in what article or section is it contained that you may take children from their parents and parents from their children and compel them to fight the battles of any war which the folly or the wickedness of government may engage in? Under what concealment has this power lain hidden which now for the first time comes forth, with a tremendous and baleful aspect, to trample down and destroy the dearest rights of personal liberty? Who will show me any constitutional injunction which makes it the duty of the American people to surrender everything valuable in life, and even life itself, not when the safety of their country and its liberties may demand the sacrifice, but whenever the purposes of an ambitious and mischievous government may require it? Sir, I almost disdain to go to quotations and references to prove that such an abominable doctrine has no foundation in the Constitution of the country.

Here is the report of the provost marshal general:

> WITH OUR NATION AT WAR, IS IT WISE TO CREATE INTERNAL STRIFE?
>
> CIVIL WAR.
>
> The order for the draft was the signal for violent disturbance in many portions of the loyal States and much blood was shed before these disturbances were quieted. In some portions of the country, particularly in the city of New York, certain districts in Pennsylvania, Indiana, and Illinois, the draft was conducted under the protection of troops sent there to overawe the lawless, and in other districts the draft was deferred until troops could be furnished to protect the officers. The draft was not completed till late in the year, and produced but few men for the service. (Report of Provost Marshal Gen. James B. Fry, Mar. 17, 1866.)

Will you get this statement into your system? [Applause.] The number of men drafted throughout the United States in one year was less than the number of troops sent to the city of New York alone to enforce the draft.

SUMMARY OF RESULTS OF DRAFT OF 1863.

The report of the provost marshal general to the Secretary of War, November 17, 1863, shows that the total number of men raised by the draft of this year was 9,848. Thus the total number of men raised by this draft was less than the number of troops sent from the field to enforce the draft in New York City alone.

[Applause.] I read further:

On Saturday, the 11th of July, the draft commenced in the city of New York. * * * The results of this riot and condition of affairs in the State of New York made it unpractical to resume the draft in that city until the 19th of August, when troops were sent there from the armies in the field.—(Report of provost marshal.)

Under date of August 12 Maj. Gen. John A. Dix wired for 10,000 troops to "overawe resistance to the draft." (See letter to the Secretary of War, which follows.)

In the report of the provost marshal general, above quoted, occurs the following naive admission:

It is probable that large reenforcements will be obtained under the President's call of October 17, 1863, for 300,000 volunteers.

Now, this is the official result of the draft. I quote:

SUMMARY OF RESULTS OF DRAFT UNDER CALLS OF MAY 1 AND JULY 18, 1864.

TROOPS DEMANDED TO ENFORCE DRAFT.

To enforce a draft which produced 19,058 up to November 1, 1864, troops to the number of 35,000 were demanded by commanders in charge of the drafting in different States, as follows:

Indiana	10,000
Illinois	10,000
Ohio	5,000
New York City	10,000

In addition to these troops, troops were demanded from Harrisburg, Pa., New Jersey, and Delaware.

During this same period there were, in round numbers, 225,000 volunteers secured.

—

ELMIRA, N. Y.

ELMIRA, N. Y., *July 14, 1863.*

ADJUTANT GENERAL UNITED STATES ARMY:

There is good reason to expect a riot here in completing and enforcing the draft. The only force I have to oppose or prevent it is that of recruits for new regiments not yet mustered into the service. I recommend to send 500 or more well-disciplined men to this place to remain till the drafted men are put in the field.

L. L. LIVINGSTON,
Captain, Third Artillery, Commanding.

—

DRAFT SUSPENDED IN BUFFALO.

(Concerning Buffalo.)

PROVOST MARSHAL GENERAL'S OFFICE,
Washington, D. C., July 14, 1863.

Maj A. S. DIVEN,
Acting Assistant Provost Marshal General,
Elmira, N. Y.:

Suspend the draft for the present in Buffalo.

JAMES B. FRY,
Provost Marshal General.

See also Fry to Nugent to suspend draft in New York City and Brooklyn, series L, volume 27, part 2, page 895.

—

ALBANY, N. Y.

(Concerning also Troy, Kingston, Saugerties, Wilbur, Eddyville, and Port Ewen.)

STATE OF NEW YORK,
OFFICE ACTING ASSISTANT PROVOST MARSHAL GENERAL,
Albany, July 16, 1863.

Col. JAMES B. FRY,
Provost Marshal General United States,
Washington, D. C.

COLONEL: * * * Believing that the contaminating influence of the riot in the city of New York would doubtless cease with its suppression, which I thought would certainly occur by that day at furthest, I acceded to the suggestion—to omit drafting the next day—but on the morning of the next day, although there was no drafting going on, the riot broke out, and the mob indulged in a counterpart of the depredations which have been occurring in the city of New York, destroying the office of a certain newspaper, the Troy Times, sacking the building, as well as the house of a prominent citizen.

* * * * * * *

The thirteenth district, Capt. Fero, provost marshal, has removed his papers to a securer place than headquarters. There is an organization of laboring men and others at Kingston, Saugerties, Wilbur, Eddyville, and Port Ewen estimated to be in all 2,000 men. The steamboat *Powell*, from New York, was forbidden to land at Kingston until a delegation of the mob, some 300 or 400 men, had examined the boat, supposing that cannon was to be landed. At Saugerties Tuesday night 300 men paraded the streets and threatened to burn Mr. Bois's house, who is a powder manufacturer.

FREDK. TOWNSEND,
Major Eighteenth United States Infantry,
Acting Assistant Provost Marshal General.

(Reply.)

WASHINGTON, D. C., *July 16, 1863.*

Maj. TOWNSEND,
Acting Assistant Provost Marshal General, Albany:

Capt. Hughs reports draft suspended in Troy on account of riot. Don't try to push the draft there or anywhere else where it is at all opposed until you get force.

J. B. FRY, *Provost Marshal General.*

—

NEW YORK

STATE OF NEW YORK, NORTHERN DIVISION,
OFFICE OF ACTING ASSISTANT PROVOST MARSHAL GENERAL,
Albany, July 17, 1863.

Brig. Gen. CANBY, *New York City.*

GENERAL: I am authorized by the provost marshal general to apply to you for force to aid me in the discharge of my duties as acting assistant provost marshal general for the northern division of New York.

A draft was sought to be enforced on Tuesday of this week in the city of Troy for the fifteenth congressional district, which led to a serious riot, and this city, in anticipation of the draft, which has not been ordered here, is on the verge of an outbreak of a nature similar to that occurring in the city of New York. * * *

I have to report that a force of 1,000 men and a section of a battery are immediately needed to protect the Government records and property here and in Troy now under charge of the officials of the provost marshal general's bureau.

Very nearly the same state of things exists in each of the districts under my charge.

The drafting has, by authority, been temporarily suspended, and when commenced again anywhere in the division a larger force than ever as above required will be necessary.

I am, sir, very respectfully, etc.,

FREDK. TOWNSEND,
Major, United States Army,
Acting Assistant Provost Marshal General.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. SHALLENBERGER. How much time does the gentleman desire?

Mr. SHERWOOD. I would like enough time to read the reports.

Mr. SHALLENBERGER. Very well. I yield to the gentleman 15 minutes.

The CHAIRMAN. The gentleman from Ohio is recognized for 15 minutes more.

Mr. SHERWOOD. Now, all these reports are from official sources—all about the draft riots. I have compiled a summary of the results; and if there is any question about it, I will refer any Member on this floor to the official reports, which will confirm it.

NEW JERSEY.

PROVOST MARSHAL GENERAL'S OFFICE,
Washington, D. C., July 22, 1863.

Maj. Gen. DIX,
Commanding Department of the East, New York City.

GENERAL: * * * In the fifteenth district the draft was commenced, and has been suspended by a riot in Troy. In the fourteenth district the draft has not commenced, as the indication of riot in Albany made it prudent not to begin.

* * * The indications of mob violence are so strong in Buffalo that I have deemed it best not to undertake a draft in that city until an adequate force can be sent there. Difficulties of greater or less magnitude are apprehended in some of the interior cities of New York.

In New Jersey there are unmistakable signs of resistance, and the draft has not yet been ordered in that State. I have directed Col. Buchanan, acting assistant provost marshal general for that State, headquarters Trenton, to pursue his duties with great prudence, so as to prevent an outbreak.

* * * * * * *

I am, General, very respectfully,
Your obedient servant,

JAS. B. FRY,
Provost Marshal General.

—

NEW YORK.

NEW YORK, *May 10, 1864.*

Hon. E. M. STANTON,
Secretary of War:

There are from 8,000 to 10,000 men on a strike in this city. The police have notified me that their entire force is engaged in maintaining order, and the mayor has requested me to suspend the draft for a few days. I have taken the responsibility of doing so in the country districts. The deficiency in this city is only 1,000. I send copy of the mayor's communication by mail.

JOHN A. DIX,
Major General.

—

SENATE CHAMBER, *May 10, 1864.*

Gen. J. B. FRY,
Provost Marshal General.

DEAR SIR: I inclose a dispatch which speaks for itself. Others as well as Mr. Weed have fears.

Yours, truly,

E. D. MORGAN.

(Inclosure.)

ASTOR HOUSE, N. Y.,
May 10, 1864.

E. D. MORGAN, *Washington:*

If possible to do so, stop the draft to-morrow.

THURLOW WEED.

BUFFALO.

BUFFALO, *July 25, 1863.*

Hon. EDWIN M. STANTON,
Secretary of War:

Serious apprehensions are entertained of a riot here on account of the draft. Capt. Sturgeon, United States mustering and disbursing officer here, has been ordered to muster out the Buffalo regiments immediately.

It is the earnest desire of our citizens, in which we join, that the Seventy-fourth Regiment, Col. W. A. Fox, be not mustered out for at least 30 days and kept on duty here.

NELSON RANDALL,
Major General, New York Militia.

SARATOGA.

(Third indorsement.)

PROVOST MARSHAL'S OFFICE,
EIGHTEENTH DISTRICT OF NEW YORK,
Schenectady, August 4, 1863.

* * * * * * *

In the village of Saratoga Springs, now full of visitors, it would be necessary to have a guard when the notices are served and drafts enforced, as there is a dangerous element there. Threats have been made to burn the large hotels there if the draft is enforced there.

* * * * * * *

I am, sir,
Your obedient servant,

J. P. BUTLER,
Captain and Provost Marshal,
Eighteenth District of New York.

NEW YORK.

HEADQUARTERS DEPARTMENT OF THE EAST,
New York City, August 12, 1863.

Hon. EDWIN M. STANTON,
Secretary of War.

SIR: I telegraphed the provost marshal general this morning that there ought to be 10,000 troops in this city and harbor when the draft is resumed, and with such a force it may be commenced on Monday. This force is the smallest estimated by anyone as necessary * * * in this city and overawe resistance to the draft. * * *

I have the honor to be,
Very respectfully, yours,

JOHN A. DIX,
Major General.

WISCONSIN.

PROVOST MARSHAL GENERAL'S OFFICE,
FIRST DISTRICT OF WISCONSIN,
Milwaukee, Wis., July 14, 1863.

Lieut. Col. CHARLES S. LOVELL,
Provost Marshal General for Wisconsin.

COLONEL: We are in possession of evidence that satisfies us beyond the possibility of doubt that there are organizations now in this city with plans matured, and that at a given signal the mob will break forth in all its fury. We could, and if the department desires it will, give facts and reasons for all we state. We have to-day been called upon by other parties occupying apartments in this block soliciting us to remove the provost marshal's office from this block to avoid the destruction of their property.

While we believe we are not particularly timid, at the same time we believe that it would be recklessness and foolhardiness to attempt a draft in this city without protection.

Respectfully,

J. M. TILLPAUGH,
Provost Marshal.
A. H. BARNES,
Member Board of Enrollment.

SCHENECTADY.

NEW YORK CITY, *August 14, 1863.*

Col. JAMES B. FRY,
Provost Marshal General:

Maj. Townsend reports to me that he has finished the draft in the twenty-second district (Oswego) and in the eighteenth (Schenectady), and that it was alone the presence of troops which saved Schenectady from the disgrace of a bloody riot.

* * * * * * *

JOHN A. DIX, *Major General.*

Ohio has always been regarded as a very patriotic State. In the Civil War, from 1861 to 1865, Ohio raised more than one-tenth of all the volunteer soldiers of the Union Army. But there was a powerful element in Ohio opposed to the draft. Why? Because it was un-American and unnecessary.

OHIO.

COLUMBUS, OHIO, *August 2, 1864.*

Hon. E. M. STANTON,
Secretary of War:

There is trouble anticipated in several districts in the State about the time of draft. Several strong organizations are forming, and some arming to resist. We will have men enough of the guard back for service, but our arms are the French and Prussian muskets, very inferior, and many of them worthless. Can you make a deposit of 10,000 to 20,000 Enfield rifles here with your ordnance officer, to be drawn on in case of emergency? The same thing would be accomplished by allowing the National Guard to bring their arms home and turn them over here.

JNO. BROUGH, *Governor of Ohio.*

COLUMBUS, OHIO, *August 9, 1864.*

Hon. E. M. STANTON,
Secretary of War:

* * * There must not be less than 10,000 to 15,000 men under arms in Ohio in September if the draft is enforced.

JNO. BROUGH, *Governor of Ohio.*

VERMONT.

PROVOST MARSHAL GENERAL'S OFFICE.
Washington, D. C., July 3, 1863.

Brig. Gen. T. G. PITCHER,
Acting Assistant Provost Marshal General for Vermont,
Montpelier, Vt.

GENERAL: In the present crisis it is not probable that sufficient military force can be furnished you to suppress successfully at one and the same time a resistance to the draft in your State should such occur simultaneously in any great number of the districts under your charge.

* * * * * * *

I am, sir, very respectfully, your obedient servant,
JAS. B. FRY, *Provost Marshal General.*

NEW HAMPSHIRE.

RENDEZVOUS FOR DRAFTED MEN,
Concord, N. H., July 16, 1863.

ADJUTANT GENERAL, UNITED STATES ARMY.

GENERAL: It is represented to me by the chief magistrate and other civil authorities of this State (that) there exists a widespread and organized determination in some parts of the State to resist the enforcement of the draft, and that indications are apparent that it is the purpose of evil-disposed persons to attack the general rendezvous and disarm the permanent party here stationed. * * *

Most respectfully,

EDWARD W. HINKS,
Brigadier General, United States Volunteers.

MICHIGAN.

PROVOST MARSHAL'S OFFICE,
FIRST CONGRESSIONAL DISTRICT OF MICHIGAN,
Detroit, Mich., July 14, 1863.

Maj. B. H. HILL,
Acting Assistant Provost Marshal General for Detroit.

MAJOR: * * * There is but one expression of opinion, and that is that there is existing here an organized armed body of men in this city to resist the draft. Some estimate it as high as 5,000, but that is an idle estimate. * * * This feeling has become intensified to an alarming degree by the successful violence in the city of New York, compelling the draft to be deferred. A spark here would explode the whole and bring it into the most violent action. * * * The condition of things is more critical than they have been at any time during the war.

A strong force should be ordered to this city at once.

Yours, respectfully,

JNO. S. NEWBERRY,
Captain and Provost Marshal First District.

OHIO, INDIANA, AND ILLINOIS.

WASHINGTON, *August 12, 1864.*

Lieut. Gen. GRANT,
City Point.

GENERAL: I have just received Gen. Heintzelman's report on Gen. Burbridge's telegram in regard to arresting certain persons in Ohio, Indiana, and Illinois. Gen. Heintzelman does not deem it prudent to make arrests at the present time, as a rescue would probably be attempted, and his force is not sufficient to put down an insurrection. To provide against this he wants 10,000 men in each of the States of Indiana and Illinois and 5,000 in Ohio.

Gen. Pope and the provost marshal general of Wisconsin report that there will be armed resistance to the draft in that State, and that, as all the troops there have been ordered into the field, they will have no means to enforce it.

* * * * * *

Add these requisitions to those from New York, Pennsylvania, New Jersey, and Delaware, and I think we can dispose of a few hundred thousand men, if you can spare them from the James River.

Seriously, I think much importance should be attached to the representations of Gen. Heintzelman in regard to the condition of affairs in the West.

Very respectfully, your obedient servant,

H. W. HALLECK,
Major General and Chief of Staff.

Here is one from Pottsville, Pa.:

PENNSYLVANIA.

CAMP GALE,
Pottsville, Pa., July 18, 1863.

Col. JAMES B. FRY,
Provost Marshal General of the United States.

COLONEL: In my last communication to you I stated that there were from 4,000 to 5,000 men assembled to resist the draft. Since that time I have learned from reliable information that there are at least 10,000 men that can assemble within 24 hours' time. * * *

I have the honor to remain,
Your obedient servant,

OSCAR V. DAYTON,
Major, United States Invalid Corps, Commanding Post.

I have not time to read all of these, but I will put them into the RECORD. Here are others from Philadelphia, showing the situation there:

PHILADELPHIA, PA.

PROVOST MARSHAL GENERAL'S OFFICE,
Washington, D. C., July 15, 1863.

Col. JAMES B. FRY,
Provost Marshal General.

COLONEL: I deem it my duty to tell you in writing that, as a Philadelphian, I have means of hearing from various sources what has caused me to believe that there will be serious resistance to the draft in that city, * * * and would strongly urge that the draft be not attempted in Philadelphia until the resistance to it elsewhere has been put down by force, and then execute it in Philadelphia under the presence of an efficient force of 1,500 to 2,000 reliable troops.

I am, very respectfully, your obedient servant,

RICHARD H. RUSH,
Colonel, etc.

WAR DEPARTMENT,
Washington, D. C., July 16, 1863.

Maj. Gen. COUCH: You will immediately relieve Maj. Gen. Dana from his present duty and send him to Philadelphia to take command of the forces there for the protection of the public property and the execution of the laws. You will also send to Philadelphia one regiment of Infantry to report to Gen. Dana.

Acknowledge the receipt of this telegram and the time it is received and the hour at which orders are given to Gen. Dana.

EDWIN M. STANTON,
Secretary of War.

PROVOST MARSHAL GENERAL'S OFFICE,
Washington, D. C., July 16, 1863—7.20 p. m.

Col. BOMFORD,
Provost Marshal General, Harrisburg:

Don't countermand any orders for draft in Philadelphia which may have become public.

J. B. FRY,
Provost Marshal General.

PHILADELPHIA.

PROVOST MARSHAL GENERAL'S OFFICE,
Washington, D. C., July 17, 1863.

Col. W. D. WHIPPLE,
Commanding in Philadelphia:

I did not get off last night. Have the batteries and regiments from here reached you?

Don't commence the draft in any new district until you have these troops in hand.

The Government considers these precautionary measures absolutely necessary.

See that Laidley at Frankford Arsenal is prepared in case of trouble. The Fairmount district is said to be a bad one.

Please answer at once.

JAMES B. FRY,
Provost Marshal General.

PENNSYLVANIA.

HEADQUARTERS,
Philadelphia, Pa., July 23, 1863.

Col. JAMES B. FRY,
Provost Marshal General, Washington, D. C.

COLONEL: I have the honor to inform you that the following has been reported to me as being the true state of things in Schuylkill County, Pa. * * *

First. The miners of Cass Township, near Pottsville, have organized to resist the draft to the number of 2,500 to 3,000 armed men.

Second. They drill every evening and are commanded by returned 9-months' men and discharged 3-years' men.

* * * * * * *

I am, Colonel, very respectfully,

WM. D. WHIPPLE,
Brigadier General of Volunteers.

Here is one from Mauch Chunk, Pa.:

PENNSYLVANIA.

MAUCH CHUNK, PA., *November 9, 1863.*

Hon. ABRAHAM LINCOLN,
President of the United States.

SIR: It is perhaps proper that you should fully understand the condition of society about the coal mines in the Lehigh region. At the risk of trespassing upon your time I will undertake the explanation.

Since the commencement of the draft a large majority of the coal operators have been law-defying, opposing the National Government in every possible way, and making unsafe the lives and property of Union men.

* * * * * * *

I have the honor to be, very truly,
Your obedient servant,

CHAS. ALLBRIGHT.

And the same condition occurred all over the country. I hope this will not occur again. It shows just how unpopular the draft was 50 years ago.

I have presented these riot records to show how utterly abhorrent to patriotic American citizens the conscription laws proved to be a half century ago. And that, too, in the awful presence of the greatest crisis in the history of this Republic. We have no reason to suppose that a conscription law to-day will prove less abhorrent to the patriotic young men of to-day.

We are treading on dangerous ground. If the stalwart, self-conscious men of a half century ago resisted a conscript law when the life of our own country was the one vital issue, what may be the result of a conscript law to force our peace-loving citizens to fight in a foreign war 4,000 miles away?

Are we going to send an army of conscripts to Europe to fight for democracy? Having disposed of the hereditary ruler of the German Empire, are we going to depose the hereditary monarch of England, the hereditary monarch of Spain, the hereditary monarch of Roumania, or of Serbia, or of Denmark, or Sweden, and Norway, and the other king-ruled and king-dominated empires of war-cursed Europe?

Mr. O'SHAUNESSY. If the gentleman will yield, I merely want to answer his question by saying that I hope so.

Mr. SHERWOOD. Are we to dethrone the Sultan of Turkey and the Mikado of Japan, under the pretense of a war for democracy? It looks like a long war; and when will the end be? What will the harvest be?

I am against conscription because it is un-American and undemocratic, and unjust to the stalwart manhood of this Nation. We have a cause to fight for that appeals to the loyalty of the men and women of this Republic. Let the President issue a stirring call for volunteers, and we will get volunteers to-day, as we have in the past, in ample numbers. I am against conscription because I am opposed to a government of force as against a government by consent of the people. I am opposed to conscription because no conscript army anywhere around the world ever achieved liberty for any country or empire around the world since civilization was evolved in the womb of the dead centuries. I am against conscription because I do not care to live to see the day when government of the people, for the people, and by the people shall be supplanted by a government by force. I am opposed to conscription because I am opposed to inaugurating kaiserism in this Republic, while destroying kaiserism in Europe.

If Germany is ever made a democracy, the force must come from within the Empire by evolution, or internal revolution, the same as in Russia and China. No student of sociology, no prophet of human destiny, believes that democracy can be forced on Germany by the armed legions of a foreign enemy. [Applause.]

Did the gentleman from Rhode Island wish to ask me a question?

Mr. O'SHAUNESSY. I merely was answering your question when you asked was there a hope of routing out all those kings. I want to say fervently that so far as I am concerned that is my hope.

Mr. SHERWOOD. All right. I hope we rout them out, too.

Mr. GORDON. Are you in favor of conscripting men to rout these monarchs?

Mr. SHERWOOD. I think I have given my views so that you can all understand them on that question.

Mr. WELTY. Will the gentleman yield?

Mr. SHERWOOD. I yield to the gentleman.

Mr. DENT. I thought the gentleman from Ohio had yielded the floor.

The CHAIRMAN. The gentleman from Ohio has seven minutes remaining.

Mr. WELTY. The gentleman from Ohio said it required more soldiers in New York to enforce the draft there than they drafted all told. Will the gentleman inform us how many were drafted in New York?

Mr. SHERWOOD. I gave the number in my speech. You can see it in the RECORD.

Mr. WELTY. Does not the gentleman know that the report of the Secretary of War for 1865-66 shows that 168,649 men were drafted during the war; that at the first draft, in July, 1863, there were 35,885; on the second draft, in March, 1864, there were 12,363; and that the total was 168,649?

Mr. SHERWOOD. Yes; and less than 62,000 of them ever got to the front. [Applause.]

Mr. WELTY. Do you not know that 776,829 men enlisted because of that draft in 1863—enlisted as volunteers?

Mr. SHERWOOD. No; I do not know anything of the kind, and neither do you. [Applause.] That is an assumption that has no evidence behind it. The men who volunteered in the Army volunteered from patriotic motives, and they went to the front and fought the battles of the war. Drafted men were in many instances shirkers. On the 20th of July, 1864, in the Battle of Peach Tree Creek, I was in command of the division of skirmishers, and some of the 72 drafted men in my regiment were detailed on that skirmish line that I was commanding, a line about a mile long. When we reached the Confederate riflemen and sharpshooters, and when the bullets commenced to sting and the grape and cannister to tear through the trees and the shells to shriek with a terrific roar, those drafted men fell on their bellies behind trees. [Laughter and applause.] That is the kind of men you get by the draft. Does anybody want to ask me another question? [Laughter.]

APPENDIX.

The following extracts are from a letter written by Mrs. Annie Riley Hale, of Tennessee, a high-class woman and student of sociology. She is the author of two well-read books—Roosevelt ian Fact and Fable and Bull Moose Trails. It deals with the question of conscription in vigorous language:

MY DEAR CONGRESSMAN: This is one of the considerations that should give you pause in the enactment of the proposed militaristic legislation—the bills for universal military training and compulsory service and, last and worst, the so-called "Army draft" bill empowering the President to "select" all young men between the ages of 19 and 25, nolens volens, and send them to the European trenches or wherever he may elect.

The President has assured us that our motives in entering this war are of the purest brand; we seek no selfish or mercenary end; we wish only to chastise the Hohenzollerns, serve humanity, and realize a dream of universal democracy—the much-heralded, long-delayed "federation of the world." Mr. Chairman, although I am absolutely opposed to war as an outworn, barbarous, costly, and futile method of settling international disputes, hating it not so much for its cruelty and waste as the

monstrous injustice in its central idea and for its dastardly cowardice—especially this last—I was so much in sympathy with the high purpose the President announced, my imagination was so caught by the glorified vision, that, even while I doubted, I put aside my misgivings and was reconciled to this particular war until I grasped the staggering fact that the President proposed to inaugurate his rainbow quest for "universal democracy" by crucifying all the democracy we have here at home.

He has seen fit to arraign the Kaiser for having plunged the German people into war without their consent and against their will. It seems to me he owes it to himself as well as to us to let his act stand the test of raising his armies by voluntary subscription; for thus only can it be determined whether or not he has not committed the Kaiser's blunder. It seems to me that he and you, gentlemen of the Congress, can not do less in common fairness and common decency than to abide the consequences of your war declaration and execute your decree of death in accordance with the principles of American constitutional liberty which my forefathers fought for and labored to secure to their posterity. When you conscript a man's liberty and force him to fight in a war which he thinks unnecessary and unjust you conscript his conscience as well. In the old days of religious persecution a man might save his life by keeping his mouth shut, but under your system of military persecution he can save neither his life nor his principles. And yet the Constitution, which you have sworn to uphold, guarantees to every citizen under its protection life, liberty, freedom of speech and press, and freedom of conscience—not the freedom of your conscience nor the President's conscience, but the citizen's conscience.

But whether this be true or not, gentlemen, the great charter of individual liberties under which this Government claims to be operating guarantees to them the free exercise of both mind and conscience and the free disposal of their lives. When you arbitrarily deprive them of this, you are in effect putting the felon's brand on the descendants of the men who founded this Nation and raised over it the standard of civil and religious liberty. For under this law a conscript officer, acting under the orders and within the discretion of the President—for, mark you, this vast power over the lives of thousands of American citizens is to be lodged solely in the hands of one man, without legislative check of any sort—can seize American youths who have committed no crime save that of being between the ages of 19 and 25, tear them from their mothers' arms, gag and bind them, and send them, like scourged galley slaves, into the European slaughter pen.

* * * * * * *

But they tell me if the volunteer recruiting should fail to raise the Army strength voted by Congress that you and the President would be humiliated before the world, as you would thus stand convicted of having plunged an unwilling people into war. While this is true, Mr. Chairman—and I should feel very sorry for the President and the Congress if they have been honestly misled in this matter—I think it better for the Congress and the President to be humiliated than for the Nation to suffer and thousands of innocent people to lose their lives; and I think if the President and the Congress are brave men they will not wish to save their pride at the Nation's expense. The President, in his war message, took occasion to differentiate between the rulers and the peoples of Germany and Russia; the President will not, I trust, think it treasonable in humbler citizens who are also able to differentiate between the people of the United States and the men who are in temporary control of their Government. Under our system this changes every four years; the best part of it—as I view it, though not wishing to flatter you, gentlemen—changes every two years. I think you can not afford, as honorable men and responsible agents of the people, to depart from the best American traditions or abandon the ancient rule of guidance in the prosecution of this war, let the result be what it may.

As you know, America has fought all of her wars with volunteer soldiers, resorting to compulsion only once in her history, and that the most critical stage of our national life.

Whenever wars can not be waged by volunteer fighters, they should not be waged at all; and when men are not free to choose the war or leave it, they are not living under a free government. It is bad enough, from my viewpoint, for some men to put their quarrel into other men's hearts and per suade them to do their fighting—which is the quintessence of all modern wars; but when you force other men to fight your battles—such as is proposed in this "Army draft" bill—then you have put the American Republic in the same category with the bloody despotisms of Europe, and only the most pharisaical self-delusion could suggest that we as a Nation have any great democratic message for those governments.

No; gentlemen of the Congress, if you must do this thing, don't add blasphemy to the crime of stabbing American constitutional liberty; don't do it in the name of democracy!

I shall wear my D. A. R. badge and the American tricolor until you pass this bill, if you do; and then I shall lay them sadly away to await the dawn of a fairer, saner day; and if it never comes, I will leave them there with my other sacred relics; but I shall date the downfall of my country from the passage of this militaristic legislation.

For "upon the outcome of the great debate on 'Conscription against Democracy,' depends the question of whether the last fortress of democracy in the world, and the greatest adventure in human history, shall go down in failure."

Mrs. ANNIE RILEY HALE.

LETTER FROM A REPRESENTATIVE CITIZEN.

I have received hundreds of letters from parties living outside my congressional district touching this vital matter. I submit only one, which represents the sentiment of all, from Mr. J. C. Madden, a prominent citizen of Continental, Ohio:

CONTINENTAL, OHIO, *April 24, 1917.*

Hon. I. R. SHERWOOD,
Washington, D. C.

DEAR SIR: I thought that I would write you on the matter of this conscription law which they are trying to force through Congress. Now, in Toledo, a few days ago 24 volunteers applied for admission to the Army; of this number 4 were passed and 20 declined. Now this shows that either our military men are declining our volunteers purposely to try to make out that our volunteer system is a failure or that our Nation is so dilapidated and run down that we could not fight any nation, even Mexico. For if this is a square deal on passing men, then we can't raise 3,000,000 men, to save us, that is fit for military service. So either they are not honest or they don't know what they should know to run our military affairs, for if we are such a Nation of weaklings they should have gone to the President and Congress and told them confidentially that we can't fight anybody, for we are too much of a Nation of weaklings. My opinion is that they are purposely declining the volunteers for the purpose of discrediting the volunteer system.

The men who were in the Civil War have always told me that one volunteer was worth three or four drafted men anyway. Now, on the basis of Toledo having 24 volunteers a day, and on a reasonable basis at least 50 per cent should pass, that would raise 500,000 volunteers in less than 90 days. Then Roosevelt wants to raise an army of volunteers, and they don't appear to want him to do that. Now, I don't know what the folks down in Congress think about it, but 9 out of every 10 about here, regardless of politics, think that there is too much politics in that move. Now, they claim that we are in this war to destroy Prussian militarism. Now, if that is the case, what profit to us if in doing that we saddle a military despotism on this country? It seems to me that we will be like the Bible says, "What will it profit us if we free the whole world and lose our own liberty in doing it?" Do you know that Canada has raised 400,000 troops and never had conscription and even don't have it now? And on the same basis we could raise 4,000,000 volunteers. If the men at the head of affairs could disguise themselves and would get out with the common people so as to learn what they think the way they are conducting affairs, they might handle things different. I see that the newspapers are all denouncing Congress because Congress wants to have something to say as to how the war is conducted, and say that they are all traitors to the Government. Now what is the Government? Is it the few men at the head of affairs or is it the hundred million people? It is supposed to be the hundred million people, and we are each supposed to be the one hundred-millionth part of the Government. The newspapers say that in a republic that when they get into war everyone is to lay down his liberty and let the ones at the head of affairs run things any way they see fit without asking any questions. Now, if this is the case, what is the difference between us and the most absolute despotism?

Another thing that they want to consider, and that is that there are three parts of an army—the part at the front, the part making war material, and the part raising food—and that the last of the three is the most important and that the failure of the last of the three loses more wars than anything else. In my opinion if the war lasts a year, the whole world will be starving, even if a few people are trying to raise back-yard gardens, for the world is so much shorter of supplies than what the average man thinks. Right around here in this good farming country, being one of the finest corn countries, two-thirds of the farmers are putting in their crops and not feeding their horses any grain on account of the shortage, as in the first place it is not to be had if they have the money, and in the next place the farmers don't have the money. I will close, hoping that you may give the desperate situation in which the world is due consideration.

Yours, truly.

J. C. MADDEN.

Mr. CHANDLER of New York. Mr. Chairman, I ask unanimous consent to extend in the RECORD certain correspondence between William Allen Butler, president of the Lawyers' Club, of New York City, and Hon. W. E. Cox, Representative in Congress from Indiana. I have consulted the gentleman from Indiana [Mr. Cox] and he has no objection. I ask unanimous consent that this correspondence be extended in the RECORD.

The CHAIRMAN. The gentleman from New York asks unanimous consent to extend in the RECORD the matter indicated. Is there objection?

There was no objection.

The correspondence is as follows:

THE LAWYERS' CLUB,
New York City, April 19, 1917.

Hon. W. E. COX,
Member United States Congress, Washington, D. C.

DEAR SIR: The war committee of the Lawyers' Club desires to record its belief emphatically and insistently that the institution of universal, obligatory military training and service under Federal control in the United States of all the male citizens of the country should be established at the earliest practicable moment.

This should be done not only as a measure of national safety but also for the sake of its benefit physically, mentally, and morally to the recipients thereof.

That an act embodying the measures suggested by the Chamberlain bill or that of the War Staff, or such inclusions or modifications thereof as may be found wisest of adoption, should receive the serious and early consideration of Congress, and that pending such action a selective conscription measure along the lines urged by the President should be passed and put into application without delay.

Very truly, yours,

WM. ALLEN BUTLER, *President.*

—

HOUSE OF REPRESENTATIVES,
Washington, April 22, 1917.

Mr. WILLIAM ALLEN BUTLER,
115 Broadway, New York City.

DEAR MR. BUTLER: I have your letter asking me to support compulsory draft conscription. Won't you be kind enough to tell me why it is, especially as New York is lagging far behind other States in its volunteers, that you have not enlisted, or your boys enlisted, or at least why your wife's relatives have not enlisted? Or why have not your fellow lawyers enlisted or their sons, or if you have enlisted, or any of your people, or you know of any of your fellow lawyers or their boys who have enlisted won't you kindly give me the date of their enlistment, together with their names and addresses?

I shall await your answer with a great deal of anxiety.

Respectfully,

W. E. COX.

—

54 WALL STREET,
New York, April 25, 1917.

Hon. W. E. COX,
Representative, Third District of Indiana,
House of Representatives, Washington, D. C.

MY DEAR MR. COX: In answer to your letter of April 22 in which you ask me to tell you why it is that New York is lagging far behind other States in its volunteers and ask me whether I, or my boys, or

wife's relatives and have enlisted and asking their names, as to myself, having been interested in the events of 1861, I am a trifle beyond the enlistment age. I have to say that my son, Dr. Charles T. Butler, has just spent seven months as a surgeon in the American Red Cross in the French hospital at Ris-Orangis, France; that my son Lyman C. Butler is an officer in the Seventh Regiment and has been connected with that regiment for upward of six years, having reenlisted June 1916, served in Texas, and he is now a member of the organization. My brother's son, Dr. Ethan Flagg Butler, in the early part of the European war took two United States Red Cross units to Servia and was in charge of a hospital there and did splendid service in fighting the typhus fever, two of his associate doctors contracting the disease and died. My sister's son, Sam Paul, for six months drove an American ambulance on the Verdun firing line in France. My nephews, William Paul and Henry Franklin Butler, enlisted this spring in the Naval Reserve and are now in active service on the coast. My niece, Mary Paul, has taken a course as trained nurse for the Reserve Corps. My daughter, Louise T. Butler, has taken trained attendant courses and is a member of the Presbyterian Hospital signed up for the reserve services. My nephew, Charles M. Butler, is a lieutenant of the Officers' Reserve Corps and goes into service at Plattsburg next week. My nephew, John Crosby Butler, is in the First New York Armored Motor Car Battery. Now, passing to my wife's relatives, outside of her sons and daughter above mentioned she has two nephews, Czaykowski by name in the French Army, now in the trenches. I am so busy as an officer of a very patriotic club with various relief measures that I have not the time to get the extended lists that you desire. I take pleasure in answering your letter so far as my own and my wife's family are concerned at once. I remain, my dear sir,

Very respectfully, yours,

WILLIAM ALLEN BUTLER,
President of the Lawyers' Club.

P. S.—I forgot to mention my son-in-law, Maitland Dwight, who is enrolled in the College Men's Training Corps, drilling at Governors Island and attending military lectures.

W. A. B.

Mr. DENT. I yield 10 minutes to the gentleman from Georgia [Mr. WISE].

Mr. WISE. Mr. Chairman, I do not expect to make an argument covering the details of this bill, but if I can have your attention I will give you some of the reasons why the Committee on Military Affairs reported the bill as it is. They may be of some service in reaching a correct conclusion, in view of the arguments that are made here in support of conscription.

In the beginning, I want to call attention to a telegram, which no doubt many of you have received, and which is typical of a great many that have been sent out.

The idea that a great many people have with reference to conscription, as to how it is going to operate, and the class of people that will be conscripted, will appear from this telegram, which, of course, is a false impression:

DEAR SIR: As organizer and executive of American Merchants Syndicate, composed of 12,000 real American merchants in every State, I implore you to vote for conscription—

Now why? Listen:

and let the loafers and unsympathetic, naturalized foreigners do their part.

Now, that is from a man who says he is representing 12,000 merchants, giving his reasons why we ought to vote for conscription and the necessity for it, to "Let the loafers and unsympathetic naturalized foreigners do their part." And yet we are told by those who advocate conscription that they expect to have an efficient army, and they expect to have men who will fight; and it seems they expect to get them by drafting the loafers.

Mr. JOHNSON of Washington. Please tell us where that telegram is from.

Mr. WISE. It is from Chicago. I have not finished reading it yet. I am giving you the first reason which this man gives, representing 12,000 merchants of America, and as the organizer and executive of the American Merchants' Syndicate. He asks you to let loafers and unsympathetic naturalized foreigners represent you in the trenches of Europe, standing side by side with the volunteers of England and Canada and Australia and every other even partially democratic nation, all of which are represented by volunteers, and where he wishes us to be represented by conscripted men composed of loafers and others who are not in sympathy with America. Do you think that would be very creditable to America?

That is not all of this telegram. What else does he say?

Allowing those not subject to conscription to volunteer, subject to acceptance if needed under arms more than industry, though ineligible for conscription—

In the name of God, telegraphing me to apply the law to a boy of 19 to 25 years old, and yet asking that the law shall not make it compulsory on him at any time, however desperate may be our situation in the future, to leave him out of conscription. His argument is, gentlemen: Do not conscript me for anything. Conscript the young man, the other fellow,

Though ineligible for conscription, I will volunteer for anything—

When?—

after eligibles are conscripted.

When will he ever serve? Conscript the boys from 19 to 25; excuse me, but allow us to volunteer, which we will do when everybody else is conscripted. When will this man serve? He tells you—

I will volunteer for anything after eligibles are conscripted. Thousands and tens of thousands of real patriots anxious to go to the front. Await news that those who owe the same duty will be required to pay it along with the brave enthusiasts. Let the noncommissions of the Regulars become officers of the new men. Perdition to the green politician volunteer officer.

JOHN BASKERVILLE.

Thousands of real patriots anxious to go to the front! But these men say they will go. When? When you take the boys from 19 to 25 and put them in the trenches. The argument of those who advocate conscription is that every man owes a duty to his country, even his life. This man says, in effect, I will not give mine until you make everybody else give up his first. To illustrate his position, we owe a man money. I come up and say, "I will pay you when the other man pays you. If you do not make the loafer pay you up first, I will never pay you." [Applause.] And yet that is what the argument of many of these people who send these telegrams amounts to.

Mr. JOHNSON of Washington. Will the gentleman give the name of the sender of the telegram?

Mr. WISE. John Baskerville. Many Members no doubt have received similar messages. If Members could know the origin of this campaign that is being carried on for conscription and the real motives behind it all, one of which is illustrated by this telegram, and the other by interests that have been and are now seeking to establish compulsory military service in this country, they would hesitate before taking this step. The word is sent out all over this country: "Have your man wire Representative; get up a mass meeting; call chamber of commerce together; pass a resolution"; and so forth. It is done, often unthoughtedly, and we think the country is demanding it, and then we are advised to vote for a bill they never saw. They do not know what it contains, and would not vote for it themselves if they did. [Applause.]

Having said this, I now desire to discuss the bill more in detail. The question now before Congress is not one of raising an army, for every Member of this House is in favor of rendering all the aid possible and doing everything in his power to raise an army for the successful prosecution of the war. The real difference of opinion comes in the method that is to be employed; that is, whether an army shall be raised by conscription at the present time or whether there shall be given a chance to those to volunteer who so desire.

In the first place, it is argued by those who want conscription that it makes every man of military age bear his share of the burden. The fact that it does not do this is one of the reasons why I oppose conscription. It is impossible for me to understand, when the military age under existing law is from 18 to 45, how it compels every man to do his part to conscript only those men or boys between the ages of 19 and 25 years. By this plan about 15,000,000 of those subject to military duty are absolutely excused and exempted from doing any real military service. And that is not all; even out of this number between 19 and 25 which you propose to conscript it is to be done by selection. In other words, it is selective conscription—to select just such as they want and to excuse such others as they do not desire to take, giving to the War Department the power to arbitrarily select one man's son and excuse another's. This is not just, fair, nor equitable.

Again, another reason given as to why we should depart from our past methods—depart from the volunteer system and adopt conscription—is that under the volunteer system all the best and most patriotic citizens will go and the others will stay at home. Good men will go and volunteer, and good men—just as good as those who go—will not volunteer at the first call. Each man, with equal patriotism and love of country, will exercise his American privilege and, considering all his environments, decide for himself his duty. That is the American way—the democratic way. In other words, some with family ties and obligations to those dependent upon them will not feel that they ought to leave their home and country and go to Europe at this time, but that they ought to stay at home until the emergency is greater, while others who are not so situated will promptly volunteer and go. We all know this is true, however skillfully the contrary may be argued and presented.

I desire to call attention to another fact with reference to the contention that is usually made—that under the volunteer system the best will go and the industries will suffer; that is, under the present bill the department can decline—and, in fact, they can do so now—to receive and enlist any man in the Army under the volunteer system if it is absolutely necessary to retain him at home. One of the strongest reasons urged that we

have selective conscription is that they can conscript such as they want and leave at home such as they desire to work in other industries. Anyone with any judgment at all or any knowledge of the situation knows that this can be done better under the volunteer system than under the method proposed by conscription. Under the conscription proposal they take them all into the Army and weed them out afterwards as they desire, whereas under the volunteer system every time a man enlists or makes application he gives his age, occupation, and so forth, and if he is urgently needed at home the enlisting officer could decline to receive his application and let him go back to his work. So there is no real merit in the contention that it is necessary to have conscription in order to select such as ought to go and leave such at home as ought to stay.

Again, it is argued that the volunteer system has always been a failure, has failed in England in the present war, and that it failed during the Civil War, and that in every case where it has ever been tried it has been a failure. These general declarations and assertions are carried all over the country by the newspapers until I am convinced that a great many people really think they are true. Why do not these people state the facts instead of stating general conclusions? If they did, it would become evident at once that there are no facts upon which to base this argument. Now, what are the facts? As to the present war, England, under the volunteer system, has over 5,000,000 of troops at the front; they have not a single conscript in their army. Canada has between four and five hundred thousand volunteers. Australia has raised between three and four hundred thousand volunteers. New Zealand has done equally as well, and Ireland. In fact, there is not a single conscript among the armies of the allies above mentioned now in the trenches of Europe. Yet the assertion is carried everywhere that the volunteer system has been a failure. Canada, Australia, and other countries have refused to adopt conscription, not because they were not willing to do their part, but for the good and sufficient reason that they did not propose, in fighting for democracy, to establish an autocracy in their own Government.

Now, what are the facts as to the Civil War? There were over 2,000,000 soldiers in the Union Army. There were only about 52,000 raised, toward the close of the war, by conscription. The real mistake that was made in that war was in adopting conscription at all, which is clearly shown by the following quotation. I quote the following from "Regimental losses in the American Civil War," by William F. Fox, lieutenant colonel, United States Volunteers, pages 532–533:

> Desertions were frequent among the drafted men, for their service was compulsory; but there were not many of this class in the ranks. The Union Army was essentially a Volunteer Army. True, a conscription act was enforced; but its provisions for exemption were so lenient that the number of drafted men actually held to service was only 52,068, a small number as compared with the total enlistment.

A distinguished Senator, who is familiar with the situation, recently in speaking in the Senate with reference to the value of the conscript in war, said:

> Mr. President, I want to make a further suggestion, if the Senator will permit me, and that is that conscription in our State toward the close of the war did not produce very desirable results. We sent one regiment from New Hampshire, of the members of which, I think it is safe to say, 90 per cent deserted before the close of the war, and, while the Government was under obligations to pay us $400,000 for recruiting and equipping that regiment, we have not had the audacity to seek a refund of the money that the State expended, because of the fact that those troops were so utterly worthless.

And the testimony before the committee will show that in enforcing the conscription act, thousands of soldiers had to be taken from the Army and sent back home to quell riots. Will anyone say this conscription was a success? And I call your attention to the fact that there are now pending before the Military Affairs Committee over 1,000 applications to have military records corrected, the records showing the soldier deserted, and there are hundreds every year. We are told that nearly all of them were conscripts. The volunteers did not desert. And my opinion is that if you have many "slackers" conscripted, you will have many desertions in this Army.

But you hear it argued here that you do not call for volunteers to pay taxes. Why not pass the hat around, they say? Let us examine this a little and see if you would be willing to apply the same rule in raising revenue as you propose to do in raising an army. The reason given here for selective conscription is that you will be able to take the man not engaged in some industry essential to carrying on the war, that he is not making ammunition, guns, food, and so forth, and because he is not you will take him, conscript his life, take all he has, for the benefit of the Government. Now, apply the same rule to money. Here is a man worth millions; he is not fighting; he is not using his money to aid in the war; he is not making use of his money in making munitions, guns, food, or in any way with it assisting the Army or the Government in carrying on the war. He is just buying bonds, lending his money for the interest, for his own selfish benefit. Another man, equally rich, is using every dollar he has in manufacturing ammunition, guns, food—everything essential to successful warfare. He is using all his money, and needs more. It will reduce to some extent, at least, the efficiency of his plant if he is heavily taxed. Now, if the rule or reasons are good for taking human life and liberty, why not conscript all this man's money who is using it only for his own interests, and excuse entirely the other? If you would do this, you would not be pressed for finances. But how many of you conscriptionists would stand for that? Do you place property above human life? Is a sheep worth more than a man? I do not believe in conscripting either, but if compelled to choose either I would decide in favor of life and liberty as against property.

Again you hear the argument that we want to get the "slackers." Will this bill get them? One of the reasons I oppose this plan to conscript is that it is so unfair, makes so many exemptions, and does not bear equally on all. How do they propose to manage it? The sheriff, say, of each county, and in large cities the mayor, will appoint a registrar in each voting precinct; a day is named for all between 19 and 25 to appear at the voting place and register; proclamation is issued to that effect by the governor or other authority. Now, do you suppose that the "slacker," as he is called, will voluntarily come up and register to go to Europe any quicker than he would volunteer? No; he will be sick, or away from home, or have some other excuse; and only the honest young man, willing to volunteer, will come. Oh, they say he will be put in the penitentiary. Do not you suppose that a man who has made up his mind not to go to the battle fields of Europe had rather serve his time in the penitentiary? He would be fed, clothed, and comfortably cared for, and still have his life. You may increase the population of the penitentiaries considerably, but you would not get many of them in the Army; and if you did, what good would they be as soldiers? And then, after they register, what is to be the process? They must stand a physical examination. The boy's father is rich, influential; he does not want his boy sent to Europe. The physician may be his friend. It would be very easy for him to find some physical trouble, and have him dismissed. If he does not, he can still apply to the courts and have the question tried as to whether his boy should be sent or excused. So you need not be deceived as to the class that will go under this selective conscription. It will be the poor, unfortunate devil that can not hurt the politician after he is sent. We need not fool ourselves about who will do the fighting and dying in this war. It will be the same old story. The helpless will be compelled to go; others excused.

When I hear all these arguments, and hear men proclaiming how fair and just this bill is and how equally it bears on all, and so forth, and then hear them talk about who is going to be excused, I think maybe it would be fair, for we would have no Army. Who are to be excused by this bill? Everybody over 25 years of age—that is, about 15,000,000 who are now subject to military duty—all ministers of the Gospel—that is a good many now, and the number will possibly be largely increased; all members of certain religious organizations whose creed is opposed to war. I imagine that the memberships may be largely increased of both preachers and churches if there are as many slackers as we hear there are in this country. And the conscriptionists say that the President, under other provisions of this bill, will excuse about as follows: All married men; all having dependents, whether married or single; all farmers; all railroad employees; all engaged in making war materials of any kind; and so forth. This kind of talk has gone about all over the country until the people who do not know any better believe it. If it is true, pray tell me who is going to fight? Where will there be any left to fight? The trouble is it is not true, and when you go to conscripting and the people realize that they have been deceived in this, that is when trouble and dissatisfaction will arise among our people and they will see the injustice of it. It is only another reason why I oppose this bill. I believe if there ever was a time when we needed the support and good will of every man and woman in this country it is now. When you go into the home of one man and compel his boy, maybe his only son, the boy around whose life all the hopes of his parents hang; they have sacrificed for him, the mother has deprived herself of some of the necessities of life to prepare him for a successful future; I say when you compel him to go to Europe to die in the trenches and leave his neighbor's son to stay at home, enjoy life, and earn good wages, they will not feel that their Government has been exactly fair to them. I say it is not. Yet this is selective conscription. But there are other bills coming, all based on the same principle.

Authority will be asked by the departments to regulate and control, as they see proper, the production, distribution, and price of all products. Under it any little clerk in the department can decide how much of any one thing you may plant, when you shall sell it, and what price you shall have for it. Also bills to authorize the taking over of all railroads, shipping, and to make regulations as to what shall be hauled, how and when. In fact, when these bills are all passed all the lives, property, and business of every kind will be placed in the hands of the different departments to do with as they please, and the people will be only pawns to be moved about as they may decide. Talk of fighting to establish democracy the world over and at the same time destroy it all here! When this proposed legislation is finished no despot on earth will have such dominion and power as will be in the centralized Government of the United States. No king, no czar, no emperor can approach it anywhere.

Let us not be deceived. When this war is ended there will still be kings, czars, and emperors, and we as a Nation will be much nearer a kingdom and an empire than ever before. Congress is surrendering its constitutional right to legislate; it is turning this function over, under all these bills, to the different departments to, by regulations, legislate. Under the stress of the moment we in effect are asked and urged to pass a general resolution to turn all legislative functions over to the President, with authority to set aside all statutes and by regulations to enact such others as the different departments see proper.

Those who are now urging conscription, I imagine, will soon change their cry. Other bills and powers are asked. It is amusing how all of the great daily newspapers clamored for conscription, urging that we stand by the administration, and so forth. Now a bill is proposed to merely establish a censorship over them—that is, prevent them from publishing information valuable to the common enemy—and they at once all raise the cry that it will undermine our liberties, destroy free institutions; that it is unconstitutional and destroys free speech. With them it is all right to conscript the life and liberty of the individual, but it is an awful thing to even say they must not talk too much. I place life above property or even above the right to publish some item of news that might add a few pennies to the paper.

On this question of conscription it might be interesting to quote from some of the English papers, to show how they view it.

Canada has plainly intimated its dissent from conscription, and, with the Irish example before us, we may conclude that the advance of force in the domain of military service has been definitely stayed within the British Empire. Those are good tidings—

Adds The Nation.

So long as our armies consist in the main of volunteers, they retain rights of citizenship, which the conscript has been forced to yield. We have no fear that when they return to civil life they will vote for placing on their own and their children's necks a burden which they cheerfully lifted when the appeal was made to them in an hour of special emergency and trial.

DURATION OF THE WAR ONLY.

Our statesmen have—

Says The Nation—

fair warning to regard the conscription they imposed without the mandate which Mr. Hughes was forced to seek as for the "duration of the war" only. They desire—we all desire—a closer union of the free British nations who compose the armed strength of the Empire. It is now clear that this union can not be founded on a form of forced imperial service. So long as our general aims commend themselves to the dominions, Australia, Canada, South Africa, and New Zealand will see us through. No thought of disloyalty or weakness resides in the bosoms whose fiber is fully as tough as our own. But, so far as imperial wars are concerned, it is clear that the dominions wish to retain their liberty.

Colonial democracy remains, and we shall never be able to force it a step further than it will go. Is it not time for us to ask what is happening to ours?

That is from a paper in England. Might we not well ask the same question—what is now happening to our democracy? Yea, to our Constitution? I presume I will be excused for referring to the Constitution here. But the impression seems to be not whether it is constitutional but whether the department wants it. However, just as a reminder, I will give a few quotations showing the views on this question of conscription of those whom we have been taught to believe were entitled to some consideration at least. They, however, are considered out of date now.

Senator Bayard, of Delaware, in discussing proposed draft legislation during the Civil War, said:

The bill obliterates the militia system, leaves the States powerless to resist Federal aggression, and destroys the constitutional check upon centralized power in the Executive. Was not the object to prevent abuse by a centralized power? The whole Government is based on a system of checks and balances. If Congress can obliterate the militia of the States, no check or balance remains. How can such a power be reconciled with the doctrine of the second article of the amendments that "a well-regulated militia is necessary to the security of a free State"? It is well understood that if this and other amendments had not been adopted the Constitution would never have been ratified. The provision that the States shall appoint the officers and discipline the militia and that the militia shall not be under the control of the President until in actual service must be stricken from the Constitution before Congress has power to authorize the President to conscript into a regular army of which he appoints the officers and over which he has absolute control. Without an abandonment of the power of legislation in violation of the Constitution, Congress can not delegate to the President the authority to raise and organize armies at will.

In this same discussion Senator SAULSBURY, of Delaware, said:

In the constitutional debates in the Federal convention and in the State conventions it was never pretended that Congress should have power to raise armies by conscription, but that the reliance for national defense should be upon the militia to be furnished by the States. The reason for the exemption of persons in the military service from the constitutional guarantee against prosecution for crime except on presentment or indictment was on the assumption that entrance into the military service should be purely voluntary. Enforced service deprives a man of that guaranteed right without waiver by the person concerned.

In 1814 Daniel Webster, in discussing this same question, spoke as follows:

Laws, sir, of this nature can create nothing but opposition. If you scatter them abroad, like the fabled serpent's teeth they will spring up into armed men. A military force can not be raised in this manner but by means of a military force. If the administration has found that it can not form an army without conscription, it will find, if it venture on these experiments, that it can not enforce conscription without an army. The Government was not constituted for such purposes. Framed in the spirit of liberty and in the love of peace, it has no powers which render it able to enforce such laws. The attempt, if we rashly make it, will fail, and having already thrown away our peace we may thereby throw away our Government.

But it is argued with much earnestness that experts have figured it out and say this is the thing we ought to do. I want to call your attention to the experts, and I do not do this for the purpose of criticizing the War Department, but to show by the plan of the experts as originally made that it is unnecessary to have conscription. Remember here are our experts that my friend from Georgia asked a question of some Member—he asked if you wanted a horse shod would you go to a blacksmith or a lawyer. That is answered easily—the blacksmith. But my friend, what would you do if you went to the blacksmith that you had been employing to shoe your horse for years and years—you had won every race; had never failed—and when you went there he prepared the horse's foot and when he went to nail the shoe on he turned it around, put the toe to the heel? Would you, because he was an expert, say go on and nail it on, without investigating, or would you want a good reason for it? Here we are confronted by the experts, who say things have changed, and we must turn this shoe around and nail it on the other way; and now because some of us want to investigate or change it just a little and follow the old and tried way, they say we are not patriots, we are cowards and guilty of treason.

Let us examine the experts' plan and see how unnecessary this is at this time. The General Staff or War College, after thorough consideration, decided that we ought to raise a million men; that was as many as we could equip and use in one year. This was to be done by increasing the Regular Army one increment, the National Guard one increment, and by conscripting 500,000 men. They asked for an appropriation for the same and submitted this plan to the committee. If I am wrong, any man who is voting for conscription can correct me. How many men did they want in their original plan? One million men, in round numbers, and a few over. Composed of what? The Regular Army and the National Guard and 500,000 drafted men. Now the plan was to take only one increment of the Regular Army and one of the National Guard, and then the other 500,000 drafted men. The committee, knowing that under the national-defense act passed June 3, 1916, the President in time of war had authority to increase the Regular Army and the National Guard not only one increment, as proposed, but all five increments, as therein provided, wanted to know what reason there was for not doing this. You have the Regular Army, and under the law you can take in all the increments and increase the National Guard to its full strength. Why not do this? The Secretary of War resubmitted this to the General Staff, and in one night's time they changed their former decision and the next day reported that the department had changed its plan, reconsidered that decision about one increment only, and was going to raise both Regular Army and National Guard to full war strength.

In submitting the plan they submitted the money required also—$3,000,000,000. That is in this bill, for a million soldiers, and they gave an itemized statement that it would take that much money. When they changed their plan, they did not change the amount. When they increase the National Guard and the Regular Army to full war strength, it produces a million men. All they had in the original plan will be raised by

increasing the Regular Army and the National Guard to full war strength, the number that the War Department asked for. Now, that is the situation. Oh, they say they will not enlist, "We can not get the men." Let me read you something. Everybody knows that they have not encouraged enlistments anywhere. On yesterday Senator REED put in the RECORD replies from the adjutant generals of 15 or 20 States, in answer to a question he asked them about recruiting in the National Guard. Listen:

HARRISBURG, PA.

Telegram received. Returns not in showing recruits enlisted in Pennsylvania National Guard since declaration of war. Four regiments of Infantry now in United States service. All regiments now above minimum peace strength. Have not been authorized to recruit to war strength, but if so authorized can do so promptly, as many organizations have waiting lists to bring to war strength.

THOMAS J. STEWART,
Adjutant General.

—

ALBANY, N. Y.

Reference your telegram, about 3,000 recruits New York National Guard since declaration of war. Six regiments Infantry and one squadron of Cavalry in Federal service. Not all at maximum peace strength. State authorities have not authority to recruit for organizations in Federal service. War Department has not granted authority to recruit to war strength. Could promptly recruit at this time to war strength if we could get authority from War Department to do so. Withholding of this authority very discouraging and has bad effect on National Guard.

LOUIS W. STOTESBURY,
Adjutant General.

And that applies to all this list of States here, in reply to every telegram sent out, that they had already increased the National Guard to peace strength and can promptly increase it to war strength if the War Department will give them the chance, and yet they say they will not volunteer or enlist.

Mr. SHALLENBERGER. Mr. Chairman, I would like to read in this connection, for I think it is important, the statement of the Secretary of War as to the National Guard, since that is the issue. Here is his statement made at the last hearing:

The National Guard was called out under circumstances more unfavorable than any military organization in this country ever encountered, and it did a service which was beyond criticism, and deserves no criticism at the hands of this country; and it came back from the border a better trained military force than we ever had in this country under any circumstances outside of the small Regular Army.

Mr. WISE. Mr. Chairman, the point I was making was this: You are appropriating for 1,000,000 men to be raised in the Regular Army and the National Guard. The National Guard has in every State recruited up to peace strength, and they say they can do it promptly to war strength. That would make 1,000,000 in the Regular Army and the National Guard, the number of men the War Department wanted and could equip. Why is it so important, then, to conscript now? It is not because they want these men, it is not because they want the 500,000 now, but it is only to establish the principle in this country of compulsory military service, which, when once on the statute books, will forever remain.

Many people in the country think that this is universal military training; they have this bill and universal military training confused. This is compulsory service and has nothing on the face of the earth to do with any bill that may be reported here in respect to the universal training of men. The Secretary of War expressly stated in the hearings, and it can be read to you, that he did not recommend universal training at this time, neither he nor the President.

The people are being deceived in another way; I will not say that it is deliberate, but they are deceived, because they believe—and I know from letters and telegrams that I get—that you are not going to take the farmer, for they think that he is going to be exempt. They do not believe that you are going to take the man who is employed in the munition factory, or the man that is employed in the mine or in the coal field; they believe that they are all to be exempted, and that only loafers and vagrants are to be conscripted. They think married men are going to be exempted. There is not a word in the bill that exempts any of them, and it is not the plan of the War Department to exempt them, and members of the committee know it.

They know that every man between the age linfits, whether a farmer or a merchant or a lawyer, whether married or single, whether he be working in a munition factory or a cotton factory or anywhere else, is put into the box, and once his name is drawn he is not given an examination even at that time, or excused then, but he is taken into the Army, and the question as to whether or not he will be excused may be brought up later. That is what the Secretary of War said. When asked specifically about farm labor and other industries, he said that it will be after the crop is planted and after it is worked before they can get this plan in operation; and then here are his exact words:

If at the peak load of the harvest it becomes necessary to have men on the farms, and it seems desirable, we can furlough them back and let them gather the crop.

And then what will they do? Come on back into the Army and take their places again. That is what he said, and that is what they are going to do; and every married man and every other man whose name is put into the box and drawn will go into the Army, regardless of where he is employed or what he is doing. And yet the impression is carried all over this country that they are all exempt. Is it for the purpose of making this bill popular?

Take the preachers. I had a letter the other day from a preacher, and he said I was undemocratic and unpatriotic; and I wrote to him in reply and said that it was strange that the preachers were preaching every Sunday for war and urging the passage of the bill, and yet they were asking to be excused, and he replied:

Well, perhaps we are wrong about being exempted entirely. We would not mind being put in for some kinds of military service.

[Laughter.]

Mr. BLACK. Mr. Chairman, will the gentleman yield?

Mr. WISE. Yes.

Mr. BLACK. Does the gentleman think that preachers ought to be exempted?

Mr. WISE. No; I do not. If you are going to conscript, conscript everybody. Show no special favors. Yet this bill is full of them.

Mr. BLACK. Neither do I.

Mr. HOWARD. Will the gentleman yield?

Mr. WISE. Yes.

Mr. HOWARD. The gentleman stated that a million men are all that are needed.

Mr. WISE. No; I did not state that. I stated that is what the War Department said they wanted.

Mr. HOWARD. If they said they wanted only a million men, that is all they needed or they would have asked for more. Why did you bring in a bill to give them a million and a half?

Mr. WISE. Because after the War Department changed its original plan and decided to increase the Regular Army and the National Guard to full strength, as authorized by law, which gave them a million men, the number originally deemed sufficient, they still wanted to conscript 500,000, and we decided to let them do it on the same terms of enlistment as the Regular Army and the National Guard. They wanted that number, and we gave it to them.

Mr. HOWARD. Why did you not bring in a straight volunteer proposition instead of this mongrel?

Mr. WISE. Why did not the War Department ask for one?

Mr. HOWARD. You brought in not what the War Department asked for.

Mr. WISE. Yes, we did.

Mr. HOWARD. You did not comply with their wishes.

Mr. WISE. Yes, we did; except that we applied the volunteer plan to every man who would come into either branch of the service, exactly alike, whether in the Regular Army or the National Guard or in the 500,000. We just simply said, "Let them come exactly alike; put them all on an equal footing," and what is wrong about that? That is all there is in this bill. That is what all this fuss is about. Just because the committee decided that the 500,000 should be recruited in exactly the same way as the department asked to fill up to war strength the Regular Army and the National Guard; that is, by volunteering first; afterwards, if the President decides it is necessary, by draft. What is wrong about that; why should anybody object to that?

Mr. BORLAND. The gentleman from Georgia, the gentleman's colleague, asked the gentleman why the gentleman placed this draft-conscription feature in his bill at all and asks this House to vote for it.

Mr. WISE. I will answer the gentleman. If the gentleman does not believe in the volunteer system, why does he support on the floor of this House a bill to allow volunteers to fill up the ranks of the Regular Army and National Guard and then put in a provision afterwards to draft——

Mr. BORLAND. Answer my question.

Mr. WISE. I will tell you why—we believe, and every man in this House believes, we will raise all these soldiers by volunteers.

Mr. BORLAND. Why?

Mr. WISE. Oh, I will tell the gentleman if he will wait. But we say that if they do not, we will not leave this country in a position where it can not defend itself, and where it can not win this war. We say give volunteering a fair trial, and

if you do not get the volunteers then we will go and conscript these men up to 40 years of age to fight, and make it impossible for any man to say that we did not make proper provision. Now, is that an answer? [Laughter and applause.]

Mr. BORLAND. That is no answer at all. [Laughter.] If the gentleman had any confidence in his proposition, he would stand on his volunteer proposition.

Mr. GORDON. Will the gentleman vote to strike out the draft proposition?

Mr. BORLAND. No; but I will vote to strike out the volunteer system.

Mr. GORDON. Oh, the gentleman will?

Mr. BORLAND. Yes. I will stand on one thing and not two things.

Mr. WISE. I will say to the gentleman if it were left to me I would not at this time place a stigma upon the patriotism of the people of this country by enacting any compulsory service. I do not believe in slavery, either military or industrial. [Applause.] I would have issued a call for volunteers the next day after war was declared, and you would have had now in the field more than 500,000 men. [Applause.]

Mr. KEARNS. I would like to ask a question. If the volunteer system is so abhorrent to the gentleman from Missouri, why does he insist on the volunteer system for the National Guard and the Regular Army——

Mr. BORLAND. Oh, the gentleman is entirely mistaken with reference to the volunteer system——

Mr. KEARNS (continuing). And why does the gentleman object to it in this instance?

Mr. BORLAND. I object to it because we have already provided for a volunteer system and here the bill provides for another.

Mr. WISE. Mr. Chairman, in conclusion, it is insisted that having volunteers and conscripts together creates classes; the volunteer looks upon the conscript as a "slacker"—one compelled to serve. Have you ever thought, if that is true, of the position you are going to place our boys in when they go to the trenches of Europe? They will be placed along by the side of the great volunteer armies of England, Canada, Australia, and New Zealand; how, then will they be regarded? Will these volunteers of other nations look upon them as slackers, as slaves compelled to serve, and, therefore, inferior? You conscriptionists say so. How embarrassing, humiliating it will be to every true American to have his representative on the battle field so regarded. Would it not be a thousand times better to have an army of volunteers there, showing to the world that Americans do not have to be compelled to fight for democracy; that they are ready, as other Anglo-Saxon races are, to voluntarily give their lives for their country? In my judgment, if we adopt this conscription bill and send an army under it to Europe, it will be the one dark spot in our history that Americans of future generations will look back upon with sorrow and regret. Let us have a volunteer army to represent us, so that the real spirit of our country will be shown, that we, the one great democracy of the world, will not be the first to destroy democratic institutions, and be practically the only country represented by a conscript army in this great conflict; that we will not, in setting up democracy in the world, for which we are now fighting, destroy democracy at home.

I want an army of free men; not slaves. An American army, one representing American thought and sentiment, one representing American institutions and traditions, one showing to the world that democratic government is sufficient in time of war as well as peace, thereby showing to all nations that they should establish a republican form of government, where the people rule; that all government, in war or peace, should be by the consent of the governed. [Applause.]

Mr. DENT. Mr. Chairman, I will ask the gentleman on that side if he desires to use some time now?

Mr. OLNEY. Mr. Chairman, I yield 20 minutes to the gentleman from South Carolina [Mr. LEVER]. [Applause.]

Mr. LEVER. Mr. Chairman, I listened with a great deal of interest to the argument of the gentleman from Georgia [Mr. WISE]. I have listened to arguments from that side of the question attentively for several days, and when boiled down to their essence it seems to me that the issue here is not the plan proposed by the President, the War College, and the General Staff or the plan proposed by the majority of the Committee on Military Affairs, but whether or not the War Department ought to be abolished. Every gentleman who has spoken in favor of the volunteer system has felt it incumbent upon himself to attack the War Department and declare its inefficiency, a department of the Government which of necessity must lead our boys on the battle front. [Applause.] Mr. Chairman, I have taken no referendum of the people of my district as to the relative merits of the volunteer and selective draft systems of raising an army of 500,000 men, proposed to be raised in the pending bills, both majority and minority. I have had practically no indications in the way of letters or telegrams from the people I represent as to their feelings. I am sure they are not indifferent to it, and I take their silence to indicate that they continue to trust my conscience and judgment, as they have always done, to do the wise and right thing in the light of the opinion and facts which I, as their Representative in Congress, should have in larger abundance than they can possibly have. My friends, this is not a time when men can afford, as patriots and statesmen undertaking to do their best for their country, to try to ascertain what the feeling at home is.

We are a representative Government. We are not a pure democracy, as is so often thought. Two hundred thousand people in the district which I have the honor to represent have commissioned me for 15 long years to be their spokesman on the floor of this House. I have undertaken to be their spokesman, to be their conscience, their judgment, and their patriotism. I believe when I stand here to-day throwing my voice and my influence in behalf of the plan proposed by the President of the United States for raising this army, I am speaking their judgment and their conscience. [Applause.]

A representative Government; our Government! Mr. Chairman, if there was ever a time in the history of Congress when Members in their actions should be thoughtless of self, that time is now. My political life is of small concern to the future of this Republic. I might die and pass over the river and rest under the shade of the trees, and to-morrow there would not be a ripple on the water. That is unimportant, but my country's future is all important. I would sacrifice my political future willingly a thousand times in helping formulate wise policies for the successful conduct of this war, if to do so meant the saving of the life of one American boy who may be called to the colors.

Mr. Chairman, the country faces a grave situation. We are at war with the greatest and most autocratic power on earth. No prophet among us is wise enough to foretell the burden of blood, the sacrifice that this country may be called upon to give in the struggle ahead of us. We only know that in the end American resources and American valor will bring glorious victory to our standard. That is all we know. How long will it take? No one can say. When the end will come, no one can foresee. If Russia should collapse, if she should be forced into a separate peace, if Germany were able to transfer her forces now engaged on the eastern border to the Hindenberg line during the spring or summer, nothing save the power of this great country could stop her in her mad career in the direction of world dominancy.

Is there danger of that happening? Is there a possibility of Russia collapsing? We had as well face the fact. We had as well know what the future may have in store for us that we may prepare ourselves against the evil day. I read in the morning papers a statement from a gentleman before the National Press Club last night. He says this:

"There is more than a military possibility in any attempt the Germans may make to take Petrograd between now and September 1," said Stanley Washburn, newspaper correspondent, who has just returned from the Russian front, at the National Press Club last night.

"The United States must act at once to save Russia, for if Russia is allowed to slip out of the war this summer by making a separate peace, as she will probably be forced to do, even with a new rule by twelve most capable men, hampered by German intrigue, American soldiers will have to take the places of the Russian peasants in the struggle, and the United States will have to pay in the blood of thousands of its men just as the European nations are doing.

URGES 5,000,000.

"Let Germany know that America will be able to furnish 5,000,000 men in 1918, 1919, 1920, and the the war will be over in a year, and we will not have to send more than an expeditionary force to Europe," he said. "But if we raise a trifling Army of 500,000 to 1,000,000 men it is quite possible that the war will last at least three years, and we may lose a million on the west front alone.

"If Petrograd is taken the greatest munition and manufacturing base in Russia will be taken, the Russian fleet in the Baltic would be isolated, the lines of communication between England and Russia will be threatened, and the trans-Siberian Railroad will be given a terrific burden," he said.

WAR NOT TO BE SHORT.

"The Government must commence striking at the enemy with every means which is at its disposal—moral, financial, economic, and military," he added.

"The war is not going to end in a few months, regardless of what the current talk in America may be," he continued. "In England, Russia, and Roumania," he said, "the seeds of later disaster were sown in the belief among the people that the war was to be short."

This man speaking is a newspaper man who has been within the Russian lines and knows the situation. Can we afford in the face of testimony of that kind, testimony that has been repeated

over and over again of the danger of a Russian collapse, not to prepare ourselves for it, for the tremendous undertaking that may be ahead of us? Suppose the Russian lines should collapse. Suppose there is truth in the statement that Russia proposes to fight a defensive fight only, what would it mean to us? It would mean a contest that would be drawn out probably four, five, or six years. It would mean the giving of billions in treasure and millions in American lives. Do not shut your eyes to the fact.

The sea supremacy of Great Britain alone would stand between us and actual territorial invasion from Germany.

The issues in this war are large, beyond the imagination of men. Civilization itself is at stake. American life itself is at stake. American institutions themselves are at stake. This is not a war of children. This is not a child-play game. This is a war that is going to tax the very best of the resources and the courage of the American people. And in laying the foundation upon which we shall stand or fall in this conflict we can not, we must not, fall into the errors and pitfalls which have cost our allies so much in money and in blood. We must profit by their experience. We must learn by their costly example; we must be guided by the soundest reason; we must look, much as you dislike to own the fact, to the naval and military experts of the Government, whose education and training, whose experience and whose duty it is to study these problems, for suggestion and advice in the matter of the method of the raising of our armies and conducting them on the field of battle. [Applause.]

Ah, Mr. Chairman, if I should offer one prayer to Congress this afternoon, it would be, "God deliver us from our own prejudices and preconceived ideas upon this proposition." If I should offer a prayer for my country this day, so pregnant with fate, it would be, "God deliver it from having its military and naval affairs in this war conducted by laymen and politicians." [Applause.]

Mr. Chairman, I have tried to study the two propositions between which we must decide. I have read every line of testimony taken before the Committee on Military Affairs. I have followed this debate, the ablest I have heard in my experience in this body, closely and with great care. I have tried to find a difference in the two propositions upon which we divide, namely, whether the army which we are about to raise shall be raised as proposed by the majority of the committee, under a system of volunteering for a limited time and then by conscription if necessary, or whether it shall be raised in the very beginning by the selective-draft plan as proposed by the President of the United States, the Commander in Chief of the Army and Navy of the country, made so by the Constitution, and indorsed not only by the military experts of this Nation but by the military experts of every nation engaged in this horrible war. [Applause.]

This is the issue—the only issue about which we debate. Neither my conscience nor my judgment hesitates for a moment in pointing out my plain duty. I shall support the plan which has back of it the experience of the military experts and the unqualified support of one of the wisest and most far-seeing men who ever held the exalted position of President of the United States. [Applause.]

What is there about the plan proposed by the President, the conscription method of raising the army, that should call for this long-drawn out debate, this excitement, this bitter difference of opinion? Is there something in the word "conscription" that is abhorrent to the minds of the Representatives of the American people in this Congress? Does this word have a fatal meaning to those who support the volunteer system of raising an army? This can not be, Mr. Chairman, because the majority bill, supported by those who are clamoring for the volunteer system, recognizes the principle of conscription as a part of their plan if volunteering shall fail to raise the army. You can not get away from that. More than that, if the motion of the gentleman from California [Mr. KAHN] to strike out certain sections of the committee bill and insert the conscription plan is carried, as it will undoubtedly be, you gentlemen who are favoring the volunteer system, in the end will be forced to the alternative either of accepting the conscription plan or voting against the bill to raise the army. Which are you going to do? There is no choice for you. You have either got to take conscription, if the amendment carries in the Committee of the Whole, or you must put yourself in the attitude of having voted for war and then refusing to raise an army with which to fight it.

The majority bill gives to the President, in the view of certain members of the Military Affairs Committee supporting the majority bill, the authority, in his discretion, to put into operation forthwith, immediately, the conscription plan of raising the Army. It is only a question of when he shall do it—now or when the volunteer system has broken down. That is all there is to it.

Is the opposition to the selective draft based upon the idea that such a plan is undemocratic, unrepublican, and un-American, as is alleged? That can not be, because is has been shown repeatedly in this debate that the plan has been used time and time again in the history of this country. It has been shown in this debate and in the debate in the Senate that Thomas Jefferson himself, the founder of democratic thought in this country, was in favor of some such plan as is proposed by the present administration.

Mr. CHANDLER of New York. Mr. Chairman, will the gentleman yield there for a question?

Mr. LEVER. Yes.

Mr. CHANDLER of New York. I understand the gentleman says Jefferson advocated such a plan?

Mr. LEVER. I said it has been shown in debate on this floor, notably by the gentleman from Virginia [Mr. HARRISON], representing Jefferson's old district, and in the Senate, that Mr. Jefferson had in mind the idea of universal military obligation.

Mr. CHANDLER of New York. Does the gentleman identify universal military training with conscription?

Mr. LEVER. The underlying idea in conscription to my mind is that every American citizen who receives the blessings of our free institutions is under obligation at the call of his country to go to its flag in support of these institutions.

Mr. PLATT. Mr. Chairman, will the gentleman yield?

Mr. LEVER. Just for a question.

Mr. PLATT. I wonder if my colleague did not hear Mr. WISE, of Georgia, say a while ago that this bill provided for the beginning of universal military training?

Mr. CHANDLER of New York. He says he did not say that.

Mr. LEVER. I do not desire to yield to a colloquy between the gentlemen from New York.

Mr. Chairman, is the opposition to the administration plan based upon the thought that it is un-Southern? Is this the reason why we find some southern Members opposing it? This can not be, because the only southern government that ever existed, representing southern sentiment and southern hopes, enacted a conscript measure. This same southern statesmanship, brave and courageous, even idealistic in its patriotism, which for 60 years had been the dominating influence in the conduct of this Government, early in 1862, in the Confederate Congress, adopted the idea of conscription to meet the necessities of the situation. It was the same idea precisely as is contained in the plan proposed now by the President of the United States.

Mr. LANGLEY. Mr. Chairman, will the gentleman yield?

Mr. LEVER. Yes.

Mr. LANGLEY. Is it not a fact that the fortunes of the Confederacy began to wane right after the conscription?

Mr. LEVER. Surely; yes; and for this reason, if the gentleman from Kentucky will permit: Under the volunteer system the flower, the spirit, the patriotism of the South rushed to the colors at first. They were those who won the first battle of Manassas. I am not in favor of a system that is going to make the burden bearers of this country in the conduct of its wars a certain, selected highly impulsive patriotic class, while the slacker and the laggard and the sluggard stays behind. Not much.

Mr. GORDON. Mr. Chairman, will the gentleman yield?

Mr. LEVER. Yes.

Mr. GORDON. Which of those two classes do you think makes better soldiers?

Mr. LANGLEY. He has already indicated that. He says the volunteers do.

Mr. LEVER. Of course. I concede the argument very frankly. But let me tell you, my friends, that there is very much more involved in war than the enormous loss of life or the spending of money and the loss of blood. It will take from three to five generations for those European countries engaged in this war to have their citizenship again reach the average which it had when this war began. I am not willing to send to the front the very best of our blood and our brain in order that they may bear the burdens of the country, while the man with much disloyalty in his heart, with no patriotic impulses, is permitted to stay at home and see his country suffer.

But, Mr. Chairman, is the opposition to this plan based upon the experience of the military officers of the Government? Is it due to the fact that the trained military experts of the Nation—men trained and educated at public expense—are against this plan suggested by the President?

The CHAIRMAN. The time of the gentleman from South Carolina has expired.

Mr. LEVER. Will the gentleman yield me a little more time?
Mr. OLNEY. I yield to the gentleman five minutes, Mr. Chairman.
The CHAIRMAN. The gentleman from South Carolina is recognized for five minutes more.
Mr. LEVER. This can not be, because every military man in the country, the General Staff, the War College, the civilian head of the War Department, all without hesitation tell us—who are laymen, who are not trained fighting men, who can have no special reason for expertness in military affairs and methods—that the plan proposed here by the majority of the committee must prove a failure under the circumstances, and that the plan of raising the army by the conscription method is the only efficient plan upon which we can rely in this our great crisis.
Is the opposition to this plan based upon the experience of the warring nations of Europe? This can not be. Capt. Benson, of the English Army, before the Committee on Military Affairs, set out in detail the reasons why the conscription plan is the more practicable and sensible plan.
Mr. WISE. Mr. Chairman, will the gentleman yield?
Mr. LEVER. I am sorry I have only five minutes.
Mr. WISE. Do you not know that Capt. Benson testified in answer to a direct question that if England were in the same situation as the United States, to wit, if it had 22,000,000 men subject to military duty and wanted only 500,000 and were asked to adopt conscription, it would not? That is what he said.
Mr. LEVER. I know that Capt. Benson testified that the adoption of the volunteer system at the beginning of this war had cost the English people hundreds of thousands of lives and billions of treasure. [Applause.] I defy you or anyone to deny that proposition.
That is not all. Even in this morning's paper Lieut. Gen. Bridges, who is over here with the British mission, and who is a veteran of nine wars, is quoted as saying that the volunteer system had cost England thousands of her best lives, demoralized her whole industrial mobilization, and set the country back immeasurably in the prosecution of this war. That is what he says.
Lord Northcliffe, the great English newspaper man, who probably has done more than any other man in England to prepare his country for the awful sacrifices it is now making and to direct it away from the pitfalls and follies of sentimentalism, is reported as saying:

In the vibrant days of the summer and autumn of 1914, in the first rush of patriotic volunteers, resulting in the greatest volunteer force ever raised in the world's history, all manner of important matters broke down—most notably, perhaps, that of the medical examination of recruits.

Even in the morning papers Lieut. Gen. Bridges, veteran of nine wars, and the first British officer to meet the Germans, is reported as saying:

The volunteer system had cost England thousands of her best lives, demoralized her whole industrial mobilization, and set the country back immeasurably in the prosecution of the war.

This is the kind of testimony the experience of Europe brings us.
Shall we shut our eyes to it? Shall we refuse to heed such warnings because of the sentiment found in the expression "Let the boys volunteer"? I can not think so. War is a terrible thing, and this is the most terrible war of history.
The CHAIRMAN. The time of the gentleman has expired.
Mr. OLNEY. I yield to the gentleman from South Carolina five minutes more.
Mr. LEVER. Mr. Chairman, we must start right, or the blood of our boys who die in the trenches or in the training camps because of our mistakes, because of our refusal to heed the teachings of experience and wisdom will be upon our heads. Let us not deceive ourselves. The talked-of responsibility of a Member of Congress is at this hour really upon him. The American people have never failed to measure up to any responsibility, and I believe this Congress to be truly representative of the very best capacity and patriotism of the American people. [Applause.]
Mr. Chairman, I intend to support the conscription plan for raising our Army, because, in addition to the reasons already indicated, I believe every citizen of military age owes this country military service in its hour of peril.
Mr. GORDON. Why do you not include ages above 25 years then?
Mr. LEVER. I am perfectly willing. Why didn't you do it?
Mr. GORDON. I did, sir.
Mr. LEVER. Then I am with you. We have no quarrel.
Mr. GORDON. The War Department did not, though.
Mr. LEVER. I am not with the War Department on that.
Mr. GORDON. Oh, well, I thought you were.

Mr. LEVER. I am unwilling that the high-spirited, patriotic boys of my State and country shall be the sole burden bearers of defending its institutions. This duty should be borne by each alike. I am in favor of this plan because it places a duty on each alike, upon the rich and the poor alike, upon him in high place and him in low place alike, upon the farm boy and the son of the banker alike, upon the son of the humblest mill operative and the son of the owner of that mill alike.
I support it because it is the very essence of democracy, of fairness, of genuine Americanism, where in sovereign power and duty each is the equal of every other citizen.
Mr. Chairman, the people of this country and their trusted leaders are thinking. They will not be deceived. I want to read in this connection and in this hearing a telegram received yesterday from a great South Carolinian, now enfeebled by age, but, thank God, undiminished in patriotism, a man who for 27 years has been a leader in the thought of the people of his State, and the Nation as well, a statesman and a seer. This telegram is addressed to me, from Trenton, S. C.:

TRENTON, S. C.

Hon. A. F. LEVER,
Washington, D. C.:

Before leaving Washington I was very much opposed to raising an army by conscription. I have changed my mind, and would vote for it now for these reasons: The volunteer system would demoralize business throughout the country and cause great loss to the people by the rise in price of commodities. The forceful men, who could least be spared from the walks of industry, would volunteer. England was forced to return many thousands of this kind of men to civil life after having spent much precious time and money to train them as soldiers. Conditions of war have changed since our civil conflict. Then conscript and convict were closely akin in the opinion of good people, whereas we now realize that the same democratic doctrine which gives every man a voice in the Government forces him to bear his just share of its military burdens. We can not afford to risk a failure of volunteers. The fact is we must come forward to resort to a draft at last. It would hearten Germany too much. Time is precious and we should get an army in training at the earliest possible moment. Please show this telegram to the other members of our delegation and urge them for me to stand as a unit behind the President's bill. I changed my mind after letting it be known that I was opposed to conscription, considering it more manly to acknowledge error than to stand by it. Hence, I telegraphed a friend in the Senate to announce how I would vote if I were present, and to so arrange my pair.

B. R. TILLMAN,
United States Senator.

[Applause.]
The difference, Mr. Chairman, between the majority bill and the administration proposal does not constitute a difference in principle, but only a difference in policy or method. Bear that in mind.
Mr. Chairman, one other thought and I am through: To my mind we are dealing to-day not so much with a legislative enactment as with a psychological situation. We are called upon to raise an army. This we must and will do. The President of the United States, his Cabinet, and advisers have called upon us to raise it in a certain way. That the way proposed is the best way, in my way of thinking, has ceased to be the vital question. The German Kaiser is supposed to rule by Divine right. The German people have been taught for generations to believe this. They look upon him as the responsible head of the Government; yea, even as the Government itself. They do not and can not have any conception of the ideas which underlie our system of government. In their mind the President of the United States bears the same relationship to the American citizen that the German Kaiser bears to the German individual. In their conception of this relationship they feel that when the Kaiser goes down the Government goes down; when the Kaiser suffers defeat the Government suffers defeat. They can not see things as we see them. The German press, the German writers and publicists, and German statesmanship for the past 12 months have combined in a campaign of undertaking to teach the German people the thought that they need have no fear of America, because the German sentiment in America would stand as a safeguard to them and as a barrier against danger from us. No man denies that they have attempted to create this idea among the German people. I have no doubt that the German press this morning—because yesterday was a field day here—have chronicled in black type the progress of this debate. I have no doubt that the German soldiers in the trenches are being told by their officers, and by leaflets distributed among them, that the American President is about to be defeated by the American Congress in his effort to raise an army.
Suppose the German press to-morrow morning should carry in great headlines the statement, "The American Congress repudiates President Wilson's plan for raising an army. The President suffers crushing defeat," and so on; what would be the effect, gentlemen of the committee, upon the German mind? How much would it hearten them? How much encouragement would it give them to continue the desperate and bloody strug-

gle? How long would it prolong this war? We can not shut our eyes to the effect of such an announcement to the German people. We can not afford to underestimate the power of psychology in any situation. How many American boys will have to die in the trenches across the water because we refuse to recognize that? Reverse the situation and let our newspapers to-morrow morning carry with appropriate headlines the statement that the German Reichstag has refused to follow the suggestion of the Kaiser, indorsed by his ministry and his military advisers, Von Hindenburg, Von Tirpitz, and others, in a matter of vital concern to the German military establishment, and what would be our feeling of rejoicing because of these glad tidings? We would not hesitate to reach the conclusion that the German autocracy was breaking and that peace, blessed peace, peace for all the ages, was near at hand. [Applause.]

The German people are no less sensible and impressionable than are we. To defeat the President's plan under circumstances like these will be to prolong this war from three to six months; it would mean, I fear, the sending of thousands of additional men, American men, into the trenches.

In almost unanimously adopting the war resolution, in unanimously passing the $7,000,000,000 appropriation for the conduct of the war we have shown a spirit of American unanimity which must bring small comfort to our enemies. We have put our hands to the plow. To turn back would be fatal; to hesitate, to quibble, to split hairs on technical differences, to refuse to go forward for sentimental or traditional reasons, to fail to measure up to the high courage required by the occasion and the issue, would be almost as fatal. We must show a solid front.

If my future is to be sacrificed because I stand for what I conceive to be my duty in the interest of American manhood and womanhood, then I tender that future as a willing sacrifice upon the altar of my country.

The CHAIRMAN. The time of the gentleman has expired.

Mr. OLNEY. I yield 20 minutes to the gentleman from Massachusetts [Mr. GARDNER]. [Applause.]

Mr. GARDNER. Mr. Chairman, I am proud to-day to be a Member of this House of Representatives. I have never known the House of Representatives when I believed so many of them were determined to vote as they thought right, and to vote without regard to political consequences to themselves. [Applause.] I never heard a better debate than I have listened to in the last three days. I never heard fairer arguments, I never heard truer eloquence, I never heard more sincerity nor sounder reasoning, than I have listened to in this debate. It makes me very proud to be able to say that I think that the Members of the Sixty-fifth Congress, no matter which side of this question they have taken, have risen superbly to the occasion. [Applause.]

I have always spoken in favor of universal military training, but I have generally said that I did not approve of that particular part of the plan which requires compulsory military service in time of war. Possibly my attitude at this time may be regarded as inconsistent with the doctrine which I have heretofore preached. I do not think my attitude inconsistent, but even if it is so I do not much care, and I doubt whether it is going to keep anybody awake at night whether I am consistent or inconsistent. A practical situation confronts us and a counsel of perfection is not very practical at the present time.

I am going to start by admitting the soundness of certain positions assumed by my opponents. Of course, I know that, other things being equal, an army of 500,000 volunteers is better than an army of 500,000 conscripts. [Applause.] That goes without saying, assuming that they are of the same age and equally well trained. That is incontrovertible. Every man knows in his own breast that in any given situation he himself would fight better if he felt that he was a volunteer than he would if he were forced to engage in battle whether he wished to do so or not. That is agreed, to begin with.

Now, for another premise. Here is a doctrine which I lay down as basic. I have no common ground for argument with anyone who does not agree to it. I regard it as a fundamental principle that we should adopt every measure which will bring this war as speedily as possible to a victorious ending and that we should put aside every measure which will in any way delay or render less certain that victory. Therefore, to my mind, it is only a secondary consideration whether or not we impose a stigma on some of our citizens. If that stigma is an incident to the most speedy plan for raising an efficient army, then the public welfare demands that that stigma must be borne. In this emergency the test of every measure must be its military effect.

This bill provides an opportunity for six or seven hundred thousand men to volunteer in the Regular Army and in the National Guard. Personally, I do not think we shall get much volunteering for the Regular Army or the National Guard so long as we continue to pay our privates only half as much as our next-door neighbor, Canada, pays her privates.

Possibly the immediate effect of this measure may be to increase enlistment in the National Guard, and for this reason: Many a young man, finding himself likely to be conscripted, may say, "I will anticipate that event rather than take the chance of having my name drawn in the lottery." Therefore I expect that a good many young men, after the passage of this act, will enlist in the National Guard. I am sorry to say so, because I do not believe that the National Guard is a solid foundation for an army fit for the business which we have in hand. There is altogether too much deadwood among the officers of the National Guard.

Now, let us see just where my position differs from the position of those of you who oppose the administration's program. I say, "Let us have conscription right away." You say, "Let us have conscription only in case voluntary enlistment shall first have proved a failure; let us try the volunteer plan for a while."

I admit that hitherto there has been no fair chance for voluntary enlistment. Of course there has not. No man who enlists to-day knows whether he is mortgaging his future for a long period of years or only for the duration of the war. No man as yet knows just what Uncle Sam wants of him. I grant all that. Yet it is the duty of every Representative in this body to say to himself, "Do you in your heart believe that the situation as to voluntary enlistment would be much more satisfactory to-day if every young man in the Nation knew exactly the conditions under which he might enlist and if the President had issued a call for volunteers?" I for one do not think that, under any circumstances, volunteers would be crowding forward. I believe that this country has not yet awakened to the requisite pitch of enthusiasm about this war. The war is being fought for an ideal. As the gentleman from Kentucky said yesterday, it is a holy war; and everyone knows that mere holiness does not, in the first instance, arouse enthusiasm in our breasts. We are fighting for a principle of government, for democracy against autocracy; but abstract principles at first seem a long way off to the man in the street, while the machine gun seems formidably near. But let the rank and file once get through their heads the principle for which we have gone to war, and they will outstrip their leaders in fidelity to that principle.

So, then, I admit that we are fighting a war in which the people's enthusiasm has not yet been awakened, and that is why I believe we should not depend upon volunteers.

You say that in 1914 and 1915 there were plenty of volunteers in Great Britain. That is true, but the situation was very different. The enemy was near at hand and imminently menacing. But far more cardinal than that circumstance, there was a moral issue which every Briton could understand. That Germany could possibly injure him he would not concede; that the future of Great Britain was bound up in the inviolability of the rights of small nations he did not understand and probably did not admit; but that his government had made a promise and that promise must be kept was as plain as daylight to the Briton in the street. He knew that without protest from him his government had agreed with France and Russia that the three nations should stand shoulder to shoulder against an attack on any one of them. He knew that his country had promised to protect Belgium. So John Bull became Thomas Atkins and went to war to keep his promise like a gentleman. In Great Britain the appeal was simple and obvious; with us the appeal is instinctive and idealistic.

Let us see if we can not get the issue framed between us. I have admitted that your volunteer army, if you can get it promptly, would be a better army. If you knew that you could speedily raise a volunteer army of 500,000 young men, and if you knew that you could follow it in a few months with another army of 500,000 volunteers, your position would be strong; but even if you honestly believe that you can raise those two armies, yet in the nature of things you can not *know* it and so your course would project even more uncertainty into our warfare. Nowadays, in order to prepare in advance for each move and each campaign, generals must long beforehand know to a certainty what troops they can count on. In modern warfare you must not guess that you can get your men, you must know that you can get your men; you must know when you can get your men, where you can get your men, and how you can get your men, the ages of those men and their qualifications; otherwise you are not prepared to make modern warfare. Without masses of trained young men in the land, you can not possibly on a volunteer basis be sure of getting the troops which you need.

Mr. TILSON. Mr. Chairman, will the gentleman yield?

Mr. GARDNER. Yes.

Mr. TILSON. I would like to ask the gentleman if he has taken into account in his estimating the value of those two groups of 500,000 each the fact that if raised by volunteers we would have a lot of untrained officers, if raised in the usual way—a lot of officers who know nothing whatever about military matters—whereas if raised by the other plan they would have knowledge?

Mr. GARDNER. For the present I shall not take up the question of officers, because I am anxious to pursue my comparison between the two different ways in which it is suggested that the men should be raised.

The Dent bill, which we are considering, provides that all the young men in the country shall be enrolled, and that while enrollment is going on the volunteer system shall be given a trial. If successful, it is to be continued. If it fails, then conscription is to take its place. The Kahn amendment, which I am advocating, cuts out this volunteering feature, so far as the new army is concerned. Many of you believe that the Dent plan would not delay the organization of the new army a single day. I am going to take up that question of delay, but first I want to call your attention to the lamentable moral effect which the defeat of the administration's plan would entail. If the wide world finds that the President is defeated in his conscription program, do you not know that it will have a most depressing effect upon our allies and a most exhilarating effect upon our enemies? The President is the head of the war party in this country. That is why I follow him at present. If so early in the war you break down the plans of the President, your war party will not be able to act efficiently in conjunction with the other powers at war with Germany.

Now, suppose that we take a square look at this question of delay which I spoke of a minute ago. The enrollment will be complete inside of 30 days from the time this bill becomes a law. I understand that such was the estimate sent to Senator CHAMBERLAIN to-day by the Secretary of War. Suppose you go ahead upon your volunteer basis. Suppose the whole War Department turns to and prepares to raise volunteers in every village and town throughout the land. At the end of 30 days we shall scarcely have our recruiting stations open and our mass meetings arranged. If the President were to interpret the Dent bill exactly, he could then declare the volunteering plan a failure, and he could order immediate conscription. But he would not do so.

If we adopt the Dent bill as it stands and if we reject the Kahn amendment, the President will not discontinue the volunteering experiment in 30 days, even if the enrollment is complete and few volunteers in sight. On the contrary, the President will be bound to say, "I shall interpret this law according to the intent of Congress, and the intent of Congress was to give the volunteer plan a trial." Suppose, as I believe is inevitable, that you fail to attract your volunteers, what is going to happen? Pretty soon the President will say, "This has got to stop; this is a manifest failure," whereupon we shall find in my State and in your State companies half filled with volunteers; we shall find regiments half filled with volunteers; we shall find units of all sorts half filled with volunteers, and all of a sudden will come the order to stop volunteering and go upon the conscript basis, because volunteering is a failure. That means that those units will be half volunteer and half conscript. Can you imagine any more unhappy situation? That is what would happen if you were to start in on a basis of volunteering and if the volunteering proved to be a failure, as I believe would be the case.

Suppose you were a Frenchman in a Flanders trench and you heard that we had tried the volunteer system and that it had broken down. Would you not feel discouraged? Would you not say, "I do not know much about those Americans. The Russians are making us pretty uneasy and now it looks as if our new allies were not going to make good." Do you think that that sort of thing is likely to be conducive to a speedy termination of this war?

Mr. STAFFORD. Mr. Chairman, will the gentleman yield?

Mr. GARDNER. How much time have I consumed, Mr. Chairman?

The CHAIRMAN. The gentleman has consumed 12 minutes and has 8 minutes remaining.

Mr. GARDNER. I yield.

Mr. STAFFORD. Did the fact that England ordered conscription cause a destruction of the morale in the trenches of the English troops?

Mr. GARDNER. No; but the situation was entirely different. The British raised about 5,000,000 volunteers before they resorted to conscription.

Mr. CHANDLER of New York. Mr. Chairman, for information I would like to ask the gentleman how many conscripts the English had under their system?

Mr. GARDNER. I think the British conscripted about a million and a half men, according to the testimony. Of course, that figure includes those boys who have come of military age since the conscription law was passed.

Gentlemen fear that a stigma will attach to all young men who are conscripted. Even if that were the case, it would be a secondary consideration in this war. But I think the fear quite groundless. It is true that in our Civil War the men who were drafted in the North were but lightly regarded by the volunteers; but let us look into the history of the northern draft. It was instituted in 1863, when the patriotism of the North was at the lowest ebb, when the authorities permitted organizations to be formed to oppose at every step the law's execution, when governors seemed to vie with each other to defeat its purpose. The cream of northern youth had already been skimmed, and the result of the draft was a beggarly handful of culls. I am ready to admit that the northern draft was a failure. But not so with the South. I have here the report of Gen. John S. Preston, superintendent of conscription of the southern Confederacy. I find that the first conscription law was passed in April, 1862, and after that date no volunteer law was passed which applied to men of an age subject to conscription. The Confederate act of April 16, 1862, conscripted every man already in the Confederate Army. It conscripted them for three years, although the enlistments of 100,000 of them were on the point of expiring.

Besides the soldiers already in the army who were conscripted by the passage of the law 81,993 other men were enrolled and assigned to the army camps of instruction. Furthermore, there were, in addition, at least 76,206 men subject to conscription who anticipated the action of the Confederate military authorities by repairing direct to the southern army. By the way, Gen. Preston, in his report, expresses the opinion that this last figure is too low. So the Confederate Army, as a result of conscription, secured over 150,000 men, although it is fair to suppose that many of those who repaired direct to the army would have done so as volunteers, any way. Now, did any of you ever hear any criticism of any of those men because they were conscripts? Did you ever hear that a stigma was cast on them by anyone in or out of the Confederacy. Most people either never knew or else have totally forgotten that the South adopted conscription. Certainly no one ever heard of any stigma.

Mr. BYRNES of South Carolina. Will the gentleman yield for a question?

Mr. GARDNER. Certainly.

Mr. BYRNES of South Carolina. Does the gentleman approve of the exemptions made in the conscription bill of the Confederate States?

Mr. GARDNER. No; I do not.

Mr. BYRNES of South Carolina. Does the gentleman approve of the exemption of all newspaper editors?

Mr. GARDNER. No; I do not believe in that kind of exemption, and I object to the substitute system. I believe that Secretary Seddon estimated the number of southern substitutes at 50,000.

Mr. BARKLEY. I recall the gentleman to the fact that the first conscription law passed by the Confederacy contained no exemptions at all.

Mr. BYRNES of South Carolina. Will the gentleman yield? The law was passed in April, and when they began to conscript them they tried to secure exemptions, and in October, 1862, the newspaper editors got these exemptions——

Mr. GARDNER. I would rather make my own speech. [Laughter.] The original conscription act did not contain the provisions for exemptions. They were specified in a separate act passed five or six days later. A good many people have said lately that it was not conscription which enabled the South to fight so long. I am going to read from a letter written by Jefferson Davis, President of the Southern Confederacy, to the governor of Georgia, Joseph E. Brown. Gov. Brown fought the conscription law, partly on constitutional grounds and partly on grounds of public policy. President Davis's letter can be found in "The Rise and Fall of the Confederate Government." It is dated May 29, 1862, and runs, in part, as follows:

I would have very little difficulty in establishing to your entire satisfaction that the passage of the law was not only necessary but that it was absolutely indispensable; that numerous regiments of 12 months' men were on the eve of being disbanded, whose places could not be supplied by raw levies in the face of superior numbers of the foe, without entailing the most disastrous results; that the position of our armies was so critical as to fill the bosom of every patriot with the

liveliest apprehension; and that the provisions of this law were effective in warding off a pressing danger. But I prefer to answer your objection on other and broader grounds.

Now, I want to read this:

On July 17, 1862, the Confederate Secretary of War wrote a confidential letter to the governors of the Confederate States, which opens with the following language:

"Our armies are so much weakened by desertions and by the absence of officers and men without leave that we are unable to reap the fruits of our victories and to invade the territory of the enemy."

This letter was written after the defeat of McClellan in the Peninsular campaign. The full text may be found in the Official Records of the War of the Rebellion, series 4, volume 2, page 7.

So we see that conscription in the Confederacy carried no stigma.

Mr. SHALLENBERGER. Mr. Chairman, I yield 15 minutes to the gentleman from Florida [Mr. CLARK]. [Applause.]

Mr. CLARK of Florida. Mr. Chairman, it seems to me that with all of the talk that we have had for several days this whole matter when brought down to its last analysis involves only two questions, one a very important question; the other, I think, not so important. The administration bill, or the bill of the War Department, as I understand it, provides for a volunteer system to fill up the Regular Army and to fill up the National Guard to war strength. If this should prove a failure in those two branches of the service, then conscription is to be resorted to. The bill reported by the majority of the committee also provides for volunteer service to fill up the Regular Army and to fill up the National Guard to war strength, and if that shall prove a failure, then resort is to be had to conscription.

So thus far the two propositions are identical. It is only when we come to raising the additional army of 500,000, or perhaps a million, of men that a difference of opinion arises.

Now, Mr. Chairman, it seems to me as an ordinary layman, with no military experience and no military knowledge, that if a system is good for the purpose of raising about 150,000 men to bring the Regular Army to its war strength and for raising about 500,000 men to bring the National Guard to its war strength, it ought to be good enough to raise an additional army of 500,000 or 1,000,000 men for the purposes of this war. I can not understand the reason which prompts gentlemen to insist that the volunteer system is right to raise 650,000 men for the Regular Army and the National Guard, but is all wrong when you come to raise 500,000 men for an additional army.

But there is a reason for that in the Army bill—and it is the Army bill. The reason is, or the purpose is, to make volunteering obnoxious to the people of this country. They know that men will not volunteer to go into the Regular Army. They know that a large proportion of our citizenship will not volunteer to go into the National Guard. It means practically seven years of service. The men of America are willing and anxious to volunteer to go into the Army to fight this war, but they are not willing to tie themselves up for seven years of service in the Regular Army or the National Guard.

Mr. OLIVER of Alabama. Will the gentleman yield?

Mr. CLARK of Florida. Yes.

Mr. OLIVER of Alabama. Is the gentleman informed that more than two weeks ago orders were issued by the Secretary of War to give to all the recruiting officers, that all enlistments since the beginning of the war would be for the term of the war?

Mr. CLARK of Florida. I do not understand how they can issue an order of that character when the law is otherwise.

Mr. OLIVER of Alabama. I will state to the gentleman that that is the order.

Mr. CLARK of Florida. It may be the order, but as I understand the law to-day, when you enlist in the Regular Army you enlist for three years, and then you go out into civil life, but you can be recalled into the service at any time during four years. That is the law as I understand it, and it makes no difference what orders they may issue such orders can not change the law. The gentlemen say, and the gentleman from Missouri [Mr. BORLAND] has been harping upon the proposition, that the volunteer system is having a fair test now, because men can volunteer in the Regular Army and in the National Guard, and they are not doing it as rapidly as they ought to do it. It has been asserted that the volunteer system is having a fair test now in that respect, and they say it is a failure because we are getting only about 1,000 men a day; but the fact remains that while men may be willing to volunteer to fight this war, they are unwilling to bind themselves to a humdrum existence in the Regular Army or in the National Guard for a period of seven years.

I hold in my hand a clipping taken from the Washington Post of this morning, and I want to read it to those gentlemen. It says:

FLOCK TO ENLIST UNDER ROOSEVELT—OF 123,000 APPLICANTS 60 PER CENT ARE FROM THE SOUTH.

NEW YORK, *April 25*.

Approximately 123,000 men have applied thus far and been found to meet the necessary requirements for membership in Col. Theodore Roosevelt's proposed army division, it was announced here to-night at enrollment headquarters, which were opened some time ago with the former President's approval.

One hundred and twenty-three thousand, one-fourth of the 500,000 desired, have already volunteered to go with Roosevelt to France. [Applause.] And yet these gentlemen tell us that the American spirit is dead and you have got to conscript your men to get them into the Army. "Conscript" sounds like "convict" to me, and it carries on its very face the stigma of disgrace.

Mr. DALE of New York. Has the gentleman from Florida any knowledge of the number of men who reside in the State of New York who have volunteered for this Roosevelt army, so called?

Mr. CLARK of Florida. To the shame of the gentleman's State, I will say that this article says:

Only 50 of the applicants, it was said, were under 25 years old. None below this age are now being accepted.

Sixty per cent of the volunteers are from Virginia, North and South Carolina, and other Southern States, while in New York City not more than 1,000 have enrolled.

One thousand! I say it is to the shame of the gentleman's State.

Mr. DALE of New York. Will the gentleman yield?

Mr. CLARK of Florida. For a question only.

Mr. DALE of New York. Is there any doubt in the gentleman's mind that when the real call comes it will not be well answered by the people of the State of New York?

Mr. SHALLENBERGER. When it comes to the draft; yes.

Mr. CLARK of Florida. I do not know whether the gentleman means by the "real call" conscription or volunteering. If it means volunteering, they have been given a chance now with Roosevelt.

Mr. DALE of New York. Either call.

Mr. CLARK of Florida. And, say what you please about Roosevelt—I do not agree with him in his political ideas—but he is a red-blooded American and he is ready to go. [Applause.] And the solid Americans of this country will go with Roosevelt and other men of that character if volunteers are allowed to go.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. CLARK of Florida. Yes; for a question.

Mr. LAGUARDIA. In the figures quoted by the gentleman, do you take into consideration the number of men in the National Guard of the State of New York?

Mr. CLARK of Florida. I am reading simply what the Washington Post, the great advocate of conscription, said.

Mr. LAGUARDIA. In quoting the figures concerning men who have enlisted from the State of New York, please take into consideration the National Guard of the State of New York as well as the number of men they sent to the border, compared with those from other States.

Mr. CLARK of Florida. I beg your pardon, but I did not yield for a speech.

Mr. Chairman, it has been said here better than I can say it that every war that this country has ever been engaged in has been won by the volunteer soldiers of America. Take the War between the States. The Regular Army of the Union—the flower of the Regular Army—went down in Virginia to Bull Run to meet the undisciplined, untrained volunteers of the South. When they met them this Regular Army went flying back to Washington in wild confusion and disorder. And so it was all during that struggle. And the Union soldiery never began to touch the Confederate soldiers until the volunteers from Ohio and Illinois and Indiana and these other States went into the ranks. Your Regular Army did not feaze them.

And yet we are told that conscripts must fight our wars, and, as has been so well said, you are going to conscript, but you are going to release the farmer, you are going to release the mine worker, you are going to release any man working in an industrial enterprise. The man who is needed at home, the man who is doing something, is not going to the front. You are going to excuse them and send an army of loafers and ragamuffins and ne'er-do-wells to fight the battles of this country against the trained soldiers of Germany. The flower of the English Army and the flower of the French Army and of the Russian Army and of the Italian Army and all those nations have not been able to conquer the indomitable spirit of Germany yet. When it comes to America to take her stand and go into this great world struggle, instead of sending the brave, the noble,

the true, the patriotic, you are going to send the loafer, the barroom bum, the tramp, those who do nothing and who are worth nothing, to fight your battles——

Mr. SIMS. And the knights of the pool room.

Mr. CLARK of Florida. Yes; as suggested by my friend from Tennessee, the knights of the pool room. My God, what a commentary upon America!

Oh, they say, the volunteer system is going to cause some one to sneer at somebody else. They contend that conscription will work more smoothly. They say there will be no trouble about it at all. Let me call your attention to an instance to-day: You will remember that the National Guard was on the border for nine months. There was a regiment from my State down there. They have been sent home. They have been disbanded. Those boys to-day are expecting the call every hour. What is the result? They can not get employment anywhere. Everywhere they go and apply for employment the prospective employer says, "I can not take you because you are liable to be called into the service to-morrow. I must have somebody that I can rely on, somebody who is going to stay here in my business." The result is that those boys are down there to-day without employment and depending upon their friends for support until they are called into the service again.

What will be the result if you adopt a conscription law? Every man in this country between the ages of 19 and 25 will be denied employment until it is determined whether he is to go into the service or not. Let him apply for employment where he pleases, and his prospective employer will say, "No; you are of military age; you are under the ban of this conscript act. You are liable to be called into the service any day. I have got to have men upon whom I can reply, who will stay with me, and therefore I can not give you employment." [Applause.]

This uncertainty will disorganize our economic system and leave the industries of this country at the mercy of some little military martinet who happens for the time being to be in charge of this merciless and conscienceless draft.

Mr. Chairman, the bill proposed by the War Department and advocated by the minority of the Committee on Military Affairs is the beginning of an era of militarism in this Republic which bodes no good for republican institutions. Let no man lull his conscience to sleep with the thought that this conscription plan is temporary and only intended for the period of the war with Germany. Once fastened upon our system of government it is there to stay for all time, and we might as well face this fact right here and now.

Mr. Chairman, I stated in the beginning of my remarks that one very important question was involved in this controversy, and I now desire briefly to refer to that important question. I sincerely and honestly believe that the further existence in this Republic of representative government itself depends upon the conclusion which Congress shall reach on this bill. If the views of the minority shall be adopted, then there will be no further need for a Congress. Why should we be here if our only function is to swallow each and every measure sent here by a department without the dotting of an "i" or the crossing of a "t"? Has Congress lost its every sense of independence? Are we no longer the chosen Representatives of the people? Have we degenerated to mere legislative eunuchs? Are we simply rubber stamps in the hands of a bureaucrat? If these things be true no one should wonder that the House of Representatives has sunk to such a level that it no longer claims the respect of the average American citizen.

It has been said that "there was only one greater coward than a Member of Congress, and that was two Members of Congress." How long will we allow this thought to be prevalent in the public mind? How long, oh, how long before the American Congress will assert itself and rise to the summit occupied by this body in the old days?

We are told we must stand by the President. I want to stand by and act with the President. But if he is the honorable, brave, high-minded, and patriotic man I believe, yea, that I know him to be, he would despise me if he thought that I deliberately sacrificed my honest, conscientious convictions in an effort to curry favor with him. I voted for the war resolution. I voted for the issue of $7,000,000,000 of bonds and shall vote for each and every measure necessary to bring this war to a successful conclusion, but, so help me God, as long as I am a Member of this House I shall think and act as the chosen Representative of a free people, uninfluenced and unawed by any outside consideration.

Mr. SHALLENBERGER. Mr. Chairman, I yield 15 minutes to the gentleman from Mississippi [Mr. SISSON].

The CHAIRMAN. The gentleman from Mississippi is recognized for 15 minutes.

Mr. SISSON. Mr. Chairman, I presume that no Member of Congress will question the patriotism of any other Member of Congress on the issue now pending. When the issue was submitted to this House to determine whether or not a state of war existed between the United States and Germany, every Member present, except 50, voted that a state of war did exist, and authorized the President of the United States to use all of the means necessary to bring this war to a quick and successful conclusion.

When the bill was before the House to take from the assets of the country $7,000,000,000, the most stupendous sum ever voted by a legislative body in any one sitting in the history of the world, it passed this House without a single dissenting vote. So it does not lie in the mouth of any Member to question the motives of another.

I believe that every Member of Congress now desires to do that which he deems is the best for the country, and to raise the best and the quickest and most efficient army to fight the battles of the Union.

I am sure, Mr. Chairman, that I have no other motive and am moved by the highest sense of patriotism in every word that I utter and every vote that I cast.

The question is, Shall we have conscription or shall we have the volunteer system? The fight for conscription is being led by the gentleman from California [Mr. KAHN], who was born in Germany. It is natural that he should be for the conscript system. I do not blame him in the least. But it strikes me, gentlemen, that we are going far afield in a new and untried experiment.

This plan of the so-called selective draft has not been tried by any Nation in the history of the entire world.

GERMANY.

In Germany, where they have had universal military training for more than 40 years, no such system would be tolerated. It is entirely too Prussian for Prussia itself. Under the German system, which is universal in its application, when a call is made to colors every man of the age within the class is called to the colors without discrimination or selection.

FRANCE.

In France, where they have had military training, at the beginning of this war a general call was issued for volunteers, and every citizen able to bear arms was called to the front. Those who had had military training went immediately to the defense of their country, and all the others went immediately into training.

ENGLAND.

In England, where the people have been, as in America, opposed to large standing armies and large military establishments, where liberty is respected and freedom prevails, the English Parliament would not pass a conscription law of any sort, either general or selective, but the call was issued for volunteers, and more men enlisted than the army officers could take care of, and more enlisted than could be immediately trained. England was criticized because she did not instantly put an army into the field. The German Government was disposed to laugh at the English system, and did not believe that it would be effective, but under the volunteer system miracles apparently have since been wrought. The English people volunteered, were rapidly trained, and England soon began pouring troops into Europe, until to-day it is estimated that England has more than 5,000,000 soldiers on the battle lines of Europe, and there is not a single conscript in this vast English Army in Europe.

It is urged that England had to finally go to conscription. That is not the truth, that England had to go to conscription to get men, but it is true that the British Parliament did pass last year, after she had more than 5,000,000 volunteers, a conscription law; but that law provided that every Englishman should have 30 days after the call for troops of a certain class within which time to volunteer. The passage of that conscription law was avowedly for the purpose of compelling all men in England, Scotland, and Wales who were of military age and physically strong, and who had declined to volunteer, to go into the army. This conscript law was for the purpose of getting what they called "slackers." It was not for the purpose of taking the brave and willing soldier, but for the purpose of taking the shirkers of public duty and compelling them to go in training. Why do not these gentlemen who have shouted loudly on the floor of this House that England had to go to conscription tell the whole truth about it?

CANADA.

When the statement was made on the floor of this House that England had to finally pass the conscription law, they failed to state that there has been no conscription law in Canada. On

the contrary, the Canadian Parliament declined to pass a conscription law. Our neighbors just north of us love liberty and freedom, hate Prussianism and militarism, and declined to adopt any of the Prussian military principles. Notwithstanding the fact that Canada has no conscription law, she has furnished vastly more troops than the English Parliament said was her quota.

AUSTRALIA.

In Australia, when this matter was up before the Australian Parliament, they had a referendum on it, and the people of Australia voted it down by an overwhelming majority, said to be 9 or 10 to 1. The Australian people declined to subject themselves to conscript officers. Notwithstanding this fact, Australia has furnished vastly more than her quota of troops to England, and they are now fighting gloriously on the battle fields of Europe.

IRELAND.

The English Parliament also especially exempted Ireland from the conscription law, and not a single soldier has been conscripted in all of Ireland, yet the Irish people, who were thought to be disloyal to England, have by the volunteer system furnished more than her quota of troops. Nor did England apply the conscript law to her South African and Asiatic colonies. Every soldier from India has been a volunteer soldier.

It is strange to me how men can on the floor of this House say that the volunteer system is a failure and that we can not get soldiers to fight the battles of the Republic unless we conscript them. Every gentleman who makes that statement knows, or should know, that the General Staff of the Army has been unalterably opposed to the volunteer system, and that the War Department some time ago stopped the volunteer system and ordered the adjutant generals of the National Guard of the several States to stop enlisting men in the National Guard. It is contended that the Government has established recruiting offices throughout the United States and that they are getting no men. Why, of course not. These recruiting officers are recruiting for the Regular Standing Army. Our boys do not want to get into the Standing Army. When they enlist in the Standing Army no assurance can be given them as to what company they will belong to or who their captain will be, what regiment they will serve in, or where they will be sent, whether to the Philippines, Mexico, Porto Rico, Cuba, or the European trenches. There is not a Member of this House but that knows that this system is not popular with the American boy and with the American citizen.

If the present National Guard law had been simply amended so as to authorize the President of the United States to enlist a million men in the National Guard, and the President would issue his call upon the States of the Union for their quota of troops, as has always been done in the past from the Revolutionary War down to the present time, we would get a million men before the enrollment authorized under this bill could possibly be made. Because if the call is made upon the governor of the State, and the governor issues his proclamation within the State calling for volunteers and asking the State to do its full duty, show its patriotism, and State pride by not lagging behind, the young men of every county could be relied upon to get together at the courthouse in the county and in the towns and villages, organize themselves into companies, and select their lieutenants and captains. When this is done, they would tender their services to the governor of the State, and he in turn would tender them to the President, and the President, under the present law, would cover them into the Regular Army and assign the regiments from Mississippi for duty as has been done in the past. That is to say, Mississippians would, as far as possible, be brigaded together, North Carolinians together, and Tennesseeans together, and thus preserve the American idea of an army.

The men who are selected as captains by the various companies would be men of their choice and men whom they are willing to follow. Oh, but it is contended that they would not be trained. Of course, many of them would not be trained, but as has been stated before that would be true under either system. So I think it better, wiser, and more American to let the members of the company select their own officers, send these officers to the officers' training camps to receive the training necessary to acquaint them with their duties, and instead of sending a stranger who had been trained in this way back to command the company send back the officer of their choice.

The American boys are brave, but they are human beings. It is a severe trial to a young man to enlist in a company where he will be with his friends, acquaintances, and neighbors; but under the system proposed by the War Department and vigorously insisted upon by them, they do not want young men who are neighbors put in the same company, they want to take them and send them into the Regular Army of the United States—take a Mississippian and put him in a company which will be made up of boys from every State in the Union. It is their hope to thus destroy all State and local pride. They want all of the regiments to be known by number, eliminating entirely the State units, and it is this that prevents our young men enlisting. But if this Congress will adopt the American and democratic system of permitting the young men in every community of the United States to come together, organize themselves into companies, tender full units to the Government so that they will be kept together, there will be absolutely no trouble in raising a ready and willing army. This volunteer system will get soldiers quick and all we will need. It takes soldiers to fight a war.

It is contended, however, that under the volunteer system only such men as want to go will be called upon to serve. This is to an extent true, but let us look for a moment at the proposition and not try to deceive ourselves. Under the system proposed by the General Staff, which is embodied in this bill, who is to determine who shall go? They first contended that the Government should determine who shall go and who shall remain at home, but they soon found out that that would not do, so they now say that it shall be determined by lot. That there shall be a chuck-a-luck game; that all those of a certain age shall be drawn.

What will be the result if you have 4,000,000 names in the various wheels throughout the United States, one out of every eight men to go, you turn the wheel, draw out his name, and it may be that there are five or six young men anxious to go, or at least willing to go, and the one drawn would be the one most unwilling to go, and we will presume that he endeavors to claim his exemption for some reason or other, then is the Army officer to determine whether this young man shall go or not? I do not care what sort of board you have, whether a local board made up of county officers as proposed by some, whether you send a board from the Army, or whether you have men specially selected from civil life, this board will finally determine whether the young man shall go or not, upon the theory that he owes a duty to the Government. This we concede. We all know that he owes a duty to the Government, but I contend that he owes it under the American system, and that he can better determine for himself whether he can afford to leave home than for some Army officer or civil board to determine that question. At any rate, if he goes unwillingly he is a dissatisfied soldier, more liable to shirk and more liable to desert. But the Army officers take the position that after they get him in the Army they will see that he is taken and trained and compelled to be a soldier. This is the Prussian method, which I hate and despise. I do not believe that you can thus instill true courage and true patriotism in a boy. You may harass him into a brute by "bucking and gagging" him and placing him in the guardhouse, punishing him in all sorts of ways until he gets reckless and does not care much what he does, and at the first opportunity he is going to desert.

What is the testimony of all the Army officers throughout the history of the world? They will tell you that the volunteer has always made the best soldier. From the discussion on this floor you would imagine that the most disgraceful human being on earth is the volunteer soldier. So much so that Mr. GARDNER of Massachusetts, the strongest supporter in the House of the selective-draft system, rushed to the defense of the volunteer soldier because he realized the untenable and defenseless position that they were being left in before the people of the United States, whose fathers and grandfathers had been volunteer soldiers and had made the pages of American history glorious. [Applause.]

So I say, Mr. Chairman, if I were a strong advocate of Germany, I know of no better way of helping the German cause than by the adoption of the heartless method proposed by the General Staff of the Army. Provost marshals and conscript officers will not make this war popular with the people. When you take an unwilling son from his home and place him in the Army you will render the war odious to his mother and to his father. What we need above all things is to make this war the war of the fathers and mothers as well as the war of the boys in the Army.

It is contended that the passage of this bill will strike terror into German hearts. Ah, Mr. Chairman, I do not believe that statement. On the contrary, if the conscript officers go out and arrest the boys and drive them into the Army with bayonets, they are likely to be resisted, and news of rioting all over the United States will add more joy to the German hearts than any news that could be conveyed to them. What would strike terror to the German hearts would be to adopt a system where every man, woman, and child would stand behind the army of volunteers. In union there is strength; in discord there is weakness.

In certain sections of this country this is not a popular war. For God's sake let us not, as patriotic Americans, render it more odious and obnoxious to our people. [Applause.]

It is also contended that we need an army, and need it at once. This is the cry of the General Staff of the Army, and yet when you ask them how long it will take to raise an army under this system they propose, not one of them will dare tell you how long. If they want an army quick, why is it that the General Staff opposed so vigorously the proposition of Theodore Roosevelt to raise at once throughout the United States an army of at least 125,000 men, and within the last few days he says he can make it 150,000 men, many of them trained soldiers and all of them over 25 years of age, thus guaranteeing to the General Staff that he would not in any wise interfere with their choice of the young men of America. I can see no earthly reason why this proposition of his can not be accepted. I have no brief to speak for Theodore Roosevelt. I have never liked his politics nor his governmental policies; but if he can, as he says, within 90 days from the time he gets the authority, land 125,000 men on French soil, it looks to me like the height of folly to deny him and those who desire to go with him this opportunity. It can spring from but one source, and that is the hatred of the General Staff of the Army for the volunteer soldier.

This General Staff of the Army is not infallible. Why, when they first came before the Military Affairs Committee the staff said that they wanted authority to raise a million men, including the Regular Army and the National Guard. The members of the Military Affairs Committee called their attention to the fact that under the present law they could enlist the Regular Army to over 241,000 men and the National Guard to over 666,000 men, or, in other words, that they already had authority to enlist something more than 900,000 men, and that it was only necessary for the committee to pass a law to increase the Army about a hundred thousand men to get the number demanded. When their attention was called to this fact, the staff left the committee that afternoon, and the next morning came back before the committee with an entirely new plan, stating that they wanted a million men in addition to the Regular Army and the National Guard. Gentlemen of the House, this was done overnight. Is it possible that these men could have thus blundered if they had given this subject real and genuine thought? Ah, no, Mr. Chairman, they had issued an order that the National Guard should not be permitted to enlist any more men. This board of Army officers, who claim to have all wisdom in reference to military affairs, is the same board that criticized through the public press the National Guard system on the border of Mexico. That was the most unjust, most unfair criticism ever made of a magnificent body of fighting men. In many States within 24 hours after the order was issued to mobilize the National Guard the entire National Guard was ready to entrain. And yet, owing to the incompetence and unpreparedness of the General Staff to take care of them, many of these guardsmen were kept in their respective States for months until the General Staff could arrange for their transportation and secure for them the necessary means of being cared for on the border. In order to prevent criticism of themselves they filled the public press with criticism of the National Guard, and yet every fair-minded man who will investigate the facts will find that that criticism was unjust and unfair. The fault was at the door of the Regular Army officers and not at the door of the National Guard. Yet these men we are asked to follow blindly.

PROFESSIONAL SOLDIER.

This simply illustrates that the theoretical soldier is not always the practical soldier. At the outbreak of the Civil War the city of Washington was filled with theoretical soldiers. Abraham Lincoln became President of the United States. The theoretical soldiers were in command of the Army, and there were no victories to amount to anything during the first two years of the war. But in 1863 the Battle of Gettysburg was fought, on the 1st, 2d, and 3d days of July, and was the first great victory to the credit of the northern army. The next day, the 4th of July, Vicksburg fell, and in the rejoicings here at the Capital some of the friends of Lincoln asked him why it was that he won no victories during the first two years of the war and that all of these victories came at practically the same time. Lincoln's reply was: "It took me two years to weed out the carpet knights and raise me up some generals." [Applause.]

I am not a prophet nor the son of a prophet, but if we go into this war and it becomes a real fight and a real war the generals now in Washington constituting the body of "carpet knights" will have to be replaced by men developed in the field. If their calculations in the fight are not more accurate than their calculations when they come before the Military Affairs Committee, what man can say what great blunders they will make in the organization of the Army and in fighting the battles in the field? I do not say this out of criticism or for the purpose of doing any injury to the magnificent body of men who make up the officers of the United States Army. I know many of them personally and they are a magnificent lot of gentlemen, men of high character and high standing, but I do not concede that these men are infallible, and I am unwilling that Congress should surrender to these gentlemen all control of the purse strings of the Government and the appointment of all of the officers who shall go to make up the Army.

All of the Regular Army officers hold their jobs for life and are paid princely salaries. A general's salary is $9,300 a year as long as he remains active, and when he retires to private life he retires with three-fourths pay as long as he lives. These men have been educated by the Government, having gone into the academy by appointment from some Congressman or Senator when they were still in their teens.

The entire expense of their education at the academy is borne by the Government. As soon as they graduate they take their positions in the Regular Army as second lieutenants, at a salary of $1,800 a year. Therefore these men know absolutely nothing about the practical side of life. They are trained to have a contempt for politics—I do not complain at this—and I fear that they do not have much respect for the rights of a private citizen. Army life becomes attractive. They begin to look at once for promotion—I do not complain at this—but I do not think that they ought to criticize the patriotism of the people who do not do their bidding at all times. It is in time of war that promotions to the Army officers come thick and fast. The lieutenants and captains of the Regular Army look with great disfavor on the Volunteer Army in time of war coming into the Regular Army with lieutenants and captains and majors and colonels from civil life, while they remain lieutenants and captains in the Regular Army. So if they can break up this volunteer system as it has heretofore existed, and the General Staff is permitted to select all of the officers, the strong fraternity existing between the graduates from the West Point Military Academy will insure the lieutenant in the Regular Army the position at once as colonel, and promotions would go all up the line. The statement is perhaps true that of the 7,500 officers on the roster roll of the Regular Army every one of them would be promoted three or four grades the very moment the million men are mustered into the service under the plan proposed by the General Staff, whereas if the million men were organized under the volunteer system there would be no promotions, or very few promotions, in the ranks of the officers of the standing army. This, Mr. Chairman, is perhaps the principal reason why the General Staff and those holding jobs for life are so unalterably opposed to the volunteer system.

THE VOLUNTEER AND LIBERTY.

The statement has been repeatedly made on the floor of this House since this debate commenced, and no human being has denied it, that liberty has been established on earth by the volunteer soldier. I challenge the advocates of this selective-draft plan to point out a single instance in the history of the world where a volunteer army has enslaved a people. I make the statement without fear of successful contradiction that but for the volunteer soldier the human family would still be serfs and slaves to some monarchical form of government and kept in subjection by a standing army. I also make the statement without fear of successful contradiction that it has been the conscript soldier who has overturned every free government on earth.

When we established independence in America we fought the English conscript soldier. Many interesting stories are told as to how the British Government conscripted the Irish soldier, placed him in the holds of their ships, transported him across the Atlantic, forced him to don the uniform of the British conscript soldier, and drove him into line to fight the battles against the freedom of America. As soon as the Irishman, conscripted against his will, got an opportunity he deserted and joined the ragged continentals to help fight the battles of American liberty. How many, many times has the Irish orator on the Fourth of July referred to this page in the history of our country.

Yet, Mr. Chairman, I hear the volunteer army which achieved our independence sneered at. I never believed that I would live to see the day that the Army officers should so completely control this House that they could induce the Members of the House of Representatives, descendants of the volunteer soldiers, to speak contemptuously of the services they rendered. Ah, these men are now saying that it has not been the volunteer soldier whom they denounced, but that it has been the volunteer system which they denounced. That, Mr. Chairman, is just as

contemptible in my eyes, for without the volunteer system there could be no volunteer soldier. [Applause.]

I do not believe that because a man volunteers he can not be trained as quickly into an effective soldier as when he is conscripted. Nor am I willing to admit that the time has come in America when patriotism and bravery has reached such low ebb that the American boy can not be depended upon to volunteer to do his duty. Nor am I willing to stand by the principle that the man who really wants to go to war shall not be permitted to go, and that the man who does not want to go shall be made to go. Nor am I willing to admit that there should be any Government supervision of what a man shall do with his own life.

CONSCRIPTION COMPLICATES.

If the General Staff will be honest in their efforts, and the administration will adopt the plan to secure soldiers by the volunteer system, permitting the young men from the various communities to organize their companies, if within 60 days there should be no living evidence of the fact that the boys of America and the young men of America will do their full duty by their Government, then, and not until then, will I insult them by voting to conscript them.

You may sugar coat the system proposed in this bill as much as you please by calling it "selective draft," but it is conscription just the same; conscription, to my mind, in its most hideous form; conscription where all sorts of partiality and favoritism may be shown; conscription where a few shall be taken and many shall be left, although they are of the same age and owe the same duty to the Government; conscription which is bound to be undemocratic, because it is admitted that in the first draft only 1 out of 8 can be taken; and if the age limit is raised from 21 to 40, then only 1 out of 24 will be taken and 23 will be left behind.

Just stop a moment, gentlemen of the House, and consider what an army it will take to organize the machinery necessary to select these men, whether the age limit be from 19 to 25 or from 21 to 40. It is estimated that at least 3,000 conscript stations will have to be established throughout the United States, that at each one of these stations there shall be three conscript officers who shall constitute the board to pass upon the young men as their names are drawn out of the chuck-a-luck box. Just how many officers will be needed to go and hunt these young men up when it is decided who shall be taken no one can estimate. The cost alone would be startling but for the billions which we are already paying out.

But this is not all of the horrible story that is pictured in my mind. When the news shall go forth—and it is stated by some that it will not be possible to enlist a single man under the proposed plan before the 1st of September—but when the news is given out that all of these millions of men shall report, and a few thousand of them shall fail to report, then warrants will be issued, United States marshals will hunt these boys up, arrest them, try them in courts, charge them with desertion, place fines and prison sentences upon them which they will have to work out in the Federal prisons.

But this is not all of the horrible picture. When the proclamation goes forth that all of these millions of men shall report at a certain place, and only 1 out of 20 fails to respond, he becomes guilty of a crime, and that would mean that not less than 1,000,000 warrants would have to be issued for the arrest of 1,000,000 men, just exactly the number of men that this bill proposes to raise by conscription, and yet among these arrests, under the provisions of this bill unless amended, not a single one of these men would go into the Army, but would go to a Federal prison.

CORRUPT INFLUENCE.

Yet Members of this Congress have yielded their convictions under coercion from the great financial interests of the country, who are sending out telegrams, at the cost of many thousands of dollars, to the banks, boards of trade, and other organizations throughout the United States misrepresenting the facts in reference to this bill, misrepresenting the truth as to what the bill contains, contending that the bill is democratic and universal, and calling upon them to send telegrams to their Congressmen and Senators to compel them to vote for a system which in my judgment will bring America into disgrace and shame.

Mr. Chairman, I love the indorsement of my people as much as any man on this floor. I love to hear the plaudits of those people when they indorse me and honor me by saying, "Well done, thou good and faithful servant"; but they elected me to Congress believing that I was a Democrat, believing that under all circumstances, even though the heavens should fall, I would vote my honest and conscientious judgment and for the best interests of our country, and I can not now at this hour betray them. I can not find in my heart a single good reason why I should favor or vote for conscription, but a thousand reasons rush to my mind why I should not vote for it. [Applause.]

I know that when I cast the vote which I shall cast against this measure that the great newspapers throughout the country will malign and traduce me, will call me a German sympathizer, will call me a slacker, and attempt to place numerous other slurs upon me to bring me into disgrace, and that if I should vote for the measure I would be hailed by them as a patriot and as a liberty-loving American. So it would be easier for me to pursue the line of least resistance, surrender my heart, my mind, my convictions on this Army bill to the clamor of the public press and to the demand of the financial interests, and vote for this selective-draft bill. But, Mr. Chairman, that I will not do.

This is the opportunity which the General Staff and Army Board have of getting that which has been denied them in times of peace for so many years, a standing army of a million men and 44,000 officers fastened upon the American people for all time to come, costing the taxpayers of America the stupendous sum of $2,500,000,000 annually. Oh, I hear men say that there is nothing to that; Members of Congress can control the situation. Yes, Mr. Chairman, I saw a week ago an overwhelming majority of this Congress standing ready to vote against the hateful selective-draft system and shouting for the volunteer system; many Members of the House saying that they would under no circumstances vote for the conscription bill.

The chairman of the Military Affairs Committee has stated on the floor of the House that hundreds of Members of Congress came to him and urged him not to yield to the demand of the great interests for the conscription system, and yet when the public press began to traduce them, when the propaganda went out from New York to the various districts of the United States embodying the following telegram:

"Representative ———, from your district, is reported opposed to universal military service and blocking President Wilson in his war program. We suggest that you organize mass meetings to show Representative ——— that Americans who sent him to Congress demand that he support universal military training and the President. Have asked cooperation of your local business association. Please work with it and enlist strong newspaper support for this campaign. Please wire us your willingness to fight for a united Nation now."

And when telegrams and letters, influenced by this propaganda campaign, began to flood the mails of the Congressmen, these same Members of Congress, yielding to the pressure, have now changed their minds and now announce their intention of supporting the conscription bill.

WHEN THE WAR IS OVER.

Why, Mr. Chairman, do you not know when this war is over and the Army is to be disbanded these same influences will go to work through the same channels and by the same methods cause these same men to vote for a standing Army of a million men and 44,000 officers. The cry will then go up that these are trained men, trained soldiers, and that the Government needs them to protect itself against some imaginary foreign foe, and the same influences that control this Congress will control the next one. So, Mr. Chairman, whether other men take this view or not, I see more danger to America in establishing the conscription system than I do from any German invasion or any German Army. I am unwilling by any vote of mine to surrender my American ideals of freedom, liberty, and justice and adopt the Prussian ideals of force, strength, oppression, and injustice. [Applause.]

Why is it, Mr. Chairman, that there are now over 16,000,000 Germans in the United States? It is because these same Germans fled from Germany to escape the Prussian militarism; and I can not, while voting to go to war to defend us from Prussianism, establish Prussianism here in America. Let us retain our American system of Government and preserve our American system of organizing an army.

STATE UNITS.

Of course, the majority of my colleagues will be able to put this bill through; but when you do, let me beseech you to retain in the bill the State units, so that our boys may not be broken up and sent among strangers. When he is conscripted, let him be conscripted to go as nearly as possible with his friends and neighbors. Do not make it impossible for the people of America when they listen for news from the European war front to hear anything except as hearing from convicts, "United States Regiment No. 269 engaged the enemy to-day." Oh, how the hearts of the loyal citizens of Mississippi would swell with pride if they could read in the morning papers that the "Mississippi troops behaved like men," or an item like this: "The Mississippi troops engaged the enemy and drove

them from the field and won for American arms a glorious victory."

Why, Mr. Chairman, as I said in the beginning, even the German system realizes the love of home, the love of locality, the love of neighbors. There is a German expression which when being translated means "Can I ever forget the place where my cradle stood." So, in organizing the German Army, the Bavarians, the Prussians, the Germans are known by their locality, and not by numbers of regiments. The English armies are known by the communities which they represent. The Scotch troops are organized as Scotchmen, and they feel that they are adding glory to old Scotland by conducting themselves as Scotchmen in the fight. The Canadians read with pride of the heroic daring of the Canadian regiments, and the same is true of the inhabitants of Australia. Why should we in America endeavor to destroy in the organization of our Army the fact that we are a Government of united States? Why should the citizens of Maine, or Mississippi, Massachusetts, or Missouri be denied the honor of having their troops brigaded together? I must confess that I have no patience with the idea that an Army officer should be a stranger to his troops, that the captain should not know a single man in his company, that the colonel should be a stranger to everyone except the officers with whom he associates. This is worse than Prussianism, and God knows that it is not Americanism. [Applause.]

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. SISSON. Will the gentleman yield me five minutes more?

Mr. DENT. I have many requests for time; but I hate to refuse the gentleman, and I yield him five minutes more.

Mr. SISSON. Mr. Chairman, the great daily press of our country has done much to becloud the real issue in this debate. They say the President is for the General Staff bill as they wanted it, and neither the House nor the Senate committees would take the General Staff bill. Do the people know that on the 8th of December, 1914, President Wilson, when the General Staff of the Army were pressing him and the militarists of the country were denouncing him for not advocating a large standing army, delivered a speech, in which he dealt with this very subject. I quote him literally. He said:

"It is said in some quarters that we are not prepared for war. What is meant by being prepared? Is it meant that we are not ready upon brief notice to put a Nation in the field, a Nation of men trained to arms? Of course we are not ready to do that, and we shall never be in time of peace so long as we retain our present political principles and institutions. And what is it that it is suggested that we should be prepared to do? To defend ourselves against attack? We have always found means to do that, and shall find them whenever it is necessary without calling our people away from their necessary tasks to render compulsory military service in times of peace."

Further he says:

"From the first we have had a clear and settled policy with regard to military establishments. We never have had, and while we retain our present principles and ideals we never shall have, a large standing army. If asked, Are you ready to defend yourselves? we reply most assuredly; to the utmost; and yet we shall not turn America into a military camp. We will not ask our young men to spend the best years of their lives making soldiers of themselves."

Continuing in the same address, President Wilson said:

"Let us remind ourselves, therefore, of the only thing we can do or will do. We must depend in every time of national peril, in the future as in the past, not upon a standing army, nor yet upon a reserve army, but upon a citizenry trained and accustomed to arms. It will be right enough, right American policy, based upon our accustomed principles and practices, to provide a system by which every citizen who will volunteer for the training may be made familiar with the use of modern arms, the rudiments of drill and maneuver, and the maintenance and sanitation of camps."

Let me call your attention sharply to so much of the President's address contained in the last quotation, which says:

"It will be right enough, right American policy, based upon our accustomed principles and practices, to provide a system whereby every citizen who will volunteer for the training may be made familiar with the use of modern arms," and so forth. The use of the words "who will volunteer" clearly excludes compulsion or any element or principle of force.

Speaking with reference to the National Guard, President Wilson in the same address said:

"It is right, too, that the National Guard of the States should be developed and strengthened by every means not inconsistent with our obligations to our own people or with the established policy of our Government. And this, also, not because the time or occasion specially calls for such measures, but because it should be our constant policy to make these provisions for our national peace and safety.

"More than this carries with it a reversal of the whole history and character of our polity."

This is not all, Mr. Chairman. Only one year ago, in an address about the time Secretary of War Garrison was endeavoring to swing the President for conscription or for a continental army in lieu of the democratic National Guard system, the President took the same position, and because the President would not yield Secretary Garrison resigned from the Cabinet.

The President states that he believed in a policy that where "every citizen who will volunteer for training may be made familiar with the use of arms," and to go further "than this carries with it a reversal of the whole history and character of our polity." Such is my view, Mr. Chairman, and this being my conviction I must stand by this announcement of our great President. We have preserved our liberties and our freedom thus long by adhering without deviation from this truth. Principles are eternal. Men may change, but principles never. So let us who believe in the fundamental truths of democracy adhere to them with courage. Majorities do not make right. When the Master was on earth, He was in a hopeless minority, and if His apostles had been swayed from the truth by men in high places, by men of great power and wealth, and by majorities there would have been no Christian religion now on earth.

I shall strike no blow at freedom. I do not want Old Glory to wave over a nation of people oppressed by militarism. If this bill passes, then the volunteer will pass into history until our Government becomes so oppressive that in the distant future the volunteer will again appear, not alone with ballots but perhaps with bayonets in his hands to overthrow this oppression.

Mr. Chairman, this is a sad occasion to me, for I know that when this vote is taken the volunteer soldier is a thing of the past and militarism has come. Your vote for conscription means that the volunteer system is a failure. Your vote means that when you abolish the volunteer system something must take its place, and that something will be the Prussian militarism, or so-called universal military training, which will be forever a burden upon the backs of the people of America who labor and toil.

The people, the real people, the people who will have to die and pay, have not been heard from on this question. Only those who have grown rich out of the war, and who will grow richer, have bombarded the country banks and the business leagues of the small towns with telegrams calling on them to telegraph their Congressmen and Senators have been heard in these Halls, and this bombardment has caused Congressmen to surrender their convictions on this question.

When the war is over, as I have said before, these same influences will saddle on the backs of the American people a standing Army of a million men. The great financial interests think that they need this to protect their bonds and their holdings. They now control Congress. The question is how long will they continue in this control? Just so long as the people who hold the ballots permit it.

Gentleman of the House, before concluding my remarks, if you will bear with me a moment, let me picture to you a scene which will be staged in many a home in this broad land when by your votes you saddle this conscription law upon the American people. Let me picture to you a home, a young man unwilling to go after his name has been drawn, a squad of conscript officers sent to arrest him, approach the front door and knock. The father appears, and they ask, "Does Mr. John Smith live here?" The boy's father says, "I do; that is my name." They then ask, "Where is your son?" The father answers, "He is out at the store, or he is in the lot." They go out, find the boy, he is arrested and marched off in front of bayonets. What is the effect upon the mother's heart and upon the father's heart? They hate that law, that conscription, which took their boy from them. This is what this conscript bill means.

Let me draw you another picture in a similar home. The boy who has been to the place where a volunteer company is being organized, returns to his home fired with patriotism, and approaching his father says, "Father, I want to join the Army." His father says, "My boy, I hate to see you go." His mother weeps on his neck and says, "Son, I do not want you to go. Do not go to the war." The boy answers, "I think I ought to go." They talk it over. The boy goes to bed, and the old father and mother sit there in the quiet hours of the night. The father says, "Wife, I went to the war. I reckon that boy has got the same feeling that I had. I love him, but down in my soul I am glad that he wants to volunteer." The wife,

with tears in her eyes, answers, "Yes; my father volunteered. I reckon our boy is right." They drop down on their knees and ask God's blessing upon the boy. The next morning at the breakfast table the father places his hand on the shoulder of his son and says, "John, we have talked the matter over during the night, and while your mother and I do not want you to go, we say to you, if you feel it your duty to go, go, and may God's blessing rest with you." The boy goes, and with him go the prayers of the mother and father. Whose war is that? That is the mother's and father's war. The first picture, gentlemen of the House, shows the conscript. The second picture is the volunteer, and if we adopt that system, Mr. Chairman, then this war which we have entered for the preservation of the foundation principles of our Government becomes the people's war, and not an Army officer's war.

Mr. Chairman, feeling as I do, I can not vote for this bill. [Applause.]

Mr. SHALLENBERGER. Mr. Chairman, I yield 15 minutes to the gentleman from Kentucky [Mr. THOMAS].

Mr. THOMAS. Mr. Chairman and gentlemen of the committee, you need not be alarmed, because the object I have before me is not a bomb, but only a copy of the Washington Times newspaper. I will admit, however, that I ought to have a pair of tongs with which to handle it. [Laughter.] We have fallen upon strange times. No measure of importance can come before this House for its consideration without the yellow and disreputable portion of the press unmercifully lashing and vilifying those Members who dare to vote contrary to the ideas of those hawkers of opinions that have been furnished by various so-called patriotic leagues and associations whose chief business is to talk and not to fight. I do not mean to say that the press as a whole is yellow and disreputable, for it is not. There are disreputable characters in all trades, professions, and occupations. In the law there are shysters; in medicine, quacks; and fakers in all the avocations of human endeavor, and my remarks apply to that part of the press that the shoe fits.

It is a fact well known to the Members of this House that representatives of disreputable and mendacious yellow journalism flock in the corridors of this Capitol Building like unclean birds of prey, anxious to glut their filthy beaks in the vitals of the reputation of any Members of Congress they can not browbeat and sandbag into supporting those measures which appeal to the interest and venality of such journalism. I will read to you a sample editorial falsehood, evidence of the moral delinquency and general malice of newspapers of this character. To-day the Washington Times states in an editorial that—

> The Legislature of Missouri has passed unanimously a resolution indorsing this measure which CLARK and REED opposed.

The reference is to Speaker CLARK and Senator REED, of Missouri, and this conscript measure. The mendacity of the Washington Times in that statement is equaled only by its insolence and stupidity. The Legislature of Missouri did not pass any such resolution, or any resolution whatever on that subject. It adjourned about the 1st of March, long before this measure was presented and before the extra session of Congress was called, and never in a legislative capacity heard of the matter. This newspaper in support of its ideas does not hesitate to libel the Senator from Missouri and the Speaker of this House right about the hour when this bill will be voted upon, and should be expelled from the press gallery. [Applause.] The name of Mr. Speaker CLARK, one of the fairest and best-beloved Speakers who ever presided over this House, will live in the history of this Republic when his newspaper detractors are dead and forgotten forever. I believe in calling a spade a spade instead of an agricultural implement, if it becomes necessary so to do. No Member of Congress who votes as his conscience dictates, and as he believes his duty demands, should stand in awe of all the newspaper hawkers in the world. Any man can afford to stand for his rights and the sentiments of his constituents without fear or favor, and he who does so will in the end have the approval of his own conscience and the support of his constituents.

Mr. Chairman, there is not, so far as I know, a drop of German blood in my veins. My ancestors came to this country before the Revolutionary War. I do not believe there are 200 German voters in my district. No man can excel me in patriotism and devotion to the flag. No man can truthfully assert that I am controlled by any ulterior motive in this or any vote I may cast. I believe in the volunteer method of raising an army. Should the House defeat the volunteer plan and adopt conscription, as much as I dislike to, rather than have no army I shall vote for that plan; but I am not one of those who have suddenly seen a great light [laughter], and I shall vote against the Kahn conscription amendment. The gentleman from Alabama [Mr. BANKHEAD] admits that his conversion, while not so righteous, was more sudden than that of Saul of Tarsus. I can not be accused of anything of that kind. I believe in the old-time religion, and the old-time democracy of the fathers, and, so far as this question is concerned, I am still an unconverted sinner, not even on the mourners' bench.

I have supported the President on all important measures. I voted for the war resolution and the bond issue for $7,000,000,000 to feed the warring millions of Europe. In so doing I feel I went a far call from Washington's advice to form no entangling alliance with foreign nations. I will support any measure that I believe necessary to prosecute the war to a successful termination, and I believe every Member of this House will do the same thing even if some of us do not agree with the views of the gentleman from Massachusetts [Mr. GARDNER] and the gentleman from California [Mr. KAHN]. It may be if the General Staff and the War College get full control of the affairs of this country, as is the evident intention, there may be erected a military oligarchy on the ruins of our boasted liberty, and we may have dukes and earls and counts, and other evidences of aristocracy. Should such new order of things obtain, the gentleman from California [Mr. KAHN] will be entitled to first honors and should be created a nobleman with the title of the Duke of Conscription. [Applause.] Without jesting, gentlemen, such a state of affairs is far from the regions of improbable fancy. Unless the people of this country call a halt on militarism such a state of affairs is by no means impossible. If militarism comes in full force, it will come to stay. Never in the history of the world has military power once obtained been relinquished. Two bloody-handed tyrants—militarism and hereditary autocracy—have marched along the pathway of all the centuries, trampling on human rights, and they are rearing their repulsive heads in this House, seeking to strike their poisonous fangs into the vitals of constitutional liberty. [Applause.] You may say what you please about it, but I know it and you know it. From militarism we may pass to food control, and next a commission may be appointed to direct just what occupation each citizen must pursue, and finally, if things go on as they are now going, our individual liberty may become a thing of mournful memory. The people in my part of the country have always enjoyed liberty and the blessings of life, and have an abundance to eat and wear, and if any food commission attempts to take the food from their children to send it to the people of Europe who are fighting and do not know what they are fighting about, I predict it will cause the biggest sort of disturbance. [Applause.]

Conscription—another name for slavery—seems to be the order of the day, and has become a disease like a consuming fever. I understand there is a proposition to conscript men to work on farms. That is one kind of conscription I would favor if confined to the lazy city loafers and pool-room sharks who refuse to fight or to work.

The trouble with that proposition, however, is that some theoretical agriculturist, who probably does not know whether potatoes grow in the ground or on trees, might be appointed to superintend the job. [Laughter and applause.]

We need, instead of a useless commission, the enactment and enforcement of laws sufficiently comprehensive and drastic to insure the proper punishment of the vultures of commerce. Commissions, in my opinion, have become a liability and not an asset to this Government.

The gentleman from Kentucky [Mr. SHERLEY], who is an able man, made a speech in this House yesterday which, in my opinion, was more fitted for the German Reichstag. Speaking on conscription, he declared that no man has a right to volunteer his services to his country because he owes it to his country as an obligation to fight when needed, and therefore should not be permitted to volunteer. That statement is the concentrated essence of Kaiserism and Prussian militarism. It is true there is an obligation resting on every citizen to defend his country, and it is just as true that he has the right to voluntarily offer his services for that purpose. The voluntary performance of obligations to country is one of the foundation stones of our Government, and one of the greatest incentives to patriotism. If the duty to serve the Government is obligatory and no one should be permitted to voluntarily perform that duty, then it inevitably follows that no one should be permitted to voluntarily perform any obligation he owes to the Government.

That is the doctrine of absolute government control over the action of the individual, and direction of all the activities of its citizens. Under that doctrine no citizen has a right to voluntarily perform any duty, but must perform it only under the direction of constituted authority. It is absolutism pure and simple. Some one stated in this debate that conscription is like paying taxes; that the citizen owes an obligation to the Government to pay taxes. That is true. The speaker compared

the obligation to pay taxes to conscription. There is no analogy whatever between the two. Is not the citizen given the right to voluntarily pay taxes? He owes the tax. Can he not go voluntarily to the proper office and make payment? If we proceed on the assumption of the gentleman from Kentucky [Mr. SHERLEY], the proper officer should make out the tax roll of every citizen and send the sheriff with an execution to levy on the property of each individual and sell it for the amount of tax due, without giving the opportunity to voluntarily make payment. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. SHALLENBERGER. I yield to the gentleman five minutes more.

Mr. THOMAS. Gentlemen have stated that the volunteer system of raising an army is a failure, and they cite the assertion that the President is in favor of conscription. We have no evidence before this House as to the correctness of that statement, except that of newspapers, which, if any evidence at all, is certainly not the best evidence. The President has never communicated his views to this body on that subject except to state in his last message that he is in favor of universal service, and that may mean universal training and not conscription.

Some gentlemen are laboring zealously to make the country believe that everyone who is not for the Kahn amendment is opposing the President. That statement is untrue. The amendment substituting conscription alone for the committee bill, which provides for both volunteers and conscription, is not the same as that sent to the committee by the War College and General Staff, and supposed to be approved by the President. The War College bill provides that persons between the ages of 19 and 25 only shall be subject to draft, while the Kahn substitute provides that those between the ages of 21 and 40 may be conscripted. It therefore follows that if those who adhere to the volunteer system are opposing the President, so are those who favor the Kahn bill.

It is well known to the Members of this House that Secretary Garrison resigned as a member of the Cabinet because he and the President could not agree on the subject of military compulsion. The President on February 10, 1916, wrote Mr. Garrison as follows:

> As you know, I do not at all agree with you in favoring compulsory enlistment for training, and I fear the advocacy of compulsion before the committee of the House on the part of representatives of the Department of War has greatly prejudiced the House against the proposal for a continental Army, little connection as there is between the plan and the opinion of the Chief of Staff of compulsory enlistment.

Again, on May 30, 1916, in a memorial address at Arlington, the President declared:

> I have heard a great many people talk about universal training. Universal voluntary training with all my heart, if you wish it, but America does not wish anything but compulsion of the spirit of America.

These statements of the President seem to be emphatic and clear against the idea of military compulsion. If he has seen another and clearer light since then he has not seen fit to communicate it to this House.

The committee proposes the double plan of volunteers and conscription. It provides first for the raising of a volunteer army, and should that plan prove a failure then the President may, at his option, and when he deems proper, order an army to be raised by conscription.

The Kahn amendment provides only for conscription. This is the one essential difference between the two plans. The committee bill provides that the patriotic citizen may volunteer his services to fight for his country. The conscription plan says to the citizen: "You shall not be permitted to volunteer as the brave soldiers of our country's past have done." Conscription places an odium on the soldier. In some communities a conscript and a convict, however unjust the sentiment may be, are considered with almost equal aversion.

The committee bill will separate the sheep from the goats, the brave and patriotic from the cowardly and unpatriotic. It is claimed that conscription will bring into the Army all classes, the slacker as well as the man who is willing to fight. It may in some instances, but in others it will not, and in addition it will take much longer to raise and equip a conscript army than it will a volunteer army. A volunteer army can be raised and equipped and put in the field before a census can be taken and other necessary machinery put into operation to raise a conscript army. Under the Kahn amendment about 1 citizen out of every 8 or 10 subject to military duty will be selected. The names will be put in a wheel and drawn out, after the manner of selecting a jury. When the wheel in that lottery of death is turned and the only son of the widow and the poor man with a dependent family are drawn from its gloomy recesses, then there will be weeping and mourning throughout all the land.

It is claimed we are to have a selective draft. Selective in what manner? By chance in a drawing, and the man who would willingly volunteer may be drawn, while the one unwilling to volunteer may not be selected at all. This method, we are told by the proponents of conscription, is eminently fair and just and will insure the performance of equal military service by every citizen of military age. Nothing could be further from the truth. Conscription as proposed is merely the service of chance, and is neither equal nor just. I do not believe that conscription is needed to inspire courage in the heart of American manhood. I believe the indomitable spirit and heroic fortitude of the men who sowed the seeds of liberty in this fair land still lives in the hearts of their children.

I recently received a letter from an ex-Confederate soldier who resides in my district. He fought all through the Civil War. He was a member of the glorious "Orphan Brigade," whose bravery on many a hard-fought field made the name of that brigade immortal. He writes:

> One willing soldier is worth a half dozen unwilling conscripts. This was our experience in the southern armies. Bragg had the conscripts shot by the dozens to deter other conscripts from deserting. The "Orphan Brigade" was only drilled a few weeks before going into battle, and there were never better soldiers. We have won all our wars with volunteers. Why Germanize us now?

But little has been said about the constitutionality of conscription. The Constitution, however, by judicial construction, has almost become a rope of sand. Under the Articles of Confederation between the States, conscription was not legal.

The Constitution of the United States expressly declares that Congress shall have power to provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States, respectively, the appointment of the officers and the authority of training the militia according to the discipline prescribed by Congress. All these constitutional guaranties are swept aside at one stroke by the pending measure. It takes all control of the militia from the States, and vests the authority belonging to the States in the Federal Government. Under this bill as proposed by the ultraconscriptionists, the authority to train the militia is taken from the States and placed in the hands of the Central Government, and the appointment of officers is taken from the States and vested in the President.

There has never been in the history of the country a bolder, more insidious violation of constitutional provisions. Under the volunteer system the State organizations can be kept intact. In all our wars the State units have been preserved and the soldiers from the same State fought together and together died. If a soldier became sick or was wounded, a comrade from the same State and perhaps the same community, was near to administer to his necessities. Under the proposed conscript system, the State units will be abolished and the soldier may find himself in a regiment from a distant State, deprived of the comradeship of his friends and those he loves.

The system of caste and pseudoaristocracy now prevail in the Army and Navy of the United States. The only constitutional right Congress has is to pass a law calling for a specified number of men, to make requisition on each State for its quota, and to provide for arming, organizing, and disciplining the militia when in the service of the United States.

Gentlemen contend that we should have conscription so that the law may apply equally to all men, the shirkers as well as those who are willing to enlist in defense of their country. They claim that under this system all will be grist that comes to the conscript mill. They aver that the men who refuse to enlist will be disgraced unless conscription is resorted to as a shield to cover their delinquency. Under this selective-draft system, it seems to me the purpose is not to select those who might refuse to volunteer, but to save them from the admitted odium that attaches to a refusal to serve their country in the day of dire necessity. Odium should attach to the man of military age and condition who refuses to enlist to fight for his homeland, provided there are no pressing domestic obligations that rightfully and honorably exempt him.

The law never brings disgrace on any man. A man may disgrace himself by violating the law or by failing to perform his duty. A man can bring contumely on himself by his own conduct. That is the fault of himself and not the fault of the law. If the volunteer system is approved, all men of military fitness will have an opportunity to enlist, and those who fail to avail themselves of the privilege will bring merited reproach upon their own heads.

After all that may be said, the fact still remains that in the Southland odium, like a festering sore, still clings to the name of conscript, and to this day no drafted man is admitted to the

camps of Confederate Veterans. Where a man's interest is, there also is his heart. The glory and honor of the volunteer military system is that such soldiers are willing fighters, and on the field of battle are most valorous and efficient. When war is ended, the volunteer with the pride of duty willingly and faithfully performed, returns home from the tented field and honorably takes a place in the quiet and private walks of life.

I am by no means convinced of the efficiency of the Regular Army under the present management of the War College and General Staff. The fiasco of the Regulars at Columbus, N. Mex., is not a crown of laurel on the record of that army. It is claimed that Villa came while the Army slept. Maybe, and I doubt not he did. The regulars detailed to guard the tomb of Christ claimed that his disciples stole the body away while they slumbered, and such excuses have been made at intervals through all the ages.

In the passage of this conscript measure the demand is made that we repudiate the military policy that has made our Nation free and glorious and a world power. We are asked to adopt instead the autocratic methods and oppressive measures of the tottering empires of the Old World.

The plan of the General Staff is to raise an army of boys 19 years of age. War, with its cruel savagery, does not exempt youth, and age and babyhood suffers by its ravages.

John Temple Graves, a man of national reputation, who is conversant with the plans of the General Staff, in a recent statement said:

> The first grand army of 500,000 men, according to the staff officers, will be raised under the selective draft from men not over 20 years of age. It will be the first class. The process of the original levy of the beardless first army of a half million was explained by a member of the General Staff. * * * The staff officers express full confidence there will be enough men of the 19-year class to make the complement of 500,000 and to render unnecessary the immediate calling of the "20-year class." If, however, the registration of 19-year old men is not sufficient, the 20-year class will be called, and out of this second class will be selected by lot a sufficient number to make up the first 500,000. It is reasonably certain that this is the plan under which the first American Army will be selected and trained for the battle field.

This statement shows the milk in the coconut, the sugar in the gourd, and the colored gentleman in the woodpile. The plan evidently is to draft and drill an army of beardless boys and send them to the blood-drenched trenches of Europe, where they will be slaughtered like sheep in the shambles. Under this system the rich and influential, in my opinion, will be selected by selective draft, but will be selected to remain at home and enrich their coffers through the profits of blood and the slaughter of the hope and expectancy of our fair land. The statement has been made in this House that it is easier to train a conscript army than an army of volunteers. That statement is the perfection of unreason and a thinly veiled sophistry that is not calculated to deceive any thinking mind. It passes human understanding that anyone should contend that the unwilling conscript is easier to train and discipline than the willing volunteer. What evidence has been offered in support of that assertion? None whatever, and none can be offered. The committee measure and the Kahn amendment both provide the same methods of training after enlistment. They both provide that the same officers shall train and drill the men, and are alike in every essential particular except that of compulsion. It is therefore absurd to claim that with the same officers and the same methods the unwilling conscript will be easier to train than the willing volunteer.

Intolerance of opinion has been one of the chief watchwords among the conscriptionists in the consideration of this measure. Many conscriptionists would, if they had the power, deny freedom of thought and speech and action to those who do not adhere to their particular views. Many excited and sulphurous gentlemen in the House, in the Senate, in the pulpit, and among the newspaper fraternity who never trained in any camp, never enlisted in any army, never fought in any battle, never rendered any military service to their country, and are beyond the limit of military age have now become heroic lip warriors and are exceedingly busy denouncing as unpatriotic those who hold opinions contrary to their own peculiar and pet ideas. The day will come when the sunlight of thought and reason will shine through the clouds that now obscure the darkened mental vision of these excited men, and the doughty warriors who are now fighting the battle with paper pellets and bitter tongues will regret their hasty, unwise action and unwarranted denunciation of those who conscientiously oppose them. [Applause.]

Mr. Chairman, conscriptionists assert that the volunteer military system is a failure. There is no evidence whatever of the truth of that assertion, and all the facts and the history of our country furnish abundant proof to the contrary. We judge of the tree by its fruit. If the fruit it bears is good, we say it is a good tree. We judge of the volunteer military system by the results it has accomplished. If the results are good, we say the system is good. If the results are bad, we say the system is bad, and by these tokens the system should stand or fall.

During our national life our volunteer armies, the men fresh from field and forest, from mine and factory and workshop, men of valor and patriotism, have accomplished more tremendous results for liberty and humanity than all the conscript armies that have ever been marshaled under all the banners of all the kings and princes of the earth. Our volunteers have never yet lost a cause for which they fought. Their courage and valor and efficiency have never been surpassed and seldom equaled, and have been thoroughly tested in many a hard-fought battle. Under the banner borne by our volunteer armies our national life has grown and expanded until the sun never sets on our dominions. We have widened our territory, extended our commerce, built railroads, made internal improvements, and increased our population to over a hundred million prosperous people. These mighty results have been accomplished under the voluntary military system and without the aid of "compulsory" slavery. [Applause.]

The volunteers of 1774, when there were no railroads, no telegraph system, no telephones, and no means of communication except post riders, and with no organization, left the plow in the furrow and mobilized 16,000 strong, and in less than a week were in front of Boston besieging the veteran forces of Gen. Gates. No conscript army could equal that swift and wonderful uprising of the heroic farmers of New England. The English of that day talked as do the compulsionists of this day. They declared that the colonists were ignorant and cowardly and inefficient and incapable of fighting, and would take to flight at the first appearance of the red-coated regulars.

The first shot for liberty that was heard around the world was fired at Lexington by volunteers. At Bunker Hill the valorous volunteers withstood the assaults of the trained British veterans until their ammunition became exhausted, and the Continental Volunteers won victory from the mightiest trained legions of England and established a Nation of liberty, ruled not by compulsion but by the consent of the governed. At New Orleans the undrilled riflemen of Kentucky and Tennessee defeated the veteran soldiers of Britain fresh from the battles of the Spanish peninsular campaign. In the War between the States the heroic valor of the volunteer soldiers in both armies will live forever in story and in song. The volunteers who composed the armies of Grant and Lee were as brave and courageous soldiers and as effective fighters as ever followed a flag or stepped time to the inspiring strains of martial music. There were no conscripts in those immortal ranks. [Applause.]

The military history of this land is filled with eloquent evidence of the courage and might of the volunteer soldier, and the proof is convincing that he is the most willing, most intelligent, most effective, and bravest fighting man in the world.

After all, war is horrid, cruel, heart-rending, and always brings untold hardship and suffering alike to victor and vanquished. Every mother's heart in all this land is apprehensive. A world war that may be the Armageddon of human happiness and liberty is raging. Wealth is being destroyed in uncounted millions and the youth of our land are to be sacrificed, the victims of the unholy passion for military glory.

The young soldier goes to war and considers it a splendid game. He thinks only of battle, the cannon's roar, the deadly charge, and victory. He does not think of the damps and putrefaction of tent and ship and hospital, where he may languish consumed by disease, uncared for and unpitied, and at last may die and be thrown unwept and unremembered into a burial trench or into the sea.

Old-fashioned democracy and government by the consent of the governed have no place in the liturgy of the new disciples of compulsion.

This war is begun, and I am in favor of prosecuting it to the bitter end and to a successful termination, and I shall vote for the last man and last dollar necessary for that purpose. America has put her hand to the plow, and she will not look back. I believe a successful result can best be accomplished by the organization of a volunteer army and after that the conscription of those of military age who refuse to volunteer. A nation whose citizens will not voluntarily come to its defense in time of need does not deserve to exist as a nation.

As for myself, I prefer the old lights and the old pathways and the old doctrines of the fathers. I adhere to the just principles of democracy. They are older than the Egyptian Sphinx, which for more than 6,000 years has mutely stood in the trackless Libyan waste; older than the Pyramids, those silent sentinels of the desert which have defied the storms of centuries; principles coeval with the birth of humanity, and which through all the ages must continue to be the hope and light of liberty throughout the world. [Applause.]

Mr. LUNN. Mr. Chairman, I yield 10 minutes to the gentleman from Mississippi [Mr. HUMPHREYS].

Mr. HUMPHREYS. Mr. Chairman, I may say to begin with that I do not agree to the very mean opinion which has been expressed here so frequently of all men who fail to volunteer on the first call when their country is at war. Some of the best friends I have in the world, men honorable and patriotic and brave, did not volunteer when the first call was made in the Spanish-American War. And I know that they were willing then, as men are willing now, to make any sacrifice their country might call upon them to make. I know that many now look on the Spanish War more or less as a joke. And if this army we are now to raise is not sent abroad, if this war ends as we all pray it will end, before our boys are sent into battle, and their service amounts only to duty in the various training camps about the country, it will be only a few years hence when the veterans of the German war will be held in the same light esteem that we now hold the Spanish-American War veterans. When gentlemen, therefore, are denouncing the men who remain at home and propose "that they be gathered together in a slaughter pen and all knocked in the head," as was suggested by the gentleman from Kentucky, let us think for a moment what would have happened in this country, how many strange faces there might now be in this Chamber, if we had pursued that same policy in 1898.

I do not agree to the proposition that only those should go to war who want to go, or that an opportunity to volunteer should be given to the men who want to go, and let those who want to remain at home do so. In the first place, it is not true, Mr. Chairman, and it is a reflection, it is an impeachment of the patriotism of the volunteers to say that the men who have volunteered in the various wars that our country has engaged in were men who wanted to go to war. Volunteers, I know by sad personal experience, have gone into the wars of this country not because they wanted to do so, but because they believed it was their patriotic duty to do so.

I have a letter, which I received this morning from a young man who is now a volunteer and is in the National Guard being trained. I would like to read this one paragraph from that letter to illustrate the accuracy of my statement.

He says:

The Government earnestly and sincerely and in all good faith calls for all able-bodied unmarried men, and if I (who am more than twice the age of my father when he enlisted in the service of his country and went to war) said, 'Let those who want to fight go to the war,' I would be shirking my duty, and would be a disgrace to the bravery of my father. I don't want to go to war; I don't want to kill and don't care to be killed, but it seems clear to me that I am needed to help preserve the honor and integrity of the Nation, and if it must be fight I can fight, and I want to be where I can do the most damage to the enemy.

[Applause.]

That is the sort of men who volunteer, and it is an injustice to them and, I repeat, an impeachment of their patriotism, to say that they went simply because they wanted to go.

Gentlemen who are opposing the plan of conscription are assuming to be the champions of the volunteer. I deny this, Mr. Chairman. What they champion is the volunteer system, but I deny that they represent the volunteer. There are six men in the House who served as volunteers in the Civil War, four of whom are now favoring the plan of conscription. There are 22 Members here who served as volunteers in the Spanish-American War and 17 of that number are now in favor of conscription, and I believe that this proportion of 17 out of 22 fairly represents the judgment of the men who would be volunteers in this war. These gentlemen are loud in their praise of the services heretofore rendered by the volunteers and are merciless in their denunciation of those who fail to volunteer; and yet, Mr. Chairman, I believe all will agree that the ones in this country who would rejoice the most heartily if the news were flashed across the country to-morrow that Congress had rejected the conscription plan and had determined to wage this war with volunteers would be, not those who intended to volunteer but those who, physically fit and morally bound to serve their country, have nevertheless determined in their own hearts not to do so! These, not the volunteers, are the ones who are praying for the success of the advocates who pose here as the champions of the volunteer. Whenever any change in any governmental policy is proposed, be it economic or military, those who oppose it point out that it is contrary to the teachings of the fathers. This argument has been worn threadbare almost in this debate, and yet I believe there is little to justify it. Throughout the long and weary years of the revolution Washington was begging the Continental Congress to resort to compulsory service in order to raise the army necessary to win our war of independence. Yesterday the gentleman from Virginia [Mr. HARRISON], in a very scholarly presentation of this subject, quoted a letter from Thomas Jefferson, which I think will well bear repetition.

In a letter to J. W. Eppes, Thomas Jefferson wrote:

I think the truth must now be obvious, that our people are too happy at home to enter into regular service and that we can not be defended but by making every citizen a soldier, as the Greeks and Romans, who had no standing army; and that in doing this, all must be marshaled, classed by their ages, and every service ascribed to its competent class.

Abraham Lincoln, in his Gettysburg speech, declared that—

This Government was conceived in liberty and dedicated to the proposition that all men are created equal.

Equal in what, Mr. Chairman? In rights, privileges, and immunities only? Is this the sum total of that equality which this great patriot ascribed to all men? Does that equality carry with it no equal share in the burdens of citizenship? I believe that no man who has ever contemplated the character of this great man, who bore without complaining and suffered in silence the burdens and the anguish which few of his fellow men knew, will ever subscribe to any such suggestion. Every man who is physically fit is morally bound to serve his country where and how he can serve it best, and I do not believe that the determination of that question ought to be left to his judgment in such a crisis as now confronts us. His duty is to obey. The right and the responsibility of the Government is to command and direct.

On this point I would like to read a statement of a very distinguished Mississippian, no less a personage than Jefferson Davis. He says:

The defense of home, family, and country is universally recognized as the paramount political duty of every member of society, and in a form of government where each citizen enjoys an equality of rights and privileges nothing can be more invidious than an unequal distribution of duties or obligations. No pursuit nor position should relieve anyone who is able to do actual duty from enrollment in the Army unless his functions or services are more useful to the defense of his country in another sphere.

[Applause.]

No clearer statement could be made of this proposition for selective conscription. Now, I wish to read just another statement of Mr. Davis on the subject of conscription. All of us, Mr. Chairman, are trying to do that which will best serve our country in this emergency. Whether we should have entered the war is no longer a proper subject for debate among patriots. We are at war, and no man can raise the veil of the future and see far enough to tell whether it is to last three years or one year. This is what Mr. Davis says:

During the first year of the war the authority granted to the President to call for volunteers in the army for a short period was sufficient to secure all the military force which we could fit out and use advantageously. As it became evident that the contest would be long and severe, better measures of preparation were enacted.

Now, what were those "better measures of preparation"? He says:

I was authorized to call out and place in the military service for three years, unless the war should sooner end, all white men residents of the Confederate States between the ages of 18 and 35 years, and to continue those already in the field until three years from the date of their enlistment.

Now, listen further to what he says:

This was the first step toward placing the army in a permanent and efficient condition.

[Applause.]

This is the testimony of the President of the Confederate States, a graduate of the United States Military Academy, a distinguished officer in the United States Army, a man who, as a volunteer, rendered conspicuous service on the battle fields of Mexico. When gentlemen say that we are running counter to the principles upon which this Government was founded and running contrary to the doctrines of the fathers and the practices of our fathers, I submit this testimony of one who was in a much better position to speak on this subject than is anyone in this House.

Nobody questions the fact that the volunteer has rendered splendid service in all the wars of our history, and that question is not at all involved in the consideration of this measure. The fact that the proponents of the volunteer system rely exclusively, or almost exclusively, upon the historic and undisputed fact that the volunteers have won all of our wars for us is proof to me that there is no other argument in its favor. The volunteer system was never just. It put the burden of defending the country and the free institutions of our country upon the shoulders of those who were willing to make whatever sacrifices were necessary in order to win the battles and permitted those other citizens who were equally bound by every rule of patriotism and of righteousness to escape these burdens, if in their own opinion, or if in their own desire, they preferred that course. It matters not how many battles the volunteers won, how heroic their sacrifices, how splendid their per-

formances upon the field of battle; the other fact remains that there were thousands of men back home, many of them waxing fat and enduring none of the hardships of war, claiming and enjoying all the rights of citizenship in a Government which Lincoln declared at the time was "dedicated to the proposition that all men are created equal." The system which permitted this, in my opinion, was wrong, and it can not be justified by the mere recital of the fact that the battles fought under it were won. Be that, however, as it may, it is a condition that confronts us now and not a theory, a condition the like of which the world has never witnessed. We have entered into a war which finds no counterpart in all the history of this turbulent earth. Never before in our history could we paraphrase with such ample truth Nelson's immortal signal, "America expects every man to do his duty."

In paying tribute to all the sailors of his fleet at Santiago, including not only the gunners but the men who worked the engines far below, Admiral Schley, with characteristic generosity and justness, said: "This was a battle of shovels, as well as shot." And so it is with this war. It will not and can not be won alone by the men who go upon the battle fields. In the old days when the soldiers carried muzzle-loading rifles and manned muzzle-loading cannon, the question of ammunition was not a particularly serious one. To-day, with all the improved implements of warfare; with rapid-fire guns, repeating rifles, machine guns, and all the modern equipment and complicated ammunition required for the Artillery, tons—yes, millions, even multiplied millions of tons—of ammmunition must be supplied and this will require the services of many, many thousands of able-bodied and patriotic men. As strange and incomprehensible as it may appear the whole world faces a shortage in food supplies; such a shortage that the thoughtful statesman contemplates the possibilities with gravest concern. We must not only feed, clothe, equip, transport, and maintain our own forces, but we must render the same service in a large measure for those of our allies upon whom we must depend to help us win the victory we have dedicated 'our lives, our fortunes, and most sacred honor" to attain. To say that we should proceed in such an emergency to enter upon an enterprise so inconceivably gigantic, without the directing hand of some central power to adjust the complicated machinery to the end that there may be a harmonious prosecution of the task, is to fly in the face of reason and common sense and exalt a sentimental theory beyond all justification or reason.

Jefferson Davis, in arguing one phase of the question of conscription to a member of the Confederate Senate who was opposing it, exclaimed almost in desperation, "If the Confederacy fails, there should be written on its tombstone, 'Died of a theory.'" If we undertake to fight this war leaving it to every citizen to determine for himself the manner in which he shall perform the duties which rest upon us all alike, and predicate our justification upon the fact that we have won our wars heretofore by similar methods, then when the day of awful judgment comes, as it will surely come, no more fitting epitaph than the one above quoted could be found to mark the resting place of our theory-stricken institutions.

In a letter written by Jefferson Davis to Gov. Joseph E. Brown, of Georgia, in 1862, which is reproduced in The Rise and Fall of the Confederate Government, the whole subject of conscription is set out so forcefully that I commend its careful perusal to all who are interested in this subject. No man, in my opinion, Mr. Chairman, in the long history of this Republic was better equipped from training and experience to speak on this subject than Jefferson Davis, and whenever I find authority and justification in any of his writings for the course which I am pursuing I confess that I have a most reassuring sense that my course is safe, and I thereafter proceed with confidence. It is urged by some not only that it is unfair but that it is wicked and outrageous to draft men for service except to repel an invasion. This was exactly the position taken by Gov. Brown. Let me call your attention to the following extract from Mr. Davis's letter on that very point, and it is almost remarkable how thoroughly apt his statement is to this present controversy. To those who have and still are, unhappily, denouncing this country for engaging in a war to protect the rights of those of our citizens who go down to the sea in ships this quotation is especially commended. I read again from the letter to Gov. Brown:

> At some future day, after our independence shall have been established, it is no improbable supposition that our present enemy may be tempted to abuse his naval power by depredations on our commerce and that we may be compelled to assert our rights by offensive war. How is it to be carried on? Of what is the army to be composed? If this Government may not call on its arms-bearing population otherwise than militia and if the militia can only be called forth to repel invasion, we should be utterly helpless to vindicate our honor or protect our rights. War has been well styled "the terrible litigation of nations." Have we so formed our Government that in this litigation we must never be plaintiffs? Surely this can not have been the intention of the framers of our compact.

The committee bill provides that we shall call for volunteers, and that if they fail to respond then and in that event the President shall be authorized to resort to compulsory service. I believe this is a war in which every man in this country should and every man must be required to do that which not in his opinion is best for the Government but that which, in the opinion of the Government, is best for him to do. We can get volunteers, I believe. Many would go who ought not to go. I believe we would get them, but I am neither a prophet nor the son of a prophet. Suppose the volunteers would not go forward in sufficient numbers? Gentlemen who have been extolling the efficiency of the volunteer and who are assuming to represent the volunteer upon this floor have dealt in most extravagant abuse and unjust criticism, I think, of the men who fail to volunteer. Now, if we call for these volunteers and they do not go, then what? "Leave it to the citizen," they declare, "to decide whether he should enlist," and denounce him as a coward and a slacker if he decides not to do so. How can such a system be justified? Under the provision of the House bill, we are to put this stigma of cowardice and all the opprobrium that attaches to the word "slacker" upon the men of the country who fail to answer the first call by conscripting them and forcing them into the Army. In this way two distinct classes will be called upon to serve together—the patriotic volunteer and the so-called unpatriotic slacker.

In justice to all, Mr. Chairman, I am opposed to any such system. Let us start out with the theory that when it comes to serving the country all men are in fact equal. Let us say to all, "You owe a duty which you ought to perform in this crisis, and the Government proposes to determine what that duty shall be and not leave it to the fallible, though thoroughly patriotic, determination of the citizen." Let us be just and fear not. [Applause.]

We are frequently reminded that conscription in the South was not a success; that it was rather a "howling failure." This is only partly true. Of all the troops who were mustered into the service as volunteers, many—very many in fact—had enlisted for 12 months. Speaking of this, Mr. Davis says in his book explaining the effect of the conscription law of 1862:

> The existing organization of companies, regiments, etc., was preserved, but the former were filled up to the number of 125 men. * * * The term of service being lengthened, the changes by discharges and by receiving recruits were diminished, so that, while additions were made to the forces already in the field, the discipline was greatly improved.

And then he declared:

> This was the first step toward placing the army in a permanent and efficient condition.

The "howling failure" of the law referred to so frequently was occasioned not by the fact of enforced service but because of the unwise exemptions contained in the law. As it was written men who owned 20 slaves were exempt; overseers and various other classes were exempt from draft, and the cry was raised throughout the South that it was "a rich man's war and a poor man's fight." Unfortunately, that same criticism is being whispered somewhat to-day. I have heard of it, at any rate, coming from the State of Mississippi. The insidious and wicked doctrine is being preached that this war was brought about and that we have entered into it in order that certain interests may prosper and certain men grow rich; that in order that J. P. Morgan and his fellow plutocrats of Wall Street may fatten their already swollen purses, our boys are to be sent to war to die upon the battle fields of Europe. Every patriot knows that this is false and resents it as a wicked slander upon his country. If it was ever true in the history of our country, it is true to-day, that no sordid interest has tainted our purpose, but that we have entered this war in defense of the rights of our citizens and of the liberties of man, to the end "that government of the people, for the people, and by the people shall not perish from the earth." [Applause.]

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. LUNN. Mr. Chairman, I yield 20 minutes to the gentleman from Alabama [Mr. HEFLIN].

The CHAIRMAN. The gentleman from Alabama is recognized for 20 minutes.

Mr. HEFLIN. Mr. Chairman and gentlemen of the committee, let us remember that we are in war and that we have been drawn into that war by the most despotic military power that ever appeared upon the earth. A mad monarch, dreaming of world power, now threatens every free government in the world, and unless he is conquered in Europe we will have him

to fight on American soil. God give us the foresight and the courage to prepare now and to strike, and strike hard, while other nations can help in putting down this brutal disturber of the world's peace. [Applause.]

Senator OWEN, of Oklahoma, in an able speech the other day, told of how the German autocracy had kept all Europe in a state of unrest and dread by her military preparations and how a few years ago, at The Hague, Germany prevented disarmament. And, Mr. Chairman, Senator JAMES, the able and eloquent Senator from Kentucky, in discussing war with Germany, told of attending the peace conference in London a few years ago. He said:

> I attended a great peace conference in London about 11 years ago, where more than 20 nations of the world had assembled. England was there, France was there, Italy was there, Russia was there, but Germany was not there.

So it is clear that the German autocracy did not want peace. While other nations were talking disarmament and praying for universal peace, the German autocracy was preparing to live by the sword, and now, according to the Bible, she must die by the sword. [Applause.]

The President of the United States, the Commander in Chief of our Army and Navy, has asked for an army of a million men. I was under the impression at first that the plan proposed by the President for raising an army was the old conscript plan, and I know that under that plan those near at hand, who could be reached conveniently and quickly, were the ones upon whom the burdens and hardships of that system had fallen and would fall. The old conscript system was justly unpopular. Other gentlemen here, like myself, were opposed to what they supposed to be the plan of the President, and this was because we had not seen that plan and did not understand it. But, Mr. Chairman, I found, as other gentlemen here did, upon investigation that the President's plan for drawing and selecting an army from the men of the fighting age in the United States was not at all like the old conscript plan. There was nothing fair about the old conscript system. It was unintelligent and unscientific. The conscript officer went out and took men wherever he found them, without regard to their occupations and their usefulness to the country at home, and, as soon as his presence was narated around, those who could and wished to do so hid out. So they did not serve the country as soldiers, nor did they contribute to its support in farm or factory, for they were afraid of being arrested and dragged into the Army. So under the old unintelligent conscript system men were taken who ought to have been left on the farms and in factories and other occupations, and others escaped who ought to have gone to the front, and still others were frightened away from useful service to the country. Under the plan suggested by the President—that of drawing and selecting an army from the list of men of the fighting age—names of men on the new Army registration list will be placed in a box and shaken up, and then, one by one, they will be drawn out and announced. Then the occupation of the man will be inquired into, and if it is found that he can best serve the country by continuing the work that he is doing he will be designated by the Government to do that work. In that event he will not be required to go to a training camp or to undergo physical examination. The boys selected will go into training camps, where they will be well cared for and thoroughly trained for service in the Army.

In this war every man must render service, and he must serve where the Government feels that he can do the most good. The farmer, producing food supplies, can best serve his country upon the farm. The gunmaker can best serve his country in a gun factory. The soldier in the camp or at the front must be supplied with shoes and clothes and tents, food, guns, and ammunition. The people of the Nation must be fed and clothed. The farm and the factory, the railroad trains, and all other useful industries must be kept going. The President's plan registers all men of the fighting age, and this roll enables the Commander in Chief of the Army and Navy to know just what the fighting strength of the country is; and it also enables him to raise an army and carry on war without demoralizing and crippling necessary agencies and productive industries at home. Every man of the fighting age owes military service to the country whenever the country needs that service. The obligation to fight when the country is at war rests alike upon all men of the fighting age. Now, then, if all these men of the fighting age owe military service in time of war, and if all of them are under the same obligation to fight for the country, why should the Government, in raising an army, adopt a plan that will permit thousands to ignore the call to service and escape their part of the burdens of the war while others with more pride and patriotism come forward and endure dangers and hardships in the discharge of a duty that rests not only upon them but upon thousands of others who decline to respond to the call? It is not fair to the boys of spirit and courage to raise this army by the volunteer plan. Why should these boys be permitted to come forward and make sacrifices and brave dangers in acknowledging their obligation to fight for the country, while thousands of others refuse to do their part and bear their share of the burden? If the men of the fighting age in the United States who, so far as they are concerned, really like the volunteer plan the best, had not seen the principle of justice and fair play in the President's plan, they would have flooded the President and the Congress with telegrams and petitions; but they have not done so, and why? Simply because they recognize that while they are willing to answer to the call of duty that there are others who need the assistance of the Government to help them hear and respond to the call of duty. [Applause.]

If all men of the fighting age owe military service and all are under the same obligation to fight, then there ought to be a fair and just plan devised by which service can be required. The brave man is always ready to do his duty, but he ought not to be required or permitted to do more than his part. The fathers and mothers of the country are willing for their boys to bear their fair share of the burdens of government, to contribute to its support in time of peace and to fight for its preservation in time of war, but they are not willing for their boys, simply because they have the courage and the disposition to volunteer and fight, to do so, while others who owe the same kind of service are permitted to shirk their duty. They do not like the system that permits their boys, from a sense of patriotic duty, to march off to war, while thousands who are under the same obligations to fight remain at home simply because they do not wish to do their part. Thousands of young men are ready and willing to fight, but they are not willing to risk their lives while thousands of others, upon whom the same kind of responsibility rests, remain out of service, simply because they do not wish to do their duty. The average young man had rather see the Government place the names of all the men of the fighting age upon a roll showing the fighting strength of the country and giving the number of all those who owe military service, and, Mr. Chairman, the young man of courage and intelligence had much rather be selected from a roll like that, where all, rich and poor alike, who owe military service, can be required to serve, than to volunteer his service and fight under a system that acknowledges equal obligation to fight but does not require equal responsibility in fulfilling the obligation. [Applause.]

Mr. Chairman, society is an organism composed of mutually dependent members, and the Government, the constituted authority of society, has no right to permit one class of its male citizens of the fighting age to escape military service when the country needs that service and place the burden of defending the country upon men who are willing to volunteer. The country should draw its fighting force from the body of the people through a system fair and just to all. We do not rely upon voluntary contributions for taxes to support the Government in time of peace, and why should we rely upon voluntary service in time of war when the life of the Nation is at stake?

The Government has enacted laws which exact from every citizen the amount of taxes that it thinks he should pay, and that same Government has the right to expect and demand, if need be, military service from every able-bodied citizen of the fighting age. Men who are protected by the Government in life, liberty, property, and the pursuit of happiness are subject to the call of that Government when war comes and fighting is necessary. The man of the fighting age is transformed from citizen to soldier whenever the country calls him. He belongs to the standing Army of the United States and when Congress declares that the country is at war, no able-bodied man of the fighting age has the right to remain at home in his comfort and ease simply because he does not want to fight. Why should some individuals, on account of cowardice or other unworthy cause, be permitted to remain at home and force the responsibility of defending the Nation upon men who have spirit and patriotism enough to be willing to fight and to die for their country?

Mr. Chairman, we all agree that all men of the fighting age owe military service to the country and yet, under the volunteer plan, the newly naturalized foreigners and hundreds of thousands who have come into our country in the last few years can flatly refuse to render military service. This ought not to be. Then there is the negro problem, and it is largely confined to the Southern States. Young white men are already saying, "We are willing to go and fight for the country, but we do not feel that we should be taken out of communities where there are large negro populations and leave the negro boys at home

to become the tools of German spies and agents in stirring up trouble for our people." Under your volunteer plan, you can not compel the negro to render military service and everyone of them can flatly refuse to serve, and, Mr. Chairman, I will not vote for a plan that will call the brave young white men out of these Southern States and leave thousands of negro boys behind to be a menace to the peace and happiness of the white people in these localities in the South. [Applause.] Under the selective-draft plan we can compel negro boys to do military service, and the fact that we can compel them to go to war will have a very wholesome effect upon the lawless element. It will rather encourage and promote good conduct on the part of the negro criminally inclined, and it will place some of that race in negro regiments for service in this war.

Under your volunteer plan the South would furnish more than her share of the soldiers. She has a litle more than one-fourth of the population of the country and yet the report on the number who have volunteered to serve with Col. Roosevelt shows that 60 per cent of them live in the South. The selective-draft plan will draw the soldiers according to the population of States. The power must be lodged somewhere to call out the fighting force to defend the life of the Nation from the dangers that may threaten it. Suppose you did not have this power anywhere and the country should be invaded by a foreign foe, and suppose he should land his forces at Mobile, Ala., or at New Orleans, La., and the North, the East, and the West should say, "We will not call upon our boys to volunteer to go into the South to help drive out the invader, but we will wait until he invades our particular territory." Why, we would say that this is not a sovereign Nation where the people are united in heart and purpose to stand together and fight together for the happiness and well-being of all. But, Mr. Chairman, under President Wilson's selective-draft plan, the Government would select soldiers from every State in the Union and send them to the section invaded and the blow against the South would be regarded as a blow against the Nation. [Applause.] You gentleman have coupled the volunteer plan with the selective-draft plan and you say by that that the selective-draft plan is sound and worthy of being used by the Government in raising an army. But you say use the volunteer plan first and if it fails why then use the selective-draft plan. So the plan that the President likes best and the one that he insists upon, you indorse, but you ask him to try the volunteer plan first. And yet you provide that he may reject at once your volunteer plan if he wishes to do so and put into operation immediately the selective-draft plan. Now, then, why will you cause delay and undertake to embarrass the President by tying onto the selective-draft system a plan that he has told you he does not want and a plan that has already failed in the National Guard and the Regular Army? [Applause.] Seven hundred thousand men can now volunteer and enter the National Guard and the Regular Army and all who wish to volunteer can now come into these branches of the service through the volunteer system.

The selective-draft plan will not keep out of the Army a very great many of those who wish to volunteer. It will be the means of rejecting some of them because they can better serve their country where they now are, and if there are those selected who have expressed a desire to volunteer, why let the record show, for instance, if they desire it, that John Paul Jones was selected September 1, tendered his services June 2. But, gentlemen, let us remember that we must raise an army quickly. Already German agents in the United States have been carrying on a propaganda against the volunteer enlistment of our boys. They are serving the German Government and doing that which they believe is to the best interest of Germany and a significant fact, Mr. Chairman, in connection with this matter of raising an army to fight Germany is that every German agent and sympathizer in the United States is to-day advocating the voluntary system, and I have concluded that, as between the plan advocated by the agents of the German Government and the plan suggested by the President of the United States, it is my duty as an American citizen to stand with the President. [Applause.] It ought to be clear to the mind of every gentleman in this House that the agents of the German Government now operating in this country are doing all that they can to serve that Government, and when we find them flooding the country with literature opposing the quickest way of raising an army we may be sure that they are helping the German Government, and, gentlemen, innocently or otherwise, if we support their plan, we, too, are aiding the German Government. German money and German agents are active in opposing the President's plan for raising an army. It is true, Mr. Chairman, that some good and loyal Americans in this House and elsewhere are sincerely in favor of the volunteer plan. While that is true, it is also true that no disloyal American and no German spy or agent is in favor of the President's plan, which puts the man force of the country on the fighting list of the United States. [Applause.]

A Member of this House has just told me of a telegram that he received on yesterday from a German—not an American citizen of German blood, but a subject of the German Empire—urging this United States Congressman to vote for the volunteer plan for raising an army. Just think of that. This same German agent a few months ago had written a letter to this Congressman, and when he received the telegram he investigated the situation and found that this man was not a citizen of the United States, but was an agent of the German Government. These agents of the German Government are advocating the volunteer plan, and if we should adopt it, they would flood the country with literature urging the boys not to volunteer. Their purpose is to cause delay and to prevent the raising and the training of an army quickly. Mr. Chairman, if we should be compelled to rely solely upon the volunteer system, all kinds of efforts would be made to make it a failure. Misrepresentations would be made and various kinds of schemes would be resorted to, to keep boys from attending the meetings where volunteers would be called for and the Government would be at the mercy of the enemies of the country. Suppose you should adopt the volunteer plan, coupled with the selective-draft plan, as you here propose, and you should ask 112,000,000 people to send into the Army 1,000,000 men, and after 60 days you should find that only 100,000 had volunteered, then, under your plan you have authorized the Government to go out and compel the other 900,000 men to come and serve, and when you do that you have class distinction in your Army. One would be called the volunteer and the other the conscript soldier. But if you place them all on the roll of the fighting men of the Nation and select the Army from that list you will never hear of class distinction. Uncle Sam will call the roll and in a fair and intelligent manner select his Army. He will say to the young man chosen, "Young man, you have been selected as one capable and in every way worthy to bear arms in defense of your country. You have responded nobly to the call of duty, and now in the name of a hundred million people I bid you go and battle in defense of American rights and liberties." [Applause.] And if this boy should die in battle, write upon his tomb, "Here lies an American soldier selected by his Government to fight in defense of his country. He did his duty nobly and died fighting for his country." [Applause.]

If you should force the country to rely solely upon your volunteer plan, what do you suppose would happen? Why, those German propagandists would do everything in their power to induce people not to volunteer, and they would make such a campaign against it that when you went out to force men into service you would have serious trouble. So when you postpone the selective-draft plan you simply give the enemies of the Government time and opportunity to delay and hinder the Government in its efforts to speedily raise and train an army. Why, Mr. Chairman, way back in the days of Moses the principle was recognized that all men of the fighting age owed military service to the country. The Bible tells us that Moses asked the children of Gad and the children of Reuben if they thought that it was right for them to remain at home while their brethren went to war. [Applause.]

Mr. BARKLEY. Will the gentleman yield?

Mr. HEFLIN. Yes.

Mr. BARKLEY. I want to recall to the gentleman's mind the fact that Moses himself was a drafted man. When he was first drafted he wanted to stand aside and let Aaron go.

Mr. HEFLIN. Yes; that is true. And again, the Bible tells us that the army of the Lord was chosen from the sons of Reuben and from the Gaditos and from the tribe of Manasseh, and that they were taken from the valiant men, men able to bear buckler and sword and to shoot with bow, and so forth. And when the children of Ammon hired Syrians to battle against the army of the Lord, David, the man after God's own heart, sent Joab out to select from the choice men of Israel an army to go out and battle for the Lord against the Syrians. [Applause.]

Mr. ADAMSON. Mr. Chairman, will the gentleman yield?

Mr. HEFLIN. I will yield to the gentleman, although my time is very short.

Mr. ADAMSON. Just a word to help the gentleman and Brother BARKLEY with the Scripture a little bit. The churches will not allow a man to volunteer and preach. They are called. Jesus selected or drafted all of his Disciples, and when Judas went out his successor was selected.

Mr. HEFLIN. Yes; Jesus went amongst the people himself and picked out or selected his disciples. The Baptist and Presbyterian denominations select their preachers and the preachers

of other denominations are selected by some authority in the church. We select school-teachers to instruct our children, and we pick out or select men for jury duty.

Mr. Chairman, let us say to the brave boys who are willing to volunteer, you honor yourselves and the Nation by tendering your services to the country, and we honor and commend you for your patriotic act, but you do not owe any more to your country and there is no more reason why you should go and fight than hundreds and thousands of American boys who are capable of rendering military service to the country, and young gentlemen, we do not propose that the men of patriotism and self-sacrificing spirit shall fight the battles of the country while thousands of able-bodied men of the war age escape service simply because they do not desire to fight. [Applause.] And, young gentlemen, while you are willing to fight and we welcome you into the service, it is not fair to permit you to make sacrifices and to brave dangers in defense of those who can, but who will not, do their part and render the same kind of service that you are willing to give. The Mississippi boy, mentioned in this debate to-day by Mr. HUMPHREYS, expressed the feeling of every brave boy in the country when he said, "No; I have not volunteered, and I am not going to volunteer; but I am ready to fight if necessary, and if it falls to my lot to be drawn or selected from the list of men who owe military service to the country, I am ready to do my part." [Applause.] And, Mr. Chairman, the gentleman from Minnesota [Mr. ANDERSON] touched the very heart of this question when he told of his experience as a volunteer in the Spanish-American War. He was the youngest of six sons, and unmarried. His father gave his consent, and then he said, "My father and I went to my mother to get her consent, and while she gave it, I shall never forget that sad and trying ordeal, and from that day to this I have been against the volunteer plan, because I do not think that the mothers of the country should be called upon to decide the fate of their sons." [Applause.]

Why should you adopt a plan for raising an army that will put such an unpleasant task up to the mothers of the country. You are putting a terrible question up to the mother. It may be a life-and-death question, and why should you put her in the heart-rending position of feeling that she, by her consent, is responsible for the death of her boy if he should be killed in battle. The mother had rather see her boy of the fighting age take his chance of being drawn for service along with other boys of the fighting age, and then, if he is selected, she feels that he has responded to the call of his country, and if he should lose his life in the Army, she at least will be spared the sad reflection that she, by giving her consent for him to go, is responsible for his death. Gentlemen of the House, the mothers of the country feel that if all the boys of the fighting age owe military service to the country, then responsibility for fulfilling that obligation ought to rest upon all alike. [Applause.] But one gentleman suggests that he does not want to see the selective-draft plan adopted, because it might take some boys out of his district, and if it did and one of them should be killed, that the mother would say to him, "You voted for a measure that took my boy away." In reply to that suggestion, let me say, suppose we should adopt the volunteer plan and the President should call upon every Member of Congress to go home and speak all over his district calling for volunteers. You go and beg the boys to join the Army. Now, suppose 15 or 20 boys should come forward at one of these meetings and after awhile one of them is killed in battle and his mother should come to you and say, "You voted for a plan that called for volunteers and you put upon me the unpleasant duty of giving my consent for my boy to go, not only that but you came here and made a speech, and you asked the boys if they had any patriotism or if they were a lot of cowards, and under the plan that you proposed and through your campaign for volunteers, my boy responded and now he is dead. Hundreds of boys about the same age of mine did not even attend the meeting which called for volunteers. They did not respond to the call of duty. I would not complain if you had voted for a plan that put my boy on the same footing with other boys, where the principle of fairness would be employed and all would be required to do their part." [Applause.]

Let me present another scene to you, gentlemen. Suppose you should have the volunteer plan by itself and you should go out into your districts calling for volunteers, and suppose you were requested to get 50 boys from each county, and when you had finished the campaign in the first county only 10 boys had come forward to volunteer. Why, gentlemen, you would take these young men by the hand and say, "God bless you, boys. You have responded nobly to the call of your country, but the Government desires and expects 50 men to come from this county, and only 10 have responded." Then you would say, "Young gentlemen, do you believe that it is right and fair for you 10 young men to go and stand in battle line where the Government has said that 50 men from this county shall stand and permit the other 40 to escape their responsibility and remain at home?" Then they would say, "No. You ought to require them to come and share with us a duty that we all owe." [Applause.]

Under your volunteer plan you take boys 18 years of age and, if they will not volunteer, you compel them to serve by using the other plan that you have tied on to the volunteer plan. And I submit, Mr. Chairman, that this plan is not as fair and equitable as the President's plan. The selective-draft plan offers no opportunity for class distinction. It is fair for all and recognizes the principle of equal obligation and equal responsibility. [Applause.] It does not take the 18, the 19, or the 20 year old boy. It requires that he be 21 years old. I know that some as good men as ever came to this House favor the volunteer along with the selective-draft system, and one of them is the chairman of this committee—HUGH DENT, of Alabama. [Applause.] God never made a truer man. [Applause.]

Gentlemen, let us wake up to the fact that we are in war. Germany is making war upon us, while German spies and agents are stirring up trouble for us right here at home. The sooner the Secret Service force makes public the list of their names and the sooner this Government shoots to death some of these criminals and murderers the better it will be for this country. [Applause.]

Mr. GORDON. Will the gentleman yield?

Mr. HEFLIN. Yes; briefly.

Mr. GORDON. Would you shoot the spies to death without a trial?

Mr. HEFLIN. No; I would not shoot them without giving them a trial. But they have got to be taught to respect our rights. I saw in the Washington Post this morning a notice where a party of patriotic Americans were having dinner in a hotel in New York. They sent word to the orchestra to play the Star-Spangled Banner, and the German agent in charge refused to permit that glorious old tune to be played. Something ought to have been done to him. [Applause.] I read in a Washington paper the other day that an old American patriot in Chicago had refused to shout for the German Government and German agents murdered him. But the old man was brave, and the last words he said were, "Long live America." [Applause.]

But some gentlemen remind us that Washington called for volunteers. Yes; but gentlemen, you must remember that in the colonial days we had no Government. We were fighting to establish one. Then, we called for men who were willing to come forward and fight to establish a government. Then, there was no constituted authority to act for the people. So it was necessary to call for volunteers. Nobody was authorized to compel service. But now we have a Government of the people to act for the people and to call them to its colors at a time like this. Why should this great Government, now more than a hundred years old, a giant in the family of nations, be required to employ the only means that it had when it was unorganized and struggling to become a nation. Why, gentlemen, you had just as well say that we should now use the old muzzle-loading rifle and musket in preserving our rights and liberties, because our forefathers used them in achieving those rights and liberties.

Thomas Jefferson, the author of the Declaration of Independence, declared in 1812 that every citizen must be subject to military duty, and that the country would not be safe until that principle was adopted. Washington, the leader of the Continental Army, declared that a peremptory draft of men was the only effectual plan. Here are the two greatest leaders of colonial times declaring against the volunteer system and giving us the benefit of their experience and counsel. [Applause.] And the recent sad experience of England with the volunteer system warns us to profit by her example.

And, Mr. Chairman, President Wilson, the Commander in Chief of our Army and Navy, the man upon whom rests the responsibility of conducting this war, asks us to give him the selective-draft plan, and saying that he is convinced that it is the fairest, the wisest, and the best of all the plans proposed. [Applause.]

Gentlemen of the committee, this country is now called upon to fight for her own preservation and for the preservation of the ideals and principles of Christian civilization. God pity the man who can not see and appreciate our situation. [Applause.] The God of our fathers kept this country hid from kings for thousands of years, and in His own good time He sent Columbus to lead the way for the persecuted men and women from every clime and country, and those who loved liberty and the right to worship God according to the dictates of their own conscience came here and dedicated their all to the cause of liberty. [Applause.] Here we have grown to be a mighty people, more than a hundred millions strong. We have accumulated the

wealth of the world, and to-day we are the richest Nation upon the globe. God had a purpose in permitting us to accumulate this wealth, and He had a purpose in making us a strong and mighty nation. [Applause.] To-day, in response to duty and destiny, we are getting ready to strike the blow that will end military despotism, secure our own safety, and bring lasting peace to the people of the world. [Applause.] Every liberty-loving nation upon the earth is looking to this giant Republic to strike the decisive blow for liberty and civilization. [Applause.] Mr. Balfour, the foremost statesman of the Old World, is here as our friend and ally in this mighty struggle, and Marshal Joffre—God bless him!—the intrepid and victorious commander of the French forces at the Battle of the Marne, is here as the friend and ally of our Nation. [Applause.]

In the old days the wise men of the East turned with faith and hope to the star that stood over the cradle of the infant Christ, and to-day the liberty-loving men of the Old World are turning with faith and hope to America, where the Bethlehem Star of the West shines above liberty's mighty stronghold. [Applause.] And, God helping us, we will not fail in our duty to ourselves, to God, and to humanity. [Loud applause.]

Mr. LUNN. Mr. Chairman, I yield 10 minutes to the gentleman from Maryland [Mr. LINTHICUM].

Mr. LINTHICUM. Mr. Chairman, a little more than three weeks ago the President of these United States appealed to this Congress in his great war message, and this Congress, freed at last from diplomatic restraint, cast doubts and fears to the winds and followed him. To-day completes three weeks of war. What have these three weeks meant to us? We have calmly gone about the business of preparation. Why, sir, when Belgium had been three weeks at war her plains were drenched with the blood of her sons, France was reeling from the blows of the supermachine of German power, and England was reading her first casualty lists. Even Russia was at grips with the foe.

It is not a special providence or divine dispensation which has kept the Prussian wolf from our doors, but, on the contrary, it is the very human British Royal Navy to which we owe this breathing spell in which to gather our forces for the titanic struggle which is already dawning for this Republic with the bitterest and most implacable foe we have ever encountered, not even excepting the Apache and Comanche of our western border wars. The President says, "The supreme test of the Nation has come." What have we done to meet that test? We have passed a handful of bills, and among them the largest war credit ever voted by any nation at any time. Seven billion dollars is a sum so huge that it passeth comprehension. It represents the sum total of the minted gold of all the nations of the world, and should we gather together the gold in which we guarantee to repay that credit we would be required to collect every minted piece of coined gold from every nation to reach the great total which, great as it is, is still but a beggarly 2 per cent of our national wealth. Does any Member of this House, does any Member of the Senate, does any citizen of this country feel any glow of pride in that action? Can anyone feel that in voting the great loan we have actually accomplished anything? If such there be he must be of the kindred of that heedless householder who, on giving his patient grocer a promissory note for a long overdue bill, remarked in a voice of deep satisfaction, "Well, thank God, that is paid at last."

If there be those who hold this kind of hope as a bandage before their eyes, let them be roused to the fact that all the bonds of the entente allies never turned aside the bullet of a single Prussian grenadier nor swerved a single torpedo from the side of its intended victim. Money we must have, first and all the time; but money will not win this war. Munitions we must have, but money and munitions will not win this war. Men, sir, and more men, trained and equipped men, and money and munitions will win this war. Money we have voted, munitions we can manufacture, but, sir, the question before this House and this country is men and how we shall obtain them.

We have a leader, a Commander in Chief of our armed forces, our President. He is not a party leader, but is the leader of the people of these United States. He is in supreme command. At his behest we declared war on Germany; at his suggestion we mortgaged the resources of future generations to finance the war. His third request is for men to fight the battle of this country, men to carry the flag we love into the thick of the conflict, men to make our solemn declaration of war something more than high-sounding words, and how have we acceded to that request? This House to-day, when it should be a unit, stands divided against itself; and it is as surely true to-day as when it was written that "a city or house divided against itself shall not stand." To-day we stand at the forks of the road debating whether we shall take the primrose path of volunteer dalliance or the upward and straight path of obligatory service. Call it draft, conscription, compulsion, or universal obligation; call it what you will, we know what it is; we know what we want; we want and must have the services of the entire manhood of the Nation. We want enacted into law the President's plan. We must have selective draft.

Just so sure as the Nation embarks on a system of volunteer service just so sure history will write the record as it wrote it after that "rash and fatal charge" at Balaklava that "somebody blundered."

I can not believe, Mr. Chairman, that we are about to commit such a blunder. The only reasons, if sentiment is ever a reason, in favor of the volunteer system are sentimental reasons. The reasons against it are the sound reasons of experience. First and foremost is that a volunteer system is not voluntary. First you call for volunteers, then what do you do? You organize a campaign, you employ speakers, you bring out all the brass bands, and then you proceed to badger, bully, browbeat, coax, cajole, and coerce the young men to volunteer. You teach the young women of the land to pin the white feather of the coward brigade to the lapel of the slacker, the man who is exempt, and the man who has been rejected. You make a hero out of the raw recruit and puff him up with unwon self-esteem. You get two classes of men by this system—first, men who come in on the first call who are brave enough to go; and second, you get those who are too cowardly to longer stay out and endure the goad of public opinion.

My State, Maryland, has just completed her quota of 800 for the Navy. These men came in at the first call. They are the men who are brave enough to go. They form now, as they ever have formed, the first line of defense. But in this war we must have new and more men. We must campaign steadily for men, if we are to get enough; and, sir, the men you round up on your recruiting drives are not volunteers, neither are they one whit more patriotic or better men than those we can pick by a selective draft.

The second objection I present to the volunteer system is that it is not democratic, in that it does not bear equally on all the manhood of the Nation. We have no volunteer system for obeying the laws of the Nation, no volunteer system for paying the Nation's taxes. These things are compulsory that all may bear the burden. Now, we fight for the Nation's life, the highest obligation of them all. Shall we thrust this burden on the shoulders of the willing few and those we can drive into the service. No; a thousand times no. Let the greatest burden rest where the lesser burdens of the Government rest, on the shoulders of all. It is the only fair, the only just, the only democratic levy we can make.

My third objection is that a volunteer system is not efficient. It is inefficient in that it does not produce enough men; it enrolls men who should be at work elsewhere and it protects the skulker, the shirker, and the coward. That it fails to produce enough men is the bitter, bitter experience of Great Britain. Volunteerists say, "Every Englishman to-day fighting in France volunteered for the war." Yes; that may be true, but to-day England is short about 2,000,000 men, which she ought now to have on the western front to strike the decisive blow. Why has she not those men? Because they failed to volunteer, and it took a cabinet upheaval to enact the conscription, and then, when it was a law, it took time to get the troops together and to train them. Lost time, lost opportunity, lost men by the thousands on thousands—that is the real story of the blunder England made, and is the fact behind the boast of the volunteerists.

We must learn our lesson from our enemies as well as from our allies. Germany mobilized her entire man power for this war, how—by volunteers? Hardly. Every German is a German soldier. We must fight fire with fire. We must soon legislate for universal service that will differ from that of Germany in one vital particular. There it is universal service by the will of the Emperor; here it shall be by the will of all the people. That difference is so vast that the cry of Prussianizing the United States is silly and childish. Why, France has had for generations universal service. Her trained soldiers served their terms in the army and went back into the citizenship of the country and merged as completely as rain upon the ocean. Yet France, with her trained citizenry unmobilized, mobilized, prepared, and stopped Germany in the flood tide of her success, and the battle of the Marne wrote the beginning of defeat for the German Empire. France was not militaristic, nor will it ever be. But France has called her entire man power into this fight for her national existence. We fight for no less, and we must fight on the scale laid down by our enemies. Not in numbers of thousands of men and millions of dollars, as all

prior wars have been fought, but in numbers of millions of men and billions of dollars.

Because before Germany could cross the Swiss border she must face 300,000 trained men behind 300,000 modern rifles. Because when before the war a German officer said to a general in the Swiss Army, "but what will your 300,000 Swiss do in case twice the number come against them?" "In that case" said the general, "each Swiss soldier will be required to fire two shots." That is the result of universal service. That is the efficiency that spells peace for Switzerland. That is the universal service which is democracy itself in France.

Maryland, the birthplace of that immortal anthem, the Star-Spangled Banner, has ever done her duty when the independence, integrity, and defense of the country required. She stands for patriotism, justice, and the rights of humanity. Her people believe that if you would fight this war successfully and achieve victory, it is necessary to enter by definite and well-laid plans—plans upon which the War Department can definitely depend and act. Our Maryland delegation has weighed well the question and will follow the President, the Commander in Chief of the Army and Navy. [Applause.]

Mr. LUNN. Mr. Chairman, I yield 10 minutes to the gentleman from Maryland [Mr. ZIHLMAN].

Mr. ZIHLMAN. Mr. Chairman, I am in favor of the selective-draft feature of the bill now before the Senate, known as the Chamberlain bill, and which I understand embodies the views of the minority members of the Committee on Military Affairs in the House.

I feel that this is no time for experiments and that we can not afford to wait until the volunteer system has been tried, and then in the event of its failure attempt to raise an army when the enemy is at our gates.

We have been trying for months to fill up the Navy of the Nation by the volunteer system, and while I am proud to say that my own State of Maryland has raised her full allotment of 800 men after a most active campaign, here in Washington, the Nation's Capital, after a campaign covering weeks in which the aid and eloquence of high officials of the Government have been enlisted, they have not yet raised their quota. Many States have not raised a handful of men under the recent call of the Navy for 38,000 men; and if men can not be obtained for the Navy, what reason have we to believe they can be raised for the Army?

Great stress is being laid on the fact that the War Department wants to place the burden of this war on the young men of the country between the ages of 19 and 25 years. Do not the opponents of the selective draft realize that the Army and Navy are even now, while this bill is being considered, being filled by boys between the ages of 16 and 18 years, who have been attracted to the recruiting office by the blare of brass bands; and once their names are obtained committees are appointed to persuade parents to give their consent to the enlistments, and then these youths are marched away to the training ships, ofttimes without a handclasp from those who remain behind, many of whom are as physically and financially able to go as those who have enlisted to serve their country.

According to one of the metropolitan papers, more than 50 young men were marched through the streets of one of our large cities and allowed to stand for several hours in a cold rain without topcoats, and with nothing to protect them from the storm but their regulation blouses.

Make this obligation universal, falling alike on rich and poor, and when the Nation calls I venture the assertion that when they leave for the front they will be accorded the recognition to which they are entitled by a grateful people. A great deal has been said about the splendid traditions of the past, and no one has any more reverence than I for the wonderful courage of the men who for seven years fought as no men had ever fought before to make the Declaration of Independence a living reality, and of those who drove the English Army from our shores in 1812, and we all rejoice in the splendid courage displayed by the men who in 1861 enlisted on both sides in that great conflict and fought for what they believed to be the right; yet victory at this time, engaged as we are in a fight for liberty and the rights of humanity, is worth more than tradition.

They say that to draft men now would be a confession that the heart of the country is not at war. On the contrary, it would show to the world that the people of the United States mean business, and every man who offers himself will be anxious that all others who are physically able follow his example. These men will not oppose a selective draft.

The statement has also been made that one volunteer soldier is worth three who are drafted into the service, and this statement has been repeated over and over again, and this in the face of the fact that the brave men of France, whose soldiers have lived up to every high tradition of the men who fought under Lafayette for American liberty on our soil, to say nothing of the marvelous machine which Germany has builded and at which the world has marveled, are all drafted men.

We have been told that the selective-draft bill is unpopular and it is not politically expedient to support it. And I contend that in this great moment of national peril no man can afford to do otherwise than his duty to his country first and foremost and not take into consideration the political effect of his vote. And I have confidence in the membership of this House that it will so act and vote, having only in view the best interest of our common country as we see it.

I favor the selective draft as the most scientific method of raising an adequate Army and at the same time giving protection to the industrial and agricultural needs of the Nation, believing that if at the end of six months we are still at war with the Imperial German Government every American will be devoutly thankful that we have an adequate and well-trained Army. If peace is made before that time no great hardship will have been imposed on the men who are honored by being selected to serve the Nation in its hour of grave peril.

War has been declared, and we can no more afford to rest our national security on the uncertainties of the volunteer system than we can afford to send wooden ships, which might have been effective a hundred years ago, against the dreadnaughts of the German Navy.

Under the selective-draft system such men as are necessary in the production of foodstuffs and supplies will be utilized to produce these necessities. And those who must do the fighting will be assured that their every want will be supplied so far as the Government is able to regulate these matters.

Let us not make the mistake that was made by England, who, after taking men from the factory and training them in the army camps, was forced to bring them back from the firing line in order that they might be put to work making supplies to meet the needs of the army.

I believe, however, that the Government should establish a fair and more equitable basis of compensation for those who are selected for the Army, as I consider the pay of privates and noncommissioned officers entirely too low, and it is my purpose at the proper time to offer an amendment providing that the pay of privates shall not be less than $33 per month, corporals not less than $40, and sergeants not less than $50 per month.

During the threatened trouble on the Mexican border provisions were made by Congress to pay to the dependents of those who were drafted into the Federal service through the medium of the National Guard compensation not to exceed $50 per month. While this placed the dependents of those at the front in the position of receiving charity from the Government, at the same time it did prevent actual want.

It would be much more just and equitable to pay these men sufficient to contribute something to the support of those at home. And, aside from the justice of this, it would show that the Government is trying to be fair to those who are doing the fighting, and would, I feel sure, encourage and stimulate recruiting. We can not expect men who are earning four or five dollars per day in factories to enlist or to submit cheerfully to a draft when the Government pays them at the rate of $15 or $18 a month. And while $33 per month, as provided by my amendment, is not all they are entitled to, it will at least show that we are ready to recognize the sacrifices they are making by providing for this small increase in their pay.

England, which until a short time ago was the only other great nation entirely dependent on its volunteer system, formerly paid her private soldiers less than $8 per month, and I am informed that in Canada, where the splendid courage of the common soldier is without a superior in military annals, they will not only pay each private $33 per month, but provide $23 per month for his wife if he is married.

Out of the billions we are spending to carry on this war, let us provide a fair basis of pay for those who must go to the front and possibly into the trenches, and upon whose shoulders will fall the heaviest burden of this war.

Let us raise the basis of pay for the noncommissioned officers as well, so as to hold out encouragement to the young men of the country whom we are asking to sacrifice everything, even life itself, for the common welfare.

I, too, am a descendant of an immigrant from that mountainous Republic so eloquently referred to by the gentleman from Nebraska, which has maintained its freedom and independence as a Republic for a thousand years while surrounded on all sides by monarchies. And I am not unmindful of the fact that she has kept her land free from invasion in this war by mobilizing the citizens of the Swiss Republic, each one of whom is subject to universal military service, on her frontier,

and has been prepared to prevent invasion at the point of the sword if necessary.

We are all trying here to take such steps as will best meet the needs of this trying hour, and I have faith in the American Congress to meet the problem which now confronts us, and that we will from this bill formulate the legislation necessary to put our country in a thorough and adequate state of preparedness. [Applause.]

Mr. DENT. Mr. Chairman, I will yield 10 minutes to the gentleman from Nevada [Mr. ROBERTS].

Mr. ROBERTS. Mr. Chairman, my remarks will be brief. If there ever was a time for cool-headed decision and calm, outspoken opinion, it is now. The whole world is apparently involuntarily "war mad," but underneath the surface of all this wild involuntary war hysteria is a stratum of good, old-fashioned, common-sense patriotism, which, after all, is the bedrock foundation of our institutions. Firmly embedded in that foundation are the very roots of our national life and existence. It is upon this broad base of democratic patriotism that the superstructure of our boasted civilization shines out as a bright star in the world's firmament of hope. It was on this foundation that our forefathers laid the corner stone of this Republic, which for more than a hundred years has withstood the assaults of warring nations from without and the consuming fires of dissolution and rebellion from within. As long as we preserve inviolate the foundation stones of this Republic cemented together by voluntary common-sense patriotism our Nation will continue to grow broader and stronger with the roll of ages. [Applause.]

It was the voluntary common-sense patriotism of our forefathers which caused them to leave their plows standing in the fields of promise and go forth to fight the battles of Lexington, Concord, and Bunker Hill. It was this same patriotism of the American people which led them to fight under Abraham Lincoln the consuming fires of dissolution and rebellion which threatened to consume and destroy the great institutions which they had founded. In later years it was American patriotism that drove the last vestige of Spanish tyranny from the American continent and made the Cuban people free. To-day it is the same common-sense patriotism voiced by that great American Speaker of this House which is going to preserve for us and those who come after us the basic principles of democracy on which our institutions rest. It is the common-sense courage, judgment, and patriotism of such men that will preserve for us for all time a Government "of the people, by the people, and for the people." [Applause.]

It takes courage to stand up and stem this tide of "involuntary-service" doctrine sweeping across the continent through the agency and concerted action of a class or caste of propagandists who would hastily fasten upon this Republic a system of involuntary servitude which would doom our institutions to certain destruction.

I believe in the principle of free speech and of the freedom of the press, but to-day the man who dares to voice his honest convictions on the questions of voluntary and involuntary servitude on the floor of this House, or in the Senate, or elsewhere, if his views differ from those who believe in involuntary military conscription, is forthwith denounced in the columns of the press as disloyal to his constituents and a traitor to his country. If it be traitorous to conscientiously oppose what you believe will lead to the establishment in this Republic of a despotic military system, then, gentlemen, do I plead guilty to the charge.

The Constitution of the United States was an instrument intended as the basis of a free Government, and its provisions should be construed in accordance with free principles and interpreted in the very spirit of freedom itself. Conscription or involuntary servitude is contrary to the very principles of our Government and inconsistent with the liberties and security of our people. Those of you who for one moment believe that the American people will approve of the establishment of an involuntary military system dangerous at all times to our free institutions and the life of the Nation itself are sadly mistaken. Such a system is repugnant to the American people, and its establishment would mark the beginning of the end of this Republic.

Issue a call for volunteers and millions will respond to fight—yes, die if need be, in defense of their country. We may select men to fight our battles and make them fight, but men who fight because the law compels them to fight when their hearts are not in it are worse than no men at all. The man who volunteers to fight for love of country and goes forth to answer to his country's call is worth a regiment of "odds and ends" conscripted for that purpose. The right kind of a fighter is a man who is good for something else, and yet by selection you could leave him out and take some "good for nothing" in his place. Monarchies and kingdoms might win battles with such men as these, but a Republic never. Let us not destroy our democracy in order to build up an autocracy. [Applause.]

Better for us and those who come after us that we had never entered this war than to do so at the price of the principles upon which our Government is based.

Better for us that we first protect and safeguard the sacred rights of our own people guaranteed to them under our Constitution than that we should destroy our own Constitution in an effort to destroy the Government o fsome other people. Better for us to depend upon voluntary patriots than that we should attempt to conscript patriots. True patriots need no conscription.

If all the people in this country who have been yelling their heads off for war and writing and petitioning Congress to declare war during the last three years would now come forward and volunteer their services like real men there would be no need for conscription. I have always noticed, however, that "dogs who bark seldom bite," and men who start fights seldom if ever engage. The patriotic propagandists of conscription on "leaky" old Wall Street would not furnish volunteers enough to man a Mullin duck boat, and if you try to secure them by selective conscription they would break their necks falling all over each other in their efforts to secure affidavits from politicians showing their special qualifications for duty at home. Yes; and they would get them, too.

As for the State I have the honor to represent, it will not be necessary to resort to conscription. Nevada is the first State in the Union to come forward with its full quota of troops. Conscription will not be needed there. [Applause.]

Let us not deceive ourselves. War is no picnic. There is a great deal of difference between a voluntary game of golf on the Chevy Chase golf links and a conscriptive game of "pussy wants a corner" in the trenches of Europe. [Laughter.]

No one doubts the patriotism of our President. God knows he is doing what he thinks is best. He is conscientiously performing his duty as he sees it. I am trying to perform mine. Many good and patriotic men in this House and some of the best and most patriotic citizens in my State honestly and conscientiously differ with me on these questions. I have no quarrel with them. They are entitled to their opinions. I also have some opinions of my own and will not hesitate to express them. The people of my State would not deny to me, I am sure, the rights which they reserve for themselves.

I know but one flag. That flag is the American flag. I am an American. [Applause.]

As a Member of this House, now serving my fourth term, I want to state that my vote has always been cast in favor of building up our Navy and our Army and for appropriations adequate to keep both branches in a state of preparation necessary for national defense. I want to have our men and boys who volunteer their services in either of those branches thoroughly equipped with all the necessary implements and accessories of modern warfare.

Those of us who oppose this system are just as patriotic as any of you, and when our country needs us will go just as far and fight just as hard anywhere, any old time, and any old place, and do not you forget it. Do not start off by trying to make American boys fight. They will fight when they want to, and not until then. Do not insult their pride and patriotism by lassoing them and bringing them in. If you need them, say so. Tell them why and ask them to come to the front like American volunteers and your recruiting offices will not be big enough to hold them. You can not make an autocracy out of this free country of ours by any such despotic legislation without doing so over my protest.

In the words of Daniel Webster, who spoke against conscription in his time when the question was up for consideration in Congress:

> A free government with arbitrary means to administer it is a contradiction, a free government without adequate provisions for personal security is an absurdity, a free government with an uncontrolled power of military conscription is a solecism, at once the most ridiculous and abominable that ever entered into the head of man.

Once fasten such a system of conscription upon the American people as a starter and nothing will ever remove it. It will place in the hands of a chosen and select few arbitrary powers repugnant to our institutions and give to them the absolute and despotic control of the liberties of all. Such a system is not democratic.

If we had started years ago in this country to create a voluntary system of training in our schools, we would to-day have millions of men ready for active service, and they would not be boys, either. The administration's plan is to place the whole burden of this great war upon the shoulders of our boys. Yes;

mere children, if you please. And yet they claim such a system is equitable. It may be, but I must confess I fail to see the equity. Are you going to drag from the homes of this country the flower of our young manhood and send them across the waters to fight and die? Why not let Col. Roosevelt, of "Rough Rider" fame, and whose very heart is in this fight, and who already has at his command thousands of men not subject to draft under the provisions of this bill, and who are anxious and ready to fight, go and get busy. The administration chiefs do not want him and his followers. They would rather take from our American homes the children from their parents and the parents from their children, officer them as conscripts, and compel them to fight for humanity. O democracy, what crimes are committed in thy name!

You are asking us to do what Great Britain herself did not do until she had raised between five and six millions of men as volunteers. None of her colonies have even dared to attempt conscription. Canada, our nearest neighbor, has not thought of conscription. She has raised upward of 400,000 volunteers, but not a conscript. Australia has refused to conscript her citizens as a contribution to the fighting millions across the seas. The best and bravest of all the fighting men at the front are the volunteers. They have always performed their duty as they saw it, and always will.

Yes; under the terms of this bill we have very carefully exempted ourselves. We are a very generous body of men. We are at least modest. It is easy enough to sit down here and provide means by which under the law you can go into the homes and drag from the firesides of this country anyone you desire and put him into the trenches of a foreign land. Such action is a "body blow" to liberty. It is wholly incompatible with any conception of personal liberty.

War is on. It is world-wide. We are in it now, and it is up to us to win it. We will win it no matter what it costs or how long it takes. As Americans we dedicate ourselves to the cause in which we are now engaged. We will win it not by conscription but by the patriotism of a hundred million patriotic Americans. [Applause.]

Mr. DENT. Mr. Chairman, I yield to the gentleman from North Carolina [Mr. HOOD].

Mr. HOOD. Mr. Chairman, on account of the misrepresentations as to the provisions of the military bill reported by a majority of the Military Committee, I had concluded that the War Department bill, which was approved by the President, had been changed to such an extent that it was unrecognizable. I find, however, upon examination, that I was in error. The departmental bill reported by a majority of the Military Committee remains intact, with the exception of three amendments, to wit:

First. Changing the ages from 19 to 25 to that of 21 to 40.

Second. Providing for the organization of State or Territorial units.

Third. Providing for an opportunity to volunteer during the time that it will require to put into operation the machinery of the bill requiring registration of all available for military service in connection with this act.

I think these amendments wise and proper, and I shall heartily support them as reported by the committee.

The bill framed by the War Department would snatch from the parental roof immature, inexperienced infants and force them to go into a strange land, among strangers, and perchance be sent to the European trenches to die. I am unalterably opposed to this proposition, and I respectfully submit that the proper way to organize our military forces is to allow them to be organized in State and Territorial units, whereby they will be kept with their boyhood associates and friends. If a young man is required to serve in the Army, it will make it very much less burdensome for him to go with friends and comrades of his home section than be sent hundreds of miles away from home and go out with strangers. If at actual warfare he will have the consolation of realizing that in case of being wounded or killed he will have friends from his home to communicate with his loved ones.

It is practically agreed that the unanimous sentiment of the House will be to accept these two amendments. The controversy, therefore, upon the pending bill seems to hinge around the amendment proposed by the committee, authorizing the President to call for 500,000 volunteers, and, in the event that it becomes necessary, to raise an additional force of 500,000 volunteers during the time in which the military census is being taken. I am heartily and unreservedly in favor of it; I see absolutely no objection to this amendment. It does not interfere in any way with the power of the President, upon completion of the registration of those who are liable to military duty, to get them by selective draft if a sufficient number does not volunteer. Why deny the privilege to any citizen of this land of freedom and liberty an opportunity of tendering his services to the Government? It seems to me it would be undemocratic, unwise, subversive of the very principles of our Government to deny them that privilege. The War Department is willing to accept the volunteer system in increasing the Regular Army and National Guard to its maximum war strength, and then, in the event they fail to get the necessary recruits under that system, this bill gives them authority to draft them. Why should they not be willing to accept the same provisions in connection with the raising of the 500,000 additional increments? To do otherwise would reverse the policy of this country from its foundation. I hope that in compounding the medicine to suppress Prussian aristocracy we will not in doing so contract the same disease that we desire to subdue.

I believe a soldier who volunteers, with love of country in his heart, patriotism in his soul, and a flame of spirit burning within him that prompts the desire to sacrifice and serve his country, and, if needs be, die for it, should not be blotted from the pages of future American history.

I believe we all realize to the fullest extent that the Army we now have is totally inadequate to the needs of the country, and we are of one accord in favor of giving to our great President, Commander in Chief of our Armies, as many men as may be necessary for military purposes in this crucial hour of our Nation. If, of course, the men fail to respond, then the President will have authority, immediately upon completion of the military census, to put in force the selective-draft system as proposed by the department. I believe the volunteer amendment, including the other provisions of the bill, is in thorough accord with the military policies of our country hitherto put in force. There have been objections made to the volunteer system on account of the fact that the authority will be lacking in making the proper discriminations as to those who are to serve. This bill provides the same power for refusing to take the volunteer who is needed at home more than in the Army as that provided in the selective-draft portion of the bill. We hear a great deal about universal military training, and, according to the statistics of the War Department, there are about 22,000,000 men between the ages of 18 and 40 in the United States available for military service. The War Department's measure, as originally drawn, would include about 6,000,000 men from which to draft the increments and would exempt from military duties, for service, 15,000,000 men who are of military age. I do not think, therefore, that the bill proposed by the War Department provides for universal service.

It is understood that the President will be authorized to make such exemptions from military service as he may deem wise and proper. Mr. Chairman, I represent, in part, a State which is one of the thirteen original Colonies, and during her entire history the volunteers of that State in every war in our Nation's history have blazed the pathway of glory upon the battle field, and I am quite sure that she will be willing to do her part in the great struggle which now confronts us.

As a result of the unscrupulous, ruthless, and reckless submarine warfare of Germany that has provoked the antagonism of practically the whole world, I gladly voted that a state of war exists between this country and Germany. We are not prompted by selfishness, greed, conquest, or any other motive, save the cause of our own people, which is the cause of democracy, humanity, and love of right the world over. If the amendment refusing to allow volunteers is eliminated from the bill by a majority vote, I shall not shirk the great duty devolving upon me as a representative of the people. Irrespective of the consequences to me, I shall vote for the bill and take my part of the responsibility in organizing an army such as the demands of the hour require. I shall endeavor, in every way possible, to uphold the hands of our President in prosecuting vigorously, to a glorious termination, the righteous cause in which we are engaged. [Applause.]

Mr. DENT. Mr. Chairman, I yield five minutes to the gentleman from Texas [Mr. MCLEMORE].

Mr. MCLEMORE. Mr. Chairman, for nearly two years a powerful and unscrupulous New York propaganda, composed of the American Defense Society, the National Security League, and other similar organizations, and said to be financed by munitions manufacturers and certain other selfish interests that make money out of war, has been exceedingly busy spreading the doctrine that the people of this country—the people, mind you, Mr. Chairman—"demanded that the United States declare war against Germany," and a war-mad and abusive press has worked overtime to impress upon the public mind the doctrine of this powerful propaganda. At last war was declared, and now this self-same propaganda, backed by this self-same, war-mad press, would deny the people the right to volunteer in the prosecution of a war they were said to have wanted, but in-

stead it would first place upon them the brand of conscription. I believe in American ideals and American traditions, and so believing, I shall never, with my vote, force upon the people a condition that is so un-American and so totally at variance with the principles of our republican form of government as this measure of proscription, and in thus committing myself I believe I am voicing the sentiment of a large majority of the plain people of this country—the people who are the bulwark of the Nation and on whom the Nation must depend in those times of great stress that are usually brought about by the manipulations and machinations of selfish interests.

Mr. Chairman, we have been told, and it has been impressed upon us, that the war in which we are now engaged is for two purposes, namely: To overthrow Prussian militarism and to establish a world-wide democracy. Worthy reasons, no doubt, yet to accomplish them we are asked to ingraft upon our own Government that very military system against which we are now making war, and to replace our democracy with that very autocracy whose end we seek in Prussia. The enatcment of a conscription law will be the first big move in the formation of a military system in this country that can but lead to militarism, and militarism once established will be the beginning of the end of our republican form of government. And universal military training will only serve to perpetuate this militarism. All of our wars have been won with volunteers, and this is the first time in the country's history that conscription has been demanded before the volunteer plan was first given a trial. The War of the American Revolution was won with volunteers, and so was the War of 1812. The independence of Texas was won with volunteers, and 10 years later American volunteers conquered Mexico. And who can recall the War of 1812, Mr. Chairman, without recalling Andrew Jackson and his volunteers at New Orleans; and who can recall the War with Mexico without recalling Jefferson Davis and his Mississippi volunteers, who saved the day at the Battle of Buena Vista? In the War Between the North and South the conscription plan in both sections proved a failure, and in some of the large cities of the North the attempt to enforce conscription was met with serious rioting.

If we are to remain a free people, Mr. Chairman, we must oppose those things that lead to autocracy. With many men, in the mad rush of so-called progressivism, our Constitution is regarded as an ancient document merely designed for the period at which it was written. Its precepts have been trampled under foot until to-day it is referred to often to create a laugh and sometimes a sneer. The many rights it guarantees to the different States have been brushed aside, and to-day we are facing a centralized government that is not far removed from monarchy. And yet there are men who would not stop at this, but instead they would make more complete this centralization of power by placing upon our statute books a conscription law, that chief instrument by which autocratic Governments perpetuate themselves. I was one of the few who voted against the war resolution, and for so voting I have received worlds of censure and abuse from a war-mad press and from people in many sections of the country. Some of this abuse has come from Texas, and in each instance it has imitated the war-mad and abusive press, by charging that I did not represent the sentiment of a majority of the people; and it has been impressed upon me in various ways, that the people wanted this war. If that is true, Mr. Speaker, and the people really wanted this war, then it is quite reasonable to suppose that, wanting the war, they will be willing to prosecute it to a successful termination and will do so without having applied to them the brand of conscription. Anyway, since the charge of wanting the war has been placed upon the people by a subsidized press and its allies, the people then should at least be given a chance to volunteer and thus prove the truthfulness of the charge.

Mr. Chairman, thousands, or I may say millions, of telegrams have been received by the Members of this House the last few days urging them to vote for conscription, for compulsory military training, and for anything else the President may want in carrying out his war plan. Many of these telegrams have come from Texas—from commercial organizations, from so-called mass meetings held in that State. And do you know, Mr. Speaker, why it is that these many telegrams are being sent to Members of Congress? I will tell you: They were sent, and are being sent, at the instigation of the New York propaganda, and I am giving here, leaving a blank space for the name of the Congressman used, the form of telegram sent by the propaganda to some prominent man, usually a banker, in practically every town in Texas that maintains a commercial organization. The telegram bears the New York date line and is as follows:

Representative ———, from your district, is reported opposed to universal military service and blocking President Wilson in his war program. We suggest you organize mass meetings, to show Representative ——— that Americans who sent him to Congress demand that he support universal military training and the President. Have asked cooperation of your local business association. Please work with it and enlist strong newspaper support for this campaign. Please wire us your willingness to fight for a united Nation now.

This is the form of telegram sent out by the American Defense Society, and a similar form, perhaps a little differently worded, is used by the other organizations that help comprise the propaganda. And this accounts for the many telegrams and letters that are being sent from Texas, and I presume from other States as well, "demanding" Congressmen to vote for conscription and universal military training. Can you imagine anything more impudent than this New York propaganda, financed by the manufacturers of war munitions and other selfish interests, dictating to the people of Texas what to do? And can you imagine anything more humiliating than that Texas people should obey the behest of this New York propaganda and with seeming pride issue a "demand" to their Congressman to do the bidding of New York grafters, who have made many millions of dollars out of the European war and expect to make many millions more out of the war in which the United States is now engaged? Mr. Speaker, I am not yet ready to take orders from the American Defense Society—God save the name—or any other New York concern, even though such orders may be transmitted to me through the medium of certain of my constituents; and when I do so far forget myself as to turn to the American Defense Society for advice in casting my vote on any question of public interest, I will notify my constituents to that effect and thus save them the trouble and expense of wiring me the wishes of the New York propaganda.

Mr. Chairman, I have heard it said that our army of secret-service men is larger than our standing Army and Navy combined. How nearly correct this statement may be I have no way of determining, but I do know that our army of secret-service men is very large, and I also know that they are doing duty for their country—not as conscripts but as volunteers, one and all. Had it been necessary to conscript these men, do you believe our Government could have trusted them? It could not; and yet they are no better than their fellow citizens, who are not to be trusted but are to have placed upon them the brand of conscription before they are first given an opportunity to volunteer their services to their country. One great trouble, Mr. Chairman, is that we are too parsimonious when it comes to paying our soldier boys—the privates and up to and including the first sergeants—and, as they are the ones who must carry the guns and do the fighting, they should be paid in a measure commensurate with the services which they perform. The friends of conscription tell us that this conscription plan is only to last through the war. But they have not convinced me that it does not mean a great deal more, or that such a system as is proposed, when once ingrafted on our Government, will not remain, and changed, if changed at all, only to be made the stronger.

Mr. Chairman, I have received many letters and telegrams from the people of my State urging me to vote for or against conscription. Those from the cities have come principally from boards of trade and chambers of commerce and other commercial bodies, and were in favor of conscription; those from the country have come chiefly from farmers, and were against conscription. The commercial organizations of the cities received their "inspiration" from the New York propaganda; the farmers spoke their honest convictions, and did not have to go to New York for their "inspiration." Mr. Chairman, I have voted for every preparedness measure that has come before this House for the past year or more. I voted to spend billions of the people's money in the prosecution of the war, and I did so without giving scarce a thought to the burden of taxation that will be imposed upon the people for generations to come; but when it comes to voting to conscript our people before they are even given a chance to volunteer, and thus ingrafting upon our Government that very military system against which we are said to be making war, then, Mr. Chairman, I must demur and vote for what I believe to be in the best interests of the people generally, and not to please the American Defense Society of New York, from whom I have never yet taken instructions and to whom I shall never go for "inspiration."

But, Mr. Chairman, if we are to conscript the lives of men, then let us also conscript the excessive incomes to help pay the cost of war, because it takes money as well as men to fight battles. Such a proposition would only be just and fair, and then while some were paying with their lives, others could be

paying with their money. Believing in the equity of such a thing, I shall, when the revenue bill comes before the House, offer the following amendment:

There shall be assessed levied and collected on all incomes during the present fiscal year, and during each year or part of year, while the war now existing between the United States and the Imperial Government of Germany shall continue, the following rates or charges, to wit: On incomes exceeding $4,000 and not exceeding $10,000, 5 per cent; on incomes exceeding $10,000 and not exceeding $20,000, 10 per cent; and on all incomes exceeding $20,000, 100 per cent.

The form of this amendment assumes that the details will be arranged in the bill as it comes from the committee. If that should not happen I shall add such details as will insure the amendment's proper execution.

Mr. Chairman, the New York propaganda and other advocates of conscription and compulsory military training, have not been sincere in presenting the two propositions to the people. Deception has been used; the people have been misled; and, under a false impression, they are demanding that their Congressmen support measures which they—the people—do not themselves understand. A good illustration of how the deception is worked is in the instance of a southern governor. The story is told that this governor came to Washington a short time ago to encourage the Congressmen from his State to stand by the volunteer plan and to vote first, last, and all the time against conscription. After remaining in Washington a few days he came under the "spell," and returning home he issued a statement to his people in which he completely reversed his former position and came out squarely for conscription. In his statement he told the people that the selective plan meant that the barroom bums, the pool-hall loafers, and the loafers generally in the cities would be conscripted and that those on the farms and in the mills and workshops would not be disturbed. This honest advocate of conscription failed to mention in his statement, however, that while in Washington he secured a captain's commission for his son, presumably in the Reserve Corps. Mr. Speaker, I can not, of my own personal knowledge, vouch for the truthfulness of this story, but it has been told to me for the truth by Members of the House, and I have every reason to believe that it is true.

It is such things as this, Mr. Chairman, that have been used to mislead the people concerning selective conscription. What it really means is that all within the age limit will be conscripted. A certain number, let us say eight, may then be stood in a row, and the officer who is to do the selecting may select one from the number to perform the arduous duties of a soldier and the others will be sent back to the farm, the store, the mill, the workshop, etc., to pursue the even tenor of their way. That may be the way, for no one knows how the select conscription will be made. Mr. Speaker, I believe the European war will be at an end before we send any of our soldier boys across the Atlantic, and God grant that my prediction is right. But whether or not the war is soon over the enactment of a conscription and compulsory military training law will have served the purpose for which it was intended, and that will mean the establishment and perpetuation of a military system in this country that will soon see the end of our republican form of government. [Applause.]

Mr. GREENE of Vermont. Mr. Chairman, I yield 10 minutes to the gentleman from South Dakota [Mr. JOHNSON].

Mr. JOHNSON of South Dakota. Mr. Chairman, when, on Friday, April 5, the resolution declaring war on Germany was before this House for consideration and vote I was one of the 50 who opposed it. My reasons for this action are no longer debatable, and I mention the fact of my opposition only because in my opinion the vote on the war resolution and selective conscription are closely connected.

Those of us who opposed the resolution have been variously described by different newspapers and individuals in the United States, and about all the adjectives or adverbs in the English language and several other languages have at different times been used in discussing us. I have never objected to the criticism of my vote, because I know that many of the newspaper men who have taken serious objection to it were and are my personal friends, and were actuated only by honest motives, and a man ought to expect the newspaper or individual who disagrees with him to criticize him if he is acting in a representative capacity, especially so long as that criticism is fair and is not continued until it becomes persecution.

I have little patience with the men who continue to talk about the subsidized press in connection with all these votes, because I know that the press in my own State that is finding fault with me is not subsidized by the munitions interests or anyone else. I only mention the matter because during the debate on this conscription law during the past few days I have heard a lot of men who patronizingly sympathized with those 50 of us who voted against the war resolution, and who tried to tell us that we were getting honest criticism, now commence to wail about the subsidized press. Some of us did not speak on the war resolution because we could not comply with the rules, and for practically the only time since I have been a Member of the House there was no division or control of the time; consequently many who opposed the resolution secured no opportunity to speak until 4 or 5 o'clock in the morning, and that was a very inappropriate time to take the floor.

In looking over the RECORD I have been unable to find out what the rule was. First I thought it must be that old Members had the precedence, but an investigation of the RECORD for that day discloses the fact that one must either have been a very old Member or have supported the resolution or have been a member of the majority party or a Member from New York.

Up until the time when the war resolution was passed there was, and, in my opinion, should have been, a division of opinion among Members of this House, because all of us never will look at everything alike. Up until that time the question of loyalty could not and did not arrive. An honest division of opinion existed between those who thought we ought to go to war and those who thought we should not. Just the moment the majority of the Members said war it meant war, and I have been trying in every way to cooperate with the Government in its plans for carrying on the war.

I have stopped trying to satisfy anybody but myself in casting a vote in these matters, because in future years it makes very little difference whether I satisfy anyone else or not, but it does make a good deal of difference to me whether or not I vote my convictions and satisfy my own sense of right and justice.

My own judgment tells me at this time that I ought to support the selective draft, and I am going to do it under the following conditions:

First. That the troops from each State may enlist and fight with their own friends and neighbors, shoulder to shoulder, under their own State regimental designations. Every individual ought to have the right to live and die with his own friends, and I must insist that that right be not denied the boys who enlist for this war.

Second. The age limit must be raised in this bill so that all men of military age are included. I will not be a party in sending to the front boys of 19 and 20 whose lives are just beginning, who had nothing to say about this war, and who have never yet cast a vote, while men of my age and consequently all other men of military age are exempted from service.

There are many reasons for that vote.

First. The selective draft is democratic, and if properly administered will treat every individual in the United States alike, and we must assume that it will be properly administered.

Second. Every citizen of the United States has obligations to the Government, and if he will not fulfill them ought to be made to do so. He receives the benefit of this form of government and equity demands that he do his share to support the Government. If able, he has to pay his share of the taxes, perform jury duty, and when we are at war he ought to be liable to do his share of the fighting.

Third. The selective draft law will not create a so-called slacker class in the United States, and we want none created.

Fourth. No matter what anyone else may say, I am firmly convinced that in order to raise the army demanded by the President in his recent address conscription is necessary. No country in the world has been able to conduct a great war without conscription. The United States has not been able to do so heretofore, and we ought not to take a chance that it can do so now.

Fifth. We ought to have selective conscription because that method enables every man to know in advance when he will be called, if he is called at all, and will not disorganize the business of the United States. Men who are needed to conduct the business of the country and produce the necessary food ought to be left at home, and ought to be left there without the stigma of "slacker" being placed upon them.

Sixth. Selective conscription will not take all of the members of any family. Experience has proven that if one member of the family enlists they usually all enlist, and there is no reason in the world for one family sending all of its members to war and another family keeping all of its members at home to amass a fortune. I hope the selections can be fairly made, and would like to see the age limit raised, and it will be raised if the American people demand it. Personally I would just as soon see Members of Congress included, and I know that a lot of people in the United States think many of us could be spared from attendance at these sessions and would really like to see

some of us in the trenches. I know that, because I have been told so in multitudinous words.

I do not see how anyone who voted for the war resolution can oppose this selective draft. The President in his message of April 5 stated:

> It will involve the immediate addition to the armed forces of the United States already provided for by law in case of war at least 500,000 men, who should, in my judgment, be chosen upon the principle of universal liability to service, and also the authorization of subsequent additional increments of equal force so soon as they may be needed and can be handled in training.

He said "increments," not "increment," and that means that he intends to raise at least 1,500,000 men, not to resist invasion, but to send to Europe; and the man who voted for the war resolution has bound himself to this entire program. I consider myself bound to it, because we ought not to have a division of opinion. [Applause.]

An investigation will develop the fact that many men who vote against the President to-day will be in the position of having voted against the motion to recommit the naval bill for 1917, against the Senate amendment to that bill, against the Kahn amendment to the Army bill, and who therefore voted against preparedness measures, but who on April 5 voted to get us in this war are now going to vote against fighting after we get into it. I can never understand how a man would want to vote for war and then not want to fight after war was declared.

Where are all of these men who have been so vociferously demanding that we stand by the President? It may be that they have used the phrase so often that they are too hoarse to repeat it. They asked us to stand by the President when we sailed into Vera Cruz, and stand by him when we sailed out; to stand by him when we marched into Mexico after Villa, and to stand by him when we marched out again; to stand by him when he was "too proud to fight" and to stand by him when he wanted us to fight. We can well disagree about some of these things, and we can disagree about the wisdom of these continued admonitions to stand by the President. I am getting rather tired of that phrase myself, and I think it is about time that instead of telling us to stand by the President we were advised to stand by the United States in this war. We are not going to fight for the President, we are going to fight for the country and the country is the one we are going to stand by. It is also about time we stopped this tirade of abuse in this country, because in my opinion there has been an honest disagreement. I have received a few strenuous letters, resolutions, and so forth, condemning me for my attitude, and I have analyzed to some extent the character and make-up of the men who are so violent in their denunciations. I find many men who are absolutely sincere and who when their country was in danger in the years of 1861–1865 or in 1898 volunteered their services and went to the front. I find another class of men who are extremely violent in their denunciations of those who opposed the war resolution. Some of these men range from 70 to 80 years of age. They vigorously demanded the war April 5, but instead of going to war in 1864 when they were from 17 to 27 years of age, as did Gen. SHERWOOD, a Member of this body, who voted against the resolution, their whereabouts is still a matter of dispute.

I find another class of men who are now from 45 to 60 years old. In 1898 when their country needed them they were from 26 to 41 years of age, and unlike Col. Theodore Roosevelt, and unlike Maj. Charles Howard, Gen. Charles H. Englesby, Col. Boyd Wales, Maj. Lee Stover, Capt. James E. Mather, Col. Will Hazel, Lieut. Fred Huntington, and others of my State, failed to enlist at the call of their country when there was no question of conscription, but very carefully remained at home. Most of these men have most comfortable fortunes at this time. You find them in banks, insurance companies, and law offices vigorously criticizing Members of Congress who did not vote for war and apparently forgetting the fact that when they were from 26 to 41 years of age and the country was at war, they wanted none of it.

They try to emulate and imitate Col. Roosevelt in their desire for war to-day, but unlike him, they are engaged in passing resolutions and criticizing, not trying to get into the Army or Navy. Roosevelt fought, and is ready to fight again, as are the men from my State whom I have mentioned, but these men pass resolutions and write letters. Unlike Roosevelt, they never did, and do not now, want to fight. They want to resolve, and I hereupon christen them "resolution patriots," and define such patriots as men who are long on resolving and short on enlisting. [Applause.]

There is another class of men who are to-day 37 to 45 years of age. When this country was at war with Spain and we needed help, they were from 18 to 26 years old, just the age we are asked to fix for compulsory military service and conscription. When men of that age begin to criticize me, I would like to have them stop and think a moment and remember that they are of military age to-day and their country needs them. They were of military age in 1898 and their country needed them then, and I can not feel that a man of that type who did not enlist in 1898 nor does not enlist to-day ought to be very vociferous in his denunciation of anyone with whom he disagrees. We had some of these men here Friday morning, April 5, who were burning up with humiliation because the respected majority leader of this House did not vote for war. I have a lot of respect for that majority leader because he voted his convictions and he does not burn with humiliation at his defenseless country and at the same time refuse to render military service.

I have been very much interested in the method of selection under this law, and it has never been made entirely clear to me just who is to say who is to be forced into the trenches and who is not. But again I say we are in war, and I am willing to say that the Government ought to be allowed to place that duty upon some responsible department. I am interested in the matter of selection, and I wish the responsibility devolved upon me of choosing about 75 men out of the second congressional district of South Dakota. [Applause.] If I had that duty, I want to assure you that it would be a nonpartisan, nonpolitical choice, but that I would select a lot of "resolution patriots."

Mr. BORLAND. Had the gentleman that many opponents in the primaries?

Mr. JOHNSON of South Dakota. Almost. I will tell the gentleman in reference to that in a minute.

After selecting them I would like to have the privilege of picking out the place for them to fight, and I assure you they would get all the fighting they have been so vociferously clamoring for, and I think I know the exact place on the western front where I would place them, and they would get all the action they demand. When they were there they would do a whole lot more fighting and a lot less resolving. As a matter of fact, a lot of these fellows that are so active in resolving about me are a lot more anxious to enlist in Congress to succeed me than they are in the Army.

In conclusion, let me say that the American people do not seem to realize the gravity of the situation. If Russia should conclude a separate peace, the United States would be forced to bear the brunt of this war not only in money but in men, and no one can approximate its extent or duration. We ought to raise an Army of millions of men just as quickly as we can, and raise it in the only democratic American way. The way of universal liability to service makes every man do his part, and do it first. [Applause.]

Mr. GREENE of Vermont. Mr. Chairman, I yield 10 minutes to the gentleman from New York [Mr. SNELL].

The CHAIRMAN. The gentleman from New York is recognized for 10 minutes.

Mr. SNELL. Mr. Chairman, this is one of the most important measures that have been before Congress during by membership, and while I do not feel qualified to discuss it in detail, as some of the Members have done, yet I want to state briefly to the committee my position in regard to it.

During the earlier stages of this world-wide conflagration I was perfectly willing to forget some of the minor violations of our rights and privileges, but when the German Government began to threaten our very existence as a Nation there was no longer any hesitation, as far as I was concerned. The die was cast. We stand to-day squarely lined up against the strongest military nation the world has ever known. This is no Spanish-American War. This is giant against giant, and it is up to us as Representatives of the people to make proper preparation that this country may enter this combat man fashion, to do what we do quickly, and to strike with all the strength and power at our command. It is no time for delay; it is no time for experiment; it is no time to consult the wish, desire, or convenience of the individual, but it is the time for us all to act as a unit and to do so in no uncertain terms and in such a way as there will be no doubt about the result.

A few days ago we gave notice to the civilized world, when we passed a resolution authorizing seven billions of bonds without a dissenting vote, that the financial resources of this country were back of this war. And now let us complete that proclamation and say to the German people that not only the money power but the man power is back of this war, and we are going to win. When we made the formal declaration of war against the German Government we directed the President of the United States to employ all the naval and military forces of this country to this end, and now are we going to stand idly by and say that we have conscripted the wealth of the country,

we have conscripted the manufacturing industries, the mineral resources, the agricultural and everything you need to work with to carry out our order except the human or man power, and I guess you will have enough of that? Is this a business-like way of entering upon a proposition of such magnitude as the one before us at the present time? It is a good deal like building a bridge across a stream and leaving out the last span because some disgruntled citizen in the community has decided that it will cost too much or that anyone who wants to use it can jump ashore. Now, let us build this bridge clear across the stream and attach it securely and firmly to rock foundation on each end. Let us furnish the President of the United States with all the money, supplies, and the proper number and quality of men to use them, and when we have done this—and not before—have we done our part to put the Commander in Chief in position to carry out the order that we have given him.

The general idea of militarism is as distasteful to me as to any Member of this House. I have no special liking for the words "draft" or "conscription," but Mr. Chairman, I hate "defeat," and as far as I am concerned I am not willing to support one single thing in connection with this Army bill that there is any doubt about. Our military authorities, as far as I am able to learn, are unanimous against the voluntary system. Our own experience in the past, under more favorable conditions for this kind of system than the present, has proven it inefficient. England, in the present war, has proven it a failure, and why should we now, face to face with the most critical condition that has ever confronted us during our national history, even hesitate about adopting the sure way.

There has been a good deal of talk here about the voluntary system. I would like to know what this voluntary system is. Is it the volunteer system they are using to-day in every city in trying to get recruits? Is it the voluntary system that I saw in New York last Saturday afternoon, when I saw a young woman in an automobile on the street corner haranguing two or three hundred people? Finally she discovered rather a weak-looking young man on the outside of her audience, and leveling the finger of scorn at him, addressed him something like this: "Here, you tow-headed young slacker, what right have you around here, and your mother home washing to buy you bread? Why don't you enlist in the Navy and become a real man? Come up here into the automobile and let me show you the way to heaven by the naval route." She kept at him for two or three minutes until finally she actually shamed him into coming up in the automobile and offering to enlist in the Navy. As soon as he stood up in the car she took off his hat, patted him on top of the head and said: "Ladies and gentlemen, behold a real American citizen, the kind of a man that real heroes are made of, a man who has a patriotic heart in his breast." A few minutes later she succeeded in getting another boy up in the car that I do not think was over 14 years old. Now, I want some one to tell me if this is the voluntary system that you want to operate here. If it is, I am squarely against it, for, in my judgment, it is the most distasteful kind of conscription that ever could be used, and I do not believe that this Government, with its 100,000,000 free people, has fallen so low that it is obliged to depend for its future protection on a few irresponsible boys that are taken up on the street corners of our big cities by women recruiting officers. What I want is a fair and equitable plan of universal service. I do not know of any feeling of submission on the part of the men of this country because they are obliged to obey its laws. Neither can I see any reason why there should be any feeling of submission on the part of these men if they are educated to understand that they must do their part in maintaining and preserving the Government that makes those laws. We all receive equal protection and equal rights and privileges from this Government, and for this reason I maintain that we are all under equal obligation of service, and especially is that true at the present time, when the service of each man is needed in order to continue our country as a free and democratic people.

Mr. Chairman, I have a feeling that there is a growing tendency among the present generation to look upon the Central Government as merely a distributing agency, or as a "Lady Bountiful" distributing Christmas gifts, and that we are becoming forgetful of the real obligation of the individual to the Central Government. If this is so, it is entirely wrong, and there never will be any better time to change our people about and start them in the right direction than the present. In this crisis I do not consider it a time to discuss volunteering, the wishes, desires, or convenience of the individual, but it is simply a time to impress upon each man the absolute obligation that he owes to the Central Government. These are emergency or critical times and they demand emergency methods to meet them, and let us do the right thing from the very start rather than to be sorry afterwards.

Another thing that I fear in connection with the voluntary service is that the best and most patriotic will go at the first call, while the less sensitive or less patriotic and the slackers will be left at home, and while their volunteer neighbors are doing the fighting these people who did not go at the first call will help mold public sentiment in such a way that it will not only be harmful to the men in the field, but will cause trouble in getting more volunteers, and eventually this sentiment might defeat the very cause that we are fighting for. We are a mixed people, and while in some ways this may furnish the very basis of our national strength, still in carrying on the present war I doubt its being so, unless it is properly amalgamated and brought together so that we may use it in the most efficient and definite manner in the time, place, and in numbers as the necessity may demand, and this can only be done by recognition of the principle of universal obligation to service.

It seems to me, in debating this proposition, that the people on the other side have spent nearly all their time in praising the volunteer soldier. If I understand the proposition before us it is not the quality or superiority of the volunteer soldier that we are discussing, but the policy of how we can best use him in the service of the Government. Far be it from me to say anything but praise for them, for my own beloved father was one of those noble boys you have talked so much about, who, in the days of the Civil War, heard and responded to his country's call before he was 18 years old, and received the wound that eventually caused his death defending your very Capitol here at Washington. Don't let me hear any man say that I am not a friend of the volunteer soldier. It is because we are their friends and fully appreciate them that we want to preserve and conserve them at the present time. We want the same spirit and patriotism that the Speaker of this House said dominated both the blue and gray at Gettysburg to dominate every regiment that goes out from this Republic, and it is absolutely impossible to do this if you use all the men with this spirit and patriotism at the first call. We want that spirit of loyalty that we know exists in the breast of every volunteer to be equally distributed among the whole Army; we want the leaven that is in these men to help leaven the whole loaf, and, the only way that you can do this is by selection on the basis of universal obligation. We simply want to establish first the principle of universal obligation, enroll every man of military age, and then let the Chief Executive call the different classes as the necessity may demand. In this way every army that goes forth to war will simply be an army of the Republic, while under the old system you would first send an army of volunteers and then an army of conscripts. Then, under this system, if my age or physical condition is such that I can not qualify for the first class but I do go cheerfully when my class is called, I am just as much a man and a patriot as the fellow who went in the first class, because God had given him the advantage over me in age and physical ability. This is the fair, efficient, and democratic way. Let us adopt it at the start, and then instead of dividing our people into two classes—the volunteer and the slacker—we will make them all plain Americans and expect every man to do his duty. [Applause.]

Mr. GREENE of Vermont. Mr. Chairman, I now yield five minutes to the gentleman from New York [Mr. DEMPSEY].

The CHAIRMAN. The gentleman from New York is recognized for five minutes.

Mr. DEMPSEY. Mr. Chairman and gentlemen, unquestionably at this time the allies in Europe know exactly the number of men on whom they can depend during the time this war shall last, say in one year or in two years or three years. They know the number of men they can put in the field this coming summer and the number they can put in the field a year from the coming summer, and the number they can put in the field two years from this summer. They know also the number of men the central powers can put in the trenches in each of these three successive years.

The United States has now become a factor in this war. It is fighting with the allies, and the question is whether we are going to determine how many men the allies can count on as coming from the United States. Certainly, they can not count on any specific number if we rely upon volunteering. Why? Because volunteering depends upon fluctuating things.

Let a glorious battle be fought; let the Stars and Stripes be planted upon the top of the German trenches; let there be few casualties on the American side and a great loss of Germans, killed and made prisoners, and at once volunteering will grow and increase in great numbers. And then let there come a day of defeat and disaster; let the casualty list grow; let the maimed

and the halt and the disfigured come home; let them go abroad in their communities, and then, at the time when we need men more than at any other time, when the ranks have been thinned, when retreat has been inevitable, on an occasion like that volunteering will practically disappear.

The benefit of the other system—that of the selective draft—is that you plan in advance, and you plan because you can plan just the number of men that the allies will count on from the United States in each campaign. You draw those men, and you prepare them in advance, and then as the campaign comes they are ready for it.

It has been said here to-day by one of my colleagues from my own State [Mr. CHANDLER], for whom I have the greatest affection and the highest respect, that we should not be for this conscription because it is advocated by the Commander in Chief, the President of the United States; that he is going outside his executive functions and attempting to usurp those of the legislative branch. Why, I never yet have heard that it was not the duty of the Executive to recommend to the legislative branch the course for it to follow, and nothing more has been done here, and we are to assume that the President has been influenced by just those considerations which influence us—by the logic of the situation and by the best expert advice obtainable.

Then gentlemen have talked about the word "conscript," and some have even gone so far as to say that to them it was synonymous with "convict." Why, we can judge of the conscript best by searching the experience of those who have already fought in this war for two long and weary years.

Boyd Cable, the great writer, who writes what he has actually seen, who writes from personal experiences, who writes from the fighting at the front, tells us in a chapter of one of his recent books of a man in civil life in England who saw the British Army being raised. He was loyal and patriotic. He said, "Yes; men should support the country. They should contribute generously. They should not grumble at great taxes. They should do their part." But it never occurred to him that one of the parts, and the part which he should play, was a part at the front. Soon he began hearing people talk in his presence, making remarks evidently aimed at him. A little later they talked to him, and as they talked it was borne in on him that he, too, must give "the last full measure of devotion"—that of life—to his country.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. DEMPSEY. I ask for two minutes more, Mr. Chairman.

Mr. GREENE of Vermont. I yield two minutes more to the gentleman.

The CHAIRMAN. The gentleman is recognized for two minutes.

Mr. DEMPSEY. And he went to the front practically a conscripted man. He went to the front, and in the first fight in the trenches he cowered under the parapet. He did not obey the command of his sergeant to look out and fire. He skulked; and a little later an officer who was firing a gun lost all his men in action and came down and commanded him to come up and help to man the gun. He refused. His officer took him by the collar and said, "Look at that German line. It is a hundred yards from you. If it reaches here, all is gone. Your one chance is to keep that gun going." He went on feeding the gun, and many other gunners were killed, but he himself went to the trenches and brought up men, and at last the tide was turned and the Germans retreated. Then he went down to the trenches and said to the sergeant, stuttering in his excitement, "Don't you see that the Germans are retreating, and if we do not get out there after them they will get away?" And he leaped up on the parapet, and was restrained, not by the command of his officer, but by physical means only. Boyd Cable says that is a fair sample of the conscript in the English Army. [Applause.]

Now, gentlemen, rich nation as we are, we have not haggled nor been shopkeepers in appropriating $7,000,000,000 of money. We have not been small. Let us be as patriotic and as courageous and as chivalrous about men as about money, and thus, and thus only, can we do our part in this world-wide, this greatest of all wars. [Applause.]

The American will prove the best soldier in the world, no matter how he is chosen for service. He has the most to fight for, the best country and the most liberal form of government. He will fight with the same patriotism and intelligence which animated his fathers of the Revolution and the Civil War, and he will gain imperishable renown as they did.

Mr. GREENE of Vermont. Mr. Chairman, I yield 10 minutes to the gentleman from Massachusetts [Mr. DALLINGER].

The CHAIRMAN. The gentleman from Massachusetts [Mr. DALLINGER] is recognized for 10 minutes.

Mr. DALLINGER. Mr. Chairman, I am heartily in favor of the principle of universal military service as the only practicable and democratic method of providing for the common defense, and I shall therefore support the President's plan for a selective draft. Our own experience in the past, as well as that of Great Britain in the present war, has clearly demonstrated that the voluntary system can not be depended upon in a great crisis such as confronts us to-day.

Washington's unfortunate experience with the Colonial militia in the Revolution is well known. In a letter to the President of Congress, written at the camp at Cambridge, in my district, on July 10, 1775, he said, "All the general officers agree that no dependence can be put on the militia." (See Writings of George Washington, collected and edited by Worthington Chauncy Ford (Putnam's, 1889), Vol. III, p. 16.)

Later, in a letter to Joseph Reed, dated at Cambridge December 25, 1775, he said, "I have in some measure anticipated the desires of the Connecticut delegates by a kind of representation to each of the New England governments of the unpracticability (in my eye) of raising our complement of men by voluntary enlistments, and submitting it to their consideration whether (if the powers of government are sufficiently coercive) each town should not be called upon for a proportionate number of troops." (See Ibid., Vol. III, p. 290.) It is perfectly evident from these expressions that the Father of his Country, if he were alive to-day, would be in favor of the plan recommended by President Wilson for the creation of an effective Military Establishment by the application of the principle of selective conscription.

The following figures from Upton's "Military Policy of the United States" are significant, showing as they do the unnecessary cost of a volunteer army. The total number of American troops enlisted during the War of the Revolution was 395,858; the total number of British troops was 42,075. The largest number of troops that Washington was able to lead to battle at any one time was less than 17,000, while at the Battles of Trenton and Princeton, during the time of our greatest peril, his effective strength was less than 4,000. The total cost of the American Revolution was $370,000,000, or $123 per capita, as compared with $96 per capita in the Civil War. In addition, over $80,000,000 was eventually paid in pensions to Revolutionary soldiers. It is a conservative statement that with some form of selective conscription the thirteen Colonies might have won their independence in less than half the time and at considerably less than half the expense.

Our experience in the War of 1812 is equally illuminating and instructive. The total number of American troops, practically all raised by voluntary enlistment, was 527,654 enlisted men and 33,481 officers, of which latter number only 120 had received a professional education in the Military Academy. In speaking of the campaigns on the Canadian border, Upton says:

> Instead of falling on the 5,000 British regulars who held Canada at the beginning of this war and crushing them at a single battle, we allowed them to baffle every attempt at an invasion and to prolong the war until our loss in killed and wounded numbered 5,614.

In contrast with our reckless extravagance in employing more than half a million men, the largest force of British regulars opposed to us was 16,500.

The cost of this war, exclusive of pensions, was $190,000,000.

Had Congress—

Says Upton—

> from 1808 to 1811 applied one-fourth of this sum to the maintenance of an army of 15,000 men, so organized as to have been capable of expansion by the aid of voluntary enlistments and obligatory service to double or triple its numbers, there is little reason to doubt that Canada would have been ours, and the war brought to a close in a single campaign.

Again, the experience of this country during the Civil War clearly demonstrated that if we had had a system of universal military training and service in the Northern States the Union might have been preserved with a vastly less expenditure of blood and treasure.

The experience of the Confederate Government is equally instructive as bearing upon the question under discussion, and I would call the attention of the committee to the following extract from an article by a southern man entitled "Blunders of the Confederate Government," published in Debow's Review for July, 1868, Volume XXXVI, page 651:

> The crying evil of the Confederate military system, if the government can be said to have adopted one, until, through its own want of foresight, it was driven to the sudden adoption of its conscription, was this: The volunteer force which sprung into service at the first call was made up chiefly of the best materials, not only for soldiers but officers, that the country afforded. An undue proportion of the best intelligence, spirit, and patriotism of the country was enrolled there. The bulk of those who were best qualified by position, education, and character, to hold commissions in any future army that was to bring out the military strength of the country were to be

found in the rank and file of the volunteer regiments, and the greater part of it perished there. Through a fatal incapacity for military administration, the bulk of the natural officers of the southern army were cut off in private or subordinate positions. These same men, distributed among the whole force afterwards organized for service and rising to positions by nature theirs, would not have died in vain.

It is just this sort of thing that we are striving to prevent by the immediate adoption of the selective draft.

The experience of Great Britain in the present war also shows that the volunteer system is expensive and wasteful in that it results in the destruction early in the war of the very best material upon which the country ought to depend for its supply of officers for a large army, as well as its supply of directors of industrial enterprises essential to the Nation's defense. [Applause.]

A good deal has been said in this debate in regard to the attitude of Thomas Jefferson, the revered author of the Declaration of Independence and the statesman who preeminently stood for the supremacy of the civil over the military authority in our Government. In order to make it plain that this great statesman was a strong advocate of universal military service and in favor of a principle of a selective draft as essential to the maintenance of American institutions, I wish to call the attention of the committee to a letter written by him to John Wayles Eppes, dated from Monticello, September 9, 1814, which can be found in volume 9 of the writings of Thomas Jefferson collected and edited by Paul Leicester Ford (Putnam, 1898), pages 484 and 485. In that letter occurs the following significant passage:

> No government can be maintained without the principle of fear as well as of duty. Good men will obey the last, but bad ones the former only. Our county is a desert. None are to be met in the roads but gray heads. About 800 men are gone from us, and chiefly volunteers. I think the truth must now be obvious that our people are too happy at home to enter into regular service, and that we can not be defended but by making every citizen a soldier, as the Greeks and Romans, who had no standing armies, and that in doing this all must be marshalled, classed by their ages, and every service ascribed to its competent class.

The closing sentence of this remarkable letter is so appropriate to the present situation in the United States as to be almost prophetic, and it sets forth the necessity and essential features of the selective draft in the clearest possible language.

In conclusion I wish to state that I am firmly convinced that military service, like jury duty, should be obligatory on all men possessing the necessary qualifications, whether they be rich or poor, naturalized or native born. The French Republic, which received its original inspiration from the shot fired from Concord Bridge in 1775, is to-day setting the people of the American Republic a splendid example of a truly democratic citizens' army founded on universal military service—a system which past and present experience proves to be the only efficient method of protecting free institutions against the ruthless assault of military autocracy. [Applause.]

Mr. GREENE of Vermont. Mr. Chairman, I yield 10 minutes to the gentleman from Massachusetts [Mr. ROGERS].

Mr. ROGERS. Mr. Chairman, I understand there has been general leave to extend remarks in the RECORD?

The CHAIRMAN. Yes.

Mr. ROGERS. I do not care under those conditions and at this late hour to take the time of the House to recapitulate the arguments which lead me to have no difficulty whatever in standing firmly upon the policy of universal service. I shall take advantage of the privilege of extension to present somewhat fully my views upon this question. I do want to direct your attention for a few moments to the statement—and to me it is the only statement of consequence made by those who are opposing universal service—that this policy of the draft or of conscription is un-American; that our wars have been wars of volunteers; that it is hostile to the principle and the theory and the spirit of liberty that we should at this time engage upon a conscription policy.

Mr. Chairman, I have examined some of the State laws passed shortly after the Declaration of Independence. The men of those days, the founders of our Nation, suffered under no delusion that the principle of universal service was un-American.

I have in my hand a volume entitled "The Acts and Resolves of the Province of Massachusetts Bay, Volume V," which contains the enactments of Massachusetts for the years 1769 to 1780. On page 595, chapter 21, is an act for providing a reenforcement to the American Army. That act was approved November 14, 1776, less than four months after the Declaration of Independence, almost before the bells of rejoicing had ceased to peal in the different portions of our American Colonies. I want to read the preamble to that law, and also the law itself:

> Whereas the state of our public affairs claims our most serious attention, and while our inveterate enemies are using their utmost efforts to subjugate us not only to an arbitrary but ignominious government, in which our taskmasters may be those tools of power whom no laws could deter from the most flagitious crimes, and who have been ready at all times to sacrifice their country to their own emolument, it obviously becomes the duty of this assembly to make every possible provision against so great a calamity; and
>
> Whereas the time for which a part of the militia of this State is engaged to serve as a reinforcement to the Continental Army is near expiring, and it is apprehended that another reenforcement may be necessary, when a movement of the whole militia would be both needless and impracticable, this court, in faithfulness to this State, has, therefore, thought proper to point out and establish the following method for determining what persons shall hold themselves in readiness to march first on this occasion:
>
> *And it is enacted by the Council and House of Representatives in General Court assembled, and by the authority of the same:*
>
> SEC. 1. That no rank or station in life, place, employment, or office, except as is hereafter excepted, shall excuse or exempt any person from serving in arms for the defense of his country, either by himself or some able-bodied, effective man in his stead, or, in case of his neglect or refusal, from paying the fine hereinafter required: *Provided, nevertheless,* That those persons who had, before the 19th day of April, 1775, been by law deemed to be of the denomination of Christians called Quakers, settled ministers of the Gospel, the president, professors, tutors, librarian, and undergraduates of Harvard College, Indians, negroes, and mulattoes, shall not be held to take up arms or procure any person to do it in their room; and also that four men to each of the powder mills in Stoughton and Andover be in like manner exempted.
>
> *And be it further enacted by the authority aforesaid—*
>
> SEC. 2. That one-quarter part of all the able-bodied male persons within this State and not in actual military service and pay for the defense of this or the American States, from 16 years of age and upward, excepting as aforesaid, and excepting the inhabitants of all such places as lie to the eastward of Camden, so called, in the county of Lincoln, shall, either by voluntary enlistment, lot, or draft, as is hereinafter provided, be appointed and held in readiness, armed and equipped with a good gun and bayonet, or, in the room of a bayonet, with a tomahawk, cutting sword, or hatchet, also with a cartridge box, a blanket, and knapsack, to march at a minute's warning, to serve for a term not exceeding three months from the time of their march from home, within and for the defense of any of the United States, when they shall be called out to reinforce the Continental Army by the General Court or, in the recess thereof, by the council, and under the command of such general officer or officers as the General Court or, in its recess, the council shall appoint.
>
> SEC. 3. And that the commissioned officers of the militia in each town in this State shall, immediately upon their receiving this act, cause all the male persons usually residing therein, from 16 years of age and upward, except those hereinbefore excepted (and where there are no such officers in any town the selectmen thereof shall cause them), to be mustered; and said militia officers, where there are such, in conjunction with the selectmen and committees of correspondence, etc., of such towns shall, by voluntary enlistment, lot, or draft, as to them or the major part of them shall appear equitable and just, cause one-quarter part of all said male persons (not exempting themselves, or any other persons but such as are hereinbefore exempted) in this State, and not in actual military service and pay for the defense of this or the American States, to be appointed and held in readiness and equipped, as aforesaid, to serve as is above provided, having regard to services already done and performed.
>
> SEC. 4. And the military officers, with the selectmen and committees as aforesaid, shall immediately make out a fair list of the names of the persons so appointed, either by enlistment, lot, or draft, and deliver the same, as soon as may be, to the brigadier of the county to which they belong or, in his absence, to the next commanding officer in the brigade then in the county, who shall, as soon as such list is delivered to him, with the advice of the field officers of such brigade, form that part of the militia which shall be so appointed, as aforesaid, within his county into companies, as near as may be of the number of 68 men (including noncommissioned officers) to a company, and shall appoint of the militia officers of such brigade, proper officers to lead them, according to the rank such officers now hold; and shall form such companies into battalions, appointing proper field officers of the standing militia to command them, according to the rank such officers now hold in the militia, making as near as may be 10 companies to a battalion; and make return to the council of the number of men and the names of the officers and their several ranks who may be drafted, enlisted, or appointed in consequence of this act, as soon as the same can possibly by them be ascertained.
>
> *And it is further enacted—*
>
> SEC. 5. That when the said persons so appointed are ordered to march, the selectmen of each town shall procure, by impressment or otherwise, necessary teams and wagons to carry their baggage; and shall also pay each officer and soldier 2d. per mile for every mile's travel, from their several places of abode to the place or places of their destination as appointed by the general court, or, in the recess thereof, by the council; and also provide for them sufficient kettles, bottles, or canteens; and shall lay their accounts thereof before the general court, with proper receipts, for allowance and payment.
>
> And in order to enable the selectmen to perform and observe the preceding clause, in case they can not otherwise procure the money needed for the purposes aforesaid—
>
> *It is enacted—*
>
> SEC. 6. That they shall, as soon as the said quarter part of the male persons within their respective towns are appointed as aforesaid, return an account of the numbers so appointed to the council, who shall make out their warrant, in favor of such selectmen, upon the treasury of this State, for a sum sufficient to enable such selectmen to pay the person so appointed their mileage from the places of their abode to the place of their destination, and also for a sum sufficient to enable such selection to procure teams and wagons to carry their baggage, allowing one team to each company of men, the said selectmen to be accountable to the general court for the sums they shall respectively receive.
>
> *And it is further enacted—*
>
> SEC. 7. That the persons so appointed after they are ordered to march, shall be under the same regulations as are provided for the Continental Army and receive wages for every calendar month according to the following establishment, viz: A colonel, £15; lieutenant colonel, £12; a major, £10; a captain, £8; a first lieutenant, £5 8s.; a second lieutenant, £5 8s.; a chaplain, £7 10s.; surgeon, £7 10s.; surgeon's mate, £4; adjutant, £5 10s.; quartermaster, £3 10s.; sergeant, £3 8s.; corporal, £3 4s.; drummer or fifer, £3 4s.; privates, £3;

said wages to commence from the time of their marching and to continue to the time of their return, allowing 20 miles march to a day.

And be it further enacted by the authority aforesaid—

SEC. 8. That in each town or place where there shall have been a neglect in the appointment of one of those orders—viz, of military officers, selectmen, or committees of correspondence—or of any two of those orders, such and so many of them as shall be in any town or place shall have all the power with respect to mustering and appointing the men as aforesaid as the military officers, committees, and selectmen jointly have and shall be held in such case, respectively, to execute this act under the same penalty as is herein provided against them in case of the joint neglect of them all.

SEC. 9. And the selectmen of each town are also empowered and directed to impress arms for such persons as shall be appointed as aforesaid and are unable to procure them for themselves and shall truly appraise the arms so impressed and give the person or persons from whom they are taken a receipt therefor, and said receipt shall express and certify the sum such arms are appraised at, to the intent that the owner or owners may, if they please, receive pay for them out of the treasury of this State by warrant from the council; but if the owners of such arms shall choose to have a return thereof after the person for whose use such arms were taken shall return from the campaign they shall be entitled to receive for the hire of each gun the sum of 4 shillings; and in case of such arms being lost the owners shall be paid therefor according to the appraisement of the same, deducting any sum that may have been paid for the hire thereof; and if any soldier to whose use such arms are impressed shall willfully dispose of or negligently lose them, he shall have the sum such arms are appraised at deducted from his wages; and the treasurer shall not pay any noncommissioned officer or soldier his wages for his service until he shall produce a certificate from the selectmen of the town (or committe of correspondence, etc., of any place not incorporated) expressing either that he found his own arms or that the arms delivered him by such selectmen have been returned by him or were unavoidably lost.

And it is further enacted—

SEC. 10. That if any military officer not having reasonable excuse shall refuse or neglect strictly to perform the duties enjoined on him by this act, he shall pay a fine of £12 and be reduced to the ranks in the militia; and that if any selectman or committeeman shall refuse and neglect to perform the duties enjoined on him by this act he shall forfeit and pay the sum of £12, to be recovered by any person who shall prosecute for the same by action of debt in any court proper to try the same, one half of said fine to be for the use of said prosecutor, the other half to be lodged in the hands of the treasurer of the town or place where such offender lives, to be drawn out by the selectmen for the use of hiring or procuring men to serve for the defense of this or the United States of America.

And it is further enacted—

SEC. 11. That if any person appointed as aforesaid, and being in person notified of such appointment, or by writing left at his place of abode, signed by any of them who have appointed him, shall refuse or neglect, in 24 hours thereafter, to make a reasonable excuse to the acceptance of said person by whom he is so appointed, or to pay into their hands the sum of £10, he shall be held and taken to be a soldier in the service for which he is so appointed; and if any such soldier neglect or refuse to march as aforesaid, when called out according to the mode prescribed in the militia act, unless he produces a discharge from or provide some able-bodied man in his stead, to the acceptance of the person herein empowered to appoint him, he shall forfeit and pay into the hands of such person a sum of £12, or, in default of such payment, the said persons are hereby empowered and directed to commit such delinquent forthwith, until he pay said fine, to the common gaol of the county, by mittimus of the tenor and form following, directed to such officer as is empowered to execute a warrant from the justice of the peace:

SUFFOLK, *ss:*

To ———, *and to the keeper of the common gaol of the county of* ——— ———, *greeting:*

Whereas C. D., of the town of ———, was by us, the subscribers, appointed a soldier, according to the directions of the late act of this Government, for providing a reenforcement to the American Army, has been duly notified of such appointment, and did not, within 24 hours after such notification pay to us the sum of £10, nor make any reasonable excuse; and the said C. D. was, on the —— day of ——— called out, according to law, to march, but neglected so to do, or to provide any person in his stead, you, the said ———, are, therefore, hereby required forthwith to apprehend the said C. D. and him commit to the common gaol in the said county, and you, the said keeper of the said gaol, are alike required to receive the said C. D. into your custody, there to remain until he pay the fine of £12, as ordered in said act, together with charges of commitment and imprisonment, or be discharged by order of law. Hereof fail not. Given under our hands and seals this —— day of ———.

And it is further enacted—

SEC. 12. That all fines incurred by breaches of the foregoing paragraph shall be paid over by the persons who may first receive the same to the treasurer of the town or place, to be employed by the selectmen in hiring persons for the service herein directed, as there shall be occasion.

Provided always—

SEC. 13. That so far as the quota of said town or place is not immediately completed by persons hired by such fines, the persons herein empowered to raise such quota shall go on, without delay, to appoint as aforesaid till the full complement of such town or place is made up; and in case any surplusage shall remain of forfeitures after the number of men intended to be levied in consequence of this act shall in fact be levied, the same shall be paid over to the treasurer or receiver of each town, respectively, there to remain for the disposal of such town for raising men for future military service.

And it is also enacted—

SEC. 14. That the major part of the field officers of each battalion so appointed shall have the privilege of appointing one chaplain, one surgeon, one surgeon's mate, a quartermaster, and an adjutant for such battalion.

And it is further enacted—

SEC. 15. That wherever this act requires any duty to be done by the military officers, selectmen, and committees of any town or place, it is to be understood that the major part of them, or of such orders of them, as are found subsisting in the said town or place be, and they hereby are, empowered to perform the same duties no less than if the whole number of all said orders were personally present and agreeing.

Provided—

SEC. 16. That if the persons so appointed as aforesaid shall not be called out to reenforce the Continental Army upon or before the 1st day of March next they shall not be held to march after that time until there is a new appointment or some further order from the general court; but if they should be called out upon or before the said 1st day of March for the purpose aforesaid, they shall be held to stay in the service for the space of three months from the time of their marching, if it should be found necessary.

Provided also—

SEC. 17. That nothing in this act shall be construed to exempt said persons who are so appointed to reenforce the Continental Army and who are now a part of the militia of this State from being considered to belong to said militia, or to excuse or exempt them from being obliged to march for any other purpose, in defense of this or the other States of America, according to the modes prescribed by the laws of this State made and provided for the regulation of the militia therein.

And it is further provided and enacted—

SEC. 18. That if any part of said persons so appointed, and not the whole of them, should be needed for the purpose and service aforesaid, upon any emergency, in the recess of the general court, the council shall be, and hereby are, fully empowered to call out such and so many of the battalions, formed as aforesaid, as shall appear to the said council to be necessary; and that each battalion of said quarter part shall be held to serve three months from the time of their marching, respectively; and that the marching of some of the battalions shall not be construed a release of the residue that shall be formed in consequence of this act from the duties herein required.

And it is enacted by the authority aforesaid—

SEC. 19. That this act shall be held to be in full force, any law of this State to the contrary notwithstanding.

(Passed November 14.)

Mr. YOUNG of North Dakota. Will the gentleman yield for a question?

Mr. ROGERS. I yield to the gentleman from North Dakota.

Mr. YOUNG of North Dakota. Was that a selective draft?

Mr. ROGERS. That was a selective draft, if I understand the definition of the word "selective." It provided that one man out of every four should be taken, and that that man might be determined by lot.

I have also here volume 9 of Hemings's Statutes at Large of the Commonwealth of Virginia for the years 1775 to 1778. Shortly before the Declaration of Independence—in December, 1775—the draft was first resorted to by the temporary assembly of that day. A few months after the Declaration of Independence the general assembly, held at the capitol in the city of Williamsburg, on Monday, the 1st day of May, 1777, in the first year of the Commonwealth of Virginia, explicitly adopted the draft principle. That law will be found as chapters 1, 2, and 3 of those laws, on pages 267 to 285, inclusive.

Mr. Chairman, with the record before us of the two Colonies foremost in the spirit of independence and of liberty, in immediately going on record in the most explicit terms in favor of a draft, we need not fear very much to-day that we are going to be regarded as un-American because we in the time of our country's need have ourselves resorted to the draft.

Mr. HOUSTON. Will the gentleman yield for a question?

Mr. ROGERS. I yield to the gentleman from Tennessee.

Mr. HOUSTON. Can the gentleman state how many men were drafted under those statutes?

Mr. ROGERS. I have tried to find in the records, and particularly in Upton's Military Policy of the United States, a statement of the actual number of troops levied by those drafts. My impression is that the fact that the draft law was upon the statute books was sufficient to induce men to go into the Army as volunteers without recourse to the draft being had.

Mr. HOUSTON. I can well see how it might have that effect; but what I want to know is how many were actually drafted, if the gentleman has the data.

Mr. ROGERS. I do not find in Upton any very satisfactory indication as to the number of men actually drafted at that time. I do recollect that in Upton Gen. Washington is quoted as writing to the governor of the State of Pennsylvania that, in his judgment, the only possible way by which an effective army could be raised for the further prosecution of the war was by means of a selective draft, and that also was in the year 1777.

I have only one other suggestion to make at this time. I suspect that a very large proportion of the men who will vote against universal service in the course of two or three days will do so because of their belief that we shall send a conscripted force to the trenches of Europe, and they do not like to tolerate the thought of sending an army which has been drafted, and which has had no volition of its own, into the trenches of Europe. I think their fear is groundless. In my judgment, this is the way that the future will reveal itself. It is not a matter of legislation, of course. It is a matter of administration after the legislation is passed.

Mr. SWITZER. Will the gentleman yield?

Mr. ROGERS. I will.

Mr. SWITZER. Does the gentleman understand how this selective draft is to be administered?

Mr. ROGERS. I have not the time in the two or three minutes remaining to discuss my notion of what the selective draft will be when actually administered. There is no question but that we give the President an enormous power and range of discretion within which he may operate. Here is the way the problem is going to work out, in so far as any expeditionary force is concerned. It is the practice in time of war, especially when an extra hazardous service is to be performed, for the general or the captain or the sergeant to call for volunteers to perform that service. It is one of the proudest things, as we read the history of our wars, that there has always been the keenest competition for the privilege of going forward and volunteering and being selected for that extra hazardous service. Service in France will be regarded as extra hazardous service.

In my judgment, after the force is raised, after it has been trained for 6, 9, or 12 months, or whatever the period may be, after it is ready to do its duty in whatever field it may be called upon to perform, the men in charge will say to the men who have been trained, "Who will volunteer to go to France and fight side by side with the French in maintaining the liberty and freedom of the world?" And, Mr. Chairman, it is my conviction that 90, perhaps 95, per cent of all those men will gladly volunteer to take their places in the trenches of Europe. [Applause.]

But suppose that does not come about, although I confidently believe that it will; suppose the volunteering is not a success, then we are exactly where we started, exactly in the position of the captain who calls for volunteers and fails to get them. Then he can say, "It is your duty to go; I order you to go, and you shall go." I believe there is no question in the world but that we shall get the volunteers; but even if we do not we have the remedy in our own hands.

Many of you have read a book by Capt. Ian Hay, called The First Hundred Thousand, and you have been thrilled, as I have been, by reading how the men of England as they learned first to creep and then to walk and then to run as soldiers gradually became more and more hungry for the fray, how they yearned for the time to come when they could do actual fighting for their country. Mr. Chairman, we are going to lose our flabbiness; we are going to gain a physical, mental, and moral stamina, and we are going to find when we have the men fully trained and confident of their own prowess and efficiency and of the ability of their commanders that they will want to go, and that they will be eager and proud to volunteer for service in France. [Applause.]

Mr. SHALLENBERGER. Mr. Chairman, I yield 15 minutes to the gentleman from Minnesota [Mr. VAN DYKE].

Mr. VAN DYKE. Mr. Chairman and gentlemen of the committee, I have listened for two days to the various reasons of advocates either in support or against the majority report. In the beginning we were told that the reason for the selective draft was because of the democracy of the measure. After having listened to the different amendments which have been proposed on the floor of the House for the last two days I have come to the conclusion that instead of the selective draft being a democratic measure it is, perhaps, the worst kind of class legislation.

We started out with eliminating some 106,000,000 in this country. We then eliminated 5,500,000 people, and then we find that the packers of the country do not desire to have the men working for them drafted, perhaps because they want these men in active employment, and perhaps because in losing these men they might pay good American wages in getting others. We then find that the manufacturers of the country are desirous of having their employees eliminated, and so we went down the line until the gentleman from Wisconsin made the statement that he was going to introduce an amendment which would eliminate the farmers of the country. And so we have left the slackers, the pool-room sharks that we have heard so much about, and the idle rich.

The other day the gentleman from South Carolina eliminated the pool-room sharks, and so to-day we have a measure before us which only contemplates taking the idle rich, and I am standing before you to-night to argue for the idle rich. [Laughter and applause.]

I do not believe in class legislation; I do not believe that we should send all of the idle rich across the water. There is another reason, presumably, by the people who advocate this measure; that is, if they were truthful in their statement. They might admit that perhaps we could not get enough volunteers to make the fight. If we should take into consideration the enlistment in the District of Columbia during the last few weeks, that might be so. But in the city I come from, out on the edge of the West, during the last week we enlisted more men in the Marine Corps than had been enlisted in the District of Columbia during the period between April 1 and April 23 by 31 men. I understand the volunteer system is not being discussed at the other end of the Capitol seriously, and perhaps there is a reason for that. Perhaps it is because of their lack of interest in the legislation for the benefit of the volunteers of the war of 1898. You gentlemen are aware that three times we have passed in this body a bill providing for the widows and orphans of the Spanish War veterans, and three times in the Senate has that bill died an ignoble death. Sometimes it pays to be patriotic between wars. Sometimes the Congress of the United States might be patriotic by taking care of the widows and orphans of those who participated in the last war.

I want to give you a few experiences of my own service in the Spanish War, and why I am so opposed to certain provisions in the administration bill. The first provision to which I am absolutely opposed is the age limit from 19 to 25. The first tent that I was in after going into camp I was the dean of the tent, and I was 17 years of age at that time. There were four of us in the tent, two 17 years old, one 16, and one 15. There is no man who can get up on the floor of this House and tell me that any boy under the age of 21 makes as good a soldier as a man over 21 years of age.

Mr. BORLAND. Mr. Chairman, will the gentleman yield?

Mr. VAN DYKE. Yes.

Mr. BORLAND. The boys you speak of, yourself included, were volunteers?

Mr. VAN DYKE. Yes.

Mr. BORLAND. There was no restriction upon your going in even at that age?

Mr. VAN DYKE. Oh, yes; there was.

Mr. BORLAND. But you did go in?

Mr. VAN DYKE. I did go in.

Mr. BORLAND. And there were four of you there under 18 years of age in the same tent?

Mr. VAN DYKE. Yes.

Mr. BORLAND. Is not that rather typical of what the volunteer system really gets when it comes to the young men of the country?

Mr. VAN DYKE. Does the gentleman mean to inquire whether I would be in favor——

Mr. BORLAND. Does not the volunteer system take a large proportion of the boys?

Mr. VAN DYKE. It does not take a large proportion of the boys without the consent of their parents or guardians, and I have not heard a single Member get up on the floor here and differentiate between the conscription plan of grabbing the boys away from their parents and allowing the parents to permit those boys to enlist in the Army. [Applause.]

Mr. BORLAND. Would it not be a whole lot better to have boys in there from 19 up rather than from 19 down, under any plan?

Mr. VAN DYKE. Yes; if their guardians and parents allowed them to go. That is the big question, and I am glad the gentleman has asked that question, because it is the first time to my mind since this debate began that that erroneous impression has been dispelled that during the War with Spain soldiers were allowed to enlist who had not reached their majority, without the consent of their parents or guardians. There is a wide difference between the Government saying to the father or the mother or the guardian of a child "Your boy must go," and allowing that guardian or parent to say "I gladly give my boy to my country."

Mr. SHALLENBERGER. Mr. Chairman, will the gentleman yield there?

Mr. VAN DYKE. Yes.

Mr. SHALLENBERGER. Does the gentleman know that under the plan proposed by the War Department they permit 978,000 boys 18 years of age to enlist without their parents concent under the present bill?

Mr. VAN DYKE. And that is the big thing that I object to in that bill.

Mr. BORLAND. Is that any different from the present law?

Mr. SHALLENBERGER. That is the law at present.

Mr. BORLAND. So that that is no different?

Mr. SHALLENBERGER. Your selective-draft plan permits 978,000 boys to be enlisted.

Mr. BORLAND. The law existing to-day permits that.

Mr. McKENZIE. Is it not a fact that under the national-defense act recently passed boys of 18 may enlist in the Army without the consent of their parents or guardians?

Mr. VAN DYKE. It may be that that is the fact; but nevertheless I still object.

Mr. McKENZIE. That is the law, is it not?

Mr. VAN DYKE. I object to allowing any man under 21 years of age to enlist without the consent of his parents or guardians. I want to tell you the effect upon a boy in the Army of that age. Out of the four in that tent within two

months after the enlistment we were all sick in the hospital with typhoid fever. As a matter of fact, most of the men of that regiment had typhoid fever who were of that tender age. There is a reason for it. The reason is this: That he has not become matured; he has not the power to restrain himself; he will eat anything and do almost anything, and he is not able to care for himself properly, as a more mature man would be.

I do not intend to take up much time to-night, but I do want to say—and I have received numerous telegrams and letters from my district, all in favor of the selective draft, most of them, I might say, in favor of it without knowing what the provisions of the bill are—I do want to say this: That I am proud to-night to be able to state that I served or responded to the call in 1898. I am proud for this reason, and that is the sentiment connected with that idea. Wars were never fought except because of sentiment, and I would hate to think that the war that we have become engaged in now is anything but a war of sentiment. I would hate to think that it is a commercial war, and, consequently, when you take away the sentiment connected with the man who served his country or, at least, offers his services, you take away all that which is worth having. Where is there any sentiment connected with the man who has been drafted and forced into the Army? How can he, when he has returned, it may be, from many bloody battle fields, be able to say that he offered all that he had in his country's defense?

What is the difference between the majority and the minority reports. There is only one difference, as I view it, and that is that the majority report calls for a selective-volunteer plan and the minority report for a selective-draft plan. In either case the men would be selected as to their value on the firing line or at home; in either case they would be officered by competent men, and as a matter of fact the rules and regulations applicable in one case would be the same in the other. Consequently we are forced to the conclusion that the only difference existing is the difference between drafting and volunteering, the ultimate results as to efficiency being the same, with the exception of the fighting spirit which goes with the volunteers.

There is one other difference, however, and that is that in the volunteer system we would have 500,000 men in camps training before the enrollment for the draft proposition would have been completed, so if it is efficiency we want, if it is speed we want, if it is the getting together at the earliest possible moment an army that we desire, then there is only one answer, and that is to adopt the majority report as it stands.

I want to make a few remarks relative to the difference between democracy and autocracy; but before doing so I want to say I am glad I am able to have an opportunity to vote for the volunteer system. I am glad because, peculiar as it may seem, I still believe in democracy. I would rather have the pleasure of voting when the time comes according to my conscience and convictions than I would to occupy the highest position in the United States.

Mr. Chairman, zealous and anxious as, I believe, all Members of this House are, now that we are committed to war, to prosecute that war with vigor, that early victory may bring an early peace, I, for one, am not willing to sacrifice to that end or take legislative steps to place in jeopardy those institutions of American liberty that are of greater and more enduring value to humanity than any victory of arms which we may achieve on European battle fields.

We can not afford to sacrifice the greater for the lesser. Certainly the Congress of the United States, which is by far the greatest legislative forum and repository of human rights and immunities in the world and in history, should be the last legislative body on earth to undermine by its own acts the immunities which have made America the asylum of freemen from every land and, least of all, to substitute for these immunities the very system of military conscript and universal military service, from which the great body of our immigrant citizenship sought freedom when they gave up the Old World for the New.

Of what avail is it to the freedom-loving and peace-loving citizen of a foreign country to leave his fatherland to escape military conscription and universal military servitude imposed by a military bureaucracy and make this his adopted country, only to find that the country of his adoption is setting up another military bureaucracy to conscript him and impose upon his sons the system of universal service patterned after that of the fatherland from which he has flown?

How can we with any logical consistency preach against Prussian autocracy as the "foe to liberty" if we adopt the same system of military conscription and training which makes Prussian autocracy the foe to liberty?

The fundamental principle of American democracy is consent of the governed. The elector is the American sovereign. Government is the expression of the will of the elector. The people are supposed, under our Constitution, to be the creators and government their creation. Sovereign choice lies with the citizen; that is what we mean by the words "freedom" and "democracy." He creates the Government, which we call "self-government." He names the officials who carry out his will, and he fights his country's battles as a sovereign volunteer. That has been the world-famous "American system" since 1776, the system and the fundamental principles studied and revered by liberty-loving people in every enlightened community on the globe.

The proposition to empower the Government to impose universal service and levy military conscription is a complete subversion of democratic principles and is opposed to every American tradition. It takes away the sovereign power of choice from the citizen and confiscates his personal freedom on the altar of forced military service. It makes of the Government a military bureaucracy, with power over the life and liberty of the citizen. The term "sovereign citizen" becomes irony. Sovereignty is transferred from the citizenship to the Government. A military bureaucracy becomes sovereign, and the citizen becomes conscript and subject.

I am willing to grant that this military bureaucratic power will be used by the present administration with rare discretion and wisdom. It will be for the time being a "benevolent" autocratic rule. The application of the Prussian system to our soil will be generous in its consideration of the conditions of our citizenship. Our military bureaucracy will attempt to make itself popular. But that does not lessen the danger to our fundamental democratic principles. On the other hand, it augments the danger. The more wise, benevolent, and popular military conscript and universal military service is made in the beginning the more insidious and enduring will be its final establishment. And a day may come, and, indeed, is logically certain to come, as militarism develops and secures hold upon our citizenship, when a less benevolent and more despotic military bureaucracy will employ conscript and use the great military class created by universal military training for ends of which the fathers of our Constitution never dreamed.

Perhaps I am old-fashioned in my ideas. Possibly I may be influenced in my views by the fact that my forefathers have been volunteers in every war of our Republic, and by the fact that in 1898 I was an American volunteer myself. I confess that the idea of conscription and of forced military service is repugnant to every atom of my being. I feel that it destroys the very spirit of patriotism. It substitutes for the patriotic soul of American citizenship a machine-made militarism. To the professional militarist this substitution may make a favorable appeal; but to him who draws his inspiration and his faith from the Declaration of Independence and from the Bill of Rights of our Constitution, the transplanting of the Prussian system on American soil brings fear and foreboding.

If the principles and traditions taught in our schools and declaimed from the public forum on the Fourth of July are true and right, then the system of military conscription and universal military service advocated on this floor are wrong. Anxious as I am to support any well-conceived measures to advance our cause on the battle field in order to hasten the return of peace, I can not bring myself to support a measure that is hostile to every American tradition from 1776 down through 140 years of patriotic memory. I can not vote for a measure which takes from American schools and colleges the boys and young men who are engaged in the study and recitation of the principles and deeds of our forefathers and impress them into forced military service while they are declaiming the glories of self-government. I can not support a measure which empowers Federal military agents to seize citizens who may gather at the next Fourth of July celebration to glorify "consent of the governed" and drag them away as military conscripts. If the gospel which we preach is true, if it voices the soul of America, we as representatives of the American people and trustees of the immunities of the Constitution can not rightfully betray our trust by substituting for it the basic system of Prussian military autocracy, which is universal military servitude and military conscript. Is this the type of legislation which will create patriotic volunteers when we issue a call to arms? Is this the type of law which will command affection for our institutions and make of the rising generation a race of patriotic democrats? For answer we are compelled to look across the water where military conscript and universal military servitude have fulfilled their mission, and created what we please to term "Prussian autocracy"—the "foe to liberty." [Applause.]

Mr. SHALLENBERGER. Mr. Chairman, I yield 10 minutes to the gentleman from California [Mr. CHURCH]. [Applause.]

Mr. CHURCH. Mr. Chairman, Abraham Lincoln was a Member of the Thirtieth Congress of the United States, and after serving two years as a Member of the House of Representatives retired to private life. Why Congress was thus deprived of his able services has always been to me a source of wonder and regret. I did not understand the real cause of Lincoln's retirement until I read a few days ago that his early political downfall was the result of his opposition to the War with Mexico, he having voted on January 3, 1848, in favor of a resolution declaring that the Mexican War was unnecessarily and unconstitutionally commenced by the President of the United States. (See speech of Lincoln delivered in the House, Jan. 12, 1848, vol. 17, 30th Cong., 1st sess., Library, House of Representatives, p. 91.)

Stephen A. Douglas, in the first joint debate with Mr. Lincoln, held in Ottawa, Ill., August 31, 1858, as shown on page 210 of volume 3, Complete Works of Abraham Lincoln, Nicolay and Hay, with the finger of scorn pointed at Lincoln, made use of the following words:

While in Congress he (Lincoln) distinguished himself by his opposition to the Mexican War, taking the side of the common enemy against his own country; and when he returned home, he found that the indignation of the people followed him everywhere, and he was again submerged or obliged to retire into private life, forgotten by his former friends.

Mr. Lincoln in his reply to this, as found on page 230 of the same work, said:

I would not vote that the war had been righteously begun by the President, but whenever they asked for any money or land warrants or anything to pay the soldiers there during all that time I gave the same vote that Judge Douglas did.

From this it is evident that the wise and conscientious Lincoln, for the casting of an honest vote in favor of peace and against war, was ridiculed by the newspapers, denounced by his former friends, and hounded into temporary obscurity.

A short time ago when 12 conscientious United States Senators voted against armed neutrality, which since has been a confessed failure, the newspapers of the country, clamoring for excitement, aided by many people eager to be fed from political spoons, cried, "Away with them! Away with them!" and began at once to institute plans for their political crucifixion.

A little while later 50 men of the House voted against a resolution declaring that war existed with Germany. By so doing they brought upon their heads a reign of terror, and now a hungry pack of political bloodhounds are baying on the track of each. They have been branded as traitors by the newspapers, denounced by men in pulpits, and in some instances have been hanged in effigy by former friends.

Those who have thus brought upon their heads such severe criticism should take courage from the fact that Abraham Lincoln was also a temporary victim of the war gods of his time.

Some day a great army may come from across the sea and lower our flag; some day foreign airships may fill our skies, and bombs may burst on fair and sacred spots; some day submarines may come in fleets and, like sea wolves, haunt our shores. I know not; but this I do know—that he who denounces a legislator for the casting of an honest vote is gnawing at the tap root of the governmental tree, and should he have his wicked way lawmakers would become craven cowards, afraid to express their honest thoughts until they heard from a dictator or the mob upon the streets.

I care not whether it be Stephen A. Douglas reviling Abraham Lincoln for voting his convictions against the war of 1846 or the newspapers deriding the Senators and Representatives who voted against the present war. The principle is the same.

In this democracy where all have a duty to think and act, the rights of the minority are as sacred as the claims of the majority. The majority is always strong enough to defend itself, but the minority is not.

All great reforms of the world have at first been supported by a minority of mankind. The minority standing by its colors and fighting for what it thought was right has won all the real battles of the world. On the rugged pathway of progress a few are always in the lead. A few who blaze the trails are ridiculed at first but are finally followed by their fellow man.

The framers of our Constitution, recognizing the fact that the minority might be right, armed one-fifth of the membership present of either House with the power to demand a roll call and gave them the implements of filibuster to use as they saw fit.

An English legislator recently said:

In England we feel that the theory of democracy requires the fullest and frankest discussion of every measure. We feel that the minority has a right to a respectful hearing. This is the only way you can carry on a democracy and keep it a democracy.

Another strange thing I find is that in America you seem to expect that when the minority is beaten it will at once capitulate, declare it has been in the wrong, and join the majority. This is not democracy, either. In England during the Boer War and this war, but especially in the Boer War, there was an organized minority in Parliament—there always has been in time of war. In the Boer War this minority was led by no less a person than David Lloyd-George.

If you make it an American policy that when the majority has once spoken, the right and duty of the minority to express itself and fight for what it believes in ends, you have lost your democracy. There is no safety or wisdom in trying to suppress thought or to force men to silence.

It alarms me to see how quickly public sentiment now changes against men who happen to be with the minority. For instance, Senator LA FOLLETTE, the father of our later-day progressive thought, is ridiculed by many because while this hideous war craze is sweeping the country he remains calm and sane.

Regardless as to what the newspapers and his critics say, BOB LA FOLLETTE was never more deserving and nearer right than now.

Ex-Senator J. D. Works, of California, who retired from the Senate of the United States of his own free will after six years of conspicuous and conscientious service, working all the time he was here in an able manner for what he thought to be right, was denounced by some of the newspapers of California as a traitor to his country because he voted against armed neutrality.

The wicked spirit exemplified by such criticism is more dangerous to us than all the standing armies of Europe and in time, if not subdued, will undermine and overthrow this Republic.

Let us go back and review some of our wars advised and encouraged by the same kind of financial, political, and personal interests that have brought on our present war and that now clamor for the infamous plan of conscription.

U. S. Grant, twice President of the United States, and the greatest general this country has ever known, said in his Personal Memoirs, volume 1, page 119, chapter 9:

The Mexican War was a political war, and the administration conducting it desired to make party capital out of it.

Again, on page 55:

Even if the annexation itself could be justified, the manner in which the subsequent war was forced upon Mexico can not. * * * The Army did not stop at the Nueces and offer to negotiate for a settlement of the boundary question, but went beyond, apparently in order to force Mexico to initiate war.

On pages 67 and 68:

The presence of the United States troops on the edge of the disputed territory farthest from the Mexican settlement was not sufficient to provoke hostilities. We were sent to provoke a fight, but it was essential that Mexico should commence it. It was very doubtful whether Congress would declare war; but if Mexico should attack our troops, the Executive could announce, "Whereas war exists by the acts of," etc., and prosecute the contest with vigor. Once initiated, there were but few public men who would have the courage to oppose it.

This war of 1846 with Mexico, voted against by Abraham Lincoln, and which vote drove him into political exile for 15 years; this war declared by Grant to have been a political war, was fought by 100,000 of our armed men—26,690 Regulars, 56,926 Volunteers, and so forth. Twelve thousand three hundred soldiers lost their lives as the result of this war, and an equal number was disabled and ruined in health by wounds. The cost, exclusive of pensions granted in late years, was from $130,000,000 to $160,000,000. (See Mexican War, by Wilcox, p. 561.)

Averaging the weight of each soldier at 160 pounds who thus lost his life in this war denounced by Lincoln and Grant, we find that 934 tons of young and comely flesh was on account of it reduced to putrefaction, grinning skeletons, and bleached and withered bones. If these dead were 6 feet in length, placed end to end, a pedestrian could walk over 12 miles, stepping every foot of the way upon the bloated bodies of the dead, bodies of young men who had not a word to say about bringing on the war and who knew not but what its cause was just.

I have read of a great and final day of judgment when all the dead, both rich and poor, high and low, great and small, shall stand before the judgment bar of God, when earth's mighty host from every age and land shall meet their Master face to face. When that day comes the war gods, newspaper editors, and politicians who brought on that war, together with the revilers of the peace-loving Lincoln will hang their guilty heads, and some pictures boldly swinging now on granite walls will fall beneath their weighted shame.

From the crime of 1846 let us pass down to our next foreign war of 1898, brought on by the same active agencies of 1846 and to-day, for humanity does not change.

John Sherman, Secretary of State during the Spanish-American War, said, in a public address at his home in Mansfield, Ohio, at a reception given in his honor just before he retired as Secretary of State:

Had not the War with Spain been declared when it was we could have secured by treaty with Spain all that we demanded.

The United States Government in 1903 published a "Report of the Foreign Relations of the United States," for a period that included the diplomatic negotiations preceding the War with Spain. This report shows that on February 26, 1898, the American minister to Spain, Gen. Stewart L. Woodford, wrote to President McKinley that he had obtained the "practical adjustment of every problem" that had been intrusted to him. On April 3, 1898, Minister Woodford cabled to President McKinley as follows (p. 732):

If conditions at Washington still enable you to give me the necessary time, I am sure that before next October I will get peace in Cuba with justice to Cuba and protection to our great American interests. I know that the Queen and her ministry sincerely desire peace, and that if you can give me time and reasonable liberty of action I will get for you the peace you desire so much and for which you have labored so hard.

Just a few days before we declared war Minister Woodford again cabled President McKinley, on April 10, repeating the foregoing sentiments, and added:

I hope that nothing will be done to humiliate Spain, as I am satisfied that the present government is going, and is loyally ready to go, as fast and as far as it can. With your power of action, sufficiently free, you will win the fight on your own lines.

Yet on April 19 Congress ordered armed intervention in Cuba, and three days later adopted a resolution in which it was declared that "war exists."

What a shame to the American people that a war was unnecessarily declared, which resulted in the death of 6,395 officers and enlisted men, wherein hundreds of millions of dollars were spent, when the matter could have been settled by ink and pen on a scrap of paper.

With these two wars making crimson the pages of our country's history, would it not appear that the American people should begin to mistrust their war makers and war advisers and decide to settle war matters for themselves?

With these two examples of wars hastily and wrongfully brought, do you think the person who now votes against war or conscription should for that reason alone be denounced as a traitor to his country?

The General Staff and others who are advising us now were the same agencies that brought on the expedition to Vera Cruz to make Heurta, the bandit, salute the flag, notwithstanding his pretended seat and power we refused to recognize. We came back, however, without the salute, leaving 19 of our boys and 150 Mexicans dead upon the battlefield. That fruitless expedition caused 13 tons of human flesh to be reduced to silent clay. Buried, it is true, but by relatives and history; not forgotten.

They also drove our Army, about 20,000 strong, 300 miles into Mexico, pursuing, like an aeroplane a mosquito, the bandit Villa. While we did not capture him, 40 of our own men succumbed, battle and disease claiming an equal share. While we killed 40 Mexicans near Paral, provoked battle with Villa's enemies at Carrizal, in which 39 Mexicans, including Gen. Gomez, were killed, 109 lives were lost and over 8 tons of human flesh were torn by shot and shell and reduced to dust—a fruitless expedition.

This Congress has followed the newspapers and military advisers to Vera Cruz. It has followed them down the cactus plains 300 miles into Mexico; but, for one, I am not in favor of us compelling the young men of this country to follow them to the trenches across the sea.

Mr. Chairman, I have no intention of criticizing the President of the United States. I have said more good words for him than the majority of the membership of this House. In my last campaign I made 70 speeches in my district in his behalf. "He kept us out of war" was my only slogan. In the whole campaign I made but one promise: "I will aid the President in every way possible in keeping this country out of war." Eighteen thousand voters had registered against him in my district, yet he carried it by upward of 9,000 votes, the banner district of the State, and more than twice the number of votes that he received to the good in the State of California, which was the pivotal State in the Union. I acted my humble part in securing his victory, but it was not speeches that did the work. It was a strong conviction on the part of the people that through him our country would be spared the sorrow and pangs of war.

Mr. Chairman, time is the great demonstrator of the folly and shortsightedness of mankind. On the 7th of March of last year this House voted against warning American citizens to refrain from traveling on armed belligerent ships, as provided in the McLemore resolution, H. Res. 147.

A score of men at least when this resolution was being debated, in speeches in the House, declared the defeating of the resolution would mean war with Germany. Their prophecies, however, were not heeded, the resolution was lost, and war has now been declared. I have heard within the last day or two a dozen or more Representatives who voted against the resolution say they made a mistake. Gentlemen, the same agencies that persuaded this Congress into voting against giving the warning are demanding conscription now. The 142 men who voted in favor of giving the warning were each lambasted for expressing his honest opinion, were held up to scorn and ridiculed by about all the great newspapers of the country. Yet at that time 95 per cent at least of our people were in favor of giving the warning.

There would have been rare sunshine to-day in our skies instead of war clouds had this Congress left unheeded the demands of the newspapers and Washington, and listened to the wise requests of the people at home.

I am proud to say that I voted in favor of giving the warning, and at the next election the people indorsed my conduct by giving me a majority of 11,111 votes over my next strongest opponent in a district registered 18,000 against me. Congressman MCLEMORE, from the fighting State of Texas, when his resolution was the only issue of the next election, in the primaries with 13 candidates against him, ran 34,000 ahead of his next highest opponent, and in the November election received 13,500 more votes than did the Democratic nominee for the Presidency.

The people of the United States are now in favor of the volunteer system, at least to the same extent as they were in favor of giving the warning.

I submit to you again that the agencies that have been advising us during the last 70 years in regard to going to war have proven themselves not to be in harmony with the common people, and it is time for us to begin to use our own judgments.

For one, I would be afraid to advocate conscription at the beginning of this or any other war for fear the people of the world would think the citizens of the United States have degenerated so they are not willing to fight for what they think is right, or else they do not consider their cause is just. They know all of our other wars have been fought and won by volunteers, and I am sure they would wonder why the system is not good enough for us now.

If the volunteer system is wrong, then Washington was wrong. Lincoln and Grant were wrong and Daniel Webster was wrong, for they all advocated it.

Daniel Webster said in a speech delivered in Congress on December 9, 1814:

* * * * * * *

The supporters of the measure before us (a bill for conscription) act on the opposite principle. It is their task to raise arbitrary powers, by construction, out of a plain written charter of national liberty. It is their pleasing duty to free us of the delusion, which we have fondly cherished, that we are the subjects of a mild, free, and limited Government, and to demonstrate by a regular chain of premises and conclusions that government possesses over us a power more tyrannical, more arbitrary, more dangerous, more allied to blood and murder, more full of every form of mischief, more productive of every sort of misery, than has been exercised by any civilized government, with one exception, in modern times.

* * * * * * *

A free government with arbitrary means to administer it is a contradiction, a free government without adequate provisions for personal security is an absurdity, a free government with an uncontrolled power of military conscription is a solecism, at once the most ridiculous and abominable that ever entered into the head of man.

* * * * * * *

Who shall describe to you the horror which your orders of conscription shall create in the once happy villages of this country? Who shall describe the anguish and distress which they will spread over those hills and valleys, where men have heretofore been accustomed to labor and to rest in security and happiness? Anticipate the scene, sir, when the class shall assemble to stand its draft and to throw the dice for blood. What a group of wives and mothers and sisters, of helpless age and helpless infancy, shall gather round the theater of this horrible lottery, as if the strokes of death were to fall from heaven before their eyes on a father, a brother, a son, or a husband. And in the majority of cases, sir, it will be the stroke of death.

* * * * * * *

Laws, sir, of this nature can create nothing but opposition. If you scatter them abroad, like the fabled serpent's teeth they will spring up into armed men. A military force can not be raised in this manner, but by the means of a military force. If the administration has found that it can not form an army without conscription, it will find, if it venture on these experiments, that it can not enforce conscription without an army. The Government was not constituted for such purposes. Framed in the spirit of liberty and in the love of peace, it has no powers which render it able to enforce such laws. The attempt, if we rashly make it, will fail, and, having already thrown away our peace, we may thereby throw away our Government.

Mr. Chairman, I wish that Daniel Webster was here now. Only a few feet from this Chamber yonder in the Hall of Fame, alongside of Lincoln, Washington, Grant, and America's other immortals, we have placed with reverent hands a marble statue of this matchless man. How I wish it could speak to-night. I wish he could come back to earth, from the sacred abode of philosophers where he now abides, and with one of his masterly speeches bring this American Congress to its feet and to its senses again. If he were here, the advocates of this measure would slink away through these open doors like the money

changers of old did in Solomon's Temple before the whip in the hand of Jesus of Nazareth.

Bring on a war that the people were not in favor of and then decree that it shall be fought by a million boys between the ages of 19 and 25 years. I wish that Daniel Webster were here to speak for the young men of this country. Not one of them are here or can be here to speak for himself; not one of them had a voice in bringing on the war. They are too young and have not sufficient discretion to be here, yet on account of a lack of discretion it is claimed they will make better soldiers and be more rash on the battle field.

Webster said:

Who shall describe to you the sorrow which your orders of conscription shall create in the once happy villages of this country? Who shall describe the anguish and distress which they will spread over those hills and valleys, where men have heretofore been accustomed to labor and rest in security and happiness?

One must be indeed limited in his imaginative powers who can not foresee the disappointment, pain, lonesomeness, anguish, and sorrow that conscription will bring to the hearts and homes of this country.

Yesterday Senator LA FOLLETTE, in the Senate, described what conscription really means so much better than I can that I will quote his words:

Mr. President, however uncertain the meaning of some portions of this bill may be, its main purpose is clear. About that there is no dispute. The main purpose of this bill is to clothe one man with power, acting through emissaries and agents appointed by him, to enter at will every home in our country, at any hour of the day or night, using all the force necessary to effect the entry, and violently lay hold of 1,000,000 of our finest and healthiest and strongest boys, ranging in age from 19 to 25 years, and against their will, and against the will and wishes of their parents or family, deport them across the seas to a foreign land three thousand and more miles away, and to require them, under penalty of death if they refuse, to wound and kill other young boys just like themselves and toward whom they feel no hostility and have cause to feel none.

Mr. Chairman, I can not get the viewpoint of any man who is capable of harboring the thought that it is right at the beginning of this war to conscript the young men of this country, 95 per cent of whom do not believe this war should have been brought; compel them to cast to the winds their cherished hopes of life, and leave parents, home, and friends, in order to become butchers in Europe of their fellowmen.

Conscription totally ignores the rights of the minority, who believe this war should not have been brought. I say minority only for argument sake. As a matter of fact, it is an overwhelming majority who holds such views. But suppose it is only a minority. What are you going to do with the young men whom you select to fight who do not believe in the war? Are you going to make them fight? Yes; you propose to make them fight in this war, whether they think it just or not. Do you not know there are hundreds of thousands of our young men who if they were in this war would rather turn their guns on themselves than to take the life of some German, with a family and little children at home, who had not a word to say in regard to bringing on the war and who knows nothing whatever about our submarine controversy or any of the causes of the war.

I notice in this debate there has been a great effort to confuse universal military training with selective conscription. The propositions are two opposites. The one may be wise and just, the other is wicked.

Conscription might work in Russia, where men are driven like dogs, but not in this Republic, where men think, feel, and act freely for themselves.

If you want a sulky, indifferent, and unwilling army, force them to go to war.

If your cause is so unjust that you have to force free men to fight, you had better lay down your arms and declare the war is closed.

If you want a buoyant, determined, and intrepid army, have a good cause and call for volunteers. You would have difficulty in protecting the recruiting stations against the crowds.

Adopt the plan of conscription and you will make your country hated and 50,000 young men will flee from their native land each year.

As an example of the quality of a conscript army, let me read another extract from Senator LA FOLLETTE'S speech of yesterday:

So great was the feeling of the people against the draft laws of 1863 that President Lincoln felt constrained to say upon one occasion that it was best not to really try and enforce the law. And as to the results of the securing of this system, an efficient military force, I quote this from President Lincoln:

"We get a large body of reinforcements together and start them to the front, but after deducting the sick, the deserters, the stragglers, and the discharged, the numbers seriously diminish by the time they reach their destination. It's like trying to shovel fleas across a barnyard—you don't get 'em all there."

Mr. Chairman, as I have said, I see no reason why we should abandon our former policy and resort to conscription at the beginning of this war. England has not even yet a conscript upon the battle field, and neither Canada, Ireland, New Zealand, or Australia have adopted the plan, yet Canada alone has sent 400,000 of the best fighting men of the world to the trenches.

Even if I were in favor of conscription generally, I would not be in favor of it now, for I think we have already done and planned to do enough. We do not expect to get the slightest financial benefits from the war. We are simply fighting to establish the right to run the German submarine blockade, and we would be able to do that at the end of the war just the same whether we enter it or not. Our allies are fighting for commercial supremacy, territorial advantage as well as for expansion.

The German island possessions in the Pacific have already fallen a prey to England and Japan. German Samoa surrendered to an expeditionary force from the British colony of New Zealand August 29, 1914. Australian troops occupied Herbertshohe, the seat of government for the German colonies of the Bismarck Archipelago and Solomon Islands, September 11, and captured Kaiser Wilhelmsland, the northeastern third of the large island of New Guinea, September 24–25. Jaluit, the most easterly of the German islands in the Caroline Archipelago, surrendered without offering resistance to Japanese marines on or before October 6. Yap, at the western end of the group, was taken a day later. By October 20 Japan had possessed herself of all the Marshall Islands, the Marianne Islands—Ladrones—and the eastern and western Caroline Archipelagoes, and the German flag had vanished from the South Seas.

The Germans could not reenforce her colonial garrisons; her colonies in Africa were left at the mercy of their French and British neighbors. Togo, the narrow German territory on the north of the Gulf of Guinea, was attacked by British warships on August 8 and surrendered to Anglo-French forces from Gold Coast and Dahomey August 25. Kamerun, the large German colony north of the Kongo River, was likewise conquered by combined British and French forces late in September. German Southwest Africa was invaded and Luderitz Bay captured in September by forces from the Union of South Africa.

These possessions were worth untold millions to Japan, England, and France.

There is hardly a way to estimate the financial advantage which Japan will receive if she can only hold the possessions she has already taken, say nothing about what she is yet to receive when her cause, through our assistance, is finally won.

By entering this war we lose not only all we put into it but strengthen Japan for the probable day when she will measure strength with us. We thus lose both ways. We also strengthen England for the day when we will have another war with her. We have had two wars with England in a little over a hundred years, and it is only reasonable to believe that we may have at least another one in the future. The area of England's colonies already amounts to 11,377,434 square miles. France, in addition to other possessions, will get Alsace and Lorraine. Italy is fighting Austria for land heretofore taken from it, while Russia is anxious to get down to the warm waters of the Mediterranean.

In assisting these kingdoms and empires to extend their boundaries by aggression it is difficult for an average mind to comprehend in what manner we are developing the democracy of the world.

I once saw a half dozen wolves fighting over the carcass of a sheep. There was just as much humanity and democracy in the snaps, snarls, and vicious lunges of these wolves as there is in the war now being fought by the great powers across the sea.

I repeat again, we will get nothing and do not hope to get anything as the result of the war. No sunny Alsace and Lorraine await us when the storm is past, and none of the broken fragments of Turkey or Germany will drift to our shores.

In view of the fact that the war does not belong to us, that we are in it only as an accident, the question is, How much should we put into it? I claim we have done and planned to do already enough, without sending an army of soldiers to the trenches.

We have already appropriated $7,000,000,000 to this enterprise. Have you ever stopped to realize how much that is?

It is more than three times the investment of the telephone companies of the world.

It would pay the public debt of all the cities, States, and counties in the United States more than twice over.

It is more than four times the total value of the school property of the United States and eight times the value of the wheat crop of 1916.

It would buy over 240,000 of the most modern all-steel Pullman cars. Seven billion dollars amounts to more than $6 for every minute since the birth of Jesus Christ.

If it cost $75 a mile to travel to the sun, you could make the journey and still have money in your pockets.

If you had $7,000,000,000 and wished to distribute it, you could give each person living in the world $3.50 and yet have money to spare.

You could give $10 apiece to every inhabitant of the allied belligerent countries, including Japan.

You would have money enough to give every person in the United States approximately $70.

Seven billion dollars is one-half a billion less than the total assessed value of Illinois, Indiana, and Wisconsin and is more than six times the total assessed value of the city of Chicago.

In addition to this tremendous amount of money we have dedicated the American Navy with all its wealth of ships and fighting force to this other fellow's war. Every man and ship may be lost; we can not tell. We are supplying our allies with all their necessary food, and we have been and still will supply them with all munitions of war which they desire. Our people even before the war began had loaned them and given them credit to the amount of more than $4,000,000,000.

Is there not a time and place somewhere to stop? Does prudence demand that having furnished our wealth we must also make an offering of our blood? No; the American people cry out against it.

With all this tremendous contribution of energy and wealth there is certainly no necessity to force anyone to go 3,000 miles across the sea and fight. If anyone feels that it is his duty, let him go. There is no reason why Col. Roosevelt and the men who desire to accompany him should not be permitted to go. I read that 200,000 men are eager to accompany him and carry Old Glory to the trenches of Europe. Why compel unwilling boys to go and fight and refuse to permit willing men to follow such a gallant leader? Do not tell me that Roosevelt will not make good. Everybody knows neither he nor his men will disgrace the flag.

Mr. Chairman, after all there is but one way to get rid of war, and that is to let the people who have to do the fighting and dying in case of war decide when there shall be war.

On January 31 of last year I introduced House joint resolution 128, which provides for a change in the Constitution of the United States limiting the power of Congress to declare war only in cases of invasion, threatened invasion, insurrection, or revolution within the United States or of its insular possesions and in other cases where the matter of declaring war has been submitted to the people and a majority of those voting have declared themselves in favor of the proposed war. In other words, Congress shall have the right to declare war only in cases of emergencies. In all other cases it shall be left to the people.

I consider this scheme a solution of the whole war proposition. The people of one nation seldom if ever want to fight the people of another nation. It is the rulers of nations that bring on war. President Wilson in his Chicago speech several months ago said, "Rulers, not public opinion, brought on the present war in Europe."

In my judgment ninety-nine out of every hundred of the wars that have come in the past to curse and blight the world have been brought on not by the mandates of the people but by the command of the rulers.

Our present plan is neither safe nor fair. I hear much about the honor of our country, and I believe the honor of this country should be maintained, but I want to see the term "honor" defined by the men who have to maintain it. I would not like to have some fat fellow define my honor, tell me when it had been assailed, and shove me into a fight.

No man should have to be a factor in this country's defense in time of war who was not a factor on election day in determining whether there should be war.

War is the most important of all subjects. Why should not the people decide it?

Why should not the interested parties decide the most interesting to them of all subjects?

Do we not believe that the people should rule? Do we mean this is a Government wherein the people shall decide matters of minor importance but when it comes to deciding whether we shall have war, the largest and most important of all questions, that the people are not qualified to decide? As human blood and human life are of more importance than all other considerations of humanity, so the question of war is of more importance than all other subjects.

I can not see why the people of the United States should hire a little over 500 men here in Washington to tell them when it is time for them to bleed and die on the battle fields.

Mr. Chairman, in conclusion let me say I am still opposed to our entering into this war. I believe that when we surrendered our position as a neutral Nation we deliberately abandoned our place of superiority among the nations of the earth. Up to that fatal hour we had been in the lead, the light of the world and the hope of humanity. It will take a century at least to regain what we lose. But now, as if not satisfied with the havoc which our war declaration will bring, we propose to pass this conscription measure, which is the worst bill that could be proposed.

We are forsaking the example of our fathers and taking counsel from across the sea. Instead of being the light of the world for others from dark and abandoned lands we now seek for inspiration. We now turn from the counsel of Washington and Jefferson to listen to a foreign commission. In the year 1917 we are taking advice from the people whose philosophy we rejected in 1776. If their policies are superior to ours the Revolutionary War was fought in vain.

I was in favor of the McLemore resolution. I voted against declaring war, and I now oppose conscription.

Abraham Lincoln, in the midst of the Mexican War, in this very House voted to stop the war on the grounds that it should never have been brought, and, using him as an example, I stand ready to vote for a similar resolution now.

Mr. GREENE of Vermont. Mr. Chairman, I yield 15 minutes to the gentleman from Vermont [Mr. DALE]. [Applause.]

Mr. DALE of Vermont. Mr. Chairman and gentlemen of the committee, we are living in a new world. The thought of nations can not mature quickly enough to realize the change that has taken place. Genius, expert and cruel beyond human conception, a few months since has made warfare an unfamiliar science to those once skilled in it. The old weapons are gone, and even the temperament of the soldier must have different development for his service.

Courage is the same and will last unchanged till time has run its course; but it is a fearful act to send it to mere sacrifice without intensive training for highest efficiency against the effective inventions of the keenest specialists among men.

And yet it is argued here that we can meet the imminent crisis that is upon us as our fathers met the conflicts of their time, by force of numbers backed by responsive courage. Ah, the courage of our ancestors was most admirable. It taught us the finest lessons in history. It could be summoned to victorious defense of its rights by the midnight ride of a Paul Revere.

But that is tradition—priceless forever—but not to be followed now, unless to disaster.

A gentleman has said in his argument for the volunteer system, truthfully but inadvertently, that it is shrined in tradition. Yes; we can go back with holiest emotions to the shrine of that which has passed away. It is a fact, a pitiless, merciless fact, that the price of war to-day is not only the blood of courageous men but of the brightest, keenest, strongest in intellect and physique—the selected Army of the Republic.

To the realization of this in all its hard, cold necessity we must rise from the inclination to linger by the shrine of our traditions. And that we may not do this quickly enough is an element of danger, first to the Republic.

We stand to-day a nation as with a closed door behind us—the adamantine door has swung to forevermore—and we can not choose but go forward to our destiny.

We are a part of the imperiled civilization assailed by acutely and desperately developed imperialism in its death struggle. What this means to us we can not tell, but we can intelligently face our obligation by the one assumption alone that it means a like awful experience to that which has come to the soldiers of France and England.

Under the stress of this requirement shall we invoke tradition or even experiment with it in the method we adopt?

Shall we wait to see the result of a volunteer system that must be conceded to be uncertain?

Moreover, and I speak now for the mothers and the boys—my boys as well as yours—I can not bring myself to the conclusion that it is my duty to them to send our soldiers out with other than the highest-trained, best-selected comrades, for they must be saved, if at all, by such forces.

My home is close to the Canadian border, from the other side of which, as the world knows, have gone many of the bravest boys in this war. From personal knowledge I can state the fact that Canada realizes that some of them went to death from causes that conscription would have avoided.

For the welfare of the Republic, for the protection of the soldiers, for the sake of my own boys, I am impelled to the conviction that it is my duty to vote for selective conscription. [Applause.]

And as we train our soldiers we should impress upon them the broader and higher conception of the changed world con-

ditions that have swept away the very motives of former wars and brought forth other principles for which men will struggle. Conflict between one principality and another for sovereignty is of the past, and henceforth war will be by allied nations for broader democracy whenever assailed by autocracy. The plans of an imperial empire to concentrate its terrible magnificent genius for the perpetuation of its separate power have gone all awry, and the Divinity that shapes the course of events will seize them for the general uplift of all the peoples of the earth.

It is more than a new era; it is a transformation that stands clear in the light of passing events.

The world can no longer follow the course of action that it was well to take through the years that lie back of us, and yet men quote the language of patriots and philosophers of a hundred years and more ago for our guidance in this time of very transubstantiation. The utterances of the early statesmen of this Republic quoted on this floor to sustain or destroy conflicting arguments are all sublime when read in the light of the history they helped to make; but if those men could stand among us to-day in the full realization of this hour's events, with what amazement would they listen to the application of their words! Oh, these days are filled with occasions without a parallel in the glory of the fact and hope they demonstrate. Four days ago the envoys of that nation against which we gained the first great struggle for political liberty were received in this Capital with loud acclaim of welcome. Yesterday officials representing that country which was our ally in the conflict for our independence were greeted with enthusiasm, and due homage was rendered the great military leader who checked the well-nigh successful attempt to ruin the republican institutions of Europe and America. [Applause.]

Do you feel that Washington, if he could stand to-day before that splendid memorial to Columbus and lift his eyes to the three tall staffs behind and with the Stars and Stripes in the center and the flags of France and England on either side, would have us construe his words as condemnation of the present quality of our alliance? [Applause.]

No; that inspiring sight is the emblem of the achievement of democracy, in which the United States will now bear its part, avoid the opprobrium and win the gatitude finally of all mankind.

Mr. Chairman and gentlemen of the committee, we have listened now for four days to a spirited debate that will soon conclude in a decision between the so-called volunteer and selective-draft systems in the raising of a great American army. The debate has been heavy with the thought of conditions and the contemplation of probabilities that are driving us to the necessity of sending much of the youth and strength and hope of our country into the great world struggle. It takes an effort to rise from the natural mood of depression into the state of confidence that is required of us at this time. But having done this, I believe that you and I stand to-day under the control of but one influence. Men and parties are of no consequence. A method offered by a man or a group of men has no compulsory force, even though it come from the President of the United States, a majority or minority of the Committee on Military Affairs, or the War Department. As the expert knowledge of all these is superior, we respect it. As a reason given by any man, high or low in political station, is sane and forceful, we welcome it. As any information coming from any source, we ought to think upon it. But at last we are required by all the faith of Christianity and patriotism of citizenship and love of family to vote under the one influence that each man must feel is laying its iron hand upon him. For myself, I feel the influence of this one purpose—the quickest concentration of the most skilled forces from all the people to maintain by military and industrial effort the principles for which the Nation has declared war. [Applause.]

This greatest nation on the earth has taken its position; the emblem of our country is already advancing before us. I would maintain that national place and follow that flag at any cost, and I would give no citizen of this Republic the right to do otherwise. [Applause.] All over this country are men of inherent patriotism. There is for them only one course possible. If there are men who would take another course, nothing more sublime could come to them than to be taught the inspiration of living which they lack.

Conscription? Yes. The disasters and successes of this world sustain it. Selective conscription? Yes; where on farm or in shop or because of disability or obligation a man can serve his country better in another place than in the Army, and for the present, because a minor he should be exempted. But for some other reasons never. When the Nation calls an army it is to the defense of all its citizens and homes, and from that duty this American Congress ought not to excuse any man because of his social position, his cowardice, his wealth, or his religion. This is a new experience to citizens of the Republic, and it demands an element of patriotism in one sense of the highest nature, a new conception of an old duty—the willingness to go into the jaws of death without the option to refuse.

Whether the requirement shall be for long time and with heavy sacrifice, no man knoweth. That is immaterial now. This Congress should act as it would in preparation for a struggle no less awful than is being met by nations across the sea and in the firm faith that by such preparation the American Army will become invincible.

In line with this discussion I would suggest two cheerful thoughts—the one of a great organization that will support the Army and the other of an able man who is influencing this debate. Both came to this country, by a strange coincidence, from the same small political division of the great German Empire. To the home of the Grand Duchess Louise, an heroic woman whose old age is still sublime in its sorrow, went another no less heroic American woman during the Franco-Prussian War and brought back to this country the impulse and experience from which she organized the American National Red Cross. From the Grand Duchy of Baden it came to America. From the Grand Duchy of Baden there also came to America at about the same time a boy who has since become a forceful citizen on the Pacific coast and for years in the Congress of this Nation. By and by, when the years of this war are over and the good that shall have been accomplished is reviewed by other generations with patriotic pride, they who study history will learn that on opposing sides of this debate were two superior leaders, one of whom was the earnest, scholarly, forensic orator who from the Grand Duchy of Baden crossed the seas and became the loyal American statesman—JULIUS KAHN. [Applause.]

Mr. JOHNSON of Washington. Will the gentleman yield for a question?

Mr. DALE of Vermont. If I have the time.

Mr. JOHNSON of Washington. Would it not be well to call attention also to the fact that Representative KAHN, of California, and Representative GARDNER, of Massachusetts, were the two men in the forefront of the effort several years ago to have a little bit of preparedness in the United States?

Mr. DALE of Vermont. I think it would be very well to do that, and I thank the gentleman for calling my attention and the attention of the committee to it.

Mr. LUNN. Mr. Chairman, I yield 10 minutes to the gentleman from New York [Mr. ROWE]. [Applause.]

Mr. ROWE. Mr. Chairman, just two points have come up here to-day that I would like to say a word about. The first is that not only during to-day but for the last two or three days men have spoken here of the hardships of the draft system, that it worked an injustice on some of the people. Now, is there any man here in this Hall to-night, or any Member of Congress who thinks of any great measure that has been passed in this House or in any other legislative body that has not worked an injustice on someone? Think for a moment of the public-school system of the United States. When that was established in the several States after we became a Nation, there were men in every community in which it was established who protested and said, "I do not want to pay for the education of my neighbor's children. I have no children but I have large properties, and you ask me to pay this large bill." Then there was another very legitimate excuse and that was that one large Christian denomination said, "We do not want our children educated in the public schools and the members of our church do not want to pay to support these public schools for we sustain our own schools," and there were many other legitimate objections to such a law, and yet there is not a man present to-night but feels that universal public-school education in our country is a necessity. We would not for a moment go back to any other system. Again, as our small hamlets grew into villages and the villages into small cities and the small cities into greater municipalities it became necessary to build a sewer system and a water system for the community, and notwithstanding that many men had driven wells or had brought water a long distance to their homes and had built sewer systems for their particular places, we had to pass such laws, because many would not provide a sewer system and it was necessary for the community and the health of the city. There is no great law and no great reform established but what some man is injuriously hurt by that law.

Now, there has been some complaint here to-day, and a great deal of it yesterday, that the people and the newspapers at home did not understand the situation. They have told us that the newspapers were mixing up the question of universal military education with conscription, and that the people did not make a distinction between the two. Well, now, let us see if the people

are all fools and if the newspapers do not understand the situation. Let us suppose that the United States had had universal military education for the past 10 or 20 years, and that to-day we were raising an army to fight on the German border. Where would they get the men to do that fighting? There is no question where the men would come from. There would come a call for the class which had last been trained, and the President would say to the class of 1916, "Come to the colors." Then, if we did not have men enough to protect our Nation, he would call for the class of 1915; and if we did not have enough then, he would call for the class of 1914.

Is there any doubt but what that is conscription? Can you find any conscription more limited than to call out the young men of this Nation who are just 20 years of age and say, "You must come to the colors and defend us as a people and a Nation"? Is it improved by the fact that you call out the men who this year are 21 and who got their military service but two years ago, or that you call out the class of young men that are 22 years of age? Gentlemen, this is selective conscription, but it is universal military training also. [Applause.]

You have not fooled the people, nor are the people fooled. The fact is that if the bill which they are discussing in the Senate passes and becomes a law the very same men will serve in our armies on the first call that would have been called out to serve if we had been under universal military training during the past 10 years.

Mr. HULL of Iowa. Will the gentleman yield?

Mr. ROWE. Certainly.

Mr. HULL of Iowa. Are you advocating calling out the young men from 19 to 21?

Mr. ROWE. I think this bill is all right on that matter. I am in favor of men 21 to 40.

Mr. HULL of Iowa. Do you claim there is any universal military training in this bill?

Mr. ROWE. Yes; it is a link in the system of universal training.

Mr. SHALLENBERGER. Will the gentleman permit an interruption?

Mr. ROWE. Certainly.

Mr. SHALLENBERGER. I would like to read to the gentleman the Secretary's statement in reply to a question asked him by the gentleman from New York [Mr. CALDWELL], as follows:

> Mr. CALDWELL. Would you have any great objection to the substitution of a bill similar to or along the line of the Chamberlain bill for the universal training of our youth in the place of the clause for the second increment of 500,000?
>
> Secretary BAKER. I object to it for two reasons. In the first place, I am heartily in accord with the statement which the President has made on the subject. This is not the time to solve the problem or to settle the policy as a permanent policy of universal training or service, either one. The times are too distorted for that, and therefore I would object to the introduction of the Chamberlain bill as a substitute on that ground. In the second place, I object to it because, as I see it, the Chamberlain bill, and the General Staff bill as well, are peace-time propositions, looking to operation through a continued period of years, the result of which will be to produce an army. If we knew that 10 years from now we were going to face this emergency, either of those bills would produce an army at the end of the period of training.

Mr. ROWE. I do not say this is the beginning of permanent universal military training. I say that the people at home and the newspapers say that this is the beginning of what will lead into universal military training, and that the same young men will serve our country under this law as would have served the country had universal military training been in existence for the past 10 years.

Mr. GREENE of Vermont. Will the gentleman yield for a question?

Mr. ROWE. Certainly.

Mr. GREENE of Vermont. What better military training do men expect to get than the actual test of war?

Mr. ROWE. There could be no better military training. Mr. Chairman, I yield back the balance of my time. [Applause.]

The CHAIRMAN. The gentleman yields back two minutes.

Mr. LUNN. Mr. Chairman, I yield 10 minutes to the gentleman from Washington [Mr. JOHNSON].

Mr. JOHNSON of Washington. Mr. Chairman and gentlemen, no one wants war any more than he wants leprosy or smallpox. And yet out of the 571,000,000 Christians of the world 514,000,000 of them are at war. Only 58,000,000 Christians are at peace. The whole 571,000,000 Christians want peace. They must get it by fighting. Strange to relate, the real problem that brought on this war is Asiatic Turkey, the land of the Bible and the birthplace of Abraham.

No one wants war; but when war comes—and the momentous events of the world have been such that we could not have kept out of it—the thing to do is to fight, and fight hard, quick, and intelligently. What the United States wants now is a quick victory. When the world war is ended the world will know that the United States ended it. [Applause.]

Mr. Chairman, the press and the pulpit are the great leaders of public opinion. I shall say a brief word about both. This propaganda stuff—circulars, pamphlets, and the like—does not mold very much opinion. It comes in on both sides. We have heard the preparedness propaganda denounced. We have heard big men who can see far into the future denounced. But there is propaganda on the other side still coming in. I have here a publication just put out by a peace party which is still at work. It quotes a sermon delivered since the declaration of war by the Rev. John Haynes Holmes, pastor of the Church of the Messiah, New York. He said:

> No order of a President or a governor will persuade me or force me to this business of killing. On this issue—for me at least—there is no compromise. Once war is here the churches will be called upon to enlist, as will every other social institution. Therefore would I make it plain that so long as I am your minister the Church of the Messiah will answer no military summons. Other clergymen may pray to God for victory for our arms; *I will not.*

Gentlemen, the Rev. John Haynes Holmes, I suppose, had a right to say that, for we believe in free speech. But I think his judgment was bad. I believe, however, in free speech. He will not even have to fight. He will be exempted under this military bill by section 3. He was born in Philadelphia, the cradle of liberty; he graduated at Harvard, near Bunker Hill, and was ordained and installed in the Unitarian Church at Dorchester, and Dorchester, mind you, is in Massachusetts, where was fought the Battle of Lexington. He is the successor of Minot J. Savage as pastor of the Church of the Messiah. I do not criticize, but I am entitled to say I do not like his statements. His position as a pastor, a preacher of peace, of course, is hard. And so are the positions of all pastors with 90 per cent of the Christian peoples of the world at war. But all ministers and preachers must know now that our only hope of securing it is by war—and with victory on our side.

I do not like Rev. Mr. Holmes's sermon, Mr. Chairman, but I prefer a sermon delivered out in my district at Tacoma by the Rev. C. W. Weyer, who said a week ago that:

> If Christ was the captain of an American liner and Kaiser William said to him, "Don't you dare sail your boat across this line, if you do, I will kill you," he would sail the ship across that line in defiance of Kaiser Bill, if it were the right and true thing to do. His disciples warned Him not to go to Jerusalem. They said He would lose His life if he went. He did not stay away, and keep the peace. He went to Jerusalem and was crucified, although He knew before He went that He would be. It was His duty and He did not shirk it, although by so doing He started the greatest conflict the world has ever known—the battle between right and wrong.

I prefer also the patriotic and inspiring address of Bishop Frederic Keator, recently delivered in Tacoma, who will pray for the success of our arms, and who will help us to get an army by any process the President asks.

Now, as to the newspapers. You may be a little distrustful of the big ones, but you can depend on the little ones printed in the country towns where the editors often have to back up their printed views with their voices in street arguments and even with blows. I have a few less than 100 of these weekly papers in the district I represent. I read them. They want the kind of an army the President wants, and they are not squeamish about the name of the method you give to the scheme for raising that army. The trick is to get the army and get it now. Everybody knows that. I have here stacks of these papers to show you, and I will bank a great deal on what they say.

In these papers there has been published in the last few weeks an appeal sent out by the Government for 450,000 volunteers in the Regular Army and in the National Guard. These press notices are Uncle Sam's direct appeal for men—volunteers—to fill up the holes in the Regular Army and in the National Guard. These papers also print glowing notices of the way men have volunteered in the small towns out there. I have picked up these little papers, have read them with pride, and have seen their proud notices of the way in which men have volunteered.

Here is Washougal, a town of 456 people by the last census—probably 1,000 now—it puts 14 men into the Army and Navy. That is a lot of men from a fine little town. Here is a town of 2,000 people puts 42 men into the Army and Navy. Then, here is a town of 252 people—Cathlamet—complaining because it has put only a few men into the Army and Navy. Mind you, all these towns have contributed men to the National Guard and to the Naval Militia. The quota from the State of Washington is full. Here is a town of 1,000, which put half a dozen men into the Army and Navy. Here is a little town of 387 people that has put 47 men into the Army and the Navy and the Marine Corps. That town is Stevenson, and I will guar-

antee, Mr. Chairman, that 47 soldiers and sailors from a town of 387 men, women, and children is about the record. [Applause.]

But with all these fine reports and the splendid showing from all the towns, I find that our great State of Washington has put into the Regular Navy only 360 men from April 1 to April 25, and into the Regular Army only 376 men from April 5 to April 25, and into the Marine Corps from April 5 to April 25 but 120 men. And there have been a lot of recruiting officers out there, and there is lots of patriotism.

But now the surprise. The volunteer enlistment figures of the State of Washington may seem small, but they loom large beside those of the great Empire State of New York, with its more than 10,366,000 population. Washington, with 1,500,000 population, has put in 20 days 120 men into the Marine Corps. New York, with more than ten millions of souls, puts in 184. Will that give us an Army?

New York has put into the Army from April 1 to April 24 only 2,677 men and into the Navy only 1,687 men, and into the Marine Corps the pitiful number of 184 men. That is why we need selective conscription. Washington State will do its full share, but it would like a guaranty that New York and Pennsylvania and Indiana will do the same.

Mr. KEATING. Mr. Chairman, will the gentleman yield there?

The CHAIRMAN. Does the gentleman from Washington yield to the gentleman from Colorado?

Mr. JOHNSON of Washington. Certainly.

Mr. KEATING. Have you the figures there from Massachusetts?

Mr. JOHNSON of Washington. No; I have not; but I doubt if they would make any better showing than the other populous States.

Mr. KEATING. Do not you think the State of Massachusetts, which is represented so ably here by the eloquent advocates of preparedness, should make a better showing?

Mr. JOHNSON of Washington. That is the very point. We can not do better than that unless we have a selective system. That is my argument. I will come to it in a moment. I am calling attention to the fact that the State of Washington puts into the Marine Corps 120 men and the State of New York 184 men. You must remember that the State of Washington has filled up its militia troops, its Naval Reserve, and has sent men to the Aviation Corps and has supplied its full quota, and has made a fair showing in the Regular Army and the United States Navy.

Indiana, with population enough to give it 13 Congressmen in this Chamber to Washington State's 5, puts into the Army in 24 days 2,463 men. At that it does far better than New York. Indiana puts into the Navy in two weeks, after war was declared, 554 men to New York's 1,687 and Washington's 360. New York's population, 10,366,778; Indiana's, 6,193,626; and Washington's, 1,505,810.

But let us not wrangle as between States. This war is making us a nation. Put all the volunteer figures together since war began, when Uncle Sam asked for 450,000 men to fill up the holes, what does it amount to?

Mr. GORDON. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Washington. Yes; certainly.

Mr. GORDON. Does not the gentleman think that the fact that the men are all required to enlist for seven years makes some difference?

Mr. JOHNSON of Washington. No; they are enlisted for the time of the war.

Mr. GORDON. No; under the present law they are enlisted for seven years.

Mr. JOHNSON of Washington. Well, let us see about that. Let us see just what the advertisement says.

Mr. GORDON. The law is that no man can enlist to-day unless he enlists for seven years, both in the National Guard and in the Regular Army. The gentleman knows the law?

Mr. JOHNSON of Washington. Yes; and I will not dispute that with the gentleman from Ohio, but here is the advertisement, or rather statement, issued on the authority of Sergt. W. D. Schuster, United States Army, and printed in the Montesano (Wash.) Vidette. I will put it in the RECORD:

HALF MILLION VOLUNTEERS WANTED FOR THE UNITED STATES ARMY—ORDERS RECEIVED AT ABERDEEN RECRUITING STATION SAY MEN WILL BE RELEASED AT END OF WAR.

Wanted—men to enlist in the Regular Army—

And so forth. Then it says:

Men who enlist since war was declared will be released at the termination of the emergency and not held for the Regular Army term. This removes the principal objection to Regular Army enlistments, and the Army should fill up rapidly. Aberdeen recruiting headquarters are at 218½ East Heron Street.

It is the policy of the War Department to discharge from service at the termination of the emergency all men who have enlisted in the Regular Army since the declaration of war, or who enlist now.

Mr. Chairman, I have just been informed that that sort of appeal is made by the War Department as a result of a sort of agreement by which regulations are made to do until the law can be changed, as is now being done with this bill.

My time is about gone. I would like to say this, however: When this bill is passed, and a selected list is called for from the State of Washington, there will be no protest, no resentment, and no riots, because they are patriotic people out there. [Applause.] We do not breed any other kind. When the recruiting officer comes around and asks for 1 man out of every 20, we will be ready to supply him. The right men will go, and they will be good men. The selective system will provide all the men the Government needs, no matter how long the war lasts. It will not rob one community at the expense of another. It treats all alike—all men, all States, all industries, and all activities. The farm, the mine, the forests, will not lose more than their share of workers. It is said that it requires the industry of 15 men to keep 1 soldier in fighting trim in the field. Those who work at home to sustain those who have gone to the front and to sustain their dependents and to sustain their Government are entitled to full credit and will receive it under the selective plan.

Although the Government is moving rapidly in a war way, a thousand things which must be done are awaiting the passage of an Army bill which will give us an army and guarantee to keep us with an army throughout this war. The selective system for an army will not break down. We have no time to experiment. To me it seems preposterous to propose to try one form of an army and if that breaks down try another. We do not want any "ifs."

No one questions either the loyalty or the valor of the American volunteer. Everyone knows that, even if recruiting has been slow, it will quicken when something happens in this war to stir us vitally. That will fill the holes. The raising of an army now by the selective process does not mean the revival of the odious draft of 1863. The whole trouble with volunteering now, on a gigantic scale, is that it comes too late.

Mr. Chairman, if I had had anything to do with framing of this plan I think I would have called it a democratic selective system. As it is, the only trouble with it is that the word "draft" has been in bad company. But it does not make much difference about the name. This measure designed for the employment of modern census and efficiency methods to the raising of an army that shall mean business—an army that shall add to the glory of the United States; uphold its honor and strike decisive blows, backed by all the people, all the resources, and all the money of the United States; an army that shall end a war in which 90 per cent of all the Christian peoples of the world are engaged and bring peace, I hope, for all time to come.

The CHAIRMAN. The time of the gentleman from Washington has expired.

Mr. LUNN. Mr. Chairman, I yield 10 minutes to the gentleman from California [Mr. LEA].

The CHAIRMAN. The gentleman from California is recognized for 10 minutes.

Mr. LEA of California. Mr. Chairman, schoolboys of the Nation are taught that every one of our citizens owes to our Government two fundamental duties—obedience and support. They are taught that the duty to support includes military service. The Constitution of the United States empowers Congress "to raise" armies, not simply to accept volunteers. Men may question the wisdom of selective conscription, but they can not dispute the right. To-day we are preparing to engage in a great war. Upon one proposition all patriotic men are agreed—the battles of our country, whatever they are to be, must be fought. Our disagreement is as to who shall fight those battles.

Shall our soldiers be selected by our Government according to a uniform plan, or shall their selection depend upon the irresponsible volition of the individuals of this Nation?

My opposition to the volunteer system of raising an army is founded upon two reasons: First, I believe it is an uncertain system; secondly, I believe it is an inefficient system.

The voluntary system is uncertain, because in all this country there is not one human being who can tell us with assurance that it will give us men enough to fight this war. Men assert confidence in their own belief that by this means sufficient soldiers will be supplied at the beginning as well as during the progress of the war. But, in the face of the history of the last three years, is it prudent to commit the security of this Nation to a course of doubt, when one of certainty is at hand?

Every Member of this Congress knows that when we adopt a system of selective conscription 20,000,000 men will be on duty and respond at the call of our Commander in Chief.

It is asserted that because in former wars the volunteer has supplied men for our armies we can rely on him still. All our real wars of the past have been hand-to-hand struggles on our own soil. In each of those conflicts the personal obligation and sense of responsibility was driven into the very hearts of the men and boys of our country.

To-day we are in war with a nation separated from us by 3,000 miles of sea, upon whose surface not a single German flag can be found. Beyond that our enemy is surrounded by a tightening band of steel, forged by our allies, who are fighting our battles. Our duty, as I see, is that when we be prepared we should go in search of our enemy, lest the time come when, under more unfortunate circumstances, he finds it to his advantage to come in search of us.

If that time does come and the Germans should invade our soil, bombard one of our cities, or if in combat on the ocean they would sink one of our great battleships, as they have sunk English battleships, and next morning the papers of America would tell the people of the Nation that every man of the crew stood by his post and calmly faced a certain death, and as the ship sank into the ocean, like the sailors of England, they sang a patriotic song, a song of love of country and home, that the last thing to go down was the flag of our country, then perhaps 5,000,000 men would volunteer. But then it would be too late. The great lesson of the war has been that we must be prepared to be effective, to economize life and to economize effort.

Some seem to think a call for volunteers is immediately going to separate our people into the brave and the cowardly, the worker and the shirker, the patriotic and the selfish, the generous and the avaricious, the worthy and the unworthy.

I do not believe that is true. The bill proposes raising 1,000,000 soldiers out of 20,000,000 who are capable of bearing arms. The average American citizen recognizes his duty to fight for his country and is willing to do it when sure that obligation rests upon him. There are 20 men to fight where 1 is to be taken. And many a man will, without cowardice and without unusual selfishness, figure that there is certainly 1 other man of the 19 others upon whom the duty to go to war rests more strongly than on him. The average citizen is willing to go to war if necessary. He is willing to go, not because he wants to go nor because he likes war, but through a sense of duty to his country. Therefore, until the duty seems personal to him, he may wait until the demand is more pressing. The result, I fear, would be that we might not have a sufficient volunteer army, or that we might secure it only after unnecessary delay or burdensome efforts. But suppose we fail. Then what will happen? Under the terms of the bill proposed by the majority of the committee—conscription. The conscription proposed by the committee is an odious conscription; that proposed by the President is an honorable conscription. Under the provisions of the bill provided by the committee we first try out the voluntary system, and if that fails every man who is a conscript after that is put in the position of having refused to do his duty to his country. Under that system you make the uniform of our soldiers a badge of dishonor instead of one of honor.

A number of speakers have asserted that heretofore conscription has not been resorted to in this country except as a last necessity, and that we should pursue that course now. In my judgment that is the reason that conscription has heretofore been odious to the American people. If we call for volunteers and fail to secure a response in sufficient numbers, and then we conscript our people, we put them in the position of serving their country only after having refused to do their duty. But if we conscript them to begin with, then we do not place upon any man a stigma of having failed to do his duty to his country, and all men can submit to its terms without humiliation and with a conscious pride that no one else is called to a higher service.

Two speakers have, in effect, asserted that the volunteer system stigmatizes the man who hesitates to go, and thus drives him to enlist; drives him to enlist by the taunts and jeers of his fellow men. That is true. And, more than that, it stigmatizes every man who does not go, regardless of how meritorious his reasons may be for remaining at home. There are many patriotic and conscientious men whose services are more useful and more necessary at home. Such men will consult their own consciences. The claims of country and wife, mother, and child will seem to conflict. To remain at home under the stigma of the volunteer system would make life a living shame.

How much better it would seem to be to have a plan of selective service under which each man's duty to serve or his claim of exemption is determined according to a uniform plan, and under which no man goes to war in shame and no man stays at home in dishonor!

The man who is willing to go to war should not object because his Government commands him to go. Only he who refuses to go can object. His refusal must be based on his refusal to do his duty. It must be based on the idea that the battles of his country shall not be fought or else that somebody else shall fight them. Whether or not the battles of this country shall be fought and who shall fight them are questions that not the individual but the country itself should determine.

The conscript system gives us 20,000,000 soldiers; the volunteer system gives us no man knows what. The best message that we can send to our allies to-day is that, "We have 20,000,000 American citizens in this country all of whom are on duty and at the call of the Commander in Chief. When he speaks the word, we go." That is the message to send to the allies in France to-day, and that is the message to send across the water to Germany, telling her in no uncertain tones that America is engaged in this war to stay until that day comes when our flag be carried in triumph from its last battle field. [Applause.]

Mr. SHALLENBERGER. I yield 10 minutes to the gentleman from Ohio [Mr. KEARNS].

Mr. KEARNS. Mr. Chairman, I want to say that I am for the volunteer section in this bill for many reasons. One of the reasons is because the Committee on Military Affairs, who have had charge of this bill, who have heard the testimony, and who have given it great consideration, have reported such a bill. And ever since I have been a Member of Congress I have been told that I ought to stand by the committee reports. There are other reasons why I am for the volunteer system. One is it has always proven a success in every war we have ever fought since the birth of this great Nation.

There is another reason why I am for the volunteer clause in this bill, and that is because there have been so many men between the ages of 21 and 40 years who have been trying for years to bring about this war, and I want to give to those men a chance to show their patriotism and to volunteer. [Applause.] I do not want them to have the excuse to say, when the young boys are marching away for the field of battle, "The law prohibits me from going; I have no chance to volunteer, and the War Department has not conscripted me." I am for the volunteer clause in this bill because the newspapers in this country for many years have been working up this propaganda for war, and many of these men who have been indulging in this propaganda are under the age of 40 years. I am going to see if they are as patriotic as they have claimed to be, or whether they have been working deceit upon the American people. [Applause.]

It has been charged on the floor of this House that many of the great daily papers of this country have been, to use a plain, blunt, and expressive expression, bribed to bring this country on the verge of war, and these men who occupy seats in the press gallery of this House to-night have been writing this war stuff for all these years. If this charge be true—and I do not make it, because I have not the proof of its truthfulness, but men have made it—if it be true, you are working for a master who has done much to bring this country into war, and this, too, for a price.

The stamp of odium was placed on Benedict Arnold for a lesser crime than that if this be true. These are some of the few reason why I am for the volunteer clause in this bill. If the great metropolitan newspapers in this country are not guilty of this charge brought against them on the floor of this House, why do not they rise as one and ask for an investigation at the hands of Congress or some committee appointed for that purpose? Not one has come to the front and asked for such an inquest. Gentlemen, I am not making this charge, because I lack proof, but I am saying that the accusation has been made and no newspaper has come forth to prove that it is not guilty of the highest degree of treason against the American boys of this country.

Mr. LUNN. Will the gentleman yield?

Mr. KEARNS. I will yield to the gentleman.

Mr. LUNN. Does the gentleman believe that if it had not been for the newspapers we would not have been at war?

Mr. KEARNS. I do not know; I have no evidence. If something or some evidence had been eliminated, I could not tell whether we would be at war or not, and neither can the gentleman from New York say what the result would have been had the newspapers published the truth, and nothing but the truth.

Mr. LUNN. I understood the gentleman to say that the newspapers were the cause of it.

Mr. KEARNS. I do not say they were the cause of it, but I say they have been diligently shouting for war or shouting for

this country to do something that would bring us to the verge of war for the past three years, and the gentleman from New York knows that I speak the truth. [Applause.]

Mr. LUNN. Members on the floor voted for the war resolution—I do not know whether the gentleman from Ohio did or not—because of their conviction that it was necessary for the national welfare.

Mr. KEARNS. I voted for the declaration of war because there had been brought to bear upon us a state of facts or a condition which I believed, although others believed to the contrary, would be doing my country a wrong if I did not vote that way. That condition was not made by you; that condition was not made by me; but that condition was made to a great extent, as has been charged on this floor, by the newspapers of this country. [Applause.]

Mr. LUNN. Very naughty.

Mr. COOPER of Ohio. Will the gentleman yield?

Mr. KEARNS. Yes.

Mr. COOPER of Ohio. I would like to ask the gentleman if he thinks the newspapers of this country paid for sinking the *Lusitania?* [Applause.]

Mr. KEARNS. I never heard anyone make the charge that the newspapers of this country had paid for the sinking of the *Lusitania.* No one ever made such a charge as that, but I want to say to you, sir, that before the American citizens took passage on the *Lusitania* they were warned that it was to be sunk, and the British officer, captain of that ship, after the warning had been given to the American people and to him, deceived the American people and got them to take passage on the ship, and I believe he did it for the one purpose of bringing the American people into the vortex of this awful war.

Mr. COOPER of Ohio. Will the gentleman yield again?

Mr. KEARNS. That war for the last two and a half years has been sapping the civilized nations of all Europe, and I believe the captain of that vessel deliberately deceived these passengers and coaxed them on board that he might inflame this country to bring them to the rescue of the British Government.

Mr. COOPER of Ohio. Will the gentleman yield again?

Mr. KEARNS. Yes; if the question has reference to the point at issue.

Mr. COOPER of Ohio. Is it not a fact that the German Government had a wireless operator as a spy and that he sent orders to the *Lusitania* which sent that vessel through between two German submarines?

Mr. KEARNS. I do not know; I was not on the *Lusitania.* I was not about the wireless, and I do not know whether that is true or not. [Applause.]

But I do know that the captain of the *Lusitania,* after he knew that his ship was doomed, deceived these Americans who were about to take passage on his ship, and told them there was no danger, and I do know, as you know and as every other sensible man in this House knows—and you are all sensible—that he did it so that he could get American boys to fight the battles of England that her own sons were refusing to fight.

Mr. SWIFT. Mr. Chairman, will the gentleman yield for a question?

Mr. KEARNS. I do not know how much time I am going to get.

The CHAIRMAN. Does the gentleman yield?

Mr. KEARNS. Can I get more time?

Mr. SHALLENBERGER. I am terribly crowded for time.

Mr. KEARNS. Well, I am going to take a chance on it, and I yield.

Mr. SWIFT. I would like to ask the gentleman if his statement with reference to the *Lusitania* is based on the same character of evidence as his statement in reference to the newspapers?

Mr. KEARNS. No; it is not; and the gentleman certainly is not questioning that statement at this time, when the whole world knows it, except perhaps the gentleman himself?

Mr. HASTINGS. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. SHALLENBERGER. I yield two minutes more to the gentleman.

Mr. KEARNS. Oh, I would like to have five.

Mr. SHALLENBERGER. Very well, I yield five minutes more.

Mr. HASTINGS. Mr. Chairman, as I understand the trend of the gentleman's argument it is to the effect that the newspapers were the cause of this war?

Mr. KEARNS. Just wait a minute. I have answered that same question before.

Mr. HASTINGS. And that the gentleman himself voted for the resolution declaring a state of war existed, and I want to ask this question: Did the newspapers cause the gentleman himself to vote for that resolution?

Mr. KEARNS. I will answer that. I did say that the newspapers had a great deal to do with bringing about the condition that caused this war. I voted for the resolution, not because of that. If you were to set my house on fire I would try to put it out, although I would not want you to set it on fire.

Mr. HASTINGS. Then the gentleman thinks that the newspapers set the house on fire?

Mr. KEARNS. I think they did a great deal to work up the war propaganda and so do you think so. I can not yield any more.

When this Congress gave heed to the warning voice of the President, and following his advice declared that a state of war existed between this country and the Imperial German Government, we committed ourselves and the Nation to a thorough and patriotic prosecution of that war. This declaration of hostilities carried with it the promise that we would give to the Commander in Chief of the Army and Navy, the President of the United States, whatever resources the Nation might possess. Now that war has been declared, we must not shirk one duty or swerve one inch from the path of courage. Upon this I think we are a unit. Since war means men to do the fighting, we now are seeking for the best way of securing these men without unnecessary delay, and have them start upon a period of training that will fit them for the duties of the soldier in battle. Relative to the question of the best and quickest method to be pursued in securing this armed force there is no unity of opinion.

The War Department has reversed all traditions of America in this regard, and has said that the volunteer system has in all our wars proven a failure and therefore this plan that is as old as our Nation must be forced into the discard and the heretofore hated and despised draft plan be henceforth the one system to be followed in the future. Of course, lest it grate too harshly on the ear of patriotism, they apply to the machinery a newly invented muffler and call it "selective universal conscription." The diction of this phrase has a sound that is somewhat pleasing, and on its face has the appearance of justness that its practice I feel will never prove.

We have for our consideration at this time two propositions, neither of which has the recommendation of the War Department nor the President. The majority of the Military Committee of this House presents a bill embodying the volunteer system to be put in force at once on proclamation of the President calling for volunteers, with the right of the President to at once build up the machinery necessary before conscription can be made. To construct this machinery, it is admitted by the friends of the draft idea, will require from some four to six months. This bill, therefore, provides two methods—the volunteer and the draft. If the one proves to be a failure, the other can be applied at the very earliest moment that the system is perfected. The minority of this Military Committee reports a bill similar in words and form with the single exception of the volunteer clause. The minority's bill takes away from the American citizen his right to voluntarily bear arms in the defense of his country. It entirely abandons this American and truly democratic idea and adopts the single thought of conscription, thus surrendering to the aristocracy of our Army officers one of the basic principles on which our great and free Government was built. In taking this departure from our well-known and beloved traditions, an attempt is made by those wedded to the draft plan to confuse the idea of universal military training with compulsory military service. Those who use the two plans interchangeably and as synonyms, do it with deliberate intention of deceiving the casual and unthinking reader. These proponents of the draft well know that universal military training is backed by almost a universal opinion not only in this House but in their home districts; therefore they confuse the two in an attempt to catch the American in the net of deceit.

I am afraid those Army officers who first conceived this idea slander the American citizens when they offer an excuse that the volunteer idea has been tried in the present war in England and proven a failure and at last England has had to resort to conscription. They urge, therefore, that we profit by her mistake and conscript at once. They do not tell you that England raised an army of 5,000,000 men by volunteers. But even were their statements true, I would ask did it ever occur to these highbrow warriors in the Army Department—many of whom have never smelt the smoke of battle—that these are Americans whom they are thus comparing with Englishmen; that perhaps the poor, down-trodden classes of Great Britain have refused to fight for a Government that boasts of its class distinction, of its royal blood. I would remind these gentlemen that this is Amer-

ica, and there is no comparison between the American people, where every man is a peer, and the British, where a few are of the royalty and the many are separated into distinct and lowly classes. What is it that makes the American, as distinguished from the peoples of most of the world, walk with head erect and step so proud? It is because he breathes the air of the only Government upon the face of the earth that has from its birth declared "That all men are created equal." Then let us not urge that because England failed America's sons can and will do no better in this death struggle that for more than two years has been draining Europe of her lifeblood. The American loves and respects his country and his flag; the former perhaps has no such impelling influence that would command such devotion. [Applause.]

Again, in placing the stigma of disgrace upon our Volunteers in former wars, this coterie of Army officers who advocate conscription stop not in their libel and slander of the soldiers who gave us the Union and has ever since preserved it. Seemingly without compunction these men would pluck the laurels from the graves of that great volunteer soldiery of the Revolution that marched over that bloody trail from Bunker Hill to victory at Yorktown, driving forever from our shores the tyranny of England. Now, this same England carries to us testimony in proof of its failure, and this testimony is at once adopted by our Army Board. This message is an insult to every man who ever fought of his own free will in any of the wars of our country. I can not remain silent and hear men say on this floor that it was not a success in our great Civil War. I will say to them who make this claim that you are not backed by the teachings of our history. I do not think you men of the North would dare go to your homes and on Memorial Day next preach such a preachment as this to those few grizzled warriors bent and stooped with their burden of years and their many friends and stalwart sons there gathered to commemorate the memory of their deeds of valor and pay silent tribute at the graves of the dead. [Applause.] I do not believe that the bravest and the rashest of the southern membership of this House would have either the courage or the lack of discretion to go back to your homes and tell the remnant of those old boys who wore the gray and their valiant sons that their fighting and deportment on the field of battle were not up to the standard of the soldiery of any country or any clime. I do not want to abandon this idea—this American idea—in its entirety for another system that comes to us from abroad. [Applause.]

The majority bill gives the President two plans instead of one, and one of these can be put into effect within one hour after the bill becomes a law. It can be used to put us on a war footing without delay, while the other system is being perfected. Should the draft system alone be adopted, you do not only challenge the courage of our American manhood, but what for the moment is all-important—you delay for many months the commencement of an army under this bill.

Gentlemen say the volunteer plan is unjust, unwise, and inefficient; that it puts the burden of the battle on the shoulders of the courageous and allows the slacker to escape. They claim the universal compulsory system treats all alike. Let us see. The bill, as drafted by the War Department, seeks only to conscript boys between the ages of 19 and 25, entirely exempting from duty those men who shout so loudly for war who are above that age. This bill would entirely exempt from military duty those men who have so diligently shouted for war from newspaper offices and public platforms. It is possible while they so earnestly, and perhaps for a price, clamored for war they had been assured by the war propagandists that men of their age would not be called upon to fight, but that the children and the young men of the country would be the ones called upon to sacrifice their lives in British and French trenches, where human blood runs deep. They say this is universal compulsory service; but I am afraid the young men of America who are between the ages of 19 and 25 years will deny the universality of such a law. If you want what is really compulsory military service, leave the ages between 21 and 40, as written in both of these bills, and favor none.

Gentlemen on the floor of this House who live in farming districts tell you that the farmer's boy will not be called upon to go, because he must remain home to help feed the hungry millions of the world. Gentlemen who live in manufacturing districts tell you that the great hosts of men who work in the workshops and factories will not have to go, because these great patriotic citizens will have to remain behind to make clothing, guns, and ammunition for the soldiers. Still other men who live in mining districts say that the miner will not have to go, because he is needed deep down in the earth, bringing to the surface the iron and the coal and the copper and the zinc and other metals so needful in the prosecution of this war. With these propositions staring us in the face, many gentlemen have cried out in dismay, "Where in the name of heaven are you going to get these soldiers?" and I can only conclude that since all the men have been excluded we will have to make up our Army from the Boy Scout ranks. [Applause.]

This leads me to the thought expressed by the gentleman from Wisconsin [Mr. LENROOT] on yesterday. When he made the statement that in all of our previous wars the great majority of our volunteer soldiers were 18 years of age and under, he quoted alleged statistics to show where a great percentage of them were only 15 years of age. I do not know where he got his figures, but they are not consistent with any register made by our War Department. Were these figures true—and, thank God, they are not—it would be a sad commentary upon American manhood. The American men, not boys, make war, and after war is made it would be cowardice personified to allow children to go and men to remain at home in safety. [Applause.]

I am for this bill because no one but the War Staff advocated even its principles before it reached this House. I am for the dual system of raising an army, to wit, the volunteer and conscript, because such eminent and seasoned lawmakers on the Democratic side of this House as Speaker CLARK, Chairman DENT, Democratic Floor Leader KITCHIN, and a long list of others, and such men as Republican Leader MANN and Mr. ex-Speaker CANNON. I am for it because it is the quickest and most efficient method of raising an army. We are all behind the President and are going to help him win this war.

Mr. SHALLENBERGER. Mr. Chairman, I yield 15 minutes to the gentleman from Ohio [Mr. MCCULLOCH].

Mr. MCCULLOCH. Mr. Chairman, we are at war with a great military power, and I believe now is the time that every resource of this Nation should be used to bring that war to a speedy and successful conclusion. It shall, therefore, be my purpose to stand back of the President, as the Commander in Chief of the Army and Navy, and do everything in my power consistent with my judgment and my conscience to assist him in the carrying out of the solemn duty and the grave responsibility that rests upon him.

There have been differences of opinion among people as to the policy we should have pursued at the beginning. Some believe that we should have entered the war when the neutrality of Belgium was outraged; some believe that we should have gone to war when the *Lusitania* was sunk; and there are others who believe that we should not have entered the war at all. But now that we are in the war, it is the patriotic duty of every American citizen to stand by the country and do everything possible to assist in bringing about a speedy restoration of peace.

This is a situation that calls not only for patriotic devotion to the country, but for the wisest counsel and best thought of which the Nation is capable in the perfecting of the policies we decide upon in the carrying on of the war. It is only by united action, by consultation among the responsible heads of the Government, that we can hope to accomplish the best results, and those who contend or say that men charged with responsibility should not express their opinions as to what is best to be done, but should follow blindly the course that may be outlined by some department are advocating a policy that will take from our country one of its greatest safeguards in this its hour of peril.

I have no sympathy with the Members of Congress who criticize the President or the departments in the cloakrooms and then remain silent on the floor of the House, and I believe that it is the duty of every Member of Congress to at least make known his views in regard to the various policies in their making; but I also believe that when a policy has been determined upon, that then everybody should stand back of that policy in order that we may show a united front.

I have received many telegrams urging me to stand back of the President. Of course, I intend to stand back of the President, and I intend to stand back of my country; but that does not mean that I shall refuse or fail to voice my honest convictions and exercise my constitutional duty under the oath of office I have taken; otherwise I had better go home.

PATRIOTISM NATION'S STRENGTH.

If I were to be asked the question, Wherein lies the strength of the Nation? I should answer in but a single word—patriotism! Patriotism is the most important element of national character. It was patriotism burning in the hearts of the fathers of our country that resulted in the signing of the Declaration of Independence, the greatest public document ever penned by human hands; and it was patriotic devotion to the principles enunciated and laid down in that declaration that brought that contest, first for justice and then for freedom, to a successful

conclusion. The patriotism of the American people has been tested and tried, and it has been proven to be the strength of the Nation in every subsequent war in which our country has engaged. Patriotism will win the present war and preserve inviolate the rights of American citizens, whether upon the land or sea, and the principles of liberty on which our Government was founded and has been maintained.

Any policy that will in the slightest degree lessen the patriotism of the American people strikes a blow at the Nation, and I have found, in my limited experience, that very often method has a great deal to do with the securing of the acceptance or the rejection of a proposition submitted to men. In other words, men will sometimes accept a proposition if presented in a certain way that they would absolutely reject if presented in another way, therefore I believe it is important in this war that we should be careful of the method we follow in raising our Army.

We can not reject and override all the precedents that have heretofore been followed by our free Government and adopt methods that have been followed by monarchies, and not endanger the damping of the ardor of the patriotism of the American people.

Mr. SWITZER. Mr. Chairman, will the gentleman yield?

Mr. McCULLOCH. I do.

Mr. SWITZER. Does the gentleman believe that "selective conscription" is a term that the people will distinguish; that is, that they will distinguish between selective conscription and merely plain conscription?

Mr. McCULLOCH. To my mind selective conscription is more offensive than plain conscription. It gives too much power to those administering it. It endangers our liberty, in my humble judgment, and, therefore, I am against conscription before the volunteer system is tried out and the seductive word "selective" added to it. [Applause.]

We must have an army; we must have an efficient army, and we also want an enthusiastic army, and one that will fight not only because they are compelled to but because they want to, and because they are impelled by the same spirit that has made this Government the one great free Government that stands out among the nations of the world.

Conscription has always been more or less in disrepute in this country. Men who would gladly volunteer will resent being conscripted. In some sections of this country men would rather go to jail than be conscripted, although they would willingly volunteer to serve their country.

I believe in conscription to force the slacker to do his part, but I believe that conscription should only be resorted to if the volunteer system does not meet the requirements.

It has been said by a military official: "Unwilling men burden armies, eat its subsistence, retard its action, and give it panic."

The bill reported by the majority of the Military Affairs Committee provides that the President may call for 500,000 volunteers, and then for 500,000 more volunteers should he deem it necessary, and if in the judgment of the President we are unable to raise the army and the men needed by these calls, the President may then proceed with selective conscription.

Mr. SWITZER. Mr. Chairman, will the gentleman yield there?

Mr. McCULLOCH. I do.

Mr. SWITZER. Does the gentleman believe that a sufficient number of men can be raised by a call for volunteers?

Mr. McCULLOCH. I do; and I will say so in a few minutes.

It is also provided in this bill that the War Department may proceed at once in its preparation for conscription by the establishment of registration stations, the taking of a census of those of military age, so that while the volunteer plan is being tried out no time will be lost, because the machinery for carrying out the conscription plan provided for in the bill will go right on, and when the President has made his decision, should it be that he can not raise sufficient soldiers by the volunteer system, he can at once proceed to raise them by conscription. The advantage of this bill is that it preserves the same system that our country has always pursued, and it gives an opportunity to men who desire to enter the Army, being actuated by patriotism and the desire to serve their country, to do so without being conscripted. The bill also provides that only those who can serve their country best as soldiers shall be taken and those who are needed in the fields and factory shall not be permitted to volunteer.

The slacker, under the provision of the House bill, will be unable to get away, because the President will have the power to conscript him if he is needed. The House bill preserves the principles of democracy and provides for both a volunteer system and conscription. The bill offered by the minority members of the Military Affairs Committee provides only for conscription and eliminates the volunteer system. Why should we close the door of opportunity to men who want to serve their country? The law should not prevent a man who may not be liable by conscription from going into the service if he wants to volunteer.

I believe that the House bill will raise an army quicker, providing as it does for both the volunteer system and conscription, than the minority bill which provides for conscription alone. If I thought for a moment that this bill would mean any unnecessary delay in the raising of the Army I would vote against it; but I am sure it will be quicker and more efficient, and I believe that it will result in the raising of an army under conditions that will not lessen the patriotism of the people. I believe that it will eliminate the probability of adverse feeling against the war being fanned into flame which might result in internal conflict and internal revolt and will result in the raising of a better fighting force than could be raised by conscription alone.

It has been said that experts favor conscription; that they do not believe in the volunteer system. But in listening to the debate on the floor of the House I became impressed with the fact that the qualifications of the experts have not been shown.

The test of the efficiency of a fighting force is only shown under fire. Roosevelt wants to lead a volunteer army!

I would prefer to take the advice of men like Gen. Sherman, writing after his experience in the Civil War, than to take the advice of the General Staff, writing before the war and before they have had any real experience with a fighting force actually under fire.

Gen. W. T. Sherman in his personal memoirs, writing of the military lessons of the Civil War, says:

"But the real difficulty was and will be again to obtain an adequate number of good soldiers. We tried almost every system known to modern nations, all with more or less success—volunteer enlistments, the draft, and bought substitutes—and I think that all officers of experience will confirm my assertion that the men who voluntarily enlisted at the outbreak of the war were the best—better than the conscript and far better than the bought substitute."

It would seem to me that the conditions which it is claimed resulted in the failure of the volunteer force in England will not apply to the soldiers raised in this country. If it should become necessary to send American soldiers to the trenches abroad, which I trust we may never have to do, it would be little short of criminal to send them without proper training, and there is no reason in the world why a volunteer army should not be as thoroughly trained as a conscripted army. Any force we send abroad can be used as a reserve force, and there will be no necessity for placing untrained soldiers in active service until they have received the training that will make it possible for them to fight in the front rank without needless slaughter.

The argument that we by raising a volunteer army will be making the same mistake England has made is not a sound argument, because we are not going to be in the same condition England was in. Whether our Army be a conscripted army or a volunteer army, or both, I have faith enough in our officers and those who will be directing this war to feel that our soldiers will be well trained before they are subjected to the hazard of active fighting.

The advantage of the House bill is that it provides for both the volunteer system and conscription. Because I believe the bill reported by the majority of the Military Affairs Committee, and known as the House bill, is fair, efficient, American, democratic, and workable, I shall support it. [Applause.]

There is a distinction between universal military training and conscription. Providing for conscription does not mean that we are providing for universal military training.

It is revolting to me to think of sending conscripted soldiers to a foreign battle field and to foreign trenches. I do not know how the other Members of this House feel about it, but I want to say to you that I do not want to be a party to sending an unwilling soldier or an unwilling boy to a European trench to be chained to a cannon. [Applause.] It was with that in view and that spirit in mind that I offered an amendment to the war resolution to the effect that soldiers should not be sent abroad except upon the express authorization of Congress. I did not know and I do not know but that it may be necessary to send them over there, but I believe they should only be sent over there as the result of an overpowering public sentiment, which will be best evidenced through the medium of the representatives of the people.

In conclusion, I want to say that I listened with a great deal of interest to the speech of the gentleman from Massachusetts [Mr. GARDNER] this afternoon. I have looked upon him as a military man, willing to go any length in the way of militarism; but I thought his speech was exceedingly fair. He said there

was no doubt in his mind but that a volunteer army is the more efficient army and the more effective force, but he added that the reason that he is for conscription was that he did not think that we could raise a volunteer army. By that statement the man who has advocated this war made an admission that I would hesitate to make. He admitted that this war is going to be unpopular with the people; that it is unpopular with the people; that the spirit of patriotism has not been aroused; and are you gentlemen, in passing this conscription bill and eliminating the volunteer feature, going to take away the probability of that patriotism being aroused, or are you going to follow the plan that arouses the patriotism of the American people and that will make it possible to raise a volunteer army instead of going out and letting the idea prevail that you are going to pull the boys away from their homes and away from their mothers against their wills? I do not think it is good policy. I am for my country and I am for this war, now that we are in it; but I want to say to you that I do not believe it is good judgment to conscript men in the beginning. I believe that we should rely upon the volunteer system first. [Applause.]

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. SHALLENBERGER. Mr. Chairman, I yield 10 minutes to the gentleman from Georgia [Mr. LARSEN].

Mr. LARSEN. Mr. Chairman and gentlemen of the committee, barring sentiment and what some of us are pleased to call Democratic principles, there is not much, if any, difference between the two systems proposed by the bill of the majority and that of the minority of the committee. I do not see how the country or the administration could be much more hampered by one than the other. If at all, it could certainly be of only short duration, and it seems to me that the measure proposed by the minority is more likely to cause delay. The only real difference, as I understand the measure, is that the one proposed by the majority of the committee provides that the President shall first call for volunteers and after allowing a reasonable time, he being the judge of that, shall have the right to conscript them by what the bill denominates a "selective draft system." The age limit of those to be conscripted in each case is the same—from 21 to 40.

The administration bill is, to my mind, a more serious matter, in that it proposes to raise an army by conscription and selecting only those who are from 19 to 25 years of age.

When the question of conscription was first agitated I thought I was opposed to it, but as the days have passed and the discussion has proceeded I have watched the maneuverings of strange parties, purporting to reside in our larger cities, and have about reached the conclusion that conscription for some classes would be both safe and sane. Every day I receive a score or more or letters and telegrams, not from citizens of my own district or State, but from variously designated "trade organizations" and so-called "safety leagues" in other States, urging and advising me how to vote on this important question. It is this crowd that I have reached the conclusion should be conscripted, but I fear they can not be reached by the proposed bills of either the majority, the minority, or administration.

Information received from this source leads one to conclude that much of such clamor for conscription is not the voice of Jacob but of Esau, who seeks to lay his hairy hand upon us. I fear that some of the noise heard from these great "boards of trade," "safety leagues," and ultrapatriotic dailies, denouncing every man as a traitor trying to block the administration, who sees fit to vote his convictions and support the bill recommended by a majority of the Military Committee, is but the echo of great corporations, fatted bondholders, and vultures of finance.

I have confidence in the integrity and intelligence of those who elected me. I am willing to take their advice, and God being my helper, I shall vote upon this question in accordance with my convictions and just as I believe a majority of those citizens whom I have the honor to represent would, with the same lights before them, vote if present. I suppose all other Members of Congress will do likewise; hence if they should not vote as I do, I shall not feel that they are more just or less untrue than I am.

On Monday last, when we first entered upon a discussion of the Army bill, my colleague from Georgia [Mr. CRISP] asked the distinguished chairman of the Military Committee to explain how the selection of the first or any additional increment provided for under the conscription plan would be made. The gentleman from Alabama replied:

> Perhaps I did not go into the details upon this point. It is proposed to take a census, in the first place, of all male citizens between the ages that the bill may provide for—19 and 25, according to the War Department's bill, and 21 and 40, according to the committee bill. The first thing that must be done, of course, is to take this census. Then it is proposed to put the names in a box and draw them, just as you would a jury. Of course, the right is reserved to determine who is physically unfit and reject them, just as a juror whose name was drawn, if he was found to be incompetent or disqualified for any reason, would be rejected.

Since that time I have attended the meetings of the committee constantly and have listened intently, expecting, perhaps, that some one would challenge the statement made by the chairman of the Military Committee, but thus far I have failed to hear any. Under this kind of provision I do not see how those engaged in manufacturing or farming can hope to escape service more than other classes. Yet there has been created in the public mind, I do not say by the administration, a belief that it is the intention of the Government to exempt from service all of those citizens of military age who now are or may hereafter be engaged in farming or manufacturing of foodstuffs, clothing, etc., each of these supposedly exempt classes expecting the other to be drafted first and all of the firm conviction that the "sons of rest," who for years have haunted the poolrooms and whittled village benches, will be the first conscripted and that this great "army of the unemployed" is all that is necessary to whip this fight. It appears that the plan proposed by the worthy Secretary of War is that the names of all classes will be taken in the census, placed in a box, and those who are drawn therefrom will be expected to serve.

I am in favor of conserving the resources of this country and, upon the principles of public policy and military exigency, of placing into service the unemployed, but no bill makes such express provision. If such is the intention of the administration or of Congress, it appears to me that there is no better place to say so than in the bill itself, and I shall offer to amend the bill for this purpose, as follows:

> *Provided*, That all able-bodied male citizens of the United States between 21 and 40 years of age, and residing therein, who can not show by satisfactory proof continuous employment during the 30 days next preceding the passage of this act, or who can not satisfactorily show employment at some lawful occupation three-fourths of the time, counting eight hours per day, during the six months next preceding the passage of this act, shall be and are hereby selected and enrolled for military service in the Regular Army of the United States for and during the period of the present war; and that each person so enrolled shall, within 30 days, or such time thereafter as the President may prescribe from the passage of this act, report to such authority as may be prescribed by the President of the United States for such service at such time, at such place, as may be directed.

[Applause.]

I am not so wedded to my proposed amendment that I will not willingly forsake it for any other provision which will guarantee to the people that the first to be conscripted are those able-bodied "sons of rest" between 21 and 40 years of age, both rich and poor alike.

I have no unkind word to say against our unemployed citizens. They may not be considered especially energetic or practical, but many of them are gentlemen; most of them are brave and doubtless would make good soldiers. If they have no job, so far as the good of society is concerned they need one whether rich or poor, and as the proposed amendment avoids in a measure the odium attached to the words "draft" or "conscript," why should we not adopt it?

Gentlemen, this proposition is not one of sentiment or of politics. If we expect to do a man's part and to wage a successful war we must meet it upon the broad principle of economy and military exigencies. We must preserve the active producing forces of the country and utilize the others. Under the present military methods the Army is one place where "slacking" is not permitted, so as a business proposition let us utilize the unemployed, and thus preserve, as much as possible, those active industrial forces upon which we can depend for honest service without military persuasion.

When we have first provided for the unemployed, we should next enlist from the ranks of the professional men, from speculators and tradesmen. The work of this great throng who produce nothing, but, as a rule, occupy the position of middlemen between the producers and the consumers, can be carried on by the males who are too old to fight and the women and children who are not expected to. Next we should enlist from classes engaged in manufacturing, but conserve a sufficient number of these, who together with the male portion too old to fight, and the women and children aforesaid not expected to, will be able to manufacture such articles of necessity as the Nation may demand. Last and least of all should be the agricultural classes. Farm labor, especially in the South, has been greatly depleted during the past two or three years. This labor has gone to our great manufacturing centers, where they have been attracted by payment of higher wages than the conditions in agricultural sections justify.

But aside from this, for years past there has been a steady exodus of farm laborers from agricultural districts to our large cities. With the present demands and probable necessity for

future shipments of farm products to the allied nations of Europe, we shall be forced to retain our farm hands at their present posts. Remember that every time you take a man from the farm you convert a producer into a consumer. You not only do this, but you increase the burden of those remaining, for they are then not only forced to support him, but all those who he had supported before leaving the farm. We can not increase the burdens of the women and children of the agricultural districts, especially of the South, for they have all they can endure. For years their loads have been heavy, but, unable to shift the responsibility, they have endured them without a murmur.

Already it has been called to my attention from several sources that various newspapers and trade journals throughout this country are agitating a proposition to fix a maximum price for the sale of all agricultural products. The best way for the Government to protect its agricultural interests is to protect those engaged in the production of agricultural commodities. Let the producers receive the highest market price, and, if limitations are to be made, let it be upon the speculators engaged in the sale of such commodities. It is probably advisable to limit the profit of speculators, but the Government should see to it that such limitations in no way affect the humble producer.

Gentlemen, I can not speak for any other States, but so far as Georgia is concerned I can say that the proposed administration bill will not permit the creation of an effective Army without heavy drafting on those engaged in agriculture. The respective States are supposed to bear their quota of war burdens. If we have 100,000,000 population and desire to raise an Army of 1,000,000 strength, then for each 1,000,000 of our population we must furnish 10,000 soldiers, and each State must furnish soldiers on this basis in proportion to its population. Desiring to raise an Army of 2,000,000 men, which I understand to be the plan, Georgia, with a population of more than 2,500,000, would furnish for an Army of the size indicated a total of more than 50,000—about 4,500 to each congressional district. Less than 21 per cent of the population of Georgia is in the cities. Seven per cent, or 7,000,000, of our population in the United States is between 19 and 25 years of age. Upon this basis, in all the cities of Georgia there are only 37,705 within the age which the administration desires; and as it is estimated that 40 per cent of this number will be excused on account of physical ailment, religious belief, or other cause, only 23,623 will be available. Where will the other 33,540 come from, except from the farms of that State? I can not give my consent to such a draft as this from our agricultural forces, when upon the basis provided for by the Military Committee in both the majority and minority bills there can be raised from our population between 21 and 40 years of age, in the cities alone, more than 70,000.

But another reason why I can not support the proposed administration measure is because it seeks to draft by conscription into the military service of this country and into the trenches of Europe boys only 19 years of age. They are not responsible for conditions; they have no voice in the Government, and should not be forced to discharge that burden which the administration measure will not place upon men 26 years of age—their equals in strength and superiors in judgment. Many of my constituents have urged me to do anything the President desires. I am very sorry that I can not comply with their requests, but I can not conscientiously commit myself to such a policy. My conception of democracy leads me to the conclusion that the burden of military service should rest on those from 21 to 40, and that we should not crucify the minors of this country upon the "cross of conscription."

This Nation has already had some experience with conscription, and without consideration of the riots caused by an enforcement of the same, I invite your attention to extracts from a letter of Mr. J. M. Kennedy, dated London, England, December 28, 1915, addressed to the editor of the London Economist, and printed therein January 1, 1916, pages 15 and 16, as follows:

> Desertions, as was to be expected in these circumstances, were very numerous. In the spring of 1864 some 3,000 officers and 80,000 noncommissioned officers and men were missing from the Army of the Potomac alone "for reasons unknown." Well might Lincoln remark, "We get a large body of reinforcements together and start them to the front, but after deducting the sick, the deserters, the straggiers, and the discharged, the numbers seriously diminish by the time they reach their destination. It's like trying to shovel fleas across a barnyard—you don't get 'em all there."
>
> It was not merely the moral opposition of the people which made conscription a failure; for a failure it was. The total number of men secured by the North between the passing of the draft act and the end of the war was just over 2,000,000, but a very large proportion of these were recruited voluntarily by bounties. * * * There were economic as well as moral causes. Middle-class men with dependents simply could not afford to enter the army; the working classes either would not, in many instances, or deserted.

Extract from "Conscription in the Confederate States of America, 1862 to 1865," by R. P. Brooks; printed in Military Historian and Economist, October, 1916, pages 419 to 442:

> Conscription appears to have put into the army not more than 25 per cent of the total. But it is unfair to credit conscription with having augmented the armies even to that extent, because the conscripted classes were confessedly almost worthless as fighting material, and no doubt 100,000 deserters admitted by Gen. Preston to be at large, were principally conscripts. Compulsory service was, furthermore, a weakening force in that it brought conflicts with the States, which led to half-hearted support in some instances and did much to make service in the army unpopular. Another untoward result may be laid to the door of this system as organized; the very lax laws of exemption provided an easy and more or less honorable avenue of evasion, thereby keeping out of the armies thousands who might otherwise have been forced by public opinion to volunteer.

Extract of letter by Maj. T. A. Dodge (brevet colonel, volunteers), transmitting report of "Deserters' branch" to Brig. Gen. Jams By. Fry, provost marshal general, December 31, 1865; printed in report of the Secretary, first session Thirty-ninth Congress, Appendix, part 1 (1865-66), pages 234 to 237:

> The deserters of 1864 include all drafted men who have been assigned to regiments and deserted en route to the field and some who, being held to the draft, have deserted before reaching general rendezvous. This accounts for the increase of desertions during that year.

Extract from "Regimental losses in the Civil War," 1861 to 1865, by William F. Fox, page 532:

> Desertions were frequent among the drafted men, for their service was compulsory, but there were not many of this class in the ranks. The Union Army was essentially a volunteer army. True, a conscription act was enforced, but its provisions for exemption were so lenient that the number of drafted men held in the service was only 52,068, a small number as compared with the total enlistment. In addition to the drafted men held to the service, there were 75,429 conscripts who sent substitutes. These substitutes have generally been classed as mercenaries, but they were men who went to the war without compulsion, and if they received money for the act it should be remembered that all the volunteers who enlisted during the latter part of the war received large bounties.

They tell us the volunteer system has failed. I do not think so. They say we should profit by the experience of England and other European nations, and in this I quite agree. England with a population 40,000,000 has raised by the volunteer system over 5,000,000 soldiers. They are now fighting her battles. By the conscript system she has raised less than 1,000,000, and not one of them are fighting but are yet in the training camps of England. Who can say the system will be successful?

Of course England has made mistakes, but it was not so much the fault of the volunteer system as it was of the officers in charge. It was for the lack of proper conservation of her resources and classification and designation of those in the service. The bill now before the House avoids all of these difficulties, we think, and makes full provision for officering the companies. Was the change made in England because the people wanted it, or felt the necessity for it? Or was it to satisfy the demands of a militaristic spirit? Without saying I will offer an article appearing in the London (England) Nation:

> Conscription for great emergency, the country would have borne, for it has borne everything (including the incompetency of its governors), with patience; just as its young manhood has dared everything with ardor. But conscription after 6,000,000 of its citizens have offered themselves for armed service—i. e., about 2 per cent more of the population than conscripted Germany has taken or can take—conscription under a scheme twisted so as to turn it into a plan not for getting volunteer recruits into the Army, but for keeping them out so as to make room for the application of force; conscription by a newspaper dodge, in statistics; conscription by a silly libel of the class; conscription by a cloak for militaristic misdirection—this is too much.

We might profit again by remembering that Canada which forms a part of the British Empire has not resorted to conscription, yet with a population of only 9,000,000 has raised an army of 500,000, who are now admittedly doing as good if not better fighting than any others engaged in this mighty conflict. I spent several days in Canada during the present year and observed much patriotic enthusiasm among them.

Canada has some such a volunteer system as that proposed by the majority of the Military Committee. I call attention to an article appearing in the Survey under date of April 21, 1917:

> It has been proved there [in Canada] that compulsion is not necessary if you apply modern census and efficiency methods in the process of selection. The old-time method of obtaining recruits, such as we are using now, has been discarded, with the result that the atmosphere is entirely changed. Scientific, selective, voluntary has not only conserved the liberty of conscience of the individual, but it has mustered an army of 500,000 volunteers, equivalent to a free-will army of 5,000,000, or the population of the United States; and 60,000 Americans compose a part of this army of volunteers.

We might profit further by remembering that Australia, another British possession, recently on a referendum voted down the proposition of conscription by something like 200,000 majority. Yet these same people like those of Canada are now

doing a man's part in the war. If the plan of the "Mother Country" is a good one why do they not adopt it?

Yes; we can profit further by other European countries in remembering that recently 10,000 striking workers of Germany in a resolution demanded the abolition of conscription. Does it not seem strange that we of the United States, fighting for a world democracy, should deliberately establish a system that is the basis of Prussian autocracy, against which nearly the whole world is now in arms?

The question and principle of conscription has given me considerable concern. I reason that if I execute my promissory note, agreeing to pay a stipulated amount at the maturity of the obligation, I at least have the right of payment without enforcement by suit. Every citizen of this Government owes to it a debt of loyal patriotism and should be willing to defend it against the world. But it appears to me that he should be given the right of discharging the obligation without conscription. If we resort to conscription we discredit the patriotic loyalty of the masses, and our enemies at home and abroad will say that Congress forced the war upon the Nation, and realizing its inability to successfully prosecute same, was forced to pass an act of conscription in order to organize an army. As for me, this is an indictment for which I do not wish to lay the foundation. I believe we can raise as large an army by the volunteer system as the necessities of the occasion demand, and I know we can do it quicker than by the proposed plan which all admit will take from three to four months.

It is slander of the American people to say that the volunteer is a failure. He has won honors on every battle field where he has gone, and enriched the pages of history with his deeds of daring and skill. I challenge any one to show me a page of history made illustrious by a conscript American or English soldier.

Gentlemen, if my neighbors are to go to the trenches of Europe I want the sentinel on guard while they sleep to be a volunteer, and I will know they are secure; but with conscripts, desertion and ruin may follow. When they are ordered to scale the heights or take the trenches of the enemy I want them to know that they are in a regiment of volunteers.

In conclusion, let me say I come from a State that stands eleventh in population, fourth in volunteering to date, and second to none in loyalty and patriotic devotion. Whether the bill we pass provides for conscription or the volunteer system her sons will acquit themselves with glory on land and on sea. [Applause.]

Mr. SHALLENBERGER. Mr. Chairman, I yield 12 minutes to the gentleman from Mississippi [Mr. STEPHENS]. [Applause.]

Mr. STEPHENS of Mississippi. Mr. Chairman, we are not now discussing the question of whether we shall have peace or war. There is no need to discuss the blessings of peace or the horrors of war.

What we and every other patriotic citizen of the Nation is interested in is the best method of raising an army to defend ourselves against our enemies and do our full duty in this respect.

There are great differences of opinion among the Members of Congress, as well as in the country, as to what method or methods will best serve this end. Shall we have an army composed of volunteers, or shall we have one made up of conscripts? is the question now under consideration.

There has been considerable discussion of the respective plans. The newspapers of the country, in the main, are advocating conscription. Many Members of Congress advocate conscription, and so does the administration.

Many articles have appeared in the papers; many speeches have been made here and elsewhere; many letters have been written and many resolutions have been adopted at mass meetings denouncing those who prefer the volunteer system to the conscript system as traitors, as German sympathizers, as enemies to our country.

Vituperation is not argument. Denunciation does not prove anything. Abuse does not add strength to any cause. Simply to say that a man is a traitor, that he is guilty of treason, does not prove that he is. Indeed, it is generally true that when a man resorts to abuse, villification, and vituperation it is because he is short on real argument and wants to divert attention from the merits of the question involved in the discussion.

Some arguments, however, have been presented in favor of conscription. Let us see what the ones most frequently urged are.

It is repeated over and over again that the volunteer system is a failure. I have seen and heard this statement hundreds of times.

A distinguished Senator used this language:

> No great war has ever been fought, or ever will be fought, largely by volunteers.

The majority report of the Senate Committee on Military Affairs says:

> The volunteer method has never proved adequate and effectual for national needs.

A statement repeated over and over again without any effort to refute it is finally accepted as the truth. The facts are not given by the press, so this statement has had great weight with many persons.

Has the volunteer system proven a failure? The minority report of the Senate committee says:

> The traditions and history of our people favor the volunteer system. We have had five wars. All of them were fought under the volunteer system, and all of them were won. The Nation has never lost a war. The volunteer spirit is bred into the people. The men of the United States are willing to volunteer now and ought to be given an opportunity to do so rather than to be conscripted into service.

What war was ever won by conscripts? History answers there were none. What battles famous in American history were won by conscripts? Again the answer is there were none.

Concord, Lexington, and Bunker Hill were won by volunteers. There was not a conscript there.

How many conscripts were with George Washington when he crossed the Delaware? How many conscripts endured hunger and cold with him at Valley Forge? There were none.

How many conscripts were with Andrew Jackson when he won the battle of New Orleans? There were none. But the brave volunteers of Kentucky, Tennessee, and Mississippi were there.

How many conscripts were with Scott and Taylor in the Mexican War? There was not a conscript in the whole army. I recall that at Buena Vista Jefferson Davis and his volunteers demonstrated their heroism and saved the day.

Who performed the valiant service in the Civil War in both armies that brought honor and glory to the American soldier? It was the volunteer, and not the conscript. It is a matter of history that conscription was a mistake and a failure on both sides.

Were Grant and Sherman, Lee and Jackson, or any of the other great generals on either side conscripts? Certainly not.

I defy anyone to name a single conscript in that great struggle that ever received any recognition for bravery or meritorious service. I would also like for anyone to name a single man who has ever boasted of the fact that he was a conscript.

It has always been my understanding that it was considered a disgrace to have been conscripted. Yet the gentlemen who favor conscription without giving men a chance to volunteer are stamping disgrace upon the brows of men who do not deserve such a stigma.

Some gentlemen state frankly that they do not believe that our men will volunteer. It is a frankly cruel statement. Others express a doubt that men will volunteer, and suggest the embarrassment if they do not volunteer.

One statement is based upon an absolute denial of the patriotism and loyalty of the people of the Nation; the other expresses a doubt and distrust as to their patriotism and loyalty so strong that they are unwilling to give the people a chance to show their love of country and willingness to sacrifice themselves on the altar of the country's good.

It may be that the people have sunk so low that they will overlook these expressions that reflect so seriously upon them. They will do so if they have lost all sense of honor; if they have lost all self-respect.

In the past we have praised the volunteer soldier; we have honored him for his valor and devotion to his country. His achievements have been told in story and song; his deeds have been immortalized by orators and historians; his feats of daring have been the delight, as well as the inspiration, of thousands who have come after him; but, alas! the glory that has been his through the years has been shown to be undeserved. The historian, the orator, the poet that have given him praise have been perpetrating a fable upon a credulous people.

Mr. Chairman, it will undoubtedly be a great shock to those old volunteer veterans who are still living to learn that they were an absolute failure. Those old soldiers have taken great pride in the fact that they, on each side, offered themselves for a cause that they believed to be right. They have delighted to hear the story of their valor and prowess recounted. They have been pleased to believe that their fellow citizens honored them for their service.

What a rude awakening has come to them!

"No great war has ever been won largely by volunteers," says a Senator.

"The volunteer method has never proved adequate and effectual for national needs," says the Senate committee in reporting the administration bill.

"The fact is that the volunteer is not a reliable soldier, and any people that leans upon him leans upon a broken reed," says former Secretary of War, Luke E. Wright, according to a quotation by Senator FRELINGHUYSEN.

Gentlemen, these are base slanders visited upon as brave and noble men as ever lived, and I can not refrain from denouncing them as such.

Ninety-seven and seven-tenths per cent of the men in the Union Army were volunteers. There were more than 2,250,000 men in that Army, and only about 46,000 of them were conscripts. The Secretary of War, in his report dated November 22, 1865, says:

The troops disbanded were chiefly volunteers.

I do not have the statistics for the Confederate Army, but I do know that in both armies there were more than two and one-half millions of volunteers. This, too, at a time when we had a population of 33,000,000. Now we have more than three times as great population, and it is said that we can not get half that many volunteers.

The Spanish-American soldiers were volunteers. McKinley, himself a veteran of the Civil War, signed the military bill that was passed for the purpose of that war, and he did not ask for conscription.

Just prior to his death President McKinley said:

Our troops represented the courage and conscience, the purpose and patriotism of their country. * * * They did their full duty, and all sought the place of greatest peril. They never faltered.

These were volunteers, not conscripts.

In his message to Congress after the Mexican War President James K. Polk said:

Well may the American people be proud of the energy and gallantry of our Regular and Volunteer officers and soldiers. The events of these few months afford a gratifying proof that our country can under any emergency confidently rely for the maintenance of her honor and the defense of her rights on an effective force ready at all times voluntarily to relinquish the comforts of home for the perils and privations of the camp.

Gen. W. T. Sherman said in his memoirs:

We tried almost every system known to modern nations, all with more or less success—voluntary enlistment, the draft, and bought substitutes—and I think that all officers of experience will confirm my assertion that the men who voluntarily enlisted at the outbreak of the war were the best—better than the conscript and far better than the bought substitute.

Thus it will be seen that the history of the volunteer soldier in the United States is a glorious one, and that those who say to the contrary are traducers and slanderers.

WHAT OF CONSCRIPTS.

William F. Fox, in his book on the Civil War, says:

Desertions were frequent among the drafted men, for their services were compulsory, but there were not many of this class in the ranks. The Union Army was essentially a volunteer army.

President Lincoln realized the inefficiency and unreliability of conscripts when he used this language:

We get a large body of reinforcements together and start them to the front, but after deducting the sick, the deserters, the stragglers, and the discharged, the numbers seriously diminish by the time they reach their destination. It's like trying to shovel fleas across a barnyard—you don't get 'em all there.

Gen. Nelson A. Miles testified before the Military Affairs Committee as follows:

As far as conscription was concerned, that was tried out during the Civil War with unsatisfactory results. I think there were 54,000 men added to the Army—54,000 additional to the 2,000,000 men—by conscription; but I know that just at the time of the crisis of the Gettysburg campaign thousands of the best troops, drilled and disciplined men, in the Army had to be taken out of the field and sent back to suppress the riots occasioned by that unpopular measure.

A writer on the Civil War says in regard to conscripts in the Union Army:

Desertions, as was to be expected in these circumstances, were very numerous. In the spring of 1864 some 3,000 officers and 80,000 noncommissioned officers and men were missing from the Army of the Potomac alone for reasons unknown.

Gov. Seymour, of New York, in a message to the legislature dated January 5, 1864, says:

The attempt to fill our armies by drafting was abortive. While it gave no useful result, it disturbed the public mind, it carried anxiety and perplexity into the workshop, the fields, and the homes of our citizens. It not only fails to fill our armies but it produces discontent in the service; it is opposed to the genius of our political system; it alienates our people from the Government; it is injurious to the industrial pursuits of the country.

It is stated in the report of the Confederate bureau of conscription, 1864, that—

A rigid and unusual inspection not only of company rolls but personal and also pay rolls will prove that more men have been received into the service irregularly since the 1st of January than have gone through the conscription authorities. In many localities it has been found expedient, indeed necessary, to suspend wholly or partially the operation of conscriptions.

Brooks, in "Conscription in Confederate States," says:

The conscripted classes were confessedly almost worthless as fighting material, and no doubt 100,000 deserters, admitted by Gen. Preston to be at large, were principally conscripts. Compulsory service was furthermore a weakening force in that it brought conflicts with the States, which led to half-hearted support in some instances, and did much to make service in the army unpopular.

Attention has been called to these quotations in order to show that the aspersions cast upon the volunteer soldier, so far as the experience of our Nation is concerned, are entirely unwarranted; that the volunteer has made a glorious record and the conscript an inglorious one; that the volunteer system has proven a success and that conscription has proven a failure.

Let us now look to some other lands and see how the volunteer system has worked there. In England an army of more than 5,000,000 men was raised by the volunteer system.

It is a fact that to-day there is not a single conscript fighting for England. After this large force had volunteered, England did resort to conscription. This was not done, however, until about one in eight of her entire population had volunteered.

It will be seen that the men of England were given a chance to volunteer, and that they responded nobly—6,000,000 offered their services.

So it is not true that the volunteer system was a failure in England. Listen to what Lord Kitchener, the great English general, said on January 5, 1916:

So far we have been able to provide for the largest increase of the army and its maintenance on a purely voluntary system. * * * which has done so well and which has given us much splendid material in the field. I do not consider that the proposed change should be regarded in the light of any derogation of the principle of voluntary service in this country.

On May 23, 1916, he said:

The conviction is deeply and universally felt that we have engaged in a just war, and the patriotism of our people gave us, under the voluntary system, a far larger army than we could ever have contemplated.

It was made plain by other eminent Englishmen that they did not favor conscription until the men of England had had an opportunity to volunteer, and that they had great respect for and faith in the volunteer system.

How different from many of our great statesmen. They are unwilling to trust to the patriotism of Americans, and some even go to the extent of casting reflections upon our splendid military record that has been made by patriotic volunteers.

When the conscription bill was being considered in England Right Hon. Mr. Asquith, then premier, said that he was a keen supporter of the volunteer system, and that he favored conscription as a last resort.

Right Hon. Arthur J. Balfour, now in this city on a mission for England, said:

Let me repeat, I have never been one of those who looked with favor upon compulsion in any form—conscription in any form.

So England did not adopt conscription in the first instance, but only as a last resort, and after the volunteer system had brought forth more than 6,000,000 men who were ready to sacrifice themselves for love of country.

PATRIOTISM IN CANADA.

Our neighbor, Canada, one of the British possessions, has demonstrated the patriotism of her sons by sending 400,000 volunteer troops. We have several times as large a population as has Canada. At the same ratio we could send several millions; in fact, many times as large an army as it is proposed that we shall raise.

Canada is now inviting immigrants. Advertisements have been run in the newspapers in which are set out the advantages of living in Canada, one of which is that there is no conscription.

THERE IS AUSTRALIA.

Australia is one of the colonial possessions of England. She has furnished hundreds of thousands of her troops to help fight England's battles in this great conflict. Not one of them is a conscript. Every Australian soldier that left his native land to fight a foreign foe thousands of miles from home was a volunteer. The same thing is true of New Zealand.

Last fall an election was held on the subject of conscription and it lost by a large vote.

Think of it! In England, where they have a King, conscription was not resorted to until the men had had a chance to volunteer.

Think of it! In the English colonial possessions—Canada, Australia, and New Zealand—the volunteer system still prevails.

Think of it! Australia is a British possession. England has a King. Yet the people of Australia are permitted to vote on the question of conscription.

Think of it! That in this "land of the free and home of the brave" there should be such a reversal of military policy at the

very beginning, in the face of all our military traditions and experience, and in the face of the facts that I have just discussed.

AN ARGUMENT FOR CONSCRIPTION EXPLODED.

It is argued by some, as I have stated, that the volunteer system has proven a failure in the past.

What I have said has been in an effort to show that volunteerism has not been a failure in the history of the United States and in the history of several other countries.

Now, I approach another argument against volunteering. While some assert that it will be impossible to secure enough volunteers for the Army, many of the opponents of the volunteer system say that it should be changed and conscription provided for because the volunteers are usually the bravest and best of our citizens, and that many of them can not be spared from their usual business life; that they are more needed in the industrial life and work of the Nation than for military service.

I notice that Gen. Bridges, of the British Army, who is now in this city, has given out an interview in which he advocates conscription. He makes the statement that—

The loss of so many men at the front who would have been of far greater value at home did more perhaps than anything else to bring about the adoption of selective conscription. We realized after a year's blundering that highly trained men should not be sent to the trenches to die, and that the Government should have the right to select the fighting men and those to be kept at home for industrial service.

That argument has been made over and over again by the advocates of conscription. Some men are too valuable to be allowed to fight, because their services are so badly needed in industrial work; therefore the military authorities should have the right to "select" those who should fight, they say.

It is very true that there are men who should not be allowed to join the Army. For example, Thomas A. Edison, with his wonderful inventive genius, is too valuable to put on the firing line, because he can serve us much better by applying his mind to the development of inventions that will be worth more to us in the war than a mighty army.

No one will deny this. Everyone recognizes that some right of selection should exist. This point has been stressed and made much of by the newspapers and those favoring conscription; but they are not fair enough to state the fact that the principle of the right of "selection" is recognized and provided for in the volunteer provision of the Dent bill.

It is but fair to the gentlemen who reported the Dent bill, to those of us who favor that provision of it, and but fair to the country as well, for that fact to be known. No; they prefer to overlook the fact, and to make the country believe that under the volunteer system no right of selection will exist. But that is only one example of their unfair methods.

So, Mr. Chairman, if we adopt the volunteer provision of the Dent bill we will deprive the conscriptionists of one of their strongest arguments and provide against the mistake that according to Gen. Bridges, England made and the thing that he says "did more, perhaps, than anything else to bring about the adoption of selective conscription."

The fact that the chairman of the committee, Mr. DENT, and his colleagues who stood with him, had the good judgment to recognize the principle of the right of selection, and make it a part of their volunteer plan, does them great credit. It was a recognition of an important principle, and at the same time it destroyed the strongest argument for conscription.

We have heard much of universal obligation of service. It is said that there is equality of obligation, and that there shall be equality of service. That sounds well; but, of course, it is not an honest argument for conscription.

In the first place, the administration purposes to draft those between the ages of 19 and 25 years.

In the second place, it was stated by the Secretary of War that 42 per cent of these would be exempted for one reason or another.

In the third place, it is proposed under the first call to "select" only one boy or man in seven or eight. As they are needed, others will be called. If the war shall end before the final draft is made, of course, some would escape service entirely.

Although one may be under just as much obligation as another to perform military service, it is obvious that the administration measure does not really provide for or propose equality of military service. In the very nature of things equality of such service is impossible. The very terms "universal" and "selective" indicate that such equality is not intended.

But some one says that it is as important to have some one to engage in industrial work as it is to shoot guns and kill the foe. It sounds all right to talk of universality of obligation, but there is no such thing as universality of service, universality of sacrifice.

The man who makes a gun is performing a service to his country. The man who fires that gun in the defense of his country is also performing a service. I have heard it stated that one service is as great as the other. I shall not discuss that phase of the subject, but I do contend that as between the two there is no equality of sacrifice.

The artisan remains at home with his family and friends. He is perfectly safe from an enemy's bullet. He does not lose his life or his health from disease contracted in camp. He does not suffer the many privations attendant upon the life of a soldier. He draws as good wages as he did before the war, perhaps better. At the close of the war he does not have to adjust himself to new or strange conditions; if changes have come gradually he has witnessed their coming and has adapted himself to them. In fact, the war will have brought but little, if any, of trial and hardship to him.

With the soldier it is another story. Friends and family are left behind. Life and limb and health are offered to the god of war. If his life is spared, he may return crippled or broken in health. Then he enters in the contest for a livelihood in the future with the man who remained at home as a competitor. He is handicapped by the changed conditions, the loss of time, and the change in himself.

Oh, my friends, who can say that there is universality of sacrifice, equality of service? There can be no comparison between the two in the burdens borne, the suffering undergone, the heartaches endured, and the privations and hardships experienced.

AN ADVOCATE OF CONSCRIPTION QUOTES SCRIPTURE.

A few minutes ago the gentleman from Alabama, while making an argument for conscription, quoted Scripture. He told about Moses and David taking a census.

I am reminded that on one occasion the devil came to the Master and quoted Scripture for his own purpose, when the Master said, "Get thee behind me, Satan." And he "got." [Laughter and applause.]

I believe that some of these gentlemen who are crying out so loudly and wildly for conscription are going to be told by their constituents on next election day to "get," and unless I miss my guess they will "get." [Applause.]

But to the gentleman's quotation. While he was speaking, some Scripture occurred to me, so I borrowed a well-worn Bible from my good friend ZEKE CANDLER, so that I might not be guilty of misquoting.

In I Chronicles, twenty-first chapter, we find this language:

And Satan stood up against Israel, and moved David to number Israel—

Without reading the whole chapter, let me say that the story is that David gave instructions according to what Satan had said, and it was accordingly done. Then we read:

And God was displeased with this thing; therefore he smote Israel.
And David said unto God, "I have sinned greatly, because I have done this thing; but now, I beseech Thee, do away the iniquity of thy servant, for I have done very foolishly."
And the Lord spake unto Gad, David's seer, saying, "Go and tell David, saying 'Thus saith the Lord, I offer thee three things: choose thee one of them, that I may do it unto thee.'"
So Gad came to David, and said unto him, "Thus saith the Lord, 'Choose thee.'"
"Either three years' famine; or three months to be destroyed before thy foes, while that the sword of thine enemies overtaketh thee; or else three days the sword of the Lord, even the pestilence, in the land, and the angel of the Lord destroying throughout all the coasts of Israel. Now therefore advise thyself what word I shall bring again to him that sent me."
And David said unto Gad, "I am in a great strait: Let me fall now into the hand of the Lord; for very great are His mercies: but let me not fall into the hand of man."
So the Lord sent pestilence upon Israel: and there fell of Israel 70,000 men.

Then David clothed himself in sackcloth and ashes, acknowledged his sin and foolishness, repented of what he had done—

Built there an altar unto the Lord; and offered burnt offerings and peace offerings, and called upon the Lord.

I beg you, my friends, do not be led astray by the gentleman from Alabama and his Scripture. [Laughter and applause.]

THE PROPAGANDA FOR CONSCRIPTION.

A lively propaganda has been conducted by the press of the country for conscription. It has developed in this debate that some organizations in the city of New York, and perhaps elsewhere, have been sending out telegrams urging that mass meetings be held and resolutions be passed favoring it.

Much that has appeared in the press and circular letters that have gone out from the great centers has been unwarranted by the facts.

The slogan has been, "Stand by the administration," and they do not tell the country what the administration bill is.

The press and those favoring conscription have divided Congress into two classes—those who are standing by the administration and those who are opposing the administration. It was reported in the papers that the chairman, Mr. DENT, and 12 other members of the Military Affairs Committee were opposing the administration, and that the gentleman from California, Mr. KAHN, and 7 others were standing by the administration.

A BILL WITHOUT A FRIEND.

What is the truth about the matter? It is that not a single member of the committee is supporting the administration bill; that not a single member of this House has raised his voice in defense of that bill; and I do not believe that there is a solitary Member of the House that would vote for the administration bill.

Of course, it would be a shock and surprise to the country, after what has appeared in the press, to learn that the bill prepared by the military experts and the Secretary of War, and indorsed by the administration, has not received the indorsement on the floor of the House, or elsewhere, so far as I can learn, of a single one of the 434 Members.

A REJECTED FEATURE.

One provision of the administration bill is that only boys and young men between the ages of 19 and 25 shall be subject to conscription.

My information is that the committee was unanimously opposed to that provision. I doubt if more than a half dozen Members would vote for it.

The General Staff, the military experts, whom we have been told that we must follow blindly, had drafted the bill. It was explained by a member of the General Staff that those between the ages of 19 and 25 years would be divided into classes, as the "19-year class," the "20-year class," and so forth.

He also stated that the 19-year-old boys would be called first, and others called by classes as they were needed, the youngest always being called first.

This appealed to the military experts, men who have studied war, but the thought was so revolting to the committee that, as I am informed, not one member would support it.

It was proposed to send an army of beardless boys to fight and perhaps die in the trenches of Europe, yet we are told that the bill stands for the principle of "universal service"; that it is democratic in spirit.

We are told that it is a duty to serve our country, to perform military service. So it is, but no one can convince me that only the youth of the land owe such a duty. Those who have lived to mature years, those who have enjoyed the blessings that come from this great Government of ours, certainly owe as high duty to perform military service. In fact, they owe more.

But the military experts say to the young man: You have not yet had an opportunity to take any part in the operation of governmental affairs, you have never cast a ballot, but you must take the place and fight the battles of the older men. We need "cannon fodder" for the deadly guns in Europe, and we will feed them tender "fodder."

Thank God from above that this matter is not to be left to military experts, but is to be decided by men who will not stand for such a hideous, shocking, monstrous proposition!

ANOTHER OBJECTIONABLE PROVISION.

Another proposition contained in the administration bill that has few friends here is the proposal to have a tribunal composed of military men only to pass upon questions of eligibility and exemption under the selective draft system.

This provision was inserted in the Dent bill:

That the President is authorized and empowered to constitute and establish throughout the United States tribunals for the purpose of enforcing and carrying into effect the terms and provisions of this act, together with such regulations as he shall prescribe and determine necessary for its administration. A majority of the members of each tribunal shall be citizens of the United States not connected with the Military Establishment.

Upon the complaint of any person who feels himself aggrieved by his enrollment or draft as is herein provided any court of record, State or Federal, having general jurisdiction in matters pertaining to the writ of habeas corpus, according to State laws or by act of Congress, shall have jurisdiction, by proceedings in the nature of the writ of habeas corpus, to hear summarily and determine the rights of such person.

It is doubtful if any other nation in the world gives such authority to military officers as they would have under the administration bill. England does not. She provides tribunals to decide such matters. But our military experts overlook that fact and seem to be reaching out for more power in this respect, as well as in others, than is granted to military officers in the militaristic nations of Europe.

It may be that I do not entertain as high regard for military authority as it is entitled to. But I know that matters of dealing with the questions of eligibility, exemption, and bringing the conscript into camp will not be handled by the higher officers.

I saw in this city less than 30 days ago a shameful, disgraceful, contemptible spectacle. It was the conduct of men in our Army right here on the Capitol Grounds. Men on horseback were riding on the sidewalks, wheeling their horses around and forcing men, women, and children to scramble madly away in order not to be trampled under foot. I saw them press their swords against Members of Congress as well as private citizens—men, women, and children.

Yet we are told that men of that class shall be sent out to deal with our citizens, to draft our young men, and exercise such authority over them as they may desire to exercise.

I do not believe that men of that spirit should be sent out among the people of our country to force them to go to war. For one, I shall never vote for a proposition of that kind. [Applause.]

WHO, SAVE THE EXPERTS, FAVORS THIS?

Mr. Chairman, there is one thing about the administration bill that has been severely criticized. If anyone here has had the temerity to champion that feature of the bill, I have not heard it.

The administration bill, prepared by military experts or by some one in high authority, makes no provision for the preservation of territorial units. In fact, it has been frankly stated that it was not intended that they should be preserved.

The Dent bill safeguards that proposition, and it is even provided in the Kahn amendment that will be offered that the soldiers shall be recruited in local units as far as practicable.

Everyone, save our military experts, recognized the justice and wisdom of keeping the boys from the States as nearly together as posssible; that it was wise, proper, and humane to have the companies composed of men who know each other, or had some common bond of sympathy.

To do this will give them greater contentment of mind and make them more willing to sacrifice themselves, and cause them to be more valiant soldiers. It is probably true that the apathy in recruiting is largely due to the fact that men are being placed in strange units under strange officers.

We are advised to adopt the views of military experts, because they have made a study of war subjects. Their study has been of little effect if they have failed to learn the advantages that come from preserving the local units, and the fact that other military nations that have pursued this policy.

Capt. Benson, an English officer, who testified before the committee, said:

Capt. BENSON. The territorial community idea is kept as far as possible.

Mr. MCKENZIE. They are not taken into one great body and then distributed?

Capt. BENSON. They pass into larger depots for training purposes and then when passed out into service they are assigned according to the territorial regiments; that is, the regiment of the county which they came from, so as to keep them as near as possible with their own people and friends.

Mr. MCKENZIE. You maintain the neighborhood idea?

Capt. BENSON. Yes, sir.

Even in Germany, a military autocracy, this policy is followed. The soldiers of a community are kept together. Prussian militarism, which has been so bitterly denounced, and which I despise, has not become so cruel and inhumane as to deprive the poor fellows who are presenting themselves as targets for the enemy from the consolation of knowing that they are surrounded by friends.

It is worth something to them to know this and to know, also, that if they shall fall there will be some one to tell the home folks how courageously they fought and to carry back to loved ones messages that were whispered when the death rattle was sounded in their throats.

This has been the policy of all nations, so far as I have been able to learn, yet our military experts have failed to learn the lesson or to catch the significance of it.

In Creasy's Decisive Battles of the World we read:

According to old national custom, the warriors of each tribe were arranged together, neighbor thus fighting by the side of neighbor, friend by friend, and the spirit of emulation and the consciousness of responsibility excited to the very utmost.

Let me commend to the military experts a close reading of the teachings of history on this subject; that they learn the policy of the great military nations; that they learn something of human nature, and that it takes more than mere discipline to make good soldiers; and that the fighting spirit of men is not improved by forgetting that there is in the bosom of every man a yearning for the association of friends when the darkest hour of life is approaching.

Again, we have reason to rejoice that this law is to be enacted by civilians and not by military experts.

FALSE CLAIMS FOR THE BILL.

Many words that have a pleasing and agreeable sound are used in connection with the administration bill, such as "selective," "universal" and "democratic."

Somewhere I have read that error never walks naked across the earth. It always puts on robes which make it look like the truth. The spirit of evil never approaches us with hoofs and horns, but always as an angel of light.

Sometimes a doctrine obtains a strong hold on the people by the magic of delusive words. It proclaims sophistries as incontrovertible axioms and puts out the eyes of men by throwing into them the acids of beliefs that are false.

Reference has already been made to the words "selective" and "universal." I desire to say that the contention that conscription is "democratic" is entirely without warrant of fact.

When discussing that phase of the matter Senator REED said:

A moment's consideration will demonstrate the utter fallacy and absurdity of this claim.

First. There are in the United States approximately 104,000,000 people.

No one proposes to apply the military burdens to any but the male population. Hence, the first exemption must be approximately 52,000,000 females.

Second. Of the 52,000,000 males, approximately 32,000,000 are under the age of 19 or over 45 or physically incapacitated.

Hence, there is another absolute exemption of 32,000,000, which, added to the 52,000,000, gives absolute exemption to 84,000,000 of the population.

This leaves liable to military duty approximately 20,000,000.

Third. Of the 20,000,000 of military age, it is proposed to apply the draft to only those between the ages of 19 and 25. Of these there are approximately but 6,000,000.

Hence, it appears that there are completely exempted from even the gambling hazard of the draft 98,000,000 of people.

Fourth. The draft is to be applied to 6,000,000, but here the burden does not fall equally. All must equally take the gambler's hazard, but only 1 in 12 will be drafted.

Fifth. But the inequality does not end here. If you win out in the gamble, if you escape being drawn, if some other man is drawn, that man may be entirely excused either under general rules made by some military board in the name of the President or by the judgment of some military tribunal, and you may find yourself substituted for the man let out.

The board is clothed with absolute power to exempt any man whose release it thinks is "for the national interest." Accordingly, this board having drawn a plumber or machinist or druggist may say his release is "necessary to the national interest" and grab a laborer in his stead; or it may conclude the laborer is "necessary to the national interest" and let him go and grab the farmer, and so on.

Under this scheme you are not given the equal chance of the gambler's hazard, because if you win in this game at the military roulette wheel your winnings are liable to be turned over to the man who stood beside you and lost. Now, that may be necessary, but I am tired, sick, disgusted with the argument that a draft of this kind falls equally on all and is therefore democratic. Here is the claim that the draft imposes an equal burden upon the population. Expressed in figures the draft falls on 8½ per cent of the male population between 19 and 25. It falls on one-fortieth of the male population between 18 and 45—the military population. It falls on one two-hundred-and-eighth of the total population. This the advocates of the new-fangled doctrine of military democracy call equality.

WHO IS AIDING THE KAISER?

An effort is made to frighten those of us who are opposed to conscription by the assertion that in voting for the volunteer system we are lending aid and comfort to the Germans.

There is just as little truth in that statement as there is in many others made by conscriptionists. The real fact is that if the Germans derive any satisfaction from the action of the advocates of either volunteerism or conscription that it comes from the conscriptionists.

The Germans know that to conscript men will mean a delay of several months in getting an army. It will require months to put the machinery in operation to conscript men, and it will then take just as long to train the conscript as the volunteer.

Again, I believe that the Germans will say that the United States has such doubt of the patriotism of her citizens that she is afraid to attempt to raise an army by her traditional military policy. They know, of course, that all our wars have been won by volunteers. They know, of course, that the history of wars shows that one volunteer is worth three conscripts. They know, of course that England had six millions of her citizens to volunteer their services. They know, of course, that the colonial possessions of England have raised their armies from volunteers.

Then, do you doubt that they will say, "Why is the United States conscripting her citizens? Is it because patriotism is dead in that land, or is it because those people, the rank and file, sympathize with us?" No matter what answer they give to their questions, they will rejoice in the fact that they have to fight conscripts instead of men who freely and voluntarily offer themselves for their country.

Do not give the Germans cause to believe that we are a race of cowards. I resent the aspersion, no matter from what source it comes, that we are not a loyal, patriotic, courageous people. [Applause.]

FOLLOWING THE WAR EXPERTS.

We are told that no one is competent to pass judgment upon matters relating to the subject of national defense except the military and naval experts, and that in the matter of providing an army we should adopt without question the recommendations of the Army Board.

On the face of it this appears plausible and reasonable. Unless one analyzes the situation he is liable to be convinced, but when the truth is discovered it is found that there is really no reasonable basis for adopting a policy simply because the war experts advocate it.

"It is true that in all technical matters in the art of war we must defer to the judgment of our military experts. They are the only men who can tell us how mines are to be laid, and how they can be swept up, how far projectiles can be hurled, and how much damage explosives will do, how thick the armor plate on the battleship shall be, and of what material the strongest fortifications are built. Within his own province the military expert is supreme. He alone possesses the technical knowledge which is able to solve the problems which modern warfare presents. But outside of this narrow circle of technical knowledge the military expert is not to be accepted as an oracle. The very fact that he is a specialist devoting his life to one narrow range of data should make us wary of trusting him in the larger field of statesmanship. The study of projectiles and explosives does not of necessity unfold the mind for dealing with the problems which international life presents. Target practice on the land or sea does not train the eye to see the great facts of life as they are. Pondering the history of military campaigns and mapping imaginary battlefields is not ideal training for men who are to guide the feet of nations into the paths of peace.

"It is a mischievous assumption that Army and Navy officers have peculiar qualifications for dealing with the problems of statesmanship, and that they, more than all others, are to be consulted in determining the policy and program of a nation in the realm of international relations. It is a trick of all oligarchies to gather up power into their own hands. Military cliques have a swift way of determining what are military necessities. They trample without mercy on men who stand in their way. They are the last men in the Nation to be consulted on the large questions of national policy and expenditures. We are a democracy, and no man of us can for a moment consent to stand dumb on the most critical and far-reaching of all national problems, allowing leadership to pass into the hands of a special caste."

But the General Staff, the military experts, object to this. They want to destroy the National Guard. They want to have no army except the Regular Army. If this is done, it will mean promotions, with increase of salary, for thousands of them. It will mean an augmentation of power for them.

Do they favor the conscription plan for those reasons?

I simply say that there may be food for thought there.

Mr. QUIN. Will the gentleman yield right there?

Mr. STEPHENS of Mississippi. I will.

Mr. QUIN. Talking about conscripting the young men and sending them into war and onto the battlefield to be killed, do you not think we ought to conscript all the big incomes in this country to pay for this war?

Mr. STEPHENS of Mississippi. There is no doubt about that. I believe that thoroughly, and I would make exemptions pretty low if I had the right to prepare the bill, and would not allow any princely fortunes to be made out of this war. I want to say something about that later on if I have the time.

STANDING BY THE ADMINISTRATION.

It has been my earnest desire to support the administration measures. I have done so in every instance where I could do so without doing violence to my conscience and without becoming contemptible to myself.

On occasions I have yielded my judgment to the judgment of the leaders of my party, but I have never done so on any subject of such momentous importance as this, when I am so thoroughly convinced of the justice and strength of my position.

If the Dent bill shall pass, an opportunity will be given for men to volunteer; and if they do not do so, then the President will have full authority to put the conscription law into effect. He will have authority to do so as soon as he believes it to be necessary. In fact, he could set in motion at once the machinery necessary to register and enroll those of military age. He could be raising an army by both plans at the same time.

Mr. Chairman, so unconvincing to my mind have been the reasons assigned for departing from our military policy and for adopting one more severe than the military policies of many of the countries ruled over by kings and emperors that I must stand by my convictions.

None of us are wanting in patriotism, although we may differ in judgment as to the best course to pursue. Each man should act according to his best judgment in this matter of raising an army. The Constitution imposes the duty of providing for raising the army on the Congress. The Constitution makes the President Commander in Chief of the army that we authorize to be raised. After the army is in existence, his power is supreme. He shall have my earnest support in protecting every right and authority that the law or the Constitution gives him.

Of course I know, Mr. Chairman, that there are some in this land who will be vicious in their denunciation of those of us who vote against conscription. We will be called traitors, pence-at-any-price men, "slackers," but no real man will be driven to vote against his convictions simply to avoid criticism.

Mr. Chairman, I trust that every man will cast his vote in accordance with his honest convictions as to the best interests of his country, having in mind the fact that we are making history; that we are setting a precedent that in the future will rise up and either bless or curse us.

Some one has said that nature is lavish and even prodigal with many of her gifts, but that backbone is the rarest quality that was ever issued out to mankind by nature. Let each man who honestly believes in conscription vote for it, and let each man who honestly believes that it is best to vote for the volunteer system do so. Gentlemen, give evidence that you do possess backbone. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. LUNN. Mr. Chairman, I yield 20 minutes to the gentleman from Pennsylvania [Mr. GRAHAM].

Mr. GRAHAM of Pennsylvania. Mr. Chairman and Members of the House, I have followed very closely the address made by the last speaker [Mr. SAUNDERS of Virginia], and beginning where he left off I wish to make some suggestions in reply to what he has said. The pathetic argument in which he pictured the young man of 19 dying with so much of his future before him and so little of his life behind him, he says, will come up under the Senate bill which will be transferred over here, and upon which we will have to vote. When that bill is presented to us, it will be time enough to consider that phase of the question, but in the meantime let me suggest to my eloquent friend from Virginia [Mr. SAUNDERS] that I can see no difference, so far as the loss to that young man is concerned, between the Senate bill and its 19 to 25 years' provision and the House bill with relation to the volunteer provision in it, which is from 18 years upward. If it is hard for the young man of 19 to die under conscription, will it not be just as hard for that young man to die though he be a volunteer under the provisions of this bill? The mere question of the loss of life is just the same in the one case as in the other. [Applause.] But we have nothing to do with that question now. We are considering the bill that has been reported by the Military Committee of this House, and that bill presents a different state of fact. Your limit begins with 21 years, so that the argument concerning this extreme youth is aside from the question that ought to concern you now in preparing to vote not upon the Senate bill but upon the House bill, which is the only bill that is before us.

And I am told that if this House bill were now in the hands of the committee in all human probability it would not be reported in its present form, for the opinion of the membership of that committee has changed radically in some respects since the report of this measure.

Mr. DECKER. Will the gentleman yield?

Mr. GRAHAM of Pennsylvania. No; I will not be interrupted until I have finished, and then I will answer any question that is put to me if I can. Reference then was made to the condition of affairs in England, and the application of the volunteer system to sending 4,500,000 or 5,000,000 men into the field. Surely the men who are in charge of the military affairs of that country ought to know best what has been done, whether it has been for the good or ill of that country in carrying on the war on their part, and when their leader confesses that England made mistakes because by her system of quasi coercion she compelled her people to enlist prior to conscription and took men out of fields of industry where they were of more service to the country than they could be at the front in the trenches, we ought surely to accept their verdict as final. [Applause.] Again my friend argues for the voluntary system on the ground that we concede that a voluntary army is better than a conscript army. I confess I do not like the word "conscript" because of the associations surrounding that word in the past. I confess that it appeals to men creating a prejudice in their minds which they ought to set their reason against and see that it shall not influence their action when the facts underlying demand that we shall apply the selective draft in this instance instead of the voluntary system.

No man can speak more highly than I of the men who have volunteered in the various wars of my country. No man can exceed me in meed of praise for what they have accomplished and all that they have done, but the gentleman is in error when he says this amendment is an attack upon the volunteer. It is an attack upon a system by which they come into the service of the country, and every man who thinks must know from history that it is true that the volunteer system has cost the Government in men and money, life and treasure, far beyond anything that it could claim of merit. [Applause.] Take the history of this country. I could read you if time permitted the language of Washington, "What this Nation needs is a good Army, not a numerous Army." They had a volunteer system in the Revolutionary days by which, in Massachusetts, for instance, any man who raised 59 men could officer that company and could come with it to the front. There were hundreds of thousands of men raised by the volunteer system, and yet our great Father of his Country had hours of anguish when his little Army dwindled below six and seven thousand effective men and he cried out, "The militia"—and that meant the volunteer system of that day—"The militia is of no service to me. I want the Regular Army augmented and strengthened so that I may conduct this war successfully." Reference has been made here to the War of 1812. Oh, I tell you, my colleagues, there is not much for us to be proud of so far as the land forces are concerned in the War of 1812. At Bladensburg five or six thousand men, with a loss in killed and wounded of less than 25 men, were routed and scattered by a force of 3,000 English troops, of which only 1,500 entered the list of battle, and the next thing your Capital City was in flames and in the hands of the conquerors.

For upward of two years your volunteer forces struggled unsuccessfully to penetrate Canada, which was garrisoned by a force of 5,000 English soldiers, a part of the English Army sent over from England. They, the English, maintained the war for more than two years against all our efforts. Oh, but you say, the crowning thing was the victory of Jackson below New Orleans. You forget that over two years of training had seasoned those men, and that experienced officers had been selected and that Jackson had gathered some of the best marksmen in our country, which was then noted for the skill of its men in marksmanship, and you remember he gave the famous order, "Do not fire until you can see the whites of their eyes," and they fired and decimated the British ranks. [Applause.] Oh, yes; I concede that on the sea our Navy did big things, but on the land your volunteer system failed. In the Civil War you had an illustration of it. The system failed. We had to resort to a draft. All honor to the men in blue and the men in gray, volunteers, who fought like heroes on every battle field in their cause. [Applause.] In the beginning of the second year of the Confederacy conscription, as you have heard here, read from President Davis's own message, was adopted in the South, and they conscripted the volunteer army which was about to retire, its time of service having about expired, and they secured a large number of others who were gathered everywhere through the Southern States, and then were welded and put together in the solidarity of a real army that held the Union Armies, outnumbering them by far, in abeyance, and forced them to fight for years before they won a victory over that conscripted army of the Confederacy. [Applause.] What did it cost the Union side, this volunteer system? Our Government did not even take the precaution of scattering the Regular Army through the troops which were presented by the channel of voluntary enlistment, but the volunteers chose their own officers, they preserved their own separate units, and the officers of their own choice when they came into the service of the United States. I say to you, my friends, therein consists the most pernicious element of the volunteer system, and Gen. Upton, in this little pamphlet which most of you have seen, said, reviewing all the wars:

> Neither volunteer enlistments, based on patriotism, nor bounties, can be relied on to supply men for the Army during a prolonged war. That a draft is the only sure reliance of a government in time of war.

This system which has come down through the years past to this time has proved a failure on the score of lack of efficiency and power.

Elihu Root, who resurrected Gen. Upton's writings upon the subject of military affairs and the United States policy, wrote:

> The great question before us to-day is the question of adopting a military policy that will correct the evils which we have suffered in every war from the beginning down to this time.

That eminent soldier, Gen. Upton, who commanded a division of Cavalry in the Civil War, wrote failure across the policy of volunteer enlistment as practiced then, and it is true of it as

practiced now. If the call for volunteers came, I could, if I were of suitable age, gather together my friends and companions and say to them, "Let us form a regiment." We elect our own officers, generally inexperienced, and most times unfit. And had I time I could tell you of instances that came to my knowledge, told to me by my old preceptor in the law, gone to his home above, in which he showed how the regiment he went into was formed and fashioned, and how his officers were commissioned—all commissioned by the State, all commissioned by the governor of the State in which they were raised.

And I want to say another thing, that besides that system, which is pernicious, the enlistment of men without proper officers is the vice of the volunteer system. But when you raise an army under the power given to you in the Constitution it is not the militia; it ought not to be the National Guard; it ought to be an army that will be raised whose officers should be commissioned by the President. They should be men of experience. Why, I would scatter the whole of your Regular Army through the midst of these new men, as far as fitted for it, to be their officers, so that they may be more readily trained and have men of experience to command them.

The question before you is not a volunteer system or a system of selection alone. It is a question of efficiency. Col. Watterson's letter that was read here the other day had a pregnant sentence in it which every one of us ought to remember. He said:

It is like retaining the old stage coach when the times have gone beyond it and the stage coach has lost its utility.

War is in an advance era. War is no longer what it was when Jackson fought his battle below New Orleans. Then it was men against men. It was a question of marksmanship and courage. To-day it is a question of the highest condition of scientific efficiency and mathematical thought. [Applause.] That is what it is to-day. And to-day it is not a body of chosen men going out to meet the enemy to fight the battles of the country, it is a marshalling of every asset that the Nation has and welding it into shape and concentrated mobilized power, and hurling that power against the adversary in order that victory may come sure and soon. [Applause.] It is a question of the highest state of efficiency for every man to consider. War is now a great business question in which efficiency dominates all else.

We want the most efficient condition. Every man owes an obligation of service, and there is not a man here who dares deny it. Every one of us owes an obligation of service to his country, in the field or wherever he can best promote her interests in time of danger and peril. And when he is to be selected for service it ought only to be for the purpose of developing the highest efficiency of the national resources. That is what this amendment seeks in part, and that is all it means. We wage no fight against volunteers, no attempt to reverse the pages of history and say the volunteers have failed because of lack of valor. Only by a selective draft can we obtain the highest efficiency.

But how shall we have the best efficiency in handling the resources of the Nation? That is the question that is presented to us to-night. I do not like the language of many of my colleagues—and I am sorry to have to criticize it—used on this floor, that a conscript and a convict are convertible terms. Shame on the man that holds such a view. God knows, and you know, that many a man who did not volunteer was as brave as you or I or any soldier that was in the field. [Applause.] To attack the men who were not actually in the service is to commit a wrong against their records and against their characters. But they say you put a stigma on the men by the selection system, and the gentleman said, "I would not like to have my son associating with pool-room touts and rowdies and riffraff." My friends, by this process of selection you avoid all that, for you are taking every man by a fair chance and on an equality. You are selecting the man to serve, and you do not take the riffraff and the pool-room touts and the blackguards and the cowards, but you are taking the cream of your whole people, and you are putting them to the front as men should be put to the front to serve their country. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. LUNN. Mr. Chairman, I yield five minutes more to the gentleman.

Mr. GRAHAM of Pennsylvania. And the argument that a conscript is a coward when taken under these circumstances is utterly fallacious. I need only point this thinking company, for you are all men of thought and judgment, to the facts of history, and ask you to say whether they do not prove that an army conscripted as you call it, can be as brave as lions and conquering as heroes. Think of Germany through the unification of her army and the selection of her men after the lesson of Jena, humbling proud Austria in 1866, in a period of about seven weeks. Think of Prussia humbling the proud Frank and capturing Napoleon the Third and his army at Sedan in 1870-71 in a period of seven weeks.

Gentlemen, those were what you call conscripts, and selected conscripts, too. Were they lacking in valor and vigor? No. You can not draw any invidious distinctions between the two classes of men, for under this selective system you are simply conserving the Nation's resources, and you are making the best use of the men who are fit for military service; and if there are some that are better qualified to stay in the factory or at the forge, aye, or on the farm, let them be kept there [applause], for war to-day means the marshaling of all our assets to the best advantage, and the question of food and the question of supplies become in this kind of war as highly essential as the question of arms and the question of men.

When the argument upon the declaration of war was on there was a continual picturing of the horrors of war. What right had any man to picture the horrors of war when we were called upon to settle a principle of morals and of right? I remember a picture I once saw of a Roman scene, a beautiful girl standing in the foreground while the Roman judges sat behind her and an altar erected to Jupiter, which had the sacred fire flaming on it, and alongside of it was an urn in which incense rested.

All she had to do to escape the death penalty was to pick up a small portion of that incense and drop it on the flame, so that she would be making an offering to Jupiter, and thus forswear her Christian faith. Her young and handsome fiancé stood at her side in all the splendors of a fine young Roman warrior. You could almost see his mouth moving, uttering words. What a frightful test it would have proved to that poor girl if he had pictured to her the horrors of the arena and talked to her about the fierce beasts gnashing their teeth and their cruel jaws tearing her fair flesh and crushing her bones! Every man of you would say that in settling a moral question that picture would certainly have been cruel and unjust. It would destroy her power to think truly and decide according to conscience and judgment.

To-day we are met with another thing, not the horrors of war, but every man here is playing on the idea of sentiment and the glory of the volunteer and the traditions to be violated. Sentiment is being brought to the fore—sentiment that has no place in the settlement of this great and grave question. We have no right to be sentimental over the volunteer and his history. We have a right to prize it, but we have no right to use that as an argument to swerve us from doing our duty for our country in this hour of grave and serious trouble. [Applause.]

A constitutional question has been raised by my friend from New York [Mr. CHANDLER]. But that needs no answer, for he simply said, with his splendid elocution, picturing that first convention, of which we are all proud, the Constitutional Convention, which divided the Government into the executive, the legislative, and the judicial branches. So they did, but what has that got to do with this question that is presented to you now? [Laughter and applause.]

My friend the beloved Speaker of this House said to you:

Let us read from an old document—it is the Constitution. Perhaps we need not mind the Constitution, but I am going to read to you the eighth paragraph of the First Article.

And then he read that part which clothed Congress with power in case of war. The first paragraph he read related to the power to raise armies and appropriate money for their use. That is the power under which you act, and it is not the one that he read last, which relates to the militia:

To provide for organizing, arming, and equipping the militia and for governing such portion of them as may be employed in the service of the United States—

And so forth. Another section says Congress shall have power "to call forth the militia, to execute the laws of the Union, suppress insurrection, and repel invasion." Now, that is the limit of the use of the National Guard or militia, and that is as far as it ought to go. In time of war they may be called as any other citizens may be called—drafted into the Army, to fight for the country in the war that may be upon the country or threatening her. But to say that any constitutional principle is violated is to argue the most arrant nonsense and humbuggery. [Applause.]

There is no constitutional question involved. It is a question of business judgment, and of business judgment alone. How shall we best conserve all the resources of this great and mighty Republic? How can we best hurl them against the foe in order to secure a quick and complete victory for our arms? Let us support the President in his work. Let us trust him in his work. Let us give him this plan, and not sneer at it, because it comes from the military experts. Who else would give it but the experts, who are better qualified to speak? Let us stand for it! [Prolonged applause.]

Mr. DENT. Mr. Chairman, I yield to——

Mr. CRAGO. Mr. Chairman, will the gentleman withhold just a moment—the gentleman from Alabama in charge of the bill—while I make a request?

Mr. DENT. Yes.

Mr. CRAGO. At the request of the gentleman from California [Mr. KAHN] I am asking unanimous consent that the amendments which he will offer to this bill may be presented at this time in order that they may be printed in the RECORD, so that the Members of the House may have them before them to-morrow in the RECORD.

Mr. DENT. I understand that the amendment the gentleman from California offers is to strike out the volunteer feature of the bill as reported by the majority of the committee?

Mr. CRAGO. Yes; and he has two or three other short amendments here that I think he has gone over with the chairman.

The CHAIRMAN (Mr. NEELY). The gentleman from Pennsylvania asks unanimous consent that the amendments he sends to the desk may be printed in the RECORD without being read. Is there objection?

There was no objection.

Following are the amendments referred to:

Amendment offered by Mr. KAHN: Page 3, lines 1 to 25, and page 4, lines 1 to 6, strike out the following:

"That the President be, and he is hereby, authorized to call for 500,000 volunteers under and in accordance with the act of Congress approved April 25, 1914, in so far as said act is not in conflict with any of the provisions of this act. That said act of April 25, 1914, is hereby amended so as to give to the President full and complete authority to refuse to accept in and to discharge from the service any and all persons designated in section 3 of this act. That in the event it becomes necessary to raise an additional force of 500,000 men, as specified in subdivision 4 of the section, the President be, and he is hereby, authorized to call such additional force by volunteers in the same manner. Such volunteer army shall be apportioned among the various States and Territories and the District of Columbia according to population and raised in regimental units or parts thereof in addition to the National Guard in such States and Territories and the District of Columbia now authorized by law: *Provided*, That such volunteer forces shall be recruited in local units as far as practicable and company officers may be appointed from such units upon passing such reasonable and practicable examination as to fitness as the President may direct. All other officers shall be appointed as specified in this paragraph. That upon the completion of the registration as provided in section 4 of this act, and in the event the President decides that such additional force or forces shall not have been effectually raised under the call for volunteers as herein provided, the President be, and he is hereby, authorized."

Amendment offered by Mr. KAHN: Page 5, line 19, after the word "by," strike out the words "volunteer or," so that the paragraph as so amended will read:

"Fifth. To raise by draft, organize, equip, and officer, as provided in the third paragraph of this section, in addition to and for each of the above forces, such recruit training units as he may deem necessary for the maintenance of such forces at the maximum strength."

Amendment offered by Mr. KAHN: Page 6, lines 9 and 10, after the word "Army," strike out the words "and additional forces hereby authorized."

Amendment offered by Mr. KAHN: Page 6, line 16, after the word "draft," insert "and all other forces hereby authorized shall be raised and maintained by selective draft exclusively."

Amendment offered by Mr. KAHN: Page 10, line 20, after the word "registered," strike out all the remainder of the section, beginning with the word "Provided," down to and including the word "Act" in line 2, page 11.

The matter so stricken out reads:

"*Provided*, That nothing in this act shall be construed to prevent the President from beginning immediately the registration of citizens liable to military duty as herein provided, or of otherwise commencing the execution of this act: *Provided further*, That in the call of the docket precedence shall be given, in courts trying the same, to the trial of criminal proceedings under this act."

Mr. SMALL. Mr. Chairman, may I ask of the gentlemen who control the time on both sides permission to make a request?

Mr. DENT. Yes.

Mr. SMALL. Mr. Chairman, for reasons that are not necessary to explain, by some misunderstanding I have not had an opportunity to speak. My last promise was for this evening. I shall not be able to remain longer to-night, and if the committee has the power I want to ask unanimous consent to be permitted to use my 15 minutes to-morrow morning.

Mr. DENT. Mr. Chairman, that can not be done. We would have to vacate the order that has been made by the House.

The CHAIRMAN. The Chair is of opinion that that permission could not be granted.

Mr. SMALL. If it must be given in the House I will make the request in the morning.

Mr. BURNETT. Mr. Chairman, I shall have to object unless I can have the same privilege.

Mr. DENT. The gentleman from North Carolina simply says he promises to make his request to-morrow in the House.

Mr. LANGLEY. There are a number of other gentlemen in exactly the same predicament as the gentleman from North Carolina is, who have been promised time but have been waiting in vain to get it. I am one of them.

Mr. DENT. Now, Mr. Chairman, I yield 20 minutes to the gentleman from Alabama [Mr. BURNETT].

The CHAIRMAN. The gentleman from Alabama is recognized for 20 minutes.

Mr. BURNETT. Mr. Chairman and gentlemen of the committee, I have seen gentlemen within the last week turn all the somersaults of a Christmas jumping-jack on this bill. [Laughter.] And how they can reconcile themselves to gyrations of that kind is something that I can not understand.

The bill of the minority for conscription is an impeachment of the declaration made by many of you when the resolution declaring war was before this House, that the country was behind the President and wanted war with Germany. They charged that those of us who believed that that resolution ought not to pass were not representing the American people nor our constituents. To-day, by asking the adoption of this conscription bill, they are impeaching the statements they then made.

Mr. Chairman, I did not agree to that resolution, but when it passed I was one who was willing to give my loyal support to the President of the United States and to the country in all proper ways, and I do not propose by my vote now to stultify those gentlemen by saying that they were advocating an untruth when they said the people of this country were for war. Here is an admission that the country does not want war, and that people will not volunteer to fight it. I am not willing to join you now in that admission, gentlemen. You are sending it out to the country that your declarations so vehemently made then were untrue. Not only that, Mr. Chairman, but it is an impeachment of the patriotism of the American people. If, as you asserted a few days ago, the American people believe this is a just war, then I trust so implicitly their patriotism that I am sure there is no necessity for any resort to the draft in order to bring them into the trenches, or anywhere else that the Commander in Chief of the Army calls them to go. [Applause.] My fellow Members, that is exactly the attitude that you are taking. You are impeaching the courage and patriotism of the greatest and the bravest people on earth. I will not join you in that impeachment. One of the arguments made by gentlemen who favor this draft system is that we can not get the volunteers. Yet in a speech of the Senator from Missouri [Mr. REED] yesterday in the Senate he inserted telegrams from many of the adjutant generals of the States stating that if the War Department would give them an opportunity they could raise all the troops that were demanded of their States.

Mr. Chairman, it is not only an impeachment of the gentlemen who made these declarations, it is not only an impeachment of the patriotism of the American citizens, but it is undertaking to tear down the volunteer system by which we have won every war since the organization of this American Union and Prussianize it. More than 140 years ago the American Revolution was won by Volunteers. The War of 1812 was won by the Volunteers.

But my distinguished colleague from Alabama [Mr. HEFLIN] undertakes to quote Scripture written away back 3,000 years ago to justify conscription. The idea of my friend Mr. HEFLIN quoting Scripture reminds me of when the devil took the Savior up on the mountain and showed him all the nations of the world, and the cattle on a thousand hills, and said, "All these I will give unto Thee if Thou wilt fall down and worship me," and yet that old devil did not have a cow or a foot of land to his name. [Applause and laughter.]

Mr. Chairman, the conscription system is a vicious one and never has succeeded. We have heard to-day the experience of that grand old man, Gen. SHERWOOD, a brigadier general in the Union Army, a man who came down through my country with Gen. Sherman when I was a boy about 9 years old. One day since we have been here he said to me, "BURNETT, do you know where Cedar Bluff is?" "Why," I said, "General, that is where I was born and raised, down in Cherokee County, Ala." He said, "Well, I crossed the Coosa River with Gen. Sherman there at Cedar Bluff." I said, "Yes; and you fellows were the ones that got my geese that I was raising down there." [Laughter.] He said, "Yes, if they were within our reach we got them." He has given you the experience of the northern side in regard to the failure of conscription. I am here to-day to tell you—and my good friend, Judge HOUSTON, from Tennessee, will agree with me—as to the failure of conscription on the southern side. My friends, I was a boy more than 7 years old when the first gun was fired at Sumter, and I was less than 12 years old when the flag of the Confederacy was furled forever at Appomattox. I remember those dark days. I remember the troubles through which we passed, and I remember, in 1862, when the Confederate Government adopted conscription, and then it was that the prestige of the Stars and Bars that had

been in the ascendant for 12 months began to wane. My distinguished friend from Rhode Island [Mr. O'SHAUNESSY] said in his eloquent speech for conscription that if there had been 20,000 more men at Bull Run there never would have been that defeat and rout there, and perhaps never would have been the subsequent four years of bloodshed and carnage. My friend is mistaken if he means that if there had been 20,000 more conscripts it would have been different, because, Mr. Chairman, if there had been 20,000 conscripts there, instead of that rout extending only to the Potomac, those 20,000 conscripts would have been driven to Cape Cod or Kalamazoo. [Laughter.] The gentleman from Wisconsin [Mr. LENROOT] said that the star of the Confederacy remained in the sky for three years on account of conscription, and he quotes Upton to that effect. Gentlemen, there never was a more egregious error. I was there in those days. I know something of the conscripts, and I agree with my friend, Gen. SHERWOOD, who described them on the northern side, and I know it took thousands of brave men who wore the gray to dig the conscripts and those dodging conscription out of the mountains and woods and caves in Alabama and Georgia and carry them to the front. And when they got them out, when Gen. Sherman and the Federals got down to Chattanooga and Chickamauga, many of those conscripts deserted and went to the Yankee Army. [Laughter.] Gentlemen, that is the history of conscripts where I lived. I was then nearly 9 years old, helping to raise sorghum and corn and other things to feed our armies. The conscripts and those lying out to escape conscription would come out of the woods and the mountains and steal and destroy what the women and children and negroes were raising. Yet you are willing to give your indorsement to a law which will force those into the war who are unwilling to go to march side by side with the brave men who may be selected. The unwilling soldier will seldom make a good soldier. England has 5,000,000 in the trenches, and not a conscript has been sent yet.

Now, what is your system of selection? Oh, you tell the people that there is to be a selection by lottery. The Secretary of War states that the lottery wheel will turn out the men who are to fight. No; it will not. It will turn out the names of those from whom that selection is to be made. But when it gets to the selection, then what? This bill ought to be entitled "a bill to encourage slackers," because that is what it will do. What will be the practical result of the plan? We are practical men, as Mr. Roosevelt once said. The result will be that in many cases prejudice will tear some young man from his home and send him to the trenches, while some favorite will be left at home. Who are the people that want it? These men from the Eastern States are urging it, where to-day they are not joining or recruiting. You saw in this afternoon's Washington Star how Vermont is away behind, and Maryland, the home of my distinguished friend Mr. LINTHICUM, and Baltimore, where silver-tongued orators have addressed great meetings and begged them to enlist, and yet they did not find them enlisting. Gentlemen, you are not going to find them going under this bill either. The munition factories, the steel plants, the mines, and other like enterprises are short of labor and clamoring for men. How easy, then, will it be for the slackers to flock to these industries, knowing that their managers will urge their need of more workers and keep them out of war. The State of Kansas has furnished more than its quota already. And what will those people back on the prairies of Kansas say when these slackers are selected to stay at home, while the farmer boy is told to go? My distinguished friend who last spoke, Mr. GRAHAM of Pennsylvania, said this conscription bill will weed out the barroom and pool-room touts and street loafers and compel them to stay at home, because the bill exempts the morally unfit. He was actually applauded in that statement by men who yesterday were arguing that this draft would send those very fellows to the front. [Applause.]

Gentlemen, you ought to better agree as to whom it will hit. How can we believe them, gentlemen? One day they take one attitude and the next day a different one. It is not the wheel that will turn them out that is so vicious, but it is when that selecting board, and we do not know who they will be, makes the selection and says to these people up here in Pennsylvania in the district of my able friend Mr. GRAHAM: "You are needed here not only to make munitions of war, but shoes and clothes and other things, and must not go." Every day circulars are being sent to us from the East and North urging us to vote for the conscript system because they say they need the men that might want to volunteer to work in the big industries and fill the pockets of their owners with gold. They expect that the board will select their men to stay at home while the men in the backwoods of Kentucky are selected to go and fight the battles for our country. [Applause.]

Mr. LANGLEY. They will be ready to go if they are needed, but they want to volunteer.

Mr. BURNETT. Yes, my friend; but they do not want to be forced to go side by side with the cravens that would hide in the mountains of Alabama, Tennessee, and Kentucky and in the great manufacturing centers of the East. How will our people that are plowing to make the wheat and the corn to feed and the cotton to clothe the armies of the country feel when they are selected to go to the European trenches, and yet these fellows be exempted over in Massachusetts, the home of my friend Mr. GARDNER, the gallant and valiant warrior, whom I heard speak the other day down on the corner of the street when he said "Heretofore we have been saying 'Let George do it,' but the time has come when you must go and help George do it"? Yet he never said one time that he would be there to help George do it, or that his people in the East would be there. [Applause.]

Gentlemen, there is where we who represent the rural districts have got to confront the conditions which the great manufacturing interests expect to put over us by the passage of this bill. "Oh," but they say, "we are going to exempt the people in agriculture as well as the others," and this deception has been scattered among the farmers. The bill does not say so. They ought to be exempted, because the Army has got to depend on the men that follow the plow to support them and to support their wives and children back home.

Let us see what the Secretary of War said when asked about that question of exempting farmers. In the hearings just a few days ago before the Military Affairs Committee, when he was asked as to exemption of the men on the farm, he said:

> The problem is largely one of three peak-load periods in the farming industry—the season of planting, the season of cultivation, and the season of harvesting.
>
> So far as the present year is concerned, it seems entirely unlikely that our arrangements could be perfected so as to begin the drafting of men until after the season of planting has passed and the season of cultivation is well advanced. The season of harvest would therefore seem to be this year the one we have most to consider. The Council of National Defense would undoubtedly be constantly in touch with that situation through the Department of Agriculture and subordinate committees, and, if it should turn out to be at all a necessary thing to do, some system of furloughing from the Army during the peak load of the harvest season might be adopted to relieve that situation.

Going to furlough them from Europe to go back and help gather the crops in Alabama and Texas or Nebraska! That is what we gentlemen who represent rural districts are told by the head of the War Department. But the gentleman from California [Mr. KAHN] saw that that would not do, and so he said to the Secretary, "But if our troops were sent to the battle fronts, how would you furlough the men?" The Secretary said, "Of course, it would be impossible, under those circumstances." Mr. KAHN then said, "Then you would have to meet that situation." Secretary Baker said, "We would have to meet that situation just as it has been met elsewhere."

Gentlemen, how has it been met elsewhere? It has been met by England and France by borrowing millions of dollars from us to buy our farm products. We have the money to buy them, but where are we going to find the men to raise them and to sell them to us if they are in the war? Oh, but he will furlough them to gather the crops. There is what he says to you men who have been hollering "Stand by the President."

But you gentlemen are not yourselves standing by the President and the Secretary of War. In the bill which they asked the committee to report they would destroy the State units entirely and force the boy from Alabama away from the companions whom he knows, and make him serve side by side with the boy from Maine or from California. Even your leader [Mr. KAHN] could not take that, and you gentlemen have abandoned your Commander in Chief and are following Mr. KAHN.

The bill which the President wanted would take the boy of 19 from his mother's side and force him to fight side by side with the Cossack from Russia. Your leader, Mr. KAHN, would not stand for that, and agreed to the minimum age of 21. Again you have abandoned your Commander in Chief and gone off after a new leader.

The bill of the President and the Secretary of War increased the rank and pay of brigadier generals who are heads of bureaus in the War Department to those of major generals, while nothing is said about raising the pay of the private soldier, who only gets $15 per month.

The gentleman from California and his colleagues on the committee could not stand for that part of the President's bill raising the rank and pay of these brigadiers who fight here in Washington in swivel chairs, and cut that out. Again, gentlemen, you are deserting your Commander in Chief. I could point out many other respects in which the bill you are supporting causes you to abandon our President.

I understood a few days ago that all of our Alabama delegation were for the Dent bill, but somehow the rubber stamp has been affixed to several of them and they have made speeches on the other side. [Laughter.] "O Consistency," and so forth.

The confusion that the draft system will bring about will be intense. How will the farmer know whether or not to pitch his crops or rent his lands when his tenant or his helper, either white or black, may at any time be selected to join the colors? How can the clerk in the store, or the carpenter at his bench, or the blacksmith at his forge, or the laborer in factory or field know what contracts to make when the lottery wheel may roll him out, and the conscript board may select him any day to leave his home and native land to fight in trenches across the seas.

I voted for the Britten amendment to the war resolution, not to send our boys to the European trenches, except by consent of Congress, unless they volunteered to go, but if they are to go let us see to it by the legislation that they go thoroughly trained, equipped, experienced, and prepared for trench warfare and are willing to go.

Gentlemen, you have been receiving telegrams from boards of trade and mass meetings in the cities, but wait until you hear from the man behind the plow, who is always expected to be the man behind the gun. [Applause.] Wait until you start this unjust selective system. Wait until you undertake that process. Oh, but my friend from Alabama [Mr. HEFLIN] said it is fair because it is a selective process. It selects whom? That is the trouble about it. It is too selective, and who is going to make the selection? Gentlemen, you know that this propaganda has been boosted from the East, and that these great factories and newspapers expect their men to be selected to stay at home, and the boys from your district and mine are expected to be sent to meet the bullets of the Germans in the trenches. Selective how? Who is to be selected? Why, the boy over on one side of the street who does not want to go is selected to go, while his neighbor who wants to go is selected to stay at home. One will be selected to go who is perhaps the only child of a widowed mother, and in order to exempt himself he will have to show that the mother is almost a pauper. You and I have had some experience in the early part of the Mexican War, no doubt, in getting gentlemen released on account of dependent relatives. Who is to pass upon it? The same kind of a board that is to say that the great mining interests of Pennsylvania, that the great Steel Trust of Ohio and Pennsylvania, and Alabama, that the great Armor Plate Trust all over this country are to have their men selected to stay at home, and yet our constituents are to bear the brunt of this selection. Gentlemen, is that fair? Is it just? My good friend, the able gentleman from Rhode Island [Mr. O'SHAUNESSY], eloquent and splendid—and I am glad to call him my friend—told you of the great battles won by the Irish soldiery in our war for independence. That is true, but he forgot to tell you that not one of those brave Irishmen were conscripts, but everyone of them had volunteered to do his duty. [Applause.]

The gentleman says that in the wind-up of this terrific cataclysm he hopes they will meet around the table and do justice to the grand old Emerald Isle. He is nursing a hope to his soul that I fear will never come to pass. If they should select to sit around that table my good friend O'SHAUNESSY and myself, then, by the eternal, we would see to it that English autocracy should be crushed; Ireland should be free. [Applause.]

Gentlemen have prated volubly within the last day or two about this being a war for humanity and a war for democracy. Gentlemen, every drop of blood that flows through my veins on both sides is English. Away back in seventy-six, and before those days, those who were my sires were here from that great country. I have no sympathy with German autocracy, but I hate British autocracy just the same. If we ever trust England to give democracy to any of her Provinces, then may the shades of Robert Emmet look down upon us and declare that that which has come never had been hoped for by him or any other man. Talk about Balfour—and men going wild over him—the man who has done more to try to crush out freedom in Ireland than any other living man. The first loan that we made was to old John Bull, and he will get the rest of it if he can ever get his fingers on it. This is your war for humanity! The gentleman who sits before me, my friend from West Virginia Mr. LITTLEPAGE, has a grand constituency in that State. When they begin to pick out your boys on the farm and in the stores, and leave the men in the mines, then the mother whose son is wrested from her heart will point the finger of her woe at you and say that you may take to your soul the sweet unction that you helped to do this wicked thing. Gentlemen, I am not indulging in theory and speculation. I know what conscription is. These two brave men who were on the Union side—Gen. SHERWOOD and Mr. HOLLINGSWORTH—have told you that no man that they knew would admit that he had ever been a conscript. I believe they are the only two Union veterans here, and they are both against it. I believe there are only three Confederate veterans in this House, and I know that one of them—Mr. JONES—that grand old hero that followed Lee and Jackson till the sun went down on the Confederacy, is against it. He knows what it did for the Lost Cause.

Maj. Harllee, of the United States Marine Corps, with 17 years of gallant service to his credit, said to the Committee on Military Affairs last year that "unwilling men burden armies, eat its substance, retard its action, and give it panics," and he opposed compulsory service or any other kind of service than that rendered by willing men. Why, it took two good soldiers in the South to stand behind every cringing conscript and get him to face the bullets at all. I heard my venerable friend, Gen. SHERWOOD, say to-day that out of 70 conscripts that were sent to him every one but two deserted, and yet you want to send unwilling men to fight battles beside brave men. Gentlemen, it is wrong, and in less than 12 months from now you will have written over your brows, every one of you who vote for it, by the scorning mothers and fathers and wives of our country that anathema maranatha, which ought to fall on every man that would foist on his people such a measure as this. [Applause.]

Gentlemen on this floor have compared the selective draft to the system of drawing men to serve on juries. Gentlemen, have you no higher estimate of human life than to compare the selecting of a man to sit for a week in a peaceful court room to that of selecting men to be sent 3,000 miles from home across the seas to face death among aliens and strangers?

This bill exempts Members of Congress. A motion will be made to strike that out and I am curious to know how many of you will vote for that. Your excuse will be that you are needed here, but out of this body of 434 Members not more than 8 or 10 would be selected, and we could manage somehow to get along without you, or your people could select some one to fill your place.

I want to call attention to one thing I forgot. In to-day's Washington Post there is an article which says—

CHICAGO, *April 25.*

Five hundred students of the agricultural college of the University of Illinois left Chicago tonight for Winnipeg, Manitoba, on their way to the Saskatoon country of northwestern Canada, where they will help produce the "war-winning wheat crop."

The men will be distributed to the individual farmers by the Dominion Government, which has guaranteed a minimum wage of $50 a month and board, two-thirds of each man's railroad fare in Canada and promised a homestead of 160 acres to each who serves six months in the field.

Canada, with less population than Pennsylvania, has sent 400,000 men to the trenches but has not had conscription, and is to-day bidding your young men come over there and get $50 per month and 160 acres of land and escape the conscription that you propose to put on them, and they are going. Members of the American Congress, can you do it? If you can, then go home to your wives and children and tell them that you have voted to drive young men from American soil because you threaten them with conscription. [Applause.]

Many of the gentlemen urging this draft bill admit with brutal candor that it means the destruction of our volunteer system entirely. There is no doubt about this being the purpose of the General Staff.

We have been justly denouncing German militarism for two years, but to-day you are about to fix on the American people a system more autocratic than Germany ever attempted.

The Kaiser, with all his autocratic power, can not conscript a single soldier to go beyond the borders of his empire, and yet you propose to draft young men to go beyond the seas.

In Australia the question was submitted to a vote of the people, and the soldiers in the trenches were permitted to send in their votes, and by an overwhelming majority those battle-scarred soldiers voted against conscription, and it was defeated.

I insert the following from the New York Evening Post of April 25 in regard to the action of that country on the question:

AUSTRALIA AND CONSCRIPTION—THE COMMONWEALTH'S EXPERIENCE WITH THE FIRST EVIDENCES OF MILITARISM—WHY THE PROPOSAL WAS VOTED DOWN IN THAT COUNTRY.

[By Louis Esson.]

In an anticonscription speech delivered in Melbourne the father of Lieut. Jacka, the first Australian soldier to win the Victoria Cross, pointed out that his son had left the Commonwealth as a free man, and trusted he would be able to return to a free country. Australian soldiers traveled 12,000 miles to wage war on militarism, and in innumerable letters urged their friends and relations at all costs to prevent this curse ever blighting their own country, for they had no wish to meet the same enemy when they returned. Australia is fearful of becoming like the conscript countries of Europe. The dominance of a military caste, the eternal routine and mechanical discipline, what H. G. Wells calls "tramping foolery," are inevitably hostile to individual freedom and democratic institutions. Hitherto the United States, with its love

of liberty and its nonaggressive foreign policy, has stood as an example to the younger democracies. It would certainly be strange if, without the fullest consideration, and not primarily for the sake of home defense, these States adopted the European principle of compulsory military service.

It is often stated, with a fine flourish of rhetoric, that in a democracy there are equal obligations for equal rights. In the Commonwealth of Australia, before the referendum decided the issue, there was the same talk; but the people had a sufficient foretaste of militarism to realize that its theory and practice did not tally.

Even before the vote was taken the prime minister, Mr. Hughes, issued a proclamation calling up all single men between the ages of 21 and 35 to be enrolled for military training, so that when the vote was passed in favor of conscription they might be sent to Europe as quickly as possible. In proportion to population Australia at one time had sent to the actual front more men than Great Britain itself, and far more than conscript Russia; but if many more workers left as soldiers it was believed, and with good reason, that their places would rapidly be filled with undesirable aliens. Indeed, a shipload of Maltese immigrants actually arrived at Australia; but when the fact was made known, owing to the force of public opinion, they were not allowed to land, but were sent on to Noumea.

PREMIER CONFIDENT OF WINNING.

So confident was the prime minister that conscription would be carried that he established in advance a number of military courts. Applications for exemption or time were summarily settled. In some cases a man was given a few weeks to sell off his farm or business and go into camp. They were exhorted by eloquent orators, most of whom were, fortunately, exempt through age or infirmity, to "let the crops rot on the ground and the wool grow on the sheep's backs." The conscientious objectors, who were really a small body, were foolishly and unfairly treated in these courts. The old argument of the mad bull seemed conclusive to the military mind.

These matters were just the first fruits of the military system, which threatened to be as severe in Australia as elsewhere. Whatever language it speaks, militarism is always militarism. The censor became a power in the land, with the result that the people were misinformed on the most vital issues. Newspapers had to submit all matter to the censor, and sometimes the most harmless papers appeared with whole columns blotted out. Before the referendum any intelligent discussion was regarded as unpatriotic, and anticonscriptionists had considerable difficulty in obtaining platforms even in municipal buildings. The war-precautions act gave the ministers practically absolute power. Never in its brief history had Australia experienced such a period of petty tyranny and futile autocracy. If the issue had not been so serious, this whole playing with militarism, which had no real relationship to the war, would have been ludicrous in the extreme.

A STEP TOWARD MILITARISM.

Australia had seen enough to know that conscription was the first fatal step toward militarism. The foundations of democracy were threatened. Many popular measures, such as universal franchise, arbitration courts for the settlement of industrial disputes, the minimum wage, the eight-hour day, the initiative and referendum—that had been won only after hard struggles—the people feared would be suspended, if not finally lost, under a military régime. The work of the country had to be kept going, but as the workers left for the front their places would have to be filled by cheap labor (as has happened already in other countries), something like the proposed drafting of men and boys for rural work in these States. Any protest would be regarded as a violation of military law. A white Australia policy would be no longer tenable. In some respects the Australian Commonwealth is the most democratic country in the world, and because of their faith in the cause of progress the people voted solidly against conscription. After the war, with the establishment of freer governments, the peoples of Europe, even the German people, as shown by recent popular resolutions, will, in all probability, put an end to compulsory military service.

The rise and fall of the prime minister, Mr. W. M. Hughes, is the most dramatic episode in Australian politics. As a result of his stand on conscription, he was repudiated by a majority of his own followers, and a new leader, Frank Tudor, elected. Though Mr. Hughes is still prime minister, he is no longer the great labor leader who created such a sensation in Great Britain, but depends for support on his old enemies, the Conservative Opposition.

It seems, if the United States too hastily commits itself to conscription, it will be torn by the same troubles and dissensions. Voluntarism has not failed in Australia or Canada, and with a scientific system of recruiting there seems no reason why it should fail in America. The danger is that the country will be overridden by the juggernaut of militarism and forced into conscription before voluntarism has been given a fair trial.

The name of Washington has been invoked by those favoring conscription, and yet he was president of the convention which framed our Constitution that reserves to the States the right to appoint the officers of the militia and of training it according to the discipline prescribed by Congress. Yet the War Department and General Staff would destroy this provision and establish on its ruins a compulsory military system more autocratic than ever Prussia dared to do.

But what is the Constitution to the General Staff?

During war times it is so easy to tread down the liberties of the people.

Let us not right at the beginning of this war make constitutional liberty the football for Congress or of any other power.

Let us not at the very threshold of this awful tragedy do what England did not do for more than a year, what Canada and Australia and New Zealand, all British Provinces, have not done to this day.

We are in the war, and I want to see it won, and won quickly, but, gentlemen, unwilling soldiers never won any war. Some of the speeches in this debate have been an insult to the volunteer soldiery of all our wars, and in the names of those brave volunteers who fought with Lee and Jackson and Johnson and Wheeler, on the southern side, and those who fought with Grant and Sherman and Sheridan, on the Union side, I resent it. In the names of those who followed the cause of freedom from Bunker Hill to Yorktown, who followed Jackson at New Orleans, and Taylor and Scott in Mexico, I resent this aspersion of their memories.

Mr. LUNN. Mr. Chairman, I yield 20 minutes to the gentleman from Alabama [Mr. OLIVER]. [Applause.]

Mr. OLIVER of Alabama. Mr. Chairman and gentlemen of the committee, I have very high regard for the distinguished gentleman from Alabama [Mr. BURNETT] who has just spoken, and it is somewhat embarrassing to question the facts of history so boldly asserted by him, although confessedly based largely on personal observations of his made when he was about 7 years of age. [Laughter.] A young historian indeed is this. [Laughter.] I heard once of an old lady who made claim to a memory worthy of note, but the remarkable achievement of the gentleman from Alabama in professing to recall with accuracy and recite with minuteness of detail impressions and recollections at the tender age of 7 far surpasses her claim of memory. [Laughter.]

The lady in question was a witness to prove the contents of a deed, claimed to have been executed more than 50 years before that date. She had not seen the paper since the date of its execution, yet she was able from having heard it read once to give a minute description of 700 acres of land, more or less, by Government numbers, starting with the northwest corner of the southeast corner of section 6, township 24, range 6 east, and so on through. When she finished, the opposing attorney, with the manner of a Chesterfield, politely remarked, "Aunt Nancy, you have a remarkable memory!" "Yes," she quickly replied, "so they all say, and I reckon it is so, for I don't think I have forgotten anything since I was 8 years old." "Can you tell us, then, what happened on the 14th day of July, 1846?" She hesitated for a moment only, and then inquiringly asked, "What hour of the day do you want me to speak of, sir?" [Laughter and applause.]

There were many great men living in those momentous times to which the gentleman from Alabama refers. Many of them have passed over the river, but some, God bless them, are with us still, and unfortunately for this our historian of tender years their recollections of those occurrences did not and do not now justify the conclusions announced by him in reference to the draft bills of 1862 and 1863, but the lessons they draw therefrom strongly argue for the selective draft bill now under consideration. If I read aright the messages of Jefferson Davis and Abraham Lincoln, the draft bills of 1862 and 1863, though not so well drawn as the selective-draft system we are now considering, were yet wise, sound, useful, and imperative.

I will later quote at some length, not only from the letters and messages of these great leaders, but also from Washington and Jefferson to show that the selective-draft system, based as it is on the fundamental idea of universal service, is not only just, democratic, and scientific but necessary.

We must not be deaf to the meaning of the messages of these great leaders, not heedless of their solemn warnings on this important subject. In passing, I wish to refer the distinguished gentleman, posing as a historian, to some living witnesses who were really actors in those stirring days from 1861 to 1865, and how remarkable to find that four of them, now Members of this Congress, three in the House and one in the Senate, are enthusiastic in their support of the selective draft as opposed to the volunteer system. [Applause.] I refer, of course, to those distinguished gentlemen from Alabama, North Carolina, Louisiana, and Maryland, respectively, Senator BANKHEAD, Maj. STEDMAN, Gen. ESTOPINAL, and "Uncle FRED" TALBOTT. [Applause.] Their reasons are well stated in a very recent interview from another distinguished Confederate veteran, the Hon. Hilary A. Herbert, whose vision and foresight in providing for the Navy, while Secretary, made possible the quick and decisive victory in the War with Spain. [Applause.] I beg to read you his interesting and informing interview.

I most heartily approve the announcement of Gen. George P. Harrison, commander in chief of the United Confederate Veterans, that the reunion in Washington will be held as usual, regardless of the war. There were some good men who thought that the reunion, while we were entering upon what might be a serious war, was inappropriate. Their opinions were worthy of consideration. Gen. Harrison took time and, after extended inquiries, decided that the veterans by a large majority believed as he did that the present was the time of all for the Confederates to go to Washington.

CONGRESSMEN NEED BACKBONE.

We think our tramp along Pennsylvania Avenue would put a little backbone into some of our Congressmen. I wish that this week had been set for our visit and next week for a similar visit by the Grand Army of the Republic. If only this could be so, I would venture to

say that in 10 days after the two visits were over the President's program would be enacted into law and the Congressmen on their way home to look after their food crops and their political fences.

[Applause.]

I have consulted with many veterans during my two months in Florida and two weeks in Alabama, and I have yet to find a single veteran suggesting that the President's program ought to be modified in any way. They think that Woodrow Wilson, who knows more than any of our Congressmen about how the battles were won and lost by American troops, has wisely consulted our military experts, and that these experts are up to date in their knowledge.

EXPERIENCE IN CIVIL WAR.

They do not believe that plans devised by our military experts for an army during war that is upon us, plans approved by President Wilson, can be improved upon in Congress. The Confederate veteran knows that during our war our regularly drilled troops, when in the enemy's country, always swept away home guards like chaff before the wind, and the experience of the Federal troops with our home guards was always precisely the same.

[Applause.]

Experience that sank into them and became knowledge of war has made, I venture to say, 99 per cent of Confederate and Union veterans favor the plans President Wilson is advocating. They know what drill and discipline can make of the average American soldier. Some men, of course, in every organization, whether volunteer or what not, prove to be cowards in battle, but these are few. The presumption is that 99 per cent of the American freemen, universal service once adopted, will make, when properly trained, first-class soldiers. Every veteran of our war knows that. But it seems that many modern Congressmen can not learn by observation.

[Applause.]

Mr. Chairman, there are some principles on which every Member of the House and every citizen of the country can and will agree.

The Nation is now engaged in a war, thought by every true American to be just, against an enemy shown to be ruthless and implacable. The United States must contribute its full share to crush that enemy or itself be overwhelmed and go with all other democracies down to destruction while autocratic government flourishes. For self-preservation, if for no other and higher motive, the whole country must conduct the war to success, and that means in modern times that the resources of the Nation must be fully spent until Prussian military autocracy is destroyed. We have no quarrel, as the President well says, with the German people themselves. [Applause.]

Let it not be forgotten that we are now at war with an enemy that has held at bay the combined armies and navies of the giant nations of Europe, outnumbering her in men, money, and munitions, and yet after three years not a battle has been fought on German soil, not a ship of her vast fleet, so long as it was content to remain safely housed in German harbors, has been sunk.

We have been forced into war with this dangerous and powerful antagonist. We have numbers, wealth, and size, but it is not so much a question of numbers, wealth, or size; but rather one of organization, efficiency, and preparation. Success involves the creation of the most efficient army possible, with due regard to the development of the equally important industrial resources, and that in turn means the distribution of the man power of the Nation in such way as to secure by coordination of effort the utmost power of offensive.

War is no longer a mere collision between armed forces, but largely a contest of economic resources. The man at the forge, in the factory, and above all the man with a hoe, is as much a soldier as the man with the gun and sword. [Applause.]

The Government can surely make a better disposition of the mighty and indispensable element of man power than would result from a promiscuous selection of their own share of the work made by volunteers. We must devise at the very beginning of this war some system that will provide a regular, orderly, and systematic supply of man power, when and where needed, whether in ranks at the battle front or in the equally important work of supplying food, clothing, and munitions. [Applause.]

The bill now before the House to increase temporarily the military establishment involves the selection of the men who shall serve in the fighting line and conversely the determination of those who shall remain in the ranks of productive industry.

The immediate question now under discussion, though in fact not presented by any report from the committee, as I will later show, is whether conscription or volunteering will better secure prompt and systematic distribution of the power of the Nation where it will assure victory, which must be won if the Nation is to endure; for we might as well recognize now that the life of the Nation is at stake. Although it seems self-evident that conscription is the wiser course to the desired end, yet every reason in a matter so important should be investigated, so that no one may hereafter be able justly to accuse this body of neglecting in this hour the high duty and solemn obligation imposed on it.

The selective draft, unquestionably, not only provides a regular and orderly flow of men when and where needed, but is founded upon that unchanging truth that on every man there rests a like duty to give life and property to the Nation in its hour of need. [Applause.] It recognizes that the call should not be alone to those gallant and courageous souls that always hasten to enlist at the first sign of danger, but that it should be to every able-bodied citizen capable of rendering full or even partial military service. [Applause.]

Americans share common privileges and a common destiny, and why should they not share common burdens and common duties? Who has assigned, who can assign, any just reason why the burdens of a nation at war should rest upon the shoulders of the volunteer alone? The right and the duty to defend the honor and the life of the Nation, to defend those sacred rights, those sacred principles and aspirations upon which the Nation rests is truly the obligation of all. And no mother's son should be allowed to make a sacrifice that every mother's son similarly circumstanced may not also be called to make. [Applause.]

The reasons given in support of this system are: The consensus of opinion by the military authorities of all times, the conclusions of the great statesmen of the country, an examination of the cost in money and men of a volunteer system, and a study of the conditions of the present war.

I am not unmindful that a great sentiment exists in favor of the volunteer, and, in view of the character of the men who have always thus offered their lives to their country, one may well feel those thrills that come for the brave. Yet a calmer view of the military history of our country favors the conclusion that those immortal and gallant souls have never had a fair deal and that their splendid efforts must be more wisely directed. They have been sacrificed in numbers out of all proportion to their duty, and the time has now come, I trust, when a policy so unjust and unfair will be ended in this country forever. [Applause.]

Napoleon, not to enter ancient history, found it necessary to establish conscription in France, and it still obtains there; Von Moltke approved it for Germany; all the military leaders, the men who have been called to positions in the general staff of the great armies of the world, now indorse enforced military service in war in one form or another.

The General Staff of our own Army regards it as necessary, and have laid their reasons frankly and fully before the Military Committee and, through them, before this body.

George Washington, speaking as the statesman of the Nation which he helped to form, and as the general of the Army, has expressed himself very forcibly against the militia-volunteer system—I repeat, against the system, not against the men who were its victims—and has given unqualified approval to the enforced draft. [Applause.]

In a letter on November 18, 1779, to the President of Congress he said:

In the more early stages of the contest, when men might have enlisted for the war, no man, as my whole conduct and the uniform tenor of my letters will evince, was ever more opposed to short enlistments than I was, and while there remained a prospect of obtaining recruits upon a permaneat footing in the first instance, as far as duty and a regard to my station would permit, I urged my sentiments in favor of it. But the prospect of keeping up an army by voluntary enlistments being changed, or at least standing on too precarious and uncertain a footing to depend on for the exigency of our affairs, I took the liberty in February, 1778, in a particular manner to lay before the Committee of Arrangement, then with the Army at Valley Forge, a plan for an annual draft as the surest and most certain, if not the only means left us, of maintaining the Army on a proper and respectable ground. And, more and more confirmed in propriety of this opinion by the intervention of a variety of circumstances unnecessary to detail, I again took the freedom of urging the plan to the committee of conference in January last; and, having reviewed it in every point of light and found it right, or at least the best that has occurred to me, I hope I shall be excused by Congress for offering it to them, and in time for carrying it into execution for the next year, if they should conceive it necessary for the States to complete their quotas of troops.

In May, 1780, he again wrote to a committee from Congress as follows:

Unless the principal part of the force be composed of men regularly organized, and on the continuance of whose services we can rely, nothing decisive can be attempted. The militia are too precarious a dependence to justify such an attempt, where they form a material part of the plan. Militia can not have the necessary habits nor the consistency, either for an assault or a siege. In employing them essentially we should run a risk of being abandoned in the most critical moments. The expense and the consumption of provisions and stores, which we are bound by every motive to economize, will be very considerably increased. As we should not be able to keep the same body in the field during the whole campaign, we should a great part of the time have a double set of men to pay and feed, those in actual service and those on the march to relieve them or returning home when relieved. The operations of husbandry will suffer in proportion.

The mode by draft is, I am persuaded, the only efficacious one to obtain men. It appears to me certain that it is the only one to obtain them in time; nor can the period which you have appointed for bringing them into the field be delayed without defeating the object. I

have little doubt that at any time, and much less at the present juncture, the powers of government exerted with confidence will be equal to the purpose of drafting. The hopes of the people, elevated by the prospects before them, will induce a cheerful compliance with this and all the other measures of vigor which have been recommended and which the exigency requires.

Later, on March 12, 1782, he wrote to James McHenry as follows:

It is idle at this late period of the war, when enthusiasm is cooled, if not done away, when the minds of that class of men who are proper subjects for soldiers are poisoned by the high bounties which have been given and the knowledge of the distresses of the Army so generally diffused through every State, to suppose that our battalions can be completed by voluntary enlistment. The attempt is vain, and we are only deceiving ourselves and injuring the cause by making the experiment. There is no other effectual method to get men suddenly but that of classing the people and compelling each class to furnish a recruit.

Had we formed a permanent army which had been capable of discipline, we should never have been compelled to retreat across the Delaware. We should not have remained all the next winter at their mercy if they had seen fit to march against us. We should not have suffered at Valley Forge.

Nor have all the ill effects been confined to the military line. The derangement of our finances is to be ascribed to it. The expenses of the war have been multiplied by it. We have had two sets of men to pay—the discharged men going out and the levies coming in. Our discipline has been much hurt if not ruined by such constant changes.

Regular troops alone are equal to the exigencies of modern war, and whenever a substitute is attempted it must prove ruinous.

No militia will ever acquire the habits necessary to resist a regular force.

No one doubts Washington's love of country nor the wisdom of his counsel, and he thus speaks to us through many letters and messages with remarkable clearness and force, urging the adoption of the selective draft. [Applause.]

Thomas Jefferson, the apostle of democracy, was in favor at first of a citizen soldiery. In 1801 he wrote:

For defense against invasion the Regular Army is as nothing, nor is it conceived needful or safe that a standing army should be kept up in time of peace. * * * The only force which can be ready at every point and competent to oppose an enemy is the body of neighboring citizens as formed into a militia.

He was likewise at first opposed to the establishment of the Military Academy at West Point and opposed to coast fortifications. Yet later, after the Battle of Bladensburg and the subsequent burning of public buildings at Washington, his attitude on these matters was entirely changed, and he expressed deep regret and sorrow that the plan submitted by Monroe, while acting Secretary of War, for compulsory military service had not been adopted. [Applause.] This plan sought to introduce in the United States Napoleon's method of classification by age and conscription, and when it failed of adoption Jefferson sent to Monroe the following note:

Nothing more wise or efficient could have been imagined than what you propose. It would have filled our ranks with Regulars, and that, too, by throwing a just share of the burden on the purses of those persons who are exempt either by age or office; it would have rendered our militia—a Nation of warriors. But the go-by seems to have been given to your proposition, and longer sufferance is necessary to force us to what is best. We seem equally incorrigible.

[Applause.]

In another letter to Monroe, he wrote:

We must train and classify the whole of our male citizens, and make military instruction a part of collegiate education. We can never be safe until this is done.

In a later letter to J. W. Eppes, a personal friend, he said:

I think the truth must now be obvious, that our people are too happy at home to enter into regular service and that we can not be defended but by making every citizen a soldier, as the Greeks and Romans, who had no standing army; and that in doing this, all must be marshaled, classed by their ages, and every service ascribed to its competent class.

The South, in April, 1862, adopted a conscription act, which, after allowing certain exemptions, required every man physically able, between the ages of 18 and 35, to serve in the Confederate Army. It is well to remember that the first rush of volunteers was then over, and the type fit to command had laid down their lives in large numbers in the ranks for the cause.

The first enlistments had been for 12 months, and the terms of service of many were expiring. Volunteers to take the places of the outgoing troops were coming in slowly, and there were but few reenlistments. The Government was thus forced to meet the issue squarely, and its able statesmen and military advisors promptly secured the adoption of the draft law. It had its faults, chief among them being the allowance of substitutes and some unjust exemptions, but even then it served well its purpose.

On this let me quote from no less an authority than Jefferson Davis, as follows:

The defense of home, family, and country is universally recognized as the paramount political duty of every member of society, and in a form of government where each citizen enjoys an equality of rights and privileges nothing can be more invidious than an unequal distribution of duties or obligations. No pursuit nor position should relieve anyone who is able to do actual duty from enrollment in the army unless his functions or services are more useful to the defense of his country in another sphere.

During the first year of the war the authority granted to the President to call for volunteers in the army for a short period was sufficient to secure all the military force which we could fit out and use advantageously. As it became evident that the contest would be long and severe, better measures of preparation were enacted.

I was authorized to call out and place in the military service for three years, unless the war should sooner end, all white men residents of the Confederate States between the ages of 18 and 35 years, and to continue those already in the field until three years from the date of their enlistment.

This was the first step toward placing the army in a permanent and efficient condition.

[Applause.]

In the year 1863 the leaders of the North likewise found that the volunteer system, with all of its bounties, failed to furnish the men needed to meet the staggering human wastage.

Lincoln, with his great clearness of vision, saw what was needed, and secured the enactment of the Federal draft act, and in a memorandum of his own said:

This is the first case in which the degree of effrontery has been ventured upon of denying a power which is plainly and distinctly written down in the Constitution.

The Constitution declares that "the Congress shall have power * * * to raise and support armies."

The whole scope of the conscription act is to raise and support armies. Shall we shrink from the necessary means to maintain our free government? * * * Are we degenerate? Has the manhood of our race run out?

[Applause.]

Thus we find that the four men who have wielded such great influence in framing the policies of the Nation have declared in favor of compulsory service. [Applause.]

The volunteer system in no war that our country has engaged in has supplied the number of men needed from time to time, and under a call for volunteers the response has always continued to grow less and less as time wore on, and from the standpoint of efficiency and economy it does not hold promise of success as compared with the more scientific method, now indorsed by all students of military tactics and policies. [Applause.]

It may be interesting in this connection to note that in the Revolution the total number of troops were 395,858. The greatest number we had at any one time was 89,000 in 1776, and it had steadily dwindled down to 29,000 in 1781. The British never had more than 42,000, and if the Army of 1776 had been retained until it was seasoned, and its officers experienced, who can doubt that success would have come to American arms much earlier, and without the suffering of Valley Forge and the horrible waste of men and money?

Upton, in his Military Policy, gives the cost of that war, exclusive of large bounties paid and provisions seized, at $370,000,000, and we were then a Nation of but 3,000,000 people.

The same conclusions as to the weakening effect of the volunteer system in failing to keep the ranks supplied with trained soldiers applies to the War of 1812, and likewise, as already shown, in the Civil War to the time of the passage of the draft acts of 1862 and 1863.

It is well to remember that under the volunteer system prevailing in the North during the Civil War more than $650,000,000 were spent in securing volunteers. The business of bounty agents and bounty jumpers was prosperous in those days, but this Congress will see that no system like this for raising an army can ever prevail again in this Nation of ours. [Applause.]

What our allies now need, even more than they do the armies we will raise and make ready, is the use of our money, our food, our munitions, our industrial resources throughout the land, and it is of just as great importance that the Government should say who shall stay and work as it is to select those who shall have the burden and the honor of camp and battle. [Applause.]

The true American, whether he goes as a volunteer or in response to his country's call under a system providing for universal service, will, we may be sure, do his full duty, and it is for us to legislate wisely on his behalf that the great army, those on the battle front, as well as those giving their best to provide for them, shall be as efficient as forethought can make it, that those who return may say "our country did its best once more for freedom."

The selective-draft system, which the House will be called to vote on, has the unanimous indorsement of every member of the distinguished Committee on Military Affairs, and the only difference between the majority and minority reports of this committee is whether the President in the raising of a new army shall be authorized, not directed or required, to call for volunteers, pending the time found necessary to enroll those liable for national service under the selective-draft system.

The committee are agreed as to all other provisions of the bill as reported, and while allusion has been made to certain differences between the House bill as reported and the bill originally recommended by the General Staff of the Army, yet those differences are not really pertinent or germane to the discussion of the bill now before the House. All seem to be agreed that the minimum age should be 21 instead of 19, and my information is that the War Department is really not opposed to this, but the real difference seems to center on the one question just pointed out, namely, whether the President shall be authorized, not required, to call for volunteers for the new army.

Let me now say to those gentlemen, who have paid such beautiful, deserving, and eloquent tribute to the immortal volunteers, that those are sentiments to which all gladly subscribe. No one, I trust, will ever seek to detract one iota from the valor and patriotism of the brave volunteer. But may I ask in all sincerity whether the majority feel that their report provides a system that really does honor to the splendid tributes paid the volunteer? Have you provided for and preserved a volunteer system in keeping with your claim as to the willingness of men to volunteer and serve in numbers larger than the Nation needs? Why, no! You have coupled it with a draft. And what more? Why the distinguished chairman, for whom I entertain high and affectionate regard, in his opening statement substantially said:

I wish to correct some misrepresentations as to what the majority report recommends. It has been said that we are not standing by the Commander in Chief of the Army and Navy. Nothing is more incorrect, for, said he, we have not directed that the President shall call for volunteers, but simply authorized him to do so. We have given to him absolute authority, exercisable in his discretion, to put into effect the selective-draft system provided for in the bill.

I wonder how those who favor a volunteer system will feel when they find that their so-called friends have, in truth, provided in this bill for no volunteer system, though strongly commending such a system in their speeches and asserting that it would readily and promptly supply all the men needed. [Applause.]

Instead they propose only an authorization to the President to call for volunteers, and the President is vested with absolute power to put the selective-draft system in effect when, in his judgment, it is expedient or necessary.

The President has been very frank with the committee and Congress on this subject, and in a way that can not be misunderstood, for he has declared unequivocally that, in his judgment, the volunteer system should not be employed to raise the new army, and has strongly urged the selective-draft system for that purpose. Can there be doubt as to the President exercising the discretionary power given him by this bill to make effective the selective draft? Why, he has actually served notice that he will, and in doing so he will be simply giving effect to the opinions of all the Government's military advisors. [Applause.]

So in this bill you say to the President, in effect, "It is true you have said that the select-draft system should alone be adopted in raising the new army, but we just want you to say it again, and this bill clothes you with full authority to do so." [Applause.]

May I not respectfully suggest that this has too much the appearance of shifting a solemn responsibility? [Applause.]

Then, again, let us assume that the bill could pass with the dual system as outlined—what would be urged as the compelling force to secure volunteers thereunder if the President should call for volunteers? Unquestionably, all within military age would at once be told to volunteer now or you will be drafted, for your name is being enrolled, and as soon as the roll is complete the President will withdraw the call for volunteers and make effective the selective-draft system. Would he who then answered be really a volunteer?

Let the selective-draft system, however, be put in force at once, and let all who come within its provisions feel that they are rendering a national service by promptly registering their names and holding themselves in readiness thereafter to go where and when the Nation calls. They who thus respond will be true and brave patriots and deserving of the highest encomiums of their countrymen. [Applause.]

In conclusion let me say we have fought wars in the past for the cause of liberty and humanity, and for these same high purposes we are now entering upon a new war. War is never new in one sense; it brings with it the same horrors, the same losses in fortune and sorrow to the homes; it entails the same sacrifice of life and of those dearer than life, and we may well cry out because this woe has been thrust upon us. But our ancestors made the same sacrifice to secure the liberty of this land, the right to have a government of the people, for the people, and by the people, and to overturn the divine right of kings to plunge the world into war or to inspire fear of their word. And it is not for us at this time, when Prussianism is imposing itself upon the whole civilized world, to forget our ideals, to forego our American birthright or to fear or even hesitate to bear our part, as American men and women in the past have ever done, worthily.

Once more we are fighting for freedom, with no material gain in return for the cost, but the maintenance of pure democracy and the establishment of permanent peace throughout the world. The military aristocracy of Prussia is a menace to the freedom of all nations and must and will be overthrown. [Applause.]

Mr. LUNN. Mr. Chairman, I yield 15 minutes to the gentleman from New Jersey [Mr. PARKER].

The CHAIRMAN. The gentleman from New Jersey is recognized for 15 minutes.

AMERICA; LOYAL AND UNITED.

Mr. PARKER of New Jersey. Mr. Chairman and gentlemen, tribute has been paid to the temper and patriotism of this House. Tribute should likewise be paid to the loyalty of Americans all over this country, and especially to the many whom I know, of German descent or German birth, who were opposed to a declaration of war, sympathizing as between the belligerents with the central powers, and who yet since the declaration of war have written, spoken, and worked for national preparedness in this great crisis of the Nation. I know one, a physician and surgeon of the highest rank, who is ready to give up his large income to go and help the Government, and who was distressed when he found he was beyond the legal age.

MUST TRAIN AFTER WAR IS BEGUN.

I pay this tribute first. We are all Americans, and we stand for preparedness in this emergency. We have to meet a great war. We want to raise an army. If our people had been trained, armed, equipped, and furnished with officers we could simply call out an army. But we can not do that now. We must equip and train and officer the people in midst of this war, and do it so as to have, in the words of the gentleman from Kentucky [Mr. SHERLEY], an efficient fighting force.

I remember how we called for volunteers at the beginning of the Civil War. I remember in the later call, when real volunteers went out in 1862, before the bounty system came in, how my friend of 16, when I was 14, left my side at school, went to the war, and came back at 18 a lieutenant in command of a company, marching with Sherman's troops through Washington. That man afterwards became governor of New Jersey.

That man and many others as young proved to us then that the country needs and depends on the young in time of war. Probably we ought to amend the Army bill so that those who are accepted as fit to fight shall be deemed fit to take a commission. They can not do it now before they are 21. But that is perhaps not properly for this bill.

The Military Establishment is to be increased, trained, armed, and officered. They must be trained.

EXPAND THE REGULAR ARMY AND NATIONAL GUARD.

If we call troops in this war and send them out untrained, as we did against the untrained troops of the South—if we send such raw levies abroad to meet the new conditions of this war it will be simply murder. We must have some other system. Now we have a better system. Our first line is the Regular Army. In the Civil War that little Regular Army was depleted of its officers and got few enlistments, so that it was hard to keep it up even to an ordinary size. It did its duty well all through, but it did not count much, because it was so small, although Sykes's Regulars saved Gettysburg.

We have changed all that. I had the honor—and I feel proud of the fact—to have introduced the first bill allowing each company of the Regular Army to be doubled in time of war. That bill was not passed then, but during the Spanish War we passed that proposition. (Act Apr. 26, 1898, sec. 2.)

I sometimes wish that we had passed the other section of my bill which allowed the Regular Army to be recruited by localities and to bear upon the banners of its regiments the legend: "Recruited in such and such a State," so that the men once recruited would not dare desert because they dared not go home to a State that would be proud of its own regiment.

Our Regular Army can now be expanded under the national defense act; 150,000 men can be added to our Army, which lately was only about 62,000, but is now 137,000 men. With 150,000 more it will be 287,000 men. There is where we want recruits first, because they can be trained quickest there, with good officers and good equipment; good noncommissioned officers and comrades who can teach them their work within three months with intensive training.

WILL VOLUNTEERING BE SUFFICIENT?

That training can not be given in less than double that time in the National Guard, even in the forces that have been on the border. It will take one or two years with the new 500,000 who are to be called out by this bill. The Regular Army of nearly 300,000 men can be first put in the field—if we can get the men. We need that first corps. Will the people enlist by the volunteer system in the Regular Army to the number of 150,000 more? Our experience does not seem to promise it.

The gentleman from Kansas [Mr. ANTHONY] has put in the hearings, on page 26, a statement from a Topeka paper that the Topekans are ready to enlist to go to Europe right away to fight, but they will not go into the Regular Army for training.

NOTE.—The following is the reference just made:

Mr. ANTHONY. I have a newspaper from home, the Topeka Capital, and I want to read to you the headlines, as coming direct from the people:

"Topekans would go to war only as 'volunteers.' While Army and Navy recruiting offices are swamped with applications, they are not for the 'Regulars.' Desire to see actual fighting. Not a single recruit for the Navy, because for long-term enlistments. Five for the Army."

Then I want to read from the first paragraph:

"The local Army and Navy recruiting offices were swamped with applicants to enlist as volunteers in the first American overseas army to be sent to France in case of actual warfare on Germany, yesterday, although not a single man offered to enlist in the United States Navy for the four-year enlistment and only five offered their services to the Army. All day yesterday the applicants filed into the recruiting offices. At noon a line of men extended from the recruiting desk into the street. It was composed mainly of workingmen, machinists, laborers, and scores of clerks. They were eager to go to France, but refused absolutely to enlist in the Regular Army without some definite enlistment provision which guaranteed their being sent to Europe to fight the Germans. The applicants who wanted places as volunteers all appeared to be desirous of fighting, and it was not because of their lack of patriotism that they refused to join under some other line of service. They declared they wanted to be in the midst of the trouble while it was going on, and to be discharged when it was over. As President Wilson has issued no call for volunteers the local Army recruiting officers could not accommodate the would-be recruits. One young man came from Manhattan yesterday to join as a volunteer. He appeared very much disappointed when the officer told him he could not be received unless he joined as a 'Regular.'"

But all the national forces provided for in this bill must first be trained and its provisions are all for training. The 500,000 must stay here at least a year before they do much else. The National Guard is now having trouble about its enlistments. If the Guard were promptly increased to the full war force they might go in a short time. The Regular Army, if increased right away, might go, and might go promptly with men and officers to find out and practice the conditions of foreign warfare in the field and be able to send trained officers home and teach the rest.

During the Civil War it took us three or four years to find out that we must not form new units, but have recruiting stations and fill up the old units, and that a veteran regiment was worth three green regiments. We must fill up existing forces.

We must learn this lesson now at the beginning and not at the end. Our first line is the Regulars. Our second line is the National Guard. Our third line consists of men in training camps, and back of the Regulars and the National Guard will be a camp of 100,000 for recruiting Regulars and another of probably 150,000 for recruiting the National Guard. The question is whether all these men can be provided immediately by the volunteer system. They are not going to the front right away. Is it true, as stated in the Topeka newspaper, that nobody can be got to volunteer unless they think they are going to the front, as New Jersey regiments in 1862 went out so as to get into the Battle of Antietam within two weeks after they had left their homes—boys who knew nothing about war. We can not let this be done now.

CIVIL WAR EXPERIENCE; VOLUNTEERING AND THE DRAFT.

This bill provides how these forces are to be raised. I am glad that we should try in the Regulars and the National Guard to recruit them by volunteering. It is doubtful whether we can. The adjutant generals think new regiments and new units can be had. They do not say whether we can fill up the Regulars or the National Guard. Experience will decide. But we want an army right away, and we must get the men by enforcing the universal obligation of the citizen in such a crisis as this. We have never tried this method fairly. During the first year and a quarter of the Civil War there were plenty of volunteers. In the summer of 1862 we did not get enough. Our great President drafted the militia for nine months, and ninth months' regiments went out. In September or October, 1862, we still sent regiments which were real volunteer regiments, who went for patriotism and not for bounty. But in March, 1863, before they came back, the first so-called conscription act was passed. That act, however, provided that any man who was drafted could pay $300 and be excused, or could find a substitute. The money provision did not work, and in July, 1864, a new act omitted that provision, but allowed the drafted man to find a substitute, and in both those acts there was no draft if the district filled its quota by volunteering. That is what some men ask us to do now, to try volunteering and the draft together. The result was disastrous. While many good men accepted the bounty and volunteered, others were not of that class. Towns, counties, districts, and States bought hirelings, citizens or not citizens; and instead of the draft being a call upon the citizen to do his duty to his country, it was simply a suggestion that somebody should be bought to go in his place. Local and State bounties ran up to $1,500. There were bounty brokers and bounty jumpers. They tell us that all the forces of the Union except about 60,000 were got by volunteering, but it was largely by that sort of volunteering, a volunteering that sent men to the old regiments whom the older men would hardly associate with because they were hirelings and "cared not for the sheep."

Real conscription is a different thing. I do not like the word, but if there is no buying of a substitute and no bounty, and you or I or anyone else is asked to do, not jury duty but military duty for his country, he will do his duty as a man. But if he is allowed to say, "I can hire somebody else," a different service will result.

But, Mr. Chairman and gentlemen, what we need now is speed. We can talk as we please about the great exigencies of the Civil War. The exigency was no greater then than it is now. What are they doing in Russia? What is going on on the western front? You may ask the condition of food supplies in Italy and England; yes; and here, too. The people do not realize that we are in the presence of war, and that our defense now, whatever it was three weeks ago, lies on the lines in France where support may have to be given, where the French now say they are out of men, and that they need reinforcements.

In 1863, when the governor of New Jersey asked President Lincoln to postpone the draft so that he could raise men, the President wrote back: "For 20 or possibly 30 days." And when Gov. Seymour asked that the draft should be postponed until the constitutionality of the law should be decided, President Lincoln replied:

I do not object to abide a decision of the United States Supreme Court, or of the judges thereof, on the constitutionality of the draft law. In fact, I should be willing to facilitate the obtaining of it, but I can not consent to lose the time while it is being obtained. We are contending with an enemy, who, as I understand, drives every able-bodied man he can reach into his ranks, very much as a butcher drives bullocks into a slaughter pen. No time is wasted, no argument is used. This produces an army which will soon turn upon our now victorious soldiers, already in the field, if they shall not be sustained by recruits as they should be. It produces an army with a rapidity not to be matched on our side, if we first waste time to reexperiment with the volunteer system already deemed by Congress, and palpably, in fact, so far exhausted as to be inadequate, and then more time to obtain a court decision as to whether a law is constitutional which requires a part of those not now in the service to go to the aid of those who are already in it, and still more time to determine with absolute certainty that we get those who are to go in the precisely legal proportion to those who are not to go. My purpose is to be in my action just and constitutional, and yet practical, in performing the important duty with which I am charged, of maintaining the unity and the free principles of our common country.

Your obedient servant, A. LINCOLN.

[Applause.]

THE QUESTION OF AGE.

This bill also is attacked on matters of detail. It is objected that the young are asked for. Well, if they were volunteers, they would be the young. If the country wants men who usually are not wedded and who have no dependents, it will take the young. If it wants men who have not made their way in the trades and professions, and are not essential there, take the young. If it wants to follow the example of every Government over the world in military training, take the young. Our policy now is to train an army, for we can not send it out when it is not trained. If this Congress wants to follow our own precedents, I believe it was in 1792 that we passed a militia act, in the administration of George Washington, which made it necessary to enroll every man from 18 to 45 in the militia for the purpose of suppressing insurrection or repelling invasion; and George Washington called out that militia, consisting largely of boys of 18, to go and put down the Shay rebellion. If you want precedent for a call of the people, well and good. If you want to excuse certain classes, well and good. I do not much admire the wheel with its draft. It is luck. It is a better idea that they have abroad of saying that every citizen is liable, and all are enrolled. Then they call out classes by age, beginning first at 20 and 21 and 22, and going up, I believe, to 35 if unmarried, and going down then to 19 and 18, and then taking the married and those who are otherwise excused. A universal obligation of that sort is better.

The CHAIRMAN. The time of the gentleman has expired.

Mr. PARKER of New Jersey. May I ask for five minutes more?

Mr. LUNN. I yield to the gentleman five minutes more.

MODERN WARFARE—THE ATTACK.

Mr. PARKER of New Jersey. We are to meet modern warfare, of which our Army knows nothing, officers as well. To understand modern warfare you must go to a field in France and see before you an open plain, with aeroplanes flying over it taking photographs, showing lines on lines of the enemy trenches, in a little film which is enlarged upon a screen, new photographs being taken day by day to see what new work has been done. The enlarged photograph is plotted into squares and put into maps, which are given to the artillery. Over that plain are barbed-wire entanglements made of quarter-inch square iron and steel rods, and trenches, and those are blown up by trench mortars, throwing bombs of high explosives from 13 inches down to 3 inches in diameter, with a stick fastened to the bomb which goes into a small mortar. Wings are attached to feather the bomb, so that it falls on its head and explodes. After that has been done the attack forms, such an attack as no army has ever seen before, with such a coordination of artillery and aeroplanes and men. The front line of men, 5 yards apart, in skirmish line, carry nothing but grenades so arranged that when they are thrown the fuse is lighted by a spring and the grenade explodes seven seconds afterwards. One out of every 8 or 10 men has an automatic gun firing 20 or 30 shots, and he is followed on either side by a man carrying ammunition. Back 10 yards is another line of men scattered in the same way—none close to one another—another line carrying rifles, and on each rifle is a basket holding a rifle grenade. When the rifle is fired the bullet goes through a hole in the grenade, the gases light the fuse, throwing the grenade 200 yards, and it goes off in the same way.

In the third line are trench cleaners who carry only bayonets, pistols, and grenades to clean out the trenches when they get there.

I get this not from the books but from a man who has seen it. They train and practice in camps near the front where they can have the man from the trenches to tell them what to do.

[Here the hammer fell, and under leave to extend, Mr. PARKER submits the following:]

These three lines constitute the first wave, and 100 yards or so behind follows the second wave, composed of skirmishers carrying rifles, in two lines.

Some 200 yards behind them are the reserves in line of squad columns; that is to say, the squad of 12 to 16 men is put in file and the other squads of the same company in like files, with other companies in columns of squads in the same order alongside of them.

All this makes the attacking force which is preceded at a distance of about 100 yards, or as near as is consistent with safety, by a curtain or barrage of bursting shrapnel, thrown by the light artillery, which is a kilo or two behind. The whole force advances at a slow pace of 50 meters to the minute, and the curtain of fire advances in the same way. Meanwhile, other artillery are bombarding the position which is to be captured, and the enemy's heavy artillery in the rear is attacked by the big guns, which are also a good way back of the attacking party.

All this attack is taken care of by aeros, which are either infantry aeros, artillery aeros, or battle aeros. There is a fourth class composed of large, slow machines for throwing bombs, but they are not generally used with this sort of attack. The infantry and artillery aeros are of medium size and speed and carry a pilot and an observer, as well as one or two machine guns, which are used if necessary. The battle aeros are of the very smallest and swiftest kind, carrying but one man, at great speed, which, in the Nieuport, is about 160 kilos an hour and in the new Spad about 200. New ones are being tried that may be even faster.

In the attack the infantry aeros are with the troops. They may go to a distance to find out what the enemy is doing, but they circle about and return to the line of attack, so as to keep the infantry informed as to what is before them and in touch with the troops alongside. They give ordinary signals by light balls, somewhat like a Roman candle but much brighter, so as to be seen by day, and the number of balls, according to no fixed rule, but as agreed, will signal to stop, or advance, or stop and wait till you get in touch, or other information as arranged. If they wish to give a more complicated message, as for instance, that the enemy is in force at a certain place, they will fly low over the troops and drop a letter attached to a red flag to the infantry. In one battle such a message enabled the attack to surround and capture the defending forces.

Communication with the commanding officer from the attacking lines is a matter of some difficulty. It is done by telephone, when the wires are not cut by the artillery fire, or it may be by flags, flashes, or other signals, or it may be impossible except by messenger.

Artillery aeros are more independent. They go forward over the enemy's lines, as well as they can safely. After observing they communicate with their own artillery by wireless. The country is all mapped into squares, and they signal that the fire is going beyond or short of a certain square, that part of the curtain of fire needs to be advanced, that an enemy's battery has just opened or has been put out of business, or as the case may be.

The battle aeros are the lightest and swiftest of all and carry only one man. The gun is fixed to the aero and points directly forward. With the French it used to be the Lewis gun, and fired above the propeller, but this was found inconvenient to reload and not a very firm or good position, and a Vickers-Maxim gun was adopted, which is heavier and fires through the circle of the propeller, being so arranged that when the operator pulls the trigger it only goes off after the propeller blade has passed the line of fire. They were changing the Lewis gun to the Vickers gun when somebody suggested that they might have both, and some do carry both. The Lewis only fires a small number of shots, but the Vickers will fire 250, or even 500, one after every revolution of the propeller, which is often 1,200 to the minute. The attack of these small machines is direct, as they can only shoot in the direction that they are going.

Specimens of all these various aeros and other machinery have got to this country, but it would take us a year or so to duplicate the wonderful engines they carry, except that one of the best is about to be made here.

Each sort of aero needs different management and schooling. Some of our Americans already understand it. We have Americans abroad that understand all sorts of aeros, and I hope more will go for instruction. Some raiding is done by night, but it is so easy to light up No Man's Land at night that it is usually only patrolled by listeners, who give the signal if any attack is attempted.

In a book called "Germany Within the Lines," by Swope, the section as to air battle is interesting. The most successful German fighter did not do any diving, but relied on superior speed to enable him to get behind his enemy and follow him up until he shot him down. What is perhaps most thrilling is the speed with which the corkscrew descent or vrille is performed.

AFTER TRAINING HERE FINAL SCHOOLING MUST BE AT THE FRONT.

All this is modern warfare. It can be learned only where it is carried on. The weapons and their use and their coordination are all new. We must make those weapons, be it grenades, heavy field guns, trench mortars, rifle grenades, air planes of the best and their attachments. Their use needs special training.

The English send officers on "Cook's tours" to the front for a few months to learn this warfare. The French give the command of their new regiments to officers who are convalescing from wounds or sickness. Both nations maintain camps near the front where the troops spend their last few months of training in practicing the modern warfare, and especially the attack, or, as the English call it, the "show." There are grenade and bombing schools and machine-gun schools. Warfare has been revolutionized. War is the only school of war. We must train our troops with speed, and send the best where they can become veterans and come and teach the rest. The war is upon us. Let us stand up to it as men, and let deeds, not words, speak for us. The lines of the national defense are the battle lines of France.

Mr. LUNN. Mr. Chairman, I yield 25 minutes to the gentleman from Pennsylvania [Mr. MORIN].

Mr. MORIN. Mr. Chairman, Polonius, speaking to Laertes, gave him some words of advice by which we might all to-day profit. The words are these: "Beware of entrance to a quarrel, but, being in, bear 't that the opposed may beware of thee." None of us like war, none of us have sought war, but being in, it is our imperative duty to so bear it that our opponents may beware of us. Therefore, it is incumbent upon us as legislators to enact such laws as will provide for the country, in the quickest time possible, the best and most effective force that can be procured in order that we may prosecute this war to a speedy and successful conclusion.

This committee may make the maximum of the selective-draft provision any age it sees fit, but I am opposed to conscripting minors—boys under 21 years of age—for foreign military service. I should not oppose in ordinary times the compulsory military service of youth of this age under regulations which have been found to be desirable in foreign countries, because I can imagine conditions arising out of post-bellum necessities under which it would be expedient to have reserves of well-trained and effective military forces amply equipped with the arms and munitions of war. But we are facing a different condition to-day, Mr. Chairman. The most effective fighting

male unit is a free agent. Some men fight naturally from love of fighting. Alexanders and Napoleons in embryo are rare, thank God, in a country enjoying the blessings of free institutions. Some men fight for love of their own country; others from hate or resentment due to injuries from the people of other countries. But sentiments of patriotism in actual warfare are soon merged into the mere lust of killing. Manslaughter is man's work, or perhaps I should rather say the devil's work; and manslaughter is no child's game. A boy under 21 is still a child in the eye of the law. There is a physiological and psychological reason for this age limit, which at 21 gives an American youth the ballot and relieves him from parental control. Until a boy's muscles are hardened into the bone and sinew of manhood his mind is generally plastic, susceptible, full of vain fancies and immature impressions.

Mr. Chairman, I grant you that the experiences of our Civil War will show in its closing year whole regiments made up of beardless youths, led sometimes by captains in their teens; but this fact proves nothing except the folly of forcing the youth of our land under 21 into the greatest war in history—a war waged in foreign lands, under conditions which do not characterize the end of the Civil War at home in any way analogous. In 1864 and 1865 the women of the Confederacy as well as the mothers of the North sacrificed what was left to them upon the altar of their country. It was a last supreme sacrifice. It was made in defense of invaded homes; it was made to settle purely domestic problems and grievances. When Judah and Benjamin had died for such ideals, the god of war, and many times the angel of death, demanded and took Joseph. And in how many homes of this country half a century ago, Mr. Chairman, went up the cry of David, "Would God I had died for thee, O Absalom, my son, my son!"

The youth of this free country are its most cherished and prized possessions. Boy or girl, they are equal in mind, body, or estate to the flower of any country on God's footstool. Indeed, I go further; I claim for them a greater heritage, a diviner essence, a certain pure bloom and fragrance—and here I speak of our boys and girls—which distinguish them, in quality at least, from the youth of the Old World. I would not labor this point. I would not detract from the luster of those examples of young manhood who have given the last measure of their devotion to their beloved country. But other countries, other customs. Europe has its human canons, standards, privileges, and immunities which have not yet become the fixed possessions of the youth of America. After nearly three years of fratricidal war human life is less sacred. After fighting side by side with savages from every continent and island of his far-flung possessions, do you think the English lad is the same to-day as he was in 1913?

And this consideration aside for a moment, Mr. Chairman and members of this Committee, do you know that the morals of the European boy, no matter how carefully bred, are different from standards set up and exacted in American homes by American parents in our God-fearing communities. Woman is differently regarded over there among the masses of the people. This is evidenced by the literature of continental countries, by the newspapers and periodicals and their illustrations, in which the relations of the two sexes are treated in the grossest and, to our thinking, their most objectionable light. Coeducation after a certain age is entirely unknown in Europe, therefore the free and friendly association of their youth is impossible. Do we want our boys to be sent to Europe to acquire those ideals and manners? Yet how shall an impressionable boy under 21, away from his home, exposed to the subtle influences, the talk of the trench, the jest of the barracks, the daily and nightly contact with the soldiers of these warring countries—how, I ask, shall he escape contamination?

I am speaking now of moral influences. We have in this country such an observance as the Christian Sabbath. To the continental soldier all days look alike. To the continental soldier, especially in this hell of war, there are no saints' days, no saints, nor sacred things. To kill is their trade, and, in the intervals of manslaughter, in their brief furloughs, when they are turned loose in Paris or London, the lusts of the flesh are the gods of their idolatry.

For this worship they must pay, and they do pay. Is it nothing to the mothers and sisters of this country that these boys should return to them, if they return at all, or if unmaimed, unmutilated, in the possession of all their senses, is it nothing, I ask, that they return hopelessly changed. Whither has fled the pure and candid soul, the unsullied mind which once naturally sought communion with the mother's heart? And what of the body? Above and beyond wound inflicted by bayonet, bursting shell or shrapnel, the deadly microbe of the infected trench, the contagion of tuberculosis, tetanus, gas gangrene, typhus, diseases of the ear caused by shell shot, new and tropical diseases of the eye caused by contact with imported mercenaries from Africa, maladies of the brain, in their manifestation horrible to contemplate. Beyond all these, the inevitable sequence of a war is the deadly corruption of the bodies of our youth. Better that they should die abroad than bring to thousands of innocent homes the loathsome contagion of the so-called military diseases.

This, Mr. Chairman, is the reason, involving moral issues, fraught with physical consequences, impairing the future manhood of this country, why I opposed in the Committee on Military Affairs drafting of boys under 21 into foreign military service. Against the enactment of this legislation I enter my solemn protest in the names of the fathers and mothers of this country. But Members will say it is no wise certain that the Commander in Chief of the Army, having conscripted these boys, will order them into foreign service. Or Members may say that the service itself is not so corrupting as I have painted. As to the first contention, there is in my mind no question whatever. If the boys are drafted, they will be sent, and they will go, and they will fight with the same valor and heroism with which the American boy has always distinguished himself. That is what we are raising this army for, to augment the wasted ranks of our new allies.

Let no Member deceive himself and say that the mere appropriation of billions of money and the arming and training of more than a million of men will be our only part in this awful conflict, that the war itself will end by the surrender of Germany to our vast mobilization of men and money. We do not know whether our entering will shorten this war or not. Even if our allies had otherwise been willing to yield rather than to fight through another winter, does anyone within the sound of my voice expect that such counsel would prevail when more than a million of fighting men in the very prime of vigorous manhood, armed with the most deadly weapons in the greatest profusion stood ready in the spring of 1918 to rush to their aid? Let us use our common sense, reversing the position. Would this country lay down its arms under such circumstances? No; it would hold out to the last ditch and the last man in the ditch.

Therefore if you conscript these 2,000,000 boys under the age of 21, those who are drawn, in a year from now will be either in the trenches of France, Belgium, on the Rhine, or in Germany itself.

But a Member says that you exaggerate the moral detriment of war to the magnificent, well-bred youth of America. They will resist the contagion. They will escape the contaminations. They will come back to us as they did after the Civil War and after our War with Spain—those who do come back—with renewed souls, with greater inspirations to serve their country in the peaceful walks of life. Ah, Mr. Chairman, those who lay this flattering unction to their souls forget that this is a war unlike any conflict which has preceded it since the door of Janus was opened wide.

Battles are not fought to-day over wide spaces by infantry and cavalry, by charge and countercharge, in open and spectacular combat. They are fought by cavemen in caves, the most deadly foe is not the opposing soldier, but his disemboweling mortar and hand grenade. Hardly less fatal, as I have said, are the trench diseases, where the soldier fights rats and other vermin, which breed the diseases I have enumerated.

An American writer, Robert Herrick, in an article written for the New York Times, recently admitted substantially, with respect to the French soldier, all the perils with which I have environed the youth of America if you send them into the same death zones. In substance Herrick claims that not even the most refined and most educated, the flower of the French youth, has been able to resist these unprecedented temptations. He enumerated tuberculosis and innumerable diseases as the great enemies against which the French soldier is daily fighting a losing battle.

I was honored to-day by a visit to my office of the distinguished American, Archbishop John Ireland, of St. Paul, a man who stands in the forefront among men whose judgment is sought on all matters pertaining to the welfare of state, and whose loyalty and patriotism to this country was proven by long service during the Civil War. He urged that all true, patriotic Americans should stand unitedly in support of the President in this crisis. He stated that he favors the selective draft as the most just and equitable plan for raising an army. He said his experiences in the Civil War, in which he served as chaplain of Volunteers, had convinced him that if the draft had been resorted to in the very beginning the war would have been of shorter duration. He also said:

Under no circumstances should we draft the boys under the age of 21. They are not yet fully developed physically, morally, or mentally. They are not able to withstand the hardships incident to an army life.

He then told of many instances where he would be going down the lines and see some young boy staggering along under a load too heavy for his shoulders. How he would get off his horse, place the lad thereon, and himself fall into the ranks. In concluding his conversation he stated that he could tell many reasons why he favored the plan of the selective draft, but the simple instance showed more clearly than many words why no boy should ever be in the ranks of an army so long as there are men capable of taking up arms and bearing them.

Mr. Chairman, since the beginning of this controversy over the question of the conscription of our boys I have received several hundred letters. Many of these communications were from men of prominence in our schools and colleges, others were from men who stand high in the ranks of our business world, still more were from mothers and fathers, but they all evidenced the keenest interest in the future manhood of America, and at the same time were characterized by the greatest concern for the welfare of our country. I would like to read a few of these letters at this time.

The first is from a noted educator in my home town, Pittsburgh:

PITTSBURGH, PA., *April 16, 1917.*

Hon. JOHN M. MORIN,
Washington, D. C.

DEAR MR. MORIN: As president of the Pittsburgh Principals' Club, I have been making a canvass of the principals of the several high schools of our city and of a number of the leading principals of the elementary schools, and find the sentiment quite general in favor of standing by the President in his plans for raising an army, but we are of the opinion that 19 is too young to enlist our boys. Better have it 21 or 22. We would be willing to have them go at 19 were it necessary, but as that is not the case, why not give them two or three years more to complete their education, develop their full strength, and fix their habits before exposing them to the allurements of the Army camp or the possible hardships of the battle field?

We all feel like falling in line with the President's recommendations; we don't wish to create dissensions, but we do wish to make an earnest appeal to have the age limit for conscription raised if it is not incompatible with the public good.

Yours, very truly, A. C. GORDON.

The following two letters are from men connected with large business corporations:

PITTSBURGH, PA., *April 10, 1917.*

Hon. JOHN M. MORIN,
House of Representatives, Washington, D. C.

DEAR SIR: I hope you will use your influence and vote to prevent the forcing of boys under 21 years of age into the Army by conscription or otherwise or allowing boys under 21 years of age to volunteer without full consent of their parents or guardians.

I do not think that it is right that the Government should take boys under 21 out of high schools and their freshmen and sophomore years in college, when they are just planning their life's work under good influences, and force them into the Army to mix with all kinds of men for a long period, even if they never do any actual fighting. It will mean the ruining of thousands of boys. Boys at that age are patriotic, and are carried with college spirit and enthusiasm, but that is no reason why they should be shoved out to do the fighting for the men. Let the voting population of the United States bear the burden, not the children. Their time will come soon enough.

Yours, very truly, H. C. MCKEE.

SWISSVALE, PA., *April 11, 1917.*

Hon. JOHN MORIN,
House of Representatives, Washington, D. C.

DEAR SIR: In regard to raising an army let me suggest that college students and apprentices learning trades should be exempt until they have graduated or finished their trade. If a young man is taken out of school before he graduates, the chances are he will never finish his education, for he would not care to return to college when he came back from the Army at the age he would be then, consequently his life's ambition would be ruined. The apprentice in the shop would not wish to go back at small wages again after he had become a full-grown man, and a good mechanic would then be spoiled. These are questions to which we hope Congress will give careful consideration while drafting the Army bill. Patriotism and preparedness is all right, but we should not let these things run away with our good judgment. I have talked to a good many men on this subject, and they all concur with me.

Yours, respectfully,

J. K. THORNBURG.

The last is from a father whose heart goes out not only for his own son but for all boys as well:

BROWNSVILLE, PA., *April 16, 1917.*

Hon. JOHN M. MORIN,
House Committee on Military Affairs,
Washington, D. C.

DEAR SIR: I am writing you because I read an interview you gave to the Washington correspondent of the Pittsburgh Telegraph, making a very clear statement of why you are opposed to certain features embodied in the compulsory military bill that is being advocated by the President and Secretary of War.

Your statement is not at hand at this moment, but I know the main points you gave, and they were given with such clearness and were so directly to the vital points of the bill that anyone reading the interview would be convinced that the measure is wrong in so far as the age limit is concerned.

It is not strange that there are defects in such a bill, for the natural tendency at a time like this, when excitement is high, is for many men to go to extremes in such matters.

The writer is in favor of a compulsory military training law and believes the future safety of the country depends on it, even if it is coming too late to be of great benefit in the present war.

If such a law, containing a sensible age limit, is passed, it will act as insurance for the future peace for the country.

But the present bill is all wrong as to the age of the boys to be first called for training and service, and your statement shows you have a clear view of its vital defects. The proper age limit should be 25 years to 40 years of age; but in no case should a bill be passed to compel boys younger than 21 years of age to leave school to enter the Army. Boys under that age, or at 19 years, the minimum age given by the bill, are still growing and are not fit in a physical way to stand the strain if called for actual service. A man of 25 years, or even at 21 years, has reached a development that makes him almost twice as fit to stand such a strain as a boy of 19 years.

Besides, as you stated, it would take a large percentage of boys away from school and college at the most important period of their lives, and very few of them would again have the opportunity or inclination to finish their education.

The writer knows that you are right in standing firm to have the bill changed so that the minimum age shall not be below 21 years, and you can feel sure that 9 men out of every 10 hold that same opinion.

The advocates of the lower minimum make much of the point that the greater part of the armies in the Civil War was made up of young men.

This may be true, but just as all the machinery and munitions of war have changed in the last 50 years, so have the conditions and surroundings in which boys are raised changed in that time.

A 19-year-old boy at that time was on a very different plane from one of the same age now. The educational requirements of to-day are very different.

Please do all you can to have the changes made in the bill that you advocated in your statement, and you will not only do what is right and for the best interests of the country but your action will be gratefully remembered by thousands of people throughout the country.

Yours, truly,

H. B. JOHNSTON.

Before concluding my remarks I would like to call attention to three points:

1. By exempting boys under 21 the country would not lose their services nor would these boys be deprived of an opportunity to serve. All of them naturally desiring to do their part would come in under the second and third drafts, when they become of age. This would allow them to finish their education, attain a state of greater maturity, and would merely postpone the time for their service.

2. Our laws do not recognize boys under 21 years as being of mature judgment. They have guardians in all legal affairs; they can not vote or hold elective office; therefore it does not seem to me to be fair and just that the law should say to these minors that they are not competent to take any part in the Government of the country but at the same time send them out to fight its battles, while 20,000,000 men between the ages of 21 and 40, under the provisions of the bill as suggested, would be compelled to remain at home.

3. But this last point, to my mind, is one of the most convincing of all. We are trying to profit by the mistakes of both our allies and our foes. In studying the various military systems of the different countries, I compiled some data which shows the forms of service and also the age at which active service begins. For the information of the Members I will read this table:

Norway, universal, compulsory active service begins at	23
Brazil, compulsory service begins at	21
Greece, universal, compulsory active service begins at	21
Chile, universal, compulsory active service begins at	21
Austria, compulsory active service begins at	21
Hungary, compulsory active service begins at	21
Roumania, universal, compulsory active service begins at	21
Serbia, universal, compulsory active service begins at	21
Sweden, universal and volunteer, active service begins at	21
Denmark, universal	21
Germany, universal, compulsory active service begins at	20
Turkey, compulsory service begins at	20
Bulgaria, universal, compulsory active service begins at	20
France, compulsory active service begins at	20
Russia, universal, compulsory active service begins at	20
Italy, universal, compulsory active service begins at	20
Japan, universal, compulsory active service begins at	20
Portugal, compulsory active service begins at	20
Switzerland, universal, compulsory active service begins at	20
Argentina, compulsory active service begins at	20
England, volunteer	20
Belgium, volunteer, compulsory 49 per cent	no definite age.

Now, Mr. Chairman, in view of all this, can we as a matter of principle, as we go forth to destroy the despotic Prussian military system of Europe in order that we may preserve the democracy of the world, surrender our own democracy and go a year beyond the age limit of those autocratic powers and draft our boys of 19 to do our fighting? To this question each Member of this House will answer, "No; this is a man's war, and we men should do the fighting." There is not a red-blooded man in this whole country who would not far rather go himself than to force boys under 21, immature and undeveloped, to take their place in the front ranks and fight their battles for them.

Mr. SHALLENBERGER. Mr. Chairman, I yield 5 minutes to the gentleman from Iowa [Mr. RAMSEYER].

Mr. RAMSEYER. Mr. Chairman, we are in the great world war. It is unnecessary for me at this time to review my attitude and votes on various questions affecting our foreign relations before the opening of the present session of Congress. When the present Congress convened a state of war actually existed, and Congress by overwhelming vote recognized the ex-

istence of that fact. I had hoped and fervently prayed that war could be avoided, but the time to look backward is past. My eyes are on the future. Every man, woman, and child must do their full duty to the country we all love and to which we owe everything of life and property.

We are in immediate need of a large military force. How that military force is to be used is not for me to say. That, under the Constitution, is to be left to the Commander in Chief of the Army and Navy—the President of the United States. If I had my way about it, there would not be a single American soldier sent to the trenches of Europe. In my humble opinion, there are other and more effective ways of bringing the war to a speedy and successful conclusion than to send our boys across the ocean to the trenches.

I have given this bill and the majority and minority reports filed therewith very careful study. There is very little difference between the two reports. The public mind is very much misinformed on the propositions now before Congress. The metropolitan press of the country has endeavored to create the impression in the minds of the public that a certain group in Congress is advocating and supporting the volunteer system exclusively, and that another group is in favor of conscription exclusively. Nothing could be further from the truth, so far as the real purpose of this bill is concerned. Both groups are for the volunteer system and both groups are likewise for conscription. Let us analyze the bill in an effort to ascertain wherein these two groups agree and wherein they differ.

1. The first paragraph of the bill provides for raising the Regular Army to war strength. That means that about 140,000 men will have to be recruited. Under the provisions of this bill and of existing law this number will be raised by the volunteer system, but if that number of volunteers do not come forth, then the President has the authority to conscript the required number of men for that service. This paragraph has no opposition in Congress at all, and it has the approval of the War Department as well.

2. The second paragraph of the bill provides for raising the National Guard to war strength. That means that between six and seven hundred thousand men will have to be recruited. Under the provisions of this bill and of existing law this number will be raised by the volunteer system, but if that number of volunteers do not come forth the President has the power and authority to use conscription in order that the required number of men may be secured for that service. This paragraph has no opposition in Congress and also has the approval of the War Department.

3. The third paragraph is where differences appear in the reports of the majority and minority. The War Department recommended that authority be given the President to conscript 1,000,000 men between the ages of 19 and 25 years; 500,000 after enrollment was made, or the military census was taken, and 500,000 later. Up to this time the age limits recommended by the War Department has received absolutely no support in the House. The Military Affairs Committee unanimously fixed the age limits at 21 to 40 years. A majority of the committee favor a provision in this paragraph to the effect that pending the taking of the military census, which it is conceded will take from four to six months, men should be given an opportunity to volunteer in the new organization of 500,000. The War Department and the minority on the committee oppose this provision and will move to strike it from the bill. The conscript provision of this paragraph of both the majority and minority are in identically the same words. The majority says in substance, pending the taking of the military census, give the President authority to call for volunteers, and leave it to his discretion whether he will call for volunteers at all and when he shall commence conscription. The minority says in substance wait until the military census is taken and then conscript the entire number. And that is the difference over which there has been so much of calumny in the press and misunderstanding among the people.

On the first and second paragraphs of the bill there are no differences, and on the third paragraph the differences are just as I have indicated. Either way the bill shall pass the House it carries conscription in all three paragraphs. If there are any differences on any other portion of the bill, it has not yet developed. A great majority of the people who have been writing and wiring their Congressmen think this bill provides for universal military training and education. This bill has absolutely nothing whatever to do with that subject. This is emergency legislation to meet the immediate and pressing needs of the country. The bill is entitled "A bill to authorize the President to increase temporarily the Military Establishment of the United States." In this world mix up we may need before the war is over every man provided for in this bill to defend our own shores against hostile invasion, and I am not only willing but anxious that the President shall have them just as quickly as they can be enlisted and equipped. To my mind the accomplishment of this purpose is far more important than the means by which it shall be attained.

A number of patriotic men in this country have offered to raise regiments and divisions, and even army corps, for service in Europe. Among them is Col. Roosevelt. Col. Roosevelt's offer is to enlist men who are over 25 years of age. Men in whose judgment I have the greatest confidence inform me that Col. Roosevelt could in a very short time raise an army of 250,000 men, most of whom are ready now, and that, together with other eminent men who have tendered their services, would soon swell the number to 500,000, an army composed of real fighters who are not only willing but keen to plant the Stars and Stripes on the Hindenburg line. Mind you, these are men, not boys, who want to go—men who want to go together, which they can not do by enlisting in the Regular Army or the National Guard. Why we should refuse to accept the services of these men and proceed at once to conscript the boys of 19 and 20 years of age is beyond my comprehension.

Much misinformation has been spread broadcast about the words "selective conscription." Farmers are told it will exempt them; miners are told they will be exempt; and so, too, the workers in manufacturing industries, clerks in stores and banks, and so forth. As a sample of this propaganda, I quote from a Member of Congress on the floor of this House. He said:

> It gives the President the right to say to the man on the farm, in the mine, in the cotton mill, "You are liable to service, but the country needs you more to stay where you are, to produce food and fuel and clothes, than in the army; and I choose you to serve at home."

That will probably exempt 98 per cent of his district. Is not that a bugle blast of patriotism! Everybody goes to the Army but my own constituents! This is an example of the fallacious arguments of the press and of persons in and out of Congress to administer anæsthetics to the public mind, and especially to the farmers and other producers of the country.

I shall not undertake to deceive my constituents and the country. This bill provides for nearly 2,000,000 men—nearly a million for the Regular Army and the National Guard and a million in addition thereto. There are 435 Representatives. When the Regular Army and National Guard are raised to war strength that will mean over 2,000 volunteers from the sixth congressional district of Iowa, the district which I have the honor to represent. When the additional million is raised, that will mean between 2,000 and 3,000 more men from this district, enlisted, most likely, by the so-called "selective conscription." Are you going to exempt the farmers, the miners, the factory employees, the clerks, and others engaged in useful employment and conscript only the loafers, the bums, and other undesirable citizens? If you do, you can not get the required quota in my district.

Do not be deceived in your own minds. If the people are misinformed now, they will soon be informed. The haze that now enshrouds the words "selective conscription" will have entirely vanished and they will understand their full purport. They will know that not a word or a line of this bill provides in any way for universal military training and service. They will know that a distinct line is not drawn between the volunteer system and conscription, and that it is not a question of having no other alternative but to support one plan or the other. One thing is certain, and history so records, that very few wars have been started by farmers and laborers, but every war in history has been fought by the farmers and laborers, and this war is no exception to the general rule. [Applause.]

Mr. SHALLENBERGER. Mr. Chairman, I yield 5 minutes to the gentleman from Michigan [Mr. BACON].

Mr. BACON. Mr. Chairman, there seems to be a military spirit pervading this country. There seems to be a disposition on the part of many that the civil should be replaced with the military spirit. There seems to be a sentiment gathering in this country that the military should predominate and that we must look to them for advice as to how this country must be run. It is a sad commentary on our system of government to believe that our laws, our actions, the raising of our boys—yes, that our very lives—must be subordinated to the advice and teachings of the military.

Many of our present citizens came to this country to escape a military despotism; to a land which they had every reason to believe would always be governed by the civil and not by the military authorities or by the advice of the military arm of government. Now we are told that we must have conscription, and why? Primarily because the military advise that we should resort to this method.

It is time for men to think and to think seriously. We have been taught to look upon Germany as a military country. It is

a military country. Would they be in war, in a death struggle to-day, if militarism had not dominated the civil, if they had not been taught that militarism must come first and be superior to everything, even life itself?

Oh, my country! Are we to follow in the footsteps of Germany, become a military nation, and finally end our existence in a death struggle with the other nations of the world, because we elected to subordinate our rights to the advice and dictation of the military arm of the Government? God forbid! I have that faith in the patriotism of the people of this country to believe that they will, after thinking seriously over this question, never make up their minds to become predominated and controlled by the military.

We have gone into this war, and we have gone in to win, and we will win; but conscription is another matter.

There are men enough who are willing to enter this war, men qualified, efficient, brave, and ready to fight, who can arrange their business to permit their absence, who will make the best soldiers and a better and more efficient Army than if Tom, Dick, and Harry are selected, 1 to 7 or 1 to 10, promiscuously, without regard to their suitability for the making of an efficient soldier. The country is committed to war, but it is not yet committed to conscription—a disaster, in my opinion, as terrible as invasion. Gov. Sleeper of my State writes Senator TOWNSEND, under date of April 13, that—

It would almost be a crime to take the young people from the farms and put them into field duty. We need their help in raising foodstuff more than we do in fighting. We have had a great many people come in here offering their services in all kinds of ways, many hundreds of them in the past week, representing many thousands of people, and in each case everyone was willing to do his whole duty, and willing to shed every drop of his blood in defense of his country, but I can say without exception they did not approve of conscription, nor did they approve of sending our soldiers across the water.

I believe this represents the attitude of the laboring men of this country. And I have been a laboring man myself—in my early days. I am one of the many who believe they have a right to be reckoned with when it comes to this matter of conscription, and I hope to be found battling for the rights of labor at all times when I know that they are in the right. Take the laborer from the farm, from the factory, from the railroads, from every walk of life, by conscription, even though it be but 1 in 7 or 10, and who is there to fill their places in the industrial world?

Foreign ideas seem to have a place in this conscription business; then we should give some consideration to the ideas of the laborer of those foreign countries, so I will quote a few words from Mr. Snowden, a labor leader in the House of Commons, Great Britain, during the military-service debate on conscription in January, 1916. He said:

The minister of munitions is finding the very greatest difficulty in getting the 80,000 additional skilled workmen for whom he has asked. If you therefore are going to take the men out of the factories and put them into the fighting line, you are going to have again, probably in more aggravated form, the difficulty experienced in the early part of the war; that is, more men than munitions. * * * If we want to win this war, we ought to concentrate all our available resources upon getting an enormous superiority in munitions, and if we are going to follow the policy proposed in this bill that is going to be an impossible thing to do.

The same argument could be applied to foodstuffs, to railroad operations, and other operations necessary to carrying on of the war to a successful conclusion. We are told that, though our conscription bill does not mention or include all exemptions, the administration will be authorized to consider that feature and make exemptions; but if such is the fact, why was all this not included in the bill? The English conscription bill makes the following provision for exemptions:

Those entitled to exemption will include men engaged in necessary national work, single men who are the stay and support of their relatives, those suffering from ill health or infirmity, and conscientious objectors to the undertaking of combatant service. Government departments will also grant exemption certificates, after consultation with the army council, to men or classes of men employed on work of national importance.

Theory and promises are one thing, fact is another. Here is how the labor organizations looked upon the conscription measure, as reported in the Manchester Guardian of January 6, 1916:

The National Union of Railwaymen resolved to oppose any form of conscription, and the votes of the delegates at the labor congress to-day will be cast against the Government's bill.

In another item in the same paper, same date, we read:

A largely attended delegate meeting of the Manchester and Salford Labor Party in Holyoke House last night, by a vote in the proportion of 3 against 1, adopted the following resolutions: "That this meeting of the Manchester and Salford Labor Party views with alarm the approaching menace of conscription and pledges itself to resist it to the uttermost."

Mr. Snowden, in the House of Commons, referred to this resolution in these words:

Can the prime minister or can the House of Commons for one single moment maintain that there is anything approaching general consent with regard to this bill? * * * We had last week the most representative conference of labor which has ever been held in this country. I have in my time attended a great many labor conferences, but I have never attended one where the rank and file was expressed in such a clear and unfettered way as at that conference. * * * You can not get away from the fact that that conference of workingmen, nearly all voters, declared by 3 to 1 their opposition to this bill. * * * Why is this bill proposed? The reason is perfectly obvious. It is a surrender to the conscriptionist cabinet. We knew for months that this conspiracy has been going on.

Mr. Snowden goes on to say:

What is Prussianism? Militarism is not a system; it is a spirit. I think the difference between German militarism and British militarism is this: That in Germany Prussian militarism is on top, and in this country the democracy is on top of militarism, and the party opposite want to reverse the positions in this country. What was the great exciting question in this country on the eve of the outbreak of war? It was whether this house or the army should rule. So far as the conscriptionist members of the Government are concerned, I declare it as my firm conviction that their main reason for the support of this bill is not on account of military necessity but because it is going to put into their hands a strong weapon for enforcing the chain on the democracy.

But we Americans do not have to go over to England to get our ideas as to what the laborer thinks of conscription. Our laborers are the peers of any in the world, whether it be in efficiency or in intelligence, and I will back their judgment with any class of men on earth, whether it be in legislative halls, on the farms, or in the factories, and I am ready to tip my hat to the laboring men of this country wherever their vocations may lead—whether it be farm or factory, railroad or foundry, or wherever it may be found.

Now, I want you to listen to a statement made by Mr. Grant Hamilton, representing the American Federation of Labor, Washington, D. C., at the hearings before the Committee on Military Affairs on April 14. Listen:

Mr. Chairman and members of the committee, the American Federation of Labor has over 2,000,000 affiliates and the organized labor movement as a whole constitutes approximately 3,000,000 members. Upon this particular subject—that of conscription—I think the federation represents the sentiment of all organized labor, and in representing the affiliates themselves we represent directly the lives of approximately 18,000,000 people. The American labor movement has always been against compulsion, and especially against militarism in all its forms. We have not changed; we stand exactly in the same position that we have always stood. We are not unmindful of the present situation. We understand that this Nation is at war, and we realize that the resources of wealth and man power must be provided to protect the interests of this country; but for 140 years we have glorified our democratic institutions; we have claimed to be a free people, and we have avoided to a very large extent any legislation of a compulsory character. The War of 1776 was, of course, fought by volunteers and won; the War of 1812 was fought by Volunteers and won. In the Civil War on the first call for volunteers over 1,000,000 men volunteered. As a matter of fact, Secretary Stanton sent out a notice that the enlistment was oversubscribed. Later on, however, in 1863, a draft law was passed by Congress, and those who have read history realize the condition which obtained at that time and that even Lincoln himself was entirely opposed to a draft law, but under the desperate situation which then obtained, of course, he accepted it.

The labor movement is exceedingly concerned with the matter of a general conscription law. We hold that as we have maintained our faith in democratic institutions, we ought to put that faith to the first test and that an opportunity should be afforded to raise a volunteer army, and there are many things also that are not explained to us nor to the public

It is true we can not always take the statements of the newspapers, but there seems to be a general consensus of opinion that there is to be raised an army of 1,000,000 men. The public nor the labor movement has not yet been told for what purpose these million men are to be raised. We ask this: Are they to be raised to protect our own country or are these men to be raised for the purpose of sending an army across the water? I think under our plan of government the public ought to know whether or not this army to be raised, if it be 1,000,000 or 500,000 men, is to remain within the borders of the United States or whether it is contemplated that an army be sent across the water.

The representatives of American labor met in this city March 12, held a meeting, and an expression was promulgated, under authority of the American Federation of Labor, in which were included the members of the railroad brotherhoods, and that meeting constituted therefore the entire labor movement; and our position, succinctly stated, is that the same voluntary institutions that organized industrial, commercial, and transportation workers in times of peace will best take care of the same problems in time of war.

Mr. Gompers, whom it has been reported is for conscription and wrongfully reported, has given me this statement to present to this committee:

"The organized labor movement has always been fundamentally opposed to compulsion. It has maintained that institutions and relations of a free people can and should be based upon the voluntary principle. It now maintains that what has been the directing basic principle in industrial organization and service must be the initial basic principle in the military. The declaration unanimously adopted by the representatives of the entire organized labor movement of the United States is based upon this adherence to the voluntary principle.

"It has been the hope of the men and women who labor that if this Republic should inevitably be drawn into active participation in the present world conflict that the Republic of the United States might demonstrate to the world that free institutions and ideals are effective and sufficient in war as well as in peace.

"It is the hope of organized labor to demonstrate that under voluntary conditions and institutions the Republic of the United States can mobilize its greatest strength, resources, and efficiency. We know that only under voluntary institutions can the Nation mobilize good will. Good will is essential to enthusiastic and effective united action.

"The labor movement stands firmly by the voluntary principle. We declare that at no time have voluntary institutions been given a real effective and conclusive test. Until such a test has been given there is no good reason for abandoning the principle which was born of the spirit of 1776, and which has enabled us to establish the ideals and the traditions that has given this Republic meaning as a country, free, efficient, and capable of meeting any condition or emergency.

"SAMUEL GOMPERS."

Five million men volunteered in England before they resorted to conscription. If we are permitted to allow our men to volunteer, can you say that in this glorious land of ours, with 100,000,000 people, that you honestly believe we can not raise a volunteer army of 1,000,000 without resorting to the hellish method of conscription? Not only that, but by our vote are we willing to take the boys of this country between the ages of 19 and 25, while we exempt every Congressman, every Senator, and every man above the age of 25?

Why did England resort to conscription? The men were volunteering faster than they were able to take care of them. We are told that they came too fast. Great God! Can soldiers come too fast in time of war? There must be a screw loose in the army organization somewhere. I am compelled to believe that it is the army system, army advisers, that are in need of reorganization instead of the volunteer system. If our Army heads are efficient, if we have an efficient Army system, will you tell the people of this country that they could not provide for the training and taking care of the volunteers within a reasonable time of their arrival? My conception is that in time of war we want men; we want them quick; and we want men who will fight, and we want to be in position to give them efficient training and be able to take care of them.

Give Roosevelt a chance to enroll his division. Give Gov. Sulzer a chance to enroll his division. Give them a chance to fight. They are qualified; they are efficient, and they are now ready to fight. They are not boys between the ages of 19 and 25, nor between the ages of 18 and 21, as recommended by the Army experts. It is men we need, not young boys. Give those and other brave fellows a chance to fight, even though they might cover themselves with glory that would lead them into the White House.

Now, while we are going abroad for ideas and advice and the advisability of sending the boys of from 19 to 25, as provided in the Senate bill, and which we will vote upon before we are through, I do not believe that it would be out of order for me to call the attention of this House to a report to the British Parliament in 1904 on the reorganization of the British Army, as published in the Parliamentary Reports, C. D., No. 1907. These are interesting facts. Listen:

ON THE CAUSES OF REJECTION OF RECRUITS IN CLASSES IN RATIOS OF 1,000.

The whole number of those inspected being 87,609, there were rejected for defective vision 39.23 per cent; impediment of speech, 17.33 per cent; decaying teeth, nearly 50 per cent; underweight, 15.59 per cent; underchest measurement, 56.72 per cent; underweight, 21.72 per cent. Including those rejected for these and other causes at the time of enlistment and three months afterwards, the number finally rejected was 26,913. Of the total number enlisted in 1902 there were 2,152 boys under 17 years, 1,229 were from 17 to 18 years, 2,402 were from 18 to 19 years, 10,826 were from 19 to 20 years, and 6,463 from 20 to 21. So that of the total number enlisted—59,099—44,692 were boys from 17 to 21 years of age. Of these boys only 3,336 are described in the report as being well educated. Laborers, servants, and those employed on the farms numbered 58,595 out of the whole number enlisted, before any rejections, and 10,274 were described as manufacturing artisans, cloth workers, weavers, and lace makers. Of mechanics employed in occupations favorable to physical development, such as smiths, carpenters, and masons, there were 10,240, and of shop men and clerks 5,210 Professional occupations and students in these numbered, out of 87,609 enlisted, only 791. Note that 1902 was the final year of the Boer War. The average strength of the British Army was 254,357 in that year: that it was an army of young boys, and that it was an army of young boys from the farms, shops, and factories of Great Britain. * * * There were admitted to British hospitals that year 191,250 men out of the 254,357. Of this number 2,152 died in hospitals. Of the causes of sickness venereal diseases in all its forms numbered 17,036, of whom 1,403 were constantly ill. The ratio of these diseases to all others increased from 1901 to 1902. * * * The chief medical officer gave the reason for this increase in the following words: "An increased number of young soldiers, who are less able to take care of themselves than older men."

Further comment upon the age limit of the recruits under the Senate bill—19 to 25—is unnecessary.

We are told that we must take the advice of men who have made a study of war. We are asked to rely on the judgment of Army officials—on military experts.

My colleagues, we have been relying on the judgment of military experts for several years. Were we not relying on the judgment of Army experts during the Cuban War? Were we not relying on the advice of Army experts when we sent our Navy to Vera Cruz? Were we not relying on Army experts when we tried to make old man Huerta salute the American flag? And he had not saluted up to the time of his death. Were we not relying on the advice of Army experts when we chased Villa over the alkali plains and into the mountain recesses of Mexico, when the experts showed us how to take Villa, dead or alive? I am told that he refuses to admit that he is dead, and I have no expert records of his having been taken alive.

Were we not relying on expert Army advice and the efficiency of Army experts while these war conditions were going on?

Here is something that has been published and distributed over this country, which has not been denied, to my knowledge:

Take as a sample the United States military post at Fort Bliss, where about 50,000 men have recently been congregated. Saloons were across the street from camp. Two miles away, at El Paso, there were about 400 more. As if this were insufficient, there were long brick buildings (called cribs) divided into single rooms, in each of which there was an immoral woman. Out on the porches in front of these rooms those women openly plied their trade and with such success that many of the boys were laid up in hospitals. Some died in El Paso, some have gone home and will never be able to come back, and others will transmit their disease to posterity.

Can you, my colleagues, vote to send your boys and the boys of your home district and the boys of this great country between the ages of 19 and 25 to war, when you will not vote to send yourselves or the fathers of these young boys to such hells on earth, existing under the administration which says that these boys shall go because it is the advice of efficient Army experts?

I can not and I will not vote to send your boys or the boys of my constituents nor the boys of this Nation between the ages of 19 and 25, which I understand will be insisted on by the Senate, to live under such conditions and surroundings and to go across the ocean to face the deadly shrapnel, the poisonous and deadly gases, to live and die in trenches, when by our votes we would exempt our very selves. I will not vote for your boys nor my boys to stand up and be shot down because they are in line for conscription, while we would exempt ourselves and our neighbors above the age of 25 on the expert advice we are urged to consider.

On the advice of societies in New York thousands of telegrams have been sent to Congressmen by their constituents—they take their advice from New York—and we are told we must take the advice of the military experts and vote for conscription. I received 30 or 40 such telegrams from one town in my district, and each telegram was the same, word for word. How many of these parties sending these telegrams ever read the bill we are to vote upon? How many of these men are anxious to have their sons between the age of 18 and 21, as recommended by the experts, go across the water and be shot down or return sightless, armless, legless, dying of disease, or their health wrecked for life, while they themselves are exempt from going, but permitted to wine and dine at their clubs, gambling on the green in a back room, or on the golf links, hurrahing at the ball games, riding the country in their automobiles, while their boys might be dying in the trenches away from home, in a foreign land, because they have influenced their Congressmen to vote for a bill on the request of strangers in New York and in the East to send their boys and the boys of their neighbors to a living hell?

I did not come to Congress to make a reputation. I did not come to Congress to become a rubber stamp. I did not come to Congress to send the boys of my district or the boys of this Nation between the ages of 18 and 21 or of 19 and 25 to be shot down while I and my colleagues stayed at home. I did not come to Congress to obey the dictates of eastern subsidized societies, subsidized newspapers, nor the munitions makers.

I came to Congress to represent the people, the whole people, not a coterie of eastern sycophants and hypocrites. I can not conscientiously follow the advice of men who would deny their Representative the right to vote his conscientious convictions when he is satisfied that in so voting he has taken into consideration the welfare and best interests of the people not only of his district but the welfare of this Nation. My constituents may put me out of Congress as soon as they like, but as long as I remain here I shall vote my honest convictions, as I believe for the best interests of all, without fear or favor. If they do not want such a man as their Representative they should never again permit me to enter the Halls of Congress.

Not one of the numerous telegrams I received came from a boy between the ages of 18 and 21. Not one of these telegrams came from a mother. Not one of these telegrams came from a laboring man. But they came from men of mature age, men who under the conscription law recommended by the administration experts can lay back and smoke their pipe in peace, while they send their boys to war.

Daniel Webster, in the Halls of Congress in a speech on December 9, 1814, asked:

Where is it written in the Constitution * * * that you may take children from their parents * * * and compel them to fight the battles of any war which the wickedness of Government may engage in?

But the Constitution does not question the right of the ingrate to send his boy of from 18 to 21—if we take the advice of the experts who have made a study of the subject, and, of course, some of our constituents advise us to do this—while he himself remains at home. If conscription is such a good thing, why does not England send her conscripts across the channel to do some of the fighting, instead of allowing the 5,000,000 volunteers to do it all? But, you say, the conscripts must be trained. Is that not equally true of the volunteers?

No conscript was ever sent abroad to fight a country's battles except the Hessians to fight George Washington. Germany sends no conscripts to fight in foreign lands beyond the seas. Are we to out-Germanize Germany in our craze for conscription and in our zeal to follow expert advice?

Canada, with but 7,000,000 population, sends across the ocean 400,000 volunteers, and they have never resorted to conscription. Australia, with a population less than Illinois, raised a volunteer army of 264,000 men to go 12,000 miles across the water to help England, and the question of conscription was referred to a referendum and voted down by a large majority. Each and every one of England's possessions sent volunteers, but no conscripts. It is left to the United States not only to Prussianize but to over-Prussianize its people.

The London Nation of March 18, 1916, says:

In accepting compulsion we (England) sacrificed one of the deeply rooted principles of our political tradition. We hoped to reap a Prussian reward, but to give up one's strong points is no talisman for acquiring one's enemy.

It then goes on to quote Mr. Runciman as follows:

Conscription of necessary labor has put hundreds of thousands of acres out of use and will cause a further serious diminution of home supplies next year.

Premier Borden, on August 4, 1915, said:

In Canada, and I believe the same is true in all over-seas Dominions, the difficulty has been with armament and equipment—all that is necessary for the organization of a great modern army—and not with the provision of men, for the men came faster than we were able to organize the armor to equip them.

The Manchester (England) Guardian, commenting on the Australian referendum, says:

Australia's rejection of conscription for foreign service offers a substantial ground for hope for the humanity that will emerge from the war.

The victory of liberty is in the main the act of the party which governs Australian politics. Australia stands for the boldest and most successful experiment in social democracy that the world has ever seen. Its Federal Government and the majority of its State governments are in the hands of labor and trade-unions, and labor declined to follow Mr. Hughes. It fought him in his cabinet and outside it, and it has won the battle that British labor lost.

The women's vote, once claimed as conscriptionist, is now declared to have been largely for free service. But the triumph of freedom was largely the work of trade-unionism, and it will soon be seen to possess a more than local significance.

Canada has plainly intimated its dissent from conscription and with the Irish example before us we may conclude that the advantage of force in the domain of military service has been definitely stayed within the British Empire. "Those are good tidings," says the Nation. "So long as our armies consist in the main of volunteers they retain rights of citizenship which the conscript has been forced to yield. We have no fear that when they return to civil life they will vote for placing on their own and their children's necks a burden which they cheerfully lifted when the appeal was made to them in an hour of special emergency and trial."

Gen. Grant, a volunteer himself, though a graduate of West Point, thought pretty well of volunteers. In his memoirs he says:

The Government ought to disband the Regular Army, with the exception of the Staff Corps, and notify the disbanded officers that they would receive no compensation while the war lasted except as volunteers. The register should be kept up, but the names of all the officers who were not in the volunteer service at the close should be stricken from it.

In the Civil War the North was handicapped till the volunteers came to the front. You have merely to compare the Army of the Potomac with the Volunteer Army after our volunteers got busy.

Young men who volunteer desire to be assigned to a company where they may be with volunteers from their own State and neighborhood, comrades who are congenial. When they get sick they want to know that they have friends in camp who will consider their welfare and let the folks back home know how they are getting along. They want to be organized in State units. If they are from my State, they want to know that they belong to a Michigan regiment. But under this conscriptive law they may be assigned wherever the authorities think they should be sent, and no two boys from the same neighborhood can expect with any certainty to be assigned to same company or regiment.

You talk about a universal selective conscription law! Now, get your dictionaries and see what the word "universal" means. We have a population of more than 100,000,000 people. Would it come within the meaning of "universal" to pick out boys between the ages of 19 and 25 and say this is our idea of the meaning of universal; that this is a universal and just selection from our population of over 100,000,000 people? Great God! how the meaning of words have changed since we have turned our consciences over to be governed by the advice of war experts. But there is one word which you use that still retains its full significance, and that is the word "selective." We do not have to go to the dictionary to find out that from a population of over 100,000,000 we must select the boys between the ages of 19 and 25 to do our fighting while we, if we are to take the advice of our experts of the elect class, stay at home and shout with the man who let his wife fight the burglars: "My, ain't this a fine fight, and ain't we skinning them to the queen's taste?"

Then when the war is over, in the distant future, if you shall have taken the advice of our experts, you will take your grandchildren on your knee and tell them how we won the war and saved this grand old country from autocracy. But you will not tell those grandchildren that grandpa did not go to war himself but voted in Congress to send his boys between the ages of 19 and 25, to that war; and that thousands and thousands of fine American boys never came back to their homes—to their mothers—and thousands who did return were maimed for life and ended their days as worthy pensioners of our Government. No; you will not tell them that you, as Congressmen on our experts' advice, were willing to let the boys of this country between the ages of 19 and 25 fight the battles of our country while by your vote you were exempt from service in the Army.

My countrymen, when we send our armies over the ocean and all the countries shall have sent their armies, and with the millions who are now over there to fight, where will they be able to find ground enough to fight on? There will not be any room to fight.

Now, in conclusion, let us consider the best interests of our country, both present and future. Let us not be carried away by a diarrhea of words, as incorporated in the many telegrams and letters sent us, "to stand by the President," when the bill itself does not stand by the President; nor by the advice of war experts, who are not at all times consistent, and who would have us exempt ourselves but send our boys to battle. Let us vote without fear or favor for what we honestly believe is best for the whole country. Let us vote our honest and conscientious convictions as God has given us the light to form our judgments. Then let us throw the broad mantle of charity over all, and if any have erred may God forgive and may the eternal record show that "When the accusing spirit flew up to Heaven's chancery, he blushed when he gave it in; and the recording angel when he wrote it down dropped a tear upon the words and blotted them out forever."

EARLY FRENCH CONSCRIPTION.

I take the following bit of conscription history from the Political Economy of War, by F. W. Hirst, editor of the Economist, London:

Against the armies of absolutism in 1792 the French Revolutionary Government defended itself by voluntary levies. (There was no demand for conscription then.) Finally, becoming more and more aggressive, France had recourse to compulsory drafts and to the requisition, which Burke called a sweeping law of unprecedented despotism.

As the war went on, the organization took shape, * * * and the law of conscription was introduced in 1797. That law is attributed to Carnot, who pretended to have derived his inspiration from the Roman Republic. By this law all Frenchmen were pronounced to be soldiers and held liable to serve whenever the country was declared by the Government to be in danger. The number of conscripts was to be determined annually by the Government, the contingent from each department being proportioned to its population, and was divided among the districts, cantons, and municipalities. All men from 20 to 25 were made liable to conscription, and it was the duty of the civil officers to prepare a list, a sort of national register, on which were inscribed the names and descriptions of all men liable to serve. These lists were consigned to the minister of war. But eight days were allowed for preparation of these lists. The conscripts were then assembled and examined. Those who pleaded infirmity or inability to attend were visited at their homes by military inspectors. Revised lists were made of the physically fit, and tickets, numbered in accordance with the names on the list, were placed in an urn, from which the conscripts or their friends drew the lots. The lot fell upon those who drew the numbers below the quota, those above being summoned later, in case death or disablement should befall the others. Absentees who failed to present themselves were declared refractory, proclaimed through the Empire, and pursued as deserters. Those were the conscripts of the active service. An equal number forming the reserve were organized and drilled within their own district, to march out of it only in case of emergency. A third body, numbering a fourth of the whole, were called supplemental conscripts, to fill vacancies caused by death, desertion, or other causes. When this supplement proved insufficient, the reserve was called upon. No Frenchman under 30 was permitted to travel or to serve in any public office unless he could produce a certificate showing that he had discharged his duty under the conscription law. To prevent organized opposition the helpless conscripts were marched under an escort of gendarmerie in bodies of a hundred to various depots throughout the Empire, and there supplied with arms and clothing. Curable diseases only obtained a temporary discharge. Incurables had to pay an indemnity to the Government. At first no exemptions were allowed, but finally the eldest brother in

an orphan family and the only son of a widow, might be transferred to the reserve, and the same was allowed subdeacons in seminaries. Another dispensation exempted workmen engaged in manufacturing war material, and another exempted soldiers who had survived five campaigns. * * * One of the chief advantages to the state of the conscript system is that it saves pay. * * * The conscript soldier received from a halfpenny to a penny a day.

This military enslavement of the Nation was fortified by a penal code of searching rigor. Any official who gave a false certificate of infirmity suffered five years' imprisonment in irons. Conscripts who mutilated themselves or shammed infirmity were placed at the disposition of the Government for five years to labor as prisoners. Absentees or refractories underwent corporal punishment and paid a fine of 1,500 francs, which together with the expenses of pursuit, was levied on their own property or on that of the father or mother. * * * In 1807 a man who used a false document to save his son from conscription was condemned by the criminal court to eight years labor in irons, to be branded with a hot iron on the left shoulder, to an exposure of six hours, besides paying the cost of prosecution and for 400 copies of the decree. Refractory conscripts were imprisoned in the citadels of garrison towns, where they had to work under the most severe discipline in the arsenals or on the roads in prison garb with their heads closely shaved. When they gave tokens of docility and reformation they were drafted into the army. A conscript who absented himself for 24 hours was punished as a deserter, either by death or by punishment of the ball or by hard labor. Death was the punishment for desertion to the enemy, or who, fleeing from the punishment of the ball, carried off arms with them. Punishment by the ball consisted of: An iron ball weighing 8 pounds was fastened by an iron chain 7 feet long to the deserter's legs. After hearing on his knees the sentence read, the deserter was condemned to hard labor for 10 hours daily, and to be chained for the remainder of the day in solitary confinement. This punishment lasted 10 years, but was prolonged with an additional ball fettered to his knee in cases of contumacy or serious disobedience.

Such is a very brief outline of a law which has been so much admired by military writers in all countries. The praises of Napoleon, who perfected it with such assiduous and loving care that France bled almost to death, have been sung not only by the great Prussian generals, but by liberal imperialists in France and in Great Britain. The sacred duty of obedience was inculcated by the ecclesiastical parasites of the Napoleonic regime, and the modern European state has borrowed this fundamental institution from the First Empire. It is the pride of the German professor and the glory of writers and rulers who mistake patriotism for the subjection of the individual to the state. * * * An English writer, who surveyed the system in 1809, observed: "The grand characteristic of France is relentless inflexibility. A host of informers secure the fidelity of the executive officers. Cases of the most signal and barbarous rigor crowd daily all the gazettes of the empire and even the journals of Paris, into which they are compulsively and awkwardly thrust, in order that the quickening impulse of fear may be propagated through the entire mass of servitude."

One of the advantages attributed to conscription, as to other forms of slavery, is its cheapness. This fallacy needs no refutation. Slavery is the least prosperous form of industrial organization. Unpaid labor is notoriously dear. Nations burdened by conscription are forced to accumulate debts even in times of peace. In France it is enormously costly, but the estates of the great landowners were confiscated so the poor peasants, who constituted the vast majority of the French Nation, receiving land for blood, endured it patiently for a time. Those who had money were allowed to pay for a substitute if they could find one. An English writer, describing the conscription scenes in France, dwells upon the distressing scenes, the piercing shrieks of suffering women at the booths when the fatal tickets were being drawn from the urn. And again he describes a group of 30 miserable beings, called refractory conscripts, whom he saw on the high road guarded by gendarmes and tied together with a rope attached to a horse's tail as a badge of disgrace.

(What kind of soldiers, think you, could be made out of men thus degraded and humiliated?)

Mr. LUNN. Mr. Chairman, I yield 15 minutes to the gentleman from Kentucky [Mr. BARKLEY].

Mr. BARKLEY. Mr. Chairman, it would be worse than criminal folly for us to delude ourselves as to the character or the extent of the task which has been forced upon this Nation by the German Government. I voted for the declaration of war because every observant man in the Nation knew that war already existed by the barbarous edicts and conduct of the Imperial German Government. I voted for that resolution, because every art of diplomacy, every power of persuasion, every appeal to international law, and to the humane instincts of the heart in our dealings with the German Government seemed to have failed. I voted for it because there was no other honorable course left for this Nation to pursue, except to give official recognition to a state of war already existing, and buckle on our armor for our defense and for the defense of the things for which this Nation stands.

In that resolution we pledge the resources of this Nation to the successful and speedy conclusion of the conflict. We did not by that resolution indicate that we would declare war and then quit. We did not say we would enter a conflict which for nearly three years we had tried to avoid and then refuse to do our part in waging a righteous war for human rights. After submitting to the murder of our citizens, to the violation of our neutrality, to the destruction of our property on land and sea, to the filling of our friendly land with alien spies, to seeing the German Embassy and consulates converted into rendezvous for every form of vicious intrigue, to the attempt to drive us and all neutral nations from the high seas, to the conniving at the loyalty of our own citizens, and the dismemberment of our Republic, any other course except the drawing of the sword would have been equal to a proclamation to the world that we had hauled down the flag, and that our championship of the sacred rights of free peoples for a century and a half had been a hollow pretense.

Having taken that step with full knowledge of its consequences, what is our duty now to do?

There can be no doubt in the mind of any patriotic man what it is our duty to do. We have arrayed against us the cruelest and most autocratic military power on this earth. If that power be not checked or subdued, an intolerable servitude for the democratic nations of the earth will be the result. This is a fight between militarism and free government. It is a contest between the theory of reason and the theory of force, as exemplified by the policy of the present rulers of Germany. Should the theory of force prevail, there can be no safety for the free democratic peoples of the world in the future. Therefore, we must forget for the time being every interest except the interest of our common country, and, above all, we must divorce from our minds every consideration of personal or political fortune.

Germany has now under arms between nine and ten millions of well-trained and seasoned soldiers. They are in the field. Besides these, there are other millions from Austria-Hungary, Turkey, Bulgaria, and elsewhere. We have seen the fate of Belgium; we have seen Serbia crushed; we have seen northern France devastated; and while the destiny of our own beloved Republic quivers in the balance, while we hear the cry of down-trodden and oppressed people who are giving their lives that the cherished principles of free government may not perish from the earth, we are invited to play a coward's part beneath the Stars and Stripes. I will play no such ignoble part. I will not consent that my country shall play such a part; and those who have set themselves against the just recommendation of the President and his advisers unconsciously appeal to what they believe is the cowardice of those whom they attempt to represent. I am happy to believe that they are mistaken in their estimate of the people. There are millions of brave men who are willing to serve their country in any capacity; millions who are ready to give their lives for their country when the hour of need arises; but they do not wish to sacrifice themselves needlessly before that hour is reached. They do not know when they are needed; they can not know. They may not be the first to volunteer, for reasons that do not reflect upon their courage or devotion; and thus, not knowing when they are needed, and lest their courage and devotion be brought into question, they go, perhaps, before the need is reached, because under the old volunteer system each individual is compelled to be the judge as to when he is needed by his country.

While I was at my home and in my district during a few days in March, a district which in every war of the past has given luster to the traditions of the Nation by the imperishable glory of its soldiers, hundreds of brave men told me they were willing to go to the front when their services were needed. Who shall tell them when that need has come? Shall they be compelled to decide themselves, or shall the Government itself decide that question as it alone is qualified to decide it? And who shall say they are cowards? Who shall say they are not willing to give all that they are and all that they have to perpetuate and make more glorious the eternal principles of human liberty and freedom for which their forefathers died?

What is this system which has been proposed by the President and those upon whom must rest the responsibility of conducting this war? We have heard the War Department and the officers of the Army denounced because they do not wish to see a needless waste and sacrifice of human life. Why expend the people's money in maintaining a War Department and our Military and Naval Academies if their advice, their knowledge, and their experience are worthless? I am not a soldier, though I am ready to wear the uniform of my country when the need shall come. I am not experienced in the art of warfare. I do not pretend to be a great military expert who plans battles and wins wars, like some others who have been fighting atmospheric battles all this week; but I know enough about the science of warfare to know that every soldier must follow his commander in chief who carries the flag before the advancing armies, and that is where I prefer to take my stand in this trying hour. [Applause.]

Under the plan proposed and urged by President Wilson there shall be an enrollment of those who are between certain ages who are able to bear arms for their country. They will not all be chosen as soldiers. They will not all be needed as such. After the enrollment there will be what is known as a selective system put in operation, by which those will be selected for military service who can best be spared from the farms and industries of the Nation.

We can not blind our eyes to the fact that all our resources must be mobilized and conserved if we shall be successful in this conflict. We can not interfere with our agriculture; we can not seriously cripple other industries upon which we must depend to supply the Army and the people. Under the system proposed by the President the Government can choose among all those liable to military service those whose withdrawal from civil life will bring the least disorganization to the industrial forces of the Nation, thus building up a strong and efficient Army while preserving the integrity of our productive energy on the farm and in the factory. Such a system is fair and just. It is democratic, because it distributes the burden among all the people. It will place the son of the millionaire beside the poor man's boy. It will place the banker's son shoulder to shoulder with the son of the blacksmith and the farmer. However rich a man may be, he can not purchase his release from service. We must admit that all men owe a duty to their country, and I am unwilling to believe that any patriotic man wishes to escape his share. But men must serve in different capacities. Some in the Army, some in the factory, some on the farm, some in the shop, some in the railroad engine's cab, and the only competent authority to judge intelligently where each can best serve his country is the Government itself, at whose call every citizen is obliged to respond.

We are told that to adopt the selective draft is to depart from the traditional policy of the Nation and embark on a new policy. And yet during the Revolution Massachusetts and Virginia adopted that policy, and we can not forget how bitterly Washington complained because of the indifference of other States and sections toward training and supplying the soldiers; and while in the War of 1812 and the Mexican War we relied upon the volunteer soldiers, who added new fame to American arms, in the great Civil War both sides adopted the system which President Wilson is now advocating.

On April 16, 1862, less than two months after the meeting of the first regular Confederate Congress, the Confederate States adopted a system similar to that now proposed by this administration. That law was supported by Jefferson Davis and signed by him as President; it was approved by Lee and Jackson, and under its operation the Confederacy grew in military strength and power and postponed the day of its defeat. It is a striking coincidence that every member of this House who is an old Confederate soldier is going to vote for the President's selective plan. [Applause.]

The Union side in that great controversy did not adopt the system until 1863, a year later than its adoption by the South. But the significant fact is that both sides adopted it in the early stages of the war, and both sides realized that it would have been better if they had adopted it at the beginning.

This plan was strongly urged and approved by Washington, the Father of his Country. It was indorsed over and over by Thomas Jefferson, the greatest Democrat of all time. It was approved and indorsed by Abraham Lincoln and by Jefferson Davis, and it is approved by President Wilson, in every respect a worthy successor of these historic figures. It has also the indorsement of the military branch of our Government, upon whom we must principally depend for the success of this war. I am unwilling to ignore the advice and the warning of all these great men, living and dead, in this, the greatest crisis, perhaps, in our national history.

All the nations now engaged in the war into which we have been dragged have long since adopted the system which President Wilson now asks Congress to indorse. And if there is needed proof that soldiers chosen under such a plan are brave, turn to the battle lines of northern France and view the gallant defenders of Paris as they were led by that hero who is now the honored guest of this Nation, Gen. Joseph Joffre.

Mr. Chairman, I have confidence in our President. He is a peace-loving and just man. He must bear the brunt of conducting this war. If mistakes are made, he will be blamed. If the war shall terminate in a glorious and successful issue, bringing a proud sense of duty well performed to our hearts, and making the world safe for democracy, it will be due to his leadership in such a conflict. I am unwilling to cripple our cause before we start. I am unwilling to repudiate him now, just as the battle begins. I have followed him for four years and more. Wherever I have seen the flag fluttering in the sunlight and knew that it was borne by him, I have followed. I am unwilling to desert him now. And God pity me now if I should at such a time seek to consult my political fortunes at the expense of my country. I know that every man whom it is my honor to represent upon this floor wants to serve his country wherever he can serve it best; and believing, as I do, in the courage and the devotion of the people to the ideals for which we have been compelled to draw the sword, I await, with them, the call to duty, either in civilian garb or soldier's uniform, as the Commander shall decide, hoping that when the clouds of war have scattered and we behold again the sunshine of peace in its healing force and beauty, we may look upon a world wherein all nations may be self-governing and free; free from the terror of military despotism; free from the constant fear of alien domination; free from the blight of selfish and unscrupulous monarchs; free, finally, to pursue the ideals of a Christian civilization which shall make impossible of endurance a remorseless tyranny like that against which we now contend. [Applause.]

Mr. LUNN. Mr. Chairman, I yield 10 minutes to the gentleman from Missouri [Mr. RUSSELL].

Mr. RUSSELL. Mr. Chairman, the pending bill and the amendments that will be offered have been more thoroughly and more ably discussed than any question ever presented to this House during my service as a Member. I do not hope to add anything of importance to this discussion nor of interest to the membership of this body. My only desire is to express my own reasons for voting as I do.

War between the United States and Germany is no longer a mere possibility, it is now a stern reality. It must be fought and won. Our actions to-day should not be influenced by sentimental emotions nor by personal considerations, but the question should be: What is best for our country and the quickest way to win the war with the least sacrifice of human life? I shall speak and vote with no other motive.

Left to my own judgment and my own choice in the beginning of the discussion of this question, I would have favored the volunteer plan, but I have been convinced against my will that to procure the most efficient army, and to conduct the war to the speediest and most successful conclusion there is no question but that the proposed plan of conscription will be the best.

I love the name of volunteer and know something of the heroism of the volunteers who have fought our country's battles in the past. I was taught during the Civil War and since to dislike the name of conscript, but I am not voting to-day for a name, I am voting for a system that nearly all military authorities agree is the best upon which to rely in time of war. No odium should attach to the name of conscript which is now used to designate those to be selected to defend our country in the hour of its peril; such selection with a ready response to our country's call should be, and and will be, an honorable distinction.

I honor the boy to-day whose brave heart and whose deep and unfailing patriotism leads him to offer as a volunteer in his country's cause. This bill will not take away from him the right to volunteer in the Regular Army or in the Navy.

It was the association of the names of volunteer with conscript during the Civil War that made the latter name repulsive, and the thought that produced it was this: The first or the volunteer freely answered his country's call, while the other was forced to go. The bill presented by the majority of the committee would, in my opinion, keep alive that distinction. It provides first for volunteers, and when that plan fails to raise a sufficient army, as it did in the Civil War, and would now, then the balance of the necessary army may be raised by conscription, thus creating two classes and tending to discredit the so-called conscript. Volunteers as now provided for in the Regular Army will be continued by this bill and enlistments and service limited to the duration of the war, but under the special army provided for in this bill, if the conscription plan is agreed to, no volunteers in the special army to be raised will be called for, and no soldier will be criticized or held up to scorn for not offering his services as a volunteer, but when designated upon a plan of selection by reason of his fitness, his service will be honorable, and he will win the unanimous admiration and plaudits of his countrymen.

Many of my constituents seem to fear that under this law all boys of 18 years and over will be forced to enlist, but this is a mistake. This bill provides that the age of enlistment shall be from 21 to 40 years, and no boy under 21 years of age will be selected under this proposed law, and only a small per cent of them will be selected. The bill provides for an army of 1,000,000 men by two increments of 500,000 each. It is estimated by the best authority that there will be about 20,000,000 citizens of the United States between the ages of 21 and 40, hence, there will be required to enlist only about 1 in 20. Some insist that the great majority will be taken between 21 and 25 years of age, and possibly on account of the older men having families and more important duties to perform in civil life, this may be true, and if so and even if the entire army should be selected from those between the ages of 21 and 25, only about 1 out of 7 would be selected, as we are advised by the authorities that there are about 7,000,000 men between those ages.

Under the volunteer plan I have no doubt that a great number of brave boys would go who are needed at home to support wives and children or dependent mothers and sisters, and many who are engaged in important industrial and productive pursuits in which they can render more useful service for their country than they could in the ranks. Upon the other hand, many others with possibly less patriotism, who are not burdened with responsibilities at home and who are not engaged in the production of the necessaries of life, should be ready and willing to be selected, but who would probably not do so under the volunteer system.

One of the means of winning the war will be the production of a large supply of foodstuffs to feed our soldiers and to sustain our own people at home and, if possible, to furnish from our surplus products food for the soldiers of European countries who are fighting the common enemy; hence there is a most important work for our farmers to do, and for that reason the boys upon the farms who are cultivating corn, wheat, and other farm products should not, and in my opinion will not, be selected under this bill.

I desire to do what is best for my country in this crisis, and have given this question very careful and very serious consideration. I have become thoroughly convinced that the proposed plan of selective draft is not only best for the conducting of the war but will bring it to a speedier and to a more successful termination. I also believe that it is fairer to the boys of this country to divide equitably the responsibility of fighting the war among all the citizens of military age of all the country and in all the States, rather than to have its burdens rest upon those who might be first to enlist under the volunteer plan when in many cases others for many reasons should bear or help to bear the burdens.

In this war as in all others it seems reasonable to me that we should seek advice from those to whom we look to conduct it. The President of the United States, the Secretary of War, and all of the authorities in the military branch of the Government who must conduct this war to its ultimate conclusion, and to whom we look as our leaders to win a victory, favor the conscription plan of raising the necessary army. In finally reaching the opinion that I now have as to the proper course that I should take, I have yielded much to them and to their opinions.

Some of my constituents have advised me that the vote that I now intend to cast upon this measure is and will be unpopular and end my political career. These suggestions have no weight with me and have not entered into my consideration of this question. [Applause.] I am perfectly willing to retire from Congress, but I am not willing to tie the hands or embarrass those to whom we look to successfully conduct the war and speedily lead us to victory. [Applause.]

Mr. LUNN. Mr. Chairman, I now yield to the gentleman from Ohio [Mr. COOPER].

Mr. COOPER of Ohio. Mr. Chairman, I shall support the minority report of the committee. I have listened very attentively for many hours to the debate on the great question now before this body, and it seems to me that there is only one issue before this House in the consideration of the majority and minority report of the Committee on Military Affairs, and that is, Which one of these reports shall we adopt in order to do the best and the right thing in the interest of the American people and in bringing this war to a successful and speedy end? I have come to the conclusion that it is my duty as a Representative of the people to vote for the minority report, which provides for the selective-draft system. A large majority of the Members of this body voted for the war resolution. Now, I am one who believes that when we passed the war resolution we placed the burden of prosecuting and carrying on the war upon the Commander in Chief of our Army and Navy, the President of the United States, and as far as I am concerned I stand ready to give him all the help and support that lies in my power while we are at war with the most powerful military nation in the world. [Applause.] I listened very attentively to the address of Mr. CHANDLER of New York. He criticized the selective-draft system, but he did not state that he was going to vote against that policy; but he did say that he might vote "Present." Now, I believe Brother CHANDLER will be more consistent if he will vote against the draft system instead of voting present when the roll is called. I shall vote for the draft system, because I believe it is the best and most efficient way to raise our Army, and the only fair way to distribute the burdens of this conflict upon our people.

Everyone who heard the splendid, eloquent speech of our beloved Speaker yesterday was moved by his closing words, and when he said his son was going to offer his services to his country I could not help but think of one who is very near and dear to me. I well remember how I was overcome with emotion on the day last summer when I stood on Pennsylvania Avenue and watched our boys marching away to the Mexican border. How I eagerly scanned the faces as they marched by, and when my eldest son marched by in the uniform my heart came up into my throat and a tear stole down my cheek, but I felt proud of that boy. That boy is ready to serve his country again, and I want him to be big enough, noble and patriotic enough, to stand ready to be drafted into the service and used in whatever capacity his country wants him. [Applause.]

Mr. LUNN. Mr. Chairman, I yield 10 minutes to the gentleman from Colorado [Mr. TIMBERLAKE].

Mr. TIMBERLAKE. Mr. Chairman, "As long as honest men counsel together" there must be differences of opinion, and while I shall differ from the majority of our Military Committee in the bill here proposed, I do so with the greatest deference and appreciation of the honest effort and conscientious service it has rendered this House.

I accord to each member and the distinguished chairman absolute sincerity and loyalty of purpose in the decisions rendered and recommendations made. I also accord to the minority members of this committee the same patriotic loyalty and devotion.

These differences are those of honest men desiring the same end, differing only in the means for their accomplishment.

I have not agreed with our President in many of his foreign policies, and have not hesitated to record my objections. I have not hesitated to disagree and criticize many of his acts in time of peace, but since our Constitution makes him Commander in Chief of the Army and Navy in times of war, and as such, with this great responsibility resting upon him, I urge that the least he can expect is that no effort which this Nation can make should be left undone. Yet while the leader bears the greater burden we each may and do have an equal share in loyal service, and my share has been shown to me. By careful thought and the most thorough research at hand I have decided that my duty lies in loyal support of the President.

We may fight among ourselves, but when we face a foreign foe we should present a solid phalanx.

We have no quarrel with our German foes as individuals, and have only love and respect for our Teutonic citizens, and I have full faith in their loyalty to this country.

In this connection I desire to quote from a German-born citizen of my district, pastor of a German Lutheran church, he says:

I am for America all the time in this war with Germany. I have a son in the United States Army. I will fight myself for this country, if need be.

Primarily it is the God-given right of the freedom of the seas, for which America stalwartly stands to-day, and, as we all know, it was the taking of life and the destruction of our commerce upon the seas that led to the first break. Now the breach has widened and our obligations have broadened until the democracy of the world is at stake.

And as a nation we find ourselves—unwillingly to be sure, but nevertheless honorably—a part of the great powers of the earth which constitute the bulwarks of the defense of this democracy, and at this juncture it would be no less cowardly to decline to do our part than were the enemy at our very doors or actually invading our borders.

New occasions teach new duties. Time makes ancient good uncouth.

And now, as we stand confronted by these new and unusual conditions, some of us have felt that we have reached the parting of the ways; we have come to the point where we must part with an idol, lay down a fetish in our preference for and devotion to the volunteer system as inadequate to meet the demands of the present crisis.

It is not alone its inadequacy, however, to which we object, but we are convinced that the principle that in a democracy each citizen, by reason of the privileges and benefits he enjoys, is thereby charged with liability to service, and this can only be equitably secured by some proper system of selection.

We assume that every one owes this duty of service to his Government, and by the Government prescribing the kind of service he shall render a greater degree of efficiency is secured.

If, therefore, we adopt that system which will by Executive order enroll into the service every able-bodied man between the ages of 21 and 40 years from which he can be chosen at any time by an equitable and thoroughly protected system of selection, those required for any service, appears to me to offer the fairest and surest method of securing that service. [Applause.]

Under the plan of volunteer service many of our industries are deprived of that labor, which is as essential as an army at the front.

As instanced, the report from the governor of Colorado to the ways and means committee of stock production in that State, where he says:

It has developed that of the men who have so far enlisted in Colorado 80 per cent are from the farm, and this committee naturally feels that when the enlistments represent such a large proportion of farmers the result can not but be disastrous to the campaign to raise a big food supply.

They say conscription or selection is unfair to the mothers; it is of the mothers I am thinking. A truly patriotic mother rears patriotic sons, who would be the first to volunteer. [Applause.] Why should she give all, sometimes three or four noble boys, while none of her neighbors' sons may enlist.

While, therefore, we oppose the volunteer system for the reasons given, we also oppose it because we do not believe that we will be able to obtain in this way an army of sufficient size for our present needs, assigning my reasons therefor the following:

In the last half century of nonresistance and almost continuous material prosperity, we have grown careless and unappreciative of the blessings of liberty. The patriotic fiber of our national life has grown flabby; the keen appreciation of personal liberty growing out of, and made possible only by national freedom, has been dulled. We should awaken to the realization "That we deserve only the rights we stand ready to defend." [Applause.]

Therefore, after due deliberation, I have decided to support the measure reported by the minority of this committee, as more nearly representing the views of the administration as to the provisions best calculated to bring success to our colossal undertaking, having in view only the speedy and successful termination of the war upon which we, by our votes, have entered, and I trust in so doing I represent the conscience of the people of my district.

In matters of local interest a Representative may and should reflect the consensus of opinion of the people he represents, but in interests of national scope he should stand for the conscience of these same people, and he only is a fearless representative who stands true to his own convictions and conscience. [Applause.]

I believe I do not mistake the temper of the West when I say that its people would have only contumely and contempt for a mere puppet and reflector of public opinion. "Only deference can come from honest difference."

What does the political fate of any Member of this body matter when weighed in the balance of the fate of a nation? When a principle is at stake, what does personal preference mean to any man of integrity of purpose?

Whether I ever stand again on this floor in another Congress as the mouthpiece of the honest and liberty-loving people of the second district of my glorious State matters little to me, but whether I stand now at this critical period on the side of right and by the democratic principle of "the greatest good to the greatest number," and "justice to all and favoritism to none," does matter much to present and future generations. [Applause.]

On questions of divided public opinion we must each "dare to be a Daniel" and go through the crucible of the fire of criticism if need be. [Applause.]

Mr. GREENE of Vermont. Mr. Chairman, I yield 20 minutes to the gentleman from Illinois [Mr. McCORMICK].

Mr. McCORMICK. Mr. Chairman, I shall not tax the time of the House, but I may, as a new Member, be permitted to say that I have been no less struck by the conviction and earnestness shown on both sides than I have been bewildered by the dissolution of party lines. The most appealing argument and effective opposition to administration measures has come from the Democratic side. Those who have found it their duty to criticize the course of American diplomacy during the two or three years just passed; those who have consistently opposed the administration's policy of deliberate unpreparedness are among the Members of the House who now unite their voices and their energies to those of the President to secure adequate military measures and an effective prosecution of the war.

The figures of straw men have been set up and bowled over before us to support the contention of those who have brought into the House a substitute for the Army bill submitted by the Secretary of War.

Those who would impose the volunteer system upon the country rest their case upon precedent.

They argue that volunteer armies have won battles; that volunteer armies conquered the heroic hosts of the Confederacy; that, therefore, such armies are best fitted for the present exigency. But mark you this: Among the hosts which marched with Lee and dauntlessly followed Pickett up the slippery slopes were thousands who would have been drawn by the draft had they not volunteered. It might as well be said that great captains won battles, great armies overran the known world, ignorant of powder, unacquainted with machine guns, and thus might do so again.

It has been charged here that the principle of universal service—of conscription—is unrepublican and undemocratic. Mr. Chairman, the armies of republican France, no less than those of Imperial Germany are conscript armies if by that you mean that every son of France be required to serve in her brigades if France so decide. Where to-day would be the liberties of Europe, of what value would be the efforts which we ourselves are about to put forth if France had not so marshaled her moral and material forces? If the obligation to military service be universal in oligarchic Prussia, it is no less in democratic Norway. There is not one of the little countries within the ring of fire which does not adhere to the principle of universal service—Sweden and Switzerland, Norway, Holland, and Denmark.

We are singularly forgetful of the origin of the democratic system of universal compulsory service which was devised by the lofty courage of those patriots who, when Prussia was prostrate under a supine Hohenzollern King, determined to throw off the yoke of Napoleon. Reference and inaccurate reference has been made to the parts played by Lord Kitchener and the present prime minister. It was Lord Kitchener, the oriental proconsul, the colonial administrator, the military organizer, the field marshal, the man of iron, who summoned the volunteer armies to the colors. But it was David Lloyd George, the tribune of the people, who has risen from a shoemaker's shop to the chiefest place in all Europe; it was Lloyd George who, by his energy and his genius, carried into law the principle that in war every man must serve his country as his country would have him serve it.

To-day among the great powers the United States shares with China the distinction of not requiring of all citizens the obligation to serve in the armies of the State.

The divergence between the bill submitted to the Committee on Military Affairs by the Secretary of War and that reported to the House by the committe is simple. The one has the support of those who cling to tradition; the other is supported by those who in the past and who to-day have profited by experience.

Washington and Grant as soldiers, Jefferson and Lincoln as civilians, who commanded the Armies of the Republic, spoke for the principle of the draft. So to-day speak the living ex-Presidents and the present Commander in Chief of the American Armies; so speaks Mr. Hughes, the President's recent opponent. It matters not that when he thought to escape war Mr. Wilson closed his eyes to the lessons of war, past and contemporary. Now that we are at war he has, through the Secretary of War, submitted to Congress a bill drawn upon his own initiative, the principle of which he indorses in specific terms. It is not legitimate argument against the administration bill to enumerate the administration's inconsistencies. History will do that implacably.

I would not belittle the quality of troops enlisted under the volunteer system when they have had ample opportunity for training and for discipline, when they are led by trained officers. Regular troops are enlisted under the volunteer system. I saw something of such troops in the last days of the Philippine insurrection. There, too, I heard of the quality of regiments from the Nebraska prairies and the Tennessee mountains. They were not unworthy to compare with the soldiers of any armies marshaled through the centuries between the shields of Thebes and the trenches of Flanders. But to-day it is not a matter of enlisting and of training a few such regiments. The bill reported by the majority calls for the enrollment of vast numbers of volunteers; their company officers to be selected from men among them, however untrained. It is upon the company officers that the responsibility must rest for training the units. If the bill of the committee were to become law, the Department of War would have to abandon all the plans which it has made for officers' camps, where it is purposed, by drastic and intensive training, to school and to select the most fitted for officers. Upon these young men will devolve the all-important duty of training the new troops, of safeguarding their health and their welfare. Upon the effectiveness of these new officers so trained will depend the very lives of the men committed to their charge as well as the success of our generals in the field.

The War Department bill has this supreme merit over the committee's bill: That the War Department bill, with its scheme of officers' training camps, is a plan to conserve lives; a plan not only to husband the economic strength of the country and to win victories, but, by the schooling of the new officers, to hold down the losses in our armies.

Arguments have been pressed upon us by speeches on the floor of this House, by mail, by wire to affect our decision upon this question. We are here to discharge as heavy an obligation as ever will fall upon any of us. Who has not heard the echo of whispers that the vote of one or another of us upon this bill

or another may determine his political existence? Of what consequence is the existence of any of us when the lives of soldiers, the present security of the Republic and its future peace may hang upon our vote? By the overwhelming decision of Congress we have joined in a great struggle, and so joined, we can have but one purpose—to carry it through. There will come before us measures which may determine the issue of the war, but which were not before the country when we were elected. We must be guided by our best judgment, by conscience and courage. Across the waters there is not a country in which princes or prime ministers or generals have not been tried and dismissed. The tests of war are not the tests of peace. Orators and masters of political compromise have joined unsuccessful generals to give way to compellers of victory. So here political and personal prejudice must yield, that we may contribute to that end.

Mr. GREENE of Vermont. Mr. Chairman, I yield 15 minutes to the gentleman from Washington [Mr. MCARTHUR].

Mr. MCARTHUR. Mr. Chairman, Congress is again face to face with the great problem of military legislation, and, before any action is taken, we who are intrusted with the lawmaking machinery of the Government ought to ponder seriously over the lessons of experience and profit by them. A study of our military history leads us to the inevitable conclusion that the volunteer system has proved inadequate to the country's needs. This system has regularly broken down under each successive test. At the opening of the American Revolution the Colonies depended upon volunteers, but by the end of the year 1777 Massachusetts and Virginia were forced to resort to the draft. In 1812 the volunteer system broke down again, and during the Civil War both the North and the South finally adopted the draft or conscription method. Even in our brief war with Spain the full quota of volunteers called for by the President was never obtained. The recent failure of the volunteer system under the test of the Mexican border mobilization is too fresh in our minds to need elaboration at this time.

I am not saying anything in criticism of the volunteer, for he has proven his patriotism in every emergency; but I do say, without fear of successful contradiction, that the volunteer system is a failure, for the simple reason that it has never furnished the desired number of men; and if the past is any criterion for the future, it never will furnish them.

Mr. Chairman, in a democracy like ours, where government rests upon the people's will and where the day laborer and the capitalist are political equals, there is but one military system that will meet the requirements of the times and give us that security from invasion and that respect to which we are entitled among the nations of the earth, and that is the system of compulsory universal military training. This system is based upon the theory that every man owes a duty to his country which he should pay in part by personal service in time of need, and it is only fair to him that his country should so train him that if ever an emergency arises and he is called upon to serve he may do it with the greatest possible efficiency.

The absolute civil and political equality which the men of America enjoy is the corner stone of our democracy. Every civil and political right, however, carries with it a corresponding obligation, and unless these obligations are equally distributed among all the people there can be no real democracy. The volunteer army system is undemocratic because it imposes obligations upon a comparatively few who are willing to serve and who come forward in time of need. To be really democratic our military burdens must fall equally upon all classes and conditions of people. [Applause.]

Opponents of universal military training are wont to say that it is undemocratic, but they fail to furnish us with the proofs of their assertions. The system has been tried out in France, Switzerland, and Australia, and has not only caused an evolution and growth of democratic principles but has made for a stronger national unity.

Opponents of universal military training tell us that it will eventually build up a top-heavy military system, and that we will be prone to go to war on the slightest pretext. They evidently forget that the proposed term of service is brief, and that the country's Army will be in a constant state of development, with recruits coming in and trained men going back to take their places in civil life and to act merely as reserves. They overlook the fact that the growth of the universal military training movement has witnessed a gradual reduction of the size and strength of standing armies or "regulars." Under the proposed system the "regular" will have his proper place, but he will be outnumbered manyfold by the young man who comes from civil life and who at the end of his training period goes back to that life with his mind on peace and the pursuits of peace. The American people are not a warlike people. They stand for peace, but not the peace of cowardice or surrender, and they will fight when their national honor has been violated or when some great principle of government or humanity is in the balance, but it is idle to say that a simple system of military training for the youth of the land will lead us into the throes of militarism.

Universal military training causes increased devotion to the Government and its institutions and makes every man feel that he is an integral part of the plan of national unity. It brings the citizen into closer relationship with his Government, increases his respect for law and order and for his flag, and develops patriotism to the highest degree. In other words, it make a man feel that he himself is a part and parcel of the scheme of national existence. There is no disputing the fact that throughout the country men, young and old, have fallen into the habit—particularly during our recent years of rapid commercial and industrial development—of regarding themselves as apart from the Government, and have paid too little attention to public affairs. Many of them have felt that the price of their emancipation is a tax receipt, a carelessly marked ballot deposited in an election booth, or occasional jury service. Equality of military service will, however, increase the pride in citizenship and bring home to every man an enlightened sense of having to play a part in our scheme of national existence.

Universal military training can not help but impress the American immigrant with the idea that he owes something to his adopted Government and that this country is really something more than an asylum of refuge or a place of sordid commercialism. The immigrant will soon learn that America will tolerate no such thing as divided allegiance, and, once taught to love our flag and respect our institutions, the immigrant will become the citizen and will know no other allegiance.

Universal military training will discipline the mind and train the body of our young manhood and will teach the lessons of self-restraint and self-control—all tending to sturdiness of character and greater individual and national efficiency.

Universal military training contemplates a better understanding between capital and labor, for it provides that the men in the service and in the reserve are to be used only in the event of war and not in the settlement of industrial disputes. Members of labor organizations and their sons who have heretofore refused to join the National Guard because of the fear of being called upon to quell strikes and labor troubles can not have the same objection to serving in an army that is to be used only for national defense or actual warfare.

Last but by no means least, universal military training will do more than anything else to preserve the great heritage for which our fathers fought and which they have handed down to us. It means that we will have an army capable of meeting any emergency and that those priceless treasures of free government for which Washington fought and upon whose altar Lincoln shed his life's blood will be preserved to us and to our children and our children's children. [Applause.]

The Chamberlain universal military training bill contemplates a service of six months in a training camp or on a naval vessel for every able-bodied American youth who has reached his nineteenth birthday and has no one dependent upon him for support. Is it an unreasonable requirement, when we stop to consider that it is our country's safest form of insurance against war, and when we think of the length of service and the untold sufferings of the men of Brandywine, Saratoga, and Valley Forge?

Mr. Chairman, many gentlemen tell us that they are in favor of universal military training but are opposed to the selective-draft law which has been recommended by the administration. Their position is illogical and inconsistent. The selective-draft, or conscription, method is the practical application of the system of universal military training. The last Congress failed to enact a universal military training law, and consequently we must begin at the beginning, and at a time when our country is actually at war. We have no time to apply universal military training as a peace measure, but must adopt it as a war measure, or, in other words, must adopt the selective-draft system. The arguments advanced pro and con on universal military training apply with equal force and effect to the selective draft.

Gentlemen tell us that we should give the volunteer system one more trial. They are merely temporizing, for the lamp of experience is still burning brightly, and the longer we cling to the antiquated and unsatisfactory system the longer we postpone the creation of an effective Military Establishment. Without reflecting on the patriotism of those who still advocate the volunteer plan, but seriously questioning the soundness of their

views, I can not help but feel that they are unwittingly playing into the hands of our enemy.

It is proposed to authorize the President to call for volunteers and if this means of raising an army should prove ineffectual then to enforce the selective draft. I, for one, can not countenance this plan. If we are to cling to the volunteer plan, let us say so; if we are to adopt the selective draft, let Congress assume the responsibility. There should be no shifting or dodging of this question, for the welfare—in fact, the very life—of the country may hinge on our action. Delay may prove costly. If England collapses under the stranglehold of the German submarine, her armies are lost and France is lost and the common enemy will be on our shores, with a combined fleet outnumbering ours two to one and with a seasoned army of millions of veteran soldiers. Can any sane man doubt what we must face if Germany chokes England into submission? This is no time for experiments or for consideration of our own political fortunes. We must act, and act quickly, intelligently, and patriotically, and, above all, we must not dodge our responsibility as lawmakers. [Applause.]

The President is Commander in Chief of the Army, and after due consultation with trained officials of the War Department he has indicated his belief that Congress should speedily authorize the selective draft. He wants no halfway measure. He may be willing to accept the responsibility of choosing between the volunteer plan and the selective draft, but I am not in favor of imposing upon him a responsibility that properly belongs to Congress. I shall stand unflinchingly for the selective-draft system: First, because the President and the War Department have recommended it; second, because I believe it to be sound. I am not afraid to assume my share of the responsibility to the American people on this question. [Applause.]

Mr. GREENE of Vermont. Mr. Chairman, I yield 10 minutes to the gentleman from Texas [Mr. BLANTON].

Mr. BLANTON. Mr. Chairman, protests have been made against the free exercise by our friends in the press gallery of their selective conscripted privilege of printing funny stories about us, with or without foundation.

They do this largely because their readers are entertained by it.

About the funniest creation they have seen fit to honor me with was to publish broadcast the assertion that I came here pledged to compel Congress to meet each morning at 8 o'clock, and they declared that if I ever started a move for Congress to meet earlier than high noon the staid and sedate older Members were organized to give me the "once over," and I would never again try any ginger moves.

This story is especially amusing in the light of the fact that the first time I gained recognition on the floor to speak on April 5 it was at 3 o'clock a. m., and on this occasion I have begun my speech at 1 a. m. If on the first occasion you delightful colleagues of mine were giving me the "once over," then I am constrained to believe that on this occasion I am now receiving the "twice over."

Mr. Chairman, it would be one of the happiest moments of my life were I able to speak on the time of the gentleman from Alabama [Mr. DENT] rather than upon the time of the gentleman from California [Mr. KAHN], for while my conscience compels me to support the minority report, approved by the President, my judgment and heart are upon the other side of this question.

The platform upon which I was elected to Congress embraced the following principle of Democracy:

> That public office is a public trust and the holder is a mere servant of the people charged with executing their will, however ascertained or expressed, and that the repudiation of the known will of the people is a betrayal of public trust and confidence, which can not be too highly censured.

During my race with the distinguished gentleman who for 14 years was a Member of this body I was handicapped by his broadcast use of a telegram from the President extolling him for his unswerving support to the administration and indorsing him for reelection. I was further handicapped by a telegram from the ex-Secretary of State, Mr. Bryan, telling the people that it would be a calamity to the administration not to return their Congressman to Washington. I was further handicapped by that memorable address to "Baby Congressmen" of our beloved and matchless Speaker, 50,000 copies of which just prior to the primary election were so untimely franked to that number of voters in my district, advising them "not to swap horses in the middle of the stream," for to replace their old, true, and tried beasts of burden with modern untried pacers and fox trotters would prove an irreparable mistake.

In such a great exigency, having implicit confidence in the judgment and never-failing statesmanship of our great Executive, I gave my pledge to the people that if they would elect me I would support the President in all of his plans and policies. Exercising their God-given right of selection, under the belief that they were sufficiently qualified and acquainted to make their own choice between Democratic neighbors, my people selected me as their Representative to express in my vote not my will but theirs. And, Mr. Chairman, as long as it means the sacrifice of sentiment only and it does not require the abandonment of some sacred principle, I intend, so help me God, to keep my pledge and to stand by the President, even if in doing so it disrupts and dismembers sentiments and ideals which are a part and parcel of my very being and which have been cherished since the cradle.

When I made this pledge little then did I believe that so soon I would be tested with a trial by steel and by fire. I had been raised under environments which taught the southern young manhood of our country that a conscript was a name to be held in reserve and applied only when the use of all other appellations failed to provoke a difficulty or to express the real idea sought to be conveyed. In reaching my decision has meant no easy struggle.

Considering that only once in its history has America in its desperation used conscription, and it then proved a failure both to North and South, for the Confederacy conscripted a total of less than 70,000 men, and authentic reports prove that in 1865 there were 100,000 deserters, two-thirds of whom were conscripts; that democratic Australia refused it by a majority of 68,000; that out of a total mobilization of six and one-half millions of soldiers by England, five millions were volunteers, and that England resorted to conscription only for the purpose of keeping a pledge which the premier had made to the husband volunteers in the army; that my native State stands ready to furnish upon call at least one-tenth of the 500,000 men first to be demanded. Considering further that there are 22,000,000 American citizens in the United States able to do military service, and over 1,700,000 white aliens and 68,000 other aliens in the United States who could be selected, if necessary, at least to do industrial or agricultural service for the country which furnishes to them shelter, food, clothing, amusement, and protection, and because of the above, it is indeed hard to understand the necessity for robbing the homes of immature boys 19 and 20 to bear the awful responsibilities of this war. I first tried to believe that surely the President has been overly persuaded by military experts, upon whom in a large measure he is forced to rely, and that the people of my district would be willing for me to support the majority report, which seeks to give to the President exactly what he wants, but by a slight change in his program; and hoping against hope, knowing that conscription was repugnant and abhorrent to many, I sent telegrams to the various portions of my district, putting the naked proposition before them for decision: "Should I support the President if he demanded conscription?" and the voice of a great majority came back: "Stand by the President! Give him what he wants!"

Mr. Chairman, I am no embezzler of power. I do not promise on the hustings that which I will not fulfill when the roll is called. When it comes to pass that the will of the people can not be executed, there is but one alternative, and that is for the Representative to hand back his commission. But, Mr. Chairman, we people of west Texas are not quitters. My people did not send me here to desert my post of duty under fire and vacate their office when the time for action came simply because my judgment conflicted with their will. With all my heart I thank God that the President has approved of the action taken by the minority in raising the minimum age limit to 21, for with the lights before me I could not vote to force a 19-year-old boy, who has no vote or voice in this Government, to give up his precious life unnecessarily when several million of able-bodied, physically and mentally fit patriots over the age of 25 are ready and willing to shoulder the responsibilities of this war and save the immature American boys of our country. And I want to go on record now, if the Senate tries to force down our throats their proposed conscription of 19-year-old boys—a proposition not insisted upon by the President and not one of necessity, but merely a cold-blooded economic business plan of military experts—that, in my judgment, just as the Military Committee voted it down by the almost unanimous vote of 20 to 1, I believe that this House will plant its uncompromising stamp of disapproval upon it by even a greater majority.

Oh, but repeatedly it has been said on the floor of this House that the people who are clamoring "Stand by the President" do not understand the situation and do not know what the President has demanded.

If you have lulled yourself into repose by imagining such a thing you were never more mistaken in your whole life. I will stake my political existence upon the fact that when the

Sixty-fifth Congress adjourns the farmers of my district will know the fundamental essentials of more bills voted upon in this House than any Member of it, excepting, of course, the Speaker, who is where he could not escape the acquisition of this intelligence even if he so desired. While the daily press at times has criticized us unjustly, and occasionally to empty seats we have gotten even by roasting them unmercifully, yet we must give the devil his due and admit that through the great press of our Nation, which daily is delivered to the rural doors of our country, it is impossible for us to keep secret that which we do here, and the farmer and laborer has become better posted on current happenings than the ordinary business man of the city, who does not take the time to read so intensely.

There is remaining to me, Mr. Chairman, one great consolation, that this selective bill, even after passage—and it will pass—can never make conscripts of my people, for in the largest district in this Nation, that runs 550 miles east and west and nearly 400 miles north and south, with 58 big counties in it, embracing about 400,000 people, the spirit of its citizenship has already volunteered and tendered its services to the Government, and like a solid phalanx they stand behind their President.

From El Paso, 2,250 miles from this Capitol, and during the past two years at times these border citizens imagined they were twice that far away when necessity forced them voluntarily to repel Mexican invasions, comes the unanimous battle cry, "We are with the President." From the Davis Mountains to Fort Stockton the command is the same. In the Concho country of San Angelo the electric wires flash the intelligence "Give the President what he wants." In the plains country on the north they say, "We personally prefer volunteering, and do not like conscription, but if demanded by our President give him what he wants." From Mineral Wells on the east, which for years by its health-restoring waters has put hope in the faces of disease-stricken people scattered over these United States, comes a like expression. From my own home town, Abilene, which harbors none but patriots, comes:

Be it resolved, By 10,000 citizens assembled in the city of Abilene beneath the Stars and Stripes for the purpose of symbolizing our patriotism for our Government, in a grand parade which has just taken place, that we heartily indorse the plans of President Wilson for recruiting the Army by selective conscription, to the end that an army sufficient to win victory may be organized, trained, and armed at the earliest moment possible.

From the stanch west Texans of Brownwood comes this enlistment:

At patriotic mass meeting, following parade mile long, people voted follow Chieftain's orders as volunteers or by conscription. Four thousand present. Brown County could raise four or five companies on urgent call in 10 days.

If any of you gentlemen do not believe that the people of your district are behind the President, then one of two things is certainly true, either your people are fundamentally different from mine or you have not had your ear as close to the ground as I have had mine.

Mr. Chairman, I am supporting my President because I am keeping my campaign pledges and representing the sentiment of my people. [Applause.]

Mr. GREENE of Vermont. Mr. Chairman, I yield 10 minutes to the gentleman from Pennsylvania [Mr. ROBBINS].

Mr. ROBBINS. Mr. Chairman and gentlemen of the committee: I find myself in a very unique position at this time. I was a Member of the Fifty-fifth Congress. I had traveled extensively in Cuba and knew of the terrible conditions that prevailed at that time on that island, and when Congress convened I was a strong advocate of American intervention and took an active part in the declaration of war against Spain for the liberation of Cuba. I had been a member of the National Guard of Pennsylvania for 10 years and had enlisted as a private and served three years in the ranks. When the guard was called into the service of the United States I promptly left my seat in Congress and tendered my services as a volunteer. At the training camp at Chickamauga, Ga., I was in a brigade composed of three regiments—the Fifth Pennsylvania, the Twelfth Minnesota, and the First South Carolina. It would be impossible to state which one of these regiments showed the greatest patriotism, enthusiasm, and willingness to undergo the hardships of that encampment. Subsequently I saw service on the islands of Cuba and Porto Rico, serving throughout the entire war. And now I find myself returned as a Member of the Sixty-fifth Congress from the twenty-second district of Pennsylvania, and the first duty that confronted me when this Congress was called in extraordinary session was to take part in a declaration of war against Germany, so that back in my district, composed of the counties of Westmoreland and Butler, I have been called "the War Congressman," which, of course, is furthest from the fact, because each of these wars are waged on behalf of human liberty, free democracy, and for the purpose of establishing a permanent peace.

On the 5th of April we passed a bill declaring that a state of war existed between the United States and the Imperial German Government, brought on by the ruthless attacks of German submarines on American commerce on the high seas and the murder of American citizens, and on the 23d of April we finally passed, concurring in the Senate amendments, a bill appropriating $7,000,000,000 toward prosecuting this war to a successful conclusion. There now remains two principal steps to be taken before the operations of this war can be actually begun.

First. The raising of an army of soldiers; and

Second. The raising of money by taxation to support that army and repay the great war debt we are about to incur under the bond issue authorized.

The bill we have under consideration known as H. R. 3545 is entitled "An act to authorize the President to increase 'temporarily' the Military Establishment of the United States."

This bill has come from the Committee on Military Affairs, as shown by the report of that committee, with a divided recommendation. The majority of the committee standing for adopting the volunteer method of raising this army, and the minority of the committee recommending, as the President has styled it in his message, "Universal liability to service." In other words the committee is divided as to which of the only two recognized methods of raising an army—to wit: "by volunteer" or "by selection"—should be adopted by the Congress.

I am, myself, a Spanish-American War veteran, and entered that service as a volunteer. My prejudices and my training alike are in favor of the volunteer system. The great State of Pennsylvania, from which I come, has furnished volunteers for every war in which this country has been engaged.

During the War of the Rebellion Pennsylvania's quota was 385,369. She furnished by volunteer 337,936 men and only 28,171 by paid commutation.

As further evidence of Pennsylvania's patriotism I beg to call the attention of this House to the fact that when President Lincoln issued his first call for 75,000 volunteers on April 15, 1861, while Pennsylvania's quota was 12,500, this State actually sent 20,175. The next State to her in number was New York, that sent 13,906.

With this splendid record of the volunteer soldier of my native State in the great rebellion, it would be with great hesitancy that I should abandon the volunteer system and support the principle of compulsory service.

The sentiment in Pennsylvania on this is now indicated by a resolution passed unanimously by the house of representatives of that great Commonwealth on the 29th day of March, 1917, which is as follows:

Concurrent resolution 11.

Whereas the subject of universal military training has been and will be presented to the Congress of the United States; and
Whereas there should be enacted into law a universal military training bill: Now therefore be it

Resolved by the house of representatives (if the senate concurs), That we earnestly indorse the principle of universal military training, and urge upon the Members of Congress from the State of Pennsylvania to aid in the enactment of such a universal military training law as will now and hereafter provide for the common defense, promote and maintain the general welfare, safety, and happiness of all the people, and secure the blessings of liberty to ourselves and our posterity; and be it further

Resolved, That a copy of this resolution, together with the action thereon, be sent to each Member in the Congress of the United States from the State of Pennsylvania.

I hereby certify that the foregoing is a true and correct copy of a resolution passed in the house of representatives on April 2, 1917, and concurred in by the senate April 3, 1917.

THOMAS H. GARVIN,
Chief Clerk House of Representatives.

This therefore indicates that the sentiment in my State is now in favor of "universal military training." It, however, must be borne in mind that there is a great distinction between "universal military training" and "universal compulsory military service." Universal military training along the lines known as the Swiss system should be adopted in this country and every young man between the age of 18 and 24 should be drilled, disciplined, and prepared in some branch of the military service, but this should be done without taking these young men from their homes or withdrawing them entirely from the industrial pursuits in which they are engaged, or interfering permanently with their education or their acquisition of trades, or their preparation for the serious business of life.

We have in Pennsylvania a National Guard of approximately 12,000 men. They have 48 large, commodious, and completely equipped armories and are adding to this number rapidly each year, so that in a few years there will be an armory in every community in which there is a company of the guard. These armories are now used on an average of but one night a

week, leaving open five nights that could be used under a system of compulsory military training during the winter by five times the number of men now in our National Guard; then approximately 60,000 men in the winter season could be drilled in manual of arms, guard duty, setting-up exercises, the duty of sentinel, squad, and battalion movements, company formations, and so forth. In the summer these men could be concentrated on the State camp grounds and perfected in marksmanship, regimental, brigade, and division maneuvers. This system would afford practical military training for men of the Commonwealth and prepare them for actual warfare, and this system could be adopted in all the States.

War is now the most complicated, highly specialized, scientific, cruel, and barbarous pursuit. My brief military experience in 1898 was with an army that did not know of the aeroplane as its most effective scout, and with a navy that did not fear the submarine as its most dreaded enemy, nor the deadly gas. The automobiles and the armor tanks are developments largely of the present war; hence the importance of preparing the men who are to meet these new and terrible means of destruction before they are called to the trenches, which seems now largely to be the battle field of modern warfare. The universal testimony is that it requires months to prepare an army for service. The testimony of an expert recently returned from the battle fields of Europe is as follows:

Men can not be trained for service in the trenches or on the firing line of the European battle fields in less than 10 months or a year, according to Capt. A. T. Robertson, of Kirklands, Melrose, Scotland, a British officer who was engaged for many months in training the sons of Scotland for the war now in progress.

"You can get men ready for lines of communication in six months," said Capt. Robertson. "There is no reason I can see that here in America you should not have an army fit for such service in that time; but it would not be possible, in my judgment, to train men for trench warfare inside of 10 months. That was our experience in England."

And in this opinion the experts generally agree. We are, therefore, confronted with what is the best method of raising and preparing an army to meet the responsibility of this terrible conflict.

In my opinion the question of whether the opportunity to volunteer is given in the first instance before the draft is exercised, or whether the entire Nation is to be enrolled and a selective draft made of those available for military service, is a most important step. If we are to enroll the entire Nation, and then select by lot those that are to perform military service, and take only those that are not in the excepted classes provided for in the third section of this bill, we will have departed from the universal practice hitherto followed in this Republic, and there must be some very good reason for such departure before the country will indorse it.

It is estimated that the military strength of the United States is probably between fifteen and twenty millions of men, who, after deducting the exempted classes, and at this time when labor is scarce, when it is said that it requires five persons at home to maintain one man in the trenches, and when it is proposed to excuse all those who have persons dependent upon them for support, certainly the amount of men left available for military service would not exceed 5,000,000 in number available for the first call. From such a small proportion of our population it would not be possible to secure by volunteers a sufficient army to fight this great conflict. Then, upon the principle that each man owes to the country the duty of protecting and defending it, it would seem that liability to military service in the present conflict should be rendered obligatory. It must not be overlooked that this bill only provides for "a temporary increase" of the Military Establishment.

I would not vote to create a great permanent standing army, with a great corps of officers and an immense budget to bear the annual expense of its support. This would indeed be setting up a military despotism, which is the very system that we combat in our war with Germany, for it is well understood that if the Kaiser had not been backed by a great and thoroughly trained and efficient German Army he would not have swaggered through Europe for the last 10 years, a menace to the peace of the world.

But the bill proposed by the minority suggests compulsory service of the boys between the ages of 18 and 25. With such provision I am not in accord. There is no reason why a man of 26 or 36 or 40 should not be as liable to military service in the defense of his country, if he is otherwise available, as a man of 21, and it is unfair and unjust for those of us who are past the military age to vote that boys who are under 21, who have no voice in the affairs of the Government, who are learning their trades and acquiring their education, and in that period of life when their character is formative, should be ruthlessly taken from their homes, forced into the Army, or driven to the trenches of Europe. This bill should operate on all men available for military service between the ages of 21 and 40 and should be administered in such a way that each State, each county, and each election division should be called upon to furnish its just quota in proportion to the available men therein, and credit should be given to each congressional district for the soldiers already furnished, whether in the National Guard or otherwise in the service of the United States.

While it is true it has been suggested during this debate that the men available for military service in the United States are probably between 15,000,000 and 20,000,000, yet this bill excepts all the following men from the operation of the draft:

And nothing in this act contained shall be construed to require or compel any person to serve in any of the forces herein provided for who is found to be a member of any well-recognized religious sect or organization at present organized and existing whose creed or principles forbid its members to participate in war in any form and whose religious convictions are against war or participation therein in accordance with the creed or principles of said religious organizations, but no person so exempted shall be exempted from service in any capacity that the President shall declare to be noncombatant; regular ministers of any religious denomination; and the President is hereby authorized to exclude or discharge from said selective draft and from the draft under the second paragraph of section 1 hereof, or to draft for partial military service only, persons of the following classes: Customhouse clerks, persons employed by the United States in the transmission of the mails; artificers and workmen employed in the armories, arsenals, and navy yards of the United States, and such other persons employed in the other service of the United States as the President may designate; pilots, mariners actually employed in the sea service of any citizen or merchant within the United States; persons engaged in industries found to be necessary to the maintenance of the Military Establishment or the effective operation of the military forces during the emergency; those in a status with respect to persons dependent upon them for support which renders their exclusion or discharge advisable; and those found to be physically and morally deficient. No exemption or exclusion shall continue when a cause therefor no longer exists.

Hence, when this sifting process is completed, and all those excepted classes taken out, we will have, in fact, taken stock in the Nation. All men that are needed in the industrial pursuits, farms, factories, and mines will be relieved. My district is especially short at this time of skilled and general labor, for the workshops and mines and manufactories and farmers the men to keep these sources of supplies going will be under special Government supervision, and the products of this labor so greatly needed for the most effective uses in this great crisis, will be provided.

In other words, this selective draft applies not only to the military service but to our industrial conditions as well. This war may be won by "bullets of bread." It is necessary to keep the "hoe behind the flag." It is essential that the great munition plants are efficiently operated to their full extent and that our farms be tilled and planted.

In other words, we are in a contest against the most efficient military and industrial organization on earth and we must meet it with like efficiency and determination. Therefore, taking a broad view of the difficulties that confront the American people in this world war, endeavoring to profit by the blunders and shortcomings of England and France at the beginning of the war, let us seek the system that seems most likely to lead us to avoid their mistakes. That system, of course, is a system of universal liability to military service of all men between the ages of 21 and 40 years, and from this number, by applying the system of the selective draft, should be chosen the Army of the Republic. This army in the field, by the same principle of selection, will be backed and supported by an army five times as great, working in the industries, upon the farms, and in general business under national control. With such an efficient organization a nation of freemen numbering 100,000,000 can not meet defeat.

Mr. Chairman, we now have in the trenches of France and in various arms of the French military service, according to the latest available information, 40,000 Americans. These should be organized at once into an American army and marshaled to fight under the Stars and Stripes. There certainly ought to be extended to them national recognition and the benefits of our pension laws and our greater pay of military service than that which they receive from France. Moreover, it would be a great encouragement to our allies, indeed, to see the Star and Stripes borne at the head of American troops in this war for human rights and free democracy.

We have a Regular Army also, which numbers, when recruited to a war footing, 287,000 men. At least 200,000 of these are now seasoned, drilled, and equipped troops and can be spared and sent forward at once to the trenches.

The next step is the recruiting of the National Guard up to war footing, and this can be done very quickly if the word is once given out from the War Department.

The adjutant general of Pennsylvania informed me by letter under date of April 21, as follows:

The National Guard has not been recruited to its full war strength for the reason that the recruitment has not been authorized by the War Department. The organizations of the National Guard have been directed to recruit to the regular peace strength of the Regular Army, and that is being done very satisfactorily.

This would give us an army of 625,000 National Guardsmen, which added to the regular Military Establishment of 287,000 would be about 1,000,000 men armed, equipped, and ready for service.

The opportunity to volunteer in the National Guard and in the Regular Army would seem to furnish ample opportunity for those who wish to volunteer in the military service of the United States, and when these organizations are recruited up to a war footing we will have a Regular Army of 287,000 men and National Guard furnished by the various States containing 625,000 National Guardsmen, or a total army of almost 1,000,000 men armed and equipped. It is true that only so much of this army as is composed of regular soldiers would be ready for immediate service beyond the limits of the United States.

It would require several months to drill and equip the National Guard and prepare it for the foreign service. In the meantime such census could be taken as a necessary preliminary step to applying the principle of selective military service. By this process all of the troops raised outside of the Regular Army would be taken in under the principle of obligatory military service without placing any under the stigma of having been drafted. It is highly important that all of these troops preserve their State organizations and designation, which has been shown to be so essential to military efficiency, bravery, and service.

Mr. Chairman, it has never been considered an honorable thing throughout the North to have been drafted into the War of the Rebellion. It is always a great and joyous occasion among our people when there is a regimental or company reunion of the veterans of the Grand Army of the Republic, but I have never heard of any of the drafted men holding a reunion since the Civil War; hence we want to avoid this and place this military service upon another principle, to wit, that of "universal liability to service," an obligation that all acknowledge and freely submit to.

By the inauguration of the universal military service policy every citizen will have discharged his duty when he has registered. It would then be the function of the governmental authorities to determine whether he is qualified to serve and whether he is needed. The entire defenses of the country could then be organized upon a scientific basis and in a manner that would least disturb economic conditions.

The allusion has been made in this debate to mistakes and blunders made during the Spanish-American War. These mistakes were chiefly in the Medical, Quartermaster, and Commissary Departments. The scenes depicted by the gentleman from New York in the hospitals of Chickamauga are very familiar to me. I assisted on one occasion in removing from the general hospital there the bodies of 16 young men who died of fever during the previous 24 hours. All of these should have recovered under the proper medical treatment, but they received little or no attention and died of neglect. On the Government docks at San Diego, in Cuba, I have seen piled up hundreds of cases of baking powder, on one side (an article little used in the Army) and on the other, hundreds of cases of mess pork. The hot sun had fried the grease out of the pork until it ran down the street out into the bay. Tons of it were simply permitted to spoil, while the men on the front were in need of supplies. Inefficiency was also too noticeable at every turn. A law should be passed to punish all who cheat the Government with life imprisonment.

These costly blunders can only be avoided by a complete and efficient organization of our Military Establishment from the top to the bottom, backed by a complete organization of our industrial establishments at home. And believing that this bill makes for this, I am willing to depart from the traditional practices of this Nation in the first instance and stand by that which the President asks for, on the advice of his military experts, to wit, the principle of selective draft.

Mr. Chairman, it seems to me that with prompt action on this bill authorizing the President to take stock in our Nation in military resources as well as of our industries, and to establish and enforce at once the principle of a selective draft, to send forward the troops that we now have available, to operate in connection with our Navy, that we will be defending ourselves against the attack made upon us and rendering prompt and effective aid to our allies, and will be meeting this emergency by intelligent and effective action.

There is no justice in placing the whole duty of bearing arms for the country on the free and willing. The duty of bearing arms when called upon in defense of the Government and laws, the national life, and the integrity of the national territory, whether against a foreign or a domestic enemy, is obligatory alike upon all able-bodied citizens not for wise public reasons exempted. There is gross wrong in devolving the whole burden of bearing arms for the country on those whose patriotism and sense of public duty lead them to volunteer, while we leave the unpatriotic, the indifferent, the ill-disposed, the sluggish at home to fatten on their blood and suffering, to plot mischief against the State, or to join in conspiracies for defrauding the Government. These are as much bound to expose their lives in defense of the country as the brave, and have as great a stake in its defense. Justice demands that these men who say to others, "go," but go not themselves, should be compelled to take their turn and bear their share. By this process military service will be placed on the same basis as payment of taxes.

Much of the opposition to the idea of compulsory military service grows out of the misunderstanding of what is really meant. It is characterized as "conscription," "draft," and "compulsion," which words are, of course, unpopular in the free government. It does not mean this; it simply means to impose the burden of defending the Nation in arms impartially upon all citizens, rich and poor alike. It means that for a few of their vigorous years all the young men of the country who are physically fit, or who are not for a good reason excused, would be compelled to spend a few months each year in interesting military exercise and improving studies. They would be compelled to live under more favorable physical and moral conditions than usually expected in civil life. They would be compelled to obey and learn from a singularly efficient and honorable class of their fellow citizens, the officers of the Regular Army. They would be compelled for a few months of their youth to lead regular lives, to spend their strength intelligently, to know their own bodies, and to command their own minds. Those who shudder at the word "compulsion" in the discharge of such duties to their country fail to appreciate not only the privileges but the burdens of true citizenship in a free Republic. The example of the free democracy of Switzerland and Australia has proven this. Switzerland, although surrounded by the greatest military powers of the world, has maintained her freedom, and Australia, where military service is obligatory, has shown the fiber of her soldiers upon the battle fields of Europe. [Applause.]

Gentlemen, the Constitution places upon us the duty of declaring war and providing men and money with which to prosecute it. This same Constitution places upon the President, as Commander in Chief of the Army and Navy, the supreme obligation of carrying on this war. He, and those who are associated with him in the military establishment of the Government, have asked the enactment of the bill recommended by the report of the minority members of the Military Committee of this House. The President has information that we do not have. His advisers are better able to judge the necessities of this great war than we are. I hesitate to assume the responsibility of placing any obstruction in the way of the President by my vote that might interfere with his successful prosecution of this war. I shall stand by the President in this great national crisis and support him. The military plans of the President have the unqualified indorsement of the military experts of the War Department, of ex-President Roosevelt, of ex-President Taft, and, I believe, of the country generally; and, supported by this strong indorsement and sentiment, I shall cast my vote in favor of the minority report and to sustain the President. And when this war is over, as it will be sometime, and the victorious American Army is returning, I will have at least the consolation of knowing that I voted so that it should be a real American Army, including within its ranks not only the great but the humble, not only the poor but the rich; in fact, all classes of our American citizenship; and, flushed with victory as they come, this will be the sentiment that I think will be sounded by their patriotic lips:

Oh, it is home again, home again, America for me!
I want a ship that westward sails, across the rolling sea
To the blessed land that is wide enough, beyond the ocean bars,
Where the air is full of sunshine, and the flag is full of stars.

[Applause.]

Mr. GREENE of Vermont. Mr. Chairman, I yield 10 minutes to the gentleman from Washington [Mr. HADLEY].

Mr. HADLEY. Mr. Chairman, frequent reference has been made in the course of this debate to the history and achievements of our volunteer service. I yield to no one in respect and admiration for the valor and patriotism of the American volunteer soldier. My earliest recollections are inseparably associated with supreme reverence for the immortal record of his glorious deeds in the Civil War. But that record is not in issue here. In its last analysis the issue under debate is bottomed on the question whether in the authorization of a great Federal Army to prosecute war on behalf of all the Amer-

ican people the Congress shall apply the principle of universal obligation to military duty, or whether it shall ignore that principle until such time as the individual volition of courageous patriots may have failed to meet the military requirements of the country. If the latter course should be adopted, the majority of those subject to military duty would not respond to such a program. History demonstrates it, and no amount of argument, however exhaustive and specious, can avoid the force of that incontestible fact. Such a result would be unfair. A system which would make it possible would be unjust and therefore indefensible.

The bill as reported by the majority of the committee provides for a demand for compulsory service in a given contingency, clearly recognizing the right as one to be exercised as a last resort and providing it as a reserve power likely to be required as a matter of military necessity. If those who would be shielded by the proposed volunteer plan are to be subject to selective call as an incident to military necessity, there is no sound reason why such liability to compulsory service should not be given immediate and unconditional effect. The only reason logically deducible from the face of the bill for the dual arrangement it provides is to protect those who may be unwilling to enlist at least until the volunteer system fails. A system under which all respond at once, however few may be chosen, is far more equitable and is consistent with the relation existing between the citizen and the Republic. When a citizen registers and submits himself to the military authority of his country it should remain for the Government to determine when, where, and in what way he may best serve its interests. Whether he be sent to the front in battle or to the field or the factory for military purposes or be not called at all, he discharges the duty of service or proffer of service common to all, and the country which dictates his course will justly record him a patriot. Whatever be his lot, no finger of reproach can ever humiliate him, no idle tongue slander his good name nor challenge his honorable record.

I am unable to understand the course of reasoning by which those who oppose applying the principle of universal liability to service in the first instance on the ground that it is fundamentally wrong readily sanction its application on the ground of military necessity when the volunteer method fails. If selective conscription is inherently wrong in one case, it is equally so in the other; and if it is essentially wrong in any case, no necessity, however grave and impelling, can make it a righteous expedient. On the contrary, if it is right at any stage of the military program—and the bill recognizes that it is—it is right at all stages, and as a matter of common justice it should be applied from the beginning to the end.

So far as possible equality of burden in a Republic should always be applied as a basic principle. We do not apply the voluntary principle in our schools because the public welfare requires a degree of universal elementary education which would not be voluntarily acquired. We do not apply it in taxation because the burden which should be justly imposed would not thereby be uniformly assumed. We do not apply it in the selection of jurors, nor in any other sphere of action where the public is peculiarly interested in the result of the service of the individual. To trust to its application where life and death are directly involved would be as repugnant to reason as it is to common prudence. We can not afford to adopt a policy the operation of which is uncertain. Time alone can reveal the results of the volunteer plan.

Under it, while time runs its course, we can only wait and wonder, however much the cause to which we are committed may suffer. Old conditions have passed away. Preparation for war must be made with reference to those which now exist. Under present world conditions and modern methods of warfare industrial and military efficiency must be concurrently maintained. To weaken one is but to destroy the other. The selective plan affords adequate means for the equal support of both. The volunteer method will either fail to produce the men, and compel resort to conscription, or, producing the men, it will strike a blow at the industries essential to the support of our people and our armies.

In the present emergency no action on the part of this Government can exert a more far-reaching or salutary effect than the adoption of a military policy which will assure the world that the American people stand as an indivisible unit behind and in support of the military plans and purposes of the Commander in Chief of the Army and Navy. Our country is at war. That we must provide for a large Army and that it must be raised in the most expeditious manner all agree. Expert advice calls for selective conscription, and it calls for it now. The Department of War recommends it and the President urges it. It is contrary to sound policy for laymen to ignore the advice of qualified experts.

I deem it my duty to have regard to the judgment of those best qualified to advise with respect to military affairs. This is no time for division. Unity and cooperation are vital. It is the constitutional prerogative and duty of the President to conduct the war. It is inconsistent and unsafe to charge so grave a responsibility and at the same time limit the exercise of the executive function by denying him the means which he asks to give it effect.

The costly mistakes of Great Britain abound with suggestion. Her experience ought to be our heritage.

The successful prosecution of the war to the earliest possible termination, and the ultimate victory of our national arms with the least possible loss of American lives, are the prime considerations which should determine the action to be taken on this bill. With these ends in view I indorse and intend to vote for the policy advocated by the minority of the committee. The world waits while we deliberate. Civilization seems to hang in the balance. When our country moves forward, as it is about to do, into the great arena of war with all of its tragedies and horrors, I want to see it move with all its strength and might and power, with all of its pledged resources organized and coordinated into the most effective, self-sustaining, and invincible fighting force on all this earth, in behalf of the just rights of America and the bulwarks of human liberty. [Applause.]

Mr. GREENE of Vermont. Mr. Chairman, I yield 10 minutes to the gentleman from New York [Mr. SWIFT].

Mr. SWIFT. Mr. Chairman, the legislation which will be enacted as the result of this debate will be of far more importance to the vital interests of every home in our land than the formal declaration of war, and yet, despite its fateful character, I believe it will receive the sanction of the people determined to uphold the President in the prosecution of his epochal policy in defense of the Republic and the common cause of mankind.

The Congressman who stated, yesterday, it is very likely the people are behind the President but so far behind they do not know what he is calling upon them to fight for, impugns the intelligence of the people, and if he maintains his attitude will find that the people are moving closer to the President and that he will be so far behind the people that his separation will be extremely painful.

In the progress of this debate the honorable motives of the press have been assailed by a few Members whose attacks, on their own admissions, originate in rumors and are developed by hearsay and intangible evidence.

I deprecate the public expression of such sentiments, as I believe that the press since the commencement of the European conflict has been consistent in its devotion to the Government and steadfast purpose to unify public opinion in support of the President's great policies.

The editors of the country are diligent students of history, possess a broad conception of the political philosophy of our institutions, and quickly respond to the pulse and aspiration of the Nation. The attitude of the press in the present crisis is distinguished by its lofty and patriotic quality and is representative of the noble ideals of a free people.

The paramount issue presented to Congress in the consideration of the controversial reports of the committee is whether the military policy of the Republic in the precipitate creation of armies composed of volunteers inaugurated in the colonial period, and the pursuit of which our national experience has shown is often involved in disaster and the reprehensible loss of life and treasure, shall be continued or supplanted by the adoption of the comprehensive and effective system of selective draft founded upon the knowledge and judgment of military counselors.

While the advocates of a volunteer army to cope with the present emergency remind us of the successful issue of our former wars, they ignore the record of humiliating defeats, the prolongation of conflicts, and the shameful wastage of human life occasioned by the atrocious violation of the fundamental principles of war.

The valor and devotion of both volunteer and conscript is not disputed, but glorified by imperishable deeds of heroism and emulation, and any controversy concerning the relative standards of elective and involuntary service should be deprecated.

A notable distinction, however, exists between the two great methods available for the creation and organization of national forces.

An army of volunteers musters in random fashion, regardless of age, domestic obligations, industrial depletion, or agricul-

tural exhaustion. Moreover, in protracted wars of great magnitude, the inevitable human wastage must be replenished. If the indispensable increments of fresh troops do not readily respond, then conscription must be invoked, and its enforcement after the collapse of the volunteer plan creates discontent and occasional resistance to governmental authority. The incitement of this unhappy consequence is obvious.

At the inception of hostilities, multitudes, inspired by patriotism and influenced by the anticipation of a short war, supply the quota of troops solicited by proclamation, but as the duration of the conflict lengthens, successive appeals for additional recruits gradually exhaust the class of citizens swayed by sentiment until enlistments become negligible, and when thereupon to insure complements in existing forces or such increase as may be required in the numerical strength of the military establishment, conscription is ordained, it primarily affects the individual reluctant to perform any military service and personal protests may occur.

The volunteer plan is accommodated to the theory that the performance of military duty should be submitted to the individual for determination, and in numerous instances the burden of the decision reposes upon frail or aged kindred and not upon the Government where it rightly belongs.

The selective draft, however, is founded on the well-established principle of universal military service, and in its application affirms that the inclination of the individual is subordinate to the interests of the State.

The policy of conscription proposed in the pending measure is a scientific modification of the common military liability recognized by all nations, and even the notion of voluntary service heretofore practiced in our own land springs from this traditional belief.

Although the Civil and Spanish-American Wars were waged by volunteers, yet the statutes under which they were called enunciated the principle of universal military liability. The declaratory clause in the act of 1863 provides that all able-bodied male citizens of the United States between the ages of 20 and 45 years constitute the national forces, and shall be liable to perform military duty in the service of the United States when called out by the President for that purpose, and the statute of 1898 similarly prescribes that all able-bodied male citizens between the ages of 18 and 45 years shall constitute the national forces, and, with such exceptions and under such conditions as may be prescribed by law, shall be liable to perform military duty in the service of the United States. The conclusions of two distinguished authorities, Bvt. Maj. Gen. Emory Upton and Gen. James B. Fry, counsel the rejection of the volunteer plan.

Among the lessons of the Revolution narrated by Gen. Upton the following possess great significance:

That neither voluntary enlistments based on patriotism nor on bounty can be relied upon to supply men for the Army during a prolonged war.

That the draft, connected or not connected with voluntary enlistments and bounties, is the only sure reliance of a Government in time of war.

That when a nation at war relies upon a system of regulars and volunteers or regulars and militia, the men, in the absence of compulsion or very strong inducements, will invariably enlist in the organizations most lax in discipline.

He stated his observations upon the results of the War of 1812 in the following terse language:

The lessons of the war are so obvious that they need not be stated. Nearly all the blunders committed were repetitions in an aggravated form of the same blunders in the Revolution and, like them, had their origin either in the mistakes or omissions in military legislation.

Gen. Fry, who as provost marshal general administered the enrollment act during the Civil War, compiled an invaluable report on the urgency, operation, and result of this progressive legislation, important extracts from which report I now submit:

NECESSITY OF THE DRAFT.

During the latter part of 1862 the necessity for a radical change in the method of raising troops in order to prosecute the war to a successful issue became more and more apparent. The demand for reinforments from the various armies in the field steadily and largely exceeded the current supply of men. The old agencies for filling the ranks proved more and more ineffective. It was evident that the efforts of the Government for the suppression of the rebellion would fail without resort to the unpopular, but nevertheless truly republican, measure of conscription. The national authorities, no less than the purest and wisest minds in Congress and intelligent and patriotic citizens throughout the country, perceived that, besides a more reliable, regular, and abundant supply of men, other substantial benefits would be derived from the adoption and enforcement of the principle that every citizen not incapacitated by physical or mental disability owes military service to the country in the hour of extremity. It would effectually do away with the unjust and burdensome disproportion in the number of men furnished by different States and localities.

But it was not easy to convince the public mind at once of the justice and wisdom of conscription. It was a novelty, contrary to the traditional military policy of the Nation. The people had become more accustomed to the enjoyment of privileges than to the fulfillment of duties under the General Government, and hence beheld the prospect of compulsory service in the Army with an unreasonable dread. Among the laboring classes especially it produced great uneasiness. Fortunately, the loyal political leaders and press early realized the urgency of conscription, and by judicious agitation gradually reconciled the public to it. When the enrollment act was introduced in Congress in the following winter the patriotic people of the North were willing to see it become a law.

After a protracted, searching, and animated discussion, extending through nearly the whole of the short session of the Thirty-seventh Congress, the enrollment act was passed and became a law on the 3d of March, 1863. It was the first law enacted by Congress by which the Government of the United States appealed directly to the Nation to create large armies without the intervention of the authorities of the several States.

The main objects of the law were in general terms: First, to enroll and hold liable to military duty all citizens capable of bearing arms not exempted therefrom by its provisions; second, to call forth the national forces by draft when required; third, to arrest deserters and return them to their proper commands.

The public safety would have been risked by longer delay in the enactment of this law.

PRINCIPLES OF THE DRAFT.

The true principles are embodied in the enrollment acts, namely, that the country must look to its citizens for its safety and honor; that when engaged in war, military service may be rightfully required of every male citizen of proper age and suitable physical and mental condition; that the number of the men to be taken at any one time from a community, whether they go voluntarily or by draft, shall be in proportion to the number of men liable to military duty in that community and not to the number of its residents, including men, women, and children.

THE RESULT OF THE DRAFT.

This draft, though not directly fruitful in producing men, served the essential purpose of substituting the reality for the semblance of conscription, and of establishing the power and determination of the Government to proceed in the reinforcement of its armies. When it was resorted to volunteering had stopped and would not have been again started without the spur of the draft.

The successful operation of the volunteer plan under the present favorable industrial aspect is dubious. Its advocates ignoring the scarcity of labor and the attractive inducements prevailing in all avenues of employment, assume that the prompt enlistment of the first contingent of 500,000 men is an assured achievement. If each volunteer were qualified, the assumption might be justified, but experience indicates that as disabilities and exemptions exclude a substantial majority of applicants, the examination of 500,000 volunteers yields about 150,000 recruits. It is therefore apparent that 2,000,000 men of unwarlike temperament must voluntarily subject themselves to the hazard of acceptance if 500,000 effectives are marshaled for military service. It is unlikely that such an event is anticipated by the most ardent advocates of the volunteer plan, certainly not by discerning and reasonable men familiar with current commercial conditions. Nevertheless, the enlistment of 5,000,000 volunteers in Britain is advanced as one of the most potent reasons for the continuation of methods pronounced unsound and inefficient by the War College and all profound students of our military history. The testimony produced before the committee disclosed the fact that England's army comprised 2,000,000 pure volunteers and 3,000,000 additional recruits obtained by public humiliation or social conscription. Such devices would not be tolerated in America.

Modern warfare requires the scientific mobilization of all the resources of the Nation, and therefore sentiment must be superseded by sensible and logical business methods. The enlistment age of the recruit is a matter of grave concern, and I believe that the recommendation of the War Department restricting the application of compulsory military service to young men between the ages of 18 and 25 years should be adopted. Vigorous protests against the enactment of such legislation has developed on the plea that it is unjust that our fighting forces should be entirely composed of the young men of the country. All great wars, however, have been waged by young men. The record of the ages of Union army recruits in the Civil War, compiled by the sanitary commission, shows that the mean age of all soldiers in that conflict was 25 years and that when classed by ages the greatest number of volunteers were 18 years of age.

Mr. Chairman, the pending military proposal is one of the results of the recent remarkable address delivered by the President to Congress in joint session—an address, Mr. Chairman, that will be accorded high rank as a great historic document and which seems to fulfill the prophetic words of Gervinus, the famous professor of history at Heidelberg, proclaimed in 1853, in his classic introduction to his projected history of the nineteenth century, that the vocation of the nineteenth century would be the establishment of political freedom in the continental nations of Europe. This great mission has been transmitted to this generation for its noble and lofty consummation. The President has pointed the way by which our honorable purpose will be achieved, and in this great cause we consecrate our lives, our fortunes, and our sacred honor.

Mr. GREENE of Vermont. Mr. Chairman, I yield 10 minutes to the gentleman from Washington [Mr. MILLER].

Mr. MILLER of Washington. Mr. Chairman, my duty, as I see it, is to support the President's plan for conscription. I would not blot one page of history which records the glory of the volunteer soldier. I love to turn those pages and read of his valor. I stand here to-day in the Congress of the United States with an uncovered head in the presence of his memory. I am sure no one on either side of this Chamber desires or intends to rob one act of his of its brilliancy, nor take from one exploit of his its daring and its glory. He was the man of the hour in '61; he was the man of history in '65; he was again the man of the hour in '98. We all love to look upon the picture still hanging in our homes of the young man of '61 in his little coat of blue with his musket by his side. He was our kinsman. God bless the valor, the heroism, the memory of the little volunteer. No thoughtful person will ever speak of him in other than words of praise—almost reverence. It has pained me therefore to hear in the course of this four days' debate the insinuation on the part of some that we who candidly and honestly believe in the merits of selective conscription at this time are depreciating the services of the volunteer in the war of 1861 and in the Spanish War. I am sure no Member intended it as such, for no Member would intentionally be so unfair.

The life and history of the volunteer soldier, especially of 1861, overflows with honor and renown. Let us leave him where honor and glory have placed him and then let us turn the pages of a half century and more of history and a half century and more of daily human progress of a busy world.

We must not overlook the fact that the world has turned around a good many times since 1861, and the human mind has been at work. In different ages we find different conditions. Wars in different ages are fought through different agencies. It throws no light on the present to state what the Greek and Roman did. Their military establishment is no more of a guide to us to-day than would their civil establishment be a guide to us in the present hour. The organization, discipline, and strategy of their armies has no more relation to our condition to-day than have the weapons with which they fought. We find ourselves in a different condition; the human understanding has progressed, and our plans must be laid accordingly. Military strategy approved even a half century ago could not be followed out to-day without inviting almost certain disaster and defeat. New ideas, new thoughts, new principles, call for new remedies, new and different solutions. A system which was feasible and practical years ago is no criterion of its feasibility to-day.

The first thing that we must do is to divorce ourselves from the dash and daring in the wars of half a century ago. The romance of war has gone. It is now the slow, cold process of killing and starving by systems worked out with infinite pains and patience. The military systems of 50 years ago bear no more relation to the systems to-day than did the trenches at Gettysburg bear relation to the trenches on the fighting zone in France to-day. The volunteer is outgrown. We all regret his passing. The cold, solid facts of the development of the modern system forces us to this admission; the horse-drawn supply train was good in its day, but it is outgrown now. The human temperament has changed, too. We are far more analytical to-day than we were 50 years ago. Our sense of natural justice between man and man is more keen, and the relation between the citizen and his Government is infinitely closer. This is the spirit of the age. There never was a period in our history when legislation so affected the individual citizen as within the last 30 years. All of this forces us to recognize the fact that inequalities which have heretofore existed will not be tolerated now. The constant tendency of 30 years of legislation has been to equalize and to distribute responsibilities, benefits, and duties. Our whole system of public-welfare laws is founded upon this modern principle. This is the tendency of the times. Privileges long enjoyed by some are no longer permitted; they are unthinkable to us to-day.

There is no better evidence of this modern tendency than the laws enacted by this body. We are becoming infinitely more discriminating. All of this has had its effect upon the national temperament, or perhaps the change in the national temperament is reflected in the legislation. The truth is, the American people have changed temperamentally in many particulars. This modern trend has caused us to look more closely into personal injustices, and thus we come to the institution known as the volunteer soldiery of the Republic. Our natural conception of right and wrong, between man and man, compels us to recognize the injustice of a system which allows the willing hands to do all the work and the unwilling ones to do nothing. Our sense of justice compels us to object to a system when applied to the citizen and his Government which permits the willing ones to fight the Nation's battles while the unwilling ones seek places of ease and safety. It is unjust that willing hands should carry all the hazard and risk of War; it is wrong that unwilling ones should carry none. This is the case of the great, big-hearted, patriotic volunteer soldier. No young man should be permitted to sacrifice himself because he is full of good, red American blood, while the young man across the street rests in safety because his blood is yellow. If God made this fellow deficient, let us see if we can not help him out a little. It is wrong, fundamentally wrong, to reward the scamp and coward with personal security from danger in time of war. Bring the young fellow out of the poolroom, away from the bright street lights of the night, jerk him away from his cigarettes and let us make a man of him of some use to his country—let us compel him to be a man.

The law of equal distribution of duty, the strong arm of the Federal Government will transform him, and he will soon yield to the patriotic duty and feel the inspiration of his country's call. Let us get after the slacker, the fellow with the yellow streak; the patriot will take care of himself any place. All the Government has to do with him is to hold him back. The darkest blot upon our military institutions of the Civil War period was the injustice heaped upon the volunteer soldier. Thousands and tens of thousands who survived that awful period to their dying day were and will be victims of that injustice. We all admire their self-sacrifice and devotion. We love to pay them the honor which is their due, but that does not help them in meeting the competition and demands of life as they find it in their declining years. No wonder some of them, conscious of the injustice their patriotism brought upon them, are crying out against the order of things which permitted it. Four men stayed at home in 1861 where one went to the front as a volunteer. Four men taking advantage of the prosperous times in business, which war always brings, reaped the financial benefits which should have been distributed among the five. Our volunteer received no benefit of the country's commercial activity, and when he returned, even though sound in body, he found himself outclassed in the competition of civil life. We can trace many a great fortune in these days to the money-making proclivities of the slacker of 1861. No wonder the feeble old veteran in the Soldiers' Home is still crying out against this order of things.

I have in my district one of these homes, superb in appointment, splendidly managed, with every comfort, but still there is not a veteran there who would not far rather be sitting at his own fireside free from poverty and secure from want. As the result of the system he found at his return in 1865 that the slacker had outdistanced him in every walk of life. These old, tottering veterans are thinking of it now. They have been thinking of it for over 50 years, and I ask in the name of God will mankind learn nothing from the teachings of experience?

If those good old heroes had not been so impulsive, not so full of good, red American blood, and if the law had carefully distributed and apportioned the burden of war amongst them all—if each had borne his part—there would not be the bitterness of disappointment which follows these grand old men to their graves.

This system, or lack of system, whichever it is, appeals to us as wrong according to our modern conception of right between man and man—between the citizen and his Government.

There is another phase of the matter. Much of the argument against a selected army is based upon the romance of the volunteer. God bless the volunteer. I can not mention the word without a thanksgiving in my heart that we had such men.

One would think from this debate that it was all smiles and joy and song and dance when the volunteer marched off to war. No picture is drawn here of that tear-stained, weeping mother, left perhaps alone and without support, standing in the roadway and following with her dimmed eyes as far as she could the form of her little volunteer as he marched over the hill to the place of muster. All the mournful scenes on the floor of this House are from the weeping mothers of the departing conscript. There are two pictures, my colleagues, and both are sad; I know not which is the sadder. Do not forget that the mother, however self-sacrificing, however heroic, shed the same tears of anguish in the past and will shed them in the future over her volunteer son, as any mother will ever shed over her conscripted or selected son. No wife, no mother, wants her husband or her son sacrificed, whether he be volunteer or conscript. And it is unjust that the willing ones should be first.

I can see in the future thousands and thousands and tens of thousands of American mothers thanking this Congress—thanking the God who guided it—that it saved her from sending her son as a duty-devoted volunteer. Do not you think, my colleagues, that many a mother will thank us for saving unto

her her boy who would have volunteered? In tens of thousands of American homes there will ascend the thanks of patriotic mothers that a just and equitable law of equal distribution of war's burdens has saved unto her her patriotic son. She will now say to herself, "He is ready," and the son will say to himself, "I am ready when my country calls me." I can see thousands and thousands of homes made happy by realizing, by knowing that the call will only come to it as it comes to every other American home—all made possible by the laws' equality.

I know of homes in distress to-day because it is therein known that the son is awaiting the call for volunteers. I know of other homes tranquil and happy because the son there is resting in the full belief that volunteers will be called for and he knows he does not have to go, and he knows that he will not. There are thousands of fathers devoid of patriotism, there are thousands of doting mothers equally so waiting for this call for volunteers, for they know their sons will never respond. These same people are hoping and praying against conscription, for they know full well that if a legally selected army is formed their sons will take their chances equally with the boys who feel it their duty to go but can not.

Every Member of this House has received letters—"appeals"—from parents to save their boys from enforced military duty in this time of war. I have several of these in mind, and it spurs me on with renewed energy to see that this class especially shall not wholly escape. It doubles my zeal in behalf of a principle born of justice that they shall bear their share of the burdens inseparable from war. We all know that war has its horrors. We all know that destruction of life is its very purpose, that success is rated accordingly as the death rate multiplies against the other. These letters, these "appeals," emphasize the necessity for a just and equitable method of selection. My motto is, "By all means get the slacker first."

The day is past, I hope gone forever, when the red blood of America shall bear all of the hazards of war, and the white or the yellow blood shall bear none. Shame on the American who will not do his part! Shame on any American, on any man or woman, boy or girl, who enjoys the blessings of American liberty and freedom and will not defend it! Shame on anyone who hears the call of God's humanity for help, and he turns aside and walks away!

I have heard it advanced in this debate as an argument against the selective system that the Government will have difficulty in enforcing it. I shall never admit such a weakness of our institutions; I shall not for one instant admit that American manhood and womanhood are of such blood and bone. I can not believe that any American will fail or refuse to perform his duty when he knows he is only being called upon to do his just and proper share. If there is such, we all know we have caught a slacker in the net. There will be no opposition from the patriotic, from those who would otherwise volunteer. No protest will come from the willing ones, they will be ready and anxious to go and perform their duty in good and rounded measure. But if there is opposition, we know the slacker—the man or boy with the yellow in his make-up—is complaining, because he can not shirk, because the law will not permit another to do that which he ought to do himself. But, thank God, the true American is in overwhelming majority, and leave it to him what becomes of the slacker, the coward, and the shirk. He will have a way of his own to deal with them.

The American people are in earnest in this war; the Government of the United States is in dead earnest. There is little time, nor is there the mood to deal with the physical and moral coward. But there is time, an abundance of it, to listen to the good, true American boy who answers his country's call, but who ought not, either in justice to his country or himself, be permitted to go.

This is a war for the preservation of our civilization, a war for humanity itself. This is a war to determine whether our civilization, founded upon peace and sustained by peaceful pursuits, shall govern the world or whether a civilization founded upon a military autocracy shall be the destiny of the race. It is a war, therefore, to which every man and every woman should pledge his life until our cause shall be won and victory shall be ours. In other wars the mothers of the land gave freely of their sons to sustain the glory of our Republic. I can not and will not believe our womanhood has decayed. I shall not believe it. On the contrary, I believe American motherhood to-day, as ever before and ever in the years to come, will not only rally to the support of our land and our institutions, but will rally to the defense of God's humanity when an assault is made by a nation whose mission is to destroy it.

I believe it is the duty of Congress to stand by the President and his policy when he and his policy are right. The romance of the past must fall before the cold, stern facts of the present and the duty which those facts reveal. We must not look backward only. We must look forward into the future. We can not live forever amid principles and systems of yesterday. We must construct; we must advance in harmony with human thought. We are living in a tense age, a practical age, the most intensely practical since history has been written of the doings of men. We are living in an age of constructive thought. The idea that the principles and systems of half a century ago can not be improved upon, as seems to be entertained by some, is wholly at variance with the progress of the human understanding.

I shall vote for a fair and just selection law for military duty in this war, and face the future with the consciousness of knowing I have best performed my duty as I see it before me to-day. There is no other course for me to follow. [Applause.]

Mr. GREENE of Vermont. Mr. Chairman, I yield 10 minutes to the gentleman from New York [Mr. HASKELL].

Mr. HASKELL. Mr. Chairman, in the last Congress, and in this one, I have consistently favored all measures for military preparedness.

Undue anxiety to be kept out of the war has had the opposite effect and we are at war.

The compulsory military training bill should be immediately passed and action all along the line should be substituted for oral and written language.

Theodore Roosevelt backs up his Americanism by offering to fight, and innumerable men from various paths of life criticized as favoring war, but not enlisting, will be found on the firing line, making the same sacrifices as other American citizens.

While there are some misguided, and many who are hypocrites, that is no reason why the faithful should abandon the performance of patriotic duty.

In Osler's Medical Works, volume 5, page 44, appears the following:

MENTAL FOG OR TWILIGHT STATE.

Twilight states are usually temporary, but they may last for varying lengths of time; they may last for weeks or months. The cessation of the state is, as a rule, sudden, the patient waking as though from sleep.

I can only express the hope that the awakening from the "twilight sleep," relative to the war situation, which is bound to come, if not already here, be speedily accelerated.

The progress made in Russia alone compensates for the sacrifices made in the present war. The consummation of a similar result in Germany by the removal of a parasitic emperor and a military caste, with the substitution of a republic in its place, will doubly pay the price exacted.

Gen. Horatio C. King, a beloved Brooklynite, veteran of the Civil War, accomplished in literature, music, and the law, besides being blessed with a goodly share of the milk of human kindness, generous and congenial to all, venerated by a host of friends throughout this broad land, under whom I studied law, and afterwards with whom and for several years I had the honor of being associated in the practice of the law, makes the following statement:

I do not know that Congress cares to take advice from the soldiers who saw war in the sixties. We know the weakness and the folly of the volunteer system.

The Government started wrong by relying upon volunteers. When the early excitement was abated it was evident that the Nation could not be saved other than by conscription. But the war had been going on for two years before drafting was enforced. This was the summer of 1863, and the frightful draft riots ensued. I do not forget that late one evening I superintended the shipment of a battery of light artillery from Washington to New York. It reached there early next morning, and it was that battery that opened on the mob very early and that ended the riot.

At a meeting of the Society of the Army of the Potomac in Portland, Me., in 1890, Gen. Sherman was presented after Gen. Walker's oration. He was in a very happy mood and talked much upon volunteering, and in one sentence he said, "I do believe, as I believe in Him who rules over us all, that this country spent one thousand million dollars and 100,000 precious lives to teach you the art of war."

Some in Congress want to repeat this folly. Some, too, desire to renew the farce of a joint congressional committee on war. I recall the infinite jealousies and complications which that committee caused. Let Congress vote to provide the necessary support for the war and leave it to the Government to look after the fighting. Let them take the hint from Lincoln, who put Gen. Grant in the command of the whole Army and told Stanton and Hallock to keep hands off and that Grant had supreme control.

In conclusion permit me to say that I deem it is a patriotic duty to follow the only logical course open to be pursued in the present crisis, that of supporting the President of the United States, and I shall freely lend my support for compulsory military training and all other measures relative to the war situation toward presenting a united front in this time of our country's trials, with full confidence that in the end those who have conscientiously opposed some of the war measures will be converted and realize that no mistake was made by extending un-

equivocal support to the President and Government of the United States. [Applause.]

Mr. GREENE of Vermont. Mr. Chairman, I yield 10 minutes to the gentleman from New York [Mr. PLATT].

The CHAIRMAN. The gentleman from New York is recognized for 10 minutes.

Mr. PLATT. Mr. Chairman, I am sure that the average listener to this debate must at times have wondered whether we are at war with Germany or with the War Department. [Laughter.] The President of the United States has sought to avoid in this war many of the mistakes that were made in our past wars.

Mr. YOUNG of North Dakota. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from New York yield to the gentleman from North Dakota?

Mr. PLATT. No; I can not yield to a gentleman who will not allow me to finish a sentence. I have but 10 minutes and regret that I can not yield. The President, as I was saying, has sought in beginning this war to avoid the mistakes in policy of our former wars, but has found that first he has to fight the majority of the Committee on Military Affairs and then has to fight the orators of this House, the heights of whose flights of oratory are only exceeded by the depths of their ignorance of some essential facts in the history of the United States. [Laughter.]

Mr. Chairman, the ink had scarcely been dry on the Declaration of Independence nine months before Congress passed a draft act—April 14, 1777. A second draft act, February 26, 1778, assigning quotas to the States and appointing places of rendezvous for the men. Under this act the New England levies were to assemble at Fishkill, in my district, a beautiful and ordinarily a peaceful little village just north of the Highlands of the Hudson. The New England levies were to assemble at Easton, Pa.; the New Jersey, Pennsylvania, and Delaware men "at camp"; the Virginians at Alexandria and Shepardstown; and so on. The expression "at camp," of course, at that time meant Valley Forge. Now, I do not mean to say that these draft acts were enforced fully, or even partially. The Continental Congress was without ability to enforce its acts, but they show very plainly that the volunteer system of raising troops was not the great and glorious success so eloquently pictured to us by the orators who oppose the policy of the War Department; they show very clearly that it had in fact, so early in the initial struggle of our forefathers for liberty and independence, practically broken down. And if anyone wants any further evidence to convince him of the truth of this statement he has only to turn to the letters of Washington, many of them written from the historic old Hasbrouck House at Newburgh, N. Y., also, I am proud to say, in my district.

Washington lamented again and again that the Congress was without power to establish a proper military policy based upon universal liability to serve and declared that if such a policy had been adopted at the beginning of the war many valuable lives would have been saved and the war for independence would have been much shortened.

Mr. Chairman, how readily do the ear-splitting orators flock to the superficial side of every great question, as moths to a candle light! They see only the glitter and glare. They take as by instinct the side which they think will be popular, without giving themselves the trouble of any investigation of the facts or any thought as to the right or wrong of the policies they advocate. Oratory was defined by a great philosopher of ancient days as the art of making the worse side appear the better, and too often that definition applies in this House. The orators too often depend upon tricks of speech and flights of fancy to conceal their lack of information. Thus the gentleman from Illinois [Mr. MASON], formerly a United States Senator, made a great hit with the opponents of the administration's Army policy by an exaggerated approximation to a correct pronunciation of the word "staff" every time he desired to ridicule the General Staff and the War Department. It was the only approximation to correctness I was able to detect in his entertaining oration. [Laughter.]

Mr. Chairman, I marvel that so many of the orators of this House should know so much more about how to conduct a war than the Army officers who have given their lives to the study of war and to the training of men for war, and I want to say that it is time to stop this cheap talk about the General Staff and the officers of the Army of the United States. A finer body of men or a body of men more devoted to the service of their country does not exist than the officers of our Army. [Applause.] I want to call attention to the fact that some of the men who are opposing the administration and attempting to discredit the War Department and the officers of our splendid little Army are men who have opposed every movement for upholding American rights, who opposed the declaration of war, and the inference is obvious that they are now seeking to hinder the prosecution of the war.

No, I can not yield, Mr. Chairman, to the gentleman who desires to interrupt me. I know that American volunteer soldiers have been among the best soldiers the world has ever seen when trained for service. It is the system, not the men, that we are opposing. I know many of the men who volunteered to serve in the great Civil War from my own district. They were splendid men, as a rule. The regiment from my county was commanded by Col. John H. Ketcham, afterwards for nearly 40 years a Member of this House and well remembered by all the older Members. The regiment from an adjoining county of my district came under command of Col. Thomas W. Bradley, also for years a Member of this House and my immediate predecessor. There were never finer men or better soldiers than the early volunteers of the Civil War; but I may add that there were volunteers and volunteers. If every man who serves his country because his country requires his service and selects him is a conscript, then every man who volunteers his services is a volunteer. The bounty jumpers of the last year of the Civil War were volunteers. Some of them volunteered early and often. The Germans who served in the British Army in the days of the Revolution—the so-called Hessians of our old-time school histories—were volunteers. Some of them deserted from the British Army and volunteered on our side after the fatal policy of paying bounties had been inaugurated, then deserted and volunteered again in the British Army. Did you know that some States during the Revolution tried to fill their quotas of troops with these Germans or Hessians, and that Washington had to make regulations declining to accept them?

Those who laud to the skies the volunteer system have little to say about the bounties paid in the Revolution, the War of 1812, the Civil War; but those bounties amounted in the aggregate to an enormous sum of money and led to the grossest abuses. They tempted some young men who had rendered good service to desert and reenlist under assumed names. I know one old man living to-day, blind and helpless, who served his country well for nearly two years in the Civil War, but is denied a pension because after nearly two years of good service he yielded to the temptation of a big bounty, deserted, and reenlisted under an assumed name in my own home city. His pathetic case alone, Mr. Chairman, I think would determine me to vote against the plan of "giving a trial to the volunteer system" proposed in the bill reported by the majority of the Committee on Military Affairs. How can you prevent the giving of local bounties "in order to avoid a draft" when you give your trial to the volunteer system? I know that a northern city of 15,000, not a thousand miles from my own home, in order to raise money for bounties in the Civil War sold 7 per cent bonds amounting to $287,100, and those bonds are not all paid yet, though refunded at a lower rate of interest. I know also that an almost equal amount of bounty money was raised in the county of which that city is the county seat by taxation, and I know that in addition considerable amounts were raised by private subscription. I know that the State of New York alone paid $89,600,000 for State bounties, and I know that the United States paid $363,662,200 during the war in Federal bounties. Oh, you do not see much about all this in our school histories, and you do not see any reference to the fact that in nearly every battle of the Civil War there were twice as many regiments and officers as there should have been. Regiments were rarely, if ever, kept up to full strength by steady recruiting back home, because under the volunteer system it was much easier to raise new regiments with new sets of officers. A proper military system would have kept the regiments at the front at full strength instead of raising new regiments and overloading the service with highly paid officers, most of them without military training. You do not see much about the officers who were incompetent. They were not elected to Congress or to other positions of importance.

It has always been found impossible to keep up the standard of enlistments under the volunteer system through a long war. The best men, many of whom ought to remain at home, at least for a time, volunteer first, and in the years following the Army necessarily suffers deterioration. Under the selective-draft system this is avoided.

Now, Mr. Chairman, just a word about the wisdom of the majority of the Committee on Military Affairs. In October, 1914, before the adjournment of the long session of the Sixty-third Congress, some of the Members of this House, realizing that there was danger that our country might be drawn into the great war in Europe, desired to make a start at preparedness then.

The Committee on Military Affairs was against us and the House voted us down, but everybody now knows that we were right then and that the committee was wrong. A year later, when the scales had so far fallen from the eyes of the President that he was able to see the sparks falling from the conflagration and advocated a certain amount of preparedness, some of the Members of this House wanted to stand by Secretary Garrison, the very able and earnest Secretary of War. The majority of the committee turned down Mr. Garrison's program, just as it is to-day seeking to turn down his successor's program, and caused his resignation. Everybody now knows that we were right and that the majority of the committee was wrong.

Now, Mr. Chairman, after all those blunders of the past, the House has lost confidence in the recommendations of the Committee on Military Affairs, and I predict that this time we shall stand by the plans of the War Department, under the able leadership of the ranking Republican member, by a substantial majority, regardless of the majority of the committee and the oratory of the orators.

Mr. GREENE of Vermont. Mr. Chairman, I yield 10 minutes to the gentleman from California [Mr. ELSTON].

Mr. ELSTON. Mr. Chairman, I voted for the war resolution because I was convinced that it was the duty and obligation of this country to uphold its rights and the interests of civilization as against intolerable assaults of the Prussian military autocracy. The act of the President in recommending this course and of Congress in declaring that a state of war exists is by representation the act of all the people of the United States.

There now rests upon each citizen of this country the duty and obligation of serving the country in any capacity in which he may be called for service. This duty and obligation is universal and applies to all citizens alike, whether rich or poor, high or low, willing or unwilling.

There may have been divisions and differences prior to the declaration of war, but now we are all united, and the whole country stands at attention, ready for the call. Some will be required to bear arms, some to assist in industries necessary to supply food and munitions, and others will be called to the kinds of service to which their peculiar abilities best fit them and in which they may best serve their country.

The organization of our people for war-time service must be made upon a plan or system that will measure up to the high standing of this Nation as the most efficient on earth. There must be proper coordination and marshaling of our forces according to rules that will be uniform, fair, just, and equal. There must be centralization of control and proper distribution and selective assignment of tasks.

The volunteer plan is not equal in its operation, just in its application, or fair and undiscriminative in effect. It permits the eager, although unfit, to perform service which might better be done by the shirker, though fit. It permits the performance of the highest duty to this Government by only part of those upon whom the duty rests. It is contrary to the mature conclusions of all experts who have studied the methods of efficiency in war. It is violative of the recommendations of the President, of the General Staff, of the Secretary of War, and of the great body of military experts of this country. It substitutes disorder, wastefulness, and inefficiency for order, conservation, and efficiency. I have heard upon this floor over and over again arguments that technical matters should be left to those who are expert in the particular science involved. This House has repeatedly broken from the traditions and practices of the past and has enacted laws to place intricate, administrative concerns in the hands of those who are best acquainted with them, and who are educated in the particular specialty involved. The art and science of war is a highly technical matter. It has been the subject of study by specialists. True to evolution and growth in such matters these specialists have discarded the wasteful and inefficient practices of the past. They have evolved a plan based on the best experience and practices of military experts. I am not technically proficient in the subject matter discussed in this bill, and I must perforce adopt the opinion and advice of those whom we have trained to give us expert opinion.

I see no other course, therefore, but to support the amendment proposed by the minority members of the committee for a selective draft to recruit the Nation's forces to maintain the war in which we are now engaged.

The selective draft plays no favorites. It is just, fair, and equitable. It regards all men of military age as ready and willing to serve their country, but calls only those who are able and who may best be spared. It does not permit the individual to be his own judge as to exemption from service, but regulates exemptions by just and uniform laws. It knows no shirkers, but regards all citizens as patriots ready for the call. It does not permit all of the heartache and sacrifice to be borne by the mothers of the most eager and high-spirited. It substitutes order and coordination in place of disorder and disorganization.

We all approve the application of the highest efficiency methods in our industrial activities. There rests on us a solemn duty of applying such methods in the conservation of human life in warfare.

The hour has grown so late that I will not burden the House longer with arguments that have been iterated and reiterated during the progress of this four days' debate. I yield back the balance of my time. [Applause.]

Mr. SHALLENBERGER. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and Mr. SEARS having taken the chair as Speaker pro tempore, Mr. SAUNDERS of Virginia, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 3545, to temporarily increase the Military Establishment, and had come to no resolution thereon.

COMMITTEE RESIGNATION.

The SPEAKER pro tempore laid before the House the following communication:

APRIL 13, 1917.

To the honorable the SPEAKER OF THE HOUSE OF REPRESENTATIVES.

Mr. SPEAKER: I respectfully beg leave to tender my resignation as the chairman of the Committee on Railways and Canals, to which I was elected on the organization of the House of Representatives in the Sixty-fifth Congress.

Very respectfully,

HENRY BRUCKNER,
Member of Congress Twenty-second District, New York.

The resignation was accepted.

ADJOURNMENT.

Mr. SHALLENBERGER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 27 minutes a. m., Friday, April 27, 1917) the House adjourned until Friday, April 27, 1917, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, a letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, reports on preliminary examination and survey of Portland Harbor, Me., including the obstruction known as Witch Rock (H. Doc. No. 71), was taken from the Speaker's table, referred to the Committee on Rivers and Harbors, and ordered to be printed, with illustrations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. PADGETT, from the Committee on Naval Affairs, to which was referred the bill (H. R. 3330) to temporarily increase the commissioned and warrant and enlisted strength of the Navy and Marine Corps, and for other purposes, reported the same with amendment, accompanied by a report (No. 31), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. AUSTIN: A bill (H. R. 3827) to enable the Secretary of War to pay the amount awarded to the Malambo fire claimants by the joint commission under article 6 of the treaty of November 18, 1903, between the United States and Panama; to the Committee on Claims.

By Mr. GARD: A bill (H. R. 3828) to amend section 269 of chapter 231 of the act of March 3, 1911, entitled "An act to codify, revise, and amend the laws relating to the judiciary"; to the Committee on the Judiciary.

By Mr. HAWLEY: A bill (H. R. 3829) authorizing the Commissioner of Indian Affairs to transfer fractional block 6, of Naylor's addition, Forest Grove, Oreg., to the United States of America, for the use of the Bureau of Entomology, Department of Agriculture; to the Committee on Indian Affairs.

By Mr. WINGO: A bill (H. R. 3830) to amend the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911; to the Committee on the Judiciary.

By Mr. ROUSE: A bill (H. R. 3831) to provide for the retirement of employees in the Postal Service, and for other benefits and purposes in connection therewith; to the Committee on the Post Office and Post Roads.

By Mr. McLAUGHLIN of Michigan: A bill (H. R. 3832) to establish game sanctuaries in national forests, and for other purposes; to the Committee on Agriculture.

By Mr. CLARK of Florida: A bill (H. R. 3833) authorizing the erection of a building for the Navy Department in the City of Washington, D. C.; to the Committee on Public Buildings and Grounds.

By Mr. RAMSEYER: A bill (H. R. 3852) to punish the speculation by any person or body of persons for the purpose of cornering the market, and for other purposes and providing a penalty therefor; to the Committee on the Judiciary.

By Mr. JUUL: Joint resolution (H. J. Res. 69) authorizing the President to adopt measures for the examination of vessels, cargoes, passengers, and mails of neutral nations entering ports of the United States; to the Committee on the Merchant Marine and Fisheries.

By Mr. KALANIANAOLE: Memorial of the Legislature of the Territory of Hawaii, favoring universal military training; to the Committee on Military Affairs.

Also, memorial of the Legislature of the Territory of Hawaii, requesting the President and Secretary of the Navy to loan the Territory of Hawaii a seagoing training ship for use of Naval Militia; to the Committee on Naval Affairs.

Also, memorial of the Legislature of the Territory of Hawaii, indorsing the position of the President of the United States in the present international crisis; to the Committee on Foreign Affairs.

By Mr. TAGUE: Memorial of the Legislature of the State of Massachusetts, favoring the adoption of measures to fix the price of anthracite coal; to the Committee on Interstate and Foreign Commerce.

By Mr. DALLINGER: Memorial of the Legislature of the State of Massachusetts, favoring the adoption of measures to fix the price of anthracite coal; to the Committee on Interstate and Foreign Commerce.

By Mr. GALLIVAN: Memorial of the Legislature of the State of Massachusetts, favoring the adoption of measures to fix the price of anthracite coal; to the Committee on Interstate and Foreign Commerce.

By Mr. CRAGO: Memorial of the Legislature of the State of Pennsylvania, favoring the enactment of a law providing for universal military training; to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ASHBROOK: A bill (H. R. 3834) granting an increase of pension to Homer Schrock; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3835) authorizing the Secretary of War to confer upon Frank C. King the congressional medal of honor; to the Committee on Military Affairs.

Also, a bill (H. R. 3836) authorizing the Secretary of War to confer upon David Davis the congressional medal of honor; to the Committee on Military Affairs.

By Mr. BELL (by request): A bill (H. R. 3837) granting a pension to the widow of David Sherman, a Pennsylvania conscript, 1864; to the Committee on Invalid Pensions.

By Mr. COOPER of Wisconsin: A bill (H. R. 3838) granting a pension to Edwin M. Stupfell; to the Committee on Invalid Pensions.

By Mr. DYER: A bill (H. R. 3839) to place the name of Thomas W. Purcell upon the Army and Navy medal of honor roll; to the Committee on Military Affairs.

By Mr. FAIRFIELD: A bill (H. R. 3840) granting an increase of pension to Andrew J. Snyder; to the Committee on Invalid Pensions.

By Mr. HAWLEY: A bill (H. R. 3841) granting an increase of pension to Emily A. De Forest; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3842) for the relief of Preston B. C. Lucas; to the Committee on Claims.

Also, a bill (H. R. 3843) for the relief of John W. Baggott; to the Committee on Military Affairs.

By Mr. HILLIARD: A bill (H. R. 3844) for the relief of Elizabeth T. Wells; to the Committee on Military Affairs.

Also, a bill (H. R. 3845) for the relief of John Doyle, alias John Geary; to the Committee on Military Affairs.

By Mr. KEY of Ohio: A bill (H. R. 3846) granting an increase of pension to Joseph E. Crow; to the Committee on Invalid Pensions.

By Mr. ROWE: A bill (H. R. 3847) for the relief of the heir at law of A. Beemer; to the Committee on Claims.

By Mr. STEELE: A bill (H. R. 3848) granting an increase of pension to Hiram Hineline; to the Committee on Invalid Pensions.

By Mr. STRONG: A bill (H. R. 3849) granting an increase of pension to Isaac Postlethwait; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3850) granting an increase of pension to Absalom Shaffer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3851) granting a pension to Charles Bell; to the Committee on Invalid Pensions.

By Mr. BELL: A bill (H. R. 3853) for the relief of Benjamin C. Martin, Ezekiel Martin, Henry C. Fuller, Ezekiel Fuller, Eliza L. Crow, and Elizabeth Martin; to the Committee on the Judiciary.

By Mr. MORGAN: A bill (H. R. 3854) granting an increase of pension to James A. Strange; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3855) granting an increase of pension to Noah Knisley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3856) granting an increase of pension to Orange Scott Cummins; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3857) granting an increase of pension to James M. Blakeley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3858) granting an increase of pension to Thomas Butler; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3859) granting an increase of pension to Belle Stewart; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3860) granting an increase of pension to Jehu M. Higgins; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3861) granting an increase of pension to John W. Gee; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3862) granting an increase of pension to John Herrick; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3863) granting an increase of pension to Robert P. Williams; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3864) granting an increase of pension to Charles C. Twyford; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3865) granting an increase of pension to Thomas J. Hughes; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3866) granting an increase of pension to John Pope; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3867) granting an increase of pension to Thomas W. George; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3868) granting an increase of pension to Alexander H. Reed; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3869) granting an increase of pension to Thomas Rader; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3870) granting an increase of pension to Newitt F. Gorrell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3871) granting an increase of pension to Caroline Kersey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3872) granting a pension to Maggie Wilson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3873) granting a pension to Minerva J. Maxwell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3874) granting a pension to John B. Martin; to the Committee on Pensions.

Also, a bill (H. R. 3875) granting a pension to John E. Jamison; to the Committee on Pensions.

Also, a bill (H. R. 3876) granting a pension to Fred A. Schultz; to the Committee on Pensions.

Also, a bill (H. R. 3877) granting a pension to Clara Lambert; to the Committee on Pensions.

Also, a bill (H. R. 3878) granting a pension to James Tucker; to the Committee on Pensions.

Also, a bill (H. R. 3879) granting a pension to William T. Ralston; to the Committee on Pensions.

Also, a bill (H. R. 3880) to correct the military record of William Alexander and grant him an honorable discharge; to the Committee on Military Affairs.

Also, a bill (H. R. 3881) to correct the military record of William H. Wyatt and grant him an honorable discharge; to the Committee on Military Affairs.

Also, a bill (H. R. 3882) to correct the military record of James McManniman and grant him an honorable discharge; to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Memorial of the public safety committee of the city of Camden, N. J., pledging support to the administration and favoring conscription; to the Committee on Military Affairs.

Also (by request), memorial of the First Evangelical Church of Warren, Pa.; the Reformed Presbyterian Congregation of Bellefontaine, Ohio; and the Capitol Hill Church of Christ, of Des Moines, Iowa, favoring national prohibition; to the Committee on the Judiciary.

By Mr. ASHBROOK: Memorial of Company B, Old Guard of Newark, and Woman's Relief Corps, No. 286, of Delaware, Ohio, pledging loyalty and support to the President; to the Committee on Military Affairs.

By Mr. BACHARACH: Memorial of New Jersey State Board of Education, Trenton, N. J.; favoring selective conscription; to the Committee on Military Affairs.

By Mr. CALDWELL: Petitions of sundry citizens of New York against conscription; to the Committee on Military Affairs.

By Mr. CAREW: Memorial of Chamber of Commerce of State of New York relative to relations between United States and Russia; to the Committee on Foreign Affairs.

By Mr. CARY: Memorial of Order of Owls, Milwaukee, Wis., favoring universal military training; to the Committee on Military Affairs.

By Mr. COOPER of Wisconsin: Petition of the Ministers' Union, Racine, Wis., urging that national prohibition be adopted as a war measure; to the Committee on the Judiciary.

By Mr. CRAGO: Memorial of Pennsylvania Division of the Travelers' Protective Association favoring compulsory military training; to the Committee on Military Affairs.

By Mr. CRAMTON: Petition of members of Port Huron (Mich.) Review No. 1 of the Woman's Benefit Association of the Maccabees, requesting Federal amendment for woman suffrage; to the Committee on the Judiciary.

Also, petitions of Brown City (Mich.) Mennonite Congregation and Port Huron (Mich.) Mennonite Congregation, asking for legislation which will exempt members of nonresistant denominations from all military service; to the Committee on Military Affairs.

By Mr. DALE of New York: Memorial of the American Peace and Arbitration League favoring universal military training; to the Committee on Military Affairs.

Also, memorial of the motor and accessory manufacturers of New York favoring universal military service; to the committee on Military Affairs.

By Mr. DOOLING: Memorial of Yale Club, New York City, favoring compulsory military training; to the Committee on Military Affairs.

By Mr. EAGAN: Petitions of the American Peace and Arbitration League, Republican Club of the City of New York, war committee of the Lawyers' Club of New York City, and board of directors of the American Society of Civil Engineers, favoring universal military training; to the Committee on Military Affairs.

Also, memorial of E. H. Mead, of South Orange, N. J., favoring the Susan B. Anthony amendment as a necessary war measure; to the Committee on the Judiciary.

By Mr. FULLER of Illinois: Petitions of Cornell University Alumni Association, of Chicago; Danville Rotary Club; Arthur J. Leonard, president Chicago Union Stock Yards; Stanley Field; William F. Childs; W. E. Reininger; E. A. Lagerholm; Irving Leventon; Ariel Meinrath; Howard Tracey; C. E. Jeter, mayor of Piano, Ill.; Walt Talcott; and E. C. Mosher, favoring the selective draft; to the Committee on Military Affairs.

By Mr. GALLIVAN: Memorial of citizens of Randolph, Mass., favoring universal military training; to the Committee on Military Affairs.

Also, memorial of Massachusetts State Board of the Ancient Order of Hibernians, of Weymouth, Mass., pledging loyalty to the President; to the Committee on Military Affairs.

Also, memorial of Boston Lodge of Elks Defense Committee, pledging loyalty to the President; to the Committee on Military Affairs.

By Mr. GARDNER: Memorial of Georgetown (Mass.) Grange, Patrons of Husbandry, favoring national prohibition and the conservation of food supplies during the war; to the Committee on the Judiciary.

By Mr. GRAHAM of Pennsylvania: Petitions of citizens of North Germantown, Philadelphia, asking immediate prohibition as a war measure; to the Committee on the Judiciary.

By Mr. HULBERT: Memorial of the Republican County Committee of County of New York, board of directors of the American Society of Civil Engineers, and Republican Club of City of New York, favoring universal military training; to the Committee on Military Affairs.

Also, petition of the Manufacturing Perfumers' Association of the United States, against increasing tax on alcohol; to the Committee on Ways and Means.

Also, memorial of board of representatives of the Federal Employees' Union, favoring civil-service retirement bill; to the Committee on Reform in the Civil Service.

By Mr. LINTHICUM: Memorial of the Foreign Commerce Association of Baltimore, Md., favoring universal military service; to the Committee on Military Affairs.

By Mr. LONERGAN: Memorial of Michael Davitt Club, of Hartford, Conn., asking recognition of Ireland, Belgium, Poland, and other countries' claim to national self-government; to the Committee on Foreign Affairs.

By Mr. McARTHUR: Telegram from Portland (Oreg.) Branch Bohemian National Alliance, pledging support to the administration; to the Committee on Military Affairs.

By Mr. MOORE of Pennsylvania: Memorial of Bethany Collegiate Presbyterian Church, in favor of national prohibition during the war; to the Committee on the Judiciary.

By Mr. RAKER: Indorsement of John Baskerville, American Merchants' Syndicate, Chicago, Ill., for conscription; to the Committee on Military Affairs.

Also, petition of H. E. Huntington, president Los Angeles Realty Co., Los Angeles, Cal., indorsing universal military training; to the Committee on Military Affairs.

Also, indorsement of the Grass Valley Branch of the American League, by A. L. Wisher, vice chairman, Grass Valley, Cal., of universal military service; to the Committee on Military Affairs.

Also, petition of Coofin-Reddington Co., of San Francisco, Cal., against revenue-stamp tax on medical proprietary preparations; to the Committee on Ways and Means.

By Mr. ROWE: Memorial of the Madison Cooperative Building & Loan Association, in re war-revenue measures; to the Committee on Ways and Means.

Also, memorial of Foreign Commerce Club, of New York, the Committee on Engineering Cooperation; Lawyers' Club, of Washington; and the Merchants' Association of New York, pledging support to the President and favoring universal military service; to the Committee on Military Affairs.

By Mr. ROWLAND: Memorial of citizens of Bellefonte, Pa., for national prohibition; to the Committee on the Judiciary.

By Mr. SCULLY: Petitions or memorials of the Manufacturing Perfumers' Association of the United States; the American Society of Civil Engineers; the Committee on Engineering Cooperation; the Lawyers' Club of Essex County, N. J.; the New Jersey State Board of Education; and the Republican Club of New York City, pledging support to the President and favoring universal military training; to the Committee on Military Affairs.

Also, memorial of board of representatives of Federal Employees' Union, of Washington, D. C., favoring Senate bill 281; to the Committee on Reform in the Civil Service.

By Mr. SHOUSE: Petition of Mennonite Congregation, at Ransom, Kans., for exemption from compulsory military service; to the Committee on Military Affairs.

By Mr. SNELL: Resolution of Adirondack Branch, woman's section of the Navy League, representing an affiliated membership of 1,200 persons, placing itself on record in favor of universal compulsory military service for the United States and the adoption of selective conscription in order that military service and the promotion and prosecution of industry for the proper maintenance thereof may be coordinated and correlated to the utmost extent as necessary adjuncts of any military system adequate to the needs of the United States; to the Committee on Military Affairs.

By Mr. SNOOK: Telegrams from North and South Side Woman's Christian Temperance Union, Napoleon, Ohio, and Edward Staley, J. Denver Driscoll, Peter Coil, F. O. Craig, J. W. Owens, and F. P. Spigy, favoring prohibition as a war measure; to the Committee on the Judiciary.

By Mr. STEELE: Request from citizens of Carbon County, Pa., for the enactment of certain legislation; to the Committee on Ways and Means.

By Mr. TEMPLE: Petition of faculty and students of Washington and Jefferson College, Washington, Pa., favoring adequate military preparation; to the Committee on Military Affairs.

Also, petition of members of the United Presbyterian Church, of Beaver Falls, Pa., presented by Rev. W. H. Patterson,

D. D., favoring the enactment of a national prohibition law in view of the present war situation; to the Committee on the Judiciary.

Also, petition of members of the Free Methodist congregation, of Ellwood City, Pa., favoring the enactment of a national prohibition law in view of the present war situation; to the Committee on the Judiciary.

Also, petition of citizens of Beaver County, Pa., sent by the Rev. Charles O. Smith, Rochester, Pa., recommending the enactment of a national prohibition law in view of the present war situation; to the Committee on the Judiciary.

By Mr. YOUNG of North Dakota: Petition of W. H. Love and others, of Rolette, N. Dak., favoring universal military training; to the Committee on Military Affairs.

By Mr. ZIHLMAN: Petition of Woman's Club, of Bethesda, Md., favoring universal military training; to the Committee on Military Affairs.

SENATE.

FRIDAY, *April 27, 1917.*

(Legislative day of Monday, April 23, 1917.)

The Senate reassembled at 10 o'clock a. m., on the expiration of the recess.

INCREASE OF MILITARY ESTABLISHMENT.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1871) to authorize the President to increase temporarily the Military Establishment of the United States.

Mr. JONES of Washington obtained the floor.

Mr. McLEAN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from Connecticut?

Mr. JONES of Washington. I yield.

Mr. McLEAN. I have a petition, signed by Prof. Henry W. Farnam and Prof. Irving Fisher, of Yale University, praying for a tax on special war profits, the lowering of the present income-tax exemptions, increases in the rates of the income tax, and a high consumption tax on luxuries. It is very brief, and I think contains suggestions which may be of great value at the present time. I ask to have it printed in the RECORD.

The PRESIDENT pro tempore. Without objection, it will be so ordered.

Mr. SMOOT. It is a violation of the unanimous-consent agreement, but it is all right.

The PRESIDENT pro tempore. The Chair, however, calls attention to the fact that matters of this kind are not provided for in the unanimous-consent agreement, and he does not wish the request in any way to affect that agreement.

Mr. KENYON. Last night, before the recess was taken, the Democratic leader, the Senator from Virginia [Mr. MARTIN], remarked, when an attempt was made to introduce a resolution, that he would object to any resolution or anything of that nature until a vote was had, and I think that ought to be followed.

The PRESIDENT pro tempore. The Chair would be very glad to have the Senator from Connecticut withdraw his request at this time and will try to hold the agreement strictly in force. The Senator from Washington will proceed.

Mr. JONES of Washington. Mr. President, the very large number of Senators present at this early hour prompts me to say that I do not hope to influence any Senator in his vote upon the bill which is now pending. Their minds are pretty well made up upon the main issue that has been so fully discussed. I do deem it proper, however, to take just a few moments of the time that has been allotted for the consideration of this measure in presenting a sort of a summary of the conclusions to which I have come regarding the matter and of the reasons why I shall cast my vote as I expect to do. I shall not take the time to go into detail as to the facts and the reasons that have led me to this conclusion. That is not necessary, even if the time were not limited.

Mr. President, I hoped that our Nation would not get into this war. I did all I thought I could patriotically to keep it out. I thought I foresaw the awful consequences that would come from it; the cost in money, the poverty, privations, and sufferings at home and at the battle front; the desolated homes and broken hearts; the taking of thousands of our best manhood from peaceful, helpful pursuits to be slaughtered and to slaughter; the maimed bodies and wrecked minds lingering through delaying years of pain and wretchedness; the orphans and widows; the sightless eyes turned to strange skies above them; lifeless bodies rotting on foreign soil; and great national problems stretching far away into the dim future, taking us away from the landmarks of the past and wrenching us from the principles which we have long held dear and sacred and necessary for our highest development. To avoid all this I felt was worth striving for, and if death would have avoided it I would have gladly given my life to do it. If I erred, it was on the side of peace, and I have no apologies to offer.

The Constitution, ordained by the people as their fundamental rule of conduct, says:

> The Congress shall have power to declare war.

It has done so. We are at war. The past is passed. The future is our concern and problem. How long the war will last, what demands it will make upon us, what armies will be required, what battles will be fought, what sacrifices must be made, what sufferings must be endured, what problems must be met, no one can tell. We should prepare for the most severe task and test that can come to us to bring victory to our cause. We are not in the war to further the greed, ambition, or desire for territorial aggrandizement of any nation nor to gratify the vengeance of any people. We battle for our rights and our liberties under international law, the fundamental principles of democracy, and for a lasting world peace.

The war should be waged with all the vigor, energy, power, and strength this Nation has. We should act promptly, unhesitatingly, and unitedly. This is the surest way to bring victory and an early peace. To do this is humane as well as wise. It will save lives, lessen sorrow, prevent suffering, and economize in money and resources.

The President is our Chief Executive through the choice of the people. The Constitution says:

> The President shall be Commander in Chief of the Army and Navy of the United States and of the militia of the several States when called into the actual service of the United States.

Under his guidance, direction, and control must this war be waged. He must carry it on with the means and power which we place at his disposal. We can give him what he asks, or we can withhold it. We can adopt the plans he deems wise, or we can adopt plans of our own to control him in his actions. We declared war, but its conduct and its direction is his special duty. Democracy is again on trial. Lord Northcliffe says "Democracy is a bad war maker." That is true. It is true not only because democracy abhors war and is not trained to war but because of divided councils and responsibilities when it is forced into war. Let us profit as far as possible by the mistakes of the past. In my judgment, whatever the Commander in Chief deems necessary within the limits of the Constitution to prosecute this war efficiently and successfully it is my patriotic duty as a legislator to grant.

The same high purposes and patriotic love of country nerve him that move us. As Commander in Chief he is directly responsible for the success or failure of our Army. If victory comes to our arms, the special glory will be his. If we meet defeat or disaster, his will be the blame, unless it can be charged to us and our failure to do our duty or to give him what he thought necessary for success.

He has told us that he needs $7,000,000,000 to begin the war. We have given it to him. Its wise use is his responsibility. He says he needs 500,000 men at once, and authority for more if he finds that he needs them. No one questions his decision in this respect. We are going to give him authority to bring these men to the colors. How are they to be secured? That is the sole question of difference. With his knowledge of the task before him, the President urges that they be secured by Government selection, commonly known as "draft" or "conscription," rather than by self-selection, commonly called "volunteering." Upon this we are divided. Over this question the legislative battle wages.

The system urged by the President is denounced as "militarism." The other is held to be the time-honored and traditional method of raising an army in the Republic, and the essence of liberty and democracy.

No great war has ever been fought without one or both parties using conscription early or late. Should we use it now or when we are in an extremity? The man who must conduct the war, our Commander in Chief, urges it as a wise and necessary measure now. The military authorities, almost without exception, urge it now. The Senate committee that has fully examined into it recommends it. The honored Members of this body who have served in our wars as volunteers are for it. The lessons of this great war point to it as a wise course. Why should I not vote for it? What reasons can I give for failing to do so? I am not a military man, and it seems to me that strong, convincing, and compelling reasons should be presented to warrant me in going contrary to the mature opinion of these authorities,

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

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By Mr. ASHBROOK: Memorial of Company B, Old Guard of Newark, and Woman's Relief Corps, No. 286, of Delaware, Ohio, pledging loyalty and support to the President; to the Committee on Military Affairs.

By Mr. BACHARACH: Memorial of New Jersey State Board of Education, Trenton, N. J.; favoring selective conscription; to the Committee on Military Affairs.

By Mr. CALDWELL: Petitions of sundry citizens of New York against conscription; to the Committee on Military Affairs.

By Mr. CAREW: Memorial of Chamber of Commerce of State of New York relative to relations between United States and Russia; to the Committee on Foreign Affairs.

By Mr. CARY: Memorial of Order of Owls, Milwaukee, Wis., favoring universal military training; to the Committee on Military Affairs.

By Mr. COOPER of Wisconsin: Petition of the Ministers' Union, Racine, Wis., urging that national prohibition be adopted as a war measure; to the Committee on the Judiciary.

By Mr. CRAGO: Memorial of Pennsylvania Division of the Travelers' Protective Association favoring compulsory military training; to the Committee on Military Affairs.

By Mr. CRAMTON: Petition of members of Port Huron (Mich.) Review No. 1 of the Woman's Benefit Association of the Maccabees, requesting Federal amendment for woman suffrage; to the Committee on the Judiciary.

Also, petitions of Brown City (Mich.) Mennonite Congregation and Port Huron (Mich.) Mennonite Congregation, asking for legislation which will exempt members of nonresistant denominations from all military service; to the Committee on Military Affairs.

By Mr. DALE of New York: Memorial of the American Peace and Arbitration League favoring universal military training; to the Committee on Military Affairs.

Also, memorial of the motor and accessory manufacturers of New York favoring universal military service; to the committee on Military Affairs.

By Mr. DOOLING: Memorial of Yale Club, New York City, favoring compulsory military training; to the Committee on Military Affairs.

By Mr. EAGAN: Petitions of the American Peace and Arbitration League, Republican Club of the City of New York, war committee of the Lawyers' Club of New York City, and board of directors of the American Society of Civil Engineers, favoring universal military training; to the Committee on Military Affairs.

Also, memorial of E. H. Mead, of South Orange, N. J., favoring the Susan B. Anthony amendment as a necessary war measure; to the Committee on the Judiciary.

By Mr. FULLER of Illinois: Petitions of Cornell University Alumni Association, of Chicago; Danville Rotary Club; Arthur J. Leonard, president Chicago Union Stock Yards; Stanley Field; William F. Childs; W. E. Reininger; E. A. Lagerholm; Irving Leventon; Ariel Meinrath; Howard Tracey; C. E. Jeter, mayor of Piano, Ill.; Walt Talcott; and E. C. Mosher, favoring the selective draft; to the Committee on Military Affairs.

By Mr. GALLIVAN: Memorial of citizens of Randolph, Mass., favoring universal military training; to the Committee on Military Affairs.

Also, memorial of Massachusetts State Board of the Ancient Order of Hibernians, of Weymouth, Mass., pledging loyalty to the President; to the Committee on Military Affairs.

Also, memorial of Boston Lodge of Elks Defense Committee, pledging loyalty to the President; to the Committee on Military Affairs.

By Mr. GARDNER: Memorial of Georgetown (Mass.) Grange, Patrons of Husbandry, favoring national prohibition and the conservation of food supplies during the war; to the Committee on the Judiciary.

By Mr. GRAHAM of Pennsylvania: Petitions of citizens of North Germantown, Philadelphia, asking immediate prohibition as a war measure; to the Committee on the Judiciary.

By Mr. HULBERT: Memorial of the Republican County Committee of County of New York, board of directors of the American Society of Civil Engineers, and Republican Club of City of New York, favoring universal military training; to the Committee on Military Affairs.

Also, petition of the Manufacturing Perfumers' Association of the United States, against increasing tax on alcohol; to the Committee on Ways and Means.

Also, memorial of board of representatives of the Federal Employees' Union, favoring civil-service retirement bill; to the Committee on Reform in the Civil Service.

By Mr. LINTHICUM: Memorial of the Foreign Commerce Association of Baltimore, Md., favoring universal military service; to the Committee on Military Affairs.

By Mr. LONERGAN: Memorial of Michael Davitt Club, of Hartford, Conn., asking recognition of Ireland, Belgium, Poland, and other countries' claim to national self-government; to the Committee on Foreign Affairs.

By Mr. McARTHUR: Telegram from Portland (Oreg.) Branch Bohemian National Alliance, pledging support to the administration; to the Committee on Military Affairs.

By Mr. MOORE of Pennsylvania: Memorial of Bethany Collegiate Presbyterian Church, in favor of national prohibition during the war; to the Committee on the Judiciary.

By Mr. RAKER: Indorsement of John Baskerville, American Merchants' Syndicate, Chicago, Ill., for conscription; to the Committee on Military Affairs.

Also, petition of H. E. Huntington, president Los Angeles Realty Co., Los Angeles, Cal., indorsing universal military training; to the Committee on Military Affairs.

Also, indorsement of the Grass Valley Branch of the American League, by A. L. Wisher, vice chairman, Grass Valley, Cal., of universal military service; to the Committee on Military Affairs.

Also, petition of Coofin-Reddington Co., of San Francisco, Cal., against revenue-stamp tax on medical proprietary preparations; to the Committee on Ways and Means.

By Mr. ROWE: Memorial of the Madison Cooperative Building & Loan Association, in re war-revenue measures; to the Committee on Ways and Means.

Also, memorial of Foreign Commerce Club, of New York, the Committee on Engineering Cooperation; Lawyers' Club, of Washington; and the Merchants' Association of New York, pledging support to the President and favoring universal military service; to the Committee on Military Affairs.

By Mr. ROWLAND: Memorial of citizens of Bellefonte, Pa., for national prohibition; to the Committee on the Judiciary.

By Mr. SCULLY: Petitions or memorials of the Manufacturing Perfumers' Association of the United States; the American Society of Civil Engineers; the Committee on Engineering Cooperation; the Lawyers' Club of Essex County, N. J.; the New Jersey State Board of Education; and the Republican Club of New York City, pledging support to the President and favoring universal military training; to the Committee on Military Affairs.

Also, memorial of board of representatives of Federal Employees' Union, of Washington, D. C., favoring Senate bill 281; to the Committee on Reform in the Civil Service.

By Mr. SHOUSE: Petition of Mennonite Congregation, at Ransom, Kans., for exemption from compulsory military service; to the Committee on Military Affairs.

By Mr. SNELL: Resolution of Adirondack Branch, woman's section of the Navy League, representing an affiliated membership of 1,200 persons, placing itself on record in favor of universal compulsory military service for the United States and the adoption of selective conscription in order that military service and the promotion and prosecution of industry for the proper maintenance thereof may be coordinated and correlated to the utmost extent as necessary adjuncts of any military system adequate to the needs of the United States; to the Committee on Military Affairs.

By Mr. SNOOK: Telegrams from North and South Side Woman's Christian Temperance Union, Napoleon, Ohio, and Edward Staley, J. Denver Driscoll, Peter Coll, F. O. Craig, J. W. Owens, and F. P. Spigy, favoring prohibition as a war measure; to the Committee on the Judiciary.

By Mr. STEELE: Request from citizens of Carbon County, Pa., for the enactment of certain legislation; to the Committee on Ways and Means.

By Mr. TEMPLE: Petition of faculty and students of Washington and Jefferson College, Washington, Pa., favoring adequate military preparation; to the Committee on Military Affairs.

Also, petition of members of the United Presbyterian Church, of Beaver Falls, Pa., presented by Rev. W. H. Patterson,

D. D., favoring the enactment of a national prohibition law in view of the present war situation; to the Committee on the Judiciary.

Also, petition of members of the Free Methodist congregation, of Ellwood City, Pa., favoring the enactment of a national prohibition law in view of the present war situation; to the Committee on the Judiciary.

Also, petition of citizens of Beaver County, Pa., sent by the Rev. Charles O. Smith, Rochester, Pa., recommending the enactment of a national prohibition law in view of the present war situation; to the Committee on the Judiciary.

By Mr. YOUNG of North Dakota: Petition of W. H. Love and others, of Rolette, N. Dak., favoring universal military training; to the Committee on Military Affairs.

By Mr. ZIHLMAN: Petition of Woman's Club, of Bethesda, Md., favoring universal military training; to the Committee on Military Affairs.

SENATE.

FRIDAY, *April 27, 1917.*

(Legislative day of Monday, April 23, 1917.)

The Senate reassembled at 10 o'clock a. m., on the expiration of the recess.

INCREASE OF MILITARY ESTABLISHMENT.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1871) to authorize the President to increase temporarily the Military Establishment of the United States.

Mr. JONES of Washington obtained the floor.

Mr. McLEAN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from Connecticut?

Mr. JONES of Washington. I yield.

Mr. McLEAN. I have a petition, signed by Prof. Henry W. Farnam and Prof. Irving Fisher, of Yale University, praying for a tax on special war profits, the lowering of the present income-tax exemptions, increases in the rates of the income tax, and a high consumption tax on luxuries. It is very brief, and I think contains suggestions which may be of great value at the present time. I ask to have it printed in the RECORD.

The PRESIDENT pro tempore. Without objection, it will be so ordered.

Mr. SMOOT. It is a violation of the unanimous-consent agreement, but it is all right.

The PRESIDENT pro tempore. The Chair, however, calls attention to the fact that matters of this kind are not provided for in the unanimous-consent agreement, and he does not wish the request in any way to affect that agreement.

Mr. KENYON. Last night, before the recess was taken, the Democratic leader, the Senator from Virginia [Mr. MARTIN], remarked, when an attempt was made to introduce a resolution, that he would object to any resolution or anything of that nature until a vote was had, and I think that ought to be followed.

The PRESIDENT pro tempore. The Chair would be very glad to have the Senator from Connecticut withdraw his request at this time and will try to hold the agreement strictly in force. The Senator from Washington will proceed.

Mr. JONES of Washington. Mr. President, the very large number of Senators present at this early hour prompts me to say that I do not hope to influence any Senator in his vote upon the bill which is now pending. Their minds are pretty well made up upon the main issue that has been so fully discussed. I do deem it proper, however, to take just a few moments of the time that has been allotted for the consideration of this measure in presenting a sort of a summary of the conclusions to which I have come regarding the matter and of the reasons why I shall cast my vote as I expect to do. I shall not take the time to go into detail as to the facts and the reasons that have led me to this conclusion. That is not necessary, even if the time were not limited.

Mr. President, I hoped that our Nation would not get into this war. I did all I thought I could patriotically to keep it out. I thought I foresaw the awful consequences that would come from it; the cost in money, the poverty, privations, and sufferings at home and at the battle front; the desolated homes and broken hearts; the taking of thousands of our best manhood from peaceful, helpful pursuits to be slaughtered and to slaughter; the maimed bodies and wrecked minds lingering through delaying years of pain and wretchedness; the orphans and widows; the sightless eyes turned to strange skies above them; lifeless bodies rotting on foreign soil; and great national problems stretching far away into the dim future, taking us away from the landmarks of the past and wrenching us from the principles which we have long held dear and sacred and necessary for our highest development. To avoid all this I felt was worth striving for, and if death would have avoided it I would have gladly given my life to do it. If I erred, it was on the side of peace, and I have no apologies to offer.

The Constitution, ordained by the people as their fundamental rule of conduct, says:

> The Congress shall have power to declare war.

It has done so. We are at war. The past is passed. The future is our concern and problem. How long the war will last, what demands it will make upon us, what armies will be required, what battles will be fought, what sacrifices must be made, what sufferings must be endured, what problems must be met, no one can tell. We should prepare for the most severe task and test that can come to us to bring victory to our cause. We are not in the war to further the greed, ambition, or desire for territorial aggrandizement of any nation nor to gratify the vengeance of any people. We battle for our rights and our liberties under international law, the fundamental principles of democracy, and for a lasting world peace.

The war should be waged with all the vigor, energy, power, and strength this Nation has. We should act promptly, unhesitatingly, and unitedly. This is the surest way to bring victory and an early peace. To do this is humane as well as wise. It will save lives, lessen sorrow, prevent suffering, and economize in money and resources.

The President is our Chief Executive through the choice of the people. The Constitution says:

> The President shall be Commander in Chief of the Army and Navy of the United States and of the militia of the several States when called into the actual service of the United States.

Under his guidance, direction, and control must this war be waged. He must carry it on with the means and power which we place at his disposal. We can give him what he asks, or we can withhold it. We can adopt the plans he deems wise, or we can adopt plans of our own to control him in his actions. We declared war, but its conduct and its direction is his special duty. Democracy is again on trial. Lord Northcliffe says "Democracy is a bad war maker." That is true. It is true not only because democracy abhors war and is not trained to war but because of divided councils and responsibilities when it is forced into war. Let us profit as far as possible by the mistakes of the past. In my judgment, whatever the Commander in Chief deems necessary within the limits of the Constitution to prosecute this war efficiently and successfully it is my patriotic duty as a legislator to grant.

The same high purposes and patriotic love of country nerve him that move us. As Commander in Chief he is directly responsible for the success or failure of our Army. If victory comes to our arms, the special glory will be his. If we meet defeat or disaster, his will be the blame, unless it can be charged to us and our failure to do our duty or to give him what he thought necessary for success.

He has told us that he needs $7,000,000,000 to begin the war. We have given it to him. Its wise use is his responsibility. He says he needs 500,000 men at once, and authority for more if he finds that he needs them. No one questions his decision in this respect. We are going to give him authority to bring these men to the colors. How are they to be secured? That is the sole question of difference. With his knowledge of the task before him, the President urges that they be secured by Government selection, commonly known as "draft" or "conscription," rather than by self-selection, commonly called "volunteering." Upon this we are divided. Over this question the legislative battle wages.

The system urged by the President is denounced as "militarism." The other is held to be the time-honored and traditional method of raising an army in the Republic, and the essence of liberty and democracy.

No great war has ever been fought without one or both parties using conscription early or late. Should we use it now or when we are in an extremity? The man who must conduct the war, our Commander in Chief, urges it as a wise and necessary measure now. The military authorities, almost without exception, urge it now. The Senate committee that has fully examined into it recommends it. The honored Members of this body who have served in our wars as volunteers are for it. The lessons of this great war point to it as a wise course. Why should I not vote for it? What reasons can I give for failing to do so? I am not a military man, and it seems to me that strong, convincing, and compelling reasons should be presented to warrant me in going contrary to the mature opinion of these authorities,

who are as patriotic as I am and moved by the same hope of a glorious victory.

I know that many of my people are opposed to it. I know that many of them favor the volunteer system and feel that it is a system in accord with our traditions, institutions, and principles. I want to be in accord with the public sentiment of the people who have selected me to represent them, but I feel that I have a duty to perform that is not discharged by simply trying to find out what their sentiment may be and express it by my vote, and I think they expect me to perform that duty. They expect me to study this as well as other questions from every angle. They expect me to consider and weigh information that I have and which they may not have. They expect me to take into account the exigencies of which they may not know and, giving due weight to their opinions and my duty to represent them, they expect me to do what I believe to be right and for the best interests of the country, and that is what I am going to do while I am honored with their trust and confidence.

Mr. President, I have investigated this question as fully as possible. I have listened to the discussion with an open mind, and I have sought information from every possible source. I have set aside personal preferences. I have tried to cast aside all personal considerations, possible future effects, and to ascertain exactly what the merits of the two systems are as new propositions and consider them without sentiment or prejudice.

No substantial or overpowering reason is presented to me which warrants my voting against the recommendation of the Commander-in-Chief and those who recommend the provision in this bill for selective conscription.

It is said to be undemocratic. So is war undemocratic, and we must wage it with military efficiency, and effective methods must not be disregarded because they may seem contrary to our ideals in peace.

It is said to be odious to free, liberty-loving men. The conscription of the past was odious, because it was not used until its application reflected upon the courage and patriotism of those drafted. It is said to have led to riots, self-mutilation, and expatriation. Those who have resisted it by rioting, those who have tried to escape it by self-mutilation, and those who have sought to avoid it by leaving the country have been those who would not volunteer, and they were those who determined not to go into the Army though the country was in the greatest danger. No system should be condemned because it was odious to such men. If a nation's life depended upon their courage and sacrifices, it would not live long. No man who was willing to volunteer has resisted conscription. No man who was willing to volunteer has mutilated himself to avoid service in the Army, and no man who was willing to volunteer has sought refuge in Canada to avoid the draft.

This is not the draft or conscription of the past. It is not a measure to take the unwilling or the coward. It is a measure to select from the brave and the willing and those of equal obligation to the Government the number deemed necessary to meet the present emergency. It will reflect upon no man's patriotism, but will be a special badge of honor to the ones selected. It will disgrace no one, but it will save many from dishonor and reproach. It is truly democratic in principle and just in its application. It recognizes the duty of each to give his life for his country in times of stress and war, and takes impartially for that purpose. It attacks no one's patriotism, but assumes the patriotism of all.

Conscription is opposed because it is said to be militarism. Grant that it is the essence of militarism. Militarism is the essence of war. War is what we are to carry on. We can not fight battles and win victories without militarism, and a military machine composed of men who love liberty and the principles of democracy is the acme of militarism, and the more efficient such machines we organize the more quickly and surely will victory come to us. We are at war with the greatest military power of the world. To meet the militarism of that power with militarism is not to abandon liberty but to preserve it; is not despotism but wisdom.

It is urged that it means the permanent establishment of militarism. Not so. This legislation applies only to the war. When it ends whatever military machines we have will dissolve into the peaceful pursuits of the Republic just as did those great armies at the close of the Civil War. To think otherwise is to impeach the patriotism of our people and their devotion to democracy.

In peace the compulsory system should have no place in our military organization. Service in the Regular Army during peace should be entirely voluntary, and I would resist to the last any attempt to make such service compulsory. When I say this I do not condemn universal training. To my mind that is an entirely different matter and this bill should be acted upon independently of it. We are going to do many things now that we would not do in times of peace. We are going to invest executive officers with power and authority that we would not think of giving them in ordinary times. For the war we are going to establish practically an autocracy in order that democracy may live and spread throughout the world. There is no more reason to believe that the establishment of conscription now will make it a permanent policy than there is to believe that the establishment of such an autocracy as Germany and Russia never dreamed of means that such a system is to be continued when the war ends.

Unstinted praise has been bestowed upon the volunteer system. It belongs to the soldiers and not to the system. The patriotism and achievements of our volunteers are glorious and inspiring, but the system is unfair, unjust, inequitable, and undemocratic. The courage, sacrifices, and victories of our volunteers constitute the brightest pages of the world's history and are an inspiration to us in this world struggle for freedom and liberty, but should not blind us to the demerits of the system or the merits of another system.

These men, however, would have been the same invincible soldiers no matter how enlisted. When selected under this system our freemen will be the same true, loyal, brave, devoted, and patriotic soldiers of liberty, freedom, and democracy as if they had volunteered. It is not the manner of enlistment that inspires men like these but the purposes and objects for which they fight. If possible they will be better soldiers under this system because they will feel no injustice, because they will not feel that others have stayed at home to take advantage of their absence to make money and secure place and profit, and because they will know that if their ranks become thin reinforcements will come in men whose patriotism has never been questioned.

The system proposed permits no substitutes. It makes no distinctions and gives no special preferences. It treats all alike. It is thoroughly democratic and in harmony with the principles of equality. There are some details of the bill I want to see changed. The age limits should be increased. The boy who can not vote should not be taken to die by the country that gives him no legal rights. Men who have long enjoyed the blessings and privileges of free government should be required, if needed, to give their lives at the call of the country whose blessings they have so long enjoyed.

Ample provision should be made for the dependents of those who are called to the front. The Government can well afford to give assurances to its fighting men that those dependent upon them will be kept from poverty and privation.

Safeguards should be thrown around the boys at the front and at training camps to protect them from those vicious influences that always gather to prey upon them, and their loved ones at home should be assured that the sacrifices they have made are not to be nullified by such vicious influences. Other changes will be proposed for which I may vote.

My only fear is that the delay in getting the machinery ready to take the necessary census and to select the men needed will be greater than anticipated. I hope not. I hope this work will be done efficiently and expeditiously. Volunteers would be available for training and drilling almost immediately. That is a great consideration now, and if I did not think that those who have charge of actually assembling the men believe that in the end this is the most expeditious way to do it, I would hesitate about rejecting the volunteer system in this emergency. This is no time for "watchful waiting." I hope there will be none.

Whether volunteering has been a success or a failure I do not care to discuss. As I have said, I join in all the encomiums heaped upon the volunteer soldiers, but the system that is most effective, most equitable, most just, and best adapted to meet the present emergency is the one we should adopt.

Prompt action is needed. Our natural resources and industrial power should be mobilized under wise direction. Our military forces should be organized, officered, trained, drilled, and made ready for any service deemed necessary for victory. We should show Germany that we are earnest and united, and that all our power of wealth and men is behind our Government in this war, to be used to the utmost to vindicate the principles for which we entered it. To convince her of this is to hasten the war's end and to save our citizens, our wealth, and our resources, and bring peace to the world and democracy to aspiring millions.

Mr. President, there are three primary steps this Nation should take promptly to convince our enemies of the futility of continuing this terrible struggle:

First. Select, drill, train, equip, and make ready at the earliest possible date an Army of a million men.

Second. Conserve our natural resources and human power by destroying throughout the Nation the liquor traffic.

Third. Stamp our professions of democracy with the seal of sincerity by enfranchising the integrity, intelligence, purity, strength, and lofty patriotism of our women.

Mr. KENYON. Mr. President, I held back from our entering this war perhaps as much as anyone, but I am now willing to go forward as far as anyone to help make it a success. A success it must be, for there is no such word as fail in the lexicon of America. Like other Senators in this body, I have approached this question with an open mind, and with a full realization of the responsibilities upon the part of all Senators who are called upon to vote on this momentous question.

I shall vote for conscription and against the volunteer plan. I do it with a full realization of how unpopular such a vote as that may be in my State; but I have tried in public life to view questions from the National standpoint and not the State standpoint, much as I desire to be in accord with the majority sentiment of my State. The people of my State may differ as to details of warfare, but they are to a man enthusiastically behind the Government in any steps it may take.

There is strong argument to be made, and strong argument has been made, for both sides of this question. Earnest, conscientious, thinking men who are equally patriotic may well differ. I have listened to the arguments on this subject on this floor, and they have been of a high character. The strongest argument that has been advanced for the volunteer system, and the strongest argument that appeals to me, is that the volunteer makes the best soldier. I believe there can be no doubt of that proposition. His heart and his soul are in his work; and in any line of human activity the man who has an enthusiasm for his work will always be better at that work than the man who has not. If we should attempt, for instance, to draft a chaplain from the membership of the Senate, I fear we would be rather unsuccessful. Men go into the ministry because they have a call for service. If we drafted men into the ministry they would not be successful. That is true, I think, of other professions.

There is more patriotism, generally speaking, in the man who volunteers and goes out to the service of his country than there is in the man who stays at home, though not always. We have learned to venerate the volunteer, to place a halo about him, from the days when as small boys we saw the old veterans march by on Memorial Day and our mothers told us what it meant. We have looked upon him as being different from the soldier who was conscripted, and we have had a right to do so.

I do not join in the criticism of the volunteer system or of the volunteer as that system has been criticized on this floor. The proudest pages of our country's military history record the achievements of the volunteer. Old "Pap" Thomas at Chickamauga, Joe Hooker at the Battle of Lookout Mountain, leading the boys above the clouds, where the stars of the flag twinkled side by side with the stars of heaven; Hancock on that immortal day at Gettysburg—volunteeer troops, nearly all of them. On the other side, "Stonewall" Jackson, Forrest—brilliant volunteers. The men who under Pickett came across Seminary Ridge for a mile and a half, exposed to the deadly fire of the Union guns until their ranks were almost swept away—90 per cent of them volunteers.

Volunteers have been the gallant fighters of our wars, and somehow or other we have learned to think of the volunteer as having the greater degree of patriotism, whether he be in the prison cell dying of starvation, with no sight of the flag to urge him on and rob death of its terrors, or on lonely picket duty, failing with only an opportunity to utter a prayer for the loved ones at home—we have thought of the volunteers as the men who have gone without being sent. All honor to them. Their names are enshrined among the immortals of the Republic.

Mr. President, I shall vote for one exception on the question of volunteers, and that is to permit a distinguished ex-President of the United States to organize his division or a number of divisions and to go to the front. Of course, it may well be said that this is an exception that gives certain privileges to him and to the men who desire to enlist with him not given to others; but it is a different situation, because there is no man in this Nation who can gather around him the same number of recruits with the enthusiasm that Theodore Roosevelt can. It would be an inspiring sight for our allies in the war if he could lead a division under the Stars and Stripes to fight side by side with the tricolor of France. He wants to go; those who will enlist with him want to go; the people are anxious that they shall have the opportunity. We want this war to come to a speedy end, and nothing, in my judgment, would help to bring it to a speedy end as much as that.

But it is said that would demoralize the Army. It might work some demoralization, but, Mr. President, it will demoralize the army of our enemy vastly more than it will demoralize our Army. I shall vote for that amendment, which, I understand, has been or will be proposed.

The strongest argument presented against the volunteer system is that the best of our blood under that system go to war—and that is a strong argument; that the "slacker" remains at home; that the best should not all be killed in war; that the virility of the race for succeeding generations is thereby lessened; and that the best brand of American manhood is taken. I have a couple of letters from my home State that express the thought in the language of the man in the smaller town. The writer of one of the letters says—I will not mention the town from which the letter comes:

> Many young men have gone to serve Uncle Sam and many others just as able to go are afraid they will have to go. Universal obligatory service is the fair thing. I speak as a father whose only son, aged 20, is a member of the Sixth United States Cavalry, now stationed at Presidio, Tex.

I read another from a small town in Iowa:

> Seven of our best young men leave to-morrow to join the Navy, most of them giving up good jobs, while about 40 of our undesirable young men stay at home holding down the loafers' bench, which shows the injustice of the voluntary system.

I want to say in respect to those letters that there is no difficulty in the State of Iowa in raising volunteers. Our companies in the National Guard are recruited up to peace strength. In my own city, of 20,000 or 22,000 people, two companies have been recruited to full strength, and there are enough desiring to enlist to organize a third company. There is no trouble there. I have been somewhat amused at distinguished lawyers of the city of New York and other places going out to wake up the patriotism of the Middle West. If they will study the recruiting statistics, they will discover that there is more response from the Middle West than there is in other sections of the country, and they had better employ their energies in their home communities. The people of the Middle West do not need to be instructed how to be patriotic.

The strongest argument for conscription is that expressed in these letters. It is the fairest method. It takes the rich and the poor alike, the willing and the unwilling. The boy of the hod carrier fights side by side with the boy of the millionaire. The strongest argument against it is the irritation which it has caused in the past and which it will cause in the future. There is something about the very words "draft" and "conscription" that goes against the American grain. As the Speaker of the House said in his argument the other day, the word "conscript" is much like the word "convict," and is regarded by a good many people in the same light. But if the people can understand that this is a system, as enforced jury service is a system—and there is nothing injurious to a man's reputation in being called to serve on a jury, for that is a part of the duty of citizenship—and our people become educated to that idea as to the conscription system about to be established, the prejudice may lessen.

This bill provides for the selective system. I am not certain, Mr. President, but that in the condition the bill is now it is worse than if there were absolutely no exemptions, and I think that the men who are fathering this bill, that the War Department and Senators, ought to give consideration to one thing particularly in this bill that is going to cause intense irritation. If you are going to exempt the agricultural classes, as the bill provides may be done, and is perhaps necessary, I sometimes wonder just what kind of an Army we are going to have without any farmer boys in it. The boy who stays at home on the farm and helps in production will be just as much a patriot as the man who goes to the front. I want to suggest and appeal to the chairman of the committee that there should be some different method provided for determining questions of exemption. Under this bill as it now stands a petty military officer will go into a community and decide as to exemptions. He can say to John Smith's boy, "You are exempt," and to Henry Jones's boy, "You must go."

Now, look down the line, Senators, to where that is going to lead us. There will be irritation enough about this in any event, without having a self-important little military officer in a community deciding whose boys are going to the war and whose boys are going to stay home. The air will be filled with suspicion; there will be charges of favoritism, charges of corruption. I do not believe any civilized nation in the world puts such power into the hands of any military officer. England does not do it; England has tribunals to decide such matters. Let us not, in the language of the Senator from California [Mr. JOHNSON] a few days ago, be so careful about the democracies of Europe that we lose democracy at home.

The Senator from Wisconsin [Mr. LA FOLLETTE] has presented an amendment on this subject, providing for the establishment of tribunals to determine the question and a proper system of appeals, so that there need be no delay. His amendment, I think, provides—I have not studied it closely—for a local board appointed by the President for each congressional district, an appeal board for each State, also appointed by the President, so that there may be uniformity, and a central tribunal. We ought to give consideration to this matter. The men who believe in the justice of this war and the men who are standing by this bill—and I am one of them—ought to have vision enough to correct this trouble now. So I appeal to the committee, through its distinguished chairman, to correct what I regard as a tremendous evil in this respect.

Mr. VARDAMAN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from Mississippi?

Mr. KENYON. I yield.

Mr. VARDAMAN. Does the Senator think that the amendment proposed by the senior Senator from Wisconsin cures that defect?

Mr. KENYON. I think so. It provides for local boards appointed by the President of the United States for each congressional district to determine the question, with appeals to a State board and a central tribunal.

Mr. VARDAMAN. I understand the Senator will support such an amendment?

Mr. KENYON. I expect to do so; yes. I feel deeply on this question because of my interest in keeping the people of our country united behind this war. If in the communities of this country feeling is to be engendered over this question, we are going to have trouble; and what is the use of inviting trouble like that? I hope the chairman of the Committee on Military Affairs and the committee itself will do something to remedy that defect in the bill, if they are not satisfied with the amendments which have been offered.

Yes; we are going to have irritation. Conscription is irritating; war is an irritating thing. It is irritating to the men upon the firing line and it is irritating to the people at home who have to pay for it. I have heard it expressed in this Chamber that the men who go to the front should have no pay at all; that their service should be a supreme act of heroism. That is an irritating argument, too. Their pay ought to be increased.

I have not observed Members of Congress serving without any pay, and service in the Senate is no more dangerous, or not much more dangerous than service in the trenches, though I think that with the foul air we are compelled to breathe here, with all the doors consistently closed, it is about as dangerous to serve in the Senate as it is in the trenches, for the trenches, at least, have the advantage of fresh air. I have not observed that Members of Congress, instead of serving for nothing, were willing to divorce themselves even from mileage. It is heroic to talk about the men going to the firing line without any compensation, but heroism does not reduce the high cost of living or take care of the people at home.

This war must be fought somewhere else than at banquets, amid the clinking of champagne glasses and the disappearance of the elusive caviar sandwich. It must be fought somehow besides sending letters to the President offering services in a general way, without anything particularly specific, and then rushing to the nearest newspaper office and publishing the letter in the paper. Patriotism is too often exhibited by putting an extra flag on an automobile and then wiring a Member of Congress, for God's sake, not to tax any of these things that we are particularly interested in.

Mr. THOMAS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from Colorado?

Mr. KENYON. I do.

Mr. THOMAS. I interrupt the Senator at this point because of the last remark which he made; and with his permission I should like to read two short telegrams coming yesterday from the same community in my State, which show that even among the extreme advocates of this bill there are some cross currents of sentiment.

The first reads:

> At largest mass meeting ever held here, last night, strong resolutions advocating administration's selective conscription bill unanimously passed. Your support of program is required.

The second telegram, from the same place, reads as follows:

> War taxes in the form of stamp tax discriminatory, disturbing to trade conditions, and result in unfair methods of competition. We are willing to bear our fair share of war taxes, but this form highly objectionable. Will greatly appreciate your opposition to stamp tax.

Mr. KENYON. Mr. President, that illustrates some of the kinds of patriotism that will have to change in this country; that the people of this country will have to wake up to the fact that this war is not a Sunday School picnic, and is not going to be carried out by vocal volleys at banquets. They must get in their minds the fact that it is a hard, cold fact, irritating in the extreme; that we must fight, and fight hard. We voted to bring on this war; now let us never hesitate in every means to carry it forward to a successful conclusion. The harder we fight and the sooner we fight the quicker peace will come and the more enduring peace will be. We who vote for this conscription and we who vote for war must make our sacrifices. I have always felt that Members of Congress who voted for war ought to be willing to go to war. I believe in that philosophy and am ready to back it, as far as I am concerned.

We hear a good deal preached nowadays of what an awful thing it is to die for one's country. We used to believe and be taught that it was a glorious thing to die for one's country. A country that is worth having, a country with the ideals of our Nation, is worth dying for, and the man who goes out and dies for his country in a righteous cause does not really lose his life. The man who gives his life for others saves it. The man who saves his life for self loses it. It was the doctrine of the Master; it has been the doctrine of Christianity for nineteen hundred years; it is the truth.

Men have died willingly and happily for their country. It is a glorious way to go, and it is time we stopped preaching the doctrine that we are doing an unholy thing if we do give our lives for our country. In all time those who have given up their lives for a good cause, for the benefit of humanity, have not really died; no! David, the sweet singer of Israel, is not dead. Moses, the law giver, lives on. Abraham Lincoln is living in the hearts of millions of people who came from darkness to light.

> They never die who fall in a great cause,
> The block may soak their gore,
> Their heads be sodden in the sun,
> Their limbs be strung to city walls and castle gates,
> And yet their spirit walks abroad.

Mr. President, as I have said, the argument presented is strong on both sides. In voting for conscription I do not vote against the volunteer system to place it in the discard forever. The time may come when it may be necessary. I vote for this equality-of-service proposition, weighing the arguments upon both sides, drawn to support it somewhat for the following reason:

I do not want to put my judgment against the judgment of the military experts. We have them for the purpose of studying war problems. We must trust them. If they are a class of men who have not the interests of the country profoundly at heart, we had better get rid of them. They have come to the conclusion that in this particular crisis conscription is the best thing. That it has been approved by the Secretary of War, and is asked by the President. It will get us an army. There is no question as to that. A volunteer system would probably get us an army, but it may not. We can run no risk in this time of emergency. As the Senator from New York [Mr. WADSWORTH] a few days ago said in substance, while it would take time to build an army in this way, we would be building upon a solid foundation; and it is better to take time and do that than to raise our structure and have to come back and rebuild the foundation. We must have an army here, and go at it just as we would if there were no British Navy or French Navy standing between the enemy and us. We must raise the structure of an army that can stand against the waves of Prussian militarism just as unaffected as Gibraltar is with the waves that lap the rocks at its base. As our military experts have decided that this is the way to do it, and as I do not feel competent as a layman to place my judgment against theirs, I shall follow the plan that the President has asked, and vote against the volunteer system, and cast my vote for conscription.

I want to say this in closing: This age limit ought to be raised. It is a shame and a cowardly thing to put the burden of this war on boys 19 years of age. Let us raise it so as to take in the slacker, who will be above 25. There will be no boys around college who are slackers, but we ought not to take them mostly from colleges.

Mr. JOHNSON of California. Mr. President——

The PRESIDING OFFICER (Mr. KNOX in the chair). Does the Senator from Iowa yield to the Senator from California?

Mr. KENYON. I do.

Mr. JOHNSON of California. May I, with the consent of the Senator, ask him whether or not this age is recommended as well by the War College?

Mr. KENYON. I do not know.

SEVERAL SENATORS. It is.

Mr. JOHNSON of California. Yes; I understand it is.

Mr. KENYON. It is recommended by the War College? I did not recall that.

Mr. JOHNSON of California. May I call the Senator's attention to the fact that if we ought to follow the War College in one aspect of the bill, if it ought to be a Procrustean bed upon which we must lie concerning this question, we ought as well to accept the plan of the War College in every aspect, for exactly the same reasons that the Senator gives.

Mr. KENYON. Oh, no; not at all. Let us accept the War College plan, not the War College details, just as I decline to accept the details of the War College as to the enforcement of the selective system by some Army officer. I regard that merely as a matter of detail, and not a part of the fundamental plan. Fundamentals are not the same as details.

Let me say right here, while I think of it, that when we draft these boys it is our business to see that camps are free from liquor and other contaminating influences. Let none of these boys go back home after service with drink habits acquired in the Army or with the unspeakable diseases that have followed the armies of Europe.

Mr. BRADY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Idaho?

Mr. KENYON. I do.

Mr. BRADY. The Senator has just mentioned the matter of Army officers having charge of the exemptions. I think that point is well raised, and I have certainly listened with much interest to the very splendid and able argument of the Senator; but my understanding of section 5 is that the officers of the United States and of the several States and Territories will have that duty to perform.

Mr. KENYON. I understand it is under regulations that may be prescribed by the President.

Mr. BRADY. The first part of section 5 reads:

> The President is hereby authorized to utilize the service of any or all departments and any or all officers or agents of the United States, and of the several States, Territories, and the District of Columbia, in the execution of this act, and all officers and agents of the United States, and of the several States, Territories, and the District of Columbia are hereby required to perform such duty in the execution of this act as the President shall order or direct.

Now, I fully agree with the Senator that if some petty officer is going to say which young man shall be exempt and which shall enter the service, that power should not be given to him; but in the discussion of the matter in the committee my understanding was—and I should be glad to have the chairman of the committee, who is thoroughly advised on the matter, correct me if I am not right in my statement—that the thought was to pick out men in the different counties to have charge of this exemption.

Mr. KENYON. Why not say so in the bill, then? Why not have some plan in the bill?

Mr. BRADY. I think that would be very wise. I think it would be very wise for us, when we come to the amendments, probably to agree on who we thought should have charge of the exemptions. We discussed the matter thoroughly in the committee, and I think it was generally understood that the plan was to have the sheriff, the health officer, and one other party that we discussed take charge of these exemptions; and by doing that it would be in the hands of the local authorities rather than in the hands of some petty officer.

I fully concur with the Senator in the thought that this power should be given to a commission or board that will be just as liberal and fair as it is possible to be in considering these exemptions, for the reason that we are not going to need such a great number of men for actual service, and we will find that we will need just as many at home, on the farm, in the shop, and places of that character as we will need in the ranks. We should have local men who understand conditions, who know the men, and know what they would be best fitted for.

I think the suggestion made by the Senator is a good one.

Mr. KENYON. The Senator can call to mind men in his community in the State, in the congressional district, of such high character and respect among all the people that their decision on a matter of this kind would be readily accepted and there would be no dissent whatever.

Mr. BRADY. And it would do away with any friction that might be in the community on account of the selection of any particular young men.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Utah?

Mr. KENYON. I yield.

Mr. SMOOT. I have been somewhat worried in my own mind as to just what ages the conscription should apply. The bill provides that the ages shall be from 19 to 25. I note what the Senator said in relation to the increase of that age, but what has the Senator to say in relation to our past experiences, particularly in relation to the Civil War; for I notice that out of the total individual enlistments of 2,213,365 and the reenlistments amounting to 564,939, there were only 62,697 enlistments including and over the age of 25. I want to say to the Senator that that included the whole term of the Civil War; it included the volunteer system and also what few were drafted into the war.

Mr. KENYON. It is largely the result of the volunteer system.

Mr. SMOOT. All but about sixty-odd thousand.

Mr. KENYON. There were more soldiers along about 18 years of age than any other age in the Civil War.

Mr. SMOOT. Of 18 years and under there were 1,151,438. There were 2,159,798, 21 years and under, out of a total of 2,778,304.

Mr. BRADY. Twenty-one and twenty-two.

Mr. SMOOT. No; 21 and under. In other words, over two-thirds of the entire Army were of the age of 21 and under, with only 62,697 of the age of 25 and above.

Mr. KENYON. Mr. President, I just want to say I am glad to have these interruptions, but I am afraid they will not be fair to those Senators who are to follow. I do not want to get into an extended discussion. I have only a few words further to say. I think, answering the Senator from Utah, it is the result largely of the volunteer system to get younger men. At the same time I believe it is one of the things that shows the injustice of that system.

Now, I believe we ought to raise this age limit. In any event, for the unmarried men, you ought to raise it indefinitely for them. A man who has lived to be 45 years of age and has never married ought to be compelled to go to war or something worse, except that he might be excluded on the ground he had evidenced some cowardice because he was afraid to tackle the matrimonial proposition. There might be some objection on that ground; but I think there ought to be a difference made between married and unmarried men.

Mr. SMOOT. I think that is true. In my conversation with Army officers they have invariably told me, as demonstrated in every country in war, the best soldiers range in age from 18 to 25 years, and I suppose that that is the reason why the War College recommended the ages provided for in this bill.

Mr. KENYON. If we are compelled to go as low as 19, let us go above 25.

Mr. THOMAS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Colorado?

Mr. KENYON. I yield.

Mr. THOMAS. Is it not a fact that one of the objections against the volunteer system is that it takes the younger, the more virile, and the patriotic young men, which we now wish to avoid in a bill which fixes that identical age for all who can be taken?

Mr. KENYON. Mr. President, I wish to conclude what I have to say. It will not take much time.

I want to add this, that while I am voting for conscription of these men I am going to vote later on for conscription of the great incomes of this country to help pay the expenses of this war. Conscription of incomes above the amount that any ordinary demands of life needs is just as logical as the conscription of men.

I want to just put in the RECORD a figure or two in showing the great profits that have come largely out of the war. The increase of millionaires in this country has been tremendous. I shall give the net profits after deduction for labor, material, interest, depreciation, and all other charges—in short, the amount available for dividends to stockholders.

In 1914 the net profits of the American Smelting & Refining Co. was $9,271,565; in 1916 they were $23,252,248. I will take only a few of them.

Armour & Co., in 1914 the net profits were $7,509,908; in 1916 the net profits were $20,100,000. Bethlehem Steel Corporation, in 1914 the net profits were $5,590,020; in 1916, $43,593,968. Central Leather Co., in 1914, $6,715,131; in 1916, $17,327,409. Crucible Steel Co., in 1914, $1,015,039; in 1916, $13,223,655. The E. I. du Pont de Nemours Powder Co., in 1914, $4,831,793; in 1916, $82,107,693.

The poor people of this country and the people of moderate salary ought not to be burdened with any of the expenses of this war. They are standing all they can stand, but the people whose

incomes and dividends have increased practically 500 per cent in two years ought to be compelled to bear a large portion of the expenses of this war. In my judgment every income above $100,000 should be commandeered or conscripted for the benefit of the Government to carry on this war. That proposition is going to come before we get through the tax bill, and we might as well commence to think about it. When it comes up for discussion I do not know whether there will be the same enthusiasm to conscript these great incomes that there is to conscript men.

The General Chemical Co., in 1914, net profits, $2,857,898; in 1916, $12,286,826. Phelps-Dodge Corporation, in 1914, $6.-664,839; in 1916, $21,974,263. The United States Steel Corporation—listen to these figures—in 1914 their net profits were $23,496,768; in 1916, $271,531,730. That has gone in increased dividends, increasing the incomes of many people whose incomes are simply enormous now.

I merely refer to this, Mr. President, in passing, because I expect at some time to discuss it at greater length, simply to lay down a proposition that will come up later on, that conscription will be in order as to incomes over $100,000.

I have taken up more time than I intended and I now yield the floor.

Mr. McCUMBER. Mr. President, the commander of a dreadnaught calling his sailors and stokers and pilots for their daily drill, while the ship is drifting to the very rim of the vortex of a maelstrom of destruction illustrates but faintly the situation of this country in this great war at the present time.

Mr. President, this war will be won or lost by the submarines and not by an American Army. If we can overcome the submarine, we can win this war. If the submarine overcomes us, we can not win this war. If we can triumph over the submarine, this war can be won without the actual employment of a single American soldier in Europe. If the submarines triumph over us, we can not win this war, though we have 10,000,000 of the best trained and officered men under arms. This is the living, vital, imminent question which confronts every nation engaged in this life and death struggle.

Yesterday's report from the British Admiralty's weekly statement of vessels sunk brings home to us for our immediate consideration and action this most imminent and important problem of this war. I simply call attention to the fact that during the week ending April 22, 40 British ships over 1,600 tons and 15 of less than 1,600 tons went to the bottom of the ocean. I want to call the attention of the chairman of the committee to the fact that 2 weeks previous there were 17 of those over 1,600 tons and 2 of less sunk in one week; and in the next week there were but 19 of those over 1,600 tons and 9 of less; but the last week shows the enormous number of 40 over 1,600 tons and 15 of less than 1,600 tons sunk. This does not take into consideration any of the vessels of 100 tons or less, nor does it take into consideration any of the neutral vessels that have been sunk during that time.

Let me call attention to another clipping from this morning's issue of the Washington Post. Under the heading "Submarines may decide the war," the British Trade Board head says:

SUBMARINES MAY DECIDE THE WAR, BRITISH TRADE BOARD HEAD SAYS.

LONDON, *April 26.*

A grave warning that the submarine menace may be an important factor in deciding the outcome of the war was sounded to-day by Sir Albert Stanley, president of the British Board of Trade. Addressing a luncheon of business men, Sir Albert said:

"We have not yet found a way of dealing with the submarine as to remove the danger of their being an enormously important factor in determining the outcome of the war. The effect of the submarine war upon the existence of the British Empire is simply this, that we can not continue to bring into this country all the supplies and materials required for our existence for the continuance of the war and for the actual needs of our industries.

Mr. President, there is pending an amendment to this bill which, in its urgency, is far more important than the bill itself. The amendment provides for a board designated "board of merchant shipping defenses," the duty and purpose of which is set out in the amendment itself in the following words, which I beg to insert without reading at this time:

The duty of said board and the purpose of its creation is to provide for and perfect in the shortest possible time such mechanical device or devices as can be successfully used and employed upon a merchant ship while navigating the seas to check or deflect the course of a submarine torpedo and to prevent the same from coming in contact with the hull of the merchant vessel, or to explode the same before such contact, or the perfection of any other mechanical device to protect merchant vessels from destruction by submarine other than by use of defense guns.

I also wish to insert at this time the table given, from which I have quoted, showing the 64 British ships that went to the bottom of the ocean during the last week. I set it out in its details.

Mr. CHAMBERLAIN. May I interrupt the Senator for just a moment?

Mr. McCUMBER. Certainly.

Mr. CHAMBERLAIN. I wish to ask him if he has any list of ships of other nationalities than Great Britain.

Mr. McCUMBER. I have not; but I understand from the authorities it will bring the number up to about 80.

The table referred to is as follows:

[From the New York World, Apr. 26.]

BIGGEST WEEK OF U-BOATS; 64 CRAFT ON SINKING LIST.

LONDON, *April 25.*

The Admiralty's weekly statement of vessels sunk was issued to-night. It reads:

"Sinkings, by mine or submarine, over 1,600 tons, 40, including 2 sunk in the week ending April 15; under 1,600 tons, 15, including 1 sunk in the week ending April 1.

"Vessels unsuccessfully attacked, 27, including 1 attacked the week ending April 8.

"Fishing vessels sunk, 9, including 1 sunk the week ending April 15."

RECORD OF SINKING SINCE FEBRUARY 1.

This statement by the British Admiralty regarding the loss of vessels by submarines or mines since the German Government announced resumption after February 1 of ruthless submarine warfare shows that a greater number of vessels of over 1,600 tons each was lost during the past week than ever before. The record since February 1 follows:

	Over 1,600 tons.	Under 1,600 tons.
For first 3 days of February	5	3
Week ending Feb. 10	33	19
Week ending Feb. 17	17	10
Week ending Feb. 24	27	18
Week ending Mar. 3	14	9
Week ending Mar. 11	13	4
Week ending Mar. 8	16	8
Week ending Mar. 25	17	7
Week ending Apr. 1	18	13
Week ending Apr. 8	17	2
Week ending Apr. 15	19	9
Week ending Apr. 22	40	15
Total to date	237	117

Trawlers and vessels under 100 tons are not included in this list.

Mr. McCUMBER. Mr. President, we can not equip and train an efficient army of half a million men and put them on the battle front in less than one year. If the German submarine fleet increases in number and effectiveness during even one-half of that year at the rate it has increased in number and efficiency during the last few months we shall never be able to put that army on the battle front during the entire war. I make this declaration in no mere tone of prophecy but with assurances that the conclusion can be demonstrated with mathematical accuracy.

Mr. President, the appalling havoc of the submarine has not been half told or half realized. I want this Senate to divert its mind one moment from its contemplation of waving banners and martial strains, from the prospective panoply of war's array, and look upon the grim reality that is staring us in the face at this very moment. Let us realize that while we are dining and felicitating the great and honored representatives of our allies not an hour passes that there are not scores and hundreds of the brave sons of those allies struggling in the waves, going down to death with their fair ships, victims to these scourges of the sea.

Let us look a moment at what this submarine devastation means to the world's shipping, and especially what it means to the shipping of Great Britain, upon whose shoulders has rested the burden of financing the cause of the allies and whose ability to continue in this war and make a victory possible depends wholly upon her ability to keep open the channels of ocean trade, that her people may be fed and clothed and her armies supplied.

How many of us have stopped to consider what percentage of the world's shipping has been sunk during this war, and particularly during the months of February, March, and April of 1917, since relentless submarine warfare has been resumed? How many of the American people have given any consideration to the value or quantity of the world's products which have gone to the bottom of the sea, and what proportion of those products can still be fed to the yawning waves without weakening or rendering ineffective the nations which must depend upon them? We have no publications and no information or statistics except what we may gather outside of our bureaus and departments upon the subject.

Mr. President, the total merchant tonnage of the world at the beginning of this war in 1914 was 48,139,365. Of this Great Britain had 19,779,119. In round numbers her total tonnage was about 20,000,000 tons. With her shipbuilding facilities she

probably has maintained that tonnage, despite her enormous losses, up to February 1, 1917. Other maritime nations probably have met their losses in ships, so that the world's tonnage has been maintained up to February 1. It is perfectly safe to say, however, that the construction of ships since the beginning of February has not kept apace with the destruction of merchant tonnage of the world.

The Journal of Commerce, which has attempted to tabulate all the losses of the world's merchant marine from the beginning of the war, shows that up to March 1, 1917, the number of vessels destroyed was 2,573. The capacity of those vessels was, in tons, 4,711,100. This was about 10 per cent of the world's merchant marine at the beginning of the war.

This journal also shows that the destruction up to April 1 will bring the total tonnage to at least 5,500,000 tons. From the very best information which I can gain this will have probably increased by May 1 to more than 6,000,000 tons, or more than one-seventh of the world's tonnage.

The German report shows that during the month of February the submarines of that country sank 292 vessels, with a capacity of 781,500 tons. It is conceded by all that the destruction during the month of March exceeded very considerably the destruction during the month of February, and the British report of yesterday shows no diminution in this frightful devastation, but an enormous increase in the effectiveness of the submarines.

On March 27 Admiral Beresford stated that up to that date the March loss was more than 500,000 tons. Germany has not reported, so far as I am able to learn, just what her submarines accomplished during that month.

What these U-boats are accomplishing at the present time may best be illustrated by a comparison of their deadly work during the last two months with that of the previous 30 months of the war. The monthly rate of destruction prior to February 1 was about 150,000 tons. During the months of February and March, accepting the lowest estimate, the losses have been more than one-fifth of the total losses of the previous 30 months. What a heavy proportion of this loss in shipping is borne by Great Britain alone is shown by the following table, which gives the losses up to April 1:

	Number of vessels destroyed.	Tonnage.
All of entente powers	1,661	3,492,772
Great Britain alone	1,276	2,821,849
Teutonic allies	195	293,606
Neutral vessels	702	1,024,770

I have a table here showing the losses of both belligerents and neutrals, and call attention to the fact that out of a total neutral loss of 702 vessels the little country of Norway alone lost nearly one-half, both in number of vessels and in amount of tonnage, her number being 340 vessels destroyed and her tonnage 464,500.

I ask to insert at this point a table of details of all the losses of all the countries up to March 1, 1917.

The PRESIDING OFFICER (Mr. JOHNSON of California in the chair). Without objection, permission to do so will be granted.

The table referred to is as follows:

Merchant marine losses from the beginning of the war to Mar. 1, 1917.

LOSSES OF THE ALLIES.

	Number.	gross tons.
Great Britain	1,276	2,821,849
France	164	294,338
Italy	121	225,114
Russia	64	77,803
Japan	9	31,904
Belgium	16	23,683
Portugal	9	10,879
Rumania	1	3,688
Canada	1	3,464
Total	1,661	3,492,722

LOSSES OF THE NEUTRALS.

Norway	340	464,560
Holland	68	165,146
Denmark	96	101,475
Greece	52	100,972
Sweden	97	95,332
Spain	35	64,607
United States	12	29,001
Brazil	1	2,258
Peru	1	1,419
Total	702	1,024,770

Merchant marine losses from the beginning of the war to Mar. 1, 1917—Continued.

LOSSES OF THE TEUTONS.

	Number.	gross tons.
Germany	83	195,887
Turkey	101	55,282
Austria-Hungary	11	22,439
Total	195	293,608

Mr. McCUMBER. Mr. President, when Germany announced that if she could destroy a million tons of the world's shipping which had been supplying her enemies per month she could dictate terms of peace within 10 months, she made no vain boast. She has not reached a million tons a month, but she has reached more than two-thirds of that amount per month since February 1 and is steadily gaining.

It will be seen that the submarine is accomplishing but little less than was expected by the central powers, and that, therefore, while the time allowed to accomplish the result will have to be extended, the purpose and the end sought by this ruthless undersea war will be accomplished, though in a little longer time, unless that menace is met or neutralized. The amendment which I have offered inviting the inventive genius of the American people to be concentrated upon this great problem, providing for proper opportunity to test and develop appliances or mechanism designed to meet, deflect, or destroy the effectiveness of the submarine torpedo, and intensifying effort and ambition by suitable reward, purposes to accomplish this most important result.

This rapidly increasing annihilation of the world's commerce demands immediate attention. To-day it means more than all the armies and navies we could ever put into this war.

I think it a fair estimate to say that 750,000 tons of merchant shipping have been destroyed in the last 30 days. At this rate—and without any question the number of submarines is increasing—how long will Great Britain be able to hold out? The report that comes from Great Britain this morning answers to a certain extent this question; and, boiled down, that answer is that unless she can find some means of meeting the U-boat devastation she will be starved out of this war in a few months.

If it required 20,000,000 tons of British merchant shipping to meet her economic demands in times of peace, how much more will she need that 20,000,000 tons of shipping in time of war? And what proportion of that shipping can she lose and still maintain herself and her armies on a war footing? Remember that her shipping must also supply her allies. Remember also it is not necessary to destroy the entire tonnage of Great Britain to cut off her supplies of the necessities of life. The destruction of a third of such tonnage would probably accomplish the result.

I repeat, Mr. President, that unless we are able to cope with this submarine menace there will be no occasion for the use of the armies which we are preparing.

Mr. CHAMBERLAIN. May I interrupt the Senator from North Dakota?

Mr. McCUMBER. Certainly.

Mr. CHAMBERLAIN. I am very much interested in the Senator's statement, and I think there is very much force in his argument. Does the Senator know, from his examination of the subject, whether or not submarines are as dangerous and as destructive to a modern battleship as they are to the merchant ship, or whether or not the battleship is strong enough to resist a torpedo fired by one of these submarines? I have never had occasion to examine the question.

Mr. McCUMBER. I have examined the matter, Mr. President, and I will state that of course the battleship is much more immune from the danger of destruction than is the merchant ship, and possibly it would take at least several shots from a submarine torpedo to sink a battleship, unless a shot struck the battleship in a particularly weak place. Some battleships, however, have gone down from a single shot, for the submarine torpedo is about as powerful as is a mine, and many battleships have gone down from a single mine explosion. The great trouble, however, in the use of the dreadnaught and the battleship is that they can not go out and find the submarine and thereby protect the merchant ship from its ravages.

Mr. CHAMBERLAIN. Would it be possible, I will ask the Senator from North Dakota, to convoy either a merchant vessel or a number of merchant vessels with convoys from either navy?

Mr. McCUMBER. I would say it would be possible but almost improbable, in view of the number of submarines which are in the ocean to-day, and especially would that be true

during the hours of darkness. If by the use of these unseen instrumentalities of death, more dangerous than the Black Scourge or any other that has ever devastated any portion of the world, Great Britain could be eliminated from this war, what then? Demoralized Russia would fall in a week; brave France would be crushed and her sons and daughters suffer the fate of the Belgians; our foreign commerce would be destroyed; our mighty surplus of grain to be harvested this year would rot in the bins, and stagnation the most depressing and from which anarchy is most surely bred would hold in its death grip the populous cities of the country. Frightful as this result would be, we are bending our present energies not toward the most important and imminent problem of this war, not toward the most practical questions involved, but toward the accomplishment of a final end and purpose which must, from the very nature of things, be dependent upon the settlement of the preceding and most imminent one—the submarine problem.

Mr. President, this amendment provides for a board which I designate the "Board of Merchant Shipping Defenses." It makes little difference whether this be a board or a bureau, whether it be something ingrafted upon a board already created or a new board. The one important thing is that there shall be represented on that board men of more than one idea or line of thought, and to secure that end it shall be composed of men of different callings, but experts all in their particular callings or professions. I retain the chief constructor of the Bureau of Construction and Repair of the Navy Department, and the naval constructor of such bureau. I suggest the Commissioner of Patents as an additional member because in his department is every invention, every mechanical device and appliance used for every industry in the country. Because his bureau furnishes a most wonderful array of suggestions for appliances that may be utilized in a modified form for protection against the self-propelling torpedo. The reason for selecting one other of the highest recognized skill and experience in the construction of merchant ships, and still another with the highest recognized skill and experience in the navigation of such vessels, must be apparent to anyone. We want not only mechanical ingenuity, but practical knowledge as to whether any mechanical device can be used, either in the construction or in the navigation of such vessel. I assume that in the chief constructor and the naval constructor we have expert information concerning the torpedo itself, its powers and its weaknesses. I have added to these members of the board two others with the highest recognized skill, experience, and knowledge of mechanical devices used in the great steel industries of the country.

But, Mr. President—and I particularly address this to the Senator in charge of the bill—it may be asked, Why go outside the Regular Establishment in this matter? Because the tendency of every establishment is to rut itself and ever deepen the rut; because the situation demands the resourceful minds of the people of the whole country and not alone of some particular department.

Mr. CHAMBERLAIN. Mr. President, may I interrupt the Senator again?

The PRESIDING OFFICER (Mr. JONES of Washington in the chair). Does the Senator from North Dakota yield to the Senator from Oregon?

Mr. McCUMBER. Certainly.

Mr. CHAMBERLAIN. I will say to the Senator that for some time I have been trying to formulate some kind of an amendment with the object of getting the department out of the rut of which the Senator speaks, but I am frank to say that I never had in mind the question of the destruction wrought by the submarine. It has been my experience here that many of the departments do get into a rut. I will take for illustration, without meaning to criticize, the Ordnance Department. A man comes here with an appliance; if he gets a hearing at all he does pretty well, and if he ever gets his appliance tested he does remarkably well. As an instance of that, take the Lewis machine gun and other machine guns, over which there has been a controversy raging for years. If some board, such as that the Senator suggests, had had that matter in charge I am satisfied they could have made a report in a very short time. I am wondering if the Senator can not broaden his amendment so as to include other departments and other appliances that might be utilized in time of war.

Mr. McCUMBER. I have no objection to that, and I was going to mention just what the Senator has mentioned; but I confined the amendment to the defense of merchant ships against submarines, because that is the vital question in this war, the imminent question upon which all others depend.

Mr. OWEN. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Oklahoma?

Mr. McCUMBER. I yield.

Mr. OWEN. My attention was called a few days ago to an interesting new device which was available for exhibit at Columbus, Ohio, by some people who invented a keyboard controlled by wireless, by which there could be controlled several different ships at once, moving by electricity, so as to take a net and put it ahead of a battleship and sweep mines out of the way without any danger to life whatever. It took quite a long time to get that examined, and I do not know whether it ever has been properly examined. I comment upon that because it is in line with what the Senator in charge of the bill has just referred to.

Mr. McCUMBER. There are a thousand men thinking this matter out to-day, but if they should go to the War Department or the Navy Department they would be told, "We have neither any law nor any appropriation that would allow us to investigate this matter." It is an important question, and there is knowledge and genius enough in this country, I believe, to secure the end desired if we will give them an opportunity.

Mr. President, human nature is the same whatever the line of employment may be, and one of its dominant characteristics is resentment of outside interference with what it may regard as its own special field. We are all afflicted with that weakness. The specialist nearly always views with disfavor any proposition which has not been suggested by his own investigation in his own field of endeavor. It very often happens that we have to go outside of a particular vocation to find originality, original ideas that are most valuable in that very vocation. We all remember that a few years ago no physician would ever allow a pneumonia patient to inhale a breath of cold air. By accident rather than by investigation it was lately discovered that the colder the air the better, and so to-day the course of treatment prescribed is that which was strenuously prohibited by the profession but a short while ago. Political jealousies, official jealousies, professional jealousies, Army and Navy jealousies should be brushed aside and the American people, not the Army and Navy alone, should be invited to assist in the solution of this most vital problem.

Accidental discoveries have played a far greater part in the realm of mechanical devices and inventions than has studied research. So, too, the military has generally adopted for its use that which the industrial world has conceived and brought out. Take, for illustration—and I call the attention of the Senator from Oregon [Mr. CHAMBERLAIN] and of the Senator from Oklahoma [Mr. OWEN] to this, because it is along the line concerning which they have interrupted me—the evolution of the explosive shell. The almost certainty of the shell exploding from the same power that sent it on its mission had to be overcome, and compressed air, already used in the industrial field, was utilized. This became obsolete almost as soon as utilized by the use of compartments filled with cotton, which absorbed the impact. Then some one, I think out in Tacoma, who was experimenting with blasts for work in the Alaskan mines, accidentally found that he had produced an explosive that was not affected by either cold or heat, that could not be exploded by the blow of a trip hammer or by a red-hot billet of steel, but which could be easily exploded by the percussion cap. This immediately eliminated the shell with its cotton packing, and so to-day we can send one of these shells through an ordinary steel armor and have it explode at any given distance beyond, according as it is timed.

Those who will follow the history of the use of the submarine—and I am coming down to that now—will recall that heretofore the possibilities of that vessel have been grossly underestimated, often scoffed at, by the naval authorities of the world. The Navy and Army authorities, I repeat, are human, just as much so as those engaged in other lines of endeavor, and they just as naturally fall into ruts, out of which they must be pried. We began the construction of submarines in this country against the judgment of our naval experts. I think the same thing is true of the Lewis gun, which is to-day proving its efficiency. And even to-day, Mr. President, we are spending hundreds of millions for the construction of mighty dreadnaughts, the most costly and the least effective craft used in this war.

Why was it, Mr. President, that every layman foresaw the mighty havoc that the submarine would produce in this war, and predicted it freely, while our naval authorities and the naval authorities of Great Britain as well, unable to divert their admiring glances from the grim superdreadnaught, practically ignored the little submarine with its far vaster possibilities? Why was it that the layman, knowing that the slightest mishap to a dreadnaught would destroy thousands of lives and send a score of millions of dollars and the product of the toil of years to the bottom of the sea, was the first to attempt to impress upon the naval authorities the necessity of spending a greater propor-

tion of our naval appropriation in the building of the cheaper and swifter armed cruisers, with more powerful and longer range guns? Why was it that the layman insisted all the while that the submarine would prove to be the most effective and most dangerous arm of sea war craft; that the swift cruiser would prove to be next in value and importance, and the mighty dreadnaught the least used, while the naval authorities of both the United States and Great Britain recorded their view of the importance of these several types in inverse order, and failed to consider the submarine as a matter of serious importance?

To the layman it was somewhat strange that with full knowledge of the potential power of the submarine, with its torpedo accompaniment, practically no consideration was given to that type of battle craft, whose possibilities seemed almost without limit, until its work of devastation was well under way. The superdreadnaught was the all-absorbing thought and topic of the Navy and of naval constructors. Billions of dollars have been expended upon this type of vessel, not only up to the beginning of this war, but continued almost up to the present time, only to find that they have become almost impotent; and during this time the whole sea has become infested with the submarine, against which every vessel from superdreadnaught to the smallest merchant craft has found no means of defense.

Against the continuous protests of the layman and in the face of his warning we have sacrificed effectiveness for grim appearances. We have rested our faith on bigness and mighty names. The naval authorities of Great Britain had to be taught by the sacrifice of thousands of her brave sons that naming a war ship *Invincible* did not make her invincible. The Dardanelles catastrophe, worse than a failure, was not the blunder of laymen.

It is well, Mr. President, to be sanguine and courageous, but overconfidence in one of these monster battleships, based upon its bigness or the millions of dollars that have gone into its construction, is too often far more disastrous than excessive caution. We have seen enough of this war, we have seen and read enough to know that all the wisdom and good judgment are not lodged in the minds of our Military or Naval Establishments.

A layman would have said that pitting a battleship against a land battery, with guns of equal power and range, was almost equivalent to suicide. He would have insisted that a land gun could carry a shell seaward just as far and with far greater accuracy than a gun on board a ship could carry a shell landward; that if a shell from a 16-inch gun on a warship should strike a land battery it might dismount one of its guns; but that if a like shell from the gun of a land battery should strike the ship, the chances would be ten to one that within 10 minutes $20,000,000 and thousands of brave men would be at the bottom of the ocean.

By this bill we are providing for a vast army. We need 1,000,000 men in arms. It will take more than a year to secure, train, and equip these men for service. It will take that long before we can develop an efficient fighting machine that we would dare send into the conflict. Now, what will all this vast army avail us at the end of the year if the German shipyards, spending all their time and energy in the production of standardized submarines, pour into the ocean every month a new spawn of these hell-born demons of slaughter, capable of sending every transport we could fill with our soldiers to the bottom of the sea? Unless we find some way to check these submarine ravages we will not be sending these armies into the trenches in any effective numbers. Unless we devise some sort of mechanism to meet their torpedoes, American mothers may still their fears that their sons will be fed to the cannons' mouths. It will rather be the cold waves that will strangle out their young lives, and the shark's jaws that will close on their nearest and dearest.

While, Mr. President, we are preparing our Army we should give our first, our greatest consideration, our deepest concern to the submarine problem, which must be effectively dealt with before the Army can be used. We should not wait until some independent measure could be devised and put through. We should make this a part of this bill, so that the work can go on contemporaneously with the creation of our Army.

Mr. President, the first step taken by this Government before beginning the construction of the Panama Canal was to deal with the problem of yellow fever. Little as were the mosquitoes which infested that region, our first effort was to battle these insects. We began to study and investigate the cause of the yellow fever. Men sacrificed their lives to test out the truth of the proposition that this deadly contagious disease was contracted through the bite of an infected mosquito. The mosquito with its yellow-fever germ, destroying thousands upon thousands of workmen, had defeated the dream of de Lesseps. We gave our first attention to the mosquito and made that dream a reality. So, Mr. President, the dictates of reason point our course in this war. Our first attention, our first and greatest effort should be to meet this awful peril of the sea.

And how are we proposing to meet the situation? I want the attention of Senators on this line. They say, "Let us build more ships. If we can not build steel ships rapidly enough, let us build wooden ships. Let us see if we can not build more rapidly than the submarine can destroy."

I wish, Mr. President, that thinking business men would stop a moment and ponder that proposition, that method of solving the submarine problem. Think of it as an original proposition. We propose to founder this sea monster by overfeeding him. We propose to choke him to death by crowding more ships down his rapacious throat than he can swallow. We hope to keep him so busy that a sufficient number of these ships will get away while he is swallowing others. We have not in that proposition even contemplated how rapidly the number of these throats are increasing. Strange as it may seem, I have not heard one single suggestion, and the thought has never seemed to have occurred to those who propose this solution, that the all-important thing to Great Britain and our allies is the cargo that is in the ship; that every time we feed a ship to this sea monster we feed a cargo that is worth many times the value of the hull that takes it; that the world's capabilities in the production of food, clothing, and munitions have a limit, and the present supply of food is exceedingly short; and that we can not feed a quarter of that food, clothing, and munitions to the waves and have sufficient left to feed our allies and supply their armies. The thing we want to get across the ocean is the food. These terrible losses should be measured in cargoes rather than in hulls, and though we should increase our hulls, if we can not lessen the number of cargoes that are sent to the bottom of the ocean, the hull without the cargo is of little value.

Now, Mr. President, I want to impose again upon the attention of the Senator from Oregon [Mr. CHAMBERLAIN] by asking him to listen to the report of Mr. Hoover, whom we have chosen to take charge of the conservation of our foods.

Under the headlines, "Eat less or war is lost; Hoover warns America; Says allies will starve before September unless United States helps now," in the New York Tribune of Sunday, April 22, Herbert C. Hoover, chairman of the American Commission for Relief in Belgium, now head of the American food board, states that the food situation is one of the utmost gravity, which, unless solved, may cause us to lose this war; that if America continues its present rate of consumption, the total stock of food in the allied world is not sufficient to last until September; that the allies will need a minimum—now, listen to this—a minimum of 90,000,000 bushels of wheat from North America, more than twice to-day's apparent surplus on a normal export basis.

Mr. GORE. How much?

Mr. McCUMBER. Ninety million bushels; that to carry the allies over until the next harvest we must reduce our wheat consumption 30 per cent; and that conclusion, Mr. President, is based on the assumption that we get safely across the ocean all that we can export. We have not got in North America to-day 90,000,000 bushels to export and still supply our own wants. The winter-wheat crop may come in before the middle of July, but it must be harvested, thrashed, and marketed, and then it must be carried across the ocean. If any important part of that which we have hulls to transport should go to the bottom of the sea, we could not by any possibility supply their demand.

Mr. Hoover's observations were made after three weeks' consultation with members of the British, French, and Italian cabinets. He also investigated the food and shipping situation and plans for American cooperation.

So little consideration has been given to the more important subject of cargo that not one of our bureaus—neither the Department of Commerce nor the War Department, neither the Shipping Board nor the Bureau of Statistics—has attempted to secure or record any data whatever upon the value or quantity of food material that has been sunk, and yet that is the all-important thing at this time. It but demonstrates what I have been insisting upon, that our governmental bureaus are inclined to burrow themselves. I was compelled to go to the Journal of Commerce to secure the only information obtainable concerning even the tonnage and number of ships that have been sunk.

Mr. President, would it not be better to stop and see if we can not produce and equip our vessels with that which will protect them from these sea serpents? A torpedo working its way through the waves at a speed of about 30 miles per hour presents a very different problem from a shell shot from a gun with a velocity of several hundred feet per second. The

torpedo has no guiding mind to control it the moment it leaves its tube. To say that there can not be devised some mechanism that will deflect or enmesh or explode the torpedo before it comes in contact with the hull of the vessel is, in my opinion, paying scant respect to the inventive genius of the country.

Mr. President, the mind of man has never produced an instrument of destruction which the same mind can not devise means to counteract. Our great error, grown now to be a great misfortune, is that we have given so much attention to the question of instrumentalities of ever increasing destructive power that we have neglected the equally important question of defense against such power. Germany alone seems to have comprehended the possibilities of the submarine and governed her warfare accordingly. At the beginning of the war she created as much havoc as possible to the merchant marine of her enemies by the use of her cruisers. Then she withdrew her dreadnaughts and her battleships from the seas, fenced them with her chain of mines under the shadow of her land batteries; and then she gave her whole attention—the constructive capabilities of all her shipyards—to the production of this weapon, the submarine. Those rattlesnakes of the sea, whose unseen stroke is always death, have driven every warship into port and have rendered the billions of dollars spent in building up what were thought to be invincible armadas almost useless so far as the defense of the merchant marine is concerned.

Mr. President, we have suddenly awakened to a new era—absolutely new—in naval warfare. It is worse than folly to go on as we are going to-day, spending hundreds and hundreds of millions for dreadnaughts, until we have devised some means to combat this new instrumentality. We can not conduct a successful warfare by attempting to produce a surplus greater than the submarine can destroy. We can not do it. And at present we have found no successful means of submarine destruction. The ocean is too large, and we can not destroy that which we can not see, or at least only to a most limited extent.

There are hundreds and hundreds of inventors ready and eager to spend their energies in the solution of this problem. They have not the means to test out their theories. Some of their propositions, of course, may have little or no merit. An intelligent board will be able immediately to cast those aside. Some propositions may presage great possibilities, but their efficiency or lack of efficiency can only be determined by proper trials and tests. Many of our most useful mechanical contrivances, in fact most of them, have been but the application of some older mechanism to new purposes and ends. The Patent Office contains thousands of these. The business world constantly has to deal with problems seemingly as desperate as the U-boat problem is to warfare. In the great steel factories of the country new mechanisms and new machinery are being constantly devised and constructed to meet new requirements. Given proper opportunity with proper inducement and I believe the U-boat problem can be solved. If we solve it, it will not be necessary for us to send one man to Europe. If we do not solve it, and if it increases, as it has been increasing, this war will be over before we have an army ready to send to Europe.

There should be constituted immediately an unbiased board composed of men with minds capable of investigation and open to conviction to weigh and measure these suggestions and propositions. The naval authorities of Great Britain and of the United States have so far been compelled to acknowledge their inability to meet the situation. Let them have the advice of the great mechanics, of the inventors, of the designers of this country, and let their energies be spurred on by promise of reward that will measure up in some little degree to the importance of the problem. If they succeed, we end this war in a few months; if they fail, it at least has cost the Government almost nothing. Is it not well worth the trial?

When the *Merrimac*, with ribs of steel and an impenetrable iron hull, threatened the devastation of all our northern commerce an Ericsson came to the front. There are many men of equal genius, power, and capability. We should call upon them, and we should call upon them now.

It has been suggested by the Senator from Oregon that this amendment would be more appropriate if offered to another bill which is upon the calendar. I concede that, but no man can say when that bill may become a law. This measure will become a law in a few days. This work can go on while you are creating the Army. Who can say that before another month we may not have devised some new mechanism that will protect the hull of a merchant vessel against the torpedo? We should not delay action simply because the amendment would be more closely related to the provisions of another bill. In the meantime famine and starvation stare our allies in the face. We can not afford to wait. Every energy of this country and its people—all the genius of this great Republic—should be brought to bear, and to bear immediately, upon the solution of that problem, which must be solved or we lose this war.

Mr. CALDER. Mr. President, Senators have quoted from different authorities in the discussion of this measure, and so I shall speak of the views of some gentlemen to whom I have written recently on this important question.

I addressed a communication to the presidents of several of our larger universities in the eastern part of the country requesting their views on this legislation, and if the Senate will bear with me for a few moments I will read their replies. They indicate, as I expected, the fact that these institutions of learning, where men have given years of study to the great problems of government, where as much as in any other place in the country you can find the true democratic spirit, are a unit in favor of raising an army by the selective draft system.

I am advised that in these great universities 90 per cent of the boys are ready and anxious to answer the country's call. The opinion of these gentlemen is all the more interesting in view of the fact that practically every student in these colleges are within the ages from which the new army will be drafted.

I will read first a telegram received from Dr. Nicholas Murray Butler, president of Columbia University:

> Earnestly favor selective draft provision in the Army bill. Hope it will be followed by permanent provision for universal national training for national service, which I regard to be quite as necessary in time of peace as in preparation for war. About 8,000 students and younger alumnis of Columbia University have registered as willing to accept some form of national service for which they may be found fit. Over 500 students and more than 600 alumnis are now taking voluntary military training. About 100 engineering students are preparing for coast patrol work. Others have gone to Newport Naval Training Station. Other large groups preparing for aviation work and Red Cross work.

Here is one from Dr. John G. Hibben, president of Princeton University:

> I am very strongly convinced that this measure will tend to equalize the burden of service and to increase throughout our whole citizenship the feeling of obligation to the country both in time of peace and in war.
>
> One hundred and fifty of our students have enlisted in active service, and upward of 900 of them in addition are taking the regular daily drill under Capt. Heintzelman, with additional military instruction of a theoretical nature, preparatory to offering their services to their country. In addition to this number, also, we have between 75 and 100 who are taking the course in aviation, which the alumni have established at Princeton, having procured an aviation field, two machines, and instructors and mechanics.

Dr. Jacob Gould Schurman, president of Cornell University, among other things, writes:

> Thanks to the statesmanship of President Lincoln and of Senator Morrill and his associates in Congress, there is in every State in the Union one university or college having a military department whose principal object is the training of undergraduates so as to qualify them in case of war to become at least lieutenants of volunteers. Cornell University has this military department in the State of New York, and we require military training of all our young men three afternoons a week for the first two years of their course. Since the danger of war appeared we recognized that some of our young men would be needed for military service and others for industrial, agricultural, and other labor, and on March 28 the university faculty, on my recommendation, adopted a resolution granting leaves of absence, without prejudice as to residence, scholastic standing, or degrees, to all students who might enroll in the land or naval forces of the State or Nation or in industrial or other enterprises contributory to the efficiency or success of such forces. Since that date we have granted leaves of absence to about 400 students to engage in farm labor and farm management, to about 200 students to engage in other kinds of labor contributory to military efficiency, such as labor in munition plants, in chemical establishments, etc., and to about 400 students who intend to enroll in various branches of the Army or Navy.
>
> I must, however, call attention to the fact that these 400 students who have already enrolled in the various branches of the Army or Navy represent only a small fraction of the students at Cornell University who are ready to enlist. At the present time I know no place in the country where young men have better opportunities for military training than those afforded by the military department at Cornell University, thanks to the personnel, equipment, and facilities supplied by the United States and the State of New York. I have consequently advised our students to remain in training under the military department of Cornell University until they were summoned to service in the Army or Navy. And in order that their opportunities for training here might be raised to the highest potency, I asked the faculty, and the faculty unanimously voted, to excuse all students of the university who would devote either a considerable portion or the whole of their time and energies to military training from a considerable portion or the whole of their academic work. Over and above the 1,400 students who still remain in the corps of cadets taking the required military training we now have a considerable number of men taking this intensive military training, and the number of these is daily increasing. I am glad to report, also, that my advice to students to continue their military training at Cornell University is in accord with instructions that have been issued by The Adjutant General to students in Cornell and similar institutions throughout the Union.
>
> May I end with a personal remark?

Dr. Schurman says:

> I have said to the students of this university that in all my experience and reading I know of no cause better worth fighting for and dying for than that which our country is now maintaining. I have

said to them that if my life were of any good to the cause and the Government could use it I would willingly give it. I have no right, however, to urge other men's sons to enlist for battle or for death, nor have I done so. I have not even urged my own sons to enlist; but they are enlisting just the same, one of them a graduate in this year's class and another who graduated in 1913.

In the name of the young men of the country and for the sake of the young men of the country, I beg Congress to adopt the plan of organization of our military forces recommended by the President and his expert advisers—the only plan which will assuredly bring us success in the warfare we have deliberately and on high grounds decided to wage for the sake of freedom, civilization, and humanity.

Mr. President, here are the views of some of the great college presidents of our Nation, at the head of institutions where all the young men are eligible for draft. They see the wisdom of requiring men from every walk of life taking their share of the burden now facing the Nation and not permitting it to fall upon a very few.

I have some observations of my own on the subject to submit.

Mr. President, enlistments in the Regular Army since April 1, given by States, indicate the failure of the volunteer system. The Regular Army on April 1 required 183,898 enlisted men to bring it up to its full authorized strength. After 20 days of enlistments all over the country, the greater part of this period being after war was declared on April 6, the Regular Army had gained only 25,842 men. The figures of recent date do not show any appreciable increase in the rate of enlistment. It required 20 days to raise one-seventh of the quota for the entire country. At that rate it would take 140 days to complete the quota, or nearly five months. This is only the quota needed to bring the Regular Army to full strength, and takes into no account whatever the National Guard and the new army which is planned in this bill. It sustains completely the argument that the United States can not raise an adequate force by the volunteer system.

The selective-draft system is the only one which distributes the burden equally and scientifically. It levies the draft proportionately among the States, and each State must do its share. Likewise, no State can do more than its share, except by volunteering either in the Regular Army or the National Guard. It provides an Army not made up of classes—conscripts and volunteers—but wholly of drafted men, all on an equal footing.

It is the only system which will assure the United States of being able to engage in the war on a large scale without disturbing its industrial and agricultural balance. By the selective draft the Government will be able to take only those men, of the required military age, who can best be spared for service in the ranks. Under a volunteer system there is no way of preventing men from leaving necessary industries and crippling resources that are just as important as an army itself. The Government, in order to keep the Nation's industries at a high point of efficiency must have the power to reject men for service in the ranks who are needed more elsewhere. Such rejection will be no reflection upon these men, but will be a tribute to the fact that they can do better service for their country outside of the Army.

The selective draft is the only method by which the Nation's great industrial machinery can be safeguarded against deterioration. There are many patriotic men who will want to enter the military service and who ought not to be permitted to do so; not because they will not make good soldiers but because they can do more for their country by continuing in their occupations. The exemptions from draft provided in the pending bill, and the discretion which is left in the hands of the President to make additional exemptions, make certain that the Nation can not cripple itself, particularly when one of our first and greatest duties in the war is to assist our allies in maintaining living conditions in Europe rather than fighting conditions.

As an example, one of the first things this country faces is the construction of a very large fleet of cargo ships in addition to increasing the Navy. It would be a grave mistake, both from a military and economic standpoint, to take any man into the ranks whose services are needed in building ships. There is a shortage of such labor now. No man needed to help build ships ought to be allowed to volunteer as a soldier, and under the selective-draft system such a mistake will be prevented. The same thing applies to other industries directly affecting the war and also to agriculture.

Although none can predict the duration of the war, the only safe and sensible course for the United States to follow is to prepare for a long war; that means the raising of a large army; it means proceeding upon the principle that ultimately this country will be required to send an army to the European battle fields. The volunteering figures published from day to day by the War Department prove conclusively that no army of a size worth while sending to Europe can be raised by the volunteer system. Talk about raising a million volunteers overnight is nonsense. The United States has been actually at war for three weeks, and the ranks of the Regular Army and National Guard have been open to more than 600,000 volunteers; they are still open—wide open—and the volunteers are coming in slowly.

Mr. President, my attention has been called to certain facts regarding the enlistment of volunteers in the Civil War which has not yet been discussed in this Chamber. I am informed by the War Department that the loyal States of the country paid in bounties to volunteers the sum of $288,000,000, and the Federal Government also paid for the same service in the days of the Civil War the sum of $360,000,000. These two amounts together aggregate the enormous total of $648,000,000. It was necessary then, even in the hour when men were moved by great patriotic impulses, for the States and the Nation to contribute this vast sum for the purpose of obtaining volunteers. This fact, it seems to me, is worthy of very serious consideration.

Mr. WEEKS. Mr. President——

The VICE PRESIDENT. Does the Senator from New York yield to the Senator from Massachusetts?

Mr. CALDER. I yield.

Mr. WEEKS. May I suggest to the Senator from New York that that was more than one-fifth of the total cost of the military operation of conducting the Civil War?

Mr. CALDER. I thank the Senator from Massachusetts for his suggestion. The figures are certainly very large and go to show how important it is that this bill should be enacted.

Of this amount alone New York State paid in bounties to her volunteers the sum of $80,000,000. The State of New Jersey, a neighboring State to New York, contributed a sum exceeding $22,000,000.

The army that the United States must possess in order to wage successful war must be a large one; it must not be sectional; it must fall equally upon all States; it must be so organized that it does not in any way drain or impair the industrial resources of the United States; it must be raised upon a basis of equality and universal obligation, with full power to the Government to take into it those men who can best serve their country as soldiers and leave out of it those who can do more for their country by continuing in the occupations where their services are imperatively needed.

Mr. President, it is my purpose to vote for this measure, and for two reasons: First, it is the only certain way of raising an army of sufficient size, and, second, I can see no reason, Mr. President, why one man who is patriotic enough to take up his share of the burden should do his service while another, less patriotic, should be permitted to shirk his duty.

This is not a partisan war. It is a war in which all the people are united behind one leader, and is to be fought with all the might that the country possesses, in the end that peace may soon be accomplished. Mr. President, I make no complaint against any individual, but I trust the President will take advantage of the experience of England and France and in the very beginning place in charge of the departments of Government men who have been tried, men who are able to handle matters of large concern, so that the very best results can be obtained as we take each successive step.

This war upon which we have entered is the biggest business being transacted in the world to-day. Europe has organized for it on a business basis. It is paramount to every other form of human activity. The United States must organize for war in the same way. While there is high and noble sentiment in the aims for which we are fighting we can not permit sentiment to interfere with the building up of the organization that will carry on the work. It must be scientific; it must be effective and democratic; one under which no man can do more than his just share, while at the same time making sure of the fact that no man can be a slacker.

Mr. NEW obtained the floor.

Mr. GORE. Will the Senator yield for a moment? I wish to ask the Senator from New York if he has the figures showing the amount of bounties paid to conscripts in the Civil War?

Mr. CALDER. I have not, I will say to the Senator. I particularly inquired of the War Department as to the sum paid to volunteers, and they informed me that the totals indicated by me were paid for volunteers only.

Mr. President, I ask to insert in my remarks a telegram from the chairman of the recruiting committee of the mayor's committee on national defense of the city of New York.

The VICE PRESIDENT. Without objection, permission to do so is granted.

The telegram is as follows:

NEW YORK, *April 26, 1917.*

Hon. WM. R. CALDER,
Washington, D. C.:

Notwithstanding tremendous efforts and intensive campaigning on behalf of the regular recruiting officers and men assisted by numerous citizens' committees as well as thousands of volunteer women workers, supported by press, theaters, and motion-picture houses of New York, as well as comprehensive display of posters and window cards, the results to date are totally inadequate to meet military requirements. We consider the volunteer system an absolute failure. We know you are supporting the measure approved by the President, but we are furnishing you the above facts in the hope that they may be of some value to you in assisting the administration to pass the legislation which they consider essential for the purpose of increasing the military forces by the draft system, which is the only fair, efficient, and democratic way by which an army can be raised.

ALEXANDER J. HEMPHILL,
Chairman Recruiting Committee of the Mayor's Committee on National Defense.

Mr. NEW. Mr. President, it is not my intention to deliver anything like an address to the Senate; I have not the purpose to do anything of that sort; but, as a member of the Committee on Military Affairs, I have given to the pending bill the best thought and attention of which I am capable, and I have some ideas concerning it on which I should like to express myself very briefly.

In the first place, Mr. President, I think it is true that in the part of the country from which I come there is a considerable misapprehension as to the real character of this bill. At least half of all the mail I get refers to the bill as "a universal-service bill," which it is not. For the last 20 years, Mr. President, or nearly so, I have individually favored a system of universal military training, a service which goes a great deal further than this bill does. I do not think it is understood by the public in my section, for instance, that this bill does not provide for anything that even approaches universal military training. It falls far short of that, certainly. For instance, it is proposed to take 1 man in every 12 between the ages of 19 and 25 years; those who obtain military training are but the 1 in 12 who are drafted into the service. The other 11 receive nothing of the kind. Of course, they may be used in the manufacture of munitions or there may be a good reason why they are exempted; but the fact remains that they are exempted, and that they do not get any military training.

Mr. President, the newspapers seem to think that there is no opposition to this measure; that the opinion about it is all one way. I think that I could prove to any of the editors of such papers by the mail which I get in my office that they are mistaken about that. Half of the mail which I get, perhaps, is in favor of this bill; the other half is against it. The opinions that are expressed are by people who differ diametrically, and one set of them is as much entitled to consideration as is the other. I have tried to give proper weight to both sides.

I have now been a member of this body long enough to discover that a Senator gets a good deal of advice, to all of which he should listen, of course, and to all of which I have listened. I have also discovered that there is only one safe guide a Senator should follow, and that is his own judgment, and I shall follow mine. In taking my position on this bill I shall vote exactly as I think the exigencies of the occasion require. I am going to support the measure. I have had no thought at any time of doing anything else, and yet, Mr. President, there are some things about it that I confess I do not like.

For instance, I think too much is left in some respects to the discretion of the War Department. It is, Mr. President, just as important that after this bill has passed it shall remain the law as it is to pass it in the first instance. In this country no law will remain in force beyond the day when popular approval of it is withdrawn. It is important that every feature of this bill to which there is reasonable objection and which can be removed or modified without impairing the efficiency of the measure should be so removed or modified at this time.

For instance, one feature of the bill of which our people in Indiana complain is the section that provides that under the operation of the bill the Indiana man who is conscripted after the time the National Guard units are taken over into the Army of the United States may be assigned, and probably will be assigned, to commands in different parts of the country in which there are no Indiana men serving.

I am willing, Mr. President, to defer to the General Staff and to accord superior wisdom to it in most of the recommendations that they have made with reference to this bill, but neither the General Staff nor any other authority can make me believe that the 19 or 20 year old soldier from Indiana will serve as well—that he will make as good a soldier—if he finds himself in a command with a soldier from North Dakota on one side and one from New Hampshire on the other as he would if he found himself with soldiers from his own State, his own companions, with whom he has some community of interest.

The senior Senator from New York [Mr. WADSWORTH], in the very able exposition of the bill which he gave a few days ago, told us that it would be the policy of the War Department—and it was so stated before our committee also—to follow the plan of assigning the soldiers from a particular State to commands which had originally come from that State; but, Mr. President, if that is to be the policy of the War Department, why not write it into the law? The time to make a law right is when you make it in the first instance, and I think that should be written into the law. Departments sometimes change their minds; departments change their heads; the policy of one Secretary may not be the policy of the Secretary who preceded him; and so this policy should be made a part of the law and not be left to the varying whims of shifting department heads.

Another thing, Mr. President. I think the Senate of the United States ought not to pass a bill with a "joker" in it, and I think there is one in this bill. To that I am opposed, and I have prepared an amendment, which will be offered in due time, that is intended to provide that each State shall furnish its just proportion of the men who are to be conscripted into this army in the proportion that their population bears to the total population of the United States. It is not fair that one State should be required under any circumstances or for any reason to make up the quota that another State fails to provide. It is my opinion that no considerable element of our population should either be granted immunity from the draft, or to have immunity forced upon them, especially when that element is protesting against it, and where forcing it upon them in any particular State will result inevitably in the people of another State having to supply the deficiency thus created. There is in this bill a hidden provision which will result in exactly that very thing. The Senate and the people should know of this and know just what it is they are adopting and the difference it will make to the respective States if they do adopt it. I am opposed to it, and in the interest of the State I represent and those to be adversely affected by it I shall seek to have this measure amended to meet this objection.

Mr. McCUMBER. Mr. President, will the Senator from Indiana yield for a question?

Mr. NEW. I will.

Mr. McCUMBER. Why should not the same rule be brought down to the county or even to each township in the State? Why, for instance, should a State in making up its quota be allowed to take them from certain counties and leave other counties to not furnish any; or why should a township, or even a voting precinct, be relieved of furnishing its quota? Would it not be well to make the township the unit rather than the State?

Mr. NEW. I think it might be brought down to as fine a point as that without doing anybody any injustice, and I think that would probably meet with general approval. It certainly would meet with mine.

However, Mr. President, I do not wish to take up the time of the Senate. It was for the reason that I entertained the objections to the bill which I have just stated that I withheld my signature from the report of the majority of the committee. Those were the things which I had in mind when I withheld my name from that report. I shall at the proper time offer an amendment which will provide for meeting those objections.

Mr. President, that is all I now care to say.

Mr. FALL. Mr. President, to-day it is not a question which should be discussed for one moment as to whether the Congress of the United States or any citizen of the United States shall stand by his country and stand by the President of the United States as the representative of his country.

The measure now pending is one which is being advocated, through which an army is to be raised to be placed at the command of the President of the United States. Under the Constitution of the United States the Congress of the United States, and not the President of the United States, nor the General Staff, nor the Secretary of War, shall raise the armies of the United States. In debating this question the Congress of the United States is performing its constitutional duty. To follow, without consideration and without debate, any plan proposed by anyone else would be a further surrender than Congress, even, as yet has made of its constitutional duties. The impatience of some of the great newspapers, of some of the Senators, of some of the college professors, and of some of those who are holding meetings in the different States of the country with the action

of Congress in proceeding to debate this proposition is based upon the modern theory that the entire management of the affairs of this country is vested in one department.

I might admit, sir, that since four years ago the Congress of the United States, without rhyme or without reason, reversed itself upon a great matter of policy because the President told them to do so, and that Congress, surrendering then its prerogatives, has continued to yield its constitutional prerogatives to the executive department, therefore that Congress iself has given cause that there should now exist among the people of the country a misunderstanding of the duties of this body.

Mr. President, those of us who think that the pending measure should be amended at least are sincere in the belief that we are just as patriotic as are those Senators who take this bill as it comes from the committee without the crossing of a "t" or the dotting of an "i." I know that those of us who have the temerity to express the views which I am expressing may expect criticism, violent criticism, possibly denunciation; but for one, Mr. President, I have been for five years in the position where, by experience, to paraphrase Kipling, I have learned to hear the words I have spoken twisted by others to make a trap for fools.

Mr. President, we are to-day, in my judgment, confronted by the greatest emergency which our people have ever met or been called upon to meet in this country, with the exception of the days of the Civil War. I am so thoroughly impressed with the fact that it is an emergency that I object to the passage of this bill as it stands, because it is in no sense an emergency measure, except that it contains in its first line the word "emergency."

I propose to stand by the President of the United States. Not only as the President of the United States, but when we shall have raised an army as the constitutional Commander in Chief of the Army of the United States; but I know that when the Congress of the United States has by the passage of this measure, or any other measure or resolution, simply authorizing the President of the United States to raise an army—or as I conceive this bill, restricting the President of the United States in raising an army—when the Congress of the United States has done that, then the Congress of the United States has no further power of any character whatsoever in the matter of, in the conduct of, the war, of the direction of the war, of the removal of an incompetent from some important position, but that the power is vested in one man, and in one man alone; therefore, with due respect to the great press of the United States, to the college professors who are sending telegrams here, to those who are holding patriotic meetings and instructing us as to our duties, with great respect to the people of the United States who believe that this measure is an emergency measure and should be adopted, I propose to explain what it is in my conception.

The chairman of the Committee on Military Affairs, in interrupting the Senator from Missouri [Mr. REED]—I thought with some heat—stated that this had been his measure for one year and a half; that it was not an emergency measure offered now to meet an emergency, but had been the policy which he, as chairman of the committee, thought should have been adopted a year and a half ago in time of peace, when this country was yet pursuing the "watchful waiting" policy.

Mr. CHAMBERLAIN. Mr. President, may I interrupt the Senator there?

Mr. FALL. Certainly.

Mr. CHAMBERLAIN. I desire to say to the Senator that I did not intend to go quite that far, if I made that statement. My purpose was to state that the principle of universal military training, which I had been advocating for a long while, is fully recognized in this bill, and I stated, or intended to state, that the same principle was embraced in a bill which I had introduced more than a year ago and which was known as the universal military training bill.

Mr. FALL. Mr. President, I thank the Senator. I think that I did not misquote his words, but I thank him for his explanation, because if he could make it to every man who has sent a telegram here, if he could impress it upon the minds of Senators here, then this bill would never pass without such amendments as some of us are insisting upon.

Universal military training! Yes; the people of the United States have been aroused to the necessity of universal training, and the telegrams that are sent here to-day are upon the proposition of universal training and not with reference to the existing emergency, except in so far as they have been told by the great press of this country that this measure does meet an emergency. This is a measure for peace; it is a measure of preparedness; it is possibly a measure which should be adopted to prepare us for an emergency, but in no sense, as I have stated, is it an emergency measure in itself, except that it has the word "emergency" printed in the first line of the bill. That, sir, is my objection to it.

Mr. President, some of the Members of the Senate will remember that for four years or more I have been insisting that some emergency measure should be adopted, that some measure of preparedness should be adopted. Some of you who were here when the treaty with Denmark for the purchase of the Danish West Indies was under consideration will recall that at that time I told you almost word for word what you would be confronted with at this time, and urged the purchase of the Danish West Indies as a measure of preparedness.

I have been thoroughly impressed for a number of years that, governed solely by our own selfish, material, national interests, the United States of America should have prepared to enter this great war on the side of the allies. I have urged here time and again that if she did not prepare and selfishly take part with the allies in this war she would in all human probability be confronted with the serried armies of Germany upon the American Hemisphere; and, sir, I am sorry to say that I am not now an optimist. I believe now that unless the United States of America throws its men into the trenches of France in all human probability the United States of America must build trenches upon her own soil in the near future to resist an attack from an almost irresistible world power.

You can understand from my expressions that I am not one of those who seek to stand for one moment in the way when it is proposed to raise a great army; but, on the other hand, it has been astounding to me to note the insistence upon the passage, without any amendment, of a measure of this kind, which is avowedly a peace measure, a measure of preparedness, and, in my judgment, not a war measure, or, at least, an emergency measure.

As yet, sir, the people of the United States understand that we have made a declaration of war, and therefore we are at war; but the great mass of the people of the United States apparently do not understand that the United States of America, our loved country, is now in war, and the Senate and the Congress of the United States, in my judgment, do not yet understand that we are in war, and that every sacrifice must be made, every material resource must be used in its prosecution.

Why, Mr. President, we will win this victory; but, unless the German people rise up against the military régime now governing them, we will win it at a sacrifice that we did not make even from 1861 to 1865; we will win, because eventually right must triumph and civilization will not be extinguished; we will win, because soonor or later this great Nation, not a military Nation in any sense, but a Nation of great warlike people, will rise in its might and at least, through the pressure of public opinion, if not through the voices of their selected Representatives here, will force from office those who would tie their hands and shackle their feet and leave them, without experience, at the mercy of the military régime, which to-day is as absolutely unprepared to meet the emergency as it was four months ago, drilling men who are offering themselves in the service of their country with broomsticks; not able, they say, to arm the National Guard, which is offering itself day by day to fill up the ranks, using as an excuse that they have not authorized the recruiting to war strength of the present National Guard, and stating that they are not even able to supply the equipment which is needed. Why, Mr. President, some great calamity, possibly occurring immediately, might arouse the people of the United States and might arouse those who have charge of its present Military Establishment to the fact that the United States is in war.

France sent us money when we needed it. She sent her sons to serve under Washington. She sent her navy under Rochambeau. She sent her army to join us in the trenches at our call. The Congress of the United States has passed a bill providing for a loan to be made upon Government bonds to be issued by France as security; and the Senate of the United States is now proposing to pass a bill under which by August 1 it is proposed that the men who shall be summoned shall be registered, and that after August 1 the boys between 19 and 25 years of age who have been registered shall be considered by the recruiting officers; and, in the discretion of the President of the United States, any one of them who has any occupation of any kind or character can be exempted, or, if inadvertently he may have been enlisted, then he may be discharged. An emergency measure to allow or to direct the President of the United States to raise an army for the defense of this country! It is a restrictive measure, tying the hands of the President of the United States and shackling the people of the United States, which in the end will result, if fully carried out, in establishing a military caste among the people of the United States.

Mr. REED. Mr. President——

Mr. FALL. I yield to the Senator.

Mr. REED. If it will not interrupt the Senator, and because he has approached a part of this bill which I think is susceptible of a construction that I did not discover until a short time ago, I should like the privilege of asking the chairman of the committee his construction of the language I am about to read. I am addressing the inquiry to the chairman of the committee; and it is in point with what the Senator from New Mexico is saying, or I would not bring it up.

Mr. FALL. I am glad to have the Senator interrupt me.

Mr. REED. I call the Senator's attention to the language appearing on line 19, page 6. By way of preliminary I will say that the bill up to that point provides for filling the Regular Army by enlistment; and if the men do not enlist, then by draft; for filling the militia by enlistment and drafting the militia into the service; and then for raising 500,000 men by draft, with the privilege of raising a further 500,000 by draft, and then a further 500,000 by draft.

On page 5 the language is:

Such draft shall be based upon liability to military service of all male citizens, or male persons not alien enemies who have declared their intention to become citizens, between the ages of 19 and 25 years, and shall take place and be maintained under such regulations as the President may prescribe not inconsistent with the terms of this act.

Now, coming to the language to which I especially call attention, section 3 provides for an absolute exclusion from the draft of certain officers of the United States, persons of certain religious opinions, and then this language follows:

And the President is hereby authorized to exclude or discharge from said selective draft and from the draft under the second paragraph of section 1 hereof—

Which is the militia draft—

or to draft for partial military service only, persons of the following classes: Customhouse clerks; persons employed by the United States in the transmission of the mails; artificers and workmen employed in the armories, arsenals, and navy yards of the United States, and such other persons employed in the service of the United States as the President may designate; pilots; mariners actually employed in the sea service of any citizen or merchant within the United States; persons engaged in industries, including agriculture, found to be necessary to the maintenance of the Military Establishment or the effective operation of the military forces or the maintenance of national interest during the emergency; those in a status with respect to persons dependent upon them for support, which renders their exclusion or discharge advisable; and those found to be physically and morally deficient. No exemption or exclusion shall continue when a cause therefor no longer exists.

Now, to explain what I am trying to get at, notice: "The President is hereby authorized to exclude or discharge from said selective draft" these people; but there is the other clause: He is authorized to exclude or discharge or to draft for partial military service only. Now, I want to know from the chairman of the committee if those words, "or to draft for partial military service only," were not put in this bill after it was prepared, if he can tell me?

Mr. CHAMBERLAIN. Does the Senator mean whether they were put in after the bill came from the committee?

Mr. REED. Oh, no; whether they were put in after the bill was drawn, either before it actually went to the committee or in the committee?

Mr. CHAMBERLAIN. I am not so sure about that; but I think I have the original draft of the bill, as it came to the chairman of the committee. I do not think any change was ever made after it came to the committee.

Mr. REED. If the Senators will take the bill and read it with the words "or to draft" in it, the presence of those words makes a part of the language almost meaningless; but the point I am trying to get at is an important one: I want to know if, under that clause, "or to draft for partial military service only," an additional power is not conferred upon the President, a power in addition to the ordinary military draft, and if it is not possible under that power for the President, if he saw fit, to draft, we will say, every engineer upon the railroads into the military service and simply call upon them——

Mr. CHAMBERLAIN. Mr. President, I will say to the Senator that in nearly every military act that has been passed since the first act of 1792 all of the classes named in the language to which the Senator calls attenion have been entirely exempted from military service.

Mr. FALL. Mr. President——

Mr. REED. Oh, I am not speaking of an exemption; I am speaking of an additional power to draft. Does not this language give the President the power to call upon anybody outside of those who may be ordinarily drafted?

Mr. FALL. Mr. President, I am going to ask the indulgence of the Senator from Missouri. I think the proposition which he is now advancing must be settled before this bill is ever voted upon. I think it is very important, and I have been struck with another phase of it; but at this particular moment, if the Senator will allow this to go over until I come to the conclusion of my remarks, I should be glad to continue my statement.

Mr. REED. I perhaps ought not to have interrupted the Senator.

Mr. FALL. I am very glad the Senator has called attention to the matter, because it will give other Senators an opportunity to look into it and possibly be able to meet some of the objections which I can see, as well as those which the Senator has read.

Mr. CHAMBERLAIN. May I just say, in conclusion, that I presume that language was put in to exclude from the partial military service these individuals.

Mr. FALL. Mr. President, I will say that I do not know whether this was intended to enable the President of the United States to draft some people for military service and then to draft other people for partial military service, or whether coming under this exclusion proposition there was no provision for his drafting for partial military service; but this was a provision to enable him to exclude certain people from partial military service. I will say that I can not understand it.

Now, Mr. President, I desire to have it stated as strongly as words will express it, that it may appear in the RECORD without any equivocation whatsoever, that I hope not to vote for any measure which does not contain a conscription proposition. At the same time I hope not to be compelled to vote for a half-prepared, half-way peace measure, half-preparedness measure at this critical moment unless there is along with it a provision to meet the present emergency, which, in my judgment, should be met by appealing to the patriotism of the people of the United States, which has never in the past been appealed to in vain, by authorizing the President and directing the Secretary of War to call for volunteers, and at the same time empowering the President to take the coward and the slacker who will not serve his country in one capacity or another and compel him to serve it.

I would not want to vote for the volunteer system without a provision for conscription. I do not want to vote for any purely conscriptive measure; and certainly I do not want to be compelled to vote for a measure which is not one of universal service, not one under which a proper army can be conscripted, but one which restricts the President in every move which he makes, which provides that he can not raise an army except of those between 19 and 25 years of age first, and then which provides in terms that the sense of the Congress of the United States is that he should exempt those men who come under the provisions of this act; which is so broad in its terms that he may exempt "persons engaged in industries, including agriculture, found to be necessary to the maintenance of the Military Establishment or the effective operation of the military forces or the maintenance of national interest during the emergency."

In other words, as a lawyer I say, following the ordinary rule of statutory construction, where the legislative body enacts a law and includes within it a provision directory, or even permissive, in its nature to the executive who shall carry out the law, the executive is entirely justified in construing the permissive words of the statute as directory to himself. I appeal to any lawyer here whether that is not the correct rule of interpretation. In the event, to go to the extreme limit of that rule, the President chose to treat these words as directory, then, sir, between the ages of 19 and 25 he could only place in the ranks of the United States Army the boys who have not a job.

An emergency measure? Mr. President, gallant France, to which this country owes so much, is practically, except in nobility of spirit and courage, at her last gasp. She is praying for men to take the vacant places in those trenches which are flooded with the blood of her soldiers. She has a right to expect that the descendants of those whom she helped to gain their independence will at any sacrifice of their volunteers, the best blood in the United States, come now to her assistance in her time of dire need and peril. But if this offers no appeal, then I say to you that if you ever let the Germans reach Paris, through Mexico, backed by 15,000,000 people friendly to them, they will next reach Chicago and cut your great United States in two without the necessity of bombarding one of your Atlantic or western ports. In self-preservation you must have men on the firing line, and you must have them there at the earliest possible moment.

This is no measure providing for that policy. What is the policy which we propose to pursue? If you are voting for a half-hearted, half-prepared measure for preparedness, that you may here be ready selfishly and cold-bloodedly to defend your own factories and farms through the sacrifice of France and Great Britain; if that is your purpose, this measure will to some extent enable you to carry it out, provided the thin

French lines hold, and provided the gallant Britons are able to land recruits in France until such time as you may hide behind your breastworks on American soil and then say to Germany, "Come and attack us." If this is your purpose, Senators, this bill well prepares to carry it out. If you realize your danger, although you may think nothing of the sacrifice of the French and of the English in your interests—if you realize your danger, then you will pass a war measure, and not a peace measure.

Now, sir, the questions as to how the armies of the United States should be raised were discussed when the Constitution of the United States was formed. The people of the United States were determined that they should have no great military establishment. It was proposed that the standing army of the United States at any time should be limited to 3,000. It was proposed that the United States should not be allowed to have a standing army at all, or to raise troops. It was proposed that only the States of the Union themselves should have the right to raise troops, and that the National Government might, in time of emergency, call upon those States for their troops. It was proposed that the troops of the United States of America should not attack another country on foreign soil. It was the understanding that the troops of the United States could be used upon American soil. Finally, by a compromise, it was agreed that no restriction should be placed upon the power of Congress to raise troops for the National Government, except that no appropriation bill on the subject should be passed for more than two years, so that no military caste might be formed, and so that this country might not become a great military nation.

The question of the constitutionality of conscripting troops for foreign service I do not propose to discuss. Constitutions must yield to great national necessity. The question was discussed in this Chamber by Daniel Webster, who took the position that you had no right to raise an army for foreign service, at least, by conscription. By volunteering we have fought upon foreign soil; by conscription, never. By volunteers we fought the Mexican War. By volunteers we fought the Spanish War. By conscripts we have fought no war upon foreign territory. These matters were all discussed at great length when the constitutional provisions were being adopted.

You can not be efficient as a military nation and maintain your freedom as a democracy. The world knows that. Military efficiency and democracy do not go hand in hand except as the democracy may be made efficient by military training in time of peace; and yet even then it can never be as efficient as is the Prussian autocracy to-day.

Hold up to us the example of Prussia? Then, sir, forget the words of the Declaration of Independence, reject the counsel of those who made this country for you, and remember that in the adoption of these constitutional provisions and restrictions with reference to the military force of the United States the great authority appealed to by some here for conscription, George Washington, presided over the convention, and Madison and Hamilton and Jay and others took part in the debates. The constitutional provisions and the policy of this country are the outgrowth of their counsel and of their ability.

Now, sir, if you choose military efficiency, if that way lies the path for this country in the future, then you must understand that your form of government itself must be changed. Why, Mr. President, Germany is supposed to be composed of some six kingdoms and many grand duchies and duchies, free cities, and free States, represented in the Reichstag and represented in the Bundesrath; but under their articles of confederation or agreement the Prussian Diet has the right to veto any measure restricting the army or its conduct which might be adopted by the Reichstag, and remember that under the Prussian constitution the Kaiser has the right to veto any act which they may pass touching the army, and that no power exists to pass such an act over his veto. They have military efficiency; but without the abject surrender of the constitutional rights, powers, and prerogatives of this body, or even with that abject surrender unless you change your form of government, you can not expect to have the military efficiency of a nation like Germany.

Now, Mr. President, what is the emergency, and to what is it due? Let us have a little frank talk.

For several years past we have heard nothing except that practically at any cost we were to be kept at peace, to be kept out of war. Then the talk about universal military training sprang up as an antidote. Those who would keep us at peace at any cost held out to the people the proposition that they should be trained in military science by some method of universal training.

The last campaign was fought entirely or practically so upon the issue of peace. The people of the United States were not prepared for a declaration of war. The people of the United States have not been aroused to the necessity for this war, because they have been told that there was no necessity and would be no necessity for the war. They were told three years ago that those of us who insisted upon preparedness for war were hysterical. Then a great Secretary of War, impressed with the idea that there should be some measure of preparedness adopted, offered a bill creating a continental army of 400,000 men for use in just such an emergency. The President of the United States indorsed it in a speech made November 5, 1915, at the Biltmore Hotel, before the Manhattan Club. The President of the United States gave strong indorsement, as I read it, to that measure as he is now understood to be giving to this. And yet it was not insisted upon, and that Secretary of War resigned from the Cabinet and nothing yet was done.

Mr. President, we had and have now a law providing for this emergency. Congress in 1914 prepared an act to meet exactly this emergency. Nothing more was necessary than that. When the President of the United States asked us to declare war he should have asked us in the same resolution to authorize him, under the act of 1914, to raise armies with which to carry on the war. The provisions of the law were already made. He could have called into the service of the United States any number he might desire, and he could have asked you to apply to the volunteers exactly the same measure of selection which he asks you to provide here in the draft. As a substitute for the Garrison plan we passed, with the approval of the President, the National Guard act of June 3, 1916.

It was announced over the signature of Gen. Hugh L. Scott, in indorsing an article written by the present censor of the press, George Creel, that the National Guard act of June, 1916, was a failure. We are told one day that we will not recruit up the National Guard. We are told by the Secretary of War that there is no power under which they will recruit any additional units, as authorized by law, of the National Guard. Then we are told the next day that the Judge Advocate General has overruled the Secretary of War and that he will recruit it. We are told by the advocates of the bill here that there is a provision for volunteers exactly under this National Guard ruling by the Judge Advocate General. The fact remains the orders are out and are being obeyed that the National Guard shall not be recruited, and the excuse given is that we have not the weapons with which it can be equipped.

There is no purpose, in my judgment, to use the National Guard except purely upon this soil in any event, and that was one of the provisions which was discussed in the convention which framed the Constitution. It was intended that the State troops should remain within the United States territory. Therefore, except as a defensive force on our own soil, under the plan as I understand it and under the laws and procedure heretofore, the State troops were expected to remain within the confines of their own country. Therefore, of the troops which you are going to send abroad, if you ever conclude to send any abroad, there will remain the Regular Army of the United States and such troops as may be raised by conscription under the provisions of this act, if any such pass the censorship of the recruiting officers appointed by the President of the United States.

Why has recruiting for the Regular Army been a failure, as we are told? There are several reasons. Officered as is the Regular Army of the United States the enlisted man is not the social equal of his officer. He receives a pittance for his service. He is not allowed in a dining room if his officer happens to be dining in the same room, because the officer objects to it.

Mr. BORAH. Is that a rule of the Army?

Mr. FALL. It is not a rule, but there are regulations of the Army which provide that there shall be no familiarity between the enlisted men and the officers.

Mr. BORAH. Do I understand that that is a regulation which is promulgated by some one who has authority to promulgate it, and that it is found among the prescribed regulations of our Army?

Mr. FALL. It is not in the prescribed regulations, as I recall it, but the Senator will find it in Andrews's work on the units of the American Army, and in instructions to the squad leaders and instructions to the younger men in the Army; and I may say that Capt. Andrews's book has been indorsed as of very high authority and of very great worth by Gen. Leonard Wood, of the Regular Army of the United States. The general instructions are understood and followed by officers.

I may say to the Senator that I made this statement because of something that occurred in my presence recently

when the National Guard was sent to the border. In one of the large hotels in our part of the country, and for our part of the country a great hotel, on the immediate border of Mexico, near a Regular Army post, Regular Army officers were in the habit of taking their meals, particularly their dinners.

When the National Guard was ordered to the border there came men from Michigan, from Wisconsin, from New York, from Massachusetts, New Hampshire, and all the other States of the Union, young college boys, some who had gone in to recruit and fill up the ranks of the Boston Battery, officered by men whose fathers and grandfathers were in the service of their State. The battery was served by enlisted men of the best families of the State of Massachusetts. It is a great State institution and a State pride. Boys came from Oregon and from every State in the Union and enlisted even as orderlies, that they might serve in that battery. The best blood of the Union, if there is any best blood—if by best blood we mean those who have the advantage of education and who can name their grandfathers—was in that battery; and yet, in my presence, a Regular Army officer demanded of the proprietor of the hotel that he should not let these Massachusetts boys come into the dining room. He could provide them a separate dining room; or if that were impossible, he should have an officers' table for themselves, and put up a screen or arrange the tables in a way so that they—the officers—would not be associated with enlisted men.

Mr. GALLINGER. Will the Senator permit me? Can the Senator tell me whether I have been correctly informed that the Canadian officers and enlisted men mess together?

Mr. FALL. I am told so; and if we ever send any of our Regular Army to the trenches of France to serve with Poilu, they will find the private soldier drinking his bottle of wine with his major or his colonel, for there the enlisted man feels that he is equal to any officer, but that he must obey the command of that officer when on military duty. France, the great democracy, is able to maintain a great army, which she has been compelled to do, because she maintains it as a democratic army and has not created a military caste.

Again, why do the boys not go into the Regular Army? Sir, those in the Regular Army on enemy soil at Vera Cruz were very industriously engaged for many months in cleaning up the filthiest city north of the Panama Canal for the benefit of a lot of brigands. Those who served in the Regular Army in the Pershing expedition were compelled to see their comrades shot down by a mob at Carrazal and were not allowed to go to their assistance. They were compelled to see their comrades lie blistering in the sun and begging for water, and hear their moans, and were not allowed to go to Carrazal.

If you want recruits for the Regular Army, my friends, put over every recruiting station, "Men enlisted here for battalions in French trenches," and immediately you will get all you want. So long as they understand the policy of this country to be that they are to serve on the border by keeping their faces turned to the American side to prevent some reckless American from hurting Villa or some Mexican bandit, so long as they understand that this is their duty, so long will your Regular Army system be a failure, and those of us who have in our hearts any love for democracy as a matter of fact respect that feeling on the part of those who otherwise might have enlisted.

The recruits for the National Guard were a failure. It was a very hard matter to fill up the National Guard on the border. Why? Because those who were mustered in or drafted into the service of the United States who had joined the National Guard under such terms of enlistment as their States provided were required to sign an oath joining the National Guard in the service of the United States for six years. Many of them would not do it. And now the Secretary of War has been compelled to say that when he does call for enlistments for the National Guard, if he does do so, he will agree that he will discharge them at the end of this war. If that agreement had been made when the National Guard went to the border, that they could be discharged so soon as the emergency for which they were called was over, there would not have been a missing man at roll call the next morning.

Why, sir, with all the enthusiasm of the patriotic American youths, the National Guard in every State of the Union at the call of the President made its way to the border as rapidly as the Regular Army headquarters could furnish transportation. It is not their fault that they did not get there sooner. They went there because they believed that when the President called them immediately after the massacre at Carrazal they were going there in the service of their country and not simply to lie in tents in the blistering southern sun. When they found they were mistaken and that they had been drafted in under what they considered, many of them, practically false pretenses for a six years' enlistment, three years in the active service and three years in the reserve, many of them were so thoroughly disgusted that they would have availed themselves of any excuse or any opportunity to avoid any further service in the National Guard.

Now, Mr. President, the newspapers of the country and various good citizens of the country have been criticizing Congress for delay in passing this bill. Congress has stood as patriotically behind the present occupant of the White House as any Congress ever stood behind any man in time of dire danger or in time of peace.

Congress has passed the greatest appropriation bill ever known in any five years of this country's life and has placed without any one qualifying restriction billions of dollars of the taxpayers' money in the hands of the Secretary of the Treasury. It is the duty of the Congress of the United States, sir, to see that money is paid out by direct appropriation. Congress has abdicated its functions, has surrendered to the President of the United States the sole control of practically seven or eight billion dollars, I believe, for which not even an accounting can practically be demanded.

I am not going to refer at this time to the use of some of the funds already provided by the Congress in this bill in direct opposition to the wording of the law made by the Congress of the United States, as I understand its terms. Congress has voted this enormous amount of money; it has pledged all the resources of the Government and gone further than that and pledged all the resources of the country; and is it now expected to place the lives of the boys of this country, without any restriction whatsoever, in the hands of men of no military experience without expressing its own views, without discussing fully what should be done, who should serve, and how they should serve? Sir, if the people of the United States generally demand this of Congress, then the people of the United States demand an autocracy to-day and are tired of their democracy.

I for one, Mr. President, may say to you now that in the face of the propaganda which has been carried on in the United States for the last few years, in the face of that which is now being carried on, in the face of the apathy of the people to the danger of this great country in the last three or four years, I have not believed and do not believe now that some of those charged with the administration of this Government realize the great emergency. In the firm belief that out of this war will come a change of government in this country, I am speaking to you now probably for the last time, because I say to you frankly and openly, Senators, the end of my present term will witness my withdrawal from public life, and I am speaking to you with all solemnity, earnestly if mistakenly. You are in the passage of this bill giving a greater power to a President than was ever possessed by Peter the Great of Russia or any other autocrat from the earliest days of history to the time of the overthrow of Nicholas of Russia. You are doing what Washington and others advised against rather than in favor of, and you are doing under the provisions of this act a futile and, in my judgment, a foolish thing.

Sir, Congress abdicates its functions upon the demand of newspapers or of the executive officers who seem to be laboring under the delusion that a Secretary of War called from civil life in Cleveland is as fully armed and equipped for the management of a great military force as was the goddess Minerva, who sprang, fully armed and armored, from the head of Jupiter to defend Athens in time of need. Is it possible that the people of the United States believe that a man, serving possibly as a proprietor of a newspaper, by the simple call of the voice of the master becomes one qualified to direct the destinies of the iron dogs of the Navy and advise what shall be done with our first line of protection? And we shall not discuss it; we must vote as patriotic Senators from our States, as the Senator from Oregon doubtless thinks we should vote, for this measure, placing in the hands of the Secretary of War the lives of our boys without restriction of any kind, and then allowing him to select whom he pleases.

Mr. President, the people of the United States so long as their Constitution remains in effect during this war can only pray that from the admitted intelligence of the President of the United States may arise the wisdom that his may be the great heart, the knowledge of the people of the United States, the sympathy with the common man of the United States, the understanding of the purpose of this democracy. We can only pray that with his intelligence he may possess those faculties which enabled Abraham Lincoln to save this Union in its time of need. We can only hope and pray that the Secretary of War may become imbued with the wisdom of military science, the knowledge of a Napoleon, but if so, it contraverts your theory that only the Regular man is a proper soldier. We can only hope that this may prove true. We can only hope that the Secretary of the Navy of this Union may arrive at some under-

standing of the needs of the Navy and of the desire of the people, because having placed the wealth of the country, as we have done, in the hands of these two Secretaries we are now placing as well the lives of the country in their hands.

Should incompetency or mistake cause the loss of millions or of hundreds of thousands of lives there is no method by which the Congress of the United States can meet that incompetency, because you can only impeach one in the executive department for high crimes and misdemeanors. No power under our Constitution can make a vacancy in the office of the Secretary of the Navy except the power of the presidential office, although that Secretary might send to the bottom every ship upon which you depend for your safety.

In what I have said I want it distinctly understood that I am not reflecting upon the intelligence, patriotism, or ability of either of these men. I only offer my earnest prayer that they may make no mistakes, and my since hope impressed in my heart, Mr. President, impressed with the great seriousness of this occasion, is that they will prove themselves competent and of the courage and wisdom of any military leader who ever led a devoted people to victory. But if they prove incompetent, Senators, you can not reach them. Your power stops with the creation of the Army and voting and raising the funds. And yet it is demanded that in these measures your voice even should not be heard if in any respect not voting "aye" to every proposition submitted for your consideration under the statement that it is an administration measure.

Mr. President, there have been some authorities quoted here, and I am going to occupy the time of the Senate in using the same authorities. Gen. Emory Upton is the authority relied upon and quoted by those who advocate this measure without amendment—I mean in the Senate and by those upon the outside. I may say it is relied upon and it is quoted by the newspapers.

Some of his opinions on the previous page and on page 14 also have been quoted from. On page 14 Gen. Upton says that one of the great weaknesses of our military system is "the assumption of command by the Secretary of War." I read from page 14, Upton's Military Policy of the United States, under the subhead of "Tenth." Gen. Upton goes a little further, Mr. President, than he has been quoted, and on page 11 he says, "Battles are not lost alone on the field; they may be lost beneath the Dome of the Capitol; they may be lost in the Cabinet, or they may be lost in the private office of the Secretary of War."

Now, over the constitution of the armies in the field the Congress has some power; over the deliberations in the bureaus the Congress of the United States has no authority. No one except the President of the United States has the right to be present at a secret conference in the office of the Secretary of War. Yet this great military authority, relied upon absolutely by those who insist on the passage of this bill without the crossing of a "t" or the dotting of an "i," calls the attention of the people of the United States in his introduction to the work that the fault with the military system is not the volunteer. The cause of the loss of battles—and very few battles have been lost by this country in a conflict with any other country—the cause of the loss of battles, as Upton knew, the cost of millions to our citizens, the cause of the loss of thousands of lives of the citizens of our country lay here—not with the men. If at Bull Run they were untried men, they were fighting untried men; if they were not Regular Army men, neither were their opponents. The cause of the failure for the first two or three years of this great Government of the United States to do what it finally did lay in Washington, not with the armies in the field, and Upton knew it, because Upton had been one of those volunteers himself.

And, quoting a little further, he says that some who may have been in the volunteer service or may have approved of the volunteer service may criticise him for his expressions here with reference to the volunteers.

To such—

I am now reading on page 3—

I can only reply that where they have enlisted for the period of three months, and, as at Bladensburg and on many other fields, have been hurled against veteran troops, they should not hold me responsible for the facts of history which I have sought impartially to present.

His criticism has been invariably directed at the old State militia system and at the short-term enlistment, not at the drilled volunteer.

To such volunteers as enlisted for the period of the Mexican War, and particularly for two and three years during the War of the Rebellion, with whom it is my pride to have served and to whom I owe all of my advancement in the service, I but express the opinion of all military men, in testifying that their excellence was due not to the fact that they were Volunteers but to the more important fact that their long term of service enabled them to become, in the highest sense, Regulars in drill, discipline, and courage.

Read Upton's Military Policy from the first line of the introduction to the last section, and you will find that his criticism has been that of any man of ordinary common sense in reference to the volunteer system, not to the volunteers as soldiers, because the world, I think, realizes the truth of what Lord Roberts, of England, said. Although he had been insisting upon preparedness and had not been listened to, when, in expressing his opinion, as I read somewhere, he made the statement that the volunteer was the best soldier on the face of the earth; and neither Upton nor any other military man dares to or has differed in this opinion. The whole fight here is not against the volunteer; the fight here is for the control of any army by the Regular Staff.

The absolute impotence of the Congress of the United States has possibly not struck the world because up until this time the eyes of the world have not been upon the action to be taken or proposed to be taken in any great world crisis by the United States; but, Mr. President, it must appear to our distinguished visitors from Great Britain and from France that this is a most peculiar form of so-called democracy which we have here. If they had happened to read the newspapers published about the time of the arrival of the first contingent of these visitors, must they not have been astounded at the statement reported in the papers that the President of the United States had been in his room at the Capitol sending for Senators of his party—Democratic Senators—and objecting to the passage of the resolution offered by the Senator from Massachusetts [Mr. WEEKS] for the creation of a legislative committee to advise with his departments.

Why, sir, these distinguished visitors of ours are themselves the representatives of the legislative departments of their Governments. They hold office not respectively under the King of England nor the President of France, except by fiction of law, but under the authority of the English Parliament and the French Assembly. They are responsible to the English Parliament, and through that body to the English people, on the one hand, and to the French Assembly and to the French people upon the other. Must it not be astounding to these distinguished allies to meet a civilian board, created by the Legislature of this country for advice in national defense—must it not be astounding for them to meet such a board, and then to be told that, although these civilians are rendering magnificent service and have been created by Congress, the Congress itself shall not appoint a board to confer and advise with the members of the Cabinet or with the President? It may be well enough that our visitors should understand something of the Constitution of our Government, because, otherwise, as we proceed during this war they may be most absolutely astounded at some of the obstacles presented or some of the things done by those who can not be held responsible except by the people of the United States at an election four years from now. They must be made to understand now that the Congress of the United States when it passes this measure is bound and helpless, and that the safety of this great country is in the hand of one man. The conduct of the war and of all our other business, even to the drafting of our citizens from one occupation into another, the fixing of our food prices, the control of our industries, under any bill which you may pass, are to be placed absolutely in the hands of the greatest autocrat—I do not mean personally, but under our form of government—of whom history has ever spoken.

These are some of the defects of our Government, and yet in attempting to maintain this as a democracy we have the weakness, when it comes to an emergency, as I have stated, of a democracy as opposed to the efficiency of an autocracy. When you now undertake to make this country as efficient as an autocracy under the provisions of the Constitution as it stands and under the provisions of your legislation as you are making it, you are changing your form of government inevitably, and the people will hold you responsible. If they acquiesce, then they do not want a democracy.

Mr. President, a good deal has been said about volunteers in the Revolutionary War; quotations have been made from Washington and others. During the Revolutionary War this was not even a country; we had no Union; we had only a confederation. We had a Continental Congress. State troops might be sent by the governor, or persuaded after pleading by the governor of the State, to go to Valley Forge or to join Washington in the field. When they found that he was living upon potatoes or upon scraps, at their sweet will and pleasure they could leave him and return to their States, and there was no power which could keep them in the service. That condition is now used as an argument in favor of military conscription as proposed in this bill.

In the War of 1812, Mr. President, it might as well be understood now—if some Senators possibly do not remember a little

of the history of that war—that we had just had trouble with France a few years before, and that the Democratic Party had sprung into existence largely in opposition to the Federalists upon the issues of the war with France. It must also be remembered that the war with Great Britain was not a popular war, either, except where Henry Clay had influence, although it was brought about in a great measure by depredations upon our commerce and the seizure and the impressment of our seamen at sea. The fact, however, must not be forgotten that that war was so unpopular that Thomas Jefferson, a few years before the declaration of war was finally made, was compelled to ask the repeal of the embargo act, because John Adams presented him evidence which convinced him that there would be a revolution in this country if that act were not repealed. The people who were interested in that war made a fair showing, I think, at New Orleans.

But, Mr. President, the most significant statement made by the great military authority to whom the proponents of this bill always appeal, the most significant statement made by this great military authority within the pages of his book is this, to which I call your attention. Discussing our policy, he says:

> It has been truly remarked by one of our philosophers that "we follow success and not skill."

This is from Gen. Emory Upton, and is quoted from page 3, the second from the last paragraph. Yes, Mr. President, that statement is true, and has always been true. The American people do approve success rather than skill; success by skill, if possible; but if skill stands in the way of success, they certainly approve success in their wars; just as one of us, Mr. President, if he were compelled to undergo a surgical operation would prefer that it should be performed successfully rather than unsuccessfully, although skillfully. Certainly we are worshipers of success; and yet to have heard the speeches of some of our friends here in favor of this bill, one listening would have believed that originally this country was a great country of magnificent resources, of four or five times its present extent, of possibly hundreds of millions more of population and of billions and billions more of riches, and that by the volunteer system, by following the system of unpreparedness which we had followed, that we had lost our heritage until now we have clustered in the District of Columbia, defending our last stronghold, and that to do so it is necessary to impress our free-born citizens into an army. Yes; I prefer success. The fact is, Mr. President, that I much fear that some of my colleagues are inclined to vote, as many of the papers are inclined to write, for anything which comes to them under a certain brand and which is claimed to be drawn with some skill.

I do not think the volunteer system was a failure in the Civil War. At least, the country was saved, though possibly not so skillfully by Grant and by Lincoln as it might be saved now. It is unfortunate, possibly, that Lincoln died without the knowledge that he might have saved his country more skillfully. It is unfortunate, possibly, that he could not have availed himself of the great military genius of which we have so much now in Washington. It may have cost thousands of lives; but, nevertheless, we still worship success.

Mr. BORAH. Mr. President——

Mr. FALL. I yield to the Senator.

Mr. BORAH. Relative to the subject which the Senator is now discussing, the Senator will remember that when Napoleon was accomplishing his wonderful results in Italy, and that fact was called to the attention of one of the old generals of Europe, he admitted the fact that Napoleon was accomplishing those wonderful results, but said that he was doing so in violation of every established principle of the military art.

Mr. FALL. Yes; and I recall, Mr. President, that Lincoln was so foolish that he wanted to know what brand of whisky a certain general drank, in order that he might procure some of it for others. I recall also the fact that Capt. Lee, of the British Army, now Gen. Lee, then a military attaché with our forces in Cuba, when the Rough Riders charged the veteran Spanish Army behind the breastworks at Kettle Hill, without the artillery of the United States first playing upon those breastworks, said, "Magnificent, but not military." "Successful," as Upton puts it, "but not skillful."

Now, I want to call the attention of the Senate——

Mr. GALLINGER. Mr. President, will the Senator permit me to interrupt him?

Mr. FALL. I yield to the Senator.

Mr. GALLINGER. I presume a similar criticism was made when John Stark was summoned from the sawmill, on the banks of the Merrimack River, to go and rescue the Colonial Army, when it was in such sore straits—so sore that in the minds of most people it was considered a hopeless struggle for the Colonies. Stark started out, and as he went across the fields and through the woods of New Hampshire and Vermont, on his way to Bennington, where valuable military stores had been accumulated, he encouraged the people to volunteer, and 1,200 brave men responded to the call. The Battle of Bennington was fought and won by Stark's volunteers over the seasoned troops of Great Britain. I presume that it was not military, but it was a wonderful triumph for the militia, and laid the real foundation for our independence. With that circumstance fresh in my mind, I have been surprised that Senators have said that the recruits during the War of the Revolution failed to accomplish what might reasonably have been expected of them. Why, our victory in that war and our independence were won by recruits almost entirely, as the Senator from New Mexico knows.

Mr. FALL. Undoubtedly the Senator is correct; and it has been appalling to me that Senators who I know are imbued with just as much patriotism as burns in my heart should stand here for hours denouncing the men who made the country, the men who have saved it, the men who have turned it over to us to fritter away, as we are frittering it away now.

Why, sir, I was impressed, as we all were, with the magnificent exposition from his standpoint made by the young and distinguished Senator from New York [Mr. WADSWORTH] of the provisions of this bill. I listened to him and have read his remarks with very great interest, and no stronger presentation could have been made, and, with due deference to other Senators, no stronger, in my judgment, has been made from his standpoint. I asked him one or two questions. I asked him whether we could not apply the selective system to the volunteers. "Certainly." I also asked whether with the same drill day by day the volunteer was not as good a man as the conscript. "Certainly." Then I asked, "Why not adopt both systems side by side?" He was afraid that we could not obtain officers. Can we not obtain officers for volunteers as well as we can obtain them for conscripts? The only objection of the Senator was that the selection of officers for volunteers might be influenced by politics—listen, Senators—that the selection of officers by the governors of the States might be influenced by politics. I ask you who will select the officers under the pending measure? Answer me that. Show me the examples which may come from the National Administration and then show me whether under the volunteer system anything more of a political nature can be expected.

Mr. VARDAMAN. Mr. President——

The PRESIDING OFFICER (Mr. WOLCOTT in the chair). Does the Senator from New Mexico yield to the Senator from Mississippi?

Mr. FALL. I do.

Mr. VARDAMAN. I have been very much interested in the examples of heroism related by the Senator, and it recalls to my mind a very interesting statement made to me by Gen. Gordon, of Georgia, a volunteer in the War between the States and an ornament to this body for a number of years. He said to me that his most brilliant achievement during that fateful conflict between brothers of 50 years ago was accomplished in violation of the rules laid down in military books; and he remarked, "If I had failed, I would have been court-martialed; I succeeded, and received honorable mention." I share with the Senator in his utter inability to understand and appreciate the motives behind all of this derogatory criticism of the volunteer soldier, whose record illuminates and glorifies the pages of American history.

Mr. FALL. Mr. President, not only that which has just been spoken, but from the standpoint of military science the tactics of "Stonewall" Jackson have been taught to the German and English soldiers since the Civil War closed; and the great battle which ended for a time this morning in northern France was fought by the British and French on one hand and by the Germans on the other on the tactics of Grant and "Stonewall" Jackson with their volunteer armies. Trench warfare as employed to-day was pushed by Grant to the gates of Richmond, and hand-grenade warfare was used before the ramparts of Vicksburg. Hindenburg in the swamps of Russia never displayed the military initiative and science displayed by men like those to whom reference has just been made, who were fighting for what they believed to be right under the volunteer system in the United States.

Mr. VARDAMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Mexico yield further to the Senator from Mississippi?

Mr. FALL. I yield.

Mr. VARDAMAN. I think the most remarkable military genius developed by the war between the States—although not so well known to the world—was Bedford Forrest, of Tennessee,

who has been referred to as the "Wizard of the Saddle." Though illiterate and unlearned in books, as a military leader he stands alone in the annals of American history.

Mr. FALL. Yes; Mr. President, my own father, who fought with Bedford Forrest, wrote me when I was in the volunteer service of the United States and was being drilled five hours a day, that he did not understand that. He had fought for about four years, but he never heard but two commands, and one was "charge" and the other "run like hell." [Laughter.]

Mr. VARDAMAN. And one of his mottoes was to get there "fustest" with the "mostest" men.

Mr. FALL. Now, Mr. President, with reference to officers. If the Germans, whom we are providing to exclude from our councils by the espionage bill, have read or listened to this debate and credit many of the statements made, they may think ours the least prepared nation on the face of the globe, and the least military nation. The Senator from Missouri [Mr. REED] on yesterday stated that Gen. Miles said that there were a million men in the United States with some measure of military training. There is no question about the fact that there are large numbers of men of military training in the United States; but those men, almost to a man, would be excluded under the provisions of this bill, as the Senator from Missouri remarked.

I want to call attention with reference to the matter of the selection of officers, and so forth, to page 187 of Secretary Garrison's report for 1915. He publishes here a list which I am going to ask to have printed in the RECORD as a part of my remarks. It is the paragraph found on pages 187 and 188.

The PRESIDING OFFICER (Mr. LEWIS in the chair). The Chair hearing no objection, it is so ordered.

The matter referred to is as follows:

As a result of the annual inspection of the military departments of educational institutions at which officers of the Army are detailed as professors of military science and tactics, the following-named institutions, arranged alphabetically, were announced in bulletins, dated June 25, 1915, as the 13 "distinguished colleges" and the 11 "honor schools" whose students have exhibited the greatest degree of military training as compared with others of their class:

DISTINGUISHED COLLEGES.

University of California, Berkeley, Cal.
Cornell University, Ithaca, N. Y.
University of Illinois, Urbana, Ill.
Kansas State Agricultural College, Manhattan, Kans.
University of Minnesota, Minneapolis, Minn.
University of Missouri, Columbia, Mo.
Norwich University, Northfield, Vt.
St. John's College, Annapolis, Md.
The Citadel, Charleston, S. C.
Agricultural and Mechanical College of Texas, College Station, Tex.
University of Vermont and State Agricultural College, Burlington, Vt.
Virginia Military Institute, Lexington, Va.
University of Wisconsin, Madison, Wis.

HONOR SCHOOLS.

Culver Military Academy, Culver, Ind.
Kemper Military School, Boonville, Mo.
Kentucky Military Institute, Lyndon, Ky.
New Mexico Military Institute, Roswell, N. Mex.
New York Military Academy, Cornwall on the Hudson, N. Y.
St. John's Military Academy, Delafield, Wis.
St. John's School, Manlius, N. Y.
Shattuck School, Faribault, Minn.
College of St. Thomas St. Paul, Minn.
Wentworth Military Academy, Lexington, Mo.
Western Military Academy, Alton, Ill.

STUDENTS AND GRADUATES OF CIVIL INSTITUTIONS OF LEARNING AT WHICH ARMY OFFICERS ARE DETAILED AS MILITARY INSTRUCTORS.

In December, 1914, an effort was made by this office to ascertain for each of the 10 years, 1905 to 1914, inclusive, the number of students enrolled at, and the number graduated from, civil institutions of learning at which officers of the Army were detailed as military instructors. Requests for information on the subject were sent to all such institutions (108 at the time), and all but 7 of them furnished figures. The following table shows the numbers of students at, and graduates from, the 96 institutions from which data were obtained:

Year.	Number of students under military instruction.	Number of military students graduated.
1905	17,835	2,441
1906	18,138	2,890
1907	21,616	3,073
1908	24,101	3,441
1909	25,222	3,789
1910	27,122	4,215
1911	28,843	4,701
1912	29,079	4,757
1913	31,028	5,153
1914	[1] 33,424	4,970

[1] Includes students enrolled at 101 institutions.

During the school year ended in the spring of 1915 there were 32,313 students enrolled in the institutions of learning at which officers of the Army were detailed as instructors. The total number of graduates from those institutions during the 10 years 1905 to 1914, inclusive, is approximately 39,430.

Mr. FALL. This list contains the names of the "distinguished colleges" and "honor schools" under the rules of our War Department, in which military science is taught under the West Point system by officers detailed for that purpose by the General Staff. I will say to you now, Senators, that these names only include those classed as distinguished colleges and as honor schools.

There are 96 officers detailed in the different schools of this country, and have been for more than 10 years, teaching military science under the West Point system. The University of California, Berkeley; Cornell University, Ithaca; University of Illinois, Urbana; Kansas State Agricultural College, Manhattan; University of Minnesota, Minneapolis; University of Missouri, Columbia; Norwich University, Northfield, Vt.; St. John's College, Annapolis, Md.; The Citadel, Charleston, S. C.; Agriculture and Mechanical College, of Texas; University of Vermont and State Agricultural College, Burlington; Virginia Military Institute, Lexington, Va.; University of Wisconsin, Madison, Wis.; are all in the distinguished class. Culver Military Academy, Culver, Ind.; Kemper Military School, Boonville, Mo.; Kentucky Military Institute, Lyndon, Ky.; New Mexico Military Institute, Roswell, N. Mex.; New York Military Academy, Cornwall on the Hudson; St. John's Military Academy, Delafield, Wis.; St. John's School, Manlius, N. Y.; Shattuck School, Faribault, Minn.; College of St. Thomas, St. Paul, Minn.; Wentworth Military Academy, Lexington, Mo.; Western Military Academy, Alton, Ill.; are all in the honor class. From this honor class to-day officers are serving in the United States Army, and are appointed every year.

Not only that, but let me read a little further from the Secretary. I read from the paragraph marked on pages 36 and 37:

No one can possibly have a higher or more just appreciation of the worth and value of West Point than one who, like the writer, has been brought into close contact with its present operation and its past history. It is unnecessary to dilate thereon in this place. But it must be remembered, in studying this problem in the light of facts and those imperative conclusions which facts demand, that officers of our armies and of the other armies of the world have been efficient in every respect without having received the benefits of any national academy. No other nation, in fact has any such institution as West Point. Forty-four and seventy-six one-hundredths per cent of the commissioned personnel of the United States Army to-day are graduates of West Point, and 55.24 per cent are not.

This is in the annual report for 1915 of Mr. Garrison, the Secretary of War. He goes on:

In this country and in other countries where no similar institution exists, officers are made in other ways than by preliminary instruction in such an institution. They learn practically by practice, and they learn theoretically in service schools or by service instruction carried on within the military establishment. We are singularly fortunate in this country in the fact that many of our great universities and colleges have now a course of military science coupled with practical training; that there are agricultural and mechanical colleges receiving Federal financial assistance; and numerous military schools or academies in all of which military science is taught and military training is imparted.

I want to call the attention of the Senate here, Mr. President, to the fact that in the pages which I have asked to be placed in the RECORD not only is it stated that there are 96 regular officers attached to 96 institutions throughout the United Sates, but these 96 institutions do not cover all the military schools the United States. There are hundreds of other military schools to which military officers have not been assigned.

Mr. VARDAMAN. All the military colleges have them.

Mr. FALL. There are purely State institutions, supported in part by State funds, to which officers are not assigned. Officers are assigned only under certain circumstances to such State institutions, and yet let us see what the figures show:

During the school year ended in the spring of 1915 there were 32,313 students enrolled in the institutions of learning at which officers of the Army were detailed as instructors. The total number of graduates from those institutions during the 10 years 1905 to 1914, inclusive, is approximately 39,430.

Now, right here let me say to you that there is a misunderstanding with reference to the officering of the German Army. In 1910, prior to the outbreak of this war, there were 14,000 German officers known as the reserve officers waiting to be called to the colors at any time. Those are largely the men who are leading the German army to-day, together with the others who were in the reserve corps and who had been graduated under the volunteer army officers' system in the German Empire. In Germany boys who have graduated from the high school are allowed, between the ages, I think, of 17 and 19, to volunteer. They then take one year's training. At the expiration of six months they are examined, and those who have proved themselves specially efficient are then trained for the balance of that year, for the next six months, very intensively. They pass an examination and go on the roll as officers of the German Army, and when this war broke out there were only 25,000 regular German officers to command an army of 5,000,000 men. The other officers were taken largely from this volunteer

list with one year's special training, and from that list such successful officers have been produced that, it is said by Prof. Fullerton, of Columbia University, that it is the understanding—although it is too early, of course, to decide—that Germany will go entirely to the volunteer officer theory. Yet Germany is held up to us as the greatest military power on the globe, while during the last 10 years at least 80,000 bright young Americans took military courses under military officers in the military colleges to which such officers were assigned in the United States of America. Thirty-nine thousand of them were ready last year with a more intensive and a longer course than any German officer serving from the volunteer list in the German Army.

Mr. WADSWORTH. Mr. President, will the Senator yield?

Mr. FALL. I will, with pleasure.

Mr. WADSWORTH. I think it is well for the Senator—if he will permit me to comment upon this portion of his discussion—to remember that the courses given by the officers detailed by the War Department in the different colleges and educational institutions to which they are assigned are not uniform in intensity or duration. For instance, I myself visited a very large land-grant college which, under the law, is supposed to impose upon the students military training, and an officer of the Regular Army has been detailed there for many, many years. I found, upon investigation, that the military course there followed was given only to the freshmen class and was only two hours a week. All the graduates of that college must be included in the number which the Senator said were available for officers.

Mr. FALL. Precisely. There is no question about that, Mr. President. In fact, I have never insisted that the Regular Army system was the best. I have never insisted that every Regular Army man was the best instructor. I do not know of my own knowledge, except from certain personal experience which I have had. I am frank to say that one or two Regular Army officers I have known are not those whom I would choose as military instructors.

Mr. WADSWORTH. Mr. President, I did not mean to reflect upon the Army officer who was detailed to this institution.

Mr. FALL. Oh, no; I understand.

Mr. WADSWORTH. But I do say that the spirit of the land-grant law has not been lived up to in more than one institution.

Mr. FALL. Well, that is the fault of the Government at Washington.

Mr. WADSWORTH. Very true.

Mr. FALL. That is just exactly what has been the burden of my song. It is not the volunteer; here in Washington is the trouble.

Mr. President, if I believed, as some of my friends here who voted for the declaration of war have said that they believed, that of all the great people of this country, of all the enormous population of this country, of all the military force of this country, 500,000 volunteers could not be obtained in the hour of our country's need, I would offer an apology to the people of the United States for having voted against their convictions. If there are not 500,000 men who will come to the assistance of this country if they believe that it is actually assailed, if they believe that it is their duty, if they believe that an opportunity will be offered them to do something more than take a correspondence course in warfare—if they believe that and 500,000 of them do not come, then I for one regret, and will regret to my dying day, that I voted to place the resources of this country and its people in the hands of the President of the United States in order that he might carry on a war which the people did not want.

Mr. President, we are told that the training is necessary. We have published to us in the headlines of every paper, practically every day, some assertion made by some expert, or some statement thrown off by some visitor from England or from France. In the headlines, as I say, you will find it stated that it will require two years to drill men before they can go upon the firing line. That is said with reference to the offer of a gallant American citizen to take the flag of the United States over to France to give her that assistance which she gave to us. I find that statement in the headlines over such a quotation from Gen. Bridges, of the Canadian Army. Farther in the column, as published in the Evening Star of Tuesday, April 4, 1917, the general says that 2 years of war service is equal to 10 years of training in peace, and he further says that within 11 weeks after training they put the recruits in the firing trenches; not that they organize a division entirely of recruits and put them in as a separate division, but that Great Britain is putting recruits into the firing trenches within 11 weeks after they have rendezvoused.

Now, Mr. President, I want to see the unit system preserved. I, for one, want to see Indiana soldiers in Indiana regiments of volunteers, and at the same time I want to see the President empowered to take a recreant Indianian or any other recreant American who is needed and place him in the ranks to serve his country. I have some measure of State pride. I yet have some belief in the fact that this is a Government of 48 great States.

Mr. VARDAMAN. Sovereign States.

Mr. FALL. Sovereign so long as their sovereign representatives correctly represent them, and no longer sovereign when their representatives are recreant to their duty.

Mr. VARDAMAN. On that proposition the Senator can take judgment by default. I file no plea.

Mr. FALL. Mr. President, I say that the suggestion which I have just offered is the one adopted by the greatest military country in the world. A great many have misunderstood things, I think, and misrepresented things, about the German military system. Did you notice that in the papers the day before yesterday it was reported that an entire brigade or regiment of Pomeranians had been annihilated? Did you notice that an entire regiment of Bavarians had been captured? The unit system is preserved in the German Army, and a Prussian is not placed in a Bavarian nor a Wurttemberg regiment. The Saxon serves in a Saxon regiment, the Pomeranian in a Pomeranian regiment, company, or division; and with all their ingenuity and skill they have adopted the unit system, which you are now being called upon, for the first time in your history, to do away with in an emergency.

The PRESIDING OFFICER (Mr. LEWIS in the chair). Will the Senator from New Mexico permit the Chair to ask if, in his investigation of that matter, he discovered whether they are officered also?

Mr. FALL. They are officered, also, by men elected. The volunteer officers in the Germany Army are elected by the volunteer corps to which they belong. The Pomeranians elect a Pomeranian, the Bavarians a Bavarian, and the Prussians a Prussian, as I understand. Of course, the Kaiser might finally disarrange their program, and I am providing in the amendment which I offer here, or which I shall offer, that the President of the United States, if he discovers that the officers of one of the State units is not a competent man, shall have the right to discharge him and replace him, just as he has under the provisions of the draft in this bill.

Mr. President, there is one phase of the volunteer system which has been referred to here in this discussion and which I propose to comment upon for a few moments in closing my remarks.

Together with the condemnation of the volunteers in the other wars, we have heard condemnation of the volunteers in the Mexican Army. We have heard dire tales here of disaster, or but slightly averted disaster, because of the volunteer system during the Mexican War.

Mr. President, about the middle of April, 1846, the Congress of the United States authorized the President of the United States to call for 50,000 volunteers for the Mexican War, and by the proclamation of the 13th day of May, of President Polk, the States of Indiana, Ohio, Illinois, Tennessee, Kentucky, Alabama, Louisiana, and Mississippi were those which were called upon for volunteers. Later other States were called upon to furnish volunteers to accompany Scott's army to Vera Cruz. In all, 200,000 volunteers offered, 17,000 were accepted. The proclamation issued by the President under this act was issued on May 13. By June 5 the State of Missouri, for instance, had furnished every man of her quota. The quota of practically every State called upon was on its way by June 5, or June 23, at the outside, to the border to join Taylor, Wool, or Kearny.

Mr. VARDAMAN. May I ask the Senator how long they were in preparation?

Mr. FALL. From June 5, at their rendevous points, to June 23 they were given preparation, ready to go, filled up after the call came on the 13th of May. Within the 11 weeks' time specified by Bridges the Missouri Volunteers were fighting battles and winning every battle they fought.

Mr. President, the first great battle of the war was the Battle of Monterey. Taylor had, under the authority of the President, called on Louisiana and one or two other States for six-month troops. The six-month troops had just reached him after the declaration of war in April. They were called for, and they reached him a short time before. When he understood that the 12-month volunteers and the volunteers for the war were on the way he discharged or sent back to Louisiana and other States the troops of six months' service, and the consequence is that they were not in the war. At the Battle of Monterey Zachary Taylor attacked Ampudia with 10,000 veteran soldiers behind seven forts, each created under the French military system by officers, some educated in France, each defended by more powerful guns than Zachary Taylor had in his army. The town of

Monterey itself was a town of stone houses, and Taylor had but little artillery which would batter down one of those houses after repeated shots. He had with him a total of 6,000 men, including the Fourth and a part of the Fifth Infantry of the Regular Army. The balance of his 6,000 men had never been under fire in their lives. During the battle, when Twiggs's division was ordered by Taylor to make the attack on the central fort or fortification of the defense, he was unexpectedly confronted with a battery placed at a bridge in the street, while three forts were opening upon him, one from in front, the others from each flank. Seeing that, Taylor ordered three regiments to go to Twiggs's assistance, and of those the names of the First Tennessee and Jeff Davis's Mississippians, all of them, ought to be immortal. There were 450 men of the Regular Army of the United States, 379 Tennesseans under Haskell, and 354 Mississippians, if I remember correctly, under Jeff Davis, and it was not the volunteers who broke under the withering fire. But it was Alec McClung, of Mississippi, who was the first man over the walls of the No. 1 fort, and it was the Tennesseans and the Mississippians who took it and who turned its guns upon the enemy, and who held it in the face of the fire of artillery such as we were not confronted with in the Mexican War again, unless at Cerro Gordo. It was those "untrained" volunteers who had never been in a fight. They did not break.

At the Battle of Buena Vista a short time later—and in referring to that I want to call your attention to where the trouble was in the Mexican War. There were two parties in the United States at the outbreak of this war. There was opposition to it. The leader of one party was Thomas H. Benton, of Missouri. The leader of the other—not in opposition to the war, but in reference to the conduct of the war—was John C. Calhoun. The whole trouble in connection with the prosecution of the Mexican War, the cause of the delay which resulted in the muster out of the volunteer troops at Churubusco after having completed 12 months' service, was the policy announced here by John C. Calhoun to be the policy of "masterful inactivity"—that is, the seizing and holding of the northern portion of Mexico from Matamoros to Mazatlan—that there we should plant ourselves, that no further should we go, and we should there wait any attack if the enemy chose to attack us; not go beyond the line which six years later was admitted by Mr. Calhoun to have been intended to be the line of the States which should be annexed to the United States.

At the Battle of Buena Vista Taylor did not even have the forces who had fought with him and captured Monterey, except that he had a portion of the Fourth Infantry, and he yet had Jeff Davis's Mississippi Riflemen, the only volunteers at that time who had ever been under fire, because under this policy, inaugurated and carried on here in Washington, Scott was placed in chief command and Taylor ordered to send his veteran regiments by way of Tampico to join Scott in Vera Cruz and to march to the City of Mexico. In the same dispatches came other orders to evacuate Saltillo and return to Monterey. The dispatches were sent by the hand of two officers separately. The first reached Taylor. The second was captured by Santa Ana. Santa Ana was a soldier. He had 32,000 veteran men in his army thoroughly equipped according to the last word in "military units."

Santa Ana, discovering that all his best men were being taken from Taylor and sent to Tampico, gathered 20,000 of the best veteran Mexican soldiers and advanced upon Saltillo. Taylor, as was always his custom, accepted the challenge and led against him 4,462 men, despised volunteers from the different States of the Union with Jeff Davis, the Mississippian, the only veteran among them. Taylor was attacked on front and on flank and in the rear. Those volunteers stood and hurled back Santa Ana and won the Mexican War on the battle field of Buena Vista. Never again was it possible for the Mexicans to gather a veteran army such as confronted Taylor's volunteers at Buena Vista. These are the men whom Upton speaks of when he says that no better soldiers could be gathered together than the American volunteers in the Mexican War.

Why, sir, see what was done by the American Volunteer! Let me speak now for a moment of the Army of the Northwest. Under the plans adopted here Taylor was to lead the Army of Occupation of the South and Gen. Wool, with 3,500 men, was to advance from San Antonio upon Chihuahua, the Army of the Center. Kearny, with the Missouri Volunteers and his own regiment of Regulars, was to advance to New Mexico and to what we now know as Arizona and proceed to California. Taylor did his work as far as Monterey and then, when superseded and his soldiers taken away from him, won the Mexican War at Buena Vista.

Advancing from San Antonio, Gen. Wool, a Regular Army officer, with 3,500 men, lost himself in Mexico and never reached nearer than 600 miles of the city of Chihuahua, which he was commanded to take. Brave, of course; but no farther did he penetrate. He reported to Taylor that the mountain range between Parras and Chihuahua was impassable, and he asked permission of Taylor to join him in Saltillo, which he did, possibly very fortunately, because Wool's command, or some of his men, were in the battle of Buena Vista.

In the meantime Kearny proceeded to New Mexico, not with Sterling Price's command—they followed him—but with his own regiment, a regiment of Missouri farm boys, doctors, lawyers, and other men who are not considered now the proper men to send to the firing line. Under the leadership of Doniphan, a Missouri lawyer, invited to volunteer for the service on the 13th day of May so that they could recruit, everyone was on the ground by the 5th day of June at the place designated by the governor of Missouri. By the 23d the last of them were en route for New Mexico under directions to go to California. They took New Mexico, and Kearny, expecting Sterling Price to reach him with his regiment in a few days, yielded to the request of Doniphan that he might be allowed to leave the Army of the West and proceed with his men and join the Army of the Center at Chihuahua. Kearny notified Marcey, the Secretary of War, that he had yielded to this request and that when Sterling Price reached him he would then allow Doniphan to join Wool.

To make a long story short, Doniphan proceeded through New Mexico. Within 21 miles of El Paso, his force being divided between the mounted men and the Infantry, the Artillery being behind with the Infantry, he was attacked, 450 strong, by Mexicans under Ponce de Leon with 700 regular Mexicans, regular soldiers, artillery and 700 State troops. Within less than 15 minutes these recruits, volunteers, had killed and wounded 150 Mexicans, captured their artillery, and driven them into El Paso without the loss of a man of Doniphan's command. They waited at El Paso and sent couriers out to endeavor to ascertain where Gen. Wool was. They had just marched over 250 miles of almost trackless, waterless desert. They left El Paso and proceeded practically over the route recently covered by Pershing's expedition into Mexico, 225 miles, to the city of Chihuahua. At what is known as the Battle of the Sacramento, 17 miles from the city of Chihuahua, they were confronted by 5,000 Mexicans, 2,700 of whom were regular, 32 pieces of artillery, and the balance of the soldiers were old State troops. The hills were covered with the population of the city of Chihuahua, a city then of about 18,000 inhabitants, coming out to witness not the fight but the capture, because they brought with them chains and irons forged with which to carry back these "Yankees," as they called the Missourians. Doniphan attacked that fortified place with those raw Missourians. His teamsters parked their wagons, took their mules out of the harness, and rode them bareback over the breastworks, and ran every Mexican soldier out of the State of Chihuahua and lost one man killed!

Why, Mr. President, Capt. Stevenson, commanding dismounted men, charged in double time, kept up with the Cavalry in charging the breastworks, and when he reached the parapet sprang in front of his company and dressed his line as if in drill, and everyone mounted the breastwork without one man out of line and with all the artillery and a thousand Mexican rifles firing upon him. This is what volunteers can do!

These 900 men captured the city and State of Chihuahua, and later marched across the country 600 miles and found Wool!

Now, Mr. President, I shall not take more time of the Members. I desire to see adopted a separate provision in this bill by which the President of the United States shall be authorized and the Secretary of War directed—if this is a war measure—to raise 500,000 volunteers immediately, and with all other provisions of the bill exactly as they stand I hope I may have an opportunity to vote for it.

Mr. President, the volunteer of the United States is the man who has made this country great. When I heard the Senator from Kentucky [Mr. BECKHAM], of my own native State, speak against the volunteer system and in favor of draft system alone, I remembered that in the historical cemetery at Frankfort there is a tall, slender column, and engraved on the pedestal are the names of McKee, and Henry Clay, jr., son of the great commoner, and of many other sons of that State who lost their lives for their country believing at least that they were as good soldiers as any conscript ever dared to be. Then I remembered that this monument was erected to the Kentucky dead in 1847, as their bodies were being brought back just as the Mexican War closed, and that an "epitaph," I may say, was written for them by another gallant Kentuckian who had been with them and who afterwards as a volunteer served on the staff of Albert Sidney Johnson.

Theodore O'Hara, on the occasion of the raising of that monument, wrote that poem, the epitaph of the American volunteer:

On fame's eternal camping ground
Their silent tents are spread,
And glory guards with solemn round
The bivouac of the dead.

Mr. OWEN. Mr. President, on yesterday I called the attention of the Senate to a letter from the Secretary of the Treasury with regard to the amendment to the Federal reserve act as a very important matter. I am not going to attempt to take the floor; I merely wish to make a request. It is a very important part of our preparation for war to strengthen the banking system of the country. I wanted to ask unanimous consent that on Monday morning we take the matter up for disposition.

The PRESIDING OFFICER (Mr. LEWIS in the chair). Does the Senate prefer the request to the Senate at this time?

Mr. OWEN. Yes; I make that request.

The PRESIDING OFFICER. Senators, you have heard the request of the Senator from Oklahoma, the chairman of the Committee on Banking and Currency.

Mr. WATSON. Has the matter been referred to the committee?

Mr. OWEN. Yes; it was referred to the committee, was passed on by the committee, and was submitted to the Senate some time ago. Senators who are interested in the matter will find in the report printed in italics the indication of the changes proposed to be made with the parts stricken out. So it is perfectly clear what the meaning is. There is an extended note on each proposed amendment.

Mr. BRADY. I could not consent to anything which would in any way interfere with the progress of the debate on the pending measure.

Mr. OWEN. No; this measure will be disposed of; and I ask that this be taken up for disposition on Monday.

Mr. LODGE. Is this a unanimous-consent request?

Mr. OWEN. I am asking unanimous consent.

Mr. LODGE. Then we must have a quorum, under the rule.

Mr. OWEN. I believe that is the rule. Then, I will not ask it now.

The PRESIDING OFFICER. Does the Senator from Oklahoma recall his request?

Mr. OWEN. I withdraw my request.

The PRESIDING OFFICER. The pending question before the Senate is the amendment proposed by the Committee on Finance.

Mr. KELLOGG entered the Chamber.

The PRESIDING OFFICER. The Senator from Minnesota [Mr. KELLOGG] having entered the Chamber, the Chair will not submit the question.

Mr. LODGE. What is the pending amendment?

The PRESIDING OFFICER. It will be stated by the Secretary.

The SECRETARY. On page 13 add a new section after section 11.

Mr. VARDAMAN. I rise to a question of order. What is the question before the Senate?

The PRESIDING OFFICER. The amendment of the Committee on Military Affairs on page 13 of the bill.

Mr. VARDAMAN. I ask the chairman of the committee if he is disposed to take up the bill and vote on amendments now?

Mr. CHAMBERLAIN. I think I can clarify the situation in just a moment. None of the amendments have been taken up to be voted on as yet, but we are waiting until the Senators who desire to speak on the subject have finished. I understand the Senator from Minnesota [Mr. KELLOGG] has been recognized by the Chair, and he wants to proceed. I therefore prefer not to take up the amendments until after the Senator has finished.

Mr. KELLOGG. Mr. President, I had not at this time intended to address the Senate upon this bill, but at some time before the close of the debate to say a few words outlining my views and giving the reasons which impel me to support its main features. But as the chairman of the committee has suggested that I proceed at this time I ask the indulgence of the Senate for a few moments while I discuss what I believe to be the important features of the measure.

I shall not take the time of the Senate to make any extended remarks upon this question, though I realize the surpassing importance of the issue and that we are now turning away from the traditional policy of this Nation. I am ready to do it, because I believe the time has come when the safety of the Nation and the great issue that is now pending before the civilized world demands it.

It has been said that this bill does not provide for universal military training or universal military service, and that therefore it is sailing under false colors. I admit that that is technically true. The bill does not provide for universal military training, although I believe it does provide one step which is a necessary feature of every such system in this country.

I believe in universal military training. I do not believe in the exclusive voluntary system of service, but in the selective compulsory system where there is an obligation upon all the youths of the land. I believe that every citizen owes the duty to be prepared, to make the sacrifices, to defend his country, his country's institutions, and his country's homes, whenever the Nation calls upon him. I believe that is the duty every man owes and that the country should not be left for defense merely to those who are willing and patriotic enough in its hour of peril to step forward and defend it.

Permit me for just a moment to say something about universal military training. I regret that this bill does not contain a clause for such a system. I believe that, while we are confronted with the shadows of the great European war, we should in this crisis make preparation by legislation so that every young man in the Nation may receive the rudiments of a military education or training. I believe he would thereby become better qualified physically, mentally, and morally, and that it would engender in him a patriotism and a love of country that would make him a better citizen and better qualify him for the competitive struggle of civil life.

Furthermore, in a country like ours we do not wish a great standing army. It is against the traditional policy of our country and of the Anglo-Saxon race. All the army we need in this country is a force of three, four, or five hundred thousand men, who would be necessary to repel invasion, protect our frontiers, and be the nucleus of a great army if the time should ever come when we should be subject to invasion by any foreign country. The people of this country, for many reasons, would never permit a great professional standing army. One reason is its militaristic aspect, another is that it is unnecessary. Unless, however, we are going to have such an army, it is necessary that the young men of the country should receive the training that fits them to go to arms when the Nation calls them.

It has been said, I think, by the Senator from Colorado [Mr. THOMAS] that such a system encourages militarism. I deny it absolutely. Did that sort of training encourage militarism in Switzerland, where every man is subject to such training and where the nation has never had a war since the Napoleonic wars swept Europe with their consuming flame? Has it inspired militarism in France, which country fought against going into this war with all the intensity of that spirited people? Did it inspire militarism in Holland, or has it inspired militarism in any other democracy? Was militarism inspired in this country by the Revolutionary War, by the War of 1812, by the great struggle of 1861, or by the war of 1898? Yet in the war of 1861 we had an army which was the greatest the world had ever seen, except the armies of Imperial Rome, which overran Western Europe. At the close of that great war the citizen soldiery dispersed and in a day the great armies which had rallied on each side to carry on the conflict returned to their homes, engaged in the occupations of life and in the affairs of the country, and were better qualified as citizens by reason of the baptism of fire.

Not only that, but militarism in this country will never be inspired by teaching the citizen soldier how to defend his country and then allowing him, still in his youth, to go back to his neighbors and his friends to engage in the occupations of life. It will rather inspire him with the patriotism of peace. It will inspire him with the desire that his country be left to enjoy the fruits of peace and work out its own great destiny.

Another objection is made to universal military training and to compulsory service or universal service in the Army. The pacifist orators who are opposed to military training or to universal service oppose it upon the assumption that some day we are going to reach the era of universal peace. Do not let us delude ourselves with the idea that the millennium has arrived or that universal peace has come to the world. Segur, the great French historian and military writer of the Napoleonic period, once said, and said wisely, that "universal peace is the dream of the wise; war is the history of mankind."

Only two years and a half ago, Mr. President, all the world was at peace. The people of the belligerent nations were a highly civilized and christian people of the same blood and of the same races who go to make up this great Nation. They were far advanced in the arts of civilization—I might say in the arts of peace. There was no widespread poverty, no unusual oppression of government, no general spirit of discontent; yet in an hour, as measured by the life of nations, there burst upon the world a war, the horrors of which surpass the ages of barbarism, and the appalling loss and waste of life staggers humanity. Yet, with this history, and the fact that the path-

way of progress of civilization is strewn with the wrecks of empires from great wars, we have been living in a fool's paradise, deluded by the dream of the peace of isolation.

I say that this country should have made preparation years ago, to be able to meet just such an emergency in the world's history as this one. However, we have not done it, and we are now confronted with the necessity for doing it; and how shall we best accomplish this object?

Coming now to the question of selective compulsory military service, I believe that the only possible system for the defense of a country is universal military training and universal obligation for service, under which every young man within the proper age, and with the proper qualifications, shall be enrolled in the Government service to be called for by some other system than by the volunteer system. If we had had universal military training, the question now confronting us, as I have previously said, would not have arisen, and if this bill had contained a clause providing for the inauguration of a system of universal military training much of the opposition to it, I believe, would have been removed.

I am, however, opposed to the volunteer system for many reasons. First, I do not consider it democratic. I do not consider it democratic to leave the defense of the country alone to the man who has patriotism enough and who is willing to make the sacrifice. I believe that the highest obligation the Government imposes upon a citizen is to be prepared and ready at any time to defend the country. I do not believe that burden should be left to those who are willing to assume it any more than we should leave to those who are willing to assume it the entire burden of paying the taxes to defend the country in its hour of peril.

Mr. McKELLAR. Mr. President——

The PRESIDING OFFICER (Mr. LEWIS in the chair). Does the Senator from Minnesota yield to the Senator from Tennessee?

Mr. KELLOGG. With pleasure.

Mr. McKELLAR. Having those beliefs, does not the Senator think it would be better to put the burden upon all men of military age rather than upon the boys between 19 and 25?

Mr. KELLOGG. That may be; I am not fully prepared to say. I am inclined to think that it ought not to be put on the boys under 20 years of age, and possibly under 21.

Mr. McKELLAR. If the Senator believes in universal military training and service, does he not think that it ought to be universal, or certainly universal to the extent of those of military age—say, from 20 or 21 to 45—as is ordinarily the case in the various countries? Would not that be a more just distribution of the burden, rather than to place the whole burden of the war on a lot of boys between 19 and 25?

Mr. KELLOGG. No; I do not think so. I was astounded the other day with the figures given by my colleague [Mr. NELSON], who was a soldier in the ranks for four years during the War of the Rebellion. As I recall those figures, only 62,000 of the soldiers were 25 years or over.

I believe that the young men from 20 to 25 years of age are better qualified to stand the strain of such a contest than those beyond that age, and that after they have married and settled down and have engaged in the occupations of life, which are as important, perhaps, to the life of the Nation as military service, it is not wise to include them within the draft. I must be governed in that respect very much by the opinions of the men who have made military subjects a study. I do not pretend to have done so.

Mr. McKELLAR. Mr. President, will the Senator yield to me for a further question?

The PRESIDING OFFICER. Does the Senator from Minnesota yield again to the Senator from Tennessee?

Mr. KELLOGG. Certainly.

Mr. McKELLAR. The Senator says he was struck, as I think we all were, by the figures read into the RECORD by the senior Senator from Minnesota [Mr. NELSON] showing the ages of the boys who served as soldiers in the Civil War. Then the Senator speaks of the splendid organization of the Army at that time. The Senator recalls that out of the 2,700,000 in the Civil War on the Union side all of them except 47,000 were volunteers. Does not the Senator think that the figures submitted concerning the conscripts in that war, to wit, that of the 776,000 conscripts enrolled under the enrollment or conscription act of 1863, the Government got only 47,000 actual soldiers out of that great number, show that the conscript plan is not the best possible plan?

Mr. KELLOGG. Now, if the Senator will allow me, his question involves two propositions: First, that the best material in the Union Army, the best soldiers, as I understand, were the volunteers; and, second, that out of about 700,000 conscripts during the War of the Rebellion only 46,000 were finally enrolled as soldiers. I will, with the permission of the Senator, answer, so far as I can, the last question first. I am not familiar with the figures nor have I made a study of the reasons for the small number of conscripts who toward the close of the war were selected from the large number who had been enrolled. I am informed, however, that over 113,000 men were never found at all; that is, that number enrolled to be conscripted did not appear when called. Is it not quite possible that many of those in the local communities, knowing that they were liable to be conscripted, volunteered? I am informed that such is the case.

Is it not also quite possible that at the time the draft came the best and bravest men of the Nation had already enrolled themselves in defense of the country, and that the percentage acquired by conscription was therefore less than otherwise might have been expected?

But, Mr. President, I do not consider it conscription when every young man in the Nation is enrolled on what I call a "roll of honor," to be summoned at any time for the defense of his country. I call that a "roll of honor" rather than a roll of conscription.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Minnesota yield to the Senator from Utah?

Mr. KELLOGG. I yield to the Senator.

Mr. SMOOT. In that connection, may I suggest to the Senator that one of the reasons for the failure of a large number of the conscripts to serve as soldiers in the Army was that many of them purchased substitutes, and those substitutes went into the Army intead of the men conscripted. That accounts for a great number of the conscripted men who never served in the Army itself.

Mr. KELLOGG. I thank the Senator for the interruption. I have no doubt it is true; but, as I said before, when a list of eligible young men between certain ages—whatever ages the Congress in its wisdom may select—is made up as a roll of men to be called for to defend the country, or when by universal military training those young men have consecrated themselves to the defense of the Nation, we avoid the hateful word "conscription." They are called to the flag to defend their country, and they are not conscripts—a word which, owing to its history, I admit is odious to the American people.

Furthermore, I do not deem it necessary, nor could I say anything against the magnificent accomplishments of the volunteer soldier in this country or in any other. To maintain the position which I am going to take after many hours of thoughtful consideration I do not find it necessary to say aught but in the greatest praise of the honor, the patriotism, the effectiveness, and the splendid spirit of the volunteer as he has shown it on many a field of battle in the wars of this country. Were I an orator—as I am not—I should delight to add, to indulge in encomiums on the splendid volunteer heroes who have been enrolled in honor and have been in many battle fields from Runnymede to Appomattox; and I do not think any eulogy could be too great for the men who fought to make this democracy possible.

But, Mr. President, I believe that the men to-day who are familiar with the subject—the statesmen of Great Britain, of Canada, and of France, and of the other allied nations—have come to the conclusion that in this great war there are reasons which prove the voluntary system inadequate. I shall not stop to discuss many of these reasons. I do know, however, that in Great Britain, magnificent as was the feat of enrolling nearly 5,000,000 men by the voluntary system, as has been said by Senators upon this floor, it really was not voluntary at all. Remember that Great Britain was confronted across the channel by the greatest military force of all time. Remember that Great Britain was fighting for the maintenance and continuance of the British Empire. Remember that every British citizen was being put to the supreme test of patriotism. War was at the door of Great Britain. We do not realize that war is at our door, though I verily believe that we must fight the German Empire now or later, and that we had better do it now.

Furthermore, there is no doubt, however splendid the results may have been in Canada and in Great Britain, that the statesmen of those countries to-day—and I have it upon the highest authority—believe that the voluntary system nearly cost the British Empire its life and nearly ruined its industries.

Mr. President, there is one phase of this question which has given me very much thought and much anxiety. It is as necessary for us to maintain the industries of this country, including agriculture, which are essential to the prosecution of this war, as it is necessary for us to send an army to France. What France and Great Britain need to-day above all else is food and

iron and steel products to maintain their munition factories. And unless they get them and get them quickly the great allied forces fighting the powers of the central empires must be defeated and the ideals of democracy which those countries hold in common with us must perish.

Mr. President, much as I hope it will not be so, I fear that we in this country, on account of the demands of France and England and perhaps other allied nations, are going to be unable to produce the food products necessary to maintain those countries in this great struggle. With a shortage of crops in this country last year, with a threatened shortage of 50,000,000 bushels in the spring wheat crop, with a loss of almost the entire crop of Argentina, unequaled in 20 years of its history, with Russia bottled up and none of her products reaching the allies, it develops upon this country and Canada to produce the foodstuffs necessary to maintain us in that struggle and to maintain the allies. We can not afford to take from the farms of this country the labor which is necessary to cultivate those farms and harvest the crops, if God in His justness gives them to us to harvest.

It has been stated upon this floor that the rural districts of the Nation furnish more volunteers than the cities. That is always true, for the real, great virile heart of patriotism is near the soil in every land, and to-day the thing that makes France able to withstand this conflict is that the French people are a great agricultural people, owning and living upon the soil they cultivate. The roots of that civilization, like the roots of our civilization, spring from the soil, and I say that we can not afford to raise a great volunteer army principally taken from the farms of this country, for if we do we shall face a food shortage in the world which will be more disastrous to the armies of the allied nations than defeat upon the field of battle.

I believe that a system of compulsory service similar to that contemplated by this bill enables the Government to draft for military service and partial military service the men of the land best fitted therefor, and to exclude and permit or direct to go back to the factories and to the farms of this country such men as are best suited and fitted to maintain the industrial life of the Nation. I know that under one section of this bill it is provided that these men may be drafted for partial military service or may be excused, and that means the Government has the necessary control over them. It may send them back to the factories or to the farms, in order to preserve the industries of the country which are as vital to our success as are marching armies. That is one reason why I favor this bill.

But another reason, which I have partially stated before, is that I believe it is more democratic to call upon the rich man's son and the poor man's son, the son of the man of influence and the son of the man of humble station, to serve together in the Army, in the training camps, and upon the field of battle. Nothing in the world disseminates a democratic spirit more than this, and I know of no reason why they should not serve together, side by side, under the same flag and the same conditions; especially would it be true when men are called from all walks of life, trained in the same school, and upon the same fields.

Mr. HARDWICK. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Minnesota yield to the Senator from Georgia?

Mr. KELLOGG. With pleasure.

Mr. HARDWICK. Would not the same thing happen, and is it not exactly what has happened under the volunteer system?

Mr. KELLOGG. I do not think it would happen under the volunteer system.

Mr. HARDWICK. Well, it has happened every time in that way, has it not?

Mr. KELLOGG. Undoubtedly it has, to a very great extent.

Now, one other reason. We are not faced by any imaginary dangers. We are engaged, Mr. President, as I believe, in the greatest struggle the world has ever seen. I stated the other day, and I shall not stop to reiterate, that I do not believe this war is going to terminate by mere declaration or by an effusion of patriotism. I believe that we are yet confronted by the greatest military power in the world's history, still intact, still powerful, still concentrated, and that it may yet require many, many months and possibly years before the war is brought to a successful close. I believe that our plans should be laid now not only with this volunteer system of filling up the Army and the militia in view, but that they should be laid now looking ahead with a certainty that we are going to get 500,000 or 1,000,000 men, whether they enlist or whether they do not, and that there should be no doubt whatever upon that subject.

Mr. President, I have taken more time than I intended, but, like many men, I become infatuated with the sound of my own voice and continue longer than I expected. There is one other suggestion I have to make, and it is this:

The only question I entertain with respect to this bill is whether, outside of the system of selective draft to obtain a force of 1,000,000 men, we can not raise in this Nation from those not subject to the draft a trained and properly equipped army—a small army, I will admit, perhaps from 25,000 to 100,000 men—in a shorter time, so that they might be put upon the soil of France at the earliest possible moment. I shall vote for this bill. I shall vote for universal military training, if I have a chance, and I shall vote for the selective compulsory military service.

But, Mr. President, I shall also vote for the amendment offered by the Senator from Ohio, which does permit a limited number of divisions to be raised by the volunteer system; and I will state my reasons therefor, although in doing so I do not wish it to be understood that I am not absolutely in harmony with the principles of universal military training and compulsory service, if you may call it that, rather than to leave the country's defense to those who are willing and patriotic enough to serve.

I believe that in France to-day a great crisis is at hand. The other day the Senator from Colorado [Mr. THOMAS] said in substance, as I recollect, that there are occasions when he believes in compulsory service, but that the time had not yet arrived. I believe the crisis has arrived. I do not believe as I have heard it said that the Constitution is suspended during the war. I believe rather that the Constitution and constitutional government to-day are on trial. I believe that France and England have been straining every nerve, raising every dollar, using and mobilizing all of their vast resources to meet the great struggle with which they are confronted. I do not know how long they can maintain their present position without assistance. I was in France when the war broke out and saw the effect upon the French people and upon the army by that expeditionary force from England of a little over 100,000 men which was sent to France, which confronted the great onrush of the German hosts through Belgium, which inch by inch, and mile by mile, with a stubbornness, with a determination, and with a bravery and a coolness unequaled on any battle field of the world, retreated before that army until the men of France, with the men of England, standing side by side, rolled back the invading hosts. I know the inspiring influence, I know the eager questions of the French people and the enthusiasm which was brought to that nation and the encouragement by that little heroic band of the English Army which helped to save the day for France and perhaps save republican government in the world.

If it is necessary, and I believe it is, I wish to see as soon as it can possibly be accomplished a like force sent to France to encourage them and to stand side by side with them in this great conflict. I do not rely upon my judgment alone when I make that statement. I read the statements the other day of English and French statesmen and soldiers pointing out the great importance of our sending a little army into France at the earliest possible date. Let me read what Winston Churchill said:

> It seems to me certain that the presence of even a single American division on the battle fields of France or Flanders this year would exercise influence and afford encouragement out of all proportion to the actual number of men employed.
>
> Now, when the terrible weight and burden of this struggle has pressed for nearly three years upon the French, British, and Belgian troops, the arrival of the American flag and the American uniform on the actual line of battle would be the veritable signal of approaching deliverance and of victory and would kindle joy and enthusiasm in every heart.

I happen to have the honor of a personal acquaintance with Winston Churchill. He has for nearly two years been in the trenches and he knows what he is talking about. But that is not all. A French statesman recently said:

> The moral factor involved would be more important than the military aid. This war is a struggle of liberal, progressive nations to overthrow a reactionary governmental system. It is of the highest moral importance that the United States, the most progressive power in the world, should be represented in this new army of crusaders.

Again Lord Northcliffe said:

> The appearance in Europe of even one American division would be a sign and portent of America's devotion to the cause of freedom. France and the world will never forget the day when a division flying the Stars and Stripes shall make its way to the fighting line at Verdun or on the Meuse.

Statesmen like Viscount Bryce and others use language to the same effect. I will not take the time of the Senate to quote them.

I do not believe, Mr. President, that we should send an undisciplined mob to France, but I do believe it to be feasible to

permit the most distinguished citizen of this Nation, Col. Roosevelt, to raise from those not included within this draft from one to four divisions composed of the patriotic citizens of this country who are now willing and ready to go to France. I say let them go, and support and encourage them with all the influence and power of this Government. That is why I am willing to vote for the amendment of the Senator from Ohio [Mr. HARDING].

But, Mr. President, in the main I shall support the principles of this bill. I have not arrived at this conclusion lightly, because I realize the splendid spirit of the American people. I would not wish to believe—and I do not believe—that in this hour of the supreme test of our patriotism the American people would be found wanting in spirit, or seen to shirk from the self-sacrifice entailed by enlisting, but I do believe, Mr. President, after careful and sincere consideration that the principles of military training and of selective compulsory service are principles which are democratic and which will in the future prepare this country to meet any exigency that may arise.

Mr. President, we have in the past been willing to shed our blood, to make sacrifices for our ideals of Government, and the protection of our citizens. Let us without bitterness, but with a high resolve, engage in this war with the firm determination that the principles of democracy, of advanced civilization, and the wise rule of international law shall prevail, so that the earth shall not be a military camp, but nations governed by laws and inspired by the highest ideals.

Mr. HARDWICK. Mr. President, in a situation like the one that confronts us to-day it is well for the country to pause, to deliberate, to be careful, prepared as we ought to be, and as we are to make good our declaration of war against Germany by every just and adequate method and in every reasonable way within the scope of our power. At the same time there is no lack of patriotism involved in stopping to inquire whether or not we must necessarily adopt a system that is completely subversive of every American principle, dangerous to the liberty of this country, and absolutely unnecessary, for the present at least.

There is a good deal of confusion, Mr. President, not only in this Chamber but throughout this Republic about the present situation in which the country finds itself. We are at war with Germany, although there is hardly a physical manifestation of that fact which has yet been made to the people of this country. We are at war with Germany, but why? To establish a world league to maintain peace by force among the nations of the earth? No. To change the form of government in Germany, in Austria-Hungary, in Turkey, or in Bulgaria? No. To battle for some vague, undefined, indefinite something called "the democracy of the world"? No. We are at war with Germany at this moment simply and solely because the German Government insisted upon murdering American citizens upon the high seas when they were engaged in their peaceful and legitimate business.

If the contention voiced by certain Senators and by certain Members of another body in this building, and by others in high place, is sound, then for three years we have all been slackers; we have all been laggards. Then, for three years we have all left the British and the French and other European, Asiatic, and even African nations to fight our own battles. I deny it. I dispute it. I repel the insinuation with the scorn and contempt that it deserves. No high-flown phrase from any high place in this country or elsewhere will ever lead me to believe that the American people are going to be humbugged into the idea that they are fighting a great war to liberate all these peoples, as a part of some new-fangled political dispensation.

No, sir; we are fighting this war simply and solely because a Government with which we were at peace denied us our rights on the high seas, and through its established agencies of government and warfare murdered peaceful American citizens. As far as I am concerned, when we avenge that wrong, when we establish American rights, when we teach all the nations of the earth that no nation can lay its hand in that sort of a way on American citizens, then I am willing to conclude peace with Germany and her allies.

Ah, sir, we fought England in 1812 when we were a weak and puny Nation for just such reasons as that, because England denied to us our rights on the high seas and claimed the right to impress our seamen into her service. Yet, when we fought England in 1812, we did not join hands with Napoleon and say to him, "We will never make peace with England until England is humbled in the dust at your feet." We fought for American rights, for American principles, for American lives that had been taken and for American citizens that had been wronged. So we fight to-day, unless I mistake the temper and purpose of the American people.

Is there any Senator in this Chamber; is there any Senator whose name is on the roll of the membership of this body who believes for one moment we would have gone in this struggle if Germany had not fired upon our flag and murdered our people?

Mr. KELLOGG. Mr. President, will the Senator pardon me?

The PRESIDING OFFICER (Mr. LEWIS in the chair). Does the Senator from Georgia yield to the Senator from Minnesota?

Mr. HARDWICK. I yield to the Senator.

Mr. KELLOGG. The Senator does not understand that I made any such statement?

Mr. HARDWICK. I was not particularly directing my remarks to the Senator, and unless he entertains such sentiments he need not think so. I know the Senator does not take that position, and I do not believe there is a Senator on either side of this floor who thinks that when Belgium's neutrality was violated we were obligated to have anything to do with it, or that for any such reason we ought to have gotten into this war.

Now, it is just as well to get back to first principles every once in a while. I am willing to have the aid of these allies and I am willing to give them aid, because it is to our interest to do so. I think we ought to have passed the bill lending them money. In fact, I am willing to go further on this subject than most people would go. I would be glad to send at once a division of American Regulars to fight on French soil. I think it ought to be done at once for the moral effect it would have over there.

But, Senators, I do not want to be misunderstood. I do not believe that because of that feeling, because of that desire we commit ourselves to these European quarrels. In other words, I am willing to feed American boys, Georgia boys, to German cannon for American lives and American honor, but not for European squabbles, not to decide who shall have Alsace or Lorraine or Bosnia or Herzegovina, or some other outlandish country over there, but the last drop of blood that flows in my body I am willing to shed for American rights and for American honor.

I do not object; in fact, I welcome the visit of the commissioners here from these allied countries. Every drop of blood in my veins on both sides is English, old English and pure English, and naturally even when we were neutral my heart went out in great and silent sympathy to my kinsmen across the seas. France I love. Every American acquainted with the history of this country must, yet we can not but realize that we are going to give these allies fully as much, yea more in tenfold measure, than they can possibly give us. We are going to give them freely of our treasure, of our foodstuffs, of our munitions, of money, so that they may maintain this struggle against a common foe, but I am by no means willing that we should enter into any agreements with them to make their several quarrels ours.

Mr. WATSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Indiana?

Mr. HARDWICK. I yield to the Senator.

Mr. WATSON. I suppose under those circumstances the Senator is very much gratified by the interview with Mr. Balfour, as given in the Post of yesterday morning.

Mr. HARDWICK. Yes; and I want to say in this presence and to this body I think the fact that Mr. Balfour had the good sense to make that statement at the very outset of his mission shows that he is splendidly qualified for the task for which he was chosen and for the mission which he is to perform. I only hope that in our enthusiastic hospitality we will display just as much good sense as Mr. Balfour has already shown in this matter.

Now, this country has not decided, but you would think so from some of the newspaper statements that have been written about the subject, that we are going into a hard and fast agreement with England, France, and Italy, with the allied powers, to prosecute this war as long as they want to prosecute it; never to end it, no matter how thoroughly American rights and American honor are vindicated, without the consent of the allies. No, we have adopted no such policy. To adopt it would be to reverse the traditional American policy from Washington's day to this. Such a policy can only be adopted in one way, under the Constitution of the country, and I think that document is still in force; it is supposed to be at least.

It can be done in only one way, by treaty submitted by the President of the United States to this body and ratified by a vote of this body. Having adopted no such policy, having made no such alliance, having contracted no such engagements, I say

that it is entirely undetermined yet, to what extent, in what manner, and how we must wage the war that is necessary to vindicate our honor, and to secure and to preserve and to maintain our rights. I say that the sole question that concerns this Government and this people is, not to see that European matters are settled to suit this man's idea or that man's idea or another man's idea, but to see that American rights are vindicated; that American honor is kept unsullied; to see that this country exacts adequate reparation for the wrongs that its innocent, peaceful citizens have suffered. I say once that object is achieved, once that purpose is accomplished, I greatly mistake the temper of our peace-loving people if we shall not be able to accommodate ourselves readily and entirely with our enemy.

Mr. KELLOGG. Will the Senator yield for a question?

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Minnesota?

Mr. HARDWICK. I yield to the Senator, of course, with pleasure.

Mr. KELLOGG. I should like to ask the Senator if he believes that by engaging in this war with the allies for the defeat of Germany we in any way bind ourselves to engage in the settlement of the dispute over Belgium, Alsace, the Balkan Peninsula, or Russian rights in Turkey?

Mr. HARDWICK. I do not, and I hope the Senator from Minnesota does not.

Mr. KELLOGG. I think I stated on the floor of the Senate the other day that I did not.

Mr. HARDWICK. I am very glad the Senator from Minnesota entertains that view, and it seems to me utterly incomprehensible that an American Senator could entertain any other view. Of course, "many men, many minds." There may be Members of this body on either side, or on both sides, of this aisle who may view that question differently; but, so far as I am concerned, Washington's policy is yet sound. I do not want to sit at the council table of nations and settle European disputes, and I do not want this Government to have anything to do with what sort of a form of government Russia or Germany or Italy or any other nation on earth shall maintain.

Mr. VARDAMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Mississippi?

Mr. HARDWICK. I yield.

Mr. VARDAMAN. If the Senator from Georgia indulges the hope that the representatives of this Government will not sit at the head or to the right of the power occupying the head seat at the table when this settlement comes about, in my judgment, he is doomed to a very sad disappointment.

Mr. HARDWICK. I spoke only of my desire, of my hope, not of my belief. The Senator from Mississippi may be right.

Mr. VARDAMAN. I hope I am not, but I think I am. I am, in fact, of the opinion that this matter was very maturely considered before war was declared.

Mr. HARDWICK. So far as I am concerned, the only council table at which I wish to sit is the council table where reparation is exacted for American wrongs and where recognition is demanded for American rights. If I am right about that, and we have not gone any further than that, we have merely declared war on Germany because Germany murdered our citizens. We have not agreed to capture Berlin; we have not agreed to join the allies in a death feud on those people. We simply are maintaining and waging an American war to vindicate American rights, American honor, and American principles, and to avenge American citizens who have been murdered. If I am right about that, what policy are we to adopt? How is it related to the pending question? In an effort to carry out an American policy, as contradistinguished from an allied policy, what is necessary to be done? What steps ought we to take, and when and how, because of the situation that now confronts us? Shall we find it necessary, in our efforts to combat Prussian autocracy, to establish a greater autocracy here in America? In our fight on Prussian militarism has it become necessary to establish in this country a more drastic and a more burdensome militarism than that under which Prussia has groaned and which we profess to hate? I think not; I believe not. Has the time come when, in order to democratize the balance of the world, we must lose our own democracy? Has the time come when, in order to curb despotic power in the hands of the German Kaiser, we find it necessary to establish in this Republic the most despotic power that ever was vested in one man in the history of the world? I believe not.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from New Hampshire?

Mr. HARDWICK. I yield to the Senator.

Mr. GALLINGER. I am in profound sympathy with the declaration the Senator has just made, and I hope it will be accepted by the American people. I am also in profound sympathy with the suggestion the Senator has made that, when this war comes to a close and the final accounting is made as between the warring nations of the world, the United States will not be found in close conference with European powers. I will say to the Senator that in thinking that matter over before to-day I had indulged the hope that the majority of this body, which controls legislation, might in some bill make a declaration to that effect. I hope yet that that may be done.

It will be a sad day for the United States when we forget the admonitions of Washington and find ourselves in entangling alliances with European powers in their quarrels. While I am strongly in favor of prosecuting this war, we having declared it against the German Empire, I trust that we may not at the end of it find ourselves in a position that will involve us in complications with foreign countries such as we can not contemplate with composure.

I thank the Senator from Georgia for his courtesy.

Mr. HARDWICK. I thank the Senator from New Hampshire for his interruption. As he must see, I am in hearty and profound sympathy with his American view of this great question, and I regard it as fundamental if the liberty handed down to us by our fathers is to be transmitted by us to our children. We can not depart from it, and I expect to show the Senate and I hope the American people before I finish this address that the traditional liberties that were the prize for which Washington's "ragged Continentals" fought is surrendered in this bill which it is now proposed to pass.

Mr. VARDAMAN. Mr. President, if the Senator will pardon me for just a moment, I desire to say to him at this point that the President, in his address to Congress, has announced his opinion that the United States Government can no longer occupy a position of isolation; that it is a part of the great world system and must take its responsibilities in the settlement of these international questions. I agree very heartily with the Senator from Georgia and the Senator from New Hampshire, but I think already we have been a little forgetful of Washington's teachings. In truth it strikes me that the teachings of Washington and the wise founders of this Republic are regarded by many of the so-called leaders of public thought to-day as altogether obsolete.

Mr. HARDWICK. Mr. President, it is not my purpose, and it is not the intent of this address, to criticize anyone or to take issue with anyone, except in so far as criticism is involved and issue is taken with those who dispute the principles I announce. Regardless of whom it may be, regardless of the personality of the person who objects to it, I still believe in Washington's doctrine, that this country ought not to enter into entangling alliances with European Governments. No matter how far progressive thought may have carried us forward in certain directions along those lines, I do not yield to it, and I do not believe the sound sense and sober patriotism of this country will ever approve such a proposition.

Undoubtedly Congress ought, even in advance, and necessarily in advance of the settlement of the questions I have suggested, to proceed without delay to the vigorous and adequate prosecution of the war which we have declared, remembering its purpose, mindful of its object, its one purpose being to vindicate American honor, to redress American wrongs, and to establish American rights. First of all, as I said a moment ago, purely as a matter of interest, purely because it is for our interest as well as that of our allies for the time being, a matter of common interest to us all, because we are engaged in a combat with a common foe, we ought to give bountiful aid in money, supplies, equipment, and munitions of all sorts to the other nations that are also engaged in war with Germany and her allies. We ought to do that at once, without the slightest delay; and I think we have done it already in bountiful measure; but, for one, I stand ready to do it in even more bountiful measure whenever and wherever the necessity arises, and to the very extent and limit of our resources and power.

Second. We ought to mobilize and to use at once the full power of our Navy—of our fleet equipped and augmented with proper submarine destroyers—to clear the high seas of the people who have impudently denied us our rights thereon, and to punish them for their assaults upon our peaceful merchant ships. We can do that without raising a regiment; we can do that without calling a single man to service in the land forces; and it ought to be done at once, and doubtless will be done just as soon as adequate preparation can be made by the Navy Department.

Third. As I said a moment ago, my own opinion is that we ought to send at once to the battle fields of Europe a picked division of our Regular forces, to plant on French soil the Stars and Stripes for the encouragement that they will give to those who are temporarily our allies—although we may not agree with every purpose they may have—to the men and the nations whom it is to our interest to encourage and sustain in their fight against our common foe. We ought to do that; we can do that without any trouble. We have the Regulars; and the United States Regulars, whatever else may be said about them, are, in my opinion, among the very best of the picked troops of earth. They are ready and equipped and willing to go, and their places here at home and in our insular possessions can be readily taken, and instantly taken, by the picked men of our National Guard, who have already been called, many thousands of them, to the colors. We ought to do that immediately.

Mr. WATSON. Mr. President——

The PRESIDING OFFICER (Mr. KENYON in the chair). Does the Senator from Georgia yield to the Senator from Indiana?

Mr. HARDWICK. I yield to the Senator.

Mr. WATSON. Is the Senator willing that Col. Roosevelt shall go?

Mr. HARDWICK. Yes, sir; I am not only willing, but I will go further than that—and I am coming to that feature of the matter a little later—I am not only willing, but anxious. I believe we ought to let every man in this country who is willing to go to this war to go, unless he can not be allowed to go without leaving too big a void behind him; and, measured by that rule, I think we can spare "the colonel." [Laughter.]

I will tell you another thing. I want to let every man in this Republic go who is willing to go, and who can be spared, before I drag any man into it unwillingly who does not want to go. It looks to me like that is common sense and common justice at the same time.

Selective conscription! Conserve the Nation's industry, keep it industrially strong and vital, say these gentlemen. Why, you can apply exactly the same principle to volunteering. I have never yet heard that you were obliged to accept every man that offers. The Good Book says, "Many are called, but few chosen." I do not suppose that we have to accept every volunteer who comes along, any more than we have to take every conscript who might be enrolled.

Mr. VARDAMAN. Mr. President, the man who volunteers will go wherever he is assigned.

Mr. HARDWICK. Yes, sir; and if he volunteers in the right spirit he would just about as soon go as a private as a brigadier general; but, unfortunately, most of the volunteers we have had up to date have been for officers and very few for privates; and I suspect that is the real reason for most of this conscription talk.

The Senator from Mississippi understood me to mean that I did not think the force required could be raised of volunteers. I do not mean to be so understood. I believe it can. I did not intend to convey the impression in that half jocular remark that I thought otherwise. If there is the right method applied to the volunteer system, such as we have always had in this country, with some slight modifications I think we can raise all the soldiers we require. I know that the State I represent in part on this floor can raise her quota within a very limited period of time under a proper volunteer system, and I think the same thing is true about almost every other State in this country.

Mr. VARDAMAN. There is no doubt about that.

Mr. HARDWICK. I would dislike to believe that that was not true about any American State.

How shall we raise an army—by volunteers or by draft, by free-will offerings or by forced conscription? Mr. President, I want to outline in a very brief way some of the objections which have been made to the volunteer system, and then undertake to make equally brief reply to those objections.

First. Senators who object to the volunteer system at the present time tell us that it will take the Nation's bravest and the Nation's best. That is true. It will take just as many of them as we will accept; and I will tell you now that a nation never won a great war, never achieved glory, except at the expense of the richest and the bravest and the best blood that flowed in the veins of her sons. If you think this war can be won with an army made up of pool-room sharks and barroom loungers, you hold the German enemy in much lighter estimation than he ought to be held. If you win this war at all, if you carry the Stars and Stripes with honor and with credit and with glory through its perils, you will not do it with anything short of the very best blood and the very best manhood that this country can furnish.

Second. Senators object to it because they say it makes for waste and weakens the Nation industrially. I answer that every principle of selection that by human ingenuity can apply to the one system can be equally well applied to the other; and if you rejoin, "Well, but we may not get enough volunteers," then, I answer that then, when that happens, and not until then, will you be up against conscription.

Third. I have heard the statement made that this system is antiquated and as much out of place in these automobile days as an ancient stagecoach would be if brought back to the streets of this Capital. Well, I am not so sure that that is a good argument against it. All these years I have heard the same argument made against the Constitution of the United States.

Mr. BORAH. It seems to be working, too.

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Idaho?

Mr. HARDWICK. I yield to the Senator, of course. The Senator says the argument seems to be working? Yes, unfortunately; and yet I am not convinced, and I know my friend from Idaho is not convinced, that it ought to be working, or has any real value. I am not convinced that the argument is sound even if a few fools do adopt or urge it. The fact that a thing is old and long established and has served us well for a long time does not prove that it is bad, old fashioned, old fogy, or out of date. On the contrary, to my mind it seems to prove that it must have intrinsic worth, or it would not survive.

Practically the same men will fill the ranks, with few exceptions, under one system as under the other system, and in the same time, unless, indeed, it be true that volunteers will not come forward so fast that they can be organized more rapidly than all the preliminaries of this conscription business could be gone through with. They can be as well trained, as well equipped, as modern and up to date, under the one system as they can under the other.

Fourth. Senators who oppose the volunteer system say that the officers will be selected for political reasons rather than for efficiency, and will be untrained and inefficient.

Now, that is a serious objection. If it is true—and it is partly true, at least—it deserves serious consideration and the application of some remedy. Now, in the first place, under the law that we ought to pass, inefficient men who, because of their natural leadership are selected for these places need not be commissioned. We are not obliged to accept them. They can be rejected, but if they are real men, whether they are very efficient in technical training or not, we can train them just as well, just as efficiently and just as thoroughly, as officers for this army, whether they happen to be elected or selected by the commands or appointed by the Executive. The personnel is the same and the proposition is the same. Unless there is something wrong with the timber that is offered, one is as good as the other and you are just about as likely, and in fact more likely, to get unsuitable timber from the one system as you are from the other. Executive favoritism in making appointments is just about as dangerous as popular mistakes in making choices. There is no doubt about that.

We are proposing now to train, in four or five great camps in our country—one established in my own State—10,000 of these young officers. Why could we not train the officers for these volunteers in exactly the same way and in exactly the same time that we are going to train these so-called reserve officers? Why not; and will they not be just as good men and just as well trained when we get through training them, no matter which camp they come from?

It has been insisted that the experience of other countries proves the volunteer system a failure. I deny it. I dispute it. Take France. Let me say, first, about France that France has made a splendid showing in this war. In my opinion, it has borne the brunt of the contest in large measure. It has acted the heroic part in it. Certainly France and Great Britain together share the great bulk of the glory that comes to the allied side of this great contest. In France, I understand, they have something like a universal military system, something that approximates conscription, although I venture the statement in this presence and without fear of successful contradiction that it is not one-half as harsh as this proposition that we are proposing for our people as a first experience—"first aid to the injured."

Mr. VARDAMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Mississippi?

Mr. HARDWICK. I yield to the Senator.

Mr. VARDAMAN. Has the Senator any information as to whether or not there has been any objection or any opposition in France to the enforcement of the conscription law? I have never heard any.

Mr. HARDWICK. No; I do not think so, but——

Mr. VARDAMAN. I think they have pretty universally acquiesced in it; in fact, volunteered with alacrity. Their homes are threatened with invasion, their firesides are about to be profaned by a cruel foe, and it is but natural that a brave man should offer his services and, if need be, his life in such a cause.

Mr. HARDWICK. But I want to say to the Senator from Mississippi that I can readily understand how the French nation, sleeping on its arms in close proximity to Germany, living over a smoldering volcano, would readily submit to the discomforts and to the deprivation of personal rights and personal liberty that were involved in this system in order that she might be able to meet the supreme test, as she has met it, during this war; and if the necessity were on this country, as it has been on France, if American soil were in danger of invasion, if American freemen were about to lose their lives and liberties and American homes to be desecrated, while there would not be any need for conscription, I would be willing to conscript every man in this country, from the cradle to the grave, white and black, brown and yellow.

Mr. VARDAMAN. You would not need it.

Mr. HARDWICK. No; we would not need it. The Senator is right; but if, perchance, we did need it, for one I would not hesitate to apply it.

So much for France. But England, our mother country, whose institutions are practically ours, of whom we are not only the eldest child but the prototype—what has been England's experience with this matter?

Conscription was finally forced in England, but a limited conscription, for unmarried men only, I think, and a conscription that did not come until after two years of the greatest war that this world has ever seen had thundered by within 50 miles of her doors; not until after she had sent, by her splendid voluntary offerings, 5,000,000 of her bravest and best men to the front; not without much division of opinion and much resentment at the political sacrifice involved at the giving up of ideals of English liberty that were at stake even in that great country. I read from the London Nation of March 25, 1916, one of the great London newspapers. This is a quotation from an editorial in that paper:

> It remains to be proved that compulsion will get for the British Army a larger number of men than it might obtain by volunteering, but it wants no further experience to show how gravely compulsion has in a few months qualified the spirit of patriotic self-sacrifice.

And yet England, with her very national life trembling in the balance, was within 50 miles of the war and had experienced two years of its tortures when this expression was made.

Again, an English publicist writing in the Atlantic Monthly in November, 1916, gave this opinion:

> How many conscientious objectors have come before the tribunals I can not discover.

Let me pause there to say that in England, at least, they have tribunals to settle questions raised by this draft business. So far as the Senate bill is concerned, not one is proposed here.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Idaho?

Mr. HARDWICK. I yield to the Senator from Idaho.

Mr. BORAH. Not only tribunals but local tribunals.

Mr. HARDWICK. Yes, sir; and while the House of Representatives, in a new-found spirit of independence, did insist on putting in the remarkable right of an American citizen to have a writ of habeas corpus in the courts of the United States, that is the only provision that has been made in either House on that subject up to date. It is left, as everything else is, to the discretion of the President, without any local safeguards whatever in the Senate bill and very little better in the House bill, although I admit the House bill is some improvement.

Now, let us see. Mr. Nevinson continues:

> How many conscientious objectors have come before the tribunals I can not discover. About 25,000, including, presumably, a certain number of shirkers, is the average estimate; but of these nearly one-tenth have refused noncombatant or alternative service and have been arrested and handed over to the military authorities. The exact number on the date of writing—August 30—is 1,987. The great majority of them have been court-martialed under the army act for disobeying orders and sentenced to various terms of imprisonment.

Mr. KELLOGG. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Minnesota?

Mr. HARDWICK. I yield to the Senator.

Mr. KELLOGG. I should like to ask the Senator from Georgia if it is not entirely possible under this act to create local tribunals all over the country for the selection and exclusion of those drafted under the act? And I am not at all sure but that I agree with him about the local tribunals.

Mr. HARDWICK. It is possible, but it is just the reverse of the fellow that was in jail when you could not put him there. It has not been done; and I do not see any prospect of getting it done. There is nothing in the bill that requires it. There is nothing in the bill that authorizes it. It is merely left to the discretion of the military authorities in this free country of ours—"The land of the free and the home of the brave."

Mr. KELLOGG. They would have the power to create local tribunals, would they not—civil tribunals?

Mr. HARDWICK. They would have the power?

Mr. KELLOGG. Certainly, under this act.

Mr. HARDWICK. Why, they could, I reckon, for their own advice. No; I take that back. The Senator from Mississippi [Mr. VARDAMAN] suggests very aptly that it would be an unheard-of proposition that the military authorities should erect a civil court to enable them to transact their military duties.

Mr. KELLOGG. Is not that exactly what was done in England?

Mr. HARDWICK. No, sir; I do not think so.

Mr. KELLOGG. They have a civil court.

Mr. HARDWICK. By law, by statute passed by Parliament; and the very point I am making on this subject is that if you have any regard for the rights and liberties of the people, some local tribunal ought to be created by law to pass on these questions that may arise during the enforcement of these laws.

Mr. VARDAMAN and Mr. KELLOGG addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Georgia yield, and to whom?

Mr. HARDWICK. I yield to the Senator from Mississippi.

Mr. VARDAMAN. Mr. President, I do not intend to say anything derogatory to the Regular Army officer; he always performs well his proper function in the economy of our Government; but it is a well-known fact that there are few things for which he has as little respect as he has for civil authority. He never yields, concedes anything to a civilian that is not vouchsafed under the law; and the suggestion that the military authorities would establish a civil tribunal to pass upon the rights of the soldier is unheard-of in military procedure. The fact of the business is, I think I can see in this system for raising an army for use during the war a definite purpose to lay the foundation for a great military organization in this country after this emergency is over, and I view such a purpose with alarm. There will be no freedom in America when the professional soldier shall be allowed to determine the military policy of this Republic.

Mr. HARDWICK. Mr. President, one more warning from our cousins across the seas, and then I will come nearer home on this question.

In this same paper, the issue of March 18, 1916, is a rather timely observation, and since the fashion now is to call on our English cousins for advice about their experience we might get experience from both sides. This paper says:

> In fact, compulsion is found wanting whether we measure it by its contribution to our material strength or by its psychological effect on the national concord—the two prime factors in the conduct of the war—and we are not surprised at this result. In accepting compulsion we sacrificed one of the most deeply rooted principles of our national traditions. We hoped to reap a Prussian's reward, but to give up one's own strong points is no talisman for acquiring one's enemy's strong points.

Now, in Canada——

Mr. WADSWORTH. Mr. President, will the Senator say what newspaper that was?

Mr. HARDWICK. The London Nation.

In Canada what has happened? And I turn to Canada as an example; to Canada as an illustration; to Canada as an argument, with the profound belief that its example is the most valuable one to us that can be afforded of any country that has participated to any extent in this war. They are our next door neighbors, kin to us by ties of blood and marriage, a kindred people in a great many ways to our own, a similar country to ours in many respects; just about as far away both from Great Britain and from the scene of the conflict as we are; hardly more intimately connected even in a business way with England and English interests than we are, although, of course, tied to the mother country by the strongest political ties and by the strongest ties of love and affection. We have a written Constitution, and that is almost the single factor that makes a difference in the relative situation and in the positions of the two countries.

What has Canada done in this war, and how did Canada do it? Has Canada found it necessary in order to prosecute her part of it, in order to bear her adequate burden, to discard the standards and traditions of English liberty and to force compulsory military service across the seas upon her people? She has not.

Oh, but Americans say, who favor this un-American plan, that we will not get the necessary soldiers under this volunteer system. I say to you that Canada is as far away from this war as we are and is a party to it only by the tie of love and loyalty that has bound her to the mother country. Canada in three years, with a population of about 8,000,000, has sent to the battle fronts of Europe the very flower of her manhood. The Senator from New York [Mr. WADSWORTH] suggests 400,000. I think the Senator is mistaken. Is the Senator sure that he has investigated it carefully?

Mr. WADSWORTH. Four hundred thousand; and may I suggest to the Senator that that is a remarkable showing.

Mr. STERLING. If the Senator will excuse me——

Mr. HARDWICK. Certainly.

Mr. STERLING. I have understood that 400,000 have been raised in Canada and 300,000 have been sent.

Mr. GALLINGER. If the Senator will permit me, I will state that 350,000 men have been sent and 50,000 are waiting to go at any moment's notice. That I get from the Toronto Globe, I will say to the Senator.

Mr. STERLING. The Senator may be correct, but I saw a statement which seemed to bear the impress of authenticity just a day or two ago to the effect that 300,000 had gone.

Mr. GALLINGER. I take it from the Toronto Globe, I will say to the Senator, and I think it is accurate.

Mr. HARDWICK. The Senator from New York is right; 400,000 men from this nation of 8,000,000 population, and probably half a million when you consider the auxiliary people that in one way or another are connected with the service, although they may not be in the battle line. Shall we shame American manhood, shall we challenge American patriotism, shall we insult American patriotism by saying that we can not proportionately, if the necessity comes, raise just as many men to fight for our rights, to follow our flag, and to die if need be for the honor and glory of our country as Canada can?

Mr. THOMAS. Mr. President——

The PRESIDING OFFICER (Mr. SUTHERLAND in the chair). Does the Senator from Georgia yield to the Senator from Colorado?

Mr. HARDWICK. I yield to the Senator.

Mr. THOMAS. In this connection I think it is apposite to call the attention of the Senate to what seems to me to be the most remarkable contribution to the literature of this bill. It is a request by the president of the Army League—whatever that may be—Joseph Leiter, to Mr. Roosevelt to withdraw his proposal to raise a division by the volunteer system for service at the French front. If the Senator will permit me, I should like to read it in the RECORD just now.

Mr. HARDWICK. Very well.

Mr. THOMAS (reading)—

> I do not believe anyone questions your patriotism or your Americanism, yet I regret that in your efforts to put our flag on the firing line at the head of a force of volunteers you are giving aid and comfort to the enemy in Congress. The opposition to the principle of universal obligation to train in peace and serve in war are using your offer as an argument against the passage of the administration bill.

In other words, an ex-President of the United States, desirous of serving his country and raising a division, if he can, is giving aid and comfort to the enemy in Congress.

Mr. VARDAMAN. Who is Mr. Leiter?

Mr. THOMAS. He is a colonel, evidently.

Mr. HARDWICK. Joseph Leiter?

Mr. THOMAS. Yes; I suppose he once drew his sword at a raffle.

Mr. HARDWICK. The last I heard of his sword it was in the wheat pit of Chicago. I guess that possibly fitted him to tell Congress what to do about this military matter. He is the man who cornered the wheat market, unless I am mistaken.

Mr. THOMAS. He is the same man.

Mr. HARDWICK. Now, I suppose he is cornering the military market.

Mr. STONE. He was finally beaten.

Mr. HARDWICK. I think he will be finally beaten in this one, too.

Now, let us see one other country's experience, and I am going to pass on to something else besides experience. You must remember now we are talking about our kinsfolk, the English-speaking people, the same blood that we have, people with the same devotion to the ideals of English liberty and American liberty that our people entertain.

Australia, with a population of something less than 5,000,000, sent practically 300,000 soldiers to the front under the volunteer system. That is a pretty good showing, is it not? How many could we send if our people are as patriotic as those of Australia, without destroying the standard and the ideals of American and English liberty in this country?

Ah, but there we had the same conscription element that we have here, and they got in the first part of the work just as they have done here, by getting the newspapers on their side, and they finally forced a conscription bill through the Australian parliament just as they are about to force this bill through the American Congress, by the weight of their ink.

But in Australia they have a provision that the people can have a referendum on these questions, and after the newspapers of Australia had forced conscription through an unwilling and halting parliament, it was referred to the people of Australia and to the soldiers in the trenches on the battle fields of Europe who came from Australia, and when the ballots were taken the people of Australia and the soldiers from Australia who were bleeding and dying for England and for England's glory and for Australia's glory rejected the conscription proposition by an overwhelming majority, and strange to remark, because these men are certainly not slackers and cowards and traitors, the majority in the trenches against this infamous proposition was greater than at home in Australia. And that is going to happen here. You gentlemen need not deceive yourselves. This bill is fundamentally subversive of American principles. Universal military training in defense of this country, universal military service from the cradle to the grave if need be to defend American soil from invasion, but never on this earth shall you force, with my vote at least, an American citizen into compulsory military service across the seas against his will.

Mr. McKELLAR. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Tennessee?

Mr. HARDWICK. I yield to the Senator.

Mr. McKELLAR. I am very much interested in what the Senator is saying, and especially in that part of his speech which refers to patriotism. As I understand it, the highest form of patriotism is the willingness of a citizen to die, if need be, in war for his country. If all our people are to be divided into two classes, one those between 19 and 25 and who will have to go to war for their country whether they want to go or not, and all the rest of them are exempted from war, where will be the motive for this high form of patriotism in our land?

Mr. HARDWICK. I quite agree with the Senator, and I am going to try to elaborate that just a little later and tell the reason why. Australia rejected the draft system. These Senators and these newspapers, though I really ought to put the newspapers first, say you will not get the necessary volunteers for this war. I deny it. I dispute it. If we are going to assume that that is true, then we are forced to conclude that the war is unpopular and is unsupported by public sentiment, and I am unwilling to so concede. Just as the Senator from Missouri [Mr. REED] did, the other day on this floor, I am willing to invite any Senator who wants to interrupt me, who does not believe that under the proper volunteer law his State will furnish its quota, to get up here and say it. I want to see where that State is located and what its name is. But the Senator got no response to a similar invitation, and no other Senator will.

I deny it. If it is true that the manhood of this country will not prosecute this war voluntarily, then we ought never to have declared it. For one, I can never concede that American manhood has sunk so low that it would submit to the murdering of peaceful and inoffensive American citizens on the high seas by the organized agencies of a government and not be willing to demand war against that country until reparation is made.

Mr. STONE. Mr. President——

Mr. HARDWICK. I yield to the Senator from Missouri.

Mr. STONE. The Senator a moment ago said that never with his vote would a law be passed under which an American citizen could be forced against his will into the military service that would carry him beyond the seas.

Mr. HARDWICK. No; for no campaign of conquest; but it does not make much difference. I think I have the Senator's idea.

Mr. STONE. "Foreign conquest?" This is not a war of conquest.

Mr. HARDWICK. I do not know what it is, and I do not think the Senator does either yet.

Mr. STONE. I do not. But without going into that, the President says, and it has been generally said, that we have gone into this war in the interest of democracy and humanity and liberty.

Mr. HARDWICK. I do not concede that to be true. That is a pretty bald way to state it, but I do not believe that, and I

did not support the declaration of war on that basis. I voted for it simply and solely because American citizens were being murdered on the high seas by established agencies of a government which professed to be at peace with us, and plainly so stated at the time I voted.

Mr. STONE. I did not vote for it at all, as the Senator knows. I voted against it.

Mr. HARDWICK. I know that.

Mr. STONE. Now, whatever reasoning influenced the Senator from Georgia or any other Senator in voting for it, a very large majority of the Senate—by practically a unanimous vote—was in favor of the war, and likewise the vote in the House was of the same nature. The Senator, as I understand him, is for raising an army by volunteers or not at all. Hence he says he would not vote for the bill if it compelled a citizen to go abroad against his will.

Mr. HARDWICK. That is the way I feel, Senator.

Mr. STONE. Now, I wish to ask the Senator, suppose we are not able to raise an army adequate to the great service lying before us to meet the tremendous exigency we are confronted with, are we to lay down and quit, or how are we to get the troops?

Mr. HARDWICK. Does the Senator concede the proposition that we are obliged to send a million men or several million men over there? Is that one of the bases on which his question rests?

Mr. STONE. I said nothing about that, but I assert my attitude that since we are in this war we must send whatever force is necessary to win the war, whether it be 500,000 or 5,000,000 men.

Mr. HARDWICK. Precisely. I will answer the Senator then. I do not believe that there will be any difficulty in raising a sufficient force by the volunteer system to prosecute this war to the extent that the American people are bound to prosecute it and will prosecute it. I do not believe that there is any necessity for us to send 5,000,000 men. I do not believe that the circumstances are such that we are forced to uproot German power forever in order to get the proper revenge or the proper satisfaction for the wrong that has been done us. If we send our Navy there, our submarine destroyers, if we keep open the high seas and sink the German ships for the ships of ours that were sunk, and then if we give every reasonable proper and possible aid that our home people would freely give in blood and treasure to the allied powers I think we have done our duty.

I am not committed, nor do I regard the Senate as committed, nor do I think this Nation is committed to the idea that every wrong that is England's wrong is our wrong; that every wrong that is France's wrong is our wrong; that every wrong that is Italy's wrong is our wrong, but I want to redress American wrongs.

Mr. WADSWORTH. Mr. President, will the Senator yield?

Mr. HARDWICK. I do.

Mr. WADSWORTH. The Senator will concede, I imagine, that in order to redress American wrongs Germany must be defeated?

Mr. HARDWICK. I will concede that Germany must be defeated to obtain full redress a hundredfold—aye, a thousandfold—for the American lives she has taken and for the wrongs she has done us.

Mr. WADSWORTH. Does the Senator think Germany will make any such payment before she is defeated?

Mr. HARDWICK. I hope she will. I can not see why so many want 10,000,000 American citizens to be sent over there to her soil.

Mr. WADSWORTH. I am not discussing the question as to how Germany should be defeated. It is faintly, remotely possible that she may accept defeat by a show of force, although I have no confidence in that suggestion.

Mr. HARDWICK. Neither have I, certainly not so far as the allies are concerned.

Mr. WADSWORTH. But I do suggest to the Senator from Georgia we shall never receive reparation or apology or any satisfaction whatsoever from Germany for the wrongs that she has inflicted upon our people until she is defeated, and that it is the duty of the United States to do everything in its power to secure her defeat.

Mr. HARDWICK. I do not know whether the Senator from New York approaches this matter from the same point of view I do. If he supports it with the idea that that is going to carry the English cause or the French cause to final, ultimate, and complete triumph, regardless of whether sufficient reparation has been received by us for the wrong that has been done us and sufficient guarantees for the protection of American rights have been secured, then he approaches it in a different spirit from what I do. If the Senator approaches it with the idea that we are bound to guarantee the allied success to be final and complete, I can see how he arrives at that state of mind; but it is impossible for me to understand how he feels about it.

Mr. WADSWORTH. I did not realize I was displaying the slightest state of mind.

Mr. HARDWICK. Of course, the Senator's demeanor is always agreeable to me, but the Senator's question indicated that he was rather excited about it.

Mr. WADSWORTH. Mr. President, I know I am trespassing upon the Senator's time——

Mr. HARDWICK. Not at all.

Mr. WADSWORTH. I simply desire to direct the Senator's attention to a very practical aspect of the situation. The German Government has perpetrated these outrages upon our people through their submarine policy——

Mr. HARDWICK. They have sunk three or four of our ships, have they not?

Mr. WADSWORTH. I forget the exact number they have sunk.

Mr. HARDWICK. It is three or four.

Mr. WADSWORTH. It makes no difference, to my mind, how many they have sunk. If they have sunk one the outrage is as great as though they had sunk many more.

Mr. HARDWICK. Certainly. Let me ask the Senator from New York a question. He has asked me two or three, and he is speaking in my time. Suppose we sunk 40 German ships; suppose we did them infinitely more damage than they have done us; suppose we gave thousands of millions of dollars to their enemies and gave aid and comfort to them, when would the Senator believe that we had exacted sufficient reparation from Germany, and when would he be prepared to stop shedding American blood on account of it?

Mr. WADSWORTH. Mr. President, I should not be prepared to cease warfare on Germany in this case until Germany was defeated.

Mr. HARDWICK. To what extent?

Mr. WADSWORTH. To the extent that she had given up the war.

Mr. HARDWICK. Even if she sought peace with America?

Mr. WADSWORTH. Mr. President, that brings up the question for the future.

Mr. HARDWICK. That is a question we want to bring up. Even if Germany said, "We are sorry; you have exacted reparation from us a hundredfold"—I merely want to see how far the Senator from New York is going—"for every ship we have sunk you have sunk a hundred of ours; for every citizen of yours that we have killed you have killed a hundred of ours, and now we want to make peace"——

Mr. WADSWORTH. I think it very difficult to settle war by arithmetical ratios.

Mr. HARDWICK. I know the Senator's attitude; I think he does not want us to settle this war—I am going to speak to him frankly—and I do not think some of the other Senators in this Chamber do, until England gets every pound of flesh which she demands, and until France does the same thing. If that is true, the Senator occupies a different attitude from what I do about this matter, and we might just as well make it plain.

Mr. WADSWORTH. But the trouble is that it is not true.

Mr. HARDWICK. I am glad to hear the Senator say so, and I entirely acquit him of such an idea. He says it is not true. Then I say the time may come when we will not have to sacrifice millions of American lives before we get the proper redress from Germany.

Mr. WADSWORTH. I certainly join in such a hope as that expressed in the last sentence of the Senator from Georgia. I am not seeking that the blood of millions of Americans shall be spilled upon the soil of Europe; but I do not think it quite an intelligent attitude to take, if I may say so, that we can go into this war, and, after having inflicted what we consider a sufficient amount of damages, say, "Well, now, we have done enough, and we guess we will get out."

Mr. HARDWICK. That was not my purpose. I asked, "Suppose Germany made that suggestion to us?"

Mr. WADSWORTH. Well, we shall have to cross that bridge when we come to it.

Mr. HARDWICK. What I merely wanted to see was whether the Senator was willing to cross it when we got to it.

Mr. WADSWORTH. I certainly would not announce that as our policy at the inception of the war.

Mr. HARDWICK. That is not our policy; but I merely wanted to see how far some of us were prepared to go with this thing.

Now, certain Senators and certain newspapers claim that the volunteer system has already failed to furnish the men which

the Army needs. I assert, in reply to that statement, that no true test of this question has yet been made. I assert that no war of any considerable size that ever was fought by the citizen soldiers of this Republic was every fought by volunteers who enlisted in the Regular Army units. If you tell me that the boys in Georgia, or in New York, or in New Hampshire, or in Colorado, or in Tennessee—the beloved old "volunteer" State—will not volunteer to go out under the Regular Army officers, away from their kith and kin, and not in the true Scotch-clan fashion, I tell you that is no true test of the question and is no real answer.

Mr. President, I am coming next to the hardest part of this argument; I am coming to the most difficult part of this situation to handle. It was the argument made very succinctly and very compactly and very persuasively on yesterday on this floor by the distinguished Senator from Montana [Mr. MYERS]. The Senator from Montana in his argument voiced nearly all of the popular sentiment that there is in the country behind this proposition. He said the President of the United States, who is the Commander in Chief of the Army and the Navy—I am quoting the Senator, of course, substantially only, and shall not stop to read his exact remarks—his Cabinet, the General Staff of the Army, the War College, the faculties at West Point and Annapolis—in other words, all the great military experts of the country tell us that this is the correct system and that we ought to follow their lead in this time of danger. That is the sole strength that is behind this propaganda. If the Senator is right about it, then those of us who differ are fundamentally and forever wrong; if he is right about it, there is no use to have a parliament of an English-speaking people, in war time at least; if he is right about it, we had just as well follow the fashion of the Roman Republic and declare a dictator when we declare war, suspend the Constitution, and abrogate the laws until peace is concluded.

Now, let us see. He says that the President and his Cabinet, the War College, and the General Staff, the military experts, the men whom we have paid and trained to know, tell us this is the way to do it. I want to reverse his order. Like a skillful debater, like the strong man that he is, the Senator from Montana puts first the man that he ought to put last. Because of the disposition of our people to rally, especially in times of danger, about the President of the United States, the Commander in Chief of our Army and Navy, the Senator from Montana puts him in front.

The truth is that the order should be reversed. This whole thing comes from the Army experts, who have influenced the President, although they lost their battle not long ago when Hay and CHAMBERLAIN joined issue and Garrison retired from the Cabinet. They finally won their battle with the President, and with him, of course it goes without saying, they won the Cabinet. They have carried the President, the Cabinet, and the newspapers all along this line——

Mr. THOMAS. And even Col. Leiter.

Mr. HARDWICK. Yes; even Col. Leiter went along with them, too. Now, my own judgment is that the President of the United States does not know a great deal personally about this matter. My own judgment is that he is not better informed on this subject than the average Member of either House of Congress, although it may be considered almost treason to suggest it. My own judgment is that the War Colleges and General Staffs and experts told him what was the best thing to do, and he said, "All right; I will take it." I admit that when you are in war, to some extent you must wage that war under a responsible head. When it comes to a conduct of a campaign, when it comes to the preparation for hostilities, when it comes to the arming and disciplining of troops, when it comes to sanitation, when it comes to the outfitting, when it comes to any matter of pure technique, I say, "Yes; I will follow implicitly and without any doubt the advice of the experts, which is the best advice I can obtain." But how we shall raise an army is a different question, because, after all, the personnel is coming from the same folk, no matter about all this talk we hear concerning "slackers" and people who are not ready to volunteer.

The question of how the army should be raised is not a military question; it is a great civic, economic, industrial question; it is a great question, in which are bound up the rights and liberties of English-speaking people, and no War College, no General Staff, no military expert can bear the burden the 3,000,000 people in Georgia have put on my shoulders, to settle this thing for them and for the people of this country. How easy to dodge behind their skirts and say, "Yes; the President advises it; the Cabinet urges it; the War College approves it; the General Staff suggests it; the military experts of the country, the men who are paid to know, say it is best"—how easy to do that, and yet how wrong if, in doing it, you have sacrificed the dearest rights of an English-speaking people; if in doing it, you have given away the liberties that you were sent here to guard, protect, and defend.

Why, a distinguished member of another body, who is my warm personal friend through many years of close and intimate association, prayed the other day that God might deliver this country from settling military matters or naval matters according to the advice of laymen. Oh, how insidious was the plea; and yet, Senators, it was wrong, absolutely and fundamentally wrong, or this book, this instrument, discredited and sneered at, ridiculed and abused, as it has been, the Constitution of our fathers, to establish which Washington's "ragged Continentals" fought, bled, and died, amounts to nothing, because in that Constitution the provision is made that the power to raise armies shall vest, not in the Executive, not in the War College, not in Annapolis, not in West Point, not in military experts, but in the Congress of the United States. Why in the Congress? So that the rights and the liberties of the people might be in the hands of the representatives of the people themselves, so that, if their rights and liberties were sacrificed or disregarded or neglected, a speedy accounting might be had and a change be made. So the Constitution of the United States gives the power to raise armies, not to the Executive or to the General Staff, but to the Congress of our country.

Now let us see. They say that conscription makes for industrial efficiency. I thought they were supporting it because they were told to do so by the General Staff. They say that we ought to swallow it blind, because the General Staff says it is right; and then, in the next breath, they say that the real reason they are for it is because it makes for industrial efficiency. I say that the same industrial efficiency, the same industrial vitality can be just as well, and even better, promoted by applying the same principles of selection to a volunteer system as can be applied to this forced, un-American and un-English, draft.

They say conscription is democratic. God forgive them for the profanation of the word. They say a draft is American, just, fair, and equitable. Let us see. I am going to look at just a few provisions of the bill. In the first place, they fix the age limit arbitrarily at between 19 and 25. Is there any more patriotic obligation on a boy 19 years old than there is on a man of 26? Democracy is equality. "Oh," but they say, "we do not need them all." Why, then, do you not put all their names in the hat, and give them all the same chance? If it is democratic, if it is equality, if it proceeds on the theory that every man must "do his bit," whether in this country or on foreign soil, treat everybody alike that is subject to military duty and within military age, and make them all stand the same chance.

Mr. WATSON. Mr. President, what would the Senator fix as the maximum limit of age?

Mr. HARDWICK. I understand these experts—and I am willing to get behind them in this matter, because the age of service is an expert matter—claim that 18 and 45 years are about the extreme limits both ways. All I want to add is that, so far as I am concerned, I do not believe that until a boy gets grown you ought to force a draft on him anyhow, under any circumstances. Until the law recognizes him as a man, you ought not to treat him as a man; until the law gives him the right of manhood, you ought not to call him for the service of manhood; and so long as 21 is the age of majority in this country, I myself should never vote for a proposition to draft below the age of 21 under any circumstances. I am perfectly willing to take those boys, and I want to say that some of the very finest and best soldiers, and many of them, most of them in the War between the States, the contention has been made were under that age. But let us take them when they are willing and with the consent of their parents and guardians, if we take them at all when they are under age.

Now, I want to call your attention to a provision in this bill that confers more unlimited, more absolute, more despotic power on the present occupant of the White House than was ever conferred upon Lincoln when this whole Nation was ablaze and when our own people were at each other's throats in a death grapple. Nay, more than was ever conferred upon any German Hohenzollern, Russian Romanoff, or any Roman Cæsar, or any despot in the history of the world, where there was even a pretense or semblance of recognition of individual rights. After providing for this draft this bill from the General Staff provides the following:

SEC. 3. The Vice President of the United States, the officers, legislative, executive, and judicial, of the United States and of the several States and Territories, and all persons in the military and naval service of the United States shall be exempt from the selective draft herein prescribed; and nothing in this act contained shall be construed to

require or compel any person to serve in any of the forces herein provided for who is found to be a member of any well-organized religious sect or organization, at present organized and existing, whose creed forbids its members to participate in war in any form and whose religious convictions are against war or participation therein in accordance with the creed of said religious organization; and the President—

Listen to this, now—

is hereby authorized to exclude or discharge from said selective draft and from the draft under the second paragraph of section 1 thereof—

Which is the militia draft—

or to draft for partial military service only—

Now, that is not to excuse from a draft. That has no relation to the other drafts that Congress authorizes. That is the presidential draft for purposes only partially military, of a different and separate kind and character—

or to draft for partial military service only, persons of the following classes: Customhouse clerks; persons employed by the United States in the transmission of the mails; artificers and workmen employed in the armories, arsenals, and navy yards of the United States, and such other persons employed in the service of the United States as the President may designate; pilots; mariners actually employed in the sea service of any citizen or merchant within the United States; persons engaged in industries including agriculture found to be necessary to the maintenance of the Military Establishment or the effective operation of the military forces or the maintenance of national interest during the emergency.

So that the President, under this bill, is authorized not only to excuse from draft, if he wants to, the people of those classes, or as many of them as he thinks proper to excuse, and is given absolutely arbitrary and uncontrolled power upon that subject; but he can, if he elects, take every man in those classes, and the classification is so general that it includes 95 per cent of the population of the United States.

Persons engaged in industries including agriculture found to be necessary to the maintenance of the Military Establishment or the effective operation of the military forces or the maintenance of national interest during the emergency.

It includes every business and every enterprise in the country, and he can draft all these people, practically everybody in the country, for what is called "partial military service."

Mr. KING. Regardless of age.

Mr. HARDWICK. Regardless of age, beginning with the cradle and ending with the grave. He can draft them all. What can he do? He can say to the farmer in Georgia, if he wants to, "A, you plant cotton." He can say to the farmer in South Caroline, "B, you plant corn." He can say to your miner in the West, "You mine copper," or "You mine silver." He can say to anybody, "You do this, or you do that, or you do the other, because the national interest requires it," and there is none to say him nay. This is despotism, bold and unvarnished, and there is no national emergency to justify it.

Mr. SMITH of Arizona. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Arizona?

Mr. HARDWICK. Yes.

Mr. SMITH of Arizona. As I understand the provisions of this measure, the draft for partial military service only is confined to the law which limits the draft. He can not go outside of the ages specified in the law to draft anybody to the Army or any other service, as I understand the bill. I may be mistaken, but I think "to draft for partial military service only" is of that particular class within the ages that are mentioned in the exclusions of the bill.

My interpretation of this particular section of the bill, "or to draft for partial military service only persons of the following classes," and so forth, is that it applies to those who could be, under the provisions of the exemption, used for one hour. For instance, a railroad engineer is exempt under this because he is necessary and more necessary in his position than he would be in the ranks; yet when Government supplies had to be moved, then, if this man refused to move them, he could be placed in the military service of the Government. It does not go outside of the exemption list and has no relation to anybody except those within the exemption; and when Senators interpret the draft "for partial military service only" to apply to all mankind, it is a forced interpretation of this bill. My idea is—and I should like to hear the Senator on it—that the only qualification of any draft outside of the statements of the bill is that the President may draft those exempted when they are absolutely necessary to the immediate performance of a duty incumbent upon them as a part of our Republic.

Mr. HARDWICK. Mr. President, I think I understand the Senator's idea, and I wish he were right about it. I wish I could comfort myself with the thought that he might even possibly be right about it, because it would be a great comfort to be able to take that view of the situation. But the trouble about this thing—and I will go over it again for the benefit of my friend as well as of the Senate—is the way this language is drawn; and giving the language its ordinary and usual interpretation and construction, I do not believe it is possible for any other conclusion except the one I have stated to be arrived at about it.

Mr. GALLINGER. Mr. President, will the Senator permit me?

Mr. HARDWICK. Certainly.

Mr. GALLINGER. In view of the contention—well founded, as I believe—that there is great danger of a real shortage of food, even for the people of our own country, does the Senator think that any man connected with agriculture in any form would be subject to draft under the exemption in that bill?

Mr. HARDWICK. To military draft, the Senator means? I think it would depend entirely upon the discretion of the President. I do not see how they can raise an army of any size in this country by exempting all the laboring men and all the farmers to start with.

Mr. GALLINGER. My question involves the proposition that it is contended—and, as I think, properly contended—that the great danger to our Nation, as well as to the warring nations of Europe, is a food shortage. If that be so, I do not see why the President would permit any man on a farm, or connected with farming operations in any form, to be drafted under the provisions of the bill.

Mr. HARDWICK. Well, of course, the Senator may be right. After all, it rests within the breast of one man, if we enact this law. I can not tell what he will do.

Now, let us see. Of course, the Senator from Arizona may be right in spite of my not thinking so, but I wish I could think that he is right; but here is the trouble about this thing:

The President is * * * authorized to exclude or discharge from said selective draft—

That is, the one first provided in this bill, the general selective draft—

and from the draft under the second paragraph of section 1 hereof—

Which is the militia draft—

or to draft—

Now, this is another draft; it does not refer to these other drafts. They call them "said drafts," but this is another draft, and it is not a military draft at all, but—

to draft for partial military service only—

A different draft entirely. Now, then, when it goes on to describe the people in this draft, there is no limit at all about age, although there is in the other drafts. By what process of intellectual legerdemain the Senator from Arizona is able to transport age limitations about the purely military drafts into this section for the partial military draft, I do not know; but, as far as I am concerned, it does not comfort me.

Mr. SMITH of Arizona. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia further yield to the Senator from Arizona?

Mr. HARDWICK. I yield to the Senator, of course.

Mr. SMITH of Arizona. I will try to explain to the Senator that the fact that the particular clause is within the exemptions is the reason.

Mr. HARDWICK. That does not constitute any reason at all.

Mr. SMITH of Arizona. To show the "intellectual legerdemain" through which I arrive at my conclusions, I should like to say to the Senator that the provision reads:

The President is hereby authorized to exclude or discharge from said selective draft—

Meaning the other part of this bill——

Mr. HARDWICK. Yes; that is true.

Mr. SMITH of Arizona (reading)—

And from the draft under the second paragraph of section 1 hereof—

Mr. HARDWICK. That is the militia draft?

Mr. SMITH of Arizona. That is the militia draft.

Mr. HARDWICK. "Or to draft for partial military service."

Mr. SMITH of Arizona. Wait a minute, now—

or to draft for partial military service only persons of the following classes—

Every one of whom is exempt.

Mr. HARDWICK. They are not exempt from this partial draft, though.

Mr. SMITH of Arizona. They are not exempt from this partial draft, and ought not to be.

Mr. HARDWICK. Well, they are subject to it, and without any regard to age.

Mr. SMITH of Arizona. No, sir; there is nothing in this bill that fixes any power to draft except the age; and under the mere exclusion of those that need not be taken under the draft it is unfair, from my "intellectual legerdemain," to conclude that they are going to extend it to more than is ever mentioned in the bill.

Mr. HARDWICK. The only trouble about it, if the Senator will permit me now to continue, is that we have done it. It is again a case of the fellow that is in jail. It ought not to be that way, of course, and I hope the committee will correct it before we get through with it. I do not believe anybody intended it, and I do not know how it was slipped in there in that way, and it certainly ought to be corrected, unless that is what you mean to do.

Mr. SMITH of Georgia. Mr. President, will the Senator allow me to call to his attention——

Mr. HARDWICK. I will yield to my colleague, of course, with pleasure; but let me say first that I am convinced it is true, because that is practically what one of the great departments of this Government is asking now, backed by the administration, and I think they put this in there in exact support of and in accordance with that policy. Now I yield to my colleague.

Mr. SMITH of Georgia. I want to say to my colleague that I am thoroughly against this line that he is criticizing, and I agree with him in his construction of it, and I desire to eliminate it, because I expect to vote for the draft system. If he will turn to the first word in that paragraph, he will see that the Vice President is excepted.

Mr. HARDWICK. Yes, sir.

Mr. SMITH of Georgia. If it is dealing simply with men under 25, why did we except the Vice President from it?

Mr. HARDWICK. Of course.

Mr. SMITH of Georgia. We except Senators, we except Members of the House, specifically. It clearly deals, therefore, with men over 25.

Mr. HARDWICK. Now, Mr. President, I am anxious to conclude. I have occupied the floor for some time, and I want to get through as quickly as I can, but of course I can not do it if I am very much interrupted.

I ask you, when you have fixed by law the ages of the men that you will select for this service, how is it to be decided who are to be chosen and who rejected? The bill itself is as silent as the tomb on that question except for one sentence, but that one sentence is all sufficient. It says, "The draft shall take place and be maintained under such regulations as the President may prescribe."

Where is your provision about local tribunals? The House of Representatives in their bill at least permitted this much of a remnant to be left to the American citizen of his personal rights and his individual liberty. They left him the right of habeas corpus in the courts. Under this bill the findings of whatever military commission may be appointed are absolutely binding and final on all questions of fact. Is that in accordance with the spirit and principles of English liberty, of American liberty?

Ah, Mr. President, Members of both Houses of Congress who call at the War Department to inquire what this measure means are told how it is to be administered; and oh, the pitiable condition that forces us, the masters, to appeal to the servants to know what our law means, to know how our law is to be construed! We are told that if they get 5,000,000 men, we will say, for purposes of illustration, as a total out of this draft, after making the exemptions—and they want 500,000—that means that 1 out of 10 will be selected for this service; and how? By lot, they say; by gamble; by chance.

Ah, Senators, I would depict to you, in the words of another, the scenes that will occur throughout this country; words uttered more than a hundred years ago by the man who, in my judgment—and I say it although he was New England's son—is the greatest American Senator who ever sat in this Chamber—Daniel Webster.

What did Webster say in his speech delivered in this body on the 9th day of December 1814—and it must be remembered that at that time the Constitution was barely 25 years old and the men who wrote it and knew its spirit and meaning were alive and interpreted it—Mr. Webster said in that memorable speech, and I invite those who have not read it to do so, because it is a great argument on the great principles involved in this matter:

> Sir, I invite the supporters of the measures before you to look to their actual operations. Let the men who have so often pledged their own fortunes and their own lives to the support of this war look to the wanton sacrifice which they are about to make of their lives and fortunes. They may talk as they will about substitutes and compensation and exemptions.

Here let me interpolate: They tell all the farmers of my State that they are to be exempt. I know the sturdy farmers of Georgia are willing, yea, anxious, to contribute their full quota to the blood and treasure demanded by this great enterprise of the Nation.

Webster continues:

> It must come to the draft at last. If the Government can not hire men to voluntarily fight its battles, neither can individuals. If the war should continue, there will be no escape, and every man's fate and every man's life will come to depend on the issue of the military draft. Who shall describe to you the horror which your orders of conscription shall create in the once happy villages of this country? Who shall describe the anguish and distress which they will spread over those hills and valleys where men have heretofore been accustomed to labor and to rest in security and happiness? Anticipate the scene, sir, when the class shall assemble to stand its draft and to throw the dice for blood. What a group of wives and mothers and sisters, of helpless age and helpless infancy, shall gather round the theater of this horrible lottery, as if the strokes of death were to fall from Heaven before their eyes on a father, a brother, a son, or a husband. And in the majority of cases, sir, it will be the stroke of death. Under present prospects of a continuance of the war, not one-half of them on whom your conscription shall fall will ever return to tell the tale of their sufferings. They will perish of disease and pestilence, or they will leave their bones to whiten in fields beyond the frontier. Does the lot fall on the father of a family? His children, already orphans, shall see his face no more. When they behold him for the last time they shall see him lashed and fettered and dragged away from his own threshhold like a felon and an outlaw. Does it fall on a son, the hope and staff of aged parents? That hope shall fail them. On that staff they shall lean no longer. They shall not enjoy the happiness of dying before their children. They shall totter to their graves, bereft of their offspring and unwept by any who inherit their blood. Does it fall on a husband? The eyes which watch his parting steps may swim in tears forever. She is a wife no longer. There is no relation so tender or so sacred that, by these accursed measures, you do not propose to violate it. Into the paradise of domestic life you enter, not indeed by temptations and sorceries, but by open force and violence. * * * Nor is it, sir, for the defense of his own house and home that he who is subject to military draft is to perform the task allotted to him.

Mr. SMITH of Arizona. For my information, will the Senator tell me the occasion of that great speech?

Mr. HARDWICK. When the proposition was defeated in this body in 1814 to force a draft on the people of the United States to prosecute the second war with Great Britain.

Senators, there are many other things I might say, but time presses and other gentlemen wish to speak. This is the beginning of a militarism from which we shall not soon escape, if once we hold our arms out for the manacles. It is the beginning of that militarism that has always proven fatal to the liberties of a republic and a free people. I deny the proposition that the patriotism, the loyalty, the manhood of this country will not prosecute this war just as adequately as it ought to be prosecuted. This bill is fundamentally wrong. It fails forever on one principle, if there were no other objection to it, and that is this: By standing for the principle for which it represents you surrender the fundamentals of American liberty.

Heretofore the citizen has been the uncrowned king of this Republic, towering above the White House in the majestic proportions of his free manhood, the glory and the boast of our land, the land of the free and the home of the brave.

In this bill, and by it, you treat him from a different standpoint and in a different way. For the first time in American history you treat him as a subject, not as a citizen; as a serf, not as a freeman. You exact of him, whether he will or whether he will not, military service. Military service of what character? To defend his own, to defend his native land, his home, to defend his soil from profanation? No such thing. As the Senator from Mississippi [Mr. VARDAMAN] well suggested, you will never need to exact that of the American manhood. But you exact of him compulsory service, involuntary service, against his will, to prosecute a foreign war 3,000 miles away from his own home. Senators, if that be American liberty, if that be to what the Republic has come, if no other course than that is open to enable us to prosecute this war, evil are the times upon which we have fallen. I do not believe it. American manhood can wage this war without any such enormous sacrifice as this from the sons of liberty, and it will wage it better, with sharper spirit, with keener blade, with louder trumpet than if you drag them to it in chains and against their will to fight it.

I would unhesitatingly vote, if it were ever necessary, and I do not believe it would ever be necessary, for conscription to the last man of this country to defend the soil of this country, but never will I be willing to vote to send free-born American citizens 3,000 miles across the seas to a foreign war, against their will and in chains as it were.

Senators, if I am wrong about that, if the heat of advocacy carries me too far, certainly we should not force men to go until those who are willing to go, go first.

Mr. SMITH of Arizona. That is a strange doctrine.

Mr. HARDWICK. Ah, the doctrines of liberty are strange to some men nowadays. The President wills it, the press of the country praises it. Enact it; rest assured that when you do you have established autocracy in this country greater than that you have started out to demolish across the seas. When people say that it is Prussian militarism that they are fighting to uproot and destroy, let them pause and ask themselves if they have not established a worse militarism on American soil.

Mr. SMITH of Arizona obtained the floor.

Mr. WATSON. Mr. President——

The PRESIDING OFFICER (Mr. SUTHERLAND) in the chair). Does the Senator from Arizona yield to the Senator from Indiana?

Mr. SMITH of Arizona. I do.

Mr. WATSON. I simply want to offer an amendment to the pending bill to have it printed and lie on the table.

The PRESIDING OFFICER. It will be so ordered.

Mr. SMITH of Arizona. Mr. President, I voted for the resolution declaring that a state of war existed between the United States of America and the Imperial Government of Germany. Every dictate of justice and humanity, every consideration of my country's honor and safety impelled me to that action and inspires me now to full support of the present bill authorizing the selection of an adequate army to carry out the pledge contained in that resolution.

It is needless at this late day to state the causes which led to that declaration. When the *Lusitania*, on a lawful journey, peacefully proceeding on the high seas, with her precious cargo of human souls, was destroyed by an assassin's bomb launched by command of the Kaiser, a declaration of war against the United States, yea, a declaration of war against modern civilization, went forth from that imperial, brutal, inhuman command. The wandering graves of these innocent American mothers and their babies cry out to heaven against the deep damnation of their taking off. We should have accepted that challenge then. The enormity of that crime was such that doubts arose as to whether it was premeditated or was the result of some horrible misunderstanding of orders, or the willful, unauthorized act of a murderous assassin. The German Government has never to this day disclaimed responsibility. The patience of our people under such provocation is marvelous in the light of our own history. Other ships on lawful voyages, with American citizens aboard, without search and without warning, were sent to the bottom of the sea. In vain we protested, in the name of the law of nations, in the name of humanity and civilization, against this wanton murder of our people. The answer was the sinking of American ships flying the American flag.

When the marvelous patience of our President and his determination to keep the peace could no longer be indulged with honor to his country and the safety of its people, he sent his celebrated ultimatum to the Kaiser. The Imperial Government of Germany then solemnly promised she would desist from her inhuman submarine warfare and conduct her sea havoc under the rules of civilized warfare. This promise she soon violated as ruthlessly as she violated the treaty with Belgium, and drew a dead line around that part of the sea over which passed three-fourths of the world's ocean commerce. This line was drawn 600 miles from, yet all around, the English coast, and including nearly all the Mediterranean Sea, thus closing to our trade nearly every port with which we did a great or a profitable business, and sunk, without shame, every peaceful vessel that came within the prohibited zone. In this his assumed partnership with God Almighty found expression: "The earth is the Lord's, and the fullness thereof; the world, and they that dwell therein. For He hath founded it upon the seas, and established it upon the floods."

Through that zone within one year $5,000,000,000 of the products of American farm and mine and factory had sailed. The order was tantamount to an edict declaring a blockade against every American port. It meant disaster to every enterprise in the United States. It meant closing our factories and putting honest labor everywhere on the tramp in vain search of work. To bear this insult longer was impossible. To submit to further national degradation was unthinkable. To protect the lives of our people on the sea and the property of our people at home no course was left open, with the decency and honor of our Nation preserved, except to declare the fact that Germany had made war upon us and proceed at once to proper and adequate preparation for the conflict. To that end Congress in one act appropriated seven thousand millions of dollars. The sum astounds the human understanding, yet there was not one vote in either House of Congress on the roll call cast against that measure. This was a true manifestation of the American spirit. I was thrilled as I heard every Member of this body answer "aye" when his name was called.

Mr. President, in this hurried review I have not taken the time to refer to the conspiracies hatched and the crimes committed by aliens on our soil against nations with whom we are at peace. I have not referred fully to those acts of the German Government in striving to win a war of her own making by means that barbarians would hesitate to use—holding in supreme contempt always the rights of all neutral nations. Nor will I now go into detail. The court records show the hideous crimes of Von Papen and Boy-Ed, or at least their guilty knowledge of the crimes committed while acting here as military and naval attachés of the German Government. Agents have been sent here with unlimited money to employ murderers to blow up our factories. Many explosions have occurred; many lives have been lost. Innocent laboring people, by daily toil providing for their needy families, have been sent unshriven to their graves. The inhuman scheme was devised of making chemical fire bombs and infernal machines to be placed on board ships leaving our harbors carrying passengers and supplies, with the deliberate purpose of sinking or by fire destroying them in mid-ocean, utterly regardless of the lives on board. Murder followed murder on the high seas, and at last we had notice that if we did not do as the Imperial German Government dictated that murder on a more colossal scale would result. They carried out that threat. Having thus heaped insult on insult; having blockaded our ports by sinking all vessels leaving them, even those bearing our flag, provided the line of their wide death zone on the high seas should be crossed; and having, by intercepted letters, been found enticing Mexico and Japan to declare war on the United States, what course was our independent and peace-loving Nation forced to take? War with all its horrors, its pain, and its sacrifice were far more agreeable. It was an absolute necessity. War was declared.

Mr. President, what I have so far said is only preliminary to a short discussion of the bill now under consideration, the purpose of which is to raise properly an adequate army to meet the present emergency.

I sometimes fear that our great country has lain so long in the lap of luxury and peace that it has nursed to sleep that virile, proud, militant patriotism which from the dawn of our history has been our glory and pride, our anchor and shield. Can we awaken that spirit by any call less than the thunder of guns at our gates? Must blood be spilt on our own soil by alien armies before we shake off this apathy? Must U boats destroy shipping in our own harbors, set fire to our cities, kill our women and children, even as such murders were done in Belgium, before we shall arouse ourselves to the duty we owe our country? Such will happen if we do not stop it. Our people have not been aroused to a just sense of the danger before us should Germany win this war. But for our own enforced entrance into it, the victory was by no means certain. Conditions in Russia are not satisfactory. Her collapse, should it come, will call on every energy of our people to secure the peace of the world against a monarchy that claims partnership with God Almighty in dispensing His burdens and favors among the nations of the earth. The world can have no peace until every pretension of Hohenzollern military rule shall have been swept from the experience of mankind. Nothing better could happen to the people of Germany than the utter destruction of the ambitious power that rules it. For the people of Germany Americans have only the kindest feelings; for the criminal Government of Germany we have nothing but utter loathing and unspeakable contempt.

Mr. President, we are in the war and must acquit ourselves as becomes the purpose and the history of our country. To do it, we must have an army and a navy. How are we to raise either? As I am no expert in military affairs, I must depend in a large measure on the advice of those who are trained to know, and almost entirely on such advice, except where I see it endangers or, in my judgment, may endanger the free institutions of my country in time of peace. I thank God I am no pessimist, I see the bright side of things. I have no doubt of the everlasting freedom of the citizen on our soil and under our institutions. I am not one so sensitive of the Constitution—while revering it as the paladium of our liberty—as to permit my countrymen to be murdered by foreign governmental edict and hesitate to resent the infamy on fear if I leave home to do it I may violate that sacred instrument. It never carried in it, by word or purpose, the repeal of the law of self-defense. Hence I have no sympathy and less patience with the quibble as to our right to send soldiers to any country in vindication of American honor and defense of American lives.

We must raise an army. This is no time to howl even for selfish or political effect. Our country calls for the best that is in us. Let us forget ourselves for the time and surrender all we have to a true and unselfish devotion to the great general good of our country. Why do we stand here and declaim about how an army should be raised? Every male citizen by law of the land able to bear arms and being between the ages of 18 and 45 years is a part of the army of the United States, whenever the country's necessity demands his service. Say there are 12,000,000 falling within the rule. The country de-

mands 2,000,000. Suppose 6,000,000 should offer to volunteer? I can shed as many tears over the brave boy who was not permitted to serve—and just as sincere tears—as I find running down these aisles from about the form of the orator as he tells the awful hardship of forcing a strong, young, unhampered, healthy American boy into the service of his country at the time of his country's need. This is no time for such tears. How are we to get the army? My answer is that the only just, democratic, equalizing way of raising it is under the provisions of the pending bill. It would be unjust and cruel to call for volunteers and accept all those who came forward. I do not affirm, nor do I believe, that the first who offer are any more patriotic than many who do not come forward and join the Army at once. Temperament and one's own judgment as to whether the country needs him at this time will weigh heavily in his determination of his individual action. It is no test of patriotism in present circumstances, as much as a test of one's own particular idea of the necessity of his volunteering when he knows little of his country's peril.

Every man owes duty, allegiance, and service to his country. Each should be selected for the service he must perform. There is no means of raising, equipping, and sustaining a great army except in obedience to this rule of efficiency. There is no odium that can possibly attach to any citizen of this country by reason of his selection under this bill to serve in the capacity of a soldier.

The word "conscript" does not appear in the whole text. I am sorry that the word "draft" is used. It prejudices the case needlessly. Why does not the word "selective" appear instead of "draft"? That is the real intent and effect of this measure. We are selecting from the millions of our citizens a certain number to bear arms. We are excluding all those whose service in other fields would be more beneficial to our country in time of war. Honor should attend this selection for military service rather than the odium inseparably connected in the public mind with the word "draft." The democracy of the plan appeals. There can be no shirking. The millionaire's son can buy no substitute. He must serve beside the son of his butler or his bootblack on equal terms, and sleep, it may be, in the same tent. What a lesson this for our contemplation as citizens of a self-governed country, and for a restoration of that equality before the law which we have so loudly boasted and so silently ignored. One amazing feature of this debate displayed by the opponents of this bill is that they see, or seem to see, or pretend to see, some sort of relation to or a parallel with the volunteer soldier of our past armies with the requirement of a soldier in modern warfare. Is it not astonishing? We have in all our history fought no war of any moment with volunteers alone. And who, I ask, were we fighting?

I would not if I could take one leaf from the wreath that for days has been woven about the brows of the volunteer soldiers of this Republic. But that man is reduced to desperation who would cite Braddock's British soldiers fighting ambushed Indians and saved by volunteers in America, who knew the Indian and his mode of warfare, to sustain his opposition to this bill. Does not the red glare of battle along the lines in Europe, reenforced by every war device of modern times, the hand grenade, the poisoned gases, the machine guns sweeping the opposing field with streams of leaden death, before which a stalk of wheat would not be left standing in 10 acres, show these desperate debaters that the world moves and that we must adjust ourselves to present conditions? One would think from what I have heard on this floor that all we needed to win this war was to get some volunteers with smoothbore flint-lock guns and storm the German trenches, even as we stormed Stony Point and climbed to victory up the rugged sides of Chapultepec.

Yet we are, in effect, told—provided the soldiers are volunteers—that all we have to do is to give them a good drill at Valley Forge and see that their feet are bleeding freely and let the blood freeze quickly and turn them loose with smooth-bore guns of 200 yards' capacity and the German line will give way before this valorous onslaught of American volunteers.

Senators, we are at war with the greatest military power on earth. Let us acquit ourselves like men worthy of our sires, who founded this matchless Republic and preserved it through all these years at any cost of blood or treasure that its necessity demanded. In order to do this we must raise the most efficient army possible, and raise it in the justest and fairest and most democratic way possible. I think it can be done under the provisions of this bill. I know it can not be done under the old unequal and unjust volunteer system. This bill simply provides for a proper selection of those men between certain ages best fitted for war service, all of whom are by law already a part of our military force. Exemptions are made of those on whom the support of a family rests, as well as those engaged in certain callings where their services at home would better serve the great common welfare than enlistment in the Army. The patriotic duty is the same and equally necessary in any field selected for service. Modern wars are not won by armies alone, as the recent history of Europe shows. No man has a right to shirk any duty to his country. England had to send back to industrial pursuits thousands on thousands of her brave soldiers to supply in the factories and shops from which they came the requirements of their brothers in the battle line. So will it be with us if we do not make proper selection in the start. The modern experience of the world has discarded the volunteer system. Every man who fought under Lee at Gettysburg was in fact a conscript, and almost to a man a willing conscript. Every soldier of the Confederacy—than which no braver army ever faced a battle in all the history of the world—was in effect a conscript.

The act of April, 1862, of the Confederate Congress forced all able men of certain age into the service and kept all then in service, no matter what the term of enlistment had been. Every soldier in the German Army is in this sense a conscript. True also is it of France. A moral, if not a legal, conscript accounts for the army of Great Britain. Has the world ever seen such soldiers? It has surely seen no better. A man selected by his country for military service is not a conscript in the offensive sense attached to that word. He is, or should consider himself as, receiving a decoration of honor.

Dependence on the voluntary system is the most costly, dangerous, and inexcusable blunder possible to commit on our entrance into this mighty struggle.

If there were any evidence in history, any array of expert knowledge, or any plausible arguments, to justify reliance for the national defense in this titanic conflict upon the false, feeble, and futile principle of volunteer military service, there might be some excuse for this debate. But the whole record of the United States condemns the inefficiency of the system, while the entire experience of the present war proves it an infallible factor of defeat. Those of its advocates here indulge the incredible delusion that this is a struggle of armies, and that we need do nothing more than to gather a huge force of brave soldiers. On the contrary, this is a conflict of nations, of resources, of skill and determination in utilizing economic power as well as military strength. Then perforce proper selection must be made to fill the Army and keep those other equally necessary arms of the service—the factory, the field, and the mine—in efficient and full operation.

Mr. President, no man willing to serve his country has any fear of this bill. Any able-bodied man unwilling to serve his country has no claim on our consideration or on his country's protection. I feel assured that the State units will not be broken up after enrollment of the men. The soldier will fight beside his neighbor, and they will proudly bear together any hardship or danger at their country's demand. Our proud old flag that has never yet been furled in the face of an enemy on land or sea will wave over as brave and patriotic men called to the colors under this bill as ever defended it on any field of its glory.

Senators, we are in a war which, in my judgment, will try out our men and our resources. This is no time to play for popularity or appeal to prejudice when our country's fortune and honor are at stake. Our business is to preserve both at all hazard. To stop the shedding of blood we must raise and equip a great army. If we wish to bring peace nearer we must pass this bill and prove to the Hohenzollern and Hapsburg dynasty that they must meet the full power of American brains, wealth, energy, and courage if this war shall be prolonged. The swiftest possible preparation on the largest scale is the best contribution America can make to the cause of peace. Delay in this endangers victory and prolongs the awful war. Action, great, potent, virile action, is the need of the hour. Let us stimulate it rather than smother it by unnecessary dissensions in this forum. Let me, in conclusion, quote the last words of the war message of the President:

"But the right is more precious than peace, and we shall fight for the things which we have always carried nearest our hearts—for democracy, for the right of those who submit to authority to have a voice in their own governments, for the rights and liberties of small nations, for a universal dominion of right by such a concert of free peoples as shall bring peace and safety to all nations and make the world itself at last free. To such a task we can dedicate our lives and our fortunes, everything that we are and everything that we have, with the pride of those who know that the day has come when America is privileged to spend her blood and her might for the principles that gave her birth and happiness and the peace which she has treasured. God helping her, she can do no other."

KENNETH E. SCHWINN.

Mr. STERLING obtained the floor.

Mr. SWANSON. Mr. President, will the Senator yield to me just for a moment? I desire to ask unanimous consent for the confirmation of the nomination of a young man who came up from the enlisted ranks and who has received a probationary appointment as a second lieutenant in the Marine Corps.

Mr. STERLING. I yield to the Senator.

Mr. THOMAS. Mr. President, I rise to a question of order.

Mr. SWANSON. I merely want to make a statement, and then I will ask unanimous consent.

Mr. CHAMBERLAIN. Well, Mr. President, I desire to say to the Senator——

Mr. SWANSON. I hope the Senator will allow me to make a statement. The Senator from South Dakota [Mr. STERLING] has yielded to me. A young man who had previously enlisted in the Navy stood the examination for appointment as a commissioned officer of the Marine Corps and received a probationary appointment for two years. On Sunday he will reach the age of 25. If his appointment is not confirmed and the commission is not issued to him by to-morrow midday, he can not secure his commission, and it will be utterly impossible for him to secure a commission thereafter. I simply desire to ask unanimous consent that the pending bill may be temporarily laid aside, and that, as in executive session, the appointment of this young man may be confirmed and the President notified.

Mr. CHAMBERLAIN. Mr. President, I am sorry, but I will have to object to that, because I made a promise to a number of Senators who have been compelled to leave the Chamber, and I would violate that promise if I should allow any business to be transacted. They asked me if anything except the pending measure was coming up, and I told them that I would object to any business being transacted.

Mr. JOHNSON of California. Mr. President, I desire to ask the Senator whether he thinks the Senators to whom he refers would object to the action which the Senator from Virginia seeks to have taken? The president of the University of California and the mayor of Berkeley, Cal., are interested in this young man, and they have sent a request to me concerning the matter. I presume the Senator from Virginia refers to Kenneth E. Schwinn.

Mr. SWANSON. That is the name of the young man.

Mr. JOHNSON of California. If the Senator will pardon me for a moment further, I desire to say that if the nomination of this young man is not confirmed—and it is the desire, I think, of all connected with the administration that he should be—he will reach the age on Sunday when the appointment will be void. That is the reason that the necessity presents itself at this time for immediate action. I hope it will be possible for the Senator to withdraw his objection.

Mr. CHAMBERLAIN. Mr. President, could the nomination not be confirmed to-morrow morning?

Mr. JOHNSON of California. I will be satisfied if that will insure the confirmation in ample time, so that the young man will receive his commission.

Mr. SWANSON. I think that at 12 o'clock to-morrow his commission will be void. Of course if any Senator objects he has it in his power to prevent action at this time.

Mr. WARREN. Mr. President, I should like to have the action taken the Senator desires, but as he knows under the unanimous-consent agreement we can not comply with his request without calling for a larger attendance of the Senate and getting another unanimous-consent agreement.

Mr. SWANSON. No; I think the Senator is mistaken as to that. If the Senator will permit me, I have read the unanimous-consent agreement, and I do not think the action which I have suggested would violate its terms. This matter has been brought to our attention by the Secretary of the Navy, and it has the approval of the President. It is different from other cases, because this probationary officer was an enlisted man. If he can receive his commission, of course, he will enter upon his life work. It seems to me it would work a great hardship if this young man should be denied, under the peculiar circumstances, the opportunity of securing his commission.

Mr. WARREN. We have had exactly the same condition to contend with heretofore. It is regrettable that the department do not get such matters to us in time; but heretofore such situations have been cured, as I believe this can be easily cured, by simply enacting a joint resolution—which I am sure can readily be done—waiving the age limit in the case of the young man referred to.

Mr. CHAMBERLAIN. Mr. President, may I ask the Senator if this matter can not be attended to to-morrow morning at 10 o'clock?

Mr. SWANSON. I do not know. The President has to be notified after the nomination is confirmed, and the commission has got to be issued.

Mr. CHAMBERLAIN. Mr. President, I feel in duty bound to insist on my objection under my promise to several Senators that I would object to taking up any business without their consent. I have no objection in the world to the young man, but I feel under the promise I have made that I must object.

Mr. SWANSON. I hardly think any Senator had in mind objecting to business of this character, and I would not bring the matter before the Senate if it would interfere with the unfinished business or with the unanimous-consent agreement.

Mr. CHAMBERLAIN. I will state that a Senator asked me if there would be any business in open or executive session, and I told him I did not know of anything. He did not want any business transacted during his absence.

Mr. JOHNSON of California. May I inquire of the Senator from Oregon if it would be possible to accomplish the result by taking the matter up at 10 o'clock in the morning?

Mr. CHAMBERLAIN. Absolutely; and I promise to do all I can to assist.

Mr. JOHNSON of California. The memorandum that has been given to me indicates that that might be done. Secretary Tumulty says that the nomination must be approved by the Senate to-day or to-morrow. Mr. Schwinn becomes 25 years of age on Sunday, and thereby will pass beyond the age limit and his appointment will be void.

Mr. THOMAS. Mr. President, I can not conceive in my heart how any Senator can object to the consideration of this matter, which is so urgent. Here is a young man who has an opportunity to become an officer, and because of his years the action must be taken now. He wants to serve his country. I do not believe that any of the Senators who have gone away relying, as they had a right to rely, upon the assurance of the Senator from Oregon, would object under the circumstances to the consideration of this particular request. It appeals to me so much that I earnestly hope we may be permitted to confirm the nomination of this young man, to the end that he may secure the desired promotion.

Mr. SAULSBURY. Mr. President, I think this matter can be arranged under the unanimous-consent agreement, if the Senator will permit me. I was here, of course, when the unanimous-consent agreement was entered into, and I think under its terms, with the assent of the Senator from South Dakota [Mr. STERLING], the whole matter can be arranged. If the Senator from South Dakota will simply state that he does not desire to address the Senate for two minutes, and no other Senator expresses a desire to address the Senate during those two minutes, the matter can be acted upon. I call the attention of Senators to the final clause of the unanimous-consent agreement, which reads:

> If any Senator announces his intention to speak upon the bill or any amendment thereto, no motion to take a recess, to adjourn, to proceed to the consideration of executive business, or to proceed to the consideration of any other business shall be entertained by the Chair.

I feel very sure that under the terms of the unanimous-consent agreement if the Senator from South Dakota announces that he does not care to proceed for two or three minutes we can attend to this business.

Mr. STERLING. Mr. President, I should feel like yielding to the judgment of the Senator from Oregon in regard to that.

Mr. CHAMBERLAIN. Mr. President, I dislike very much to be placed in the position of delaying this matter, but I have never violated a promise I have made to any Member of this body or to anybody else, and I would feel that I had violated my promise if I did not keep it in letter as well as in spirit.

Mr. THOMAS. Mr. President——

Mr. CHAMBERLAIN. The Senator from Colorado would not do it, either.

Mr. THOMAS. Will the Senator permit me to say that I sympathize fully with his feeling; but I have a suggestion to make, that when we finally recess to-night, before the motion to recess is put, we take up the nomination of this young man and confirm it.

Mr. CHAMBERLAIN. But this matter can be attended to to-morrow morning just as well, and I will do anything I can to assist it in the morning.

Mr. SWANSON. Well, Mr. President, I am going to submit the request. I think the matter can be attended to without interfering at all with the unanimous-consent agreement. Then, if consent is granted and the nomination is confirmed, if any Senator should object later, the matter may be reconsidered to-morrow. I simply ask unanimous consent that the nomination may be considered as confirmed, but that the notice may

not go to the President until to-morrow. That will give opportunity for any objection to be made to-morrow if any Senator should desire to object. Of course, if the nomination is not acted upon by to-morrow morning, it will be too late. I ask unanimous consent that the action I have suggested may be taken.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Virginia?

Mr. CHAMBERLAIN. Mr. President, I do not think the Senator in insisting on that course treats me with fairness.

Mr. SWANSON. The Senator must take his own responsibility. If he objects, the objection is his own. I will take my responsibility as to this matter, regardless of any foolish agreement which may have been entered into by the Senator.

Mr. CHAMBERLAIN. The Senator has his own conscience and his own responsibility.

Mr. SWANSON. I have; and I am acting under them.

Mr. CHAMBERLAIN. I have mine; and I am not going to permit myself to violate a promise, no matter what happens here to-night. I am in sympathy with the proposition; I think what has been requested ought to be done; and if it could be done without violating a promise, I would not object. It can be done to-morrow, and, as I have said, I will do anything at that time I can to help along the matter.

INCREASE OF MILITARY ESTABLISHMENT.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1871) to authorize the President to increase temporarily the Military Establishment of the United States.

Mr. STERLING. Mr. President, I do not know that at this stage of the discussion I can say anything new, for the ground has already been pretty thoroughly covered, and it would seem that all the arguments pro and con of which the question is capable have been gone over; but I have some convictions in regard to the principle involved in this bill, and deem it in a way a duty to express them.

I can not share in the dread misgivings of the Senator from Georgia [Mr. HARDWICK] in regard to the effect of selective conscription. I do not for a moment believe that it is antagonistic to our free institutions, nor to our democracy; but I admit at the outstart, Mr. President, that the word "conscription" has not always been pleasing to the American ear. Its almost invariable use has been in connection with Army service, and as there applied it means enforced service. The prevailing belief has been that a conscriptive military service is opposed to the spirit of democracy; that it would not be tolerable as a regular system, and was justifiable only as a last resort and when more men were needed than would volunteer to meet the necessities of the Nation in arms.

The shortcomings of the volunteer system have again and again been emphasized by military experts and those charged with the responsibility of conducting a campaign or a war to a successful conclusion, but with little or no avail. The general aversion to enforced service, together with many really great achievements of our Volunteer Armies, has hitherto meant a feeling approaching a conviction among the American people adverse to the creation of an army in the first instance by draft. It has been assumed that patriotism would always respond to the call to service; that a million men could be raised overnight to repel an army of invasion the next day; that out of the shops and stores and out of the soil, as it were, would spring ready for efficient service all the men needed on the instant for the defense of the Republic.

Plain common sense would have apparently dictated otherwise; that instead of men so trained and equipped being led to successful battle they would more likely be led to needless slaughter. If perchance through numbers or valor, or both, they won at all in those first sanguinary struggles, it would be at such cost in dead and wounded as to make it a victory too dearly won, and the Nation would have mourned the sacrifice of its bravest and best.

And yet that was just the way to do it, according to the opinions of men in every stage, walk, and condition in life, as shown by the letters of a couple of farmers, for example, who, in their zeal against preparedness and universal military training, were a little while ago ready to pledge the services of their two to five sons for any instant war need. And such, as I remember it, was in substance the pronouncement of that prince of pacifists, our late distinguished Secretary of State, not so very long ago.

Nor do I, Mr. President, absolve myself entirely from having shared in this sentiment. The volunteer armies of the United States have been made up of the very best talent and best blood of the Nation, and out of their experiences in these armies have been developed some of our ablest leaders both in military and civil life. Far be it from me to utter one word in detraction from the patriotism, the intelligence, or the glorious service rendered by our volunteer armies throughout our history from the days of Concord and Lexington down to San Juan.

But, Mr. President, I perceive now that we are confronted with new conditions, altogether different from anything this Nation has ever before experienced. Instead of battle upon American soil, our troops are more likely to be sent to foreign fields. Instead of a superior volunteer force led by commanders familiar with every foot of soil they traversed and capable of the infinite harassment of a trained but inferior force in point of numbers, as in the Revolution, we shall send our troops abroad to confront the greatest fighting machine in Europe on practically its own soil, on ground of its own choosing. We shall send them to hold the trenches to-day, to take the trenches to-morrow, while the artillery and machine guns on the ground below and the aeroplanes above work a devastation unfamiliar to the American soldier and without parallel in the history of warfare.

It behooves us therefore to have a care, to consider well the selection, the training, and equipment of the men we shall designate for such service.

In the war resolution adopted by such overwhelming vote a few days ago we pledged the Nation's resources to the conduct of the war to a successful termination. In furtherance of that pledge both Houses, without a dissenting voice, voted the enormous sum of $7,000,000,000 in aid of the allies and to finance our own preparations and part in the war. We have now come to the third step, and that involves the human element. We are to raise and equip an army of a million men, with a view to sending some hundreds of thousands of them abroad for the kind of work and the scenes and sounds I have described. How shall it be done? By permitting a rush pell mell of all the noble and the daring but undisciplined flower of our youth into the service at first call, without regard to other national needs or without regard to the good soldier stuff in the slacker left behind? Or shall our program be one of selection, whereunder all interests, all citizens, shall contribute their just share, and where they, in the interests of the general welfare and for the public good, shall not be allowed to contribute more. But, as I say, here in the raising of men is the human element. In relation to that we are charged with even a graver responsibility than in the pledge of the merely material resources of the Nation. To a large extent the issues of life or death are in our hands.

In addressing ourselves to this great task all sentiments of pride in what American volunteer armies have at last achieved on American soil, all fond traditions of the military prowess of the past must yield to the practical exigencies and demands of the hour. The question which should dominate all others should be not what men in their patriotism and enthusiasm would freely do and freely give, but how shall we pick them and drill them and thus attain the maximum of effectiveness, of achievement with the minimum of waste and sacrifice.

And who shall decide this fundamental question? The movements and operations of men in the field constitute but one phase of the question. Shall the achievements of volunteer armies in our various wars be our only guide? As to that let us not be deceived by the final successes of the American arms in either the War of the Revolution or that of 1812 or by the final success of the Union cause in the Civil War, in each of which conditions were altogether different from what our forces will find them in France, Belgium, or perhaps on the soil of Germany. In the Revolution England suffered first from a lack of competent generals. Again, the discipline, tactics, and equipment of the British forces, their adherence to the close-order system in battle were not suited to the irregular warfare to which they were subjected in a country where they found it impossible to employ troops in large masses. Washington's army suffered from defections due to the loose and uncertain volunteer system of the day. The Commander in Chief could not for any length of time reckon with certainty upon the number of troops he might have for campaign or battle. Out of this, of course, demoralization; out of this a prolonged and desultory war. But he could have his shifting bases of supplies and all the disadvantages under which Washington fought were more than offset by the difficulties under which the British labored with their unadaptable methods learned in Europe and with their base of supplies limited to one, and that the ocean.

Other things, including devotion to the cause, being equal it is easy to surmise the better results, the speedier termination of the war which might have followed from an enforced service

for a definite period with the more rigid discipline and better order such a course would have implied. It is little short of the absurd to attribute the success of the Revolution to superiority of the volunteer system over the conscriptive system of enrollment in the service.

The many blunders of the War of 1812, as it was carried on on land, the defects of the militia system, the failure to fill the ranks or increase the Army to required strength under the call for volunteers were in part atoned for by the victory at New Orleans, fought after the treaty of Ghent had been signed. But the 6,000 Americans there were under a sagacious and intrepid leader. They were well entrenched. They were frontiersmen, skilled in marksmanship, who thought nothing of bringing down a squirrel from the top of the tallest tree. They were, as stated by Fiske, the descendants of the men who overwhelmed Ferguson at Kings Mountain, the sires of the men who came near vanquishing Grant at Shiloh.

Barring this one notable success, however, the land operations of the War of 1812 were nothing to be proud of and many were dismal failures.

And then, Mr. President, there is the War of the Rebellion. The history of that war contains its record of disasters due to untrained volunteers. Let the Battle of Bull Run, so disastrous for the North, speak; let the ineffectiveness of the volunteer system as it pertained to both sides during that fearful struggle tell how it was that within about a year after the breaking out of the Civil War the Confederacy was compelled to resort to conscription, and how in a year and a half after Sumter the North was compelled also to resort to that method of recruiting its armies. Each side was of course fighting in a cause it believed to be the most glorious ever fought for in the world, and yet early in the struggle the volunteer system had broken down or failed to furnish the volunteer enlistments to carry on the war on either side.

But, Mr. President, to whom shall we look for a guide, experiences in other wars on American soil failing us as guides? Much as I respect the opinions of Senators in regard to which is the better system of the two—the volunteer or the draft system—I am inclined to take as my guide the opinions of military experts, the opinions of the General Staff, of the War College, rather than the opinions of Senators whose only service to their country has been in their membership in one or the other or both Houses of Congress. I call attention to a few of these, apart from the opinions of the General Staff, whose bill this is supposed to be. I hold in my hand what is termed an Epitome of Upton's Military Policy of the United States. I think it is considered a great authority. He draws some lessons from the Revolutionary War. He summarizes them here. One is that when a nation attempts to combat disciplined troops with raw levies it must maintain an army of twice the size of that of the enemy, and even then will have no guaranty of success. Another principle laid down is that neither voluntary enlistments based on patriotism nor bounty can be relied upon to supply men for the army during a prolonged war; and another that the draft, connected or not connected with volunteer enlistments and bounties, is the only sure reliance of a government in time of war.

Again, that Regular troops engaged for the war are the only safe reliance of a government and are in every point of view the best and most economical.

I have another authority here which, I think, is worth considering. I hold in my hand a book entitled "West Point in Our Next War; the Only Way to Create and to Maintain an Army," by Gen. Maxwell Van Zandt Woodhull. He has a chapter devoted to conscription. I read two or three excerpts from that chapter. He says:

> The element of training must be considered in the discussion of volunteer armies. One of the chief lessons of the War of the Rebellion is that it takes a year to create a dependable army.

In that connection the inquiry at once arises as to when, within what time, will we have a volunteer army which will get the one year's training in order to make of it an effective army under the volunteer system.

I do not mean to say—

He says:

> that men gathered together in regiments and brigades almost directly from their homes have not made a gallant fight when thrust into battle. But, notwithstanding their gallantry and their success, they were not soldiers; they had not developed that coherency of organization, that calmness under relentless fire, that readiness to obey intelligently any order given to them; in a word, they had not developed morale, which is the soul of soldiers and which makes them almost as dangerous in defeat as in victory.

Further, he says, speaking of conscription:

> Conscription is the most democratic, the fairest, the most equal, and the only logical method of raising and maintaining modern armies. Our experience and the experience of England with the voluntary system of recruitment of armies bears out this statement conclusively.

This book was written in 1915. It does not cover all the experiences of England, nor does it give the expressions of opinion recently made by distinguished Englishmen, and which we have all read or heard.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER (Mr. JONES of New Mexico in the chair). Does the Senator from South Dakota yield to the Senator from Idaho?

Mr. STERLING. I do.

Mr. BORAH. That book is speaking of conscription which includes every man who is available for military service.

Mr. STERLING. Not necessarily.

Mr. BORAH. That is what the book speaks of; that is the principle upon which he is proceeding. He indorses there the conscript system of France which is based upon that proposition.

Mr. STERLING. That may be, Mr. President, and yet the same statement exactly made here with reference to conscription systems generally will apply particularly to the principle of selective conscription.

Mr. BORAH. Does the Senator think that that would apply to a bill which takes a boy of 19 or 20 and leaves out the man of 26 or 27?

Mr. STERLING. I do. It is democratic.

Mr. BORAH. Is it democratic to put upon a boy of 19 or 20 the service for his country and to exempt a man who is physically fit and capable and happens to be 26?

Mr. STERLING. I think it is, Mr. President. Other things must be taken into consideration with reference to the ages between which selection will be made under a selective conscription bill. All within the age limits, the minimum and maximum ages, are treated in the same way. It is not with reference to age that the democratic principle is involved. It is with reference to class, condition, and occupation in life; and under the selective conscription feature it does apply, of course, within those particular ages to all classes, conditions of life. The rich and the poor, the educated and the uneducated are alike within those ages subject to conscription.

It further says:

> It is not only the best way of maintaining an army in time of war, through a steady stream of recruits passing from the great central depots to the colors, but it is the only, absolutely the only, way to create and to maintain an army in time of peace, ready to take the field the moment war shall break out.

I admit that that is speaking of conscription generally and not selective conscription there. But, as I contend, Mr. President, the same principle applies.

> Conscription is the only method of creating and maintaining an army at all times ready for war, because it is the only method which recognizes the element of time.

And—

> Conscription draws more equally and more evenly upon the manhood of the nation than the system of voluntary enlistment.

Conscription, Mr. President, will take and compel to serve what the volunteer system never would, and that is the slacker, the man who is without public spirit, who will not respond to his country's call, to whom the spirit of patriotism makes no appeal.

Here is one class of men described who would fall under the provisions of a conscription act. It is related of a certain New York lawyer that he made this declaration and he is so quoted in a New York newspaper:

> I think Germany's submarine policy is absolutely justified. I think Germany has a right to sink every vessel, neutral or otherwise, which carries ammunition to the allies. If the vessel carries neutral noncombatants, not without warning, of course; but after the warning, blow them to hell, every damn ship of them.
>
> International law, bosh! Who gives a rap about international law? Germany doesn't. Germany is making international law.

The man who made those unfaithful, disloyal, and unpatriotic utterances would, if of proper age, be subject to conscription; and if he did not serve, having been drafted, he might have to take the military consequences.

Mr. President, I said that the word conscription is not a pleasing one to the American ear, or has not been in the past, but I know something of the change of sentiment in regard to some of the things we have been considering here during the last few months. I have seen if not a revolution a very rapid evolution in the public sentiment, especially of my own State, and I think the same thing pertains to a great part of the great new Central West. The term "military preparedness," as it meant extensive additions to Army and Navy equipment, was not very long ago a term almost equally as obnoxious, especially to the people of the great interior, as the term conscription has ever been. There was the admonition, "go slow on preparedness," and we were advised by high authority not to be hysterical in regard to preparedness less than two years ago.

But what is the present sentiment? The provisions of the Army reorganization bill and the great naval bill had not been enacted until there was universal acceptance, and no complaint from any source throughout the length and the breadth of the land that Congress had done too much in those two great bills for the national defense.

Then there was universal military training. Nine months ago it was suffering like opposition to that which military preparedness had suffered earlier. It was discussed at the time of the national conventions last June, but neither party, although discussed with that end in view, dared to put a plank in the platform favoring universal military training.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Dakota yield to the Senator from Idaho?

Mr. STERLING. I yield to the Senator.

Mr. BORAH. Does the Senator think that either party will put a plank in the platform indorsing conscription in the next national convention?

Mr. STERLING. Indorsing conscription? By the time of the next national conventions I shall not be surprised if such a plank will be indorsed by either or both parties.

Mr. BORAH. I hope one party will indorse it.

Mr. STERLING. I think the Senator knows something about the growth of sentiment in favor of conscription, and I do not see why he has any ground to express surprise that one or both of the great conventions of 1920 should favor conscription as a means of raising armies.

I say universal military training was discussed, but neither party dared to declare for the adoption of a platform embodying the proposition. But where is the opposition to universal military training now? My estimate of it is this, that aside from the war measure already passed no measure considered at this great session of Congress will meet with greater popular approval than Senate bill 1, the bill providing for universal military training.

I might ask the Senator from Idaho what the sentiment was a year ago or two years ago in his own State in regard to universal military training. It could not have been much different from what it was in another great interior State—my own, for example—or than it was in Montana or Utah. But what is it now? And so it has been, first in regard to preparedness, next in regard to universal military training; and now we witness a like change or growth in sentiment in regard to conscription. I have wondered the Senators have not read some of the things from home in regard to it.

Mr. BORAH. I have read them all.

Mr. STERLING. It may be that you have, but you have not put them in the RECORD.

Mr. BORAH. No; I will not put them in the RECORD. I could not put them all in the RECORD.

Mr. STERLING. I want to read a few. I understood the Senator from Iowa [Mr. KENYON] to express the opinion that conscription was unpopular in his State. From what I know and believe I know in regard to the sentiment in my own State, I am at a loss to conceive why in the neighboring State of Iowa the sentiment is at this time against the provisions of this bill providing selective conscription. They might desire to see it modified in some respects. I will say frankly I will not object to seeing it modified with reference to the age and seeing the minimum age 21 and the maximum age 30 or 35. I will vote for an amendment which would so provide. But here is a telegram from the city of Yankton, S. Dak.—the commercial association there:

Hon. THOMAS STERLING,
Washington, D. C.:

We, the undersigned citizens of Yankton, feeling that the proper support of the President in the prosecution of the war against Germany demands the use of conscription to raise a proper military establishment, do respectfully petition and request you to cast your ballot in favor of universal selective military service.

Here is one from one of the schools. It is addressed to the South Dakota congressional delegation, in my care:

BROOKINGS, S. DAK., *April 25, 1917.*

Fifty-six members of faculty and large number students of South Dakota State College sign petition urging Congress to adopt the plan of selective conscription in preference to the volunteer system. Copies follow by mail.

G. L. BROWN, *Dean.*

Here is another signed by 9 citizens of the town of Beresford and 50 others:

BERESFORD, S. DAK., *April 22, 1917.*

Senator THOMAS STERLING OF SOUTH DAKOTA REPRESENTATIVES,
Washington, D. C.:

We believe that the selective-draft bill now pending is the best remedy at this time of war, as volunteering does not seem to meet the demands. We believe that the passage of this measure will meet with the approval of most of your constituents.

These come from all walks of life—merchants, professional men, farmers. Then another—

Please support the President's conscription bill.

I read this from a letter received from a gentleman living in the largest town in our State—the town of Sioux Falls—a man who has lived there a great many years and is one of the members of one of the most prominent law firms. Among other things, he says:

I have taken pains to talk with a goodly number of people, women as well as men, on this question, and much to my surprise, as well as gratification, I am able to say that I have as yet found no one who favors the volunteer system as against the conscription or draft system, and there seems to be a general feeling that the plan proposed by the General Staff of the Army is the right plan to adopt, and that it should be taken by Congress practically without any change.

I read another, which, while a little strong in some of its expressions, yet voices the sentiments of the writer in favor of the principle of selective conscription. He says:

When citizens become patriotic enough to volunteer to pay their just share of taxes, when people arrive at the point of volunteering to pay their rents, store bills, and in fact all other things that are required now, then it will be safe and businesslike to depend on defending our country in this day and age by the old-fashioned volunteer army.

Our good President—and I voted for Hughes—is right when he says the Government is the best judge of whom shall fight and whom shall serve best by staying in field, shop, and factory.

That writer states the principle involved in the selective conscription bill before us. Who is best qualified and who can best be spared to serve in the Army? Who is most needed to serve his country at home on the farm, or in the shop, or in the laboratory? That is what is meant by selective conscription.

Mr. President, the one important thing to be remembered throughout all this discussion is that now, of all other times, is the time when great industries need the best men, and their services in those industries will be the best service they can render the Nation. Loyalty, patriotism, and the welfare of the Nation would dictate that such men should remain in that service, while others can be spared for active service in the field. Here is an extract from another letter:

Universal military training in times of peace and universal (selective) military service in times of necessity surely is the only fair and effective way for this Nation to protect itself now and in the future from the selfish desires of European and Asian Kings, Emperors, Kaisers.

That was from a gentleman out in Mitchell, S. Dak. Here is another from Watertown, S. Dak. Among other things the writer says:

I have read something in the papers to the effect that you have indorsed the principle of universal service—

I think what he means is not "universal service," but conscription. He has in mind the bill now before the Senate—

I believe that is a patriotic and broad-gauged view of the situation. I also think that the advocates of that system are gaining in strength and numbers out this way. Personally I hope that the General Staff Army bill, as approved by the President, will pass.

From another at Aberdeen—our second largest city—I read this:

The selective idea is, of course, all right, for many men would be of more value in the laboratory or in the field than behind the gun, and every man should be used where his ability will make him of the most value.

And in that expression he strikes at the very kernel of this system. He says further:

I do not believe, however, that any class in the country should be exempt from doing their part for the public service, and the sooner we can cut out this volunteer proposition and get down to a uniform service basis the sooner we will be in shape to hold our own.

That is from a gentleman who was for a long time an esteemed officer in the National Guard service—a major, I think; but at least the commander of a company—in South Dakota.

So, Mr. President, in addition to the experts, in addition to the General Staff, in addition to the army writers of history, in addition to the experience of England, as voiced by Gen. Bridges just a few days ago, and, I will further say, in addition even to the experience of Canada, we have now, I think, the consensus of opinion among the people of this country in favor of selective conscription.

Mr. President, as I have said, I do not share in the misgivings and fears expressed by the Senator from Georgia [Mr. HARDWICK]. He talks as though it were depriving a man of his individual rights to compel him to enter the military service of the United States; as though a constitutional guaranty would be violated. What does that mean at bottom? That a man can deny his liability to serve, notwithstanding the principle of universal liability to serve, and that he can say, "I will not volunteer to serve my country in time of war, and there exists no right to compel me to serve." Such is the principle, in the

main, advanced and contended for by the Senator from Georgia—"I will serve if I please."

Mr. President, no army could be created or maintained under that principle. There is the principle of universal liability, and selective conscription follows as a logical consequence of that principle.

I was struck with a further statement made by the Senator from Georgia. Why, he said, the bravest and the best would go, of course, and those were the men who were needed; those were the men who won battles—the bravest and best who volunteered. That is true; but it has been true only after needless sacrifice of treasure and of life as well. It does not follow, Mr President, that because all the bravest and best are not permitted to enlist the Army will be made up of weak men, of vicious men, or of unpatriotic men; but the men physically and mentally fit, who are not the most patriotic, who are not of the bravest and best, but who owe a like duty to their country, will be compelled to perform it; and some of the bravest and the best will serve their country in the shop, in the laboratory, or on the farm, where, in this crisis, there is for them the greatest need.

Mr. President, instead of this being contrary to the principles of democracy and free institutions, I say it is an achievement, a triumph of democracy. It has been supposed that the test of a democracy often comes in its foreign relations, and especially when we are involved in war with a foreign nation. Why? Because under the governmental machinery of a democracy, under the spirit of a democracy, there can not be that prompt, that decisive action that is required and necessary in time of danger and stress like this. But when a democracy, under the principle of universal liability to military service, takes it in hand for the welfare of the country and the best welfare of all the interests of the country, to conscript by selection the men necessary to make an army, leaving others to peaceful pursuits necessary for the national welfare—when it can do that, it shows democracy triumphant, and its action is not for a moment antagonistic to a democracy or to any of its ideals.

I remember, Mr. President, some words of Mr. Bryce, and I conclude by calling attention to them. They are found in the introduction to his American Commonwealth. Speaking of the United States, he says:

> They represent an experiment in the rule of the multitude, tried on a scale unprecedentedly vast and the results of which everyone is concerned to watch; and yet they are something more than an experiment, for they are believed to disclose and display the type of institutions toward which, as by a law of fate, the rest of civilized mankind are forced to move, some with swifter, others with slower, but all with unresting feet.

I heartily believe in those words of Mr. Bryce. They seem to me to epitomize the fruits and the proofs of a century of democracy, and they are full of assurance for all. They all but deny that this great experiment in the rule of the multitude is a failure, and they import that the great Republic of the West has become the light of the world.

Mr. President, our place and our part in this war now, this revival of our interest and sympathy in the cause of freedom throughout the world, will further stimulate and accelerate the movement of peoples under other forms of government toward institutions like our own.

I can not help but allude to a statement made in a colloquy between the Senator from Georgia [Mr. HARDWICK] and the Senator from New York [Mr. WADSWORTH]. The question involved was when will we make peace; what will satisfy us; as if Germany might at some time propose terms of peace we would accept independently of those who are now our allies. I would respond in one way, as did the Senator from New York, that we will cross that bridge when we get to it.

Mr. President, we are in a war with the allies, and we are in it because their cause is our cause. It is the cause of civilization, of liberty, of humanity, and we are in it, not alone because of the national injury we have sustained, but because it is the cause of democracy, the cause of humanity, the cause of free institutions, and because we would rid ourselves and the world of a power, a spirit which if left to rule will be a menace to all the future. That is why we are in this war. And we shall not now enter upon any calculations as to when we would be willing to conclude terms of peace with Germany, the common enemy. We will cross that bridge when we get to it. We ourselves will have a part in the negotiations, and we will be able to advise and suggest as to what are proper and just and fair terms of peace; and our influence as the great Republic of the West will then and there be exercised on the side of justice to all.

Mr. CHAMBERLAIN. Mr. President, when the bill now under discussion was placed before the Senate I undertook as best I could to make an analysis of it, and stated then that possibly I might have something to say a little later on. I had hoped, however, that it might not be necessary for me to enter into any general discussion of the bill at all; but so many things have been said which in my opinion do not accord with the true history of our military legislation that I feel it my duty, and I perform it reluctantly, to say something before the bill is finally submitted.

I know that we are not speaking to convince anybody here. The minds of all of us have long since been made up, and each knows exactly how he proposes to vote on each one of the amendments, as well as on the bill itself. But I feel that I ought to place my views in the RECORD, even if nobody is to be convinced by them, in order that the things which transpire here when this all-important piece of legislation is before the Senate may be before the country now and for all time, as well as before the Senators who honor me by their presence.

Mr. President, the principal question discussed here has been as to the relative merits of a proposed selective draft and the volunteer system. It has been insisted on the one hand that the volunteer system ought not to be abandoned; that to abandon it would be to violate one of the oldest traditions of this and other countries. The discussion, however, has assumed a broader scope, and it is being insisted, unjustly, as it seems to me, that the courage and the patriotism of the volunteers in the distant past and those of recent years have been called in question, and it has been insisted that those of us who advocate the drafting of men into the Army at this time are challenging the patriotism and courage of the men who have fought the battles of this country in the years gone by.

Mr. President, nobody challenges the courage or the patriotism of the volunteers in any of the wars of this country. The challenge has been directed by the advocates of the pending measure, rather to the system which has in the past made the volunteer the chief reliance of his country in time of war.

It is easy, Mr. President and Senators, as was done the other day, to indulge in oratorical flights on the valor of the volunteer and to challenge any Senator to publicly say that his State could not raise its quota of men under the volunteer system. It goes without saying, I believe, that any State in this Union could raise its quota now. But there comes a time, as there has come a time in nearly every war, not only in this country but in every other, when it has been necessary to apply the draft because the volunteer system has broken down.

Mr. President, it is very natural for our friends here who have never participated in any campaign and who do not lay claim to expert knowledge to speak of the volunteer system as the only proper one and as the one under which we have won all the wars of this Republic; but I am going to attempt to show, at the expense of wearying this already too tired Senate, that their opinions are at variance with those of some of our greatest military experts and leaders, men who have in emergency rendered conspicuous and gallant service on many a battle field.

I think it is safe to say that no one man's opinion as to the merits of the volunteer system is entitled to more weight and to more serious consideration than that of Gen. George Washington in our Revolutionary struggle. His was the dominating figure in that sanguinary and titanic war that brought success to our arms and achieved victory in the face of what seemed to be almost certain defeat.

Mr. President, I have sometimes wondered how that great and patriotic man ever found time to organize an army, much less to maintain one, or to fight the battles which finally resulted in wresting the colonies from the British yoke, because from the commencement of his memorable campaigns until the Revolution ended, in 1783, judging from the mass of correspondence that he was inditing to the Continental Congress and to others, he was spending much of his time in addressing a Congress and other officials deaf to his appeals, just as this Congress seems disposed to turn listless ears to our distinguished President now, when the very life of the Republic may be hanging in the balance.

Let me call attention to a few of the utterances of Washington, which appear to me to be pertinent to the discussion here today, and which do not accord with the statements of some of our friends who are declaiming upon the beauty as well as the efficiency of the volunteer system.

On February 9, 1776, he wrote:

> To expect the same service from raw and undisciplined recruits as from veteran soldiers is to expect what never did and perhaps never will happen.

And on December 20, 1776:

> Short enlistments, and a mistaken dependence upon militia, have been the origin of all our misfortune and the great accumulation of our debt.

And on August 20, 1780:

Had we formed a permanent army in the beginning, * * * we never should have had to retreat with a handfull of men across the Delaware in 1776, trembling for the fate of America; * * * we should not have been the greatest part of the war inferior to the enemy, indebted for our safety to their inactivity, enduring frequently the mortification of seeing inviting opportunities to ruin them pass unimproved for want of a force which the country was completely able to afford, and of seeing the country ravaged, our towns burnt, the inhabitants plundered, abused, murdered with impunity, from the same cause.

September 15, 1780:

Regular troops are alone equal to the exigencies of modern war, as well for defense as offense, and whenever a substitute is attempted it must prove illusory and ruinous.

And again on September 24, 1776, in a letter to the President of the Continental Congress he said, amongst other things:

To place any dependence upon militia is assuredly resting upon a broken staff. Men just dragged from the tender scenes of domestic life, unaccustomed to the din of arms, totally unacquainted with every kind of military skill (which is followed by want of confidence in themselves, when opposed to troops regularly trained, disciplined, and appointed, superior in knowledge and superior in arms), are timid and ready to fly from their own shadows. Besides, the sudden change in their manner of living, particularly in their lodging, brings on sickness in many, impatience in all, and, such an unconquerable desire of returning to their respective homes that it not only produces shameful and scandalous desertions among themselves, but infuses the like spirit in others. Again, men accustomed to unbounded freedom and no control can not brook the restraint which is indispensably necessary to the good order and government of the army, without which licentiousness and every kind of disorder triumphantly reins. To bring men to a proper degree of subordination is not the work of a day, a month, or even a year; and, unhappily for us and the cause we are engaged in, the little discipline I have been laboring to establish in the army under my immediate command is in a manner done away by having such a mixture of troops as have been called together within these few months.

Again, in the same letter, he says—and I read this because the argument has been made that the American people would not stand for a permanent Army:

The jealousy of a standing army and the evils to be apprehended from one are remote, and, in my judgment, situated and circumstanced as we are, not at all to be dreaded; but the consequence of wanting one, according to my ideas formed from the present view of things, is certain and inevitable ruin.

Now, note this, Mr. President:

For if I was called upon to declare upon oath whether the militia have been most serviceable or hurtful upon the whole, I should subscribe to the latter. I do not mean by this, however, to arraign the conduct of Congress; in so doing I should equally condemn my own measures if I did not my judgment; but experience, which is the best criterion to work by, so fully, clearly, decisively reprobates the practice of trusting to militia, that no man who regards order, regularity, and economy, or who has any regard for his own honor, character, or peace of mind will risk them upon this issue.

And again in a letter to the President of the Congress under date of December 5, 1776, he said:

When I reflect on the losses we have sustained for want of good troops the certainty of this is placed beyond a doubt in my mind. In such a case the militia, who have been harassed and tired by repeated calls upon them, and farming and manufactures in a manner suspended, would, upon any pressing emergency, have run with alacrity to arms, whereas the cry now is, "They may be as well ruined in one way as another," and with difficulty they are obtained. I mention these things to show that, in my opinion, if any dependence is placed in the militia another year Congress will be deceived. When danger is a little removed from them they will not turn out at all. When it comes home to them the well affected, instead of flying to arms to defend themselves, are busily employed in removing their families and effects, while the disaffected are concerting measures to make their submission and spread terror and dismay all around to induce others to follow their example. Daily experience and abundant proofs warrant this information.

And in a letter to the same person under date of December 20, 1776, he said:

It is needless to add that short enlistments and a mistaken dependence upon militia have been the origin of all our misfortunes and the great accumulation of our debt. We find, sir, that the enemy are daily gathering strength from the disaffected. This strength, like a snowball by rolling, will increase unless some means can be devised to check effectually the progress of the enemy's arms. Militia may possibly do for it for a little while, but in a little while also the militia of those States which have been frequently called upon will not turn out at all; or if they do, it will be with so much reluctance and sloth as to amount to the same thing. Instance New Jersey! Witness Pennsylvania! Could anything but the River Delaware have saved Philadelphia?

So, Mr. President, if Washington knew what he was talking about, the militia was not a dependable force in the American Revolution.

I want to call attention to just a few statements that have been made by military historians and others upon the weakness of the volunteer system during the Revolution. It is not popular to mention these things, but for the sake of history I am going to put this matter into the RECORD, even if I am challenged for lack of patriotism. The remarkable claims about the success of the volunteer system in the Revolution made by the opponents of this bill compel me to do so.

In our school histories we read of one victory after another accomplished by our troops in the Revolutionary War; and when we laid our school books aside we had it thoroughly instilled in us that our armies in the Revolution were not only courageous and patriotic but they were absolutely invincible. We read about the victories, we read about the minutemen at Lexington and the gallantry of our troops at Yorktown; but we did not see much, if anything, in the histories that we studied when we were children that reflected upon the lack of discipline, courage, and patriotism of our troops under the militia laws or the volunteer system. In view of the fact that some of our friends have been insisting that the volunteer armies at all times had all of the virtues, all of the courage, and all of the patriotism, and accomplished nothing but victory, I am going to show a few cases where the system as well as the courage and discipline failed them.

I think I may do this with propriety, because one ancestor of mine was the Secretary of the Continental Congress during the whole of the Revolutionary period, and his picture occupies a place in the Rotunda of the Capitol now, and another ancestor raised a regiment in the Revolutionary War. I can, then, speak of these things as an American and from the American standpoint without undertaking to discredit the individual courage of anybody in the Revolutionary War and without having my Americanism called in question.

In his work, The Military Unpreparedness of the United States, Huidekoper has collected and published the instances in which the militia ran away or deserted in some of the wars of this country. He gives the sources of his information, and I am justified in assuming the entire correctness of his statements. The cases where the militia or part of them ran away or deserted are as follows:

Long Island, August 27, 1776; evacuation of New York, September 15, 1776; Brandywine, September 11, 1777; Guilford Court House, N. C., March 15, 1781; Burwells Ferry, Va., April 19, 1781; Williamsburg, Va., April 20, 1781; Indian village near Fort Wayne, Ind., October 22, 1790; Darke County, Ohio, November 4, 1791; Frenchtown and Raisin River, Mich., January 18–22, 1813; Sacketts Harbor, N. Y., May 29, 1813; French Creek, N. Y., November 1–2, 1813, Chrystlers Fields, Canada, November 11, 1813; Burning of Buffalo, Lewistown, and other towns in northern New York, December 30, 1813; New Orleans, La., January 8, 1815; Lake Okeechobee, Fla., December 25, 1837; Bull Run, Va., July 21, 1861.

Following are instances where they or part of them mutinied:

Morristown, N. J., January 1, 1781; Pompton, N. J., January 24–28, 1781; Lancaster, Pa., June, 1783; on the march from Urbana, Ohio, to Detroit, Mich., June, 1812; Detroit, Mich., July, 1812; on the march from Fort Harrison, Ind., to the Wabash and Illinois Rivers, October 19, 1812; en route to the rapids of the Maumee River, October, 1812; Battle of Queenstown, Ontario, October 13, 1812; en route from Plattsburg, N. Y., to Canada, November, 1812; Fort Strother, Fla., November, 1813; retreat to Buffalo, N. Y., after the evacuation of Fort George, December, 1813; Withlacoochee River, Fla., December 31, 1835; Charlestown, W. Va., July 16–18, 1861.

Not only did Washington have to contend with these difficulties, but some of the States defied the Congress by refusing to furnish their quota of troops, and I am going to ask to put that in the RECORD without reading.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

Massachusetts, April, 1812; Connecticut, April, 1812; Vermont, November 10, 1813; Vermont, September, 1814; Virginia, April 16, 1861; North Carolina, April 15, 1861; Kentucky, April 15, 1861; Tennessee, April 17, 1861; Missouri, April 22, 1861; Arkansas, April 22, 1861.

Mr. CHAMBERLAIN. Mr. President, I dislike to do this, but the truth of history requires it, in view of the statements that have been made here on the floor of the Senate that would hold out to the country the idea that the militia was absolutely a dependable force in every emergency. There were in many instances troops far outnumbering the British in an engagement, deserting or mutinying in the face of the enemy, showing their heels whenever they got into dangerous quarters; not that the men in all instances were cowards, but rather because the system was not dependable, and the troops could not be expected to be better than the system which produced them.

Mr. KING. Mr. President, will the Senator yield?

Mr. CHAMBERLAIN. Surely.

Mr. KING. In the light of the fact that this debate will not conclude until 1 o'clock to-morrow, would not the Senator prefer speaking to-morrow, when there are more Senators present?

Mr. CHAMBERLAIN. No, Mr. President; I should like to go ahead and finish to-night, late as it is. I thank the Senator just the same.

Mr. KING. I want to say to the Senator that before he concludes, and at an appropriate place, I desire to propound a few questions to him, but will refrain from doing so until it suits his pleasure and convenience.

Mr. CHAMBERLAIN. Yes; I shall be glad if the Senator will.

Mr. President, the number of militia furnished by the several States during the Revolutionary War, according to the returns and conjectural estimates of the Secretary of War, was only 164,087. That was the militia. The total of Continentals and militia furnished in the war was 395,858. The Continentals were the Regular Army as we understand the Regular Army to-day. Mr. Upton, in his Military Policy, says:

Looking back at the whole Revolutionary struggle, notwithstanding our employment from first to last of almost 400,000 men, we find that but two military events had a direct bearing upon the expulsion of the British. One of these was the capture of Burgoyne, the other that of Cornwallis—an event which was only made possible by the cooperation of a French army and a French fleet.

Now, Mr. President, I call attention to the number of troops involved, because there has not been a suggestion at any time here that I have heard that there were any employed on the American side during the Revolution except volunteers, and that every victory accomplished was due to the volunteer. In the sense that the regular enlisted man is a volunteer, all were volunteers. But the volunteers in the war, coming into the service as militia, were volunteers as distinguished from the Continentals or Regulars. No one seems to recognize the fact or to give credit to the enlisted man for being a volunteer. He is absolutely eliminated from these discussions so far as the United States Army is or has ever been concerned.

So we see, Mr. President, that the major portion of the men who were engaged in the Revolutionary struggle were not volunteers entirely.

What has been said of the Revolution is true, also, Mr. President, of the War of 1812. I am going to call the Senate's attention to the condition of the troops at that time. It has been claimed here that the War of 1812 was won by volunteers, and in doing this I am going to give the figures by comparison so that it may all be in the RECORD.

The population of the United States in 1775 was 3,000,000; the same in 1812 was 7,500,000. The total number of Regulars during the Revolution was 231,771; the same during the War of 1812 was approximately 150,000. The total number of militia of the Revolution was 164,087; the same including volunteers and rangers in 1812 was 471,622. The largest force of Regulars and militia employed in one year of the Revolution was 89,651; the same in the year 1812 was 235,839. The number of British regulars opposed to the Continentals and militia in 1776 exceeded 20,000; the same in 1812 did not exceed 5,000. The largest force of British regulars in the United States and Canada in any one year during the Revolution was 41,586; the same during the War of 1812 was 16,500. The total number of troops of the United States employed during the Revolution was 395,858; the same in the War of 1812 was 527,654.

Mr. President, it will be seen, therefore, that the Volunteers were not entirely responsible for the War of 1812 as has been asserted. Our friends seem to forget entirely that the War of 1812 had practically ended disastrously to the United States troops, so disastrously that the treaty of Ghent was signed, a humiliating confession by the United States that its troops had not been victorious; but after that had been accomplished, without settling any of the differences between the two Governments of Great Britain and America, Jackson with his gallant men at New Orleans settled the controversy after the treaty had been executed and defeat acknowledged.

Upton says in his work, at page 134:

This campaign opened and closed with the only brilliant victory of the war won at the Battle of New Orleans on the 8th of January, two weeks after the conclusion of the treaty of peace. The British loss was about 2,000 killed and wounded; our own was 7 killed and 6 wounded.

Greene, in his History of the Revolutionary War, says that our troops there were commanded by graduates of West Point, and he attributes the victory to that fact. They were men who had been trained and knew how to command and knew how to discipline men. The same author says that the Battle of New Orleans illustrated the effectiveness of trained men and compared it with Bunker Hill, where trained officers were in command of the American forces and prevailed.

Now, Mr. President, take the War with Mexico. The same condition prevailed. The number of officers and men embraced in the army of occupation on the frontiers of Texas in May, 1846, was only about 3,554, when he ought to have had and would have had more but for faulty legislation.

Upton, speaking of this, says:

While these figures are interesting as showing that the needless exposure of our little Army had its origin in faulty legislation, the weakness of its numbers in no way daunted its commander. He knew that four-fifths of his officers had received the benefits of professional training at the Military Academy or in the Florida War. Beyond this, he was conscious that the discipline and esprit de corps of his troops had been brought to the highest point by six months of training in the camp of instruction at Corpus Christi. With this preparation and, as has been observed, with practically no authority to increase his force till an invasion should actually take place, the commander was soon destined to confront a large and well-organized Mexican Army.

The whole force involved in this war, exclusive of the army of occupation, 3,554 and 548 marines, was 104,454. Of these 31,024 were Regulars and marines, not all Volunteers, as some of the opponents of this bill would have us believe.

Mr. REED. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Oregon yield to the Senator from Missouri?

Mr. CHAMBERLAIN. I yield.

Mr. REED. We all understand the value of training. I want to ask the Senator, the chairman of the committee, if it is not his understanding that the men who are now to be gathered together will be put in training camps and trained?

Mr. CHAMBERLAIN. The bill provides for that.

Mr. REED. Whether they are enlisted or whether they are brought in from the militia or whether they are drafted, they will be put in the camps and trained?

Mr. CHAMBERLAIN. That is true.

Mr. REED. Now, one word further. Will not the President have substantially the same authority with reference to the selection of officers if the volunteer bill is put into effect as he will with reference to the selection of officers if the draft bill is put into effect?

Mr. CHAMBERLAIN. That is true.

Mr. REED. So that so far as training is concerned, so far as officers are concerned the men, whether drafted or volunteering, would have the same opportunity or could have the same opportunity if the President saw fit to exercise his authority?

Mr. CHAMBERLAIN. That is true.

Mr. REED. I just wanted to get that point clear.

Mr. CHAMBERLAIN. There is no disagreement between us, Mr, President, on that subject. Here is where the Senator and I separate. As I said a while ago, the history of every war has proven that the volunteer system at some point failed. The history of the Revolution proves that the volunteer system, not as a rule the men's courage, but the volunteer system itself failed.

The European war has shown that the volunteer system failed on the battle fields of France. The reason for that is not that the volunteer would not receive the same amount of training up to a certain point as the Regulars receive, as the drafted men receive, not that he is lacking in courage at all, but there comes a time in every bitter and protracted war when the men at home who have not volunteered say: "There is nothing more here for me to fight for. I do not propose to risk my life and go down to a bloody grave as my predecessors who have volunteered have done." That is the way it failed in the Revolutionary period, and history discloses that it was nothing in the world but Washington's personal influence over the people of this country and his personal appeal that kept the Volunteer Army filled with sufficient men.

Mr. REED. I do not want to constantly interrupt the chairman of the committee, but I think we have arrived at a point in this debate where a few questions can be asked and answered, and it may illuminate this whole question. I know the chairman of the committee will answer me candidly. He has already done so, and we have cleared up one question here that has been somewhat beclouded. Therefore I want to ask him another question or two if he will permit me.

The Senator states that the volunteer system broke down in our Civil War. Is it not a fact that upon the Federal side all but a little over 2 per cent of the men who fought that war were volunteers?

Mr. CHAMBERLAIN. That is true, I think.

Mr. REED. Is it not true that great trouble and difficulty arose over the matter of conscription or drafting?

Mr. CHAMBERLAIN. That is true, but I will say to the Senator——

Mr. REED. Is it not true that the draft broke down and failed a good deal worse in the Civil War than the volunteering?

Mr. CHAMBERLAIN. That is partially true. More men were had under volunteering than under the draft, which in the North was not tried until 1863.

Mr. REED. Now, is it not true that the draft broke down and failed early in the Revolutionary War?

Mr. CHAMBERLAIN. That is true, because the Continental Congress had no power to enforce it.

Mr. REED. The draft was not tried in the Spanish War and in the Mexican War at all, was it?

Mr. CHAMBERLAIN. No.

Mr. REED. Was it tried in the War of 1812?

Mr. CHAMBERLAIN. It was recommended, but Congress, as usual, failed to act or to listen to the suggestion.

Mr. REED. I think it was not tried at all.

Mr. CHAMBERLAIN. The Senator puts questions and does not wait for an answer to any of them.

Mr. REED. I am getting an answer right along.

Mr. CHAMBERLAIN. But I want to add some qualifications to most of my answers, and that is what I do not want to forget in the multitude and diversity of the Senator's questions.

Mr. President, let us take that up in the way the Senator has asked the questions. The draft fell down in the Revolutionary period simply because Congress had not the power to enforce it. They had a Confederation of Colonies, and no law passed by the Continental Congress could be enforced unless the States were willing to enforce it. So much for the draft in the Revolution. Somebody has said here that the draft was not tried in the Revolution. It was tried.

Mr. REED. Oh, yes.

Mr. CHAMBERLAIN. It failed simply because the States refused to obey it and did not have to obey it. Further than that Washington, because of the difficulty he was having with the Continental troops and with the militia of Revolutionary days, recommended the draft three times, and the Continental Congress finally undertook to enact a draft law.

Mr. REED. And it failed.

Mr. CHAMBERLAIN. Surely it failed. Why should it not fail? It was simply a matter of the Colonies or States sustaining the action of the Continental Congress, and they did not sustain it either by undertaking to carry out the law or by undertaking to come to the front and answering Washington's appeal to assist him in the war that was then waged.

Mr. REED. Mr. President——

Mr. CHAMBERLAIN. Permit me to answer the questions already asked.

Mr. REED. You get so many qualifications.

Mr. CHAMBERLAIN. I am qualifying my answers in accordance with the history of this country.

Mr. REED. I know you mean to do that.

Mr. CHAMBERLAIN. I am doing it.

Mr. REED. I think there are other qualifications that qualify the matter.

Mr. CHAMBERLAIN. The Senator has had an opportunity to go into that side of it, and I am trying to answer some of his arguments heretofore made in this body.

Mr. REED. I am interested in going on with this colloquy. The Senator is making his explanation. The point I am driving at and what I wanted to ask the Senator is if any nation has ever won a war yet with drafted men?

Mr. CHAMBERLAIN. I think not; that is, not in modern times, because the draft was not sought to be applied until near the end of the wars and when volunteering had failed.

Mr. REED. Then if no nation has ever won a war with drafted men in modern times it must have won with regulars or with volunteers.

Mr. CHAMBERLAIN. Oh, the Regulars are volunteers. Regulars in this country are volunteers.

Mr. REED. With Regular troops or volunteers? There is a distinction.

Mr. CHAMBERLAIN. Prior to 1798 Napoleon found it necessary to fill the ranks of his army, and the question of raising an army to do this was referred to the experts of the army. Gen. Jourdain prepared and recommended the first conscript law, and under that law, which was adopted in the year named, Napoleon was able to expend 30,000 men a month, as he tersely expressed it. He could not have done that under the volunteer system. He could not have kept his army filled.

Mr. REED. And he went to St. Helena with the bayonets of volunteers at his back.

Mr. CHAMBERLAIN. He failed at the Battle of Waterloo, as we all know.

Mr. REED. Now, let me ask about the Revolutionary War this question.

Mr. CHAMBERLAIN. I think the Senator has not given me at opportunity yet to answer his questions.

Mr. REED. Very well.

Mr. CHAMBERLAIN. I am prepared to answer all of them.

Mr. President, if the draft had been applied early in 1861—although Greene in his Revolutionary history puts a question mark after it—I think it is very generally conceded that the Civil War could have been ended in a very much shorter period. The remarkable feature about the Civil War was that we witnessed two armies of the bravest men the sun ever shone on joined in mortal and fratricidal conflict training to fight and to kill each other while they were confronting each other and actually engaged in war. No such spectacle has ever before been seen. When these two armies were disbanded they constituted the strongest the world ever saw, but with what a sacrifice in blood and slaughter, because Congress failed to do its duty in the outset, making the same blunder as to a volunteer system that is being insisted upon to-day.

Witness the first Battle of Bull Run. The same condition prevailed there that has always prevailed whenever a volunteer force is depended on in an emergency, rather than upon a permanent force such as Washington and all military experts recommend. The governors of the States when the Civil War began were appointing staff and line officers for political purposes, and the President of the United States himself could not resist the temptation to do the same thing. Prominent politicians from different sections of the country were sent to the front without any experience to command men who had never had any training. Some of the officers as well as enlisted men had never seen a gun, and they went down to Bull Run to battle with untrained men, under the leadership of many West Pointers who understood, at least, the art of war.

Mr. President, if anyone thinks I have overdrawn this condition all he has to do is to refer to any history of the Civil War. It was a perfect rout for the Union Army. Members of Congress went down from Washington to watch the fun from the adjacent hills. The suttler with his stores, the butcher with his herd of cattle were there to sell their wares and their meats to the soldiers when the fight was over. But it was not very long before these untrained men in charge of untrained officers, political accidents many of them, were retreating toward Washington with the highways blockaded with caravans and wagons of all kinds, some of them, as Hon S. S. Cox said in his remarkable description of the Battle of Bull Run, in order to get away as quickly as possible were hanging on to the tails of the cattle as they too were stampeding toward Washington.

Mr. REED. Mr. President——

Mr. CHAMBERLAIN. Let me finish the answer.

Mr. REED. I wish to ask one question. Who commanded the Federal forces at Bull Run?

Mr. CHAMBERLAIN. McDowell. He was a good man.

Mr. REED. Was he a West Pointer?

Mr. CHAMBERLAIN. I do not know but he was.

Mr. THOMAS. He was.

Mr. CHAMBERLAIN. I think probably he was.

Mr. REED. Is it not a fact that there were more West Pointers in command of the Federals at Bull Run than in the command of the Confederates?

Mr. CHAMBERLAIN. I have not made any careful examination as to that.

Mr. REED. There were politicians, as many Congressmen and as many men of that kind on the southern side as there were on the Federal side.

Mr. CHAMBERLAIN. I am not relying on my own memory in what I am saying. Let me see what Mr. Henry Villard had to say about it in his memoirs. He was a reporter for some one or more of the prominent journals of the country, and he went down there in that capacity. He was one of the gentlemen who joined the retreat toward Washington, according to his own story. I am not criticizing the valor of those men; I want that distinctly understood. This is not any criticism of the volunteer himself. There were men there who would have faced any foe on earth; but it was the failure of a system, with untrained officers and untrained men, going out to battle with fancy cockades and plumes and zouave uniforms, and everything on earth but knowledge to properly care for themselves in battle. That was the trouble.

Mr. THOMAS and Mr. REED addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Oregon yield; and if so, to whom?

Mr. CHAMBERLAIN. I yield to the Senator from Colorado.

Mr. THOMAS. I merely wanted to ask the Senator if the force which was defeated at Bull Run had been drafted, instead of volunteered, would there have been a different result?

Mr. CHAMBERLAIN. Probably not. I am going to answer the Senator frankly about these things; I have no disposition to conceal anything that is within my knowledge.

Mr. THOMAS. I am satisfied of that.

Mr. CHAMBERLAIN. Yes; I know the Senator is satisfied, because he feels that what I have said answers the whole proposition.

Mr. THOMAS. No; I do not; but I am satisfied the Senator will answer everything very frankly.

Mr. CHAMBERLAIN. I am sure I will try to do that. It is not that the draft is absolutely necessary in the beginning of any war, as I have said. It is later on, when the volunteer system fails, as it failed during the Civil War, that the draft becomes necessary; there is not any question about that. Hence the draft law of 1863.

Mr. President, the draft law of the Southern Confederacy was adopted a year earlier than the draft law in the North, and see what it did. It filled up the depleted ranks of the Southern Confederacy, which had many less men than the North during the whole of the Civil War, and we find those gallant fellows without money, compelled to manufacture into cannon the church bells, and the brass door knobs, and utilizing everything, without any manufacturing establishments to speak of, offering a resistance that has astounded the whole world. The campaigns of "Stonewall" Jackson—the religious fanatic, as he was sometimes called down in Lexington, Va.—are to-day the textbooks of the German armies and of the other great armies in Europe.

The volunteer system did not fail at first, but it began to fail in the Civil War, and it would have failed absolutely if the war had been continued a year or two longer; there is no question about that.

Mr. FLETCHER. Does the Senator not agree that, in all probability, whereas the Confederates were victorious at the battle of Bull Run, if they had had trained soldiers they would have been able to follow up the victory, and that, for lack of that training, they lost the advantage?

Mr. CHAMBERLAIN. They lost the advantage that they had gained, as the Senator suggests. It was the most fortunate thing that ever happened to the North, and, so far as the forces were concerned, the most unfortunate thing that could have happened to the South, but it was a fortunate thing for the whole country that the first battle of Bull Run was lost, for the simple reason that it taught the North that the men from the South could and would fight, and it gave the soldiers of the South such confidence in themselves that they neglected to make preparation for future campaigns, with the result that it did not take long for the tide to begin to turn.

Mr. President, my authority for saying that the volunteering was beginning to fail in the Civil War is Mr. Lincoln's course. Mr. Lincoln urged the draft. Naturally there were "copperheads" then, Mr. President, as there are in some sections of our country to-day; and the great reason why the draft was not at first a success was that there were men in pretty nearly every State in this Union who were putting every obstacle in the way of the success of the Federal forces. Gov. Seymour has been quoted here, and what he said in opposition to the draft has been quoted. Admiring him, as I did, as a great Democrat and a great man, I must say there was not a single obstacle that he did not place in the way of President Lincoln in the enforcement of the draft in New York. If he had done his duty—and I appeal to the Senator from Wyoming [Mr. WARREN], who participated in the Civil War, for the truth of what I say—if Gov. Seymour had done his whole duty, and had assisted in carrying out the legislation of Congress, there is no question but that there would have been few, if any, draft riots in New York.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Oregon yield to the Senator from New Hampshire?

Mr. CHAMBERLAIN. I yield.

Mr. GALLINGER. I do not at all agree that the Revolutionary War was not fought by enlisted men under the leadership of men like John Stark, who won the Battle of Bennington. The Senator from Oregon will remember that it was said concerning that battle—I have the words here—by Washington himself, who said, "One more such stroke and we shall have no great cause for anxiety as to the future designs of Britain." It was not long after that that the surrender of Cornwallis came, and that our independence was gained.

I do not suppose the Senator from Oregon desires to underestimate the value of the services that were rendered by the enlisted men in that great conflict.

Mr. CHAMBERLAIN. Not at all.

Mr. GALLINGER. The Senator, as I understand him, pays a tribute to the enlisted man as well as to the conscripted man; that they both did the best they could under the circumstances, and they both did their "bit" wonderfully well.

Mr. CHAMBERLAIN. Yes.

Mr. GALLINGER. Some battles were doubtless lost because the troops had not the requisite training. In the nature of things, they could not get that requisite training before the great conflict was in force. When Sumter was fired upon the North had not trained men; neither had the South to any great extent. The issue was instantly joined, and it had to be fought out by untrained men.

Now, I will ask the Senator, in all sincerity, if the proposition that is now made that we shall have a volunteer army of 500,000 raised under a different system from that which is now in vogue, added to which shall be a conscripted army, will not meet the present requirements better than to reject the proposition to allow the patriotic men of this country to enlist? That is all that we contend for, insisting that we ought to join the two.

Mr. CHAMBERLAIN. I can see the viewpoint of the distinguished Senator from New Hampshire, but it is unjust to the volunteers, it is unjust to the country, to put forward the men who are patriotic enough to go to the front and leave behind the men who are not willing to go.

Mr. GALLINGER. There comes the trouble with your system as you have worked it out in this bill; that you narrow conscription to such an extent that you are going to have very few men that you will conscript, except the boys in the schools and colleges and counting rooms. When you get your exemptions all in operation under this proposed law that is exactly what will happen. You will get the very best blood, which you make a point against doing in connection with the volunteer system.

Mr. CHAMBERLAIN. We shall get good men; I have not any fear about that.

Mr. GALLINGER. I think we shall get the very best, but the conscription list will be so narrow as to be utterly unequal and unjust, probably including not more than 15 per cent of those liable to military service.

Mr. CHAMBERLAIN. We will get just as good men and just as brave men as we get through volunteering, and assuming that they are of equal patriotism and of equal courage, there is no reason why the volunteers should go to the front to be killed as they were in Britain, and the others who are not willing to volunteer should stay behind simply because they do not feel like going to the front, a duty incumbent upon all of military age when their services are needed.

Mr. GALLINGER. The British people volunteered very freely. Five millions of them volunteered with enthusiasm.

Mr. CHAMBERLAIN. Oh, there is not any doubt about that.

Mr. GALLINGER. They volunteered very freely, as they have also done in the colonies.

Mr. CHAMBERLAIN. Mr. President, I want to say to the Senator from New Hampshire that I think the example that Britain has set has been a most wonderful one. I do not know when it has ever been equalled except on a smaller scale during the Civil War in this country: but they reached a point after a while when they could not fill the depleted ranks by volunteering.

Mr. GALLINGER. There is not any question but that during our Civil War volunteers enlisted very freely up to a point when it became necessary, because of the exigencies that were upon us, to get troops more rapidly than we could with the volunteer system, and so conscription was resorted to, which was proper and right.

Mr. CHAMBERLAIN. I think so, too.

Mr. GALLINGER. That is exactly what I want to have done in this war, if we ever get into it to the extent of sending our military forces abroad. I do not know whether we shall do that or not; personally I hope that necessity may not arise, but if it does the response will not disappoint the patriotic sentiment of our country.

Mr. CHAMBERLAIN. The only trouble about the volunteer system, taken as a whole, is that in a long, difficult, and protracted war it fails. The history of the world shows that it fails down; and when it does, it is necessary to adopt the draft, which makes the new system more unpopular than it would have been if it had been adopted in the first instance. Furthermore, you must keep the units of the Army filled at all times during any war, and this can only be done by having recruiting and training units at home or in the rear to furnish men to take the places of those killed, wounded, or missing.

Mr. GALLINGER. If the Senator will permit me, you can not keep the ranks full if the conscripts desert at the rate they did toward the close of the Civil War. I was in consultation to-day with a very distinguished officer, who said that the conscripts under his command were practically good for nothing; that they deserted just as rapidly as they could.

Mr. CHAMBERLAIN. I presume that some of them were no account. Let me tell you why. I almost forgot it, and I am glad the Senator has called my attention to it. The conscript law of 1863 provided that a man could buy his way out by giving the Government $300.

Mr. WARREN. That is it exactly.

Mr. CHAMBERLAIN. That is the proposition. Then it provided for substitutes. A man subject to military duty could excuse himself by paying another to take his place. The States put up hundreds of millions of dollars in the way of bounty to induce men to enlist. My friend the Senator from Wyoming [Mr. WARREN] declined to accept a bounty and refused to enlist at all if the condition was imposed that he should accept a bounty. That was the way with a great many; but thousands

and hundreds of thousands of them accepted the bounty that was given by the States. On the other hand, the Government of the United States also paid immense sums in bounties to induce enlistment. Cities and municipalities supplemented the bounties that were given by the States and the Federal Government to induce men to do a patriotic duty.

Mr. GALLINGER. That they had to pay bounties would be an argument to me that the conscript system was not popular.

Mr. CHAMBERLAIN. Oh, no.

Mr. GALLINGER. They had to pay money to get men.

Mr. CHAMBERLAIN. That may be true, Mr. President, but it made it unpopular with the men who were at the front doing the fighting and who had gone in under the volunteer system. We have eliminated all that from this bill.

Mr. GALLINGER. Daniel Webster in 1814 delivered a great speech in the House of Representatives when he represented a district in my own State, and called attention very pointedly to the fact that you never could hold conscripts together and fight a war with them; that men who were forced into war against their will would not fight; that they would be worthless. I do not know whether Webster was wise or not when he said that, but he said it.

Mr. CHAMBERLAIN. I have greater respect for his oratorical ability than I have confidence in his military judgment.

Mr. GALLINGER. That may be so; and yet, if the Senator will read the great speech Webster delivered in 1814 against conscription, which was undertaken to be forced in the War of 1812, I think he will have a great deal of confidence in Webster's judgment as well as in his oratorical ability.

Mr. CHAMBERLAIN. He helped defeat safe and sane legislation then, just as eloquent men have done in every Congress since. Congress has never enacted the legislation needed and recommended by military experts to make a perfectly dependable military force.

Mr. WARREN. Mr. President, will the Senator allow me a moment before we leave the subject now under discussion?

Mr. CHAMBERLAIN. I yield to the Senator.

Mr. WARREN. I want to say in reply to the intimation of the Senator from New Hampshire [Mr. GALLINGER] that it was necessary to offer money because of the draft; that bounties were offered long before there was any draft—one year previous to that time, in fact.

Mr. CHAMBERLAIN. That was so in the State in which the Senator from Wyoming then lived, was it not?

Mr. WARREN. Certainly; and in all the States of New England, I think.

Mr. CHAMBERLAIN. And the Congress of the United States has refunded many of the bounties paid by the States to troops.

Mr. KING. Mr. President——

Mr. CHAMBERLAIN. I yield to the Senator from Utah.

Mr. KING. Mr. President, I was about to propound to the Senator from New Hampshire a question, and will do so if the Senator from Oregon will permit.

Mr. CHAMBERLAIN. I will be very glad to have the Senator do so.

Mr. KING. The Senator from New Hampshire has quoted, apparently with a great deal of pleasure, the speech of Daniel Webster against conscription. I do not think the Senator meant by that that the question was concluded because Daniel Webster had spoken against conscription. I might call the Senator's attention to the fact that Daniel Webster made one of the very best arguments that ever was made in favor of free trade or a very low tariff, and then, when the Nation demanded, he changed his opinion and made one of the strongest arguments in favor of the protective system. So, I have no doubt that Mr. Webster would have made with equal facility an argument opposite from that to which the Senator has referred.

Mr. GALLINGER. Well, Mr. President, I can not agree to that proposition at all. Mr. Webster was a reasonably consistent statesman, but he lived in an age when men were not different from what they are now; and men sometimes change their opinions. Mr. Webster's last speech was an unfortunate one. It controverted most of the doctrines for which he had contended during his lifetime, but he made it because of his love for the Union and his great desire to save the Union.

Mr. Webster, in his speech in 1814, started out with the proposition that conscription was unconstitutional, and argued it with great force. I am not able to say whether or not his contention on that point was sound, not being a lawyer, and especially not a constitutional lawyer. Then Mr. Webster followed it up with another suggestion to the effect that a conscripted army can not be held together to fight the battles of the country, because of the fact that they are forced into the service contrary to their will; that young men and boys are taken without the consent of their parents, which is true. Whether Mr. Webster was consistent or sound I shall not undertake to say; but I have read that speech with a great deal of pleasure and obtained a great deal of information from it, and I commend it to my friend from Utah. If he will read it with equal care, I think he will conclude that Mr. Webster was reasonably wise in 1814, as he proved himself to be in his great controversies over the Constitution in later years. However, that he was entirely consistent, I presume, is not true. I never in all my life knew a man who was altogether consistent. I know I am not, and none of us are entirely consistent.

Mr. KING. Mr. President, will the Senator from Oregon pardon me for just one moment?

Mr. CHAMBERLAIN. I should like to proceed, but I will yield to the Senator.

Mr. KING. I have read the speech to which the Senator from New Hampshire refers with a great deal of profit and a great deal of pleasure; but, apropos of the fallibility of the judgment of Mr. Webster and his lack of forward vision, some of us from the West remember the strong manner in which he denounced the plains and alkali deserts of the West and predicted that that country was valueless and was absolutely of no worth to the Nation; so that I am afraid that any judgment Mr. Webster expressed upon this question might be subject to the same criticism which might be made with respect to the prophecies he made in regard to the West.

Mr. GALLINGER. Webster was fallible, undoubtedly, as also was Mr. Webster's colleague, John C. Calhoun, of South Carolina, when he declared that because of climatic conditions cotton cloth could not be manufactured in this country.

Mr. REED. Mr. President——

Mr. CHAMBERLAIN. I would like to proceed. I have not answered the Senator's questions yet. He keeps interrupting before I have had a chance to answer them all.

Mr. REED. I should just like to read a bit of history, which may help to clear up the matter.

Mr. CHAMBERLAIN. That is probably a history that differs from one I have had access to, so that we will never get anywhere.

Mr. REED. But there has been a great deal said about the Confederates winning whatever they did win with conscripts, and the impression has been given that they relied very largely upon them. Now, I have Nicolay and Hay's History of Abraham Lincoln, and I desire to read just a sentence of two from that work.

Quoting from the book to which I have referred, it is said:

The limit of age—

That is, in the Confederacy—

was constantly extended. In September, 1862, an act of the Confederate Congress authorized the President to call into service all white men resident in the Confederate States between the ages of 18 and 45; and in February, 1864, another law included all between 17 and 50, which gave occasion to Grant for his celebrated mot—afterwards credited by him to Gen. Butler—that the Confederates were "robbing both the cradle and the grave" to fill their armies.

Severe and drastic as were these laws and unrelenting as was the insurrectionary government in their execution, they were not carried out with anything like the system and thoroughness which characterized the action of the national authorities. The Confederate generals were constantly complaining that they got no recruits, or not enough to supply the waste of campaigns. On the 30th of April, 1864, the chief of the bureau of conscription at Richmond made a report to the Secretary of War, painting in the darkest colors the difficulties encountered by him in getting soldiers into the ranks, though he had all the laws and regulations he needed and there were men enough in the country. He said—and in these words confessed that the system had failed and that the defeat of the revolt was now but a question of time: "The result indicates this grave consideration for the Government, that fresh material for the armies can no longer be estimated as an element of future calculation for their increase, and that necessity demands the invention of devices for keeping in the ranks the men now borne on the rolls. The stern revocation of all details, an appeal to the patriotism of the States claiming large numbers of able-bodied men, and the accretions by age are now almost the only unexhausted sources of supply. For conscription from the general population the functions of this bureau may cease with the termination of the year 1864."

A demonstration again that conscription failed.

Mr. CHAMBERLAIN. Mr. President, as a demonstration that it did not fail I call the attention of the Senator to what Gen. Grant had to say about it. Now, Mr. President, it will be remembered that the Southern Confederacy adopted a draft

system in 1862, and they operated under it until the war closed. Now, here is what Gen. Grant said about it in his Memoirs:

> The cause—

That is, the southern cause—

> was popular and was enthusiastically supported by the young men. The conscription took all of them.

This is what Grant says. He ought to know. He was there:

> Before the war was over further conscriptions took those between 14 and 18 years of age as junior reserves, and those between 45 and 60 as senior reserves.

Mind you, all of them. Grant says:

> It would have been an offense, directly after the war, and perhaps it would be now, to ask any able-bodied men in the South who was between the ages of 14 and 60 at any time during the war whether he had been in the Confederate Army. He would assert that he had, or account for his absence from the ranks. Under such circumstances it is hard to conceive how the North showed such a superiority of force in every battle fought.

There is the keynote of the whole situation. It was a call of country as the South needed it, whether you call it a draft or a conscription or a volunteer system. These young men of the South did not object to it. I had a brother who was not old enough even to be drafted, and though I was but a child I can see him now riding off to join the Confederate Army. He thought, as did other boys in the South, that he was doing a patriotic duty. The cause was popular with these young fellows, and it mattered not to them whether they were drafted or whether they volunteered. They were proud of their country and their cause. How can you expect men to be proud of our country or our cause when we have distinguished Senators here on the floor of the Senate denouncing the Regular Army, denouncing any sane effort to raise an army here, when the country faces a crisis such as it never before faced in its history?

Mr. President, I think there is method in the Senator's madness. He is tolling me away from his original proposition. I stated a while ago that politics prevailed in the Civil War, and I rather thought my statement about that was challenged. Well, now, we will see.

Mr. Villard, to whom I referred a while ago, says:

> Commissions of line officers were also systematically distributed among favorites. I had a curious personal experience in this respect. I was myself offered a commission as captain in the Regular Army by Secretary Chase—

Mind you—

> by way of compliment to the Cincinnati Commercial, an offer which, I am free to say, sorely tempted me.

Was there any politics in that?

Mr. REED. That was the Regular Army.

Mr. CHAMBERLAIN. Oh, to be sure, that is the Senator's claim. I am talking about the part that politics has played not only in the Regular Army on occasion, I am sorry to say, but more particularly during the Civil War. And the Senator claims the Civil War was fought by volunteers.

> About the same time I was induced to interest myself in the application for a commission as lieutenant of a young German doctor from Buffalo who was anxious to exchange the scalpel for the sword. I spoke to Mr. Chase regarding him, and a few days later he received, to his intense surprise, a commission as a captain of Infantry. I am sorry to say that my protégé did not do honor to my recommendation, being dismissed for cowardice on the battle field before he had served a year.

Those were not isolated cases. They happened right along. Why, it took a year or a year and a half to weed out the incompetents from the commissioned personnel of the Army during the Civil War—men that had come in with these militia forces from the different States of the Union.

I want to call attention to a right amusing statement by Mr. Villard. He was describing the retreat from the first Battle of Bull Run. Now, mind, you, I want the Senator from Missouri to understand that I am not questioning the individual courage of these volunteers. I am still talking about a system that has been ingrafted upon our military legislation. Speaking of it, he says:

> About daybreak I passed the camp of a regiment of Pennsylvania three-months' men whose term of service had expired the day before and who had insisted on marching away from the front to the very sound of the battle. So little martial spirit had been developed in a good portion of the Army! A little while later I heard the clatter of hoofs behind me and, looking back—

He was evidently going, too—going some!—

> and, looking back, perceived a mounted officer approaching at full speed. As he came nearer I saw he wore nothing on his head and was very bald. I soon recognized in him Col. Ambrose E. Burnside, of the First Regiment of Rhode Island Volunteers, who had commanded a brigade under Heintzelman in the battle. There he was, hatless, swordless, and all alone, making the best of time on his fine black charger. I had made his acquaintance in camp at Washington, and hence spoke to him as he hastened by. He did not stop to talk, but merely exclaimed, "I am hurrying ahead to get rations for my command."

That is just one case, and there were others like it—where they were retreating in complete disorder. I have been told that some of them did not stop until they got up to New England and were surprised when they were halted even at that distance from the scene of battle.

Mr. REED. Mr. President, let me ask if Gen. Burnside was a West Pointer?

Mr. CHAMBERLAIN. I do not know, and I do not care. I am just talking about the efforts to make an army out of an undisciplined mob.

Mr. REED. Oh, well, if this man was in retreat, it is interesting to know whether he was a politician or an Army man.

Mr. CHAMBERLAIN. Oh, this thing of running away from an enemy is infectious. If you have a body of men who are too undisciplined to fight, and they start to run, the whole bunch goes like a band of sheep; but the Senator knows by experience that in order to train a regiment of troops you have got to leaven the undisciplined by putting with them a few of the Regulars that have had training. They did not have many of these down there.

Mr. GALLINGER. Mr. President, will the Senator permit me?

The PRESIDING OFFICER (Mr. SHEPPARD in the chair). Does the Senator from Oregon yield to the Senator from New Hampshire?

Mr. CHAMBERLAIN. I do.

Mr. GALLINGER. Just one question, and then I will desist. Supposing those troops had all been drafted at the beginning of the war instead of being volunteers; did we have officers that we could have placed over them, except by appointing the best men we could find in the different communities?

Mr. CHAMBERLAIN. I do not think so, Mr. President; but we would have had some West Pointers—not many.

Mr. GALLINGER. So that it would have been about the same condition.

Mr. CHAMBERLAIN. Oh, yes.

Mr. GALLINGER. Now the Senator proposes a bill that I want to help him pass, and I hope he will urge it as strenuously as he is urging this bill, and that is for universal military training.

Mr. CHAMBERLAIN. I thank the Senator and promise him I will do my best.

Mr. GALLINGER. If we get that, some time in the future, we will have men who will be soldiers; but at the beginning of the Civil War, of course, we could not have anybody but raw recruits as volunteers. In the very nature of things there was not any time to train them.

Mr. REED. Mr. President, will not the Senator, in the interest of history, let me read another line about Gen. Burnside?

Mr. CHAMBERLAIN. I think, Mr. President, that I had better proceed.

The PRESIDING OFFICER. The Senator declines to yield.

Mr. CHAMBERLAIN. I do not like to be disobliging, but I can find some histories that will meet probably everything the Senator finds in some other history.

Mr. REED. This is just about Burnside. He was appointed to the United States Military Academy and graduated in 1847.

Mr. CHAMBERLAIN. We have had men from the Military Academy who would run once in a while. There is no question about that.

Mr. REED. And the Senator does not mean to say, and the man who wrote that book ought not to have said, that Burnside was not a brave man.

Mr. CHAMBERLAIN. He did not say so.

Mr. REED. Well, he indicated that he was running away.

Mr. CHAMBERLAIN. He indicated it. The Senator indicates by suggestion that he was a West Point man, that West Point men are apt to run away.

Mr. REED. Oh, no.

Mr. CHAMBERLAIN. Oh, yes. The Senator has just as much right to draw that inference from what I said as I have to draw it from what he said.

Mr. REED. I simply indicated, if the Senator will pardon me, that the imputation that the Battle of Bull Run was lost by volunteers is not borne out by a statement that Burnside ran away, particularly when it is shown that Burnside was a West Pointer.

Mr. CHAMBERLAIN. I say that the running-away habit was infectious at Bull Run because they had untrained, undisciplined militia, that had just been brought into the service, and had not had an opportunity for training. I do not claim—I am not fool enough to claim—that if these men had been drafted into the service, and had gone to battle under the same circumstances, they would have been any better trained. I do not claim any such thing as that. What I am claiming against the volunteer system is that in every serious war—and this is a serious war—there comes a time when the volunteer system fails, and I am opposed to trying a system for three years,

having it fail, and then taking up another system, just as Great Britain has been compelled to do, and undertaking to raise an army by that method.

Mr. POMERENE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Oregon yield to the Senator from Ohio?

Mr. CHAMBERLAIN. I yield.

Mr. POMERENE. I do not desire to interrupt the Senator; but as he has been discussing the relative merits of the volunteer system and the conscript system, I have before me Pollard's "Lost Cause," which gives his estimate of the effect of the conscript system in the South. I shall not take the time to read it, unless the Senator desires it, now. I will present it later.

Mr. CHAMBERLAIN. I would a little rather the Senator would.

Mr. POMERENE. Very well.

Mr. CHAMBERLAIN. I appreciate the reference, and I hope the Senator will do so.

Mr. President, right in this connection there has been a great deal said here about Canada and her volunteers and their gallantry. Now, there will come a time, if it has not come already, when the Canadian volunteer system is going to fall down. Her ranks are being depleted. Possibly it may be saved, because the depleted ranks may be filled by men who are drafted into the service in Great Britain; but there is bound to come a time when it will fail. Now, what are they going to do about it?

Canada has been drained of her best blood. They have gone to the front, and, like all Americans, they have shown themselves possessed of a valor which has astounded the world. There is no doubt as to that; but how are they going to fill up their depleted ranks? They can not do it. They are trying to do it now.

I have in my hand a statement which I think probably has been sent to other Senators here that was prepared by a man named Lorne Mulloy, and it was mailed to me, showing the objections to the volunteer system. He lives at Toronto, Canada. He volunteered to serve his country, and in an engagement lost or partially lost his sight; at least, this is the information I get, and I had a friend telegraph up to find out, because I did not want to quote anything from a man who did not know what he was talking about. After being wounded he was detailed to recruiting duty in Canada. I am going to ask leave to print in the RECORD, without reading it, his views on the subject.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

OBJECTIONS TO THE VOLUNTARY SYSTEM.

The following conclusions have been arrived at after careful study of the experience gained by more than a year's work in recruiting men:

1. THE VOLUNTARY SYSTEM IS NEITHER BRITISH NOR FRENCH.

(a) The French method, commonly known as conscription, is better described as democratic compulsion or the subordination of each to the expressed will of all. In other words, it is the same form of compulsion as that which compels us here in Canada to pay our self-imposed taxes and to obey our self-made laws.

(b) The British method of raising men has always been by the employment of the compulsory militia levy, including the militia ballot. Under this system each parish, town, and county was required to furnish its just quota. From the eligibles of a certain class, aggregating many times the number of the quota, exemptions were made in the cases of those men considered to be indispensable to the carrying on of business at home, while from the names of the remainder the necessary number was balloted.

(c) With the exception of two or three companies of Royal Garrison Artillery, volunteer units were unknown in the British Army until the middle of the eighteenth century. Upon the outbreak of the Seven Years' War national unpreparedness was so marked and popular fear of invasion so great, that the Government in 1757 was compelled by act of Parliament to recognize and regularize volunteer units and to include volunteer units in the armed forces of the Crown. The volunteer movement, however, by no means displaced the compulsory militia levy, which was used freely throughout the Napoleonic struggle, but took its place alongside as an adjunct.

As it was in the Army so it was in the manning of the British Fleet, and the great majority of the men who built up the splendid traditions of the British Navy were men who were sent to sea under compulsion. In fact, excluding punitive expeditions and the South African war, which was, in the main, guerilla warfare, the only war in British history in which the compulsory levy was not used to raise the required number of men was in the Crimean War, in which, though the militia act was suspended, it remained a convincing instrument, ready to be put into effect at an hour's notice.

2. THE VOLUNTARY SYSTEM IS NOT RELIABLE.

History, ancient or modern, of all nations and all peoples does not record a single instance in which the voluntary system stood the test of a real war. Whenever the struggle was of such proportions as to require approximately the whole effort of a nation some form of compulsion was found necessary. This is so because the volunteer system is haphazard in its methods, uncertain in its results, and incapable of supplying the steady, uniform stream of recruits necessary to create and fight an army.

3. THE VOLUNTEER SYSTEM IS A CONTRADICTION OF THE NECESSARILY FUNDAMENTAL RELATIONSHIP EXISTING BETWEEN THE CITIZEN AND THE STATE.

(a) The State is an organized society of human beings, associated, presumably, for their own welfare, the members of which possess a community of race, language, or ideals. Whether in its inception—the family, in the family enlarged, the tribe, or in the tribe expanded into the nation—its citizens possess rights paralleled by responsibilities, and in the constitution of all States which have existed from the twilight of ancient civilization until to-day the primary responsibility upon which all citizens' rights are in common founded is the obligation to defend the State when at war. When the constitution is unwritten it is basic, underlying, and understood—in time of war the eligible male citizen must fight.

(b) Since the basis of voluntary offering is the right to refuse, it follows that when the Government of a country at war calls for volunteers to fight it is tantamount to stating openly that each eligible male citizen is at liberty to adopt whatever attitude he pleases toward the struggle, and no moral obloquy can be attached to the man who decides that the adventure is no concern of his. In other words, a call for volunteers not only gives a legal justification to the man who will not go, but it is a confession to the world that the nation is not wholeheartedly committed to the struggle, for the world knows that this method can not call forth one-half of the nation's whole effort.

4. THE VOLUNTARY SYSTEM IS A VIOLATION OF THE PRINCIPLES OF DEMOCRACY.

The fundamental principle of democracy is the equality of all citizens before the law or from the standpoint of the State, and any burden imposed by the State must be evenly and equitably distributed over the whole citizen body. A tax of 25 mills is not laid upon one man and 10 mills upon his neighbor, and the customs duty is strictly impartial, affecting rich and poor alike. The voluntary system, however, discriminates drastically and flagrantly against the unselfish and patriotic citizen and in favor of the selfish man, the unpatriotic, the lover of his own ease, and of him who desires to remain at home and get gain. If it is a true democratic principle that in the raising of taxes—a mere matter of dollars and cents—the burden should be evenly and equitably distributed upon the whole body of citizens, is it not truer democracy to observe the same equity and equality when the toll to be exacted is hardship, suffering, and death?

5. THE VOLUNTARY SYSTEM CREATES THE MAXIMUM OF INDUSTRIAL DERANGEMENT.

It is axiomatic that in war the maintenance by a State of an effective army in the field depends upon the husbanding of the economic resources at home and the conservation of the nation's industrial or wealth-producing power. In other words, only a small percentage—say, 10 per cent of the people—can actually go to war. The ultimate base of that national army, whether it fights on the frontier or 10,000 miles distant, must be the economic resources of the home land and the wealth-producing power of the 90 per cent who can not go.

This power of wealth production, therefore, must be as jealously guarded as the strength and composition of the combatant force, and on no account should we take from the former men who are indispensable from the industrial standpoint.

The captain of industry, the skilled mechanic, and the rising artisan are men of trained and disciplined minds. They know the meaning of self-discipline, regularity of habits, long hours, night study, and concentration of purpose. While these are precisely the benefits which military training holds out to the undisciplined mind, it is beyond controversy that a nation's appeal for men to fight goes straight home to the mind of the disciplined man, while it slips lightly off the man to whom military training would be a boon. This explains the universal complaint of manufacturers that the appeals of recruiting officers constantly and invariably take from them the men who are indispensable to the proper conduct of their business, while for each one taken there are five unskilled men left whose places, were they to go, could be easily filled.

The voluntary system, while discriminating between men by drawing largely from the more efficient and those the country can least afford to spare, is nondiscriminating as between industries, drawing alike from the munition plant and from the distillery and frequently hitting more heavily those industries most indispensable to the nation's economic welfare.

6. THE VOLUNTARY SYSTEM IS PRODIGALLY WASTEFUL AND RIOTOUSLY EXTRAVAGANT.

(a) Throughout central Canada the time taken to raise local battalions has been found to be between four and seven months, and this is probably true of the whole of Canada. As against a compulsory system, which would raise a regiment in two weeks, there is, therefore, loss in time of at least five months in bringing each battalion up to the stage of mobilization, at which point the real training only begins. Moreover, since the authorized full complement of officers and noncommissioned officers is on pay practically from the beginning, and since the heaviest enlistment occurs in the first two months, it is a conservative estimate that the loss in money—that is, the avoidable expenditure incurred—can not be less than the pay and upkeep of the full battalion for a period of from three to four months. As this equals $75,000 per month, it is evident that with the exception of the first hundred thousand, men who came forward eagerly, every thousand men raised by the voluntary method has cost the Canadian taxpayer $250,000 of unnecessary expense. In other words, the 260,000 men thus raised have, as contrasted with any sane system of levying troops, cost the Canadian taxpayer $65,000,000, for which his only return has been the privilege of being five months late in turning out each battalion as a full unit ready to commence its training.

(b) Another cause of unnecessary expense is the large number of married men enlisting, 90 per cent of whom would be refused by any system of selection which calls the unmarried man first to the colors. The reason for the large proportion of married men enlisting lies in the fact that the married man is older, more thoughtful by reason of his greater responsibilities, and has undoubtedly a greater stake in the war. The proportion in some battalions is as low as 30 per cent, and in many others reaches 50 and even 5 per cent. Taking the low average of 425 married men per 1,000 enlisted, we are paying in separation allowances alone $3,000,000 per month, or $36,000,000 per annum, as long as the man remains under arms.

(c) In connection with the enlistment of married men there are also to be considered patriotic funds, pensions to the widows, and the financial obligation of the State in reference to the children of such men who may be killed in action or totally disabled. These children

must be reared to the age of 18, and we are therefore obligating ourselves for the future expenditure of many millions, reaching forward over a period of from 1 to 18 years.

(d) In addition to this there is the not inconsiderable expense of so-called whirlwind recruiting campaigns being conducted spasmodically in every part of the Dominion of Canada. Speakers, bands, and escorts must be transported; press, bills, and bunting must be used in abundance; clerical work, halls, motor cars, liveries, speakers' hotel expenses—returned soldiers are frequently on salary—must all be provided for, and the people pay. In fact, it is a safe estimate that the man power and the money now used in the undignified attempt to raise men would, if properly controlled, raise, equip, and maintain another division on the firing line.

7. THE VOLUNTARY SYSTEM PRODUCES THE MAXIMUM OF INEFFECTIVES.

Since youth is an idealist and maturity is thoughtful, appeals from the platform and the press are being daily responded to by boys of 16 and 17 and men between 50 and 60 years of age, both classes, in their desire to serve, adjusting their ages to meet the requirements of enlistment.

Commanding officers of many local battalions inform me that these classes aggregate as high as 10 per cent of the total enlistment, and by some they are placed at 20 per cent. The inevitable results of this will be the weeding out later of thousands of men and boys who will prove physically incapable of standing the strain of thorough camp training, but who, nevertheless, have been in the pay of the country for from 5 to 10 months.

RECAPITULATING.

The so-called volunteer system—it is the precise antithesis of system—is neither British nor French; it is not reliable; it is a denial of the basic responsibilities of citizenship; it is undemocratic; it creates the maximum of industrial arrangement; it is wasteful and extravagant; it results in the minimum of effectives and the maximum waste of valuable time. These things being so—and these things ought not so to be—it seems to me that to continue on these lines is an evidence of moral weakness and insincerity on our part, and it is little short of sheer hyprocisy on the part of our press and our public men to proclaim to the world that we are in this struggle to the last man and the last dollar, when the world knows and we ourselves know that the first step in a sincere attempt to put even half our strength into the struggle would be a classification of our industries and registration of our man power. Some form of authoritative selection is necessary, not for the purpose of dragnetting the country for men to fight, but for the purpose of conserving our wealth-producing powers and putting into the field in the most expeditious manner the most effective force compatible with this main object.

LORNE MULLOY.

MARCH 4, 1916.

Mr. CHAMBERLAIN. Mr. President, right in this connection it has been stated here on the floor of the Senate that Australia had tried the compulsory military system and had abandoned it. Well, that is partially true, but it is not entirely true. The fact is, Australia still has the compulsory system of military service, but it only applies to her own country. It never has been objected to; there never has been any attempt to repeal it. This is what was done in Australia after Australia had sent forth her volunteers to the Continent of Europe to assist the mother country in her struggle for existence. Then the question came up of filling her depleted ranks The question was, Shall we draft men to go to the Continent of Europe to fight? A referendum was had, and with over 2,000,000 votes cast there were only about 60,000 majority who voted against a compulsory system for raising troops to send to Europe to fill the depleted ranks of their brothers on the Continent. It was a magnificent showing.

Mr. WOLCOTT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Oregon yield to the Senator from Delaware?

Mr. CHAMBERLAIN. I do.

Mr. WOLCOTT. For the purpose of clarity I would like to ask a question.

Mr. CHAMBERLAIN. Very well.

Mr. WOLCOTT. I understand the Senator to be arguing against the volunteer system as a means of filling the depleted ranks. I would like to ask him how that is a pertinent question under this bill.

Mr. CHAMBERLAIN. Well, it is a pertinent question in this way: Assuming that we are really in war and that we are going to have a serious one of five or six years duration, and that we will have to send men over to Europe, and the ranks are depleted by shrapnel and by poisonous gases, how are you going to get men there to fill up the depleted ranks? By a volunteer system?

Mr. WOLCOTT. If I may be permitted, the bill under the volunteer amendment provides that however the first increment of 500,000 men shall be raised thereafter in the outside limit is 90 days, all the deficiencies, whether occasioned by want of sufficient men to volunteer or by loss, the depletions shall be filled by draft. So why is it pertinent to discuss the feasibility of the volunteer system to fill up depleted ranks under this bill?

Mr. CHAMBERLAIN. I am undertaking, in my humble way, to answer the arguments which have been made by many distinguished Senators who have been advocating the volunteer system. I am trying to show why it is an unreliable system.

Mr. WOLCOTT. I mean with respect to the men to fill up the depleted ranks.

Mr. CHAMBERLAIN. This bill provides for filling them, I will say to the Senator, and I am glad he called my attention to it. It provides for recruiting battalions where men are to be trained to take the places of the men killed, wounded, or missing in the battalion or regiment or brigade to which they happen to be attached. In other words, they are training men all the time who can be filled into these regiments under the draft system.

Mr. WOLCOTT. If I may be permitted again, the opponents of the bill recommended by the majority of the committee have been declaiming very strongly against the volunteer system. Yet is it not true that they propose in their bill to fill all the depletions in the ranks not by the volunteer system but by the draft system, which they condemn?

Mr. CHAMBERLAIN. Probably that is true.

Mr. WOLCOTT. That is true, I think.

Mr. STONE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Oregon yield to the Senator from Missouri?

Mr. CHAMBERLAIN. I do.

Mr. STONE. My friend made a statement which mystifies me.

Mr. CHAMBERLAIN. I am surprised at that.

Mr. STONE. I was surprised at it, too; and that is why I ventured to interrupt the Senator. In his answer to the Senator from Delaware he expressed the hope that we may not have to send soldiers to the battle fronts of Europe, and he expressed that hope in terms which seemed to warrant the impression that he believed we would not have to do it. Does the Senator really think we are not going to furnish troops to go into this war?

Mr. CHAMBERLAIN. The Senator did not hear me say we would not. I said that I hoped we would not. I meant by that that I hoped the emergency would not require troops to be sent.

Mr. STONE. The emergency is upon us.

Mr. CHAMBERLAIN. I am not so sure about that. Our allies have not asked us for men. They have asked us for subsistence and general supplies.

Mr. STONE. Gen. Joffre stated that of all things they wanted the American flag on the battle front.

Mr. CHAMBERLAIN. I will say to the Senator that that statement has not been officially made to the Senate of the United States; but if it is made officially and through the proper channels, I would say, send them.

Mr. STONE. If we do not intend to send them, what is the use of making all this provision?

Mr. CHAMBERLAIN. So far as I am concerned, Mr. President, I believe that if those people over there say they need American soldiers on the battle line we ought to get behind them and send them all they want. [Applause.]

Mr. President, France sent her men over here when America needed them, and, as Upton says in his Military Policy of the United States, that was probably the deciding factor of the war. If need be, let America be the deciding factor in the European war.

Mr. STONE. I supposed that is what we are raising this army for, to be sent over there.

Mr. CHAMBERLAIN. We are raising an army to train them to be sent there if necessary, and the sooner we get through here and put those men in training camps the sooner we will be able to help the allies if they need help, and God knows, it seems to me, they need it now.

I think, Mr. President, the hardest blow ought to be struck first. It is with nations and with armies as it is with the prize fighter, the one who hits the first blow usually wins.

Mr. REED. It is the fellow that hits the last blow.

Mr. CHAMBERLAIN. Now, Mr. President, I do not think anybody will ever accuse me of being very strongly pro-British. I guess I have said as much against Great Britain as anybody. It is not that I dislike the British people as individuals. I think a great deal of them individually and collectively, but I have never been a great admirer of their Government. But in this crisis the fight of Great Britain and the allies is the fight of the United States, and any differences I may have had are buried, and it ought to be so with all of us. We ought to be willing to give up not only our property but our lives in order that in this great contest, the greatest that was ever waged on this planet, America's voice may be heard at the council board of the nations when the terms of peace come to be settled.

Mr. President, let us not haggle here about the volunteer system or the compulsory system. Let us take that system which the world has taught us in the last analysis must be adopted in order to win the fight. It is the cause of democracy against autocracy. It is a fight for the government of the

people, by the people, and for the people against despotic power. If this war has done nothing else, it has made one of the despotic thrones of Europe totter to its foundations; and, if we are to believe what we see in the press to-day another is tottering on its base. I hope the time is not far distant when the people of Germany and her allies will understand that they are now fighting against their own liberties, while the fight of America and her allies is their fight as well as their own.

Mr. President, when we start out on this let us select that method of maintaining an army which is best of all and which the history of the ages has shown is the only one that can last through a prolonged struggle.

To adopt the draft system, it is urged, is a violation of the traditions of this country. The distinguished Senator from Georgia [Mr. HARDWICK] this afternoon made that statement more than once, and I have heard others make it. Mr. President, it is in line with the traditions of this country, not in violation of them. I have shown that Washington recommended it three times and that the Continental Congress adopted it; and, unless my statement about it may be questioned, I call the attention of the Senate to the statement of Dr. Chaney, of the University of Pennsylvania, who is a pacifist and a Quaker and a teacher of history in the University of Pennsylvania. In his testimony before the House Committee on Military Affairs he admitted that Washington had recommended the draft three times. Not only that, but it has been tried in nearly every State in this Union.

Thirty-eight States have legislation which authorizes the draft. The military act of 1909 of Tennessee has this stringent draft provision:

SEC. 6. That when it is necessary to call out any portion of the reserve militia for active duty the governor shall direct his order to the sheriff of the county, who shall forthwith by written order or oral notice to each individual, or by proclamation, appoint a time and place for the assembling of the reserve militia at the county seat, and shall then and there draft as many thereof or accept as many volunteers as are required by the order of the Commander in Chief, and shall forthwith forward to him a list of the persons so drafted or accepted as volunteers.

Can it be possible that the General Staff of the Army and the War College, when the pending bill was prepared by them, had the Tennessee act before them, or did they have the act of some other State?

Mr. BRADY and Mr. REED addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Oregon yield; and if so, to whom?

Mr. REED. All we are asking is for the privilege of volunteering, and in the very bill the Senator read——

Mr. CHAMBERLAIN. The privilege is given here for 600,000 to volunteer if they desire.

Mr. REED. Give a man a chance to volunteer under the volunteer system.

Mr. CHAMBERLAIN. You will find that the man who is insisting on the volunteer system ordinarily is the man who does not want to volunteer or fight. I do not refer to the Senator, of course. I am speaking of the slackers on the street who are continually denouncing the draft system. They do not want to fight, and consequently will not volunteer.

Mr. BRADY. What is the Senator reading from?

Mr. CHAMBERLAIN. I was reading from the Tennessee act of 1909, chapter 400, page 1410, and following. Some good Tennesseean felt impelled to assure me that the pending bill did not violate the traditions of Tennessee. Yet I think the distinguished Senator from Tennessee was rather disposed to feel that it is violating the traditions. The draft provision here is not very much stricter than that in Tennessee. If they did not have the draft system, they could not get along in some of these States.

Now let us go further. Let us see if the selective draft violates the traditions of this country.

Washington, in a letter to the President of the Continental Congress, when he was thoroughly impressed by actual experience with the undependability of the volunteer system, said:

It is the true policy of America not to content herself with temporary expedients, but to endeavor, if possible, to give consistency and solidity to her measures. An essential step to this will be immediately to devise a plan and put it in execution for providing men in time to replace those who will leave us at the end of the year and for subsisting the officers and soldiers and making them a reasonable allowance. The plan for this purpose ought to be of general operation and such as will execute itself. Experience has shown that a peremptory draft will be the only effectual one. If a draft for the war or for three years can be effected, it ought to be made on every account. A shorter period than a year is inadmissible. To one who has been witness to the evils brought upon us by short enlistments, the system appears to have been pernicious beyond description, and a crowd of motives present themselves to dictate a change. It may easily be shown that all the misfortunes we have met with in the military line are to be attributed to this cause.

* * * * * * * *

Nor have the ill effects been confined to the military line. A great part of the embarrassments in the civil departments flow from the same source. The derangement of our finances is essentially to be ascribed to it. The expenses of the war and the paper emissions have been greatly multiplied by it. We have had, a great part of the time, two sets of men to feed and pay—the discharged men going home and the levies coming in. This was more remarkably the case in 1775 and 1776. The difficulty and cost of engaging men have increased at every successive attempt, till among the present levies we find there are some who have received $150 in specie for five months' service, while our officers are reduced to the disagreeable necessity of performing the duties of drill sergeants to them, with this mortifying reflection annexed to the business, that by the time they have taught those men the rudiments of a soldier's duty their services will have expired and the work recommenced with a new set. The consumption of provisions, arms, accouterments, and stores of every kind has been doubled in spite of every precaution I could use, not only from the cause just mentioned, but from the carelessness and licentiousness incident to militia and irregular troops. Our discipline also has been much hurt, if not ruined.

And, again, in a letter dated November 18, 1779, to the President of the Congress he said:

In the more early stages of the contest, when men might have enlisted for the war, no man, as my whole conduct and the uniform tenor of my letters will evince, was ever more opposed to short enlistments than I was, and while there remained a prospect of obtaining recruits upon a permanent footing in the first instance, as far as duty and a regard to my station would permit, I urged my sentiments in favor of it. But the prospect of keeping up an army by voluntary enlistments being changed, or at least standing on too precarious and uncertain a footing to depend on for the exigency of our affairs, I took the liberty in February, 1778, in a particular manner to lay before the Committee of Arrangement, then with the Army at Valley Forge, a plan for an annual draft as the surest and most certain, if not the only means left us of maintaining the Army on a proper and respectable ground. And, more and more confirmed in propriety of this opinion by the intervention of a variety of circumstances unnecessary to detail, I again took the freedom of urging the plan to the committee of conference in January last; and, having reviewed it in every point of light and found it right, or at least the best that has occurred to me, I hope I shall be excused by Congress for offering it to them, and in time for carrying it into execution for the next year, if they should conceive it necessary for the States to complete their quotas of troops.

The plan I would propose is that each State be informed by Congress annually of the real deficiency of its troops, and called upon to make up, or such less specific number as Congress may think proper, by a draft; that the men drafted join the Army by the 1st of January and serve until the 1st of January in the succeeding year; that from the time the drafts join the Army the officers of the States from which they come be authorized and directed to use their endeavors to enlist them for the war under the bounties to the officers themselves and the recruits granted by the act of the 23d of January last, namely, $10 to the officers for each recruit and $200 to the recruits themselves; that all State, county, and town bounties to drafts, if practicable, be entirely abolished, on account of the uneasiness and disorders they create among the soldiers, the desertions they produce, and for other reasons which will readily occur; that on or before the 1st of October annually an abstract or return similar to the present one be transmitted to Congress, to enable them to make their requisitions to each State with certainty and precision.

These statements of Washington were made, it will be observed, near the close of the war and at a time when he had come to the sad realization of the fact that it was impossible for him to maintain a dependable force without some sort of compulsion. Nothing is more prominent in all of his letters to the Continental Congress than this fact, and all of his letters indulge in criticism of the system then in vogue for maintaining an army in the field.

Mr. President, that is what we are pleading for here. Let us begin by creating in this emergency an army which can be made permanent, as Washington so forcefully suggested.

No man knows, Mr. President, what the morrow may bring forth. The war now waging broke out in the still watches of a night, and the whole world has been aflame ever since. Europe and other parts of the civilized world have been reddened by the blood of men as brave as any who ever faced each other in mortal combat.

Talk about our isolation protecting us, Mr. President, and the impossibility of transporting troops to our shores. It took longer in the Civil War to transport a few regiments of Infantry from here to Fredericksburg than it now takes to bring a vessel carrying three to five thousand men from Europe to America. We are not living in the past. We are living in the progressive to-day; and there is no friend outside of the allies in Europe upon whom America can rely in time of emergency.

Now, let me call attention to the reason which induced the Continental Congress to resort to the draft. Greene, in his History of the American Revolution, says on page 290:

The States were "required forthwith to fill up by drafts, from their militia or in any other way that shall be effectual, their respective battalions of Continental troops." Having no power to enforce its decree, this resolution of Congress had no more effect than its predecessors, but Washington's personal appeals, combined with the news of the French alliance, succeeded in bringing out enough men to carry on the war.

Now note this:

It continued in this way to the end, Congress passing futile resolutions and Washington raising men and carrying on the war by the mere strength of his personal character.

Where were your volunteers who were willing to come to the front to save their country from the British yoke?

Mr. REED. Where were your conscripts?

Mr. CHAMBERLAIN. We did not have any. Washington asked for them and the Continental Congress attempted to give them. The States had draft laws, and with all this legislation and with all the resources at hand for getting these gentlemen into the ranks, Washington could not keep up his depleted columns. The partial failure of the draft was due to the fact that the Continental Congress had no power to legislate so as to enforce it.

What was suggested in lieu of an effective draft law? Why the usual inefficient bounty system to induce volunteering?

The States paid bounties; the Government was promising volunteers land—100 acres to each man and more than that to the officers—to get both officers and men to stay in the ranks. Even that failed to accomplish the purpose.

Washington, in one of these letters, calls attention to the fact of the weakness of militia; and my distinguished friend from New Hampshire [Mr. GALLINGER], who lives very close to the point, will remember that when Montgomery and his men were about to assault Quebec, the period of the enlistment of Montgomery's army was soon to expire. He knew from the experience which he had had with the troops in the United States that if he tried to hold his men after their enlistment expired not a single man would stay with him. He was forced, therefore, to make the attack before he was fully prepared to do so. Washington has told us that the vicious system then in force for maintaining an army not only cost us the life of the brave Montgomery but the loss of Canada as well. Washington ought to be pretty good authority, Mr. President.

Mr. GALLINGER. Mr. President, will the Senator permit me to interrupt him?

Mr. CHAMBERLAIN. Yes, sir.

Mr. GALLINGER. Mr. President, the Senator is relating some interesting history, but there is one chapter of history on which I love to dwell and which I should like to repeat in a few words.

When Washington was in the sorest possible straits; when it was deemed very probable that we would lose the contest with Great Britain, John Langdon, of Portsmouth, N. H., a merchant, then the speaker of the New Hampshire House of Representatives and, by the way, the first President pro tempore of this body, gave all his money, all his plate, and the contents of his cellar to the cause of the Colonies upon condition that John Stark should be called upon to rally the militia of the State and proceed to Bennington to save the valuable military stores that were there collected.

John Stark undertook the task. He started across the fields and through the woods of New Hampshire; he called around him 1,200 volunteers on his way to Bennington. With those 1,200 volunteers he fought that great battle, won the victory, saved the military stores of Bennington, and paved the way for the surrender of Cornwallis, which came not long afterwards.

Mr. President, I think the Senator from Oregon means to do exact justice to the volunteers in the Revolutionary War. While Washington undoubtedly did deem it necessary, or thought it was necessary, to advise conscription, the volunteers at Lexington, at Concord, at Bennington, at Trenton, at Saratoga, and in all those contests that took place during the Revolutionary War acquitted themselves with a valor that was the admiration of the world then, and is the admiration of the world now.

When we remember that John Stark said to his volunteers that he had gathered up as he traveled from his sawmill on the banks of the Merrimack River, in Manchester, N. H., to Bennington, as tradition says he did, "See, there are the redcoats! Before night they are ours, or Molly Stark is a widow." Responding to the call of their brave commander, they went at the British troops and defeated them gloriously. Surely we ought to pay tribute to those men, and not have it made to appear that we could then have had a better army, for we certainly could not have had a better army under the conditions that then existed.

Mr. CHAMBERLAIN. Mr. President, I tried to state at the outset that I did not question the patriotism of the volunteer, and I do not question the fact that there were some of the most brilliant battles in history fought by volunteers during the Revolution. Ordinarily I do not like to refer to these things, and I would not refer to them in this RECORD to-day but for the fact that it is sought to be made to appear here that the Revolution was entirely won by the volunteer system. I am talking about the system, rather than the individuals who go to make it up. This was the system at Quebec. Think of the cost of it there—the life of one of Washington's most gallant generals, in his own language, and the loss of Canada to the United States. The Senator from New Hampshire, I presume, would not question that at all.

Mr. GALLINGER. No.

Mr. CHAMBERLAIN. If Washington is to be trusted, that was the system in use. I am not questioning the gallantry of the men.

Mr. GALLINGER. If the Senator will permit me, I want to say that we could not, under those conditions, have had any different system.

Mr. CHAMBERLAIN. Well, yes. I will say to the Senator that Washington tried to have a different system created, but they would not let him have his way.

Mr. GALLINGER. He tried to have conscription, but that would not have secured better soldiers than the volunteers. Whether they were conscripts or volunteers, they would have equally been untrained men.

Mr. CHAMBERLAIN. He tried to get that system. Washington said he did not know how long the war might be prolonged, and he wanted to get an army that he could depend on if it was to be prolonged.

I know how unpopular it is to talk thus about our ancestors in the Revolution and to intimate a doubt as to either the gallantry of the men or the weakness of the volunteer system, and I do it reluctantly.

Here, Mr. President, we are confronting a crisis that demands that Congress shall do its best to provide for an army, not a temporary one, but for an army that shall be a permanent one so long as this war lasts. We could not train this army under six months or a year. The crack regiments of Canada went into British training camps and trained for eight months before Lord Kitchener would let them go across the English Channel. Why? Mr. President, it would simply have meant what Gen. Lee, of Revolutionary fame, said, that to undertake to take an army of untrained men against regular forces simply meant murder. It would have been criminal. Kitchener knew that better than anybody else.

Mr. GALLINGER and Mr. REED addressed the Chair.

The PRESIDING OFFICER. Does the Senator yield, and, if so, to whom?

Mr. CHAMBERLAIN. I yield first to the Senator from New Hampshire.

Mr. GALLINGER. For the purpose of the RECORD, I want to ask one question of the Senator from Oregon. During the debate this evening the Senator made one observation that I think he probably would not have made if he had dwelt upon it a little while, because it was an echo of what certain newspapers are saying, that there are obstructive tactics in the Senate, and that this bill is being held back by men who really do not want to see an army established.

Mr. CHAMBERLAIN. Mr. President, the Senator from New Hampshire, I am sure, will acquit me of ever making such a suggestion as that.

Mr. GALLINGER. The Senator made it in a very veiled way.

Mr. CHAMBERLAIN. I did not mean to do so.

Mr. GALLINGER. But if the Senator will look at his speech in the RECORD to-morrow morning he will see that he did make an observation of that kind.

Mr. CHAMBERLAIN. I did not mean to do it.

Mr. GALLINGER. I simply want that the country may know the facts; that is all the purpose I have about it. I want to say to the Senator that this bill was reported only eight days ago from his committee; one Sunday has intervened, and the bill has been debated seven days. The Senator would not say to me, to the Senate, or to the country that that is an unusual length of time to debate an important bill like this.

Mr. CHAMBERLAIN. Oh, no, Mr. President.

Mr. GALLINGER. And those of us who have been contending for a volunteer army, as the Senator knows, some of us at least, have been very anxious to get this bill to a vote; and I am one of them.

Mr. CHAMBERLAIN. I agree with the Senator from New Hampshire about that.

Mr. GALLINGER. I have taken very little time.

Mr. CHAMBERLAIN. I will say to the Senator from New Hampshire and to the country that there has not been any disposition at any time on either side of the Chamber to filibuster against this bill.

Mr. GALLINGER. Or to unduly delay it.

Mr. CHAMBERLAIN. Or to unduly delay it. I know it is not in the heart of a single Senator on either side of this Chamber to do anything that would cripple the good right arm of the President of the United States in this emergency, and I want to commend my friends on the other side for the fact

that there has not been a single display of politics or partisanship in any part of this discussion.

Mr. REED. Mr. President, can we not go a step further and have an understanding that we all want a permanent army during the war, and that the sole matter of dispute between us is whether the best way to get that army is by volunteers, and if volunteers fail then to resort to conscription, or whether it is better to resort to conscription at first? That is the sole difference between the two sides.

Mr. CHAMBERLAIN. That is the issue. Those of us who take the side I do feel that the best way to get an army for an emergency such as this is to start out, as Washington said, to get a permanent army right in the beginning, and not to wait for one system to break down and then to start out to create a permanent army. Senators on the other side say that they can do that by first giving men an opportunity to volunteer. That is the question. I am the last man in the world, Mr. President, to suggest that we have not the same purpose in view, which is to do what is best for our country. The Senators who disagree with me have the same motives and their hearts beat with the same patriotic impulses as mine. I know that, and I shall never let an occasion pass to deny the charge against my colleagues in the Senate when it is made against them that they are undertaking to hinder or defeat this legislation.

Mr. President, getting back to the draft again, I am calling attention to these things because I want to show that my friends are in error when they talk about the draft being contrary to the traditions of our Republic.

In the War of 1812 the Legislature of Kentucky, another great Southern Commonwealth, adopted a resolution prior to the declaration of war appealing to Congress to enact a draft law. Ah, Mr. President, it was in the course of the discussion at that time that Webster made his great speech, and I have not any doubt that his eloquence and his magnificent appearance had much to do with defeating legislation which would have ended that war very much sooner, according to every military historian whom I have been able to read. The eloquence of Webster and those who stood by him in his opposition to the draft law prolonged the war. With thousands of troops far outnumbering the British troops at all times, it took us a long while to settle the controversy at the sacrifice of millions in blood and treasure. But Kentucky did not think that it was contrary to the traditions of the country. We have 48 States now. Here is one which took action before the War of 1812, and in all 38 States out of 48 have draft laws on their statute books at this time.

I stated, in a colloquy with my distinguished friend from Missouri [Mr. REED] the other day in this Chamber, that I was not standing on Garrison soil, but rather on Jefferson soil when I said that Jefferson rather favored the draft. In order to show what that statement was based on, I call attention to a letter from Jefferson to Secretary of War Dearborn, dated September 21, 1805. In reading this I want the Senate to bear in mind that, with this letter to the Secretary of War, he inclosed a proposed law for compulsory service both as to the Navy and as to the Army. So that, taking the two together, we must conclude, with some other utterances of Jefferson, that he favored compulsory service. Now note what he said:

> Considering that the important thing is to keep the militia classes so that we may get at the young for a year's service at a time, and that training may be supplied after they are all called out, I think we may give up every part of the bill which respects training and arming. Let us once get possession of the principle, and future Congresses will train and arm. In this way we get rid of all those enemies to the bill to whom different details would be objectionable. I send to you the bill thus modified and I have thrown in a few words in the clause beginning with the words "The junior class shall be liable," etc., in order that the law may execute itself without waiting for any legislature. Will you be so good as to communicate it to Gen. Varnum and Mr. Bidwell? The sooner the better.

Two acts, one affecting the Navy and the other affecting the Army, are set out in the work of Jefferson, and I challenge anybody to say that they do not involve the principles for which we are contending here. Jefferson realized the situation, Mr. President. In his message to Congress he was calling attention to the conditions that existed, which were almost exactly like the conditions which exist to-day. There were pirates on the sea; Spain and Great Britain and other powers were destroying our commerce. If it was not so late, I would call attention to his message. He called attention to conditions that were almost parallel with the conditions which confront us now, with the single exception that the conditions of to-day are not only destroying our commerce, but they are destroying our lives. That is the difference; and yet Jefferson, with the same strong arm that President Wilson has been using in this struggle, was reaching out to see to it that our country should be protected as well as the lives of our citizens. He was proposing to do just what Mr. Wilson is proposing to do now, and that is to have a bill enacted into law that would create what Washington demanded and what every military expert since the Revolution has demanded, and that is a bill that would create a permanent Army to be used—I do not mean a large standing Army; I mean a permanent system. Now, look at his message.

Mr. WATSON. Mr. President—

The PRESIDING OFFICER. Does the Senator from Oregon yield to the Senator from Indiana?

Mr. CHAMBERLAIN. I yield.

Mr. WATSON. Of course the Senator from Oregon will not claim that the pending measure creates in any sense a permanent system?

Mr. CHAMBERLAIN. Oh, no.

Mr. WATSON. I honor the Senator from Oregon for the very great, effective, and consistent work he has accomplished in favor of a permanent system; but, of course, this bill does not pretend to provide for a permanent system.

Mr. CHAMBERLAIN. Not at all; it only makes provision during this war.

Mr. WATSON. That must come later, if it is ever to be provided.

Mr. CHAMBERLAIN. Yes, sir.

Jefferson, in his message to Congress on December 3, 1805, after reciting the outrages that were being perpetrated against our shipping and against our country as well, and to which I will not call attention, said:

> Whether it will be necessary to augment our land forces will be decided by occurrences probably in the course of your session.

That is what is happening here. Two epochs in history could hardly be more alike than the epoch of 1805 and the present one, and the actions of the two great Presidents more alike than those of any other two men that this Republic ever produced.

> In the meantime you will consider whether it would not be expedient for a state of peace as well as of war so to organize or class the militia as would enable us on any sudden emergency to call for the services of the younger portions, unencumbered with the old and those having families.

Then he goes on and cites how many men are liable to service. Mr. President, that is exactly what this bill does. It takes the young men between 19 and 25 and undertakes to do for them just exactly what Jefferson did, so as to have a force that we may call on in time of emergency. The only difference between that time and this is that we were not then engaged in war, and I think Jefferson's prompt action had much to do with staying the ravages of war.

President Lincoln, great and patriotic man that he was, did not entertain any fear that a draft law would violate the traditions of his country. When he fully realized, as did Washington, by actual experience that the volunteer method of recruiting the Army was sure to fail if the war was prolonged he advocated and urged the enactment of a draft law. When this law was enacted and opposition to its enforcement developed he prepared an address to the American people which was never published because he questioned the propriety of so reaching the people, but it has been preserved and presented by Nicolay and Hay in their "Life of Lincoln" as having been copied from Lincoln's own manuscript. He advocated the draft both from principle and from expediency as the fairest and most equitable method of creating an army. I quote an extract from it and beg that all he had to say upon the subject might be read by the American people in the emergency which confronts them. He said amongst other things:

> It is at all times proper that misunderstanding between the public and the public servant should be avoided; and this is far more important now than in times of peace and tranquillity. I therefore address you without searching for a precedent upon which to do so. Some of you are sincerely devoted to the republican institutions and territorial integrity of our country, and yet are opposed to what is called the draft, or conscription.
>
> At the beginning of the war, and ever since, a variety of motives, pressing, some in one direction and some in the other, would be presented to the mind of each man physically fit for a soldier, upon the combined effect of which motives he would, or would not, voluntarily enter the service. Among these motives would be patriotism, political bias, ambition, personal courage, love of adventure, want of employment, and convenience, or the opposite of some of these. We already have, and have had, in the service, as appears, substantially all that can be obtained upon this voluntary weighing of motives. And yet we must somehow obtain more, or relinquish the original object of the contest, together with all the blood and treasure already expended in the effort to secure it. To meet this necessity the law for the draft has been enacted. You who do not wish to be soldiers do not like this law. This is natural; nor does it imply want of patriotism. Nothing can be so just and necessary as to make us like it if it is disagreeable to us. We are prone, too, to find false arguments with which to excuse ourselves for opposing such disagreeable things. In this case, those who desire the rebellion to succeed, and others who seek reward in a different way, are very active in accommodating us with this class of arguments. * * *
>
> The republican institutions and territorial integrity of our country can not be maintained without the further raising and supporting of

armies. There can be no army without men. Men can be had only voluntarily or involuntarily. We have ceased to obtain them voluntarily, and to obtain them involuntarily is the draft—the conscription. If you dispute this fact and declare that men can still be had voluntarily in sufficient numbers, prove the assertion by yourselves volunteering in such numbers, and I shall gladly give up the draft. Or if not a sufficient number, but any one of you will volunteer, be for his single self will escape all the horrors of the draft, and will thereby do only what each one of at least a million of his manly brethren have already done. Their toil and blood have been given as much for you as for themselves. Shall it all be lost rather than that you, too, will bear your part?

I do not say that all who would avoid serving in the war are unpatriotic; but I do think every patriot should willingly take his chance under a law, made with great care, in order to secure entire fairness. This law was considered, discussed, modified, and amended by Congress at great length, and with much labor, and was finally passed by both branches with a near approach to unanimity. At last, it may not be exactly such as any one man out of Congress, or even in Congress, would have made it. It has been said, and I believe truly, that the Constitution itself is not altogether such as any one of its framers would have preferred. It was the joint work of all, and certainly the better that it was so. * * *

The principle of draft, which simply is involuntary or enforced service, is not new. It has been practiced in all ages of the world. It was well known to the framers of our Constitution as one of the modes of raising armies at the time they placed in that instrument the provision that "the Congress shall have power to raise and support armies." It had been used just before in establishing our independence, and it was also used under the Constitution in 1812. Wherein is the peculiar hardship now? Shall we shrink from the necessary means to maintain our free Government which our grandfathers employed to establish it and our own fathers have already employed once to maintain it? Are we degenerate? Has the manhood of our race run out?

Again, a law may be both constitutional and expedient, and yet may be administered in an unjust and unfair way. This law belongs to a class, which class is composed of those laws whose object is to distribute burdens or benefits on the principle of equality. No one of these laws can ever be practically administered with that exactness which can be conceived of in the mind. A tax law, the principle of which is that each owner shall pay in proportion to the value of his property, will be a dead letter if no one can be compelled to pay until it can be shown that every other one will pay in precisely the same proportion, according to value; nay, even it will be a dead letter if no one can be compelled to pay until it is certain that every other one will pay at all—even in unequal proportion. Again, the United States House of Representatives is constituted on the principle that each Member is sent by the same number of people that each other is sent by; and yet, in practice, no two of the whole number, much less the whole number, are ever sent by precisely the same number of constituents. The districts can not be made precisely equal in population at first, and if they could they would become unequal in a single day, and much more so in the 10 years which the districts, once made, are to continue. They can not be remodeled every day, nor, without too much expense and labor, even every year.

This sort of difficulty applies in full force to the practical administration of the draft law. In fact, the difficulty is greater in the case of the draft law. First, it starts with all the inequality of the congressional districts; but these are based on entire population, while the draft is based on those only who are fit for soldiers and such may not bear the same proportion to the whole in one district that they do in another. Again, the facts must be ascertained and credit given for the unequal numbers of soldiers which have already gone from the several districts. In all of these points errors will occur in spite of the utmost fidelity. The Government is bound to administer the law with such an approach to exactness as is usual in analogous cases and as entire good faith and fidelity will reach. If so great departures as to be inconsistent with such good faith and fidelity, or great departures occurring in any way, be pointed out, they shall be corrected; and any agent shown to have caused such departures intentionally shall be dismissed.

With these views and on these principles I feel bound to tell you it is my purpose to see the draft law faithfully executed.

Now, Mr. President, let us see what Gen. Grant says about this. He ought to be pretty good authority. I call attention to his Memoirs, at page 547. We can all think of him now, suffering the pangs of an incurable disease that was culminating rapidly, while his brain was undertaking to leave a memorial to the people and to his country, and at the same time to provide for the support of his family as well as liquidate obligations he had incurred—brave and courageous in death, just as he had been in life, fearless and truthful under all circumstances, and doing what he deemed to be best for his country and his kind. Says Gen. Grant:

> To maintain peace in the future it is necessary to be prepared for war. There can scarcely be a possible chance of a conflict such as the last one occurring among our own people again; but, growing as we are in population, wealth, and military power, we may become the envy of nations which led us in all these particulars only a few years ago; and unless we are prepared for it we may be in danger of a combined movement being some day made to crush us out. Now, scarcely 20 years after the war, we seem to have forgotten the lessons it taught and are going on as if in the greatest security, without the power to resist an invasion by the fleets of fourth-rate European powers for a time until we could prepare for them.

Think of it! He could not have predicted more truthfully the condition of to-day than he has outlined it in that concluding paragraph of his Memoirs. So we are to-day, Mr. President, doing just exactly what he speaks of, amongst nations who may envy our wealth in this emergency and who may combine to destroy us; and we are moving along with a feeling of perfect security as though nothing was likely to happen and nothing ever could happen.

Mr. President, the map of the world may be changed in the twinkling of an eye. In my opinion, those against whom we are pitted would not hesitate a moment to take America, if they win out in this controversy, and parcel it out among themselves, as they proposed to parcel it out to the neighbors on the southern border a short while ago, and thus recuperate and indemnify themselves for the losses they have sustained in this conflict. Where else shall they look for so magnificent a prize? The countries with whom they are now engaged are so depleted in their resources that they can not expect indemnity from them, and the taking possession of the empires ranged against them would not compensate them for the losses they have sustained.

Mr. President, is the fact of compulsion against our system? I asked the distinguished Ambassador of the Argentine Republic some time ago what they thought of universal military training and service in his country, and he said to me, "We look upon three things as the basis of our prosperity and of our liberty—that is, compulsory education, compulsory military training and service, and compulsory voting." They have a progressive and patriotic people in Argentina; and the time ought to come here when we will follow their example and have not only compulsory education and compulsory military training, but compulsory voting. I have had men come to me and denounce officials that had been elected to office; business men, lawyers, bankers, denouncing the lack of intelligence upon the part of the people because they had elected this man or that man to office; and 99 times out of 100, if you will ask them if they voted, they will say "No." Now, if there is rascality and scoundrelism in office, it is due to these business men who do not go to the polls and vote, and they ought to be compelled to vote. It is a duty that they owe to their country just as well as the duty of serving in the Army.

But that is a digression. We have compulsory education. I can remember that when it began to be discussed in this country it was just as bitterly assailed as compulsory service, absolutely. Men would go on the street corners and row about it, and it was not very hard to get up a gun fight in some parts of the West when they talked about taking their children out of their homes by force and crowding these children into the public schools. But now who would abandon it? Who would abandon it?

I predict, Mr. President, that if we adopt universal military service this country never will abandon it, for the reason that it will strengthen the young men, teach them discipline that they know nothing about now, and inspire a love of country which has almost departed from the young men to-day.

Violate traditions? Why, we are violating them all the time, Mr. President. Since I have been in this distinguished body I have heard men say that we should never depart from the pathway blazed by the fathers of the Republic; and yet we find those pathways abandoned as conditions change and as our people desire changes in governmental life.

I remember how the election of Senators by direct vote of the people was opposed. Did that violate the traditions of the fathers? Some distinguished men said so.

Why, Mr. President, they talk about prohibition. I can remember the time that if one dared talk about prohibiting the sale of liquor in a town or in a county or in a State you were charged with "violating the rights of a freeman. A freeman ought to be permitted to drink whenever he pleased, where he pleased, and what he pleased. Nobody had any right to pass any sumptuary law that would control him." That was a tradition that was handed down to us not only from the other side of the water but on this side. But we have departed from that tradition, Mr. President, and they are regulating the liquor traffic, and not only regulating it—that was the first step—but now they have begun to prohibit its manufacture or sale, and the people found out that it was necessary to violate a tradition in order to protect our country. One State after another has fallen into the prohibition column. You bring up the prohibition amendment here, and when my friend, the Senator from Texas [Mr. SHEPPARD], gets it up you will hear men talking about violating the rights of the people and trespassing upon the liberty of the citizen; but, while I am neither a prophet nor the son of a prophet, I predict that in the lifetime of most of us here present national prohibition will be the law of this land.

Oh, yes; it is all right to talk about violating traditions. Here is another proposition. I can remember 40 years ago, when as a young man, I was talking for woman suffrage—why, that was revolutionary. "Why, the constitutions of the land and its traditions do not allow women any voice in the affairs of this Government." Gradually the States commenced to give woman her rights. Finally they gave her the same rights of property that men had and the same rights of contract. For a long time the husband and wife were one, as Blackstone defined the relationship, and the husband was the one. [Laugh-

ter.] They gradually got away from that. Now they have so far departed from the tradition that they are still one, but the woman is the one. [Laughter.] But, Mr. President, one State after another has forgotten these old constitutional landmarks, and now we find that nearly all the States are adopting woman suffrage; and I say again that while I am neither a prophet nor the son of a prophet I predict that the time is not far distant, and it will probably be in the lifetime of some of us here now, when woman suffrage will be adopted as a national proposition rather than as a State proposition.

Why, I could call attention to a great many traditions from which we have departed, and always with changing conditions and in the interest of the American people.

Mr. President, I am taking more time than I intended to take, but there are one or two things that I can not resist the temptation to speak about.

It has been the custom of our friends here, some of them, to denounce the Regular Army. Is there any wonder that the uniform of our country is not respected by the men on the street? Can you wonder that when one of these brave boys, with his country's uniform, goes into a theater or into a café insult is offered him when you find in the Senate Chamber here men who are denouncing the Army? It must not be forgotten that the Regular Army of the United States at all times, in peace and in war, is a volunteer army, under strict rules and regulations, of course, and under strict discipline and conditions that you can not get in militia forces as a rule. Not only are these enlisted men sometimes denounced and insulted when they go out in uniform, but I have heard men say that the Army officers themselves were all autocratic martinets and upstarts. Was there ever a more unjust charge than that?

Why, Mr. President, West Point has, as officers in the Regular Army, a little more than 50 per cent, and, mind you, these officers that graduate at West Point are young fellows that come from the factory and from the farm and from behind the counter. One of the brightest boys who ever went from my State and graduated from West Point was the son of a poor locksmith. Others have come from the farm, and nearly all of them are poor, but patriotic young follows. They are of the same blood as you and I, American boys. Why should they lose their Americanism when they go into the West Point Academy? And then the half of the commissioned personnel of the United States Army that did not come from West Point—where did they come from? They came from your little community and mine. They came off the farm; they came from the same places as these boys that go into West Point and graduate; and yet we find men here denouncing them as holding themselves above the enlisted men whom they control.

Mr. President, it ought not to be true. It is not true. I saw a young fellow passing through the lobby here the other day in a private's uniform and I could not resist the temptation to put my hand on his shoulder and tell him I was glad to see him in his country's uniform.

Mr. WATSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Oregon yield to the Senator from Indiana?

Mr. CHAMBERLAIN. I do.

Mr. WATSON. I have heard the most of the speeches that have been made during this debate, and I have not heard anybody denounce the Regular Army or anybody connected with it. Is the Senator quite sure that anybody on the floor has denounced them?

Mr. CHAMBERLAIN. I do not know that I have heard it to-day, but I have heard it. I have heard it on the floor of the Senate, and I have heard it in the cloakroom.

Mr. WATSON. During this debate?

Mr. CHAMBERLAIN. During this debate I have heard it in the cloakroom; and if the Senator will sit out here at almost any time he can hear criticisms of the Army, officers, and enlisted men that are wholly unjustified by the facts.

Mr. WATSON. I have listened to this debate, and I have not heard at any time anything but praise of the Army. Of course I have not been over in the cloakroom of our friends; but so far as our cloakroom is concerned I have heard nothing of that kind, publicly or privately, spoken at any time by anybody, under any circumstances.

Mr. CHAMBERLAIN. Why, I do not know that I have heard it to-day, but I have heard very unkind things said about them all.

Mr. WATSON. Of course, I accept what the Senator says, because he tells the truth. I was wondering who had said it.

Mr. CHAMBERLAIN. Whenever I am in doubt, I tell the truth. [Laughter.]

Mr. WATSON. I have no doubt of that, or that the Senator will do so whether he is in doubt or not. Perhaps the Senator may not often be in doubt. [Laughter.]

Mr. KING. Mr. President——

The PRESIDING OFFICER. Does the Senator from Oregon yield to the Senator from Utah?

Mr. CHAMBERLAIN. I yield to the Senator from Utah.

Mr. KING. I remind the Senator from Oregon that the Senator from New Mexico [Mr. FALL], in the very able speech which he made this afternoon, adverted to the caste, as I understood him, that existed in the Army, and gave some personal illustrations; notably, one in which officers of the Army had refused at a hotel to have privates seated at the same hotel and insisted that if they were permitted to partake of the hospitality of the hotel in the same room screens should be erected to separate the officers from the soldiers.

Mr. WATSON. I think that in his remarks the Senator from New Mexico animadverted somewhat upon that idea of caste manifested at times in the Army. He said he had seen that; but there was no attempt, I think, on his part to criticize in anywise the Regular Army or anybody connected with it, and I was just wondering where the Senator had heard the remarks.

Mr. CHAMBERLAIN. Oh, I have heard them many times. I have heard them in public addresses; and while I do not recall any particular instances of such suggestion made right in this debate, I have heard them frequently.

I have heard the integrity of officers of the Army called in question more than once, in private conversation with men who ought not to have done so; but I call attention to the fact that no body of men in the United States of equal number have so honestly conducted the business of the Government as they. I remember now only one case of a defalcation that amounted to anything, and that one man was prosecuted and sent to prison. It speaks well for the Army that since the birth of the Republic they have maintained a record for faithful, efficient, and honest service. They spend millions and millions of dollars of the people's money every year and faithfully account for every cent. They have been taken from the Army and detailed for civilian duties in Cuba, in the Philippines, in Panama, in Porto Rico, and in far-away places to take charge of and establish civil governments, and we never have had anything but the best account of them.

One of the Senators said the other day, "It is getting so that you have to salute a military uniform." I hope the time will come, when we see our boys marching along the street, that no good American will hesitate for a minute to take off his hat to the young fellow that is in uniform. I am not afraid of militarism in this country, where those who are voting for the expenditure of the people's money have to go to the people every two years and where Congress is restrained by the Constitution from appropriating money for a longer time than two years. If we become a militaristic power, then it will be because the people of America have decided to change their form of government.

The Declaration of Independence recognizes the right of a people, whenever they see fit to do so, to change their form of government; but I have no fears of the American people. After the Civil War the finest body of men that ever were gotten together to fight returned to their homes and were absorbed by the communities to which they severally belonged, and nobody could have told, except in cases where there was destruction and devastation and suffering as the result of war, that these men ever had worn a uniform. This was in some part due to the splendid example set by Gen. Lee on the one side and the generous magnanimity of Gen. Grant on the other. Who can forget the lesson of Appomattox when Lee surrendered his sword to Grant and had it tendered back to him by the conquering hero with a dignity and grace that won for him the plaudits of the world? Who does not remember how the men of the Confederate Army were permitted to retain their horses in order that they might go back to their farms to be absorbed by the communities that they had left, and which had become devasted and ruined?

Ah! Mr. President, with such a people as that there is no danger of militarism. We find here in the Senate, as there may be found in the House of Representatives and as there may be found in every branch of the Government service, men who 50 years ago were pitted against each other in deadly strife now sitting shoulder to shoulder, endeavoring to give the best and most patriotic service that is in them to their country and to the maintenance of its honor and integrity, those who participated on the northern side vying with those who participated on the southern side in an effort to do, under all circumstances, what is best to be done in every emergency.

Now, it is said that the General Staff comes here every year and undertakes to get Congress to reverse itself because, as it is charged, the General Staff has reversed itself. Mr. President, if a man gets sick and wants somebody to help him, does he send for a blacksmith or a carpenter? When our country becomes involved in dangers and in war do we go to the statesman or to the politician or to the man in civil life to ask him what ought to be done where, as in this case, our Government is in danger of destruction? Oh, no; we go to the men who have made a study of war and the massing and mobilization of troops their life work.

The General Staff, through the proper channels, presents its recommendations to Congress. The Congress refuses to adopt them, and either so modifies the recommendations as to fail to accomplish what is proposed or refuses to act at all. Then the General Staff comes at the next session to Congress and proposes to conform to recommendations which will make a consistent military plan. The Congress again fails to adopt their recommendations. The result is that no consistent plan is ever adopted; and now it is charged the General Staff does not know what it wants. The fact is, Congress does not know what legislation will best create an efficient army. Can the General Staff therefore be charged with reversing itself, as has been charged on the floor of the Senate, because it raps at the door of Congress in order to best serve its country? This is not only the situation now, but it has been since the days of Washington.

Now, as evidence of what I have said, I do not have to go back very far into our military history. In 1876 to 1878 successive committees of Congress undertook the subject of the reorganization of the Army, and much testimony was taken.

In 1878 a committee was formed composed of three Senators and five Representatives to consider the whole subject of the reorganization of the Army. All of its members had served in the Civil War. Gen. Burnside and Gen. M. C. Butler were two of the members of the Senate committee, and Gen. Garfield was one of the members of the House committee. Such generals as Hancock, McDowell, McClellan, Terry, Pope, Ord, Hazen, and Hunt were called upon to submit their views together with a draft of a bill to carry them into effect. The chiefs of staff departments were likewise distinguished officers of the Army and submitted their views, but as had been the case before that time, with a voluminous report and forms of bills submitted to them, Congress took no steps to carry out the views of these distinguished officers.

If Senators are interested in reading a condensed history of the war, and what is necessary to an army, they ought to read the report of that committee, replete in recommendations from these Regular and Volunteer officers who had been through the Civil War and knew whereof they spoke.

I will not refer to the intervening reports, but coming down to 1912, which brings us nearer home, the General Staff worked out a plan of Army reorganization at great length, fortified by facts as they saw them. What did Congress do? Nothing. They followed the proverbial policy of doing nothing.

Then again a report was presented by the General Staff in 1915 formulating legislation and suggesting conditions and needs. What did Congress do? They took it up for consideration, but the legislation that they suggested was not enacted. The then Secretary of War did not recommend it, but something different. I can not say why, but it was not done. The then Secretary of War came up before the Committee on Military Affairs and proposed a different plan, and what did Congress do? They did not take the General Staff plan; they did not take the plan of the Secretary of War, but enacted a sort of military coat of many colors, and crystallized it into a statute. The result is that we have a law now which is the best statute we ever had as affecting the Regular Army, but it is not what it ought to be, and it is not what either the General Staff or the War College or the War Department have wanted from time to time.

Mr. REED. Will the Senator tell us briefly in what respect it did not comply with the recommendation of the War Department?

Mr. CHAMBERLAIN. One very important and essential thing the Secretary of War recommended was the Continental Army scheme. The General Staff did not recommend anything of the kind.

Mr. REED. I am speaking about the bill that was passed.

Mr. CHAMBERLAIN. Oh, so far as the Regular Army is concerned, it is a pretty good bill. It is the best bill, taken altogether, we ever had up to that date. I will say to the Senator what I said the other day: It is not what it ought to be and it was not what the General Staff recommended.

Mr. REED. Both those bills were substantially what the General Staff recommended?

Mr. CHAMBERLAIN. No.

Mr. REED. That is what I am asking.

Mr. CHAMBERLAIN Let me call attention to it. I have been a pretty faithful attendant upon the Military Affairs Committee. If the Senator had been there as often and as long as I, probably he would know that the militia end of the national-defense act of June 3, 1916, was formulated by the National Guard themselves.

Mr. REED. That was simply an addition put onto the plan of the Army officers, but did not interfere with their plan. I want simply to get that plain. They got their plan, but Congress had the temerity to still preserve the militia and to insist on writing into the Army board's plan a little of their own ideas by providing for a militia.

Mr. CHAMBERLAIN. The Senator and I had that out here when the national-defense act was up. The Senator has a very much higher opinion of the National Guard than I. I am not questioning the patriotism or courage of the National Guard, but the Senator has more confidence in the system than ever I had. I have been a part of it and I know whereof I speak.

Mr. REED. So have I.

Mr. CHAMBERLAIN. I know it, but the Senator and I formed entirely different conclusions about the effectiveness of the National Guard as a second line of defense. The Senator will remember that we tried to put the very bill that he is insisting on now so strenuously and so eloquently and so ably as a part of the national-defense act of 1916, and the Senator voted against it twice.

Mr. REED. This question was never discussed at that time——

Mr. CHAMBERLAIN. I think the Senator——

Mr. REED. In the light that we are discussing it now. I never voted against a call for volunteers at least in war—never in my life.

Mr. CHAMBERLAIN. Let me call the Senator's attention to the fact that the volunteer act of 1914 to raise volunteers was only applicable and could only be made available by a declaration of Congress after war had been inaugurated. When the continental army scheme came up, Mr. Garrison seemed to be very much wedded to it. It did not seem practical to many of the military experts and we tried to substitute what was known as section 56 of the then pending bill—act June 3, 1916—which very briefly proposed that the volunteer act of 1914 should be utilized in times of war. It was to make available for the purpose of volunteers the very act the Senator wants now.

Mr. REED. That is a different question.

Mr. CHAMBERLAIN. Oh, no.

Mr. REED. The Senator says I voted against the volunteer act.

Mr. CHAMBERLAIN. You voted against making it a part of the national-defense act of June 3, 1916.

Mr. REED. You now say I voted against giving the President authority in the time of profound peace to call out 500,000 volunteers. I plead guilty to that. That is a different kind of a case.

Mr. CHAMBERLAIN. The Senator has a right to change his mind.

Mr. REED. I have not changed it.

Mr. CHAMBERLAIN. Then you ought to do it.

Mr. REED. Not at all.

Mr. CHAMBERLAIN. I will say to the Senator, I changed my mind. I have changed my mind about the Army situation a good many times. The Senator is on the committee now, and if the Senator will attend it he will change his mind quite often, too.

Mr. REED. I may change my mind. It is said that nobody but a fool always maintains the exact opinion.

Mr. CHAMBERLAIN. Mr. President, I apologize for having taken up so much time. My only excuse for it is because I was subjected to so many interruptions.

I think I have said all I wanted to say, Mr. President, and I yield the floor, expressing the earnest hope that the bill as it has been reported to the Senate, with as few amendments as possible, may be adopted by the Senate, and that we shall do what Washington and every military expert since his day has insisted ought to be done, and that is create a permanent force for the safety of the Republic when it is in danger.

Mr. KIRBY. Mr. President, we all know that an army must be raised, an army sufficient for our needs and commensurate with the man power of the Nation, and we hope to raise it by such methods as will bring the men to the firing line in the best

possible condition of mind and body for the performance of effective service.

I am going to discuss this measure as I see it, as it really is here, and not as it has been proclaimed to be throughout this country—deliberately and designedly in a misleading way.

All the papers are saying, "Let us have this universal military service because it is the only system of equality and democracy."

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"Same obligation rests on all men of military age. * * * Universal service must come without another instant of delay."

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That is the sort of misleading, false impression that has been designedly created by the lying press; and for what purpose? To compel such Members as desire to think for themselves to support a measure here that has no element of universal service in it and that ought to be defeated.

Now, as to the universal-service proposition. This bill only proposes that boys between the ages of 19 and 25 shall be subjected to this conscript system, this selective-draft system, and it excludes all men from 25 up to 45, the legal age, from military service. That is the universal military service that you talk about requiring by passing this bill.

In the United States there are about 6,000,000 boys between those ages. I say it is undemocratic and unfair and unjust that we should place this burden on those boys at this time and in this way, from the democratic standpoint of equality of right and privilege to all and of special privilege to none. One-fourth of those boys have never been allowed to vote, and "all governments derive their just powers from the consent of the governed." The other three-fourths are between 21 and 25 years of age. How much have they had an opportunity to do in this world of ours? Ah, how much of the blessings of good government and peace have they enjoyed up to now? Every mothers' son of them, all put together, have not 5 cents direct interest in our overseas commerce, which this war is primarily waged to protect and promote. Not one in five hundred has a dollar in the bank, and not one in ten thousand of whom owns an acre or a foot of land in this country, whose battles they only are compelled to fight. It proves the old complaint of "A rich man's war and a poor man's fight." This is the most flagrant and iniquitous class legislation that I have seen in the whole course of my life. You propose to excuse all men above 25 years of age and on up to 45 and disguise the injustice under the false claim that it is democratic; men who have lived in the greatest country on earth, under the best conditions that ever man has brought to bear in the development of civilization; the strong, the rich, the powerful, the great, men who have been allowed to enjoy happiness, to follow unrestricted their own pursuits of industry and improvement, to build up their homes and acquire their fortunes; not one of these men can be compelled to go into the Army under this bill, or is even permitted to do so, and to conscript these boys, one-fourth of whom can not even make a legal contract, and the others who have not yet found out where they are going. Oh, no; they are no good for anything else, the Secretary of War says. Let us see if I can find that. Yes; here it is:

> Men are not deemed skilled workers and indispensable in industry until they are of greater maturity than that.

Well, they are not regarded as necessary to the industrial conditions, not having made a place there. That is the real condition. That is the reason I am talking along that line to-night. No Senator here will dispute that proposition or contend that the true condition has not been correctly stated by me.

Mr. President, it is charged by the advocates of this bill that the volunteer system is a failure; that conscription must be resorted to for raising an army. It is charged that the volunteer system is retained in the bill, and claimed that the Regular Army and the National Guard may still continue to be filled by voluntary enlistment. I deny and challenge the truth of all these statements. Not one single one of them is true.

Now, I say that there is no wide field left open for volunteering if this bill is passed; there is in effect no place for volunteering after it is passed.

It is said that there are now 500,000 men necessary to fill up the National Guard and the Regular Army to war strength, and claimed that under the provisions of this bill it may be done after the bill is passed. Let us see. On page 4, section 2, beginning in line 23, the bill reads:

> SEC. 2. The enlisted men required to raise and maintain the organizations of the Regular Army and to complete and maintain the organizations embodying the members of the National Guard drafted into the service of the United States at the maximum legal strength as by this act provided, shall be raised by voluntary enlistment, or if and whenever the President decides that they can not effectually be so raised or maintained, then by selective draft; and all other forces hereby authorized shall be raised and maintained by selective draft exclusively. Such draft shall be based upon liability to military service of all male citizens, or male persons not alien enemies who have declared their intention to become citizens, between the ages of 19 and 25 years, and shall take place and be maintained under such regulations as the President may prescribe not inconsistent with the terms of this act.

What will be the effect if this bill passes? The War Department has already declared that volunteering is a failure, has discouraged volunteering in the National Guard, and declared that there shall be no more volunteering. This bill is conclusive evidence of that fact, along with the statements made by the Secretary of War in the Military Committee. When this bill is passed what would be the incentive for a man over 25 years of age to go and enlist in the Regular Army or in the National Guard, when he knows that if he does not volunteer he can not be put into the service by the conscript system at all, because the men who are to be put in under the law, when the President concludes that volunteering is a failure, must be selected from those between the ages of 19 and 25. That is the condition you are going to have. You are going to exclude every man from 25 to 45 years of age in this country from service in the Army. It is wrong; it ought not to be done.

There would be fairness in this if equality of service of all men now subject to military duty, from 18 to 45 years of age, or, rather, from 21 years of age, when a man is allowed to vote, up to 45 years of age, was required, and I shall vote for that. Men are good soldiers at that age and so recognized. There would be a strong element of fairness about that and of equality and democracy.

I am a believer in the volunteer system. I believe that it is the best that we can have for American purposes under the conditions as they now exist. When the Army appropriation bill was pending in the Senate, immediately after war was declared, I introduced an amendment to that bill authorizing the President to call for volunteers, in lots of 500,000 at a time, for the term of the war, and for continuing the call until a sufficient number were enlisted to bring the war to a successful conclusion. That amendment was defeated on a technical point. War had been declared, and yet no call has gone out for volunteers.

Immediately after that failed I introduced in the Senate a bill authorizing the President to raise an army of volunteers. I will read the bill here—Senate bill 1807:

> SEC. 1. That war having been declared, the President is hereby authorized to call for volunteers for service in the Regular Army, for the term of the war, in numbers of 500,000, until as many men are enlisted in the Regular Army as are deemed necessary to bring the war to a successful conclusion.

I supported the McKellar amendment in the Military Affairs Committee, although I am not in favor of it in principle. I believe that the volunteer system should obtain to the exclusion of the selective-draft proposition. I am going to support the Trammell amendment, which proposes to strike out the selective draft or conscript feature of this bill, and authorize a call for volunteers to continue until enough are enlisted to bring the war to a successful end.

Let us discuss briefly this volunteer system. I am not going to talk about the untrained raw militiaman, as the chairman of the committee has done, but I am going to talk about the volunteer system, the volunteer soldier, and I am going to talk about it from our own experience in the past, in this last great war, in the War between the States, that cemented forever indissoluble the bonds of this great Union, in the anguish and suffering and blood of our people, and from out the baptismal fire of which our Government emerged pure gold, with all the dross of sectionalism and division burned away.

What was the result of conscription in the North? It was a costly failure, this system that you hug to your bosoms here and say is the best that has been devised by mortal man. What was the effect of it in the North? I read a few statistics and excerpts:

> At the beginning of 1862, when recruiting was discontinued by the Secretary of War, there were 637,000 volunteers under arms, the surplus being turned away without record or pledge. The number of men raised in the North under act of March, 1863, was 1,369,343, but of these there were 1,076,558 volunteers under this enrollment act. The number of voluntary substitutes was 144,012, the number who escaped service by paying a fee was 86,724, and the number who were compelled personally to serve was 61,947. But 2.3 per cent of the total number of troops raised in the North from the beginning to the end of the war was raised by draft or conscription. (See Report of Secretary of War, 1865.)

I want to call your attention to what occurred in the Empire State of New York:

> The number of volunteers enlisted January, 1863, to January, 1864, was 56,156; the total number of conscripts who were delivered at military stations was 2,575. (Governor's message, Jan. 5, 1864.)

That was the experience with conscription in the North. What was the experience of the South? We do not know exactly; but according to the statement that I have here, a careful exam-

ination by the Confederate Bureau of Conscription shows that more men came in irregularly than came through the conscription bureaus or came in irregularly and volunteered than came in the other way—conscripts. That is the experience of that time.

Experience is a wonderful teacher; it is the greatest and best teacher that has been vouchsafed to mortal man. In the history of the past that was our experience with conscripts, and yet the great war resulted in the preservation of this Union, and the volunteer system then employed was a glorious success. That was our experience along that line; and I say to you it is well for us to heed the voice of experience, our own experience, as the voice of wisdom from experience.

> What thine experience teaches true,
> To that give willing heed;
> The wisdom that we suffer to
> Is better than a creed.

Now, let us review the experience of other nations. Yonder in England, in this great war, they have raised over 5,000,000 volunteers. A little closer analysis shows that England did not have more than 6,500,000 male population between the ages of 18 and 35, and yet she raised something like 5,000,000 volunteers. Up in Canada—and Canada has less population than the Empire State of New York, less population than Pennsylvania—Canada has sent 400,000 volunteers into this war. Yonder, far across the ocean, is Australia, smaller than the State of Illinois in population, and yet Australia has sent up to February, 1917, 285,809 volunteers, 12,000 miles from home, to fight the battles of the mother country. Australia refused on a referendum vote to adopt conscription, but she raised that army of volunteers.

How many men do we need? How many men do we propose to raise? Five hundred thousand. When do we need them? The War Department states they can not be equipped, can not be furnished uniforms and rifles before August 1. I say to you here and now that if the President will issue a call for volunteers we would have a million and a half men recruited before August the 1st, more men than could be taken care of.

We can not train but 500,000 at a time. We could raise the other contingent in the same way. It has been shown, demonstrated clearly, by the testimony of the adjutant general of every State, that the National Guard can be raised to its maximum war strength before the Government is able to take care of them. We need, as I have said, only 500,000 men out of 21,000,000 of service age; and Canada raised 400,000; Australia, 285,809; and England, with the small population she has, raised something like 5,000,000 under the volunteer system.

Now, I speak of the volunteer soldier. I am not talking about an untrained raw recruit being as good as a trained soldier, but I do maintain that the volunteer soldier, with the enthusiasm and conviction of a free man, when properly trained, is the best soldier in the world. We propose to let these men volunteer; we propose to train them in camps until they are fit; and they are not expected to be sent to the firing line for one whole year from now. That is the condition as it really is. Then, why all this haste about the adoption of the selective-conscription system? It ought not to be adopted.

Mr. President, let us see what the effect of this conscript system will be. It tends to destroy the sympathy and the good feeling existing between the individual, the citizen, and his Government. We do not want that feeling destroyed in a time of war. If you adopt the system that is proposed here, or make such regulations as that the individual man will think an injustice has been done him, then he will feel indignant; he will feel that he has not been fairly treated, and he is likely to become sullen and resentful. Here is a statement of its effect away back yonder—and I quote from the record:

> The failure of conscription in comparison with volunteering is shown by results in this State (New York).
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> * * * * * * *
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> Like results are conspicuous in all parts of our State and in all sections of the country—in New England, Pennsylvania, and the West. The attempt to fill our armies by drafting was abortive. While it gave no useful result, it disturbed the public mind, it carried anxiety and perplexity into the workshops, the fields, and the homes of our citizens. It not only fails to fill our armies, but it produces discontent in the service; it is opposed to the genius of our political system; it alienates our people from the Government; it is injurious to the industrial pursuits of the country. (Gov. Seymour's annual message to the New York Legislature, Jan. 5, 1864.)

What does this record show about the effect of conscription in the Civil War? I quote again:

> The order for the draft was the signal for violent disturbance in many portions of the loyal States and much blood was shed before these disturbances were quieted. In some portions of the country, particularly in the city of New York, certain districts in Pennsylvania, Indiana, and Illinois, the draft was conducted under the protection of troops sent there to overawe the lawless, and in other districts the draft was deferred until troops could be furnished to protect the officers. The draft was not completed till late in the year and produced but few men for the service. (Report of Provost Marshal Gen. James B. Frey, Mar. 17, 1866.)

That is what is said to have been the result at that time. I also quote from a speech of Daniel Webster, who opposed conscription and said: "That if the time ever comes in the history of this country when an army can not be raised without conscription, the Government will discover that conscription can not be enforced without an army."

One Senator has said all this talk about the sentiment of the soldier is bosh; that it is not necessary to take it into consideration; and he asked, "Why should he not be just as good a soldier if the Government comes around selecting men here, there, and yonder"? Mr. President, you must take sentiment into consideration; you must take environment into consideration; you must take conviction into consideration in this country; you must take the temperament of the people into consideration, the psychological effect, the mental attitude. All these things must be considered.

Mr. President, as I have stated, I believe in the volunteer system and in the American people. I believe the volunteer is the best soldier in the world. I am going to call your attention to the most illustrious volunteer of all time. Yonder in the past there came down from his shepherd father's home from the mountains to the plains where the army of Israel was encamped, a blue eyed, fair haired shepherd boy who beheld the army of the living God, halted terrorized and defied by the mighty giant Goliath, and with heart aflame with indignation and with soul filled with mighty purpose, he demanded to know who it was that defied the army of the Lord, and declared he would overcome and slay him. They said: "Soft—whisper boy—you would better go back up into the mountains and tend your father's sheep; this is the greatest warrior of all time; he is recognized by all the military experts as the invincible champion of the world. You are not a soldier; are nothing but a boy just come down from the mountains; let it not be known that you have said anything like that." But he was insistent and finally taken to the king, where he continued to declare he would go out and fight the giant and slay him. He believed he could do it, and he knew it ought to be done. That was the sort of enthusiasm and conviction that was in his heart. The king said, "If you have done these things as you say, take my armor and go out and fight." "No; I am unused to that; I will fight with the weapons I understand, believing in the God of the armies of Israel, the Living God, whom he defies, and that I shall prevail against him." You all know the result that the giant was slain and beheaded at last with his own sword.

You remember the sentiment the enthusiasm, the conviction of that volunteer, and there is yet marvelous power in sentiment and conviction and enthusiasm. There is no happiness in life nor anything worth living for if you take sentiment and conviction and enthusiasm out of the world, and yet Senators say there is nothing in sentiment.

Mr. President, I am a soldier's son. My father was a volunteer—not in that unconquerable host to which the grand old veteran from Minnesota [Mr. NELSON] belonged, but in that other immortal army that followed the fortunes of "the storm-cradled nation that fell." When the war clouds lowered about this country of ours, my father did not believe that the South ought to secede. He did not believe that his own State ought to secede, although he knew she had the right to do so; but when secession came, he went with his State, as most good men felt compelled to do. He stood his country's friend in her time of need. He joined the armies of the South and "played a man's part in the world of men."

Aye, yes, Senators; my father was a soldier. He fought four years east of the Mississippi River, where there was war and where war was hell. He was on sick leave, on crutches, detached from his company yonder in Tennessee; saw that a battle was imminent and borrowed a horse to ride, knowing all the sons of the South that could get into action would be needed there; volunteered for special service, was assigned to the staff, and carried dispatches along the firing line on Franklin's bloody field, where great Pat Claiborne fell on the enemy's front line of breastworks with a thousand yards of dead men around him. He fought all down through Georgia when Sherman marched to the sea. Ah, yes; my father was a soldier, and he fought as became a soldier; and the dauntless southern volunteers would have stormed the gates of hell. I do not say they were more brave than their brothers of the North, and the deeds of that immortal army, with those of their victorious brethren from the North, are now emblazoned forever resplendent high on fame's eternal scroll and have not been dimmed by the glory of the soldiers of the past and shall not be outshone by the glory of the soldiers of the future.

I have more love, respect, and admiration for that man than for any other living. He is old and bent and an invalid, wait-

ing for the final summons; but he saw it in operation, and has told me about this conscription and the conscripts. Senators, there is a deep-rooted conviction in the mind of that man and of every other man who volunteered and fought bravely in the army upon either side that a conscript was a coward, a skulker, a slacker, and would not fight. That was the experience then, and all the men of our country who went to the war under the conscript system rest to-day under a cloud, and their sons and their daughters have not been able to outgrow and escape the baleful effect and influence arising from the fact that their fathers had to be conscripted and dragged into the service.

Remember also the words of the Senator from Kentucky [Mr. BECKHAM]: "The same prejudice exists against the conscript in the South to-day that was engendered during the war, and it never will be forgotten."

That is the sort of feeling that is in the minds of the people among whom I live.

I am the son of a southern soldier. I am proud of the traditions of the South. I love her history, her sentiments, and I love all that is dear to the southern heart; but I have thanked my God, since I was old enough to know, that the cause for which my father fought did not succeed. I have thanked Him that the great Union was not dissolved; and notwithstanding my love for the South, notwithstanding my love for her great and heroic deeds, her history, and traditions, no man goes beyond me in admiration and love for this country of ours, throughout all her borders, nor has more anxious solicitude for her holding first place in the foremost rank of the nations of the earth. I am speaking to-night again for the young men, and declare that they ought to be allowed to go into this war as volunteers, and not required to go as conscripts.

Let us see. You talk about the Englishmen, the soldier. You talk about the Czar and the Kaiser. But you say that Germany's army is the most powerful, most effective, and best fighting machine on the earth. Lord Northcliffe, who has been quoted here, says "democracy is a bad war maker," because you have got to get the power finally into the hands of some one man or a few men where it can be properly exercised to wage war successfully. What else? Speaking of looking over the battle fields and the country that the Germans were expected to go through into Calais, he said:

> Had that wonderful army that poured through Belgium been inspired by the enthusiasm and the conviction of free men, I do not think that anything could have stopped its progress. It is just that which is lacking in autocratically ruled armies.

The inspiration and conviction of free men is lacking in that sort of an organization; and that is what caused its failure, according to the greatest expert quoted on the other side of the question.

He said also:

> The difference between these soldiers and the soldiers of Napoleon the Great, who used to play havoc with them, was the difference between human automata ruled by machinery as compared with men of individual thought and action guided by a genius.

I have but a few more words to say. There is no lack of enthusiasm in the State of Arkansas. There is no lack of enthusiasm and conviction throughout this Nation. Already one citizen has been able to have 123,000 men volunteer in the time since this war has been declared. You know that if this Government should issue a call for volunteers that more than 120,000 or 150,000 or 500,000 a month would volunteer, and yet you demand that the boys be conscripted.

Now, Senators, I am not going to talk further. I had to say this much once again for the young men of this land. I could not say less. The history of the volunteer is the history of America's military glory, and, lest it depart, here and now I adjure you by the living God who made us all, by the ties that men hold most sacred, the love of liberty, of home, and of native land, do not cut the fighting heart out of our young men with this conscription law. Do not impose this indignity upon American manhood.

Mr. FLETCHER. Mr. President, the consideration of the pending bill and the various amendments offered to it may well be confined to the one important question, What shall be the military policy of the United States at this time?

The discussion thus far shows that what Senators are chiefly concerned about, and properly so, is the determination of the question, Shall we continue the existing plan, extending it on the basis of the volunteer system, or shall we limit the volunteer feature and expand on the basis of the selective draft system as proposed in this bill?

Some of the amendments offered I may vote for, where they do not change the principle or the policy involved.

I desire to submit some observations in support of the bill.

Experienced and thoughtful people contend that the volunteer system is inseparable from vicious favoritism. Its tendency is to shift the burden from those who ought to bear it to those who, for the good of the Nation, ought not to go into that service. The theory of the selective draft, which there ought to be no great difficulty in putting into practice, is that the men who can best be spared will be called; and those who have dependents, or are needed on the farms to produce the Nation's food, or on the railroads which must be operated to supply the means of necessary transportation, or in the factories which we can not afford to have closed or seriously crippled, would be exempted. Back of universal service is the sense of obligation to the country. The right of the Government under the powers granted by the Constitution to require such service of the citizen, and the duty of the citizen in consideration of the protection and guaranties afforded him to render such service, are perfectly plain.

Consistent with that principle entirely is the idea of exemption of those from military service who can be more useful to the Nation elsewhere than in the field. The volunteer plan does not take into account this idea. It does not facilitate, but hinders, through its lack of system or by its operation, the proper mobilization of the Nation's resources. Its uncertainty and unreliability are indicated by the recent experience abroad and at home. The former has been frequently mentioned. As to the latter, Congress in December, 1915, authorized the enlistment of 20,000 more men for our Regular Army. On December 15, 1916, the authorized strength of the Regular Army was 126,552, while the actual strength was only 100,902. The new enlistments, although considerable effort was made to secure them, were not obtained. In the National Guard recruiting was likewise disappointing. Conceding, in the circumstances I need not detail, notwithstanding there was need for actual service apprehended, there was not a fair test of the volunteer plan, the experience was sufficient to give rise to some doubt that it would be wise to place dependence upon such a plan. It is instanced that England and her colonies raised some 4,000,000 men by the volunteer plan; that Canada enlisted some 400,000 under that plan; that all of them have proven themselves soldiers of the highest type. These facts are cited as proofs of the efficacy of the plan. It will be noted that England refuses to have her soldiers go to the trenches until they have had 11 months of earnest training.

In the first place, the strongest possible appeals were made by England. She had the hideous desolation of Belgium at her doors. Pictures of the treaty called a "scrap of paper" were exhibited everywhere. Zeppelins threatened and kindled a rage which found expression in the cry of "baby killers." Immediate dangers in various directions her people lived in the very presence of. We have not those conditions. Our appeal is to democratic idealism—stress on "the issue between popular rule and military despotism."

In the case of Canada, too much can not be said in praise of the noble, inspiring spirit her gallant sons displayed without even being invited. She saw clearly that the deadliest assault ever made on democracy was begun across the sea when war was declared on the mother country. She heard the alarm of her European brothers. She knew of violated treaties. She realized the meaning of the position that a regular and binding treaty was only a "scrap of paper" in the mind of some who place might above right. She was impressed by the doctrine that weak or small States have no right to live and ought to feel honored to be absorbed or dominated by great powers. She knew the seas no longer separate nations, that the moving bridges across the ocean highway connected all lands.

We find ourselves in thorough sympathy with Canada's sentiment and attitude; but, of course, our relations with Great Britain are not the same as hers.

There are two prime reasons why the selected draft is the preferable if not the necessary plan. First, it will show to the world, to the immense heartening of the allies and the discomfort of the enemy that we mean the force and power of the whole country are centered on victory. That we have gone in with the will to win. Second, it will leave the necessary industries uncrippled and the schools and colleges and the universities unrobbed of the young men to whom the country must look in the future for leadership. The farmer who produces the Nation's food, the mechanic and artisan needed in the trades and industries, the young men getting their education to equip them for high service, will not be allowed to volunteer in wholesale groups when the general good will best be subserved by most of them remaining at their several tasks. The educational institutions will contribute their share only—not empty themselves. The trades and industries and the farms will contribute

their share, but not indiscriminately, in numbers that would make us helpless where help is most needed.

The volunteer plan would mean delay, if not disappointment. If submarines and Zeppelins or raiders or armed forces threatened to invade the United States there would be a ready and overwhelming response to the call to the colors. Such a situation will not arise. Some immediate prospect of real, active service in battle would stimulate enlistments to numbers greater than could be cared for. When it is believed fighting is uncertain or remote recruiting will be slow. Thus the volunteer plan depends not on the judgment of the military authorities but upon the disposition of the volunteers. There is absence of control when control may be needed.

There is one other way to bring forth volunteers in sufficient numbers, and that is by arousing feelings of hatred toward the foe. A propaganda of that sort is most inadvisable. "God punish our enemies" is a theme which may serve those who wage a war of "frightfulness" and barbarity, but we can not think of teaching and proclaiming a feeling of hate toward any people. The real origin of the whole abomination of desolation is found in the denial of brotherhood. The failure of great and strong races to respect the personality of the smaller and weaker ones lies at the root of the fresh miseries and new horrors recorded every day. Hate is made the ruling passion to threaten the ruin of a world. We can not resort to that. Without the impulse immediate danger or attack would create, without the promptings engendered by hate, volunteering could not be relied upon to place the armed force of the United States in such a position of strength, numerically or otherwise, as it should occupy. Even with these two incentives, one not likely and the other unthinkable, volunteering would likely occur in localities, in institutions, here and there; in some States there would be enthusiasm, in others lukewarmness, resulting in unfairness, inequality, and inefficiency.

Whole divisions were sent back to operate the mines and factories in England after enlisting and training. This ought to be proof enough that the best results may not be accomplished by such a plan. Besides, there is opportunity, through the National Guard and the Regular Army, for over 300,000 to volunteer. I do not believe any odium could attach to the drafted man under this bill. It would be more nearly accurate to call him the selected man. He enters the service because he is the chosen among thousands. Chosen because he comes up to the standard fixed by the law. Selected because his country needs him and finds him to be fit to meet the supreme test of the citizen. He should feel honored by that choice. He should take pride in the fact that he was selected to defend his country on the battle field with his skill, his manhood, his life. What greater privilege, what higher honor could come to him than to be selected from among all his countrymen to carry his country's flag in the face of his country's enemy! The drafted man will be the selected, the honored man under this bill.

There is no difference between us as to the need of an army, trained and equipped. The only question about which there are different views is how best to attain that end. Some contend with great force and eloquence the volunteer plan is the historic and wisest plan, according with our free institutions. That seems to me, in the last analysis, a haphazard, one-sided plan, certain only in its uncertainty. Experience in former times, and in the very latest and most stupendous of all wars in all time, teaches that the selective draft is the scientific, dependable, safe, and fair plan. It affects all alike. It is what Washington advised when he said:

> A free people ought not only to be armed but disciplined, to which end a uniform and well-digested plan is requisite.

I am not disturbed that we are not entirely unanimous on this question. A writer has well said:

> When men meet together, smile and agree, progress weeps.

Mr. President, I was in Paris, attending a reception given by the American ambassador at the embassy, when a message came to him from the foreign office, the afternoon of July 28, 1914, that Austria had declared war on Serbia. The reading of that message brought a solemn expression to the faces of those present, and the assembly soon melted away. I turned to the prefect of police of Paris, who stood by me, and said I presumed the trouble would be confined to those two countries, or, at any rate, not extend beyond that region of social and political canker in Europe, the Balkans. He shook his head and replied no one could tell how far it would reach. "But," said he, "we are sure America will be found on the side of right and justice."

And so at last it is. And America is there in no feeble or halting manner. "Thus, from Palos, in 1492, to Sarajevo, in 1914, the hand of Europe has drawn us ever and ever closer," and now we, too, must face the "Pentecost of calamity." For democracy, the hope of humanity; for freedom from oppression; for rights which go with liberty and civilization, we resist and we strike.

We will lose blood and treasure; but we feel that no great accomplishment was ever realized, no desirable goal was ever reached, no achievement worth while is possible, without rupture and hemorrhage. That is the law of life. We will have fewer dollars at the end, but we will have our own self-respect and the respect of all other people.

On the 1st of August I was again in Paris and saw the beginning of the mobilization of that magnificent French Army. The Government took charge of the railroads and commandeered the motor cars, trucks, and every means of conveyance. That night, camped in the plaza fronting the Gare du Nord, were something like a thousand Belgians. They were a sturdy, manly, honest, sober, serious-minded lot of men. They had come from the wheat fields of France, where they had been assisting in the harvesting of the crop. They were waiting for transportation to their homes, to which they had been summoned. Within a few weeks those hard-working, brave men were participating in another harvest. They were being mowed down by a relentless, overpowering foe in "bleeding Belgium."

France had a conversation with Germany in which she answered the curt inquiry as to what she meant by mobilizing by saying simply she proposed to protect her interests. Germany declared war on her. The men disappeared from their usual vocations and rushed to the colors. Women took their places in the hotels and elsewhere. Seeing a woman bid one of these men good-by with her blessing and encouragement, I inquired if she was not distressed to have these men go, and she replied, "Every man should go—we expect no mercy from the Germans." If half we read is true she was right.

This grave step by Austria was unwarranted. The action was wholly unjustifiable. Servia had conceded all she could honorably grant and made every reasonable effort to avoid war. The prevailing impression then was, and time and developments have crystalized that into fixed opinions which may be called the public opinion of the world, that if Austria's unreasonable action was not actively instigated by Germany it could have been directed and controlled by the latter.

History will write the truth, that if Germany did not strike the match which set the world afire, she could have readily extinguished it before any damage was done. Her rulers had purposes of their own to subserve.

Here spoke Prussianism. The Prussian creed came into play:

> We Hohenzollerns take our crown from God alone. On us the Spirit of God has descended. I regard my whole task as appointed by heaven. Who opposes me I shall crush to pieces. Nothing must be settled in this world without the intervention of the German Emperor. Might is right and is decided by war. The peace of Europe is only a secondary matter for us. The sight of suffering does one good; the infliction of suffering does one more good. This war must be conducted as ruthlessly as possible.

Germany was willing to make a glowing region on earth on some theory that it meant for her some sort of "place in the sun."

On the 3d our party managed to get a troop train to Dieppe, and thence a boat to New Haven, and thence a train to London. England was mobilizing, and on the 4th war was declared on her. In an orderly, systematic way she began the assembling and training of her forces. On the 10th we sailed from Plymouth, and there on the docks were the motor busses we had seen five days before carrying passengers on the streets of London transformed into ambulances. We were told 20,000 soldiers had already left that port for France. We sailed away from those stirring scenes little dreaming the United States would be even remotely involved in that unprecedented tragedy. It was supposed then the struggle would be over in a few months. I found that impression prevailed in high places here. When we reached home, August 18, there was talk then about the peace that was certain to be realized inside of six months. Let us not deceive ourselves. The only safe course is to prepare for the worst. All we know about peace is we are at this moment at war. Its duration no man is wise enough to foresee. When it will end we can not guess. How it will end, if we do our part with the unsurpassed courage and determination and the absolute scorn of sacrifice which have in the past characterized this people, and having in mind the glorious record made by our friends, we have no doubt. The "short-war" fallacy cost Britain and France dearly. We should profit by the lesson taught them. It would be a grievous mistake for us to fall into a similar error. When Kitchener said "three years" the public scarcely took him seriously. A few days ago Mr. Bonar Law is quoted as stating to the House of Commons that Germany would have a million men added to the ranks of her armies this year and would be numerically stronger than at any time since the war began. The achievements of her military science and

valor have given her confidence. That must yield, and the day would be hastened by the prompt creation of a great American Army capable of enormous expansion, as provided in this bill.

With all our resources, with all our strength, with all our might, we strike for justice, for freedom, and for humanity. From every walk of life, from the hills and the valleys, from the cities and the countrysides, from the offices and the workshops, from the platform and the pulpit even, there must be a mobilization of valor such as only a people who love liberty truly, who believe in a Government where individual opportunity is synonymous with individual liberty, in a land where "every man is set free to be his best and do his best" can produce.

In such an enterprise leadership counts mightily. Having full confidence in the master minds, the unquestioned patriotism, the pure and inspiring purposes of those who call on us all, I propose to answer that call in the way they wish it answered in so far as lies in my power.

This is no time for divided councils. Those best informed and in position of greatest responsibility, after mature reflection and deep study, advise us, indeed urge us, to adopt this plan. I am not willing to assume superior knowledge or fuller information than they possess. My patriotism is no greater than theirs. In the days of the Druids in Ireland there was promulgated a command, called the "Ordinance of Tara," to this effect:

No man should light a fire in Meath till the beacon blazed on Temair.

In fateful situations like the present, when vital questions are involved, when a false step may mean destruction, when a blunder may amount to a crime, when a mistake may mean a hurt which can never be healed, it would be "plucking the fruit of unripe wisdom" to disregard the beacon on Temair. In emergencies like the present, indeed in strictly foreign affairs, the President walks ahead. No one belongs in his front, not even by his side, but behind him.

Parliament never failed to give the ministry what it wanted. The Chamber of Deputies gave the ministry power to make laws, without consulting them, by executive edict. Can Congress afford to disapprove the plan which has been agreed upon by the President and his advisers as the wisest and best, if not indispensable, upon which this contest must be waged? "Grim-visaged war hath raised its wrinkled front," and we draw the sword and we must move forward to the "perilous ridges of battle," with armies and equipment that will make the result certain and decisive.

Mr. President, this war must not be prolonged, or it will end the world. The President, upon whose giant shoulders rests the greatest responsibilities, calls on Congress to pass this bill substantially as reported by the Committee.

Let us forego prejudices and preconceived notions and give the "sinews" as wanted.

No man enlists under this bill except for "the period of the existing emergency, unless sooner discharged." The forces here provided for are for this war. Whatever views one might have regarding a military establishment under peace conditions, those views would scarcely be applicable to the situation in which we now find the country. We are at war in which we seek no revenge. Not even reparation is our motive. There is much more at stake than trade or ships or even human life. Material loss or gain must be disregarded. Let there be no discordant note, no division. The cause and the motive can not be better expressed than by the President in his world message. "Right," he declared, "is more precious than peace."

The United States is challenged to play its part in the titanic struggle to "make the world safe for democracy."

Mr. President, there was a great speech delivered in this Chamber 38 years ago next May 10. It ranks along with the ablest and most statesmanlike addresses preserved forever in American history. It quotes that Senator's words in his "notes on the situation." These words are cut into the rain-washed monument erected to his memory in the State he so grandly represented here.

These words of Ben Hill, of Georgia, must never be forgotten. They are, "Who saves his country saves himself, saves all things, and all things saved do bless him. Who lets his country die lets all things die, dies himself ignobly, and all things dying curse him."

Mr. President, I wish to insert in the RECORD a few short telegrams and letters which are samples of the many which have come to me on this subject, as indicating what I believe to be the views of a very large majority of the people of Florida and, I think, of the country.

One of these letters is from one of the best citizens of the country. He was a distinguished officer in the Confederate Army. He has always taken great interest in military affairs, and has been active in the State militia and the National Guard. His experience as a gallant soldier, his sound judgment, his patriotism, his knowledge of the subject, should give his views peculiar force.

I wish to read that letter from Judge William B. Young and to have the other matters submitted inserted in the RECORD. The letter was received to-day and is as follows:

JACKSONVILLE, FLA., *April 27, 1917.*

Hon. D. U. FLETCHER.

MY DEAR SENATOR: Yesterday afternoon I received the copy of the "Bill to authorize the President to increase temporarily the Military Establishment of the United States," and also the copy of the report of the committee. After careful reading I most heartily approve of the bill, and indorse the report of the committee. The volunteer system is a failure, and the Confederate Armies would have been practically disbanded in the winter of 1861–2 but for the conscript act. Regiments that were composed of 12 months' volunteers were claiming their discharge, though the enemy were advancing up the peninsula with a large army, which McClellan had spent six months in training and equipping. My experience of years with the National Guard here has convinced me of the futility of relying on voluntary service. It has been impossible to keep the ranks full, and within the past year it has been necessary to disband most of the companies of the First Florida because they could not fill their ranks to the required minimum, and though we are now at war, and though the Government has been calling for volunteers to fill up both the Regular Army and the National Guard, they have not received enough to raise the organizations to war strength. But for the fact that the enemy can not reach us our coast cities would now be in his possession. If he should succeed in overcoming the French and English, we would soon be overrun by a vast veteran army, with only a handful of troops to meet him. Not a day should be lost in passing the bill and organizing and training an army. Too much time has been lost already. The "million men that would spring to arms in a night" have not sprung, and if they had they would be an unorganized, untrained, undisciplined mass that would be worth little against disciplined troops. The advocates of the volunteer system talk of the fighting of the volunteers in the War between the States. The armies of that war fought but one battle before they had been trained and disciplined for six months, and that was the first Battle of Manassas, or Bull Run. In that battle the Federal Army was defeated and utterly demoralized, and the Confederates, though the victors, were too disorganized and undisciplined to follow up their victory. I have felt for over 15 years that we were in a fearfully unprepared condition to meet the attack of any first-class nation. Pardon me for writing at such length, but ever since the War with Spain I have felt that, with millions of men capable of bearing arms, and ample resources, we could be overrun by any first-class power. During that war many of the troops encamped here died from disease because of the ignorance and incompetence of their officers.

Yours, truly, WM. B. YOUNG.

The matter referred to is, as follows:

CENTURY, FLA., *April 24, 1917.*

Hon. DUNCAN U. FLETCHER,
United States Senate, Washington, D. C.:

At mass meeting of citizens of Century last night a resolution indorsing the plans of the administration for universal military training and selectve conscription was unanimously adopted and you are respectfully urged to support same by your influence and vote.

A. W. RANNEY, *Chairman.*
J. H. JONES, *Secretary.*

—

JACKSONVILLE, FLA., *April 24, 1917.*

Hon. D. U. FLETCHER,
Senator, Washington, D. C.:

The Rotary Club, of Jacksonville, comprising representatives of 100 businesses and professions in Jacksonville, unqualifiedly indorses the recommendations of the President of the United States as to the necessity in this national crisis for the rasing of an army by conscriptive draft. We firmly believe that neither the National Guard system nor volunteer enlistments nor any other plan which penalizes patriotism for the benefit of shirkers and slackers ought to be depended upon. We are earnestly convinced that national military service is at all times as much universal as the payment of taxes, jury service, or any other price that we are called upon to pay for the inestimable privilege of American citizenship.

JOHN H. GAY, *President.*
R. T. ARNOLD, *Secretary.*

—

CHICAGO, ILL., *April 24, 1917.*

Senator DUNCAN U. FLETCHER,
Washington, D. C.

DEAR SIR: As organizer and executive of American Merchants' Syndicate, composed of 12,000 real American merchants in every State, I implore you vote for conscription and let the loafers and unsympathetic naturalized foreigners do their part, allowing those not subject to conscription to volunteer, subject to acceptance if needed under arms more than in industry. Though ineligible for conscription I will volunteer for anything after eligibles are conscripted. Thousands and tens of thousands of real patriots anxious to go to the front await news that those who owe the same duty will be required to pay it along with the brave enthusiasts. Let the noncoms. of the Regulars become officers of the new men. Perdition to the green politician volunteer officer.

JOHN BASKERVILLE.

—

PENSACOLA, FLA., *April 24, 1917.*

DUNCAN U. FLETCHER, *Washington, D. C.:*

Universal suffrage and Government protection logically demand universal service in time of need and a universal training of the young man to meet the need. The Rotary Club of Pensacola, composed of 69 representative citizens, unanimously indorses the principle of universal training and service and urges the immediate passage of bill now pending to make same effective.

WILLIAM FISHER,
President.
WALTER P. CUNNINGHAM,
Secretary.

PENSACOLA, FLA., *April 23, 1917.*

Hon. DUNCAN U. FLETCHER,
United States Senate, Washington, D. C.

DEAR SENATOR: At the annual meeting of the Florida Society, Sons of the American Revolution, held on the 19th instant, the anniversary of the Battle of Lexington, the below resolution was adopted; and we hope that you can see your way clear to vote for and give the weight of your influence to the passage of the proper legislation which will bring about universal military training and selective conscription in time of war, as recommended by the President. The following is the resolution:

"*Resolved by the Florida Society of the Sons of the American Revolution in annual meeting assembled*, That we desire to go on record as supporting the President of these United States in his action in recommending to the Congress the enactment of adequate laws providing for universal military training for the youth of our land and for such selective conscription as shall be necessary in any time of war."

Yours, very truly,

FLORIDA SOCIETY, SONS OF THE AMERICAN REVOLUTION,
By JOHN H. CROSS, *Secretary.*

—

[From the Tampa Tribune, Apr. 21, 1917.]

CONSCRIPTING V. VOLUNTEERING.

When President Wilson gives it as his solemn opinion that selective conscription is the only available method by which the country can raise sufficient troops to do the work of this war, the great majority of the people will take his word for it and support him in asking it.

It is regrettable that there are signs of a clash between the President and Congress on this vital subject.

The advantage of conscription will be that it will not permit of "slackers." The volunteer goes to war while his competitor in business remains at home and profits by his absence. The stay-at-home gets the soldier's job. It is a partial and unfair arrangement.

If this country needs the services of every man of certain age, it ought to get them without exception. It is unjust to permit one man to profit by another's patriotism.

Great Britain soon found that the volunteer system didn't bring the desired results. There were too many mouth patriots, who talked of devotion to country but preferred to show that devotion by staying at home in good jobs and comfortable surroundings.

When the need comes for men, we ought to be able to get them without waiting for them to make up their minds to respond. Conscription is, of course, not exactly an American method, but in such a time as this we can not be sticklers for tradition. If every man of the requisite age were willing to drop everything and go to the front, we wouldn't need conscription, but it is likely that one man out of three will not feel that way about it when the time for action comes. Hence the two will suffer while the one will thrive.

We are for the President on this question. He is right, as usual.

—

JACKSONVILLE, FLA., *April 16, 1917.*

Senator DUNCAN U. FLETCHER,
Washington, D. C.

MY DEAR SENATOR: I wish to take this occasion to express myself as favoring the pending bill looking to universal military training throughout this country and am very much in hopes that the law will be enacted

Anything you may do in this connection, therefore, will be appreciated by.

Yours, very truly,

W. J. KELLY.

—

JACKSONVILLE, FLA., *April 16, 1917.*

Hon. D. U. FLETCHER,
Senate Post Office, Washington, D. C.

MY DEAR SENATOR: I have been discussing with a number of people the proposed Army bill, particularly selective conscription and the relative merits of this procedure in raising the necessary force to that of voluntary enlistments.

It is my belief that selective conscription would come nearer filling the ranks in a short space of time than any other method and would probably avoid the necessity of such procedure in future, which I believe would be more embarrassing than if selective conscription was put into effect in the beginning.

I do not know whether our Senators and Representatives desire personal expressions on this subject, but having sons myself I felt as if I was justified in expressing myself along this line and have taken the liberty of so doing.

Hoping the Government will be able to put through the program of selective conscription, and with kind personal regards, I am,

Yours, very truly,

THOS. P. DENHAM.

—

JACKSONVILLE, FLA., *April 14, 1917.*

Senator DUNCAN U. FLETCHER,
Washington, D. C.

DEAR SENATOR: For the last week I have been sounding out to the best of my ability our most substantial citizens on the question of compulsory military training and conscription for service in the Army, and I have found the opinion almost unanimous in favor of conscription. They all seem to think it is the fairest manner of raising an army. I take it if the law is enacted providing for conscription it would not prohibit any young man from volunteering, who desired, but on the other hand it would make every man coming within the prescribed age limit liable to do his duty and prevent shirking. I don't see any justice in making the boys who are patriotic enough to volunteer do the fighting for the shirkers.

From reports I hear I feel sure you are in favor of enacting the legislation the President desires on this subject, and I only write to advise you as to the sentiment down here as far as I have been able to get at it.

With kindest regards, I am,

Yours, very truly.

ARTHUR T. WILLIAMS.

THE LAWYERS' CLUB,
New York City, April 19, 1917.

Hon. DUNCAN U. FLETCHER,
Member United States Congress, Washington, D. C.

DEAR SIR: The war committee of the Lawyers' Club desires to record its belief emphatically and insistently that the institution of universal, obligatory military training and service under Federal control in the United States of all the male citizens of the country should be established at the earliest practicable moment.

This should be done, not only as a measure of national safety, but also for the sake of its benefit physically, mentally, and morally to the recipients thereof.

That an act embodying the measures suggested by the Chamberlain bill or that of the War Staff or such inclusions or modifications thereof as may be found wisest of adoption should receive the serious and early consideration of Congress, and that pending such action a selective conscriptive measure along the lines urged by the President should be passed and put into application without delay.

Very truly, yours,

WM. ALLEN BUTLER,
President.

—

JACKSONVILLE, FLA., *April 17, 1917.*

Hon. D. U. FLETCHER.

MY DEAR SENATOR: I am not an applicant for any office, but I feel it my duty to write to urge you to use all of your influence to procure the passage of a law requiring universal military service and training. You know that I have seen considerable military service, and I am sure that is the only safe way. Officers should not be elected, but appointed by the Commander in Chief, and no one should be appointed because he is a prominent citizen or has political pull, but only because he is competent. During the War between the States colonels were appointed in many cases because they had been Members of Congress and were influential, and several very prominent ones were appointed to command brigades, and in every instance coming under my observation they made a mess of things. I had rather be commanded in battle by a cadet from West Point than by the ablest Member of Congress if he had not had military experience. I am as devoted now to the United States as I was to the Confederate States in the years from 1861 to 1865, inclusive, and if I can be of any service I will gladly render it.

Yours, very truly,

WM. B. YOUNG.

Mr. FLETCHER. Mr. President, if there is no Senator who desires to speak to-night, I move that the Senate take a recess until 10 o'clock to-morrow morning.

Mr. LA FOLLETTE. Mr. President——

Mr. FLETCHER. I withdraw the motion.

The PRESIDING OFFICER. Under the unanimous-consent agreement the motion will be entirely in order if no Senator is ready to proceed to speak. The Chair will ask if any Senator is ready to proceed?

Mr. FLETCHER. Certainly; I did not mean to make the motion if any Senator desired to address the Senate. I had been informed that there would be no other speeches to-night, and the chairman of the committee asked me to make the motion, in case no other Senator desired to speak. I put that inquiry first. If the Senator from Wisconsin desires to proceed, I will be glad to have him do so.

The PRESIDING OFFICER. The Chair will rule that the motion is not in order if any Senator on the floor is ready to proceed with debate on the question.

Mr. LA FOLLETTE. Mr. President, under the unanimous-consent agreement and under the practice which has come to prevail in the Senate in violation of our rules of making a list, a preferred list, at the desk of the Presiding Officer for recognition, I avail myself of the privilege which the unanimous-consent agreement gives me to take the floor at this time—11.30 p. m.—and I shall proceed to discuss under these conditions one of the most important measures that ever engaged the attention of the Senate of the United States.

Mr. President, however uncertain the meaning of some portions of this bill may be, its main purpose is clear. About that there is no dispute. The main purpose of this bill is to clothe one man with power, acting through agents appointed by him, to enter at will every home in our country, at any hour of the day or night, using all the force necessary to effect the entry, and violently lay hold of 1,000,000 of our finest and healthiest and strongest boys, ranging in age from 19 to 25 years, and against their will, and against the will and wishes of their parents or family, deport them across the seas to a foreign land three thousand and more miles away, and to require them, under penalty of death if they refuse, to wound and kill other young boys just like themselves and toward whom they feel no hostility and have cause to feel none.

Briefly told, and in as plain language as I can command, that is the purpose of this bill. That is what the draft means. I have not overstated—indeed, no one can overstate—the horror it is proposed to perpetrate by this bill, nor the insult which it conveys to the intelligence and patriotism of the people of this country. Anyone who would have prophesied one short month ago that this body would seriously consider, under existing circumstances, such a measure as this would have raised a question as to his sanity. For such action as it is proposed to take by this bill under present conditions there is no precedent

in all our history, and, I believe, there is none in the history of any people making the slightest claim to freedom.

That the person we propose to clothe with this power of life and death over our children happens to be the President only serves to increase the iniquity of the proposal, for the power once granted will attach to the office, and will be exercised so long as this Nation shall last, by every successive incumbent, no matter how ambitious or bloody-minded he may be. Nor is it suggested that the million boys this bill proposes to take is all that will be required at the present time. If newspaper reports are correct, the representatives of the allied nations from over the seas, who are visiting here at present and who may be supposed to speak with some knowledge of the question, suggest that 5,000,000 of our soldiers will be necessary to complete the job.

That our boys will enter upon the actual killing and being killed only after some months of training designed to fit them peculiarly for the atrocious task does not mitigate but rather increases the horrors of the bloody work proposed just in proportion as it increases their efficiency. That the killing will be done by the enginery and in the formations of regular warfare certainly does not make it more humane or less horrible. Killing such as we propose our boys shall engage in, either to kill or be killed, by machine guns, by bursting bombs, by poison gas and tearing shrapnel is the most horrible, and is deliberately designed to be the most horrible, killing that can be devised.

CHANGE WORKED BY MERE DECLARATION OF WAR.

I do not mean to speak of the horrors of war. Were I to do so I should dwell most upon the anguish of those at home, of families broken up, hopes blasted, bodies crippled, insanity and disease, debt and poverty, and want and famine, which are only a few of the results of every great war. I would speak of liberties lost, constitutions destroyed, of peoples exterminated by the immediate savagery of war or languishing in bondage for generations under the tyranny, foreign or domestic, military or economic, that always rides in the wake of war. I will not let my mind dwell upon the distress and disaster this war is bound to bring us in the future, but we can not forget what has happened in the few days that have elapsed since it began. What a transformation has been wrought during the first few hours of this war.

Only a few days ago we were at peace with all the world and cherished nothing but the kindliest feelings toward the peoples of every land. We were engaged in peaceful occupations. Our youth were in the schools and colleges of the country fitting themselves for the useful and helpful work that they were to do in the world. As a Nation we were the one great power that was almost free from debt and in position to help bring peace to a distracted world. As a people we were prosperous. Our taxes were relatively light and cheerfully borne because they were expended largely for objects calculated to promote our material and social welfare. We were apparently secure in our liberties, and, slowly it may be but none the less surely, we were winning peaceful victories for democracy and self-government, not only for ourselves but for our children and the generations to come, which we fondly hoped would bring a little nearer the day of peace on earth and good will to men.

But in a moment all this has been changed. We have declared war against a Government and a people with whom we have always previously lived in perfect friendship. We have made ourselves distrusted or feared by other governments and lost the power we had as a neutral Nation to promote the cause of peace. Already our colleges are practically closed, so far as civil instruction is concerned, and our advanced schools have become mere training camps, in which the teaching of race hatred and military supremacy has taken the place of history and literature and the arts and sciences taught in the days of peace. Already our most cherished constitutional rights have been invaded and will soon be destroyed. The agent provocateur is in our midst. Men are being daily cast into prison in violation of the law, and in many cases without even regarding the forms of law.

I can not forbear to say, Mr. President, that this proceeding upon this great bill here to-night is a travesty upon legislation. The British Parliament took nearly a full month to consider a bill providing for a draft, after it had been discussed in the press of Great Britain for many months, and after a protracted struggle involving the unseating of a ministry had been pushed to its conclusion. But we have come upon times in the United States, with all of its boasted principles of democracy and freedom, where freedom of debate in the consideration of legislation involving the liberties of the people is brought under the iron rule of driving legislation through without deliberation, without the possibility of the Senate being in attendance upon the debate so as to make it possible to have any intelligent and deliberative consideration of the great questions involved in this legislation. Within a few months, under a pretext of carrying democracy to the rest of the world, we have done more to undermine and destroy democracy in the United States than it will be possible for us as a Nation to repair in a generation of time.

The voices of the Senators in this Chamber raised in protest against the infamous espionage bill have hardly died away, and unless we can stop this war-mad program at this point, that protest will be in vain. Already it is proposed by the Executive to fix the prices of the necessaries of life, to make and unmake contracts; in short, to do whatever despotic power conceives will further the program of war. By a single act the people have been saddled with a burden of debt amounting to an average of four or five hundred dollars for each responsible head of a family in our country, and we have scarcely made a beginning.

But, as I have said, it is beside my purpose to discuss any of these matters to-day. It has seemed to me proper, however, to make this brief reference to them, before we vote to commit this country to the revolutionary military policy proposed in this bill.

COMMITTEE HELD NO PUBLIC HEARINGS UPON THIS BILL.

It seems to me a little strange that the committee having this bill in charge should in its consideration have departed from the universal custom of holding public hearings on bills of great importance and general interest, such as this. Why the custom was departed from in this case I do not know, but doubtless it was done for some good reason satisfactory to the majority of the committee. I suppose this bill came to the committee from the War Department. Perhaps it was thought that just the plain people, who are going to be drafted under this bill, who are going to be taken from their homes and put into the trenches of Europe under the provisions of this bill, and who, under its provisions, are going to be killed and maimed and made dependents for the rest of their lives, and who are going to pay the taxes this bill entails, had nothing of interest to say about it. It certainly was unfortunate, however, for those members of the committee having the bill in charge and who are urging it here as a measure in the interest of democracy that it should come to the Senate straight from the secret committee room, without any opportunity having been granted to the public to know its terms, much less to discuss them. Never in all my many years of experience in the House and in the Senate have I heard so much democracy preached and so little practiced as during the last few months.

I have touched briefly upon the transformation that has taken place, and is taking place in our Government daily here at the Capitol, and every new abridgment of liberty and destruction of popular rights is proclaimed as something that is wholly in the interest of the people and intended to advance the cause of democracy. But it seems never to occur to these champions and heralds of democracy to permit the people to express themselves upon any of the matters so vital to their interest. We should remember that the momentous issues with which we are dealing to-day, and have been dealing during the last few weeks, have not been directly in issue in any election. So far as the late election involved the question of peace or war, everyone knows that the result of that election meant that the people by an overwhelming majority were in favor of a policy of peace. That election, in my opinion, should be regarded as a mandate from the people to the present administration to have continued the policy which had kept us out of war.

WE SHOULD HAVE BEEN NEUTRAL.

As was demonstrated in both the Senate and House when the war resolution was under discussion a short time ago, we could have kept out of this war by the simple plan of obeying international law ourselves, and insisting that both sets of belligerents should have equally and in all things respected our rights as a neutral Nation. Even if that policy had availed nothing, it would have been more in keeping with the popular will to have followed the sage advice of Thomas Jefferson, who, when writing to Elbridge Gerry on June 21, 1797, respecting the latter's mission to the French Republic and referring to the conditions which had been brought about by the war between France and Great Britain, said:

> The insults and injuries committed on us by both the belligerent parties from the beginning of 1793 to this day, and still continued, can not now be wiped off by engaging in war with one of them. As there is good reason to expect this is the last campaign in Europe, it would certainly be better for us to rub through this year as we have done through the four preceding ones, and hope that on the restoration of peace we may be able to establish some plan for our foreign connections more likely to secure our peace, interest, and honor in the future.

I am not now discussing the wisdom or unwisdom of declaring war. The administration, actuated by motives the rectitude of which I do not now question, rejected both policies of which I have spoken, and either of which, I believe, if followed, would have continued our friendly relations with all the belligerents with honor to ourselves and incalculable benefit to the world.

The Congress was assembled in special session. The demand was made for an unconditional declaration of war. While I opposed that declaration and urged that the momentous question should be first submitted to the people, I appreciate the point of view of the majority of both Houses of the Congress, which lead them to make the required declaration of war without submitting it to the people.

But upon this question, sir, scarcely less vital to the people than the declaration of war itself, I purpose to urge as strongly as I can that the voters shall have an opportunity to express themselves by an advisory vote. As I hope to show a little later, under the amendment I have offered that vote can be taken without delaying by one moment the plans for the war, and with practically no expense.

The war will end some time. I pray it may be soon. But the iniquitous system of draft which this bill proposes and the military domination which must attend upon it, if once fastened upon the country may perpetuate itself forever. Arm the executive branch of the Government with the power that this bill purposes, to select the men to constitute the Army, of which the President is Commander in Chief, and it marks the beginning of the end of our constitutional government. Its forms may be for a time preserved, but the substance of government will be transferred to the Executive. Before asking your consideration of the amendments I have proposed I wish briefly to discuss some of the features of this bill.

NO EXISTING EMERGENCY.

This bill opens with the declaration that the extraordinary powers therein stated to be conferred upon the Executive are asked in view of the "existing emergency," which demands the raising of a large army at this time. What is the "existing emergency"? Emergency means "a sudden occasion"; something that calls for immediate action. What is it that calls for immediate action in order that we may put into the field an army of 1,600,000 men, or taking the extremes of the propositions of this bill an army of over 1,900,000? That is what we are confronted with. Are we threatened with an invasion? Must we prepare to repel the attack of any foreign foe—I repeat, to repel the attack of any foreign foe? Is there danger of rebellion anywhere within our borders? Is any nation seeking to wrest from us so much as a single foot of our soil?

If we were in the least danger from any of these sources, it might indeed be an emergency which would excuse, if it would not justify, the use of arbitrary power in order to meet it. But we all know that nothing of the sort threatens. It is true we have declared war on Germany, but Germany can not send a man or a battleship to our ports to endanger our coasts. Her ships are bottled up in her harbors, and even if they could get out—the last thing, by the way, that Germany desires—and engage with our fleet, they would be greatly overmatched. Her men she could not spare, even if she had any means to transport them to this country. The submarine attacks from which our commerce suffers in common with that of all other nations when the ships enter the zone Germany is pleased to call a military area are about the same as before we declared war. Germany, by the way, has not even thought it was necessary to answer our declaration of war by a counter declaration.

No, Mr. President, in spite of the language of this bill, there is no "emergency." There is a military policy on the part of the present administration which proposes that we shall land an army in Europe as soon as may be to wage war with Germany on European soil. The merits of this policy I shall not discuss at this point. Though it may be noted in passing that Japan, who has been in alliance with the entente allies almost from the beginning of the war, has never landed a man in Europe, and apparently has no intention of doing so; and also it is to be noted that the entente allies have not put the emphasis on the appeal for men at the present time. On the contrary, the appeal has been most urgent for money and for munitions and food and ships. "Ships, ships, and more ships," as Lloyd George says. And to the appeal for money, Congress certainly has made a generous response.

So, Mr. President, we find on calm analysis of the situation that there is no "emergency" requiring us to speedily land an army in Europe, and nothing which should hurry us unduly in raising and equipping an army for so doubtful a venture or requiring us to abandon the policy we have maintained from the beginning of the Government, of depending upon voluntary enlistments to raise the armies necessary to protect our country.

VOLUNTEER SYSTEM HAS NOT FAILED.

A report was made from the Committee on Military Affairs to accompany the bill under consideration. I have read that report with interest, not to say astonishment. I quote a portion of it, and the portion I quote is found on page 2 thereof:

> The volunteer method has never proved adequate and effectual for national needs, and will prove far less so now. * * * The volunteer method failed this Nation in the Revolution, and it was only the material aid of France that gave us our independence. It failed us in the War of 1812, and had it not been for drastic draft laws and the diversion created by the Napoleonic War we could not have concluded even such peace as we did. It failed the Confederacy in the Civil War, and that Government, to its advantage, was quicker to perceive that fact than our own. It likewise failed the Federal Government, and, volunteering having practically ceased by the end of 1862, was succeeded in the following year by the first of the draft acts. It failed us in the Spanish-American War, for the force then called for was never obtained.

I find much more to the same effect in this report. I had supposed, Mr. President, until I read this report that our armies in each of the several wars we have waged acquitted themselves always with credit, and sometimes I have been led to believe that they had performed wonderful deeds of valor of which we might all justly be proud. But according to this report that is all a mistake. It seems that our forefathers did not wrest their independence from Great Britain as a result of the Revolutionary War, but it was, to quote the report, "France that gave us our independence." This report should have been a little more specific and have told us whether there were really battles at Lexington, Concord, and Bunker Hill, or whether the accounts of those stirring times, which we have learned and told to our children, were fairy tales. Perhaps the stories of the suffering and the dauntless courage of the American troops at Valley Forge is all an invention, or else it must be that those soldiers had been produced by "selective draft," for surely no volunteers ever performed such deeds of valor.

So it was in the War of 1812, according to this report. Draft laws and Napoleon barely enabled us to escape with our lives. The valor of our soldiers and our sailors did not enable us to win the war if this report is true. The authors of this report are careful not to say that the "draft laws" ever produced so much as a single man for the War of 1812. And so it is in all of our other wars. If this report is correct, we have met nothing but failure in them all.

Even in the late Spanish-American War it is charged that the volunteers called for never came forward. Truly we are a pusillanimous people if this report is true. But, Mr. President, the statements in this report are incorrect. If they came from a less honorable and responsible source than one of the great committees of the Senate, they would not even merit an answer. Considering the source, however, from which this report comes, I desire to enter my solemn protest against the libel it perpetrates upon our living soldiers and the memory of those dead who have fought heroically and bravely and successfully every war in which this country has ever engaged.

PRESIDENT M'KINLEY'S TESTIMONY.

So far as the charge is concerned that our young men were slackers in the Spanish-American War, I put against the unsupported assertion of this report the official statement of President McKinley. There were two calls for volunteers in the Spanish-American War, and an increase in the Regular Army up to 62,000 was provided for. In his second annual message to the Congress, December 5, 1898, President McKinley said, and I quote him:

> The response to the initial call (on Apr. 23, 1898) for 125,000 volunteers was instant and complete, as was also the result of the second call (on May 25) for 75,000 additional volunteers. The ranks of the Regular Army were increased to the limit (62,000) provided by the act of April 26, 1898.

In justice to the honorable Senator whose name appears upon the report accompanying this bill, I wish to say that I do not hold him responsible for the statements appearing in this report. I have no doubt the report was accepted in good faith from that coterie of military gentlemen who are trying to kill the volunteer system. I am sorry, however, that it should have been put forth with the prestige which it receives by having attached to it the name of the honorable and distinguished Senator who has this bill in charge.

Permit me a further quotation from President McKinley, in which he expresses his opinion of the volunteer soldier of the Spanish-American War. In an address to the Tenth Pennsylvania Regiment of Volunteers, delivered August 28, 1899, only a short time before he was laid low by the assassin's bullet, President McKinley said, and I quote him:

Our troops represented the courage and conscience, the purpose and patriotism of their country. Whether in Cuba, Porto Rico, or the Philippines, or at home awaiting orders, they did their full duty, and all sought the post of greatest peril. They never faltered. The Eighth Army Corps in the Philippines has made a proud and exceptional record. Privileged to be mustered out in April, when the ratifications of the treaty of peace were exchanged, they did not claim the privilege—they declined it. They voluntarily remained in the service and declared their purpose to stay until their places could be filled by new levies, and longer if the Government needed them. Their service—and they understood it—was not to be in camp or garrison, free from danger, but on the battle line, where exposure and death confronted them and where both have exacted their victims.

CITES GEN. SHERMAN AND PRESIDENT POLK.

I had never thought to see the day when it would be necessary for anyone to stand up in this Chamber and defend our volunteer soldiers or the system which produces them.

But since that seems to be necessary I wish to quote briefly from Gen. Sherman's opinion of the volunteer soldiers of the Civil War, as set out in his Memoirs, volume 11, page 387. He said:

We tried almost every system known to modern nations, all with more or less success—voluntary enlistments, the draft, and bought substitutes—and I think that all officers of experience will confirm my assertion that the men who voluntarily enlisted at the outbreak of the war were the best—better than the conscript and far better than the bought substitute.

President Polk, in his message to Congress in December, 1846, in referring to the soldiers who had fought and won the Mexican War, had this to say:

Well may the American people be proud of the energy and gallantry of our Regular and Volunteer officers and soldiers. The events of these few months afford a gratifying proof that our country can under any emergency confidently rely for the maintenance of her honor and the defense of her rights on an effective force ready at all times voluntarily to relinquish the comforts of home for the perils and privations of the camp. And though such a force may be for the time expensive, it is in the end economical, as the ability to command it removes the necessity of employing a large standing army in time of peace and proves that our people love their institutions and are ever ready to defend and protect them.

Is it no longer true, sir, that we can "confidently rely for the maintenance of our honor and the defense of our rights on an effective force ready at all times voluntarily to relinquish the comforts of home for the perils and privations of the camp"? If we can so rely, and rely with confidence, upon an effective force of volunteers to maintain our honor and defend our rights, why should we abandon the volunteer plan for the experiment embodied in this bill? If, sir, we find ourselves in a war in which we are afraid to rely upon volunteer soldiers, then I say we might better reexamine the reasons for our entering into the war than abolish volunteers and substitute for them men dragged into the ranks by draft.

PRESIDENT LINCOLN'S VIEW OF CONSCRIPTS.

At the time of the resistance to the draft in Pennsylvania in 1863 President Lincoln, referring to the draft laws, sent a verbal message to Col. McClure, chairman of the Military Committee, to the effect that while he was desirous of having the laws executed, and I quote:

It might be well in an extreme emergency to be content with the appearance of executing the laws.

So great was the feeling of the people against the draft laws of 1863 that President Lincoln felt constrained to say upon one occasion that it was best not to really try and enforce the law. And as to the results of the securing by this system, an efficient military force, I quote this from President Lincoln:

We get a large body of reinforcements together and start them to the front, but after deducting the sick, the deserters, the stragglers, and the discharged, the numbers seriously diminish by the time they reach their destination. It's like trying to shovel fleas across a barnyard—you don't get 'em all there.

Much has been said here to the effect that the use of the draft during the latter part of the Civil War is a precedent for the policy of this bill. In the first place, drafting men into the Army for the preservation of the unity of a nation is an entirely different proposition from draft for an expeditionary force to carry on a foreign war in which the national integrity is in no wise involved or threatened. The Constitution in its provision that the National Guard shall be subject only to service for the defense of the country makes clear this elementary distinction.

As a matter of fact, our use of the draft in the Civil War and the results of it furnishes one of the strongest arguments against this bill. Every argument made in the congressional debates in behalf of the draft during our Civil War is an argument against this draft. In the first place, it is to be said that the men drafted or sought to be drafted in the Civil War were to be used within our own borders and to crush existing rebellion.

Even Germany—despotic Germany—to whom, according to the sponsors of this bill, we are going to carry the blessed message of "democracy" and force its acceptance by our guns and bayonets, when she has occasion to transport armies over the seas for service in foreign lands does so by calling for volunteers. In the Boxer rebellion, in 1900, the quota of soldiers and men which Germany sent to China were men who volunteered for the work. (See Reichstag Report, vol. 1, pp. 225-228.)

Under the law Germany's colonial troops can only be enlisted for overseas service upon their voluntary application. (See sec. 2, law of July 5, 1896, R. G. P., 1, p. 653; also act of July 25, 1898, amended August, 1908, and in force at the outbreak of the European war.)

The English law as to the overseas service of men obtained through her colonies is the same, and the vast armies that have gone to England from Canada, Australia, and elsewhere to help the mother country in this war, every man of them has volunteered.

ENGLAND UNABLE TO DRAFT IN HER COLONIES.

Draft in England is being held up to our people as an example of what we should do. In this matter of draft we should look to England's liberty-loving colonies rather than to England herself for our example. Canada has contributed most generously to the war. Every account of a great battle has something to say of the notable bravery and efficient service of Canadian troops. Yet after almost three years of war Canada has not even considered the draft. Would it not be wiser to ask the advise of the statesmen of our neighboring Canadian Parliament rather than those of England? Or before coming here to tell the United States to raise an army by draft, why did not our distinguished English visitors first visit Canada and secure the adoption of the draft system there?

Australia, too, by all the standards of patriotic service in time of war has made a wonderful record on the battle fields of Europe during the last three years. Australia was asked to adopt the draft. The question was submitted to a vote of the people.

I do not know whether the attention of the Senate or of any Senator has been called to the fact that Australia passed upon that question by a vote of the people. It is rather interesting. The draft was rejected by a large majority. The action in nowise indicated disloyalty on the part of the Australian population, but the people of Australia believed the draft a denial of fundamental rights and they would have none of it.

Ireland also has furnished her quota of brave men for the European firing lines. And yet when, after a long struggle, England was able to put the clutch of the draft upon her own sons she did not think it wise to draft the sons of Ireland. They were left free to volunteer.

No one questions the patriotism and loyalty of the four and a half million of citizens in the United States who are bound by closest ties of blood and association to the Emerald Isle. The Irish in America, if allowed free choice, would no doubt contribute their share of volunteers for this war in which we are engaged. Shall we subject these proud men of Irish descent and birth to the draft in this land of boasted freedom, whose kindred are free from the draft in the old country and the colonies of the British Empire?

THE DRAFT IS THE COROLLARY OF MILITARISM.

Stop and think for a moment how many of our European emigrants have saved and sacrificed and broken the closest human ties that they might rear their sons in a land exempt from the tyranny of militarism. The thought of the draft is perhaps less abhorrent to us native Americans than to those who have felt the iron heel in other lands and have come to the United States believing it a refuge for those who love liberty.

Go out among the Jews, the Italians, the Russians, the Scandinavians, and other nationalities and you will find a keener realization of the meaning of this measure than among those citizens who have never learned by hard experience how galling is the yoke of involuntary military servitude.

The senior Senator from Idaho spoke feelingly, eloquently, in this Chamber on the day that war was declared, of his sympathy for the 8,000,000 Germans and 2,000,000 Austrians who are a no less integral part of our national life than the citizens of Scandinavian, Irish, Italian, Russian, or English origin, and who have contributed in the same spirit to our national unity, prosperity, and progress.

The fact that we are made up of peoples of many nationalities, most of whom feel very intensely on this subject of draft, should in itself be an impelling reason why Congress should insist on a volunteer army to fight on foreign soil.

The draft is the corollary of militarism and millitarism spells death to democracy. No war can be successfully prosecuted that has not the spontaneous support of the men who do the fighting. There is not the shadow of an excuse for pressing men into involuntary military servitude for the conduct of this war.

In face of all the reasons why we should adopt the volunteer plan for the conduct of this war, it will be a black page in the

history of Congress, if we pass the draft provisions of this bill.

The feature of compulsory overseas service in foreign lands embodied in this bill, for the first time in the history of civilized government, I believe, distinguishes this measure from any draft law of which I have knowledge. It distinguishes it certainly from any adopted by any country in a situation similar to our own.

WEBSTER SAID THE DRAFT WAS UNCONSTITUTIONAL.

If it was the fashion of the day to pay any attention to the Constitution, it might be well to demonstrate that there is no authority in the Constitution to raise an army by draft and send them across the seas into foreign lands, there to engage in military operations which do not involve protection of the lives or property or rights of the citizens in this country. Even the right to raise men by draft to carry on a war here at home has been seriously questioned, and in view of the peculiar language of the Constitution and the fact that the Federal Government is one simply of delegated powers, able and distinguished statesmen and lawyers have argued that the Federal Government had no such power.

Now, I am going to read for the edification of the Senate an authority upon that subject. I read from the speech on the conscription bill delivered by Daniel Webster in the House of Representatives December 9, 1814. Mr. Webster says:

If the Secretary of War has proved the right of Congress to enact a law enforcing a draft of men out of the militia into the Regular Army, he will at any time be able to prove, quite as clearly, that Congress has power to create a Dictator. The arguments which have helped him in one case will equally aid him in the other, the same reason of a supposed or possible State necessity, which is urged now, may be repeated then, with equal pertinency and effect.

Sir, in granting Congress the power to raise armies, the people have granted all the means which are ordinary and usual, and which are consistent with the liberties and security of the people themselves, and they have granted no others. To talk about the unlimited power of the Government over the means to execute its authority, is to hold a language which is true only in regard to despotism. The tyranny of arbitrary governments consists as much in its means as in its ends; and it would be a ridiculous and absurd constitution which should be less cautious to guard against abuses in the one case than in the other. All the means and instruments which a free government exercises, as well as the ends and objects which it pursues, are to partake of its own essential character, and to be conformed to its genuine spirit. A free government with arbitrary means to administer it is a contradiction; a free government without adequate provision for personal security is an absurdity; a free government, with an uncontrolled power of military conscription, is a solecism, at once the most ridiculous and abominable that ever entered into the head of man.

Shades of the departed Webster, the greatest expounder of our Constitution! A little more than 100 years ago what I am reading here to-night was uttered by that great statesman, the man of all in the honored list who best understood and best interpreted the Constitution. I shall now read and print as an appendix to my remarks a more extended extract from Mr. Webster's argument. (See Appendix No. 1.)

WANT SAME PRINCIPLE APPLIED AS WAS APPLIED IN CIVIL WAR.

I have said that the arguments which support the draft proposition of the Civil War refute the draft proposition contained in this bill. This is easily shown by a reference to the debates upon the draft law of the Civil War. No man attempted then to justify the draft except upon the ground of absolute necessity. It was said again and again in the course of those debates that if any other means could be pointed out which gave reasonable hope of securing the men to crush the rebellion to save the Nation, that means would be adopted. What we, as opponents of this bill, are asking to-day simply is that the same principle shall be applied. No man can say with any show of truth that we can not raise in this country by voluntary enlistment every man and more than will be required in this war declared April 4, 1917.

Mr. Olin, of New York, who had the Civil War draft bill in charge in the House in 1863 when that bill was under consideration, said (p. 1214, Congressional Globe):

I should have been glad to have seen this rebellion crushed by the voluntary efforts of the citizens of the Republic, but if this can not be, I believe it to be a part of my duty to place at the command of the General Government every soldier capable of bearing arms and thus give the rebel Confederacy to understand, give the world to understand, that the destruction of the Republic will never come until the Republic becomes a solitude and a desert.

Again he says:

This is the first attempted exercise of that great power * * * to compel all our citizens to devote their lives to sustain, defend, and perpetuate the life of the Republic.

You will observe in Mr. Olin's statement, as well as throughout the entire debate, that the men of that time made no pretense that there had ever previously been any resort to draft in this country. You will also note in this speech, as in that of every other advocate of the draft at the time, that the principle is laid down that every man capable of bearing arms must be put into the Army, and that that must be done in order that the Republic might not perish.

When the time comes as the result of this war upon which we are now embarking that every man must bear arms in order to beat off the foe and save the Republic, I venture to say that no voice will be raised against such legislation as may then be necessary to accomplish that purpose; but until it is felt that there is at least some slight occasion for resorting to the draft I can not see how any man who loves his country and cherishes her institutions can be willing to call into existence this awful autocratic and despotic power the exercise of which nothing can justify except the extremist necessity.

Resorting to the draft at the time and under the conditions described in the Civil War was the exception which proves the rule that voluntary enlistment is the normal manner of raising an army. As well might you say that because a surgeon is justified in cutting off the leg of a patient afflicted with a disease or suffering from an injury which makes his only chance of life dependent upon such an operation that the surgeon might go about cutting off legs at will when no such necessity for the operations existed as to contend that because the draft was justified in the acute crises of the Civil War that it should be applied now.

PRESIDENT LINCOLN'S ATTITUDE.

The letter said to be an unissued letter from President Lincoln concerning the draft of the Civil War printed in the report which accompanied this bill from the Committee on Military Affairs, and from which report I have previously quoted, contains the complete and final answer to the sponsors of this bill. In that letter, found on page 5 of the report, it is said:

We already have, and have had, in the service, as appears, substantially all the men that can be obtained upon this voluntary weighing of motives—

"Voluntary weighing of motives!" Weighing of motives by each man for himself. I continue to quote:

And yet we must somehow obtain more or relinquish the original object of the contest, together with all the blood and treasure already expended in the effort to secure it. To meet this necessity the law for the draft has been enacted.

"Voluntary weighing of motives!" Lincoln understood. He knew that it was the inalienable right of every citizen to weigh for himself the motives pro and con as to his entering the Army. In the case of a minor it was his right and his duty to seek and to some extent be guided by the views of his parents; and it was the right and the duty of the parents to advise and, to some extent at least, control the decision of the minor son who had under consideration the grave question of whether he should volunteer or not. It never occurred to Lincoln that the men who were asked to join the Army should be expected to give up this right of voluntary choice—"voluntary weighing of motives!" It was only in the great crisis, when the iron hand of absolute despotism must be laid upon the individual in order that the Nation might survive, that he considered the possibility of the draft. Again in this same letter he said, with his wonderful clearness of expression:

There can be no army without men. Men can be had only voluntarily or involuntarily. We have ceased to obtain them voluntarily, and to obtain them involuntarily is the draft—the conscription. If you dispute this fact, and declare that men can still be had voluntarily in sufficient numbers, prove the assertion by yourselves volunteering in such numbers, and I shall gladly give up the draft.

Note the words "we have ceased to obtain them voluntarily." Have we ceased to obtain soldiers voluntarily for this war? Why, it has been demonstrated on this floor during the course of this debate, by the Senator from Missouri [Mr. REED] and others, that you have but to call for the soldiers and they will volunteer. When you gentlemen, supporters of this bill, can say truthfully, as Lincoln said, "We have ceased to obtain men voluntarily," then you have a right, and only then, under the authority of Lincoln's example, to resort to the draft; but until you can say that Lincoln is against you, every authority to which you have appealed is against you, every precedent in this or any other free Government is against you.

But even under these circumstances the draft in the Civil War was a complete failure. It did not produce enough men to suppress the riots which the attempted enforcement of the draft caused. This is strikingly demonstrated by Lincoln himself.

GEN. MILES AGAINST THE DRAFT.

Gen. Nelson A. Miles, an able, devoted soldier and patriot, testified before the House Committee on Military Affairs in January, 1916, on House bill 12766. Gen. Miles began his service in the Civil War as second lieutenant in 1861. He was rapidly promoted for meritorious service, mustered out in 1865, and brevetted major general of volunteers August 25, 1864, for "highly meritorious and distinguished conduct throughout the campaign and particularly for gallantry and valuable services

at the Battle of Reams Station, Va." He was awarded congressional medal of honor July 23, 1892, for distinguished gallantry at Chancellorsville; conducted several campaigns against hostile Indians on the western frontier; was commander of the United States troops at Chicago during the railroad strike trouble in 1894; senior commanding officer of the United States Army 1895 to 1903; retired, August 8, 1903.

Gen. Miles, being examined before this committee, testified as follows:

Mr. GORDON. You are opposed to compulsory service?
Gen. MILES. Absolutely.
Mr. GORDON. Do you believe that we can raise 133,000 men each year for three years for the continental army without compulsion?
Gen. MILES. With compulsion, I hope not. I think it would be a very dangerous step toward centralization. As far as conscription was concerned, that was tried out during the Civil War with unsatisfactory results. I think there were 54,000 men added to the Army—54,000 additional to 2,000,000 men—by conscription, but I know that just at that time of the crisis of the Gettysburg campaign thousands of the best troops, drilled and disciplined men in the Army, had to be taken out of the field and sent back to suppress the riots occasioned by that unpopular measure. Approximately 10,000 or 12,000 were ordered to New York, and I know that there was a brigade in Pennsylvania which was organized at Huntingdon, and, instead of being sent to the field, where they were needed, they were sent to Philadelphia to maintain order. It was a very unpopular measure at that time in that great crisis of the Nation.

On this same subject, before the same committee, Prof. Edward P. Chaney, professor of European history, University of Pennsylvania, testified as follows:

Only two or three times was the draft used; and whether the draft was ever used at other times, I have never seen any authoritative statement. It was recommended, as I say, by Congress for the States. It was not used in the War of 1812 and it was not used in the Mexican War. It was only used at the beginning of the third year of the Civil War, when the bill was passed for the using of the draft. In July, 1863, was the first effort to enforce that which was made. Three times after that the draft was made use of. The draft was accompanied with these two other provisions—that men could pay money indemnity or guarantee a substitute. When they guaranteed substitutes it was, in a certain sense, that they were going recruiting for certain men.

I doubt very much whether Mr. Lincoln would have approved of the draft, certainly at the beginning, if he had not felt it necessary, and he wrote that he was willing to do that because there were no other alternatives. As this actually worked out, somewhat more than half of the men drafted were excused under one exception or another, more than half of those left secured substitutes, and less than half of those still left were actually drafted into the service. Of the something like 2,000,000 men in our Army, only 2 or 3 per cent served under compulsion, and the draft was accompanied with riots.

AMERICANIZE OUR MILITARY, DO NOT MILITARIZE AMERICA.

Maj. William C. Harllee, of the United States Marine Corps, testified before the Senate Military Committee in a previous Congress when the subject of universal military training was under discussion. Maj. Harllee, who served as private, corporal, and sergeant during the Philippine insurrection, and as a cadet at the Academy at West Point for 2 years, and for 17 years as an officer of the Marine Corps, offered some very sensible, enlightening, and progressive views as to the best way of raising and maintaining an army.

He begins his testimony with this very pertinent inquiry:

Instead of attempting to militarize America and to bring America to the ideals of the present military orthodoxy, why not Americanize our military institution and bring it to the ideals of America?

On the subject of conscription Maj. Harllee says:

I am opposed to universal service, or compulsory service, or any other kind of service other than that rendered by willing men. * * * Unhappy or dissatisfied men are of no service to a military or any other body. * * * Unwilling men burden armies, eat its substance, retard its action, and give it panic. Even if there were enough jails and Federal constabularies to enforce universal service without riots among a people, it would not be good business to do it.

No, Mr. President, you can not excuse the attempt to foist the draft upon the people of this country by any appeal to history, or any resort to precedent, and so it is that the supporters of this bill shift their ground. At one time they declare that we can not raise the necessary army by voluntary enlistment; at another time they assert that voluntary enlistment will raise too many. At another time they say that the "selective draft" is necessary in order to get the right kind of young men into the Army; at another they contend that it is necessary in order that the "slackers" may not be left at home. The President has put this wholly theoretical, and, to my mind, fallacious argument in its most attractive form.

CONTRASTS ATTITUDE OF PRESIDENTS LINCOLN AND WILSON.

For a statement of the President's argument I quote his recent letter to Congressman HELVERING, of Kansas, given to the press on the 19th of this month. In that letter he says:

The idea of the selective draft is that those should be chosen for service in the Army who can be most readily spared from the prosecution of the other activities which the country must engage in and to which it must devote a great deal of its best energy and capacity.

The volunteer system does not do this. When men choose themselves, they sometimes choose without due regard to their other responsibilities.

And again:

The principle of the selective draft, in short, has at its heart this idea, that there is a universal obligation to serve and that a public authority should choose those upon whom the obligation of military service shall rest, and also in a sense choose those who shall do the rest of the Nation's work.

There you have it! There you have Prussianism raised to the nth power. "When men choose themselves, they sometimes choose without due regard to their other responsibilities," so says the President. And what is the remedy? The President's letter furnishes the answer. "A public authority should choose those upon whom the obligation of military service shall rest"; but into what service, trade, or labor the draft agent of the President decides, for the President does not stop with choosing "those upon whom military service shall rest," but "also in a sense chooses those who shall do the rest of the Nation's work." The individual is to have no right of choice. A "public authority" is to do it. The counsels of the father, the wishes and the prayers of the mother, the judgment of the young man himself are all scouted as unworthy of consideration under this plan. Oh, how different was Lincoln's conception! He said let there be "voluntary weighing of motives" by the individual so long as that is possible, and only abandon that course when the very life of the Nation is at stake and to abandon it seems the one possible way of securing an army to preserve the Nation.

No Prussian dream of efficiency could induce Lincoln to abandon the democratic principle that the citizen was able to choose for himself, and had a right to choose for himself, and had the intelligence to choose wisely and the patriotism to make the choice with devotion to his country as well as with due regard to his own obligations, until, as he said, the moment of great crisis arrived and the life of the Nation hung in the balance. Remember that the Prussian system which this bill foolishly attempts to imitate is only efficient—in so far as conscription produces an efficient system—because it has been drilled into the subjects of that country through generations, and because during all that time the individual has had constantly before him the specter of war and invasion and possible destruction by the surrounding nations.

Col. Maude, cited so often as a high authority—Col. F. N. Maude, of the British Army, in an article on the achievements of the British Army in this war, says, speaking of the relative merits of the German or Prussian system and the volunteer—for at the time this article was written Great Britain had not resorted to conscription:

Compulsion had done all that it could do, and more than even the best Prussian dared to expect, for their troops. It has carried them forward to almost certain death in a manner which has exacted the admiration of all our men and officers; but at that critical moment when the fate of empires hangs in the balance it has always failed them and our men—territorials and regulars alike—

Volunteers, for all the territorials are volunteers, and regulars—and all the regulars in Great Britain were volunteers up to the time that this article was written—

have sprung forward upon them with the bayonet with a determination never dreamt of in warfare since the days of Waterloo and the Peninsula.

Your compulsory system, your draft system, may produce a machinelike type of soldiery, but that element which sweeps to victory, which comes from the devotion that leads men to victory, you find wanting under any system that must depend upon compulsion for service.

PRUSSIANIZING THE UNITED STATES.

Maj. Gen. John F. O'Ryan, of New York, in October, 1915, stated the same idea now expressed by the President—not in the fine phrase of the President, but in the blunt words of the camp—in his address to the Technology Club, of New York. Since that time those in authority have felt it necessary to use more diplomatic language to express the same idea. His frankness in speech has not been imitated by any of the advocates of the draft. I quote from the report of his address in the New York Times, under date of October 21, 1915. He had the same idea of the way to make soldiers that the advocates of this bill have.

[From the New York Times, Oct. 21, 1915.]

Maj. Gen. John F. O'Ryan told members of the Technology Club at the fifth "war luncheon" yesterday that the greatest value of a trained soldiery came from the process which made them mere automatons, trained to do the bidding of their officers. "The first thing that must be done," he said, "is to destroy all initiative, and that with the training fits men to be soldiers.

"The recruit does not know how to carry out orders. His mental state differs from that of the trained soldier who obeys mechanically. We must get our men so that they are machines.

"We have to have our men trained so that the influence of fear is overpowered by the peril of an uncompromising military system often backed up by a pistol in the hands of an officer.

"The recruits have got to put their heads into the military noose. They have got to be jacked up. They have got to be bawled out."

That tells the story. That is the condition to which this Prussianizing plan would reduce our men in the ranks. The very first step in that plan is taken when the "public authority" referred to by the President—some underling it may be in the military service—raps at the door with the butt of his musket and tells the parents that he has come to take their boy, to transport him over the seas and put him in the trenches to be killed, or perhaps only blinded or permanently crippled. The parents can not even argue with this petty military agent who is given the power of life or death over their boy, for to do so would not only be useless but it would be resisting the draft, and they would only render themselves liable to the terrible penalties provided for such a crime. What a mockery it is to apply the expression "universal obligation to serve" to such a proceeding as that. That this idea of selective draft has been tolerated up to this point by the people is due, in my opinion, to the fact that it has been presented with a plausibility which has lead them to believe that it would mean equal opportunity and equal liability to serve the country. And the same patriotism and loyalty which would have made the volunteers come forth in overwhelming force had they been called for has led many of the people to remain silent while a controlled press has clamored for the Prussianizing of our Army.

But once they understand what this means, once they feel the iron hand within the velvet glove, we shall see that the spirit is not dead which has raised volunteer armies again and again in defense of liberty. When they see that "universal service" may mean favoritism and unfair discrimination—and no man in the White House, however well intentioned he may be, can prevent abuses under the provisions of this bill—they will find the means of relief through their most powerful weapon—the American citizen's ballot.

WHAT THE SELECTIVE DRAFT MEANS.

It has been said that the obligation to serve the country as a soldier is a universal obligation, like that of paying taxes, to support the Government. In my opinion there is no analogy between the two; but, even if there were, the analogy between the selective draft of this bill and the obligation to pay taxes would mean that it would be left to the judgment of some "public authority" to decide who would pay taxes and who should not.

A little while ago we had with us an English captain, who testified before the Committee on Military Affairs of the House of Representatives on April 14 last. His full title is Capt. Percy George Reginal Benson, and he made a strong statement in favor of our applying the draft. His argument is precisely that of the President.

I quote from his testimony, page 5 of hearings before House Committee on Military Affairs:

Mr. KAHN. In this country it has been stated that by reason of your volunteer system at the beginning many of your best men who could have been utilized as officers were killed?

Capt. BENSON. Undoubtedly. For instance, men of that type went out in the Sportsmen's Battalion, an organization composed of 1,028 men. Those men had the sporting spirit and wanted to go to the front, and instead of the Government saying, "All are liable to serve, and we will not let you go, but we will take you into the officers' training corps for officers," they went into the Army. There was wasted a tremendous lot of valuable material for officers at the beginning in that way.

Do you not see? Under the selective draft, the sports and bloods, whom some friend thought would make officers, or who had a pull, would not get into the trenches. It would be just plain Jimmie Jones and Johnnie Smith who would be taken for that work, and the sportsmen and the politicians' sons and the boys whose fathers had influence would be held back as "material for officers." So the selective draft will choose not only who shall go but where they shall go, whether to be shot or to be brevetted, whether to be kicked and cuffed, "jacked up," and "bawled out" as a private soldier, or whether they shall receive such soft berths as parental pull may provide for them. All this in the name of democracy!

Did you ever hear of a Dreyfus case in an army of American volunteers? Do you think there could have been such a thing as the official murder of the Irishman, Francis Sheehy-Skeffington, by an officer in our volunteer army, and the officer merely be sent to a sanitarium to recuperate?

I have noticed in the papers during the last few days expressions of some of the well-known patriots who have come to the support of this bill. One was John D. Rockefeller, jr., who, in the Washington Star of April 22, has a long interview favoring selective draft because of its "democratic" tendencies. He says:

I know of no better way of putting men upon a parity of manhood than by putting them upon a parity of work.

And Joe Leiter came out with an interview a few days ago favoring this bill because of its "democratic" features. According to the public press, he said:

The administration bill is a sensible attempt to equalize the burdens of war. It places military service upon the same basis as taxes. Those who object to it will be "slackers" at heart or expect to secure commissions or some special privilege under the volunteer system. The only objection to the administration bill is that it does not give the country a permanent policy.

That is just beginning, you know. Give them a little time, and they will fix that all right. This is just a start. It would not have been thought of six months ago, but it has been nursed for years by the military board, and they have seized upon this as a favorable opportunity to fasten it upon the American people not merely as a system to be resorted to in war; it is the first step toward making the draft permanent.

SOME "AUTOCRATIC" TENDENCIES OF THE TIMES.

Mr. President, I have sometimes been sort of lifted out of my surroundings here in the Senate in the last few weeks and made to almost doubt my environment as I have heard Senators talk about democracy and how much we are to do for other governments in spreading the doctrine of democracy. Just a few days ago the country was thrilled with the announcement that the President of the United States, thoroughly in sympathy with the struggles that are being made in Russia to throw off the yoke and establish a free government, and wanting to promote their efforts and sustain them, had selected as a pilot for them in their struggles through the maze and difficulties of establishing a democracy the distinguished gentleman who formerly represented New York in this Senate, Elihu Root. He has been designated by President Wilson to go over to Russia and see to it that the provisions of their constitution shall insure equality for all.

As I remember, that distinguished gentleman took a very active part in a constitutional convention held a few years ago to frame a new constitution for the State of New York. His influence in that body was, of course, very potential, and the document was turned out and submitted to the people to be passed upon in the election of 1914. Its adoption became a very burning issue. The plain people studied the work of that constitutional convention. They became pretty well informed about it and rejected it at the polls by a majority of upward of 500,000. Up to that time Mr. Root had been very prominently mentioned as almost sure to be nominated candidate on the Republican ticket, but after the election, after the people of the State of New York had passed upon the cunning of his handiwork in the framing of that constitution, it led very promptly to his withdrawal as the candidate for the Republican nomination for the Presidency. But in these days of new apostles of democracy he has been selected by this administration to go to Russia and aid the Russian people to establish a free government.

I imagine that some of the people recently released from Siberia, who remember the struggles of their friends, political refugees, to secure an asylum in this country during the time when the distinguished gentleman who has been selected for this high mission by the present administration was in official life, and the obstacles which he continually placed in the way of their securing an asylum in this country, will perhaps enlighten some of those political refugees who have lately come back from Siberia to make their homes in Russia, and they will perhaps have a pretty fair understanding as to just how far to follow his counsel. These are great days for democracy, Mr. President.

This administration has been quite insistent that the people of Mexico had a right to work out the sort of a government they wanted down there for themselves, frame their own constitution, build their own democracy, but under the new doctrine that now prevails we are going to draft an army to go to Europe and shoot democracy into the German Government.

But, Mr. President, the times are too serious, the issues too momentous for humor, even if it be a little grim; and from any point of view we always come back to the proposition that this bill, fathered by the Army board and attempted to be foisted upon the people in the name of "democracy," will destroy democracy. Every interest, every newspaper, every man who has been opposing popular government in this country is to-day lined up in support of this bill.

BILL MEANS A MILITARY AUTOCRACY.

I have trespassed longer upon the time of the Senate than I intended in a general discussion of this measure, for I wish to reserve some time for consideration of the amendments which I have proposed. There are many glaring defects in the bill, even from the standpoint of those who favor it. For example, the provision of section 2, that all persons not alien enemies who have declared their intention to become citizens shall be subject to draft. It is familiar law, though possibly not known to the Army board, that we have no right to draft aliens within our borders into military service, other than locally and in the

nature of police service. Besides, there are treaties with a number of the nations involved specifically forbidding such proceeding on our part. Every person whom we force into the Army under these conditions and every family of every such person, if the drafted men were killed, could properly present claims against the Government.

If this bill contemplated anything except the creation of a military autocracy it would have extended the rights of the men in the ranks and provided proper compensation for them and protection for their families against want, in the case of their death. That we should pay the common soldier $15 a month for the privilege of being shot and crippled for life, and leaving his family destitute, and then refuse to provide a sufficient pension for his dependents, is one of the crying shames of our Army plan. It would have been the first thing to have been corrected in this bill had the Army board back of it had the least idea that the common soldier had any rights entitled to respect.

PLAN SHOULD BE SUBMITTED TO VOTE OF PEOPLE.

I come now, Mr. President, to the amendment I have proposed providing for an advisory vote on the part of the qualified electors upon the following question:

The Government of the United States having declared war against the Government of Germany, shall the United States Government at this time raise an army by draft to send to Europe to prosecute the war?

The methods by which the advisory vote can be obtained are very simple. This vote could be secured while registration was going forward under the bill, which, according to my amendment, strikes out the draft features and provides for raising the required number of men by voluntary enlistment. Practically no expense would be involved in obtaining the vote, and every voter would be given the opportunity of expressing his opinion upon this most vital question. If the people vote in favor of the draft and of sending the Army to Europe, that closes the discussion. If the friends of this bill are sure that it has the support of the people, they should be the first to agree to this amendment. If the principle of the bill has not the support of the people, it should be abandoned. No harm can come from pursuing the course I propose. Incalcuable harm may result if that course is not pursued and this bill is forced through at this time. The draft features can be quickly added to the volunteer features, which are preserved in the bill by the proposed amendment, if the people vote in favor of the draft, and in the meantime enlistments under the volunteer system will have proceeded. Not a day will have been lost. In a matter of such transcendent importance, where it is proposed to reverse the policy of this Government from its beginning, and upon which the people have never had the opportunity to express themselves in any form, a decent regard for the principle of popular government requires that the question involved in this bill should be submitted to the voters.

The proposed amendment, as I have said, is intended to eliminate from the bill all draft features, except those relating to the National Guard, and adds to the bill a simple, speedy, and inexpensive plan by which the voters of the country may express themselves upon the principle of draft.

This is accomplished by leaving the sections numbered first and second of section 1 of the bill untouched, and by slight changes in the language of the bill eliminating the draft features, as indicated on the face of the bill, and providing for voluntary enlistment.

Section 3 of the bill under this plan is necessarily stricken out.

All provisions of the bill relating to registration and raising the required number of troops is retained. The bill if passed in the amended form would therefore permit of everything being done that would be done under the original bill for a number of weeks, so far as actual raising and equipping the Army is concerned.

The proposed amendment does not disturb the provisions of the subdivision second, in section 1, relating to drafting the National Guard, for the reason that this is substantially the law at the present time, and to suggest disturbing it would raise a question not now necessary to consider.

While the work of voluntary enlistment, equipment, and registration would be going forward under the law if the bill in the amended form was enacted, the provisions with respect to a referendum would become operative, and within 45 days or less from the time the bill in its amended form became law we could have the most complete expression of the opinion of the voters of the country on the subject of draft which it would be possible to obtain. This vote is made advisory in order to avoid any possible constitutional difficulty; and there can be little doubt that if the voters express themselves strongly against the draft, we would proceed to raise our army according to the only plan under which we have ever raised an army in this country, namely, by voluntary enlistment. If, however, the voters express themselves in favor of the draft, then it is certain that all substantial opposition to the draft at this time will disappear.

SUBMISSION WOULD OCCASION NO DELAY.

The plan would give the people an opportunity to be heard, and would put at rest any possible controversy which might arise if it is sought to enforce a draft without giving to the voters any opportunity for expression on the subject.

This amendment requires no new machinery to put it in operation. It uses the Census Bureau and the Post Office, and it can be completed within 45 days. The Government Printing Office can supply the necessary ballots within 10 days. They can be delivered at the rate of 1,800,000 per day. As soon as such delivery begins the Director of the Census can start the distribution, and the whole country can be supplied within the time provided. The Director of the Census can determine the size of the ballot, and thus can order it in a form to permit it to run through the counting machinery, so that the counting can be done rapidly. The result will be ascertained promptly, accurately, and in a way to furnish an authoritative guide to Congress.

Mr. President, the suggestion has been made by the Senator on my right and the Senator on my left that a recess might be taken at this hour and that I might conclude my remarks in the morning. If I could be certain to have the floor to go on with my address in the morning, I would very gladly relinquish it at this time and not detain the Members of the Senate and the officers of the Senate a moment longer to-night; but unless I can be assured of being recognized and having the floor to conclude what I have to say to-morrow morning I must go on to-night.

Mr. CHAMBERLAIN. Mr. President, so far as I am personally concerned it would be all right, but I know that there are a number of Senators who expect to speak to-morrow.

The PRESIDING OFFICER. The present occupant of the chair would, of course, be unable to make any promise as to to-morrow, because he is only a temporary occupant of the chair and will not be in the chair in all probability in the morning. It is entirely with the Senate, under the unanimous-consent agreement, and while the Chair assumes that there would be time for the Senator to conclude in the morning, he does not feel that he would have the authority to make any promise that might bind whoever may be in the chair at that time.

Mr. LA FOLLETTE. The Chair has a list before him on the desk, as I understand, of quite a number of Senators who desire to speak.

The PRESIDING OFFICER. There is quite a large number at the desk.

Mr. LA FOLLETTE. They are awaiting recognition under an understanding with the Vice President, and, of course, I might be excluded from recognition to-morrow morning if I yielded the floor under a misapprehension to-night.

Mr. CHAMBERLAIN. Mr. President, I will say to the Senator that I should like to have spoken to-morrow, but there were a number of Senators who expected to speak to-morrow, and so I made my remarks this evening.

Mr. LA FOLLETTE. Mr. President, I am not making any request on the ground of personal convenience to myself. I never felt fresher or better than I do now, or more able to proceed, and I will not waste another moment in the discussion of this matter.

The PRESIDING OFFICER. The Senator will understand that the Chair would personally have no objection to the Senator going on in the morning, but the difficulty is that he can not promise anything as to what might be the ruling of the occupant of the chair in the morning.

Mr. LA FOLLETTE. Very well, Mr. President, I will continue my observations.

Mr. SHEPPARD. I wish to ask the Senator if he does not intend to discuss his amendments to-morrow, also?

Mr. LA FOLLETTE. I can not do so within five minutes.

Mr. SHEPPARD. Ten minutes are allowed, as I understand.

Mr. LA FOLLETTE. No; I can speak once on the bill generally for 10 minutes, and only once. I have two amendments that cover a number of pages, and which are, in my view, important, the discussion of which would require some time. I do not know that I advance the chance of those amendments being favorably considered by the Senate by discussion to-night, but if the matter which I am putting before the Senate now can appear in the RECORD to-morrow before the Senate meets, what I submit to-night on those amendments might pass under the eyes of some Senators who are not here.

Mr. SHEPPARD. I will state to the Senator that I think the RECORD is printed about 3 o'clock, and if he wishes to get his remarks in the RECORD I think he had better conclude pretty soon. I make the suggestion in order that the Senator's remarks get into the RECORD. I want to be sure that they get into the RECORD, for I should like to read them over after having heard them.

Mr. LA FOLLETTE. I am very anxious to get them into the RECORD, and I will not waste any more time in discussing this matter of recognition.

WOULD EXEMPT CONSCIENTIOUS OBJECTORS.

The further amendment which I have proposed adds to the bill a new section to be known as section 12 and requires very little explanation. This bill is so framed as to allow the President great latitude in exempting persons from its provisions who would, except for such exemptions, be liable to draft under the provisions of this bill.

The exemption provisions of the bill are found in section 3, and provide, in the first place, that certain classes shall be exempt as a matter of law, and include in such exempted classes all "officials, legislative, executive, and judicial of the United States and of the several States and Territories." The bill also empowers the President at will to exempt numerous other classes of persons mentioned therein, and further provides that a person who "is found to be a member of any well-organized religious sect or organization, at present organized and existing, whose creed forbids its members to participate in war in any form and whose religious convictions are against war or participation therein in accordance with the creed of said religious organization" shall be exempted. The bill further provides that the—

President is hereby authorized to exclude or discharge from said selective draft * * * persons engaged in industries including agriculture, found to be necessary to the maintenance of the Military Establishment or the effective operation of the military forces or the maintenance of national interest during the emergency; those in a status with respect to persons dependent upon them for support, which renders their exclusion or discharge advisable; and those found to be physically and morally deficient.

So far as I can see almost anyone under these provisions of the bill can be exempted, and anyone of the required age that is from 19 to 25 years and found to be physically and morally fit can be refused exemption. Some one must pass upon the thousands and tens of thousands, and perhaps hundreds of thousands, of applications for exemption which will arise if this bill goes into effect. The bill makes no provision for any tribunal, body, or person to pass upon these claims for exemption. The English draft law of January, 1916, which seems to have contained the germ at least of the present bill and which is in many respects vastly superior to it in point of clearness as well as definiteness contains a provision for three tribunals, namely, a local tribunal, an appeal tribunal, and a central tribunal, to pass upon the claims for exemptions.

From the local tribunal an appeal is allowed to the appeal tribunal, and from the appeal tribunal an appeal is allowed to the central tribunal, so that the English law provides for tribunals at least to secure to the subject such right of exemption as the law allows him and endeavors to secure some uniformity of decision. Nothing of the kind is provided in the bill now under consideration.

I have accordingly offered this amendment providing for the three tribunals, substantially as provided for in the English act mentioned, and I have stated specifically in the amendment four grounds of exemption. Some of the grounds of exemption provided for in the amendment may be provided for in section 3 of the bill, to which I have just alluded; and if so, the inclusion of such grounds of exemption does no harm.

I have endeavored in the amendment, however, to extend the right of the conscientious objector, so as to take in all persons who have "a conscientious objection" to the undertaking of combatant service in the present war. If the "selective-draft" law for which this bill provides is to be saved from the danger of becoming a means of oppression and tyranny of the worst form, tribunals must be provided to pass upon the claims of exemption. If the supporters of this bill desire to doom it to failure from the start, they have only to force its passage without any provision for a tribunal to pass upon the claims for exemption, which are bound to arise under it. The English law, even with its liberal provisions for exemption from the operation of the draft, and with its three tribunals for hearing applications for exemption from the draft, has worked badly.

SHOULD GUARD AGAINST MILITARY PERSECUTION.

Mr. Charles P. Trevelyan, M. P., in an open letter to the American people published December 5, 1916, said that up to October, 1916, there were nearly 2,000 young men in prison by reason of conscientious refusal to do military service. I quote this portion of his letter:

Nor would anyone here have believed three years ago that nearly 2,000 Englishmen would have been imprisoned for conscientious refusal of military service, some of them condemned to death, and only respited at the last moment, and many bullied and tortured by the military.

Yet England has a homogenous population, not made up as ours is of people from almost every nation in the world. If the result of the attempted enforcement of the English draft law under the conditions existing there, with its liberal exemptions and tribunals to pass upon the claims for exemptions, are as stated above by Mr. Trevelyan, what can you expect will follow in this country if this bill is passed, without containing even the safeguards of the English law.

Furthermore, as we all know, there are many thousands of spiritual-minded citizens in the United States who believe that all war is wrong, and that it is against civilization and the Christian religion, and who will be killed rather than to kill. These people are by no means confined to members of religious organizations—as that language used in this bill. These people are among our best citizens—sober, industrious, law-abiding, God-fearing people, and yet this bill makes no provision which will allow them to obey the dictates of their conscience if in the operation of the draft they are selected for military service, and neither does it contain any provision to protect these people or any others from being singled out and made the special objects of military persecution under this law. These and other considerations in justice and fairness require the adoption of this amendment.

OUR REAL PROBLEM IN THIS WAR.

Mr. President, the declaration of war as passed by Congress was, to quote the gist of it:

That the state of war between the United States and the Imperial Government of Germany, which has been thrust upon this United States, is hereby formally declared.

This momentous step having been taken, it was to be expected that we should proceed to conduct the war along definite lines and for specific ends. And in the great ordeal with which the Nation is confronted it seems to me the people of the United States will want to know, and that they have the right to know, what the governmental policy is to be and to what ends the war is to be fought.

The general world situation, together with the events that it is claimed caused the United States to enter the war clearly indicate that our efforts should be directed along two well-defined lines:

First. All our naval and military resources should be concentrated on the solving of the submarine problem.

Second. All our moral and diplomatic power should be directed to the earliest possible conclusion of the war on the basis of a durable peace.

We had gone to war because Germany's persistent submarine warfare had interfered with the rights of neutral commerce. Logically our naval and military resources should have been concentrated upon destroying submarine menace—to the assembling of an army of experts from civil and military life, whose genius, skill, and training, backed by all the resources of this great Nation of ours, might cope with the dreaded submarine.

We need not theorize or speculate as to the practical wisdom of the course so clearly marked out for us by the long line of events that led to the declaration of war, nor is it worth while to dwell upon the fact that such a line of action was in accordance with our traditions in keeping us free from entangling alliances and preserving the advantages of our independent place in the world.

Congress was not given an opportunity to say anything about the war policy. With only a day intervening after the declaration of war Congress was asked to appropriate $7,000,000,000—only one billion less than the entire cost of the Civil War—and, without any budget or any guarantee whatever of how it was to be spent, other than that three billions was to be loaned to the allies and the remainder to be used for the prosecution of war, the bill was hurried through Congress under the strange spell of an "emergency" call. The two objects were presented in the one measure, so that it was necessary to vote the loan for the allies if we voted supplies for the Army and Navy necessary for the conduct of the war. I say for myself that otherwise I would not have voted to make the loan, if it had been a separate proposition, if I could have voted for the supplies for the Army without casting my vote for the entire bill. Committed to war, Congress was bound to furnish equipment, to make liberal, generous appropriations for the men and measures that such a declaration necessarily carries with it.

It is for the American public to judge whether, if the President had laid before Congress and the people of the United States his extraordinary program, tieing this country up with the allies, assuming undefined responsibilities and unforeseen

consequences—whether, if he had frankly stated his purpose at the time he asked for the declaration of war—whether the declaration would have been made at all.

The declaration has been made. The most urgent demand of the President has been satisfied. The enormous sum of money has been appropriated by Congress without question and without stint.

THE SUBMARINE MENACE.

But the menace of the submarine is more and more insistent. Each day it becomes more evident that the submarine is the problem of the war.

Yesterday's papers contained the alarming official news that Lord Devonport, the British food controller, had issued a statement on April 25 solemnly warning the British public that severe privation menaced the nation on account of the country's shipping being depleted daily in large volume.

If the nations at war can not force enough ships through the submarine blockade to transport food to their hungry people they surely can not spare ships for the transportation of our troops across the Atlantic.

If we undertake the task with our own Navy, what probable fate awaits the expedition?

The war in Europe furnishes a number of examples of the danger of entering great enterprises with blind confidence in military and naval power that has not been efficiently organized or modernized to meet the enemy.

Much has been made of the unpreparedness of Great Britain. But the history of the war demonstrates that it is not the lack of loyalty of volunteers, but the bullheadedness of British statesmen and military and naval officers in command that is at bottom, the cause of blunders, now frankly admitted. It was not because volunteers did not fight valiantly at the Dardanelles that the siege failed. It was because the noble lords and famous commanders undertook the capture of land fortresses which they should have known were invincible against naval attack.

Mr. President, the report of the Dardanelles commission offers sad proof of the danger—the awful danger—of blind surrender to the dictatorship of any one man, no matter how great a hold he may have on public confidence.

Mr. President, the acute and dangerous situation created by the enemy's submarine warfare might not confront the world to-day if England had given heed to the advice and warnings of her own experts. At this point I wish, without taking the time at this late hour to read in its entirety, to direct attention to the letter of Sir Percy Scott, together with the comment of the London Times of June 5, 1914. This letter of Sir Percy Scott was written December 15, 1913. That was some time before the European war broke out.

Sir Percy Scott warned the British people, at the time of the publication of this letter, that the submarine was to be the controlling factor of the seas. It is a remarkable letter, one worthy the attention of the American Congress and the American people before we commit ourselves to policies which will prove as disastrous as some of those that have been pursued elsewhere without heeding the warning given by Sir Percy Scott.

In connection with that letter I wish to bring to the attention of the Senate a very remarkable editorial which appeared in the Scientific American on the 7th of April, 1917, entitled "Germany's Submarine Effort." The result of this special investigation conducted by the Scientific American presents the seriousness of the problem which confronts this Nation. Also a brief extract from the address of Hon. Walter L. Fisher, former Secretary of the Interior, on the subject of the submarine, when he spoke at congressional hearings nearly two years ago. I ask leave to print the editorial and also the extract from Mr. Fisher's address as a part of the appendix to my remarks.

The PRESIDING OFFICER. Without objection, the matter will be printed in the RECORD.

AN EARLY OFFICIAL ENGLISH WARNING.

Mr. LA FOLLETTE. I read a part of the comment and summary that appeared in the London Times in connection with the letter of Sir Percy Scott.

[From the London Times, Friday, June 5, 1914.]

THE SUBMARINE MENACE—SIR PERCY SCOTT'S VIEWS—USELESSNESS OF GREAT BATTLESHIPS—FUTURE NAVAL WARFARE.

"But the strength of navies can not be reckoned only in dreadnaughts, and the day may come when it will not be reckoned in dreadnaughts at all."—Mr. Churchill, March 26, 1912.

"To the whole system of naval architecture and the methods of computing naval strength are brought under review by the ever-growing power, radius, and sea worthiness of the submarine, and by the increasing range and accuracy of its fatal torpedoes."—Mr. Churchill, March 17, 1914.

The communication which we print below must attract general attention, both at home and abroad, alike from the personality of the distinguished writer and the cardinal importance of his subject. Admiral Sir Percy Scott is a naval officer who has not only shown himself on several occasions able to think ahead of his contemporaries, but has made good his prophecies. To him we owed the presence of the naval guns at Ladysmith, which saved the situation, if not South Africa. He it was who made possible the advance in marksmanship with heavy guns which has been such an important feature in naval efficiency of late years. To him, too, it is due that the navy recently was provided with a "director" which has enormously increased the possibilities of hitting at long ranges and enabled broadside salvo firing to be carried out with a precision before unknown.

* * * * * * *

Sir Percy Scott goes still further in his forecast of the future, for, assuming that submarine can not fight submarine, he sees the end of sea warfare altogether. Neither numbers nor skill are to avail. Nothing will live afloat, for, if opposed nations have provided themselves with a sufficiency of submarines, they can destroy everything which can not hide from these vessels below the surface. The position apparently will become one of the greatest disadvantage to the nation which depends for its existence upon water-borne supplies. Indeed the only obvious benefit which these islands will derive from the change is the removal of all fear of invasion, seeing that, if battleships and cruisers can not cross submarine-infested waters, neither, of course, can transports.

Sir Percy Scott brings the very serious charge against those in authority of wasting the nation's money on ships that will be unable to fight. It is for them, he suggests, to defend that policy by explaining what part the battleship will play in war, how she can be made safe from destruction by the submarine at sea or in port, and how her situation is to be kept secret from aircraft. Instead of battleships, he would have the money voted for their construction spent on building more submarines and seaplanes.

Mr. President, the lateness of the hour does not permit me to discuss the inevitable conclusion to be drawn from the authorities I have cited taken in connection with the facts of submarine destruction as now known to the world.

Shall we, heedless of the warning, reckless of human life, load our boys onto transports incapable of defense against submarine attack, to take their chances of being sunk along with the enormous freight tonnage we know is going to the bottom of the sea daily? Shall hundreds of thousands of American troops be sacrificed as the English and Australian troops were at the Dardanelles in a desperate and foolhardy undertaking? Is there not enough slaughter going on now without exposing our young men to the double risk of being blown up at sea and of being killed in the trenches?

The cause of the allies is suffering much more from scarcity of food than from lack of men. The only reasons thus far urged for our sending troops to Europe are "sentimental." In the present desperate condition of the world food supply it is frightful to think of the quantities going to the bottom of the sea. The slaughter of more men is not going to stop the war. The submarine must be coped with and outmatched. From every standpoint it is up to us to fight the war out on this line.

OUR EFFORTS COULD BE MORE POTENT THAN THROUGH ARMIES.

Under any circumstances the raising of a million men by draft, training and equipping them with uniforms and guns, withdrawing them from their normal occupations, is an enormously wasteful project. A careful survey would without doubt demonstrate that the effort might be much more potent in ending the war if expended in raising food and devising means of getting it to the allies.

But if we must have an army of such magnitude for an overseas expedition let it be a volunteer army on the Canadian and Australian basis. Let its ranks be made up of free, willing men who desire to go. This will not raise any constitutional question nor be in such flagrant violation of our traditions, nor will it necessitate any such upheaval of our economic life as this draft proposition seems to call for.

The President and his Cabinet appear to be making plans for the mobilization of all the activities and output of a hundred million people distributed over a territory equal to all Europe, excluding Russia. Germany has been 50 years acquiring efficient control over the business of two-thirds as many folks living in an area about the size of Texas.

Even if it were possible for the United States to work such a transformation over night, it would hardly be wise to do so. If we are to preserve our liberties, these social and economic changes must be wrought out slowly and carefully in the public interest. Students of the subject tell us that one of the evils of the European war is that the autocratic control of business under the pressure and exigency of war does not tend to promote democracy but to strengthen imperialism.

However patriotic the motives of the great financiers and captains of industry, who are being entrusted to execute the far-reaching plans of the President, these men by instinct and training have the imperialistic idea of the right way to manage trade and production. If the transportation business is to be conducted in the public interest like the post-office business, for instance, we can hardly entrust the mobilization of the railroads to their own officials, who are not satisfied with the recent advance in rates which have overflowed their coffers with the

largest net earnings in the history of railroading in this country, but are now demanding another 15 per cent increase on the existing extortionate rates.

Under the high pressure and excitement of the hour the country may be confused and unable to see straight. But before very long the sober common sense of the American people may be depended upon to assert itself. They will want to know why their boys are being drafted, what they are paying taxes for, why the country is being militarized and needlessly dominated.

In my judgment, the only way to avert a strong and bitter reaction is to satisfy the people of the United States that we have conscientiously used our influence and power to bring about a just and durable peace in the world.

PRESIDENT WILSON'S DEMANDS.

Mr. President, in his address to the Senate of January 22 President Wilson outlined what he deemed the basis of a permanent international agreement in language and terms important to recall at this time.

"It must be a peace without victory," the President said, and then he stated these propositions:

First. No peace can last, or ought to last, which does not recognize and accept the principle that governments derive all their just powers from the consent of the governed, and that no right anywhere exists to hand peoples about from sovereignty to sovereignty as if they were property. I take it for granted, for instance, if I may venture upon a single example, that statesmen everywhere are agreed that there should be a united, independent, and autonomous Poland, and that henceforth inviolable security of life, of worship, and of industrial and social development should be guaranteed to all peoples who have lived hitherto under the power of governments devoted to a faith and purpose hostile to their own.

Second. So far as practicable, moreover, every great people now struggling toward a full development of its resources and of its powers should be assured a direct outlet to the great highways of the sea. Where this can not be done by cession of territory, it can no doubt be done by neutralization of direct rights of way under the general guaranty which will assure the peace itself. With a right comity of arrangement, no nation need be shut away from free access to the open paths of the world's commerce.

Third. "Freedom of the sea," says the President, "is a problem closely connected with the limitation of naval armaments and the cooperation of the navies of the world in keeping the seas at once free and safe. And the question of limiting naval armaments opens the wider and perhaps more difficult question of the limitation of armies and of all programs of military preparation. Difficult and delicate as these questions are, they must be faced with the utmost candor and decided in a spirit of real accommodation if peace is to come with healing in its wings, and come to stay. Peace can not be had without concession and sacrifice. There can be no sense of safety and equality among the nations if great preponderating armaments are henceforth to continue here and there to be built up and maintained. The statesmen of the world must plan for peace, and nations must adjust and accommodate their policy to it as they have planned for war and made ready for pitiless contest and rivalry. The question of armaments, whether on land or sea, is the most immediately and intensely practical question connected with the future fortunes of nations and mankind."

In the course of this remarkable address the President expressed the conviction:

I feel confident that I have said what the people of the United States would wish me to say. May I not add that I hope and believe that I am, in effect, speaking for liberals and friends of humanity in every nation and of every program of liberty? I would fain believe that I am speaking for the silent mass of mankind everywhere who have as yet had no place or opportunity to speak their real hearts out concerning the death and ruin they see to have come already upon the persons and homes they hold most dear.

Rarely is it given to one man to speak so movingly to a listening world.

This exalted appeal of the President to the warring nations for a peace "without victory" was made before we became a party to the conflict. But that very fact should make the President, the Congress, and the people of the United States even more strongly resolved to hold to the noble ideals promulgated by President Wilson as the basis of an international agreement.

FREE RUSSIA'S POSITION.

Russia in the very throes of her new birth proclaimed her adherence to the high standards set for the world by President Wilson. She did not ask that her enemy be crushed or conquered by slow attrition. She gave out to the world:

That free Russia does not aim at the domination of other nations, at depriving them of their national patrimony, or at occupying by force foreign territories, but that its object is to establish a durable peace on the rights of nations to decide their own destiny.

We have distinguished visitors in our midst. They are entitled to every honor and consideration. It is to be expected that our American press, which is no less mad for conscription than for war, should blazon in large letters the opinions of the official representatives of the allies as to the necessity of conscription in this country.

If, as reported in the newspapers, Mr. Balfour has suggested that the United States will need 5,000,000 men for the conduct of the war, we can not but infer that he represents the view that our enemy must be crushed or worn out by slow attrition, and that he expects the United States to uphold the exhausted allies in this determination.

OUR DUTY IS TO MAKE AN END OF THE WAR.

Mr. President, the people of the United States will not stand for an indefinite prolongation of this war for these ends. The only way this administration can justify its course is by bringing the war to the earliest possible conclusion on the basis of the President's peace message.

If a tithe of the energy and power we have consumed in making war had been directed to its settlement, world peace would be at hand.

But having entered the war we should use our great power and position to make an end of it. That is what the country expects of the President and Congress. If the expectation is not met, it will grow into a demand and become the foremost issue of the next election. An awakened and terribly overburdened people will hold Congress to a strict accountability.

Already we notice a change of attitude on the part of the allies—a stiffening of their demands since our entrance into the war. It is but human nature that with all our resources back of them they should begin to talk of indemnity and territorial aggrandizement. We are in a position to choose whether we shall lead or be led. If we agree to fight for these drastic conditions and terms of the allies, we can hardly uphold the claim that we are making war for democracy.

Already there is a resolution introduced in the Senate which proposes that we shall bind ourselves as the entente allies have done, to make no peace until all parties are satisfied. The American people should not be confused as to this issue. The power to make a separate peace is a tremendous lever which can be used by us at the opportune time, to bring all the nations to reasonable terms. We should hold ourselves free to render this service to humanity at the earliest possible moment.

APPENDIX NO. 1.

[Speech of Daniel Webster in House of Representatives Dec. 9, 1814.]

Let us examine the nature and extent of the power which is assumed by the various military measures before us. In the present want of men and money the Secretary of War has proposed to Congress a military conscription. For the conquest of Canada the people will not enlist; and if they would, the treasury is exhausted, and they could not be paid. Conscription is chosen as the most promising instrument both of overcoming reluctance to the service and of subduing the difficulties which arise from the deficiencies of the exchequer. The administration asserts the right to fill the ranks of the Regular Army by compulsion. It contends that it may now take 1 out of every 25 men, and any part, or the whole, of the rest, whenever its occasions require. Persons thus taken by force and put into an army may be compelled to serve there during the war or for life. They may be put on any service, at home or abroad, for defense or for invasion, according to the will and pleasure of the Government. This power does not grow out of any invasion of the country, or even out of a state of war. It belongs to government at all times, in peace as well as in war, and it is to be exercised under all circumstances, according to its mere discretion. This, sir, is the amount of the principle contended for by the Secretary of War.

Is this, sir, consistent with the character of a free government? Is this civil liberty? Is this the real character of our Constitution? No, sir; indeed it is not. The Constitution is libeled, foully libeled. The people of this country have not established for themselves such a fabric of despotism. They have not purchased at a vast expense of their own treasure and their own blood a Magna Charta to be slaves. Where is it written in the Constitution, in what article or section is it contained, that you may take children from their parents and parents from their children and compel them to fight the battles of any war in which the folly or the wickedness of government may engage it? Under what concealment has this power laid hidden which now for the first time comes forth, with a tremendous and baleful aspect, to trample down and destroy the dearest rights of personal liberty?

Who will show me any constitutional injunction which makes it the duty of the American people to surrender everything valuable in life, and even life itself, not when the safety of their country and its liberties may demand the sacrifice, but whenever the purposes of an ambitious and mischievous government may require it? Sir, I almost disdain to go into quotations and references to prove that such an abominable doctrine has no foundation in the Constitution of the country. It is enough to know that that instrument was intended as the basis of a free government, and that the power contended for is incompatible with any notion of personal liberty. An attempt to maintain this doctrine upon the provisions of the Constitution is an exercise of perverse ingenuity to extract slavery from the substance of a free government. It is an attempt to show, by proof and argument, that we ourselves are subjects of despotism, and that we have a right to chains and bondage, firmly secured to us and our children by the provisions of our Government. It has been the labor of other men at other times to mitigate and reform the powers of government by construction; to support the rights of personal security by every species of favorable and benign interpretation, and thus to infuse a free spirit into governments not friendly in their general structure and formation to public liberty.

The supporters of the measures before us act on the opposite principle. It is their task to raise arbitrary powers by construction out of a plain written charter of national liberty. It is their pleasing duty to free us of the delusion which we have fondly cherished that we are the subjects of a mild, free, and limited Government, and to demonstrate—and to demonstrate by a regular chain of premises and conclusions—that Government possesses over us a power more tyrannical, more arbitrary, more dangerous, more allied to blood and murder, more full of every form of mischief, more productive of every sort and degree of misery than has been exercised by any civilized Government, with a single exception, in modern times.

The Secretary of War has favored us with an argument on the constitutionality of this power. Those who lament that such doctrines should be supported by the opinion of a high officer of the Government may a little abate their regret when they remember that the same officer, in his last letter of instructions to our ministers abroad, maintained the contrary. In that letter he declares that even the impressment of seamen, for which many more plausible reasons may be given than for the impressment of soldiers, is repugnant to our Constitution. It might therefore be a sufficient answer to his argument in the present case to quote against it the sentiments of its own author, and to place the two opinions before the House, in a state of irreconcilable conflict. Further comment on either might then be properly forborne until he should be pleased to inform us which he retracted and to which he adhered. But the importance of the subject may justify a further consideration of the arguments.

Congress having, by the Constitution, a power to raise armies, the Secretary contends that no restraint is to be imposed on the exercise of this power, except such as is expressly stated in the written letter of the instrument. In other words, that Congress may execute its powers, by any means it chooses, unless such means are particularly prohibited. But the general nature and object of the Constitution impose as rigid a restriction on the means of exercising power as could be done by the most explicit injunctions. It is the first principle applicable to such a case, that no construction shall be admitted which impairs the general nature and character of the instrument. A free constitution of government is to be construed upon free principles, and every branch of its provisions is to receive such an interpretation as is full of its general spirit. No means are to be taken by implication which would strike us absurdly if expressed. And what would have been more absurd than for this Constitution to have said that to secure the great blessings of liberty it gave to government an uncontrolled power of military conscription? Yet such is the absurdity which it is made to exhibit, under the commentary of the Secretary of War.

But it is said that it might happen that an army could not be raised by voluntary enlistment in which case the power to raise armies would be granted in vain, unless they might be raised by compulsion. If this reasoning could prove anything, it would equally show, that whenever the legitimate power of the Constitution should be so badly administered as to cease to answer the great ends intended by them, such new powers may be assumed or usurped, as any existing administration may deem expedient. This is the result of his own reasoning, to which the Secretary does not profess to go. But it is a true result. For if it is to be assumed, that all powers were granted, which might by possibility become necessary, and that government itself is the judge of this possible necessity, then the powers of government are precisely what it chooses they should be. Apply the same reasoning to any other power granted to Congress, and test its accuracy by the result. Congress has power to borrow money. How is it to exercise this power? Is it confined to voluntary loans? There is no express limitation to that effect, and, in the language of the Secretary, it might happen, indeed it has happened, that persons could not be found willing to lend. Money might be borrowed then in any other mode. In other words, Congress might resort to a forced loan. It might take the money of any man by force, and give him in exchange exchequer notes or certificates of stock. Would this be quite constitutional, sir? It is entirely within the reasoning of the Secretary, and it is a result of his argument, outraging the rights of individuals in a far less degree than the practical consequences which he himself draws from it. A compulsory loan is not to be compared, in point of enormity, with a compulsory military service.

Sir, I invite the supporters of the measures before you to look to their actual operation. Let the men who have so often pledged their own fortunes and their own lives to the support of this war look to the wanton sacrifice which they are about to make of their lives and fortunes. They may talk as they will about substitutes, and compensations, and exemptions. It must come to the draft at last. If the Government can not hire men voluntarily to fight its battles, neither can individuals. If the war should continue there will be no escape, and every man's fate and every man's life will come to depend on the issue of the military draft. Who shall describe to you the horror which your orders of conscription shall create in the once happy villages of this country? Who shall describe the distress and anguish which they will spread over those hills and valleys, where men have heretofore been accustomed to labor and to rest in security and happiness. Anticipate the scene, sir, when the class shall assemble to stand its draft and to throw the dice for blood. What a group of wives and mothers and sisters, of helpless age and helpless infancy, shall gather round the theater of this horrible lottery, as if the stroke of death were to fall from heaven before their eyes on a father, a brother, a son, or a husband. And in a majority of cases, sir, it will be the stroke of death. Under present prospects of the continuance of the war not one-half of them on whom your conscription shall fall will ever return to tell the tale of their sufferings. They will perish of disease and pestilence, or they will leave their bones to whiten in fields beyond the frontier. Does the lot fall on the father of a family? His children, already orphans, shall see his face no more. When they behold him for the last time they shall see him lashed and fettered, and dragged away from his own threshold, like a felon and an outlaw. Does it fall on a son, the hope and the staff of aged parents? That hope shall fail them. On that staff they shall lean no longer. They shall not enjoy the happiness of dying before their children. They shall totter to their grave, bereft of their offspring and unwept by any who inherit their blood. Does it fall on a husband? The eyes which watch his parting steps may swim in tears forever. She is a wife no longer. There is no relation so tender or so sacred that by these accursed measures you do not propose to violate it. There is no happiness so perfect that you do not propose to destroy it. Into the paradise of domestic life you enter, not, indeed, by temptations and sorceries, but by open force and violence.

But this father or this son or this husband goes to the camp. With whom do you associate him? With those only who are sober and virtuous and respectable like himself? No, sir. But you propose to find him companions in the worst men of the worst sort. Another bill lies on your table offering a bounty to deserters from your enemy. Whatever is most infamous in his ranks you propose to make your own. You address yourselves to those who will hear you advise them to perjury and treason. All who are ready to set heaven and earth at defiance at the same time, to violate their oaths and run the hazard of capital punishment, and none others, will yield to your solicitations. And these are they whom you are allowing to join your ranks, by holding out to them inducements and bounties with one hand, while with the other you are driving thither the honest and worthy members of your own community, under the lash and scourge of conscription. In the line of your Army, with the true leveling of despotism, you propose a promiscuous mixture of the worthy and the worthless, the virtuous and the profligate, the husbandman, the merchant, the mechanic of your own country, with the beings whom war selects from the excess of European population, who possess neither interest, feeling, nor character in common with your own people, and who have no other recommendation to your notice than their propensity to crimes.

Nor is it, sir, for the defense of his own house and home that he who is the subject of military draft is to perform the task allotted to him. You will put him upon a service equally foreign to his interests and abhorrent to his feelings. With his aid you are to push your purposes of conquest. The battles which he is to fight are the battles of invasion—battles which he detests perhaps and abhors, less from the danger and the death that gather over them, and the blood with which they drench the plain, than from the principles in which they have their origin. Fresh from the peaceful pursuits of life, and yet a soldier but in name, he is to be opposed to veteran troops, hardened under every scene, inured to every privation, and disciplined in every service. If, sir, in the strife he fall; if, while ready to obey every rightful command of government, he is forced from his home against right, not to contend for the defense of his country, but to prosecute a miserable and detestable project of invasion, and in that strife he fall, it is murder. It may stalk above the cognizance of human law, but in the sight of heaven it is murder; and though millions of years may roll away, while his ashes and yours lie mingled together in the earth, the day will yet come when this spirit and the spirits of his children must be met at the bar of omnipotent justice. May God, in his compassion, shield me from any participation in the enormity of this guilt.

I would ask, sir, whether the supporters of these measures have well weighed the difficulties of their undertaking. Have they considered whether it will be found easy to execute laws which bear such marks of despotism on their front, and which will be so productive of every sort and degree of misery in their execution? For one, sir, I hesitate not to say that they can not be executed. No law professionally passed for the purpose of compelling a service in the Regular Army, nor any law which, under color of military draft, shall compel men to serve in the Army, not for the emergencies mentioned in the Constitution, but for long periods, and for the general objects of war, can be carried into effect. In my opinion it ought not to be carried into effect. The operation of measures thus unconstitutional and illegal ought to be prevented by a resort to other measures which are both constitutional and legal. It will be the solemn duty of the State governments to protect their own authority over their own militia and to interpose between their citizens and arbitrary power. These are among the objects for which the State governments exist; and their highest obligations bind them to the preservation of their own rights and the liberties of their people. I express these sentiments here, sir, because I shall express them to my constituents. Both they and myself live under a Constitution which teaches us that "the doctrine of nonresistance against arbitrary power and oppression is absurd, slavish, and destructive of the good and happiness of mankind." (New Hampshire bill of rights.) With the same earnestness with which I now exhort you to forbear from these measures, I shall exhort them to exercise their unquestionable right of providing for the security of their own liberties.

In my opinion, sir, the sentiments of the free population of this country are greatly mistaken here. The Nation is not yet in a temper to submit to conscription. The people have too fresh and strong a feeling of the blessings of civil liberty to be willing thus to surrender it. You may talk to them as much as you please of the victory and glory to be obtained in the enemy's Provinces; they will hold those objects in light estimation if the means be a forced military service. You may sing to them the song of Canada conquest in all its variety, but they will not be charmed out of the remembrance of their substantial interests and true happiness. Similar pretenses, they know, are the grave in which the liberties of other nations have been buried, and they will take warning.

Laws, sir, of this nature can create nothing but opposition. If you scatter them abroad, like the fabled serpent's teeth, they will spring up into armed men. A military force can not be raised in this manner, but by the means of a military force. If administration has found that it can not form an army without conscription, it will find, if it venture on these experiments, that it can not enforce conscription without an army. The Government was not constituted for such purposes. Framed in the spirit of liberty, and in the love of peace, it has no powers which render it able to enforce such laws. The attempt, if we rashly make it, will fail; and having already thrown away our peace we may thereby throw away our Government.

Allusions have been made, sir, to the state of things in New England, and, as usual, she has been charged with an intention to dissolve the Union. The charge is unfounded. She is much too wise to entertain such purposes. She has had too much experience, and has too strong a recollection of the blessings which the Union is capable of producing under a just administration of government. It is her greatest fear that the course at present pursued will destroy it, by destroying every principle, every interest, every sentiment, and every feeling which have hitherto contributed to uphold it. Those who cry out that the Union is in danger are themselves the authors of that danger. They put its existence to hazard by measures of violence, which it is not capable of enduring. They talk of dangerous designs against government, when they are overthrowing the fabric from its foundations. They alone, sir, are friends to the Union of the States who endeavor to maintain the principles of civil liberty in the country and to preserve the spirit in which the Union was framed.

APPENDIX NO. 2.

[Letter of Percy Scott, English naval authority, which appeared in the London Times of June 5, 1914.]

LARGE SHIPS OR SMALL?—THE NEEDS OF GREAT BRITAIN AT SEA.

TO THE EDITOR OF THE TIMES.

SIR: Although I have retired from His Majesty's Navy, many people have written, and are still writing, to me as to whether we should build small battleships or large. My opinion is that we should not be building either. My reasons for holding this opinion will be found in a letter I wrote some time ago and a copy of which I inclose herewith. I am,

Yours, truly,

PERCY SCOTT.

52 SOUTH AUDLEY STREET, *May 31.*

52 SOUTH AUDLEY STREET, GROSVENOR SQUARE, WEST,
December 15, 1913.

DEAR SIR: In reply to your letter, I have seen the correspondence in the press suggesting building smaller battleships and also the arguments as to whether two or four battleships should be laid down in 1914.

If we have battleships, we must have thick armor on them to keep out the enemy's shot, and we must have speed to give a tactical advantage in bringing our fire on the enemy; these are axioms among naval officers. For battleships our Nation and all other nations have very properly decided to have big ships, big guns, thick armor, and high speed.

The other question is, Are we in 1914 to build two or four battleships? The little navyites say two in order to save money; the big navyites say four to, as they think, save the country. If battleships are of use in saving the country, the little navyites are foolish and unpatriotic. If battleships are of no use, then the big navyites are wrong in putting the country to the expense of building four more; the real question to settle before even talking about building more battleships is, Are they of use or are they not? For some thousands of years armed vessels floating on the surface of the water have been used for attack and defense; these vessels to-day vary in size from a canoe containing one man armed with a spear to a 32,000-ton battleship armed with 15-inch guns, and these craft, whether large or small, all float on the water and are visible. In this island we depend upon our food supply coming from overseas; hence it has been necessary for us to have a large number of armed ships to protect our commerce and to safeguard our food supply. This protecting force or insurance of our country is called the Royal Navy and to-day consists of a large number of ships that swim on the water and can be seen and a few that swim under the water and can not be seen.

The introduction of the vessels that swim under water has, in my opinion, entirely done away with the utility of the ships that swim on the top of the water.

The functions of a vessel of war were:

Defensively—
1. To attack ships that come to bombard our ports.
2. To attack ships that come to blockade us.
3. To attack ships convoying a landing party.
4. To attack the enemy's fleet.
5. To attack ships interfering with our commerce.

Offensively—
1. To bombard an enemy's ports.
2. To blockade an enemy.
3. To convoy a landing party.
4. To attack the enemy's fleet.
5. To attack the enemy's commerce.

The submarine renders 1, 2, and 3 impossible, as no man-of-war will dare to come even within sight of a coast that is adequately protected by submarines; therefore the functions of a battleship as regards 1, 2, and 3, both defensively and offensively, have disappeared.

The fourth function of a battlesbip is to attack an enemy's fleet; but there will be no fleet to attack, as it will not be safe for a fleet to put to sea. This has been demonstrated in all recent maneuvers, both at home and abroad, where submarines have been employed, and the demonstration should have made us realize that; now that submarines have come in, battleships are of no use either for defensive or offensive purposes, and consequently building any more in 1914 will be a misuse of money subscribed by the citizens for the defense of the Empire.

As regards the protection of our commerce on the high seas, we must examine who can interfere with it.

Turkey, Greece, Austria, and Italy must pass through the narrow Straits of Gibraltar to get at our commerce.

Cyprus, Malta, and Gibraltar, well equipped with aeroplanes to observe the enemy's movements and submarines to attack, would make egress from the Mediterranean very difficult.

Spain and Portugal have ports open to the Atlantic and could interfere with our commerce, but war with those countries seems improbable and they are not very far from Gibraltar.

France from Brest could harass our commerce, but if homeward-bound ships gave that port a wide berth and signaled by wireless if they were attacked, fast cruisbers and submarines from Plymouth could be very soon on the spot.

Russia and Germany are very badly placed for interfering with our commerce; to get to the Atlantic they must either run the gauntlet of the Channel or pass to the north of Scotland, and even if they get out they have nowhere to coal.

America could attack our commerce, but they would have a long way to come.

If by submarines we close egress from the North Sea and Mediterranean, it is difficult to see how our commerce can be much interfered with.

It has been suggested to me that submarines and aeroplanes could not stop egress from the Mediterranean, that a fleet would steam through at night. With aeroplanes that would report the approach of a fleet and 30 or 40 invisible submarines in the narrow Straits of Gibraltar, trying to pass through them at night would be a very risky operation.

Submarines and aeroplanes have entirely revolutionized naval warfare. No fleet can hide itself from the aeroplane eye, and the submarine can deliver a dendly attack even in broad daylight.

Under these circumstances I can see no use for battleships and very little chance of much employment for fast cruisers. The Navy will be entirely changed; naval officers will no longer live on the sea, but either above it or under it, and the strain on their system and nerve will be so great that a very lengthy period of service will not be advisable; it will be a navy of youth, for we shall require nothing but boldness and daring.

In war time the scouting aeroplanes will always be high above on the lookout, and the submarines in constant readiness, as are the engines of a fire station. If an enemy is sighted, the gong sounds and the leash of a flotilla of submarines will be slipped. Whether it be night or day, fine or rough, they must go out to search for their quarry; if they find her, she is doomed, and they give no quarter; they can not board her and take her as a prize, as in the olden days; they only wait till she sinks, then return home without even knowing the number of human beings that they have sent to the bottom of the ocean.

Will any battleship expose herself to such a dead certainty of destruction? I say no.

Not only is the open sea unsafe, a battleship is not immune from attack even in a closed harbor, for the so-called protecting boom at the entrance can easily be blown up. With a flotilla of submarines commanded by dashing young officers, of whom we have plenty, I would undertake to get through any boom into any harbor and sink or materially damage all the ships in that harbor.

If a battleship is not safe, either on the high seas or in harbor, what is the use of a battleship?

It has been argued to me that if a foreign power destroys our submarines, we are at the mercy of his dreadnaughts. There can be no doubt about the accuracy of this statement, but submarines are difficult to destroy, because it is difficult to attack what you can not see. A power that sends out ships to look for and destroy submarines will be courting disaster; the submarine when in the water must be kept away from, not looked for.

Submarines will be hauled up on land, with arrangements for instantly launching them when required. They can only be attacked by airships dropping bombs upon them.

What we require is an enormous fleet of submarines, airships, and aeroplanes, and a few fast cruisers, provided we can find a place to keep them in safety during war times.

It has been argued to me that our enemy will seize some island in the Atlantic, get some fast cruisers there, with plenty of coal, and from this island prey upon our commerce. This is ridiculous. The moment we hear of it we send a flotilla of submarines, towed by an Atlantic liner. She drops them just when in sight of the island, and she brings them back to England when they have sunk everything they found at the island.

If we go to war with a country that is within the striking distance of submarines, I am of opinion that that country will at once lock up their dreadnaughts in some safe harbor; we shall do the same; their aeroplanes and airships will fly over our country; they will know exactly where our ships are; and their submarines will come over and destroy anything and everything that they can get at.

We shall, of course, do the same, but an island, with many harbors and much shipping, is at a great disadvantage if the enemy has submarines.

I do not think that the importance of submarines has been fully recognized; neither do I think that it has been realized how completely their advent has revolutionized naval warfare. In my opinion, as the motor vehicle has driven the horse from the road, so has the submarine driven the battleship from the sea. I am,

Yours, truly,

PERCY SCOTT.

APPENDIX NO. 3.

EDITORIAL IN SCIENTIFIC AMERICAN OF APRIL 7, 1917, ENTITLED "GERMANY'S SUBMARINE EFFORT."

In war, perhaps more than in any other contest of strength, it is perilous to underestimate the resources and strength of the enemy. That is one of the truisms which are so true that we are in danger of overlooking them altogether. Thus, in regard to the German submarine campaign, we note that there is a tendency to underestimate its potential danger to the allies, and therefore, in the event of its success, to ourselves.

It is generally believed that the submarine-infested areas are so completely covered by the antisubmarine fleets of the allies that the strength of the German attack is constantly being weakened by very large losses; but if we analyze the testimony and apply to it the cold criticism which we would use in any other enterprise; in other words, if we brush aside unauthenticated rumors and confine ourselves entirely to official statements, we shall find that the allied governments have never made any definite statement whatsoever as to the number of German and Austrian submarines that have been captured or sunk.

It is only recently that this journal has been able to obtain a conservative estimate, in quarters where reliable statistics are available; and we are informed that a total loss of 100 would be, if anything, an overstatement of the truth. This figure includes many boats which were supposed to be lost because they were believed to have been heavily hit by shell fire.

For some months we have had a growing conviction, based upon a very close study of the campaign, that the submarine losses were not nearly so large as represented and that with the growth in size, speed, and sea-keeping qualities of the submarine, the problem of meeting and breaking up the so-called blockade is becoming increasingly difficult.

It is our belief that at the time of the Jutland fight, when the German high-seas fleet was driven back with heavy losses and in a badly battered condition to its naval bases, Germany, realizing the hopelessness of any attemp. to defeat or break through the British fleet, determined to cease all work upon the construction of capital ships and bend its whole ship-and-engine-building capacity to the creation of a great fleet of submarines for war upon enemy and neutral commerce. Saving and except that this was an utterly illegal form of warfare, the Germans were perfectly right in stating that herein lay their "last chance of victory." For it is a fact that, granted a sufficiently large fleet of submarines, the allies can be, if not starved, at least so hampered by a shortage of food and raw materials for the manufacture of guns, shells, and military equipment that they will be unable to win such an absolute victory as to enable them to dictate the terms of peace. This is the situation as Germany sees it to-day. She has stated that it is her purpose to force the allies to a compromise peace, and whether she can do it or not depends first and last upon her ability to set afloat and man within a definite period of time the thousand or more submarines which would enable her thus to bring the allies to their knees.

What is the German submarine-building capacity? Is it sufficient to enable her, say, within the year to build, equip, and man 1,000 or 1,200 boats? Nobody outside of Germany can answer that question; but the Scientific American believes that she is probably well able to do this, provided, of course, that she is not herself brought to her knees through collapse of her finances, through starvation, or by the absolute overthrow of her armies.

Of course, the only plan by which Germany could build 1,000 submarines in a year would be by what has come to be known as the manufacturing method, of which a notable example is found in the great Ford plant at Detroit. It is pretty safe to say that she has adopted a standard type of craft, the details of which are based upon the experience of the past two and a half years, and that she has enlisted the whole of her shipbuilding plants, public and private, and a corresponding number of her engine-building firms in this work.

We have made investigation of the capacity of the German yards as regards building ways, and it discloses the interesting fact that, without laying down any additional ways, she could have under construction at any given time about 530 submarines of the size of the *U-53*, which came to Newport last year. The 800-ton submarine requires about 30 feet of clear width in order to allow a working space around the hull, and its length is something under 250 feet. Each of the three 625-foot dry docks at Wilhelmshaven, for instance, would permit of the con-

struction of six submarines on its floor, and eight boats could be constructed in each of the larger docks, 822 feet in length. Also the floating docks, of which the Germans have so many, would form excellent building ways. The smaller dry docks, 500 feet or less in length, and the floating docks would take two, three, or four submarines, as the case might be. Moreover, ways suitable for submarine construction can be built rapidly on foreshore or river bank, and the actual shipping and dock-yard capacity, so far as building ways is concerned, could quickly be doubled. If the Germans thought fit, they could have a thousand submarines under construction at the same time.

The limiting factor as to time capacity, however, would not be the provision of ways, or even the construction of the hulls, but rather the rapid construction of the internal equipment. Of this, the engines would present the least difficulty, for Germany is the great Diesel engine country, and if they extended themselves in a concerted effort of this kind the leading heavy-oil engine builders, such as Krupps, the Emden Works, the Augsburg Works, and the Neuremburg Works, reinforced by less known firms and the large number of engineering plants which could be requisitioned for this work, would be well able to take care of the demand. The principal difficulty would be to supply the special apparatus in the way of periscopes, gyroscopic compasses, and the other mechanical details, which must be of the very finest workmanship and require special knowledge and skill. Germany, however, is famous for her optical work, and unless there was a shortage of the materials required, the instrument makers should be able to keep pace with the shipbuilder and the builder of engines.

As to the time for construction, one large shipbuilding firm in this country has assured us that if its plant were doing nothing else it could turn out a submarine of the German type in five months' time. Our Naval Construction Corps estimates that it would take seven months. If Germany is concentrating her whole shipbuilding resource upon the task, we believe that six months might be taken as a fair average.

The central powers may have 200 submarines afloat—and we think it is possible that they have many more than that—and if, as is more than likely, they have some 500 on the ways at the present time, this would mean that in six months they would have 700 U-boats available, and 1,200 by next spring.

But the crews? The German naval personnel numbers over 150,000 men. Her idle battleships can supply all the men required to man the submarines as they are successively set afloat.

Here, as we see it, is the immediate danger point in this great conflict into which we have now entered. It is here that we should apply, and should at once apply, our whole effort.

APPENDIX NO. 4.

EXTRACT FROM ADDRESS OF HON. WALTER L. FISHER, FORMER SECRETARY OF INTERIOR.

We are at least entitled to ask questions. If our Navy is intended only to defend our own shores from invasion, could we not enormously increase the number of our submarines for the same money that it is proposed to spend on dreadnaughts, and would not the result give us a far more effective Navy for purely defensive purposes? Does not a single superdreadnaught cost as much as many submarines, depending on the types selected? If modern war—if this war—has taught us anything, it is that a navy of the dreadnaught class is of little, if any, practical value against a stronger navy of the same sort. The weaker navy is inevitably bottled up. It dare not come out into the open unless it is prepared to risk all upon the result of its unequal contest with a stronger force. Unless we are prepared to enter the endless competition in naval expenditure, is not the navy of the era that ended with this war a waste of money and a self-deception as an efficient instrument of defense? Is not this confessed by the insistence of those who cling to this type of navy that the United States must increase its Navy until it equals the navy of any other nation? Some say any other nation except England, either because they are appalled at competition in naval expenditure with England, whose existence as a world power depends upon predominance at sea, or because they think we should assume that war will never occur between England and the United States. Some insist that we must have a Navy equal in aggressive strength to the combined navies of any two other nations except England, and that anything less than this will leave us without adequate protection for the very reasons that are given as underlying the dreadnaught naval theory.

Has not this war demonstrated that a navy composed chiefly of great numbers of submarines, supplemented by the torpedo boat, the destroyer, and the aeroplane, would be of immense defensive value against the most powerful dreadnaught navy afloat? Is not a single submarine an effective fighting unit against any fleet, while a single dreadnaught is of practically no value whatever? Might not a few submarines encounter and destroy a mighty fleet, while a dreadnaught navy outclassed in strength by an invading squadron would lie impotent in the harbor? Are we not about to commit this Nation to a program of dreadnaughts that need yet more and more dreadnaughts to make them useful? Is it not wise to delay this program at least until we can know more than is now possible as to the place of the dreadnaught in the future navies of the world?

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the bill (S. 1800) to amend an act approved June 29, 1906, and entitled "An act to authorize the Grand Lodge of the Independent Order of Odd Fellows of the District of Columbia to sell, hold, and convey certain real estate."

PETITIONS AND MEMORIALS.

Mr. CHAMBERLAIN presented a petition of sundry citizens of Scio, Oreg., pledging support to the Government and praying that freedom be given the people of Bohemia, which was referred to the Committee on Foreign Relations.

Mr. PHELAN. I present a petition from the Grand Commandery of the Knights Templar of California, which I ask may be printed in the RECORD.

There being no objection, the petition was ordered to be printed in the RECORD, as follows:

SACRAMENTO, CAL., *April 21, 1917.*

JAMES D. PHELAN,
United States Senate, Washington, D. C.:

The Grand Commandery, Knights Templar, of California, in session at Sacramento, Cal., April 20, 1917, unanimously—

Resolved, That the Knights Templar of California avow their belief in some form of impartial and effective conscription in the present national emergency, and urge our Senators and Congressmen to support such measures as may be best forwarded in furtherance thereof; that the present is a propitious time to adopt and effect some efficient system of universal military training for our young men to better fit them for citizenship; and that our Republic in any exigency may justly rely upon them in completest confidence.

THOS. A. DAVIES,
Grand Recorder.

Mr. PHELAN. I present resolutions of the Legislature of California, which I ask to have printed in the RECORD.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

SACRAMENTO, CAL., *April 26, 1917.*

Hon. JAMES PHELAN,
Washington, D. C.

DEAR SIR: Please be advised that the following resolution has been adopted by both houses of the California Legislature, senate joint resolution introduced by Senator Breed relative to the universal military training bill before the United States Congress:

"Whereas it is vital to the life and liberty of this Nation that it be put upon a basis of preparedness for war in order that it may not invite, as it does, aggression and successful attack by warlike nations and also in order that it may maintain and preserve our institutions of civil and religious liberty: Now, therefore, be it

"*Resolved by the senate, the assembly concurring*, That the Legislature of the State of California hereby indorses the principle of universal military training and respectfully requests the United States Senators from California and the Members of the House of Representatives from this State to support with all their ability a bill in Congress having for its purpose the establishing throughout the United States of a system of universal military training. Your earnest consideration of the resolution is respectfully requested."

CLIFTON E. BROOKS,
Secretary of the Senate.

Mr. PHELAN presented a petition of the Building Trades Council of San Francisco, Cal., praying for the enactment of legislation which will stimulate the production and conserve the supply of foodstuffs, which was referred to the Committee on Agriculture and Forestry.

Mr. GALLINGER presented a petition of S. S. Lightbody, of Rochester, N. H.; J. Levi Meader, of Gonic, N. H.; and Arthur T. Case, of Tilton, N. H., praying for prohibition during the period of the war, which was referred to the Committee on the Judiciary.

Mr. SHEPPARD presented petitions of 21 citizens of Winfield of the San Antonio District Conference of the Methodist Episcopal Church South; of the Polytechnic Methodist Episcopal Church South, of Fort Worth; and of the Tarrant County Sunday School classes of the Methodist Episcopal Church South, all in the State of Texas, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented petitions of the county judge of Caldwell County; of the Kewanee Club, of Dallas; and of 5,000 citizens of Rockwell County, all in the State of Texas, praying for selective conscription, which were ordered to lie on the table.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. GALLINGER:

A bill (S. 2102) granting an increase of pension to Increase E. Watson; to the Committee on Pensions.

By Mr. OWEN:

A bill (S. 2103) granting an increase of pension to Albert B. Watrous; to the Committee on Pensions.

INCREASE OF MILITARY ESTABLISHMENT.

Mr. OWEN submitted an amendment intended to be proposed by him to the bill (S. 1871) to authorize the President to increase temporarily the Military Establishment of the United States, which was ordered to lie on the table and to be printed.

Mr. WATSON submitted an amendment intended to be proposed by him to the bill (S. 1871) to authorize the President to increase temporarily the Military Establishment of the United States, which was ordered to lie on the table and to be printed.

Mr. FRANCE submitted an amendment intended to be proposed by him to the bill (S. 1871) to authorize the President to increase temporarily the Military Establishment of the United States, which was ordered to lie on the table and to be printed.

Mr. SHAFROTH submitted an amendment intended to be proposed by him to the bill (S. 1871) to authorize the President to increase temporarily the Military Establishment of the United States, which was ordered to lie on the table and to be printed.

Mr. THOMAS submitted an amendment intended to be proposed by him to the bill (S. 1871) to authorize the President to increase temporarily the Military Establishment of the United States, which was ordered to lie on the table and to be printed.

RECESS.

Mr. CHAMBERLAIN. Mr. President, I move that the Senate take a recess until 10 o'clock this morning.

The PRESIDING OFFICER. If no other Senator is ready to proceed with the debate, the motion is in order.

The motion was agreed to; and (at 1 o'clock and 55 minutes a. m., Saturday, April 28, 1917) the Senate took a recess until 10 o'clock a. m. Saturday, April 28, 1917.

HOUSE OF REPRESENTATIVES.

FRIDAY, *April 27, 1917.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father in Heaven, infinite in all Thy resources, increase our faith and confidence in Thee; for they that trust in the Lord shall be as Mount Zion which can not be removed, but abideth forever. And increase our faith and confidence in the nobility of soul which Thou hast implanted within every man and which is ever contending against selfishness and ignoble desires for supremacy. That we may hasten the coming of Thy kingdom by living to the ideals exemplified in the life and character of the Jesus of Nazareth. Amen.

The journal of the proceedings of yesterday was read and approved.

INCREASE OF THE MILITARY ESTABLISHMENT.

Mr. DENT. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 3545) to authorize the President to increase temporarily the Military Establishment of the United States.

Mr. MANN. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Illinois makes the point of order that there is no quorum present. Evidently there is not a quorum present.

Mr. FITZGERALD. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The SPEAKER. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Bell	Dooling	Lever	Sims
Blackmon	Dupré	Linthicum	Smith, Idaho
Blanton	Dyer	Martin, Ill.	Sterling, Pa.
Borland	Estopinal	Oliver, N. Y.	Sullivan
Buchanan	Flynn	O'Shaunessy	Sumners
Campbell, Kans.	Fuller, Mass.	Pou	Taylor, Colo.
Capstick	Gardner	Powers	Vare
Carter, Okla.	Graham, Pa.	Ragsdale	Ward
Connally, Tex.	Hayes	Raker	Williams
Costello	Hulbert	Robbins	Wise
Curry, Cal.	Johnson, S. Dak.	Rowland	
Davis	Kettner	Scott, Pa.	
Dill	Kincheloe	Shackleford	

The SPEAKER. Three hundred and eighty-two Members have answered to their names, a quorum.

Mr. DENT. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The doors were opened.

EXTENSION OF REMARKS.

Mr. SHERWOOD. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing therein a dispatch from the Central Labor Union of Toledo, 10,000 strong, announcing the adoption of resolutions against conscription, and similar resolutions passed by the Machinists' Union and the Glassworkers' Union of Toledo.

The SPEAKER. The gentleman from Ohio asks unanimous consent to extend his remarks in the RECORD in the manner stated. Is there objection?

There was no objection.

INCREASE OF THE MILITARY ESTABLISHMENT.

Mr. DENT. Mr. Speaker, I renew my motion that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 3545. Before that motion is put, I would like to make this announcement. As far as we can control the situation, I have an understanding with the gentleman from California [Mr. KAHN] that those who desire to speak on either side of this question and who were eliminated by the process of elimination which we finally had to adopt shall have the right to have their remarks extended when we begin to read the bill under the five-minute rule. In other words, that he and I will not object to a liberal extension of time in order that these gentlemen may have the same advantage as those who spoke during general debate.

Mr. MANN. Mr. Speaker, will the gentleman yield?

Mr. DENT. Yes.

Mr. MANN. I understand that the Senate has entered into an agreement to vote to-morrow upon the Senate bill on this same subject. Of course, we would not necessarily be making much progress if the House were to pass a House bill on the subject and the Senate should pass a Senate bill on the same subject unless unanimous consent were given to take it up immediately. It would be desirable, it seems to me, for the House, if possible, to act on the House bill in time to send it to the Senate before a final vote is had on the Senate bill, so that the Senate might vote on the House bill by substituting the text of the Senate bill instead of on the Senate bill by number. Is it the intention of the gentleman to ask the House to sit late to-night with the hope that it might be possible to finish the bill either to-night or early to-morrow morning?

Mr. DENT. Mr. Speaker, I will say that I intended to make that additional announcement, that I shall ask the House to sit until at least 8 o'clock to-night, probably later, in order that we may vote upon this bill sometime to-morrow. I had a conversation last night with Senator CHAMBERLAIN, and he told me that the Senate had reached an agreement to vote upon the bill sometime during the calendar day to-morrow, and that probably it would be sometime during Saturday night. I hope the House will take a vote on this bill prior to 6 o'clock to-morrow evening.

The SPEAKER. The question is on the motion of the gentleman from Alabama that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 3545.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 3545, with Mr. SAUNDERS of Virginia in the chair.

The CHAIRMAN. The House is in the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 3545, the title of which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 3545) authorizing the President to increase temporarily the Military Establishment of the United States.

The CHAIRMAN. The gentleman from California [Mr. KAHN]. [Loud applause.]

Mr. KAHN. Mr. Chairman, I ask that I be allowed to proceed with my remarks and that I be not interrupted with questions until I have made my main statement; after that I shall be glad to answer questions. Mr. Chairman, at the outset I want to thank my colleagues on the Committee on Military Affairs for the uniform courtesy and kindness shown me personally during the time the committee was engaged in formulating this legislation. I have a high regard and deep admiration for the chairman of the committee and the members of the majority. I do not approve of the attacks that have been made upon them, because I believe that they are actuated by the same high motives that actuate the members of the minority. [Applause.] I want to thank, too, the members of the minority on that committee for the loyal support they have given me in all our deliberations on this bill. Theirs is a difficult position to occupy. The minority always does occupy a difficult position. It is hard to stand up against a majority, but I hope before I conclude to convince this House that the views of the minority are sound and that at the very beginning of this great struggle that confronts us we must start our military policy on a proper basis. [Applause.] The high-spirited, patriotic, courageous sacrifice of personal interests and creature comforts, and often even life itself, in volunteering for the Republic. The timid, the selfish, the cowardly, are permitted to shirk their duty. The burden ought never to be allowed to fall upon the shoulders of the former alone. Universal obligation to service ought to rest upon the shoulders of all alike. The Nation should never permit our patriotic citizens who are willing to volunteer solely to do the fighting. I do not—I can not—complain of the volunteer soldier. On many a bloody field in our country's history he has demonstrated his valor and his splendid fighting

qualities. I would never tolerate any disparagement of him, but I am opposed to the system which permits him alone to do the fighting for the Republic and permits the timid and the cowardly to stay at home. [Applause.] As I recall, the Speaker of this House in addressing us the other day, and there is no man for whom I have a higher regard, said something to the effect that Washington fought his battles with volunteers. That is true. But he did not rejoice over that fact. Let me read to you from Washington's letters what he thought upon the subject. The first is an extract from a letter dated at headquarters, 17th of October, 1777, almost at the beginning of the revolutionary struggle, to Thomas Wharton, president of Pennsylvania. He said:

There is another matter which I beg leave to recommend to the serious consideration of the legislature of your State; that is, the adopting of some mode of completing and keeping up the quota of your Continental regiments. Upon an average your battalions have never been above one-third full, and now many of them are far below even that. From the extravagant prices given to substitutes in the militia in the different States, it has become impossible to recruit more upon the bounty allowed by Congress. The New England States and Virginia have begun to adopt the mode of drafting, and, I am informed, they have succeeded very well. I am convinced that this will be found the only method of raising Continental troops, and if the measure were to become general throughout the States it would not be deemed a hardship. I mention this matter to you at this time in the hope that you will as soon as possible fall upon this or some other mode to recruit your regiments in the course of this fall and winter; and as it is more than probable that our opposition will not end with this campaign, we ought to endeavor to have a respectable army in the field in the spring, before the enemy can receive further reinforcements from Europe.

[Applause.]

In a letter dated at West Point, the 18th of November, 1779, to the President of Congress, he said:

In the more early stages of the contest, when men might have enlisted for the war, no man, as my whole conduct and the uniform tenor of my letters will evince, was ever more opposed to short enlistments than I was, and while there remained a prospect of obtaining recruits upon a permanent footing in the first instance, as far as duty and a regard to my station would permit, I urged my sentiments in favor of it. But the prospect of keeping up an army by voluntary enlistments being changed, or at least standing on too precarious and uncertain a footing to depend on for the exigency of our affairs, I took the liberty in February, 1778, in a particular manner to lay before the Committee of Arrangement, then with the Army at Valley Forge, a plan for an annual draft as the surest and most certain, if not the only means left us, of maintaining the Army on a proper and respectable ground. And, more and more confirmed in propriety of this opinion by the intervention of a variety of circumstances unnecessary to detail, I again took the freedom of urging the plan to the committee of conference in January last; and, having reviewed it in every point of light and found it right, or at least the best that has occurred to me, I hope I shall be excused by Congress for offering it to them, and in time for carrying it into execution for the next year, if they should conceive it necessary for the States to complete their quotas of troops.

The plan I would propose is that each State be informed by Congress annually of the real deficiency of its troops, and called upon to make up, or such less specific number as Congress may think proper, by a draft; that the men drafted join the Army by the 1st of January and serve until the 1st of January in the succeeding year; that from the time the drafts join the Army the officers of the States from which they come be authorized and directed to use their endeavors to enlist them for the war, under the bounties to the officers themselves and the recruits granted by the act of the 23d of January last, namely, $10 to the officers for each recruit, and $200 to the recruits themselves; that all State, county, and town bounties to drafts, if practicable, be entirely abolished, on account of the uneasiness and disorders they create among the soldiers, the desertions they produce, and for other reasons which will readily occur; that on or before the 1st of October annually an abstract or return similar to the present one be transmitted to Congress, to enable them to make their requisitions to each State with certainty and precision.

[Applause.]

Later, from Morristown, May 25, 1780, he wrote to Philip Schuyler, John Mathews, and Nathaniel Peabody, a committee from Congress, as follows:

Unless the principal part of the force be composed of men regularly organized, and on the continuance of whose services we can rely, nothing decisive can be attempted. The militia are too precarious a dependence to justify such an attempt, where they form a material part of the plan. Militia can not have the necessary habits nor the consistency, either for an assault or a siege. In employing them essentially we should run a risk of being abandoned in the most critical moments. The expense and the consumption of provisions and stores, which we are bound by every motive to economize, will be very considerably increased. As we should not be able to keep the same body in the field during the whole campaign, we should a great part of the time have a double set of men to pay and feed, those in actual service and those on the march to relieve them or returning home when relieved. The operations of husbandry will suffer in proportion.

The mode by draft is, I am persuaded, the only efficacious one to obtain men. It appears to me certain that it is the only one to obtain them in time; nor can the period which you have appointed for bringing them into the field be delayed without defeating the object. I have little doubt that at any time, and much less at the present juncture, the powers of government exerted with confidence will be equal to the purpose of drafting. The hopes of the people, elevated by the prospects before them, will induce a cheerful compliance with this and all the other measures of vigor which have been recommended and which the exigency requires.

I have still another letter of the immortal Washington, which I shall read to you, upon this subject:

It is idle at this late period of the war—

He writes to James McHenry, from Philadelphia, March 12, 1782—

It is idle at this late period of the war, when enthusiasm is cooled, if not done away, when the minds of that class of men who are proper subjects for soldiers are poisoned by the high bounties which have been given and the knowledge of the distresses of the Army so generally diffused through every State, to suppose that our battalions can be completed by voluntary enlistment. The attempt is vain, and we are only deceiving ourselves and injuring the cause by making the experiment. There is no other effectual method to get men suddenly but that of classing the people and compelling each class to furnish a recruit.

Oh, how true, how prophetic, are the words of this man whom his countrymen believe to have been the greatest of all Americans! [Applause.] "First in peace, first in war, first in the hearts of his countrymen" was said of him by one of the men who had followed his career all through the troubled days of the Revolution and through those other days when he presided over the Constitutional Convention in Philadelphia; and, my friends, it is rarely that a man in public life ever gets full credit for what he has done from his contemporaries. As Mr. Reed, a former distinguished Speaker of this House, once said, "a statesman is a dead politician." When men in public life die, the country only then gives them credit for the services they have performed. Washington was known and loved and revered in his day by all of his contemporaries. [Applause.] And they gladly accorded to him the premiership during that troubled period of the Republic.

I shall not attempt to read further from the writings of Washington. I have here extracts from 15 letters which he wrote to distinguished men of his period, every letter of which recommends drafting for the Continental Army in order that the Colonies might win their fight against the common foe. [Applause.]

I want to say at this time that I intend to treat this subject from an historical standpoint. It has been ably discussed from the sentimental viewpoint by some of those gentlemen in the House who agree with the minority, notably the distinguished gentleman from Kentucky [Mr. SHERLEY], the distinguished gentleman from Wisconsin [Mr. LENROOT], the distinguished gentleman from Minnesota [Mr. ANDERSON], and many others. But I propose to show you, if I can, from the pages of this country's history that the volunteer system has been a failure—not the volunteers, not the men who went into battle for the Republic. They were not failures, but the system under which they went was a failure. [Applause.] And I propose to try to guard against any similar failure in the future.

After the young Republic was established the Congress in 1792 passed a militia bill. I shall read it to you:

That each and every free, able-bodied, white male citizen of the respective States, resident therein, who is or shall be of the age of 18 years and under the age of 45 years (except as hereinafter excepted) shall severally and respectively be enrolled in the militia by the captain or commanding officer of the company within whose bounds such citizen shall reside, and that within 12 months after the passing of this act. And it shall at all times hereafter be the duty of every such captain or commanding officer of a company to enroll every such citizen, as aforesaid, and also those who shall, from time to time, arrive at the age of 18 years, or, being the age of 18 years and under the age of 45 years (except as before excepted), shall come to reside within his bounds; and shall without delay notify such citizen of the said enrollment by a proper noncommissioner officer of the company by whom such notice may be proved. That every citizen so enrolled and notified shall within six months thereafter provide himself with a good musket or firelock, a sufficient bayonet and belt, two spare flints, and a knapsack, a pouch, with a box therein to contain not less than 24 cartridges suited to the bore of his musket or firelock, each cartridge to contain a proper quantity of powder and ball, or with a good rifle, knapsack, shot pouch and powder horn, 20 balls suited to the bore of his rifle, and a quarter of a pound of powder, and shall appear so armed, accoutered, and provided when called out to exercise or into the service, except that when called out on company days' exercise only he may appear without a knapsack.

That law was passed at the beginning of the Republic. It required compulsory military service for every citizen between 18 and 45 years of age. It gradually fell into disuse. Each man furnished his own gun. Can you imagine a regiment made up of men who carried their own rifles? What kind of a regiment would that be to-day? They had what they called in those days "drilling days." Once a year every male citizen came forward to drill. There was no fear of invasion at that time. The only enemy thought of was the Indian on the frontier. If they failed to appear, they were fined $2 or $3 for this failure. Gradually they did not call them together for drill, and the law became a dead letter. But the principle of compulsory military service was in that law of 1792.

Thomas Jefferson, on December 3, 1805, in his annual message to Congress, said:

In the meantime you will consider whether it would not be expedient for a state of peace as well as of war so to organize or class the militia as would enable us on any sudden emergency to call for the services of the younger portions, unencumbered with the old and those having families. Upward of 300,000 able-bodied men between the ages of 18 and

26 years, which the last census shows we may now count within our limits, will furnish a competent number for offense or defense in any point where they may be wanted, and will give time for raising regular forces after the necessity of them shall become certain; and the reducing to the early period of life all its active service can not but be desirable to our younger citizens of the present as well as future times, inasmuch as it engages to them in more advanced age a quiet and undisturbed repose in the bosom of their families. I can not, then, but earnestly recommend to your early consideration the expediency of so modifying our militia system as by a separation of the more active part from that which is less so, we may draw from it when necessary an efficient corps fit for real and active service, and to be called to it in regular rotation.

In explaining that part of his message to Gen. Kosciusko, he wrote a letter dated at Monticello on February 26, 1810, which reads in part as follows:

Two measures have not been adopted which I pressed on Congress repeatedly at their meetings. The one to settle the whole ungranted territory of Orleans by donations of land to able-bodied young men, to be engaged and carried there at the public expense, who would constitute a force always ready on the spot to defend New Orleans. The other was to class the militia according to the years of their birth, and make all those from 20 to 25 liable to be trained and called into service at a moment's warning. This would have given us a force of 300,000 young men, prepared by proper training, for service in any part of the United States, while those who had passed through that period would remain at home, liable to be used in their own or adjacent States. These two measures would have completed what I deemed necessary for the entire security of our country. They would have given me, on my retirement from the Government of the Nation, the consolatory reflection that, having found, when I was called to it, not a single seaport town in a condition to repel a levy of contribution by a single privateer or pirate, I had left every harbor so prepared by works and gunboats as to be in a reasonable state of security against any probable attack; the territory of Orleans acquired and planted with an internal force sufficient for its protection; and the whole territory of the United States organized by such a classification of its male force as would give it the benefit of all its young population for active service, and that of middle and advanced age for stationary defense. But these measures will, I hope, be completed by my successor, who, to the purest principles of republican patriotism, adds a wisdom and foresight second to no man on earth.

So you see the great Jefferson believed that each and every male citizen between certain ages ought to be trained in the use of arms, so that upon occasion he could be called to the defense of his country.

In the War of 1812 we had a peculiar situation. The volunteer system showed its inefficiency in that war as it had not done theretofore in our country's history. Two States, Massachusetts and Connecticut, refused absolutely to furnish any troops for the war. In consequence the burden fell more heavily on the other States of the Union.

Such a condition is possible under the volunteer system. Under the system of selective draft every State in the Union must furnish its quota of soldiers. The burden does not fall unequally, as it did in the War of 1812. It falls on each Commonwealth in exact proportion and on all the citizens of the States exactly alike.

Therefore, it seems to me, recalling what occurred in the War of 1812, one is bound to believe that in that war the volunteer system did not measure up to the standard extolled by those who still believe in that system. The War of 1812 gives no comfort to the advocates of the volunteer system.

The Mexican War was but a repetition of the War of 1812. The States that furnished the troops for that war were largely the States of the South and the Southeast, and a few troops from New York, Pennsylvania, New Jersey, and the Middle West. But I would like you to search the annals of the country to see how many came from the extreme eastern part. Again the volunteer system fell down. Again the burden of that war had to be carried by the willing. Those States that refused to furnish any troops relied upon those who were willing to fight to win their battles. Under the conscriptive plan proposed by the minority of the Committee on Military Affairs every State in the Union must furnish its quota. The strong arm of the United States Government reaches out and takes them into the military service during the war. In this country of ours, this glorious Republic under which the American citizen enjoys so many privileges, so many advantages, ought he not gladly risk even life itself in defense of the rights of Americans and the lives of the citizens of the Republic? [Applause.]

But now let me consider the period of the Civil War. Again I say I have nothing but praise for the volunteer. The volunteer soldier of the South, the volunteer soldier of the North, probably fought as no soldier before his time ever fought. I have nothing but praise for him. But it is the system under which he was recruited to which I take exception.

What is the history of the Civil War period? In the first place, I want to say that during this debate there has been given to the House such a quantity of misinformation and misstatements that if I were to speak for two days I probably would not be able to correct them all. Much has been said of the youth of the boys who enlisted in the Civil War. Tables have been inserted in the CONGRESSIONAL RECORD to show how they were nearly all boys from 18 to 20 years of age. That misleading table was published in the newspapers of the country some 13 years ago for the first time. The office of The Adjutant General—and that office has control of the records of the soldiers of the Republic—has written thousands of letters denying the accuracy of that published statement. I shall ask the Clerk to read this letter from the Adjutant General for the information of the Members of this House.

The Clerk read as follows:

WAR DEPARTMENT,
THE ADJUTANT GENERAL'S OFFICE,
Washington, April 26, 1917.

Hon. JULIUS KAHN,
House of Representatives.

MY DEAR MR. KAHN: In response to your telephonic request of to-day for data concerning the ages of soldiers of the Civil War, I have the honor to advise you as follows:

A tabulation, falsely claiming to set forth what the records of The Adjutant General's Office show with regard to the ages of soldiers at enlistment during the Civil War, first appeared in the public press about 13 years ago, and since that time this office has repeatedly endeavored to correct the erroneous impression created by the publication of that tabulation. Numerous letters have been written by this office to prominent men, including Senators and Representatives, explaining the facts in the case; but it does not appear that the statement of this office has ever been published in the CONGRESSIONAL RECORD, although the newspaper tabulation has frequently been published.

The tabulation has been printed in various forms, but if the numbers given in it as it appeared in the press originally are resolved into the numbers at each age given therein, the irregularities of the figures are apparent. Following is a statement showing an arrangement of those numbers:

10 years and under	25
11 years	13
12 years	187
13 years	75
14 years	1,223
15 years	104,464
16 years	125,064
17 years	613,840
18 years	306,547
19 years to 21 years	1,008,360
22 years to 24 years	571,885
25 years to 43 years	30,555
44 years and over	16,071
Total	2,778,309

From the foregoing it will be seen that the tabulation would make it appear that the number of men 17 years of age was greater than the number 22 to 24 years of age, and that the numbers 15, 16, and 17 years, respectively, were over three, four, and twenty times as large as the number 25 to 42 years of age. Dr. Gould, whose compilation is referred to in the inclosed pamphlet, seems to have had access to the official records of the War Department, and as his estimates are based upon the examination of the records of more than a million men those estimates should be accurate, and therefore entitled to great weight in considering this question. By a comparison of the figures printed on page 35 of Dr. Gould's publication (United States Sanitary Commission Memoirs) and the tabulation quoted above it will be seen that the two estimates are wholly at variance. For instance, Dr. Gould shows that 58.34 per cent of the million soldiers whose records he examined were under 25 years of age at the date of enlistment, while the tabulation referred to shows that more than 98 per cent of the soldiers in service during the Civil War were less than 25 years of age at the date of enlistment.

As shown on page 7 of the inclosed pamphlet, the average age of the survivors of the Civil War at the end of that war was 28 years, and there is no way to reconcile that estimate with the figures contained in the newspaper tabulation.

The tabulation quoted above accounts by ages for 2,778,309 men of the Army alone, whereas, as shown by the official records, the whole number of credits (each enlistment being counted as a credit) for men furnished to the Army and to the Navy and Marine Corps as well was only 2,778,304, this latter number including many duplications caused by counting men a second time in cases of reenlistment. The number of individuals in service, as estimated by this office, was 2,213,365, and included in that figure are sailors and marines.

The irregularities and discrepancies shown by the newspaper tabulation in question, together with the fact that no compilation showing the ages at which men entered the Union Army during the Civil War has ever been made by the War Department, the only department that has the records from which a reliable compilation can be made, should be sufficient to show that figures such as those given in the tabulation have no official basis and are entitled to no credit whatever.

Very respectfully,

H. P. MCCAIN,
The Adjutant General.

MEMORANDUM RELATIVE TO THE PROBABLE NUMBER AND AGES OF THE ARMY AND NAVY SURVIVORS OF THE CIVIL WAR.

The basis of all estimates as to the number of beneficiaries under and the cost of any proposed Civil War pension law must be the determination of, or an estimate of, the number of the survivors of that war at the present time, and of the number who will be surviving at various periods in the future, until none shall remain. Such an estimate was prepared by the Record and Pension Office in March, 1890, at the request of the chairman of the Committee on Invalid Pensions, House of Representatives, for use in the consideration of various proposed measures which culminated in the act approved June 27, 1890. That estimate was reviewed in April, 1896, with a view to determining whether, in the light of more recent data, any change should be made in it. As a result of that review the conclusion was reached that there was no ground for the belief that a more accurate estimate than that of 1890 could have been made either then or in 1896; and it is not believed that a more accurate estimate can be made now. The estimate made in 1890 and the remarks made thereon in 1896 were substantially as follows:

It should be stated in advance that any estimate of the number and ages of the surviving veterans of the Civil War can not be more than

approximately correct, for the reason that the data on which to base such an estimate are deficient in two very important particulars, viz: First, the actual number of individuals in service has never been, and can not be, officially determined; and, second, the numbers of men of different ages, at the date of entry into service or at any given date during the war, have never been ascertained; nor can the missing data be supplied without a laborious search of the many thousands of original rolls and other records filed in the War and Navy Departments—a work which would require years for its completion.

Moreover, if the exact number and ages of the survivors at the close of the war were known, the problem of determining the number now living and the probable duration of life for each group of ages would still be involved in difficulty for no life table has ever been constructed which is based upon such a class of lives as that furnished by the veterans of the Civil War. While it is the generally accepted opinion that the expectation of life of men of this class is less than that of men of the same ages who have never been exposed to the shock of battle and the hardships and privations of field, camp, and prison, on the other hand, it has been very ingeniously urged that, by the operation of the law of the survival of the fittest, the reverse is actually the case, for the reason that the individuals of little endurance and tenacity of life, whose early death materially shortens the average length of life among civilians, have long since been eliminated from the class to which the veterans belong, having succumbed either to the hardships and dangers of the war or their subsequent results. Thus, it is claimed, the survivors have become a selected class, whose average duration of life is likely to be greater than that of an equal number of nonveterans of the same ages, who have not been subjected to this weeding-out process.

It will be readily seen, then, that the problem presented is incapable of an exact solution, and that the results obtained can be nothing more than approximations. But it is also evident that an approximation which is reached after a careful study of all the data available, meager though they are, is of much greater utility than the loose estimates and wild guesses which have heretofore passed current in discussions of this question. Moreover, it is believed that sufficient information is at hand to enable a calculation to be made which can not be very far from correct, and which may be safely used for all practical purposes.

As the life table ("Thirty American Offices" male) which was used in the preparation of this estimate is based upon the experience of insurance companies with a class of lives that were selected, to a certain extent at least, and as, for reasons that are more fully set forth below, the expectation of life of veterans of the Civil War must be somewhat greater than that of nonveterans of the same ages, it is believed that the figures obtained from the use of this life table are more nearly correct than figures obtained by the use of a table based upon wholly unselected lives would have been. If, however, it is held by anyone that the expectation of life of the veterans is less than that of the class of lives upon which the life table used is constructed, then the results obtained in this estimate must be considered as maximum figures.

The following estimate is subject to the foregoing remarks and should be considered only in connection with them:

ARMY.

As shown by the latest official statement, the number of men furnished by the different States and Territories during the Civil War, under calls from the President, was 2,778,304. Deducting from this the number of seamen and marines, 105,963, leaves a total of 2,672,341 credited to the Army. The strength of the Regular Army at the outbreak of the war was 16,422, but this number has not been taken into account in the calculation, because the majority of the men whom it represents, being professional soldiers, undoubtedly reenlisted or were commissioned in either the Regular or Volunteer service during the war, and are consequently included in the total number of credits. The strength of the Navy at the beginning of the war has been neglected in the calculation for the same reason.

No official compilation of the total number of reenlistments has ever been made, but it is estimated, from the best data now obtainable, that the reenlistments in the Army during the Civil War numbered 543,393. Deducting this number from the total credited to the Army leaves 2,128,948 as the number of individual soldiers serving in the war.

The number of deaths in the Army, according to the latest official compilation, was 359,528, and the number of actual deserters at large at the close of the war (making due allowance for those incorrectly reported as deserters) has been estimated at 117,247. Deducting the deaths and deserters leaves 1,652,173 as the probable number of individual soldiers who were alive at termination of service and were not deserters.

NAVY AND MARINE CORPS.

The total number of men credited to the several States as having been furnished to the Navy and Marine Corps during the Civil War was 105,963. This figure is taken as the basis of calculation, and not the number of enlistments as reported by the Navy Department, which is believed to include a large number of transfers from the Army, and these have already been counted in the Army estimates.

No data are at hand from which to estimate the number of reenlistments, but assuming that their proportion was the same as in the Army, the total number of individuals in service was 84,417. No information has been obtained as to the actual number of desertions, but again assuming that the Army proportion is applicable, the number would be 4,649. The deaths as reported by the Bureau of Medicine and Surgery numbered 4,588. Deducting the deaths and desertions leaves 75,180 as the probable number of seamen and marines who were alive at termination of service and were not deserters.

ARMY, NAVY, AND MARINE CORPS.

Combining the foregoing estimates, it appears that the total number of individuals in the military and naval service during the Civil War was 2,213,365, and that of these 1,727,353 were alive at termination of service (deserters excluded).

As in the case of reenlistments, no official compilation has been made of the ages of the men in service at any period of the war. From statistics of the ages at enlistment of about 1,000,000 soldiers, collected by the United States Sanitary Commission, Dr. B. A. Gould, actuary of the commission, formed estimates of the number of men in each year of age. In the absence of better information, and assuming that the ages of soldiers, seamen, and marines were relatively the same, the tables published by Dr. Gould have been taken as a basis for calculating the appended table (No. 1), which shows the probable total number of survivors (excluding deserters) on June 30 of each year from 1890 to 1909, inclusive, and at the close of each quinquennial period from 1910 until none shall remain.

Table No. 2 shows the probable number of men who will arrive at the age of 62 years, or over, June 30, 1890, and of the probable number that will attain the age of 62 in each succeeding year, until practically all shall have passed that age.

SUMMARY.

(1) Estimated total number of survivors (deserters excluded) June 30, 1890	1,285,471
(2) Total number of men furnished during the war (credits)	2,778,304
To Army	2,672,341
To Navy	105,963
(3) Estimated total number of reenlistments	564,939
In Army	543,393
In Navy	21,546
(4) Estimated total number of desertions	121,896
From Army	117,247
From Navy	4,649
(5) Total number of deaths	364,116
In Army	359,528
In Navy	4,588
(6) Estimated total number of individuals in service	2,213,365
In Army	2,128,948
In Navy	84,417
(7) Estimated total number of survivors at termination of service (deserters excluded)	1,727,353
In Army	1,652,173
In Navy	75,180

TABLE NO. 1.—TOTAL SURVIVORS.

Showing the probable total number of survivors of the Civil War (excluding deserters) on June 30 of each year from 1890 to 1909, inclusive, and at the close of each quinquennial period thereafter until none shall remain.

Year.	Survivors.	Year.	Survivors.
1890	1,285,471	1904	858,002
1891	1,261,232	1905	823,687
1892	1,236,076	1906	782,722
1893	1,209,968	1907	744,193
1894	1,182,889	1908	705,197
1895	1,154,819	1909	665,832
1896	1,125,725	1910	626,231
1897	1,095,628	1915	429,727
1898	1,064,524	1920	251,727
1899	1,032,418	1925	116,071
1900	999,339	1930	37,011
1901	965,313	1935	6,295
1902	930,380	1940	340
1903	894,585	1945	0

TABLE NO. 2.—SURVIVORS BECOMING 62 YEARS OF AGE.

Showing the probable number of survivors of the Civil War (excluding deserters) on June 30, 1890, the number who will be 62 years of age, or over, on that date; also the number who will attain 62 years of age after 1890, with the year in which they will reach that age.

Probable number of survivors June 30, 1890	1,285,471
Probable number of survivors 62 years of age or over June 30, 1890	149,531

Will live to be 62 years of l.		Will live to be 62 years of l.	
In year—	Number of men.	In year—	Number of men.
1891	20,817	1901	62,414
1892	22,692	1902	70,799
1893	24,891	1903	80,234
1894	27,480	1904	90,733
1895	30,530	1905	106,043
1896	34,073	1906	97,835
1897	38,203	1907	44,747
1898	43,025	1908	5,672
1899	48,611	1909	820
1900	55,042		

The life table which was used in the calculations involved in the foregoing estimate is based upon the experience of insurance companies with a selected class of lives, and its rates of mortality are somewhat lower than those of other tables that are based upon unselected lives. But, as suggested above the veterans of the war may be considered to be a selected class from among whom, by the operation of the law of the survival of the fittest, those individuals of little endurance and tenacity of life have been eliminated either by the vicissitudes of the war or their subsequent results. In addition to this, the lot of the average veteran is very much better than that of the nonveteran, in that the former enjoys the benefit of liberal pension laws, is given preferment in municipal, State, and Federal employment, and is cared for by relief associations and in soldiers' homes when he needs such care. All of these favorable conditions combined must certainly tend to prolong the life of the class which enjoys their benefit, and there seems to be good ground for the belief that the expectation of life of veterans of the war, in later years at least, is greater than that of nonveterans of the same ages. And for this reason it is believed that the table used in the preparation of the estimate for 1890 and subsequent years has given more accurate results than would have been obtained by the use of a table whose rate of mortality is higher.

It should be observed also that in applying the life table to the determination of the number of survivors at various dates each group of individuals of the same age was dealt with separately, and no attempt

was made to use an average age in any calculation. The inaccuracy of the results obtained by the application of a life table to an average age is so well known to those who are at all familiar with statistical matters that it would not be necessary to mention the subject here, were it not for the fact that since the publication of the estimate made by this office in 1890 several estimates have emanated from other sources in which it has been erroneously assumed that the average age of the survivors as determined by this office for a given period could be used as a basis for accurate calculations covering future periods. It is only necessary to say in this connection that, because of the greater rate of mortality among, and the resulting more rapid decrease in the number of, the survivors of the higher ages, the average age of the whole class does not increase as rapidly as the age of an individual member of it. For instance, as estimated in 1890, the average age of all survivors in 1865 was 28 years, whereas in 1895, 30 years later, the average age was only 57 years. The number of survivors on June 30, 1895, as obtained by separately applying the life table to each group of survivors of the same age, differs by more than 40,000 from the number obtained by using an average age in the calculation.

According to the estimate, the survivors of the late war (deserters excluded) should have numbered 1,154,810 on June 30, 1895; and if this figure is correct it should be supported by data obtainable from the records of the Pension Bureau.

It has been ascertained from the Commissioner of Pensions that 735,338 survivors of the war were borne on the pension roll on June 30, 1895; that 116,177 other survivors had claims pending, and that 150,209 "original invalid" claims were on the rejected or abandoned files of the bureau. These figures include those who have been pensioned for service in the Regular Army and Navy since the war, those who have died with rejected or abandoned claims on file, and some duplications in that class of claims. It is impossible to determine exactly how much of an allowance should be made for these factors, but from the best data obtainable it is estimated by this office that a reduction of 57,540 in the foregoing figures should be made in order to make them represent individual survivors of the Civil War. Making this reduction, it appears that the records of the Pension Bureau account for 944,184 survivors on June 30, 1895.

It will be seen from the foregoing statement, then, that the number of survivors on June 30, 1895, as estimated by this office, is 210,626 in excess of the number that can be accounted for by the records of the Pension Bureau on that date; and if the estimate is correct this excess must represent the number of those who, up to June 30, 1895, had never made application for pension, and of whom, consequently, the Pension Bureau could have had no record on that date. This number is, and must always remain, an unknown quantity; but being freed, as it now is, from other obscuring factors, it can be considered by itself, and each one interested in the problem can pass his own judgment upon it.

It is believed that the number of survivors of the war who have never made application for pension is considerably larger than those who have given the question but little thought are accustomed to estimate it to be. There are several different classes of veterans who have not applied for pension. The first, and probably the largest, of these is made up of those who are yet comparatively young men, who are still vigorous and able-bodied, and who are free from disabilities or ailments that disqualify them in any degree for the performance of manual labor or the discharge of their accustomed duties. The fact that this class is a very large one will be better appreciated when it is considered that, according to the estimates of this office, the average age of all survivors of the war on June 30, 1895, was only 57 years, and, consequently (because of the preponderance of enlistments at the lower ages), at least half of them, or more than half a million in all, must have been younger than that, and many of them must have been considerably younger. In addition, there must be considered those of all ages who have never applied for pension because of their prosperous circumstances, or for sentimental reasons, or because they are aware that they are suffering from disabilities that are not pensionable under any law. Of course there is no means of determining the total number of persons who are comprised in these four classes, but it needs but little reflection to convince anyone that the number must be a large one, and it would seem that it must equal, if it does not exceed, the 210,626, which must be added to the 944,184 considered to be accounted for by the records of the Pension Bureau on June 30, 1895, in order to make 1,154,810, which is the total number of survivors (deserters excluded) that is shown by the original estimate of this office for that date. This is in the proportion of 817.61 applicants for pension and 182.39 nonapplicants per thousand of all pensionable survivors.

It does not seem unfair to assume that in every thousand honorably discharged survivors of the late war there were on June 30, 1895, 182 who, for various reasons, had never made application for pension, and that the estimate of this office as to the total number of survivors on that date is very nearly correct. And if the estimate is correct for the date in question it can be demonstrated to be equally correct for other dates covered by it.

But, as stated above, this question is one in the solution of which each inquirer can well exercise his own judgment. Those who believe that more than eight hundred and eighteen in every thousand of the honorably discharged survivors of the war had, on June 30, 1895, made application for pension must consider the estimate as to the total number of survivors on that date to be too large, whereas those who believe that less than eight hundred and eighteen per thousand had applied for pension on that date must consider the estimate too small.

A special enumeration of survivors was made during the census of 1890, and in a published statement of the Commissioner of Labor, in charge of the Eleventh Census (S. Doc. No. 135, 54th Cong., 1st sess.), the total number of survivors, as shown by the population schedules, is given as 1,034,073. But the census enumeration could not possibly have included all the survivors, because many of them were out of the country at the time, and many more must have failed to be enumerated as such for various reasons. It requires but a brief examination of the census figures to show that they fall far short of representing the total number of survivors in 1890, and that they can not be relied upon as the basis of any calculation for the future. If, as shown by the census report, there were 1,034,073 survivors of the Civil War in 1890, of the ages ascertained by the census enumerators, this number should have fallen, according to the life tables, to 919,954 on June 30, 1895. But this last number is only 80,917 in excess of the number of survivors who were either on the pension rolls or had claims pending at that date, excluding Regular Army and Navy pensioners and claimants who served since the war, and is 24,230 less than the number that, as previously pointed out in this paper, can be considered to have been accounted for by the records of the Pension Office on that date, to say nothing of the very large number of those who had never applied for pension, and of whom, consequently, the Pension Office could have had no record. It is confidently believed, therefore, that the figures shown by the estimate made by this office are much more reliable than those shown by the census of 1890 as the basis of any calculation for the future.

The foregoing estimate of 1890, with the comments made thereon in 1896, is republished, there being no reason to believe that there are any data now available on which to base a more accurate estimate than the one heretofore made.

WAR DEPARTMENT,
THE MILITARY SECRETARY'S OFFICE,
May 15, 1905.

Mr. KAHN. Mr. Chairman, my purpose in having that letter read at this time is to convince the House that many of the statements that have been made on this floor since Monday respecting the question of the volunteers have been misleading in many particulars. But those who have spoken of the volunteer system on this floor have told you of the great number of men that came to the colors under that system. I again repeat, I have no quarrel with the men who volunteered. It is with those who did not volunteer that I quarrel. [Applause.]

We had over 2,200,000 men on the northern side in that great war. Under what system were they brought to the colors of the Union? Have you ever heard of the bounties that were paid to secure that number of men? Let me give you the figures in round numbers:

Maine paid	$7,837,000
New Hampshire	9,600,000
Vermont	4,500,000
Massachusetts	22,900,000
Rhode Island	820,000
Connecticut	6,800,000
New York	89,600,000
New Jersey	23,868,000
Pennsylvania	43,000,000
Delaware	1,000,000
Maryland	6,000,000
The District of Columbia	134,000
West Virginia	864,000
Kentucky	692,000
Ohio	23,500,000
Indiana	9,000,000
Illinois	17,000,000
Michigan	9,600,000
Wisconsin	5,800,000
Iowa	1,600,000
Minnesota	2,000,000
Missouri	1,200,000
Kansas	57,000

Or a total of approximately $289,900,000 paid by the States to induce men to volunteer. [Applause.] These figures are taken from the report of the Provost Marshal General of the United States.

Why, the States even bid against each other! Some paid $100 as a bounty and others paid as high as $1,100. The States not only bid against each other, but all of them bid against the Federal Government.

That is part of the history of the volunteer system of the Civil War, which has been lauded so highly on this floor.

But what did the Federal Government pay in bounties? The bounty system, by the by, was not a new one in the Civil War. In the Revolutionary War the Continental Congress, as well as the States, paid bounties of clothes—a suit of clothes a year—and land and money to induce men to volunteer. Under that system the Federal Government in the Civil War paid $363,662,200 to induce men to volunteer. I shall not go into the details at this time, although I shall publish the full statement in the RECORD. It is as follows:

An estimate of amount paid on account of bounties.

223,044	one-year men, at $100	$22,304,400
151,363	one-year men, at $100	15,136,300
30,950	two-year men, at $100	3,095,000
8,340	two-year men, at $200	1,668,000
5,110	two-year men, at $200	1,022,000
657,868	three-year men, at $100	65,786,800
421,465	three-year men, at $100	42,146,500
158,507	veterans, at $400	63,402,800
150,000	veterans, at $300	45,000,000
102,735	recruits, at $100	10,273,500
165,365	substitutes, at	
576,607	total of last four items.	
153,049	three-year men, at $300	45,914,700
54,967	two-year men, at $200	16,490,100
75,156	one-year men, at $100	7,515,600
1,042	four-year men, at $300	312,600
24,768	regulars, at $100	2,476,800
Additional bounty under act of July 28, 1866		68,560,000
Fifteenth and Sixteenth Missouri Cavalry		147,000
First Army Corps—special bounty of $300 to 7,567 men		2,270,100
Paid under special acts of Congress to Iowa Gray Beards and others		200,000
		413,662,200
Deductions on all accounts		50,000,000
Estimated amount paid		363,662,200

ADJUTANT GENERAL'S OFFICE.

I received this memorandum from Mr. Rathbone, chief bookkeeper, Second Auditor's Office, about two years ago, February 27, 1896.

JOHN C. HESSER.

That sum of $363,662,200, added to what the States paid, makes the marvelous sum of over $650,000,000 paid to induce men to volunteer—a sum which in the aggregate is equivalent to one-fourth of the entire cost of the Civil War. That sum was paid to induce men to volunteer. And yet we hear this volunteer system lauded so constantly on this floor! [Applause.]

But what happened further? I have here the tables of troops that fought the great battles of that war. These figures can not but convince any man who has an open mind. In the Battle of Shiloh, fought on April 6, 1862, there were 76 regiments of Infantry, 28 companies of regular Cavalry, 15 batteries of Artillery, with a total authorized legal strength of 82,792 men. There were present at the battle just about 44,000 men, an aggregate shortage of 38,792 men.

What do those figures disclose? That there were dozens of regiments in that battle that had only a small percentage of their full complement of men on account of failure to volunteer. They could not get them under the volunteer system.

No sooner do troops go into the field than so-called wastage begins. Men fall sick and die. Their places ought to be filled promptly, so that the regiment can continue with its full force, its full quota of men. Whenever the regiment falls short of that it is an added expense to the Nation. And I want to say that during the Civil War, while most of the regiments went in with three battalions, before the end of the war, under the volunteer system, there were as many as nine battalions in one regiment. The companies making up the battalions had shrunk to almost nothing. Under the volunteer system the deficiencies were not supplied.

New regiments were constantly organized, with a full quota of officers appointed by the governors of the States. Instead of getting volunteers to fill up the regiments already in existence, ambitious men who wanted shoulder straps went around the country begging men to volunteer, in order that they might be the officers of the newly organized regiment. That is the history of the volunteer system. And I can not repeat too often the assertion that I have no complaint of the volunteer-service soldier. He always did his duty, but it is the system of which I complain.

On September 16–17, 1862, was fought the battle of Antietam. There were 84 regiments of Infantry, 14 of Cavalry, 45 batteries of Artillery. The total legal authorized strength was 113,968 men. There were present 87,000 men; absent only 14,000 men. That is a very good showing for the volunteers in that one battle. I am always willing to give credit where credit is due.

But what happened at Chancellorsville? There were 253 regiments of Infantry, 26 of Cavalry, 68 batteries of Artillery. The total legal strength of this force under the laws of the Union was 290,773 men. The total aggregate present was 130,000 men, and the aggregate absent 161,773 men. There were more thousands lacking than were present at that battle under the volunteer system. If the policy of selective draft had been in vogue, the Republic could, as it would have had the right to do, have called upon every citizen of military age to come to its defense. The regiments would have been kept up to their legal strength. It is my honest opinion and my absolute belief if the selective draft system had been in force during the Civil War that war would have been ended two years earlier and the great number of lives that were lost, the great volume of treasure that was expended, would have been saved to the Republic. [Applause.]

Take the figures for the battle of Gettysburg. Again I want to call your especial attention to the large number of regiments that were present. You will notice that they began to increase in proportion as the war went on. The political generals and colonels were getting in their deadly work. Men were needed, and it was not a difficult matter in the hours of the country's stress to get a commission from the governor of the State and to drum up some volunteers for the purpose of going to the front.

At the battle of Gettysburg there were 227 regiments of Infantry, 35 of Cavalry, 68 batteries of Artillery, with an authorized legal strength of 286,427 men. There were present 101,000 men, and the aggregate lacking was 185,427 men. Under the conscriptive system that could not have happened, and undoubtedly the war would have been shortened if we had had selective draft.

I will insert in the RECORD as a part of my remarks the figures for Chickamauga, the Atlanta campaign, and the Appomatox campaign. They are:

Date.	Battle.	Number of Infantry regiments.	Number of Cavalry regiments.	Number of batteries.	Authorized legal strength.	Aggregate present.	Aggregate lacking.
Sept. 19–20, 1863	Chickamauga	124	18	28	151,940	57,000	94,940
May to September, 1863	Atlanta campaign	318	35	64	379,126	98,797	280,329
Mar. 1 to Apr. 9, 1865	Appomattox campaign	280	49	68	356,104	120,000	236,104

These figures do not include staff officers, either executive or administrative, or their subordinates, and the strength of the companies and regiments is as established in 1862–3. Engineer troops not counted and Heavy Artillery included with Infantry.

These figures are as enlightening on the volunteer system as are the figures which I previously read. Let us learn a lesson from these facts. [Applause.] Let us not start this war wrong. Let us start right in our military policy.

I am afraid that this is going to be a long war. I am afraid that it will last some years. Many sacrifices will have to be made. Let us start the war by telling every American citizen that in this hour of the country's peril the United States expects every American to do his duty [applause]; that it will not be for him to say whether he wants to do it or not [applause]; that the country will demand of him that he do it in payment for the blessings of liberty that he has enjoyed all these years under the folds of Old Glory. [Applause.]

The amount of misinformation that has been offered about the draft system in the Civil War is appalling. I am sorry to say that all too often the Members of the House do not take the trouble to read the history of their country on these great questions. During the period that bounties were being paid a peculiar system sprang up in this country. It was the business of bounty brokerage. There were bounty brokers, if you please, in the various States of the Union, and these men furnished the volunters required by the various States to make up their quotas.

And, then, alongside of the bounty broker came the bounty jumper. The bounty broker furnished men for any given State that gave him a commission to do so. The volunteers did not have to be residents of the particular State to which they were furnished. That was not at all necessary under that system. The bounty broker furnished his men. Presumably he received his commission from the men, and then he proceeded to furnish the next batch of volunteers. I have no doubt that many of the bounty jumpers were in collusion with the bounty brokers, and that as soon as they got their money they deserted and started out for a new bounty. I have here, in the Records of the War of the Rebellion, series 3, Volume V, at page 725, a recorded case where one man, who was then imprisoned in the Albany Penitentiary for 4 years—I think he ought to have been imprisoned for 40 years—admitted that he had been paid bounties 32 times, having enlisted as a volunteer each time. [Laughter.]

The Speaker of the House referred feelingly to the volunteers as the "flower of the country." In the first flush of the war, when they came willingly and splendidly to the colors of the Republic, there never came to the martial call of any country a better, a nobler, a more heroic class of men. [Applause.] But the system that helped get the men in later years was a false system, and instead of being one of the "flower" of the Republic, in my opinion, the individual to whom I have just referred was a "cauliflower" of the Republic. [Applause and laughter.]

Naturally the draft bill which was passed was objected to by the great mass of the people. It made exemptions of two classes, the man who paid $300 by way of commutation and the man who furnished a substitute. The law thus favored the rich. The poor man was discriminated against. He had to serve. He went to the front, while the wealthy man paid his commutation or furnished a substitute and stayed at home. I will give you some figures on this subject. They are taken from official records.

The first call under the draft law of 1863 was for something between 200,000 and 300,000 men. Those that were held to personal service were 9,781. Those who furnished substitutes,

26,002. Those who paid the commutation, 52,228, or a total of 88,171 men. That was the first draft, and yet Members of this House seek to compare that draft with the entirely equitable selective draft proposed under the system that demands obligatory universal service to the country. [Applause.]

There are many other figures on the draft law I could give you that would prove just as enlightening, but I refrain from encumbering this record with them. Small wonder that the people of the country did not approve of the draft. Small wonder that the law was criticized, and the men who were drafted into the service under it were stigmatized.

Under the proposed law there will be no stigma. Gentlemen who have spoken for the volunteer system have repeatedly asserted during this debate that it would be a stigma to conscript men into the service. Yes; if we passed a draft law similar to the laws that were passed during the Civil War, of course there would be a stigma. But under the selective draft system, where every man is treated alike, where every man of military age is compelled under the law to do his bit for the country, there can be no stigma or odium. [Applause.] Every man knows that his neighbor is going to be treated just as he is treated. If they had had during the Civil War an equitable draft, such as is proposed here, there never would have been any trouble under it, and especially if such a law had been passed at the very beginning of the Civil War there never would have been a moment's trouble or delay in filling all the regiments that were required to fight the war to a successful conclusion.

During the progress of that war that great man in the White House, the lamented Lincoln, wrote this letter to a mother up in New England. It is dated Executive Mansion, Washington, November 21, 1864, and is written to Mrs. Bixby, Boston, Mass.:

DEAR MADAM: I have been shown in the files of the War Department a statement of the adjutant general of Massachusetts that you are the mother of five sons who have died gloriously on the field of battle. I feel how weak and fruitless must be any word of mine which should attempt to beguile you from the grief of a loss so overwhelming. But I can not refrain from tendering you the consolation that may be found in the thanks of the Republic they died to save. I pray that our Heavenly Father may assuage the anguish of your bereavement and leave you only the cherished memory of the loved and lost and the solemn pride that must be yours to have laid so costly a sacrifice upon the altar of freedom.

Yours, very sincerely and respectfully, A. LINCOLN.

Why, my colleagues, why should that mother in New England have been permitted to make such a sacrifice to the Republic while somebody living near her probably made no sacrifice at all? [Applause.] My friend the distinguished gentleman from Pennsylvania [Mr. FOCHT] spoke to me a day or two ago and told me that in his district there was one family that sent nine sons to the war. Under the selective-draft system advocated by the administration that would not be possible; and it ought not to be possible in these days. [Applause.] Why should these nine men have been allowed to do the fighting for shirkers and cowards who refused to volunteer? [Applause.]

I am simply pointing out the evils of the volunteer system during the Civil War. Again I assert that I admire those soldiers who went to the fields of battle voluntarily. We owe them everything that the Republic can bestow upon them. During my membership in this House I have voted repeatedly to show the debt of gratitude that I feel the country owes them by giving my assent to legislation in their behalf.

But in a Republic like ours every man should do his duty when the country calls. The age limit fixed in this bill is from 21 to 40 years. I am 56 at the present time. I would not object to having the age limit increased so that it would be from 21 to 65. [Applause.] That is the age that is prescribed in many of the countries of Europe. I am willing to do my share of the fighting, if need be, in defense of my country's rights. [Applause.] We are in a war, a great war, and there will have to be many sacrifices. No sacrifice that we can make will be too great for this country which has given every one of us such an opportunity in life as we probably never could have had in any other country on the face of the globe. [Applause.]

Now let us consider the Spanish-American War. That was a short war and we had no trouble in that struggle. The President called for 200,000 men—125,000 at the first call and 75,000 at the second. The records of the War Department disclose the fact that we never secured the full quota of men under the calls. We did get 163,000 men. Oh, but you say, "there were thousands of men in regiments in my State who could have been called." Yes; that is so; but would that have been equitable, would that have been fair, would that have been just, under the quotas announced for each State, and should not every State in the Union have been willing to have furnished its prescribed quota? Why should some States have been allowed to fail to do their duty while other States have been permitted to do more than their duty? Was that fair, was that equitable, was that just in a Republic like ours, where every individual receives equal benefits? I imagine that those States that failed to furnish their quotas will realize that under the system provided in this bill their citizens will be able to serve the Republic better than they could have served it under the old volunteer system.

And now to correct another statement that has been made repeatedly on this floor. It has been said that the German Government will not allow its soldiers to go to over-sea service unless they volunteer for such service. I believe two or three gentlemen have made such assertions on this floor. They are misinformed. There is no law of that kind in Germany. The German system is peculiar. The standing army is made up of two classes of men—those who are in their second year of service and those who are in their first year of service—50 per cent of each class of soldiers. They are not full-fledged soldiers, but constitute the standing army of Germany in peace times.

The soldiers who have fully completed the training are in the reserves. No doubt the erroneous impression as to the German law arose from a misapprehension regarding the Boxer trouble in China. At that time all of the civilized nations who had ministers in Peking agreed to a joint expedition against the capital of China. The United States Government took on its share of the white man's burden on that occasion. Ten thousand Germans were needed for the expedition. There were millions of men in Germany who could have been ordered there if the German Government had so desired. But they allowed 10,000 of their reserves to carry the flag of their Empire to the rescue of the German minister at Peking. That is all there is to that story.

In war times the soldiers of Germany are under the Kaiser. During peace some of them are under the local kings, such as the King of Wurtemburg, the King of Saxony, the King of Bavaria. But in war time the Kaiser becomes the commander in chief of the German Armies, and in that capacity he has the right to send German soldiers anywhere on the face of God's footstool. So there is absolutely nothing in the statement that the Germans can not be sent overseas under existing law. I have procured this information from the records of the Army War College.

Reference has frequently been made to the great number of volunteers that were secured in England during the present war before conscription was put into effect. Let me read to you what the facts really are. They have all taken place within two or three years, and yet we seem to have forgotten them. I shall ask the Clerk to read, as a part of my remarks, the following, which I send to the desk.

The Clerk read as follows:

WAR DEPARTMENT,
OFFICE OF CHIEF OF STAFF,
Washington, April 25, 1917.

[Memorandum for Maj. Nolan, General Staff.]

1. In connection with the question now pending before Congress relative to conscription for the new forces, it may be of interest to know that some very recent reports received at the War College contain some interesting information as to the successive steps taken by England to develop her full man power. Briefly, the following are the successive steps through which Great Britain passed in order to meet the demands of the war:

First. In the beginning England depended purely on volunteering. Men volunteered in abundance, but as there was no proper machinery for receiving, equipping, and training, a great deal of confusion resulted. It became necessary to check the stream of volunteers by raising the physical standard. This had an injurious effect in repressing enthusiasm so that when, later, better machinery had been prepared and more men were required, they did not volunteer so freely. At this period there set in that elaborate recruiting campaign which reached proportions of unheard of extent, and means and methods which may be fairly stated to have exceeded the bounds of dignity. This first phase of volunteering extended until July 15, 1915, when the national-registration act was passed.

Second. By the terms of this act, all males and females between the ages of 15 and 65, had to declare their occupation and also their capacity for any other business useful to the war. This resulted in a fairly complete inventory of the man power available. A great recruiting campaign was then undertaken under Lord Derby, as a result of which all eligibles were arranged in groups aaccording to their ages and whether married or unmarried. On December 11, 1915, after two months of the new system, recruiting for the groups was formally closed. In this time 2,250,000 men attested and were available for calling up at any time. Although an improvement on the volunteer system, it was not yet perfect in that it did not deal with the shirkers, and did not enable the Government to fully control its man power to the best advantage.

Third. The third phase was inaugurated by the adoption of the compulsory-service law on May 25, 1916, or one and one-half years after the outbreak of the war. Under this compulsory-service act a new classification of men was made, based on physical qualifications, and men were classified according to their fitness for service at the front, in rear of the army, or at home. The main classes were further subdivided so as to still further show the special characteristics and qualifications of each man. A statement has just been made in Parliament that hereafter there will be but two classes of men—those fit for military service and those unfit for military service. In the foregoing it will appear that England was forced finally to adopt compulsory military service—in other words, conscription—as the only solution for

developing her full man power—this after the failure of the volunteer system and a partial compromise.

2. In this connection it may also be pointed out that a very recent report received at the War College shows that New Zealand has also been compelled to have recourse to a system of registration and compulsion in order to maintain her force of fighting men dispatched to Europe. While the volunteer system still obtains compulsion applied to registration lists is resorted to to obtain quotas from territorial districts where volunteering fails to produce the specified number of men.

JOSEPH E. KUHN,
Brigadier General, General Staff, Chief of War College Division.

Mr. KAHN. So that, according to the latest reports received at the War College, New Zealand, whose system of volunteering has been extolled repeatedly upon this floor, has come to obligatory compulsory service to furnish the necessary troops in this war. It is needless to point out the many methods that were employed to secure the large number of volunteers in England. The report of the minority sets out the facts clearly. But the statement has been made on this floor by the gentleman from Ohio [Mr. GORDON], I believe, that not a single conscripted soldier is yet at the battle front in France or Belgium. That statement is erroneous. There are thousands, hundreds of thousands—yes, a million of the conscripted soldiers of England who are now fighting the battles of that country in the trenches in France and Belgium.

Mr. MEEKER. Mr. Chairman, will the gentleman yield there for a slight correction? That statement was made by the Speaker of the House.

Mr. KAHN. It was made by the Speaker, but I think it was originally made by the gentleman from Ohio [Mr. GORDON].

Mr. CHANDLER of New York. Mr. Chairman, will the gentleman yield?

Mr. KAHN. I can not yield at this time. I not only obtained the facts from our own War College, but undertook to verify them from sources that were indisputable. So that, as a matter of fact, there are now in France and Belgium a million soldiers of England who were conscripted under the English law.

What about Canada? Frequent reference has been made on this floor to the wonderful things that were done in Canada under the volunteer system. Let me read to you what has been done in Canada:

> Throughout central Canada the time taken to raise local battalions has been found to be between four and seven months, and this is probably true of the whole of Canada. As against a compulsory system, which would raise a regiment in two weeks, there is, therefore, loss in time of at least five months in bringing each battalion up to the stage of mobilization, at which point the real training only begins. Moreover, since the authorized full complement of officers and non-commissioned officers is on pay practically from the beginning, and since the heaviest enlistment occurs in the first two months, it is a conservative estimate that the loss in money—that is, the avoidable expenditure incurred—can not be less than the pay and upkeep of the full battalion for a period of from three to four months. As this equals $75,000 per month, it is evident that with the exception of the first hundred thousand men who came forward eagerly every thousand men raised by the voluntary method has cost the Canadian taxpayer $250,000 of unnecessary expense. In other words, the 260,000 men thus raised have—as contrasted with any sane system of levying troops—cost the Canadian taxpayer $65,000,000, for which his only return has been the privilege of being five months late in turning out each battalion as a full unit ready to commence its training.
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> In addition to this, there is the not inconsiderable expense of so-called whirlwind recruiting campaigns being conducted spasmodically in every part of the Dominion of Canada. Speakers, bands, and escorts must be transported; press bills and bunting must be used in abundance; clerical work, halls, motor cars, liveries, speakers' hotel expenses—returned soldiers are frequently on salary—must all be provided for, and the people pay. In fact, it is a safe estimate that the man power and the money now used in the undignified attempt to raise men would, if properly controlled, raise, equip, and maintain another division on the firing line.

That is the experience of Canada in getting its volunteers. Do we want that system repeated here? Do we want to plunge this country again into a saturnalia of debt because of the inefficiency of a system that takes months to bring in the recruits, whereas under the selective draft system they can be secured when needed? That is the overwhelming argument in favor of the selective draft. And the fact that the general at the front marshaling his forces, knowing that at a certain day he is going to make an attack, knows exactly how many men his country can supply at the given time. He never can know that under the volunteer system.

Some days volunteering is good; some days it is bad. There is an uncertainty about it that always leaves the generals in command of the armies at the front in doubt as to whether they can secure the force that will be required to give battle to the enemy on any given day. Take the newspapers of this country at the present time. Within the last 10 days they have told you that on such a day volunteering was good, and the day following that there has been a slump; that volunteering has fallen off. England had a similar experience. Whenever a German Zeppelin came over and raided some seacoast city the volunteering from that particular section of England immediately went up. But it did not affect any of the other sections, and when the excitement of the raid died down volunteering took the usual slump. Do we want a system of that kind in this country? We have to have men in this war—yes, probably millions of them, and the only way to get them is under a system of universal obligation to service for this country.

Much is heard of the Australian troops—splendid fighting men. They volunteered, but every one of them had previously gone through a system of compulsory military training. That has been the system in vogue in Australia for some years. There men are prepared to fight. They have had the proper military training. They can fight when they go into the service. They have the fighting spirit; they volunteer. But there is no other country engaged in this war where conditions are similar. Oh, I have heard some men on this floor speak almost in derision of the conscripts of Prussia. Great God! those conscripts are at the present time holding a dozen nations at bay. I shall be glad indeed if the soldiers of this Republic will be able to overcome those troops. [Applause.] We have a hard fight ahead of us, and we must win this war. [Applause.] No matter how many men will be required, no matter what sacrifices will have to be made, the Republic must win this war, and the only way to win it is to have the men without fail when they are needed at the front. [Applause.]

I was rather amused the other day, and probably became a little overexcited about it, when the gentleman from Kansas asked what battles the experts of the War Department had participated in. The gentleman from New York [Mr. CALDWELL] has put into the RECORD the engagements in which the officers of the General Staff have participated. But let me ask the gentleman from Kansas, or any other Member on this floor, in what battles did the generals of the great German staff participate before this war? For 43 years Germany had been at peace. She had had no wars, and the generals of Germany, the military experts of that Empire, had had no service in war. And yet the gentleman from Kansas wants to know what the military experts of this Nation have done in the way of participation in military engagements. I am afraid that I am detaining you too long; but just one word—— [Cries of "Go on!"] Just one word about the pending legislation. Much has been said about the attitude of the War Department in regard to the enforcement of the law, and some fear has been expressed that probably the military officers would be charged with the duty of putting the law into execution. I put the question to the Secretary of War and received this reply:

> WAR DEPARTMENT,
> *Washington, April 26, 1917.*
>
> MY DEAR MR. KAHN: Responding to your question as to how the War Department proposes to operate the registration of available men in the event of the passage of the pending measure, I beg leave to say that, without presuming to anticipate the action of Congress, I have yet felt quite certain that some law would be passed requiring the registration of available men of military age, and have therefore, in part at least, perfected the plans under which that registration will be made. It is the intention of this department to deal primarily with the governors of the several States as the chief civilian authority therein, and through the cooperation of the governor to institute in each county or city a board composed entirely of civilians, who, using the ordinary electoral registration machinery of the State, will upon a day proclaimed by the President as registration day receive and register all men presenting themselves pursuant to the President's proclamation. This board, being a local body, will conduct its labors until all unregistered persons have been registered, and in the meantime the registration returns will be sent to Washington for tabulation, the quotas of the several States and subordinate units determined, and regulations and machinery arranged for testing out exemptions, using in all cases local agencies, in cooperation with those of the department, so that we can have the advantage of neighborhood judgment and information in dealing with the many questions which will arise in the application of the act.
>
> In my hearing before the committee some question was asked as to whether such a provision would be put into execution solely through military channels. I was unable to give a very definite answer at that time and am now unable to be definite as to details, because the local agencies vary widely in the several parts of the country. But from what I have said about it, it will be clear that it is the purpose of the department to have this registration a fine instance of cooperation between the civilian authorities of the States and the General Government, rather than an exclusive military matter carried out from Washington as the center of the military establishment.
>
> Respectfully, yours,
>
> NEWTON D. BAKER,
> *Secretary of War.*
>
> Hon. JULIUS KAHN,
> *House of Representatives.*

[Applause.]

Mr. Chairman, in conclusion I wish to read this quotation from that remarkable book which every American boy ought to be compelled to read as soon as he has proper understanding, The Man Without a Country, by Edward Everett Hale:

Remember, boy, that behind all these men you have to do with, behind officers and Government and people even, there is the country herself, your country, and that you belong to her as you belong to your own mother.

[Applause.]

That ought to be written deep on the memory of every young American. Oh, I often think that the old stamina of the fathers of the Republic has gone from us in these days of material growth. Then we were ready to fight in defense of the sacred rights of Americans. There was no question about the attitude of the people of the country toward that question. One thing more. In Europe to-day——

Mr. GORDON. Could I interrupt the gentleman?

Mr. KAHN. I will finish in a moment, and then I will be glad to yield. In Europe to-day the armies are all conscript armies except the remaining volunteers from England. What were the Belgians who fought so gallantly at Liege, at Namur, at Antwerp? Under the law of Belgium they were conscripts, and the whole world stood amazed and applauded their valor when they defended their hearths and their homes against the German invaders. [Applause.] They were men who had been called by draft or conscription, whichever term you prefer, to the armies of that little country.

But what of France? France is a Republic even as we are a Republic, and every man in France who helped to drive back the Germans at the Battle of the Marne was a conscripted man. He was not a volunteer. [Applause.] Those Frenchmen, and the Frenchmen who have been sent to the colors since, are all men who under the laws of France are obligated to do service for their country in the hour of the country's stress and trouble.

If France had waited to enlist volunteers, I am afraid there would not be any France to-day. They were all conscripted men. They were all men of whom the country demanded service. They were not asked, "Do you want to come to the colors of the Republic; we would like to have you do it? Do you want to come and fight under the tricolor; we would like to have you do it?" They were all told by the country, by the Government itself, "It is your duty to come to the colors of the Republic and we call upon you, every mother's son of you, to do your duty in this hour of the country's need." [Applause.] The Italian soldiers are all men who have been similarly called to the colors.

Mr. LITTLE. May I ask the gentleman a question? I understand he referred to me a few moments ago while I was out.

Mr. KAHN. One moment; I will be ready in a moment. I have often thought that in this the hour of our country's trouble we all ought to bear constantly in mind the immortal declaration of that martyr to the American cause, Nathan Hale, who on the threshold of death said: "I regret that I have but one life to lose for my country." [Applause.]

That is the epitome of patriotism. Every man must die. What more glorious death can he die than fighting in the cause of his country and especially in the cause of a country like ours? [Applause.] Oh, my friends, this is not a matter for to-day. We ought in this hour to prepare a military policy that will last for time. We ought to write upon the statute books of the Republic a law for a selective draft system so that future generations, when they come upon the scene to take our places, will know as they grow to man's estate that it is the duty of every American citizen to lay down his life, if need be, upon the altar of his country. [Loud applause.]

The CHAIRMAN (Mr. HASTINGS). The gentleman from Alabama [Mr. DENT] is recognized. [Applause.]

Mr. DENT. Mr. Chairman and gentlemen of the committee, I wish to say at the outset of my remarks that I appreciate the personal reference that the distinguished gentleman from California [Mr. KAHN] made of me and the majority of the Military Committee, which submitted the report upon this bill. The gentleman from California has the esteem and the respect of every member of the Military Committee of the House. [Applause.] Personally, I go further and state that he has been my friend and adviser, and to me, as chairman at the last session of the last Congress, he rendered invaluable service in drafting the appropriation bill that was put through this House.

I wish to say still further that the Military Committee of the House, I believe, is one of the most harmonious committees that there is in the House. There is less partisanship in that committee, there is less personal friction in that committee, in my humble judgment, than in any other committee of the House of Representatives. [Applause.] So that when we come in, which is on a very rare occasion, with two views, one expressed by the majority and the other by the minority, it is simply because there is an honest and a conscientious difference of opinion, not based upon partisan lines. [Applause.] I think that we should stop and consider really what is the issue between the majority and the minority, and I hope in a brief period of time, without any interruption, to state my conception of what is the real difference in the two views of the membership of this committee.

Now, let it not be forgotten that under the present law the President of the United States can fill up the Army first by using the volunteer system and then by using the draft to about 925,000 men. He can by using the provisions of the bill, as agreed to both by the majority and the minority, increase that by something like 148,000 men necessary as training units. Let it also not be forgotten that the War Department asks this committee for an appropriation to pay for 1,072,000 men. Add together the increase that I have given you—the 925,000 and the 148,000 necessary as training units, and you have the number that the War Department is asking you to appropriate for.

There has been too much misconception, Mr. Chairman, of the actual situation. What is the use of this country getting itself all wrought up over a question as to the method of getting 500,000 additional men? And that is exactly, putting it pointedly, putting it plainly, about the controversy that we have come to. It is a difference, finally, except on a question of principle of the volunteer or draft system, between tweedledum and tweedledee. The additional 500,000 men asked for by the War Department are not asked to be appropriated for in this bill if the War Department will build up the Army to war strength under the two branches now in existence.

I wish to say in this connection one other thing: While this bill was pending before the Military Committee of the House, and while we were endeavoring to the best of our ability to work out a compromise between the conflicting views that existed among the membership of this House, I was approached, and other members of the committee were approached, with the proposition that, "If you come upon the floor of this House with a conscript plan, without recognizing the volunteer system that has been traditional in this country, we will beat you on the floor of the House." That proposition was presented to me, was presented to my friends on the minority side that agree with me upon the plan that we finally worked out. I went to the President and I went to the Secretary of War, and I told both of them that it seemed to me to be the sentiment of this House that the traditional policy of this country in recognizing the volunteer system should be incorporated in this bill, and that I was willing to go as far as anybody in order to get unity of action and in order to get a bill under which the President could carry on the declaration of war that Congress had made.

And yet, what is the situation now? What is the situation that the committee has been placed in? What is the situation that I have been placed in when members of the committee have been told, since this report was made, when a majority of the committee had agreed with my views and had agreed with what we had every right to believe was the honest, conscientious sentiment of this House, "I can not vote with you"?

Now, Mr. Chairman and gentlemen of the committee, I believe in the volunteer system. I believe in the traditional policy of this country. I believe in the traditional history of the Anglo-Saxon race when recognizing the fact that the Government is finally in all great wars to be defended by volunteers. I honestly believe in those policies, and I had some right to think the majority of the House believed in them. I know the majority of the committee thought so and thought so all along. I am asked in the eleventh hour to surrender my convictions and to surrender the convictions of the majority of the committee to support a bill that we do not believe in. [Applause.]

I said at the outset of my remarks when I undertook to explain this bill that if the argument that has been made on the floor of this House is the true principle upon which we shall act—that is, that in time of war the executive department shall draft its legislation and send it to Congress, and Congress shall not exercise the right to cross a "t" nor dot an "i"—then I for one am willing to surrender my commission in Congress. [Applause.]

And in that connection let me call your attention to this fact: Who is it that stands upon this floor to-day and favors the bill just as it was drafted by the War Department? Certainly no member of the Military Committee of the House has brought in any report to this House stating that that bill ought to be adopted just as it was written and just as it was presented to the Military Committee. Not a single, solitary soul has stated during all of this debate that he was willing to offer the bill prepared by the War Department as a substitute for the bill either presented by the majority or the minority of the Military Committee of this House. And yet the argument is made here that you are not standing behind the President when you support the

proposition that the majority of this committee has brought to this House.

If you are standing behind the President, then some Member ought to offer as a substitute to the bill I have introduced the bill that was prepared by the War Department and presented to the Military Committee. In that bill it was provided that your soldiers should be drafted from the ages of 19 to 25. The committee unanimously repudiated that proposition. The committee unanimously decided that you should not have the right to draft a boy 19 or 20 years of age. [Applause.] The committee unanimously decided that you should also reserve the right to call to the service of the United States men between 25 and 40, whereas the War Department said that they were absolutely exempt. Is anybody willing to stand on the floor of this House now and say that the committee was wrong in offering that proposition, and that we ought to have drafted boys 19 and 20 years of age? I would like to see the man who is willing to support that proposition stand up on the floor of this House to-day. [Applause.] Yet if the argument is sound that we must stand by the President and accept everything that was written and given to the committee, then you are not standing by the President.

There was another provision in this bill that was sent down by the War Department to the committee, to the effect that all enlistments in the Army hereafter, or since the war, shall be in the Army of the United States. I asked the Secretary of War what that meant, because I saw as soon as I read it that that was the "nigger in the woodpile," and before the committee he stated that it meant the complete destruction of the present Regular Army Establishment and the National Guard during this emergency and the creation of a new Army of the United States, one solid Army, with the right on the part of the President not to permit the boys that were born and raised in the same community to go into the service with those with whom they were raised, but that it gave the right to scatter them throughout the United States with such organizations as the department thought necessary. The bill as originally proposed would have destroyed the State or local organizations of troops.

The committee repudiated that idea. The committee unanimously, I may say, repudiated that idea, and brought in a bill recognizing Territorial units and State designations and the right of young men to serve with the men among whom they had been raised.

Now, if we shall accept everything that is written in the War Department in order to carry on this war, why should we not have accepted that? And who is bold enough to-day to stand on the floor of this House and say that the committee was wrong and the War Department was right? I challenge any man to stand up now and so say. [Applause.]

Then, Mr. Chairman, whatever may happen, unless this Congress follows the argument that everything that is written in the War Department shall be accepted without question; unless this Congress follows that idea, you will be face to face with this proposition: Even though you may strike out the volunteer feature of this bill, you will be face to face with the proposition that over in the Senate the War Department bill has been practically accepted, and from the best information I can get it will likely be passed as the majority of the committee reported it. Shall we surrender our views as to the age limit in the bill reported by the majority and the destruction of State organizations? [Applause.]

Mr. SHALLENBERGER. And also civilian tribunals to decide this whole matter.

Mr. DENT. Yes. I am glad my colleague on the committee, Gov. SHALLENBERGER, of Nebraska, called my attention to that. The bill as presented to the committee provided for tribunals that were not of a military character to pass on questions of eligibility and questions of exemptions and as to the so-called selective draft.

The committee opposed that proposition and amended the suggestion of the War Department with a provision to the effect that that tribunal should consist of three members, a majority of whom should be civilians and not military men. [Applause.]

Now, if we had not considered this bill at all, Mr. Chairman, and had accepted the argument that has been made here that we ought to do in time of war just exactly what the Commander in Chief tells us to do, see where you would have been and what sort of legislation you would be putting through.

I am going to close in a few minutes. However, before I close I want to say a few words of the volunteer system, which is the ancient doctrine of our people. It has been stated—and stated with a great deal of sophistry—that the Committee on Military Affairs of the House acted inconsistently with the duty it owes to itself and to its position when it provided for raising additional forces first by the volunteer system and then offered a resort to the draft. The answer to that propostion is so simple and so plain that it seems to me that it is hardly necessary to make it. The committee realized that the country was in a state of war which might last for some time. The committee realized that there were criticisms of the volunteer system. The committee realized that there were statements made by men of high military authority to the effect that the volunteer system was a failure. The committee realized that it was probable that this extra session of Congress, called for the purpose of declaring war and for the purpose of passing such legislation as would be necessary in order to effectuate that declaration, might adjourn before the war was over, and the committee, therefore, thought that Congress ought to give to the President the right, in the event he could not get a sufficient force by the volunteer system, to get it by the draft. That has been the policy of the Government of the United States from the infancy of this Republic. We wanted to put all the authority in one bill, so that when we left here, when Congress adjourned, there would not be any limitations upon the power of the President. But we decided that the ancient and traditional principle of voluntary enlistments in the Army of the United States should be preserved and should be recognized. [Applause.]

Now let us come right down to what is the real issue between the majority that made this report and the minority, the issue between those who are in favor of recognizing the volunteer system, which, as I repeat, has always been the policy of our people, and those who are opposed to doing it now. Let us see what is the real issue between us. I have heard a great many arguments here during this debate to the effect that there ought to be universal compulsory service. That is not involved here. That has nothing in the world to do with this particular bill, because this bill does not even attempt to compel universal service even in this particular emergency. The bill that was presented only proposes that young men between 19 and 25 shall serve, and that certainly is not universal, so that there is nothing of that kind involved in this particular bill.

The real question, as has been stated by two or three gentlemen on the other side of the proposition—one of them, I believe, my good friend from Kentucky [Mr. SHERLEY], who, by the way, made one of the strongest arguments in favor of the selective system that I have heard—is that it should be a question not of the individual deciding whether he will serve his Government and his country, but that the Government must decide which individual will serve. Now, that is the real question; that is the potential reason why I am standing here to-day opposing the plan of the War Department and the President, if you please. [Applause.] That is the issue, and you are going to face it. In six months every man who casts his vote upon this proposition must meet it with his constituents. The real issue is whether we shall repudiate the policy of this country, as adopted from its infancy, of fighting its wars through a voluntary system, or whether the Government shall say who shall be its fighters. In other words, if this new policy is adopted—and, mind you, while it is only temporary now—it will be a repudiation of everything that we have ever done in the past. If it is good as a temporary measure it is bound to be good as a permanent measure. If you decide that it is good temporarily you are obliged to come to the conclusion that it is good as a permanent policy. [Applause.]

Then the question which you are going to decide by your vote is this, that if the Government shall have the right to say who shall be a soldier, and the individual shall not have that right, your boy and my boy, when they grow up in this land, will not have the right to choose their careers or their professions? The selective plan of getting an army absolutely destroys the right to every American boy in this land to choose his career in life. [Applause.] If this plan is the correct plan, I repeat, it ought not to be merely temporary, but it ought to be the permanent plan; and if so, then what happens? Why, the boy who makes up his mind that he wants to be a civilian, and that he does not want to go into army life, will have hanging over him as long as he is within the military age the sword of Damocles, because he may be the particular one who is drawn out of the jury box in order to do military service. Whereas, another young man living in the same community and perhaps his next-door neighbor, who wants to be a soldier, will never be drawn out of the box.

Now that is your system. That is what you are voting for to-day when you adopt the selective-draft system, and that is the reason why I am standing here to-day and begging and pleading that you will stop and think what you are doing without letting somebody down in the executive branch of this Government tell you what you ought to do. [Applause.]

Then, in conclusion—because I did not intend to talk this long—permit me to say that the argument that has been made here that you must stand by the Commander in Chief has been broken down, because nobody, not a living soul, has yet been willing to say that he would stand sponsor for the bill as drafted in the War Department.

Let me say, furthermore, that when you come to cast your vote upon this proposition remember that you are adopting a new plan, you are inaugurating a new policy. You are placing this country upon the conscript system, and you are destroying the patriotism and the loyalty of the American people. [Applause.]

The CHAIRMAN. The Clerk will read the bill under the five-minute rule.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled——

Mr. TOWNER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. TOWNER. The first section of this bill consists of six different substantive propositions. I would like to know how the Chair regards it. In other words, ought amendments to be offered to each paragraph, or should they be reserved until the end of the section? What will be the holding of the Chair upon that proposition?

The CHAIRMAN. As a general rule, a bill of this character is considered by sections. While there are paragraphs, nevertheless they are portions of the section.

Mr. CANNON. Will the Chair pardon me for one suggestion?

The CHAIRMAN. Certainly.

Mr. CANNON. Later on this is an appropriation bill and carries three thousand million dollars in round numbers. Therefore I suggest that it ought to be read and considered by paragraphs.

Mr. TOWNER. I think it will be agreeable to most, if not all, of the Members of the House if it be considered by paragraphs regardless of the precedents. I think the gentleman from Illinois [Mr. CANNON] perhaps is right in his construction. Certainly, if the Chairman shall announce that amendments may be offered to each paragraph, I think there will be no objection on the part of the committee. I simply wish to know what is the ruling of the Chairman.

Mr. TILSON. Mr. Chairman, to obviate any misunderstanding I ask unanimous consent that the first section of the bill be read and considered by paragraphs.

Mr. DENT. I have no objection to that.

The CHAIRMAN. As a simple solution of the question, the gentleman from Connecticut [Mr. TILSON] asks unanimous consent that the first section of the bill be considered by paragraphs.

Mr. DENT. I ask unanimous consent that that be done.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. TOWNER. Mr. Chairman, a further parliamentary inquiry. I desire to call the attention of the chairman to the introductory sentence. It reads—

That, in view of the existing emergency which demands the raising of troops in addition to those now available, the President be, and he is hereby, authorized—

It will be observed that that is in the nature of a preamble. If the word "whereas" were used instead of the word "that," there would be no question whatever as to its being a preamble. I do not know how the Chair will regard it. If it is to be regarded as a preamble, amendments to that particular part of the first section should not be considered until after the bill has been completed, under the rule.

Mr. MANN. But if the gentleman will notice, it is a substantive part of the bill. It does not say "whereas."

Mr. TOWNER. I am not arguing the question at all. It does not make any difference to me how the Chair holds, only we ought to know whether it is proper to offer an amendment, as I shall do, to this part of the bill, as soon as it is read, or whether it should be considered as a preamble and amended later.

Mr. MANN. It is plainly not a preamble. It says—

The President be, and he is hereby, authorized—

It is of the very substance of the bill.

Mr. TOWNER. The gentleman, of course, is correct so far as that language is concerned, but the gentleman will observe also that it says—

In view of the existing emergency which demands the raising of troops in addition to those now available.

Mr. FITZGERALD. A preamble always precedes the enacting clause.

Mr. TOWNER. That is true. It does not make any difference to me how the Chair holds, only I would like to know whether it is to be considered as a preamble.

Mr. FITZGERALD. I ask for the regular order.

The CHAIRMAN. The question of the gentleman from Iowa relates to the language—

That, in view of the existing emergency which demands the raising of troops in addition to those now available—

The Chair suggests that those words are equivalent to—

Whereas, the existing emergency demands the raising of troops in addition to those now available.

The Chair must say that it seems to the Chair that the common sense of it is that that is practically equivalent to a preamble.

Mr. MANN. It is not a preamble whatever it may be equivalent to.

Mr. FITZGERALD. A preamble always precedes the enacting clause. This is a legislative declaration and can not be considered a preamble, although the effect of the words may be similar to some other words.

The CHAIRMAN. The Chair understands perfectly well that a preamble precedes the enacting clause. The Chair restates what he said, that the common sense of it is that this is equivalent to a preamble. Yet technically the Chair is not going to rule that way. It is a distinction without a difference. The common sense of it is that it is equivalent to a preamble, but the Chair is going to follow the precedents. The Clerk will read.

The Clerk read as follows:

That in view of the existing emergency which demands the raising of troops in addition to those now available the President be, and he is hereby, authorized—

First. Immediately to raise, organize, officer, and equip all or such number of increments of the Regular Army provided by the national defense act approved June 3, 1916, or such parts thereof, as he may deem necessary; to raise all organizations of the Regular Army, including those added by such increments, to the maximum enlisted strength authorized by law. Vacancies in the Regular Army created or caused by the addition of increments as herein authorized which can not be filled by promotion may be filled by temporary appointment for the period of the emergency or until replaced by permanent appointments or by provisional appointments made under the provisions of section 23 of the national defense act, and hereafter provisional appointments under said section may be terminated whenever it is determined, in the manner prescribed by the President, that the officer has not the suitability and fitness requisite for permanent appointment.

Mr. TOWNER. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment by Mr. TOWNER: Page 1, line 3, strike out lines 3, 4, and 5, and insert in lieu thereof the following:

"That war having been declared to exist between the United States and Germany, which condition requires the raising of additional forces for the Military Establishment of the United States, the President be, and he is hereby, authorized "——

Mr. TOWNER. Mr. Chairman, of course we all recognize that this is a war measure. I do not know when this bill was prepared, but very likely it was prepared before the condition of war had been declared. But now a condition of war has been declared. The language used in this statement as the reason why this legislation is passed is entirely insufficient and not appropriate. We are not enacting this legislation because of an existing emergency; we are enacting this legislation because of existing war. We want to use all of the war powers. We have a right to use all of the war powers that are called for under the terms of this bill. Wherever the word "emergency" is used in this bill, in my judgment, the words "existing war" should be substituted therefor.

An emergency is not the condition that now exists. An emergency is a sudden or unexpected occurrence or combination of occurrences demanding prompt action and urgent necessity. It is of necessity a passing phase, but we now are in a condition that may last for years. It can not be said that such a condition is an emergency; it is a condition of existing war, and therefore it would not only be inappropriate because of the language used, but it would not be just in substance if we do not place our legislation on the fact that war is now existing between this country and Germany. It would be most unfortunate that we should base all the things we expect to do under this bill on the fact that an emergency exists. We want to bring in support of its enactment all the powers of the Government in reference to war, and we ought to declare that we do it because war now exists between this country and Germany. It seems to me there ought to be no objection to this amendment if gentlemen desire to bring to bear all the forces and powers that we ought to use at this time.

Mr. McCORMICK. Will the gentleman yield?

Mr. TOWNER. Yes.

Mr. McCORMICK. Has the gentleman provided for any other amendment—for the enlistment of troops for the existence of the war, for instance?

Mr. TOWNER. No; but I think that would be proper.

Mr. McCORMICK. I think it would be, if the gentleman's amendment is adopted.

Mr. TOWNER. Let me call the gentleman's attention to the use of the word "emergency" further on in this paragraph, as used as the first word on line 6, page 2, in reference to vacancies in the Regular Army. It says:

Vacancies in the Regular Army created or caused by the addition of increments as herein authorized which can not be filled by promotion may be filled by temporary appointment for the period of the emergency or until replaced by permanent appointments.

That is not what is meant; it is meant that the power shall last during the continuance of the war and not for the emergency. An emergency may pass, but war does not cease until it is ended by the action of the nations themselves.

Mr. McCORMICK. It may be followed by a temporary peace after a period of war, and some time thereafter, because troops can not be disbanded immediately on the declaration of peace, and there should be some adequate provision for the appointment of officers until the armies are disbanded.

Mr. TOWNER. Yes; but we use these powers because they are war powers, and the matter the gentleman calls to my attention can be properly attended to when reached.

Mr. BORLAND. Will the gentleman yield?

Mr. TOWNER. Yes.

Mr. BORLAND. Congress having in a constitutional manner declared that a state of war now exists, is there any mistake in anybody's mind as to what emergency is referred to by this legislation?

Mr. TOWNER. I do not know certainly; but the gentleman can easily see that an emergency might be one thing and war another. For instance, in the national-defense act it says that "whenever a condition of war exists, or whenever an emergency similar to that of war shall exist"—a distinction clearly made in the law by enactment of Congress.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. TOWNER. Mr. Chairman, I ask unanimous consent for two minutes more.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent that his time be extended two minutes. Is there objection?

There was no objection.

Mr. DENT. Will the gentleman yield?

Mr. TOWNER. Yes.

Mr. DENT. The question that the gentleman raises was thoroughly discussed in the committee with the Secretary of War, and the reason this language was adopted was this: That there might be a treaty of peace and still a necessity for the forces provided for in this bill after the treaty of peace had been adopted.

Mr. TOWNER. Let me suggest that that does not change the condition at all. The powers that are to be given under this bill are being supported by the war powers of the country and the Nation. If we expect to bring to bear, if we expect to support, we should base that on the war powers and not on an emergency clause. There is nothing to limit the continuance of the war power while war lasts, and these conditions as they then exist may be considered.

Mr. GREENE of Vermont. Will the gentleman yield?

Mr. TOWNER. I will.

Mr. GREENE of Vermont. The gentleman has doubtless given attention to section 111 of the national-defense act of June 3, 1916, which is significant so far as the authority for raising the National Guard and the Regular Army beyond the peace strength is concerned, and that section begins:

When Congress shall have authorized the use of the armed land forces of the United States for any purpose requiring the use of troops in excess of those of the Regular Army, the President may—

And so forth.

Mr. TOWNER. The gentleman will see, if he reads section 2 of the national-defense act, that the powers that are given are in cases of actual or threatened war, and then it says "or similar emergency in which the public safety demands it." That is, in case war exists it should be based on the war power, and in the case of a similar emergency it should be placed on the emergency clause in the act.

Mr. GREENE of Vermont. The gentleman can conceive of an emergency growing out of or incidental to war, and the whole constituting one common emergency.

Mr. TOWNER. But this legislation I have referred to distinguishes between emergency and war, and should in my judgment be distinguished in this case.

Mr. BLACK. Mr. Chairman and gentlemen of the House, the framers of our Federal Constitution, among other duties and responsibilities, placed two upon the Congress which have come home to us with particular force and effect at this special session.

One of these is the power to declare war and the other is the duty to raise and support armies. No more serious and important responsibilities can come to any representative body of men; and at no time during this session have I ever doubted for a moment that the weight of these obligations is fully appreciated by the membership of this House. Differences of opinion there have been, and differences of opinion there are now about some of the features of this bill, but disloyalty to the United States and our flag there has been none, and there is none now among this representative body of the American people.

Freedom of discussion there has been and freedom of discussion there ought to be and must be if this is to continue "a Government of the people, by the people, and for the people."

I said a while ago that the Constitution of the United States conferred upon Congress the exclusive power to declare war and to raise and support armies.

We have already exercised one of these powers during this session of Congress by declaring that a state of war exists between the United States and the Imperial German Government.

I voted for that resolution.

I did not do it because I have any of the jingo spirit within me nor because I have any love for war.

God knows I recognized the full responsibility of my vote.

My heart aches at the thought of the bloodshed, the hardships, and the sufferings of war; but what else could the Government of the United States do? Should we have tried diplomatic negotiations with Germany longer? No; we had tried that to the utmost end, and plotting and intrigue went steadily on against us in our own country while yet we tried. Should we have continued to protest? No. We tried that even to the sending of the German ambassador back to his own country and the addressing of a note of protest to all the neutral powers of the world; but did that stop the outrages which were being committed against American citizens and American ships on the high seas? It did not. American ship after ship continued to be torpedoed without warning and American life after life sacrificed to the mad war policy of the Prussian autocracy.

Then, what else could we do? Should we have laid supinely upon our backs and have submitted to one outrage after another until it would have amounted to a confession to the world that we had no rights which we would fight to maintain? No! By the God of our fathers we could not do that; and therefore there was nothing left to us but to accept the gage of battle which had been insultingly flaunted in our faces and fight—fight like "the man who faces what he must with step triumphant and a heart of cheer, who fights the daily battles without fear, sees some of his hopes fail, yet keeps unfaltering trust that God is God and that, somehow, true and just His plans work out for mortals."

HOW SHALL THE ARMY BE RAISED?

And now that we are in the war and must fight, it becomes the duty of Congress to raise and support an army.

How shall it be done?

I hate that the necessity has arisen which plainly indicates to me my duty to vote for the selective draft based on the principle of universal liability to service in time of war.

I abhor everything that approaches to militarism, even as I abhor war.

I would to God that the prophetic words of Isaiah might come to pass in our day and generation, when nations "shall beat their swords into plowshares and their spears into pruning hooks; nation shall not lift up sword against nation, neither shall they learn war any more." That this blessed and glorious day will dawn sometime to comfort distracted and struggling humanity I do not doubt; but it would be foolish for us to indulge in this Utopian hope in this present hour of the world's Pentecost of calamity.

The only enduring peace that we can hope to achieve now is that which will come in the hour of victory, when the United States and her allies shall have fought this war to a successful conclusion, a conclusion which shall not have in mind the crushing of the German people, but the firm establishment of the rights of democracy, "for the rights of those who submit to authority to have a voice in their own government, for the rights and liberties of small nations, for universal dominion

of right by such a concert of free peoples as shall bring peace and safety to all nations and make the world itself at last free." This is the peace that, God grant, may envelop the nations at the end of this bloody struggle.

How remote that may be no one can tell, but now that the hour has come when this Nation shall be tried in the furnace, as if by fire, I want us to be ready. I want our Nation to rise like a giant aroused from his slumbers and, shaking his invincible locks at the full noonday sun, grasp with a Titan's arm the flaming sword of freedom and fight on, like the Archangel Michael fought when he drove the dragon from heaven, until Prussian arrogance and autocracy are brought to their knees and American rights on land and sea are fully acknowledged and established. How shall we make ready?

Many able and patriotic gentlemen in this House favor a continuance of the volunteer system in raising the army which all admit that we are bound to have in the present crisis.

I am not unmindful of the fact that the volunteer system is representative of the traditional policy of the American people, and, as for that matter, of the English-speaking race.

I recognize the force of the arguments which have been put forward in its defense by many Members of this Congress during this long and able debate. It undoubtedly has many points which make a strong appeal to the man of patriotism and valor. But I can not overlook the fact that warfare is not what it used to be.

In this day of the rapid-fire machine gun and the 42-centimeter artillery and the Zeppelin and aircraft, of the asphyxiating gas, liquid fire, and the bomb, the individual soldier does not register his prowess as prominently as he did in former years. War is more of a science now.

Time was when Miltiades, with 10,000 valiant Greeks, could sweep down from the hills of Pentelicus upon the plain of Marathon and rout a Persian host of 120,000 men. Time was when Leonidas, with 300 Spartan soldiers and a small band of Thespian allies, could hold the Pass of Thermopylæ for three days against Xerxes and his invading thousands. Yes, if you please, the time was when the embattled farmers, with their flintlock muskets and squirrel rifles, could turn back the trained and uniformed regulars of Europe and put them to ignominious rout and defeat.

But war is different now. We find ourselves engaged against a power which has not merely thousands at the front, but millions, and they are equipped with every modern implement of warfare and destruction and trained to arms to an extent probably equal to any army which ever went upon the battle field.

Therefore we must not underestimate the strength of our adversary and must prepare to meet it.

The success or failure of the volunteer system in the Revolutionary War, the War of 1812, the Mexican War, the Civil War, or the Spanish-American War, is not a controlling factor in the present emergency.

Congress is confronted with the immediate duty of raising and equipping an army which may be sorely needed, even before it may yet be trained. There must be no uncertainty about raising the army, there must be no guesswork, and it must be systematically accomplished.

I believe that reason, equitable distribution of military burden, and present-day experience are all on the side of the selective draft, and therefore I shall vote for that plan, and in so doing believe that I am helping to conserve the best interests of this Republic, whose welfare we all love so well.

FAVOR THIS AS A WAR MEASURE.

But, Mr. Chairman, I for one want it distinctly understood that I am voting for this bill as a war measure and not to commit this country to a policy of compulsory military service in time of peace. Therefore I favor the amendment which strikes out the words "during the existing emergency" and substitutes therefor the words "during the existing war." I want there to be no doubt about its meaning. During the able speech of the gentleman from California [Mr. KAHN], in his conclusion, he closed by stating that he thought we were now voting for a system that ought to be permanently fastened upon the country. I do not agree with him, and if I knew that the passing of this bill meant to fasten upon the United States a policy of compulsory service in time of peace, I would feel compelled to vote against it and rely on the volunteer system with its admitted imperfections.

Mr. BURNETT. Will the gentleman yield?

Mr. BLACK. My time is nearly exhausted, and I therefore must decline to yield.

Mr. BURNETT. Is not that just what this means?

Mr. BLACK. I will say to the gentleman from Alabama that I think not. I believe that our great democratic United States has power enough in the people to adopt this policy in time of war and throw it off in time of peace.

I will agree with gentlemen who have spoken in this debate that in many respects an autocracy in time of war is more efficient than a democracy, but we should be warned that the very things that bring about that autocracy and sustain it set in motion the dry-rot of decay that will, if continued, eventually destroy your democracy. [Applause.] Therefore, while it is true that during the course of this war we will be compelled to forego some of our individual rights and pass some laws which we would not think of passing in time of peace, we should move with great caution and prudence, and hold in proper regard the Constitution and form of government which have made our country the greatest Nation in the world. Therefore, out of an abundance of precaution I am going to vote for the amendment of the gentleman from Iowa [Mr. TOWNER] to strike out the words "during the existing emergency," so that it will be amended to say "during this existing war." [Applause.]

EXTENSION OF REMARKS.

Mr. Chairman, my time has expired, and under the general leave to extend remarks in the RECORD I would like to say just these few words more. Despite the fact that we are living in a world of awful carnage, despite the fact that fields which ought to be green with the fruit of the harvest are running red with rivers of blood, despite the fact that the gold of the world which ought to be building the schoolhouses, the colleges, the churches, reclaiming the waste places, and providing homes for the people is being used to purchase shot and shell to destroy the labor and toil of centuries, despite this dark and tragic picture, still yet—

I trust that good will be the final goal of ill;
That nothing walks with aimless feet;
That not one single life will be destroyed
Or cast as empty rubbish to the void
When God has made the plan complete.

Therefore may we not hope that when the war clouds shall finally roll away, "when the shouting and the tumult dies and the captains and the kings depart," and the statesmen of the world shall gather to prepare for peace, a way will be found to stop the mad race for armament among the nations of the world, and that a permanent court of arbitration will be established with fixed powers and jurisdiction, its decrees to be enforced not by one nation nor by a single group of nations but by all the world powers, working in harmony for the integrity and preservation of democracy and civilization. Then might the glorious vision of Dumas be realized when great armies will vie for supremacy in acts of true charity and benevolence, the war cry being "The Fatherhood of God and the brotherhood of man."

Mr. DENT. Mr. Chairman, I hope this amendment will not be adopted. We discussed this question thoroughly with the Secretary of War. Something may happen after a declaration of peace that might prove embarrassing, and I trust the committee will vote this down.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

Second. To draft into the military service of the United States, organize and officer, in accordance with the provisions of section 111 of said national-defense act, so far as the provisions of said section may be applicable and not inconsistent with the terms of this act, any or all members of the National Guard and of the National Guard Reserve, and said members so drafted into the military service of the United States shall serve therein for the period of the existing emergency unless sooner discharged: *Provided*, That when so drafted the organizations or units of the National Guard shall, so far as practicable, retain the State designations of their respective organizations.

Mr. AUSTIN. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amend on page 2, following line 24, by inserting the following proviso:

"*Provided further*, That the President is authorized to raise and maintain by voluntary enlistment, to organize, and equip not to exceed four Infantry divisions, the officers of which shall be selected in the manner provided by paragraph 3 of section 1 of this act: *Provided*, That the organization of said force shall be the same as that of the corresponding organization of the Regular Army: *And provided further*, That there shall be no enlistments in said force of men liable to draft under section 1 of this act: *And provided further*, That no such voluntary force shall be accepted in any unit smaller than a division."

Mr. AUSTIN. Mr. Chairman, this proposed amendment is to make it possible for Col. Theodore Roosevelt to carry out his patriotic offer to the American people of organizing a voluntary force of not less than a division to embark for France under the American flag, join our allies in defending this country and securing victory. This force of men is to be made

up of those who served in the Spanish-American War, who have had necessary training and experience, who know warfare, and also men in this country who are not affected by the provisions of the administration bill on account of age, who have served in the standing Army or the National Guard. The adoption of this amendment does not mean a delay of three or four months to take a census of the fighting men of the country and six additional months of training. It means to place in the field not less than 20,000 men—in fact, a maximum number of 100,000 men—to begin fighting for America within 30 days.

Mr. TILSON. Mr. Chairman, will the gentleman yield?

Mr. AUSTIN. Yes.

Mr. TILSON. As I understand the gentleman's amendment, it is to be composed of men not eligible to draft under section 1 of this act?

Mr. AUSTIN. Yes.

Mr. TILSON. Does not the gentleman realize that every man in those four divisions would have to be over 40 years of age?

Mr. AUSTIN. No; this amendment is the same amendment offered to the bill in the Senate by Senator HARDING.

Mr. TILSON. Oh, but the ages are different in the Senate and the House bills. In the Senate the ages are from 19 to 26, and in this bill, in section 1, referred to, the ages are from 21 to 40. Therefore there would be no men in those divisions under 40 years of age.

Mr. AUSTIN. I will change my amendment to meet the gentleman's wishes and secure his support.

Mr. GORDON. Mr. Chairman, will the gentleman yield?

Mr. AUSTIN. Yes.

Mr. GORDON. I call the gentleman's attention to the fact that the very next paragraph of the volunteer section would answer the purpose he requires for his amendment.

Mr. AUSTIN. Yes; and I will ask the Clerk to insert section 3 of the bill and strike out section 1.

Mr. GALLIVAN. But we have not got to that yet.

Mr. GARDNER. Mr. Chairman, I make the point of order that the gentleman can not withdraw his amendment. He had it right in the first place.

Mr. AUSTIN. But I have not withdrawn my amendment, and I do not propose to withdraw it. I propose to have a vote upon it.

Mr. MASON. Mr. Chairman, will the gentleman yield?

Mr. AUSTIN. Yes.

Mr. MASON. I quite agree with the spirit of the amendment, but I would like to know whether the gentleman has the approval of the General Staff? [Laughter.]

Mr. AUSTIN. I will say to my friend from Illinois that if I secure the approval of the American Congress I am not going to worry about the approval of the General Staff.

Mr. HUMPHREYS. Will the gentleman yield?

Mr. AUSTIN. I will.

Mr. HUMPHREYS. The gentleman's amendment provides for four divisions, as I understand.

Mr. AUSTIN. It provides for not less than one and not to exceed four.

Mr. HUMPHREYS. As I understood the gentleman's statement it was to enable Col. Roosevelt to raise a division he wanted to raise.

Mr. AUSTIN. Yes.

Mr. HUMPHREYS. Why make it four; why not make it one?

Mr. AUSTIN. Because Col. Roosevelt has already over 100,000 applications to serve in his voluntary force.

Mr. HUMPHREYS. I understand, but, as I am informed, he does not want 100,000 but wants a division of about 25,000 men. I will say to the gentleman I am in full sympathy with that, and I would vote for a proposition that would enable Col. Roosevelt to raise such a division, but I am not inclined to vote for an amendment that carries 100,000, for four instead of one.

Mr. AUSTIN. This amendment has a minimum of one and a maximum of four divisions. If Col. Roosevelt wishes to raise but one division, he need not raise the additional divisions.

Mr. HUMPHREYS. Somebody else might raise the other three.

Mr. MEEKER. If this was anybody else but Roosevelt, would the gentleman offer the amendment?

Mr. MASON. He is the only American who has offered.

Mr. AUSTIN. He has done more to arouse and create public sentiment for preparedness—for military training and service—than any man in America. He represents to-day an American who made good in the Spanish-American War and we ought to give him a chance to make good in this war. This is the wish of a great majority of the people we represent.

Mr. BURNETT. Will the gentleman yield?

Mr. AUSTIN. I will.

Mr. BURNETT. Has not Col. Bryan offered to enlist and fight on the firing line as a private instead of being up on a hill with a field glass?

Mr. AUSTIN. I will put Col. Bryan in Col. Roosevelt's division.

Mr. BURNETT. He will have to do all the fighting if you do. [Laughter.]

Mr. AUSTIN. I am willing to include my colleague from Alabama.

Mr. BURNETT. Do not put me in; I am too short-legged to run and too short-winded to fight.

Mr. AUSTIN. Then I will assign the gentleman to the commissary department.

The CHAIRMAN. The time of the gentleman has expired. [Cries of "Vote!"]

Mr. GARDNER. I ask unanimous consent that the gentleman's time be extended.

The CHAIRMAN. Is there objection to the gentleman's time being extended. [After a pause.] The Chair hears none.

Mr. GARDNER. Is it not a fact that Senator HARDING inserted four divisions instead of one for the reason that the President might in his wisdom think that there were other persons as well as Col. Roosevelt who could arouse the enthusiasm that Col. Roosevelt could, although this is avowedly only him?

Mr. AUSTIN. The gentleman from Massachusetts is correct. This amendment is a Roosevelt proposition, and the sending of this force to Europe will do more to encourage, arouse, and enthuse the American people, and satisfy the people with reference to the volunteer or draft system than anything the American Congress can do. It would in the end bring more men to the colors than any action we can take.

Mr. REED. I want to ask the gentleman if he will consider amending the resolution and going a little further—I do not know how you would exactly word it to provide that—but require that these divisions preferably be given to American citizens who had occupied the position of Commander in Chief of the Army and Navy of the United States.

Mr. AUSTIN. Pass my amendment and I will see that he gets a job or a commission. [Laughter.]

In conclusion, I wish to submit an interview with Col. Roosevelt, which appeared in to-day's afternoon papers:

NEW YORK, *April 27.*

Declaring he wanted to see an American division on the firing line in France within a few weeks, Col. Roosevelt to-day replied to Joseph Leiter, president of the Army League, who telegraphed him asking that he withdraw his proposal for a Roosevelt division.

The colonel arrived at Oyster Bay en route to Chicago, where he will speak to-morrow night. He declared it unpatriotic to oppose the administration's conscription bill and the Harding amendment to send a division to the front immediately.

"No man can misunderstand my position unless he deliberately chooses to do so," declared the colonel. "I most earnestly and heartily favor the principle of universal obligatory military service.

OUR PERMANENT POLICY.

"I wish to see it introduced immediately for this war, and I also wish to see it made the permanent policy of this Nation. I earnestly and heartily support the administration's proposal in this direction, because it is a step in the right direction, and am only sorry it is not a very much longer step.

"My proposal is to supplement this step by providing for the immediate use of some of the men who would be exempt under the administration's bill. It is simply silly not to encourage, instead of forbidding, the use of efficient men who otherwise would not be used at all.

"All opposition to the Harding amendment is opposition to the principle of universal service, and, however well intentioned, in its actual effect it is profoundly unpatriotic.

"Moreover, it is all wrong not to send an expeditionary force abroad within the next few weeks.

TO TRAIN OVER SEA.

"It is all wrong to propose not to send anyone abroad until we have a whole Army trained. As a matter of fact, half the training should be given on the other side of the water.

"We should put one division at the front at the earliest moment, keep its numbers full, and put other divisions with it just as rapidly as it is possible to send them over, instead of keeping the entire Army back to send over en masse.

"The only wise and patriotic course to follow is to vote for the immediate application of the administration's bill and also to vote for Senator HARDING'S proposition, or some similar one, as an addition, not a substitute."

Mr. GARDNER. Mr. Chairman, I move to amend the amendment by striking out the proviso in regard to the limit of the ages, and I ask unanimous consent that I may proceed for 10 minutes.

The CHAIRMAN. The gentleman asks unanimous consent to proceed for 10 minutes. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the amendment to the amendment.

Mr. MANN. The amendment can not be reported in the way in which it is offered; there is no age limit in the amendment.

Mr. GARDNER. Mr. Chairman, if we fail to mobilize Theodore Roosevelt in this crisis we are deliberately neglecting one of the greatest moral forces that the modern world has ever

known. I am told that the War College is opposed to sending Roosevelt abroad in command of a division of soldiers because accession to Roosevelt's request would mean a deluge of further requests of the same nature. Are we so weak that we are afraid of making discriminations? Are we afraid that people will say that we play favorites? Suppose people make that accusation, what of it? If Roosevelt can help us, and other aspirants for commands can not help us, let us take Roosevelt and turn down the other aspirants. I suppose it is a fact that many of Secretary Baker's military advisers object to the Roosevelt plan. Did those same military advisers counsel the use of the National Guard? If so, they made fish of one set of volunteers and fowl of another, and, furthermore, they disregarded the reports of pretty much every Army officer who was connected with the border training last summer. Did I hear some one say that Roosevelt has had no military experience? At all events he commanded a regiment in the biggest land battle which the United States has fought since the Civil War. He commanded a brigade during most of the Cuban campaign, and in that brigade were two regiments of Regulars. How does that experience compare with the experience of the National Guard generals who are destined to command brigades and divisions?

Mr. GORDON. Will the gentleman yield?

Mr. GARDNER. Certainly.

Mr. GORDON. Has the gentleman less confidence in the Commander in Chief of the Army and Navy? [Laughter.]

Mr. GARDNER. I do not quite understand the question.

Mr. GORDON. Would not this amendment be an interference with the constitutional authority of the Commander in Chief of the Army and the Navy?

Mr. GARDNER. No; his constitutional powers are not invaded by this amendment.

But, my friend, are you going to vote for this bill?

Mr. GORDON. I will let you know after it is completed.

Mr. GARDNER. You are going to vote for it. And inconsistent as I may be in advocating a small volunteer force in addition to the Regulars and the conscripts, it is nothing to your inconsistency in voting for a volunteer force of 400,000 men in the National Guard in conjunction with conscription.

Mr. GORDON. I want all volunteers in this war.

Mr. GARDNER. No; you do not. Your own bill provides for conscription.

Mr. GORDON. I want to give them a chance to volunteer first.

Mr. GARDNER. I understand.

If you will turn to the files of old newspapers of 1898 you will find that exactly the same arguments were advanced against Roosevelt's Rough Riders as are now being advanced against Roosevelt's division. Yet any man, soldier or civilian, who fairly and squarely will examine the history of the Spanish War must admit that the Rough Riders—and they were a lot more rough than they were riders—were a conspicuous success. Roosevelt's experience in actual warfare and his deep study of military problems is more than the equivalent of many years of work as an officer in Fort Leavenworth, Fort Riley, or even in the city of Washington.

But leadership is God-given, and in that quality Roosevelt is supreme.

Mr. DECKER. Will the gentleman yield?

Mr. GARDNER. Certainly.

Mr. DECKER. As a man who is going to vote for the selective draft, I would like to ask, in all sincerity, could not the distinguished gentleman of whom you speak be of more service in drilling and giving the benefit of his magnificent leadership to this selective-draft army of 500,000 men?

Mr. GARDNER. In my opinion he could not.

Mr. DECKER. I would like to know your reasons why he could not.

Mr. GARDNER. One of the reasons is that he is a fighting man and not a schoolmaster. [Laughter.]

Mr. DECKER. Mr. Chairman——

Mr. GARDNER. Mr. Chairman, I ask unanimous consent for five additional minutes.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent for five minutes additional. Is there objection?

There was no objection.

Mr. DECKER. Do I understand the gentleman to mean that these 500,000 drafted men will not be fighting men?

Mr. GARDNER. Oh, they will be the most superb "ironsides" when they are trained, just as the soldiers of Cromwell were superb. I am pleading for the small army of adventurers who will follow Roosevelt and make up in nerve what they lack in punctuation. [Laughter.]

Mr. COX. Will the gentleman yield for a question?

Mr. GARDNER. Yes.

Mr. COX. I am heartily in favor of the amendment, but I want to ask the gentleman this question, however: Is there anything in permanent law governing our military establishment to-day whereby ex-President Roosevelt could get under for the purpose of raising his brigade?

Mr. GARDNER. Well, possibly, as a citizen of the State of New York, he might be empowered by that State to raise a division of adventurous New Yorkers; but that would not permit him to gather adventurers from the whole country.

Mr. COX. By going in the State Militia of the State of New York?

Mr. GARDNER. If the State of New York will create a new major generalship, and if Gov. Whitman will create him a major general, and if he can settle with Maj. Gen. O'Ryan as to which will be senior, then he can raise a division of New Yorkers and have it taken in the United States Army under the decision recently rendered by the Secretary of War.

Mr. COX. Then, he could not get in under the proposed bill at all unless the amendment offered by the gentleman from Tennessee [Mr. AUSTIN] carries.

Mr. GARDNER. He could be commissioned, of course, in any rank in which the President chooses to commission him; but he could not be commissioned except just as you or I might be commissioned for service with what I call the "army of ironsides." I believe in Roosevelt as an emergency man. That is what I am asking for.

Mr. COX. I am not seeking to interrupt the gentleman, but I want information. I take it that the President, being Commander in Chief of the Army and Navy, would have and has power under the Constitution to commission Roosevelt himself; but under the pending bill, if it should become a law, without this proposed amendment, or something like it, would the President have any power to commission him as commander of a brigade?

Mr. GARDNER. Not without the consent of the Senate; but with its consent the President could commission Roosevelt as commander of a brigade under the present bill, if he so desired.

Mr. COX. He could go ahead and raise a brigade?

Mr. GARDNER. He could not raise a brigade.

Mr. COX. That is what I am trying to get at.

Mr. GARDNER. He could commission him as brigadier general and assign him to this army.

Mr. COX. To be raised under this proposed law?

Mr. GARDNER. Yes.

Mr. GORDON. He could do that if our volunteer proposition stays in the bill?

Mr. GARDNER. Certainly.

Mr. CALDWELL. Is it not true that there is a law on the statute books that will permit the colonel to raise a division and go?

Mr. GARDNER. Not unless we authorize United States volunteers.

Mr. HUMPHREYS. I will state to the gentleman that personally I am in favor of creating a division that Col. Roosevelt can command, but I do not see the occasion for the four divisions. I am not inclined to vote for the amendment if it is for four divisions. I would like to ask the gentleman why it provides for four divisions instead of for one?

Mr. GARDINER. I think the purpose was to give the President a little wider opportunity. I saw this amendment some time ago in substantially its present form. At the time when I saw it there was a blank left before the word "divisions." No particular number of divisions had at that time been decided upon, the reason being that it seemed advisable to consider whether it would not be wise to leave the President some latitude. If he felt disposed to commission Col. Roosevelt, perhaps he might feel disposed to commission some other leader of the same type. Personally, I should prefer to confine the amendment to one division, because I believe that Col. Roosevelt is the only man who can possibly fill the emergency bill which I wish to see filled.

Mr. HELM. Mr. Chairman, will the gentleman yield?

Mr. GARDNER. Yes.

Mr. HELM. Can the gentleman inform the House whether ex-President Taft, who is also an ex-Commander in Chief of the Army and Navy, wants to enlist?

Mr. SHERWOOD. Mr. Chairman, will the gentleman yield?

Mr. GARDNER. Well, we should like to have a cavalry division for President Taft. [Laughter.] I yield to the gentleman from Ohio.

Mr. SHERWOOD. You do not mean four divisions? You mean four brigades in one division?

Mr. GARDNER. The way in which the Austin amendment is drawn, it reads four divisions, each of which would have three brigades of infantry, and other arms as provided by law for divisions of the Regular Army.

Mr. SHERWOOD. What would be the aggregate membership?

Mr. GARDNER. The aggregate war strength of a division under the national-defense act is about 27,000 men.

Mr. SMITH of Michigan. Mr. Chairman, will the gentleman yield for one question?

Mr. GARDNER. Yes.

Mr. SMITH of Michigan. How is this division to be raised—by volunteers?

Mr. GARDNER. Oh, it will be raised by volunteering, all right. Every adventurer in the country will volunteer in the Roosevelt outfit. [Applause.]

Mr. SMITH of Michigan. I saw it stated in the paper that he was to pick out particularly well-qualified men.

Mr. GARDNER. He will have plenty to pick from.

Mr. ROSE. Mr. Chairman, will the gentleman yield?

Mr. GARDNER. Yes.

Mr. ROSE. I would like to ask the gentleman if it will be necessary to raise four divisions before you can make use of one, as provided by the amendment?

Mr. GARDNER. No; it would not be necessary. The amendment provides for four.

Mr. AUSTIN. Mr. Chairman, will the gentleman yield?

Mr. GARDNER. Yes.

Mr. AUSTIN. I am going to offer an amendment to reduce it from four to one.

Mr. GARDNER. The gentleman from Tennessee says he is going to offer an amendment to reduce it from four to one, as I understand it.

Mr. CRAMTON. Mr. Chairman, will the gentleman yield?

Mr. GARDNER. Yes.

Mr. CRAMTON. I understand that in response to a previous question the gentleman has indicated that he does not believe that this division should be restricted to men over 40 years of age.

Mr. GARDNER. Correct.

Mr. CRAMTON. Then if this bill passes applying the draft to men from 21 to 40 and this amendment is adopted, as you suggest and favor, would it not result in the privilege of volunteering being given to this one division and denied to a million or two more? [Applause.]

Mr. GARDNER. No; because you are according the privilege of volunteering to 330,000 additional men in the National Guard——

Mr. CRAMTON. Mr. Chairman, will the gentleman yield further?

Mr. GARDNER. I should be glad to yield further, but I should also like to make my speech. I have given it to the press. [Laughter.]

Mr. CRAMTON. You will get more time.

Mr. GARDNER. All right.

Mr. CRAMTON. As to this I am not certain; but does not the amendment that the gentleman from California [Mr. KAHN] has given us notice that he will offer to this bill provide that the enlistments, the additions to the National Guard, shall be under the draft as well as the enlistments in the new Army?

Mr. GARDNER. No. His amendment does not alter the bill in that respect. The bill calls, of course, for drafting in the National Guard if it can not be filled by volunteering.

Mr. CRAMTON. It is my impression that he has an amendment to offer to fill the National Guard.

Mr. GARDNER. The amendment differs from the bill in several respects.

Mr. CRAMTON. This is not the amendment that is shown in the RECORD?

Mr. GARDNER. The argument is——

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. GALLIVAN. Mr. Chairman, I ask unanimous consent that my colleague from Massachusetts be granted 10 minutes more.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

The CHAIRMAN. The gentleman from Massachusetts is recognized for 10 additional minutes.

Mr. GARDNER. Now, Mr. Chairman, the criticism has been made that sentiment has no place in war, and that this proposal is sentimental. "Sentimental" is not the term by which to describe the effect of this Roosevelt division. Its effect would be moral, immeasurably moral and profoundly moral. I believe that the early arrival of our troops in the trenches would cheer the allies and hearten civilization as nothing else on earth could hearten it. Not all the bond issues, not all the wooden ships which we can vote, would awaken one tithe the enthusiasm of Roosevelt's great adventure.

We are told that he would subtract a few officers from the Regular Army. We are told that the service of all of these officers is required for training American armies, which, if need be, are to fight at some time in the future. We are told that it is wrong to send a half-trained force abroad; that we must await the burnishing of every buckle and the polishing of every strap. All that I grant you, so far as our main army of half a million men is concerned. But suppose that Great Britain at the outbreak of the European war had pursued the same policy; supposing she had withheld her little force of regulars and territorials in order to use the men and officers as schoolmasters for Kitchener's army.

The war might have been ended in a few weeks with Germany triumphant. Even supposing the thin French line could have withheld the German rush, what would the world have said if month had followed month and Great Britain had confined her sacrifices to the loosening of her purse strings and the patrol of her fleet? Have you forgotten how our newspapers jeered and how the pro-Germans here in Congress flouted Great Britain because month after month she held only 27 miles of the allied line on the western front? Have you forgotten the merry quips to the effect that "England is ready to fight to the last drop of French blood," and "England expects every Frenchman to do his duty"? Suppose that England had withheld her entire force and had left the defense of those 27 miles to her allies, what would the world have said then, what would history have said, and what is history going to say of us if the great bulk of Americans confine their share in this war to subscribing other people's money for the purchase of foreign bonds and to voting taxes out of other people's pockets?

Mr. MONTAGUE. Mr. Chairman, will the gentleman yield?

Mr. GARDNER. Yes.

Mr. MONTAGUE. I want to ask the gentleman, if it will not interrupt the thread of his argument, in how long he thinks this army could reach the other shore?

Mr. GARDNER. Assuming transportation available, I should say in four months from the time it is authorized. The division would, of course, require additional training in France before being put in the front line. The length of time required would perhaps depend on whether this country would be willing to have that army partly trained by French officers.

I am not unreasonably impatient. I realize as well as anyone the necessity for the complete training of an army; but a year from now the war may be finished. Germany may be the conqueror or the allies may have won. If, when that time comes, the judgment book shall show that America, except as a money lender, has struck no blow for civilization, what sort of history do you think that our grandchildren must read?

Let us, then, at once send to the trenches a small expeditionary force of Regulars or Marines. Let them show the spirit of our Nation. Let this small force be added to from time to time by volunteers, trained or half trained, perhaps, and then for the final blow let us prepare a great army of ironsides, not Regulars, not adventurers, such as would follow Roosevelt, but the plain rank and file of young American manhood, raised by conscription applied to every class in the Nation, rich and poor alike.

Mr. HULBERT. Will the gentleman yield for a question?

Mr. GARDNER. I yield to the gentleman from New York.

Mr. HULBERT. Does the gentleman believe they need anything on the other side more than aviators at the present time?

Mr. GARDNER. Oh, my Lord, man, I do not know! Our aviation story is one of the saddest parts of our military history.

Mr. HULBERT. One question further. Would the gentleman favor an amendment which would make it possible for some person to organize a volunteer aviation corps, or more than one, to be sent to the other side?

Mr. GARDNER. Bless my soul, anybody can offer any amendment to this amendment, if he will only vote for it.

Mr. HOWARD. Will the gentleman yield for one question?

Mr. GARDNER. I yield to the gentleman from Georgia.

Mr. HOWARD. One very serious thing that is worrying me about this amendment of the gentleman from Tennessee and about the Roosevelt army is this: You know the recklessness of the colonel about fighting and his reputation as a rough rider, and I was just wondering what in the name of heaven would happen to these four brigades if the colonel was to get killed in the first battle. Has the gentleman thought of that?

Mr. GARDNER. Yes; and if the gentleman realizes what the Rough Riders were in the Spanish War, he will remember that Roosevelt chose Leonard Wood for his colonel and all the way down the line he chose here and there a Regular, here and there an adventurer, but they were all men who could follow his lead.

Mr. HOWARD. It is a source of great comfort to me that Gen. Wood is going with the colonel.

Mr. DENT. Mr. Chairman, I think we ought to reach some sort of an agreement as to how long this amendment is going to be debated.

SEVERAL MEMBERS. Vote! Vote!

Mr. TILSON. I ask unanimous consent that the gentleman from Kentucky [Mr. SHERLEY] be allowed to proceed for 10 minutes, and then that debate on this amendment close.

Mr. LANGLEY. Mr. Chairman, I desire to be heard on this amendment, and the Chair has promised me recognition following the gentleman from Kentucky [Mr. SHERLEY]. I hope the request of the gentleman from Connecticut will not be granted.

Mr. AUSTIN. Let us agree on a certain length of time. There are only two or three men on our side who want to be heard.

Mr. DENT. How much time does the gentleman from Kentucky [Mr. SHERLEY] wish?

Mr. SHERLEY. I hope to say what I am going to say in five minutes. I certainly should not want more than 10 minutes at the outside.

Mr. DENT. Then I ask unanimous consent that debate on this amendment be closed in 30 minutes.

The CHAIRMAN. The gentleman from Alabama [Mr. DENT] asks unanimous consent that debate on this amendment close in 30 minutes. Is there objection?

Mr. MASON. I object.

The CHAIRMAN. Objection is heard.

Mr. DENT. Then, Mr. Chairman, I move that debate on this amendment and all amendments thereto be closed in 30 minutes.

The CHAIRMAN. The gentleman from Alabama moves that debate on this amendment and all amendments thereto be closed in 30 minutes.

The motion was agreed to.

Mr. GREENE of Vermont. Does the chairman of the Committee on Military Affairs desire to indicate who shall control this 30 minutes?

Mr. DENT. To be controlled by the Chairman of the Committee of the Whole. Anybody who wants to speak should get his time from the Chairman of the Committee of the Whole.

Mr. SISSON. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. SISSON. Are the 10 minutes of the gentleman from Kentucky [Mr. SHERLEY] to be taken out of the 30 minutes?

The CHAIRMAN. The gentleman from Kentucky has not yet been granted 10 minutes.

Mr. TILSON. I renew my request that the gentleman from Kentucky [Mr. SHERLEY] be allowed to proceed for 10 minutes.

Mr. SISSON. Reserving the right to object, I am perfectly willing that the gentleman from Kentucky may have the 10 minutes, but it ought not to be taken out of the 30 minutes. If it is to be taken out of the 30 minutes, I shall object.

Mr. LANGLEY. My colleague [Mr. SHERLEY] says he thinks he can close in five minutes.

Mr. SHERLEY. I suggest that if gentlemen will allow me, I will be glad to proceed.

Mr. LANGLEY. That will be the better way, and at the end of five minutes the question of granting an extension of time can be settled.

Mr. DENT. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. DENT. Is not this the parliamentary situation, that the committee having decided to close the debate in 30 minutes, Members can be recognized for only five minutes by the Chair?

The CHAIRMAN. That is the regular procedure.

Mr. SHERLEY. Mr. Chairman, I should like to see Col. Roosevelt lead American troops in France [applause], but I do not believe that in order that he should lead them we need to adopt this amendment, or that those of us who have fought here for days for a principle can afford now to agree to the amendment. [Applause.] There is no reason why the Colonel may not be given a commission, and there is no further reason why it may not be possible to take of the existing army a sufficient force to France within a few months, and that force will be a trained force that can properly uphold the honor and glory of this country and give real aid to the cause we are fighting for.

We can send him with all of the prestige that would follow from his great name and from his giving thus an earnest of what the Nation intends to do, without undertaking to disrupt the whole plan for an efficient army by the proposal that is being made here. To send men to France except well equipped, equipped with everything necessary, is to put a burden upon our allies and not to aid them. To send men there gathered suddenly, insufficiently trained, insufficiently equipped, is simply to hurt and not to help.

I appreciate the value of sentiment in life. I desire as much as any man that America shall as soon as possible show her willingness to spend her blood as well as her money, but the way to do it is not the way that is here suggested. If the Colonel is sincere in his desire, as I believe he is sincere, let the plan take form by his receiving a commisson, and then let such a force as can properly be sent from the existing Army go under his command to France, and we will have accomplished all that is to be accomplished by the act of the former President of the United States leading our forces there, and we will not have accomplished it with any hurt to our allies by sending troops that would be a hindrance instead of an aid.

We ought not to throw down the barrier to this proposal, and if we do it we simply invite the same proposition from hundreds of other men, and we open up a vicious system against which we have been contending, and which many of us have consistently opposed for the few days past. [Applause.]

I beg the House not to be swept off its feet by any such appeal as was made by the distinguished gentleman from Massachusetts [Mr. GARDNER]. War is more than sentiment; war is a business of vast concern, and it behooves this Congress to remember that it is not permitted to simply give rein to its impulses, but that there is demanded of it sober, common-sense judgment. [Applause.]

Mr. LANGLEY. Mr. Chairman and gentlemen of the committee, my colleague [Mr. SHERLEY] appeals to those of you who, with him, have been opposing the volunteer system to vote against this amendment, because he says you have been, during the progress of this great debate, battling steadfastly for a principle, and that you would be abandoning that for which you have been contending if you support this amendment. I beg to remind him that the distinguished gentleman from Massachusetts [Mr. GARDNER], who is perhaps the foremost leader on that side of the question, and certainly the most persistent and earnest advocate of selective conscription, is in favor of this amendment. He evidently does not think that it would impair the cause of conscription, which he has been so ably espousing.

Mr. Chairman, I am for this amendment, first, because I have every reason to believe, from what I have heard from most reliable sources, that unless it is adopted there is no chance whatever for that distinguished and patriotic American citizen, Col. Roosevelt, to get a commission to organize a division of volunteers, which he desires to do and which, in my judgment, millions of American citizens want him to do, and which the Kaiser, above all others, does not want him to do. [Applause.] If this amendment is adopted the administration will understand, just as the country will understand, that it was intended for this purpose; and while no names are mentioned it will be well understood in the proper place that such was the purpose of the Congress, and, backed as it will be by the overwhelming demands of the people, an acceptance of his offer would follow.

I am for the amendment, in the second place, because in the district that I have the honor to represent there are many patriotic men who are waiting for a chance to volunteer, and in a number of instances men have made preparation to organize units for the service, and many of the men have already promised to go with them, and in almost every case they have expressed their desire to have the honor of going with the Roosevelt division. [Applause.]

I am assured that in the famous city of Hazard alone [Applause] they are prepared to raise a battalion to join the Roosevelt colors, and half of the men have already had active military training and experience. I have received like assurances from other sections of my district, for there are no "slackers" there when the country needs them. That is why they want to go with Roosevelt. They know it means a fight if there is any fighting to do. He has had many devoted friends in that mountain country, and some who did not think so well of him, but this is a time when all differences must be buried and when we need our strongest and bravest men to lead us. [Applause.] The adoption of this amendment would do more, in my judgment, than any other one thing that we could do to give impetus to the American spirit and help to popularize this war with the great masses of the people.

I am for this amendment for still another reason. If the proposition of the minority of the committee prevails, this amendment would open some opportunity, and if the majority

proposition prevails it would open a still wider opportunity for the brave boys of the country to volunteer. [Applause.]

Mr. Chairman, inasmuch as it is my purpose to address the committee when the selective conscription amendment is offered by the gentleman from California, later on, I would not undertake here, even if I had time enough, to discuss that question. I shall only make one or two observations to finish up the time allotted me. I listened with genuine pleasure to the magnificent speech of my distinguished friend from California [Mr. KAHN], whom I have for many years regarded as one of the ablest men in this great body. [Applause.]

It was, indeed, an eloquent and forceful presentation of the conscription cause, and yet it seemed to me, Mr. Chairman, that in the very outset of his argument he confirmed the contention of those of us who favor a trial of the volunteer system first, for the extracts that he read from Gen. Washington's letters showed that that distinguished American was advocating the draft as supplemental to the volunteer system, under which the Continental Army was organized and under which he was at that time conducting the War of the Revolution. This is identically the proposition which the majority report of the committee recommends. [Applause.]

Before I close I must challenge a statement which the gentleman from California made, or rather an inference clearly to be drawn from what he said. He quoted figures from the different Northern States, showing the millions and millions that were expended by those States as bounty to Union soldiers. His purpose was clear and I regretted to hear him use such an argument to support conscription and to refer to bounties in the spirit that he did. In the opening hours of this debate those who opposed the volunteer system were bold in their attacks upon the Volunteers. They were driven from that position by the repeated refutations presented by gentlemen on the other side who cited instance after instance of the splendid record of the Volunteers, and of the heroism, valor, and patriotism which they have displayed in all the wars in which our country has been engaged.

Now, instead of attacking them openly they call it an attack upon the "system," but it is really stabbing the Volunteers in the back to say even by innuendo that the men on the Union side who received a bounty took it as a bribe to induce them to volunteer to serve their country. I deny it, and in their names and the names of their descendents I resent it. Ah, Brother KAHN, and you gentlemen who applauded what he said, you misunderstand the true situation, you lose sight of the human side of it. You lose sight of the poor man's side of it. There comes to my mind now the picture of a lonely grave upon a Kentucky hillside where sleeps a soldier of the Union. A braver, truer man never rallied to the flag of his country. He did not volunteer at the beginning of the war. He had a wife and five small children who would be left defenseless if he volunteered, because they were very poor and lived upon his daily earnings. He wanted the Union cause to win and was anxious to go to the front. He was struggling between emotions of love, duty, and patriotism. When the bounty was offered by our State he accepted it, but he did not take it in his pocket to the front. He left it to help that little family and preserve them while he went forward to join the boys at the front, like the brave volunteer that he was. [Loud applause.]

Gentlemen, what was true of that man was true of thousands of others. Those of you who are talking so much about the importance of starting right in this war should remember that in this country there are millions of the sons and grandsons of these heroes of the Civil War and that you will have to rely largely upon——

The CHAIRMAN. The time of the gentleman from Kentucky has expired.

Mr. LANGLEY. I am sorry. I will finish that thought later on. [Applause.]

Mr. MANN. Mr. Chairman, I had expected to express very briefly at a later hour my views on the pending bill, but the amendment now presented causes me to say a word. For days the House and the Senate and the country have been engaged in a discussion of the question as to whether an army should be raised by the volunteer method of raising companies, regiments, and brigades in different localities or through different methods of voluntary enlistment, or whether universal liability to service should be the basis upon which the Army is to be formed. Those who are in favor of letting Col. Roosevelt raise a division can easily give him the opportunity by voting in favor of the volunteer method of raising an army. [Applause.] Those who are in favor of the draft system, in favor of universal liability to service, in favor of not permitting the individual to select the Army, are utterly inconsistent to maintain that position if they give a special preference to a few adventurers, as described by the gentleman from Massachusetts [Mr. GARDNER]. [Applause.]

Mr. GARDNER. Mr. Chairman, will the gentleman yield?

Mr. MANN. No; I do not yield. If the volunteer system should be adopted, men hereafter and the children of men who go into the war will refer to the fact that they themselves or their ancestors volunteered in the service of the Government, and when the volunteer system has not raised sufficient men, and men are drafted, for all time in the family history there will be a blot upon those who have been drafted in. But if you adopt the system now that all men subject equally to liability for service shall be taken according to law, there can be no offense in the term "drafted in." [Applause.]

Mr. GARDNER. Mr. Chairman——

Mr. MANN. I do not yield to the gentleman.

Mr. GARDNER. Mr. Chairman——

Mr. MANN. I do not yield to the gentleman.

Mr. GARDNER. I am addressing the Chair.

Mr. MANN. I do not care. I decline to be interrupted.

The CHAIRMAN. Does the gentleman yield?

Mr. MANN. I do not.

The CHAIRMAN. The gentleman declines to yield.

Mr. MANN. Mr. Chairman, I have reached the conclusion that, with the demands that may be made upon us in the war we are now engaged in, where for the safety and honor and dignity of the Republic we must smite our enemy, we ought to start right and make no exceptions, and that we ought to adopt the system that all men are equally liable to service. [Applause.] Then there can be no disgrace hereafter in having been drafted into the service of the Government.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. SMITH of Michigan. Mr. Chairman and gentlemen of the committee, I asked this time as a little prelude to what I wish to insert in the RECORD. Now, I am in favor of Col. Roosevelt commanding a division in the American Army to fight our battles if he so desires. I base that upon the fact that we have declared war against the greatest Empire on earth and as one of the means of bringing that war to a successful conclusion I am for adopting, enacting, and putting into force every measure possible at our command. [Applause.] And I will tell you another thing. I am for obeying the Commander in Chief, and I am for complying with his requests in the method of raising an army.

Mr. BRITTEN. Will the gentleman yield?

Mr. SMITH of Michigan. No; I have not the time.

Mr. BRITTEN. I wanted to know if the gentleman is in favor of this amendment.

Mr. SMITH of Michigan. I am going to vote for this amendment, if that is what the gentleman wants to know, and I am going to vote for the requests and desires of our Commander in Chief. Now, if he is big enough to command our armies in time of war, surrounded as he is with his great officers and having the counsel and advice that he has, it occurs to me he knows how he wants to raise this army.

Mr. TILSON. Will the gentleman yield?

Mr. SMITH of Michigan. I can not yield.

The CHAIRMAN. The gentleman declines to yield.

Mr. SMITH of Michigan. How did the Belgians do; how did Switzerland do, pointed out as a model in warfare for our own troops; how did France do and England do? We have to keep at home the necessary men to supply munitions in order to help carry on and conduct this war.

I did not vote for Mr. Wilson, but he was elected President of the United States. That was a great honor, and with that came great tasks and great responsibility. I have heard it said by Members of this House that he was one of the greatest Presidents this country ever had and was the greatest living American. It is not necessary to decide that at this time. Besides being elected President he was elected Commander in Chief of our Army and Navy and of the militia of the States in time of war. No doubt of that, the Constiution says that.

We are at war. No one likes that, but it came without provocation on our part. It was forced upon us by an utter disregard of international law, by a violation of the laws of humanity, and the ruthless practice of barbarity.

We are at war with the greatest military power on the earth. He is already in the field with an estimated army of 15,000,000. It is composed of men of military training and experience, and they are fighting for the life of their nation.

To now win this war requires the best of our efforts and all our resources if need be. It is a great and important undertaking. Let no man be deceived into thinking that we entered upon alight or easy task. It may be a long war. I hope not,

but we must prepare. Our duty now lies in one direction and leads to one purpose. Everything for victory.

The most essential thing is an army. We should have one of large number, well trained and equipped. We have appropriated $7,000,000,000. We should have an army with others in training of 2,000,000 men.

How to get them is the question under consideration. The method proposed in the bill is for volunteers, and then, if the men do not volunteer, draft them. The other method is to raise them by selected conscription from the beginning.

The President and Commander in Chief says to conscript the men in the first instance and not wait for volunteering. The War Department, our Army officers, and generals, War Colleges, and Chief of Staff, who must lead the men and direct the battles, are in favor of conscription.

We have in this country at the present time the great Gen. Joffre, who is directing the valiant French armies, and he says to conscript our Army.

We also have the general secretary of the British Empire, Mr. Balfour, representing the English Government in supplying men and supplies for the army. He says it will be a mistake if we do not select our armies by conscription, and that England made a fatal mistake costing thousands upon thousands of lives and millions upon millions of money by the volunteer system.

I have received letters and telegrams almost without number from the citizens of my district asking me to stand by the President. I am going to stand by my country. The President is strong for selective conscription. He is our Commander in Chief. He was elected to do the work. The job is on hand. Some one must lead. Shall we take the advice of the man who was elected for that purpose? Shall we permit the one the Constitution points out to say? Shall we take the advice of the Army officers of our land? Shall we profit by the experience of England and France? Shall we be guided by the requests from the great mass of the people of our States and districts? They ought to be permitted to speak and be considered.

After I had retired to bed last night I arose and was handed the following telegram, which is only a sample of many sent me.

DETROIT, MICH., *April 26, 1917.*

Hon. J. M. C. SMITH,
Washington, D. C.:

We are in favor of general taxation and against a burdensome tax on industry. We are unalterably in favor of conscription and against the volunteer system. We believe this to be the sentiment of the whole State of Michigan, and ask that you stand firmly by these principles.

SPLITDORF ELECTRICAL CO., OF DETROIT.

We have declared war, and I for one am in favor of striking our enemy with might and main and bring it to a victorious and speedy conclusion. I am not going to vote for war and then hamper or impede or direct or command the Commander in Chief. That is his job.

I am going to render him and my country my best service in the great task of crushing our enemy. Now we are engaged in a great struggle to determine whether this Nation or any nation conceived in liberty can long endure; and it is as true to-day as it was when Abraham Lincoln declared it on the blood-stained hillsides of Gettysburg. We are at war and the issue is as great.

No one can imagine the consequences if our allies lose. Let us buckle on the armor. Let us aid in every way. The President wants an army. We must have an army.

We all agree as to that but seem to differ widely on how it shall be enlisted.

I believe that a selective conscription is the best for the citizen, the Army, and the Nation. When a person wishes to construct a building, a railroad, or carry on other diversified industry he does not have all the men work in one line or on one part or division, but he has the structural work done in part by the architect, a part by the engineer, a part by the mechanics, and a part by the unskilled workmen. An army must not only have the soldiers, but must have ammunition, provisions, and supplies. It is needless to have an army or a navy without guns, shot and shell, boats, clothing, or provisions. When a skilled workman, munition maker, or mechanic presents himself for enlistment or is enrolled, he should not be sent to the firing line, but he should be uniformed and sent to the factory to work as a skilled workman to supply the army.

England made this mistake at first by sending all her workmen and mechanics into the ranks, and after many of them had been killed others were recalled to carry on the munition factories to manufacture supplies. We are told not to make this mistake.

I am not in the least hereby criticizing the volunteer soldier. I praise him for the sacrifices he has made, for the victories he has won for our glorious Republic, our freedom, and our institutions. He holds first place among our citizenry, and I would not detract or dim the glory of his achievements or the result of his endeavor. But now we are confronted by a stupendous and terrible war, the greatest the world ever knew, where shot and shell fill the air each day, and millions to-day are engaged on each side as contenders; these are trained and seasoned veterans, and our Army must be carefully chosen. It must be supplied with ample munitions and supplies of all kinds. If all our mechanics and engineers go to the front, it will be a mistake in the first instance, such as England made, and many would either be killed or recalled to furnish the ammunition, guns, and implements for conducting the war. I think this can best be done by the selective conscription.

I notice ex-President Roosevelt has volunteered himself, but wants to select a battalion to follow. Ex-President Taft, Hon. Elihu Root, of New York; Col. Watterson, of Louisville; and many of the leaders of thought and industry of America think conscription best.

I think Mr. Roosevelt's request should be granted, and he be permitted not only to go but it would be clearly the best thing to do to send a number of our Army officers to the firing lines in Europe to study the art of conducting and carrying on the war, so that when our Army arrived they would have leaders familiar with European warfare.

The volunteer system has been tried. It would take a long time for us to secure an army of such proportion as we need for the European war.

I attended a meeting held in this city of Washington attended by thousands of people. There were moving pictures, the Marine Band, speaking, and singing. The evening was fine, and it was held out of doors. Washington is a city of about 400,000 people. Earnest appeals were made at this mass meeting for volunteers, but as far as I could observe none responded, and it is stated that out of the population of this large city of 400,000 there has been but 135 enlistments up to this time.

If we are to enroll an army of 2,000,000 men, enlistments at the rate of 1,000 a day would require 2,000 days, or about 6 years' time. We have been for upward of one year calling for volunteers to join our Army and Navy, to fill up the quota needed in the Army and Navy, and recruit up the National Guard, but we are short about 200,000 men yet.

I clip from the Washington Herald of April 27, 1917, this day, the following excerpt, showing that the enlistments are coming too slow to equip an army of large size within reasonable time:

The net total enlistments yesterday were 1,003, making the Navy's strength 81,269. Nearly 20,000 more men can be used, although the total for manning the fighting ships is within 3,300 of the mark.

Enlistments for the Regular Army numbered 1,684 yesterday, making a total since April 1 of 33,792. Pennsylvania led with 181. Illinois was second with 167, Michigan third with 116, and New York fourth with 107. Indiana and Massachusetts each had 75, Iowa 63, Kansas 63, and Texas 62.

Nevada is the only State which has supplied her quota, based on the census figures. Nevada was supposed to furnish only 162 men, but already she has sent 173. New York, which is scheduled to supply 18,226 men, has furnished only 2,784. Illinois's quota is 11,276 and she has furnished 3,359.

If the whole Army is to be raised by conscript, this certainly does not cast any odium upon any man in the uniform of his country. It was necessary to make four drafts in the War of the Rebellion.

Switzerland, which has a universal system of military training, conscripts for its army. France conscripts. England now conscripts. And in time of need no country would hesitate to conscript, and a man who fights for his country is no less a hero in the front rank because he is a conscript.

It has been said that a conscript and a convict were considered in the same class by some. There is no more connection between conscript and convict than there is between preacher and prisoner.

The word "conscript" is a compound of the word "con" and "scribo," meaning "written together," and if the term is not a suitable one, nevertheless it means enrollment for the Army.

By conscription a man's name is drawn by lot. If he is of suitable age and physically sound, he is chosen for the Army. This is fair, just, and equitable to all.

It is not fair to have a part of the people or a class fight for those who want to stay at home and who are as able and well equipped for service as those who volunteer.

In the time of need our country has a right to demand our services, our property, and, if need be, our lives. It has cost much of all of these. It is the duty of every citizen to serve his country, and that duty the Government has a right to demand, and it is not a right which the citizen has to refuse or make a choice when the life of the Nation is in peril. The duty rests on all.

We voted for war. The country is at war. We have elected the Commander in Chief. Now, let us supply him with the Army he calls for and provide him with the material he needs.

Mr. CHANDLER of New York. Mr. Chairman and gentlemen, I favor this amendment because from the very beginning of this war we need in it sentiment and imagination to which reference has been made. The greatest genius of war that the world has ever known once said that men should be appealed to through the medium of imagination rather than of mathematics. When the First Consul proposed in his own handwriting to George the Third that a treaty should be concluded between France and England his offer was spurned. Indeed, the King of England did not even dignify the proposal with an answer. Then the genius of the Corsican in applying his theory of imagination in the practical affairs of life was superbly demonstrated. He desired to conclude a treaty with the Czar of Russia. As a first step he dressed up in good clothes all the Russian troops in France and sent them back home under parole. This was an act of chivalry and courtesy that the Czar could not well resist, and the treaty was immediately concluded.

The trouble with this war, as stupendous as it may be, and as painful and disastrous as its effects may be, is that it is liable to die "aborning." There is an uneasy feeling in certain quarters amounting to actual apprehensions that the declaration of war by the Congress has not met and will not meet with a hearty response from the people.

The distinguished gentleman from Kentucky [Mr. SHERLEY] said a few days ago that this was a holy war, a war of righteousness; and referring to this statement, my distinguished colleague from Massachusetts [Mr. GARDNER] on yesterday said that Congress knew that it was a sacred war, but that the people had not yet learned it. He insisted that in a few months the people themselves would recognize the seriousness of the undertaking and the character of the holy war they were called upon to wage. What an exquisite compound of irony and humor this, that we have proclaimed a holy war which the people themselves have not yet come to comprehend!

But if my friend from Massachusetts is right it can not be denied that we need at once to inject into the conflict the elements of sentiment, imagination, and enthusiasm. We need to proclaim a crusade, and in the American Republic there is no man comparable to Roosevelt as a creator of sentiment and enthusiasm and as an organizer of political crusades. Above all things we need at the very beginning of this war Roosevelt's indomitable energy, superb optimism, and boundless enthusiasm.

Mr. SHERLEY stated that he would not consent to upset a system, to destroy a design or a plan by an exception. We did this quite well, nevertheless, in the War with Spain. We had a Regular Army, and still we sent Roosevelt there.

It should be understood that Roosevelt will not operate as a part of a machine and that he will not serve under anybody. Moreover, he should not be asked to do so. He is an ex-President of this Republic, and one of the greatest that ever occupied the presidential chair. His brilliant and superb public record entitles him to exceptional consideration. He is the grandest combination of conscience, heart, and brain beneath our flag. He is America's magnificent contribution to the manhood of the race and to the civilization of the earth. We can afford to make this exception in his favor, and the unanimous judgment of the people will be that we have done well to make the exception. No other man in the Republic could ask such a commission, and no other should be granted it. We shall certainly make a sad mistake if we fail to adopt the amendment. [Applause.]

Mr. DENT. Mr. Chairman, I want only just one minute. Notwithstanding the fact that my conviction is firmly in favor of the volunteer system, that issue has been fairly and squarely drafted in the bill, and I do not think it ought to be disturbed by a general provision authorizing the call for volunteers in separate brigades or divisions. And if we do agree to adopt the volunteer system we ought to agree to adopt it under some specific provision of law, as is done in section 3. I think it ought to be specific under the law, and for that reason I hope the amendment will be rejected.

Mr. AUSTIN. Mr. Chairman, I ask unanimous consent to modify my amendment so as to read as follows.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent to modify his amendment. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the amendment.

The Clerk read as follows:

At the end of page 2 insert the following:

"The President is further authorized to raise and maintain by voluntary enlistment, to organize and equip not to exceed one Infantry division, the officers of which shall be selected in the manner provided by paragraph 3 of section 1 of this act: *Provided*, That the organization of said force shall be the same as that of the corresponding organization of the Regular Army: *And provided further*, That no such volunteer force shall be accepted in any unit smaller than a division.

The CHAIRMAN. The amendment before the House is displaced by the amendment which is now at the desk and which is the amendment now to be voted on. The question is on agreeing to the amendment.

The question was taken, and the Chairman announced that the noes seemed to have it.

Mr. AUSTIN. Division, Mr. Chairman.

The committee divided; and there were—ayes 92, noes 153.

Mr. AUSTIN. Mr. Chairman, I ask for tellers.

Tellers were ordered; and Mr. DENT and Mr. AUSTIN took their places as tellers.

The committee again divided; and the tellers reported—ayes 106, noes 170.

So the amendment was rejected.

The Clerk read as follows:

Third. That the President be, and he is hereby, authorized to call for 500,000 volunteers under and in accordance with the act of Congress approved April 25, 1914, in so far as said act is not in conflict with any of the provisions of this act. That said act of April 25, 1914, is hereby amended so as to give to the President full and complete authority to refuse to accept and to discharge from the service any and all persons designated in section 3 of this act. That in the event it becomes necessary to raise an additional force of 500,000 men as specified in subdivision 4 of this section, the President be, and he is hereby, authorized to call such additional force by volunteers in the same manner. Such volunteer army shall be apportioned among the various States and Territories and the District of Columbia according to population, raised in regimental units or parts thereof in addition to the National Guard in such States and Territories and the District of Columbia already authorized by law: *Provided*, That such volunteer forces shall be recruited in local units as far as practicable and company officers may be appointed from such units upon passing such reasonable and practicable examination as to fitness as the President may direct. All other officers to be appointed as specified in this paragraph. That upon the completion of the enrollment as provided in this act, and in the event the President decides that such additional force or forces shall not have been effectually raised and maintained under the call for volunteers as herein provided, the President be, and he is hereby, authorized to raise by draft as herein provided, organize and equip an additional force of 500,000 enlisted men, or such part or parts thereof as he may at any time deem necessary, and to provide the necessary officers, line and staff, for said force and for organizations of the other forces hereby authorized, or by combining organizations of said other forces, by ordering members of the Officers' Reserve Corps to temporary duty in accordance with the provisions of section 38 of the national-defense act approved June 3, 1916; by appointment from the Regular Army, the Officers' Reserve Corps, from those duly qualified and registered pursuant to section 23 of the act of Congress approved January 21, 1903 (35 Stat. L., 775), from the members of the National Guard drafted into the service of the United States, from those who have been graduated from educational institutions at which military instruction is compulsory, or from those who have had honorable service in the Regular Army, the National Guard, or in the Volunteer forces, or from the country at large, by assigning retired officers of the Regular Army to active duty with such force with their rank on the retired list and the full pay and allowances of their grades; or by the appointment of retired officers; and enlisted men, active or retired, of the Regular Army as commissioned officers in such forces: *Provided*, That the organization of said force shall be the same as that of the corresponding organizations of the Regular Army: *And provided further*, That officers with rank not above that of colonel shall be appointed by the President alone, and officers above that grade by the President by and with the advice and consent of the Senate.

Also the following committee amendments were read:

Page 3, line 8, after the word "accept," insert the word "in."
Page 3, line 12, after the word "fourth," insert the word "four."
Line 17, after the word "population," insert the word "and."
Line 19, strike out the word "already" and insert the word "now."
Line 24, strike out the word "to" and insert the word "shall."
Page 4, line 1, strike out the word "enrollment" and insert the word "registration."
In same line, after the word "in," insert the words "section 4 of."
Line 4, strike out the words "and maintained."

Mr. KAHN. Mr. Chairman, I desire at this time to offer a substitute for the amendments to the section.

The CHAIRMAN. A substitute for the entire paragraph?

Mr. CANNON. Mr. Chairman, it is in order to dispose of the committee amendments first.

Mr. MANN. The committee amendments have to be disposed of first, but this is in order at any time.

Mr. AUSTIN. A parliamentary inquiry, Mr. Chairman.

Mr. CANNON. But we are entitled to a separate vote on each one of the committee amendments.

Mr. MANN. Certainly; but the gentleman has a right to offer a substitute and have it pending.

Mr. CANNON. I submit the first committee amendment is to be acted upon as a single proposition.

Mr. MANN. Undoubtedly.

Mr. CANNON. Now, then, if that is so, the substitute would come after this amendment is disposed of. He could offer an amendment to the first committee amendment perhaps if he desired.

Mr. MANN. I will say to my colleague he can offer the substitute at any time. That is pending. The first original paragraph has to be perfected by disposing of the amendment to that.

Mr. CANNON. The gentleman desires the committee amendments settled en gros?

Mr. MANN. Nobody has asked for it.

Mr. CANNON. It will have to be by unanimous consent if the substitute is now offered to the committee amendments.

Mr. MANN. He is not offering it to the committee amendments, but to the paragraph.

The CHAIRMAN. The substitute is offered. The committee amendments will be acted upon and the substitute will be acted upon in relation to the paragraph as affected by the committee amendments.

Mr. DENT. Mr. Chairman, I ask for a vote on the committee amendments.

Mr. MANN. Let the substitute be reported first.

Mr. AUSTIN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. AUSTIN. I have an amendment I desire to offer to section 3 on page 3, and I wish to offer my amendment before I am cut off with this motion to vote upon the substitute.

The CHAIRMAN. The gentleman will not be cut off. He will have ample opportunity in which to offer his amendment. The Clerk will now report in order the committee amendments.

Mr. MANN. The substitute has not been reported.

Mr. CANNON. What is the substitute?

The CHAIRMAN. The Clerk will read the substitute for the paragraph, offered by the gentleman from California [Mr. KAHN].

The Clerk read as follows:

Amendment offered by Mr. KAHN: Page 3, lines 1 to 25, and page 4, lines 1 to 6, strike out the following:

"That the President be, and he is hereby, authorized to call for 500,000 volunteers under and in accordance with the act of Congress approved April 25, 1914, in so far as said act is not in conflict with any of the provisions of this act. That said act of April 25, 1914, is hereby amended so as to give to the President full and complete authority to refuse to accept in and to discharge from the service any and all persons designated in section 3 of this act. That in the event it becomes necessary to raise an additional force of 500,000 men, as specified in subdivision 4 of the section, the President be, and he is hereby, authorized to call such additional force by volunteers in the same manner. Such volunteer army shall be apportioned among the various States and Territories and the District of Columbia according to population and raised in regimental units or parts thereof in addition to the National Guard in such States and Territories and the District of Columbia now authorized by law: *Provided*, That such volunteer forces shall be recruited in local units as far as practicable and company officers may be appointed from such units upon passing such reasonable and practicable examination as to fitness as the President may direct. All other officers shall be appointed as specified in this paragraph. That upon the completion of the registration as provided in section 4 of this act, and in the event the President decides that such additional force or forces shall not have been effectually raised under the call for volunteers as herein provided, the President be, and he is hereby, authorized."

Mr. MANN. Mr. Chairman, I am informed by the gentleman from California [Mr. KAHN] that his proposition is to amend paragraph 3 instead of presenting a substitute for the entire paragraph. I suggest that he withdraw his amendment, so that the committee amendments can be considered.

The CHAIRMAN. The Chair understood that this was a substitute. The Clerk will report the committee amendments in their order.

Mr. DENT. Mr. Chairman, there is no disagreement in the committee on the subject of the amendments. They are merely to perfect the language. I ask unanimous consent that the committee amendments be considered as adopted.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent that the committee amendments may be voted on en bloc. Is there objection?

There was no objection.

The CHAIRMAN. The question is on agreeing to the amendments which have been reported to the House coming from the committee.

The committee amendments referred to were agreed to.

Mr. MANN. Now the gentleman from California offers his amendment.

Mr. AUSTIN. And, Mr. Chairman, I offer my amendment.

The CHAIRMAN. The gentleman from California will be recognized first, as a member of the committee.

Mr. CANNON. Let the amendment be read again, Mr. Chairman, because, for one, I have not followed the proposed amendment of the gentleman from California. I want to follow it in connection with the language of the bill.

The CHAIRMAN. Without objection, the amendment of the gentleman from California will again be read.

Mr. AUSTIN. Mr. Chairman, I asked the Chair a few minutes ago whether, after the disposition of the amendments offered by the chairman of the committee, I would have an opportunity to offer an amendment to this section and have that opportunity in advance of the substitute offered by the gentleman from California.

The CHAIRMAN. The Chair does not think it was put that way. The gentleman said he had an amendment. The Chair said he would have an opportunity to offer it. Of course, if the gentleman from California should offer an amendment, under the rules of the House he would have that right.

Mr. HAMILTON of Michigan. It was so stated at that time, as I understand it, Mr. Chairman.

Mr. AUSTIN. My amendment has no reference to the substitute offered by the gentleman from California, but has to do with the original of this bill.

The CHAIRMAN. It is an amendment to some other portion of the paragraph?

Mr. AUSTIN. This amendment that I propose to offer can not be offered as a substitute for the amendment that the gentleman from California offers. It applies simply and alone to the volunteer system carried in this section 3.

The CHAIRMAN. The Chair understands that the gentleman's amendment will not be affected by the amendment of the gentleman from California?

Mr. AUSTIN. No.

The CHAIRMAN. If not, then you would be entitled to offer it. Of course the recognition must go ordinarily first to a member of the Committee on Military Affairs.

Mr. AUSTIN. My amendment is to the original.

Mr. STAFFORD. Mr. Chairman, is not the gentleman from Tennessee [Mr. AUSTIN] entitled to a preference in offering an amendment to perfect the paragraph, whereas the amendment of the gentleman from California is to strike out?

The CHAIRMAN. Of course if the matter to which the gentleman from California offers an amendment will be stricken from the bill as the result of the amendment of the gentleman from California, and the gentleman from Tennessee has an amendment which proposes to affect that original matter, his amendment would be in order now.

Mr. MANN. The amendment of the gentleman from California is offered and should be reported first. Then the gentleman from Tennessee, before that amendment is voted on, is warranted in offering a preferential motion to perfect the text.

The CHAIRMAN. That is precisely what the Chair was trying to develop.

Mr. MANN. So I supposed.

The CHAIRMAN. If the gentleman from Tennessee has a perfecting amendment, he will have the opportunity to offer it. The Clerk will again report the amendment of the gentleman from California.

Mr. HOWARD. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. HOWARD. I notice, so far as the language of the amendment of the gentleman from California was read, that his amendment contains the original language that was stricken out by the committee. For instance, the word "enrollment" is used in his amendment, whereas we have just voted on and adopted the language "registration." What effect will the adoption of the gentleman's amendment have on the vote we have just taken on the committee amendments? His amendment changes the original language of the bill.

The CHAIRMAN. And other language?

Mr. KAHN. No. My amendment strikes out everything on page 3 excepting the word "third," and on page 4, lines 1, 2, 3, 4, and 5, and up to the syllables "thorize," including the syllables "thorize" on line 6, and leaves the rest of the paragraph intact.

The CHAIRMAN. Does that bring you down to line 11, on page 4?

Mr. BRITTEN. No; line 6.

Mr. KAHN. Line 6. The last two syllables of the word "authorize."

Mr. BRITTEN. It capitalizes the word?

Mr. KAHN. Yes.

The CHAIRMAN. The amendment of the gentleman from California is to strike out and insert?

Mr. KAHN. No; just to strike out.

The CHAIRMAN. That is the first motion?

Mr. KAHN. Yes.

The CHAIRMAN. Now, the gentleman from Tennessee has an amendment designed to perfect that language that you propose to strike out.

Mr. FITZGERALD. Mr. Chairman, will the Chair state what the amendment of the gentleman from California is?

The CHAIRMAN. It is to strike out this part of the paragraph, is it not?

Mr. FITZGERALD. It has not been stated from the desk yet just what is proposed.

The CHAIRMAN. Yes; it is proposed to strike out all on page 3 and then on page 4, down to line 6; that is, down to the words "to raise," in line 6. The motion of the gentleman from California is to strike out that matter in the paragraph, and the gentleman from Tennessee [Mr. AUSTIN] has an amendment.

Mr. NORTON. Mr. Chairman, may we have the amendment reported?

The CHAIRMAN. The Chair is going to have the amendment reported. The amendment of the gentleman from Tennessee [Mr. AUSTIN] is to perfect the language which is proposed to be stricken out, and the amendment of the gentleman from Tennessee will be reported from the desk.

Mr. AUSTIN. It is to insert, after the word "law," in line 20, page 3, the following——

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, on page 3, by inserting, after the word "law," in line 20, the following:

"*Provided*, That credit be given to each congressional district for the total number who volunteer or have volunteered under the provisions of this act: *And provided further*, That if the quota assigned each congressional district has not been furnished within 30 days after the call for volunteers, the President shall proceed to enforce the drafting provisions of this act in such district."

The CHAIRMAN. The question is on the amendment of the gentleman from Tennessee [Mr. AUSTIN].

The amendment was rejected.

Mr. KAHN. Mr. Chairman, I ask leave to withdraw my first amendment and to substitute another in place of it.

The CHAIRMAN. The gentleman from California asks unanimous consent to withdraw his first amendment and to substitute one in its stead, which will be read from the desk.

The Clerk read as follows:

Amend by striking out all of page 3, after the word "third" in line 1, and on page 4, down to and including the word "authorized," in lines 5 and 6.

Mr. DENT. And I suggest to the gentleman that the word "to" ought to begin with a capital letter.

Mr. KAHN. Yes.

The CHAIRMAN. The question is on the amendment of the gentleman from California [Mr. KAHN] to strike out the language indicated.

Mr. CANNON. Does the gentleman from California desire to be recognized on his amendment now?

Mr. KAHN. I do not desire to address the committee on my amendment. The matter has been discussed for four days. By striking out this language it leaves the section so that it will provide for an additional army of 500,000 men, who shall be brought to the colors of the country under a system of selective draft. [Applause.]

Mr. DENT. One moment, Mr. Chairman, before the gentleman from Illinois [Mr. CANNON] proceeds. I do not care to address the committee on this subject. The announcement was made that a number of gentlemen on both sides of this question had been prevented from discussing it during the general debate, for one reason and another, and I would like to see if we can get some understanding that the debate may run on this proposition until those gentlemen have had a chance to be heard.

Mr. KAHN. I have no objection.

Mr. DENT. Personally I am ready for a vote, but I would like to accommodate these gentlemen who have not had an opportunity to be heard.

Mr. MANN. How many are there?

Mr. DENT. I see a number of gentlemen holding up their hands.

SEVERAL MEMBERS. Vote! Vote!

Mr. LANGLEY. I judge from what I can hear that about the same number of gentlemen are crying "Vote" who have had a chance to be heard in general debate.

Mr. MANN. It is half past 5 o'clock. Can we not reach an agreement that debate on this proposition may continue until half past 7 or 8 o'clock—that there shall be no vote before 8 o'clock?

Mr. KAHN. I have no objection.

Mr. DENT. I have no objection to that.

Mr. HARDY. Those who have been heard ought not to ask to be heard again.

Mr. CANNON. I think this amendment will dispose of the contest as to whether we shall have a selective draft or whether it shall first be by volunteers. I myself would like to have 15 or 20 minutes upon that proposition.

Mr. MANN. Mr. Chairman, I ask unanimous consent that my colleague from Illinois [Mr. CANNON] be permitted to address the committee for 20 minutes. [Applause.]

Mr. HULBERT. Mr. Chairman, reserving the right to object, I would like to inquire if some arrangement can be made now so that those who have not had an opportunity to speak upon this question can be accommodated? While other gentlemen have had that opportunity, I and several Members of the House have been concerned at the Agricultural Department on the food question. Now, we would like to have an opportunity to discuss this matter.

Mr. HARDY. Cutting out those who have already spoken.

The CHAIRMAN. The question before the House is the request for unanimous consent that the gentleman from Illinois [Mr. CANNON] may have 20 minutes in which to address the House. Is there objection?

Mr. HULBERT. Reserving the right to object, I should like to have 15 minutes.

Mr. MANN. Regular order! If anyone wishes to object, let him object.

The CHAIRMAN. The regular order is demanded. The regular order is, Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. MANN. Now, if my colleague will yield, may we have an understanding that there will be no vote before 8 o'clock, and give everybody a chance to talk who wishes to do so? We do not get into a war every day.

Mr. HULBERT. Will the gentleman couple with that the proposal that those who have not already spoken shall have preference over those who have been heard?

Mr. MANN. I think the Chair will take care of that.

The CHAIRMAN. The Chair will try to do so.

Mr. MANN. I suggest that we have an understanding that there shall be no vote until 8 o'clock, and we might run later.

Mr. LANGLEY. That would not close the matter at 8 o'clock.

Mr. DENT. Mr. Chairman, of course I have no objection——

Mr. CLARK of Florida. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. CLARK of Florida. Is it not a fact that the gentleman from Illinois [Mr. CANNON] was recognized for 20 minutes?

The CHAIRMAN. It is.

Mr. CLARK of Florida. Then I insist on the regular order.

The CHAIRMAN. This is proceeding with the consent of the gentleman from Illinois.

Mr. CLARK of Florida. But not with the consent of the House.

The CHAIRMAN. The House can not hinder the gentleman from allowing it to proceed in his time.

Mr. CANNON. I hope it is not proceeding in my time.

Mr. CLARK of Florida. I demand the regular order.

The CHAIRMAN. The regular order is that the gentleman from Illinois [Mr. CANNON] has the floor, and with his consent the gentleman from Alabama [Mr. DENT] is endeavoring to submit a request.

Mr. DENT. I ask unanimous consent that debate on the amendment of the gentleman from California [Mr. KAHN] run until not later than 8.30 to-night.

SEVERAL MEMBERS. Nine o'clock.

Mr. MANN. I think the gentleman had better ask unanimous consent that there be no vote before that time.

Mr. CLARK of Florida. Regular order.

The CHAIRMAN. The regular order is to submit the request of the gentleman from Alabama. The gentleman from Alabama [Mr. DENT] requests——

Mr. DENT. And I couple with that, Mr. Chairman, the further request that there shall be no vote on this amendment prior to half past 8 to-night.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent that debate shall proceed not later than half past 8 to-night. Is there objection.

Mr. O'SHAUNESSY. Reserving the right to object, why does not the gentleman from Alabama extend the time so as to give everybody an opportunity to speak, in order to have a vote on this proposition to-morrow afternoon? If we do not do that we will be in the same position to-morrow as we are now, and we might as well wind it up to-night.

Mr. MANN. I would like to ask the gentleman from Alabama if it is the intention to have the House sit late to-night?

Mr. DENT. It was not my intention, and that is why I made the request that debate should proceed until half past 8.

Mr. MANN. Why not make this request, that the vote shall be taken to-morrow immediately after the House goes into

Committee of the Whole House on the state of the Union, and then stay here to-night and continue the debate without fixing a limit?

Mr. DENT. Mr. Chairman, I make that request.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent that the vote on this amendment be taken immediately after the House goes into Committee of the Whole to-morrow. Is there objection?

Mr. FOSTER. Reserving the right to object, I would like to ask if that includes all amendments on the paragraph?

The CHAIRMAN. The request is made with reference to the pending amendment.

Mr. KAHN. Mr. Chairman, if the gentleman from Alabama will yield——

Mr. DENT. I yield.

Mr. KAHN. I think it best to advise the House that under the parliamentary situation it is advisable that this bill be passed by the House before 6 o'clock to-morrow. The Senate has agreed to vote before midnight to-morrow, and if we have no action in the House before that time the Senate bill will come here and will be referred to the Committee on Military Affairs of the House. The House bill will be reported to the Senate and will be referred to the Committee on Military Affairs in the Senate. In other words, the two Houses will be compelled to take up the bill of the other House and we will have this whole fight to make over again.

Mr. MANN. I think we can finish this bill to-morrow.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent that the vote on the pending amendment be taken immediately after the House goes into Committee of the Whole. Is there objection?

Mr. HASTINGS. Reserving the right to object, does that contemplate that anything else will be considered to-night, any other amendment to any other part of the bill?

Mr. MANN. No.

Mr. FOSTER. That includes all amendments?

Mr. MANN. We could not do that; but there seems to be a consensus of opinion that those of us who stayed last night until we adjourned this morning might get away a little earlier to-night. The gentleman from Alabama said he would not ask us to stay later than half past 8 o'clock.

Mr. McKENZIE. If the gentleman from Alabama will yield, I want to say that this is the only proposition in the bill over which there is any controversy. After we have passed this point it will only take a short time to dispose of the bill, and I suggest to the gentleman from Alabama that inasmuch as there are so many men who would like to be heard, that he make his request that no vote shall be taken on this proposition before half past 2 to-morrow afternoon. [Cries of "No!" "No!" "No!"]

Mr. BARNHART. A parliamentary inquiry, Mr. Chairman.

Mr. CANNON. Mr. Chairman, I demand my right to address the committee.

The CHAIRMAN. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. POU. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. POU. Is it the understanding that the session to-night will be devoted entirely to debate, and that no vote will be taken on any amendment?

The CHAIRMAN. It is.

Mr. CANNON. Mr. Chairman, I have listened to quite a number of speeches in the short time that I have been in the House during the progress of this debate. I have listened to the gentleman from Alabama [Mr. DENT] and to the gentleman from California [Mr. KAHN]. Most of the week I have been, by order of the House, practically in the committee room helping to prepare legislation for the consideration of the House in the early future. I do not know that I can add much to what has been said. Possibly I have heard the matter presented fully by the gentleman from California and the gentleman from Alabama. I am not going to pledge my devotion to the United States. It is not necessary that I should do so. [Applause.] Nor am I going to impugn the motives or the patriotism of any Member upon either side of the House who does not agree with me. I think we are all equally patriotic.

As I see it, the whole matter in dispute touching this bill is as to whether we shall primarily, without further notice, proceed to take a census and to draft from the people, subject to the operation of this bill, a sufficient number of citizens to service with the colors, cutting out from the time this bill passes further enlistments to the colors. Am I correct in that?

Mr. TILSON. The gentleman understands that the only volunteer enlistments that will be left is to fill up the National Guard to the war strength and to fill up the organization of the Regular Army to the war strength.

Mr. CANNON. That is my understanding of it, and it is confirmed by the gentleman from Connecticut.

Mr. GORDON. Will the gentleman yield?

Mr. CANNON. Yes.

Mr. GORDON. In reference to the statement of the gentleman from Connecticut, I call the attention of the gentleman to the provision in the bill that authorizes the President to consolidate them all in one army at once, and there will be no vacancies to fill up.

Mr. CANNON. Yes; before the units are full the President can consolidate if this bill passes. He can take the National Guard and consolidate regiments and companies that are not full at once, when this bill passes. That is my understanding of it, and by the silence of every one I am convinced that I am right.

Mr. Chairman, my investigations for a week past in committee—and I think I am not to be censured for making this statement—shows that 500,000 men can not be equipped for service after you get them, including the equipment, for at least six months, and I am not sure but nine months will be required. That would be the first 500,000 that are to be authorized by this bill. So that I do not know but that we better proceed with the volunteering as it is progressing now while we are getting ready to draft if the volunteers are not forthcoming and we are providing the material for the increase—clothing and the munitions and the arms. I just put that to you as a practical proposition. When this bill passes the whole matter of volunteering, except in the Regular Army, ceases. That is my understanding of it. This bill as it was reported from the committee provides that immediately upon its passage the President may call for volunteers, and volunteering will proceed. How fast American citizens may volunteer I do not know. I am somewhat enthusiastic, and I believe that before we could possibly take a census for a draft the volunteering would have proceeded to a point where the draft would be rendered unnecessary. [Applause.]

Let us not be thin-skinned. Some gentlemen on one side have said that to be drafted at any time is a disgrace. I do not agree with that proposition. The people who are in favor of legislation that will stop volunteering will say, "Oh, if the volunteering fails in whole or in part to fill up the requirements of the country, to prosecute this war, and you have to draft, then all who are drafted will be disgraced." I do not think so. Nay, nay. I do not think gentlemen were in good faith and were frank in stating that to the House, and I question whether they really believed what they said touching the matter.

My own judgment is that when this bill passes and the volunteers are called for, as they could be at once, if volunteers do not come at once, the census for the draft being taken in the meantime, with the knowledge that there will be a draft, from that very standpoint I think people who will be subject to that draft will be satisfied that it is necessary for the citizens of the United States, for the protection of the flag and to perform our duty—they are not sure about it now—to volunteer and thus not put the Government to the trouble of drafting. Perhaps I am mistaken about that, but it can not do any harm to try it, can it? [Applause.]

Much has been said about public sentiment. The telegrams and letters we receive and the newspaper articles we read I think, might be likened frequently to the thunder that comes when there are but few clouds and is not followed by rain, and we are apt to mistake that thunder for a storm or a hurricane. [Laughter and applause.] In the earlier days of my services in this House I was frequently frightened in that way. My God, how sentiment runs! I would be frightened because I might get a dozen telegrams in a day. A tolerably vigorous campaign, I think, has been carried on on the part of somebody. I have not had a dozen telegrams from what they call pacificists. Nay, nay. They have kept quiet, so far as I am concerned, but I must have received as many as 30 or 40 substantially in response to this little printed memorandum, which I will read to you, as follows:

Support the President. Pacificists, slackers, and procnemy agents are inundating Congress with letters and telegrams. If you do not want this anti-American propaganda to succeed, write or telegraph to your Senators and your Congressmen to support the President. Do not wait, but do it now.

I just mention that—not to abuse anyone, of course. The American citizen has a right to communicate with his Senator and Representative. The right of petition is secured to him. He has the privilege of writing letters and sending telegrams, but I have served long enough in this House to know that the round robin that comes to us has been inspired by somebody, and generally a very few bodies. So that I am no longer

frightened. I used to be frightened when I was a small kid if I heard an owl hoot in the forest. It is an awfully lonesome sound! Of course, I am not comparing these people to owls.

They have the right to petition, but we would be foolish indeed to take for granted, if you please, that the letters or petitions amount to anything more than the mere opinion of the individuals who send them, although they profess generally to speak for a whole State. [Laughter.] Why, do you know I have received a number of telegrams in the last week, covering two Sundays, last Sunday and the Sunday before, inspired by resolutions passed by churches, and they are all of the same tenor. I fancy that Hobson or ex-Gov. Hanly or some of these people must be getting up a propaganda. These telegrams run about as follows: Oh, for the protection of the flag and the country and for efficiency, pass a law, and do it now, to stop the making of liquors.

They want us to pass a prohibition law for the sake of efficiency. Well, there are about 200,000,000 gallons or more of whisky in bond. It ought to bring, if we put another dollar a gallon tax on it, $300,000,000 for the Treasury. I am not in the whisky business. I never drank a gallon of whisky in my life, put together, but, after all, I suppose they will take it out of bond if we do not pass a law prohibiting it. I only refer to that to show how easy it is, if you do not understand it, to get up all kinds of petitions and letters and so forth. I wish now to speak a little word about the publishers of the United States. I am not speaking of the editors; I am not speaking of the correspondents, for they are the people who write the articles and who send the dispatches; but the real fellow is the publisher, and publishing is the second industry in the United States. My God, how they do watch the advertising columns [laughter], for they furnish the money, you know, and they have a right to, I suppose; but I wish they would just say when they write these editorials and when the correspondents send these dispatches that they are doing this at the command of the owners. So much for that.

Now, much has been said about the failure of the volunteer system—much has been said. I lived through the period of the Civil War. Do you know how many men were drafted in that war? I have got it here. There were 43,000 drafted; 73,000 furnished substitutes; 83,000 paid the $300 commutation. The 43,000 were drafted and the 73,000 served, so it yields 116,000 men.

Mr. HOWARD. One hundred and ninety-nine thousand in all.

Mr. CANNON. This comes from The Adjutant General's office—116,000 which were added to the Army. What were the enlistments? In round numbers 2,200,000 who volunteered. Oh, well but that 116,000 which were added—oh, they were slackers and dodgers. No; some of them may have been. They were probably men of families and from one reason or another did not feel called upon to go. You know there has to be somebody to raise the corn crop, to raise the cotton, and somebody to raise the provisions, and somebody to operate the railroads, and all of that. They can not all fight. Now, in my judgment, and it is after something of an investigation, the great block of those people who were drafted were performing valuable service in that great struggle to preserve the Union. Yet my good friend from California [Mr. KAHN]—oh, he says, "That is of little consequence; volunteering was a failure." Over 2,200,000 men enlisted, and enough of them reenlisted to make 2,800,000 in that great struggle, if you count the reenlistments—the best soldiers who ever made an army since the sons of God shouted for joy at creation's dawn up to that time. [Applause.]

Now, what is the use of sneering at them? I think my friend did not intend to sneer at them, but I wish he would look over his speech when it goes in the RECORD to-morrow and mark out some things that were put in. That great army, or that part of it that followed Grant to Appomatox and down on the Atlantic coast, there never was a better army in the tide of time than that army was, and a volunteer army. [Applause.] So it was not a failure. Let us be honest with ourselves. Well, but they say, some of these slackers will not go. Well, I know a capitalist, and I was told to-day they were employing a press agent, who belongs to one of these organizations and there seems to be many of them. They have got this kind of an organization and they have got a security organization and they have got this board and that board and the other board, self-constituted. [Laughter.] Well, I picked it up and here is so much and this is so much and the other so much, and I read it. I do not know more than one-tenth of them probably, but from my knowledge of some of them they had better pull the beam out of their own eyes before they undertake to pull the mote out of the eyes of most of their fellow citizens by denouncing them as slackers. [Applause.] I have received telegrams; I have got one here from a Chicago man; I will not give his name—a manufacturer. He had read the Senate bill; he had read the bill that if the volunteers are stricken out and it is to be written into law where the exemptions are from 19 to 25, and I asked a man whom I knew was acquainted with the individual, "Do you know So-and-so?" "Yes." "Well, what is the matter with him?" "Why, he has got some boys that the Government would exempt under the Senate bill—one or two of them over 26, and he has got one boy under 17." "Well," I said, "where does the old man come in?" "No; he would not come in, but these kids do." "That would not make him send me this telegram." "Oh, no; but you see he is the employer of several hundred men, and he thinks that under the power of the President to draft by this proposed legislation, whether we have volunteering or not, that they might come under the exemption of people in industrial occupations." And by the way, the Senate bill, I notice, which is the Staff bill, as I am informed and believe, goes a little further than the House bill, which exempts the industrial people but does not by word exempt the farmers.

The CHAIRMAN. The time of the gentleman has expired.

Mr. KING. Mr. Chairman, I ask unanimous consent that the gentleman's time be extended for 10 minutes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. CANNON. Mr. Chairman, I am nearly through. Now, if the amendment of the gentleman from California fails we will have volunteering until the draft census can be taken, and then we will not have to draft if the volunteers are sufficient. [Applause.] I hope they will be. Does it cost anything? No; it does not cost anything. You can call for volunteers without taking a census, and this bill might pass on a Monday, and the call could be made on a Tuesday as it provides. As a matter of fact it would probably take a week to issue the call, because we have got to find out how many people the President is going to exempt under the selective volunteering or the selective drafting; both of them are selective. He can exempt the farmers—one-third of the people. Do you know—and I just want to stop a minute and then come back, because I happen to have the thought now—I believe that we can do more good in this great struggle by feeding ourselves, by feeding our allies, by furnishing them munitions, and by strengthening our Navy, from every standpoint, than we can by sending our Army across the sea before it is properly drilled and prepared for the service.

Somebody will say, "Why, CANNON, I guess you do not want any army to go there." Oh, I do not want an army of my fellow citizens to go to the other side unless they will do more good than harm. [Applause.] If it is necessary to go in order to protect the honor of the flag, the safety of the home, then I am not afraid but that they will go. But they have got to be prepared in order to go. We are so busy making munitions for our allies that we can not utilize the private factories without canceling great contracts where they need munitions, though we can utilize the Government-owned factories.

So let us keep our heads. It does seem to me, however, that the gentleman from California in his closing remarks had something in view which was, in his opinion, bigger than this war and to last longer than this war. I believe I do not misquote him when I say that he said that he wanted a policy now entered upon that in the future would produce a condition where we would have no need for volunteers, but that we would call for the citizens by conscription so that we could get rid of the slacker. There are slackers now and then, but, my God, I do not believe there are as many slackers in the United States as there are thieves. [Applause.] That is my judgment about it. I have not taken any census. [Laughter.]

Why, if you sit down and think about it in cold blood, this slacker proposition appears ridiculous. It is easy to say "slacker." But can you point him out? "Well," says somebody, "your volunteer proposition is going to fail." No; it will not! No; it will not! The boys that come here and fill up our hotels and boarding houses, go to Chicago, go to New York, and to Boston, the boys that have been to military schools, the boys that have been to college, with a little bit of training, come as the winds come, do you not see, to go into the reserve class to be ready to be commissioned as officers? Now, I have no doubt they ought to be officers. I have no doubt many of them will be.

Well, how about your people that are going to volunteer? Let me tell you something. I said that I was older than most of you. Let me read you an extract from a letter from one of the foremost citizens of my county, and I have received five or six letters like it, two of the men having been in the War with Spain and two of them down on the border:

We believe that the present apathy in recruiting is due to the fact that men are not disposed to go into service in strange units under strange officers. There is a mutual responsibility between privates and officers who come from the same community and will go back to the same community to live in civil life after the war is over.

[Applause.]

It is natural. You may wipe out State lines, but you can not destroy that feeling. Why, I was almost scared when I heard the eloquent gentleman from California [Mr. KAHN] talk about the failure of the volunteer system for the Civil War. He said, "What about the mother whose five sons were killed, to whom Lincoln wrote the letter? Oh, what a shame that was. The five sons ought not all to have gone." It may be true. Why they went I do not know. They evidently were patriotic. But stop and think a minute. The Representative from California did not live in central Illinois, as I lived; was not conversant with southern Ohio or central or southern Indiana; did not know about Missouri; did not know about Kentucky. Why, Lincoln had to go slow, with the immigration coming from the Southland, as it did, and settling up along the border of the free States. There they had their sympathies with the home people from whom they came and their prejudices against the African. They were divided nearly half and half. Battles were fought in Illinois and in Indiana, not as severe as some, but quite severe, and many men were killed and many men assassinated. I will not say that anybody laid in wait for them and assassinated them, but I am referring to the conduct of men where members of the Anglo-Saxon race disagree. Why, gentlemen, Indiana, Ohio, and Illinois went Democratic, you know, and legislatures were Democratic. I do not wish to speak disrespectfully or revive any heartburnings, but they called them "copperheads" in that time. In Indiana they refused appropriations to carry on the State government, and Gov. Morton had to pledge his own credit and that of his friends in order to get the money to carry on a State until 1864.

How would a draft have resulted at that time? And, yet, when Lincoln called for soldiers, substantially during the whole of the war, in 1861 and 1862 and 1863, the only draft that was had in Illinois was in 1863, and but a very small number were drafted then. The volunteers came from the other half of the population that stood with Lincoln. [Applause.]

Now, you have got to have sentiment. The gentleman from California read to you what George Washington said. He read the letters that George wrote, under different conditions than now exist, and he spoke about the letters that Thomas Jefferson wrote. [Laughter.] In those times of the revolution for our liberty there were less than 3,000,000 people in the colonies, and a large percentage of those were Tories.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. CLARK of Florida. Mr. Chairman, I ask unanimous consent that the gentleman may proceed for 10 minutes more.

Mr. LANGLEY. Yes; we are getting information that we may not have a chance to get elsewhere. Let the gentleman proceed without limitation.

Mr. FIELDS. Mr. Chairman, I ask unanimous consent that the gentleman from Illinois may be permitted to conclude his remarks.

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent that the gentleman from Illinois may be permitted to conclude his remarks. Is there objection?

There was no objection.

The CHAIRMAN. The gentleman from Illinois will proceed.

Mr. CANNON. Why, the gentleman from California was not contemporary with Washington and Jefferson and was, if living during our Civil War, but a mere child. [Laughter.] He did not know that the Chicago Times and the Pomeroy papers—one in Wisconsin and one in Illionis—were outrageously abusing President Lincoln. He did not know that the St. Louis Republic and other papers on the border line—the principal papers in Indianapolis, Democratic papers—he did now know that the New York Herald, the New York World, and other metropolitan papers were abusing President Lincoln. If you will turn back upon those files and read them, where they denounce Lincoln as a mountebank and a perjurer, you would find that by means of every possible word in the language that could heap opprobrium upon him they were abusing him. The gentleman from California did not know that, finally, when the draft had to go into the great city of New York there were riots. Yes. But, my God! if you had tried to draft there in the first year of the war it would have been very sad, indeed, so far as the city of New York was concerned.

I am not abusing those people. They acted according to their lights. The gentleman from California did not know all those things. I think that the assembling of those volunteers, 2,200,000 strong—most of them, more than two-thirds of them, being under the age of 20—in the northern Army under all those conditions in that great struggle was the most marvelous happening, so far as I know, in all the tide of time. [Applause.]

Now, when you go down South you had the same thing. You were devoted to the Confederacy, even more so than we were to the Union up North—to the United States. You did not have much trouble down there. Some of the people in North Carolina did not want to secede, but they all went. West Virginia furnished some soldiers in the northern Army. Kentucky and Missouri furnished soldiers for both armies. But you did not have any trouble in Alabama or Georgia or Mississippi or Florida or in South Carolina. No; no. You were much more nearly a unit in the Southland than we were in the Northland, and while you did not have a great population, as we had, your colored people, being about 4,000,000, took care of the women and children and raised the provisions. If they had not done it, the war would not have lasted anything like four years. I think those colored people are a kindly people. You understand them better than we do. They are the principal labor that you have down there. But I repeat, you were more nearly a unit than we were. By volunteering and, if you choose, by drafting—you know about it better than I do—it was a saying that you took your army from the cradle to the grave. But we, with greater number and greater wealth and greater resources, prevailed. I thank God, and you thank God, and so that it is all behind us. So that it does not lie in the mouth of the gentleman from California or in the mouth of any other man to say that the volunteer system was a failure during that war for the Union. [Applause.]

Now, in conclusion, I shall vote against this amendment that the gentleman from California offers. [Applause.] I am willing to let this volunteer system be tried between this and the time that the President can conclude his census for a draft. And if this is done I am satisfied there will be no necessity for draft. [Applause.] That is all I want to say. I thank you, gentlemen, for your attention. [Prolonged applause.]

Mr. ANTHONY. Mr. Chairman, I would like to be recognized for half a minute.

The CHAIRMAN. The gentleman from Kansas asks recognition for 30 seconds. Is there objection?

There was no objection.

Mr. ANTHONY. I would like to be recognized, Mr. Chairman, for the purpose of inserting in the current debate some telegrams.

The CHAIRMAN. The gentleman from Kansas asks unanimous consent that the matter indicated may be inserted in the RECORD. Is there objection?

There was no objection.

Mr. ANTHONY. The statement has been made on the floor of the House, and denied as well, that great financial interests were back of the propaganda for the selective draft and furnishing the money for the flood of telegrams which have been pouring in on Members of the House and Senators the last few days. Perhaps these telegrams will throw some light on the activities of eastern banking interests and the Kansas City Clearing House Association:

KIOWA, KANS., *April 26, 1917.*

Hon. DANIEL R. ANTHONY, Jr.,
Washington, D. C.:

"Please telegraph your Senator and Representative, also D. R. ANTHONY, at Washington, urging them to vote for the selective draft bill. Congress can not realize western sentiment. We believe it the patriotic duty of all Americans to express convictions at this time. Please deliver copy to each bank in your city, also to business men, urging prompt action at our expense, if necessary."

The above message was sent to the banks in this vicinity by the Kansas City Clearing House Association; and the men in Kiowa who yesterday wired the Kansas Representatives to support the bill, not one, so far as I know, will come within the provisions of the draft law, nor have they a child that will. Wire if you desire petition against bill.

E. W. MERCER.

—

CONCORDIA, KANS., *April 24, 1917.*

Hon. DANIEL R. ANTHONY, Jr.,
Washington, D. C.:

Eastern banks are wiring Kansas bankers to wire Congressmen at their expense to support the conscription bill. The fellows who make the loud noise are not expecting to be drafted. Ninety per cent of the population of Cloud County think the draft an outrage.

W. H. BEATTY.

—

LOVEWELL, KANS., *April 24, 1917.*

Hon. DANIEL R. ANTHONY, Jr.,
Congress, Washington, D. C.:

This bank and entire community is opposed to any conscription or draft bill. Kansas is patriotic to the core, as you well know. You can not faithfully represent your constituents and vote for the bill. This is our reply to the Kansas City Clearing House message urging all banks to wire you to support the bill.

LOVEWELL STATE BANK.

The CHAIRMAN. Let the Chair make to the committee a statement that relates to the interests of the members of the committee. This is intended to apply to those gentlemen who had not opportunity to speak in the general debate. The Chair has about 30 names that have been handed in to him. At 5 minutes apiece that will carry us down to about 9 o'clock. It is the purpose of the Chair to recognize these gentlemen in succession, and, as we are operating under the five-minute rule, only for five minutes each. If the committee desires to extend the time, it is competent for the committee to do so, but it must have in mind that when they do that it will either cut somebody out of recognition or extend the time beyond 9 or 10 o'clock to allow every Member an opportunity to speak.

Mr. HULBERT. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. HULBERT. Mr. Chairman, will gentlemen who have already spoken in general debate be recognized in their order, or will gentlemen who have not addressed the House be given the preference?

The CHAIRMAN. This does not apply to gentlemen who have already spoken in general debate. It applies only to those who have not spoken.

Mr. HOWARD. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. HOWARD. Will the Chair alternate among the Members who have not already spoken, between those who favor the amendment and those who are against it?

The CHAIRMAN. The Chair can not do that exactly, because a considerable number of those who wish to speak are in favor of the Kahn amendment.

Mr. LANGLEY. The Chair can do it pro rata.

The CHAIRMAN. The Chair will state precisely the plan that he will pursue. The Chair has a list that has been handed in by the gentleman from California [Mr. KAHN], and he has a list of other gentlemen who came to the desk and asked the Chair to put down their names, and the Chair expects to alternate between these two lists. It would not be exactly right to take first those on the Kahn list or to take first those on the other list. So the Chair will alternate between the lists, recognizing gentlemen in the order in which their names appear, first a name on one list and then a name on the other. That is as fair a method as the Chair can work out.

Mr. LANGLEY. Will the Chair state how many there are on the two lists?

The CHAIRMAN. About 30, and if they speak five minutes each that will occupy about two hours and a half.

Mr. GARLAND. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. GARLAND. The Chair has stated that he has a large number of names, and that their remarks will probably take a certain length of time. There may be others of us, of whom I am one, who desire to get into the RECORD.

The CHAIRMAN. If the committee will sit, there will be opportunity for every gentleman to speak to-night.

Mr. GARLAND. I do not care to take up the time if I may be allowed to extend.

The CHAIRMAN. If the committee wants to sit till half past 9, there will be no difficulty about everyone getting recognition who wants it. The gentleman has the right to extend if he desires to do so.

Mr. KELLEY of Michigan. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Michigan desire to make a parliamentary inquiry?

Mr. KELLEY of Michigan. I rise for recognition.

The CHAIRMAN. The Chair will first recognize the gentleman from New York [Mr. FITZGERALD].

Mr. KELLEY of Michigan. My name is first on the list.

The CHAIRMAN. The gentleman is first on the list of the gentleman from California [Mr. KAHN].

Mr. KELLEY of Michigan. I understood the Chair to say that he would alternate the recognition.

The CHAIRMAN. The Chair will do so.

Mr. KELLEY of Michigan. The gentleman from Illinois [Mr. CANNON] spoke on the other side.

The CHAIRMAN. The Chair will not undertake to alternate between the sides which gentlemen will take in the debate, but he will alternate between the two lists.

Mr. KELLEY of Michigan. I am to be recognized next?

The CHAIRMAN. The gentleman is to be recognized after the gentleman from New York [Mr. FITZGERALD].

Mr. MILLER of Minnesota. I understood the gentleman from Michigan [Mr. KELLEY] was to be recognized first.

The CHAIRMAN. The gentleman did not get that understanding from the Chair.

Mr. MILLER of Minnesota. No; but I got it from the gentleman who prepared the list.

The CHAIRMAN. But the gentleman who prepared the list could not fix the order of recognition for the Chair. The Chair has already stated, and he will state again, that he has a list handed in by the gentleman from California [Mr. KAHN], on which the names appear in a certain order. He has another list of gentlemen who came to the desk to ask for recognition. The Chair put down the names in the order in which Members asked for recognition, and he is going to recognize first a gentleman on one list and then a gentleman on the other list, and so alternate until all those on both lists have spoken. If any gentleman can suggest a fairer method than that, the Chair will adopt it.

Mr. MILLER of Minnesota. I do not think it makes a bit of difference in what order gentlemen speak. This joint debate is simply a test of endurance, and perhaps the youngest of us had better be put at the end of the list.

The CHAIRMAN. If any gentleman who is on the list desires to speak later, he can have the privilege of doing so.

Mr. FITZGERALD. Mr. Chairman, I am not speaking in the hope of convincing or converting anybody upon this question. I simply wish to express very briefly my own views, and I suppose that is the reason which actuates most of the Members who are now to speak.

I hope no one will misunderstand the enormity of the task upon which the United States has entered. We have shown some appreciation of it in the arrangements that have been made for the financing of the war. There should be no misunderstanding or mistake in the arrangements we will make to supply the men, if that be necessary.

It makes little difference what our experience has been in the past, we should act now upon the light of the information we have at present. I shall vote for the amendment of the gentleman from California [Mr. KAHN]. [Applause.] Not because I fear that the volunteer system would be a failure, but because I fear that perhaps it would be a success.

Nothing could be more unfortunate than to have a million men taken from the industrial life of the United States and placed in the service with the colors without any consideration whatever given to the line of industries in which they were engaged at the time.

The task upon which we have entered is so great that few can realize it. I have been reliably informed by a man who has been connected with the working out of the matter that 500,000 men with their equipment will fill a train reaching from Washington to the city of Boston.

I have been informed upon absolutely reliable authority that the British Government has 7,000 employees in the civil establishment of the recently established munitions department. Battles and wars are not won to-day by soldiers alone. There is something even more important than the men who do the actual fighting, and that is the organization of our industrial system in such an efficient manner that munitions, foodstuffs, and supplies of every essential character will be available at all times and under all circumstances.

We should not ignore the lessons of the present. Great Britain took back from the trenches 30,000 skilled workers who had volunteered and gone to the front, and she would have sent back many thousand others of the same class if it had not been that they had already passed beyond recall.

In the early stages of this contest the Russian Army, composed of magnificent soldiers, were driven across a great extent of territory by the German Army, not because of lack of courage, not because of lack of capacity in their commanding officers, but because Russia had not been so organized industrially as to supply her men in the field with the necessary munitions to make them effective fighters.

We have something more important than the mere raising of men to fight with the colors. We have the tremendous task of doing what has never yet been done in this country; that is, of so organizing the industrial system of our country that not only will the necessary munitions and supplies and foodstuffs be made available for our own men but so that the supplies that have been going to the allies will not cease to go to them.

Last November I made the statement that there was a world shortage of food. I repeated it in December, and again in February. The statement was ridiculed; but within the last seven weeks Lloyd George has made the announcement that there is a world shortage of food, and he has appealed not only to the people of Great Britain but to the people of all the allied nations to conserve the foodstuffs or the army of the allies will be beaten, not by superior military forces but by inability to feed the armies in the field.

We ought not to make any mistake at this time. I am among those who hope that this war may be of short duration; that before the time we can raise a great force, trained and equipped, the necessity for it may pass. But we must not start upon this undertaking upon any such theory. We must prepare and equip on the theory that it will be a long war; that it will be a hard war; and that not 1,000,000 men but many million men will be required. If we organize upon that theory and if we legislate upon that theory, the duration of the war will be much shortened and losses in life and treasure will be much less than otherwise.

Who should the President of the United States consult as to how to raise an equip an army in the United States if he did not consult and accept the views of the trained military men of the Nation? We have been spending millions every year to train and educate men and equip men for just such an emergency, and the unanimous military judgment of those men is that we should resort to the selective draft system, so that men shall not be taken from positions where it is much more important for them to be in industrial life than in the Army, and only put those in the Army who can be spared for that purpose. I hope that we shall not make the mistake of ignoring at this time expert military opinion, but, like wise men, follow their judgment on military matters. [Applause.]

The CHAIRMAN (Mr. HOWARD). The time of the gentleman from New York has expired.

Mr. YOUNG of Texas. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD by printing a telegram from a constituent of mine in answer to a statement made by my colleague.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

The telegram follows:

TERRELL, TEX., *April 27, 1917.*

Hon. JAMES YOUNG, M. C.,
Washington, D. C.:

We resent as a reflection upon our patriotism and intelligence statements of Representative MCLEMORE that mass meetings promoted by and resolutions indorsed by commercial organizations in Texas are prompted by propaganda from the American Defense Society. We have never been approached, directly or indirectly, by that organization, and gave you in letter and telegram a true reflection of the sentiment of this community. We respectfully request this message read on floor of House, and read into the RECORD.

BEN F. STOLLENWEIRCK,
Secretary of Terrell Commercial Club.

Mr. KELLEY of Michigan. Mr. Chairman, we find ourselves in war with a nation having the best organized, the most determined, and the most effective military system that the world has ever known—a system so successful that for more than two years and a half it has defied the combined military power of Great Britain, France, Russia, Italy, Japan, and a number of smaller countries, and now challenges the 100,000,000 American people to a further test of strength.

It is no longer any use to discuss the reason which prompted us to take up arms against Germany. All questions relating to the declaration of the existence of a state of war were put to rest when we took that step. It is sufficient to say that we were forced into war with Germany in the performance of the most elemental function of government, namely, the protection of the citizen. John Fisk never wrote more wisely than when he declared that a nation which fails in this fails so utterly and so completely that it no longer has any excuse for existence whatever. We have therefore gone into this war to perform this simple elemental obligation to the citizen, an obligation which, if omitted, would forfeit the love and affection of our people, and without these no nation can long continue to exist.

When the great war across the sea began, so great was the daily sacrifice of life and treasure that most people believed it could not last more than a few months. It has now gone on for more than two and a half years, with constantly increasing sacrifice of both men and money. We are therefore standing on the threshold of war with a powerful and resourceful nation, which has been in training for war for nearly half a century, and we do not know how long we will be in that war or how much sacrifice we may be called upon to make before it is ended. One thing, however, I think is certain—we will be in the war until we have made America safe for Americans, and until we feel sure that the menace which has threatened us shall not reappear in the future, perhaps more strongly fortified, to threaten the peace of our children. [Applause.]

As the Representatives of this great people we are here considering ways and means to best carry on this war. We are here to-day considering the best method of creating an army of a million men. We are consulting together and searching out the minds and hearts of one another in order that we may arrive at a consensus of opinion as to the best method of raising this great army. It is but natural that there should be differences of opinion among us upon a matter of such great moment. This difference of opinion is not, however, any indication of a difference in patriotic purposes. The majority of the Committee on Military Affairs, headed by the distinguished gentleman from Alabama [Mr. DENT], stoutly maintains the wisdom of retaining the historic volunteer system in raising this army. In defending the volunteer system the majority of the committee is supported by the distinguished Speaker of the House, a man whose patriotism, loyalty, and integrity make him worthy of the high office which he holds. [Applause.] In a notable address yesterday, the Speaker pointed to the fact that volunteers secured our independence from Great Britain; that volunteers won our second war for independence; that volunteers achieved our success in the Mexican War; that volunteers saved the Republic in the Civil War and won the War against Spain. The Speaker pointed to the brave and heroic men who served their country as volunteer officers and privates from the beginning of the Government down to the present hour, and asserted that a system which gave us our independence and sustained us as a Nation should not be lightly set aside. On the other hand the minority of the committee, headed by the distinguished gentleman from California [Mr. KAHN] has proposed as a substitute for the volunteer system a system of selection born out of the experience of the nonmilitary nations engaged in the great war across the sea. This system of selection is supported by the Commander in Chief of the Army and by practically all of his military and civil advisers. We are called upon to choose between these two systems. No other question of importance presents itself in connection with the legislation before the House.

Whatever system we conclude to adopt, it must not be forgotten that in the end this great army which we propose to raise must be drawn from the homes and the hearths of America. Whether the response be made to a general call for volunteers or to a personal appeal to the individual, those who respond will be the sons of America. [Applause.] This being true, I want this army to be organized, officered, and equipped under that system which will insure the least sacrifice of American life. [Applause.] I do not want to see a single American boy sacrificed upon the altar of an inefficient military system. [Applause.] I have read all the testimony given before the Committee on Military Affairs on this subject. I have read or heard nearly all the speeches that have been made during the course of this debate. I am familiar with the experience of Great Britain in raising armies for this war. I have read history probably as extensively as the average Member of the House. Taking everything together, I have come to the conclusion that in spite of the glories of the volunteer service in days gone by, it has always exacted a heavy toll of human life chargeable to the account of inexperience and lack of knowledge of the art of war. [Applause.] It must be remembered that the volunteer system embraces not only the volunteer soldier but the volunteer officer as well. I do not believe that the two can be separated in actual practice. And to me this is a weakness of the system, inherent in it and incapable of being cured. I know that this bill provides that the President may appoint the officers to command the forces to be raised, but as a matter of practice this provision must be heavily discounted. The men who interest themselves in the several States in organizing companies and regiments in the very nature of things will continue in most cases to command these companies and regiments. In some instances such officers will have but little training or experience in military affairs. Of course, I am not unmindful that some of the most heroic figures in American history have been volunteer officers. I would not take away a single star from their well-deserved crown. Nevertheless I am fully persuaded that during the Civil War thousands of boys were sacrificed because of a lack of experience of those in command during the early years of the war. Some of our best manhood, North and South, sleeps on the hillsides and valleys of the South because of a lack of understanding of the science of warfare on the part of those in command. If possible, we should save our sons from this frightful experience in making our plans for the war in which we have recently entered. [Applause.]

If I had any doubts before upon this proposition, they were dispelled yesterday by the distinguished Speaker, when he gave the reasons advanced by Gen. Grant as to why the South was victorious during the first two years of the Civil War. Like the distinguished Speaker, I am willing to rest this case on the opinion of Gen. Grant, the foremost general of his or any other day. No American knew better than he how to bring into being an efficient fighting force. [Applause.] The veterans that marched down Pennsylvania Avenue at the close

of the war, in my opinion, constituted the greatest Army that ever stepped to martial music. [Applause.] You will recall that the reason given by Gen. Grant for the early successes of the South, as pointed out by the Speaker, was that the southern army at the very beginning of the war had the advantage of trained officers, while the armies of the North were under volunteer commands. When the war broke out the officers and men in the Regular Army whose homes were in the South very naturally withdrew from the Regular Army organization. They went back home into the Southern States and organized companies and regiments for the Confederate service. This great body of trained soldiers became, in large part, the teachers and officers of the Confederate army. [Applause.] On the other hand, the officers and soldiers of the Regular Army whose homes were in the North remained in the Regular Army organization, and the volunteer troops which formed the armies of the North were officered largely by volunteers, who at the beginning of the war had little or no Army experience. This is the explanation given by Gen. Grant for the success of the Confederate armies during the first two years of the war, or until the northern armies became trained and skilled in the bitter school of experience and defeat. This is the best illustration of the inherent weakness of the volunteer system that has been furnished in this debate, and proves conclusively that a system which in practice is tied up, not only to volunteer soldiers but to volunteer officers, is not such a system as can be relied upon to meet the trained armies of the most powerful military Government in the world. [Applause.]

To raise an army of a million men to take part in the most destructive war in the history of the world is a horrible thing to contemplate. From this, however, there seems to be no escape. But if we are to call upon the youth of America to defend the flag of the Republic let us see to it that nothing is lacking in guns, provisions, and other equipment, and, above all, let us see to it that they are not lead into battle by men unskilled and inexperienced in the art of war. [Applause.]

Mr. SCHALL. Mr. Chairman, the President is the Nation's leader, chosen by the people, in possession of all the facts relative to the Nation's safety, and protector of its inheritance, and is the one man in the United States equipped and under the Constitution expected to suggest to us plans for the Nation's defense.

Owing to delicate diplomatic relations of the world, present and future friends and foes, our only safety, present and future, rests in adequate, efficient, and sustained preparedness, both by land and sea.

The present situation affords the apparently innocuous opportunity for such preparedness that will insure our place in the sun whatever the outcome of European troubles.

What was the impelling cause that made our President, in direct opposition to the Republican, Progressive, and Democratic platforms demand of Congress the repeal of the free toll of coastwise trade through the Panama Canal, "else he hardly knew how to handle the delicate diplomatic situation that might arise"? The reason for such action will bear no little consideration in the present crisis, and if the cause is understood will point the necessary great preparedness. As I see the situation, the real threat to the safety and security of the United States also leads back to and explains the Mexican situation. Our slinking home from the Vera Cruz fiasco, hooted by the picayunish nation as gringoes, forced to be content with a salute of 5 guns instead of 21, as we demanded; our meekly withdrawing from Mexico after our soldiers had been shot down in cold blood, our property destroyed, our women outraged; our ignominious submission to the order that we could go any direction except south, east or west—no man thinks it was weak, anarchistic Mexico made us do that. The cause for such action and the insulting attitude of the Mexican people to the United States, had its effrontery in the menace which has so long threatened the United States, impatient for an excuse to break the Monroe doctrine which our President, in his great wisdom would not furnish, realizing our complete inadequacy of defense.

We have less than the strength of one great battleship on our western coast. Our coast fortifications, including the defense of the Panama Canal, have guns that shoot only 23,000 yards, while any up-to-date war vessel carries guns that shoot better than 30,000 yards. Ex-President Taft says 500,000 troops could be landed in Mexico in six weeks.

Artillery and munitions of war are now being made in Mexico by other hands than Mexicans. There are in secret organization in Mexico to-day over 25,000 troops other than Mexican.

If Russia makes peace, and there is no small fear that she may, it is quite possible that a change of alliances in Europe may follow which will further threaten the future safety of America.

What caused our President to say a year ago last February that we were liable to be attacked on both coasts simultaneously?

It took us six months to get 25,000 men on the border. We must have efficiency. We must discard the yoke of oxen for the locomotive system.

The men to-day intrusted with the Nation's heritage should stand unflinchingly, regardless of uninformed public opinion, which can not, owing to the peculiar diplomatic relations existing, have means of ascertaining the real facts and underlying situations that threaten the United States, and I am therefore in favor of unshackling the President and leaving him free to maneuver for the safety of America first among the deceitful web of intriguing diplomacy that beclouds the apparent situation and shall follow the President and the war council in their demand for a selective system, believing that we should profit by the lessons written in the blood of patriots across the sea.

I shall vote for the minority amendment and uphold the hand of the President. Our President must be relied on in this crisis to choose what is best. Slow to get into war, even to the verge of seeming disaster, he has proved his desire for peace. Had he wished for war he had no lack of excuses. And only under the pressure of the future safety of America has he finally taken a stand. He is not proanything but pro-American, and he has taken and is taking, in my judgment, the course to insure the future safety of the United States and the ideals she represents.

The condition of war is not of our making, but has been forced upon us, as it seems to me, by the providence of circumstances, for in no other way could the people have been startled from their commercial apathy to place an insurance policy of adequate preparedness upon the country that will guarantee our future safety when the European pot has ceased to boil.

In unison with the Republican policy, we have repeatedly urged and voted for preparedness. We have been exasperated and appalled at the apparent lethargy in this matter of the Democratic Party to secure our Nation in maintaining and defending its policy of peace. And every understanding heart rejoiced when the President, at last pushed to the verge, came forth on April 2 in his immortal declaration of American ideals and human rights.

He should have the undivided support of every loyal American, for the issue is the Nation, and it is with no little satisfaction that I behold a Republican, the distinguished Member from California, leading the fight for the President and his plans.

It will take at least a year and a half to train and equip the Army contemplated and by that time the war in Europe may be over and we shall have the war equipment necessary to maintain our peace and demand our rights in the adjustment of international affairs.

If not, by the same method we can draw one or two or three millions as the case may require without disturbance of our economic conditions.

If the volunteer system were a success, our Army would now be recruited up to full strength. The unfilled militia and the standing army need about 400,000 men to-day, which affords ample opportunity for all qualified volunteers. Our brush with Mexico taught us with what painful effort a few volunteers are secured. The other day Maine recruited one man. So did South Dakota and one or two other States, while Illinois boasts of 230 men as a great record.

We do not need to look into the past—to Egypt, Greece, Persia—to find how swift is the downfall of the nation which lacks preparedness. We have only to consider the example of England in the present war. With war at her very door, Britain could not make up her mind to universal service. Much valuable time, streams of money, many valuable lives were lost, and the war needlessly prolonged by her hesitation. England began to win when she abandoned the volunteer system. The enemies of universal service predicted riots. There was nothing of the sort in England. No one complains there now that it is undemocratic. The pioneers who dared advocate it are considered the true friends of their country.

It is the skilled worker, the farmer, the mechanic, the railroad man, that the nation can not spare, who first goes to war. Our people and our troops must be fed, clothed, and transported. In England these were the men who volunteered first. The most valuable to the nation were the quickest to respond to her needs. They had to be brought back from the trenches and set to work at their proper tasks again. It would be best that the Government assign each man to the duty for which he is best qualified.

The volunteer system disrupts our industrial foundation, takes the very man who would make our warfare effective. It saves the coward and the slacker, but takes the willing pa-

triot—even the boy of tender years whose enthusiasm carries him away. The selective system will prevent him from entering before he has reached the age of 21, and I would support the bill if for no other reason than that it keeps the boyish hands from being shaped to the gun before they have lost the dimples of childhood, gives opportunity to complete their education and fit them for the battle of life, and does not submit them to the immoral influences of an army before their character is shaped. Why should a boy be required to serve his country before he is a part of that Government by his vote?

Should the public-spirited citizen bear all the taxes? Should we finance the war by voluntary contributions? Why should brave fathers do the work that unmarried slackers should be doing? To oppose the selective system is unnecessarily to condemn brave men to death for a period of ineffective warfare. In a few months, after lives have been wasted and the thing has proven itself a failure, we shall be forced to get down to business.

It is the old instinct of selfishness that fights against the selective system. The word has a horrible sound to the ears of men. Some think it implies that their patriotism has been called in question—that they are denied the right to offer. It is not a lack in the people, but in the Government, that should leave to the will of the people whether it and they should be protected or not. Service is not servitude.

The volunteer system coerces by scornful glances and the finger of contempt. Everyone who does not enlist runs the danger of being considered a slacker. The selective system assumes that all men are patriots. It recognizes the equal liability of all, regardless of station, to answer his country's call. It uses modern census and efficiency methods instead of haphazard choice. All citizens owe to their country in this crisis such service as is most effectual. Under the volunteer plan some go to fight who would render better service if they remained at their jobs; others fail to go who would well be spared.

Universal training is self-preservation. It is worse than murder to send raw troops against trained troops. Universal training will build up an efficient army without sacrifice and with immense benefit to the body and mind of the indivdual. Universal service will provide efficiency in factory, in kitchen, on the farm, and on the railroad as well as at the front, while a graduated tax on incomes and excessive profits will put the burden of the war where it can best be borne and make this an efficient, pay-as-you-go enterprise.

It will do away with divided allegiance and make of us truly a united people.

Our enemies rely upon our rejecting universal service and training. They think we shall not have the courage, in the face of the almost universal disapproval of the people, to take this step. The pacifist element in this country will not have suffered a change of heart or method, even though we are in a state of war. If we adopt the volunteer system, they will do their best to render it a failure. Our enemies openly boast that they can rely on their friends in this country to harass and impede our Government.

Now is the proper time to show that there is no pro-anything party in the United States, except pro-American; that when it comes to America as against any other nation it is America first.

There is no reason that universal service shall be made ruthless. There is wide latitude in this bill for exemption for religious and ethical as well as physical reasons. There are approximately 22,000,000 men between the ages of 21 to 40, so that the greatest latitude can be exercised.

While no one desires war, men differ in their method of avoiding it. Being in, let us bear ourselves that the opposed may beware of us. Pacifist and militarist alike have hoped against hope that something may avert war from our shore. War, however horrible, we have accepted as less horrible than a dangerous peace, an unresisting acceptance of injustice. That being our condition, an army we must have. Let us take the best way to get it, not the worst. The best, most efficient means should be grasped to bring the war to a successful, rapid close.

We are a modern nation. Our life is highly specialized. Civil War conditions no longer confront us. Yet even then conscriptions and large bounties were necessary, though the war was within our own boundaries and our Army lived off the country. Industry was then in its infancy. The miller, the shoemaker, the cabinetmaker, the joiner, in leaving his trade did not break up a chain that would cause a trade snarl. But business in our day requires its scientists. War to-day is a war of nations, and it is vital to our success that our economic conditions be kept normal.

Short is his vision who taunts that our only object is to save big business and the profits of the munition maker, appealing to class hatred and class envy. It takes all of us to make the Nation; it matters not whether we are shooting bullets or making them. It is our duty to protect big business and little business and all business from farm to factory; it is our life we are protecting and the life and comfort and safety of our Army. All honor to the volunteers, but sentiment and tears do not make efficiency and can not win in modern warfare.

If the President could but show the world a united people behind him, to whom love of country should mean more than personal ease or envy, lest they were being exploited, it would be a blow at the very heart of this great conflict. If the spectacle of internal dissension could cease to give aid and comfort to the enemy, it would be the quickest way to end the war. Our present action is to have a most serious effect not only upon this war but also the trouble of our own that looms in the offing.

Citizens of the United States, awake! Be united, for the time of trial that lies ahead. Forget class hatred and class envy in the stern, grim test that is to grip the very vitals of us all. We have been long enough delaying. Let us not hesitate to gird us as strong men should. It is a man's war and men should fight it. The burden should rest equally upon all able-bodied men who vote and enjoy the privileges of this land—the high, the low, the rich, the poor, all stand even before the bar of the selective system. If that is not fair, not right, not just, not democracy, then I have lost the power to judge.

Mr. HARDY. Mr. Chairman and gentlemen, I shall vote for the selective conscript plan to begin at once. I would like to give my reasons very fully, but shall only briefly state a few thoughts, because, though I have tried to get 20 minutes for the last two days, I have been unable to do so, and now have only five minutes. I have heard many fallacious reasons urged in behalf of selective draft, as it seems to me, and I hate to see a just cause founded on a false reason. It has been alleged that the selective draft is equality. No; it is not equality. I would hate to tell the mother who bends above the body of her dead child brought home to her from the battle front, while she sees her neighbor's son in life, that her son had borne but an equal burden when he died that others might live. Neither is volunteering equality. The truth is that both the conscriptive and the volunteering systems rest upon a principle higher than equality of burdens. They both rest upon the principle of duty and a consecration to that duty, and if I were to undertake to defend the conscriptive as against the volunteer plan I would simply say that each and every citizen of our country owes a supreme duty to the land, not especially to fight for it, but to serve it in whatever way he may be able best to serve it, and to leave it to his country to select the way. So I would say that it is the duty of the whole country not to ask this boy and that boy by his sacrifice voluntarily made to consecrate himself—no; but to let the whole country take the baptism of fire and consecrate itself and sacrifice whatever and whoever may be necessary to the cause of humanity and the preservation of its liberties.

The essential thing is victory, and the property, the happiness, the pursuits, the rights, the very life of every individual must be subject to the will and judgment of the Nation to attain that end. If this war were to be fought under conditions prevailing in the past, I would hesitate long before resorting to conscription; but to-day the armies in the field are not all or near all that are concerned. There is a bigger army back behind the lines, the administrative, the industrial army, that feeds and munitions the fighters in the field. To-day the nation that starves must surrender, and the army that is not supplied with munitions approximating those of the enemy must retreat or surrender, and in every walk of life there is a duty connected with the war on every citizen that must be fulfilled. To permit individual men to choose the path that they will take and then appeal to them on the idea of higher duty and higher patriotism involved in going to the trenches is unjust to the individual of proud spirit, and it is to forget that this country is one whole, and like the human body has a proper function for each member. The eye and the hand and the foot and the belly are all essential, and all must work under the direction of the head. To-day he who performs his duty well, though he be far from the front, is doing a no less noble service to his country than he who goes to the front and sacrifices his life. Yet they are not equal—no. He who sacrifices life makes the greater sacrifice. First consecrating itself, the Nation selects the sons whose lives are to be sacrificed, since all can not die, though all be willing to die, and then God in his mercy will accept the sacrifice and a grateful country enshrine it.

I would not say to the mother whose son was taken to bear the Nation's burden that he only bore an equal burden, but I would say to the mother whose son was so taken that he had served his country well; that he did his duty nobly; he died that others might live. I would say to her, "Shed a heartbroken mother's tears on his grave; his country mourns with you." That is all, and at best it is but little, and yet it is better so, because in that way fewer lives will be lost and fewer mothers weep.

If this were a brief war, if it were to last but six months, if we wanted only a few soldiers, I would say take the volunteer system, because that would readily secure all we need to fight, and would take none whose places could not be filled from other places. But this war if it lasts six months is likely to last years, and if it should last three years, after we have begun with an army of volunteers we would have to supplement that by conscription and then you would have the distinction between the volunteer and the conscript, and I want nevermore to hear the word "slacker" applied to an American soldier. I want every American soldier to stand before the world equal in honor and deserving with every other American soldier, and that can only be by commencing in the beginning with the conscription service.

If we start in with that there will be no odium attaching to the conscript. This war is likely to be the greatest war that America ever fought, for if Russia should step out, as she may, then on America's back must be placed the burden, and not 500,000 but five or even ten millions of American sons may be called upon before the war is ended. Gentlemen, I thank you. [Applause.]

The foregoing are the remarks made by me on the floor of the House. Under leave to extend, I use the privilege of giving more fully and coherently my reasons for my vote. While I voted for the selective draft at the beginning and against a first resort to the volunteer plan, words can not measure my contempt for the criticism that attacks the patriotism of those who favor the volunteer system, or for any critic who charges, as some here and elsewhere have charged, that the volunteer soldier has always been a failure. The man who makes the charge is no true son of America, and every page of our history as a Nation refutes the charge. No stronger, braver, truer, grander soldiers ever lived or died than the volunteer soldiers of America in every war they ever fought. I would like to pay a special tribute to the southern volunteer soldiers in the War between the States who fought for their rights and their homes, but space forbids, and it is not needed. I do not hesitate to say that my sympathies were and are with the volunteer side of the arguments which for days rolled like contending waves through the Halls of Congress, but my judgment was and is the other way.

If war were still, what it has been, a matter mainly of personal initiative, endurance, dash, and bravery, and military strategy, and genius displayed on the battle front, I would hesitate long between the two systems even in the face of the stupendous numbers of men involved in the fighting. We might hope to win before resort to conscription was necessary. But to-day organization back behind the lines, transportation, sanitation, machinery, food, and clothing of the armies and the nations and supplies of all kinds and superiority of arms and equipments will do more perhaps to win than personal valor or military genius.

This war is being fought as much in the inventor's brain, in the workshop, in the laboratory, in the factory, in the mine, and on the farm as it is in the camp, the trench, and on the battle field. The administrative genius that marshals, conserves, and mobilizes the resources and credits of the Nation must uphold and sustain the Army and the Nation. The Army itself becomes but one of the essential parts of the vast machine, and the soldier more and more the dumb servitor of the master engineer. Tactics and strategy have become largely dull brute force in massed obstruction and destruction and construction. Individual initiative, skill, and genius is still an element, but what strategy is there in an explosive shell that destroys the strongest fortification or sinks the greatest vessel with one explosion, or a submarine that hunts its prey in the darkness and security of the deep sea? Destruction must be met by construction and production and greater destruction.

The nation or army that starves must surrender, and the army or navy that can not nearly match its adversary in equipments, in guns, and munitions must surrender or retreat.

On the sea, under the sea, on the land and in the air, at the battle front and back in the home, every limb, every nerve of the body, every capacity of the mind of every individual and every resource of the Nation is to be taxed to the uttermost, and all must be subordinated and coordinated to one supreme end—victory. The more completely this is done the surer and quicker the victory and the lesser the aggregate and ultimate sacrifice and suffering of the Nation.

We are in this war; we must lay our all upon our country's altar. Defeat for us means subjugation and the imposition of unthinkable humiliations and burdens, or at least living for the future in terror of Germany, whose official utterances have more than once expressed her purpose to make her enemies bear the burdens of her own losses by way of indemnities.

Victory means enduring peace and freedom for the world.

There is a hope that the struggle may be ended in six months. If it is not, it will, in my opinion, last years. If Germany should make peace with Russia or with Russia and Italy, as she may, it will last many years or end in a truce to be followed by a more horrible war. Looking, then, squarely into the face of the future and preparing for the worst while hoping for the best, what is our wisest policy? If the best soldier, the best fighter, the best army, up to a limited number, alone were to be considered, I would not hesitate one moment to declare for the volunteer soldier, but the other things I have named must be considered.

I do not try to fool myself or my people by claiming that conscription is placing the burden equally on all or is universal military service. The very words "selective draft" denies the claim of equality or universality, and the illustration so often used, that military service should be compulsory since taxation is, is an unhappy one, since taxation is uniform and universal, and the very idea of selective taxation—taxing a few and exempting the many—would be abhorrent to us all. The principle on which the selective draft must rest is higher than that of equality of burden. It rests solely upon the duty of the citizen, of each and every citizen, to sacrifice his property, his life, if necessary, for the salvation of his country. Neither does volunteer service rest upon the principle of equality. It also rests upon duty and sacrifice for the salvation of the country.

I would not tell a mother whose heart was breaking when her boy lay dead before her that he only bore an equal burden with those who never served in the Army, whether that boy went as a volunteer or by the selective draft, but I would tell her that he served his country at the demand of her highest call, and died a sacrifice that others might live and be free, and if he had borne himself bravely I would ask her to cherish the proud memory of her boy and her sacrifice and know that her country sorrowed with her and was proud of his deeds.

Since, then, the basis of principle is the same in each case, what are the merits and demerits of the two systems? In favor of the volunteer system it may be said that by it—

First. We get the very best soldiers.

Second. We get them quicker.

Third. We get them without friction, because his loved ones blame no one for his taking. These three virtues of the volunteer system only hold good when the numbers required are few and come gladly.

Fourth. The volunteer goes with his friends and preserves more of his individuality and self-respect. He carries with him the pride of his State and community and fights under or by the side of his kinsmen or friends.

Against that system—

First. It always takes of the best at first, and takes none of the worst, the selfish shirkers, and slackers.

Second. It is unjust because it allows a citizen to enjoy all the blessings and refuse to bear the burdens of his Government.

Third. If enough to meet the needs do not gladly come, then badgering and heckling are resorted to, and many, by moral compulsion, are driven to the Army who ought not to go, while the real shirker and slacker still hangs back and remains at home.

Fourth. It casts unjust reproach on those who stay at home because their highest duty and best service require them there.

Fifth. At last when conscription does come—as come it must if the war lasts—it divides our soldiers into two classes, one the volunteer, the other the conscript, with all that that division implies—of pride and bravery in the one and shame and cowardice in the other.

Sixth. Volunteering is more uncertain in its results; less steady and regular in meeting the needs of the service as they arise. A fault fraught with the gravest perils in every great crisis. That this is true all our history teaches.

In favor of the selective draft—

First. It prevents the exclusive sacrifice of the generous and willing.

Second. In a measure it removes the temptation to shirk.

Third. It removes the stigma and odium of coward and slacker from any part of our Army and leaves every soldier to win honor and promotion by doing his full duty under equal conditions with every other soldier.

Fourth. It is slower in the beginning, but more sure and dependable in the end.

Fifth. It creates less disturbance of industries and helps coordinate and conserve all our resources and is more economical.

Sixth. It makes the unwilling shirker take his equal chance to serve and sacrifice for his country.

Seventh. It calls to service, in all the walks of life, military and industrial, and by the same principle all the property and the liberty and life of every individual is held ready for the sacrifice, so that all may and do the better recognize the principle.

Against this system the one great evil is the unavoidable inequality, when one is taken and another left, when one son is sacrificed and another spared, and the heartbreaking that must follow when mother or sister or father or brother must see their loved one chosen for the sacrifice.

It is a fearful thing to doom a man, a boy to die, but war itself proclaims the doom that waits a thousand or a million sons. Would to God there were another way, but there is none. It only remains for the Nation as a whole to say whether her sons must themselves make the choice and immolate themselves or whether the Nation first shall consecrate itself and then for the greatest good and the greatest mercy to all lay its hand on the sons to be taken. In that way fewer lives will be taken, in that way the Nation is stronger, in that way the end comes sooner and victory surer. And since that way must come in the end, better that it come in the beginning.

In all matters relating to it since the great war began in August, 1914, I have tried to think calmly and act soberly, without hysteria, without passion, and always with common sense.

More than ever before do we now need to use to the full sound judgment and common sense in what we do and what we do not do. There are some things we have been doing and are doing we ought to leave off. We ought to leave off every work now that does not add to our strength as a Nation and help us to win this war. I will just instance one. We are spending vast millions to build great battleships. I ask why? What assistance will they be to us in this war? Our allies have naval strength that so far excels the German that it is childish to speak of our present need of a navy. Then why are we using the shipbuilding facilities and labor of our people to build these useless ships? There are many things we ought to do. We ought to produce every article that our skill and all our industry and labor can produce that will help sustain the strength of ourselves and our allied nations, and then we ought to bend all our efforts toward getting the things we produce to our allies who need them.

If I could decide it, no shipyard to-day would be building great war vessels, but they would be building all the weapons our genius can devise to meet the German submarine first, and then they would be building ships to run the German submarine blockade. Applying common sense, I would not build one of these blockade runners with over 5,000 tons carrying capacity, and most of them would be smaller. The submarines can not find a small ship as readily as they can a larger one. They can not see it as far, and it is not so fair and large a target when found for their shells. On the other hand, armed with guns these small ships are as likely to sink a submarine as is the larger ship. Moreover, if a small ship is sunk the loss is only a fraction of what it would be in the case of a larger ship being sunk. Germany has given us a lesson in the building of submersible merchant vessels, and we might build some of these. If the Government gets under it, we can in six months' time build small ships faster than the German submarine can sink them, even if we never find a means to seek out and destroy the submarine. With these small ships we can carry our corn, our meat, our clothing, and our munitions, as well as our soldiers, to Europe. Common sense tells me that is what we ought to be doing.

I have wandered from the subject of conscription, but to a subject related and no less important. What good will our soldiers and our resources do if we can not get them across the water? We are taking over and putting into service to-day all the German ships interned here, nearly a million tons, and that is common sense. We can build millions of tons of these small ships and they, as nothing else can, will save the day for us and our allies, and when the war is ended and when, as I pray God, the nations have leagued together to preserve peace and humanity, these ships will carry the products of our quickened and intensified energies to the still hungry, naked, burdened, and crippled nations of Europe. Peace—peace with justice and humanity is my prayer. While we are at war and in war may we play a man's part—a great Nation's part. But when peace comes then may America, while her own wounds are healing, prove as never before the shadow of a great rock in a weary land to the stricken nations of Europe.

Mr. MILLER of Minnesota. Mr. Chairman and gentlemen of the committee, this is no opportunity in which to make an extended speech or to enter into a careful discussion of the proposition pending. It is, however, an opportunity for some of us to give a few reasons for the faith which we maintain. I am going to vote for the amendment offered by the gentleman from California [Mr. KAHN], for many reasons, the chief of which is, I believe, that it is the only scientific, sensible, and patriotic course this Government can take at the outset of the war. On Tuesday of this week, during this debate, the gentleman from Kentucky [Mr. FIELDS] endeavored to establish as a proposition that the reason the armies of Greece, small in number, overcame the mighty hosts of Persia was that the Greeks were volunteers, while the Persians were conscripts. I took occasion, offhand, to question the truth of the statement that the Greeks were volunteers. Since that time I have had opportunity to make further inquiry, and I desire to read as a part of my remarks two quotations from the Encyclopedia Britannica, which on historical matters is one of the best authorities in the world:

In historic times all this is changed. Greece becomes a congeries of city-states, each with its own citizen militia. Federal armies and permanent troops are rare, the former owing to the centrifugal tendency of Greek politics, the latter because of "tyrannies," which must have relied very largely on standing armies to maintain themselves, had ultimately given way to democratic institutions. But the citizen militia of Athens or Sparta resembled rather a modern "nation in arms" than an auxiliary force. Service was compulsory in almost all States, and as the young men began their career as soldiers with a continuous training of two or three years, Hellenic armies, like those of modern Europe, consisted of men who had undergone a thorough initial training and were subsequently called up as required.

Again—

So much is in common to the various States. In Sparta the idea of the nation in arms was more thoroughly carried out than in any other State in the history of civilization. In other States the individual citizen often lived the life of a soldier; here the nation lived the life of a regiment. Private homes resembled the "married quarters" of a modern army; the unmarried men lived entirely in barracks. Military exercises were only interrupted by actual service in the field, and the whole life of a man of military age was devoted to them. Under these circumstances the Spartans maintained a practically unchallenged supremacy over the armies of other Greek States; sometimes their superiority was so great that, like the Spanish regulars in the early part of the Dutch War for Independence, they destroyed their enemies with insignificant loss to themselves. The surrender of a Spartan detachment, hopelessly cut off from all assistance, and the victory of a body of well-trained and handy light infantry over a closed battalion of Apartiates were events so unusual as seriously to affect the course of Greek history.

Mr. HARDY. Will the gentleman yield for a question?

Mr. MILLER of Minnesota. I have only five minutes, and three of those are gone now.

Mr. HARDY. That hardly applies to Athens.

Mr. MILLER of Minnesota. The first part I read applied specifically to Athens, and was descriptive of the conditions of Athens; the latter altogether to Sparta. Much has been said about American womanhood and motherhood during this debate. We have had much said of the tears of the bereaved. If we should think of the silent, heroic womanhood of America, we do not need to wonder how American womanhood stands on the question before us.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MILLER of Minnesota. One minute, just to read this.

The CHAIRMAN. Only by unanimous consent.

Mr. RUCKER. Mr. Chairman, I ask unanimous consent that the gentleman's time be extended for five minutes.

Mr. CLAYPOOL. Mr. Chairman, reserving the right to object, I must say there are about 30 Members to speak, and no one is going to get time to make a set speech, and I shall be obliged to object.

The CHAIRMAN. The gentleman from Ohio objects.

Mr. SMALL. Mr. Chairman, I ask unanimous consent that the gentleman have one minute.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. MILLER of Minnesota. Woman generally begins to fight last and quits fighting last. The Daughters of the American Revolution, in their recent annual convention in this city, just before they closed on Saturday night adopted the following resolution:

The Daughters of the American Revolution, in congress assembled, urge that the Congress of the United States cease to retard legislation on the measure for selective draft as recommended by the President of the United States, and, furthermore, the Daughters of the American Revolution urge that the Congress of the United States proceed without further delay to pass the provision for selective draft.

That, my friends, is where American womanhood stands on this proposition.

Our Nation is at war. We must turn from organization for peace to organization for war. We must turn quickly. We

must raise a huge Army, one that will become efficient in the shortest time. This is not an hour that will justify experiment or half-way measures. Nothing but the best will do. At the same time we are exceedingly fortunate. Our enemy is confined to a distant land for the present. Were he at our gates we would be compelled to use every expedient, but he is at arm's length, held there by the ships and the armies of our allies. He will be held there until we can organize from peace to war. We have time to adopt that plan which will result in the greatest efficiency, and we have time to put that plan into effect. The time is opportune in the extreme. It remains for America to demonstrate her capacity to wage war scientifically and effectively. Democracy must now demonstrate its capacity to organize its military forces on sound and scientific principles. We Americans have much to be proud of, but we have some fatal weaknesses. We are prone to trust altogether too much to chance. We are inclined to rely too much upon fortune and providence. We are given to braggadocio and to spread-eagleism. This tendency fills us with joy on festal occasions, but has produced sorrow and shame in the severe struggle of war. If we do not at this time give heed to the lessons of our own experience and accept the wisdom of those skilled in military affairs we must stand convicted before the world of incompetence. There is no inherent reason why democracy should not wield the sword with supreme power. Democracy can and will, provided those who shape her military policy will follow the course dictated by reason and experience. In this hour I can not escape the feeling that both democracy and America are on trial. Not many of those of us here to-day will join the ranks on the battle field, but those citizens who will fight the Nation's fight should be sent to battle organized and equipped in the manner best calculated to promote their efficiency and to avoid unnecessary sacrifice of life. It will be criminal for us to take any other course. We are about to shape the military policy of our country, and upon our decision may rest not only whether victory shall be ours, but also whether there shall be an unnecessary and needless sacrifice of human life and treasure.

It was said of old, and wisely said, that the only path our feet should follow is the path of experience. Reflect, I ask you, upon the experience of this country during the five wars we have had. The evolution of a sound military policy for this country has been a slow one, but has now reached the point where the right step can easily be taken.

At first, during the days of the Revolution, it was thought we could win our independence and our liberty by marshalling the State militia. Sad and humiliating was the experience after the first few glorious days at Bunker Hill. We see by this system the independence of this Nation and the liberty of our people resting upon a handful of starved, poorly equipped men at Valley Forge, whose numbers were changing with the quickness of shifting sand. From the agony of his heart Gen. Washington was compelled then to say:

> The jealousy of a standing army and the evils to be apprehended from one are remote and, in my judgment, situated and circumstanced as we are, not at all to be dreaded; but the consequence of wanting one, according to my ideas formed from the present view of things, is certain and inevitable ruin; for if I was called upon to declare upon oath whether the militia had been most serviceable or hurtful upon the whole, I should subscribe to the latter.

And a little later, in writing to his brother, he penned the following words that definitely warn us of the way we should not travel:

> I observe what you say respecting voluntary enlistment, or rather your scheme of raising 2,000 volunteers, and I candidly own to you that I have no opinion of it. These measures only tend to burden the public with a number of officers without adding one jot to our strength, but greatly to confusion and disorder. If the several States would but fall on some vigorous measures to fill up their respective regiments, nothing more need be asked of them.

It would seem that our sad experience during the Revolution would have given us wisdom when we entered upon the next war, but not so. We were not yet ready to profit by our mistakes. We entered the War of 1812 calling for militia and volunteers. Two years of inglorious war on land resulted, and but for the brilliant exploits of our young Navy upon the sea and the splendid achievements of Gen. Jackson and his men at New Orleans after peace had been declared the War of 1812 would remain a most humiliating epoch of American history. Although we called and called for volunteers and hastily tried to organize militia, we never did get all we asked for, and those we did get were unable, though numbering several hundred thousands, effectively to combat with the handful of British regulars on this continent. Painful and sad and humiliating in the extreme is the thought that comes to us all of the capture and burning of our Nation's Capital by a mere handful of British against the horde of volunteers who fled at the first shot and deserted our Nation in the moment of her peril. The volunteer system in this war having failed, draft was ultimately resorted to.

The Mexican War is a war of glory to the American armies, but not glory to the volunteer system. From the time war was certain until war was declared so many months elapsed as to make possible the training of a force such that it became veteran in character, but above all it was officered in large number by graduates of our Military Academy. These young officers fought the Mexican War and became the great commanders of the Civil War. Respecting them Gen. Scott said:

> I give it as my fixed opinion that but for our graduated cadets the war between the United States and Mexico might and probably would have lasted some four or five years, with, in its first half, more defeats than victories falling to our share; whereas in less than two campaigns we conquered a great country and a peace without the loss of a single battle or skirmish.

In the Mexican War a distinct step in advance was made by forsaking State militia, untrained and undisciplined, and adopting national volunteers officered by those commissioned by the President.

The sudden bursting of the Civil War in 1861 found both North and South alike unprepared. Both at first had resort to a call for volunteers. Early in the war the South clearly saw volunteering could not be relied upon, so in 1862 adopted the draft system. By doing this she unquestionably gained many months, perhaps a full year, upon the North in military efficiency. Within another year the North, hopeless of recruiting sufficient forces of volunteers, adopted the draft. The great Lincoln, burdened with the weight of grave responsibilities and heroically struggling to produce armies that would save the Union, clearly saw the failure of the volunteer system and, determining upon draft, expressed himself as follows:

> At the beginning of the war, and ever since, a variety of motives, pressing, some in one direction and some in the other, would be presented to the mind of each man physically fit for a soldier, upon the combined effect of which motives he would or would not voluntarily enter the service. Among these motives would be patriotism, political bias, ambition, personal courage, love of adventure, want of employment, and convenience, or the opposite of some of these. We already have and have had in the service, as appears, substantially all that can be obtained upon this voluntary weighing of motives. And yet we must somehow obtain more or relinquish the original object of the contest, together with all the blood and treasure already expended in the effort to secure it. To meet this necessity the law for the draft has been enacted. You who do not wish to be soldiers do not like this law. This is natural, nor does it imply want of patriotism. Nothing can be so just and necessary as to make us like it if it is disagreeable to us. We are prone, too, to find false arguments with which to excuse ourselves for opposing such disagreeable things. In this case those who desire the rebellion to succeed and others who seek reward in a different way are very active in accommodating us with this class of arguments.

In each of these wars, after the first burst of patriotic enthusiasm had subsided, volunteering declined immediately and our Government had to resort to artifices in an effort to secure soldiers. In the Revolution, in the War of 1812, and in the Civil War our Nation tried to buy the military services of her citizens by giving them bounties. No one can make me believe the safety and perpetuity of a nation should ever rest upon a military system under which service is bought from her own citizens. Military service to the country is the duty every citizen owes and for which every citizen should be liable.

In the Spanish-American War again we had to resort to volunteers, but the number we called for was never secured. Fortunate for us the nation against which we were pitted was weak in a military way and success came notwithstanding our own unmilitary conduct, but the lessons of that time were learned by those of us now living and should not be forgotten. We should never let pass from memory the confusion, the uncertainty, the haphazard character of our organization and the efforts we made to produce an army. In fact, the lessons of that war were not entirely forgotten. Shortly thereafter, in 1902, we undertook to strengthen the National Guard and in a way to federalize it. This effort was continued further in the national-defense act of 1916, but that was recognized by all military experts as a makeshift and unsatisfactory. It had become the settled conviction of every man competent to judge that the only safe military policy for this country was that the military forces of the Nation should be Federal in character, organized and officered in a Federal way, responsive to Federal control.

We have now a chance to avoid the mistakes of all previous wars and to adopt a policy that will be scientific, sensible, and patriotic. The volunteer system having failed in every war of our history and having notably failed in England during the present great war, common sense tells us to abandon it and seek a better plan. The military experts of this country, the Commander in Chief of our Army, the President, the Secretary of War, and every man of either military knowledge or experi-

ence in our land earnestly urge that Congress adopt selective draft as the method by which we shall raise the main part of our Army now. The system that is thus recommended by every man competent to judge should commend itself strongly to us. I have heard it said during this debate by Members earnestly advocating the volunteer system that they were in no measure impressed by the fact that our military experts, to the man, urge the selective draft system. I can not entirely repress the amazement I felt at such an attitude. Has reason left its throne? Has judgment no place in our deliberations? Has knowledge no value? If one of these gentlemen were sick, would he employ a quack or a skilled physician? Were he in business distress, would he seek the aid of successful and experienced men, or from those who had made a failure of everything? I can not help but feel this attitude is born of American braggadocio and American recklessness rather than of American reason and American discretion.

It seems to me that every fair consideration of the problem demands that we adopt selective draft. This system is fair and just. It distributes equally the burden among all our citizens. The benefits of citizenship are enjoyed by all. There is no reason why one man should enjoy protection to life and property, enjoy the glorious privilege of American liberty, and ask some other man to do his fighting for him. The duty is universal. If occasion requires, every citizen should perform the duty. If the occasion is less urgent, let those perform the duty who can best perform it and let them be selected by the Government itself.

Again, this system is efficient in that it will secure the numbers necessary. The volunteer system, at its best, is uncertain and unsatisfactory and in the end always fails. Volunteering is never uniform. It varies from day to day, month to month, and year to year. In one section men freely volunteer; in another they do not. One class of society often volunteers. The other declines. Military science is exact in these modern days and military organization should be scientific from top to bottom. A scientific military organization can not rest upon uncertain, haphazard methods of recruiting. Selective draft will furnish the exact number of men needed at the exact time. Furthermore, will furnish that number of men trained to the exact degree of efficiency required. Certainty is essential. To secure military efficiency the selective draft is the only method that can possibly result in certainty.

It is further to be observed that this method is essential in a general military organization. Proper organization of a people in a war like the present requires distribution of the personnel so as to supply the farms, industrial establishments producing necessities, munition plants, and the armies of the field with those men who are most efficient in their respective departments. The volunteer system sends men to the Army who should be kept on the farm or in industrial life, running trains, or supporting dependent people. The volunteer system makes it impossible for a people to acquire maximum efficiency; consequently prevents them exerting their military force in the highest possible degree. I have heard it not infrequently observed during the progress of this debate that the volunteer system is the true system for democracy. Nothing could be wider of the truth. The volunteer system is the class system. The volunteer system is more in harmony with the government under which the military clique or class is formed. Democracy gives to all its citizens equal benefits and imposes upon all equal burdens and obligations. Democracy requires not that those who want to go shall fight in its defense, but that all shall go, or as many as may be needed shall go, and it remains for democracy, in its organized form, to determine when and how many. Nothing is more democratic than such a system of military service. It means that all are placed on the same level. It means that the rich man's son and the poor man's son will stand side by side, wearing the same clothes, eating the same food, digging the same trench, and obeying the same order. It means that patriotism shall not be confined to a few or a portion of the inhabitants, but that it shall animate every citizen to do his part.

Objection has been raised to the selective system because numbers of men who desire to go will not be given the chance. Especially is this true of those who may be above the age limit placed in the draft. That objection has no force at the present time. In order that the Regular Army or the National Guard may be recruited up to the strength authorized by law, it is proposed to receive volunteers for this purpose numbering 725,000. I can not escape the conviction that a call for volunteers now will hardly result in producing more than enough men to make up this 725,000. We would then be driven to the necessity of a draft to raise the great army that is to follow. Should we adopt the volunteer system and, as a matter of fact, opportunity be given our people to volunteer in the proposed new Army, I doubt very much if it would be possible to increase the Regular Army and the National Guard in the manner contemplated by the administration. To my mind it is of immediate importance that our Regular Army be at once recruited up to its full strength and that the National Guard likewise be raised to its maximum power. These two organizations will furnish the seasoned troops first to be relied upon. Their organization already exists. The addition of recruits will, after a reasonable period of training, place at the disposal of our Government practically a million men, constituting a whole organization and trained Army, but men will not enlist to fill up the Regular Army or National Guard if they can volunteer in another force. They will know that enlistment in either of these organizations will mean hard work, rigid discipline, and the loss of many personal privileges volunteers are apt to cling to, even to the sacrifice of their military efficiency. Gen. Upton, in his great work, has this to say, as a result of his observation, study, and experience:

> That when a nation at war relies upon a system of regulars and volunteers, or regulars and militia, the men, in the absence of compulsion, or very strong inducements, will invariably enlist in the organization most lax in discipline.

This warning should give us pause, were we inclined at this time to adopt the volunteer system purely.

Some gentlemen are expressing reluctance at placing in the hands of the President as much power as the selective-draft system will. Let their alarm subside. The conduct of war in its very essence is executive and administrative. The function of a legislative body is to provide the authority and the funds and stop there. The sooner we understand this, the better. To be efficient in a military way the Government must be centralized. There must rest in some one mind power to move the Nation's forces that those forces may exert their maximum military efficiency.

The adoption of selective draft now will show to our enemy and to the world that Uncle Sam means business; that he is in deadly earnest; that our entrance into the war is not that of empty words and high-sounding phrases. It is the determination of a mighty people to perform a mighty task. It will show to the autocracies of the world that democracy, when finally aroused to the combat, can and will be as scientific and as efficient in her war might as theretofore she has been just, generous, and true in her dealings with men. We need to convince the world, and especially our enemies, that we are in this war with all our might and power. We can accomplish that in no way as well as by adopting the scientific military policy for the organization of our armies. If we adopt selective draft at the outset, I believe it will be the greatest single military achievement in the history of our Nation. It will be the renouncement forever of the haphazard methods heretofore followed, of the mistakes oft-repeated and a determination that, while we are slow to war, nevertheless, if driven to war, we will wage it with scientific accuracy and the very maximum of our power. [Applause.]

The CHAIRMAN. The gentleman from Illinois [Mr. BARTEN] is recognized.

Mr. BRITTEN. Mr. Chairman, I voted against a declaration of war because I did not think that our Government had exhausted every diplomatic possibility to retain peace, but now that the Congress has declared a state of war it is our solemn duty to provide a large and efficient army in the shortest possible time along lines suggested by the highest American military authorities.

I am profoundly conscious that we have embarked upon the most stupendous task which has yet fallen to the lot of our people, and that we must concentrate every ounce of energy, every dollar of money, and every available fighting man, if need be, in order to prevent defeat and dishonor to our Nation.

With war upon us, it would be almost criminal to resort to the utterly discredited, unfair, undemocratic, volunteer system, in support of which no military authority is adduced, and which could only promote delay, extravagance, tremendous personal sacrifices, and unnecessary slaughter, which in the end must of necessity be discarded in favor of compulsory military service.

It is now up to Congress to mold the entire Nation into an effective fighting organization for the attainment of victory in the shortest possible time, and it is the duty of every man, woman, and child to do their share in some capacity.

The idea that this should be a donation war, fought by men who will consent to sacrifice themselves for the benefit of those who insist on staying at home, must be repulsive to every American mind.

It is said that conscription is undemocratic. To my mind democracy means the equality of obligation as well as of rights and opportunities, and these are entirely destroyed when the burden of defending their country does not fall equally upon all the people, rich and poor, high and low alike.

Conscription will raise the moral and physical tone of the Nation and will do more to eradicate the feeling of sectionalism which still exists than all the other laws combined.

If I were confident we could recruit 2,000,000 men under the volunteer system, I would still oppose this plan, because it would permit some men to shirk a duty they owe to their country, and because it would permit certain sections of the country to reap glory or shame at the expense of others.

No man is worthy to enjoy the rights of citizenship who is too unpatriotic or too cowardly to fight when his country calls for help. [Applause.]

The CHAIRMAN. The gentleman from Iowa [Mr. GREEN] is recognized for five minutes.

Mr. GREEN of Iowa. Mr. Chairman, nearly three weeks have passed since Congress passed the declaration of war against Germany, and we are still debating the manner in which we will raise the forces with which to carry it on. August 1, 1914, Germany declared war. Three days later an army of more than 1,000,000 men, fully armed and equipped to the minutest point and trained to the highest degree, swept through Luxemburg and demanded admission to Belgium. For two and one-half years the conflict has raged. Before the irresistible onslaught of the German Army forts thought to be impregnable have crumbled, whole kingdoms have been swept away; all Europe under arms has not been sufficient to wrest from its iron grasp the territory which it has occupied. When peace is mentioned the German chancellor proudly says, "Look at the map." Never was a braver, never a more efficient army. Yet speaker after speaker has told you upon this floor that a conscript army can not and will not fight, and it has even been said that one volunteer was equal to three of such a force. Let us hope that no American general will labor under any such delusion.

The German Army is to-day larger than ever before, weakened only because its youth and strength lie beneath the soil of a hundred battle fields. It never will be defeated except by an army which is superior in numbers and equipment and at least approaches it in efficiency. I have called it a conscript army, for it is assembled by conscription carried to the last extreme and is supported by a conscription of the prisoners it has taken and the people it has subdued, if, indeed, conscription be not too mild a term for the servitude they endure. The army which we are about to assemble must meet that of a foe which has carried the science of war well-nigh to perfection and stops at nothing to accomplish its aims. To meet such an enemy the highest preparation can not be more than adequate.

Mr. Chairman, no republic can ever hope to equal the efficiency of a military autocracy. We debate because we are free, but in that same freedom we have pledged all the resources of this Republic to the support of the war, and he who surveys the conflict with clear eye and impartial opinion must say that it were little less than criminal folly to prosecute it with anything short of the highest efficiency and power of which we are capable.

I glory in the spirit and patriotism of the volunteers of our Army. I honor and shall honor to the end of my life the sacrifices that they made, and revere the noble women who encouraged those whom they loved and upon whom they were dependent to offer their lives for their country. But he has read the history of our country in vain who says that the volunteer system in this or any other country has ever produced the highest degree of efficiency and power of which the nation was capable. In the Revolutionary War this system, time after time, reduced Washington almost to despair as he saw his army melting away, not so much through the bullets of the enemy as through the refusals or neglect to serve in it. The volunteer system deepened the furrows of care in the face of Lincoln and left the fate of this Nation trembling in the balance when he was unable to fill the ranks of his armies so sadly depleted in the dark days of the Civil War by death and disease. It was not because there were not men enough to fill these ranks, but because there was, as there always will be, men who will perform their duty only under compulsion.

What are the objections to the system of selective conscription? I have listened as they have been made upon this floor with open mind, only to be convinced of their insufficiency. They tell us this system is not democratic. Why? Is it not true that as a democracy ought to provide an equal opportunity for all, so it ought and must place upon all alike the duty of service to the State? Who can say, who will say, that this is unjust and undemocratic? "We admit that," says one speaker. "What of it?" Just this: What value is the admission if the obligation is not performed? Another gentleman said, "I am for universal compulsory training, but not for conscription." Universal training! What for? For pink teas and croquet? What value is universal military training without universal service? If we are not going to call the men trained into the Army, why give them a military training? Of what value is the training to the Government if they are unwilling to perform military service? He who refuses to admit this obligation or is unwilling to perform it has no title either to the care and protection which his country has given him or the legacy of freedom which the valor of our ancestors has bequeathed him, and is not worthy of the name of an American citizen.

Some say that the selective draft will place a stigma upon those who are brought thereby into the service. Again, I say, why and how? Because it has done so in the past under a system which at first exhausted every method of persuasion, until he who had refused to volunteer had thereby evinced his unwillingness to perform his duty? This has no application to the proposed plan by which the Nation at the outset fixes the position and duties of its citizens. Who can truly say that any stigma attaches to the man who says "I am ready when the call comes, tell me when and where you want me"? Rather the stigma will rest upon the man who denies that his country ought to call upon him for service and who sullenly and unwillingly obeys the call, protesting that others should perform the duty which by every principle of right and justice rests upon him.

What can be fairer than to ask that each citizen be ready to do his part, and what can be more unfair and unjust than to lay upon the shoulders of those willing to perform their duty, not only their share of the burden, but also the load that should be carried by others. Yet the volunteer system does exactly this, for if the slacker and the shirker fails to do his part it must either be done by others who have already taken up their full task or the Nation will fail, as it always has failed under such circumstances, to receive the support from its citizens which will enable it to exert its highest powers. Because the patriot has undertaken in the past to do more than his share, sometimes succeeding, sometimes failing, is no reason why he should be called upon to do so again. Such a system imposes a cruel and unnecessary hardship upon those who instead of being rewarded by their country are crushed by burdens greater than they can bear. The injustice of the volunteer system is showing itself to-day just as it did in a greater degree in the time of the Civil War. Child as I was at the time of that conflict I saw it experienced in those days. I saw then bitter suffering endured by the volunteer soldier and his dependents—the volunteers who set no limit to their sacrifice, while at the same time I saw sturdy loafers and grasping money makers refuse to perform their obligations to their country. It is the same to-day. In my own district the very flower and pride of the community are enlisting, while many of those without ties and without occupation give never a thought to their duty to their Government, and they never will if the volunteer system prevails. They say that conscription will take the boys. This is true in part. One of the saddest things about war is that it can not be effectually prosecuted without the youth and strength of the Nation. Experience shows that to form an army of elderly men is but to fill the hospitals and graveyards, and the country that undertakes to fight with men of mature years would quickly find itself vanquished in a contest where first of all physical endurance is required. But if it were otherwise the objection would be intensified by the volunteer system which always gathers in the youth and the extreme youth such as will not be reached under selective conscription.

Look at your pension rolls. Remember that the Civil War began 56 years ago and that it is more than half a century since the last gun was fired. Consider the natural depletions by death and you will find who fought in the Civil War. It was the boys who carried on that war, and without which it could not have hardly been begun on either side, much less maintained afterwards. Is it any answer to the charge to say that the volunteer system takes only those who are willing to perform their duty, when the shirker and slacker are profiting by their patriotism and protected by their sacrifice? No; it merely shows how great injustice can be thereby perpetrated. But some one has said that the rich and influential who are above the age of conscription are fostering this plan. What of it? Have they no sons? The fact is that the system of selective conscription must often take the rich, while the poor are exempt. The son of the banker can not say that he has a widowed mother who needs his support. The son of the wealthy manufacturer who now spends his time on the tennis courts, the golf links, and in

social entertainments can not plead that he is needed to make munitions, for he never helped to make any. The son of the wealthy merchant, who is now dashing about the country in some high-powered motor car, can not offer the excuse that he is needed for any useful purpose. Selective conscription is the method, and the only method, that will effectually protect the poor boy in his rights and bring into the ranks those who can serve without the least sacrifice and the least injury to the ability of the country to carry on the war. Right here arises another point against the volunteer system. It will be useless to assemble a great army if it can not be fed, transported, and supplied with munitions of war. If we do not consider these things we would be so far behind our opponents in efficiency as to either paralyze our efforts or make our armies the helpless victims of our enemies. Yet all these considerations are ignored by the volunteer system. It takes those most needed for the support of our armies, alike with those who may properly go, and demoralizes our industrial organization with no corresponding benefit. If we continue to adhere to it, we must acknowledge that we alone of the great nations of the world have made no progress in the science of war and its efficient maintenance.

This does not mean that we should discard or fail to complete the units already formed or fail to make a place for those who prefer the roll of a volunteer. We need a force now and must have it. We ought not to discard the National Guard and the plans already made for its development, and the proposition offered by the minority of the committee does not discard it. It is idle to say that volunteering will not be permitted when it is now going on. There will be ample room for all who wish to volunteer, and from present indications for many more in the 600,000 which will be required to fill the ranks of the regulars and mobilize the guard as provided by law. I decline to assume that the law will be violated simply because the Secretary of War properly holds that the present units of the guard must first be filled. With every freedom given volunteering the records plainly show that eventually we must come to some form of general conscription or enrollment, and even the bill proposed by the majority of the committee practically concedes it by making provision for it, in the judgment of the President. Why should we not have it now? Why wait in the presence of a foe that acts with almost superhuman swiftness and energy?

A lady said to me yesterday, with a woman's natural sympathy and compassion, "Would you send our boys to the trenches of France?" "Ah, Madam," I said, "if the French boys had not come to the trenches of America a different flag would be floating over you to-day. It was a French boy that led them, Lafayette, one of the greatest heroes of the Revolution, then barely 20 years of age." I might have added that the kindling fires of liberty which have since lighted the world would have been extinguished and the clock of the world's progress set back for centuries. We will never be able to do more for France than she has done for us; nor is it likely so much.

I hope it will not be necessary to send any of our soldiers abroad, but if the country needs them there they will willingly go. More than 100,000 of our citizens have expressed their desire to go to France with Col. Roosevelt. I hope permission will be granted them, and will vote for an amendment to the bill for that purpose. Such a movement would be an inspiration to our allies and to our recruits, and would show that Americans are willing to risk their lives as well as their fortunes in support of the just cause for which we have declared war.

Gentlemen of the House, we need courage to-day. We need courage not only to be willing to offer our own dearest and best but, what is sometimes far harder, to call upon others for sacrifices. We need courage to tell the people of this country that by blood and treasure their liberties were bought, and by blood and treasure only can they be maintained. We need courage—oh, we need courage most—to resist that false sentiment which would make the war on our part an opera bouffe farce, in which soldiers and generals alike do everything but fight and whose heroes faint at the smell of powder. Such a course would expose us to the deserved contempt and derision of the world and make the name of our country a byword and hissing among nations. Lastly we need, and as a body I trust have, the courage to disregard the effect on our political fortunes of the enactment of a bill which will anger and antagonize many, as this conscription will when enforced. And let us pray God for ourselves and our country that we may have that nobility of soul that looks above the tears and agony and blood of the conflict and finds its greatest reward in the knowledge of service performed, of duty done, of America and her rights, first and forever. [Applause.]

The CHAIRMAN. The gentleman from New York [Mr. HULBERT] is recognized.

Mr. HULBERT. Mr. Chairman, personally I have never had any doubt of the merits of universal service, which I believe is the only plan to secure a trained citizenry consistent with our democratic ideals under our republican form of government.

If we were considering this measure in a time of peace, I believe that I should oppose the incorporation of the principle of selective draft, but on April 6 this Congress, by an overwhelming majority, recognized that a state of war existed between the German Empire and this Republic, and on the 14th of April, without a dissenting vote, the Members of both Houses signified their confidence in the Chief Executive and Commander in Chief by placing at his disposal a credit of $7,000,000,000, the greatest amount ever appropriated by any legislature in the world's history, for the purpose of enabling him to prosecute the war vigorously to a speedy and successful termination.

Supported undoubtedly, and availing himself of the wisest counsel to be had, the President has urged upon this Congress the authorization of the selective draft, and it seems to me that this is no occasion for any Member of this House to hazard the success of this war and the future of his country upon his individual guess whether we should experiment with the uncertainties of securing a sufficient number of troops under the volunteer system before exercising, as a majority of the committee themselves concede the possibility of our being compelled to do, recourse to the selective draft. Rather do I conceive it to be my duty, as I wish some of my colleagues could perceive it to be theirs, to demonstrate by a unanimous vote to our common enemy and the world that, whatever our opinions may have been before that solemn and sacred hour when on Good Friday morn the die was cast, we are now united in spirit and in purpose to prosecute the war vigorously, relentlessly, and unitedly to a complete and decisive victory.

So, Mr. Chairman, my vote will be for conscription; but I hope that I shall be afforded an opportunity to support an amendment appropriating the money to enable the War Department to pay those who have received commissions and those who are candidates for commissions in the Officers' Reserve Corps while undergoing intensive training at the training camps, in order that patriotic young men who lack the means will not be penalized by their limited financial resources, and denied thereby the opportunity, no matter how great their merits, to serve the country and the flag, except in the line under their more fortunate, but perhaps less able, brothers in arms, whose financial independence would otherwise make it possible for them to monopolize the appointments as commissioned officers, thus fomenting class distinction and the inevitable friction that flows therefrom.

Mr. Chairman, while many references have been made to the writings which the fathers of 1776 and 1812 have bequeathed us as a patriotic heritage concerning the merits of the volunteer and conscription systems, no single reference has been made, and I dare say none can be made, touching upon the aerial destroyers which we realize from day to day are proving a most potent factor in the course of this war's determination. They no more conceived its inevitable development and indispensable necessity than they could anticipate the vast expanse of our dominions or the fact that in 1917 free America would be allied not only with France, our savior, but with Great Britain, whom they twice fought to establish our independence, to now replace autocracy with the enlightened spirit of true democracy throughout the world; yet more than three-fourths of a century ago no less a man than Alfred Lord Tennyson wrote with prophetic vision:

For I dipt into the future, far as human eye could see,
Saw the vision of the world, and all the wonder that would be;

Saw the heavens filled with commerce, argosies of magic sails,
Pilots of the purple twilight, dropping down with costly bales;

Heard the heavens filled with shouting, and there rain'd a ghastly dew
From the nations' airy navies grappling in the central blue;

Far along the world-wide whisper of the south wind rushing warm,
With the standards of the peoples plunging thro' the thunderstorm;

Till the war drum throbb'd no longer, and the battle flags were furl'd
In the parliament of man, the federation of the world.

The opportunity for a realization of the prophecy of Tennyson has been afforded by American inventive genius, which in the creation of the flying machine, has established a new vision for military operation, just as American genius furnished, by the invention of the submarine, the new vision in naval operations. We have decried and condemned the latter in its inhuman application by our enemy; shall we not avail ourselves of the glorious opportunity to be achieved by the former, as already demonstrated by our allies?

Our honored guest, Right Hon. Alfred J. Balfour, some time ago stated on the floor of the House of Commons:

The time is here when the command of the sea will be of no value to Great Britain without corresponding command of the air.

A great military figure, the late Lord Kitchener, stated that a well-trained and equipped aviator was worth a whole army corps.

And Marshal Joffre, idolized upon his arrival in the Capital City last Wednesday with no less enthusiasm than he was received at the gates of Paris upon his return from the Marne, after he had stemmed and turned the tide against the destruction of civilization, declared on the deck of the *Mayflower* as he passed historic Fortress Monroe:

The French idea of an American participation calls for a fighting force supported by auxiliary services and a strong aviation section.

We hear expressions of opinion daily that the present war will be decided in the air, and we know that the recent allied victories have been due to the fact that the allies have proven themselves to be the masters in aerial navigation; yet every cable dispatch of aerial accomplishment fills us with a thrill of pride because some valiant and brave American has been a participant. Only a handful they have been, but they have proven the statement that an aviator is worth a whole army corps. To-day we are to decide what our first contribution to the common cause is to be. We are to select the most powerful, the most effective weapon with which to strengthen the hands of our allies. It is conceded that it will require from nine months to a year to train and put a substantial American force in the field, but there is no doubt whatever that we could train and equip and send to Europe 5,000 aviators within a much less period; moreover, while many of you have expressed your doubt with reference to securing a sufficient number of volunteer soldiers, and others question the propriety of invoking the selective draft, it is a conceded fact that there are thousands of young men waiting to enlist in the air service, inspired by the novelty and fascination of aerial activity, so that we have no fear of the success of the volunteer service and no need of conscription so far as the air service is concerned. They are men of the best type, men like those brave and daring American aviators, William Thaw, Norman Prince, Elliot Cowdin, J. R. McConnell, C. C. Johnson, Lawrence Rumsey, R. Luffberry, Kiffin Rockwell, Bert Hall, Didier Masson, and other members of the Lafayette Corps, who fought side by side with the French and British aviators for the past two years; therefore I want to urge this House to-day to go on record in favor of a plan to make our first contribution to the common cause 5,000 well trained and equipped aviators.

Our allies appreciate the fact that we can best help them by sending aviators, and they have already suggested, in fact, that it be done.

The prominent naval strategist, Rear Admiral Bradley A. Fiske, in a recent communication to the board of governors of the Aero Club of America, as the representative aeronautic body in this country, suggested that the club point out the advisability of sending to Europe a large unit of aeroplanes with well trained aviators and appropriate armament; and in response to an inquiry cabled by the French and British newspapers to the Aero Club of America, Mr. Alan R. Hawley, its president, replied:

We have thousands of applications for aviation training from college men who are anxious to join the Army and Navy Reserve or would like to join the American aero squadron in France or the royal air service. Large aviation camps could and will undoubtedly be established immediately where students will be given their preliminary training in aviation and in military matters in general. The Aero Club has received a large number of offers of extensive tracts of land to be used free of charge as aviation training camps, and it has also received liberal offers of funds from patriotic citizens for training aviators in large numbers. But I believe that to give the best results and avoid confusion the training of 5,000 aviators to be sent to Europe should be undertaken by the United States Government. The suggestion comes at the most opportune moment, and you may rest well assured that there will be no lack of cooperation in the United States to make the plan effective. In the light of the situation here one is safe in predicting that if all of the forces to be dispatched from this side to the European battle field the strong probability is that amongst the first will be a large number of representative aerial squadrons, consisting of the very best material that America can furnish, all fired by patriotic enthusiasm at the prospect of flying under the "Stars and Stripes."

Mr. Chairman, under the leave granted to extend my remarks I include the following:

A year ago when Villa's raid brought out the fact that we had only 12 aviators and 6 aeroplanes available in the Army air service to meet the emergency, an appeal was made for aviators and aeroplanes by the Aero Club of America, which very patriotically undertook to train and equip aviators for the national defense and build up the very important branch of the Army and Navy.

The response to the Aero Club's appeal was amazing. Applications came from all over the country, by telegraph, mail, telephone, and personal calls of the applicants. The energetic officials of the club, who, by the way, have been the patriotic, far-seeing men who started and supported with all their might and to the fullest extent of their means the movement to build up our national defenses, arranged for the training of over 100 aviators, some of whom have actually become Army aviators, and others are to be found in the Aerial Reserve Corps, the Naval Reserve Flying Corps, and in the aviation sections of the militia throughout the country.

But the response to the appeal brought such a flood of applications that it became imperatively necessary for the Government to take up and deal with it promptly and substantially. I had the pleasure of being a member of the committee which called on President Wilson on June 29, 1916, to bring to his attention the fact that there were 2,000 patriotic young men who had been waiting patiently—and impatiently—for a chance to enlist in the air service. When you consider that at that time one of our greatest national problems was, as it still is to a great extent, the problem of getting men to enlist in the Army and Navy, you realize why the Aero Club of America, of which I am proud to be a member, realized the importance of bringing the matter to the attention of the President of the United States, who, realizing the importance, immediately authorized the creation of the Aerial Reserve Corps, as provided for in the national-defense act of June 3, 1916.

The Aerial Reserve Corps, which is part of the Officers' Reserve Corps, was authorized on July 13, 1916, and a few days later, when, with the committee of the Aero Club of America, I called on Secretary Baker and at the offices of the aviation section of the Signal Corps, we were advised that the plan of the department was to immediately select 297 men to be trained as officers and aviators in the Aerial Reserve Corps, and to send them to some 10 private aviation schools, which were in a position to arrange for their training. Unfortunately this plan was not accomplished through the summer and fall, and the winter conditions were considered too difficult for student aviators to face, so the establishing of aviation training camps and the training of hundreds of aviators for the Aerial Reserve Corps was postponed. Several aviation training schools are being established by the Army and the Navy, and while the plans are being made, I want to emphasize a condition existing which, if taken advantage of, will cause the thousands of aviators whom we should have as soon as possible, not only for national defense but also to send to Europe as our first contribution to help our allies, to wage this fight for humanity and civilization.

I know of many Members of Congress who have received applications from young men desirous of joining the Aerial Reserve Corps, the Naval Reserve Flying Corps, and who on applying to the War and Navy Departments have received the same answer that I have received, and thousands of young men have received, to the effect that the Army and the Navy are not in a position to take care of these thousands of patriotic young men who want to give their service for the upbuilding of our aerial service. The departments advise that the aviation schools are filled to the limit of their capacity, which is roughly estimated at less than 300 aviators, being trained, including the Navy Aviation School at Pensacola, the Army schools at San Diego, Cal., Mineola, N. Y., Memphis, Tenn., and the two new temporary aviation schools established at Chicago, Ill., and Essington, Pa.; and the private schools being conducted for the Army at Miami, Fla., and Newport News, Va.

I am advised that the War and Navy Departments and their recruiting offices have been flooded with applications from men who want to join the air service, and that to put the estimates of those who have applied for training in the past few months at 20,000 would be conservative. The Aero Club of America alone has received about 4,000 applications in the past three months, including hundreds of applications from college men, some of whom have already been partially trained at private expense.

In some cases young men, after waiting for months for action, undertake to pay for their own training, and there are to-day about 200 young men learning to fly to prepare themselves at private expense to be ready for the Army, Navy, or Reserve air service. A group of patriotic men, headed by Mr. H. P. Davison and Mr. Lewis S. Thompson, and with the cooperation of Messrs. Alan R. Hawley, Rear Admiral Robert E. Peary, John Hays Hammond, jr., and Henry Woodhouse, are establishing a school to train 100 young men in aviation. Last year they founded Aerial Coast Patrol Unit No. 1, which gained distinction in the Mosquito Fleet maneuvers last September, and has been doing pioneer work in naval aeronautics. When war with

Germany appeared to be inevitable, these young men left Yale University, where they were studying, and 29 of them reported to the aviation school in Florida, where they have been undergoing intensive training in aviation. They will now return to New York in a few weeks, and 100 will train at one single large aviation school. Two other groups of 12 patriotic men have formed Aerial Coast Patrol Units Nos. 2 and 3, and are taking aviation training at their own expense. Recently some Columbia University men formed Aerial Coast Patrol Unit No. 4, and within a few days they had 200 applications from Columbia men, and they are now making efforts to raise sufficient funds to purchase aeroplanes for training.

On March 10 an official of the Aero Club of America, Mr. Henry Woodhouse, delivered two addresses—one to Princeton University men and one to the alumni of Georgia Institute of Technology, and recommended that they form aerial coast-patrol units. To-day, thanks to patriotic men who presented the aeroplanes, a unit is training at Princeton. The suggestion to form an aero unit at the Georgia Tech. resulted in some 350 Georgia Tech. men applying for training. The officials of the college presented the names of these men to the Chief Signal Officer several weeks ago and told him that the Georgia Tech. will be glad to give the grounds to establish an aviation school and to also establish a course in the theory and application of aeronautics in the institute. Another patriotic man, a member of the Aero Club of America, last summer established an aviation training camp at Governors Island and paid tens of thousands of dollars for preparing men for the Aerial Reserve Corps. Those men and the men trained at Mineola, also at the expense of citizens fired by patriotic impulse, are now all that we have for the aerial defense of the third naval district. Still another member of the Aero Club of America, Mr. W. Earl Dodge, has been supporting an aviation training camp for training men for the Aerial Reserve Corps and has spent over $100,000 to help the upbuilding of our defenses.

Mr. Emerson McMillin, another veteran worker for national preparedness connected with the Aero Club of America, gave $34.000 toward the training of those aviators who are now available for the aerial defenses of the third naval district. And a few days ago a group of patriotic ladies formed the Aerial Aid Society for the purpose of paying for the training of 12 men and forming a unit of the Aerial Coast Patrol. The ladies of the National Special Aid Society have also contributed from time to time during the past two years toward the training of aviators. In fact, there was contributed the sum of $59,000 to train, equip, and support the First Aero Company of the New York National Guard before the War Department contributed a cent toward their upkeep. I know that this was also true in Massachusetts. Mr. T. Jefferson Coolidge, of that State, contributed close to $10,000 for training militia aviators in Massachusetts and New York. Amounts were also raised in Rhode Island, California, Michigan, New Jersey, and other States.

I could go on quoting case after case of demonstrations of practical patriotism, including offers of seaplanes and seaplane stations for use by the Army and the Navy, by Rodman Wanamaker, J. P. Knapp, August Belmont, Mrs. William H. Bliss, Mr. Floyd Jones, and others; and I also could give the names of those patriotic young men like F. Trubee Davison, Robert A. Lovett, G. G. Depew, Frank Goodyear, David Clinton Backus, J. F. Knapp, Charles B. Wrightsman, Duncan Forbes, and others, who are not only paying for their own training but are also organizing units of the Aerial Coast Patrol.

It is not necessary for me to point out that the country at large appreciates the necessity of upbuilding our aerial defenses and the national demand that steps be taken immediately to train and equip at least 5,000 aviators. The action of the Sixty-fourth Congress in voting appropriations amounting to about $18,000,000 for the Army and the Navy for aeronautics proved that the country had just begun to appreciate the need of developing our aerial service.

I dare say that if a canvas were taken it would be found that the country demands that prompt action be taken in building up an air service equal to the air service of the first-class European countries.

The air service to-day is the balance of power which decides the daily victories of the armies in the present war. Several weeks ago, before the present drives of the allies started, there took place a succession of aerial engagements which lasted for several days, until the allies were victors. Having mastered the enemy in the sky, it was easy to drive them from their intrenchments. Having supremacy in the air, the allies could prevent the German aviators from following the movements of the allies, whereas the allied aviators had free access over the German lines.

We are going to ship billions of dollars' worth of supplies to the allies, and we shall have to protect every dollar's worth of those supplies and every ship employed in transporting them from the attacks of submarines and from submerged mines. Nothing else is so well adapted for protecting our harbors and shipping lanes from submarines and mines as the sea plane, dirigibles, and observation balloons, a fact which has been amply demonstrated in the present war. Great Britain has 107 aeronautic stations along her coasts, and yet the coasts of Great Britain total only about 1,500 miles. With thousands of miles of coast we should have at least as many stations as Great Britain has, extending from Maine to the State of Washington. The National Aerial Coast Patrol Commission, of which I have the honor to be one of the commissioners, has been pointing to this vital need for the past two years and urging action.

On April 13 I presented to this House the plan for the aerial defenses needed for the third naval district, a basic plan of aerial defenses suitable for the 13 continental and 2 insular naval districts, prepared by the advisory committee on aeronautics which is cooperating with the commandant of the third naval district in the organization of the Naval Reserve forces. This plan shows what must be done to establish an aerial coast patrol substantial enough to protect our shipping. I pointed out in that report that Sir Edward Carson, on February 21, 1917, reported to the British Government that since the commencement of the war the British Navy, with the cooperation of its most efficient aerial coast patrol, has examined 25,874 ships. During the first 18 days of February 6,076 ships arrived in ports of the United Kingdom, and 5,873 ships had cleared from United Kingdom ports. Practically every ship that arrived and every ship that cleared was inspected as it neared the ports and convoyed by dirigibles or sea planes. Sir Edward Carson is authority for the statement that from the beginning of the war up to October 30, 1916, the British Navy transported across the sea 8,000,000 troops, 9,420,000 tons of explosives and material, 47,504,000 gallons of gasoline, over a million of sick and wounded, and over a million mules and horses, and so forth.

It cost Great Britain approximately $350,000,000 to build her present air service, half of which was spent for the naval air service and aerial coast patrol.

What would the fate of the allies have been if Great Britain had hesitated in investing large sums in a substantial air service?

And, now that the United States is about to undertake to ship billions of dollars' worth of supplies, we need a substantial air service and aerial coast patrol to protect our ships from U-boats and mines.

Our neighbor, Canada, sent 600 aviators to England since the beginning of the war, and is now spending $80,000,000 in aeronautics and in training and equipping 20 aero squadrons. The allies know the valor and daring of the American aviators. So the allies hope for that kind of assistance and cooperation; they need thousands of them, and we should not lose time in training and equipping and sending them.

To train these thousands of aviators to be sent to Europe and the thousands more needed here for national defense, to protect the billions of dollars' worth of shipping, will take an extensive organization and administrative force. We have been attempting for over a year to do within a few months what should have been done during the past 10 years, with a few men. The overburdened Signal Corps in the Army and the Bureau of Operations in the Navy have been trying to attend to the development of aeronautics besides doing their other duties. As a matter of fact, their other duties require more than all of their efforts and all of the time and efforts of a staff many times that of the present one. So we must extend our administrative organizations; and I therefore urge that the time is ripe to establish an independent department of aeronautics, which shall coordinate and develop the aeronautic resources of the Army, the Navy, the Coast Guard, the Post Office, and so forth, and also the civilian developments, including aerial transportation, which is bound to come in the very near future.

In establishing a department of aeronautics, with a secretary of aeronautics, who will be a member of the Cabinet, we shall only follow the example of European countries. Great Britain and France, after trying every means and way, finally had to come to the conclusion that a separate department of aeronautics, with a secretary of the air as a member of the cabinet, was the only solution to the problem. Surely we Americans, who are known to be practical people, will not fail to learn by the experience of these other countries, which are now our allies.

There is now a bill before the Congress, known as the Sheppard-Hulbert bill, providing for the creation of a department of aeronautics, with a secretary having a portfolio in the President's Cabinet, upon which I hope Congress will act favorably at this session.

The story of establishing the British air ministry and some very convincing facts about the importance of air power was given in an article contributed by Rear Admiral Robert E. Peary, chairman of the National Aerial Coast Patrol Commission, to the monthly magazine, Flying.

If our aeronautical activities are developed with good judgment and scientific skill, I predict it will be the deciding factor in the war, thus fulfilling Tennyson's prophecy, and so complete that those of us who survive will live to see—

> The fair white-wing'd peacemaker fly
> To happy havens under all the sky,
> And mix the seasons and the golden hours,
> Till each man find his own in all men's good,
> And all men work in noble brotherhood,
> Breaking their mailed fleets and armed towers,
> And ruling by obeying nature's powers,
> And gathering all the fruits of earth and crown'd
> with all her flowers.

The CHAIRMAN. The gentleman from Indiana [Mr. COMSTOCK] is recognized.

Mr. COMSTOCK. Mr. Chairman, having grown up in the belief that one who makes to his country the offering of his life should live ever after in its grateful memory, I have not been prepared to learn from leading newspapers that those who favor a volunteer system of raising an army are incompetents, if not traitors, giving aid and comfort to the enemy.

The impression formed in youth has been emphasized in later years by reading in the platforms of all political parties and hearings proclaimed from the stump by unnumbered orators that none deserves so well of the Republic as he who fights in its defense.

With all these utterances has been associated the idea of volunteer service. On fateful fields of the Republic monuments are erected, on which are raised, in bronze and marble, figures of the volunteer soldier and sailor, in honor of the defenders of our common country—not one to the conscript. The volunteer system has been characterized on the floor of the House as archaic, and even as vicious.

High praise has been given to the volunteers of 1861. They were volunteers, without distinction of age or sex. On both sides of the line men, women, and boys entered into honorable rivalry in aiding the cause in which they believed.

> The wife whose babe first smiled that day,
> The fair young bride of yester eve, and matron gray
> And aged sire, all saw the loved warriors haste away
> And deemed it sin to grieve.

The result of that spirit, the hearty discharge of duty, converted an age which had become commonplace and sordid into one of heroism and self-denial.

Archaic is of Greek origin, and means old. I admit the charge. The immortal three hundred who defended the famous pass; Horatius, who held the bridge; Curtius, who threw himself into the breach to save his country; the young American who fired "the shot heard 'round the world"; the heroes of Concord and Lexington; the men who fought with Warren at Bunker Hill; the victors at Kings Mountain; those who gave "The Hornets' Nest" its name; Francis Marion, the "swamp fox"; the illy fed, illy clothed, and poorly paid men who constituted an army—an army in name only—and followed the Father of His Country through the vicissitudes of the Revolution until privileged to see the banner of the proud mother country lowered to her victorious and rebellious sons; and the brave men who died in defense of the Alamo were volunteers. It has been truly said that all our wars, practically, have been fought and won by volunteers. All that is past—it should not be forgotten.

In the great war in which we are engaged we are going to furnish, either as volunteers or conscripts or as both, all the men necessary to its successful prosecution. In essentials we are all standing by the President; and the only question now is, Shall the army be raised by the volunteer or conscriptive system? All are agreed as to the end, but differ as to the means.

The selective conscription is conscription; the selective conscript is a conscript still. It is not a question of universal military training—we are a unit on that subject—nor of sending untrained troops to battle—all are opposed to that—nor of the disparity between raw and disciplined and seasoned soldiers. Everybody admits the difference. The advantage of drill and discipline will be reaped alike by conscript and volunteer. All these conditions referred to are things apart. We are at this time only to decide the best way to recruit an efficient army.

By the bill under consideration, the volunteer and the conscript come from the same classes of citizens. Their qualifications are required to be the same mentally, physically, and as to age. The rules of exemption which make the word "selective" apply alike to men under both methods. The time required to assemble recruits is of great importance. Other things being equal, that should determine our choice in the selection of a method. The estimates coming to us from those qualified to speak fix the time in which the draft can be made effective at from three to five months; and while the matter of expense should not weigh where principle is involved, it would be vastly greater under the draft system than under the volunteer plan. Under the volunteer system it is apparent that troops may be raised in the shorter time and at less expense. The claims that the volunteer system is a failure, with all respect to those who make them, are not borne out by the facts of history, as shown in the able arguments heretofore made. I have no doubt that the number contemplated by the bill can be recruited much earlier under the volunteer than under the conscription method. Our citizens of to-day are devoted to the principle of representative government. To admit that they will not volunteer their services would be but to say that they are not in sympathy with the war or that patriotism has touched low-water mark in the Republic.

A reference to the first American, the only Washington, always awakens interest and commands respect. This is due to the fact that we cherish his memory with religious gratitude. In whatever position or attitude history presents him, we look upon him with veneration and affection. As just as Cato, without his austerity; as brave as Cæsar, without his sinister ambition; what views he expressed upon any subject are accepted as almost conclusive. The letters of the great Washington read by my distinguished friend from California on the subject must be read in connection with the times and conditions under which they were written. That time was when the country was impoverished, when Tories were busy in conspiracies and work against the Colonies and the future of the struggling Republic looked dark. Bad men were sowing dissensions in the colonial ranks, attacking even the character of their unselfish leader, challenging his integrity as a man, and denying him merit as a soldier. Such conditions do not exist here.

The absence of soldiers from their proper commands in various important engagements in the Civil War on the Union side, referred to by my eloquent friend, the gentleman from California, may have been caused in part by sickness, in part by dereliction of duty. His figures are no doubt correct. How many of the absentees were volunteers and how many drafted we do not know, but I will venture to say that the drafted men were in an overwhelming majority. The history of the "bounty jumper" may serve as an object lesson in this war, but the "bounty jumper" is not yet an issue. The volunteer system does not promise immunity for physical ills nor will it always keep men faithful to a pledge. It affords to those who seek an opportunity to fight for their country without fear or duress.

Certainly it is proper to take into account the spirit of the men, as soldiers, who offer without compulsion to serve, and those whose service is enforced. Heretofore we have thought it worth while to permit men to volunteer and serve their country as units, continuing the associations of civil life; boys that grew up on adjoining farms, perhaps attended the same school, to continue the associations in the same regimental and company units. It has worked well in the past. The proposed conscription does not contemplate the continuance of these relations; and men and boys, however intimate and close their associations were, may be separated and sent to widely different fields.

Service in war in defense of our representative Government is a duty, but it need not be devoid of sentiment. With the service, if we would make it most effective in connection with the discharge of duty, may also go along the amenities of war, the comradeship growing out of mutual toil and suffering. The "martial courtesy which lends to danger grace, to valor pride," relieving and mitigating its sad offices.

The volunteer system has been criticized as undemocratic and unfair. The criticism can not be sustained where the people are permitted to exercise their choice in the character, whether volunteer or conscript, in which they shall serve their country.

Indiana will raise her quota of volunteers before the same number can be obtained by conscription. I do not claim she has a higher sense of her obligation than the other States. Granted they will do as well. What more is wanted? Shall it be insisted that men shall be humiliated by coercion, when they are ready to act upon their own motion? It will not be claimed that enforced service is better than that freely rendered, nor

that the conscripted man is braver than he who volunteers. A draft has never heretofore in this country been the first move to recruit an army. If by mismanagement the volunteer method fails, under the bill it need not if rightly applied delay conscription. And the end will be accomplished within the time anticipated.

I have the honor to represent the most intelligent constituency, as I believe, in Indiana. Upon the question of conscription or volunteer system they are divided. They are willing to accord to one another the right of private judgment. There is but one end in view—the raising of a sufficient army. I would not deny to those who may be about to give up their lives for the flag the privilege as volunteers of maintaining the patriotic traditions of the country. Nor would I deny to their descendants the proud memory of their brave records. I shall vote against the proposed amendment. [Applause.]

The CHAIRMAN. The gentleman from Wisconsin [Mr. STAFFORD] is recognized.

Mr. STAFFORD. Mr. Chairman, I am opposed to the pending amendment, which seeks to strike out the volunteer provision of this bill. I am in favor of the bill as it is reported from the committee. The only dispute in the House is whether we shall adhere to the traditional policy of the country to first raise our troops by the volunteer method, and upon that failing to resort to conscription. Under the law we passed in the last Congress the President is authorized, and has that authority now, to increase the Regular Army to war footing that will total 200,000 men and to increase the National Guard to a footing of 625,000 men. That provides for an army of over 900,000 men. The War Department has asked for an additional 500,000 men, and in case of necessity a further increment of another 500,000, making substantially an army of 2,000,000 men.

The only and vital question that has been debated here the last three days is how shall these additional increments of 500,000 men be raised. Whether by permitting the States, based upon their population, to furnish their quota through volunteers in State units or by conscription and have the troops merged into one national force. I have followed the debate closely, and I still believe that the historic policy of volunteering followed in the Revolutionary War, the War of 1812, the Mexican, the Civil, the Spanish-American Wars, and the recent Mexican difficulty should be adhered to.

I favor the volunteer system because it will provide an army of fighting men. The first installment of troops, when the emergency arises for them to be sent abroad, I want to be composed exclusively of fighters, as was the Canadian contingent comprising the famous Princess Patricia Regiment that bore the brunt of the fighting for Britain in the early days of the war. I want no laggards, no spineless, no courageless included under a conscript plan except as a last resort to raise the necessary strength.

You can not instill the fighting spirit into a mollycoddle. You must have the fighting spirit to face bullets born in a man if you are going to have that character of an army which characterized the Ironsides of Cromwell and which characterized all the volunteer forces of our own country from Revolutionary days to the present time.

Our first thought should be to provide the most efficient fighting force. The supporters of the conscript plan admit that the volunteers are far superior in fighting strength to those raised by their plan. It was further admitted that conscripting will deprive the country of hundreds of thousands of fighting men who are willing to go but who would be deprived by this lottery of selected draft. Under this conscription plan men who have the fighting spirit would not be privileged to enlist under the banner of Mr. Roosevelt or any other courageous leader—and there are plenty of them throughout the country—but would be forced to wait their selection by the grab-bag process, and might never be selected.

Oh, it is said that it is not the right of the individual to volunteer. Who ever claimed that it was the right of the American citizen to be President or to fill any other office? But since the foundation of the Government it has been, and still is, the privilege of a free American citizen to serve the Government in any capacity, and, above all, in that of the greatest of services, of upholding the country's position on the field of battle.

Under the War Department plan as embodied in the Senate bill—and no one is supporting that plan in this Chamber—every youth from 19 to 25, and none other, is obliged to serve. There are 7,000,000 between these ages, and it is proposed to have a selective lottery to choose first 500,000 and then another 500,000.

The machinery has not been provided at present to make the selection, and while this bill authorizes such machinery to be in readiness in case the million additional soldiers can not be raised by the volunteer system, I claim that such a method will work more harm to the country than good. What objection is raised by those opposed to this volunteer form, in spite of the grand record that has been made by them during the Civil War and ever since the inception of our Government? They claim they will not get the men. Let there be a call for volunteers to-morrow, and inside of a few months a half million will respond. Already more than 100,000 have offered their services to follow Mr. Roosevelt. Advice from officials connected with the National Guard from my own State are that many are but waiting the order of the War Department to enlist in State units. Certain I am that the 12,000 quota required to be raised by Wisconsin will be quickly enlisted. Wisconsin in every war since her admission to statehood has furnished its full quota of soldiers by the volunteer system. And if Wisconsin is able to do its duty, I shall assume that Kentucky and Massachusetts and every State of this Union will do likewise.

Oh, it is said that they may be needed in some other walk of life.

No better method of segregation and selection can be found for the country's welfare than that provided by the volunteer system. To exempt under the proposed selective draft system whole classes of industry is an artificial segregation that can not work equitably to the general public's advantage. Labor is mobile, and always will be. You can not in this country at the very outset establish a great paternalistic machine that has brought such eminence and success to the German forces. It is a vital objection to this selective conscription that they are proposing. It is not equal; it is not workable. When the forces volunteer, then the Government can at the very instant determine whether they are needed in the other walks of life.

Under this selective system, which is a mere lottery, a mere grab in the dark, you can not get the men who are really wanting to fight and carry on the struggle.

The claim made here this afternoon that 60,000 volunteers of the 2,000,000 men enlisted by Great Britain were recalled to follow industrial pursuits, is no argument against the adoption of the volunteer system by us. Everyone knows that at the outset of the war Great Britain was pressed for recruits, and it was more vital that it had recruits on the firing line to block the onward rush of the German Army than it was to hold back and await the establishment of munitions factories. That condition can not pertain in this country, nor has it pertained in Canada. If the volunteer system has been so faulty as is claimed by these recent converts to the militaristic policy of European countries that they have been severely criticizing, why is it that Canada and Australia have persisted in adhering to that ancient right of British subjects of first being given the privilege to serve their country. True, Canada had difficulty at the beginning in securing the necessary quota of men. At the close of the first year of the war only some 80,000 troops had been enlisted, but it ultimately raised more than 400,000 by the volunteer method, which I claim should be adopted in this country, no matter what it costs in dollars and cents.

In considering this question we should give first consideration to our internal policy, as to what is best for the welfare of our people at home. The war has come upon us of a sudden. Do you think that by inaugurating this autocratic policy of conscription that it is going to cause widespread approval and make the war popular generally at the start?

I have a slinking suspicion that the main reason for the War Department advocating the policy of conscription is the fear that the troops will not be forthcoming. I am not willing to surrender my faith in the patriotism of the people of this country to respond to duty at its call, because, forsooth, some Army officials wish to adopt the easiest method of enlisting men. The country has not been roused as yet to the necessity for enlisting. I want these patriotic meetings that only recently have been held to be general throughout the country and to continue for months and months. How much better to follow the method adopted by Canada and Australia, to have patriotic meetings to instill and arouse the patriotic spirit rather than adopt this conscript system, which will drag out unwilling men and cause further dissension? Why not allow free will to have sway and allow the patriotic force to grow, so that we can show to all the world that we are a united people?

Oh, the leader in the past two years of the war party in this House [Mr. GARDNER] and his followers say it would be an awful source of satisfaction to the Imperial German Government if it would be found that we could not raise these 500,000 by volunteers. Certainly it will be a rare source of satisfaction to the Imperial German Government to learn that for the first time in the history of our country we have been obliged to depart from

the historic policy of volunteering and adopt the conscript system for raising troops.

No greater mistake, in my opinion, can be made than to adopt a foreign system, alien to our thought, unsuited to our institutions, and bound to create dissension among the masses. Better far to adhere to the volunteer system, that will enable the free will of fighting men to have their way. The House bill resorts to conscription without delay only in case volunteers are not forthcoming. I appeal to you not to adopt the plan of the War Department, that will conscript the youth of 19 to 25 and enable the able-bodied men from 21 to 40, as provided in the House bill, to volunteer as they desire. My faith in the patriotism of the American is undiminished. I have no question but what a half million men and another half million men can be raised by volunteers before the machinery of conscription can be put in force.

For the solidarity of this Nation, for the efficiency of its fighting Army, for its fairness to the men who will be called to the colors, I call upon you to vote with me in favor of the House bill and to vote down the pending amendment. Let conscription be once adopted as is proposed by the War Department, and the fighters can not be corraled into State or collective units, and many a brave man will be lost who wishes to serve our country because he has been denied the right to follow the leader or enter the company of his choosing.

I pray you not to permit King Conscript to go stalking through the land creating terror in all homes at the very threshold of the war, to lay the mailed hand of force upon unwilling youths when plenty of mature men are willing, without complaint, to do that greatest of all services for the Government, to die if need be on field of battle. [Applause.]

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. DECKER. Mr. Chairman, when the war resolution was before the House I said I would vote against it and would defeat it if I could, and assume the responsibility before my God and my fellow men. But I also said that if war was declared I was for its prosecution to the end. I voted against war, but I say again to-night, since war has been declared, I am for its vigorous prosecution to a successful end.

I hope and believe I voice the sentiments of the great majority of those who agreed with the stand I took on April 6. Some who favor the volunteer system say, "Let those who favored this war fight the war." This can not be. This never has been. In the days gone by patriotic men who opposed war did not shirk their share of the burdens incident to war. Robert E. Lee and Sam Houston and Alexander Stevens opposed secession and the Civil War, but when the war came no one heard them called slackers. If the men in the North who voted against Abraham Lincoln and the principles for which he stood had refused to do their part when the war came, this Union would not have been saved. The constituted authorities of our country have decreed the present war, and it is the duty of those who opposed it and those who favored it to wage it to the end. I have received many letters and telegrams from the people of my district, not as the result of a propaganda, but because I asked for an expression of opinion. Some of them oppose the selective draft because they think the volunteer system is better. I have much sympathy for their views, because I am not willing to agree with the statement so lightly made upon this floor and throughout the country that the volunteer system is a failure. The stories of Gettysburg and Chancellorsville and Chickamauga and Savage Station and Malvern Hill bear testimony to the efficiency and valor of volunteers.

Many have wired and written me to stand by the President. This suggestion has great force. The great problem of government is to have a Government that will grant freedom of thought and speech and conduct to its people in time of peace and still be strong enough in time of war to prevent disaster. Washington said, "You can not conduct a war by a debating society." Since the beginning of the European conflict I have asserted that in time of peace it was the right and duty of a Representative boldly to discuss every question that might lead us to war. In time of war the situation is different. For the sake of efficiency and success, private citizens and Representatives must often yield their judgment to the judgment of the President, upon whose shoulders must rest the awful responsibility for the successful conduct of war.

In my speech against the war resolution on April 6 I indicated that I would not vote against conscription if conscription was necessary for success. I told my people last fall in almost every one of 86 speeches that war would probably bring conscription. I did not think that conscription would come at the very beginning of war. But the President has said that immediate selective conscription is essential to success. He has given many cogent reasons that to me are convincing. At this late stage of the debate I will not discuss the reasons in detail.

I do not say, like so many, that selective conscription is more democratic than volunteering. It is not democratic in the sense of equality for the Government to say that one man must plow and that another man must die. Neither is it democratic in the sense of equality for one man to volunteer to plow and another man to volunteer to die. Every man owes everything to his country, even his life, and the Government has a right, not with a view to favoritism but to prevent waste and promote efficiency and to secure success, to say what each man shall give for his country.

Those who favor the volunteer plan say that conscripts will not fight. This does not appeal to me. The Germans are conscripts, and they have fought. The French are conscripts, every one of them, and they are the ones that stopped the awful onslaught toward Paris and won the victory at the Marne.

Neither do I believe that selective conscription will carry a stigma with it when it is rightly understood. The so-called volunteer plan proposed by the majority of the committee carries the same stigma, if there is a stigma. It provides that conscription shall be set in motion while volunteers are being called for. Do you call it volunteering when you say to the men of our country, "Enlist now or we will conscript you next month"? Will those who volunteer to avoid conscription be braver than those who wait until conscription comes?

Under the proposed plan of selective conscription, as I see it, all men of military age will stand at attention and say, "Mr. President, how many men does our country need?" To his answer "500,000 at the start" they respond, "Put our names in the wheel and let the wheel turn, and the names of those who are drawn will go to the front."

Those of them who come back will not be frowned upon as cowards; those of them who fall may not have the word "volunteer" written on their tombstones, but written there will be the words "He died when his country called."

Mr. HOWARD. Mr. Chairman and gentlemen of the committee, it is unfortunate that those of us who had to present our views at the end of this debate are limited to such a short time. I have not one word to say that would detract in the least from the glorious record of the Volunteer Army of the past. I was one of them once upon a time. I am delighted to know that out of a membership of 22 Members on the floor of the House who were in the Spanish-American War, 17 of us are for the selective-conscription plan. In times of peace ordinary legislative questions coming up on the floor of the House upon which I must vote, I generally try to reflect the views of my immediate constituents. Next I consider the people of my beloved State; and third in importance, I try to look at the legislation as it affects our Nation.

In time of war I reverse my rule of conduct. I first look at what is for the best interests of the Nation. Now, let us see what this is. It is a question whether we shall get up an army by the volunteer system or by a selective draft.

The reason I am against the Dent bill as written is because it embraces all of the faults of both systems and contains absolutely none of the virtues of either. I can illustrate the conduct of the Military Affairs Committee in framing this double-barrel proposition best by a story that I have heard. It is threadbare I know. An old physician had been called in to see the mother-in-law of a young man. She was one of the sweet old creatures that we sons-in-law all love. She was desperately ill. The physician examined her and said that she must go to a hot climate immediately. The young man went out into the yard and brought in an old rusty ax, which he handed to the doctor and said, "Doctor, you hit her; I haven't got the nerve to do it." [Laughter.]

The Military Affairs Committee says to the President of the United States, "Mr. President, you conscript these men; we haven't got the nerve to do it." [Laughter and applause.] They try to make us believe that this is a volunteer bill that they have brought in, when, in fact, it actually ties out every man of eligible age and hands the President the end of the tether and says, "Pull him in, Mr. President." Why did they want to create two classes—the willing and the unwilling? Make heroes of one and scalawags of another.

Now, they cast some aspersions on the General Staff. Every one of these nations at war has had to weed out the "carpet knights" of the regular army, and we will probably have to do it. We will probably find some inefficient men in our General Staff, and they will prove themselves inefficient within a short time after they are given an opportunity to exercise command. But who are we to follow? We followed the President in the declaration of war; we followed the President without doting

an "i" or crossing a "t" in a seven-billion bond issue. Now, since we have arrived at that particular point in this great crisis gentlemen want us to furnish some other means than that which he recommends to raise an army, after he has advised for weeks with our General Staff and his Cabinet. I am unwilling to do it. I believe that if there is a time in the history of this country when we ought to follow the advice and counsel of those in a position to best know what the real situation is, it is at this time.

So far as I am personally concerned I do not know how my district stands on the question of volunteer or the selective-conscription army. It is not a question for my people alone to decide. We are at war. It is a question for those who have the best opportunity of knowing what to do to decide this question, and my people are patriotic enough to abide by that decision.

Mr. Chairman, what is the real difference between conscription as applied during the War between the States and selective draft as contemplated by the bill of the administration?

Conscription dragged into the service a class of men who had demonstrated to the Government that they were either unpatriotic, cowardly, or selfish, by a failure to respond to the repeated calls of their country to go to its defense upon the field of battle. It compelled men to fight for their country who were willing to let the brave and patriotic men of the Nation assume the whole burden of defending its honor and sustaining its Army. A class of men willing to let others bleed and die while they remained at home in idleness and comfort. This is the class of men whom we associate with the word conscript.

Selective draft is the exact antithesis of conscription. It assumes all men to be brave and patriotic. It recognizes the principle of equal obligation resting upon all citizens to defend their country's honor in time of war. It eliminates the possibility of leaving the odium upon a portion of its citizens to be known in the future history of our country as slackers and cowards.

It scientifically selects those upon whom the country relies to vindicate its honor and sustain the glory of its traditions upon the field of battle. It takes into consideration the multifarious duties devolving upon all citizens to sustain the Government and the armies in the field upon a basis of maximum efficiency. It gathers the Army in a speedy, certain, scientific, economical, and business-like manner, profiting by the experience of every nation on earth that efficiency along the battle line can not be maintained without complete organization and a maximum of efficiency behind the battle line. [Applause.]

Mr. DILL. Mr. Chairman, as I have listened to this debate during the past week I have come to the conclusion that a man must act in regard to this question in accordance with one of the two theories of government under which civilized men live. If I had any doubt about that proposition, that doubt was removed to-day when I listened to the remarkable speech of the gentleman from California [Mr. KAHN]. I believe that he made as good a presentation as could be made of that side of this question, and I believe that the idea over which he enthused most is the foundation idea underlying the proposition to draft men into the Army without giving them even a chance to volunteer.

Mr. HILLIARD. Will the gentleman yield?

Mr. DILL. I will yield to the gentleman.

Mr. HILLIARD. Will the gentleman kindly explain what difference there is between drafting a man into the Army, as provided in the pending amendment, in its last analysis, and the Prussian system against which we are waging war?

Mr. DILL. Mr. Chairman, I am glad that the gentleman asked the question, because it brings me to the thought I was about to express a little more quickly than I would have reached it otherwise. We declared this war for world democracy, at least we said it was for world democracy, and now in the very beginning we propose to adopt a principle of raising an army which I submit is the cornerstone principle of German militarism, namely, compulsory service.

TWO KINDS OF GOVERNMENT.

As I was saying, the gentleman from California [Mr. KAHN] enthused to-day as he quoted from The Man Without a Country. He quoted the statement as to the boy, saying, "You belong to your country, just as you do to your mother." Think of that, gentlemen. There are only two theories of government. One is that the Government owns the people, and the other is that the people own the Government. I have believed ever since the Declaration of Independence and the Constitution were adopted that this was a Nation in which the people owned the Government. [Applause.] But the gentleman's theory is that the Government owns the people and may take their services and their lives however and whenever it desires.

As I said a moment ago, when this Congress declared war, those who declared it said it was for democracy. I did not think that was the real reason then, but I bowed to the will of the majority and am anxious now to do everything I can to help bring it to a successful conclusion. Since it is a war for democracy, we should wage it with that ideal in mind. The foundation principles of democracy are first, the right of the people to work their will in government; and second, freedom for the individuals who compose the people.

SELECTIVE DRAFT DESTROYS DEMOCRACY.

I do not know the people's will on the question of the selective-draft plan of raising an army. Nobody here knows their will. We do know, however, that the voluntary plan of raising an army is in harmony with our history as a people and that it not only maintains the freedom of the individual citizen but permits the widest exercise of that freedom, while the conscription plan violates and overrides it absolutely and entirely. I want to be fair enough to say, though, that if it is necessary to override that freedom in order to preserve the life of the Nation, then, of course, either that freedom must be sacrificed or the Nation must go down. Does that condition exist now? Let us see. Why must we abandon the volunteer system?

IS THE VOLUNTEER PLAN A FAILURE?

Those who favor drafting only the boys between 19 and 25 say it is necessary because the volunteer plan has always been a failure. Members of Congress have said that on this floor so often that it has become axiomatic with them. The newspapers have printed it so many times that many patriotic and liberty-loving people have come to believe it is absolutely true. But is it true? The answer depends entirely upon what test we apply to the volunteer system to determine whether or not it is true.

If the test be whether or not the volunteer system will enable the military chieftains by flashing a single word over the telegraph wires of the Nation to mobilize millions of men in 24 or 48 hours, as Germany did at the beginning of this war, the system is a failure.

If the test be whether or not the volunteer system will enable these military chieftains to invade a foreign country almost before that country has learned that war has been declared, the system is a failure. If the test be whether or not it will enable the military chieftains to call out a half million or million men to-day and another half million or million next week, without regard to the sentiment or desires of the people of the Nation, then that system is again a failure. But are these the true tests of a military system in time of war in a Republic such as ours? I think not, and I will tell you why. The Bible says, "What shall it profit a man if he gain the whole world and lose his own soul?" I say unto you, "What shall it profit a free and independent people if they whip the world and lose their own freedom?" [Applause.]

TRUE TEST OF VOLUNTEER SYSTEM.

The true test of the volunteer or any other system is whether or not it enables this Nation to win its wars and maintain its democratic principles and free institutions. Measured by that test, the volunteer system was a success in 1776. It was a success in 1812. It was a success in 1862 and 1898, and, if given a fair trial, it will be a success in this war. [Applause.] I have not time to review history to show how on thousands of battle fields, the world around, the volunteer soldier has proved his superiority over the conscript. We have not had much experience with conscripts here in America. The most striking example I recall is the conscript Hessians sent over by the English king in the Revolution, and Washington, after crossing the Delaware on the ice with his little band of volunteers one morning before breakfast, captured the whole lot without the loss of a single man. [Applause.]

From Marathon, where 11,000 Greek volunteers routed 100,000 Persian conscripts, until now the volunteer soldier has carried the flag of liberty and democracy. From the days of Lexington and Bunker Hill until the beginning of this war none have ever dared attack him or his glorious record. [Applause.]

OBJECTIONS TO VOLUNTEER SYSTEM REMOVED.

If the volunteer plan of raising armies and fighting will not be a success now, why not? Have the American people lost their patriotism? I challenge any man in this House to make such an assertion. Is this war unpopular? Surely no gentleman who three weeks ago was saying the people were clamoring for a declaration of war will say that. I doubt that even those who opposed the war think that, because, whatever may have been the differences among the people before the war began, those differences are surely dead now. No, my friends, no such arguments are made on this floor. What do those who insist that Americans shall not be allowed to volunteer if they want

to—what do they say? They say that some men would volunteer who can render more service at home. Not under the volunteer plan of this bill, because it provides that the President may reject any man who would be exempt under conscription.

They say that the officers would be politicians and other local leaders without military training. Not under this bill, because it provides the volunteer companies shall be officered in the same way as under the draft plan.

Some Members say we can not secure the volunteers and that there will be delay. I do not believe that, nor do I think many Members of Congress believe it, but even if that should prove to be true this bill empowers the President to draft the men. It will take three or four months' preparation before the draft can be made, according to the War Department. Why under the shining heavens should not we let the men and boys who want to volunteer do so and begin training? Whether the men of the new Army be volunteers or drafted men, they must be trained. Why not let the volunteers begin training at once instead of waiting for months before conscription can begin? The only reason I know is that the Army chieftains of the War College and the money power of America desire to fasten the compulsory military system on our heretofore free and independent people, and they are afraid if the President issues a call for volunteers the men will volunteer in such large numbers there will be no excuse for conscription. [Applause.]

Other members have said that the trying out of the volunteer system will give us a mixed army of volunteers and conscripts. Well, what of that? Capt. Benson of the English Army testified before the Military Committee that the mixing of volunteers and conscripts had caused no trouble. Let me call your attention to the fact, though, that if the volunteer plan succeeds in raising the required number of men there will be no mixing with conscripts, because there will be no conscripts. Even if we adopt the conscript plan now and stop volunteering, the volunteers already in the Army and the National Guard will be mixed with the conscripts. They do not even propose that we shall conscript men for the Navy. Is the Navy more sacred than the Army? Why limit patriotic Americans to enlistment for fighting on water?

NOT UNIVERSAL TRAINING.

But probably the most common and most misleading reason given for the adoption of the draft system is that it applies the principle of universal military service. That argument has been made here, even by Members of this House. The newspapers have given that impression all over the Nation. I have received hundreds of letters and telegrams urging me to support the War Department's Army bill, because it applies the principle of universal military service. Men and women everywhere want the War Department bill passed, because they think it provides universal training for boys and universal service for men.

Now, what is the truth about that bill proposed by the War Department and the President? The truth is it does not apply the principle of universal military service, nor of universal military training, nor even of universal service at all. In the first place it exempts all the females, or about 50,000,000 young and old. It exempts about 30,000,000 males under 19 and over 45 years of age and then of the 20,000,000 of fighting age it exempts all over 25 years old, or 13,000,000 more, and then of the 7,000,000 remaining exempts one in every 14, because only 500,000 are to be chosen. The other 6,500,000 are not to be trained at all. Some will be exempted to work in factories or on farms, but not as soldiers. Now, what kind of universal service do you call that? It is not universal service, universal training, nor is there anything universal about it, and every man here knows it. No, it is now called the selective draft. I don't know just how this selective draft is to be worked out. Neither do you gentlemen. Neither does anybody else, or if he does he will not tell. [Applause.]

I can not find out the details nor could the Military Committee find out the details of this proposed system, but as near as we can get at it, the plan is something like this:

The War Department will register or enroll all of the boys between 19 and 25 and out of the 7,000,000 boys select 500,000, exempting such as the members of the boards of county officials see fit. In other words, certain Army officers and their subordinates will decree who shall go to slaughter and who shall not. They will say to one boy, "You can stay at home," and to another, "You must go." That is not calling all the men to colors, not even all the young men. That is a case of "Many are called but few are chosen," and may God have mercy on those who are chosen. There is no assurance but that before they get done with this drafting business mercy will be desired by those who put it into effect. [Applause.]

HEROES AT HOME.

No, Mr. Chairman, this is not universal military service, but simply a system of taking the boys of America by force, if necessary, and sending them to Europe to do the fighting in the trenches and making it possible for the men over 25 to be heroes at home. By this plan these men over 25 will be able to say they were anxious to go, but under the plan adopted by Congress they could not. Oh, do you wonder that business men, professional men, editors, and others who wanted this war are now so enthusiastic for the War Department bill? I know some of them are willing to go, but in what capacity?

I have received many letters and telegrams from men offering to go to war as officers or to serve in the quartermaster or some other noncombatant department, but I have had none who are under 45 years of age offering to serve in the ranks and die in the ditch. They are all in favor of this selective draft by which the young men under 25 will do all that. Well, all that I can say is that this Congress may swallow the draft part of the bill, but I refuse to believe that a majority of the Members of the two great legislative bodies of this Nation will ever permit that part of the War Department and President's plan to be adopted by which we shall take only the boys to the trenches. [Applause.] In my judgment, such a plan of raising an army is unworthy of a great, intelligent, humane people. If I had my way, in case it becomes necessary to draft, I would draft nobody under 22, and I certainly would never permit newspaper editors, professional men, and business men to be exempt. [Applause.]

I have now discussed the principal objections brought forward against the volunteer system and not a single one of them has any foundation. When put through the crucible of criticism, there is nothing left but dross.

REASONS FOR VOLUNTEER PLAN.

Now, what are some of the reasons for adopting and using the volunteer plan? It seems to me it is more important that we use the volunteer system in this war than in any war we have ever had. Why? Because this war was declared for democracy, world democracy. It is extremely important, therefore, to show the German people, and especially the people of the other nations of the world, that we can assist in the overthrow of Prussianism without resorting to the cornerstone principle of German militarism, namely, compulsory service; at least not in the very beginning of the war. If we adopt conscription without even trying the volunteer plan, it is a confession of one of two things: Either the war is extremely unpopular, and we are afraid Americans will not volunteer, or else we can not carry on a war for democracy and retain the democratic institutions we ask the world to adopt.

Another reason why I favor raising all the men possible by the volunteer system is that our Army must meet the best soldiers on earth to-day. The volunteers will make the best army our country can produce, because of the spirit they will possess, while if we resort to conscription and take the loafers and slackers, and we are told they are the ones this plan proposes to get, what kind of an army shall we have? To me the worst of it is there will be some mighty fine patriotic fellows who must be mixed in with those of the second rate and disgraceful class whom it is necessary to conscript.

VOLUNTEER SYSTEM IN ENGLAND.

Much has been said about the experience of the other English-speaking countries in this war. Men say, "Look at England." They say the volunteer system has been a failure there. All right, let us look at England. She is winning the war and with volunteers, too. What has happened? She raised more than 5,000,000 volunteers. If we were to do as well, we would raise 15,000,000 volunteers before we would resort to the draft. England has raised only about 1,000,000 by draft, and they have never yet gotten to the Continent. If she had used the draft in the beginning she would probably have had such great internal troubles it would have taken most of her regular army to get the conscripts. Canada has not resorted to the draft. Neither has Australia, and even if they should resort to it now, that would be exactly what this bill permits, namely, to resort to the draft when the volunteer plan will not produce the men. In Australia they had a referendum on conscription, and voted it down overwhelmingly. Even the Australian soldiers in the trenches voted against conscripting other Australians for the over-seas army. And the proposal there was not the straight draft, without giving men a chance to volunteer, as the War Department bill is. Their plan provided that if a sufficient number failed to volunteer, then the draft should be used; but even that was voted down. That was in a colony of the British Empire, not here in America, "The land of the free and the home of the brave."

JEFFERSON AND LINCOLN WOULD OPPOSE.

The names of great men have been used in this debate, it being claimed that Thomas Jefferson and Abraham Lincoln favored the draft. There is absolutely not a scintilla of evidence anywhere in history to show that either of these great characters favored such a proposition as is asked for by the War Department. What Thomas Jefferson said was that he favored military training for all the boys of the country. That was at the time of the War of 1812, too. But he not only did not favor the draft, but in a letter to John Adams about the same time expressly declared against the draft system.

Mr. Lincoln never favored the draft until it had proved impossible to get sufficient volunteers. He said:

We must somehow obtain more men or relinquish the original object of the contest, with all the blood and treasure expended in the effort to secure it. * * * We have ceased to obtain them voluntarily.

Another great democrat of the world who, we are told, favored conscription is Lloyd-George; but not before volunteers had been called for. He said at the time of the adoption of this draft bill in England:

We can find no other means of getting men; we must get them immediately.

NOT GENERAL-STAFF BILL.

Why, gentlemen, not even the General Staff of our own Army favor the War Department bill as the testimony before the Military Committee proves. That bill is here because the president of the War College and the Secretary of War and the President want it. Cabinet officers and war secretaries are not infallible. What has happened in France? Why twice her cabinet has been changed because the French people thought those managing the war had made serious mistakes. What about England? Her premier, the real head of the Government, has twice been changed, and to-day Lloyd-George, a man from civil life, repeatedly hooted and jeered at by the press of England and the military authorities in the past, is now the supreme character of this world war. [Applause.] Yet when a Member of the American Congress dares to suggest that Cabinet members or military chieftains may be wrong, he is called unpatriotic and accused of helping the Kaiser.

SHOULD CONGRESS BE ABOLISHED?

If a Member of Congress is to hold his nose, shut his eyes and ears, and refuse to listen or think on any proposition presented here by the administration during this war and simply vote "aye" and excuse himself by saying he must "stand by the President," what sense is there in having a Congress in existence, much less in session? Why not save the expense and put the Members in positions in which they can be of some service to the country? I think we, too, should be subject to draft, if anybody is subject to draft, and I intend to vote to strike out the exemption of Members of Congress. I shall do this although I voted against declaring war and am one of those who will be subject to go, too, because of my age and my not having dependents. It is a singular thing that in this country which we call a democracy the only people who can not be made to fight have the power to declare war, while those who must fight and die have nothing to say about it.

But, as I was saying, Mr. Chairman, Congress has something more to do in a crisis like this than simply to accept anything and everything in the way of legislation proposed by the President and his appointees. In critical times like these it is our business to examine, consider, and change, if in the judgment of the majority changes are desirable in, all measures presented to us. Our first duty is to the American people, and I for one intend to discharge that duty as I see it in regard to this and every other measure which may come before this House.

A LONG RACE TO RUN.

Much has been said about how we are to get started in this war. Let us look a little further. Let us consider the fact that we propose to fight to the finish and win at the finish, too. I can not use more effective language to describe the situation confronting us, as I see it, than that great Democrat and ex-governor of Nebraska, Mr. SHALLENBERGER, used the other day, when he said:

I have never seen prizes paid nor results decided at the start of any race. If the race was long and hard, as this race was bound to be, since its course ran round the world, the race was sure not to go to the swiftest at the start, but to the racer that would run true to the stretch, that could stand the whip and spur when the race was heartbreaking, and the spurs are driven deep into the heaving flanks, and the cruel whip beats upon the struggling shoulders of the racers.

In that sort of a race the volunteer soldier has never failed to run true to the finish and be in at the death. When the German autocracy shall finally be no more and democracy and enduring peace shall reign throughout the earth, the verdict of history shall be that the soldier that finally triumphed over military autocracy in this Armageddon of the world was the English-speaking volunteer.

PUBLIC SENTIMENT NECESSARY TO WIN WAR.

Mr. Chairman, there are three requirements for winning a war. This is especially true if the war is to be long, and we are told this war will be a long war. These requirements are first, men; second, supplies in the form of food, munitions, and money; and third, public sentiment to support the war. There will be no trouble about getting the men or supplies, but what about public sentiment? Much has been said in this debate about the value of the opinions of military experts. I agree that military experts must be relied upon in the handling of armies and the fighting of battles, but I fear they know very little about the common people from among whom the men who are to do the fighting and the dying must come. I am not a military man. I know nothing of military affairs, but I think I do know something of the common people of whom I have just spoken. I came up from them, and I am not so far removed from them either by experiences or by years as to have forgotten their viewpoint.

Let us apply the two proposed methods of raising this army to the people and consider what the results will be. This selective-draft system—which, as I stated before, nobody knows just what it is, but, as near as we can find out—will work something like this: After the census of the boys who are available has been made, the Army officers or their subordinates, whether they be local officers or not, will then select by lot the name of one out of every 15 or 20 boys, and these officials will then have power to exempt such of those that are drawn as they see fit, and say finally which boys shall stay at home and which shall go to the trenches.

First, take the case of the boy whose name is drawn, who is willing to go and whose parents are willing he should go. He will feel and they will feel that he is the victim of this system. While there may be no opposition to his going, there will be but little patriotic sentiment developed as a result. They will feel that their boy was the victim of a lottery, while other boys remained at home. This is the very best possible result that can be had under this selective-draft system.

Let us next take the case of the boy who is unwilling and whose parents are unwilling that he should go. He does not report to the recruiting station. An officer with a squad of men goes out to get him, and they take him peaceably if possible, but forcibly if necessary. What is the result in the heart of that boy? He feels an injustice was done him, and in the hearts of those parents there is the same feeling of injustice and resentment which in time will develop into bitterness.

A third case—and I hope there will be few, if any, of these—is where the boy and his parents are so unwilling that they will resist his being taken by force. Bloodshed will follow, and I need not describe the effect that will have on public sentiment in that home. But much as I fear such a condition, I hope there will be few, if any, of these cases. Taking the very best view possible of it, then, there is nothing in the selective-draft system to maintain a favorable public sentiment, to say nothing of building up and developing such a sentiment.

Now, let us apply the volunteer system to the same situation. The President issues a call for volunteers. The boy, if he lives in the country, has been to town, or if in the city, has been down street, and has become enthused with the idea of volunteering and fighting for his country. He comes home and tells his parents that he wants to go. I can see his father shaking his head and saying, "I don't know about that, my boy. You better think about it pretty carefully." And I can hear his mother saying, "No, no, my boy; not yet anyhow." But the boy is enthusiastic. He knows that other boys are going and the ideals of liberty and democracy placed in his heart by his parents and his teacher—the teachers of America, God bless them! They have done a wonderful work in this country—and with such ideals the boy insists that he must go. He says his forefathers went to fight for liberty and that he should not be hindered from going, too. Then I see that father, the pride of having reared such a son, overcoming his fears and he gradually reaching the conclusion in his own mind that he should not interfere. I can see that mother, too. Her love for her boy fighting against her love for her country until the two blend into one, and with misty eyes and trembling lips she decides she must make the sacrifice. So the next morning the parents give up their boy and he goes away to war. What is the effect on public sentiment in that home? Are those parents resentful? Are they bitter? Not at all. They are proud that their boy has had the patriotism to volunteer. Are they interested in the success of the war? To ask that question is to answer it. Their hopes are in it, their hearts are in it, their own flesh and blood are in it, and they are willing to do any-

thing, to sacrifice everything if need be, to bring it to a successful conclusion. [Applause.]

CONSCRIPTION V. VOLUNTEERING.

Now, gentlemen, which of these plans should we adopt? Either plan will produce an army. Under the draft system you will have an Army made up of men who feel they are the victims of the system, some of whom feel that injustice and unfairness was practiced against them.

Under the draft system the homes from which these boys come, at the very best, will radiate only the spirit of submission to being victims of a lottery system, while in some instances they will become festering sores which will eat away the very roots of our national patriotic impulses. Under the volunteer system every home from which a soldier comes will radiate the spirit of patriotic pride because of the sacrifice that has been made willingly and freely. Such homes will be fountains of patriotism that will well up with irresistible force, developing a public support of the war that will be worth more than all the conscripts that could ever be placed on the battle field.

The draft system maintains and develops a spirit of submission. The volunteer system creates and encourages the spirit of sacrifice. By which of these spirits do you think America will be more likely to win this war and at the same time keep her ideals and her free institutions when the war is over? For my part I can not see how any man inspired by the spirit of America can favor anything but a trial of the volunteer system, and I believe that the adoption of a system which prohibits men a chance to volunteer will be a dark spot on the pages of American history which must and will be erased when the forces of democracy again come into play in the minds and hearts of our people. [Applause.]

Gentlemen here have said we should vote for this draft bill because the President and the War Department recommend it. If this were purely an administrative measure, I would agree. But this involves principles; in fact, the foundation principles of the Republic. These scientific War College gentlemen do not represent the people nor do they consider the principles involved. Simply because they arrogate to themselves the power to formulate laws under which men whom we represent must give up their lives is no reason why we should violate our convictions and annihilate the freedom of the sovereign citizens of the Nation, especially when nobody has shown any valid reasons whatever for such a drastic deed. It is our duty to protect the freedom of the people and save to them their traditions, their liberties, and their lives.

If this bill is passed, it means the beginning of militarism in America. It means that that powerful cabal composed of scientific military chieftains and the money kings have won. The military experts have persuaded the President and the money kings, through the newspapers, have persuaded a large part of the people into supporting the draft bill. But this is only the first battle, because militarism and democracy can not exist together, and the American people will never give up their heritage, cost what it may in treasure and in blood. Let me close by saying this, gentlemen: In the battles yet to come, as in this struggle, I shall always be found fighting for the cause of democracy which has grown and grown in the hearts of men and which can never be permanently overturned in free America. [Applause.]

Mr. DILLON. Mr. Chairman, I shall support the administration program on this measure. A few days ago I received a letter from a constituent of mine at Madison, S. Dak., inclosing an advertisement for farm hands, guaranteeing the workmen against conscription, as follows:

MADISON, S. DAK., *April 17, 1917.*

Hon. C. H. DILLON.

DEAR SIR: I am inclosing you an ad. which I cut out of Dakota Farmer. Seems to me that there is no use urging farmers to grow more crops if our friends to the north take advantage of us in this shape. Two men of this neighborhood left last Saturday, and I understand that young men are leaving St. Paul at the rate of 20 per day. Wish you would bring it to the attention of the proper authorities.

Respectfully, yours,

CARL CHRISTIANSEN.

FARM HANDS WANTED—WESTERN CANADA FARMERS REQUIRE 50,000 AMERICAN FARM LABORERS AT ONCE.

Urgent demand sent out for farm help by the Government of Canada. Good wages. Steady employment. Low railway fares. Pleasant surroundings. Comfortable homes. No compulsory military service. Farm hands from the United States are absolutely guaranteed against conscription. This advertisement is to secure farm help to replace Canadian farmers who have enlisted for the war.

A splendid opportunity for the young man to investigate western Canada's agricultural offerings, and to do so at no expense.

Only those accustomed to farming need apply.

For particulars as to railway rates and districts where labor is required, or other information regarding western Canada, apply to M. J. Johnstone, Drawer 197, Watertown, S. Dak., authorized Canadian Government agent.

I would like to know if any steps have been taken to stop these advertisements. I have heard that they would be discontinued, but have no positive knowledge on the subject.

This afternoon I received a protest from a South Dakota mother, a pitiful one. Let me read it.

CANTON, S. DAK., *April 21, 1917.*

Mr. CHARLES DILLON,
Washington, D. C.

DEAR SIR: We, the mothers of South Dakota boys from 19 to 23, protest against the drafting of children, compelling them against their will to enter the slaughter trenches across the sea. Oh pitiful! Send men if sacrifice we must have; men from 30 to 40. We mothers have a God-given right to have a voice in this matter, and we protest with all our souls against conscription.

ONLY A SOUTH DAKOTA MOTHER.

I voted against the war resolution believing that my people did not want war; that a great Christian Nation could without sacrifice of national honor overlook wrongs inflicted jointly on all neutral nations, and ought to avoid war against a people that bore us no evil.

Congress, in its wisdom, has declared war. Every patriotic citizen should now respond to the Nation's call for service and bear the burdens laid upon him. This war will tax the coming generations. Sorrow, distress, misery, and death will follow its trail, yet I believe the American people will patiently bear all of these burdens even to crucifixion itself, if need be, in defense of our liberties.

The administration forces want an army selected on universal liability to service. The opponents want a volunteer army, to be followed by conscription if necessary. Three weeks have passed since the declaration of war, and everyone knows that our efforts to secure volunteers in the Regular Army and National Guard have proved unsuccessful.

To mobilize an army composed partially of volunteers and partially of conscripts would be a dangerous experiment in time of peril; an experiment too great to risk at this time. I can see no good reason why we should refuse to follow the military men, skilled in the arts of war, the recommendation of our Commander in Chief, and the War and Navy Departments. They are the military experts of the Government. Let us ungrudgingly give them the men and money, so that the war may be brought to a successful issue as speedily as possible.

I can see nothing unfair in universal obligation to service. Every person between 21 and 40 years of age is to be enrolled for military service. The obligation and duty rests upon all of them equally. All of them can not go to war. Some must remain on the farms, some in factories and mines, and some must go to the front to fight the battles.

Under the enrollment system no one is stigmatized. All are treated with equality. Under this system the soldier, the miner, the farmer, and the mechanic are all selected by the Government and placed where each can give the greatest service without injury to any class engaged in service. All who are enrolled are utilized and mobilized as the Nation's protectors in that service in which they can do the most good.

Those who march to the battle line are the Government's soldiers especially selected for that purpose. They wear a badge of honor and become representatives of the Government on the battle line.

By adopting selective conscription upon universal obligation to service in the beginning we place them upon an equal footing. Their responsibility becomes equal in the defense of our country in the hour of peril.

Since war has been declared, we must get quickly an efficient army, and I believe this is the only way we can get it. The volunteer system may be all right, but it does not reach this emergency and under it the burden does not rest on all equally.

We are consuming one week's time in discussing this bill. Too much talking, too little action. The discussion in the House on the resolution to declare war consumed one day. When we passed the war resolution we pledged the resources of the Government for the prosecution of the war. I am ready to vote all the men and all the money necessary to bring the issue to a close as speedily as possible, and shall support the administration program, which program was virtually adopted when we declared war.

Mr. DYER. Mr. Chairman and gentlemen, there has been much said in this debate about the Volunteers and the possible reflection upon them so far as concerns this amendment which has been offered by the gentleman from California [Mr. KAHN]. For that reason I feel it not inappropriate that I should say a word with reference to that. It was my honor and privilege to be one of those who volunteered in the Spanish War, and to be with those splendid men in the direct command of Gen. Joe Wheeler at Santiago. My experience with the Volunteers and my knowledge gained from long asso-

ciation with those who served in the Spanish War and in the Philippines, through an organization—the United Spanish War Veterans—which we formed and which has been in existence since that time, and of which I recently was the head, convince me, and I speak, I believe, for practically all of those men when I say it, that the best interests of the country, the best interests of the men who serve, will come through the adoption of the program outlined in the amendment offered by the gentleman from California, which is advocated by the President and the General Staff of the Army. I have been in favor of this for a number of years, and I am glad to see my country adopting this patriotic and splendid program.

It will not be considered a reflection upon the American soldier to have it said of him that his Government came to him and said that his services were needed. I wish that I might be one of those fortunate men to be called in this war that we have now with the Imperial Government of Germany. I would feel that I had been especially and signally honored, and so will it be with all of the Americans who are thus called to the colors. It is equal, it is fair, it is a just way to be called to serve your country, and that is the feeling and the judgment of the great majority of the men who served in the War between the States. I have in my district three posts of Grand Army veterans, I have one camp of Confederate veterans, and five camps of men who served in the later war, and all of these men believe that this measure, this amendment as proposed by Mr. KAHN, advocated by the Government at this time, is the right way, the best way, and the fair way to conduct the war and to raise an army. It is a pleasure for me to vote for this measure, which takes in all of the American people upon the same basis and leaves at the same time men in civil pursuits who can go on and attend to the things that are as important as being a soldier, staying at home and attending to the things that are necessary to maintain the Government and the Army; and I believe that this amendment as proposed will bring to this country the most splendid Army, the most patriotic Army, and the noblest Army of young manhood that has ever been called to the colors in the history of the country, one that will bring glory to the flag; and when they are called I believe that they will feel that they are signally and especially honored. There is no reflection upon a man being called upon to serve his country in war. His duty is to his country, and he can make no nobler sacrifice than to give his life to his country, be it in this or any other war in which his country is engaged. [Applause.]

Mr. HELM. Mr. Chairman, the issue presented in the bill is whether 500,000 volunteer soldiers can be raised out of a possible 20,000,000 of men from 21 to 40 years of age, while the necessary machinery required for conscription is being installed and perfected and the Regular Army and the National Guard are being recruited by volunteers to their authorized full strength.

Unwilling to throw the volunteer system into the discard and junk pile without a test for raising the first 500,000 soldiers, I supported that feature of the bill; after the volunteer system was rejected, I voted for the conscript system, because we can not wage war without an army. The volunteer system is not an experiment.

Every war that the United States has ever waged has been fought and won by the volunteer system. There were over 2,000,000 volunteer Federal soldiers and over a million volunteer Confederate soldiers in the Civil War. It has been the system by which Great Britain, whose Government dates back almost a thousand years, has raised her armies with which she has successfully waged war in—except when she was defeated by the volunteer soldiers under Washington—every quarter of the globe. So successful has the volunteer system proven to her that the sun never sets upon her possessions and dominions. There are 5,000,000 volunteer British soldiers in the field today. Canada, with a population not exceeding 8,000,000 people, now has 400,000 volunteer soldiers, and Australia, with a population no greater than Illinois, now has 264,000 volunteer soldiers in Europe. In this sense it is old-fashioned, but none the less effective and efficient. The bill provides that the proposed volunteer and conscript soldiers are to be officered and trained by the same officers. The volunteer system is one of the distinguishing elements that constitutes the difference between the liberal monarchical Government of Great Britain and autocratic Prussianism, which is based primarily and essentially upon conscription. In fact, conscription is the nursery of militarism; it is the handmaid of autocracy, the corner stone of imperialism, and the bulwark of the autocrat. I am one of those who believe that the best way to keep Prussianism out of the United States is to sow as few of its seed here as possible. Conscription is the instrument by which countries at war may be bled white, and in this sense it is modern and up to date, and it assumes that the Government's highest business is war. I hope and trust that a way may be found for this Republic to escape such a scourge. Let no one confuse universal training with conscription.

There are three things vitally essential in war—men, money, and morale, the spirit, zeal, hope, and confidence of the soldiers, and the latter is almost as essential as either of the others. It is the propelling power that drives the army forward as steam does the locomotive. It is the current that vitalizes the wire and lights the way. It is the irresistible force of the onsweeping torrent. The volunteer, whether by reason of spirit of adventure or by reason of conviction of the justness and righteousness of the cause and principles for which he fights, possesses in a greater degree the irresistible driving force that carries men through the firing line of the enemy. The conscript lacks zeal and enthusiasm, so essential and indispensable for that purpose.

I recognize the immensity of the task upon which we have embarked; that tremendous sacrifices will have to be made by the people of the United States before peace is established. We have voted $7,000,000,000 for war purposes, a sum of money unparalleled in the history of the world. We have contributed our entire Navy, the Regular Army, and the National Guard, totaling a million soldiers; we are dividing without reservation our foodstuffs and necessaries of life for which we ourselves are now compelled to pay almost famine prices; we are furnishing all of our merchant ships to carry this foodstuff and these supplies to the allies in Europe; we are building a fleet of a thousand merchantmen in order to keep a constant stream of supplies of all character and kinds flowing to the allies; we propose to assist in sweeping the ocean clear of the submarines. Are these not substantial initial contributions commensurate with our obligations in a war for which we are not responsible but that was forced on us as a result of the European war between nations bound together by war compacts, covenants, and treaties? Certainly it is more than Japan has done, which was in this war from the beginning by reason of these very war compacts, covenants, and treaties.

The French and English are smashing the Hindenberg line daily. The Russians and the English are driving the Turkish line farther and farther back into Turkey. The man power of Germany is being exhausted at a tremendous rate; she is walled in with an iron band; her food supplies must be well-nigh exhausted; internal dissension, strikes amounting almost to revolution are reported daily; the Empire must be in a state of exhaustion. Germany is in the condition of the South in the closing year of the Civil War.

I do not believe that American patriotism is dead. I believe that there are more than 500,000 men fit for service, willing to serve in this war because of the murder of Americans and piracy on American property committed by Germany. I am fortified in this belief by the statement of those in position to know that over 100,000 Americans have offered to follow Roosevelt to France. Her ruthless destruction of American ships and American lives without notice or warning was no less an act of war against the people of the United States than if by order and direction of the German Government our coast cities had been bombarded, our freight and passenger trains, railroad bridges and tunnels had been destroyed in the same manner that our oversea carriers have been submarined. It was the ruthless submarine warfare of Germany that drew the United States into this war. When American genius has found the key and answer, as I believe it will, to this new method of destructive warfare, it will have rendered infinitely greater service than any number of millions of soldiers that we may send to France.

Mr. FRENCH. Mr. Chairman, all our people are impressed with the horrors and sorrows of war so profoundly that I need not suggest one word of admonition or regret to make more emphatic the sadness with which our Nation faces the present crisis. On the 5th of this month the Congress of the United States, by solemn declaration and by overwhelming vote, affirmed the existence of a state of war between this country and Germany.

To every thoughtful person these propositions, it would seem, should be beyond dispute. It is our duty to bring the war to an end at the earliest possible moment. It is our duty to make our undertaking successful. It is our duty to preserve human life and to adopt such a course as will minimize sorrow to the greatest extent within our power. It is our duty to devise a plan that during the war will insure the greatest tranquillity in economic conditions upon the farm, in the mine, in the mill, the factory, and the shop. Again, it is our duty, as Members of this body, to forget everything of personal interest and to consider our action here only as that action has to do with the welfare of our Nation, the attainment of peace, and the preservation of

the lives and property of our people and the peoples of the world. Better a thousand times that a Member of this body do his duty in helping to define a right policy though it mean political oblivion for him, than that by doing an act that strikes a compromise with his conscience he help to adopt a course that would mean so much as the sacrifice of one human life.

What, then, is the issue? There are two propositions of large magnitude before this body. One of them is the proposition, for which the administration stands, of providing an army to meet the present emergency that will be based upon what is known as the selective draft. The other is to raise an army based upon the idea that is recommended by the majority of the Members of the Military Affairs Committee, a plan that is known as the volunteer system of enlistment; and if that shall fail, or if the President does not desire to use it, then upon the basis of a selective draft. We have heard pretty words with regard to the volunteer system appealing to everything in the heart of sentimental character, and I must confess that if the arguments of sentiment alone could control the volunteer system undoubtedly would have the better of the argument. Sentiment is beautiful, but if sentiment means the prolonging of the war, sacrifice of life and property, and disarrangement of economic conditions throughout our land in greater degree than a more practical course, then, in my judgment, sentiment must give way to reason. Sentiment prompts the brave man to spring to the highest summit and wave the flag of his country in defiance of the enemy, though he falls with the flag above him as a shroud by so doing. Reason prompts the brave man to save his life and direct his energies from behind the breastwork, thereby rendering service that is efficient and making a power for good the very nation for which he stands. Sentiment is heroic, sentiment appeals to the imagination, and, true enough, oftentimes by great sacrifices sentiment carries an army forward to victory. Reason is often lacking in that which appeals to the imagination, but it seems to me that at a time like this, if sentiment spells inefficiency, if sentiment spells loss of life, if sentiment spells prolonging of the war, if sentiment spells the disarranging of economic conditions and tremendous sacrifice of property, all of these over and beyond what sound reason and judgment spell, then it seems to me that there is only one course for us to follow and that is the course that will mean an efficient nation, and by that I mean a nation efficient on the firing line, efficient on the seas, efficient on the farm, efficient in the shops and mills and factories that will be supplying the wants of those who will fight our country's battles.

WILL THE VOLUNTEER PLAN MEAN FEWER MEN?

One would think from the strenuous way in which the volunteer plan has been urged over the plan of the selective draft that by some strange means the size of the Army could be smaller than if the selective plan shall prevail. Let us remember that under both plans, if an effective fighting force shall be had, we will require precisely the same number of men, whether they come forward under the bill of the majority or whether they come forward under the measure that has the support of the administration.

Those who urge the volunteer plan have dwelt much on the picture of the home, the son being torn from the mother, and all that, just as though the sorrows of war could be less under the one system than under the other. By what process can gentlemen emphasize the sorrows of war that come from the draft system without finding equal sorrows that come from the system of the volunteers? Indeed, if there could be a choice, it seems to me that every mother in the land would far prefer that she at least be spared from making the decision that her boy shall go, and rather that she bow her head to the flag of her country and say, "My country has called you, I have not pushed you from me."

THE VOLUNTEER SYSTEM AND EFFICIENCY.

No one can contemplate the history of America, as that history has been written upon the field of battle, without a feeling of profound pride in the volunteers who offered their services to their country from the days of Lexington to the present hour. On the other hand, no one can read the story of the sacrifices these volunteers have made without also feeling that much of their suffering was in vain, that many of their lives could have been spared, that wars could have been shortened, and that even industrial conditions at home could have been better managed had there been more system and less sentiment connected with the handling of our military affairs. The men who volunteer from farm and office and factory are, as a rule, men who do not love to fight but volunteer because they feel a sense of duty toward their country. They are not accustomed to acting in groups, they are not accustomed to handling themselves as soldiers; they possess bravery and courage in profound degree but they are lacking in experience and training for the field of battle.

I shall not go into detail at this time, but as brave and heroic as were the volunteers of the Revolutionary War it was the despair of Washington, as is known to every student of history, that he could not have at his command an army of a definite size that he could rely upon at a definite moment when action was demanded. No one can read the story of the War of 1812 without a feeling of humiliation on account of the way in which the land forces of our country went down in defeat before the armies of less numbers that were fighting for Great Britain. Our volunteers possessed bravery, but they did not possess military training. No one can read the story of the Civil War without being impressed with this fact, that we lost thousands upon thousands of precious lives because our boys were not trained, because we relied upon the volunteer system, and because as we went into engagement after engagement we could not be confident that we had the requisite number of men necessary to carry forward the movement to success. I love to read the story of the Civil War and I am proud of those brave men who to-day, in their declining years, we see wearing the coat of blue. I am proud, I say, of their bravery, their devotion, their courage, but I feel that we permitted many of their comrades, who were just as brave, to die on the field of battle, in hospitals, and on the march because we were depending too much upon a happy-go-lucky policy of enthusiasm and volunteering and not enough, during the first year or so of the war, upon system. Indeed, who can say that the war would not have been ended within a year if a selective draft had been adopted in April, 1861. For my part, I believe it would have been ended at least within two years if the North had adopted such a policy as that and the South had relied upon the volunteer system. Then, what shall we say of sentiment? Shall we not say rather that we stand for a policy that will preserve life, that will shorten the war, that will save in most normal condition the economic functions of our Government? Have you heard of the old southern general, who, at the beginning of the Civil War, said, "We can lick the North with popguns in 30 days," and when after four years of awful carnage, and the North had not been defeated, he was reminded of his boast, and replied, "But we did not fight with popguns." Gentlemen, the people against whom we are arming to-day do not fight with popguns. They are a brave people and none braver. They are an efficient people and none more efficient. They are a patriotic people and they love the land of their birth just as the American people love every rod of our hallowed soil. If we are to resist them we must do so in effective manner. This is not playtime. This Congress is not arranging a day of pleasure and sport. We are here for serious business, and we must act so that our country shall be efficient.

WHAT VOLUNTEER SYSTEM MEANS.

But, Mr. Chairman, let us analyze the volunteer system and see what it really is. Under that system a call is made for an army of a certain size. If a less number than those who are called respond what do you suppose must be the effect upon our enemies? Why, immediately they will say, "The people are not interested in the war; they are against the administration." They will take heart and courage, make sacrifices that they ought not to make, and indeed prolong the war by reason of their lack of knowledge of the sentiment of our people. Again, we call for volunteers of a certain number. They fail to respond. We then are compelled to go into battle, if need be, with an army less than that which the Commander in Chief says is necessary to maintain our rights. Oh, but the gentlemen say, "We have provided in the volunteer bill that in such an emergency the President may call for drafted men." Gentlemen, do you not see that you break down your own argument for a volunteer system when you put such a provision as that in the bill? Do you not see that you are forced to confess that you can not be sure that the army will be made up of 100,000 or 5,000 men?

Do you remember that little story of Edward Everett Hale, My Double and How He Undid Me, and do you remember in it the minister who found his work so hard that he arranged a double to help him; a man who looked exactly like the minister? Well, while the minister preached the morning sermon, he sent his double to preach the sermon in the afternoon. The congregation never awoke to the fact that they were listening to two different men, although sometimes they were amazed at the doctrines that were advocated in the afternoon when they recalled the theology that had been preached in the morning. One would think in listening to the arguments of some of our friends for the Dent bill that by some means they were speaking in doubles, and that one of the doubles is urging with en-

thusiasm the glories and blessings of the volunteer feature of the bill and condemning with all vehemence the system of a selective draft, and then in the next moment we are solemnly assured by the other double that the Dent bill provides for the system of the selective draft.

If the selective-draft system is bad, how does it help matters to put it into use only after we have announced to the world our inability to obtain an army by volunteers?

VOLUNTEER SYSTEM NOT EQUITABLE.

But what of the way of raising an army by the volunteer system? In the first place there is no basis in the volunteer system by which one State may be required to contribute as much as another. The State that I represent has always been loyal to our country. It was loyal during the Spanish-American War. It was loyal when the President a year ago called for forces to go to the Mexican border, and had all the States of this Union responded as generously as did the State of Idaho there would have been upon the Mexican border between two and three times the number of men that the President felt was necessary to maintain the rights of our country there. Or, again, if other States had responded in proportion as did Idaho two-thirds of those whe went from Idaho to serve on the border could have been permitted to remain at home with their families, engage in their regular line of work, and the duty of military service would have been more fairly apportioned throughout the United States than it was under the system that we followed a year ago. So it will be to-day. Already the enlistments in the Army and the Navy indicate the response is generous from our States, where the population is largely limited to small towns and rural communities. These are the places that have always been loyal and volunteered. Why should they be penalized for their loyalty and be asked to do the fighting for their country when the people of more populous States are not willing to serve? Our people do not want to fight. They are not bloodthirsty. It is a slur upon our volunteers to say, "Let those go who want to murder their fellow men." Our people volunteer as a rule from sense of duty, except as they are forced into service by public sentiment.

VOLUNTEER SYSTEM MEANS COMPULSION.

There is another feature of this volunteer system to which I must refer. I will do so by pointing to the volunteer system that until recently was followed in Great Britain and that is to-day followed in Canada. Canada, with a population less than the population of the State of New York, has contributed nearly one-half a million men to the armies of Great Britain.

This contribution has been made by volunteers, but our friends who are urging the volunteer system upon the United States do not tell all the story. They do not tell that these men are being paid handsomely for their military service in comparison with what men have been paid within the United States, and they do not tell that conditions in Canada and Great Britain have worked upon the men of those States a compulsion far more unjust, far more cruel than anything that can be suggested in the selective draft which is recommended by the administration. Go to a community in Canada, if you please, and if there remains still a young man who is not incapacitated, who has not enlisted, the ladies of the community are decorating him in public with yellow streamers and white feathers. He is being questioned over and over why he is not at the front. The little children in school are given badges which read something like this: "My daddy has enlisted, has yours?" What must the father of the other little child think as he attempts to explain that the responsibilities that have been placed upon him in life and which maybe the community can not grasp are such that he is doing the greatest service that man can do by refusing to go to the front. What must he think when the little child says: "Daddy, why can't I wear one of those badges"? Indeed, it may be it requires more of courage, more of patriotism to bear the burden that he has been asked to bear than for him to meet the responsibilities of service at the front. Would you have that kind of voluntary enlistment in our Army? That is precisely the kind that you will have in this country if you adopt the voluntary system. Do we follow the volunteer system or the system of the selective draft in other walks of life? Take with our children. We do not say in the fall of the year that all of the children who wish to do so may begin their school work the first Monday in September and let the others begin the 1st of October and others still three months later than that. Imagine a class in any grade in our public school attempting to conduct work when some of the children enter at one period and some at another. No; the best work is done when the children enter school at a given time and carry forward their work together. So with our Army. With volunteer system we may have 50,000 men in three months or we may have 500,000. Some of them will be entering this month and some of them in six months from now, necessitating various groups for training purposes with the constant loss in efficiency that comes therefrom. Nor can we know whether we will need 100 officers or 1,000, and it should be remembered it takes time and money to train an officer.

Then, gentlemen, do you think it the part of wisdom, if 500,000 men shall be needed, that those men be selected at a time when they can be trained and made efficient and not be an army of 500,000, brave and loyal though they may be, who are rushed into the line of battle without training, without discipline, only to meet disaster and death that must come to men who are asked to meet an army that is organized upon the basis of efficiency in every part?

VOLUNTEER SYSTEM UNJUST TOWARD COMMUNITIES.

But, again, the volunteer system, as it is unjust oftentimes toward States, is unjust oftentimes toward communities. I know a township that contained not a single hamlet, but was made up entirely of farms in the State of Illinois, where in the area of 6 square miles more than 120 young men enlisted in the Civil War. Admire that community as you will, let me ask you if it was just toward that community that it should have been asked to make that sacrifice. Would not a system have been far better under which half of the young men from that community could have been permitted to go to the front? The other half could have been permitted to raise the food necessay to supply the armies. This is but an illustration. The same illustration can be made with regard to mines, with regard to mills and factories, with regard to every line of work in which people are engaged, and the equitable system would be a system that would permit some to go from each community and some to remain and continue the work that must be carried on at home.

And what of our college boys? Thousands of them are in our colleges and universities, young men from 18 to 30 years of age, than whom there are none better in all the world. These young men are loyal. They have fine sensibilities, and under a volunteer system these boys would be swept by an irresistible force into the Army. In your factory the boss can discourage enlistment, but in the college enlistment would be infectious. In a little while the boys who felt they could not yet enlist would find yellow streamers pinned to their coat lapels, white feathers thrust into their hats by feminine hands, and themselves asked on every corner, "Why are not you at the front?" They would be so harassed and ostracized by society that they would enlist from sheer desperation. Gentlemen, in a few months your colleges would be almost depopulated of young manhood. But how under the selective draft? Why, it will fall on the college boy just as well as it will fall on the boy on the farm or in the mill. He will take his turn. His name will be on the list of eligibles, but until he is called he can face the world as he goes about his duty in the classroom and on the campus, ready to respond when the country says, "Come on," but knowing fairly well, if not summoned, that he may figure a half year or year ahead on definite work.

IS VOLUNTEER SYSTEM EFFICIENT?

Gentlemen, the volunteer system is a system of everybody's business that finally resolves itself down to being the business of nobody. It is the system of "Let George do it." The selective-draft system is the system that says all of our people are in the service, whether at the front or at home, but that says to maintain the greatest efficiency we must invite some to carry the gun, some to produce the food, some to produce the clothing, and others to produce the munitions of war. This is an age of organization. The forces that we are arrayed against are forces of efficiency that are made efficient through system and organization. We can not meet them except by the coordination and efficient management of all our resources.

WASTE IN THE VOLUNTEER SYSTEM.

Gentlemen, this leads me to another thought in connection with the volunteer system. Do you know that when Great Britain called for volunteers at the beginning of this war millions of her men responded without regard to whether they were needed on the farm or in the factory, and without regard to whether their going would materially interfere with the food supply of Great Britain or with the supply of munitions for war? Consider, then, that after these men had volunteered, had stopped the wheels of industry in many places throughout Great Britain, had cost the Government of Great Britain untold expense in training camps and equipment; consider, I say, that after many of these men were trained for service 30,000 of them were called back from the army and told that they were needed more on the farms or mills or factories throughout the British Empire. What waste of efficiency was here! Food prices went

skyward, the armies were denied adequate equipment, and because the men who should have been preparing equipment were at the front millions of dollars of loss was sustained by people throughout Great Britain through the fact that employees in such numbers had been taken away. Consider, again, the waste that the British Empire sustained through the months of training of men for service who, at the end of their training, were withdrawn and told to return to private life where they could do more good.

Gentlemen, let us not make the mistakes that Great Britain made. Why should we take all available men from the farms of a given county or State and let farming suffer; or why should we take all the available men from mill or factory or mine and let these institutions close down? Would it not rather be the part of wisdom to say that from the farming community we shall take part, not all; that from the mine part shall come; that from the mill part shall come; and from every walk of life part shall contribute, but not all? In this way there will be maintained the greatest amount of economic ability throughout our Nation. In this way will be maintained the greatest amount of producing efficiency on the part of our people.

But, gentlemen, there is another consideration. Volunteering for service in an army is infectious; it runs through families, it runs through communities. On the other hand, other families and other communities are passed over without a call. Why should the six sons of one family volunteer for service while all of the six sons of another family remain at home? The selective-draft system will right this wrong. It may draw one or two or three from each of the families, but in all probability it will not draw all from either unless emergency demands. Why should the only son of a widow who has no one else to lean upon but that one son be torn from the arms of his mother just because the mother and her boy are patriotic, while the son of the man of wealth who may not feel the responsibility escapes all service because it is volunteer and he will not go? The selective-draft system would right this wrong. Provision is made for excusing the man upon whom there is the responsibility of care for others. Oh, but some one says, under this system favoritism will result.

Gentlemen, favoritism through their own lack of willingness to bear a part will result a thousandfold more under the volunteer system than it will result under the system of the selective draft. Indeed, it is this fear of favoritism that prevents free volunteering under the volunteer system, and if the people generally could feel that the men of wealth and influence would come forward and volunteer there would be no holding back on the part of people generally. We want a system that will apply to the man of wealth just as it applies to the man of humble means.

EXAMINING THE WITNESS.

Now, let us see what others think. In civilized countries it is the uniform policy of men to endeavor at least to be governed by the experiences of the past. In endeavoring to arrive at the truth of a matter intelligent people consult witnesses.

In the matter of whether we shall have a volunteer or a selective-draft system the part of wisdom advises the same course. Unfortunately for this inquiry the span of human life is short and we can not have the immediate counsel of men who have been the eyewitnesses of the battles of long years past, but let us do the next best thing and gather, if we can, from history something of what those witnesses testified to during their time.

Washington gave his unqualified approval to the proposition of universal obligation to serve the country as well as to be benefitted by it. He lamented the weakness of the volunteer system. Jefferson added his testimony to the same effect.

In the War of 1812 the volunteer system was a complete failure, and, amazing as it may seem, Connecticut and Massachusetts furnished no troops at all.

The Civil War began with volunteers on both sides, but more than $650,000,000 was paid in bounties to volunteers by States and Nation, and then later the system of conscription was resorted to. Students of the Civil War are almost unanimous in their judgment that the selective-draft system would have saved life and property and would have shortened the war.

In the War with Spain our President called for 200,000 men, but only 163,000 volunteered, and happily we did not need to press the matter further. We are honored in having as Members of this body 22 veterans of the Spanish-American War. They were all volunteers, and what is their judgment? Five of them stand for the volunteer system and 17 of the 22 support the policy of a selective draft. Is their judgment to be considered, or are we to brush aside the testimony of these men as so much rubbish?

Last year the President could not send to the Mexican border the force he wanted to, because our people did not come forward for service, and this in spite of free criticism they had indulged in because we did not use stern means toward Mexico. The President is Commander in Chief of the Army and Navy of the United States. He has as his advisers in this matter the officers of the War Department. The President, the Secretary of War, and the officers generally of the department are in harmony in advising that in the light of experience in the past the selective-draft system is one that will mean efficiency and that will save human lives. Read the testimony that can be gleaned from the present war in Europe, and there the answer is the same. Gentlemen, can we be blind to these things? Can we be deaf to this testimony? Admitting that there is testimony on both sides of the question, there can be no doubt in my mind that the testimony is overwhelmingly in favor of the policy of the selective draft.

NOT THE CONSCRIPTION OF CIVIL-WAR DAYS.

It should be remembered that the selective draft that is provided for in the pending bill is not the conscript policy of the Civil War. Under that policy the rich man could buy his way out by hiring a substitute; under that plan the burden of government was not placed equally upon all alike, but the burden was placed more heavily upon the poor. I am opposed to any system that would permit a return to such conditions. The system of the selective draft in the pending measure is not that system. The system of the selective draft that is here proposed shows no favoritism and applies alike to rich and poor, to high and low, and thereby is in harmony with American institutions.

The Senate bill fixes the age of eligibility to enlistment at from 19 years to 25. The House bill fixes the age at from 21 to 40. I am personally in favor of the House provision rather than the provision of the Senate, but I would be inclined to raise the House provision to 45 years instead of leaving it at 40. I then think we might properly provide that those above the age of 45 and those possibly between the ages of 18 and 21, with their parents consent, could voluntarily have their names placed upon the list of eligibles, the Government reserving the right, if their names were drawn, to reject them and ask that they continue their service in private life.

The President of the United States is not of my political party, but I seem to have more confidence in him than many of his own party who fear favoritism. I am not afraid to trust the President. Inequalities will undoubtedly exist under any system, but I believe that your leader and mine, the leader of our Nation at this time, will guard with due fidelity the rights of the most powerful and the humblest citizen of our land. Mr. Speaker, those who urge the volunteer system appear to believe that part of our people are loyal; that part only of our people will volunteer for service. We who stand for a selective draft believe that overmhelmingly our people are loyal. Aye, indeed, we believe that to-day they stand forth, all of them, as volunteers. They are volunteers not after we pass this bill, not because of this legislation, but because our country is in peril. They are all volunteers because they are citizens and claim the protection of their country's flag. They are volunteers and they are to-day standing at attention and are ready to serve in that place where their country has most need of them.

SELECTIVE DRAFT MEANS HONOR.

It has been said over and over on this floor that the selective draft will place the badge of dishonor upon every man who shall be chosen. Gentlemen, if we pass the bill that the majority of the committee has reported, but which the administration does not want, and do not adopt the policy of the selective draft until volunteers shall have been called for, then, I admit, there might be merit in the suggestion that the selective draft is the badge of contempt. But, gentlemen, if we begin with the selective draft, if we begin with the theory that all men have volunteered and that some are chosen to continue upon the farm, that some are chosen to continue the wheels of industry, that some are chosen to serve in line of battle, then the selective draft becomes not a badge of contempt but a badge of honor. Reference has been made on this floor to the expediency of supporting one policy or the other. My friends, this is a matter in which there can be no expediency, and no Member of this House is deserving of a place in this body unless he is willing to put aside all personal ambition, all personal hope of preferment, and support a policy that will insure his country's good.

Picture in your minds what war means. Picture the infernal trenches in Europe. Picture the dead interred in long lines in unmarked graves. Picture the sick and the wounded. Picture the men and boys from whose eyes the light of the day has gone and who never again can see the beauty of flowers and trees and mother and sweetheart and other visions that can only be called up in memory. Picture those things and the sor-

row of the million homes, and then know it is our duty, our solemn duty before God and man here and now to vote for that system of raising an army that will mean efficiency, that will shorten the war, that will save human life and suffering.

I have letters and telegrams bearing upon all sides of this question, and I admire and respect those who have given me the benefit of their advice. I admire the man who wrote me as a veteran of the Civil War he was one of six brothers who volunteered for service in that great crisis. I admire him when he believes that the volunteer system is the one that is best in the present moment. I have a letter from another veteran of the Civil War, who says: "I ask you to hold up the hands of our noble President." I admire the mother who telegraphed me: "I am the mother of two sons, and I urge you to vote for the selective draft." And I have many more. The spirit of them all is the same. Though they recommend plans that are opposite, their communications carry the same love of country, the same loyalty, the same willingness to sacrifice, if need be, that their country may survive. And, gentlemen, it is my judgment that the spirit of these communications is the spirit that permeates the American heart to-day. The people expect us to bear the responsibility of devising the best way that they can render service. That is our problem. And the people want us to do our duty as we see it.

The selective-draft system is in harmony with our whole system of Government, a system by which every citizen does his "bit." When it comes to taxation we do not pass around the hat and let those contribute to the support of country, State, and Nation who desire to have part in bearing the burdens of government. We endeavor to levy the tax to support our Government in such a way that it will be just and equitable throughout. And when we build our roads we do not call for volunteers; and when we summon our juries we do not ask every man who wants to serve to have a place in the jury box, and, if no one volunteers, dismiss all cases. Rather, we work upon a theory that in republican government all are entitled to the benefits of government, and all are entitled to and should bear the responsibilities of its life from day to day—its responsibilities in days of peace and its responsibilities in days of war.

Gentlemen, in conclusion I hope and pray Almighty God that the sacrifice may now be complete, and that we may be spared from further sacrifice in this awful war. I somehow feel that before the year has passed the end of the carnage will be at hand; but I do not know. We must prepare as though the task were great; and regardless of political party, regardless of past opinions upon the issues that divided Europe, regardless of the blood that flows in our veins, we must now be one people. I shall support the administration measure because I believe it means team work. I believe it means efficiency and coordination. It means efficiency on the farm; it means efficiency in the mill and factory; it means efficiency on the firing line. I shall support the selective draft, as urged by the administration, because I believe it means the shortening of this awful war, because I believe it will demonstrate to the world that America is one in thought and can be one in action.

The CHAIRMAN (Mr. HAMLIN). The gentleman from Ohio [Mr. SWITZER] is recognized.

Mr. SWITZER. Mr. Chairman, a state of war has been declared and the resources of the Nation have been pledged and an initial appropriation of $7,000,000,000 made for its successful prosecution, all of which I have supported by my vote.

Congress is now confronted with the task of enacting legislation to provide the machinery for raising a large army. Two plans are being considered by this body, having for their ultimate object the raising of an efficient army. Both in their administration will work many hardships, many inequalities, and much injustice to numerous individuals; but no method can be devised by the genius of man but what in its administration will work inequities, hardships, and injustice to many of our citizens. One method proposed is that of voluntary enlistment, hastened by the threat of conscription. The other by selective draft.

Were I moved by sentiment alone to make my choice I would vote for the volunteer proposition. But realizing that we are embarking upon a stupendous undertaking, and that every asset of the Nation must be coordinated with the fighting strength of the Nation which is to be called to the colors, and that an effective combatant in the present world's war must be a huge fighting machine constructed and wielded upon cool, calculating, and experienced business as well as military lines, and with due regard to the efficient utilization of every resource of the Nation necessary to support and maintain our fighting strength, I have come to the conclusion that sentiment alone must not control my action.

The selective draft has been recommended by the General Staff of the Army, having years of military experience and after nearly three years' study of all of the conditions of the present conflict raging in Europe, and purposes the development to the highest efficiency of every activity of the Nation necessary to a successful prosecution of a possible long, world-wide war.

The method assumes that every able-bodied American is imbued with love of country and will patriotically render any service that our Government requires. Certainly no one should assume otherwise of any citizen and no reflection should be cast upon his courage and loyalty until it has been actually demonstrated that he has failed to recognize his full duty to the Government under which he lives.

I believe it to be the duty of every Member of Congress to support and vote for the plan which, in his best judgment, will be certain to raise the most efficient military organization and cause the least inconvenience and friction among the ranks of the people from which it is taken. As to how my constituents feel or view the pending propositions I have had scarcely no advice, but I am sure that the great majority of the people of my district favor some form of universal military training. Had such a system obtained during the past few years all men of military age would have had the requisite military training, and in making the call to the colors the President would undoubtedly apply the principles of the selective draft, which the War Department, the President, and nearly all military experts urge as the most effective method of mobilizing a large army and the resources of the Nation.

The champions of the volunteer system invoke the aid of the draft in the event of the failure of sufficient voluntary enlistments—that is, they first propose to try out the method of selecting from those only who volunteer their service. The selective draft proposes to select from all of the available military force of the country. No doubt every State of the Union will be required to furnish its quota of soldiers based on the population of each State and through the local tribunals and other administrative machinery of the proposed selective-draft law all will be exempted whose services are necessary to make an efficient war mobilization of the resources of the Nation and only those taken who are best fitted for military service.

The selective draft now proposed will call to the colors those who are now mostly untrained and absolutely unorganized, who would have been called by classes had they been trained under some universal military system. I shall vote for the Kahn amendment. [Applause.]

The CHAIRMAN (Mr. SAUNDERS of Virginia). The gentleman from South Carolina [Mr. STEVENSON] is recognized.

Mr. STEVENSON. Mr. Chairman, before making the few remarks I shall make to-night I desire to ask to be allowed to extend my remarks in the RECORD, and I hand in now the extension which I desire to make formally on the merits of this question, as follows:

The differences between the committee bill of the House and the War Department bill are as follows:

(a) The committee bill makes the age for compulsory military service from 21 to 40 years, and this is recognized by all the world as the most efficient military period of life.

(b) The War Department bill makes the term of compulsory service run from 19 to 25 years, placing the burden on the very youngest of those suitable for military service.

Now, the plea made for the administration measure is that it is democratic and distributes the burden equally on all. How can this be justified when we know that there are 22,000,000 men of military age, between the ages of 19 and 40, and the bill proposes to put all the fighting on the 7,000,000 who are from 19 to 25? How this can be called democratic I do not know.

(a) The committee bill asks for a call for volunteers preliminary to the conscription and asks that if that raises enough men no conscription be made. The Secretary of War says there will have to be a census of the men of war age taken, and it will be four months before conscription can begin. This period the committee asks to be utilized in getting volunteers, and if they do not get the 500,000 wanted, then let conscription proceed.

(b) The War Department says no; we will wait until the census is taken and select those we want and draft them.

These are the fundamental differences.

I favor the committee bill; first, because it is the plan I advocated when running for election and upon which I was elected February 21, 1917; second, it is democratic in that if the draft becomes necessary it will be from the whole body of

men of military age—22,000,000 of them—and not from the 7,000,000 boys under 25 years of age, as proposed by the War Department. The claim that it is wasteful because it would take the skilled workman from the shops and other occupations, where they are needed worse than in the Army, is exploded by the clause of the committee bill that allows the Executive to reject such as he sees fit and return them to their usual occupations, just as is provided in the War Department bill for returning those drawn in the draft who are needed at home.

The War Department bill divides the grown male inhabitants of the United States into two classes—one class under 25 years of age, being liable to serve in the Army, and the other over 25 years of age, being liable to serve in Congress. And the irony of it is that those of us who are serving in Congress have voted the country into war, and now are asked to vote the fighting on the boys who are ineligible to come to Congress and 40 per cent of them too young to vote. This does not appeal to me as democratic. The committee bill says that no man shall be forced to fight by conscription until he has the right to vote and choose his rulers. They say England tried volunteering and failed. She raised 5,000,000 men that way and has gotten only 300,000 by draft, while Canada has not yet adopted conscription and the sound of the magnificent charge by which the Canadians, all volunteers, swept the Germans from the impregnable fortress of Vimy Ridge has echoed around the world, and will stand as one of the marvelous achievements of this marvelous war. Orators have declaimed in this Hall that the volunteer system failed during the Civil War; the records show that the Government put into the field around 3,000,000 men during that struggle; that 46,000 of them were drafted and 73,000 were substituted for men who had been drafted, making about 119,000 out of about 3,000,000 enlisted who were the result of draft. The American people in that time of fearful distress, when the unity of the Nation was in the balance, almost rebelled at the conscription principle, even where it was not accompanied by the arbitrary right to select which should go and which should remain at home out of any group which should be drawn, as is proposed here, and it was resorted to only when circumstances were desperate. A historian of very respectable standing, writing of that incident in our history, says:

> The draft act meant that Congress realized at last the magnitude and almost desperate difficulty of the war it had embarked upon.

Are we to confess to the world that our condition is almost desperate and that desperate remedies must be applied from the start. The same distinguished author says:

> In carrying it into execution the Government learned something more of the temper of the people. Intense excitement everywhere accompanied the progress of the conscription; in some places it was forcefully resisted, not so much because of the deep unpopularity of the thing itself as because it seemed to be enforced with gross partisan partiality. Democratic counties, it began in some parts of the country to appear, were much more heavily drawn upon than those whose votes had been cast in the elections for the party in power.

Now, with the selective principle embodied in the administration bill, how much greater the opportunity to charge partisan enforcement with a local tribunal, presided over by a local politician, with the power to say which men out of any group selected or drawn should serve. The same distinguished author continues:

> The excitement culminated more sharply and ominously in New York than anywhere else, and in the city of New York very serious outbreaks occurred, savage draft riots, which were to linger in the recollection many a long year, like an ugly nightmare; for four whole days of memorable summer, July 13 to 16, 1863, the town was practically at the mercy of mobs which surged in its streets almost at will.

It may be of interest to the House to know that this distinguished author is named Woodrow Wilson, and all that he says with reference to the unpopularity of the draft when Gettysburg was imminent and the whole Nation was in the throes of the struggle will be deeply intensified under the administration measure, at a time when the condition of the Nation while serious is by no means desperate or even perilous, and when the plan proposed is capable legally of the most far-reaching favoritism in its enforcement.

The gentleman from Missouri [Mr. BORLAND] said the other day that we must not call for volunteers, because the young and choice spirits would first respond; he said:

> It is possible to beat the tom-toms through the streets of the villages to enlist the school boys.

The bill he advocates provides that the school boys and those barely out of school shall do all the fighting, hence I take it that he objects to the school boys fighting of their own free will, but desires that they be forced into the firing line where they will have a monopoly of the fighting at the dictation of other people. And at the very period when the boys capable of the highest inspirations and when left to the influence of those inspirations will display a patriotism unsurpassed by any other age, the inspirations are dissipated by a refusal to allow them to volunteer their services, and his patriotism is destroyed by being driven by a provost marshal to enlist into a service which his country refused to allow him to do voluntarily from patriotic impulses.

The same gentleman from Missouri says that calling for volunteers is like passing the hat around for voluntary contributions with which to conduct the war. We have just passed the hat by issuing $7,000,000,000 of bonds and have asked the people to come up and volunteer their funds and take bonds in exchange. Just as we would ask them to volunteer their services in return for pay and patriotism. The two are exactly parallel. The gentleman says we should conscript men, as we do financially. To follow his argument, we would have not only directed the issuance of the bonds, but we would have provided that Mr. Morgan should take one billion, and Mr. Rockefeller should take another, and Mr. Carnegie another, and Mr. Armour another, and Mr. Schiff another, and so on. That would have been selective financial conscription. Just as the gentleman proposes selective personal conscription, and one is as just as the other. Real financial conscription is laid in taxes, where the burden is supposed to be laid on each man in proportion to his ability to bear it. And if every man was required to bear his part of the actual fighting the cases would be parallel; but this bill proposes to put the whole burden on a class embracing one-third of those of war age, and then to arbitrarily select from that class the members who shall bear the burden. Will not this produce occurrences throughout this fair land that, in the language of Mr. Wilson, "will linger like a nightmare for a generation"? Some of the public press have denounced those who have differed with the War Department on this proposition as being unworthy of a seat in Congress or citizenship in the United States. And yet one of the very papers that has been the most radical in its criticism is now insisting on a reorganization of the very department whose dictum we are required to take. The Washington Post says:

> The inadequate and inconsistent organization of the General Government must be superseded by a machine that will capably organize and apply the latent resources of the Nation. * * * Much that is being done at this moment must be undone. It is worse than useless effort; it is needless to go into details; anyone familiar with the energies of the various departments, commissions, boards, and bureaus can give examples of undertakings now on foot which are in conflict with one another, and all of them inadequate to the needs of the country.

May we not then be pardoned for standing on our own opinions in these momentous matters when we find the sponsors of these departments themselves confessing their inadequacy and inefficiency? I have the honor to represent a district which was proudly designated by Andrew Jackson as the land of his nativity; and the indomitable spirit epitomized in that remarkable man was but the expression intensified of the love of liberty and justice and determination to stand for right which inspires all of that great Scotch-Irish population which redeemed the Piedmont and mountain sections of the Carolinas from the forest and the savage, and which planted the standard of liberty on American soil and maintained it with "their lives, their fortunes, and their sacred honor," and demonstrated their loyalty by their overthrow of the British Army on Kings Mountain by a volunteer army of the same blood.

And around that historic field in the same district are grouped the battle fields of Cowpens, Camden, Hanging Rock, Hobkirk Hill, Blackstock, and Beaufort, all eloquent testimony of the patriotism and the worth of the people whom I represent, whose blood runs through my veins, and who would repudiate me, and properly so, if I should bow the knee to newspaper clamor or yield my opinions of right and justice to that of the highest potentate of the land. My loyalty to the great President of the United States needs no testimony from me. When some of the people who are clamoring so loud for unquestioning obedience were bending their energies to defeat his election as the standard bearer of Democracy, and when many of the papers that are raising the senseless clamor were prostituting their power and their columns to the despicable attempts to destroy him politically and turn his picture to the wall in this great Nation, the records of the Democratic convention of South Carolina and the great convention at Baltimore will indicate to any man who will examine them my loyalty to him from the beginning of his rise in American politics, and that loyalty has never faltered; and I know the greatness of his heart and intellect too well to conceive that he would expect a fellow man to subvert and surrender his conscientious convictions on a great question as a test of his loyalty.

I will now devote just the few minutes that I have to a discussion of some of the matters that are hardly germane to the issues that are being discussed now. There is one policy that I have heard reiterated upon this floor, though, that I desire to direct the attention of this committee to. The distinguished gentleman from Missouri [Mr. BORLAND] more than a week ago took the position in his speech that the calling for volunteers was the same as the passing of the hat for voluntary contributions to the war chest of Uncle Sam. A day or two ago the newspapers had the picture of Uncle Sam sitting on a curbstone, holding out his hat and asking passers-by to contribute to his fund; and they seem to think that is on the par with asking men to volunteer their services for the Army.

Let us look at it for one minute. We passed a bill the other day to issue $7,000,000,000 of bonds. Did we not pass the hat then? Was not that an invitation to all the citizens who had money to come up and loan it to Uncle Sam—volunteer the funds—and take Uncle Sam's obligation for it? Suppose we had applied the conscriptive plan to that, what would we have done? In that same bill we would have said, "Yes; we are going to issue $7,000,000,000 of bonds, and we are going to conscript a billion dollars from Mr. John D. Rockefeller, and we are going to conscript a billion from Mr. Morgan, and we are going to conscript a billion from Mr. Carnegie, and another from Mr. Schiff, and another from Mr. Schwab, and so on, and instead of having a proposition for volunteer contributions to the war chest of this country we would have had a conscription just as we propose in this bill for the young men of this country.

That was a fallacious argument, it seems to me. I heard a gentleman say when he went out of the Chamber after that remarkable manifestation of power that came from the Speaker of the House the other night, that it was merely sentiment; that we merely had sentiment on our side and argument on the other.

Patriotism is sentiment, because it is defined as love of your country, and the manifestation of that love is service to your country; and if that is not sentiment, what is sentiment?

We are bound by sentiment, and I wanted to exhibit to you the highest manifestation of that, coming from a private citizen in moderate circumstances in my county, who is in the service of Uncle Sam, and to show you that that is the kind of citizens we have down in the fifth district of South Carolina. It says:

MOUNT CROGHAN, S. C., *April 23, 1917.*

Hon. W. F. STEVENSON,
Washington, D. C.

DEAR MR. STEVENSON: If I were a member of the Carriers' Association I would try to get a resolution passed asking Congress to cut our salary 10 per cent for the duration of the war.

Who ever heard of a higher manifestation of sentiment than that?

But as I am not a member, will write as an individual carrier. You know me personally and know my circumstances. I have a wife and four little girls and don't suppose I will be called upon to do military duty, but I do want to help some way, and I am perfectly willing for Congress to cut my salary 10 per cent or more for the duration of this war and use the money in any way they see fit.

And I am sure a large majority of the boys would be pleased to help in this way.

Yours, truly, JULIUS S. BURCH,
Rural Letter Carrier No. 1.

[Applause.]

He is a young man who comes of stock that has volunteered in every war since this great country was established.

Now, that is the kind of patriotism to have. You will not see any higher manifestation of it anywhere.

I have a telegram which says that those who have boys do not want conscription; those having none want it. And that is the milk in the coconut of all these manifestations you have over the country and these telegrams which you receive. I have one from a mother, who says, "Do not allow them to put all the fighting on the boys." [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. STEVENSON. I regret I can not say more. I have listened to so much talk that I have lost my voice, anyway. I expect to vote against unconditional conscription and to stand by the rights of my people to volunteer, as they have always done.

The CHAIRMAN. The time of the gentleman from North Dakota has expired. The gentleman from Missouri [Mr. RUCKER] is recognized for five minutes.

Mr. RUCKER. Mr. Chairman, I have been somewhat reluctant to inject my views into this debate. I am inclined to believe that each and every Member, in response to the solemn and responsible duties imposed upon him, has given thoughtful and serious consideration to the question in issue and has reached a conclusion as to his duty. After much reflection I have reached a determination which will guide me in casting my vote, though, I confess, I have suffered embarrassment and am not yet entirely free from doubt.

Thus far in our preparations for the conduct of a war which we fervently hoped might be avoided, but which was finally forced upon this Nation by the Imperial German Government, I have followed every suggestion and conformed to every recommendation coming to us from the President and the executive departments. I hoped to do so to the end. I am still ready to vote all the money which may be required and to authorize the raising of an army large enough to insure speedy and certain victory and the ultimate triumph of the great principle for which we contend. But if the Congress is not ready to surrender its constitutional powers, then, with due respect to those who differ from me, we are bound, in my opinion, under the oath we took, to fearlessly express our judgment as to the method of providing an army. Here is where the controversy arises. The issue is, Shall we appeal to patriotism or resort to force? Pages of history are aglow with the brilliant achievements and glorious victories of right against wrong, won by the patriotic sons of America, who voluntarily tendered their services—brave boys who were willing to fight and, if need be, to die for their country and its ideals. No gentleman has referred or will refer to a single page of the history of this history-making Republic that proves or tends to prove the inefficiency of volunteers. No one has disputed or will dispute the fact that every great war in which we have engaged has been fought and won by volunteer soldiers. It was a volunteer soldiery that won the battles of the Revolutionary War against the then most powerful military power on earth; volunteers broke the shackles that bound us, gave us personal liberty and a sovereign Republic; it was volunteers that won our wars in the early part of the eighteenth century; it was volunteers that won the decisive battles of our Civil War; it was volunteers that liberated Cuba from the hand of oppression; it was the volunteer soldier who gave to the Philippine people a realization of the dream that they would ultimately be free. [Applause.]

But, Mr. Chairman, time is too short to enter upon a full discussion. I listened with interest and pleasure this afternoon to the wonderfully great speech delivered by the gentleman from California [Mr. KAHN]. I can only refer to some of the points made by him. I remember that he and every other gentleman who had spoken for conscription sought to make it plain that no assault was intended upon the boy who volunteers to follow the flag of his country, but that the assault was upon the volunteer system; and that distinguished gentleman from California [Mr. KAHN] referred to the fact that Washington, during the Revolutionary War, spoke and wrote of the difficulties of keeping the army up to its fighting strength under the volunteer system. The same experience, he says, was encountered in the Civil War and in other wars in which the United States were involved.

But, Mr. Chairman and gentlemen, the distinguished speaker did not refer to the fact that in 1776 we had but limited resources upon which to draw. Then our total population was only something over 3,000,000. In 1812 our population was still small as compared with now. Even in 1861, the year which marked the beginning of that most awful of all wars that the world until then had ever known, our population was only about 35,000,000 of people. At that time, according to undisputed testimony, more than 2,000,000 men volunteered their services on the side of the North and of the South. Now, with 105,000,000 brave, patriotic people to draw upon and, as we are advised, only 2,000,000 soldiers to secure, who questions the efficacy of a call from the White House to the brave boys of our country?

Why, Mr. Chairman and gentlemen, the distinguished gentleman from California cited in support of his contention the fact that at Gettysburg and at Chancellorsville and other places where the great battles of the Civil War were fought our armies were decimated, their columns broken, and the armies reduced in strength. But the gentleman neglected to say that that war was fought by brave men who volunteered their services to fight for ideals, for principles near and dear to them. He forgot to tell you that before that bloody encounter at Gettysburg the North had met the South, the brave boys who wore the gray had met the brave boys who wore the blue, and that the little mounds in cemeteries all over this good land tell the tragic story of the result of those encounters. No wonder our armies were decimated.

But, my friends, let me hurry on, for I have only a few minutes. I know I am pursuing a forlorn hope. I realize full well that I am doomed to defeat in my advocacy of the volunteer system, and I will not detain you. But, though I stand alone, one vote will be cast for the boys who have never failed to shed

honor and glory upon our country since the hour the first gun was fired in the Revolutionary War. [Applause.]

Mr. Chairman, whenever and wherever that flag has been unfurled, be it proclaimed to their everlasting glory and fame, it was amid the proud huzzas and plaudits of voluntary soldier boys. Will gentlemen allow themselves to entertain a doubt or to harbor a fear that patriotism has bid the world farewell and taken its flight; that the spirit of patriotism died with those gallant, intrepid, brave heroes who gave their lives that we might live freemen?

Hath Valor left the world—to live no more?
No more shall Brutus bid a tyrant die,
And sternly smile with vengeance in his eye.
Hampton no more, when suffering Freedom calls,
Encounter Fate and triumph as he falls.
Nor Tell disclose, through peril and alarm,
The might that slumbers in a peasant's arm.

[Applause.]

Oh, no, Mr. Chairman, patriotism is not dead—its immortal spirit still lives in the hearts of men and—

Downward as from sire to son it goes
By shifting bosoms more intensely glows.

With an abiding conviction that the present war can be fought and won by volunteers, I will support the committee bill and oppose the amendment which will be offered by the gentleman from California [Mr. KAHN].

Let a call be made for volunteers to follow that flag, and, in my judgment, brave, loyal, patriotic boys will respond in sufficient number. But if I am wrong in my convictions we will still have the authority for conscription just as it is written in the bill. No one will oppose conscription. Some of us, who yet judge the future by the past, merely want to give the boys a chance to prove that they are willing to fight for their country without compulsion.

Give us an army to fight our battles composed of men who love their country and cherish its ideals and victory is ours. Give us a volunteer soldier boy to bear aloft the Stars and Stripes, and brave, noble, patriotic boys from all over this land will follow, marching to the music of fife and drum, each with a fixed, definite, and unalterable determination to—

Victor exult, or in death be laid low,
With his back to the field and his feet to the foe!
And leaving in battle no blot on his name,
Look proudly to Heaven from the deathbed of fame.

[Applause.]

Mr. BROWNE. Mr. Chairman, upon the passage of the resolution declaring the existence of a state of war between the United States of America and the Imperial Government of Germany the discussion closed. The honest differences existing between the people as to the advisability of our entering the war are ended, and the people, one and all, I believe, stand back of their Government with united front, with but one spirit and purpose—the victorious achievement of the Government's will. [Applause.]

Every measure that has been presented by the administration so far has met with practically unanimous support. Congress has made amendments to the legislation presented since the war resolution was passed, but no one will contend but that the legislation when passed was stronger and more efficient in every way because Congress carefully considered and weighed every sentence and word in the proposed legislation.

Congress, by unanimous vote, has issued bonds to the amount of seven billions of dollars, the largest bond issue ever contemplated by any nation or combination of nations in the history of the world. This seven billions of dollars, under the law, will be turned over to the President of the United States and the Secretary of the Treasury in the prosecution of the war. The question that is now before us is to raise an army that will enable this Government to bring the war to as quick and successful termination as possible.

I believe that under the bill presented by the majority of the committee we will get an army quicker and a more efficient army than we will under the amendment proposed by the minority of the committee which is now before us for our consideration. [Applause.] However, if the amendment to the bill prevails, I will vote for the bill as amended, believing that at this time every Member can afford to waive his own judgment to hasten this necessary and important legislation. The bill reported by the majority of the Military Committee provides for an immediate call for volunteers, but provides also for a census and all the preliminary steps that need be taken for selective conscription. The Secretary of War, in his testimony before the committee, stated that it would take at least three or four months to obtain a census preliminary to conscription.

I have listened attentively to practically all of the debate, and I have not heard one valid reason given why we should not obtain as many volunteers as we possibly can pending the three or four months when the census preliminary to making the draft is being taken. I believe, Mr. Chairman, that in this emergency we should accept every volunteer that meets the requirements, unless he is needed more in an industry or occupation than he is at the front. Col. Roosevelt has already had responses from over 130,000 eligible and available volunteers, and the number is growing daily. What good reason is there for refusing to allow Col. Roosevelt to raise as many volunteers as want to enlist? In almost every State of the Union volunteer companies are being offered who are not being accepted. The only way a man can volunteer is to go individually and volunteer in the Regular Army, and there are many reasons why volunteers will not go into the Regular Army, where they are enlisted for seven years and where they do not remain with the other volunteers of their own locality. Recruiting in National Guards has been stopped in many States.

In the hearings before the Military Committee Representative CALDWELL put this question to the Secretary of War:

Suppose the State of New York has 2,000,000 men who want to volunteer, are you going out and say, "We will not let you volunteer, but we are going to take these men in your places who do not want to go"?

Secretary BAKER. Yes.

What good reason can be assigned for not accepting volunteers? After you get your men you can have scientific selection and exemptions, just the same as you can if you get your men by conscription. If we can by the volunteer system obtain the requisite number of men, then we would not have to resort to conscription.

GOV. PHILLIPS, OF WISCONSIN, ASKS THAT WISCONSIN BE ALLOWED TO RAISE VOLUNTEERS.

Gov. Phillips, of Wisconsin, telegraphs me that—

Wisconsin is ready to furnish 20,000 men as volunteers on 30 days' notice and such additional troops thereafter as the needs of the country will require, if the President will so order and the War Department will provide equipment.

GEN. HOLWAY SAYS THE VOLUNTEER SYSTEM IS MORE EXPEDITIOUS.

Gen. Holway, the present commander of the Wisconsin National Guard organization, and an officer of high standing and of many years' experience, corroborates Gov. Phillips. His letter of April 12 reads as follows:

The volunteer system will give us a large army in a shorter time. Under this system Wisconsin can easily raise more than its quota of men. This State has already enlisted more men in proportion to its population than any other State in the Union. We now have about 9,000 members in the National Guard alone. Conscription requires more time than is appreciated. The census of eligible men would first have to be taken and that alone is a big work. Then the men would have to be examined. After this would come long periods of training with other big problems.

Gen. Holway further states:

On March 1, 1917, the National Guard of Wisconsin was composed of approximately 3,500 men. There are now in the various Wisconsin units 9,000 men. This number could be daily increased but for the order from Washington to the adjutant general's office to cease recruiting above peace strength. The adjutant general of Wisconsin further states that of the number of men already in the service of the Federal Government from Wisconsin 500 are without equipment and the Government is still indebted to Wisconsin for most of the National Guard equipment turned over to the War Department when the Mexican expedition was ordered.

WISCONSIN NATIONAL GUARD.

Gen. Leonard Wood, in official orders issued March 13, 1914, said of the Wisconsin National Guard volunteer troops:

The National Guard of the State of Wisconsin may be taken as a model in the matter of training, equipment, and business administration.

The governors and authorities in other States express themselves the same as the governor of Wisconsin as to the raising of volunteers. Why would it not be better to apportion the number of men to be raised among the various States according to population and allow them a chance to volunteer, pending the time that the Government is perfecting the necessary machinery for a draft, which will take from three to four months? If we resort to conscription without giving our citizens a chance to volunteer, it will be the first time in the history of the Anglo-Saxon race that this has been done. But our friends say: Look at the mistake of England. I answer: England raised 5,000,000 men without conscription. Every man to-day fighting in the English armies in Europe is a volunteer. The only mistake England made was that she did not have the selective feature in her volunteer system and keep some of her men who offered themselves as volunteers at home where they could have been of more value as mechanics and artisans. They also tell us that England now advises us to start in with conscription. She advised Canada the same, and yet the democratic spirit

of Canada said to the mother country, "We can raise our soldiers by volunteering," and she thereupon raised an army of 500,000 volunteers that have given as good account of themselves as any soldiers in this war. England advised her other colonies, Australia and New Zealand, to resort to conscription.

In New Zealand they put the question up to a referendum vote of the people, and the people answered by an overwhelming majority against conscription and immediately raised their full quota of troops by the volunteer system. Australia did the same, and these two Provinces sent over 400,000 volunteer soldiers that are fighting to-day in the trenches for the mother country. The citizens of these Provinces were too democratic, too patriotic to resort to conscription without giving their citizens a chance to volunteer.

Mr. Chairman, I would hate to believe that the people of the United States are less patriotic than the people of Canada or Australia or New Zealand. Conscription is not a democratic institution. It is an institution that has grown up with militarism. It is an institution that was invoked by Napoleon and which made him Emperor of the greater portion of Europe. Conscription is an institution that has made Prussian militarism a menace not only to her own people but to the world. In the strike that is now taking place in Europe the men have passed resolutions for the abolition of conscription. Can we afford at the beginning of this war, without giving the volunteer system a chance, to conscript our citizens and drag them into the war? At the rate the citizens of Canada, New Zealand, and Australia have volunteered the United States with her population can raise an army of 6,000,000 soldiers by the volunteer system. Shall we take a conscripted army over to Europe to help democratize Europe, where the conscripted armies have strangled democracy for centuries, or shall we take a volunteer army, which goes there without coercion, inspired alone by patriotism? [Applause.]

ENGLISH AUTHORITIES.

What do English statesmen whose advice we are asked to take in regard to conscription say? When the military-service bill was in the House of Commons and England with its 40,000,000 population had enlisted a volunteer army of 5,000,000 men and a draft was considered necessary, the Right Hon. Arthur J. Balfour, who many of us had the pleasure of meeting a few nights ago, said in debate:

Let me repeat that I have never been one of those who look with favor upon compulsion in any form, conscription in any form. I have never thought, so far as my knowledge goes, that the necessity of that position had been demonstrated, and until it could be demonstrated I have always held that it should not be undertaken.

Further along in that same speech he said:

There are those who say that this is the thin edge of the wedge of a permanent system of conscription, as they object, like myself, of course, to a permanent system of conscription. They say do not attempt the thin end of the wedge. Do not attempt this small draft of poison, which will permeate the whole body politic.

He further says:

I believe that they are laboring under a profound mistake. I do not believe this bill is the thin end, or by any conceivable turn of the wheel of fortune can be made the thin end, of the wedge of the universal system of conscription.

The Right Hon. Herbert H. Asquith, then premier, said:

Although I am, I believe, as keen a supporter of the volunteer system as any man to be found in the house, I consider this bill to be necessary.

Later in the debate he said:

My right honorable friend fears, I am sure, quite genuinely and honestly, that if this bill is carried it may be used as a precedent or as a starting point for the adoption of something in the nature of general compulsion. I have no such fear.

PROPAGANDA.

Much propaganda has been circulated by the Security League and kindred organizations to the effect that the volunteer system has been a failure.

AUTHORITIES ON CONSCRIPTION.

Gen. SHERWOOD, Representative from Ohio, in his speech April 26, 1917, on this bill, gives a very thorough history of the volunteer and conscription systems in the Civil War. He is an eminent authority. He was four years in the service in the Civil War, and has had undoubtedly more experience with both volunteers and drafted men than any ex-soldier now living. He shows how conscription was resisted and that it was a failure, and quotes from the leading generals of the war substantiating him. His speech will be found in the CONGRESSIONAL RECORD, page 1201, April 26.

Gen. Nelson A. Miles, as gallant a soldier as ever fought for his country, and who recently held the highest command in the American Army, testified before the Military Committee as follows:

Mr. GORDON. You are opposed to compulsory service?

Gen. MILES. Absolutely. I think it would be a very dangerous step toward centralization. As far as conscription is concerned, that was tried out during the Civil War and with unsatisfactory results.

Before you forever wipe out the volunteer system and rely on conscripting your citizen soldiers and branding them as conscripts in a free Republic like ours, go into the subject deeper than the propaganda that is being sent out in trainloads for a purpose that is not wholly philanthropic.

I will read a few of the authorities on the subject:

I believe that it [the enrollment act] will be found on examination to have done more to cut off the sympathy between the Government and the people of the United States than any other measure which has passed this Congress since the rebellion. (Representative John Winthrop Chanler, 1865.)

It remains to be proved that compulsion will get for the British Army a larger number of men than might have been obtained by volunteering. But it wants no further experience to show how gravely compulsion has in a few short months qualified the spirit of patriotic self-sacrifice. (London Nation, London, England, Mar. 25, 1916.)

Gen. Sherman said of conscription:

I think that all officers of experience will confirm my assertion that the men who voluntarily enlisted at the outbreak of the war were the best, better than the conscript, and far better than the bought substitute.

It is believed by at least one-half of the people of the loyal States that the conscription act, which they are called upon to obey, because it stands upon the statute books, is, in itself, a violation of the supreme constitutional law. (Gov. Seymour, the war governor of New York, in a letter to President Lincoln, 1863.)

Report of the Confederate bureau of conscription, 1864:

A rigid and unusual inspection, not only of company rolls but personal and also pay rolls, will prove that more men have been received into the service irregularly since the 1st of January than have gone through the conscription authorities.

In many localities it has been found expedient, indeed necessary, to suspend wholly or partially the operation of conscriptions.

AGES OF CONSCRIPTION.

I am very glad that the Military Committee of the House have agreed on the age of conscription and fixed it at from 21 to 40 years of age. If conscription is necessary and we are to have universal service no good argument can be advanced why an unmarried man who is physically fit, between the ages of 21 and 40, should not be subject to that conscription. The bill in the Senate which, of course, is not before us at this time, fixes the age of conscription at from 19 to 25. If this was for universal training, which term is often confused with this conscription bill, that age would not be objectionable, but to think of sending boys before they arrive at the age of 21 across the waters into European trenches, I do not believe can be justified. In the Civil War after over 2,000,000 men had volunteered from the North and a draft was deemed necessary, the age of those drafted was from 20 to 40. [Applause.]

Mr. SHOUSE. Mr. Chairman, my colleague [Mr. ANTHONY] in his speech on behalf of the majority report for the bill pending before this House the other day sought to show to the House that there had been a tremendous and nation-wide propaganda carried on to force this Nation to the so-called selective-draft or conscription system of raising an army. Mr. ANTHONY charged in his speech that if an investigation could be had of the members of a certain society in New York which influenced certain telegrams to be sent to him it would probably be found that many of the members of that society were stockholders in munition factories. He did not attempt to make clear to this House how a stockholder in a munition factory would profit more largely through selling munitions to an army raised by the conscriptive system than through selling munitions to an army raised by the volunteer system.

But I have taken the floor to-night in order to read into the RECORD a telegram from a very eminent member of Mr. ANTHONY's political party in Kansas, a judge of the supreme court of that State, Judge Silas Porter. This telegram reached me this morning. It reads as follows:

TOPEKA, KANS., *April 26, 1917.*

Hon. JOUETT SHOUSE,
Member of Congress, Washington, D. C.:

No intelligent Kansan really believes that Wall Street originated the scheme of universal service. Those of us who have sons volunteering know the President is absolutely right and that the only fair and democratic way to raise an army is by conscription. I believe that the vast majority of Kansas people who were not for peace at almost any cost of national honor desire Congress promptly to get behind the President. I paid for this telegram myself.

SILAS PORTER.

[Applause.]

Mr. Chairman, in connection with that telegram I want if I may to submit the answer which I sent to Judge Porter to-day:

WASHINGTON, *April 27, 1917.*

Judge SILAS PORTER,
Topeka, Kans.:

I am glad to have your telegram. For the past month, since it became evident that war with Germany was inevitable, I have heartily favored the plan of raising an army by selective draft rather than through the volunteer system. The former seems to me the wisest, most certain, and most democratic method of securing an effective fighting force. It represents logic and reason and good sense rather than the mere sentiment which attaches itself to much of the argument for the

volunteer plan. The people of my district sent me here to act for the best interests of the Nation as I am given the light to see those interests. And I shall vote without equivocation or hesitancy for the selective draft in the belief that thereby I am serving my country best.

JOUETT SHOUSE.

[Applause.]

Mr. Chairman, I have nothing to add to the expression of opinion set forth in that telegram, which I believe either now is or within the next few weeks will be an embodiment of the opinion of the thinking men of my State. [Applause.]

Mr. MORGAN. Mr. Chairman and gentlemen of the committee, I wish in a few simple words to express my view on the question before us.

The amendment offered by the gentleman from California [Mr. KAHN] strikes from the bill which we have before us the provision authorizing a volunteer system to raise the Army for our country in this great crisis. The amendment, if adopted, would establish the so-called selective-draft system. I, of course, have no criticism to offer upon any of my colleagues for the position they hold. I was pleased with the sentiment which has been expressed here that we are all equally patriotic. I have not been able to bring my mind to that position where I can vote for the so-called selective-draft system. [Applause.] I am opposed to establishing in this country a system of universal compulsory military training and service in time of peace. I am opposed to that system in time of war except after you have given the volunteer system a reasonable trial.

I have received a good many telegrams appealing to me to stand by the President. These appeals strike me with considerable force, because in times of international difficulty, and especially in time of war, people make that appeal with the idea that to stand by the President means to stand by the country—that loyalty to the President means loyalty to the flag. But the President does not ask Members of Congress to sacrifice their honest judgment and conscientious opinions.

I have sometimes wondered whether in this conflict into which we are entering I shall be able to contribute anything for the success of the armies of my country, but above all I hope that by no act or vote of mine shall I hinder the success of my country in that great contest. [Applause.] And feeling that way I am constrained to vote against this amendment.

Now, in time of danger is no time to try experiments. So far as raising an army, so far as this country is concerned, the selective-draft system is an experiment, because in all of the great wars of the past in which our soldiers have won such imperishable renown and glory we have raised the armies almost exclusively through the volunteer system. Shall we in this hour of danger try an experiment? I am opposed to conscription until a reasonable effort has been made to raise our army through the volunteer system.

But, gentlemen, whatever method we may select, whatever system we may adopt, I believe that the people of this Nation will everywhere rally to the flag and support the plan which we adopt and carry the great war to victory. [Applause.]

Mr. CLAYPOOL. Mr. Chairman, during the few years I have occupied a seat in this House I have seldom cared to occupy its time in discussing subjects upon which our Members generally have fixed and unchangeable opinions.

I desire to say, also, that I have seldom cared to explain my vote, but preferred to let it be interpreted by those interested in the subject being discussed.

As I view it, the contest between the volunteer system on the one hand and conscription on the other goes to the very substance of our Government. Never since the adoption of the Declaration of Independence has so abrupt a change been suggested as this one asking that we no longer adhere to our national custom of nearly a hundred and fifty years and adopt the German military system of drafting our young men aged from 19 to 25 years, and proposing to do this not only before an opportunity for volunteering is had by our youths but before a single shot has been fired by us in the war.

The leader of the majority side of this House [Mr. KITCHIN] a few days ago spoke a whole volume when he said, in substance at least, it takes very little courage for a Member of Congress to vote to send the other fellow to war. I wish to paraphrase his remark by saying it takes more nerve than I possess to look the young men of this Republic in the face and say, "I voted to disgrace you as a conscript and send you, without your consent and without an opportunity to show your willingness to fight for your country, to fight more than 3,000 miles from your native land, in European trenches." Yes, I insist, this would take great courage.

But we do not stop here. We are asked to send only those between 19 and 25 years of age—a bunch of schoolboys, as it were—making them bear the whole burden of the war, many of them never having cast a vote or taken any part in running our Government.

But the advocates of this delightful draft system do not stop here, but propose by some autocratic power which they do not explain, simply because they do not know what it will be, to select from all drafted those who must go to the trenches and those who may by the permission of this chosen autocrat stay at home.

And then they have the "unadulterated gall" to call their draft system democratic and fair. Gentlemen, the Czar of Russia would have blushed at such a system in his palmy days.

They admit that volunteer soldiers have fought all the wars in which America has been engaged up to this time, and yet they insist that the volunteer system has always been a failure.

I dare any man to name a war in all the world's history that was won by conscript soldiers. The books are wide open for investigation. Look them over and name the war so won, if you can. Take American history. Was it conscript soldiers that won the Battles of Concord, Lexington, and Bunker Hill? Your only answer is no, not a conscript among them. Was it drafted men that crossed the Delaware with Washington and captured the Hessians, or that went hungry at Valley Forge during that awful winter never to be forgotten by American patriots? Your answer again must be no. Conscripts never would have endured such hardships, even though slaves they be. To perform such deeds of valor requires volunteers whose hearts are in the cause for which they are fighting. Then we must conclude drafted men did not win the Revolution, but volunteers rather. Then run hastily over the pages of the War of 1812. How many drafted men helped Perry win the Battle of Lake Erie? How many conscripts followed Brown and Scott to Chippewa and Lundys Lane? And again your answer is "Not one." When Andrew Jackson drove the British from New Orleans, with whom did he do it? Conscript men? No; his followers were green volunteers, largely from Tennessee.

Were Scott and Taylor failures in the war with Mexico? You will agree they were not. Did they win that war with drafted men? No; not a conscript in the whole army.

Now, coming down to a time within the memory of men still living, let us view the War of the Rebellion and see if the volunteer system was a failure there.

The war was practically over before men were drafted at the North. And even then only about 62,000 ever reached the service, and the universal report of the old soldiers is that the draft recruits were never worth the crackers they consumed.

Who followed Hooker to the top of Lookout Mountain? Who fought the Battle of Missionary Ridge? Go to the old soldiers and tell them these men were failures and see what they say to you in reply.

Were the men who marched through Georgia with Sherman drafted men or volunteers? Were the men who fought at the Battle o. Manassas or Bull Run along with Lee and Jackson conscripts?

I am sorry for the American who has the temerity to stand up and say the Volunteers who have added so much glory to our national renown are failures and have been failures, and all this talk about American valor is just talk in which we indulge to flatter our ex-soldiers.

But every rational man knows America has been successfully defended throughout her entire history by volunteer soldiers, and he should blush at the statement that these men have been failures, Henry Watterson to the contrary notwithstanding.

But, say some of the conscript advocates, times have changed. The old stagecoach was all right in its day. Now, let me show you the fallacy of that cheap talk as applied to the subject before the House. We are discussing the assembling of an army, not the handling of one, nor the change in the munitions of war. Everybody knows war is conducted very differently now from what it was 50 years ago. But the manner of fighting battles is not what we are discussing. That is not the issue before the court. What is the issue? you ask. The only question is, How shall we assemble an army—shall it be by conscription or by volunteers? Let us not lose sight of the real issue.

We know it takes experienced men to fight battles in modern warfare. But what have we to do with that? When it comes to collecting an army to do our fighting we find that human nature has changed very little since the early dawn of history. The same impulses govern human action. The same martial spirit is required now to make a good soldier that was required when Alexander conquered Asia Minor, when Hannibal crossed the snowy Alps into the Roman Empire, when Napoleon marched to Moscow, or when Lee marched over the mountain wall on his way to Gettysburg.

But we are told we must listen to experts. Experts in what? If the term means anything in this connection, which I doubt, then it can only mean an expert in getting men into the Army. Let us see who of those suggested can qualify as experts in assembling an army. To qualify, the proposed expert must first prove experience. Under this well-established rule, can the President, whom we are asked to follow, qualify? When did he have experience in this particular work, and where was he educated in militarism?

But it may be said his advisers are experts. That very naturally turns our attention to the Cabinet, and we look the members over in search for an expert in collecting troops for the war. The Secretary of War is first looked to as an expert, and we find his experience confined entirely to the assembling of a police force for the city of Cleveland, Ohio.

So we find, after all, that the constitutional provision leaving this matter to the Congress was no great mistake, and we may as well do it on our own motion as to take orders from experts of doubtful qualification.

We are cautioned not to make the mistake that England made by collecting an army in the beginning by a volunteer system. And yet they tell you England enlisted 5,000,000 men by the volunteer system before they even tried conscription. Does that look like it was a mistake? And Canada and Australia never have drafted their soldiers and yet have their full quota in the army and the best fighting soldiers of all the allies, just as you would expect, knowing they are volunteers and not conscripts.

With this object lesson before you, why do you want to fasten onto a brave man the stigma and disgrace of being drafted when he would volunteer if you would only give him a chance?

But, you say, time is of the essence of the case before us. Suppose it is. It has been shown by the best authority available that by the volunteer method we can get an army in the field before you can take a census and get ready for a draft. Then, if you are worrying about delay, let us get busy with the old never-failing (up-to-date) volunteer system. Under the latter we can get into the field within three months an army of enthusiastic young Americans who will take Europe by storm and not an army made up of a lot of sickly conscripts shaken out of the dice box and sent abroad under a guard like slaves. Expect men gathered in this way to fight! No; that would be expecting too much in the light of past history.

A gentleman said on the floor of the House to-day in trying to defend conscription, "We are just about to abandon the volunteer system on the American continent forever." If the conscript bill passes then nothing hereafter will be known but the draft system. Let me say to you in all earnestness, if that is true then good-by to that American liberty for which our fathers fought to make and died to sustain. The present crisis is about to furnish an opportunity for the establishment of a military despotism wherein every man will be made a machine soldier to go at the bidding of some new-found despot. It will, of course, be started in a mild form, such as universal military training, universal military service—very mild terms that mean just what they meant in Germany 40 years ago and will grow in a quarter of a century to mean in America just what they now mean in Germany and which we pretend to be fighting to put out of existence. Oh, yes! Militarism is all wrong in Germany but all right in America. Oh, no! Let us be true to ourselves, true to our past history which we mention with so much pride, and, being thus true, not be false to the world. We talk about making our Government so ideal that it may be an example for all the Governments of the globe. Then let liberty still be its corner stone, and let us not adopt militarism in its stead, as proposed by the advocates of conscription.

But there is one other feature of this discussion that must not pass unnoticed. The advocates of conscription insist that it is the only fair and democratic way of assembling soldiers. We realize that true genius is often shown by calling a very bad thing a pretty name. The conscript advocates have certainly gone the limit when they joined the word "democracy" with conscription. Let us stop and analyze their favorite expression for the draft bill. They say it is a select universal democratic conscription. An Irishman would say, "There is no such a d—d animal," and I am Irish just now. If a prize were offered for the most incongruous expression in the English language I would win it by using their description of conscription. Notice: Universal means everybody; select means only a part; democracy means the greatest freedom possible in government; conscription means no freedom at all on your part, but a complete submission to the will of the powers that be. Look it over and see if you can equal it for incongruity anywhere else in the English language.

But let us go a step further. They say they believe in universal service as the only fair method. And yet they propose to draft only a lot of school boys aged from 19 to 25 years. Now, what do you think of that as being universal? Young men aged from 25 to 35 in the very prime of manhood are not to be interrupted in this beautiful plan of universal service.

But they do not stop here. After talking about making service universal they then come to a select feature which means the exact opposite. Universal. Oh, no; we select. Having drafted all the boys from 19 to 25 we will now, by some process totally unknown, but which you must take on faith, submit your liberty to the dictates of some autocratic power a part of the military machinery who will say whether you shall go to the trenches of Europe or remain at home. And you must keep perfectly silent. Have confidence in the divine right of kings. He can do no wrong. Beautiful democracy this. Young men of America, are you ready to indorse a system like this?

But its advocates say they are after the slacker, the laggard, the fellow who frequents the pool room. And yet they let these persons go free if they are past 25 years of age. Punish the boys, but let the men go free.

The whole story is they intend to send the poor boy to the trenches and let the high brow, who has a pull with this dogmatic power that is to make the selection, and his son go free, unless they can get a commission and play the officer rôle. What an opportunity for the potentate who makes the selection! Watch him thrive.

But by your sophistry you hope to lull to sleep the American people, who are always hopeful and trustful. You say to them, "We will leave the farmer at home." Or, rather, this kingly potentate will come along and tell every one of you just what you shall do, what kind of work you shall perform. He will say to one boy, "Go to war and guard this other boy who stays in the bank. His father needs him to help run the finances and get rich. Sixteen dollars is sufficient for you, Johnny. All you have to do is to go to France and lie in the trenches, and this you shall do as a punishment for having sometime visited a pool room, but more especially for not having a pull with the powers that be."

With the departure of the volunteer system and the inauguration of the conscript system, which is only another name for militarism, we may say good-by to that American liberty we have cherished and loved so well since the days of our childhood.

The volunteer soldier, whose valor we have worshiped, is to be forgotten and branded a failure. The heroes of Shiloh and Gettysburg and Missionary Ridge are hereafter to be effaced from our memory, and if we mention them we will be under suspicion. Hereafter we must dream only of conscription and militarism. [Applause.]

Mr. Chairman, I have spoken on this occasion principally because I have been threatened by certain interests by their saying if I dared to vote against the conscript system and for volunteers I would be digging my political grave. That is not important; but my opponent has announced himself, as I learn, as the champion of conscription, and I want at this time to accept the challenge and let the issue between us be conscription or volunteers. Which? And we will let our election or defeat be a referendum and settle the question in the eleventh congressional district as to which system our voters prefer. If I win, they believe in volunteers; if my opponent wins, then it is understood that they want the draft system and militarism and believe the volunteer system obsolete.

Mr. GARLAND. Mr. Chairman, I do not know whether it is worth the effort to talk on this subject when I feel certain that the speeches made here for the last several days have not changed one vote. For my own part I know I have not been convinced. I do feel this, however: That I am sorry that a number of the leaders of this House disagree on this great subject. We can not all agree, it is true, but when I came down here to this Congress I hoped the men who have been leaders for many years would be as one, but I now see that divergent ideas hold in their views at times. We are not now at child's play. We have come to a time in the history of this country when we are making very serious history indeed. We have come to a time when difficult and peculiar circumstances surround us. The fact is we are at war and have so declared and so voted. We have gone further. We have voted the people's billions of this country to carry on war. Then we came to a point where we find that billions of money will have to be backed up with men, and we examine the situation and find that we have been short of recruits for the last three or four years. Our Army officers who have come before our committees have reported the same thing, that people are not joining.

Our admirals have said that they were short of men in the Navy.

If we have voted for war, if we have furnished the finances for it, if we mean anything at all, then we should furnish the men, and I am unequivocally for taking the men into the Army and into the Navy, and I believe that the people of this country believe in the same thing. Last week I was at home in Edgewood, near Pittsburgh, and went to a meeting in my town, and there were a number of people anxious to show their patriotism. They were forming a home-defense organization, a rifle organization, and allotting ground for raising vegetables; in short, trying to support the advice of the President. Just then the newspapers reported that the committee in Congress having in charge the bill for selective conscription reported adversely on the bill. I said to those present, "I notice in the daily papers that the committee has reported adversely on selective conscription, but I believe that a majority of the Members of this Congress are going to vote for it and that it will pass," and every man rose up in acclaim for it. [Applause.] That was sufficient for me, and I believe that people are pretty much alike everywhere in this country. If there is to be war, the people want it pushed forward and pushed properly, and there is only one way to do it, and that is to get the men who will shoot the guns while others are raising the food, while others are furnishing the clothing, while others are furnishing the ammunition and the guns for them; and I believe the people of this country will support this bill. I am willing to ge before my people in Pennsylvania and say I voted for it and believe in it. I am for selective conscription. [Applause.]

Now, one word as to how we have arrived at the condition we now find ourselves in relative to the war. I would not lay responsibility to anyone's door. The time for the "I told you so" is past, in my opinion. The time to have held back on the part of those who are now halting in the demands of this bill was in the first session of the Sixty-fourth Congress. The President came before that Congress requesting certain action, and a majority acceded thereto and so voted. Whether the conditions would have been different if the action had not been taken will never be known, but now that a situation has come about that war has been declared and is inevitable, perhaps, through a condition arising from that action, we should find all ready to vote for the President's demands, giving to him the possibility to prosecute the war. I feel assured that when the final vote is taken that a large number of those who now oppose will be for the bill. [Applause.]

Mr. KEATING. Mr. Chairman. I am against conscription. [Applause.] To-morrow we will vote on that issue. It may be that a majority of this House will vote in favor of conscription, but I want to say to those gentlemen who have made such a gallant fight to maintain the American system that they should not lose heart whatever to-morrow's result may be.

This fight against militarism is only beginning.

As has been confessed during this debate, the real object of the amendment offered by the gentleman from California [Mr. KAHN] is not to meet this emergency. Mr. KAHN knows and every man in this House knows that the American people have never failed to respond to the call of their country, and I have confidence enough in them, although they may not be enthusiastic for this war, to believe that they will furnish all the volunteers that may be needed to win any fight in which their country may become involved.

But that is not the object of the struggle that the General Staff is making. They do not desire to establish the compulsory system for an emergency. Their object is the establishment in this country of a compulsory military service. They want that in times of peace as well as in times of war.

There are two classes in this Republic who are demanding compulsory service. The first are the gentlemen in the War Department; 6,000 of them will receive promotions when this bill goes through; 6,000 of them will draw more salary from Uncle Sam.

In addition to that, "big business" wants a large standing army. Go into any community in this land and find the man who is most oppressive to labor and you will find that he is the man who is shouting the loudest for conscription [applause], and he will do it all in the name of democracy. [Applause.]

My friends, if history has established any one principle so that it can not be questioned, it is that democracy and militarism can not exist side by side. [Applause.] I am a Democrat. [Applause.] I am opposed to militarism. [Applause.] I expect to vote against it to-morrow, and I will vote against it at every opportunity that I get thereafter. [Applause.]

So far as I am concerned this is merely the first battle in the campaign against militarism. I want to say to those political gymnasts who have found it convenient to change their minds so frequently and so amazingly during the last few days, that I feel toward them like that kingly English general felt when he said,

> Proclaim it, Westmoreland, through my host,
> That he which hath no stomach to this fight,
> Let him depart.

And so I say to those gentlemen that if you have not the nerve to stand up and be counted when democratic principles are at stake, if on such a great occasion instead of being American Congressmen you place your consciences in the custody of some executive official along Pennsylvania Avenue, get out of the way and give some one who has the requisite courage an opportunity to do something. [Applause.]

Mr. Chairman, just one word more. I want to congratulate the chairman of this Military Affairs Committee and those splendid gentlemen who have not changed their minds. If they have not succeeded in defeating militarism they have at least saved the boys of this country from conscription. You and you alone, gentlemen, are responsible for shoving up the age limit in this bill from 19 to 25 to 21 to 40. And if you accomplish nothing more you may leave this Chamber to-morrow night conscious of the fact that every mother in America will remember you in her prayers. [Applause.]

Mr. SABATH. Mr. Chairman, like the gentleman from Colorado [Mr. KEATING], I am a Democrat, and have always been and am now opposed to militarism, believing that militarism is detrimental to a republic and democratic form of government, and all our military experts who are supposed to know and in whom we have and must have confidence and who will conduct this war, tell us that the present system can not prevail. They advise us and insist that we must have universal service to be successful in this great struggle. They point out our own sad experience as well as that of Great Britain.

For that reason and other reasons I shall shortly give I shall vote for the measure advocated by the President, in whom I have, and the country should have, the utmost confidence, and whose advice I have taken and followed since his election. However, Mr. Chairman, I have taken the floor mainly for the purpose of answering insinuations on the part of certain gentlemen who at all times are under the impression that they have a mortgage on the patriotism in this country and that all the patriotism is in their bosom and in their district, and who at all times desire to cast reflections upon our foreign-born citizens. To these gentlemen I desire to say that at this time the foreign-born citizens are again demonstrating to the country that they are patriotic citizens, desirous of doing their share and bearing their part for their adopted country. This morning I saw an article in one of the Chicago papers, and I thought it my duty to bring it to the attention of the House, and it gave me a great deal of pleasure and satisfaction when I read the following:

TWO HUNDRED BOHEMIANS LEAVE FOR CAMP OF UNITED STATES REGULARS.

Headed by the Bovolny Bohemian Band and escorted by their mothers, sisters, and sweethearts, 200 Bohemian recruits for the Regular Army marched from Pilsen Sokol Hall, 1814 South Ashland Avenue, last night to the Army recruiting office at 526 South State Street.

And the meeting place of these patriots is only a block and a half from my home.

There the band played the "Star-Spangled Banner" and the Bohemian national air while a crowd of 2,000 stood uncovered.

At the recruiting office the Bohemian youths were joined by 300 other recruits. All departed from the Illinois Central Station on a special train for Jefferson Barracks, Mo., where they will undergo training.

But not only the Bohemian-Americans, but the Poles, Jews, Slavs, Croatians, and others of foreign nationalities are doing their duty, as is shown by the daily enlistments in the State of Illinois, which State is leading all other States and which is mainly due to the splendid enlistment of its foreign-born citizens.

Mr. BOOHER. Will the gentleman yield right there?

Mr. SABATH. In just one second.

This has been going on for the last three weeks. Each and every day from 200 to 300 of these men of foreign birth and foreign parentage of my city have volunteered their services to this country.

Mr. BOOHER. Just one question.

Mr. SABATH. Yes; I will yield.

Mr. BOOHER. Were those men put in the Army or Navy by a selective conscription or were they volunteers?

Mr. SABATH. They are volunteers, but I wish to say this, that it is manifestly unfair that they should volunteer while a great many professional patriotic gentlemen should remain at home. I believe in equal rights and equal opportunities, and I believe in equal duty and equal responsibility. [Applause.]

Mr. BOOHER. Will the gentleman yield for another question? Are they not a different class of people than you would get by your selective draft?

Mr. SABATH. One of the reasons that I favor the selective draft is that I believe the people all over the country should be made to serve the country that protects them. [Applause.]

Mr. BOOHER. Please enlighten the committee as to how you are going to get that class you refer to by selective draft.

Mr. SABATH. That has been restated on this floor so often that it is not necessary for me to reiterate it again. But I will state that under the amendment which will be offered and which I know will be adopted I am confident that all, and not only those of whom I have spoken, will be obliged to serve alike, and no special favors or exemptions from duty will be shown the rich and influential or to those that shouted the loudest and most for militarism, for universal service, and for war. I shall read the amendment to which I have referred, and I know the gentleman from Missouri [Mr. BOOHER] will vote for it:

No bounty shall be paid to induce any person to enlist in the military service of the United States, and no person liable to military service shall hereafter be permitted or allowed to furnish a substitute for such service; nor shall any substitute be received, enlisted, or enrolled in the military service of the United States; and no such person shall be permitted to escape such service or to be discharged therefrom prior to the expiration of his term of service by the payment of money or any other valuable thing whatsoever as consideration for his release from military service or liability thereto.

[Applause.]

The CHAIRMAN. The time of the gentleman from Illinois has expired.

The CHAIRMAN. The gentleman from New Jersey [Mr. RAMSEY] is recognized.

Mr. RAMSEY. Mr. Chairman and gentlemen of the committee, I had not expected to say anything to this committee upon the matter now before us. It is the first time that I have taken advantage of an opportunity to address the Members of the House of Representatives. The only thing that I have done in an official capacity since I have been a Member of this body has been to vote upon the various matters that have been presented to us. And I rise now only for one purpose, and that is to explain to the Members of this House, to my constituency, and to the people of the United States in general why and how I propose to vote as I will upon the bill and the matters now before us. We all know the importance of the questions of legislation which have been considered here. It was my duty to act and to vote upon the joint resolution which was before us, and for which I voted in the affirmative. I had, as I believed, upon me an important duty to perform when I voted "aye" for the purpose of raising the great revenues necessary to carry forth to a successful issue the war, and having done that I now come to another duty, which is to vote upon the bill before us and the amendment which has been proposed by the gentleman from California [Mr. KAHN]. Logic and reason must govern a man in the performance of public duty. And in performing my duty under the reason and logic that I have I can see but one course to pursue.

The administration, which is Democratic, and opposed to me politically, has said and does say it wants this bill. The War Department says it wants this bill. The General Staff of the Army say they want this bill. Am I, as a layman, with only a limited knowledge upon matters of war, going to combat that and put my judgment against theirs? In justice to myself I will say no, and therefore I shall support the Kahn amendment and vote for the selective-conscription measure, which is therein contained.

Mr. KEARNS. Mr. Chairman, will the gentleman yield?

Mr. RAMSEY. I will for a moment.

Mr. KEARNS. Is the gentleman aware that the Constitution says that you must or ought to exercise your own judgment in this matter, whether you have knowledge or not?

Mr. RAMSEY. In reply to the gentleman I will say this: That my own judgment, my knowledge of the subject matter, coupled with the recommendations of the administration, prompts me to vote as I am going to vote. [Applause.]

Mr. Chairman, there is no man who has a greater regard for the volunteer than I have. I know of no person who is entitled——

The CHAIRMAN. The time of the gentleman from New Jersey has expired.

Mr. RAMSEY. May I have three additional minutes?

The CHAIRMAN. The gentleman from New Jersey asks unanimous consent to proceed for three additional minutes. Is there objection?

There was no objection.

Mr. RAMSEY. There is no man, as I said, who has a greater regard for the volunteer than I have. No man recognizes the great work that the Volunteers have performed in times past more than I. But the conditions, gentlemen, are different to-day from those that ever before confronted us. We are in a world's war, and we must now grasp the opportunity to perform our function and discharge our duty as those people who know and are in control of this Government suggest—not as they direct, but ask us to. It is not a question of sympathy. It is a question of performance of duty. I want to say only this, that as this solemn duty falls upon us to act, we should act—honestly, conscientiously, without fear, and without favor.

I have confidence in men who are elected to political office. I have confidence in the President of the United States. I have confidence in the men who are conducting the War Department, and I believe that in the performance of their duty they are going to do that which is best for this country, even though I am opposed to them politically; and with that confidence in view, and with that desire, as I say, of rehabilitating our liberties, and for the purpose of having our flag respected throughout the world, and in order that this country may be recognized in the future as it has been in the past as the greatest Republic in the universe, I believe that the plan of the selective draft is the proper method by which it can be accomplished. [Applause.]

Mr. GORDON. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. RAMSEY. Yes.

Mr. GORDON. How do you stand on the age limit? Do you favor taking boys from 19 to 25, or would you rather take them from 21 to 40?

Mr. RAMSEY. I would prefer taking them from 21 to 40.

Mr. GORDON. Then you disagree with the President on that.

Mr. RAMSEY. Oh, I am not speaking of that to-night. I am speaking on the question of the selective-conscription or volunteer enlistments. [Applause.]

The CHAIRMAN. The time of the gentleman has expired. The gentleman from New Jersey [Mr. BACHARACH] is recognized for five minutes.

Mr. BACHARACH. Mr. Chairman, I propose to vote for the plan of universal selective conscription, not because it is the only way to raise an Army but because it is the surest way. I have arrived at this conclusion with a full realization of my responsibilities to my country, my State, and to my constituents, and only after giving the matter my best thought and consideration.

The essential point for us to keep in mind at this time is that we are in a state of war with the greatest fighting nation on the face of the earth to-day.

While we may not, as yet, have felt any of the physical effects of war, nevertheless we should not for a moment lose sight of the fact that we are at war, and therefore it is our duty, as I see it, to prosecute that war to a victorious end as expeditiously and as fearlessly as the rules of modern warfare will permit.

It appears to me, therefore, that the vital question—and as I view it—the only question that is now before the House for consideration is that of adopting a plan which will enable us to procure a sufficient number of satisfactory troops with the greatest possible dispatch to meet the emergency in which we now find ourselves.

On this question there is considerable disagreement. The President of the United States and the General Military Staff of the Army are of the opinion that this task of raising the necessary troops can best be done under a system of selective draft, which should be put into effect immediately. The majority of the Committee on Military Affairs believes that the volunteer plan should be given a trial at first, and, should that plan fail, then the plan of selective conscription should be put into effect, and they have brought here a bill embodying that plan. The minority of the committee agrees with the President's and the General Staff's plan for selective conscription.

A decision as to which method to use must of necessity be based upon the information at hand as to the amount of time available within which to produce the necessary results, a view which is shared with me by the chief authorities of the State of New Jersey, which in part I have the honor to represent.

So far as I know, information of that character, if possessed by anyone, should be possessed by the Federal authorities. I have talked with The Adjutant General of the War Department to-day on this particular phase of the situation, and he informed me very frankly that no one can give this information with any positive degree of accuracy or certainty.

However, I am informed that it is the opinion and belief of the General Staff of the War Department that, once the machinery for the proposed selective conscription plan is put into operation, there will be practically no delay in recruiting up to the required number of 500,000 for the first increment, and that there is no question in the minds of these expert men who compose the General Staff that quicker results must of

necessity be obtained from the selective plan rather than from the volunteer plan.

With the views of The Adjutant General I am inclined to agree, and my mind having been further clarified by conversations which I have had with a number of my colleagues in this House who were volunteers in the Spanish-American War, who now tell me that the conscriptive plan is the most efficient and most equitable system for building up such an Army as we should have in the crisis through which our country is now passing, I believe that it is my bounden duty to support the selective conscriptive plan. [Applause.]

I am further impressed with the fact that my conclusion is right as a result of a statement which I have to-day received from the War Department showing the number of enlistments in the Regular Army up to and including April 24. The total quota of enlistments required to bring the Army up to its authorized war strength is 183,898. From April 1 to April 24 32,108 enlistments were received at the recruiting offices, of which number about 13 per cent were rejected at the recruit depots, leaving approximately 28,000 enlisted during the first 24 days of April, which shows that we are receiving volunteers into the Regular Army at the rate of about 1,000 a day, including Sundays. At this rate it would take about a year and a half to raise an Army of 500,000. Since the shortest possible time to get this Army of 500,000 men is the essential thing we are trying to work out, it does not appear to me that the volunteer system is the plan which will bring that about, although I am willing to admit that were the country actually engaged in battle volunteers would come in in much larger numbers.

I have reached my conclusion on this very important question, I am frank to say, with a great deal of reluctance and after many stormy engagements with my own conscience, for I have heretofore been opposed to conscription or draft in any form, and so publicly stated in my remarks upon the military bill passed by Congress last year.

The CHAIRMAN. The time of the gentleman from New Jersey has expired.

Mr. AUSTIN. Mr. Chairman, I ask unanimous consent that the gentleman's time be extended, so that he can finish his speech. It is very interesting, and it is a very valuable argument in favor of the proposition.

The CHAIRMAN. How much time does the gentleman desire?

Mr. BACHARACH. Three minutes.

The CHAIRMAN. The gentleman from New Jersey asks unanimous consent to proceed for three minutes additional. Is there objection?

There was no objection.

Mr. BACHARACH. I remember, with much pride, the generous response made by the patriotic sons of New Jersey who made up that great body of volunteer soldiers who answered to the call to arms in 1861, when with a population of only 672,000 she sent to the front 67,101 volunteers out of a total number for the entire country of 2,615,769, or slightly more than 2½ per cent of the total number of volunteers raised throughout the Union. One man or boy out of every 10 persons in the State volunteered to fight for the preservation of the Union, a record of which all Jerseymen may well feel proud.

In the Spanish-American War the proportion asked from New Jersey, out of the quota of 200,000 volunteers authorized to be raised, was 4,740, and there were mustered into the service from that State, according to the records of the War Department, 4,163.

I have not the slightest doubt of New Jersey's ability to again raise whatever quota the Government should demand of her in this emergency, should a call for volunteers be issued. The governor of our State at this time has the offer of more than 50 companies who are ready to volunteer their services, and I believe that within a period of 30 days we could raise such a quota as we should be asked for.

But this is an emergency which should not be met by a few States of the Union nor by a limited number of the citizens of those States which have always borne the brunt of battle. It should have the united support of every State and of every American citizen—man, woman, and child—for there is a place for us all in this critical emergency; a place where we are best fitted to perform our duty; and we must all work to bring to an end the most sanguinary war that has ever taken place in the history of mankind, in which our country has aligned herself on the side of right and justice for the extension and perpetuation of the principles of freedom and democracy as against autocracy and oppression.

These are the principles for which this great country of ours has entered this war, and these are the principles for which every American should stand ready to do or die. There should be no slackers; there can be no slackers under the plan of selective service, for each and every one of us shall be called upon, as the necessity shall arise, to perform that particular duty which we are best able to perform for the successful prosecution and speedy termination of the war.

Whether that duty be in the mines, in the factories, on the farms, on the railroads, or on the firing line, we shall one and all be true Americans and each equally as patriotic as the other, for we shall each and all of us be giving the best that is in us for the glory and welfare of the land we love. [Applause.]

The CHAIRMAN. The time of the gentleman from New Jersey has again expired. The gentleman from Pennsylvania [Mr. FOCHT] is recognized for five minutes.

Mr. FOCHT. Mr. Chairman, the battle call of the President as we heard it from that stand several weeks ago, was to "bring Germany to terms and end the war." Having concurred in this declaration by an almost unanimous vote, the question which has been debated here for six days is, How is this to be accomplished? Around this pronunciamento there was much splendid rhetoric and historical embellishment, but "bring Germany to terms and end the war" was the virile predication around which the country is rallying in sustaining unanimity. While Germany can come to terms without war, that nation has not yet done so, and, although it is yet hoped that in the presence of the determination of one hundred and more millions of Americans and our measureless wealth and resources the Kaiser may realize the hopelessness of a finished contest with us, everything now points to actual warfare and attending bloodshed.

Before briefly offering my deductions and conclusions on several phases involved in this debate, I wish to do as many before me have done, and make some personal allusions regarding the unjustifiable attacks which have been made upon Members who are of German extraction, both upon the floor and in some misguided newspapers. While I will not waste any effort at criticism or characterization, it might be said that such newspapers could be at better business at such a critical time in our country's history. When the gentleman in the chair, Mr. SAUNDERS, recognized me it was evident to you that I have a German name, and I know it to be a fact that no one other than a Pennsylvania "Dutchman" can correctly pronounce that name. But the fact that one has a German name does not warrant the suspicion that he therefore has some overhead or underground communication with the Kaiser.

Mr. SLOAN. Will the gentleman yield?

Mr. FOCHT. Certainly.

Mr. SLOAN. There are a group of us here who always thought the gentleman was Irish. [Laughter.]

Mr. FOCHT. Well, I would be proud of an Irish name, just as we are all proud of the gentleman's Irish wit, especially since my children are part Irish. But the next time anybody makes any observations concerning the fact that I have a German name, I hope he may be some one who can dig up an ancestor who settled in this country in 1720, as mine did in the district that I now represent. I hope he can find a Revolutionary forefather who fought in the Revolutionary War, as one of my forefathers did. [Applause.] I hope he may have a father like mine, who, though he was a preacher and was not required to do so, nevertheless so exposed himself during the Civil War in his country's service that a few months after he returned home he died, and when I was but a year old. Furthermore, while I have had no extensive military experience, I have had military training and was an officer in the National Guard. It would therefore be more prudent and gracious for any who would question one's loyal Americanism simply because he has a German name to in the name of heaven first go and hunt up some Revolutionary ancestors and acquire some sort of a military record, or else keep quiet.

As far as I am concerned, I am an original settler, half English and half German—by no means a carpetbagger—and am proud of my name and all the German there is about it. And to this let me add that, while I do not want to go into family matters too far, it was the source of much satisfaction to me to come home the other day and find that my wife and daughter had joined the Red Cross. And to-day, in my home town of Lewisburg, Pa., in the winding valley of the great Susquehanna River, there is a recruiting station in my own personal, private business office, where Capt. Sam Wolfe, of Troop M, just returned from the border, tells me as soon as they get the order to recruit to war strength they will not only do that, but they can recruit five more companies in Union County—and it is a small county at that. I have here a photograph of the office, and you can see at the front of it a flag 40 feet high. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. FOCHT. I should like to have 15 minutes, for the reason that I represent in part the great State of Pennsylvania, and no

one from there has yet spoken on this side of the question under discussion.

Mr. BOOHER. May I ask the gentleman one question?

Mr. FOCHT. Yes, indeed, my dear friend.

Mr. BOOHER. These men whom the gentleman speaks of as enlisting were not going into the Army by the selective draft, were they?

Mr. FOCHT. They were going in as volunteers, as their fathers and grandfathers did. [Applause.]

Mr. BOOHER. Then, of course, the gentleman is for the volunteer system?

Mr. FOCHT. Yes, I am; in preference to conscription, and I hope to state why. It seems to me it was hardly worth while to take these six days to get right down to the kernel of this whole business—the practical, common sense of it all.

I am not a war-board officer nor a constitutional lawyer, but I am a hard-working, attentive, business man, and by attending to the business of the people have been a successful negotiator of the good will and the votes of my good constituents. [Laughter.] I think I can quickly reduce this matter to its essence, just as two men sitting on the opposite side of a table ought to do. I heard several gentlemen discussing the question the other day. One said, "Great heavens, if you have volunteering, and then they fail to volunteer, the Kaiser will know that the volunteering is a failure, and he will think the hearts of the American people are not in this war." The other said, "If you raise an army by conscription, the Kaiser will think that it is not a popular war." Now, which will you have? I once heard a young man make a speech in the Lewisburg opera house. It was the first time he had made a speech, but he was a bright boy and ambitious. In introducing the mayor of Philadelphia he said, "Ladies and gentlemen, before I introduce this distinguished orator I wish myself to make a few observations. Now, as you well know, we had the administration of President Harrison, when happiness and peace and plenty and prosperity invaded every man's dooryard and sat by every man's hearthstone. Since then you have had the administration of Grover Cleveland, with misery and poverty and destitution stalking everywhere across the land. Now, which do you prefer? I think not." [Laughter.] So it is with this question. If volunteering is going to fail, William will think that it is an unpopular war, and with conscription he is going to think the same thing. Which do you prefer? Now, there is where you get right down to it, and it is an easy matter for me to settle the question, at least in my own mind, and I will try to tell you how I arrive at my conclusions.

Mr. MONTAGUE. Will the gentleman permit me?

Mr. FOCHT. Indeed, I am delighted to be interrupted by my most distinguished and scholarly friend from Virginia.

Mr. MONTAGUE. Which of the two systems do you think the Emperor William himself would prefer us to adopt?

Mr. FOCHT. I think William is sorry he started it, or he will be so when we get through, because whichever way we do it—volunteer or conscription—we will raise an American army, and we will raise a patriotic army, and it will be a victorious army. [Applause.]

Now, what about this question of volunteering or conscription? It has been admitted here by the chief champion of conscription [Mr. GARDNER] that you get better men, more efficiency and enthusiasm from the kind of men who volunteer—those who willingly and cheerfully and enthusiastically go to the colors. On the other hand, we see and admit that the conscriptive method in its operation is more systematic. Now that is how close you get. Which do you prefer? One gives you the best men because they come freely and with heart, while the draft plan is the better as a system. Do you prefer to have at the front patriotic men, who go willingly, with a heart full of enthusiasm and the spirit of patriotism, or will you have there, under the drafting system, what they have been characterizing here as livery-stable loafers and gas-house crimps? Lax and derelict as this class may be in many duties of citizenship, as far as their patriotism is concerned, I believe after all, you have been doing them a great injustice. I have been in contact with every class of people, and there is good in every individual. Just because a man is of humble birth, has had no opportunities, and is even a tough nut, does not prove that he is not patriotic. Whether a man is a tramp or a gas-house loafer, most of those fellows are dare devils and will fight more courageously than a cigarette-smoking dude or the chap who plays golf instead of chopping wood or hoeing potatoes. [Laughter and applause.]

The plain, simple reason why I prefer to vote for the volunteer system is that when a man volunteers and goes into the service of his country, by his own election and free will, he is there because his heart is there and the boys from his own neighborhood are by his side. His heart is right and his head is right, and nothing can stop an army of such men. Of course, if this is going to become a great militarist Nation, if it is something more than "bringing Germany to terms and ending the war," then it ought to be so stated, and we could vote according to our conclusions on that proposal.

Mr. RAKER. Will the gentleman yield?

Mr. FOCHT. Certainly.

Mr. RAKER. About what per cent of American citizens of those who have declared their intentions to become citizens does the gentleman consider are patriotic.

Mr. FOCHT. I consider all, aside from the people who have been designated or characterized in the papers as German spies, as being at least patriotic enough to like America better than any other country or they would go somewhere else.

Mr. RAKER. Then the gentleman's answer is that 100 per cent of those native born who enlist are patriotic?

Mr. FOCHT. Native born, yes; and who volunteer.

Mr. RAKER. Then conscription would apply to all equally?

Mr. FOCHT. We know how the civil service is operated here, and we can tell better when it comes to performance, and besides we understand there are to be numerous exemptions which would necessarily preclude such a thing as equality.

Mr. RAKER. If you drew 100 men for a jury and they were all competent and qualified, the first 12 drawn there would be no objection to and you would get a good jury?

Mr. FOCHT. You would. But sitting in a jury box is not going to the trenches, and a volunteer will surely be more efficient than the man who is a patriot, but "prefers that his wife's relations do the fighting."

Mr. RAKER. If you have 20,000,000 American citizens and all patriotic and you drew 1,000,000 by lot, you would get a million patriotic American citizens?

Mr. FOCHT. Yes; that is a splendid theory; but in practice you get some who wish to go and some who do not, although the assumption is that all are patriotic and should desire to enlist. But my objection and only serious objection is that when you take men by conscription you deny many brave and willing men the right to volunteer, and since I believe more than enough volunteers are available I must adhere to my conclusions. Talk about any patriotic ardor or fight being in a man when you have to force him to the front!

What would have happened to Napoleon without that spirit of devotion that animated the hearts of the boys who followed him across the Alps and over the plains of Italy? What was it that enabled him to crush five Austrian armies in one summer, crowning it all with the dazzling victory at Marengo, and right there virtually founding his empire? He went to every capital in Europe he wanted to. He went to Vienna, Berlin, Rome, and Moscow. He crushed to fragments every feudal throne from the Seine to the Tiber. No slackers in his army, just enthusiastic devotees, although to be sure there was a species of universal service in France adopted by the Council of Five Hundred in 1798 for permanent defense against near-by enemies, but not for "an emergency," as is proposed here. Talk about the War College and experts! He had them, to be sure, but what would have been a substitute for the courage and devotion of the brilliant Murat, who was the son of an humble butcher, and a host of other marshals? And what brought Napoleon back from Elba, and in three months enabled him to gather an army of old men and boys and drive Wellington to defeat, but who was spared capture and annihilation by the arrival of Blücher? If Blücher had not turned up that evening in 1815 we all know that at this time the map of Europe would show altogether different divisions. How did Napoleon fight these battles against the world? He not only had enthusiasm back of him, the ardor of the willing soldier, but he cast aside all the old methods, adopted new ones, and won his victories. So that the system we may adopt to-day might not work to-morrow, but the man power of the volunteer is always to be depended upon.

At Gettysburg Lee, Longstreet, and Hill adopted the plan of Napoleon at Wagram, where he broke the center and turned the right on the Austrians and the Russians. Gen. Lee tried the same thing, and against whom did he try it? He tried it against Meade and Hancock and Gregg and other volunteers. Hancock and Meade were both volunteer soldiers.

In the thick of the fight Hancock said to Meade, "For God's sake, hold this line for five minutes until I can bring up reenforcements," and Meade held the line until reenforcements came up and they rolled the tide that had swept over the slopes of Gettysburg back to defeat and the end of the war. What kind of men were they who withstood this shock of battle? The men who resisted this assault on Cemetery Ridge, on Round Top, The Wheat Field, and Culps Hill, were all volunteers and did not have to be conscripted. I have often talked with Capt. Miller, Capt. Himmelreich, W. L. Donochy,

and others from my home town who were there, and they spoke with pride of being volunteers. The Logan Guards, of Lewistown, Pa., organized by Col. Hulings, were the first out at the call of Lincoln. The call came during the day and that night at 12 o'clock the guards slept under the Dome of the Capitol, and they were followed by the First Defenders, of Pottsville, in the district represented by my good friend HEATON. These First Defenders were given medals of honor by the United States Congress, every one of them, for having been here even before the Sixth Massachusetts got through to Baltimore, and for their fighting afterwards.

I can not reconcile myself to the claim that you are going to get better service from conscripts than from volunteers. Representative KAHN to-day spoke of a conversation we recently had during which I referred to the patriotic Hackenberg family in Snyder County in my district, which furnished nine brothers as volunteers. They wanted to go, and they wanted nothing to interfere, as is now proposed. I have a letter from my friend, Mr. J. Harry Myers, of Huntingdon County, who says his five sons will volunteer and he will go himself, if accepted. My sturdy, patriotic predecessor here, Maj. Thad. M. Mahon, of Chambersburg, was proud of his record as a volunteer soldier, and so was Capt. Siders, of the same town, also Lieut. Commander S. M. Strite, who, on the *Olympia*, under Admiral Dewey, sailed to victory over the mines of Manila Bay. This brave Chambersburg officer was not a conscript, but a proud volunteer. What about Pennsylvania's three intrepid soldiers, Gen. Hartranft, Gen. James Cameron, and Gen. William McCall? These three illustrious leaders were volunteers. Col. Robinson and Capt. D. G. Alter, of Juniata County, saw gallant volunteer service.

The boys of Bucknell University, led by Capt. Andrew Gregg Tucker, were all volunteers, as was Dr. John Howard Harris, now president of that institution. Perry County gave more volunteers than any county of its size in the country and her sons are ready for any call to duty. From all over the district I represent, from Upton to Greencastle, in Franklin County, and Buck Valley, Hustontown, and McConnellsburg, in Fulton County, to the top of the White Deer Mountain at the north of my district, halfway across the State, volunteers came from every township, hamlet, and town. From first to last they were true and every one a brave man. I want to see their sons and grandsons have the same opportunity of serving as volunteers, freely and willingly and not as conscripts.

I remember when, in 1903, I was deputed by the Senate of Pennsylvania to welcome President Roosevelt to Harrisburg, the Chief Executive in addressing the crowd noticed an old soldier wearing a G. A. R. button standing near him, and he said to him: "We want to stand together, all Americans for the best there is for us regardless of station. When you old veterans and G. A. R. men were ordered to charge in battle you were not concerned whether the man at your right was a blacksmith or a banker, or the man to the left of you a hod carrier or a college president; all you wanted to know was whether in the heat of conflict they would 'stay put.'" Let me say that in any trial in this crisis the volunteer will "stay put." And so would the Colonel if allowed to lead a Volunteer Army to Europe.

I do not want to see a situation created that will prevent the men who bear the proud name of Taylor, in Mifflin County, Pa., denied the right to volunteer as did their heroic ancestor, Gen. John P. Taylor, who fought in 67 battles and was a volunteer. In this sad hour, when war seems inevitable, and sorrow must fall among many, why is it that those who want to can not go and fight? This bill provides for the service of the last available man, and the country will surrender to every hardship to win the war and bring lasting peace, so why the insistence that conscription is the only way?

And why must the National Guard, of which we are so proud in our State, be denied its full opportunity and status as to promotions for its officers who have served so long and efficiently? We believe that under Gen. Thomas J. Stewart, the State's adjutant general, Gen. Clements, Col. O'Niell, Col. Dougherty, Col. Coryell, and others of long service, Pennsylvania's Guard would meet every test as a nucleus for a fighting and dependable Volunteer Army.

During these long days of debate I have listened to every argument put forth, but none were more convincing than those presented by the veteran statesmen, Speaker CLARK and JOSEPH G. CANNON, and that illustrious soldier and statesman, Gen. SHERWOOD, all of whom yet have faith in the patriotic and superior efficiency of the American volunteer. If I care to seek the advice or counsel of anybody, I would trust these men, for I feel assured that they are unselfish and disinterested; men who have arrived at that time of life when they are not easily stampeded by a widely exploited idea and untried theory, and whose only hope and prayer and glory is to add to and not detract from their own fair fame. Their heart's desire is to do that thing which is the best thing for our war-threatened country. I would rather sit at the feet of these three men of ripened years, of knowledge and wisdom, as well as patriotism, than to cast aside at this critical time the traditions of the country which have always kept us safe.

This country was bequeathed to us a people's country, and then let us trust the people who have accepted the responsibility of forever perpetuating it. Do not let us be suspicious of American patriotism, for it is bred and born in every man worthy of such glorious citizenship.

Such are my convictions and conclusions as to this phase of one of the countless difficult problems to be met and solved before the war is over, but whatever the decree of this committee on this section may be, the bill as a whole will have my support and my vote, as will all measures looking to the defense and perpetuation of our national life and our institutions as they now exist.

Throughout this fearful ordeal which is threatened there will be but a common purpose, and with every man true and contributing something, and trusting the God that has directed the destiny of our country, the uplifted hands of the wives and mothers of this land will call forth from on high a power before which all tyrants or oppressors will be crushed to ashes.

Mr. GOOD. Mr. Chairman, this is a dark and solemn hour. No thoughtful man underestimates the great importance of the question we are considering to-night. The dark clouds overspreading the sky and the gentle rain falling upon the tender grass but symbolize the darkness o'erspreading the national sky and weeping tenderness of the Nation's heart. Ours is a peaceful country; it loves peace and despises war. It was dedicated to the cause of peace, and in following peaceful pursuits it has won the admiration of the world. It was, indeed, a rude awakening that suddenly plunged this hundred millions of people into the vortex of war. With the same energy and devotion that we grapple with the industrial problems must we now solve the greater problem that lies before us.

We have in the United States more than 20,000,000 men of military age. Not all of them will be needed in the actual theater of war. It is thought that but a small portion of this number will be utilized. The question naturally arises at the outset, Who is to go and who is to remain at home? How are we to select the man who is to fight our battles? is the question raised by the Kahn amendment.

I can easily understand why men in this hour hesitate to give up the plan inaugurated by Washington, indorsed by Lincoln, and adopted by McKinley. Our history is replete with heroic deeds of the American volunteers, and many of us give up the volunteer plan with some reluctance. But the adoption of another plan will not rob them of the glory of their achievement.

For four days I have listened attentively to the speeches made on the floor of this House on the respective merits of these two plans of raising an army. At the outset I was prejudiced in favor of the volunteer system. But this debate has convinced me that in this great emergency, at the outset of our engaging in war with the greatest military power in the world we should make no mistake and should adopt the principle of the selective draft. [Applause.] It is the most equitable; it is the most scientific. For upon every man of military age, no matter what his circumstances may be, rests the obligation of defending his country and his country's flag. [Applause.]

After listening to what has been said, I am convinced that the army could be raised by either of the methods proposed. But I am likewise convinced that the great burden of it would fall on the young men of finer sensibilities, of more sensitive dispositions, and moved by nobler feelings of patriotism. It would likewise fall upon men with families depending upon them. Under the plan of the selective draft it is not the intention of the War Department to draft a man who is married or who has a family depending upon him for support.

Let no one imagine that the correct solution of this problem will remove the horrors of war. No plan that we adopt can accomplish that. Those who advocate the volunteer system are in error when they contend that great wrongs and hardships can not exist through its operation. In Canada, where they have raised by the volunteer plan an army for over-seas service of more than 400,000 out of a total population of 8,000,000, they have been compelled to resort to methods that are cruel almost to the point of being fiendish. We are told that there the schoolboy places upon the lapel of his coat a button upon which is printed the words, "My father is at the front defending his country. Where is yours?" Without understanding

the meaning of their words, little boys go home from school and ask their fathers why they can not wear a button like that. Under the volunteer system there men have been driven to enlistment when they should be defending their families at home.

I received a letter from a good woman at home whom I know very well, and her experience will be the problem of thousands of mothers under the volunteer plan. She has two sons in their twenties. Both want to enlist, but both of them can not go. One must remain behind to do the work at home. She is called upon to decide which one shall go and which one shall remain at home. Should we not save the hundreds of thousands of mothers throughout the land the agony of deciding questions like that? [Applause.]

My friends, it will not be the boys alone who will suffer in this war. There will be millions of heartaches throughout the length and breadth of the land. The real battles of a nation are not fought by its men alone. I am persuaded that the sufferings of the mothers of the Republic will be as great as that of the men. The problem of the wife and mother has been beautifully told in those patriotic words of Thomas Buchanan Read:

The wife who girds her husband's sword,
Mid little ones who weep and wonder,
And bravely speaks the cheering word,
What though her heart be rent asunder,
Doomed nightly in her dreams to hear
The bolts of death around him rattle,
Hath shed as sacred blood as e'er
Was poured upon the field of battle!

The mother who conceals her grief
While to her breast her son she presses,
Then breathes a few brave words and brief,
Kissing the patriot brow she blesses,
With no one but her secret God
To know the pain that weighs upon her,
Sheds holy blood as e'er the sod
Received on Freedom's field of honor!

[Applause.]

Mr. RAGSDALE. Mr. Chairman, I make the point of order there is no quorum present. I am going to have no more of this. There has been an absolute breach of good faith, and I do not propose to stand for it any longer. I make the point of no quorum.

The CHAIRMAN. The gentleman from South Carolina makes the point of no quorum. The Chair will count.

Mr. GREENE of Vermont. May I make a parliamentary inquiry of the Chair?

The CHAIRMAN. Certainly.

Mr. GREENE of Vermont. Has the gentleman under any privilege of the House stated the reason for making the point of no quorum?

Mr. RAGSDALE. Because there is not a quorum present.

Mr. FARR. You can get all the time you want.

The CHAIRMAN. The Chair is ascertaining whether or not there is a quorum present. [After counting.] Fifty Members are present, not a quorum.

Mr. GREENE of Vermont. I gathered from some unparliamentary language that preceded the motion, unparliamentary because not being directed to the business before the House, that some reason had been stated, and I had not heard it.

Mr. FARR. I will give way to the gentleman from South Carolina.

Mr. RAGSDALE. I do not wish any time.

Mr. FARR. I am willing to give the gentleman time. I go on next, and I am willing to give the gentleman my place.

Mr. RUCKER. I will furnish one machine at least to send all over this town to bring people here to make a quorum.

Mr. DENT. Mr. Chairman, I hope I may have unanimous consent to make this statement, namely, that when we made the agreement to vote to-day it was stated that we would run until half past eight, but when I found there were gentlemen on both sides who wanted to speak it was agreed that they should run on as long as the gentlemen were willing to speak. Every gentleman will have an opportunity during the reading of the bill—because we have only reached the third paragraph of the first section of the bill—to-morrow to speak, and in view of the fact that there is no quorum present and the point has been made, I move that the committee do now rise.

Mr. RUCKER. I would not do that. We can get a quorum here.

Mr. FARR. I am willing to give the gentleman from South Carolina [Mr. RAGSDALE] my place.

Mr. RUCKER. Here is the gentleman from Pennsylvania [Mr. FARR] who has offered to surrender his place.

The CHAIRMAN. The members of the committee who are present here this evening will recollect that just before dinner there was an informal arrangement entered into between the gentleman from Alabama [Mr. DENT] on one side and possibly the gentleman from Illinois [Mr. MANN]—I do not recollect distinctly—on the other, to the effect that this debate would run to-night in an informal way and the vote on the amendment would be taken to-morrow morning as soon as the House went into Committee of the Whole. And it was understood that those gentlemen who had not spoken, as the result of this informal arrangement, and the committee remaining together, would have the opportunity to speak here to-night.

Then gentlemen began to come to the desk and ask that their names be put down in the order in which they came up. That is the only way this list has been created. And every name on the list that has been called here to-night was put there under those circumstances by the present chairman of the committee or by the gentleman from California [Mr. KAHN] representing the minority side of the committee. And that list has been called precisely in the order in which it was arranged this evening. There has no antecedent list been given to the chairman, and no distinction been given in the recognition here to-night except as the names have been put down. That is all about the list so far as the chairman of the committee is concerned.

Mr. LUNN. Mr. Chairman, I wish to say that the name of the gentleman from South Carolina [Mr. RAGSDALE] was in a book kept by the gentleman from California [Mr. KAHN]. From this book the names of the gentlemen to be recognized were transferred to a tablet. These names were given me by Mr. KAHN, who laid the list on the table for me to follow. I am sure that the gentleman thinks I did not give him the time he should have, but it was not my fault, and I hope since there are only two more he will allow those speeches to go on and give us his views to-night.

Mr. RAGSDALE. Mr. Chairman, as a member of the Committee on Foreign Affairs, which committee prepared the resolution by which war was declared, as the only man from my State who stood out originally and declared for conscription, some being in doubt and some absolutely in favor of the position opposed to conscription, I went to the minority ranking Member on the Republican side and asked that a certain amount of time be allotted to me. It was promised, and, according to the records turned over to the gentleman from New York [Mr. LUNN], my name appeared as fifth on the list. For four days I have stayed here, and with first one excuse and then another the time that was promised me in good faith has been denied me. There was first one excuse and then another. There has never been a justification.

I do not think that anything that is said here to-night makes any difference in the vote that will be taken by this House. It is merely an effort of justification on the part of the Members of this House in order to put in this RECORD things that they may send to their districts. I do not feel that the people of the district that I represent need hear from me on this. My purpose is too well known. I do not have to apologize or excuse the position that I have taken. If there be men to-night that want their utterances to appear in this RECORD, if there be men here to-night who feel that they ought to have an opportunity to put into the CONGRESSIONAL RECORD things that they want to say now that this question is settled, I will give them the privilege. I shall never take time while in this House, if I can prevent it, when time is turned over to a Republican who in turn cedes it to a new Member of Congress to dictate the time which is promised in good faith to older Members.

Gentlemen here to-night want to hear themselves talk. I have given them the privilege of doing so. In order that they may hear themselves talk, and not that they may affect the question that is before the American Congress, I will withdraw the point of no quorum. I do not want any time.

The CHAIRMAN. The gentleman from South Carolina [Mr. RAGSDALE] withdraws the point of no quorum.

Mr. DENT. And I withdraw the motion I made.

The CHAIRMAN. The gentleman from South Carolina withdraws the point of no quorum and the gentleman from Alabama [Mr. DENT] withdraws his motion.

Mr. GREENE of Vermont. Mr. Chairman, does that leave us in position so that the United States can go on again with the war with Germany?

Mr. RAGSDALE. Oh, yes; in spite, Mr. Chairman, of the effort of the distinguished gentleman there.

Mr. GREENE of Vermont. I did not get into this effort until it was made.

Mr. RAGSDALE. But the gentleman knows it is an absolutely discredited proposition to ever have started anything of the kind.

Mr. GREENE of Vermont. I did not start any of this. I do not know anything about it.

Mr. RAGSDALE. I may have started it, and I will stop.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. FARR] is recognized.

Mr. FARR. Now that the gentleman has had an opportunity to listen to himself I am glad he is willing to let others talk.

Mr. RAGSDALE. Yes, sir; talk to themselves.

Mr. FARR. Mr. Chairman, I have heard it stated on the floor that the people of this country are not in touch with the questions that we are considering and that they know little about them. I do not think my district is so much different from other districts in this Union, and I disagree with the sentiments expressed that the people are not fully aware of what we are discussing and its importance to them.

I disagree also with the statement made by my good friend from Colorado [Mr. KEATING] that it is only the "classes" who are in favor of selective draft. I happen to be a printer, and I was very happy to-day to get a letter from an old-time friend of mine, Mr. Joseph Oliver, of Scranton, Pa., who served his apprenticeship in a printing office at the time I did. He has seven sons, and he writes me as follows:

As you know, I have seven sons, ranging from 17 to 35 years of age, and after careful study of the problem before Congress I am convinced that the proposition for the selective draft is the best. I trust you will support no measure that will make it possible for anyone to escape doing his part, in the manner prescribed by law, because of political preferment, social standing, or his ability to purchase immunity.

That letters tells the entire story. The selective draft is the best way of getting men when we need them and can best use them, whether to provide the material means for warfare or to do the actual fighting.

I have another letter here from a professional man, Dr. L. M. Gates, also of Scranton, a well-to-do practicing physician, who has one son who will be eligible to the draft. He writes:

While formerly being opposed to conscription or draft for the Army, I am coming to see that it is the only just and logical method, especially in the light of England's experience. As we are now in the struggle, we want to go at it right and with all our might.

American liberty may be won or lost in the trenches of Europe, and I am going to vote for the selective-draft plan because, as I said before, I think it will be the surest and most certain way of getting soldiers when we need them and can best use them. In addition, I am for the selective draft, so that we may utilize every ounce of strength that this great Nation has for this tremendous conflict. We already have too many weak links in our chain of defense, and I shall not vote to add another weak link to that chain. The selective draft will enable us to place the men where they will render the most effective service, either fighting, or in industry, or on the farm.

I want to say to-night that we have much to do in order to provide the munitions and to furnish the food for our people and the armies that are going to be necessary to take part in this conflict.

We heard the gentleman from Massachusetts [Mr. GARDNER] say this afternoon, favoring an amendment—a provision that would give Col. Roosevelt command of a division—that he could utilize that division in France in four months' time if we had the requisite muskets, or if we could use the musketry and artillery of France. In other words, if it depended on the munitions that we now actually have, we could not for many months utilize a division under Col. Roosevelt across the ocean.

We have been told as to the number of rifles we have in this country. We need millions more in order to provide what will be necessary for the vast number of our soldiers who may be required to fight in the trenches.

Modern warfare is so intense, so comprehensive in its utilization of everything in a nation that can be turned into power and force, that the people of the United States can no longer afford to trust the destiny of this great Nation to chance. We must be prepared to the very utmost to meet all possible conditions that may confront the country. That is the only safe course for us to pursue.

The volunteer system, as brave, unselfish, and patriotic as are those under it who so readily offer their lives, can not cope with the herculean methods of the giant nations now engaged in bloody conflict. We recently had one test of its inefficiency. It required six weeks to get 200,000 men on the border line of Mexico. Germany placed 5,000,000 men in the field in less than one week.

Every man owes it to his country to do his part in some capacity for its preservation, and the President's selective-service plan is the only sensible, practical way in which to utilize our strength. By that method men who can render better service in industry, agriculture, or in other needful work are continued in those lines of service to the extent they are required, while those who can better be spared from their present duties shall be utilized under the colors on the field. The experience of the nations engaged in the great conflict abroad proves the absolute necessity of the selective plan.

Great Britain to-day has a man or a woman in the industries necessary to war for every man in the field. So have the other nations who are shouldering the brunt of the awful struggle. We must not be deceived into thinking that our task will be an easy one. An early peace is not assured. Many possible dangers face us. The chaotic conditions natural to the revolutionary upheaval for liberty in Russia and the great need of that country for equipment in industry and war and for skilled men may lead to a separate peace. Instantly a transformation in conditions would result. Great armies of the central countries would be transferred to the French lines. The call then would be upon this country.

Our unpreparedness in the past has been responsible for many of our wars. So fearfully costly to us in the sacrifice of lives and treasure has been our lack of readiness to protect ourselves and so great the need for preparation for this emergency that I feel confident Congress will show the same common sense and patriotism which have distinguished it in its consideration of recent war measures and pass legislation so essential to develop our full military strength.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. HILLIARD. Mr. Chairman, I ask unanimous consent that the gentleman from Pennsylvania may have five minutes more.

The CHAIRMAN. The gentleman from Colorado asks unanimous consent that the gentleman from Pennsylvania may have five minutes additional. Is there objection?

Mr. RAGSDALE. I object.

Mr. FARR. I am obliged to the gentleman.

The CHAIRMAN. The gentleman from Michigan [Mr. JAMES] is recognized.

Mr. JAMES. Mr. Chairman and gentlemen of the committee, the "sob artists," the "weep, my countrymen" experts, had a great field day in the House yesterday. Some who have for years been in the "king" class of "sob squad" orators won a place for themselves in the "emperor" class. Some who have been in the "also ran" class for years yesterday broke in the class that won the "money."

It was a hard day on some of them; they not only had to sob at their own speeches but they had to sob during the speeches of their friends.

And last night, when the people "back home" read these speeches in their papers, they wept—but their tears were tears of mortification.

The "sob artists" wept yesterday from early morning until late at night. They wept about the iniquitous "draft" system, the volunteer, the volunteer system, the mothers, the flag, and our country.

About the only ones for whom they did not weep were the poor mothers and babies who went to a watery grave on the *Lusitania* and other boats.

They wept about the draft system being forced upon us, but the "draft" is in their bill and they will all vote for it.

They wept about the uniform, the "blue uniform" of the volunteer—a uniform they never wore.

They wept about the "volunteer system"—a system they themselves never tried.

They wept about the "flag," under whose folds they never marched.

They wept about "our country," a call to whose standard they did not answer, under whose banner they did not rally.

They wept about the "poor mother," but no heartbroken mother ever had to sob bitterly because they enlisted or wanted to enlist.

What this country wants to-day is an army raised, not according to the theories of men who are capable of "sobbing" but according to the theories of men who are going to direct our fighting men, not our "weeping willows."

This is no "sobfest" for which we are preparing, but a war, a real war, a war with the greatest military nation of this or any other time.

There is an old rhyme which runs:

If you do as I say, and I do, too,
You'll go to heaven, and I'll go, too;
But if you do as I do, and I do, too,
You'll go to hell, and I'll go, too.

Bringing it down to date, it would read:

If you do as I say, and I do, too,
You'll go and volunteer, and I'll go, too;
But if you do as I did, and I do, too,
You'll stay at home, and I'll stay, too.

There has been a good deal of "sobbing" about boys of 19 fighting for their country. I might say in passing that the Father of our Country entered the military service at 19 and was a major at 20. The hero of New Orleans—Andrew Jack-

son—enlisted in the Revolutionary War at the age of 14. President Washington appointed William Henry Harrison, also President afterwards, ensign in a regiment of artillery when he was 19; he was promoted a lieutenant when he was 20 and was a captain at 21. Abraham Lincoln served as a private in the war against the Indians at 23. Ulysses S. Grant was a lieutenant of Infantry at 21. Were it not for the boys of 19 the Union could not have been preserved in 1861. David Farragut, afterwards admiral, was placed in temporary command of a ship, as an ensign, before he was 12 years old.

Several Members seem to be indignant that the people throughout the country have been sending telegrams and letters in favor of the selective draft. They do not seem to like this "propaganda," as they call it. I have heard no protests on the floor against the treasonable Antienlistment League, the No-enlistment League, and other similar organizations.

The following letter from Mrs. J. Sergeant Cram, secretary I understand, of the Antienlistment League, explains itself:

Hon. W. FRANK JAMES.

MY DEAR SIR: Being convinced of your desire to know the true sentiments of the great mass of American people in this hour of world crisis, I am writing to let you know that I have found everywhere among what is termed the "common people" a universal aversion to war. To be sure, this aversion is apathetic; not, however, the apathy of indifference, but rather that of despair; the tragic resignation of those who believe they have, and can have, no voice that will be heard.

I therefore, in the name of those countless masses, make you this plea to do your "bit" to keep the country out of war. I feel confident that you will receive the grateful acknowledgment of your constituents in some form or other before next election day if you can accomplish this great and truly patriotic deed.

Very respectfully, yours, Mrs. J. SERGEANT CRAM.

APRIL 7, 1917.

Mrs. J. SERGEANT CRAM,
New York.

MADAM: Your patronizing letter of the 4th instant received.

You talk about the "common people," an expression generally used by people of your class to describe a class far better in patriotism, Americanism, and every other good way than people of your own class.

I belong to what you so patronizingly call the "common people," and am proud of it, proud of the fact that my father was a miner, and still more proud that I am not so unlucky as to be born a member of the class to which you belong.

As every true American, I am pleased to know the "true sentiments of the great mass of the American people in this hour of world crisis," but I could not find it out from you or any of your class. I have just returned from a three-week visit to my district and know what the people of my district think.

Who are you that you should feel that you are the one by which the "common people" may be heard; what know you of the "common people"; what do you know of what they think? There is more patriotism in the little finger of every man, woman, and child in my district, immigrants and sons and daughters of immigrants that we be, than there is in your whole body.

There is no fear that the "common people," as you call them so sneeringly, of my district will not be heard; they elected me to Congress, and they know that they will always have a hearing at any time and place.

You can not act as spokesman for the "common people" of my district, because you do not represent their ideas of loyalty to this Government nor their ideas of patriotism.

The people of my district do not want war, and neither do I, but we have war; war is forced upon us by the acts of another nation and not because this country wanted war. They know full well if war comes, they—not you or people of your kind—will do all the fighting as well as all the suffering. For that reason I am an ardent advocate of universal military service, so that I and their boys and my boys will not have to defend people of your kind who will not fight but expect some one else to do their fighting for them.

I did my "bit" in 1898. It was the proudest day of my life when I enlisted for my country, as did hundreds of other sons of immigrants in my district—sons of the "common people," you know.

Possibly the thing that makes you so anxious to see no war is not the "common people" but the fact that you might have to share part of the burdens—not the "fighting" but part of the "financial" burden. This more apt to be your true reason. Very few of your class care anything for the "common people" except to exploit them.

The people of my district show no "apathy or indifference," no "tragic resignation" because they will have "no voice that can be heard." What tommy-rot! And yet it is characteristic of people of your class. People like you—if you lived in my district—might have some trouble in being "heard," with your unpatriotic and un-American views, but no real American would have any trouble in being heard.

It is time that some people should learn the meaning of the word "treason."

We hear a good deal of talk about the "conscription fathers" talk.

The father of the draft system was the Father of his Country, who said in a letter to the Continental Congress:

It is the true policy of America not to content herself with temporary expedients, but to endeavor, if possible, to give consistence and solidity to her measures. The plan for this purpose ought to be of general operation and such as will execute itself. Experience has shown that a peremptory draft will be the only effectual one. If a draft for the war or for three years can be effected, it ought to be made on every account.

"SHALL THERE BE A PEREMPTORY DRAFT?" (1780)—ONE OF THE EARLIEST SUGGESTIONS THAT MEN MUST BE RAISED BY CONSCRIPTION.

[By George Washington.]

It is the true policy of America not to content herself with temporary expedients, but to endeavor, if possible, to give consistency and solidity to her measures. An essential step to this will be immediately to devise a plan and put it in execution for providing men in time to replace those who will leave us at the end of the year and for subsisting the officers and soldiers and making them a reasonable allowance. The plan for this purpose ought to be of general operation and such as will execute itself. Experience has shown that a peremptory draft will be the only effectual one. If a draft for the war or for three years can be effected, it ought to be made on every account. A shorter period than a year is inadmissible.

EVILS OF SHORT ENLISTMENTS.

To one who has been witness to the evils brought upon us by short enlistments, the system appears to have been pernicious beyond description, and a crowd of motives present themselves to dictate a change. It may easily be shown that all the misfortunes we have met with in the military line are to be attributed to this cause.

RETREAT ACROSS THE DELAWARE.

Had we formed a permanent army in the beginning which, by the continuance of the same men in service, had been capable of discipline, we never should have had to retreat with a handful of men across the Delaware in 1776, trembling for the fate of America, which nothing but the infatuation of the enemy could have saved; we should not have remained all the succeeding winter at their mercy, with sometimes scarcely a sufficient body of men to mount the ordinary guards, liable at every moment to be dissipated, if they had only thought proper to march against us.

VALLEY FORGE.

We should not have been under the necessity of fighting at Brandywine with an unequal number of raw troops, and afterwards of seeing Philadelphia fall a prey to a victorious army; we should not have been at Valley Forge with less than half the force of the enemy, destitute of everything, in a situation neither to resist nor to retire; we should not have seen New York left with a handful of men, yet an overmatch for the main army of these States, while the principal part of their force was detached for the reduction of two of them; we should not have found ourselves this spring so weak as to be insulted by 5,000 men, unable to protect our baggage and magazines, their security depending on a good countenance and a want of enterprise in the enemy; we should not have been the greatest part of the war inferior to the enemy, indebted for our safety to their inactivity, enduring frequently the mortification of seeing inviting opportunities to ruin them pass unimproved for want of a force which the country was completely able to afford; and of seeing the country ravaged, our towns burned, the inhabitants plundered, abused, murdered with impunity from the same cause.

DERANGEMENT OF FINANCES.

Nor have the ill effects been confined to the military line. A great part of the embarrassments in the civil departments flow from the same source. The derangement of our finances is essentially to be ascribed to it. The expenses of the war and the paper emissions have been greatly multiplied by it. We have had, a great part of the time, two sets of men to feed and pay, the discharged men going home and the levies coming in. This was more remarkably the case in 1775 and 1776. The difficulty and cost of engaging men have increased at every successive attempt, till among the present levies we find there are some who have received $150 in specie for five months' service, while our officers are reduced to the disagreeable necessity of performing the duties of drill sergeants to them, with this mortifying reflection annexed to the business, that by the time they have taught those men the rudiments of a soldier's duty their services will have expired and the work recommenced with a new set. The consumption of provisions, arms, accouterments, and stores of every kind has been doubled in spite of every precaution I could use, not only from the cause just mentioned, but from the carelessness and licentiousness incident to militia and irregular troops. Our discipline also has been much hurt, if not ruined.

VOLUNTEER SYSTEM INTERFERED WITH CULTIVATION OF LAND.

The frequent calls upon the militia have interrupted the cultivation of the land and, of course, have lessened the quantity of its produce, occasioned a scarcity, and enhanced the prices. In an army so unstable as ours order and economy have been impracticable. No person who has been a close observer of the progress of our affairs can doubt that our currency has depreciated without comparison more rapidly from the system of short enlistments than it would have done otherwise.

WAR PROTRACTED ON ACCOUNT OF VOLUNTEER SYSTEM.

There is every reason to believe that the war has been protracted on this account. Our opposition being less, the successes of the enemy have been greater. The fluctuation of the Army kept alive their hopes, and at every period of the dissolution of a considerable part of it they have flattered themselves with some decisive advantages. Had we kept a permanent army on foot, the enemy could have had nothing to hope for and would in all probability have listened to terms long ago. (Jared Sparks, Writings of George Washington (Boston, 1835).)

The gentleman from New York [Mr. HASKELL] said yesterday, in a quotation from Gen. Horatio C. King:

At a meeting of the Society of the Army of the Potomac in Portland, Me., in 1890, Gen. Sherman was presented after Gen. Walker's oration. He was in a very happy mood and talked much upon volunteering, and in one sentence he said: "I do believe, as I believe in Him who rules over us all, that this country spent $1,000,000,000 and 100,000 precious lives to teach you the art of war."

He further quotes from Gen. King:

I do not know that Congress cares to take the advice from the soldiers who saw service in the sixties. We know the weakness and folly of the volunteer system. The Government started wrong by relying upon volunteers.

In a letter written to Count Gasparin, August 4, 1862, President Lincoln said, in part, as follows:

Be not alarmed if you shall learn that we shall have resorted to the draft for part of this. It seems strange even to me, but it is true, that the Government is now pressed to this cause by a popular demand.

In a letter to Gov. Seymour, New York, August 7, 1863, he states:

We are contending with an enemy, who, as I understand, drives every able-bodied man he can reach into his ranks, very much as a butcher drives bullocks into a slaughter pen. No time is wasted, no argument is used. This produces an army which will soon turn upon our now victorious soldiers, already in the field, if they shall not be sustained by recruits as they should be. It produces an army with a rapidity not

to be matched on our side, if we first waste time to reexperiment with an army already deemed by Congress, and palpably in fact, so far exhausted as to be inadequate, and then more time to obtain a court decision as to whether a law is constitutional which requires a part of those not now in the service to go to the aid of those who are already in it.

In 1863 President Lincoln said, as follows, regarding, as he put it, "draft or conscription":

BEGINNING OF WAR.

At the beginning of the war, and ever since, a variety of motives, pressing, some in one direction and some in the other, would be presented to the mind of each man physically fit for a soldier, upon the combined effect of which motives he would or would not voluntarily enter the service. Among these motives would be patriotism, political bias, ambition, personal courage, love of adventure, want of employment, and convenience, or the opposites of some of these.

NECESSITY OF DRAFT.

We already have and have had in the service, as appears, substantially all that can be obtained upon this voluntary weighing of motives. And yet we must somehow obtain more or relinquish the original object of the contest, together with all the blood and treasure already expended in the effort to secure it. To meet this necessity the law for the draft has been enacted. You who do not wish to be soldiers do not like this law. This is natural; nor does it imply want of patriotism. Nothing can be so just and necessary as to make us like it if it is disagreeable to us. We are prone, too, to find false arguments with which to excuse ourselves for opposing such disagreeable things. In this case those who desire the rebellion to succeed and others who seek reward in a different way are very active in accommodating us with this class of arguments.

IS CONSCRIPTION CONSTITUTIONAL?

They tell us the law is unconstitutional. It is the first instance, I believe, in which the power of Congress to do a thing has ever been questioned in a case when the power is given by the Constitution in express terms. Whether a power can be implied when it is not expressed has often been the subject of controversy; but this is the first case in which the degree of effrontery has been ventured upon of denying a power which is plainly and distinctly written down in the Constitution. The Constitution declares that "the Congress shall have power * * * to raise and support armies; but no appropriation of money to that use shall be for a longer term than two years." The whole scope of the conscription act is "to raise and support armies." There is nothing else in it. It makes no appropriation of money, and hence the money clause just quoted is not touched by it.

The case simply is, the Constitution provides that the Congress shall have power to raise and support armies, and by this act the Congress has exercised the power to raise and support armies. This is the whole of it. It is a law made in literal pursuance of this part of the United States Constitution; and another part of the same Constitution declares that "this Constitution, and the laws made in pursuance thereof * * * shall be the supreme law of the land, and the judges in every State shall be bound thereby, anything in the constitution or laws of any State to the contrary notwithstanding." Do you admit that the power is given to raise and support armies, and yet insist that by this act Congress has not exercised the power in a constitutional mode—has not done the thing in the right way? Who is to judge of this? The Constitution gives Congress the power, but it does not prescribe the mode or expressly declare who shall prescribe it. In such case Congress must prescribe the mode or relinquish the power. There is no alternative. Congress could not exercise the power to do the thing if it had not the power of providing a way to do it, when no way is provided by the Constitution for doing it. In fact, Congress would not have the power to raise and support armies, if even by the Constitution it were left to the option of any other or others to give or withhold the only mode of doing it. If the Constitution had prescribed a mode, Congress could and must follow that mode; but, as it is, the mode necessarily goes to Congress, with the power expressly given. The power is given fully, completely, unconditionally. It is not a power to raise armies if State authorities consent, nor if the men to compose the armies are entirely willing, but it is a power to raise and support armies given to Congress by the Constitution, without an "if."

THERE CAN BE NO ARMY WITHOUT MEN.

The republican institutions and territorial integrity of our country can not be maintained without the further raising and supporting of armies. There can be no army without men. Men can be had only voluntarily or involuntarily. We have ceased to obtain them voluntarily, and to obtain them involuntarily is the draft, the conscription.

IF YOU BELIEVE THE VOLUNTEER SYSTEM IS A SUCCESS, SHOW IT BY VOLUNTEERING.

If you dispute the fact, and declare that men can still be had voluntarily in sufficient numbers, prove the assertion by yourselves volunteering in such numbers, and I shall gladly give up the draft. Or, if not a sufficient number, but any one of you will volunteer, he for his single self will escape all the horrors of the draft, and will thereby do only what each one of at least a million of his manly brethren have already done. Their toil and blood have been given as much for you as for themselves. Shall it all be lost rather than that you, too, will bear your part?

EVERY PATRIOT SHOULD WILLINGLY TAKE HIS CHANCE.

I do not say that all who would avoid serving in the war are unpatriotic; but I do think every patriot should willingly take his chance under a law made with great care, in order to secure entire fairness. This law was considered, discussed, modified, and amended by Congress at great length, and with much labor; and was finally passed by both branches, with a near approach to unanimity. At least it may not be exactly such as any one man out of Congress, or even in Congress, would have made it. It has been said, and I believe truly, that the Constitution itself is not altogether such as any one of its framers would have preferred. It was the joint work of all, and certainly the better that it was so.

DRAFT PRACTICES IN ALL AGES OF THE WORLD.

The principle of the draft, which simply is involuntary or enforced service, is not new. It has been practiced in all ages of the world.

DRAFT WELL KNOWN TO FRAMERS OF THE CONSTITUTION.

It was well known to the framers of our Constitution as one of the modes of raising armies at the time they placed in that instrument the provision that "the Congress shall have power to raise and support armies." It had been used just before in establishing our independence, and it was also used under the Constitution in 1812. Wherein is the peculiar hardship now?

HAS THE MANHOOD OF OUR RACE RUN OUT?

Shall we shrink from the necessary means to maintain our free government, which our grandfathers employed to establish it and our own fathers have already employed once to maintain it? Are we degenerate? Has the manhood of our race run out?

DRAFT LAW TO BE FAITHFULLY EXECUTED.

With these views and on these principles I feel bound to tell you it is my purpose to see the draft law faithfully executed.

The following from the Washington Times might be of interest:

LABORITES LOSE—THEY OPPOSED CONSCRIPTION IN NEW ZEALAND AND ARE DEFEATED.

WELLINGTON, NEW ZEALAND.

All the laborites who opposed conscription have been defeated in the municipal election in New Zealand.

Among those who saw service in '98 who have written me is Mr. J. Walter Mitchell, editor of the American Standard, of this city, who saw service in Cuba as a private. In a letter written to me to-day he writes in part as follows:

Hon. W. FRANK JAMES,
House of Representatives, Washington, D. C.

DEAR SIR AND COMRADE: As a volunteer in the War with Spain and editor of the American Standard, representing the veterans of that war, of the Philippine insurrection, and the members of nine semimilitary patriotic organizations, national in scope, I most heartily congratulate you on the manly stand you have taken for selective conscription.

I have received many letters since this matter of raising an army has been under consideration by Congress—the writers in every instance being American fighting men, those who have followed the flag—and every letter is an expert indorsement of the plan for which you and practically every other Spanish War veteran are so nobly contending.

Had selective conscription instead of the obsolete volunteer system been in vogue in ninety-eight, it is my opinion that this fair land would not now be dotted over with human wrecks, victims of insanitary conditions and inexperienced officers that were notorious scandals of the Spanish-American War.

You served in the War with Spain, Comrade JAMES, and your regiment was one of those at the front in the campaign which resulted in the capture of Santiago, Cuba, and the surrender of the Spanish army under Gen. Torral, and you are aware therefore of the fierce conditions that prevailed under the volunteer system. So-called officers who could not drill the awkward squad or "mount guard," the embalmed beef, lack of discipline, scarcity of medical supplies, epidemics of typhoid, measles, and what not. In a word, our military condition in 1898 was disgraceful, and we do not want to see such things reenacted in our present war with Germany, which promises to be a really big affair.

I have received—yesterday and to-day—a large number of letters from former soldiers in many States commending your stand for selective conscription and commending your speech.

Sincerely, yours,

J. WALTER MITCHELL, *Editor.*

Shall we follow the advice of Washington, Lincoln, and Sherman, or shall we follow the advice of the "sob squad," who have adopted a new motto, "We need no Army to win—we can win this war by weeping and sobbing?" [Applause.]

The CHAIRMAN. The gentleman from Illinois [Mr. DENISON] is recognized for five minutes.

Mr. DENISON. Mr. Chairman, when the storm of Civil War first broke over our country, Gen. John A. Logan, then a young man, was a Member of this House, representing the district I now have the honor to represent. At an earlier age he had served in the Mexican War as a volunteer, and during those trying days had learned some of the dangers and duties of military service. Resigning his seat in Congress, he went to Illinois with Stephen A. Douglas to speak and act for the Union. At Marion, which happens to be my home, he made his first appeal for volunteers in the cause of the Union and it was my good fortune, in after years, to know the first man who responded to the call and gave Logan his hand as a volunteer, and to live among some of those who survived. A regiment was soon organized—a regiment of brave, patriotic, fighting men, who, with their commander, Col. Logan, afterwards received their baptism of fire at Fort Donelson, Shiloh, Vicksburg, and Atlanta. I do not believe any better, braver soldiers ever marched to martial music than those who, as volunteers, willingly left their homes under Logan and others like him from all parts of the country, the North and the South, to fight for what they thought was a just cause. Before the close of the war the colonel of that regiment of volunteers had won the name and fame of Gen. John A. Logan, the greatest volunteer officer known to history. And the men of southern Illinois who volunteered with him will forever deserve and have the honor and admiration of a grateful Nation.

And now, as we enter this war, I find it difficult, so far as I am concerned, to forget the spirit and the services of Gen. Logan and the men of his time. Their willing sacrifice, their patriotism, their courage, and devotion to duty will forever remain vivid in the memory of the men of Illinois and an inspiration to volunteer service. Illinois has always been ready to respond to any call of the country for volunteers. In my own district there are thousands of patriotic men of military age

and qualifications who are ready and willing to offer their services. At least two provisional regiments have been formed and are drilling; many other company units are enrolled and ready to volunteer for service wherever the country may need them; and those men will be bitterly disappointed when they learn their services will not be accepted.

Mr. Chairman, I have from the first appearance of threatening danger to our country supported the President on every issue involving our foreign relations, our national defense, and whenever our national honor and dignity were involved. I voted for the declaration of war and for the President's request for a bond issue of $7,000,000,000 with which to begin the war. I am ready to support any measure he may recommend that I think will more effectively prosecute the war to a speedy and successful termination.

The question of the best method of raising an efficient army is one about which there is an honest difference of opinion. I do not pretend to have any special knowledge of military matters. I have never been a soldier, and have no ambition in that field of honor, even if I were physically qualified for it. I have made no particular study or observation of the science of war or modern methods of military training. I have approached this question with an open mind and have listened with keen interest to what has been said in debate. I would like to support the bill reported by the committee, because it at least recognizes the right of American citizens who are qualified for military duties to voluntarily offer their services in defense of their country.

This bill does not place the country or the President in a position of complete or even partial dependence upon the so-called volunteer system, as many have supposed. It simply authorizes the President to call for volunteers and for a limited time gives the people the right to do that which they have always had the right to do—volunteer to serve or die for their country.

Mr. Chairman, I think the noblest, the most exalted inspiration that ever moved the souls of men is that which moves them to voluntarily give their lives to their country. It is the supreme test of patriotism, the virtue which exalts mere men to the glory of national heroes. The commendable things men do in the service of their country and their fellow men are as numberless as the sands of the sea. But the men who voluntarily offer their own lives that their country may live on always have been and always ought to be exalted above others. It was the volunteer spirit that united our discordant people and won our independence as a Nation; it saved us when the awful trial came from disunion. It has always served us well when we have needed men to fight, and this record of our fathers and forefathers, this tradition of our race, has been a fountain of inspiration to our people. It may be I shall regret to have seen the day and participated in the proceedings when this great American volunteer spirit was crushed and killed, as it surely will be if Congress passes a law in this crisis forbidding volunteers and providing for immediate compulsory service.

Gentlemen, so far as my personal convictions are concerned, I believe a volunteer soldier is a better soldier than any conscript. I believe a volunteer army is a better fighting army than any conscript army. What little reading I have done upon this subject has led me to believe that the greatest battles have been won by men who were enthusiastic in the cause for which they were fighting and who engaged in it willingly. It has been difficult for me to understand why the President and the War Department and the press of the country are so bitterly opposed to allowing American citizens to volunteer in this crisis.

I could not see why the President should wish to force upon Congress a complete abandonment of the system of willing military service, which has been the tradition of our race and the pride of our country, and to so uncompromisingly urge upon Congress, right in the beginning of this war, a compulsory system which the President can not help knowing is distasteful to and disapproved by so many Members of the House.

If I should follow my personal sentiments upon this question I would support the volunteer provision of the committee bill. But the more important question, so far as I am personally concerned, has been whether I should waive my personal views—which, after all, may be influenced by sentiment rather than sound reason—and support the provision for immediate selective conscription, recommended by the President and the War Department. To me there has been no difficulty or hesitancy in determining what I would prefer to have done. My difficulty has been to determine whether it was my duty to follow my own views and sentiments or to waive them out of deference to the judgment of those who are experts and have made a life study of military matters. It will amount to no particular consequence to any save myself if I surrender or repress my own preference. But I realize it may be of serious consequence to my country if I should err in following my own sentiments on so important a question as this against the recommendations of those who are in a position to know better than I what ought to be done.

I have listened with a great deal of interest to views of Washington, Jefferson, Grant, and others presented by Members during this discussion. Reference has even been made to writings of Moses and the Prophets. I am disposed to believe that the views of the statesmen and generals of our former wars were based upon the conditions of those days. It might be a serious mistake to rely upon them to-day, when conditions are entirely different and the methods of warfare have entirely changed.

We are now engaged in a world war. All theories of warfare have had to be modified by the actual conditions that have arisen during the progress of this war. We must not close our eyes to the experience of the nations that for nearly three years have been engaged in the struggle. We are told by those who have observed and participated in the mobilization of the English armies that greater efficiency in our military organization and greater economy in the management of it can be secured by immediate resort to the principle of universal military service.

I feel it my duty, Mr. Chairman, to repress my own sentiments and support the plan recommended by the War Department, with the changes recommended by the minority report of the committee. I am making this statement that the House and country may know that I am voting for the plan of selective conscription because the arguments for it appeal to my better reason, and out of deference to the judgment of the President and the War Department, who ought to know far better than I what is necessary for our country as we enter this world war.

The people elected the President, who is the Commander in Chief of the Army and Navy. They must trust and follow him now. If we follow our own sentiments and oppose him in the conduct of the war we are maligned and misunderstood; we are even suspected of disloyalty and lack of patriotism; and we might be charged in high places with being "willful men."

As for myself, I would much prefer, in the years to come, to have my judgment or my consistency questioned than my courage or devotion to my country. If the future should unhappily prove that we have acted unwisely in approving the President's plan of selective compulsory service the people will well know, I am sure, where the responsibility for it belongs. I hope time may tell that we have acted well.

I am opposed to the President's recommendation that military age be fixed between the ages of 19 and 25. I do not think the boys of the country should be compelled to do the fighting in this war. If we are to have compulsory service, let it be as nearly universal service as possible and include all available men between the ages of 21 and 40, as recommended by the committee.

I especially approve those provisions of the bill requiring each State to furnish its proportionate part of the men needed for military service, excluding exemptions, according to their population; and providing that men of the same State or county may serve in the same units of the military organization, so that the spirit of local pride and comradeship may be preserved. [Applause.]

The CHAIRMAN. That concludes the list of gentlemen who made application for recognition.

Mr. DENT. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and Mr. BOOHER having resumed the chair as Speaker pro tempore, Mr. SAUNDERS of Virginia, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 3545) to authorize the President to increase temporarily the Military Establishment of the United States, and had come to no resolution thereon.

LEAVE OF ABSENCE.

Mr. STERLING of Pennsylvania, by unanimous consent, at the request of Mr. CRAGO, was granted leave of absence on account of the death of his father.

HOUR OF MEETING TO-MORROW—11 O'CLOCK A. M.

Mr. DENT. Mr. Speaker, I ask unanimous consent that when the House adjourns to-night it adjourn to meet at 11 o'clock a. m. to-morrow.

The SPEAKER pro tempore. The gentleman from Alabama asks unanimous consent that when the House adjourns to-night it adjourn to meet at 11 o'clock to-morrow. Is there objection?

There was no objection.

ADJOURNMENT.

Mr. DENT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 52 minutes p. m.) the House adjourned, pursuant to the order, until to-morrow, Saturday, April 28, 1917, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Treasury, transmitting copy of a communication of the Secretary of Commerce submitting an estimate of appropriation to be immediately available and to remain available until expended, for the introduction of new fish and other aquatic foods (H. Doc. No. 72); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Secretary of the Treasury, transmitting copy of a communication of the Secretary of War submitting supplemental estimates of appropriations required by the War Department for the service of the fiscal year ending June 30, 1918 (H. Doc. No. 73); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. ADAMSON, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 3349) to authorize the President in time of war to give direction to exports from the United States so as to insure their wise, economical, and profitable distribution to other countries, and for other purposes; reported the same with amendment, accompanied by a report (No. 32), which said bill and report were referred to the House Calendar.

Mr. ESCH, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (S. 1007) authorizing the city of Bemidji, Minn., to construct a bridge across the Mississippi River at or near that place, reported the same with amendment, accompanied by a report (No. 33), which said bill and report were referred to the House Calendar.

Mr. SNOOK, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 2343) granting consent to Ernest B. Denison, A. J. Barchfield, and Ethan I. Dodds to construct a bridge across the Wabash River within or near the city limits of the city of Vincennes, Ind., reported the same with amendment, accompanied by a report (No. 34), which said bill and report were referred to the House Calendar.

Mr. GLASS, from the Committee on Banking and Currency, to which was referred the bill (H. R. 3673) to amend the act approved December 23, 1913, known as the Federal reserve act, as amended by the acts of August 4, 1914, August 15, 1914, March 3, 1915, and September 7, 1916, reported the same without amendment, accompanied by a report (No. 35), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. MOORE of Pennsylvania: A bill (H. R. 3883) designating October 27 of each year a legal holiday to be known as national fraternal day, to conserve the home, fraternalism, and happiness; to the Committee on the Judiciary.

Also, a bill (H. R. 3884) to authorize a special edition of 1,000,000 copies of the CONGRESSIONAL RECORD daily; to the Committee on Printing.

By Mr. EVANS: A bill (H. R. 3885) to authorize the sale of certain lands at or near Yellowstone, Mont., for hotel purposes; to the Committee on the Public Lands.

By Mr. SABATH: A bill (H. R. 3886) prohibiting the manipulation of the price of necessaries of life; to the Committee on the Judiciary.

By Mr. KREIDER: A bill (H. R. 3927) prohibiting fraud upon the public by making or disseminating false statements or assertions concerning any merchandise, commodities, securities, or service, and providing penalties for the violation thereof; to the Committee on the Judiciary.

Also, a bill (H. R. 3928) for the relief of certain officers of the Army and Navy in connection with the construction of the Panama Canal; to the Committee on Military Affairs.

Also, a bill (H. R. 3929) authorizing payment for damage to township roads by United States troops while encamped at Camp Meade during the War with Spain; to the Committee on War Claims.

Also, a bill (H. R. 3930) for the purchase of a site and the erection thereon of a public building at Middletown, Pa.; to the Committee on Public Buildings and Grounds.

By Mr. ROGERS: A bill (H. R. 3931) to amend the act approved March 1, 1911, entitled "An act to protect the dignity and honor of the uniform of the United States"; to the Committee on the Judiciary.

By Mr. FOSTER: A bill (H. R. 3932) to prohibit the manufacture, distribution, storage, use, and possession in time of war of explosives, providing regulations for the safe manufacture, distribution, storage, use, and possession of the same, and for other purposes; to the Committee on Mines and Mining.

By Mr. GARDNER: Memorial of the Legislature of the State of Massachusetts, favoring the regulating of price of anthracite coal and other commodities; to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BRUMBAUGH: A bill (H. R. 3887) granting a pension to Frank A. Crawford; to the Committee on Pensions.

Also, a bill (H. R. 3888) granting a pension to Charles H. Howell; to the Committee on Invalid Pensions.

By Mr. CANNON: A bill (H. R. 3889) granting an increase of pension to Jacob P. Fishback; to the Committee on Invalid Pensions.

By Mr. JOHNSON of Kentucky: A bill (H. R. 3890) granting an increase of pension to Henry C. Taylor; to the Committee on Invalid Pensions.

By Mr. KREIDER: A bill (H. R. 3891) granting a pension to Robert A. Ryder; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3892) to remove the charge of desertion from the military record of John F. Kelly; to the Committee on Military Affairs.

Also, a bill (H. R. 3893) for the relief of Sarah Haverstick; to the Committee on Claims.

By Mr. ROWE: A bill (H. R. 3894) for the relief of Charles L. Schroeder; to the Committee on Claims.

By Mr. RAMSEYER: A bill (H. R. 3895) granting an increase of pension to Eli W. Myers; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3896) granting an increase of pension to Anderson York; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3897) granting an increase of pension to Wesley Dern; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3898) granting an increase of pension to Henry Arnold; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3899) granting an increase of pension to Edward Hesson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3900) granting an increase of pension to William Crawford; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3901) granting an increase of pension to James Orr; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3902) granting a pension to Anna C. Livingston; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3903) granting a pension to Jane Snider; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3904) granting an increase of pension to John N. Dansdill; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3905) granting an increase of pension to Ezekiel Bogard; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3906) granting an increase of pension to Michael Dial; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3907) granting an increase of pension to James E. Houghland; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3908) granting a pension to Sarah J. McKim; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3909) granting an increase of pension to Aaron Culbertson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3910) granting an increase of pension to William J. McCormick; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3911) granting an increase of pension to Samuel R. Easter; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3912) granting an increase of pension to Andrew J. Williams; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3913) granting an increase of pension to Jesse Palmatier; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3914) granting an increase of pension to Andrew J. Bass; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3915) granting an increase of pension to William T. Hobbs; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3916) granting an increase of pension to George H. Hughes; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3917) granting an increase of pension to James Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3918) granting an increase of pension Steward M. Castner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3919) granting an increase of pension to Byron Battin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3920) granting an increase of pension to Mary Chadwick; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3921) granting an increase of pension to Marvin Waldorph; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3922) granting an increase of pension to Charles H. Jennings; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3923) granting an increase of pension to Henry A. Adcock; to the Committee on Invalid Pensions.

By Mr. SELLS: A bill (H. R. 3924) granting a pension to William Peacock; to the Committee on Invalid Pensions.

By Mr. STRONG: A bill (H. R. 3925) granting a pension to Sarah A. Rosenberger; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3926) granting an increase of pension to Henry M. Means; to the Committee on Invalid Pensions.

By Mr. BYRNS of Tennessee: A bill (H. R. 3933) granting a pension to Sarah E. Brady, widow of Nathaniel E. Brady; to the Committee on Invalid Pensions.

By Mr. DILL: A bill (H. R. 3934) for the relief of Albert J. Weber; to the Committee on Claims.

By Mr. SMITH of Michigan: A bill (H. R. 3935) granting an increase of pension to Ruth M. Hoag; to the Committee on Invalid Pensions.

By Mr. THOMAS F. SMITH: A bill (H. R. 3936) granting a pension to James Shortell; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Memorial of the Twentieth Century Club, of Washington, D. C., favoring the selective draft; to the Committee on Military Affairs.

Also (by request), memorial of the Alumni and friends of North Western College, of Chicago, Ill., favoring national prohibition; to the Committee on the Judiciary.

By Mr. AYRES: Memorial of Mennonite Congregation of Ebenezer Church, of Moundridge, Kans., against universal military training; to the Committee on Military Affairs.

Also, petition of sundry citizens of Wichita, Kans., favoring universal military training; to the Committee on Military Affairs.

By Mr. BACHARACH: Petition of 37 citizens of Bordentown, N. J., favoring selective conscription; to the Committee on Military Affairs.

By Mr. CAREW: Memorial of the Republican Club of New York City, favoring universal military training; to the Committee on Military Affairs.

By Mr. CARY: Petition of Milwaukee Western Malt Co., relative to amount of grain used by brewers; to the Committee on Agriculture.

By Mr. DOOLING: Memorial of Chamber of Commerce of the State of New York, relative to treaty relations and bargaining tariffs; to the Committee on Foreign Affairs.

By Mr. FOCHT: Petitions of religious sects of Belleville, Pa., asking for exemption from conscription; to the Committee on Military Affairs.

Also, petition of citizens of Chambersburg, Pa., favoring conscription; to the Committee on Military Affairs.

By Mr. FULLER of Illinois: Petitions of the Methodist Episcopal Congregation of Tonica; the Protestant Churches of Grand Ridge; the Presbyterian Church of Streator; the Congregational Church of Peru; The Baptist Church and the Congregational Sunday School of Utica; the Bethlehem and Houges Churches, of Morris; the Middle Creek Presbyterian Church, of Winnebago; the Methodist Episcopal Church of Mendota; the State Street Baptist Church, of Rockford; the village of Hinckley; the Streator Brick Co., of Streator; the furniture manufacturers of Rockford; the Congregation of the Episcopal Church of Rockford; the Federated Church of Rockton; the Union Congregational Church of Somonauk, and citizens of Capron, all in the State of Illinois, favoring national prohibition of the liquor traffic; to the Committee on the Judiciary.

Also, memorial of entire Congregation of Episcopal Church of Rockford, Ill., favoring universal military training; to the Committee on Military Affairs.

By Mr. GALLIVAN: Memorials of Worcester (Mass.) Chamber of Commerce, Boston Musicians' Protective Association, Local No. 9, A. F. M., and Massachusetts Society of the Sons of the American Revolution, favoring universal military training; to the Committee on Military Affairs.

By Mr. GARDNER: Memorial of the Massachusetts Society of the Sons of the American Revolution, favoring compulsory military training; to the Committee on Military Affairs.

By Mr. GRIEST: Petitions of the congregations of the Union Presbyterian Church of Kirkwood, the Presbyterian Church of Chestnut Level, the Presbyterian Church of Little Britain, and the Presbyterian Church of Middle Octoraro, all in the State of Pennsylvania, urging national prohibition as a war measure; to the Committee on the Judiciary.

Also, petition of Rev. J. W. Meminger and 176 other citizens of Lancaster, Pa., urging national prohibition as a war measure; to the Committee on Military Affairs.

By Mr. HILL: Memorials of Excelsior Lodge, Knights of Pythias, Stamford, Conn., favoring selective conscription; to the Committee on Military Affairs.

By Mr. HOLLINGSWORTH: Memorial of Laura M. Schilling, Christian citizenship superintendent, Salem Woman's Christian Temperance Union, and numerous other citizens of Salem, Ohio, in favor of national prohibiton as a preparedness measure; to the Committee on the Judiciary.

By Mr. LONERGAN: Memorial of Royal Arcanum of Connecticut, favoring universal military training; to the Committee on Military Affairs.

By Mr. MOTT: Memorial of American Peace and Arbitration League, favoring universal military training; to the Committee on Military Affairs.

Also, memorial of motor and accessory manufacturers of New York City, favoring conscription; to the Committee on Military Affairs.

Also, memorial of Rotary Club of Watertown, N. Y., favoring national prohibition as a war measure; to the Committee on the Judiciary.

By Mr. RAINEY: Memorials of sundry church organizations of the State of Illinois, favoring national prohibition; to the Committee on the Judiciary.

By Mr. ROWE: Petitions of the Automobile Club of America and Tilden & Co., of New York, in re military preparations for war and favoring universal service; to the Committee on Military Affairs.

Also, memorial of Central Labor Union of Brooklyn and Queens, in re methods of raising war revenue; to the Committee on Ways and Means.

Also, petition of the New York State League of Savings and Loan Associations, in re methods of raising war revenue; to the Committee on Ways and Means.

Also, memorial of Chamber of Commerce of the State of New York, in re raw supplies after the war; to the Committee on Interstate and Foreign Commerce.

By Mr. SMITH of Michigan: Evidence to accompany House bill 3755, in re pension case of Wilson J. Parker; to the Committee on Invalid Pensions.

By Mr. SNOOK: Petitions of the dry federations of Williams and Van Wert Counties, Colton Methodist Episcopal Sunday School, the Methodist Episcopal and Presbyterian Sunday Schools, Methodist Episcopal Brotherhood, and the Evangelical Church, Napoleon, Ohio, favoring national prohibition as a war measure; to the Committee on the Judiciary.

By Mr. STRONG: Petition of the Clinton Presbyterian and the Homewood Baptist Churches, Johnetta; the First Presbyterian Church, Kittanning; the Methodist Episcopal Church, Kittanning; the Methodist Episcopal Church, Hawthorn; the First Methodist Episcopal Church, Parkers Landing; the Men's Bible Class and the United Presbyterian Church, Freeport, all in the State of Pennsylvania, favoring national prohibition during the period of the war; to the Committee on the Judiciary.

Also, petition of the First Methodist Episcopal Church, the First Presbyterian Church, and the Hebron Lutheran Church, Leechburg, Pa., favoring closing of distilleries and breweries in the interest of our national food supply; to the Committee on the Judiciary.

Also, petition of the Presbyterian Church, Freeport, Pa., and the United Presbyterian Church, Leechburg, Pa., favoring prohibiting the sale and manufacture of intoxicating liquors during the period of the war; to the Committee on the Judiciary.

By Mr. TINKHAM: Memorials of Boston Musicians' Protective Association, Local No. 9, A. F. M.; Worcester (Mass.)

Chamber of Commerce; Massachusetts Society of the Sons of the American Revolution; and Ancient Order of Hibernians of Massachusetts, favoring universal military training; to the Committee on Military Affairs.

By Mr. WARD: Petition of citizens of Shandaken and Pine Hill, N. Y., favoring direct tax on incomes instead of bond issue for war expenses; to the Committee on Ways and Means.

SENATE.

SATURDAY, *April 28, 1917.*

(Legislative day of Monday, April 23, 1917.)

The Senate reassembled at 10 o'clock a. m., on the expiration of the recess.

Mr. HARDING. Mr. President, I desire to address myself to the pending bill, but I have just learned that my colleague [Mr. POMERENE] had expected recognition this morning, and if I can yield for a few moments to my colleague I would be glad to show him that courtesy. Otherwise, I desire to address the Senate.

Mr. POMERENE. There is no arrangement whereby anyone has the floor. I understand that the Senator from Idaho [Mr. BORAH] is ready to proceed this morning.

Mr. PENROSE. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Borah	Hitchcock	New	Stone
Brady	Husting	Overman	Sutherland
Chamberlain	Johnson, Cal.	Page	Thomas
Curtis	Johnson, S. Dak.	Penrose	Thompson
Dillingham	Jones, N. Mex.	Pomerene	Trammell
Fernald	Jones, Wash.	Robinson	Vardaman
Frelinghuysen	Kellogg	Sheppard	Wadsworth
Gallinger	King	Shields	Walsh
Hale	Lodge	Smith, Ga.	Warren
Harding	McKellar	Smith, S. C.	
Hardwick	Martin	Smoot	

Mr. FRELINGHUYSEN. I desire to announce the unavoidable absence of my colleague [Mr. HUGHES] on account of illness.

Mr. SUTHERLAND. I wish to announce the absence of my colleague [Mr. GOFF] on account of illness. I will let this announcement stand for the day.

Mr. CHAMBERLAIN. My colleague [Mr. LANE] is unavoidably absent on account of illness.

Mr. THOMPSON. I desire to announce that the Senator from Louisiana [Mr. RANSDELL] is detained on official business.

The VICE PRESIDENT. Forty-two Senators have answered to the roll call. There is no quorum present. The Secretary will call the roll of absentees.

The Secretary called the names of the absent Senators, and Mr. KENYON, Mr. KIRBY, Mr. SHAFROTH, and Mr. STERLING answered to their names when called.

Mr. HARDING. Without objection, I should be glad to address myself to the Senate while waiting.

The VICE PRESIDENT. Nothing can proceed until the presence of a quorum is disclosed.

Mr. HARDING. I am not certain about the number here.

Mr. GALLINGER. Let the Chair announce the number of Senators present.

The VICE PRESIDENT. Forty-six Senators have answered to the roll call. There is no quorum present.

Mr. GALLINGER. I trust that some Senator on the other side will ask that the absentees shall be brought in.

Mr. THOMAS. I move that the Sergeant at Arms be directed to procure the attendance of absent Senators.

The motion was agreed to.

The VICE PRESIDENT. The Sergeant at Arms will carry out the order of the Senate.

Mr. CULBERSON, Mr. BANKHEAD, Mr. SAULSBURY, and Mr. WILLIAMS entered the Chamber and answered to their names.

The VICE PRESIDENT. Fifty Senators have answered the roll call. There is a quorum present.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the Speaker of the House had signed the enrolled bill (S. 1800) to amend an act approved June 29, 1906, and entitled "An act to authorize the Grand Lodge of the Independent Order of Odd Fellows of the District of Columbia to sell, hold, and convey certain real estate," and it was thereupon signed by the Vice President.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT. The Chair lays before the Senate a joint resolution of the Legislature of the State of Iowa, which will be inserted in the RECORD.

The joint resolution is as follows:

Whereas the Congress of the United States has by resolution declared that a state of war exists between the United States and the Imperial German Government: Therefore be it

Resolved by the Senate and House of Representatives of the Thirty-seventh General Assembly of Iowa, That for the purpose of assisting in carrying on the war and bringing the conflict to a successful termination, all the resources of the State of Iowa are hereby pledged to the Government of the United States of America; and

Resolved, That an engrossed copy hereof be transmitted to the President of the United States, the President of the Senate, and the Speaker of the House of Representatives of the Congress of the United States.

ERNEST R. MOORE,
President of the Senate.

M. B. PITT,
Speaker of the House.

I hereby certify that this joint resolution originated in the senate, and is known as senate joint resolution No. 12.

THOMAS WALTERS, Jr.,
Secretary of the Senate.

Approved April 23, A. D. 1917.

W. T. HARDING,
Governor.

The VICE PRESIDENT. The Chair lays before the Senate a concurrent resolution of the Legislature of the Territory of Hawaii, which will be inserted in the RECORD.

The concurrent resolution is as follows:

Whereas a crisis has arisen in the affairs of the United States of America in its relation with Germany on account of the total failure and refusal of that power to observe the rules of war in carrying on the great conflict now raging in Europe, as well as its direct and defiant disregard of its treaties with and promises to the United States, by reason of which the rights of American citizens have for many months been trampled under foot and hundreds of their lives ruthlessly sacrificed; and

Whereas while professing friendship for the United States, Germany has perfidiously attempted to incite other countries to attack the United States and has used its diplomatic and other agencies in said United States to plot and destroy this country; and

Whereas the limits of patient endurance have been reached, and the President of the United States has, before the Congress of the country, solemnly voiced the determination of the people of the United States to yield no longer to the outrages and injuries inflicted on the country and all of its people by the German Government, but to rise in defense of these rights and oppose by force not only the continuance of such wrongs, but to crush forever the formidable attempts now being made by Prussianism to destroy the liberties of the world: Therefore be it

Resolved by the Senate of the Territory of Hawaii (the House of Representatives concurring), That the people of Hawaii unqualifiedly indorse and support the position now taken by the United States, as voiced by the President, and will, by every means in their power, aid and assist the country in defending its rights, maintaining an honorable national existence, and opposing the triumph of principles for which Prussianism is contending, which triumph would result in the destruction of individual and national liberty in the world; be it further

Resolved, That copies of this resolution be forthwith forwarded to the President of the United States, the President of the Senate of the United States, the Speaker of the House of Representatives, and the Delegate to Congress from Hawaii.

THE SENATE OF THE TERRITORY OF HAWAII,
Honolulu, Hawaii, April 5, 1917.

We hereby certify that the foregoing resolution was this day adopted finally in the Senate of the Territory of Hawaii.

CHAS. T. CHILLINGWORTH,
President of the Senate.
O. P. SOARES,
Clerk of the Senate.

HOUSE OF REPRESENTATIVES OF THE TERRITORY OF HAWAII,
Honolulu, Hawaii, April 5, 1917.

We hereby certify that the foregoing resolution was this day adopted finally in the House of Representatives of the Territory of Hawaii.

H. L. HOLSTEIN,
Speaker, House of Representatives.
EDWARD WOODWARD,
Clerk, House of Representatives.

The VICE PRESIDENT. The Chair presents a large number of petitions and memorials which have to do with the pending bill. They will be noted in the RECORD and referred to the Committee on Printing to determine whether they shall be printed in full or not.

The petitions and memorials are as follows:

Petitions from the Society of the War of 1812 in the Commonwealth of Pennsylvania; the State Council of the District of Columbia, Daughters of America; the Executive Council of the American Federation of Labor; the Legislature of the Territory of Hawaii; the Swarthmore (Pa.) Monthly Meeting of the Society of Friends; the Twentieth Century Club, of Washington, D. C.; and the Turpentine & Rosin Producers' Association, of New Orleans, La.

The VICE PRESIDENT. The Chair presents a petition from the Daughters of the American Revolution in congress assem-

bled, and a petition signed by a large number of women of the National Service School of the Women's Section of the Navy League, which will be printed in the RECORD with the first signature only.

The petitions are as follows:

The Daughters of the American Revolution in congress assembled urge that the Congress of the United States cease to retard legislation on the measure for selective draft as recommended by the President of the United States, and, furthermore, the Daughters of the American Revolution urge that the Congress of the United States proceed without further delay to pass the provision for selective draft.

MARGARET M. BERRY.

Seconded by Miss Mary Temple.
This motion was immediately passed.

NATIONAL SERVICE SCHOOL (INC.) OF THE WOMAN'S SECTION OF THE NAVY LEAGUE,
Washington, D. C., April 25, 1917.

To the Congress of the United States:

We, the undersigned women of the National Service School of the Women's Section of the Navy League, representing 40 States of the Union, urge Congress to pass at once the bill providing for universal military training and service. We base the justice of our demand on the following:

We know that our country is in deadly peril;

We believe that our country is worth defending, even at the cost of life;

We are convinced that equal rights and privileges demand equal service and duty from all citizens;

We believe that as every man enjoys life, liberty, and the pursuit of happiness in time of quiet, so should he be willing to sacrifice those blessings in time of stress;

We know that our present system of sacrificing the willing for the unwilling, the brave for the cowardly, the worthy for the unworthy, is utterly wrong and indefensible;

England found the volunteer system a failure, and we must be warned by her experience and adopt a system of universal military training; and

In this time of peril yours is the unparalleled opportunity to see aright. In the name of the country you serve, we supplicate you to lift the burden of war from the shoulders of the few to the shoulders of the whole American people, that it may not crush us, but may be borne by us to victory.

ELISABETH ELLICOTT POE.

Mr. WARREN presented a telegram embodying a resolution adopted by the Casper Industrial Club, of Wyoming, praying for selective draft, which was ordered to lie on the table.

Mr. McLEAN presented petitions of the Woman's Christian Temperance Union of Willimantic, Conn., and of the I. S. Spencer Sons Co., of Guilford, Conn., praying for national prohibition during the war, which were referred to the Committee on the Judiciary.

Mr. CHAMBERLAIN presented a petition of the Rogue River University Club, of Medford, Oreg., praying for conscription, which was ordered to lie on the table.

Mr. HALE presented a petition of the Falmouth Monthly Meeting of Friends, of Maine, praying for the adoption of the provision in the pending Army bill concerning universal military service, whereby members of the Society of Friends and others having conscientious objections to military service may be allowed to render honorable service of a nonmilitary character to the Government in time of necessity, which was ordered to lie on the table.

Mr. KNOX presented petitions of the Emergency War Council of Dubois, Pa., and of the congregation of the Church of St. Martin in the Fields, of Philadelphia, Pa., praying for selective conscription, which were ordered to lie on the table.

He also presented resolutions adopted by the congregations of sundry churches in the State of Pennsylvania, favoring national prohibition during the period of the war, which were referred to the Committee on the Judiciary.

Mr. TOWNSEND presented petitions from the Associated Churches of Saginaw; the congregation of the Swedish Evangelical Mission Church, of Stambaugh; and sundry citizens of Atlanta, all in the State of Michigan, praying for national prohibition as a war measure, which were referred to the Committee on the Judiciary.

He also presented a memorial of sundry citizens of Milan, Mich., remonstrating against compulsory military service, which was ordered to lie on the table.

CONFIRMATION OF KENNETH E. SCHWINN.

Mr. LODGE. Mr. President, I ask unanimous consent for the confirmation, as in open executive session, of Kenneth E. Schwinn, a citizen of California, to be second lieutenant in the Marine Corps for a probationary period of two years. If this nomination is not now confirmed, the nominee will be over the maximum age limit to-day, and will therefore lose his commission. This has the unanimous assent of the Committee on Naval Affairs, and, in the absence of the Senator from Virginia [Mr. SWANSON], I ask for the present consideration of the nomination and its confirmation.

The VICE PRESIDENT. All in favor of the confirmation of the nomination will say "aye." [A pause.] Those opposed will say "no." [A pause.] There are no noes, and the nomination is confirmed.

Mr. LODGE. I ask that the President be notified of the confirmation of the nomination.

The VICE PRESIDENT. The President will be so notified.

STATEMENT OF M. RENE VIVIANI.

Mr. JAMES. Mr. President, M. Rene Viviani, the head of the French Commission to the United States, made a statement to the Washington newspaper men yesterday, which is so eloquent and presents in such a splendid and feeling way the affection of the French people for America, that I ask that it may be printed in the RECORD.

The PRESIDING OFFICER (Mr. WARREN in the chair). Without objection, the matter referred to will be printed in the RECORD.

The statement referred to is as follows:

I promised to receive you after having reserved, as elementary courtesy required, my first communication solely for the President. I have just had the honor, which I shared with the other members of the mission, of being received by him. I am indeed happy to have been chosen to present the greetings of the French Republic to the illustrious man whose name is in every French mouth to-day, whose incomparable message is at this very hour being read and commented upon in all our schools as the most perfect charter of human rights, and which so fully expresses the virtues of your race—long-suffering patience before appealing to force, and force to avenge that long-suffering patience when there can be no other means.

Since you are here to listen to me, I ask you to repeat a thousandfold the expression of our deep gratitude for the enthusiastic reception the American people have granted us in Washington. It is not to us, but to our beloved and heroic France, that reception was accorded. We were proud to be her children in those unforgettable moments when we read in the radiance of the faces we saw the noble sincerity of your hearts. And I desire to thank also the press of the United States, represented by you. I fully realize the ardent and disinterested help you have given by your tireless propaganda in the cause of right. I know your action has been incalculable. Gentlemen, I thank you.

We have come to this land to salute the American people and its Government, to call to fresh vigor our lifelong friendship, sweet and cordial in the ordinary course of our lives, and which these tragic hours have raised to all the ardor of brotherly love—a brotherly love which in these last years of suffering has multiplied its most touching expressions. You have given help not only in treasure, in every act of kindness and good will—for us your children have shed their blood, and the names of your sacred dead are inscribed forever in our hearts. And it was with a full knowledge of the meaning of what you did that you acted. Your inexhaustible generosity was not the charity of the fortunate to the distressed, it was an affirmation of your conscience, a reasoned approval of your judgment.

Your fellow countrymen knew that under the savage assault of a nation of prey which has made of war, to quote a famous saying, its national industry, we were upholding with our incomparable allies, faithful and valiant to the death, with all those who are fighting shoulder to shoulder with us on the firing line, the sons of indomitable England, a struggle for the violated rights of man, for that democratic spirit which the forces of autocracy were attempting to crush throughout the world. We are ready to carry that struggle on to the end.

And now, as President Wilson has said, the Republic of the United States rises in its strength as a champion of right and rallies to the side of France and her allies. Only our descendants, when time has removed them sufficiently far from present events, will be able to measure the full significance, the grandeur of an historic act which has sent a thrill through the whole world. From to-day on all the forces of freedom are let loose. And not only victory, of which we were already assured, is certain; the true meaning of victory is made manifest. It can not be merely a fortunate military conclusion to this struggle; it will be the victory of morality and right, and will forever secure the existence of a world in which all our children shall draw free breath in full peace and undisturbed pursuit of their labors.

To accomplish this great work, which will be carried to completion, we are about to exchange views with the men in your Government best qualified to help. The cooperation of the Republic of the United States in this world conflict is now assured. We work together as freemen who are resolved to save the ideals of mankind.

INCREASE OF MILITARY ESTABLISHMENT.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1871) to authorize the President to increase temporarily the Military Establishment of the United States.

Mr. HARDING. Mr. President, the amendment to the pending bill, to which I desire to address myself for a little while and at the same time offer some observations on the bill itself, though it conforms to the general terms of legislation, has a specific end in view. There is no desire to disguise it. Indeed, after the action in the other branch of Congress, it would be futile to attempt to do so. If I did not have an abiding conviction in the sober second thought of Congress, as well as in reliable public opinion, I would think it useless to discuss the amendment now, inasmuch as the other House has for the moment expressed itself in opposition, but I am very glad specifically to say that the amendment has in view a possible volunteer army for immediate and intensive training, to be recruited by Col. Roosevelt, a former Commander in Chief of the United States Army and Navy. It opens the way to provide the earliest possible armed American force to participate in the battles on the western front of Europe. It provides the advance guard of American ideals, bearing the oriflame of New World liberty, New World civilization, and New World humanity, and armed assurance of our everlasting committal to maintained national rights.

Mr. President, not a little has been written and printed about a Roosevelt expeditionary force to Europe. Our people, little realizing the tremendous possibilities of our involvement, but with all thoughts turned to the world tragedy and our association therewith, have wondered why the typically American tender and the typically Rooseveltian tender of a volunteer force should have awakened no encouraging American response. Millions of American voices would have cheered an instant acceptance, and twenty millions of armed allies in Europe—our allies, now—would have acclaimed the hastened coming as the substance of American utterance as so eloquently and so fittingly spoken by the President in his address to Congress.

Mr. President, I am a believer in universal and compulsory military service, ofttimes alluded to as conscription. The latter term is more frequently used to make universal service offensive than to further the Nation's cause. I mean to vote for the pending measure, which has the sanction of the committee. I mean to register my conviction that the privilege of citizenship involves an obligation as well. So it is not to be misconstrued that the amendment offered means a compromise between an army of volunteers and an army enrolled under the obligations of citizenship. Specifically, it is designed to give form to a Rooseveltian expression of eager and ready Americanism and to provide an army of Americans who believe in him and his gospel of Americanism, and afford him and them the simplest means of proving that American expression and American action are in compelling accord.

Distinctly two things are in the minds of those who support this amendment. The first is the effect on our allies in Europe—the earliest possible moral encouragement and soulful heartening of our allies, who are fighting our battles as well as their own. It does not underestimate the impressiveness of our deliberate preparation of an army of a million, while laying the foundation for ten millions more, if need be, to say that an immediate force of one to four divisions of American volunteers would put new life in every allied trench and a new glow in every allied camp fire on every battle front of Europe. A division to-morrow would exert the strength of 10 divisions next year and add to the morale of the allied armies what shells and guns and assurances of food could not add in many months of most cordial cooperation. The psychic moment awaits, and the special volunteer force for Europe will afford the ringing answer.

The second specific thing in contemplation is the psychological contribution to the crystallization of the American mind. American opinion is divided on the plan of providing for an army for defense. Otherwise there would be no contention in Congress. Representatives in Congress are not divided in opinion when the public mind is of one accord. Members are human, and keenly sensitive to political indications. They are not unmindful of that thing we call popularity. They are expected to voice the popular mind. Sometimes they mistake ephemeral reflexes for dependable public opinion, and ofttimes forget that there are times when it is essential to contribute to public opinion as well as to follow it. I think it will not be unorthodox to say that popular government requires leadership in thought as well as sensitive ears.

Ours is a peculiar condition, out of which only the great crisis now to be met can lift us. We have drifted, normally and excusably, let it be said, into the selfish existence. We have arrogated to ourselves the advantages of freedom without a thought of its needful guaranties. We have assumed that we might share in the world's fortunes and escape its misfortunes. We have imagined we could dip into its luxuries without a worry about its great necessities. We have forgotten the inexorable laws of compensation, under which some generation must pay.

We have reveled in opportunity and rewards and rejoiced in abundance and ease, and have cultivated selfishness, though we have resented the very suggestion of such a thing. We have realized that there were principles to be maintained and righteousness to be fought for, but we have assumed that somebody else would do the fighting. We have looked upon the European upheaval and deplored; we have noted the awful tragedy and sorrowed; we have had our sympathies and prejudices, and have suppressed them or violated neutrality in unheeding expression, but we have been more concerned about the result to European contenders than anxious about the conflagration reaching the American temple of freedom. Even now, when we are involved, and when the involvement may exceed the most extravagant fears of those who measure the Old World's madness, our people have come to no realization. It has been said in these debates that Germany must be halted, else the nations of the world must become her vassal States. It is shockingly true. Germany protests a war for self-preservation, but every shell exploded has been on foreign soil. Wars for self-preservation seldom have such a beginning, no matter what the protest may be. Yet our own land has its hundreds of thousands impelled by love or hate, and see only the European issue, without a concern for the fate of our own Republic, now inseparable from the peace terms to which Europe must come. Somebody, Mr. President, must speak the great peril. A German triumph and our American security are utterly incompatible. Germany has taken on a war with the world, and Germany must be brought to terms, or the world becomes her dominion. And yet, if the truth be spoken, and we must speak it, there are tens of thousands claiming American citizenship who would revolt against joining American forces in Europe, though they would gladly bear arms, I can believe, to resist invasion of our own land. To my own mind, to every soberly thinking mind, it is apparent that the allied triumph in Europe is the only guaranty we can have against ultimate invasion. We can fight for maintained rights to-morrow with thousands; if we do not, we shall be compelled to fight with millions next year for separate and safe-guarded national existence.

Popular realization has not yet come. Duty and sentiment have not yet been clearly separated. The great awakening has not come. The pity is that it will never come except in the echoes of national disaster and the convulsive sobs of an American tragedy. I have no fear of the ultimate response. American citizenship will not fail in the ultimate test. But I wish we could minimize the sacrificial offering which must precede the great awakening.

Nothing must halt our preparation for the great conflict. I believe the universal and compulsory service plan will be the least sanguinary we can adopt. It will be a covenant among ourselves that a Republic worth living in is worth fighting for; and it will be notice to the world, and to Germany in particular, that the United States of America pledges its manhood and its resources and its very soul to the armed defense of that which we proclaim a righteous cause.

Meanwhile, Mr. President—and this is the point I should like to emphasize if I knew the way—the Roosevelt volunteer division or divisions, and I specify by name because Col. Roosevelt so well typifies our unalterable resolution and readiness to sacrifice, will prove the agency, the expression, and the assurance of American intent while we make the resolute preparation, while we commit the American mind, while we consecrate the American spirit.

If I can judge from written and spoken expressions, if I can correctly interpret the developing American sentiment, such an army to Europe would answer for the time being the patriotic aspiration to contribute an American force to the allied armies of Europe. No one will dispute that it would hearten the brave men who are now battling for what is our common cause in the western front of Europe. But better and more important than these, it will serve as the illuminating flame which lights the transformation at home, before which the shifting slides give us a picture first confused, then revealing,

until the great screen of American life shall reveal us organized, equipped, united, and militant—ready to fight and die, if need be, until the last dollar is expended and the last life is given to the cause of our Nation and its righteous preservation.

The processes of committing a great democratic people to armed contention is one of evolution, unless calamity shocks that people into that state of mind where only one viewpoint is possible. I have believed, and believe now, that this limited voluntary expression of American resolution would hasten the processes of our committal. Not the governmental committal, for that is already and unalterably made, but the committa' of individual American hearts, which must beat in unison to guarantee the strength of the Republic in peace or war.

I have said, Mr. President, that I can not understand—and I want to address this reminder to the other side of the Chamber—nor can the popular mind understand, the hesitancy to encourage so patriotic an undertaking. It will not hinder the universal-service plan; it will popularize the enactment. It involves no hateful favoritism, because there is no offending privilege in allowing any American to make the supreme offering of his life for an American cause. It can not confuse the progress of organized preparedness under conscription, because the amendment makes unavailable to this tender of a division any who are eligible to the compulsory call. It can not be disagreeable to the fighters in the allied armies, because their impelling purposes do not question personalities or take note of the politics of the past. This is a war where the future offers the one great compensation, and no petty prejudices are involved or political debts to be paid. Of course, Mr. President, it is irregular; but war is the great irregularity of the world, and out of irregularity sometimes come our greatest triumphs.

And surely, surely, Mr. President and Senators, the hindrance is not a matter of politics here at home. God forbid that there should be anywhere, in places high or humble, any narrow prejudices of partisanship in these solemn days of a great American crisis. I have rejoiced to note the utter abandonment of partisan lines in the assumption of great burdens which Congress has undertaken. Though I am an extreme partisan, and boast it, and though I opposed the Chief Executive for reelection as persistently though less effectively than many another, and though I saw my party fail in the elections because of the claims made for a peace President, I have cordially supported him, and my colleagues on this side have, with as few exceptions as on the majority side, cordially supported the President in his defense of American rights and his lofty regard for American honor. And we shall continue to do so. It has been a gratifying manifestation of patriotism surpassing politics and Americanism transcending partisanship.

Though little considered and less consulted, this side of the Chamber has upheld the hands of the President unfailingly. We have made policies possible which a partisan minority and a divided majority might have held impossible and hindered the Nation. So then, Senators, this is not a Democratic Party war. It is not an administration war. It is a war of the American Republic, or it will fail miserably. Somebody must speak these things. There can be no exclusions when we are seeking to hold a people strong in their one-mindedness and their one-heartedness.

It may be, in one sense, a war for democracy, though I have already disputed that contention on this floor. I can only consent that incidentally it is a war to prove the capacity of democracy to defend its rights. But it is not a war of a party or an administration; it is the combat impelled by American self-respect and American self-preservation and maintained American rights.

The ideals of popular government, the equalities of democracy, and the aspirations of civilization and humanity do not paralyze personalities or reduce individualities to a common level. Leadership will manifest itself until the last human activity is ended.

Precisely these things are inspiring this amendment and its effects. The objection of partiality does not hold. The amendment is broad enough to cover four divisions if tendered, and I have noticed by the press repeatedly that there are tenders of willing and eager American fighters in numbers sufficient to exceed four divisions. We are not talking, however, of regiments or brigades; the amendment contemplates divisions. This Nation has but two ex-Presidents, both of them distinguished patriots. There are but two living men who are ex-Commanders in Chief of the armed forces of the Nation. To accept from one of them, who has already seen actual and honored service in the field of battle, the tender of one or more divisions of volunteers who shall typify the American eagerness to further our cause on European battle fields is the natural thing and the heartening thing and the harmonizing thing to do. It will be the first manifestation of the American spirit, the first earnest of the American consecration, the tangible evidence of American intent. It will add to the courage and strength of the allied armies of Europe and will set aglow the millions of patriotic hearts at home. More, it will make our universal service, which must be adopted, the accepted plan of highest security and least of sacrifice.

Mr. President, these observations are directed mainly to this special volunteer force, because I think it the fitting prelude to the more serious drama which is soon to follow. I believe it can be raised; I know it can be raised under Col. Roosevelt's inspiring leadership in much less time than Congress consumes in enacting the law, and because of the character of enlistments, including many who have already trained or have seen service, intensive training will make them quickly available. Somebody has said in these debates—the Senator from New Jersey [Mr. FRELINGHUYSEN], I think—that soldiers are made, not born. If he had said armies are made, not born, I should agree. Many soldiers are born. The late Gen. Funston was a notable example. Most of the men eager to furnish the volunteer divisions to be recruited under Col. Roosevelt are soldiers born. They are not seeking adventure; they are eager to fight. They are not seeking notoriety; they are ready to serve. They are not contemplating political preferment; they want to bear Old Glory to triumph in the battle fields of Europe. I do not overestimate what one or four divisions may accomplish where millions are engaged, but I know they are making the supreme offering of life on the altar of American patriotism, and can prove to the 30,000,000 under arms in Europe the metal of which the American soldier is made, and give assurance to our allies that America, too, is enlisted to do or die for a noble cause.

This is no compromise between the volunteer system and compulsory universal service. If it proves the solvent which shall dissolve our heriditary opposition to the conscript system it will hasten the unity and the enthusiasm of popular committal to the policy by which this Nation must stand or fall.

Mr. President, there will be amazement throughout the land if this proposition is defeated. There will be an imputation of motives for which neither Congress nor the Executive ought to give cause. I have read the President's beautiful utterance about wishing to know what the people were thinking of at the fireside. I can tell him, and I do so now, that thousands and thousands of them are hoping that the volunteer expeditionary force to Europe, for which this amendment provides, will be accepted and encouraged and hasten with our colors to the battle front in France. It is the one great answer to yearning American sentiment to-day.

In conclusion, Mr. President, a word about the bill.

Mr. CURTIS. Mr. President, may I interrupt the Senator?

Mr. HARDING. Certainly.

Mr. CURTIS. I should like, just to carry out the suggestion of the Senator, to have read a telegram from La Crosse, Kans., showing that the people of that neighborhood favor the adoption of the amendment offered by the Senator from Ohio. If it will not disturb the Senator, I should like to have the telegram read.

Mr. HARDING. Not at all.

The PRESIDING OFFICER (Mr. TRAMMELL in the chair). Without objection, the telegram will be read.

The Secretary read as follows:

LA CROSSE, KANS., *April 27, 1917.*

Senator CHARLES CURTIS,
Washington, D. C.:

Petitions are being signed here to-day by 90 per cent of our citizens, men and women, urging you to use all honorable means to secure permission for Roosevelt and his 100,000 patriots to go to the fighting front without delay. These will follow by mail. We therefore urge you to use every effort to this end.

J. E. Andrews, Frank Fay Kopn, Timiken Bison, J. J. Conrad, W. H. Russell, H. L. Anderson, M. L. Robinson, Elbert Whiteman, L. B. Robertson, F. U. Russell, Frank Russell, and many others.

Mr. SMITH of Michigan. Mr. President, if the Senator from Ohio will permit me to make an observation at that point, I find that to be almost the universal feeling among the people of my own State—that Col. Roosevelt should be permitted to go; and, if I may say so, they do not understand just why there should be so much objection to it.

Mr. HARDING. Why, Mr. President, the Senators who have interrupted only speak a suggestion of my own experience since this amendment was introduced. I think it is fair to say that it is not my amendment as a personal offering. It was drawn by one of the distinguished Members of this body who has had more experience than I at such work and is presented here not as any one individual Senator's idea but as the answer to a call for this Government at this time, and this administra-

tion in particular, to take cognizance of this perfectly magnificent expression of American willingness to serve and patriotic readiness to go. I venture to say that 90 per cent of the thoughtful public sentiment of this land is ready to approve the hastened recruiting of this volunteer army under Col. Roosevelt and the ordering of that army to the battle front of Europe as soon as it is consistent with the development of its training to do so.

Mr. President, I dislike to sound even the semblance of a discordant note, but I think the responsible head of this Government and those in Congress are making a colossal blunder to refuse this contemplated tender, which accomplishes the two things I have sought to point out: First, the quickest response to the call of need of our allies in Europe; and, second and more important, the answer to American sentiment, which will dissolve the opposition to that hereditary feeling that we have against conscriptive measures.

Mr. SMITH of Michigan. Will the Senator permit me to interrupt him to say that if I read history aright I think there is a very striking analogy between the proposed visit of Lafayette to the side of Washington and this proposed enlistment of Col. Roosevelt. The officers of the French Government interposed many objections to Lafayette's coming, although they fully sympathized with our cause and aided the struggling colonies with men and money without stint and with the undisguised purpose of helping our cause to victory. He came without the consent of his sovereign. If I read history aright, it was not until he had actually engaged in hostilities by the side of Washington that either his prowess or his disposition or his patriotism was fully appreciated. The early reports of Washington upon the services of Lafayette are most inspiring. They ought to be read into the record of this debate, because they show how he grew as a patriot and as a soldier side by side with the great leader of the American forces at a critical time in our history.

Mr. HARDING. Mr. President, I have thought that this expeditionary force would be the finest manifestation of national gratitude for a memory extending over 135 years that any nation in the world ever found opportunity to express. I have not cared to follow out that line of argument, however, because of the exigencies of the moment. There are others who wish to speak to this amendment, and I will endeavor very hastily to close with just a word about the general bill.

I shall venture no analysis. It ought to be said, in view of the utterances of some eminent opponents, that the call for universal service does not question the loyalty of the patriots who prefer to volunteer. It only conserves that high quality of citizenship which is so impelled. There comes a time in national life when the crisis demands that all the people make one common cause. Universal service, offensively compulsory only to those who would avoid obligation, is the pledge of mutuality, the renewed covenant of equality, and the guaranty of our national strength. Some are opposed because of reverence for our patriotic traditions; many are opposed because it is a complete reversal of our accepted policy, and think compulsion involves the American establishment of the burdens of militarism. The answer is that the American soldier, conscript or volunteer, is a sovereign citizen, and the war we have entered is chiefly aimed to destroy the menace of militarism in dominating the world. Not a few are opposed—not in Congress, of course—because they do not wish the American cause to triumph. It is the distressing truth. There are those who cloak themselves in the garb of American citizenship who hope to see us humbled by Germany, and will oppose any policy which looks to the assurance of American triumph. And there are those in Congress who are honestly seeking to voice the sentiment of those whom they represent. I am conscious of the popular opposition. If I did not think it imperiled the country, if I did not think it involved greater sanguinary sacrifices, I would hesitate long before opposing this long-cultivated sentiment. But I have a deep conviction, Mr. President, that the American people have not yet awakened to the enormity of our task or the danger in this crisis. They little realize the inevitability of our involvement. But these are poor times to measure political considerations. A writer in the morning's mail threatens me, for himself and his followers, with political obscurity if I support conscription. My answer is that if I failed in the performance of a public duty, as I conscientiously see it, I deserve obscurity. I do not question the sincerity or the patriotism or the quality of service of my colleagues or most of my constituents who see differently, but I venture to predict that he who charts his political course according to the unstable compass of the passing day will find his craft far from the intended harbor before the world's tranquility is restored.

Mr. President, we face a war which must be won. A million soldiers prepared may be followed by five millions called or ten millions needed. The world has joined issues with the central powers of Europe, and the world must triumph or become the several vassal States of the conquering powers. No such conflict was ever waged before. We see both civilization and freedom brought to the supreme test. We could not escape our part if we would. We should have been called upon to defend our rights alone if we had not enlisted for maintained right and justice with the allied nations of Europe. Failing to defend, we should not deserve to endure. But the selfishness of the hour and day, which is not peculiar to any party, class, sect, or locality, is fast yielding to the rising American spirit. Compulsory service is democracy's one instrumentality of defense and the very guaranty of continued equality. It is inherent in the tribal forces, where there is no government save the leadership of men; it is the final agency of civilization for its own preservation. It is our encouraging hope to-day; it is our assurance to-morrow; it is that edict of commonality which bespeaks the power and majesty of a people whose cause is just.

Mr. LODGE. Mr. President, I had not intended to express my opinions upon this measure except by my vote, but I can not permit the amendment of the Senator from Ohio to be presented without saying at least a few words in regard to it. If we had had in this country, as we ought to have had, if we even had established two or three years ago, universal military training, which is the sure defense of a democracy, then when war came upon us the universal liability to service embodied in the draft or conscription would have followed as a matter of course. The reserves produced by the years of universal military training would have been called out in successive installments—the youngest first. But unhappily we have not taken that first step, and we are now going to take the second step without it. The second step is the establishment of the principle of liability to universal military service. So long as the bill embodies this principle it will receive my most earnest support.

No one can admire the history of the volunteers in the past more than I. I know well what the country owes to them and what it has owed to them after they had, through tremendous sacrifices, become trained troops. I am quite aware that having had no universal military training the men we get now, whether as volunteers or as conscripts, are equally untrained, and that other things being equal the volunteer, the man who is not only ready but eager to serve, would have the advantage in quickness of training.

But, Mr. President, the principle involved far outruns any of those considerations. The necessity of the compulsory service embodied in this bill should be placed upon the statute books because it is the only just method of raising armies. I do not for a moment suggest that those who do not come forward to volunteer will not make good soldiers, but they are the men who are ready to permit somebody else to do the fighting for them, and they should be compelled to do their share.

In a democracy the liability to service should be as universal as the liability to bear the financial burdens and as absolutely diffused as the rights and privileges which democracy confers. It is sound in principle to make military service compulsory, and it is the only sound and just method. When we are entering, as we have entered, into a great war we must make it clear that the duty of defending the country and upholding the principles of freedom and humanity is to fall alike on all who are able to bear arms.

Mr. President, I should not support the amendment of the Senator from Ohio if in any way it interfered with the conscription provisions of this act, but it does not. Under the provisions of the amendment only men can be taken for this force who are not liable to draft, and if those men are not taken in this way they will be unable to serve their country at this moment.

I can conceive of no good reason why men over 25 who are eager and willing to fight for the country, earnestly desirous to go to France, and who are physically fit for the service should not be permitted to offer their lives if they desire to. Among the men over 25, among the men who would fill the ranks of the proposed volunteer force, there are hundreds if not thousands who have seen service or had military training. It seems to me that it can not possibly injure the principle of conscription, of compulsory service, of universal service, to which I am entirely committed, but that it will have a stimulating effect both at home and abroad.

Everyone knows that, as the Senator from Ohio has said, the man under the limitations of this amendment, who alone probably in this country, would be able to raise a division or two divisions is Col. Roosevelt. He has been President of the United

States for seven years and a half and during that time he was Commander in Chief of the Army and Navy of the United States. He has served with distinction in the only war the United States has had since the Civil War. He is known in Europe as no other American is known. His presence there would undoubtedly be a help and an encouragement to the nations with whom we are allied against a common foe. If he could be there with one or two or four divisions of volunteers beyond the conscriptive age, men who went there because it was their heart's desire to go, it would be of immeasurable service to the cause in which we are embarked.

I am informed that some at least of the military experts to whom our military destinies are at present committed feel that an expeditionary force to France at the present time would be a mistake. They say it would have nothing but a sentimental or a moral value. It is not for laymen to oppose their opinions to the military experts. But, Mr. President, there was a soldier who had a considerable military reputation in his own day, the first Napoleon, who said that moral effect was to material effect in the ratio of two to one. He also said that imagination ruled the world and although modes of warfare have changed human nature has not, a fact which it might be well for our War Department to consider.

I have no question that if the great soldier who is in this city to-day, the victor in the Battle of Marne, were able to express his opinion, as he is entirely unable to express it under the present circumstances, he would tell us that he fully agreed with the views of Napoleon.

It is impossible, in my opinion, to overrate the moral effect of a division of troops of the United States under the American flag appearing on the western front in France. It would have a moral effect upon those English and French soldiers carrying on the great battle which can not be overestimated.

Mr. President, it is impossible for me to conceive why either the administration or Congress should refuse to Col. Roosevelt and to volunteers whose age takes them beyond the conscriptive limits the opportunity to give their lives to their country and in their country's service if they so desire.

Mr. HARDING. Will the Senator allow me?

Mr. LODGE. Surely.

Mr. HARDING. For fear the Senator does not say it, and it ought to be said, I should like him to put into the statement he is making the fact that Col. Roosevelt has only desired to contribute his distinguished personality to the recruiting of this force and desires a general Army officer to take the supreme command.

Mr. LODGE. I am glad the Senator reminded me that that is the wish of Col. Roosevelt. He does not seek to go in command of the division if he raises one. He would prefer to go in a subordinate capacity with a regular Army officer at the head of the division. His desire to recruit a division is not personal self-seeking. He would merely like the opportunity to fight for the cause of the United States and what he considers the cause of humanity and freedom on the fields of France. For Heaven's sake, is there any reason why he should not have that opportunity? Is he not to be allowed to give his life if he desires to give it for what he thinks is the most sacred of all causes?

Mr. STONE. Mr. President, I have a letter which I was requested, or expected I think, to put in the RECORD, but I did not, from ex-Gov. Sulzer, asking me to do what I might to enable him to raise a brigade in New York to go to France. Why not?

Mr. LODGE. I have a similar letter, which I submitted to the Committee on Military Affairs. This amendment limits volunteers under its provisions to a unit not smaller than a division, and if there is any other man who by his own personal influence, by his weight in the community, can raise a division under the terms of the amendment, I should be glad to see him do it.

Mr. REED. Will the Senator permit me to make a suggestion which I think is in line with what he is saying? For many years we have been building up in this country what was called a reserve. The plan was submitted by the Army authorities to create a reserve—men who had been trained in the Regular Army and men who had been trained in the militia. In addition to those men there are a large number of men who served in the Spanish War; there are a large number of men who have been drilled and who have been officers in militia organizations, nearly all of whom are past the age of 25. It is a peculiar thing about this bill that it excludes all those men or nearly all of them from service.

If a volunteer organization such as the Senator speaks of were permitted, or if a volunteer organization such as that stated by the minority of the committee were permitted, those men could come to the service of the country. But the peculiar thing to-day is that having for years undertaken to build up a sort of reserve and boasted we had one we are now asked to pass a bill that absolutely excludes it.

As far as Col. Roosevelt or any other man is concerned who wants to raise men, not to interfere with the draft, but to go to serve their country, I can not see why their services should not be accepted.

Mr. LODGE. I am glad the Senator from Missouri emphasizes the point which I think of great importance, that here are men, of whom Col. Roosevelt is the most conspicuous, who have had service, who have had training in one capacity or another, who constitute, as the Senator from Missouri says, a practical reserve; and are we to be told that those men shall not be permitted to give their lives to their country?

Mr. President, this is not a party war. This is an American war; and if men desire to come forward, as Col. Roosevelt and those like him desire to come forward, who are not subject to the draft, and go forth and fight for the country and the cause of right, it is to me incredible that the opportunity should be refused.

If some of our military experts think that it is out of the question to have any men in the service called volunteers, no matter how restricted, it is not impossible to permit Col. Roosevelt to go as a subordinate officer in a division composed of marines, regular troops, and National Guards, who have been recently tested and trained at the border. A division like that could be sent in a month.

But I believe that it is important to avail ourselves of these men who are outside the draft whose going can not hurt the principle of conscription. The whole movement will show the spirit of the American people as nothing else can, and we need to show that spirit in every possible way, not only for its effect upon our allies but for its adverse effect upon Germany.

The whole country and the whole world know that we are at war with Germany, but our own people do not yet fully realize the fact and all that it means. I have believed from August, 1914, that it was inevitable that we should be engaged in a war in which free popular government was pitted against military autocracy represented by the Prussian system. I never believed for one instant that we could escape. It matters not whether it was my opinion that we should have moved earlier or later, the inevitable has come; we have moved; we are in the war. Do not underrate it. We are only at the beginning.

The cause of the other nations who are fighting Germany has become our cause. To desert them now or at any time hereafter would be to place an indelible stain upon our honor, to betray ourselves, to betray the principles on which the whole system of the United States rests, without which it will fall. It is a dominant part, especially at this moment, in our fighting this war to hold up the hands of our allies. They need great help. We have given them the quickest help in the form of money. We shall have to give them more. We must be ready for another loan for their benefit. We may as well face the fact. We must sustain them with money; we must use the German ships at once—the problem largely centers there—we must build ships as rapidly as possible; we must carry supplies to England and France, to Italy and Russia. In the meantime we must also build up a great army of our own, for it may well be that within the year we can not win this war, as it must, as it shall be won, unless we put a million, perhaps two million, men on the front in Europe. In the meantime, however, if we can help our friends and allies by the moral effect of sending some troops to France at this moment, for heaven's sake let us do it. Let us send the men who are ready to go; let us send a division to France. Let the people of France and of England know that we are with them in the way in which alone we can impress it upon the spirit and the imagination of men. There is only one way to do that; and the moral effect will be important; it will be enormous. The way to do it is to show the American flag—if there are only 10,000 men with it—to show the American flag on the frontier of France among the trenches where war is now raging.

Mr. BORAH and Mr. WILLIAMS addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. WILLIAMS. Mr. President, I think I rose a little bit before the Senator from Idaho and addressed the Chair.

Mr. BORAH. I do not think the Senator did.

The PRESIDING OFFICER. The name of the Senator from Idaho is on the list of speakers which the Chair finds at the desk, and he is recognized.

Mr. WILLIAMS. Then the rule of the Senate that a Senator rising in his place and respectfully addressing the Chair shall be recognized is abrogated.

Mr. BORAH. No; it is not abrogated. The Senator from Idaho rose and addressed the Chair before the Senator from Mississippi rose. If the Senator from Mississippi, however, desires to proceed, notwithstanding that fact, I can yield.

Mr. WILLIAMS. I should like to proceed for about 10 minutes—not much longer.

Mr. BORAH. Very well.

Mr. WILLIAMS. I want to proceed now, Mr. President, because I wish to say something pertinent to the observations just made by the Senator from Massachusetts [Mr. LODGE], and I think that debate is better encouraged in that way than it is by keeping a list at the desk and the Chair recognizing Senators for set speeches.

I agree with the Senator from Massachusetts that the American flag ought to be upon the firing line of France or Belgium right now. It seems to me that the quickest way to get it there is to send 10,000 Regulars under the command of competent officers, who have been trained for their lifetime to command men and to fight them.

So far as ex-President Roosevelt is concerned, the personal relations between him and me have always been most kindly, and they are so yet. I think that it would be very well for Col. Roosevelt to go to France in command of a regiment; I think he is perfectly competent to command a regiment, and perhaps even to drill a regiment. At any rate, it would be a great sentimental acquisition to the cause of the allies and against the common enemy to have it known not only that the American flag was upon the firing line but that an ex-President of the United States was upon the firing line in some capacity. I should like to see Col. Roosevelt go.

Now, Mr. President, I want to say this further, although I have risen principally for the purpose of agreeing that far with the Senator from Massachusetts. I think that for an ex-President of the United States to be there and to meet the President of the French Republic and to meet the generals in command of the British and Belgian and French Armies would be a thing which would travel far upon the wings of daily news.

I have sometimes doubted the military capacity of Mr. Roosevelt to command a brigade, and I know that he is by no means fitted to command a division, as the Senator from Massachusetts, I suppose, himself would very readily confess. It is not Col. Roosevelt's fault any more than it is the fault of the Senator from Massachusetts or my fault that he and I are not fitted to command a division. We simply never received the education, never had the training, never had the experience, and so are not fitted for the work.

Mr. LODGE. Mr. President, if the Senator from Mississippi will allow me a moment, I desire to say that I think the Senator did not hear me when I said that Col. Roosevelt did not ask to command a division or even expect to do so; that he disclaimed it, that he did not want it, but that he was prepared to go in a subordinate position.

Mr. WILLIAMS. But he expects to command a brigade. In the last interview I saw from him he said that he did not want to command the whole division, but merely wanted to command one of the brigades. I should like to see him there; I should like also to see 10,000 good American Regulars on the firing line; and they could teach European troops some things, just as the Canadians have taught them some things.

Mr. President, I merely want to say this in addition, because I do not expect to occupy the time of the Senate any further while this bill is under consideration. I did not expect to occupy your attention at all, but while I am on my feet I can make a very ready response to some thousand telegrams and letters which I have received, and I propose to do it in very short meter.

Mr. HARDING. Mr. President——

Mr. WILLIAMS. I am in favor of this bill——

Mr. HARDING. Mr. President——

Mr. WILLIAMS. I would rather not be interrupted, because I do not want to take up the time which really belongs to the Senator from Idaho [Mr. BORAH].

Mr. HARDING. I make a special request for this one interruption.

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from Ohio?

Mr. WILLIAMS. Yes.

Mr. HARDING. I should like the Senator from Mississippi, who always speaks with authority here for the administration——

Mr. WILLIAMS. I do not speak with authority here for the administration, and I never had any authority from the administration in my life, and never pretended to have.

Mr. HARDING. Well, I will give the Senator the credit of doing so, nevertheless. I want somebody who speaks the judgment of the other side of the Chamber to state the objection to Col. Roosevelt recruiting this division or the four divisions which the amendment contemplates.

Mr. WILLIAMS. Mr. President, there is no objection to Col. Roosevelt doing that, any more than there is an objection to the Senator from Ohio doing it or to the Senator from Massachusetts doing it; but if either one of them desires to volunteer to command instead of volunteering to obey, and wants to volunteer for the very high command of division commander, much as I love them both, I would say that neither one of them is fit for it. [Laughter.] That is the answer to that.

There is no sort of personal objection upon my part to Col. Roosevelt in any regard at all. He was extremely courteous and nice and sweet to me while he was President, and has been since he retired from the Presidency. It has been only a few days since I got from him one of the nicest telegrams or letters—I have forgotten which—that I ever received in my life from him.

I am in favor of this compulsory selective-draft measure for these reasons: First, we have in America about 1,000,000 traitors, and amongst them are a considerable number of German, Austrian, and Hungarian spies. I want by this measure to weed out men of that sort. So far as a man is a naturalized American citizen, I want to invite him to resist this draft. If he does not resist it, we will enlist him. If he does resist it, we will watch him; and if he does anything wrong while he is being watched, we will interne him. So we will separate the true from the false; we will separate the loyal from the disloyal; we will separate the Americans from the traitors; we will prove that this is a people instead of being, as has been charged, an accidental conglomeration of many peoples. That is one reason why I want the selective-draft measure—to spot traitors.

Out of 10,000,000 German, Austrian, and Hungarian Americans in America, 9,000,000 of them are loyal, and would shoulder muskets to fight for America. There are two boys whom I appointed to the Military Academy—one, young George Quekemeyer, and the other young Charley Haverkampf—both of them from parents who, on both sides, were German. They are Army officers now and absolutely loyal, absolutely true; but I want to find out those who are not; and this draft will put us upon the trace of them.

Now, Mr. President, I want it for another reason: I want to resort in America, as an emergency measure, to compulsory universal service, with the hope that at the end of this war, when we throw our weight upon the side of the allies and have waged it successfully, we may be able, as a part of the treaty of peace, not only to put an end to compulsory military service for all time to come in America, but to force Germany and Austria and Turkey and the balance of the world to put an end to it all over the world. I am for compulsory military service now in order that we may put an end to compulsory military service for all future time all over the world; put an end to the mad, idiotic, insane spectacle that has faced the world for forty-odd years, of nation after nation gathering all of its manhood in armed camps, watching and suspecting and fearing other nations whose populations are also gathered in armed camps. That is one reason.

I am in favor of this war, and I am for carrying it to the end, no matter what it costs, for another reason—with the hope that at the end of this war we may put an end to most wars; that we may agree upon some sort of league among civilized nations whereby it will be said by those having the power and the force behind them to execute their sayings, "hereafter whenever any civilized nation in this world shall dare to make war upon any other civilized nation without first submitting the question in controversy to arbitration, or proposing to do it, that nation shall be declared an outlaw, beyond the pale of international law and beyond the pale of civilization; its overseas commerce shall be stopped; it shall be strangled and choked until it voluntarily comes back by due repentance, and after due punishment, into the pale of civilization." It sounds like a paradox, but I am in favor of compulsory military service in order to put an end to compulsory military service; and I am in favor of war in order to put an end, so far as is possible, human weakness being considered, to war itself.

Mr. President, I am glad that America is in this struggle, because it is a struggle finally to fix a place under the sun on the earth for democratic institutions, unmenaced and unthreatened and unawed and unterrorized by autocratic militarism from any source whatsoever. My hope and my dream as a fanatic peace advocate, which I am, which I always have been, and which I always shall be, God granting me aid; because it has not been many months since gentlemen were ridiculing me around the cloakroom and elsewhere and charging that I "carried unhatched peace-dove eggs" in my pocket to release on

short notice. My dream, I say, is that at the end of this war we may put behind international law, which thus far is a mere conglomeration of precedents, a force; that we may in some way organize an amphictyonic council of the civilized nations of the world; and that we shall make the outlaw nations bring their controversies to that tribunal under all ordinary and normal circumstances. Of course, I appreciate that there are abnormal and extraordinary circumstances when such a system would not work.

The municipal law says to me that I shall not attack the Senator from Idaho, but shall bring him into court to settle any controversy I may have with him; but the law does not say to me that if the Senator from Idaho attacks me I shall stop and propose to leave the question in controversy to arbitration, while unresistingly I leave him to continue his attack. So every nation has the right of self-defense; and, of course, in arriving at the conclusion I have indicated we will not erect any structure which will make a nation which has been attacked stop for breathing time and leave the question of resisting attack to arbitration. My dream, however, is that there shall be somewhere, sometime, somehow on this earth a "parliament of man, a federation of the world," where "the common sense of most shall hold the fretful realms in awe." I also dream of a time when we will be rid of that form of individual or family insanity that makes a man or a family imagine that he or they have "a divine right to rule," and that God and they exist as a private partnership of overlords on the surface of this earth.

Mr. President, I have just said these few words because, principally, I wanted to answer a lot of letters and telegrams. I beg pardon of the Senator from Idaho. My only excuse for breaking into the discussion at this time and against the holy list was that what I wanted to say was in part very pertinent to what the Senator from Massachusetts had just said.

Mr. BORAH. Mr. President, I have been from the beginning of this discussion impressed with one thought, from which I am unable to be free. I have read with industry the opinions of military experts and those connected with the Army. I have listened with unusual interest to the speeches which have been made in this Chamber in support of the bill; but through it all I have been impressed with the belief and the thought that there is one element essential to a great fighting force and an efficient and successful army which has not been sufficiently stressed.

We seem to be well on the way toward laying the foundations for a thorough organization of our fighting forces, toward establishing the basis for a thorough fighting machine, as it is called, for efficiency and organization, all of which I recognize to be essential; but, if I may be permitted to say so in view of the array of arguments in support of the bill and of the eminence of some who are sponsors for the measure, there seems to me to be one element left out, which has been recognized as essential and indispensable to a fighting force from Alexander to Lee, and that is, for the want of a better name, the spirit, the enthusiasm, the heart, the soul of your Army. There is no place left in your scheme or plan for the play of those elements of strength which come not from discipline, not from organization, but from the volition, the initiative, the patriotism, the spirit of your Army. I venture to say that any plan which does not recognize that force is defective, and that contention can be sustained by every military genius who ever dominated a battle field from Frederick the Great to that mysteriously singular figure of the Civil War, Stonewall Jackson.

You may construct a fighting machine just such as Prussia has; you may organize your citizens into mere cogs in a great military mechanism; and when you shall have done so, you have accomplished all that the German Empire has accomplished in the way of providing a fighting force. But we will make a mistake if we leave out of this organization and out of this force that which the German Army, it is said, does not possess—initiative, patriotism, self-reliance, enthusiasm upon the part of the individuals who constitute the cogs in that great fighting machine.

Perhaps I can best express my idea by two lines from one who had a right to speak upon this subject, and that is Gen. William T. Sherman, as that expression is found in his memoirs. He says:

> There is a soul to an army as well as to the individual man, and no general can accomplish the full work of his army unless he commands the soul of his men, as well as their bodies and legs.

In other words, one of the great geniuses of the Civil War recognized that it was not sufficient simply to call men into the service and train and discipline them and make of them a mere fighting force; that it was not safe to crush out and discipline out and train out that which ought to belong not only to the individual but to the Army—the soul, the spirit, the patriotism of the collective body as well as of the individual.

Lord Northcliffe—and I cite English authorities in these days with some assurance—in an article which appeared only yesterday in the Saturday Evening Post, gives expression to the same idea. He says:

> Had that wonderful army that poured through Belgium been inspired by the enthusiasm and the conviction of free men, I do not think that anything could have stopped its progress. It is just that which is lacking in autocratically ruled armies. They go as far as they are told to go, and wish to go no farther.

The German Army is founded upon conscription. Conscription is the basis of militarism. It is the beginning of the military policy of every despot. It is the last resort of a republic, and has been so from the beginning of time. This is the very first time in the history of the Anglo-Saxon race when conscription was ever proposed except in dire necessity and absolute requirement, because, among other reasons, it has the tendency to eliminate, to keep out that soul, that enthusiasm of free men which is just as essential to a thorough fighting force as the discipline itself, and further reason that it has always been regarded as the most dangerous virus against which republics have to guard. You can not proceed in safety without both discipline and spirit, I agree. I contend that you may have both in a volunteer system, and that you can not have both in a conscript system. I oppose conscription, therefore, because it does not provide the best army, and I oppose it because it is fundamentally at war with the essential principles of free institutions. I am aware free governments have appealed to it, but always and only in dire necessity, always in reluctance, and always as a temporary expediency and not as a policy, not as a settled principle as we are proposing to do.

We have listened this morning to the able Senator from Ohio [Mr. HARDING] and to the distinguished Senator from Massachusetts [Mr. LODGE], in favor of what? In favor of putting some soul into this fight, some enthusiasm into this cause, of arousing and crystallizing and uniting the American spirit and sending it to the line of battle. The manifestation of voluntary spirit is worth many, many soldiers who go there under compulsion, and every man here recognizes it. While I am thoroughly in favor of the amendment offered by the Senator from Ohio, I believe in giving play to that spirit throughout the country and permitting that manifestation of enthusiasm and of sentiment to have its place in this organization, just as Canada has done, just as Australia has done. If you take the selective volunteer system you will combine the enthusiasm, the soul, the spirit, the discipline, and you will have what Canada has—one of the finest fighting forces in Europe.

Mr. President, there is one other proposition preliminary to a discussion of the details of this bill. In my judgment, we can fight this war through, fight it effectively, fight it triumphantly, and depart not at all from the great underlying principles of republican institutions and the fundamental tenets of constitutional government. In my opinion we can be as thorough and efficient and effective in absolute adherence and conformity to the great underlying principles of republican government as we can by departing from them.

I have as profound a respect for my associates in this Chamber as any man could have for those with whom he associates; and yet did you ever stop to think that there is a certain element of Pharisaism in our constant assertion that the American people are not aroused, that they are not responsive, that they are not equal to the emergency? In my humble judgment, the patriotism outside of this Chamber will be found to be as universal, as responsive, and as willing to sacrifice, and even to die, as that inside of the Chamber or among those in high positions. Let us rid ourselves of some of this doubt, this want of faith in our people. Let us carry the people along with us or go with them. Let our measures here have a broader basis than that of our own patriotism. So long as we doubt the people will doubt us. So long as our measures here are based upon manifest distrust of the people we can not expect that outpouring which you seem to expect.

John Bright, the great commoner of England, once said that he would be willing to take the first 300 men you would meet upon the Strand and accept their judgment as quickly as he would accept the judgment of the 300 men assembled in Parliament. It was an unusual manifestation of the confidence of that great commoner in the wisdom, the patriotism, the discretion, and the judgment of the common people. I venture to say that if we will throw ourselves upon the patriotism of the American people and manifest our confidence in their patriotism, we will find that it is quite as sensitive and quite as alive to this great controversy as those who are trusted for a brief time with the power to call them into service. I believe the people understand this conflict, and, in my judgment, if the President

had been authorized to call and had called on the 5th day of April for 500,000 volunteers, there would have been 1,000,000 responding and in camp now, out of which to select the 500,000. Let us quit talking of "slackerism"; it puts the brand of Pharasaism on ourselves.

In my judgment, we started wrong in this war, so far as the details of carrying it out are concerned, because we have not been willing to throw ourselves upon the patriotism of the American people. The first thing that we did, or one of the first things, was to propose here to the Senate what is known as the espionage bill, the "spy" bill, which puts the brand of suspicion upon every man and woman in the United States, high and low, rich and poor, criminal and innocent alike. It has its basis in the fact that we believe that this whole country is honeycombed with disloyalty, that the press is not to be trusted, that the private citizen is not to have our confidence, and that the real patriotism, the real reason, the real judgment, is lodged in those who for a brief time hold office. The spy bill is an impeachment of the loyalty and love of the American people, for it discriminates not at all as to the guilty and the innocent but treats all the people as unworthy and as suspicious characters.

The second proposition which we put forward is a conscript bill which, in its last analysis, in its final philosophy, is based upon the theory that there is a powerful element of slackerism in our country. When you analyze all these arguments, they proceed upon the theory that out of 100,000,000 people you can not get an army of 1,000,000 men—that we are slackers all.

Mr. President, we ought to stop and reflect a moment that in this we may be very greatly mistaken; that the people of the United States, being given an opportunity, will give that manifestation of loyalty to the cause of democracy for which the Senator from Ohio [Mr. HARDING] and the Senator from Massachusetts [Mr. LODGE] spoke so well this morning.

Mr. President, I entertain the same views in regard to this question of conscription that I have entertained throughout my life. I entertain the same views that the President of the United States, the Congress of the United States, and 98 per cent of the people of the United States entertained 90 days ago. I do not easily put off my convictions and my views. They are not subject to change as my clothes are in the spring of the year when the warm days come. I hold to those convictions to-day because, notwithstanding the able arguments which have been adduced, I have not been able conscientiously to put them aside.

I have a profound respect for the man who has a wider vision, a greater comprehension, and can deal with these subjects perhaps from a broader and more statesmanlike point of view, but I must go the way my own convictions point as the right way.

While this is a time for national devotion, for national unity, for consecration to a great cause; while this is a time for nonpartisanship, a time for Americanism, at the same time it is not a time for men to yield the conviction of a lifetime unless they are yielded in conscience and in judgment. If ever men in responsible position should put aside political expediency and stand by the admonitions of a loyal heart and a clean and honest judgment, it is now. I think we should record our views as we entertain them, and take the chances that the majority judgment will be the wisest when it is recorded in accordance with the absolute convictions of those whose duty it is to decide.

A little over a year ago the President, in writing to Mr. Garrison, said:

> As you know, I do not at all agree with you in favoring compulsory enlistment for training, and I fear the advocacy of compulsion before the committee of the House on the part of representatives of the Department of War has greatly prejudiced the House against the proposal for a continental army.

Again, on the 30th day of May, 1916, the President said:

> I have heard a great many people talk about universal training. Universal voluntary training with all my heart, if you wish it, but America does not wish anything but compulsion of the spirit of America.

I do not quote this, Mr. President, to criticize the change of view of the President. I accredit to him the same integrity of purpose in changing his view that I claim for myself in not changing my view. But permit me to say here in this presence that I accredit to him no higher integrity of purpose than I claim for myself. I think the most contemptible creature that slimes the public service in the hour of national peril is the man who changes his vote or his attitude before he changes his mind.

One of the great papers of the country—a powerful journal, a journal with which I seldom disagree upon governmental matters, and with which I generally disagree in political matters, the New York World—said in an editorial some time ago:

> It has been our pride and our boast that unlike the monarchies of the Old World our Government has never been compelled either to resort to a conscription of its citizens or the employment of foreign mercenaries. * * * It is a hereditary and heretofore an honored tradition of the Anglo-Saxon race that exemption from extorted military service is one of the peculiar privileges of freemen.

In a later editorial in 1916, referring to Australia's action with regard to conscription, the New York World said:

> Australia is committed to the war. She has put into the field more men than the United States had in actual conflict in the War with Spain. Her sons gained renown in the "glorious blunder" of Gallipoli, repelled the Turk from Egypt, won a noted naval victory with the cruiser *Sydney*, have gained in France a reputation second to none.
>
> In the midst of a war in which she is so deeply concerned, on the result of which her independence itself may hang, Australia has rejected the policy of conscription by probably 80,000 votes. Premier Hughes himself, the leader of the Labor Party, an orator ranking in persuasiveness with Mr. Roosevelt, strongly urged conscription, and promised for it a 70 per cent vote. That advocacy and promise cost him his greatest defeat in one of the most democratic of lands.
>
> In a time of peace in this country Gov. Whitman last winter put through a scheme of military conscription so extreme that under it the agents of the State can enter any factory and recruit its employees by name, or any farm and recruit its owner. He did it because the people did not know he was doing it. He has not dared to make use of the law, though the National Guard of New York needs recruits to fill its quota under the Hay bill; but the power remains, inviting abuse.
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> What was done in secret is now in the light. The people of the State are becoming informed upon the Stivers act. To the extent that they do become informed they are likely to express an opinion. Why should New York in peace be more complaisant than Australia in war?

The St. Louis Post-Dispatch of November 8 says:

> The fact that the Australian Government did not dare to put a conscription law in effect without submitting it to a popular vote is immensely significant.
>
> This first conscription referendum sets a precedent marking progress for democracy.

Mr. President, those were the views I believe of this great paper, of all the great journals, of the President, and of the Congress, and of the people of the United States, in my judgment, of 95 or 98 per cent, until within the last 90 days. It was a strong conviction. It was and is based not upon suspicion; it is based not upon prejudice; it is based not upon ignorance; it is based upon one of the profoundest convictions, one of the most sublime intuitions, that control and guide freemen with reference to their institutions.

When this conscription fight started in England one of the strong periodicals of that Dominion and an earnest advocate of the war, known distinctly as a war periodical, had this to say in regard to conscription. I read it as a fine expression of the real fundamental basis for the conviction which the American people and all Anglo-Saxon people have entertained in regard to this matter. I read from the Round Table Quarterly:

> The conscription controversy has its roots deep in English history. The passionate hatred of militarism, and of the system of conscription in which it is incarnate, dates back to Cromwell and his major generals. Nothing save dire necessity would induce the people of the United Kingdom to submit to anything approaching the continental system of conscription. That any government, however responsible to public opinion, should be in a position to declare war, and then muzzle opposition to it by calling every able-bodied man up to middle age to colors is utterly repugnant to the idea of liberty as it lives in the British Isles. And the spectacle of how Austria-Hungary and Germany are able to coerce Slavs and Poles to fight their own brethren contrary to their will, and more recently of how an autocrat has been able to force an unwilling nation into war also against its will by means of the conscript system, has only intensified the hostility to it. Further, the history of the struggle for political liberty in England has been largely bound up with the triumph of the civil over the military power.
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> Conscription in any form has always been regarded as a return toward militarism and a more ready recourse to military methods and power within the State.
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> * * * * * * *
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> What was the good, people said, of fighting for liberty abroad, if it was to be lost at home. If Prussianism had to be fought anywhere they would prefer to fight it in Britain than in Germany.

Mr. President, by way of preface I call attention to these matters that I may persuade my colleagues, if possible, that those of us who look with disfavor upon conscription are not controlled by mere suspicion, by ignorance, by want of information, by unenlightened prejudice; but we are acting in accordance with what we believe to be fundamental principles, essential and indispensable to the maintenance and preservation of republican institutions. I do not accept at all the glaring paradox of the Senator from Mississippi [Mr. WILLIAMS] that we want conscription in order to put an end to conscription. I can not understand any intellectual legerdemain of that kind. I do not propose to fool anybody, much less myself, by indulging in such delusive delusions. The basis of the contention against conscription goes further and deeper. It goes to the fundamental question. If it is not in the beginning it is the end of that which Anglo-Saxon freemen have regarded as essential to republican institutions.

Mr. President, I am told that this is universal military training and universal military service, and therefore democracy. Let us see. This bill covers those from the ages of 19 to 25. It touches in its effect about 6,000,000 of the people of the

United States. It leaves on the outside about 30,000,000 who are available for military service. Only 6,000,000 of those who could render military service and who are under the same obligation as every other citizen to render military service are affected or touched by the bill at all. Within the 6,000,000 it is expected to raise 1,200,000. So you have both universal training and universal military service based upon the proposition that one-half of 1 per cent of the people of the United States are to be effected. Is that universal? Is it democracy? Has it any one of the elements of universal service or universal training? It lays its heavy and incriminating hold upon all between 19 and 25; it touches not at all the able, the fit, and the available man who is 26 and single and possibly idle; it touches not at all the men of 27 to 40. Can that be universal? Can that be democracy which calls to the youth and leaves the mature man? Is that universal? Is that democracy which goes into a neighborhood, finds 20 young men and takes 5, and leaves 15 of equal fitness and station of life?

For instance, Mr. President, take the boy 19 years of age or 20 years of age. He is in school. He is preparing for life. He is getting ready to meet the tremendous responsibilities which will rest upon every citizen when this war is over as well as while it is going on, because I venture to say that the industrial conflict which will come at the close of the war will test American citizenship equal to the test which is being applied upon it in the war. The young men throughout the country of 19 and 20 who are preparing for the future, equipping themselves for the duty of citizenship, are taken and put not into training and sent back home in six months, as the Chamberlain bill contemplated, which was introduced some years ago, not for physical development and military training, to be returned at the end of two months, but he is taken and put in a place where he may be called to the European trenches as soon as his discipline will permit of it. Those outside the age of 25, men of 26, 27, 28, 29, 30, 31, 32, 33, 34, and 35, physically equipped, ready to go perhaps—you leave outside this vast mass of people and you draft the schoolboy, the college boy, and call that universal military training and democracy.

Let us see how it works. The law is enacted. The representatives of the bureau, the provost marshal, starts down the street with the names of those whom he desires to conscript, after the gambler's hazard has settled whom it shall be. He passes down the street of one of our great cities and he sees a hundred or 200 or 300 men lounging about those places where men will idle their time away very often, even in time of war. He passes by a hundred men or 200 or 300 from 25 to 35 years of age; but he is not looking for them. This is democracy; it is universal military service. He is looking for the boy with his books under his arm going to school. The boy comes down the street. He takes hold of him and leads him back to the place where he must answer to the service of his country. Perhaps the boy is graciously given a few minutes to go by his home and leave his books and bid his mother and father good-by. By this time he has elicited the attention of the bystanders, and when the mother inquires how it is her boy is taken and every other boy in the neigbhrhood is left, the answer is, "It is democracy; it is universal service."

Mr. REED. And equality.

Mr. BORAH. And equality. Some of this crowd of a hundred men or 200 men who are lounging about in the city have followed the boy back to his home and heard his mother ask the question, and we hear 10 or 15 or 50 of them say, "Let the boy stay at home; I will go; I will take his place"; and you could not fail to find among 50 or 100 American citizens 10 of them who would say it. But the conscript provost marshal says, in the name of democracy, of universal service, I call the schoolboy to the trenches and leave the man from 25 to 35 to pursue his avocation and speculate, if he desires, upon the honor and patriotism of the boy at the front. The schoolboy, the youth, eager and ambitious to prepare for life, is snatched away; the matured and the fit are left at home.

Will you tell me that is universal military service, that that is democracy, where it would touch one-half of 1 per cent of the American citizens? If you will change this bill and write in it from 21 to 45, and lay this conscript obligation upon every man who is fit and capable of serving his country, and then select as you need them, you will have approached something like universal service and democracy and equality before the law. But as the bill stands it is an insult to intelligence to call this universal service, to call it democracy; it is cold, cruel, narrow, arbitrary autocracy.

Mr. President, I have received telegram after telegram asking me to support universal military service, the Chamberlain bill, because they are in favor of that proposition. I refused to support this bill because it has no element of democracy, of universal service, of universal training, of equality, of common responsibility of the citizen, in it.

I want to say just a word now in regard to the volunteer service. First, let me say as to the selective principle as applied in Canada with reference to the volunteer service just as you propose to apply it here. It is true, as the brilliant Senator from New York [Mr. WADSWORTH] said, that in the beginning of this war certain regiments were decimated and the men in them perhaps ought to have been saved under the selective system for higher duty. But that was in the beginning. It was at the time of the rush and turmoil of preparation in which Canada had no opportunity to organize her selective volunteer system. That would not happen in Canada now. It does not happen in Canada now. She has preserved what Sherman said is essential to an army. She has preserved the volunteer spirit, the volunteer enthusiasm; she has the volunteer patriotism; she has the discipline and the training, and she has the selective principle all at the same time. Why should we be permitted to say that it is impossible when it is working with marvelous effect here upon our very border? They select so as not to interfere with industries, with agricultural industries, just as you propose to do here.

But let us go back for a minute to the volunteer system. It has its defects. I do not deny it; all things human have. For instance, politics has been adverted to. Is the Regular Army without its politics? Has there been a time in your service or mine here in the last 10 years in which we have not seen the most glaring and demoralizing effect upon the Regular Army by the play of politics in the Regular Army, not by the men themselves, but by those who control their destiny. Is it an old thing? Is not that politics at play within the last few months. Are not Army posts, naval stations, maintained through shameless, selfish politics? Are not men promoted in brutal disregard of service and merit? Do you expect to have politics absent from any kind of an organization which you may have? I anticipate if you do you are doomed to disappointment. There will be some politics in any institution which is created under a government where politics is the nerve and sinew of its moving power, and you can not prevent it.

But the volunteer system also has its virtues, and here, again, I want to call attention to a statement by Gen. Sherman. He was not a pacifist; he was not a German sympathizer; he was an American. He was so truly and loyally an American that he is the only American I ever heard of who had the courage to refuse the Presidency when he could have had it, in all probability, because he believed his duty was elsewhere; that his service to his country was elsewhere. What does he say? He says, in referring to the Civil War:

> We tried almost every system known to modern nations, all with more or less success—voluntary enlistments, the draft, and bought substitutes—and I think that all officers of experience will confirm my assertion that the men who voluntarily enlisted at the outbreak of the war were the best, better than the conscript, and far better than the bought substitute. When a regiment is once organized in a State and mustered into the service of the United States the officers and men become subject to the same laws of discipline and government as the regular troops.

He goes on to discuss not only the volunteer soldier, but he goes on to discuss the volunteer system. Those who have read this paragraph say that it relates to the soldier. Well, that is of prime importance, even if it related alone to the soldier. But Gen. Sherman proceeds to discuss not only the volunteer soldier but the volunteer system, and he has no hesitancy in saying that it is altogether the best system for a free country or republican institutions.

Now, Sherman had the opportunity of observing the volunteer from the time he came to the enlisting station until he passed on to the service of his country. He saw him enlist; he saw him training; he saw him disciplined; he saw him in the trenches and on the march; he saw him fight, and he saw him die; and he says the volunteer soldier and the volunteer system, according to the experience and common belief of generals of the Civil War are better than the conscript, and infinitely better, of course, than the hired substitute.

Permit me to read another statement, and this is from an English authority—Col. Henderson, in his Life of Stonewall Jackson. There has been a great deal said about the Battle of Bull Run and the disasters at the beginning of the Civil War. I would like my colleagues to take the time to read this book, if they have not done so. Col. Henderson's reason, as he viewed it, for the disaster of Bull Run would not reflect discredit upon the volunteer soldier; it would reflect upon the West Pointers who happened to be in control at the time of the volunteer soldier. I digress from the thread of my argument and read a sentence at the conclusion of his discussion:

Thus the Federal soldiers, through no fault of their own, labored for the first two years of the war under a disadvantage from which the wisdom of Lee and Jackson had relieved the Confederates. The Army of the Potomac was an inert mass, the Army of Northern Virginia a living organism endowed with irresistible vigor.

By reason of the fact of the kind of men who were in command and not to the volunteer soldier.

I read another page from this brilliant writer. This book is now a textbook, I am told, and has been for years in the military schools of England.

German soldiers have told us that in the war of 1870, when their armies marching on Paris found, to their astonishment, the great city strongly garrisoned and hosts gathering in every quarter for its relief, a singular apathy took possession of the troops. The explanation offered by a great military writer is that "after a certain period even the victor becomes tired of war," and "the more civilized," he adds, "a people is, the more quickly will this weakness become apparent." Whether this explanation be adequate is not easy to decide. The fact remains, however, that the Confederate volunteer was able to overcome that longing for home which chilled the enthusiasm of the German conscript. And this is the more remarkable inasmuch as his career was not one of unchecked victory. In the spring of 1863 the Army of the Potomac, more numerous than ever, was still before him, firmly established on Virginian soil; hope of foreign intervention, despite the assurances of the politicians, was gradually fading, and it was but too evident that the war was far from over. Yet at no time during their two years of service had the soldiers shown the slightest sign of that discouragement which seized the Germans after two months. And who shall dare to say that the southerner was less highly civilized than the Prussian or the Bavarian? Political liberty, freedom of speech and action are the real elements of civilization, and not merely education. But let the difference in the constitution of the two armies be borne in mind. The Confederates, with few exceptions, were volunteers who had become soldiers of their own choice, who had assumed arms deliberately and without compulsion, and who by their own votes were responsible that war had been declared. The Germans were conscripts, a dumb, powerless, irresponsible multitude, animated, no doubt, by hereditary hatred of the enemy, but without that sense of moral obligation which exists in the volunteer. We may be permitted, then, to believe that this sense of moral obligation was one reason why the spirit of the southerners rose superior to human weakness and that the old adage which declares that "one volunteer is better than three pressed men" is not yet out of date.

Mr. HARDING. Mr. President——

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Ohio?

Mr. BORAH. I do.

Mr. HARDING. Would it annoy the Senator from Idaho, in his interesting quotation of authorities, to let me suggest a sentiment on this subject by a very eminent American soldier?

Mr. BORAH. I have no objection.

Mr. HARDING. In 1864, when the most modest and most eminent of American military authorities was urging the close of the War of the Rebellion, Gen. Ulysses S. Grant wrote the administration at Washington urging the draft, and he used this language:

The greater the number of men we have, the shorter and less sanguinary will be the war. I can not too strongly urge the draft.

Mr. BORAH. I will come to that in a few minutes, if the Senator will permit and I can find the time. But I make this observation now: Grant wrote this before the draft had been tried. I can find nowhere that he indorsed it after it was tried. Sherman wrote after it had been tried—20 years after—in calmness and in the light of experience, and condemned it.

Mr. LODGE. I wish to ask a question a little apart from the Senator's argument. He was referring to the Federal commanders at Bull Run. Is it not true that both Lee and Jackson were West Pointers?

Mr. BORAH. Exactly. What I said was not in condemnation of West Point as an institution. I believe in it thoroughly; but, notwithstanding the fact that a man passes through West Point, he may be the greatest blunderer who ever escaped a commission of lunacy. Even the skilled and trained may egregiously err.

Mr. REED. The Senator believes every southern commander was a West Pointer—I think clear down the line, almost.

Mr. BORAH. Mr. President, I am going to read a statement from a West Pointer on this subject—a man who, I believe, was the greatest military genius of the Civil War, who came more nearly possessing a Napoleonic mind with reference to war than any other man who was developed in that great contest, and that was Stonewall Jackson. He is a man who has elicited greater praise and commendation from the military experts in other countries than any man who fought in the Civil War for his sheer force of genious in military affairs. At one time during the war, while he was in actual service, the very question we are discussing here—the comparative value of the regular or conscript man and the volunteer—came up. One of the Army officers who was discussing it with him made the statement that he preferred the regular to the volunteer. Stonewall Jackson replied in a single sentence which contains, to my mind, all the philosophy on this discussion, so far as my view of it is concerned, that "the patriot volunteer, fighting for his country and his rights, makes the most reliable soldier upon earth."

Mr. President, these men do not stand alone. Lord Roberts has said the same thing, notwithstanding he was an advocate of universal military training. Roberts said, in an article only a short time before the breaking out of this war:

I hold that the man who voluntarily serves his country is more to be relied upon as a good fighting soldier than he who is compelled to bear arms.

I might quote other military authorities, but I recognize the fact that I am trespassing upon other Senators' time, and I will hasten on. I have other men's views who were and are experts, who won their laurels in the ordeals of battle.

Now, a brief word with reference to conscription during the Civil War. I say brief because time will not permit of a full discussion of it. When Mr. Lincoln called for 75,000 volunteers over 200,000 men responded. There was an outpouring of loyalty throughout the North. They were not used. Gen. Sherman was reprimanded for his severe criticism of the policy which did not use them. Had they been utilized at that time and put under training there never would have been a conscript law passed during the Civil War. But it was the volunteer who constituted the Army of the Cumberland, who won the battles of Fort Henry, Fort Donelson, of Vicksburg, of Shiloh, and Gettysburg, and the Wilderness. They were with Sherman on his march to the sea. I call you to bear in mind also that after your conscript system was put into effect it took 20,000 soldiers, volunteers of the line, to enforce it, and then you only got about 50,000 conscripts, the poorest soldier, save the substitute, of the Civil War. He won no battles. He was conspicuous upon no battle field. On the other hand, as against this fifty-odd thousand there were a million and a half of volunteers who bore the brunt of the terrific conflict, who marched and suffered and sacrificed and died and saved the Union. It was not the volunteer system which broke down, it was the conscript system, which ignominiously failed. I deny the infamous libel that the Civil War was won by the conscript. It was poorly aided by the conscript. It was won by the volunteer, and it would have been won by the volunteer had no conscript law been passed. I want to quote here a single paragraph from the report of the provost marshal, Gen. James B. Fry:

The order for the draft was the signal for violent disturbance in many portions of the loyal States, and much blood was shed before these disturbances were quieted. In some portions of the country, particularly in the city of New York, certain districts in Pennsylvania, Indiana, and Illinois, the draft was conducted under the protection of troops sent there to overawe the lawless, and in other districts the draft was deferred until troops could be furnished to protect the officers. The draft was not completed till late in the year, and produced but few men for the service. (Report of Provost Marshal Gen. James B. Fry, Mar. 17, 1866.)

I want here to read a statement which I clipped out of a newspaper the other day which seems to bear upon its face the evidence of verity.

HARK, FROM THE TOMBS COME AN ARGUMENT AND A SONG ABOUT EQUAL IN QUALITY.

To the EDITOR OF THE EVENING SUN.

SIR: Within the last six months a great deal has been said about regulars, volunteers, and drafted men. Nearly every old soldier of the Union Army knows that during the Civil War the volunteer regiments did more than nine-tenths of the fighting. In Fox's report of the 300 regiments that did nearly all the fighting, he has 296 volunteer regiments, four regiments of Regulars, and no drafted regiments.

Also, of the 46 regiments that lost between 200 and 300 killed in action, the whole 46 were volunteer regiments. Pennsylvania's share was 11, nearly one-fourth; and a New Hampshire regiment had the highest number (298) killed in action. No regiment reached 500 killed in action.

VET.

BALTIMORE, *April 17.*

It is a sad commentary upon the sincerity of this movement that you must resort to misrepresentation, to a misleading misconstruction of the sacred history which tells of the saving of the Union, in order to sustain your false views of conscription, which you euphoniously call democratic service.

Mr. President, there is another phase of the volunteer system, and that is as it has manifested itself in this particular war. It has been reverted to several times, and I need only briefly refer to it in order to follow the continuity of my thought, and that is, for instance, the Canadian system. They have sent out nearly 400,000 men to the war. Canada has a population less than the State of New York. Now, what is it that characterizes the Canadian soldier upon that fighting line which distinguishes him in his achievements and in his prowess? What is it that he has? First, he has the training which he got after he volunteered, which any man must have, whether he is conscripted or whether he volunteers; he has the discipline; and he has what Gen. Sherman said was indispensable

and essential to an army—he has a soul, a motive, the enthusiasm, the loyalty to the great cause of the war. He has that combination of discipline and training and heart and spirit and soul without which an army can not do its best.

Why can not we have it? Why can not we have the same service here? I will yield my time for some one who will tell me. Why can we not take the Canadian system instead of the conscript system of Europe? Why do we reject republican principles which have proved successful in the greatest war of all time and rush for the conscript system of tyrants and despots?

Take the Australians. They have sent some 300,000 or more to the allies. They have manifested their capacity upon the field of battle. One of the great generals of this war said that they were among the most perfect fighting men upon the battle fields of Europe. The Australian and the Canadian share the glory together of being among the most effective fighters upon the battle fields of Europe, because I maintain they combine that which is essential to a great army and which the conscript system omits and leaves out entirely. Why reject these examples so in harmony with free institutions, so at war with all military castes, so productive of great soldiers and great armies, and accept that system which is the basis of all militarism and without which militarism can not exist, without which Napoleon could not have deluged Europe in blood, without which this war would never have been started, and with which no republic can long exist?

Mr. LODGE. Mr. President——

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Massachusetts?

Mr. BORAH. I do.

Mr. LODGE. I would like to ask the Senator a question. In my humble opinion the world has never seen more splendid fighting than the fighting of the French from the beginning to the end—more self-sacrificing, more devoted, more brilliant. They are all what the Senator calls conscripts.

Mr. BORAH. Mr. President, I agree with the Senator that the fighting of the French soldier in this war has been a marvel. I do not detract from him at all. I admire him beyond any feeble language of mine to express.

Mr. GALLINGER. He is fighting on his own territory.

Mr. BORAH. But, Mr. President, there is that in the French situation which supplies that which is essential. Their heart and their soul is in it. In my judgment, every one of them would have been there if there was no conscript system. It is a matter of preserving their country. The fight is at their door. They are fighting for their homes, they are fighting for their families. It is within hearing of every home in the land, and I think that spirit is there by reason of that fact. Had there been no conscript system in France, their situation would have been just as favorable.

I believe firmly, Mr. President, that if there had been no conscript system in France at all, this manifestation of marvelous patriotism, of suffering, and of sacrifice would have been exhibited upon the part of the French in the same sublime way, and I believe they would have been just as good soldiers.

Mr. President, I shall conclude my remarks in just a moment. I want to say a word in regard to the amendment of the Senator from Ohio [Mr. HARDING]. I am in favor of that amendment because it is in harmony with my views of the manner in which the army should be raised in this instance. I have no doubt at all, however, but that it is in absolute conflict with this bill, for the reason, in the first place, that it is thereby proposed to take men outside of the age limit; it is proposed to go outside of the age from 19 to 25 and to permit men to volunteer. I think that one of the vices of this bill is that it limits the conscript service to from 19 to 25 years of age, and that there ought to be a method by which those outside of that age could either be conscripted or permitted to volunteer. I think, therefore, that the amendment is in harmony with the views which I entertain in regard to the bill. But aside from that I am in favor of the amendment for another reason. It may be merely sentimental, but you have impressed me anew this morning with the value of sentiment in this fight. We are told that the army which we are proposing to raise may be carried to European soil as soon as it is fit to go there; that we are to share our fortunes with the fortunes of the armies of France and of Britain, and possibly of Russia. I do not now stop to discuss either the expediency or the wisdom of such a course; I accept it in this debate as the program of this war.

It is said that the fact—the sentimental fact—of an army of the United States, of the only real Republic that has ever existed upon the earth, marching to the relief of the beleagured nations of Europe will inspire the hearts and animate the minds of men wherever liberty is revered and freedom loved; it is said that when you fling the flags of France, of Britain, and of the United States to the European sky it will hearten the soldiers of Europe more than all else that we can possibly do; that it will have greater value than the preparation of ships and food; it will give them that which in their lagging and trying hours is essential to sustain them. I accept all your eloquence, all your logic with that. Therefore, I am in favor of sending Col. Roosevelt with his men to the front just as soon as he can gather and discipline them for that purpose.

I can not, however, help believing, Mr. President, that there is another element of sentimental power in this conflict which we overlook and which this bill will stifle. I believe that if 500,000 or 1,000,000 men from the United States were taken to the trenches, if that is to be your program, not under the conscript system, not driven to the task, but going voluntarily, devoted to the great cause of democracy, conscious of the responsibility of this Nation to sustain its part, willing to suffer and to die for a cause not exclusively their own, but for the cause of mankind, that its inspiring effect upon the world and upon the cause involved in this great fight would be far beyond the power of human language to tell—volunteers all from that people who are the inheritors of 150 years of liberty and freedom. There is a human element in this thing which, in my judgment, the conscript system eliminates and drives from our organization which we as Americans ought to retain. We ought to be big enough and be strong enough and brave enough to mark out our own course and to retain it, to fight for it and die for it.

Mr. President, as I have said heretofore on the floor of the Senate, one of the discouraging features of this great war to me is the alacrity with which the free governments of Europe have adopted the Prussian system in this contest. I believe that this great Republic can set an example to the world, and verify once and for all that a republic can make war, and that we can fight this battle in accordance with republican institutions, with republican principles, with republican policies, and fight it effectively and triumphantly without engrafting upon the blessed American system the hideous doctrine of Prussianism.

Mr. POMERENE. Mr. President, when I came to the Senate I never dreamed that I should be called upon to cast a vote for war. I never passed through a sadder day than when I voted for the joint resolution declaring the existence of a state of war; but I never voted with a clearer conscience or with more confidence in my judgment as to my duty.

Mr. President, I am going to assume in what I have to say this afternoon that everyone who has spoken on the floor of the Senate has been perfectly sincere in the thoughts to which he has given expression. We are all true to this great democracy. We want to preserve it; but when it comes to a conflict between democracy and a military autocracy it may become necessary that democracy in her own defense shall wield the weapons that have been forged by military autocracy.

I love the word "volunteer." Necessarily every one of us feels an aversion to being compelled to do any service. Hence some of the sentiment against conscription. It may be a characteristic of military autocracy, but if it is going to help win the war I am ready to accept it. Many things have been said in favor of the volunteers and the great work that they have done for America; much has been said in favor of the conscripts and what they have done. I would not cast one word of reflection upon either volunteer or conscript, for they have rendered great service to this country.

Those who have spoken in behalf of the volunteer system have referred to many men who have favored it and to the deeds of valor performed by volunteers; but for every man to whom they can refer who has favored the volunteer system we can name many others who have preferred the conscript system. It does not do to say that because the most of the Federal forces were volunteers and were successful in the war to preserve the Union, therefore their success was due to the system. We had both the volunteer and the conscript in that war. The Southern Confederacy had both volunteer and conscript. Would it be right to say that its defeat was due either to the volunteer or to the conscript system, or to both? When we look at the situation as it exists abroad to-day we find both the volunteer and the conscript fighting side by side, and apparently with equal valor and effect.

Much has been said with reference to what the Canadian has done and what the Australian has done. All honor to them. But, at the same time, let us not forget the Frenchman who was conscripted or the brave German soldier who was conscripted. I dare say that we may study that situation as we will; much may be said in favor of the conscript and much may be said in favor of the volunteer, but you must not wholly approve the one

or wholly condemn the other. The question is, What shall we do now?

Mr. President, if we were about to adopt some permanent policy to prevail for all time to come in this country, then we might take one position; but to-day we are thrown into the maelstrom of the worst war that civilization has ever known. Time is of the essence of what we are doing here now. England has seen fit, by force of necessity, to leave off her volunteer system and to adopt the conscript system; Germany has the conscript system; France has it; and no belligerent has changed from the conscript system to the volunteer system during this war.

If we are to take active part in this war, the sooner we can get an army together and thoroughly train and equip it the better we will be off. Why then delay? We know we can get the army with reasonable dispatch by the conscript system. The advocates of the volunteer plan are not certain their plan will be a success, because they provide that after 90 days the President may conscript.

Within the last few days eminent visitors have come to us from the seat of war, and I understand that all of them—I do not speak authoritatively, but I speak from information gleaned through the newspapers—have favored the conscript system rather than the volunteer system.

Mr. REED. Mr. President, will the Senator permit a suggestion along that line?

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from Missouri?

Mr. POMERENE. I will yield if it only takes a moment.

Mr. REED. It will take just a moment.

Mr. POMERENE. The Senator from Missouri will observe that my time is very limited.

Mr. REED. I simply want to suggest that at least one of these European visitors has expressed a great deal of dissatisfaction at having been misquoted by the press.

Mr. POMERENE. Very well; I will accept that statement if it be true; but his Government has the conscript system.

Senators, my distinguished friend from Idaho [Mr. BORAH] referred very beautifully to the necessity of having a soul in the Army. I concede that; but will anyone say that Germany has no soul in her army or that France has no soul in her army or that Great Britain has no soul in her army?

I recall the experience which the South had with the volunteer system during the war. She changed in 1862 from the volunteer system to the conscript system. She did it of necessity. But will anyone say that the armies of the South from 1862 to the close of the war did not have a soul? Did ever more valiant troops meet other troops on the field of battle?

Mr. THOMAS. Mr. President——

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from Colorado?

Mr. POMERENE. I do, if it is only for a brief question.

Mr. THOMAS. I will be very brief. Does the Senator contend that the armies of the South, after the passage of that act, which went into effect concurrently with the volunteer system, were composed of conscripts?

Mr. POMERENE. For the most part.

Mr. THOMAS. The Senator is mistaken.

Mr. POMERENE. Well, I have before me Pollard's The Lost Cause.

Mr. THOMAS. That may be; but the Senator is mistaken.

Mr. POMERENE. And I want to read just a few sentences from it. I am not going to read all of these several paragraphs, because there are some very offensive things said about those who favored the volunteer system in the Confederacy.

Mr. MYERS. Mr. President, if the Senator will permit me, every soldier of the Southern Confederacy was made a conscript after that act went into effect.

Mr. POMERENE. After the author speaks about the policy of the volunteer system and the fact that the terms of enlistment were expiring, he says:

> Such was the condition of affairs when the Congress in 1862 took up the thread of Confederate legislation. It at once broke it and commenced a series of measures of startling vigor. Its most important act was the conscription law of the 16th of April, 1862, from which properly dates the military system of the Confederacy. Previous to this the Confederacy had nothing that deserved the title of a military system and had relied upon mere popular enthusiasm to conduct the war.

I will omit something here and go a little further.

> But it was no time to hesitate for popularity, and to entertain the prejudices of the ignorant, when the entire fortunes of the country were at stake. The conscription law was barely in time to save the Confederacy.

Further on, omitting certain sentences, the author says:

> In every State one or more camps of instruction for the reception and training of conscripts was established, and to each State an officer, styled a commandant of conscripts, was appointed, charged with the supervision of the enrollment and instruction of the new levies. The conscription law, besides its great value for recruiting service, gave solidity to the military system of the Confederacy and centralized the organization of the army.

Mr. President, reference has been made to the success of Great Britain in getting a large number of volunteers. She was successful in many respects, looking at it from the standpoint of the organization of the army, but it must be borne in mind, when we are waging a war of such momentous proportions as that which now confronts us it is not the soldier at the front alone we must take into consideration, but we must bear in mind also the welfare of the entire Nation, because the men in the shops and in the mines and on the farms are as essential to the winning of battles as are the soldiers at the front.

What was Great Britain's experience when the volunteer system, so called, was in operation? Many of her best and her bravest men went to the front to the battle line and many of them never came back. The volunteers went to the front—the shops, the mines, and the industries of Great Britain were depleted, and many of these men had to be called back because it was believed that they could render their country greater service in the mine and in the factory than on the battle line.

Mr. FLETCHER. Whole divisions were brought back.

Mr. POMERENE. Yes; whole divisions were brought back. After her experience with the volunteer system, she finally took up the conscript system; and while we are speaking of volunteering just bear this thought in mind, that the so-called volunteer system in England was in fact not a volunteer system in its operation. The papers are filled with accounts of the methods that were adopted to press men into the service. I shall only refer to one or two instances: Little children would go to school with buttons on their breasts, bearing the words "My father has gone to war; has yours?" Women on the street, in their enthusiasm for the cause, begging men to go to the front who perhaps could have better served their nation if they had remained at home. By such means men were forced in the service. They were not real volunteers.

Now, let us see what this situation is. It is wrong to speak of this bill as wholly a conscript measure? It is a combination of both volunteer and conscript features. I shall not take the time to go into details, but I want to call attention to a very few figures.

The Secretary of War the other day, in a letter addressed to the Senator from Idaho [Mr. BRADY] said that it would require 151,519 soldiers to fill up the units in the Regular Army now provided for under the national-defense act; 206,349 to fill up the units provided for in the National Guard; for the first training cadre, 148,850; recruit training units for existing National Guard, 110,000; recruit training units for the Regular Army, 98,000; in all, 724,718. All of these places can be filled by volunteers.

The distinguished Senator from Missouri [Mr. REED] referred to the fact that recruits at the present time were coming to the Regular Army at the rate of about 2,000 a day. If we should continue to recruit at the same rate, it would take just 362 days to recruit the volunteers provided for in the national defense act, if the figures quoted are correct. Under the pending bill, if men sufficient do not volunteer, the President may raise the balance required by conscription.

Then, in addition to these, we provide for the conscription of 500,000 men; and if there is no increase in the rate of volunteering now going on, it would take 250 days more time, or 612 days in all. Oh, it is easy to speak of theories.

Personally I would prefer to go as a volunteer rather than as a conscript. One distinguished public official the other day said that a "conscript" was next to a "convict." I take it that phrase was a mere license of rhetoric; it did not express his real opinion; but let me suggest that if we devote ourselves solely to a volunteer system there may be many who ought to serve their country at the front who will not go; and I dare say that if we would have exclusively the conscript system there is not one who otherwise might volunteer who, if selected, would refuse to go because he had been conscripted.

Senators, I see I have only a few minutes and I must hurry along, but there is one thought further that I desire to leave with the Senate.

Mr. THOMAS. Mr. President, I understand the Senator will have 10 minutes to speak on the bill after the hour of 1 o'clock has arrived.

Mr. POMERENE. I thank the Senator very much.

It must be borne in mind that these great armies—and I understand that there are 37,000,000 men now under arms or in uniform ready to be called to the front on the European Continent—have all been trained; they are seasoned soldiers. Britain, out

of the abundance of her own experience, has suggested that it takes at least 11 months to train a man before he is fit to go to the trenches. Our armies should be raised in the quickest way possible, and that is by the conscript plan.

To-day the need of the allies is not so much men as it is military supplies. If I were to say to our allies, "We can furnish you 1,000,000 well-equipped men and send them to the front, or we can furnish you with food and military supplies," which would they choose? In my judgment, they would say to the United States of America, "Send us your food products, your military supplies, your guns, and your ammunition; and send us your ships. We have the men."

Looking at this question from the standpoint of the common good of all the allied forces, in what respect can we serve them best? They are depending upon our farms for their food products; they are depending upon our mines and our oil wells for their fuel; they are depending upon our great machine shops for their guns and their munitions; they are depending upon our shipyards for the ships with which to carry these supplies to the other shore. Ought we, then, to permit men to go to the battle field who may render better service at home?

What is the duty of the President and what should be the duty of Congress? Shall we say that we will leave it to the option of our men to go if they wish and to stay at home if they will? Is it not the duty of every man to hold himself ready to answer the call of the President and to go where he may direct, whether it be to the front, to the battle field, or stay in the machine shop, the mine, or the factory, or on the farm?

Mr. President, a weighty responsibility lies upon Congress and upon the President. If any one of us had a serious piece of litigation, we would consult a lawyer; if one of our dear ones at home was sick, we would call a physician; if we wanted to build a magnificent mansion, we would employ an architect; if we wanted a mechanic, we would go to the best machine shop we could find and get him; and when we are thrown into the midst of this war, whose advice ought we to take? Certainly it should be the advice of the military men who have devoted their life work to the study of war problems. At least we ought to credit them with more technical information on this subject than we possess. We can not disregard what they say and accept the judgment of a few men, back home or elsewhere, who have not had the same means of perfecting themselves in the military art that these men have had. I realize that I am wholly without any military experience, and I would rather, when we come to determining the policy which this Government shall adopt, accept the judgment of a military expert than of a nonmilitary man.

The VICE PRESIDENT. The hour of 1 o'clock on this the 28th day of April, 1917, having arrived, in accordance with the unanimous-consent agreement the Senate will now proceed to the consideration of, first, amendments to the pending bill.

Mr. CHAMBERLAIN. Mr. President, I suppose the committee amendments will be first in order. I might offer one, and I think probably the Senator from Ohio would have a right to proceed before an amendment is offered; would he not, Mr. President? I think probably the Senator would have a right to speak 10 minutes on the bill under the agreement.

The VICE PRESIDENT. That is for the Senate to construe, of course. The opinion of the Chair is otherwise. The opinion of the Chair is that the amendment being before the Senate, the discussion must proceed under the five-minute rule on the amendment. While there is no rule of the Senate that requires a Senator to talk to the question, and he might talk about the bill, he would certainly be talking on the amendment.

Mr. POMERENE. Mr. President, my own thought was that each Senator would have 10 minutes to speak upon the bill generally.

The VICE PRESIDENT. He has in accordance with this agreement, and that is for the Senate to decide. The Chair has not any interest at all in the matter. The Chair's opinion has been that, the amendments coming first, the five-minute rule was first in order.

Mr. SHAFROTH. Mr. President, I should like to call attention to the language which is used here:

That after the said hour of 1 o'clock p. m., on the said calendar day, April 28, 1917, no Senator shall speak more than once or longer than 10 minutes upon the bill, or more than once or longer than five minutes upon any amendment offered thereto.

The VICE PRESIDENT. The Chair has read that and knows just what it is. It is simply a question of the construction of what it means, and that is for the Senate. If it shall be taken by unanimous consent that at any time a Senator may talk 10 minutes upon the bill, the Chair does not care. The opinion of the Chair is, however, that the amendments were first to be disposed of and that then Senators could talk 10 minutes upon the bill; but the Chair does not care. Is it the idea that Senators may talk at any time, and that the Senator from Ohio may proceed for 10 minutes?

Mr. POMERENE. Mr. President, I shall not ask that, if the Chair has ruled otherwise. I will resume my seat.

Mr. CHAMBERLAIN. Then, Mr. President, I offer the following amendment——

Mr. STERLING. I ask unanimous consent that the Senator from Ohio be allowed to proceed with the discussion of the bill.

The VICE PRESIDENT. That can not be done.

Mr. POMERENE. I appreciate that very much, but I will not ask it.

The VICE PRESIDENT. That can not be done.

Mr. SHAFROTH. Mr. President, the construction that has been put upon this agreement by myself and a good many of the Senators is that a Senator can proceed for 10 minutes to discuss the bill.

The VICE PRESIDENT. The Chair has placed the construction of the Chair upon it. If Senators want to appeal from the construction of the Chair, let the appeal be taken and let it be settled. The Chair tried to ascertain whether there was any objection to the Senator from Ohio proceeding. The Senator from Oregon.

Mr. CHAMBERLAIN. Mr. President——

Mr. REED. I desire to call up an amendment which I thought the Senator would accept.

Mr. CHAMBERLAIN. Well, let us get rid of the committee amendments first.

Mr. JONES of Washington. Mr. President——

Mr. SHEPPARD. A parliamenaary inquiry, Mr. President.

The VICE PRESIDENT. The Senator will state it.

Mr. SHEPPARD. Is there not an amendment pending?

The VICE PRESIDENT. Not yet. The Senator from Oregon has been recognized to present the amendment.

Mr. CHAMBERLAIN. The first amendment is the one at the end of the bill.

Mr. JONES of Washington. Mr. President, I desire to make a parliamentary inquiry. I wish to ask whether it is the ruling of the Chair that no one can speak for 10 minutes upon the bill until after all amendments which are intended to be proposed to it are disposed of?

The VICE PRESIDENT. That has been the ruling of the Chair.

Mr. JONES of Washington. I do not think that was the meaning of the unanimous-consent agreement at all, but I shall not appeal myself.

The VICE PRESIDENT. The Chair does not care, just so it is decided. It has to be decided one way or the other; and the Chair thinks that in view of the burdens that have been imposed upon whoever sits here of keeping the time and keeping account of speaking, it is not only a fair construction of the agreement, but it is very easy to dispose of the amendments.

The Senator from Oregon submits a committee amendment, which will be stated.

The SECRETARY. The committee proposes the following amendment: On page 13, add a new section, after section 10, as follows:

SEC. 11. That no person, corporation, partnership, or association shall sell, supply, or have in his or its possession any intoxicating or spirituous liquors at any military station, cantonment, camp, fort, post, officers' or enlisted men's club, which is being used at the time for military purposes under this act, but the Secretary of War may make regulations permitting the sale and use of intoxicating liquors for medicinal purposes. Any person, corporation, partnership, or association violating the provisions of this section or the regulations made thereunder shall, unless otherwise punishable under the Articles of War, be deemed guilty of a misdemeanor, and be punished by a fine of not more than $1,000 or imprisonment for not more than 12 months, or both.

Mr. CHAMBERLAIN. Mr. President, the amendment speaks for itself, and there is no use in undertaking to discuss it; but I understand that there are one or two substitutes to be proposed for it. I have nothing to say until they are offered.

Mr. McKELLAR. Mr. President, I offer as a substitute for that part of the amendment beginning at line 1 and ending at the word "purposes," on line 8, the matter which I send to the desk.

The VICE PRESIDENT. The substitute will be stated.

The SECRETARY. From the committee amendment it is proposed to strike out all of lines 1, 2, 3, 4, 5, 6, 7, and 8, down to and including the word "purposes," and in lieu of those words to insert the following:

It shall be unlawful to sell, furnish, or give away any intoxicating liquor, including beer, ale, or wine, to any officer or member of the military forces while in uniform, or to knowingly furnish to such person or persons intoxicating liquors, whether in uniform or not, or to any person in the employ of the Army.

Mr. McKELLAR. Mr. President, in offering this amendment I am not going into a discussion of the question of prohibition.

That question has been debated in this body very frequently heretofore, and I suppose every Senator has made up his mind just how he will vote on any question of prohibition.

In explanation of my amendment I merely wish to say that the substitute I have offered is a real prohibition amendment, that will be effective. It will prohibit the sale of liquors to the soldiers in our Army, officers as well as men. It is a real, live, effective prohibition measure. It means precisely what it says. It is an amendment that has been approved by all the temperance forces in the country.

Now, for just one moment I want to discuss the amendment that is offered by the committee. I will say the amendment offered by me is substantially the same amendment that I offered in the committee, and I think it is proper to say that the amendment was at first adopted and then, upon a reconsideration, the substitute—that is, the committee amendment—was adopted in place of the amendment which I now offer. The difference between the two, Mr. President, is the difference between a real prohibition measure and a pretense at it. I read the language of the committee amendment:

That no person, corporation, partnership, or association shall sell, supply, or have in his or its possession any intoxicating or spirituous liquors at any military station, cantonment, camp, fort, post, officers' or enlisted men's club, which is being used at the time for military purposes under this act, but the Secretary of War may make regulations permitting the sale and use of intoxicating liquors for medicinal purposes.

The committee amendment is absolutely meaningless. Men can sell liquor to our soldiers just as before. There is no reason why they can not. It merely prohibits the establishment of saloons in posts. That is about all that it does. It is a subterfuge pure and simple, put in the bill probably to make it more in accord with general sentiment on this subject, but it is not effective. All I can say about the matter in explanation of my amendment is that if you do not want these boys—and we are putting 19 to 25 year old boys in the Army—to have liquor sold to them, if you do not want them corrupted and, maybe, ruined by the use of liquors while they are in the Army, you will vote for my amendment. I hope the amendment I have offered will be adopted.

The PRESIDING OFFICER (Mr. JAMES in the chair). The time of the Senator from Tennessee has expired.

Mr. MYERS. Mr. President, I am very heartily in accord with the Senator from Tennessee [Mr. MCKELLAR] on his substitute. I was with him in the Military Affairs Committee, of which I have the honor of being a member, on this matter, and I am with him now; and I hope that the action of the committee in this matter will be overturned by the Senate.

It just comes down to this question: For all we know, before this war is over we may have to raise, equip, and train an army of 5,000,000 men. It is agreed that troops will have to be trained from six months to a year before they leave here and go to Europe. Now, training troops is just exactly to warfare what the foundation of a building is to the building. You can not build a solid, substantial building on a foundation of sand, on a rotten, crumbling foundation.

Mr. SMITH of Georgia. Mr. President, will the Senator tell me how you will keep liquor from being in officers' quarters under this amendment? Why can they not have it in their quarters and drink it there themselves?

Mr. MYERS. I will say——

Mr. MCKELLAR. Under which amendment?

Mr. SMITH of Georgia. Under the Senator's amendment.

Mr. MCKELLAR. Why, anybody who sells to officers or to their quarters, or to any soldier in uniform or out of it, is liable to the fine.

Mr. MYERS. Mr. President, does this come out of my time?

The PRESIDING OFFICER. It comes out of the Senator's time.

Mr. MCKELLAR. I beg the Senator's pardon.

Mr. MYERS. I want to ask, Shall we have sober training or not? When you are having your million soldiers or maybe 5,000,000 soldiers trained, do you want them to be trained and drilled while they are perfectly sober or not; while they are under the influence of liquor or not under the influence of liquor? Which would be best?

I believe that workers in munitions factories, in mines, on farms, in Congress, in the Government departments, any and everywhere, can work better, more effectively, more intelligently when they are not under the influence of liquor than when they are under the influence of liquor; I believe that men can be trained to be soldiers better when they are not under the influence of liquor than when they are under the influence of liquor. Who will deny that? Will any Senator arise and deny it? You may say that a soldier may take a drink, that a captain or other officer may take a drink, and not be under the influence of liquor. It my be, but he will not be any better off because of the drink. He is not going to be any worse off by not having that drink, either, so far as training and discharging his duty is concerned. Give me the workman who works without liquor in him everytime; so with soldiers.

We have a gigantic undertaking ahead of us. We have to get right down to rock-bottom business and a common-sense foundation in every respect. We must stop waste. We must conserve our food, our energies, our brains, our products. We must waste nothing. No food should be allowed to go to waste. No exertion of mind or body should be wasted. Drilling men with whisky in them is time worse than wasted. We need the greatest efficiency. That is the only way we can defeat Germany, the most efficient nation on earth. Sobriety makes for efficiency. Any kind of liquor makes for inefficiency. The committee amendment is all right, as far as it goes, but it does not go far enough. The McKellar amendment is much better. I was for it in the committee and am for it here. There is an article in a morning paper, this morning, stating that the world is confronted with starvation, a world shortage of food. We must take notice and begin to conserve our food. Likewise, we must conserve the health and welfare of our troops and keep them from drinking when they are being trained. We must have the utmost efficiency. Now, is a man up to his utmost efficiency when he has one or two or three or half a dozen drinks of liquor in him? I claim he is at this best when he has no liquor at all in him, as far as work of any kind, mental or physical, is concerned; if the McKellar amendment should be adopted, it would not, at least, hurt our Army. You may be sure of that. It will not hurt it the least bit. If not adopted, the efficiency of our Army may be hurt, so why take any chance?

I call on the Senators, all of whom must realize that the greatest efficiency can be attained in all kinds of labor when men are not under the influence of liquor, when they have no liquor in them; I appeal to their common sense and knowledge on this subject to overturn the action of the committee and say that when our troops are being trained they shall not be allowed to use liquor. It will make for efficiency, better training, good morals, clean living, pure patriotism, and better equipment in every way. Liquor never did any human being any good. It is among the worst foes of mankind. It is the foe of efficiency, good morals, industry, humanity, religion, accomplishment—all that stands for improvement of mankind, upright living, higher ideals. No man ever took a drink of liquor but who would have been better off without it. Let us keep liquor away from our soldiers, and the more strictly we keep it away the better. The McKellar amendment is the best way to do it. Let us start this war right.

The PRESIDING OFFICER. The time of the Senator from Montana has expired. The question is on the amendment offered by the Senator from Tennessee.

Mr. SHAFROTH. Mr. President, I should like to make an inquiry of the Senator. Is this offered as an amendment to the bill or as a substitute for the provision offered by the Senator from Oregon?

Mr. MCKELLAR. This is offered as a substitute; but with the permission of the Senate——

The PRESIDING OFFICER. It is offered as an amendment to the amendment, as the Chair understands.

Mr. MCKELLAR. I should prefer to have it that way, and ask to leave the section just as it is offered by the committee, with this amendment to come in immediately after the word "purposes," in line 8, on page 13, of the bill. In other words, I should like to have the Secretary restate the amendment and offer this as an amendment to the committee amendment to be inserted immediately after the word "purposes," in line 8, on page 13.

Mr. SHAFROTH. I think that is much better than offering it as a substitute.

Mr. MCKELLAR. I ask unanimous consent to have that done.

Mr. STONE. Let us have it read.

Mr. MCKELLAR. Yes.

The PRESIDING OFFICER. The Secretary will state the amendment.

The SECRETARY. In the committee amendment, on line 8, page 13, of the bill, after the word "purposes," it is proposed to insert the words:

It shall be unlawful to sell, furnish, or give away any intoxicating liquor, including beer, ale, or wine, to any officer or member of the military forces while in uniform, or to knowingly furnish to such person or persons intoxicating liquors whether in uniform or not, or to any person in the employ of the Army.

So that, if amended, the section will read:

SEC. 11. That no person, corporation, partnership, or association shall sell, supply, or have in his or its possession any intoxicating or spirituous liquors at any military station, cantonment, camp, fort, post, officers' or enlisted men's club, which is being used at the time for military purposes under this act, but the Secretary of War may make regulations

permitting the sale and use of intoxicating liquors for medicinal purposes. It shall be unlawful to sell, furnish, or give away any intoxicating liquor, including beer, ale, or wine, to any officer or member of the military forces while in uniform, or to knowingly furnish to such person or persons intoxicating liquors whether in uniform or not, or to any person in the employ of the Army. Any person, corporation, partnership, or association violating the provisions of this section or the regulations made thereunder shall, unless otherwise punishable under the Articles of War, be deemed guilty of a misdemeanor, and be punished by a fine of not more than $1,000, or imprisonment for not more than 12 months, or both.

Mr. BRADY. Mr. President, it so happens that I offered section 11 as an amendment to the committee bill. The Senator from Texas [Mr. SHEPPARD] offered an amendment that was much more stringent, and which I would much prefer to support rather than this amendment or the one that I offered myself; but I did not believe that it would be possible to have the Sheppard amendment passed, and for that reason I offered this amendment that appears as section 11.

There is no objection to the amendment offered by the Senator from Tennessee, except that I fear it is liable to cause the defeat of the whole amendment, and the best way to handle the question of the control of the traffic in intoxicating liquor is by moderate and fair action at first.

I, as executive of my State, signed the first temperance law that passed forbidding the sale of intoxicating liquor in my State. We commenced on the precincts; from the precincts to the city, from the city to the county, and from the county we covered the State with a prohibition amendment and a legislative or statutory enactment covering State-wide prohibition. Two years ago my State passed a State-wide, bone-dry prohibition law by constitutional amendment, making it a crime to have liquor in one's possession; and communities that voted against the old original liquor law even by precincts gave large majorities for total prohibition.

It is my desire to drive intoxicating liquors of any kind from the Army, used in any form; but I believe that by commencing in this way we can gradually have stronger and stronger laws passed until such time as the constitutional amendment which will be passed forbidding the manufacture or sale of liquors in this Nation, which I hope will be passed at an early day and which I heartily support. The amendment of the committee will at least be reasonably beneficial.

I am in favor of the strongest amendment that can be passed, and shall be glad to see the amendment of the Senator from Tennessee [Mr. MCKELLAR] added to my amendment, for I believe it will make it stronger.

Mr. JONES of Washington. Mr. President, the Senator from Idaho [Mr. BRADY] makes an astonishing statement, and one that I am satisfied he does not mean in all of its import. He says that to put this amendment on this bill that has been presented would defeat this measure. Is it possible that the liquor interests of this country are so powerful that simply because we propose to protect our soldiers from the sale of liquor they will cause the defeat of a great measure like this, deemed necessary to carry on our part in this war? The Senator certainly did not mean that. I know that he did not mean it, and yet that is the import of his suggestion.

Mr. President, we can put this amendment on this bill. We have a right to do it. We have the power to do it. We ought to do it. Why, we are going to the homes of this country and going to take their boys and put them into the service of their country. We are going to take them where they will be subject to the worst temptations to which human nature is heir and to which it can be subjected, and we ought to throw about them every possible guaranty that we can to protect them from these influences.

Mr. BRADY. Mr. President——

Mr. JONES of Washington. I can not yield to the Senator; I am sorry. I have but five minutes.

The PRESIDING OFFICER. The Senator declines to yield.

Mr. JONES of Washington. Mr. President, the warring nations have had their experience along this line. I hold in my hand a statement showing the effects of this traffic in England and in France. I should like to read to the Senate the facts here set out, but I have not the time. What does it say as its conclusion? It says:

The day will come when it shall be known to all men in this land—

Referring to Great Britain—

that prohibition of the drink trade during the war would have—
Saved, in drink expenditure and its results, £1,000,000,000;
Added a hundred days to our war work;
Saved over 200,000,000 cubic feet of shipping;
Set free for war work 100,000 trains of 200 tons;
Saved the waste of 1,000,000 acres of land;
Released man power enough to lift 60,000,000 tons;
Enormously relieved the strain on the Red Cross;
Released thousands of doctors and nurses;
Saved food to feed the nation three months; or
Saved enough food to feed the army and navy all the time.

Yet they say they appeal to us for food; but listen to what it says:

We know the ghastly ways in which our enemy has worked its will abroad; we know too well of the ruthless destruction of Belgium, the enslavement of helpless and innocent people, the butchery of men and women and children, the stealing of the food of civil populations, the throwing of little children to the sharks, the sinking of peaceful ships at sight. Those have been the ways of the enemy power abroad; what have been the ways of the enemy power at home? It has robbed our people of their food; it has robbed our army of guns and shells; it has robbed our fleet of shipping power and slowed down ships to make a target for a German submarine. It has kept our men from labor, on which liberty depends; it has tempted the wives of our soldiers and driven them to ruin and death; it has stolen the food of little children and of wounded soldiers; it has rewarded wounded men by planting in them the seeds of raving madness; it has used up sugar, while soldiers have begged for it in vain; it has slowed down transports while the bitter needs of war have cried insistently for help. It kept back machine guns from men dying for them in the trenches; it kept back shells for want of which men died, while Germany bound herself round with a ring of steel. Those are the ways in which our enemy has worked at home.

If that enemy did that with Great Britain, it will do that with our armies. I say it is the highest possible duty of the Senate and of Congress, while we are securing an army to fight the battles of liberty, not to undermine that army by permitting this nefarious traffic to prey upon the boys that we send to the front. If it did that way with the boys of the English Army, if it decreased their efficiency and their power in this way, if it undermined their strength and their lives, and those that it did not destroy it sent back home to scatter disease and suffering, it will do the same thing for our armies. Congress has the power to prohibit this. It should not be sold to the soldier in uniform. It should not be permitted to be sold to the soldier by anyone knowing him to be a soldier. We have the power to prohibit this; we ought to do it.

The PRESIDING OFFICER. The time of the Senator from Washington has expired.

Mr. GRONNA. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. GRONNA. I ask if it is in order to offer a substitute. I understood that the Senator from Tennessee modified his amendment and offered it as an amendment to the committee amendment.

The PRESIDING OFFICER. That is the parliamentary situation as the Chair understands it.

Mr. GRONNA. Would it be in order to offer a substitute for the amendment of the Senator from Tennessee?

The PRESIDING OFFICER. That would be in the third degree and not in order.

Mr. SMITH of Georgia. Mr. President, I agree entirely with what the Senator from Washington [Mr. JONES] has said. This committee amendment is good as far as it goes, but it stops before it reaches the point of greatest danger. It simply excludes liquors from the camp, and that is all. We gather 500,000 boys from their homes into large camps. Inside the camp they can not drink, but the moment they leave the camp there will be hangers-on around seeking to furnish them and ready to furnish them liquor to make them drunk. Ought we to allow it to be done?

Mr. BRADY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Idaho?

Mr. SMITH of Georgia. I do.

Mr. BRADY. I wish to say to the Senator that I am under the impression, from information I have, that the amendment could not be passed with this change added. I am very much in favor of the amendment if it can be put in this bill, and I shall vote for it.

Mr. SMITH of Georgia. I believe if we stop a moment and think about it we will all feel that it should be put there. These boys will be hundreds of miles away from home. They are no longer under the restraining influence of their fathers and mothers and friends. Some of them undoubtedly will be boys who have been in the habit of drinking to excess. Temptation will be thrown around many of the boys to drink as never before in their lives. Shall we save them, or shall we leave them with no protection whatever, subjected to temptation with no safeguard?

Mr. President, I heartily indorse the amendment of the Senator from Tennessee. I think it would be almost cruel to expose these boys with no restraint when they leave camp. This provision will at least cut off the seller of intoxicating spirits from seeking to make money by debauching the boys. I hope the Senate will support it, and I believe it will. I believe we can pass easily the amendment of the committee with the amendment of the Senator from Tennessee added to it.

Mr. SHEPPARD. Mr. President, I am able to add but little to what has been said in behalf of this amendment, but I wish

to express myself in its favor. I wish to call attention to the fact that the nations now engaged in the great European war, a struggle in which every energy is strained to the utmost, have realized that the liquor habit is their deadliest enemy. Kitchener said that liquor was a worse foe to England than all the opposing armies in the field. Russia has abolished vodka altogether and wine and beer except in a limited area, sacrificing $500,000,000 of revenue with a single stroke of the pen; and the almost universal opinion is that Russia has been infinitely the gainer by the transaction. France has invested her authorities with power to restrict and stop the sale of alcoholic liquors in any given section, and the German Emperor has said that the dominant nation of the future would be the nation consuming the least amount of alcohol.

Mr. President, in this conflict the American people constitute a great service army. And if it be desirable in order to increase the efficiency of soldiers at the front to stop the sale of alcoholic liquors to them, it is equally desirable to stop the sale of liquor to the civic soldiers, to the economic soldiers, at home.

I therefore hail the passage of this amendment as another step toward the entire abolition of the traffic in alcoholic liquors throughout this Republic, another step toward that day when we shall see a saloonless Nation and a spotless flag.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Tennessee to the amendment of the committee.

Mr. BRADY. Mr. President——

The PRESIDING OFFICER. The Senator can not speak any more.

Mr. BRADY. I have not spoken my full five minutes.

The PRESIDING OFFICER. The Senator can speak only once under the unanimous-consent agreement and not longer than five minutes. The question is on agreeing to the amendment to the amendment.

Mr. HITCHCOCK. I desire to call the attention of the author of the amendment to the amendment to the fact that unless he qualifies it in some way or inserts it in a different part of the amendment the result will be that it will be unlawful for an enlisted man under rules made by the Secretary of War so to purchase liquor for medicinal purposes and anyone selling it to him will be punished.

Mr. SMITH of Georgia. No; the two will have to be construed together.

Mr. HITCHCOCK. I do not think so. I think if the Senator wants to construe the two together the provision should be inserted after the word "act," in line 6, or the amendment will be contrary to the terms of this provision. Either of those changes will make it acceptable.

Mr. McKELLAR. Mr. President, I ask unanimous consent to amend by adding in the amendment proposed by me the words "contrary to the terms of this section."

The PRESIDING OFFICER. The Senator has a right to modify his own amendment.

Mr. McKELLAR. I modify the amendment to that extent.

Mr. SMITH of Georgia. That is all right.

Mr. BRADY. I ask unanimous consent to request the chairman of our committee to accept the amendment of the Senator from Tennessee as the committee amendment so far as he can, and then permit us to act on the section as a whole with the amendment of the Senator from Tennessee in the section.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Tennessee to the committee amendment.

Mr. VARDAMAN. Mr. President, I desire to express my hearty approval of this amendment. I see no reason, in fact no reason can be given, why it should not be adopted. It is the consensus of opinion of the enlightened world that the use of liquor is hurtful to man physically, financially, morally, and mentally. It is an evil without a mitigating incident. This is one of the possible advantages that may grow out of this unfortunate conflict. I sincerely trust the amendment may be agreed to.

Mr. CHAMBERLAIN. Mr. President, so far as I am personally concerned, and so far as I can do so, at the suggestion of the Senator from Idaho [Mr. BRADY], I am willing to accept the amendment with the addition suggested by the Senator from Nebraska. In other words, I do not want the bill fixed in such a shape that if a man happens to be ill a man would be punishable for a crime for furnishing him liquor.

Mr. PITTMAN. Mr. President, as I understand, it is argued that this amendment has two purposes. One of them is to maintain sobriety in the Army, and the other is for the purpose of conserving food products. If the object is to obtain sobriety on the part of all those who have the burden of the war upon them, then the amendment should be extended and have a wider scope. It should not only apply to every Army officer and every soldier, but it should apply to every member of every department of the Government. It should apply to the Secretary of War and his subordinates who are directing the Army officers. It should apply to the Congress of the United States, which is legislating with regard to this vital subject.

In this emergency if partial prohibition is essential to the successful carrying on of the war, then every loyal citizen of the country should be willing to follow the same practice, and this provision should be made applicable to all of them, as far as our constitutional authority extends. If this emergency demands the elimination of the use of liquors during the war, then there should be no discrimination. If those in charge of the conduct of the war measure believe that prohibition is essential to victory, then I am prepared to go to that extent, but I do not like to vote an incomplete and discriminatory amendment.

Again, this measure does not reach economically the situation at all. The Senator from Washington has shown that by the manufacture of liquors in foreign countries, as well as in this country, millions of tons of grain are consumed that would go to support life. That is true, and it is an economic question which should be considered.

If those who are studying that question and those who are directing the war policies of the Government demonstrate to me that the elimination of the manufacture of liquors because of the economic situation is essential to the success of the war, I will vote for it. But this amendment does not accomplish any such purpose. The fact that Army officers and soldiers only are prevented from drinking liquor manufactured from grain during the war would have no effect upon the production of liquor from grain throughout the world. If you want to make an economic question of it, then go the full limit. Do not say that it shall reduce the manufacture of liquors from one-half of 1 per cent but that the entire manufacture of it shall be prevented during the existence of the war.

Mr. SHEPPARD. We can not do everything in the bill. We will reach that later.

Mr. PITTMAN. That is exactly the position. I take it that the committee, in the consideration of this matter, by the advice of the War Department, by advice from the Army Board, have considered that they must approach this subject by degrees. Therefore, I am prepared to vote for the committee amendment. If we are not to approach the matter by degrees, if the Army Board is wrong, if the committee are wrong, then settle the entire question at once. I do not see how one can stand here and argue that the manufacture of grain into alcohol is an economic loss and yet not vote for prohibition. I do not see how we can say that total abstinence is essential to the highest efficiency of those in charge of this war and then limit it to only one class of such persons. It seems to me to be a compromise of the whole question, and a cowardly compromise at that.

Mr. SHAFROTH. Mr. President, the difficulty with the proposition just made by the Senator from Nevada [Mr. PITTMAN] is that he wants to extend it beyond our jurisdiction. The only way Senators and Representatives can be reached or the other people he refers to would be by a constitutional amendment by which the traffic would be absolutely prohibited. That is pending in this body and I have no doubt it will be passed upon, and perhaps favorably passed upon, by the Senate and by the House when it is reached.

But as to the theory that we should take halfway steps in this matter when these men are to go out in the field and they are to be trained all at one time, it seems to me it can not admit of a halfway measure. We have to take steps to prohibit the use of intoxicating liquors by the soldiers, and we must do it not by a halfway measure but by a full and complete measure. When we do that we will have better soldiers. The experience of the European countries is unanimous in favor of the prohibition of the use of intoxicating liquors. It seems to me that experience, together with the known evil of the use of such liquors among our own people, should prompt us to be in favor of the amendment to the committee amendment.

Mr. UNDERWOOD. Mr. President, I recognize in time of war, in time of stress, ordinary rules of governing mankind must be set aside and that we must face the conditions. I recognize that the amendment offered by the committee to the bill is to bring about a reasonable system of protection to young soldiers who go to the military camps of America. I was prepared to

vote for and accept that amendment, and am now, as it stands in the bill.

The amendment offered by the Senator from Tennessee goes far afield from that proposition. So far as I know, the great forces in this country that have been fighting the battles of prohibition in the last 20 years have never reached a point as yet where they were prepared to say that it should be a crime for a man to drink liquor. They have systematically, uniformly, and consistently pitched their battle on the proposition that they propose to prevent the manufacture and sale of liquor, but not to invade the personal rights of the individual.

Mr. McKELLAR. Mr. President——

Mr. UNDERWOOD. I can not yield; I have only five minutes.

I recognize the fact that when we come to the man with the uniform on, carrying the badge of the country on his breast, you may adopt such rules and regulations that he must conform to. I do not object to it. I want to see every reasonable precaution thrown about the military camps that are established in order to protect the health and the morals of the young men who are going to be at those camps. But when the Congress of the United States steps out of the camp life, the life of the individual soldier and officer, and goes to the question of providing rules and regulations for the government of the individual, you are going so far afield that you are invading a jurisdiction I know of no Government on earth that has ever invaded yet.

In the first place, as I said, I am perfectly willing to support and vote for the committee amendment. It is a reasonable amendment; it is intended for a reasonable purpose. The amendment offered by the Senator from Tennessee goes into the homes of this country. If thoughtlessly you offer a glass of wine at your table, without remembering the law, to an officer of the United States Army who is sitting in your home without his uniform on, you are liable to the pains and penalties of the law. There is no reason for it.

More than that, when the armies reach the battle fields of Europe they pass beyond the jurisdiction of your law and the control of your law, except so far as it is a military measure in force in the military camps which your armies occupy. If you want to go to the question of saying that in this great stress——

The PRESIDING OFFICER. The time of the Senator from Alabama has expired.

Mr. UNDERWOOD. I desire to offer an amendment and to speak to that.

The PRESIDING OFFICER. The amendment would not be in order, being in the third degree. There is an amendment pending to the amendment.

Mr. UNDERWOOD. The Senator from Tennessee amended his amendment. He has a right under our rules to change it. There is only one amendment.

The PRESIDING OFFICER. There is a committee amendment, the Chair will state, and the amendment of the Senator from Tennessee is offered as an amendment to the committee amendment.

Mr. UNDERWOOD. Then I presume if the amendment to the amendment is adopted it would be in order to offer an amendment to make the provision apply to the Congress of the United States as well as the Army of the country.

The PRESIDING OFFICER. Certainly that amendment would be in order.

Mr. UNDERWOOD. Then I will wait until an opportune time.

Mr. CURTIS. Mr. President, I am in favor of the amendment offered by the Senator from Tennessee and am somewhat surprised at the statement made by the junior Senator from Alabama. The young men in the service need protection from those who would sell them intoxicating liquors in the camps and in the clubs, and they surely need protection when they are away from the camp and out from under the observation of their officers.

Any person who has lived in the neighborhood of a fort knows that the young men in the Army need protection from the joints in the neighborhood of the forts and the bootleggers who hang around on the outside and induce the young man to go to houses where he can get intoxicating liquor. He needs the protection now. If the Senator from Alabama does want to protect the young men in the camps at the forts I should think he would vote to protect them while they are off duty.

I hope the amendment will be agreed to.

Mr. WILLIAMS. Mr. President, I imagine there are a good many Members of the Senate who have not really heard the amendment to the amendment. It reads:

It shall be unlawful to sell, furnish, or give away any intoxicating liquor, including beer, ale, or wine, to any officer or member of the military forces while in uniform, or to knowingly furnish to such person or persons—

By the way, it shows not only an ignorance of human nature but ignorance of grammar, because the gentleman who introduced it has split his infinitive. To correct his English, it would read—

or knowingly to furnish to such person or persons intoxicating liquors, whether in uniform or not—

I suppose he means "persons in uniform," but it reads "intoxicating liquors whether in uniform or not"—

or to any person in the employ of the Army.

I have a son-in-law who is a naval officer. I will have at least two boys in the Army, probably three out of my four. I think all of them will pass the examination after the training-camp drill and get commissions, but if they do not they will go into the ranks. At any rate they will be soldiers. This would absolutely punish me for giving my son-in-law or one of my sons a toddy in my own home at my own sideboard. It is fanaticism run mad.

I have voted for all sorts of prohibition measures here in obedience to the will of my State. I have always contended that this was a representative and not a misrepresentative Government, and that I would do whatever Mississippi wanted unless it violated my oath to the Constitution or violated some principle that I regarded as fundamentally and indispensably moral and right. But to pass a provision of this sort would reduce every officer and every soldier in the Army and everybody in the employ of the Army to a degree of personal servitude as to his habits and his appetite. The Army regulations take care of any man who drinks too much or who drinks on duty, but to say that, as this amendment says—

or to knowingly furnish to such person or persons—

Who are the person or persons?—

any officer or member of the military forces.

And then, as if not satisfied with that, it goes on to say—

or to any person in the employ of the Army.

If one of the Cedar Grove plantation darkeys was employed as a teamster and came to my back door and said, "Boss, I wish you would give me a little drink, I'm tired and sick," and I gave it to him, he and I both would be punished under this—not while he was on duty but while off of duty.

You are carrying this too far. You may create a reaction. You may create a reaction which will be just as powerful as the reaction under the Stuarts.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Tennessee [Mr. McKELLAR] to the amendment offered by the committee.

Mr. UNDERWOOD. I ask for the yeas and nays.

Mr. WILLIAMS. I merely wished to say——

The PRESIDING OFFICER. The time of the Senator had not expired. The Chair thought the Senator had yielded the floor.

Mr. WILLIAMS. I had not. Somebody interrupted me in the course of my remarks.

The PRESIDING OFFICER. The Senator from Mississippi has one minute further.

Mr. WILLIAMS. What I intended to add was this: There is great danger of hurting, if not destroying, a good cause and a great cause by creating a reaction, as strong a reaction as that under the reign of the restored Stuarts against the previous puritanic rule in Great Britain, a reaction that will lead to the absolute loosening of all moral ties, because you will create laws that nobody will respect. If my son came to me as a lieutenant in the Army or as a private soldier, whichever it was, as I was preparing to take a toddy from my sideboard, and I would give him one, I would be punishable under this amendment. I would nevertheless offer it to him or to any friend in my house.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Tennessee [Mr. McKELLAR] to the amendment of the committee.

Mr. McKELLAR. I ask for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays were first demanded by the Senator from Alabama [Mr. UNDERWOOD].

The yeas and nays were ordered.

Mr. GRONNA. Mr. President, a moment ago I rose to a parliamentary inquiry. I shall not oppose the amendment of the Senator from Tennessee; I shall support it. But I had hoped that the parliamentary situation might be such that I could offer as a substitute a bill which I have pending before the Committee on Agriculture and Forestry.

I wish in my time to ask the Secretary to read for the information of the Senate this amendment, and whether the pending

amendment is rejected or approved I shall, after it has been voted upon, offer it either as an amendment or as a substitute.

The PRESIDING OFFICER. Without objection, the Secretary will read.

The Secretary read as follows:

That for the purpose of conserving, during a period of war, all agricultural food products, and to prohibit the manufacture of said food products into alcoholic liquors, it shall be unlawful for any person, firm, corporation, or association to use for manufacture into alcohol or alcoholic liquors any cereals, vegetables, fruits, or any agricultural food product: *Provided*, That nothing in this act shall be construed to prohibit the Government of the United States, through the Secretary of Agriculture, from issuing to any person, firm, corporation, or association a license to use any such agricultural food products in the manufacture of alcohol for use in the manufacture of high explosives, or for any other purpose necessary to carry on the war: *Provided, however*, That the manufacture, sale, or gift of any such alcohol or alcoholic liquors for beverage purposes is hereby prohibited.

SEC. 2. That any person, firm, corporation, or association who shall violate the provisions of this act shall be guilty of felony, and shall be punished by a fine not exceeding $5,000, or by imprisonment at hard labor not exceeding one year, or by both such fine and imprisonment.

Mr. GRONNA. Mr. President, I do not wish further to delay the proceedings of the Senate, but I simply want to say that this measure would conserve 100,000,000 bushels of grain. It would prevent the manufacture of grain into alcoholic liquors. I think if we are going to make prohibition effective, we should stop the manufacture of it.

At any rate I shall vote for the amendment offered by the Senator from Tennessee. But he does not go far enough, and, in a measure, there is an injustice in it, because, as the Senator from Mississippi [Mr. WILLIAMS] has said, it applies only to a certain class of people. It should not apply only to the Army officers and to those employed by the Government of the United States. It should apply equally to everybody. If the amendment which I shall propose is adopted to stop the manufacture, it would prohibit the use of it, because there would be no liquor to be sold.

The PRESIDING OFFICER. The yeas and nays have been ordered, and the Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. CHAMBERLAIN (when his name was called). I have a pair with the junior Senator from Pennsylvania [Mr. KNOX], which I transfer to the Senator from New Jersey [Mr. HUGHES] and vote "yea."

Mr. FALL (when his name was called). I have a general pair with the Senator from Wyoming [Mr. KENDRICK] and therefore withhold my vote.

The roll call was concluded.

Mr. FRELINGHUYSEN. I desire to announce the unavoidable absence of my colleague [Mr. HUGHES] on account of illness. I vote "nay" on the amendment.

Mr. LEWIS. I wish to announce the absence of the Senator from South Carolina [Mr. TILLMAN] because of illness, and likewise the absence, for the same reason, of the Senator from West Virginia [Mr. GOFF], and to announce the pair of those Senators with each other.

The result was announced—yeas 57, nays 30, as follows:

YEAS—57.

Ashurst	Jones, N. Mex.	Page	Smith, S. C.
Bankhead	Jones, Wash.	Phelan	Smoot
Beckham	Kellogg	Poindexter	Sterling
Borah	Kenyon	Ransdell	Stone
Brady	King	Robinson	Sutherland
Chamberlain	Kirby	Saulsbury	Swanson
Cummins	Lewis	Shafroth	Thompson
Curtis	McCumber	Sheppard	Townsend
Dillingham	McKellar	Sherman	Trammell
Fernald	Martin	Shields	Vardaman
Gallinger	Myers	Simmons	Walsh
Gore	Nelson	Smith, Ariz.	Wolcott
Gronna	Norris	Smith, Ga.	
Hale	Overman	Smith, Md.	
Johnson, S. Dak.	Owen	Smith, Mich.	

NAYS—30.

Brandegee	Gerry	Lodge	Underwood
Broussard	Harding	McLean	Wadsworth
Calder	Hardwick	New	Warren
Colt	Hitchcock	Penrose	Watson
Culberson	Hollis	Pittman	Weeks
Fletcher	Husting	Pomerene	Williams
France	James	Reed	
Frelinghuysen	Johnson, Cal.	Thomas	

NOT VOTING—9.

Fall	Kendrick	La Follette	Newlands
Goff	Knox	Lane	Tillman
Hughes			

So the amendment to the amendment was agreed to.

Mr. UNDERWOOD. I desire to amend the amendment as now amended by adding, in line 3, after the word "uniform," the words "and the Members of the Congress."

The PRESIDING OFFICER. The question is on the amendment to the amendment proposed by the Senator from Alabama.

Mr. UNDERWOOD. I want to speak to my amendment.

The PRESIDING OFFICER. The Secretary will first state the amendment to the amendment.

The SECRETARY. In the amendment just agreed to, in line 3, after the word "uniform," it is proposed to insert the words "and the members of the Congress."

Mr. BRANDEGEE. So that it will read?

The SECRETARY. So that that portion of the amendment will read:

It shall be unlawful to sell, furnish, or give away any intoxicating liquor, including beer, ale, or wine, to any officer or member of the military forces while in uniform, and the Members of the Congress, or to knowingly furnish to such person or persons intoxicating liquors whether in uniform or not, or to any person in the employ of the Army, contrary to the terms of this section.

Mr. BRANDEGEE. I desire to ask the Senator from Alabama a question, Mr. President.

The PRESIDING OFFICER. The Senator from Alabama has the floor. Does he yield to the Senator from Connecticut?

Mr. UNDERWOOD. I have only five minutes.

Mr. BRANDEGEE. I do not want one minute. I merely want to ask the Senator if we ought not to have the press gallery included as well as the Members of Congress?

Mr. GORE. Mr. President, will the Senator yield to me?

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Oklahoma?

Mr. UNDERWOOD. Not if it will take any of my time.

Mr. GORE. I do not want to take any of the Senator's time, but I shall offer as an amendment, following the words "and the Members of the Congress," the words "or anybody else."

Mr. MYERS. May I ask the Senator from Alabama if he intends to vote for his amendment?

Mr. UNDERWOOD. I do, and I am going to state right now why I am going to vote for the amendment.

I believe in protecting the young men in their uniforms and in their camps, and such a provision was in the original Senate committee amendment. If the first part of this amendment had not applied to following these boys to their homes, I would have accepted that; but you are invading the individual privileges of the men of this country after they have left the camp and taken off their uniforms by the amendment which you have adopted. I assume that you have adopted this amendment for the protection of the Nation. I admit, and I am glad to admit, that when a man takes too much liquor he is unfit to serve and incapable of serving his country; but I know that we need as cool heads and as good judgment in this crisis under the Dome of this Capitol as we do in the soldiers' camps of this Nation. I am not in favor of invading the individual rights of the citizen; but I do not consider myself any better than the soldier boy from my district, and I think I should have the same safeguards thrown around me, if they are necessary, as are thrown around the soldier boy from my State. I also think, so far as my having a cool and level head to meet the exigencies of the Nation are concerned, that it is more important that my head should be cool and that my brain should be clear than it is as to the individual members of these camps. Therefore, I say, if the Senate is going to the point of invading the rights of these men when they are out of camp, when they have got their uniforms off, I think, if we want to be good soldiers, we had better stand with them. I am, therefore, perfectly willing to vote for this amendment, and I am going to do it. If it is necessary for the good of the Nation that the soldiers from my State should have no liquor furnished to them, I think it is good for me that the same rule should apply.

I do not believe in this kind of legislation, as a rule; but I do not believe in discriminating; I do not believe in our picking out somebody that does not affect us in our lives, and then avoiding the question ourselves. I think, if the Senate wants to be consistent in what it has just done, it will vote to put this amendment into the bill.

I ask for the yeas and nays on my amendment to the amendment.

Mr. GALLINGER. Mr. President——

Mr. SHAFROTH. Mr. President, before the Senator from Alabama takes his seat I will ask him if he believes——

The PRESIDING OFFICER. The Senator from Alabama has yielded the floor, has he not?

Mr. UNDERWOOD. I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. If the Senator from Alabama has yielded the floor, the Chair will recognize the Senator from New Hampshire.

Mr. GALLINGER. Mr. President, as a public benefactor, and in behalf of such men and the one woman in the Congress who may need this protection, I give it my hearty approval.

Mr. MYERS. Mr. President, I very heartily concur with the most of what the Senator from Alabama [Mr. UNDERWOOD] has said. I concur very heartily with all he said about the responsibility that is resting upon Congress. I believe that Members of Congress have as great responsibility resting upon them in this crisis as have the officers and the soldiers of the Army, and that there is just as much need of sobriety, clear minds, and cool heads here as there is in the Army. In fact I believe that a human being can better perform any sort of work, whether it be shoveling coal, plowing, working with a pick, fighting, or legislating, without liquor in him than with liquor in him. I believe that is a proposition that is incontrovertible. Liquor is the deadliest foe to efficiency. I am not willing to vote for restrictions or regulations upon anybody else that I am not willing to vote upon myself and upon the people with whom I am associated.

I think the Senator from Alabama is entirely correct when he says that if this body is to be consistent it must adopt his amendment to the committee amendment. There can be no controversy about that. Therefore I am very heartily in favor of the amendment. I know that anyone can perform his duties as a Member of Congress better without liquor in him than he can with liquor in him. There is not a Member of the Senate but who will do better legislating for his country, better work for his constituents, better service to mankind, without liquor in him than he would with liquor in him. Any man is better off without liquor in him. Let us be practical, let us be sensible. We have applied enforced abstinence from liquor to the officers and soldiers of the Army. By all means let us apply it to ourselves. People will respect us more for it. Let us be consistent. I am for the amendment.

Mr. THOMAS. Mr. President, I desire to inquire of the Senator from Alabama whether he would accept an amendment including members of the Cabinet?

Mr. UNDERWOOD. Well, I will tell the Senator what I will do, if the Senator wants to put it in that way. I want to put it right up to the Membership of this body first. Then after that the amendment will be subject to an amendment, and I am willing to vote for such an amendment if offered by the Senator.

Mr. THOMAS. My reason—and I am asking the question in good faith—is because the reason given by the Senator for his amendment applies with greater force perhaps to these heads of departments than to Members of Congress.

Mr. UNDERWOOD. I am willing to vote for the Senator's amendment if he will offer it, but I ask him to allow me to have a direct vote on the amendment that I have proposed.

Mr. THOMAS. I shall not offer such an amendment, because I am going to vote against the Senator's amendment; but I did not want to offer an amendment to an amendment and then vote against it.

Mr. McCUMBER. Mr. President, I stepped out of the Chamber for a moment, and in my absence the amendment was offered. I wish the Secretary would read the amendment, so that we can see what the joke is before we vote on it.

The PRESIDING OFFICER. The Secretary will state the amendment to the amendment.

The SECRETARY. After the word "uniform" it is proposed to insert the words "and the Members of the Congress"; so that portion of the amendment will read:

> It shall be unlawful to sell, furnish, or give away any intoxicating liquor, including beer, ale, or wine, to any officer or member of the military forces while in uniform, and the Members of the Congress, or to knowingly furnish to such person or persons intoxicating liquors whether in uniform or not, or to any person in the employ of the Army, contrary to the terms of this section.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Alabama [Mr. UNDERWOOD] to the amendment of the committee as amended.

Mr. SMITH of Georgia. Mr. President, so far as I am personally concerned, I am perfectly willing for this amendment to pass. I would be willing to see it practically enforced voluntarily by every Senator and every Member of the other House; but, Mr. President, let us not be misled as to the value of what we have just done by the effort to throw ridicule upon it.

Mr. UNDERWOOD. Mr. President, does the Senator mean to imply that I am trying to throw ridicule on this by my amendment?

Mr. SMITH of Georgia. It looks so.

Mr. UNDERWWOD. Well, I want to deny that right now. The Senator can not put me in that attitude.

Mr. SMITH of Georgia. I am glad the Senator does deny it.

Mr. UNDERWOOD. I offered the amendment to the amendment in good faith, and I will not submit to any man putting me in a false position on this floor.

Mr. SMITH of Georgia. Mr. President, I would not put the Senator in a false position. I am glad that he did not offer the amendment for that reason; but before the public it is calculated to place ridicule upon what we have done, and therefore I desire in a few words to call attention to what we have done.

We are about to bring 500,000 boys from their homes; we are about to consolidate them in camps of from 10,000 to 50,000 men. Part of the time they will be in camp, and a considerable part of the time they will be out of camp, away from home restraints, away from the influences which have strengthened them and sustained them, associating with men who undoubtedly, in part at least, are accustomed to debauchery, with debauchery around them as soon as they leave the camp, with the hangers-on that frequent localities where camps are established, absolutely certain to be subject to the most violent temptations seeking to lead them astray and make drunkards of them. Now, when we vote that it shall be a crime to sell or to give those boys liquor to debauch them we do a splendid thing; and those who would ridicule it by suggesting that we broaden the provision and extend the prohibition to others—and I except the Senator from Alabama from that category, because he says he does not intend to ridicule the amendment that has been adopted, and I accept freely what he says—but the outsiders who might think he intended to ridicule what we have done should realize the difference between this proposition and what we have done.

Let us not be swept away from the conviction that we have done right in keeping liquor from those boys. If there were a way to modify the provision as affecting officers when they were off duty I might be willing to relieve them, although I think they will be better off to let liquor alone.

Mr. VARDAMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Mississippi?

Mr. SMITH of Georgia. I yield.

Mr. VARDAMAN. I should like to suggest to the Senator from Georgia that the reasoning of the Senator from Alabama is quite as applicable and his conclusion as pertinent to what the Senator desires to accomplish as the position which he himself has taken. The Senator from Alabama has pointed out the fact that we need clear heads in the Congress, and that the intellect is impaired, the judgment is distorted, and the reasoning beclouded by the use of intoxicants. Then why not extend the prohibition, as suggested by the Senator from Alabama? Brains unclouded by drink, hearts free from the poison of alcohol, are needed in the Congress of the United States quite as much as sober men are needed in the Army.

Mr. SMITH of Georgia. Then, Mr. President, if reason is to be clouded by the use of intoxicants the prohibition should also extend to the officers. Their reasoning powers certainly should not be clouded. I am perfectly willing for this amendment to pass, so far as I am concerned, although I may not vote for it.

SEVERAL SENATORS. Vote!

Mr. PITTMAN. Mr. President——

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Alabama to the amendment reported to the committee as amended.

Mr. VARDAMAN. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. PITTMAN. Mr. President, I had occasion a few moments ago to state that I believed that if there was a good purpose behind the amendment then pending, it should be extended to reach all of those within the jurisdiction of this body who might be affected by the use of liquor. I had occasion to suggest that I thought in fairness it should include Members of Congress, and it should include all persons who will have any duties to perform in the conduct of the war. I was in earnest when I said that, just as the Senator from Alabama is in earnest. I do not desire to have the Senator from Georgia include me among those who he says are seeking to place ridicule upon the proposition.

Mr. SMITH of Georgia. I do not, Mr. President.

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from Georgia?

Mr. PITTMAN. I do.

Mr. SMITH of Georgia. I desire to exclude everybody who did not mean it in that way.

Mr. PITTMAN. But the thing that is peculiar in this matter is that the distinguished Senator from Georgia, who has such an astute mind and who is so careful in his analysis of the motives and sentiments of others, should consider it perfectly proper to have Gen. Scott and other members of the Army controlled in the use of intoxicating liquors, and yet charge that the same control over the Members of the Senate is ridiculous.

I want the amendment to go further, and I intend to vote for it when it is in such form that I believe does not discriminate against the Army. So I intend to offer—not now, because I want this question voted on directly, in the first place, but after the amendment is voted on—I intend to offer the following amendment to the amendment of the Senator from Alabama:

Or other officer, employee, or representative of the United States Government.

The Senator from Colorado [Mr. SHAFROTH] questioned a while ago the constitutional authority of this body to include everyone. Possibly he is right in that, but certainly we have the constitutional authority to control officers, agents, and representatives of this Government. I intend to offer the amendment I have suggested after the amendment of the Senator from Alabama is voted on; and I think everyone who is sincere with regard to this question will vote for the amendment of the Senator from Alabama.

Mr. HARDWICK. Mr. President, I merely want to say—and I am not going to take even one minute—that it looks to me, this being a military bill, as if we ought to confine its operations to the Military Establishment itself.

Mr. PHELAN. Mr. President, the Constitution provides that the Senate shall make its own rules. [Laughter.] As I take it, the amendment proposed by the Senator from Alabama affects the habits and conduct, directly or indirectly, of the Members of this body, and hence it is not proper to regulate the conduct of the Members of the Senate by an amendment to a general bill which requires the concurrence of the other House. I therefore make the point of order, first, that the amendment to the amendment is not in order, and then I will move, if the Chair overrules the point of order, that the amendment to the amendment be referred to the Committee on Rules.

The PRESIDING OFFICER. The Chair overrules the point of order.

Mr. PHELAN. I move, then, that the amendment offered by the Senator from Alabama be referred to the Committee on Rules.

The PRESIDING OFFICER. Just a moment. The Chair thinks the amendment is in order because Congress has a right, by legislation, to regulate the conduct of Members of Congress, who are officials of the Government, as much as it has to regulate the conduct of soldiers. This amendment proposes to regulate the conduct of Senators as citizens, and Senators are included as Members of Congress and not specified as Senators alone while on duty, but at all times as citizens or officials, and this amendment does not affect the rules of the Senate as a legislative body. Therefore the point of order is overruled. The question is on the amendment offered by the Senator from Alabama to the amendment reported by the committee as amended.

Mr. PHELAN. Mr. President, I have made a motion.

The PRESIDING OFFICER. The Chair did not catch the motion.

Mr. PHELAN. I have moved that the amendment to the amendment be referred to the Committee on Rules. I did not understand that the Chair held that that motion was out of order.

Mr. FLETCHER. Mr. President, I make the point of order that that motion is not in order after the yeas and nays have been ordered on the question, and they have been ordered in this instance.

Mr. MYERS. I make the further point of order that it is contrary to the unanimous-consent agreement, which provides that this measure and all amendments pending, offered, or to be offered must be disposed of this day.

The PRESIDING OFFICER. Referring the matter to the Committee on Rules would be a disposition of the amendment. The Chair thinks it in order, and if the Senator from California insists upon it he will submit the motion to the Senate.

Mr. GALLINGER. Question.

Mr. UNDERWOOD. I ask for the yeas and nays.

Mr. PHELAN. Mr. President, I think it would be a proper disposition of the matter, and I request that the motion be put.

Mr. UNDERWOOD. The motion, if carried, would have the same effect as defeating the amendment offered by me, and I ask for the yeas and nays on that question.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Alabama to the amendment reported by the committee as amended, on which the yeas and nays are demanded.

The yeas and nays were ordered.

Mr. CHAMBERLAIN. Mr. President, I do not know whether discussion is in order on the motion, but I want to say, as the Senator from Georgia has suggested that the amendment proposed by the Senator from Alabama makes the original proposition ridiculous, that I do not take that view of it at all. If it is right to impose national prohibition as to one particular class of citizens of this country, then it is right to make it apply to others as well. If it is proper to apply it to the men who are to do the fighting in the field, then it is right to apply it to the men who legislate and vote the sinews of war in the form of money and other legislation necessary to prosecute this war. I am in sympathy with the amendment, and I shall vote for it, on the theory that I am not willing to adopt a rule of action for my neighbor which is not made applicable to me in this emergency.

Mr. SHEPPARD. Mr. President, I hope that the motion of the Senator from California will be defeated; that the Senate will adopt the amendment of the Senator from Alabama, just as it adopted, on motion of that other distinguished opponent of prohibition, the Senator from Missouri [Mr. REED], the so-called "bone-dry" amendment to the Post Office appropriation bill in the last Congress, and I hope very soon to have the pleasure of welcoming another distinguished antiprohibitionist into the bone-dry ranks.

Mr. REED. Mr. President, I do not think that the point of order made by the Senator from Montana [Mr. MYERS] was properly ruled on. I think the unanimous-consent agreement means a final disposition, and it is not a final disposition to refer a matter to a committee which has power to report it back.

Mr. President, while I have the floor, let me say just this much: I voted against the McKellar amendment to the committee amendment. I did so upon the theory that the committee amendment undertook to limit the sale of liquor in the camps and within the precincts that would be under the direct military jurisdiction of the United States, and we undoubtedly had the right to go that far; but to undertake to prohibit the sale of liquor to a soldier out of uniform and off duty who was in a State and outside of a military camp is, in my judgment, an attempt which is very likely to be held unconstitutional and to defeat the entire purpose of the bill. So, I voted against it. Now, however, since that amendment has been adopted, clearly if it is constitutional, then it is also constitutional to make the same rule apply to the Congress; and I shall vote for the amendment offered by the Senator from Alabama; but I want to warn the advocates of temperance that in all probability they have destroyed a proposition which was brought in here by the committee which would have been constitutional by adding an amendment which will probably make it unconstitutional.

Mr. HARDWICK. Mr. President, I rise to protest to the Chair that an examination of the precedents of the Senate will show that the Senate has expressly ruled in the year 1914, when the war-tax measure was before the Senate and was being voted on under a unanimous-consent agreement, that a proposition to commit certain portions of it, or certain motions relating to it, was not a compliance with the spirit of a unanimous-consent agreement which provided that the bill and all pending amendments should be acted on. I was not then a Member of the Senate, although a Member-elect; but I happened to be in the Chamber and heard the discussion, and it occurs to me now. I think it is not only the correct rule, but that the Senate has expressly so ruled. Of course I express that view with all deference to the Chair.

The PRESIDING OFFICER. The Chair desires to state that if this were a question of referring the bill itself, the Senator would undoubtedly be right. This, however, is a question of referring an amendment to the committee.

Mr. HARDWICK. If the Chair will permit me, the proposition there was not to refer the bill as a whole, but to refer a certain amendment. The Senate, on appeal, voted that a unanimous-consent agreement which provided that the bill, with all pending amendments, should be disposed of, required a disposition of the bill and its amendments.

Mr. PENROSE. Mr. President, on the point raised by the Senator from Georgia, I offered in the last Congress an amendment to recommit the revenue bill, and the Vice President, then in the chair, ruled it out of order as not a final disposition of the measure.

The PRESIDING OFFICER. Certainly. That motion would be out of order here, because it would not be a final disposition of the bill, and the unanimous-consent agreement was for a final disposition of the bill.

Mr. TOWNSEND. And amendments.

The PRESIDING OFFICER. Not amendments.

Mr. PENROSE. That is the parliamentary status.

Mr. SAULSBURY. Mr. President, I only want to say that I think the ruling of the Chair is perfectly correct in this particular matter, for this reason: If this amendment is referred

to the committee, under the rules of this body the committee can not act within the time that this bill must be disposed of, because it may not sit during the sessions of the Senate without special permission. Therefore a reference of this amendment to the committee, the bill having to be disposed of before we adjourn, will be a final disposition of that amendment; and for that reason I think the ruling of the Chair is correct.

Mr. JOHNSON of South Dakota. Mr. President, I do not know anything about the question of constitutionality that has been raised in connection with this amendment, but I voted for the amendment of the Senator from Tennessee. I believe it is a good amendment; but I can not agree with the Senator from Georgia [Mr. SMITH] when he says that the following amendment, offered by the Senator from Alabama, to include the Members of Congress in the amendment that applied to the soldier, would be looked upon by the country in the manner he says. I take just the opposite view.

I voted for the amendment, and I will vote for the amendment to the amendment offered by the Senator from Alabama [Mr. UNDERWOOD]. I believe that the Congress of the United States wears the shoulder straps of authority for defense the same as officers of the Regular Army and the Navy; and I believe further that if the Senate should refuse to consider the amendment of the Senator from Alabama it would put the Members of this body in the position of trying to pass legislation prohibiting certain people from using intoxicating liquors and not prohibiting themselves. It would certainly put the Senate of the United States in a very ridiculous position, as I see it.

The PRESIDING OFFICER. The Chair desires to state to the Senate, in reply to the suggestion of the Senator from Georgia, that the unanimous-consent agreement provides as follows:

It is agreed by unanimous consent that at not later than 1 o'clock p. m., on the calendar day of Saturday, April 28, 1917, the Senate will proceed to the consideration of S. 1871, a bill to authorize the President to increase temporarily the Military Establishment of the United States, and that before adjournment on that calendar day will vote upon the bill (S. 1871) through the regular parliamentary stages to its final disposition; and that after the said hour of 1 o'clock p. m., on the said calendar day, April 28, 1917, no Senator shall speak more than once or longer than 10 minutes upon the bill, or more than once or longer than 5 minutes upon any amendment offered thereto; and, further, that from this hour on (the hour of 12.30 p. m., calendar day of April 26, 1917), if any Senator announces his intention to speak upon the bill or any amendment thereto, no motion to take a recess, to adjourn, to proceed to the consideration of executive business, or to proceed to the consideration of any other business, shall be entertained by the Chair.

It will be observed that the unanimous-consent agreement states "that before adjournment on that calendar day will vote upon the bill (S. 1871) through the regular parliamentary stages to its final passage."

There is nothing said about amendments being considered and voted upon to their final disposition. There might be a thousand amendments offered, and we might arrive at the hour of 5 minutes of 12 o'clock to-night without the amendments being finally disposed of, and yet the vote must be taken on the bill, the amendments left undisposed of and entirely unacted upon in order to keep the agreement to vote upon the bill on this calendar day, which ends at 12 o'clock to-night. So the Chair thinks the decision that has been made is correct.

Mr. MYERS. Mr. President, I submit that an amendment offered to a bill is part of the bill when it is being considered.

The PRESIDING OFFICER. Certainly. It is not a part of the bill until it is adopted, however.

Mr. SMITH of South Carolina. Mr. President, before this vote is taken I desire to say that I have here a telegram that I think is pertinent to this discussion, and I will read it:

COLUMBIA, S. C., *April 28, 1917.*

The SOUTH CAROLINA CONGRESSIONAL DELEGATION,
Care of Senator B. R. TILLMAN,
Washington, D. C.:

The student body of the University of South Carolina respectfully request that you do all in your power to have passed, as an emergency war measure, a bill to prohibit the sale or manufacture of alcoholic liquors during the war.

ROBERT R. HARLEY,
President of the Student Body of the University of South Carolina.

Our people are very anxious that this war shall come to a speedy and successful close.

The PRESIDING OFFICER. The question is on referring the amendment to the committee. On that the yeas and nays have been ordered. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. CHAMBERLAIN (when his name was called). I have a general pair with the junior Senator from Pennsylvania (Mr. KNOX), which I transfer to the senior Senator from New Jersey (Mr. HUGHES) and vote "nay."

Mr. FALL (when his name was called). I again announce my pair with the junior Senator from Wyoming (Mr. KENDRICK) and withhold my vote.

The roll call having been concluded, the result was announced—yeas 20, nays 65—as follows:

YEAS—20.

Brandegee	Jones, N. Mex.	New	Smith, Ariz.
Dillingham	Kellogg	Phelan	Sterling
Frelinghuysen	Kirby	Pomerene	Wadsworth
Gerry	Lodge	Robinson	Watson
Hitchcock	McCumber	Saulsbury	Williams

NAYS—65.

Ashurst	Hale	Norris	Smoot
Bankhead	Harding	Overman	Stone
Borah	Hardwick	Page	Sutherland
Brady	Hollis	Penrose	Swanson
Broussard	Husting	Pittman	Thomas
Calder	James	Poindexter	Thompson
Chamberlain	Johnson, Cal.	Ransdell	Townsend
Colt	Johnson, S. D.	Reed	Trammell
Culberson	Jones, Wash.	Shafroth	Underwood
Cummins	Kenyon	Sheppard	Vardaman
Curtis	King	Sherman	Walsh
Fernald	Lewis	Shields	Warren
Fletcher	McKellar	Simmons	Weeks
France	McLean	Smith, Ga.	Wolcott
Gallinger	Martin	Smith, Md.	
Gore	Myers	Smith, Mich.	
Gronna	Nelson	Smith, S. C.	

NOT VOTING—11.

Beckham	Hughes	La Follette	Owen
Fall	Hendrick	Lane	Tillman
Goff	Knox	Newlands	

So the motion to refer the amendment to the Committee on Rules was rejected.

Mr. TOWNSEND. Mr. President, I voted not to refer this amendment to the committee because I am willing to vote directly upon the question now. I voted for the proposition offered by the Senator from Tennessee [Mr. MCKELLAR] because I could see great value in that provision. Notwithstanding the statement of the Senator from Alabama [Mr. UNDERWOOD], who offered his amendment, and other Senators who may favor it, there can be no question about the fact that it would not have been offered if it had not been that the original proposition which the Senator opposed had been adopted. The result of adopting it is to render very doubtful the constitutionality of the original provision. This is to be followed, we are told, by another amendment to make it apply to all of the officers of the Government, executive and judicial, and it can apply with equal force to all of these officers. It can also be applied to an amendment offered, or proposed to be offered, by the Senator from Oklahoma [Mr. OWEN], making it, as a war measure, apply to all the people of the United States, because all of them will be more or less interested in producing things which will be used in the war.

I think there can be little doubt in the minds of lawyers here, at least, that such a provision would be unconstitutional, and that it would affect and go to the very heart of the original amendment which has been adopted. Favorable as I am to the cause of prohibition, I shall not be carried off my feet by any appeal at this time which in my judgment will have but one effect, and that is to render nugatory the beneficial temperance legislation which a great majority of us feel ought to be adopted.

I say to the Senators here, if you are in favor of protecting our boys in the Army, you will not load up this bill with provisions which will have every tendency to destroy it.

I shall be obliged, in the interest of the cause of our soldiers, to vote against this proposition and all the other ones which have been made which can have but one result, and that is to defeat the very thing which the friends of this reform desire.

Mr. MCCUMBER. Mr. President, I have always been a strong supporter of a general prohibition law, but I think these amendments and propositions are reaching into the realm of the ridiculous.

If there is any Senator here who thinks that his own addiction to intoxicating liquors is such that he can not perform his duties during this war as a Senator of the United States, the proper thing for him to do is to resign. If a Senator thinks that any other Senator is incapable of performing his duty because of his use of intoxicating liquors, he should then immediately point out that Senator, and allow the Senate to reject him as an unfit associate.

I do not believe there is a single Senator who needs this prohibition applied to him particularly. I do not believe that we need to single out the Senate of the United States and cast a slur upon this great body by even an assumption, in an amendment of this kind, that we need a particular law to govern us.

Mr. President, I shall assume that any Senator who believes that the Senate of the United States is incapable of performing its duty on account of the bad habit of overdrink will vote for this amendment, and that Senators who do not believe it, but who do believe that this is an honorable body and a capable body of men which does not need to have thrown around it the protection suggested in singling it out to protect it against itself, will vote against it.

In voting against a proposition of this kind I am voting that I have confidence in the honor and intelligence of the Senate of the United States.

Mr. STONE. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Missouri?

Mr. McCUMBER. I yield.

Mr. STONE. The Senator narrows the question too much. He confines the operation of the amendment to the Senate. Of course such a provision in the law would be wholly unnecessary if it applied solely to the Senate; but it applies to the Congress. [Laughter.]

Mr. McCUMBER. Such a law, in my opinion, is an insult to the Senate.

Mr. BRANDEGEE. Mr. President, if this provision is necessary to the conduct of this war, and is to be applied to the Army and Navy and Members of Congress, I think it is fully as important that the judicial and executive branches of the Government should be included; and I offer an amendment to include them all.

The PRESIDING OFFICER. The Chair will state to the Senator from Connecticut that that amendment is in the third degree. He can offer it after this amendment is acted upon.

Mr. BRANDEGEE. Very well. I will offer it then.

Mr. FALL. Mr. President, the earth is sometimes shaken by seismic disturbances which puzzle the scientists to account for, and disease germs apparently permeate the atmosphere, causing epidemics which the physicians are not able to diagnose. It seems to me that certainly an intellectual "la grippe" germ has been permeating the atmosphere in some portions of this country recently. If I were voting and not paired upon this particular proposition, I should be inclined to suggest at least the propriety of an amendment to the amendment proposed by the Senator from Alabama to the effect that the Members of Congress to whom this prohibition clause should apply should be chosen by the President under the selective-draft provisions of this act.

Mr. BRADY. Mr. President, I believe that the Congress has at this time an opportunity to enact some legislation that will be really beneficial. The Senator from North Dakota seemed to think that it would be presuming that the Members of this body needed a special guardian or some special law in order to protect us from intoxicating liquors. I do not believe that the boys who are going out to fight the battles for this country need any more protection in that line than the men who enact the law that sends them there.

Only a few days ago, on the Post Office appropriation bill, we succeeded in accidentally putting on an amendment similar to this. The general supposition was that it would be thrown out in conference. The amendment was adopted in the House, agreed upon in conference, and is now a law. The same condition exists relative to this amendment to-day.

Let us assume for a moment that half a dozen Members of the House and of the Senate go down to the Willard Hotel with three officers of the Army. They are not in uniform, but at the same time the proprietor knows that they are officers of the Army. The hotel can sell drinks to the Congressmen and the Senators while the Army officers must sit there and look on and watch the other men drinking. I do not believe it is fair and right.

Mr. PENROSE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Pennsylvania?

Mr. BRADY. I do.

Mr. PENROSE. This dreadful situation will be impossible after November.

Mr. BRADY. Well, let us save the Congressmen until November, anyway.

Therefore, Mr. President, in all earnestness, I hope that this amendment may be adopted. I believe that when it is adopted it will be approved by the House and agreed upon in conference, and that we will then have a law that places us on an equality with the boys we are sending to the front to fight the country's battles and paying them $15 a month.

I hope the amendment will be adopted.

Mr. THOMAS. Mr. President, I merely wish to remind the Senate that we have spent an hour and fifty-five minutes of our time upon this single amendment. There are something like 40 amendments which have been offered, and we now have eight hours in which to consider them. Unless, therefore, we expedite the business of voting upon these amendments, the time for passing upon the bill itself will arrive before one-third of the amendments shall have been disposed of.

Mr. VARDAMAN. Well, let us vote.

Mr. SHAFROTH. Mr. President, I move that the amendment offered by the Senator from Alabama be laid on the table. That motion is not debatable.

Mr. ASHURST. Call the roll.

Mr. MYERS. Mr. President——

Mr. UNDERWOOD. I ask for the yeas and nays on that motion.

Mr. MYERS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. MYERS. Is not the pending question the amendment to the amendment offered by the Senator from Connecticut [Mr. BRANDEGEE]?

The PRESIDING OFFICER. No; that amendment was not in order, because it was in the third degree.

Mr. UNDERWOOD. I ask for the yeas and nays on the motion to lay the amendment on the table.

The question having been taken by yeas and nays, the result was announced—yeas 39, nays 48, as follows:

YEAS—39.

Beckham	Johnson, Cal.	Overman	Smith, Md.
Brandegee	Jones, N. Mex.	Owen	Sterling
Frelinghuysen	Kellogg	Phelan	Sutherland
Gerry	Kenyon	Pomerene	Thomas
Gore	King	Robinson	Townsend
Hardwick	Knox	Saulsbury	Wadsworth
Hitchcock	Lodge	Shafroth	Walsh
Hollis	McCumber	Simmons	Watson
Husting	Nelson	Smith, Ariz.	Weeks
James	New	Smith, Ga.	

NAYS—48.

Ashurst	Fernald	McLean	Shields
Bankhead	Fletcher	Martin	Smith, Mich.
Borah	France	Myers	Smith, S. C.
Brady	Gallinger	Norris	Smoot
Broussard	Gronna	Page	Stone
Calder	Hale	Penrose	Swanson
Chamberlain	Harding	Pittman	Thompson
Colt	Johnson, S. Dak.	Poindexter	Trammell
Culberson	Jones, Wash.	Ransdell	Underwood
Cummins	Kirby	Reed	Vardaman
Curtis	Lewis	Sheppard	Warren
Dillingham	McKellar	Sherman	Wolcott

NOT VOTING—9.

Fall	Kendrick	Lane	Tillman
Goff	La Follette	Newlands	Williams
Hughes			

So the Senate refused to lay the amendment to the amendment on the table.

The VICE PRESIDENT. The question is upon the amendment of the Senator from Alabama [Mr. UNDERWOOD] to the amendment of the committee, upon which the yeas and nays have been ordered. The Secretary will call the roll.

The question having been taken by yeas and nays, the result was announced—yeas 45, nays 43, as follows:

YEAS—45.

Ashurst	Gallinger	Myers	Stone
Bankhead	Gronna	Norris	Swanson
Brady	Hale	Page	Thompson
Broussard	Harding	Penrose	Trammell
Calder	Johnson, S. Dak.	Pittman	Underwood
Chamberlain	Jones, N. Mex.	Poindexter	Vardaman
Colt	Jones, Wash.	Ransdell	Warren
Cummins	Kenyon	Reed	Williams
Curtis	Kirby	Sheppard	Wolcott
Fernald	McKellar	Smith, Mich.	
Fletcher	McLean	Smith, S. C.	
France	Martin	Smoot	

NAYS—43.

Beckham	Husting	Overman	Smith, Ga.
Borah	James	Owen	Smith, Md.
Brandegee	Johnson, Cal.	Phelan	Sterling
Culberson	Kellogg	Pomerene	Sutherland
Dillingham	King	Robinson	Thomas
Frelinghuysen	Knox	Saulsbury	Townsend
Gerry	Lewis	Shafroth	Wadsworth
Gore	Lodge	Sherman	Walsh
Hardwick	McCumber	Shields	Watson
Hitchcock	Nelson	Simmons	Weeks
Hollis	New	Smith, Ariz.	

NOT VOTING—8.

Fall	Hughes	La Follette	Newlands
Goff	Kendrick	Lane	Tillman

So the amendment to the amendment was agreed to.

The VICE PRESIDENT. The question is on agreeing to the amendment of the committee as amended.

Mr. OWEN. Mr. President, I wish to explain my vote in voting "nay," that I regard this as nothing but frivolous.

Mr. PITTMAN. I gave notice before the vote on the last amendment that I would offer an amendment immediately following the amendment of the Senator from Alabama. I now offer the amendment to follow the language of the amendment just adopted.

The VICE PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. After the words "and the Members of the Congress" insert "all other officers, employees, or representatives of the United States Government."

Mr. MYERS. Mr. President, I think that the Congress of the United States could set no better example to the people of this country than to adopt that amendment. It would be setting an example that would be appreciated by the people of the country and would have a highly beneficial effect, and I hope it may be adopted. Let us enact a law that every employee of this Government, high and low, shall abstain from using liquor during this war, and we will take a grand step and a long step toward winning the war. More than that, we would come out of the war a better people. It would be a noble example to set to the people of the country. We could not do better. I am for the amendment.

Mr. BRANDEGEE. Mr. President, I entirely agree with the noble sentiments expressed by the Senator from Montana [Mr. MYERS]. I believe the Government, with all its beneficent activities, ought to be administered without discrimination, and now that the Congress of the United States, or at least the part of it which is represented by the Senate, has seen fit to erect this palladium over our heads to protect us against ourselves and the evil influences which we are powerless to resist without legislation, I think the same protecting ægis should be extended over the feeble heads of the judicial and executive branches of the Government.

If it is important for the Legislature, as the Senator from Alabama has asserted, to keep level heads and not get befuddled at these important crises, it is equally important that those who interpret the laws which we enact and those who are to enforce them and carry them into effect should also be shielded from their weaknesses.

I hope the amendment will prevail, so that this shall be a government of law and not of discrimination.

Mr. HARDING. Mr. President, I am very reluctant to take even a moment in this hour, but I want the people I am trying to represent in this body to know something about my position. I am going to say to the Senate now that I shall vote against every question that is raised in the form of an amendment in this body at this time, because I think it unbecoming to the Senate of the United States to be indulging in such trivial and ridiculous action as we have taken here to-day. I have sustained the attitude of the Senator from Alabama because I thought it becoming to make the amendment adopted previously to his amendment a ridiculous thing in the eyes of the people of the United States. It went beyond sane and reasonable requirements.

Mr. President, I am not a spokesman of the wet interests of this country. In some years in public life I have done as much to promote the cause of prohibition as many a more pretentious Member of this body who seeks legislation in that direction, and I am expecting in the progress of legislation that has to do with this great war to be called upon to vote upon a good many more measures which are looking to prohibition, and I shall have no hesitancy in meeting the issue.

But if there is any merit in these several offerings relating to the proposition, and there doubtless is merit in them, they can well come before this body and stand upon their own merits instead of being intruded as amendments to this urgent measure which ought speedily to secure the sanction of this body.

What a spectacle it is, my countrymen, that the Senate of the United States, on our entry into a world-wide war, while sitting as a deliberative body, should be giving hours to questions like these and collateral amendments.

Mr. President, I do not want to take the time merely in my own defense. From this time on I want it known that I will refuse to consider these various questions which are dragged, without justification, into this body for consideration in the name of war measures. The socialist wants confiscation of property in the name of a war measure. The suffragist wants suffrage for women in the name of a war preparation. Every faddist wants his fad adopted as a governmental policy in the name of defense. The fanatic of every kind has his specialty for national strength. Very well, if these are good things, let them be considered in due time. I have not the slightest doubt that I shall cast my vote for some measures looking to some forms of prohibition, at least some forms of conservation, during the pendency of this world conflict, but let us not have them brought up now in the name of emergency.

We ought to be passing this bill, which provides for an American Army for defense. I only want it known, Mr. President, for one, I refuse further to be drawn from my line of duty in the consideration of such propositions.

Mr. THOMAS. Mr. President, we have now taken 2 hours and 20 minutes in the consideration of one amendment and the amendments thereto, with some very important amendments which ought to be considered before we reach the time for taking the final vote under the unanimous-consent agreement.

I cordially indorse what has been said by the Senator from Ohio [Mr. HARDING] upon the pending amendment. It is known, Mr. President, that I am opposed to this measure; in the discharge of my duty, as I understand it, I shall vote against it; but I, too, refuse to be a party to a proceeding which tends to belittle not only the Senate but the country at a time when those who support the bill did so because of the pendency of the mightiest crisis which this Nation has ever confronted.

Senators, at this time with these amendments and the shortness of the hours, let us proceed to the consideration of the bill and dispose of it upon its merits instead of loading it with these; yes; I will say it, these ridiculous amendments however sincere may be the motive which prompted their offering.

Mr. SHERMAN. Mr. President, I wish to cordially concur with the Senator from Ohio [Mr. HARDING]. We are on the threshold of a great war affecting the lives and souls and the fortunes of this great Nation. Can we not act in a becoming spirit with the legislation we are considering?

Mr. McCUMBER. I ask that the pending amendment may be stated.

The VICE PRESIDENT. The Secretary will state it.

The SECRETARY. Add after the words "the Members of Congress" "or other officer, employee, or representative of the United States Government."

Mr. McCUMBER. Mr. President, the Senate of the United States having just now voted by the number of 45 as against 43 that it is incompetent to perform its duties as a Senate unless it is hedged about with a prohibition law, is it not about time that we took an adjournment after getting this proposition through and allow us time to sober off and then deal with the critical question that is before us?

Mr. WILLIAMS. Mr. President, the Senate did not prove itself incompetent to govern the country upon the last vote; it proved itself incompetent to govern the country upon the vote just preceding it. The Senate voted just preceding that that no American citizen who was an officer or a private in the American Army or Navy or in any wise employed for the war service, should be permitted to take a drink, to offer a drink, or to accept a drink from anybody, under a criminal penalty.

Now, then, I say that if you are going to apply that rule to the men who are going to shed their blood for the United States, you had better apply it to yourselves. We are going to shed nothing except our voices [laughter], and we are not going to shed them very wisely, because a great many of us are engaged in the business of attempting to interfere with the Navy and the Army in the management of this war. As a distinguished Representative at the other end of the Capitol said the other day, the prayer that ought to be made to-day to God by the American people is that the laity and the politicians of America shall not interfere with carrying on this war.

Just a moment ago you voted that no man who goes to the front to shed his blood and to endanger his limb shall be permitted to accept or offer a drink because you in your august wisdom—I started to say "disapprove of it," but you do not even do that; there are influences behind you that disapprove of it, but you do not—but because you in your representative capacity disapprove of it, you just passed an amendment that an Army officer or a Navy officer or a private or anybody employed in the military service of the United States should not be allowed to take even a glass of beer without being a criminal. You went further than that, and you provided that he should not offer anybody a glass of beer without becoming a criminal. You went even further, and provided that if anybody offered to him a glass of beer he should not take it without being a criminal. Now gentlemen are reading the riot act because a moment ago some of us acted a little bit consistently with your former vote and simply said that "if you are going to apply that rule to the men who are willing to bare their breasts to the enemy's bullets, then apply it to yourselves." So these lectures which are being read are out of place. They ought to have been read earlier.

The Senator from North Dakota says that we have just passed an amendment to the effect that Senators of the United States can not be trusted, or that Congressmen can not be trusted, to control their appetites or to control themselves, or something to that effect. What was it the Senator said?

Mr. McCUMBER. Mr. President, I said that the Senate had just voted by a vote of 45 to 43 that it was incompetent to carry on the business of the Government without having a prohibition law applying to it.

Mr. WILLIAMS. I beg the Senator's pardon. What I said I think amounted to what he has just stated, but at any rate I will now quote him accurately. He says that the Senate has just voted that it thinks Senators are incompetent to carry on the public business without hedging themselves around with a prohibition law. That is correct, is it not?

Mr. McCUMBER. That is right.

Mr. WILLIAMS. The previous vote was that the men are very much more important than he and I; very much more important than the Senate; that they shall be thus hedged about not only in uniform and on duty but out of one and off the other. If there were a bomb thrown from that gallery right now, destroying me and every other Member of the Senate, it would not interfere with the progress of the American Government 48 hours. We voted that the men who are very much more important, who are going to the front to fight, can not be trusted to fight without a provision of this sort. If you are going to hedge them around, hedge yourselves. If you are going to revoke your last vote, revoke the one previous to it.

Mr. CHAMBERLAIN. Mr. President, if it is in order, permit me to say that I hope this bill may be proceeded with. The discussion which is now pending is likely to defeat the purpose that the unanimous-consent agreement had in view. Therefore, in order to try to clarify the situation, I move to reconsider the vote by which the McKellar amendment was adopted.

SEVERAL SENATORS. Oh, no.

The VICE PRESIDENT. There is a pending amendment.

Mr. JONES of Washington. Yes.

The VICE PRESIDENT. The amendment proposed by the Senator from Nevada [Mr. PITTMAN] is before the Senate.

Mr. GALLINGER, Mr. PENROSE, and others. Question!

Mr. BORAH. Mr. President, if I understand the amendment now pending, it is the amendment proposed by the Senator from Nevada [Mr. PITTMAN] extending this rule or principle to the employees of the Government generally.

Mr. PENROSE. Including the judiciary.

Mr. BORAH. Mr. President, we are dealing with a particular subject here and one of great moment. While I think a great many of us are firm believers in the principle and policy of prohibition, it seems to me that we might separate that proposition from the great question with which we are dealing, except in so far as it actually relates to the Army. Whatever is necessary to protect the Army and to make it efficient and successful as an army we may properly deal with; but it does seem to me that we ought not to extend the subject of this legislation beyond the important question which is before us. I shall, therefore, vote against all these propositions to extend it beyond the question of protecting the Army or of legislating in any manner which we think is sufficient to protect the Army. There will be other measures before the Senate in a very few days to which we can properly offer amendments concerning the whole subject of prohibition.

Mr. PITTMAN. Mr. President, I opposed the McKellar amendment and I stated why I opposed it. I opposed it because it attempted to impose a coercion under the supposition of necessity upon a few men who are going to conduct this war. That was enlarged by including a few other men who are going to participate in the conduct of the war, namely, Members of Congress. If the original amendment to the amendment just adopted will facilitate the successful termination of this war, then it must follow that all of those who are engaged, either directly or indirectly, on behalf of the Government in the conduct of this war must be equally affected by the policy that we have already adopted with regard to certain classes.

There is more, I think, in the conduct of war than simply the soldier going to the front and firing. I believe that, as wars are conducted to-day, it is a matter of system. I believe that that part of the war that looks to preparation for actual battle is just as essential, if not more essential, than the actual fighting. I believe that the conduct of the executive departments of this Government is just as important as is the conduct of the battle field or the conduct of the legislation of this body.

I am satisfied that this is a good provision. I do not know that I have ever before stood for prohibition, but I recognize that present conditions are abnormal. I recognize that it has been found necessary in Russia, in France, and in other countries, to a large extent, to extend prohibition to all classes. I know that the King of England and the high officials of that Government voluntarily adopted prohibition because it was enforced upon the soldiers. I do not think there is a high official in this Government, I do not believe that there is an official in an executive capacity to-day who would feel humiliated if he were included in this amendment. I believe that those executive departments and the employees of the executive departments of this Government who must look to the preparations for this war should be in that sane, sober, thoughtful, cool condition that the Senate feels that the Army and the high Army officers and the Members of this body should be in. I have offered the amendment so that it may be consistent with the whole character of the legislation which has already been so overwhelmingly approved by this body.

SEVERAL SENATORS Vote!

The VICE PRESIDENT. The question is on the amendment to the amendment of the committee as amended.

Mr. TOWNSEND. I ask for the yeas and nays, Mr. President.

The VICE PRESIDENT. Is the request seconded. [A pause.] The Chair does not believe that one-fifth of the Senators present have seconded the request for the yeas and nays. All in favor of the amendment will say "aye." [A pause.] Those opposed will say "no." [A pause.] The noes have it.

Mr. PENROSE. Mr. President——

Mr. TOWNSEND. I call for the yeas and nays, Mr. President. I think enough Senators rose to require the yeas and nays.

The VICE PRESIDENT. Senators will hold up their hands, please, until they may be counted. [A pause.] There are a sufficient number, and the Secretary will call the roll.

The yeas and nays having been taken, resulted—yeas 30, nays 54, as follows:

YEAS—30.

Brandegee	Johnson, S. Dak.	Pittman	Thompson
Colt	Jones, N. Mex.	Poindexter	Trammell
Cummins	Kirby	Ransdell	Underwood
Curtis	McKellar	Reed	Vardaman
Fernald	Martin	Sheppard	Williams
Fletcher	Myers	Smith, S. C.	Wolcott
Gallinger	Norris	Stone	
Gronna	Penrose	Swanson	

NAYS—54.

Ashurst	Hardwick	McLean	Smith, Ga.
Beckham	Hitchcock	Nelson	Smith, Mich.
Borah	Hollis	New	Smoot
Brady	Husting	Overman	Sterling
Broussard	James	Owen	Sutherland
Calder	Johnson, Cal.	Page	Thomas
Chamberlain	Jones, Wash.	Phelan	Townsend
Culberson	Kellogg	Pomerene	Wadsworth
Dillingham	Kenyon	Robinson	Walsh
France	King	Shafroth	Warren
Frelinghuysen	Knox	Sherman	Watson
Gerry	Lewis	Shields	Weeks
Gore	Lodge	Simmons	
Hale	McCumber	Smith, Ariz.	

NOT VOTING—12.

Bankhead	Harding	La Follette	Saulsbury
Fall	Hughes	Lane	Smith, Md.
Goff	Kendrick	Newlands	Tillman

So Mr. PITTMAN's amendment to the amendment of the committee as amended was rejected.

Mr. HARDING. Mr. President, I offer as a substitute for the committee amendment as amended the amendment which I send to the desk.

The VICE PRESIDENT. The amendment proposed by the Senator from Ohio as a substitute for the amendment reported by the committee as amended will be stated.

The SECRETARY. In lieu of the amendment as amended it is proposed to insert the following:

That no person, corporation, partnership, or association shall sell, supply, or have in his or its possession any intoxicating or spirituous liquors at any military station, cantonment, camp, fort, post, officers' or enlisted men's club, which is being used at the time for military purposes under this act, but the Secretary of War may make regulations permitting the sale and use of intoxicating liquors for medicinal purposes. Any person, corporation, partnership, or association violating the provisions of this section or the regulations made thereunder shall, unless otherwise punishable under the Articles of War, be deemed guilty of a misdemeanor, and be punished by a fine of not more than $1,000, or imprisonment for not more than 12 months, or both.

Mr. JONES. Mr. President, I make the point of order against that amendment that it is not in order as a substitute, as it is word for word the committee amendment which the Senate has now amended.

Mr. HARDING. Mr. President, it is not word for word the same. If the Secretary will read the first part of the amend-

ment, I think the Senator from Washington will agree that it is not the same.

Mr. JONES. I tried to follow the reading pretty closely.

Mr. HARDING. I think the Secretary overlooked reading the first part of the amendment. If he will read that, I think the Senator from Washington will see the difference.

The VICE PRESIDENT. The amendment was not properly stated by the Secretary and will again be stated.

The SECRETARY. In lieu of the amendment as amended it is proposed to insert the following:

SEC. 11. That the President of the United States as Commander in Chief of the Army is authorized to make such regulations governing the prohibition of alcoholic liquors in or near military camps and to the officers and enlisted men of the Army as he may from time to time deem necessary or advisable; that no person, corporation, partnership, or association shall sell, supply, or have in his or its possession any intoxicating or spirituous liquors at any military station, cantonment, camp, fort, post, officers' or enlisted men's club, which is being used at the time for military purposes under this act, but the Secretary of War may make regulations permitting the sale and use of intoxicating liquors for medicinal purposes. Any person, corporation, partnership, or association violating the provisions of this section or the regulations made thereunder shall, unless otherwise punishable under the Articles of War, be deemed guilty of a misdemeanor, and be punished by a fine of not more than $1,000, or imprisonment for not more than 12 months, or both.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Ohio [Mr. HARDING] as a substitute for the amendment reported by the committee as amended.

Mr. STONE. Mr. President, I shall support that amendment, or substitute. I agree with what was said in so timely a way by the Senator from Ohio, that we have been rather belittling the dignity of the occasion. I do not believe that the prohibition question, the suffrage question, or any other like collateral question should be injected into the consideration of the grave and important subject before us, except, and only except, in so far as any such collateral question may bear directly and materially upon the main question we have under consideration.

So far as concerns the protection of the Army itself, the forces actually enlisting, against the encroachment of any undue temptation, it seems to me that there should be no difference of opinion. That ought to be done. The amendment of the Senator from Ohio is in entire accord with that thought; but if we go beyond that we are injecting into this discussion and into the consideration of this great and important subject immaterial things that detract from the dignity and gravity of the really solemn business upon which we are engaged.

I hope the amendment of the Senator from Ohio will be agreed to.

Mr. NELSON. Mr. President, I am loath to take up the time of the Senate, but I want to state one thing. Our soldiers, like our sailors, need protection from the liquor fiend. This amendment offered by the Senator from Ohio, like the original amendment to the bill, is of no value whatever. They can put a zone right around the camp, but the soldiers will go to the cities adjoining the camp, to the saloons, and get liquor there.

In the State of Minnesota, Fort Snelling is situated between two large cities—Minneapolis and St. Paul. They can establish a zone around that fort and keep liquor out of the camp, but that is a small matter unless they keep the soldiers interned there perpetually. The soldiers get out and the runners for the whisky houses and the saloons will be after them. If they get out there, they will fill up and spend their money and come back drunk and be in the guardhouse. So if you want to do anything for the soldiers you have got to adopt the McKellar amendment. The other is no protection at all.

Mr. MYERS. Mr. President, I am opposed to the substitute offered by the Senator from Ohio [Mr. HARDING]. The Senate has deliberately gone on record as to what it wants by yea-and-nay votes. If any of the Senators who helped to decide the questions decided here to-day voted frivolously, humorously, or flippantly, that is their business. That is a matter between them, their consciences, and their constituents. I never vote otherwise than seriously. I can not agree with the statements which have been made here that some of the proceedings of this body to-day have been flippant or frivolous, and I do not concur in any of the white-heat indignation which has been vociferously expressed here by some of the Senators about some of the votes which have been taken here to-day.

I believe that if every man and woman in the employ of the Government, in any capacity, were frugal and abstemious, and would abstain from the use of liquor during the entire period of this war, they and the Government would be better off. Is there anyone here who will deny that? Will anyone arise and deny it?

Mr. KING. Mr. President——

The VICE PRESIDENT. Does the Senator from Montana yield to the Senator from Utah?

Mr. MYERS. With great pleasure.

Mr. KING. Does the Senator think that because the country is engaged in a war the Federal Government ought to take charge of all the municipal and domestic affairs of the States, and regulate what we should eat and drink and wear in the States?

Mr. MYERS. No, sir; I do not; and no amendment here has proposed that; but I believe it is within the province of Congress to provide that those who may work for the Government, whether in the Army or in a civil capacity, shall not indulge in the use of intoxicating liquor while in the employ of the Government. If working in a civil capacity, they can take their choice—either abide by the law or give up their positions and not work for the Government.

I do not believe that anybody can deny that if every employee of this Government should be diligent and sober and abstain from the use of liquor during the entire period of this war, the country would be better off. I pause to observe if anybody denies it. Nobody denies it. Then why should we not put it in force?

I do not believe that we have been engaged in frivolous business at all. There have been propositions made here, and voted upon, which certainly must commend themselves to the judgment and common sense of thinking, serious-minded people. This is one of that kind. I believe it is of the highest importance that we start out in the conduct of this war by providing that as little liquor shall be used as possible, as little food shall be wasted as possible, and many other wise restrictions; and before we whip Germany we will see the necessity of some of these things. Germany is the most efficient nation in the world. When you whip Germany you have a job on hand. Let it not be said that anything which tends to sobriety in Government employees in time of war is frivolous. We will need all the sobriety we can get before we accomplish our task.

Mr. CHAMBERLAIN. Mr. President, while I am not entirely satisfied with the amendment of the Senator from Ohio, I feel that the Senate ought to adopt that amendment and get rid of the unseemly wrangle that is now going on before the Senate at a time when the nations of the world are looking to see what America is going to do in this serious crisis. I think the Senate ought to get rid of this, and get rid of it promptly; and I think the Senators who feel more intensely upon the subject of prohibition than I do ought to be willing to sacrifice their convictions a little for the purpose of hurrying this important legislation.

The Senate knows that I have voted for every prohibition amendment that has been up here, and every measure that tends to the uplift of our people. This might be made very much stronger than it is, but I think we ought to dispose of this question and take up this bill seriously and get rid of it, and get rid of it promptly.

Mr. JONES of Washington. Mr. President, I am going to take just a minute.

In my judgment, we can not do a more important thing in connection with this legislation than to throw safeguards around our soldiers, who, the experience of all wars has shown, will be the special prey of this deadly traffic. It is not frivolous for us to try to put important provisions upon this bill in order to do that, and the experience of all the nations at war has shown that the worst enemy they fight is not the enemy at the front but the enemy at home and that surrounds the boys in the camps.

Mr. President, the Senator from Minnesota [Mr. NELSON] stated clearly and definitely the objections to the amendment of the Senator from Ohio. It is useless and it is no better than the amendment submitted by the committee, and in addition to that it is objectionable, because it tries to throw the responsibility on the President of the United States. I am willing to discharge my responsibility. We ought to say what we want done in this matter—we know the facts; we know the situation—and not try to throw the responsibility and the blame, if any should come, upon the President of the United States. He will have enough responsibilities to discharge in connection with this war. Let us say definitely what we want done, and not leave it to him.

Mr. WADSWORTH. Mr. President, will the Senator yield to me for just one question?

Mr. JONES of Washington. I yield.

Mr. WADSWORTH. Would the Senator advise that the Congress of the United States, in attempting to regulate the discipline of the United States Army, should disregard the policies now in vogue in the most successful armies in the world?

Mr. JONES of Washington. Mr. President, the Senator and I may not agree as to what the conditions are in these armies. I have facts and records and reliable statements showing that the worst enemy they have really sapping their strength and their efficiency is what we are trying to guard against here. I am not going into the discussion of any technical matters with reference to the handling of armies and the handling of our men. It may cause dissatisfaction with some; but, Mr. President, 80 per cent of the territory of this country from which we are going to take these boys is dry. These boys are going to the front, and the mothers and the wives and the sweethearts and the sisters have a right to insist that the Government shall throw around these boys the protection that they ought to have and that they can not get in any other way. I am satisfied that this will do more to promote the efficiency and the strength and the power of the Army than any other action that we can take. The Senator from New York may not agree with me.

Mr. WADSWORTH. Mr. President, I simply wanted to remark upon this occasion, in commenting upon the remarks of the Senator from Washington, that the British Army and the French Army and the German Army make it a policy to serve wines or liquors as part of the rations of the soldiers in the trenches at stated, regular intervals; and it is to be assumed that they do that because they believe that that is the best way to regulate this problem, to maintain discipline, and the contentment of the men.

As I read the amendment offered by the Senator from Tennessee, the military officers of the United States will be prohibited from doing anything of that sort. It seems to me that the men who know most about the preservation of discipline, camp sanitation, and military hygiene are the officers of the Army. The men who have the deepest interest in the health, the morals, and the contentment of the troops are the men who command them. The amendment suggested by the Senator from Ohio is for the purpose of leaving it to the discretion of the President, and inferentially the commanding officers of the Army, to regulate these things in the best interests of the soldiers themselves. That is why I think that amendment should be adopted.

Mr. SHEPPARD. Mr. President, after inveighing against the introduction of amendments which he pronounced frivolous, the Senator from Ohio [Mr. HARDING] proceeded to introduce the most ineffective and indefinite amendment that has been presented here to-day. I desire to call the further attention of the Senate and the country to the fact that these additional amendments, that have been pronounced unnecessary and frivolous, have been introduced by those who opposed the McKellar amendment. The consumption of time they have occasioned is not chargeable to those of us who favor this amendment but to those who opposed it; and I think that there may have been some purpose in the introduction of one of these amendments hostile to the McKellar amendment.

The substitute of the Senator from Ohio nullifies what has been accomplished by the McKellar amendment. If changes should be desired, if the amendment should need to be whipped into shape, vote the substitute down and let the entire matter go to conference. That is the best and quickest solution of the matter.

Mr. SMITH of Michigan. Mr. President, it was, if my recollection serves me right, in a spirit of frivolity that Congress abolished the sale of intoxicating liquors in the Capitol of the United States. My honored friend on my right [Mr. WARREN], the Senator from New Hampshire [Mr. GALLINGER], and other Senators on this floor recall that it was in a spirit of playful frivolity that the sale of intoxicating liquors in this Capitol Building was abolished.

Mr. GALLINGER. Mr. President, it was started in a spirit of frivolity, but the Senate took it seriously.

Mr. SMITH of Michigan. The Senate did take it seriously, and I am very glad it did.

Mr. GALLINGER. So am I.

Mr. SMITH of Michigan. And I assisted in its ratification.

Mr. PENROSE. Mr. President, if the Senator will permit me, I think the provision to which he refers was in an immigration bill.

Mr. SMITH of Michigan. It was.

Mr. PENROSE. I was chairman of the Senate committee. The House sent over this prohibition amendment thinking the Senate would never agree to it, and we disappointed them.

Mr. SMITH of Michigan. Exactly.

Mr. LODGE. And that is what has happened.

Mr. PENROSE. Yes; we did disappoint the House very much by agreeing to it.

Mr. SMITH of Michigan. I agree with the Senators. The amendment was not even germane; it had no appropriate place where it was finally put, and yet who will undo that act? Not a Senator on this floor would undo that wholesome yet frivolous act, and no Member of the House of Representatives would move to undo it. The Nation's respect and its morality have been greatly enhanced by reason of the abolishment of the sale of intoxicating liquors in this Capitol. It will not be very long before no soldier or civilian can get intoxicating liquors in the District of Columbia, and it will not be long before, under the constitution of my State, it will be impossible to get intoxicating liquors there. The State of Michigan is dry by the choice of its citizens, and I have no apology to offer for it. We made the District of Columbia dry. Years ago I helped make this Capitol Building free from the sale of intoxicating liquors; and people who denounce those things as frivolous must have some motive for attempting to distract attention from this question.

Mr. PITTMAN. Mr. President, the Senator from Texas [Mr. SHEPPARD] has, I am sure thoughtlessly, said that those who introduced amendments to the so-called McKellar amendment introduced them with an ulterior purpose; that they were opposed to the McKellar amendment. I can not rest under any such imputation. I was opposed to the McKellar amendment, and stated why. I do not need to restate it. I voted for the amendment of the Senator from Alabama [Mr. UNDERWOOD] as I thought that it was an improvement on the McKellar amendment. I offered another amendment because I thought that it eliminated some of the unfair discrimination in the McKellar amendment; because I was unwilling to impose on certain officers of this Government burdens that I was unwilling to impose upon myself.

Mr. SHEPPARD. Mr. President, I meant no reflection whatever upon the good faith or the sincerity of my cherished personal friend, the Senator from Nevada.

The VICE PRESIDENT. The Senator from Texas has spoken once.

Mr. SHEPPARD. There is no Senator for whom I have a higher regard than the Senator from Nevada.

The VICE PRESIDENT. The Senator from Texas has spoken three times now.

Mr. SMITH of Georgia. I desire to offer an amendment to the substitute of the Senator from Ohio. In line 8, after the word "purpose," I propose the following amendment:

It shall be unlawful to sell, furnish, or give away any intoxicating liquor, including beer, ale, or wine, to any officer or member of the military forces while in uniform, contrary to the provisions of this act.

Mr. HARDING. I will accept that amendment.

Mr. SMITH of Georgia. I have eliminated the clause which will apply to them when not in uniform. I think if we extend it to the uniform together with the provision in the amendment of the Senator from Ohio which permits regulation by the President we cover the whole subject.

Mr. HARDING. I accept the amendment.

Mr. GALLINGER. Mr. President, I have refrained from taking any time that I could possibly avoid in the discussion of this bill, because I am quite as anxious as any Senator to have it acted on. But, Mr. President, I want to occupy simply one minute in saying that I sincerely hope the substitute offered by the Senator from Ohio will not be agreed to. The Senate has acted wisely in adopting the McKellar amendment. My mail is loaded down with letters and telegrams are coming to me by the score almost demanding that we shall go further than the amendment adopted goes in absolutely prohibiting the sale and use of liquor to any of the people of the United States during the continuance of the war. I hope such a measure as that may be agreed upon before we get through with the work of this session, but for the present the amendment of the Senator from Tennessee reaches a very important matter, and the Senate in its wisdom agreed to it.

Now, I hope that that good work will not be undone by agreeing to a proposition that practically undoes it and that weakens absolutely what the Senate has already accomplished

I trust, Mr. President, that the substitute may be disagreed to.

The VICE PRESIDENT. The question is on the substitute offered by the Senator from Ohio [Mr. HARDING].

Mr. STERLING. I should like to understand whether the substitute is to be voted upon with the amendment suggested by the Senator from Georgia [Mr. SMITH].

The VICE PRESIDENT. The Senator from Ohio accepted the amendment of the Senator from Georgia, and thus the amendment has been modified. The question is on the amendment as modified.

Mr. JONES of Washington. On that I ask for the yeas and nays.

The yeas and nays were ordered; and having been taken, resulted—yeas 51, nays 35, as follows:

YEAS—51.

Bankhead	Harding	Martin	Smith, S. C.
Beckham	Hardwick	New	Sterling
Brandegee	Hitchcock	Overman	Stone
Broussard	Hollis	Penrose	Swanson
Calder	Husting	Phelan	Thomas
Chamberlain	James	Pomerene	Underwood
Colt	Johnson, Cal.	Reed	Wadsworth
Culberson	Kellogg	Robinson	Warren
Dillingham	Knox	Saulsbury	Watson
Fletcher	Lewis	Sherman	Weeks
France	Lodge	Simmons	Williams
Frelinghuysen	McCumber	Smith, Ga.	Wolcott
Gerry	McLean	Smith, Md.	

NAYS—35.

Ashurst	Hale	Nelson	Smith, Mich.
Borah	Johnson, S. Dak.	Norris	Smoot
Brady	Jones, N. Mex.	Owen	Sutherland
Cummins	Jones, Wash.	Page	Thompson
Curtis	Kenyon	Pittman	Townsend
Fernald	King	Poindexter	Trammell
Gallinger	Kirby	Ransdell	Vardaman
Gore	McKellar	Shafroth	Walsh
Gronna	Myers	Sheppard	

NOT VOTING—10.

Fall	Kendrick	Newlands	Tillman
Goff	La Follette	Shields	
Hughes	Lane	Smith, Ariz.	

So Mr. HARDING'S substitute was agreed to.

Mr. GRONNA. I want to offer the amendment of which I gave notice a while ago.

Mr. REED. I think we ought to go on with something else.

Mr. GRONNA. It will take but a moment. I offer the following amendment——

Mr. MYERS. I call attention to the fact that the committee amendment has not yet been adopted.

The VICE PRESIDENT. A substitute has been adopted for it.

Mr. GRONNA. I move to strike out the amendment just adopted and insert the following——

Mr. LODGE. Mr. President, I rise to a question of order.

The VICE PRESIDENT. The Senator will state it.

Mr. LODGE. The Senate having adopted a substitute for the entire clause as amended, it is not at this stage open to amendment.

The VICE PRESIDENT. The Chair sustains the point of order. The amendment is out of order.

Mr. CHAMBERLAIN. The next amendment of the committee——

Mr. GRONNA. I give notice that I shall offer this amendment in the Senate.

Mr. CHAMBERLAIN. The next amendment is, in line 14, on page 13, to substitute the figures "12" for "11."

The SECRETARY. Changing the enumeration of the section from "11" to "12."

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. CHAMBERLAIN. The next amendment of the committee is on page 3, line 9.

The VICE PRESIDENT. The Secretary will state the amendment.

The SECRETARY. On page 3, line 9, strike out "Thirty-fifth" and insert "Thirty-second," so that it will read:

Thirty-second Statutes at Large.

The amendment was agreed to.

Mr. CHAMBERLAIN. I send up the next amendment.

The SECRETARY. On page 5, line 7, after the word "exclusively," insert the following:

but this provision shall not prevent the transfer to any force of training cadres from other forces.

Mr. CHAMBERLAIN. The purpose of the amendment, I will say, is to allow the department to put some trained soldiers, say, of the Regular Army, into untrained units for the purpose of training the whole.

The amendment was agreed to.

Mr. CHAMBERLAIN. I send another amendment to the desk.

The VICE PRESIDENT. The Secretary will state it.

The SECRETARY. On page 6, line 6, after the word "discharge," the last word in the line, insert a colon and the words:

Provided, That the President is authorized to raise and maintain by voluntary enlistment or draft, as herein provided, special and technical troops as he may deem necessary, and to embody them into organizations and to officer them as provided in the third paragraph of section 1 and section 8 of this act.

Mr. THOMAS. I should like to inquire of the Senator in charge of the bill whether the President, acting under that, would be limited to the ages of 19 to 25?

Mr. CHAMBERLAIN. Whatever age is finally adopted in the bill he will be confined to.

Mr. CURTIS. I offer the following amendment to the amendment.

The VICE PRESIDENT. Let us try to dispose of the amendment now pending.

Mr. CURTIS. This is an amendment to the amendment.

Mr. CHAMBERLAIN. I may state first that the Secretary of War writes me that the purpose of this proviso is to permit the President to organize special and technical troops, such as are needed to construct roads, operate railroads, and so forth, and as such it is one of the essential provisos of the bill.

Mr. REED. May I ask the Senator why he keeps the age limit on for that kind of men? Clearly, it ought not to exist there.

Mr. CHAMBERLAIN. I may possibly be mistaken as to whether the 19 to 25 limit would apply there. It does not expressly state so in words.

Mr. REED. I think the Senator ought to amend his amendment by saying "regardless of age."

Mr. CHAMBERLAIN. I have no objection to that amendment.

Mr. VARDAMAN. I would suggest, Mr. President, if the Senator will permit me, that the question of age ought to be left to the discretion of the Executive.

Mr. CHAMBERLAIN. I will say to the Senator that the age limit here for volunteers is 19 to 40.

Mr. REED. In that clause?

Mr. CHAMBERLAIN. In the bill itself.

Mr. VARDAMAN. There might be men of special ability qualified to perform some special duty or work which the President might require to have done.

Mr. CHAMBERLAIN. This is for volunteer enlistments, and covers the ages between 19 and 40.

The VICE PRESIDENT. The Senator from Kansas [Mr. CURTIS] offers an amendment to the amendment, which the Secretary will state.

The SECRETARY. Add at the end of the amendment of the committee, following the proviso:

Provided further, That all persons within the designated ages voluntarily presenting themselves for registration as herein required, and when selected for duty as herein provided, voluntarily present themselves at the time and place designated by the President, shall be held and deemed to have volunteered for military service, and shall be so carried upon the rolls of the organization to which they may be assigned.

Mr. CHAMBERLAIN. I have no objection to that amendment. So far as I can do so I am willing to accept it.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. CHAMBERLAIN. The next amendment of the committee is to change the phraseology of section 4, on page 7.

The VICE PRESIDENT. The Secretary will state the amendment.

The SECRETARY. On page 7, section 4, after the word "All" and before the word "persons," insert the word "male," and after the word "persons" strike out the words "liable to military service under the provisions of this act" and insert "between the ages of 19 and 25 years."

Mr. HITCHCOCK. I offer to amend that amendment by striking out "19" and inserting "21" and striking out "25" and inserting "28."

The VICE PRESIDENT. The question is on the amendment to the amendment.

Mr. CHAMBERLAIN. The whole of the committee amendment has not yet been stated by the Secretary.

The VICE PRESIDENT. The Secretary will state the remainder of the amendment.

The SECRETARY. On lines 19 and 20 strike out the words "every such person liable to military service under the provisions hereof" and insert "all persons of the designated ages," and on line 21 strike out the word "himself" and insert "themselves"; in lines 21 and 22 strike out the words "liable to military service," so that the first portion of section 4 will read:

All male persons between the ages of 19 and 25 years shall be subject to registration in accordance with regulations to be prescribed by the President, and upon proclamation by the President or other public notice given by him or by his direction setting the time and place of such registration it shall be the duty of all persons of the designated ages to present themselves for and submit to registration under the provisions of this act; and every such person shall be deemed to have notice of the, etc.

The VICE PRESIDENT. The question is on the amendment of the Senator from Nebraska to the amendment.

Mr. HITCHCOCK. Mr. President, there are various opinions as to how high this amendment should go. I have made it at 28. It does not seem to me there can be any great difference of opinion that this age limit should be raised from 19 to 21. These young men are being registered and drafted not for military training, but they are being drafted for war. In every one of these ages we have a million men. So we have an abundant number from which to select. If we cover six years, we shall have 6,000,000 men.

It seems to me, Mr. President, that confronted, as we are, with a strong opposition to this drafting measure; confronted, as we must be, with a feeling throughout the United States that to draft men into military service against their will and to send them across the ocean is a revolutionary and offensive step, we should do what we can to mitigate it. We should not go into a man's private family and take a 19-year-old boy for such a service when there are an abundant number of men who are 21 years of age who are left at home.

Mr. WATSON. Mr. President——

Mr. HITCHCOCK. I can not very well yield for a question now.

Mr. WATSON. I merely wanted to make a suggestion to the Senator.

Mr. HITCHCOCK. I will yield for that.

Mr. WATSON. I suggest that the House of Representatives has just voted by a vote of 207 to 6 to fix the age limit at from 21 to 40.

Mr. HITCHCOCK. I have not any doubt, Mr. President, that this change will comport with the sentiment of the Senate and make this proposed law less offensive to the people of the United States. I say "less offensive" in the sense that it is necessarily offensive. It is offensive for me to vote for it. I am voting for it under dire necessity. I believe that the country is confronted with a great emergency. I believe that this war which we have entered upon is a much more serious proposition than we originally thought it was. I have come for that reason to support conscription, but I do not want to have conscription made unnecessarily offensive and unnecessarily objectionable to the people. So long as we have adults who are capable of military service I think we ought not to go into families and select boys who as yet have seen very little of life, who have never had a voice in the Government, who are still under the control of their parents, and take them against their will and against the will of their parents. That is unnecessary and would work a hardship on the American people. I hope that this amendment will be adopted.

Mr. TOWNSEND. Mr. President, do I understand the Senator's amendment to be to raise the minimum age from 19 to 21 and the maximum age to 28?

Mr. HITCHCOCK. I propose to raise the minimum age to 21 and the maximum to 28.

Mr. TOWNSEND. Mr. President, I am very much in favor of the first part of that proposition, and shall ask, when the vote comes, that the question be divided. It occurs to me that there are very many good reasons why the minimum age should be raised to 21 years, but in the space of five minutes these reasons can not be fully submitted to the Senate. The Senator from Nebraska has mentioned some of them, but there are very many more.

The bill is providing for a temporary army; it is not providing for a permanent one, but for a temporary military establishment. I believe it is an unquestioned fact that not only would it be more popular, but it would be more just, to allow our boys to finish their education and to prepare themselves for their life work than to force them into the Army. Why not call upon men whose habits are established and who are better fitted for service? However, I want the maximum age raised, also. I suppose my experience is the experience of every other Senator here. I know men—I think I have literally known hundreds of men—who have had experience in the militia and in the Regular Army in our war with Spain who are ready to serve their country. They ought to be ready to serve it; and this list of eligibles from which we are to take our conscripts should be enlarged. It would be enlarged by more than 200 per cent if the maximum age was increased to 45 years, and if so enlarged the liability to conscription would be less than one-third of what it is under the bill as reported. Such men must be physically fit or else they can not be accepted. I think it would be infinitely a better bill to enlarge the age limit to 45. I wish we might vote on the larger provision first, and if we can not agree on the highest proposed maximum we can try some other limit.

Mr. HITCHCOCK. Mr. President, will the Senator from Michigan yield to me?

Mr. TOWNSEND. I yield to the Senator.

Mr. HITCHCOCK. At the suggestion of several Senators, if there is no objection I will divide my motion, and first move to make the minimum age 21 years.

Mr. TOWNSEND. I am very much in favor of that and will not discuss it longer.

Mr. HITCHCOCK. I should like to have that first voted on.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. It is proposed to strike out "19," where it occurs, and the words "between the ages of 19 and 25 years," and in lieu of "19" to insert "21."

Mr. CHAMBERLAIN. Just a moment, Mr. President. There is something to be said on both sides of this question. On sentimental grounds the argument is all one way, and that is that the age limit ought to be 21 years, after a young man becomes of lawful age. On the other hand, every military enactment since the earliest days of the Republic has placed the limit for the reserve service usually between 18 and 45 years. I think that is also the legislation of the countries across the water.

It is barely possible, Mr. President, that we should have plenty of men within the limits fixed by the amendment proposed by the Senator from Nebraska [Mr. HITCHCOCK], but it does seem to me that the Senate had better fix the lower age at 20 and leave the other at 25. I think out of those classes there would be abundant material for the first needs of the Government. I hope the Senate will place the limit at 20 and 25 years instead of 21 and 28.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Nebraska [Mr. HITCHCOCK].

The amendment was agreed to.

Mr. HITCHCOCK. Now, I move to amend the maximum age provision, and in place of 25 years to make it 28 years.

Mr. HARDWICK. Mr. President, for "28" I should like to substitute "40," in order that we may test the sense of the Senate on this question.

The VICE PRESIDENT. The Chair is compelled to say that the amendment suggested by the Senator from Georgia is not in order, it being an amendment in the third degree.

Mr. HARDWICK. A parliamentary inquiry, Mr. President.

The VICE PRESIDENT. The Chair suggests that, if the pending amendment be voted down, then the Senator may suggest some other age limit.

Mr. HARDWICK. I merely wished to ask the Chair the question if the only method by which to get at these different ages is to vote the amendment down?

The VICE PRESIDENT. That is the Chair's opinion—vote each age down.

Mr. TOWNSEND. Do I understand the motion now is to amend the amendment by raising the age limit to 28?

The VICE PRESIDENT. Yes.

Mr. KENYON. Mr. President, may I ask the Senator from Michigan a question?

Mr. TOWNSEND. Yes.

Mr. KENYON. If this amendment is voted down, will the Senator then offer his amendment to raise the age limit to 40 years?

Mr. TOWNSEND. I want to raise the limit to 45, and I want to speak on that proposition before the vote is taken, giving my reasons why 45 is a better limit than either 28 or any age under that.

Mr. HARDWICK. If the Senator from Michigan will yield to me for just a moment, I will not take more than a minute of his time. I want to give notice that before that amendment is voted on I want to submit to the Senate, if I can get an opportunity to do so, a proposition to extend the age limit to 40 years.

Mr. TOWNSEND. I had hoped that we might first vote on the larger limit; but, of course, if the Senator from Georgia insists upon his amendment that would have to come before the larger proposition. I am not going to vote against the Senator's amendment, for I would prefer the limit should be 28 instead of 25 years. I would prefer any enlargement of this age limit up to 45. That is my desire. I believe that up to 45 years of age men who are physically well and strong, and who pass the physical examination, really make the very best soldiers for the present emergency, and that is what we are legislating to meet. They may not have the fire and vim and vigor of the boy, but they have discretion, and many of them have had experience and are in that condition where they can be of real service to the Government. They have reached manhood. They have a voice in their Government. They can legally speak on questions of peace and war.

I have, as other Senators have had, letters from fathers who have had military experience asking that the age limit be raised so that they can be included as well as their sons. Those letters are not out of the common; they speak the real desire and patriotism of the writers.

Mr. President, I do not believe that in undertaking conscription we can in justice limit the number of men who are equally able to serve to a class which the future must depend upon if this country is to permanently endure. This is a serious matter, Mr. President. Have Senators considered the possibly direful effects of war upon the youth of this country, upon the boys who are to preserve the Nation in the future when the war is over—the effect upon them physically, the effect upon them when they assume the responsibilities of husbands or families?

The men, Mr. President, of older age and equal physical ability, who have their habits fixed, ought to be permitted to serve in the Army and to take their places in this conscript line from which the soldiers are to be drawn. I think it will be a serious mistake if we do not enlarge this field. Therefore I hope that we may have an opportunity to vote for a higher age limit hereafter.

Mr. VARDAMAN. Mr. President, I think if the volunteer system should be adopted it would be well to extend the age limit, but if we are to force men into the service, I do not think it would be wise to extend the limit as high as 45 years. A man at that age, while he may be vigorous and healthy, is more liable to disease, recuperates more slowly, and is therefore less useful as a soldier. It seems to me that 45 years is putting the age limit just a little bit too high. I think 30 years is a fair limit, the proper age, if men are to be conscripted, if they are to be forced into the service. But if they were given the right to volunteer, I do not think 40 or 45 years would be too high. I should like for the law to be so liberal that every able-bodied man who desired might be permitted to defend his country's flag.

Mr. GALLINGER. Mr. President, I submitted some days ago a proposed amendment fixing the age limit at 35, and, if I get an opportunity, I will offer that amendment.

Mr. McCUMBER. Mr. President, I think the Senate should stop one moment and consider the reasons which have been given for establishing the limit between the ages of 19 and 25. We have sought to secure the greatest number that would be out of school and at the same time not yet engaged in general business. We have recognized the fact—and let us not forget it—that we will need to carry on this war all the productive capacity in this country which can be mobilized; and we ought not to take men who are engaged in productive capacities to such an extent as we would be compelled to do if we should fix the age limit at 40, and include the great number of men who are needed to produce the things which will be necessary to the successful prosecution of the war. I think 40 years is too high a limit.

I wish also to suggest to the Senator—and I think it is proper that we should bear in mind the fact—that if we start at 21 the boy will be probably at least 22 years of age before he will ever be really engaged in this war; and if now, after having shut out boys between the ages of 19 and 21, boys who probably would not be in business and in all probability would be out of high school—if now we can not take that unemployed element into our soldiery and are compelled to reach into business channels and take men from the plow and the anvil and from manufacturing industries up to 40 years of age, we shall have trouble right here at home in producing what we want and what our allies want.

Mr. TOWNSEND. Mr. President, may I suggest to the Senator before he takes his seat that under the selective-conscription plan which is provided for, the men to whom the Senator refers will be assigned to the duties for which they are especially fitted, just the same as they will be in case a lower age limit is fixed, so far as that is concerned? So it seems to me it can not more extensively affect the industries.

Mr. McCUMBER. Oh, no; we want 1,000,000 men in the Army, and those 1,000,000 will be taken for the Army and not for the industries.

Mr. ROBINSON. Mr. President, I desire to ask the Senator from Nebraska if he can state approximately the number of men who will be registered if his amendment prevails fixing the age limit at 28?

Mr. HITCHCOCK. I only have a general estimate that has been made, but generally accepted, that there will probably be about 1,000,000 of each age required each year. One of the objections to raising the age limit to such a high figure as 40 would be that it would cause the registration of 20,000,000 or 21,000,000 men, which would be cumbersome and excessive, and result in considerable delay.

Mr. ROBINSON. Mr. President, I was just about to state that it would seem unnecessary and inadvisable at this time to make so large a registration as would be required if the amendment of my friend, the Senator from Michigan [Mr. TOWNSEND], should prevail. The Government certainly does not need to register 21,000,000 men in order to make a selection of 500,000 or 1,000,000 soldiers.

There are many other objections which suggest themselves to so large a registration. We do not need to provide for an Army at this time exceeding 1,000,000 men. If we make the registration embrace 21,000,000 men, the difficulties and expense and delay of selection will be enormously increased thereby; and, instead of accomplishing what the selective draft is contemplated and designed to accomplish, we will occasion inefficiency and delay.

Mr. NORRIS. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator from Nebraska will state it.

Mr. NORRIS. If the amendment of my colleague [Mr. HITCHCOCK] is agreed to, increasing the age limit from 25 to 28, will it be in order after that to move to strike out "28" and insert a higher figure?

The VICE PRESIDENT. It will not be.

Mr. NORRIS. Then, Mr. President, I want to ask my colleague if he will not withdraw his amendment and permit those who desire to offer amendments fixing a higher age limit an opportunity to do so, and have them voted on first?

I think there are a good many Senators who feel as I do—that they would rather have the age limit fixed at 28 than at 25—but still they do not want to put themselves in the position by voting for an age limit of 28 of defeating their purpose to vote for a higher age limit. It seems to me we ought to commence to vote on the higher age limits and go down. That would be only fair; and if the Senator will withdraw his amendment it will permit Senators who want to make the limit 40 or 35 to have their motions voted on first.

Mr. HITCHCOCK. Mr. President, I should like to ask the Presiding Officer whether it would be in order for me to ask unanimous consent that, without debate, the Senate first vote on "40," then on "35," then on "30," and then on "28," until one is adopted?

The VICE PRESIDENT. The Chair can only entertain motions to amend.

Mr. FRANCE. Mr. President——

The VICE PRESIDENT. The Senator from Maryland.

Mr. FRANCE. Mr. President, I desire to call up my amendment, which is now before the Senate.

The VICE PRESIDENT. Does the Senator say it is before the Senate?

Mr. FRANCE. The amendment was presented yesterday and is lying on the table. I wish to offer it as a substitute, inasmuch as it carries a still higher age limit.

The VICE PRESIDENT. We must first dispose of the pending amendment. The amendment of the Senator from Maryland is not now in order. The question is on the amendment of the Senator from Nebraska [Mr. HITCHCOCK].

Mr. SMITH of Georgia. Mr. President, I hope the Senator from Nebraska will consent to withdraw his amendment fixing the age limit at 28, and let the vote first be had on the amendments fixing higher age limits. I think he will get beaten if he combines all the higher ages against 28; and yet we may be successful in settling upon a lower age than 40 or 35. I think it is a mistake to put too many years in the same class. Really we would have acted wiser if we had divided them into four classes. The English divided their male citizens in this way—20 to 30, unmarried, first class; 30 to 40, unmarried, second class; 20 to 30, married, third class; 30 to 40 married, fourth class. I do not give it exactly, but they classified them to be called—the unmarried and then the married, and establishing the classes according to age. Now, we are only proposing by this call to get 1,000,000 men. If we put 20,000,000 men into the class from which the selection is to be taken, it takes more time to enumerate them; it makes the selection more difficult.

Mr. TOWNSEND. But is it not fairer, Mr. President, among equally fit men, that the field for selection shall be enlarged so that every man's chance shall be enlarged as to his being conscripted?

Mr. SMITH of Georgia. I do not know that it is. I think that it would, perhaps, be perfectly fair to take classes of 10 years at a time—20 to 30 and 30 to 40—in different classes. It seems to me that it would be very difficult to cull 500,000 men out of 20,000,000. I do not see how any uniform rule could be adopted; but the officers in charge evidently prefer younger men, and even though we enlarge the age to 40, with their view that the younger men are best, they will pick the younger men,

I take it for granted. I think if we go beyond the age of 30, it would be a mistake.

Mr. WATSON. Mr. President, would it be in order to submit a unanimous-consent request of this fashion?—

"I ask unanimous consent that the Senate proceed to vote on the amendment to raise the maximum age from 25 to 40."

Would that be in order, if the Senator from Nebraska consents to the vote being taken in that way?

The VICE PRESIDENT. The Chair rules that if the Senator from Nebraska withdraws his amendment the Senator from Indiana can move to substitute "40" for "25," and it would be in order.

Mr. WATSON. Will the Senator from Nebraska withdraw the amendment and permit the larger number to be first voted on?

Mr. HITCHCOCK. No, Mr. President.

Mr. FRANCE. Mr. President, I am speaking to the amendment which is now before the Senate, and I desire to say that I am in favor of raising the age limits. I have given this matter a considerable amount of thought, and I have gone over the matter with the chairman of the committee and others who are interested in this bill, and I feel that it is necessary, while we are considering this bill, to consider the advisability of giving the Commander in Chief larger discretionary powers by raising the maximum age limit to the ordinary maximum age for military service, namely, 45 years. If the Senator from Nebraska will withdraw his amendment and allow me to read my amendment and to submit it, I think he will find that all of the points of his amendment are covered in mine.

My amendment raises the maximum age limit to 45 years, but it does something more than that—and this, I believe, is what the military men interested in this bill desire to have done: It provides for a classification by age of all of those falling within the military ages, such classification to be determined in the discretion of the President. It says:

Provided, That the President may, in his discretion, classify all such citizens liable to military service by such classification according to age as he may deem advisable, and that he may call for draft into active service as heretofore provided such class or classes as may, in his judgment, be needed at any particular time.

This amendment—if I may have the attention of the Senator from Nebraska—merely provides a maximum age limit which increases the discretionary powers of the President and at the same time provides against the objection which is offered to a very large number being called for the draft—such a large number as would necessarily be called if all of those between the extreme ages mentioned in the bill, as I would amend it, were included.

I trust that the Senator from Nebraska will withdraw his amendment for a moment, in order that we may consider my amendment first. This amendment, I believe, as I have modified it, has the approval of the chairman of the committee, as well as the approval of the War Department.

Mr. SMITH of South Carolina. Mr. President, before this vote is taken, I wish to say that I really am disappointed that the recommendation of the committee as to the ages inclusive from which this draft shall be taken, being the ages from 19 to 25, has not been accepted by the Senate. It goes without saying that the higher in age you get the more responsibility the individual has assumed; and in removing him in the first place from his family under the draft system, when the head of a family is taken, if he be their support, it is the moral duty of the Government to see that that family is taken care of. You get no better service from the older man. The fact is that he is less amenable to discipline than the younger man and more liable to disease, as has been suggested. In addition to that, you have taken those who can not stand the same hard service as the younger men could stand. You have disorganized the domestic and the commercial organization of your country. We have such a vast population between the ages of 18 and 25 that an army as large as the one we propose to raise could be raised from that class of our people the drafting of whom would produce the least confusion or disorganization at home and render the very best service in the line.

I can not understand why Senators are asking for the higher age limit when every argument is against it—the physical resistance of the individual, the fact that he is already organized and incorporated in the work of the Nation at large; and, in addition to that, the young unmarried man has no division of thought. It goes without saying that the head of any family who may be drafted necessarily carries a mental burden when he knows that those whom he leaves at home, whom, perhaps, he was responsible for bringing into the world, are suffering for the lack of his own care, while the younger man has no such thoughts to distract him from the duty at hand.

I do not know of a single argument that could be brought forward to cause us to raise the age limit until after the necessity forces us all to go to the front to defend our country, and I can not understand how we, deliberating for the best interests of the country in this emergency, knowing that the forces at home will be just as necessary as the forces at the front, do not with judgment and discretion select those best qualified physically, those best qualified by reason of having the least entanglements, and those who are most amenable to the discipline and to training.

Now, I understand that there are exceptions. I understand that this is also the formative period of the character, the time of school age; but under our system of public schools the vast majority of those who would fill our ranks will never see the colleges that require the age to be beyond 19. The great rank and file of the young men of America have already received at the age of 18 and 19 all the academic education they are likely to get; and even if that were not so, I submit to this body whether it is not better to deny a few years of academic training to those who have not the great responsibilities.

The VICE PRESIDENT. The time of the Senator from South Carolina has expired.

Mr. HARDWICK. Mr. President, there are reasons, which I think will appeal to the Senate, for making this age limit higher.

In the first place, the liability to military service ought to extend to all citizens who are capable of rendering it, and it ought to extend equally to all such citizens. There is no reason on earth why a man 27 years old, for instance, perfectly sound in mind and body, without any dependents upon him, should not go; why he should be arbitrarily excluded because he is 27, and some man of 26 taken. If we are proceeding in this legislation on the theory that every man owes this military service to his country, then every man of military age owes it equally, and although it is not necessary to raise more than 500,000 men or a million men, every man of military age ought to stand equal chances in raising those men. Why not? Is it not democratic? Let everybody stand on an equal footing about this thing if they are within the proper military age.

They say this is a democratic measure. Let me ask you what democracy there is in saying that men of certain ages only shall be liable to render this service? The age limit ought to be the ages that military men tell us are the ages in which military service can be best rendered with service to the State, and that ought to be the only limit. I think it is universally accepted that that period of life is between 18 and 45. We have already seen fit—wisely, I think, without division—by practically a unanimous vote, to say that we will not require minors, men who are infants in the eyes of the law, to take up this burden. We ought to go further. We ought to say that we will require not some men but all the men 21 years of age and over, up to a wise age limit of capacity for service, to stand upon an equal footing, shoulder to shoulder with each other, and equally ready and equally liable to render this military service to the country.

It will not be much more trouble; it will not take much more machinery; it will not take much more time to take a census of 20,000,000 men than it will to take a census of 6,000,000 men. We may have to do it in the end, anyhow. Why not do it now and get them all on the rolls? Then, if we have to draft them, as we have to select them, make the choice from all the men who, in common justice and fair play, should be equally liable for the service.

Talk about democracy and fair play, Senators! It seems to me that is the only basis on which this matter should rest. No matter how many men we need, the selection ought to be made from all men equally liable for military service.

Mr. President, it seems certain to me that that is fair and just about this thing. Every man ought to take an equal chance and bear an equal burden about it, and I have no doubt that it was in obedience to a sentiment like that that at the other end of this Capitol only a few minutes ago, by an overwhelming vote, the age was fixed from 21 to 40, so that each man might have an equal chance for service, an equal duty for service, an equal obligation for service. All this talk about delay because of more machinery, and more cumbersome machinery, seems to me to be without sound foundation.

The VICE PRESIDENT. The time of the Senator from Georgia has expired.

Mr. FLETCHER. Mr. President, perhaps it might be well for us to make a note of what has been gained by experience in the present war.

Mr. Bennett, who had charge of the organization of the military forces in Canada, under whose direction some 400,000 men have been enlisted, was in France in 1915, and he says upon this point:

The experience at the front all goes to show that men from 18 to 30 are the best type to stand up under the strain upon infantry in modern warfare. From 30 to 35 there is a marked increase in wastage by disease and breakdown, and corresponding loss in efficiency. From 35 to 40 the increase is 100 per cent.

That is, the increase in breakdown and loss and wastage is 100 per cent during the years from 35 to 40.

The human system is so constituted that it is best adapted to resist the strain of trench fighting at the younger period. Unless the fighting men are fed and kept in prime condition, we might better never send them across the seas.

That is the result of his observation on the field in France; and it seems to me it is a strong argument why we should not increase this age limit beyond, I should say, either 28 or 30 years.

Mr. THOMAS. Mr. President, I do not think sufficient consideration was given to the suggestion of the junior Senator from Maryland [Mr. FRANCE] with regard to his amendment and its application to the proposed amendment of the Senator from Nebraska [Mr. HITCHCOCK]. It is in direct line with the suggestions of the senior Senator from Georgia [Mr. SMITH], and proposes to make that classification a similar classification to the one which he suggests.

If we are to raise this limit—and I think we should—then it gives the President the power to classify all the citizens liable to military service, which will not only be following the matured thought crystallized in British legislation on the subject, but it will very largely minimize the difficulty growing out of the enlarged area of classification. I think the Senator from Nebraska can improve his amendment by accepting the proposed classification of the Senator from Maryland [Mr. FRANCE].

Mr. WEEKS. Mr. President, the amendment that has been offered by the Senator from Maryland is a scientific solution of the manner of enrollment, and before any flat age is taken as a maximum that amendment should be considered. The fundamental principle of the legislation which we are now passing is that every citizen shall do the thing that he can do in time of war better than he can do something else. Therefore, the man who can best serve in the ranks should serve in the ranks, the man who can make munitions should make munitions, the man who can raise potatoes should raise potatoes. Every citizen should do those things which he can do best.

Now, can the citizen who is 35 or 40 years old serve in the ranks as well as a man who is 25 years of age? Certainly not, if the experience of the world is worth anything. Wars have never been fought by men who are 30 years old, or even 25 years old, or any considerable number of whom are over 22 or 23 years old. There were only 46,000 men who served in the northern Army during the Civil War who were over 25 years old when they went into the service out of 2,600,000 men. The young man who goes into the service is better fitted for it. As a man's age increases his power of resistance is decreased. He can not stand as much at 40 as he can at 35; he can not stand as much at 35 as he can at 30. As the age minimizes the power of resistance increases. Therefore, men should be taken for military service who are mature physically, to be sure, but just as soon as they are mature, because you will get better results; you will have a smaller pension list; you will have less sickness; and will have a better army.

I should regret exceedingly to see the maximum age placed as high as 45 or 40 or 35 or even 30. In my judgment the ages imposed in the bill, from 19 to 25 years, were scientifically right. I appreciate the arguments that have been made against taking a boy who is not a citizen and forcing him into the military service, yet he will make a better soldier than the man over 25 years of age.

Moreover, just as soon as a man passes his twenty-first birthday ordinarily he commences to assume additional responsibilities in life. He acquires a family, his business obligations are broader and greater, and it is a greater embarrassment to him to take him from his home and put him into the military service than it is to take a younger man who is not fixed in his business requirements and who has not a family to look after.

There is every reason, Mr. President, in my judgment why the age limit as a minimum should be not higher than 21, and my judgment is that when you go beyond the age of 25 for a maximum limit you are making a mistake and a blunder. You are going to weaken your military establishment every year that you increase it.

Mr. WADSWORTH. Will the Senator from Massachusetts yield? I just caught the Senator's remark that he does not believe in going above the age of 25 as a maximum.

Mr. WEEKS. I do not.

Mr. WADSWORTH. Nor below the age of 21 as the minimum?

Mr. WEEKS. That is true.

Mr. WADSWORTH. Does not the Senator think since the Senate, much to my regret, has raised the minimum from 19 to 21 we shall have to go from 25 to 28 or to 27?

Mr. WEEKS. I am not going to be captious or critical as to one or two years' difference. I do not care very much about that. I think we could get all the men we want without any trouble between the ages of 21 and 25, and I am perfectly willing to vote for the age of 26 or 27 or 28. I regret——

The PRESIDING OFFICER (Mr. ROBINSON in the chair). The time of the Senator from Massachusetts has expired.

Mr. FRELINGHUYSEN. Mr. President, I regret very much the fact that the minimum age limit has, as I understand it, been increased from 19 to 21. It will, therefore, be necessary to raise the maximum age limit. The bill as reported by the committee limited the age between the zone of 19 and 25 years, and there was good reason for it. The plan of this military bill providing an army at this time and in this emergency at the age limit of the men to be drafted was placed at a time when they were physically better fit than at any other period during the range of a man's years.

In the hearings before the House committee the reasons were very well expressed and amply given by the Secretary of War. Interrogated by Mr. GARRETT of Tennessee, Mr. Secretary Baker said:

Mr. Secretary, do you think if the bill as sent here by the War Department, fixing the ages of these million men to be raised by draft between 19 and 25 years, should be passed, it would be taken by the country to mean universal service according to a man's ability to render it?

Secretary BAKER. I think so.

Mr. GARRETT. Then what service would be the other millions of men above the age of 25 years be rendering to their country in a crisis, as compared with the service rendered by those called to the colors?

Secretary BAKER. Of course, you will have that distinction, unless you put a gun in every man's hand. There is no answer to that unless you have a whole nation of soldiers. Some process of selection has to be devised.

Mr. GARRETT. Do you not think the department has limited it extremely in fixing the ages between 19 and 25 years?

Secretary BAKER. No; I think that proceeds upon perfectly sound considerations.

Mr. GARRETT. In fixing the age between those years, are you basing it upon the question of ability to render service, or is it on the basis that these men are the men who can best be spared?

Secretary BAKER. On the two laws that all experience with every war in history shows to be correct. First, that that is the best military period in a man's life, the time when young men are best adapted to training and service. The second consideration, and one which is not less important, is that those ages dislocate the commercial, industrial, and agricultural establishments of the country upon which the success of the war depends least of all.

Then, further interrogated by Mr. TILSON:

Mr. Secretary, what steps have you taken to prevent the depletion of our workshops of men very much more needed there than they would be on the firing line; and to prevent that not only through conscription but through persons volunteering and at the same time permitting them to retain their self-respect?

Secretary BAKER That question is of very great importance and falls more naturally in another connection, but just to dispose of it at this point I will say that by limiting the maximum age to 25 we have been advised by those who are familiar with industrial conditions we escape for the most part the skilled-worker class. Men are not deemed skilled workers and indispensable in industry until they are of greater maturity than that.

I admit, Mr. President, there are many men of the age of 40 years or 45 perfectly capable of serving their country. We could get all the men we need, but the army we want is a young, vigorous army at this time, and if necessary to further augment it by adding let us take the men of 35 to 40 years. But this plan was carefully thought out and adopted by the War College and by the War Department, and I think we should not impede or obstruct those plans by raising the age limit in the face of their study of the question and of the consideration they have given to it.

The PRESIDING OFFICER. The time of the Senator from New Jersey has expired. The question is on the amendment of the Senator from Nebraska [Mr. HITCHCOCK] to the amendment of the Senator from Oregon [Mr. CHAMBERLAIN].

Mr. CHAMBERLAIN. Mr. President, I think it was a very serious mistake to have raised the minimum age limit to 21 years, but that has been done. I wish the Senate could reconsider it and put the minimum age at 20. There are various economic reasons why this should be done. The higher you get in years the more you interrupt the industrial and commercial life of the country. A young man at 19 years of age is rarely ever married. At 20 he is apt to be unmarried. At 24 if he has got anything at all he gets married, and ordinarily he is just beginning to get settled in life at that age. When he is making $50 or $60 or $75 a month he gets married. So we are, by the action which has been taken, eliminating from the efficient force of the country the very men we ought to have in the ranks. It has been the policy of every country to use its young men at 18, and the testimony of military experts is that they make the

best soldiers, that they are the easiest trained, and that they make the most efficient soldiers in the world.

Mr. WILLIAMS. Will the Senator pardon an interruption to this extent, that if the age were put at 20 the young men would be given training at least for a year before they were fit for actual service and every one of them would then be of age.

Mr. CHAMBERLAIN. Surely. They would not really go into the service until they are 21. Every man who has had experience in military affairs knows that you can not make a soldier under one year's training and count upon him as a part of an efficient and effective force.

Mr. GALLINGER. Mr. President, I rise to a point of order. I will ask if there is a motion pending?

The PRESIDING OFFICER. There is.

Mr. CHAMBERLAIN. If we are going to make any change at all I suggest that the amendment of the Senator from Maryland ought to be adopted. It provides for all the ages, as the Senator has fixed it, between 21, which has to be the minimum, and 45, requiring the President to divide these for military service into classes and then calling out the classes as he sees fit. That would enable him to confine a call to the ages of 21, 22, 23, 24, and 25, just as the emergency might require. That would settle the whole question about the ages.

The only thing I think the Senate ought to consider and take up is the question of reducing the limit from 21 to 20, because these young men come in at 20 and they are 21 before they are trained as soldiers.

Mr. SMITH of South Carolina. I wish to ask the Senator from Oregon a question. Why not reconsider the vote on the proposition and go back to the committee amendment? The committee worked it out scientifically and fixed on the ages from 19 to 25.

Mr. CHAMBERLAIN. I am frank to say that I think it ought to be 19 myself, but I realize the sentimental argument is in favor of the higher age—21. Putting it on sentimental grounds there is no question about it, but I think it is a mistake, and the age ought to be 19. For the purpose of trying to reach a compromise on it, if the Senate will consider it at all, I think no one will object very seriously to making it 20.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Nebraska [Mr. HITCHCOCK] to strike out "25" and insert "28." [Putting the question.] The ayes seem to have it.

Mr. CHAMBERLAIN. I call for a division.

On a division there were—ayes 30, noes 29.

Mr. HARDWICK. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. HITCHCOCK. I ask the Secretary to state the amendment again. Several Senators did not understand it.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Nebraska, which the Secretary will state.

The SECRETARY. The Senator from Oregon [Mr. CHAMBERLAIN] offered an amendment making the maximum age 25 years. It is now proposed to strike out "25" and to insert "28."

The PRESIDING OFFICER. The Secretary will call the roll on agreeing to the amendment of the Senator from Nebraska.

The Secretary proceeded to call the roll.

Mr. FALL (when his name was called). I again announce my pair with the junior Senator from Wyoming [Mr. KENDRICK] and withhold my vote.

The roll call having been concluded, the result was announced—yeas 42, nays 45, as follows:

YEAS—42.

Ashurst	Jones, N. Mex.	Pomerene	Sterling
Borah	Jones, Wash.	Ransdell	Stone
Brady	Kirby	Reed	Swanson
Broussard	La Follette	Robinson	Thompson
Cummins	Martin	Shafroth	Townsend
Dillingham	New	Sheppard	Trammell
Fletcher	Norris	Shields	Walsh
Gronna	Overman	Simmons	Warren
Hitchcock	Page	Smith, Ariz.	Wolcott
Husting	Phelan	Smith, Ga.	
Johnson, S. Dak.	Poindexter	Smith, Md.	

NAYS—45.

Bankhead	Hale	McCumber	Smoot
Beckham	Harding	McKellar	Sutherland
Brandegee	Hardwick	McLean	Thomas
Calder	Hollis	Myers	Underwood
Chamberlain	James	Nelson	Vardaman
Colt	Johnson, Cal.	Owen	Wadsworth
Curtis	Kellogg	Penrose	Watson
Fernald	Kenyon	Pittman	Weeks
France	King	Saulsbury	Williams
Frelinghuysen	Knox	Sherman	
Gallinger	Lewis	Smith, Mich.	
Gerry	Lodge	Smith, S. C.	

NOT VOTING—9.

Culberson	Gore	Kendrick	Newlands
Fall	Hughes	Lane	Tillman
Goff			

So Mr. HITCHCOCK's amendment to the amendment was rejected.

Mr. MCKELLAR, Mr. GALLINGER, and Mr. CHAMBERLAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. MCKELLAR. I move to strike out the figures "25" and insert in lieu thereof the figures "40."

The PRESIDING OFFICER. The question is on the amendment of the Senator from Tennessee.

Mr. MCKELLAR and Mr. TOWNSEND asked for the yeas and nays, and they were ordered.

The yeas and nays having been taken, resulted—yeas 22, nays 65, as follows:

YEAS—22.

Borah	Johnson, S. Dak.	Norris	Thompson
Cummins	Jones, Wash.	Owen	Townsend
Curtis	Kenyon	Sheppard	Vardaman
Gore	Kirby	Shields	Wolcott
Gronna	La Follette	Sterling	
Hardwick	McKellar	Thomas	

NAYS—65.

Ashurst	Hale	Nelson	Smith, Md.
Bankhead	Harding	New	Smith, Mich.
Beckham	Hitchcock	Overman	Smith, S. C.
Brady	Hollis	Page	Smoot
Brandegee	Husting	Penrose	Sutherland
Broussard	James	Phelan	Swanson
Calder	Johnson, Cal.	Pittman	Trammell
Chamberlain	Jones, N. Mex.	Poindexter	Underwood
Colt	Kellogg	Ransdell	Wadsworth
Culberson	King	Reed	Walsh
Dillingham	Knox	Robinson	Warren
Fernald	Lewis	Saulsbury	Watson
Fletcher	Lodge	Shafroth	Weeks
France	McCumber	Sherman	Williams
Frelinghuysen	McLean	Simmons	
Gallinger	Martin	Smith, Ariz.	
Gerry	Myers	Smith, Ga.	

NOT VOTING—9.

Fall	Kendrick	Newlands	Stone
Goff	Lane	Pomerene	Tillman
Hughes			

So Mr. MCKELLAR's amendment was rejected.

Mr. GALLINGER and Mr. REED addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GALLINGER. I move to strike out "25" and to insert in lieu thereof "35."

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from New Hampshire.

Mr. GALLINGER. On that I ask for the yeas and nays.

Mr. SHAFROTH and Mr. OVERMAN. Let the amendment be stated.

The PRESIDING OFFICER. The Secretary will state the amendment.

The SECRETARY. It is proposed to strike out "25," before the word "years," and insert in lieu thereof "35."

The PRESIDING OFFICER. The question is on the amendment submitted by the Senator from New Hampshire, on which he demands the yeas and nays.

The yeas and nays were ordered, and, being taken, resulted—yeas 29, nays 60, as follows:

YEAS—29.

Borah	Jones, Wash.	Owen	Thompson
Cummins	Kenyon	Penrose	Townsend
Curtis	Kirby	Reed	Trammell
Gallinger	La Follette	Sheppard	Vardaman
Gore	McKellar	Shields	Wolcott
Gronna	Martin	Sterling	
Hardwick	Nelson	Stone	
Johnson, S. Dak.	Norris	Thomas	

NAYS—60.

Ashurst	Gerry	McLean	Smith, Ariz.
Bankhead	Hale	Myers	Smith, Ga.
Beckham	Harding	New	Smith, Md.
Brady	Hitchcock	Overman	Smith, Mich.
Brandegee	Hollis	Page	Smith, S. C.
Broussard	Husting	Phelan	Smoot
Calder	James	Pittman	Sutherland
Chamberlain	Johnson, Cal.	Poindexter	Swanson
Colt	Jones, N. Mex.	Pomerene	Underwood
Culberson	Kellogg	Ransdell	Wadsworth
Dillingham	King	Robinson	Walsh
Fernald	Knox	Saulsbury	Warren
Fletcher	Lewis	Shafroth	Watson
France	Lodge	Sherman	Weeks
Frelinghuysen	McCumber	Simmons	Williams

NOT VOTING—7.

Fall	Hughes	Lane	Tillman
Goff	Kendrick	Newlands	

So Mr. GALLINGER's amendment was rejected.

Mr. REED. Mr. President, I move to reconsider the vote by which the minimum age was raised from 19 to 21. If that motion is carried, I will then move to make the minimum age 20.

The PRESIDING OFFICER. The Senator from Missouri moves to reconsider the vote by which the amendment of the Senator from Nebraska [Mr. HITCHCOCK] raising the minimum age from 19 to 21 was agreed to. The question is on that motion.

Mr. REED. Just a word in relation to that motion. If a young man is called into the Army at 20 and goes into the training camp at that time, it is admitted that he will be 21 before he will be ordered to the front, at least that is the very great probability. Military authorities agree that men of that age are of the ideal age for training, for endurance, and for all those qualities which go to make up a good soldier.

When it comes to the method of raising an army, I do not believe that the opinion of the General Staff is as good as the opinion of Congress. When it comes to the question of the quality of men who make the best soldiers, I believe the opinion of military experts is entitled to great weight.

If the motion is reconsidered and the question is reopened, I intend to submit an amendment fixing the minimum age at 20 years; that is in the nature of a compromise. Perhaps it will enable us to come to an agreement.

That is all I desire to say.

Mr. TOWNSEND. Mr. President, I doubt if it will serve any useful purpose to combat this motion, because it is clear that Senators who have no confidence in the management of affairs by the War Department when that management happens to run counter to their own opinions are perfectly willing to follow its advice when such advice coincides with their views.

These young men, of course, are not of age. They are not voters. Many of them are to be taken before their schooling is completed, and under the guise of equal service and equal liability at this time of emergency. It is early enough to take these young men into the service when they have arrived at their majority, when they probably will have finished their life preparation and are ready for its work. We have denied an opportunity to men of 35 and 40 years of age, who are equally fit for service, to enter this temporary army. We are proposing to force the great burden on the boys of this country, the boys that have not reached the age of discretion, possibly, in reference to many things, to force them in under excitement, heightened by association with their fellows. These young men do not now realize just what is being done to them. They are still under the influence and control of their parents.

We are constantly referring to the Civil War and other wars that have been fought by the boys of the country. Such examples do not prove that the system is right. The race has deteriorated because of that fact. There are millions of men in this country who are fit for little else than war, but you are going to exempt them. Their future is not so bright as is that of these boys. The country does not need them so much. They are not to be called out in this emergency, but the very flower of the land is to be drafted into the service.

Mr. President, I object to it. I think the Senate did well in raising the minimum age to 21. It would have done better if it had raised the maximum to 45, in my judgment. But if now it is the opinion of the Senate that we are to call upon these young men, without political influence, these young men who are the hope of the future, and take a million of them out of those positions where they are needed for the good of their country, then we undo the good we have done. All of these minor boys will reach the age of 21, at which period they will be liable to service at some time during this war, provided it shall last two or more years, if the provisions of this bill should, by raising the minimum age, exclude them now. Let them reach their majority before you force upon them a service which could be as well rendered by older men. Let this service be as general as possible. The nearer we approach the inclusion of all physically fit men in the list of eligibles to conscription, the more closely we approach universal service. Let us keep the minimum age at 21 and hope that the House provision as to maximum age may finally be adopted.

Mr. GRONNA. Mr. President, by almost a unanimous vote the Senate voted to raise the minimum age from 19 to 21. As the Senator from Michigan [Mr. TOWNSEND] has said, these young men who are to be drafted into the service at 19 years of age have not had an opportunity to finish their education.

I want to be pardoned for referring to myself for a moment, because, having occupied the position I have, it might be understood that I am pleading for my own people. I have one son who is 19 years of age, who is already in the service. I have another son who is 32; and I have on every occasion here this afternoon voted to raise the maximum age limit, so I am not pleading for myself. But the same inequality and injustice is being done in the case of this provision as in the entire bill. You are not willing to trust the American people. You are not willing to leave it to their patriotism to say whether or not they are going to participate in this war and defend their country. No; you must have a censor by a draft saying who shall and who shall not go.

It is unfair and it is unjust to take the flower of our youth before they have developed mentally, before they get an opportunity to finish their education; and it will be too late, even if they shall return from the battle fields, for them to finish their education after they shall return.

I hope that the Senate will not make this serious mistake, but that it will leave the minimum age limit where it has been left by the Senate by practically a unanimous vote.

Mr. SHAFROTH. Mr. President, it seems to me that we are losing sight of the expert testimony that has been given as to who makes the most efficient soldier. The question as to whether the boy has finished his education applies only to a very limited extent, because boys usually complete the high school at 16, 17, or 18 years of age, and only about 5 per cent of those who go to the high schools go to the colleges and take a course in the literary or professional departments.

That being the case, the question is, what are you disturbing most? As you get the age higher, the men who are in those ages have more obligations. They are skilled mechanics; they are persons engaged in professions; and to disturb them as you go older and take them into the service has a tendency to break up, to a very large extent, engagements that are made, to make them leave their families, and so on. The enormous cost that is involved in supporting those who are dependent upon them would increase the cost of this army millions and millions of dollars.

It is for these reasons, all together, that the experts have said that it is best to make the age limits from 18 to 25. Now, when that has been modified to 19 by the committee, and then it is proposed to be modified again to 20, and then we know that it takes one whole year to prepare a soldier for the field, it seems to me that the age of 20 is about right. It will disturb conditions less than any other age, give the most fighting powers that the soldiers can possess, and the limit of higher age would, it seems to me, involve the question as to the enormous cost of the army.

The Senator from Missouri [Mr. REED] has just handed me a statement from Secretary Baker, given before the House committee. He says:

> I have no objection to such a scheduling as you have provided, except that I believe it would be better to make the minimum age 20 years rather than 21.
>
> Mr. CALDWELL. Because it will take a year to train them?
>
> Secretary BAKER. Because it will take a year to train them. I think it would be better to start with 20 years instead of 21 years.

With this experience, and then with the testimony that has existed in the world for years, in our own Civil War, where men were drafted from 18 years of age, it seems to me, together with the experience we have now in Europe, where the enlistments have been as low as 16 years of age, that 20 is a fair compromise upon this measure.

Mr. HITCHCOCK. Mr. President, our own Civil War presents something of an argument against this motion to reconsider. There have been, as we all know, in this country thousands of veterans of the Civil War who all through life suffered a tremendous disadvantage because the education of their youth was interrupted by military service. Shall we now commit unnecessarily the same mistake of taking these young men out of schools, ending their chance for an education, and sending them to war when we have an abundant supply of adults who have finished their education?

If there were a scarcity of adults for the obligations of military service, then it would be another matter. The European nations have not forced their youths into battle until they have exhausted their adult material. Why should we do it?

Mr. WILLIAMS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Mississippi?

Mr. HITCHCOCK. I yield to the Senator from Mississippi.

Mr. WILLIAMS. I thought the Senator was through. However, I will say what I want to say as an interruption, if the Senator will permit me. I merely want to say this in answer to what the Senator has just said. That somewhere between 95 and 98 per cent of the youth of America are never at school after they are 18 years of age. Of course, it is very natural for Members of the Senate and Congress to speak about interrupting the education of youths above that age.

Mr. HITCHCOCK. Mr. President, I ask the Senator not to interrupt me any further. If they are not at school, Mr. Presi-

dent, they ought to be; and in most cases if they are not at school they are earning their living, and that is generally the reason why they are not at school.

Mr. President, if there were any necessity for going into the families of our land and taking boys who are still under the control of their parents, I would say "amen"; but to do it when there is no such necessity is just unnecessarily to tear the heart strings of mothers and fathers who regard those boys as mere children.

So I trust that the Senate will stand by the position it took when it raised the age limit to 21 years, and stand by the position that has already been taken by the House of Representatives.

Mr. WILLIAMS. Mr. President, I merely want to repeat, in a better way than I could do it in an interruption of the Senator from Nebraska, what I said a moment ago.

It is very natural for Senators and Congressmen, who are well-to-do people—even if they were not well-to-do people before they came here, they are after they come here, in receipt of $7,500 a year income—to think of the boys of this country as being at school from 18 to 21 or 23 or 25 because they are off at the universities; but, as a matter of fact, 95 or more per cent of the American youth never see a university, never go to college, and finish their education with the high school, which is a tolerably good education.

Mr. PAGE. Mr. President, may I interrupt the Senator?

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from Vermont?

Mr. WILLIAMS. No; not right now.

Mr. President, I was indisposed to begin at the age of 19. If it would be helpful, I am in favor of putting it at 20 years of age, and I will tell you why, because it will take at least a year to train these boys to be fit soldiers under the conditions of modern warfare, and if they enter at 20 they will then enter the Army and begin to do their fighting at 21; and ninety-odd per cent—95 to 98 per cent—will be just at that age when they are between having quit the high school and having begun business of some sort.

Mr. President, there is another reason. The higher you raise the age limit the more you are going to be called upon, after a while, to provide for dependent families. It will cost this Government somewhere between half a billion and a billion dollars to provide for dependent families if you go into it indiscriminately in the way that is being proposed. Now, if you can get four unmarried men at the same price that you can get one married man when you are going to take care of his family, then you have increased your armies fourfold, and you have kept the expenses at the same figure.

Now, another thing, Mr. President. There never was a great war fought in the world that was not fought in a majority by those that Senators call boys, from 18 up. The Senator from Nebraska says the European powers have not called out their boys. Why, Germany, has called out her 16-year-old boys.

Mr. HITCHCOCK. Mr. President——

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from Nebraska?

Mr. WILLIAMS. I do.

Mr. HITCHCOCK. I did not say the European nations had not called out the boys. I said they did not call out the boys until they had exhausted their adult material.

Mr. WILLIAMS. Well, that is the same thing. They have not exhausted their adult material—not a single one of them—and they have called out the boys. During the War between the States the Confederacy at the very jump fixed the minimum age at 16. Finally, robbing the cradle and the grave, they fixed it at 14 up to—I have forgotten—50-odd; 14 to 60, the Senator from Oregon [Mr. CHAMBERLAIN] tells me, and I believe that is correct. Gen. Grant said afterwards that they "robbed the cradle and the grave" to defend their independence, unavailingly and unsuccessfully.

Now, Mr. President, I have some boys. All of us have some boys. There is no heroics in it. There is no emotionalism about it. When a boy goes out, there is no use in getting up with tears in your eyes and talking about it. If a boy is true to his ancestry, he is going anyhow. Do not urge him to go, any more than you would urge him to stay at home. If he has the right blood in him, he is going, and he can do very much more effective service when he is 20 years old than he can do when he is 35 or 31 or something else.

Suppose I went into the Army to-morrow as a private soldier, I would be a governmental liability instead of a governmental asset after the first day's "hiking," not because I could not fight when I got in but because I could not march. These boys can march, and they have the spirit, and they are willing to do it, and I do not want to chill their youthful patriotism by cutting them out of the opportunity to serve.

Now, one more word and I am through. The Government meanwhile will exercise its discretion, and in exercising its discretion it can excuse those that are unfit.

The PRESIDING OFFICER. The time of the Senator from Mississippi has expired.

Mr. JOHNSON of South Dakota. Mr. President, it has been my privilege to listen to a number of speeches on the very important question now before us, one delivered by the distinguished junior Senator from Massachusetts [Mr. WEEKS], in his able discussion of the administration views regarding selective-draft military service, and the no less remarkable address of the senior Senator from Colorado [Mr. THOMAS], favoring the minority report on the bill under consideration.

I have always been fundamentally opposed to the draft system in raising an army, and I am to-day. But there comes a time in our official life when we must take up our burden and hold it high above us, sacrificing our own personal views and convictions. I have reached that time to-day. This morning I received information from the War Department advising me that on April 12 a telegram was sent to all recruiting officers throughout the United States, defining it to be the policy of the War Department to discharge from the service on the termination of the present war emergency all men who have enlisted in the Regular Army since the declaration of war and those who enlist now or who will enlist under this bill. It also applies to the National Guard and the Marine Corps. This ruling, as you may call it, permits all young men, as I now understand, who can qualify to enter these branches of the military service now for the period of the war as volunteers, and gives them a chance to answer their country's call before conscription time.

This fact was unknown to me before, and has been the means of removing from my mind the one serious objection to the proposed bill, and I shall vote for the measure as recommended by the War Department, reserving, of course, the right to vote for some of the amendments to be offered, in the belief that it has given the matter with reference to the manner of selecting soldiers the most careful and serious consideration, and that the officials of the War Department are necessarily much better informed on the subject than I could possibly be. And while I can not say that I yield altogether willingly, I yield as graciously as possible under the circumstances.

Mr. President, in voting on this matter to-day I feel that we shall all approach our task of responsibility and duty with grave apprehensions, fully conscious of the inevitable consequences it will bring to the country. This legislation will be the most far-reaching of any I have ever known in my short official life, and my supreme hope is that it may be the last of its kind in the unwritten history of our country.

Permit me to say in justification of the position taken by a number of our most distinguished Senators who are opposed to conscription that during the discussion of this proposed legislation no Senator, so far as I know, has contended that an army could be raised any quicker by the process provided in this bill than could be raised under the volunteer enlistment plan. And no Senator has stood on this floor and contended that the conscripted soldier is any better, to say the least, than a volunteer. I do not believe such contentions, if made, could be sustained.

Mr. President, while I do not desire to say it in the way of criticism, I think the War Department should have given greater publicity to its order of April 12, to which I have already referred, because no doubt it would have changed the views of many people had it been generally known and the fact fully understood.

I also want to say again, in honor of the volunteer, that if I understand the situation correctly, as has been so clearly outlined in the speech of the senior Senator from Colorado [Mr. THOMAS], most of the fighting that has been done in Europe up to this time has been carried on by volunteers, the drafted soldiers having been held in reserve, and that all of the splendid forces sent from Canada, who have distinguished themselves most signally on the battle fields of Europe, are volunteers to the last man.

And while I am on the subject let me further express the opinion that there is not a single Senator in this body who will publicly stand on the floor here and say that he does not believe his State would raise its quota of troops by the volunteer system. No, Mr. President; that will not be said. But the great fear of the War Department and the administration is, as I understand it, that we can not get a sufficient number of soldiers for prompt use at this critical time in the Government's history. So, with that fear hanging over us, I feel that I should

vote for this bill, although I am firmly of the opinion that in my own State we could raise our quota of troops in 30 days after the issuance of a call for volunteers.

And further, Mr. President, let me say South Dakota is one of the great agricultural States of the Union. She will do her part in this war. We will raise sufficient live stock and grain to feed a million soldiers, besides our own population, with any reasonable luck this year, and few, if any, of her people will ever be found in the slacker column. Watch the South Dakota boys if they have to go to the front.

There is one thing that we should correct in this bill, and that is the provision in reference to the age limit. I shall vote for an amendment that has been offered increasing the age limit, hoping that it may prevail, for several reasons. For the past month the entire press of the country in its support of this particular provision has said that the desire is to catch the slacker. My views are that this is a sincere expression; but I want to call your attention to the fact that between the ages of 25 and 35 you will find three slackers where you will find one between the ages of 19 and 25, as proposed by this bill. If I had my way, Mr. President, I would not have any age limit; all would be soldiers in some capacity. That, to my mind, would be truly democratic, and as the army is to be raised by the selective-draft plan it would be fair that all should share equally in the responsibilities, and, if chosen and determined to be too old for active service, such persons might be very useful in other occupations if needed by the Government.

Another question which comes forcibly to my mind in connection with this, Mr. President, is the proposition that under the provisions of this bill in its present form the National Guard and the militia of the country will be practically destroyed. You will observe by reading that all soldiers between the ages of 19 and 25 who will belong to these organizations will cease to become members of this part of the service when they are conscripted under the proposed law.

Section 111 of the national-defense act provides:

> All persons so drafted shall from the date of their draft stand discharged from the militia.

This, as you will see, is sweeping, and would tend to terminate the services of all persons drafted under the provisions of this bill.

Mr. President, I have no personal motives in expressing myself as I have on this measure to-day. My own boys are dead who were old enough to be called. If they were living now, they would be old enough to go into the Army, and, I am sure, would volunteer for service. I have a brother who has three sons within the age limit, all of whom have officially offered their services as volunteers. My only son-in-law is a second lieutenant in the service now. This war has been brought close home to me, Mr. President. Not farther away than the distance across this Chamber from my residence in Yankton, S. Dak., live the parents of a boy who sacrificed his life for the cause of humanity, and who sleeps his last sleep to-day in our cemetery, a victim of this cruel war. Mr. Robert Warren, the young man I have in mind, was of splendid personage; gifted by nature with unusual attainments, both intellectual and physical. By his unusual ability in college he secured a Rhodes scholarship at Oxford, England, and went there in 1914 to complete his education in the law department. In the winter of 1915, responding to the call for volunteers issued by the American Ambulance Society of Paris, he enlisted and went to France. The work of this society should be known by every American. After his vacation he returned to his studies in Oxford.

During the vacation of 1916 he again enlisted in the service to relieve the suffering. He was arrested and lay in a German dungeon four days, charged with being a spy, but was released. He immediately returned to his duties on the battle field, putting his whole heart into the hospital-ambulance work. He was most impressed with the patience and courage of those he served, and finally gave his life for the cause. He insisted on making the longest and hardest drives. He refused to be relieved of duty, although permitted certain days for rest. Finally, because of a long, tedious night drive through the mountains of France during a heavy rain he contracted a severe cold, which resulted in his death last December. Among the effects found in his trunk upon its arrival home was found a beautiful gold medal, given him as a token of Belgium's gratitude for his work among her people, also a personal letter from Mr. Brand Whitlock, the American minister. A still more significant honor was bestowed upon this young man by the Republic of France—the medal of honor—which carries with it unusual distinctions. It is the highest military honor awarded to anyone not in the actual carnage of war. It is a recognition of extraordinary devotion to duty; and he alone of all the Americans in the French ambulance service had received it. If France bestows this high honor only upon those who are faithful unto death, it indicates her deep religious sense of life. Mr. President, I wish I had the power to-day to tell you of this young man—the big, brave, unselfish fellow; the admiration of all who knew him and the pride of his father and mother—but words would fail me if I tried, and he rests in peace now.

His mother, upon learning of his illness, started for France in order to be with him at his bedside. Reaching New York, she was obliged to wait for some days before sailing. She then braved the danger of the ocean and the submarine in order to be with her boy. Sad enough, however, he died the day after her departure from the United States, and she did not learn of her boy's death until her arrival in France. She returned as soon as possible, bringing his remains home, that he might rest near those whom he loved and those who loved him.

Mr. President, we know that this war will bring great sorrows to our people, and especially to the mothers of the land. It will take from our firesides many fathers, sons, brothers, and husbands who will never return again. And yet we must look upon it as a righteous war, if there ever was a righteous war in the history of the world. The life, liberty, and welfare of one hundred millions of people depend upon its results, and this Government is very dear to them all. If we do not succeed in this war our Government and our rights will be destroyed and taken from us and our people will be made the slaves of plutocracy and militarism. The German Government has violated every law of both God and man, and I can not believe there is a person but who realizes that they were determined to force this country into this war; after apparently studied insults for many months the German Admiralty finally insisted that we should take our flag from the seas. And if we had submitted to their autocratic demands, as promulgated through their last submarine order, they would have next insisted that we take our flag from the land. They prescribed a zone 1,000 miles wide and 1,500 miles long, through which three-fourths of the ocean commerce of the world was accustomed to pass, boldly informing our Government that for any vessel flying our flag or any other flag to enter such prescribed zone meant death. This took place, mind you, after repeated promises to our Government to respect the rights of neutral shipping, in accordance with international laws.

Again let me recall to your minds that some time before relations with Germany were broken the officers on German ships interned in this country had been ordered to destroy and make unserviceable the machinery within their vessels. High officials in Germany also admitted that they had attempted to induce Mexico and Japan to enter into an alliance to wage war against us. German spies located in the United States had plotted to destroy our property, to blow up the bridges and canals on the Canadian border, as has been conclusively shown; the lives of our women and children have been ruthlessly taken at sea; the German Government has destroyed many relief ships flying the Red Cross flag, whose missions were to carry the wounded from the field of battle and to feed and clothe the starving thousands in Belgium for whose condition the Imperial German Government alone is responsible.

In this connection let me read an extract from the report of the International Red Cross Committee, protesting against some of the recent actions of the German Government, issued by them, as follows:

> In torpedoing hospital ships combatants are not attacked but defenseless persons, wounded who have been mutilated and paralyzed by shell fire, women who have been devoting themselves to works of mercy and charity, men whose only weapons are such as to not take the enemy's life but help to preserve it and to alleviate their sufferings in some measure.

So many additional atrocious deeds of violence and crime have been committed that I wonder to-day, as I think of them, how a single person in the United States can longer feel any sympathy for that Government of dynasties and kings who would rid the world of all that men hold dear and all the rights of mankind as free people.

Mr. President, my own belief is that the Government of Germany has maintained an elaborate spy system in every civilized country of the world for many years; that their military efficiency has been brought about by their ability to gather information as to conditions and protective preparations in all countries, through her spies, in advance. Without doubt, many of these German spies are in our land to-day, and I am not basing this statement on a guess, but upon real information that has been furnished in many ways.

Mr. President, only the other day I received an anonymous letter criticizing me most bitterly for making a donation of a few dollars to the Belgian relief fund. This communication, as I have said, was unsigned, and was mailed in my State on a railway train. The writer advised me that my donation would

not go far to feed the starving orphan children of Belgium, whose condition, he says, was brought about by shipments of munitions, supplies, and so forth, from America; nor would it help in satisfying the people whom I had betrayed, as he puts it, who elected me. He further adds that if I really wanted to assist these poor, unfortunate people, that I stop talking about the war; that the great majority of us who voted as we did in Congress are responsible for the deaths of millions. Mr. President, I do not care anything about this letter personally. I did not think there was as mean a man in all America; much less in my own State. This letter was typewritten in red letters upon the back of an application soliciting a subscription for Belgian relief work. I desire to publicly denounce this man as a moral coward, because any man who does not have the courage to sign his name to a letter of that kind is a coward. I am endeavoring to ascertain who the sender of this communication may be, because I consider him a dangerous man in his community, and I hope he may be apprehended. I want to "smoke him out," and may succeed in doing so when he sees this public statement.

Mr. President, I have received much honest criticism from my constituency with regard to my official acts in these war matters; and I accept the same with the greatest consideration and honor the man who has the courage of his convictions and who will write to his Representatives and express them under his signature. I naturally want to please my constituents and always solicit their advice and counsel, because I was sent here by them to represent them. But if I am not permitted to vote on a great moral question, as this question is to me, as my own conscience dictates that I should, I would no longer desire to occupy a seat in the great American Congress; and I shall accept without a murmur the conclusions of the people of my State in these matters, trying always as best I can to follow their wishes.

In conclusion let me say that in voting for this measure to-day I shall feel that I am casting my vote to help protect our land from the ruthless evils of militarism and help rid the world of a Government that, to my mind, has committed the greatest series of crimes ever committed by any Government of the civilized world.

This is not a war by any means against the German people, but it is a war to the end between a shoddy plutocracy and a real democracy. A war between those who wear the badge of distinction and authority only by birth to oppress on one hand and those who are the real foundation and backbone of their country on the other side.

And, as much as I value friendship, I would rather lose all the good friends I have than to take any other position upon this great moral question than the one I have taken during this Congress. While my mistakes in life have been many, my prayer to God is that I may never feel that a mistake has been made in my votes on these grave questions that confront our people to-day, the outcome of which may decide our future destiny as a nation of free people.

Mr. THOMAS. Mr. President, when the unanimous-consent rule was adopted the implied obligation was that all amendments to be presented should have some consideration. We began our operations under that rule five hours ago and we have not yet disposed of the committee amendments. If I had supposed that the time between the commencement of the operation of this rule and the taking of the final vote was going to be so unequally divided, I should not have consented to it. A part of the agreement is that amendments which are pending here, offered outside of those by the committee, would be considered. I want at this time to give fair warning that unless some of the amendments in which I am interested receive the consideration of a vote I may not consider myself bound by the agreement.

Mr. VARDAMAN. Mr. President, I trust the vote by which this amendment was adopted will be reconsidered. If we are to have the compulsory system, if men are to be selected, I think they ought to be taken after their character has been formed, after the young man has improved his opportunity to finish his education or rather his college course. I think the maximum age limit should not have been greater than 30 years.

I had some experience in the little war we had with Spain in 1898, and I found that the men over 30 years of age could not stand the hardships of the campaign; that they did not recover from disease as rapidly as the younger men; and for that reason I think 21 to 30 the right age. The man of 21 has usually finished his college course; he is a mature man, physically; he is able to resist the bad influences that ordinarily surround a man in army life; he has grown to manhood with habits fixed; he can meet the duties of his place. The man of 30 is in the prime of physical manhood, and I submit that the emergency does not at this time demand the services of older men. I think if we are going to have a compulsory service, which God forbid, from 21 to 30 should be the ages taken.

Mr. SMITH of Michigan. Mr. President, I was very much struck by the observation of the Senator from Colorado [Mr. THOMAS]. Of course, he means, high-minded man that he is, that he will be bound by the unanimous-consent agreement; I know that I did not misunderstand him in that regard; but this bill must return here from a conference later, as we are already in disagreement with the House, and there is going to be ample opportunity for Senators who desire to discuss the merits of the bill to do so when it comes back from conference.

Mr. THOMAS. Of course, amendments can not then be offered.

Mr. SMITH of Michigan. Oh, no, Mr. President; I was talking about general debate.

Mr. THOMAS. Amendments which are most important to some of us have not yet been reached.

Mr. SMITH of Michigan. If any Senator wants to discuss the main question, he can be heard, and he can be heard without limit, when the conference report comes back from the two Houses. I do not understand why so much time is taken now in general debate. I have not taken any of it. If Senators desire to discuss the main question, they will have abundant opportunity before the two Houses have finally agreed upon the bill; and we ought within the time prescribed by the rule to make some progress, at least, in the disposition of necessary amendments which can not be debated, as the Senator from Colorado so well said, after 12 o'clock to-night.

Mr. CHAMBERLAIN. Both sides of the proposition have been discussed, and I do hope the Senate will reconsider the vote and allow us to fix the lower age limit at 20.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Missouri.

The motion was rejected.

Mr. THOMAS. Mr. President, I move to fix the maximum age limit at 30 years.

The PRESIDING OFFICER. The Senator from Colorado offers an amendment, which the Secretary will report.

The SECRETARY. Strike out "25," before the word "years," and insert in lieu thereof "30."

Mr. McKELLAR. I call for the yeas and nays.

The yeas and nays were ordered; and having been taken, resulted—yeas 41, nays 44, as follows:

YEAS—41.

Ashurst	Hitchcock	Owen	Swanson
Bankhead	Husting	Page	Thomas
Borah	Johnson, S. Dak.	Poindexter	Thompson
Culberson	Jones, N. Mex.	Ransdell	Townsend
Cummins	Jones, Wash.	Reed	Trammell
Curtis	Kenyon	Sheppard	Vardaman
Fletcher	Kirby	Shields	Walsh
Gallinger	La Follette	Simmons	Wolcott
Gore	McKellar	Smith, Md.	
Gronna	Martin	Sterling	
Hardwick	Norris	Stone	

NAYS—44.

Beckham	Gerry	McCumber	Smith, Ga.
Brady	Hale	McLean	Smith, Mich.
Brandegee	Harding	Myers	Smith, S. C.
Broussard	Hollis	New	Smoot
Calder	James	Penrose	Sutherland
Chamberlain	Johnson, Cal.	Pittman	Underwood
Colt	Kellogg	Robinson	Wadsworth
Dillingnam	King	Saulsbury	Warren
Fernald	Knox	Shafroth	Watson
France	Lewis	Sherman	Weeks
Frelinghuysen	Lodge	Smith, Ariz.	Williams

NOT VOTING—11.

Fall	Kendrick	Newlands	Pomerene
Goff	Lane	Overman	Tillman.
Hughes	Nelson	Phelan	

So Mr. THOMAS's amendment was rejected.

Mr. TOWNSEND. I move to amend by striking out "twenty-five" and inserting "twenty-nine."

The PRESIDING OFFICER. The Senator from Michigan moves to amend by striking out "twenty-five" and inserting "twenty-nine." The question is on the amendment.

Mr. TOWNSEND called for the yeas and nays, and they were ordered.

The yeas and nays being taken, resulted—yeas 42, nays 43, as follows:

YEAS—42.

Ashurst	Hitchcock	Owen	Stone
Bankhead	Husting	Page	Swanson
Borah	Johnson, S. Dak.	Poindexter	Thomas
Culberson	Jones, N. Mex.	Pomerene	Thompson
Cummins	Jones, Wash.	Ransdell	Townsend
Curtis	Kenyon	Reed	Trammell
Fletcher	Kirby	Sheppard	Vardaman
Gallinger	La Follette	Shields	Walsh
Gore	McKellar	Simmons	Wolcott
Gronna	Martin	Smith, Md.	
Hardwick	Norris	Sterling	

NAYS—43.

Beckham	Hale	McLean	Smith, Mich.
Brady	Harding	Myers	Smith, S. C.
Brandegee	Hollis	New	Smoot
Calder	James	Overman	Sutherland
Chamberlain	Johnson, Cal.	Penrose	Underwood
Colt	Kellogg	Pittman	Wadsworth
Dillingham	King	Robinson	Warren
Fernald	Knox	Saulsbury	Watson
France	Lewis	Shafroth	Weeks
Frelinghuysen	Lodge	Sherman	Williams
Gerry	McCumber	Smith, Ariz.	

NOT VOTING—11.

Broussard	Hughes	Nelson	Smith, Ga.
Fall	Kendrick	Newlands	Tillman
Goff	Lane	Phelan	

So Mr. TOWNSEND's amendment was rejected.

Mr. GALLINGER. Mr. President, I move to strike out "twenty-five" and to insert "twenty-seven."

The PRESIDING OFFICER. The Senator from New Hampshire moves to strike out "twenty-five" and to insert "twenty-seven."

Mr. CHAMBERLAIN. I will accept that amendment.

The PRESIDING OFFICER. The Senator from Oregon accepts the amendment.

Mr. REED rose.

Mr. CHAMBERLAIN. Is the Senator from Missouri going to offer his amendment?

Mr. REED. Yes. I offer the amendment which I send to the desk, and which I think the chairman of the committee can accept.

Mr. THOMAS. Mr. President——

The PRESIDING OFFICER. The Chair desires to inquire of the Senator from Missouri whether the amendment which he proposes relates to the pending amendment?

Mr. REED. I thought the pending amendment had been disposed of.

The PRESIDING OFFICER. It has not been; the Senate has not yet had an opportunity to vote on the amendment. The question is on agreeing to the amendment proposed by the Senator from New Hampshire [Mr. GALLINGER].

The amendment was agreed to.

Mr. THOMAS. Mr. President, I wish to call the attention of the chairman of the committee——

The PRESIDING OFFICER. The Senator from Oregon has the floor.

Mr. THOMAS. If the chairman of the committee will permit me, I desire to suggest to him the propriety of making the same change as to the age, on page 5, section 2, as that which has been made by the amendment just agreed to. Otherwise there will be a disparity between the two sections.

Mr. CHAMBERLAIN. It will be somewhat out of order, but I am perfectly willing to do that, for it must be done.

The PRESIDING OFFICER. Without objection, the amendment is agreed to. The Chair hears no objection. The question now is upon agreeing to the amendment as amended. [Putting the question.] The amendment as amended is agreed to. The Secretary will report the next amendment, proposed by the Senator from Oregon [Mr. CHAMBERLAIN].

Mr. LEWIS. Mr. President, I desire to tender an amendment, to be laid on the table for the present.

The PRESIDING OFFICER. The amendment will be received and lie on the table.

Mr. CHAMBERLAIN. I hope Senators will now let me get through with section 2.

The PRESIDING OFFICER. The Secretary will state the amendment proposed by the Senator from Oregon.

The SECRETARY. In section 2, page 5, line 10, where it reads "between the ages of 19 and 25 years," it is proposed to amend so as to read "between the ages of 21 and 27 years."

The PRESIDING OFFICER. Without objection, the amendment is agreed to. The Chair hears no objection. The next amendment of the Senator from Oregon will be stated.

The SECRETARY. On page 8, after the word "registered," in line 6, it is proposed to insert the following:

Provided, further, That persons shall be subject to registration as herein provided who shall have attained their 21st birthday and who shall not have attained their 27th birthday on or before the day set for the registration; and all persons so registered shall be and remain subject to draft into the forces hereby authorized, unless exempted or excused therefrom as in this act provided.

The PRESIDING OFFICER. Without objection, the amendment will be agreed to. The Chair hears none; and it is agreed to.

Mr. CHAMBERLAIN. I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The Secretary will state the amendment.

The SECRETARY. On page 8, line 23, after the words "District of Columbia," it is proposed to insert "and public officials and agents therein."

The PRESIDING OFFICER. Without objection, the amendment is agreed to. The Chair hears no objection.

Mr. CHAMBERLAIN. Mr. President, that finishes the committee amendments, and I yield the floor.

Mr. REED. I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The Senator from Missouri offers an amendment, which the Secretary will state.

The SECRETARY. On page 6, line 9, after the word "Territories," it is proposed to insert "duly ordained ministers of religion, students preparing for the ministry in recognized theological or divinity schools."

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Missouri.

Mr. TOWNSEND. Mr. President, I hope the amendment will not be agreed to. I can conceive of no reason in the world why these men should be exempt from the service which is required of other people. From all over the country we have been receiving from the pulpit exhortations to enlist, to take part in this war, to go to war. Now, it is proposed here to exempt divinity students from this service. I do not believe they would ask for such exemption; they ought not, at least, to ask for it; and I for one would most seriously object to eliminating this class from the operation of this law.

Mr. KENYON. Mr. President, I merely want to say that the most urgent letters which I have ever received demanding war have been from ministers; and I do not think they ought to be deprived of the privilege now of going if they want to go. I agree with the Senator from Michigan in what he has said.

Mr. WADSWORTH. Mr. President, I should like to ask the Senator from Missouri if he would be willing to accept an amendment to his amendment so that the exemption would not be extended to divinity students?

Mr. REED. No, Mr. President.

Mr. WADSWORTH. As I understand the Senator's amendment, it exempts ministers of the Gospel and students in divinity schools.

Mr. REED. No; I can not accept the suggestion. I do not want to take the Senator's time if he desires to speak; but when others are through I will state my reasons for this amendment and why I can not accede to the Senator's request.

Mr. MYERS. Mr. President, I think this is a very important and meritorious amendment, and that it should by all means be adopted. It has been offered by a member of the committee, the Senator from Missouri [Mr. REED]. I know it was very earnestly considered and discussed by a number of the members of the committee, to whose attention it was brought, and I think it ought beyond a doubt to be adopted.

There are some ministers of the Gospel who object to being conscripted, drawn into war, and forced to shoulder arms. There are ministers who are willing, I am satisfied, in large numbers to volunteer to act as chaplains, and many of them will shoulder arms; but there are a few, I know, who have conscientious scruples against shouldering arms and fighting, and divinity students are, by reason and logic, in the same class There is no difference in fact or in principle.

Mr. GRONNA. Mr. President——

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from North Dakota?

Mr. MYERS. With much pleasure.

Mr. GRONNA. I want to ask the Senator from Montana if it is not true that those who have such scruples against war would be exempt in any event? Is not that correct?

Mr. MYERS. No; not unless the religious organization with which they are connected, as a part of its creed and doctrine, is opposed to warfare.

Mr. GRONNA. May I ask the Senator another question?

Mr. MYERS. With great pleasure.

Mr. GRONNA. Has the Senator from Montana received many requests from ministers asking to be exempted from going to war?

Mr. MYERS. I have received some requests from ecclesiastics, especially in behalf of divinity students, that this amendment be adopted, and I am satisfied the Senator from Missouri, who offered it, has received like requests or it would not have been offered.

Mr. GRONNA. I do not wish to take the Senator's time, but the letters I have received from ministers have shown that they are the most militant class of people we have in our country, and I myself see no reason why they should be exempted.

Mr. MYERS. I can not yield any further, because my time has nearly expired.

I have been informed that the divinity students of the country, whose number is not very large—there are not so many of them as there might be or ought to be—if drawn into war will not be able, many of them, to graduate from the theological seminaries in sufficient numbers to take the places of the ministers who have to retire from the ministry and of those ministers who die. The pulpits of the country should be kept filled. It is very essential that they should be. The war should not be allowed to close the churches. Many ministers will enter the Army as chaplains, others as fighters. This war may last several years. No man knows how long. If so, pulpits will be vacant, churches closed. An appeal has been made to some of us not to drag from their studies the few thousand theological students—all too few—many between 19 and 25 years of age. Let us grant it. We can afford to do that. They are needed where they are.

The PRESIDING OFFICER. The time of the Senator from Montana has expired.

Mr. THOMAS. Mr. President, I have offered an amendment to the same section, and it is designed to produce in some degree a similar result; that is, to broaden the exemption which is reported in the committee bill.

While I shall support the amendment offered by the Senator from Missouri, I want, in speaking to it, to emphasize what seems to me to be one of the gravest injustices of this exemption section. I refer to that part of it which is designed to exempt from the operations of the bill those who have conscientious scruples against war, and then confining the exemption to those who, having such scruples, are members of denominations of which that is one of their articles of faith.

Mr. President, I can see good reason for the exemption of divinity students—not ministers; I am perfectly willing to include them, and they ought to be included in the operation of this bill, especially those militant ministers of the gospel, who go upon the theory that Christ came into the world not to establish peace but with a sword.

I am unable to perceive, Mr. President, how and by what process of reasoning a man who is conscientiously opposed to war and not a member of a religious denomination must submit to the requirements of this measure, while his neighbor, possessed of such scruples and belonging to a religious denomination, is made exempt. If we are to exempt that class of people, fundamentally the line of division should not be drawn between those who, in addition to possessing the scruples, are members of churches and those who do not possess any affiliation with churches. Consequently I want, as soon as this amendment is disposed of, to offer the one to which I now refer, in the hope that that invidious discrimination will be stricken from this bill.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Missouri [Mr. REED].

Mr. REED. Mr. President——

Mr. WADSWORTH. Mr. President, I was going to offer an amendment to the amendment.

Mr. REED. I hope the Senator will not do that.

Mr. WADSWORTH. Before I do so, may I have the amendment stated?

The PRESIDING OFFICER. The Secretary will state the amendment.

The SECRETARY. On page 6, line 9, after the word "territories," it is proposed to insert:

Duly ordained ministers of religion, students preparing for the ministry in recognized theological or divinity schools.

Mr. REED. Mr. President——

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Missouri?

Mr. WADSWORTH. I do.

Mr. REED. I hope the Senator will not offer any amendment to that. The amendment I offered has been considered. It applies only to a few people, in the long run, and I hope it will not be complicated by any amendment.

Mr. WADSWORTH. I am very much in favor of one portion of it, and not so much in favor of the other.

Mr. REED. Well, I will make a statement now, with the Senator's permission, on this amendment.

Mr. WADSWORTH. I shall be very glad to hear the Senator.

Mr. REED. Mr. President, everybody knows that ministers of the Gospel and priests are not going to be drafted and put on the fighting line. That never has been done by any country within my knowledge. At the same time, we all know that each regiment will have its chaplain, who will be a minister, priest, or rabbi, some ecclesiastic, who will take his place with the men in the camp and on the field. We also know that organizations of good women of churches will go about on their missions of mercy, will do their part; we know that there will not be a battle field on which the Sisters of Mercy will not be found, and where there will not also be found good women of other denominations doing the holy work of ministering to the wounded and caring for the corpses of the dead. The minister will be there; he will be militant enough to take his place as a minister on the battle field. The priest will be there; the danger will not keep him from the zone of fire.

All that is asked—and it has been asked—is that those who are about to become priests or ministers, who are attending regular theological seminaries, who are fitting themselves for ecclesiastical duties, who have already devoted themselves to the mission of peace and of charity and of religion, shall not be taken from their schools probably in the very finishing year. The exemption will only be of a very small number of men in the aggregate. It will only reach men who are duly entered at the regular theological schools as divinity students.

I hope that the exemption will be allowed.

Mr. GALLINGER. Mr. President, has not the Senator any fears that there will be a great rush to these divinity schools upon the part of young men?

Mr. REED. Oh, no. The language of the amendment requires that they must be students preparing for the ministry in recognized theological or divinity schools. Now, of course, it would be possible for some individual to take advantage of it, but I do not think that is a danger.

Mr. STONE. Mr. President, the Senator could easily meet the objection—if it is an objection—of our friend from New Hampshire by interlining the words "at the passage."

Mr. REED. I will insert the words "students who at the time of the passage of this act."

Mr. GALLINGER. I hope the Senator will make it read "approval of this act."

Mr. REED. "Approval of this act," then.

The PRESIDING OFFICER. The time of the Senator from New York has expired.

Mr. LEWIS. Mr. President, I rise simply to give my support to the amendment, and to say to the Senate that in my last visit to the city of Chicago, my home, I was visited by a delegation of ministers of different denominations, pointing out the justice of such an exemption and calling to my attention the fact that many of their youth will be tendering their sacrifice in this conflict, and that by allowing these young gentlemen to finish their course, when they have finished they will then still be subject to service—many of them, as the Senator from Missouri has wisely pointed out, as chaplains or in other ways. I also beg to fortify, if I can, the observations made here that the Senate may not overlook the fact that in nearly all of these religious organizations there will be women who will make sacrifices immeasurable and indescribable; and in consideration of that, if there were no other, we could afford to grant the exemptions sought in the amendment.

I sincerely trust the amendment may meet the approval of the Senate.

Mr. PENROSE. Mr. President, just one word.

I am in entire accord with the sentiments expressed by the Senator from Illinois. I have had a great many communications from Pennsylvania requesting an amendment of this kind, and I had intended to offer such an amendment myself; but I recognize that it comes with propriety from a member of the majority in this Chamber.

I heartily hope that the amendment will be adopted, and that the Senate conferees will see that it remains in the bill when the conference takes up the consideration of the measure.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Missouri.

The amendment was agreed to.

Mr. THOMAS. Mr. President, I now ask that the amendment to which I referred be laid before the Senate.

The PRESIDING OFFICER. The Secretary will state the amendment.

The SECRETARY. On page 6, line 13, it is proposed to strike out the words "any person to serve" and to insert in place thereof the word "service"; also to strike out all after the words "who is," in line 14 of the same page, down to and including the word "organization," on line 19 of the same page, and to insert the words "conscientiously opposed to engaging in such service," so that the clause as amended will read:

And nothing in this act contained shall be construed to require or compel service in any of the forces herein provided for by any person who is conscientiously opposed to engaging in such service.

Mr. THOMAS. Mr. President, I think I have already consumed my five minutes on this amendment, and I therefore submit it.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Colorado.

Mr. STONE. Mr. President, the amendment says, as I understand it, that every man who is conscientiously opposed to entering the military service shall be exempt. Is that correct?

Mr. THOMAS. It provides that nothing in the act shall be construed to require or compel him to serve. As the bill is now drawn that provision is limited to those with conscientious scruples who are members of religious organizations.

Mr. STONE. Well, if you confine it to religious organizations and it is a part of a religious creed like the Quakers, for example, I see no objection to that; but if you frame it so that any man who is conscientiously opposed to going into the military service will be exempt, the Lord only knows what that will lead to.

Mr. THOMAS. Mr. President, if the Senator will permit me, I wish to add that the amendment which I propose is that which is in the English conscription law; and while I would vote to strike it out entirely, I must again insist that there is, to my mind, no justification for such an exemption which is confined within such narrow limits. It is not democratic.

Mr. STONE. I have great faith in the judgment of my friend from Colorado, and if he thinks it is all right I have nothing more to say.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Colorado [Mr. THOMAS].

Mr. HOLLIS. Mr. President, I think we ought to have some information on this subject. I will ask the chairman of the Committee on Military Affairs to tell us why this was not put on the bill in the committee. Will the Senator from Oregon kindly inform the Senate why the amendment that is now offered by the Senator from Colorado was not put on in the committee, so that we may vote intelligently?

Mr. CHAMBERLAIN. Mr. President, I will state that that particular question was not considered in the committee, further than that portion which is now embraced in the bill exempting certain organizations whose creed is opposed to war, like the Quakers, the Mennonites, and so forth. This particular feature of it was not considered, and yet I think it ought to be recognized. The English law recognizes it. The English law excludes the idea of irresponsible persons making this claim, because it provides for a method of appeal. There is a tribunal to try out the man's claim that he has conscientious scruples, and a right of appeal is given. I think if this idea is going to be embodied in the bill it would be better to go a little further and to provide some sort of a tribunal.

Mr. STONE. That is the point about which I wish to ask my friend from Oregon.

The PRESIDING OFFICER. Does the Senator from Oregon yield to the Senator from Missouri?

Mr. CHAMBERLAIN. I do.

Mr. STONE. The Senator spoke of tribunals in England, I suppose, to try out and determine the claim of a drafted man that he was conscientiously opposed to military service. We have no such tribunal here, however; and I should like to ask the Senator from Oregon if a man is drafted under the provisions of this bill, and he says that he is conscientiously opposed to war, conscientiously opposed to going into battle and shooting at men, which means the killing of men, whether that mere statement of his is to operate to exclude him or to exempt him from service?

Mr. THOMAS. Mr. President, if the Senator will permit me a word, the Senator from Wisconsin [Mr. LA FOLLETTE] has introduced an amendment providing a method of procedure to ascertain that fact corresponding substantially, as I understand, to the British practice.

Mr. STONE. But the procedure of the Senator from Wisconsin, whatever it may be, has not been agreed to by the Senate. Now, if it should not be——

Mr. LA FOLLETTE. It has not been offered. I have had no opportunity to offer it.

Mr. STONE. Well, it has not been offered. That is sufficient; and if it should not be agreed to by the Senate when offered, then we will have this provision in the bill which in effect says that any man who is called to the colors may say that he is conscientiously opposed to service in the military forces.

The PRESIDING OFFICER. The time of the Senator from Missouri has expired.

Mr. THOMAS. I suggest to the Senator from Wisconsin that he offer his amendment in connection with mine.

Mr. LA FOLLETTE. If it is in order, I will offer my amendment as a substitute for the amendment proposed by the Senator from Colorado.

The PRESIDING OFFICER. That is in order. The Secretary will state the substitute.

Mr. LA FOLLETTE. I send it to the desk and ask to have it read. I think it is self-explanatory.

The SECRETARY. On page 13 of the bill, after line 16, it is proposed to add a new section, to be known as section 12, and to read as follows:

SEC. 12. At the time of registration as provided for under the terms of this act, or within 20 days thereafter, any person so registering may make application to the local tribunal hereinafter provided for, or application may be so made in his behalf, for the issuance of a certificate of exemption from the provisions of this act upon the following grounds:

First. On the ground that it is expedient in the national interest that such applicant or person in whose behalf said application is made, instead of being employed in military service, be engaged in other work in which he is habitually engaged or in which he wishes to be engaged, or if he is being educated or trained for any work that he should be continued to be so educated or trained; or

Second. On the ground that serious hardship would ensue, if the man were called up for Army service, owing to his exceptional financial or business obligations or domestic position; or

Third. On the ground of ill health or infirmity; or

Fourth. On the ground of a conscientious objection to the undertaking of combatant service in the present war.

And such local tribunal, if the members of a majority thereof consider the grounds of the applicant established, shall grant such certificate of exemption accordingly. Such certificate may be temporary or final, according to the judgment of the local tribunal, except that if granted upon the fourth ground of exemption above stated, it shall be final. If the applicant sustains his claim for exemption under the fourth ground by his uncontradicted oath, the local tribunal shall grant such a certificate of exemption. The certificate of exemption as to other grounds specified shall state whether the same is temporary or final, and in any case shall state the ground upon which the same is granted.

The local tribunal may allow an application to be made after the appointed time in any case in which it is shown to its satisfaction that the failure to make the application within the required time has arisen owing to the absence of the applicant abroad, or owing to any other cause which appears to the tribunal to afford a reasonable ground for allowing the application to be so made.

There shall be a local tribunal for each congressional district in the several States, for the Territories, and District of Columbia, and such local tribunal shall sit at a place or places to be designated by it, within the congressional district, or at the county seat of each county, within said congressional district, in each of said Territories, and in the District of Columbia, and shall so sit a sufficient time to hear and pass upon the applications for said certificates of exemption.

Each local tribunal shall consist of not less than five members and shall be appointed by the President, and a majority of each local tribunal shall be made up of persons not in the service of the Government of the United States, and shall be residents of the congressional district, Territory, or District of Columbia for which they are appointed.

There shall also be an appeal tribunal for and acting within each State, Territory, and the District of Columbia, consisting of not less than five persons to be appointed by the President, by and with the advice and consent of the Senate. Each appeal tribunal shall hold its sessions at the State capitol of the respective States and at such places in the Territories and the District of Columbia as the President shall direct. Both local and appeal tribunals may act through committees appointed by them consisting of not less than three members of the tribunal, but the action of each committee shall be approved or disapproved by a majority of the respective tribunals before such action shall become effective.

There shall also be a central tribunal, consisting of not less than five persons, to be appointed by the President, by and with the advice and consent of the Senate. Such central tribunal shall hold its sessions in the city of Washington, D. C. The Government, or any person authorized to act for the Government, or any applicant, or person making application for another for the certificate of exemption herein provided for who is aggrieved by the decision of the local tribunal, may appeal from the local tribunal to the appeal tribunal and similarly from the appeal tribunal to the central tribunal.

The local tribunal shall make and keep a record which shall include the name and residence of the applicant or person in whose behalf said application is made, the grounds upon which the application is made, a statement of the evidence offered for and against the application, and the decision of the local tribunal, together with an explicit statement of the reasons therefor. Upon any appeal from the decision of the local tribunal as herein provided, the local tribunal shall forthwith transmit to the appeal tribunal a copy of its said record, duly certified by it to be a correct and true copy thereof. An appeal shall be sufficiently taken by a notice in writing, signed by any person authorized to act for the Government, or by the applicant, or the person making application in his behalf, stating that the party signing such notice thereby appeals from the decision of the local tribunal. Such notice of appeal shall be filed with the local tribunal within five days from the time the party is notified in writing of such decision. Upon request of the party appealing, the local tribunal shall furnish to him a true and certified copy of the record. The proceedings in the appeal tribunal shall be either upon the record or de novo, as the applicant may elect. The appeal tribunal shall make and keep a record of the proceedings before it on each application, including its decision and the reasons therefor, substantially as herein provided for making and keeping the record of the local tribunal. The appeal tribunal, on appeal to the central tribunal, which may be taken substantially as herein provided for the appeal from the local to the appeal tribunal, shall transmit to the central tribunal a duly certified copy of the record of all proceedings on said appeal. The central tribunal shall, upon notice to the respective parties, proceed to hear and determine said appeal and give written notice to the parties of its decision. In all proceedings before said central tribunal said parties may appear in person or by representative. The President may make such additional rules and regulations for the said several tribunals as may be necessary to give effect to this Act, and otherwise said tribunals may make rules and regulations governing their proceedings, respectively. All proceedings before said tribunals, and each of them, shall be public.

The PRESIDING OFFICER. The question is on the substitute amendment offered by the Senator from Wisconsin [Mr.

LA FOLLETTE] for the amendment of the Senator from Colorado [Mr. THOMAS].

Mr. KELLOGG. Mr. President, I have not had an opportunity carefully to examine that amendment. I have prepared an amendment providing for tribunals which I understand has the approval of the chairman of the Military Affairs Committee and of the War Department. It is much simpler in form than the amendment of the Senator from Wisconsin. It provides in substance for local tribunals to be appointed by the President from the civil authorities of the various States. That the Senate may know the nature of this amendment I ask to have it read as a part of my remarks.

The PRESIDING OFFICER. The Secretary will read as requested.

The Secretary read as follows:

Add the following to section 3 of the act:

"The President shall make rules and regulations to carry out the terms and provisions of this section and provide for the issuance of certificates of exemption or partial or limited exemption and for a system to exclude and discharge individuals from selective draft.

"There shall be created under the direction of the President local tribunals in the several States or subdivisions thereof, composed of the members of the local civil government, to decide all questions of exemption under this act and also all questions arising under the draft for partial military service or for including or discharging individuals or classes of individuals from the selective draft, which shall be made under the rules and regulations aforesaid, and may also provide for an appeal tribunal."

Mr. STONE. Do I understand from that that the President of the United States is to provide for these tribunals, that he establishes them by an Executive order? I caught in listening to the reading this much, at least I think I did, that the local tribunals were to first pass upon the questions raised and that there should be the right of appeal. An appeal to what tribunal? Is it a tribunal to be established by Executive order or how? It is not provided for in the amendment proposed by the Senator from Minnesota.

Mr. KELLOGG. I understand the plans of the War Department call for the creation of tribunals under the State authorities—that is, to be appointed by the governors from the civil authorities of the local communities in the States—and a central tribunal to review the findings of the local tribunals. That is practically the English system. Of course the exemptions must be decided upon by local boards. That could not possibly be done by a central board in Washington. The amendment provides that—

There shall be created under the direction of the President, local tribunals in the several States—

It is not left optional—

in the several States or subdivisions thereof, composed of the members of the local civil government to decide all questions of exemption under this act—

And so on.

Mr. STONE. "And so on" will not do.

Mr. KELLOGG. I will read the balance of it, then:

and also all questions arising under the draft for partial military service or for including or discharging individuals or classes of individuals from the selective draft, which shall be made under the rules and regulations aforesaid, and may also provide for an appeal tribunal.

Mr. STONE. How is that appeal provided for?

Mr. KELLOGG. By order of the President.

Mr. STONE. It is an Executive order?

Mr. KELLOGG. It is an Executive order.

Mr. PENROSE. I should like to ask the Senator from Minnesota to define what he means by "composed of the members of the local civil government." Does that mean the county or municipality or State? What authority would the Senator have in mind in Pennsylvania and in his own State?

Mr. KELLOGG. I mean any subdivision of the State which will be used for a registration district in which it may be necessary to have a tribunal; for instance, a county or a city in the State of Pennsylvania.

Mr. PENROSE. Would he appoint the mayor of a city and the——

The PRESIDING OFFICER. The time of the Senator from Minnesota has expired.

Mr. PENROSE. May not the Senator answer me out of my own time, because I want the information?

Mr. KELLOGG. It would include the mayor, councilmen, and officials of a city—township officials, if necessary—or county officials, whatever was adopted by the Executive order as the subdivision in which the enrollment was made and in which the tribunal should act exclusively.

Mr. PENROSE. It seems to me that this provision is very vague and would lead to endless confusion. You would have rulings by the local civil government in Pennsylvania, whatever that term may mean, and rulings of another character by the local civil government of Minnesota, whatever that may mean. It seems to me the whole proposition ought to be under the control of the Federal authority.

Mr. KELLOGG. It is.

Mr. PENROSE. You appoint the local State officials, I understand.

Mr. KELLOGG. They are only members there under the direction of the President, and constitute the boards to be appointed by the President. If you have one ruling in Minnesota and another in Pennsylvania, the board of appeal will settle it. They are Federal officers, but they are taken from local civil officers of the State.

Mr. PENROSE. That does not mean anything to me, as far as Pennsylvania is concerned, because there we have boroughs, townships, counties, municipalities, and State officials. By the time the appeals are passed upon the war will be over. I am going to vote against the amendment. I do not intend to say any more about it.

Mr. WADSWORTH. Mr. President, I believe the question before the Senate is the motion of the Senator from Wisconsin to substitute his amendment for the amendment offered by the Senator from Colorado.

Mr. THOMAS. The Senator from Wisconsin offered his amendment as a substitute for mine.

Mr. WADSWORTH. I hope very much the motion to substitute will not prevail. The amendment of the Senator from Wisconsin provides a rather elaborate system by which appeals are to be made to a central tribunal, all to be appointed by the President, as I understand from the rather hasty examination I have been able to give it. The machinery of such a proposal would be almost more than the Federal Government could carry and operate.

The bill which is now under consideration, you will note, Mr. President, provides, in section 5, page 8, that the Federal Government shall utilize the services of local officers. After a deliberate study the bill was drafted upon the theory, with respect to the draft provisions, that it would be very unwise and practically almost impossible for Congress to attempt to legislate down to the last details as to how the draft should operate in all the communities of the United States. It was the hope and policy of the Military Affairs Committee, I think I am justified in saying, that the purely administrative features of the draft should be left to the administrative officers of the Government, acting and cooperating with the administrative officers of the States and municipal subdivisions of the States.

During the Civil War the draft law of 1863 was operated under the charge and control of the provost marshal general, Gen. Fry. The operation of the law was placed almost entirely in the hands of the Federal Government, and it was under his charge. That was done, Mr. President, because in that unfortunate hour apparently Congress and Mr. Lincoln's administration did not feel that it could trust all the local officers for a faithful and honest administration of the draft law. It was well known at that time, and it is well known now, that during the Civil War there were communities in the Northern States which were not entirely loyal to the Federal Government, and not all of those local officers could be trusted to enforce the law.

That, thank Heaven, is not the condition to-day, and I have been informed upon reliable authority that it is the hope of the administration and its desire to have the hearty and honest and faithful cooperation of the local officials all over this broad land of ours in an honest administration of the draft law.

The particular portion of the amendment offered by the Senator from Wisconsin which bears any relation to the amendment offered by the Senator from Colorado will be found on page 2, lines 11 and 12, of the print of the amendment of the Senator from Wisconsin, and this is the only part of it which I can find that has anything to do with the proposition made by the Senator from Colorado. On line 11 it reads:

Fourth. On the ground of a conscientious objection to the undertaking of combatant service in the present war.

That is very different from the contention which the Senator from Colorado has been making. The Senator from Colorado has been contending, and he, of course, is entitled to his conviction and his contention, that a person who has a conscientious conviction against war in the abstract, against bearing arms in any war as a matter of principle, should be exempted, but the provision in the amendment of the Senator from Wisconsin would go to the extent of saying that any man in the United States who has a conscientious conviction against taking part in this war shall be exempt. I call that to the careful consideration of the Senate.

The PRESIDING OFFICER. The time of the Senator from New York has expired.

Mr. THOMAS. Before the Senator from New York takes his seat, I think he is entirely mistaken as to my position. Under

such a bill as this, whose purpose is selective draft, based on the principle of universal liability to service, none of these people should be exempt; but if a part of the class is to be exempted by the bill, then I purpose to extend it so as to include all others of the class, whether identified with a religious organization or not. Otherwise we impose a privilege upon men affiliating with religious orders to the exclusion of noncommunicants entertaining similar convictions.

Mr. WALSH. Mr. President, I had intended to invite the special attention of the Senate to the feature of the amendment tendered by the Senator from Wisconsin, to which reference has been made by the Senator from New York so pointedly. Apparently the idea is that there are two classes of people in this country who have these conscientious objections. One class has conscientious objections to engaging in war under any circumstances or under any conditions. It has conscientious objections against engaging in war at all. Another class has no such general conscientious objections to engaging in war, but while they are quite willing to engage in any ordinary war they have conscientious objections to engaging in the particular war which is now going on. Just what class of people there are in the country who while they have no conscientious objections to engaging in war generally have conscientious objections to engaging in this war I can not very well guess.

But there is another feature of the amendment which is worthy of our attention. The framer of the amendment has very logically provided that the unsupported affidavit of the person claiming the exemption is sufficient to justify a finding in his favor. It reads:

> If the applicant sustains his claim for exemption under the fourth ground by his uncontradicted oath, the local tribunal shall grant such a certificate of exemption.

So his own oath with respect to the matter practically becomes indisputable and conclusive.

Mr. WADSWORTH. I wish to ask the Senator if he construes that as meaning that there is no appeal whatever from the statement of the man who is disposed to protest against the draft?

Mr. WALSH. If the tribunal found upon the unsupported statement that he had these conscientious scruples I can not conceive upon what ground an appellant tribunal would reverse its decision.

But, Mr. President, I desire to invite the attention of the Senate to the fact that exactly the same objection can be validly made against the amendment offered by the Senator from Colorado, because when a man comes forward and asserts upon his oath that he has conscientious scruples against engaging in war, how is it possible to controvert and overcome that proof? By what means? I suggest to the Senator from Oregon, who has charge of the bill and who is a good lawyer, How will we go about it to submit evidence to overcome an affidavit of that character?

Some very estimable gentlemen called upon me yesterday afternoon asking my support for an amendment such as that tendered by the Senator from Colorado. I offered this objection. It was said, "Oh, well, of course the officers will know whether or not they are honest about it." I said, "Take the town loafer, for instance. Suppose the town loafer does say, 'I have conscientious objections to engaging in war.' How can you demonstrate that he has not?"

Mr. KELLOGG. May I ask the Senator a question?

Mr. WALSH. I will be glad to yield.

Mr. KELLOGG. My amendment does not purport in any way to fix any exemptions whatever but only to pass upon exemptions which the law shall fix.

Mr. WALSH. I was not addressing my remarks to the amendment offered by the Senator from Minnesota, but I am addressing myself to the practical aspect of the proposition offered. I do not mean to assert that it is just to exclude or exempt any of these men.

The PRESIDING OFFICER (Mr. JONES of New Mexico in the chair). The time of the Senator from Montana has expired. The question is on agreeing to the substitute offered by the Senator from Wisconsin [Mr. LA FOLLETTE].

Mr. LA FOLLETTE. Mr. President, if I may be permitted to say just a word upon this amendment, I will state that the amendment follows very closely the English statute adopted, as I now recall, on the 27th of January, 1916, excepting that, as to the conscientious objector, I add the words "in this war." These words do not appear in the English statute.

I did that, Mr. President, as anyone can very readily, I think, understand, because it seems to me there may be in this country a very large body of people subject to the draft who would have conscientious objections against being enlisted into the service to go to a foreign country to fight against Germany and Austria. We have upward of 10,000,000 citizens of the United States who are of German or Austrian birth or German or Austrian parentage. Of course they can be drafted; and it may be that it would be the policy of those who make the selections to take them, simply because some of them might be reluctant to go and might have conscientious scruples.

Mr. MYERS. Mr. President, will the Senator yield to me?

Mr. LA FOLLETTE. No; I can not yield to anybody when I have but five minutes.

It seemed to me that, just as a practical question, they ought not to be drawn into the service and ought not to be required to go into the service to fight against their own kith and kin, provided they have conscientious objections to so doing. We want soldiers whose hearts are in the work that is assigned to them, soldiers who have no reservations whatever. If we are to make an army effective, it ought to be an army that has no scruples against shooting the people with whom we are at war.

Mr. President, my amendment does provide that the oath or affidavit of the conscientious objector shall be final. I think it must be final. If he shall have made contradictory statements, if it appears by testimony offered and taken by the tribunal that the affidavit which he files is contradicted by statements which he has theretofore made, then it ought to be thrown out; but if he stands there clean handed, clean conscienced, and says, "I can not bring myself to kill" in this war, then his affidavit should be accepted. I know, Mr. President, that such an attitude arouses a feeling of resentment and in a way prompts the desire to reach out and draft those who occupy such a position and compel them to serve. So it was in the draft in the Civil War. History tells us that the draft was prosecuted in the Democratic districts much more thoroughly than in the Republican districts, just to make the antiwar Democrats who opposed the draft go to the front. They desired to put an officer behind them with a revolver and make them fight whether they wanted to do so or not. That is the reason President Lincoln said in a letter, which has been published during the war now on, "You can not get them down to the front; they would sift out on the way"; he said, "it was like trying to shovel fleas across a barnyard; you would lose most of them before you got across."

In framing this amendment I have followed the English statute. If England, after having been in the war for 18 months or 2 years, in her conscription act recognized the conscientious objector and permitted him to be exempt from the draft, ought we not to do so here, when we are not under the stress that England was under for men at the time she adopted the draft? We are right at the outset of this war, when the additions made through volunteering in all of the fields open for volunteering, in the Regular Army and in the militia, are being filled as rapidly as can be and at this time there exists no reason for the United States to be more stringent or less liberal in fixing exemptions than was England at the end of two years of this devastating war.

The PRESIDING OFFICER. The time of the Senator from Wisconsin has expired.

Mr. CHAMBERLAIN. Mr. President, I feel that a man who is conscientiously opposed to fighting ought to be excused. I will take one instance. A minister of the Presbyterian Church came before our committee some days ago. He was a fine looking fellow, and differed from his congregation largely and differed from the Presbyterian ministers generally, being conscientiously opposed to war or fighting. That class of men—and he was a good man—would go to jail before they would go to war. The result has been in England that the jails are full of people who would not go; they will sacrifice their lives before they will go to war. I have great patience with a man of that kind; but I am not at all in sympathy with the class of men my distinguished friend from Wisconsin has spoken of, men who, as a group, are opposed to fighting the fatherland; for instance, if they happen to be natives of any of the central powers or descended from citizens of any of them, because they do not want to fight them. I am not at all in favor of excusing them, for they ought to be placed on exactly the same footing as any other citizens.

Mr. President, while I am entirely in sympathy with excusing men who have conscientious objection, the amendment proposed by the Senator from Wisconsin goes too far. The amendment proposed by the Senator from Minnesota [Mr. KELLOGG] provides for a tribunal, a civil tribunal created in the State, under regulations of the President, it is true, but directly appointed by the governor of the State. Therefore there will be a tribunal to try out the question, provided some such amendment as that suggested by the Senator from Montana is included in the bill.

Mr. LA FOLLETTE. Would the amendment I have offered meet the approval of the Senator from Oregon, the chairman of the committee, if the words "in this war" were stricken out?

Mr. CHAMBERLAIN. I think the amendment of the Senator from Wisconsin is too cumbersome.

Mr. LA FOLLETTE. It follows exactly the machinery of the English statute. They have these three tribunals there.

Mr. CHAMBERLAIN. I think for this emergency it ought to be a simpler piece of machinery, leaving it to tribunals that will be created under the regulations to be prescribed.

Mr. McCUMBER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Oregon yield to the Senator from North Dakota?

Mr. McCUMBER. I thought the Senator was through.

Mr. CHAMBERLAIN. I yield the floor.

Mr. McCUMBER. Mr. President, before we have a vote on this amendment, I think it but fair that I should express my convictions. I supposed that this was a war between the American Nation and some other nation, and I had supposed that we were to be Americans who were to fight the battles. I did not suppose that anyone would think it proper that we should excuse any man on the ground that his sympathies were un-American, no matter who his ancestors may have been.

I think it not inappropriate to say right here that our ancestors fought our own blood in the War of the Revolution, and when we applied the draft we did not say to every man in America, "You can decline to come under the draft if you say you have a conscientious objection to fighting one of your own blood, or fighting against the country from which you have only a short time been severed." It seems to me that we ought to ignore everything else in this matter but the idea of Americanism, and that we ought to fight that battle as Americans.

I want to say a word in opposition to the idea that has been given expression by the Senator from Oregon, that he would excuse any man who would come and say that he was conscientiously opposed to fighting in war. Why, Mr. President, the moment you do that every traitor and every "slacker" would have no objection to coming forward and swearing that he was conscientiously opposed to fighting in any war. We would leave the traitors at home. Mr. President, because I and my family may believe that it is right to lay down our lives for our country, I do not think any other man has the right to say, "I do not believe in it, and you and your family can lay down your lives to protect mine, because I have conscientious objections; I have conscientious scruples against fighting in any war."

This whole proposition is based upon the theory that every American owes to his country the duty of serving it even to the extent of giving his life to his country. That is what you are basing this idea of draft upon. I have no use for any portion of the provision in the bill itself which says that any people belonging to a creed which does not believe in battling for your country need not be called upon to fight.

Mr. President, this is not a question of my belief or a question as to the belief of some one else as to whether or not war is proper. The country of which we are citizens has decided that we should go into this war, and we ought not to allow any man to escape the duty of citizenship simply because of a religious view. He has no greater right than I have because of any view he may have.

Mr. President, after this war is started any great church can change its creed and put into it an article that it does not believe it is right to war, and we might thereby lose a half or a third of the fighting force of our country. Before we get through, if there is only one vote to strike out all of that section which excuses any American citizen, no matter what his religious convictions, no matter what his religious views may be, from serving his country and doing his duty for the country that protects his life and his liberty, and that of his children, it will be my vote.

Mr. MYERS. Mr. President, the Senator from Wisconsin [Mr. LA FOLLETTE] spoke very plainly and frankly about one phase of his amendment. He says there are hundreds of thousands of citizens of the United States who are natives of Germany or Austria and who, therefore, might have conscientious scruples against fighting their relatives in those countries, against engaging in war with those countries. That may be true. There is a very large element of our population which is composed of natives of one or the other of those countries; but if they are naturalized citizens when they became naturalized they renounced all allegiance to all foreign countries, sovereignties, princes, and potentates whatsoever, especially allegiance to the country from which they came. They took an oath; they swore that they renounced all allegiance to those countries. I know that it is the custom of many judges, who are authorized by law to admit foreigners to citizenship by naturalization, to ask applicants whether, if war should arise between the United States and their native countries, they would be willing to take up arms on behalf of the United States and fight the armies of their native countries; and some judges make it a rule, if applicants do not answer the question in the affirmative, to deny the right of citizenship; and I think they are right in doing so.

Unless a man is willing so to cast his lot with us as to take up arms in the event of war between this country and the country of his birth, I do not believe he is entitled to American citizenship or that he would make a good citizen. If there are any naturalized citizens who are not willing to take up arms against the country of their birth, I think their citizenship ought to be revoked. I do not believe they are worthy of being citizens of this country.

I am not at all in sympathy with the idea that because a man was born in Germany or Austria-Hungary, if he has scruples against taking up arms against his relative over there, he ought to be excused from enlisting in the Army of the United States. If that is his state of feeling, he is a dangerous citizen. If there are any such people in this country, it may be that they have been engaged in blowing up munition factories in this country, and perhaps it is against them that the Department of Justice is compelled to employ special agents to keep track of their doings. If so, they are entitled to no especial consideration.

So, with due respect to the Senator from Wisconsin, I do not think that suggestion is any valid argument in favor of his amendment. In fact, I will say that with me it is an argument against the amendment; and I shall vote against it on that account, as well as for other reasons.

Mr. PHELAN. Mr. President, I think the provisions of the amendment proposed by the Senator from Wisconsin [Mr. LA FOLLETTE] involve a very serious question. The amendment creates distinctions between our citizens and segregates the men who were born in Germany and the men who were born in Austria-Hungary into an exempt class by themselves, for the Senator explained that it was not his idea so much to meet the objections of those at large who had conscientious scruples against war, but to meet that condition which he believes exists among the men of foreign birth—the Germans and the Austrians who might have such conscientious scruples.

Mr. LA FOLLETTE. Mr. President——

The PRESIDING OFFICER. Does the Senator from California yield?

Mr. PHELAN. I will yield to a question as a matter of reciprocity.

Mr. LA FOLLETTE. I am sure the Senator from California does not wish to misrepresent what I said. I said nothing of the sort; and I wish here simply to make that denial.

Mr. PHELAN. I so understood the Senator, and the RECORD will speak for itself. In order to justify his amendment, any way, he said there were large numbers of Germans and Austria-Hungarians who would have conscientious scruples against fighting against the men of their own race. I think up to the time when war was declared there was a sentiment among that class of our fellow citizens against the declaration of war—it was a mere sentiment; but I believe the vast majority of them were satisfied that, if in the judgment of the President and the Congress it was necessary, in vindication of American rights, to declare war, they would elect to go with America.

I have personal assurances of that from my German-American friends. I have letters and I have had personal communications orally, assuring me that that was the general sentiment among Germans. Some of the German newspaper press published in this country, believing to the contrary, were inciting their compatriots to resistance and opposition, thinking, for some reason, that that was the best policy for the German-American newspaper; but that idea has been repudiated by the real Germans; and, if you will observe, their societies and press have, since the declaration of war, on many occasions declared their loyalty to America.

I wish to state, and to record it as a matter of record, that in 1913, in August of that year, I was in Europe, having been commissioned by the President of the United States to interest foreign governments to participate in the Panama-Pacific Exposition, to which the President had invited the nations of the world. In Munich I sought an interview with Count von Bernstorff, who then and until recently was the ambassador to the United States from Germany.

Among other reasons which I urged why Germany should participate in that exposition celebrating the construction of the Panama Canal was that there was a vast number of Germans in this country who would take a pride in an exhibition made of the resources of the German Empire. He immediately

resented that. Much to my surprise, he substantially said, "Do not talk about those people. We do not care what they think or want. They have deserted the Fatherland. They have run away to avoid military duty. They have been false to the old traditions. They are outlaws"; and that was the sentiment of official Germany then, as I believe it is to-day. They regard these good people, who are expected to render service to the autocracy now, as outlaws, as men who have fled from their duty. I think our German-American citizens should know and understand that, which is the Prussian estimate of them, and they would be confirmed in what I believe to be their sincere conviction, that their duty lies with America in this struggle.

The PRESIDING OFFICER. The time of the Senator from California has expired. The question is on the substitute of the Senator from Wisconsin [Mr. LA FOLLETTE].

Mr. LA FOLLETTE. On that I ask for the yeas and nays.

The PRESIDING OFFICER. Is the request seconded? [A pause.] The Chair does not think so.

Mr. LA FOLLETTE. I ask for a rising count.

The PRESIDING OFFICER. Those who sustain the request for the yeas and nays will please rise. [A pause.]

Mr. LA FOLLETTE. This is for the yeas and nays, Senators. Do you not want to go on record?

The PRESIDING OFFICER. Those who are opposed will rise. [A pause.] The request is not sustained. The question is on the substitute offered by the Senator from Wisconsin.

The substitute was rejected.

The PRESIDING OFFICER. The question now is upon the amendment of the Senator from Colorado [Mr. THOMAS].

Mr. THOMAS. Mr. President, the Senator from Minnesota [Mr. KELLOGG] intended to offer his amendment—and I agreed with him to accept it—as a part of my amendment. I should like, therefore, to have them considered together. His amendment provides a method of procedure which will make my amendment effective, if carried. It has been read.

The PRESIDING OFFICER. The Senator from Colorado accepts the amendment offered by the Senator from Minnesota. The Secretary will state the amendment as it now stands.

Mr. BRADY. Let the amendment be stated, Mr. President.

The SECRETARY. It is proposed to add, at the end of the amendment of the Senator from Colorado, the following——

Mr. OVERMAN. I ask to have the Secretary read the whole amendment. I did not hear it.

The SECRETARY. The amendment of the Senator from Colorado reads as follows:

On page 6, line 13, strike out the words "any person to serve" and insert in place thereof the word "service"; strike out all after the words "who is," on line 14 of the same page down to and including the word "organization" on line 19 of the same page and insert the words "conscientiously opposed to engaging in such service," so that the clause as amended will read:

And nothing in this act contained shall be construed to require or compel service in any of the forces herein provided for by any person who is conscientiously opposed to engaging in such service. The President shall make rules and regulations to carry out the terms and provisions of this section and provide for the issuance of certificates of exemption, or partial or limited exemption, and for a system to exclude and discharge individuals from selective draft.

There shall be created, under the direction of the President, local tribunals in the several States or subdivisions thereof composed of the members of the local civil government, to decide all questions of exemption under this act, and also all questions arising under the draft for partial military service, or for including or discharging individuals or classes of individuals from the selective draft which shall be made under the rules and regulations aforesaid, and may also provide for an appeal tribunal.

Mr. KELLOGG. Mr. President, I wish to offer this amendment not as a part of any other amendment but as an amendment to this bill by itself.

The PRESIDING OFFICER. The Senator from Colorado accepted the amendment offered by the Senator from Minnesota and offered it as a part of his amendment.

Mr. KELLOGG. Well, I withdraw it, then. I do not want it voted on as a part of another amendment.

Mr. THOMAS. I am sorry I misstated the understanding that I thought I had. I will offer that amendment as a part of my amendment.

The PRESIDING OFFICER. The amendment of the Senator from Colorado as modified has been stated.

Mr. KENYON. Mr. President, I understand that the Senator from Colorado now has offered the amendment proposed by the Senator from Minnesota as a part of his amendment.

Mr. THOMAS. Yes; he has.

Mr. KENYON. I ask the Senator, then, if he will not change the word "may" in the last line to "shall"? As this amendment now stands, the President may provide for an appeal tribunal. I think we should leave it in such shape that he shall provide for it.

Mr. THOMAS. I will accept that amendment.

Mr. KENYON. I suggest, then, inserting the word "shall" in the last line instead of "may."

The SECRETARY. So that it will read "shall also provide for an appeal tribunal."

Mr. McCUMBER. Mr. President, I want to hear the first part of that read, so that we can see what the exemptions are and who can be exempted on account of conscientious scruples about going into war.

Mr. KELLOGG. It does not provide any exemption at all.

Mr. McCUMBER. I ask that the amendment be read in extenso.

The PRESIDING OFFICER. The Senate will be in order. The amendment has been read, but the Senate is not in order, so that the Senators can hear it. Let us have order in the Senate.

The Secretary again stated the amendment.

Mr. McCUMBER. Mr. President, I simply want to say that this provision practically excuses from entering into this war any American citizen who has a conscientious objection against joining the service in this war; and, of course, it practically annihilates and destroys the whole system of compulsory service provided in the bill.

Mr. KELLOGG. Mr. President, I wish to say that with the amendment of the Senator from Colorado coupled up with this I am opposed to both of them. I am in favor of my amendment because it has been approved by the War Department and by the chairman of this committee; but coupled up with an amendment which excuses anyone who has scruples against going to war, I am opposed to it.

Mr. THOMAS. Mr. President, there is a great deal of force in what the Senator from North Dakota has said; but this bill does provide for an exemption of all these citizens who have conscientious scruples, provided they belong to some religious organization. Now, either that should go out of this bill or the amendment which I have offered should go in. There are plenty of loopholes in this bill of which the so-called slacker will take advantage without expressing the existence of any conscientious scruples. My amendment, however, will equalize this bill and make the exemption as extensive as the thing which it assumes to exempt whether the individual coming within the exemption belongs to a religious denomination or not.

Mr. PHELAN. Mr. President, under the amendment proposed by the Senator from Colorado——

The PRESIDING OFFICER. The Chair is reminded that the Senator from California has spoken on this amendment once.

Mr. PHELAN. Excuse me—not on this amendment. This is an amendment proposed by the Senator from Colorado. Am I in order, Mr. President?

The PRESIDING OFFICER. The Chair will resolve the doubt in favor of the Senator from California. He may proceed.

Mr. PHELAN. Under the amendment proposed by the Senator from Colorado, not only those who have conscientious scruples will be exempted, but it would also give an opportunity to others for their own convenience, arising from their own lack of zeal, their own cowardice, to make a declaration or oath that they have conscientious scruples; and hence it would open the door to all the slackers, so called, who desired to avoid Army duty.

I do not quite agree with the Senator from Colorado in his desire to equalize all classes of citizens, those who do not belong to any society and those who do belong to societies, which for time immemorial or since their foundation, have been opposed to war. I happen to have in my hand a letter from the Friends' Society. It is the only society that I know that has conscientious scruples against war. There may be others. It reads as follows—and I think it would be a matter of information to the Senate at this moment:

DEAR SENATOR PHELAN: In the April 2 address of President Wilson I find this clause: "Who should in my opinion be chosen upon the principle of universal liability service."

For 20 years I have been the presiding clerk or moderator of California yearly meeting of the Friends' Church, an organization in entire harmony with the Society of Friends as a whole, which for more than 250 years has declined to take part in war because we dare not take human life under any circumstances. Three times each year in our business meetings our members are asked the following question:

"Do you maintain the Christian principle of peace and consistently refrain from bearing arms and from performing military service as incompatible with the precepts and spirit of the Gospel?"

Germany's military system has driven all the Friends from that country.

Will the United States follow the English conscription plan and imprison and torture those who are conscientiously opposed to taking human life?

Sincerely, JOHN CHAWNER.

765 SUMMIT AVENUE, PASADENA, CAL.,
April 3, 1917.

I take it that this is an organization that is contemplated in the committee's bill that for a long time, without any expectation of war, has committed its members to a conscientious opposition to war. I think if we came to the pass where we needed more recruits I would be in favor of calling upon the Society of Friends to supply their quota; but there is no necessity now. If we respect an organization of this kind that has for a long time, not in contemplation of this war or any other war, conscientiously declared its principles, it would be well for us to do it without opening the doors to every slacker who, without any sincere and long-established convictions might declare also his so-called "conscientious scruples" in order to avoid service.

When the Spaniards invaded the New World they found on the islands of the Pacific and the Caribbean a great number of people who were pacifists, and others who were warlike. They called the pacifists in contempt "pacificos," and they defined a pacifico to be a fellow who would, without resistance, bare his neck to the Spanish yoke. I think that the pacificos ought to be taught the lesson of America—that we bare our neck to no man's yoke, and that we will take up arms, and if necessary sacrifice our lives, rather than to submit to voluntary slavery. So I have no respect for a pacifico who submits to oppression without resistance.

The PRESIDING OFFICER. The time of the Senator from California has expired.

Mr. BRADY. Mr. President, lest there should be some confusion about this amendment, I wish to say that it seems to me that the amendment that was intended to be offered by the Senator from Minnesota [Mr. KELLOGG] is an amendment that will add strength to the bill; but coupled with the amendment as it now is, in my judgment, it is injurious to the bill and should be voted down.

The committee gave careful consideration to all of these matters and has presented here a bill that is workable and fair; but the amendment of the Senator from Minnesota makes the matter of local control of the exemptions plain and explicit, and it should be adopted.

Therefore I wish to say that it is my purpose to vote against this amendment as it is presented here at this time, and if the Senator from Minnesota again offers this amendment alone I shall be very glad to support it.

Mr. MYERS. Mr. President, the Senator from Colorado inadvertently made a mistake in a statement a while ago in his remarks. I did not dare to ask leave to correct him at that time, in view of the fact that he had only five minutes at his disposal——

The PRESIDING OFFICER. The Chair would remind the Senator from Montana that he has spoken once on this matter.

Mr. MYERS. Not on this amendment. This is the Thomas amendment. I spoke on the La Follette amendment. The La Follette amendment was up when I was speaking last. This is the first time I have spoken on the Thomas amendment.

The PRESIDING OFFICER. That was a substitute for the Thomas amendment; and the Chair is of the opinion that the discussion ought not to be prolonged when it contravenes the spirit of the unanimous-consent agreement.

Mr. MYERS. Are not the La Follette amendment and the amendment of the Senator from Colorado [Mr. THOMAS] different things?

The PRESIDING OFFICER. One is offered as a substitute for the other, and the speaking was upon the amendment. The unanimous-consent agreement, as the Chair understands it, limits the speaking to five minutes and once for each Senator.

Mr. MYERS. If the Chair rules that speaking on the La Follette amendment bars me from speaking on the Thomas amendment, of course, I shall not appeal from the ruling of the Chair.

The PRESIDING OFFICER. The question is upon the amendment of the Senator from Colorado, as modified.

The amendment was rejected.

Mr. KELLOGG and Mr. McKELLAR addressed the Chair.

The PRESIDING OFFICER. The Chair believes that the amendment presented by the Senator from Minnesota should be next considered, because it has been discussed already, and the Senate is familiar with it.

Mr. KELLOGG. I offer the amendment, and make no remarks upon it.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. It is proposed to add the following to section 3:

The President shall make rules and regulations to carry out the terms and provisions of this section; and provide for the issuance of certificates of exemption or partial or limited exemption, and for a system to exclude and discharge individuals from selective draft. There shall be created, under the direction of the President, local tribunals in the several States or subdivisions thereof, composed of the members of the local civil government, to decide all questions of exemptions under this act, and also all questions arising under the draft for partial military service or for including or discharging individuals or classes of individuals from the selective draft, which shall be made under the rules and regulations aforesaid, and shall also provide for an appeal tribunal.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Minnesota [Mr. KELLOGG].

The amendment was agreed to.

Mr. McKELLAR. I offer an amendment, which I ask that the Secretary may read.

The SECRETARY. It is proposed to insert, after line 11, on page 2:

That the President be, and he is hereby, authorized to raise 500,000 volunteers under the provisions of "An act to provide for the raising of the volunteer forces of the United States in times of actual or threatened war," approved April 25, 1914, in so far as the same is not inconsistent with the terms of this act; and he shall immediately call out and train 500,000 volunteers. Should that number not enlist within 90 days all deficiencies shall be secured by draft as herein provided.

Mr. McKELLAR. Mr. President, earlier in the week I addressed the Senate on the subject of this amendment, and I do not propose now to go into it further than to repeat that this is the amendment which those who believe in the volunteer system going along with the conscription system favor.

Mr. President, I might say that under the terms of this amendment the bill known as the conscription bill is not interfered with at all. Conscription goes on just as before. All the arrangements are to be made. The enrollment, the exemption, and the conscription, everything goes on in perfect order under the bill, amended as well as unamended.

All that this amendment does is to authorize the President to call out 500,000 volunteers between now and the time when the conscription bill can possibly go into effect. The Secretary of War very frankly stated before our committee that it would be impossible to enroll all the 6,000,000 of men under the conscription bill, to fix the exempted classes, to have the conscripts in readiness to begin training. He said it would be at least August 1 before that could be done.

Now, my amendment simply provides that the President shall at once call out 500,000 volunteers and begin to train them. It is not expected to send troops—untrained volunteer troops—to Europe, any more than it is to send untrained conscript troops.

The troops are to be trained in precisely the same way whether they are volunteers or whether conscripts. The only purpose of this amendment is to give the patriotic citizens of America the right to volunteer and go out to fight for their country.

We hear on all sides that there are no patriotic men in this country, still I for one believe that Americans are just as patriotic as ever, and I believe if they were given the opportunity in separate units to volunteer and fight for their country they would be doing it, and I think time is the essence of the situation.

I think the very first thing we ought to do is to organize an army, and not just prepare for organization. Suppose we pass this bill as it is and then wait for three months. We do not know what is going to happen. Many changes may take place in three months. But if you organize an army now, if you provide that volunteers may come forward now, if you put them in training camps now, if you start and train them now the Germans will know that we mean business, and we will mean business.

I want to say, Mr. President, here and now, that I have no confidence in the kind of fighters that have to be driven to fight. If a man wants to fight he has to have the fighting spirit in him. If a nation wants to fight it has to have the fighting spirit in it.

I believe America has that fighting spirit, and that all we need to do is to give an opportunity to those who want to fight for their country to come forward and fight for her, and they will respond in the old-fashioned American way. This plan does not interfere with conscription. Conscription is just made more complete and stronger.

This is the opportunity for all of you who believe that American patriotism is not dead, that we are still a courageous people, that we are still a brave people, to show your belief by your votes. The opportunity is here now for you to give patriotic men a chance, to give free men a chance.

We are putting the burden of this war upon a very small class of our citizens. Why not let them all come in who desire to come? That is the question I ask of you, Senators, to put to yourselves now.

I do not believe that the patriotic, courageous men of America have any sympathy with the idea that patriotism is dead and that we have degenerated into a nation of conscripts.

The PRESIDING OFFICER. The time of the Senator from Tennessee has expired.

Mr. McKELLAR. I hope the Senate will adopt my amendment.

Mr. HOLLIS. Mr. President, two plans for raising an army are before us for consideration, presented, respectively, by the majority and by the minority of the Committee on Military Affairs.

Both plans recognize the necessity of relying ultimately upon universal compulsory military service. Both plans afford to those who may be drafted an opportunity to volunteer in either the Regular Army or the National Guard. Both plans provide for raising and equipping a new organization, outside of the Regular Army and the National Guard, amounting at first to 500,000 men, with authority vested in the President to increase that number by 500,000 additional men. Where the plans differ is in the method of raising the first 500,000 men for the new organization.

The majority recommend that volunteers be admitted only to the existing military units—to the Regular Army and to the National Guard; that the new organization be raised solely by the method of a selective draft, under which each citizen liable to service shall be assigned by the military authorities to the post where he may be most useful to his country, not where he may prefer for reasons of his own to perform his service.

The minority recommend that volunteers be invited to enlist in the new organization for a period of 90 days, and should the full number of 500,000 not be secured within that period, the balance be secured by selective draft.

It clearly appears that both the majority and the minority recognize the merits of the selective draft as our ultimate reliance for an adequate army, and that both recognize the advantage of permitting accessions to our Army through the volunteer system. But the minority would give the volunteer system a chance to supply the new organizations at the outset; they would permit the volunteer spirit to exhaust itself before the selective draft is resorted to.

The minority evidently hope that the new organizations may be completed before the volunteering shall cease, but no one can assure us that such a happy result would be reached. No one claims with confidence that all the men we may need in the present war may surely be secured under the volunteer system.

We can all see that it would be a source of gratification for our country and for our allies and a fine object lesson for our enemies if the Members of Congress in both Houses could reach a substantial agreement upon this one point of difference and adopt a compromise that would substantially satisfy both groups.

But such a compromise is hardly possible where a change in a traditional policy seems desirable, particularly in a matter of such importance as the method of raising an army. Instead of chagrin that we can not agree on all points, we should rejoice that our differences are so small.

As this debate closes it is evident that the fine fighting qualities and the patriotic spirit of the volunteer are fully appreciated. To him we all accord his cherished opportunity for voluntary service. It is equally evident that our admiration for the volunteer proceeds from our realization that he has qualities that have not been granted to every citizen. And because we may not have enough of these exceptional men to win the fight we must plan from the outset to draw upon the mass of our citizens under a plan which will insure us the maximum fighting strength of the Nation's manhood in case the exigency demands that maximum strength. We must conserve our forces for the last lap of a long race.

An immediate call for volunteers would doubtless bring the enlistment of many thousands, perhaps hundreds of thousands, of men within a few days. But we are not supplied with tents, cots, clothing, equipment, and arms for so many recruits. Our Mexican expedition exhausted our supplies and our appropriations. The last session of Congress closed without the passage of an Army appropriation bill. While we are waiting for the enrolling and classifying of our potential soldiers we shall be gathering our supplies and constructing our barracks and training our officers for their use. The time will not be wasted.

Meanwhile volunteers, more than half a million, will be eagerly sought and received into our existing Regular Army and National Guard, where officers are ready to train them and veterans are ready to set them a good example. I have the word of the Secretary of War for this readiness to accept volunteers when the law permits their enlistment for the period of the existing war. It would be manifestly unfair to urge enlistment now in the Regular Army when such enlistment would require three years' service with the colors and three years' service in the reserve.

Most of us recognize the great advantage of having troops in the same regiment as nearly homogeneous as possible. The Regulars and the militia are now composed exclusively of volunteers. It is desirable that recruits for these branches of the service continue to be volunteers. In this way jealousies and distinctions and discriminations are avoided. No one would think of having black men and white men serving in the same regiment. There are similar objections to having volunteers and conscripts serving side by side. The volunteer may think he is superior to the conscript. The conscript may think so, or he may not. But the difference is bound to be discussed and it will probably cause trouble.

For the same reasons the new organizations, the units made up of the 500,000 men who will be raised under the first section of the bill, should be homogeneous. If the first regiments should be raised by enlisting volunteers, and then volunteering should cease, it is obvious that losses in the volunteer regiments must be supplied by conscripts. And at once we should have the condition that we are seeking to avoid.

Moreover, the Secretary of War would be expected to give the volunteer system a fair trial. Those who favor the volunteer system would be reluctant to see it fail. They would urge more and more drastic methods of stimulating recruiting. It was my fortune to spend several months in the Canadian Provinces in 1915 and 1916, and I know at first hand of the taunts and worse that greeted every man of military age from every billboard and shop window, at every public meeting, and in gatherings of every sort. "Volunteer" means one who enlists of his own free will. Recruiting methods such as I have seen in practice rob enlistment of every trace of genuine voluntary action. They smack rather of duress, intimidation, and deception. I fear that advocates of volunteering would not be satisfied unless the most extreme methods should be tried.

I can well imagine the sullen resentment of a young man who finds himself wearing a uniform as a result of a "voluntary" enlistment secured by such means. His decision may have been hasty and ill-considered, the result of impulse and soon regretted. But it was voluntary. He has only himself to blame.

But if he finds himself, even though reluctant, in the service of his country as a result of a general law, impartially enforced, he blames no one—himself least of all—and regret and remorse are not in him. Moreover, his comrades are his equals in every respect—no one can claim any superiority in courage or patriotism—and he knows that he has had a fair chance. One of the miracles of humanity is our resignation to certain death a few years hence because we know it is inevitable and because we know it is universal.

We must not divide our young men into heroes and stay-at-homes. We must not take advantage of their impulses to lure them into decisions they may regret. We must not browbeat them into a dangerous service when we know they do not realize what that service means. Let us show them, honestly and patiently, why we are fighting this war; why their services are required; and what methods we are employing to treat them fairly and impartially.

With every sympathy for the high motives of the minority in seeking to bridge the gap between the volunteer system and the selective draft, I am convinced that a compromise is not in this crisis desirable. Even if such a compromise were acceptable to the people at this time, I am satisfied it would not prove acceptable when the plan had to be tried out. Fairness and heroic measures are required of us in times of great stress. It is better to meet the issue squarely and abide by the decision of the majority than to try a middle ground which may prove dangerous.

I shall vote for the immediate application of the selective draft system in the happy assurance that those who favor the volunteer system, in case they are outvoted, will join us in passing the bill by a rousing majority.

The PRESIDING OFFICER. The time of the Senator from New Hampshire has expired.

Mr. THOMPSON. Mr. President, it is not my purpose to make any extended remarks on this bill, but I simply wish to state briefly the reasons for my vote.

I have favored the volunteer system for raising an army in the United States. The very best soldiers of the Nation in the past have come from the volunteers. However, I have always considered and viewed this subject in times of peace when it was unnecessary to raise an army beyond peace strength. For this purpose it has proven satisfactory to most nations, but it seems to be undisputed that in times of war it has sooner or later broken down and it has become necessary to resort to draft. It seems to be the opinion of those who have made careful study of the question, and who have become expert in military mat-

ters, that a selective draft system will be necessary sooner or later in the present emergency. We are cautioned by the special commissioners from France and Great Britain, now in our country on a joint mission to cooperate with the United States against the common enemy, not to make the mistakes their countries did, but to profit by their errors and start right. If we are obliged to resort to the draft at all, it would seem better for the soldier and the country to begin with the system, as there could then be no stigma attached to anyone who may have failed to volunteer. All the soldiers of a similar age will have offered their services to the country, and it will not be the fault of the man who is left at home if he is not accepted by the Government. All those remaining at home will be required to perform some other patriotic service of equal importance. This method is expected to bring about universal obligation in order to secure the greatest military efficiency. Those who may not wish the selective-draft system to apply to them are at perfect liberty to volunteer in either the National Guard or the Regular Army to bring these organizations up to war strength under present laws, which will require something over 500,000 men.

There is another and stronger reason for favoring the selective system. We find those who were originally opposed to this war, and people with pro-German sympathies, crying for the volunteer system, but intimating at the same time that they believe it will fail. They seem to be opposed to the selective system because of the fear that it will produce the necessary army to conquer Germany. Some have even gone so far afield as to argue that the selective-draft system is unconstitutional under our form of government, and, to sustain their contention, have the audacity and gross ignorance to point to the thirteenth amendment to the Constitution, which has no application whatever to the power of the Government to raise an army.

While personally I would prefer to see the volunteer system tried out first under the same restrictions as laid down for the selective-draft system, yet inasmuch as the President, who is Commander in Chief of the Army, and the General Military Staff, his chief advisors, are all of the opinion that the best results can be obtained by using the selective-draft system now, I am willing to lay aside my personal preference and yield to the wishes of those who are specially charged with the responsibility of carrying on the war. The time for argument over details is at an end. The time for united action is at hand. It is the plain duty of all Americans now to work and act together for the honor and safety of the country. We are now at war, and this is a war measure, and I shall not place a single straw in the way of those charged with the duty of vigorously prosecuting the war and bringing it to a speedy and successful conclusion.

Mr. JOHNSON of California. Mr. President, I am for the pending measure, sponsored by the distinguished Senator from Oregon [Mr. CHAMBERLAIN]. I am prepared, with some misgivings, to vote for it; but I desire that it shall provide for the right of our people to volunteer and the acceptance of volunteers up to the time that the draft shall be actually made. I have followed the President in his request for a declaration of war; I have followed him in all the legislation that he has asked us to enact; and, so far as may be consistent with the retention of the liberties of our people, I shall follow him in all that he may desire for the successful prosecution of this war.

But in the exigencies and in the emergency which require extraordinary legislation upon our part I would endeavor to disturb as little as possible the habits of life and the homes of our people. The great desideratum of government, after all, is the contentment and the happiness of the governed. So far as human wisdom could devise America presents to the world this desideratum. This war, rightly and righteously undertaken, would be a sorry thing if it left an irritated, discontented, and unhappy people. When the safety of the Nation requires, we may justly demand the maximum, the supreme human sacrifice, but this maximum sacrifice must be taken with the minimum of harm and hurt to the happiness and contentment of our people. The American people can not be measured nor their attitude determined by comparison with any other race. Ours are a people who have never known drastic restrictive measures. Little have we felt and little have we heeded the heavy hand of the law. The discipline requiring great sacrifice and the subordination of the individual to the State is little known to us. A contented, happy, free people in the largest sense of the word have understood and enjoyed the fullest liberty. Overnight, now, as it were, the most drastic of all laws we apply to this people. I will do it as an emergency and a war measure, but only as an emergency and a war measure do I acquiesce in it. I would, however, break the force of it during the period of preparation—provide, if possible, the solvent, that when the day comes the act may be better understood.

Admittedly the mechanics of the draft will require some months for preparation and perfection. During that period the call could be made for volunteers, and volunteers accepted. Contemporaneously we may prepare for the draft and receive those who wish at once to serve the Nation. Under the laws of 1914 and 1916, as was demonstrated by the eloquent Senator from Missouri, the waste and the inefficiency attributed to the old volunteer system will be eliminated, and the men who, in the interim until the draft shall occur, present themselves as volunteers will be trained and equipped with the same prudence and care as those who will be selected by the draft.

Under the proposal of the amendment presented for volunteers, volunteers and conscripts are to be trained alike and similarly equipped. Neither will be sent into action until entirely fit, and both will have the utmost care bestowed upon them; both will be subject to the same law, the like rules, and the identical rigorous preparation. Under these circumstances I can see no good reason why men who to-day want to serve their country should not be permitted to fight for it; why those who wish to volunteer in the three months which must elapse before the draft may not be received and enrolled.

Our people are not yet war conscious. What a rude awakening the draft will be! We are battering down the last distinguishing barrier; we are now destroying the last proud tradition that made us a Nation of sovereign free men, instead of a nation of mere military units. I am willing to do this temporarily for world democracy; that the philosophy of government which would obscure the light to mankind and would retard civilization may not be vindicated and justified by victory; that the intellectual and the spiritual, necessary for the character of a nation, and without which no nation can permanently endure, may be dominant world factors.

I would do it, though, in the manner which would least disturb the domestic relations of our people, least violate their sensibilities and their traditions, least affect their contentment and their happiness. And this we can do by the preparation of our volunteers, by making our people war conscious, in familiarizing them with the emergency and the imperative necessity.

We ask nothing in relation to the volunteers that will not be done in relation to the conscripts as well. I am unable to follow some of the arguments which I have heard on this floor, by which the volunteer is said to be unequal, inept, and unfit, but by which the same man, when he is conscripted, has every military virtue. The amendment which is proposed here now, which is asked to be accepted by the distinguished Senator from Oregon, merely provides that contemporaneously with the preparation for the draft, merely while we are getting ready for the draft, which we all accord and for which all of us will vote, you permit the Americans with red blood in their veins, who want to fight for their country, to have that right by voluntarily asserting it unto their Government.

Mr. SHAFROTH. Mr. President, the objection to the proposition of the Senator from California [Mr. JOHNSON] is that by adopting temporarily the volunteer system you, as it were, prevent the full operation and best use of the draft system. The reason that conscription has been odious is because of the fact that in this country a volunteer system has always preceded the draft system. All eligible persons who failed to become volunteers were regarded as "slackers," shirkers, and cowards, even when valid excuses existed. That is the principal reason why hatred attached to the draft. The odium will be again renewed if you have the two systems by which men are enlisted in the service of the United States.

Mr. REED. Mr. President——

Mr. SHAFROTH. I can not yield in my five minutes.

Mr. REED. Will the Senator yield for just a question?

Mr. SHAFROTH. Very well.

Mr. REED. Have you not all been boasting that you have those two systems now?

Mr. SHAFROTH. Well, Mr. President, I want to say that, in my judgment, the time has arrived when we must have but one system; and when we have that one system there will be no taunt of cowardice directed to the man who fails to join the Army. The very thing which has produced "slackers," the thing which has visited upon the conscript system the popular reproach, lies in the plan under which opportunity was first given to volunteer with consequent reflection upon those who later had to be conscripted. No odium attaches to the French, Russian, German, and Austrian soldiers, and they were all conscripted. They have no volunteer system in those countries. We are now entering upon a broader field than we have ever ventured upon before. The present world conflict is more gigantic

than any war which has occurred in its history. There are 19,000,000 men in arms in Europe to-day, and more than 10,000,000 have been killed or disabled. It seems to me that we can never raise our proportion of soldiers for this conflict under any system of volunteering. In every war of any magnitude each nation sooner or later has been compelled to resort to conscription. We did in the Revolutionary War, the War of 1812, and in the Civil War.

Suppose we have to raise 2,000,000, or 3,000,000, or perhaps 4,000,000 men; will anyone contend that we can raise these armies under a volunteer system? Yet if we rely first upon the volunteer system and then resort to conscription the draft will again become odious to the people and every eligible man who fails to volunteer will be stigmatized as a dodger. The result will be when conscription comes, the drafted man will lack that inspiration of courage and devotion which a soldier ought to possess. But if men understand that they owe the duty of bearing the burdens when they have shared the benefits of government, they will recognize when drafted that they are simply performing a service which they should not avoid.

When volunteering precedes a draft the latter system becomes not only degrading to the men drafted, but it is demoralizing in its effects upon all the eligibles not in the service, and they constitute from five to ten times as many as those who enter the ranks. Eligible men who refuse to volunteer when their country calls, as I have said, are regarded as shirkers, dodgers, and cowards, and the consciousness of such sentiment toward them weakens their moral stamina. There is nothing that so saps the sterling qualities of manhood as a sense of want of courage. Thus the establishment of a volunteer system to precede conscription in a great and long war will sow the seeds of degeneration of the spirit among many of the eligible men, which ultimately must have its deplorable effect upon the character of a great part of the people of a nation.

When we find that we must calculate upon large armies, knowing that we can not raise them by the volunteer system, it is best and fairest that we should start with the one system to which we must come. George Washington, Thomas Jefferson, and Abraham Lincoln advised it. It can not be said to be an un-American policy or such true Americans and patriots as they were would never have urged it. Nearly all the military experts both of America and Europe have declared for it. The President of the United States, who is the Commander in Chief of the Army and who will receive the credit or suffer the blame for the conduct of the war, wants it. Should we tie his hands in such a crisis? That system is called the selective-draft system. It is, in fact, the selective-service system.

First. It is equitable. It is founded upon the theory that equal benefits of government should compel the carrying of equal burdens of the Government; that the rich and poor should, as to enlistment, be upon an exact equality; that it is unjust for willing hands to do all the work and the unwilling to do none.

Second. It is expedient. It is not best for the future civilization of the Nation that only the brave, strong, full-blooded, patriotic Americans, the flower of the youth of the land who would volunteer, should be sacrificed in the battles fought for all, and that the future generations should be built up from the weak and those who shirked their duty.

Third. It is an economic necessity. The most effective participation in war is supplying those agencies most needed. When the British Premier says the paramount necessity of Great Britain is ships, ships, ships; when the French commissioners say France needs most not soldiers but foodstuffs, coal, steel products, and military supplies, it is an economic waste to permit farmers, chemists, miners, munition makers, shipbuilders, and factory hands for Army supplies to abandon their work so necessary for the success of our cause to volunteer into a service less needed. The citizen must surrender the individual right to choose his occupation which he possesses in time of peace and yield to the paramount necessities of the Nation in time of war. The selective-service system proposes to refuse to draft men who are in pursuits the products of which are most needed in the prosecution of the war.

For these reasons, Mr. President, I contend that the passage of this bill is wise, expedient, and necessary.

The PRESIDING OFFICER. The time of the Senator from Colorado has expired.

Mr. REED. Mr. President, one of the most singular illustrations of the versatility of United States Senators is the ability of Senators to argue awhile on one side of a question and then argue awhile on the other side, and in both instances to reach the particular conclusion that suits the purpose of the moment.

That eminent gentleman, Mr. Æsop, who gave the world so many delightful fables describes a certain animal that had one set of legs on its belly and another set of legs on its back. When it was pursued and the set of legs it was then using grew tired it just flopped over and used the other set of legs. In this way the strange creature could run perpetually and so was never overtaken. We have that class of logicians in the Senate. We are told in one breath by Senators who advocate the draft that it is all right to have the draft, because along with the draft we are going to give an opportunity for 500,000 men to volunteer in the National Guard and Regular Army, and hence that there is a full outlet for all the patriotism and all the valor of all American citizens, because they can volunteer. This then, gentlemen, is highly desirable and it will work admirably. In the next breath we are told that if we permit volunteering and conscription at the same time the two systems can not exist together. Thus we have these gentlemen running part of the time on one set of legs and part of the time on another set of legs, but in each instance they are able to vote for the conscription bill. Now, is it not time to quit that sort of thing in the Senate?

Either it is true that we have here a conscription plan without a volunteer plan connected with it, or it is not true. If the volunteer plan is connected with it now, then it does not lie in the mouths of those who advocate the bill to criticize for a moment those who advocate carrying the volunteer system a little further and permitting genuine volunteering in this country.

Mr. President, we have been told that the volunteer plan will get us so many troops that the Government can not arm and equip them; that they will come in hordes and droves and overrun us. In the next breath we are told that the volunteer plan will break down, and that we can not get enough of troops by that system. Those two propositions can not stand together. At the same time those gentlemen who tell us that the Government can not equip the volunteers as fast as they will come also tell us that the Secretary of War has assured them that he will equip 500,000 volunteers if only they will enlist in the National Guard and the Regular Army. How can those propositions stand together?

The PRESIDING OFFICER. The time of the Senator from Missouri has expired.

Mr. SMITH of South Carolina. Mr. President, we have wasted much time in discussing the relative merits of the volunteer and the draft systems. This is a cold, hard, business proposition. The grim necessity of war involves, of course, every emotion of the human heart. They are the inevitable accompaniments of every conflict, but should not in any manner be allowed to control the cool, unemotional judgment in prosecuting the war, having before us always the end to be attained. The desolation that comes to a land is as grevious when brought by war fought by draft as volunteers; the empty chair at the fireside is no less heartbreaking when emptied by volunteering as by drafting. The widows and the orphans and all the intimate human suffering that comes as a necessary accompaniment of war is no less grevious if brought about by either system.

The thing that concerns us now is how best, surest, swiftest to end successfully this conflict. In every war of any magnitude in which we have engaged when grim necessity laid its relentless hand upon us we disregarded the sentiments and emotions that cluster around the patriotic volunteer and demanded the service of every citizen eligible to aid in achieving the end sought. In the Confederacy after the volunteers in 1862 had enlisted for 12 months the Confederate Congress passed a draft law, conscripting and keeping in line those who had already volunteered, as well as recruiting with this method new forces. The same was true on the northern side. Were the glorious achievements on both sides of this heroic conflict, made possible by volunteer and conscription alike, any less glorious because of conscription? These are but sentiments, high and noble, indeed, but they sink into insignificance by the side of the principle involved in this conflict and the ultimate triumph of that principle. It is needless for us to protest against our adopting for the present war the military policies now practiced by Europe; the methods of modern warfare have changed so rapidly and so radically that we are practically upon an unknown turbulent sea of conflict, without any precedent or ancient landmarks to guide us. We are in this war, so far as our relations to the central powers are concerned and so far as our military relations are concerned, upon identically the same footing as the allies. Would it not be folly for us not to profit by their experience, to avoid their blunders, and avail ourselves of those means which they have used successfully? The places and manner of fighting is radically changed. Flying

brigades people the air and fleets sail under the ocean, whilst invisible guns miles away drop death and destruction in unseen cities.

Modern warfare, depending upon the practical application of scientific discoveries, calls for the highest possible skill in men and officers. I therefore am going to vote for this bill, because I have confidence in those upon whom we have laid the responsibility of administering the affairs of our Nation in times like these. I believe in their patriotism as I believe in my own. I believe that they are better prepared to know in regard to this particular matter than I. I believe that the advice given and the measures asked for are the result of mature deliberation to know the best way to maintain our rights and to uphold the honor and dignity of the American Government. When Mr. Lincoln, in 1861, without warrant of law, but on account of the emergency, called for volunteers and raised the military and naval forces at his own behest, he was denounced as a usurper and a despot. The same criticism was laid at the door of certain Confederate leaders; the same was charged against George Washington, but the spirit of democracy in America has not suffered and will not suffer, for the reason that the end and aim of every American of high or low degree is to maintain our splendid democratic institutions. I have no fear of our losing any of our rights by a temporary surrender of certain peace privileges. In times of a national emergency we surrender them the more willingly because we would enjoy them during times of peace more fully and more perpetually. "He that saveth his life shall lose it" is a doctrine as divine as its source.

The PRESIDING OFFICER. The time of the Senator from South Carolina has expired.

Mr. VARDAMAN. Mr. President, the discussion this evening reminds me of the fact that time, as it courses onward, still unrolls the volume of concealment.

I do not question the patriotism of the President. It is not my province to question the patriotism of the General Staff. They may be doing that which they think best to meet the present emergencies. But I do not believe there is a man beneath the American flag to-day who would vote for conscription if he had the faith that I have in the heroism and the patriotism of the American people and believed that they would respond promptly to the President's call to arms.

Conscription imputes disloyalty to the American citizen. It is only done because the Congress evidently believes that he will not respond. I do not share in that belief. I trust him absolutely.

If this Government is to be maintained upon the principle that all the just powers of government are derived from the consent of the governed, then with all my heart I believe that the American volunteer can be relied upon to furnish the necessary force to defend the American flag, and I am not going to vote to put a stigma upon his good name or question his patriotism. I am not going to vote to affront his manhood until he proves to me that he is disloyal or recreant to his duty. He has not done anything in the past to justify even a suspicion of disloyalty. He has not been false to the flag; he has not hesitated or faltered when duty called; and I do not think he deserves such treatment as is proposed in this bill.

The Senator from Colorado says that "it implies some sort of degeneracy" to refuse to volunteer if this conscript law shall be enacted, and that it brings about a want of harmony between the men in the Army. Well, if the citizen wants to fight, if he wants to do his duty, he knows what his duty is, and just the minute he is permitted to perform that duty under the law he will either do it or he will not. If he declines to do it, then you have got to take him by the scruff of the neck; you have got to drive him as you would a dumb brute. But if he is alive to the perils of his Government, if he is sensible of his obligations to his Government, when the call to arms is made by the Chief Executive under the law he will respond in 1917 as he has done in all the days of American history.

I should prefer the amendment offered by the Senator from Tennessee without the last three lines:

> Should that number not enlist within 90 days, all deficiencies shall be secured by draft as herein provided.

These lines should be stricken from the bill. I desire that the Army shall be raised by the volunteer system, and I do not want the threat of conscription held over the citizen to coerce him to do his manifest duty to his country. Let his service be a free-will offering—the tribute of a loyal heart to his country in the hour of peril.

Mr. RANSDELL. Mr. President, I am strongly in favor of the selective draft provided in the pending bill and shall vote for it. In my opinion it is the only sure way to obtain a fair distribution of the labors and responsibilities entailed upon our country by the war.

Patriotism imposes an obligation on all citizens to sustain the State everywhere and always, in peace and in war, and to give everything—if necessary, even all one possesses and life itself—to preserve the Commonwealth. This is not a voluntary obligation which a citizen may assume or refuse at his option, but a bounden duty which must be performed whether he likes it or not.

The State can not exist without taxes, and it does not ask its citizens to pay them as a free-will offering, hoping that enough well-disposed persons will respond to give the necessary revenue; but it provides, under severe penalties, for collecting every dollar due it. The first principle of taxation is equality and uniformity. No Government could exist which forced one class of citizens to pay taxes and exempted others. The same rule prevails in regard to jury duty and quarantine regulations. We should certainly fail to secure good juries if we called for voluntary jurors, and thousands would refuse to rat proof their houses against cholera unless forced to do so. The spirit of our free institutions is that everyone should do his duty, but we provide in every case for enforcing performance. Why have a different system for military duty, the most onerous and important of all?

As President Wilson so well says, "The principle of the selective draft, in short, has at its heart this idea, that there is a universal obligation to serve and that a public authority should choose those upon whom the obligation of military service shall rest, and also in a sense choose those who shall do the rest of the Nation's work."

Mr. President, as I understand the selective draft provided in the pending bill it will put into execution a plan very carefully devised by our highest military and civil authorities, which will select in a fair and impartial way, just to everyone, rich and poor, powerful and weak, a sufficient number of vigorous young men to fight the Nation's battles, and will exempt from military duty certain classes whose work is more essential to the public welfare; in other words, will take for the Army those who ought to fight and leave behind those who ought to perform other service.

If we adopt the volunteer system I doubt that every man will do his duty; many patriotic men will gladly volunteer and give up their lives, but a great many others, who owe the same military service to the State, will hold back for one cause or another and not respond to their country's call. Every citizen of the United States owes the same allegiance to it, and every citizen capable of bearing arms is bound in duty to do so if called upon; indeed, military service is the very highest duty of the citizen—much higher than the contribution of financial aid—and is in no sense a voluntary offering. The volunteer system permits some to perform the greatest possible service, even a sacrifice of life, and allows others to enjoy all the benefits and advantages of government without counter responsibilities. This is wrong, undemocratic, unfair in every way, and not a square deal by any means.

If my relatives are induced by patriotic feeling to fight and die for their fatherland, my neighbors should do likewise. In other words, common honesty and fair play demand a system which treats everyone alike and shows favoritism to none. This thought is well illustrated by a remark made recently by one of my friends in Louisiana. He said that when our trouble with Mexico broke out some time ago two of his sons enlisted in the Army. While they were away doing their duty as volunteers one of their young friends called to see him. Conversation turned upon the war, and being asked why he also did not enlist the young man said with a sneer he would never be caught in a snap like that. My friend was disgusted and told me that while he was willing for his boys to go when called upon, he wished to insist upon the adoption of a system that would insure like treatment to all other persons liable to military duty. I think he is right.

A very serious situation at this time is the necessity of producing a large surplus of food, so that our own people can purchase the necessaries of life at a reasonable cost instead of the exorbitant prices which now prevail, and that we may be able to aid our starving brethren in Europe. There is a general shortage of food throughout the world, and it is imperative that every encouragement be given by us to agriculture. We must induce more people to engage in producing food; we must send additional workers to the farms, and not allow any of those now on the farms to leave them. It is just as essential to have good food to maintain the life and strength of the Nation as it is to have soldiers to fight for the Nation's honor. Napoleon said an army travels on its stomach, and a hungry army is half

defeated. These statements are as true when applied to the masses who compose our hundred million citizens as to the soldiers in the field, and it would be extreme folly not to provide ample food for all our people at prices they are able to pay.

Moreover, we can perform no more beneficial or effective service to our allies than by furnishing them food. Twenty million men in Europe have been withdrawn for three years from productive pursuits; business of every kind is disorganized, especially food production and transportation. If we do not help to feed these people, and that quickly, millions of them will starve, and I am not so sure that our own citizens will escape awful suffering if we neglect to produce as much food as possible. There is no division of opinion on this point, and as we need more food to supply our own shortage and great quantities for our allies, it would be very unwise to remove an appreciable number of men from our farms.

If a volunteer system be adopted, no portion of our manhood will rush to the colors more quickly than boys reared in the country, with the breadth of vision and keen ambition imparted by their close touch with nature and the virility which comes from active outdoor life. I do not mean to reflect in the slightest degree upon the boys of cities and towns who will do their duty also, but I do say, and history will confirm the statement, that young men from the country have always borne their full share in every war, aye, more than their share. They will do likewise in this struggle, unless they are encouraged to stay at home and made to understand that they can serve the Nation better as food producers than as fighters.

Mr. WOLCOTT. Mr. President, I have consumed no portion of the time of the Senate throughout the prolonged debate upon this bill, and yet I feel that before a decisive vote is taken I should, as briefly as possible, state some of the things which are in my mind. In the five minutes allowed me under the unanimous-consent agreement I can not canvass the whole field of considerations which induce me to vote as I shall, much less elaborate as fully as I should like any one particular phase of the questions involved. I am therefore constrained to refrain from saying many things I should like to say and to briefly state in what might seem dogmatic form the things I do say.

And first, Mr. President, I wish to observe that the present juncture in which we find ourselves is full of dire possibilities. From this war there may ensue consequences destructive not only of governments as now constituted but, what is of more consequence, the demolition of those ideals of democracy whose permanent contribution to the world we are fond of believing it was the proud distinction of this Republic in a large way to make. If we lose we shall have spent life and treasure in vain, and government by the free peoples of the earth, not excepting our own, shall have proven its inability to vindicate its right to live. The integrity—the very existence—of our own Republic, with all its blessed ideals and sacred purposes, is, I conceive, hanging in the balance and is inextricably involved with the outcome of this gigantic conflict.

I briefly mention my conception of the momentous magnitude of the issue to emphasize the frame of mind in which I approach my vote upon this bill and the proposed amendment. Mr. President, war is abhorrent to me, and I shrink from contemplating the flood of misery in which the future of it might engulf us; but, sir, the issue is such that I am forced to blind my eyes to the awful sight and deaden my ears to the dreadful griefs which it entails and vote for the measure here which will enable us to wage war in the most vigorous way, to the end that it may the sooner be terminated.

If the issue here were a direct one between the selective-draft system and the volunteer system as a fixed policy throughout this war, I should unhesitatingly vote for the selective-draft system. I should do this because I consider it the most fair, equitable, just, and democratic way of apportioning among the citizens the military duty of bearing arms. The volunteer system is the converse of this. Equal benefits impose equal burdens, and I can see no reason why some citizens should be permitted, as they are under the volunteer system, to tender themselves for the performance of their duty to the country and others be permitted to elect an avoidance of that duty.

Again, Mr. President, viewing it from the efficiency side, we must not only, in the first instance, raise an army, but we must as well, out of an abundance of precaution, devise a scheme that will not only supply the wastage in the ranks of the first army raised, but also a scheme that will produce new increments as the future circumstances will require. And I am convinced that the volunteer system, however it might prove efficient in a trifling war, will, reasoning from the experience of the past, prove utterly inefficient in such a prolonged conflict as the present one might be. Prudence tells me that if my apprehensions are great, my preparations should be commensurately so.

And, accordingly, I should oppose a volunteer system as the permanent plan for raising forces in this war.

But we are afforded an alternative here by the McKellar amendment, which provides for raising the first 500,000 men by the volunteer system within 90 days; and in the event that this system will not produce that number within that time, then to complete the quota by selective draft, and in any event, under this amendment, all deficiencies and new increments shall be raised by selective draft. This alternative is neither one thing nor the other. It is a logical inconsistency. In its volunteer phase it repudiates the equity of its selective-draft phase, and in the latter phase it pronounces against the inequality and ineffectiveness of its volunteer phase.

I can not vote for this amendment. It is a compromise that satisfies nothing. If it were adopted it would, to be sure, place the laurels upon the men who came forward under its volunteer provisions and by the same rule would attach ignominy to the men who were caught under its selective-draft provisions. Then, indeed, would the word "conscript," as the term has been used here—I think improperly used—connote shame and reproach. Whereas if the selective-draft system is consistently adhered to, embracing all within the broad scope of its operation, no man will feel, on the one hand, that he is glorified nor, on the other, that he is disgraced, for all will enter the ranks by the same portal.

Again, to raise the 500,000 men provided for by this amendment a process of selection must be undertaken so as to avoid having them draw unduly from the ranks of vital industry; and therefore, after making allowance for the exemptions, to raise this 500,000 men from volunteers it would necessitate the volunteering of a number much larger than the 500,000.

There is no assurance that the required number would volunteer to supply this first increment of 500,000. If we should try the method proposed by this amendment, and if it should not yield the number called for, as it might not because of the impending draft, our position at home and abroad would suffer in the estimate of those whose high opinion and confidence we desire to retain and would lend encouragement to the enemy, who is looking for every sign of weakness, an evidence, however slight, of indifference on our part as an encouragement to them in their hostilities against us.

I have given this subject my careful attention and brought to it the best light of my mind and conscience. I deplore the necessity which compels this Congress to address its deliberations to subjects of this nature. But, Mr. President, facts do not disappear nor circumstances fade by ignoring them. The fact is we are in an inconceivably huge struggle. As revolting as it may be to contemplate, we must face it. And believing we should bear ourselves in this conflict as befits a great and powerful people, I shall vote for this bill without the proposed amendment, because I believe it to be the most effectual way of applying the might of our power to the successful and glorious termination of the conflict.

Mr. SHEPPARD. Mr. President, the Senator from Missouri [Mr. REED], an orator of force and fire, one of the ablest, most widely informed, and most effective debaters this body ever had, described, a few days ago, in sentences that blazed, what would happen if there should now be a call for volunteers to fight. He said in effect that drums, "boisterous" drums, would roll, bands would play, bugles blow, rockets burst, orators thunder, and a general uproar ensue from the heart of which American patriotism would leap new panoplied and reborn.

Mr. President, does American patriotism depend on flamboyant methods such as these? Is it not deeper than all this? Does it find nobler expression in the gleam of arms and uniforms, the crash of battle, than elsewhere?

Right here is the vice of the position taken by the Senator from Tennessee, Mr. MCKELLAR, the Senator from Missouri, Mr. REED, and their associates and sympathizers in this controversy. In making enlistment for the fighting line the subject of especial appeal, of especial excitement and emotion, they exalt what is but one branch of a great service army out of all proportion and fall into the very militarism they would avoid. They want the surging crowds, delirious under the sway of music and the thrill of oratory, to call for men to fight, never thinking of the effect of all this on the man who could render more efficient service by remaining with his family, his school, his store, his farm, his bank, or his shop. Under the REED-MCKELLAR brass band and steam piano system he feels that he must fight, or wear through life the coward's name, the slacker's brand. Under the Woodrow Wilson plan there is room and there is glory for all, for the man at home as well as the man at the front.

When Woodrow Wilson, recognizing the willingness of all the people to serve wherever needed most, announced through this bill that the formation of the fighting groups of the peoples' service army was a matter of quiet, orderly, and intelligent selection, and that equal care must be had in ascertaining those best adapted to duties at home, he dealt militarism the severest blow it has yet received and laid the foundations for an ideal army of democracy.

The selective plan embodied in this bill presents the most effective method of mobilizing the resources of our country for a war that may involve its very existence and the fate of all free government. Under the REED-MCKELLAR system, or lack of system, families may be broken up, colleges and schools dissolved, industries crippled, entire sections stripped of able-bodied male inhabitants, farms depopulated, general disorganization and confusion precipitated. Under the Woodrow Wilson system of fair and impartial selection it will be the especial effort of those laboring under the President's direction to keep families intact as much as possible, to keep agriculture, commerce, manufacture, and education from as much disturbance as may be practicable, to keep in mind the fact that as much depends on the men, the women, and the children back home as the men at the struggle's front. And no scornful finger may be pointed at the men in the field, the shop, the factory, the home who are soldiers in the great service army as much as the man with the shoulder straps and gold lace.

Never was severer ridicule leveled at any measure than that heaped by the Senator from Tennessee [Mr. MCKELLAR] on the provisions of this bill providing for the military service of young men. Let me say to him that most of the soldiers, North and South, who fought in the American Civil War, at the time of its occurrence the most gigantic struggle in modern history, were young men. They left a record of valor and endurance that will live on the lips of glory, a heritage that has united the American people forever about the altars of their memory.

Mr. President, the word "conscription" gained its unpopularity from the fact that it was put into operation through stern necessity after volunteers had been invited and a contrast established that should never have been permitted. Let us not repeat that error now.

I believe in compulsory liability to military service because I believe in compulsory liability to jury service, to posse service at the call of local peace officers, to road service, and in compulsory law and order. I believe in it because I believe in equality of burden, equality of sacrifice, and equality of duty to the American flag.

Mr. President, no purer and no sublimer purposes have ever animated any people than those that prompt us now. We have no quarrel with the German people, but with the Prussian autocracy that dominates them—that now would dominate and terrorize mankind. Many of the citizens of my own State are descended from ancestors who came to Texas from Germany to escape this despotism. Let me say here that it has been my privilege to know something of the characteristics and ideals of the Americans of German descent in Texas. My roommate for a considerable time at the University of Texas was John Conrad Romburg, a gifted Texan of German extraction, now an ornament of the legal profession at Gonzales. Many of the most delightful moments of my college life center about my association with him. One of my opponents for the Democratic nomination for the United States Senate in 1912 was another gentleman of German blood, Jacob Wolters. The arena of Texas politics has never seen a manlier nor an abler contestant. He issued a statement a few days ago reviewing the causes that led the United States into this war, and it was one of the most comprehensive and convincing presentations of the American side that has yet appeared. And like Jacob Wolters, the other Americans of German blood in Texas will be just as loyal and as true, as ready to give their life and treasure for American ideals, as any other element of our citizenship—a citizenship so diverse in racial origin, so united in devotion to human liberty. Our entrance into this conflict makes it certain that we must fight as long as Prussian despotism survives, and that may be long after the current struggle has ended. We have lifted the sword for liberty, law, and brotherhood, realizing that the triumph of these principles in the world will mean peace for all mankind forever and forevermore. In adopting the measure before us we will join the American people in sending this message to the successor of Lincoln and Jefferson and Washington at the other end of the historic Avenue, "We are with you, Mr. President, 100,000,000 strong."

The VICE PRESIDENT. The time of the Senator from Texas has expired.

Mr. ROBINSON. Mr. President, the foolishness of fighting gently is manifest. The duty is upon Congress to provide an aggressive policy which will make victory certain. Whether we will engage in war with Germany is now behind us. We are at war with that great Empire and the real question to be determined in the consideration of this bill is how we are to provide the soldiers necessary to maintain our Nation's cause. The subject has been under discussion for many days. It is impossible now to go into it in detail, but I favor the selective-draft plan because I believe it is the fairest method that has been suggested, because I am sure that it is effective and will provide the soldiers necessary, and because I am sure it is the scientific and economic method of raising the necessary troops. It will enable us to retain in industry those most useful there and bring to the colors an efficient fighting force.

Some one has said in the Congress that the term "conscript" is synonymous with "convict." The term "conscript," Mr. President, contemplates the service rendered by the citizens under law. It differs in every respect from penal servitude imposed as a punishment for crime, and the Congressman who can not see that distinction finds no proper place here. His proper place is in a hospital for the feeble-minded.

In advocating the selective-draft system I do not discredit the courage of the soldiers who volunteered in our wars during the past. That is conceded by every student of history. But I do believe that the new methods and instruments of warfare have minimized in some degree the elements of personal courage, which was the controlling factor in winning triumphs in the wars of the past. It is true that personal courage must not be discounted, but endurance, power, and fitness have become of the very greatest importance, and I believe the selective draft is better calculated to obtain this than the old volunteer plan.

As a Member of Congress charged with a responsibility the like of which I never expect to experience again during my lifetime, I intend to vote for that plan which I believe is best calculated to bring success to the American arms.

Mr. GORE. Mr. President, for reasons to which I need not do more than allude, I have been obliged to refrain from participating in this discussion. I desire, however, to have read into the RECORD at this place a telegram which I have this day sent to the Daily Oklahoman, and I will also make the request to print in the RECORD without reading a brief speech delivered by Daniel Webster in the House of Representatives on the subject of military conscription.

The VICE PRESIDENT. Without objection it is so ordered. The Secretary will read the telegram sent to the desk by the Senator from Oklahoma.

The Secretary read as follows:

[Telegram sent by Senator GORE to the Daily Oklahoman, Apr. 28, 1917.]

Editor OKLAHOMAN,
Oklahoma City, Okla.:

The pending military bill provides for filling up the Regular Army with volunteers and only in case that volunteering fail does it authorize conscription. It provides for filling up the National Guard with volunteers, and only in case volunteering should fail does it authorize conscription. The McKellar amendment provides for raising the additional forces required by the volunteer system, but in case volunteering should fail it authorizes conscription. No one can object to conscription if the system of volunteering should not succeed. We must wage, we must win this war.

Secretary Baker has stated that it would be impossible to organize an army under the selective conscript plan prior to August next. The McKellar amendment would permit the organization of an army of 500,000 volunteers between now and August. Why should we sacrifice this time when it may be the price of an early victory? I am not quite convinced that an army of conscripted slackers (I dislike the word) would excel either in valor, efficiency, or patriotism an army of patriotic volunteers. Why should we brand the American boy as a conscript without affording him the opportunity to earn the glory of an American volunteer? Are we the degenerate sons of heroic sires? Let us give patriotism a chance before resorting to Prussianism.

In the Union Army there were 2,657,000 volunteers. There were only 46,000 conscripts. The drafting of that number occasioned rioting and bloodshed. In the present war England raised 5,000,000 volunteers before resorting to the draft. The London Nation declares that English conscription has been a failure, that it has chilled the patriotic ardor of the people, and that it has sacrificed one of the most deeply rooted principles of their political tradition, and then adds significantly, "We hoped to reap a Prussian reward; but to give up one's own strong points is no talisman for acquiring one's enemy's."

Canada, with fewer people than New York, has raised 400,000 volunteers. She spurns conscription. Australia, with fewer people than Illinois, has raised 250,000 volunteers. In a popular election she defeated conscription by an overwhelming majority. Even the troops in the trenches voted two to one against the hated draft. Col. Roosevelt now has an offer of 123,000 volunteers. Could not President Wilson raise a volunteer army sufficient to defend the honor of the Nation? Is the spirit of America departed? Shall we cast suspicion upon the popularity of this war? I have no sympathy with those military critics who are constantly casting asperations upon the American volunteers who have won every victory and who have baptized with their blood every battlefield of the Republic. Shall we now, in order to adopt the draft, impeach the patriotism of the living and dishonor the memory of the dead? Let us not in our unique attempt to substitute democracy for military despotism in Germany incur the risk of substituting military despotism for democracy in America. Let us not sow the wind lest we reap the whirlwind. If to cherish with reverence and surrender with regret the most sacred ideals and traditions of our fathers be an offense, then, indeed, have I offended.

SPEECH OF DANIEL WEBSTER.

[The House had under consideration a bill proposing to draft men for service in the War of 1812.]

Mr. WEBSTER. Mr. Chairman, after the best reflection which I have been able to bestow on the subject of the bill before you, I am of the opinion that its principles are not warranted by any provision of the Constitution. It appears to me to partake of the nature of those other propositions for military measures which this session, so fertile in invention, has produced. It is of the same class with the plan of the Secretary of War; with the bill reported to this House by its own committee for filling the ranks of the Regular Army by classifying the male population of the United States; with the resolution recently introduced by an honorable gentleman from Pennsylvania, Mr. Ingersoll, and which now lies on your table, carrying the principle of compulsory service in the Regular Army to its utmost extent.

I.

This bill, indeed, is less undisguised in its object and less direct in its means than some of the measures proposed. It is an attempt to exercise the power of forcing the free men of this country into the ranks of the Army for the general purposes of the war under color of a military service. To this end it commences with a classification which is in no way connected with the general organization of the militia, nor, to my apprehension, included within any of the powers which Congress possesses over them. All the authority which this Government has over the militia until actually called into the service is to enact laws for their organization and discipline. This power it has exercised. It now possesses the further power of calling into its service any portion of the militia of the States in the particular exigencies for which the Constitution provides, and of governing them during the continuance of such service. Here its authority ceases. The classification of the whole body of the militia, according to the provisions of this bill, is not a measure which respects either their general organization or their discipline. It is a distinct system introduced for new purposes, and not connected with any power which the Constitution has conferred on Congress.

But, sir, there is another consideration. The services of the men to be raised under this act are not limited to those cases in which alone this Government is entitled to the aid of the militia ("militia" as used in the Constitution refers to the entire male population of the several States capable of bearing arms, the age limits varying in different States. The National Guard, strictly speaking, is not the militia, but simply the Organized Militia) of the States. These cases are particularly stated in the Constitution, "to repel invasion, suppress insurrection, or execute the laws." But this bill has no limitation in this respect. The usual mode of legislating on the subject is abandoned. The only section which would have confined the services of the militia proposed to be raised within the United States has been stricken out, and if the President should not march them into the Provinces of England at the north or of Spain at the south it will not be because he is prohibited by any provision in this act.

This, then, sir, is a bill for calling out the militia not according to its existing organization, but by draft from new created classes—not merely for the purpose of repelling invasion, suppressing insurrection, or executing the laws, but for the general objects of war—for defending ourselves or invading others, as may be thought expedient; not for a sudden emergency or for a short time, but for long stated periods; for two years if the proposition of the Senate should finally prevail; for one year if the amendment of the House should be adopted. What is this, sir, but raising a standing army out of the militia by draft, and to be recruited by draft in like manner as often as occasions require?

This bill, then, is not different in principle from the other bills, plans, and resolutions which I have mentioned. The present discussion is properly and necessarily common to them all. It is a discussion, sir, of the last importance. That measures of this nature should be debated at all in the councils of a free government is a cause of dismay. The question is nothing less than whether the most essential rights of personal liberty shall be surrendered and despotism embraced in its worst form.

II.

I have risen on this occasion, with anxious and painful emotions, to add my admonitions to what has been said by others. Admonition and remonstrance, I am aware, are not acceptable strains. They are duties of unpleasant performance. But they are, in my judgment, the duties which the condition of a falling state imposes. They are duties which sink deep into his conscience, who believes it probable that they may be the last services which he may be able to render to the government of his country. On the issue of this discussion I believe the fate of this Government may rest. Its duration is incompatible, in my opinion, with the existence of the measures in contemplation. A crisis has at last arrived, to which the course of things has long tended, and which may be decisive upon the happiness of present and future generations.

If there be anything important in the concerns of men, the considerations which fill the present hour are important. I am anxious above all things to stand acquitted before God and my conscience and in the public judgments of all participation in the counsels which have brought us to our present condition and which now threaten the dissolution of the Government. When the present generation of men shall be swept away and that this Government ever existed shall be a matter of history only, I desire that it may then be known that you have not proceeded in your course unadmonished and unforewarned. Let it then be known that there were those who would have stopped you in the career of your measures and held you back as by the skirts of your garments from the precipice over which you are plunging and drawing after the Government of your country. * * *

It is time for Congress to examine and decide for itself. It has taken things on trust long enough. It has followed Executive recommendation till there remains no hope of finding safety in that path. What is there, sir, that makes it the duty of this people now to grant new confidence to the administration and to surrender their most important rights to its discretion? On what merits of its own does it rest this extraordinary claim? * * *

Let us examine the nature and extent of the power which is assumed by the various military measures before us. In the present want of men and money the Secretary of War has proposed to Congress a military conscription. For the conquest of Canada the people will not enlist, and if they would the Treasury is exhausted and they could not be paid. Conscription is chosen as the most promising instrument, both of overcoming the reluctance to the service and of subduing the difficulties which arise from the deficiencies of the exchequer. The administration asserts the right to fill the ranks of the Regular Army by compulsion. It contends that it may now take 1 out of every 25 men, and any part or whole of the rest whenever its occasions require. Persons thus taken by force and put into an army may be compelled to serve there during the war or for life. They may be put on any service, at home or abroad, for defense or for invasion, according to the will and pleasure of the Government. This power does not grow out of any invasion of the country or even out of a state of war. It belongs to the Government at all times, in peace as well as war, and is to be exercised under all circumstances according to its mere discretion. This, sir, is the amount of principle contended for by the Secretary of War.

Is this, sir, consistent with the character of a free government? Is this civil liberty? Is this the real character of our Constitution? No, sir; indeed it is not. The Constitution is libeled, foully libeled. The people of this country have not established for themselves such a fabric of despotism. They have not purchased at a vast expense of their own treasures and their own blood a Magna Charta to be slaves. Where is it written in the Constitution, in what article or section is it contained, that you may take children from their parents and parents from their children and compel them to fight the battles of any war which the folly or the wickedness of Government may engage in? Under what concealment has this power lain hidden which now for the first time comes forth, with a tremendous and baleful aspect, to trample down and destroy the dearest rights of personal liberty? Who will show me any constitutional injunction which makes it the duty of the American people to surrender everything valuable in life, and even life itself, not when the safety of their country and its liberties may demand the sacrifice, but whenever the purposes of an ambitious and mischievous Government may require it? Sir, I almost disdain to go to quotations and references to prove that such an abominable doctrine has no foundation in the Constitution of the country. It is enough to know that that instrument was intended as the basis of a free Government and that the power contended for is incompatible with any notion of personal liberty. An attempt to maintain this doctrine upon the provisions of the Constitution is an exercise of perverse ingenuity to extract slavery from the substance of a free government. It is an attempt to show by proof and argument that we ourselves are subjects of despotism and that we have a right to chains and bondage, firmly secured to us and our children by the provisions of our Government. It has been the labor of other men at other times to mitigate and reform the powers of government by construction; to support the rights of personal security by every species of favorable and benign interpretation, and thus to infuse a free spirit into governments not friendly in their general structure and formation to public liberty.

The supporters of the measures before us act on the opposite principle. It is their task to raise arbitrary powers, by construction, out of a plain written charter of national liberty. It is their pleasing duty to free us of the delusion, which we have fondly cherished, that we are the subjects of a mild, free, and limited Government, and to demonstrate by a regular chain of premises and conclusions that government possesses over us a power more tyrannical, more arbitrary, more dangerous, more allied to blood and murder, more full of every form of mischief, more productive of every sort of misery than has been exercised by any civilized government, with one exception, in modern times.

III.

The Secretary of War has favored us with an argument on the constitutionality of this power. Those who lament that such doctrines should be supported by the opinion of a high officer of Government may a little abate their regret when they remember that the same officer, in his last letter of instructions to our ministers abroad, maintained the contrary. In that letter he declares that even the impressment of seamen, for which many more plausible reasons may be given than for the impressment of soldiers, is repugnant to our Constitution.

It might, therefore, be sufficient answer to his argument in the present case to quote against it the sentiments of its own author and to place the two opinions before the House in a state of irreconcilable conflict. Further comment on either might then be properly forborne, until he should be pleased to inform us which he retracted and to which he adhered. But the importance of the subject may justify a further consideration of the argument.

Congress having by the Constitution a power to raise armies, the Secretary contends that no restraint is to be imposed on the exercise of this power except such as is expressly stated in the written letter of the instrument. In other words, that Congress may execute its powers by any means it chooses, unless such means are particularly prohibited. But the general nature and object of the Constitution impose as rigid restriction on the means of exercising power as could be done by the most explicit injunctions. It is the first principle applicable to such a case that no construction shall be admitted which impairs the general nature and character of the instrument. A free Constitution of government is to be construed upon free principles, and every branch of its provisions is to receive such an interpretation as is full of its general spirit. No means are to be taken by implication, which would strike us absurdly if expressed. And what would have been more absurd than for this Constitution to have said that to secure the great blessings of liberty it gave to Government an uncontrolled power of military conscription? Yet such is the absurdity which it is made to exhibit under the commentary of the Secretary of War.

IV.

But it is said that it might happen that an army would not be raised by voluntary enlistment, in which case the power to raise an army would be granted in vain, unless they might be raised by compulsion. If this reasoning could prove anything it would equally show that whenever the legitimate powers of the Constitution should be so badly administered as to cease to answer the great ends intended by them, such new powers may be assumed or usurped as any existing administration may deem expedient. This is a result of his own reasoning to which the Secretary does not profess to go. But it is a true result. For if it is to be assumed that all powers were granted, which might by possibility become necessary, and that Government itself is the judge of this possible necessity, then the powers of the Government are precisely what it chooses they should be. Apply the same reasoning to any other power granted to Congress and test its accuracy by its result. Congress has power to borrow money. How is it to exercise this power? Is it confined to voluntary loans? There is no express limitation to that effect, and in the language of the Secretary it might happen—indeed, it has happened—that persons could not be found willing to lend. Money might be borrowed then in any other mode. In other words, Congress might resort to a forced loan. It might take the money of any man by force and give in exchange exchequer notes or certificates of stock. Would this be quite constitutional, sir? It is entirely within the reasoning of the Secretary;

and it is the result of his argument, outraging the rights of individuals in a far less degree than the practical consequences which he himself draws from it. A compulsory loan is not to be compared, in point of enormity, with a compulsory military service.

If the Secretary of War has proved the right of Congress to enact a law enforcing a draft of men out of the militia into the Regular Army, he will at any time be able to prove quite as clearly that Congress has power to create a dictator. The arguments which have helped him in one case will equally help him in the other. The same reason of a supposed or possible state of necessity which is urged now may be repeated then with equal pertinency and effect.

Sir, in granting Congress the power to raise armies, the people have granted all the means which are ordinary and usual and which are consistent with the liberties and security of the people themselves, and they have granted no others. To talk about the unlimited power of the Government over the means to execute its authority is to hold a language which is true only in regard to despotisms. The tyranny of arbitrary government consists as much in its means as in its ends, and it would be a ridiculous and absurd constitution which should be less cautious to grant against abuses in the one case than in the other. All the means and instruments which a free government exercises, as well as the ends and objects it pursues, are to partake of its own essential character and to be conformed to its genuine spirit. A free government with arbitrary means to administer it is a contradiction; a free government without adequate provisions for personal security is an absurdity; a free government with an uncontrolled power of military conscription is a solecism, at once the most ridiculous and abominable that ever entered into the head of man.

V.

Sir, I invite the supporters of the measures before you to look to their actual operations. Let the men who have so often pledged their own fortunes and their own lives to the support of this war look to the wanton sacrifice which they are about to make of their lives and fortunes. They may talk as they will about substitutes and compensation and exemptions. It must come to the draft at last. If the Government can not hire men to voluntarily fight its battles, neither can individuals. If the war should continue, there will be no escape, and every man's fate and every man's life will come to depend on the issue of the military draft. Who shall describe to you the horror which your orders of conscription shall create in the once happy villages of this country? Who shall describe the anguish and distress which they will spread over those hills and valleys where men have heretofore been accustomed to labor and to rest in security and happiness? Anticipate the scene, sir, when the class shall assemble to stand its draft and to throw the dice for blood. What a group of wives and mothers and sisters, of helpless age and helpless infancy, shall gather round the theater of this horrible lottery, as if the strokes of death were to fall from heaven before their eyes on a father, a brother, a son, or a husband. And in the majority of cases, sir, it will be the stroke of death. Under present prospects of a continuance of the war, not one-half of them on whom your conscription shall fall will ever return to tell the tale of their sufferings. They will perish of disease and pestilence or they will leave their bones to whiten in fields beyond the frontier. Does the lot fall on the father of a family? His children, already orphans, shall see his face no more. When they behold him for the last time they shall see him lashed and fettered and dragged away from his own threshold like a felon and an outlaw. Does it fall on a son, the hope and staff of aged parents? That hope shall fall them. On that staff they shall lean no longer. They shall not enjoy the happiness of dying before their children. They shall totter to their graves bereft of their offspring and unwept by any who inherit their blood. Does it fall on a husband? The eyes which watch his parting steps may swim in tears forever. She is a wife no longer. There is no relation so tender or so sacred that, by these accursed measures, you do not propose to violate it. Into the paradise of domestic life you enter, not indeed by temptations and sorceries, but by open force and violence. * * *

Nor is it, sir, for the defense of his own house and home that he who is subject to military draft is to perform the task allotted to him. * * *

VI.

I would ask, sir, whether the supporters of these measures have well weighed the difficulties of their undertaking? Have they considered whether it will be found easy to execute laws which bear such marks of despotism on their front and which will be so productive of every sort and degree of misery in their execution? For one, sir, I hesitate not to say that they can not be executed. No law professedly passed for the purpose of compelling a service in the Regular Army, not any law which under cover of military draft shall compel men to serve in the Army, not for the emergencies mentioned in the Constitution but for longer periods and for the general objects of war, can be carried into effect. The operation of measures thus unconstitutional and illegal ought to be prevented by a resort to other measures which are both constitutional and legal. It will be the solemn duty of the State governments to protect their own authority over their own militia and to interpose between their citizens and arbitrary power. These are among the objects for which the State governments exist, and their highest obligations bind them to the preservation of their own rights and the liberties of their people. I express the sentiments here, sir, because I shall express them to my constituents. Both they and myself live under a Constitution which teaches us that "the doctrine of nonresistance against arbitrary power and oppression is absurd, slavish, and destructive of the good and happiness of mankind" [New Hampshire bill of rights]. With the same earnestness with which I now exhort you to forbear from these measures I shall exhort them to exercise their unquestionable right of providing for the security of their liberties.

In my opinion, sir, the sentiments of the free population of this country are greatly mistaken here. The Nation is not yet in a temper to submit to conscription. The people have too fresh and strong a feeling of the blessings of civil liberty to be willing thus to surrender it. You may talk to them as much as you please of the victory and glory to be obtained in the enemy's Provinces; they will hold those objects in light estimation if the means be a forced military service. You may sing to them the song of the Canadian conquests in all its variety, but they will not be charmed out of the remembrance of their substantial interests and true happiness. Similar pretenses, they know, are the graves in which the liberties of other nations have been buried and they will take warning.

Laws, sir, of this nature can create nothing but opposition. If you scatter them abroad like the fabled serpents' teeth, they will spring up into armed men. A military force can not be raised in this manner, but by the means of a military force. If the administration has found that it can not form an army without conscription, it will find, if it venture on these experiments, that it can not enforce conscription without an army. The Government was not constituted for such purposes. Framed in the spirit of liberty and in the love of peace, it has no powers which render it able to enforce such laws. The attempt, if we rashly make it, will fail, and, having already thrown away our peace, we may thereby throw away our Government.

Mr. JONES of New Mexico. Mr. President, it is evident to my mind that the bill in substance as presented here by the Committee on Military Affairs will be enacted into law. It is not my purpose to discuss that measure at any length. I wish, however, to acquaint the Senate with the feeling regarding this measure which obtains in my State and which I believe obtains throughout the great western portion of this country.

In the last few days since this bill has been under consideration I have received a number of letters, telegrams, and resolutions all of the same import, and in every one is an earnest urging of the passage of this measure without the volunteer system.

I have here a letter from the president of the University of New Mexico, in which he states:

I am writing to assure you that the people of New Mexico are practically unanimous in their support of all the President's recommendations. Criticism and opposition is only found in occasional individuals. I make this statement after a trip that included Raton, Des Moines, Clayton, Tucumcari, and Clovis. You may, therefore, be assured, Senator, that the people of New Mexico will be almost as one man behind you in supporting the President.

And so with various other letters.

The people of that State have been getting together in patriotic meetings. They are thinking of these questions. They are considering them. They realize their importance to the country and the individual share which they may be called upon to bear, and in these meetings without a dissenting voice they are favoring this measure. They believe that every citizen of this country should feel that he should do his duty and do it whenever the country calls.

I have here resolutions passed by mass meetings in the cities of Albuquerque and Las Vegas and the town of Park View, in the county of Rio Arriba, one of the Spanish-American counties, where resides the former Member of Congress from my State. All these places passed resolutions of the most patriotic character. Without further referring to them I ask unanimous consent that these resolutions may be printed in the RECORD.

The VICE PRESIDENT. Is there any objection? The Chair hears none, and it is so ordered.

The resolutions referred to are as follows:

Announcement of the purpose of this mass meeting of citizens, by Clark M. Carr, chairman citizens' committee:

This meeting has been called by the mayor and city council of Albuquerque, inspired by a desire on the part of the people to show our confidence in the President of the United States, and our strong and loyal devotion to the flag of our country, and to reaffirm our belief in and to resolve to stand for democracy throughout the world.

This mass meeting of 7,000 of our people—Spanish, American, Negro, Indian, foreign-born citizens, every race, creed, and political party here represented—demonstrates to-night that they are all Americans, loyal to the flag and the Constitution of the United States, which they have either been born under or have sworn to defend; and that, if called upon and their country needs them, they will offer their property and their lives that freedom, equality, and justice shall prevail.

CLARK M. CARR,
Chairman Citizens' Committee.

Resolutions.

Whereas the chosen Representatives of the United States in Congress assembled, acting at the behest and recommendation of our eminent and honored President, have voiced the sentiment and opinion of more than 100,000,000 Americans by a declaration of war against the policy of world-wide despotism adopted by the imperialistic Kaiser and have thus dedicated this Nation to the suppression of ruthless autocracy and tyranny, to the overpowering of murderous monarchs who play with the lives of their subjects and drench continents with blood; and

Whereas such declaration of war comes not in the spirit of hatred for the misgoverned German people, lead by a lust-maddened ruler, but in the spirit that answers the call of civilization; in the spirit that moves a free people to give their lives, if need be, that righteousness shall prevail on earth and that the brotherhood of man shall at last become a reality: Now, therefore,

We, citizens of Albuquerque, in mass meeting assembled, with grateful thanks to Almighty God that our Nation has been consecrated anew to the cause of mankind, do hereby

Resolve:

1. That as loyal Americans, even though there may be those among us whose hearts are wrung by such war, we pledge our men to be ready and willing to do a man's part in giving their substance and their lives that democracy and free government shall not perish; and greater still, our women are pledged to give their loved ones and themselves into the service of their country, that ultimate peace shall come as a blessing to the peoples of the world.

2. That forgetting each and every line of national policy which may have a political basis, we, with one accord, indorse the recommendations and actions of the chosen leader of our people, and with glad hearts are ready to submit to each governmental command, knowing it to be the voice of a free Nation and a free people, speaking through duly chosen leaders.

3. That we indorse the policy of universal service under contemplation, for it is only by the service of each citizen that all may enjoy equality, freedom, and happiness in our country.

4. That, fully appreciating the splendid conduct of our National Guard in their past border service, we urge that such organization be given proper recognition in this crisis when deemed advisable, and, if

the same is possible, that boundary protection be continued, for past experience has shown there are ruthless outlaws who would violate our unprotected border towns, whose people, as citizens of this, though one of the youngest States in the Union, are nevertheless bound by lines as true and firm as were those holding the original Colonies to a common cause.

5. That, believing the moral effect of this Nation in entering war for the cause of humanity to be a factor of greatest import, we urge on our President to proclaim to the German people, as set forth in his message to Congress, that this is not a war against them as such but for the dethronement and overpowering of such despots and monarchs as do not respect the will of the governed nor the ideals of civilized society.

6. That a committee of our citizens be appointed to properly transmit these resolutions to the President of the United States and to our Representatives in Congress.

COMMITTEE ON RESOLUTIONS,
By PEARCE C. RODEY.

Resolutions.

DEAR SENATOR: I, M. A. Equibel, secretary of a town meeting held at Park View, in the county of Rio Arriba, N. Mex., on the 18th day of April, A. D. 1917, hereby certify that the following is a true copy of a set of resolutions passed by unanimous vote of said meeting:

"Whereas our country is facing the greatest crisis that has confronted it since our Civil War, a crisis the manner of meeting which must vitally influence our future as a Nation; and

"Whereas American citizens have been murdered, our commerce has been disorganized, and, contrary to all tenets of international law, our rights on the high seas have been ruthlessly violated and attempts have been made to conspire with Mexico to disrupt our sisterhood of States; and

"Whereas our President and the National Congress, in the face of these intolerable indignities, have maintained a long-suffering patience, in keeping with our national love of peace, further toleration of the transgression of our rights can no longer be endured and decisive action is imperative: Therefore be it

"*Resolved*, That we pledge our loyalty and support to our President and the leaders of our country and stand as one with them in the upholding of the honor and dignity of our sovereign Nation and the rights of her citizens on land and sea. We believe that thorough military and naval preparedness are of the utmost necessity, not only to give weight to our ideals of peace and the rights of humanity but also to maintain and protect our institutions and to enforce our rights.

"To this end we urge the enactment of such laws as will expedite and make most efficient the means of national defense and preparedness

"*Be it further resolved*, That we fully indorse the stand taken by our Senators in Congress, also our Representatives from this State, in the present crisis; that a copy of these resolutions be sent to each one of them and a copy thereof be published in El Nuevo Estado, a weekly published in the town of Tierra Amarilla, N. Mex.; also a copy be forwarded to our State executive, the Hon. W. E. Lindsey, governor of New Mexico."

Unanimously adopted by the committee on resolutions appointed by the chairman of said meeting, Hon. Eliseo Martinez.

E. A. ABEYTA.
B. C. HERNANDEZ.
L. G. ORTIZ.
E. M. VALDEZ.

PARK VIEW, *N. Mex.*

EAST LAS VEGAS, N. MEX., *April 18, 1917.*

Hon. A. A. JONES,
United States Senate, Washington, D. C.

SIR: On Tuesday night, April 17, there was held under the auspices of the Symphony Orchestra of this city a public, patriotic mass meeting, which filled the Opera House to overflowing.

Addresses were delivered by Hon. W. E. Lindsey, governor of New Mexico, and others.

In all addresses the action of the President and Congress in the war measures adopted were fully indorsed.

At the close of the meeting, by a unanimous moving vote, the declaration hereto attached was adopted with great enthusiasm; and in compliance with the directions therein we herewith hand you a copy of same.

Very respectfully,

FRANK H. H. ROBERTS, *President.*
E. V. LONG, *Secretary.*

Declaration of the people of Las Vegas, N. Mex., in mass meeting assembled.

We, the people of Las Vegas, N. Mex., in a public patriotic mass meeting assembled at the opera house in the city of Las Vegas April 17, 1917, to hear patriotic addresses from the Hon. W. E. Lindsey, governor of New Mexico, and other public speakers, do hereby declare:

First. We send greetings to the President and the Congress of the United States and express to them and to the country at large our most earnest approval and indorsement of the declaration which the President and Congress have made and the action which they have taken in the defense of the Nation against the unjustifiable, wanton, and murderous attacks made by the German Government upon our sailors and citizens on the seas, upon our commerce, and as well upon the sovereign and international rights of this country.

We assure the President and Congress and all others in authority that New Mexico and the great Southwest will give enthusiastic support both in men and in material resources to every measure adopted to maintain the rights, honor, and dignity of the Nation in the war forced upon us and now on, with the Emperor of Germany and his Government; and we urge that the most aggressive means be taken to place and continue the Army, Navy, and country in the best possible condition, not only for defense but as well to conquer this new common enemy of republican institutions and to force an enduring and lasting peace.

Second. We pledge to the governor of New Mexico our undivided and loyal support in every effort he may make to place New Mexico in the front rank of the Nation's defenders and to thoroughly prepare this State to take an active and honorable part in the conflict that is now upon us.

Third. The time has come when every citizen of this country who is here enjoying its benefits and protection, without reference to his place of birth, owes it to himself, to his family, and to his country to "show his colors" and to take his stand loyally and earnestly with the great Republic now engaged in a war for the protection of its ideals, rights, and institutions and to give open and loyal support to every effort that is made to defeat our enemies, from whatever country they may come.

Fourth. The president and the secretary of this meeting shall transmit to the President of these United States a copy of this declaration and as well a further copy to our Representatives in Congress to be presented to that body.

Mr. JONES of New Mexico. Mr. President, I feel that when we passed joint resolution No. 1 of this session of Congress that we took perhaps the most important step in the history of the country. I am inclined to believe that some of the Senators who have been discussing these measures fail to realize the scope and the importance of that resolution. It contains this language:

That the state of war between the United States and the Imperial German Government which has thus been thrust upon the United States is hereby formally declared; and that the President be, and he is hereby, authorized and directed to employ the entire naval and military forces of the United States and the resources of the Government to carry on war against the Imperial German Government, and to bring the conflict to a successful termination all of the resources of the country are hereby pledged by the Congress of the United States.

Under this resolution we have already placed upon the President, the Commander in Chief of our Army and Navy, the full responsibility of conducting this war, and we have pledged ourselves to place at his command all the resources of our country. By the passage of this bill, which is indorsed by the President, we are only assisting him in the organization and use of one of the important resources of the country in accordance with the pledge already given. If we are willing to trust the President to order our soldiers into battle we should not hesitate to accept his suggestion as to the method by which our forces should be organized. The country demands that we shall follow our leader.

The VICE PRESIDENT. The time of the Senator from New Mexico has expired.

Mr. TRAMMELL. Mr. President, we have fully realized from the discussion of the pending measure and from the history of our country that American patriotism has never in the past been wanting, and I, for one, do not care to prejudge the American people at this time in the early stages of this conflict, and to place upon them the stigma of a lack of patriotism, as I fully believe the policy which it is intended to enact in this measure proposes to do. I do not believe that there is any necessity of resorting to the conscript plan. I believe that the American people will rally to the cause of their country and to their flag, as they have done in days gone by.

We have heard a great deal of argument here in regard to the conscript system or the selective-draft plan, as to its being a system for the training and for the equipping of those who are to fight our battles; but in no instance has there been an argument suggested here or any sound reasoning supporting the idea that a recruit who is brought into the service of his country as a volunteer is not as capable of being trained to become an efficient soldier as is a recruit who is brought in under force, or under the conscript plan.

As an illustration that patriotism is not yet dead in America, note, if you please, how the people throughout this country have rallied to the call and the suggestion of Col. Roosevelt, that he go forth with a division to represent this country upon the soil of France. There appeared in yesterday morning's Post an article coming from New York, which reads as follows:

FLOCK TO ENLIST UNDER ROOSEVELT—OF 123,000 APPLICANTS 60 PER CENT ARE FROM THE SOUTH.

NEW YORK, *April 25.*

Approximately 123,000 men have applied thus far and been found to meet the necessary requirements for membership in Col. Theodore Roosevelt's proposed army division, it was announced here to-night at enrollment headquarters, which were opened some time ago with the former President's approval.

* * * * * * *

Only 50 of the applicants, it was said, were under 25 years old. None below this age are now being accepted.

Sixty per cent of the volunteers are from Virginia, North and South Carolina, and other Southern States, while in New York City not more than 1,000 have enrolled.

Mr. President, I say that if American patriotism will so rally around one of the distinguished citizens of our country, how much more would it rally to the call of our country itself? I believe that we should try out the volunteer plan. I believe that there would be no trouble in raising the quota of soldiers which is called for under the measure now pending. For this reason, I shall support the amendment offered by the Senator from Tennessee [Mr. MCKELLAR].

Time will not permit going into any lengthy discussion; but we all realize that a man who goes about any work, whether it be upon the battle field or in the ordinary vocations of life, when he is interested in it, when he is doing it as a matter of

love, serves better and renders more faithful service than when he is doing it from compulsion.

The VICE PRESIDENT. The Senator's time has expired. The question is on the amendment proposed by the Senator from Tennessee [Mr. McKELLAR].

Mr. REED and Mr. THOMAS called for the yeas and nays; and they were ordered.

The Secretary proceeded to call the roll.

Mr. FALL (when his name was called). I have a general pair with the junior Senator from Wyoming [Mr. KENDRICK], but upon this question I have his permission to vote, he having stated before leaving here that, if present, he would vote as I shall vote. I therefore vote. I vote "yea."

The roll call was concluded.

Mr. OVERMAN. The Senator from South Carolina [Mr. TILLMAN] has indefinite leave of absence. I am requested to announce that if he were present he would vote "nay."

Mr. JAMES. The senior Senator from New Jersey [Mr. HUGHES] is detained from the Senate by illness. If he were present he would vote "nay."

The result was announced—yeas 18, nays 69, as follows:

YEAS—18.

Borah	Gore	La Follette	Thomas
Cummins	Gronna	McKellar	Trammell
Curtis	Hardwick	Norris	Vardaman
Fall	Johnson, Cal.	Reed	
Gallinger	Kirby	Sherman	

NAYS—69.

Ashurst	Hollis	Overman	Smith, S. C.
Bankhead	Husting	Owen	Smoot
Beckham	James	Page	Sterling
Brady	Johnson, S. Dak.	Penrose	Stone
Brandegee	Jones, N. Mex.	Phelan	Sutherland
Broussard	Jones, Wash.	Pittman	Swanson
Calder	Kellogg	Poindexter	Thompson
Chamberlain	Kenyon	Pomerene	Underwood
Colt	King	Ransdell	Wadsworth
Culberson	Knox	Robinson	Walsh
Dillingham	Lewis	Saulsbury	Warren
Fernald	Lodge	Shafroth	Watson
Fletcher	McCumber	Sheppard	Weeks
France	McLean	Shields	Williams
Frelinghuysen	Martin	Simmons	Wolcott
Gerry	Myers	Smith, Ariz.	
Hale	Nelson	Smith, Ga.	
Harding	New	Smith, Md.	

NOT VOTING—9.

Goff	Kendrick	Newlands	Tillman
Hitchcock	Lane	Smith, Mich.	Townsend
Hughes			

So Mr. McKELLAR's amendment was rejected.

Mr. TRAMMELL. Mr. President, I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 2, line 21, strike out the words "draft as herein provided," and insert in lieu thereof the following: "a call for volunteers, which is hereby authorized under the provisions of an act to provide for the raising of the volunteer forces of the United States in time of actual or threatened war," approved April 25, 1914.

On page 4, line 9, strike out the words "by draft," and insert in lieu thereof the following: "by a call for volunteers, which is hereby authorized."

On page 5, line 3, beginning with the words "or if," strike out down to and including the words "this act," in line 13, on page 5.

Mr. TRAMMELL. Mr. President, I will only take a few moments for the purpose of explaining the amendment to those Senators who may not have been able to catch its purport as read.

This amendment seeks to establish, in lieu of the conscript plan as provided by the pending bill, the volunteer system. It strikes out the word "draft" where it appears and provides that the 500,000 soldiers required shall be raised by a call for volunteers. That is really the substance of the amendment.

I do not think it is necessary to occupy the time of the Senate in discussing the matter, but I wish to offer this amendment and submit it as representing my views upon the subject under consideration.

Mr. KIRBY. Mr. President, I want to say one last word in favor of the volunteer system in America. I want to raise my voice once more in behalf of American young manhood. We have talked here to-night about equal benefits imposing equal burdens. That is what we have always been taught to believe; that is what we have believed and understood to be Democratic doctrine. Great meetings of boards of trade, great meetings of presidents of banks, great meetings of all kinds of commercial interests throughout this great country of ours have been held, and they have declared that we must have a universal service system for raising an Army, and they have wired their Representatives in Congress and their Senators to stand by the President in support of the universal military system or the system of universal military service.

What have we here to-night? We have a bill that was proposed and presented that required military service only of boys from 19 to 25 years of age. Is there anything universal about that, and is it any wonder that all these great representatives of great aggregations of capital and business could afford to sit down and send word to the United States Senate and to the Members of the House of Representatives to support this sort of proposition when not one single man of them can be required to go to war?

Mr. POMERENE. Mr. President——

Mr. KIRBY. Now, they have said it is best for certain individuals and certain classes of individuals to remain in certain service, and that it is best for the industrial conditions of the country. I say to you here and now that in the light of the experience of all the world heretofore the best men we can have in time of war are needed on the firing line; that in time of war the best that can be had are needed on the firing line for the Nation's protection.

Mr. POMERENE. Mr. President——

The VICE PRESIDENT. Does the Senator from Arkansas yield to the Senator from Ohio?

Mr. KIRBY. Yes.

Mr. POMERENE. Does not the Senator recognize the fact that under the conscript plan the sons and young brothers of these bankers can be compelled to go, while under the volunteer system not one of them would be compelled to go?

Mr. KIRBY. They can be compelled to go if they are not excused as belonging to one of the classes that are called on for only partial service. There is more cause for and more corroboration of the old statement "A rich man's war and a poor man's fight" in the passage of this bill than in anything which has ever come to my observation in the whole history of my life. One-fourth of the boys from 19 to 25 have never yet been allowed to vote. The age limit has now been changed so as to include those between the ages of 21 and 27, embracing six years, but I venture to say here to-night that the whole 6,000,000 who are included in these ages do not own $1,000 worth of direct interest in the over-seas commerce, for the protection and the promotion of which this war is primarily waged. To say that not 5 of every 1,000 of them have a dollar in the bank, and not 10 in every 20,000 of them own an acre or a foot of land in the United States of America. Yet it is said that that is universal service and that it ought to obtain.

What else is there wrong about the system? We have always believed that American manhood and American prowess were amply sufficient to take care of and protect American rights and American interests, and, by the living God, I believe it yet.

Now, it would be better to let this American manhood be called upon, to let them volunteer, and not to take the glamor of romance and of adventure and of chivalry, the glory of dying for one's country, away from it all. When a man goes out to lay down his life for his country I say he ought not to be conscripted; he ought not to be branded with odium and disgrace by a law that shows a lack of faith in his patriotism by the Government to start out with. I say this in behalf of all of young America, in behalf of these young men, who do not seem to have been considered fairly.

It is said, "Yes; but in the case of taxation you do not ask a man to pay his taxes. You require him to do it." True, but you make every man that has property pay taxes, the man who has most pays most, and you only make a few boys who have lives go and defend their country, excluding all other men not in the Army from military service. It is not universal, equal, fair, nor just.

The VICE PRESIDENT. The time of the Senator from Arkansas has expired.

Mr. HARDWICK. Mr. President, I support the amendment proposed by the distinguished Senator from Florida because it is the way that a nation of free men fights a war, as opposed to the way that a nation of subjects and of serfs fights a war. I support the amendment proposed by the distinguished Senator from Florida because it proposes the American way to fight a war and not the Prussian way. I support the amendment proposed by the distinguished Senator from Florida because it presents an appeal that will not be made in vain to American manhood and to American patriotism.

Conscription? It is the line between freedom and slavery; between a free Republic and a despotic autocracy. Conscription? When was it ever invoked in this country to send its sons 3,000 miles away across the ocean to fight a foreign war? When it was invoked in this country on both the Union side

and the Confederate side men fought for their firesides and for their homes, for their soil. But never yet among a free people, in a land dedicated to liberty, has the monstrous doctrine been laid down that freemen may be dragged against their will across foreign seas into a foreign war.

Why, even in Prussia, if I may credit the statement that I heard once—I think from the distinguished chairman of this committee—prior to this war, at least, a Prussian soldier could not be carried out of the realm except by his voluntary consent, conscript though he was.

Senators, the verdict is made up. The result in this Chamber is certain, but you go to face a people whose rights you surrender by this proceeding. Then there will come another day, when the verdict, in my judgment, will be different. There will come another day when outraged American manhood shall demand of you: "Why did you put this stigma on me? Why did you not at least give me the opportunity to volunteer? Why did you not let me go to this war, if go I must, as a freeman and not as a slave; as a citizen and not as a subject?"

Answer, Senators, each of you according to your own responsibility to your own God, to your own conscience, and to your own people.

Mr. WILLIAMS. Mr. President, I have listened with a good deal of interest and a good deal of amusement, as everybody does always, to the Senator from Georgia, and I heard him say that conscription was a sort of a badge between freedom and subjection of some sort. As I understand it, a draft upon the people at large between certain ages to go to the defense of the country is a call in every way to every man to do his duty.

Robert E. Lee said that the noblest word in the English language was the word "duty." I can not understand the mental attitude of a man who would brand as a convict or a traitor or a fool or a slave a man who, when he was called upon by his country on a draft bill to serve his country, went forward to serve that country.

I have heard a few words very recently about this being a "foreign war" and "foreign seas." The high seas of the world are not foreign seas to the American people. The high seas do not belong to the Kaiser of Germany. He has no right to demark certain boundaries within which or without which we shall or shall not sail.

So far as this country is concerned, this is not a "foreign war"; it is an American war. America did not go into this war until America had had the *Lusitania* sunk upon the high seas, the *Arabic* and the *Sussex* afterwards sunk, and then, after that, had our own flag at the foremast of the *Algonquin* sunk, and then, after that, had had two more of her ships sunk. Those of you who are in subjection to German thought or German power, philosophically or financially or otherwise, may take your stand wherever you please, but I take my stand in behalf of the American people and in behalf of the rights of the American people upon the high seas.

The Senator talks about "another day" and "another chance" to volunteer. You have had 35 days to volunteer up to about last Wednesday—I have not followed it much since—and you have volunteered to the extent of 35,000 men; that is, to the tune of about a thousand men a day. It would take at that rate about three years to enroll an army.

The VICE PRESIDENT. The time of the Senator from Mississippi has expired. The five minutes are up.

Mr. WILLIAMS. I intended to say that it would take about three years to collect an adequate army to go to Europe at that rate.

Mr. GRONNA. Mr. President, on the 4th day of April the Senate passed a bill providing for the declaration of war with the Imperial Government of Germany. This same measure was passed by the House on the following day, and was approved by the President on the 6th day of this month. We have been in a state of war with the Imperial Government of Germany for nearly a month.

While I was opposed to the passage of that bill, I have made no opposition to any legislation necessary to successfully carry on and as speedily as possible end this war.

I was opposed to the bill providing for armed neutrality. My opposition to that measure was, I think, well understood, and I might say that those of us who opposed it feel justified in our opposition, because the friends of the measure, from the President down, have since acknowledged that "at best it was an ineffectual measure."

Since the enactment into law of the declaration of war we have had other important measures before us. The revenue bill, providing for the vast sum of $7,000,000,000 was passed in this body without a dissenting vote. Personally I feel responsible for the passage of that measure, and while I had serious objections to some of its provisions, and felt that the bill should have been amended, I made no effort to oppose its passage, as I remember the only amendment offered, upon which a vote was demanded, was lost by a tie vote. That was the amendment offered by the junior Senator from Massachusetts [Mr. WEEKS]. This amendment provided that the bonds to be issued should be serial bonds, providing that they should mature within a certain definite period of time. I voted for that amendment, but it was suggested by the Members of this body that there was nothing in the bill to prevent the Secretary of the Treasury from issuing serial bonds, and I believe that under the provisions of the bill he is authorized to issue bonds in any form that he sees fit; so that the responsibility for the class of bonds issued will rest upon the Secretary and not upon Congress.

As I have said, I was opposed to the declaration of war, but I also realized that after war was declared there was but one thing for us to do and that was to furnish money and men to carry on the war. We have been in a state of war with Germany for 22 days. We have provided the administration with money to carry on the war. We are now asked to pass a bill that will give the President the power to draft the young men of our country between the ages of 21 and 27 years into service. I fully realize the necessity of raising an army. I am not opposed to any plan that will enable the President to equip an army at the earliest time possible; but I am opposed to the enactment into law of any measure which provides for involuntary service. For several reasons I am opposed to it. In the first place, I do not agree with the friends of this bill that the best way to raise an army is by conscription. Military conscription is involuntary servitude. It is drafting men into service against their will; it is challenging their patriotism without justification and cause. We might debate this question for weeks, months, and years without being able to prove or justify the statement that the volunteer soldier and the voluntary system have been a failure. We have the evidence of many of the greatest military men of the country to the effect that they are opposed to conscription. The pages of the CONGRESSIONAL RECORD are filled, page after page, with testimonials of the ablest statesmen and patriotic men of this country, testifying that they are opposed to compulsory service. We have the testimony of Gen. Miles and the late Gen. Kitchener. We have the testimonials of Washington, Jefferson, Webster, Lincoln, and Grant, all approving of the volunteer system.

I am opposed to compulsory service, because it is undemocratic and unjust. I am opposed to compulsory service, because that is the system which breeds despotism and autocracy and is opposed to democracy.

Senators who are opposed to the volunteer system say that that system has been a failure, and yet they admit that every war that has been won by this country has been won by the valor and the patriotism of the volunteer.

The American War of Independence was fought by volunteers. When, on the 19th day of April, 1775, at Lexington, the first battle was fought, it took but a short time to call to arms, without compulsory service, 16,000 men. For six years these gallant soldiers were fighting for independence, and it was not until the 19th day of October, 1781, that the fighting ended. The last battle was fought at Yorktown on that day, and the volunteer soldiers had fought and won a glorious victory for independence and for humanity. It was one of the most famous struggles in history, and it is remarkable that the raw recruits of the backwoodsmen of a colonial dependency should defeat their powerful colonial parents, who had an abundance of trained officers and soldiers. It is true that the American volunteers lost battles, and they lost men by the hundreds and thousands. The loss of 5,000 troops at Charleston was a tremendous blow to the American cause, but they were neither discouraged nor subdued. They refused to surrender until a full victory was won, and it was won at Yorktown, in 1781.

The War of 1812, a war between the United States and Great Britain for the freedom of the seas, was fought by the American volunteers, and while it is contended that this war ended without a victory for the American soldiers, it was ultimately completed and successfully finished under Jackson and 5,500 volunteer soldiers against the trained soldiers of England, who soon thereafter, as part of Wellington's picked army, defeated Napoleon in the Battle of Waterloo.

If this war is not a fight for humanity and for a world democracy, then what justification is there for carrying it on? Is it in accordance with American principles or with the principles of any free government to say to the soldier that he must serve; that he must be enlisted into service under a system of conscription? You might just as well say to him, "We doubt your patriotism. We do not believe you are sincere. We do not believe you will defend your country, unless by law you are compelled to enter the service."

Mr. President, I am as much in favor of raising an army as any Member on this floor, but I am opposed to the method; I am opposed to any plan that will fasten upon this country Prussian militarism which has been so emphatically denounced. We admit that we have no ill feeling against the German people. We acknowledge that the people of Germany are as patriotic as the people of any other country. We recognize the ability and efficiency of the German people; but we are waging a war against the military system of Prussia and the Kaiser. Yet we forget that by the passage of this bill we are laying the foundation for the same kind of a despotic and autocratic government which we now stand ready to pour out our money and sacrifice the precious lives of this country to crush.

We can only judge the future by the past, and the records stand unchallenged. Five American wars have been won by volunteer armies. The volunteer system has been approved by the British Government. Men of Great Britain and its dependencies have responded promptly and volunteered to serve their country under the volunteer system.

Let us give the American boy an opportunity to show his patriotism. Let us give him an opportunity, without compulsion, to serve his country's cause. If we are fighting a war to crush militarism and autocracy, in order that the people shall enjoy freedom and a republican form of government should we do it at the risk of establishing in our own country a despotic autocracy? Involuntary service is not democratic but despotic. Military conscription gives to a few men too much power, power which can and will be abused.

I well remember what was said on the floor of the Senate when the war measure was pending. It seemed to be the opinion of distinguished Senators that the American people were overwhelmingly in favor of this war. If that is true, why do you mistrust the people now? Why do you question the patriotism of this overwhelming majority which you said you knew were in favor of war? The American people do not change their opinions over night on as important a matter as this. If the majority of the American people were in favor of the war then, is it not reasonable to suppose that they are in favor of prosecuting the war now?

Mr. President, I am greatly concerned about the future welfare of our country, and I am somewhat familiar with its history; and when I think of the sacrifices made by the fathers who made it possible for us to be free and enjoy the blessings of liberty for which they fought and for which so many of them died, I am prone to be cautious about advocating measures that will disregard the rights, the liberties, and the freedom of my fellow men.

I sympathize with the people of foreign nations who have been made to unjustly suffer at the hands of a tyrannical foe. I wish it were possible for this Nation to democratize all the nations of the earth. I sympathize with the weaker nations who suffer unjustly at the hands of their despotic and selfish neighbors, but I can not forget the importance of preserving our own country, our own sacred institutions, and our own Constitution and laws, which gave to us our liberty and freedom.

Mr. President, I am mindful of the fact that certain organizations are waging a campaign for a system of conscription. I doubt if these men are as patriotic as the fathers who gave us our freedom and our liberty, but we shall soon have an opportunity to test their patriotism, because if it is only for the love of their country that they are carrying on this campaign then, sir, we shall soon be receiving telegrams from these same organizations asking us to conscript the wealth of this country in order to carry on the war. Is it possible that these men will shirk, that they will fail to do their duty; that they will fail to call to the attention of the country that the men who give their lives, those who leave those who are nearest and dearest to them, who sacrifice upon the altar of freedom their lives in order that this Nation shall live—is it possible that these men will fail to carry on this same kind of a campaign, calling attention to the fact that it would be unjust to tax the families of the soldier? Will these men go out over the country and carry on the same campaign that they are now carrying on for conscription of men, and advocate the conscription of wealth? Is wealth to be placed above human lives? Those who sacrifice their lives in defense of their country give their all. Would it be unjust to ask the men of wealth, the men who have the money, to finance and to pay as we go the expense and cost of this tremendous war?

Mr. MYERS. Mr. President, there has been some very vehement denunciation of conscription by some of the southern Senators in the Senate. I do not believe there was ever any better fighting done in the world than was done by the soldiers of the southern Confederacy. I believe my friends of the South will agree with me on that; and yet, from the 2d day of April, 1862, until the close of the war every man who fought in the Confederate Army was fighting as a conscript, according to the terms of the law which the Confederate Congress enacted in April, 1862. That law not only conscripted to service all white male citizens from 18 to 35 years of age who were not in the service——

Mr. OVERMAN. Mr. President, will the Senator allow me to interrupt him?

Mr. MYERS. Certainly.

Mr. OVERMAN. The Senator is greatly mistaken. There was a conscript law, but there was a comparatively small number of conscripts. The volunteers——

Mr. MYERS. I have not yet finished my explanation. That law of April, 1862, not only called to the colors of the southern Confederacy all white male citizens between the ages of 18 and 35, those who were not in the service, but it also made conscripts of all who had volunteered and were already in the army.

Mr. WILLIAMS. In that statement the Senator from Montana is absolutely correct.

Mr. MYERS. I thank the Senator for confirming me. I have now not only the authority of history but the authority of the Senator from Mississippi. [Laughter in the galleries.]

The VICE PRESIDENT. The occupants of the galleries are forgetting the admonition. They were all notified. The galleries will be cleared the next time this occurs.

Mr. MYERS. Most of the soldiers enlisted for either one or two years; most of them for one year. The law provided that they could not drop out at the end of their enlistment. They had to fight on until the end of the war.

Mr. OVERMAN. Mr. President, that is so; but they were already in the army fighting, and they had only volunteered for one year from that time. I do not know how it was in Mississippi. They were conscripted in the law, but they were not conscripted from their homes. They were in the army fighting.

Mr. MYERS. They were conscripted to stay for the war.

Mr. OVERMAN. That is right.

Mr. KIRBY. Mr. President, I will ask the Senator if it is not a fact that these men's term of service was only extended by the law? And I resent the assertion that they were conscripts.

Mr. MYERS. I can not help the Senator resenting it. Gen. Upton says they were made conscripts by provision of law. I do not say that they were not good soldiers, but they were compelled to stay. Does anybody say that they were not less able soldiers, that they were not less patriotic on that account? I think that answers the argument made by Senators.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from Florida [Mr. TRAMMELL].

The amendment was rejected.

Mr. HARDING. I offer the following amendment.

The VICE PRESIDENT. It will be stated.

The SECRETARY. At the end of section 1 add a new paragraph, as follows:

Seventh The President is further authorized to raise and maintain by voluntary enlistment, to organize, and equip not to exceed four infantry divisions, the officers of which shall be selected in the manner provided by paragraph 3 of section 1 of this act: *Provided*, That the organization of said force shall be the same as that of the corresponding organization of the Regular Army: *And provided further*, That there shall be no enlistments in said force of men under 25 years of age at the time of enlisting: *And provided further*, That no such volunteer force shall be accepted in any unit smaller than a division.

In section 2, page 5, line 6, after the word "authorized," insert "except as provided in the seventh paragraph of section 1."

In section 8, page 11, line 18, strike out the word "and" and insert after the word "sixth" the words "and seventh."

The VICE PRESIDENT. The question is on agreeing to the amendment submitted by the Senator from Ohio.

Mr. HARDING. Mr. President, Senators who have the amendment on their desks will note a change in the original draft, made necessary because of the amendment to the age provision in the universal-service clause of the bill. As the amendment was originally drawn it was designed to exclude from eligibility to this proposed volunteer army all who were liable to the universal-service draft. When the age limit was advanced to 27 years it was thought best to provide in the amendment that none should be eligible to the volunteer army or divisions proposed herein except those who were 25 years or older at the time of the enlistment.

Mr. President, having addressed myself to this amendment and the measure this morning, I have no desire to continue now even to the allotment of five minutes at this time. I only want to say that I think this is the one provision on which the two wings of the Senate, which has divided on the question of universal service, may now agree. It is not at all inconsistent. I grant that it is an irregularity, but it is an irregularity that

will give expression to the great American wish of to-night. The arguments offered in opposition to this amendment, which, as you know, means the so-called Roosevelt division, have not been stated yet which can appeal to any Member of this body. The one reasonable argument which might have prevailed, if the amendment had been pending earlier in the session, was that it might interfere with the adoption of the universal-service plan. The House has already voiced its approval of universal service. The Senate, by its vote on the amendments which were just now defeated, has committed itself to universal service. So the acceptance of this proposition does not in any way interfere with the great plan recommended by the Army and by the Chief Executive.

I have yet to hear one single objection offered by anybody openly; and I dislike to say, Mr. President, that the one objection which is current beneath the surface is unworthy of anyone in this body or anyone connected with the Government in this period of national crisis. I believe the acceptance of this amendment will answer the great American wish, vibrant in millions of hearts to-night.

I listened to the Senator from Idaho [Mr. BORAH] this morning when he spoke so forcefully of a soul for the American Army. This proposition, Senators, will set aglow the American soul, the soul of both civilians and soldiers. This amendment, if adopted, will give an immediate and tangible expression of America's committal to the cause we have undertaken in this war.

Let us adopt this amendment. There is but one Theodore Roosevelt in the world, and I am glad all know of him as a citizen of the United States of America. We are not availing ourselves of his services as an army commander, but as a great personality around whom can be gathered the many men already trained for almost immediate service on the western battle front of Europe. It is the one thing, as I said this morning, which will destroy the opposition to a conscripted force being sent to the European battle fields. Somebody, if there is an objection, ought to state it upon this floor. Somebody ought to give——

Mr. KIRBY. I should like to ask the Senator a question.

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from Arkansas?

Mr. HARDING. For a question.

Mr. KIRBY. Is there any more reason why we should let a man raise a volunteer army than that we should allow a State to raise a volunteer army?

Mr. HARDING. Certainly. Mr. President, there are only two living ex-Presidents in the United States. There is only one of them who has seen actual military service, and there is but one personality in all the United States that can attract about him, as he already has been tendered, 121,000 offers of service on the battle fields of France. Let us accept this tender, and these eager Americans will be ready to go abroad, and give an actual and effective expression of the great task to which we are committed.

The VICE PRESIDENT. The time of the Senator from Ohio has expired.

Mr. HARDWICK. Mr. President, this is a volunteer proposition. First let me say I am sorry for the temporary absence of the distinguished Senator from Mississippi [Mr. WILLIAMS]. I have always listened with a great patience and sometimes with long-suffering patience to that distinguished Senator, seldom with amusement, never with profit.

Now, passing on to something really important I want to say that I am for this proposition. I do not see why we should not let Col. Roosevelt go and take with him all the fine young Americans who want to plant the Stars and Stripes in sunny France. We can spare him from the industrial and political activities of this country. It may be that, like Catiline, he can say, "I shall go but go to return again." If so, we will speed his parting and we will welcome his return.

For one, although I have never agreed with him politically, although I have never had any very great admiration for his political ideas, political ideals, and political conduct, I do think he is a great, big, red-blooded, patriotic American citizen, and a forceful personality at that; a man who commands the respect and love and admiration of millions of people who live in this country. I say "Let him go, and God bless him and his cohorts when they go." For one, I will vote for the amendment with pleasure.

Mr. JOHNSON of California. Mr. President, this amendment is designed to permit the foremost American citizen in private life to raise a division and to be part of a division of American troops to go upon the fighting line in France.

If I could paint the lily or gild refined gold, I would draw for you a picture that would, indeed, enthrall even the jaded imaginations of those of us who have sat here with attentive ears and listened for the past eight days. If I were able to, if I had the eloquent tongue of some of the gentlemen upon the other side of this Chamber, I would try to tell you not alone how this particular amendment enlists my sentiment, how it fires my imagination, but how it convinces cold reason and judgment as well in its behalf.

Here we are in war. Here we want to demonstrate something in behalf of America and in behalf of Americanism. We want as well to say to those with whom we are now allied that our aid, aid of every kind, of every character that a patriotic nation can give, will be theirs.

Roosevelt's was the clarion voice that first demanded preparedness in this land. We listened with little attention at first, and then you, and we, embraced his doctrine. Roosevelt's tongue was the first to demand Americanism undiluted in the United States. At first little did we heed him, but finally all of us adopted all that he said. Roosevelt typifies to-day Americanism and American citizenship in its highest type.

We are now asking simply that in these late years of this great patriot's life he be permitted to give that life, if it need be, to the country that he loves and to the country he has served. Was there ever a time in any nation's history when a man knocked at the door of the council chamber of that nation and begged merely that he might lay down his life for his country that he was denied by the nation that he had served?

And so we ask you, you on the other side of this Chamber and those upon this side as well, that you second the voice of the people of this great Nation of ours and send this man of dynamic force, of ability, of virility, and of red-blooded courage, typifying the American Nation, over to France, there to bear aloft the American flag for world democracy.

Mr. STONE. Mr. President, so far as the man Roosevelt is concerned, I shall have naught to say to-night. I restrain whatever impulse I have to express my opinion in that respect, for I would not speak in this presence and on this occasion anything about any individual that might be offensive to his friends here.

Mr. President, we are engaged upon the great and really solemn business of providing an army to wage war. This enterprise should not be smeared by paint that would give to this service of ours a political coloring, and especially not a partisan political coloring.

The amendment itself, by its exclusive provisions, supplemented by the speeches which have been made here in its support by the Senator from Ohio [Mr. HARDING], who offered the amendment, by the Senator from Massachusetts [Mr. LODGE], and just now by the Senator from California [Mr. JOHNSON] is proof conclusive that the purpose of the amendment is personal in its character and purpose. It is intended to promote the fortunes of an individual, and through him the fortunes of a political party. There is nothing else to it, and considering the fact that the individual in question is one of the most conspicuous politicians of this country, always in the front of political enterprise, is proof conclusive to my mind that Senators have thrust in upon our deliberations a partisan political situation exceedingly unbecoming.

There is no reason under heaven why this one man, even though he be an ex-President, should be singled out on the floor of the Senate as the one man of all this country signally fitted for a service of this kind. The proposal means that Roosevelt and those grouped about him are to be made the dominant force in this war. The President is to be reduced to a secondary or subordinate position. The Commander in Chief of the Army and Navy——

The VICE PRESIDENT. The time of the Senator from Missouri has expired.

Mr. THOMAS. Mr. President, no man can accuse me of being either personally or politically a follower of Mr. Roosevelt. The personality of the man has nothing whatever to do with my support of this amendment. Whether he is to be selected in the event the amendment shall carry as one of the officers of the division is a matter I think of secondary consequence. If it be true that there are at present in this country 123,000 men who want to volunteer for the service of their country and go to the front where they may be needed, I want to see them have the opportunity to go, to exercise their sovereign right of citizenship, and to testify their loyalty and devotion to the country by this great voluntary act of sacrifice. I care not who may lead them; I do not believe an inexperienced man like Col. Roosevelt would be given such a commission; but if the personality of any man at this time can be utilized for the purpose of securing the immediate enlistment of 123,000 men, it would seem to me to be the greatest eulogium—living eulogium—of men in support of the great American principle of volunteering when the country is in danger that could be

afforded in this nation; and I know of nothing that would more completely and signally vindicate the strength and integrity of the American volunteer than an opportunity which can come only through such an amendment.

The VICE PRESIDENT. The question is on the amendment of the Senator from Ohio [Mr. HARDING].

Mr. GALLINGER. I call for the yeas and nays, Mr. President.

The yeas and nays were ordered, and the Secretary called the roll.

Mr. SUTHERLAND. I have a general pair with the Senator from Kentucky [Mr. BECKHAM], and, therefore, withhold my vote. If permitted to vote, I should vote "yea."

The result was announced—yeas 56, nays 31, as follows:

YEAS—56.

Ashurst	Gore	McCumber	Robinson
Borah	Hale	McKellar	Saulsbury
Brandegee	Harding	McLean	Sherman
Broussard	Hardwick	Myers	Smith, Mich.
Calder	Hollis	Nelson	Smoot
Colt	Husting	New	Sterling
Cummins	Johnson, Cal.	Norris	Thomas
Curtis	Johnson, S. Dak.	Owen	Thompson
Dillingham	Jones, Wash.	Page	Townsend
Fall	Kellogg	Penrose	Vardaman
Fernald	Kenyon	Poindexter	Wadsworth
France	Kirby	Pomerene	Watson
Frelinghuysen	Knox	Ransdell	Weeks
Gallinger	Lodge	Reed	Williams

NAYS—31.

Bankhead	Jones, N. Mex.	Shafroth	Stone
Brady	King	Sheppard	Swanson
Chamberlain	La Follette	Shields	Trammell
Culberson	Lewis	Simmons	Underwood
Fletcher	Martin	Smith, Ariz.	Walsh
Gerry	Overman	Smith, Ga.	Warren
Gronna	Phelan	Smith, Md.	Wolcott
James	Pittman	Smith, S. C.	

NOT VOTING—9.

Beckham	Hughes	Lane	Sutherland
Goff	Kendrick	Newlands	Tillman
Hitchcock			

So Mr. HARDING's amendment was agreed to.

Mr. OWEN and Mr. SMITH of Georgia addressed the Chair.

The VICE PRESIDENT. The Senator from Oklahoma.

Mr. OWEN. I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 7, in line 11, after the word "deficient," it is proposed to strike out the period and to insert a colon and the following:

Provided, That medical students shall be exempted until graduation and shall thereupon be subject to draft for the same period of time as other citizens.

Mr. OWEN. Mr. President, the purpose of this proposed amendment is to utilize in the medical service of the Army medical students after they have graduated instead of using them in the ordinary Infantry line. The experience of both Great Britain and France is that there has been a great dearth of men to take care of the wounded and sick. To have an efficient service requires 10 active medical officers of the line to a thousand troops and 10 in reserve, making 20 in all. In the United States we have only provision for 7 to the thousand. There will be need for these young men in that particular service, and, therefore, I propose this exemption.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Oklahoma.

Mr. BRANDEGEE. Mr. President, I desire to ask the Senator if this amendment is proposed after consultation with the officers of the War Department or of the Surgeon General's office?

Mr. OWEN. The matter was sent down to the Surgeon General's office several days ago, but no report has come back upon it as yet.

Mr. BRANDEGEE. Mr. President, the only inquiry that occurs to me about it is whether or not it would not be advisable to have medical students subject to draft in the Medical Corps of the Army?

Mr. OWEN. That is the intention of the amendment.

Mr. BRANDEGEE. I thought the Senator's amendment provided they should be exempted after they had graduated.

Mr. OWEN. They are exempt until their graduation.

Mr. BRANDEGEE. Why should they not be subject to the draft, even if they have not graduated? A medical student probably has some considerable medical knowledge, even though he may not have obtained his degree.

Mr. OWEN. It may be advisable to do that; but these men are pursuing their medical education, and I thought it would be better to allow them to complete it.

Mr. BRANDEGEE. I am not prepared either to advocate or oppose the amendment. I simply wanted to ascertain whether the medical authorities of the department had passed on the question.

Mr. OWEN. I thought we had better allow medical students to complete their education before imposing upon them the responsibility of safeguarding the life and the health of the soldiers.

Mr. CHAMBERLAIN. Mr. President, we will need more men in the Medical Corps if this war is to be prolonged, and, while the amendment may not be sufficient to carry out the purpose of the Senator, we can try to formulate it in conference so as to make it do what the Senator intends to have done by it.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. FALL. Mr. President, I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 12, after line 15, it is proposed to insert the following:

SEC. 9. The President is hereby authorized, and the Secretary of War directed, to call into the service of the United States, by enlistment for the term of the present war, three or more regiments of mounted volunteers, in addition to any other forces herein or otherwise provided, such mounted volunteers to be selected from men between the ages of 18 and 45 years, and under the provisions of section 3 hereof, and to be used in protecting property and citizens along the southern border of the United States, and also to be used in any foreign country, as the President may direct.

SEC. 10. The President is hereby authorized to appoint officers for such volunteer force, making appointment from the members of such volunteers as shall have heretofore served in the Ranger or police forces of the southern border States or as peace officers of the counties or municipalities thereof.

And amend the bill by changing the numbers of the sections to conform accordingly.

Mr. FALL. Mr. President, the purpose of this amendment can be, of course, readily understood by anyone who cares to understand it. It is useless to think of using infantry along the southern border of our country for its protection. That protection is needed everyone understands.

In my State of New Mexico the coal mines furnish the coal and the coke to the great copper mines and for all of the railroads near the border. For 800 miles from the border back into the States the railroads are entirely in the hands of Mexicans of old Mexico. Every section hand on every mile of road from the border to the State of Kansas, east through Texas into Louisiana, up into Colorado, and out into California, is in the hands of old Mexico Mexicans, a majority of them being ex-bandits recently in the service of one leader or another in the Republic of Mexico. It is perfectly easy at any time to put out of commission every coal mine, every copper mine, and every railroad by concert of action.

It is absolutely impossible, I say to you now, as everyone knows, for the present force on the border adequately to protect the people along that border. With the establishment of a force such as these mounted men selected from that country, knowing the country, knowing with whom they are dealing, you can take your Regular Army from the border, and the people will then from the troops to be selected among them protect themselves.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from New Mexico.

Mr. FALL. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. WARREN (when his name was called). I am paired with the Senator from North Carolina [Mr. OVERMAN]. I do not see him in his seat, and therefore withhold my vote.

The roll call having been concluded, the result was announced—yeas 53, nays 25, as follows:

YEAS—53.

Ashurst	Gore	McKellar	Smith, Mich.
Borah	Hale	McLean	Smoot
Brandegee	Harding	Nelson	Sterling
Broussard	Hardwick	New	Sutherland
Calder	Husting	Norris	Thomas
Colt	Johnson, Cal.	Page	Townsend
Culberson	Jones, Wash.	Penrose	Trammell
Cummins	Kellogg	Phelan	Vardaman
Curtis	Kenyon	Poindexter	Wadsworth
Dillingham	Kirby	Reed	Watson
Fall	Knox	Saulsbury	Weeks
Fernald	La Follette	Sheppard	
France	Lodge	Sherman	
Gallinger	McCumber	Smith, Ariz.	

NAYS—25.

Bankhead	James	Shafroth	Underwood
Chamberlain	Johnson, S. Dak.	Shields	Walsh
Fletcher	King	Simmons	Williams
Frelinghuysen	Martin	Smith, Ga.	Wolcott
Gerry	Myers	Smith, S. C.	
Gronna	Pomerene	Swanson	
Hollis	Ransdell	Thompson	

NOT VOTING—18.

Beckham	Jones, N. Mex.	Overman	Stone
Brady	Kendrick	Owen	Tillman
Goff	Lane	Pittman	Warren
Hitchcock	Lewis	Robinson	
Hughes	Newlands	Smith, Md.	

So Mr. FALL'S amendment was agreed to.

Mr. SMITH of Georgia. Mr. President, I move to amend on page 6, line 23, by adding, after the word "only," the words "from those covered by section 2," so that it would read:

Or to draft for partial military service only, from those covered by section 2.

As the language now reads, it is certainly questionable as to whether the right given to the President is to draft for partial military service from any of the people in the United States or from those covered by the ages 21 to 27. I do not believe it was intended to give the right of draft for partial military service at this time to any citizen of any age in the United States. I can not believe that that was the purpose.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER [Mr. JAMES in the chair]. Does the Senator from Georgia yield to the Senator from Idaho?

Mr. SMITH of Georgia. I do.

Mr. BORAH. I desire to ask the Senator from Georgia a question. What does "partial military service" mean?

Mr. SMITH of Georgia. The partial military service, I think, is defined in the following language in that section. It describes certain classes of work. I suppose it means for anything that was considered necessary in preparation for the war other than active military service. I think it applies to the language further on in the section, where the President is authorized to detail men or to exempt the men named from active military service for certain other lines of work. Now, I want the section to show clearly that this right of detail for partial military service—just what that means I do not undertake to say——

Mr. CHAMBERLAIN. If the Senator will permit me, it means noncombatant service, hospital work, and work of that kind. I will say to the Senator that I have no objection to that amendment. I think the language ought to be made clear.

Mr. REED. Mr. President, I will suggest to the Senator that that ought not to be section 2. It ought to be section 3.

Mr. CHAMBERLAIN. It is section 3, is it not?

Mr. SMITH of Georgia. I think it is section 3. We are wrong. Section 2 is the section preceding it, which gives the right to enlist men. Then I would say paragraph 3, section 1.

The PRESIDING OFFICER. The question is upon the amendment offered by the Senator from Georgia.

Mr. BORAH. Mr. President, I desire the attention of the chairman of the committee. I should like to ask the Senator what is the meaning of this term "draft for partial military service"?

Mr. CHAMBERLAIN. I understand that it is a noncombatant service—service where a man is not doing actual combative service, but is doing a service that a soldier might perform.

Mr. BORAH. What might a soldier be performing under this?

Mr. CHAMBERLAIN. Well, take the Quartermaster's Corps; take the Hospital Corps; they are noncombatants.

Mr. BORAH. Is that the meaning of "partial military service"?

Mr. CHAMBERLAIN. I understand that that is what it means.

Mr. BORAH. It does not mean that you can draft a man to put him into a particular kind of industrial service as "partial military service"?

Mr. CHAMBERLAIN. I do not understand it so.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Georgia.

The amendment was agreed to.

Mr. SMITH of Georgia. Mr. President, there is one other amendment I desire to offer, on page 7, at the end of line 10:

and in making selection for active service, married men shall be relieved as far as practicable.

It does not relieve them, but it gives authority to do so. I understand the chairman of the committee will accept that amendment.

Mr. CHAMBERLAIN. I have no objection to that amendment.

The PRESIDING OFFICER. The amendment proposed by the Senator from Georgia will be stated.

The SECRETARY. On page 7, at the end of line 10, it is proposed to add the words:

and in making selection for active service, married men shall be relieved as far as practicable.

Mr. WADSWORTH. Mr. President, do I understand that that amendment was accepted by the chairman?

Mr. CHAMBERLAIN. Yes; I have no objection to it so far as I am concerned. I think the married men ought to be exempted, and under the rules and regulations now they are not accepted for the Regular Army.

Mr. WADSWORTH. Mr. President, the amendment reads that married men are to be exempted "as far as practicable." It is practicable to exempt any married man. All you have to do is to exempt him; so it really amounts, in my humble judgment—my consideration of it has been very hasty—to an explicit and a complete exemption. Of course, it is a fact, however, that many married men are entirely able to go in an economic or industrial sense.

Mr. GALLINGER. For example, these slackers who are now getting married.

Mr. THOMAS. Mr. President, does the Senator think a man should serve in two wars? [Laughter.]

Mr. WADSWORTH. Mr. President, I hope the Senate will not adopt that amendment without a good deal of consideration.

Mr. CHAMBERLAIN. Mr. President, the language of the amendment may not be as happy as it ought to be in using the words "as far as practicable," but I do not think married men ought to be enlisted or drafted into the service. It has cost us a good deal of money in this Mexican mobilization because of the fact that many of the men were married and had dependents at home.

Mr. WADSWORTH. Yes, Mr. President; that is perfectly true. I should have no objection to the exemption of men who had dependent families or dependent relatives; but this goes further than that, and certainly creates the impression that whether the married man's family is dependent upon him or not he is to be exempt. The language already in the bill covers this point exactly, according to my view of it. It authorizes the President, in his discretion, to exempt—

Those in a status with respect to persons dependent upon them for support which renders their exclusion or discharge advisable.

That includes every married man whose wife and children are dependent upon him; and those are the only married men that should be exempted. But the amendment of the Senator from Georgia goes a good deal further, and states that every married man shall be exempt so far as practicable. It is going to be entirely practicable to exempt them all. There is no difficulty about that.

The PRESIDING OFFICER. The question is upon the amendment offered by the Senator from Georgia.

Mr. FLETCHER. Mr. President, I think the language which defines the man to be exempted as one who has others dependent upon him for support is sufficiently broad. If a man is married and his wife is not dependent upon him for support, it seems to me he is perfectly free to go to war or anywhere else, and I see no reason why the exemption already provided in the bill should be enlarged in this way. It leaves it all indefinite. It would put the department in a peculiar situation for one married man to be denied exemption because they said it was not practicable to exempt him and for another one to be given exemption; and the determination of the question of whether it is practicable or not would involve the department in an immense amount of trouble and annoyance.

I hope the amendment will be defeated.

Mr. SMITH of Georgia. Mr. President——

The PRESIDING OFFICER. The Senator from Georgia has spoken once upon this amendment.

Mr. VARDAMAN. Mr. President, it strikes me that if the amendment should be so written that the married man whose condition was such that he could not with safety to his family go could claim the exemption, it would not be apt to be abused, but a man who was able to go, whose condition was such that he could leave his family well provided for, ought to have the privilege of going if he desires to go. He ought not to be compelled to go if his obligation to his family, his home, required him to stay.

The PRESIDING OFFICER. The question is upon the amendment offered by the Senator from Georgia.

The amendment was rejected.

Mr. McCUMBER. Mr. President, I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. It is proposed to add, at the end of the bill, the following:

There is hereby created in the Department of the Navy a board which shall be known and designated as the "board of merchant shipping defenses." Said board shall consist of the chief constructor of the Bureau of Construction and Repair of the Navy Department, the naval constructor of such bureau, the Commissioner of Patents,

and the following other persons to be appointed by the President, by and with the advice and consent of the Senate, to wit: One with the highest recognized skill and experience in the construction of merchant ships; one with the highest recognized skill and experience in the navigation of such vessels; and two with the highest recognized skill, experience, and knowledge of mechanical devices used in the great steel manufacturing plants of the country. The chief of construction shall be the chairman of said board.

Each member of said board shall receive a salary of $5,000 per year and reasonable expenses while employed in the duties of said board: *Provided*, That officials receiving salaries from the Government shall not have their salaries diminished by reason of services on said board.

The duty of said board and the purpose of its creation is to provide for and perfect in the shortest possible time such mechanical device or devices as can be successfully used and employed upon a merchant ship while navigating the seas to check or deflect the course of a submarine torpedo and to prevent the same from coming in contact with the hull of the merchant vessel, or to explode the same before such contact, or the perfection of any other mechanical device to protect merchant vessels from destruction by submarines other than by use of defense guns.

The said board, immediately upon its organization, shall advertise for suggestions from mechanics, inventors, and others, and shall examine into and pass upon the practicability or feasibility of any proposed mechanism. For the purpose of directing the inventive genius of the people of this country toward the protection of merchant shipping against the menace and enormous devastation of submarine torpedoes the sum of $5,000,000 is hereby appropriated as a reward to any person or persons who shall succeed in inventing or producing any mechanism that will accomplish the purpose aforesaid, said sum to be divided among those who have furnished material assistance in the perfecting of any such mechanism in accordance with the degree of services rendered by him or them and to be apportioned by said board.

The said board shall furnish all reasonable assistance and opportunities for testing such proposed means and appliances for accomplishing this end.

Mr. McCUMBER. Mr. President, I regret very much that there were so few of the Senators present yesterday when I was discussing this matter, when I presented facts and figures and arguments from the admiralty of Great Britain and from France showing that unless we could check the U-boat ravages within six months it would be impossible for Great Britain to continue this war. I showed that within the last week the submarine ravages have more than quadrupled over two weeks ago; that the highest number of British shipping that was destroyed in one week, except the week ending February 10, 1917, was 28 ships; that last week 65 of them went to the bottom of the sea, and an equally greater number of neutral ships; that, taking the food products that are going down to the bottom of the ocean daily, unless checked it is impossible for these nations to continue in the war.

Mr. OVERMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from North Carolina?

Mr. McCUMBER. I yield for a question.

Mr. OVERMAN. I wish to ask the Senator whether he knows that in one of the appropriation bills we appropriated a large sum of money for what is known as the Edison Board to look into such questions as he is discussing? I do not know whether it would cover it or not.

Mr. McCUMBER. It would not; it is not the same.

Mr. President, since speaking yesterday I pick up this morning's Washington Post and notice an article which is headed, "World-wide famine threatened by war; Europe unable to replace ships as fast as U boats sink them." Then there is quite a lengthy article under that heading.

I desire to read into the RECORD a letter which I received yesterday after making my address on this subject. The heading says "Torpedo Deflector Co. of America." I will just read a portion of it.

> On offering my invention to protect merchant ships against torpedoes to the Navy Department, I was informed by Capt. Smith, who passes on inventions for Secretary Daniels, that the Navy Department is not interested in the protection of merchant ships, and that I must offer my invention to the merchant-ship owners. I have taken this matter up with the president of the International Mercantile Marine, with Mr. J. P. Morgan, and other ship owners, and they all pass the decision over to the Navy Department.
>
> For the protection of battleships only this invention is under consideration by the Naval Consulting Board.
>
> Since neither the Navy Department nor the ship owners will make any decision in regard to the matter for protection of merchant ships the creation of your "Board of Merchant Shipping Defenses" is, as your able address shows, vital to the country.

I appeal to the Senator from Oregon who himself has been considering an amendment of this character. I appeal to him in the name of the thousands of people who are manning these merchant vessels, that he give an opportunity to the inventors of this country to have a board where they can get an opportunity to put to a practical test their inventions. They can not do it to-day, and hundreds and hundreds of them are waiting for the opportunity.

It means, as I stated yesterday, Mr. President that this war will be won or it will be lost by the use of U boats, and if we do not conquer the enemy in less than six months, if they increase their powers of destruction as they have in the last three weeks, in six months we can neither get food nor an army over to Europe; the shipping will be so diminished that famine will stare our allies in the face.

Every week means something; every day means something; and if we can give an opportunity for these people to put to the practical test the many inventions I believe they will solve the problem of the U-boat by protecting the merchant ship itself against the submarine.

It matters little, Mr. President, though we create a thousand extra ships every month, if we can not take our surplus across the ocean; and any little diminution in the surplus that we can supply will reduce the shipments to such an extent that it will not meet the demand.

The PRESIDING OFFICER. The time of the Senator from North Dakota has expired.

Mr. SWANSON. Mr. President, I hope this amendment will not be adopted. This bill will be followed by the naval bill, and that is the proper measure on which to discuss naval matters and pass naval legislation. I would like to say for the information of the Senator that there is now a consulting board in the Navy, with Edison at the head, investigating this matter thoroughly. It has all the money that is needed. Capt. Taylor, Chief Naval Constructor, handles the details of the matter. All inventions are tested and examined that are worthy of it. There is no occasion to place this amendment on a bill that contains only expenditures for the Army. Next week the naval bill will be up——

Mr. McCUMBER. Will the Senator yield in his time? Mine is exhausted.

Mr. SWANSON. I yield in my time.

Mr. McCUMBER. I have just read a letter which shows that it is impossible for the department——

Mr. SWANSON. I read that letter. I can not yield to the Senator in my short time for that purpose.

Mr. McCUMBER. Well, I asked permission of the Senator to do it.

Mr. SWANSON. I say I can not yield further.

The PRESIDING OFFICER. The Senator from Virginia declines to yield.

Mr. SWANSON. My time will soon be up. It requires no more to discover protection for a merchant ship than a naval ship. The one requires the same protection from a submarine that the other does. Anything that will protect one ship will protect another ship. All the genius of the Navy, all the money that can be expended is now authorized, and there is absolutely no occasion to put this amendment on an Army bill. Next week we will have up the naval bill, when this matter can be fully discussed and explained. I hope that the Senate will not include the amendment in an Army bill.

Mr. SHAFROTH. Mr. President, I was informed at the Navy Department that shields can be used in battleships to protect such ships from being torpedoed, and they said they could be used upon the merchant ships, but they were too expensive to be used and the owners of the merchant ships would not put them on, and on that account they are prey to the torpedoes.

Mr. FLETCHER. Mr. President, this bill has entire reference to the Military Establishment. The amendment proposes to establish in the Department of the Navy a board to be known as the board of merchant shipping defenses. That is a matter entirely distinct and separate from the matters involved in this bill. If it is to be considered at all, it certainly should be offered to some bill appertaining to the Navy Department and not to the Army. I hope the amendment will be voted down.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from North Dakota [Mr. McCUMBER].

The amendment was rejected.

Mr. CURTIS. I offer the following amendment.

The PRESIDING OFFICER. The Secretary will state it.

The SECRETARY. On page 4, line 2, after the word "Senate," insert the following:

> *Provided further*, That the President may recommission persons who have heretofore held commissions in the Coast Guard department and have left the service honorably, after ascertaining that they are qualified for service, physically, morally, and as to age and military fitness.

Mr. CURTIS. I would like the attention of the chairman of the committee. This amendment simply extends the law of 1914 which is now applicable to the Army to the officers of the Coast Guard. The exact language of the act of 1914 is used in the amendment.

Mr. STONE. Why not apply the amendment, if it should be agreed to, to officers in the Navy? I know one or two very excellent young men now in the prime of life, in the thirties, who for reasons important to them resigned from the Navy and are in private life, and they desire to go back into the Navy.

Mr. CURTIS. Mr. President, I drew the amendment to this bill because I thought it was applicable, and did not make it apply to the Navy because I thought the officers in the Navy would be cared for in the naval bill, which I understand will be taken up next week. I thought this amendment was germane to this bill and therefore I offered it.

Mr. CHAMBERLAIN. The Coast Guard is now under the War Department. I see no objection to it, but I can ascertain a little more fully the necessity for such an amendment if it is permitted to go into the bill and allowed to be considered in conference.

Mr. CURTIS. That will be perfectly satisfactory to me.

The PRESIDING OFFICER. The question is on the adoption of the amendment of the Senator from Kansas [Mr. CURTIS].

The amendment was agreed to.

Mr. STONE. I wish to offer an amendment.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. Following section 8 insert as a new section:

SEC. 8a. That the service of all persons selected by draft under the provisions of this act shall be for the period of the emergency, unless sooner terminated by discharge or otherwise. Whenever said emergency shall cease by the conclusion of peace between the United States and its enemies in the present war, the President shall so declare by a public proclamation to that effect, and from and after the date of said proclamation the provisions of this act, in so far as they authorize compulsory service by selective draft or otherwise, shall cease to be in force and effect.

Mr. STONE. Mr. President, I am supporting the bill as it came from the committee. I shall vote for it, whether it shall be amended or not, but I wish to state again what I stated the other day, that as a matter of principle and as a permanent policy of the Government I am opposed to compulsory military service. I vote for this bill as a war measure, to meet a great emergency pressing upon us. I vote for it because it is necessary as speedily as possible to create an army sufficient to meet the demands made upon this Government.

This amendment provides as expressive of my view that at the conclusion of the war, when the President shall proclaim that peace has been entered into between the United States and its enemies, the provisions of the bill soon to be a law requiring compulsory service in the Army of the United States shall cease to be operative. In other words, I limit the compulsory service to the emergency before us.

The chairman of the committee, the Senator from Oregon, said to me that the last section of the bill covers this case. I can not so see it. That section provides this—now listen:

All laws and parts of laws in conflict with the provisions of this act are hereby suspended during the continuance of the present war.

But, Mr. President, the suspension of existing law for a given period does not concern, as it seems to me, the question involved in the amendment. You can suspend the operation of existing laws and yet the law we are about to pass may go on after the war. There is nothing in the closing section of the bill which accomplishes the end I seek to accomplish by this amendment.

Senators, unless you wish to engraft this as a permanent policy of the Government you should support this amendment. That is all I have to say.

Mr. CHAMBERLAIN. Mr. President, I called the Senator's attention to the concluding section because it suspended laws that were in conflict with it during the period of the war. But in nearly every section of the bill it discloses on the face of it that the provisions are only to remain in force and effect during the emergency. For instance, on page 2, lines 18, 19, and 20, it provides:

And said members so drafted into the military service of the United States shall serve therein for the period of the existing emergency unless sooner discharged.

There are one or two other sections in the bill where the same language is used.

There is no particular objection to the language of the Senator's amendment; but it is simply tautological, because the bill shows that it is for the emergency.

Mr. HARDWICK. If the Senator will allow me, the trouble about it is that if the language means just what the Senator means—and I think possibly he is right—in the last section the word "war" is used, and that is evidently different. It may be contended that the word "emergency" does not mean exactly what the word "war" means, because they are both used in separate sections of the bill. Would it not be better to say that wherever the word "emergency" occurs in the bill the word "war" shall be substituted?

Mr. CHAMBERLAIN. I have no objection to that when the amendment is proposed, because that is what the whole bill means.

Mr. STONE. Will not the Senator let this amendment go to conference?

Mr. CHAMBERLAIN. There are a great many things which have been put on the bill now that it seems to me encumber it a good deal. If I thought there was any doubt about the meaning of the language of the bill I would consent without a moment of hesitation to the amendment proposed by the Senator from Missouri.

Mr. NORRIS. Will the Senator yield for a question?

The PRESIDING OFFICER. Does the Senator from Oregon yield to the Senator from Nebraska?

Mr. CHAMBERLAIN. I will yield for a question.

Mr. NORRIS. I wish to ask the Senator if the words which he has read on page 2 do not apply only to the part of the military service that comes in through the National Guard? There is no language applying to the part of the service raised through the draft system.

Mr. CHAMBERLAIN. I ask the Senator to look at section 6, on page 9:

That the qualifications and conditions for voluntary enlistment as herein provided shall be the same as those prescribed by existing law for enlistments in the Regular Army.

Mr. NORRIS. That is, "voluntary enlistment." Still, that does not apply.

Mr. SMOOT. Let me call the Senator's attention to page 6 of the bill, lines 4 and 5, where it says:

And those drafted shall be required to serve for the period of the existing emergency, unless sooner discharged.

Mr. HARDWICK. Mr. President——

The PRESIDING OFFICER. The time of the Senator from Oregon has not expired.

Mr. CHAMBERLAIN. I yield the floor. The Senator from Georgia will call attention to the part of the bill where the word "emergency" occurs, because he has them marked.

Mr. HARDWICK. I have them marked in the bill. There are nine places where the word "emergency" occurs. It is applied to all provisions of the bill—for the men we draft, for the Regular Army, for the militia, and for this extra force. I will submit my proposition, and I think we can secure it by unanimous consent, probably, if the Senator from Oregon agrees. The Senator says that the word "emergency" means war. I hope he is right. There ought not to be room for the slightest doubt or dispute on that question. I therefore ask the Senator to consent to substitute the word "war" for the word "emergency" wherever it occurs in the bill. That should cure the trouble and serve the purpose.

Mr. CHAMBERLAIN. So far as I am concerned, I am willing to consent to it. I talked with the Senator from Georgia about it and expressed a willingness to assent to that change if the Senate was willing to have it made. That is what is intended by the bill, that it should be during the period of the war. I ask that the bill be amended in that respect.

Mr. HARDWICK. I can indicate every place.

Mr. NORRIS. Do I understand the Senator from Oregon——

Mr. HARDWICK. Let us get through with this request. It is important to get the change made so that there may be no dispute about it.

The PRESIDING OFFICER. Is there objection to the amendment suggested by the Senator from Georgia that wherever the word "emergency" appears it shall be stricken out and the word "war" inserted? Is there objection? The Chair hears none, and it is agreed to.

Mr. NORRIS. Has the amendment of the Senator from Missouri been withdrawn?

Mr. STONE. No; it has not been withdrawn.

Mr. NORRIS. It seems to me the amendment of the Senator from Missouri certainly would make plain what I think every Senator wants the law to mean.

I have voted in favor of most of the amendments which have been offered. There are a great many things in this bill which I dislike very much. One of the reasons why I object to the conscript method of getting soldiers is because I believe it is going a step toward a permanent compulsory universal service, to which I am opposed. I am not going at this time to give the reasons why I favored the amendment which provided that, in addition to conscription, we should permit voluntary service and raise an army, if we could, by voluntary enlistments; but that would have been the way that I would have done if I could have raised this army.

My own idea is that the day after we passed the declaration of war we should have provided for a volunteer army. Had we done so, perhaps we would have had 500,000 men now in training. However that may be, and however much I dislike many of the provisions which are in the bill, and however often I have voted to change them, the facts remain, as I look at them, that we are at war, and one of the necessary things to carry on the war is to raise an army. I therefore do not feel

myself justified in voting against a method of raising an army that is even very distasteful to me, if that is the only method that is left to me. So I expect to vote for this bill because I believe that we ought to do everything that we can to bring the war to a successful issue, and to do that we must have an army. I should vote for a method of raising it, even though I very much disliked the method.

One of the serious objections, however, to my mind is the conscript method of raising an army of compelling men to serve when there has been no opportunity offered for anybody to volunteer. It seems to me that the amendment of the Senator from Missouri makes clear what I believe we all desire in this bill, and that is, that the conscription of an army shall cease just as soon as the war is over. I can, therefore, see no reason why we should not adopt the amendment and make certain what now is somewhat uncertain, although it may be that the Senator from Oregon and the Senator from Georgia are right in their view of the matter.

Mr. SMITH of South Carolina. Mr. President, the amendment offered by the Senator from Missouri certainly can do no harm to the bill, if the purpose of the bill is that upon the termination of the war all of the provisions of the bill shall cease to be operative. The terms of the bill are such as to leave unmistakably the meaning, but if it is the intention of the Senate that there shall be no compulsory draft after peace is declared I, for one, should be very glad to see the amendment incorporated in the bill, for then it will leave no possible doubt in the minds of any of those who enter into this conflict at what time this system shall cease.

Mr. SMITH of Georgia. Mr. President, I shall vote for the amendment offered by the Senator from Missouri for the reason that it eliminates all doubt on this subject and because in voting for this measure in time of war I do not mean in any way to commit myself to universal service, military training, or compulsory training of any kind in time of peace.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Missouri [Mr. STONE].

Mr. BRANDEGEE. Mr. President, I ask that the amendment may be once more reported.

The PRESIDING OFFICER. The Secretary will again state the amendment.

The Secretary again read the amendment proposed by Mr. STONE.

The PRESIDING OFFICER. The question is on the amendment.

The amendment was agreed to.

Mr. NEW. Mr. President, I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment proposed by the Senator from Indiana will be stated.

The SECRETARY. At the end of line 13, on page 7, it is proposed to insert:

Provided, That notwithstanding the exemptions herein enumerated, each State shall be required to supply its quota in the proportion that its population bears to the total population of the United States.

The VICE PRESIDENT. The question is on the amendment of the Senator from Indiana.

The amendment was agreed to.

Mr. KENYON. Mr. President, I offer the amendment which I send to the desk, to be inserted on page 12, line 20, after the word "Army." I ask, in connection with the amendment, to strike out the period and to insert a colon.

The VICE PRESIDENT. The amendment proposed by the Senator from Iowa will be stated.

The SECRETARY. On page 12, at the end of section 9, line 20, after the word "Army," it is proposed to add the following proviso:

Provided, That on and after April 1, 1917, the basic pay of all men with the rating of enlisted men during the continuance of the war shall be increased $15 a month over and above the rates of pay proper as fixed by law for times of peace: *Provided further*, That this rate of pay shall apply to enlisted men of the National Guard called or drafted into the service of the United States during the war.

Mr. KENYON. Mr. President, I want to say that this amendment—I think in exactly the same terms—has been adopted by the House this evening without a dissenting vote.

Mr. President, we all know and must concede that the pay of the enlisted men of the Army is ridiculously low. It was fixed back in the time when the wage compared with the wage paid to farm hands. That wage has increased now until farm hands receive from $30 to $35 per month. We are now going to draft men out of industry, possibly some from the farm, if they are not excluded under the exemption clause of the proposed act, and put them into the Army. I submit it is not fair or right to take these men and not pay them something like a decent compensation.

In this connection, I desire to say that I hold in my hand the hearings before the House committee on the fortifications appropriations bill. A very interesting item is the subject of limbers. We ourselves pay at the arsenals where we make these limbers about $680, while to the private contractor with whom we deal we pay about $1,500. Those are some of the things that are needed in war. There is a profit to the man at home of about 300 per cent. When we send men into the trenches, into battle, and into war, using the same instrumentalities that are made by these people who are securing a profit of some 300 per cent, we ought at least to be willing to pay these men $30 per month.

I am not going to argue the matter, for I think the proposition is so self-evident and so just. It has been previously argued a good many times here, and I will not take all my time now in discussing it.

Mr. CALDER. Mr. President, Australia pays her enlisted men $45 a month; Canada pays hers $33 a month, with $20 additional allowance for a dependent wife. During the Civil War the loyal States paid in bounties to their volunteers the immense sum of $289,000,000, and the Federal Government paid $363,000,000 for the same purpose—a total of $652,000,000. Would it not be better to pay $150,000,000 a year in additional compensation to our soldiers to assist them in obtaining some of the comforts of life while they are fighting side by side with the Canadian and Australian troops in France, who even then will be receiving more pay than do our men? Is it well for this great, prosperous Nation of ours, Mr. President, to have our soldiers receiving less pay than the soldiers of other countries performing like service on the same fields?

Many men will volunteer or be drafted for this war who will leave behind them wives, mothers, younger sisters or brothers, and this Nation can do no less than to pay its private soldiers $30 a month so that they may contribute a little to take care of those left at home.

I hope this amendment will be agreed to. It is a meritorious one and ought to receive the unanimous vote of the Senate.

Mr. WEEKS. Mr. President, I desire to suggest to the Senator from Iowa that his amendment does not provide for increasing the pay of the enlisted men of the Regular Army. Of course they are going to perform exactly the same kind of service that the volunteers and the conscripted men perform, and, unless their pay is made the same, we will not have any Regular Army after this war is over.

Mr. KENYON. I agree with the Senator, and if he will propose such an amendment I will be very glad to accept it as part of my amendment.

Mr. VARDAMAN. Mr. President, I want to ask the indulgence of the Senate for just a moment to voice my very hearty approval of the amendment of the Senator from Iowa and to express the hope that it may be adopted by the Senate.

Mr. BRANDEGEE. Mr. President, the Senator from Iowa says the amendment is almost verbatim with the one adopted by the House this evening.

Mr. KENYON. I think it is verbatim.

Mr. BRANDEGEE. I am not familiar with the technical language employed in drafting provisions of this kind in military bills. I will read the amendment, and then ask the Senator a question:

Provided, That on and after April 1, 1917, the basic pay of all men with the rating of enlisted men during the continuance of the war shall be increased $15 a month over and above the rates of pay proper as fixed by law for times of peace."

I want to ask the Senator if he can tell me what is meant by "basic pay" and "rates of pay proper"?

Mr. KENYON. This amendment was prepared by the War Department, as I understand, and that is the language the War Department uses.

Mr. BRANDEGEE. Of course I assume, then, that it is properly drawn, but it is not entirely plain to me. It seems, so far as covering the Regular Army is concerned, that the amendment does it now if they have the rating of enlisted men. Although proposed as an amendment to this bill, I do not think it is restricted to the men drafted under this bill; but all men having the rating of enlisted men, I think, will be covered. However, I am not certain about that. If it means that the $15 the enlisted men now get is their basic pay and that that will be raised to $30 a month, I understand it; but if it means anything else I should like to have it explained.

Mr. FLETCHER. I will ask the Senator does it refer to officers at all?

Mr. BRANDEGEE. No; simply to those who have the rating of enlisted men.

Mr. FLETCHER. The amendment has not been printed, I believe.

Mr. BRANDEGEE. I do not know what men have the rating of enlisted men except enlisted men, but I am perfectly willing to vote for the amendment and let it go to conference. The trouble is, if we agree to it and it is verbatim as the House has passed it, we will not be able to correct it in conference. That is the reason I thought it was necessary to have it accurately drawn now.

Mr. CHAMBERLAIN. Mr. President, at present the enlisted man of the United States Army on his first enlistment gets from $15 to $75 a month. That is the base pay. For his second enlistment period he gets from $18 to $79 a month; for his third enlistment period he gets from $21 to $83 per month; for his fourth enlistment period he gets from $22 to $87 per month; for his fifth enlistment period he gets from $23 to $91 per month; for his sixth enlistment period he gets from $24 to $95 a month; and for his seventh enlistment period he gets from $25 to $99 per month. That is the rate of increase, and when on foreign service they get 20 per cent increase.

Mr. BRANDEGEE. So that the amendment provides a flat increase of $15 a month to all enlisted men, no matter what they are getting now?

Mr. CHAMBERLAIN. Yes, sir; as I understand the amendment offered by the Senator from Iowa, that is the case.

Mr. BRANDEGEE. If the Senator will pardon my saying so—and then I have done—I am very much in favor of raising the pay of enlisted men by such an amount as will be fair and just under the circumstances; but I wish the Senator would give this amendment enough attention now or else change it in order that attention can be given to it in conference so as to make sure that it may accomplish the purpose intended.

Mr. CHAMBERLAIN. It will not be the subject of conference if the same amendment has been adopted by the House.

Mr. BRANDEGEE. It will not be; and if this is not what ought to be adopted, then we will be prevented from changing it by the fact that the two Houses have agreed to identical provisions.

Mr. CHAMBERLAIN. I took the question up with the Secretary of War after the discussion on the subject in the Senate at the last session, and I received a letter from him under date of April 18, 1917, which I will not have time to read, but will put in the RECORD. I am satisfied that the Senate is going to increase the pay of the enlisted men anyhow, but I want the letter to go in the RECORD.

The Secretary of War disapproves of the increase, and I think he is right in opposing the increase.

Mr. President, it has been claimed that the enlisted man is poorly paid. I admit that. I say that the enlisted man does get small pay; there is no question about that, but hardly any one in figuring the pay that the enlisted man receives stops to think that he is employed the year round, an advantage which the average laborer does not have. Then, he receives his clothing, hospital and medical attention, and board. He has everything that any man can have, and, as I have said, is constantly employed. So that, taking into consideration all that he does get, it amounts to a good deal more than $15 a month. Everything considered, it would probably amount to from $70 to $75 a month. That is small pay; but the character of men in the enlisted personnel of the Army, as a rule, would not earn any more than that in private employment. I believe that may safely be said.

This subject has been a matter of discussion in the Senate a great many times. The sentiment of the Senate has been in favor of increasing the pay; and while I do not think it ought to be done, for, as I said the other day, there is a duty that every citizen owes to his country in time of war, I feel the Senate is going to increase it anyhow. I ask to have printed in the RECORD the letter from the Secretary of War to which I have referred.

The VICE PRESIDENT. Without objection, the letter will be printed in the RECORD.

The letter referred to is as follows:

WAR DEPARTMENT,
Washington, April 18, 1917.

The CHAIRMAN COMMITTEE ON MILITARY AFFAIRS,
United States Senate.

SIR: In reply to your letter of April 14, transmitting the resolution of the Military Affairs Committee of the Senate requesting the War Department "to furnish the committee its suggestions with reference to a schedule of pay based upon the increase of the basic pay of an enlisted man from $15 to $20, from $15 to $25, and from $15 to $30 a month," I have the honor to submit the following as the view of the War Department on this important matter:

When the national-defense act approved June 3, 1916, was under consideration by Congress the question of pay for enlisted men was given very careful consideration by the General Staff and the War Department, and the schedule of pay at that time recommended is now contained in section 28 of the national-defense act.

To meet the changed situation due to the state of war the War Department has recommended in a bill now before the Senate (S. 1786) "that in time of war the wife or, if there be no wife, the children or, if there be no children, a dependent relative of an enlisted man designated by him as his beneficiary under this bill, shall be paid a monthly separation allowance of $15."

It is believed by the War Department that the above proviso furnishes the best solution of the question during the war, and that the question of an increase in the basic pay of an enlisted man in time of peace can be well postponed for consideration until the conclusion of the war. As it is important that soldiers be relieved from anxiety regarding the care of those dependent on them while they are absent in the military service, the War Department strongly urges that this monthly separation allowance of $15 be granted.

In the draft of bill now under consideration by the Military Committees of the House and the Senate, which the War Department has recommended to Congress "to authorize the President to increase temporarily the Military Establishment of the United States" and intended to provide the armies needed for the conduct of the war with Germany, the application of the principle of universal obligatory military service in time of war is recommended. In recommending the application of this principle the War Department gives frank recognition to the fact that no adequate monetary consideration can be paid to the soldiers of the country who risk their lives in its defense in time of war. Under the sections of this bill providing for exemptions, among others, the President is authorized to excuse from service "those in a status with respect to persons dependent upon them for support which renders their exclusion or discharge advisable." It is not the present purpose of the War Department to accept the volunteer enlistment of married men with families of children, and should they be selected under the application of the principle of universal service in case the War Department measure recommending this principle becomes a law, it is the intention of the War Department to excuse such men from military service.

For the reasons given, it is believed that the present basic pay, with the addition of the separation allowance, will prove sufficient to meet the needs of the situation during the present war they can be foreseen at this time.

Very truly, yours,

NEWTON D. BAKER,
Secretary of War.

Mr. WADSWORTH. Mr. President, I wish to address a question to the Senator from Oregon in my time, so that it will not embarrass him to answer it, if he cares to do so. Does he understand that by doubling the pay of enlisted men of the Army the pay of the higher grades of noncommissioned officers would be raised accordingly?

Mr. CHAMBERLAIN. I think it would be raised accordingly. I do not see how it can be otherwise.

Mr. WADSWORTH. Now, Mr. President, if that is true—and I assume that it is—let me call the attention of the Senate to the fact that a first sergeant or a quartermaster sergeant or a sergeant of the Signal Corps—and particularly a sergeant employed on electrical work in the Signal Corps—who now gets $75 a month, and in one grade gets as high as $92 a month, will, if this amendment goes through, be receiving in the neighborhood of $175 or $185 per month, which is more than a second lieutenant receives.

Mr. KENYON. I think the Senator is mistaken as to that. There would be a flat increase of $15 a month.

Mr. WADSWORTH. Fifteen dollars flat? As I understand, the base pay is to be increased $15. When you increase the base pay you increase the entire schedule, up through the grades of corporal and sergeant and sergeant major. They are all enlisted men.

I myself am in favor of a substantial increase in the pay of the enlisted men of the Army; but I suggest, in order that the conferees may work out with the advice of the War Department a proper schedule for the pay of the different grades of enlisted men and avoid making a sergeant major, we will say, receive considerable more pay than a second lieutenant, and even a first lieutenant, that the language of the amendment of the Senator from Iowa be changed to read "$14."

Mr. KENYON. I will say to the Senator that the Senator from Massachusetts [Mr. WEEKS] will offer an amendment which I will accept. Otherwise I am perfectly willing to accept the Senator's suggestion to make it $14.

Mr. WEEKS. Mr. President, after the word "Guard" in the amendment offered by the Senator from Iowa, I move to insert the words "and to those in the Regular Army new enlisted," and then continue.

I think that amendment, with all due respect to whoever prepared it, is badly drawn. This, however, will throw it into conference, and I assume that the conferees will understand that the purpose is to raise the pay of all enlisted men $15 a month.

Mr. WARREN. Mr. President, as to the other, it will only throw the language into conference, but not the amount.

Mr. BRANDEGEE. Why not change the amount by a dollar, as the Senator from New York has suggested, so that injustice will not be done by having disproportionate pays for different ranks?

Mr. KENYON. That is a very wise suggestion. I accept the amendment of the Senator from Massachusetts and also ask to

amend by inserting "$14" instead of "$15" a month. That will leave it so as to go to conference.

Mr. POINDEXTER. Mr. President, I think this amendment is a wise one, and I hope it will be adopted. Of course it is utterly impossible to estimate on any commercial basis the true value of the services of men who go to war in defense of their country. Nevertheless, this will in a measure take care of their material needs and is obviously just.

We are just on the point, however, of voting upon the bill itself. It institutes a new departure in the military policy of the United States and, I think, a wise one. I want to say a word, before casting my vote, upon the distinguishing features of this bill and the occasion which demands it.

We must win this war, Mr. President, in cooperation with our allies or fight alone against consolidated Europe.

If Germany succeeds in conquering France and Russia and England, she will proceed to Belgianize them. Having established her autocracy in control of amalgamated Europe, she will exploit the resources in money and men not only of herself and her allies, but of these conquered lands in the equipment of an expedition against America. The State Department has in its possession ample proof that one of the plans of Germany, long nurtured and regardless of the existing war declared against her by the United States, was to establish a base for naval and military operations in this hemisphere. There is ample proof at hand that German policy and German culture promoted the doctrine of German rule and authority ultimately to be established over her colonies in the New World, and through them to be indefinitely extended in this sphere of action. German colonies already established, owning land and carrying on a vast business in Mexico, Brazil, and other American States were centers and nurseries of this propaganda.

Our war with Germany is not a disinterested one; it is a fundamental struggle for liberty and for democracy, not in the abstract only or for other people, but in the concrete, and for our own people. If Germany wins in Europe and establishes her flag and military control over that Continent, she will readily extend her power into Asia and Africa. When once this is established, it is perfectly clear that we would have to fight the resources of those lands consolidated under German direction—not only for the Monroe doctrine, but for our independent national existence and our institutions.

To allow Germany to destroy her enemies in detail and turn their own resources against their allies would be the most stupendous blunder in history. If we are to strike at all—and we have decided that we will—we should strike with all the power at our command, in coordination with the power of our allies. In no other way can the resources opposed to Germany's ambition be properly utilized.

The argument has been made that compulsory universal military service or training would establish a system of militarism in this country. The only way in which this war can be conducted is by a system of militarism. War means militarism. And so long as we are in a state of war the object to be desired is the development and effective use of a powerful military machine. It is argued against the extraordinary powers conferred upon the President and the executive branch of the Government by pending bills that they are infringements upon the liberty of the people. War demands a concentration of control. The ultimate test of democracy is its ability to concentrate its resources and efficiently direct its power when attacked. The democracies of the ancient world met this demand by the creation of dictators. It is not necessary for us to establish a dictator. The ultimate power and control is retained by Congress as the representatives of the people and by the people themselves. They exercise this power in the frequent elections provided by the Constitution. These acts, vesting essential means of efficient war in the hands of the President, make him the agent, merely, of the people, but an agent vested with adequate powers. The people have the means of recalling these powers or of removing this agent, under the wise provisions of our fundamental law.

We have learned on many bitter occasions that there is only one way in which the full power of the Nation can be put into our military endeavors, and that is by bringing into the service of the Nation, whether in the Army at the front or in the essential industries behind the front, everyone able to contribute his ounce to the weight of our blow. In individual contests and in the struggles of nations disaster has often come from partial efforts. A close analysis of the campaigns of every great military leader the world has produced will demonstrate the proposition that their victories were due to the concentration of all available resources and power in their main objective and in the movements subsidiary to it. In democracies there is a just preference for civil over military authority. It is but natural that the people should be careful of the growth and maintenance of great standing armies as a power which might readily become independent of them. Should such great military establishments become independent of the people it would be but an easy step to the control of the civil authorities by the military, and liberty would be lost.

It is for this reason that I am opposed to the permanent establishment and maintenance of great standing armies, and for this reason that I am in favor of universal military training. Present as well as past experience demonstrates that the ultimate test of the endurance of liberty is physical force. Virtue bereft of power is the easy victim of vice. The old struggle between good and evil still permeates the universe. It has been depicted in the imaginations of men in the highest form of human expression, in the dramas of writers, and the pictures and music of the artists of the world. There is an ideal that has done much to bless mankind—that the devil can be conquered by kindness, and that evil will yield to good. Unfortunately, however, notwithstanding the progress that has been made, we are yet far from attaining that ideal. On every hand we see proof that tyranny and oppression, avarice and cruelty are still rampant in the world, and that they will not yield to argument or fair speech. They base their claims on might, and might alone. There is only one way in which they can be fought, and that is with their own weapons. No other argument will appeal to them. If liberty and the right of every man to pursue happiness according to his own tastes and desires, within limitations of reasonable laws which he himself has a voice in enacting, we must be able to oppose force with force and to defend ourselves against the exploiters of the world.

There are only two alternatives by which we can be able at all to survive in such a test. The first is by the establishment and maintenance of a great permanent standing army to be kept at all times, in peace or in war, ready for any emergency. I am opposed to this, not only because it unnecessarily saps the economic resources of the people and produces various incidental evils, but because it is a menace to its own creator. It may, like some fearful Frankenstein, turn and rend the people who formed it.

The other alternative is a system by which a great army can be produced when needed in time of war or great national emergency. This was Washington's plan. He was opposed to large, permanent military establishments; but urged, with all the convincing power of his matchless judgment, the training of our citizens so that they would be fit material for armies in case of need. Under reasonable restrictions and regulations, with the ultimate power constantly in the hands of the people, a system of universal training will increase our resources rather than diminish them, even in time of peace.

It will cure many of our young men of habits of idleness. It will foster the spirit of democracy by putting all upon an absolute equality—distinction being based upon merit only, exemptions being denied to wealth alone, and hiring of substitutes prohibited. It will be a benefit to the health of our people. It will inculcate in our young men those essential habits of self-control and discipline, which are essential to success in any difficult undertaking, whether there is ever a war or not. If properly regulated it will not take them away to any injurious extent from their normal work. It will be but a reasonable part of our system of public training and education. We already have compulsory education in most of the States. Compulsory military training is but the application of this same principle. It is, in fact, but an adoption of what many successful people of ancient and modern times have made a part of the regular education of their youth. Sparta in ancient times and Switzerland to-day are examples of it. The modifications of the principles to suit the conditions of a great continental Nation such as this are under the control of Congress and of the people.

This is the material, or should be, out of which there would be formed, with an equal call upon all, an army in such an emergency as this. Unfortunately we have heretofore had no such system. That training which should have been a part of their regular education we must now give to our young men in the face of a great emergency, while the destiny of the world is hanging in the balance on the decision of the struggle now shaking the plains of France. Our independence and institutions being at stake in its ultimate decision, why should we make a partial effort? Why should the part which we are to take be left to the voluntary choice of individuals? It is not an individual matter. It involves not only the integrity and the essential rights, but the existence of the Nation itself. Instead of depending upon voluntary contributions, the Nation

itself, in its corporate capacity, should organize its strength and furnish it forth without a day's delay, hestitation, or uncertainty, to cast its deciding weight into this decision.

The only way that the full national strength can be exerted is by eliminating in our principal system the idea of voluntary contribution of service, just as we have eliminated as any part of the main machinery of State voluntary contributions of money. The idea of national action is inconsistent with voluntary individual action, except as merely incidental or supplemental to the main system.

Some confusion of ideas frequently arises from the words compulsion or conscription, as though it were a force imposed from the outside upon an unwilling people. This is the opposite of the truth. The compulsory service proposed by this bill will be established, if it is established at all, by the people, upon the people, for the people. It is an act of self-discipline, of self-service. It is nothing more than a thorough coordination and concentration by the people, through their free institutions, of their own power. Compulsory military service is spoken of by some, even distinguished leaders of this Congress, as a state of servitude, and comparison has been made between the conscript and the convict. It would be a state of servitude if it were imposed by an alien power and such may well be the case if democracy proves unable to defend itself against its enemy; but to say that an essential and vital service to the Nation, imposed upon themselves by the people, in a great emergency, is comparable to the base servitude of a felon, or that state of slavery which would be imposed by an alien enemy is a perversion of reason and equivalent to saying that service of the country in obedience to law is the same as an offense against society in violation of law.

It can not be said that an education in arms of the citizens of a free Republic is a menace to liberty. On the contrary, it is a bulwark of liberty. Liberty is in the heart. It is in the heart of our citizens, and when, for its defense, they train themselves to meet their enemies, that same liberty, so long as the love of it remains, will direct their armies and make use of this training which they have imposed for the preservation of their independence.

The expression "a citizenry trained to arms" is often heard, but has never yet in this country, in time of peace, been put into practice. All that is proposed, either by this bill or others intended for a permanent system of military training, is to carry out in practice what even the pacifists have claimed to rely upon in years past—and to have in truth as well as in mere expression "a citizenry trained to arms." It can not be said that such organization in defense of their rights has destroyed democracy in Switzerland or Australia or any other free democracies of the world, which, rather than depend upon professional soldiers, have taken into their own hands the defense of their rights and liberty.

The life and property and essential rights of a citizen are but tokens of the integrity of the nation. They may be insignificant in comparison to the whole, and some may say that we should not endanger ourselves for a few individuals, and yet, because they are tokens of the whole and are branded with the flag and name of their nation, their neglect or unjust destruction by an alien enemy strikes at the heart of the nation itself. The purpose of government is the protection of its citizens. That does not mean protection of a majority of the citizens only—it means the protection of all—and the power to act to save and defend the life and the essential rights of one, by a physchological reaction, is in itself an act of defense of the life and property and essential rights of every individual under the flag.

It is the boast of democracy that it guarantees equal rights. But equal rights and opportunities necessarily involve correspondingly equal obligations. How can there be equal rights in a nation which allows some of its citizens to shirk and depend for its defense upon the voluntary sacrifices of a few? All can not be equal in condition, but all are supposed to be equal in right and opportunity. So all can not be equal in service. If there is an autocracy in a democracy, it is an autocracy of service. Some are more able to serve than others, and no limitation can be placed upon the measure and ability to serve. The obligation to serve, however, is equal, or ought to be made equal, and that is particularly true of the supreme sacrifice of service in war and the giving of life, if need be, that the nation may survive.

Mr. CURTIS, Mr. WADSWORTH, and Mr. HARDING addressed the Chair.

The VICE PRESIDENT. The unanimous-consent agreement requires that there shall be a final vote upon this bill by 12 o'clock. The Chair does not believe that any further amendments can be considered.

Mr. HARDING. Mr. President, may I offer a slight——

The VICE PRESIDENT. The Chair does not believe that any more amendments can be received. The bill is in the Committee of the Whole——

Mr. KENYON. Can not this amendment even be voted on?

The VICE PRESIDENT. All in favor of the amendment will say "aye"——

Mr. KENYON. Mr. President——

Mr. FLETCHER. There is an amendment to the amendment.

Mr. HARDING. I am trying to offer an amendment to the pending amendment that will put it in conference.

Mr. KENYON. And I accept this amendment, striking out two words.

Mr. HARDING. The proposed amendment strikes out the word "April" and substitutes "May," and it strikes out the word "basic" modifying "pay."

Mr. KENYON. I accept that.

The VICE PRESIDENT. The question is on the amendment as modified.

The amendment was agreed to.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended.

Mr. LA FOLLETTE. Mr. President, I rise to offer an amendment in the nature of a substitute.

The VICE PRESIDENT. The Chair believes there will not be sufficient time, under the unanimous-consent agreement, to consider the amendment. The Chair is therefore compelled to rule it out of order.

Mr. LA FOLLETTE. Well, it will be a long time before another unanimous-consent agreement is made.

Mr. CURTIS. Mr. President——

The VICE PRESIDENT. The Chair is not to blame for the agreement. The question is on concurring in the amendments made as in Committee of the Whole.

The amendments were concurred in.

The VICE PRESIDENT. The question is, Shall the bill be engrossed and read a third time?

The bill was ordered to be engrossed for a third reading, and was read the third time.

The VICE PRESIDENT. The question is, Shall the bill pass?

Mr. LODGE. I call for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. SUTHERLAND (when Mr. GOFF's name was called). I desire to announce the absence of my colleague, the senior Senator from West Virginia [Mr. GOFF], on account of illness. He has a general pair with the senior Senator from South Carolina [Mr. TILLMAN]. I am authorized to state that were my colleague present he would vote "yea" on this question. I understand that the Senator from South Carolina would vote "yea" likewise.

Mr. WARREN (when Mr. KENDRICK's name was called). I wish to announce the unavoidable absence of my colleague [Mr. KENDRICK], and to state that he is paired with the Senator from New Mexico [Mr. FALL]. I am authorized to say that if my colleague were present and at liberty to vote he would vote "yea."

Mr. PITTMAN (when Mr. NEWLANDS's name was called). I have received a telegram from the senior Senator from Nevada [Mr. NEWLANDS] asking me to announce that he is necessarily absent, but that he is heartily in favor of universal service and would vote for the bill if present.

Mr. OVERMAN (when Mr. TILLMAN's name was called). The senior Senator from South Carolina [Mr. TILLMAN] has indefinite leave of absence. I have been requested to announce that if he were present he would vote "yea."

Mr. VARDAMAN (when his name was called). I ask to be excused from voting.

The VICE PRESIDENT. The question is, Shall the Senator from Mississippi be excused from voting on this question? [Putting the question.] The ayes have it, and the Senator from Mississippi is excused from voting.

The roll call was concluded.

Mr. FRELINGHUYSEN. I desire to announce the unavoidable absence of my colleague, the senior Senator from New Jersey [Mr. HUGHES]. I have been requested also to announce that were he present he would vote "yea."

The result was announced—yeas 81, nays 8, as follows:

YEAS—81.

Ashurst	Chamberlain	Fernald	Harding
Bankhead	Colt	Fletcher	Hitchcock
Beckham	Culberson	France	Hollis
Brady	Cummins	Frelinghuysen	Husting
Brandegee	Curtis	Gallinger	James
Broussard	Dillingham	Gerry	Johnson, Cal.
Calder	Fall	Hale	Johnson, S. Dak.

Jones, N. Mex.	New	Shafroth	Swanson
Jones, Wash.	Norris	Sheppard	Thompson
Kellogg	Overman	Sherman	Townsend
Kenyon	Owen	Shields	Underwood
King	Page	Simmons	Wadsworth
Knox	Penrose	Smith, Ariz.	Walsh
Lewis	Phelan	Smith, Ga.	Warren
Lodge	Pittman	Smith, Md.	Watson
McCumber	Poindexter	Smith, Mich.	Weeks
McKellar	Pomerene	Smith, S. C.	Williams
McLean	Ransdell	Smoot	Wolcott
Martin	Reed	Sterling	
Myers	Robinson	Stone	
Nelson	Saulsbury	Sutherland	

NAYS—8.

Borah	Gronna	Kirby	Thomas
Gore	Hardwick	La Follette	Trammell

NOT VOTING—7.

Goff	Kendrick	Newlands	Vardaman
Hughes	Lane	Tillman	

So the bill was passed.

Mr. CHAMBERLAIN. The House bill will reach the Senate, I am informed, in about 10 or 15 minutes, and I hope Senators will remain until it is here, so that the bill may be referred. I therefore move that the Senate take a recess——

Mr. OVERMAN. Before the Senator moves a recess, I should like to call up Senate bill No. 2, not for the purpose of consideration, except to make it the unfinished business.

Mr. LA FOLLETTE. I object. I do not know what the bill is, but I will just take an objection as a matter of safety.

RECESS.

Mr. CHAMBERLAIN. I move that the Senate take a recess for 30 minutes.

The motion was agreed to, and (at 12 o'clock midnight) the Senate took a recess until 12 o'clock and 30 minutes a. m., when it reassembled.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. J. C. South, its Chief Clerk, announced that the House had passed a bill (H. R. 3545) to authorize the President to increase temporarily the Military Establishment of the United States, in which it requested the concurrence of the Senate.

INCREASE OF MILITARY ESTABLISHMENT.

H. R. 3545, an act to authorize the President to increase temporarily the Military Establishment of the United States, was read twice by its title, and referred to the Committee on Military Affairs.

Mr. CHAMBERLAIN. Mr. President, the Committee on Military Affairs has had a copy of the bill as it passed the House, and I am authorized to report back the House bill with an amendment to strike out all after the enacting clause and to insert in lieu thereof the provisions embodied in the bill as it has passed the Senate. I ask that the bill may go to the calendar.

The VICE PRESIDENT. The bill will be placed on the calendar.

Mr. CURTIS. I desire to have printed in the RECORD a telegram embodying resolutions in favor of the bill just reported.

The VICE PRESIDENT. Without objection it is so ordered.

The telegram referred to is as follows:

OMAHA, NEBR., *April 28, 1917.*

Hon. CHARLES CURTIS,
United States Senate, Washington, D. C.:

The American citizens of Bohemian descent of Nebraska, Kansas, and the Dakotas, in convention assembled at Omaha, Nebr., April 28, have unanimously adopted the following resolution: "Whereas the conservation of energy of our resources in the present war is desirable, we do hereby indorse the administration's measure of the selective conscription and division of labor and energy of the American citizens and request that our Senator and Representatives in Congress fully support the administration's measure of selective conscription."

JOSEPH MIK, *Chairman.*

Mr. JONES of Washington. I present a resolution from the Chamber of Commerce and Commercial Club of Seattle, Wash. It is very short and, being somewhat different from any resolution which I have heard here, I ask that it be read to the Senate.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the Secretary will read as requested.

The Secretary read the resolution, as follows:

SEATTLE CHAMBER OF COMMERCE AND COMMERCIAL CLUB,
Seattle, Wash.

Resolution.

Whereas it is of the utmost importance that the Government of the United States receive full cooperation in meeting the emergencies of war: Therefore be it

Resolved by the Seattle Chamber of Commerce and Commercial Club, That in transacting business with or for the Government during the period of the war its members be requested and pledged to do so at no greater percentage of profit than in ordinary private transactions in time of peace; be it further

Resolved, That similar action, as suggested by the United States Shipping Board, be requested of business men generally throughout the country.

Adopted by board of trustees of Seattle Chamber of Commerce and Commercial Club Friday, April 20, 1917.

Mr. JAMES. I present resolutions adopted at a patriotic meeting of citizens of Pineville, and telegrams from the Fulton Commercial Club and the Technology Club, of Louisville, Ky., indorsing the selective-conscription bill and supporting the President in his universal military training bill, which I ask may be printed in the RECORD.

There being no objection, the resolution and telegrams were ordered to be printed in the RECORD, as follows:

LOUISVILLE, KY., *April 25, 1917.*

Senator OLLIE JAMES,
Washington, D. C.:

We heartily indorse Senate bill for selective conscription.

TECHNOLOGY CLUB OF LOUISVILLE.

—

FULTON, KY., *April 25, 1917.*

Senator OLLIE M. JAMES,
Washington, D. C.:

Our people realize the necessity of the selective-draft bill. Resolution passed by our body last night asking you to use your every influence in securing its passage. If Congress fails to pass this bill we will suffer for its error.

J. D. DAVIS,
Secretary Fulton Commercial Club.

—

PINEVILLE, KY., *April 25, 1917.*

Hon. OLLIE JAMES,
Washington, D. C.

DEAR SIR: Inclosed find copy of resolutions adopted at a patriotic meeting held in Pineville on April 23. At this meeting it was unanimously agreed to ask our Senators and Representatives to support the President in his universal military training bill.

Trusting that you will do so, with kindest regards, I am,

Respectfully, yours,

W. L. MOSS, *Mayor.*

—

Resolutions.

We, the citizens of Pineville, Bell County, Ky., in mass convention assembled, resolve as follows:

That we approve the call, the purpose, and the spirit of this meeting.

That we approve the conduct, public and private, of our President, Woodrow Wilson, with respect to the present world war. That we feel assured that our country has been drawn into the terrible struggle only after every effort of our President to avert a conflict has proven unavailing.

That we express here our confidence in the patriotism and sincerity of our President and in the motives which have inspired him in dealing with our relations with foreign countries. That we know that his sole aim is to establish a lasting peace among the men of the world.

That we approve the wisdom of our Congress in providing adequate funds and placing them for the country's use.

That we here and now pledge our support to our Nation and its Chief, to our Army and her soldiers, and asking God to judge our hearts we pledge every effort that our cause may triumph to the upbuilding of His kingdom in the hearts of men.

Mr. SHEPPARD presented petitions from the congregation and the brotherhood class of the Central Methodist Episcopal Church South, of Fort Worth, Tex., praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. McLEAN presented a petition of the Grand Council of the Royal Arcanum of the State of Connecticut, praying for universal compulsory military training and service, which was referred to the Committee on Military Affairs.

He also presented a petition of the Central Labor Union of Norwich, Conn., praying for the punishment of any person or persons found guilty of cornering the food market, which was referred to the Committee on the Judiciary.

BILLS AND JOINT RESOLUTIONS INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. MARTIN:

A bill (S. 2104) to amend sections 4402, 4404, and 4414 of the Revised Statutes of the United States; to the Committee on Commerce.

By Mr. KNOX:

A bill (S. 2105) granting an increase of pension to Thomas Riley (with accompanying papers); to the Committee on Pensions.

By Mr. WATSON:

A bill (S. 2106) to authorize the county of Cass, in the State of Indiana, to construct a bridge across the Wabash River east of the city of Logansport, at a point known as Cedar or Rock Island, in said Wabash River; to the Committee on Commerce.

A bill (S. 2107) granting an increase of pension to Jeremy Walker;

A bill (S. 2108) granting an increase of pension to John A. Markley;

A bill (S. 2109) granting an increase of pension to Archibald O. Moulder;

A bill (S. 2110) granting an increase of pension to Joseph McG. Lunsford;

A bill (S. 2111) granting an increase of pension to Rufus A. Whitson;

A bill (S. 2112) granting a pension to Mary E. Pickerell; and

A bill (S. 2113) granting an increase of pension to Anna Schuler; to the Committee on Pensions.

By Mr. CHAMBERLAIN:

A bill (S. 2114) granting an increase of pension to Walter Emerson; to the Committee on Pensions.

By Mr. JONES of Washington:

A joint resolution (S. J. Res. 43) making available the $200,000 appropriation for irrigation purposes on the Yakima Indian Reservation, State of Washington, carried in the Indian appropriation act for the fiscal year ending June 30, 1918; to the Committee on Indian Affairs.

COLUMBIA UNIVERSITY WAR PAPERS.

Mr. SMOOT. Mr. President, I have a directory of service prepared by Hon. John G. Coos, of Columbia University, which indicates how and where each member of the community may find work for the Nation. I ask that the matter be referred to the Committee on Printing with a view of having it printed as a public document.

The VICE PRESIDENT. Without objection, that action will be taken.

ADJOURNMENT.

Mr. CHAMBERLAIN. I move that the Senate adjourn.

The motion was agreed to; and (at 12 o'clock and 35 minutes a. m., Sunday, April 29, 1917) the Senate adjourned until Monday, April 30, 1917, at 12 o'clock meridian.

NOMINATION.

Executive nomination received by the Senate April 28 (legislative day of April 23), 1917.

APPOINTMENT IN THE NAVY.

Kenneth E. Schwinn, a citizen of California, to be a second lieutenant in the Marine Corps for a probationary period of two years.

CONFIRMATION.

Executive nomination confirmed by the Senate April 28 (legislative day of April 23), 1917.

APPOINTMENT IN THE NAVY.

Kenneth E. Schwinn, of California, to be a second lieutenant in the Marine Corps for a probationary period of two years.

HOUSE OF REPRESENTATIVES.

SATURDAY, *April 28, 1917.*

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father in Heaven, from whom cometh all good, enrich our minds and hearts with heavenly gifts that we may abhor that which is evil and cleave to that which is good; that we judge not our brother, but do unto him as we would have him do unto us, keeping a conscience void of offense toward Thee and toward our fellow men; that Thy ways may be our ways; that we go about our Father's business this day and all days in the spirit of the Lord Jesus Christ. Amen.

The Journal of the proceedings of yesterday was read and approved.

CALL OF THE HOUSE.

Mr. DENT. Mr. Speaker, I make the point of order that there is not a quorum present.

The SPEAKER. The gentleman from Alabama makes the point of order that there is no quorum present. Evidently there is not.

Mr. DENT. I move a call of the House.

A call of the House was ordered.

The SPEAKER. The Doorkeeper will lock the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

The Clerk called the roll, when the following Members failed to answer to their names:

Anthony	Garland	Nichols, Mich.	Rowland
Blackmon	Helvering	Nolan	Shackleford
Brodbeck	Houston	Parker, N. Y.	Smith, Idaho
Capstick	Johnson, S. Dak.	Platt	Sterling, Pa.
Clark, Pa.	Martin, Ill.	Porter	Taylor, Colo.
Decker	Moon	Ragsdale	Ward
Dies	Morin	Riordan	Woodyard

The SPEAKER. On this call 403 Members, a quorum, have answered to their names.

Mr. DENT. I move to dispense with further proceedings under the call.

The SPEAKER. The gentleman from Alabama moves to dispense with further proceedings under the call.

The motion was agreed to.

The SPEAKER. The Doorkeeper will unlock the doors.

TAX ON IMPLEMENTS OF WAR.

Mr. CHANDLER of New York. Mr. Speaker, I ask unanimous consent to insert in the RECORD certain resolutions adopted by about 3,000 people in Carnegie Hall, relating to taxation, which resolutions every Member of the House should read.

The SPEAKER. Under the order of the House the gentleman has a perfect right to extend his remarks.

Mr. MANN. This is on another subject.

Mr. CHANDLER of New York. This has no relation to the pending bill.

The SPEAKER. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

The communication containing the resolutions is as follows:

APRIL 13, 1917.

Hon. WALTER M. CHANDLER,
Washington, D. C.

MY DEAR CONGRESSMAN: On April 10, at a meeting of the Humanitarian Cult, the following resolutions were adopted by a unanimous rising vote of 3,000 Humanitarians:

"Whereas Congress in its wisdom has declared a state of war between Germany and this country; and

"Whereas this will involve the expenditure of billions of dollars and will mean a large tax upon the people of the United States for years to come: Be it

"*Resolved*, That it is the sense of the Humanitarian Cult that Congress should immediately enact laws which will place the largest share of the tax burden upon industries that manufacture implements of war, allowing these industries only sufficient profits to pay good living wages to the workers and a reasonable income on the capital invested, certainly not more than 10 per cent; and be it further

"*Resolved*, That Congress should enact laws and appoint a governing commission with authority to regulate the prices of all commodities, and that a minimum wage be established that can at all times be advanced to meet any increase in the cost of living, and that this commission prevent manipulation in all commodities which vitally affect the cost of living; and be it further

"*Resolved*, That Congress should immediately enact laws so that every family, when the breadwinner is doing military or naval duty, will be taken care of and kept from want, and in case of the death or injury to the breadwinner decent pensions will be allowed to them, which we believe will result in a more united country and in greater devotion on the part of the people; and be it further

"*Resolved*, That we go on record as favoring the immediate enfranchisement of women as a necessary development of democracy in this hour of stress."

May I ask you to spread this on the records?

I think that these bills ought to be introduced immediately. The moment the masses see that this is not a capitalists' war patriotism will become rampant, and a unified America will be the result.

Yours, sincerely,

MISHA APPELBAUM,
Founder and Leader of the Humanitarian Cult.

PRESENTATION OF A PETITION.

Mr. LUNN. Mr. Speaker, I have had presented to me as a member of the Committee on Military Affairs this morning a petition circulated by William R. Hearst, of New York, containing over 2,000,000 signatures. It is altogether too bulky to place in the basket.

The SPEAKER. The gentleman should put it in the basket. There will be no favorites played here about petitions.

INCREASE OF THE MILITARY ESTABLISHMENT.

On motion of Mr. DENT, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 3545) to authorize the President to increase temporarily the Military Establishment of the United States, with Mr. SAUNDERS of Virginia in the chair.

Mr. ALMON. Mr. Chairman, I ask unanimous consent to address the committee for about four minutes. I have not had any time yet.

The CHAIRMAN. The Chair thinks there is a unanimous-consent order that the vote on the amendment of the gentleman from California [Mr. KAHN] shall be taken immediately after going into Committee of the Whole.

Mr. ALMON. Unanimous consent could be given to me in the face of that.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent that he may be permitted to address the Committee of the Whole for four minutes. Is there objection?

Mr. DENT. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard. The question now recurs on the amendment of the gentleman from California

[Mr. KAHN] to strike out the provision authorizing the President to call for volunteers.

The question being taken, the Chairman announced that the ayes appeared to have it.

Mr. DENT. I ask for a division, Mr. Chairman.

Mr. MANN. Let us have tellers.

Mr. DENT. I ask for tellers.

Tellers were ordered, and the Chairman appointed Mr. KAHN and Mr. DENT.

The committee divided; and the tellers reported—ayes 279, noes 98.

Accordingly the amendment of Mr. KAHN was agreed to.

The CHAIRMAN. The Clerk will proceed with the reading of the bill.

The Clerk read as follows:

Fifth. To raise by volunteers or draft, organize, equip, and officer, as provided in the third paragraph of this section, in addition to and for each of the above forces, such recruit training units as he may deem necessary for the maintenance of such forces at the maximum strength.

Mr. KAHN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from California.

The Clerk read as follows:

Amendment by Mr. KAHN: Page 5, line 19, strike out "volunteers or," so that the paragraph will read as follows:

"Fifth. To raise by draft, organize, equip, and officer, as provided in the third paragraph of this section, in addition to and for each of the above forces, such recruit training units as he may deem necessary for the maintenance of such forces at the maximum strength."

Mr. KAHN. Mr. Chairman, this simply perfects the legislation in accordance with the amendment that has just been adopted.

Mr. SEARS. Mr. Chairman, I would like to speak on this matter, but before doing so I ask unanimous consent that I may proceed for 15 minutes.

Mr. MANN. I think I shall have to object to that.

Mr. SEARS. Will the gentleman withhold his objection for a moment?

Mr. MANN. I will reserve the right to object.

Mr. SEARS. Mr. Chairman, I think perhaps the House will save time by allowing me to proceed for 15 minutes, although I do not think I will speak more than 5 minutes.

Mr. MANN. Mr. Chairman, I do not like to object, but, after all, a very liberal time has been allowed for debate. On two nights the House remained in session as long as anybody desired to talk. The convenience of the great mass of the membership of the House will be better preserved by finishing the bill to-day, and it ought to be disposed of to-day. If we get along so that there is plenty of time, I will not object; but I do not think we can set a precedent at this time, and therefore I object.

Mr. SEARS. This is a sad hour to me, Mr. Chairman, and I regret more than anyone that I must assume the attitude that I shall assume.

Mr. JOHNSON of Washington. Will the gentleman yield?

Mr. SEARS. I refuse to yield to the gentleman or any other gentleman. Fickle fate has indeed been unkind, Mr. Chairman, when it selected the distinguished gentleman from California to lead the fight for Prussianism. I have read of the oppression of his people, and as an American citizen my heart has gone out to them, and it ill befits that gentleman to try to place upon my people, and now his people, the militarism that will, in my opinion, be harder on them than any his people have ever been subjected to.

Now, Mr. Chairman, I listened to the distinguished gentleman from New Jersey [Mr. BACHRACH] in which he said:

I have reached my conclusion on this very important question, I am frank to say, with a great deal of reluctance and after many stormy engagements with my own conscience, for I have heretofore been opposed to conscription or draft in any form, and so publicly stated in my remarks upon the military bill passed by Congress last year

Let me say to the distinguished gentleman from New Jersey that he need not worry about his conscience, for in the future, having once caused it to submit, he will have no trouble in laying his conscience aside. [Laughter.]

Mr. Chairman, this is not a new question. One hundred years ago in the Halls of this Congress this question was before the American people. The identical question of conscription was being considered by the Representatives of the American people, and Daniel Webster stood upon the floor of this House and in part said as follows:

But, sir, there is another consideration. The services of the men to be raised under this act are not limited to those cases in which alone this Government is entitled to the aid of the militia of the States. These cases are particularly stated in the Constitution—"to repel invasion, suppress insurrection, or execute the laws." But this bill has no limitation in this respect. The usual mode of legislating on the subject is abandoned. The only section which would have confined the service of the militia, proposed to be raised, within the United States has been stricken out, and if the President should not march them into the Provinces of England at the north or of Spain at the south, it will not be because he is prohibited by any provision in this act.

That measures of this nature should be debated at all in the councils of a free government is cause of dismay. The question is nothing less than whether the most essential rights of personal liberty shall be surrendered and despotism embraced in its worst form.

It is time for Congress to examine and decide for itself. It has taken things on trust long enough. It has followed Executive recommendation till there remains no hope of finding safety in that path.

Is this, sir, consistent with the character of a free Government? Is this civil liberty? Is this the real character of our Constitution? No, sir; indeed it is not. The Constitution is libeled, foully libeled. The people of this country have not established for themselves such a fabric of despotism; they have not purchased at a vast expense of their own treasure and their own blood a Magna Charta to be slaves. Where is it written in the Constitution, in what article or section is it contained, that you may take children from their parents and parents from their children and compel them to fight the battles of any war?

An attempt to maintain this doctrine upon the provisions of the Constitution is an exercise of perverse ingenuity to extract slavery from the substance of a free Government.

The supporters of the measures before us act on the opposite principle. It is their task to raise arbitrary powers, by construction, out of a plain written charter of national liberty. It is their pleasing duty to free us of the delusion which we have fondly cherished, that we are the subjects of a mild, free, and limited Government, and to demonstrate by a regular chain of premises and conclusions that Government possesses over us a power more tyrannical, more arbitrary, more dangerous, more allied to blood and murder, more full of every form of mischief, more productive of every sort and degree of misery than has been exercised by any civilized government, with a single exception, in modern times.

Who shall describe to you the horror which your orders of conscription shall create in the once happy villages of this country? Who shall describe the distress and anguish which they will spread over those hills and valleys where men have heretofore been accustomed to labor and to rest in security and happiness? Appreciate the scene, sir, when the class shall assemble to stand its draft and to throw the dice for blood.

In my opinion, sir, the sentiments of the free population of this country are greatly mistaken here. The Nation is not yet in a temper to submit to conscription. The people have too fresh and strong a feeling of the blessings of civil liberty to be willing thus to surrender it.

Laws, sir, of this nature can create nothing but opposition. If you scatter them abroad, like the fabled serpent's teeth, they will spring up into armed men.

Ah, Mr. Chairman, on the floor of the Halls of Congress those extracts from the speech which I have just read were delivered more than a century ago, but, thank God, the sentiments expressed still live, and to-day there are those who have had the courage, in the face of one of the most powerful and one of the largest monetary propagandas this country has ever witnessed, to stand faithful as marks to be criticized, jeered, and perhaps forced to retire to private life. I again warn you of the dangers of the course which you seem determined to pursue.

But what is political future preferment if conscience is to be stifled? By this no criticism of those who disagree with me is intended. Far be it from me to criticize a man for exercising that right which I demand for myself.

Mr. Chairman, feeling as I do about this question, if I should longer remain silent and if I did not raise my voice in opposition thereto, I would lose my self-respect and would deserve nothing but jeers from my colleagues. I know a thousand miles is a long way from home, but it does not cause me to forget the rounds of the ladder by which I did ascend, nor has it caused me to forget the brave, young, true, loyal American manhood who made it possible for me to satisfy, in part, my ambition. Not having forgotten and knowing their temperament, their loyalty, their patriotism, their willingness to die for their country if need be, as I believe I do, never will I by my vote agree to disgrace them by having conscription placed on them contrary to the Constitution until they have first had a chance to volunteer. Ah! But you say conscription will not be looked upon in that light. Let us see.

I read you in part an editorial, which recently appeared in one of the leading daily papers of my district, as follows:

That will leave something like 4,000,000 men from which to raise the first armies. Five hundred thousand of these men will be in camp by August 1. You stand one chance in eight of being among those men, for when the lists are made out your Uncle Samuel will send out strong-arm men to take those selected to the camps, whether they are pleased over their selection or not. If you are selected, you will go, mind that. But if you escape the first draft there will be others and still others until you are finally reached. The chances are seven to one that you will finally be called upon. Now, wouldn't you rather be an honorable volunteer than a confounded slacker, bound at last to serve his country? In a few days you will have no choice in the matter. You now have the choice. Which will you take?

In view of the above, where is the badge of honor conscription will confer? In view of the above, I have reached the conclusion that the people of this country have confused universal military service with the bill now before us, and that even believing that universal military service should be followed by conscription they do not know nor would they indorse the Prussian conscription service that is proposed by the minority.

I presume it is easier to swim downstream than it is to stem the current; that it is easier to take the course of least resistance than it is to fight for what you believe is right in face of what appears a powerful opposition such as is the case here, where

same through the guise of universal military service and universal training and other erroneous and misleading reasons have been given to the public.

Why do I make this statement? Time will not permit me to discuss this. I will therefore only read you a few of the many telegrams which I have received: "Urgently request your support of universal military training, Spanish War Veterans"; "Urge your support and vote for universal training"; and "I trust you will vote and work for the passage through the House of the Army bill as favored by President Wilson." I have received many telegrams similar to these.

Mr. Chairman, in all of my political career, covering a period of 19 years, I have always fought for the rights of the people as I saw it, regardless of what appeared at the time to be public opinion; and that is why I can say with some pride, but with no egotism, I have never lost at any election my home precinct, where I have lived for 36 years. Now, as I see it, when the very life of my country, which I love so well, is at stake, I refuse to depart from the course which I have always followed and which I always expect to follow regardless of what the future has in store for me. Suffice it when I say, if it means my retirement to private life by so doing, I will smilingly accept the verdict of my people—grateful to them for the support they have given me in the past—and with a conscience which is clear, I will return to them and continue my efforts in their behalf. This I would rather do than to stultify myself, for I will at least retain my self-respect and I trust the admiration, if not the commendation, of my friends.

Mr. Chairman, I trust I am not an alarmist; nor am I a prophet; nor am I the son of a prophet; but with your forbearance, I will make this guess. Step by step State rights have been set aside and taken away. Step by step the liberties of the people have been set aside and taken from them. Slowly, it is true, but creeping paralysis has been no more certain and no more sure. Now, if this step is taken you practically, with one fell swoop of the pen, wipe out some of the most sacred traditions for which our forefathers died and for which, in that event, they fought in vain. If you will establish for my people a precedent more fatal and more grinding than the despised and hated Prussian militarism, in my judgment, it will only be a question of time until more of the rights and the liberties of the people will be taken from them.

But let us go back briefly to the misnomer—universal military service and conscription. You may fool yourself, my colleagues, but methinks when it becomes generally known among the young men of 19 to 25 that the entire burden of the war is to be thrown on them, and that out of about 4,000,000 names of those placed in the wheel, the men that in the future the Government must look to and rely on, only 500,000 names will be drawn, I fear those who are talking so loud for universal military service and universal conscription will have a hard time convincing those young men so unfortunate as to be conscripted that there is anything universal about said conscription.

I fear you will also have a hard time convincing them that the burden of defending their country is falling on all alike. This being true, and the burden still being unequal, why not first give them a chance to volunteer, as their forefathers did. Why not first give them a chance to offer their services, yes, their lives if necessary, in defense of the country which they love. Oh, but you say that will upset business. That would take from industries men that can not be spared. When you use that argument you know you are not fair, for under the terms of the bill reported by the majority of the Military Committee you know those who will be in charge of the volunteer system will have exactly the same power to refuse those who may be more useful at home, as they will have under the conscription bill which will be proposed. They tell us of the fairness of conscription. They tell us it will get the slacker and the coward. If it was true, Mr. Chairman, and I had a brave young son of the proper age, I would not care for him to go and fight the battles of his country surrounded by slackers and cowards. But is it true? Methinks to-day I can see the wheel containing the 4,000,000 names slowly but surely turning, and out of that wheel, as certain as we are standing here to-day, will come the names of the poor young men of this country and the names of those who would gladly have volunteered, but to whom you refuse that sacred privilege. I fear the consequences and result of the conscription plan and methods you seem determined to follow; but in this great trying time of my country I do not believe it wise to go into this matter fully and will only, therefore, warn my people, to my mind at least, of the dangers of said system which the minority proposes. Yes, you can, if you will, conscript the youths of our country and send them to a certain death, but you will not do so by my vote until, as contemplated by the Constitution, all of the plans have failed and conscription is necessary for the preservation of my country.

Strange arguments, Mr. Chairman, have been used on the floor of the House during this debate. Distinguished gentlemen have urged their colleagues to stand by the administration when it comes to the question of conscription, but when it comes to the question of sending young men to foreign soil severely criticize their colleagues because they would not agree with them. Yet, when the same administration demands that the age be limited from 19 to 25 years, distinguished gentlemen have stated on the floor of the House that they would resign their seats before they would consent to any such unfair proposition. I want to commend them for their stand on that proposition. They are willing to stand by the administration to the extent of sending young men of their districts to an almost certain death, but on the mere question of years refuse to stand by the administration, and demand that their own intellect be permitted to work.

We have spent much time in arguing this and other questions, and much of our time has been spent in preparing for war. Mr. Chairman, desiring to be fair, no other course was left open to us, as Germany forced the war on us.

Briefly I want to call my colleague's attention to the fact that the high cost of living is getting higher, the price of clothing is increasing, the price of groceries continues to soar, and flour will soon pass the high-water mark established of approximately $15 per barrel. I trust the day is not far distant when the able statesmen upon the floor of this House will give their best thought and lend their best efforts in working out some relief.

Mr. Chairman, there are many reasons why I am for the Dent bill, but most of these have been advocated by others and there is no reason for repetition.

Mr. Chairman, I have always been an optimist and have always endeavored to look upon the bright side of life. Permit me, therefore, to say in conclusion, I truly believe, or is it a hope, that the war across the ocean will soon come to an end, and that it will not be necessary to send our young men to fight in the trenches. My life has largely been spent in the open. To camp and hunt and mingle with nature has been one of my chief pleasures, and I have always noticed just before the dawn the hour is the darkest.

If I could have had my way, with so much opposition to the minority report, I would have agreed upon a compromise rather than have endeavored to jam down the throats of a large number of the Members of Congress a proposition which I believe they honestly do not indorse.

To you, my colleagues, again warning you of the seriousness of the step you are about to take and the importance of the proposition upon which you soon will vote, I will only say that I yield to no one when it comes to loyalty, allegiance, and love for my country. God grant that the flag of the brave may forever wave, but that it will wave over free men and not over slaves. God grant that the flag of the red, white, and blue may forever wave over patriotic men, loyal and true. Wave on, wave on, O Flag; wave on forever!

The CHAIRMAN. The time of the gentleman from Florida has expired.

Mr. SEARS. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. The gentleman from Florida asks unanimous consent for five additional minutes. Is there objection?

Mr. MANN. I object.

Mr. TALBOTT. Mr. Chairman, I move to strike out the last word, and, as a part of my remarks, I wish to have printed in the RECORD the following resolution by the citizens of Delta and lower York County, in the State of Pennsylvania, and of Cardiff and upper Harford County, in the State of Maryland, in support of the President.

The CHAIRMAN. The gentleman from Maryland asks unanimous consent to have inserted as part of his remarks the matter referred to. Is there objection?

There was no objection.

The resolution was as follows:

Whereas on April 2, 1917, the President of the United States addressed a joint session of the Senate and House of Representatives directing attention to the conduct of the Imperial German Government in its challenge of the freedom and liberty of the democracies of the world, reciting the many assaults upon the patience of neutral countries, the instances of horrible, ruthless destroying of lives of women, children, and noncombatants, the utter disregard of law and right of mercy and justice, and, with patience and forbearance at the breaking point, the President advised that the Congress declare a state of war against the Imperial German Government; and

Whereas on April 6, 1917, the Senate and House of Representatives of the United States of America in Congress assembled formally declared a state of war between the United States and the Imperial German Government, authorizing and directing the President to employ all the resources of the country to bring the conflict to a successful termination: Therefore be it

Resolved, That we meet at this time of national peril to express our loyalty to our country and prepare ourselves for any sacrifice; that when the inalienable right of man to life, liberty, and the pursuit of happiness has been challenged by an unscrupulous enemy, we, the citizens of Delta and of lower York County, in the State of Pennsylvania, and of Cardiff and upper Harford County, in the State of Maryland, do here and now renew our oath of allegiance to the Constitution and laws of the United States of America; that to the President we offer our loyal support and encouragement in the exercise of his constitutional duties and power; that we applaud his every effort for the peace of the world, and we accept his guidance and decision to engage the foe of justice, humanity, and righteousness; that we offer our warmest approval of the actions of our Representatives in Congress, Hon. J. F. C. TALBOTT and Hon. A. R. BRODBECK, in their supporting the President during these trying times—they best represent us when to the President they give their fullest service and cooperation; that with the destruction of Belgium and Armenia on our minds, the cries of the innocent and defenseless in our ears, God helping us, the United States of America must fight and win for humanity.

Upon motion, duly made and seconded, the aforegoing resolutions were unanimously adopted at a meeting held in the town of Delta, Pa., this 16th day of April, 1917.

CHAS. A. HAWKINS, *Chairman*.
CHARLES H. MACNABB, *Secretary*.

Mr. TALBOTT. I withdraw the pro forma amendment.

Mr. SEARS. Mr. Chairman, I move to strike out the last two words of the amendment of the gentleman from California [Mr. KAHN].

The CHAIRMAN. The gentleman from Florida moves to strike out the last two words of the Kahn amendment.

Mr. JOHNSON of Washington. Mr. Chairman, I demand the regular order.

Mr. SEARS. Further, he says, Mr. Chairman——

The CHAIRMAN. Just one moment. The Chair will call the attention of the gentleman from Florida [Mr. SEARS] to the fact that the regular order is insisted upon, which means that the gentleman must confine himself to the discussion of his amendment, which is to strike out the last two words of the Kahn amendment.

Mr. SEARS. This is in that connection, I think, Mr. Chairman, because I think Daniel Webster was opposed—— [Laughter.]

Mr. CLARK of Florida. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. SEARS. Mr. Chairman, I move to strike out the amendment of the gentleman from California.

Mr. JOHNSON of Washington. Mr. Chairman, will the gentleman yield for a question?

The CHAIRMAN. The gentleman moves to strike out the amendment.

Mr. MANN. Mr. Chairman, I make the point of order that that motion is not in order.

Mr. CLARK of Florida. Mr. Chairman, I desire to make a parliamentary inquiry.

The CHAIRMAN. The Chair will state that the motion to strike out a pending amendment can hardly be considered as a motion for the reason that the vote itself will strike out the amendment if it be in the negative.

Mr. MANN. Mr. Chairman, I ask for recognition. The gentleman from Florida is not entitled to recognition.

The CHAIRMAN. For what purpose does the gentleman from Illinois rise?

Mr. MANN. It is for recognition in reference to the amendment.

The CHAIRMAN. To the pending amendment of the gentleman from Florida?

Mr. MANN. Any amendment.

The CHAIRMAN. If the gentleman rises in that indefinite manner, the Chair will recognize the gentleman from Florida.

Mr. MANN. But the gentleman from Florida has just had five minutes.

The CHAIRMAN. The Chair refers to the gentleman from Florida [Mr. CLARK].

Mr. MANN. Oh, I beg the Chair's pardon.

Mr. SEARS. Mr. Chairman, I move to strike out all but the first word in the amendment of the gentleman from California [Mr. KAHN].

Mr. MANN. I submit the gentleman is not entitled to recognition at this time in preference to any other gentleman who desires recognition.

The CHAIRMAN. The gentleman moves an amendment to the amendment, which is to strike out all of the Kahn amendment except the first word.

Mr. HOWARD. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. HOWARD. Under that rule of procedure the gentleman could get the floor under the five-minute rule and move to strike out the last word, and at the expiration of the five minutes he could move to strike out the last two words and retain the floor for five minutes longer, and have just as many five minutes as there are words in the amendment. The gentleman has just consumed five minutes.

The CHAIRMAN. The Chair will make this statement: When a Member gets the floor under a motion to strike out the last word, which is a purely conventional motion, he can not get the floor again for the purpose of making a speech by moving to strike out the last two words.

Mr. HOWARD. And the gentleman from Florida, after having made a motion to strike out the last two words, now moves to strike out the paragraph except the first word, which under that course of procedure would give him another five minutes.

Mr. SEARS. Mr. Chairman, the supporters——

The CHAIRMAN. Just one moment. The motion is to strike out all of the Kahn amendment except the first word. That is one of these conventional motions, and unless it is a motion that can be really spoken to, the gentleman will find himself in the same situation as if he moved to strike out the last two words. The Chair will recognize the gentleman from Illinois [Mr. MANN].

Mr. CALDWELL. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman from Illinois is recognized.

Mr. MANN. Mr. Chairman, I move that all debate on the pending amendment and all amendments to the pending paragraph be now closed.

Mr. SEARS. Mr. Chairman, the gentleman can not take me off the floor in that manner.

Mr. CLARK of Florida. I submit as a point of order that the gentleman can not take my colleague off his feet by making a motion after my colleague has made a motion which was entertained by the Chair and is ready to discuss it.

Mr. LANGLEY. He is not entitled to recognition for that purpose.

The CHAIRMAN. If the committee will remain in order the disposition of these parliamentary questions will be made much easier. The gentleman from Florida [Mr. SEARS] has made one of these formal motions, which is to strike out the last word. Under the rule and the universal practice of the House he gets time under that motion, if no objection is made, and he can talk about anything; but if objection is made, he must confine himself to his amendment.

Mr. CLARK of Florida. Would it not be time enough to cross that river when we get to it?

The CHAIRMAN. The Chair is right at that river now. The gentleman from Florida [Mr. SEARS] now makes another one of these conventional motions, and he will have to speak purely to that amendment. He can not get general time by making a conventional motion.

Mr. CLARK of Florida. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. CLARK of Florida. What does the Kahn amendment, now pending, embrace?

The CHAIRMAN. That can be answered by having the amendment reported from the desk.

Mr. CLARK of Florida. It strikes out the volunteer system in a particular part of the bill.

The CHAIRMAN. The Clerk will report it to the gentleman, if there be no objection.

Mr. CLARK of Florida. It strikes out the volunteer system in a particular part of the bill. If my colleague's motion to strike out all of the Kahn amendment except the first word prevails, then it nullifies the Kahn amendment, so that it is not a conventional motion which he makes at all, but it goes to the very life of the Kahn amendment, and he has a right to discuss it.

The CHAIRMAN. If the amendment is a real amendment, of course——

Mr. MANN. Mr. Chairman, I make the point of order the gentleman is not entitled to recognition. First, he moves to strike out the last word of the Kahn amendment. The Kahn amendment consists of two words, the words "volunteers or." Now, the gentleman having finished his five minutes on the original motion, which he made, now proposes to strike out of the Kahn amendment all except the first word, which is identically the same motion that was made before——

Mr. CLARK of Florida. Not at all.

Mr. MANN (continuing). Is not entitled to recognition under the rule always followed in practice. A man making a pro forma amendment can not get more than five minutes when anyone else demands the floor.

Mr. CLARK of Florida. Mr. Chairman, my colleague spoke originally to the Kahn amendment. Now he offers an amendment of his own, striking out all of the Kahn amendment except the first word in it. Now, the Chair I do not think ought to assume that this is not a real motion, that it is a conventional

motion. It seems to me the Chair ought to assume my colleague is proceeding, and if he does not argue the motion he has made, if he does not discuss it and some gentleman raises the question, that will be time enough to pass upon it.

The CHAIRMAN. The Chair is not going to assume anything to the prejudice of the rights of any member of the committee. There are exactly two words in the Kahn amendment, and the gentleman from Florida has already moved to strike out one of them, which would be the last one, and in making the motion to strike out all of the Kahn amendment except the first word he is simply making a motion already made.

Mr. CALDWELL. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. CALDWELL. If the gentleman has made a motion to substitute an amendment by striking out the word "draft" instead of the word "volunteer," he would have another proposition before the House, but as long as he made the motion to strike out the word "volunteer" he is out of order.

The CHAIRMAN. That is disposed of.

Mr. CLARK of Florida. Just one thing further. The Chair states there are only two words in the Kahn amendment, that my colleague made a motion to strike out the last word, but now he makes a motion to strike out all except the first word, and they are identical, but the Chair did not permit my colleague to discuss the amendment he made to strike out the last word, and he has not discussed it yet.

The CHAIRMAN. The Chair will call the attention of the gentleman that it is precisely the same thing. The Chair would not want, of course, to interfere with the rights of this House; but a man can not make a motion like that and speak to it without being subject to continual points of order that the gentleman should confine his remarks to his amendment. The gentleman could not discuss what he wants to discuss under that motion. The Chair thinks that he had just as well make that ruling to that effect, without any desire whatever to cut off the gentleman from Florida. We will now proceed with the business of the House. What is the motion of the gentleman from Illinois?

Mr. MANN. I move that all debate upon the paragraph and all amendments thereto be now closed.

The question was taken, and the motion was agreed to.

The CHAIRMAN. The question is on the amendment.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Sixth. To raise, organize, officer, and maintain during the emergency such number of ammunition batteries and battalions, depot batteries and battalions, and such artillery parks, with such numbers and grades of personnel as he may deem necessary. Such organizations shall be officered in the manner provided in the third paragraph of this section, and enlisted men may be assigned to said organizations from any of the forces herein provided for or raised by selective draft as by this act provided.

Mr. MOORE of Pennsylvania. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 6, line 6, after the word "by," strike out the word "selective."

Mr. MOORE of Pennsylvania. Mr. Chairman, this amendment, which is offered for discussion, might be passed without in any way prejudicing the bill. This is the first place in which the word "selective" appears, although it appears more effectively in subsequent paragraphs. I am offering this amendment with a view of obtaining some information as to the meaning of the word "selective" if members of the committee care to give it. There is an impression throughout the country that the word "selective" means, in some respects, a possible favoritism on the part of the selecting power; that one man having influence might be exempted from the service and that another man lacking in influence might be selected.

In other words, Mr. Chairman, there is a prevailing opinion that the word "selective," as used in this bill, means that an influential man may be able to take his son out of the service, while a man with no influence may be obliged to give his son to the service. I assume we do not want to pass a bill that smacks of favoritism in any sense. True, there are subsequent paragraphs in this bill which provide for certain exemptions. The President is given the power to exempt certain classes. Members of Congress are exempt, customhouse clerks are exempt, pilots and mariners are exempt, persons engaged in industries found to be necessary for the maintenance of the Military Establishment are exempt. These may be proper exemptions, but the word "selective" apparently permits of a further class of exemptions as to which the House ought to be better informed, it seems to me, before this bill is passed. On page 9 the bill says that persons engaged in industries found to be necessary to the maintenance of the Military Establishment may be exempt.

How is that to be determined? It may be that a man working upon the farm in a broad sense is engaged in perpetuating the Military Establishment, and therefore would be exempt according to the opinion of the selecting power. A man working in a shipyard building a ship for naval purposes undoubtedly would be exempt under this provision, but it is not quite clear, except that the President is given power to establish throughout the United States tribunals for the purpose of enforcing and carrying into effect the terms and provisions of this act, just how the selection is to be made.

Mr. O'SHAUNESSY. I have been unable to hear the gentleman. Will he permit an interruption for a moment?

The CHAIRMAN. Does the gentleman from Pennsylvania [Mr. MOORE] yield to the gentleman from Rhode Island?

Mr. MOORE of Pennsylvania. For the question.

Mr. O'SHAUNESSY. I merely wish to say to the gentleman from Pennsylvania that I am exceedingly interested in the statement and I wish the House to hear him, because I believe it is not the sense of this body that there should be any favoritism shown in the selective draft, and I want every man to hear what you are saying.

Mr. MOORE of Pennsylvania. I am sorry the gentleman is so far away. I am trying to make it clear that I believe it to be the sense of Congress that there should be no favoritism with regard to the men selected for service in the Army and Navy of the United States.

Mr. O'SHAUNESSY. I wish the gentleman would make a short statement to show what you are proposing to do.

Mr. MOORE of Pennsylvania. I am trying to do that, but the House has been in disorder so that I have not been heard on the gentleman's side, as I would like to have been.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. MOORE of Pennsylvania. Mr. Chairman, I ask unanimous consent to proceed for three minutes.

Mr. MANN. Mr. Chairman, I object.

The CHAIRMAN. The gentleman from Illinois objects.

Mr. MASON. Mr. Chairman, I desire to say a word in regard to this amendment relative to selective draft, because I have received a telegram, which I will read in my time of five minutes, from patriotic American citizens who are now residing in Canada. It says:

COBALT, ONTARIO, *April* 27.

Senator WILLIAM MASON,
Washington, D. C.:

Americans resident in northern Ontario conversant with experiences of Canadian Government with voluntary enlistment strongly in favor of conscription. Advise see resolution mailed to Representative WALTER HENSLEY, of Missouri, signed by American citizens resident here, urging compulsory service.

H. S. ROBINSON.

To that I have answered:

H. S. ROBINSON,
Cobalt, Ontario, Canada:

You say you are American citizens residing in Canada, and in no danger of a draft either there or here. Won't you please come back and take your chance under the law you so highly recommend?

WILLIAM E. MASON.

[Laughter and applause.]

Now, Mr. Chairman, if there is anybody under God's sun who is willing to sacrifice all of his wife's relatives in enforcing the draft, it is the patriotic American citizen who goes to Canada to escape the draft and then telegraphs you and me how we can secure an army here.

As a matter of fact, I feel that after the Canadian Government has offered fine opportunities to 50,000 American boys to come up and till its farms, where they would have high wages, with steady work and free from draft, I was wondering whether we could not spread a little more democracy up that way. Take away the word "selective" and you take away the sugar coat that has made the American people swallow the bitter pill of servitude to militarism. Take away that word and leave it to the naked truth. "Selective" means that a horde of petty officers may say to your boy "go" and to my boy "stay," and you know it. I do not care whether you strike out the word "selective," but I am in favor of having some plan so that there may be some rule announced by the military department and the General Staff, so that we may know what it means. You apply to-day the rules laid down by the General Staff as they come out. Let us know what those rules are. Do they exempt a man with five children depending on him? Do they exempt any one man that has a large family? It is wholly and entirely left to the War Department.

Mr. Chairman, my time has expired, but I wish to say that I am in favor of volunteering. Lincoln was a volunteer, Wash-

ington was a volunteer, Jesus of Nazareth was a volunteer on the cross, and the gentlemen on each side of him were conscripts. [Applause.]

Mr. KAHN. Mr. Chairman, when the Secretary of War appeared before the Committee on Military Affairs I asked him for a specific definition, because I told him that many Members of the House were in doubt as to just what the selective draft is. I read from the testimony——

Mr. DILL. Will the gentleman yield?

Mr. KAHN. Yes.

Mr. DILL. Do I understand the gentleman to say that we have voted for something here in this House and do not know what it means?

Mr. KAHN. The majority of the Members of the House know what it means, and they voted their conviction that the amendment should prevail.

The explanation in as few words as possible is this: The names of all those of military age are to be placed in wheels or boxes. Then at the appointed time the names of those who are to be called to the colors are selected from the names in the box. That is all there is to it. The selection is to be made in that way by the drawing of the names from the box.

Mr. MONDELL. Will the gentleman yield?

Mr. KAHN. I can not yield just now.

Mr. BURNETT. By whom are they to be drawn?

Mr. KAHN. By the local officials in the various States. They will not be drawn by military officers, but by civilian officers. The sheriff, the county clerk, and the medical officers of the county are to comprise the board.

Mr. ANTHONY. The politicians?

Mr. KAHN. Oh, the gentleman himself is a politician, and so am I. Men in public life are all politicians, but they are as honest as the average run of American citizens. [Applause.]

Mr. KEARNS. Mr. Chairman——

Mr. LITTLE. Will the gentleman yield for a question?

Mr. KAHN. Not just now. I yield to the gentleman from Ohio [Mr. KEARNS].

Mr. KEARNS. Where does the gentleman get this information? It is not written in the bill, is it?

Mr. KAHN. Oh, no. The Secretary of War sent me a letter, which I read yesterday, which did not go into details, but I had an interview with him, in which the entire plan was given to me. Regulations to that effect are already drawn, and as soon as this bill is enacted into the law the machinery will be put into operation.

Mr. KEARNS. Mr. Chairman, will the gentleman yield for just one more question?

The CHAIRMAN. Does the gentleman yield?

Mr. KAHN. I can not yield. Mr. Chairman, I move that all debate on the paragraph close.

Mr. BURNETT. Oh, no. Let us have a fair show.

Mr. DENT. I hope the gentleman from California will not make that motion until I can be heard.

Mr. KAHN. Then, I will withdraw the motion, Mr. Chairman.

Mr. DENT. Mr. Chairman, the proposition raised by the motion of the gentleman from Pennsylvania [Mr. MOORE] is the very point that I have been trying to get this House to understand ever since this bill was reported. There is no question in the world but that under the plan which the majority of this House seems to be willing to adopt there must be a power somewhere, an arbitrary power, more or less, to say whether a man whose name is drawn out of the box shall or shall not be exempted from military service, and favoritism is bound under any such system to creep in. [Applause.] It can not be absolutely prevented. We went as far as we could in attempting to protect it by providing that the tribunals which are to pass upon the names drawn out of the box should be constituted of a majority of civilians.

Mr. HAMILTON of Michigan. Mr. Chairman, will the gentleman yield for a question?

The CHAIRMAN. Does the gentleman yield?

Mr. DENT. Yes; I yield.

Mr. HAMILTON of Michigan. I wanted to ask the gentleman how favoritism could creep in when the names are drawn by chance out of the box?

Mr. DENT. Because section 3 of the act provides that persons engaged in industries found to be necessary to the maintenance of the Military Establishment or the effective operation of the military forces during an emergency may be exempted. That is just as indefinite as can well be.

Mr. HAMILTON of Michigan. The gentleman recognizes that there must be exemptions. Can he not trust his own administration? [Applause.]

Mr. DENT. Why, of course I can trust my own administration, and I am glad that if this law is going into effect it is going to be carried into effect by a Democratic administration. [Applause.]

Mr. SLAYDEN, Mr. KAHN, Mr. BORLAND, and Mr. SHALLENBERGER rose.

The CHAIRMAN. Does the gentleman yield; and if so, to whom?

Mr. DENT. I yield to the gentleman from Nebraska [Mr. SHALLENBERGER].

Mr. SHALLENBERGER. It was stated by the Secretary of War, and it is in the record, that it is the opinion of his experts that 42 per cent of the men liable to the draft will have to be exempted. Then, if that board is made up of three county officials they will determine who are to stay and who shall go to war. They admit that 42 per cent, almost one-half, of the men drawn out by lot are going to be exempted for one cause or another.

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. CALDWELL. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Alabama yield; and if so, to whom?

Mr. DENT. I will yield to the gentleman from New York [Mr. CALDWELL], a member of the committee.

Mr. MANN rose.

Mr. CALDWELL. Mr. Chairman, I have the floor, I believe.

Mr. DENT. I yielded to the gentleman only for a question.

The CHAIRMAN. To whom does the gentleman yield?

Mr. DENT. I yield to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Is this the amendment that the gentleman from Nebraska referred to in the bill which he voted to favorably report?

Mr. DENT. Yes.

Mr. BORLAND. Does it not apply to the volunteer forces, too? Have you not given them the same discretion as to the volunteers?

Mr. MANN. Is not this in the bill, I say, that the gentleman voted to report?

Mr. SHALLENBERGER. Yes; it is in the bill; but I wanted the gentlemen to understand that when you vote to inaugurate this selective draft you are placing this power in the hands of that board.

Mr. KAHN. You voted for it in the committee, and voted to report it to the House.

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Alabama yield to the gentleman from Pennsylvania?

Mr. DENT. I yield.

Mr. MOORE of Pennsylvania. Provision is made on page 9 for "tribunals for the purpose of enforcing and carrying into effect the terms and provisions of this act." Is there any information that can be given to the Members of the House as to how they are to be constituted, whether they are to be civil or military tribunals and whether it is possible that there may be such favoritism as has been indicated might prevail?

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. DENT. Mr. Chairman, I ask for one minute in which to answer the gentleman.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent for one minute. Is there objection?

There was no objection.

Mr. DENT. The bill constituting these tribunals provides that the majority members of the tribunals shall be citizens of the United States, not connected with the Military Establishment, so that of the three members of the board two would be civilians.

Mr. MOORE of Pennsylvania. It has been stated that some of them will be sheriffs. Is that the understanding of the gentleman?

Mr. DENT. It was stated before the committee by the Secretary that he proposed to use the civil authorities of the States as well as the officers of the United States Government in order to carry out this measure. Just how he proposes to use them, I do not know.

Mr. MOORE of Pennsylvania. Let me ask this question: Suppose the sheriff is an intense Republican and he has to make the selections, or is an intense Democrat, and he has to make the selections. Would it not be possible for such officers to exercise favoritism?

Mr. DENT. Unquestionably.

The CHAIRMAN. The time of the gentleman from Alabama has again expired. [Cries of "Vote!" "Vote!"]

Mr. BORLAND. Mr. Chairman, will the gentleman yield?

Mr. KAHN. Mr. Chairman, I move that all debate on this paragraph be now closed.

Mr. SHALLENBERGER. Will the gentleman yield to me one minute?

The CHAIRMAN. The gentleman from California moves that all debate on this paragraph be now closed. The question is on agreeing to that motion.

The question was taken, and the Chairman announced that the "noes" seemed to have it.

Mr. MANN. A division, Mr. Chairman.

The CHAIRMAN. A division is called for. Those in favor of the motion will rise and stand until they are counted.

Mr. GREEN of Iowa. Mr. Chairman, I do not think the Members understand the question we are voting on.

The CHAIRMAN. The motion is to close debate. Those in favor of that proposition are now being counted. [After counting.] Eighty-nine gentlemen have risen in the affirmative. Those opposed to the motion will rise and stand until they are counted. [After counting.] One hundred and thirty-seven have arisen in the negative. On this vote the "ayes" are 89 and the "noes" are 137. The "noes" prevail, and the motion to close debate is lost.

Mr. MONDELL rose.

The CHAIRMAN. The gentleman from Wyoming [Mr. MONDELL] is recognized.

Mr. MONDELL. Mr. Chairman, when this bill shall have become a law and there shall have been fastened on the Republic the conscript system adopted from the monarchies of the Old World, those who benefit by that military conscript system should contribute to raise a monument higher than that which towers to the glory of the Father of his Country and more imposing than that which stands in immaculate whiteness to bear testimony to the virtues of the savior of his country to the memory of the man who invented the phrase "selective conscription," for that has been the magic term which has made conscription—a word as hateful as the English language contains, detested through all the history of all free people—palatable to those who imagine that by the working of this magic selection they and those they love may be excused and the burden may fall upon those without political, social, or capitalistic influence. [Applause.] Gentlemen say they want to bring into the armies of a free people the cowards, the slackers. Aye, if any gentleman takes any pride in his desire to make the armies of the Republic out of that kind of material, he is entitled to all the satisfaction he gets out of it. [Applause.]

I want the armies that are to fight the battles of a free people to be composed of those who freely volunteer for that patriotic, glorious service. [Applause.] Yet when under this bill there are drawn on the village green the 100, 200, or 500 men who are brought under it by the terms of your conscription, whom do you think will be drawn—the slacker who can file affidavits higher than a mountain, the coward who can outrage high heaven with his oaths that he is weak and incapacitated and necessary to the industries of the country, or will it be the man with the blood of the volunteer in his veins who comes forward and says, "As for me, I am well, I am sound, I am willing, and my country needs me more than the munition factory does." [Applause.] There are many who under your selective conscription are laying the soothing unction to their souls that the slacker who is the son of the man of wealth and influence is going to be left at home, and that the son of the farmer and the villager and miner without influence will go, whether he is willing or no. And they will not be entirely disappointed. That will, in fact, be the inevitable result in all *too* many cases under your proposition of conscription, for if the minds of those who have the selection to make were purged of every selfish instinct, if there were no disposition to be unfair or temptation to be corrupt, still it would inevitably come out that the men who would be drawn would largely be the men willing to go, and the men who would stay would be the coward and the slacker. This word "selective" was invented, as the gentleman from Illinois has well said, for the purpose of sugar-coating the hatefulness of as mean a word as the English language contains. I hope that when the selection comes, some of those who wanted it will be among those who are drawn, but I doubt if they will be. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and the Speaker having assumed the chair, a message, in writing, from the President of the United States was communicated to the House of Representatives by Mr. Sharkey, one of his secretaries, who also informed the House of Representatives that the President had approved and signed bills of the following titles:

On April 24, 1917:

H. R. 2762. An act to authorize an issue of bonds to meet expenditures for the national security and defense, and, for the purpose of assisting in the prosecution of the war, to extend credit to foreign governments, and for other purposes.

On April 25, 1917:

H. R. 1771. An act to amend an act entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1917, and for other purposes," relative to the Fleet Naval Reserve;

H. R. 2008. An act to provide for the extension of minority enlistments in the naval service;

H. R. 2338. An act to authorize the detail of additional officers to the Hydrographic Office;

H. R. 2339. An act to increase the number of midshipmen at the Naval Academy until September 1, 1918; and

H. R. 2340. An act to increase the age limit for persons appointed as officers in the Naval Reserve.

ENROLLED BILL SIGNED.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 1800. An act to amend an act approved June 29, 1906, and entitled "An act to authorize the Grand Lodge of the Independent Order of Odd Fellows of the District of Columbia to sell, hold, and convey certain real estate."

INCREASE OF THE MILITARY ESTABLISHMENT.

The committee resumed its session.

Mr. SHALLENBERGER. Mr. Chairman, of course in my opinion this is the most difficult proposition to deal with in the operation of this law. The manner of the selection of the men conscripted is a difficult problem to carry out. The members of the committee endeavored to learn from the War Department as much as we could of the proposed plan. The gentleman from Illinois raises the question whether or not selective volunteering was not in substance the same thing as the selective draft. I think the gentleman must concede that it is an entirely different thing, because the volunteer presents himself voluntarily, but the conscript is brought forth by the force of the law, and whether he be compelled to go or not is an entirely different thing.

Mr. DEWALT. Will the gentleman yield?

Mr. SHALLENBERGER. I yield.

Mr. DEWALT. Let me answer that the only provision in the bill in reference to the selective mode is that which is contained on page 9, stating that the board shall be constituted and established by the President, and that a majority of the members of each board shall be citizens of the United States not connected with the Military Establishment.

Mr. SHALLENBERGER. Yes; and that amendment to the bill was put in on my motion. I asked the Secretary of War how these boards were to be constituted. I learned that there are 900 or more of these boards operating in England, and in my opinion, from the best information I could get, there will have to be several thousand boards operating in the United States. The Secretary of War could not assure me that these boards were to be civilian boards, and so I offered the provision that at least a majority of them should be civilians. I have since learned that in England every member of the local board is a civilian. In that country, a kingdom, fighting for its life, the people are so insistent upon subordinating the military to the civil department of the Government that they have provided that every man who decides upon the right of a man to go to war or to stay at home shall be a civilian.

Mr. KEARNS. Will the gentleman yield?

Mr. SHALLENBERGER. I yield to the gentleman from Ohio.

Mr. KEARNS. I understood the gentleman from California [Mr. KAHN] to say a few moments ago that the War Department had assured him that the sheriff and clerk of the county——

Mr. SHALLENBERGER. And the medical officer.

Mr. KEARNS. And the medical officer will make the selection. Does the gentleman from Nebraska understand this plan is going to exempt the sons of the sheriff, clerk, and medical officer of each county? Is that true?

Mr. SHALLENBERGER. I can give the gentleman no information as to that, but I was told that in England they found a great deal of difficulty in administering this law to the satisfaction of the public so long as they had political officers administering the law.

Now, a great many people suppose that we are going to have some sort of a military census to find out who is going to serve and who is not. The best information I can get from the minority of the committee is that the War Department contemplates

requiring every man to enroll himself in 24 hours; that a lack of knowledge of the law will be no excuse; that he is to present himself for enrollment; and if he does not present himself he will be subject to imprisonment of from six months to a year, and the case will be tried before a Federal judge. In the district which I represent they will have to take a man 250 miles in some cases to get before a Federal judge to find out whether or not a man is violating the law. The committee inserted in the bill the word "willfully."; that is, a man must willfully refuse to present himself.

But we will say that they have all enrolled themselves. Now, suppose we have, say, 2,000 men in a county who are subject to this law. As nearly as I can understand those names are to be put into a jury wheel, out of whom 200 men are required, under the allotment, to serve the Nation from that county. Every tenth name that is drawn, of these men from 19 to 25, will be selected. In other words, he stated to us that under his plan they would draw out all the names of the men from 19 to 25 before the selection would be made. Now, when the first 200 men are drawn out and ready, then it shall be decided by the tribunal and the medical officer whether each man drawn is physically fit to go or not, and it shall be decided by this tribunal or board whether any of these 200 men shall be exempted for any reason under law or regulation. Whether they are essential to the industries, whether they are essential to agriculture, the final determination in individual cases does not rest with the President or Secretary of War but with the board, who shall enforce regulations and the law.

Mr. FITZGERALD. Will the gentleman yield?

Mr. SHALLENBERGER. Yes.

Mr. FITZGERALD. Will not the tribunal determine the question under uniform regulations prescribed by the President, so that there must be uniformity of determination whether particular industries are exempt? It is not to be left to the local board to determine whether an industry is of sufficient importance to exempt these men by determination in advance.

Mr. SHALLENBERGER. That was not the explanation made to the committee. As a practical example, we were told that a man might be drawn who is essential to an industry; that one particular man might be necessary to the maintenance of the whole factory, and that he might be exempted, while many men below the age of 25 would not be essential and would be required to go. So, after all, the decision must be made as to whether or not the man is essential to the industry. It was suggested that it would be possible to exempt the entire agricultural interests, but the Secretary stated he did not think that advisable at present. I do not believe it is the intention under the operation of this law to except all the employees of any industry. So the question of exemption is going to come up to the tribunals to decide upon.

Mr. LENROOT. Will the gentleman yield?

Mr. SHALLENBERGER. Yes.

Mr. LENROOT. Does the gentleman think that should be done?

Mr. SHALLENBERGER. No; I do not think so.

Mr. LENROOT. Why does the gentleman favor this provision in the bill?

Mr. SHALLENBERGER. I did not favor the provision. I do not say that the bill represents my views. I supported it as the best judgment of a majority of the Military Committee of the House. I am willing to accept the decision of the House. I am a Democrat.

Mr. REAVIS. Will the gentleman yield?

Mr. SHALLENBERGER. I will.

Mr. REAVIS. Would the liability or likelihood of favoritism be minimized if the board were composed of men strangers in the community where the exemption is to be given?

Mr. SHALLENBERGER. I think it would be.

Mr. REAVIS. Then why should not that be put in the bill by way of an amendment?

Mr. SHALLENBERGER. That is a matter for the House to act upon.

Mr. DENTON. Will the gentleman yield?

Mr. SHALLENBERGER. Yes.

Mr. DENTON. If the matter of selection is left to the local officers in the community, will not that afford an opportunity to build up a political machine?

Mr. SHALLENBERGER. I am told that political influence operates in other countries.

Mr. McCORMICK. Will the gentleman yield?

Mr. SHALLENBERGER. Yes.

Mr. McCORMICK. How would the gentleman have the selective board constituted if not by local officers elected by the suffrages of the people in the several communities?

Mr. SHALLENBERGER. I would not have a board at all to select the men; I would have volunteers.

Mr. McCORMICK. Has the gentleman a suggestion which would be more equitable in operation than the one selected or suggested by the Secretary of War?

Mr. SHALLENBERGER. We are attempting to apply the principle of universal liability to service. If we had a universal system of service like that in every country of continental Europe, the men last under in arms, those most recently trained, would be the ones that would be called; but in this case we have ten times as many men liable as we need, and none of them trained, and therefore some system of selection must be had. Exemption is a great power to put in the hands of 3,000 boards, constituted as they may be throughout the country. I believe that men ought to have an opportunity to volunteer until the plan is put in operation, with a system of universal training until we could get men fit for service. We are trying to apply an untried system, in my judgment.

Mr. CRAMTON. Will the gentleman yield?

Mr. SHALLENBERGER. I will yield to the gentleman.

Mr. CRAMTON. I understood the gentleman from California to state that the regulations which are to govern these selections have already been drawn by the department. Does the gentleman from Nebraska know anything about them?

Mr. SHALLENBERGER. He has been informed of something that the majority of the committee has not.

Mr. CRAMPTON. That was the statement of the gentleman from California. If so, he has been given information not available to others of the committee or of the House.

Mr. SHALLENBERGER. The majority of the committee has not been furnished these plans.

Mr. GORDON. Will the gentleman yield?

Mr. SHALLENBERGER. I yield to the gentleman from Ohio.

Mr. GORDON. Is it the gentleman's understanding that men that go into the box or are drawn out of the box are subject to the arbitrary will of these boards?

Mr. SHALLENBERGER. I think after they are drawn the question whether they shall be exempt or not is still to be passed upon by the board.

Mr. GORDON. The gentleman from California said that this committee would decide who would be drawn out of the box.

Mr. SHALLENBERGER. Oh, no.

Mr. GORDON. I so understood him.

Mr. McKENZIE. Will the gentleman yield?

Mr. SHALLENBERGER. I will yield to the gentleman.

Mr. McKENZIE. I wish to suggest to my colleague on the committee that while discussing the feature of the board in the bill that he ought to say in fairness, for the information of the House, that section 5 of the bill provides penalties for any man who would violate any confidence or trust placed upon him.

Mr. SHALLENBERGER. That is very true; penalties are provided for the things we are talking about.

Mr. POWERS. Will the gentleman yield?

Mr. SHALLENBERGER. I will.

Mr. POWERS. I would like to inquire whether the decision of the board is final?

Mr. SHALLENBERGER. I am glad the gentleman asked that question. We have the experience of England to guide us. In England they have two boards of appeal. The first decision of exemption is made by the local tribunal. Then if the man thinks he has not been treated fairly he has an appeal to the second tribunal, and if he thinks that is unfair he appeals to a third. When the bill was brought before us no appeal was provided, and in the judgment of the committee we thought that was unwise, and so the amendment offered by Judge HARRISON was placed in the bill providing that an appeal from the board to the local court with proper jurisdiction was to be allowed.

Mr. LUNN. Mr. Chairman, will the gentleman yield?

Mr. SHALLENBERGER. Yes.

Mr. LUNN. Will my colleague answer this question: Whether the same difficulties would not follow the decision under the volunteer system?

Mr. SHALLENBERGER. Not at all; because the man under that system is not compelled to serve. Suppose he wants to go; if you put him out you are not imposing the same penalty upon him as if you take him in in violation of his will and compel him to fight. It is an entirely different principle.

Mr. MILLER of Minnesota. Mr. Chairman, will the gentleman yield?

Mr. SHALLENBERGER. Yes.

Mr. MILLER of Minnesota. I understood the gentleman to say that as proposed by the Secretary of War the composition of the committee to make the selection does not meet with his entire approval?

Mr. SHALLENBERGER. No; I did not say that. I am not passing any judgment at all, but I am trying to give the House information.

Mr. MILLER of Minnesota. May I inquire if the committee considered the advisability of having this board consist entirely of Army officers?

Mr. SHALLENBERGER. The Secretary of War stated that he did not think, according to my recollection, that it ought to be composed entirely of Army officers.

Mr. MILLER of Minnesota. May I ask what is the gentleman's individual opinion upon that?

Mr. SHALLENBERGER. I do not think Army officers ought to have the final right to pass upon exemptions.

Mr. MILLER of Minnesota. Could we not rely upon Army officers to be more free from prejudice and favoritism than any other class?

Mr. SHALLENBERGER. I do not think so; not upon a question of this sort. I think this plan will be accepted much more willingly by the country if the tribunal is a civil body.

The CHAIRMAN. The time of the gentleman from Nebraska has expired.

Mr. HULBERT. Mr. Chairman, I ask unanimous consent that the time of the gentleman may be extended for one minute in order that I may ask him a question.

Mr. COX. Make it five minutes, Mr. Chairman.

The CHAIRMAN. Unanimous consent is requested that the time of the gentleman from Nebraska be extended for five minutes. Is there objection?

There was no objection.

Mr. COX. Mr. Chairman, will the gentleman yield?

Mr. SHALLENBERGER. Yes.

Mr. COX. The gentleman put a mathematical problem a moment ago, but my mind has never been clear upon the proposition. Let me put a hypothetical case to the gentleman. Suppose, as an illustration, there are 2,000 men in my county between the ages of 21 and 40 years, and suppose that the quota to be drawn from my county is 200 men. The 2,000 names are put into the box, and only 200 are finally drawn out?

Mr. SHALLENBERGER. They are all drawn out, but the first 200 are taken.

Mr. COX. The question is this: Will the entire 2,000 names be first drawn out of the box, and then the local committee or board select from those 2,000 names the 200?

Mr. SHALLENBERGER. Not at all. As I understand the Secretary, he would put the entire 2,000 names into the box and he would draw them all out, and the first 200 that were drawn out would be the first taken.

Mr. COX. He would take out the whole 2,000.

Mr. SHALLENBERGER. The first 200 that came out would come first and the next 200 would be marked No. 2. Now, we have 200 men who, under the bill, are required to go, but of those 200 men some will be found to be deficient in some way, or they should be exempted, and those are told to stand aside, and then the next 200 are taken up, and from them are taken enough to make up the first 200.

Mr. COX. Then they keep on until they get the 200?

Mr. SHALLENBERGER. Yes.

Mr. HULBERT. Mr. Chairman, will the gentleman yield?

Mr. SHALLENBERGER. Yes.

Mr. HULBERT. The gentleman has stated there is a right of appeal?

Mr. SHALLENBERGER. Yes.

Mr. HULBERT. That appeal, of course, being accorded to the person selected?

Mr. SHALLENBERGER. Yes.

Mr. HULBERT. Is there any method of review provided by which the action of the board in excusing any person may be reviewed?

Mr. SHALLENBERGER. The penalty provided in the bill is all I can say about that.

Mr. HOWARD. Mr. Chairman, will the gentleman yield?

Mr. SHALLENBERGER. Yes.

Mr. HOWARD. The paramount reason for the use of the word "selective" in this bill, as I have understood the purpose of it, is to maintain the proper economic condition at home, with the men behind the lines, we will say—the maximum amount of efficiency for the support of the Army at the front.

Mr. SHALLENBERGER. Yes.

Mr. HOWARD. In response to the question of the gentleman from Indiana [Mr. Cox] the gentleman stated that if 200 names were drawn out of the box of the 2,000, and those men were found fit for service, it would necessarily follow that those 200 men would go on the firing line?

Mr. SHALLENBERGER. Not necessarily.

Mr. HOWARD. Then I misunderstood the gentleman. As a matter of fact, the board can take into consideration the rules and regulations prescribed by the President?

Mr. SHALLENBERGER. Exactly.

Mr. HOWARD. For the maintenance of the highest industrial and agricultural efficiency?

Mr. SHALLENBERGER. Yes. The gentleman has stated it exactly. Of those 200 men the board will, in the opinion of the Secretary of War, find 42 per cent necessary to be rejected for physical or other reasons.

Mr. HOWARD. If that is true, why should not this word "selective" be incorporated in this bill?

Mr. SHALLENBERGER. It will be incorporated in the bill.

Mr. KINCHELOE. Mr. Chairman, will the gentleman yield?

Mr. SHALLENBERGER. Yes.

Mr. KINCHELOE. I would like to ask the gentleman, in view of the fact that even the majority report of the committee agrees to an alternative selective draft, why, if the gentleman can tell, the committee did not place in the bill some tribunal by which these men are to be selected, and what discretion they may have in the selection or rejection of them?

Mr. SHALLENBERGER. We have, as far as possible, and there is no way under this proposition that we have before us to avoid this selective principle. I have been advocating volunteering as a first line for the Army, because I think it is going to be a difficult thing to administer the selective draft. If all would be called and taken, that would be universal service, and for that I am standing before this House.

Mr. KINCHELOE. You have no tribunal in this bill?

Mr. SHALLENBERGER. No; the tribunal is to be appointed by the President.

Mr. RANDALL. I understand that the gentleman estimates that 3,000 of these tribunals will be necessary in this country, and that one Army officer is to be assigned to each of these tribunals. I would like to ask the gentleman whether we can spare 3,000 Army officers from the fighting line?

Mr. SHALLENBERGER. I think it is better than making the whole entire board out of Army officers.

Mr. MASON. Will the gentleman yield?

Mr. SHALLENBERGER. I will.

Mr. MASON. We are getting letters almost every hour asking this question, and I think we ought to have plenty of time to understand it, although I have no desire to delay the committee. In the first place I have heard it stated by one Member, who gives a statement as to what his understanding is, as to the rules to be adopted by the War Department. Now, is there anything in the CONGRESSIONAL RECORD or anywhere else so that a plain Member of Congress can know what these rules are before we vote upon this bill?

Mr. SHALLENBERGER. Not that I know of.

Mr. MASON. Does not the gentleman think it would be fair that we should know, so we can answer our constituents who are writing and telegraphing us before we are asked to vote on a bill for selective draft, so that we be informed at least as to the plan of the War Department. what that plan is to be, who are to be exempted, and what the rules are?

Mr. SHALLENBERGER. I can only suggest that the gentleman refer his inquirers to the War Department; that is all.

Mr. HOUSTON. Will the gentleman yield?

Mr. SHALLENBERGER. Yes.

Mr. HOUSTON. I would like to know whether or not all the names that are set forward by the enumeration which is taken are put in the box to be drawn from before their fitness has been passed upon?

Mr. SHALLENBERGER. That is my understanding.

Mr. HOUSTON. One other question. What is the use, and would it not be a much better plan to put the names in the box after they have been tested for fitness, and then they could draw from among only those that have been passed upon?

Mr. SHALLENBERGER. If I have time, I will explain to the gentleman; for instance, say I have 2,000 men in my home county liable to service under this bill. It will take a long time to examine every one of those men. On the contrary, if only 200 are drawn, having done that they only examine the 200; if they pass, the others do not have to be examined.

Mr. MONDELL. What do they do in the case that they find some of those are not fit?

Mr. SHALLENBERGER. They can take the next 200.

Mr. HOUSTON. That will be determined by the names that are first drawn?

Mr. SHALLENBERGER. Yes.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. BORLAND. Mr. Chairman, boiling this controversy down, the whole objection that is being urged by some gentlemen here is that somebody who ought to serve may possibly escape. Yet the objection seems to be made by the very gentlemen who desire that everybody who does not want to serve could escape at the very beginning. Now, how on earth are these gentlemen going to object that a few men will lie themselves out of the service when the same gentlemen were urging the plan of voluntary enlistment by which only the brave and willing were to go in the first place? [Applause.] It is true that some men might perjure themselves out of the service.

Mr. CLARK of Missouri. Will the gentleman yield?

Mr. BORLAND. I will.

Mr. CLARK of Missouri. Does not this thing open up the broadest possible opportunity for both corruption and lying?

Mr. BORLAND. I do not doubt there will be plenty of corruption and lying.

Mr. CLARK of Missouri. And buying out?

Mr. BORLAND. I do not doubt there will be, but I think it is the duty of this Congress to minimize that opportunity as much as it can and to do it by uniform regulations established by the War Department. If such regulations are not effective, they can be strengthened afterwards by the judgment of this House. I do not want to see any of these men escape, and I am confident that the War Department, under the President, is not going to form regulations that will permit favoritism in localities and among individuals. The President is going to establish uniform regulations if possible, and see that men are tested according to a uniform rule, and if the uniform rule is evaded by perjury, we must see to it that it shall stop when we find it out. It is a solution of that question.

Mr. KREIDER. Will the gentleman yield?

Mr. BORLAND. Yes.

Mr. KREIDER. I do not think it is necessary for anyone to perjure himself in order to get out of this service, but it seems to me the subject is such a broad one it is almost impossible to enforce this law without favoritism. Now, for instance, we said we were going to exempt farmers. If we are going to exempt all farmers, well and good; but we have to have some farmers, and who is going to say which one shall come and which one shall not come?

Mr. BORLAND. I am sorry I can not yield for the extension of the gentleman's remarks, but I will yield for a brief question.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. BORLAND. I will.

Mr. MOORE of Pennsylvania. The gentleman states, although we have no War Department authority for it, that the department intends to establish a uniform system?

Mr. BORLAND. Yes.

Mr. MOORE of Pennsylvania. Is the gentleman willing to insert the word "uniform" in lieu of the word "selective"?

He will discover further that the President has authority. It says:

> And the President is hereby authorized to exclude or discharge from said selective draft and from the draft under the second paragraph of section 1 hereof, or to draft for partial military service only, persons of the following classes.

I can not put any construction upon that language except the President in exercising that must do it by virtue of certain regulations which he lays down.

If the committee would consent to the word "uniform," I would be satisfied.

Mr. BORLAND. If the gentlemen have now come around to the view that we must not allow any qualified person to escape, I want to say that I am heartily with them. And if they are arguing anything by this proposition, they are arguing that very thing.

Mr. MOORE of Pennsylvania. That was the argument I made; to make the draft uniform.

Mr. BORLAND. Just a moment. I do not see that the giving of the President power, as we have frequently done, for the regulation and the enforcement of an act means anything on earth but that he proceed by Executive order, which must be uniform in its general character. The word "uniform" would add nothing whatever to it. But, gentlemen, we have this to consider: This House has to-day by a most unmistakable declaration told the world that we are going to raise an army by a real system, by scientific methods, and will not allow any qualified man to escape, and we propose to have our resources fully marshaled to carry on this war to an early and successful termination. That declaration that has gone out over the wires to-day is worth more than a thousand, aye, more than 100,000 volunteers, in that the world will know that we have determined to go into this with all the resources that we pledged to the President at that time.

Mr. DENT. Mr. Chairman, all of this debate is as to another section of the bill, and I move that the debate on the pending amendment be closed.

The CHAIRMAN. The motion relates to the pending amendment.

Mr. DENT. We can discuss this when we reach the proper place. I am perfectly willing the gentleman should debate it.

The CHAIRMAN. Is the gentleman's motion directed to the pending amendment?

Mr. DENT. The pending amendments and all amendments to this paragraph.

Mr. CAMPBELL of Kansas. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. CAMPBELL of Kansas. Will the gentleman from Alabama withhold his motion until the gentleman from Pennsylvania [Mr. GRAHAM] can be heard on this particular paragraph?

Mr. DENT. I have no objection to that if nobody else makes a request.

Mr. CAMPBELL of Kansas. It can be closed in five minutes.

Mr. DENT. Mr. Chairman, then I move that debate be closed in five minutes on the pending amendments and all amendments to this paragraph.

Mr. STEVENSON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. Does the gentleman include in that request the gentleman who is to have the five minutes? Does the gentleman from South Carolina [Mr. STEVENSON] want to have enough time to offer an amendment?

Mr. STEVENSON. I have an amendment on the desk.

The CHAIRMAN. Not to discuss, but to have it offered?

Mr. STEVENSON. I desire to have five minutes. I have had but five minutes in this whole cataclysm of oratory.

Mr. DENT. I make the motion in this form, that at the expiration of five minutes all debate on the pending amendment be closed.

The CHAIRMAN. The gentleman moves that at the expiration of five minutes debate on the pending amendment be closed.

The motion was agreed to.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. GRAHAM] is recognized.

Mr. GRAHAM of Pennsylvania. Mr. Chairman and gentlemen of the committee, the pending motion is to strike out the word "selective," in the sixth line on the sixth page of the printed bill.

Now, this section of the bill has passed the committee and the House has a right to assume it has the indorsement of the committee. To strike out the word "selective" here accomplishes nothing, for the word "selective" is used here not as one conferring power in and of itself, but stands merely as one in harmony with what follows in the bill. It says "by selective draft as by this act provided." The operative words are "as by this act provided." Therefore, you must turn to the succeeding paragraphs, which we have not yet reached, in order to understand what "selective" means. The succeeding paragraphs define wherein the draft is "selective," and that must be the determination of this question.

I care not what conversations members of the committee may have had with the Secretary of War, with British officers, or anybody else. What this House is concerned with is the enactment of this language, the language of the proposed law; and hereafter the only thing that will be used in its construction will be the language of the law as printed and published by this House with the concurrence of the Senate. When you read the succeeding paragraph, you can understand what the word "selective" means. There are certain classes that are excluded. You are to say hereafter whether the report of the committee as to who shall constitute those classes will remain unchanged in the bill or not. That is a subsequent consideration.

Mr. NORTON. Will the gentleman yield?

Mr. GRAHAM of Pennsylvania. No. Furthermore, the President is authorized in this bill to designate on the score of utility, on the basis of efficiency, certain other classes which are to be excluded from the effect of the draft. They are to be excluded because in marshaling the assets of the Nation they can serve their country better in other places. Surely this House can repose in the Executive the discharge of an executive function. He will by proclamation, doubtless, designate some general rules by which the local draft tribunals must be governed. As to the detail of how this draft is to be worked out, you by this act put the responsibility upon the President of the United States. He must make the appointments of the subordinate draft tribunals, just as he does in discharging every other executive function with which he is clothed by law. This House can never undertake to legislate upon the details of the operation of the draft under the provisions of this bill. We only legislate; we do not execute the law; and it is better to leave the bill as

reported by the committee in this respect than attempt to change a single line.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the Chairman announced that the noes seemed to have it.

Mr. MOORE of Pennsylvania. Division, Mr. Chairman.

The committee divided; and there were—ayes 6, noes 96.

So the amendment was rejected.

Mr. STEVENSON. Mr. Chairman, I have an amendment that I desire to have read.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from South Carolina.

The Clerk read as follows:

Amendment offered by Mr. STEVENSON: In line 7, on page 6, after the word "*Provided*," insert the following: "That in registering those who are liable for Army service, those who are not engaged in any useful occupation at least four days in each week shall be kept in one class to themselves and drawings shall first be made from said class, and not more than 20 per cent of the laborers of war age shall be drawn from any one farm or from any one textile factory."

Mr. STEVENSON. Now, Mr. Chairman, we have had a propaganda to the effect that this was a measure to put the pool-room loafer and the man who was doing nothing into the Army first.

That proposition is embodied in this amendment, which is purely a constitutional classification, recognized by our Supreme Court. Classify them into those who are at work and those who are not at work, and then first draw from the pool-room loafers that we have heard so much about and put them into the Army first. That is the doctrine that has been sent all over the country, and the doctrine that has bombarded us with telegrams. There may not be many of them. The farm labor of this country will be wonderfully accelerated if you adopt this amendment and let the notice go out. [Applause.] The farmers of Kansas will have all the labor they want about July to gather their crops, and there will be a tremendous abrasion on the palms of the hands of a great many of our citizens instead of on the seat of their pants, where it has generally been. [Laughter.]

Now, the other proposition has been spread all over my district, that the Army bill of the War Department intends to keep the farmer boy out of the Army and put the other people in. I want to say that if that is what you mean to do, I provide here that you can not take more than 20 per cent from any one farm of the laborers of war age. That is just about the per cent that the farmer ought to bear, because there are 20,000,000 of men liable within the ages fixed in this bill, and the farmer represents about 4,000,000 of them, and you will get about the right percentage if you put that in; and then the fellow down in South Carolina——

Mr. KELLEY of Michigan. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from South Carolina yield to the gentleman from Michigan?

Mr. STEVENSON. No; I do not yield at the present time. When I get through I will be delighted to yield to the gentleman.

There is another proposition about that. The demoralization that is going to ensue in the farm labor of this country because of the uncertainty as to how many laborers are to be taken off the farms is going to be such as to seriously embarrass the production of our crops next year and the garnering of them this fall. Now, you fix it so that every farmer who has labor on his farm liable to go to the Army, and fix just how many are to be taken, and provide that no more than that can be taken, and you put it on a business basis.

Mr. Chairman, the other proposition is one that deals with the textile plants. You passed a bill, the Keating bill, in the last Congress, which is going to take from 10 to 15 per cent of the labor out of the textile plants of my district after the 1st of July. Then you write the proposition so that a large number will be taken out of these plants by this conscription system, and the operators of those plants will then have no basis on which to calculate the manufacture of those supplies which are absolutely necessary for the existence and maintenance of our Army. I say put that on a business basis and allow that they may calculate that not over 20 per cent of their labor shall be taken by conscription, and then they will know how to supplement and provide against the day of evil.

Mr. BORLAND. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from South Carolina yield to the gentleman from Missouri?

Mr. STEVENSON. Yes.

Mr. BORLAND. Is it not true that a great deal of that child labor that has been taken out of the textile mills by the Keating bill has been returned to the farms and is now available there?

Mr. STEVENSON. That may be true in the gentleman's country, where I do not think they have got any textile mills, but in our country those people belong to families in the mill villages and work in the mills and have no chance to go to the farm, because they have not been brought up to farm labor and are unable to do farm work, and they are turned into the streets of the mill villages to run wild and become the poolroom loafers that we have heard so much about from the distinguished gentlemen who are so anxious to put those fellows into the fighting line.

Mr. RANDALL. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from South Carolina yield to the gentleman from California?

Mr. STEVENSON. Yes.

Mr. RANDALL. I understand from the gentleman's amendment that he would like to encourage the drafting of the pool-room loafer?

Mr. STEVENSON. Yes, sir.

Mr. RANDALL. Does the gentleman know that this bill specifically excludes the pool-room loafer from the operation of the law on page 9, line 9, where "those found to be physically and morally deficient" are exempted? [Laughter.]

Mr. STEVENSON. Yes. My amendment will either put him to work or put him in the ranks. He might get killed on the firing line, but he will get killed a good deal quicker when he goes to work, because he will not survive it long, and it does not make much difference to him whether you put him to war or put him to work. [Laughter and applause.]

The CHAIRMAN. The time of the gentleman from South Carolina has expired.

Mr. MEEKER rose.

The CHAIRMAN. The gentleman from Missouri [Mr. MEEKER] is recognized.

Mr. MEEKER. Mr. Chairman, I want to say just a word in reply to what was said here just a little while ago—something that was taken with a great deal of laughter.

The name of Jesus of Nazareth was brought into this discussion by a gentleman of iron blood from Illinois. Jesus of Nazareth, in the Garden of Gethsemane, pleaded with all the power that He had not to be compelled to take the cup, but He submitted to a superior will.

He once discussed volunteers who talked volunteering but did not go. He said, "A father had two sons, and he told one of them to do something, and he said 'I go,' but he did not." I am not getting personal at all. "He had another son that he ordered to go, and the boy at first refused to go, but later went," and He put his commendation on the second son.

In the next place, when He was talking to his disciples, He said, "Many are called, but few are chosen." And in the last, when He selected 12 men to send to death, He said, "You did not choose me; I chose you." That is all. [Applause and cries of "Vote!" "Vote!"]

Mr. MASON. Mr. Chairman——

Mr. DENT. Mr. Chairman, I ask unanimous consent to close debate on this amendment.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent to close debate on the amendment. Is there objection?

There was no objection.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from South Carolina [Mr. STEVENSON].

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will proceed with the reading of the bill.

The Clerk began the reading of section 2.

Mr. AUSTIN. Mr. Chairman, I wish to offer an amendment in line 7, page 6. If I understand, the Clerk has read to the end of section 1.

The CHAIRMAN. He has begun the reading of section 2.

Mr. AUSTIN. I was on my feet, Mr. Chairman——

The CHAIRMAN. Was the gentleman seeking recognition before the Chair directed the Clerk to read?

Mr. AUSTIN. Yes. I was in the back part of the Hall.

The CHAIRMAN. The gentleman from Tennessee offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. AUSTIN: Page 6, at the end of line 7, insert the following: "That before sending any of the armies of the United States to Europe opportunity shall be given to the enlisted men to volunteer for this service, and those consenting shall be formed into separate units and used, as far as practicable."

Mr. AUSTIN. I do not think there will be any opposition or objection to this amendment.

The CHAIRMAN. Does the gentleman desire recognition?

Mr. AUSTIN. No.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Tennessee [Mr. AUSTIN].

The question being taken, the amendment was rejected.

The Clerk read as follows:

SEC. 2. That the enlisted men required to raise and maintain the organizations of the Regular Army and additional forces hereby authorized and to complete and maintain the organizations embodying the members of the National Guard drafted into the service of the United States at the maximum legal strength as by this act provided shall be raised by voluntary enlistment, or if and whenever the President decides that they can not effectually be so raised or maintained, then by selective draft; but this provision shall not prevent the transfer to any force of training cadres from other forces. Such draft as herein provided shall be based upon liability to military service of all male citizens, or male persons who have declared their intention to become citizens, except alien enemies, between the ages of 21 and 40 years, both inclusive, and shall take place and be maintained under such regulations as the President may prescribe not inconsistent with the terms of this act. Quotas for the several States, Territories, and the District of Columbia, or subdivisions thereof, shall be determined in proportion to the population thereof, and credit shall be given to any State, Territory, District, or subdivision thereof, for the number of men who were in the military service of the United States as members of the National Guard on April 2, 1917, or who have since said date entered such service from any such State, Territory, District, or subdivision, as members of any Federal force hereby authorized. All persons drafted into the service of the United States and all officers accepting commissions in the forces herein provided for shall, from the date of said draft or acceptance, be subject to the laws and regulations governing the Regular Army, except as to promotions, so far as such laws and regulations are applicable to persons whose permanent retention in the military service on the active or retired list is not contemplated by existing law, and those drafted shall be required to serve for the period of the existing emergency unless sooner discharged: *Provided*, That the President is authorized to raise and maintain by voluntary enlistment or draft, as herein provided, special and technical troops as he may deem necessary and to embody them into organizations and to officer them as provided in the third paragraph of section 1 and section 8 of this act.

Mr. MILLER of Minnesota. Mr. Chairman, I have an amendment

Mr. KAHN. I think there is a committee amendment to this section which should come first. If not, I will offer it.

Mr. STAFFORD. The committee amendment should be reported first.

The CHAIRMAN. There is no question about that. The Chair will carry out the rule. The Clerk will report the committee amendment.

The Clerk read as follows:

Add at the end of section 2 the following:

"Organizations of the forces herein provided for, except the Regular Army, shall, as far as the interests of the service permit, be composed of men who come, and of officers who are appointed from, the same State or locality."

Mr. MASON. Mr. Chairman, I want at this moment and while we are considering this amendment to correct the gentleman from Missouri [Mr. MEEKER] upon the question of his Bible reading as it bears upon this amendment. Christ was a volunteer, and he said, "No man taketh my life. I lay it down." He mentioned a man with two sons, insisting that he was not personal. I do not know what he meant, but let me say that I have two sons, and it is fair to place this operation in my family. One of them whom you do not propose to draft is 26 years old, and upon him the family had expended $5,000 in giving him a military training at Culver, Ind.; and the pen of your President was not dry in approval of your war measure before he had enlisted to go anywhere this side of hell that the people want him to go. [Applause.] The other boy has a family on his hands, and by your bill you say that the boy who wants to go ought not to be permitted to go, and that the boy who has the responsibility of a wife and babies on his hands must go.

SEVERAL MEMBERS. Oh, no.

Mr. MASON. Show me a place in the bill where he can be exempted, unless he stands in with the party that appoints the judges that pass on him. Show me the place.

Mr. LAGUARDIA. On page 9.

Mr. MASON. All right. I have read that twenty times.

Mr. GREENE of Vermont. And the twenty-first time may make the gentleman's reading of some avail.

Mr. KAHN. Line 7, page 9—

Those in a status with respect to persons dependent upon them for support which renders their exclusion or discharge advisable.

Mr. MASON. I have read line 7, page 9, over and over again, but it is a question with the men who have the power to find the facts. The law is all right, the bill is well drawn for the purpose for which it is intended; there is no doubt about that, but you are asking us to vote for a law and you will not even tell us what are to be the regulations under that law—regulations that are held in some star chamber or in the minds of some favored members of the committee. You ask us to vote for a law when we do not know what the effect of the law or of the regulations of the General Staff will be which may be applied to it and put upon the people of this country.

Mr. SHALLENBERGER. Will the gentleman yield for an interruption?

Mr. MASON. Yes.

Mr. SHALLENBERGER. In the estimates made by the War Department they ask for $145,000,000 to pay for the dependent relatives of men who have to go to war. So they must have thought that they would have to take them or they would not have asked for the appropriation.

Mr. MASON. Surely. That is the way they are going to exempt them.

Mr. DENT. I understood the gentleman from California [Mr. KAHN] to say that there was a committee amendment to this section. I do not understand what that means.

The CHAIRMAN. The Chair knows nothing more than what the gentleman from California said, that he would offer a committee amendment.

Mr. DENT. Here is the status: I introduced a bill which is substantially like this bill. The committee amended the bill that I introduced, and those amendments are shown in italics; but the language that is in italics is a part of the bill that the committee instructed me to report. So that is not a committee amendment.

Mr. MADDEN. It is a committee amendment. It is different from the bill introduced.

Mr. DENT. I was instructed to bring it in when I reported the bill.

Mr. KAHN. Mr. Chairman, in reading the bill I noticed that the language was in italics. Therefore I assumed that it was an amendment offered by the committee. If it was a part of the original section, of course there need be no vote taken on it.

Mr. TILSON. Will the gentleman from California yield? I think the gentleman from Alabama [Mr. DENT] is laboring under a misapprehension. We are trying to pass the bill introduced by the gentleman from Alabama, as amended by the committee. The committee ordered reported here the bill introduced by the gentleman from Alabama, with certain amendments. Now, those amendments were printed in italics, and in each case heretofore we have taken a vote upon each one of these amendments added by the Committee on Military Affairs to the bill introduced by the gentleman from Alabama.

The CHAIRMAN. Just a moment. The situation is very simple and very easy. If the committee added these amendments in the committee and then reported the bill as a whole, it is a committee bill. If they reported the bill with these amendments reported as such, why, then, they are committee amendments, and have to be acted upon. It is a question of fact. There is no difficulty about it at all. Now, what took place in the committee?

Mr. DENT. There is no question but what the language printed here in italics was an amendment to the bill that I originally introduced.

The CHAIRMAN. Was it reported as an amendment or a part of the bill?

Mr. DENT. It was reported as a part of the bill.

Mr. KAHN. In the report of the chairman of the committee on the bill, among the amendments reported it says:

At the end of section 2, page 7, add the following paragraph—

And then comes the language here printed in italics, so that it is shown in the report of the chairman of the committee as a committee amendment.

Mr. DENT. Mr. Chairman, I raised the question simply to know what would be the order of procedure. Of course it does not make any difference. If it is to be treated as a committee amendment, I want to know it, so that I can offer it when we reach it.

The CHAIRMAN. If the parts printed in the bill in italics are reported as committee amendments, they will have to be acted upon by the Committee of the Whole. There is no difficulty about it.

Mr. GREENE of Vermont. Let me say for the information of the committee that I hold in my hand a copy of the bill as originally introduced, and the language as proposed is not in it.

Mr. DENT. I stated that. I understand that the language printed in the bill in italics are pending on the Clerk's desk and will be voted on as committee amendments?

The CHAIRMAN. Yes; according to statements that gentlemen have made. The question is on the committee amendment.

The question was taken, and the amendment was agreed to.

Mr. KAHN. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Page 6, lines 9 and 10, after the word "army" in line 9, strike out the words "and additional forces hereby authorized."

Mr. KAHN. That simply perfects the bill to comply with the amendment adopted to paragraph 3, section 1.

Mr. ANTHONY. Will the gentleman yield?

Mr. KAHN. Yes.

Mr. ANTHONY. I would like to ask the gentleman if the words "additional forces" do not refer to the additional army of 500,000 raised by draft, and therefore ought to be left in the bill?

Mr. KAHN. No; that language does not provide for those forces because those forces are specifically provided for in another paragraph.

Mr. LENROOT. Will the gentleman yield?

Mr. KAHN. Yes.

Mr. LENROOT. The language in line 7, page 4, does refer to the 500,000 men as additional force, and therefore ought not this language to remain in the section?

Mr. GARDNER. If the gentleman will permit me——

Mr. KAHN. I yield to the gentleman.

Mr. GARDNER. On page 6, line 14, you will find the gist of the whole matter—that the enlisted men required to raise and maintain the organization of the Regular Army and additional forces, and so forth, shall be raised by voluntary enlistment, and so forth. These words must be cut out because the first part of section 2 refers solely to the organizations for which we are to permit voluntary enlistments.

Mr. BATHRICK. As I understood the amendment, if it prevails you will have two words "and" left together.

Mr. KAHN. No; the amendment is to strike out the words "and additional forces hereby authorized."

Mr. BATHRICK. That was not the way I understood it to be read.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California.

The question was taken, and the amendment was agreed to.

Mr. KAHN. Mr. Chairman, I offer another amendment, which I send to the desk.

The Clerk read as follows:

On page 6, line 16, after the word "draft" insert "and all other forces hereby authorized shall be raised and maintained by selective draft exclusively."

Mr. KAHN. That is another amendment to perfect the bill so as to comply with the amendment adopted to paragraph 3, section 1.

Mr. FITZGERALD. Will that change the existing law as to filling up the Regular Army and the National Guard?

Mr. KAHN. Not at all.

Mr. CRAMTON. Mr. Chairman, can we have the amendment reported again?

The CHAIRMAN. Without objection, the Clerk will report the amendment again.

The Clerk again read the amendment.

Mr. TILSON. Mr. Chairman, replying to the gentleman from New York, he will find that, in lines 8 to 16, we have provided for raising and maintaining the organizations of the Regular Army and the National Guard, and then it says that all other forces shall be drafted.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California.

Mr. BARKLEY. Mr. Chairman, I desire to ask the gentleman if this language was in the bill as originally drawn?

Mr. KAHN. It was.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California.

The question was taken, and the amendment was agreed to.

Mr. HAYDEN. Mr. Chairman, I offer the amendment, which I send to the Clerk's desk.

The Clerk read as follows:

Page 8, after line 2, insert as a new paragraph——

Mr. MONDELL (interrupting). Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MONDELL. I have an amendment to the section which I desire to offer, and the gentleman's amendment comes in at the end of the section. Should not my amendment be considered first? He offers his amendment as a new paragraph, and my amendment is to perfect the section as it is written in the bill.

The CHAIRMAN. The gentleman will send up his amendment.

The Clerk read as follows:

Page 6, line 22, after the word "forty," insert the word "five."

Mr. MONDELL. Mr. Chairman, I would like to be heard on my amendment. Mr. Chairman, I am one of those who believe that the highest duty and the greatest privilege of a citizen of the Republic is to take up arms when necessary to insure the independence, to preserve the liberty, and maintain the rights of his people and his country. I would not favor any law which left outside this high duty, this great and splendid opportunity, any citizen of sound physical condition within the ordinary military age, and therefore I propose to increase the age limit, to raise it from 40 to 45. I would increase it up to 60 if it were not for the fact that by so doing I am fearful that I should draft a lot of those folks who have been sending me telegrams in favor of conscription, and, heaven knows, I do not want to be so unkind as that.

Mr. Chairman, I have waited in vain to hear some of the gentlemen who are sitting here, pretending to be upholding the President, pretending to be supporting the General Staff bill, as now before the Senate, offer an amendment which in the matter of the age of enrollment and conscription will put this bill in line with the declaration of the General Staff approved by the President. I know some gentlemen have been responding to the telegrams of their constituents asking them to stand by the President, assuring them they intended to do so, and that they imagine fondly that their constituents will not discover that they are not standing by the President in this essential matter. The Secretary of War declared that the age of conscription—from 19 to 25 years—which he proposed and which the President indorsed, was one of the very fundamental essentials of their plan and purpose, and so it was; and yet, up to this good hour, not a man on the floor who has been declaring himself as a supporter of the President or the proposition of the General Staff has dared defend the monstrous proposition of laying the burden of this great war on the shoulders of the boys from 19 to 25. [Applause.]

Mr. PLATT. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. And if the gentleman from New York [Mr. PLATT] who now seeks to interrupt me desires to state that he wants the distinction of being recorded for that kind of a proposition, I am anxious to give him the opportunity to say so.

Mr. PLATT. Mr. Chairman, I want to say that I am, and I think that we should stand by the General Staff on this, and the gentleman knows that no draft will ever be drawn upon men up to 40 years of age.

Mr. MONDELL. Ah, the gentleman who up to this hour is the only man who has had the courage and the hardihood on this floor to declare what he believes and what he stands for, realizes that you gentlemen sitting here, voting for conscription with the idea that your constituents believe that you are voting to place the burden on the people generally, realizes that when the bill comes back from conference you are likely to be called upon to vote to put the ages back to 19 to 25.

Mr. PLATT. I hope so.

Mr. MONDELL. And if you do not do it, then you will not be standing by the President.

Mr. PLATT. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. Then you will not be standing by the General Staff. Gentlemen still claim that they are standing by the President and the General Staff when they have already accepted an amendment to this bill territorializing the forces and giving the boys at home some little hope of being able to get a commission in one of these new regiments. The General Staff, approved by the President, is as much against that provision as it is against any provision in the bill. The man who would stand by the President and the General Staff must go the whole length and lay the burden on the boys of 19 and make these organizations national rather than local, and take from the boys at home all hope of a commission in the service of their country. [Applause.]

A sound, sane, and righteous plan or policy which appeals to men's reason and conscience is best supported and defended when clearly and fairly stated. This being true, why is it that those who are defending the plan for raising armies proposed by the General Staff and embodied in the bill before the Senate do not, at least the majority of them, state clearly what they stand for and resolutely defend it? We are called on by the metropolitan press, by telegrams inspired by certain powerful organizations, and by well-meaning people who do not, I fear, clearly understand the proposition before us, to stand by the President, to support the General Staff bill, to support the bill before the Senate; and by gentlemen on the floor of the House, asking us to stand for universal training, for universal liability to service, and for other things that are not even proposed or suggested, except remotely and indirectly, by the legislation before us. If gentlemen really believe in the War Department's plan, why do they not have the courage and the frankness to say what it is, and squarely declare themselves for it? What is that plan? It is a plan to raise new armies entirely by conscription. It authorizes the President to apply conscription to enlistments in the Regular Army and in the National Guard, which have always been volunteer services. It proposes to lay the burden of this conscripted service exclusively on the boys and men from 19 to 25. It is a plan under which forces may be and are intended to be organized

in national rather than in territorial units, so that conscripts may be compelled to serve in organizations recruited far from their own localities and among those who are entire strangers to them. It is a plan under which none of the conscripted soldiers can reasonably hope to hold commissioned rank, even of the lowest grade, but which proposes to officer them wholly from outside the conscripted ranks and largely from those whom favor has given a place in the Officers' Reserve Corps, thus creating at once the unrepublican, undemocratic, and hateful condition under which the men in the ranks are all conscripted, while the officers are all volunteers.

Amazing as it may seem, this plan and policy of the War Department, which would conscript armies for any service, at home or abroad, which the authorities may assign them to, which are to be thus drafted from the boys of the Nation, officered by those who, being volunteers, may look down upon them as conscripts—all this is proposed in the name of universal service, in the name of democracy.

PLAN UNJUST AND INHUMAN.

In all the tides of time nothing more unjust, inhuman, inequitable, or destructive of the principles of equality, democracy, or freedom has been proposed. Even the soldiers of Napoleon, ruthless war lord that he was, gloried in the fact that they carried in their knapsacks the baton of a marshal of France, which they might some day hope to wield; but it is proposed in the greatest democracy of all time to rob the soldier in the ranks of this hope that animated the hearts of the enlisted men of an autocratic military power. Even the war lords of Germany have not dared—possibly they have not desired—to rob the soldier of that military empire of the privilege of fighting shoulder to shoulder with the men of their locality—their relatives, their neighbors, their friends. There Saxon rubs elbows with Saxon, Bavarian with Bavarian, Wurttemberger with Wurttemberger. Here in the great Republic it is proposed not only to conscript boys under age, but to compel them to serve in organizations the men and officers of which are strangers, and all this in the name of democracy. We may well paraphrase the famous saying of Madame Roland and exclaim: "O, democracy, what crimes are proposed to be committed in thy name!"

I should not have voted for a war declaration if I did not believe it had the support of the great majority of the American people, who were fully informed as to the situation which confronted them. Having voted with that conviction, that the war is the people's war, indorsed by the people as something that could not be avoided without the loss of honor and the abandonment of our citizens, I now believe that a war so undertaken will be supported, and that the volunteers given an opportunity will rally to the colors even more rapidly than we can arm and equip them. I believe that we can thus secure, in accordance with our traditions and the genius of our institutions, a sufficient army of volunteers long before we can even make the census on which to base the raising of an army of conscripts.

In such an army of volunteers, all in the ranks and in commission would have the same status as to enlistment. Men could organize for the defense of their country in their own communities, among their own friends and neighbors. Those who had had previous training and experience fitting them could hope for, expect, and receive appointments to at least some of the commissioned stations, leaving the President and the department fully empowered to accept or reject all who were not fit either for service or commission, all who were needed at home more than in the ranks, an army of selected volunteers rather than selected conscripts. Such an army could be depended upon to maintain our glorious record for gallantry and uphold the honor and sustain the prestige of the Republic.

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. TILSON. Mr. Chairman, I am in favor of the age limit as it is placed in this bill, 21 to 40. I oppose the amendment of the gentleman from Wyoming [Mr. MONDELL] not because I am unwilling to have men of all ages bear their share of the burden, but because I am thinking more of the effectiveness of the Army than I am of the distribution of the burden. If fairness of distribution were of primary importance, then we should remove the age limit entirely, for surely all ages are equally obligated to serve their country. We ought to consider first which army is going to be the most effective, because what we are trying to secure is an effective Army. I have had a little experience in Army service. Twice have I been a member of a volunteer army, once in the Spanish-American War and again during the recent trouble on the Mexican border. On both of these occasions, in camp and on the march, I have had occasion to watch men of the different ages from 18 to 45, for under the present law the age limits for the National Guard are from 18 to 45. As a result of my own experience with troops and a somewhat wider observation I am convinced that the men who make the best army are the younger men.

Mr. GORDON. Mr. Chairman, will the gentleman yield?

Mr. TILSON. Yes.

Mr. GORDON. Why not make them all 20 and 21 and 18 and 19, then?

Mr. TILSON. Whenever it comes to placing an obligation of service upon a man without his consent, excepting the general consent that he will serve his country in any capacity in which he may be called, I prefer that he should be of the recognized legal age. [Applause.] For that reason I have stood for the 21 to 40 limit; but if I were privileged to select a regiment of men, to be the most effective, the most easily trained, and who would best stand the hardships of camp and field, if I had full, free, and unlimited choice, I would not choose a man above 25 years of age.

Mr. GORDON. But the legal age for military service, the maximum, is 45 years.

Mr. TILSON. Oh, yes; and if need be we should go to 45 years——

Mr. GREENE of Vermont. Mr. Chairman, will the gentleman yield?

Mr. TILSON. Just a moment, and then I will yield. I would prefer stopping at 40 at first and then if need be going to 45 later on, because I think the men under 40 would make the most effective army; that there would be the fewest ineffectives among them, and that it would be better to stop at 40 until necessary to go beyond. I now yield to my colleague.

Mr. GREENE of Vermont. I had only in mind to supplement what my colleague said by suggesting that, for the most part, men whose years have advanced beyond 30 but who have been continually in military service keep their bodies in good physical condition; but to take men from civil life and plunge them into the stress of military training at 35 and 40 and 45 years of age is an entirely different question.

Mr. GORDON. But they are matured.

Mr. CRAMTON. Knowing the gentleman is entirely familiar with the bill, I would like to ask the gentleman whether it is possible under the act as it stands for the President and the War Department, when they prescribe the regulations for the drawing, notwithstanding the statute provides a limit of 21 to 40 years of age, to provide in the first drawing that it shall contain only the names of those from 21 to 25?

Mr. TILSON. Well, the gentleman has read the bill and it says, "Under such regulations as the President may prescribe."

Mr. CRAMTON. So that would be possible?

Mr. TILSON. I think so. Now, Mr. Chairman, just another word in regard to what I have seen at first hand. It has been my experience in observing soldiers above and below the age of 30, we will say, as an arbitrary age, but a fair and convenient one, that the older men will stand a grueling march just as well as the younger men, but they can not respond as well the following day. At reveille on the morning of the day following the older man, as a rule, is apt to feel a little the worse for the wear and more inclined to respond to the sick call than the drill call. Of course, there are always exceptions both ways. On the other hand, however, you may expect to find the younger fellow completely refreshed by sleep under almost any kind of condition and ready for any kind of duty. There is no hardship that younger men can not go through—rain or snow, heat or cold, whether it be sunshine or storm. He may be weary almost to exhaustion at nightfall. If so, he falls asleep when he stretches himself upon his blanket only to be pulled out by the corporal of the squad in time for reveille, but physically good as new, just as fresh as a daisy. I remember on one occasion at Fort Huachuca, Ariz., when the heavens opened and the rain came down in torrents until water ran through the camp like a river. Every man's pup tent was a lagoon; his clothes and blankets were wet through and through and not a dry thread upon him. It was in the middle of the night, at an altitude of 5,000 feet, and so cold that we were forced to rise and build fires in the company streets to warm the men. When morning came there was many a twitch of rheumatism among some of the older men, but the younger lads came up smiling and happy and were ready for a full day's work.

If we look at it purely from the standpoint of efficiency, we must admit, however unpleasant it may be for those of us who are older to concede it, that the younger man can stand the gaff better.

Mr. FERRIS. Will the gentleman yield?

Mr. TILSON. I will.

Mr. FERRIS. I want to inquire of the gentleman, for whom I have a great respect in reference to military matters and in all other matters, if he has followed the debate in the Senate. I sat there the other day and they were contending there they wanted to cut the age down to 18 instead of 19, and I was wondering whether the gentleman had followed that enough to know whether that would be a reason for taking the 19 to 25?

Mr. TILSON. Mr. Chairman, unfortunately I have been kept here, being on the committee myself, so I have not been able to follow the debate at all in the Senate and therefore I do not know.

Mr. SLAYDEN. Mr. Chairman, I rise solely for the purpose of expressing my hearty approval of the idea contained in the amendment offered by the gentleman from Wyoming [Mr. MONDELL]. It is, as was stated by the gentleman from Ohio [Mr. GORDON], the legal age. For how long it has been the statutory military age I do not know, but it certainly has been in the laws of the United States since I have known anything about it, and for 20 years at least. Now, Mr. Chairman, I believe that it is wise to adopt the amendment. If we are going to have any use for our military forces in Europe at all, we are going to need vastly more men than you can get out of the narrow margin between 19 and 25 years of age. If the great battle line of Von Hindenburg in northern France is not broken, if the allies do not win by the weight of the metal that they are throwing on their enemies every day, and soon, there is very grave danger recognized in all well-informed circles that the powerful implement of war known as the submarine may complicate the situation so much that we will not only have to have all the men between 19 and 45, but we will have to do as the German Empire has done in her desperation, go to men of 55, and for certain military services to men of 60 years of age. Now, if that line should be broken, if the allied armies engaged should be enabled to crash through Hindenburg's line, should be able to administer a severe defeat to the armies of the central powers in the next 30 or 60 days, then I do not believe, sir, that we will ever be called upon to send a single man across the ocean to the war.

Mr. GRAY of New Jersey. Will the gentleman yield?

Mr. SLAYDEN. Very briefly.

Mr. GRAY of New Jersey. I believe some of the women suffragists advocate what is called eugenic selection, that the older men be drawn first. What does the gentleman say as to that?

Mr. SLAYDEN. Of course, the gentleman is not serious; but I will say in reply to him that I once heard an officer of the United States Army say that if wars were conducted upon a safe basis the physical and mental degenerates would be put in the Army and the race benefit thereby. I am inclined to think that is true, that where there are unfit sires, apt to transmit moral and physical diseases, and perhaps it would benefit the human race to do as he suggested.

Mr. GRAY of New Jersey. Does the gentleman mean to say all men of 40 are in that class he has just described?

Mr. SLAYDEN. The gentleman ought not to ask me to make an application like that. Mr. Chairman, I fear, I very greatly fear, that unless this great battle line I was speaking of a few moments ago, shall be speedily broken, we are in for many more difficulties than gentlemen in this House consider at all probable, and that we will need all the military resources of our country to carry on the war and that no man will deny——

Mr. COX. Will the gentleman yield?

Mr. SLAYDEN. I have but a short time; I can not. No one will deny that men 40 and 45 years of age are physically capable of making as good soldiers as any man of any age when it comes to the storm and stress of battle.

There is a hope, sir, but it is a faint one, that social disturbances in the central powers may accomplish what the guns of the allies have not yet done. There is a faint hope, sir, that makes an appeal to all thoughtful and well-informed people, that before this disastrous war shall be permitted to go on much longer the men who toil, the men in whose sweat all of these expenses are paid, will decide that the time has come to overturn all the remaining autocrats and make peace on a basis of justice and common sense, and there are those who believe that that time may be on the 1st day of May, within the next week. And if that happens, then, I am happy to say, sir, I realize that we will never have a physical touch with it.

Mr. NORTON. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. NORTON. Is it in order now to offer an amendment to the amendment?

The CHAIRMAN. Yes.

Mr. NORTON. I desire to offer it.

The CHAIRMAN. The gentleman from Kansas [Mr. LITTLE] is recognized, unless the chairman of the committee desires recognition.

Mr. DENT. I yield for the purpose of having the amendment read.

The CHAIRMAN. The Mondell amendment?

Mr. DENT. The amendment to the amendment.

The CHAIRMAN. The amendment to the amendment will be reported.

The Clerk read as follows:

Mr. NORTON offered the following amendment to the amendment:
Amendment to the amendment offered by Mr. MONDELL:
Strike out the word "forty-five" and insert in lieu thereof the word "fifty."

The CHAIRMAN. The gentleman from Kansas [Mr. LITTLE] is recognized.

Mr. LITTLE. Mr. Chairman, we have had so much military information during the last week never heard of before that I have been somewhat startled. With the greatest confidence in the military experience of our friend from Connecticut [Mr. TILSON] on the committee, I beg leave to differ with him and wish to call attention to certain circumstances of the Philippine war.

I happen to be somewhat familiar with the regiment in the Spanish and Philippine Wars commanded by Col. Frederick Funston. His career seems to have commended itself to the American people as that of a typical volunteer American soldier of the successful type, who entered the Army without military training by political appointment. I do not at the moment think of anybody else who participated in that war who seems to have received the approval of the American people more than he and the regiment, perhaps, which helped make for him his reputation.

For a year and a half I was connected in a humble capacity with that body of troops. The gentleman has suggested that the boys who are young, those of 19 and 20, were always up early, were fresh in the morning, and ready, while the older men were apt to be a little worried over the previous day's work. I had that impression myself until the experience I gained. When our regiment was mustered in the governor commissioned three veterans of the Civil War, two of them almost 60 years of age, and the oldest the War Department very seriously objected to. It said that he was old, and they would not allow that regiment mustered in if he were commissioned. The governor, Hon. John W. Leedy, was a man of considerable confidence in his own judgment and considerable reason to have it. He was just as bullheaded as the department, and Capt. Boltwood and Capt. Elliot and Lieut. Parker, Civil War veterans, were all mustered in. My observation was that the boys of 19 and 20 and those ages were the least prepared and the least able to protect themselves.

In my judgment, without any question, the men over 25 who had learned to take care of themselves were, in a much larger proportion, more ready each day for the day's work than boys who were younger and had so little knowledge of the world. You take a boy of 19, for example, out of a home where he has enjoyed every possible comfort, where he has never learned self-restraint or self-control, and you will find he is the first to be sick, the first to fall by the wayside. A man over 25, who has learned something about taking care of himself, does better, as far as taking care of himself is concerned. The boy is a good fighter—none better—but a larger proportion of men over 25 will be ready for each day's work than those under 25, in my judgment. Capt. Elliot kept up with them all until he was killed in battle; and from the beginning of the march from Manila to San Fernando, where that regiment participated in all of the engagements that broke up the army of Aguinaldo and dispersed it into broken bands of bushwhackers, Capt. Boltwood never missed one day on the firing line or anywhere else. He never saw a man in his company that could outmarch or outfight him; and, if nothing else recalled it to my recollection, the splendid record of that old man would be enough to suggest to me that there is nothing inadvisable in Mr. MONDELL'S suggestion and amendment here. The men from 25 to 45—the age limit of efficiency set by the Regular Army for their enlistment—will furnish as large a percentage of men each day ready for the service as men under that age. And it seems to me we are much better prepared to spare them. Why send the boy to these training camps for a year when he is 19? Nothing in this country is prepared for war except the saloons and the brothels. When the first camp is pitched those inexperienced young fellows will be shown the gay road to ruin, to disease that will not down for generations, to habits that endure for life. Let the men fight, not the boys. The boys did not call for war.

MacArthur, Wheaton, Funston, in the Philippines; Von Hindenburg, Haig, and Neville are all far past 25 and many past

50. War is no pastime for children. All men who have seen service realize that the Regular Army age of 45 is a sensible and practical one for enlistment. The suggestion of the gentleman from Wyoming is borne out by the experience of the armies in the Philippines, and I wish to commend it to the judgment of this House. [Applause.]

Mr. DENT. Mr. Chairman, I ask unanimous consent that all debate on the amendment of the gentleman from Wyoming and the amendment thereto be closed in 10 minutes.

Mr. SLOAN. Mr. Chairman, reserving the right to object, I have an amendment to the amendment which I would like to have read, and in its nature would naturally come before the amendment suggested by the gentleman from North Dakota [Mr. NORTON], and I would like to have five minutes on it. And let it be read at this time.

Mr. O'SHAUNESSY. I wish to say to the chairman that I have an amendment to propose.

Mr. DENT. On this question of age?

Mr. O'SHAUNESSY. On the subject of limit of age.

Mr. DENT. I am only asking that the age-limit debate be closed.

Mr. O'SHAUNESSY. It is in regard to alien slackers, as we call them.

Mr. DENT. Mr. Chairman, I ask unanimous consent that every gentleman who has an amendment on the subject of age limit send it to the desk and let it be read, so that I may have an opportunity then to ask when the debate shall be closed.

The CHAIRMAN. The amendment to the amendment will be read by the Clerk.

Mr. MILLER of Minnesota. Does that relate simply to the amendment of the gentleman from Wyoming [Mr. MONDELL]?

Mr. SLOAN. Yes.

The CHAIRMAN. The Clerk will report the amendment of the gentleman from Nebraska [Mr. SLOAN].

The Clerk read as follows:

Mr. SLOAN moves to amend the amendment of the gentleman from Wyoming by substituting the word "sixty" for the word "forty-five."

The CHAIRMAN. Now, let the gentleman submit the unanimous-consent request.

Mr. DENT. Mr. Chairman, I ask unanimous consent that all debate on the Mondell amendment and all amendments thereto be closed in 20 minutes.

The CHAIRMAN. The gentleman from Alabama [Mr. DENT] asks unanimous consent that debate on the Mondell amendment and the amendments thereto shall terminate at the expiration of 20 minutes. Is there objection? [After a pause.] The Chair hears none.

The gentleman from North Dakota [Mr. NORTON] is recognized.

Mr. NORTON. Mr. Chairman, the age limit prescribed in this bill is from 21 to 40 years. I trust that no legislation will be permitted to be passed by this House or be slipped through via a conference-committee-report route that will provide for the drafting into the Army of men under the age of 21 years. The burden of this war should not be imposed upon the children of this Nation.

This war should be fought by mature men. We have a sufficient number of them in this country. The amendment which I propose to the pending amendment is that the maximum age limit shall be raised to 50 years. Men between the ages of 21 and 50 years are, as a rule, well qualified physically to perform the duties required of modern soldiers. There is no reason why a great many men between the ages of 40 and 50 in this country should not be taken into the Army. There are many duties in the Army which they can perform. All the men in the Army are not going to be needed only for marching and fighting. There is going to be a great deal of manual and menial work to be done, and men between the ages of 40 and 50, as well as men between the ages of 21 and 40, are competent to do that work. The age limit should be so fixed as to place as many of our citizens as possible on a fair equality as far as military service to the Nation is concerned. I do not know—although I have given the matter considerable thought—but that the age limit should be even higher than 50 years, but I am convinced that it should be at least that.

Now, when we talk of wars that we have had in the past—the Civil War and the Revolutionary War—we should consider that the war that is being waged to-day by this country is upon an entirely different basis from that of wars that have been waged in the past. The wars of to-day are just as much different from those of 50 years ago as the methods of travel, and the methods of transportation of to-day are different from those of 50 years ago. In the present world war there is not that amount of close or hand-to-hand fighting that existed in the wars of half a century ago.

The war of to-day is more a war of machinery and modern invention, and the war of to-day requires more maturity on the part of the individuals in the Army to carry it to a successful conclusion than did the wars of 50 years ago. It seems to me it would be fairer under this universal-service system to define an age limit that would cover practically all of the men in this country available for modern present-day military service.

Mr. TILSON. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from North Dakota yield to the gentleman from Connecticut?

Mr. NORTON. Certainly; I shall be pleased to yield to the gentleman for a question.

Mr. TILSON. Does not the gentleman realize that the principle requirement of the soldier is the endurance of hardships? A soldier's life is no pink-tea performance, as has been stated here a number of times. Whether he is in camp or in battle he must undergo a great deal of hardship, and that is the point rather than whether he is a good fighter or not, because he must endure the hardships all the time and he may fight only a small part of the time.

Mr. NORTON. I want to say to the gentleman that I have taken the position from the beginning of this war declaration, and for some months past, that this war is not, and will not be, a ping-pong affair; that it is a real world war; that it will require the greatest efficiency that we can organize in this country to carry it to a successful conclusion; and I believe that by making available to the Army of the United States men up to 50 years of age we will secure the highest efficient service. I am convinced that these men of more advanced years are just as much needed in the Army as men of more youthful years, and they should not be denied the privilege of rendering military service to their country.

The CHAIRMAN. The time of the gentleman from North Dakota has expired. The gentleman from Nebraska [Mr. SLOAN] is recognized.

Mr. SLOAN. Mr. Chairman, I present an amendment based upon the amendment offered by the gentleman from Wyoming [Mr. MONDELL], making the period from 21 years to 60 years. That period will include a large majority of this House. I am of the opinion that none of the men of my district who were over the limit fixed called for conscription, so that I have no delicacy about my district. [Laughter.] But I know I am doing a service to a large body of men of this House. I can not conceive the state of mind of men who have been debating this subject for nearly six days and who have enough venom in their hearts to send the boys into the trenches unless they have an opportunity to go with them. [Applause.] I can not fancy the bold warrior from Kansas City, having asked to send into the fight the boys, none of whom God Almighty blessed him with, should favor a state of affairs where he would be enabled to go back to his district and say, "I voted to send the boys to the trenches, but I voted for an exemption period, so that I could not go myself." [Laughter.]

Mr. LITTLE. Mr. Chairman, will the gentleman yield?

Mr. SLOAN. Yes.

Mr. LITTLE. The gentleman refers to the Member from Kansas City. There are two of us. I have a boy 16 years old, and his mother writes me this morning that he is trying to enlist in the Navy.

Mr. SLOAN. Oh, I was talking about the gentleman from Kansas City, Mo., who was so anxious to break into this conscription debate that he could not wait until the bill was brought in. And I could not think that the brilliant son of Mars, from Massachusetts, would go to his constituents and say, "I forced the boys from 19 to 25 or from 21 to 40 into the trenches, and yet when it came to the question of sending me, then I voted against it." [Applause.] I can not think but that these gentlemen, these bold, bad warriors, the drinkers of human blood, who have no sons but favor the conscription of other men's sons, want to turn to those other men's sons and say, "I stood on the level with you, boys; I stood by you in my speeches and in my vote, and I voted to raise the exemption so that I would be forced to go with you." [Applause.]

Mr. BORLAND. Mr. Chairman, will the gentleman yield?

Mr. SLOAN. Yes.

Mr. BORLAND. Overlooking the inconsistency of the gentleman's remarks in the fact that the bill exempts Members of Congress—and the gentleman's speech is all to the galleries——

Mr. SLOAN. I resent a statement of that kind. It is not true. I do not yield further to the gentleman. [Laughter.]

Mr. BORLAND. Do not get excited. The committee will take it. [Laughter.]

The CHAIRMAN. The committee will be in order.

Mr. BORLAND. The gentleman has yielded to me.

Mr. SLOAN. I do not yield further.

The CHAIRMAN. The gentleman says he will not yield further. When a gentleman in control of the time refuses to yield further the gentleman seeking to interrupt him must take his seat.

Mr. SLOAN. I am not talking to the galleries. I am talking to the American people on this proposition. And I want to say that if this amendment carries I will submit another amendment that will remove the exemptions from the legislative branch of this Government. [Applause.] I should very much dislike to think that there is a man in this body of men now numbering 432, under 60 years of age, who is not equal to Maj. Boltwood, of Kansas, who at 60 was a leading marcher and a most gallant soldier in the Philippine War. Think of a man here who has been howling for conscription who could not march equal to Maj. Boltwood. I have a better opinion of my colleagues. [Applause.]

Mr. O'SHAUNESSY. Mr. Chairman and gentlemen of the committee, I have submitted an amendment which occurred to me a few moments ago, bringing within the operation of this law a class of men whom I would denominate alien slackers. I refer to that particularly despicable class of men who reside in a country, take its privileges, its riches, its emoluments, but give no allegiance to its flag, who give no allegiance to any flag; men who have a reverence for foreign potentates and a liking for their pictures and other emblems of foreign governments, but a sad lack of regard and affection for the Stars and Stripes or of American patriots. I am told that last week we passed a bill to give authority and permission to foreign governments with which we are now in alliance to come here and recruit these alien slackers, men who have come to our shores and are taking our substance, but who give allegiance to no government. I would go further than that if it is permissible. I am told that under an emergency such as now confronts us under the military law we have a right to take these alien slackers. If we have, let us take them and let us get back something for the benefits we have given to them.

Mr. COX. Will the gentleman yield?

Mr. O'SHAUNESSY. I yield to the gentleman from Indiana.

Mr. COX. I am heart and soul with you. Can you give the committee any information as to how many of these alien slackers there are in this country?

Mr. O'SHAUNESSY. There must be thousands upon thousands of them. I have been told that there are as many as 400,000.

Mr. COX. I have done my level best, asking the War Department, the Navy Department, the Department of Commerce, and the Department of Labor how many there are, and I can not find out.

Mr. O'SHAUNESSY. I know men who give no allegiance to any flag, but who are willing to take our money and take positions——

Mr. COX. And who expect our boys to go over there and do their fighting.

Mr. O'SHAUNESSY. Absolutely.

Mr. GREENE of Vermont. How would the gentleman avoid the proposition that they are not citizens of this country?

Mr. O'SHAUNESSY. By my amendment.

Mr. GREENE of Vermont. Will the gentleman's amendment to this Army bill be considered as making a law that would make them citizens of the United States for the purposes of military service?

Mr. O'SHAUNESSY. My amendment provides that aliens between the ages of 21 and 40 years—or if we advance it to 50 years, well and good; I have no objection to that; it would take me in—that aliens between the prescribed ages who have resided continuously in the United States for five years and have failed to become citizens thereof shall be subject to military service under our flag. It is time to get something from these men who have enjoyed all the comforts that this Republic gives, but who so far have been unwilling to give anything in return.

Mr. LANGLEY. I want to ask the gentleman if he voted for the Burnett immigration bill?

Mr. O'SHAUNESSY. I did not.

Mr. LANGLEY. Does not the gentleman think he should have done so, in view of what he is now contending for?

Mr. O'SHAUNESSY. I do not think so.

Mr. MILLER of Minnesota. Has the gentleman any authority for believing that such an amendment as he proposes would be constitutional—that is, that he could really force these aliens to serve in our Army?

Mr. O'SHAUNESSY. I have asked one of the members of the Judiciary Committee—Judge GARD—about it, and he thinks that it is proper.

Mr. MILLER of Minnesota. I will say to the gentleman that I do not believe there is any warrant of law for such action as this. It can not be done. Suppose an American citizen were in Austria to-day and he were conscripted into the Austrian Army, how we would rise up and howl about Austria compelling that American citizen to serve in her army.

Mr. O'SHAUNESSY. An American citizen in Austria for five years, with the intention of staying there forever, and not giving any allegiance to that country although he has intended to stay there the rest of his life—those are the kind of men I mean.

Mr. GREENE of Vermont. How would the gentleman prove that intention?

Mr. O'SHAUNESSY. By his own conduct and declaration and the evidence of his neighbors.

Mr. GREENE of Vermont. My purpose in inquiring of the gentleman from Rhode Island was to express sympathy with the general idea he has in mind, but I can not see how under any construction of law or of the Constitution we can take these alien people and impress them into the American Army.

Mr. O'SHAUNESSY. We can do a great many things under emergency.

Mr. GARDNER. Did not our State Department protest to Brazil against Brazil doing that same thing? Is it not true that in the Civil War we tried to conscript British citizens, and were obliged to yield our position, because we ourselves have always protested against allowing any foreign nation to conscript our citizens?

Mr. O'SHAUNESSY. England would not object now.

Mr. GARDNER. I am not talking about England. I am talking about abandoning our position.

Mr. O'SHAUNESSY. France would not object to this course, Italy would not object, and we would not care what Germany said.

Mr. GARDNER. It is not a question of their objecting. It is a question of abandoning our own position.

Mr. TIMBERLAKE. Mr. Chairman, I should like to speak on this amendment.

The CHAIRMAN. The gentleman from Alabama [Mr. DENT] is recognized.

Mr. DENT. Mr. Chairman, a motion has already been carried to close debate in 20 minutes.

Mr. TIMBERLAKE. I should like to have one minute.

Mr. DENT. I yield to the gentleman one minute.

Mr. TIMBERLAKE. I am in favor of an amendment that will raise the age limit in this bill. I do not know whether or not the age stated is sufficient to include all the Members of this House, but I want it to include myself. [Applause.] I want it to include men who have arrived at that age of maturity that they will be the proper persons to go with the young manhood that we are going to select, and I want to go with them, and to make that possible I want to advocate the amendment to this bill on line 8, page 3, and eliminate the legislative branch of this Government. [Applause.] I want it to be made possible for a Member of Congress to offer his services to his country.

Mr. LANGLEY. I am in favor of that.

The CHAIRMAN. The gentleman from Alabama [Mr. DENT] is recognized.

Mr. DENT. Mr. Chairman, having been recognized for five minutes, I will yield one minute to the gentleman from Georgia [Mr. HOWARD].

Mr. HOWARD. Mr. Chairman, I hope that the O'Shaunessy amendment will get but one vote in this House, and that will be the vote of the gentleman from Rhode Island [Mr. O'SHAUNESSY], and I hope he will change his mind and vote against his own amendment. If we have got to the point in this country that we can not get native-born, naturalized, red-blooded American citizens to compose the Army of the United States, God save us. That is all that I want to say, and I hope that this amendment will not prevail. I hope that we will not put into the Army men that we can not implicitly trust at a critical moment.

Mr. HEFLIN. Will the gentleman yield?

Mr. HOWARD. Yes.

Mr. HEFLIN. The allies are asking permission to take these men over and put them on the firing line.

Mr. HOWARD. Yes.

Mr. HEFLIN. Would it not be better to do that?

Mr. HOWARD. I am talking about the literal construction of the amendment of the gentleman from Rhode Island to put men in the Army that are natives of foreign countries and owe no allegiance to our flag. Yes; let them fight under the flag of the country that they owe allegiance to.

Mr. WEBB. Will the gentleman yield?

Mr. HOWARD. Yes.

Mr. WEBB. I want to say to my friend that a little later a bill will be introduced in Congress—and if not, I will introduce

it myself—providing that all citizens of the allied countries of military age shall be rounded up by the military officers and turned over to their respective countries.

Mr. HOWARD. I do not know whether I am going to vote for that, and I am not going to say that I would.

Mr. DENT. Mr. Chairman, the proposition now before the committee is whether we will change the maximum age limit of 40 years. This age limit, of course, must be merely arbitrary. Under the present law the age limit of the Regular Army for enlisted men is 35 years. In the National Guard it is 45 years. The War Department has recommended that it be made uniform, and have increased the limit of the Regular Army by five years and reduced the National Guard by five years, making it 40 years.

The CHAIRMAN. The question is on the amendment to the amendment offered by the gentleman from Nebraska [Mr. SLOAN], raising the limit to 60 years.

The question was taken; and on a division (demanded by Mr. SLOAN) there were 63 ayes and 117 noes.

So the amendment to the amendment was rejected.

The CHAIRMAN. The question now recurs on the amendment to the amendment offered by the gentleman from North Dakota [Mr. NORTON], making the limit 50 years.

Mr. NORTON. Mr. Chairman, I ask that the amendment be again reported.

The Clerk again read the amendment.

The question was taken; and on a division (demanded by Mr. NORTON) there were 52 ayes and 118 noes.

So the amendment to the amendment was rejected.

The CHAIRMAN. The question now recurs on the Mondell amendment.

The question was taken; and on a division (demanded by Mr. MONDELL) there were—ayes 106, nays 114.

Mr. MONDELL. Mr. Chairman, I demand tellers.

Tellers were ordered; and the Chair appointed as tellers the gentleman from Wyoming, Mr. MONDELL, and the gentleman from Kentucky, Mr. FIELDS.

The committee again divided; and the tellers reported that there were 130 ayes and 130 noes.

So the amendment was rejected.

Mr. MILLER of Minnesota. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 6, line 22, after the word "of," strike out the words "twenty-one and forty" and insert in lieu thereof the words "nineteen and twenty-five."

Mr. MILLER of Minnesota. Mr. Chairman, I offer this amendment for two reasons. I offer it first because I heartily believe in it. I offer it secondly so that there may be given an opportunity for some discussion in answer to some of the statements recently made by gentlemen who have been talking about 45, 50, and 60, and the great-grandfather clause to bear arms in defense of the Republic.

This is a serious undertaking in which we are engaged, and we ought not to make it ridiculous by ourselves acting in a ridiculous way. It should be our purpose to enact a law that will give the maximum military efficiency to the forces that we propose shall be sent forth to fight the battles of the Republic.

Let us pause for a moment, Mr. Chairman, and see exactly what the situation now is. It is proposed that there shall be three forces raised—the Regular Army and the National Guard—which will number 1,000,000 men. Under your bill the age limit of the first million that will be ready to fight and should be the first that will go into the fight is 45. Any who desire to take up arms in behalf of the Republic under the age of 45 have an opportunity to do so in either of these two branches of the service, and he will be certain to be among the first to get into action. In addition it is proposed to raise a force of 500,000 men, and, if another increment is required later on, an additional force of 500,000 men.

Should we take those who are between 19 and 25, mind you, we are taking young men who are not to go now upon the battle field, but who are to go into training, and even should we take them but 19 years of age it is estimated by those in charge of our military force that those first called under this will not be ready to take up arms actively until a year from next fall, and they will then have reached the age, approximately, of 21 years. Those who are between the ages of 19 and 25 now to be called under this law by that time will have reached an age a year and a half to almost two years beyond their present age. There can be no doubt in my mind but that we will be serving our country best if we adopted the age limit fixed by the military advisers of our Government.

Mr. MASON. Mr. Chairman, will the gentleman yield?

Mr. MILLER of Minnesota. I can not; I have not the time. The gentleman has made 10 speeches already in the last two days and he ought to give somebody else a chance. I ask that we consider the military efficiency of the country. Suppose we had had that degree of preparedness in this land at this hour that many have fervently been hoping for for years; suppose we had men in the first reserves, what would be their age? Their ages would be under 25, the very class of young men that first would be called on to go forth to fight, and they are the ones most willing to go; they are the ones all history tells us will do the best work when once they go, and they are the ones who can go into the battle line with least loss to industrial and economic conditions in the country, and who have probably the least number dependent upon them. I favor the wisdom of the men who framed this wise piece of legislation.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. DENT. Mr. Chairman, I ask unanimous consent that all debate on the pending amendment be closed in five minutes.

Mr. LITTLE. Mr. Chairman. I object.

Mr. MONDELL. I hope the gentleman will not ask that. There are several who want to talk upon this amendment.

The CHAIRMAN. Does the gentleman insist upon his request?

Mr. DENT. I will not insist upon it now.

Mr. FIELDS. Mr. Chairman, the gentleman who preceded me in an effort to have the House reduce the minimum age limit from 21 to 19 has referred to the army that we are preparing to raise as an army of schoolboys. One would infer from his remarks that we are to raise an army for nothing but training purposes. That is not true. I wish it were. With the condition that confronts us we need an army for service; yes, we may need it for real service before we can possibly get it into the field. I am not so much concerned about the maximum age limit. While I am concerned, I think that the burden of this war should not be laid upon the backs of a few of our citizens. I am more vitally concerned about the minimum age limit. In the name of justice, let us make the minimum age 21; let us not go below that. For what have we entered this war? Have we entered it for conquest? No. We have entered it for humanity. Then shall we strike at the very heart of humanity by laying its burdens upon the children of this country under 21 years of age? Some may say that I am sentimental; but let us see.

There are two sides to the proposition. Every man knows that the boy under 21 years of age is not developed mentally and physically. Has it come to pass in this great Government that the voting men of this country, in the crisis which confronts them can not fight their battles and thus give the youth of the country a chance to develop mentally and physically under normal conditions, which we were permitted to do? Is that the position of the gentleman from Minnesota [Mr. MILLER]? Gentlemen of the House, I hope you think seriously on this proposition. God knows that I have. I have never had a proposition weigh upon me so heavily in all my life. I have hung my heart and my political future upon the questions of the minimum age limit in this bill, but it matters not what may happen to me politically. I shall stand by my duty here as I see it, regardless of what may come, and I hope that the membership of this House will sustain the minimum age limit of 21 as provided in the bill.

It is proposed by the amendment of the gentleman from Minnesota to go into the home and take the boys willingly or unwillingly, and subject them, though tender they be, to the incalculable burdens of this war. He says they are going into training camps. That may be true, they will, of course, go into training for a while, but we are in a great crisis, we are confronted with the greatest war in our history, and what effect from a moral point of view is it going to have upon the homes of America when you go in and lay your hand on the child who, as I said a few days ago, by divine right belongs to his mother and tear him from her bosom and send him into camp? Why it amounts to the same if he goes to the training camp as if he were going into the war the next day. Gentlemen of the House, we can not afford to commit such a blunder in the enactment of this law. I therefore trust that you will vote down the amendment of the gentleman from Minnesota. I appeal to you to do it. I appeal to your sense of justice and I believe you will do it.

Mr. DENT. Mr. Chairman, I ask unanimous consent that all debate upon this amendment be now closed. [Cries of "Make the motion!"]

Mr. MONDELL. Make it 10 minutes.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent that all debate upon this amendment shall now close. Is there objection?

Mr. DILL. Mr. Chairman, I object.

Mr. McCULLOCH. Mr. Chairman, will the gentleman yield for a question?

Mr. DENT. Yes.

Mr. McCULLOCH. I would like to ask the chairman to advise the House, if he has not already done so, what the recommendation of the General Staff was to his committee upon the question of the age limit?

Mr. DENT. Nineteen to twenty-five. That was in the bill presented.

Mr. McCULLOCH. I want to ask further if he understands that that is the desire of the administration?

Mr. DENT. That was the desire of the administration, but the Secretary of War, when he found that the committee was against him, yielded his views, so far as taking boys 19 and 20 was concerned.

Mr. McCULLOCH. But the recommendation of the General Staff was between 19 and 25?

Mr. DENT. That is correct.

Mr. BURNETT. Mr. Chairman, may I ask my colleague if he knows whether he has yielded the same views over in the Senate or not, or whether they are insisting on the 19 to 25 years over there?

Mr. DENT. I do not. That bill, as well as I am informed, is exactly as it was originally prepared—19 to 25—but this House, as it seems to be apparent to me, is opposed to that proposition, and your conferees will never agree to the Senate bill. [Applause.]

Mr. MONDELL. Will the gentleman yield for a question?

Mr. DENT. Yes.

Mr. MONDELL. Mr. Chairman, the gentleman from Minnesota [Mr. MILLER] left the impression with the committee that if his amendment carried men above 25 years of age could still enlist in the Regular Establishment and the National Guard. Is it not true, Mr. Chairman, that this very section provides that the President may, whenever he so decides, put the enlistments in the Regular Army and National Guard under a draft and then there could be no volunteering in either of these branches of the service?

Mr. DENT. That is in the bill now without doubt. Mr. Chairman, I move that all debate on the amendment be now closed.

The question was taken, and the motion was agreed to.

Mr. BURNETT. Mr. Chairman, I would like to have the amendment again reported.

The CHAIRMAN. Without objection, the amendment will be again reported.

The amendment was again reported.

The question was taken, and the Chairman announced the noes seemed to have it.

On a division (demanded by Mr. NORTON) there were—ayes 6, noes 207.

So the amendment was rejected. [Applause.]

Mr. BURNETT. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BURNETT. I want to ask where the recommendation of the General Staff and the administration is now?

The CHAIRMAN. On the table.

Mr. STEPHENS of Mississippi. Mr. Chairman, I desire to offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 6, line 25, after the word "act," insert "*Provided*, That all male Members of Congress under 50 years of age shall be subject to draft."

[Applause.]

Mr. CLARK of Florida. Mr. Chairman, I desire to offer a substitute to the amendment of the gentleman from Mississippi.

The CHAIRMAN. The gentleman will send it to the desk.

The Clerk read as follows:

Page 6, line 25, after the word "act," insert "*Provided*, That legislative officers of the United States and the several States and Territories and the District of Columbia shall be subject to draft regardless of age."

[Applause.]

Mr. DENT. Mr. Chairman, before the gentleman from Mississippi proceeds, may I put a unanimous-consent request?

Mr. STEPHENS of Mississippi. I have no objection myself.

Mr. DENT. Mr. Chairman, I ask unanimous consent that all debate on the pending amendment and substitute therefor be closed in 10 minutes.

Mr. LANGLEY. Mr. Chairman, I would like to have about two minutes of that time.

Mr. DENT. Mr. Chairman, I will withdraw it. [Cries of "Vote!"]

Mr. STEPHENS of Mississippi. Mr. Chairman, the effect of the amendment that I have just offered is to make all male Members of Congress under 50 years of age subject to draft, just as private citizens are.

Under the bill without my amendment all Members of Congress will be permitted to stay at home, with no liability to military service and therefore in no danger of suffering loss of health, limb, or life in the defense of their country.

When the vote was announced a little while ago, showing that the Kahn amendment, which means conscription, had carried by a large vote, the announcement was received with loud and enthusiastic cheers. That many of the youth of the land are to be forced, unwilling though some may be, to go to the trenches and to risk their lives on foreign soil was the cause of much rejoicing on the part of gentlemen here.

Surely no man in this body will vote to send others and then will vote to relieve himself of taking his place with his fellow citizens!

It may be that some of you have heard so much of the thrills and honor and glory of war that you are unwilling to deprive any of your constituents of any thrills, honor, or glory, so you will refuse to go yourselves but will vote to conscript those constituents.

Gentlemen, you can never convince the people that your action in exempting yourselves is prompted by such an unselfish spirit. They will believe that the motive is one that should be called by a name that you would dislike to have mentioned.

It has been stated to the people that those engaged in agriculture will be exempt from military service. This is a misleading statement. It is made for the purpose of creating a false idea as to the provisions of the bill.

Every man here knows that as many farmers as any other class—perhaps more—will be subject to draft. This is true, because if everyone in the classes that it is discretionary to exempt are really exempted there will not be anyone to serve in the Army, except a few loafers, bums, and trifling fellows. In most cases men and boys of the classes last referred to—the loafers, bums, and triflers—would really be exempt, too, because they would fall in the class of those who are "physically and morally deficient."

It is apparent that the statement that farmers are to be exempted is misleading. Those who are unfit for military service because of sex, age, or physical condition will be exempt, and the burden of producing crops will be put upon them, while the able-bodied farmer boys will be subjected to draft.

Let me say this to you, my friends, that the man of Congress who fails to do his part in this time of war is just as much a "slacker," just as much a coward, just as deserving of contempt as any private citizen who fails to do his duty.

You may not appreciate the language, but it is absolutely true. Why should you vote to force other men to be conscripted into service—send them to war and, perhaps, to death—while you sit here in perfect safety and draw a nice salary? You can not relieve yourself from responsibility by saying, "I am a man of so much consequence, of so much importance that the Government can not be run without my presence." [Applause.]

If we are subject to draft under the selective plan that has been adopted, only a dozen or two will be taken for military service. It will be exactly in the same proportion that men are taken from the farms, the stores, the professions; and there will be enough Members of Congress left to run the Government, stand by the President, stand by the General Staff, and do the bidding of the administration.

Gentlemen, let us as men of courage take our chances with other men. [Applause.]

Mr. NICHOLS of South Carolina. Does not the gentleman think that there are a good many here who could be of more service to the country at the front than they are here?

Mr. STEPHENS of Mississippi. My friend, I would not make any harsh, unkind criticism along that line.

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. CLARK of Florida. Mr. Chairman, the question of conscription has been settled. We are committed now to that policy, and the only question now before us is who shall be conscripted. I am an American citizen; and when a majority have spoken I cast my fortunes with them, however unwisely I think they may have spoken. But now I am confronted with a proposition as to who shall fight this war that we have declared and for which we are providing an army. I do not hesitate to say that I believe it would be cowardly in Congress, in the membership of this House, to declare this war and then exempt themselves from its provisions. [Applause.] Some men have even stood upon this floor advocating the drafting of boys of 19 and 20 years of age to fight the battles of America, boys who had nothing to do with the declaration of war, who did not bring it about and had no part in it, and yet we will

sit here as Representatives in the Congress of the United States and tear from the families of America young boys to go out and fight the battles of the country. Shame upon a Congress that would do that. It is a disgrace to our American manhood. It is a disgrace to us if we let this bill go through with an exemption in our favor. [Applause.]

If this war is just——

Mr. JONES of Virginia. Will the gentleman yield?

The CHAIRMAN. Does the gentleman from Florida yield to the gentleman from Virginia?

Mr. CLARK of Florida. No. I am firmly of the opinion that the flag is entitled to the activities of every American who has reached the age of 21 years. There are vigorous men upon this floor; there are men here in the full bloom of mature manhood, as well able to go to the front as those we propose to draft, and yet we propose to exempt our precious hides from the enemy's bullets. [Applause.]

Mr. Chairman, I want to say this: I have never been in any war, but, so help me God, I am ready to go if my country calls me, whether I am a Member of Congress or not. [Applause.]

The CHAIRMAN. The time of the gentleman has expired. The gentleman from Mississippi [Mr. HUMPHREYS] is recognized in opposition to the amendment.

Mr. DENT. Mr. Chairman, I move that all debate on the pending amendment and the substitute therefor be closed in 10 minutes, after we give 5 minutes each to two Members of the opposition. I am obliged to fix some time, otherwise we will never get through.

Mr. JOHNSON of Washington. Mr. Chairman, I move to amend the motion by asking that the debate be closed at once.

The CHAIRMAN. Does the gentleman have in mind who is to occupy this time?

Mr. DENT. I do not.

The CHAIRMAN. Does that include the five minutes the gentleman from Mississippi [Mr. HUMPHREYS] has?

Mr. DENT. Five minutes each to the gentlemen who are in opposition.

Mr. LANGLEY. I desire to offer an amendment before the gentleman proceeds.

The CHAIRMAN. The gentleman from Mississippi [Mr. HUMPHREYS] has the floor. Does the gentleman from Mississippi yield to the gentleman from Kentucky?

Mr. HUMPHREYS. I do not yield for any purpose now.

Mr. CLARK of Missouri. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. CLARK of Missouri. Is not there a motion made by the gentleman from Alabama pending, with a substitute by the gentleman from Washington [Mr. JOHNSON]?

The CHAIRMAN. The gentleman from Mississippi had been recognized and is entitled to the floor.

Mr. GALLAGHER. Mr. Chairman, a parliamentary inquiry. Does not the Chair think that the two amendments are "Kahn" amendments? [Laughter.]

The CHAIRMAN. The gentleman from Mississippi [Mr. HUMPHREYS] is recognized.

Mr. HUMPHREYS. Mr. Chairman, in view of the very strong language that was used by the gentlemen who favor this amendment, I wish to preface my remarks by stating that in 1898, when I was subject to military duty, I had the courage then to volunteer in the Spanish-American War [applause], and I have courage enough now, in face of what has just been said, to oppose this amendment.

I think, Mr. Chairman, that we ought to pause for a moment and consider what this amendment really means. We are not here simply as individuals; we are here as representatives of the people. There has been a time in the history of this world when it was very desirable that the representatives of the people should not be subject to arrest at the whim of the Executive of the country. And there may come a time—God defer the day—in this good land when it may be still more desirable that the representatives of the people should not be subject to draft by the Commander in Chief of the Army.

Mr. CHANDLER of New York. Will the gentleman yield for a question?

Mr. HUMPHREYS. I will not.

We are exempted now under the Constitution from arrest, an exemption which is not enjoyed by the average citizen. And it is well to remember sometimes, Mr. Chairman, that when the fathers met to frame that immortal instrument the first resolution they passed was that the doors should be closed and no opportunity afforded the newspapers to carry into their headlines the next day that they or some individual delegate was standing by the people. As a result of their deliberations, they put into the Constitution that Members of Congress should not be subject to arrest as other citizens are. And I think also, Mr. Chairman, now in this emergency we should remember that we are not simply legislating for to-day, but that if we agree to this amendment we will be setting a precedent that may return to vex our children. I know, Mr. Chairman, that if this amendment is adopted that I am not to be drafted into the Army. I know that I would be refused if I should volunteer. I know that the great majority of this House would be refused. We will have plenty of opportunity to serve our country, but, in my opinion, we will have no better opportunity than to vote down this amendment which would give to the Commander in Chief of the Army in times that may hereafter come, whenever the people have selected a Representative who does not vote here in accordance with the Executive will, the power to send his soldiers here and vacate that seat under the power to draft a Representative. We have heard much of late of the interference of the Executive in matters of legislation, of Members being coerced into compliance with Executive will. I do not believe that this is an autocracy or that we are drifting into or toward autocracy. I do not believe there is a czar in the White House. On the contrary, I believe that the spirit of democracy is spreading its beneficent influence throughout the world. But if we so far forget our responsibilities as representatives of the people as to give to the head of the Army the power to invade this Chamber and draft into the military service any and all Members whose activities here might thwart his will the liberties of our people would end.

I hope the amendment will be defeated. [Applause.]

Mr. LANGLEY. Mr. Chairman——

Mr. DENT. Mr. Chairman, I move that all debate on the pending amendment and substitute thereto be now closed. I give notice that I am going to continue to make that, because I want to finish this bill this evening.

Mr. MANN. I would like to have five minutes. [Cries of "Vote!" "Vote!"]

Mr. LANGLEY. Mr. Chairman, I would like to have two minutes.

Mr. MANN. I would like to have five minutes.

Mr. DENT. Mr. Chairman, I move that at the end of 10 minutes——

Mr. JOHNSON of Washington. I move as a substitute that the debate close now.

Mr. BURNETT. Mr. Chairman, I would like to know why the gentleman wants to yield 10 minutes? The gentleman from Mississippi [Mr. HUMPHREYS] has just had five minutes. I know the gentleman wants to be fair.

Mr. LANGLEY. Mr. Chairman——

Mr. JONES of Virginia. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. JONES of Virginia. I desire to ask if it is in order now to offer an amendment to the amendment, to this effect, that the word "male" be inserted before the words "Members of Congress," confining it to male Members of Congress? [Laughter and applause.]

Mr. LANGLEY. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. LANGLEY. I sent to the Clerk's desk an amendment to the Stephens amendment. My amendment proposes to remove the maximum age limit which he fixes at 50 years as to Members of Congress, so that they can go in at any time. I do not care especially to discuss it if the House wants to go ahead, but I would like to have a minute or two to explain it.

The CHAIRMAN. It will be reported in time.

Mr. LANGLEY. All right.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Washington [Mr. JOHNSON] to the motion by the gentleman from Alabama, that the debate close instanter.

The question was taken, and the amendment to the motion was agreed to.

The CHAIRMAN. The debate closes at once. The Clerk will report the amendment offered by the gentleman from Kentucky [Mr. LANGLEY] to the amendment offered by Mr. STEPHENS of Mississippi.

The Clerk read as follows:

Amendment by Mr. LANGLEY: Amend the Stephens amendment by striking out the words "under 50 years of age."

Mr. CLARK of Florida. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. CLARK of Florida. As I understand it now, the Stephens amendment is offered, and then my substitute, and now the gentleman from Kentucky [Mr. LANGLEY] offers an amendment to the Stephens amendment. Therefore, the vote will first come on the amendment of the gentleman from Kentucky.

Mr. LANGLEY. Yes; because it is an amendment to the original amendment, for which the gentleman from Florida [Mr. CLARK] proposes a substitute.

Mr. BURNETT. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BURNETT. What, then, will become of the amendment of the gentleman from Virginia [Mr. JONES], inserting the word "male"?

The CHAIRMAN. That was not in order in that connection. The question is on agreeing to the amendment offered by the gentleman from Kentucky [Mr. LANGLEY].

The question was taken, and the amendment to the amendment was rejected.

The CHAIRMAN. The question now recurs on the substitute offered by the gentleman from Florida [Mr. CLARK].

Mr. CLARK of Florida. Mr. Chairman, I would like to have that substitute read.

The CHAIRMAN. The Clerk will report the substitute.

Mr. STEPHENS of Mississippi. Mr. Chairman, may the original amendment be read again, and also the substitute?

The CHAIRMAN. Without objection, the Stephens amendment will be again read, together with the substitute.

There was no objection.

The Clerk read as follows:

Amendment offered by Mr. STEPHENS of Mississippi: On page 6, line 25, after the word "act," insert "*Provided*, That all male Members of Congress under 50 years of age shall be subject to draft."

Substitute offered by Mr. CLARK of Florida: Page 6, line 25, after the word "act," insert the following: "*Provided*, That legislative officers of the United States and the several States and Territories and the District of Columbia shall be subject to draft, regardless of age."

The CHAIRMAN. The question is on agreeing to the substitute.

The question was taken; and the Chairman announced that the noes seemed to have it.

Mr. CLARK of Florida. A division, Mr. Chairman.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 36, noes 150.

So the substitute was rejected.

The CHAIRMAN. The question now recurs on the original amendment. The question is on agreeing to the amendment.

The question was taken; and the Chairman announced that the noes seemed to have it.

Mr. STEPHENS of Mississippi. A division, Mr. Chairman.

The CHAIRMAN. The gentleman from Mississippi asks for a division.

The committee divided; and there were—ayes 86, noes 130.

So the amendment was rejected.

The CHAIRMAN. The Clerk will now report an amendment which was included amongst some other amendments that were offered a few minutes since, but inadvertently was not reported from the desk or voted on.

The Clerk read as follows:

Amendment offered by Mr. O'SHAUNESSY:

Page 6, line 21, after the word "citizens," insert "or aliens between the ages of 21 and 40 years, both inclusive, who have resided continuously in the United States for five years and failed to become citizens thereof."

The CHAIRMAN. The question is on agreeing to the amendment. The Chair would state that this amendment was offered some time ago and debated, and it should have been put at that time but was not. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

Mr. DENT. Now, Mr. Chairman, I move that the debate on this paragraph and all amendments thereto be closed. [Cries of "Vote! Vote!"]

The CHAIRMAN. The gentleman from Alabama moves that all debate on this paragraph and all amendments thereto be now closed——

A MEMBER. On this section.

The CHAIRMAN. That the debate on this section and all amendments thereto close instanter.

Mr. HAYDEN. He said paragraph.

The CHAIRMAN. The question is on agreeing to the motion.

The motion was agreed to.

The CHAIRMAN. Members having amendments to this section will send them to the desk, and they will be reported in their order.

Mr. NORTON. Mr. Chairman, I have an amendment, which I send to the Clerk's desk.

Mr. McCORMICK. Mr. Chairman, will the gentleman from Alabama [Mr. DENT] yield for a question?

The CHAIRMAN. The gentleman has not the floor. The amendment will be reported.

The Clerk read as follows:

Amendment offered by Mr. NORTON:

Page 6, line 18, after the word "Such," strike out the words "draft as herein provided" and insert in lieu thereof the words "draft as in this act provided for"; and on page 6, line 25, strike out the words "Quotas for" and insert in lieu thereof "All drafts provided for in this act shall be apportioned among"; and on page 7, line 2, insert the word "and" before the word "shall."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will report the next amendment in order.

The Clerk read as follows:

Amendment by Mr. VAN DYKE: Line 14, page 6, after the word "enlistment," insert a colon and the following:

"*Provided*, That no person under 21 years of age shall be enlisted under the provisions of this section without the written consent of his parents or guardians."

The question being taken, the Chairman announced that the noes appeared to have it.

Mr. VAN DYKE. Division!

The CHAIRMAN. The gentleman from Minnesota demands a division.

The committee divided; and there were—ayes 94, noes 118.

Mr. VAN DYKE. Mr. Chairman, I ask for tellers.

Tellers were ordered.

Mr. SEARS. Mr. Chairman, I ask that the amendment be again reported.

The CHAIRMAN. The gentleman from Florida asks unanimous consent that the amendment be again reported. Is there objection?

Mr. KELLEY of Michigan. I object.

The CHAIRMAN. Tellers are ordered, and the gentleman from Minnesota, Mr. VAN DYKE, and the gentleman from Alabama, Mr. DENT, will take their places.

Mr. DENT. I ask that the gentleman from Nebraska, Mr. SHALLENBERGER, act in my place as one of the tellers.

Mr. SEARS. I ask for the reading of the amendment.

The CHAIRMAN. That was asked for and objected to.

Mr. HILLIARD. I ask the Chair to state it.

Mr. TAGUE. I should like to ask the Chair to state what Members are expected to vote upon.

Mr. FIELDS. Let the Chair state the amendment.

The CHAIRMAN. The proposition before the committee is in respect to the enlistment of young men under 21, the prerequisite being that the consent of parents or guardians must be secured.

The committee again divided; and the tellers reported—ayes 147, noes 107.

Accordingly the amendment was agreed to.

The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment by Mr. BRITTEN: In line 19, page 7, after the colon, insert the following:

"*Provided, however*, That no conscripted person shall be ordered to do land duty in any part of Europe, Asia, or Africa unless he specifically volunteers for such foreign duty."

The CHAIRMAN. The question is on the amendment.

The question being taken, on a division (demanded by Mr. HUDDLESTON) there were—ayes 26, noes 120.

Accordingly the amendment was rejected.

The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment offered by Mr. CRAMTON: Page 6, line 14, after the words "raised by," strike out all down to and including the words "then by," in line 16.

The CHAIRMAN. The question is on the amendment.

The amendment was rejected.

The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment by Mr. DILLON: Page 7, line 24, after the word "act" insert "that the soldiers selected under the provisions of this act shall be permitted to express a preference for the foreign service, and those so wishing shall be given the first opportunity for such foreign service."

The CHAIRMAN. The question is on the amendment.

The amendment was rejected.

The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment offered by Mr. PLATT: Page 7, line 10, strike out the first three words of line 10 and insert in lieu thereof the words "military or naval force."

The CHAIRMAN. The question is on the amendment.

The amendment was rejected.

The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment by Mr. RANDALL: On page 6, line 22, strike out the words "twenty-one and forty" and insert the words "twenty-five and forty-five."

The CHAIRMAN. The question is on the amendment.

The amendment was rejected.

The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment offered by Mr. LARSEN: Amend, on page 6, line 25, by inserting, after the word "act," "*Provided*, That all able-bodied citizens of the United States, between 21 and 40 years of age, and residing therein, who can not show by satisfactory proof continuous employment during the 30 days next preceding the passage of this act, or who can not satisfactorily show employment at some lawful occupation three-fourths of the time, counting eight hours per day, during the six months next preceding the passage of this act, shall be, and are hereby, enrolled for military service in the Regular Army of the United States for and during the period of the present war; and that each and every person so enrolled shall, within 30 days or such time thereafter as the President may prescribe, from the passage of this act report to such authority as may be prescribed by the President of the United States for such service at such time and place as may be directed."

The CHAIRMAN. The question is on the amendment.

The amendment was rejected.

The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment offered by Mr. SABATH: After the word "have," in line 20, page 6, strike out "declared their intention to become citizens" and insert "resided in the United States over two years."

The CHAIRMAN. The question is on the amendment.

The amendment was rejected.

The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment offered by Mr. PARK: Amend by adding at the end of the section the following: "The President is further authorized to draft, in the manner provided in this act, every man, woman, and child in the United States, the Territories, the District of Columbia, and all other possessions of the United States for service in the war with Germany in any civil capacity for which, in the judgment of the President, any person subject to draft shall be needed."

The CHAIRMAN. The question is on the amendment.

The amendment was rejected.

Mr. HAYDEN. Mr. Chairman, I offer an amendment, to come in as a new section.

The CHAIRMAN. The gentleman from Arizona offers a new section, which the Clerk will report.

Mr. DENT. Mr. Chairman, I ask unanimous consent that at the expiration of five minutes all debate on this new section offered by the gentleman from Arizona be closed.

Mr. MANN. That can not be done until we hear it read.

Mr. RUBEY. Reserving the right to object, I should like five minutes.

Mr. HULBERT. Reserving the right to object, let us have the amendment reported.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Mr. HAYDEN offers the following as a new section: Page 8, after line 2, insert:

"SEC. 3. No bounty shall be paid to induce any person to enlist in the military service of the United States, and no person liable to military service shall hereafter be permitted or allowed to furnish a substitute for such service; nor shall any substitute be received, enlisted, or enrolled in the military service of the United States, and no such person shall be permitted to escape such service or to be discharged therefrom prior to the expiration of his term of service by the payment of money or any valuable thing whatsoever as consideration for his release from military service or liability thereto.

Mr. HAYDEN. Mr. Chairman, I am offering this amendment in good faith, in a sincere desire to perfect the bill.

The CHAIRMAN. The gentleman from California asks unanimous consent that at the expiration of five minutes——

Mr. DENT. I will make it 10 minutes, so that the gentleman from Arizona [Mr. HAYDEN] and the gentleman from Missouri [Mr. RUBEY] may be heard.

The CHAIRMAN. Is there objection?

Mr. MANN. Are both these gentlemen on the same side?

Mr. RUBEY. Mr. Chairman, I will state that I have another matter to bring before the House which I think is very important, and I ask for five minutes to do so.

Mr. KAHN. I hope the gentleman from Alabama will take five minutes for some member of the committee to oppose the amendment.

Mr. DENT. I do not think it is necessary.

Mr. KAHN. Well, if the gentleman feels that way, I agree with him that it ought to be killed.

The CHAIRMAN. Is there objection to the request of the gentleman from Alabama? [After a pause.] The Chair hears none.

Mr. HAYDEN. Mr. Chairman, the gentleman from California has been unkind enough to sneeringly suggest that no argument need be heard in opposition to this amendment. I trust that a part of his suggestion will be followed, for I hope that its merits will so appeal to every Member of the House that the amendment will be adopted with but little debate.

The House has just gone on record by an overwhelming vote in favor of the selective draft as a method of obtaining soldiers for this war. I did my best to preserve the voluntary principle, and I still believe that it is right to raise armies in that way, but I must bow to the will of the majority. Since we are to have conscription, let us make it as fair and just as possible. I offer this amendment in good faith and at the suggestion of a number of Members of the House who believe that there should be a direct and positive prohibition against the payment of bounties to secure enlistments, the procurement of substitutes by men when drafted into the service of the United States, or the payment of money to escape personal military service.

Mr. BARKLEY. Will the gentleman yield?

Mr. HAYDEN. With pleasure.

Mr. BARKLEY. I want to ask the gentleman, for information as to his construction of the bill, if under the bill it is not impossible to do any of these things?

Mr. HAYDEN. There is no affirmative permission in the bill to do any of these things, but there is nothing in the bill that denies the right to do them. I want a provision in this bill which will prevent the States from paying bounties to get men to make up their quota of the military forces. The gentleman from California [Mr. KAHN] stated yesterday that in the Civil War $289,900,000 was paid in bounties by the Northern States in order to obtain soldiers to fill up their quotas for the Union Army. We now have the National Guard and, if not recruited to full war strength by the voluntary system, then men can be drafted to fill up these organizations. There is nothing in this bill to prevent any State from paying bounties in order to avoid the draft and afterwards making a claim against the Federal Government for the money so expended.

The gentleman from California [Mr. KAHN] also stated that the United States Government during the Civil War paid $363,662,000 in bounties, making a total of over $650,000,000 paid for this purpose. Let there be an affirmative declaration in this bill that bounties can not be paid, so that the States and the Nation will be on notice not to pay them.

The gentleman from Illinois [Mr. CANNON] has told us in the course of his remarks that of the 199,000 men who were subjected to the draft in the North, but 43,000 actually served in the Federal Army. He produced statistics from The Adjutant General to show that of the remainder, 73,000 furnished substitutes and 83,000 paid the $300 commutation. Nothing of the kind should be permitted in this war. There should be neither bounty jumpers nor substitutes, nor should the rich be able to avoid exposing themselves to the risk of battle by the payment of money.

The gentleman from California [Mr. KAHN] declared yesterday that this bill was not a matter for to-day, but that we ought in this hour to prepare a military policy that will last for all time. I appeal to you gentlemen, if we are going to pass this bill and adopt a permanent policy for raising armies in time of war, we should make this declaration now. I ask the chairman of the Committee on Military Affairs if he can see any harm that can possibly come from the adoption of this amendment?

Mr. DENT. I will state to the gentleman from Arizona, as I stated to him when he showed me his amendment, that I thought his amendment was entirely unnecessary, because there was nothing in the law that would authorize it, but I could see no harm in its adoption.

Mr. HAYDEN. I want to say that the language of the amendment is not all mine, and I have no pride about it. That part of the amendment relating to substitutes was taken from an act passed by the Confederate Congress, in Richmond, on the 28th of December, 1863. The last part of the amendment, prohibiting the payment of money to escape service, is taken from section 57 of a bill introduced at the beginning of this Congress by the gentleman from California [Mr. KAHN], House bill 92. The wording that I have used is not original with me, but the bill was prepared by the General Staff and introduced by the gentleman from California [Mr. KAHN]. Now he is not willing to stand sponsor for it. I believe the House ought to go on record at this time against these three pernicious practices; that is, the payment of bounties, the employment of substitutes, and commutation in money for personal military services.

Mr. KAHN. Will the gentleman yield?

Mr. HAYDEN. Yes.

Mr. KAHN. House bill 92 is a peace proposition and not a war proposition. It provides for the training of men in time of peace. This is a war measure.

Mr. HAYDEN. That is all the more reason why my amendment should be adopted. In time of peace but few would want to hire substitutes, and no State would pay bounties except in time of war.

Mr. KAHN. The bill does not authorize the payment of bounties and it does not permit the service of a substitute.

Mr. HAYDEN. The bill does not prohibit these evil practices; it is silent. I want an affirmative and positive declaration which shall be notice to all men that bounties will not be paid, that money can not purchase an exemption, and that substitutes can not be employed. There are many men now living who well remember that in the time of the Civil War all of these things could be and were done in both the North and the South. The adoption of this amendment can do no harm and it will be laying down a proper military policy for the United States. [Applause.]

Mr. RUBEY. Mr. Chairman, under the unanimous-consent agreement I am entitled to five minutes. Mr. Chairman, I ask unanimous consent that I may proceed for five minutes upon what I conceive to be an important matter which I think ought to be brought to the attention of the House at this time. I should have done this earlier in the day, when we were on that section of the bill relating to the selective draft, but it was impossible for me to get the poster at that time, and I therefore want to call attention to it now. I have had this poster brought into the Chamber so you can see it for yourselves. Mr. Chairman, we have been debating this bill for a week, and this morning the House by a very large vote adopted the draft provision brought in by the minority, presented to this House by the administration through the War Department. I say to you that I voted with you on that proposition. I voted in favor of the selective draft. Frankly I will say that it was against my better judgment, but I felt that in this great emergency, when we were in a great world-wide war, it was my duty to give way to my own individual opinion and to stand with those who were to carry on the war. [Applause.]

During the debate I have heard a great deal said about what would happen when the selective draft was put into execution. I heard it said that they would go out among the young men of the country and by the selective-draft provision call them to arms and that these young men, under that selective draft, would in honor come forth to serve their country, and that there would be no slur cast upon them because of the fact that they were drawn in that manner.

I yield to no man, Mr. Chairman, in my admiration for the volunteer. He has won every war of this great country of ours and he would have won this war if he had been given a chance. I am to-day making an appeal to you in behalf of the million men who are to go to arms under the selective draft. Do not permit such language as is at the head of this poster. I am not referring to the words in the body of the poster, but only to the headlines. The language to which I object is found at the top. Here is what it says:

Be a volunteer hero, and not a conscript.

I found that poster this morning down in front of Keith's Theater, where to-day at 12 o'clock they were to call together men to encourage them to become volunteers. I felt that while we were up here in the House of Representatives passing a bill to raise men by the selective draft, to raise men who would come into the service in an honorable way, to raise men in such a way as that there would be no slur cast upon them, that we ought not, while we were doing that, to permit men down on our streets to put that sort of thing before the people. [Applause.]

Mr. FIELDS. Has that the sanction of the War Department?

Mr. LANGLEY. Did that come from the War Department or the General Staff? Where did it come from?

Mr. RUBEY. I endeavored in the short time I had this morning in every possible way to find out where it came from. I called up a number of people and was referred from one person to another as to where it came from, but was absolutely unable to find out where it did come from or who was responsible for it.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. SABATH. Mr. Chairman, I ask unanimous consent that the gentleman be permitted to proceed for five minutes.

The CHAIRMAN. The time has been limited by the committee.

Mr. CLARK of Missouri. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. CLARK of Missouri. Is debate upon the amendment offered by the gentleman from Arizona exhausted?

The CHAIRMAN. It is exhausted by unanimous-consent agreement.

Mr. CLARK of Missouri. Mr. Chairman, I ask unanimous consent to proceed for five minutes on the amendment offered by the gentleman from Arizona.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. CLARK of Missouri. Mr. Chairman and gentlemen, by an overwhelming vote this morning this House voted to adopt the system of conscription. I did all that I knew how honorably to prevent it, but when the House of Representatives has voiced its sentiments I go with it. [Applause.] I am going to vote for the volunteer amendment, and then I am going to vote for the bill at last; but that is neither here nor there. The amendment offered by the gentleman from Arizona [Mr. HAYDEN] to prevent substitutes, or paying out by a commutation tax, is the most sensible amendment, the fairest and most American that has been offered in this entire debate. If we are going to put these young men under conscription, I say do not let any rich man's son buy out of the Army. [Applause.] Any man who will send a substitute to war is a dastard and a coward, I do not care a straw who he is.

Did not they buy themselves out during the Civil War? That is the reason I want it provided here that they can not do it in this war. This selective conscription is bad enough. It puts a premium upon favoritism [applause], it puts a premium upon bribery, it puts a premium upon corruption. [Applause.] I voted to take the word "selective" out of the bill, and if we are going to have a conscription at all I want it to be general and absolutely fair. If poor men's sons have to go into this war, and of course they will—for nobody is fighting the creation of an army here, nobody is fighting against this war, but we are exercising the freedom of speech to express our opinion about what we think is the best way to raise an army—then I am everlastingly and teetotally opposed to giving rich men's sons an opportunity to back out of the war by buying their way out and letting the rest of our boys do the fighting. [Applause.] It ought to be put in the bill now and made plain, and then we would not get so many of these abusive and slanderous telegrams from all over the country. I am glad that the age limit has been raised to 40 years. I would like to have seen it raised to 45, 50, 55, or 60 or 65 or even 70 years. A lot of old skunkers all over the country who think that nobody is going to be forced into this war except boys from 19 to 25, and that their miserable, cowardly hides will be safe, have been sending these abusive and slanderous telegrams here. My friends, we want to preserve this army business as far as we can from scandal, and that is exactly what the amendment of the gentleman from Arizona does, and the sooner the people of the country know it the better they will be off.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. MANN. Mr. Chairman, I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. MANN. Mr. Chairman, our distinguished Speaker just said that he voted to strike the word "selective" out of the term "selective draft" because he wanted all on an equal footing. It is strange that he does not know what the word "selective" means, and that the term "selective draft" has nothing whatever to do with the exemptions provided for those who are drafted by the selective method. There has been much confusion upon that point. The term "selective draft" refers only to the fact that men are drafted only when their names are taken out of a box where more names are included, and you do not draft all of the citizens. Our distinguished Speaker might have continued his investigations to discover that under the terms of this bill no bounty is permitted to be paid, as the bill stands; that no man can buy his way out under the law as the bill stands.

Mr. CLARK of Missouri. Will the gentleman yield for a question?

Mr. MANN. I will.

Mr. CLARK of Missouri. Is there anything in this law providing for this bounty business and this substitute business?

Mr. MANN. There is nothing in the law permitting a substitute; there is nothing in the law permitting a bounty. [Applause.]

Mr. CLARK of Florida. Will the gentleman yield for a question?

Mr. MANN. I will.

Mr. CLARK of Florida. Is there anything in the law that prevents the military power from permitting it? [Applause.]

Mr. MANN. Certainly there is. The military power can not permit or do those things which we do not authorize by law. [Applause.] We lay down the law here and say that can not be done, and it is idle and foolish to say that a lot of things that are not permitted shall not be permitted. I do not know whether this war will run one year or ten years; neither do you. What rule we may want to make five years from now no one knows, but in this law we permit no bounty and we permit no substitutes, and that is as far as we should go to-day.

Mr. CLARK of Missouri. I would like to ask the gentleman one other question. Have these provisions about bounties and substitutes in the old law ever been repealed?

Mr. MANN. They have all been repealed.

Mr. CLARK of Missouri. When?

Mr. MANN. Long ago.

Mr. CLARK of Missouri. When were they repealed?

Mr. MANN. Well, if they were not repealed before, they were repealed last year in the national-defense act, but they were repealed years ago before the distinquished Speaker or myself came to Congress. There is no law authorizing a bounty or authorizing substitution. We fix here in this bill terms which can not be altered.

Mr. HULBERT. Will the gentleman permit a question?

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. HULBERT. Mr. Chairman, I ask unanimous consent that the gentleman's time be extended for half a minute in order that he may place his interpretation upon the provision of the committee in the bill as it has been reported.

Mr. MANN. I suppose the gentleman wants to use that half a minute in asking me a question, but I shall not object.

The CHAIRMAN. The gentleman from New York asks unanimous consent that the time of the gentleman from Illinois be extended half a minute. Is there objection? [After a pause.] The Chair hears none.

Mr. HULBERT. I would like to direct the attention of the gentleman from Illinois to the provision on page 6, lines 23 to 25, which read, "and shall take place and be maintained under such regulations as the President may prescribe," and I want to ask whether under that provision it would not be possible for the Secretary of War to recommend and the President to prescribe a provision for a bounty?

Mr. MANN. It could not—either a provision for a bounty or a provision for a substitute. That relates to the matter of making the selective draft, and that only.

Mr. HULBERT. Why not? Answer.

Mr. MANN. Why not write in the bill that your grandmother can not be conscripted; it is not necessary. [Laughter.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona.

The question was taken, and the Chairman announced the ayes seemed to have it.

Mr. KAHN. Mr. Chairman, I ask for tellers.

Tellers were ordered.

The committee divided; and the tellers (Mr. HAYDEN and Mr. KAHN) reported that there were—ayes 188, noes 80.

So the amendment was agreed to. [Applause.]

Mr. DENT. Mr. Chairman, I understand that all debate has been closed on all amendments to this section and that we now come to the reading of section 3.

The CHAIRMAN. The paragraph just under consideration has been disposed of, but the amendments now offered are offered as independent paragraphs.

Mr. DENT. So that section 3 must be read before any other amendment can be offered.

Mr. MANN. These are offered as independent paragraphs.

Mr. MOORE of Pennsylvania. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MOORE of Pennsylvania. I desire to offer an amendment to section 3. Is it in order to do it now?

The CHAIRMAN. It has not been read.

Mr. MONDELL. Mr. Chairman, I offer the following as a new paragraph.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Insert as a new paragraph following line 2, page 8, the following: "That the President may authorize the Secretary of War to organize companies, troops, battalions, or regiments, based upon qualifications from the Nation at large, not to exceed 3,000 men, under such rules and regulations, including the appointment of officers thereof, as may be prescribed by the Secretary of War."

Mr. DENT. Mr. Chairman, I ask unanimous consent that at the expiration of five minutes all debate on this amendment be closed.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. MONDELL. Mr. Chairman, the amendment I have just offered is identical with the proviso in the Army bill passed at the beginning of the Spanish-American War under which the so-called rough-rider regiments were organized, one by Col. Roosevelt, one by Col. Griggsby, and one by Col. J. L. Torrey, of my State. This branch of the Congress has decided by vote of 279 to 98 in committee to depart from the volunteer system and go to conscription. I have made my fight, I have contended for my views, a number of important amendments have been adopted greatly improving the bill. It is now clear that the ages for enrollment and draft will not include boys of 19 and 20, and will reach those of 40. An amendment for the recognition of local units and of local officers has been adopted. I will, therefore, vote for the bill on its final passage and will vote for it as it may come from conference after aiding in getting it into the best possible form, because I do not want to vote against raising an army, but I will not vote for it at that time if it shall then have restored to it the provision insisted on by the General Staff, indorsed by the President, and contained in the Senate bill conscripting boys under 21.

We have, however, some good folks out in our country who will still be very anxious to volunteer after you have provided for conscription, and Col. Torrey, who raised the second regiment of Rough Riders, as fine as the first, commanded by Col. Roosevelt, and as fine a body of men as was ever gotten together, is desirous of raising another regiment of that splendid sort of volunteers, and I have no doubt but that others would gladly do the same. The number is limited to 3,000 as in the case of the Spanish-American War.

Mr. CALDWELL. On page 70, lines 19 to 24, inclusive, of the bill, there is this language:

Provided, That the President is authorized to raise and maintain by voluntary enlistment or draft, as herein provided, special and technical troops as he may deem necessary and to embody them into organizations and to officer them as provided in the third paragraph of section 1 and section 8 of this act.

In my opinion, that covers exactly the case you are looking for.

Mr. MONDELL. The gentleman is entirely mistaken. I have examined that provision very carefully. It was not intended to cover a case like this. We are asking that opportunity be given our ranchmen and stockmen and plainsmen and mountaineers to form at least three regiments of picked and selected men, raised and officered as the Rough Riders were under volunteer enlistment. Our people are anxious to volunteer, and if they are given the opportunity they will volunteer to avoid the draft, as, in my opinion, Americans will de everywhere.

My good friend from Missouri, Gov. RUBEY, a moment ago expressed regret because we can not take from the heart and mind of the American people the abhorrence of the word "conscript" that has always dwelt there. Ah, gentlemen, we may go to conscription; we may provide for conscript armies, but the American people will still hold in their heart of hearts, high above any conscription soldier ever brought to the colors, the man who voluntarily presents himself to the service of his country. And the man who thinks he can change that sentiment in the American heart, the man who thinks he can effect that thing by statute law has the American people to reckon with. And in order that the people of our western country may have at least opportunity to raise a few volunteer troops and organize them as we did in 1898, I hope my amendment will be adopted.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wyoming [Mr. MONDELL].

The question was taken, and the Chair announced that the noes seemed to have it.

Mr. MONDELL. Mr. Chairman, I ask for a division.

The committee divided; and there were—ayes 41, noes 110.

So the amendment was rejected.

Mr. OLIVER of Alabama. Mr. Chairman, I offer an amendment as an independent section.

The CHAIRMAN. The gentleman from Alabama [Mr. OLIVER] offers an amendment as an independent section, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. OLIVER of Alabama.

Amend by adding at the end of section 11 the following:

"SEC. 3. That no person, corporation, partnership, or association shall sell, supply, or have in his or its possession any intoxicating or spirituous liquors at any military station, cantonment, camp, fort, post, officers' or enlisted men's club, which is being used at the time for military purposes under this act, but the Secretary of War may make regulations permitting the sale and use of intoxicating liquors for medicinal purposes. Any person, corporation, partnership, or association violating the provisions of this section or the regulations made thereunder shall, unless otherwise punishable under the Articles of War, be deemed guilty of a misdemeanor and be punished by a fine of not more than $1,000 or imprisonment for not more than 12 months, or both.

"It shall be unlawful to sell, furnish, or give away any intoxicating liquor, including beer, ale, or wine, to any officer or member of the military forces while in uniform, or to knowingly furnish to such person or persons intoxicating liquors whether in uniform or not, or to any person in the employ of the Army."

During the reading of the amendment the following occurred:

Mr. CALDWELL. Mr. Chairman, it has gone far enough to see that it is out of order. I make the point of order against the amendment.

Mr. OLIVER of Alabama. Will the gentleman withhold it and let me make a statement?

Mr. CALDWELL. I will; but we are taking up time.

The CHAIRMAN. The Clerk will finish the reading of the amendment.

The reading of the amendment was concluded.

Mr. CALDWELL. Mr. Chairman, I reserve a point of order on it.

Mr. MEEKER. Mr. Chairman, I make a point of order against it.

The CHAIRMAN. Does the gentleman desire to be heard on the point of order?

Mr. OLIVER of Alabama. I think this is a legislative bill, and that this is in order.

The CHAIRMAN. The Chair hardly thinks it is germane to any portion of the bill that we have gone over.

Mr. MEEKER. Mr. Chairman, this is a bill to raise an army, and the amendment is not germane.

Mr. OLIVER of Alabama. Mr. Chairman, the primary purpose of this bill is to increase the personnel of the Regular Army, and to provide for raising an additional army, and certainly whatever tends to destroy the efficiency of the personnel of the Army is material and germane to this bill.

Mr. DENT. Mr. Chairman, I insist on the point of order.

The CHAIRMAN. The point of order is sustained.

Mr. LITTLE. May I say a word on the point of order? [Cries of "Regular order!"] Mr. Chairman, I ask to be heard for a moment. I was trying to gain recognition. May I be heard on that?

The CHAIRMAN. The Chair will take back his position on the point of order and hold it until he hears the gentleman from Kansas [Mr. LITTLE].

Mr. LITTLE. In Volume V of Hinds' Precedents, section 5910, a question similar to this came up. The bill before the House was for the reorganization of the Army, and an amendment was offered providing that men should be taught target practice.

It was urged that it was not germane; that the reorganization did not include the drill and practice. After extended discussion the Chair held that it was germane.

Now, target practice could not be carried on, just to illustrate in accordance with the gentleman's suggestion, if the men were intoxicated. A drunken man can not shoot at a mark. Sobriety will do more to bring good marksmanship among average soldiers, and good soldiering, than any practice. It is just as essential that we provide that he shall get to the target sober, that he shall be prepared to do so, as to provide that he shall shoot at the target. The proposition is just the same. There is no doubt whatever but that this is germane. In the Senate that provision has been attached to the Chamberlain bill by the committee. It is part of it now as reported. They evidently must have considered that very carefully in the committee, and I trust that the Chair will not rule hurriedly on this important point. [Cries of "Rule!" "Rule!"]

The CHAIRMAN. This decision does not affect the merits of the proposition at all, but has reference to the appropriateness of the amendment under the rules of this body. We are not controlled by anything that is done in the Senate.

Mr. LITTLE. How about the provisions in Hinds'?

The CHAIRMAN (continuing). And the Chair does not think that it is germane. The Clerk will read.

The Clerk read as follows:

SEC. 3. The Vice President of the United States, the officers, legislative, executive, and judicial, of the United States and of the several States and Territories, and all persons in the military and naval service of the United States, shall be exempt from the selective draft herein prescribed; and nothing in this act contained shall be construed to require or compel any person to serve in any of the forces herein provided for who is found to be a member of any well-recognized religious sect or organization at present organized and existing whose creed or principles forbid its members to participate in war in any form and whose religious convictions are against war or participation therein in accordance with the creed or principles of said religious organization, but no person so exempted shall be exempted from service in any capacity that the President shall declare to be noncombatant; regular ministers of any religious denomination; and the President is hereby authorized to exclude or discharge from said selective draft and from the draft under the second paragraph of section one hereof, or to draft for partial military service only, persons of the following classes: Customhouse clerks; persons employed by the United States in the transmission of the mails; artificers and workmen employed in the armories, arsenals, and navy yards of the United States, and such other persons employed in the service of the United States as the President may designate; pilots; mariners actually employed in the sea service of any citizen or merchant within the United States; persons engaged in industries found to be necessary to the maintenance of the Military Establishment or the effective operation of the military forces during the emergency; those in a status with respect to persons dependent upon them for support which renders their exclusion or discharge advisable; and those found to be physically and morally deficient. No exemption or exclusion shall continue when a cause therefor no longer exists: *Provided*, That the President is authorized and empowered to constitute and establish throughout the United States tribunals for the purpose of enforcing and carrying into effect the terms and provisions of this act, together with such regulations as he shall prescribe and determine necessary for its administration. A majority of the members of each tribunal shall be citizens of the United States not connected with the Military Establishment: *Provided further*, That, upon the complaint of any person who feels himself aggrieved by his enrollment or draft as is herein provided, any court of record, State or Federal, having general jurisdiction in matters pertaining to the writ of habeas corpus, according to local laws or by act of Congress, shall have jurisdiction, by proceedings in the nature of the writ of habeas corpus, to hear summarily and determine the rights of such person.

Mr. DENT, Mr. CALDWELL, Mr. WISE, and others rose.

The CHAIRMAN. The Chair will state to gentlemen who have amendments to offer that the members of the committee will be recognized first to offer amendments. Has the gentleman from Alabama [Mr. DENT] an amendment?

Mr. DENT. Yes, sir. It is not a committee amendment that I have, but it was suggested by several members of the committee. On page 9, in line 9, after the word "physically," strike out the word "and" and insert the word "or."

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Alabama.

The Clerk read as follows:

Committee amendment: Page 9, line 9, after the word "physically," strike out the word "and" and insert the word "or."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. DENT. Mr. Chairman, I offer another amendment.

The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read as follows:

Another committee amendment: Page 9, line 8, strike out the semicolon at the end of the line.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Another committee amendment: Page 9, line 23, strike out the word "local" and insert the word "State."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. DENT. Mr. Chairman, on page 8, line 18, strike out the words "regular ministers of any religious denomination" and insert "duly ordained ministers of religion."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the Chairman announced that the noes seemed to have it.

Mr. CALDWELL. A division, Mr. Chairman.

The CHAIRMAN. A division is demanded.

The committee proceeded to divide.

Mr. RAKER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. RAKER. Is a substitute in order at this time to strike out this entire provision for the gentleman's amendment?

The CHAIRMAN. It is not proper when the committee is dividing.

The committee divided; and there were—ayes 88, noes 8.

So the amendment was agreed to.

The CHAIRMAN. Has the gentleman from Alabama any more committee amendments?

Mr. DENT. No.

The CHAIRMAN. Does the gentleman from New York [Mr. CALDWELL] desire to have his amendment reported?

Mr. CALDWELL. No. I withdraw mine. It is the same.

Mr. WISE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Georgia.

The Clerk read as follows:

Amendment offered by Mr. WISE: Page 8, line 21, after the word "hereof," strike out the words "or to draft for partial military service only."

The CHAIRMAN. Does the gentleman from Georgia desire to be heard on this amendment?

Mr. HUDDLESTON. Mr. Chairman, I ask that the amendment be reported again. I could not hear it on account of the disorder.

The CHAIRMAN. Without objection, the amendment will again be reported.

The amendment was again read.

Mr. WISE. Mr. Chairman, if I can get the attention of the Committee for a minute I want to call attention to the amendment which I have offered. This is the section which deals with exemptions, some of which are absolute and some discretionary. The latter part of the section provides that the Executive can exempt or discharge certain other classes; and then the language which it is proposed to strike out is inserted, authorizing the President to draft all these men in all these exemptions for partial military service.

Now, what are the exemptions? I will not take time to read them, for you are doubtless familiar with them already. "A man engaged in agriculture," and in the Senate bill it is expressly stated, "agriculture." The President of the United States can draft every man in that class, and tell him exactly where he must work, and what he must do. I can not believe it necessary to do this. He can draft engineers, every man working in a railroad yard, every man working in a navy yard, every man working in any kind of industry that is declared to be partially military and which goes to support the Army in the field. He can draft him into the service of the United States, just as he can draft and send him into the trenches.

Now, do we want to give authority to the War Department to draft every man in the United States, with authority to say, "It is necessary for you at this time to raise wheat, and you can not raise anything else, and I will pay you $15 per month"?

Mr. DILL. Mr. Chairman, will the gentleman yield?

Mr. WISE. Yes.

Mr. DILL. Does this mean that the men drafted for partial military service would be called on in the same way as regular drafts in the Army?

Mr. WISE. Yes. What else does it mean?

It expressly says he is hereby authorized to draft for partial military service any man in any one of these classes named here who may be either exempted or discharged.

Mr. McKENZIE. Does my colleague presume to say that a man engaged in farming can be designated as engaged in partial military service?

Mr. WISE. It is just as essential to the carrying on of this war for men to make corn and wheat and oats as it is for men to go to the firing line. For that reason he can designate certain men, if he wants to, to farm, and if a man does not want to farm he can say, "I will draft you to perform partial military service." He could then be compelled to farm, it being essential to maintain the military forces.

Mr. McKENZIE. In that case would not farming be the man's occupation?

Mr. WISE. Not necessarily.

Mr. McKENZIE. Is it a branch of the military service?

Mr. WISE. He can draft any of these classes which are mentioned. Suppose a man is a customhouse clerk, and the President says, "I draft you into the partial military service of the United States; go down there and farm." How can the man escape going?

Mr. GREENE of Vermont. Will my colleague permit me to say that, as he will remember, the classes mentioned here are all exempt by statute in peace time as well as in the emergency of war. This gives authority to use them for some special service in connection with military operations for which a man may be specially fitted on account of his experience. A customs clerk may be right at the water's edge, where on some occasion he may render special military service, and may render more aid than he would with a pen in his hand back in the office.

Mr. WISE. You provide that the President may exempt him after he is drawn; he can then continue in that work; but in the same paragraph you say that the President is hereby authorized to draft him into the partial military service of the United States.

Mr. GREENE of Vermont. Exactly; and if my colleague will permit me to continue, the words "military service" indicate the service for which he is to be drafted, and there is no confusion of ideas in the mind of the average man.

Mr. WISE. What do you mean by "partial military service"?

Mr. GREENE of Vermont. That is where a man may not be absolutely enrolled in the Army or carry a rifle. He may, upon occasion, perform some service in connection with military operations, so for the time being he is enlisted for that service.

Mr. WISE. Suppose they enlist him to go down and farm?

Mr. GREENE of Vermont. That has nothing to do with military service. That is work in civil life to supply the products that go to feed an army.

Mr. WISE. If you will read this section carefully, and will see the authority and the power you are giving to the President, he can either exempt these men or discharge them when they are drawn, and it is their duty to go to the front unless they are exempted or discharged. If he sees proper, he can let them go; or if he wants to, he can draft them for an additional service, a different kind of military service.

Mr. GREENE of Vermont. Does the gentleman think the President of the United States would take a railroad engineer, who is included in these same classes and who is essential to the transportation of the mail, and send him into the Middle West to farm?

Mr. WISE. What is the reason he could not do it? It is not a question of what would be done.

Mr. GREENE of Vermont. What would be his purpose in doing it? We must read intelligent purposes into the acts of the President.

Mr. WISE. It is not a question of purpose. Take a man in any of these classes; if he is drafted into the service, he is in, and he must go where the military authorities tell him to go and work where they tell him to work. It is the power given which I think should not be, after a man is supposed to be exempt.

Mr. GREENE of Vermont. The military authorities are presumed to have a reasonable amount of intelligence and to employ men where they can do the most good.

Mr. WISE. And they might be exercising good sense when they sent men to farm.

Mr. GREENE of Vermont. And then not have engineers to take the products of the farm to the troops?

Mr. WISE. The engineers would be useless unless products were first produced.

Mr. BATHRICK. It would be absolutely necessary.

Mr. CALDWELL. I call your attention to this particular situation: Suppose we were in the act of transporting troops across the United States to send them to Europe, to use them in military operations there, and there was a strike on the railroad. Do you not think the President ought to have the right to draft the employees of that railroad, in order to get those troops to their destination?

Mr. WISE. Those who believe in conscription and in giving the Executive absolute dominion and control over every man, woman, and child in the United States, to send them wherever he chooses and do whatever he may think necessary, can consistently favor this provision of the bill.

The CHAIRMAN. The time of the gentleman has expired.

SEVERAL MEMBERS. Vote! Vote!

The CHAIRMAN. The question is on the amendment of the gentleman from Georgia [Mr. WISE].

The question being taken, the amendment was rejected.

Mr. HOUSTON. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman from Tennessee rise?

Mr. HOUSTON. For the purpose of asking unanimous consent to make a statement, and to return to the amendment just adopted, which struck out the words—

Regular ministers of any religious denomination—

And insert the words—

Ordained ministers.

I simply wish to state that there are a number of denominations that do not ordain their ministers. This exemption ought not to apply to ordained ministers if it does not apply to ministers of those denominations which do not ordain. Every Member of this House, I am sure, wants to apply the same rules and principles to every church and every denomination.

Mr. DILL. If the gentleman will yield, I will say that I intend to move to strike out that paragraph altogether.

Mr. HOUSTON. Let us agree on the amendments, and then the gentleman can offer his motion.

Mr. DENT. I offered that change in the language at the request of certain ministers. I have no objection to allowing the language to stand as it is printed in the bill. Then if the committee want to make any changes they can do so. So I ask unanimous consent that the amendment I offered be stricken out and that the language remain as it was reported to the House.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent that the amendment referred to by him be stricken out and that the bill shall remain as it was when it was reported to the House in that respect. Is there objection?

Mr. MOORE of Pennsylvania. Reserving the right to object, I could not hear all of this discussion, but if we return to the words "regular minister," what will be the status of a man who claims to be a minister, an itinerant? May he be excused on that ground?

Mr. HOUSTON. I should think the words "regular minister" are as specific a term as you can use. It would not mean a man who was not a regular minister. It would mean a man whose calling is the preaching of the gospel and who follows that calling for a life work. The plain, common-sense interpretation of the words "regular minister" would be a man who was engaged regularly and all the time in that service.

Mr. MOORE of Pennsylvania. What is the objection to the words "regularly ordained minister"?

Mr. HOUSTON. A number of denominations do not ordain their ministers. There are religious denominations that do not ordain their ministers.

The CHAIRMAN. The question is a unanimous-consent request by the gentleman from Alabama.

Mr. CANNON. Reserving the right to object, will the gentleman read the amendment as it was agreed to?

Mr. DENT. It struck out this language and inserted "duly ordained ministers of religion."

Mr. CANNON. I suggest to the gentleman that the words be restored as in the bill with his amendment and "duly ordained ministers of religion."

Mr. DENT. I have no objection to that.

Mr. RAKER. I object to it.

Mr. CANNON. Why?

Mr. RAKER. I am going to move to strike out the whole of it when I get a chance. I will withhold the objection and let the language be restored.

The CHAIRMAN. This is a request for unanimous consent, and will the gentleman from Alabama state whether he accepts the suggestion of the gentleman from Illinois?

Mr. MOORE of Pennsylvania. Reserving the right to object, Mr. Chairman, I desire to ask the gentleman from Alabama if he objects to this language with the addition of the words "duly ordained."

Mr. DENT. I do not.

Mr. MOORE of Pennsylvania. That will cover a multitude of sins. [Laughter.]

Mr. DENT. If the House will permit me, the purpose I had in view in asking that the amendment I offered be stricken out and the original language of the bill restored was to put it in the shape that it was before so that everybody would have a right to make a change by moving to strike it out or amend it. It leaves it where it was. If the House will consent to that, we will expedite matters.

Mr. CANNON. If the gentleman will allow me, would he modify his request to restore this language by adding "and duly ordained as a minister"?

Mr. DENT. I have made that request, but the gentleman from California objected.

Mr. RAKER. I will withhold my objection.

The CHAIRMAN. The Chair will suggest that this matter can be agreed upon without difficulty, and that we can pass over it and take it up later.

Mr. BARNHART. Mr. Chairman, I want to ask the gentleman from Illinois [Mr. CANNON] what objection there can be to the original language in the bill as it was written.

Mr. CANNON. "Regular" ministers do not cover "duly ordained" ministers. I do not want to cut out regular ministers, and if there be duly ordained ministers I do not want to cut them out.

Mr. DENT. I think the suggestion of the gentleman from Illinois [Mr. CANNON] is well taken and I have no objection to it.

The CHAIRMAN. If the gentleman from Alabama will again state his request the Chair will put it to the House.

Mr. DENT. I ask unanimous consent that the language read as follows: "Regular or duly ordained ministers of any religious denomination."

The CHAIRMAN. The gentleman from Alabama asks unanimous consent that, notwithstanding what has taken place, the language of the bill shall read as follows: "Regular or duly ordained ministers of any religious denomination."

Mr. RAKER. Mr. Chairman, the adoption of this amendment would not militate against offering an amendment to strike out the language now in the bill, including that which it is asked to insert?

The CHAIRMAN. If the gentleman could get back to it, it would not.

Mr. DENT. We are still considering this section, and amendments are in order to this section.

Mr. RAKER. I want to know before we pass this section if a motion to strike out that language would be militated against by the adoption of this unanimous request.

The CHAIRMAN. The Chair would think that the language read, being the language of the bill in the beginning, it would be competent for the House to act upon it by amendment. Is there objection to the request of the gentleman from Alabama?

Mr. LAGUARDIA. Reserving the right to object, I ask the gentleman to include in his motion the words "prior to the passage of this act."

Mr. DENT. No; I am not undertaking to perfect this language at all. That is with the committee hereafter. I want to restore the original language so that it can be perfected later.

Mr. LAGUARDIA. I ask unanimous consent to amend the request of the gentleman from Alabama.

Mr. CALDWELL. I object.

The CHAIRMAN. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. KEATING. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

In line 8, page 8, after the word "and," strike out down to and including the word "noncombatant" on line 17, of page 8, and insert the following:

"Nothing in this act shall be construed to require or compel service in any of the forces herein provided for by any person who is conscientiously opposed to engaging in such service. Any person who shall have been exempted from military or naval service on the grounds of conscientious objection shall be liable to be drafted and assigned by the President to any one of the following kinds of civil service under the civil branches of the Government:

"Agriculture, forestry, reclamation of waste land, highway construction and repair, public education, prison work, social-welfare work, Coast Guard life saving, relief and reconstruction among noncombatant sufferers, any other civil service of national or international importance.

"Any person so drafted shall serve during the period of the emergency and for one year thereafter, unless sooner discharged."

Mr. KEATING. Mr. Chairman, this amendment is a neutral amendment. It may be considered and favored by gentlemen who supported conscription and by those who opposed conscription.

I call the committee's attention to the provision now in the bill to the effect that members of a religious organization whose convictions are against war or participation therein may be exempted. In other words, the committee has very properly recognized the organized conscience of the Nation. The man who belongs to an organization which is opposed to participation in war may be excused under the provisions of this bill. That applies to the Mennonites and other religious organizations of that kind.

Mr. McCORMICK. Mr. Chairman, will the gentleman yield?

Mr. KEATING. In just a moment. My amendment goes further and recognizes the unorganized conscience of the Nation. Mr. Chairman, England has been faced by this same problem and has dealt with it in a very broad fashion. I want to read to the members of the committee the exemption clauses of the British military-service act of January 27, 1916, which is the very latest enactment:

EXEMPTION CLAUSES OF THE BRITISH MILITARY-SERVICE ACT OF JANUARY 27, 1916.

Chapter 104.

2. (1) An application may be made at any time before the appointed date to the local tribunal established under this act by or in respect of any man for the issue to him of a certificate of exemption from the provisions of this act:

a. On the ground that it is expedient in the national interests that he should, instead of being employed in the military service, be engaged in other work in which he is habitually engaged or in which he wishes to be engaged, or if he is being educated or trained for any work, that he should continue to be so educated or trained;

b. On the ground that serious hardship would ensue if the man were called up for army service, owing to his exceptional financial or business obligations or domestic position;

c. On the ground of ill health or infirmity; or

d. On the ground of conscientious objection to the undertaking of combatant service; and the local tribunal, if they consider the grounds of the application established, shall grant such a certificate.

* * * * * * *

(3) Any certificate of exemption may be absolute, conditional, or temporary, as the authority by whom it was granted think best suited to the case, and also in the case of an application on conscientious grounds may take the form of an exemption from combatant service only or may be conditional on the applicant being engaged in some work which, in the opinion of the tribunal dealing with the case, is of national importance.

The amendment which I have presented has been prepared by a committee made up of three ministers of the Gospel, three Presbyterian ministers, and, whatever else may be said about Presbyterians, the military history of the world will show that they have never sought to avoid military service. They have been a hard-hitting and a hard-fighting sect. These three gentlemen are exempt under the provisions of the pending bill. They are not pleading for themselves, but they are pleading for the men throughout the country who are conscientiously opposed to war; and I wish the House to listen to the plea which these three gentlemen have prepared and which I am privileged to present here to-day:

In submitting the inclosed suggested amendment, in the interest of conscientious objecters, we respectively desire to make plain the following points:

First. Conscientious objecters in general are not expressing their approval of the principle of conscription to military service when they request exemption.

Second. Conscientious objecters of the sort whom we know personally are not cowards and are very eager to serve society. It is our hope that under a system of selected draft the great majority of conscientious objecters will be found to be giving unselfish service of recognized value to the State. The Fellowship of Reconciliation, which we represent, has sent out a letter urging its members to lose no time in facing, each for himself, the problem of the most useful service he can render. Several of its members are now engaged in dangerous forms of relief and prison camp work in the Balkans and in Armenia. The fellowship is seeking an opportunity to send out some of its younger men for the reconstruction of villages in those regions of Armenia where danger from disease and disordered conditions of life is very great.

Third. In urging this amendment, members of the Fellowship of Reconciliation are not actuated primarily by personal motives. Few of them would be liable under the present form of the act to military service. We are primarily desirous of saving the principle of freedom of conscience, which is absolutely vital to democracy, and of securing its recognition in this law, even in a form which may not seem to us ideal.

Respectfully submitted.

Rev. NORMAN M. THOMAS,
Rev. WILLIAM M. FINCKE,
Rev. JOHN E. STEEN,
For the Fellowship of Reconciliation.

The CHAIRMAN. The time of the gentleman from Colorado has expired.

Mr. KEATING. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BLACK. Mr. Chairman, will the gentleman yield?

Mr. KEATING. Not now. Permit me to say that personally I am not a conscientious objector. I have done all that I could to keep my country out of this particular war, but I have no conscientious scruples against engaging in a war which I believe should be prosecuted for the best interests of my country, and yet I respect the conscientious scruples of these gentlemen and of others like them who feel they can not engage in military service without doing violence to the duty which they owe their God. This is a problem which has received most serious consideration from the Parliament of Great Britain, and which has been decided in that nation where they are fighting for their lives practically as I ask you gentlemen to decide it to-day; and shall it be said that here in America 3,000 miles from the scene of conflict we shall deal less generously with these men than they were dealt with in a country upon the verge of the great conflict?

Mr. HAMILTON of Michigan. Mr. Chairman, will the gentleman yield?

Mr. KEATING. Yes.

Mr. HAMILTON of Michigan. I want to ask the gentleman a question for information. I did not catch the reading of the gentleman's proposed amendment. Under the provisions of his amendment would it be possible, say, for illustration, for Members of Congress who are too old to come within the provisions of conscription, who wanted to do some efficient work in connection with the service, to enter the service?

Mr. KEATING. This provision would not affect Members of Congress.

Mr. HAMILTON of Michigan. I mean if they wanted to do it.

Mr. KEATING. We all realize that Members of Congress have a peculiar quality of conscience.

Mr. HAMILTON of Michigan. I use that merely for illustration.

Mr. KEATING. I will say to the gentleman in all seriousness, that this affects no one except the man who says he is a conscientious objector to military service, and he would come under the provisions of this law.

Mr. HAMILTON of Michigan. Suppose a man is too old?

Mr. KEATING. Then he is not under the law at all.

Mr. HAMILTON of Michigan. This would not help him?

Mr. KEATING. No.

Mr. FIELDS. In other words, the gentleman's amendment recognizes the conscience of the individual instead of the organization?

Mr. KEATING. Yes; I recognize that the man's claim to exemption is not due to the fact that he belongs to a religious organization of which he, perhaps, became a member just like some of us became members of political organizations, because our fathers belonged to that particular organization; but this recognizes his claim to exemption on the ground that conscience says to him, "Thou shalt not kill even when your Nation says you shall."

Mr. HOWARD. The practical operation of the gentleman's amendment, if it were adopted, would resolve itself into the voluntary system?

Mr. KEATING. No; it would not, and I want to clear up that point, because when a man claims this exemption he must go before the local board provided for in the bill, and before he can secure his exemption he must convince the members of that board that he is a conscientious objector.

Mr. HOWARD. How can he do it?

Mr. KEATING. It is like a lot of other things——

Mr. HOWARD. The board would have to be clairvoyants to look into a man's conscience in order to see whether he was conscientious or not.

Mr. KEATING. I call the attention of the gentleman from Georgia—a fair-minded and intelligent gentleman—to the fact that the percentage of clairvoyants in the population of Great Britain is no greater than in the population of the United States, and this same amendment is being enforced in Great Britain by 900 boards, and they do not experience any difficulty in determining whether a man is a conscientious objector or merely a coward.

Mr. HOWARD. Is it the gentleman's judgment that a man, because he has conscientious scruples about fighting, ought to be permitted to let his country's defense suffer on that account?

Mr. KEATING. I believe, as a matter of sound public policy—and in this I am sustained by the best thought of the world—that when you become convinced that a man is conscientiously opposed to performing military service you should put him to doing some other work for his country.

Mr. DENT. Mr. Chairman, this is the exemption section. I do not want to be unfair to anybody, and in order to test the sense of the committee I move that debate on this section and all amendments thereto be now closed. That, of course, does not prevent anybody from offering an amendment, but it prohibits debate.

Mr. LEVER. I suggest to the gentleman from Alabama to ask unanimous consent that debate on this paragraph and amendments close at 6 o'clock.

Mr. DENT. Then I ask unanimous consent that debate on this section and all amendments thereto be closed at 6 o'clock.

Mr. LENROOT. Mr. Chairman, reserving the right to object, this section is one of the most important in the bill and there ought to be reasonable opportunity for genuine debate upon amendments. Now, if the gentleman wants to take the responsibility of this House not considering this section on its merits, he may do so and I will object. The gentleman can run until 6 o'clock without making this request.

Mr. MOORE of Pennsylvania. Mr. Chairman, if the gentleman will permit, there were 15 minutes consumed on the last amendment. The gentleman perhaps can limit the time of debate on each amendment, but it is not fair to give one amendment 15 minutes and shut all the others out. I would be willing to have five minutes on my amendment and then end it.

Mr. DENT. Mr. Chairman, I do not think anybody can accuse me of having been arbitrary in the handling of this bill at all or being unfair. I have tried to give everybody an opportunity to speak. I make this request: That there shall be a debate of five minutes on each amendment offered to this section of the bill by the person offering the amendment, and at the close of the discussion by each person offering his amendment that debate on this section and all amendments thereto be closed.

Mr. LENROOT. Mr. Chairman, reserving the right to object, will the gentleman couple with his suggestion that members of the committee reserve two minutes on each amendment?

Mr. DENT. I will add to that the request that debate be closed after each Member has offered his amendment and has had his five minutes in which to address the committee on the amendment, that the committee have 10 minutes with respect to all amendments that may be submitted thereafter, that each gentleman submitting the same shall have the right to discuss his amendment for 5 minutes, and that when all of these gentlemen shall have had an opportunity to be heard that the committee shall have 10 minutes in which to use for the purpose of replying to these different amendments.

Mr. LENROOT. Mr. Chairman, a parliamentary inquiry. Is it understood under the gentleman's proposition that each amendment will be voted upon in its order?

Mr. BORLAND. A parliamentary inquiry. That includes substantive amendments only and not the striking out of the last word?

Mr. DENT. That is intended to include substitute amendments and not merely pro forma amendments.

The CHAIRMAN. Let the Chair understand the request of the gentleman from Alabama. Does the gentleman mean there shall be 10 minutes on each amendment? The Chair did not so understand from the floor.

Mr. DENT. I will make it five minutes on each amendment. I ask that the right of the committee on each amendment be limited to five minutes.

The CHAIRMAN. The gentleman from Alabama makes the following unanimous request, that each gentleman hereafter offering an amendment shall have the right to debate the same for five minutes and that the committee shall have five minutes in which, if it desires, to repel the arguments——

Mr. CROSSER. Mr. Chairman, reserving the right to object, I would like to know whether that closes debate on this particular amendment of the gentleman from Colorado. I would like to obtain an opportunity to address myself to that.

The CHAIRMAN. The Chair presumes it does—that the committee shall then have the right to five minutes in which to reply to each amendment, and at the expiration of the debate that all debate shall conclude on this section and all amendments thereto.

Mr. MADDEN. Each amendment to be voted on in its order.

Mr. MANN. Do I understand from the request that the vote is to be taken at the end of the debate on each amendment?

Mr. MADDEN. Surely.

The CHAIRMAN. Will the gentleman from Illinois [Mr. MANN] restate his inquiry? There is so much confusion that the Chair could not hear.

Mr. MANN. Is the vote to be taken on each amendment at the end of the debate on the amendment?

The CHAIRMAN. That the vote shall be taken after the debate is over.

Mr. FITZGERALD. Oh, no; on each amendment.

Mr. DENT. After the debate on each amendment is concluded.

The CHAIRMAN. Now, is there objection to the request?

Mr. KING. I object.

Mr. DENT. Then I make a motion to that effect, Mr. Chairman.

Mr. GARNER. That is not in order.

Mr. GRAHAM of Pennsylvania. Mr. Chairman, I move that debate on this section and all amendments thereto close at 6 o'clock.

Mr. DENT. Mr. Chairman, in order to get this thing in some sort of shape, I move to close debate now upon the amendment offered by the gentleman from Colorado [Mr. KEATING].

The CHAIRMAN. The gentleman from Alabama moves to close debate upon the pending amendment, and as a substitute therefor the gentleman moves that the debate on the amendments to the section close at 6 o'clock.

Mr. MOORE of Pennsylvania. All the amendments that are to be offered must be offered and debated within half an hour?

The CHAIRMAN. Yes.

Mr. MOORE of Pennsylvania. That is a very unfair proposition.

The CHAIRMAN. The question is now on the motion of the gentleman from Pennsylvania [Mr. GRAHAM] that the debate on this section and all amendments thereto shall terminate at 6 o'clock.

The question was taken, and the Chair announced that the ayes seemed to have it.

Mr. MOORE of Pennsylvania. Division, Mr. Chairman.

The committee divided; and there were—ayes 107, noes 53.

So the motion of the gentleman from Pennsylvania [Mr. GRAHAM] was agreed to.

Mr. MADDEN. Mr. Chairman, I desire to offer an amendment.

Mr. KEATING. Is it in order to secure a vote on the amendment I submitted?

The CHAIRMAN. The Chair is going to put that vote now.

Mr. KEATING. May I ask, on account of what has intervened, that the amendment be again reported by the Clerk?

Mr. RUBEY. Mr. Chairman, I will object. We have not much time.

The CHAIRMAN. The gentleman from Colorado asks that the amendment be reported. Without objection, it will be done.

Mr. RUBEY. I object.

Mr. HULBERT. Mr. Chairman, a parliamentary inquiry. I would like to know what we are voting on.

The CHAIRMAN. On the amendment of the gentleman from Colorado [Mr. KEATING].

Mr. HULBERT. What is the amendment?

Mr. RUBEY. It has been reported.

The CHAIRMAN. The question is on the amendment of the gentleman from Colorado [Mr. KEATING].

The question was taken, and the Chair announced that the noes seemed to have it.

Mr. KEATING. Division, Mr. Chairman.

The committee divided; and there were—ayes 31, noes 152.

So the amendment was rejected.

Mr. MADDEN, Mr. LAGUARDIA, Mr. RUBEY, Mr. RANDALL, Mr. LENROOT, Mr. SLOAN, and Mr. MOORE of Pennsylvania rose.

The CHAIRMAN. The gentleman from Illinois [Mr. MADDEN] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. MADDEN: Page 9, line 11, after the word "exists," insert:

"*Provided*, That, notwithstanding the exemptions enumerated herein, each State shall be required to supply its quota in the proportion that its population bears to the total population of the country."

Mr. MADDEN. Now, Mr. Chairman, this section of the bill authorizes the President of the United States to exempt men who are engaged in certain lines of endeavor, and certain other exemptions are authorized to be made which are not specifically enumerated. And I am in favor of granting the authority to the President of the United States to make these exemptions, for I believe that in many lines of endeavor men should be permitted to remain in their ordinary avocations, so that the ordinary business of the country may go on without disturbance and that the food supply and the manufactured products of the country may be made sufficient to meet the needs of the Nation during the continuation of the war. But I believe that where a man is permitted by exemption to engage in his ordinary vocation, although he may perform a very valuable service to the country, he ought not to be counted as a part of the military forces of the United States, and the State in which he lives and in which he is employed should not be permitted to count him as a part of the quota which that State furnishes to the Army to fight the war.

Mr. DENT. Will the gentleman yield?

Mr. MADDEN. Yes, sir.

Mr. DENT. I would like to state to the gentleman that I have seen his amendment and discussed it with him, and, so far as I am personally concerned, I think it is a good amendment.

Mr. MADDEN. I have not another word to say.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. PRICE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Maryland offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. PRICE: Page 8, line 5, after the word "Territories," strike out the "and," and on page 8, line 6, after the word "States," insert "and all persons actually engaged in tilling and cultivating the soil for the production of foodstuffs."

Mr. PRICE. Mr. Chairman and gentlemen of the House, it is generally conceded that our great part in this war—the most important part that we shall play in this war—will be not only to feed ourselves but also to feed those with whom we have allied ourselves. This very day, gentlemen, in every newspaper in America, in startling headlines, appears the announcement that we are confronted with a world-wide famine, and I submit to this House that if the American farmer does nothing else except feed the nations he is doing his part in this great war.

In the district where I live—and I believe the same conditions exist elsewhere throughout this Union—the question of the scarcity of farm labor is acute. It is almost impossible to supply our farmers with labor, and if we are——

Mr. LEVER rose.

The CHAIRMAN. For what purpose does the gentleman from South Carolina rise?

Mr. LEVER. To ask the gentleman if he will yield for a question.

The CHAIRMAN. Does the gentleman yield?

Mr. PRICE. Yes; certainly.

Mr. LEVER. In the confusion it was almost impossible to get the full import of the gentleman's amendment. Do I understand that the amendment he has proposed exempts all persons engaged in agriculture from military service at all?

Mr. PRICE. Yes, sir. I submit that if the American farmer does that much he is doing his part in this war.

Mr. STAFFORD. Mr. Chairman, will the gentleman yield?

Mr. PRICE. Certainly.

Mr. STAFFORD. Would the gentleman's amendment cover the case of a person going to the country and performing the slightest amount of agricultural work?

Mr. PRICE. No, sir.

Mr. STAFFORD. Why not?

Mr. PRICE. He has to be an actual agriculturist, an actual farmer.

Mr. STAFFORD. The purport of the gentleman's amendment does include that class that I have described.

Mr. PRICE. I am perfectly willing to have it amended so that that can be avoided.

Mr. STAFFORD. I ask the gentleman what is an "agriculturist" if it is not some person tilling the soil?

Mr. PRICE. I submit to the gentleman that the language of this amendment is very plain.

Mr. GREENE of Vermont. Mr. Chairman, will the gentleman yield for a question?

Mr. PRICE. Certainly.

Mr. GREENE of Vermont. If you establish this exemption before the draft is made, do not you think we will have more people out on the farm than in the homes. [Laughter.]

Mr. PRICE. Yes. That is what we need. I have two purposes in this amendment. One is that we shall be in the position to feed this Nation and the world, and the other is that we may augment our farm labor.

Mr. GREENE of Vermont. Does not the gentleman admit that if he opens up this way of evading military service he will have more people on the farm than the farmers can feed? [Laughter.]

Mr. PRICE. The nations of the world do not need as much of anything else provided in this bill as food, and they will have to depend upon America to feed them.

Mr. MEEKER. Mr. Chairman, will the gentleman yield?

Mr. PRICE. Yes.

Mr. MEEKER. Does not the gentleman believe that in the wisdom of those who have charge of this Nation they will see to it that the farmers are provided with help? This would eliminate 6,000,000 people.

Mr. PRICE. I think they ought to be eliminated.

Mr. KNUTSON. Mr. Chairman, will the gentleman yield?

Mr. PRICE. Yes.

Mr. KNUTSON. I read in the papers that Minneapolis wheat is quoted at $3 a bushel. If the farmers are not exempted from military service in order to enable them to enlarge the volume of their production, what is the price likely to be a year from now?

Mr. PRICE. Every farmer in the Nation should be exempt from military service and be permitted to till the soil as never before, to try if possible to avert this threatened world famine which after all may prove the deciding factor in this war.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

Mr. MOORE of Pennsylvania. Mr. Chairman, I offer an amendment which I send to the Clerk's desk.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Pennsylvania.

The Clerk read as follows:

Amendment by Mr. MOORE of Pennsylvania: Page 9, line 16, after the word "administration," strike out the words "a majority" and insert "or."

Mr. MOORE of Pennsylvania. Mr. Chairman, I would like to have the attention of the members of the Military Committee on this amendment. The sentence which the amendment proposes to correct reads as follows:

A majority of the members of each tribunal shall be citizens of the United States not connected with the Military Establishment—

That is, this tribunal that is to make the selective draft. The language suggests that the minority of the tribunal to select these American soldiers may not be citizens of the United States. I would like to have some explanation as to the intent of the committee in using the language they did—

A majority of the members of each tribunal shall be citizens of the United States.

Mr. CALDWELL. "And" and not "or."

Mr. MOORE of Pennsylvania. I think if you examine the language you will see there is an ambiguity.

Mr. SHALLENBERGER. Mr. Chairman, will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes.

Mr. SHALLENBERGER. I will say to the gentleman that I drafted that provision, and the statement was made to the committee by the Secretary of War that he contemplated at least that the chairman or one member of the tribunal should be a military man, a military officer; so that the amendment was drafted, or this provision was prepared, so that if there were only three members, at least two of them would be civilians. I think it can be only by implication that it should be understood that they would not all be citizens of the United States. I do not exactly follow the argument of the gentleman from Philadelphia.

Mr. MOORE of Pennsylvania. It says, "A majority of the members of each tribunal shall be citizens of the United States." What was the purpose of it? Was it to permit the President of the United States to introduce an alien officer, or was it the purpose of the language, as here written, merely to admit of the appointment of a minority member from the Military Establishment?

Mr. SHALLENBERGER. That the minority member should be a military man.

Mr. GRAHAM of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. GOOD. Will the gentleman from Pennsylvania yield?

The CHAIRMAN. Does the gentleman from Pennsylvania yield, and to whom?

Mr. MOORE of Pennsylvania. I yield first to my colleague from Pennsylvania [Mr. GRAHAM].

Mr. GRAHAM of Pennsylvania. Does not the gentleman think that the language is capable of only one construction, namely, that the members of this tribunal shall be citizens of the United States not connected with the Military Establishment, but they are all to be citizens of the United States?

Mr. MOORE of Pennsylvania. Well, it is susceptible to the other construction; and inasmuch as we are now cooperating with other countries and propose to permit foreign recruiting officers to recruit aliens in the United States, and inasmuch as our own military officers are very busy, or may be very busy, it might be that it was intended that we should utilize some of these foreign military officers as minority members of these tribunals.

Mr. GOOD. Mr. Chairman, will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes; I yield to the gentleman from Iowa.

Mr. GOOD. I suppose it was intended that the language should read like this: "Shall be citizens of the United States, and the majority members shall not be connected with any Military Establishment." But, as the gentleman stated, the language is that "A majority of the members of each tribunal shall be citizens of the United States not connected with the Military Establishment."

Mr. MOORE of Pennsylvania. Well, if what the gentleman from Iowa says is the proper interpretation, I will withdraw the amendment and in my own time offer another amendment, which, I think, will clear up the matter. I have no objection to the use of one military officer, if he is to be in the minority.

The CHAIRMAN. The gentleman from Pennsylvania withdraws his amendment and submits another in its stead. The Clerk will report it.

The Clerk read as follows:

Amendment offered by Mr. MOORE of Pennsylvania: Page 9, line 16, after the word "administration," strike out the words "A majority of" and insert a capital "T" in the succeeding word "the"; and on line 18, same page, after the word "not," insert the words "more than one of whom shall be."

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. MOORE of Pennsylvania. I hope the committee will consider this favorably, because it gives the opportunity to put one military man on the board to be made up of a majority of civilians.

The CHAIRMAN. The question is on the amendment.

Mr. SHALLENBERGER. Mr. Chairman, the language in the bill is clearly that the majority of the committee are to be civilians not connected with the Military Establishment, that there can be only one military man.

Mr. RANDALL. Mr. Chairman, I offer a substitute for the amendment.

The CHAIRMAN. The Clerk will report it.

The Clerk read as follows:

Page 9, line 16, strike out the words "a majority of."

Mr. RANDALL. Mr. Chairman, the effect of the substitute is to make the members of the tribunal citizens and civilians. I understood the chairman of the committee to say that that was the practice in England, and if we have heard it once on this floor we have heard it a hundred times that we should follow the example of our democratic ally, King George. [Laughter.]

The CHAIRMAN. The question is on the substitute offered by the gentleman from California.

The question was taken; and on a division (demanded by Mr. RANDALL and Mr. HUDDLESTON) there were—ayes 50, noes 83.

So the substitute was rejected.

The CHAIRMAN. The question now is on the amendment.

The question was taken, and the amendment was rejected.

Mr. LEVER. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 9, line 4, after the word "industries" insert the words "including agriculture."

Mr. LEVER. Now, Mr. Chairman and gentlemen of the committee, it will be observed that in this section 3 the President is authorized to make an exemption of certain classes, and in these classes are included "persons engaged in industries found necessary to the maintenance of the Military Establishment or the effective operation of the military forces during the emergency," and my amendment proposes to amend, in line 4, after the word "industries," by inserting the words "including agriculture."

Mr. DENT. I will agree to accept that amendment.

Mr. AUSTIN. Mr. Chairman, I wish to offer an amendment to the amendment. I move to add the words "and mining."

Mr. STAFFORD. Will the gentleman yield?

Mr. LEVER. I yield.

Mr. STAFFORD. Would not the amendment exempt all who happen to be engaged in agriculture?

Mr. LEVER. Not at all. I voted against the amendment offered by the gentleman from Maryland [Mr. PRICE], because it took in all. This only gives exemption to the persons engaged in agriculture found to be necessary to the maintenance of the Military Establishment.

Mr. HAUGEN. It puts agriculture on the same footing as the other industries.

Mr. LEVER. Yes; it is putting agriculture on the same footing as the other industries, and unless you do it the President would not have any authority, no matter how great the necessity, to exempt for agricultural purposes.

Mr. STAFFORD. Does the gentleman consider agriculture an industry necessary for the Military Establishment?

Mr. LEVER. I would not so consider it.

Mr. GREENE of Vermont. Is not food necessary to maintain the Military Establishment?

Mr. LEVER. The gentleman knows, as a lawyer——

Mr. GREENE of Vermont. I am not a lawyer.

Mr. LEVER. The gentleman knows, as a military man, that when you are setting out classes by classes, that the exclusion of a class would not permit you to include a class, and that is your proposition here. You are making an exemption by classes, and you specifically set out industries, and agriculture is not included. Agriculture is a class by itself.

Mr. TOWNER. Will the gentleman yield?

Mr. LEVER. Certainly.

Mr. TOWNER. Let me ask the gentleman from South Carolina if it is not true that this amendment has already been adopted by the Senate?

Mr. LEVER. It is true that the Senate bill as reported included this identical language.

Mr. RUBEY. The gentleman from Iowa has practically covered my question. I wanted to ask the gentleman if it has not already been agreed to by the committee and in the original Chamberlain bill as presented?

Mr. LEVER. That is true.

Mr. MOORE of Pennsylvania. Will the gentleman state what particular agricultural commodity now is most used to aid the Military Establishment?

Mr. LEVER. That would be a long story.

Mr. MOORE of Pennsylvania. Is it not cotton?

Mr. LEVER. Yes; cotton, wheat, potatoes, corn, and oats.

Mr. MOORE of Pennsylvania. Cotton is necessary for munitions of war?

Mr. LEVER. Yes; and I want to exempt those raising potatoes, corn, oats, wheat, and so forth, when absolutely necessary to the national defense.

Mr. WINGO. Will the gentleman yield?

Mr. LEVER. Certainly.

Mr. WINGO. As a legal proposition, are not the people divided into classes—professional, industrial, commercial, and agricultural?

Mr. LEVER. That is supposed to be the classification.

Mr. WINGO. The President is authorized to exempt industrial manufacturers, mill workers, and that class, but the gentleman is trying to reach the agricultural class, which is a separate class, and the President nowhere in this bill is authorized to exempt them.

Mr. LEVER. The gentleman has stated what I am trying to do.

The CHAIRMAN. The time of the gentleman from South Carolina has expired.

Mr. STAFFORD. Mr. Chairman, I ask that the time of the gentleman be extended two minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

SEVERAL MEMBERS objected.

Mr. AUSTIN. Mr. Chairman, I offer an amendment to the amendment. The Clerk read as follows:

Insert on line 23, page 8, after the word "clerks," the word "miners."

Mr. AUSTIN. Mr. Chairman, I wish to be heard for a moment. It is absolutely essential that the men who are engaged in the coal-mining industry shall not be taken from their work. Their labor could not be substituted in any way by women, boys, or girls. The same argument applies to the copper-mining industry, which is essential to the manufacture of ammunition. The same is also true of the mining of bauxite, which is used in the manufacture of aluminum, which is necessary in the manufacture of ammunition and the automobile industry. The same is true in the zinc-mining industry, and their places can not be filled by boys, women, or girls.

Mr. CALDWELL. The word "industry" used four times. Mining is an industry. The bill itself says "engaged in industry." Why does not that cover it?

Mr. AUSTIN. I want this made specific, definite, and final, so that there will be no mistake.

Mr. ROBBINS. Is it not a fact that the laws of certain States forbid the employment of men as miners unless they are qualified? If these men are taken out of the mines, you can not put in green laborers.

Mr. AUSTIN. Yes; the gentleman from Pennsylvania is correct. We have not only to furnish fuel for American factories and transportation companies and munition plants, but here comes the report of the foreign commissioners that they must have relief immediately in the way of fuel for Italy and our other allies in Europe.

Mr. BLAND. Is it not a fact that the miners of Wales who have gone to the front have been sent back in order to supply coal for the British Navy?

Mr. AUSTIN. That is my understanding.

Mr. MOORE of Pennsylvania. Is not the point of the gentleman from South Carolina [Mr. LEVER] covered by the exemption here on page 9, that "persons engaged in industries found to be necessary to the maintenance of the Military Establishment, or the effective operation of the military forces during the emergency" are exempted? Is it not wholly within the discretion of the President or the Secretary of War to exempt such men as the gentleman refers to?

Mr. AUSTIN. It is; but I want to make it absolutely positive and binding on the President of the United States to except this class; and not only the miners I have mentioned but men who are mining iron ore, which is used in the manufacture of pig iron and steel out of which we make our shells and other war munitions.

Mr. GREENE of Vermont. Does the gentleman intend by the use of the word "miners" to create a new class of men who may be exempted?

Mr. AUSTIN. Why, certainly. Their services are absolutely needed to-day in every branch of the mining industry.

Mr. MOORE of Pennsylvania. What will he do, then, with those who, because they want to be exempt, go and hire out as miners?

Mr. AUSTIN. The War Department can prevent frauds and impositions of that kind.

Mr. GREENE of Vermont. Exactly as they can now under the bill.

Mr. AUSTIN. There is no provision here to cover their case.

Mr. GREENE of Vermont. They can do it under the bill.

The CHAIRMAN. The time of the gentleman has expired. The question is on the amendment of the gentleman from Tennessee [Mr. AUSTIN].

The question being taken, the amendment was rejected.

Mr. HUDDLESTON. Mr. Chairman, I have an amendment to the amendment.

The CHAIRMAN. The gentleman from Alabama offers an amendment to the amendment, which will be reported by the Clerk.

The Clerk read as follows:

Amendment by Mr. HUDDLESTON: Amend the amendment by inserting after the word "agriculture" the words "and transportation."

The CHAIRMAN. The question is on the amendment to the amendment.

Mr. HUDDLESTON. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. HUDDLESTON. To address the committee.

The CHAIRMAN. It is 6 o'clock. The time for debate on amendments to this section has expired. The question is on the amendment to the amendment.

The amendment to the amendment was rejected.

The CHAIRMAN. The question is on the amendment of the gentleman from South Carolina [Mr. LEVER].

The question being taken, the Chairman announced that he was in doubt.

Mr. LEVER. I ask for a division.
The Committee divided and there were, ayes 96, noes 75.
Mr. STAFFORD. I ask for tellers, Mr. Chairman.
Tellers were ordered, and the Chairman appointed Mr. STAFFORD and Mr. LEVER.
The committee again divided, and the tellers reported, ayes 126, noes 100.
Accordingly the amendment was agreed to.
Mr. SLOAN. Mr. Chairman, I have an amendment which I ask the clerk to read.
The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Nebraska.
Mr. HULBERT. Mr. Chairman, I make the point of order that the committee is not in order. Inasmuch as debate on these amendments has been cut off, it is more necessary to be able to hear them when they are read.
The CHAIRMAN. The gentleman is entirely right; and the Chair asks the cooperation of Members on the floor in maintaining order. The Clerk will report the amendment offered by the gentleman from Nebraska.
The Clerk read as follows:

Amendment offered by Mr. SLOAN:
I move to amend section 3, on page 8, by striking out all of lines 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, and 18, up to the word "regular," and inserting in lieu thereof: "and nothing in this act contained shall be construed to require or compel any person to serve in any of the forces herein provided for who is found to be a member of any well-organized religious sect or organization, at present organized and existing, whose creed forbids its members to participate in war in any form and whose religious convictions are against war or participation therein, in accordance with the creed of said religious organization.

Mr. SLOAN. Mr. Chairman——
The CHAIRMAN. Before the Chair puts the question on the amendment offered by the gentleman from Nebraska, he will say to the members of the committee that if there are any Members who have not sent their amendments to the desk, if they will send them up, the amendments will all be read and considered in their order.
Mr. SLOAN. Mr. Chairman, I ask unanimous consent for one minute to explain this amendment.
Mr. CALDWELL. I object.
Mr. SLOAN. Mr. Chairman, I move that the order closing the debate at 6 o'clock be set aside. I think we can set that order aside.
The CHAIRMAN. The Chair thinks that can not be done in Committee of the Whole.
Mr. SLOAN. I ask the gentleman to withdraw his objection. We will make time by it.
SEVERAL MEMBERS. Vote! Vote!
The CHAIRMAN. The question is on the amendment.
The question being taken, the amendment was rejected.
Mr. LENROOT. Mr. Chairman, I offer the following amendment.
The CHAIRMAN. There are a number of amendments at the desk. They will be read in their order.
Mr. LENRQOT. Mr. Chairman, these amendments must be offered in the order of recognition. Members can not send a lot of amendments up to the desk and have them read.
The CHAIRMAN. That is precisely what has been going on all day.
Mr. LENROOT. I object to that, and insist on recognition for the amendment I have sent to the desk. I am entitled to that under the rule.
The CHAIRMAN. The Chair has been observing this practice uniformly with respect to Members on both sides, and after the amendments have been sent up they have been reported in their order.
Mr. LENROOT. Will the Chair bear with me for just a moment?
The CHAIRMAN. Certainly.
Mr. LENROOT. I insist, if the Chairman please, that the rules of this House must be observed, even by the Chair, and the Chair must recognize Members to offer amendments.
The CHAIRMAN. Does the gentleman now wish the Chair to take the amendments seriatim, and require all of the Members who have offered them to rise in their places and ask recognition to offer them?
Mr. LENROOT. I certainly do.
Mr. BLAND. After the announcement of the Chair requesting Members to send up their amendments?
The CHAIRMAN. The Chair will dispose of that very readily. The Chair will ask the Clerk to select the first amendment that was sent up to the desk, and then to select them in their order, and he will recognize the gentlemen who sent up each amendment. The gentleman from South Carolina [Mr. NICHOLLS] is recognized to offer an amendment.
Mr. NICHOLLS of South Carolina. Mr. Chairman, that has been already passed upon, and I withdraw it.
The CHAIRMAN. The gentleman withdraws his amendment. The Clerk will give the Chair the name of the next gentleman.
The Chair will recognize the gentleman from Missouri [Mr. IGOE] to offer an amendment.
Mr. IGOE. Mr. Chairman, I offer the amendment which is at the desk, and which I ask the Clerk to read.
The Clerk read as follows:

Amendment offered by Mr. IGOE: Page 10, line 2, after the word "person," insert the following as a new section:
"That upon the honorable discharge from the service of any officer or employee in the civil service of the United States who may enlist or be commissioned in the forces herein provided for, such officer or employee shall be immediately restored to the identical position, grade, and salary, in the civil service held by said officer or employee at the time of his becoming a member of said forces."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Missouri.
The amendment was rejected.
The CHAIRMAN. The Chair is informed that the next gentleman to offer an amendment is the gentleman from New Jersey [Mr. LEHLBACH] and he will be recognized.
Mr. LEHLBACH. Mr. Chairman, I offer the amendment at the Clerk's desk.
The Clerk read as follows:

By Mr. LEHLBACH: Amend, on page 9, by inserting, after the word "advisable," in line 8, the following words:
"*Provided*, That such a status does not arise out of a marriage contracted on or after the 7th day of April, 1917."

The CHAIRMAN. The question is on agreeing to the amendment.
The amendment was rejected.
The CHAIRMAN. The Chair will recognize the gentleman from Indiana [Mr. BLAND] to offer an amendment.
Mr. BLAND. Mr. Chairman, I offer the amendment at the Clerk's desk.
The Clerk read as follows:

Amendment offered by Mr. BLAND: Page 9, line 6, after the word "forces" insert "including miners engaged in such occupation prior to the passage of this act."

The CHAIRMAN. The question is on agreeing to the amendment.
The amendment was rejected.
Mr. BLAND. Mr. Chairman, I demand tellers.
The CHAIRMAN. The gentleman from Indiana demands tellers.
Tellers were refused.
So the amendment was rejected.
The CHAIRMAN. The Chair will recognize the gentleman from New York [Mr. LAGUARDIA] to offer his amendment.
Mr. LAGUARDIA. Mr. Chairman, I offer the amendment at the Clerk's desk.
The Clerk read as follows:

Amendment offered by Mr. LAGUARDIA: Page 8, line 8, strike out all of lines 8 to 17, inclusive, and after word "noncombatant," on line 18, insert in lieu thereof the following: "No person shall be exempt from services in any of the forces herein on account of conscientious objections or religious convictions against war, but any person drafted into service as herein provided and found to honestly entertain conscientious objections or religious objections against war, or to belong to any recognized religious sect whose creed or principles forbid participation in war, shall not be required or ordered to render any services of a combatant nature, but shall be assigned to render such clerical, hospital, agricultural, or manual services of a strictly noncombatant nature as the Secretary of War shall direct."

The CHAIRMAN. The question is on agreeing to the amendment.
The amendment was rejected.
The CHAIRMAN. The Chair will recognize the gentleman from Florida [Mr. SEARS] to offer an amendment.
Mr. SEARS. Mr. Chairman, I offer the amendment at the Clerk's desk.
The Clerk read as follows:

Amendment offered by Mr. SEARS: Page 8, line 5, after the words "States and," insert "and in addition to the above county and city officials."

The CHAIRMAN. The question is on agreeing to the amendment.
The amendment was rejected.
The CHAIRMAN. The gentleman from Florida [Mr. SEARS] is recognized to offer another amendment.
Mr. SEARS. Mr. Chairman, I offer the amendment at the Clerk's desk.
The Clerk read as follows:

Amendment offered by Mr. SEARS: Page 9, line 9, after the word "physically," strike out "or morally."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was rejected.

The CHAIRMAN. The Chair will recognize the gentleman from South Carolina [Mr. LEVER] to offer an amendment.

Mr. LEVER. Mr. Chairman, I offer the amendment which is at the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. LEVER: Page 9, line 6, after the word "forces," insert "or the maintenance of the national interest."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was rejected.

The CHAIRMAN. The Chair will recognize the gentleman from Washington [Mr. DILL] to offer an amendment.

Mr. DILL. Mr. Chairman, I offer the amendment which is at the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr DILL: Page 8, line 18, strike out "regular ministers of any religious denomination."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was rejected.

The CHAIRMAN. The Chair will recognize the gentleman from Wisconsin [Mr. LENROOT] to offer an amendment.

Mr. LENROOT. Mr. Chairman, I offer the amendment which is at the Clerk's desk.

The Clerk read as follows:

Page 9, line 4, after the word "industries," strike out the word "found" and insert the words "determined by the President from time to time."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and Mr. LENROOT demanded a division.

Mr. DENT. Mr. Chairman, in order to save time I desire to state that that amendment ought to be adopted.

The CHAIRMAN. The gentleman from Alabama, the chairman of the Committee on Military Affairs, states to the House that he thinks the amendment ought to be adopted. The gentleman from Wisconsin demands a division on the amendment.

The committee divided; and there were—ayes 130, noes 3.

So the amendment was agreed to.

The CHAIRMAN. The gentleman from Kentucky [Mr. BARKLEY] is recognized to offer an amendment.

Mr. BARKLEY. Mr. Chairman, I offer the amendment which is at the Clerk's desk.

The Clerk read as follows:

Page 8, line 4, after the word "officers," strike out the word "legislative."

The question was taken, and the amendment was rejected.

Mr. RAKER. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. RAKER: Page 8, lines 3 to 18, after the words "SEC. 3," strike out the rest of line 3 and all down to and including line 18, and, on page 9, line 1, after the word "States," insert the following words: "and of the several States and Territories and the District of Columbia."

The question was taken, and the amendment was rejected.

Mr. LITTLE. Mr. Chairman, I desire to offer an amendment, which I send to the Clerk's desk.

The CHAIRMAN. The Chair will say to the gentleman that this amendment relates to a section that has not been read, and will ask him to withhold the amendment.

Mr. LITTLE. I withhold the amendment.

The Clerk read as follows:

SEC. 4. That all male persons between the ages of 21 and 40 shall be subject to registration in accordance with regulations to be prescribed by the President; and upon proclamation by the President or other public notice given by him or by his direction stating the time and place of such registration, it shall be the duty of all persons of the designated ages to present themselves for and submit to registration under the provisions of this act; and every such person shall be deemed to have notice of the requirements of this act upon the publication of said proclamation or other notice as aforesaid given by the President or by his direction; and any person who shall willfully refuse or fail to present himself for registration or to submit thereto as herein provided, shall be guilty of a misdemeanor and shall, upon conviction in the proper district court of the United States, be punished by imprisonment for not less than three months nor more than one year, and shall thereupon be duly registered: *Provided*, That nothing in this act shall be construed to prevent the President from beginning immediately the enrollment or registration of citizens liable to military duty as herein provided, or of otherwise commencing the execution of this act: *Provided further*, That in the call of the docket preference shall be given, in courts trying the same, to the trial of criminal proceedings under this act.

Mr. COX. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The vote first will be taken on the committee amendments as reported in the bill. The Clerk will report the first amendment.

The Clerk read as follows:

Page 10, line 17, strike out the word "proper."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Page 10, line 17, at the end of the line insert the words "having jurisdiction thereof."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Page 10, line 22, strike out the words "enrollment or."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Page 10, line 25, strike out the word "preference" and insert the word "precedence."

The question was taken, and the amendment was agreed to.

Mr. DENT. Mr. Chairman, I offer an amendment, line 4, page 10, after the word "forty," insert "both inclusive."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 10, line 4, after the word "forty" insert the words "both inclusive."

The question was taken, and the amendment was agreed to.

Mr. McKENZIE. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. KAHN: Page 10, line 20, after the word "registered," strike out all beginning with the word "*Provided*" down to and including the word "act," in line 24. The matter so stricken out reads:

"*Provided*, That nothing in this act shall be construed to prevent the President from beginning immediately the enrollment or registration of citizens liable to military duty as herein provided, or of otherwise commencing the execution of this act."

Mr. McKENZIE. Mr. Chairman, I simply wish to say to the committee that the purpose of this amendment is to perfect the text after adopting the plan of conscription. After adopting the plan of conscription, this language is unnecessary in the bill.

Mr. FOSTER. Will the gentleman yield for a question?

Mr. McKENZIE. Yes.

Mr. FOSTER. The gentleman puts back the word "enrollment."

Mr. McKENZIE. No; I strike it out.

Mr. FOSTER. The gentleman strikes that out?

Mr. McKENZIE. Yes.

The question was taken, and the amendment was agreed to.

Mr. McKENZIE. Now, I desire to offer one further amendment. In line 24, strike out the word "further" after the word "provided."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 10, line 24, strike out the word "further."

The question was taken, and the amendment was agreed to.

Mr. CALDWELL. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment by Mr. CALDWELL: Page 10, line 4, after the word "registration," insert "in such grade and classes with reference to previous military training, family dependents, age, trade, profession, occupation, and calling as the President may prescribe and."

Mr. CALDWELL. Mr. Chairman, the object of this amendment is to enable the President to select a certain proportion of the male population within the age limit of 21 to 40 who can be drafted according to their age and calling as specified in the proposed amendment. The idea is this: Suppose the President felt it was advisable to call as the first men he wanted all the men in the United States who had seen military service in this or some other country who were between the ages of 21 and 40, he could do it. Suppose the President wanted to call all the men in the United States between the ages of 21 and 40 who were unmarried. He could do it. Suppose he wanted to call all the men of any other class. Then this provision would permit him to do that thing. It does not compel him to do it, but permits him to do it. If he wanted the first men to be called to be of the ages between 21 and 25, and the second between 25 and 35, and the third call between 35 and 40, he could do it. It gives a latitude so he can make it a selective draft, as this bill provides. Without this provision the President must make his selection from all the men in the United States, whether they are married or unmarried, whether they are 21 or 40. He must first make his selection and then afterwards discharge them.

Mr. McKENZIE. I would like to ask my colleague if he does not think, as the bill is written now, it gives the President sufficient power.

Mr. CALDWELL. I understand not, and I understand that the Judge Advocate General has so held.

Mr. MANN. Will the gentleman yield?

Mr. CALDWELL. Yes, sir.

Mr. MANN. This relates to registration. Does the gentleman expect to have a half dozen registrations?

Mr. CALDWELL. Oh, no.

Mr. MANN. He fixes the people you would subject to registration. Does the gentleman propose, by his amendment, that the President shall first have the right to register those of 21 years of age?

Mr. CALDWELL. No.

Mr. MANN. That is what the amendment amounts to.

Mr. CALDWELL. No. I think what it means to do is this: That he can take those between the ages of 21 and 40 and can take them regardless of what their business or profession is, and that sort of thing.

Mr. MANN. This only fixes the people who are subject to registration. It does not have anything to do with those who are drafted under the registration.

Mr. CALDWELL. If you do not do it, how are you going to differentiate?

Mr. MANN. He has the right to make them give their ages and occupations under the regulations he fixes now.

Mr. CALDWELL. I do not think so.

Mr. Chairman, I ask for a vote.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from New York [Mr. CALDWELL].

The question was taken, and the amendment was rejected.

Mr. LITTLE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Kansas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LITTLE: Page 10, line 2, after the word "person" insert a new section, as follows, as section 4:

Mr. CALDWELL. Mr. Chairman, a point or order. We have passed that.

The CHAIRMAN. The point of order is made that it has been passed.

Mr. CALDWELL. The proposed amendment is to a place in the bill that we have already passed.

Mr. LITTLE. It should be on page 11, line 2, following the section which we are now discussing—following the word "Act."

The CHAIRMAN. The gentleman from Kansas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LITTLE: Page 11, line 2, after the word "Act," insert the following as section 4a:

"That the sale of intoxicating liquor within 20 miles of any camp, barracks, fort, post, yard, school, or station of the Army, Navy, or Marine Corps of the United States of America is hereby prohibited; that any person found guilty of any violation of this section shall, on conviction, be fined not less than $50 nor more than $1,000, or imprisoned for not less than 60 days nor more than one year, or both in the discretion of the court; but on a second conviction shall be imprisoned for one year; that the several district courts of the United States are hereby invested with jurisdiction to prevent and restrain violations of this section, and it shall be the duty of the several district attorneys of the United States, in their respective districts, under the direction of the Attorney General, to institute proceedings in equity to prevent, enjoin, and restrain such violations, and such proceedings shall be by way of petition, and the court, on probable cause being shown, may at once, or at any time before final decree, make such temporary restraining orders as shall be deemed just in the premises, and on the request of the party complained of, or when said party shall have been duly notified of such petition, the court shall proceed, as soon as may be to the hearing and determination of the case, and the court may cause any other parties to be summoned to appear whenever the court shall find the ends of justice require said other parties to be present and testify, and whether they live in said district or not, in which the court is held, subpœnas may be served in any district by the marshal thereof; that if a permanent injunction be granted, or on trial the party complained of be found guilty of violating this section, it shall be the duty of the United States marshal to destroy all intoxicating liquors in possession of said party at the time the proceedings are begun, and said marshal shall at said time seize said liquors and hold them pending the trial or final hearing of said petition."

During the reading of the amendment the following occurred:

Mr. CALDWELL. Mr. Chairman, I make the same point of order that I made against the same amendment farther back in the bill.

Mr. LITTLE. Mr. Chairman, I make the same suggestion as to germaneness as I made the other time.

The CHAIRMAN. The Chair wishes to say——

Mr. LITTLE. And I would like to have the amendment read. I object to being interrupted.

The CHAIRMAN. The amendment, of course, will be read if the gentleman desires to discuss it.

Mr. LITTLE. I did not care to be shut off by New York City again.

The CHAIRMAN. The Clerk will conclude the reading of the amendment.

The reading of the amendment was concluded.

Mr. CALDWELL. Mr. Chairman, I make the point of order against the amendment.

Mr. LITTLE. It would not only improve the American Army, but New York City, better than anything that could happen.

Mr. CALDWELL. No doubt in the world; but this is an Army bill and not a liquor bill.

The CHAIRMAN. An amendment to this effect was offered early in the evening——

Mr. LITTLE. I beg the Chair's pardon, but it is a very different amendment.

The CHAIRMAN. Looking at the section of the bill and such portions of the bill as we have been over, and running through the bill, it seemed to the Chair that it was hardly germane. Since that time the gentleman from Pennsylvania [Mr. KELLY] and the gentleman from Alabama [Mr. OLIVER] have called attention to the language of the bill which they consider makes this matter in order. The Chair undertakes to say, and the Chair will be very glad to hear, because this is an important matter, discussion as to whether or not this amendment is in order. The gentleman from Kansas [Mr. LITTLE] has the floor.

Mr. LITTLE. I am not asking for the floor now. I will speak later.

The CHAIRMAN. Does the gentleman from Pennsylvania [Mr. KELLY] wish to speak to the point of order?

Mr. KELLY of Pennsylvania. Yes. Mr. Chairman, I submit that this entire bill is for the purpose of increasing and organizing the Military Establishment of the United States. On the first page of this bill, the first provision in it, is—

The President is authorized to immediately raise, organize, officer, and equip new armies.

Now, if you are going to organize the Military Establishment, that implies bringing soldiers together; it implies training them; it implies having an established place for that purpose. I submit, therefore, that any provision providing for the efficiency, safety, and morale of the body thus brought together is germane to this bill.

Now, not only that, but section 10 of this bill provides for an appropriation of $3,000,000,000 "for the national defense and for each and every purpose connected therewith." Now, if this money is to be expended for the national defense, it can hardly be held that a provision providing for a dry zone 20 miles around a military establishment, which is essentially a proposal for the national welfare and defense, is not germane to the measure. Mr. Chairman, the purpose of this entire bill is to bring together great masses of men under the idea of universal compulsory service. Not only are we bringing soldiers together for the purpose of training, but we are doing it by a compulsory process, and this proposed amendment is of vital importance. I had prepared an amendment of similar nature, and I would like to submit a substitute in case it is held to be in order. I hold that this is a germane proposition to this bill and should be considered at this time while we are providing for training camps and mobilization camps and for the army that is to be assembled in them for training and mobilization for warfare.

Mr. DENT. Mr. Chairman, it seems to me that it is perfectly clear that this amendment is not germane to any feature of this bill. This bill is to raise an additional force for the Army of the United States, to organize and equip such additional Army; and to say that the Congress of the United States can make it unlawful for somebody to sell liquor within 20 miles of an Army camp is simply legislating on prohibition in that particular locality without any reference to the organization of the Army organized.

Mr. KELLY of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. DENT. Yes.

Mr. KELLY of Pennsylvania. Does the gentleman mean to say that it has nothing to do whatever with the welfare of that Army?

Mr. DENT. Yes. I say that it has nothing to do with the welfare of the Army to make a prohibition law where it is now authorized by the law of the State. That is precisely what you are attempting to do.

Mr. KELLY of Pennsylvania. The gentleman has no regard, then, for the experience in the past history of this Nation in war. Every other nation has had experience in that matter.

Mr. GALLAGHER. Mr. Chairman, will the gentleman yield right there?

Mr. DENT. Yes.

Mr. GALLAGHER. Does not the gentleman believe it would be better business for Congress to legislate as to how these people shall be paid?

Mr. DENT. That has nothing to do with the point of order, but it seems to me to be perfectly clear, Mr. Chairman, that under this bill we can not undertake to declare that prohibition shall exist in certain localities in the United States where it does not exist now under State law within 20 miles of an Army post.

Mr. LITTLE. Mr. Chairman, will the gentleman yield?

Mr. DENT. Yes.

Mr. LITTLE. How far would you extend them under the State law?

Mr. DENT. I would not extend them any distance, so far as I am concerned.

Mr. CALDWELL. Mr. Chairman, it is possible that it would be within the jurisdiction of this Congress to pass a law specifying that alcoholic liquor should not be used on a Government reservation in a place where the jurisdiction of that reservation has been surrendered to the United States; but how this Congress can pass a law governing personal liberty and governing the conduct of the people in a place that the State has surrendered to the Congress under the Constitution is beyond me.

Mr. LA FOLLETTE. Mr. Chairman, will the gentleman yield?

Mr. CALDWELL. Yes.

Mr. LA FOLLETTE. Are we not in this bill depriving a whole lot of people of their personal liberty?

Mr. CALDWELL. Yes; but that is under the constitutional provision that we have the right to raise an army. But there is no constitutional provision that says we have the right to say what shall be bought or sold in a certain county in any State in this Union.

Mr. LA FOLLETTE. Not even if it were a protection to the army that is raised?

Mr. CALDWELL. No. This Congress has a right to put up a wall around its soldiers, and to say that nobody shall bring anything to them; but what shall happen outside is none of our business.

Mr. GREENE of Vermont. Mr. Chairman, will the gentleman yield?

Mr. CALDWELL. Yes.

Mr. GREENE of Vermont. Is not the argument to the effect that this amendment is germane based entirely on the merits of the morals involved, and not as to the machinery provided by this bill? This bill simply provides the mechanism whereby a certain number of men shall be assembled to be organized into an army. It does not say what shall be done with them or where they shall stay or be raised.

Mr. CALDWELL. Yes. All the rest of these things are entirely outside the scope of that legislation.

Mr. KELLY of Pennsylvania. The gentleman admits that these camps may be placed wherever the Congress requires?

Mr. CALDWELL. Yes.

Mr. KELLY of Pennsylvania. And this provision determines only where these camps shall be located. It does not interfere with the personal liberty of anyone.

Mr. HOWARD. Mr. Chairman, will the gentleman yield for a question?

Mr. CALDWELL. Yes.

Mr. HOWARD. The gentleman will admit that for the welfare of the Army there must be a mobilization. The gentleman admits that?

Mr. CALDWELL. Yes.

Mr. HOWARD. And further, the gentleman admits that the most essential element of the mobilization is the training of these soldiers?

Mr. CALDWELL. Yes.

Mr. HOWARD. The gentleman admits that. Now, the gentleman must admit that the most demoralizing influence on those soldiers is the permission of the Federal Government to sell intoxicating drinks to these men. I ask the gentleman if that is not the truth?

Mr. CALDWELL. Oh, the gentleman is making a prohibition speech.

Mr. MEEKER. Mr. Chairman, will the gentleman yield?

Mr. CALDWELL. Yes.

Mr. MEEKER. If that be true, why is it that the French and English Governments see to it that their soldiers get beer and wine daily?

Mr. HOWARD. I do not know what the French and English Governments do, but I know that Russia has stopped the sale of spirituous liquors to her soldiers and people.

Mr. SABATH. And the new Government of Russia has rescinded that ruling.

Mr. HOWARD. Oh, there is no evidence that there is any order in the new Government.

Mr. GARDNER. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from New York yield to the gentleman from Massachusetts?

Mr. CALDWELL. Yes; I yield to the gentleman from Massachusetts.

Mr. GARDNER. I would like to ask the gentleman from Georgia whether, in his opinion, a change in the Articles of War would be germane to this bill?

Mr. HOWARD. I would say yes.

Mr. GARDNER. Then the gentleman's argument is sound, but I can not agree with him.

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. CALDWELL. Yes.

Mr. MOORE of Pennsylvania. This amendment is to prohibit the sale of liquor at any place within 20 miles of an Army camp. Now, suppose the Government should locate an Army camp within 10 miles of the city of Louisville, in Kentucky, or within 5 miles of Philadelphia, Pa., or within 8 miles of the city of Cincinnati, in Ohio. What would be the rights of the State?

Mr. HOWARD. Of whom is the gentleman asking that question?

Mr. MOORE of Pennsylvania. I am putting that up to the gentleman from Georgia. The gentleman stands for State rights sometimes. I am asking him what would be the effect on the State law of locating a camp 10 miles from a city?

Mr. HOWARD. If we adopted the amendment of the gentleman from Kansas [Mr. LITTLE], then the sale of liquor in those places, if they were within the 20-mile limit, would be prohibited.

Mr. MOORE of Pennsylvania. Then the Government, by simply locating training camps here and there and everywhere, could abolish the sale of liquor anywhere in the country.

Mr. HOWARD. If I had my way about it, I would decrease the limit.

Mr. MOORE of Pennsylvania. I understand the gentleman's personal views on this question, but I am asking whether this proposition does not intrench upon the rights of the States?

Mr. BURNETT. Has not the Government done that at every immigration station all over the country under a similar provision?

Mr. MOORE of Pennsylvania. If it has done so, there are immigration stations close to Boston, and yet liquor is sold in Boston.

Mr. BURNETT. Is not the sale of liquor prohibited within a hundred yards of an immigration station?

Mr. CALDWELL. Mr. Chairman, this proposed amendment does not say anything about where these troops shall be located. It starts off with the proposition that liquor shall not be sold within 20 miles of where they are located. Just as I stated when I started my argument, the proposition here is purely a local-option measure for the States, which this Congress is trying to pass, and is entirely outside of our constitutional authority. I ask for a ruling.

Mr. HOWARD. May I ask the gentleman one question on that point?

Mr. CALDWELL. Yes.

Mr. HOWARD. Under the parliamentary situation here, does the gentleman think it will be germane to this bill to offer an amendment to make it a misdemeanor for anybody to sell to one of the soldiers to be enlisted under this bill a drink of intoxicating liquors?

Mr. CALDWELL. We will come to that when we get to it.

Mr. HOWARD. It is not germane to this proposition.

Mr. LITTLE. Mr. Chairman, the gentleman from New York attempts to argue the point of order, but he is not arguing any point of order. He is arguing a constitutional question. This whole bill may be unconstitutional, but that would not make my amendment out of order here. The courts can pass upon the question of its constitutionality. The question here is whether this amendment is germane to this particular bill. Now, here is a bill authorizing the President to raise an army for the United States of America, to organize it and put it in motion. Anything that will make it efficient and competent for that purpose is germane. It has been held, Hinds, volume 5, section 5910, as I suggested a while back, that target practice,

for example, is a part of the organization of an army. The organization of an army does not include target practice any more than it does anything else that makes that army efficient. A man who is drunk can not shoot straight. And what is the use of having target practice if you do not bring men to it who are competent to shoot at the target?

The gentleman is discussing personal liberty. You take a man away from his home and send him away to be killed without asking him whether he wants to go, and then you propose to let another fellow sell whisky to him to kill him before he gets to the front, and you call that personal liberty. That does not touch the germaneness of this proposition.

Now, as to the distance, 20 miles or 5 miles, the gentleman has suggested that they should not be allowed to sell liquor in the Government reservation or camp. That would not help the Army any. Every time you establish a camp there will be a row of saloons within 20 feet of it. If they are not there when the camp is established, they soon will be. Nobody in this country is prepared for war except the saloons and bawdyhouses. After considerable observation of this evil while in the Volunteer Army, I have made up my mind that you could increase the efficiency of the American Army at least 25 per cent by taking liquor away from the training camps. I have concluded from experience that it is not a bit of use to shut off the sale of liquor within half a mile or a mile of the camp. If you put it 20 miles away you will have a sober army and you will send a sober army to Europe, and that is the purpose of this amendment.

Mr. SABATH. Would not a hundred miles away be safer?

Mr. LITTLE. I will accept that amendment, if the gentleman desires.

Mr. STAFFORD. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Wisconsin desire to discuss the point of order?

Mr. STAFFORD. If the Chair is ready to rule, I do not care to take up time.

Mr. OLIVER of Alabama. I understood the Chair to say that he wanted to recognize any gentleman who desired to speak on the point of order.

The CHAIRMAN. The Chair will recognize any gentleman who wishes to speak on it.

Mr. OLIVER of Alabama. Mr. Chairman, I understand that the Chair of his own volition stated that in view of his attention having been called to certain language in the bill he had some doubt as to the correctness of his ruling on an amendment previously offered by me. The amendment which I offered, and which the Chair at the time ruled to be out of order, forbade and provided penalties for sale of liquor to officers and enlisted men in the Regular Army or in the new army that is to be organized, and I submit to the Chair that that amendment was in order.

The final purpose of this bill is to raise an efficient army, and whatever interferes with the efficiency of that army or detracts therefrom is entirely germane and material. There are provisions in this bill that relate to the pay, allowances, and pensions of officers as well as enlisted men. Certainly an amendment which seeks to prohibit the sale of intoxicating liquors to officers and soldiers in the Army, for whose pay, allowances, and pensions this bill undertakes to provide for, is in order.

Mr. STAFFORD. Mr. Chairman, I wish to direct the attention of the Chair to the fact that the bill under consideration provides only for the assembling of troops, and not for any establishment relating to the organization of those troops. In fact, the bill by its very title shows that it is of an emergency character, intended to increase temporarily the Military Establishment, and all through the various paragraphs and sections of this bill it is limited entirely to increasing the personnel. Nowhere do you find anything relating to an authorization providing as to the organizing of establishments.

Mr. OLIVER of Alabama. Will the gentleman yield for a question?

Mr. STAFFORD. I yield to the gentleman from Alabama.

Mr. OLIVER of Alabama. Section 9 provides for the pay, allowances, and pensions——

Mr. GREENE of Vermont. That is already in the national-defense act.

Mr. STAFFORD. That is already in the national-defense act, and it relates to the personnel. Now, Mr. Chairman, the amendment under consideration has nothing in common with that. It is different in character entirely. It relates to conditions apart from the personnel, and is for permanent conditions.

Nothing is better settled in the decisions of this House under subdivision 7 of Rule XVI, which reads as follows:

And no motion on a proposition or subject different from that under consideration shall be admitted under color of amendment.

That such an amendment is not germane under that paragraph of the rule there have been numerous decisions. For instance, we find under subsection D of the note—

Two subjects are not necessarily germane because they are related.

There are numerous citations confirming that.

For instance, an amendment relating to commerce between the States, an amendment relating to commerce within the several States is not germane; to a proposition to relieve destitute citizens of the United States and Cuba, a proposition declaring a state of war in Cuba and proclaiming neutrality, is not germane; to a provision for the erection of a building for a mint, an amendment to change the coinage laws is now germane.

There the Chair has instances of matters that were ruled upon as not being germane. But this amendment is very farfetched from a relation to anything carried in the bill, because there is nothing in the bill that relates to forts or army posts, or anything of that character. It relates exclusively to the personnel and provides for increasing the personnel.

Mr. CRAMTON. Will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. CRAMTON. Can the gentleman conceive of anything broader than the language in section 10 that "there is hereby appropriated for the national defense, and for each and every purpose connected therewith, $3,000,000,000"?

Mr. STAFFORD. There is no authorization whatever in this bill for any army post or any of the other establishments referred to in the amendment under consideration. It relates exclusively to the personnel, and the section referred to by the gentleman refers to the expenses occasioned by the necessary items carried in this bill. If you are going to hold this in order, you can hold in order anything relating to the general welfare of the country. It would be establishing a precedent of the wildest character and open the door for all kinds of legislation. You might as well negative and eliminate the whole paragraph of the rule I have referred to.

Mr. CRAMTON. Section 10 relates not only to the personnel but to each and every purpose connected with the national defense. If that is not broad enough to let in the prohibition of the sale of liquor to soldiers, I do not know what would be broad enough.

Mr. SIMS. Mr. Chairman, prohibitive liquor legislation has almost uniformly been along the lines of prohibiting the sale within certain areas. In Tennessee, where was enacted what was called the 4-mile law, it was at first provided that no intoxicating liquors should be sold within 4 miles of an incorporated institution of learning not situated in an incorporated city or town. Immediately there sprung up corporations of institutions of learning within 4 miles of where liquor was lawfully sold prior thereto. The courts held uniformly that the sale of liquor then became unlawful. Whether it ought to be 4 or 20 miles was for the legislative body to determine, and while the courts might think the legislation was unwise, that the area was greater than necessary, yet the courts held that the legislature was the judge of the number of miles or the number of yards or the number of feet in the prohibitive provisions of the act. Congress is the judge of whether or not it is necessary for the proper protection of these young men at training camps to prohibit the sale of intoxicating liquors within certain distances, and it seems to me that regardless of the merits it is a question for the Chair to submit to the House, because it is certainly covered by the sweeping provisions of the bill, especially the one just read by the gentleman from Michigan.

While we might not vote for 20 miles, while we might be willing to provide for a less distance, in time of war the protection of the Army and the soldiers being trained in these camps is of the highest possible public interest, and if we believe it is necessary to stop the sale of liquor in Washington to protect the soldiers at the Washington Barracks, or any other place, I think we have the power to do it. Whether it would be wise or unwise is not the question, in passing on this point of order. It is not a question of prohibition so far as the local people are concerned. It is a question of the sale of liquor within certain proximity to training camps.

Mr. GORDON. Will the gentleman yield?

Mr. SIMS. Yes.

Mr. GORDON. Suppose you prohibited the continuance of picture shows within 20 miles of a training camp.

Mr. SIMS. If Congress determined that it would be for the welfare and the proper training and drilling of the Army, I think it could prevent a picture show, and it could prevent even a Sunday school if it determined that it was in the interest of the efficiency of the Army to do so. In other words Congress is the sole judge of what should be done to protect the health and morals of the soldiers, and no technical point of order

as to procedure in legislation should be allowed to stand in the way of such action.

The CHAIRMAN. The Chair is ready to rule. This is not a question of constitutional authority. Every Member who is familiar with the precedents of this body knows that for quite a while the tendency in this House has been to narrow the rule of germaneness so as to exclude many amendments that would seem to be naturally appropriate and in order. I do not know that the Chair is in sympathy with that tendency, but such are the precedents. The question is not one of constitutional authority, but whether or not this amendment is in order as a parliamentary proposition on this bill.

This bill is a bill to authorize the President to increase temporarily the Military Establishment of the United States. It provides for raising an army and for various details in reference to same. The bill also provides for training the army and the pay of the army. On the ground of training it is suggested that this amendment would be germane as tending to surround the Government camps with proper moral surroundings, and thereby increase the efficiency of the men in training. This would be a very appealing argument if the question presented was a vote on the merits. But I think it will be perfectly plain that if this amendment is held to be in order, all sorts of amendments of a social character would be in order and could be attached to the bill. While the question is not without difficulty, I think that under the precedents the amendment is hardly germane. The Chair therefore sustains the point of order. The action of the Chair, of course, is subject to the superior authority of the House.

Mr. LITTLE. Mr. Chairman, I desire to appeal from the decision of the Chair.

The CHAIRMAN. The gentleman from Kansas appeals from the ruling of the Chair, and the question is, Shall the ruling of the Chair stand as the judgment of the committee?

The committee divided; and there were—ayes 124, noes 3.

So the decision of the Chair stood as the judgment of the committee.

Mr. OLIVER of Alabama. Mr. Chairman, do I understand that the ruling of the Chair applies to the amendment that I offered?

The CHAIRMAN. The Chair was dealing exclusively with the amendment under consideration.

Mr. OLIVER of Alabama. Mr. Chairman, I desire to reoffer my amendment, and ask that the Clerk read it.

Mr. COX. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. COX. I thought that I was recognized to offer an amendment. I yielded to consideration of the amendment offered by the gentleman from Kansas [Mr. LITTLE].

The CHAIRMAN. The gentleman is correct.

Mr. ALMON. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. ALMON. Was it not agreed and announced a while ago that amendments would be called as they appear on file?

The CHAIRMAN. The Chair does not know of any amendments on file.

Mr. ALMON. I sent up three.

The CHAIRMAN. That announcement was with respect to another section of the bill, where debate had been exhausted and a number of amendments were at the desk. They were called in the order that they were placed at the desk. The gentleman from Indiana is recognized.

Mr. COX. Mr. Chairman, I will ask that the Clerk report the amendment which I send to the desk.

The Clerk read as follows:

Amendment by Mr. COX: Amend by inserting, after the word "ages," in line 7, page 10, the following:
"including all aliens who have not taken out their first papers or declared their intention of becoming citizens, except countries with which our Nation is or may be at war."

Mr. DENT. Mr. Chairman, I ask unanimous consent that at the expiration of five minutes all debate upon this amendment shall close.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent that at the expiration of five minutes debate upon the pending amendment shall close. Is there objection?

There was no objection.

Mr. DENT. And may I take the time to make this statement, that I hope the committee will proceed to expedite this bill a little faster. I have just been informed that the Senate expects to vote upon a similar bill about 10 o'clock to-night, and I would like to have a vote upon this bill earlier than that.

Mr. COX. Mr. Chairman, I do not know that I shall consume the whole of my five minutes. This is an amendment to section 4, and section 4 is the one in the bill which gives to the President of the United States the power to make an enrollment of all male citizens between the ages of 21 and 40 years. We are voting on a measure to-day providing for selective conscription, and in all human probability in the course of the next few months we are going to send hundreds of thousands of American boys, either American born or naturalized, to the infernos of France to fight. Our country as yet has not reached the point where we are bleeding white. Many of the allied countries over there are to-day and for the last 18 months have been bleeding white. Just how many aliens there are in this country who are allied with our country I do not know. I mean by that I do not know how many men of military age, between the ages of 21 and 40 years, who are subjects of those countries with which our country is now allied, are in this country who could become soldiers. Recently this House passed a bill which gave to the allies power to send their men here to use such moral suasion as they possibly could upon their subjects to induce them to go home and join the respective colors in France and Belgium. Considerable opposition to that system developed here at that time, but suffice it to say that the House finally passed the bill.

My amendment does not provide that these aliens, citizens of England, France, Belgium, Serbia, Roumania, Italy, or Russia, shall be drafted into the service of the United States. It only provides that while the registration of American citizens, of American soldiers between the ages of 21 and 40, is being had, the same machinery, the same power, the same Government influence, shall be brought to bear upon the subjects of these foreign powers who are here and who refuse to return home to defend their country upon European soil, when those powers have used every moral persuasion and influence they have at their command to induce them to return. I heard the chairman of the Committee on the Judiciary, the gentleman from North Carolina [Mr. WEBB], announce this evening that he thought his committee soon would bring in a bill that would enable this Government to conscript that class of men. I directed a letter to the Secretary of War, to the State Department, to the Department of Commerce, to the Department of Labor, with a view of finding out how many of these people of military age there are in this country. And absolutely down to this good hour, according to replies I have received from this department, there is no data at all in this country that will show or tell how many subjects of foreign countries are here who are subject to military duty.

Mr. STAFFORD. Will the gentleman yield? Is this amendment only for registration purposes?

Mr. COX. That is all I intend. Now, it might be argued, as some one intimated here this evening, that it will be in violation of international law if not in violation of treaties made between this country and foreign countries if we undertook to draft these men into our Army. Great God of the universe, if that be true had not we better quickly amend our treaties? Now, should this legislation run and our Government deem it wise to undertake to conscript the subjects and citizens of England who are shirking their duty, who are refusing to go abroad, does anyone question for a moment that after the English Government is given the power to come over here and they refuse to go home to join their colors that England would be happy to have us conscript them? Now, the only purpose of my amendment is that, and that is all I seek to obtain. Whether it is in correct or proper language or not I am not clear, but I think it is, and the only purpose I seek to obtain is that when they are requiring of your boy and my boy between the ages of 21 and 40 years in the next two months that he present himself for enrollment, that the same machinery be put in motion against the subjects of England, France, Russia, Serbia, Rumania, Italy, and let us see how many of them are here, so if we reach the point later on when we pass a law that will conscript these people of military age we will know at that time how much of an army we can get by that system of conscription. Who is going to oppose it? What possible harm can come of it? What possible objection can there be to conducting this enrollment at this time, gentlemen, of the subjects of foreign powers who are here of military age and who refuse to go back and defend their flag when they have been fighting over there for the last two years and nine months? I ask, Mr. Chairman, that the amendment be adopted.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana.

The question was taken, and the Chair announced the ayes seemed to have it.

Mr. DENT. Mr. Chairman, I ask for a division.

The committee again divided; and there were—ayes 32, noes 57.

Mr. COX. Mr. Chairman, I demand tellers.

The CHAIRMAN. The gentleman from Indiana demands tellers. [After counting.] Ten gentlemen have risen, not a sufficient number.

So the amendment was rejected.

Mr. CALDWELL. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment by Mr. CALDWELL: On page 11, line 2, after the word "act," insert as a new section:

"SEC. 4a. For the purposes of this act a man shall be considered 21 on the day before his twenty-first birthday and not to be above 40 until the day before his forty-first birthday."

Mr. CALDWELL. Mr. Chairman, the object of this amendment, I will say, is for the purpose of providing that all the States shall have the same rule as to when a man becomes 21 and 41. There are some States—the State of Alabama, for instance—which fixes the date of the twenty-first birthday as the day when a man becomes 21, whereas the State of New York fixes it at the day before the twenty-first birthday as the day when he becomes 21. This amendment is offered in order that every State may have exactly the same day on which a man becomes 21 years of age. I think this bill ought to carry that provision.

Mr. DENT. Mr. Chairman, I think the War Department can take care of the construction of the law without having us put in here the absurd proposition that a man is 21 the day before he is 21.

Mr. BURNETT. I will ask the gentleman if the War Department has not already fixed the rule?

The question was taken, and the amendment was rejected.

Mr. ALMON. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment by Mr. ALMON: Page 10, line 17, after the word "States," insert the words "or State court."

Mr. ALMON. Mr. Chairman, I requested time to speak during the time allotted for general debate but failed to secure it, as no doubt many others did, on account of the limited time and the large number who desired to speak, and, having failed to secure unanimous consent to address the House this morning, I will now, since the bill has been taken up for pending and amendments, avail myself of this opportunity to address the House and express my views upon the pending measure.

I voted against the war resolution and gave my reasons for doing so, and it is not necessary or proper to repeat them at this time. Time may change the views of some who at that time thought I was wrong; but, since the war resolution was passed by Congress and approved by the President, I am heartily and earnestly in favor of prosecuting the war to a successful end. Whether we wanted it or not, we are now in the greatest war in the history of the world, against the greatest military power in the world. The safety and honor of our Nation and the lives and liberty of our people, our homes, our women and children are all involved. The situation is indeed critical. It may be that we have a long, hard fight before us. We may have to raise an army of two or three million soldiers and send them to Europe. There may be fighting on this side of the Atlantic, too, before it is over. No one knows or can tell at this time. It is the imperative duty of Congress to make provision for men and money with which to prosecute the war. We can not and should not shirk our responsibility and undertake to pass it up to some one else. Then, how shall this army be raised? Who should be included and who exempted from service?

At the time the war resolution was under consideration in the House we all understood from what we could hear and read that certain Army officers had prepared a bill to be submitted to Congress making provision for this increase of the Army. We understood that such a bill would require all of this great Army to be selected from our young men between the ages of 19 and 25; that it failed to make any provision for State units, so that men from the same State, or from political subdivisions of the State, could be placed in the same command. We also understood that in it there was no provision for the selection to be made by local citizens not connected with the Military Establishment. This was the bill which I had in mind and to which I expressed my opposition in my remarks on the war resolution. I was then opposed to such a measure, and if it were before the House to-day I would oppose it and vote against it. The very idea of drafting our 19-year-old boys into the military service to fight in the trenches in Europe and exempting all over 25 was something that I could not and would not indorse or vote for. This turned out to be true, as such a measure was sent a few days later by the War Department to the Military Committees of the House and Senate, but was rejected or amended so as to relieve it of those objectionable features.

Provision for raising this Army must be made now by this Congress. The Military Committees of both Houses have had the subject under consideration and have had hearings for some time. There is but one bill before the House to be considered, and we all know that is the only one that can be passed by this Congress. Most of the provisions of this bill have the approval of each member of the Military Committee of the House. It is true that there are two reports from the committee—one the majority and the other the minority. The only difference between the majority and the minority reports of the Military Committee of the House is that the majority report favors raising the first 500,000 men by the volunteer system, but the bill reported by the committee expressly authorizes the President to resort to the selective-draft system to raise the first 500,000 whenever he decides that it can not be effectively done by voluntary enlistment. It fixes no time for the President to make such decision. He might do so in 24 hours, and it is perfectly reasonable to suppose that he would, for the reason that he has repeatedly objected to the volunteer plan. Why, then, put it within his discretion to do something we all know he is opposed to? So, after all, the effect of the plan of the majority report is to place it in the discretion of the President to undertake to raise the first 500,000 men by voluntary enlistment, and the result would be that it would not be done and all would be raised by one plan, and that the selective draft, which the President, the Secretary of War, the General Staff of the United States Army, and all the other Army experts and officers insist is the best and quickest way to raise an army under present conditions and secure an early victory. There is in reality no volunteer plan before us to vote for. To inject the plan of the majority report into the bill would only result in delay and confusion. It is agreed by all that the second installment of 500,000 men shall be raised by the selective-draft plan. The President and all those connected with the War Department insist that all should be selected under one and the same plan, and that is the selective draft.

The bill before us for consideration now, as amended, fixes the age limit from 21 to 40 years. It makes express provision for State units, so that men from the same State or political subdivisions thereof will be together and in the same command. It requires that the boards or tribunals to be appointed to make the selections and pass on the exemptions shall be composed of citizens not connected with the Military Establishment. The House bill fixes the age limit from 21 to 40 years. The Senate bill from 21 to 27 years. The difference as to age limits, as well as all other differences, will be adjusted between the two Houses in the usual way. The bill before us, as we have amended it, also provides for an increase of the wages of the private from $15 to $30 per month. It also prohibits substitutes and exemption from service by the payment of bounty.

All male persons within the age limits finally fixed in the bill will be required to register at such time and place as may be fixed by proclamation of the President, or other public notice given by his direction.

The bill as amended expressly exempts from the draft system the Vice President of the United States, the officers, legislative, executive, and judicial, of the United States and of the several States and Territories, and all other persons in the military and naval service of the United States, regularly and duly ordained ministers and certain others on account of religious creed, who are particularly described in the bill, and also authorizes the President to exempt from the draft system those engaged in industries, including agriculture, who may be determined by the President from time to time to be necessary to the maintenance of the Military Establishment or the effective operation of the military forces during the war, and those in a status with respect to persons dependent upon them for support, which renders their exemption advisable. The President is also authorized to establish throughout the United States tribunals for the purpose of enforcing and carrying into effect the terms and provisions of the act, together with such regulations as he shall prescribe and determine necessary, the members of each of such tribunals to be citizens of the United States not connected with the Military Establishment. Such exemptions, however, do not relieve any State of supplying its quota in proportion that its population bears to the total population of the country.

The question of who will be exempted, including those engaged in industries, farmers, and those who have others dependent upon them for support, will be passed upon by boards composed of citizens who are not connected with the Military Establishment, and anyone feeling aggrieved by his enrollment or draft is given a remedy by habeas corpus proceedings either in a State

or Federal court. We are also informed by the Secretary of War that the process of registration and selection after registration will be under the direction of the governors of the several States, through the county officers; that the plan of registration will be similar to registration of voters; and that the plan of selection will be somewhat after the plan of selection of jurors—all by local authorities.

Instead of referring to the splendid young men who are selected, and who answer the call of their country in defense of the Nation, as "conscripts," they should be referred to as selected soldiers or "selects," which implies that they go forth because they are selected by those in authority as being capable and dependable in time of trouble and danger. Why should not the young men of Alabama who are selected be referred to as Alabama's select soldiers, and the different divisions be given such titles as "First Alabama Select Cavalry" and "Fourth Alabama Select Infantry," and so forth? They will be composed of young men, some of whom are descendants of those who constituted the immortal Fourth Alabama Infantry and other brave and patriotic commands during the Civil War. [Applause.] Let all the people and the newspapers speak of the plan as the "draft system" and not "conscription," and of those selected as "selects" and not "conscripts." Neither the word "conscription" nor "conscript" appears anywhere in the bill. When one comes up to all of the requirements of the law and is selected, he goes forth in answer to the call of his country just like a juror who is selected on account of his qualifications and goes into the jury to pass upon the life of his fellow man. One is no more a conscript than the other. These are duties which the citizen owes his country and his Government.

From the registration of eligibles there will be selected 500,000 for the first draft or installment, to be pro rated among the States, Territories, and District of Columbia in proportion to the population, and credit shall be given to each State or subdivision thereof for the number of men who are in the military service of the United States as members of the National Guard. It is estimated that from about 8,000 to 10,000 would be Alabama's part, which would be from 800 to 1,000 from each congressional district. After allowing credit for the number enlisted in the National Guard from the eighth district of Alabama, as provided by the bill, it would seem, according to such estimate, that there would be only about an average of 100 from each of the seven counties, both white and colored, less than the number who enlisted in the National Guard a couple of years ago from some of the counties in the district. Probably only 1 out of every 20 of those who are required to register will be selected for the first installment of 500,000. The percentage would, however, depend upon the maximum age limit that may finally be agreed upon between the House and Senate.

I am no doubt like most of the other Members of the House, especially from the South, naturally prejudiced against the word "conscript" as applied to soldiers, and at the beginning of this war we were inclined to oppose anything like conscription. Lasting impressions were made upon my mind when I was a boy as we sat around the big log fire at night in our old country home, after the Civil War, and heard Confederate soldiers whose lives were spared, who were allowed to return to their homes, and whom I will always honor, revere, and admire, as they told of the contempt and odium attached to the conscripted soldiers, who often undertook to evade service by deserting and hiding in caves and swamps, and sometimes deserted and joined the enemy. No odium should attach to soldiers who are each selected like all others, in the manner provided by law, on account of their peculiar qualifications. Such soldiers are not conscripts. Neither the word "conscription" nor "conscript" appears in this bill. The conscript law passed by the Confederate Congress gave all an opportunity to volunteer, and no one was conscripted until he failed and refused to volunteer.

It is now evident to us all that there is but one plan that can be adopted by this Congress at this time, and that is the draft system, which not only has the approval but the earnest and hearty support of President Wilson, the War Department, and, it seems, a very large majority of both Houses of Congress.

It is said that every Confederate veteran who is a Member of this House and Senator BANKHEAD, of Alabama, the only one in the Senate, and almost every one of the 20 Spanish-American War Veterans who are Members of this House favor the selective draft.

I have not had any military training or experience and know but little about military affairs. Our country is in a critical condition. We find ourselves unprepared to prosecute this great war. We must make preparation, and that as quickly as possible. One of the things we all agree must be done, and that is to secure at least a half million more soldiers and train and equip them as quickly as possible. How can this be done and at the same time have each State furnish its pro rata part? Who knows best how to do it? Men like myself, without military training or experience, or men who have been educated by the Government in our military schools and have made such questions their life work and study—President Wilson, the Commander in Chief of the Army and Navy during this war, the Secretary of War, also the General Staff of the Army and all the other great military experts of this country who have been educated and trained by the United States Government for military service, instruction, and advice, all indorse and insist upon one plan, and that the selective draft, for making this increase in the Army to continue during the war? Should we not respect and give weight to their views and opinions, realizing, as we must, that the responsibility for the conduct and prosecution of this war must rest largely upon them? So, taking all of these things into consideration, I believe that it is my duty to vote for the bill which has the indorsement and approval of the President of the United States and all those connected with the War Department. To do otherwise would mean that I was opposed to making provision which would authorize our Commander in Chief to raise an army for the prosecution of this war.

As I stated in my remarks on the war resolution, billions of dollars will be required to defray the expenses of this war. Billions have already been appropriated. Whatever sum may be required must be paid, first or last, out of the pockets of the American people. This war is going to be a hard experience for all of our people. It will demand universal sacrifice, but this sacrifice should be as equitably apportioned as it is possible to be. It should not fall upon any one person in a way that means actual want and suffering while another is left untouched. Justice in taxation means equality in the effect of the tax upon the actual conditions of the people who pay it. It may be a far greater sacrifice for a person of small means to be taxed a few dollars than for one of wealth to be taxed very heavily. It will be just as much the duty of Congress to make provision for the raising of money with which to enable the President, who is Commander in Chief of the Army and Navy, to prosecute this war as it is to make provision for the raising of an army with which to fight the battles of the war. It will become the duty of Congress, however unpleasant it may be, since the war has been declared and this additional expense is made absolutely necessary, to increase taxes, to levy new and additional taxes, and to pass many other war measures. No doubt the rate of tax on incomes will be greatly increased and the amount of exemptions reduced. Many things may be taxed which were never taxed before, as the expense of the great Army and Navy will be many times as much as it ever was before in the history of the Nation. Stamp taxes will be imposed, no doubt, on many things and articles not heretofore taxed during prior wars, but I hope and believe that it will all be done in a fair and equitable manner. But money is the smallest part of the probable cost. Far above money cost is the irrecoverable cost in men, that can not be measured by money; a loss which can not be computed in gold.

But when this measure is passed and put into operation by our Commander in Chief, the State of Alabama, which I represent in part, can be depended upon to furnish her full quota of brave and patriotic men as she has always done in the past, and they will discharge their duties in a manner creditable to themselves, the State, and the Nation. The eighth district of Alabama, which I have the honor to represent, embracing the beautiful Tennessee Valley, will furnish her full quota from her brave and gallant young men who will prove to be as fearless as any soldiers who ever marched upon a battle field. There will be no cowards or shirkers among them. [Applause.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Alabama [Mr. ALMON].

Mr. FESS. Mr. Chairman and gentlemen of the committee, I have not had anything to say on this legislation. I have refrained from participating in it for reasons fairly well known. The term of "conscript" is awfully odious to me. I suppose that feeling is sentimental, and I presume it is because I have lived most of my mental life in the history of the United States.

I voted to retain the volunteer system. I also voted to authorize Col. Roosevelt to raise a division for European service at once. Both of these provisions were stricken out, and, of course, nothing is left now to me except to stand by the Nation in war; and, therefore, I must vote for the conscript system, although it is hard to do so; but we must not declare war one day and refuse to raise an army the next day. I wish that the membership of this House would listen to the reading of a letter in the form of a call from Maj. Smith, of the Third Regiment of Ohio, in recruiting that regiment. I ask the fairness of this House, in justice to our sons who will serve their coun-

try on the field of battle, to put a ban upon such matters as this call suggests, for our boys will go into this war, and we do not want them branded, as this letter is doing. I want the unanimous consent that the Clerk may read this call, which is officially signed by the major of the Third Regiment of Ohio. It will accentuate our intense opposition to conscription, the uniform odium that surrounds this un-American system.

Mr. ALMON. Will the gentleman permit a question?

Mr. FESS. I will.

Mr. ALMON. Do you not think it would be a credit to the young man who passes this examination and is selected as a soldier, and do you not think he would esteem it as an honor, and therefore should be referred to as a selected soldier and not as a conscript?

Mr. FESS. When our sons go to this war, if it be their lot thus to serve the Nation, I want them to be regarded as men who have gone at the call of their country, in order to save the honor, if not the life, of this Nation, and I do not want any brand to be placed upon them. [Applause.]

I would say that this article is in the newspaper owned by Gov. Cox, of my State, and published in my own district, and it is no reflection upon the governor, a former Member of this House.

The CHAIRMAN. The Clerk will read the article.

The Clerk read as follows:

URGENT APPEAL 'S ISSUED BY MAJ. SMITH—ARE YOU GOING TO VOLUNTEER OR BE A CONSCRIPT SOLDIER? IS ASKED.

Are you going to be a volunteer or a conscripted soldier? is the question you are confronted with if you are eligible for service.

Imminence of the selective-draft law is facing every man eligible for the service in the face.

There are only four days left before men will face the choice of joining by their own free will or by force.

The Third Regiment needs 400 men to bring it up to peace strength and 500 additional to reach the war-strength requirements.

Men who join now will have the opportunity of selecting the company in which they have the most friends. When the draft bill goes into effect, they will be put wherever the officer sees fit.

I personally would advise every man who is eligible for service to join immediately, and thereby be among the choice.

If you volunteer, you'll be treated as a gentleman by your fellow soldiers. If you're drafted, you'll be branded for life.

The man who joins now has every advantage over the man who waits. He will be fully equipped when he enters the service, and will not be subjected to the horrors of the concentration camp.

He will have the honor of being a volunteer, fighting for his country, and will not be placarded by his comrades with shame.

Will you act or will you wait until the Federal officer knocks at your door, while a jeering crowd stands without?

Maj. LEON E. SMITH.

Mr. SMALL. Mr. Chairman, will the gentleman permit an interruption?

Mr. FESS. Yes.

Mr. SMALL. I judge that is from an officer of the National Guard of Ohio seeking volunteers for the National Guard. Does not that indicate a lack of willingness on the part of Ohio to furnish its quota for the National Guard, and does it not make necessary the selective conscription in order to obtain an Army? [Applause.]

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. O'SHAUNESSY. Mr. Chairman, I ask unanimous consent that the gentleman be given five minutes more.

Mr. BURNETT. Does it not show that they have not been given a chance to volunteer?

Mr. DENT. Mr. Chairman, I think it is only fair that the gentleman from Ohio [Mr. FESS] should have a minute in which to answer that question, but after the expiration of that time I am going to ask to close debate. We must get on.

The CHAIRMAN. The gentleman's request is for an extension of time. How much?

Mr. HULBERT. Five minutes.

Mr. FESS. I do not want that much time.

Mr. HULBERT. Not exceeding five minutes.

The CHAIRMAN. Is there objection to the extension of the gentleman's time five minutes?

There was no objection.

Mr. DENT. I think the gentleman ought to have time to answer.

Mr. FESS. Mr. Chairman, I do not ask for five minutes, but I do ask for time to say this: That we here propose to conscript our boys and then attempt to exempt the boys on the farm. I have here seen men demand conscription and then vote to exempt their own people. We conscript our boys and then attempt to exempt those in the mines. We conscript our boys and then attempt to exempt those in the munition plants. Members have loudly demanded this conscript system and then, in crowds, walked between the tellers to vote an exemption of special classes. We do it by the selective draft. I want to know who speaks for the college boy and the boy who is preparing to be useful to his country? Is there anybody here? Have they no friends to speak for them—those that do not happen to be engaged in this or that profession or industry? I know sons who have nothing to offer but sound bodies and clean minds and pure hearts. Such boys make good soldiers, but I would like to have somebody speak for their honor as they go into the field. I do not dare in this place speak of rights of our sons, as we have been told over and over again that they have no rights.

Mr. TEMPLE. Will the gentleman yield?

Mr. FESS. While I do not concede the inhuman philosophy thus announced, I do not want our sons to be called "conscripts," even though by your proposed enactment here you are fixing the stigma upon those who are denied the common rights never before questioned.

Mr. MAYS. Why do you call them conscripts?

Mr. FESS. I mean in the way in which this published call comes. It is the general attitude of the entire country toward conscription. Now, since we have decided for conscription, do we in this Congress want to put a ban or stigma such as that call places upon the boys who have no exemption? It is not fair; it is not just. These boys have no rights. It is not theirs to ask the question why; it is only theirs to do and die. [Applause.] If we deny our sons all rights, we can at least protect their good names while they tender their services and, it may be, their lives.

Mr. TEMPLE. Mr. Chairman, will the gentleman yield for a question?

Mr. FESS. My time is up.

Mr. DENT. Mr. Chairman, I move that the debate on the pending paragraph and all amendments thereto be closed.

Mr. CRAMTON. Mr. Chairman, I would like to have three minutes.

The CHAIRMAN. The question is on the motion of the gentleman from Alabama [Mr. DENT].

The motion was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Alabama [Mr. ALMON]. The Clerk will first report the amendment.

The Clerk read as follows:

On page 10, line 17, after the word "States," insert the words "or State court."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Alabama.

Mr. ALMON. It gives the State courts authority.

The question was taken, and the Chairman announced that the noes seemed to have it.

Mr. ALMON. A division, Mr. Chairman.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 41, noes 61.

So the amendment was rejected.

The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment by Mr. ALMON: After the word "than," on line 18, page 10, strike out the word "three," and, on line 19, strike out the words "months nor more than one year" and insert in lieu thereof "not less than one month nor more than six months."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Alabama.

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment by Mr. SEARS: Page 10, line 14, after the word "shall," strike out the word "willfully" and insert after the word "or" the words "without reasonable excuse."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Florida [Mr. SEARS].

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment by Mr. ROSE: Page 10, line 8, after the word "registration," insert "which proclamation or notice shall be published in one or more newspapers published in the district where such registration is to be made."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment by Mr. WILSON of Texas: Page 10, line 10, after the word "act," insert the following: "And each person so registering shall at such time have the right to offer his services to the country for military duty during the period of the war, and a record of any such tender of services shall be made."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment by Mr. McCLINTIC: Add at the end of the section, on line 2, page 4, the following proviso: "*Provided*, That all aliens who shall become citizens of the United States shall, upon becoming naturalized, be subject to military duty, and their names shall be certified to the proper authorities to be added to the list of those subject to be drawn for the Army."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Oklahoma.

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will read.

Mr. BATHRICK. Mr. Chairman, I offer the following amendment as a new section.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Ohio.

The Clerk read as follows:

Amendment by Mr. BATHRICK: After line 2, on page 11, insert the following as a new section:

"That the President of the United States is hereby authorized to enlist and equip an army of not to exceed 1,000,000 male and female persons, to serve no longer than during the term of the war, or a lesser term if the President may so elect, as farm laborers. The President shall have power to prescribe all rules and regulations for enlistment, for duty assignment, for officers, for pay from farmers receiving the services of said persons, or otherwise: *Provided*, That no officer or private of the said agricultural army shall be eligible for retirement pay or pensions."

Mr. DENT. Mr. Chairman, I make a point of order on that.

Mr. BATHRICK. Will the gentleman reserve the point of order?

SEVERAL MEMBERS. No!

The CHAIRMAN. The point of order is overruled.

Mr. MEEKER. I make the point of order.

Mr. BATHRICK. The Chairman has ruled. Now, gentlemen, I think it is needless to assume you are not familiar with this question of food and its important relation to the success of this war. The Agricultural Department and those gentlemen upon whom devolves the labor of accelerating the planting of foodstuffs this year are appealing to the farmers of this country. I think that is all they are doing. I do not intend to condemn them for doing no more than that, but I beg your attention to this matter. They are simply appealing to the farmers to plant more foodstuffs. Yet in 1915, with the greatest prize that could be hung up before anybody to give the last ounce of energy to raising more foodstuffs on the farm, we did not have enough. That incentive was the high prices, but it did not give us enough in 1915.

Now the news comes from the West that there is a short wheat supply. That means bread lines next winter in New York, Philadelphia, Chicago, and our larger cities. This year the same incentive, only to a greater degree, is before all the farmers of this country to raise every pound of foodstuffs they can, and they are bending their backs to the task, but it is the price moving them more than the appeal. They are doing what they can to raise more, but it will be in vain, because they have not enough labor. Men high in the Agricultural Department are thoroughly familiar with the facts, and they say that we are now short 1,000,000 men for work upon the farms of this country. You can not get more foodstuffs without more labor. So I propose in this amendment that the President be simply authorized to do this thing. In no sense does it interfere with this bill. In no sense can it harm the operations of this bill in any of its provisions, and I appeal to the gentlemen of this House to vote this amendment into law so that the President of the United States may mobilize farm labor both male and female.

Mr. MEEKER. Will the gentleman yield for a question?

Mr. BATHRICK. As briefly as possible.

Mr. MEEKER. Does the gentleman think the cause of the grain shortage is lack of help, or is it weather conditions?

Mr. BATHRICK. Oh, well, the weather conditions are one factor to be sure, but the shortness of help has left millions of acres in this country untilled; and if the gentleman has studied the question as long as I have, he certainly knows that is true. Now, let the President organize men to work on the farms. Central control in this matter is necessary. There are various classes of workers in this country who would make good farm laborers, who can not be used in the trenches, who can not be used to make up our regular Military Establishment, and they could be drawn on, and if properly mobilized under military control, and put where they could do the most good, we would have more foodstuffs.

Mr. GREENE of Vermont. Will the gentleman yield?

Mr. BATHRICK. No; I can not yield at this moment. We would feed ourselves, we would feed the allies, and thereby accomplish the greatest help that we can give them in this war. If you do not do it we will again be short of food supplies, and as sure as fate people will die of starvation in this country. I tell you, gentlemen, a few of you sit here and smile in the face of this great emergency. You do not understand, you do not comprehend the danger that confronts the people of this country, nor scent the near-by trail of famine. You have got to do something practical. An appeal is not enough. When boards of trade in cities are offering $3 a day for common labor, what chance is there to secure farm labor at $30 per month? You can appeal to people until you are black in the face, and you can not get enough of them to go.

Mr. LOBECK. Would this army of farm laborers be paid the same as soldiers?

Mr. BATHRICK. Agriculture is a business proposition, and they should get going wages.

Mr. LOBECK. How much would they get?

Mr. BATHRICK. I would ask the farmers to pay regular farm wages, and this great army I am talking about to provide this food supply will not cost this country one penny. I think they should get good wages, as I believe the soldiers of this country should have good wages. I believe the pay of private soldiers should be double what it is now, and I want farm labor to be well paid.

The CHAIRMAN. The gentleman's time has expired.

Mr. DENT. Mr. Chairman, I move that all debate on this amendment be now closed.

The motion was agreed to.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from Ohio [Mr. BATHRICK].

The amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 5. That the President is hereby authorized to utilize the service of any or all departments and any or all officers or agents of the United States, and of the several States, Territories, and the District of Columbia, in the execution of this act, and all officers and agents of the United States and of the several States, Territories, and the District of Columbia, are hereby required to perform such duty in the execution of this act as the President shall order or direct, and the officers and agents of the several States shall hereby have full authority for all lawful acts done by them in the execution of this act by the direction or request of the President. Any person charged as herein provided with the duty of carrying into effect any of the provisions of this act or the regulations made or directions given hereunder, who shall fail or neglect to perform such duty, and any person charged with such duty or having and exercising any authority under said act, regulations, or directions, who shall knowingly make or be a party to the making of any false or incorrect registration, physical examination, exemption, enlistment, enrollment, or muster, or any false or incorrect report or return pertaining to any registration, physical examination, exemption, enlistment, enrollment, or muster, and any person who shall make or be a party to the making of any false statement or certificate as to the fitness or liability of himself or any other person for service under the provisions of this act, or regulations made by the President thereunder, or otherwise evades or aids another to evade the requirements of this act or of said regulations shall, if not subject to military law, be guilty of a misdemeanor and, upon conviction in the proper district court of the United States, be punished by imprisonment for not less than six months nor more than one year; or, if subject to military law, shall be tried by court-martial and suffer such punishment as a court-martial may direct.

The CHAIRMAN. The Clerk will report the committee amendment.

The Clerk read as follows:

On page 12, in line 5, strike out the word "proper."

The amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 12, line 6, after the word "States," insert the words "having jurisdiction thereof."

The amendment was agreed to.

Mr. MANN. Mr. Chairman, I move to strike out the last word. As I recall, we have inserted a new section. The Hayden amendment is inserted as a new section.

Mr. DENT. Yes.

Mr. MANN. Ordinarily it is the duty of the Clerk in engrossing the bill to number the sections consecutively, regardless of what the committee or the House may do. I have looked through this bill and do not find any reference to a particular section except section 1, and in section 8 reference to section 7. I think it may make it a little easier for the Clerk if we renumber the sections after the Hayden amendment, and then when we come to section 8 change that reference.

Mr. DENT. I ask unanimous consent that the sections be renumbered in consecutive order, in accordance with the adoption of the Hayden amendment.

The CHAIRMAN. If there be no objection, that will be done.

There was no objection.

Mr. DENT. I move that all debate on this section and amendments thereto be closed in five minutes.

The CHAIRMAN. The gentleman from Alabama moves that debate on this section and all amendments thereto close in five minutes.

The motion was agreed to.

Mr. GRAHAM of Illinois. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. GRAHAM of Illinois: Page 12, line 4, after the word "regulations," insert the words—

"Or whoever shall speak or publish any words, language, or pictures referring to any person called into the military service under this act as a conscript or drafted person, intending to bring such person into public disrepute or disgrace."

Mr. HUDDLESTON. I make a point of order on that amendment.

The CHAIRMAN. The point of order is overruled.

Mr. GRAHAM of Illinois. Mr. Chairman, I have listened with great care and attention to what the gentleman from Ohio [Mr. FESS] said about this matter, and it impressed me as having a great deal of weight and merit. There ought not to be any stigma attached to persons who go into the military service under this act. It is just as well to put the law in such condition that there will be no stigma attached to it. We can by amendment make it impossible for them to be stigmatized by such articles as have been read from the newspaper, and like the placard or poster that was exhibited here this afternoon.

Mr. BLAND. Mr. Chairman, will the gentleman yield?

Mr. GRAHAM of Illinois. I will.

Mr. BLAND. I want to ask the gentleman if he does not think that the present policy of paying the postmaster $5 for each recruit inspires some of these advertisements that have been referred to?

Mr. GRAHAM of Illinois. I think so; and we ought early in the game, before there has been any move under this law, to make it impossible for anyone to speak in a slighting way of a person who is going out to serve his country under the provisions of this act. I have nothing more to say, except that I think that my amendment ought to be adopted.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

The question was taken; and on a division (demanded by Mr. GRAHAM of Illinois) there were 47 ayes and 85 noes.

So the amendment was rejected.

Mr. ALMON. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 11, line 11, after the word "States," add the words "and counties."

The CHAIRMAN (Mr. SAUNDERS of Virginia). The question is on the amendment offered by the gentleman from Alabama.

The question was taken, and the amendment was rejected.

Mr. ALMON. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 12, line 6, after the word "States," add the words "or State courts."

The CHAIRMAN. The question is on the amendment.

The question was taken, and the amendment was rejected.

Mr. ALMON. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 12, line 11, after the word "than," strike out the words "six months nor more than one year" and insert in lieu thereof the words "one month nor more than six months."

The CHAIRMAN. The question is on the amendment.

The question was taken, and the amendment was rejected.

Mr. OLIVER of Alabama. Mr. Chairman, I have an amendment, which I offer as a new section.

The Clerk read as follows:

Insert as a new section on page 12, line 10, the following:

"That no person, corporation, partnership, or association shall sell, supply, or have in his or its possession any intoxicating or spirituous liquors at any military station, cantonment, camp, fort, post, officers' or enlisted men's club, which is being used at the time for military purposes under this act, but the Secretary of War may make regulations permitting the sale and use of intoxicating liquors for medicinal purposes. Any person, corporation, partnership, or association violating the provisions of this section or the regulations made thereunder shall, unless otherwise punishable under the Articles of War, be deemed guilty of a misdemeanor, and be punished by a fine of not more than $1,000, or imprisonment for not more than 12 months, or both.

"It shall be unlawful to sell, furnish, or give away any intoxicating liquor, including beer, ale, or wine, to any officer or member of the military forces while in uniform, or to knowingly furnish to such person or persons intoxicating liquors whether in uniform or not, or to any person in the employ of the Army."

Mr. DENT. Mr. Chairman, I make the point of order that that is not germane.

Mr. OLIVER of Alabama. The point of order, Mr. Chairman, has been discussed, and I submit to a ruling by the Chair.

The CHAIRMAN. The Chair thinks that while there is some difference in detail between this amendment and the one formerly ruled on, the ruling should be the same, and the Chair therefore sustains the point of order. The Clerk will read.

The Clerk, continuing the reading of the bill, read as follows:

SEC. 6. That the qualifications and conditions for voluntary enlistment as herein provided shall be the same as those prescribed by existing law for enlistments in the Regular Army, except that such recruits must be between the ages of 18 and 40 years at the time of their enlistment; and such enlistments shall be for the period of the emergency unless sooner discharged. All enlistments, including those in the Regular Army Reserve, which are in force on the date of the approval of this act and which would terminate during the emergency, shall continue in force during the emergency, unless sooner discharged; but nothing herein contained shall be construed to shorten the period of any existing enlistment: *Provided*, That all persons enlisted or drafted under any of the provisions of this act shall, as far as practicable, be grouped into units by States and the political divisions of the same: *Provided further*, That all persons who have enlisted since April 1, 1917, either in the Regular Army or in the National Guard, upon their application, shall be discharged upon the termination of the existing emergency.

The President may provide for the discharge of any or all enlisted men whose status with respect to dependents renders such discharge advisable; and he may also authorize the employment on any active duty of retired enlisted men of the Regular Army, either with their rank on the retired list or in higher enlisted grades, and such retired enlisted men shall receive the full pay and allowances of the grades in which they are actively employed.

The Clerk read as follows:

SEC. 6. That the qualifications and conditions for voluntary enlistment as herein provided shall be the same as those prescribed by existing law for enlistments in the Regular Army, except that recruits must be between the ages of 18 and 40 years at the time of their enlistment; and such enlistments shall be for the period of the emergency unless sooner discharged. All enlistments, including those in the Regular Army Reserve which are in force on the date of the approval of this act and which would terminate during the emergency, shall continue in force during the emergency, unless sooner discharged; but nothing herein contained shall be construed to shorten the period of any existing enlistment: *Provided*, That all persons enlisted or drafted under any of the provisions of this act shall as far as practicable be grouped into units by States and the political divisions of the same: *Provided further*, That all persons who have enlisted since April 1, 1917, either in the Regular Army or in the National Guard, upon their application, shall be discharged upon the termination of the existing emergency.

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The CHAIRMAN. The Clerk will report the committee amendments.

The Clerk read as follows:

Page 12, line 14, after the word "that" insert the word "such."

Mr. DENT. Mr. Chairman, my attention has been called to the fact that that amendment was put in out of an abundance of caution, in the committee. I really think the language was all right as it was, because there are no recruits referred to previous to that. I am willing to have that amendment rejected.

Mr. MANN. It seems to me it ought not to go in, but does not the gentleman want to insert the words "both inclusive" after the word "years"?

Mr. DENT. Yes.

The CHAIRMAN. The gentleman from Alabama desires the committee amendment to be rejected?

Mr. DENT. Yes.

The CHAIRMAN. The question is on agreeing to the committee amendment.

The committee amendment was rejected.

Mr. DENT. Mr. Chairman, I move to amend, in line 15, after the word "years," by inserting the words "both inclusive."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 12, line 15, after the word "years" insert the words "both inclusive."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. HILLIARD. Mr. Chairman, I move to strike out the last word.

Mr. DENT. Mr. Chairman, may I ask that at the expiration of five minutes all debate upon this section and all amendments thereto be then closed?

Mr. HILLIARD. Mr. Chairman, reserving the right to object, I desire to ask unanimous consent that I be permitted to proceed for 10 minutes, if I find it necessary. [Cries of "No!"]

Mr. DENT. I would be perfectly willing myself, but I do not think the committee would.

Mr. HILLIARD. I shall make the request anyway.

Mr. SWIFT. Mr. Chairman, I object.

Mr. SANFORD. Mr. Chairman, I desire about two minutes in which to present an amendment which I think the chairman of the committee will accept.

Mr. AUSTIN. And I desire to offer an amendment to this section.

Mr. DENT. Will two minutes be enough?

Mr. AUSTIN. Yes.

Mr. DENT. Then, Mr. Chairman, I ask unanimous consent that all debate upon this section and all amendments thereto close in 10 minutes.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent that all debate upon this section and all amendments thereto close in 10 minutes. Is there objection?

There was no objection.

Mr. HILLIARD. Mr. Chairman, if on the final vote this bill shall contain a provision by which the patriotism of the American people may have reasonable opportunity to be made manifest through the voluntary enlistment of its citizens, the time therefor to rest in the discretion of the President, I shall vote for it. Otherwise, although favoring in the main the other provisions, I shall find it consistent with my oath and my conception of the history of the Republic and the traditions of the people to cast my vote against the measure.

Mr. Chairman, democracy is but the name of that condition which obtains among men who are in the enjoyment of liberty. It is not something that is bestowed by those in authority, but rather is the growth resultant from the passion of the people to enjoy freedom. [Applause.] There have been many fields where democracy has flourished. Some have failed because the group was too small and the territory held not of sufficient extent to enable it to be maintained against the forces without. Some democracies have failed because they were not in truth democracies. The United States is the one place in the world where men have achieved liberty, and where the population is sufficiently strong numerically to withstand assaults from whatever source emanating, vast enough in territory, and rich enough in production that, if need be, can live within itself.

Many causes bring about democracies, but the student of history can not fail to see that the cruelties and devastations of war more than all other things combined have caused the people to throw off the power, by whatever name exercised, that without their consent could order them into battle. The world is not yet free from selfishness and men are prone to pursue the god of money, and the difference between the richest and the poorest in that regard is but one of opportunity. But no man is so rich but that he would give all his wealth for his life; and no man is so poor that he would yield his life for worldly wealth. The psalmist has truly said: "What a man hath, that will he give for his life." Life is the supreme concern.

It is idle to say that some contribute their brains, some raise food products, some produce munitions of war, some go to battle, and that all contribute alike. The man who furnishes money but extends the use of that which he does not need and for which he and his heirs will collect interest for the years to come. Those who produce the foodstuffs from their toil on the farms after all enjoy a prosperity brought about by war-time conditions that they would have under no other circumstances. And by the same token men employed in the factories receive such wages as never before were paid. But the men who are to be sent to the front, and who, in almost every instance, will receive much less than in civil life, will be required to hazard, not money, not property, but life itself.

Men may say that the individual shall not be considered, and whatever the Government wishes shall be his pleasure, but I undertake to say that men who advocate that doctrine have little conception of a democracy, and would, if subjects of the German Emperor, fitly grace his cabinet.

On the 5th of this month, in the early hours of the morning, when scarcely a seat in the Chamber of this great and numerous branch of the people's Congress was vacant, and when the galleries were filled as never before, there was a silence, a hush, said to obtain in the death chamber at Sing Sing. As a Representative in the Congress I had to determine my course then, and it was the most solemn moment of my life. I approached the solution at first as an American politician. And oh, what a shameful approach! And what a cowardly answer! It did not satisfy. Then I sought as a Congressman to make determination, when I quickly found myself coming to the same conclusion as I had in weighing the question as an American politician. In either case I could not help setting myself apart from the masses of the people, and I was not content.

Then I walked on the earth and touched elbows with the plain people. I listened to their heart throbs; I pictured their dreams, their hopes, their aspirations. I knew their love of liberty, their fear of God. I saw clearly how they deprecated the great war in Europe, and how, could their prayers have been answered, not a shot would have been fired, not a life taken, not a drop of blood shed. They appreciated that it was not theirs to say who should prevail in the struggle of death and destruction which grew out of the edicts, purposes, and schemes of crowned heads in Europe, and their hope was that the people there, tiring sometime of the oppressions of selfish and base rulers and ruthless interests, would see the light of democracy as it shone forth from this land of the free, and emulating our people, would themselves be free. Thus comprehending, my course became clear, and when I cast my vote against declaring war I was never so in accord with the common man and so in harmony with God. [Applause.]

Mr. Chairman, the General Staff of the Army, created by law, which the Congress of a free people passed, now arrogates to itself the power to determine the form and substance of laws, to comply with which many men must yield life itself. Shall I, as a free Representative of a free constituency, yield obedience to this little band of presuming gentlemen and at their behest vote for a conscription law and at the same time do violence to my own convictions on the subject, as well as tear away the foundation stones of the traditions of a free people? Gentlemen have said here that we should follow the President.

Why, gentlemen, the President himself may be but the victim of the General Staff of the Army, and having succeeded for the moment in dimming his vision of democracy, the same agency hopes to prevail upon Congress to surrender its convictions. Gentlemen, let us stand forth as sponsors of a free people and show our independence, and we will encourage the President in his, and together we will save to the people, our own American people, if you please, their liberties, their traditions, and their very lives. I wonder if it ever occurred to gentlemen who speak so glibly of the determination of the War Department as to just whose country this is. This is a people's country, inhabited by free men, long used to the enjoyment of liberty, and who, though their representatives in Congress may yield their rights so far as they can, will in their own good time and in a perfectly constitutional and effective manner restore them all.

Men engaged in inflaming the minds of the people that they may consummate their own wicked purposes direct their batteries against the Kaiser. They feign not to know and would have the people never learn that the Kaiser, wicked and tyrannical as he may be, is after all only the instrument in his part of the world through which the moneyed oligarchy plies its evil trade. Germany will not be free when it has only thrown over the Kaiser. It will be free when it is able to cast out the money changers. So with the other powers of Europe which are now enthralled under the yoke of monarchical government; likewise our own country.

Kings may be tyrannical or benevolent, but they are retained, fostered, kept alive that wicked and designing men behind the scenes may visit tax burdens and reap a rich collection of spoils. This country of ours, unhampered with kings, yielding obedience only to the principles of democracy, rich in resources, proud of its history, has to-day within its borders thousands of starving people and millions of other people who can barely obtain the necessities of life. These conditions, Mr. Chairman, are not due to the crowned heads of Europe, the English King, the Russian Czar, or the German Kaiser. They are due, and wholly due, to the damnable conspiracy of the consolidated money power of the world, and which in this country has its lair in Wall Street. And, Mr. Chairman, so far as this country was concerned, the war was fostered by this very oligarchy, which, grown rich through the suffering, privation, and needs of the peoples of Europe, and fearing that out of the result of that war their investments in allied securities, aggregating billions, would be endangered, and knowing that at its conclusion the profits they had enjoyed during its progress would cease—this very oligarchy, through as wicked a purpose as ever prompted man to lie in wait in the dark to cut the throat of his fellow man, urged this country to enter a war, with the commencement of which it had no part, that their profits—and oh, such conscienceless profits—might continue for another term of years.

I warn them to beware. This country and its institutions are in no danger from any source except from the wickedness of certain interests within, and my faith is that while these interests are powerful for the moment, that in comparison with all the people they are so few in number that the righteous will

rise in their might and drive into the sea those who have brought about in a peace-loving Republic the horrors and fears of war, and will not permit their sons to be slaughtered that the money power of the world may realize its hopes. [Applause.] For, Mr. Chairman, the ultimate scheme of the money interests is to distribute the debts of this war, heretofore contracted and hereafter to be made, among all the people of the world and to cause them to be impoverished all the days of the generations to come; and the further purpose is to enforce the collection thereof through a combination of standing armies, not the least of which is to be kept and maintained in this free Republic.

Mr. Chairman, many Members, while professing to admire the volunteer soldier and to abhor conscription, have, nevertheless, announced their intention to vote for conscription, because they say the President wishes that plan to be adopted. I know that to men who have not stout hearts there is no refuge like a strong temple, and just now they look upon the President as the citadel of protecting power; but I know as well that when the storm shall break and the temple is threatened, and when only strong men will stay to stem the tide, these same men will desert the President. And if the supreme test comes, and the struggle in this country shall be to maintain constitutional government, and when the men here who stand for constitutional government shall be engaged shoulder to shoulder with the President to maintain it, then these very men who profess such allegiance to the President now will be the first to take to the bushes of darkness.

Gentlemen, let us not forget that this is a free country. We should not lose sight of the picture or the effect it will have on the minds of the people when the taxgatherer shall come in the morning and knock at an humble door and the father shall open it—the father who has been upright, honest, and hard working, whose hair is grayed, whose face is wrinkled, his shoulders stooped—and is required to give up the little he has. And then in the afternoon, when a sergeant and four troopers shall knock at that same humble cottage door and it is opened by the mother, whose temples are prematurely whitened, in whose eyes there is that distressed look of the mother who has sacrificed every personal comfort that she might rear a family in liberty, secure from the domination of European military service, haunted now by a fear she never knew before, and is told to yield up her first born, the boy on whose face there is the first growth of down and whose voice is just beginning to be like father's—Mr. Chairman, with these people free and having the right to vote it does not require a prophet to determine what will take place in this country. Mr. Chairman, I am no pacifist nor do I come from that kind of blood. History does not record, for they were an humble people, but the fact remains that men of my blood and name have served as volunteers in every war that this country ever had; and if my brethren from the South will pardon, I should like to say always on the historically right side. My father was a volunteer and private soldier in Company B, Thirty-seventh Regiment Illinois Volunteer Infantry, a regiment commanded by the late Gen. John C. Black, than whom a more constant Democrat nor more distinguished citizen never had a seat in this House and as gallant a soldier as ever drew a sword. Mr. Chairman, and with this I conclude, shall I, the first of my blood measureably to emerge from obscurity, do violence to the liberty for which my forebears fought? Never! I am free, made free by the blood of men who dared all and defied every autocrat; and, being free, I refuse to have part in making slaves of other men. [Applause.]

Mr. SANFORD. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amendment by Mr. SANFORD: Page 13, after line 3, insert "and all persons who have enlisted in the National Guard since June 3, 1916."

Mr. SANFORD. Mr. Chairman, when the national-defense act of June 3, 1916, went into effect it absorbed under its provisions the militia organizations of the several States, but made very radical changes in the relation of the members of these organizations to the Federal Government.

Then came the emergency which required the presence on the Mexican border of all available men, and almost before the provisions of the new law could be understood the men in the old militia organizations of the States came forward and without asking too many questions offered themselves unreservedly for this service. They did not hesitate to sign the new form of oath required of each and every one of them. They did not count the cost to themselves, their families, or their future. They were soldiers. After that emergency had passed they came home and began for the first time to ask questions about their obligations to the Government, only to find that they were bound as hired soldiers to hold themselves in readiness to respond at all times during a six-year enlistment that they had in many cases at least entered on unconsciously.

If the present emergency should last but two years, these particular soldiers will come out of the war with years of soldier service to look forward to. This is contrary to the spirit of this bill, the averred purpose of which is to place obligations equally on all. The bill now provides that those who have enlisted this month or who shall enlist hereafter in the National Guard may be discharged after the present emergency. The purpose of my amendment is to assure the old and faithful members of the guard that when this war is over they, too, are free.

One dares to hope that by that time the new system which recognizes the universal character of the liability to service will be firmly established and that there will be no need for Federal reliance on State troops.

The men of the National Guard need no urging to come forward at this time, but they are entitled to this earnest of fair treatment.

Mr. DENT. Mr. Chairman, I desire to state that the gentleman from New York submitted that amendment to me, and I think it is only fair for the National Guard that it be adopted.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from New York.

The amendment was agreed to.

Mr. AUSTIN. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amendment offered by Mr. AUSTIN: At the end of line 13, page 13, insert:

"*Provided*, That on and after April 1, 1917, the basic pay of all enlisted men during the continuance of war shall be increased $15 a month over and above the rates of pay as fixed by law proper for times of peace: *Provided, further*, That this rate of pay shall apply to enlisted men of the National Guard called or drafted into the service of the United States during the war."

Mr. DENT. Mr. Chairman, I suggest to the gentleman from Tennessee that I do not think that amendment should come in as an amendment to that section.

Mr. MANN. Mr. Chairman, I reserve a point of order.

Mr. DENT. Section 9 of the bill is the one that provides for pay and allowances. I think it would be very much more appropriate as an amendment there.

Mr. AUSTIN. If I can have the gentleman's support, I would just as soon offer it later as now.

Mr. DENT. Well, I do not know. I could not promise the gentleman that I would support it, and I hope the gentleman will wait until we reach section 9.

Mr. AUSTIN. Mr. Chairman, I withdraw the amendment for the present.

Mr. KREIDER. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 13, line 1, after the word "same" strike out the semicolon and insert "and shall not be assigned to duty in any European country except they expressly volunteer for such service."

Mr. KREIDER. Mr. Chairman, if you will give me just a few minutes I will not take up the five minutes. I want to say this——

Mr. DENT. Mr. Chairman, I understood the committee ordered the time closed in 10 minutes. How much of that time has been consumed I do not know.

The CHAIRMAN. That was a unanimous-consent agreement. The gentleman's amendment can be voted upon but the time for debate has closed.

Mr. CLARK of Florida. Mr. Chairman, I ask unanimous consent that the gentleman may have two minutes.

The CHAIRMAN. The gentleman from Florida asks unanimous consent that the gentleman from Pennsylvania may proceed for two minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. KREIDER. Mr. Chairman, in view of the fact that the House is committed to this bill, which is now a conscript bill, I shall vote against the Kahn amendment, and I would like to perfect this bill so that I can vote for it, but I can not vote for it so long as there is no provision in the bill which will encourage volunteering.

If we will insert in this bill a provision that the Army of the United States will not be assigned to duty in foreign lands, we will have all the volunteers we need, and you will take the sting out of your conscription, so that it will meet the approval of the American people. As it is, it is absolutely obnoxious, and will not meet with the approval of the country, and I fear will be a failure.

Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 13, line 1, after the word "same," strike out the semicolon and insert "and shall not be assigned to duty in any European country, except they volunteer for such service."

Mr. KREIDER. Mr. Chairman, I have offered this amendment for the purpose and desire to perfect this bill so that it will more nearly meet what I believe to be the sentiment of the people of the country, and especially of those in my district.

Earlier in the day, by a vote of the committee, it became evident that the membership of the House is overwhemingly in favor of "selective conscription" as against "voluntary enlistment" as the best method of raising an army for the prosecution of the war, in which we have most unfortunately become involved. It is needless to say that I think this is a serious mistake.

So far as I have been able to learn it is not resorted to in any country except as a last resort, and conscription has always been very objectionable everywhere, and especially in this country, and whenever resorted to has met with great opposition.

This is no doubt due to the fact that we have been teaching and proclaiming against militarism and military service, and especially compulsory military service, but, rather, have been boasting of our liberties and freedom. For this reason I have been strongly in favor of voluntary enlistment.

It has, however, apparently been decided that what we want is not a volunteer army but an army raised by selective conscription, for it is asserted in this way each State and every community will bear an equal burden and it will be possible to conserve our resources and develop the greatest possible strength.

The bill provides and it is the purpose of the administration to exempt from the draft those engaged in raising and producing the things needed for the prosecution of the war and only draft those who can be spared, and especially those not at work in needful occupations or perhaps not at work at all.

The exemptions are to include miners, railroad men, farmers, and so on, and especially those engaged in industries necessary for the maintenance of the Military Establishment of the country.

It is also hoped that rich and poor alike shall serve with absolutely no preference shown whatever.

This plan of selective conscription has been very widely commented on, and as a result many letters and telegrams have been received by Members urging the adoption of the plan.

It can not be denied that the plan is an ideal one in theory, and I hope will prove successful in its practical application, but I notice that those most insistent for its adoption, those writing and wiring, practically all belong to the classes that hope to be exempt from the draft.

Now, it is evident that all can not be exempt; if so, no army could be raised. What I am concerned about is what will those think about it who will be drafted.

It has been asserted time and again, and just as often denied, that we can not raise an army of sufficient size by the volunteer system. If our people are not enlisting there is a reason for it. I am sure they are not lacking in patriotism nor love of country. In my judgment, we need not go far to find the reason. In the first place, the President has not as yet issued a call for volunteers. While efforts have been made to get recruits for the Army with rather poor results, the truth is that the term of enlistment is entirely too long. Men do not care to leave their positions and their homes to enlist for seven years, except where there is an actual crisis confronting the Nation or when our country is in danger of invasion.

Nor do many of our men care to enlist to fight in foreign countries and fight the battles of other nations which this country and especially the men who do the fighting had no part or responsibility in bringing about.

If the enlistments are to be for service in this country and only for the duration of the war there is no question but that the response will be quick, immediate, and in sufficient numbers for our every requirement.

As I have said, I believe the draft will be extremely objectionable—of course, only to those that are drafted—but if you will adopt my amendment it will be less so, because it will prevent them from being sent to the battle fields of Europe unless they themselves elect to go.

I sincerely hope and plead most earnestly in behalf of the men who will be drafted that you adopt this amendment. Do not send them to Europe without their consent. [Applause.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania.

The question was taken and the amendment was rejected.

Mr. KRAUS. Mr. Chairman, I offer the following amendment as a new section.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment by Mr. KRAUS: Insert immediately at the end of section 6 as a new section the following:

"That all persons who are employed by employers of the classes hereinafter stated shall not on enlistment lose any right of seniority or right to old-age pension, or interest in any insurance fund they may have acquired by reason of the discontinuance of their service to and with such employer during the period of the present war. The employers hereinbefore referred to are any and all corporations, associations, organizations, partnerships, firms, and individuals who are engaged in the transportation of interstate or foreign commerce, or in the manufacture or sale of commodities that are the subject and become articles of barter, exchange, or sale in interstate or foreign commerce, and who at the time of the enlistment of such employee are maintaining a system of seniority to determine the present or future rights or emoluments of their employees, or are maintaining an old-age pension fund, or are maintaining an employees' insurance fund. On request made by such employee he shall be reinstated in the service of such employer, in the grade and with the rank as to seniority rights and old-age pension rights and insurance rights that he held at the time of his enlistment: *Provided*, That such employee shall make application for reinstatement in the service of such employer within three months after his discharge from the armed forces of the Government."

Mr. DENT. Mr. Chairman, I make the point of order that it is not germane.

The CHAIRMAN. On what ground?

Mr. DENT. On the ground it is not germane to the bill.

Mr. KRAUS. I submit, Mr. Chairman, that it takes care of the positions of the enlisted men after their terms of enlistment.

The CHAIRMAN. The Chair will say, after running through the amendment, it does not look to the Chair to be germane and the point of order is sustained.

Mr. KRAUS. Mr. Chairman, I submit, of course, to the ruling of the Chair, but I would like to have one minute upon this.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent to proceed for one minute. Is there objection?

Mr. CALDWELL. Mr. Chairman, I object—I withdraw the objection.

Mr. KRAUS. Mr. Chairman, I would like to have your attention expressly for less than one minute. The purpose and intention of this amendment is merely to protect the positions the men hold at the time they join our new army so far as their rights of seniority and old-age pensions are concerned in companies that are maintaining such departments and fixing relative rights of their men at this time, by seniority methods, provided within 90 days after the end of the term of enlistment they apply for reinstatement. In other words, you merely put them back at the point they left.

The Clerk read as follows:

SEC. 8. That the appointments authorized and made as provided by the second, third, fourth, fifth, and sixth paragraphs of section 1 and by section 7 of this act, and the temporary appointments in the Regular Army authorized by the first paragraph of section 1 of this act, shall be for the period of the emergency, unless sooner terminated by discharge or otherwise. The President is hereby authorized to discharge any officer from the office held by him under such appointment for any cause which, in the judgment of the President, would promote the public service; and the general commanding any division and higher tactical organization or territorial department is authorized to appoint from time to time military boards of not less than three nor more than five officers of the forces herein provided for to examine into and report upon the capacity, qualifications, conduct, and efficiency of any commissioned officer within his command other than officers of the Regular Army holding permanent or provisional commissions therein. Each member of such board shall be superior in rank to the officer whose qualifications are to be inquired into, and if the report of such board be adverse to the continuance of any such officer, and be approved by the President, such officer shall be discharged from the service at the discretion of the President with one month's pay and allowances.

Mr. MANN. Mr. Chairman, I move to strike out the last word. I suggest to the gentleman from Alabama that, in line 12, page 14, he offer an amendment to strike out the words "section 7" and insert in lieu thereof the words "the last preceding section."

Mr. DENT. Mr. Chairman, I accept that. I overlooked it. That is in line with the suggestion the gentleman made a little while ago.

Mr. MANN. It is no longer section 7.

Mr. DENT. Mr. Chairman, I ask unanimous consent that that change may be made.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent that the change indicated may be made. The Clerk will report the amendment.

The Clerk read as follows:

Page 14, line 12, strike out the words "section 7" and insert the words "the last preceding section."

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. CANNON. Mr. Chairman, I desire to make the formal amendment to strike out the last two words, if it is in order at this time. Mr. Chairman, I desire just one minute's time upon this amendment merely to say that I earnestly, honestly, and heartily believe in the volunteer system, and so voted, and to the best of my ability for a short time addressed the committee.

I agree with the Speaker of the House, and this perhaps is the only opportunity I may have to say so, that the Committee of the Whole House by a decided majority having turned down the volunteer system, while I would be glad if I could by my vote reinstate it and put it in the bill and pass it, yet I am up against this proposition: As the volunteer system is to go out, evidently, by the action of the House and Senate as well, I can not vote against giving the power to draft, because it is that or nothing, and I am for an efficient Army under existing conditions. [Applause.]

Mr. HUMPHREYS. Mr. Chairman, I move to strike out the last word for the purpose of asking the chairman about a section already passed. I intended to ask it then, but I did not have the opportunity. Section 7 says:

That the President is authorized to appoint for the period of the existing emergency such general officers of appropriate grades as may be necessary for duty with brigades, divisions, and higher units in which the forces provided for herein may be organized by the President and the general officers of appropriate grade for the several Coast Artillery districts.

I wanted to ask the gentleman if that gives the President authority to appoint a general above the grade of major general? Is that the intention?

Mr. DENT. No.

Mr. HUMPHREYS. It does not?

Mr. DENT. No.

Mr. HUMPHREYS. It says "appropriate grades as may be necessary for duty with brigades, divisions, and higher units." For a higher unit than a division the appropriate grade would be lieutenant general, would it not?

Mr. DENT. I confess my attention had not been called to that language. I had overlooked it, but it was not the intention of the committee to allow the appointment of anybody but a major general.

Mr. HUMPHREYS. I was going to suggest that to the gentleman. Under this section it occurs to me that the President can appoint lieutenant generals to command the corps and can appoint a full general to command an army.

Mr. SLAYDEN. Or field marshal.

Mr. HUMPHREYS. Not a field marshal, because I understand we have no such thing. Now, the grades of lieutenant general and of general have been reserved in all our history for military men of very distinguished ability and conspicuous service in time of war. Gen. Grant, and maybe Gen. Sherman and Gen. Sheridan, were made full generals. Gen. Miles was made a lieutenant general. McArthur, I am told, was a lieutenant general. But I take it it is not the purpose of this House to authorize the President right out of hand to appoint lieutenant generals, and certainly not to appoint full generals.

Mr. DENT. It certainly was not the purpose of this committee to have it done, because the present law limits the appointment of major generals, and there was nothing expressly in the law, unless the point the gentleman calls attention to would make a change in it.

Mr. HUMPHREYS. I ask unanimous consent to revert to section 7 and insert "their appropriate grade not above the grade of major general."

Mr DENT. I have no objection to that.

The CHAIRMAN. The gentleman from Mississippi offers an amendment, which the Clerk will report.

Mr. HUMPHREYS. Mr. Chairman, it is out of order because the section I am speaking of now has been passed.

Mr. DENT. Mr. Chairman, I ask unanimous consent to refer to section 7 for the purpose of amending it by adding on page 13, line 16, after the word "grades," the words "not above major general."

The CHAIRMAN. The gentleman asks unanimous consent to return to the section indicated for the purpose of offering an amendment. Is there objection?

Mr. DENT. To have it read "not above the rank of major general."

Mr. MANN. Reserving the right to object, suppose it should happen that we were sending an army of 100,000 or half a million over to the other side of the water, does not the gentleman from Alabama think that we ought to have an officer to command them of as high a rank as any officer in the French or English Army, rather than to put our troops under the orders of an English or French general?

Mr. DENT. I will state to the gentleman that this question was not presented to the committee in any manner, shape, or form, except there has been a proposal to change the law in another bill which would provide for the reestablishment of the rank of general and lieutenant general, but the committee has not considered that at all. It ought to be considered in another bill.

Mr. MANN. I am not in favor myself of writing such a provision in this bill as a part of this law, which we may be called upon to change next week. And if we are ever to send an army over to France we ought to send a general in command of them who will be on equal terms with the generals in the foreign armies. [Applause.]

Mr. DENT. Mr. Chairman, I withdraw my request to return to the section.

Mr. WOOD of Indiana. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Indiana offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. WOOD of Indiana: Page 15, line 8, after the word "allowance," insert the following:

"*Provided*, That all commissioned officers of the National Guard when mustered into the service of the United States, without regard to the length of time they may have served in an inferior rank, shall receive as pay for their said services, as long as they are engaged in the service of the United States, the same emolument that is paid officers of like rank in the Regular Army of the United States."

Mr. WOOD of Indiana. Mr. Chairman and gentlemen of the committee, I offered this amendment for this reason, that when officers of the National Guard are enlisted into the Regular Service that they shall receive the same emolument——

Mr. CALDWELL. Will the gentleman yield?

Mr. WOOD of Indiana. Yes.

Mr. CALDWELL. What pay would they get without this provision?

Mr. WOOD of Indiana. I was going to explain to the gentleman. This was the practice during the late unpleasantness in Mexico. A member of the National Guard, when taken into the Regular Army, if he was serving as captain at the time he was mustered into the Regular Service, unless he had served three years as lieutenant, would not receive the pay of a captain in the service of the United States until the time he served as captain added to that he had served as first lieutenant amounted to three years' service as first lieutenant. He is charged with all the responsibility of a captain; he is charged with all the duties of a captain, but receiving the pay of a lieutenant. That is absolutely unfair, and it occurs to me that the very suggestion is sufficient to warrant that such a wrong be cured.

Mr. GREENE of Vermont. Will the gentleman yield for a question?

Mr. WOOD of Indiana. Yes.

Mr. GREENE of Vermont. Is the gentlemen well informed that men who were in the National Guard and drafted into the Federal Service for duty on the Mexican border did not receive the pay of the grade for which they were commissioned?

Mr. WOOD of Indiana. I know absolutely what I am talking about, and I cite one instance where a captain of the Medical Corps who had served about a year and a half as a lieutenant in that corps became captain immediately on his being mustered into the United States service and received one month's pay as captain, and then they discovered there was a law prohibiting that thing until his length of time should amount to a three-year service as first lieutenant. And he served all the rest of the time until they were called back from the border and only received the pay of first lieutenant.

Mr. MANN. Does not the next section cover it?

Mr. WOOD of Indiana. I do not think it does.

Mr. MANN. The next section provides he shall receive the pay of the corresponding grade in the Regular Army. Of course, the pay of the Regular Army captain is increased after five years' length of service. That National Guardsman would receive only the basic pay, but he would receive the basic pay of a captain under that provision. That is perfectly clear.

Mr. GREENE of Vermont. May I inquire of the gentleman whether this case that the gentleman referred to was the case of a man belonging to the Medical Reserve Corps before he was mustered into the Federal service?

Mr. WOOD of Indiana. Yes, sir.

Mr. GREENE of Vermont. Was he not commissioned as of the grade he had in the Medical Reserve Corps?

Mr. WOOD of Indiana. No. He was mustered in as a captain; but from the fact that he had not served three years as a lieutenant he received only the pay of a lieutenant, although he

was discharging all the duties and resonsibilities of the rank he held.

Mr. GREENE of Vermont. As a member of the Medical Reserve Corps, he was not a member of the National Guard. He was then in the Federal service, at that time, and subject to all the regulations to which a Federal Army officer is subject.

Mr. WOOD of Indiana. He was of the grade of captain.

Mr. GREENE of Vermont. He was not a member of the National Guard.

Mr. WOOD of Indiana. I do not care whether he was a member of the National Guard or not. If he was charged with the responsibility of a captain, he ought to receive the pay of a captain.

Mr. DENT. Mr. Chairman, I move that all debate on this section and amendments thereto shall close.

The CHAIRMAN. The gentleman from Alabama moves that all debate on this section and amendments thereto be closed. The question is on agreeing to that motion.

The motion was agreed to.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Indiana [Mr. WOOD].

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 9. That all officers and enlisted men of the forces herein provided for, other than the Regular Army, shall be in all respects on the same footing as to pay, allowances, and pensions as officers and enlisted men of corresponding grades and length of service in the Regular Army.

Mr. ZIHLMAN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. Is the gentleman from Maryland a member of the committee?

Mr. ZIHLMAN. I am not.

Mr. HULL of Iowa. Mr. Chairman, I offer an amendment.

The CHAIRMAN. Is the gentleman from Iowa a member of the committee?

Mr. HULL of Iowa. Yes.

The CHAIRMAN. The gentleman from Iowa offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. HULL of Iowa: "Page 15, line 13, change the period to a colon and add: '*Provided*, That during the continuance of the war with Germany the pay of the enlisted men of the forces herein provided for shall be $30 per month, and that each enlisted man in the forces herein provided for shall for such time as he shall serve in the military service of the United States during the continuance of said war receive the monthly pay of $30 a month.'"

Mr. MANN. Mr. Chairman, I make a point of order against the amendment.

Mr. DENT. I understand the gentleman reserves a point of order?

The CHAIRMAN. The gentleman from Illinois makes the point of order against the amendment. Does the gentleman desire to discuss the point of order?

Mr. MANN. I think it is subject to a point of order, but I leave that to the Chair. However, I do not believe in discriminating against those who are drafted into the service as is done in the amendment that is proposed.

Mr. AUSTIN. Mr. Chairman, I wish to offer a substitute or amendment which meets the objection made by the gentleman from Illinois. I offer my substitute now. It is in the hands of the Clerk. It meets the criticism or objection of the gentleman from Illinois.

Mr. GOOD. Let us settle the point of order first. Mr. Chairman, I wish to be heard. Section 8 provides that the pay of the force herein provided for shall be the same pay as is provided for the enlisted men in the Regular Army. I think perhaps this amendment is subject to a point of order in this: It not only increases the pay of the force herein provided for but also increases the pay of the Regular Army enlisted man.

The CHAIRMAN. Is that the effect of the amendment at the desk?

Mr. GOOD. I think it is.

The CHAIRMAN. The Chair sustains the point of order.

Mr. GOOD. Now, Mr. Chairman, I offer an amendment.

Mr. AUSTIN. I ask, Mr. Chairman, that my amendment be now presented.

Mr. GOOD. I offer the following amendment. The gentleman can offer his as a substitute later.

Mr. AUSTIN. I beg the gentleman's pardon.

The CHAIRMAN. The gentleman from Tennessee has offered a substitute to the pending amendment. Of course, that could not be offered as a substitute to the amendment, because the amendment is held to be out of order.

Mr. GOOD. I offer an original amendment.

Mr. AUSTIN. Then, I offer mine as a substitute for his amendment.

Mr. GOOD. Let the amendment be read, Mr. Chairman.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment by Mr. GOOD: Page 15, line 13, change the period to a colon and add:

"*Provided*, That during the continuance of the war with Germany the pay of the enlisted men of the forces of the United States herein provided for other than the Regular Army shall be $30 a month, and each enlisted man of the forces herein provided for other than the Regular Army shall for such time as he shall serve in the military service of the United States during the continuance of said war receive the monthly pay of $30 a month."

The CHAIRMAN. To which amendment the gentleman from Tennessee [Mr. AUSTIN] offers an amendment, which can be reported at this time. The Clerk will read it.

The Clerk read as follows:

Amendment offered as a substitute by Mr. AUSTIN: At the end of line 13, page 15, insert:

"*Provided*, That on and after April 1, 1917, the basic pay of all enlisted men during the continuance of the war shall be increased $15 over and above the rate of pay proper fixed by law in time of peace: *Provided further*, That this rate of pay shall apply to enlisted men of the National Guard called or drafted into the service of the United States during the war."

Mr. GOOD. Mr. Chairman, I am heartily in favor of the substitute offered by the gentleman from Tennessee to the amendment I have offered. The substitute was clearly subject to a point of order. My amendment was not subject to a point of order, but no point of order having been made against the substitute I hope the amendment offered by the gentleman from Tennessee will prevail. It accomplishes just what I desired to accomplish. Gentlemen, we are transacting serious business in this House to-night. Let no one underestimate its importance. I ask you to vote for the substitute to my amendment. We are conscripting 1,000,000 of men from the farms and the factories and the places of business throughout the United States.

We are providing that the conscripted man when in the military service of the United States shall receive pay of but $15 a month. Canada, right across the line, a people speaking the same language and having the same aspirations, pays her enlisted men $33 a month and makes provision for the soldier's family. Should we do less for our boys?

Mr. SIMS. The Canadian soldiers are volunteers.

Mr. GOOD. We ought, at least, gentlemen, to place the enlisted man on the same footing that we place capital. I have before me the report of the hearing before the committee on seacoast fortifications. Gentlemen, I ask you not to interrupt. We are sending these boys to the trenches. Let us be fair with them, because you will have to answer to the father and the mother, who will have to hire some one to take the place of the boy who goes to the front, and they will have to pay more than $15 a month. We fixed the pay at $15 a month when the average rate of pay to the farm hand in the United States was about $15 a month and board. To-day there is hardly a farming community in the United States where the farm hand does not receive more than $30 a month, up to as much as $45 a month and board. I have here a statement made before the Committee on Seacoast Fortifications as to what we are doing for industry. We are buying limbers for 3-inch guns from the manufacturers, and we have never bought one for less than $1,586. We are manufacturing the same thing in the arsenals of the United States, and have never manufactured one that cost us more than $686. You say to the manufacturer, "The price of your patriotism shall be 300 per cent profit," but you say to the enlisted man and to the drafted man whom you send into the trenches to receive shot and shell of the manufacturer, "The price of your patriotism shall be a loss of from two to three times your earning capacity." Is it fair? Is it just? [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. Mr. Chairman——

Mr. DENT. I would like to have an agreement, if we can possibly reach it, that the debate on this proposition may close in a reasonable time.

Mr. AUSTIN. I want five minutes.

Mr. MANN. I just want a minute or two. I have a problem for you that you can not either one of you answer.

Mr. DENT. I ask unanimous consent that debate on this proposition close in 10 minutes.

Mr. MANN. The time I want to use will be neither for nor against the proposition. I should like to have a little more time, because I want to ask a question.

Mr. BARNHART. Reserving the right to object, Mr. Chairman, does the gentleman from Alabama include me in that 10 minutes for 5 minutes?

Mr. DENT. The gentleman from Alabama is not specifying anybody, but is leaving recognition to the Chair.

The CHAIRMAN. Is there objection to the request of the gentleman from Alabama?

Mr. BARNHART. I shall object unless I can have 5 minutes. I have not taken 10 minutes time of the committee in all this discussion.

SEVERAL MEMBERS. Move to close debate.

Mr. DENT. Mr. Chairman, I had hoped that we certainly could get a vote on this bill by this hour. This is a proposition that I think ought to be left for the consideration of the committee in an independent bill and not in this particular measure, and I am going to move that all debate on this section and all amendments thereto be closed in 15 minutes.

The CHAIRMAN. The gentleman from Alabama moves that debate on this section and all amendments thereto close at the expiration of 15 minutes.

The motion was agreed to.

Mr. MANN. Mr. Chairman, I made the point of order a moment ago against one of the amendments that was offered, because it provided for an increase in the pay of enlisted men. I supposed that some one would have an amendment couched in proper language. Two amendments have been offered since then, both proposing to increase the pay of the enlisted men, but no increase of pay for the drafted man. Now, of course, at present all men in the Army below commissioned officers are enlisted men; but when you provide for an army of a million men by enlistment and another million by drafting, the gentleman's amendment would not reach the men who are drafted but would only reach the men in the Regular Army and the National Guard. I am not in favor of that discrimination.

Mr. GOOD. The gentleman understands that the language of the bill was followed.

Mr. MANN. The language of the bill that was followed was not the language of the bill that is to be passed, and even if the bill was passed in the form in which it was brought in, if anybody had been drafted he would not have received an increase in pay. I do not know what terms should be used, but I am very certain you will not increase the pay of the men who are drafted by calling them enlisted men, because they are not.

Mr. BARNHART. Mr. Chairman and gentlemen of the committee, I heartily indorse this amendment, and if it is not sufficient to provide the additional pay for the conscripted men as well as the volunteers, it ought to be put in such form that it will do so.

Mr. AUSTIN. I want to suggest, if the gentleman will permit me, that it does cover the drafted men, and this amendment was drawn by an official of the War Department.

Mr. BARNHART. My religious training and conviction, both by inheritance and by adoption, has always convinced me that the practice of nations going to war to determine questions of state by seeing which side can pile up the dead and wounded the highest is wrong; that our 2,000 years of Christian civilization ought to have found a humane way to settle such disputes. But we are attacked by an enemy, who blows up our ships and kills our people; and I am in favor not only of providing all the men necessary by volunteers, if possible, because that, I believe, is the patriotic way, but by conscription if necessary. Then, back of it all I want to see this Government, great and rich and resourceful as it is, furnish the means to pay the men who go to the front to fight its battles for it, at least as much money as men can earn at home who are left out of danger to continue in the vocations that will furnish them prosperity not only for the present, but after the war is over when the soldier boys are out of their jobs, and I hope, Mr. Chairman, that this amendment will prevail. [Applause.]

I said I favor trying the volunteer plan. I do this because we have not yet given the patriotic manhood of our country the privilege of volunteering their services during this war. No such call has been issued, for there is no law now to that effect. I favor trying the volunteer plan while we are putting conscription into effect, which, we are told, will require four to six months' time. During this time I believe thousands and thousands would volunteer and be put into immediate training. I favor trying the volunteer system because it will put men of the same States and communities into the same companies and regiments. I favor the volunteer privilege, at least long enough to enable all who want the honor of volunteering their services to do so.

But if this bill is amended so as to preclude the possibility of volunteering in this special service there is no other method but conscription, and I will vote for it, for we must furnish the soldiers necessary to protect our interests against an enemy which, if it could, would change our principles of liberty to a system of government which thousands of our German citizens left across the ocean to find more acceptable conditions here. [Applause.]

Let us pay the men who must do our fighting as much as laboring men earn at home, where they will be out of danger. This amendment will not do that, but it is a step in that direction, and there should not be one vote on this floor against it. [Applause.]

Mr. ZIHLMAN. Mr. Chairman, I just want to call the attention of the House to the fact that we are raising the pay of the enlisted privates to a sum equivalent to $9 more a month than is paid to a common corporal; and I want to offer a substitute for the amendment offered by the gentleman from Tennessee [Mr. AUSTIN], which substitute I send to the desk.

Mr. GOOD. We increased the pay of corporals in the last appropriation bill.

The CHAIRMAN. The Clerk will report the amendment to the substitute offered by the gentleman from Maryland.

The Clerk read as follows:

Amendment offered by Mr. ZIHLMAN as a substitute for the amendment offered by Mr. AUSTIN: On page 15, section 9, line 13, strike out the period following the word "army" and insert a colon and the words:

"*Provided*, That hereafter the monthly pay of sergeants of the Regular Army shall be not less than $50, of corporals not less than $40, of privates not less than $33 per month: *And provided further*, That nothing in this section shall be so construed as to reduce the pay of any noncommissioned officer."

Mr. CALDWELL. Mr. Chairman, there are pending before the Military Committee numerous propositions for the amendment of the general law covering the military affairs of this country, and among them is a proposition to increase the pay of the enlisted men and the noncommissioned officers. Under these circumstances, in view of the fact that this provision says that they shall have the same pay, by taking care of that kind of a bill asked for by the War Department we can do the thing in a scientific way.

Mr. LANGLEY. This proposition is not only just but is an essential part of the emergency with which we are dealing and ought not to be delayed. Can the gentleman assure us that his committee will act promptly and favorably upon it?

Mr. BURNETT. Will the gentleman say whether the General Staff has recommended that?

Mr. DENT. It has.

Mr. BURNETT. I thought that they recommended only an increase of brigadier generals. [Laughter.]

Mr. DECKER. Does the statement meet the approval of the chairman? Because there are many of us that want to see the pay of the private soldier increased and do not want to embarrass the passage of the bill. We do insist that the men that are going forth to fight the battles of the country shall have pay commensurate with the wealth of this great Nation, and if the bill is not going to be reported soon we want to pass this thing now. [Applause.]

Mr. AUSTIN. Mr. Chairman, I ask unanimous consent to modify my substitute by adding four or five additional words.

The CHAIRMAN. The Clerk will report the modification.

The Clerk read as follows:

Insert after the word "men" in the second line of the substitute the words "with the rate of enlisted men," so that the modified substitute will read: "*Provided*, That on and after April 1, 1917, the basic pay of all men with the rate of enlisted men during the continuance of the war shall be increased $15 a month over and above the rates of pay proper as fixed by law for times of peace: *Provided further*, That this rate of pay shall apply to the enlisted men of the National Guard called or drafted into the service of the United States during the war.

The CHAIRMAN. The gentleman from Tennessee [Mr. AUSTIN] asks unanimous consent to modify his amendment as reported at the desk. Is there objection?

There was no objection.

Mr. AUSTIN. Mr. Chairman, I want to say that I submitted this proposed amendment or substitute to the officials of the War Department. The General Staff, or rather a member of the General Staff, drew this amendment for me, and every word of it except the words added by the gentleman from Illinois [Mr. MANN] is in the exact language of said official. So it is regular, it is proper, it is practical; just what the department would draw for the Committee on Military Affairs for any bill the committee might consider and report carrying the same increase of pay. To pass this amendment does not mean the delay of the pending military bill. It means justice to the men who are going out to fight for the Republic. [Applause.] Every man who volunteers or is drafted makes a great sacrifice for his country. He sacrifices his time, he sacrifices his present wages, ah, he may sacrifice his life. The pay of our private soldiers in times of peace and war remains where it stood practically 20 years ago in the Spanish-American War. Fairness and justice demand this increase. [Applause.]

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. DOWELL. Mr. Chairman, I ask unanimous consent for one minute.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent for one minute. Is there objection?

There was no objection.

Mr. DOWELL. Mr. Chairman, I earnestly hope this amendment will prevail. We are organizing an army which may be sent to the trenches of Europe under different conditions than it has ever been organized before. Heretofore the private soldier has received $15 per month, which is entirely insufficient; but he enlisted at his own free will. These men are now being brought to the service of their country under different circumstances and conditions; they are to fight the battles of this country, and we must and will win the victory. And it seems to me the private soldier should be encouraged in every way possible. They should receive additional and more pay. This Government should show its appreciation for the services these men are to render in the great war in which we are now engaged. I hope the amendment will prevail. [Applause.]

Mr. DENT. Mr. Chairman, may I ask the committee to indulge me for one minute?

The CHAIRMAN. The gentleman from Alabama asks unanimous consent for one minute. Is there objection?

There was no objection.

Mr. DENT. Mr. Chairman, there is a proposition pending before the Committee on Military Affairs to increase the pay of the private soldier. It is a big question. There is great discrimination between the pay of some noncommissioned officers and other noncommissioned officers. It is a question that ought to be worked out in detail. The Secretary of War has said that he was in favor of increasing the pay. I have no right to speak for the committee on the subject, but I do think that this is not the proper time to pass upon a subject of this magnitude.

Mr. MANN. Mr. Chairman, I ask unanimous consent for half a minute.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent for half a minute. Is there objection?

There was no objection.

Mr. MANN. Mr. Chairman, if we put this into this bill and then the Committee on Military Affairs brings in a bill covering the subject, the House will welcome the opportunity to consider that bill, and in the meanwhile this question will be sewed up. [Applause.]

The CHAIRMAN. The question before the committee is this: The gentleman from Iowa [Mr. GOOD] offered an amendment, and to that the gentleman from Tennessee offered a substitute. The gentleman from Maryland [Mr. ZIHLMAN] has offered an amendment to the substitute. The first question is on the amendment to the substitute, offered by the gentleman from Maryland.

Mr. ZIHLMAN. Mr. Chairman, I ask that the amendment to the substitute be again reported.

The CHAIRMAN. Is there objection?

Mr. CLARK of Florida. I object.

The CHAIRMAN. The question is on the amendment to the substitute.

The question was taken, and the amendment to the substitute was rejected.

The CHAIRMAN. The question now is on the substitute offered by the gentleman from Tennessee [Mr. AUSTIN].

The question was taken; and on a division (demanded by Mr. MANN) there were 257 ayes and no noes.

So the substitute was agreed to.

The CHAIRMAN. The question now is on the amendment as amended by the substitute.

The question was taken, and the amendment as amended was agreed to.

Mr. CLARK of Florida. Mr. Chairman, I offer the following amendment as an additional section.

The Clerk read as follows:

Amendment by Mr. CLARK of Florida: Amend, on page 15, by adding a new section after line 13, to be known as section 9½, as follows:

"SEC. 9½. That as soon as the existing war with Germany shall terminate the Regular Army of the United States shall be reduced to 250,000 men, who shall remain in the service of their own volition, and the remaining armed land forces of the United States shall immediately be mustered out of such service."

Mr. DENT. Mr. Chairman, I ask unanimous consent that debate upon this amendment close in five minutes.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent that all debate upon this amendment close in five minutes. Is there objection?

There was no objection.

Mr. CLARK of Florida. Mr. Chairman, so far as I am concerned, I shall not take a minute. I simply want to say this: So far as I have been able to see, there is but one provision in this bill in reference to the duration of service, and that is on page 2. The second paragraph of the first section reads as follows:

Second. To draft into the military service of the United States, organize and officer, in accordance with the provisions of section 111 of said national defense act, so far as the provisions of said section may be applicable and not inconsistent with the terms of this act, any or all members of the National Guard and of the National Guard Reserve, and said members so drafted into the military service of the United States shall serve therein for the period of the existing emergency unless sooner discharged: *Provided*, That when so drafted the organizations or units of the National Guard shall, so far as practicable, retain the State designations of their respective organizations.

That provides simply that two classes shall serve during the emergency. They shall at least serve that long unless sooner discharged. It does not provide that when the emergency terminates their service shall cease, nor is there any provision with reference to the service of the Regular Army, and I think this House and this Congress ought to declare now that it is not our purpose to enter upon an era of militarism in this country, because in times of peace we do not need any more than 250,000 men in the Regular Army, and I want it fixed so that when the war ceases, when the emergency is at an end, these men can go back to their homes and leave us with a Regular Standing Army of not more than 250,000 men.

Mr. GARDNER. Mr. Chairman, will the gentleman yield?

Mr. CLARK of Florida. Yes.

Mr. GARDNER. Will the gentleman turn to page 12 of the bill and read lines 16 and 17, and tell me how he interprets them?

Mr. CLARK of Florida. That reads as follows:

That the qualifications and conditions for voluntary enlistment as herein provided shall be the same as those prescribed by existing law for enlistments in the Regular Army, except that recruits must be between the ages of 18 and 40 years at the time of their enlistment; and such enlistments shall be for the period of the emergency unless sooner discharged.

But it does not provide that they shall be discharged at the end of their enlistments.

Mr. GARDNER. How does the gentleman interpret it in such a way as that?

Mr. CLARK of Florida. They simply enlist for that period. Who is to muster them out?

Mr. GARDNER. It is just like all of the enlistments.

Mr. CLARK of Florida. Will they simply of their own voluntary motion, when that time comes, disband? My amendment provides for the mustering out of all these people down to 250,000.

Mr. GARDNER. It is just like our existing law. There is no provision for the mustering out after a seven-year enlistment. This simply says that a man enlists for the period of the emergency.

Mr. CLARK of Florida. Yes; and this act says that he shall serve during the emergency unless sooner discharged, and what is the objection to making it absolutely beyond cavil?

Mr. GARDNER. It is beyond cavil now.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida [Mr. CLARK].

The question was taken; and on a division (demanded by Mr. CLARK of Florida) there were—ayes 30, noes 130.

Mr. MANN. Mr. Chairman, I ask unanimous consent that we may recur to page 7 for the purpose of offering an amendment. I ask unanimous consent that, in line 24, page 7, we strike out the word "eight" and insert in lieu thereof the word "nine," so that it will read "section nine of this act." The numbers have been changed, and I do this now in the hope that it may possibly help in the engrossment of the bill, which they are now trying to do in the Printing Office.

The CHAIRMAN. The gentleman asks unanimous consent to return to the portion of the bill indicated. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 7, line 24, strike out the word "eight" and insert in lieu thereof the word "nine."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. DENT. Mr. Chairman, in order to perfect the bill, while we are on that subject, I ask unanimous consent to return to section 3, on page 8, which is the exemption section, and, in line 5, after the word "territories," insert the words "and the District of Columbia."

The CHAIRMAN. The gentleman from Alabama asks unanimous consent to return to section 3 for the purpose indicated. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Alabama.

The Clerk read as follows:

Page 8, line 5, after the word "Territories" insert the words "and the District of Columbia."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. WEBB. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amendment offered by Mr. WEBB: Add at the end of the section as amended the following:

"*Provided*, That officers and enlisted men described in this section shall not receive any pay or allowance for any service while serving in a mobilization or training camp hereafter located within 12 miles of a place where intoxicating liquors are legally sold for beverage purposes."

Mr. DENT. Mr. Chairman, I make the point of order.

The CHAIRMAN. The gentleman will state it.

Mr. DENT. That it is not germane.

Mr. WEBB. Mr. Chairman, I desire to be heard on that.

Mr. STAFFORD. I make the point of order.

The CHAIRMAN. The point of order has already been made by the gentleman from Alabama.

Mr. WEBB. Mr. Chairman, the only way in which the Chair can hold the amendment germane is that it is a limitation which might be prescribed in this matter, and it is clearly a limitation in that way as the purpose of the amendment is to prevent hereafter the location of mobilization camps for young men within 12 miles of a place where liquors are sold. If you will take the testimony of any colonel or any major on the Mexican border, he will tell you that that amendment ought to be adopted. That is all I care to say.

Mr. STAFFORD. Mr. Chairman, just a word. It is true it has been held under the precedents that you can on an appropriation place a limitation, but it is equally true that this limitation can not change existing law or under the guise of a limitation change the control or discretion of executive officers. Now, under the disguise of a limitation the gentleman can not make in order what has this evening been declared out of order. This is not an appropriation bill nor an appropriation. The gentleman is seeking to enact a legislative feature providing for something that relates to legislation and that is legislation, and as the Chair has held to-night the identical proposition was not in order, he must consistently hold this is not in order.

The CHAIRMAN. The Chair presumes that this amendment is submitted upon the theory that it comes within the following principle:

"Although the rule forbids the insertion in a general appropriation bill of a provision 'changing existing law,' and this is construed to mean legislation generally, the House practice has established the principle that certain amendments by way of 'limitations' may be admitted," upon general appropriation bills. This pending bill is not a general appropriation bill. It is a legislative bill which happens to carry a lump-sum appropriation. This hardly brings it within the principle supra relating to general appropriation bills. The point of order strikes the Chair as being well taken, and the same is sustained.

Mr. ROGERS. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Massachusetts offers an amendment which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. ROGERS: Page 15, line 13, after the word "Army," insert the following as a new section:

"That the act approved March 1, 1911, entitled 'An act to protect the dignity and honor of the uniform of the United States' be amended by adding the following as a new section:

"That hereafter no proprietor, manager, or employee of a theater or other public place of entertainment in any State shall make or cause to be made any discrimination against any person lawfully wearing the uniform of the Army of the United States because of the uniform, and any person making or causing to be made such discrimination shall be guilty of a misdemeanor, punishable by a fine not exceeding $500.'"

Mr. MANN. Mr. Chairman, I make the point of order on the amendment.

Mr. ROGERS. Mr. Chairman, I do not care to be heard on the point of order.

The CHAIRMAN. The Chair thinks the amendment is clearly subject to the point of order and sustains it.

The Clerk read as follows:

SEC. 10. That there is hereby appropriated for the national defense, and for each and every purpose connected therewith, to be expended at the discretion of the Secretary of War and to remain available until June 30, 1918, $3,000,000,000.

Mr. CALDWELL. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 15, line 18, after "$3,000,000,000," insert "*Provided*, That the person giving first information leading to the conviction of any officer, employee of, or person occupying an advisory position in, the Government of the United States of the crime of bribery in connection with the expenditure of any of this appropriation, shall be paid the sum of $1,000 out of any money in the Treasury not otherwise appropriated."

Mr. DENT. Mr. Chairman, I make the point of order that the amendment is not germane.

Mr. MANN. Clearly it is not germane to the section, either.

The CHAIRMAN. The Chair does not think the amendment is germane to this bill and sustains the point of order.

Mr. LITTLE. Mr. Chairman, I desire to propose the adoption of the amendment which I send to the Clerk's desk.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk reads as fololws:

Amendment offered by Mr. LITTLE: Page 15, line 18, after the figures $3,000,000,000, strike out the period and insert "but no part of this money shall be expended to maintain a camp or quarters for the troops raised under this act within 20 miles of any place where intoxicating liquor is sold as a beverage, in the United States of America, and the sale of intoxicating liquor as a beverage shall not be allowed within 20 miles of such camp or station when so established and the Secretary of War is hereby authorized and directed to carry out and enforce this provision.

Mr. LITTLE. I move the adoption of the amendment.

Mr. DENT. Mr. Chairman, I make the point of order against the amendment.

Mr. DYER. I make the point of order against it, Mr. Chairman.

Mr. LITTLE. I have heard gentlemen here crying "No!" "No!" to the first amendment offered here, except the one to raise his wages, that has been put in here to benefit the enlisted man. [Cries of "Rule!" "Rule!"]

The CHAIRMAN. The gentleman from Kansas has the floor and will be protected in his rights.

Mr. LITTLE. I repeat that except the one to raise his wages, this was the first proposition that has been made here to help the enlisted man. Everything that will send him to his death you vote for. When a suggestion is made to protect these young men, men cry "No! No!"

Mr. SABATH. Mr. Chairman, the gentleman is not speaking to the point of order.

Mr. LITTLE. There is no point of order made that I know of.

The CHAIRMAN. The point of order was made to the amendment.

Mr. LITTLE. I did not hear it.

Mr. SABATH. Mr. Chairman, the gentleman is not speaking to the point of order.

Mr. LITTLE. I beg pardon, but I did not hear the point of order. All I heard was people crying, "No! No!" when they were not asked to vote. As to whether this is germane or not, it seems to me that anybody who will read it carefully will see that it is evidently germane. Here is an appropriation of $3,000,000,000, and this is merely a limitation upon it. It is self-evident that it is germane.

The CHAIRMAN. The gentleman's amendment offering a limitation is a highly technical one, but the principle connected with it is familiar to the older Members of the House. It will be seen that by reading this amendment there is a provision of affirmative law in it saying that no part of this money shall be expended to maintain a camp or quarters for the troops raised under this act within 20 miles of any place where intoxicating liquor is sold as a beverage and shall not be allowed within 20 miles of such camp or station where so established. That is a statement of affirmative law, and as such it does not come within the rules with respect to limitation.

Mr. LITTLE. The statement is that "no money shall be expended."

Mr. SABATH. Mr. Chairman, I demand the regular order.

Mr. LITTLE. The Chair has not gotten that exactly as it is intended. This does not provide that they shall not sell liquor anywhere they want to. We are not in this amendment interfering with anybody selling drinks who wants to do so.

The CHAIRMAN. That is true as to one part of the amendment, but the rest of it is affirmative in its character, and if the point raised is obnoxious to the point of order in part, the point of order runs to the whole amendment. [Cries of "Regular order!"]

Mr. LITTLE. I will begin when you quit, Mr. Chairman. I have the floor yet.

The CHAIRMAN. The gentleman had the floor in connection with the argument on the point of order.

Mr. LITTLE. You will save a lot of time if you let me finish, without interruption. I send to the Clerk's desk an amendment which obviates that objection.

Mr. FITZGERALD. Mr. Chairman, I have an amendment at the desk.

The CHAIRMAN. The gentleman from Kansas [Mr. LITTLE] will be recognized later. The gentleman from New York [Mr. FITZGERALD] is recognized.

Mr. FITZGERALD. Mr. Chairman, I have an amendment at the Clerk's desk.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. FITZGERALD: Page 15, strike out all of lines 14 to 18, inclusive.

Mr. FITZGERALD. Mr. Chairman, I ask unanimous consent that I may proceed for 10 minutes.

The CHAIRMAN. The gentleman from New York asks unanimous consent to proceed for 10 minutes. Is there objection?

Mr. CLARK of Florida. Mr. Chairman, I object.

The CHAIRMAN. The gentleman from Florida objects, and the gentleman from New York is recognized for five minutes.

Mr. FITZGERALD. I wish to inquire of the gentleman from Alabama [Mr. DENT] whether it is the purpose to press to enactment the Army appropriation bill which is now pending in conference?

Mr. DENT. It certainly is.

Mr. FITZGERALD. Mr. Chairman, this is one of the most important questions to be presented in the House in connection with this bill. The bill provides an appropriation of $3,000,000,000 for the purpose of carrying out the provisions of the act. The Secretary of the Treasury on April 5, 1917, transmitted to Congress an estimate of $2,932,537,933 for the purposes of providing, equipping, and supplying a million men in the field for one year. The Army appropriation bill now pending in conference carries $281,176,044.67, so that if this $3,000,000,000 be appropriated and the $281,176,044.67 be appropriated, the amount provided will be $3,281,176,044.67. The Secretary of War has admitted that the estimate of $2,932,537,933 includes every dollar contained in the Army appropriation bill. Revised estimates have been submitted to the committee, which, after eliminating the duplications, aggregate $2,629,768,723.01, a sum which, together with amount in the pending Army bill, is $370,231,276.99 less than the amount proposed by this bill and the pending Army bill.

Mr. CALDWELL. Will the gentleman yield?

Mr. FITZGERALD. I have only five minutes, and I wish to complete my statement.

In addition to that, after close investigation, the Committee on Appropriations believe that about $430,000,000 should be eliminated from the estimate.

The committee spent practically two weeks in making an exhaustive and searching investigation of the estimate. This $3,000,000,000, together with the amount in the Army bill, is about $800,000,000 in excess of what can possibly be expended by the War Department in the period mentioned. Eight hundred millions in the next fiscal year is about $20,000,000 more than the entire revenues of the Government for the fiscal year 1916, exclusive of the postal revenues. So that if this appropriation be carried here the Committee on Ways and Means in preparing revenue legislation will be required to prepare legislation to raise more than $800,000,00 next year; this will be necessary for the expenses of the Government. More than that, the sum of $3,000,000,000 is placed in the hands of a single official of this Government to be expended by him in his discretion, without any restriction or limitation whatever upon his power.

It is a greater sum and a greater power than has ever been committed to any one man in any country in the history of the world. It is practically three times the entire annual cost of the Federal Government up to within a few years. There is not the slightest justification for Congress failing to appropriate for the raising, organization, the equipment, and the support of this Army in the same way that it appropriates for the support of the Army every year. [Applause.]

If this appropriation be carried in this form next December, when the Committee on Military Affairs is called upon to make up the regular appropriation bill for the following fiscal year, when the Committee on Naval Affairs is called upon to make up the naval appropriation bill for the following fiscal year, an appeal will be made for lump appropriations upon this precedent. Congress will have given $3,000,000,000 to the War Department for the national defense in a lump sum, and it will ask us to surrender all of our power and our exclusive control over the expenditure of public money and to place in the hands of two officials a sum that may be equal to $4,000,000,000 annually.

That is not all. Under the emergency existing it has been necessary for the War Department, without authority, to enter into contracts, to make purchases, to employ persons, in order to carry out the great work that is essential at this time. There must be provisions of law making possible the payment of money for these purposes. This is a critical time for us. We are the guardians of the public purse. We should give every dollar essential for the proper conduct of this war, but we should not, in the guise of doing so, surrender the most precious right reserved to the Representatives of the American people—the control of the public funds—and I hope the amendment will be adopted. [Applause.]

The Committee on Naval Affairs was requested to report legislation increasing the enlisted force of the Navy to 150,000 men.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. MANN. If this amendment offered by the gentleman should be adopted, is the Committee on Appropriations prepared to bring before the House at once a bill making the additional appropriations necessary?

Mr. FITZGERALD. The Committee on Appropriations, if this amendment be adopted, will report to the House on Monday, if it then convenes [applause] a bill making appropriations, additional to those in the Army bill, specifically and in detail, for the support of the Military Establishment of the Government for the balance of this fiscal year and for the next fiscal year.

Mr. ALMON. Mr. Chairman, will the gentleman yield?

Mr. FITZGERALD. Yes; I yield.

Mr. ALMON. Is the $3,000,000,000 appropriation to be in addition to the funds provided by the bond issue?

Mr. FITZGERALD. The bond issue is to provide the means to obtain the money. This is to provide one of the means for expending the money. The mere issuance of the bonds does not permit any expenditure except for purchase of the bonds of the belligerent nations.

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. MOORE of Pennsylvania. The gentleman was going to say something about naval affairs.

Mr. FITZGERALD. Yes; just one moment. I am going to speak of it. The Navy Department submitted estimates of almost $524,000,000. Investigation disclosed that it desired to have the enlisted strength of the Navy increased to 150,000 men and to have the enlisted strength of the Marine Corps increased to 30,000 men. The Committee on Appropriations directed the Navy Department to go to the Committee on Naval Affairs for legislation increasing the enlisted strength of the Marine Corps and of the Navy, as the War Department officials should go to the Committee on Military Affairs for this legislation. The Committee on Naval Affairs has reported the legislation providing for the increases in the personnel and for the assembling of the additional force without providing an appropriation in a lump sum, because that committee realizes that to make the appropriation in that way will be to eliminate entirely our right of control over the public purse.

In France, where they are spending money at a rate not contemplated by us yet, perhaps, the appropriations for the military establishment are carried in 139 separate items. The estimates are submitted in advance every four months. I know that representatives of the Secretary of War and the Secretary himself, the members of the General Staff, urged that this budget system, as they called it, should be adopted because so many things might turn up that could not be anticipated. The reply to that suggestion is that the Congress has already given to the President of the United States $100,000,000 to take care of unforseen emergencies, and if there be other unforseen emergencies, if there be other things that can not be anticipated, that amount can be increased. Congress is not to be obliterated from the face of the earth by the passage of this bill. Whether we stay in session long or only a short time is a matter of indifference. We will be here in December. The million men authorized can not be organized and equipped and placed in the field inside of six months—the entire million men.

Mr. DENT. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from New York yield to the gentleman from Alabama?

Mr. FITZGERALD. Yes; I yield to the gentleman.

Mr. DENT. I understood the gentleman from New York to say that his committee was prepared to report a bill on Mon-

day. Will the gentleman state to the committee if that appropriation bill contains provisions to carry into effect the proposed legislation that we have been debating here, and which is now about to pass?

Mr. FITZGERALD. It does, and for this reason: The estimates were based upon an army of a million men in the field for one year, and it made no difference whether they were raised by the volunteer system or by the draft system; the pay and allowance provisions would be the same, as well as practically all other necessary expenses. So far as I am informed the bill will not carry pay for the million men for the full year, because a million men can not be placed under arms or with the colors for a full year.

The amount of subsistence for a full year will not be required. One hundred and forty-four million dollars included in the estimates for dependents, contingent upon the volunteer system, will not be included, because it is not now necessary. Fifty-one million dollars, the amount required for the proposed 20 per cent extra pay for war service, will not be required. But if the legislation recommended by the House to-night be adopted, increasing the pay, then an additional sum must be provided in the pay item alone to take care of change in the law.

This House will make a great mistake, and the Committee on Military Affairs will make a greater one, to insist at this time on turning this money over to this department without any restriction whatever.

Mr. DENT. Mr. Chairman, may I ask the gentleman a question that he will not want, perhaps, to answer at this time, and that is whether or not there is any substantial difference between the total amount of the bill he is going to report on Monday and the total amount of the bill here?

Mr. FITZGERALD. As nearly as I can estimate, the amount carried in this bill is $800,000,000 in excess of what is necessary, and that $800,000,000, if appropriated, must be raised by taxation, because we can not appropriate money and refuse to raise the money so appropriated by taxation or an issue of bonds.

Mr. DENT. I did not exactly understand the gentleman's answer to my question. It may be that the gentleman is not prepared to answer it at this time. The question I am trying to get an answer to is, whether the gentleman's committee, having worked on the details of this appropriation, will bring in a bill the total amount of which is substantially $3,000,000,000?

Mr. FITZGERALD. As I have just stated, this amount includes the $281,000,000 now contained in the Army appropriation bill. It is intended to give that $281,000,000 additional, and $67,000,000 is included here in excess of the estimate submitted by the department. A committee which has been investigating the matter, representing both sides of the House, consisting of myself; the gentleman from Kentucky [Mr. SHERLEY], who has charge of the fortifications bill; the gentleman from Tennessee [Mr. BYRNS], who has charge of the legislative bill; and the gentleman from Mississippi [Mr. SISSON], who serves both in the preparation of the legislative and the deficiency bills; the gentleman from Massachusetts [Mr. GILLETT], who has been on the Committee on Appropriations about 14 years; the gentleman from Iowa [Mr. GOOD], who has been on the committee for a number of years; and the gentleman from Illinois [Mr. CANNON]. Those seven Members, in agreement upon the amount to be included in that bill, have acted unanimously and in absolute harmony, and the amount required, together with the amount in the Army bill, as I have already indicated, will be about $800,000,000 less than the $3,281,000,000 that will be provided in this bill and by the Army appropriation bill.

Mr. GARDNER. Deducting the $281,000,000 that you propose in a separate bill and deducting $380,000,000, then deducting the $100,000,000, which is the difference between the estimate of $2,900,000,000, and $3,000,000,000, I find that this bill, according to the gentleman's figures, exceeds the amount by $761,000,000. Is that the figure?

Mr. FITZGERALD. Substantially that figure.

Mr. GARDNER. Seven hundred and sixty-one million dollars too much. Now, if this sum is reduced by $761,000,000, the net issue is whether the Appropriations Committee is going to control how the $2,239,000,000 is to be appropriated or the Military Affairs Committee is going to control it. That is the net issue, is it not?

Mr. FITZGERALD. It has nothing to do with which committee is to do it. It is a question of what Congress will do. The Committee on Appropriations proposes that Congress shall determine that the amount appropriated to pay the Army shall be reserved for the pay of the Army; that the amount appropriated to subsist it shall be reserved for subsistence; that the amount appropriated to arm it shall be devoted to that purpose. The provision in this bill proposes that the Secretary of War shall do as he pleases with this money, and it may be that there will be no money to pay the Army, no money to subsist the Army, no money for the munitions, and Congress will not have any control over it. [Applause.]

SEVERAL MEMBERS. Vote! Vote!

Mr. FITZGERALD. Mr. Chairman, I have stated the facts quite fully. I wish to make this additional statement: This is too important a matter upon which to ask the Congress to abdicate absolutely its powers. [Applause.] We ought either to exercise all proper control, or, if we appropriate in a lump and in the dark, as is proposed, we shall be compelled to legislate to levy taxes in the dark. The Congress will become so despicable, so little more than a mere automaton, that we ought to quit, and, admitting our uselessness, our incapacity, and our helplessness in the important duties arising from the existing crisis, turn over all of the power of the Government to the executive departments. [Applause.]

Mr. GARDNER. Mr. Chairman, I offer an amendment to my amendment.

The CHAIRMAN. The gentleman from Massachusetts offers an amendment to the amendment, which the Clerk will report.

The Clerk read as follows:

Amendment to the amendment offered by Mr. GARDNER: Page 15, line 18, strike out "$3,000,000,000" and insert "$2,239,000,000."

Mr. FITZGERALD. Mr. Chairman, I make the point of order that that is not a substitute for a motion to strike out the paragraph.

Mr. GARDNER. I think it is germane.

Mr. DENT. Mr. Chairman, this is a very serious and a very important proposition that is submitted to the Congress of the United States. I consulted with some members of the Appropriations Committee about this matter, and others who are considered and who ought to be considered leaders of the House, as to whether or not the Military Committee should undertake, in one lump sum, to give to the War Department what they were asking for in order to carry this legislation into effect. It is only fair to the Military Committee to say that after we had deliberately and earnestly considered this proposition we reached the conclusion that it was absolutely impossible at this time for anybody to say exactly and accurately what this new legislation was going to cost the Government, and we had to trust somebody, and we had to receive the figures submitted to us by the War Department, at least as an estimate of what it would cost to carry this new legislation into effect. [Applause.] The Military Committee decided, furthermore, to take jurisdiction of this proposition, tremendous as it is and important as it is, at this particular time, because the Military Committee reached the conclusion that if you were going to change your entire Military Establishment, if you were going to build a great army at this particular period of the crisis that exists to-day, the most essential and the most vital thing necessary was the money to carry the legislation into effect, and we thought this was the quickest and the best way to do it. Now, we have to-night passed an amendment to this bill increasing the pay of the enlisted men in the Army, which will add a sum of money that nobody can possibly estimate for. So that we are put in this position to-night: We are put in the position of passing a bill creating a new establishment, increasing your Army tremendously, without providing the money by which it can be done. If you do not provide the money you had better wait until next week to provide the men.

Mr. GARDNER. May I be heard on the point of order on my own amendment?

The CHAIRMAN. The Chair will rule in favor of the gentleman. The amendment of the gentleman from Massachusetts can be directed to the amount in the section of the bill, and can be treated as a provisional amendment to reduce the amount in the bill. The point of order is overruled.

Mr. GARDNER. I desire to be heard on my amendment.

The CHAIRMAN. The gentleman from Massachusetts is recognized.

Mr. GARDNER. The whole question now is whether you want to vote a lump-sum appropriation or whether you do not want to do that. I have met the figures given by the gentleman from New York. If you believe in the lump-sum appropriation, vote for my amendment. If you do not believe in the lump-sum appropriation, vote for the other amendment.

Mr. DENT. Mr. Chairman, I had not quite finished. I simply want to say in conclusion that if this Congress believes in standing behind the President, the quickest and most effective way after you have provided for the increase of the Army is to provide the money to take care of it.

Mr. MANN. Mr. Chairman, can not we fix some time to close debate?

Mr. DENT. Yes. I ask unanimous consent, Mr. Chairman, that debate on this section and all amendments thereto be closed in 15 minutes.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent that debate on this section and all amendments thereto be closed in 15 minutes. Is there objection?

There was no objection.

Mr. CALDWELL. Mr. Chairman, the proposition presented here is whether or not we are going to give the executive department the money to carry on the war after we have given him a statute that will enable him to get the men to carry on the war. There is no question in the world that there is not a man or a human being that can say within a million dollars what any particular item for which we must make appropriations will amount to. Who can say what the tentage of the Army is going to be? We know that there are not enough tents in America. We know that there is not enough cloth to make them. When you go out to buy them you must have the money to buy them. So it is practically with every other item for which money must be expended. There is no man in America that can say what will be required to pay for any particular item. Under these circumstances we must appropriate a lump sum, and it was for that reason that the Committee on Military Affairs appropriated a lump sum, and I hope it will stay in the bill.

Mr. SHERLEY. Mr. Chairman, no one could accuse me of desiring in any way to handicap the administration in vigorously prosecuting this war. I have given earnest of my desire in every possible way, but because we desire to do that is no reason that we should disregard every restriction that men of sense and judgment should put around the appropriation of money.

Think of it. We are asked to appropriate in four or five lines the greatest amount ever appropriated by one act since the beginning of time and put it in the hands of one individual, without any restriction. The proposal is impossible for sensible men to accept. The Committee on Appropriations has taken hold of these estimates, examined them in detail, not with the idea of tying the department so as to prevent it from properly and efficiently spending the money, but so as to coordinate the real work that is to be done.

The officials of the War Department have, after days of testifying before our committee, consented to the reduction in various items because the money could not possibly be expended between now and the time when the next appropriation bills will make new funds available. According to the estimates submitted there are appropriations being asked not simply for matters that are ordinarily carried in the Army bill but of the $3,000,000,000 of estimates, a thousand millions nearly related to matters that belong to the fortification bill, and one hundred millions or more belong to the sundry civil bill. To appropriate money in this fashion is to absolutely destroy all semblance of real appropriation bills in the future. It means that there will be no method to check up, and if the war should end suddenly there would be no limit or restriction on the power of the Secretary of War. This Congress is not expected to absolutely abdicate its functions. [Applause.] It is not expected to simply vote money in sums like this without any consideration. If I believed that, by what we are asking to-night, in any sense the efficiency of the Army would be crippled, that it would be in any way delayed, I would not stand on the floor and ask it. But I say to you that we have worked for two weeks going over the details. We are not doing the thing blindly. We are not doing it to hamper the administration, but seven of us have sat there day after day and heard the details of these items, and we will bring in to you a bill that will give every dollar that can be expended within the time the provision in the pending bill provides for.

This is only the beginning. You must get used to big sums. We will be having estimate after estimate come in. If we establish now the principle that we are simply to appropriate them in four lines, why we might as well appropriate an unlimited sum and absolutely cease to consider or have any concern over expenditures. [Applause.]

The Naval Affairs Committee recognized that situation. They have not undertaken to bring in here an appropriation bill. They have recognized that, for the present, in order for these matters to be coordinated one committee must deal with them. It is not that we desire to steal jurisdiction, but we do want to do in a sensible way one of the most important tasks before Congress. [Applause.]

The CHAIRMAN. The time of the gentleman from Kentucky has expired.

Mr. GILLETT. Mr. Chairman, although on this side of the House, I believe I am just as anxious and desirous of giving to this administration all of the money it needs and to give it freely and liberally as any man on that side of the House. I want this administration to have all the money it needs to carry on the war, but I do not think in doing that we should diminish the influence of this body. The administration, we are told, wants the $3,000,000,000 in a lump sum. Of course the Secretary of War wants it in a lump sum. They always want their appropriations in lump sums and have wanted them in lump sums every year since I have been on the Committee on Appropriations. The one struggle of the last 14 years in every appropriating committee in this House has been to compel departments to abandon lump-sum appropriations and to give Congress some control as to the manner in which those appropriations should be expended. It has not been a matter of partisanship. It has continued, no matter whether this House was Republican or Democratic, no matter whether the White House was Republican or Democratic.

The one purpose for the last 15 years has been to forbid the departments getting their money in lump sums, and to accomplish that this House has year after year placed restrictions and limitations on bills, generally by unanimous consent, because the House wanted to control the expenditure of the appropriations. There is always a contest in every constitutional government between the executive and the legislative branches. Each wants power, and in the last few years in our country it is the executive which has gained power. The only place I know of where the legislative branch has increased its power is in control over appropriations, and the one method by which they have done that is by taking away from the departments lump-sum appropriations and by prescribing in detail how that money shall be expended. That is just what we do here. The Appropriations Committee in the last two weeks has been framing a bill in just the way the Military Committee and every other committee has always framed their bills in the past. It has framed it in detail; it has prescribed how the money shall be spent; it has been liberal. We propose to give them more power and elasticity than they would ordinarily have, because we recognize that in war times they can not calculate so accurately; but you must remember that in war time more than in other times there is apt to be extravagance and recklessness and scandals, and there ought to be more watchfulness in war times than in other times. It seems to me that to grant this in a lump sum would be preposterous and unreasonable. It would be to abandon the influence of Congress which every Congress in the last 20 years, no matter what its politics, has sought to retain by restricting the expenditure and appropriation by forbidding lump sums and by itemizing expenditures and appropriations in specific detail. That, as the gentleman from Massachusetts [Mr. GARDNER] suggested, is the issue before us now. Will you give it in detail or in the lump sum? It will be just as quick to give it in detail. No one wants to delay this matter. No one wants to hamper the administration. We will report that bill next week, and it is just as likely that it will be a law before this bill becomes a law as it is that it will be a law after this bill is passed. It is astounding that at this juncture there should be this effort to throw down all the barriers we have erected against executive encroachments and vote this stupendous sum in one lump. Therefore it seems to me that if you want to stand by the prerogatives of the House and not abdicate our proper and normal functions, you will vote to take out this lump sum and appropriate the money in the ordinary form. [Applause.]

The CHAIRMAN. The gentleman from Massachusetts offers a preferential amendment, which the Clerk will report.

The Clerk read as follows:

Page 15, line 18, strike out "$3,000,000,000" and insert "$2,239,000,000."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was rejected.

The CHAIRMAN. The question now is on the amendment of the gentleman from New York [Mr. FITZGERALD] to strike out the paragraph, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. FITZGERALD: Page 15, strike out all of lines 14 to 18, inclusive.

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from New York.

The amendment was agreed to.

The CHAIRMAN. The gentleman from Kansas [Mr. LITTLE] has offered an amendment, which the Clerk will report.

Mr. LITTLE. Mr. Chairman, the striking out of this section leaves no place for my amendment, and in view of that fact, I withdraw it. It seems to have saved the country $3,000,000,000 for the present.

The CHAIRMAN. Without objection, the gentleman will withdraw his amendment.

There was no objection.

The Clerk concluded the reading of the bill.

Mr. DENT. Mr. Chairman, I move that the committee do now rise and report the bill with the amendments, with the recommendation that the amendments be agreed to, and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. SAUNDERS of Virginia, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 3545) to authorize the President to increase temporarily the Military Establishment of the United States, and had directed him to report the same back with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. DENT. Mr. Speaker, I move the previous question on the bill and amendments to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment?

Mr. DENT. Mr. Speaker, I demand a separate vote on the Kahn amendments, striking out the volunteer system.

Mr. MOORE of Pennsylvania. Mr. Speaker, I demand a separate vote on the Lever amendment.

Mr. MANN. Mr. Speaker, I ask unanimous consent that a separate vote on the Kahn amendments—there are five of them—be taken en bloc.

The SPEAKER. Does that include all of the Kahn amendments?

Mr. KAHN. Yes; there are five amendments which I offered.

The SPEAKER. The gentleman from Illinois [Mr. MANN] asks unanimous consent that the five Kahn amendments be voted on en bloc.

Mr. BURNETT. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BURNETT. Does this embrace the draft amendment?

Mr. MANN. It embraces all of those amendments on the same subject——

Mr. BURNETT. I see.

Mr. MANN. So if one goes in they all ought to go in, and if one goes out they all ought to go out.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. MOORE of Pennsylvania. Mr. Speaker, I demand a separate vote on the Lever amendment exempting those engaged in agricultural pursuits from draft.

The SPEAKER. The gentleman from Pennsylvania demands a separate vote on the Lever amendment in reference to exempting agriculture.

Mr. SIMS. Mr. Speaker, I demand a separate vote on the Fitzgerald amendment to see whether we are going to stand by the President or by the Committee on Appropriations.

The SPEAKER. The gentleman from Tennessee demands a separate vote on the Fitzgerald amendment. Are there any other separate votes demanded? If not, the Chair will put the question on the rest of the amendments en bloc.

The question was taken, and the rest of the amendments were agreed to.

The SPEAKER. Before these votes are taken the Chair wants the Sergeant at Arms to keep these aisles clear. You can hear just as well sitting down as you can standing up. The vote is now to be taken on the five Kahn amendments.

Mr. NORTON. Mr. Speaker, may we have those amendments again reported? [Cries of "No!"]

The SPEAKER. Is there objection to the amendments being reported again?

Mr. BARKLEY and SEVERAL MEMBERS. Mr. Speaker, I object.

The SPEAKER. The gentleman from Kentucky objects. Those in favor of the Kahn amendments will say aye——

Mr. DENT. Mr. Speaker, I demand the yeas and nays.

The SPEAKER. The gentleman from Alabama demands the yeas and nays. Evidently a sufficient number, and the yeas and nays are ordered.

The question was taken; and there were—yeas 313, noes 109, not voting 10, as follows:

Adamson	Aswell	Barkley	Borland
Alexander	Austin	Bathrick	Bowers
Almon	Ayres	Black	Britten
Anderson	Bacharach	Bland	Brodbeck
Ashbrook	Bankhead	Blanton	Browning
Bruckner	Gallagher	Lehlbach	Russell
Brumbaugh	Gallivan	Lenroot	Sabath
Buchanan	Gandy	Lesher	Sanders, Ind.
Butler	Gard	Lever	Sanders, La.
Caldwell	Gardner	Linthicum	Sanders, N. Y.
Campbell, Pa.	Garland	Littlepage	Sanford
Cantrill	Garner	Lonergan	Schall
Caraway	Garrett, Tex.	Longworth	Scott, Iowa
Carew	Gillett	Lunn	Scott, Mich.
Carlin	Glass	McAndrews	Scott, Pa.
Carter, Mass.	Glynn	McArthur	Scully
Carter, Okla.	Godwin, N. C.	McClintic	Sherley
Chandler, Okla.	Good	McCormick	Shouse
Clark, Pa.	Goodall	McFadden	Siegel
Classon	Goodwin, Ark.	McKenzie	Sinnott
Coady	Gould	McKeown	Slemp
Collier	Graham, Ill.	McKinley	Small
Connally, Tex.	Graham, Pa.	McLaughlin, Mich.	Smith, Mich.
Connelly, Kans.	Gray, Ala.	McLaughlin, Pa.	Smith, T. F.
Cooper, Ohio	Gray, N. J.	Madden	Snell
Cooper, W. Va.	Green, Iowa	Magee	Snyder
Copley	Greene, Mass.	Maher	Stedman
Costello	Greene, Vt.	Mann	Steele
Cox	Gregg	Mansfield	Stephens, Nebr.
Crago	Griest	Mapes	Stiness
Currie, Mich.	Griffin	Martin, La.	Strong
Dale, N. Y.	Hadley	Mays	Sullivan
Dale, Vt.	Hamill	Mecker	Summers
Dallinger	Hamilton, Mich.	Miller, Minn.	Sweet
Darrow	Hamilton, N. Y.	Miller, Wash.	Swift
Decker	Hamlin	Montague	Switzer
Dempsey	Hardy	Moore, Pa.	Tague
Denison	Harrison, Miss.	Moores, Ind.	Talbott
Denton	Harrison, Va.	Morin	Taylor, Ark.
Dewalt	Haskell	Mott	Temple
Dickinson	Hastings	Mudd	Templeton
Dillon	Haugen	Neely	Thompson
Dixon	Hawley	Nichols, Mich.	Tilson
Dooling	Heaton	Norton	Timberlake
Doolittle	Heflin	Oliver, Ala.	Tinkham
Doremus	Heintz	Oliver, N. Y.	Towner
Dowell	Helvering	Olney	Treadway
Drane	Hensley	Osborne	Vare
Drukker	Hersey	O'Shaunessy	Venable
Dunn	Hicks	Overmyer	Vestal
Dupré	Hill	Overstreet	Vinson
Dyer	Holland	Paige	Volstead
Eagan	Howard	Parker, N. J.	Waldow
Eagle	Hulbert	Parker, N. Y.	Walker
Edmonds	Humphreys	Peters	Walsh
Ellsworth	Husted	Phelan	Walton
Elston	Hutchinson	Platt	Ward
Emerson	Igoe	Polk	Wason
Esch	Ireland	Porter	Watkins
Estopinal	Jacoway	Pratt	Watson, Pa.
Evans	James	Price	Watson, Va.
Fairchild, B. L.	Johnson, S. Dak.	Purnell	Weaver
Fairchild, G. W.	Johnson, Wash.	Ragsdale	Webb
Fairfield	Jones, Tex.	Rainey	Welling
Farr	Juul	Raker	Welty
Ferris	Kahn	Ramsey	Whaley
Fisher	Kelley, Mich.	Rayburn	Wheeler
Fitzgerald	Kelly, Pa.	Reavis	White, Me.
Flood	Kennedy, Iowa	Reed	White, Ohio
Flynn	Kennedy, R. I.	Riordan	Wilson, Ill.
Fordney	Key, Ohio	Robbins	Wilson, La.
Foss	Kiess, Pa.	Robinson	Wilson, Tex.
Foster	Kincheloe	Rodenberg	Wingo
Francis	Kinkaid	Rogers	Winslow
Freeman	Knutson	Rose	Wood, Ind.
French	LaGuardia	Rouse	Young, N. Dak.
Fuller, Ill.	Lazaro	Rowe	Young, Tex.
Fulier, Mass.	Lea, Cal.	Rowland	Zihlman
		Rubey	

NOES—109.

Anthony	Dominick	La Follette	Sears
Bacon	Doughton	Langley	Sells
Barnhart	Fess	Larsen	Shallenberger
Bell	Fields	Lee, Ga.	Sherwood
Booher	Focht	Little	Sims
Brand	Frear	Lobeck	Sisson
Browne	Garrett, Tenn.	London	Slayden
Burnett	Gordon	Lundeen	Sloan
Byrnes, S. C.	Hayden	McCulloch	Smith, C. B.
Byrns, Tenn.	Hayes	McLemore	Snook
Campbell, Kans.	Helm	Mason	Stafford
Candler, Miss.	Hilliard	Mondell	Steagall
Cannon	Hollingsworth	Morgan	Steenerson
Cary	Hood	Nicholls, S. C.	Stephens, Miss.
Chandler, N. Y.	Houston	Nolan	Sterling, Ill.
Church	Huddleston	Oldfield	Stevenson
Clark, Fla.	Hull, Iowa	Padgett	Thomas
Claypool	Hull, Tenn.	Park	Tillman
Comstock	Johnson, Ky.	Pou	Van Dyke
Cooper, Wis.	Jones, Va.	Powers	Voigt
Cramton	Kearns	Quin	Williams
Crisp	Keating	Ramseyer	Wise
Crosser	Kehoe	Randall	Woods, Iowa
Curry, Cal.	Kettner	Rankin	Woodyard
Davidson	King	Roberts	The Speaker
Davis	Kitchin	Romjue	
Dent	Kraus	Rucker	
Dill	Kreider	Saunders, Va.	

NOT VOTING—10.

Blackmon	Martin, Ill.	Shackleford	Taylor, Colo.
Capstick	Moon	Smith, Idaho	
Dies	Nelson	Sterling, Pa.	

So the Kahn amendments were agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. SMITH of Idaho (for Kahn amendments) with Mr. BLACKMON (against).

Until further notice:

Mr. MARTIN of Illinois with Mr. NELSON.

Mr. TAYLOR of Colorado with Mr. CAPSTICK.

Mr. BROWNING. Mr. Speaker, my colleague, Mr. CAPSTICK, who is very ill, has asked me to announce to the House that if he were here he would vote for the Kahn amendments.

Mr. TIMBERLAKE. Mr. Speaker, my colleague, Mr. TAYLOR of Colorado, is in a hospital here in the city, having been operated upon a few days ago. He asked me this evening to announce that he was paired, but that if he were present he would vote for the Kahn amendments and the final passage of the bill.

Mr. RAINEY. Mr. Speaker, my colleague from Illinois, Mr. MARTIN, is sick in the hospital in Chicago. If he were here he would vote "yea" on these amendments.

Mr. FREAR. Mr. Speaker, my colleague from Wisconsin, Mr. NELSON, wished me to report him as being ill at home. If he were here I feel certain he would have voted against the Kahn amendments.

Mr. DENT. Mr. Speaker, my colleague, Mr. BLACKMON, is at home on account of the serious illness of his mother, and he has wired me that he would ask to be recorded, if present, as voting against the Kahn amendments.

Mr. BENJAMIN L. FAIRCHILD. Mr. Speaker, my brother-in-law, Mr. SMITH of Idaho, is absent because of the serious illness of his boy in Idaho, and therefore did not vote.

Mr. GARNER. Mr. Speaker, may I be permitted to say that my colleague, Mr. DIES, is ill and not able to attend the session to-day. But if he were here he would vote for the Kahn amendments and the final passage of this bill.

The result of the vote was announced as above recorded.

Mr. LANGLEY. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. LANGLEY. Would it be in order for me to state that the Senate has passed the Roosevelt amendment by a vote of 56 to 31?

The SPEAKER. All we can do is to attend to this House.

The question is on the amendment of the gentleman from South Carolina [Mr. LEVER].

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. SABATH. Mr. Speaker, I call for the yeas and nays.

The yeas and nays were refused.

So the amendment of the gentleman from South Carolina [Mr. LEVER] was agreed to.

The SPEAKER. The question is on the amendment of the gentleman from New York [Mr. FITZGERALD] to strike out the lump sum.

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. FITZGERALD. Mr. Speaker, I ask for a division.

The House divided; and there were—ayes 351, noes 25.

So the amendment of the gentleman from New York [Mr. FITZGERALD] was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

Mr. RANDALL. Mr. Speaker, I move to recommit the bill to the Committee on Military Affairs, with instructions to report the same back instanter with the following amendment.

The SPEAKER. Is the gentleman from California opposed to the bill?

Mr. RANDALL. I am opposed to the bill. On that motion I move the previous question.

The SPEAKER. The gentleman from California presents a motion to recommit, and on that he moves the previous question.

Mr. MANN. You can not do that until it is reported.

The SPEAKER. The Clerk will report the motion of the gentleman from California [Mr. RANDALL].

The Clerk read as follows:

Mr. RANDALL moves to recommit the bill to the Committee on Military Affairs, with instructions to report the same back forthwith with the following amendment:

Amend, on page 12, line 10, after the word "direct," by inserting the following:

"*Provided*, That no registration, physical examination, exemption, enlistment, enrollment, or muster shall be made in any city, county, or State wherein intoxicating liquors are sold as a beverage by local or State authority. And for the purposes of this Act the President of the United States shall have authority, by proclamation, to prohibit the sale, gift, manufacture, transportation, importation, or exportation of intoxicating liquor for beverage purposes during the period of the war."

Mr. MEEKER. Mr. Speaker, I make a point of order against that.

The SPEAKER. What is the point of order?

Mr. MEEKER. It is not germane.

The SPEAKER. Does the gentleman from California [Mr. RANDALL] desire to be heard?

Mr. RANDALL. Oh, I do not think it is necessary.

The SPEAKER. Does the gentleman from Missouri desire to be heard on the point of order?

Mr. MEEKER. I do not think it is necessary. [Laughter.]

Mr. RUCKER. Let us knock the whisky junk out. [Laughter.]

Mr. STAFFORD. Mr. Speaker, if the Chair is in doubt at all——

The SPEAKER. The Chair will be glad to hear the gentleman.

Mr. STAFFORD. If the Chair is in doubt at all as to the question of its being in order——

The SPEAKER. The Chair was trying to read the bill to see in what connection it came.

Mr. STAFFORD. If the Speaker will indulge me, we had this proposition submitted in two different amendments in the Committee of the Whole to the Chairman of the Committee of the Whole for decision. On both occasions the Chairman ruled that the amendment was not germane to the provisions of the bill, and I direct the attention of the Chair to the fact that even as the bill was presented to the committee, and was pending when the chairman made that decision, there were greater grounds for holding it in order than there are now, since the Fitzgerald amendment, eliminating the $3,000,000,000 appropriation, which authorized that amount of money to be expended for each and every purpose connected with the national defense has been agreed to. The Chair will observe that the provisions of this bill relate entirely——

The SPEAKER. The Chair will inquire of the gentleman what the Fitzgerald amendment has to do with this?

Mr. STAFFORD. I was saying that the Fitzgerald amendment might have been used as a handle, and was attempted to be used as a handle, for making in order the amendment prohibiting the sale of liquor within a certain distance from any Army post or any Army establishment.

Mr. SABATH. If the gentleman will yield——

Mr. STAFFORD. Anyhow, the appropriation is stricken out, so that it can not be used as a handle for that purpose.

Now, I want to direct the attention of the Speaker to this fact: The Chair held that the bill relates exclusively to increasing the personnel of the Army. I direct the Speaker's attention to the title of the bill.

Mr. RANDALL. Mr. Speaker, will the gentleman yield?

Mr. STAFFORD. The title of the bill is, "A bill to authorize the President to increase temporarily the Military Establishment of the United States."

The first part of this amendment, I might say, might be in order, but the second part negatives and makes the amendment itself clearly out of order under the rules of the House, because it is not germane to the subject matter.

Now I yield to the gentleman from California.

Mr. RANDALL. The gentleman has already admitted that it is applicable to this bill.

Mr. STAFFORD. No; I do not see where I made any such admission as that. I did not do so consciously, I am certain.

Mr. HOWARD. Mr. Speaker, will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. HOWARD. As a matter of fact, does not the last provision in this amendment create another class of exemptions in addition to the number of exemptions already created in the bill?

The SPEAKER. The Chair would like the gentleman to talk louder, so that the Chair can hear. The Chair will have to decide this question.

Mr. HOWARD. I say, Mr. Speaker, this simply creates a new class of exemptions, to wit, exemptions affecting all citizens residing in cities, counties, and States where enlistments are had and muster is sought to be made and intoxicating liquor is sold. That is another class of exemptions. In other words, the people living in those particular zones are exempted from the use or sale of intoxicating liquor by the Randall motion to recommit. It creates another class of exemptions, and I make the point of order, Mr. Speaker, that this amendment is germane to the whole bill. [Cries of "Rule! Rule!"]

The SPEAKER. The Chair is ready to rule, and his ruling is that this motion to recommit is not in order. [Applause.]

Mr. RANDALL. Mr. Speaker, I offer another motion on this same amendment.

The SPEAKER. The gentleman offers a motion to recommit with instructions, which the Clerk will report.

The Clerk read as follows:

Mr. RANDALL moves to recommit the bill to the Committee on Military Affairs with instructions to report the same back forthwith with a committee amendment, as follows: On page 12, line 10, after the word "direct." insert the following:

"*Provided*, That no registration, physical examination, exemption, enlistment, enrollment, or muster shall be made in any city, county, or State wherein intoxicating liquors are sold as a beverage by local or State authority."

Mr. MEEKER. Mr. Speaker, I make a point of order against that.

The SPEAKER. On what grounds?

Mr. MEEKER. On the ground that it is not germane.

The SPEAKER. If the gentleman wants to be heard, the Chair will hear him.

Mr. MEEKER. The gentleman does not care to be heard. He will trust to the judgment of the Speaker.

The SPEAKER. The point of order is overruled. The question is on agreeing to the motion to recommit.

The question was taken, and the Speaker announced that the noes seemed to have it.

Mr. RANDALL. I ask for a division, Mr. Speaker.

The SPEAKER. The gentleman from California demands a division. Those in favor of this motion to recommit with instructions will rise and stand until they are counted. [After counting.] Forty-three gentlemen have risen in the affirmative. Those opposed will rise and stand until they are counted. [After counting.] Three hundred and nine gentlemen have risen in the negative. On this vote the ayes are 43 and the noes are 309.

Mr. RANDALL. Mr. Speaker, I demand the yeas and nays.

The SPEAKER. The gentleman from California demands the yeas and nays. Those in favor of taking this vote by the yeas and nays will rise and stand until they are counted. [After counting.] Six gentlemen have risen in the affirmative—not a sufficient number—and the motion to recommit is lost. The question is on the passage of the bill.

Mr. DENT. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 397, nays 24, answered "present" 1, not voting 10, as follows:

YEAS—397.

Adamson	Costello	Frear	Howard
Alexander	Cox	Freeman	Hulbert
Almon	Crago	French	Hull, Iowa
Anderson	Cramton	Fuller, Ill.	Hull, Tenn.
Anthony	Crisp	Fuller, Mass.	Humphreys
Ashbrook	Currie, Mich.	Gallagher	Husted
Aswell	Curry, Cal.	Gallivan	Hutchinson
Austin	Dale, N. Y.	Gandy	Igoe
Ayres	Dale, Vt.	Gard	Ireland
Bacharach	Dallinger	Gardner	Jacoway
Bankhead	Darrow	Garland	James
Barkley	Davidson	Garner	Johnson, Ky.
Barnhart	Davis	Garrett, Tenn.	Johnson, S. Dak.
Bathrick	Decker	Garrett, Tex.	Johnson, Wash.
Bell	Dempsey	Gillett	Jones, Tex.
Black	Denison	Glass	Jones, Va.
Bland	Dent	Glynn	Juul
Blanton	Denton	Godwin, N. C.	Kahn
Booher	Dewalt	Good	Kearns
Borland	Dickinson	Goodall	Kehoe
Bowers	Dillon	Goodwin, Ark.	Kelley, Mich.
Brand	Dixon	Gould	Kelly, Pa.
Britten	Dooling	Graham, Ill.	Kennedy, Iowa
Brodbeck	Doolittle	Graham, Pa.	Kennedy, R. I.
Browne	Doremus	Gray, Ala.	Kettner
Browning	Doughton	Gray, N. J.	Key, Ohio
Bruckner	Dowell	Green, Iowa	Kiess, Pa.
Brumbaugh	Drane	Greene, Mass.	Kincheloe
Buchanan	Drukker	Greene, Vt.	Kinkaid
Butler	Dunn	Gregg	Kitchin
Byrnes, S. C.	Dupré	Griest	Knutson
Byrns, Tenn.	Dyer	Griffin	Kraus
Caldwell	Eagan	Hadley	Kreider
Campbell, Kans.	Eagle	Hamill	LaGuardia
Campbell, Pa.	Edmonds	Hamilton, Mich.	Langley
Candler, Miss.	Ellsworth	Hamilton, N. Y.	Larsen
Cannon	Elston	Hamlin	Lazaro
Cantrill	Emerson	Hardy	Lea, Cal.
Caraway	Esch	Harrison, Miss.	Lee, Ga.
Carew	Estopinal	Harrison, Va.	Lehlbach
Carlin	Evans	Haskell	Lenroot
Carter, Mass.	Fairchild, B. L.	Hastings	Lesher
Carter, Okla.	Fairchild, G. W.	Haugen	Lever
Cary	Fairfield	Hawley	Linthicum
Chandler, N. Y.	Farr	Hayden	Little
Chandler, Okla.	Ferris	Heaton	Littlepage
Clark, Pa.	Fess	Heflin	Lobeck
Classon	Fields	Heintz	Lonergan
Coady	Fisher	Helm	Longworth
Collier	Fitzgerald	Helvering	Lunn
Comstock	Flood	Hensley	McAndrews
Connally, Tex.	Flynn	Hersey	McArthur
Connelly, Kans.	Focht	Hicks	McClintic
Cooper, Ohio	Fordney	Hill	McCormick
Cooper, W. Va.	Foss	Holland	McCulloch
Cooper, Wis.	Foster	Hood	McFadden
Copley	Francis	Houston	McKenzie
McKeown	Platt	Shallenberger	Towner
McKinley	Polk	Sherley	Treadway
McLaughlin, Mich.	Porter	Shouse	Van Dyke
McLaughlin, Pa.	Pou	Siegel	Vare
McLemore	Pratt	Sims	Venable
Madden	Price	Sinnott	Vestal
Magee	Purnell	Slayden	Vinson
Maher	Quin	Slemp	Voigt
Mann	Ragsdale	Sloan	Volstead
Mansfield	Rainey	Small	Waldow
Mapes	Raker	Smith, Mich.	Walker
Martin, La.	Ramsey	Smith, C. B.	Walsh
Mays	Ramseyer	Smith, T. F.	Walton
Meeker	Rankin	Snell	Ward
Miller, Minn.	Rayburn	Snook	Wason
Miller, Wash.	Reavis	Snyder	Watkins
Mondell	Reed	Stafford	Watson, Pa.
Montague	Riordan	Steagall	Watson, Va.
Moore, Pa.	Robbins	Stedman	Weaver
Moores, Ind.	Roberts	Steele	Webb
Morgan	Robinson	Steenerson	Welling
Morin	Rodenberg	Stephens, Miss.	Welty
Mott	Rogers	Stephens, Nebr.	Whaley
Mudd	Romjue	Sterling, Ill.	Wheeler
Neely	Rose	Stevenson	White, Me.
Nicholls, S. C.	Rouse	Stiness	White, Ohio
Nichols, Mich.	Rowe	Strong	Williams
Norton	Rowland	Sullivan	Wilson, Ill.
Oldfield	Rubey	Sumners	Wilson, La.
Oliver, Ala.	Rucker	Sweet	Wilson, Tex.
Oliver, N. Y.	Russell	Swift	Wingo
Olney	Sabath	Switzer	Winslow
Osborne	Sanders, Ind.	Tague	Wise
O'Shaunessy	Sanders, La.	Talbott	Wood, Ind.
Overmyer	Sanders, N. Y.	Taylor, Ark.	Woods, Iowa
Overstreet	Sanford	Temple	Woodyard
Padgett	Saunders, Va.	Templeton	Young, N. Dak.
Paige	Schall	Thomas	Young, Tex.
Park	Scott, Iowa	Thompson	Zihlman
Parker, N. J.	Scott, Mich.	Tillman	The Speaker
Parker, N. Y.	Scott, Pa.	Tilson	
Peters	Scully	Timberlake	
Phelan	Sells	Tinkham	

NAYS—24.

Bacon	Dill	Keating	Nolan
Burnett	Dominick	King	Powers
Church	Gordon	La Follette	Randall
Clark, Fla.	Hayes	London	Sears
Claypool	Hilliard	Lundeen	Sherwood
Crosser	Huddleston	Mason	Sisson

ANSWERED "PRESENT"—1.

Hollingsworth

NOT VOTING—10.

Blackmon	Martin, Ill.	Shackleford	Taylor, Colo.
Capstick	Moon	Smith, Idaho	
Dies	Nelson	Sterling, Pa.	

The SPEAKER. The Clerk will call my name.

The Clerk called the name of Mr. CLARK of Missouri, and he answered "Yea."

So the bill was passed.

The Clerk announced the following pairs:

Until further notice:

Mr. BLACKMON with Mr. SMITH of Idaho.

Mr. MARTIN of Illinois with Mr. CAPSTICK.

Mr. SHACKLEFORD with Mr. NELSON.

The result of the vote was announced as above recorded.

On motion of Mr. DENT, a motion to reconsider the vote by which the bill was passed was laid on the table.

NORWEGIAN SHIP "INGRID" (H. DOC. NO. 81).

The SPEAKER laid before the House the following message from the President of the United States, which, with the accompanying documents, was ordered to be printed and referred to the Committee on Foreign Affairs:

To the Senate and House of Representatives:

At the request of the Norwegian minister at this Capital, and in view of the recommendation of the Secretary of State, I transmit the latter's report and a copy of an accompanying note from the Norwegian minister relating to the claim made by the Norwegian Government in behalf of three members of the crew of the Norwegian ship *Ingrid*, and I recommend, as an act of grace, and without reference to the question of the liability of the United States, that an appropriation be made to effect a settlement of this claim in accordance with the recommendation of the Secretary of State.

WOODROW WILSON.

THE WHITE HOUSE, *April 28, 1917.*

ADJOURNMENT.

Mr. KITCHIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly, at 11 o'clock and 35 minutes p. m., the House adjourned until Monday, April 30, 1917, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the chairman of the Federal Trade Commission, transmitting report of the Federal Trade Commission on the price of gasoline in 1915 (H. Doc. No. 74); to the Committee on Interstate and Foreign Commerce and ordered to be printed.

2. A letter from the Secretary of the Treasury, transmitting copy of a communication of the Secretary of Labor submitting supplemental estimates of appropriation required by the Department of Labor (H. Doc. No. 75); to the Committee on Appropriations and ordered to be printed.

3. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of channel from Pineland, on Pineland Island, Lee County, Fla., running westward to deep water at a point in Pine Island Sound about 1 mile in length, such channel to be not less than 5 feet deep and of sufficient width (H. Doc. No. 76); to the Committee on Rivers and Harbors and ordered to be printed.

4. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of Manatee River, Fla., at Palma Sola (H. Doc. No. 77); to the Committee on Rivers and Harbors and ordered to be printed.

5. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of Mississippi River, near Deer River, Minn., with view to the construction of a new channel, the termini and course of said channel to be determined with greater particularity by the Chief of Engineers, United States Army, the purpose of said new channel being to improve navigation, to enable a more perfect control of waters by Pokegama Dam (H. Doc. No. 78); to the Committee on Rivers and Harbors and ordered to be printed.

6. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of Androscoggin River, Me., between Merrymeeting Bay and Lewiston and Auburn (H. Doc. No. 79); to the Committee on Rivers and Harbors and ordered to be printed.

7. A letter from the Secretary of the Navy, recommending the repeal or suspension during the war of the proviso amendment of the act of March 4, 1913, regarding the procuring of sites and erection of naval hospitals (H. Doc. No. 80); to the Committee on Naval Affairs and ordered to be printed.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. WALTON: A bill (H. R. 3937) granting certain lands to the village of Hot Springs, N. Mex., and for other purposes; to the Committee on the Public Lands.

By Mr. EVANS: A bill (H. R. 3938) to increase the production of foodstuffs; to the Committee on Agriculture.

By Mr. TAYLOR of Colorado: A bill (H. R. 3964) to stimulate the production of food upon private and public lands within reclamation projects, and for other purposes; to the Committee on Irrigation of Arid Lands.

By Mr. CARTER of Oklahoma: A bill (H. R. 3965) authorizing the Secretary of the Interior to collect and publish statistics on the production, manufacture, and marketing of crude petroleum; to the Committee on Mines and Mining.

By Mr. LINTHICUM: Joint resolution (H. J. Res. 70) authorizing the erection on the public grounds in the city of Washington, D. C., of a statue of James Buchanan, a former President of the United States; to the Committee on the Library.

By Mr. CARY: Joint resolution (H. J. Res. 71) advocating the freedom of Ireland; to the Committee on Foreign Affairs.

Also, joint resolution (H. J. Res. 72) advocating the freedom of the Boer Republics; to the Committee on Foreign Affairs.

By Mr. AUSTIN: Joint resolution (H. J. Res 73) proposing an amendment to the Constitution of the United States, giving to Congress the power to extend the right of suffrage to residents of the District of Columbia; to the Committee on the Judiciary.

By Mr. LA FOLLETTE: Joint resolution (H. J. Res. 74) making available the $200,000 appropriation for irrigation purposes on the Yakima Indian Reservation, State of Washington, carried in the Indian appropriation act for the fiscal year ending June 30, 1918; to the Committee on Appropriations.

By Mr. RAKER: Memorial of the Legislature of the State of California, favoring universal military training; to the Committee on Military Affairs.

Also, memorial of the Assembly of the California Legislature, providing a fairer and more adequate compensation for those engaged in active service in the Army and Navy of the United States; to the Committee on Military Affairs.

Also, memorial of the Assembly of the California Legislature, providing a fairer and more adequate compensation for those engaged in active service of the Army and Navy of the United States; to the Committee on Naval Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ASHBROOK: A bill (H. R. 3939) granting a pension to Louis C. Baughman; to the Committee on Pensions.

Also, a bill (H. R. 3940) granting an increase of pension to Charles W. Bryant; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3941) to remove the charge of desertion from the military record of Whitmer Rees; to the Committee on Military Affairs.

By Mr. CANTRILL: A bill (H. R. 3942) granting a pension to Margaret Smallwood; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3943) granting a pension to Pollock T. Harbold; to the Committee on Pensions.

Also, a bill (H. R. 3944) granting a pension to James Baker; to the Committee on Pensions.

Also, a bill (H. R. 3945) granting an increase of pension to Milton H. Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R 3946) granting an increase of pension to Mrs. Sallie M. Cohen, widow of Henry Cohen; to the Committee on Pensions.

Also, a bill (H. R. 3947) granting an increase of pension to William W. Porter; to the Committee on Invalid Pensions.

By Mr. DENISON: A bill (H. R. 3948) granting an increase of pension to George Williams; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3949) granting a pension to T. B. Cline; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3950) for the relief of C. D. Pautler; to the Committee on Claims.

By Mr. LEA of California: A bill (H. R. 3951) to correct the military record of Robert M. Adams, deceased; to the Committee on Military Affairs.

Also, a bill (H. R. 3952) for the relief of Rudolph Ponevace; to the Committee on Claims.

By Mr. LEVER: A bill (H. R. 3953) granting a pension to Mary H. Davis; to the Committee on Pensions.

By Mr. LOBECK: A bill (H R. 3954) granting a pension to James T. Callan; to the Committee on Invalid Pensions.

By Mr. REED: A bill (H. R. 3955) granting an increase of pension to Amanda E. Hughes; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3956) to remove the charge of desertion standing against the name of Solomon M. Bennett, late of Company B, Third Regiment West Virginia Volunteer Cavalry; to the Committee on Military Affairs.

By Mr. RUCKER: A bill (H. R. 3957) granting an increase of pension to William W. Thomas; to the Committee on Invalid Pensions.

By Mr. SELLS: A bill (H. R. 3958) granting a pension to Edith V. Bowman; to the Committee on Pensions.

By Mr. SHOUSE: A bill (H. R. 3959) granting an honorable discharge to James M. Campbell; to the Committee on Military Affairs.

By Mr. SLOAN: A bill (H. R. 3960) granting a pension to Ellen J. Webb; to the Committee on Invalid Pensions.

By Mr. SMITH of Michigan: A bill (H. R. 3961) granting an increase of pension to Jonathan D. Butler; to the Committee on Invalid Pensions.

By Mr. THOMAS F. SMITH: A bill (H. R. 3962) for the relief of Charles W. Anderson; to the Committee on Claims.

By Mr. ZIHLMAN: A bill (H. R. 3963) granting an increase of pension to John C. Bolinger; to the Committee on Invalid Pensions.

By Mr. PAIGE: A bill (H. R. 3966) granting a pension to Carrie B. Wilson; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ASHBROOK: Petition of Mrs. Mary Neldon and 37 other women of Warsaw, Ohio, against universal military training; to the Committee on Military Affairs.

By Mr. AYRES: Petition of sundry Mennonite congregations of Kansas, asking exemption from military service; to the Committee on Military Affairs.

By Mr. BATHRICK: Memorial of Wellington (Ohio) Methodist Church on prohibition; to the Committee on the Judiciary.

By Mr. BROWNING: Memorial of Albion Lodge No. 22, State of New Jersey Sons of St. George, of Camden County, pledging loyalty to the United States and urging members not already entitled to citizenship to assume such responsibilities at once, and appointing a committee to assist any member to this end; to the Committee on Military Affairs.

By Mr. BYRNS of Tennessee: Papers accompanying bill granting a pension to Sarah E. Brady; to the Committee on Invalid Pensions.

By Mr. CARY: Telegrams from James Phelps, Charles Roth, Robert J. Thompson, Frank J. Hays, William C. Jones, Ross K. Decen, Roland H. Zinn, R. Hannig, Charles J. Hambight, William G. Watkins, and William E. Schroeder, all of Milwaukee, Wis., opposing the establishment of zones in raising second-class mail rates; to the Committee on the Post Office and Post Roads.

By Mr. CRAGO: Memorials of parishioners of the Church of St. Martin-in-the-Fields, Chestnut Hill, diocese of Pennsylvania, favoring universal military training; to the Committee on Military Affairs.

Also, memorial of members of the Pleasant Hill Presbyterian Church, of Tennille, Pa., favoring national prohibition; to the Committee on the Judiciary.

By Mr. DALE of New York: Memorial of H. Stoman & Co. (Inc.), of New York, in re war-revenue measures; to the Committee on Ways and Means.

By Mr. DENISON: Petition of sundry citizens of Carbondale, Ill., favoring national prohibition; to the Committee on the Judiciary.

By Mr. DOOLITTLE: Petition of J. G. Evert and others, favoring national prohibition during the war and thereafter; to the Committee on the Judiciary.

Also, petitions of Mennonite Congregations of Alexanderwohl, Lehigh, Bruderthal, and Hillsboro, Kans., asking to be exempt from compulsory military training and service; to the Committee on Military Affairs.

Also, petitions of Mennonite Congregations of Lehigh and Hillsboro, Kans., against compulsory military training; to the Committee on Military Affairs.

By Mr. DOREMUS: Memorial of public meeting in the Knox Presbyterian Church, of Detroit, Mich., asking for suppression of polygamy; to the Committee on the Judiciary.

By Mr. DRUKKER: Memorial of Athenia Reformed Church, Church of the Redeemer of Paterson, N. J., favoring national prohibition as a war measure; to the Committee on the Judiciary.

By Mr. FULLER of Illinois: Petitions of the Methodist, Congregational, Baptist, and Universalist Churches of Marseilles, Ill., Grace Methodist Episcopal Church, of Rockford, Ill., the Oglesby Coal Co. and the Bent Bros. Co., of Oglesby, Ill., favoring national prohibition of the liquor traffic as a war measure; to the Committee on the Judiciary.

Also, petitions of the Iroquois Club of Chicago; the Illinois Sons of the Revolution; Engineers of Chicago; the Morris (Ill.) Commercial Club; the Grundy County (Ill.) Cooperative Association; Cyrus H. McCormick, of Chicago; directors of the Illinois Manufacturing Association; the Rockford (Ill.) Chamber of Commerce; the administrative committee of the Illinois Bankers' Association; the Rockford (Ill.) Rotary Club; the Splitdorf Service and Sales Co., of Chicago; W. H. H. Jennings, of Streator; Rev. B. F. Fleetwood, of Sycamore; F. F. Frazee, of Sheridan; O. R. Brouse, N. F. Thompson, Mary Frank Fulton, and W. T. Robertson, of Rockford; and John Bakersville, of Chicago, all in the State of Illinois; Henry R. Strong, of St. Louis; and the Lawyers Club of New York City, favoring universal obligatory service and the selective draft; to the Committee on Military Affairs.

By Mr. GALLIVAN: Memorial of Billy Olin's Gang, Civil War Veterans, of Boston, Mass., favoring universal military service; to the Committee on Military Affairs.

Also, memorial of Committee on Engineering Cooperation, favoring universal compulsory military training; to the Committee on Military Affairs.

By Mr. GARNER: Petition of 80 people of Aransas Pass, Tex., favoring national prohibition; to the Committee on the Judiciary.

By Mr. GRIEST: Memorial of W. L. Bucher, of Columbia, Pa., protesting against the proposed revenue-stamp tax affecting the drug trade; to the Committee on Ways and Means.

Also, memorial of Ansel Purple, of Columbia, Pa., suggesting certain methods of raising war revenue; to the Committee on Ways and Means.

By Mr. HULBERT: Memorial of the board of trustees of the College of the City of New York, pledging support to the President; to the Committee on Military Affairs.

Also, petition of Bulkley, Dunton & Co., of New York City, for universal military service; to the Committee on Military Affairs.

By Mr. KIESS of Pennsylvania: Memorial of Church of Christ of Lock Haven, Pa., favoring national prohibition as a war measure; to the Committee on the Judiciary.

Also, memorial of the United Evangelical Church of Jersey Shore, Pa., favoring national prohibition; to the Committee on the Judiciary.

By Mr. LINTHICUM: Memorial of meeting of a number of patriotic societies of Baltimore City, Md., favoring universal military service; to the Committee on Military Affairs.

Also, petition of Mrs. B. W. Corkran, of Baltimore, Md., indorsing military training; to the Committee on Military Affairs.

Also, petition of D. M. Davis, of Baltimore, Md., indorsing military training; to the Committee on Military Affairs.

Also, petition of Wyatt W. Randall, of Baltimore, Md., indorsing military training; to the Committee on Military Affairs.

Also, petition of Robert E. Stephens, of Baltimore, Md., indorsing military training; to the Committee on Military Affairs.

Also, petition of A. G. Wellington, the Maryland Car Wheel Works, of Baltimore, Md., indorsing military training; to the Committee on Military Affairs.

Also, petition of H. De Forest, of Baltimore, Md., indorsing military training; to the Committee on Military Affairs.

Also, petition of G. W. C. Whiting, the Whiting-Turner Construction Co., of Baltimore, Md., indorsing military training; to the Committee on Military Affairs.

Also, petition of Robert M. Van Sant, of Baltimore, Md., indorsing military training; to the Committee on Military Affairs.

Also, petition of R. L. Thompson, of Baltimore, Md., indorsing military training;; to the Committee on Military Affairs.

Also, petition of Douglass Burnett, Consolidated Gas and Electric Light & Power Co., of Baltimore, Md., indorsing military training; to the Committee on Military Affairs.

Also, petition of William C. Hart, of Baltimore, Md., indorsing military training; to the Committee on Military Affairs.

Also, petition of E. R. Sparks, of Baltimore, Md., indorsing military training; to the Committee on Military Affairs.

Also, petition of James M. Mullen, of Baltimore, Md., indorsing military training; to the Committee on Military Affairs.

Also, petition of K. B. Garrett, of Baltimore, Md., indorsing military training; to the Committee on Military Affairs.

Also, petition of William H. Ponder, McDowell, Pyle & Co. (Inc.), of Baltimore, Md., indorsing military training; to the Committee on Military Affairs.

Also, petition of Henry W. Marston, Corkran, Hill & Co., of Baltimore, Md., indorsing military training; to the Committee on Military Affairs.

Also, petition of N. Winslow Williams, of Baltimore, Md., indorsing military training; to the Committee on Military Affairs.

Also, petition of Dr. Theodore C. Janeway, Johns Hopkins Hospital, Baltimore Md., indorsing military training; to the Committee of Military Affairs.

Also, petition of I. W. Iglehart, Hambleton & Co., of Baltimore, Md., indorsing military training; to the Committee on Military Affairs.

Also, petition of Dr. Frank J. Kirby, of Baltimore, Md., indorsing military training; to the Committee on Military Affairs.

Also, petition of George A. Colston, of Baltimore, Md., indorsing military training; to the Committee on Military Affairs.

Also, petition of Dr. Emil Novak, secretary Baltimore City Medical Society, of Baltimore, Md., indorsing military training; to the Committee on Military Affairs.

Also, petition of James C. Legg, president Baltimore Chamber of Commerce, of Baltimore, Md., indorsing military training; to the Committee on Military Affairs.

Also, petition of Hon. Henry Stockbridge, secretary Society of Colonial Wars, of Baltimore, Md., indorsing military training; to the Committee on Military Affairs.

Also, petition of Dr. Frank J. Goodnow, president Johns Hopkins University, of Baltimore, Md., indorsing military training; to the Committee on Military Affairs.

Also, petition of A. H. Hartman, president the Engineers' Club of Baltimore, Md., indorsing military training; to the Committee on Military Affairs.

Also, petition of Henry S. King, Security, Storage & Trust Co. of Baltimore, Md., indorsing military training; to the Committee on Military Affairs.

Also, petition of Donald Gilpin, of Gilpin, Langdon & Co., of Baltimore, Md., indorsing military training; to the Committee on Military Affairs.

Also, petition of Dr. John McF. Bergland, of Baltimore, Md., indorsing military training; to the Committee on Military Affairs.

Also, petition of Gresham H. Poe, of Baltimore, Md., indorsing military training; to the Committee on Military Affairs.

Also, petition of J. Triplett Haxall, of Baltimore, Md., indorsing military training; to the Committee on Military Affairs.

Also, petition of Raphael Semmes, of Baltimore, Md., indorsing military training; to the Committee on Military Affairs.

Also, petition of J. M. Hood, jr., president the Crown Cork & Seal Co., of Baltimore, Md., indorsing military training; to the Committee on Military Affairs.

Also, petition of J. Gordon Dorrance, of Baltimore, Md., indorsing military training; to the Committee on Military Affairs.

Also, petition of Edward H. Moran, William Schwarz & Sons, bankers, of Baltimore, Md., indorsing military training; to the Committee on Military Affairs.

Also, petition of William Schwarz, William Schwarz & Sons, bankers, of Baltimore, Md., indorsing military training; to the Committee on Military Affairs.

Also, petition of Howard S. Schwarz, William Schwarz & Sons, bankers, of Baltimore, Md., indorsing military training; to the Committee on Military Affairs.

Also, petition of Allen Schwarz, William Schwarz & Sons, bankers, of Baltimore, Md., indorsing military training; to the Committee on Military Affairs.

Also, petition of William M. Chatard, of Baltimore, Md., indorsing military training; to the Committee on Military Affairs.

Also, petition of M. W. Wolf, jr., of Baltimore, Md., indorsing military training; to the Committee on Military Affairs.

Also, petition of Dr. Hiram Woods, of Baltimore, Md., indorsing military training; to the Committee on Military Affairs.

Also, petition of Dr. J. A. Chatard, of Baltimore, Md., indorsing military training; to the Committee on Military Affairs.

Also, petition of Dr. George L. Stickney, of Baltimore, Md., indorsing military training; to the Committee on Military Affairs.

Also, petition of Dr. H. Campbell Colston, Johns Hopkins Hospital, of Baltimore, Md., indorsing military training; to the Committee on Military Affairs.

Also, petition of Lewis A. Beck, of Baltimore, Md., indorsing military training; to the Committee on Military Affairs.

Also, petition of Edward J. Richardson, of Baltimore, Md., indorsing military training; to the Committee on Military Affairs.

Also, petition of J. Kemp Bartlett, of Baltimore, Md., indorsing military training; to the Committee on Military Affairs.

Also, petition of Lloyd Dorsey, of Baltimore, Md., indorsing military training; to the Committee on Military Affairs.

Also, petition of J. F. Bartlett, of Baltimore, Md., indorsing military training; to the Committee on Military Affairs.

Also, petition of Dr. Charles O'Donovan, of Baltimore, Md., indorsing military training; to the Committee on Military Affairs.

Also, petition of Dr. John S. Davis, of Baltimore, Md., indorsing military training; to the Committee on Military Affairs.

Also, petition of Walter B. Platt, of Baltimore, Md., indorsing military training; to the Committee on Military Affairs.

Also, petition of D. C. Barnette, of Baltimore, Md., indorsing military training; to the Committee on Military Affairs.

Also, petition of Robert W. Williams, of Baltimore, Md., indorsing military training; to the Committee on Military Affairs.

Also, petition of Frank B. Ober, of Baltimore, Md., indorsing military training; to the Committee on Military Affairs.

Also, petition of Julian W. Ridgely, of Riderwood; W. P. Brandes, Matthew Gault, John E. Semmes, R. J. Beacham, secretary Merchants and Manufacturers Association, of Baltimore; and J. G. Branford, Ox Fibre Brush Co., of Frederick, all in the State of Maryland, indorsing military training; to the Committee on Military Affairs.

Also, petition of Charles M. C. Howard, of Baltimore, Md., indorsing military training; to the Committee on Military Affairs.

Also, petition of A. P. Knapp, of Baltimore, Md., indorsing military training; to the Committee on Military Affairs.

Also, petition of Eli Frank, of Baltimore, Md., indorsing military training; to the Committee on Military Affairs.

Also, petition of Harry N. Baetjer, of Baltimore, Md., indorsing military training; to the Committee on Military Affairs.

Also, petition of B. C. Stephany, of Baltimore, Md., indorsing military training; to the Committee on Military Affairs.

Also, petition of Frederick C. Colston, of Baltimore, Md., indorsing military training; to the Committee on Military Affairs.

Also, petition of John F. Symington, of Baltimore, Md., indorsing military training; to the Committee on Military Affairs.

Also, petition of Charles Morris Howard, of Baltimore, Md., indorsing military training; to the Committee on Military Affairs.

Also, petition of Frederick W. Strow, of Baltimore, Md., indorsing military training; to the Committee on Military Affairs.

Also, petition of Alfred R. Riggs, of Baltimore, Md., indorsing military training; to the Committee on Military Affairs.

Also, petition of William H. Parker, of Baltimore, Md., indorsing military training; to the Committee on Military Affairs.

Also, petition of John R. Bland, of Baltimore, Md., indorsing military training; to the Committee on Military Affairs.

Also, petition of Thomas E. Bond, of Baltimore, Md., indorsing military training; to the Committee on Military Affairs.

Also, petition of H. A. Rossman, of Riggs, Rossman & Hunter (Inc.), of Baltimore, Md., indorsing military training; to the Committee on Military Affairs.

Also, petition of Alfred S. Niles, of Baltimore, Md., indorsing military training; to the Committee on Military Affairs.

Also, petition of John C. Rose, of Baltimore, Md., indorsing military training; to the Committee on Military Affairs.

Also, petition of R. Tynes Smith, of Baltimore, Md., indorsing military training; to the Committee on Military Affairs.

Also, petition of William Schwartz, of Baltimore, Md., indorsing military training; to the Committee on Military Affairs.

Also, petition of John Philip Hill, of Baltimore, Md., indorsing military training; to the Committee on Military Affairs.

Also, petition of Douglas H. Gordon, of Baltimore, Md., indorsing military training; to the Committee on Military Affairs.

Also, petition of Clarence K. Bowie, of Baltimore, Md., indorsing military training; to the Committee on Military Affairs.

Also, petition of Oscar D. Green, of Baltimore, Md., indorsing military training; to the Committee on Military Affairs.

Also, petition of Bernard B. Gough, of Baltimore, Md., indorsing military training; to the Committee on Military Affairs.

Also, petition of Lawrence M. Miller, of Baltimore, Md., indorsing military training; to the Committee on Military Affairs.

Also, petition of Carroll Tubman, of Baltimore, Md., indorsing military training; to the Committee on Military Affairs.

Also, petition of Thomas E. Cottman, of Baltimore, Md., indorsing military training; to the Committee on Military Affairs.

Also, petition of W. Cabell Bruce, of Baltimore, Md., indorsing military training; to the Committee on Military Affairs.

Also, petition of H. C. Gieske, of Baltimore, Md., indorsing military training; to the Committee on Military Affairs.

Also, petition of G. Graham Anker, of Baltimore, Md., indorsing military training; to the Committee on Military Affairs.

Also, petition of Ego W. Hide, of Baltimore, Md., indorsing military training; to the Committee on Military Affairs.

Also, petition of Edward D. Martin, of Baltimore, Md., indorsing military training; to the Committee on Military Affairs.

Also, petition of John T. King, jr., of Baltimore, Md., indorsing military training; to the Committee on Military Affairs.

Also, petition of Robert R. Carmon, of Baltimore, Md., indorsing military training; to the Committee on Military Affairs.

Also, petition of Doughlas Gorman, of Baltimore, Md., indorsing military training; to the Committee on Military Affairs.

Also, petition of E. A. Robinson, of Baltimore, Md., indorsing military training; to the Committee on Military Affairs.

Also, petition of David M. Davis, of Baltimore, Md., indorsing military training; to the Committee on Military Affairs.

Also, petition of Emory L. Stinchcomb, of Baltimore, Md., indorsing military training; to the Committee on Military Affairs.

Also, petition of Griffith, of Baltimore, Md., indorsing military training; to the Committee on Military Affairs.

Also, petition of Paul G. Ballard, of Baltimore, Md., indorsing military training; to the Committee on Military Affairs.

Also, petition of Dr. Howard W. Jones, of Baltimore, Md., indorsing military training; to the Committee on Military Affairs.

Also, petition of George Browning, of Baltimore, Md., indorsing military training; to the Committee on Military Affairs.

Also, petition of James Morfit Mullen, of Baltimore, Md., indorsing military training; to the Committee on Military Affairs.

Also, petition of Walter V. Harrison, of Baltimore, Md., indorsing military training; to the Committee on Military Affairs.

Also, petition of Dr. Frank E. Brown, of Baltimore, Md., indorsing military training; to the Committee on Military Affairs.

Also, petition of Frank Hancock, of Solley, Md., indorsing military training; to the Committee on Military Affairs.

Also, petition of A. George Whiting of Baltimore, Md., indorsing military training; to the Committee on Military Affairs.

Also, petition of Edwin G. Baetjer, of Baltimore, Md., indorsing military training; to the Committee on Military Affairs.

Also, petition of R. Lancaster Williams, of Baltimore, Md., indorsing military training; to the Committee on Military Affairs.

Also, petition of Wallis Giffen, of Baltimore, Md., indorsing military training; to the Committee on Military Affairs.

Also, petition of N. S. Wheat, of Baltimore, Md., indorsing military training; to the Committee on Military Affairs.

Also, petition of P. B. McLaran, of Baltimore, Md., indorsing military training; to the Committee on Military Affairs.

Also, petition of Thomas R. Brown, of Baltimore, Md., indorsing military training; to the Committee on Military Affairs.

Also, petition of Joseph Evans Sperry, of Baltimore, Md., indorsing military training; to the Committee on Military Affairs.

Also, petition of L. Howard Deford, of Baltimore, Md., indorsing military training; to the Committee on Military Affairs.

Also, petition of R. G. Gollis, of Baltimore, Md., indorsing military training; to the Committee on Military Affairs.

Also, petition of Henry S. King, of Baltimore, Md., indorsing military training; to the Committee on Military Affairs.

Also, petition of J. Pembroke Thom, of Baltimore, Md., indorsing military training; to the Committee on Military Affairs.

Also, petition of K. Katz, of Baltimore, Md., indorsing military training; to the Committee on Military Affairs.

Also, petition of Rev. Charles W. Baldwin, of Baltimore, Md., indorsing military training; to the Committee on Military Affairs.

Also, petition of Laurie H. Riggs, of Baltimore, Md., indorsing military training; to the Committee on Military Affairs.

Also, petition of W. H. DeC. Wright, of Baltimore, Md., indorsing military training; to the Committee on Military Affairs.

Also, petition of A. R. Sappington, of Baltimore, Md., indorsing military training; to the Committee on Military Affairs.

Also, petition of Dr. George L. Stickley, of Baltimore, Md., indorsing military training; to the Committee on Military Affairs.

Also, petition of Ralph Robinson, of Baltimore, Md., indorsing military training; to the Committee on Military Affairs.

Also, petition of William Koff, of Baltimore, Md., indorsing military training; to the Committee on Military Affairs.

Also, petition of M. P. Moffit, of Baltimore, Md., indorsing military training; to the Committee on Military Affairs.

Also, petition of J. Hemsley Johnson, of Baltimore, Md., indorsing military training; to the Committee on Military Affairs.

Also, petition of Floyd T. Holden, of Baltimore, Md., indorsing military training; to the Committee on Military Affairs.

Also, petition of William John Gill, of Baltimore, Md., indorsing military training; to the Committee on Military Affairs.

Also, petition of J. Arthur Nelson, of Baltimore, Md., indorsing military training; to the Committee on Military Affairs.

Also, petition of Albert E. Walden, of Baltimore, Md., indorsing military training; to the Committee on Military Affairs.

Also, petition of Willis R. Jones, of Baltimore, Md., indorsing military training; to the Committee on Military Affairs.

Also, petition of W. E. Waring, jr., of Baltimore, Md., indorsing military training; to the Committee on Military Affairs.

Also, petition of George A. Whiting, of Baltimore, Md., indorsing military training; to the Committee on Military Affairs.

Also, petition of Alexander L. Tinsley, of Baltimore, Md., indorsing military training; to the Committee on Military Affairs.

Also, petition of Julian S. Jones, of Baltimore, Md., indorsing military training; to the Committee on Military Affairs.

Also, petition of Dr. DeCourcy W. Thom, of Baltimore, Md., indorsing military training; to the Committee on Military Affairs.

Also, petition of Herbert G. Joy, of Baltimore, Md., indorsing military training; to the Committee on Military Affairs.

Also, petition of Francis King Carey, of Baltimore, Md., indorsing military training; to the Committee on Military Affairs.

Also, petition of J. D. Virdin, Canton Lumber Co., of Baltimore, Md., indorsing military training; to the Committee on Military Affairs.

Also, petition of William M. Charard, of Baltimore, Md., indorsing military training; to the Committee on Military Affairs.

Also, petition of Charles Corbing, of Baltimore, Md., indorsing military training; to the Committee on Military Affairs.

Also, petition of the Baltimore Belting Co., of Baltimore, Md., indorsing military training; to the Committee on Military Affairs.

Also, petition of Arthur L. Jones, of Baltimore, Md., indorsing military training; to the Committee on Military Affairs.

Also, petition of Miss Virginia Latrobe, of Baltimore, Md., indorsing military training; to the Committee on Military Affairs.

Also, petition of Morton E. Hecht, of Baltimore, Md., indorsing military training; to the Committee on Military Affairs.

Also, petition of Jervis Spencer, jr., of Baltimore, Md., indorsing military training; to the Committee on Military Affairs.

Also, petition of Francis W. McAllister, of Baltimore, Md., indorsing military training; to the Committee on Military Affairs.

Also, petition of J. Walter Lord, of Baltimore, Md., indorsing military training; to the Committee on Military Affairs.

Also, petition of William A. Albaugh, of Baltimore, Md., indorsing military training; to the Committee on Military Affairs.

Also, petition of L. M. Lee, of Baltimore, Md., indorsing military training; to the Committee on Military Affairs.

Also, petition of R. K. Rice, of Baltimore, Md., indorsing military training; to the Committee on Military Affairs.

Also, petition of Samuel Want, of Baltimore, Md., indorsing military training; to the Committee on Military Affairs.

Also, petition of William D. Lilly, of Baltimore, Md., indorsing military training; to the Committee on Military Affairs.

Also, petition of D. Stewart Ridgely, of Baltimore, Md., indorsing military training; to the Committee on Military Affairs.

Also, petition of W. A. Danner, of Baltimore, Md., indorsing military training; to the Committee on Military Affairs.

Also, petition of F. H. Baetjer, of Baltimore, Md., indorsing military training; to the Committee on Military Affairs.

Also, petition of William H. Welch, of Baltimore, Md., indorsing military training; to the Committee on Military Affairs.

Also, petition of Alfred J. Shrevir, of Baltimore, Md., indorsing military training; to the Committee on Military Affairs.

Also, petition of William S. Baer, of Baltimore, Md., indorsing military training; to the Committee on Military Affairs.

Also, petition of Fred Townsend, of Baltimore, Md., indorsing military training; to the Committee on Military Affairs.

Also, petition of J. L. Weiker, of Baltimore, Md., indorsing military training; to the Committee on Military Affairs.

Also, petition of James G. Stanley, of Baltimore, Md., indorsing military training; to the Committee on Military Affairs.

Also, petition of Faris Pitt, of Baltimore, Md., indorsing military training; to the Committee on Military Affairs.

Also, petition of T. J. C. Williams, of Baltimore, Md., indorsing military training; to the Committee on Military Affairs.

Also, petition of Frederick R. Kent, of Baltimore, Md., indorsing military training; to the Committee on Military Affairs.

Also, petition of W. Murray, of Baltimore, Md., indorsing military training; to the Committee on Military Affairs.

Also, petition of D. S. Stuart, of Baltimore, Md., indorsing military training; to the Committee on Military Affairs.

Also, petition of Erie Bergland, of Baltimore, Md., indorsing military training; to the Committee on Military Affairs.

Also, petition of T. W. Claggett, of Baltimore, Md., indorsing military training; to the Committee on Military Affairs.

Also, petition of Frank J. Goodman, of Baltimore, Md., indorsing military training; to the Committee on Military Affairs.

Also, petition of Gustav Sterling, of Baltimore, Md., indorsing military training; to the Committee on Military Affairs.

Also, petition of A. J. Albert, of Baltimore, Md., indorsing military training; to the Committee on Military Affairs.

Also, petition of Thomas M. De Fres, of Baltimore, Md., indorsing military training; to the Committee on Military Affairs.

Also, petition of S. Z. Ammen, of Baltimore, Md., indorsing military training; to the Committee on Military Affairs.

Also, petition of Thomas J. Chew, of Baltimore, Md., indorsing military training; to the Committee on Military Affairs.

Also, petition of Edgar R. Dawson, of Baltimore, Md., indorsing military training; to the Committee on Military Affairs.

Also, petition of Robert Burton, of Baltimore, Md., indorsing military training; to the Committee on Military Affairs.

Also, petition of Hiram Wood, of Baltimore, Md., indorsing military training; to the Committee on Military Affairs.

Also, petition of Isaac Norris, of Baltimore, Md., indorsing military training; to the Committee on Military Affairs.

Also, petition of I. L. Sellman, of Baltimore, Md., indorsing military training; to the Committee on Military Affairs.

Also, petition of James Gustav Whiteley, of Baltimore, Md., indorsing military training; to the Committee on Military Affairs.

Also, petition of J. M. Garrett, of Baltimore, Md., indorsing military training; to the Committee on Military Affairs.

Also, petition of Ward B. Coe, of Baltimore Md., indorsing military training; to the Committee on Military Affairs.

Also, petition of John D. Nock, of Baltimore, Md., indorsing military training; to the Committee on Military Affairs.

Also, petition of Charles H. Brady, jr., of Baltimore, Md., indorsing military training; to the Committee on Military Affairs.

Also, petition of H. Oliver Thompson, of Baltimore, Md., indorsing military training; to the Committee on Military Affairs.

Also, petition of Lindsay C. Spencer, of Baltimore, Md., indorsing military training; to the Committee on Military Affairs.

Also, petition of W. S. Mashen, of Baltimore, Md., indorsing military training; to the Committee on Military Affairs.

Also, petition of George L. Jones, of Baltimore, Md., indorsing military training; to the Committee on Military Affairs.

Also, petition of Hanley Dyer Sanger, of Baltimore, Md., indorsing military training; to the Committee on Military Affairs.

Also, petition of W. R. White, of Baltimore, Md., indorsing military training; to the Committee on Military Affairs.

Also, petition of A. Morris Tyson, of Baltimore, Md., indorsing military training; to the Committee on Military Affairs.

Also, petition of Philander B. Briscoe, of Baltimore, Md., indorsing military training; to the Committee on Military Affairs.

Also, petition of James W. Bright, of Baltimore, Md., indorsing military training; to the Committee on Military Affairs.

Also, petition of Walter E. Platt, of Baltimore, Md., indorsing military training; to the Committee on Military Affairs.

Also, petition of John Warfield, of Baltimore, Md., indorsing military training; to the Committee on Military Affairs.

Also, petition of J. A. C. Bond, of Baltimore, Md., indorsing military training; to the Committee on Military Affairs.

Also, petition of Samuel K. George, of Baltimore, Md., indorsing military training; to the Committee on Military Affairs.

Also, petition of Raphael Walker, of Baltimore, Md., indorsing military training; to the Committee on Military Affairs.

Also, petition of B. Howard Haman, of Baltimore, Md., indorsing military training; to the Committee on Military Affairs.

Also, petition of Richard H. Bayard, of Baltimore, Md., indorsing military training; to the Committee on Military Affairs.

Also, petition of Philip D. Laird, of Baltimore, Md., indorsing military training; to the Committee on Military Affairs.

Also, petition of P. W. William, jr., of Baltimore, Md., indorsing military training; to the Committee on Military Affairs.

Also, pettion of John Duper, of Baltimore, Md., indorsing military training; to the Committee on Military Affairs.

Also, petition of Edward Sauerwind, jr., of Baltimore, Md., indorsing military training; to the Committee on Military Affairs.

Also, petition of G. Arnold Frick, of Baltimore, Md., indorsing military training; to the Committee on Military Affairs.

Also, petition of W. E. Waring, jr., of Baltimore, Md., indorsing military training; to the Committee on Military Affairs.

Also, petition of John H. Latave, of Baltimore, Md., indorsing military training; to the Committee on Military Affairs.

Also, petition of Adamson E. Mullekin, of Baltimore, Md., indorsing military training; to the Committee on Military Affairs.

Also, petition of Clarence K. Boyd, of Baltimore, Md., indorsing military training; to the Committee on Military Affairs.

Also, petition of Carroll T. Bond, of Baltimore, Md., indorsing military training; to the Committee on Military Affairs.

Also, petition of W. G. Wright, of Baltimore, Md., indorsing military training; to the Committee on Military Affairs.

Also, petition of Robert F. Brent, of Baltimore, Md., indorsing military training; to the Committee on Military Affairs.

Also, petition of Lewis W. Wickes, of Baltimore, Md., indorsing military training; to the Committee on Military Affairs.

Also, petition of Rufus K. Goodman, of Baltimore, Md., indorsing military training; to the Committee on Military Affairs.

Also, petition of W. W. Cator, of Baltimore, Md., indorsing military training; to the Committee on Military Affairs.

Also, petition of Charles O'Donaman, of Baltimore, Md., indorsing military training; to the Committee on Military Affairs.

Also, petition of W. Wuchesler, of Baltimore, Md., indorsing military training; to the Committee on Military Affairs.

Also, petition of Arthur W. Machen, jr., of Baltimore, Md., indorsing military training; to the Committee on Military Affairs.

Also, petition of N. Edward Magruder, of Baltimore, Md., indorsing military training; to the Committee on Military Affairs.

Also, petitions of J. M. Knox, jr., E. G. Richardson, John M. Nelson, Herbert Harlow, Charles W. L. Johnson, J. Triplett Haxwell, I. Cross, George Moore Brady, William C. Page, Charles P. S. Edwards, Enos S. Standridge, Jones Whitridge, William Clark, John B. Ramsey, Blanchard Randall, J. D. Burrett, J. Townsend England, Maurice Bloomfield, all of Baltimore, Md., indorsing military training; to the Committee on Military Affairs.

By Mr. LUNN: Over 2,000,000 signatures to a petition circulated by William R. Hearst, of New York City, respectfully and most earnestly urging Congress to pass at once a law for universal service; to the Committee on Military Affairs.

By Mr. McFADDEN: Petition signed by members of the First Methodist Episcopal Church, of Towanda, Pa., urging that the manufacture and sale of intoxicating liquors be prohibited during the present war; to the Committee on the Judiciary.

Also, resolutions adopted by the Baptist Church, Honesdale, Pa., requesting Congress to prohibit the manufacture and sale of alcoholic liquors as a beverage until the war is won and peace is established; to the Committee on the Judiciary.

By Mr. MONDELL: Memorial of mass meetings of the citizens of Laramie, Wyo., pledging support to the President and Congress in the conduct of the war; to the Committee on Military Affairs.

By Mr. RAKER: Petition of California Building Loan League, of San Francisco, Cal., urging proper exemptions in revenue bill for building and loan associations; to the Committee on Ways and Means.

Also, petition of Shipowners' Association of the Pacific Coast, relative to purchase by the Government of war material; to the Committee on Naval Affairs.

Also, petition of Clifford Wills, editor Northwest Farmstead, Atlanta, Ga., against war tax on advertising; to the Committee on Ways and Means.

Also, petition of Messrs. George McCauley, J. B. Landers, M. Z. Lowell, F. P. Tuttle, and M. Tuttle, district attorney, of Auburn, Cal., indorsing conscription; to the Committee on Military Affairs.

Also, petition of Splitdorf Electric Co., of San Francisco, Cal., favoring conscription; to the Committee on Military Affairs.

Also, telegram from H. R. Bennett, of Placerville, Cal., urging support of administration conscription bill; to the Committee on Military Affairs.

Also, memorial of Washington Harvard Club, of Washington, D. C., pledging loyal support to the Government and placing themselves unreservedly at its disposal for such service as they can render; to the Committee on Military Affairs.

Also, memorial of American Institute of Mining Engineers, of San Francisco, Cal., W. H. Shockley, chairman, favoring the enactment of legislation providing that all units of engineer troops be organized and maintained by the War Department and not by individual States; to the Committee on Military Affairs.

By Mr. ROGERS: Memorial of the Lowell Military Training School, of Lowell, Mass., favoring universal military service; to the Committee on Military Affairs.

By Mr. SHOUSE: Petitions of Mennonite congregations of the State of Kansas, against compulsory military trainings; to the Committee on Military Affairs.

By Mr. SIMS: Two petitions of sundry citizens of Tennessee, against conscription; to the Committee on Military Affairs.

By Mr. SNOOK: Petition of the Mennonite Congregation, Archbold, Ohio, asking exemption from military service; to the Committee on Military Affairs.

By Mr. SNYDER: Memorial of sundry residents of Rome, N. Y., favoring universal military training; to the Committee on Military Affairs.

Also, memorial of the commissioners of the town of Westmoreland, N. Y., pledging support to the President in the present international complication; to the Committee on Foreign Affairs.

Also, petition of Milo Morey, of Newport, N. Y., for an act regulating the use of grain in alcoholic beverages; to the Committee on the Judiciary.

Also, memorial of the South Street Methodist Episcopal Church, of Utica, N. Y., favoring prohibition as a war measure; to the Committee on the Judiciary.

By Mr. STRONG: Petition of the members of the Presbyterian Church of Parkers Landing, Pa., favoring national prohibition as a war measure; to the Committee on the Judiciary.

Also, resolution adopted by the First Presbyterian Church of Indiana, Pa., and resolution adopted by the Red Cross Association of Apollo, Pa., favoring the prohibition of the manufacture of alcoholic liquors in the interest of the Nation's food supply; to the Committee on the Judiciary.

By Mr. TEMPLE: Petition of members of Lower Ten Mile Presbyterian Church, of Amity, Pa., favoring enactment of a national prohibition law in view of the present war situation; to the Committee on the Judiciary.

Also, petition of members of Canonsburg (Pa.) United Presbyterian Church, favoring the enactment of a national prohibition law in view of the present war situation; to the Committee on the Judiciary.

Also, petition of voters of North Strabane Township, Washington County, Pa., favoring enactment of national prohibition law in view of present war situation; to the Committee on the Judiciary.

By Mr. TILSON: Petition of Cigar Makers' International Union, No. 39, of New Haven, Conn., protesting against legislation prohibiting the sale of liquor; to the Committee on the Judiciary.

By Mr. WASON: Memorial of the congregation of the Baptist Church of South Lyndeboro, N. H., favoring an effective method to prohibit the manufacture and sale of intoxicating liquor; to the Committee on the Judiciary.

Also, petition of George A. Bassett and 20 other residents of Fremont, N. H., favoring an effective method to prohibit the manufacture and sale of intoxicating liquors; to the Committee on the Judiciary.

Also, memorial of F. H. Dixon of Dartmouth College, Hanover, N. H., and 12 other professors and instructors of that college regarding war finances; to the Committee on Ways and Means.

Also, resolutions of the Congregational Church of Plymouth, N. H., favoring the adoption of effectual methods to prohibit the manufacture and sale of intoxicating liquors; to the Committee on the Judiciary.

Also, resolutions of the New Hampshire Methodist Conference favoring the immediate passage of measures looking to the prohibition of the manufacture and sale of intoxicating liquors as a beverage; to the Committee on the Judiciary.

Also, resolutions of the Congregational Church of Bath, N. H., favoring a measure to prohibit the manufacture and sale of intoxicating liquors during the war; to the Committee on Military Affairs.

SENATE.

MONDAY, *April 30, 1917.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, through the strife of this world Thou art winning Thy way into the hearts of men. Our needs are driving us to Thee, and we are finding that the way of the cross is the way into Thy heart. If we are thinking more deeply upon the great questions of duty, if we are touching the springs of life that we may save life, if we are entering more fully upon the high and holy passion of patriotism that we may establish freedom and justice, we are already harvesting the rich results of our efforts to stand for God's great program of life.

We pray that Thou wilt lead us on. Give to us a passion of service that in all things we may be guided by the divine will and be a part of the force that Thou art using in the world to accomplish the divine plan for men. We ask for Christ's sake. Amen.

The Secretary proceeded to read the Journal of the proceedings of the legislative day of Monday, April 23, 1917, when, on request of Mr. OVERMAN and by unanimous consent, the further reading was dispensed with and the Journal was approved.

CLAIM OF NORWAY (H. DOC. NO. 81).

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read and, with the accompanying papers, referred to the Committee on Appropriations and ordered to be printed:

To the Senate and House of Representatives:

At the request of the Norwegian minister at this Capital, and in view of the recommendation of the Secretary of State, I transmit the latter's report and a copy of an accompanying note from the Norwegian minister relating to the claim made by the Norwegian Government in behalf of three members of the crew of the Norwegian ship *Ingrid*, and I recommend, as an act of grace, and without reference to the question of the liability of the United States, that an appropriation be made to effect a settlement of this claim in accordance with the recommendation of the Secretary of State.

WOODROW WILSON.

THE WHITE HOUSE, *April 28, 1917.*

PETITIONS AND MEMORIALS.

Mr. CURTIS presented petitions of the Ladies of the Grand Army of the Republic of Topeka and the Young Men's Christian Association of Marshall County, in the State of Kansas, praying for the protection of military camps, which were referred to the Committee on Military Affairs.

He also presented a petition of the Golden Belt Road Association of the State of Kansas, praying for the designation, construction, and maintenance of a system of national highways, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of John A. Martin Post, Grand Army of the Republic, of Atchison, Kans., praying for an increase in pensions to meet the increased cost of living, which was referred to the Committee on Pensions.

He also presented a petition of sundry citizens of Salina, Kans., praying for national prohibition, which was referred to the Committee on the Judiciary.

He also presented petitions of the faculty and students of the Kansas State Normal School; the Defense Council of Rush County, and of sundry citizens of Muscotah, all in the State of Kansas, praying for the conservation of food, which were referred to the Committee on Agriculture and Forestry.

Mr. JONES of Washington. I present a memorial from the Legislature of the Territory of Alaska, which I ask may be printed in the RECORD.

There being no objection, the memorial was ordered to be printed in the RECORD, as follows:

Senate joint memorial 5.

To the United States Senate and House of Representatives:

Your memorialists, the Legislature of the Territory of Alaska, in third regular session assembled, do most respectfully and earnestly represent that—

Whereas there is now pending in the Congress of the United States H. R. 17499, introduced August 18, 1916, by Mr. ALEXANDER, of Missouri, and entitled "A bill for the protection, regulation, and conservation of the fisheries of Alaska, and for other purposes"; and

Whereas the fishermen and residents of the coast of Alaska have better knowledge of the requirements for regulation and conservation of the Alaskan fisheries than the legal advisers of the fisheries corporations and representatives of the United States Bureau of Fisheries, who drafted H. R. 17499; and

Whereas section 22 of H. R. 17499 expressly prohibits the Territory of Alaska from levying taxes upon the business or property of the fisheries interests and thus rescinds the rights granted this Territory by Congress under the Territorial organic act, and thereby retards the development of our Territory and the upbuilding of our public-school system; and

Whereas section 6 of H. R. 17499, which provides for title in perpetuity to holders of fish-trap sites in Alaskan waters will surely lead to monopoly of the Alaskan fisheries and forever exclude portable fishing gear from certain sections of our tidewater; and

Whereas numerous appeals have been sent to the Congress of the United States from all sections of Alaska imploring Senators and Representatives to prevent this great injustice to Alaska: Now, therefore

We, the representatives of the people of Alaska, in session assembled, do most respectfully urge that the provisions of the Alexander bill be not forced upon our people and that our rights to levy taxes, given under our organic act, be preserved to us; and

We would further appeal to Congress to grant the people of Alaska the right to control and regulate our own fisheries, and your memorialists will ever pray.

Passed the senate April 4, 1917.

FRANK A. ALDRICH,
President pro tempore of the Senate.

Attest:

W. M. EDDY,
Secretary of the Senate.

Passed the house April 6, 1917.

LUTHER C. HESS,
Speaker of the House.

Attest:

A. H. ZIEGLER,
Clerk of the House.

UNITED STATES OF AMERICA,
Territory of Alaska, ss:

I, Charles E. Davidson, secretary of Alaska, do hereby certify that the foregoing is a full, true, and correct copy of senate joint memorial 5 of the Alaska Territorial Legislature, passed at the third session thereof.

Witness my hand and the seal of the Territory of Alaska, affixed at Juneau, the capital, this 16th day of April, A. D. 1917.

[SEAL.] CHARLES E. DAVIDSON,
Secretary of Alaska.

Mr. JONES of Washington presented petitions of the Central Trade Council of Everett; Lodge No. 92, Benevolent and Protective Order of Elks, of Seattle; and Council No. 92, Commercial Travelers, of Spokane, all in the State of Washington, praying for compensation to dependents of soldiers, which were ordered to lie on the table.

He also presented a petition of the Central Trade Council of Everett, Wash., praying for the enactment of legislation to prohibit food speculation, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of Pomona Grange, No. 29, Patrons of Husbandry, of Usk, Wash., praying for a "pay-as-

you-go policy" in financing the war, which was referred to the Committee on Finance.

He also presented petitions of sundry citizens of Lind and Spokane, in the State of Washington, praying for compulsory military service and pledging support to the President, which were ordered to lie on the table.

Mr. McCUMBER. I present a telegram embodying a resolution, which I ask may be printed in the RECORD without reading.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

FARGO, N. DAK., *April 28, 1917.*

Hon. P. J. McCUMBER,
United States Senate, Washington, D. C.:

After hurried canvass of 42 persons, 27 have signed the following: "We the undersigned students and faculty of North Dakota Agricultural College, do hereby go on record as opposed to conscription, and ask our Senator to vote against the measure now being discussed in the Legislature."

M. A. THORFINNSON.

Mr. JOHNSON of South Dakota. I present a telegram from the faculty and students of the Dakota Wesleyan University, of South Dakota, and a number of other telegrams and letters, which I ask may be printed in the RECORD.

There being no objection, the telegrams were ordered to be printed in the RECORD, as follows:

MITCHELL, S. DAK., *April 25, 1917.*

Senator JOHNSON,
Washington, D. C.:

In order to conserve the food supply, factory and farm productiveness, the faculty and students of Dakota Wesleyan University petition you to do all in your power to urge Congress to take whatever action necessary to prohibit the liquor traffic immediately.

C. V. GILLILAND,
Acting President,
OLIN D. JACKSON,
President of Student Association.

GEDDES, S. DAK., *April 22, 1917.*

Hon. ED. S. JOHNSON,
Washington, D. C.

MY DEAR BROTHER JOHNSON: My church sent you a telegram about "Congress take such action as may be necessary to prohibit the liquor traffic as a war measure to conserve the food supply, factory and farm productiveness, and military efficiency of the Nation." We will consider it quite a favor if you shall see your way clear to push this through. Do it now, please.

The count of 214, as sent in the telegram, did not count the children of the congregation. This count will give you an idea of how your loyal town of Geddes stands.

Yours, as ever,

C. S. LYLES.

CENTERVILLE, S. DAK., *April 26, 1917.*

Hon. Senator JOHNSON,
Washington, D. C.:

We, the undersigned, hereby petition the Congress of the United States and each of the Senators and Congressmen of the State of South Dakota that Congress take such action as may be necessary to prohibit the liquor traffic as a war measure to conserve the food supply, factory and farm productiveness, and military efficiency of the Nation.

J. A. THOMSON
(And others).

BRIDGEWATER, S. DAK., *April 23, 1917.*

Hon. EDWIN JOHNSON,
Washington, D. C.

MY DEAR MR. JOHNSON: Last Sunday morning at our service in the Bridgewater Presbyterian Church the congregation by a rising vote unanimously requested you as our Senator in Congress to vote for the prohibition of the liquor traffic in the United States of America as a war emergency measure in order to conserve the food supply and to promote the military efficiency of the Nation.

In the afternoon of the same day the congregation of the Canistota Presbyterian Church in the same manner unanimously made the same request.

Very truly, yours,

A. C. McCAULEY,
Pastor Presbyterian Churches.

GANN VALLEY, S. DAK., *April 23, 1917.*

Senator JOHNSON,
Washington, D. C.

DEAR SIR: At a Sunday-school convention held in this town yesterday about 125 people assembled and voted unanimously to ask you to vote for prohibition of the liquor traffic as a war measure.

Very truly, yours,

WALTER J. HILL,
Pastor of Congregational Church.

BROOKINGS, S. DAK., *April 23, 1917.*

Senator EDWIN S. JOHNSON,
Washington, D. C.

DEAR SIR: Inasmuch as the food supply during the continuation of the war seems to be a vital factor in the success of our cause, I suggest that there should be cooperation on the part of all to conserve the food supply and see that it gets used only for legitimate purpose. With this end in view, we trust you will use your influence to bring about a law prohibiting the manufacture of intoxicating liquors for beverage purposes as a sensible and logical way to meet this situation. We are sure such action on your part would be warranted by reason of the position taken by our voters at the last general election and the recent legislative action in this State, making South Dakota "bone dry."

Yours, truly,

G. F. KNAPPEN.

HURON, S. DAK., *April 24, 1917.*

Hon. EDWIN S. JOHNSON,
Washington, D. C.

DEAR SIR: We herewith inclose you copy of a petition signed by 81 citizens of Huron. This is, of course, not a very large signature, but this is due to the fact that we did not have time to circulate it further. We feel sure that we could get 90 per cent of the people in our city to sign this petition.

You will notice the heading of this petition calls for national prohibition as a war measure to conserve the food supply. We find a great many of our people figure that if this is a good war measure, it certainly would be good in times of peace, and suggest that our representatives in Congress try to make it permanent.

Trusting that we may have your support on this proposition, and with kindest personal regards, we beg to remain,

Yours, very truly,

GEO. W. GEIGER.

HURON, S. DAK., *April 23, 1917.*

We, the undersigned, hereby petition the Congress of the United States and each of the Senators and Congressmen of the State of South Dakota that Congress take such action as may be necessary to prohibit the liquor traffic as a war measure to conserve the food supply, factory and farm productiveness, and military efficiency of the Nation.

GEO. W. GEIGER
(And others).

LOOMIS, S. DAK., *April 23, 1917.*

Hon. EDWIN S. JOHNSON,
Washington, D. C.

DEAR SIR: My congregation voted unanimously to ask you to do all you can for the passing of a national prohibition law now at the beginning of the war. We need the law to conserve our grain, the strength of our young men, and to eliminate waste.

Yours, truly,

ROLLIN B. HOLDEN.

MURDO, S. DAK., *April 23, 1917.*

Hon. EDWIN S. JOHNSON,
Washington, D. C.

MY DEAR SIR: There were 75 in my preaching service last night. I was telling them of the prospects of national prohibition within our Nation in a very brief time.

I requested all who would cast a ballot if the opportunity was given them for national prohibition to take place at once to raise their hands, and as far as I could see every hand went up as high as they could raise them.

So I request you in behalf of the very large majority of the people of Murdo, and especially the Christian people of Murdo and vicinity, to use your influence in the interest of national prohibition to take place at the earliest possible moment.

I am, respectfully, yours,

H. W. BUNTON.

Mr. SMITH of Georgia. I ask to have inserted in the RECORD without reading resolutions passed at the National Conference of Shippers held in Chicago April 13, 1917, and also a short statement of the Chamber of Commerce of Hawkinsville, Ga., and a letter from the Institute for Public Service, of New York, all with reference to the proposed increase of freight rates.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

Resolutions passed at national conference of shippers held in Chicago April 13, 1917.

[NOTE.—According to the registration, this conference was attended by delegates representing more than 1,000,000 shippers. They perfected a permanent organization, as shown by these resolutions, and have since been invited to appear before the Interstate Commerce Commission and outline methods of procedure and character of investigation to be pursued.]

I.

The principal carriers in official, western, and southern classification territories are seeking permission from the Interstate Commerce Commission to establish horizontal advances in freight rates amounting to 15 per cent or more on all commodities, except coal, coke, and ore; and also advances of other amounts on coal, coke, and ore.

The enormous increase in freight revenue, it is estimated, will total more than $350,000,000 annually—an added tax on the American people of nearly $1,000,000 a day.

The financial condition of the railroads of the United States for the year 1916 was the most favorable in their history. The net earnings for 1916 exceeded those for 1915 by more than $300,000,000, and exceeded the earnings for any other year in their entire history by more than $200,000,000.

The chief justification alleged for the proposed increase is the operation of the Adamson law and the related wage advances. But the main intent of the act is to reduce the working hours to eight per day, and it has been asserted that this can be effected by increased efficiencies without any material advance in wage expenditures.

However, estimates of wage advances on this account vary from $20,000,000 to $100,000,000. Increased cost of coal and other supplies are also the subject of conflicting estimates. But the increases in net revenue in 1916 and 1915 were ample to absorb increased costs and still leave returns greater than ever before.

Whatever of justification there may be for increased rates, if any, can only be determined by an investigation of the facts.

The Government is entitled to demand from all its citizens the fullest support in this national emergency, and by contributing their property and investment on like terms with other citizens railroad stockholders can prove that they are "stirred by a high sense of their opportunity to be of the greatest service to their country in the present national crisis." While other people are called upon to sacrifice their lives, while other industries are content to declare to the people and to the Government that they will accept prices for their products and services approximating those of former years, and while still other industries have announced their intention of furnishing their products and services without any profit whatsoever, this attempt of American railroads to obtain for their stockholders an enormous increase in the earnings they have received, seeks to impose for their private benefit a tax of almost $1,000,000 a day upon the people at large in addition to the heavy burdens of

taxation which we will have to bear directly because of the war. Now, therefore, be it

Resolved by the representatives of the shippers' organizations convened in national conference at Chicago on April 13, 1917, That a full and adequate investigation, as contemplated by law, should be made as to the alleged financial needs of the carriers and as to the reasonableness of the proposed rates before any conclusion is reached or order made by the Interstate Commerce Commission upon the proposed advances, and before such advances can become in any degree effective, at which hearing the shippers shall be accorded a full opportunity to be heard and to present their evidence.

II.

Resolved, That we are opposed to paying increased rates for the purpose of building betterments, improvements, and extensions out of earnings.

If the railroad companies own these properties, they should build them, and the public should not be required to build railroads and supply facilities and then pay a return on what they build.

III.

In order to efficiently carry out the purposes of this conference and resolutions passed, be it

Resolved, That in our judgment it will be impossible for any single organization or committee to assume the grave responsibility of guarding the interests of the many thousands of shippers in various industries throughout the country who are represented at this conference. It will be necessary for each shipper, or organization of shippers in any industry, to take all the steps necessary for looking after their interest and protecting their rates in the proceeding before the Interstate Commerce Commission in such manner as they may deem wise and proper.

However, we believe it to be essential that a committee shall be created for the purpose of assisting in looking after such matters wherein our interests are common. Therefore we move that the chairman appoint a committee of five to offer evidence and argument relative to the financial condition of American railways. This committee shall have full authority to solicit funds from various shippers' organizations, and to expend the same in such manner as may seem wise and proper for the purpose above stated. Any vacancies occurring on said committee shall be filled by appointment of the chairman of this conference. Be it further

Resolved, That this conference be considered as permanently organized to carry out its purposes expressed in its resolutions, and that the name of the organization formed under the call of the conference be "The National Shippers' Conference," and that the chairman, H. C. Wallace, be continued as chairman, and M. R. Myers be continued as secretary, and H. W. Danforth as treasurer, who, with the committee, are to represent this organization before the Interstate Commerce Commission, and otherwise as the interest of shippers may demand, and at such time as they shall deem proper to call the conference together for such action as shall seem necessary.

—

Protest from the Hawkinsville Chamber of Commerce against proposed increase of 15 per cent by railroads at large.

To the honorable INTERSTATE COMMERCE COMMISSION,
Washington, D. C.:

The undersigned members of the Hawkinsville Chamber of Commerce and shippers of Hawkinsville, whose names appear below, desire to protest against the increase in rates and have taken into consideration:

I. That the recently enacted legislation increases the operating expense of the railroad to some extent.

II. That equipment is costing considerably more than a few years ago.

III. That on account of higher labor the cost of maintenance of said roads is greater.

But we suggest also:

I. That we were subjected to an increase in rates from the East and West on January 1, 1916, and that the railroads have shown greater revenues in 1916 than ever before in their history.

II. That during this time of war that they will be the recipients of a great deal of additional business.

III. That every class of business in our country will feel the effects of a depression in business.

IV. That the increase proposed will be borne by the consumer, and that the high cost of living is an extreme burden on the consumer to-day.

V. That the railroads should bear their part of this burden as well as the consumer.

VI. That this increase would seem as a protection for organized interests while there is none for the consumer.

We respectfully ask that before this increase be allowed, that the proposed rates be gone into thoroughly, giving an opportunity for protestants to make a showing before your honorable body.

HAWKINSVILLE CHAMBER OF COMMERCE,
By F. B. WATERMAN, *President.*
C. W. E. MARSH, *Secretary.*

—

INSTITUTE FOR PUBLIC SERVICE,
New York City, April 23, 1917.

Hon. HOKE SMITH,
Senate Chamber, Washington, D. C.

SIR: It has been with a great deal of satisfaction and appreciation that I have read of your fight to have any proposed increase of rates to the railroads on a fact basis.

There can be no question, in my mind, that if a basis of real facts be set up there will be no cause for anything like a flat 15 per cent raise. The papers to-day carry the announcement of the earnings of the New York Central last year showing a net of $71,846,000, based on present capital, including water. The net increase of earnings over 1915 was $13,328,000.

What has even more generally been overlooked are the possibilities of enormous savings by improvements, particularly at the terminals. It is a fact that freight to-day moves, on an average, less than 25 miles a day. The answer to the claim that the Adamson law will so greatly increase costs is that, with anything approximating efficiency, freight could be moved much farther in an 8-hour day than it does now in 10 or 12. So with other items. For example: The recent reduction of free time will mean a great saving to the railroads. Regarding savings due to concerted operation and direction, such as is possible under the organization now established for "war-time operations," the newspapers contain interviews with big railroad men showing that from 20 to 50 per cent slack will be eliminated from railroad operation, with resultant efficiency and economy.

With regard to the claim that railroads are prevented from increasing efficiency because their earnings are not sufficient to warrant expenditures for such improvements, will you not insist that, if the fact basis proves such claim to be warranted, any increase granted be only for a limited period, sufficient to finance the improvements up to the time when they are ready for operation, and that the public get the benefit of these improvements?

Will you care to look over the inclosed copy of a letter I addressed to the Interstate Commerce Commission about three weeks ago along these lines?

Must we not "so provide that no longer shall the wealth we create develop a strength to destroy"?

Very truly, yours, ROBERT ROSENBLUTH,
Assistant Director.

Mr. HITCHCOCK. I present several telegrams embodying resolutions adopted by meetings and associations held for patriotic purposes. I ask that they may be inserted in the RECORD.

There being no objection, the telegrams were ordered to be printed in the RECORD, as follows:

MAYWOOD, NEBR., *April 27, 1917.*

Hon. G. M. HITCHCOCK,
Washington, D. C.:

The following resolution was passed by unanimous vote at a mass meeting here last evening to the Representatives in Congress, Hon. G. W. NORRIS, G. M. HITCHCOCK, A. C. SHALLENBERGER, Washington, D. C.:

We, the people of Maywood and vicinity, in patriotic meeting assembled, most heartily indorse the administration in its fight against autocracy. We herewith express our most loyal support in the grave crisis, and we request this expression of our loyalty be conveyed to his honor, our President.

G. E. BATES, *Chairman.*

—

BLOOMFIELD, NEBR., *April 23, 1917.*

Hon. G. M. HITCHCOCK,
Washington, D. C.:

We, the members of Frehart Lodge, No. 8, Sons of Herman, numbering 122 citizens, of Bloomfield, Nebr., hereby pledge ourselves in this hour of trial to uphold our Government, our President, and our flag. We are mindful and grateful of the blessings that have come to us in this, our new home, and we offer ourselves, our sons, and our property, if need be, to help win this war for freedom.

RUDOLF LAFRENTZ, *President.*
JOHN GROHMANN, *Secretary.*
WILLIAM H. HARM, *Treasurer.*

—

BLOOMFIELD, NEBR., *April 25, 1917.*

Hon. G. M. HITCHCOCK,
Washington, D. C.:

This is an almost solid German-American community. At a mass meeting here of over 500 it was unanimously resolved that President Wilson is entitled to the sympathy and wholehearted support of the Nation in his present difficulty with Congress over selective conscription; that the people and Congress should stand as a unit in this crisis, supporting the administration policies; that we offer to the President ourselves and all our resources.

G. E. PETERS,
President Commercial Club.

—

OMAHA, NEBR., *April 25, 1917.*

Hon. G. M. HITCHCOCK,
United States Senate, Washington, D. C.:

We beg to submit the following resolution:

"*Resolved by the directors of the Nebraska Manufacturers' Association in regular session assembled,* That, as an association and as citizens, we pledge our hearty support to the President of the United States to carry out the pledge of our Nation as set forth in the war resolutions adopted by the Congress on April 6, 1917. This pledge of our Nation is to provide funds, food, factory products, and men to make this pledge a living reality and force delivering as above outlined; means selective draft for farm, factory, and military; means the maintaining of each department to its highest degree of efficiency in order to secure the result so vitally important at this critical period: Therefore be it

"*Resolved,* That we favor the selective draft for military service, as this system, and this alone, will make it possible to maintain the productive efficiency of our farms, factory, and other industries. We strongly urge our Senators and Representatives to support and vote for the measure providing for this selective draft for military service."

NEBRASKA MANUFACTURERS' ASSOCIATION.
C. C. QUIGGLE, *President.*
FRANK I. RINGER, *Secretary.*

Mr. TRAMMELL. I present resolutions adopted by the Key West Council of Defense of Florida, which I ask may be printed in the RECORD.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

Whereas the export of foodstuffs from the United States for the fiscal year ending June 30, 1917, promises to be less than in former years; and

Whereas the price of foodstuffs in the United States has been steadily climbing until it has become a serious problem for wage earners and salaried men to secure the bare necessities of life; and

Whereas we are advised that there is stored by food speculators in the commercial centers and elsewhere over our country large quantities of foodstuffs, which are held for speculation; and

Whereas we consider that speculation in foodstuffs should be prohibited by national law at all times, especially in times of war; and

Whereas we believe that in the present unsettled condition of affairs that prompt and effective measures should be taken to give much-needed relief to the whole people: Therefore be it

Resolved by the Key West Council of Defense, That the Congress of the United States be, and they are hereby, petitioned to enact a law requiring all persons, firms, and corporations, upon demand of the President, to furnish him with a detailed statement and list of all foodstuffs in their possession or under their control; that in said law the President be empowered to seize and take into his possession any and all foodstuffs in the United States that may be in the possession and control of any person, firm, or corporation, paying therefor such reasonable sum as he shall see fit, and that said foodstuffs be distributed throughout the country for sale to the people at cost; and be it further

Resolved, That a copy of this resolution be sent to our Senators and Representatives in Congress and one copy to the Secretary of Agriculture.

Passed the council this April 25, 1917.

W. D. CASH, Sr., *President.*

Attest:

E. E. INGRAHAM, *Secretary.*

Mr. THOMAS. I present a series of resolutions recently adopted at a meeting of citizens and consumers of the city of Denver, Colo. I ask that it be printed in the RECORD without reading.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

Resolution passed at a meeting of citizens and consumers of the city of Denver.

Whereas the declaration of war recently made by Congress was taken as an excuse for exorbitant increases in price of all staple articles of food; and

Whereas there is no more shortage of food now than before war was declared: Therefore be it

Resolved, That it is the sense of this meeting of citizens of Denver and Colorado that we most seriously protest against the unjust, extortionate, and merciless increases in prices of food. There can be no one who will attempt to justify the advance of over $1 per hundredweight on sugar, the same on flour, and the same on potatoes, except on the theory that the speculators thought they could get it. The sugar, flour, or potatoes in the warehouses in this city had not cost any more because war had been declared, but the owners evidently felt that the people would have to stand and deliver whatever price they demanded: Now, therefore, be it

Resolved, That we denounce such acts as unpatriotic and unworthy of good citizens and that we demand that the Federal Government take over the stocks of staple food, such as sugar, flour, potatoes, etc., including all necessities of life, and fix a maximum price for the sale of same.

Resolved further, That the President be asked to close up all stock exchanges speculating in foodstuffs.

Resolved, That copies of these resolutions be sent to the President of the United States, the Federal Trade Commission, each of the Senators and Representatives from Colorado in the Congress of the United States.

Mr. LODGE. I present resolutions of the Legislature of Massachusetts, which I ask may be printed in the RECORD without reading.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

THE COMMONWEALTH OF MASSACHUSETTS, 1917.

Resolutions requesting Congress to take measures regulating the price of anthracite coal and other commodities.

Resolved, That the Senate and House of Representatives of Massachusetts in general court assembled hereby request the Congress of the United States to take such measures as may be necessary, under the commerce clause of the Federal Constitution, to regulate the price at which anthracite coal may be sold by mining companies and their agents, in order to prevent the extortion which has been practiced upon the public, and especially upon the retail purchasers of coal; and that a maximum price be established for wheat, corn, oats, and other cereals and cereal products which so largely enter into the high cost of living in our Commonwealth and Nation; and

Resolved, That the secretary of the Commonwealth be directed to send copies of these resolutions to the presiding officers of both branches of Congress and to each Senator and Representative from Massachusetts in Congress.

OFFICE OF THE SECRETARY,
Boston, April 17, 1917.

A true copy of resolutions adopted at the present session by the Senate and House of Representatives of Massachusetts in general court assembled.

Attest:

ALBERT P. LANGTRY,
Secretary of the Commonwealth.

Mr. LODGE presented a petition of the Chamber of Commerce of Worcester, Mass., praying for compulsory military service, which was ordered to lie on the table.

Mr. CALDER. I present resolutions adopted at meetings of various organizations of the State of New York, pledging their loyalty to the Government, and request unanimous consent to have them noted in the RECORD. I do not ask that they be printed in full, but simply that the resolutions be noted.

The VICE PRESIDENT. Without objection, that action will be taken.

The resolutions are as follows:

Resolutions adopted by the Automobile Club of America, New York City; the Republican Club of the Seventeenth Assembly District, New York City; the Merchants' Association of New York, New York City; Flatlands Board of Trade, Brooklyn, N. Y.; Buffalo & Lake Erie Traction Co., Dunkirk, N. Y.; Yonkers Chamber of Commerce, Yonkers, N. Y.; the State Bank of Williamson, Williamson, N. Y.; Chautauqua County Farm Improvement and Information Bureau, Jamestown, N. Y.; Albany Law School, Albany, N. Y.; Board of Supervisors of Erie County, Buffalo, N. Y.; Kings County Republican Committee, Brooklyn, N. Y.; Philip Livingston Chapter, Sons of the Revolution, Albany, N. Y.; Rotary Club of Albany, Albany, N. Y.; the council of the city of Buffalo, Buffalo, N. Y.; directors of the Union National Bank of Troy, Troy, N. Y.; New York Board of Trade and Transportation, New York City; directors of the Jamestown Board of Commerce, Jamestown, N. Y.; Lincoln Republican Club, Yonkers, N. Y.; Medina Lodge, No. 808, Benevolent and Protective Order of Elks, Medina, N. Y.; Malone Lodge, No. 1303, Benevolent and Protective Order of Elks, Malone, N. Y.; board of supervisors of Warren County, N. Y.; the Park Republican Club, of New York City; Twenty-seventh Assembly District Republican Club, New York City; Brooklyn Lodge of Elks; New York County Republican Committee; and the Rotary Club of Brooklyn.

Mr. MYERS. I present a memorial of the Legislature of the Territory of Alaska, which I ask may be printed in the RECORD.

There being no objection, the memorial was ordered to be printed in the RECORD, as follows:

House joint memorial 4. (By Mr. Snow (by request).)

To the President of the United States, the United States Senate, and the United States House of Representatives:

Your memorialists, the Senate and House of Representatives of the Territory of Alaska, most respectfully represent that—

Whereas the Government of the United States is now engaged in the construction of a railroad from Seward to Fairbanks, Alaska, for the purpose of developing the resources of the Territory tributary to said railroad;

Whereas several towns have been and will hereafter be established along the line of said railroad;

Whereas the act of March 12, 1914, authorizing the construction of said railroad empowers the President to withdraw and dispose of lands belonging to the United States for town-site purposes, and the said act further provides that all funds received from the sale or other disposition of town-site lands be paid into the Treasury of the United States as other miscellaneous receipts are paid;

Whereas most, if not all, of these new towns are established and located upon undeveloped land, which requires large expenditures of money to make it suitable for habitation; water supply must be furnished, streets and sidewalks constructed, as well as schoolhouses, municipal buildings, and other public improvements of that nature;

Whereas Congress has on many occasions, by law applicable to the disposition of town sites in other portions of the United States, provided that a certain portion of the funds received from the sale of town sites shall be devoted to making improvements within such towns: Now, therefore, be it

Resolved, That we respectfully urge that suitable legislation be passed requiring that at least 50 per cent of the funds received from the sale of town sites sold under the provisions of the said railroad act be devoted to making improvements within the respective towns; be it further

Resolved, That a copy hereof be sent to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, the chairmen of the Committees on Territories and Public Lands of the United States Senate, and the chairmen of the Committees on the Territories and the Public Lands of the United States House of Representatives, the Hon. Franklin K. Lane, Secretary of the Interior, and the Delegate to Congress from Alaska.

Passed the house March 31, 1917.

LUTHER C. HESS,
Speaker of the House.

Attest:

A. H. ZIEGLER,
Chief Clerk of the House.

Passed the senate April 5, 1917.

FRANK A. ALDRICH,
President of the Senate pro tempore.

Attest:

W. M. EDDY,
Secretary of the Senate.

UNITED STATES OF AMERICA,
Territory of Alaska, ss:

I, Charles E. Davidson, secretary of Alaska, do hereby certify that the above is a full, true, and correct copy of house joint memorial No. 4 of the Alaska Territorial Legislature, passed at the third session thereof.

Witness my hand and the seal of the Territory of Alaska, affixed at Juneau, the capital, this 12th day of April, A. D. 1917.

[SEAL.] CHARLES E. DAVIDSON,
Secretary of Alaska.

Mr. MYERS presented a petition of the Inquiry Club, of Red Lodge, Mont., indorsing the action of the President and Congress in entering the present world war, which was referred to the Committee on Foreign Relations.

Mr. CHAMBERLAIN. I present a memorial from the Legislature of Alaska, which I ask may be printed in the RECORD, it not being the same as the memorial just presented from that body.

There being no objection, the memorial was ordered to be printed in the RECORD, as follows:

Senate joint memorial 5. (By Senator Sutherland.)

To the United States Senate and House of Representatives:

Your memorialists, the Legislature of the Territory of Alaska in third regular session assembled, do most respectfully and earnestly represent that—

Whereas there is now pending in the Congress of the United States H. R. 17499, introduced August 18, 1916, by Mr. ALEXANDER, of Missouri, and entitled "A bill for the protection, regulation, and conservation of the fisheries of Alaska, and for other purposes"; and

Whereas the fishermen and residents of the coast of Alaska have better knowledge of the requirements for regulation and conservation of the Alaskan fisheries than the legal advisers of the fisheries corporations and representatives of the United States Bureau of Fisheries who drafted H. R. 17499; and

Whereas section 22 of H. R. 17499 expressly prohibits the Territory of Alaska from levying taxes upon the business or property of the fisheries interests, and thus rescinds the rights granted this Territory by Congress under the Territorial organic act, and thereby retards the development of our Territory and the upbuilding of our public-school system; and

Whereas section 6 of H. R. 17499, which provides for title in perpetuity to holders of fish-trap sites in Alaskan waters, will surely lead to monopoly of the Alaskan fisheries and forever exclude portable fishing gear from certain sections of our tidewater; and

Whereas numerous appeals have been sent to the Congress of the United States from all sections of Alaska imploring Senators and Representatives to prevent this great injustice to Alaska: Now, therefore,

We, the representatives of the people of Alaska, in session assembled, do most respectfully urge that the provisions of the Alexander bill be not forced upon our people and that our rights to levy taxes given under our organic act be preserved to us.

And we would further appeal to Congress to grant the people of Alaska the right to control and regulate our own fisheries, and your memorialists will ever pray.

Passed the Senate April 4, 1917.

FRANK A. ALDRICH,
President of the Senate pro tempore.

Attest:

W. M. EDDY,
Secretary of the Senate.

Passed the House April 6, 1917.

LUTHER C. HESS,
Speaker of the House.

Attest:

A. H. ZIEGLER,
Clerk of the House.

UNITED STATES OF AMERICA,
Territory of Alaska, ss:

I, Charles E. Davidson, secretary of Alaska, do hereby certify that the foregoing is a full, true, and correct copy of senate joint memorial No. 5 of the Alaska Territorial Legislature, passed at the third session thereof.

Witness my hand and the seal of the Territory of Alaska, affixed at Juneau, the capital, this 16th day of April, A. D. 1917.

[SEAL.] CHARLES E. DAVIDSON,
Secretary of Alaska.

Mr. GALLINGER presented the memorial of George A. Collins, of Lakeport, N. H., remonstrating against the imposition of a stamp tax, which was referred to the Committee on Finance.

Mr. NEW presented petitions of Aerie No. 1005, Fraternal Order of Eagles, of Crawfordsville; the Woman's Franchise League of Indiana; and of San Mateo Post, No. 60, Veterans of Foreign Wars of the United States, of the National Military Home, all in the State of Indiana, pledging support to the President and favoring compulsory military service, which were ordered to lie on the table.

Mr. NELSON presented a memorial of the Minnesota State Society of Public Accountants, remonstrating against a tax on 1916 business, because all books have been closed up, which was referred to the Committee on Finance.

Mr. WEEKS presented resolutions of the General Court of the Commonwealth of Massachusetts, praying for the enactment of legislation to regulate the price of anthracite coal, and also to fix a maximum price for cereals and cereal products, which were referred to the Committee on Agriculture and Forestry.

He also presented petitions of the Massachusetts Society of the Sons of the American Revolution; the Chamber of Commerce of Worcester; the Rotary Club of Haverhill; the Musicians' Protective Association of Boston; of General J. G. Foster Post, No. 163, Grand Army of the Republic, of Framingham; the Massachusetts State Board of the Ancient Order of Hibernians; and of sundry citizens of Randolph and Wakefield, all in the State of Massachusetts, pledging support to the President and praying for compulsory military training, which were ordered to lie on the table.

He also presented petitions of the Christian Endeavor Societies of the First Baptist Church and the First Congregational Church and the Epworth League of the Methodist Church, all of Newton Center; the congregation of the First Congregational Church of Danvers; the Board of Trade of Cambridge; the Community Club of Roslindale; the ministers and laymen in annual conference at Cambridge; Pomona Grange, No. 209, Patrons of Husbandry, of Hanson; the Committee on Public Safety of Sharon; the congregation of the First Baptist Church of Newton; the congregation of the First Methodist Church of Somerville; and the congregation of the First Parish Congregational Church, of Brockton, all in the State of Massachusetts, praying for national prohibition as a war measure, which were were referred to the Committee on the Judiciary.

COUNTY MOBILIZATION BLANK.

Mr. TOWNSEND. Mr. President, I take a good deal of pleasure and feel some State pride in the fact that one of our counties, and I think many more, through its commercial organizations has attempted to organize in a systematic manner the resources of that county. They have undertaken the project, and are meeting with great success, of listing all the people in the county, getting their names, ages, where they live, their nationality, educational qualifications and employment as to every member of the family, and what that member is doing; also the resources of the family or the individual, the amount of land they own and cultivate, and various other things which are comprehended in a blank which I ask to have inserted in the RECORD.

There being no objection, the blank was ordered to be printed in the RECORD, as follows:

MANISTEE BOARD OF COMMERCE,
Manistee, Mich., April 27, 1917.

Hon. CHARLES E. TOWNSEND,
United States Senate, Washington, D. C.

MY DEAR SENATOR: Manistee City and County has the patriotic and proud distinction of being first in this State to mobilize all of the resources necessary for the proper cooperation of the national defense committee.

The work begun is a house-to-house campaign in city, with farm to farm in entire county and will be carefully gathered and compiled.

For your information relative to extent of data to be secured, I am very much pleased to inclose copies of blank form.

Very sincerely, yours,

CHAS. E. RUGER,
Acting Secretary.

MOBILIZATION BLANK, CITY AND COUNTY, MANISTEE, MICH.

HEADS OF FAMILIES AND INDIVIDUALS.

Name _____ Age _____
Street and No. _____ City _____
Township _____ Village _____
Nationality _____ Education _____ Language _____
Present employment _____ Citizen of the United States? _____

DEPENDENTS—GIVE NAMES, AGES, AND EMPLOYMENT.

Name.	Age.	Employment.

Invalids _____
Live stock owned _____
_____
Domestic fowls _____
Grain and other farm products on hand _____
Vehicles owned _____
Provisions on hand _____
Annual consumption of fuel—Coal _____ Wood _____
Seed on hand _____ Seed required _____
Home garden _____ Size _____
Intend to cultivate other land? _____ Acreage _____
To be planted in? _____
Will you be able to supply your own needs in farm and garden products? _____
Willing to serve the Government if called upon? _____ Any military training? _____ In what Army organization? _____ Arms? _____
Ammunition? _____
What service could you render? _____

☐ Domestic. ☐ Nurse. ☐ Common laborer. ☐ Teamster. ☐ Motorist. ☐ Mechanic. ☐ Engineer. ☐ Cook. ☐ Baker. ☐ Carpenter. ☐ Agriculturist. ☐ Expert gardener. ☐ Linguist. ☐ Pharmacist. ☐ Medical. ☐ Administration.

Remarks: _____
Date _____, _____, 1917.

(Signed) _____,
Census Deputy.

Supervision Manistee Board of Commerce.

ALLIES' TRIBUTE AT TOMB OF WASHINGTON.

Mr. JAMES. Mr. President, I ask unanimous consent to have printed in the RECORD an article in this morning's Washington Post giving an account of the visit yesterday of the French and English war commissions to the tomb of George Washington and the speeches made there by M. Viviani, Mr. Balfour, and Marshal Joffre.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

"The flags of Great Britain, France, and the United States floated proudly together yesterday over the tomb of George Washington at Mount Vernon. Beneath them spokesmen of the three great democracies paid homage to America's soldier and statesman, and pledged themselves each to the other, in the name of the dead, to prosecute the present mighty struggle against autocracy on the lines he himself had followed in bringing America into being.

"Nature was in her most bounteous garb. The evergreens, eternal sentinels before the tomb, stood out boldly in the new life just blossoming. The only sign of human change since Washington was laid to rest so long ago was the flags of the three allies over the arched entrance to the tomb itself.

"In groups of twos and threes an eminent gathering, including the members of the French and British war commissions,

the President's Cabinet, and Members of Congress, had strolled up through the sloping grounds from the river bank until perhaps 500 people stood with bared heads in a semicircle before the tomb.

"The day, which had been heavy and threatening as the party approached on the *Mayflower*, suddenly burst into sunlight, which played through the trees on the uniforms and faces of those assembled.

"Without formality Secretary Daniels motioned to M. Viviani, minister of justice and former premier of France, who advanced slowly into the center. Before the tomb of Washington, whose efforts toward liberty his own ancestors had gloriously aided, M. Viviani delivered an address, in which the whole force of his emotional power, deepened by the significance and somberness of the occasion, fought for expression.

"The spectators, though most of them could not understand French, caught the suppressed feeling and fire of the orator, and followed his words spellbound as they quickened under the thrill of his imagination. Apart from his voice not a sound could be heard.

"And as he finished the silence became supreme with the general realization that no applause could express the emotions aroused.

"M. Viviani said:

"'We could not remain longer in Washington without accomplishing this pious pilgrimage. In this spot lies all that is mortal of a great hero. Close by this spot is the modest abode where Washington rested after the tremendous labor of achieving for a nation its emancipation.

"'In this spot meet the admiration of the whole world and the veneration of the American people. In this spot rise before us the glorious memories left by the soldiers of France led by Rochambeau and Lafayette; a descendant of the latter, my friend, M. de Chambrun, accompanies us.

"'And I esteem it a supreme honor as well as a satisfaction for my conscience to be entitled to render this homage to our ancestors in the presence of my colleague and friend, Mr. Balfour, who so nobly represents his great nation. By thus coming to lay here the respectful tribute of every English mind he shows, in this historic moment of communion which France has willed, what nations that live for liberty can do.

"'When we contemplate in the distant past the luminous presence of Washington, in nearer times the majestic figure of Abraham Lincoln, when we respectfully salute President Wilson, the worthy heir of these great memories, we at one glance measure the vast career of the American people.

"'It is because the American people proclaimed and won for the Nation the right to govern itself, it is because it proclaimed and won the equality of all men, that the free American people at the hour marked by fate has been enabled with commanding force to carry its action beyond the seas; it is because it was resolved to extend its action still further that Congress was enabled to obtain within the space of a few days the vote of conscription and to proclaim the necessity for a national army in the full splendor of civil peace.

"'In the name of France I salute the young army which will share in our common glory.

"'While paying this supreme tribute to the memory of Washington I do not diminish the effect of my words when I turn my thought to the memory of so many unnamed heroes. I ask you before this tomb to bow in earnest meditation and all the fervor of piety before all the soldiers of the allied nations, who for nearly three years have been fighting under different flags for the same ideal.

"'I beg you to address the homage of your hearts and souls to all the heroes—born to live in happiness, in the tranquil pursuit of their labors, in the enjoyment of all human affections—who went into battle with virile cheerfulness and gave themselves up, not to death alone, but to the eternal silence that closes over those whose sacrifice remains unnamed, in the full knowledge that save for those who loved them their names would disappear with their bodies. Their monument is in our hearts. Not the living alone greet us here; the ranks of the dead themselves rise to surround the soldiers of liberty.

"'At this solemn hour in the history of the world, while saluting from this sacred mound the final victory of justice, I send to the Republic of the United States the greetings of the French Republic.'

"Then came forward Arthur James Balfour, foreign secretary of Great Britain, who stood for a moment in silence, a tall, erect, kindly figure. Overcome with all that the situation meant in the lives of the two great Anglo-Saxon countries, Mr. Balfour abandoned his decision not to speak and gave expression to a few poignant sentences, evidently straight from the heart. England had honored Washington as she never had before. Mr. Balfour said:

"'M. Viviani has expressed in most eloquent words the feelings which grip us all here to-day. He has not only paid a fitting tribute to a great statesman, but he has brought our thoughts most vividly down to the present.

"'The thousands who have given their lives—French, Russian, Italian, Belgian, Serbian, Montenegrin, Roumanian, Japanese, and British—were fighting for what they believed to be the cause of liberty.

"'There is no place in the world where a speech for the cause of liberty would be better placed than here at the tomb of Washington.

"'But as that work has been so adequately done by a master of oratory, perhaps you will permit me to read a few words prepared by the British mission for the wreath we are to leave here to-day—

"'"Dedicated by the British mission to the immortal memory of George Washington, soldier, statesman, patriot, who would have rejoiced to see the country of which he was by birth a citizen and the country which his genius called into existence, fighting side by side to save mankind from subjection to a military despotism."'

"Gov. Stuart, of Virginia, spoke as the host on Virginian soil: 'Washington,' he said, 'originally belonged to Virginia, but his priceless memory has now become a common heritage of the world. We consecrate here to-day a struggle bearing the supreme test of the issues for which he lived, fought, and died.'

"Marshal Joffre, victor of the Marne and idol of the French people, next came forward in field marshal's uniform.

"Simply, earnestly, he spoke in French two brief sentences:

"'In the French Army all venerate the name and memory of Washington. I respectfully salute here the great soldier and lay upon his tomb the palm we offer our soldiers who have died for their country.'

"Two French officers came forward with the bronze wreath from the French mission, the humblest and the highest mark of honor which the French nation can accord the dead.

"Bending over, the marshal passed through the narrow entrance and solemnly placed the wreath upon the stone coffin. He then stood silently at salute, the general who is accredited with saving France, to the general who won the liberty of the United States.

"As Marshal Joffre passed back among the spectators, Mr. Balfour came forward with the British wreath of lilies and oak leaves, tied with the colors of the three allied nations. He, too, entered the tomb, and placed the British token beside the French, while Lieut. Gen. Bridges stood outside at salute.

"There was neither music nor applause. Except from the brief words of the speakers, the eternal silence and peace of the place were not broken. The little gathering looked on with emotions too varied and profound for expression. And as Mr. Balfour withdrew, the spectators felt without being told that the ceremony was over. The party again broke into groups and filed up to the lawn of the Mount Vernon home.

"Never was Mount Vernon more beautiful than yesterday, as it stood out in all its stateliness amidst the new spring foliage. The visiting statesmen passed in and out about the rooms, examining all the heirlooms of Washington and resetting in their minds as far as possible the scenes amid which he lived. Mr. Balfour was the last to leave when the time came to start back to Washington.

"The party included the members of both the French and the British mission, their American military and naval aids, the Cabinet, Senator SWANSON and Representative PADGETT, chairmen of the House and Senate Naval Committees; Col. E. M. House; and a few Government officials. The trip was made on the presidential yacht *Mayflower*. Both on arrival and departure the whole company stood at salute as a bugler played taps and the band the Star-Spangled Banner."

HOMESTEAD RESIDENCE FOR MILITARY SERVICE.

Mr. MYERS, from the Committee on Public Lands, to which was referred the bill (S. 1811) providing for the counting of service in the Army or Navy of the United States as equivalent to residence and cultivation upon homestead entries, and in the event of the soldiers' death in such service providing for the issuance of patent for such land to his widow or minor children, reported it without amendment and submitted a report (No. 32) thereon.

CHANGE OF DIE OF QUARTER DOLLARS.

Mr. OWEN. From the Committee on Banking and Currency, I report back favorably without amendment the bill (S. 2099) providing for the modification of the designs of the current

quarter dollar, and I submit a report (No. 31) thereon. It authorizes the Director of the Mint to change the recent die for the quarter dollar. The quarters do not stack up and it is necessary to make a small concavity in order to enable them to stack without toppling. I ask for the present consideration of the bill.

Mr. McCUMBER. What is the measure?

Mr. OWEN. It is to make a slight concavity in the present die of the United States quarter so as to stack up. The Director of the Mint is about to issue a large number and he wants to change the die so that in putting them in a stack they will not topple.

The VICE PRESIDENT. The bill will be read.

The Secretary read the bill, as follows:

Be it enacted, etc., That for the purpose of increasing the artistic merit of the current quarter dollar, the Secretary of the Treasury be, and he is hereby, authorized to make slight modifications in the details of the designs in accordance with sketches submitted by the sculptor whose models were accepted under date of May 23, 1916, and now being used in the execution of the coins.

No changes shall be made in the emblems or devices used. The modifications shall consist of the changing of the position of the eagle, the rearrangement of the stars and lettering, and a slight concavity given to the surface. Such changes shall be made and completed on or before July 1, 1918.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

Mr. WARREN. After the experience we had some years ago with the St. Gaudens coin, that would not stack, and we had to provide for a new die, I should like to ask the author of the bill how it happens that a model is accepted and adopted as the law of the land before it is known whether the coins will stack?

Mr. OWEN. It was found after they had actually made them that they did not stack well, and for that reason it became of some importance to change the die. I do not know how it occurred, in the first place, but they have to change the position of the eagle in order to prevent the coins from toppling when stacked.

Mr. WARREN. Could not that have been ascertained just as well before?

Mr. OWEN. It ought to have been ascertained before, but the Director of the Mint makes this request, and we think it is necessary to comply with it for the convenience of the public.

Mr. WARREN. In other words, we have to pass a law to correct the careless error of some subordinate.

Mr. OWEN. I am afraid I shall have to plead guilty to that charge against the Director of the Mint.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ENLISTMENTS IN FOREIGN ARMIES.

Mr. OVERMAN. I report back favorably from the Committee on the Judiciary the bill (H. R. 2893) to amend section 10 of chapter 2 of the Criminal Code, and I ask for its present consideration. I wish to state that I asked unanimous consent for the consideration of this bill a few days ago, and there was some objection to the Senate committee amendment. The committee has withdrawn its amendment and has reported the House bill favorably. So I do not think anyone will object to its consideration.

The VICE PRESIDENT. The Secretary will read the bill.

The Secretary read the bill.

Mr. GRONNA. May I ask the Senator what are the specific changes made?

Mr. OVERMAN. The changes allow the allies' reservists in this country who are not naturalized to be enlisted in the armies of the allies.

Mr. GRONNA. What are the changes from the present law?

Mr. OVERMAN. The only change from the present law is that now no one is allowed to enlist in a foreign army at all. The bill allows French and English who have not taken out letters of naturalization to enlist in their own armies.

Mr. McCUMBER. Mr. President, until we can give some consideration to the protection of the ships in which they will have to be transported to the seat of war I shall object to any measures pertaining to the matter contained in the bill. Therefore I object to its present consideration.

The VICE PRESIDENT. The bill will be placed on the calendar.

HEARING BEFORE THE COMMITTEE ON MILITARY AFFAIRS.

Mr. THOMPSON. From the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred Senate resolution 48, submitted by the Senator from Oregon [Mr. CHAMBERLAIN], I report it back favorably with an amendment, and I ask for its present consideration.

The Senate, by unanimous consent, proceeded to consider the resolution.

The amendment was, in line 2, after the word "authorized," to insert "during the Sixty-fifth Congress," so as to make the resolution read:

Resolved, That the Committee on Military Affairs, or any subcommittee thereof, be authorized during the Sixty-fifth Congress to send for persons and papers and to administer oaths and to employ a stenographer, at a cost not to exceed $1 per printed page, to report such hearings as may be had in connection with any subject which may be pending before said committee; that the committee may sit during the sessions or recesses of the Senate; and that expenses contracted hereunder shall be paid out of the contingent fund of the Senate.

The amendment was agreed to.

The resolution as amended was agreed to.

HEARINGS BEFORE THE COMMITTEE ON THE DISTRICT OF COLUMBIA.

Mr. THOMPSON. From the Committee to Audit and Control the Contingent Expenses of the Senate, I report back favorably with amendments Senate resolution 50, submitted by the Senator from Maryland [Mr. SMITH], and I ask for its present consideration.

The Senate, by unanimous consent, proceeded to consider the resolution.

The amendments were, in line 2, after the word "authorized," to insert "during the Sixty-fifth Congress," and in line 4, after the word "stenographer," to insert "at a cost not to exceed $1 per printed page," so as to make the resolution read:

Resolved, That the Committee on the District of Columbia, or any subcommittee thereof, be authorized during the Sixty-fifth Congress to send for persons and papers and to administer oaths, and to employ a stenographer, at a cost not to exceed $1 per printed page, to report such hearings as may be had in connection with any subject which may be pending before said committee, that the committee may sit during the sessions or recesses of the Senate, and that the expense thereof be paid out of the contingent fund of the Senate.

The amendments were agreed to.

The resolution as amended was agreed to.

YAKIMA INDIAN RESERVATION.

Mr. ASHURST. From the Committee on Indian Affairs, I report back favorably the joint resolution (S. J. Res. 43) making available the $200,000 appropriation for irrigation purposes on the Yakima Indian Reservation in the State of Washington, carried in the Indian appropriation act for the fiscal year ending June 30, 1918.

Mr. JONES of Washington. Mr. President, I will say that the Indian Office have advised me that unless this is done the work which is now going on will either have to be entirely suspended about a month before the 1st of July or else it will have to be slowed down very greatly. For that reason I ask for the immediate consideration of the joint resolution.

The VICE PRESIDENT. Is there objection?

Mr. McCUMBER. I object, Mr. President.

The VICE PRESIDENT. The joint resolution goes to the calendar.

BILLS AND JOINT RESOLUTIONS INTRODUCED.

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SMITH of Georgia:

A bill (S. 2115) to limit the effect of the regulation of interstate commerce between the States in goods, wares, and merchandise wholly or in part manufactured, mined, or produced by convict labor or in any prison or reformatory; to the Committee on Education and Labor.

By Mr. GERRY:

A bill (S. 2116) to increase the salary of the United States district attorney for the district of Rhode Island; to the Committee on the Judiciary.

A bill (S. 2117) to appoint Allen M. Sumner a captain on the active list of the United States Marine Corps; to the Committee on Naval Affairs.

By Mr. BROUSSARD:

A bill (S. 2118) for the relief of S. R. Jacobs; to the Committee on Claims.

By Mr. SHAFROTH:

A bill (S. 2119) authorizing the construction of a public building in the city of Durango, Colo.; to the Committee on Public Buildings and Grounds.

By Mr. NELSON:

A bill (S. 2120) for the relief of the Wisconsin Band of Pottawatomie Indians, and for other purposes; to the Committee on Indian Affairs.

By Mr. HARDING:

A bill (S. 2121) granting a pension to Myra Woodard; to the Committee on Pensions.

A bill (S. 2122) for the relief of J. B. Waterman; to the Committee on Claims.

By Mr. BRADY:

A joint resolution (S. J. Res. 45) for the relief of N. B. Pettibone; to the Committee on Post Offices and Post Roads.

By Mr. KENYON:

A joint resolution (S. J. Res. 46) creating a commission to report a plan for the adoption of a national budget system; to the Committee on Appropriations.

AGRICULTURAL PRODUCTS.

Mr. GORE. I introduce a joint resolution, and ask that it be referred to the Committee on Agriculture and Forestry. I wish to state that I introduce this joint resolution as by request. It has been prepared as one of the war-emergency measures—prepared by the Department of Agriculture. I introduce it now in order to serve as a basis for the deliberations of the committee and in order to dispatch such legislation as the committee may finally recommend and Congress may see fit to enact.

The joint resolution (S. J. Res. 44) to provide further for the national security and defense by stimulating agriculture and facilitating the distribution of agricultural products was read twice by its title and referred to the Committee on Agriculture and Forestry.

ENEMY VESSELS.

Mr. KNOX. Mr. President, I send to the desk a joint resolution, which I should like to have read and lie on the table.

The joint resolution (S. J. Res. 47) requesting the President of the United States to requisition vessels of alien enemies was read the first time by its title and the second time at length, as follows:

Whereas the activities of the Imperial German Government, in its efforts to destroy the commercial vessels of the United States, its allies, and the vessels of neutral powers, creates an immediate emergency and an extreme necessity to at once replenish in a practical way the loss of ships thus sustained: Therefore be it

Resolved, etc., That the President of the United States be, and he is hereby, requested to at once requisition all vessels of alien enemies of the United States in the ports and waters of the United States or elsewhere found, and to use the same in the prosecution of the war against the Imperial German Government in such trade or manner as will, in his judgment, best subserve the interests of the United States and its allies.

Mr. KNOX. Mr. President, I think it is fair to the Senate and to myself to say a word or two of explanation as to the motives which impel me to introduce this joint resolution. This is particularly true because of the fact that I understand that a bill or a joint resolution is now under consideration by the Committee on the Judiciary having in view the determination of some method by which the idle alien enemy vessels which are lying rotting at our wharves may be utilized to the advantage of the United States and its allies. Any result obtained by that committee and recommended to the Senate that accomplishes the purpose will meet with my heartiest approval and support. It is not my purpose to press this joint resolution as against anything else equally good and equally expeditious.

But, Mr. President, we are informed by this morning's newspapers that the imperial German chancellor has within the last few hours notified the Reichstag and the German people that the result of the unrestricted submarine warfare within the past 60 days has been the destruction of 1,600,000 tonnage, and that Germany, through that method, will win in spite of the United States.

It is high time, Mr. President, that almost an equal amount of tonnage belonging to Germans lying in our ports should be made the target for this attack; and if it is true, as Mr. Lloyd-George says, that the necessity in this war is ships, ships, and then more ships, we are not only guilty of a blunder, but of a crime in allowing these bottoms to lie unused.

Mr. OVERMAN. Mr. President, I desire to say that the majority of the Committee on the Judiciary now has under consideration the bill to which the Senator from Pennsylvania refers and will report it very shortly—I think within a few hours.

Mr. KNOX. Mr. President, as I said in the opening of my remarks, I shall be content if the committee will report legislation covering the subject matter. This is not at all antagonistic to the committee; it is intended, and solely intended, to bring to the attention of the Senate the imperative necessity of speed. While I do not contend that this is the only method by which possession of these vessels can be attained—because there are other methods, possibly three—but this is a lawful method; and the exigencies of the situation justify our adopting it, if another and equally good one is not presently presented.

Let me read to you, Senators, not for the purpose of prolonging what I may have to say upon this subject—because I shall discuss it at length if the joint resolution is called from the table for consideration—but merely for the purpose of setting before you a guide by which your minds may be instructed, a decision of the Supreme Court of the United States as to the right of the Executive, by requisition, to bring to the use of the arms of the United States even the property of our own citizens. Reading from the case of United States against Russell, reported in Thirteenth Wallace, at page 625, and decided in 1871 in connection with a case where an assistant quartermaster had requisitioned a steamboat upon one of our western rivers by a mere order of a quartermaster acting under the authority of the President as Commander in Chief of the Army and Navy of the United States, the Supreme Court, in upholding the validity of that act, said:

Extraordinary and unforeseen occasions arise where, in time of war or of immediate and impending public danger, in which private property may be impressed into the public service or may be seized or appropriated to the public use or may even be destroyed without the consent of the owner. Unquestionably such extreme cases may arise, as where the property taken is necessary in time of war to construct defenses or the preservation of military posts at the moment of an imminent attack by the enemy or for food or for medicine for a sick and famishing army utterly destitute and without other means of supply.

Mr. President, can it be said that there is a doubt about that proposition? Can it be possible that general officers could march brigades of starving men past warehouses filled with food and fodder and be forced to go into a court to have an injunction as to the title of the goods contained in the warehouse? Such an officer would be properly hanged at the nearest tree if he would allow his army and beasts to starve in the shadow of a storehouse of plenty.

Mr. SHIELDS. Mr. President——

The VICE PRESIDENT. Does the Senator from Pennsylvania yield to the Senator from Tennessee?

Mr. KNOX. I do.

Mr. SHIELDS. I desire to ask the Senator a question in regard to the subject which he is discussing. I agree with his premise that as to movable property of the enemy wherever found by the Army it can be immediately confiscated, and no resort to any character of tribunal is necessary; but does that rule apply to ships? Is it not necessary, under the laws of nations and even under our statutes, that they first be condemned by a proper tribunal in order that our title may be recognized and they be protected from recapture and other incidents of warfare upon the high seas?

Mr. KNOX. Mr. President, I unhesitatingly state that not only can ships of an alien enemy, whether they be ships of government—and, of course, in respect to ships of government we seize them as a direct act of war—or ships of citizens of a power with which we are at war, may be requisitioned, but that our existing treaty with Germany and The Hague treaties dealing with this suggestion both clearly recognize that right.

I had not intended to discuss that phase of the subject, and I will say nothing further upon that point now; but if this resolution must be resorted to as a means to put these vessels into the active service of humanity, I am in favor of meeting those questions.

Mr. SMITH of Georgia. Mr. President, I wish to say to the Senate that the Department of Justice submitted a few days ago a joint resolution along the line of the joint resolution submitted by the Senator from Pennsylvania, but subsequently called attention to the fact that there were claims to these vessels by citizens other than aliens, and asked that provision be made in connection with the bill covering these claims, although, of course, we do not contemplate suspending the immediate use of the vessels; and I am sure that the Judiciary Committee will report to-day a bill upon the subject, and ask for its immediate consideration.

Mr. LODGE. Mr. President, if I may ask the Senator a question, is it not true that a decision of one of our prize courts would be no answer whatever to a foreign nation or a foreign claimant; and, so far as our own claims go or the claims of friendly neutrals, those can be dealt with after taking the ships as well as before?

Mr. SMITH of Georgia. Our own Supreme Court has recognized the decisions of prize courts in other countries; but a number of other nations have failed to do so. I consider that a mere academic question. These vessels will sail to our allies across the water, and if our Government takes over the vessels and sails them we know there will be no interference with them. I do not consider it worth while to stop to consider that.

The only thing the Judiciary Committee may do is to suggest a way in connection with taking these vessels that American citizens and neutrals may have a speedy opportunity to adjust

any claims they may hold against the vessels. I think we should take them at once; we should start them upon the ocean just as quickly as they are ready to sail, and use them, and settle these other questions hereafter.

Mr. SHIELDS. Mr. President, I desire, partly in answer to the question asked by the Senator from Massachusetts [Mr. LODGE], to say a few words. The Senator from Georgia [Mr. SMITH] made a statement that some nations recognize the judgments of prize courts and some others do not, but I think the Senator from Georgia will remember that a great majority of the nations of the world recognize decisions by prize courts. Such proceedings are proceedings in rem, the court having jurisdiction of the property. The necessity of the case requires such recognition, and generally by the laws of nations they are recognized. Now, referring to——

Mr. SMITH of Georgia. Mr. President, if the Senator will allow me, I am utterly opposed to carrying these vessels into a prize court. I think our title will be just as completely recognized in the countries to which they will sail as if adjudication had been had by a prize court; and I do not think we ought to delay one single day to use them.

Mr. KNOX. Mr. President, will the Senator from Tennessee allow me to make a suggestion?

Mr. SHIELDS. I yield to the Senator.

Mr. KNOX. Prize courts are created not to adjudicate upon vessels that have been seized by requisition or other process, but are created for the purpose of passing upon captured vessels; and in the event of a seizure by such a method as proposed by this resolution, just as the Senator from Massachusetts suggested a moment ago, compensation awaits the event of the war and is determined by the treaty of peace.

Mr. OVERMAN. Mr. President, if the Senator from Tennessee will yield to me, I have favored confiscating these ships, taking them over, and using them at once. If any citizen of the United States has a just claim, let us have a commission such as we had after the Civil War and let such parties, American citizens, as have interests have their claims heard before a commission appointed after the war closes.

Mr. SHIELDS. Mr. President, the joint resolution of the Senator from Pennsylvania provides for the acquisition of these ships. The joint resolution now pending before the committees of the Senate and of the other House provides for the confiscation of these vessels as enemy property—not a mere matter of requisition.

As to prize courts, the Senator from Georgia was not using that term, I apprehend, in its strict technical sense. The Senator from Pennsylvania is right about that. A ship captured upon the sea is taken before a prize court, but there is a separate principle governing as to other vessels——

Mr. FLETCHER. Mr. President, will the Senator allow me to make a suggestion?

Mr. SHIELDS. In a moment. But that has no reference as to what is proposed to be done by the joint resolution. It is to confiscate these ships, not merely to requisition them. If they belong to Germany, they are enemy property and we have a right and ought, in view of the manner in which Germany has treated our ships and our people upon th high seas, absolutely to confiscate them and devote them to public purposes. That is the object of the joint resolution now pending in the Judiciary Committee. It is a question of having such vessels adjudged as enemy ships and confiscated that has been pending before the committee. I apprehend the Senator from Florida is going to say that there has been a favorable report upon the joint resolution before the committee.

Mr. FLETCHER. I was going to say that the resolution will be reported to the Senate in a very short time, and the discussion can take place on that joint resolution when it comes up for consideration.

Mr. SHIELDS. It has been stated that that joint resolution would be favorably reported during the day. I thought the Senator was going to say that it had been reported.

Mr. FLETCHER. It has been agreed on, and will be reported very shortly. If there is a pending resolution involving this question, of course it had better go to the committee or be postponed until the bill will be here, when it can be offered as a substitute and discussed.

Mr. SHIELDS. I did not understand that the Senator from Pennsylvania was asking for immediate action upon the joint resolution introduced by him.

Mr. KNOX. I was not, Mr. President, asking for immediate consideration; but if there is any suggestion of referring the resolution to the committee I will ask for it. I said I was willing to wait a reasonable time to see whether the Judiciary Committee would report a measure that was equally expeditious and effective. If they do, I shall be perfectly willing to withdraw the resolution I have offered and support the one reported by the committee; but I want the joint resolution I have introduced to lie on the table, so that, if action becomes necessary, if we get word to-morrow that 40 or 50 more ships have been sunk, we can get these enemy vessels ready for use; or at least get the Congress of the United States on record that that is the program that we intend to follow.

Mr. SHIELDS. Mr. President, I desire to say that there has been no unnecessary delay in the consideration of this matter by the Judiciary Committee. It presents some very grave questions of international law, which have been fully considered. The committee met every day last week to consider them as much as possible, on account of the important matters that were then before the Senate, and I believe the resolution that will eventually be reported is much more efficacious than this one and will afford more prompt and effective relief.

Mr. LODGE. Mr. President, I believe that the President has full authority now, without any action by Congress, under the war power to take possession of those ships, and I hope he will do so. Then we can pass resolutions and discuss the international aspects of them afterwards, and we can take the question into court afterwards, but we want those ships now. Every hour is of importance. I have not any question of the President's power. What we want is to have those ships taken. There is not any power on earth that will question our title, excepting Germany and Austria, and we are going to settle with them in other ways. I hope the President is having them worked on now; I hope he will put them to sea as quickly as he can; and then, at our leisure, we can discuss the international legal aspects of the matter and pass any resolutions we wish.

Mr. SMITH of Georgia. Mr. President, I think I can answer that suggestion by saying that the ships are all being put in perfect shape to sail, and they will begin sailing, I am confident, this week.

Mr. LODGE. I know that, and that is the reason I said what I did.

Mr. JAMES. They will probably sail before this debate is concluded.

Mr. LODGE. Yes; they will sail, I hope, a long time before this debate is over, for the debate will, I fear, be very long.

Mr. JAMES. That is right.

Mr. REED. Mr. President, I am afraid if this espionage bill were enacted now some of our Members would be getting into trouble for giving out information. I want to say, so that it may be plainly understood, that in a few minutes' time the bill, which has been gone over by the State Department and by the Department of Justice and by the Judiciary Committee, will be here ready for action; and I therefore hope that the Senator from Pennsylvania will withhold his resolution, in order that that bill may be taken up. I think it will be here within the hour.

Mr. FLETCHER. Mr. President, I call for the regular order.

The VICE PRESIDENT. The regular order is the introduction of bills and joint resolutions.

Mr. STONE. Mr. President, I wish to say a word or two about the joint resolution of the Senator from Pennsylvania [Mr. KNOX].

The Senator from North Carolina [Mr. OVERMAN] advises the Senate that the Judiciary Committee has pending before it a measure which covers substantially the ground covered by the joint resolution offered this morning by the Senator from Pennsylvania.

Mr. FLETCHER. Mr. President, will the Senator permit me to say that the matter is not really pending any longer before the committee? The committee has agreed upon it, and is ready to report it.

Mr. STONE. I have not seen the resolution or bill which has been referred to the Committee on the Judiciary. I have heard the joint resolution of the Senator from Pennsylvania read this morning, and that is the extent of my information as to that.

Mr. President, I was one of those who very ardently supported the bill which was before the Senate some months ago authorizing the Shipping Board to purchase these interned foreign vessels. That measure was vigorously and successfully opposed by Senators who are now urging that they be commandeered. If they shall be commandeered for temporary use, I should like to know what disposition will be made of them ultimately.

Of course I can understand the proposal that they be employed for the time being in transporting provisions and other supplies to our allies in Europe. If they are not destroyed en route, going or coming, are they still to be the property of the United States after the war? If so, are they to become and be a part of the commercial fleet which the Shipping Board is to create and control?

Mr. POINDEXTER. Mr. President——

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Washington?

Mr. STONE. I yield.

Mr. POINDEXTER. The joint resolution which was spoken of a moment ago, and which probably will be reported in a few moments, expressly provides that the title to these ships may be taken over by the President of the United States, and that they may be operated under the direction of the Shipping Board or other proper agency of the United States. That is what the pending measure provides, and I think properly provides.

Mr. OVERMAN. Mr. President, I want to say to the Senator from Missouri, as has been stated to the Senate, that the joint resolution which has been under consideration by the Judiciary Committee will be reported within an hour; and the Senator from Pennsylvania [Mr. KNOX] has stated to the Senate that he does not desire to take up his joint resolution now, but will await the report of the Judiciary Committee when it comes in. I will ask the Senator, therefore, if he will not defer his discussion of the question until that measure comes in?

Mr. STONE. Yes; I am willing to do that. I was addressing myself to the joint resolution of the Senator from Pennsylvania on the theory that it was to be acted on now.

Mr. JAMES. That could be done only by unanimous consent.

Mr. STONE. Of course it could be done only by unanimous consent, but I did not suppose anybody was objecting to taking it up.

Mr. JAMES. There is nothing before the Senate now.

Mr. STONE. If there is nothing before the Senate, I have no wish to proceed. I will wait until we have the issue properly presented.

The VICE PRESIDENT. Are there further bills or joint resolutions?

Mr. CULBERSON. Mr. President, out of order, from the Committee on the Judiciary, I report favorably with amendments the joint resolution (S. J. Res. 42) authorizing the President to take over for the United States the possession and title of vessels of any subject or citizen of any nation with which the United States may be at war, and for other purposes, and I ask unanimous consent for its immediate consideration.

Mr. McCUMBER. Mr. President, I had stated that I would object to all of these outside measures. I consider this an appropriate measure at this time to carry out the general idea on the other side of the Chamber that by overfeeding the submarine you can destroy it. I therefore shall not object to the consideration of the joint resolution at this time.

Mr. SMITH of Georgia. Mr. President, I regret very much that the entire morning hour may be lost, because I wish to introduce a Senate resolution. I shall, however, take the chances of obtaining unanimous consent to introduce that resolution later on.

The VICE PRESIDENT. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

Mr. SMOOT. Mr. President, may we have the joint resolution read? It is not very long, and I should like to have it read.

Mr. KNOX. May I inquire whether this is the report from the Judiciary Committee?

The VICE PRESIDENT. It is. The Secretary will read the joint resolution.

The SECRETARY. The committee recommends striking out all after the resolving clause and inserting the following words:

That the President be, and he is hereby, authorized to take over to the United States the possession and title of any vessel within the jurisdiction thereof, including the Canal Zone and all territories and insular possessions of the United States, except the American Virgin Islands, which at the time of coming into such jurisdiction was owned in whole or in part by any corporation, citizen, or subject of any nation with which the United States may be at war when such vessel shall be taken, or was flying the flag of or was under register of any such nation or any political subdivision or municipality thereof; and, through the United States Shipping Board, or any department or agency of the Government, to operate, lease, charter, and equip such vessel in any service of the United States, or in any commerce, foreign or coastwise.

SEC. 2. That the Secretary of the Navy be, and he is hereby, authorized and directed to appoint, subject to the approval of the President, a board of survey, whose duty it shall be to ascertain the actual value of the vessel, its equipment, appurtenances, and all property contained therein, at the time of its taking, and to make a written report of their findings to the Secretary of the Navy, who shall preserve such report with the records of his department. These findings shall be considered as competent evidence in all proceedings hereinafter authorized on any claim for compensation.

SEC. 3. That any person or corporation may institute a suit against the United States of America in the Court of Claims thereof for the recovery of the damages which he may sustain through the exercise of the power herein conferred upon the President. Such damages shall be limited to just compensation for the interest or right of which claimant is deprived by reason of such taking. In ascertaining such compensation there shall be excluded any value added to the vessel by reason of work done or improvements placed thereon by the United States. In order to recover a judgment the claimant must prove that he was the owner at the time of taking of the interest or right for whose taking he seeks compensation; and that no nation with which the United States may be at war at the time of such taking, or at the time of rendition of judgment, nor any corporation, subject, or citizen of such nation, has any interest, direct or indirect, in such claim, or in the judgment which may be rendered thereon; and that claimant acquired in good faith and for substantial consideration the right or interest, for whose taking he seeks compensation, prior to the commencement of war with the nation whose citizen or subject owned, in whole or in part, the vessel taken, or under the register or flag of which such vessel was at the time of entry into the jurisdiction of the United States; if claimant be a corporation it must also prove that the majority of its stock is not owned by subjects or citizens of a nation with which the United States may be at war and was not so owned at the beginning of such war. If the required facts be established the court shall have power to render judgment for the amount due claimant subject to the right of appeal to the Supreme Court of the United States; but if such facts be not established the court shall render no judgment and shall make a report to Congress stating its findings of fact.

SEC. 4. The Court of Claims is hereby authorized to make all needful rules and regulations not contravening the laws of the land or terms of this act for executing the provisions hereof.

SEC. 5. All claims upon which suit may not be instituted prior to the expiration of one year from the date of exchange of ratifications of a treaty of peace with the Imperial German Government shall be forever barred.

Mr. POMERENE. Mr. President, I desire to ask a question for information. I notice that the reported amendment provides for the seizing of vessels which may be owned by corporations, citizens, or subjects of a country with which the United States may be at war. Are any of these vessels in fact owned by the Imperial German Government? If so, it seems to me that the language should be made more comprehensive.

Mr. FLETCHER. Mr. President, I think the language includes vessels owned by governments as well as by individuals or subjects or corporations of those governments with which the United States is at war. I think the language is broad enough to cover the suggestion of the Senator from Ohio. It covers all vessels owned by corporations, citizens, or subjects or flying the flag of a foreign nation.

Mr. THOMAS. Mr. President——

The VICE PRESIDENT. Does the Senator from Florida yield to the Senator from Colorado?

Mr. FLETCHER. I do.

Mr. THOMAS. May I ask the Senator if it is not true that the power to seize the vessels of a belligerent government needs no legislation?

Mr. FLETCHER. I think that is so. Strictly government vessels, of course, would not require any legislation of this sort.

Mr. UNDERWOOD. Mr. President, I should like to ask the Senator having this joint resolution in charge—it is not printed, and the amendment has merely come to the desk, and therefore we have not had an opportunity to study it carefully—as to whether the purpose of the joint resolution is to fix at this time the status of the right of persons claiming ownership in these foreign vessels to go into our courts at a future time and sue the United States?

Mr. FLETCHER. It provides that where there is any interest or any lien or any claim against any of these vessels by an American citizen, for instance, it may be hereafter adjusted in the Court of Claims.

Mr. UNDERWOOD. Well, does it not go further than American citizens?

Mr. FLETCHER. It includes neutrals also; but as to those citizens or subjects or corporations of countries with which the United States is at war at the time of the seizure or at the time of the adjudication, it provides that those cases may be determined in the Court of Claims simply as to the facts, and the Court of Claims is to report those facts back to Congress. The joint resolution provides that no judgment shall be entered in those cases by the Court of Claims.

Mr. UNDERWOOD. Mr. President, I am not going to try to delay the passage of this bill, because I agree with what has been said this morning, that if there is one thing our Government ought to do at this time it is to secure ships and put them in commission to carry the necessary supplies to our allies and bring this war to an early conclusion. As I understand it, the Government of the United States has the right to do that now without any legislation, and is proceeding to do it without any legislation.

On the question as to whether the owners of these vessels should be paid the value of the vessels, I think it is a question that ought to be determined in the future. The German Government sank our ships on the high seas when we were a neutral power, and I have heard nothing to indicate that they are prepared to pay American citizens for the sinking of those

ships the value of those ships; and when we have German vessels in our hands, as far as I am concerned, I am not disposed to pay the citizens of Germany the value of that property until they are prepared to pay our citizens the value of the property they have destroyed.

Mr. KING. Mr. President——

The PRESIDING OFFICER (Mr. HOLLIS in the chair). Does the Senator from Alabama yield to the Senator from Utah?

Mr. UNDERWOOD. In just one minute. When you pay a lien of an American citizen on a German ship you may release a German citizen from his obligation under the lien. I fear you are clearing the way for our enemies hereafter to establish a precedent for the payment for their property.

I am not going to interfere with the passage of the joint resolution. Of course, I feel that it is of the utmost importance that these ships should go to sea, but I must say, as far as I am concerned, I think all the action that is needed to-day, if any action is needed at all, for the Congress of the United States is to pass a bill directing and authorizing the President of the United States to take over these ships, put them in commission and use them, and then leave the question as to whether we should pay for them or pay for the use of the ships to be determined when the war is over and the status of American citizens and the status of German citizens is fixed by a treaty of peace.

Mr. KNOX. Mr. President, after hearing the joint resolution read I still think that a safer course would be that the possession and the use of those vessels should be obtained through Executive action. I think it was a most considerate and excellent policy at this stage of the war and in the general condition of the lack of knowledge in the public mind of the questions clustering around a foreign war that the President should in some form have sought the aid of Congress, but I believe that we can give him the assistance to which he is justly entitled through the request or—and that is the language of my resolution—through the request or suggestion that the end will be better subserved through the war powers of the Government rather than through the legislative power.

My reasons in brief are these: You must distinguish upon the threshold of the consideration of a question of this character between the acquisition of the title of the vessel and the acquisition of the use of the vessel, and you must consider the difference between requisition and conscription. Our treaties with Germany and the sixth treaty of The Hague distinctly provide, and it has been the universal use and custom of civilized powers engaged in war, that merchant vessels lying in each other's ports should be given a certain number of days to load and depart, and that the Government from whose ports they sailed guaranteed immunity until they reached their home port. That provision is in the treaty of 1799 with Prussia, and is also distinctly recognized in the treaty of 1828 by which that treaty was extended and amplified.

Mr. President, the sixth treaty of The Hague, and when I say sixth I am merely indicating the numeral to it—it was one of a number of treaties so designated—the sixth treaty of The Hague contained a distinct provision that enemy ships should be granted this privilege and should be granted the immunity to reach their home ports. We, it is true, are not signatories to the sixth treaty. We did not sign it, and the reason why we did not ratify and proclaim that provision is because the representatives of the United States at The Hague, headed by that distinguished statesman from New York, Mr. Choate, contended that the provisions of that treaty, liberal though they were as to vessels in these ports, was not liberal enough, and for that reason he withheld his approval, and for that reason the United States never bound itself to it. That is to say, Mr. Choate and subsequently the Government of the United States declined in any way to concede that under any circumstances a vessel belonging to an alien enemy or citizens of a Government with which we are at war should be seized and conscripted and her title taken away from her.

But, Mr. President, The Hague convention dealt quite differently with the question of requisition. I read now a clause from the sixth treaty, speaking of the right of a belligerent to detain enemies' vessels in their ports:

> The belligerent may only detain it without payment of compensation but subject to the obligation of restoring it after the war or requisitioning it on payment of compensation.

In this connection I want to call your attention to what Great Britain has done in this situation, finding, as we found, a large number of German merchant vessels in her ports. In this connection it is to be noted that on the 10th of February, 1915, the British secretary of state for foreign affairs addressed the American ambassador, and after referring to the act of the German Government in destroying British shipping and the consequent need for vessels stated what I now read from the British secretary's language:

> To ease the situation His Majesty's Government are resorting to the power of requisitioning which is given by the convention (Hague convention No. VI), so that these ships may again be placed in active service.

So our great maritime ally, Great Britain, rather than take over the title to these vessels subject to paying compensation after the war, requisitioned the vessels, which leaves Great Britain and would leave us in this position, that at the conclusion of the war we would have the option to say we have taken the use of your vessels during the war, and all we are responsible for is the value of that use, less the wear and tear, depreciation, and damage that they have sustained. Necessarily, if the Senate should adopt this theory of acquiring the use of these vessels, it would not be necessary to make all these provisions about the ascertainment of liens, the ascertainment of the division of the title, or anything else, because, they being taken as the vessels of an alien enemy, there would be no method of charging, no machinery which was created, and no possible way of adjustment until the conclusion of the war.

Mr. LEWIS. Mr. President, I am impressed with a fact that both the Senators seem to have inadvertently overlooked—the fact of the provisions of the treaty of 1828, which did exist between this country and Germany, and as the eminent Senator from Pennsylvania [Mr. KNOX] did not say, but I am assuming that the Senator's utterances were equivalent to the expression of the view that those provisions of the treaty of 1828 are the same as the treaty of 1798.

But, Mr. President, when the treaty of 1828 was concluded—and I am not aware of any amendment to that particular feature; the eminent Senator from Pennsylvania, with his very long and characteristic and able experience, I am sure will correct me if I am in error—there having been no amendment since that time, we are confronted with the following situation: There is a provision which substantially provides what shall be the course between countries, if they shall become belligerents, as to the seizure of ships which have gone into the ports of belligerent countries previous to the declaration of war.

We entered into an understanding with four countries, one of which was Germany, and if I am not in error we specifically contracted that ships which had arrived at a port in peace before the war had been declared may be seized, may be taken, and that after the cessation of hostilities there could be adjustment made between the countries as to the form of compensation for those ships so appropriated or impressed.

I am inclined to the idea that so long as that treaty is existing, unless it shall be held that the declaration of war has disrupted every treaty and unless it shall be held that the treaty is at an end, the provisions of that obligation are binding upon us, particularly so if we expect that same obligation under the law of nations to be binding upon Germany as to our countrymen and property who are in Berlin and our citizens who are in Germany. I would regard it as a dangerous thing if we should offer an opportunity to Germany to charge us with violating the provisions of a treaty that specifically provided the course of treatment of her property or her people in America while war was on, and that for that she could suggest an excuse for likewise violating the obligations with us as to our property or our people who might be in Germany while the war is on. I therefore call the attention of the able Members of this body to the provision, that we contracted that upon the seizure of just such ships situated just as these are at the close of the hostilities, then and there there should be such adjustment between the countries, based on the provisions of international law and the now existing treaties.

I most respectfully urge upon this honorable body that if we shall pass a law here which shall provide the seizure of these ships through an act of Congress we first by that act practically renounce our privileges as a warring nation. If we are at war, we are at war, and under the privileges of war we have a right to seize ships, not from the act of legislation but by virtue of the authority of being at war. We seize the ships because we reserved the privilege of doing that which warring nations have ever done under similar conditions.

The declaration of the treaty, as the eminent Senator from Pennsylvania and others will no doubt assert, is a mere declaration of international law which has existed for more than 400 years.

Mr. FLETCHER. May I call the Senator's attention to a fact?

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from Florida?

Mr. LEWIS. I yield to the Senator from Florida.

Mr. FLETCHER. There are no provisions in the treaty in conflict with the proposed legislation. The treaty of 1799 expired by limitation. The treaty of 1828 was entered into, and the only provision in the original treaty of 1799 carried into the treaty of 1828 was article 23, which reads as follows:

If war should arise between the two contracting parties, the merchants of either country then residing in the other shall be allowed to remain nine months to collect their debts and settle their affairs, and may depart freely, carrying off all their effects without molestation or hindrance.

That is the only provision in any treaty bearing at all on this question, and it can be plainly seen that it is not applicable to ships at all. It is only applicable to persons who reside in this country, and provides that they may have nine months to collect their debts and settle their affairs and get away.

Mr. LEWIS. While I esteem the interruption of the Senator from Florida in a matter like this, I must differ from the able Senator. The provisions have received construction at The Hague conference, at which it fell to my lot, if you will pardon a personal reference, to be present in 1907. I recall specifically how the matter was initiated. The representative from France opened the discussion with a charge against Great Britain of wrongful conduct concerning certain French vessels in the French possessions of South Africa, which had been the basis, as we recall, of hostilities previously between Great Britain and Africa.

I must say to the able Senator from Florida, knowing his industry in this matter, that he has inadvertently in his great pursuit overlooked the fact that it has been contended and accepted wherever vessels were vessels of companies as these vessels I am sure the able Senator will admit, were to be treated as vessels of merchants and to be treated as private ownership and to that extent can not be treated as Government vessels, but must be treated as private property of the companies of which they were.

Now, I will recall to the able Senator's attention, and this is the point of my observation, if I may take his judgment on this matter, and I will be pleased to have his judgment—I fear if we shall proceed by a legislative act in direct violation of what can be readily considered by the nations—the peaceful intelligent nations of the world—to be at variance with the treaty and its meaning we will authorize the belligerents as to property of ours and people of ours to feel themselves released from the obligation of any treaty and to propose and pass legislation contrary to the treaty—and prescribe that in their courts shall be decided the whole question—without representation of the United States or of her people involved. More than this, as to Germany, we will justify other countries of the world to feel the same way. I think we should be prudent, lest we should set the precedent.

Now, second, I regard it most unwise from my viewpoint that we should provide in a measure that the foreign country to be paid or its people to be paid that these shall go into the Court of Claims of the United States. We have a specific act creating the Court of Claims. We have authorized our citizens to go into that court; and they must go into the court, as the eminent Senator recognizes, to have their claims adjudicated; and then there has to be an act of Congress to satisfy the judgment. We ought not to do such a thing in the case of foreigners or foreign countries.

The method the able Senator from Pennsylvania [Mr. KNOX] suggests appeals much to me. If we are to adopt a method at all, sir, it should be through the diplomatic department or through the Executive department, in so far as compensation is to be provided. We ought not to provide here, sir, that it should be done by forcing these people to come into the Court of Claims, litigate in the United States in a form that is distinctively ours. After the war is over an international tribunal, or some kind of a tribunal that is not distinctively a forum of our own, ought to be created in which some of their people have a right to sit in the judgment—some diplomatic officer or some commissioner. We should not now say that they shall come into our court with our judges, our lawyers, and our advocates—our tribunal. That, sir, does not appeal to me to be in the spirit of the meaning of the treaty, and at the very outset will give, if not cause, atmosphere to the charge of direct unfairness; and, as I see it, in direct violation of all international precedent in matters of this kind.

Thirdly, may I submit to the able chairman——

Mr. HITCHCOCK. Mr. President——

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from Nebraska?

Mr. LEWIS. Gladly.

Mr. HITCHCOCK. Will the Senator yield to me to move an executive session to consider this matter?

Mr. LEWIS. I have only a few more observations to submit, if the Senator will permit me, and then will yield to him. I desire to present one conclusion which will not touch international relations. I realize, of course, what the Senator has in mind.

Mr. HITCHCOCK. Mr. President, I think there is some wisdom in considering this matter in executive session.

Mr. LEWIS. I may say to the Senator that he may have observed—if I may be forgiven for making a personal allusion to myself—that I have been guilty of stammering, of halting, and of hesitancy this morning—naturally a little different from my usual custom—for, having suffered from a curse of flow of speech for which I have always had to pay the penalty, this hesitancy in phrasing on my part was to avoid words and expressions that would have entered into the field the Senator in his discretion is now seeking to avoid. I agree with him that it should be avoided. I can be depended upon to not lose sight of the situation.

I now wish to ask—and to this I invite the attention of Senators—third, is it wise that we should provide in a measure, if we pass any at all, remitting these people to our courts solely and wholly, refusing any audience——

Mr. WALSH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from Montana?

Mr. LEWIS. Certainly.

Mr. WALSH. I inquire of the Senator from Illinois whether he does not agree that the further discussion of this subject would be most appropriately had in executive session?

Mr. HITCHCOCK. Mr. President——

Mr. LEWIS. If Senators feel that the subject matter should be discussed in executive session, Mr. President, it having been initiated here in the legislative session and necessarily brought up for dicussion, I would readily yield to the wisdom of the Senate on that subject, of course.

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from Nebraska for the purpose of moving an executive session?

Mr. SMITH of Georgia. He is compelled to yield, under the rules, at any time.

Mr. LODGE. Mr. President——

The PRESIDING OFFICER. One at a time.

Mr. LODGE. I rise to a question of order.

The PRESIDING OFFICER. The Chair is now asking whether the Senator from Illinois will yield to the Senator from Nebraska for the purpose of moving an executive session?

Mr. SMITH of Georgia. I rise to a point of order.

Mr. LODGE. It is on that question that I rose to a point of order.

Mr. SMITH of Georgia. That is what I rose for.

The PRESIDING OFFICER. The Senator will be recognized in due course, but the Senate will do no business until Senators are properly recognized. The Chair has put an inquiry to the Senator from Illinois, which he has not answered. The Senator from Massachusetts has now addressed the Chair. For what purpose does the Senator address the Chair?

Mr. LODGE. I rise to a question of order.

The PRESIDING OFFICER. The Senator from Massachusetts will state his question of order.

Mr. LODGE. The question of order is that a Senator moving that this subject be discussed behind closed doors does not have to ask the Senator holding the floor to yield. That is the question of order. A Senator can make such a motion at any time, and if the motion is seconded the Senate must proceed behind closed doors and decide whether they will discuss the question secretly or in the open.

Mr. LEWIS. I had yielded to the Senator from Nebraska; so that there is no need of raising points of order or to make an issue upon it.

The PRESIDING OFFICER. What is said by the Senator from Massachusetts is perfectly true, as is known to the Senate; but the motion is to proceed to the consideration of executive business, not to close the doors. Therefore the point of order is overruled. The Chair now reiterates its inquiry to the Senator from Illinois and asks him if the yields for that purpose?

Mr. LEWIS. I gladly yield to the Senator that he may submit the matter to the wisdom of the Senate as to whether we will go into executive session.

Mr. HITCHCOCK. I move now that the Senate proceed to the consideration of executive business.

The PRESIDING OFFICER. The Senator from Nebraska moves that the Senate proceed to the consideration of executive business.

Mr. SMITH of Georgia. A motion is not required under the rule.

The PRESIDING OFFICER. The Senator from Georgia will kindly address the Chair before he proceeds.

Mr. SMITH of Georgia. I thought I said "Mr. President."

The PRESIDING OFFICER. But the Senator from Georgia was not recognized. The Senator from Georgia is now recognized.

Mr. SMITH of Georgia. Mr. President, on motion by one Senator, seconded by another, the Senate goes into executive session as a matter of course. I second the motion.

The PRESIDING OFFICER. The point of order is overruled. The Senator from Nebraska moves that the Senate of the United States now proceed to the consideration of executive business. All in favor of that motion will say "aye."

Mr. LODGE. I second the motion. In those circumstances the Senate has to proceed behind closed doors. The motion does not have to be put.

The PRESIDING OFFICER. It is being put.

Mr. LODGE. If one Senator raises the point and another seconds it, the Senate goes behind closed doors, and no vote can prevent it under the rules of the Senate.

The PRESIDING OFFICER. The difficulty is that the motion is to proceed to the consideration of executive business, not to close the doors.

Mr. POMERENE. I think the question must be put in executive session, as I remember the rule.

The PRESIDING OFFICER. It is very evident the Senate desires to go into executive session, and they will be there in a moment. All in favor of the motion of the Senator from Nebraska will say "aye." [A pause.] Contrary minded, "no." [A pause.] The "ayes" have it, and the Senate will proceed to the consideration of executive business. The Sergeant at Arms will clear the galleries and close the doors.

The Senate thereupon proceeded to deliberate with closed doors.

While the doors were closed,

Mr. BRANDEGEE. Mr. President, I ask that all amendments which have been offered to the joint resolution on which a roll call was ordered and taken be printed in the RECORD.

The PRESIDING OFFICER (Mr. SWANSON in the chair). Without objection, the request of the Senator from Connecticut will be complied with.

Mr. SMITH of Georgia. I desire to amend the joint resolution by striking out, on page 3, at the beginning of line 3, the words "hereinafter authorized," and to strike out all of section 3, all of section 4, and all of section 5 of the joint resolution as reported from the committee.

Mr. STONE. I ask for a division on the question.

The PRESIDING OFFICER. The question is on agreeing to the first amendment suggested by the Senator from Georgia, namely, to strike out the words "hereinafter authorized" at the beginning of line 3, on page 3.

The amendment was agreed to.

The PRESIDING OFFICER. The question now is on the second amendment suggested by the Senator from Georgia, to strike out all of section 3, which will be stated by the Secretary.

The SECRETARY. It is proposed to strike out section 3, in the following words:

SEC. 3. That any person or corporation may institute a suit against the United States of America in the Court of Claims thereof for the recovery of the damages which he may sustain through the exercise of the power herein conferred upon the President. Such damages shall be limited to just compensation for the interest or right of which claimant is deprived by reason of such taking. In ascertaining such compensation there shall be excluded any value added to the vessel by reason of work done or improvements placed thereon by the United States. In order to recover a judgment the claimant must prove that he was the owner at the time of taking of the interest or right for whose taking he seeks compensation; and that no nation with which the United States may be at war at the time of such taking, or at the time of rendition of judgment, nor any corporation, subject, or citizen of such nation, has any interest, direct or indirect, in such claim, or in the judgment which may be rendered thereon; and that claimant acquired in good faith and for substantial consideration the right or interest, for whose taking he seeks compensation, prior to the commencement of war with the nation whose citizen or subject owned, in whole or in part, the vessel taken, or under the register or flag of which such vessel was at the time of entry into the jurisdiction of the United States; if claimant be a corporation it must also prove that the majority of its stock is not owned by subjects or citizens of a nation with which the United States may be at war, and was not so owned at the beginning of such war. If the required facts be established, the court shall have power to render judgment for the amount due claimant subject to the right of appeal to the Supreme Court of the United States; but if such facts be not established the court shall render no judgment and shall make a report to Congress stating its findings of fact

Mr. CULBERSON. On that I ask for the yeas and nays.

The yeas and nays were ordered; and having been taken, the result was announced—yeas 64, nays 10, as follows:

YEAS—64.

Bankhead	Hale	La Follette	Smith, Ariz.
Beckham	Harding	Lewis	Smith, Ga.
Borah	Hardwick	Lodge	Smith, Md.
Brady	Hitchcock	McCumber	Smith, S. C.
Brandegee	Husting	McKellar	Smoot
Calder	James	Martin	Sterling
Chamberlain	Johnson, Cal.	Nelson	Stone
Colt	Johnson, S. Dak.	New	Sutherland
Cummins	Jones, N. Mex.	Norris	Swanson
Curtis	Jones, Wash.	Overman	Townsend
Dillingham	Kellogg	Page	Trammell
Fall	Kendrick	Pittman	Underwood
France	Kenyon	Robinson	Vardaman
Frelinghuysen	King	Sherman	Wadsworth
Gerry	Kirby	Shields	Walsh
Gronna	Knox	Simmons	Warren

NAYS—10.

Culberson	Poindexter	Sheppard	Williams
Fletcher	Pomerene	Thomas	
Hollis	Shafroth	Thompson	

The following pairs were announced:

Mr. GOFF with Mr. TILLMAN.

Mr. MCLEAN with Mr. MYERS.

Mr. NEWLANDS with Mr. PENROSE.

Mr. RANSDELL with Mr. WEEKS.

Mr. SMITH of Michigan with Mr. REED.

Mr. WATSON with Mr. WOLCOTT.

So the amendment was agreed to.

The PRESIDING OFFICER. The question now is on the next amendment, suggested by the Senator from Georgia, to strike out all of sections 4 and 5, which will be stated by the Secretary.

The SECRETARY. It is proposed to strike out section 4 and section 5, in the following words:

SEC. 4. The Court of Claims is hereby authorized to make all needful rules and regulations, not contravening the laws of the land or terms of this act, for executing the provisions hereof.

SEC. 5. All claims upon which suit may not be instituted prior to the expiration of one year from the date of exchange of ratifications of a treaty of peace with the Imperial German Government shall be forever barred.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. WALSH. I offer the following amendment to come in as a new section to be known as section 3.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. Add as a new section the following:

SEC. 3. That any vessel so seized shall be condemned in any district court of the United States for the district in which the same may be or in any court created by or under the authority of the United States having admiralty jurisdiction over the place at which such vessel may be seized, or into which it may be taken, pending which proceedings for condemnation it may be requisitioned by the United States under order of the court for such use or disposition as is provided for in section 1 of this act.

No bounty, prize money, bonus, or other gratuity or reward shall be due or be paid to any person on account of the taking or seizure of any of the ships mentioned in section 1 of this act.

Mr. CULBERSON. On that I ask for the yeas and nays.

The yeas and nays were ordered; and having been taken, the result was announced—yeas 3, nays 66, as follows:

YEAS—3.

King	Thomas	Walsh

NAYS—66.

Beckham	Gronna	Lewis	Simmons
Borah	Hale	Lodge	Smith, Ariz.
Brady	Harding	McCumber	Smith, Ga.
Brandegee	Hardwick	McKellar	Smith, Md.
Calder	Hitchcock	Martin	Smith, S. C.
Chamberlain	Hollis	Nelson	Sterling
Colt	Husting	New	Sutherland
Culberson	James	Norris	Swanson
Cummins	Johnson, Cal.	Overman	Thompson
Curtis	Jones, N. Mex.	Pittman	Townsend
Dillingham	Jones, Wash.	Poindexter	Trammell
Fall	Kellogg	Pomerene	Underwood
Fernald	Kendrick	Robinson	Wadsworth
Fletcher	Kenyon	Shafroth	Warren
France	Kirby	Sheppard	Williams
Frelinghuysen	Knox	Sherman	
Gerry	La Follette	Shields	

The following pairs were announced:

Mr. GOFF with Mr. TILLMAN.

Mr. MCLEAN with Mr. MYERS.

Mr. NEWLANDS with Mr. PENROSE.

Mr. RANSDELL with Mr. WEEKS.

Mr. SMITH of Michigan with Mr. REED.

Mr. WATSON with Mr. WOLCOTT.

Mr. VARDAMAN with Mr. GALLINGER.

So Mr. WALSH's amendment was rejected.

Mr. KNOX. I move as a substitute to insert the following:

The Secretary read as follows:

Whereas the activities of the Imperial German Government, in its efforts to destroy the commercial vessels of the United States, its allies, and the vessels of neutral powers, creates an immediate emergency and an extreme necessity to at once replenish in a practical way the loss of ships thus sustained: Therefore be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be, and he is hereby, requested to at once requisition all vessels of alien enemies of the United States in the ports and waters of the United States, or elsewhere found, and to use the same in the prosecution of the war against the Imperial German Government in such trade or manner as will, in his judgment, best subserve the interests of the United States and its allies.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Pennsylvania.

Mr. KNOX. On that I demand the yeas and nays.

The yeas and nays were ordered; and having been taken, resulted—yeas 28, nays 43, as follows:

YEAS—28.

Bankhead	Dillingham	Johnson, Cal.	Smoot
Borah	Fall	Kendrick	Sutherland
Brady	Fernald	Kenyon	Townsend
Brandegee	France	Knox	Underwood
Colt	Frelinghuysen	Lodge	Wadsworth
Cummins	Hale	McCumber	Warren
Curtis	Harding	New	Williams

NAYS—43.

Beckham	Jones, N. Mex.	Overman	Smith, Ga.
Chamberlain	Jones, Wash.	Pittman	Smith, Md.
Culberson	Kellogg	Poindexter	Smith, S. C.
Fletcher	King	Pomerene	Sterling
Gerry	Kirby	Robinson	Stone
Gronna	La Follette	Shafroth	Swanson
Hardwick	Lewis	Sheppard	Thomas
Hitchcock	McKellar	Sherman	Thompson
Hollis	Martin	Shields	Trammell
Husting	Nelson	Simmons	Walsh
James	Norris	Smith, Ariz.	

The following pairs were announced:

Mr. CALDER with Mr. HUGHES.

Mr. GOFF with Mr. TILLMAN.

Mr. MCLEAN with Mr. MYERS.

Mr. NEWLANDS with Mr. PENROSE.

Mr. RANSDELL with Mr. WEEKS.

Mr. SMITH of Michigan with Mr. REED.

Mr. WATSON with Mr. WOLCOTT.

Mr. VARDAMAN with Mr. GALLINGER.

So Mr. KNOX's amendment was rejected.

The joint resolution was reported to the Senate as amended and the amendments were concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A joint resolution authorizing the President to take over for the United States the possession and title of any vessel within its jurisdiction which at the time of coming therein was owned in whole or in part by any corporation, citizen, or subject of any nation with which the United States may be at war, or was under register of any such nation, and for other purposes."

After five hours spent in legislative business and executive session the doors were reopened.

RECESS.

Mr. CHAMBERLAIN. I move that the Senate take a recess until to-morrow morning at 11 o'clock.

The motion was agreed to; and (at 6 o'clock and 25 minutes p. m.) the Senate took a recess until to-morrow, Tuesday, May 1, 1917, at 11 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate April 30, 1917.

BUREAU OF FOREIGN AND DOMESTIC COMMERCE.

Burwell S. Cutler, of New York, to be First Assistant Chief of the Bureau of Foreign and Domestic Commerce, in the Department of Commerce, vice Edward A. Brand, resigned.

APPOINTMENTS IN THE ARMY.

CORPS OF ENGINEERS.

To be second lieutenants with rank from April 20, 1917.

Cadet Harris Jones.
Cadet Francis Lorenz Palmer.
Cadet William Francis Heavey.
Cadet Harold Roger Richards.
Cadet John Jefferson Flowers Steiner.
Cadet Daniel Noce.
Cadet Willis Edward Teale.
Cadet Clark Kittrell.
Cadet Samuel Rairigh Irwin.
Cadet Henry Hutchings, jr.

CAVALRY ARM.

To be second lieutenants with rank from April 20, 1917.

Cadet Ray Harrison.
Cadet William Foster Daugherty.
Cadet John Tupper Cole.
Cadet Stephen Huntting Sherrill.
Cadet Charles Hunter Gerhardt.
Cadet Walter Herman Schulze.
Cadet Herbert Charles Holdridge.
Cadet Albert Cowper Smith.
Cadet Nicholas Winn Lisle.
Cadet Percy Gamble Black.
Cadet Albert Charles Stanford.
Cadet Laurence Bascum Meacham.
Cadet Louis Le Roy Martin.
Cadet William Kelly Harrison, jr.
Cadet Josiah Purman Morford.
Cadet Ernest Nason Harmon.
Cadet Joseph Scranton Tate.
Cadet Arthur McKinley Harper.
Cadet John Wesley Confer, jr.
Cadet Herbert Norman Schwarzkopf.
Cadet Robert Newton Kunz.
Cadet Charles Solomon Kilburn.
Cadet Charles Radcliffe Johnson, jr.
Cadet Bertrand Morrow.
Cadet Coulter Bates Compton.

FIELD ARTILLERY ARM.

To be second lieutenants with rank from April 20, 1917.

Cadet Robert Marks Bathurst.
Cadet William Harrison Saunders.
Cadet Charles Everett Hurdis.
Cadet Henry John Schroeder.
Cadet James Kivas Tully.
Cadet John Matthew Devine.
Cadet Harold Albert Nisley.
Cadet Fenton Harrison McGlachlin.
Cadet James Louis Guion.
Cadet George Douglas Wahl.
Cadet Basil Harrison Perry.
Cadet Ray Hartwell Lewis.
Cadet Solomon Foote Clark.
Cadet Augustus Milton Gurney.
Cadet Oliver Byron Cardwell.
Cadet William Ormond Butler.
Cadet Rex Webb Beasley.

COAST ARTILLERY CORPS.

To be second lieutenants with rank from April 20, 1917.

Cadet Harold Rufus Jackson.
Cadet Morris Keene Barroll, jr.
Cadet Walter Wilton Warner.
Cadet Walter Francis Vander Hyden.
Cadet Ira Adam Crump.
Cadet Elbert Louis Ford, jr.
Cadet Samuel Hinkston Bradbury, jr.
Cadet James Lord Hayden.
Cadet Scott Brewer Ritchie.
Cadet George Sampson Beurket.
Cadet Burnett Ralph Olmsted.
Cadet Joel Grant Holmes.
Cadet James Arthur Code, jr.
Cadet William Sackville.
Cadet Leroy Henry Lohmann.
Cadet Christian Gingrich Foltz.
Cadet Aaron Bradshaw, jr.
Cadet William Warwick Cowgill.
Cadet Harry Russell Pierce.
Cadet Lawrence Collamore Mitchell.
Cadet Alexander Hunkins Campbell.
Cadet Marvil Groves Armstrong.
Cadet John Richard Nygaard.

INFANTRY ARM.

To be second lieutenants with rank from April 20, 1917.

Cadet Francis Eugene Dougherty.
Cadet Lyman Lewis Parks.
Cadet John Trott Murray.
Cadet Warfield Monroe Lewis.
Cadet Joseph Lawton Collins.
Cadet James Oscar Green, jr.
Cadet Daves Rossell.
Cadet Harold McClave White.
Cadet Lincoln Ferris Daniels.

Cadet Frederick Augustus Irving.
Cadet Matthew Bunker Ridgway.
Cadet Richard Mars Wightman.
Cadet Charles Walter Yuill.
Cadet William Willis Eagles.
Cadet Francis Anthony Markoe.
Cadet John James McEwan.
Cadet John Allen Stewart.
Cadet George Wilbur Sackett.
Cadet Francis Graves Bonham.
Cadet Norman Daniel Cota.
Cadet Robert Bundy Ransom.
Cadet Carleton Coulter, jr.
Cadet James Henly Frier, jr.
Cadet Leo James Erler.
Cadet Robert Denis Newton.
Cadet Willis Richardson Slaughter.
Cadet George Hatton Weems.
Cadet Roy Lindsay Bowlin.
Cadet William Claude McMahon.
Cadet Francis Michael Brennan.
Cadet Milton Baldridge Halsey.
Cadet Charles Love Mullins, jr.
Cadet Thomas Simons Sinkler, jr.
Cadet George Francis Wooley, jr.
Cadet Sterling Alexander Wood, jr.
Cadet William Francis Redfield.
Cadet Mark Wayne Clark.
Cadet Stewart Whiting Hoover.
Cadet David Sheridan Rumbough.
Cadet Francis John Heraty.
Cadet Donovan Swanton.
Cadet Francis Atherton Macon, jr.
Cadet Laurence Bolton Keiser.
Cadet Homer Caffee Brown.
Cadet Clare Hibbs Armstrong.
Cadet Harris Marcy Melasky.
Cadet Sidney Hooper Young.
Cadet John Clement Whitcomb.
Cadet Wallace James Redner.
Cadet Charles David Lewis.
Cadet Edward William Leonard.
Cadet Paul Hancock Brown.
Cadet William Stuart Eley.
Cadet Paul Winters York.
Cadet Ferdinand Gustav von Kummer, jr.
Cadet Joseph Pescia Sullivan.
Cadet Henry Henley Chapman.
Cadet Asa Parmele Pope.
Cadet Edwin Howard Clark.
Cadet Lewis Perrine.
Cadet Clarke Kent Fales.
Cadet John Addison Weishampel.
Cadet Malcolm Boord Helm.

VETERINARY CORPS.

To be assistant veterinarians from June 3, 1916.

Veterinarian Edward P. O'Connell, Quartermaster Corps.
Veterinarian Thomas H. Jones, Quartermaster Corps.

PROVISIONAL APPOINTMENTS, BY PROMOTION, IN THE ARMY.

COAST ARTILLERY CORPS.

To be first lieutenants with rank from March 19, 1917.

Second Lieut. Ira B. Hill, Coast Artillery Corps.
Second Lieut. Berthold Vogel, Coast Artillery Corps.
Second Lieut. Odes T. Pogue, Coast Artillery Corps.
Second Lieut. William Chason, Coast Artillery Corps.

To be first lieutenants with rank from March 22, 1917.

Second Lieut. Evan C. Seaman, Coast Artillery Corps.
Second Lieut. Clarence E. Cotter, Coast Artillery Corps.
Second Lieut. Gordon B. Welch, Coast Artillery Corps.

The officers named herein were nominated to the Senate for promotion on April 19, 1917, with rank from November 30, 1916. This is submitted for the purpose of correcting an error in the date of rank of each of the nominees.

PROMOTION IN THE ARMY.

PORTO RICO REGIMENT OF INFANTRY.

First Lieut. Leopoldo Mercader, Porto Rico Regiment of Infantry, to be captain from January 17, 1917, vice Capt. William H. Armstrong, dismissed January 16, 1917.

HOUSE OF REPRESENTATIVES.

MONDAY, *April 30, 1917.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father in heaven, with great reluctance we have been forced into the great war, not only in defense of our cherished rights, but in defense of the rights of humanity. Grant that we may be firmly united as a people. Give us the courage of our convictions, the wisdom to guide them, the strength to uphold them, and the fortitude to meet every sacrifice with heroism and patriotic zeal; that out of the great struggle may come a victory which shall make the world a saner, purer, better place to live in; that the terrible scourge of war may pass from human existence; that right may be supreme, and love have its sway in every heart, and Thy will be done. In Thy Holy Name, amen.

The Journal of the proceedings of Saturday was read and approved.

EXTENSION OF REMARKS.

Mr. LANGLEY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a letter from the farmers' national committee on war finance.

The SPEAKER. The gentleman from Kentucky asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. CRAMTON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

AMENDMENTS TO FEDERAL RESERVE ACT.

Mr. KITCHIN. Mr. Speaker, I ask unanimous consent to take up the bill (H. R. 3673) making amendments to the Federal reserve act, with the understanding that if it is not finished today at 2.30 o'clock the committee will rise.

Mr. MANN. What is the request?

The SPEAKER. To take up the bill making amendments to the Federal reserve act, with the understanding that if not finished the committee will rise at half past 2. Is there anything in it that makes it necessary to consider it in Committee of the Whole?

Mr. KITCHIN. Yes; it is on the Union Calendar.

The SPEAKER. The gentleman from North Carolina asks unanimous consent to take up the bill (H. R. 3673) making amendments to the Federal reserve act, with the understanding that if it is not finished at half past 2 the committee will rise and the bill be withdrawn temporarily. Is there objection?

Mr. MANN. Reserving the right to object, I take it that the purpose of the request is to permit consideration of this bill, with the intention that after 2.30 the House will proceed with the call of committees, with the expectation of taking up the so-called espionage bill.

Mr. KITCHIN. That is the intention.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina? [After a pause.] The Chair hears none. The House automatically resolves itself into Committee of the Whole House on the state of the Union, and the gentleman from Texas, Mr. GARNER, will take the chair.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. GARNER in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the consideration of the bill of which the Clerk will read the title.

The Clerk read as follows:

A bill (H. R. 3673) to amend the act approved December 23, 1913, known as the Federal reserve act, as amended by the acts of August 4, 1914, August 15, 1914, March 3, 1915, and September 7, 1916.

Mr. GLASS. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent to dispense with the first reading of the bill. Is there objection?

There was no objection.

Mr. GLASS. Mr. Chairman, this bill was reported from the Banking and Currency Committee of the House in the last Congress with only one dissenting vote, and it is now unanimously reported from the same committee of the Sixty-fifth Congress. It embraces several amendments to the Federal reserve act, some of minor importance, while two of them are of very great

importance. The bill is of such importance that the Treasury Department has formally notified the committee that these amendments are essential as emergency measures to better solidify the banking community of the country and to facilitate rediscounts. I shall endeavor briefly to give you a clear explanation of the provisions of the bill.

The most important amendment relates to the reserve section of the existing act. Under existing law the Congress provided that the reserves of the member banks of the Federal Reserve System should be shifted in three years. The date appointed will expire on the 17th of next November. Until that time member banks of the system are permitted to count as reserve their balances with correspondent banks of reserve and central reserve cities. It is thought by the Federal Reserve Board and by the advisory council of bankers and by most of the expert bankers who were called into consultation that this requirement could more satisfactorily be effected at once rather than in November; that the banks are in better condition now, with a greater plethora of funds than they ever have had, to make the shift and comply with this provision of the law.

So that in this amendment we provide that the requirement indicated shall become immediately effective. The amendment further changes the reserve requirements. Under existing law country banks are required to carry a reserve of 12 per cent—5 per cent with the Federal reserve bank of their respective districts, 4 per cent in their own vaults, and 3 per cent optional, either in their own vaults or with Federal reserve banks. We provide that the fixed reserve of country banks shall be 7 per cent rather than 12 per cent, all to be carried with the Federal reserve banks.

That makes a reduction in the reserve requirements of the country banks which is very much more apparent than real, because the bank is compelled to carry what is called "till money," which varies in different localities and in different banks. Therefore, we leave it entirely to the discretion of the various member banks to carry such "till money" as their own experience and the requirements of their peculiar locality would seem to suggest. We make a slight alteration in the reserve requirements in the central reserve cities, which we reduced from 18 to 15 per cent, leaving to the discretion of these banks also the amount of their "till money" to meet their current daily business needs.

Mr. MADDEN. Mr. Chairman, will the gentleman yield?

Mr. GLASS. Yes.

Mr. MADDEN. If it is not inconvenient for the gentleman at this time, I wish he would explain the effect of the change in the reserve requirements; what advantages are to be gained by the change.

Mr. GLASS. The real purpose of that alteration in the reserves is to bring into Federal reserve banks an additional amount of gold, first estimated at about $350,000,000. I think, upon the basis of reserve balances at this time, the proposed change would give the Federal reserve banks an additional gold supply of about $400,000,000, without appreciably disturbing the reserve requirements of the member banks. In brief, that would mean that the Federal reserve banking system would be enabled to rediscount about $1,000,000,000 more of commercial paper than they could rediscount under the law as it exists to-day.

Mr. MADDEN. That would come about by compelling the country banks to carry all of their reserves with the Federal reserve banks.

Mr. GLASS. Yes; rather than a part of it in their own vaults and part of it optional, either in their own vaults or with the Federal reserve banks; but the real purpose is to give this additional loaning power to the Federal reserve banks, the assumption being that with the flotation of this enormous bond issue for war purposes the funds of the member banks—and, for that matter, of nonmember banks—may be severely drawn on and that necessarily there will be a vast deal more of rediscounting than has prevailed since the Federal reserve system first went into effect.

Mr. MADDEN. If the Federal reserve banks have $400,000,000 additional gold on account of this change in the reserve requirements, how much additional rediscounting power would that give to the Federal reserve banks?

Mr. GLASS. About $1,000,000,000—2½ to 1.

Mr. STEPHENS of Nebraska. That is in addition to what they have now?

Mr. GLASS. Yes.

Mr. STEPHENS of Nebraska. Which is approximately how much?

Mr. GLASS. Which is approximately a billion and a half.

Mr. STEPHENS of Nebraska. That would make a total of about $3,000,000,000?

Mr. GLASS. Approximately, but not quite that much.

Mr. FESS. Mr. Chairman, will the gentleman yield?

Mr. GLASS. Yes.

Mr. FESS. What effect, if any, would it have upon the member banks to hold their reserves in the Federal reserve banks rather than in their own vaults?

Mr. GLASS. It does not affect the member banks in any degree whatsoever, in a broad general sense. Of course it may affect one bank in a rather different way than another bank. A bank, for example, in an active industrial community, which needs funds for pay rolls, may find it necessary to carry a little larger amount of "till money" than a bank in a community not so active industrially and which has not such great pay rolls to meet. But there is no difference in the world, so far as actual reserve is concerned, between carrying it in the Federal reserve bank and keeping it in the local banks.

Mr. HARDY. Will the gentleman yield for a question?

Mr. GLASS. Yes.

Mr. HARDY. I think the gentleman from Nebraska [Mr. STEPHENS] asked the same question, but I did not understand it. I understand the gentleman to say that this change will give a billion dollars of discounting capacity in addition to the present?

Mr. GLASS. Yes.

Mr. HARDY. What I want to know is what is the present discount capacity of the Federal reserve banks?

Mr. GLASS. When I last sought information upon that matter I was told that the present rediscounting capabilities of the Federal Reserve System amounted to a little less than a billion and a half dollars.

Mr. HARDY. So that the total will be, under this amendment, two and a half billion dollars?

Mr. GLASS. Practically that.

Mr. HILL. Will the gentleman yield?

Mr. GLASS. Yes.

Mr. HILL. How does this increase the discounting privilege of all the banks? Is it not simply a transfer of discounting privilege from local banks to Federal reserve banks, taking it away from the local institutions and centering it in the Federal reserve banks?

Mr. GLASS. I do not think it is taking it away from the local institutions.

Mr. HILL. It takes away 2 per cent of their reserves.

Mr. GLASS. Under existing law the local institutions may keep 8 per cent with the Federal reserve banks.

Mr. HILL. I understand that; but let me ask the gentleman this question: As a matter of fact, they are required now under the law to keep 5 per cent?

Mr. GLASS. Yes.

Mr. HILL. Or will be next November?

Mr. GLASS. Yes.

Mr. HILL. And this requires them to keep 7?

Mr. GLASS. Yes.

Mr. HILL. Does not this proposition take from the local institutions 2 per cent of their reserves and compel them to put that in the hands of the Federal reserve banks for them to use?

Mr. GLASS. Yes.

Mr. HILL. Then they lose just so much money, do they not? They have not increased the discounting privilege one penny. They have simply transferred it from the local banks to the Federal reserve banks.

Mr. GLASS. It is very desirable that that shall be done.

Mr. HILL. Very desirable for the Federal reserve banks, but very unfortunate for the banks throughout the country.

Mr. GLASS. Do not the banks throughout the country own the Federal reserve banks?

Mr. HILL. I admit that; but it adds an entirely unnecessary expense.

Mr. MADDEN. The advantage to be gained by the transfer of the reserves to the Federal reserve banks instead of carrying them in the member banks is that it mobilizes——

Mr. GLASS. Mobilizes the gold of the country.

Mr. MADDEN (continuing). Mobilizes it so as to enable it to be loaned in large quantities instead of being divided up into small items if left to the other banks.

Mr. GLASS. That is true.

Mr. HILL. How does it mobilize the gold of the country? The local banks must keep just as much money as they kept before.

Mr. GLASS. Not necessarily.

Mr. HILL. Yes.

Mr. GLASS. It depends entirely upon how much "free money" the local bank requires for its current uses.

Mr. HILL. I do not know anything about the requirements in Texas or the West, but I know through the Atlantic States

and manufacturing States the banks have got to keep just as much money in their vaults as they kept before the Federal Reserve System was enacted.

Mr. GLASS. The gentleman knows very well, because he is thoroughly familiar with this subject, that it is very desirable in this emergency to have as large an amount of the gold in this country controlled by the Federal reserve banks as it is possible to get.

Mr. HILL. I would like to ask the gentleman this: Does the gentleman assume for a moment that it is not necessary that the bank should keep legal tender in its vaults?

Mr. GLASS. No; I do not think so.

Mr. HILL. Where is it going to get it if it transfers it all to the Federal Reserve System?

Mr. GLASS. Not all, by any manner of means.

Mr. HILL. I understand the entire reserves of these banks are to be transferred to the Federal reserve banks.

Mr. GLASS. The gentleman does not observe that the reserves have been materially reduced to meet that very alteration.

Mr. HILL. I understand the entire amount that is left is transferred to the Federal Reserve System compulsorily.

Mr. GLASS. That is true.

Mr. HILL. So if this bill is carried out and a man complied strictly with the law he would not have a dollar in his vaults.

Mr. GLASS. Yes; he will.

Mr. HILL. Not if he complies strictly with the law. It is business sense and tact that compels him to keep money in his vaults under the terms of this law.

Mr. GLASS. Precisely.

Mr. HILL. The law requires every bank reserve to be hereafter deposited in the Federal reserve banks, every cent of it.

Mr. PLATT. It requires that legal reserves shall be kept in the Federal reserve banks only. That does not mean all the reserve money.

Mr. HILL. It says the reserves shall be kept——

Mr. PLATT. That does not mean all reserve money in circulation.

Mr. HILL. Of course not; I am no fool.

Mr. GLASS. It leaves to the discretion of the member banks what is absolutely and entirely left to the discretion of individual banks in European countries.

Mr. PLATT. Is it not a fact that the banks are not opposing this provision?

Mr. GLASS. Why, they are advocating it.

Mr. PLATT. As a rule?

Mr. GLASS. The bankers of Connecticut are advocating it.

Mr. STEPHENS of Nebraska. Is it not to the advantage of the rural banks, of which the gentleman from Connecticut speaks, to have this 5 per cent reduction in their reserves that now they are legally compelled to keep——

Mr. GLASS. It is not in reality a 5 per cent reduction, when they are obliged in their discretion to keep a certain amount of till money to meet temporary exigencies, but it is a material reduction.

Mr. STEPHENS of Nebraska. And will they not get increased loans as a result of it?

Mr. GLASS. Gentlemen, I would like to proceed with a general explanation of the bill and answer questions when I shall have concluded.

Mr. LITTLE. Will the gentleman answer one question for information? Will not this cripple the operations of the local banks, and if not, why not?

Mr. GLASS. I did not catch the gentleman's question.

Mr. LITTLE. Will not this cripple the operations of the local banks, and if not, why not?

Mr. GLASS. No; it will not.

Mr. LITTLE. That is no answer; why will it not do so?

Mr. GLASS. It will not simply because we leave to the discretion of the local banks to keep on hand just as much "till money" as their current business daily requires.

Mr. LITTLE. The gentleman means——

Mr. GLASS. It will not cripple the operations of the member banks, but it affords to the Federal reserve banks a larger rediscount facility, and the larger the rediscount facilities of the Federal banks the better the member banks may be served.

Mr. SMITH of Michigan. Will the gentleman yield for a short question?

Mr. GLASS. I will, but I would like to make a statement of some continuity.

Mr. SMITH of Michigan. The gentleman stated it was favored by the local banks member banks. Can the gentleman very briefly state how it will benefit the member banks or the local banks to send part of their money, upon which they do not get interest or of which they do not have the till uses, as the gentleman suggests?

Mr. GLASS. As a matter of fact, on the 17th of November of this year they will not get any interest on any reserve. Should they continue to keep it in their own vaults they will not get any interest on it.

Mr. SMITH of Michigan. Is it not largely the complaint of the member banks that they are required by law, if they are members, to send a part of their reserve to the regional bank, on which they get no interest?

Mr. GLASS. There has been some very slight complaint from certain quarters, but the banks that make that complaint have a very narrow vision. They lose sight entirely of the tremendous advantage they derive from being able, by right and not by preference, and unhampered by prejudice, to resort to this Federal reserve banking system as a great reservoir for rediscount in time of distress.

Mr. ROSE. Will the gentleman yield for just one question?

Mr. GLASS. I will.

Mr. ROSE. I would like to know whether this proposition has the approval of national banks located in manufacturing communities. For instance, in the nineteenth district of Pennsylvania the cities of Johnstown and Altoona are manufacturing cities, and the national banks there are used for the purpose of furnishing the pay roll every day and throughout the month, and I would like to know whether it has the approval of banks of that description. And have they been consulted by any member of this committee?

Mr. GLASS. I can only answer the gentleman by saying that the Federal Reserve Board made diligent inquiry before drafting this amendment to the act and brought into consultation the advisory council of the Federal Reserve Board, which, as the gentleman must know, is composed entirely of the selected representatives of the national banks of the United States. This advisory council agreed, after investigation and consultation with the banks, that this was a proper and desirable thing to do. I will state further to the gentleman who makes the inquiry that this amendment was available to all of the member banks of the country; that it was before the Banking and Currency Committees of both Houses of Congress for, I would say, six weeks; and that I have had not a single protest against it, as I recall, from any bank.

Mr. ROSE. The gentleman will recall that at the time of the passage of this act the bankers of the country were permitted to appear before the committees of the Senate and the House, and that they were made familiar with the terms of the bill. Now, has anything of that nature been done with reference to the amendment of the law as it now exists? Have the bankers had the opportunity to appear before this committee at any time in relation to the amendments that are now offered? I want to say this is the first opportunity I have had to examine any provision of this bill, and it comes to us at this time without giving us an opportunity to consult at all with the people who are vitally interested throughout the various districts of the country.

Mr. GLASS. I have just said to the gentleman that the provisions of this bill were available to all the banks in the Federal Reserve System. They have been published in every financial journal of repute in the United States, have been discussed before the committees of Congress for at least six weeks, were thoroughly debated in the committee, and my experience as chairman of the Committee on Banking and Currency of the House of Representatives for nearly six years enables me to say that there has never been an occasion in which any measure has been before that committee in which the bankers were vitally or even incidentally interested or affected that, if they wanted a hearing, they did not very promptly and very emphatically request one. In this case they did not request any hearing; hence there were no hearings upon the bill.

Mr. ROSE. Am I to understand, then, that the banks throughout the United States will be required now to deposit more funds in the Federal Reserve?

Mr. GLASS. Somewhat more.

Mr. ROSE. I would like to say this, that, take for example, the First National Bank of Johnstown, where the Midvale Steel Co. employs about 20,000 men. That bank furnishes money for the pay roll throughout the month, and is required to keep in its vaults now almost half a million dollars all the time, in order to meet enormous pay rolls.

Mr. GLASS. Does not the gentleman know that it has to hold its reserve? It can not be paid out except under penalty.

Mr. ROSE. Undoubtedly, like every other bank.

Mr. GLASS. We transform that reserve—the funds now required to be kept as reserve—into "till money"——

Mr. ROSE. It is there, when an emergency arises, to be paid out. I would like to know whether the proposition now submitted by the committee will have the effect of requiring that bank to lose the use of more of its money than it has under its control at the present time.

Mr. GLASS. I think it would take an inappreciable amount away.

Mr. SLOAN. Is not one of the purposes to encourage State banks to become member banks?

Mr. GLASS. If the gentleman will pardon me, I will get to that provision of the bill in a little while if I may proceed with any degree of continuity.

Mr. SLOAN. The gentleman need not argue it with me.

Mr. GLASS. I did not think I was arguing it. If an inquiry is applicable to the provision I am explaining, I shall be glad to be interrupted with a pertinent question and do the best I can to answer it. I may say in extenuation of any failure to answer fully all questions, that what I do not know about the banking business would make a larger volume than what I do know about it. If there are no other questions in regard to the reserve section of the bill——

Mr. McFADDEN. Mr. Chairman, will the gentleman yield?

Mr. SABATH. Mr. Chairman, will the gentleman yield on that point?

Mr. GLASS. Yes.

Mr. SABATH. The question may have been put and answered; but if so, I was not in the House. Why is that difference between paragraph (a) and paragraph (c) as to reserves? Why is only 7 per cent of reserve required in certain places and 13 per cent in the central reserve cities?

Mr. GLASS. Well, the gentleman must know that under existing law, and under the national-bank act for 50 years, the reserves of the country banks have been very much less than the reserves of the banks in the reserve and central reserve cities. We have just followed that average because the banks in the reserve cities and the central reserve cities have been holding the reserve funds and credits of the country banks. That is not a discrimination peculiar to this bill.

Mr. McFADDEN. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Virginia yield to the gentleman from Pennsylvania?

Mr. GLASS. Yes.

Mr. McFADDEN. I would like to ask the gentleman whether or not it is the idea that the removal of the legal requirements in this act is done for the purpose of getting into the 12 Federal reserve banks the large amount of gold that is in the country? Is that the primary purpose?

Mr. GLASS. That is the primary purpose.

Mr. McFADDEN. And this gold would be replaced by circulating notes?

Mr. GLASS. Yes. The vault cash will not be required to be reserve money.

Mr. SLAYDEN. The vault cash will not be reduced?

Mr. GLASS. In some cases it will be reduced, and in other cases not.

Mr. EAGLE. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. GLASS. I yield to my colleague.

Mr. EAGLE. Is not this true, that under the Federal reserve act as it was a law on December 1, 1913, and which therefore is at this hour the law, these very reserves that we are talking about must be mobilized in the 12 Federal reserve banks, and that the object of the specific provision which the gentleman is now discussing and concerning which my friend from Connecticut [Mr. HILL] and others have asked him questions—the object of the amendment now under discussion is to mobilize those same reserves immediately, in order to increase the rediscount opportunities and privileges of the 12 Federal reserve banks, instead of waiting for a period of another 18 months?

Mr. GLASS. That is one object.

Mr. HILL. If the same money was required to be transferred that is now required by law, of course it would make no change in the condition that would exist next November. But this increases the amount that will be taken away from the banks, and it is utter foolishness to talk about taking away the rediscount privileges, because they have never been exercised to the extent of more than $30,000,000, when the amount might have been a billion.

Mr. GLASS. The gentleman on that point knows why it has not been exercised and he knows why it should not have been exercised under prevailing conditions.

Mr. HILL. It never has been exercised.

Mr. GLASS. It was not exercised because the act itself released an enormous amount of reserves, and the banks since the passage of this law have had more money to loan than they could loan.

Mr. HILL. It was an arbitrary restriction on the character of the paper.

Mr. GLASS. It was not an arbitrary restriction on the character of the paper. It was because the member banks had more money than they knew what to do with, and had no need to ask for rediscounts.

Mr. HILL. Then why increase the privilege?

Mr. GLASS. Because hereafter they will have need to rediscount. If the gentleman had done me the compliment to listen to my opening statement he would not need to ask me that question.

Mr. SLAYDEN. May I ask the gentleman a question in that connection?

Mr. GLASS. Yes.

Mr. SLAYDEN. I have heard all of his statement, but I have failed to comprehend all of it.

Mr. GLASS. That may have been my fault.

Mr. SLAYDEN. No. What I know about banking is a good deal less than what the gentleman knows. Is it the gentleman's idea that the country banks scattered throughout the country not only will not be hurt by the operation of this provision, this amendment to the law, but that there will actually be offered to them an opportunity to increase their business and be benefited by it? Is that the idea?

Mr. GLASS. That is the idea of the committee and the idea of the Federal board and the Federal reserve council, else we would not have presented the bill here. We are trying to strengthen the banking system of the country for any emergency.

Mr. SLAYDEN. The gentleman knows there has been some complaint by the country banks about some of the acts of the Reserve Board. I have received complaints from banks in my district complaining about the necessity of paying checks at par. Have the banks protested that their profits have been reduced?

Mr. GLASS. There have been no protests, and banks usually do protest when their rights, either imaginary or real, are encroached upon.

Mr. SLAYDEN. I am frank to say that I have heard nothing from the banks in my district in protest against this amendment, but I have heard some from them in regard to the payment of checks at par.

Mr. GLASS. We did not touch that problem.

Mr. WINGO. Mr. Chairman, will the gentleman yield?

Mr. GLASS. Yes.

Mr. WINGO. There is nothing in this bill that changes any of the fundamental features, either of principle or of administration, of the Federal reserve act?

Mr. GLASS. Not a thing.

Mr. WINGO. It does not touch on the fundamentals of that act?

Mr. GLASS. No.

Mr. ANTHONY. Mr. Chairman, will the gentleman yield for a question?

Mr. GLASS. Yes.

Mr. ANTHONY. Is there anything in this bill to prevent a country bank from making a reasonable charge on a collection?

Mr. GLASS. This bill does not touch that.

Mr. ANTHONY. How is that controlled—by regulation of some kind?

Mr. GLASS. Partially by regulation and partially by law.

The next important section of the bill is section 9, with reference to the admission of State banks to the Federal Reserve System. There has been among State banks and trust companies a great deal of objection to going into the system because, among other things, they feared duplication of examinations and reports. Most of the State banks of the country are subjected to examination by State banking systems, and they object to the duplication of these examinations by the office of the Comptroller of the Currency. They also object to coming into the system because of the limitations of the Federal reserve act with respect to making loans and with respect to the nature of some loans.

The national-bank act, as the committee knows, prohibits a national bank from loaning more than 10 per cent of its capital and surplus to any one individual, firm, or corporation. The State bank laws, with rare exceptions, do not impose that restriction; and the State banks and the trust companies, not restricted or limited in that respect by State laws, object to the restriction of the national-bank act. This amendment to sec-

tion 9 of the Federal reserve act is intended to liberalize the terms on which State banks and trust companies may enter the Federal Reserve System. In this connection I may state, for the information of the committee, that recently quite a number of the largest trust companies and State banks in the United States have joined the Federal Reserve System, and there are now pending quite a number of applications from large trust companies and State banks to become members of the system, and the committee has available information from many hundreds of State banks, both large and small, attesting their willingness to come into the system if these provisions for liberalizing the terms upon which they may enter are ingrafted on the statute.

Mr. FESS. Will the gentleman yield?

Mr. GLASS. I do.

Mr. FESS. Has the chairman any hope that all the State banks and trust companies will ultimately come under this system, so that it will be entirely unified?

Mr. GLASS. The chairman entertains that hope, but he has not the expectation that they will immediately. Very many of them can not, under the terms of the law, come in, owing to their small capitalization.

Mr. FESS. About what is the proportion of the State banks and trust companies that will?

Mr. GLASS. It is the opinion of the Federal Reserve Board, which has been industriously endeavoring to cultivate the favor of the State banks and trust companies, that with this liberalization of the terms upon which they may enter a great majority of them will enter. In fact, only a few days ago the governor of the board showed me a communication from the president of the State Bankers' Association of one of the largest States in the Union—the State having, I think, the second largest number of State banks and trust companies—in which he expressed the very confident belief that the enactment of this amendment would result in bringing two-thirds of the State banks and trust companies of his State into the Federal Reserve System. I think these State banks and trust companies, particularly at this emergent moment, are thoroughly impressed with the importance of further augmenting the power and facilities of the Federal Reserve System in order that our banking system may be able to withstand any shock which it may encounter.

Mr. FESS. I wondered whether there was any territorial element in the popularity of the Federal Reserve System? Is it favored in some sections of the country more than it is in other sections?

Mr. GLASS. I can not say that it is. It has been availed of in some sections of the country with greater facility and in larger volume than in some other sections. That arises from the fact that there is more wealth in some sections of the country than in others and less occasion for rediscounting.

Mr. FESS. Where the wealth is dominant is the Federal Reserve System as popular as in other places?

Mr. GLASS. I might cite to the gentleman the fact that in New England the Boston regional reserve bank is regarded with the greatest favor, and, without wanting to be invidious, I may say it is regarded by the Federal Reserve Board as among the best managed, if not the best managed, of the Federal reserve banks in the United States.

Mr. SMITH of Michigan. Can the gentleman tell us how many member banks have surrendered their charters because of the requirement that they must come under this legal-reserve act?

Mr. GLASS. Banks in surrendering their charters do not always indicate the reason for their action. My own belief is that very few of them have done that, and my information is that very many more have been organized and have come into the system than have gone out for all reasons.

Mr. SMITH of Michigan. The Chairman explains that it was the object to liberalize the conditions under which the State banks and trust companies may join this system?

Mr. GLASS. Yes.

Mr. SMITH of Michigan. Is it the intent and purpose of this amendment to the law to permit a State bank that becomes a member bank, having the same capital as a national or member bank, to make a larger loan to a single individul than the national member bank could make?

Mr. GLASS. This provision does not undertake to regulate that particular transaction further than this, that the Federal reserve bank will not rediscount a loan made by a State bank that exceeds the 10 per cent limit; but it does not undertake to say to the State bank that it shall not make a loan contrary to that provision of the national-bank act.

Mr. SMITH of Michigan. In some cases the State banks or savings banks, by vote of their board, can make a loan up to 20 per cent of the capital stock.

Mr. GLASS. I understand that. That sort of paper will not be rediscounted under this provision of the bill.

Mr. SMITH of Michigan. But it will be an advantage to be a State bank if the bank thinks it is good policy to make larger loans to a single individual?

Mr. GLASS. If the bank so regards it.

Mr. SMITH of Michigan. I do not think it is a good policy or good banking to make excessive loans to anyone.

Mr. GLASS. No, I do not either, but some banks do think so.

Mr. ROSE. I have noticed that the gentleman spoke of the Federal reserve bank in New England being considered as one of the best, if not the best, managed bank in the country to-day. Can the gentleman state to the committee how many of these banks now in existence are self-sustaining up to this time?

Mr. GLASS. All of them are.

Mr. SMITH of Michigan. All of them now are?

Mr. GLASS. Yes; all of them are.

Mr. ROSE. Was that true about a year ago?

Mr. GLASS. No; it was not true, and it would have been rather wonderful had it been true. In fact, it would have been so wonderful that one of the ablest members of the Federal Reserve Board—regarded by many as the ablest international banker in the country—publicly stated in an address to a bankers' association that had all been self-sustaining up to that time he would have been ashamed of them.

Mr. SNOOK. Will the gentleman yield?

Mr. GLASS. Certainly.

Mr. SNOOK. How do you propose to obviate the duplication of examinations?

Mr. GLASS. By authorizing the Federal Reserve Board, in its discretion, to accept the examination of the State bank examiners in lieu of the examinations by the Comptroller of the Currency.

Mr. NORTON. Will the gentleman yield?

Mr. GLASS. Yes.

Mr. NORTON. The fact is that there are a great many State banks and trust companies that show no desire to enter into the Federal system, and an effort has been made by the Federal Reserve Board to have more enter, is it not?

Mr. GLASS. Yes.

Mr. NORTON. Is it not a fact that that is due to a duplication of reports required by the Federal Reserve Board and the Office of the Comptroller of the Currency?

Mr. GLASS. Yes. That is what we are trying to cure.

Mr. NORTON. Is there anything in the bill that provides for the elimination of the comptroller's office?

Mr. GLASS. Oh, no.

Mr. NORTON. Does not the gentleman think that, as far as the comptroller's office has to do with national banks, that it might be done away with?

Mr. GLASS. An opinion on that by me would not affect any provision of the bill. It would be simply my individual opinion.

Mr. NORTON. Has your committee had that under consideration?

Mr. GLASS. No; we have not. There has been no proposition before our committee to eliminate the office of the Comptroller of the Currency. Some people, for reasons of their own, would like to eliminate the comptroller himself, but I do not know of anybody who soberly wants to eliminate the office of the Comptroller of the Currency.

Mr. NORTON. Is it not a fact that there are a great many who do think that it should be eliminated as far as examinations of national banks are now concerned?

Mr. GLASS. Perhaps some of the banks examined would like that to occur.

Mr. NORTON. What is there in the bill that tends to do away with the duplications?

Mr. GLASS. The amendment of the Federal reserve act providing that the Federal Reserve Board, in its discretion, may accept the examination of the State bank examiners.

Mr. WINGO. Will the gentleman yield?

Mr. GLASS. I will.

Mr. WINGO. Under the agreement we can not consider this bill after half past 2. Let me suggest that gentlemen wait until we get under the five-minute rule to ask their questions, so that we can consider and get through with the bill at 2.30, because, under the unanimous-consent agreement, we will have to withdraw the bill at that time.

Mr. GLASS. I am obliged to my colleague, and I would like to proceed as rapidly as possible. I will be through in a few minutes with the general explanation of the bill. And I hope, not only on account of the importance of the matter but for my own personal convenience, that we can finish the consideration of it within the prescribed time.

The Federal reserve act when passed contained a provision repealing the requirement of the national-bank act that all of the national banks upon organization should purchase a given amount of United States bonds as a basis of organization. That provision of the Federal reserve act was, of course, intended to, and I think it does, relieve the bonds held by banks organized before the passage of the Federal reserve act. But there has been some confusion of opinion as to that, and, therefore, this bill contains a section which makes it perfectly clear, as it is perfectly just, that the national banks organized before the passage of the Federal reserve act shall not be required to retain a minimum amount of United States bonds. National banks now organized are not required to purchase United States bonds, and banks organized prior to that time ought to be relieved.

Mr. SMITH of Michigan. If it releases the bonds, they will have to take up the circulation.

Mr. GLASS. No; a national bank, regardless of whether it took out any circulation under the old law, had to purchase a certain amount of bonds as a basis of organization. It was a bond-selling rather than a banking scheme.

Under existing law one of the directors of class C is authorized to perform the functions of the Federal reserve agent during the inability or absence of that agent. He is not required to give any bond. We propose to alter that requirement and authorize the Federal reserve agent to employ his own assistants and to exact the bond from them. So that when they act in his absence they may be duly bonded for the official performance of the duties of the office.

I think I have, in rather a desultory manner, explained in general the provisions of the bill and the scope of the amendments.

Mr. HARDY. Will the gentleman recapitulate briefly, so that we can get it all together?

Mr. GLASS. I will. The main purpose of the bill in the alterations in the reserve section is to mobilize a larger amount of gold with the Federal reserve banks, thereby increasing their facilities for the accommodation of the banking community of the United States. I have indicated what those alterations were. The next most important provision of the bill relates to the entrance of State banks. It modifies the severity of the terms prescribed by the Federal reserve act for the admission of State banks and trust companies, chiefly in the elimination of the duplication of examinations by the comptroller's office and in those provisions relating to the character and volume of loans that may be made to any one person, firm, or corporation.

And the provision that I have last indicated relates to bonds held by national banks as a basis for organization. Then, the provision authorizing the Federal reserve agent to employ his own deputies and to exact bonds of them.

Then, there is a provision, which I omitted to refer to, with respect to acceptances on exportation and importation of goods. By an inadvertence, when the last amendment to the Federal reserve act was passed, I marked out of the printed conference report a provision of that act that should not have been stricken out relating to the permissible volume of these acceptances, and I have simply reinserted those lines in this bill, making no alteration of the intent of the original law.

Mr. SCOTT of Iowa. Mr. Chairman, will the gentleman yield?

Mr. GLASS. Yes.

Mr. SCOTT of Iowa. Some time ago, in answer to a question, I believe, the gentleman said that the present capacity in rediscount of the Federal Reserve System was about a billion and a half dollars?

Mr. GLASS. Perhaps slightly less than a billion and a half dollars.

Mr. SCOTT of Iowa. Is the gentleman prepared to say what is the aggregate of rediscounts of the system now?

Mr. GLASS. I do not recall; but nothing like the permissible amount; and I have undertaken to explain, in my judgment, the reason for that. The Federal reserve act itself released a vast amount of bank funds by reduction of reserve requirements. Owing to that fact, and owing to the abnormal balance of trade and the sale of goods abroad, the banks of the United States have had more money than they have known what to do with, and have had to do very little rediscounting at all.

Mr. SCOTT of Iowa. That is a past condition; but the point I am leading up to is this: What does the Government anticipate at this time that would require an expansion of rediscounting facilities, in view of the fact that in the past we have been called upon to draw upon it but very slightly?

Mr. GLASS. The Government anticipates that there will be more or less a depletion of the funds of the banks by this enormous bond issue and other business activities, and that therefore there will be a greater requirement for rediscounts in commercial transactions.

Mr. SCOTT of Iowa. In other words, the mobilization of the gold as distinct from the mobilization of the reserves at this time is to enable the Government to take care of the bond issue? Is not that the long and the short of the whole thing?

Mr. GLASS. Partially that.

Mr. SMITH of Michigan. Mr. Chairman, before the gentleman starts to explain those, for information I would like him to explain a little matter that I have in my mind. Are not the member banks by the provisions of this amendment and especially the one that requires them to pay the extra 2 per cent of their reserves to the regional bank, put at a disadvantage in comparison with local or State institutions, because a State institution does not carry any more reserve than the member bank is required to carry, and the State institution can send its reserves to its reserve agents and get interest upon it, whereas the member bank must, under the law, send its reserves to the regional bank and get no interest upon it?

Mr. GLASS. As a matter of fact, under existing law they can get no interest on their reserves anyway after the 17th of next November.

Mr. SMITH of Michigan. That is true, but is not the member bank put at a disadvantage? Is not this an advantage that the State institution will have, for it can get interest upon its reserves while the National member bank gets no interest at all from the regional bank on its reserve?

Mr. GLASS. As a matter of fact, many States do not require any reserve at all. Would the gentleman have us enact a law in order to permit National banks to compete with State banks, abolishing all reserves?

Mr. SMITH of Michigan. I am in favor of a good and sufficient reserve, but I would like you to explain this statement——

Mr. GLASS. I hope the gentleman will make it quickly, because time is passing.

Mr. SMITH of Michigan. I would like the gentleman to explain why the member bank is not at a disadvantage with the State bank. Both of them are required to keep reserves, and the State bank can send its reserves to its reserve agent and receive 2 per cent interest upon it, while a member bank under the law is compelled to send its reserve to one of the regional banks, and will get no interest.

Mr. GLASS. We think there is no net increase in the reserve that the national bank is required to carry.

Mr. SMITH of Michigan. But before this the national bank could send its money to an authorized reserve agent and get interest upon it.

Mr. GLASS. On the other hand, the gentleman loses sight of the fact, as do most bankers who complain about the Federal Reserve System, that the nonmember State bank, should it get into trouble, has no reservoir of supply to which it may readily resort in order to cure its difficulties, whereas the member bank has. There are, of course, some little inconveniences.

Mr. SMITH of Michigan. I would state to the gentleman that during one of our last panics a person could put mortgages, State and municipal bond securities into his grip and go to the money centers and bring money back when he could not even get money that was his own on deposit in some of the banks in the large cities and money centers.

Mr. GLASS. But we did not have the reserve system during the last panic.

Mr. WINGO. Mr. Chairman, does the gentleman desire to proceed further at this time?

Mr. GLASS. In order to explain one or two other matters.

Mr. WINGO. I would suggest to the gentleman that we get a unanimous-consent agreement by which that can be done under the five-minute rule.

Mr. GLASS. Very well.

Mr. WINGO. Mr. Chairman, I ask unanimous consent that general debate close on the bill at the present time, and then these questions can be asked and discussions had under the five-minute rule as we come to the different paragraphs.

Mr. HILL. Mr. Chairman, I would like to have a few minutes, something more than five minutes.

Mr. WINGO. I think there would be no objection to that; but the gentleman understands that we have only an hour and a quarter left in which to consider and ultimately get the bill passed.

Mr. HILL. But the gentleman does not expect to pass the bill before 2.30 o'clock, does he?

Mr. WINGO. Yes.

Mr. HILL. I do not think the gentleman will.

Mr. WINGO. It is a unanimous report from the committee. No one objects to it. It is a good measure in time of peace, and certainly very necessary in time of war.

Mr. HILL. I am very tired, Mr. Chairman, of having every measure coming in here put forward as a war measure.

Mr. WINGO. If the gentleman will pardon me, I did not say it was a war measure.

Mr. HILL. I want to explain my reason for the objection I have. I have no objection to the bill as a whole—I think it is a wise bill as a whole—but I think the reserve feature of it is a very serious mistake, for the purpose of aggrandizing and centralizing the control of the banking system in the Federal Reserve Board, and I think it is a serious mistake for the country banks of this country, and I would like to speak against that feature and in favor of the rest of the bill.

Mr. GLASS. I think I may say that nobody will object to the gentleman speaking against it.

Mr. HAYES. I think there will be no objection whatever.

Mr. WINGO. I will state that in the effort to get a unanimous-consent agreement, after consulting the gentleman from Illinois and the minority members of the committee, we all recognized that if there is any necessity for more general debate we would have to be liberal in the interpretation of the five-minute rule.

The CHAIRMAN. The gentleman from Arkansas asks unanimous consent that general debate shall be now closed.

Mr. STEPHENS of Nebraska. I thought time was to be given to the gentleman from Virginia to explain two provisions which he overlooked.

Mr. GLASS. I can do that under the five-minute rule.

The CHAIRMAN. Is there objection?

Mr. MANN. Mr. Chairman, reserving the right to object, it would be a miracle, in my opinion, to finish this bill by 2.30. I do not see any possibility of it. I have no objection to this request if the gentlemen will say that they will allow reasonable debate under the five-minute rule.

Mr. GLASS. I shall not object.

Mr. WINGO. There is no disposition on my part to object.

Mr. GLASS. I shall be very glad indeed to make the extension.

Mr. MANN. If the effort is made to try to finish the consideration of the bill by 2.30 in the committee, you could not have much debate at all.

Mr. WINGO. I understand. I think the gentleman from Connecticut intimated he wanted about 15 minutes.

Mr. HILL. Not more than that.

Mr. WINGO. I recognize we have to proceed practically by unanimous consent if we are to expedite the passage of the bill.

The CHAIRMAN. The Chair's understanding was the gentleman from Arkansas asked unanimous consent that general debate be now closed. Is there objection? [After a pause.] The Chair hears none.

The Clerk began the reading of the bill.

Mr. McFADDEN. Mr. Chairman, I would like to inquire how this is to be considered, whether by sections or paragraphs?

The CHAIRMAN. This kind of a bill, the Chair will state, is ordinarily considered by sections unless the committee decides to do otherwise.

Mr. McFADDEN. That is satisfactory.

The Clerk read as follows:

Be it enacted, etc., That section 4 of the act approved December 23, 1913, known as the Federal reserve act, be amended in the paragraph relating to the appointment of class C directors and prescribing their duties so as to read as follows:

"Class C directors shall be appointed by the Federal Reserve Board. They shall have been for at least two years residents of the district for which they are appointed, one of whom shall be designated by said board as chairman of the board of directors of the Federal reserve bank and as 'Federal reserve agent.' He shall be a person of tested banking experience, and in addition to his duties as chairman of the board of directors of the Federal reserve bank he shall be required to maintain, under regulations to be established by the Federal Reserve Board, a local office of said board on the premises of the Federal reserve bank. He shall make regular reports to the Federal Reserve Board and shall act as its official representative for the performance of the functions conferred upon it by this act. He shall receive an annual compensation to be fixed by the Federal Reserve Board and paid monthly by the Federal reserve bank to which he is designated. One of the directors of class C, who shall be a person of tested banking experience, shall be appointed by the Federal Reserve Board as deputy chairman to exercise the powers of the chairman of the board when necessary.

"Subject to the approval of the Federal Reserve Board, the Federal reserve agent shall appoint one or more assistants. Such assistants, who shall be persons of tested banking experience, shall assist the Federal reserve agent in the performance of his duties and shall also have power to act in his name and stead during his absence or disability. The Federal reserve agent may require such bonds of his assistants as he may deem necessary for his own protection. Assistants to the Federal reserve agent shall receive an annual compensation, to be fixed and paid in the same manner as that of the Federal reserve agent."

Mr. McFADDEN. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report it.

The Clerk read as follows:

Page 3, strike out lines 1 and 2 and insert the following: "The Federal Reserve Board shall require such bonds of the assistant Federal reserve agents as they may deem necessary for their own protection."

Mr. McFADDEN. Mr. Chairman, in explaining the purpose of this amendment I desire to say that inasmuch as the portion of the bill just read provides for the abolishing of the office of deputy Federal reserve agent and provides that each of the 12 reserve agents shall appoint one or more assistants who are to be eligible to perform all his functions and duties, it is fair to assume that the office of deputy Federal reserve agent is to be an office in name only, and that his duties will be performed by these newly created assistants—one or more—as the Federal reserve agent may see fit, except he may be delegated to preside as chairman of board metings in the absence of the Federal reserve agent, who is also chairman of the board.

At the present time under existing law, a class C director is serving in this capacity; it is, however, shown that there is some difficulty in selecting class C directors as Federal reserve agents, owing to the fact that he must have had tested banking experience and that at the time of taking on his new duties or during a continuance of the same he must not be an officer, director or stockholder in any bank, and is only a salaried officer to the extent of receiving a director's fee while attending meetings of the board, but must hold himself in readiness to assume the duties of the Federal reserve agent and the responsibilities incident thereto, and it is not a satisfactory situation, and a position with these requirements it is hard to fill.

I am of the opinion that some change should be made. In some ways the Federal reserve agent is the most important officer of any one of these 12 banks. He is a trustee, and to delegate his responsibilities and duties to subordinate officers means the transferring to these subordinate officers or assistants vast responsibilities, in some instances amounting to the full charge and care of hundreds of millions of dollars in gold and other securities which are held in trust by the Federal reserve agent, being the security back of the Federal reserve notes issued by him.

I believe if this authority is to be changed and if the Federal reserve agent is to be given authority to choose one or more assistants, that the Federal Reserve Board should fix the amount of the bond required in each case. The bond should be issued to the Federal Reserve Board rather than to the Federal reserve agent. This involves the proper auditing of these trust funds, or at least should. Each time these responsibilities are changed to and from the Federal reserve agents, I think and thoroughly believe that if these assistants are to have those responsibilities—and which, in a sense, is making them all deputy Federal reserve agents—that they should be held responsible to the Federal Reserve Board or the United States and not to the Federal reserve agents. Employees of banks are not bonded to subordinate officers of the banks but to the banks themselves—the board of directors.

I believe that these assistants should properly be called deputy Federal reserve agents. That is what they really are, and I am yielding somewhat my own convictions on this subject because of the fact that Gov. Harding, when before our committee, in answer to my question in regard to these officers, said that it was the intention of the 12 banks in the filling of these positions that employees now being employed in each of the 12 banks with only a slight increase of pay be delegated to fill these positions as assistants to the Federal reserve agents, and this action would not entail any particular increase in operating expenses or the working forces, thus avoiding the creation of any new positions with big salaries attached. I hope my amendment will be adopted.

Mr. MANN. Mr. Chairman, will the gentleman yield for a question?

Mr. McFADDEN. Yes.

Mr. MANN. What bond does the Federal reserve agent give and to whom does it run?

Mr. McFADDEN. It runs to the Federal Reserve Board, and the amount is fixed at $100,000.

Mr. GLASS. Two hundred and fifty thousand dollars.

Mr. McFADDEN. Yes; $250,000.

Mr. MANN. I may be mistaken, but my impression is now that where an employee of a postmaster gives a bond the bond runs to the Government of the United States and not to the postmaster. I think that formerly was the case. Somebody may know better than I do about it.

Mr. WINGO. The gentleman does not contend that under the language of the bill these bonds will not be payable to the Federal reserve bank. I will say to the gentleman from Illinois that under the language of the bill which the gentle-

man from Pennsylvania seeks to amend he does not contend there is any thing here that requires a bond to be taken in the name of the Federal reserve agent.

Mr. MANN. Certainly it does.

Mr. WINGO. I think not.

Mr. MANN. "Federal reserve agent may require such bonds"—he is not required to require at all—"such bonds of his assistants as he may deem necessary for his own protection."

Mr. WINGO. Certainly. It does not say bond to him personally.

Mr. MANN. Oh, well, unless there is authority for it he could not give bond to anybody else. He could not give a bond to the Federal Reserve Board for his own protection. It should be for the protection not merely of the Federal reserve agent, but also the Federal Reserve Board.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WINGO. I ask that the time of the gentleman from Pennsylvania be extended five minutes.

The CHAIRMAN. The gentleman from Arkansas asks unanimous consent that the gentleman shall have five more minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. WINGO. If the gentleman will permit me to say, I can understand how it can be contended that the present language of the bill would bear out the gentleman's interpretation; but, as I understand it, referring back to line 20, page 2, this act would be with the approval of the Federal Reserve Board.

Now, the Federal reserve agent has to give a bond of $250,000. This man is to be his assistant, that he has to appoint. This provision, which the gentleman seeks to amend, authorizes the Federal reserve agent to require his assistant to give a bond for the protection of that Federal reserve agent, because he is absolutely liable on his bond for the acts of his assistants.

Mr. McFADDEN. It says he may require a bond? If, in his judgment he sees fit to do so, it leaves it optional with him to say——

Mr. MANN. That is true. The postmaster is liable on his bond; but when the cashier of a post office gives a bond, as I understand, he does not give the bond to the postmaster but to the Government of the United States.

Mr. WINGO. Certainly.

Mr. MANN. And the same reason would require the bond here to be given to the Federal Reserve Board.

Mr. WINGO. To the bank.

Mr. MANN. Whichever it is.

Mr. WINGO. I agree with the gentleman it ought to be done.

Mr. MANN. I do not see any objection to making the assistant give a bond to the same authority to which the Federal reserve agent gives a bond.

Mr. WINGO. I agree with the gentleman, but I do not agree with his interpretation of the language.

Mr. MANN. This only requires a bond for the protection of the Federal reserve agent.

Mr. WINGO. The bank is protected, rather.

Mr. MANN. The bank may or may not be protected.

Mr. WINGO. Because the bond of the Federal reserve agent is given to protect, and then he may require under this provision that his assistant give a bond so as to protect him on his bond for any defalcation of the assistant in his absence. He is responsible for him.

Mr. MANN. This is the theory of all these bonds in the various departments, but now the theory is that the head authority shall take the bond.

Mr. WINGO. I agree with the gentleman's contention, but I do not as to the interpretation of the language. I still think this bond given by the assistant would run to the bank.

Mr. MANN. It would not if it followed the language of the bill.

Mr. PHELAN. Before the gentleman's time expires I call the gentleman's attention to the fact that in our bill we are holding the Federal reserve agent responsible for making the assistant responsible to him, but in the case of the amendment offered by the gentleman from Pennsylvania [Mr. McFADDEN] the Federal Reserve Board is not responsible for these securities in the same sense, so that ought to be left out if the amendment is adopted, and the bond ought to run to the United States if it is adopted.

Mr. GLASS. This proceeds on the theory that the agent is responsible to the Government for the conduct of his position. This is simply to require the Federal reserve agent, if he feels that it would safeguard his interests, to require a bond from his assistant.

Mr. McFADDEN. Under this amendment we are creating new officers, but we are compelling them to be answerable to an agent. It seems to me they ought to be responsible to the same source that the Federal reserve agent is, either to the United States or the Federal Reserve Board, or to the regional bank with which they are connected, and not to an agent, who in this case is the Federal reserve agent.

Mr. STEVENSON. Will the gentleman permit a question?

Mr. McFADDEN. I will.

Mr. STEVENSON. If the Federal reserve agent has given a bond that will cover all defalcation, and then you provide for an assistant and make him give a bond merely in the discretion of the Federal reserve agent, and that bond is made very much smaller, if there should be a defalcation, do you not to that extent release the Federal agent from the amount his bond is for, and incidentally do you not stand a chance of reducing the security of the Government rather than increase it?

Mr. MANN. If the gentleman was correct, we would not take a bond from any employee in a post office under a postmaster. The postmaster gives a bond covering the whole thing. We do not consider that safe. We make the cashier, the assistant postmaster, all of the people who deal with money, give a bond to the Government of the United States for its protection, in addition to the bond given by the postmaster. Now, we have the right to require it. It certainly adds somewhat to the safety to require a bond to be given. What difference does it make to the Government if the gentleman's contention is correct—whether the assistant gives a bond at all or not? If the Government is relying wholly on the bond given by the Federal agent, the Government is not interested whether the assistant gives a bond or not. The whole theory of requiring the assistant to give a bond is not for the protection of the man who appointed him, but for the higher authorities.

The CHAIRMAN. The time of the gentleman has expired.

The question is on the amendment offered by the gentleman from Pennsylvania [Mr. McFADDEN].

Mr. STAFFORD. Mr. Chairman, may we have the amendment reported again?

The amendment was again reported.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania.

The question was taken, and the Chair announced that the noes seemed to have it.

Mr. McFADDEN. Division, Mr. Chairman.

The committee divided; and there were—ayes 37, noes 16.

So the amendment was agreed to.

The Clerk read as follows:

SEC. 2. That the first paragraph of section 13 be further amended so as to read as follows:

"Any Federal reserve bank may receive from any of its member banks, and from the United States, deposits of current funds in lawful money, national-bank notes, Federal reserve notes, or checks and drafts, payable upon presentation, and also for collection, maturing notes and bills; or, solely for purposes of exchange or of collection, may receive from other Federal reserve banks deposits of current funds in lawful money, national-bank notes, or checks upon other Federal reserve banks, and checks and drafts, payable upon presentation within its district, and maturing notes and bills payable within its district; or, solely for the purposes of exchange or of collection, may receive from any nonmember bank or trust company deposits of current funds in lawful money, national-bank notes, Federal reserve notes, checks and drafts payable upon presentation, or maturing notes and bills: *Provided*, That such nonmember bank or trust company maintains with the Federal reserve bank of its district a balance in an amount to be determined by the Federal Reserve Board under such rules and regulations as it may prescribe."

Mr. MANN. Mr. Chairman, is an amendment offered?

The CHAIRMAN. No. The Clerk called attention to a letter being out of a word on line 19, page 3. Without objection, it will be corrected.

There was no objection.

Mr. MANN. I would like to know what the Clerk is reading from.

The CHAIRMAN. The Clerk is on page 4, as the Chairman gets it now, on line 3.

Mr. MANN. Are there two prints of this bill?

Mr. WINGO. No, sir. This is House bill 3673.

Mr. GLASS. The letter "i" is left out of the word "collection." It is a typographical error.

Mr. McFADDEN. I was not following the reading carefully, Mr. Chairman, I have an amendment here to section 2.

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. McFADDEN: On page 4, line 2, after the word "prescribe," add the following:

"Provided further, That nothing in this or any other section of this act shall be construed as prohibiting a member or nonmember bank from making reasonable charges, in no case to exceed 10 cents per $100 or fraction thereof, based on the total of checks and drafts presented at any one time, for collection or payment of checks and drafts and remission therefor by exchange or otherwise."

Mr. PHELAN. Mr. Chairman, on that I make a point of order.

Mr. McFADDEN. Mr. Chairman, I think this is quite germane.

The CHAIRMAN. What is the point of order?

Mr. GLASS. The point of order is that the proposition is not germane; that it relates to a matter that is not treated in this bill at all.

The CHAIRMAN. Does the gentleman from Pennsylvania desire to be heard?

Mr. McFADDEN. I simply want to make this statement, and that is I think the amendment is germane. It relates to the collection of items, and for that reason I think it is properly to be considered at this time.

Mr. GLASS. Mr. Chairman, the amendment proposed relates to an entirely different section of the Federal reserve act, and is in no sense germane to any provision of this bill.

The CHAIRMAN. The Chair thinks the point of order is well taken. The Chair will say this, that the parliamentary clerk and the chairman investigated this matter. This bill was to come up at the last session of Congress and at this session. The opinion of the parliamentary clerk is that this is subject to a point of order. The Chair sustains the point of order. The Clerk will read.

The Clerk read as follows:

SEC. 3. That the fifth paragraph of section 13 be, and is hereby, amended further so as to read as follows:

"Any member bank may accept drafts or bills of exchange drawn upon it having not more than six months sight to run, exclusive of days of grace, which grow out of transactions involving the importation or exportation of goods; or which grow out of transactions involving the domestic shipment of goods provided shipping documents conveying or securing title are attached at the time of acceptance; or which are secured at the time of acceptance by a warehouse receipt or other such document conveying or securing title covering readily marketable staples. No member bank shall accept, whether in a foreign or domestic transaction, for any one person, company, firm, or corporation to an amount equal at any time in the aggregate to more than 10 per cent of its paid-up and unimpaired capital stock and surplus, unless the bank is secured either by attached documents or by some other actual security growing out of the same transaction as the acceptance; and no bank shall accept such bills to an amount equal to any time in the aggregate to more than one-half of its paid-up and unimpaired capital stock and surplus: *Provided, however,* That the Federal Reserve Board, under such general regulations as it may prescribe, which shall apply to all banks alike regardless of the amount of capital stock and surplus, may authorize any member bank to accept such bills to an amount not exceeding at any time in the aggregate 100 per cent of its paid-up and unimpaired capital stock and surplus: *Provided, however,* That the aggregate of acceptances growing out of domestic transactions shall in no event exceed 50 per cent of such capital stock and surplus."

Mr. SMITH of Michigan. Mr. Chairman, I would like to inquire whether or not this would permit a member bank or a nonmember bank from loaning 100 per cent of its capital stock and circulation to one individual or firm, provided he would come in with exchange or bills of lading, in one transaction?

Mr. GLASS. No; it would not. It simply restores language that was inadvertently marked out by me in the last Congress.

Mr. SMITH of Michigan. I only want to say that if it did, it would be liberalization with a vengeance.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 5. That section 19 be further amended and reenacted so as to read as follows:

"SEC. 19. Demand deposits within the meaning of this act shall comprise all deposits payable within 30 days, and time deposits shall comprise all deposits payable after 30 days, all saving accounts and certificates of deposit which are subject to not less than 30 days' notice before payment, and all postal savings deposits.

"Every bank, banking association, or trust company which is or which becomes a member of any Federal reserve bank shall establish and maintain reserve balances with its Federal reserve bank as follows:

"(a) If not in a reserve or central reserve city, as now or hereafter defined, it shall hold and maintain with the Federal reserve bank of its district an actual net balance equal to not less than 7 per cent of the aggregate amount of its demand deposits and 3 per cent of its time deposits.

"(b) If in a reserve city, as now or hereafter defined, it shall hold and maintain with the Federal reserve bank of its district an actual net balance equal to not less than 10 per cent of the aggregate amount of its demand deposits and 3 per cent of its time deposits.

"(c) If in a central reserve city, as now or hereafter defined, it shall hold and maintain with the Federal reserve bank of its district an actual net balance equal to not less than 13 per cent of the aggregate amount of its demand deposits and 3 per cent of its time deposits.

"No member bank shall keep on deposit with any nonmember bank a sum in excess of 10 per cent of its own paid-up capital and surplus. No member bank shall act as the medium or agent of a nonmember bank in applying for or receiving discounts from a Federal reserve bank under the provisions of this act, except by permission of the Federal Reserve Board.

"The required balance carried by a member bank with a Federal reserve bank may, under the regulations and subject to such penalties as may be prescribed by the Federal Reserve Board, be checked against and withdrawn by such member bank for the purpose of meeting existing liabilities: *Provided, however,* That no bank shall at any time make new loans or shall pay any dividends unless and until the total balance required by law is fully restored.

"In estimating the balances required by this act the net difference of amounts due to and from other banks shall be taken as the basis for ascertaining the deposits against which required balances with Federal reserve banks shall be determined.

"National banks, or banks organized under local laws, located in Alaska or in a dependency or insular possession or any part of the United States outside the continental United States may remain nonmember banks, and shall in that event maintain reserves and comply with all the conditions now provided by law regulating them; or said banks may, with the consent of the Reserve Board, become member banks of any one of the reserve districts, and shall in that event take stock, maintain reserves, and be subject to all the other provisions of this act."

Mr. HILL. Mr. Chairman, I want to offer an amendment to section 5.

The CHAIRMAN. The gentleman from Connecticut offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. HILL: Page 6, line 9, after the word "deposited," in line 8, strike out lines 9 to 25 and page 6 and the first three lines on page 7.

Mr. HILL. Mr. Chairman, the purpose of the bill is this: The original law governing so-called country national banks before the Federal reserve law was enacted required that such a bank should have a reserve of 15 per cent. I think this House is more interested in the country banks than in city banks, because there are more of them. They are like the "plain people," of whom Abraham Lincoln said there were a great many. There are more country banks than city banks, and more money invested in banking in country banks than in city banks. That reserve of 15 per cent was reduced by the Federal reserve law to 12 per cent. It is now proposed to cut that reserve of 12 per cent down to 7 per cent.

I do not believe that there is a man on the Federal Reserve Board, I do not believe there is a man on the Banking and Currency Committee, I do not believe that there is a man in the United States who knows anything about the subject that believes it would be safe for a country bank of discount located 150 to 250 miles away from its central agent, the Federal reserve bank, to do a banking business on a 7 per cent reserve on demand deposits and 3 per cent reserve on its time deposits. But this law compels you to take every single, solitary cent of your reserve money and deposit it in your Federal bank, not leaving one single, solitary penny to meet the obligations of a banking institution.

Mr. McFADDEN. Mr. Chairman, will the gentleman permit an interruption?

Mr. HILL. Certainly; I yield.

Mr. McFADDEN. I think the gentleman is mistaken in his idea.

Mr. HILL. I will ask the chairman of the committee if I am not absolutely right in my statement?

Mr. GLASS. No; the gentleman is not right, by any manner of means.

Mr. HILL. This law says the entire reserve shall be deposited with the Federal reserve bank but 7 per cent.

Mr. GLASS. The entire reserve shall be, but the gentleman loses sight of the fact that the banker himself is given discretion to keep "till money" on hand, so that he is not to do business solely on 7 per cent reserve. A country banker could not use the reserve in his own vault, could he, except under penalty?

Mr. HILL. Yes; he could, as long as he did not discount any more paper.

Mr. GLASS. Under penalty.

Mr. HILL. Yes; under penalty.

Mr. GLASS. The gentleman knows very well that the "till money" which any prudent banker must keep for daily demands need not, under this bill, be lawful money. He can keep any sort of currency.

Mr. HILL. I simply repeat my statement and confirm it with the chairman's own statement, that not one dollar of required reserve money must be kept in the bank under this bill, and every dollar of it, every penny of it, is required to be kept in the Federal reserve bank.

Mr. PHELAN. Mr. Chairman, will the gentleman yield?

Mr. GLASS. Right there, Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield; and if so, to whom?

Mr. HILL. I will yield to the gentleman from Virginia.

Mr. GLASS. Is there a line in the law that prevents any banker from keeping 40 per cent against deposits?

Mr. HILL. Oh, I hope the time will never come when the law will prevent a man keeping his own money in his own pocket.

Mr. PHELAN. The gentleman certainly ought to make a full statement when he makes any statement.

Mr. HILL. I am making it.

Mr. PHELAN. When the gentleman says the bill if passed will require the member banks to keep all their reserves in the

Federal reserve banks he ought at the same time to say that the provisions of the bill in the case of country banks reduce their reserve from 12 per cent to 7 per cent.

Mr. HILL. I understand that, but they are taking 2 per cent more money out of the vaults of the bank and compelling them to put it in the Federal reserve bank at the same time that they reduce the reserve.

Mr. GLASS. Why did not the gentleman from Connecticut confine himself to that statement of fact with respect to reserves, instead of trying to make it appear that we are depleting the banks of their money?

Mr. HILL. It is easy enough to befog this thing, but it is a plain, straight matter.

Mr. GLASS. That is exactly what I am suggesting to the gentleman.

Mr. HILL. The law heretofore required a 12 per cent reserve, of which 5 per cent should be kept in the Federal reserve bank. That is right, isn't it?

Mr. GLASS. That is right.

Mr. HILL. This law changes it and only requires a 7 per cent reserve, which I claim is not safe, and compels you to keep all of that, which is 2 per cent more than you had before, in the Federal reserve bank. Now, a bank with a million dollars deposit has got to keep $20,000 more absolutely earning nothing in the hands of the Federal reserve bank. Am I correct or not?

Mr. GLASS. That far you are, but you do not go far enough.

Mr. HILL. That is all I have said.

Mr. GLASS. You do not state that we have reduced the reserve of the country bank from 12 to 7 per cent——

Mr. HILL. That does not amount to anything. You can reduce the reserve all you please——

Mr. GLASS. It does not amount to anything if the gentleman is willing to contend, in the face of the action of the Federal Reserve Board and the Federal Reserve Council, that American bankers have not prudence enough to keep "till money" sufficient to meet their current daily needs.

The CHAIRMAN. The time of the gentleman from Connecticut has expired.

Mr. HILL. I ask unanimous consent to proceed for 10 minutes more?

The CHAIRMAN. The gentleman from Connecticut asks unanimous consent to proceed for 10 minutes. Is there objection?

There was no objection.

Mr. PLATT. Will the gentleman yield?

Mr. HILL. I yield to the gentleman from New York.

Mr. PLATT. It seems to me that the difficulty comes from a difference in definition. The gentleman says that this law requires the country bank to keep all of its reserve money in the Federal reserve bank?

Mr. HILL. Yes.

Mr. PLATT. What does the gentleman mean by reserve money? Does he mean legal tender?

Mr. HILL. I mean legal tender.

Mr. PLATT. The gentleman does not mean to say that if a bank has got $100,000 deposits and $20,000 of gold certificates it is required to put all of them into the Federal reserve bank?

Mr. HILL. The gentleman knows as well as I do that when I spoke of the amount it was required to keep in the Federal reserve bank I meant the amount of reserve required under the law. It is very easy to befog this thing.

Mr. PLATT. It means the legal tender in the bank.

Mr. BORLAND. This law provides that the country bank shall keep only 7 per cent reserve, but keep it all in the Federal reserve bank.

Mr. HILL. Yes.

Mr. BORLAND. The present law requires 12 per cent reserve, but only 5 per cent in the Federal reserve bank.

Mr. HILL. Yes.

Mr. BORLAND. When they keep 5 per cent under the present law in the Federal reserve bank and 7 per cent under this new law in the Federal reserve bank, is not their reserve really strengthened by having the whole of it in the Federal Reserve Association—7 per cent instead of 5 per cent?

Mr. HILL. No; it will weaken it, because 5 per cent less is required all told. The banks in the city from which the gentleman comes can well afford to have any reserve required, because there is a Federal reserve bank in the gentleman's city; but you take a man who lives in a community 50 or 100 miles away from a Federal reserve bank, and that whole reserve of 7 per cent is kept in the Federal reserve bank vault, and that is not safe banking.

Mr. BORLAND. That is exactly what I am asking the gentleman. If they were to keep a reserve of 12 per cent under existing law, they could keep part of it, or 7 per cent, in some private bank in Kansas City, and the other 5 per cent in the Kansas City Federal Reserve Association bank, so they would be just as far from their money as they are under this law.

Mr. HILL. Across the street.

Mr. GLASS. The gentleman from Connecticut talks about the "interest on money" of which country banks are here deprived, and the additional 2 per cent upon which the local bank "can not draw interest." Can the local bank draw interest on any part of its prescribed 12 per cent reserve under existing law?

Mr. HILL. Yes; it can draw interest on its prescribed reserve under the existing law up to November 1.

Mr. GLASS. Up to November 1, yes; but the gentleman knows what I mean.

Mr. HILL. Yes.

Mr. GLASS. The country bank can get 2 per cent on part of its reserve now, but not after November 1. In other words, under existing law the local bank, after November 1, will have 12 per cent upon which it can get no interest, and under this proposition it will have only 7 per cent.

Mr. HILL. After November 1.

Mr. GLASS. Is not that a fact?

Mr. HILL. A great deal of water is going to pass over the dam before November 1, I will tell my friends, in regard to banking matters. The criticism upon this system to-day is that the Federal Reserve System is being maintained at the expense of the national banks for the benefit of the State banks and trust companies. This simply aggravates that condition. It costs more. It costs now about 1 per cent on the stock of a country bank to maintain the existence of the Federal Reserve System.

Mr. GLASS. How does the gentleman account for the fact that the Federal reserve council, composed exclusively of representatives of the Federal reserve banks of the country, recommends that this should be passed?

Mr. HILL. I have no doubt of that. The whole purpose and object of this is to aggrandize the Federal Reserve Board, to take away the gold and the legal tender money of the country banks and center it here, and to substitute in lieu thereof the Federal reserve notes. How many of the Members of the House now present know that the nonlegal tender paper money aggregates more, I think, to-day than the greenbacks outstanding in this country? And the purpose of stripping the country banks of legal tender and putting it in the Federal Reserve Bank System is to further extend that system. And if that is done, within a year you will see a thousand million Federal reserve notes nonlegal tenders as practically the only money country banks can handle.

Mr. GLASS. And yet the gentleman from Connecticut was in favor of a central bank, which would have consolidated all of the reserves in one bank.

Mr. HILL. I would; I would rather have one central bank managed by business men than a Federal Reserve Board managed by Democratic politicians only. [Applause.] Now, I did not want to refer to that——

Mr. GLASS. The gentleman ought not to have referred to it. He knows he ought not to have made such a statement, and he knows that one of the ablest members of the Federal Reserve Board is not a Democrat, and he favored this provision more than any other. He originated the suggestion.

Mr. HILL. Who is he?

Mr. GLASS. The gentleman knows he ought not to have made the statement.

Mr. HILL. Who started it; I did not start it. Will the gentleman name one man on the board that is not a Democrat?

Mr. GLASS. I could name more than one who did not vote for Woodrow Wilson in the last election; but that has nothing to do with purely economic questions, which ought to be considered on their merits.

Mr. HILL. I agree to that, but I did not introduce the subject; the gentleman introduced it.

Mr. GLASS. I did not. I said nothing about politics.

Mr. HILL. The gentleman asked whether I preferred a central bank to a Federal Reserve Board.

Mr. GLASS. What has that to do with politics? Many Democrats advocate a central bank. I had reference only to the question of concentrating banking power, and not to the political aspect of the problem.

Mr. HILL. Mr. Chairman, in self-defense I will tell a story. I was a member of the Chicago convention of bankers, delegated by the State of Connecticut to represent their banks. I went to that convention and was a member of a committee appointed to consider the Federal reserve act and report amend-

ments. I was a member of a committee appointed by that convention to come to Washington and ask for amendments.

In the discussion of that bill in Chicago for 24 hours, we discussed it in an absolutely nonpartisan way. I take no criticism of that sort from the gentleman from Virginia or anybody else. When we reached the clause of the Federal reserve bill providing that there should not be more than three members of any one particular party, I said, "Mr. Chairman, I move to strike from this bill every political allusion in it." The committee was composed of Democrats and Republicans——

Mr. GLASS. I regret that my friend did not exercise the same wisdom here that he displayed there. [Applause.]

Mr. HILL. I said nothing about politics until the gentleman interjected his question. As I said to this committee, "I move to strike out every political allusion in that bill." Some one said, "Would you give the President power to appoint all from one political party?" My answer was, "No President ever lived, no President is living now, and no President ever will live, that would prostitute a great business enterprise like this to a political machine." I was mistaken.

Mr. GLASS. No; the gentleman was not mistaken.

Mr. HILL. Yes; I was.

Mr. GLASS. No; the gentleman was not.

Mr. HILL. Every man was chosen from one political party.

Mr. GLASS. That is not the fact.

Mr. HILL. Well, let us drop the subject; the gentleman started it. I am willing to go further.

Mr. GLASS. The gentleman started it, and he ought to end it.

Mr. HILL. As I said, I was mistaken. Mr. Chairman, it is said that this will affect the country banks, because it gives greater rediscount privileges. There never has been a time since the law was enacted that there has been thirty millions of rediscounts, all told. There could be a billion or more. There never has been 30,000,000 in the aggregate in the United States. The effect of this, gentlemen, is to further penalize your country banks by compelling them to take their legal-tender funds and deposit them in the Federal reserve.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. STAFFORD. I ask unanimous consent that the gentleman's time be extended 10 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. HILL. Now, gentlemen, I want to add one thing more, and I think the chairman of the committee will agree with me in this. I would like to see, as he would like to see, every bank in the United States in the Federal Reserve System. I would be glad to see it. I have stood steadily for two years trying to stop the exodus from the Federal Reserve System and keep banks in it.

Now, out of 21,000 banks and trust companies in the United States under State laws only about 35 have gone into the Federal Reserve System, and only those have gone in who have been forced to go in under the national banking law or else yield to liquidation. I refer to national banks.

Mr. SLOAN. How many have gone out?

Mr. HILL. I do not know. I want the system bettered rather than made weaker. I am not trying to hurt it; I am trying to help it. I want it to do well. I approve of the gentleman's bill and shall vote for it, except for the reserve provision. I want to say that the provision in this bill to induce country banks, State banks, and trust companies to come in are more than nullified by this provision which would increase the amount of the stockholders' and depositors' money which they are required to let lie idle, and that we will not get any banks to come in under that provision. They may come in in spite of it in peculiar cases, just as the Corn Exchange Bank in New York City has gone in as one of the 35, but there must be something radically wrong in a great system where only the banks that are in it are forced into it under the penalty of liquidation if they do not come in, and of those who came in voluntarily, State banks and trust companies, only 35 out of 21,000 have come in. Why make it more odious? Why make it more harmful to the 21,000 banks? You can not drive them in by making the conditions worse than they are now.

Mr. PHELAN. Mr. Chairman, will the gentleman state where he gets those figures of 21,000? I challenge them. I say there are not 21,000.

Mr. HILL. Very well. It is easy enough to make the challenge. I continue my statement—state banks, trust companies, and savings banks.

Mr. PHELAN. I ask the gentleman for his authority.

Mr. HILL. I give the authority of the comptroller's office, the annual reports of the comptroller's office. I think the exact number is 21,439, but I did not care to be too definite.

Mr. PHELAN. Does not that include savings banks?

Mr. HILL. I include all of the banks reported to the comptroller's office.

Mr. PHELAN. Savings banks can not come in.

Mr. HILL. The others that have a choice in the matter have not come in. I have been trying for a year to make it possible for savings banks to come in. I introduced a bill to that effect last year. This clause compelling your country banks to take their money and put it in the Federal reserve banks, forbidding them practically from carrying on their business with their correspondents as they have done in the past, except at their own expense, is going to make the system more odious still. I would strike it out, as a well-wisher of the Federal Reserve System.

Mr. STAFFORD. Mr. Chairman, will the gentleman yield?

Mr. HILL. Yes.

Mr. STAFFORD. If the amendments proposed by the gentleman are adopted, what will be the reserves in the respective banks?

Mr. HILL. Just exactly what they are now.

Mr. STAFFORD. Then the reserves of the city and country banks are not included in section 19?

Mr. HILL. It is just exactly as they are now. If this amendment I have offered is adopted the reserves will remain unchanged both in the city and in the country and in the Federal reserve cities.

Mr. GLASS. In other words, you will have 12 per cent on which country banks can not draw interest instead of 7?

Mr. HILL. There is not a nation in the world that permits a reserve as low as that, except France, and France does not carry any; and yet France, governed by the one central bank which the gentleman seems to criticize, carries a higher reserve voluntarily than any other nation in the world compelled by law.

Mr. GLASS. I regret that the gentleman does not seem to comprehend the import of my inquiry about a central bank. It had no political significance whatsoever. The gentleman was talking about consolidation of banking power and mobilization of money at one point, and I was simply suggesting that he was in favor of a greater concentration than is proposed here.

Mr. HILL. I am opposed to political concentration of any industrial or financial system, I do not care what it is; and I would not vote for it if every one was a Republican instead of a Democrat.

Mr. GLASS. And I am opposed to any political consideration of this grave economic question. Moreover, as I have already said, every member of the Federal Reserve Board is not a Democrat, as the gentleman states.

Mr. HILL. I ask the gentleman to name one who is not.

Mr. GLASS. I do not care to go into that question.

Mr. HILL. Very well; I will excuse the gentleman.

Mr. GLASS. I may state to the gentleman that two members of the board are not Democrats, and I know it.

Mr. STEPHENS of Nebraska. Mr. Chairman, will the gentleman yield?

Mr. HILL. Yes.

Mr. STEPHENS of Nebraska. I want to ask the gentleman if, in his opinion, the 5 per cent reserve now held by the Federal reserve banks is adequate for the rediscounting purposes of the member banks?

Mr. HILL. The gentleman means for the rediscounting with the Federal reserve banks?

Mr. STEPHENS of Nebraska. Yes.

Mr. HILL. I presume it may not be large enough for some portions of the South where the cotton crop comes in all at once and very heavy rediscount privilege may be asked. So far as our section of the country is concerned, and so far as the country as a whole is concerned, the privilege has not been used and probably never will be used to any very great extent.

Mr. STEPHENS of Nebraska. Does the gentleman believe that if this 5 per cent is not adequate now in time of business prosperity it will be adequate at all in time of great stress—in a panic, for example?

Mr. HILL. It is adequate now, far more than adequate, with hundreds of millions of the privilege unused, and it always will be so.

Mr. STEPHENS of Nebraska. In time of panic 7 per cent would afford adequate protection, would it not?

Mr. HILL. Theoretically it would.

Mr. STEPHENS of Nebraska. And at the same time be a small charge on these people.

Mr. HILL. But any Federal reserve bank has got to violate the law in order to have that privilege very much extended. The restrictions upon the paper, upon the character of paper, the purpose for which it is given, and indorsements, and all that sort of thing, are so great that the law has already been modified in many respects. Let me cite a case. What is called accommodation paper is practically now accepted for rediscount. The law does not permit it. It is a forced construction by the Federal Reserve Board, and in time of panic the Federal Reserve Board has got to violate the law or your rediscount privilege is not worth the paper it is written on to the average country bank.

Mr. BANKHEAD. Will the gentleman yield for a question?

Mr. HILL. Yes; certainly.

Mr. BANKHEAD. I would like to ask the gentleman if in his observation and study of this bill he finds anything in it that in any way might affect prejudicially the interests of these State banks and trust companies that are not members of the reserve system?

Mr. HILL. It takes 2 per cent of the deposits that they have now and turns it over to the Federal Reserve System and takes it out of the use of the locality.

Mr. BANKHEAD. The State banks and trust companies are not affected.

Mr. HILL. Certainly, if they go in; certainly. So far as State banks are concerned—no; oh, no; they are free; they can keep their money in their vaults if they want to; but at the same time I do not believe there is a State in the Union, the statement to the contrary notwithstanding, that permits a reserve as low as 7 per cent against the payment of deposits.

Mr. GLASS. I know of States in the Union that do not require any reserve.

Mr. HILL. Certainly, I will agree to that; but are they banks of discount?

Mr. GLASS. Yes.

Mr. HILL. Will the gentleman name one State?

Mr. GLASS. Yes; the State of Virginia.

Mr. HILL. Exactly.

Mr. GLASS. And others.

Mr. HILL. Well, I did not know there was one.

Mr. McFADDEN. As a rule, in the matter of reserve requirements of vault cash in England, France, Germany, and all continental countries of Europe, they do not require any reserve of vault cash.

Mr. HILL. I am aware of the fact that in some countries they do not. France does not require any, but I know this, gentleman, from actual experience, and I am looking right in the faces of bankers who know I am right by their own experience, you can not take any manufacturing section of the country and you can not take any cotton section of the country during picking time and get along with a 7 per cent reserve.

Mr. McFADDEN. As I said before, there is no reserve requirement by any banking corporations in England.

Mr. HILL. I know in the manufacturing sections of the country it requires from 20 to 30 per cent constantly and requires it all the time, and then to cut it down to 7 and 6 and require that that shall be taken away from the bank seems to me is a fatal mistake. Now, I am in favor of this bill except that section, and will be very glad to vote for it with that section stricken out. I think we ought to have more time to consider that section. I think we ought to have time to hear from the banks of the country as to whether they want this legislation or not before we act on it. My judgment would be that it would be wise to strike out this section and go home and talk with our constituents and come back here next December and take up that section as a separate bill and act on it with a full knowledge of the effect that it is going to have upon our people.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Connecticut.

Mr. McFADDEN. Mr. Chairman, I offer an amendment as a substitute to the amendment.

The CHAIRMAN. The gentleman will send it up.

Mr. McFADDEN. It is at the Clerk's desk.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 6, line 16, strike out the word "seven" and insert the word "five."

Mr. McFADDEN. Mr. Chairman, this amendment proposes to reduce the legal requirements of the reserves of country banks from 7 to 5 per cent, as proposed in this Federal reserve amendment, but it is a well-known fact that while under the old law the legal reserve of 12 per cent applied to country banks, those banks, notwithstanding this fact, are keeping an average reserve of about 27 per cent. The country banks have never confined themselves to the legal requirements. Under these Federal reserve amendments as now proposed they will be compelled not only to keep all the reserves they now keep in the Federal reserve banks, but to increase them 2 per cent, or from 5 per cent to 7 per cent—and this must be a net balance of 7 per cent—whereas present requirements are a gross requirement. That is to say, the banks must carry the float—amounting on the average to 1¾ per cent, being the checks in process of collection—so, therefore, the banks must carry 8¾ instead of 7 per cent.

Mr. CANNON. Will the gentleman yield for a question?

Mr. McFADDEN. Yes; I will.

Mr. CANNON. Does the gentleman say that the country banks voluntarily keep 27 per cent reserve with the regional banks under the Federal reserve act?

Mr. McFADDEN. Oh, not at all.

Mr. CANNON. With their correspondents?

Mr. McFADDEN. With the city correspondents of the bank and the regional banks combined.

Mr. CANNON. Upon which they get 2 per cent interest?

Mr. McFADDEN. That is one point I was coming to. The city correspondent banks pay them interest usually at the rate of 2 per cent, but the regional banks pay no interest. That is one of the reasons for my amendment reducing this requirement to 5 per cent.

Mr. CANNON. And they get no interest from the Federal reserve banks?

Mr. McFADDEN. No; as a matter of fact, their combined reserves to-day are about 27 per cent. They are permitted under the present law to keep a small portion of that with other banks in reserve cities, and under this law, if adopted, there will be a complete mobilization of all reserves into the 12 regional reserve banks immediately. Now, the purpose of this amendment is to permit these country banks to keep a portion of their reserve with other than Federal reserve banks and thus receive more compensation in the way of interest and other emoluments, such as services which are known only to the country banks. These city banks perform many forms of services for the country banks and are repaid by a compensating balance from the country banks. I might add here that in the Senate a bill has been reported from the Senate Banking and Currency Committee in which they have provided that the reserves of the country be fixed at 6 per cent.

So that this amendment of mine would be 1 per cent lower than the Senate amendment. When you consider that this is a net reserve, and that the banks must carry the float or the checks in transit, and that amounts to on the average 1¾ per cent the country over, if you fix the required reserve at 7 per cent it means the banks must carry actually 8¾ per cent reserve to meet the legal requirements; whereas if you make the legal requirement 5 per cent and then add the float or checks in process of collection, amounting to 1¾ per cent, you then have the correct statement of what will then be required of the country banks—namely, 6¾ per cent under my amendment or 8¾ per cent under the proposed amendment of the Federal Reserve Board.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. McFADDEN].

Mr. PHELAN. Mr. Chairman, it is unfortunate in the discussion of this all-important question that men should talk about nothing but the banks. All through the Federal reserve act, when we were considering the question of putting on the statute books some kind of a law that would help the commerce and the industry and the agriculture of the country, and incidentally the banks of the country, we were met at every turn with the question, "How does it affect this little bank or that bank? Is this profit interfered with or that profit interfered with?"

Gentlemen, this is a tremendously big question. Just think what we are doing. We have provided for issuing $5,000,000,000 of bonds and $2,000,000,000 worth of United States notes. We shall have provided in a day or two for an expenditure of almost $3,000,000,000 for the Army. In view of these big financial provisions, as well as for other purposes, what is one of the most important things for us to do in addition? It is to make secure during this war our financial structure. There ought not to be anybody in the country, much less in the House, who will allow for one minute any of these petty objections to stand in the way of giving our country just as strong a financial structure as it can have. [Applause.] Heaven knows that before we get through with this war our finances are going to be strained as they have been strained in every European country. We have a system that in spite of the ob-

jections that were made to it in its formation is recognized as the best banking system in the world, and if we can make it still stronger we should do it.

This section in this bill involves the placing of something like $350,000,000 additional reserves into the Federal reserve banks and making the banks that much stronger, that much better able to meet any test that comes. Here is the big question that is coming up. We are going to have our credit extended; we are going to have requests for credit from all over the United States. We have got to put our member banks and our Federal reserve banks in the right position to meet that demand when it is made.

During the war we have had a great influx of gold into this country—hundreds and hundreds of millions of dollars. Every dollar of that gold can be used as reserve for banks. As we accumulate gold for them, their loaning power is extended. What we are trying to do by this provision is not necessarily to keep that gold in this country—it may help to do that—but to use the gold we have in this country to the best advantage. I want to repeat that statement, because I think the statement, as often made, is that the purpose of some of these amendments is to keep gold in the country. Now, we can absolutely depend on the economic law that if economic conditions are going to call for a flow of gold from the country the gold is going. We can do things to help keep it here, but one of the main purposes, if not the main purpose, of this amendment is to use the gold that we have in this country now and in the future to the best advantage of our credit system. That is the purpose. What does it mean? It means that if agriculture wants to be taken care of at our banks it will be taken care of. It means that if industry wants to be taken care of at our banks it will be taken care of, and it means that if manufacture wants to be taken care of at our banks, it will be taken care of. And the stronger you make our Federal reserve banks the better position you place the banking system of the country in to meet the conditions placed upon it.

The idea that we are taking something out of country banks would not apply as a stop, even if there was anything to justify it. Let me point out the misconceptions of the gentlemen who are arguing that way. Under the old national-banking law the country banks had to keep 15 per cent reserve—6 per cent in their own vaults and 9 per cent with other banks. But remember it was 6 per cent in their own vaults, and that 6 per cent virtually had to be locked up in vaults and not used.

Mr. HILL. The gentleman knows that they could keep 15 per cent in their own vaults if they wanted to do so.

Mr. PHELAN. That makes my argument much stronger. They had to keep it idle, so far as using it was concerned. The purpose of keeping it was to make it the basis of credit, but so far as using that cash is concerned, it could not be done under the national-banking law, without putting back what was taken out of this 6 per cent. It was 6 per cent on which they did not get a dollar of interest, and useless to them for use except as a basis of credit. What are we asking? All we are asking is 7 per cent to be kept in the Federal reserve bank, which is only 1 per cent over what they had to keep in their own vaults, without requiring the country banks to keep any of the 9 per cent additional formerly required. Where country banks had to keep 15 per cent under the national-bank act, they have to keep 7 per cent under this bill. Under the Federal Reserve System country banks must keep a reserve of 12 per cent, upon which they can not obtain any interest. Under this bill the requirement is only 7 per cent.

Mr. STAFFORD. Will the gentleman yield?

Mr. PHELAN. I will.

Mr. STAFFORD. What protection are you giving to the depositors, which is the basis principle of reserves? The old law says 15 per cent. That was supposed to be for the benefit of the depositors. True, some of it was locked up. Now you are reducing it to 7 per cent and transferring it to the Federal reserve banks. What provision have you made for the depositors of any additional fund in the local bank in case of need?

Mr. PHELAN. We are giving the banks the security of the Federal reserve banks. The question of 7 per cent gives the depositors of the country fully as good security as they ever had—perhaps better than they ever had before.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GLASS. Mr. Chairman, I ask unanimous consent that he may proceed for five minutes.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent that the gentleman from Massachusetts [Mr. PHELAN] may proceed for five minutes. Is there objection?

There was no objection.

Mr. LITTLE. How will that avoid a run on the bank in these troublous times that you tell us are coming?

Mr. PHELAN. Now, here is the whole situation: Just as long as a bank is a member of this system it can go up with its paper and get it rediscounted with the Federal reserve bank and get all the cash it needs if a situation like that should arise.

The gentleman from Wisconsin [Mr. STAFFORD] asked me how they got security against loss to depositors. It is because of the strength of the system. They have 7 per cent in the Federal reserve banks as a reserve. In addition, as the gentleman from Connecticut [Mr. HILL] says, they never will deplete their own vaults. They will always have something there.

Mr. STAFFORD. When they provide a certain percentage for reserve, it is with the purpose that they will not deplete their cash deposits.

Mr. PHELAN. As long as the bank has either cash or what it can turn into cash to meet demands, it is in a perfectly safe condition, and in this Federal Reserve System, even if they have not the cash, they can get it from the Federal reserve bank. That is all the more reason why you want to make the Federal reserve banks all the stronger, to meet the demands of the member banks when the member banks draw upon them when they in turn are drawn upon by their depositors.

Mr. HILL. I have received new light since the gentleman said that if they have not got the cash they can go to the Federal reserve bank and present security and get it. What kind of security?

Mr. PHELAN. They can present commercial paper.

Mr. HILL. Oh, if it is the right kind.

Mr. PHELAN. If they have not the right kind, they are probably not doing business in the right way.

Mr. PLATT. Mr. Chairman, will the gentleman yield?

Mr. PHELAN. Yes.

Mr. PLATT. Suppose a bank should pay out every cent of its till money? Would the depositors lose anything?

Mr. PHELAN. Probably not.

Mr. STAFFORD. The banks would be insolvent if they did not have the money to pay their depositors.

Mr. PHELAN. No. I want to say that I have not any prejudice against the small banks. I come from a section where we have country banks. In this country we have to take care of the business of the country and the agriculture of the country, and not take any chances of having our financial structure even threatened.

Mr. LITTLE. Mr. Chairman, will the gentleman yield?

Mr. PHELAN. I will in a couple of minutes, when I have made my statement.

Now, see how inconsistent these gentlemen are. They make the statement that even under these reserve requirements, where 7 per cent is drawn into the Federal reserve bank, they are still obliged to keep some money in their vaults. Of course, they are. They can not run down to nothing. Under the present system, where they are obliged to keep 4 per cent reserve in their vaults, they are required now to keep some additional money besides that 4 per cent in their vaults to meet demands on them. Where the law requires a reserve of 4 per cent, the banks may keep 10 per cent. They keep above the 4 per cent, so that the bank is always safe. If the reserves now required to be kept in their own vaults are dispensed with, they will reduce the amount of till money. They will not have to keep watching to see if they have that 4 per cent, the legal requirement under the law. In other words, while they keep till money, they will not be obliged to keep it—far and wide in the country—as they do now. Is not that a fair statement?

Mr. HILL. Yes; and forcing them to put this in the Federal reserve system makes it all the more of a hardship on the banks of the United States.

Mr. GLASS. They are suffering a hardship now from the banks not being able to withdraw their reserves.

Now, about the question of securities. As a matter of fact, under the existing law, up to the 17th of next November the local banks will have 12 per cent of their reserves locked up, on which they can not get one dime of interest, and under this bill they will have only 7 per cent.

Mr. PHELAN. Yes. I want to continue my statement. Again, to show how inconsistent these gentlemen are, the gentleman from Connecticut [Mr. HILL] talks about making the Federal reserve notes the basis of reserves. Now, I contend there is no basis for that. There is not a single word in the bill which will permit the Federal reserve notes to be used as a basis for reserves.

Mr. HILL. The gentleman knows that the Federal Reserve Board recommended that it should be put in the bill.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. PHELAN. Mr. Chairman, I would like to have two minutes more.

Mr. LITTLE. I object to two minutes more being given to the gentleman unless he will answer my question.

The CHAIRMAN. Under the rule the committee will now rise and report to the House.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. GARNER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 3673) to amend the act approved December 23, 1913, known as the Federal reserve act, as amended by the acts of August 4, 1914, August 15, 1914, March 3, 1915, and September 7, 1916, and had come to no resolution thereon.

URGENT DEFICIENCY BILL—WAR EXPENSES (H. REPT. NO. 36).

Mr. FITZGERALD. Mr. Speaker, by direction of the Committee on Appropriations I report a bill making appropriations to supply urgent deficiencies for the fiscal year ending June 30, 1917, and for other purposes.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

A bill (H. R. 3971) making appropriations to supply urgent deficiencies in appropriations for the Military and Naval Establishments on account of war expenses for the fiscal year ending June 30, 1917, and for other purposes.

Mr. STAFFORD. Mr. Speaker, I reserve all points of order.

The SPEAKER. The gentleman from Wisconsin reserves all points of order on the bill. The bill is ordered printed and referred to the Committee of the Whole House on the state of the Union.

Mr. FOSTER rose.

The SPEAKER. For what purpose does the gentleman from Illinois rise?

Mr. FOSTER. I wanted to ask the chairman of the Committee on Appropriations if it is his purpose to call up this bill to-morrow for consideration?

Mr. FITZGERALD. I hope to take it up to-morrow, Mr. Speaker.

ORDER OF BUSINESS.

Mr. WEBB rose.

The SPEAKER. For what purpose does the gentleman from North Carolina rise?

Mr. WEBB. To ask unanimous consent for the present consideration of House bill 291.

Mr. MANN. Let us reach it on the call of committees.

The SPEAKER. The gentleman from North Carolina asks unanimous consent for the present consideration of House bill 291. The Clerk will report it.

Mr. MANN. I ask for the regular order.

Mr. WEBB. I have no objection at all, Mr. Speaker. I thought this was the quickest way to get it up. That was the reason I made the request.

The SPEAKER. The Clerk will call the committees.

ESPIONAGE.

The Clerk proceeded with the call of committees.

Mr. WEBB (when the Committee on the Judiciary was called). Mr. Speaker, I desire to call up from the Judiciary Committee the bill (H. R. 291) to punish acts of interference with the foreign relations, the neutrality, and the foreign commerce of the United States, to punish espionage, and better to enforce the criminal laws of the United States, and for other purposes.

The SPEAKER. The Clerk will report it by title.

The Clerk read the title of the bill.

Mr. WEBB. Mr. Speaker, I ask unanimous consent that the first reading of the bill be dispensed with.

Mr. MANN. Will not the gentleman ask unanimous consent to consider the committee amendment in lieu of the original bill, as though the committee amendment were the original bill?

Mr. WEBB. I would like to make that request, of course, under the circumstances.

The SPEAKER. The gentleman from North Carolina asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

There was no objection.

Mr. WEBB. Now I ask unanimous consent that the committee amendment, which is a substitute for the original bill, may be considered as the original bill.

The SPEAKER. The gentleman from North Carolina asks unanimous consent that the committee amendment be considered as the original bill. Is there objection?

Mr. MADDEN. Reserving the right to object, I want to know, if that consent is given, will the substitute be subject to amendment?

Mr. MANN. That is the purpose of it—to make it subject to amendment as though it were the original bill.

Mr. MADDEN. I thought the purpose of it was to cut off amendment. If it was, I would object; but if not, I will not object.

Mr. WEBB. The purpose is to allow amendments, as to an original bill.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will proceed with the reading of the bill.

The Clerk began the reading of the bill.

Mr. MANN. Mr. Speaker, the first reading of the bill has been dispensed with.

The SPEAKER. The Clerk is reading the bill for amendment.

Mr. MANN. We have not discussed the bill yet.

Mr. MADDEN. I should like to ask if there is going to be any general debate.

The SPEAKER. If no gentleman desires to debate the bill, the Chair will put it to a vote.

Mr. MADDEN. I would like to ask if there is going to be any arrangement for general debate.

The SPEAKER. The Chair can not tell.

Mr. WEBB. There is none so far.

Mr. MADDEN. There ought to be considerable discussion of this bill. It is one of the most important bills that has ever come before the Congress of the United States. It affects the liberties of the people of the United States to an extent that they have never been affected before in all our history, and there ought to be wide discussion on it, and everybody in the House ought to have an opportunity to express his opinion about it, and there ought not to be any attempt made to push this bill to a vote at the end of any hour that any Member may be recognized on this floor.

Mr. WEBB. I can assure my friend that no such attempt will be made. I have never attempted to rush any bill through the House.

Mr. MADDEN. I did not know what the disposition would be. The Speaker said he was trying to get a vote on it.

Mr. WEBB. I was trying to get recognition when the Chair made that remark.

The SPEAKER. The Chair wishes to say that he has no disposition to rush the bill through, but nobody was asking the floor, and if there is no debate on a bill the thing to do is to put it to a vote.

Mr. MADDEN. I was not criticizing the Speaker. I was simply calling attention to the importance of the bill and to the importance of general discussion upon it.

The SPEAKER. The gentleman from North Carolina [Mr. WEBB] is recognized for one hour.

Mr. WEBB. Mr. Speaker and gentlemen of the House, what the gentleman from Illinois [Mr. MADDEN] has said is in large part true, in that this is a very important measure. I think it has been magnified somewhat by a lot of misinformation that has been printed about it in the newspapers, and they have created the impression that the committee or somebody was undertaking to unduly abridge the freedom of the press and the freedom of speech. There might have been some little warrant for that suggestion if some provisions for the various bills introduced during the last six months had been recommended to this House; but I desire to say to the House that the bill as originally introduced has been practically rewritten by your committee. We sat around the committee table for practically three weeks in an effort to clarify every ambiguous and uncertain term used in the original bill. We wanted to make each offense definite, so that the public would know when it was committing a crime; and, section by section, patiently, all day long often, the committee have gone over every line of the bill and have rewritten it, and therefore we offer you a substitute for the bill as originally introduced; and, at the risk of being a little tiresome possibly, I will explain in a running way each section of the bill. However, I can say to the House that it is my opinion and the opinion of the committee that title 1, which you will find on page 34, consisting of 10 sections, is the title to which most objection has been raised. That is the part we call the espionage or spy section. All the remaining titles or sections of the bill more or less explain themselves and punish violations of our neutrality. But I take it that the first title is the one that most Members will be interested in, because that is the title you have heard the most about in the newspapers. The newspapers do not want to be disturbed in their "liberty" of the press and "freedom of speech," and some of them may protest a little about section 4 of this title 1. But I hope they will remember that in time of war, while men are giving up their sons and while people are giving up their money, they should at

least be willing to give up their right, if they call it a right, to publish broadcast those things which the President of the United States thinks would be hurtful to the United States and helpful to the enemy. I yield to the gentleman.

Mr. JOHNSON of Washington. Is this bill as now presented, and with the changes which the committee have made in recent weeks, the bill that was objected to by the publishers' press and the convention of daily newspaper publishers in New York last week?

Mr. WEBB. I think it was the original bill. I do not know whether the publishers had before them the bill that we have reported or not.

Mr. JOHNSON of Washington. Would it have been possible for the publishers in New York last week to have had before them the bill as it is now printed?

Mr. WEBB. I do not think so. I am not prepared to say that they had before them the bill which the committee has presented to the House. I know that after this bill was reported and presented to the House one of the big papers commended it and congratulated the committee upon it.

Mr. JOHNSON of Washington. One of the other big papers criticized it most severely.

Mr. WEBB. I have not seen that criticism of this bill.

Mr. JOHNSON of Washington. I have it here.

Mr. WEBB. In what paper is it published?

Mr. JOHNSON of Washington. The New York American of Friday, April 27.

Mr. FESS. Will the gentleman yield for a question?

Mr. WEBB. Yes.

Mr. FESS. In time of war we are very apt to do things that we would not think of doing in time of peace. The question I want to ask is if the committee wrote the bill on the theory that the Constitution of the United States is operative in time of war?

Mr. WEBB. Yes. We recognized the Constitution at that time to be just as binding in time of war as in time of peace. That is my view of it.

Mr. FESS. That is one danger when we are in a spirit of war.

Mr. WEBB. We might pass constitutional acts in time of war which we would not pass in time of peace, but all must be in keeping with the Constitution.

Now, gentlemen, title 1 deals entirely with what we call the espionage laws. Section 1 of this title provides that—

> Whoever, with intent or knowledge, or reason to believe that the information to be obtained is to be used to the injury of the United States, copies, takes, makes, or obtains, or attempts to copy, take, make, or obtain, any sketch, photograph, photographic negative, blue print, plan, model, instrument, appliance, document, writing, code book, or signal book, connected with the national defense, or any copy thereof, or with like intent or knowledge, or reason to believe, directly or indirectly, gets or attempts to get information concerning the national defense, shall, upon conviction thereof, be punished by a fine of not more than $10,000 or by imprisonment for not more than five years, or both.

Mr. HUDDLESTON. Will the gentleman yield?

Mr. WEBB. I will yield to the gentleman.

Mr. HUDDLESTON. I want to call the gentleman's attention to the fact that the injury to the United States is not confined to military injury. This bill would be applicable to any injury.

Mr. WEBB. Why not?

Mr. HUDDLESTON. That is what I wanted to ask. Was it not intended to relate to military offenses?

Mr. WEBB. That is the way the courts would probably construe it. The first section is not for a time of war alone, but it would apply equally in war as well as in a time of peace. The original section provided that whoever obtained information to which he was not lawfully entitled, and so forth. Our difficulty was to ascertain to what a man was lawfully entitled, because there was no law to define what he was entitled to. We provide that any man who takes photographs, blue prints of a fort or a fortification having a purpose to injure the United States. We have made it a definite offense and provided that any such person should be punished.

Mr. HICKS. Mr. Chairman, this is an important matter and we are all interested in it. I think if the chairman is allowed to proceed without interruption it would be a great deal better than to have his remarks split up in this desultory way. I hope he will be allowed to proceed without interruption.

Mr. TOWNER. Will the gentleman yield?

Mr. WEBB. I will.

Mr. TOWNER. Will the gentleman be kind enough to tell us what, if any, legislation we now have regarding the provisions in section 1.

Mr. WEBB. If the gentleman will take this pamphlet which I have here, he will see what it is. I would not have time to read it all.

Mr. TOWNER. But in a general way could not the gentleman state what changes have been made?

Mr. WEBB. I would not want to do that at this time.

Mr. SMITH of Michigan. Will the gentleman state what pamphlet it is he holds in his hand.

Mr. WEBB. It is a pamphlet prepared in the Department of Justice, "Recommendations by the Attorney General for legislation amending the criminal and other laws of the United States with reference to neutrality in foreign relations."

The Attorney General says:

> An act making it a crime to obtain without lawful authority or to communicate to a foreign government or any officer or agent thereof, or to any other person, any act or information relative to the national defense obtained by virtue of employment in the service of the United States, or obtained from unlawful access to Government papers or other property, or by fraud upon or connivance with a Government official or employee, or otherwise unlawfully obtained or retained.

The act of March 3, 1911. It is practically the language of our section, but in that old statute the words are employed "to which he is not lawfully entitled"; but nobody knows what information the ordinary man is entitled to receive, and consequently we were building on a foundation of sand. Before you subject a man to a highly penal law, put him in prison for 20 years or take his life, you ought to make everything you require of him or forbid him absolutely specific.

Mr. TOWNER. I did not ask the question in any spirit of criticism. I think the committee is right in the change. The change is made instead of the language quoted to be used to the injury of the United States.

Mr. WEBB. It is; we make the person guilty of an evil intent before we punish him. Otherwise he might go upon a fort with a patriotic intention to see how strong the fort was, how strong his country was, and glory in it, and be guilty of no evil intent. So we have made it necessary that he must have an evil intent before you incarcerate him for 20 years in a penitentiary.

Mr. TOWNER. So as a matter of fact this is a restriction of the existing law.

Mr. WEBB. In a way it is; yes. But it is a very clear and definite restriction.

Mr. CHURCH. Will the gentleman yield?

Mr. WEBB. Yes.

Mr. CHURCH. The gentleman speaks about the original bill and states that it has been practically rewritten. Will the gentleman be kind enough to state who is the author of the original bill?

Mr. WEBB. It was prepared in the Department of Justice under the direction of the Assistant Attorney General, Mr. Warren, and he and the Attorney General both told us that they did not want us to take the bill as written unless we thought we ought to; that it was the basis of a bill upon which we could work out something definite and something the House would adopt and stand for. I talked with the Attorney General, and Mr. Warren was before the committee for half a day. The trouble about some of the provisions was that they were in the form of general orders or rules and regulations, and very often the department issues them in rather vague and indefinite terms. Of course, it was the duty of our committee to make very highly penal statutes definite and certain, and that is what we undertook to do.

Mr. PARKER of New Jersey. Will the gentleman yield?

Mr. WEBB. I will.

Mr. PARKER of New Jersey. When you put in the language "with intent to injure" and reason to believe it is to be used to injure the United States, in section 2, why should it not include a communication to any person as well as to a foreign government?

Mr. WEBB. That is provided for in the next section.

Mr. PARKER of New Jersey. That is only where he is interested. I speak of where a person transmits any communication for the injury of the United States—why should it be limited to a communication to a foreign government?

Mr. WEBB. I do not see how you could well prove an intent to injure the United States in such case.

Mr. PARKER of New Jersey. If he makes a communication under section 2, you say it must be with an intent to injure the United States, but not if he communicates it to another person.

Mr. WEBB. Then you would make it an almost impossible thing to convict a man. If you transmit a book or a blue print or a photograph of one of our fortifications to some foreigner or to some foreign government, it is easy to prove intent, instead of simply making it a crime to transmit it to some patriotic American citizen. You would hardly ever convict a man under the charge that he had transmitted it for the purpose of injuring his own government.

Mr. STEVENSON. Mr. Speaker, I would like the gentleman to answer a question. Section 2, title 1, in the closing paragraph, provides that whoever violates that section in time of war shall be punished by imprisonment for not more than 30 years or by death. Where is the provision that lodges the discretion in anyone to vary that; in other words, to reduce the punishment from death to imprisonment?

Mr. WEBB. That is in the breast of the court who tries the case.

Mr. STEVENSON. Is it to be in the judge or on some recommendation of the jury?

Mr. WEBB. It is in the judge's breast. I do not think I shall have time to complete a running narrative of what the bill contains, but I shall insert it in the RECORD.

Section 4 of the bill has been most talked of in the newspapers. It authorizes the President by proclamation to declare the existence of a national emergency, arising either out of war or a threat of war, and by proclamation to prohibit the publishing or communicating of information relating to the national defense which, in his judgment, is of such character that it is or might be useful to the enemy.

Mr. MANN. Mr. Speaker, will the gentleman yield for a question?

Mr. WEBB. Yes.

Mr. MANN. The section provides for the President making a proclamation practically forbidding the publication or communication of information relating to the national defense which "in his judgment" is of a character that might be useful to the enemy. The language does not seem to be very explicit. Is it the purpose of the committee in drafting this language that the President shall specify the information that is not to be published? That can not be done, of course.

Mr. WEBB. I will say to my friend that the President can do it very much better than we can by legislation.

Mr. MANN. The President would not specify the information which can not be published, because that of itself would be a publication of it.

Mr. WEBB. He can specify the character of the information, such as the movement of troops, the movement of vessels, and things of that character, I imagine.

Mr. MANN. The language "in his judgment" is unnecessary, if that is to be the case, and might render it very difficult to obtain a conviction. If you authorize the President to prohibit the publication or communication of information which might be useful to the enemy and require him to specify, very well, but——

Mr. WEBB. The very fact that he issues a proclamation and specifies the character of information not to be published is tantamount to a declaration that in his judgment it would be useful to the enemy, so that the information is forbidden, and then the man who violates the proclamation would be guilty.

Mr. MANN. One step further. Of course, information as to the number of troops to be raised by law would be useful to the enemy?

Mr. WEBB. Yes; possibly.

Mr. MANN. And information as to the number of troops actually raised would be useful to the enemy. Is it the proposition that while you might, I suppose, discuss these matters on the floor of the House, though I do not know whether you could or not——

Mr. WEBB. Oh, yes; the Constitution says that you may.

Mr. MANN. I do not know. Members of the House under the Constitution are not required to answer anywhere else for what they say here. That is true. But that would not apply probably to a committee, and it would not apply to information obtained by a committee. How far do they want to go? How are you going to provide that no information concerning the number of troops which may be raised or the number of troops which are raised may in any way be made public?

Mr. WEBB. I do not think the President would ever issue any such proclamation, first, because the law itself, widely published, shows how many troops we are going to raise.

Mr. MANN. I have seen Presidents do some very foolish things.

Mr. WEBB. That is very true. But if the President were to abuse his authority, then every newspaper and citizen in the United States would criticize him to the extremest extent. We have inserted a clause reserving to the public the right to criticize. It was not necessary; but in order to reassure the public we have done so. We are in just one of those situations where we have to trust somebody. The President is the Commander in Chief of the Army and Navy of the United States, and he has in his hands the military control of the boys of the mothers of the country, and I take it that is as sacred a trust as it is for him to prescribe what in his opinion is information which would be useful to the enemy.

Mr. MANN. The gentleman says we have to trust somebody. We all trust each other to a certain extent. This section is of no effect until the proclamation is made by the President.

Mr. WEBB. That is right. We did not intend it to be.

Mr. MANN. If the War Department or the Department of Justice is prepared to present to the President for his signature a proclamation, why can they not tell us what it is intended to cover, so that we can put it in the law?

Mr. WEBB. In the very nature of things that would be difficult to do, because something is arising every day in the progress of a great war like this which it might be vital to keep from the public, because it might be useful to the enemy if published.

Mr. MANN. But the gentleman says it is only to fix the character of the information.

Mr. WEBB. Yes.

Mr. MANN. Not the specific information?

Mr. WEBB. I said the President could describe the character of the information. Of course, he would not publish it.

Mr. MANN. He will publish his proclamation, or it would not be any good.

Mr. WEBB. Yes.

Mr. MANN. If it is to be the character of information, why is it not just as simple to write it into this law as it is for a clerk in the Department of Justice to prepare it for the signature of the President? It can not relate to specific information, because the President can not proclaim. There is no making certain specific information, because that of itself would be a publication of the information.

Mr. WEBB. Yes; if my friend can write a specific section which will satisfy himself and the House, I am perfectly willing to accept it.

Mr. MANN. I could write it if I could write the proclamation. If there is anyone here bright enough to write a proclamation which will not forbid the giving of information which ought to be given to the people which may be of value to the enemy; if he can write that kind of information, why can not he write that kind of a section in the bill?

Mr. WEBB. I think my friend could write almost anything to cover the present facts, because I think he is one of the ablest men I ever knew, but facts and circumstances are going to develop later which my friend now would not have knowledge of and it might be important to cover later on, and a new proclamation might be necessary to cover that very information.

Mr. TOWNER. Will the gentleman yield?

Mr. WEBB. I do.

The SPEAKER. Does the gentleman yield to the gentleman from Iowa?

Mr. WEBB. I do.

Mr. TOWNER. The gentleman will remember, as we all remember, the extreme criticisms which were made, for instance, with regard to the submarines of the Navy, that they were utterly useless and of no value. The gentleman will remember how it was said that we had not a single machine gun on the border, and so forth. Supposing that in the period of our preparation for this war the newspapers of the country should continue to make such criticisms as that, perhaps sometimes unjust and unfounded, does not the gentleman think that it might be an inducement to the President to issue a proclamation saying that no criticisms of that character should be made by the newspapers of the country with reference to existing conditions, and does not the gentleman think that would be dangerous as we understand it here in America?

Mr. WEBB. I think under the law, if we passed it, the President would have the power to issue proclamations defining the publication of most anything that he solemnly states would be useful to the enemy. We have got to trust the Commander in Chief of the Army and Navy of the United States; but if he makes such an order as the gentleman suggests, he would be open to all the criticism which the newspapers and the public might direct against him.

Mr. TOWNER. Very well, I understand the difficulty—of course the gentleman does—but it seems to me before venturing upon such a dangerous experiment as that regarding the curtailing of the liberty of the press that we ought to be exceedingly careful, because if there ever was a time when the people ought to know what is actually being done with regard to preparations for this war it certainly is now.

Mr. MADDEN. Will the gentleman yield?

Mr. WEBB. I do.

Mr. MADDEN. The European situation developed this fact. In the early stages of the war they kept all the information from the people who were fighting the war. They finally began to realize that they had to take the people into their confidence and let the people know what they were doing in reference to the conduct of the war, and since they began doing that they have begun to succeed in fighting the war as it ought to be fought. If we pass this section of this bill, we will place it in the power of the President of the United States to say that nobody can criticize the conduct of the war, nobody can tell how many troops we have——

Mr. WEBB. I do not think the gentleman means that, because we absolutely preserve in the bill the right to criticize.

Mr. MADDEN. The right to criticize the President or any other official, but not what is being done in the conduct of the war.

Mr. WEBB. He is an official of the United States, and you can criticize him, too, and the policies of the Government.

Mr. MADDEN. We have every right to know what is being done, whether they are starving the men or whether the men are given enough to eat, whether they are going without any tents in the field or whether they have tents there, whether they have shoes, whether they are being fed right or not.

Mr. WEBB. Let me read the gentleman what we do provide:

That nothing in this section shall be construed to limit or restrict any discussion, comment, or criticism of the acts or policies of the Government or its representatives or the publication of the same.

Does not that cover it?

Mr. MADDEN. I have read that; and another thing I want to call to the attention of the gentleman from North Carolina: Some of the States may not have furnished their quota to the Army—that they have never been raised—and criticism might be made of the President because of something of favoritism along that line; and it may be that will be considered as a crime against the Government; and I believe that there ought not to be anything done or permitted to be done by any law which can be made by the Congress of the United States that will not give ample scope for criticism of everybody connected with the conduct of this war, whether it is the President or whether it is the generals of the Army or the General Staff, or what it may be. [Applause.] We ought to have free scope. The American people are going to furnish the men to fight the war, and they are going to furnish the money to fight the war, and we ought to have information in connection with the conduct of the war.

Mr. WEBB. The gentleman is taking the part of the newspapers here, when the newspapers themselves seem to be already satisfied.

Mr. MADDEN. I beg the gentleman's pardon; I am taking the part of the American people. I believe I have a right to criticize, and expect to have an opportunity to do it.

The SPEAKER. No Member has a right to interrupt another who has the floor without his consent.

Mr. WEBB. The gentleman has a right to criticize whatever he pleases. We have written it in this bill, although it was not necessary, in order to reassure such timid friends as the gentleman from Illinois [Mr. MADDEN].

Mr. MADDEN. I take exception to the statement of the gentleman when he used the expression "timid." I am not timid.

The SPEAKER. The gentleman from Illinois has no right to interrupt the gentleman.

Mr. WEBB. I withdraw the word "timid" and will insert the word "brave" in lieu thereof.

The SPEAKER. The gentleman from Illinois feels like the Speaker feels, but it is against the rules of the House.

Mr. WEBB. I insert in place of the word "timid" the word "brave."

Mr. MADDEN. I do not want the gentleman to give any expression of his opinion about it.

Mr. WEBB. Now, the New York World—which, they say, is somewhat of a guardian of the right of free speech—on the 27th of April, which was last Friday, congratulating the committee on the thoroughness of the work done, said:

As it now stands, the measure contains clear definitions of the crimes aimed at, and even as to them fixes guilt only where intent to aid the enemy can be shown.

The censorship section empowering the President by proclamation to forbid publications relating to national defense in such cases as he may designate, and naming severe penalties for violations thereof, is likewise unobjectionable, especially as it concludes with a distinct proviso in harmony with the Constitution, that no limitation upon public discussion or criticism of governmental policies is intended. The necessity for a strict censorship as to military and naval plans and movements is everywhere recognized, and the authority is properly lodged in the Commander in Chief.

We are confident that in the enforcement of these reasonable regulations the authorities will have no more zealous supporters than the newspapers themselves.

Now, the truth of it is, Mr. Speaker, that the committee had a letter from the Department of Justice about the bill as originally sent down, which is broader and much stricter than the provision we submit to you, and in that letter it was stated that a conference had been held between the Attorney General and a number of leading newspaper organizations and that this provision was satisfactory.

Mr. JOHNSON of Washington. What is the date of that letter?

Mr. WEBB. It is dated April 7, 1917.

Mr. LAGUARDIA. Will the gentleman yield for a question?

Mr. WEBB. Just for a question.

Mr. LAGUARDIA. In all fairness to the article just quoted by the gentleman from North Carolina, will he insert——

Mr. WEBB. I will insert nothing from a newspaper that the gentleman has in my speech. You can insert it in your own time. I will be glad to have you ask any question, and I will try to answer it. I believe I am as liberal as any gentleman in this House as to the matter of being interrogated.

Mr. SLAYDEN. Will the gentleman yield?

Mr. WEBB. I will.

Mr. SLAYDEN. I understood the gentleman from North Carolina to say, Mr. Speaker, that section 4 related entirely to publishers. Did I understand you correctly in that respect?

Mr. WEBB. Oh, no. It does not. It relates to anybody who publishes or transmits the information.

Mr. SLAYDEN. Or communicates it?

Mr. WEBB. Or communicates it.

Mr. SLAYDEN. I understood you to say something that gave me that impression.

Mr. WEBB. No. I meant to say that the newspapers were satisfied with it so far as we know now. We had hearings on the bill for two or three days and invited everybody to present their views. The city is full of newspaper reporters, and the only newspaper reporter that came before us was a gentleman by the name of Reed, who has just returned from Russia, and who made a few interesting remarks about the bill.

Mr. SLAYDEN. May I conclude my question to the gentleman?

Mr. WEBB. Certainly.

Mr. SLAYDEN. The gentleman said something that gave me the impression that this section 4 related entirely to publishers.

Mr. WEBB. I presume my friend got that impression because the newspapers were talking about the abridgment-of-speech section.

Mr. SLAYDEN. The newspapers are talking from their standpoint, but are not so much interested in free speech.

Mr. CHURCH. Will the gentleman yield?

Mr. WEBB. Yes.

Mr. CHURCH. If the newspapers are interested in this bill, in my judgment that guarantees its swift passage.

Mr. WEBB. I think a great many of them would like to have the throttle off. I think the fraternity generally, a great many of them, are willing and will cooperate and do their best to carry out this section in good faith. But I suspect that many of them would like to have no abridgment whatever.

Mr. HUDDLESTON. Let me call the attention of the gentleman to the word "representatives," in line 14, and ask whether that is thought to cover Army officers?

Mr. WEBB. I think so, undoubtedly. If he is not a representative of the Government I do not know what he is. It means any agent or representative, I should say.

Mr. HUDDLESTON. He is an agent; he ought to be a servant; but I doubt if he is a representative.

Mr. MEEKER. I was called out for a moment when the gentleman from Illinois was discussing that line 7. Is it not apparent that if the words "in his judgment" are left in the bill as they are there, that men would be convicted on what would be practically the judgment of the President?

Mr. WEBB. He expresses in his proclamation what is useful to the enemy. Back in the Harrison administration, or somewhere—McKinley's or, possibly, Cleveland's—we made a large portion of a tariff law depend on the opinion or judgment of the President as to putting in operation certain tariff laws or suspending them. We have always lodged the largest authority and discretion in our President.

Mr. MEEKER. Will the gentleman yield for another question? He need not commit himself if he does not want to. But in case the department could submit the kind of information which they did not care to have sent broadcast, and that could be specified in the bill, does he think that would be a safer proposition than this, which seems so loose?

Mr. WEBB. I do not think there is any possible way by which you can, in detail, describe the information that you want to forbid the publication of. That was tried; but the further we went into it the deeper we got.

Mr. IGOE. Mr. Speaker, will the gentleman yield?

Mr. WEBB. Yes.

Mr. IGOE. For instance, if we should write in here the movement of troops, there might be a movement of troops that would be perfectly permissible to publish; and if we include in here a prohibition against publishing anything regarding movements of troops, it might be in effect all the time.

Mr. MEEKER. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from North Carolina yield to the gentleman from Missouri?

Mr. WEBB. Yes; I yield to my colleague.

Mr. MEEKER. What sort of a box will you put the newspapers in if they come here to receive instructions?

Mr. IGOE. How do they do it now? They say they are willing to submit to the present regulations that are made every day.

Mr. WEBB. I hope the House will realize that this committee has had just as much difficulty and just as much worry about this bill as you have had; and we have done, as one might say, our level best to get a section that would be fairly satisfactory. We thought that if anybody had the requisite information to know what was proper for publication, it would be the President.

Mr. SCOTT of Iowa. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from North Carolina yield to the gentleman from Iowa?

Mr. WEBB. Yes; I yield to my friend.

Mr. SCOTT of Iowa. It occurred to me that there is some ambiguity as to whether the prohibition intended refers to the character of the information on a particular subject of national defense. It would be very difficult, it seems to me, to prescribe in advance the character of information, either in the bill or in the proclamation. But attention should be directed to the subject of national defense and incorporated in the proclamation in such a way as to make it susceptible of embodiment in an indictment.

Mr. WEBB. Will not my friend draw such a section and present it to us? We have tried to do it on many occasions.

Mr. SCOTT of Iowa. I will read a couple of lines here, if you please: "Or attempting to publish or communicate any information relative to any particular subject of the national defense, the publicity of which, in his judgment, might be useful to the enemy."

Mr. WEBB. The gentleman can offer that as an amendment when we come to it. We have prescribed what the national defense is, and its meaning is pretty well understood in the minds of the public.

Now, gentlemen, as to section 5, if there are no further questions to be asked as to section 4——

Mr. WALSH. Mr. Speaker, will the gentleman yield?

Mr. WEBB. I do.

Mr. WALSH. I would like to ask the chairman of the committee whether section 4 as finally adopted by the committee would not permit the making public of information relative to the national defense being confined to any particular official or board or commission which the President might see fit to designate? In other words, could he not by proclamation say that no information relating to the national defense could be published except that which is permitted by the censorship board?

Mr. WEBB. No; I think not. I do not think so at all.

Mr. WALSH. I understand it is the gentleman's opinion that this language is not susceptible to that interpretation?

Mr. WEBB. I do not think so; no, sir.

Mr. TOWNER. Mr. Speaker, will the gentleman yield?

Mr. WEBB. Yes.

Mr. TOWNER. If the gentleman will pardon me, might not that idea, after all, be invalid? It occurs to me from a cursory consideration of this section that the principal difficulty lies in the fact that the President might issue a proclamation under the stimulus of unfounded and unjust criticism that no statements regarding the condition of preparedness of the Army or of the Navy might be published. Now, if the section were so modified as that it would prohibit the giving out of any information except that which has been received from official circles, would not that be a better and safer proposition?

Mr. WEBB. No, sir; it would be broader, and there would be more criticism of that proposition. We have endeavored to avoid Scylla and escape Charybdis. We have done the best we could. We have acted as the servants of the House, and we have done our best to frame a provision that we can all stand by.

Mr. MORGAN. Will the gentleman yield?

The SPEAKER. Does the gentleman yield?

Mr. WEBB. Yes.

Mr. MORGAN. Is it not a fact that in time of peace as well as in time of war under the law all the departments in a way exercise a censorship over information and even refuse to give to Congress information which the departments think incompatible with the public good?

Mr. WEBB. Yes. I know I have had considerable difficulty in times past to get information down there. I think the law requires them to give it to you, but it is difficult sometimes to get it. However, this section covers only war times.

Mr. BORLAND. Mr. Speaker, will the gentleman yield?

Mr. WEBB. Yes.

Mr. BORLAND. This is not, strictly speaking, a censorship proposition, is it?

Mr. WEBB. It is not.

Mr. BORLAND. This is to be criminal statute under which a man must be tried and convicted?

Mr. WEBB. Yes. No court-martial can try a man under this section.

Mr. BORLAND. Would this prevent the censorship of plans, as to what a command was about to do?

Mr. WEBB. I do not think so.

Mr. LAGUARDIA. Mr. Speaker, will the gentleman yield?

Mr. WEBB. Yes.

Mr. LAGUARDIA. Taking and comparing the proviso at the end of section 4, on page 36, in connection with section 1202, on page 61, is not the condition of national defense such as renders absolutely nugatory the proviso in section 4? Will the gentleman kindly reconcile the apparent contradiction?

Mr. WEBB. No. If the President considers the information useful to the enemy, he has the right to proclaim that it should not be published. I do not care if it is a great responsibility that is put upon him. The very existence of this Government requires that there should be vested the power somewhere to prohibit the broadcasting of information that would be useful to the enemy.

Mr. LAGUARDIA. But it does not refer to criticisms.

Mr. WEBB. I call the gentleman's attention to section 4. It gives you the right to criticize all you please.

Mr. LAGUARDIA. It renders it absolutely useless.

Mr. WEBB. You must trust somebody. I am willing to trust the President.

Mr. LAGUARDIA. It would appear to me to establish a vicious precedent.

Mr. WEBB. Oh, war establishes a good many vicious things. War itself is vicious, you know.

Mr. EAGLE. Yes; and the enemy is vicious.

Mr. WEBB. Yes. The people we are fighting against are sometimes vicious.

Now, gentlemen, that is the most difficult question we have had to deal with and the most difficult one you will have to deal with in this bill. If there is any gentleman in the House who thinks he can improve the bill, we shall be glad to receive suggestions. We have no pride of opinion in the matter. We want you to improve it if you can.

Mr. DOWELL. Will the gentleman yield for a question?

Mr. WEBB. I yield to my friend for a question; yes.

Mr. DOWELL. Reading lines 7 and 8—

Which, in his judgment, is of such character that it is or might be useful to the enemy—

Does that mean that it is now or may become or might become useful to the enemy?

Mr. WEBB. I think so; yes.

Now, gentlemen, section 5 prescribes the punishment for anyone who in time of war willfully makes or conveys false reports or statements with the intent to interfere with the operation of our armed forces, or to promote the success of the enemy, or who willfully causes or attempts to cause insubordination, disloyalty, or refusal of duty in the armed forces of the United States.

As originally drawn that section prohibited the attempt to cause disaffection in the armed forces. The committee did not like the word "disaffection." It was too broad and too elastic and too indefinite. Therefore in order to make it more clearly understood we struck the word "disaffection" from the bill and inserted in lieu thereof the words "insubordination, disloyalty, or refusal of duty," and we think the House will agree with us that the amendment was a good one. We felt that to make it a crime to create disaffection in a soldier's breast might ofttimes subject a perfectly innocent person to punishment. A mother might write to a boy and tell him the sad conditions back home. That would create disaffection and discontent in the boy's breast. It would not create or attempt

to create disloyalty to his flag, insubordinaion to authority, or refusal to perform duty, and so we have made that section so that it will protect an honest man, and we feel that it will get the dishonest fellow who deliberately undertakes to spread disloyalty, insubordination, or refusal to perform duty in our armed forces.

Mr. KNUTSON. Will the gentleman yield for a question?

Mr. WEBB. I do.

Mr. KNUTSON. Suppose that conditions arose in a camp similar to those which existed at Chickamauga during the Spanish War and those facts were communicated?

Mr. WEBB. I imagine it would cause some disaffection if conditions like those arose among the forces.

Mr. KNUTSON. Would that lay the writer open to a criminal prosecution?

Mr. WEBB. I have no idea that it would; certainly not. That is, conditions, policies of the Government, and acts of its officers would always be open to criticism.

Mr. FESS. Will the gentleman yield to me?

Mr. WEBB. Yes.

Mr. FESS. I understand this is limited to false statements?

Mr. WEBB. Yes; willfully false statements.

Mr. FESS. It does not apply to statements that are absolutely true.

Mr. WEBB. Oh, no. We have guarded that. The statements must be false and willfully made.

Now, gentlemen, I have taken up much more time than I intended to on this particular question, but I feel that it is time well spent, because I know the membership of the House feel toward that section just as the committee felt about it—that it is the most difficult part of the bill—and I really am glad that the Members of the House have been free to ask me questions about it, and I hope I have explained it to their satisfaction.

Now, I call the attention of the House to page 60, section 1100, which will probably cause some objection on the part of Members of Congress. Of course, there may be some objections here and there to the sections intervening which I am skipping over, but, feeling that we understand the temper of the House fairly well, I believe the section we have just finished and this section are the two which will probably cause or have caused the most difficulty.

The first part of section 1100 provides—

SEC. 1100. Every letter, writing, circular, postal card, picture, print, engraving, photograph, newspaper, pamphlet, book, or other publication, matter, or thing of any kind in violation of any of the provisions of this act—

Now, there is no objection, as I understand it, down to that point—

or of a treasonable or anarchistic character, is hereby declared to be nonmailable matter and shall not be conveyed in the mails or delivered from any post office or by any letter carrier.

Then the following section, 1101, makes it a crime to violate the provisions of that section which I have just read. The bill as originally presented to the committee, or, rather, the amendment originally presented, made matter nonmailable if it was anarchistic, treasonable, disloyal, or seditious.

Mr. FESS. Will the gentleman yield for a question?

Mr. WEBB. Yes.

Mr. FESS. "Treasonable" is defined, but what is "anarchistic"?

Mr. WEBB. I will get to that in a moment. I want to tell you what was originally in the bill and what we did. We first struck out all of the proposed amendment except the word "treasonable," and we first intended to report it to the House with that adjective alone in it, but I received from the Post Office Department some mail matter that was so horrible—not treasonable, but so anarchistic—that it absolutely compelled the committee with one accord to insert the word "anarchistic" in the bill. I do not know that I ought to read this matter and put it in the RECORD, and yet it has been going through the United States mails and is going through them now, and unless this word "anarchistic" is put in the bill you can not suppress this matter.

Mr. FARR. It seems to me the gentleman ought to read it for the information of the House.

Mr. WEBB. I can read it, but I do not like to put such matter in the CONGRESSIONAL RECORD to go over the country.

Mr. HEFLIN. Would it not be possible to have it read and then not print it in the RECORD?

Mr. WEBB. This is just simply a sample of the matter that is sent to us from the Post Office Department, and upon that we acted promptly.

Mr. MADDEN. I ask unanimous consent that the gentleman be allowed to read it and that it be kept out of the RECORD.

Mr. WEBB. I believe I will let the Clerk read it.

The SPEAKER. The gentleman from Illinois [Mr. MADDEN] asks unanimous consent that the matter which the gentleman from North Carolina has be read, but kept out of the RECORD.

Mr. FARR. A parliamentary inquiry. Can not the question of inserting it in the RECORD be determined upon afterwards?

Mr. WEBB. The House may be willing to have it printed.

Mr. FARR. Let it be determined after it is read.

The SPEAKER. If it is read without there being some agreement about it, under the rule it will go into the RECORD.

Mr. MADDEN. I ask unanimous consent that it be read, but not inserted in the RECORD.

The SPEAKER. The gentleman asks unanimous consent before it is read to keep it out of the RECORD. Is there objection?

Mr. HEFLIN. It will be read simply for the information of the House.

The SPEAKER. The Chair hears no objection. The Clerk will read it.

The Clerk read the communication.

The SPEAKER. The time of the gentleman from North Carolina has expired.

Mr. GARD. I ask that the time of the gentleman be extended 15 minutes.

The SPEAKER. The gentleman from Ohio asks unanimous consent that the time of the gentleman from North Carolina be extended 15 minutes. Is there objection?

There was no objection.

Mr. BUTLER. Will the gentleman yield?

Mr. WEBB. Yes.

Mr. BUTLER. That was not published in any newspaper in the United States, was it?

Mr. WEBB. It was published in a newspaper.

Mr. BUTLER. Is there anything in this section 4 that would prohibit such a publication as that from the mails?

Mr. WEBB. Parts of that article are extreme but not necessarily anarchistic, but parts of it are and ought not to be allowed to go through the mails and would be prohibited if this section is adopted.

Mr. LANGLEY. There is a penalty under existing law to prevent it, is there not?

Mr. BUTLER. No.

Mr. WEBB. I will read a letter which I received from the Solicitor of the Post Office Department:

POST OFFICE DEPARTMENT,
OFFICE OF THE SOLICITOR.
Washington, April 20, 1917.

Hon. EDWIN Y. WEBB,
House of Representatives, Washington, D. C.

MY DEAR MR. WEBB: Referring to my testimony before your committee this morning with reference to certain classes of mail matter termed "anarchistic," complaints about which are constantly being filed with this office, I beg to inclose herewith, for your information, copy from an anarchist paper of a portion of an article headed "Three flags," which appears in the April 13, 1917, issue of the Golos Truda—the Voice of Labor—official organ of the Federation of Unions of Russian Workers of United States and Canada, 586 East One hundred and fortieth Street, New York City.

This matter has just been received at this office from the postmaster at New York and is typical of other matter which is from time to time the subject of complaint to the department.

Very truly, yours,

W. W. LAMAR, *Solicitor.*

Now, that is what impelled us to insert the word "anarchistic" in the language. It is a little broad in terms, but pretty well defined. Anarchism is not much different from nihilism. The dictionary tells us that anarchism is a political and social theory that all government is wrong, and the question is whether we should permit a man to use the instrumentalities of the United States to preach the doctrine that this Government should be destroyed.

Mr. FESS. Will the gentleman yield?

Mr. WEBB. Yes.

Mr. FESS. I am in sympathy with what the chairman of the committee wants to reach. Treason is defined by law.

Mr. WEBB. Yes; but *this* does not punish treason.

Mr. FESS. No; it forbids matter going through the mails; but the trouble is to determine what is anarchistic. Is not there a good deal of latitude there?

Mr. WEBB. Indeed there is. We did not put it in the first draft of the bill, but we were impelled to put something in the bill that would stop the use of the mails to facilitate the dissemination of a doctrine of a purpose to destroy our own Government. [Applause.]

Mr. LANGLEY. Will the gentleman yield?

Mr. WEBB. Yes.

Mr. LANGLEY. I ask the gentleman whether existing law would prohibit sending such material through the mail? Can

a man under existing law send through the mails a statement calling the American flag a dirty rag?

Mr. WEBB. Yes.

Mr. LANGLEY. I have received two or three communications along that line and have submitted them to post-office inspectors, who are making an investigation.

Mr. WEBB. It is no crime to call the flag a dirty rag and send it through the mail; but we ought to have a law that would keep from the mail efforts to destroy the very Government that gives the use of the mail.

Mr. SISSON. Will the gentleman yield?

Mr. WEBB. Certainly.

Mr. SISSON. If the word "anarchistic" is construed by the court in its narrow and exact sense—one who does not believe in a government at all—does the gentleman believe that that document read at the Clerk's desk would fall within its provision?

Mr. WEBB. I rather think a part of it would.

Mr. SISSON. A portion of it borders close to it; but, strictly speaking, the anarchist is a man who does not believe in any law at all.

Mr. WEBB. And no government at all.

Mr. SISSON. He does not believe in a government. He may be a splendid man, a moral man; he may be a good man and observe the law; but, on the other hand, there is a class of people who are generally called anarchists, who are bomb throwers but who technically are not within that class of thinkers, who believe that law is the cause of the differences among men and that it is the existence of law that causes wrong. I have no sympathy with that, of course; but the question is, Will this provision reach a document like that?

Mr. WEBB. I rather think it would.

Mr. SISSON. Of course, this would be administered by the Postmaster General, but if you go into the courts it would have to be construed as to what kind of a document you intended to exclude.

Mr. WEBB. The word "anarchy" comes from two Greek words —"an," no, and "arche," government. An anarchist is a person who believes that no government should exist at all. The anarchist is different from a nihilist, because the nihilist believes in terrorism and the destruction of the government, but the anarchist does not believe in any government and sometimes advocates violence.

Mr. SISSON. The nihilist is a man who believes in the destruction of all government, but the anarchist simply means a man who does not believe in a government at all. He would not go to the extent of destroying it but would appeal to the reason of people to do away with the government. I realize the difficulty that there is in drafting a statute that would reach this matter.

Mr. WEBB. The gentleman is right.

Mr. HEFLIN. The gentleman from North Carolina is trying to reach the people who are appealing not to reason but to prejudice and ignorance, seeking the destruction of the government.

Mr. WEBB. Yes; this man was preaching to destroy the Government. He says "down with all government."

Mr. COOPER of Wisconsin. Will the gentleman yield?

Mr. WEBB. I will.

Mr. COOPER of Wisconsin. As I understand anarchy, those who believe in that doctrine assert that in a state on the highest plane there would be no necessity for organized government, because in its place would be the brotherhood of man. And, as I understand from my reading, there are many men, and women, too, believers in that theory, peace-loving, law-abiding persons, who do not believe in violence and who denounce terrorism in all its forms.

I am not an anarchist, but I have understood that Ralph Waldo Emerson called himself a philosophic anarchist, and thought that quiet, deliberate, calm, dispassionate argument, with the general diffusion of knowledge throughout the masses, would ultimately bring about the high ideal, the brotherhood of man. Tolstoi also believed in that doctrine; but this bill, if enacted into a law containing the broad word "anarchistic," would have prevented discussion and argument by so profound a philosopher as Tolstoi or Ralph Waldo Emerson or by very many other good people. I am not an anarchist and do not believe in the abolition of organized government, but if there ever was a time in the history of the human race when men ought to possess common sense and the power to discriminate and reason, it is now in the Republic of the United States.

Mr. WEBB. I want to say to my friend that I think the committee and the House have preserved that sort of condition, and that we are going to.

Mr. COOPER of Wisconsin. I do not think that word "anarchistic," without some qualifying adjective, ought to be enacted into the law. It would be absolutely opposed to all our theory of free discussion.

Mr. WEBB. If the gentleman will help us qualify it we will qualify it for him. We are anxious to protect the innocent man, but we are also anxious to punish the man who advocates the destruction of our Government while he shares its benefits.

Mr. MADDEN. Does this give the Post Office Department authority to open all letters that may be sent through it?

Mr. WEBB. Oh, no; it does not. The Post Office Department has no authority to open any letter now, although they may be dead certain that there is treasonable matter contained in a letter. The only way the postmaster could open it would be to have a search warrant issued.

Mr. MADDEN. I wanted to find out whether this gave him any such power.

Mr. WEBB. Oh, no.

Mr. COOPER of Wisconsin. Would not the retention of the word "treasonable," with other language like "by violent methods," or something of that kind, be advisable?

Mr. WEBB. The word "anarchistic" is the word the Senate used, and although the Senate inserted it we left it out until we found out what was going on in this country through the mails.

Mr. McKENZIE. Mr. Speaker, will the gentleman yield?

Mr. WEBB. Yes.

Mr. McKENZIE. I would like to ask the gentleman if in his judgment it would be possible under this bill for the Government of the United States to persecute in any way one of the good anarchists described by the gentleman from Wisconsin [Mr. COOPER]? Would it be possible under this bill?

Mr. WEBB. I do not think it would ever hurt my friend from Wisconsin.

Mr. McKENZIE. But I refer to the ones whom he describes.

Mr. WEBB. No; I think not. I think the kindly, sweet-tempered anarchist he speaks of would never use the mail for the purpose of teaching the destruction of the Government.

Mr. BORLAND. Mr. Speaker, will the gentleman yield?

Mr. WEBB. Yes.

Mr. BORLAND. In reply to the gentleman from Wisconsin, is it not a fact that the immigration law now provides for the exclusion of certain aliens who believe in anarchistic doctrines?

Mr. WEBB. Of course it does, and it ought to.

Mr. HUDDLESTON. Mr. Speaker, will the gentleman yield?

Mr. WEBB. Yes.

Mr. HUDDLESTON. Referring to the word "treasonable," it means, as I recall, something of a treasonable nature or tending to incite treason. Would the gentleman think that communications tending to excite discontent and dissatisfaction with the Government or its methods of operating would come within that scope?

Mr. WEBB. Oh, no; not at all. That would not be treasonable. To be treasonable it must give aid and comfort to the enemy.

Mr. HUDDLESTON. I would like to have the gentleman express an idea of what this will include.

Mr. WEBB. Well, expressing a desire to see the enemy win. That is not treason, but that is of a treasonable character.

Mr. BUTLER. Mr. Chairman, will the gentleman yield?

Mr. WEBB. Yes.

Mr. BUTLER. If we strike out this word "anarchistic," then there is no punishment really, as I understand it, which could be meted out to a distributor of such an article as that which was read from the desk?

Mr. WEBB. Not at all.

Mr. BUTLER. And if we leave it in he can be punished?

Mr. WEBB. Yes.

Mr. BUTLER. Then I am in favor of keeping it in.

Mr. WEBB. That is, if he insists on using the mail to do it, or if it is a newspaper, it can be excluded from the mail.

Mr. OSBORNE. Mr. Speaker, will the gentleman yield?

Mr. WEBB. Yes.

Mr. OSBORNE. Is not the objection to the matter read rather that it is treasonable than that it is anarchistic? Is not that the essence of the objection to it?

Mr. WEBB. It is both.

Mr. OSBORNE. Is it not possible that there might be things stated in that that are anarchistic, but that in themselves are not treasonable?

Mr. WEBB. That is true.

Mr. CROSSER. Mr. Speaker, will the gentleman yield?

Mr. WEBB. Yes.

Mr. CROSSER. I understand the gentleman to say that he does not intend that this word "anarchistic" shall apply to the kind of philosophers to which the gentleman from Wisconsin [Mr. COOPER] referred.

Mr. WEBB. I do not think it would.

Mr. CROSSER. Would it not, after all? Must we not be governed by the language of the act rather than by what the intention of the committee may have been?

Mr. WEBB. The truth of the matter is that I never heard of the character of anarchist that he described.

Mr. CROSSER. I know one, and he is one of the most highly educated men in the city of Cleveland, and one of the most inoffensive.

Mr. WEBB. Does he want to destroy the city government of Cleveland?

Mr. CROSSER. No; but he boldly pronounces himself a philosophic anarchist.

Mr. WEBB. Oh, if it is philosophy, we do not prohibit the publication of philosophy.

Mr. CANNON. Ought he not to have a conservator appointed and be committed? [Laughter.]

Mr. CROSSER. I have not finished my question. I am just advised by the gentleman from Ohio [Mr. SHERWOOD] that our minister to Belgium, who used to be the mayor of the city of Toledo, is a philosophic anarchist.

Mr. WEBB. I do not know that brand of them. [Laughter.]

Mr. COOPER of Wisconsin. Mr. Speaker——

Mr. LANGLEY. By a philosophic anarchist, does the gentleman mean a harmless one?

Mr. WEBB. No.

Mr. COOPER of Wisconsin. Mr. Speaker——

The SPEAKER. Does the gentleman yield?

Mr. WEBB. Just for a question, as I am about through.

Mr. COOPER of Wisconsin. The gentleman understands, of course, that socialists believe that practically everything ought to be done by the Government, whereas anarchists believe exactly the opposite—that nothing ought to be done by government?

Mr. WEBB. That there ought not to be any government at all.

Mr. COOPER of Wisconsin. Exactly. Now, there is a difference between the man who believes in what the gentleman just called the destruction of all government, which imputes to him a desire to destroy it by violence, and men like Tolstoi, who was tolerated even in Russia, where they hang those who would change government through terrorism.

Mr. HAMILTON of Michigan. They did not dare to execute Tolstoi.

The SPEAKER. The gentleman from Wisconsin had the floor for the purpose of interrogating the gentleman from North Carolina.

Mr. LANGLEY. Mr. Speaker, a parliamentary inquiry. Is the gentleman from Michigan out of order?

The SPEAKER. Of course he is.

Mr. HAMILTON of Michigan. I thought I asked the gentleman to yield; if I did not, I apologize most profoundly, Mr. Speaker.

The SPEAKER. Let us conduct this debate in decency and order.

Mr. COOPER of Wisconsin. Will the gentleman from North Carolina allow me to make just one more suggestion?

Mr. WEBB. If my friend will make it very brief.

Mr. COOPER of Wisconsin. I am as bitterly opposed as the gentleman can possibly be to the terrorism sometimes practiced in the United States—bomb throwing or anything of that sort—and would as severely punish it. But I believe with Jefferson and the gentleman from North Carolina, as a Democrat ought to believe it, that in this Republic mere "error of opinion is never dangerous when reason is free to combat it."

The SPEAKER. The time of the gentleman has expired.

Mr. CANNON. Mr. Speaker, I ask unanimous consent that the gentleman may have such time as he may desire to complete his remarks.

The SPEAKER. The gentleman from Illinois asks unanimous consent that the gentleman from Illinois be allowed to conclude his remarks. Is there objection? [After a pause.] The Chair hears none.

Mr. SABATH. Mr. Speaker, I desire to call the gentleman's attention to the immigration act, which endeavors to set forth the meaning of "anarchist," without desiring to take up the time of the House. A great deal of attention has been given to the word, with the result that we provide in a section of the act that the following classes shall be excluded:

Anarchists or persons who believe in or advocate the overthrow by force or violence of the Government of the United States or of all forms of law, or who disbelieve in or oppose all organized government, or who advocate the assassination of public officials, or who advocate or teach the unlawful destruction of property.

Now, I think the courts have all passed on this definition or description, and I do not believe there is any question as to the meaning of the word "anarchist."

Mr. WEBB. I think the courts will construe the word "anarchistic" to mean just about what the gentleman has described there—that is, a man opposed to all forms of government or those who advocate the overthrow by violence of all forms of government.

Mr. FESS. Will the gentleman yield?

Mr. WEBB. We get the word "nihilist" from Russia, where they believe in carrying out reforms by violence. I yield to the gentleman from Ohio.

Mr. FESS. The differentiation that is placed in the immigration law shows clearly that there are people who are anarchists "who are not advocating." It says "anarchists who," and if we can get it in here that will be perfectly safe, that excludes others. I appreciate fully what the gentleman wants to get in, and we may reach it some way; but the truth about the matter is that philosophic anarchy is a state of society where government is unnecessary, and it would seem to me that we ought to differentiate the term so as to mean what we generally think when we speak of "anarchy." Now, this differentiation does not, and I think we ought to have a qualifying adjective.

Mr. WEBB. I have no doubt about the philosophic anarchists—I never knew much about such a one—would never be disturbed under this section.

Mr. LEHLBACH. The discussion, Mr. Speaker, seems to be on this point, that the anarchist is one who does not believe in any government and one who tries to bring about such a state. The former is harmless and the latter is harmful. You exclude the former by using the term "anarchistic character," although there is no reason for it. I simply wish to suggest the consideration of this language as a substitute for "anarchistic character," "or other character tending to incite disaffection with the orderly processes of government." To incite disaffection is an act or anarchy.

Mr. WEBB. The gentleman has a very broad term, "tending," and then "to incite" and "disaffection." You have a very board expression, and I do not know if you could ever determine it.

Now, gentlemen, if there is nobody else who wants to ask a question, I wish to express——

Mr. SCHALL. Will the gentleman yield?

Mr. WEBB. I yield.

Mr. SCHALL. I wanted to put this information in this morning: A lady in this city of German descent received a letter from her sister in Germany, who is the mother of three sons, all of whom she has lost in the present war. After telling of her sorrows, she wound up her letter by saying that her only wish was that she had a bullet for herself and one for the Kaiser. A postscript to that letter, signed by the censor, says, "Your sister's wish has been granted at sunrise this morning."

Mr. GARDNER. Will the gentleman yield?

Mr. WEBB. I will.

Mr. GARDNER. In the naval bill where we gave the President authority to commandeer shipyards we provide that all authority granted the President in this paragraph to be exercised in time of national emergency shall cease on March 1, 1918. Now, has the gentleman considered putting a termination on the length of time when such a phrase shall be operative?

Mr. WEBB. It will be operative until the national emergency is passed.

Mr. GARDNER. But it reads that it will be operative from this time on as part of the law of the land.

Mr. WEBB. It is never operative unless the President by proclamation makes it so.

Mr. GARDNER. It occurred to me that it is such an exceedingly drastic provision that Lord Northcliff would have been put in jail if this had been a part of the law of Great Britain.

Mr. WEBB. He suffered more of a censorship than this would give.

Mr. GARDNER. This is not a censorship. It provides for a fine of not more than $10,000 for revealing anything that would be of use to the enemy.

Mr. WEBB. They had a tighter censorship over there, but Lord Northcliff seems to have broken it down.

Mr. GARDNER. He certainly performs a very useful service for the British people, and it seems to me that while it may be that it will prove successful and prove a desirable section—and I am not at all prepared to say it will not—I for one should feel a great deal safer if the authority granted the President in this paragraph should terminate at the end of this present war.

Mr. WEBB. Do you not think it will?

Mr. GARDNER. It is all sufficient to allow an espionage law to be passed for each war.

Mr. WEBB. During each emergency in a war to which the United States is a party.

Mr. GARDNER. My opinion is that it ought to apply only to this war.

Mr. WEBB. If it does not work well, we will be apt to repeal it before the next war comes.

Mr. GARDNER. I have in mind a letter in a paper the other day signed by Grenville L. Fortesque. It seems to me he reveals certain facts in regard to our air service, but it seems to me it was most necessary in order to awaken the people to the true facts as to that service, and yet Capt. Fortesque, who is an expert military writer, would certainly come under the provision of section 4. I am not prepared to say that he ought not to.

Mr. WEBB. That depends entirely on whether the President forbids that such information be published on the ground that it would be of benefit to the enemy.

Mr. GARDNER. Has the gentleman considered making that a part of the permanent law as against making it as the commandeering sections are?

Mr. WEBB. I have no objection to making it apply to this war alone. If it works badly during this war, we will repeal it. If it works well, we will probably want it to stay on the statute books.

Mr. GARDNER. I simply wanted the opinion of the gentleman on it. I am not disposed to set up my judgment against his.

Mr. WEBB. The object of this legislation now is that it shall apply during the present war.

Mr. GARDNER. I understand. I wish to say that I have an amendment that I would like to submit to the gentleman later.

Mr. HOWARD. In the next to the last word in line 17, on page 38, where it says "any harbor or waters of the United States," did the gentleman intend that the word "navigable" should go in before the word "waters"?

Mr. WEBB. Well, no.

Mr. HOWARD. It looked to me as if the intention of the section was to protect the harbors and ships in the harbors and navigable waters of the harbors and keep them from being sunk, or the navigable streams from being obstructed.

Mr. WEBB. That is what we meant.

Mr. HOWARD. And I think the gentleman in drawing the draft of the bill overlooked putting the word "navigable" in the act.

Mr. WEBB. I think wherever the water is navigable it would probably apply.

Mr. SABATH. Will the gentleman yield?

Mr. WEBB. Yes, sir.

Mr. SABATH. I notice that section 600 provides against an attempt to export or ship from the United States any arms or munitions of war in violation of the law and prohibits any vessel from carrying any such munitions or arms. There is no provision yet, as I can see, about the seizure of any vessels themselves.

Mr. WEBB. Yes; there is a provision for the seizure of vessels, vehicles, and automobiles, and so forth.

Mr. SABATH. And they carry such arms and munitions? I have one particular case in mind where a ship or vessel is being built that is liable to go to the enemy. I have inquired of the department, and they say they have no jurisdiction now to seize any vessel that may go out of the country if it does not go directly or is not assigned to the enemy. They may suspect strongly that eventually it may reach the enemy's port, but in the absence of any evidence or authority they can do nothing.

Mr. WEBB. They can not seize it and retain it now. If this bill passes, they can.

Mr. SABATH. Can the gentleman point out any proviso in this bill that would give the Department of the Navy or the United States jurisdiction to seize the vessel?

Mr. WEBB. Section 602 refers to seizing of the property.

Mr. SABATH. I think there is no such provision. I have gone over two or three sections.

Mr. WEBB. If he will turn to section 500, on page 41, he will see it.

Mr. GARD. Section 500, on page 41, covers the matter of seizure.

Mr. SABATH. If the gentleman is satisfied that will cover it we need not look further for it.

Mr. WEBB. I think it covers every idea that the Department of Justice or the Department of State had in mind.

Mr. HOWARD. Will the gentleman please explain one feature on page 34, the first section of the bill, on line 15, "or with like intent or knowledge, or reason or believe, directly or indirectly"?

Mr. WEBB. Yes.

Mr. HOWARD. I do not exactly understand that. I can not catch it. It is ambiguous to me. I can not comprehend it.

Mr. WEBB. That is where he gets the information for the purpose of aiding the enemies of the United States. He must have the information, or he must have reasonable ground to believe that if he does get it it will be used to the injury of the United States.

Mr. HOWARD. Yes; but you qualify "reason to believe" by saying "directly or indirectly."

Mr. WEBB. You will notice, by reading line 8, the necessity of repeating it down there.

Mr. HOWARD. The use of those three words, "directly or indirectly," in view of the words used on lines 8 and 9, makes the act appear to me ambiguous.

Mr. WEBB. We want to punish him if he undertakes to get it to foreign countries, directly or indirectly, if he undertakes to injure the United States.

Mr. HOWARD. I do not think those three words up there have any reference to the first two lines.

Mr. WEBB. Yes; the intent to injure is required.

Mr. TOWNER. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from North Carolina yield to the gentleman from Iowa?

Mr. WEBB. Yes; I do for a question.

Mr. TOWNER. I would like to ask the gentleman about a sentence in section 4 on page 36. The gentleman will observe the language, "Any national emergency resulting from a war to which the United States is a party." Of course, I think that would mean in reality the existence of war. The chairman has already stated that that was his understanding. Certainly an emergency resulting from a condition of war is a thing you can hardly contemplate, because an emergency is a temporary passing thing, and it is not intended that this bill should operate only in such phase, but it should certainly operate during the existence of this war.

Let me suggest to the gentleman's consideration and to the consideration of the committee that they should use the language "during the existence of the war between the United States and Germany." Then it will not be necessary to issue a proclamation of such emergency. Would it not be considered entirely unnecessary that during this war every time the President desired to issue a proclamation he should say that an emergency exists, when the very emergency provided for is the war itself? It would make unnecessary the first proclamation entirely.

Mr. WEBB. It may not be necessary to have this proclamation during the entire existence of the war, only in an emergency. You might have a cessation of hostilities and let down the bars. You might have a truce. That was the idea in leaving it to the President to make a proclamation that an emergency exists.

Mr. TOWNER. I grant you that, but the condition of war would not exist between the United States and Germany then.

Mr. WEBB. Yes; it would. A war will exist between the United States and Germany until there is a treaty of peace, strictly and technically speaking.

Mr. TOWNER. That must be done by operation of law, and therefore no condition of law will exist.

Mr. WEBB. We want to give the President the power to say that an emergency exists or does not exist.

Mr. TOWNER. I do not offer that as an amendment. I just present that for the consideration of the committee.

Mr. COMSTOCK. Mr. Chairman, will the gentleman yield?

Mr. WEBB. Yes.

Mr. COMSTOCK. Section 4 has been referred to—I do not know whether there is any difference as to the construction, but if the gentleman from North Carolina cares to express himself on that subject I would be glad. This is in the form of an interrogatory: That a national emergency may exist; that is, the facts may exist, but so far as making this section effectual, national emergencies do not exist until the President recognizes them and issues a proclamation?

Mr. WEBB. That is correct.

Mr. COMSTOCK. Then the existence of an emergency depends entirely upon the President, and whether any action shall be taken on that condition which he recognizes depends upon his judgment. Then the true conditions and the true facts, apart from the proviso, are, first, that the President recognizes by proclamation an emergency, and, second, recognizes the right given him by his judgment to issue the proclamation prohibiting certain acts. I did not suppose there was any difference.

Mr. WEBB. I think my friend has the right interpretation. It might be that he would not issue a proclamation unless he thought the emergency of war required it.

Now, gentlemen, I am greatly obliged to you for your patience and the time given me. We present you a bill which we think each Member can afford to support—one which protects the innocent and catches the guilty and tends to preserve and protect our Government. [Applause.]

Title I, on the subject of espionage, attempts to safeguard and protect our national defense secrets.

Section 1 would punish any person who, with intent or knowledge, or reason to believe that the information to be obtained is to be used to the injury of the United States, copies, takes, makes, or obtains, or attempts to copy, take, make, or obtain, any sketch, photograph, photographic negative, blue print, plan, model, instrument, and so forth, connected with the national defense or any copy thereof.

Section 2 prescribes a punishment for anyone who, with like intent, knowledge, or reason to believe, communicates, delivers, transmits, or attempts to communicate, deliver, or transmit to any foreign Government, or faction, or agency thereof, or to any party or military force within such foreign Government any information, document, writing, code book, signal book, sketch, photograph, photographic negative, blue print, etc., relating to the national defense. In time of peace the punishment prescribed is a fine of not more than $10,000 or imprisonment for not more than 20 years, or both. In time of war the punishment is imprisonment for not more than 30 years, or by death.

Section 3 prescribes a punishment for any person having possession of, access to, control over, or being instructed with, any of the things enumerated in section 2, belonging to, intended for, or under the control of the United States, relating to the national defense who willfully and without proper authority communicates or transmits, or attempts to communicate or transmit the same to any person, or willfully retains the same and fails to deliver it on demand to the person lawfully entitled to receive it, or through gross negligence permits the same to be removed from its proper place of custody, or delivered to anyone not lawfully entitled to receive it, or to be lost, stolen, abstracted, or destroyed.

Section 4 authorizes the President, by proclamation, to declare the existence of a national emergency, arising either out of a war in which the United States is engaged or out of the threat of such a war, and by proclamation to prohibit the publishing or communicating of, or the attempt to publish or communicate, any information relating to the national defense which, in his judgment, is of such character that it is or might be useful to the enemy. By express proviso, it is declared that nothing in this section shall be construed to limit or restrict any discussion, comment, or criticism of the acts or policies of the Government or the publication of the same.

Section 5 prescribes a punishment for anyone who, in time of war, willfully makes or conveys reports or statements with the intent to interfere with the operation of our armed forces, or to promote the success of the enemy, or who willfully causes or attempts to cause insubordination, disloyalty, or refusal of duty in the armed forces of the United States.

Section 6 provides for the punishment of a conspiracy on the part of two or more persons to commit the offense designated in sections 2, 4, or 5.

Section 7 provides a punishment for any person who harbors or conceals a person whom he knows, or has reasonable grounds to believe or suspect, has committed or is about to commit any of the offenses enumerated in this title.

Section 8 preserves the jurisdiction of the general courts-martial, military commissions, and naval courts-martial under existing law.

Section 9 extends the jurisdiction of offenses under this title to the high seas or elsewhere within the admiralty and maritime jurisdiction of the United States.

Section 10 simply repeals the act of March 3, 1911, entitled "An act to prevent the disclosure of national-defense secrets."

Title II deals with foreign and domestic vessels in the ports of the United States.

Section 200 provides that when the President declares a national emergency to exist the Secretary of the Treasury, with the approval of the President, may make rules and regulations governing the anchorage and movement of any vessel, foreign or domestic, in the territorial waters of the United States; that he may inspect the vessel at any time; place guards thereon, and if necessary to secure such vessel from damage or injury or to prevent damage or injury to any harbor or waters of the United States or to secure the observance of the rights and obligations of the United States, may take full possession and control of the vessel and remove from the vessel its officers and crew and all other persons not specially authorized to remain aboard. Within the territorial waters of the Canal Zone the Governor of the Panama Canal is authorized to act instead of the Secretary of the Treasury.

Section 201 provides for the forfeiture of the vessel and the punishment of those in charge of the vessel for failure to comply with the regulations authorized to be made in the preceding section, or for obstructing or interfering with the exercise of any power conferred by this title.

Section 202 prohibits the owner, master, or person in charge of any private vessel in the territorial waters of the United States from willfully causing or permitting the destruction or injury of the vessel or from knowingly permitting it to be used as a place of resort for those conspiring or preparing to commit any offense against the United States or in violation of the treaties of the United States or the obligations of the United States under the law of nations, and so forth. As a penalty it provides for the forfeiture of the vessel and the punishment of those guilty of the acts condemned.

Section 203 authorizes the President to employ such part of the land or naval forces of the United States as he may deem necessary to execute the provisions of this title.

Title III prescribes a punishment for any person who sets fire to a vessel within the jurisdiction of the United States, or a vessel of American registry on the high seas, or to its cargo, or who tampers with its motive power or instrumentalities of navigation, or places bombs or explosives upon it, or does any other act to or upon it with the intent to injure or endanger its safety or the safety of its cargo or persons on board.

Title IV makes it a criminal offense while the United States is at war to unlawfully injure or destroy by fire or explosives, or to attempt to so injure or destroy any article or the place wherein it is produced or stored with the intent to prevent, interfere with, or obstruct, the exportation of such article from the United States.

Title V, under the subject of enforcement of neutrality, is designed to enable this Government to better maintain its position as a neutral nation in time of war to which the United States is not a party.

Under section 500 the President or person authorized by him is given power to withhold clearance from or forbid the departure of any vessel during a war when the United States is a neutral nation, whenever there is reasonable cause to believe that the vessel is about to carry fuel, arms, ammunition, etc., to any warship, tender, or supply ship of a foreign belligerent nation in violation of the laws or treaties of the United States or of the obligations of the United States under the law of nations.

Section 501 gives the President power, under the same conditions, to detain any vessel (other than one which has entered our ports as a public vessel) which is armed or is manifestly built for warlike purposes, or has been converted into a vessel suitable for warlike purposes, until the owner or person in charge furnishes satisfactory proof that the vessel will not be employed to cruise against or attempt to commit hostilities upon the subjects or property of a foreign country with which the United States is at peace, and that the vessel will not be sold or delivered to any belligerent nation or any agent or citizen thereof.

Section 502 prescribes a penalty for doing or attempting to do the things prohibited in the two preceding sections.

Section 503 makes it unlawful for the master, owner, or person having charge of a vessel built, equipped, or armed, or converted into a vessel of war to send the vessel out of the jurisdiction of the United States during the existence of a war in which the United States is a neutral nation for the purpose of delivering it to a belligerent nation or an agent or citizen thereof, or with reasonable cause to believe that it will be employed in the service of such belligerent nation after it leaves the jurisdiction of the United States.

In addition to the facts now required by law to be set out in the masters' and shippers' manifests before clearance will be issued, section 504 requires, during such time, that the person in charge of the vessel and also the consignor of the cargo shall each file a statement, duly verified, that the cargo or any part thereof is or is not to be delivered to other vessels in port or to be transshipped on the high seas; and if it is to be so delivered or transshipped, stating the kind of article, the name of the person, corporation, etc., to whom delivery or transshipment is to be made, and the value and total quantity thereof.

Section 505 authorizes the collector of customs of the district, subject to review by the Secretary of the Treasury, to refuse clearance to a vessel when it appears not entitled thereto, or when there is reasonable cause to believe that the additional

statement required in the preceding section is false, and to forbid by formal notice the departure of any vessel not requiring clearance papers; and thereupon it is made unlawful for such vessel to depart from the port or from the jurisdiction of the United States.

Section 506 prescribes a penalty not exceeding a fine of $10,000 or imprisonment of not more than five years, or both, and also a forfeiture of the vessel, etc., for the violation of any of the provisions of this title not otherwise provided for.

By the provisions of section 507, where two or more parties conspire to violate the provisions of sections 501, 502, and 503, and one or more of the parties does any act to effect the object of the conspiracy, each of the parties to the conspiracy becomes subject to the penalties prescribed in these sections.

Under the provisions of section 508, if a person belonging to the armed land or naval forces of a belligerent nation or faction of such nation is interned in the United States in accordance with the law of nations, and leaves the limits of internment without permission or willfully overstays a leave of absence granted, authority is given to rearrest him and return him to the place of internment and there confine him for such period as the official of the United States in charge directs. A penalty of not more than $1,000 or imprisonment for not more than one year, or both, is prescribed for any person subject to and within the jurisdiction of the United States who aids or entices any such interned person to escape or attempt to escape from the jurisdiction of the United States.

Section 509 reenacts section 13 of the Penal Code, with amendments thereto, so as to prohibit the furnishing of money for or taking part in any military or naval expedition from the United States against any foreign country, or the knowingly exporting or shipping or attempting to export or ship arms or munitions of war from the United States in connection with such expedition or enterprise.

Section 510 gives the President power to use such part of the land or naval forces of the United States as he may deem necessary to carry out the purposes of this title.

Section 511 so amends section 15 of the Penal Code as to include in the provisions of the section the possessions of the United States as well as the United States, and to grant to the President the additional power to detail or prevent any foreign vessel from departing from the United States or any of its possessions in all cases in which by the law of nations or the treaties of the United States it is not entitled to depart.

Section 512 simply repeals the joint resolution enacted March 4, 1915, entitled "Joint resolution to empower the President to better enforce and maintain the neutrality of the United States."

Title VI deals with the seizure of arms. Section 600 gives authority to the officials designated to seize and detain arms or munitions of war, and the vessel or vehicle containing them, whenever an attempt is made to export or ship or take such arms or munitions of war out of the United States in violation of law, or whenever there is known or probable cause to believe that they are to be so exported, shipped, or taken. If upon due inquiry it is found that the property seized was about to be so unlawfully exported, shipped, or taken, then it shall be forfeited to the United States.

Sections 601 to 605, inclusive, prescribe the procedure in the courts to determine the legality of the seizure and the disposition of the property.

Section 606 authorizes the President to employ such part of the land and naval forces of the United States as he may deem necessary to carry out the purposes of this title.

Title VII deals with the disturbance of our foreign relations.

Section 700 makes it a crime for anyone to willfully and knowingly make any untrue statement under oath which he knows or has reason to believe will or may be used to influence the measures or conduct of the United States or of any foreign Government or of any officer or agent of the United States or of any foreign Government in relation to any dispute or controversy between such foreign Government and the United States.

Section 701 prescribes a penalty for anyone within the jurisdiction of the United States who falsely assumes or pretends to be a diplomatic or consular or other official of a foreign Government duly accredited as such to the Government of the United States, with the intent to defraud such foreign Government or any person, and takes upon himself to act as such, or who in such pretended character demands, obtains, or attempts to obtain from such foreign Government or from any person any money, paper, document, or other valuable thing.

Section 702 prescribes a penalty for any person other than a diplomatic or consular officer or attaché who acts in the United States as an agent of a foreign Government without first notifying the Secretary of State.

Section 703 defines the meaning of the words "foreign Government" as applied to certain existing laws.

Section 704 prescribes a punishment for those who would conspire in this country to injure or destroy specific property situate within a foreign country and belonging to a foreign Government, or a political subdivision thereof, with which the United States is at peace when one or more of the conspirators commits an act in this country to further such conspiracy, if such injury or destruction would constitute an offense punishable by imprisonment in the country where the property is situate. This section requires that the indictment must describe the specific property to be injured or destroyed.

Title VIII deals with passports. Section 800 prescribes the fee that shall be charged for issuing passports, and further provides that the applicant for a passport must first submit an application therefor in writing, subscribed and duly verified, containing a true recital of every matter of fact which may be required by law or by any rule authorized by law to be stated as a prerequisite to the issuance of the passport.

Section 801 prescribes a punishment for any person who willfully and knowingly makes a false statement in the application for a passport with the intent to induce or secure the issuance of the passport either for himself or for the use of another, contrary to the laws or rules regulating its issuance, or who willfully and knowingly uses or attempts to use or furnishes to another for use any passport secured by means of such false statement.

Section 802 prescribes a punishment for those who willfully and knowingly use or attempt to use a passport issued for the use of another, or uses or attempts to use a passport in violation of the conditions or restrictions therein contained, or of the rules prescribed and printed on the passport in pursuance to the laws regulating its issuance, or furnishes such passport to another for use by another than the person for whom it was issued.

Section 803 prescribes the punishment to be administered to anyone upon conviction of having made, forged, counterfeited, mutilated, or altered any passport, with intent to use it or that it may be used by another; or to anyone who willfully and knowingly uses or attempts to use, or furnishes to another for use, any such passport, or any passport validly issued, but which has become void thereafter by reason of some condition.

Title IX prohibits the counterfeiting of the Government seal.

Section 900 would punish anyone who fraudulently affixes the seal of any executive department or bureau, and so forth, upon any certificate, document, and so forth, and would also punish the person who, with knowledge of its fraudulent character and with wrongful and fraudulent intent, uses such certificate, document, and so forth, or transfers it to another for use.

Section 901 punishes in like manner the making or using of a false seal of any executive department, and so forth, or a person who with wrongful intent has possession of such falsely made seal.

Section 902 also makes it a crime and prescribes a punishment for anyone who falsely makes, forges, or counterfeits any naval, military, or official pass or permit.

Title X deals with the subject of search warrants.

Section 1000 sets out the necessary procedure to have a search warrant issued.

Section 1001 prescribes the procedure to be followed by the judge upon a proper application for a search warrant having been made, and directs how it shall be served when issued.

Section 1002 lays down the procedure to be followed after the seizure has been made.

Section 1003 directs that the search warrant shall not issue to any other than an officer of the United States duly authorized to enforce, or assist in the enforcement of, any law thereof or to a person duly authorized therefor by the President.

Section 1004 prescribes the punishment to be administered to anyone who knowingly and willfully obstructs or resists or assaults any officer while serving or attempting to serve a search warrant.

Title XI deals with the use of the mails.

Mails of such character as would be in violation of any of the provisions of this act, or which are of a treasonable or anarchistic character, are declared to be nonmailable matter and are barred from the mails by section 1100.

Section 1101 makes it a crime and prescribes a punishment for any person who uses or attempts to use the mails for transmitting matter declared by this title to be nonmailable. Jurisdiction to try the offender is vested either in the courts

where the nonmailable matter was mailed or in any district to which it was carried for delivery.

Title XII defines various terms in the bill.

Mr. WALSH rose.

The SPEAKER. For what purpose does the gentleman from Massachusetts rise?

Mr. WALSH. To be recognized in my own right.

The SPEAKER. Is the gentleman opposed to this bill?

Mr. WALSH. I am a member of the committee, and I am in favor of the bill except one section.

The SPEAKER. The gentleman is recognized.

Mr. WALSH. Mr. Chairman, as the chairman of the Committee on the Judiciary, the gentleman from North Carolina [Mr. WEBB], has well said, the committee has given serious consideration to the problems presented in this measure.

The question may arise as to why such drastic provisions should be adopted to be part of the law of the land during peace times. It is perfectly apparent that a spy or a hireling of a foreign government who seeks to get information with reference to our national defense finds his best opportunity in large measure at a time when possibly the officials of this Nation or the citizens of the Republic have no suspicion that he is engaged in any such work. This measure is so framed as to prohibit the securing of such information. And when I say "this measure" I mean Title I, the first 10 sections of this bill. It is so framed as to prohibit the getting of information relating to the national defense in peace times with any intent to make use of that information in a manner which will be to the injury of the United States. Clearly this ought to be prohibited.

That section is followed by another one, which makes it an offense to communicate information relating to the national defense procured with that intent. These two sections are equally applicable in peace and war times, with the exception that in the second section if it is violated during war the penalty is more severe.

Now, my colleagues on the committee are aware of my attitude with relation to section 4 of this bill, and I am unalterably opposed to the provisions of section 4 of this measure, because, I submit, it is placing a wide authority in the hands of the President. It will place in his hands such power that, no matter how well-intentioned he may be in the enforcement of this regulation or the conditions of the proclamation, in its enforcement innocent publishers—and there are such—may suffer unjustly, and it will work great hardship.

The newspapers of the country will probably continue to be published whether this section is retained in the bill or not. But we have to-day a censorship of the press which has been in vogue for several weeks, and it has been followed by the publishers of the newspapers simply at the request of the departments. I submit that the President, as Commander in Chief of the armed forces of the Nation, is now vested with authority to exercise the right of censorship over the newspapers of this Nation with relation to information useful to the enemy, so that we need not write into the law such a stringent provision as this. The Secretary of the Navy, as is known, has asked the newspapers of the country not to publish news with reference to the arrival or departure of vessels in and from the ports of the United States, and I have watched with some care the various newspapers which come to my office and others which from time to time I see, and I have yet to see any news published with reference to the arrival or departure or ships to or from our shores. So I say that this provision in section 4 can be covered in a similar manner.

Mr. IGOE. Will the gentleman yield?

Mr. WALSH. Yes.

Mr. IGOE. Suppose some newspaper, desiring to be very enterprising, publishes some information which this voluntary censorship prohibits. What punishment is there for it?

Mr. WALSH. What information does the gentleman mean?

Mr. IGOE. Information that this voluntary censorship would prohibit the publication of, or which the papers are requested not to publish.

Mr. WALSH. What is the punishment now?

Mr. IGOE. Yes.

Mr. WALSH. I do not know that there is any.

Mr. IGOE. Does not the gentleman think some of the newspapers might violate that voluntary censorship in time of stress?

Mr. WALSH. But they have not.

Mr. IGOE. Suppose they should. This law is intended to exist for some time.

Mr. WALSH. Yes; but this section as it is incorporated in the bill gives the President legislative power to say what information is or might be useful to the enemy, and nobody knows and nobody can find out what it might be under the proclamation, and he can refer this to a censorship bureau, which I understand has already been created, and which will pass upon this news.

Mr. IGOE. Under this censorship, which you say is sufficient, who passes on it now?

Mr. WALSH. The heads of the departments, with reference to the movement, arrival, and departure of vessels.

Mr. IGOE. If they are willing to abide by that, what harm is there in punishing those who violate these restrictions?

Mr. WALSH. If they are willing to abide by that, why write it into the law?

Mr. IGOE. Because they might violate it.

Mr. WALSH. Have they violated it? Does the gentleman know of an instance where the present censorship has been violated?

Mr. IGOE. I saw the statement in the newspapers that after the Secretary of the Navy had requested the newspapers not to publish information about ships leaving these shores the Secretary of the Navy had rebuked two newspapers of this country for disregarding his request.

Mr. WALSH. Have they repeated the offense?

Mr. IGOE. I do not know. I do not read the papers enough to know. The gentleman probably does.

Mr. WALSH. Is not the gentleman satisfied that a rebuke from a high Government official would be ample punishment?

Mr. IGOE. No. I will tell you what I think about it. I think that as long as we are going to have rules to prohibit the publication of information useful to the enemy any newspaper that violates it in the face of knowing the possible effect of that publication ought to receive some punishment under the law.

Mr. WALSH. What kind of information has the gentleman in mind?

Mr. IGOE. Well, I do not know.

Mr. WALSH. No; and that is just the trouble. Nobody knows.

Mr. IGOE. I am willing to leave it to the department.

Mr. WALSH. We have not had a gentleman before our committee who could tell us the kind of information that this section was framed to cover.

Mr. IGOE. No; but the newspapers are very willing to accept these regulations that are being made now; and under this section I take it that the President will make rules that will be no more stringent than the ones that are made now. I suppose they may be changed from day to day.

Mr. WALSH. Does the gentleman refer to the regulations or censorship that are in effect now?

Mr. IGOE. Those that the gentleman is talking about.

Mr. WALSH. That who is talking about?

Mr. IGOE. By the Secretary of the Navy and by the Secretary of War, which are being so well adhered to by the newspapers.

Mr. WALSH. May I ask the gentleman a question?

Mr. IGOE. Yes.

Mr. WALSH. The gentleman knows well that section 4 as reported by his committee is not the language to which assent was given by the newspaper men at their conference.

Mr. IGOE. The gentleman knows that the Attorney General said the newspapers were satisfied with the section, which we afterwards found they were not satisfied with. At least they changed their minds, perhaps, as a good many people do. As far as I am concerned, I do not suppose you can draw a section that will be satisfactory to all the newspapers. They would rather have no restrictions at all.

Mr. WALSH. Of course, this section applies to others besides the newspapers. The newspapers as a whole are as patriotic as the average citizen. There may be exceptions, but we ought to be reasonable.

Mr. IGOE. The gentleman knows I have been rather inclined to be very lenient with these restrictions. I do not want to see people deprived of the right to criticize and comment upon the actions of the Government, and I do not want the newspapers to be deprived of that right, because we must have discussions of these matters and criticism of them, but I do not want the right given to the newspapers or to the citizens to publish or communicate information useful to the enemy, and I am willing to leave it to somebody to say what information that is.

Mr. WALSH. Yes. If I recollect the gentleman's attitude aright, he was willing to strike out the "information" in section 2, which might be communicated, but he prefers that the word "information" be retained in section 4 with relation to the communicating or publishing. The publishing will be done by the newspapers, but all the communications will not be car-

ried by the newspapers. A man may send a telegram, perfectly innocently, and it may be in violation of this proclamation, or it might be useful to the enemy although it may never reach the enemy; and as was pointed out by the inquiry of the gentleman from Illinois, you can not specify in the proclamation just what information is going to be useful to the enemy.

Mr. IGOE. I will say to the gentleman that we are not going to deprive the people of this country of a law because we cannot satisfy everybody. The safety of the country comes first and we must do the best we can.

Mr. WALSH. Does the gentleman think that with the elimination of section 4 we are powerless to punish the publication of information that might be useful to the enemy?

Mr. IGOE. Not powerless, no; but I think under section 4 we can prohibit the publication of some things that there might be some question about under the other section.

Mr. WALSH. Not unless in the judgment of the President he proclaims to the world that it might be useful to the enemy. You can not choke all avenues of news. The papers will get news and they will publish it. An item that we have in Congress appropriated $3,000,000,000 might or might not be useful to the enemy, and this item of news could be deleted by a censorship board.

Mr. IGOE. He does not have to specify any particular information.

Mr. WALSH. Is the gentleman speaking by authority?

Mr. IGOE. I do not speak for the President any more than the gentleman from Massachusetts.

Mr. WALSH. The effect of the section was indicated by my question to the chairman of the committee. It will be the establishment of a censorship bureau, and, as was pointed out by my colleague from Massachusetts, the publisher of the London Times could not have voiced his criticism of the Government if they had had any such law in England at the beginning of this war.

Mr. PLATT. Will the gentleman yield?

Mr. WALSH. Yes.

Mr. PLATT. The section says:

That nothing in this section shall be construed to limit or restrict, any discussion, comment, or criticism of the acts or policies of the Government or its representatives or the publication of the same.

Mr. WALSH. Yes; criticism of the acts or policies of the Government or its representatives.

Mr. PLATT. That may not be as broad as it ought to be. This is not the language that we first criticized. The bill has been changed.

Mr. WALSH. Yes; it is a new section in entirely different language and applies to different conditions.

Mr. PLATT. I will say that in piping times of peace, when I get there, I am engaged in newspaper business. I do not exactly like this, but——

Mr. WALSH. Does the gentleman think a section such as this would be necessary in order for him to conduct a perfectly fair and loyal publication?

Mr. PLATT. The gentleman knows that information gets into the newspapers not necessarily by intent, that news agencies gather the news, and therefore I think a censorship is a good thing to prevent information being sent out by these agencies and thus getting it into the newspapers.

Mr. WALSH. Then it is the opinion of the gentleman that this would authorize the establishment of a censorship bureau?

Mr. PLATT. I suppose it would, and I suppose that is the purpose.

Mr. GARDNER. Will the gentleman yield?

Mr. WALSH. Yes.

Mr. GARDNER. Suppose a newspaper is about to publish the fact that there were only a certain number of troops sent to a certain transport when there ought to have been a greater number. Is it supposed that we shall submit that statement to the censor and only be subject to punishment if it is forbidden to publish it, or is it intended that if he publishes that statement in disobedience of the censor he shall be punished? Is that what the bill tries to cover? Suppose a censor gives a man permission to publish a statement; can he plead that as a bar?

Mr. WALSH. I understand so.

Mr. GARDNER. It does not say so.

Mr. WALSH. No, it does not say so; but it is intended, in my opinion, to be administered in exactly that way.

Mr. GARDNER. Is it not a protection to the newspaper man if it does establish a censorship?

Mr. WALSH. In that case it would be; but suppose instead of that the newspaper man said that it is rumored that on such and such a date so many troops are to be sent to such a place, and if that be true the War Department ought to be sandbagged, or some similar expression. He could give that information in the manner of criticism under this section. He could plead within the proviso that he was criticizing the acts and policies of the Government.

Mr. PLATT. I think that is hardly a fair assumption from the language. This applies to information given out and already public.

Mr. WALSH. I do not think so; it is criticism of the acts and policies of the Government. The policy might be formulated long before any affirmative act was done in pursuance of the policy.

Mr. PLATT. He must know first what the policy is.

Mr. WALSH. The policy of the Government may or may not have been announced. It may relate to statements made before a committee of Congress or on the floor of the House or Senate.

Mr. GARDNER. Would it not be a protection to the newspaper man to have a censorship?

Mr. WALSH. I do not think so. I do not think the press of the country ought to be compelled to submit to such an arbitrary censorship, more drastic than ever in Russia under the Czar.

Mr. GARDNER. If you do not have a censor to whom to submit the matters, a man may incidentally find himself liable to a fine of $10,000 and imprisonment.

Mr. WALSH. I think you will find plenty of people liable to punishment under the provisions of the bill who do not dream of it to-day. But to think the entire press must submit practically every news item to the censors, because the President can, in his judgment, say such item "might be" useful to the enemy is clearly an invasion of the freedom of the press.

Mr. TILSON. Will the gentleman yield?

Mr. WALSH. Yes.

Mr. TILSON. Does the gentleman contend that there should be no sort of censorship of newspapers in a time of war?

Mr. WALSH. I have made no such contention.

Mr. TILSON. I understood the gentleman to say that in answer to his colleague

Mr. WALSH. I said that newspapers should not be required to submit to this broad censorship. I stated at the outset of my remarks that I believed the President as Commander in Chief of the Army and Navy now has ample authority to say what information shall be given to the newspapers or what shall be published.

Mr. TILSON. The gentleman realizes that some information absolutely true, and because it is true, would be all the more harmful.

Mr. WALSH. I do.

Mr. CAMPBELL of Kansas. And that would be true of the movement of troops.

Mr. WALSH. Yes.

Mr. CAMPBELL of Kansas. The illustration is not a happy one in the establishment of a censorship.

Mr. WALSH. I do not know how happy it is, but I know that the censorship is established, and I doubt if the gentleman or any other Member of this body can to-day find out where the cruiser *Montana* is; and if Members of the House can not do so, I doubt if members of the press can.

Mr. CAMPBELL of Kansas. I have a son on a battleship, and I do not know where that battleship is.

Mr. WALSH. And that censorship was established without any such law as this.

Mr. CAMPBELL of Kansas. Yes; that was established without any authority of law; and now, with respect to the other illustration, as to whether there should be publication of a criticism of the feeding of the troops, I do not think that that is a matter that should be censored. I think the public should have a right to criticize the administration with respect to matters that do not reveal to the enemy the troops or the whereabouts or movements; but as to whether or not they are properly fed, that is a matter that should be left open to the widest criticism.

Mr. WALSH. I will say to the gentleman from Kansas that the particular phase to which he refers is covered in the proviso and also in the following section. Now, with reference to this chapter on espionage——

Mr. LAGUARDIA. Mr. Speaker, will the gentleman yield?

Mr. WALSH. I yield for a question.

Mr. LAGUARDIA. On that point of the proviso, is it not true that the criticism must be so worded and necessarily limited to a general criticism of policy, and it could not disclose any facts in bringing out the criticism? Let us assume that a division or a camp were improperly fed, and that owing to that the whole division was disabled and for that reason could not be mobilized. The newspapers and everyone else would be estopped from bringing out those facts because it would reveal the actual condition of that camp or regiment.

Mr. WALSH. I will say to the gentleman in reply to his question that in another legislative body there was an additional proviso added to this section which would prohibit any criticism which would convey any information prohibited by the foregoing part of the section, but that was stricken out by the House Committee on the Judiciary.

Mr. HOWARD. Mr. Chairman, will the gentleman yield?

Mr. WALSH. Yes.

Mr. HOWARD. In view of what the gentleman has just said, would not the proclamation of the President be limited to such publication as would be useful to the enemy?

Mr. WALSH. Not such publication as would be useful but such publication as might be, and he could make that in the broadest possible way. He could say by proclamation that he prohibited the publication of any information relating to the national defense, "because in my judgment it might be useful to the enemy."

Mr. HOWARD. The gentleman will admit, if it be true that it would be or might be useful to the enemy, that he ought to have the power in time of war to prevent its publication.

Mr. WALSH. Oh, I contend he has it now.

Mr. PLATT. The gentleman contends that there is no penalty at present; that the President can prohibit something, but that he can not punish for violation of his proclamation.

Mr. WALSH. Oh, I think if the prior sections are examined it will be seen that a penalty is provided. He can prohibit, but with relation to information of that character, of course, any information might be useful to the enemy. Information of that character is in the custody of some one, and the President can absolutely prohibit its being imparted to anyone else.

Mr. PLATT. But suppose some one gets it and publishes it. He can not punish him.

Mr. WALSH. He can punish the person who imparted the information, and under another section the person making it public can be also heavily punished.

Mr. PLATT. The gentleman knows the character of some of the newspapers in some of our large cities. Does he not think it might be a wise thing to have a chance to impose a penalty upon some of them? I do.

Mr. WALSH. Oh, yes. I think you can punish them, but I do not think you ought to throttle them in this way.

Mr. LAGUARDIA. May I ask my colleague from New York a question?

Mr. WALSH. I prefer to have the gentleman do that in his own time. As I stated, the portion of this bill with relation to espionage was the one which gave cause to most of the criticism which has arisen with reference to this proposed measure; but there are other sections of the bill which are equally important, and as to which, we are advised, the department was powerless to act in order to safeguard property and the rights of the Nation, as well as to make secure its harbors and other waters.

As to the title relating to vessels in the ports of the United States, I am willing to admit possibly there is no present need for such legislation, because practically all of the vessels to which this would apply are owned wholly or in part by the Government or the citizens of the Government with which we are now at war, but I believe it is wise to have this legislation on our statute books. There is also a prohibition and penalty for violation thereof relating to injuring vessels by setting them afire or placing explosives thereon. We have also incorporated a section to punish the destruction of any article or the place in which it is produced or stored intended for exportation.

The title with relation to the enforcement of neutrality is presented to the committee after most careful consideration by the Treasury Department and the Attorney General. We have incorporated a section entitled "nine," which I understand is similar to laws abroad with relation to counterfeiting or tampering with military passes, and I assume the author of this section, who is a member of the committee, expects to explain his provision and the necessity therefor. Now, with relation to Title XI, the use of the mails, I would say that it is much milder in character——

Mr. CAMPBELL of Kansas. Will the gentleman yield on Title VI before he proceeds to the other?

Mr. WALSH. I will.

Mr. CAMPBELL of Kansas. In subdivision 604, under Title VI, there is a provision that after certain legal proceedings have been had in respect to rights of property that the property may be returned to the owner upon the payment by the owner of costs, which, I take it, includes attorney's fees. On what theory did the committee report a provision that would require the rightful owner of property to pay the costs before he would be entitled to possession of the property?

Mr. GARD. I beg your pardon, is the gentleman addressing me?

Mr. CAMPBELL of Kansas. I was addressing the gentleman who has the floor.

Mr. WALSH. This relates to the seizure of arms intended to be exported from the United States in violation of law and authorizes the authorities to seize those arms and if, after trial, it is found by the jury, if a jury is demanded, that they were not so intended the owner——

Mr. CAMPBELL of Kansas. To that property paying all the costs?

Mr. WALSH. Paying the costs and legal expenses.

Mr. CAMPBELL of Kansas. Now, why is not the owner of the property, when it is decided by a trial or a series of trials that his property was not intended for a wrongful use, entitled to possession of it without the payment of all these legal expenses, which perhaps would amount to a confiscation of his property?

Mr. WALSH. Oh, no; he can give bond.

Mr. CAMPBELL of Kansas. Yes; but why should he be required to give a bond?

Mr. WALSH. Because a month after he gets the property back he may attempt to violate it in the same way.

Mr. CAMPBELL of Kansas. Yes; but the court has decided——

Mr. WALSH. In that particular instance it is not intended, although personally I think very likely the costs might be assessed on the Government.

Mr. CAMPBELL of Kansas. I think if he is entitled to his property it ought to be returned free to him of all payment of costs.

Mr. WALSH. I have no authority to accept an amendment, but I suppose the committee will be glad to consider it.

Mr. JOHNSON of Washington. Will the gentleman yield?

Mr. WALSH. I will.

Mr. JOHNSON of Washington. Before the gentleman goes into a discussion concerning the regulation matter in the mails I would like to ask him if this entire measure is intended to be a war measure—that is to say, an emergency measure?

Mr. WALSH. No; I think that a majority of the provisions are intended to apply in time of peace, but the punishment in time of war for some violations is more severe.

Mr. JOHNSON of Washington. Would that apply to the publication of anarchistic statements?

Mr. WALSH. Of course, neutrality applies in time of peace. The provisions relating to the enforcement of neutrality, search warrants, passports, counterfeiting, and the like, apply in time of peace.

Mr. JOHNSON of Washington. How about the publication of anarchistic articles in newspapers; is that a war measure?

Mr. WALSH. That is intended to be enforced in time of peace. They can be refused the use of the mails in peace or war times. Anything of a treasonable or anarchistic nature is declared to be nonmailable.

Mr. COOPER of Wisconsin. Will the gentleman permit an interruption? Is this to be permanent law?

Mr. WALSH. I understand it is until repealed or modified.

Mr. COOPER of Wisconsin. What should go through the mails is usually left to the judgment of the Postmaster General.

Mr. WALSH. Oh, well, I would say to the gentleman from Wisconsin that, as I understand, the present law gives the postmasters of the various offices the right to exclude certain matter from the mails, such as obscene matter and lottery tickets, and the like, under existing law, and in this section we simply add to the class of matter that is nonmailable and which will be excluded by the postmasters.

It will not necessarily have to be sent down here to the department. The postmaster where it is sought to mail it is empowered to and probably will refuse to receive it, as he does under existing law with reference to lottery tickets, and so forth.

Mr. JOHNSON of Washington. Let us look into this a little. I come from a district that is very peaceable and law abiding; but in that district and in western Washington we have had I. W. W. riots off and on for years, and nearly all of them started over wages and developed into free-speech riots; we have had numerous socialistic "community" towns, and we had an anarchist and free-love settlement that gloated over the assassination of McKinley, and which was punished by having its post office taken away; and we have some socialists there, graduates of Harvard and Yale, who have gone the free-press limit. They have never been punished for treasonable words, but one of them was punished after trial in court for a so-called immoral article entitled "Nudes and Prudes." That was done by act of law rather than by proclamation of the Postmaster General. The defense was the rights of a free press, but it was proved that the articles went too far against morality.

Now, then, this bill, if enacted, means that in the future articles that actually are treasonable, or near-treasonable, or seditious, or suspicous in any way would be subject to the ruling of whomever happens to be high in the Post Office Department.

Mr. WALSH. We have a solicitor in the Post Office Department.

Mr. JOHNSON of Washington. And his opinion would prevail without a court trial. As a matter of fact, whether we like these article or not, and we know we do not like them, this is legislation against a free press in the United States, is it not?

Mr. WALSH. I do not think so. Does not the gentleman think that the mails should be prohibited from carrying certain matter?

Mr. JOHNSON of Washington. Of course, I want to see treason suppressed, war times or peace times, but we must remember the Constitution guarantees free speech and a free press. Personally, I do not believe that a man like Bill Hayward should be permitted to stand up in Carnegie Music Hall in New York City alongside of Lincoln Steffens and preach treason and near-treason, as I heard them when it looked like war with Mexico. Neither do I think the book of this Indiana socialist, Kirkpatrick, or whatever is his name, entitled "War? What For?" should be permitted to circulate at all.

Mr. WALSH. It will not be circulated through the mails if this becomes a law.

Mr. JOHNSON of Washington. That book has run into several editions, over 100,000 copies. There is a way to get at such matters without giving the Postmaster General so much direct power.

Mr. WALSH. If it is treasonable or anarchistic in its character, if this bill becomes a law, this book will not go through the mails, because of this first section in this title. And if they published that speech or the article that was read from the desk, which did not go into the RECORD, in a daily paper, and this bill becomes a law, that paper can not be carried through the mail.

Mr. JOHNSON of Washington. But the book or the newspaper can still be printed and circulated by express or by newsboy or otherwise, and peddled out at Socialist lectures. The truth of this thing is, that we are going to make an effort to abridge free press and free speech under the guise that it is a war necessity, when we have not got the nerve to come out and take care of it in a legal and proper way within the Constitution. We are treading on dangerous ground, I believe. I hope to discuss this matter later, and I apologize to the gentleman from Massachusetts [Mr. WALSH] for infringing on his time.

Mr. WALSH. Now, Mr. Speaker, as the chairman pointed out, the act also contains a new title condensing certain general provisions and definitions. As I understand it, it was the intention of the committee that those general provisions should apply to the terms wherever found in the bill. To conclude, with the exception of the section that I have criticized, I submit there is a real need for this legislation, and that without it the various departments of the Government will be powerless to cope with certain situations that have been and are confronting us. For instance, we were told that some of the ships which were tied up in our harbors were used as places wherein plots were being hatched against Governments with which this Nation was at peace; that some of those ships were crippled because of their machinery being tampered with and destroyed; and that officials of the Coast Guard of the Treasury Department boarded some of the ships and attempted to go below and see what was going on, but were resisted. They found the hatchways and the doors were under lock and key. And the department officials then were without authority to forcibly go below and take steps to prevent further destruction of those engines and other motive power upon those ships.

Now, in the passage of this bill we would have authority, should the occasion again arise, to prevent, by seizing the ships and placing guards thereon, the destruction or tampering with the motive power. I trust that the provisions of the bill, with the exception of the section I have pointed out, may be enacted into law.

I wish to state that this measure is under consideration in another body at the present time, and some amendments have been made in the sections which have already been considered by that other body which do not appear in the draft as reported to the House. We have had public hearings, and outside of possibly three or four exceptions the only people who objected to section 5 of the bill were representatives of hoboes and representatives of people who, to my mind, are worse than anarchists, because they profess to be American citizens and seem to boast of the fact that they do not care to be loyal to their Government. You may be told about the censors abroad. Well, if you are, there must be some point at which we can cease being imitators. The censorship is based on the assumption that the press is disloyal. I do not believe it; certain papers may be. They can be dealt with. I think that if we have such people as that in our midst we should have some law to punish them for any affirmative acts which might injure our Government, or weaken it in time of peace, or cripple it in time of war.

Mr. Speaker, I yield back the balance of my time.

Mr. LAGUARDIA. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman yield?

Mr. WALSH. Yes; I will yield to the gentleman.

Mr LAGUARDIA. Will the gentleman explain the purport, the meaning, and intent of section 13, under section 509, on page 46?

Mr. WALSH. I understand that is to prevent filibustering expeditions being set on foot within our borders and to punish anybody who begins, sets on foot, provides or prepares the means for, or furnishes the money for, or takes part in, any military or naval enterprise to be carried on from here against any foreign nation with which the United States is at peace.

Mr. LAGUARDIA. For instance, the United States is not at war with the Empire of Austria-Hungary at this time. That is correct, is it not?

Mr. WALSH. Well, I do not know that we have declared war with Austria-Hungary, but I should venture a guess that we are at war with that country.

Mr. LAGUARDIA. Assuming that we are not, this would prevent, then, Americans of Hungarian or Austrian descent from in any way helping a Hungarian Republic being realized?

Mr. WALSH. This would prevent whom?

Mr. LAGUARDIA. Any American citizen or any person in this country giving aid and assistance to bring about a Republic in Hungary.

Mr. WALSH. Yes.

Mr. LAGUARDIA. It would also prevent anybody sending any money to Ireland, would it not?

Mr. WALSH. I do not think so.

Mr. LAGUARDIA. For the purpose of carrying on the Irish cause—would it not?

Mr. WALSH. I do not think so, unless that money was to help arm troops to fight against England, with whom we are now allied in the greatest war in all history. That ought now not to be permitted, in my judgment, as it would be similar to fighting against us, or aiding Germany who is our enemy.

Mr. LAGUARDIA. The gentleman's interpretation is different from mine.

Mr. WALSH. I am giving you my interpretation. I do not think so.

Mr. LAGUARDIA. Would the gentleman be in favor of making the section so clear that there shall be no mistake about it?

Mr. WALSH. If the gentleman thinks there is any doubt about it, or anything that is not clear, he can offer an amendment embodying such language as he thinks proper to improve it. I can not speak for the committee.

Mr. VOLSTEAD rose.

The SPEAKER. The gentleman from Minnesota is recognized.

Mr. VOLSTEAD. Mr. Speaker, I do not expect to speak at any great length upon this bill. The chairman [Mr. WEBB] explained it quite fully. I desire only to call attention to some criticisms made upon it. This bill came to us from the Attorney General. It deals with a number of matters related to neutrality, or the national defense, which the Government thinks it is necessary to pass at this time. In a measure it is an emergency bill. This war and the situation prior to it with the difficulties that grew out of factional activities in this country made it necessary that we should pass such a statute for the purpose of better preserving our neutrality, protecting this Government against interference on the part of foreign nations in our affairs, and to punish various acts that may be detrimental to this country.

Attention has been called to the general character of the bill, and I do not care to go minutely into the details of it. I desire to call attention to section 4, the espionage provision, and perhaps one or two other sections against which a good deal of criticism has been directed by the press and to which attention has been called by Members on this floor. In my judgment section 4 ought to remain in the bill. The committee took a good deal of time in considering it. We practically rewrote it. The original proposition was very much more drastic than the one that is now in the bill.

I want to call your attention to the plan of this espionage chapter. The first section prohibits anyone from securing information with the intent or knowledge or reason to believe that the information is to be used to the injury of the United

States. The second section prohibits communicating any information to an enemy with intent or knowledge or reason to believe that it is to be used to the injury of the United States. The third section prohibits officers, employees, and other people intrusted with information from divulging that information. It is perhaps a little broader than that, but that is the general purpose of the section.

Section 4 is intended to cover in a more general fashion publications that may be injurious to the Government. No one can tell at this time just what information may be injurious. Information harmless to-day may be injurious six months from now. It is exceedingly difficult to frame a general statute that would be so all-embracing as to cover all matters that ought to be prohibited, and at the same time exclude the acts which are not injurious.

Mr. MORGAN. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman yield?

Mr. VOLSTEAD. Yes.

Mr. MORGAN. I would like the gentleman to state whether he thinks this section in any way interferes with or conflicts with the first amendment to the Constitution, which in substance prohibits Congress from enacting any law which abridges the freedom of the press or the freedom of speech?

Mr. VOLSTEAD. No; I do not think so. Of course, I realize that the President might make a regulation that might be too broad. But we have to assume that the President will obey the Constitution, and that he will make his regulations conform to it. I do not anticipate any trouble on that account.

Mr. MORGAN. The gentleman knows that under this provision of the Constitution Congress can not enact any statute which abridges or restricts or controls the freedom of the press.

Mr. VOLSTEAD. Oh, yes; but we have a large number of statutes prohibiting various abuses of the press and of free speech, passed under State constitutions containing the same prohibition.

Mr. MORGAN. I understand the National Government has never but once enacted a national law which applied any control or limitation to the press, and that was in the sedition act passed in 1798.

Mr. VOLSTEAD. That never was before the Supreme Court.

Mr. MORGAN. I understand Mr. Jefferson would not enforce these laws because he said these laws were unconstitutional and void.

Mr. VOLSTEAD. Well, if Mr. Jefferson did say so I think he was wrong. However, I do not know enough about the sedition laws, so that my opinion on the subject would be worth nothing.

Mr. CANNON. Mr. Chairman, will the gentleman yield?

Mr. VOLSTEAD. Yes.

Mr. CANNON. You are talking about section 4?

Mr. VOLSTEAD. Yes.

Mr. CANNON. Allow me to read:

During any national emergency resulting from a war to which the United States is a party—

Now, a man might do anything until the President of the United States makes his proclamation. But suppose he makes his proclamation when Congress has not declared war. Could there be a conviction?

Mr. VOLSTEAD. I think so, because the phrase following the language just read says:

or from threat of such war.

Mr. CANNON. Threat by whom?

Mr. VOLSTEAD. I presume there would be no great difficulty in ascertaining that war was threatened. The President is the proper party to find and declare that fact, and if he does find it, I do not believe the courts would disturb his finding.

Mr. CANNON. Let me put a question. All criminal statutes and statutes imposing a penalty are strictly construed. Just let me put a question that has absolutely arisen. The President is Commander in Chief of the Army and Navy. He recognized Carranza as the head of a legal Government in Mexico. Yet, as Commander in Chief, without Congress having declared a war—and the power rests with Congress alone to declare war—he ordered the Army across into Mexico, for what? To bring Villa, dead or alive, and the Army did go in 100 or 200 miles, and there were two battles. Now, suppose this statute had been in existence at that time, and the proclamation had been issued, would the indictment have to show that there was war? Is not that the first thing that must be alleged?

Mr. VOLSTEAD. No; a threat of war and a finding by the President of that fact is sufficient.

Mr. CANNON. Oh, no. The President can not make war by proclamation. Congress alone has the authority to make war. Now, suppose he had made the proclamation, without Congress having declared war, and had put the Army into Mexico. Could anybody be punished, without first alleging that there was a war with Mexico, and proof that there was a war with Mexico? Mind you, this statute must be strictly construed, and without the allegation of a war and a proclamation by the President there could be no conviction.

Mr. VOLSTEAD. If the gentleman will permit me, the language goes a good deal further than the part he has read. It says that during any national emergency resulting from a war in which the United States is a party, or from the threat of such war, the President may declare so and so.

Mr. CANNON. Yes; but suppose you had indicted a man, and you were the prosecuting officer, and my friend here was the judge before whom the trial was had. Would you have to prove first that there was a war?

Mr. VOLSTEAD. No.

Mr. CANNON. In the case I have supposed—a war with Mexico?

Mr. VOLSTEAD. No.

Mr. CANNON. Can the President make war by proclamation?

Mr. VOLSTEAD. The President would have the right to determine whether war was threatened, and when he made that finding, if he had any evidence that fairly supported his finding, it would be conclusive on our courts. They would make no inquiry beyond that.

Mr. CANNON. I think if the gentleman was the presiding judge and I was the prosecuting officer he would grant a new trial in a holy minute unless I proved that there was a war.

Mr. VOLSTEAD. I would not. A threat of war would be sufficient.

Mr. CANNON. But I am putting it in the event of war. I grant you if an indictment was found under this statute, war with Germany having been declared by Congress, that proof would be made, and it would have to be made before there could be a conviction, and then following that proof the proclamation by the President.

Mr. VOLSTEAD. If the proclamation was to rest upon the finding that there was a war, then, of course, the President would have to find that a war existed. If there was any fact upon which he could reasonably conclude that a war did exist, his finding would be conclusive. I think that is the general rule.

Mr. CANNON. Without proof?

Mr. VOLSTEAD. Even without a declaration of war. If they made war upon us, still it would be war. The President does not have the right to declare war, but he has the right to declare that a war does exist, that somebody else is making a war upon us, has he not?

Mr. CANNON. Oh, I am speaking now of the nature of the proof. Could the President create a war on his own motion?

Mr. VOLSTEAD. I do not believe that will occasion any great difficulty. The proclamation itself will prove the existence of the war.

I do not believe that there can be any question of our power to delegate to the President the power to declare when a national emergency exists or of the fact that his finding will be binding upon the courts, provided there is any evidence upon which the President can base it. Whether he is right or wrong, his findings can not be questioned. I believe that it is the general rule that where you delegate to an officer the power to determine a certain fact, his finding is conclusive if supported by any testimony that will reasonably support his finding. The finding in the proclamation will be evidence of the emergency necessary to authorize its issue.

Mr. COMSTOCK. The declaration or finding would be presumptive evidence, but would it be conclusive? Would it not be a matter of defense to show that there was no war?

Mr. VOLSTEAD. Yes; but I do not care to be diverted from the general subject. I want to call attention to this situation: In preparing for and carrying on this war many things will be done and many things will happen that can not be anticipated. Inventions and experiments will be tried, the details of which should remain secret; knowledge of the movements and numbers of troops and ships may or may not be of advantage to the enemy. Somebody should determine what may be published. It seems to me that the President, who is in touch with every department, had better, by proclamation, regulate these matters than have Congress attempt in a general way to draw a bill that will cover all these various contingencies. It is a good deal easier for the executive departments that have got to deal with these things from day to day, and know just where the difficulty is. They may very properly suggest what information ought to be prohibited. If we undertake to cover every situation now, perhaps a week from now or a month from now something else may come up requiring a new regula-

tion. To illustrate, take the old espionage act, which we are amending. It is in many respects one of the most drastic laws imaginable, infinitely worse than anything we propose to the House in this bill. Still, when the Government came to apply it, it was discovered that it did not cover a great many things that it ought to cover, and they came to us and asked us to amend it. Instead of using general language, as we do in this bill, they attempted to enumerate offenses. If we attempted to do the same thing now I am sure as the days go by it would soon be discovered that we had omitted a great many things that ought to have been covered. In the attempt to make the language of that act cover everything that might be injurious many innocent acts are denounced by severe penalties. We must trust somebody, and it seems to me we had better trust the President than anyone else. We do not want to leave it to the executive departments. We felt that if a rule was to have the force of law, it ought to have the sanction of the President and ought to be proclaimed publicly.

Mr. McCORMICK. Will the gentleman yield?

Mr. VOLSTEAD. I will.

Mr. McCORMICK. Does the gentleman object to the principle embodied in the Senate bill? Perhaps he will let me read a few lines of the Senate bill, because it illustrates the fundamental difference between the two bills. On page 8 of the Senate bill, line 19, it provides:

Whoever, in time of war, in violation of reasonable regulations to be prescribed by the President—

And so forth—

shall publish any opinion with respect to the movement, number, description, conditions, or disposition of the Army forces—

And so forth.

Mr. VOLSTEAD. If I remember it correctly, it makes an enumeration of certain information that is not to be published, and follows it up by a general prohibition against the publication of all information. This method is as objectionable as that adopted in this bill. It seems to me that it is better to use a general definition of an offense than to attempt to enumerate specific acts to be condemned.

Mr. McCORMICK. Suppose there was an epidemic in the Army—and there is at this moment a considerable amount of infectious disease, not of a serious character—among the new recruits in the Navy, under the proviso in the House bill would it not be possible for the President by proclamation to prohibit any Member of the House standing on a street corner and drawing public attention to the condition of the troops. If it developed, as it did in France and England, that munitions were inadequate and improper, any Member of this House, or a man in any other vocation, who drew public attention to the condition of the troops in the field by reason of the failure of judgment by the Department of War would be liable to imprisonment.

Mr. VOLSTEAD. I do not think there is any serious danger of anything of the kind. In the first place, the information has got to be of such a character as to be useful to the enemy. Suppose they did find out that there was some disease or epidemic in the Army, what great harm would it do? Let us remember that we are living under a free government—at least, I hope so—and I do not believe that the man at the other end of the Avenue would dare to write a law that would approach anything tyrannical.

Mr. McCORMICK. The gentleman recalls the prosecution of Lord Northcliffe because he declared that the munitions supplied to the British Army were absolutely unsuited to conditions of modern warfare, and compelled the appointment of Lloyd George as minister of munitions. The gentleman recalls that he was prosecuted for rendering an incomparable service to the army and the British Empire. [Applause.]

Mr. VOLSTEAD. But this provides that the information must be useful to the enemy. That it is information relating to the national defense which, in his judgment, is of such a character that it is or might be useful to the enemy.

Mr. McCORMICK. In whose judgment?

Mr. VOLSTEAD. Well, strike out the words "in his judgment," in line 7, if you please; if you insist that the President's judgment can not be trusted, trust it to a jury. In a case like this—that is, during the war—we ought to trust the President. It seems to me that we have got to do it, whether we like to or not. This section is only in force during war times.

Mr. McCORMICK. Let me say that while the law provides that the President shall exercise his judgment, inevitably some minister of the President will exercise his judgment, which will be confirmed by his chief, and if a Member of Congress or other person discovers that the conduct of the war——

Mr. VOLSTEAD. Pardon me, but I can not permit the gentleman to make his speech in my time.

Mr. SLOAN. Will the gentleman yield to me?

Mr. VOLSTEAD. I will yield to the gentleman for a question but not for a speech.

Mr. SLOAN. I did not want to make a speech. I want to call the gentleman's attention to the two facts upon which the procedure can be predicated—one, actual war, which would be by act of Congress, and the other is from a threat of such war. I understand a threat is that act of a person which would indicate a danger to another person, and I think that is the language which ought to be there. If it is a threat, a threat by whom? Is it a threat by the President of the United States that he would begin a war against some other country, or king of another country that he would begin war against this country?

Would it not be better to couch it in such language so that the only time that we could resort to it would be in the case of actual war declared by Congress, or from his finding that there was an imminence of war brought about by the act of another nation toward this Nation?

Mr. VOLSTEAD. Now the gentleman has talked about as much as I have.

Mr. SLOAN. I know; but the gentleman is such an eloquent listener that I wanted to entertain him.

Mr. VOLSTEAD. I would prefer to be excused for a moment. I am not partial to the language in the first two lines of this section. I think that language is unfortunate, and my recollection is that it is different from that upon which we agreed.

It may have been inserted inadvertently in copying the bill, because it had to be recopied two or three different times. We amended it so often that we never did know what we had in it until it was reprinted finally. I think the gentleman would render a service by offering an amendment that will clarify that language. It does not seem to me that that affects the real merits of this controversy. As has been called to the attention of the House, the newspaper men realize that some provision like this section 4 must be passed. When they were called together and consulted in reference to it, they conceded, as I understand, that they could work under a provision much more drastic than this. They were willing to accept it in its original form.

Mr. FESS. Mr. Speaker, will the gentleman yield?

Mr. VOLSTEAD. Yes.

Mr. FESS. The bill refers to information that would prove useful to the enemy. Under that characterization would such a matter as the gentleman from Illinois [Mr. McCORMICK] mentioned here be classified as useful?

Mr. VOLSTEAD. Oh, I do not think that ordinarily it would be of any use to the enemy. It would be only in a very extreme case.

Mr. FESS. What I wanted to get at was whether under the term "useful" it would mean encouragement to the enemy in the conviction that our forces were not being treated as they ought to be. Would such an interpretation as that fall within the purview of the language?

Mr. VOLSTEAD. I do not think so. Another section in this bill covers any information that would be useful to the enemy.

Mr. FESS. The gentleman understands that I am in sympathy with his purpose.

Mr. VOLSTEAD. I do not think that that criticism ought to be directed against this section at all. The gentleman from Massachusetts [Mr. WALSH] insists that we can get along and ought to get along without any prohibition of this kind, as the newspaper men are now good. Yes; but here is the situation: Suppose they are good at this time, which I believe is true generally, some newspaper may commence to publish matters that might do injury to use. Then others in competition will have to do the same thing.

There is no way now to punish, and it seems to me it is absolutely necessary that we should protect the good newspapers by compelling the others to live up to the same standard of patriotism. You can not do it by voluntary consent. They never will in the long run. They may do it now in the beginning of the war, but suppose the war drags along not only during this, but through next year, then it seems to me that it is quite evident that there may be more or less dissatisfaction, and when that dissatisfaction does occur there are going to be newspapers that will publish matters that ought not to be published, and the only way then to compel them to treat this country decently will be to have a law under which they all can be punished if they violate the order of the President in reference to these matters.

Mr. FARR. Suppose the war should be prolonged for a year or two years due to weaknesses in our system of defense, and that the newspapers caustically or otherwise called attention to those things?

Mr. VOLSTEAD. That might happen.

Mr. FESS. They would have the right to do that.

Mr. VOLSTEAD. They have a right to criticize under the proviso attached to this section. We have sought to guard these men, to give them the right to criticize and comment upon the acts and policies of the Government. If they do that in the spirit of helpfulness, which they ought to do, and not for the purpose of injuring this country, they will not be punished. It seems to me that newspapers ought to welcome such a law, and I do not believe that any government would dare to throttle the press if it is doing a good and useful thing.

Mr. FARR. That would be regarded in the interest of our country, and not as giving aid and comfort to the enemy.

Mr. VOLSTEAD. Certainly. Somebody has got to use his discretion, his judgment, in matters of this kind, and I do not see how we can avoid it. I wish we could draw this bill so that the innocent man, every man who really does want to help the Government, will stand no show of being annoyed, and I have no doubt that when a man does a thing with good intentions to aid the Government there will be no difficulty at all.

Now, there are other provisions to which I might call attention, but I am not going to devote very much more time to it. This provision in reference to the use of mails has been criticized. We were very careful in that title not to make it drastic. The proposition that was submitted to us would have given wide power to the Postmaster General, power to deny the use of the mails to anyone who might publish a treasonable or an anarchistic article. We refused to accept that provision for fear that it might work an injustice. The only power we left in the bill over the mails gives the postmasters the right to exclude treasonable or anarchistic matter—exclude that particular edition, the particular article. Then we make them subject to punishment, to fine or imprisonment. We have that sort of statute all over this country. There is nothing very drastic about that; every State has statutes to protect assaults upon the character of its citizens. Why should we not pass like statutes to protect the Nation and its defenders. When our boys are out in the trenches fighting or on the seas to guard our coasts it seems to me we ought not to hesitate to pass laws to protect them against any insidious foe at home. We can have no patience with those who insist that we must not pass these laws for fear that, perchance, they may abridge somebody's idea of free speech and a free press. We have not been so careful in the past. We have passed statutes like these; we have lived under them; and we have found that they were salutary, and this bill, if passed, will be salutary law, just as salutary written to protect the Government as if written to protect an individual. Your character can be protected, why should not the stability and safety of this Government be protected? [Applause.] Mr. Speaker, I am not going to take any more time, and I will reserve the balance of my time.

Mr. EAGLE. Mr. Speaker, the American people, by an overwhelming majority, by their sentiment expressed through their Representatives here, have declared the fact to be, as it is, that by virtue of the conduct of the Imperial German Government the United States and Germany are in a state of war. The Representatives of the people of the United States, in pursuance of national interest and honor and in keeping with national sentiment, have provided billions of funds with which to insure the carrying on of this war. The Congress has provided the country's defenses. During the past week the most interesting, the most intense, the most intellectual debate in the past four years has been conducted in this Chamber. We are now at war. We have now provided for a real Army. The honor, the interest, the life, the sovereignty of this Nation are at stake. [Applause.] Notwithstanding these facts the hydraheaded monster of treason is at work in our midst among those who enjoy the food, shelter, clothing, freedom, liberty, and equality of opportunity under our flag. For one I rise in my place here now and protest. On a letterhead, "Socialist Party, National Office, Executive Secretary Adolph Germer, 803 West Madison Street, Chicago, Ill.," under date of April 26, 1917, a committee made up of three—Victor L. Berger, John M. Work, and Adolph Germer—constituting the national emergency committee of the Socialist Party, wrote me a letter which reads as follows:

> In behalf of hundreds of thousands of Socialists throughout the United States we urge you to vote against conscription, selective or otherwise.
>
> All arguments which have been put forth in favor of conscription are specious and false. It would strike a blow to the liberties of the people. It would not only compel the individual—if he submitted to it—to kill other human beings, regardless of his conscientious scruples against doing so, but under the pretext of fighting militarism in Germany it establishes militarism of the worst kind in America.
>
> As everyone knows, the war is a commercial one. It is being waged for the benefit of a certain group of capitalists.

I have no capitalist class in my district in Texas, and yet 99 per cent of the people of my district are solidly supporting me in the assertion that I would protect the rights and sovereignty of this Nation. [Applause.]

It says to me further:

> They should really be permitted to fight the battles themselves, except in so far as others are freely willing to help them. It would be an outrage and a stupendous crime to compel anyone against his will to become a hired soldier in the most mercenary war the world has ever seen.

And Berger and Work and Germer, who favored the volunteer plan, have had for the past six months opportunities to volunteer and not one of them has volunteered, and even yet they graft upon the credulity and ignorance of their deluded followers and encourage and aid the foreign-propaganda sentiment in treachery and treason to the country.

The proclamation which they attach to that letter, which came to me through the mails of the United States, and to each of you in turn, contains, among other things, excerpts of a treasonable nature, a specific instance of which is as follows:

> The Socialist Party of the United States in the present grave crisis strongly affirms its allegiance to the principle of internationalism and working class solidarity the world over—

Which they have a perfect right to say and circulate. That is honorable, and they have a right under the free institutions protected by our flag to publish and to scatter through the mails that statement.

Now, this is treasonable:

> And proclaims its unalterable opposition to the war just declared by the Government of the United States.

This was printed after the American people, through their Congress, declared war, and it is treasonable to make and print and circulate such a declaration.

Another thing they say is this:

> The war of the United States against Germany can not be justified even on the plea that it is a war in defense of American rights or American honor.

They furthermore say:

> The American people did not want and do not want this war. They have not been consulted about the war and have had no part in declaring war. They have been plunged into this war by the trickery and treachery of the ruling class of the country through its representatives in the national administration and national Congress, its demagogic agitators, its subsidized press, and other servile instruments of public expression.

As if we had not a representative form of government; as if the people of the United States 128 years ago did not put the Constitution forward for ratification by the several States, which Constitution provided the people themselves should act not by immediate referendum upon any issue but through their Representatives, who are compelled to act in pursuance of public sentiment and national interest. [Applause.] In that treasonable pamphlet thus circulated through the mails they further say:

> We brand the declaration of war by our Government as a crime against the people of the United States and against the nations of the world.

Furthermore they add:

> In all modern history there has been no war more unjustifiable than the war in which we are about to engage.

And then they add this infamous and treasonable advice to the hundreds of thousands of those in that association who can procure and read these inflammatory pamphlets, which are printed at their headquarters organization—they offer this infamous and treasonable advice under which, if followed, not one dollar in support of this war could be raised and not one more soldier in defense of the flag could be enlisted:

> We recommend to the workers and pledge ourselves to the following course of action:
>
> 1. Continuous, active, and public opposition to the war, through demonstrations, mass petitions, and all other means within our power.
>
> 2. Unyielding opposition to all proposed legislation for military or industrial conscription. Should such conscription be forced upon the people, we pledge ourselves to continuous efforts for the repeal of such laws——

That would not be treasonable, but it would be fair for any citizen to propose an agitation for the repeal of a law.

They continue—

> and to the support of all mass movements in opposition to conscription.

And this is put forth after Congress has passed an act providing for selective service, but which they call "conscription." They say further:

> We pledge ourselves to oppose with all our strength any attempt to raise money for payment of war expense by taxing the necessaries of life, or issuing bonds—

And so forth.

If there could be in a free land, whose hospitable shores welcomed these men born in other lands, a greater contempt expressed in mere words for the institutions into which they were invited to come and in which they are protected by the flag or a more treasonable insult to the flag which all of us alike who are real Americans heartily support, I can hardly conceive it.

I have no right to speak for the Socialist Party, but I make bold here to predict that this treasonable utterance finds not a ratification in the breasts of the honest Socialists of the United States, who impress us all with the conviction that they are sincere people, devoted to the achievement of peaceful and legitimate ideals for the improvement of society, and I hope that the sole and only Representative of the Socialist Party in this Chamber will add his courageous rebuke to the infamous treachery and base, treasonable utterances of these representatives of the un-American propaganda yet lingering in our midst while this young giant Nation is girding up its loins for the life and death struggle against the Prussian autocracy, which has insulted us, violated our acknowledged rights, and made war upon us. [Applause.]

For me there is no longer any tolerance for foreign sentiment in our midst. Either a man is for America or he is a base traitor to America and a hired or craven slave to foreign monarchy. [Applause.]

Let the people and their representatives strike this monster of treason each time it raises its hideous head. [Applause.] The destiny of the world and of civilization is at stake in the issue and by the brutal methods Germany has precipitated upon us and upon the world, and we should deal alike in severity with the traitor in our midst and the visible enemy on land or sea. [Applause.] Life, happiness, property—all we are and all we shall be are dedicated to the rights of nations and to liberty and freedom in America and the world. [Loud applause.]

The SPEAKER. The gentleman from North Carolina is recognized.

Mr. WEBB. Mr. Speaker, if there is no further desire on the part of Members for general debate, I will ask for the reading of the bill for amendment.

Mr. STAFFORD. Oh, there are others who want to participate in the debate. I will make the point of order of no quorum immediately if the gentleman is going to close it up with the small membership that is present now. The Members are absent from the Chamber. There are several gentlemen on this side who desire to be heard.

Mr. WEBB. Gentlemen on the other side have not informed me that they desired time. They may have notified the gentleman from Minnesota [Mr. VOLSTEAD], but they did not notify me.

Mr. STAFFORD. They do want to be heard.

Mr. PARKER of New Jersey. I would like to be heard.

Mr. WEBB. Mr. Speaker, in view of these representations, to the effect that other gentlemen, including Judge PARKER, on the other side desire to be heard——

Mr. STAFFORD. A gentleman from New York wants to be heard and also others on this side.

Mr. WEBB. The gentleman understands, and the Members of the House understand, that we are trying to get through with this work so that we can adjourn here by the 1st of June, and there is no desire on my part to rush anything through this Congress. But——

Mr. STAFFORD. The gentleman can see by the empty benches that the House is not ready to go on with the debate at this hour.

ADJOURNMENT.

Mr. WEBB. Well, as to the empty benches, that is probably because there is no desire to speak on the subject. It was well understood by the membership of the House that this bill would be taken up to-day for consideration. But in view, Mr. Speaker, of the representations that have been made that other gentlemen desire to be heard, I will now move that the House adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 40 minutes p. m.) the House adjourned until to-morrow, Tuesday, May 1, 1917, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Navy, recommending that sections 1538 and 1539 of the Revised Statutes, requiring inspection and estimates by a Navy board before major work can be undertaken on a vessel of the Navy, be repealed (H. Doc. No. 82); to the Committee on Naval Affairs and ordered to be printed.

2. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of Onosohatchee River, Fla. (H. Doc. No. 83); to the Committee on Rivers and Harbors and ordered to be printed.

3. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of channel from the Gulf through Johns Pass to Boca Ceiga Bay, Fla. (H. Doc. No. 84); to the Committee on Rivers and Harbors and ordered to be printed.

4. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Martin N. Wren, v. The United States (H. Doc. No. 85); to the Committee on War Claims and ordered to be printed.

5. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Isaac N. Enloe v. The United States (H. Doc. No. 86); to the Committee on War Claims and ordered to be printed.

6. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Carrie M. Cleveland, widow of Albert C. Cleveland, deceased, v. The United States (H. Doc. No. 87); to the Committee on War Claims and ordered to be printed.

7. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Christopher T. Cheek v. The United States (H. Doc. No. 88); to the Committee on War Claims and ordered to be printed.

8. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of M. Fillmore Brown, administrator of Robert Brown, deceased, v. The United States (H. Doc. No. 89); to the Committee on War Claims and ordered to be printed.

9. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of W. H. Pierce, son and sole heir of Edward R. Pierce, deceased, v. The United States (H. Doc. No. 90); to the Committee on War Claims and ordered to be printed.

10. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Ella C. Tremble, widow of David Tremble, deceased, v. The United States (H. Doc. No. 91); to the Committee on War Claims and ordered to be printed.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. PLATT: A bill (H. R. 3967) granting age and service pensions to soldiers and sailors who answered the first call for volunteers in the Civil War; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3968) to increase the pensions of widows of officers and enlisted men of the Army, Navy, or Marine Corps who were the lawful wives of such officers and enlisted men during their service in the Civil War and have not been separated or divorced from such officers and enlisted men; to the Committee on Invalid Pensions.

By Mr. CARTER of Oklahoma: A bill (H. R. 3969) to authorize the Secretary of the Interior to sell to the State of Oklahoma for a game preserve certain lands of the Choctaw and Chickasaw Tribes of Indians in Oklahoma; to the Committee on Indian Affairs.

By Mr. KAHN: A bill (H. R. 3970) to organize 10 or more regiments of Indian Cavalry as part of the military forces of the United States, to be known as the North American Indian Cavalry; to the Committee on Military Affairs.

By Mr. FITZGERALD: A bill (H. R. 3971) making appropriations to supply urgent deficiencies in appropriations for the Military and Naval Establishments on account of war expenses for the fiscal year ending June 30, 1917, and for other purposes; to the Committee of the Whole House on the state of the Union.

By Mr. MAHER: A bill (H. R. 3972) to regulate the wages of mechanics and laborers employed in or under any and all departments of the Government; to the Committee on Labor.

Also, a bill (H. R. 3973) to provide for an increase in salaries of the United States customs employees; to the Committee on Ways and Means.

Also, a bill (H. R. 3974) to regulate the wages of certain employees employed in or under the Navy and War Departments of the Government; to the Committee on Naval Affairs.

By Mr. SINNOTT: A bill (H. R. 3975) authorizing the issuance of trust patents for allotments made within the timbered area on the Klamath Reservation, Oreg.; to the Committee on Indian Affairs.

By Mr. HAYDEN: A bill (H. R. 3976) amending the reclamation law to authorize Federal farm loans on lands within

United States reclamation projects; to the Committee on Irrigation of Arid Lands.

By Mr. ZIHLMAN: A bill (H. R. 3977) making an appropriation to the dependents of enlisted or drafted men of the Organized Militia or National Guard and enlisted or drafted men in the Regular Army; to the Committee on Appropriations.

By Mr. SABATH: A bill (H. R. 3978) to regulate the prices of necessaries of life; to the Committee on Appropriations.

By Mr. LEVER: Joint resolution (H. J. Res. 75) to provide further for the national security and defense by stimulating agriculture and facilitating the distribution of agricultural products; to the Committee on Agriculture.

By Mr. ADAMSON: Joint resolution (H. J. Res. 76) ordering the suspension of certain schedules of rates filed by carriers and providing for investigation by the Interstate Commerce Commission of the condition of certain carriers and requiring a report to Congress thereon; to the Committee on Interstate and Foreign Commerce.

By Mr. SULZER: Memorial of the Legislature of the Territory of Alaska, protesting against passage of legislation affecting Alaskan fisheries; to the Committee on the Merchant Marine and Fisheries.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CALDWELL: A bill (H. R. 3979) for the relief of Roscoe V. Wickes; to the Committee on Naval Affairs.

By Mr. EAGAN: A bill (H. R. 3980) granting a pension to Henrich Jensen; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3981) for the relief of Michael Mullett; to the Committee on Military Affairs.

By Mr. FAIRFIELD: A bill (H. R. 3982) granting an increase of pension to James H. Brown; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3983) granting an increase of pension to Mrs. Margaret Pressler; to the Committee on Invalid Pensions.

By Mr. LITTLE: A bill (H. R. 3984) granting an increase of pension to Isom S. Reeder; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3985) granting an increase of pension to William T. Gilbert; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3986) granting an increase of pension to John S. Albright; to the Committee on Invalid Pensions.

By Mr. MAHER: A bill (H. R. 3987) granting a pension to Henry Franz; to the Committee on Pensions.

Also, a bill (H. R. 3988) granting a pension to Mary Julian Conway; to the Committee on Pensions.

Also, a bill (H. R. 3989) granting a pension to Elizabeth McGuiness; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3990) granting an increase of pension to Eleanor C. Doyle; to the Committee on Pensions.

Also, a bill (H. R. 3991) granting an increase of pension to John P. Murphy; to the Committee on Pensions.

Also, a bill (H. R. 3992) granting an increase of pension to John Flood; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3993) granting an increase of pension to Nellie McDonald Grimshaw; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3994) granting an increase of pension to James McCullough; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3995) for the relief of John Hartnett; to the Committee on Claims.

By Mr. MEEKER: A bill (H. R. 3996) granting an increase of pension to Jennie H. Marshall; to the Committee on Invalid Pensions.

By Mr. PRATT: A bill (H. R. 3997) granting an increase of pension to Charles Rundle; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3998) granting an increase of pension to Levi Bronson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3999) granting a pension to Elizabeth Mathews; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4000) for the relief of Henry W. Sanford; to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. CRAMTON: Petition of the forum of the First Methodist Church of Port Huron, Mich., for enactment of nation-wide prohibition; to the Committee on the Judiciary.

By Mr. DALE of New York: Memorial of Washington Harvard Club, favoring universal military training; to the Committee on Military Affairs.

Also, petition of the Francis Perots Sons Malting Co., of Philadelphia, Pa.; against national prohibition; to the Committee on the Judiciary.

Also, petition of Misha Appelbaum, of New York City, favoring suffrage for women; to the Committee on the Judiciary.

Also, petition of L. K. Pierce & Son, of Brooklyn, N. Y., against tax of 25 cents per gallon on denatured alcohol; to the Committee on Ways and Means.

By Mr. EAGAN: Memorial of Board of Directors of the Detroit Board of Commerce, favoring increase in appropriation for the Bureau of Naturalization; to the Committee on Appropriations.

Also, petition of the National Association of Cotton Manufacturers, Boston, Mass., relative to raising revenue by taxing incomes; to the Committee on Ways and Means.

Also, petition of Lawyers' Club of Essex County, N. J., favoring universal military service; to the Committee on Military Affairs.

Also, memorial of the Motor and Accessory Manufacturers of New York, favoring the conscription bill; to the Committee on Military Affairs.

By Mr. FESS: Memorial of Convention of Ohio Sheepmen, favoring a bill to levy a per capita tax on all dogs in the United States; to the Committee on Ways and Means.

Also, petition of Springfield (Ohio) Lodge, No. 536, of the Loyal Order of Moose of the World, offering assistance that will be in any way of service to the Government during the war; to the Committee on Military Affairs.

By Mr. FULLER of Illinois: Memorial of the American Peace and Arbitration League for universal military training and service; to the Committee on Military Affairs.

Also, petition of Farmers' National Committee on War Finance, favoring a graduated income tax; to the Committee on Ways and Means.

Also, petitions of F. Madden, A. C. Woods & Co., A. H. Altheide, of Rockford; Vernon Leroy, of Streator; George H. Woolbert and Adelaide Jones, of Ottawa; Mr. and Mrs. J. C. Koones, of Peru; and Arthur C. Page, editor of the Orange Judd Farmer, Chicago, all in the State of Illinois, protesting against increase of postage rates on periodicals and the establishment of the zone system; to the Committee on the Post Office and Post Roads.

By Mr. GALLIVAN: Memorial of the National Association of Cotton Manufacturers, in re income-tax legislation; to the Committee on Ways and Means.

Also, memorial of the Washington (D. C.) Harvard Club, favoring universal military training; to the Committee on Military Affairs.

Also, memorial of board of directors of the Detroit Board of Commerce, in re appropriations allotted to the Bureau of Naturalization; to the Committee on Appropriations.

By Mr. PAIGE: Resolutions of Spencer Grange, New Salem Grange, North Brookfield Grange, Lunenburg Grange, Princeton Grange, citizens of West Boylston, and selectmen of Princeton, all in the State of Massachusetts, favoring prohibition during the war and prohibition against the use of grain for manufacture of liquors during the war; to the Committee on the Judiciary.

By Mr. RAKER: Memorial of Military Engineering Committee, of New York, favoring the organization and maintenance of all new units of Engineer troops by the War Department and not by the individual States; to the Committee on Military Affairs.

Also, memorial of Joel H. Hildebrand, president California American Chemical Society, to insist that all new units of Engineer troops be organized and maintained by the War Department and not by the individual States; to the Committee on Military Affairs.

Also, memorial of Robert M. Lynch, president San Francisco Chamber of Commerce, San Francisco, Cal., favoring the enactment of the general leasing bill; to the Committee on the Public Lands.

Also, indorsement of H. R. Bennett, national Democratic finance committee of Placerville, Cal., on conscription; to the Committee on Military Affairs.

By Mr. STRONG: Resolution of the Ministerial Association of Punxsutawney and of the Free Methodist Church of Leechburg, Pa., favoring the prohibition of alcoholic liquors during the period of the war, in the interest of the Nation's food supply; to the Committee on the Judiciary.

By Mr. YOUNG of North Dakota: Petitions of James Anderson and C. A. Zabel, of Valley City, N. Dak., favoring conservation of food supplies by prohibiting the use of grain or potatoes for the manufacture of intoxicating liquors; to the Committee on the Judiciary.

SENATE.

TUESDAY, *May 1, 1917.*

(Legislative day of Monday, April 30, 1917.)

The Senate reassembled at 11 o'clock a. m., on the expiration of the recess.

INCREASE OF MILITARY ESTABLISHMENT.

Mr. CHAMBERLAIN. I move that the Senate proceed to the consideration of the bill (H. R. 3545) to authorize the President to increase temporarily the Military Establishment of the United States.

The VICE PRESIDENT. The question is on the motion of the Senator from Oregon.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Military Affairs with an amendment, to strike out all after the enacting clause and to insert:

That in view of the existing war, which demands the raising of troops in addition to those now available, the President be, and he is hereby, authorized—

First. Immediately to raise, organize, officer, and equip all or such number of increments of the Regular Army provided by the national-defense act approved June 3, 1916, or such parts thereof as he may deem necessary; to raise all organizations of the Regular Army, including those added by such increments to the maximum enlisted strength authorized by law. Vacancies in the Regular Army created or caused by the addition of increments as herein authorized which can not be filled by promotion may be filled by temporary appointment for the period of the war or until replaced by provisional appointments made under the provisions of section 23 of the national-defense act, and hereafter provisional appointments under said section may be terminated whenever it is determined, in the manner prescribed by the President, that the officer has not the suitability and fitness requisite for permanent appointment.

Second. To draft into the military service of the United States, organize, and officer, in accordance with the provisions of section 111 of said national-defense act, so far as the provisions of said section may be applicable and not inconsistent with the terms of this act, any or all members of the National Guard and of the National Guard Reserve, and said members so drafted into the military service of the United States shall serve therein for the period of the existing war unless sooner discharged.

Third. To raise by draft as herein provided, organize, and equip an additional force of 500,000 enlisted men, or such part or parts thereof as he may at any time deem necessary, and to provide the necessary officers, line and staff, for said force and for organizations of the other forces hereby authorized, or by combining organizations of said other forces, by ordering members of the Officers' Reserve Corps to temporary duty in accordance with the provisions of section 38 of the national-defense act approved June 3, 1916; by appointment from the Regular Army, the Officers' Reserve Corps, from those duly qualified and registered pursuant to section 23 of the act of Congress approved January 21, 1903 (32 Stat. L., 775), from the members of the National Guard drafted into the service of the United States, from those who have been graduated from educational institutions at which military instruction is compulsory, or from those who have had honorable service in the Regular Army, the National Guard, or in the volunteer forces, or from the country at large; by assigning retired officers of the Regular Army to active duty with such force with their rank on the retired list and the full pay and allowances of their grade; or by the appointment of retired officers and enlisted men, active or retired, of the Regular Army as commissioned officers in such forces: *Provided*, That the organization of said force shall be the same as that of the corresponding organizations of the Regular Army: *And provided further*, That officers with rank not above that of colonel shall be appointed by the President alone, and officers above that grade by the President by and with the advice and consent of the Senate: *Provided further*, That the President may recommission persons who have heretofore held commissions in the Coast Guard department and have left the service honorably, after ascertaining that they are qualified for service physically, morally, and as to age and military fitness.

Fourth. The President is further authorized, in his discretion and at such time as he may determine, to raise and begin the training of an additional force of 500,000 men, organized, officered, and equipped, as provided for the force first mentioned in the preceding paragraph of this section.

Fifth. To raise by draft, organize, equip, and officer, as provided in the third paragraph of this section, in addition to and for each of the above forces, such recruit training units as he may deem necessary for the maintenance of such forces at the maximum strength.

Sixth. To raise, organize, officer, and maintain during the war such number of ammunition batteries and battalions, depot batteries and battalions, and such artillery parks, with such numbers and grades of personnel as he may deem necessary. Such organizations shall be officered in the manner provided in the third paragraph of this section, and enlisted men may be assigned to said organizations from any of the forces herein provided for or raised by selective draft as by this act provided.

Seventh. The President is further authorized to raise and maintain by voluntary enlistment, to organize, and equip not to exceed four Infantry divisions, the officers of which shall be selected in the manner provided by paragraph 3 of section 1 of this act: *Provided*, That the organization of said force shall be the same as that of the corresponding organization of the Regular Army: *And provided further*, That there shall be no enlistments in said force of men under 25 years of age at time of enlisting: *And provided further*, That no such volunteer force shall be accepted in any unit smaller than a division.

SEC. 2. That the enlisted men required to raise and maintain the organizations of the Regular Army and to complete and maintain the organizations embodying the members of the National Guard drafted into the service of the United States, at the maximum legal strength as by this act provided, shall be raised by voluntary enlistment, or if and whenever the President decides that they can not effectually be so raised or maintained, then by selective draft; and all other forces hereby authorized, except as provided in the seventh paragraph of section 1, shall be raised and maintained by selective draft exclusively, but this provision shall not prevent the transfer to any force of training cadres from other forces. Such draft shall be based upon liability to military service of all male citizens, or male persons not alien enemies who have declared their intention to become citizens, between the ages of 21 and 27 years, and shall take place and be maintained under such regulations as the President may prescribe not inconsistent with the terms of this act. Quotas for the several States, Territories, and the District of Columbia, or subdivisions thereof, shall be determined in proportion to the population thereof available for military service as shown by the registration provided for herein, and credit shall be given to any State, Territory, District, or subdivision thereof, for the number of men who have entered the military service of the United States under the provisions of this act from any such State, Territory, District, or subdivision, as members of any Federal force hereby authorized. All persons drafted into the service of the United States and all officers accepting commissions in the forces herein provided for shall, from the date of said draft or acceptance, be subject to the laws and regulations governing the Regular Army, except as to promotions, so far as such laws and regulations are applicable to persons whose permanent retention in the military service on the active or retired list is not contemplated by existing law, and those drafted shall be required to serve for the period of the existing war unless sooner discharged: *Provided*, That the President is authorized to raise and maintain by voluntary enlistment or draft, as herein provided, special and technical troops as he may deem necessary, and to embody them into organizations and to officer them as provided in the third paragraph of section 1 and section 8 of this act: *Provided further*, That all persons within the designated ages voluntarily presenting themselves for registration as herein required, and when selected for duty as herein provided, voluntarily present themselves at the time and place designated by the President, shall be held and deemed to have volunteered for military service and shall be so carried upon the rolls of the organization to which they may be assigned.

SEC. 3. That the Vice President of the United States, the officers, legislative, executive, and judicial, of the United States and of the several States and Territories, duly ordained ministers of religion, students who at the time of the approval of this act are preparing for the ministry in recognized theological or divinity schools, and all persons in the military and naval service of the United States shall be exempt from the selective draft herein prescribed; and nothing in this act contained shall be construed to require or compel any person to serve in any of the forces herein provided for who is found to be a member of any well-organized religious sect or organization, at present organized and existing, whose creed forbids its members to participate in war in any form and whose religious convictions are against war or participation therein in accordance with the creed of said religious organization; and the President is hereby authorized to exclude or discharge from said selective draft and from the draft under the second paragraph of section 1 hereof, or to draft for partial military service only from those covered by paragraph 3 of section 1, persons of the following classes: Customhouse clerks, persons employed by the United States in the transmission of the mails; artificers and workmen employed in the armories, arsenals, and navy yards of the United States, and such other persons employed in the service of the United States as the President may designate; pilots; mariners actually employed in the sea service of any citizen or merchant within the United States; persons engaged in industries including agriculture found to be necessary to the maintenance of the Military Establishment or the effective operation of the military forces or the maintenance of national interest during the war; those in a status with respect to persons dependent upon them for support which renders their exclusion or discharge advisable; and those found to be physically and morally deficient: *Provided*, That medical students shall be exempted until graduation and shall thereupon be subject to draft for the same period of time as other citizens. No exemption or exclusion shall continue when a cause therefor no longer exists: *Provided*, That notwithstanding the exemptions herein enumerated, each State shall be required to supply its quota in the proportion that its population bears to the total population of the United States.

The President shall make rules and regulations to carry out the terms and provisions of this section, and provide for the issuance of certificates of exemption or partial or limited exemption, and for a system to exclude and discharge individuals from selective draft. There shall be created under the direction of the President local tribunals in the several States or subdivisions thereof, composed of the members of the local civil government, to decide all questions of exemptions under this act, and also all questions arising under the draft for partial military service or for including or discharging individuals or classes of individuals from the selective draft, which shall be made under the rules and regulations aforesaid, and shall also provide for an appeal tribunal.

SEC. 4. That all male persons between the ages of 21 and 27 years shall be subject to registration in accordance with regulations to be prescribed by the President, and upon proclamation by the President or other public notice given by him or by his direction stating the time and place of such registration it shall be the duty of all persons of the designated ages to present themselves for and submit to registration under the provisions of this act; and every such person shall be deemed to have notice of the requirements of this act upon the publication of said proclamation or other notice as aforesaid given by the President by his direction; and any person who shall fail or neglect to present himself for registration or to submit thereto as herein provided shall be guilty of a misdemeanor and shall, upon conviction in the proper district court of the United States, be punished by imprisonment for not less than three months nor more than one year, and shall thereupon be duly registered: *Provided further*, That persons shall be subject to registration as herein provided who shall have attained their twenty-first birthday and who shall not have attained their twenty-eighth birthday on or before the day set for the registration, and all persons so registered shall be and remain subject to draft into the forces hereby authorized, unless exempted or excused therefrom as in this act provided.

SEC. 5. That the President is hereby authorized to utilize the service of any or all departments and any or all officers or agents of the United States, and of the several States, Territories, and the District of Columbia, in the execution of this act, and all officers and agents of the United States, and of the several States, Territories, and the District of Columbia, and public officials and agents therein, are hereby required to perform such duty in the execution of this act as the President shall order or direct, and the officers and agents of the several States shall hereby have full authority for all acts done by them in the execution of this act by the direction or request of the President. Any person charged as herein provided with the duty of carrying into effect any of the provisions of this act or the regulations made or directions given

hereunder, who shall fail or neglect to perform such duty; and any person charged with such duty or having and exercising any authority under said act, regulations, or directions, who shall knowingly make or be a party to the making of any false or incorrect registration, physical examination, exemption, enlistment, enrollment, or muster, or any false or incorrect report or return pertaining to any registration, physical examination, exemption, enlistment, enrollment, or muster; and any person who shall make or be a party to the making of any false statement or certificate as to the fitness or liability of himself or any other person for service under the provisions of this act, or regulations made by the President thereunder, or otherwise evades or aids another to evade the requirements of this act or of said regulations, shall, if not subject to military law, be guilty of a misdemeanor and, upon conviction in the proper district court of the United States, be punished by imprisonment for not less than six months nor more than one year, or, if subject to military law, shall be tried by court-martial and suffer such punishment as a court-martial may direct.

SEC. 6. That the qualifications and conditions for voluntary enlistment as herein provided shall be the same as those prescribed by existing law for enlistments in the Regular Army, except that recruits must be between the ages of 18 and 40 years at the time of their enlistment; and such enlistments shall be for the period of the war unless sooner discharged. All enlistments, including those in the Regular Army Reserve which are in force on the date of the approval of this act and which would terminate during the war, shall continue in force during the war unless sooner discharged, but nothing herein contained shall be construed to shorten the period of any existing enlistment.

All voluntary enlistments shall be in the Army of the United States and those enlisted may be assigned upon enlistment to any force of said Army not required to be raised exclusively by selective draft.

The President may provide for the discharge of any or all enlisted men whose status with respect to dependents renders such discharge advisable; and he may also authorize the employment on any active duty of retired enlisted men of the Regular Army, either with their rank on the retired list or in higher enlisted grades, and such retired enlisted men shall receive the full pay and allowances of the grades in which they are actively employed.

SEC. 7. That the President, by and with the advice and consent of the Senate, is authorized to appoint for the period of the existing war such general officers of appropriate grades as may be necessary for duty with brigades, divisions, and higher units in which the forces provided for herein may be organized by the President, and general officers of appropriate grade for the several Coast Artillery districts. In so far as such appointments may be made from any of the forces herein provided for, the appointees may be selected irrespective of the grades held by them in such forces. Vacancies in all grades in the Regular Army resulting from the appointment of officers thereof to higher grades in the forces other than the Regular Army herein provided for shall be filled by temporary promotions and appointments in the manner prescribed for filling temporary vacancies by section 114 of the national-defense act approved June 3, 1916; and officers appointed under the provisions of this act to higher grades in the forces other than the Regular Army herein provided for shall not vacate their permanent commissions nor be prejudiced in their relative or lineal standing in the Regular Army.

Each chief of bureau of the War Department shall, during the existing war, have the rank, pay, and allowances of major general.

SEC. 8. That the appointments authorized and made as provided by the second, third, fourth, fifth, sixth, and seventh paragraphs of section 1 and by section 7 of this act, and the temporary appointments in the Regular Army authorized by the first paragraph of section 1 of this act, shall be for the period of the war, unless sooner terminated by discharge or otherwise. The President is hereby authorized to discharge any officer from the office held by him under such appointment for any cause which, in the judgment of the President, would promote the public service; and the general commanding any division and higher tactical organization or territorial department is authorized to appoint from time to time military boards of not less than three nor more than five officers of the forces herein provided for to examine into and report upon the capacity, qualification, conduct, and efficiency of any commissioned officer within his command other than officers of the Regular Army holding permanent or provisional commissions therein. Each member of such board shall be superior in rank to the officer whose qualifications are to be inquired into, and if the report of such board be adverse to the continuance of any such officer and be approved by the President, such officer shall be discharged from the service at the discretion of the President with one month's pay and allowances.

SEC. 9. The President is hereby authorized and the Secretary of War directed to call into the service of the United States by enlistment for the term of the present war three or more regiments of mounted volunteers in addition to any other forces herein or otherwise provided; such mounted volunteers to be selected from men between the ages of 18 and 45 years, and under the provisions of section 3 hereof, and to be used in protecting property and citizens along the southern border of the United States, and also to be used in any foreign country as the President may direct.

SEC. 10. The President is hereby authorized to appoint officers for such volunteer force, including appointments from the numbers of such volunteers as shall have heretofore served in ranger or police forces of the southern border States, or as peace officers of the counties or municipalities thereof.

SEC. 8a. That the service of all persons selected by draft under the provisions of this act shall be for the period of the war, unless sooner terminated by discharge or otherwise. Whenever said war shall cease by the conclusion of peace between the United States and its enemies in the present war, the President shall so declare by a public proclamation to that effect, and from and after the date of said proclamation the provisions of this act, in so far as they authorize compulsory service by selective draft or otherwise, shall cease to be in force and effect.

SEC. 11. That all officers and enlisted men of the forces herein provided for other than the Regular Army shall be in all respects on the same footing as to pay, allowances, and pensions as officers and enlisted men of corresponding grades and length of service in the Regular Army: *Provided*, That on and after May 1, 1917, the pay of all men with the rating of enlisted men during the continuance of the war shall be increased $14 a month over and above the rates of pay proper as fixed by law for times of peace: *Provided further*, That this rate of pay shall apply to enlisted men of the National Guard and to those in the Regular Army now enlisted, called, or drafted into the service of the United States during the war.

SEC. 12. That all existing restrictions upon the detail, detachment, and employment of officers and enlisted men of the Regular Army are hereby suspended for the period of the present war.

SEC. 13. That the President of the United States, as Commander in Chief of the Army, is authorized to make such regulations governing the prohibition of alcoholic liquors in or near military camps and to the officers and enlisted men of the Army as he may from time to time deem necessary or advisable: *Provided*, That no person, corporation, partnership, or association shall sell, supply, or have in his or its possession any intoxicating or spirituous liquors at any military station, cantonment, camp, fort, post, officers' or enlisted men's club, which is being used at the time for military purposes under this act, but the Secretary of War may make regulations permitting the sale and use of intoxicating liquors for medicinal purposes. It shall be unlawful to sell, furnish, or give away any intoxicating liquor, including beer, ale, or wine, to any officer or member of the military forces while in uniform, contrary to the provisions of this act. Any person, corporation, partnership, or association violating the provisions of this section or the regulations made thereunder shall, unless otherwise punishable under the Articles of War, be deemed guilty of a misdemeanor and be punished by a fine of not more than $1,000 or imprisonment for not more than 12 months, or both.

SEC. 14. That all laws and parts of laws in conflict with the provisions of this act are hereby suspended during the continuance of the present war.

RECEPTION OF FRENCH COMMISSIONERS.

The VICE PRESIDENT. The Chair makes the following statement: At 12.30 to-day the French vice premier, the inspector general of public instruction, and Gen Joffre are coming to visit the Senate of the United States. Two of them are members of the French Assembly and, of course, are entitled to the privileges of the floor. The marshal is not entitled to the privileges of the floor if there is any objection. The Chair is therefore inquiring whether there will be any objection to the marshal coming in on the floor of the Senate?

Mr. OVERMAN. I ask that the rule be suspended and unanimous consent given that he may have the privileges of the floor.

The VICE PRESIDENT. If there is no objection, he will be admitted.

The Chair in looking over past occasions, when Gen. Lafayette and Louis Kossuth were here, has ascertained that very shortly after they had been admitted to the Senate Chamber a recess was taken in order that Senators might be presented to the visitors. The Chair suggests that course of action upon the present occasion. There will be no speeches of any kind whatever; it will be simply a formal visit.

Mr. OVERMAN. I understand that when the distinguished Austrian visited the Senate there was a motion for a recess.

The VICE PRESIDENT. The Chair is simply making the announcement in order that his conduct may meet with the approval of the Senate.

On Saturday last when it became apparent that the Senate of the United States would be in session until near the hour of midnight, Senators having been invited to the Army and Navy Club to attend a reception to the marshal of France, the Vice President transmitted a letter stating the facts and expressing regret that Senators could not attend. A reply has been received to that letter, which the Chair desires to have inserted in the RECORD.

The letter is as follows:

[Le Marechal Joffre, Republique Française.]

WASHINGTON, *April 30, 1917.*

To the Hon. THOMAS R. MARSHALL,
Vice President of the United States, Washington, D. C.

DEAR MR. VICE PRESIDENT: I wish to thank you for your warm letter in behalf of France and of her army which I represent here. I am particularly appreciative of the words you have said in the name of the Senate and which reflect so well the friendship uniting our two countries. The law which you have voted is a most eloquent proof of the common will that inspires us both.

Kindly, I pray you, Mr. President, transmit to your colleagues the expression of my high appreciation for the sympathy with which they have honored me during my sojourn in Washington and receive the assurances of my high appreciation.

J. JOFFRE.

INCREASE OF MILITARY ESTABLISHMENT.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 3545) to authorize the President to increase temporarily the Military Establishment of the United States.

Mr. CHAMBERLAIN. Inasmuch as the bill now before the Senate contains the provisions which were passed by the Senate in the Senate bill, I ask that the formal reading of the bill be dispensed with and that it be read for amendments that may be offered to the bill.

The VICE PRESIDENT. The Senator from Oregon asks unanimous consent that the formal reading of the bill be dispensed with and that it be read for amendment, the committee

amendments to be first considered. Is there objection? The Chair hears none.

PERSONAL EXPLANATION—GOVERNMENT OF MEXICO.

Mr. KNOX. Mr. President, I rise to a matter of personal privilege, which will take only a few moments. On the 27th day of April, 1916, in a public address I made in the city of Pittsburgh before the Americus Club, in speaking of the recognition by large numbers of the Mexican people and large areas of the Mexican Republic of the accession of Gen. Huerta, I used this language:

It was the judgment of the diplomats representing foreign countries in Mexico that the provisional government in Mexico had been installed in compliance with the Mexican constitution and Mexican precedent, and that its speedy recognition would be helpful in restoring normal conditions throughout the country. The American ambassador shared this view and asked for instructions. Gen. Carranza, who at that time was governor of one of the Mexican States, had officially informed this Government of his adherence to the new government; the Mexican Congress and courts had recognized its authority, and advices from our diplomatic and consular officers indicated a very general adherence to its authority throughout the Republic.

A few days after the publication of that address, on the 7th day of May, there was published an article in the New York World by Gen. Carranza in which he referred to the statement I have just read. Gen. Carranza said:

It was impossible for me to have adhered to Huerta or to have notified anyone that I had, for upon the very day I received a message from Huerta inviting me to adhere to him, I officially proclaimed that I disclaimed him and his government. KNOX can not prove his statement.

I was requested to give an interview in reply to that statement by Gen. Carranza. I declined to do it, stating that there would be time enough for me to take cognizance of such a statement when what I had said had been denied upon the authority of the State Department where the archives rested proving or disproving my statement.

I would have let the matter go at that, but a few days ago, in an address to the Mexican Congress, Gen. Carranza revived this denial and stated that I had, in an interview recently in regard to the situation in Mexico, practically reiterated that statement, and he denounced it as false.

I wish to say, Mr. President, that from the time I ceased to be Secretary of State until this very moment I never gave out an interview upon any matter pertaining to the foreign affairs of the United States at any time or in any place, and so far as I know no interview purporting to have come from me has ever been published in an American newspaper.

I send to the desk and ask that there may be read in the order in which they are arranged a letter I addressed to the Secretary of State, his reply, and the inclosure of his reply.

The VICE PRESIDENT. The Secretary will read.

The Secretary read as follows:

APRIL 18, 1917.

Hon. ROBERT LANSING,
Secretary of State, Washington, D. C.

DEAR MR. LANSING: In a report made by Gen. Carranza to the Mexican Congress on the 15th instant, the general took occasion to denounce as entirely false an interview which he alleged I gave out, naming me as Senator KNOX, in which he puts into my mouth words I never said, and refers to an interview I never gave, never having given any upon the subject. This all arises out of a statement that I made in a public speech to the effect that within a few days after the accession of Gen. Huerta Gen Carranza had notified the American consul in the State of Coahuila that he was prepared to acknowledge the Huerta régime in Mexico. These are not the exact words I used, but they were words to that effect. Within a few days after making this statement there appeared in the New York World an interview with Gen. Carranza, in which he denounced that statement as false.

I will be obliged to you if you will transmit to me, for the purpose of having the same introduced into the RECORD, a copy of a telegram received by the Department of State, in which the department is informed as to the intentions of Gen. Carranza in relation to the recognition of Huerta, and which likewise states that this information had been transmitted as well to our embassy in Mexico City. I can not recall the date of this telegram, but it appeared in the information series on the troubles of Mexico, and will be found, I think, under some date in February of 1913.

Your compliance with this request will enable me to justify my statement and settle an annoying incident. My purpose is to rise to a question of personal privilige and deny that I ever gave an interview such as Gen. Carranza quotes, or any interview at all on the subject, and to produce the telegram as an authority for the only statement that I have ever made in reference to the matter.

Very sincerely, yours,

P. C. KNOX.

THE SECRETARY OF STATE,
Washington, April 19, 1917.

Hon. P. C. KNOX,
United States Senate.

DEAR SENATOR KNOX: In response to your letter of April 18, it gives me pleasure to inclose a copy of a telegram from Consul Holland at Saltillo, dated February 21, 1913, which is in the archives of the department. If this is not the telegram to which you refer, please communicate with me further in the matter.

Sincerely, yours,

ROBERT LANSING.

(Inclosure: As stated.)

[Telegram received from Saltillo, Dated Feb. 21, 1913, received Feb. 22, 1.22 a. m.]

SECRETARY OF STATE,
Washington, D. C.
February 21, 1 p. m.:

Gov. Carranza has just announced to me officially that he will conform with the new administration at Mexico City. All opposition here abandoned. Railroads will be opened at once. Perfect quiet prevails. Embassy advised.

HOLLAND.

INCREASE OF MILITARY ESTABLISHMENT.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 3545) to authorize the President to increase temporarily the Military Establishment of the United States.

Mr. CHAMBERLAIN. I requested that the formal reading of the bill might be dispensed with, but no announcement, I think, was made by the Chair to that effect.

The VICE PRESIDENT. The Chair put the usual form of such a request, that the formal reading of the bill be dispensed with and that the committee amendments be first considered. The Chair will again inquire if there is objection to dispensing with the formal reading of the bill. The Chair hears none.

Mr. CHAMBERLAIN. There are one or two amendments which I desire to submit as committee amendments, though the committee has really not had an opportunity to consider them since they were presented to me. Both of these measures, the House bill and the Senate bill, were placed by me in the hands of the Judge Advocate General on Sunday, and he analyzed both bills and sent to me a few suggestions where he thought amendments ought to be made in the pending amendment of the Senate committee. I will call attention to them and propose that the amendment be amended as suggested. This is really the Senate amendment to the House bill. The first amendment to the amendment is to strike out the word "war" where it occurs in the amendment and substitute the language of the Senate bill as it originally stood, inserting the word "emergency."

The Judge Advocate General, in a conference with me, advises me that if the word "war" is used instead of the word "emergency" it will only include the war of the United States as with Germany; that if during its course we become involved with any other power, no matter how that involvement may be brought about, the war measure for raising men would not apply; and therefore Congress would have to be convened to extend the provisions of the act so as to include others with whom the United States might be involved.

I therefore move that where the word "war" occurs in the bill, and I think there are three or four places, the word "emergency" be inserted.

Mr. REED. Mr. President, it seems to me the bill in its present form ought to have gone before the Committee on Military Affairs. I understand the Senate committee had a bill before it and reported it to the Senate and it was passed and sent to the House. The House had a similar bill before it, and it was amended many times in the House and was sent here. The chairman of the Senate committee now proposes to substitute the Senate bill for the House bill, the House bill never having gone to the committee.

Mr. CHAMBERLAIN. The Senator is mistaken about that. When the bill came from the House at midnight on Saturday evening the following members of the committee were here and acted on the bill and ordered it reported out: Senators WARREN, HITCHCOCK, WADSWORTH, MYERS, CHAMBERLAIN, BECKHAM, KIRBY, FLETCHER, SUTHERLAND, NEW, and THOMAS.

Mr. REED. I desire it to be expressly understood about this matter that I am not trying to delay it for a minute. Since the Senator has made that statement I think the situation comes back to my mind. I recall that we took a recess at 12 o'clock, midnight, to meet at 12.30 in the morning. I went down stairs to get a sandwich. While I was there the bill came over and whatever action was taken was taken during those few minutes.

Mr. CHAMBERLAIN. Yes; it was done then.

Mr. REED. That is all right. I call attention to the suggestion of the Judge Advocate General, but I am not doing it for the purpose of taking any time. I understand the Judge Advocate General states that if the word "war" is left in the bill and some other nation should come into the war it would not be the present existing war, and therefore this bill would not be operative; and he suggests changing the word "war" to the word "emergency." I want to illustrate that by the first line of the bill:

That in view of the existing war, which demands the raising of troops in addition to those now available, the President be, and he is hereby, authorized—

And so forth.

I confess I can not understand to save my life what is the difference as far as this bill is concerned and so far as the point made by the Judge Advocate General is concerned between speaking of existing war and existing emergency. The existing emergency is a term which seems to me narrower than existing war, for as long as we are in a conflict with Germany, no matter what other nation may or may not come in, it seems to me it must be said to be the existing war.

Mr. WARREN. Mr. President——

Mr. REED. In one moment. The existing emergency would seem to me to be possible at least of being construed to mean just the particular emergency with which we are confronted at this moment. I am not going to cavil about it, but I can not understand——

Mr. SMITH of Georgia. I hope the Senator will insist on his objection. I certainly shall.

Mr. WARREN. If the Senator will allow me, I wish to ask him a question.

Mr. REED. Very well.

Mr. WARREN. Of course, I would not assume to discuss a point of law with the junior Senator from Missouri.

Mr. REED. This is not a point of law, but it is a point of English.

Mr. WARREN. It seems to me there might be a difference in this respect. We are in war with Germany because we have declared war. We have not declared war, I understand, with the Austrian Government, yet I understand that they have sent our ambassador and agents home and there is something of an emergency there. It might not be war at present, but it is very near to it.

It strikes me that the difference in the two might be of some avail in a case like that. We are certainly only in war with Germany, and yet if not attacked we are about to be attacked and probably will be attacked by all the allies of Germany.

Mr. REED. We are at war with Germany. These other countries are allies of Germany in the very war in which we are about to engage. It seems to me almost absurd to say that the Government can not go on and raise these troops as long as this present conflict lasts.

Here is a world war with Germany and Austria-Hungary and Bulgaria on one side. They are engaged in a conflict with England, France, Italy, Russia, and several other nations. That war is going on; that is "the existing war." Into that existing war, which involves every one of these nations and a number that I do not specifically name, the United States enters. The bill provides that in view of the existing war certain things may be done. It seems to me that is the proper descriptive term. I have not had time to follow the proposed act through and to find where the term elsewhere appears. Perhaps the chairman of the committee can tell us.

Mr. CHAMBERLAIN. I can call the Senator's attention to each one of them. The first is on page 15, line 17, where the words occur—"existing war."

Mr. REED. I have that.

Mr. CHAMBERLAIN. The next place in the bill where it occurs is on page 16, line 5, and the next is in line 20, on page 16.

Mr. REED. I have those. I thank the Senator.

Mr. CHAMBERLAIN. The next is on page 18, line 20.

Mr. REED. Well, those will serve to illustrate the few remarks which I intend to make further. Let us take the second time which the term appears, which is on page 16, line 5, where the language is as follows:

> Vacancies in the Regular Army created or caused by the addition of increments as herein authorized which can not be filled by promotion may be filled by temporary appointment for the period of the war or until replaced by provisional appointments.

Then, again, in line 20, on page 16, the language is:

> Shall serve therein for the period of the existing war unless sooner discharged.

Mr. President, there is an existing war; it is a world-wide war, almost. This language will enable the Government to raise these troops and to employ them during the existing war; and I insist that that is the correct language, with all the respect in the world for the Judge Advocate General.

I do not propose, so far as I am concerned, to vote to raise these large levies for a period which is to be covered by some vague, indefinite, and uncertain term, such as is suggested, to wit, "emergency." If "emergency" means more than war, then I do not want it. If it means less than the period of the war, then I do not want it.

Mr. SMITH of Georgia. Mr. President, I sympathize very cordially with the view expressed by the Senator from Missouri. I think many of us who voted for the draft system voted for it in view of the war with Germany. There might be some other war as to which we would not be willing to vote for it; there might be some other trouble as to which we would not be willing to vote for it; but while our Nation is engaged in war with undoubtedly one of the most powerful nations in the world, I supported the draft system, so that we may at once, if necessary, utilize the entire forces of our country to meet the situation.

If, as the Senator from Missouri says, "the present emergency" means something else except the war with Germany, I do not think the language ought to be inserted. If it simply means war with Germany, we have already covered it. It is the war with Germany which is moving us; and more indefinite language does not meet the situation. I see no advantage to come, but only disadvantage, from striking out the language we have adopted.

Mr. THOMAS. Mr. President, before the Senator from Georgia takes his seat, I should like to ask him a question. Let us suppose that during the prosecution of the present war Germany's allies, or some of them, should declare war against the United States or that the United States should declare war against some one or more of them, would the Senator from Georgia hold that the term "existing war" would apply to that situation?

Mr. SMITH of Georgia. Undoubtedly; unless the existing war had ceased, unless we had made peace with Germany. Until we have made peace with Germany, these troops may be mobilized and used.

Mr. THOMAS. That is my construction of the situation. Therefore, I think the objection of the Senator from Missouri [Mr. REED] is well taken.

Mr. SMITH of Georgia. So long as the war continues with Germany this force is available; this draft stands. If the war with Germany terminates and we have trouble with some other nation, I should like to have the opportunity to then consider the question as to whether or not I wish to see a draft system continued. I do not think there is any trouble about calling Congress together if we should become engaged in war with some other country. We are voting as to the war with Germany and not as to some other war.

Mr. CHAMBERLAIN. Mr. President, I do not care to discuss the matter at any greater length. There is some question about it, and I suppose that was the reason of the suggestion of the Judge Adovocate General. The language refers to the existing war. It is, however, immaterial to me what the Senate does with it. I should like to get the matter disposed of, and to take the view of the Senate on it.

The VICE PRESIDENT. The question is on the amendment to the amendment.

Mr. SAULSBURY. Mr. President, I want to call the attention of the chairman of the committee having the bill in charge to what I believe is a word which should be changed, on page 21, line 25, where a verbal correction is needed. In referring to the exemption from service of persons belonging to religious organizations the bill states that a person may be exempted——

Mr. CHAMBERLAIN. May I suggest to the Senator from Delaware that we first dispose of the pending amendment?

Mr. SAULSBURY. I thought the Senator was discussing the whole amendment.

Mr. CHAMBERLAIN. No; we are discussing one proposition on one point.

Mr. SAULSBURY. I am quite content with the Senator's suggestion and will withhold the amendment for the present.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Oregon to the amendment.

The amendment to the amendment was rejected.

Mr. CHAMBERLAIN. Mr. President, there is one other amendment, on page 16, line 5. I move to insert after the word "by" the words "permanent appointments or by," so that it will read:

> For the period of the war or until replaced by permanent appointments or by provisional appointments.

The necessity for that amendment is that the law requires that graduates of West Point be commissioned; they are not given provisional appointments, but they are appointed as soon as they are graduated. This is only to provide for the law as it now stands.

The VICE PRESIDENT. The amendment to the amendment proposed by the Senator from Oregon will be stated.

The SECRETARY. On page 16, line 5, in the committee amendment, before the word "provisional," it is proposed to insert the words "permanent appointments or by."

The VICE PRESIDENT. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

Mr. CHAMBERLAIN. I am not sure about the intention of the Senate with reference to the use of the words "25 years,"

on page 19, line 11, and I suggest an amendment to make it read "27 years," as that is the limit that was fixed in the bill.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 19, line 11, before the word "years," it is proposed to strike out "25" and insert "27."

Mr. THOMAS. If any change were made, I should prefer to see the age limit lowered rather than raised.

Mr. CHAMBERLAIN. I withdraw the amendment, and leave it as it is.

Now, Mr. President, on page 19, line 25, there is a word misspelled. It should be "cadres" instead of "cadras."

The VICE PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. On page 19, line 25, it is proposed to strike out "cadras" and insert "cadres."

The amendment was agreed to.

Mr. REED. What was done with the amendment regarding the words "25 years"?

Mr. CHAMBERLAIN. I withdrew that amendment.

The VICE PRESIDENT. That amendment was withdrawn.

Mr. CHAMBERLAIN. On page 25, line 5, after the word "President," I move to insert the following language:

Correspondence in the execution of this act may be carried in penalty envelopes bearing the frank of the War Department.

The reason for this is, that in the correspondence with the governors of the States, and with the enrolling boards in the different counties and cities, it will be quite expensive to the local communities to carry on the correspondence with the War Department, and the purpose of the amendment is to save the States and counties from expense in the matter, taking the view of it that the expense would not fall upon the Federal Government but on the State governments and local authorities.

Mr. SMOOT. I think the amendment is unnecessary, because if the War Department to-day incloses a franked envelope the recipients have a perfect right to use it if the answer is Government business. I think without the amendment the War Department officials charged with responsibility will be able to use franked envelopes on official business.

Mr. CHAMBERLAIN. Mr. President, the attorneys in the Post Office Department raised a question about it, as to whether they would have authority to recognize the right of the local authorities to use franked envelopes unless some such provision as that suggested was contained in the bill.

Mr. SMOOT. I do not think there is any question that the present law authorizes the War Department or any other department to inclose franked envelopes for replies in connection with Government business.

Mr. CHAMBERLAIN. I will say to the Senator that that accorded with my view, but those who are to enforce the law say not, and I want to protect the local communities if I can do so.

Mr. SMOOT. I know that Government departments are doing it now, and that even bureaus of this Government are using return franked envelopes. I know that the Forest Service has sent out requests to parties in relation to matters affecting the forests of the country and inclosed franked envelopes for replies upon the particular matter.

Mr. CHAMBERLAIN. Question!

Mr. FLETCHER. Mr. President, I will suggest to the Senator, if that is law, there is no harm in making it perfectly plain and placing the matter beyond any doubt by putting this amendment in the act.

Mr. CHAMBERLAIN. I will say to the Senator that I have just been advised this morning of one governor who has already expended $100 in postage in getting information before the War Department which they sought.

Mr. KELLOGG. Mr. President, I have had applications from governors to have this provision included in this proposed law. I am not able to say whether it is in the law now or not, but I do not see any harm in inserting it here.

Mr. SMOOT. My opinion is that there is no necessity for it.

The VICE PRESIDENT. The question is on agreeing to the amendment to the amendment submitted by the Senator from Oregon.

The amendment to the amendment was agreed to.

Mr. CHAMBERLAIN. Mr. President, on page 29, line 18, I move to change the word "numbers" to "members." It is evidently a typographical error.

The VICE PRESIDENT. Without objection, the amendment to the amendment is agreed to.

Mr. THOMAS. I will ask that that amendment be stated again.

The SECRETARY. In section 10, page 29, line 18, it is proposed to strike out the word "numbers" and insert "members," so as to read:

Including appointments from the members of such volunteers as shall have heretofore served in ranger or police forces of the southern border States.

The VICE PRESIDENT. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

Mr. CHAMBERLAIN. On page 31, line 11, the word "act" should be stricken out and the word "section" inserted. I move that amendment.

The VICE PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. In section 13, page, 31, line 11, it is proposed to strike out the last word in the line, the word "act," and insert in lieu thereof the word "section."

Mr. SMITH of Georgia. Mr. President, instead of that amendment I suggest the following—I note the words are "contrary to the provisions of this act." I do not think they carry the meaning as clearing as the meaning would be carried if we used the words "except as herein provided."

Mr. CHAMBERLAIN. I am satisfied with that amendment.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. In section 13, page 31, line 11, after the word "this," it is proposed to strike out the words "contrary to the provisions of this act" and insert "except as herein provided."

The VICE PRESIDENT. Without objection, the amendment to the amendment is agreed to.

Mr. CHAMBERLAIN. Mr. President, that completes the amendments I desire to suggest.

Mr. SAULSBURY. I desire to suggest to the chairman of the committee that in section 3, on page 21, line 25, the hyphenated word "well-organized" should be changed to "well-recognized," so that it would read:

Who is found to be a member of any well-recognized religious sect or organization.

I think that is what it means.

Mr. CHAMBERLAIN. I have no objection to that.

The VICE PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. In section 3, on page 21, line 25, it is proposed to strike out the word "well-organized" and to insert in lieu the word "well-recognized."

The VICE PRESIDENT. Without objection, the amendment to the amendment is agreed to.

Mr. SAULSBURY. Mr. President, in connection with the amendment which has just been adopted, which refers to the Society of Friends, I want to say that I do not believe that the exemption will apply to all the members of the Society of Friends. Many of my warmest personal friends and a great many of my constituents belong to this well-known society. There have always been fighting Quakers in this country in every war since the Revolution. I have in my hand a copy of a letter which was sent by one of the Quakers of my community, of the highest standing, to the mayor of the city of Wilmington, declaring his position in regard to the declaration of war against Germany. I think that it is so patriotic a letter and so well represents the sentiments of a large number of that great association that I ask permission to have the Secretary read it as a part of my remarks.

Mr. CHAMBERLAIN. Would not the Senator be content to have it inserted in the RECORD, in view of the fact that the amendment has been adopted?

Mr. SAULSBURY. If the Senator so desires, I will do that; but I think it would be very well to have this letter read to the Senate; and, if the Senator does not object, I should like to have it read.

Mr. CHAMBERLAIN. I do not object at all; but the amendment has been adopted.

The VICE PRESIDENT. Is there objection to the request of the Senator from Delaware? The Chair hears none, and the Secretary will read as requested.

The Secretary read as follows:

GEORGE B. MILLER ALIGNS HIMSELF ON SIDE OF WAR—DUTY OF EVERY CITIZEN, SAYS LEADING FRIEND, TO STAND BEHIND PRESIDENT—FOR WORLD FREEDOM.

George B. Miller, of the American Vulcanized Fibre Co., and a prominent member of the Society of Friends, to-day sent to Mayor Price a ringing letter declaring that he assigns to the background his hatred of war and regards the action of President Wilson and the Government in entering the great European conflict "as the supreme sacrifice it has to offer for the sake of greater liberty for all nations." Other Friends feel the same as he does, Mr. Miller says.

The letter follows:

APRIL 11, 1917.

HON. JAMES F. PRICE,
Mayor's Office, City Hall, City.

DEAR SIR: I am not satisfied with my position among my fellow citizens at this time of grave national crisis. I want to be counted among those who have seen the vision of a world democracy prevailing and accom

plished by the entrance of our great Nation in the conflict with the entente allies who are so gallantly fighting for liberty and the law and against that autocratic Government whose slogan is that "Might makes right."

I feel that I must assign to the background my hatred of war and its accompanying horrors and look at the action of our Government as the supreme sacrifice it has to offer for the sake of greater liberty for all nations, and for a more certain and permanent peace for the future.

The great and hideous ulcer of an autocratic Government which threatens and crushes all aspiration of its subjects for a more liberal form and which, for the desire of supremacy in the world, will ruthlessly sacrifice millions of its subjects in attempting to secure its ends, and in so doing slaughter millions of its neighbors, must have heroic treatment and the instrument to do the work must be direct and powerful.

Our great Nation has heard the call for a specialist in this case from Great Britain, France, and Russia who have been so nobly fighting for the cause of oppressed humanity. We have responded, and it is the duty of every citizen of this Commonwealth to get behind our noble President who says that we have entered this war "to fight thus for the ultimate peace of the world and for the liberation of its peoples, the German peoples included; for the rights of nations, great and small, and the privilege of men everywhere to choose their way of life and obedience. The world must be made safe for democracy."

I am physically incapacitated for fighting on account of my lameness, but if there is any service to which you can put my heart, head, and hands, be sure to call upon me. I am ready to respond at any time of day or night.

There are many others in the Society of Friends, which has always strongly advocated the principles of peace, who feel as I do. Those of us who do not go so far as many others do who decline to fight, or take any part in the prosecution of war, are as ardent advocates for peace and deplore the necessity for war as much as they do.

But at this crisis we believe we must think in the terms of a great nation, with the future good and best interests of all nations before us constantly, and we believe that the only way at this time to accomplish this is to take severe punitive measures against those nations who seem to have forgotten all their humanitarian instincts in their greed for the possession of world power.

We must deal with human nature as it is, not as we wish it was. If we possessed the nature which Jesus Christ personified on earth, the individual would be all right, the nations would be safe and sane, and we would possess a heaven on earth, and no wars would be possible. But since things are as they are, we must try to accomplish the great results we are after, the end of the war and the establishment of a permanent peace, by throwing in the influence and the great resources of our country on that side of the conflict which is fighting the cause of righteous government and for humanity, regretting most deeply the great sacrifice of lives and property which it entails, but willingly making it because we believe the cause is just.

Yours, very truly, GEORGE B. MILLER.

Mr. McCUMBER. Mr. President, I desire to ask the chairman of the committee a question in reference to this very matter. I desire to ask him if he believes that these persons whom he has exempted from draft or military service are entitled to the protection of the laws of the United States; and I wish to ask him, also, if they are entitled to share in the liberty for which this great battle is to be waged?

I wish the Senator would give me some information as to his own opinion upon this proposition.

Mr. CHAMBERLAIN. Mr. President, it goes without saying that all the people in the United States, whether they belong to the combatant or noncombatant forces, are entitled to the protection of the Government, no matter what may happen. That answers the first part of the Senator's question.

Mr. McCUMBER. Then, Mr. President, by heaven, they are entitled to take their part in the defense of their country and in the defense of the liberty for which other citizens of the Union are giving their lives. Is not that true?

Mr. CHAMBERLAIN. Mr. President, that is a question that can be discussed with force on both sides. It has been the history of this Republic to exempt from combative service certain classes who have these convictions, and in every law that has been enacted since Revolutionary days substantially that provision has been included. Now, it is just a question of policy. There are men in this country, there were men in Great Britain, and there are men now, who under no circumstances will shoulder arms. The result has been in Great Britain, and it would be so in the United States, that the jails would be full of men who might otherwise be engaged in occupations that would very materially assist the Government—farming and other noncombatant work. On account of their convictions they would be locked up in the jails.

Mr. McCUMBER. Mr. President, I do not think we are following precedents in this bill. We are not following any precedent when, in the very first instance, we enact a draft law instead of providing for voluntary service. We are not following precedent in any of the provisions of this bill, and if we are to follow an old precedent upon any single proposition there ought to be some legitimate reason given for following that precedent to-day.

I know that I fail to catch the ear of the Senator in charge of this bill; that he is too busily engaged in discussing another subject with another Member of the Senate; but I submit, Mr. President, that this is a vital and important matter. You have declared in this very bill, you have reiterated it over and over again through the voice of the President of the United States, that the obligation of every American citizen is to give his services in this war to the defense of the Government and the defense of civilization. If there is any class of citizens that are to be excused from taking their part in fulfilling their obligation to the Government, then they are not proper American citizens.

Why, Mr. President, how easy it would be for any great church, before another generation should elapse, simply to declare by another profession of their creed that they do not believe in making war and destroying their fellow beings. Why, we could eliminate in that way half of the fighting force of the Government. These people are not entitled to be exempted from the draft; and before we get through with this bill I at least now intend to offer an amendment to strike out that provision.

Mr. JONES of Washington. Mr. President, I have an amendment that I endeavored to propose to the Senate bill on Saturday evening before it was disposed of, but I was unable to do so on account of the limited time. It is an amendment to which I know the chairman of the committee has given consideration, and I feel satisfied that he will be glad to accept it as a part of his bill.

I want to say that while I am not authorized to speak for the Council for National Defense, I know that they have had this matter under consideration and that they would like to have a provision of this sort incorporated in the measure. I hope that it may be adopted without discussion.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. It is proposed to add, at the end of the bill, a new section, as follows:

SEC. 14. That the Secretary of War is hereby authorized, empowered, and directed during the present war to do everything by him deemed necessary to suppress and prevent the keeping or setting up of houses of ill fame, brothels, or bawdy houses within such distance as he may deem needful of any military camp, station, fort, post, cantonment, training, or mobilization place, and any person, corporation, partnership, or association violating any order, rule, or regulation issued to carry out the object and purpose of this section shall, unless otherwise punishable under the Articles of War, be deemed guilty of a misdemeanor and be punished by a fine of not more than $1,000, or imprisonment of not more than 12 months, or both.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. JONES of Washington. I ask permission to have printed in the RECORD as a part of my remarks a statement with respect to this matter, and also a quotation from a book which I will give the Reporter.

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

PRELIMINARY BRIEF PREPARED BY THE OREGON SOCIAL HYGIENE SOCIETY, PORTLAND, OREG.

SHALL PROSTITUTION FOLLOW OUR ARMY?

The Oregon Social Hygiene Society believes that the Congress of the United States should take drastic action to prevent prostitution in Army camps and in the Navy for the following reasons:

First. Because the experience of European countries has shown that prostitution is one of the most serious, if not the most serious, of army problems.

(1) "During the first 18 months of the war one of the great powers had more men incapacitated for service by venereal disease contracted in the mobilization camps than all the fighting on the front." (M. J. Exner, M. D., Social Hygiene, vol. 3, No. 2, p. 205.)

(2) "Venereal diseases among soldiers in Germany have increased greatly since the war began." (Journal of the American Medical Association, vol. 68, No. 9, p. 715.)

(3) "The number of syphilitics in the army must certainly be several hundreds of thousands. * * * Since the war began a total equivalent of 60 divisions have been temporarily withdrawn from the fighting for venereal diseases." (Vienna report, ibid., vol. 68, No. 10, p. 814.)

(4) Sir Arthur Conan Doyle asked in writing to the Times on February 6, 1917, "Is it not possible in any way to hold in check the vile women who at present prey upon and poison our soldiers in London?" (The Shield (London), March, 1917, p. 218.)

Second. Because prostitution was a serious problem on the Mexican border in the summer of 1916.

(1) "As soon as the order to mobilize went forth the vice interests * * * also began to mobilize their forces and to move them to the border." (M. J. Exner, M. D., Social Hygiene, vol. 3, No. 2, p. 206.)

(2) Vice districts were established especially for the soldiers. (Ibid., pp. 206, 210; see also, Literary Digest, Nov. 18, 1916, p. 1332.)

(3) Prostitutes were extensively patronized.

(a) One woman stated that on a certain Saturday she had served 60 men, and on the following Sunday, 40. (Social Hygiene, vol. 3, No. 2, p. 210.)

(b) Another woman found to be in the active stage of syphilis during two days had had relations with 120 men. (Ibid., p. 211.)

(c) In one of the large cities the soldiers thronged the vice districts in the evening, and before many of the "crib" doors soldiers stood in line. (Ibid., p. 210.)

Third. Because venereal diseases, resulting from prostitution spread more rapidly through the Nation in times of war. This condition tends to make the Army and Navy problem more serious.

(1) "It is well known that the ravages of venereal diseases are always increased by war." (London report, Journal of the American Medical Association, vol. 67, No. 21, p. 1137.)

(2) At one hospital clinic in France syphilis increased almost 50 per cent during the first 16 months of the war, and almost 67 per cent the following 8 months. (Paris report, ibid., vol. 68, No. 5, p. 384.)

(3) Venereal diseases have been causing havoc in France and Italy since the war began. (Ibid., vol. 68, No. 14, p. 1071.)

Fourth. Because the venereal diseases, gonorrhea and syphilis, cause serious complications in later life, and because these diseases will be spread among innocent women and children when the war is over.

(1) "No disease has such a murderous influence upon the offspring as syphilis; no disease has such a destructive influence upon the health and procreative function of women as gonorrhea. * * * Inherited syphilis constitutes a powerful factor in the degeneration of the race." (Prince A. Morrow, M. D., Social Diseases and Marriage, Chap. I.)

(2) "It has been computed that about 25 per cent of all blindness in this country is caused by gonococcic infection. * * * Competent authorities on diseases of women state that gonococcus infection is the cause of 80 per cent of all inflammatory diseases peculiar to women." (Ibid.)

(3) The spread of venereal diseases has occurred after other wars, and it is anticipated in Europe after the present war. (London report, Journal of the American Medical Association, vol. 67, No. 24, p. 1771.)

(4) "All previous war experience shows an increase of venereal disease. * * * When peace comes there is the danger of grave and widespread dissemination of these diseases. It is for that that we must be prepared, and there is no time to be lost." (Report of national conference for combating venereal diseases (London), Social Hygiene, vol. 3, No. 2, p. 235.)

Fifth. Because prophylactic measures, while helpful, are insufficient, since—

(1) There was venereal disease on the Mexican border even when the Army employed prophylactic measures. One regiment had 19 new cases in two months. (Social Hygiene, vol. 3, No. 2, p. 216.)

(2) Such prophylactic measures will be more difficult to carry out when the Army is in motion.

(3) The transmission of disease itself is only part of the problem. "From the social point of view the question is not only one of the effect of venereal disease upon the social body, serious as that is. The more far-reaching evil is the state of mind and of character which lies back of it. The greatest evil to society results from the shattered ideals, lowered standards, sensualized minds, and perverted practices, which are brought into home life and society by these men who represent, in large measure, the cream of the young manhood of the Nation. To safeguard the home and society against these basic evils, we must not only abolish venereal disease, but we must minimize, so far as possible, prostitution itself." (Ibid., p. 220.)

Sixth. Because commercialized prostitution is unnecessary.

A statement declaring that there is no evidence that abstinence is "inconsistent with the highest physical, mental, and moral efficiency," has recently been signed by 360 of the foremost medical authorities in the United States. (M. J. Exner, M. D.: The Physician's Answer. Associated Press, New York.)

Seventh. Because it is easily possible to prevent, in large measure, commercialized prostitution and venereal disease.

(1) The commander of one camp suppressed prostitution absolutely on the ground of military efficiency, though he did not technically possess the authority to do so. There was much less disease in this camp than in any other observed. (Social Hygiene, vol. 3, No. 2, p. 213. See also Literary Digest, Nov. 18, 1916, p. 1332.)

(2) Gen. Frederick Funston writes: "I understand that it has been claimed that I viewed with tolerance the existence of these places because I thought them necessary for the contentment and well-being of the soldiers. I assure you that my opinion is exactly the opposite." (Social Hygiene, vol. 3, No. 1, p. 155.)

(3) Maj. Gen. O'Ryan issued orders forbidding all use of intoxicating liquor and all patronizing of immoral resorts. Commenting on these orders and the results, the Rio Grande Rattler, printed weekly by the New York division, says: "We have demonstrated that United States soldiers can live three months in camp without losing more men than they would lose in three months' fighting." (Ibid., p. 155.)

(4) The educational work of the Oregon Social Hygiene Society shows that education is effective. Says R. C. Coffey, M. D., of Portland, a prominent physician, not a member of the society: "From what I can learn from doctors over the State, the prevalence of venereal diseases has diminished more than half during the past two years. The proportion of surgical operations on women resulting from gonorrhea is certainly less than half what it was two years ago. This, I think, must be attributed to two reasons—prohibition and the influence of the Oregon Social Hygiene Society." (Are We Prepared? The Oregon Social Hygiene Society, Portland, Oreg.)

(5) During the last five years not less than 30 vice commissions, made up of physicians, lawyers, educators, and business men, have declared that the policy regulating prostitution by the examination of prostitutes in restricted districts is ineffective, and city after city has abolished its restricted district for the protection of commercialized prostitution.

Eighth. Drastic (i. e., immediate and powerful) action is necessary, because a large amount of disease in the Army originates in mobilization camps and home barracks.

(1) One regiment developed a frightful venereal rate in its mobilization camp, near a large city. It had 76 cases at one time. (M. J. Exner, M. D., Social Hygiene, vol. 3, No. 2, p. 216.)

(2) "In the case of all the troops on the border a vastly larger proportion of venereal disease was contracted before reaching the border than was contracted afterwards. This accords with the experience of the European armies in the present war. A policy of timely education, restraint, and prophylaxis, in connection with mobilization is imperative." (Ibid., p. 220.)

(3) "I think I may safely predict that, with the segregation of large bodies of young men in camps, there will be an enormous increase in the number of cases of syphilis and gonorrhea. The experience of the world has shown this to be true." (Sigmund Pollitzer, M. D., formerly president American Dermatological Society; hearings before Subcommittee of the Committee on Military Affairs, 64th Cong., 2d sess., pp. 502–503.)

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So this hideous trade weaves itself into the very fabric of the British Empire; but even yet we have not seen the full and bitter truth of it. These empire men who come to fight and die for us, who give us their strong limbs, clear minds, and loyal hearts and lay them on our altar—what do we give them back again?

We know something about venereal disease; we are allowed to talk about this devilish thing at last. We know that drink is the cause of most of it; that drink leads men into temptation, reduces their power of resistance, and decreases their chance of recovery. But perhaps we do not know the ghastly truth about this foul disease; that it carries a canker to the grave, and even beyond the grave, for it winds its way like a snake through the lives of little children from one generation to another. In peace time in our small British Army the lost days from this cause alone were over 200,000 in a single year, and if things were no worse than that in these days the lost days in our present army would be over 6,000,000 in a year. That is bad enough, truly; but what are lost days compared with lost men? And what shall we say of our lost men, the men who came into our camps fit and strong and willing to offer up their lives for freedom, but are fit no longer and can strike no blow for freedom because this enemy at home has struck them down and made them things of shame? We are not allowed to publish figures that throw light on ghastly things like this; the truth would be so terrible that even this insolent drink trade could hardly survive it, for drink, as Dr. Saleeby says, is the great confederate of venereal disease, and the removal of drink, as the royal commission on this subject said, would be an enormous factor in fighting this foul thing.

We may not tell the truth, but we may say that the truth would set all Canada on fire. Is this how we pay the empire back for all its love and devotion and death? They lend their manhood to us, clean without and clean within, and some of it we can never send home again; but those men we do send back, shall they go back to their mothers and sisters, back to our clean dominions, with the seeds of drink and venereal disease in them? Is this to be the gift we send to Canada and Australasia, to these wide, healthy spaces of the earth that are free from this foul thing? Are these the seeds we are sowing now for the great British harvest of the days to come? Was it for this the Anzacs came across the sea to perish on Gallipoli? Is it for this that Canada's young men leap over the top in the Valley of the Somme?

Here is a story the wives and mothers of Canada have been reading of the boys and men they sent out to us on their Government's word that they should be free from the temptation of drink. Some of these men wounded in the trenches were in an English hospital; their broken bodies were at the mercy of the State. Their mothers and wives were assured that they would be protected from the only enemy they feared, but these men went out of hospital on leave and they went back drunk, and a Canadian doctor from the hospital stated on his oath that a large percentage of these wounded troops had to be sent back to Canada rendered permanently insane by alcohol.

Mr. LA FOLLETTE. Mr. President, I desire to offer an amendment in the nature of a substitute which I sought opportunity to offer when the Senate bill was before the Senate on Saturday evening, but the expiration of the time rendered it impossible for the amendment to be received. I now offer it.

The VICE PRESIDENT. The Senator from Wisconsin offers a substitute for the committee amendment.

Mr. LA FOLLETTE. Mr. President——

The VICE PRESIDENT. Shall the substitute be read first?

Mr. LA FOLLETTE. I suppose it ought to be read first. It is somewhat extensive, because it incorporates the bill as it is before the Senate with certain modifications, followed by the main proposition of my amendment. If there were any way to obviate the necessity of reading the substitute, I should be glad to have that done; but I presume it is necessary, in order that it may be before the Senate, that the entire substitute should be read.

The VICE PRESIDENT. The Secretary will read the substitute.

The Secretary proceeded to read the substitute amendment. During the reading,

Mr. BRANDEGEE. Mr. President, as I understood the Senator from Wisconsin, he personally did not care that this substitute should be read, but he thought it was necessary under the rules to have it read. Am I correct in that understanding?

Mr. GRONNA. Mr. President, I desire to have the amendment read.

Mr. BRANDEGEE. Very well, then.

The VICE PRESIDENT. It is modified in a great many particulars.

Mr. BRANDEGEE. I was simply thinking of saving time; but if the Senator from North Dakota asks that it be read, of course I have no objection.

The Secretary resumed and concluded the reading of the substitute amendment, which is as follows:

That in view of the existing war, which demands the raising of troops in addition to those now available, the President be, and he is hereby, authorized—

1. Immediately to raise, organize, officer, and equip all or such number of increments of the Regular Army provided by the national-defense act approved June 3, 1916, or such parts thereof as he may deem necessary; to raise all organizations of the Regular Army, including those added by such increments to the maximum enlisted strength authorized by law. Vacancies in the Regular Army created or caused by the addition of increments as herein authorized which can not be filled by promotion may be filled by temporary appointment for the period of the war or until replaced by provisional appointments made under the provisions of section 23 of the national-defense act, and hereafter provisional appointments under said section may be terminated whenever it is determined, in the manner prescribed by the President, that the officer has not the suitability and fitness required for permanent appointment.

2. To draft into the military service of the United States, organize, and officer, in accordance with the provisions of section 111 of said national-defense act, so far as the provisions of said section may be applicable and not inconsistent with the terms of this act, any or all members of the National Guard and of the National Guard Reserve, and said members so drafted into the military service of the United

States shall serve therein for the period of the existing war unless sooner discharged.

3. To raise as herein provided, organize and equip an additional force of 500,000 enlisted men, or such part or parts thereof as he may at any time deem necessary, and to provide the necessary officers, line and staff, for said force and for organizations of the other forces hereby authorized, or by combining organizations of said other forces, by ordering members of the Officers' Reserve Corps to temporary duty in accordance with the provisions of section 38 of the national-defense act approved June 3, 1916; by appointment from the Regular Army, the Officers' Reserve Corps, from those duly qualified and registered pursuant to section 23 of the act of Congress approved January 21, 1903 (32 Stat. L., 775), from the members of the National Guard drafted into the service of the United States, from those who have been graduated from educational institutions at which military instruction is compulsory, or from those who have had honorable service in the Regular Army, the National Guard, or in the volunteer forces, or from the country at large; by assigning retired officers of the Regular Army to active duty with such force with their rank on the retired list and the full pay and allowances of their grade; or by the appointment of retired officers and enlisted men, active or retired, of the Regular Army as commissioned officers in such forces: *Provided*, That the organization of said force shall be the same as that of the corresponding organizations of the Regular Army: *And provided further*, That officers with rank not above that of colonel shall be appointed by the President alone, and officers above that grade by the President by and with the advice and consent of the Senate: *Provided further*, That the President may recommission persons who have heretofore held commissions in the Coast Guard department and have left the service honorably, after ascertaining that they are qualified for service physically, morally, and as to age and military fitness.

4. The President is further authorized, in his discretion and at such time as he may determine, to raise and begin the training of an additional force of 500,000 men organized, officered, and equipped, as provided for the force first mentioned in the preceding paragraph of this section.

5. To raise, organize, equip, and officer, as provided in the third paragraph of this section, in addition to and for each of the above forces, such recruit training units as he may deem necessary for the maintenance of such forces at the maximum strength.

6. To raise, organize, officer, and maintain during the war such number of ammunition batteries and battalions, depot batteries and battalions, and such artillery parks, with such numbers and grades of personnel as he may deem necessary. Such organizations shall be officered in the manner provided in the third paragraph of this section, and enlisted men may be assigned to said organizations from any of the forces herein provided for or raised by selective draft as by this act provided

7. The President is further authorized to raise and maintain by voluntary enlistment, to organize, and equip, not to exceed four infantry divisions, the officers of which shall be selected in the manner provided by paragraph 3 of section 1 of this act: *Provided*, That the organization of said force shall be the same as that of the corresponding organization of the Regular Army: *And provided further*, That there shall be no enlistments in said force of men under 25 years of age at time of enlisting: *And provided further*, That no such volunteer force shall be accepted in any unit smaller than a division.

SEC. 2. That the enlisted men required to raise and maintain the organizations of the Regular Army and to complete and maintain the organizations embodying the members of the National Guard drafted into the service of the United States, at the maximum legal strength as by this act provided, shall be raised by voluntary enlistment, or male persons not alien enemies who have declared their intention to become citizens, between the ages of 21 and 27 years, shall be eligible to voluntary enlistment in the military service of the United States according to the provisions of this act under such regulations as the President may prescribe not inconsistent with the terms of this act. Quotas for the several States, Territories, and the District of Columbia, or subdivisions thereof, shall be determined in proportion to the population thereof available for military service as shown by the registration provided for herein, and credit shall be given to any State, Territory, District, or subdivision thereof, for the number of men who have entered the military service of the United States under the provisions of this act from any such State, Territory, District, or subdivision, as members of any Federal force hereby authorized. All persons enlisted in the military service of the United States and all officers accepting commissions in the forces herein provided for shall, from the date of said draft or acceptance, be subject to the laws and regulations governing the Regular Army, except as to promotions, so far as such laws and regulations are applicable to persons whose permanent retention in the military service on the active or retired list is not contemplated by existing law, and those enlisted under the provisions of paragraphs 3, 4, 5, and 6 of section 1 of this act shall be required to serve for the period of the existing war unless sooner discharged: *Provided*, That the President is authorized to raise and maintain by voluntary enlistment, as herein provided, special and technical troops as he may deem necessary, and to embody them into organizations and to officer them as provided in the third paragraph of section 1 and section 8 of this act.

SEC. 3. That all male persons between the ages of 21 and 27 years shall be subject to registration in accordance with regulations to be prescribed by the President, and upon proclamation by the President or other public notice given by him or by his direction stating the time and place of such registration it shall be the duty of all persons of the designated ages to present themselves for and submit to registration under the provisions of this act; and every such person shall be deemed to have notice of the requirements of this act upon the publication of said proclamation or other notice as aforesaid given by the President by his direction; and any person who shall fail or neglect to present himself for registration or to submit thereto as herein provided shall be guilty of a misdemeanor and shall, upon conviction in the proper district court of the United States, be punished by imprisonment for not less than three months nor more than one year, and shall thereupon be duly registered: *Provided further*, That persons shall be subject to registration as herein provided who shall have attained their 21st birthday and who shall not have attained their 28th birthday on or before the day set for the registration.

SEC. 4. That the President is hereby authorized to utilize the service of any or all departments and any or all officers or agents of the United States, and of the several States, Territories, and the District of Columbia, in the execution of this act, and all officers and agents of the United States, and of the several States, Territories, and the District of Columbia, and public officials and agents therein, are hereby required to perform such duty in the execution of this act as the President shall order or direct, and the officers and agents of the several States shall hereby have full authority for all acts done by them in the execution of this act by the direction or request of the President. Any person charged as herein provided with the duty of carrying into effect any of the provisions of this act or the regulations made or directions given hereunder, who shall fail or neglect to perform such duty; and any person charged with such duty or having and exercising any authority under said act, regulations, or directions, who shall knowingly make or be a party to the making of any false or incorrect registration, physical examination, exemption, enlistment, enrollment, or muster, or any false or incorrect report or return pertaining to any registration, physical examination, exemption, enlistment, enrollment, or muster; and any person who shall make or be a party to the making of any false statement or certificate as to the fitness or liability of himself or any other person for service under the provisions of this act, or regulations made by the President thereunder, or otherwise evades or aids another to evade the requirements of this act or of said regulations, shall, if not subject to military law, be guilty of a misdemeanor and, upon conviction in the proper district court of the United States, be punished by imprisonment for not less than six months nor more than one year, or, if subject to military law, shall be tried by court-martial and suffer such punishment as a court-martial may direct.

SEC. 5. That the qualifications and conditions for voluntary enlistment as herein provided shall be the same as those prescribed by existing law for enlistments in the Regular Army, except that recruits must be between the ages of 18 and 40 years at the time of their enlistment; and such enlistments shall be for the period of the war unless sooner discharged. All enlistments, including those in the Regular Army Reserve which are in force on the date of the approval of this act and which would terminate during the war, shall continue in force during the war unless sooner discharged, but nothing herein contained shall be construed to shorten the period of any existing enlistment.

All voluntary enlistments shall be in the Army of the United States and those enlisted may be assigned upon enlistment to any force of said Army.

The President may provide for the rejection of all applicants for voluntary enlistment and for the discharge of any or all enlisted men whose status with respect to dependents renders such discharge or rejection advisable; and he may also authorize the employment on any active duty of retired enlisted men of the Regular Army, either with their rank on the retired list or in higher enlisted grades, and such retired enlisted men shall receive the full pay and allowances of the grades in which they are actively employed.

SEC. 6. That the President, by and with the advice and consent of the Senate, is authorized to appoint for the period of the existing war such general officers of appropriate grades as may be necessary for duty with brigades, divisions, and higher units in which the forces provided for herein may be organized by the President, and general officers of appropriate grade for the several Coast Artillery districts. In so far as such appointments may be made from any of the forces herein provided for, the appointees may be selected irrespective of the grades held by them in such forces. Vacancies in all grades in the Regular Army resulting from the appointment of officers thereof to higher grades in the forces other than the Regular Army herein provided for, shall be filled by temporary promotion and appointments in the manner prescribed for filling temporary vacancies by section 114 of the national defense act approved June 3, 1916; and officers appointed under the provisions of this act to higher grades in the forces other than the Regular Army herein provided for shall not vacate their permanent commissions nor be prejudiced in their relative or lineal standing in the Regular Army.

Each chief of bureau of the War Department shall, during the existing war, have the rank, pay, and allowances of major general.

SEC. 7. That the appointments authorized and made as provided by the second, third, fourth, fifth, sixth, and seventh paragraphs of section 1 and by section 6 of this act, and the temporary appointments in the Regular Army authorized by the first paragraph of section 1 of this act, shall be for the period of the war, unless sooner terminated by discharge or otherwise. The President is hereby authorized to discharge any officer from the office held by him under such appointment for any cause which, in the judgment of the President, would promote the public service; and the general commanding any division and higher tactical organization or territorial department is authorized to appoint from time to time military boards of not less than three nor more than five officers of the forces herein provided for to examine into and report upon the capacity, qualification, conduct, and efficiency of any commissioned officer within his command other than officers of the Regular Army holding permanent or provisional commissions therein. Each member of such board shall be superior in rank to the officer whose qualifications are to be inquired into, and if the report of such board be adverse to the continuance of any such officer and be approved by the President, such officer shall be discharged from the service at the discretion of the President with one month's pay and allowances.

SEC. 8. The President is hereby authorized and the Secretary of War directed to call into the service of the United States by enlistment for the term of the present war three or more regiments of mounted volunteers in addition to any other forces herein or otherwise provided; and mounted volunteers to be selected from men between the ages of 18 and 45 years, and under the provisions of section 3 hereof, and to be used in protecting property and citizens along the southern border of the United States, and also to be used in any foreign country as the President may direct.

SEC. 9. The President is hereby authorized to appoint officers for such volunteer force, including appointments from the numbers of such volunteers as shall have heretofore served in ranger or police forces of the southern border States, or as peace officers of the counties or municipalities thereof.

SEC. 10. That the service of all persons enlisted under the provisions of this act shall be for the period of the war, unless sooner terminated by discharge or otherwise. Whenever said war shall cease by the conclusion of peace between the United States and its enemies in the present war, the President shall so declare by a public proclamation to that effect, and from and after the date of said proclamation the provisions of this act, in so far as they authorize a force in addition to the forces of the Regular Army and the National Guard, shall cease to be in force and effect.

SEC. 11. That all officers and enlisted men of the forces herein provided for other than the Regular Army shall be in all respects on the same footing as to pay, allowances, and pensions as officers and enlisted men of corresponding grades and length of service in the Regular Army: *Provided*, That on and after May 1, 1917, the pay of all men with the rating of enlisted men during the continuance of the war shall be

increased $14 a month over and above the rates of pay proper as fixed by law for times of peace: *Provided further*, That this rate of pay shall apply to enlisted men of the National Guard and to those in the Regular Army now enlisted, called, or drafted into the service of the United States during the war.

SEC. 12. That all existing restrictions upon the detail, detachment, and employment of officers and enlisted men of the Regular Army are hereby suspended for the period of the present war.

SEC. 13. That the President of the United States, as Commander in Chief of the Army, is authorized to make such regulations governing the prohibition of alcoholic liquors in or near military camps and to the officers and enlisted men of the Army as he may from time to time deem necessary or advisable: *Provided*, That no person, corporation, partnership, or association shall sell, supply, or have in his or its possession any intoxicating or spirituous liquors at any military station, cantonment, camp, fort, post, officers' or enlisted men's club, which is being used at the time for military purposes under this act, but the Secretary of War may make regulations permitting the sale and use of intoxicating liquors for medicinal purposes. It shall be unlawful to sell, furnish, or give away any intoxicating liquor, including beer, ale, or wine, to any officer or member of the military forces while in uniform, contrary to the provisions of this act. Any person, corporation, partnership, or association violating the provisions of this section or the regulations made thereunder shall, unless otherwise punishable under the Articles of War, be deemed guilty of a misdemeanor and be punished by a fine of not more than $1,000 or imprisonment for not more than 12 months, or both.

SEC. 14. That all laws and parts of laws in conflict with the provisions of this act are hereby suspended during the continuance of the present war.

SEC. 15. Not less than 40 nor more than 45 days after this act takes effect there shall be referred to the qualified voters of the United States for an advisory vote, as hereinafter provided, the following question:

"The Government of the United States having declared war against the Government of Germany, shall the United States Government at this time raise an army by draft to send to Europe to prosecute the war?"

Within 15 days after this act takes effect the Director of the Bureau of the Census shall cause to be printed and forwarded by mail to each postmaster in the United States (forwarding in the inverse order of their respective distances from Washington, D. C.) a sufficient number of blank ballots to enable each qualified elector residing within the limits of city delivery, rural delivery, and other postal service from such office (including its stations and branches from which mail deliveries are made) to vote "Yes" or "No" upon the foregoing question.

The said ballots shall be of such size and shape and bear such local identification marks as the Director of the Census may determine to be most suitable to enable the votes to be counted by congressional districts as rapidly as possible, and on each ballot shall be printed the following form, namely:

"The Government of the United States having declared war against the Government of Germany, shall the United States Government at this time raise an Army by draft to send to Europe to prosecute the war?

"Yes ☐

"No ☐

"The voter desiring to answer Yes to above question should mark a cross (thus X) in the square following the word 'Yes.' The voter desiring to answer No to above question should mark a cross (thus X) in the square following the word 'No.'

"I do hereby certify that I am a legally qualified voter, residing at No. ———, on ——— Street, in the city, village, or town of ———, county of ———, State of ———, and I have not heretofore voted at this advisory election.

"(Signature of voter) ——— ———.

"Dated this —— day of ———, 1917.

"The voter shall correctly fill out or cause the above blanks to be correctly filled out, except that if the voter resides in a rural community or has no street address at place of residence, the blanks as to street number may be disregarded."

And on the reverse side of said ballot shall be printed the words "Official business—free" and "Director of the Census, Washington, D. C."

The postmaster or his deputy shall immediately on receipt of the ballots cause to be posted in conspicuous places in the post office and in each branch post office or station under his jurisdiction notices announcing that the ballots are available for distribution during a period of five days next ensuing. Such notices shall be prepared by the Director of the Bureau of the Census and forwarded to each of the postmasters respectively in the United States, at the time and in the manner that the ballots are so forwarded, and such ballots shall be ready for distribution immediately upon their receipt by the said postmasters of the United States respectively. It shall be the duty of the Director of the Bureau of the Census immediately upon the passage of this act to furnish the copy for the ballots and notices to the Public Printer, to determine the number of each to be printed, and the Public Printer shall print said ballots and notices with all possible dispatch.

And said ballots and notices shall be immediately mailed to the respective postmasters of the United States by the Director of the Bureau of the Census upon receipt thereof from the Public Printer.

For a period of five days, as specified in the notice, the postmaster or his deputy shall distribute the ballots, either directly or through the regular mail, or through the carrier service to pesons entitled to vote on the question submitted in accordance with the provisions of this act, and each elector qualified to vote for President in each State shall be entitled to obtain one of the ballots at the post office where he receives mail if there is no free delivery, or from a rural carrier if such elector receives mail on a rural route from that office; and each such elector shall be entitled to mark only one ballot and mail it to the Bureau of the Census, Washington, D. C., except that if an elector by mistake loses or defaces or destroys a ballot he shall be entitled to receive from his said postmaster another ballot to be so marked and mailed. No postage shall be necessary upon such ballots. The elector may deposit his vote with the postmaster, or with any rural carrier, or in any mail box or other place designated to deposit mail for transmission and when so deposited it shall be collected, as is other mail, and taken to the local post office. It shall be the duty of the respective postmasters to receive the ballots herein provided for during a period of five days after the expiration of the time for the distribution of the ballots is completed as specified in the notice above provided for, and at least once each day during the time allowed for receiving such ballots each postmaster, or the deputy postmaster, shall assemble all ballots deposited in his office or received by him for mailing to the Director of the Census, and shall arrange the same in convenient packages for handling, securely wrap and seal the same for safe transit through the mails, and shall address each package to the Director of the Bureau of the Census, and shall designate on the outside of each package the name of the post office, the county, and State in which it is located, and thereupon mail such package to the Director of the Bureau of the Census.

Upon receipt of said ballots the Director of the Bureau of the Census shall use the staff and equipment of said bureau to ascertain separately the number of affirmative and negative votes cast from each State and from each congressional district: *Provided*, That no ballots upon which the certificates above provided for are not substantially filled out and no ballots received at the Bureau of the Census later than the twentieth day from the beginning of the distribution from post offices shall be counted.

The Director of the Bureau of the Census shall report the result of the count to Congress not later than 10 days after the last day upon which ballots may be received for counting, and as soon as may be thereafter shall arrange by congressional districts and shall transmit to the Clerk of the House of Representatives that portion of the ballots upon which appears the certificate of the voter.

Such certificates shall be filed by congressional districts by such clerk, and shall be open to the inspection of Senators and Representatives for their information.

Any person who shall willfully alter, mutilate, or destroy or who shall willfully delay or prevent the transmission or delivery by mail or otherwise of the ballot of any voter cast in such advisory election under the provisions of this act, or who shall willfully miscount or wrongfully certify any such ballot, and any person not a qualified elector who shall vote at such election, and any qualified elector who shall cast more than one vote at such election, shall each be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished for each offense by a fine of not less than $300 or by imprisonment for a term of not less than one year, as the court shall direct; and any person, firm, or corporation who shall willfully coerce, or attempt to coerce, by threats, intimidation, or otherwise, any employee or other person into voting or refraining from voting at such advisory election against the desire and judgment of such elector shall be guilty of a misdemeanor, and upon conviction thereof shall be punished for each offense by a fine of not less than $1,000 or by imprisonment for a term of not less than one year, or both fine and imprisonment, in the discretion of the court.

Any postmaster, assistant postmaster, letter carrier, postal clerk, the Director of the Census or his assistants or employees, or any other person who officially has access to such ballots, who shall reveal or make public in any way, or who shall make any note with respect to the vote of any elector cast under this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished for each such offense by a fine of not more than $500 or by imprisonment for a term of not more than one year, or by both such fine and imprisonment, as the court shall determine.

The VICE PRESIDENT. Will the Senator from Wisconsin bear with the Chair? The Chair assumes that the Senator from Wisconsin will not conclude by 12.30 his discussion of the amendment, and if agreeable to the Senator, as it is less than 10 minutes before it will be necessary to interrupt the proceedings until the visitors have departed, the Chair suggests to the Senator that he do not proceed now; and when the visitors depart the Chair will recognize the Senator from Wisconsin on the subject of his amendment.

Mr. LA FOLLETTE. Mr. President, I thank the Vice President for the suggestion. I should like to say, however, that what I have to offer to the Senate for its consideration upon this amendment will require not to exceed 25 or 30 minutes of the Senate's time, but I would, of course, prefer to have the opportunity to present it connectedly and without interruption.

The VICE PRESIDENT. That is why the Chair made the suggestion, and in order to accommodate the Senator.

Mr. CHAMBERLAIN. I suggest that the Senate be at ease for a few minutes without taking a recess.

The VICE PRESIDENT. That course will be satisfactory.

After a little delay,

The VICE PRESIDENT said: The Chair requests the Senator from Nebraska [Mr. HITCHCOCK] and the Senator from Massachusetts [Mr. LODGE] to meet the distinguished guests of the Senate and escort them into the Chamber.

RECEPTION OF FRENCH COMMISSIONERS.

At 12 o'clock and 30 minutes p. m. the Commissioners of the French Republic to the Government of the United States, M. Rene Viviani, vice premier of the council of ministers; Marshal Joffre; Vice Admiral Chocheprat, of the Navy of France; and M. Emile Hovelaque, inspector general of public instruction, escorted by Mr. HITCHCOCK and Mr. LODGE, the committee appointed by the Vice President, entered the Senate Chamber, accompanied by M. Jusserand, the French ambassador extraordinary and plenipotentiary accredited to the United States, aides of the French officers, and the Assistant Secretary of State, Mr. Phillips. The distinguished visitors having been seated in chairs provided to the right and left, respectively, of the Vice President,

The VICE PRESIDENT. The Senate of the United States has had the pleasure and honor many times in the past of receiving and welcoming distinguished visitors to the Republic. It had the glorious honor of receiving Gen. Lafayette. Nearly a century afterwards it now has the great pleasure and honor of welcoming the vice premier of the French Government, the

superintendent of public instruction, the marshal of France, and Vice Admiral Chocheprat, of the French Navy.

Mr. MARTIN. Mr. President, in order that Senators may have an opportunity to be presented to the distinguished guests of the Nation who are now in the Senate Chamber, I move that the Senate take a recess for 25 minutes.

The VICE PRESIDENT. Without objection, it is so ordered.

Thereupon (at 12 o'clock and 32 minutes p. m.) the Senate took a recess for 25 minutes.

During the recess the members of the French commission took their places at the right of the Vice President's desk, and the Members of the Senate were presented to them.

ADDRESS BY M. VIVIANI.

The VICE PRESIDENT. While the Senate is not in session, the presiding officer has decided to vary the proceedings by asking the French premier to address you very briefly in recess. [Applause.]

M. Viviani thereupon addressed the Senate in French, the translation of which is as follows:

Mr. President and Senators, since I have been granted the supreme honor of speaking before the representatives of the American people, may I ask them first to allow me to thank this magnificent Capital for the welcome it has accorded us? Accustomed as we are in our own free land to popular manifestations, and though we had been warned by your fellow countrymen who live in Paris of the enthusiasm burning in your hearts, we are still full of the emotion raised by the sights that awaited us. I shall never cease to see the proud and stalwart men who saluted our passage; your women, whose grace adds fresh beauty to your city, their arms outstretched, full of flowers; and your children hurrying to meet us as if our coming were looked upon as a lesson for them, all with one accord acclaiming in our perishable persons immortal France. And I predict there will be a yet grander manifestation on the day when your illustrious President, relieved from the burden of power, will come among us bearing the salute of the Republic of the United States to a free Europe, whose foundations from end to end shall be based on right. It is with unspeakable emotion that we crossed the threshold of this legislative palace, where prudence and boldness meet, and that I for the first time in the annals of America, though a foreigner, speak in this Hall which only a few days since resounded with the words of virile force. You have set all the democracies of the world the most magnificent example. So soon as the common peril was made manifest to you, with simplicity and within a few short days, you voted a formidable war credit and proclaimed that a formidable army was to be raised. President Wilson's commentary on his acts, which you made yours, remains in the history of free peoples the weightiest of lessons. Doubtless you were resolved to avenge the insults offered your flag, which the whole world respected; doubtless through the thickness of these massive walls the mournful cry of all the victims that criminal hands hurled into the depths of the sea has reached and stirred your souls, but it will be your honor in history that you also heard the cry of humanity and invoked against autocracy the rights of democracies. And I can only wonder as I speak what, if they still have any power to think, are the thoughts of the autocrats who three years ago against us, three months ago against you, unchained this conflict.

Ah! doubtless they said among themselves that a democracy is an ideal government, that it showers reforms on mankind, that it can in the domain of labor quicken all economic activities. And yet now we see the French Republic fighting in defense of its territory and the liberty of nations and opposing to the avalanche let loose by Prussian militarism the union of all its children who are still capable of striking many a weighty blow. And now we see England, far removed like you from conscription, who has also, by virtue of a discipline all accept, raised from her soil millions of fighting men. And we see other nations accomplishing the same act; and that liberty not only inflames all hearts but coordinates and brings into being all needed efforts. And now we see all America rise and sharpen her weapons in the midst of peace for the common struggle. Together we will carry on that struggle, and when by force we have at last imposed military victory our labors will not be concluded. Our task will be, I quote the noble words of President Wilson, to organize the society of nations. I well know that our enemies, who have never seen before them anything but horizons of carnage, will never cease to jeer at so noble a design. Such has always been the fate of great ideas at their birth; and if thinkers and men of action had allowed themselves to be discouraged by skeptics mankind would still be in its infancy, and we should still be slaves. After material victory we will win this moral victory. We will shatter the ponderous sword of militarism; we will establish guaranties for peace; and then we can disappear from the world's stage, since we shall leave at the cost of our common immolation the noblest heritage future generations can possess. [Loud applause.]

In response to calls for an address, Marshal Joffre said:

I do not speak English. Vive les États Unis!

[Applause.]

The VICE PRESIDENT. As we said, "Hail!" so now we say, "Farewell," and yet again, please God, "Hail!" [Applause.]

The distinguished visitors were then escorted from the Chamber.

INCREASE OF MILITARY ESTABLISHMENT.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 3545) to authorize the President to increase temporarily the Military Establishment of the United States.

Mr. LA FOLLETTE obtained the floor.

Mr. LEWIS. Mr. President, a point of order.

The PRESIDING OFFICER (Mr. ROBINSON in the chair). The Senator from Illinois will state his point of order.

Mr. LEWIS. The Senator from Wisconsin has risen to address the Senate. It is impossible to hear the Senator because of the disorder on the floor and in the galleries. I petition the Chair to exact order of everybody.

The PRESIDING OFFICER. The point of order made by the Senator from Illinois is sustained. The Senate will please be in order. Senators will suspend conversation and resume their seats. [After a pause.] The Senator from Wisconsin will proceed.

Mr. LA FOLLETTE. Mr. President, the amendment I have proposed provides for an advisory vote on the part of the qualified electors of the several States upon the following question: "The Government of the United States having declared war against the Government of Germany, shall the United States Government at this time raise an army by draft to send to Europe to prosecute the war?"

The methods by which the advisory vote can be obtained are very simple. This vote could be secured while registration was going forward under the bill, which, according to my amendment, strikes out the draft features and provides for raising the required number of men by voluntary enlistment. Practically no expense would be involved in obtaining the vote, and every voter would be given the opportunity of expressing his opinion upon this most vital question. If the people vote in favor of the draft and of sending the Army to Europe, that closes the discussion. If the friends of this bill are sure that it has the support of the people, they should be the first to agree to this amendment. If the principle of the bill has not the support of the people, it should be abandoned. No harm can come from pursuing the course I propose. The draft features can be quickly added to the volunteer features, which are preserved in the bill by the proposed amendment, if the people vote in favor of the draft, and in the meantime enlistments under the volunteer system will have proceeded. Not a day will have been lost. In a matter of such transcendent importance, where it is proposed to reverse the policy of this Government from its beginning, and upon which the people have never had the opportunity to express themselves in any form, a decent regard for the principle of popular government requires that the question involved in this bill should be submitted to the voters.

The proposed amendment, as I have said, is intended to eliminate from the bill all draft features, except those relating to the National Guard, and adds to the bill a simple, speedy, and inexpensive plan by which the voters of the country may express themselves upon the principle of draft.

This is accomplished by leaving the sections numbered first and second of section 1 of the bill untouched and by slight changes in the language of the bill eliminating the draft features, as indicated on the face of the bill, and providing for voluntary enlistment.

Section 3 of the bill under this plan is necessarily stricken out by the proposed amendment.

All provisions of the bill relating to registration and raising the required number of troops is retained. The bill, if passed in the amended form, would therefore permit of everything being done that would be done under the original bill for a number of weeks, so far as actual raising and equipping the Army is concerned.

The proposed amendment does not disturb the provisions of the subdivision second, in section 1, relating to drafting the National Guard, for the reason that this is substantially the law at the present time, and to suggest disturbing it would raise a question not now necessary to consider.

While the work of voluntary enlistment, equipment, and registration would be going forward under the law if the bill in the amended form was enacted, the provisions with respect to a referendum would become operative, and within 45 days, or less, from the time the bill in its amended form became law we could have the most complete expression of the opinion of the voters of the country on the subject of draft which it would be possible to obtain. This vote is made advisory in order to avoid any possible constitutional difficulty; and there can be little doubt that if the voters express themselves strongly against the draft we would proceed to raise our Army according to the only plan under which we have ever raised an army in this country, namely, by voluntary enlistment. If, however, the voters express themselves in favor of the draft, then it is certain that all substantial opposition to the draft at this time will disappear.

The plan would give the people an opportunity to be heard, and would put at rest any possible criticism which might arise if it is sought to enforce a draft without giving to the voters any opportunity for expression on the subject.

This amendment requires no new machinery to put it into operation. It uses the Census Bureau and the post offices of the country as the agencies of the Government to conduct the advisory vote, and it can be completed within 45 days. The Government Printing Office can supply the necessary ballots within 10 days. They can be delivered at the rate of 1,800,000 per day. As soon as such delivery begins, the Director of the Census can start the distribution, and the whole country can be supplied within the time provided. The Director of the Census can determine the size of the ballot, and thus can order it in a form to permit it to run through the counting machinery, so that the counting can be done rapidly. The result will be ascertained promptly, accurately, and in a way to furnish an authoritative guide to Congress.

Mr. President, for the first time in the history of our Government it is proposed within 30 days after war is declared to raise an army by draft.

In the struggle to perpetuate this Government, when we were in the third year of the Civil War, Lincoln gave his sanction to the draft only when, as he declared, it was no longer possible to secure men by voluntary enlistment.

In the European war now on Canada has not even considered the draft.

Australia submitted the question of drafting men to be sent overseas to the voters of Australia at a special election held for that purpose, and the draft was defeated by more than 60,000 majority.

Commenting upon the result of this referendum vote, the London Times said:

> Naturally there will be some disappointment in this country that Mr. Hughes's policy has not commanded a decisive majority.
> Equally naturally no one will think of questioning the verdict of the people of Australia on an issue which it is wholly for them to decide.

From the Manchester Guardian, published in England, I quote the following comment upon the result of the Australian referendum as to whether draft should be resorted to in Australia for overseas service in France.

> We may take it—

Says the Manchester Guardian—

> that the people of the Dominion will not be compulsorily enlisted. It is the first time in the world's history that a direct vote has been taken on such an issue, and the result is of great importance and interest. Classic history has instances of the direct issue of peace or war being put to peoples, but to refer to the voters in the midst of war the question whether they shall or shall not be conscripted is a precedent that will be of value to democracies for all time. With the imperishable records of Gallipoli and Egypt to her credit, she can afford to reject conscription if she wishes. It is not in a waning enthusiasm for the war that the explanation of this vote lies but in causes less simple but not less vital.

The Canadian Liberal Magazine, January 4, 1917, commenting upon the vote taken in Australia, another colony of the mother country, has this to say:

> Probably in no country and on no issue was ever such tremendous influence brought to bear upon the electorate as was exerted in this Australian referendum on conscription. The leaders of both political parties were in favor of the principle—

Mark you that—

> The leaders of both political parties were in favor of the principle. The churches, irrespective of creed, united in their appeals for it. And yet the measure was defeated decisively. Comment or reflection upon the people's decision is unnecessary.
> Considering what Australia has done to assist in this great war in supplying ships, equipping and sending forward her soldiers, the sacrifices at Gallipoli and in France, contributing her money for all necessary purposes, nobody can think for a moment that her decision in this matter of conscription is due to indifference to the cause for which she, the Empire, and the Allies are fighting.
> In view of the efforts that were made, of the pressure that was exerted by the political leaders of the Commonwealth and from outside by outstanding personalities, it is evident that the instinctive feeling of democracy against compulsion must have a tremendous hold upon the people here.
> There is no more democratic country in the world than Australia. The people cherish free British institutions under which their constitution is formed. They are a thinking people, who reason and decide for themselves.
> When they rejected conscription, they did so because they felt it was the proper action to take in a free democratic country. They may also have resented what might well be considered as outside interference.
> The whole Empire can well take a lesson from their decision.

The St. Louis Post-Dispatch, commenting on the Australian referendum, says:

> The fact that the Australian Government did not dare to put a conscription law in effect without submitting it to a popular vote is immensely significant.
> This first conscription referendum sets a precedent marking progress for democracy.

Mr. President, let us stop just a moment and consider what we are doing here.

Mr. STONE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Missouri?

Mr. LA FOLLETTE. I do.

Mr. STONE. I desire to ask the Senator if he can tell the Senate just what machinery was provided for taking the referendum in Australia?

Mr. LA FOLLETTE. I have here all the proceedings preliminary to the vote. In this case the vote was taken under authority of law, so that it was binding. The vote which I propose here is only advisory to Congress. Will you not grant the people that much?

Mr. VARDAMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Mississippi?

Mr. LA FOLLETTE. I do.

Mr. VARDAMAN. In Australia they have the machinery for a referendum.

Mr. LA FOLLETTE. Mr. President, in order to make the RECORD complete, I will print as an appendix the matter collected upon this subject by the Legislative Reference Bureau of the Library of Congress with regard to this whole question.

Mr. President, just a word and I am done. I want to bring to the minds of Senators who listen to me this thought on this amendment before we vote. The bill proposes to draft an army within 30 days after the declaration of war. Never before in the history of this Government was such a thing done. It proposes to draft for service on foreign soil, over-seas service. England does not do that. English colonies nowhere do that. Germany does not do that. When the German Government desired to send troops to China in the Boxer trouble she called for volunteers for over-seas service, and in any war there can be no conscription from the colonies for over-seas service. Her law in that respect is exactly like England's.

Mr. President, I have been unable to find any parallel or precedent for what it is proposed here to do at this time. It is proposed in this free Government to apply the draft system for compulsory over-seas service in foreign lands, and to do it before you have tried to raise an army under a volunteer system.

The advocates of the draft say it is democratic.

The opponents of the draft say it is undemocratic, un-American, unprecedented.

If the majority here who favor the draft truly believe that it is in accord with the spirit of our free institutions, if you really believe that it is democratic in principle, then you should certainly be willing to submit it to a vote of the people. And that, too, when it can be done without delaying the general program which you have mapped out in your bill.

That is all, Mr. President, that I care to say.

APPENDIX.

THE COMMONWEALTH OF AUSTRALIA MILITARY-SERVICE REFERENDUM.

(No. 27 of 1916.)

An act to submit to a referendum a question in relation to military service abroad.

[Assented to Sept. 28, 1916.]

Be it enacted by the King's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows:

1. This act may be cited as the military service referendum act, 1916, and shall be deemed to have commenced on the 18th day of September, 1916.

2. In this act, unless the contrary intention appears, "member of the forces" means a member of the Commonwealth naval or military forces employed on active service outside Australia or employed on a ship of war, and includes a member of the army medical corps nursing service who is accepted or appointed by the director general of medical services for service outside Australia; "proclaimed subdivision" means a subdivision which is declared by the Governor General by proclamation to be a proclaimed subdivision within the meaning of subsection (4) of section 9 of this act; "the electors" means electors of the Commonwealth, and includes persons qualified to vote

under regulations made under section 12 of this act; "the prescribed question" means the question set forth in section 5 of this act; "the referendum" means the submission of the prescribed question to the electors.

3. The chief electoral officer for the Commonwealth shall be charged with the administration of this act.

4. (1) The Governor General shall issue a writ, directed to the chief electoral officer, for the taking of a vote by ballot under this act on the prescribed question.

(2) The writ shall be in accordance with Form B in the schedule and shall appoint a day for the taking of the vote, and shall be returnable within 90 days from the date of issue: *Provided*, That if at the expiration of 60 days from the date of issue the chief electoral officer certifies that he is satisfied (a) that not more than 2 per cent of the total votes polled are still awaiting scrutiny, and (b) that the result of the referendum can not be affected by the exclusion of the votes which are still awaiting scrutiny, the chief electoral officer may return the writ at the expiration of such period of 60 days, and may, at the conclusion of the scrutiny, notify in the Gazette—

(a) The total number of votes polled in favor of the prescribed question;

(b) The total number of votes polled not in favor of the prescribed question; and

(c) The total number of ballot papers rejected as informal.

5. The prescribed question shall be:

Are you in favor of the Government having in this grave emergency the same compulsory powers over citizens in regard to requiring their military service, for the term of this war, outside of the Commonwealth as it now has in regard to military service within the Commonwealth?

6. The original writ shall be forwarded to the chief electoral officer, who shall forthwith after the receipt thereof—

(a) Forward a copy of it to each Commonwealth electoral officer, and cause a copy of it to be forwarded to each divisional returning officer and assistant returning officer; and

(b) Insert in the Gazette a notification of the receipt and particulars of the writ.

7. The provisions of sections 4, 10 to 14, inclusive, subsection (1) of section 18, sections 19 to 22, inclusive, and 24, and Parts VIII (except section 41) and IX of the referendum (constitution alteration) act 1906–1915, shall, so far as they are not inconsistent with the provisions of this act, apply to the referendum to be held under this act in like manner as they apply to a referendum upon a proposed law for the alteration of the constitution: *Provided*, That any reference to a proposed law shall be deemed to be a reference to the prescribed question: *Provided further*, That, notwithstanding anything contained in section 10 A of that act, the following persons shall be disqualified from voting at the referendum:

(a) Any naturalized British subject who was born in any country which forms part of the territory of any country with which Great Britain is now at war: *Provided*, That this paragraph and subsection (1) of section 9 shall not apply to any naturalized British subject, wherever born, who produces to the presiding officer a certificate signed by the district commandant of a military district, or an officer thereto authorized by him, that that person is a parent of a person who has been or is a member of the forces; and

(b) Any person who is interned in any place of internment.

8. The governor general, or any person authorized by him, may appoint one scrutineer at each polling place, and at each place where the scrutiny is conducted, in the Commonwealth, and the person who in the opinion of the chief electoral officer is authorized by a majority of those members of both houses of the Parliament who are not in favor of the prescribed question may appoint one scrutineer at each such polling place and place.

9. (1) In addition to the questions prescribed by section 141 of the Commonwealth electoral act 1902–1911, the presiding officer may, either of his own motion or at the request of a scrutineer, put to any person claiming to vote at the referendum, and shall put to each person who he has reason to believe was born in any country which forms part of the territory of any country with which Great Britain is now at war, the following question:

Are you a naturalized British subject who was born in any country which forms part of the territory of any country with which Great Britain is now at war?

(2) If any person refuses to answer the question fully, or by his answer shows that he is not entitled to vote at the referendum, his claim to vote shall be rejected.

(3) If any person answers the question in the negative, the presiding officer shall, before permitting him to vote, indorse the ballot paper with the words "Section 9."

(4) If, in the case of any person enrolled in any proclaimed subdivision, the presiding officer has reason to believe that that person is the son or daughter of a person who was born in any country which forms part of the territory of any country with which Great Britain is now at war, the presiding officer may issue to the person a ballot paper indorsed with the words "Section 9."

(5) Any ballot paper issued to an elector in pursuance of either of the last two preceding subsections shall, when completed by the elector, be folded by him and handed to the presiding officer, who without unfolding it shall, in the presence of the elector, place it in the prescribed envelope, fasten the envelope, and place it in the ballot box.

(6) If the elector places the ballot paper in the ballot box without having it inclosed by the presiding officer in the prescribed envelope, the ballot paper shall be disallowed at the scrutiny.

(7) Ballot papers inclosed in envelopes in pursuance of subsection (5) of this section shall not be opened by an assistant returning officer, but shall be forwarded by the assistant returning officer by registered post to the divisional returning officer.

(8) The divisional returning officer shall, as soon as practicable, submit to the prescribed tribunal or tribunals lists of the names, addresses, and occupations of the electors whose votes are inclosed in the envelopes received by him, and shall retain each envelope unopened until the tribunal has made a determination in accordance with the provisions of this section.

(9) The tribunal shall have jurisdiction to determine whether or not each elector whose name is on the list submitted to it is, in its opinion, disloyal; and the members of the tribunal may inform their minds on the subject in such manner as they think fit.

(10) The determination of the tribunal shall be notified to the divisional returning officer of the division in which the elector is enrolled.

(11) If the tribunal determine that an elector is, in its opinion, disloyal, the ballot paper shall be rejected by the individual returning officer without the envelope being opened; otherwise the ballot paper shall be admitted to further scrutiny in the prescribed manner.

10. (1) The ballot papers to be used for the purposes of the referendum may be in accordance with Form C in the schedule.

(2) For the purposes of voting under section 139 of the Commonwealth electoral act, 1902–1911, or of the regulations relating to absent voting made in pursuance of section 139a of that act, or under regulations made under section 12 of this act, the ballot papers to be used for the purposes of the referendum may be in accordance with the forms prescribed by the regulations.

11. (1) The chief electoral officer shall forthwith after the indorsed copies of the writ have been transmitted to him by the Commonwealth electoral officers for the several States and particulars have been received by him from the returning officers appointed to take the votes of persons voting under regulations made under section 12 of this act, indorse on the original writ a statement showing as regards the whole Commonwealth—

(a) The number of votes given in favor of the prescribed question;

(b) The number of votes given not in favor of the prescribed question; and

(c) The number of ballot papers rejected as informal.

(2) The chief electoral officer shall publish a copy of the statement in the Gazette, and the statement so published shall be conclusive evidence of the result of the referendum.

12. (1) The Governor General may make regulations, not inconsistent with this act, prescribing all matters which are necessary or convenient to be prescribed for carrying out or giving effect to this act; and, notwithstanding anything contained in this act, may make such regulations as are, in his opinion, necessary or expedient for the purpose of providing a system or systems whereby—

(a) Members of the forces not under the age of 21 years, serving beyond Australia or having returned from such service (who are enrolled as electors of the Commonwealth or are eligible to be so enrolled); and

(b) Members of the crew of any Australian transport vessel employed in the conveyance of members of the forces to or from Australia, who—

(i) Are not under the age of 21 years; and

(ii) Are enrolled as electors of the Commonwealth or are eligible to be so enrolled; and

(c) Persons living in a territory under the authority of the Commonwealth—

(i) Who, if the territory were an electoral division in a State, would be qualified to have their names placed on the electoral roll for that electoral division; and

(ii) Whose names are on an electoral list compiled for the purpose by the prescribed officer or a person thereto authorized by him; and

(iii) who are not included in the classes of persons disqualified by the second proviso to section 7 of this act, may vote at the referendum.

(2) Subject to the regulations, the regulations under the Commonwealth electoral act, 1902–1911, and under the referendum (constitution alteration) act, 1906–1915, shall, so far as they are applicable, apply to the referendum held under this act in like manner as if that referendum were an election within the meaning of the Commonwealth electoral act, 1902–1911, and a referendum within the meaning of the referendum (constitution alteration) act, 1906–1915.

THE SCHEDULE.

[Form B. Commonwealth of Australia. Writ for a referendum. His Majesty the King.]

To the chief electoral officer for the Commonwealth, and to the Commonwealth electoral officers for the several States, and to all others whom it may concern—Greeting:

We command you that you cause the following questions, namely:

Are you in favor of the Government having, in this grave emergency, the same compulsory powers over citizens in regard to requiring their military service for the term of this war, outside the Commonwealth, as it now has in regard to military service within the Commonwealth? To be submitted, according to law, to the electors. And we appoint the following dates for the purposes of the said submission:

1. For taking the votes of the electors ------ the ------ day of ------, 19--.

2. For the return of the writ on or before ------ the ------ day of ------, 19--.

Witness (here insert governor general's title and the date).

_____, _____,
Governor General.

By His Excellency's command.

[Form C. Ballot paper. Commonwealth of Australia.]

THE MILITARY SERVICE REFERENDUM ACT, 1916.

State of_____

Directions to voter: The voter should indicate his vote as follows: If he is in favor of the question set forth hereunder, he should make a cross in the square opposite the word "Yes." If he is not in favor of the question set forth hereunder, he should make a cross in the square opposite the word "No."

(Submission of a question to the electors.)

Question: Are you in favor of the Government having, in this grave emergency, the same compulsory powers over citizens in regard to requiring their military service, for the term of this war, outside the Commonwealth, as it now has in regard to military service within the Commonwealth?

☐ Yes.
☐ No.

Mr. REED. Mr. President, I do not rise to support the amendment of the Senator from Wisconsin. On the contrary, we have, in my judgment, passed beyond the point where a referendum or advisory vote, if indeed, one were ever practicable, can be taken. I desire, before we finally pass from this important bill, to put into the RECORD what I conceive to be the most conclusive evidence of a total lack of consistency that has ever been displayed in the Senate.

The McKellar amendment, which provided generally for raising by the volunteer plan 500,000 troops, was defeated in the Senate by the arguments of very distinguished Senators. Among those arguments was this one, "That the draft system and the volunteer system can not run along parallel lines; that an army composed in part of volunteers and in part of conscripts is inharmonious and ineffective." That argument was

made by the distinguished Senator from Ohio [Mr. HARDING], who with great eloquence inveighed against the volunteer system, yet the Senator introduced and had passed an amendment which authorizes the raising of 120,000 volunteers. The Senator from Ohio expressly stated that his purpose in offering the amendment was to provide a plan whereby Theodore Roosevelt could raise that number of men and take them to France. So we find the Senator from Ohio willing to deny to all the rest of the people of the United States the right to volunteer and to deny to all of the States the privilege of raising their proportion of the troops called for by the volunteer system and willing to deny that privilege upon the ground that to mix volunteers and conscripts will bring disorder and destroy or injure the efficiency of the Army. But we find him, after he has taken that position, introducing an amendment to give that privilege to a private citizen of the United States, which he voted to deny to the 48 States of the Union and which he voted to deny to all the other people of the United States.

But, Mr. President, the Senator from Ohio is not more illogical than are certain other Senators. I ask the privilege of printing in the RECORD, in parallel columns, as a part of my remarks, the names of the Senators who voted against the volunteer plan as applying to the country generally, and who then voted for the volunteer plan when it was proposed for the use and benefit of Theodore Roosevelt, a plan to confer a special privilege upon one citizen, as is suggested by the Senator from Illinois [Mr. LEWIS].

Mr. LA FOLLETTE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Wisconsin?

Mr. REED. I do.

Mr. LA FOLLETTE. Whatever may be the fate of the amendment which I have offered, I ask the Senator from Missouri if he will not permit me to have a vote upon the amendment before some other subject is taken up for discussion?

Mr. REED. Mr. President, I am substantially through with my remarks. I have made a request that there be printed in the RECORD, as a part of my remarks, in parallel columns, the names of the Senators who voted against the McKellar amendment and who also voted for the Harding amendment.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Missouri? The Chair hears none, and it is so ordered.

The names referred to are as follows:

SENATORS WHO VOTED AGAINST THE M'KELLAR AMENDMENT GRANTING THE 48 STATES THE RIGHT TO RAISE VOLUNTEERS.	SENATORS WHO VOTED AGAINST THE M'KELLAR AMENDMENT AND YET VOTED FOR THE HARDING AMENDMENT GRANTING SPECIAL PRIVILEGE TO ROOSEVELT TO RAISE VOLUNTEERS.
Ashurst	Ashurst
Bankhead	
Beckham	
Brady	
Brandegee	Brandegee
Broussard	Broussard
Calder	Calder
Chamberlain	
Colt	Colt
Culberson	
Dillingham	Dillingham
Fernald	Fernald
Fletcher	
France	France
Frelinghuysen	Frelinghuysen
Gerry	
Hale	Hale
Harding	Harding
Hollis	Hollis
Husting	Husting
James	
Johnson of South Dakota	Johnson of South Dakota
Jones of New Mexico	
Jones of Washington	Jones of Washington
Kellogg	Kellogg
Kenyon	Kenyon
King	
Knox	Knox
Lewis	
Lodge	Lodge
McCumber	McCumber
McLean	McLean
Martin	
Myers	Myers
Nelson	Nelson
New	New
Overman	
Owen	Owen
Page	Page
Penrose	Penrose
Phelan	
Pittman	
Poindexter	Poindexter
Pomerene	Pomerene
Ransdell	Ransdell
Robinson	Robinson
Saulsbury	Saulsbury
Shafroth	
Sheppard	
Shields	
Simmons	
Smith of Arizona	
Smith of Georgia	
Smith of Maryland	
Smith of South Carolina	
Smoot	Smoot
Sterling	Sterling
Stone	
Sutherland	
Swanson	
Thompson	Thompson
Underwood	
Wadsworth	Wadsworth
Walsh	
Warren	
Watson	Watson
Weeks	Weeks
Williams	Williams
Wolcott	

Mr. REED. Mr. President, I have simply this further to say: If any Senator can reconcile to his own conscience the proposition of refusing to permit troops to be raised by the various States by the volunteer plan, and then the conferring of that privilege upon one man in the United States—if Senators can reconcile that to their consciences and their judgments and to their constituencies, well and good. I say it is a glaring example of inconsistency that is very remarkable.

Mr. VARDAMAN and Mr. LA FOLLETTE addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi first addressed the Chair.

Mr. LA FOLLETTE. Mr. President, unless there is to be some other discussion upon the amendment which I have offered, I beg the Senate to give me a vote upon the amendment.

Mr. VARDAMAN. I was merely going to make that request. I want to have the privilege of voting on the amendment which has been offered by the Senator from Wisconsin.

Mr. CHAMBERLAIN. I think we ought to have a quorum here, and so I suggest the absence of a quorum.

Mr. NORRIS. Mr. President, I want to make a few remarks on the amendment which has just been proposed by the Senator from Wisconsin.

Mr. CHAMBERLAIN. Very well; I withdraw the suggestion.

Mr. NORRIS. I had just as lief make them now, before the Senator from Oregon suggests the absence of a quorum, as afterwards.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. NORRIS. Mr. President, under any ordinary circumstances, in any case that to me seemed practicable, I would favor an amendment such as that which has been proposed by the Senator from Wisconsin; but, Mr. President, as I look at it——

Mr. LA FOLLETTE. Will the Senator from Nebraska yield to me to make a demand for the yeas and nays? I should like to get the yeas and nays ordered now, if I may do so.

Mr. NORRIS. I have no objection to the Senator from Wisconsin doing that.

Mr. LA FOLLETTE. I ask for a yea-and-nay vote on my amendment, Mr. President.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Wisconsin——

Mr. LA FOLLETTE. Upon the amendment I ask for a yea-and-nay vote.

The PRESIDING OFFICER. Upon which the Senator from Wisconsin demands the yeas and nays.

Mr. NORRIS. Before that order is entered I should like to address the Senate on the subject.

Mr. LA FOLLETTE. I do not want to have the vote taken now, but I desire to ask for the yeas and nays. I should like to have a record vote taken on the amendment.

Mr. CHAMBERLAIN. I hope the Senator from Wisconsin will get it.

The yeas and nays were ordered.

Mr. LA FOLLETTE. That is all I ask.

Mr. WALSH. Will the Senator from Nebraska pardon me for a moment?

Mr. NORRIS. Yes.

Mr. WALSH. I should like to address an inquiry to the Senator from Wisconsin concerning his amendment.

The PRESIDING OFFICER. Does the Senator from Nebraska yield for that purpose?

Mr. NORRIS. I yield to the Senator.

Mr. WALSH. As I caught the question which the Senator from Wisconsin proposed to submit to the voters, it is as to

whether they favor a draft system to raise an army to send to Europe.

Mr. LA FOLLETTE. To send abroad, to send overseas. That is exactly the question which was presented in Australia.

Mr. WALSH. The Senator from Wisconsin, I suppose, recognizes that that embraces two questions: First, whether an army should be sent abroad at all; and, second, whether it is to be raised by draft.

Mr. NORRIS. I do not care to yield the floor further, Mr. President.

Mr. WALSH. I did not ask the Senator to yield the floor. I simply desired to ask the Senator from Wisconsin a question.

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Montana?

Mr. NORRIS. Very well.

Mr. WALSH. I desire to ask whether the Senator from Wisconsin intends to submit that as one question?

Mr. LA FOLLETTE. I submit it as one question, just as it was submitted in Australia, and just exactly as I think it should be submitted.

Mr. NORRIS. Now, Mr. President, let me repeat my opening statement. If I had an opportunity to vote for a referendum under any plan that I believed to be practicable in a case pending a declaration of war, or a proposition to declare war, where there was no invasion, I should favor it. I myself believe that there ought to be some way devised in every democracy, in every republic, where a referendum vote would be compulsory before a declaration of war could be made by the Government; but, Mr. President, we have declared war against Germany and we are now at war. An army is necessary; money is necessary. Every preparation which we can possibly make must be made, and made as soon as possible. We ought to exert every influence and every power and strain every nerve in order that no stone may be unturned to prosecute this war to the limit, with a view of a successful termination.

I am aware that there is a prohibition in some countries, perhaps in most of them, against conscription for foreign service. If we were not now engaged in war with a foreign country, where foreign service, if there is any service that can be rendered, must be rendered, and it were a question of establishing a permanent policy of our Government, I would vote for such a prohibition in our country; but we have declared war against a foreign country, knowing that it was impossible, under any conditions now existing or which can possibly exist in the near future, for that country to invade ours. We did that with our eyes open, and the question presented by the amendment of the Senator from Wisconsin, it seems to me, contains in reality two propositions. Under ordinary circumstances I should favor them both, but under existing circumstances it seems to me at least one of them ought not to be considered by Congress. The vote which under this proposed referendum is to be submitted is as follows:

> The Government of the United States having declared war against the Government of Germany, shall the United States Government at this time raise an army by draft to send to Europe to prosecute the war?

As I look at it, there are two propositions embraced in that language: First, shall "we raise an army by draft"? As everybody here knows, I am opposed to raising an army in that way. I should like to submit that question, and probably it ought to be submitted to the people under different conditions than exist now, and I think I would vote to submit that question even now if in the meantime we could provide the machinery to go on with the raising of the army. But the further question is presented, after we have raised an army, shall we send it to Europe? On that question I want to consider the constitutional prerogatives of the Congress and of the President. I have been one of those Senators who have stood always, I think, to preserve the constitutional prerogatives of Congress, and I brought upon myself the displeasure of many people, both inside and outside of this body, because I did so.

The Constitution provides that war can only be declared by Congress; that Congress alone can raise armies. It is the only power in our Government that can legally do either one of those two things; but the Constitution further provides, Mr. President, that the President of the United States shall be Commander in Chief of the Army and the Navy; and while I have been jealous of the constitutional prerogatives of Congress, I am just as anxious to preserve in full the constitutional prerogatives of the President of the United States.

Let us take the present conditions. Congress, exercising its constitutional prerogative, declared war against the Imperial German Government. It is necessary for Congress to raise an army. When that army is raised, under the Constitution it will be under the command of the President of the United States. I am unwilling by any congressional action to limit the President of the United States in any reasonable discretion that he ought to have in the command of that army in this war. I am unwilling by congressional enactment to take away from the President any discretion that he may have in conducting that war. I think the Constitution places that power in his hands; and it is by his discretion and his judgment that the operations of the army that we provide must be governed. I would be unwilling to say by any act of mine now that under the present existing circumstances the President should be prohibited from sending an army to Europe. I would not, on the other hand, command him to send an army there. I want him to exercise the full power the Constitution gives him as to how he shall fight the war, where he shall fight it, and when he shall send an army to Europe, if it shall be necessary to send one there.

It seems to me it must follow, war having been declared against Germany at a time when everybody knows Germany can not get at us in this country, that, if we mean anything by it, we mean that we are going to at least give to the President as Commander in Chief of the Army the discretion to take the Army over to Europe whenever, in his judgment, the proper time arrives.

It is for that reason that, much as I dislike to so vote, I can not vote for this amendment, although it embodies a principle of government of which I think a great deal, and which I should like to see enacted into permanent law, so that it would be impossible for war to be declared by the Government, unless in case of invasion, except by a referendum vote of the people who have to do the fighting.

Mr. LEWIS. Mr. President, I beg to impose upon the Senate for a few moments. My object is to invite attention to the real effect of what we would do if the proposed substitute offered by the able Senator from Wisconsin were adopted.

Mr. President, no one can have a higher regard for the motives which inspire the Senator from Wisconsin than I. No one more than I respects the need in this hour of great deference to be paid to the popular will; no one more than I fears the consequences which will surely follow if ever we establish the aspect of indifference to the public on the one hand or defiance of their wishes on the other.

Mr. President, if a system of laws prevailed in this Government under which questions of policy of every nature could be submitted by referendum, the suggestion proposed by the eminent Senator from Wisconsin would have an immediate propriety. The Governments of Switzerland and Australia have kept in view that the very emergencies surrounding us were the things concerning which they legislated—in which they provided for referendum. But the United States has not so done. Therefore may I address myself to the Senator from Wisconsin in connection with this thought: This Government having declared war, the discretion having been vested in the President of the United States as to the manner of conducting the war with the aids provided for him by our law, to wit, the Army and the Navy, is not the real question before us, not alone to be determined to-day, but every day hereafter during this conflict, is as to who shall fight this war—those who by our law have been constituted the directors and commanders of it—the President and the Chiefs of the Army and the Navy—or shall it be Congress? The people have never vested in Congress the privilege of fighting wars nor of directing the methods of campaign. They have specifically, as the earnest Senator from Nebraska [Mr. NORRIS] has alluded, been vested in the executive officers—these discretions.

Now, I submit to the able Senator from Wisconsin a question: In his judgment, as a student and expounder of constitutional law, does he believe he can repeal the United States Constitution by referendum to localities? Surely, that would be the effect; and once we enter upon that field where would we end? The able Senator from Wisconsin, like myself, is an advocate of that theory, well set forth by Washington in his farewell address, that we comply with and adhere to those specific prescriptions of government which set forth the manner and method by which we shall make constitutional changes; otherwise, we would have riot, insurrection, and revolution from despotic or irrational action. Mr. President, the only way to amend the Constitution and change it is to submit to the people the proposed amendment. Let them compare these propositions with the reasons being brought forth for the amendment proposed—then we adopt or reject it.

Now, sir, the question, therefore, for us to-day, and for the able Senator from Wisconsin, is, Shall we encourage the President of the United States by our aid and sustain the officials who are aiding him by our assistance, or shall Congress present the spectacle to these visitors of the Congress of the United

States whom we have honored to-day, the marshal of France and its statesmen, while we are at war, merely to gratify a most respectable and commendable abstract principle of government of haggling over the measure how to fight the war and obstruct the Commander in Chief in the prosecution of it?

If the distinguished Senator from Wisconsin will reflect a moment, he will realize that to submit these questions to a referendum is to temporarily suspend the operation of enlistments, and then, however the questions are decided, we would have dissatisfaction in the communities. I invite the able Senator's attention to the thought that if to local communities where views such as he has might prevail we once establish the principle that questions of this kind can be submitted to the ballot box, may I not ask the Senator will he not meet this situation: Before the constituency can decide how we should go to war must they not first decide what are the causes of the war and must not all the reasons for the war be presented to them? Then, second, must they not decide what are the grievances, and must not these grievances then be put before them? Must not the secrets of the Government then be submitted to them? Must not all the confidences of the Nation be transmitted? And then, Mr. President, may I not say, as I conclude, would we not in that case then invite those on the Atlantic coast, where, the able Senator says, are great influences of the public press that dominate, who are demanding war and conscription—will they not turn to the other direction and use their power to defeat the will of those who want peace or a volunteer army?

Sir, let me hope that we may lay aside for the while these very respectable propositions, these abstract differences, divine, almost, in their humanity, yet now impracticable of execution, and throw a united support behind the President, that we may not present the spectacle to the world now at a time when we are needing armies, when our men are being blown to pieces on the sea, that we haggle over and hesitate to put all the strength that the law can give behind the Commander in Chief to the end that, as to the war, if 'twere done, then, sir, "'twere well it were done quickly," so as to bring quick success to American arms. These reasons I now give are those why I can not support the proposition of the distinguished Senator. What is needed now is action—and again, action!

Mr. LA FOLLETTE. Mr. President, the gifts of the Senator from Illinois are exceptional. The fluency with which he speaks is unrivaled, but sometimes it seems to me that that very achievement and talent permit him to obscure the real issue presented. This is not a question to be submitted to the people, as to whether we are to go to war, as the Senator says. That has been determined under the Constitution. This question which it is proposed to submit to the people is to have no binding effect upon Congress, except as it may inform them as to the judgment of the people of the country with respect to drafting an army to send abroad. That is the limitation as proposed in the amendment which I have offered. It does not impinge upon the Constitution, Mr. President. There is not any question about the President being Commander in Chief and having the right to direct the operations of the armies and the navies after they are in the field and upon the seas. But, Mr. President, Congress has a control and a responsibility with respect to puting the armies in the field, to furnish the means which shall sustain them there; and, Mr. President, when there is involved in that a great foreign policy, Congress is still charged with its responsibility.

Mr. President, this amendment simply proposes that we shall submit to the people of this country, not the question of fighting this European war—we have already declared for that—not the question of sending an army to Europe to fight, as is indicated by the position announced here by the Senator from Nebraska [Mr. NORRIS], but the question as to whether that army shall be a drafted or a volunteer army. On that question only is it proposed to take, under this amendment, an expression of opinion of the voters of this country. That is all there is proposed here. Are Senators afraid of an expression of opinion upon that question? If you are, vote against it; if you are not, let it go to the people, and let them say whether men ought to be roped and taken into the trenches in Europe or whether they are to be permitted to volunteer, as in every war which has been fought under our flag from the beginning down to now.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Wisconsin. The yeas and nays have been ordered, and the Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. SUTHERLAND (when Mr. GOFF's name was called). I desire to announce the absence of my colleague, the senior Senator from West Virginia [Mr. GOFF], on account of illness. This announcement may stand for the day.

Mr. FRELINGHUYSEN (when Mr. HUGHES's name was called). I wish to announce the unavoidable absence of my colleague [Mr. HUGHES] on account of illness.

Mr. CHAMBERLAIN (when Mr. LANE's name was called). I desire to announce, and have the announcement stand for the day, that my colleague [Mr. LANE] is detained from the Senate by illness.

Mr. SMITH of Maryland (when his name was called). I have a pair with the senior Senator from Vermont [Mr. DILLINGHAM]. I transfer that pair to the senior Senator from Nevada [Mr. NEWLANDS] and vote "nay."

The roll call having been concluded, the result was announced—yeas 4, nays 68, as follows:

YEAS—4.

Gore	Gronna	La Follette	Vardaman

NAYS—68.

Beckham	Hitchcock	Nelson	Smith, Ga.
Brady	Hollis	New	Smith, Md.
Brandegee	Husting	Norris	Smith, S. C.
Broussard	James	Overman	Smoot
Calder	Johnson, S. Dak.	Page	Sterling
Chamberlain	Jones, N. Mex.	Pittman	Sutherland
Culberson	Jones, Wash.	Poindexter	Swanson
Curtis	Kellogg	Pomerene	Thomas
Fall	Kendrick	Ransdell	Thompson
Fernald	King	Reed	Townsend
Fletcher	Knox	Robinson	Underwood
France	Lewis	Saulsbury	Wadsworth
Frelinghuysen	Lodge	Sheppard	Walsh
Gallinger	McCumber	Sherman	Warren
Gerry	McKellar	Shields	Watson
Hale	Martin	Simmons	Weeks
Harding	Myers	Smith, Ariz.	Wolcott

NOT VOTING—24.

Ashurst	Goff	Lane	Shafroth
Bankhead	Hardwick	McLean	Smith, Mich.
Borah	Hughes	Newlands	Stone
Colt	Johnson, Cal.	Owen	Tillman
Cummins	Kenyon	Penrose	Trammell
Dillingham	Kirby	Phelan	Williams

So Mr. LA FOLLETTE's amendment was rejected.

Mr. THOMAS. Mr. President, I move to strike out the word "morally," on page 22, line 23 of the bill, and to insert in place of that word the word "mentally."

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. Before the word "deficient," on page 22, line 23, it is proposed to strike out the word "morally" and to insert in lieu thereof the word "mentally."

Mr. CHAMBERLAIN. Mr. President, may I suggest to the Senator that he include in that amendment the word "or," so that it will not be conjunctive? If he does that, I shall have no objection to the amendment.

Mr. THOMAS. Yes; that is a good suggestion. The Senator has no objection to the amendment in that form?

Mr. CHAMBERLAIN. No.

The PRESIDING OFFICER. Without objection, the amendment will be agreed to.

Mr. REED. Let us hear it read as it will read if amended.

The SECRETARY. On page 22, line 23, it is proposed to strike out the words "and morally" and to insert in lieu thereof the words "or mentally," so that, if amended, it will read:

and those found to be physically or mentally deficient.

The amendment was agreed to.

Mr. McCUMBER. Mr. President, after the word "prescribed" and the semicolon, on page 21, line 22, I move to strike out the following words:

and nothing in this act contained shall be construed to require or compel any person to serve in any of the forces herein provided for who is found to be a member of any well-organized religious sect or organization, at present organized and existing, whose creed forbids its members to participate in war in any form and whose religious convictions are against war or participation therein in accordance with the creed of said religious organization.

Mr. President, I have petitions from members of certain religious organizations in my own State asking me to support this provision in the bill. It is perfectly proper that I should say to them at this time that, while respecting their beliefs, I can not bring myself to believe that any citizen of the United States who enjoys the liberty of our institutions and the protection of this great Government has a right to say that he will not raise his hand in defense of the Government which supports and protects him and his family and his life and his property. Therefore, I, as one, want the opportunity to put myself on record against any proposition that will excuse any American citizen from rallying to the defense of his country as long as he calls upon this country to defend his rights.

Mr. President, I should like a yea-and-nay vote upon this amendment even though I should be the sole Member of the United States Senate who will vote for it. I ask for the yeas and nays.

Mr. THOMAS. Mr. President, it will be recalled that during the discussion of the Senate bill last week I offered an amendment which was an addition to the clause which the Senator from North Dakota now proposes to eliminate from the bill. I then took occasion to state that I did not approve of the exemption, and for the reasons—although I did not state them so fully or so clearly as the Senator from North Dakota—which he has just assigned for his amendment. But I could not reconcile the clause in the section with any principle that would justify it so long as it limited its operations to those citizens entertaining conscientious scruples who were also affiliated with religious denominations believing as they did upon that subject.

There are in America many very sincere and conscientious men totally opposed to bearing arms—so much so, indeed, that I question whether, if they are conscripted, they will make good soldiers—whose convictions are just as strong and just as abiding as the convictions of those who belong to the several denominations a part of whose creed is against war in any of its forms.

I shall vote for this amendment because I think the Senator is fundamentally right in his objection to the provision, in view of the fact that we are about to substitute conscription for the hitherto prevailing method of recruiting for our armies.

Let me say, Mr. President, that I do this in no invidious spirit whatever. I believe it will perfect the bill. I made as constant and persistent opposition to the enactment into the laws of the country of the conscription system at this time as I knew how to make, and the Senate, by an overwhelming majority, decided otherwise. Now, Mr. President, I have always tried during my life to be what is commonly called a good loser. I believe in the action of the majority. The bill has been passed by the Senate by an almost unanimous vote. I accept their verdict, and propose to do all I can in my humble sphere of official duty to make this system as effective as possible.

The PRESIDING OFFICER. The question is on the amendment of the Senator from North Dakota.

Mr. McCUMBER. I ask for the yeas and nays on the amendment.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. SMITH of Maryland (when his name was called). I have a general pair with the senior Senator from Vermont [Mr. DILLINGHAM]. In his absence I withhold my vote.

Mr. TOWNSEND (when the name of Mr. SMITH of Michigan was called). I announce the absence of my colleague [Mr. SMITH of Michigan] and his pair with the junior Senator from Missouri [Mr. REED]. This announcement may stand for the day.

The roll call was concluded.

Mr. THOMPSON. I have been requested to announce that the senior Senator from California [Mr. PHELAN] is detained on official business.

Mr. SUTHERLAND. I have a general pair with the junior Senator from Kentucky [Mr. BECKHAM], and therefore withhold my vote.

Mr. CHAMBERLAIN (after having voted in the negative). I find that my pair has not voted. I transfer the pair to the senior Senator from New Jersey [Mr. HUGHES] and will allow my vote to stand.

Mr. SUTHERLAND. I transfer my pair to the senior Senator from Rhode Island [Mr. COLT] and vote "nay."

The result was announced—yeas 17, nays 54, as follows:

YEAS—17.

Bankhead	Jones, N. Mex.	Poindexter	Townsend
Calder	Jones, Wash.	Reed	Trammell
Fall	King	Smith, Ariz.	
Gerry	McCumber	Smith, Ga.	
James	Pittman	Thomas	

NAYS—54.

Ashurst	Harding	Myers	Smith, S. C.
Brady	Hitchcock	Nelson	Smoot
Brandegee	Hollis	New	Sterling
Chamberlain	Husting	Norris	Stone
Culberson	Johnson, S. Dak.	Overman	Sutherland
Cummins	Kellogg	Page	Swanson
Curtis	Kendrick	Pomerene	Vardaman
Fernald	Kirby	Ransdell	Wadsworth
Fletcher	Knox	Robinson	Walsh
France	La Follette	Saulsbury	Warren
Frelinghuysen	Lewis	Shafroth	Watson
Gallinger	Lodge	Sheppard	Weeks
Gronna	McKellar	Sherman	
Hale	Martin	Simmons	

NOT VOTING—25.

Beckham	Colt	Gore	Johnson, Cal.
Borah	Dillingham	Hardwick	Kenyon
Broussard	Goff	Hughes	Lane
McLean	Phelan	Thompson	Wolcott
Newlands	Shields	Tillman	
Owen	Smith, Md.	Underwood	
Penrose	Smith, Mich.	Williams	

So Mr. McCUMBER's amendment was rejected.

Mr. CHAMBERLAIN. Mr. President, we are very anxious to have this bill disposed of as soon as we can. Some of the amendments that have been proposed are amendments which were suggested when the Senate bill was before the Senate, and were discussed at length and disposed of then. I may therefore feel impelled to move to lay on the table amendments that cover the subjects that were discussed when the other bill was before the Senate.

Mr. GRONNA. Mr. President, before the bill is finally disposed of I want to say just a word in explanation of my own position with reference to an amendment which I had intended to offer before the final disposition of the bill. I want to ask the Secretary kindly to read the amendment, as I have changed it somewhat. It is a very short amendment, and I shall take only a few minutes to discuss it.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. It is proposed to add to the bill the following:

That for the purpose of conserving, during the present war, all agricultural food products, and to prohibit the manufacture of said food products into alcoholic liquors, it shall be unlawful during such period for any person, firm, corporation, or association to use for manufacture into alcohol or alcoholic liquors any cereals, vegetables, fruits, or any agricultural food product: *Provided*, That nothing in this act shall be construed to prohibit the Government of the United States, through the Secretary of Agriculture, from issuing to any person, firm, corporation, or association a license to use any such agricultural food products in the manufacture of alcohol for use in the manufacture of high explosives, or for mechanical, medicinal, or sacramental purposes, or for any other purpose necessary to carry on the war: *Provided, however*, That the manufacture, sale, or gift of any such alcohol or alcoholic liquors for beverage purposes is hereby prohibited.

That any person, firm, corporation, or association, who shall violate the provisions of this act shall be guilty of felony, and shall be punished by a fine not exceeding $5,000, or by imprisonment at hard labor not exceeding one year, or both such fine and imprisonment.

Mr. GRONNA. Mr. President, the State which I in part have the honor to represent is a purely agricultural State. I realize, Mr. President, that it might be argued that a bill of this kind would limit consumption, and in that way affect the interests and the welfare of the people of the State in proportion to the amount of grain used for the manufacture of grain into alcohol. But, Mr. President, I am willing to take the responsibility upon myself and say that my people, regardless of this selfish interest, are ready to enact a law making it unlawful to take any of the cereals produced by the people of my State for the purpose of manufacturing them into alcoholic liquors.

However, I realize that at this time the Senate is unwilling to put the amendment upon this bill. I believe it ought to go upon this bill for two reasons. The first and a very important one is the conservation of food products. But the fundamental reason is that now would be the proper time to stop the manufacture of alcohol and alcoholic liquors for beverage purposes, at least during this war. It is my opinion that if that were done the Government of the United States during the time this unfortunate war is to continue would learn a lesson and that we never would permit anyone within the borders of our country to again manufacture alcohol or alcoholic liquors for beverage purposes.

Mr. President, this amendment or bill was referred to the Committee on Agriculture and Forestry. I am a member of that committee, and I wish to say that the chairman of the committee has been kind enough to appoint a subcommittee to consider it either as a separate bill or as an amendment to be offered to some of the bills which must necessarily come before this body very soon.

I shall therefore not ask the Senate at this time to embody this provision into this war measure.

Mr. CURTIS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from North Dakota yield to the Senator from Kansas?

Mr. GRONNA. I do.

Mr. CURTIS. I understand the Senator's bill is pending as a separate measure before the Committee on Agriculture and Forestry.

Mr. GRONNA. I will say to the Senator that it is pending there as a separate measure.

Mr. CURTIS. May I ask the Senator, as he is a member of that committee, whether any effort is being made to urge its early consideration?

Mr. GRONNA. I will say to the Senator there is an effort being made, and that a subcommittee has been appointed.

Mr. CURTIS. I am in favor of the bill and I should like to see it reported as soon as possible. I hope the Senator will urge it.

Mr. GRONNA. I am very glad to hear the Senator from Kansas say that. Of course I can not prejudge the action of the committee, but I believe the committee will report out some sort of a bill. It may not report out this particular bill, but it will report out some bill bearing upon this important subject.

Mr. VARDAMAN. Mr. President.

The PRESIDENT pro tempore. Does the Senator from North Dakota yield to the Senator from Mississippi?

Mr. GRONNA. I do.

Mr. VARDAMAN. I should like to inquire of the Senator if he really thinks there is a likelihood that we shall have legislation of this character enacted at the present session unless it is put on a bill of this character?

Mr. GRONNA. I will say to the Senator from Mississippi that I have been assured there will be given support either for this measure or as a separate measure upon some of the conservation bills which will shortly come before the Senate.

Mr. VARDAMAN. I am sorry the Senator is not going to permit the amendment go to a vote. I favor it for two reasons. First, the grain that is consumed in making alcoholic stimulants will be needed to nourish the human body. I am in favor of it for another reason. I should like to stop the traffic and prevent the poisoning of the human body by the pernicious stuff made of the grain. I do not think there is a better time to take radical action on this question than right now. We all realize that alcohol kills more people than bullets, it causes more unhappiness, blights more lives, frustrates more ambition, and, in fact, has done more harm to mankind than all other agencies for evil combined.

I am glad to have had the privilege of expressing my approval of the amendment and my hearty condemnation of the nefarious liquor traffic.

Mr. McCUMBER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from North Dakota yield to his colleague?

Mr. GRONNA. In just a moment. I know how sincere the Senator from Mississippi [Mr. VARDAMAN] is in his advocacy of measures of this kind, but I can assure the Senator that he and other Senators will be given an opportunity to vote upon it. I now yield to my colleague.

Mr. McCUMBER. I wish to suggest to my colleague that I think he is taking too pessimistic a view of the possibility of getting the amendment upon this bill; and I would say to him that, I believe, taking the vote of the Senate the other day, if he would amend his amendment in such a way as to provide that alcohol produced from any of these food products shall not be sold to any Member of Congress during this war, he would receive the support of the Senate of the United States. As such a proposition was voted on affirmatively only the other day, and acquiesced in by the chairman of the committee, I see no reason why the same Senate would not pass the same amendment again to-day.

Mr. CUMMINS. Mr. President——

Mr. GRONNA. I will yield in just a moment. I want to assure my colleague that I shall not withdraw the amendment if it is the wish of the Senate to vote upon it now. I shall be very glad to have them do so, but I have been told by Senators who are friends of prohibition that it would be unwise to ask that it should go upon this particular bill, and it is for that reason and that reason only that I thought perhaps this was not the proper time to offer it. I yield to the Senator from Iowa.

Mr. CUMMINS. I think I ought to say at this moment that I offered an amendment substantially like the one just presented by the Senator from North Dakota to the collection of bills that is known in a general way as the espionage bill. It is a collection of some 14 bills which have no relation whatever to each other, but which do have in a vague way a relation to the war. I believe that it was a proper subject to be considered in connection with that collection of bills.

If the amendment presented by the Senator from North Dakota can be added to the Army bill I should be very glad, but if it is not added to the Army bill I want to assure the Senate that I intend to offer it as an independent chapter in the collection of legislation to which I have referred, and I will do my very best to get a vote upon it. I do hope that it will be adopted as a part of that bill.

Mr. MYERS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from North Dakota yield to the Senator from Montana?

Mr. GRONNA. I yield.

Mr. MYERS. I ask the Senator from North Dakota why he thinks the Senate would not take kindly to this amendment at this time?

Mr. GRONNA. I want to be very frank with the Senators. I have been so told by several Senators whom I know are sincerely in favor of national prohibition and in favor of conservation; but so many Senators have expressed a willingness to vote upon it that I shall offer it as an amendment to section 13, at the end of the prohibition section.

Mr. MYERS. I should like to say if these gentlemen are, in the words of the Senator from North Dakota, "very sincerely in favor of prohibition," it seems to me they would vote for this amendment, and would be glad to have an opportunity to do so. I think quite a lot of them would like to vote for it, and I hope the Senator will not withdraw his amendment. He can only find out how it will be received by offering it and letting it come to a vote. That is the only practical test. I am told that flour is now bringing $16 a barrel.

Mr. GRONNA. That is true.

Mr. MYERS. Two or three years ago it was bringing $6 a barrel. Wheat is over $3 a bushel and there is grave prediction that a serious shortage of food will confront the people of this country before the grain crop of 1917 is manufactured into flour; that the people of this country will feel the pinch of hunger, let alone the people of the entente allies in Europe. In face of that situation to think of turning millions of bushels of this year's wheat crop into whisky is absurd.

I do not think the Senator ought to withdraw his amendment.

Mr. GRONNA. Mr. President, I agree with every word that the Senator from Montana has said; and I will offer my amendment, to be inserted at the end of section 13.

Mr. JONES of Washington. Mr. President——

Mr. GRONNA. I yield to the Senator from Washington.

Mr. JONES of Washington. I just want to say that I think I am as earnestly in favor of the proposition submitted by the Senator from North Dakota as any Senator here, and I am just as much in favor of prohibiting the liquor traffic as any Senator on this floor.

I think, Mr. President, it would be very unwise for the friends of temperance to urge this amendment upon this bill. We have a prohibition provision in the bill, and I think it is very properly there, because it deals directly with the soldiers; and, while I should like to see the Senate go much further on this bill, I can see where some of the friends of temperance could justify themselves in voting against this amendment upon the bill; and in opening the matter up we would probably have a prolonged debate.

Mr. GRONNA. May I ask the Senator from Washington to point out to me why there should be any opposition to this particular amendment as a prohibition measure?

Mr. JONES of Washington. Not as a prohibition measure; but I can see reasonable grounds for opposing an attempt to put upon this Army bill, looking to the raising of an Army promptly, a general provision to further the cause of prohibition. I can see——

Mr. GRONNA. The Senator must admit that this would be a very effective provision.

Mr. JONES of Washington. Yes. I am in favor of it; but the Senator can see what objection would be offered to a resolution providing for a constitutional amendment being inserted on a bill of this kind. That would be a prohibition measure, and one which I would be in favor of, but it would hardly be applicable to a bill of this character.

We have a prohibition provision that, as I said a moment ago, is clearly applicable to this bill. It prevents the sale of liquor to soldiers in uniform and at forts and military camps and posts, giving the President additional power to surround the Army with prohibition safeguards.

That is as far, it might be said, as we are justified in going in a bill of this character. I believe if this amendment is submitted to a vote it would not command the strength of the temperance forces in the Senate, yet the vote that is cast for it will be heralded abroad as the strength of the temperance forces in the Senate, when it will not represent the real temperance sentiment here.

Now, as the Senator has suggested, there is a bill going to come in here with reference to the food supply and its conservation, and the amendment of the Senator is in every sense applicable to a bill of that character. I can see no reason why upon a proposition of that kind the real friends of temperance should vote against the Senator's amendment.

Mr. GRONNA. May I ask the Senator from Washington if the same argument could not be used against this amendment on a conservation bill? A conservation bill, of course, means the conserving of food, but not prohibition.

Mr. JONES of Washington. I was just saying I do not think the same argument would apply to that bill as applies to this, because what the Senator proposes is one of the wisest methods of conserving the food supply of this country. Every article of food that is consumed in the manufacture of liquor for beverage purposes does not conserve the food at all; it simply wastes it.

Mr. GRONNA. Does not the Senator recognize the fact that there is to a certain extent a provision for prohibition in this very bill?

Mr. JONES of Washington. Yes; I said that; and I think the provision that is in it is clearly applicable to the real purposes of the bill, which is to form an army.

Mr. GRONNA. It only applies to a certain class, of course; it applies only to soldiers.

Mr. JONES of Washington. It only applies to soldiers in the Army. I merely wish to suggest this matter. As a friend of temperance, I shall vote for the Senators' amendment, of course; but I want to say that the vote upon the amendment will not represent the full temperance vote in the Senate. I think it is really unwise to present it now.

Mr. GRONNA. Mr. President, I shall not further delay the Senate, so far as I am concerned, in discussing the measure; but from the expressions which have been made to me and the expressions which have been made on this floor, I can not now withdraw it, and I will simply ask that we have a vote upon it.

Mr. CHAMBERLAIN. Mr. President, I do not think the bill ought to be encumbered with this amendment. I am in entire accord with the Senator from Washington. Inasmuch as it was discussed when the bill was before the Senate the first time, I feel it to be my duty to move that the amendment be laid on the table.

The PRESIDENT pro tempore. The Senator from Oregon moves that the amendment of the Senator from North Dakota be laid on the table.

Mr. GRONNA. I ask for the yeas and nays.

The yeas and nays were not ordered.

Mr. GRONNA. I call for a division.

On a division the amendment was laid on the table.

Mr. WEEKS. Mr. President, I offer the following amendment.

The PRESIDENT pro tempore. The Secretary will report it.

The SECRETARY. On page 29, line 15, after the word "direct," insert the following:

Provided, That the President is hereby authorized to accept for foreign service a company composed of members of the Ancient and Honorable Artillery Company of Boston, Mass., such company to be raised, equipped, and transported at the expense of said organization, and to be subject to such conditions as the Secretary of War may prescribe.

Mr. WEEKS. Mr. President, if that amendment is adopted, it is the purpose of this organization, as the amendment states, to organize, equip, and pay the transportation of a company to go to London and to join the Honorable Artillery Company of London in the trenches. These organizations are the two oldest military organizations in the world. The Honorable Artillery Company of London is 370 years old, in continuous service. The Ancient and Honorable Artillery Company of Boston, which was a direct offshoot of the London company, is 269 years old. It is very nearly a hundred years older than any other military organization in America.

I do not know what the Secretary of War or the President, who will have full power in this matter, will decide is a proper course to take, but it has been brought to my attention by these men, who represent those who in the past have served in all our wars and furnished officers enough in the Civil War to officer several regiments. They are among the best citizens of Massachusetts. They do not ask any expenditure on the part of the Government whatever. I hope the amendment will be accepted and brought to the attention of the proper authorities.

Mr. CHAMBERLAIN. In view of the fact, Mr. President, that we have that question in the section proposed to be amended, so far as I am concerned I am willing to let the amendment go in and take it up in conference.

Mr. REED. Mr. President, I am not only astonished but appalled to find that the Senator from Massachusetts who has insisted upon the floor that the only proper way to raise forces in the present war is by conscription should now come forward not only with a volunteer proposition but a rich man's volunteer proposition.

Mr. GALLINGER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Missouri yield to the Senator from New Hampshire?

Mr. REED. Certainly.

Mr. GALLINGER. I believe I am the only New England Senator who voted in favor of giving the people of this country an opportunity to enlist, and I am not appalled so much as I am gratified to learn that I am going to have an associate in favor of that system, so there will be two New England Senators instead of one.

Mr. REED. Of course, the viewpoint determines everything. I am not appalled at seeing a recruit, a volunteer, coming back to the old fundamentals, but I am appalled to find a Senator usually so logical as the Senator from Massachusetts at such utter war with himself or with the position he took a day or two ago.

Mr. GALLINGER. Mr. President, just a word more.

The PRESIDENT pro tempore. Does the Senator from Missouri yield further to the Senator from New Hampshire?

Mr. REED. I yield to the Senator.

Mr. GALLINGER. In view of the fact that I have been very seriously criticized and excoriated because of my vote on that proposition, I really sympathize with my friend the Senator from Massachusetts when he proposes to get into the same class.

Mr. REED. The difference, as I understand it, is this: The ordinary volunteer who has nothing to give but his life is rejected with scorn and contumely. He is not regarded as a fit person to defend his Government or to carry its flag. Accordingly we are to have conscription—forced service—but according to the philosophy or by the philosophy of the Senator from Massachusetts if a man has money enough to pay his own expenses, or if he is to be financed by some wealthy society, he becomes a very great asset as a volunteer.

Mr. THOMAS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Missouri yield to the Senator from Colorado?

Mr. REED. I yield to the Senator.

Mr. THOMAS. Does it occur also to the Senator that that is the identical class of men whom we were told last week were so necessary to fill the many desirable positions of officers, and that we should not sacrifice them upon the field of battle as volunteers in the ranks?

Mr. McKELLAR. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Missouri yield to the Senator from Tennessee?

Mr. REED. I yield to the Senator from Tennessee.

Mr. McKELLAR. I wish to ask the Senator if he has any knowledge that the particular company which the Senator from Massachusetts desires shall have the privilege of volunteering in this war are of the age to be conscripted? Are they just some conscripts or prospective conscripts who are going to be given the privilege of volunteering, who are to be permitted to do the criminal act of volunteering, or what are the facts and circumstances surrounding this peculiar company by which they should be given this great privilege?

Mr. REED. I understand the men themselves are not so very old, but the organization is exceedingly ancient. Of course we must assume that these gentlemen coming from Boston, where all men are learned, must possess learning sufficient to qualify them to be officers. The fact that they are able to pay their own expenses, or to have them paid, would seem to put them in a class with those who are to be requisitioned for important work in the civil life of the country. So it is proposed at once to violate the principle that only conscripts are fit to serve in the war; second, we are to take in conscripts who are of any age apparently, for there is no age limit mentioned; third, we are to take in conscripts who are undoubtedly qualified to be officers in the Army; finally, you remember in the debates we were to have only one class of soldiers; all must be equal, all must be obtained in the same way, and hence conscription was necessary. You all remember that. Now, it is proposed that we shall have conscripts for the plain, common people, volunteers for the benefit of men or of one man of political eminence, and finally another and a third class of volunteers who are composed of the class able to finance themselves.

Mr. McKELLAR. Will the Senator yield?

Mr. REED. I do.

Mr. McKELLAR. Has not the Senator overlooked another class, those who were given home duty down on the Texas border. For that class I notice the Senator from Massachusetts also voted.

Mr. REED. There is the Texas ranger class, and then there are several other classes. They, however, I think are to be drafted. There is the class which is to be drafted for partial military service.

The astonishing thing of all is that the chairman of the Military Affairs Committee, who stood here and fought more gallantly than ever Trojan battled to keep everything out of the bill except the men who are dragged into the service and to make the Army a conscript army, now offers to accept this

amendment. Would the chairman of the committee accept an amendment now to the effect that the State of Missouri might raise her quota by the volunteer system, just to put the State on an equality with Mr. Roosevelt and with this ancient and honorable order the Senator from Massachusetts speaks for?

I do not want to delay the passage of the bill, but since the Senator is accepting amendments I would like to be permitted to put in an amendment providing that the sovereign State of Missouri, with three and a half millions of people, might be permitted to raise its quota by the volunteering process.

Mr. CHAMBERLAIN. Mr. President, the mere acceptance of a proposed amendment or of an amendment to a bill at this stage of the proceedings does not always express the deep convictions of the committee or of the chairman of the committee. We want to get through with this bill. Mr. President, you heard one of the distinguished Senators who has been in the Senate for 25 years say the other day, "I will accept anything and let it go to the committee of conference, and it will die a cruel death." Accepting this amendment does not commit me or the members of the committee to any particular course.

Mr. REED. That must be a very astonishing statement to the Senator from Massachusetts, assuming that the Senator from Massachusetts is in earnest.

Mr. McKELLAR. Mr. President, I offer the following amendment to come immediately after the amendment of the Senator from Massachusetts which is now pending.

The PRESIDENT pro tempore. That would be an amendment in the third degree.

Mr. McKELLAR. No, sir; there is only one——

Mr. WARREN. Oh, no; the whole matter is in amendment; the Senate bill is an amendment.

The PRESIDENT pro tempore. The question is on the adoption of the amendment of the Senator from Massachusetts to the amendment of the committee.

Mr. FALL. Mr. President, the amendment offered by the Senator from Massachusetts is to me very gratifying, and I shall vote for it with a great deal of pleasure if I have an opportunity; but my pleasure in hearing the amendment read is brought about very largely by the fact that the papers yesterday reported that a very eminent Senator said that the draft proposition being adopted would do away with sentimentalism in the matter of raising armies to conduct the war. I do not know whether that report was correct or not. I am inclined to believe that that could not have been correct, and in that belief I am even more gratified.

The PRESIDENT pro tempore. The question is on the amendment of the Senator from Massachusetts [Mr. WEEKS] to the amendment of the committee.

The amendment to the amendment was rejected.

Mr. KIRBY. Mr. President, however men may differ as to whether I have fought a good fight in opposing the conscription system, the result by so great a majority in its favor seems to conclude that question. No man will say that I have not "kept the faith," that I have not stood by the volunteer system to the "last ditch," and then voted against the bill which abrogates that system. It seems to me that the time has come now when we have found what we think ought to be done, and that we ought to do it without any further delay. I hope this matter will be finished finally and at once.

Mr. CHAMBERLAIN. Mr. President, a number of persons inside the Chamber and out have suggested to me the propriety of offering an amendment to this bill, which I will do in order to test the feeling of the Senate, because the question, in one form or another, will be discussed quite seriously when we get into conference. I should like to have the advice of the Senate regarding it; and to that end I propose the amendment which I send to the desk, to come in on page 21, line 24.

I offer this amendment, Mr. President, for the purpose of getting the matter before the Senate. If it happens to be adopted, it will give the conferees between the House and the Senate an opportunity to discuss the whole situation.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Oregon will be stated.

The SECRETARY. On page 21, line 24, after the word "who," it is proposed to insert "is found, under such regulations as the President shall prescribe, to have in fact and in truth conscientious objections to participating in war as an actual combatant, or who," so that it will read:

> And nothing in this act contained shall be construed to require or compel any person to serve in any of the forces herein provided for who is found, under such regulations as the President shall prescribe, to have in fact and in truth conscientious objections to participating in war as an actual combatant, or who is found to be a member of any well-recognized religious sect or organization—

And so forth.

Mr. POMERENE. Mr. President, may I ask the chairman of the committee, does this amendment which is proposed represent the views of the committee or is it offered by the Senator individually?

Mr. CHAMBERLAIN. I stated to the Senate that I had been requested by some Members of the Senate and by many persons outside of the Senate, who have been before the committee from time to time, to propose such an amendment. I do so because there is a very deep feeling on the subject. That has been evinced in the hearings before the committee on more than one occasion. I desire to have the advice of the Senate on it.

Mr. STONE. Mr. President, I should like to ask the Senator from Oregon to explain just what kind of people this amendment would protect against service? I know the amendment says those who have conscientious scruples; but does the Senator understand that to mean that any man in any vocation or business, one who is of proper military age and strength, can evade service by simply making an affidavit that he has conscientious scruples against becoming a soldier in the ranks? I should like to ask the Senator to say, if that should be the rule, if it would not open a very wide door for men to escape the service?

Mr. CHAMBERLAIN. Mr. President, there are a large number of people in this country who have these convictions on the subject. I stated here the other day that the Presbyterians, as a rule, do not oppose war; the Presbyterian ministry do not oppose war; they have no scruples upon the subject; and yet I was impressed by the argument made by a Presbyterian minister from New York before our committee representing a large body of people. I am satisfied from his testimony before the committee that he would rather be shot than to go to war in any form, and yet men of that class are bound to be small in numbers in the very nature of things. They will be engaged in other occupations, where they will be as useful, probably, as the men who are actually in the trenches doing the fighting. They will be needed in agriculture; they will be needed in other work, which will add much to the resources on which an army depends.

The amendment proposes to leave it to the President to adopt some rule or regulation by which the tribunal before whom these men register can be governed.

Mr. WARREN. Mr. President, I desire to ask the Senator from Oregon a question. I assume from the Senator's statement that he wishes to have it understood that this amendment is not offered on behalf of the committee and that it has not the indorsement of the committee?

Mr. CHAMBERLAIN. I stated that.

Mr. WARREN. I want to ask the Senator a further question. Does not the Senator believe that the permission given to the President to excuse from draft such persons is sufficient to excuse, we will say, the Presbyterian minister to whom he refers or the minister of any other church, as his business is perhaps as necessary for the country as is the business of a man engaged in some trade?

Mr. CHAMBERLAIN. I question if the authority that is now in the bill is broad enough to authorize the President to take that step.

Mr. McCUMBER. Mr. President, I want to agree with the chairman of the committee that there are a great many people in this country who have conscientious scruples about entering into this war. There were a great many such in the Northern States during the Civil War. We called them "copperheads" at that time. I do not know what more pleasant and euphonious name would be given to them in this great world war; but I appreciate the fact that there are a great many of them who would find their consciences very much lacerated if they were called upon to serve their country in this war.

To verify what I have said, I desire to state that there was a little meeting of a certain class of these citizens over in Newark, N. J.—I think it was yesterday—and this is what the New York Tribune says of them, under the proper headline, "Hoboes Vow Not to Fight." Under that headline I read as follows:

> "I promise to be kind and courteous in my treatment of my fellows, and not to take up firearms or the tools of production against my fellow workingmen."
>
> This is the pledge which all hoboes take when joining the International Brotherhood Welfare Association, and they proclaim triumphantly it makes them all "conscientious objectors" and exempts them from draft.
>
> A May Day meeting of the tramps will be held to-day in Newark, when their attitude toward the war will be discussed.

Mr. President, they will all have conscientious scruples about entering into this war.

Mr. THOMAS. Mr. President——

Mr. McCUMBER. Just a moment. The Senator from Oregon [Mr. CHAMBERLAIN] is not in error when he says that there are a great many such people. There is just one place where that kind of people belong, and that is in the trenches, at the front, making them serve their country.

I am against your "conscientious-scruples" proposition when it comes to the service of the country.

Mr. THOMAS. Does the Senator from North Dakota think that if this Ancient Order of Hoboes—I do not know that I get their name correctly——

Mr. McCUMBER. I should have to read the article over again to give the name.

Mr. THOMAS. If they were to unite with some religious organization expressing the same sentiments with regard to war, they would then be exempt under the proviso which the Senator unsuccessfully endeavored to expunge from the bill?

Mr. McCUMBER. Mr. President, a part of their religion is that they will not work, and a part of their religion is that they will not fight. They all come under the provision contained in this proposition.

Mr. THOMAS. It may be that that kind of an organization is a religious one whose article of faith is opposition to war.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Oregon [Mr. CHAMBERLAIN] to the amendment.

The amendment to the amendment was rejected.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time and passed.

Mr. CHAMBERLAIN. Mr. President, I move that the Senate insist upon its amendment and ask a conference with the House on the bill and the amendment, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice President appointed Mr. CHAMBERLAIN, Mr. HITCHCOCK, and Mr. WARREN conferees on the part of the Senate.

Mr. CHAMBERLAIN. In this connection, I move to reconsider the votes by which the Senate passed the bill (S. 1871) to authorize the President to increase temporarily the Military Establishment of the United States.

The motion to reconsider was agreed to.

Mr. CHAMBERLAIN. I move that the bill be postponed indefinitely.

The motion was agreed to.

ENLISTMENTS IN FOREIGN ARMIES.

Mr. OVERMAN. I move that the Senate proceed to the consideration of the bill (H. R. 2893) to amend section 10 of chapter 2 of the Criminal Code.

Mr. LA FOLLETTE. What is that bill?

Mr. OVERMAN. It is a bill to allow Frenchmen in our country to enlist in the French Army and Englishmen to enlist in the English Army.

Mr. LA FOLLETTE. It is not the so-called espionage bill?

Mr. OVERMAN. No; I have not yet called up that bill.

The VICE PRESIDENT. The question is on the motion of the Senator from North Carolina.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 2893) to amend section 10 of chapter 2 of the Criminal Code, which was read, as follows:

Be it enacted, etc., That section 10 of chapter 2 of an act entitled "An act to codify, revise, and amend the penal laws of the United States," approved March 4, 1909, be amended so as to read as follows:

"SEC. 10. Whoever, within the territory or jurisdiction of the United States, enlists or enters himself, or hires or retains another person to enlist or enter himself, or to go beyond the limits or jurisdiction of the United States with intent to be enlisted or entered in the service of any foreign prince, state, colony, district, or people as a soldier or as a marine or seaman on board of any vessel of war, letter of marque, or privateer shall be fined not more than $1,000 and imprisoned not more than three years: *Provided*, That this section shall not apply to citizens or subjects of any country engaged in war with a country with which the United States is at war, unless such citizen or subject of such foreign country shall hire or solicit a citizen of the United States to enlist or go beyond the jurisdiction of the United States with intent to enlist or enter the service of a foreign country. Enlistments under this proviso shall be under regulations prescribed by the Secretary of War."

Mr. OVERMAN. Mr. President, this bill has passed the other House unanimously. The Judiciary Committee of the Senate has reported it favorably, and I do not think there is objection to it.

Mr. GALLINGER. Will the Senator, in a few words, state exactly what is proposed to be accomplished by the bill?

Mr. OVERMAN. Under our Criminal Code no citizen of France, for instance, living in this country could enlist in the French Army, and no Englishman living in the United States could enlist in the English Army. Under the proviso which has been added to the section, and which is the real amendment, Frenchmen living here and Englishmen living here can enlist, respectively, in the French and English Armies. Of course they can not enlist in our Army.

Mr. GALLINGER. Does it propose that recruiting officers shall come over here from those countries?

Mr. OVERMAN. There is no provision about that. It provides that the enlistments may be made under regulations established by the Secretary of War. I desire to say this measure is requested by the representatives of the great countries who are here now, and they desire the speedy enactment of such legislation. They are of the opinion that they can raise perhaps two or three hundred thousand men in this country who would not enter our Army, but who would be glad to join the English or the French Army.

Mr. GALLINGER. I think they could enlist in our Army, could they not?

Mr. OVERMAN. No, sir; they are not citizens of this country. We could not conscript them. They might volunteer.

Mr. GALLINGER. Yes; that is what I meant; they could volunteer. They could join Roosevelt's army, of course.

Mr. OVERMAN. Yes.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

YAKIMA INDIAN RESERVATION.

Mr. OVERMAN. I move to proceed to the consideration of Senate bill 2, known as the espionage bill.

Mr. JONES of Washington. Mr. President, will the Senator yield to me for just a moment?

Mr. OVERMAN. I yield to the Senator from Washington.

Mr. JONES of Washington. I desire to ask unanimous consent for the immediate consideration of Senate joint resolution 43. Briefly, I desire to state that irrigation development is going on upon the Yakima Indian Reservation which will make available a large area of very fertile land for the production of crops. The Indian Office says that the work on the project will have to be stopped for a month or so before the 1st of July unless the money that we appropriated in the last Indian appropriation act is made immediately available. I hope that, under those circumstances, there will be no objection to the consideration of the joint resolution. It is only four or five lines long.

The VICE PRESIDENT. The Secretary will read the joint resolution, and then the Chair will inquire if there is any objection to its present consideration.

The Secretary read the joint resolution (S. J. Res. 43) making available the $200,000 appropriation for irrigation purposes on the Yakima Indian Reservation, State of Washington, carried in the Indian appropriation act for the fiscal year ending June 30, 1918.

Mr. THOMAS. Mr. President, I should like to inquire whether the joint resolution makes an appropriation or merely makes an existing appropriation immediately available?

Mr. JONES of Washington. It makes an existing appropriation immediately available.

The VICE PRESIDENT. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution (S. J. Res. 43) making available the $200,000 appropriation for irrigation purposes on the Yakima Indian Reservation, State of Washington, carried in the Indian appropriation act for the fiscal year ending June 30, 1918, which had been reported from the Committee on Indian Affairs with an amendment at the beginning of line 6, to insert "approved March 2, 1917," so as to make the joint resolution read:

Resolved, etc., That the appropriation of $200,000 for certain irrigation development on the Yakima Indian Reservation, in the State of Washington, contained in the Indian appropriation act, approved March 2, 1917, for the year ending June 30, 1918, be, and the same is hereby, made immediately available.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

PUNISHMENT OF ESPIONAGE.

Mr. GALLINGER. The Senator from North Carolina has made a motion, I believe, to proceed to the consideration of the so-called espionage bill.

Mr. OVERMAN. I have already made that motion.

Mr. GALLINGER. That is a very important bill, and I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Beckham	Jones, N. Mex.	Page	Sterling
Brandegee	Jones, Wash.	Poindexter	Stone
Calder	Kellogg	Pomerene	Sutherland
Chamberlain	Kendrick	Ransdell	Swanson
Cummins	Kenyon	Reed	Thomas
Curtis	King	Saulsbury	Thompson
Fletcher	La Follette	Shafroth	Townsend
France	Lewis	Sheppard	Trammell
Frelinghuysen	Lodge	Sherman	Underwood
Gallinger	McCumber	Shields	Vardaman
Gerry	McKellar	Simmons	Wadsworth
Hitchcock	Martin	Smith, Ariz.	Walsh
Hollis	Nelson	Smith, Ga.	Warren
Husting	New	Smith, Md.	Watson
James	Norris	Smith, S. C.	Weeks
Johnson, S. Dak.	Overman	Smoot	Wolcott

Mr. RANSDELL. I have been requested to announce the unavoidable absence of the senior Senator from Oklahoma [Mr. GORE] on official business, attending a meeting of his committee.

Mr. LEWIS. I wish to announce the absence of the Senator from South Carolina [Mr. TILLMAN] because of illness. I understand that he has been granted an indefinite leave of absence.

The VICE PRESIDENT. Sixty-four Senators have answered to the roll call. There is a quorum present.

ANTHRACITE-COAL SUPPLY.

Mr. OVERMAN. Mr. President, I renew my motion that the Senate proceed to the consideration of Senate bill No. 2.

Mr. CALDER. Mr. President, pending that, I ask the Senator to yield to me that I may ask unanimous consent for the consideration of a resolution which will take but a moment.

Mr. OVERMAN. If it will take only a moment, and there is no objection to it, I will yield.

Mr. CALDER. I ask unanimous consent for the consideration of the resolution which I send to the desk.

The VICE PRESIDENT. The Secretary will read the resolution.

The Secretary read the resolution (S. Res. 51) as follows:

Whereas the quantity of coal in the large centers of population in the United States is such that it is impossible to supply the immediate needs of the people, and from every indication the supply available in the winter of 1917–18 will be such as to cause untold hardships to many people: Therefore be it

Resolved, That the Federal Trade Commission be, and it is hereby, requested to report to the Senate at the earliest possible moment all information obtainable relative to the anthracite coal industry in the United States, and to include in its report a statement of the amount of coal produced during he year 1916 and the probable output during the year 1917.

Resolved, That the commission be requested also to investigate and report to the Senate the cost of mining anthracite coal and the disposition of the anthracite supply during the years 1916 and 1917, as compared to previous years.

The VICE PRESIDENT. Is there objection to the present consideration of the resolution?

Mr. SMITH of Georgia. Mr. President, I ask the Senator from North Carolina to yield to me long enough to introduce a resolution. I will not ask for its consideration at this time.

The VICE PRESIDENT. Let us dispose of this question first.

Mr. SMITH of Georgia. I thought the resolution had been disposed of.

The VICE PRESIDENT. Oh, no. Is there objection to the present consideration of the resolution?

Mr. HITCHCOCK. Mr. President, I should like to have the preamble again read.

The VICE PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

Whereas the quantity of coal in the large centers of population in the United States is such that it is impossible to supply the immediate needs of the people, and, from every indication, the supply available in the winter of 1917–18 will be such as to cause untold hardship to many people——

Mr. HITCHCOCK. Mr. President, it seems to me it would be well to omit such a statement, putting the Senate on record as declaring that there is such a scarcity of coal, and merely have the resolution call for information.

Mr. CALDER. I have no objection to that being done.

Mr. THOMAS. I think the Senator from Nebraska is correct, Mr. President, because there is no scarcity in the coal supply of the United States. The difficulty does not lie in the supply but in the manner of distribution.

Mr. CALDER. I have no objection, Mr. President, to striking out the preamble.

Mr. HITCHCOCK. I think the resolution also covers some information that was included in a resolution which I presented and which was adopted by the Senate at the last session.

Mr. CALDER. That is true.

Mr. HITCHCOCK. It covers ground which the commission is already investigating, but I think there will be no harm in going over it again.

Mr. CALDER. The statement of the Senator from Nebraska is correct.

Mr. President, I desire to say that the purpose of this resolution is to obtain through the Federal Trade Commission all the information relative to the cost of placing anthracite coal on the market, the quantity of it on hand, and whether or not the supply is being diverted from our large centers of population. Last winter there was a dearth of coal in New York, to-day there is hardly enough to meet the immediate needs of the city, and from every indication there will be so great a shortage next winter as to cripple business and cause untold hardships to the people.

The authorities of the city of New York have begun an investigation of the matter, the Federal Trade Commission have been taking testimony on this subject, and the resolution may be the means of bringing out additional facts which may warrant Congress in enacting legislation that will remedy the situation.

The VICE PRESIDENT. Is there any objection to the consideration of the resolution, the preamble having been stricken out? The Chair hears none, and the resolution is agreed to.

RAILROAD REVENUES.

Mr. OVERMAN. Mr. President, we have had no morning hour, and I feel that I ought to yield and I will yield to morning business, but not for the consideration of any bill which will require debate. If I can do that by unanimous consent, I will yield for a few moments, and then will ask that the motion I have made be put.

Mr. SMITH of Georgia. Mr. President, I have a resolution asking the Interstate Commerce Commission to furnish the Senate certain information in regard to the revenues of the railroads which I have been trying to present for a week past. I am quite anxious to have the authentic information to use in a discussion that I desire to present to the Senate within the next few days. I ask unanimous consent to present the resolution at this time.

Mr. GALLINGER. Let the resolution be read.

The VICE PRESIDENT. The Secretary will read the resolution.

The Secretary proceeded to read the resolution (S. Res. 52).

Mr. SMITH of Georgia. Mr. President, if the resolution can be presented, I am content to have it printed in the RECORD, and I will call it up, I hope, in the morning hour to-morrow.

The VICE PRESIDENT. Does the Senator want it read?

Mr. SMITH of Georgia. It need not be read, but I should like to have it printed in the RECORD.

The resolution was ordered to lie over under the rule and to be printed in the RECORD, as follows:

Be it resolved, etc., That the Interstate Commerce Commission is hereby directed to furnish for the use of the Senate a statement of the gross and net revenue of the railroad companies reporting to the commission for the first fiscal year for which reports were made after the creation of the commission, together with a statement showing the gross and net income of said railroads since said time, the statement to be total of said roads and not statement as to each road.

The commission is furthermore directed to furnish for the use of the Senate a statement showing the gross and net incomes of said roads for the last six months of 1916, the statement to be totals of said roads and not statement as to each road.

The commission is furthermore directed to furnish for the use of the Senate a statement of the bonded and other liabilities of the railroads, together with their capital stock, preferred, common, and debentures. Also statement of the net income of said roads after paying interest on their bonded debts. The above information to be applied to the fiscal year ending June 30, 1916.

The commission is furthermore directed to furnish for the use of the Senate a statement of the gross and net incomes of the said roads for the last six months of 1916, with a comparison of same with the gross and net incomes for the corresponding six months of 1915, reference being had to the calendar months.

The commission is furthermore directed to furnish for the use of the Senate a statement showing a comparison of the gross and net income of said roads, for the months of January, February, and March, 1917, with the gross and net income for the corresponding months of 1916, together with the total book costs or property investment account of said roads for the fiscal year ending July 1, 1916.

The commission is furthermore directed to furnish for the use of the Senate a list of the roads making a total net income of 7 per cent or more upon their capital stock during the fiscal year ending July 1, 1916, together with a statement showing the percentage of profits upon the capital stock for the fiscal year of 1916.

The commission is furthermore directed to furnish for the use of the Senate a list of the roads making a total net income of 7 per cent or more upon their book values during the fiscal year ending July 1, 1916, together with a statement showing the percentage of profits upon the book values made by each.

PRODUCTION OF FOOD CROPS.

Mr. SMITH of South Carolina. Mr. President, will the Senator from North Carolina yield to me for a moment?

Mr. OVERMAN. I yield to the Senator temporarily.

Mr. SMITH of South Carolina. I desire to call the attention of the Senate to Senate joint resolution 31. The matter of the food supply of this country, as all of us know, is acute and vital. I have had conferences with the President and with members of the Cabinet. This joint resolution, which I have here before me, is indorsed by all those who have considered it. It does not contain any appropriation in the real sense of that term, but simply authorizes a temporary loan for the purpose of getting fertilizers in time for use in connection with this year's crop. I have sent out a wire to the Atlantic seaboard asking what, in the opinion of the farmers, will be the increase if they can get this ingredient now. I have some one hundred replies. All of them are to the effect that if they can get these fertilizers at a reasonable price the crop can be increased from 50 to 100 per cent. Without them it is almost impossible to raise enough food to supply the Atlantic seaboard. On account of the scarcity of ships it is impossible for private individuals to engage in this business and bring these ingredients here. I am informed by the Government that they are in a position to relieve the situation if this joint resolution is passed.

I shall not take the time right now to read the responses that have come from the farmers themselves in reference to this matter. I hope that the Senate will now pass this joint resolution, as every hour spells disaster if it is delayed, and it means a great deal for us to expedite it.

Mr. THOMAS. Mr. President——

The VICE PRESIDENT. Does the Senator from South Carolina yield to the Senator from Colorado?

Mr. SMITH of South Carolina. I do.

Mr. THOMAS. I dislike to object to the consideration of this joint resolution. Does the Senator really think an emergency is here with regard to that particular subject?

Mr. SMITH of South Carolina. I will state to the Senate that there is not a matter of more vital importance to the entire farming interests of the Atlantic seaboard than immediate relief from this condition.

Mr. SMOOT. Mr. President, as I understand from conversation with the Senator, this nitrate will be furnished by the Government to the farmers——

Mr. SMITH of South Carolina. At cost.

Mr. SMOOT. And I understand that the Government has it on hand at the present time.

Mr. SMITH of South Carolina. Yes; it has enough to relieve the situation.

Mr. SMOOT. And if the officials of the Government allow the farmers to take this nitrate, they have got to rely upon securing sufficient ships and a sufficient quantity of nitrate from Chile to take its place.

Mr. SMITH of South Carolina. I will explain to the Senator that provision has been made by which none of the Government's supply will be at all jeopardized.

Mr. SMOOT. I should like to have the Senator explain how that can possibly be.

Mr. SMITH of South Carolina. There are certain individuals who have laid up a supply here for their own use who are willing in this emergency to permit it to be used as far as it will go for the purpose of relieving the acute condition on the Atlantic seaboard, and the Government will replenish the supply during the year and return it.

Mr. SMOOT. Mr. President, I am totally opposed to the Government of the United States disposing of a single pound of its nitrate.

Mr. SMITH of South Carolina. I do not think the Government will dispose of a single pound of its nitrate.

Mr. SMOOT. If private concerns or private individuals are willing to advance this nitrate to the farmers and take their chances of getting it back, there may be some excuse for it, although I wish to say in that regard that certainly the only corporations or individuals that may be using nitrate to any extent sufficient to relieve the situation now would be the concerns manufacturing powder for the Government of the United States.

Mr. SMITH of South Carolina. I will state to the Senator from Utah that this joint resolution leaves it entirely at their discretion. I have talked freely with them, and there is absolutely no danger of the Government jeopardizing its munitions supply by this use.

Mr. VARDAMAN. Mr. President, is not that optional with the President?

Mr. SMITH of South Carolina. It is left entirely at their discretion.

Mr. SMOOT. Whose discretion?

Mr. SMITH of South Carolina. At the discretion of the President, through such instrumentalities as he sees fit to employ.

Mr. FLETCHER. Mr. President, why not have the resolution read?

Mr. SMITH of South Carolina. Yes; let us have the resolution read, please.

The VICE PRESIDENT. The Secretary will state the joint resolution.

The Secretary read the joint resolution (S. J. Res. 31), as proposed to be amended by the Committee on Agriculture and Forestry, as follows:

Whereas there is compelling need for the fullest agricultural production in the United States this year; and

Whereas a large proportion of the arable lands of America require fertilizers for the production of full crops; and

Whereas since the beginning of the European war there has been a reduction in agricultural production due to the scarcity of fertilizers; and

Whereas this scarcity is caused by the lack of shipping to bring fertilizer ingredients from abroad: Therefore be it

Resolved, etc., That the President is authorized and directed to procure, or aid in procuring, such stocks of nitrate of soda, and other fertilizers and fertilizer ingredients, as he may determine to be necessary, and find available, for increasing agricultural production during the calendar year 1917, and to dispose of the same, on credit or otherwise, at cost, in such way as he deems best to facilitate the purpose. For carrying out the purposes of this resolution, there is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, available immediately and until expended, the sum of $10,000,000, or so much thereof as may be necessary, and the President is authorized to make such regulations, and to use such means and agencies of the Government, as, in his discretion, he may deem best. The proceeds arising from the disposition hereunder of fertilizers and fertilizer ingredients shall go into the Treasury as miscellaneous receipts.

Mr. SMOOT. Mr. President——

Mr. OVERMAN. If there is going to be any great debate on this joint resolution, I shall be compelled to object to its consideration.

Mr. SMITH of South Carolina. I just want to call attention to the fact that on line 6, page 2, where the words "on credit or otherwise" appear, I want those words stricken out, because all the advices that I get are to the effect that the farmers are prepared, if they can get this nitrate, to manage to get the cash and pay for it, so that whatever amount is appropriated will be paid back into the Treasury within 90 days.

Mr. SMOOT. Mr. President, I knew, of course, that the Senator would not insist on any such proposition as this.

Mr. SMITH of South Carolina. Oh, no.

Mr. SMOOT. The idea of saying that we will appropriate $10,000,000 to purchase certain nitrates to be advanced at cost to the farmers of this country and to be paid for on credit or otherwise is unthinkable; but now the Senator has taken that out, Mr. President. I will ask the Senator if he will not allow the matter to go over at this time and let us talk over the question—not on the floor—as to the amount of money that we ought to appropriate?

There is no necessity of appropriating $10,000,000 if the farmers are going to take this nitrate and pay for it, and I should like to learn about what the Senator thinks will carry it over. If the farmers are going to pay the money for it, I am perfectly willing then that whatever the Senator thinks is necessary to purchase the nitrate in sufficient quantities from the parties owning it and pay for it from the Treasury shall be appropriated, and then have the farmer receive it almost as fast as the Government purchases it and pay the Government for it.

Mr. SMITH of South Carolina. Mr. President, if the Senator will allow me, we have gone over all of this carefully. Let me read some of the telegrams here just to show the urgent situation that exists.

Mr. SMOOT. Oh, I know that the farmers want it. There is not any question about that. I am perfectly willing to say to the Senator now that he could get a million telegrams as far as that is concerned.

Mr. SMITH of South Carolina. But the point I am making is this: As a member of the Agricultural Committee, I know that we have only a few days for seeding and fertilizing, and know by practical experience that unless this fertilizer is obtained at once we are going to have a shortage of millions and millions of bushels of corn and grain on the Atlantic seaboard. For 60 years we have been dependent upon this kind of fertilization of the crops that we have raised, and for the first time in our history we are cut clean off from the supply. I have been working on this matter now for over a month, and have gotten it in such shape that if so much is not needed, then so much will not be used; but every dollar that is used will be returned into the Treasury immediately upon the delivery of the article.

Mr. SMOOT. Mr. President, I am fully aware of the necessity of fertilizers for the use of the farmers. I believe that with the words that have already been stricken out, "on credit or otherwise," it would have required perhaps $10,000,000 to

cover the whole sections of the country within the short period of time in which it must be shipped out; but with those words stricken out, it then becomes only a question of the farmer depositing the money with the Government of the United States, and they in turn can turn over the money, and the nitrates can be shipped directly to the farmer. It will then take but a very little money out of the Treasury of the United States by way of advancement.

Mr. SMITH of South Carolina. Let me explain to the Senator that if it becomes necessary for the Government to use such vessels as are at its disposal to go to the Chilean mines and bring the nitrate, it will perhaps need this total amount, and as fast as the nitrate is delivered the cash will be paid for it; so that what I am pleading for now is this: Having taken up this matter with the different departments here, with the different members of the Cabinet under whose administration it will come, this joint resolution is in the shape that is workable. If they do not need this amount, they will not use this amount; and if they do need it, they will use this amount; and it will be covered back into the Treasury within 90 days; and any delay now means a shortage of the crops on the Atlantic seaboard.

Mr. SMOOT. Why, Mr. President, I understood the Senator to say just a few moments ago that the nitrates were now in this country.

Mr. SMITH of South Carolina. Only a part of them. They are not all here. It is only a part.

Mr. SMOOT. Well, then, if the nitrates are not in this country there will not be any nitrates brought by boat from Chile up to the United States in time to use for this season's crop.

Mr. SMITH of South Carolina. I understand, but——

Mr. SMOOT. I understand, however, and I have understood right along, that the nitrates were now in the possession of certain corporations in this country, and that they in turn had promised that the nitrates that they hold to-day should be advanced to the farmers of this country provided the Government of the United States would see that those nitrates were replaced from Chile by the time they want to use the nitrates they have on hand.

Mr. SMITH of South Carolina. Let me say to the Senator that that is only partial. It must be remembered that on the Atlantic seaboard corn is planted from March until the 15th of June, and that we can get a partial supply for the corn in this country now. It is possible and very probable that we will have to import nitrate for the later corn, and it is absolutely vital that we make arrangements now to have this quickly diffusible stimulant for the grain and corn crop and the vast truck crop of the Atlantic seaboard. The Government is in a position now to get nitrate anywhere from $30 to $35 a ton cheaper than the private individuals can get it. It is now selling at from $80 to $85 a ton, and as high as $100 a ton, as against $35 and $40.

I have here letters and telegrams from the men who make the bread of this country, pleading and begging me to expedite this matter and see that they are not put in a position where two or three weeks' delay spells practically the loss of all the time and labor that they have put in. They are perfectly willing to work; they are perfectly willing to take the chance of making the crop for this country without any fixed price or any guaranty, if the Government will see that they can get the ingredients to make it with at a reasonable price; but you can not expect them to sell cheap and abundant food when they have to pay enormous prices for the thing that goes to make the food, and this is the fundamental upon which it all depends—the fertility of the soil.

Mr. OVERMAN. I hope Senators will not discuss this matter much longer.

Mr. SMITH of South Carolina. I do hope that the Senator from Utah will allow this joint resolution to pass this afternoon, let it go to the House, let it be discussed there, and let us get the practical relief that is demanded by the emergency that stares millions of us in the face.

Mr. SMOOT. Of course, Mr. President, I know that $10,000,000 does not amount to anything in these days.

Mr. SMITH of South Carolina. But this is not an appropriation of $10,000,000.

Mr. OVERMAN. Mr. President, is the Senator going on with this discussion for any great length of time?

Mr. SMOOT. Just a minute more.

Mr. SMITH of South Carolina. The Senator from North Caroline is as much interested in the matter as I am.

Mr. OVERMAN. I know, but——

Mr SMOOT. We are thinking in terms of billions nowadays; but in the joint resolution as it was originally, providing that this nitrate should be sold on credit, there was an appropriation of $10,000,000. Now, when the credit is stricken out, it does seem to me that $10,000,000 is altogether too much.

Mr. SMITH of South Carolina. We have calculated upon the cash. The only reason why the committee inserted the words "or on credit" was with the thought that prime commercial paper from certain banks might be placed over against it; but the very first conception, and the conception now, is that the Government will be secured. Now, we strike out all of that, however, because I am advised by the farmers, and I knew at the time, that they can make arrangements to get the money to pay for this fertilizer, so that the Government will not be out a moment after the fertilizer is delivered. They do not ask you to give it to them. They ask you to save them from paying the enormous price now, as compared with the ordinary price. The Government is in a position to get it. They are the only ones that are in a position to get it, and you are now asking the people to come to the rescue of the Government.

You have spent $3,000,000,000 to help the people across the ocean, and yet you are not willing to spend $10,000,000 to help feed our own flesh and blood on the American Continent. We do not ask you to give this to them. We just ask you to authorize a temporary loan until it can be brought here and furnished to us, and we will give quid pro quo. I do not see how any Senator can object to it. I do not see any possible reason for objecting.

Mr. SMOOT. Mr. President, I am not objecting at all to the Government of the United States assisting the farmers in securing fertilizer. That is not what I am objecting to. I do say, however, that no bill——

Mr. FLETCHER. Mr. President, I will ask the Senator what he would suggest?

Mr. SMOOT. Just a moment; let me finish the sentence, anyhow. I do state that no bill was ever brought into the Congress of the United States with such loose provisions in it for the expenditure of $10,000,000 as this bill.

For instance, as reported, this nitrate was to be disposed of "on credit or otherwise, at cost." The committee have stricken out the words "credit or otherwise," and this is the way it reads:

> And to dispose of same, at cost, in such way as he deems best to facilitate the purpose.

At cost, payable in advance? Payable 30 days after date? When is it to be paid? There is nothing in the joint resolution which says how it shall be paid; the only statement is that it shall be sold or disposed of at cost.

Mr. SMITH of South Carolina. When it says "sold at cost," does not that imply that the Government will protect itself, as a matter of course? Who is the Government? We are a part of it. Who is it feeding? Us, as a matter of course.

Mr. SMOOT. Of course the Senator knows who the Government is, and so does every other Senator.

Mr. FLETCHER. Mr. President, may I ask the Senator if he will suggest what sum he would favor inserting there?

Mr. SMOOT. Why, at least it ought to read:

> And to dispose of same at cost, payable in advance.

Then we will know, at least, that we will get the money back.

Mr. VARDAMAN. I ask the Senator if he will not accept that.

Mr. SMITH of South Carolina. I will accept that amendment.

Mr. REED. How would "for cash in hand" do?

Mr. SMOOT. Well, we do not want the farmer to be compelled to bring up the cash and put it in the Treasury.

Mr. SMITH of South Carolina. I will accept the amendment, so as to make it read, "payable in advance, at cost."

Mr. SMOOT. No; "at cost, payable in advance."

Mr. SMITH of South Carolina. All right; I will accept that.

Mr. SMOOT. Now, I want to say to the Senator in all seriousness that I can not see why there should be $10,000,000 appropriated, now that the words "on credit" have been stricken out.

Mr. SMITH of South Carolina. Why, it does not make a particle of difference. It is the volume; it is the amount.

Mr. McKELLAR. It would have to be reappropriated.

Mr. SMITH of South Carolina. It has been found, after careful calculation, that it will take that amount to supply the needs of those who are anxious to join in this matter.

Mr. SMOOT. Well, Mr. President, I think the whole joint resolution could have been drawn in very much better shape.

Mr. SMITH of South Carolina. I will state to the Senator from Utah that it was drawn with care by those who are charged with the administration of this work.

Mr. SMOOT. I do not care who drew the joint resolution, whether it was the Secretary of Agriculture, or anybody else.

Mr. SMITH of South Carolina. The Secretary of Agriculture did not have anything to do with it.

Mr. SMOOT. I want to ask the Senator now, how this money is to be distributed? Where is it to go? Who is to distribute it?

Mr. SMITH of South Carolina. As to the details, you have your different organizations throughout the country. Every State has its organization to help in this emergency.

Mr. SMOOT. But this does not provide for it in any way.

Mr. SMITH of South Carolina. The joint resolution provides that the President shall prescribe rules to protect it. We could not go into all the particulars.

Mr. SMOOT. Having faith, Mr. President, in the House of Representatives that this proposition, if it is favorably acted upon, will be redrafted and put into some kind of business-like form, I shall not object any further to its consideration at this time.

Mr. HITCHCOCK. Mr. President, I should like to ask the Senator from South Carolina whether these fertilizers are to be applied to the ground for the purpose of raising cotton?

Mr. SMITH of South Carolina. No; this is grain fertilizer.

Mr. HITCHCOCK. Then why not substitute the word "food" for "agricultural"? I think the need of the day is the production of food, and the Government can well afford to take some interest in the production of food; but I should not like to see a large part of the nitrate used for the production of some crop other than food.

Mr. SMITH of South Carolina. I should like to state to the Senator that right at this time there is not a finer food product in the world than cotton seed. It is the finest cattle feed in the world. One thousand pounds out of every 1,500 pounds of what is called a bale of seed cotton is cattle feed, the finest in the world, so that it would really do two things if it could be profitably applied to cotton. It would help clothe the country and feed it at the same time. Besides that——

Mr. HITCHCOCK. Let me ask the Senator another question. The cotton production is not deficient in any way, is it? It was enormously large last year.

Mr. SMITH of South Carolina. Oh, it was 6,000,000 bales small for the lack of fertilizer—6,000,000 bales short.

Mr. HITCHCOCK. Was it? Then is it proposed to use this fertilizer for cotton production?

Mr. SMITH of South Carolina. Only partially.

Mr. HITCHCOCK. I notice that the Senator in his remarks has confined himself to food production.

Mr. SMITH of South Carolina. Well, it is indicated more for that than for any other purpose. I do not know that it adds very greatly to the cotton crop, but it does double and quadruple, in some instances, the food crop. Let me read the Senator a telegram on this subject from one of the biggest farmers in South Carolina.

Mr. McKELLAR. Mr. President, if the Senator will yield, I should like to say to the Senator from Nebraska that one of the best food crops we have is the by-production of cottonseed.

Mr. SMITH of South Carolina. One of the very finest. Just let me read a telegram here from the man who runs one of the largest farms in my State. This is his telegram:

> I farm 2,200 acres, running 80 plows, 1 truck, and 1 motor truck. I plant legumes exclusively and feed cattle for manure; but without soluble nitrates, even at going prices, I could not profitably produce corn, oats, truck. I also supply 200 farmers operating 300 plows. Without soluble nitrates they could not make enough to pay their bills. My experience is that of the largest and best farmers as well in this important section. Earnestly urge that you press Government intervention to guarantee nitrate supplies at reasonable cost, and that no time be lost.

Now, that is only one. Here is another which I find at the top:

> Nitrate at reasonable prices will increase food products 100 per cent. Get it if possible.

This is just a sample of hundreds of letters and telegrams from that section.

Mr. McCUMBER obtained the floor.

Mr. SIMMONS. Mr. President, will the Senator from South Carolina permit me to ask him a question?

The VICE PRESIDENT. Does the Senator from North Dakota yield to the Senator from North Carolina?

Mr. McCUMBER. I will wait until the conversation ceases over there.

Mr. SMITH of South Carolina. I will yield to the Senator from North Carolina.

The VICE PRESIDENT. The Senator from South Carolina yielded the floor. He sat down.

Mr. SIMMONS. Mr. President, as I understand this proposition, it is that the Government shall make arrangements—which it has been indicated that it can make—with certain large holders of nitrate of soda in this country to turn over to the Government part of their supply, with the understanding that the Government will later replace that with nitrate of soda to be brought from Chile.

Mr. SMITH of South Carolina. That has been suggested; but it is also proposed, in the meantime, to bring from Chile what is indicated for the later crops.

Mr. SIMMONS. Now, then, Mr. President, if the Senator will pardon me, I think I know something about the farming situation of the South——

Mr. McCUMBER. Mr. President, I assume that the Senator wishes my time, and if he will take it he can have it.

Mr. SMITH of South Carolina. Mr. President, I beg the Senator's pardon. I did not know that he had been recognized.

Mr. SIMMONS. I beg the Senator's pardon. I thought I was interrupting the Senator from South Carolina.

Mr. SMITH of South Carolina. That was my understanding.

Mr. McCUMBER. I know what the Senator thought; but I say that I was recognized, and if the Senator wants my time I will yield and ask for recognition later.

Mr. SIMMONS. If the Senator has been recognized, I will not take him off the floor. I did not intend any discourtesy.

Mr. McCUMBER. I appreciate that, Mr. President.

I want to give just two reasons why I can not support this joint resolution, although I shall not object to its consideration. I do not consider it an emergency measure for these reasons: First, I believe the Government needs all the nitrate that is now in the United States for its own use in the manufacture of munitions. Secondly, if we are to get what the Government does not need from Chile, it will be so late by the time we get it that it can not possibly be used for this year's crops, and the emergency will have passed before we secure the nitrate.

I am opposed to the joint resolution for another reason, and that is that there is no provision made for determining what the cost will be. Allow me to suggest to the Senator from South Carolina that we will have to bring this nitrate across the water. We are now at war with Germany. It is only a short time since a German submarine sent down, I think, some seven vessels in a single day off our own coast. Now, if we are bringing 100,000 tons of nitrate from Chile in two vessels of 50,000 tons each, and one of the vessels is sunk with 50,000 tons on board, what is the cost to the Government of the other 50,000 tons, and who is to pay for the loss?

Those questions always arise whenever you put the Government into the business of dealing directly with its people. The taxpayers finally have to look after the losses. I am quite certain that the Senator from South Carolina would say that the Government ought not to charge any more for that 50,000 tons than it cost the Government in Chile, together with transportation and handling charges, even though the 50,000 tons would cost the Government twice as much by reason of having lost by submarine attack one-half of the total cargo purchased. The private individual could make that up by taking advantage of the law of supply and demand, and making charges accordingly, but the Government can not do that. Therefore the Government takes all the risk and the individual purchaser takes none.

But I would not even object to that provided I felt certain that we could secure this nitrate in time to be available this year for the use of the farmers who raise cereal and other food products. Your winter wheat is already in and toward maturity. Your spring wheat is practically all in, and that may be said of all of the ordinary cereals but corn. The number of acres of corn that could be planted and ripened after you could get this joint resolution through and get your nitrate and get it upon the farm would be so negligible that it would practically amount to nothing this year.

Mr. SIMMONS. Mr. President, the statement of the Senator from North Dakota may be correct with reference to conditions in his part of the country, but the Senator evidently does not understand the situation in the South. In practically all the South Atlantic States the need for this particular fertilizer exists to some extent now, and will exist even to a greater extent later on, for treatment of both corn and cotton. I may say in passing that cotton seed has become as much a staple food product for cattle, and, to a large extent hogs, as corn. In these States corn has already been planted and cotton planting is now progressing. In a few weeks, according to the custom in the South, the farmers will begin to apply, by way of side dressing, this fertilizer. That starts the plant. Two or three months later it is necessary to make another application, the first application being directed toward making the stalks of corn or of cotton, the last being directed very largely for the purpose of making and maintaining the fruit, the ear in the case of corn, and the boll in the case of cotton.

There is in this country at this time available to the Government a limited supply of this material, but not enough to meet the total demands of the farmers. There is probably enough to supply the present needs, the requirements of the first application, so to speak, but not enough to supply the needs for the second application.

Mr. BORAH. Will the Senator yield for a question?

Mr. SIMMONS. Certainly.

Mr. BORAH. I am entirely friendly to this measure if it will accomplish the object it is designed to accomplish, because I think the food question is altogether the most tremendous fact we have to deal with. Is it possible to get these nitrates here in time to serve the crop this year?

Mr. SIMMONS. That is exactly what I was proceeding to demonstrate. As I said, there is probably enough in this country to-day that is available to the Government to supply the present requirements. That, I understand, can be secured by the Government, with the understanding that later it will replace the amount now, so to speak, to be loaned to it by certain munition corporations which have on hand more than their immediate needs demand; but later it will be necessary to have an additional supply, which can not be secured in this country, and to get that the Government will have to send to Chile. The Government fortunately is about ready, if not altogether ready, with the necessary ships. The only trouble has been about the ships to bring it. There is plenty of the material in Chile, but we have not been able to get the ships to transport it. The Government has the ships, and, I understand, it is a part of the scheme which has been worked out by the Department of Agriculture that the Government is to dispatch vessels at once to Chile for the double purpose of getting enough of this material to replace that which it is now proposed to borrow for immediate use, and in addition to that enough to supply the demand which will exist for what is called among the farmers side dressing for the plants during the months of June and July, for these are the months in which the second application is made.

Mr. POMERENE. May I ask the Senator are these nitrates as they are imported from Chile used in their natural state by the farmers or are they used in combination?

Mr. SIMMONS. This material is not used as fertilizer except in combination with other materials.

It may be, Mr. President, that the Senator from Utah is right as to that part of this plant food which it is contemplated the Government will secure by loan from the corporations I have spoken of. That part of the transaction may require but a small outlay. But when the Government goes to Chile to get the fertilizer to replace that thus borrowed and for the purpose of buying an additional supply to meet the larger summer demands which I have described it will have to pay cash, because it is very well understood that you can not buy this material except for cash, and the amount required for the purchases will be large. It is a very expensive fertilizer. Even in normal times it cost from $45 to $55 a ton. It is being sold now at from $90 to $100 per ton. It will take, therefore, a very considerable amount of money, and I do not regard the amount appropriated in this resolution as excessive.

But, Mr. President, the money will be out of the Treasury for only a short time. A part of it will be replaced almost immediately. The balance of it will be replaced during the months of June and July of this year.

Now, as respects the necessity for this legislation, I do not believe that the case can be overstated; that is, if it is the desire of this country that the crops of the South, the corn crop, the pea crop, the truck crop, and the cotton crop, shall be anything like what they ought to be in proportion to the acreage planted. I think while we are planting in the South a very much larger acreage in food products than heretofore, though not quite so much in cotton, it makes little difference how many acres we plant unless we have this particular fertilizer. The total yield will not exceed if indeed it reaches the normal quantity. There is absolutely no other fertilizer used or known which can take its place. Its use is absolutely essential to the production of a full crop of corn, cotton, and so forth, in this section.

It is a well-understood maxim among the farmers of the South, there is no division of opinion about it, experience has demonstrated beyond peradventure, that this one ingredient used upon corn, especially grown in the light soil of the coastal regions, will add from 33⅓ to 75 per cent to the productiveness of the acreage planted in those products. That is true of corn and cotton, and it is true of truck. The farmers understand that. The farmers of the South will tell you, "We have got to double our acreage in corn to produce the same amount of corn if we do not have this material." Some of them are paying $90 and $100 a ton for it. But many of them feel they can not afford to do that. The bulk of the farming of the South is not done by rich people. Rich men sometimes own large plantations but they cultivate them by the tenant system. Sometimes they help their tenants and sometimes they do not help them. The men of small or moderate means who do the bulk of the farming of the South and naturally they hesitate to incur such an indebtedness and take the risk as to seasons and prices which a farmer must always run.

Mr. President, lately we have been passing a great deal of emergency legislation here. This resolution is presented by the Senator from South Carolina on behalf of the Committee on Agriculture as a piece of emergency legislation. My mails, like his mails, have been flooded for the last two or three days will urgent appeals from the farmers of my State and outside of my State in the South, to do what I can to secure the passage of this legislation.

Mr. HITCHCOCK. I should like to ask the Senator at what price does he estimate the Government will be able to sell these nitrates? He states that the price in the open market now is around $100 a ton.

Mr. SIMMONS. Yes; but while the price in Chile has increased, it has not increased as it has in this country. It has increased here not because it is abnormally high in Chile but because of the enormous expense of transportation and the difficulty of transportation at any price.

Mr. HITCHCOCK. Has the Senator any estimate of what the expense would be to the Government?

Mr. SIMMONS. Ordinarily I suppose it could be delivered at from $40 to $50 a ton. In normal times that would include profit.

Mr. HITCHCOCK. Does the Senator think that the Government will be able to sell the nitrate now at $45?

Mr. SIMMONS. The Government would probably have to pay for the nitrates in Chile more than the normal price in Chile before the war, but if you eliminate the profits and the freight I think the Government could sell it at about what it cost before the war, which was from $45 to $55 per ton.

Mr. SMOOT. Do I understand the Senator to claim that the Government will not add the freight from Chile here?

Mr. SIMMONS. I think the Government would. I think the suggestion was probably inadvertently made, but I think the difference would be the elimination of profit. Probably the Government could sell this material at what was the cost to the farmer before the war. There probably might be a little addition, but the addition would not be very considerable.

Mr. SMOOT. I think the Senator is mistaken in that, but that is neither here nor there.

Mr. SIMMONS. The Senator must take into consideration that the big profit for the middle men will be eliminated.

Mr. SMOOT. The price of nitrate in Chile has nearly doubled in the last two or three years.

Mr. SIMMONS. It has not increased so much. I think in Chile it has but slightly increased. That is my information.

Mr. SMOOT. I think by this time it is more than double.

Mr. SIMMONS. As the Senator knows, the profits of the middlemen upon these materials before the war were very large. Probably one-third of the old price was transportation and middleman profits.

Mr. SWANSON. If the Senator will permit me, we had occasion to look into this matter in the Committee on Naval Affairs in the purchase of munitions for the purposes of the Navy at the time the appropriatioh bill was under consideration. The price of nitrate in Chile has not increased very much for this reason: The freight was so high that it was impossible to get ships to carry the nitrates. They had accumulated there very much, and in comparison with the price of other things the price of nitrate in Chile had gone up less than the general increase in the price of products in the rest of the world. It was not only owing to the high cost of freight but the impossibility to get ships to bring the nitrate out of Chile. Consequently we felt that it would be very well for the Government to get a large supply of nitrate, and appropriations were made for that purpose. I am satisfied that even now, although I have not the statistics, the price of nitrate in Chile has not increased to the extent indicated by the Senator from Utah, though it has increased, but the increase has not been great for the simple reason that we have not been able to get ships to get nitrates out from Chile, and consequently the supply has accumulated there.

Mr. SMOOT. I noticed in one of the New York papers the other day an article on Chilean nitrates, and in that article it is stated that the demand has been so enormous by England, France, Russia, and Japan that the price had increased, I think over double what it was a few years ago, and that the Chilean Government itself were taking into consideration the

advisability of restricting the exportation of nitrates from Chile. That article gave an account of how fast the Chilean nitrate beds were being exhausted. I think if the Senator will make an investigation he will find that not only has the price increased but there is a move on foot now to restrict, at least to a limited extent, the exportation of nitrates from Chile.

Mr. SIMMONS. I have no doubt if this nitrate is obtained by the Government and sold at cost it can be delivered to the farmers for from $50 to $60 a ton, and the farmer can well afford to pay that. He will gladly pay it.

The Senator from North Dakota [Mr. McCUMBER] thinks that by reason of the possibility of the destruction of the ships laden with this material the cost to the Government might be very heavy, and therefore the farmer would not get the benefit of cheap material after all. I do not think that enters into the matter because the Government, I take it, like individuals in sending their ships to sea in conditions that now exist generally protect both the ship and the cargo with insurance. I take it that while the Government might sustain some monetary loss in case a nitrate ship was attacked by a submarine, most of it would be covered by insurance and the cost to the Government would not be very materially increased by reason of that fact.

Mr. President, I feel like making an appeal to Senators who do not live in the belt where we are so dependent upon this material not to oppose or delay the passage of this measure. It is exceedingly important, if we are going to pass it, that it should pass speedily, because, as the Senator from South Carolina has said, there is immediate need for a part of this material.

Mr. BORAH. I wish to ask the Senator a question. I have a bill pending here providing for the Government guaranteeing the bonds upon the irrigation projects of the West. Would the Senator accept that as an amendment to this joint resolution?

Mr. SIMMONS. I am not the author of the resolution, I will say to the Senator. It came from the Committee on Agriculture, through the Senator from South Carolina. I am merely addressing myself to the joint resolution. I am not in charge of it and I can not bargain about it.

Mr. McCUMBER. Before the Senator takes his seat let me call his attention to the fact that I am informed that the price of Paris green has more than doubled in the last few years, and the devastation of potatoes by the potato bug is enormous. Does not the Senator think that it would be very proper to also provide that the Government should buy up the Paris green and sell it to the farmers at cost, so that they may protect themselves against this pest?

Mr. SIMMONS. I am not familiar with Paris green and the bug situation described by the Senator. I do not know anything about the scarcity of Paris green or the price it commands. I have not heard any complaint as to the scarcity or high price of Paris green. I have not heard that the price of Paris green was so high that the farmers could not afford to buy it. We have here, in the case of nitrates, developed the proposition of an inadequate supply on the one hand and almost prohibitive prices on the other hand.

Mr. McCUMBER. Let me call the Senator's attention, then, to the fact that in my own State, and in many places in the North, farmers could not put in the potatoes that they required on account of the enormous cost they had to pay for the seed. That is true also of seed wheat. They could not get it at a reasonable price. None of our people in the North, however, suggested that the Government should come to their aid and buy all these things and transport them at cost and turn them over to them.

Mr. SIMMONS. Mr. President, I will say to the Senator that if he could make a statement here that the material to which he refers—Paris green—is essential to the crops of his section, that there was no way of getting a supply at reasonable prices except by the intervention of the Government, as is true in this case, and if he will offer a measure for the purpose of meeting that situation to help out the farmers in his section I shall be very glad to give it my cordial support, and I think that every other Senator from the South will also do so. I do not understand, however, that any such case has been presented.

Mr. McCUMBER. I do not want to get into the habit of asking support for the farmers of the North every time there is a scarcity of things which they wish to purchase.

Mr. SIMMONS. Mr. President, I am disappointed that Senators from other sections of the country should make objection to necessary legislation upon the ground that it will benefit the crops of the farmers of a particular section of this country. We are engaged in a war that will tax every resource of the soil of this country in order to feed our own people and to help feed our allies who are doing the fighting for us. Every magazine, every agent of publicity in this country is calling upon the farmers to plant more and more of foodstuffs, to the neglect of the other higher-priced products of the farm. The farmers of my section want to respond to that call. There is now only one obstacle in the way of their doing it effectually. They will do it ineffectually if that obstacle is not removed; but there is, I repeat, one obstacle in the way of their doing it with the effect which the Government and the necessities of the Government and the people who are our allies across the water have an interest in our doing it.

The great obstacle to our doing it is getting a proper and adequate supply of this material. Here it is pointed out to Congress by the ranking member of the Committee on Agriculture that after investigation and after negotiation it has been found feasible for the Government to secure not only the amount needed at present but to secure the amount which will be needed in the near future, and that in no other way can the farmers secure it.

It can be secured by the Government without risking a dollar from the Treasury, simply by a temporary loan; a loan at first for not more than probably 30 or 60 days and finally a loan for 90 days or 6 months. The Government is making the demand; the Government is the only agency that can help the farmer meet that demand adequately. The way is pointed out in which the Government can do it. Circumstances that make it impossible for it to be done in any other way are presented to the Senate. Then, if the Senate wants the farmers of that section of the country to discharge their full duty and to contribute to the full extent of their potentialities to the needs of this emergency, upon what ground can this legislation be rejected? Upon the ground that it is unusual legislation? Upon the ground that it is paternal legislation? Upon the ground that possibly you can not find a warrant for it in the letter of the Constitution? Mr. President, that might be a good argument if times in this country were normal, but there is nobody who does not know that the situation in which we find ourselves so throws this country out of its normal condition that we are compelled, as a matter of fact, in our legislation from day to day in dealing with these great questions, to deal without any delicate regard to precedents or even to constitutional limitations.

Mr. SMITH of Georgia. Mr. President, I believe that this question and the facts which surround it take this resolution entirely out of any ordinary situation. The high price of nitrogen is not the sole trouble about getting it. It is simply not on the market in the United States. The high price is but an expression of the lack of sufficient quantity to go around. It can not be had to meet the demands of agriculture to-day. It has run up in price away beyond normal—more than 150 per cent above normal—because it is known that the supply is not sufficient to go around. It has been shown that it will add an average of 50 per cent to the production of corn in large sections of the country. It is too late for wheat and for oats, but it will add 50 per cent to the yield of beans, peas, and truck-farm crops. A few buy it, but at the exorbitant price a great number of farmers can not get it at all. If all could bid for it, it would go away above $1.25.

We are making a struggle to produce more foodstuffs; we are told that the food supply is as important as the soldier supply.

Mr. LODGE. May I ask the Senator from Georgia a question?

Mr. SMITH of Georgia. Yes.

Mr. LODGE. Is our effort to increase the production of foodstuffs confined to one section of the country?

Mr. SMITH of Georgia. Not at all.

Mr. LODGE. I asked that question because the Senator from South Carolina [Mr. SMITH] spoke about this being for the benefit of the States on the Atlantic seaboard; but after I listened to the Senator from North Carolina [Mr. SIMMONS] I gathered that that was one of the inadvertencies of the Senator from South Carolina, and that the "Atlantic seaboard" was no further north than the Capes.

Mr. SMITH of Georgia. I have not a question but that it is important to the growers of the New Jersey coast; I have not a question but that it will substantially affect the bean and truck production in New Jersey and also in Connecticut, and along the entire Atlantic coast where the soil is sandy.

Nitrogen is not found in sandy, loamy soil and must constantly be artificially supplied; it is not needed nearly so much in a clay soil, for it is very easy by the utilization of manures and leguminous plants to accumulate nitrogen in a clay soil; but in sandy, loamy soil the nitrogen is largely used everywhere as an artificial commercial fertilizer, administered to the crop as it is grown.

Mr. LODGE. In all southern New England there is a great demand for fertilizers, for nitrates. I have had many letters

about it from my own State. What disappointed me, however, was after the liberal statement of the Senator from South Carolina that this was for the benefit of the Atlantic seaboard, to find from the remarks of the Senator from North Carolina that it was confined to the cotton belt. Few people eat cotton——

Mr. SIMMONS. Will the Senator from Georgia permit me a moment?

Mr. SMITH of Georgia. Yes.

Mr. LODGE. Although some animals eat the products of cotton seed.

Mr. SIMMONS. If the Senator from Georgia will permit me, I will say to the Senator from Massachusetts that I was speaking with reference to that territory of which I have knowledge as to conditions.

Mr. LODGE. Yes; I inferred that.

Mr. SIMMONS. I have no doubt in the world that the other sections would also receive the benefit.

Mr. LODGE. I inferred that the Senator from North Carolina was speaking about the territory of which he knew best.

Mr. SIMMONS. This material is very much used; but I think it is probably more used in the light, loamy soils of the South Atlantic seaboard than it is in other sections of the country, though I think it is used to some extent all over the country.

Mr. SMITH of Georgia. It is more used on the South Atlantic seaboard only perhaps because there is more of that kind of soil there.

But what I desired to urge, Mr. President, was this—and I ask Senators to hear me—I have recently made quite an investigation of the nitrogen situation in connection with the construction of nitrogen plants. I have learned that the Government had 30 days ago an ample supply of saltpeter from Chile to fill its entire wants for military purposes for the full limit of contemplated military expansion for more than 12 months, and that it had en route enough for another year. That is the point I want to bring to the attention of the Senate—that the Government has now enough of the Chile supply to furnish the fullest demands of the Government for two years on the expanded plan of munitions production.

Mr. SMOOT. Mr. President, will the Senator yield for just a moment?

Mr. SMITH of Georgia. I will.

Mr. SMOOT. Before the Senator concludes his remarks I should like to have him explain, if he can, why we should have an appropriation of $10,000,000 for this purpose when the total imports from Chile in 1902 were $7,740,000—bear in mind that these figures include nitrates and everything else from Chile—that in 1903 the total amount was $9,380,000; in 1904, $10,775,000; in 1905, $11,071,000; and in 1908 the total amount was $14,000,000. And yet an appropriation is now asked of $10,000,000, when all of the imports from Chile of nitrates and everything else do not total the amount of the appropriation being asked for.

Mr. SMITH of Georgia. Mr. President, I will not stop to discuss the appropriation at this moment. I am discussing another proposition. I am discussing the proposition that the Government has the saltpeter here needed for strictly military purposes for two years, and will need only a portion of the supply for the next six months; it has saltpeter enough to last two years. Thirty days ago it had landed and stored enough to meet its demands for 12 months, and on the ocean it had enough—which no doubt has been received by this time—to last 12 months longer. What I wish to suggest is that, if our allies are greatly dependent upon us for foodstuffs as well as for bullets and powder, it will not interfere at all with our powder and bullet output if we temporarily use part of the saltpeter for the production of foodstuffs.

Mr. SMOOT. Does the Senator understand that the Government is to advance these nitrates?

Mr. SMITH of Georgia. Not at all.

Mr. SMOOT. Well, I should like to say to the Senator——

Mr. SMITH of Georgia. Let me finish. I think I will explain my view to the Senator and that he will grasp it. This resolution authorizes the Government to furnish the supply at cost and be reimbursed in cash. My own view of the way in which this subject should be handled intelligently is this: The Government will determine, or the President might determine, that so much of the saltpeter which we have on hand will not be needed for 12 months, and we can duplicate that quantity from Chile in three months or two months. It can be ascertained what it will cost to duplicate the supply for military purposes and, if deemed advisable, furnish for the immediate needs of agriculture the surplus at just what it would cost the Government to replenish its supply for military purposes, and utilize now part of the supply for agriculture, first being absolutely sure that we will be reimbursed in cash for the quantity furnished to the farmer at what it will cost to bring within the next two months a supply from Chile. That is my view of the practical way to handle it. We may then stimulate food supply and in no sense jeopardize the quantity which may be required for munitions.

Mr. SMOOT. That is a very plain statement that everyone can understand.

Mr. SMITH of Georgia. Yes.

Mr. SMOOT. But that is not the proposition involved in the pending measure. The proposition, as I understand, is that they be advanced by some corporation which has nitrates on hand, and that then the Government will see that the nitrates are returned to the parties who advance them at this time. That is the proposition, as I understand.

Mr. OVERMAN. Mr. President, I hope now we can vote on this joint resolution. I think it has been discussed sufficiently.

Mr. SMITH of Georgia. Mr. President, my view of it is that we should leave the use of saltpeter on hand to the discretion of the President and his assistants, and if they find we have more than we could use in 12 months for munitions he could allow part of it to be used now to increase the crop of foodstuffs at the price it will cost the Government to bring the same amount here for munitions. If we have more now than can be used in 12 months for munitions, and can certainly duplicate any portion used now to increase food supply before it will be needed for munitions, it would be wise to so act as to make the food and munitions both certain in ample quantity.

Mr. SMOOT. Of course it is very simple, if the Government is going to allow the nitrate to be used, and is going to be paid for it in advance. It would take hardly any money at all to do that. The Senator from Georgia has made a clear, concise statement, and I do not believe anybody would object to the joint resolution if it were put in that form, but that is not the proposition in this resolution.

Mr. SMITH of South Carolina. I have understood that such a policy might be pursued.

Mr. SMOOT. I can not read it in that way; and I can not agree with the Senator.

Mr. SMITH of Georgia. What the Senator from Georgia favors is what he has said. I believe it should appeal to sound judgment; our supply of munitions and foodstuffs should both be carefully assured.

Mr. POMERENE. Mr. President, I should like to ask the Senator from Georgia a question about this matter. There is not any provision in this joint resolution looking to any method of distribution of these nitrates. There are other sections of the country that use nitrates as well. There is no place for the storage of these nitrates.

Mr. SMITH of Georgia. They are already here and are stored.

Mr. POMERENE. And there is no method whatever provided for the distribution of these nitrates that are to come from Chile.

Mr. SMITH of Georgia. We have already nitrates enough here to last us for military purposes for two years.

Mr. POMERENE. I am not speaking about nitrates for military purposes; I am speaking of the nitrates which it is expected to import for agricultural purposes.

Mr. SMITH of Georgia. My own view is that those already here may be used in part, and those hereafter brought from Chile may take the place of those used. If they are brought at once from Chile for agricultural purposes, it would not be difficult for the Department of Agriculture to handle them.

I urge that as a matter of national defense we should make certain an increase of food supply; and if the Government is in position to increase substantially the supply by furnishing saltpeter for cash, the farmers would be aided and the national defense strengthened.

Mr. SWANSON. Mr. President, we have had some discussion as to the price of nitrates and to what extent it has advanced in Chile. I asked Admiral Earle, who is Chief of the Bureau of Ordnance, to give me the figures with reference to the contracts which the Government has made for the purchase of nitrates in Chile. I am informed that in 1912 we paid $60 per ton for nitrates delivered at Indianhead; in 1913 we paid the same; in 1914 I think no purchases were made, as they were not able to get contracts; in 1915 the price was $53.76 per ton.

Mr. SMOOT. In 1914 there were greater imports of nitrates from Chile than in any other year.

Mr. SWANSON. I am talking about naval purchases. I repeat that in 1912 the Navy paid for nitrates, delivered at Indianhead, $60 per ton; in 1913 $60 per ton; in 1915 $53.76

per ton. They have not been able to find the contracts for 1916, and they think possibly no purchases were made for that year. In 1917 the department purchased nitrates in Chile at $47 per ton, which is figured, delivered at Indianhead, to be $53.76 per ton, the same as was paid in 1915. This showing would seem to indicate that nitrates in Chile have not advanced in price since 1912, but rather have declined on account of the inability to get ships to bring the nitrates out, while the price of nitrates elsewhere was greater because of freight charges being 300 or 400 per cent more than normal. In 1917 on account of the low price of nitrates, at the instance of the Committee on Naval Affairs, a large appropriation for their purchase was made, it being considered a good opportunity to get this material.

Mr. SIMMONS. Will the Senator allow me to suggest that he is referring to refined nitrates. That is not the kind the farmers use. The kind the farmers use is cheaper than that.

Mr. SWANSON. I am referring to the kind the Navy Department buys for munitions purposes, and they paid in Chile $47 a ton for it in 1917.

Mr. SMOOT. And that is the kind of nitrate, if they get it, that the Government will have to take now. I based my statement upon——

Mr. SWANSON. Just let me finish this, and then I will yield to the Senator. The position that I took in reference to this matter is that any purchase of nitrates in Chile now will not be at an exorbitant price, and I believe they will be purchased as low as the Government or anybody else would be able to get them for a long time. I believe that as soon as ships again become numerous and freight rates are reduced, the great demand for nitrates will be such that the price will necessarily greatly advance; and if we have ships that can be made available to purchase nitrates at the present price in Chile and bring those nitrates here, then, if they are not disposed of for agricultural purposes, the Government will have a good bargain, in common parlance, and a very valuable article for future use, even for governmental purposes.

That was the view that the Navy, and I also think the Army, entertained when they made appropriations for a large purchase of nitrates.

Mr. SMOOT. Mr. President, in answer to the statement which has been made by the Senator from South Carolina that nitrates had advanced in price, and therefore the farmer would be compelled to pay more, I simply referred to an article in one of the New York papers that I had read but a short time ago, in which it was stated that the orders they had received this year from the countries I have mentioned were so great that the Chilean Government was contemplating putting an embargo upon the exportation of nitrates.

Mr. SWANSON. Mr. President, if the Senator will permit me, does he not think that if the Chilean Government is going to put an embargo upon the exportation of nitrate it would be very well for us to get a supply before that is done?

Mr. SMOOT. Certainly. That has not been a part of this discussion at all; and I thought the article was perhaps an inspired one, for it gave the extent of the nitrate beds to-day, the estimated tonnage of nitrate that was left in those beds, showing that they were being exhausted very rapidly. It was upon the basis of that statement that I said what I did.

Mr. VARDAMAN. Mr. President, a small section of my State will probably be benefited by the passage of this bill; but whether it benefits one acre of Mississippi soil or not, if it helps the farmers of the other sections of these United States without imposing a burden upon the people generally, it has my unqualified indorsement. There is nothing akin to a donation in this appropriation. It is rather an investment. The Government has the fertilizer or can get it; the people need it; and that which adds to the wealth of the individual citizen without robbing or taking from some other citizen contributes to the total wealth of the Nation, and is therefore beneficent. Nor is it sectional in any of its terms or application. As a matter of fact, every rood of land in this Republic that needs fertilizing to make it bring forth a profitable crop will be permitted to share the advantage of this legislation. As to the probability of nitrate being taken for the farm that ought to be used in the manufacture of munitions of war, I submit that we may trust to the prudence and the good judgment of the President of the United States to see that it is not done. He will not permit one ounce of this nitrate to be used in growing crops if it is needed in defense of the Nation. As has been so well stated by Senators who have preceded me, if the fertilizer is not obtained for the farmer in the very near future it means a great falling off in the crops. The amount of fertilizer used in the first application when the crop is planted is less than that which is distributed later. The scientific farmer now feeds his plant, encourages its growth with as much intelligence, prudence, and profit as he does in raising his cattle, hogs, and other live stock.

Now, the people of the United States and our allies across the ocean are going to need foodstuffs. This is a matter of first concern and vital importance which must not be overlooked, and it can not be put off. In that portion of Mississippi which uses fertilizer the yield will fall off tremendously unless the farmers are able to get it, and I know of no other way to get it except by the means provided in this measure. I can not see how there can be any valid objection to the proposition. Every dollar that is invested will bring to all the people a handsome return. The farmer pays for the fertilizer before he gets it, and the money returns at once to the Treasury.

Mr. President, I wish that measures of this character might be discussed without bringing in sectional issues. I pity the man whose patriotism is bounded by State lines or geographical sections, and I pity the Government whose laws are written in the spirit of sectionalism. I have never refused to vote for an appropriation that was helpful to the citizens of any part of this Republic. I have voted for appropriations to carry out reclamation schemes in the great arid West, and I always did it with pleasure. I acknowledge the moral obligation which I am under to serve the people of every section of this Republic, and do it as earnestly as I would serve those whom I have the honor to represent directly in this Chamber. The Senator from North Dakota [Mr. McCUMBER] has mentioned something about the exorbitant prices for which Paris green is selling. I should most cordially support any measure that the Senator might propose whereby the Government of the United States may render help to the farmers of the Northwest by purchasing and selling at cost Paris green to them, and I think to do so would be a proper use of the governmental functions. I do not care whether the Paris green is to be used on the cotton worms of Mississippi or the potato bugs of North Dakota, California, or Maine, if it helps the farmer without laying an undue burden upon the other classes of our people. I hold it is proper for the Government to help the farmer get it as cheaply as possible, and I shall vote for it. This Government, I repeat, can not make an investment that will bring larger returns to all the people than by helping the farmer, the man upon whose back, in the end, the whole burden of governmental expense falls. No, it is not a donation, it is an investment, a wise investment, and I trust the resolution may be agreed to.

Mr. LODGE. Mr. President, I am inclined to think, as the Senator from Mississippi has said, that this is an investment for the Government, and a permanent one. If there were not the element of a donation in it, if money were not being taken out of the Treasury and given to somebody, the joint resolution would not be here. There is no use, I think, in deceiving ourselves about anything so familiar as that. But what I wanted to call attention to was this:

I can understand the argument for the nitrates. Those are produced naturally only in Chile, so far as I am aware, and they are of great importance not merely to the South but to the whole Atlantic seaboard; and I am using that description to cover the whole Atlantic seaboard. I can see a reason for that; but under this joint resolution the President has the right to purchase other fertilizers and fertilizer ingredients anywhere. He can buy phosphates in the South and transport them to the North, where they are very much needed, owing to difficulties of transportation. He can buy loads of manure in the cities and have them carried out to the farmers in the country. It covers everything—every form of fertilizer on earth. It is not confined to the nitrates, for which there may be some reason; but this is a joint resolution to put the Government in the entire business of furnishing fertilizers of every sort and kind.

I am as anxious as anybody to see food raised in this country, but I think there must be some limit to these things. This is confined, at best, to a very small portion of the country, and I do not see anything to justify giving the President money to buy fertilizers of any sort or kind all over the United States, and all over the world, for the matter of that.

Mr. SMITH of South Carolina. The proposition here, Mr. President, was this: It was suggested in the committee that there might be some difficulty in transporting certain ingredients the use of which was very much indicated in the part of the country north of us; but I think myself that after the joint resolution was put in the shape it is it might be very well, after the word "soda," to strike out "and other fertilizers and fertilizer ingredients," and just restrict it to the way we have it here.

Mr. LODGE. I move to strike that out and confine it to nitrate of soda.

Mr. SMITH of South Carolina. I will accept that amendment.

The PRESIDING OFFICER (Mr. SHEPPARD in the chair). Will the Senator from Massachusetts state his amendment?

Mr. LODGE. After the word "soda," in line 2, page 2, I move to strike out the words "and other fertilizers and fertilizer ingredients."

Mr. SMOOT. Mr. President, do I understand that the amendment I suggested, the insertion of the words "payable in advance" after the word "cost," has been adopted?

Mr. SMITH of South Carolina. That has been accepted.

The PRESIDING OFFICER. If the Senator will pardon the Chair for a moment, consent has not yet been given for the consideration of the joint resolution. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution, which had been reported from the Committee on Agriculture and Forestry with amendments.

The PRESIDING OFFICER. Now let the amendment of the Senator from Massachusetts be stated.

The SECRETARY. On page 2, lines 2 and 3, in the amendment of the committee, it is proposed to strike out, after the word "soda" and the comma, the words "and other fertilizers and fertilizer ingredients."

The amendment to the amendment was agreed to.

Mr. SMOOT. Now, Mr. President, after the word "cost," on line 6, page 2, I move to insert the words "payable in advance."

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The SECRETARY. On page 2, line 6, after the word "cost," it is proposed to strike out the words "in such way as he deems best to facilitate the purpose" and to insert the words "payable in advance," so that it will read "dispose of the same at cost, payable in advance."

The amendment to the amendment was agreed to.

Mr. SMITH of South Carolina. Now, Mr. President, in order to make the text conform to the amendment, in line 15, I should like to have it read:

> The proceeds arising from the disposition of the nitrate of soda shall go into the Treasury as miscellaneous receipts.

Mr. SMOOT. In other words, the Senator wants to strike out——

Mr. SMITH of South Carolina. After the word "hereunder," I want to strike out "of fertilizers and fertilizer ingredients" and insert "of the nitrate of soda."

Mr. SMOOT. No; strike out the word "hereunder," as well, so that it will read:

> That the proceeds arising from the disposition of the nitrate of soda shall go—

And so forth.

Mr. SMITH of South Carolina. That is correct.

The PRESIDING OFFICER. The Secretary will state the amendment.

The SECRETARY. On page 2, lines 15 and 16, it is proposed to strike out the words "hereunder of fertilizers and fertilizer ingredients," and to insert the words "of the nitrate of soda."

The amendment to the amendment was agreed to.

The SECRETARY. The Senator from South Carolina [Mr. SMITH] also proposes an amendment, on page 2, line 6, after the word "same," to strike out the comma and the words "on credit or otherwise"

The amendment to the amendment was agreed to.

Mr. JONES of Washington. Mr. President, I want to ask the Senator in charge of the bill a question. I understood from the debate a while ago that the real purpose of this joint resolution is to make available supplies of nitrates now on hand, and to replace them hereafter with nitrates brought by the Government from Chile; in other words, that the nitrates on hand for the manufacture of powder and things like that are of such amount that a great part of them could be used for fertilizing now and be replaced hereafter. Then the Senator from Virginia [Mr. SWANSON] referred to the nitrates that were brought here by the Government for naval purposes, and then I understood the Senator from North Carolina [Mr. SIMMONS] to say that those nitrates were not suitable for fertilizer.

Mr. SMITH of South Carolina. Oh, yes; they are.

Mr. SIMMONS. Mr. President, I find that I was mistaken about that, and I withdrew the statement.

Mr. JONES of Washington. That is what I wanted to find out, because it seemed to me that if that was true, very likely the nitrates that had been brought here for the Army were unsuitable, too, and there might not be any nitrates on hand that would be suitable for fertilizer.

Mr. SMITH of South Carolina. No.

Mr. JONES of Washington. That is all right, then.

Mr. FRELINGHUYSEN. Mr. President, may I ask the Senator from South Carolina a question? Has this measure been approved by the Department of Agriculture?

Mr. SMITH of South Carolina. It has been approved by the Agricultural Committee and approved by the entire preparedness board, or as many of its members as I was able to see in person. It was reported unanimously by the Agricultural Committee of the Senate.

Mr. FRELINGHUYSEN. I mean the Secretary of Agriculture; the Department of Agriculture?

Mr. SMITH of South Carolina. The Secretary of Agriculture is heartily in accord with it.

Mr. FRELINGHUYSEN. May I ask one other question? Have the War and Navy Departments agreed to the depletion of the nitrate store in this country at this time and in this emergency?

Mr. SMITH of South Carolina. That is not indicated in the resolution, nor in anything that I have heard discussed at all. I have not heard that even intimated.

Mr. FRELINGHUYSEN. Does not the Senator believe that at this time, when we have just declared war, it is rather a dangerous proceeding to deplete our nitrate supply?

Mr. SMITH of South Carolina. The Senator misunderstands me. There is no proposition here to deplete any of the stores held by the Government for munition purposes.

Mr. FRELINGHUYSEN. As I understand, you intend to take temporarily the nitrate supply that is now on hand in this country and then replace it.

Mr. SMITH of South Carolina. Oh, no; that is entirely a misunderstanding on the part of the Senator. That is not contemplated.

Mr. FRELINGHUYSEN. I understood that that statement was made on this floor, Mr. President.

Mr. SMITH of South Carolina. No.

Mr. SMITH of Georgia. Mr. President, I suggested that that would be a very intelligent mode of procedure; that if they had nitrogen that they would not need for over 12 months, and food was just as important as powder and bullets, and they could easily resupply that nitrogen in six months, I suggested that it would be a very intelligent thing to do; and I still think so.

Mr. FRELINGHUYSEN. I should like to ask the Senator another question. Where are the ships coming from to transport the nitrate at the present time? Has any investigation of that question been made?

Mr. SMITH of South Carolina. Investigation has been made, and the department having that matter in charge has assured me——

Mr. FRELINGHUYSEN. Has the Senator any report on that subject for the information of the Senate?

Mr. SMITH of South Carolina. I have talked directly with those who have it in charge, and they say that they are available.

Mr. FRELINGHUYSEN. Mr. President, my term of service in this body has been of very short duration; but, representing my constituency, I believe it is my duty to protest against the expenditure of $10,000,000 of the public funds at this time unless we know something more about the matter. I therefore shall vote against it, not because I am unwilling to support the joint resolution of the Senator from South Carolina to meet the emergency at this time to procure fertilizers for the corn and cotton of the South, but because I believe this question is a broad question which should be considered from the standpoint of the whole country, and that we should not specialize in favor of any one section. We must be guided by the Council of National Defense, we must be guided by the Department of Agriculture, as to our policy in this question. But when it is proposed that we shall appropriate $10,000,000 with as little information as we have now, I am unwilling to vote for it unless I can procure more information.

Mr. TOWNSEND. Mr. President, I stated to the Senator from South Carolina that I would not object to the consideration of the joint resolution upon a brief explanation which he made to me, and I have not objected and shall permit it, so far as I am concerned, to come to a vote.

I wish, however, that we could have had this case presented by one of its advocates alone. I would have been less confused than I am at the present time. I thought I understood it from the statements of the Senator from South Carolina. Then when other Senators followed him they presented it in a different

manner and which greatly confused me, and I do not know just where I am at.

I agree with the Senator from New Jersey [Mr. FRELINGHUYSEN] that this is a serious question and it is being legislated upon without information that is reliable. I understood the Senator from South Carolina to say that it is proposed that the Government shall buy this nitrate and send to Chile for a large portion of it; that we have some here, but not sufficient. The Senator from Georgia and the Senator from Virginia insist that we have plenty in the United States now, and that we can use that without embarrassing the Government during the next 12 months. But what will happen if there should be an embargo placed upon the export of this material from Chile within a year, or at the end of a year? We ought, Mr. President, to have a report from the department which has this matter in charge. I do not mean by that——

Mr. GRONNA. Mr. President——

Mr. TOWNSEND. Just a moment; let me finish the sentence. I do not mean by that that I would be bound by the opinion of a department against my own knowledge or against the actual knowledge of Senators who have become posted on the subject, but inasmuch as there is such a difference of opinion among the advocates of the joint resolution itself, and not a scrap of anything before us to indicate what the real facts are—the undisputed facts—it seems to me that we are proposing to make a very serious mistake.

The Senator from South Carolina, and it is repeated by other Senators, insists that the price of this fertilizer is almost prohibitive, that it has increased perhaps a hundred per cent during the last few years. So have the products which this fertilizer encourages. They, too, have increased hundreds of per cent, and the southern farmer is better able to purchase his fertilizer than ever before. We have difficulties in the North, but we expect to meet them. We work them out; we do not come to the Government of the United States, which already is loaded down with more than it can properly do, and ask Government aid, although on the same theory as that presented by the friends of this resolution we would be as much entitled to Government aid.

Mr. GRONNA. Mr. President——

The PRESIDING OFFICER. Does the Senator from Michigan yield to the Senator from North Dakota?

Mr. TOWNSEND. I do.

Mr. GRONNA. The Senator from Michigan states that there is a possibility that an embargo may be placed upon the Chilean product. Of course, that may be true, but he will remember that we appropriated, I think, some $20,000,000 out of the Treasury of the United States for the purpose of erecting a nitrate plant in our own country?

Mr. TOWNSEND. How far have they progressed?

Mr. SMITH of South Carolina. Mr. President——

Mr. TOWNSEND. I yield now to the Senator from South Carolina.

Mr. SMITH of South Carolina. The Senator was speaking about the price of everything going up. This particular product has been in this peculiar situation: That on account of the scarcity of ships and the inviting freight rate on the Atlantic seaboard it has been impossible to get nitrate here at anything like a reasonable figure; certainly not at a price where it could be used profitably by the farmer. As the Senator from Virginia [Mr. SWANSON] has shown, it has not increased at the source of supply. Therefore if the Government can take its vessels and procure these nitrates and bring them here it is out no money, because as rapidly as it is brought here it is absorbed by the farmers at a price at which they can afford to use it to increase the food supply. That is the peculiar difference between it and other things that have advanced. They are not in existence perhaps or they have been cornered perhaps; but the source of this supply is abundant and we have now an opportunity to avail ourselves of a means to get it here and through the transformation into crops increase the yield without the loss of a cent by the Government or without impairing the credit of the Government.

Mr. TOWNSEND. That argument is familiar, Mr. President. The Senator proposes that the Government shall undertake this scheme and if there is any loss the Government shall sustain it, and it would be obliged to do it.

Then we propose in this emergency also to send ships, and yet nobody has pointed out to us what ships we have that we could send. We are preparing to send ships to Europe. We would have to send them into a danger zone on this nitrate mission for ships have been sunk in that region.

The Senator from North Carolina [Mr. SIMMONS] suggests they would be covered by insurance, but that would mean a loss to somebody, that so much property has been destroyed and the nitrate would go to the bottom of the sea; it would not enrich the land, and the expedition would impoverish the people to that extent.

Mr. President, I know it may seem like an ungracious thing for any one to stand up before an argument which proposes to increase the food production. But who knows that it would? It is speculative and most uncertain.

Mr. SMITH of South Carolina. Will the Senator allow me?

The PRESIDING OFFICER. Does the Senator from Michigan yield to the Senator from South Carolina?

Mr. TOWNSEND. I yield.

Mr. SMITH of South Carolina. I did not take the time of the Senate, and if the Senator will excuse a personal allusion I would not come before the Senate and make a plea that I have made for this measure if I myself did not know individually that the food products of the Atlantic seaboard are practically dependent upon this one material, and in substantiating that here are hundreds of letters and telegrams covering the entire country testifying to the fact that it is essential.

Mr. TOWNSEND. But, Mr. President, unless we get the nitrate it will not help the land. You are taking the chances of not getting it. If you are going to get it the only sure way to obtain it is to take it out of the Government supply as the Senator from Georgia has suggested. That is the sure way of getting your fertilizer. But in taking it from that supply you deplete the material that we need now or which we may need within a year. Otherwise you will not get it in time for your crop. You can not get it in time for use now even if you are to go out and find the ships that do not exist which may be used for this particular purpose.

So, Mr. President, I feel about this a good deal as I did a few years ago when the proposition was to buy all the cotton in the South. We have lived to see what a foolish proposition that would have been. I think this is equally foolish and equally unnecessary. I do not think at this time the Government ought to assume the burden of a $10,000,000 investment. If you are going to do it, if you are going into this enterprise, why not accept the proposition of the Senator from Utah and reduce the $10,000,000? You will not need it if you are going to pay cash for your product, as the money would be quickly turned, if in good faith it is proposed that the southern farmer is actually to pay cash.

Mr. SMITH of South Carolina. The joint resolution provides that if it is not needed it will not be used, and as fast as it is used it will be replaced in the Treasury.

Mr. TOWNSEND. That is the reason why you need a smaller sum. It sounds a little better to make it $5,000,000 or $1,000,000 than to make it $10,000,000.

Mr. McKELLAR. Mr. President——

The PRESIDING OFFICER. Does the Senator from Michigan yield to the Senator from Tennessee?

Mr. TOWNSEND. I yield.

Mr. McKELLAR. I rose simply for the purpose of correcting the Senator about the cotton situation two or three years ago. If the Government had done then for the cotton industry what was asked, it would have made about 200 per cent on its investment without a particle of loss.

Mr. TOWNSEND. It would have been a very improper thing for the Government to do, but the suggestion of the Government making a profit out of such a deal is, of course, a joke.

Mr. McKELLAR. It might have been improper, but it would have been very wise.

Mr. GALLINGER. And the Government not making that great profit, the cotton raisers made it; so they ought not to complain.

Mr. McKELLAR. No, sir; I beg the Senator's pardon; the speculators made it.

Mr. TOWNSEND. I am very sorry this matter had to come up with so little information concerning it.

Mr. VARDAMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Michigan yield to the Senator from Mississippi?

Mr. TOWNSEND. I yield the floor.

Mr. VARDAMAN. I wish to correct the statement made by my distinguished and always generous friend from New Hampshire [Mr. GALLINGER] about the cotton raisers getting the profit. The men who toiled for 12 months to make the crop in 1914 were compelled to sell it for 10 cents a pound less than it was worth, amounting to something like $40 a bale. The inability to hold it in order to bridge over the conditions that were produced by the war caused this loss to the poor fellow who toiled, sacrificed, and suffered. I am not talking about the speculator, but the man who tilled the soil and devoted 13 months of the year to make it. In 1914 and 1915 this amounted to something like three-quarters of a billion dollars, and the loss fell upon

the toiling poor, the unfortunate individuals who do more for society and receive less of the profits of their own toil than any class of men who have to do with them. And I want to say to my good friend that the losses sustained by these same people in 1914 and 1915 they have never recovered from. They still feel the pinch of poverty caused thereby.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee as amended.

The amendment as amended was agreed to.

The PRESIDING OFFICER. If there are no further amendments as in Committee of the Whole, the joint resolution will be reported to the Senate.

Mr. GALLINGER. I will ask the Senator from South Carolina if after the joint resolution is passed he will not move to strike out the preamble?

Mr. SMITH of South Carolina. I will.

Mr. GALLINGER. There are some things recited in it that I would object to.

Mr. SMITH of South Carolina. I will move to strike it out.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The joint resolution was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The question is, shall the joint resolution pass?

Mr. FRELINGHUYSEN. I ask for the yeas and nays on the passage of the joint resolution.

The yeas and nays were not ordered.

Mr. McCUMBER. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Brandegee	James	Overman	Smoot
Broussard	Johnson, S. Dak.	Page	Sterling
Calder	Jones, N. Mex.	Phelan	Stone
Chamberlain	Jones, Wash.	Pittman	Swanson
Fall	Kendrick	Poindexter	Thomas
Fletcher	Kenyon	Pomerene	Townsend
Frelinghuysen	Kirby	Ransdell	Trammell
Gallinger	Lewis	Robinson	Vardaman
Gore	Lodge	Shafroth	Wadsworth
Gronna	McCumber	Sheppard	Walsh
Hale	McKellar	Simmons	Wolcott
Hollis	Martin	Smith, Ga.	
Husting	Norris	Smith, S. C.	

The PRESIDING OFFICER. Fifty Senators have answered to their names. There is a quorum present. The question is, Shall the joint resolution pass?

Mr. McCUMBER. On that I demand the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. SIMMONS (when his name was called). I transfer my pair with the junior Senator from Minnesota [Mr. KELLOGG], whom I do not see in the Chamber, to the Senator from New Jersey [Mr. HUGHES] and vote "yea."

Mr. SMITH of Maryland (when his name was called). Owing to the absense of my pair, the Senator from Vermont [Mr. DILLINGHAM], I withhold my vote.

Mr. WOLCOTT (when his name was called). I have a general pair with the senior Senator from Indiana [Mr. WATSON], who is not in the Chamber. I transfer that pair to the senior Senator from Nevada [Mr. NEWLANDS] and vote "yea."

The roll call was concluded.

Mr. JAMES (after having voted in the affirmative). I transfer my pair with the Senator from Massachusetts [Mr. WEEKS] to the Senator from Arizona [Mr. ASHURST] and will allow my vote to stand.

Mr. CURTIS. I have been requested to announce the following pairs:

The Senator from West Virginia [Mr. GOFF] with the Senator from South Carolina [Mr. TILLMAN];

The Senator from Connecticut [Mr. McLEAN] with the Senator from Montana [Mr. MYERS];

The Senator from Pennsylvania [Mr. PENROSE] with the Senator from Mississippi [Mr. WILLIAMS]; and

The Senator from Michigan [Mr. SMITH] with the Senator from Missouri [Mr. REED].

Mr. CHAMBERLAIN (after having voted in the affirmative). I am paired with the Senator from Pennsylvania [Mr. KNOX]. He is not in the Chamber. I transfer that pair to the Senator from Texas [Mr. CULBERSON] and will allow my vote to stand.

Mr. VARDAMAN (after having voted in the affirmative). I have a general pair with the Senator from Idaho [Mr. BRADY]. I transfer that pair to the senior Senator from Oklahoma [Mr. GORE] and will let my vote stand.

Mr. CURTIS (after having voted in the negative). I have a pair with the Senator from Georgia [Mr. HARDWICK]. In his absence I transfer that pair to the Senator from Washington [Mr. POINDEXTER] and will let my vote stand.

The result was announced—yeas 52, nays 8, as follows:

YEAS—52.

Bankhead	Husting	Overman	Smith, Ariz.
Beckham	James	Page	Smith, Ga.
Broussard	Johnson, S. Dak.	Phelan	Smith, S. C.
Chamberlain	Jones, N. Mex.	Pittman	Sterling
Fernald	Jones, Wash.	Poindexter	Stone
Fletcher	Kendrick	Pomerene	Sutherland
France	Kenyon	Ransdell	Swanson
Gallinger	Kirby	Robinson	Thompson
Gore	La Follette	Shafroth	Trammell
Gronna	McKellar	Sheppard	Vardaman
Hale	Martin	Sherman	Wadsworth
Hitchcock	Myers	Shields	Walsh
Hollis	Norris	Simmons	Wolcott

NAYS—8.

Calder	Fall	McCumber	Smoot
Curtis	Frelinghuysen	New	Townsend

NOT VOTING—36.

Ashurst	Goff	Lewis	Smith, Md.
Borah	Harding	Lodge	Smith, Mich.
Brady	Hardwick	McLean	Thomas
Brandegee	Hughes	Nelson	Tillman
Colt	Johnson, Cal.	Newlands	Underwood
Culberson	Kellogg	Owen	Warren
Cummins	King	Penrose	Watson
Dillingham	Knox	Reed	Weeks
Gerry	Lane	Saulsbury	Williams

So the joint resolution was passed.

The title was amended so as to read: "A joint resolution to increase food crops in the United States."

Mr. GALLINGER. Mr. President, I will ask the Senator from South Carolina to have the preamble stricken out.

Mr. SMITH of South Carolina. I ask that the preamble be stricken out.

The PRESIDING OFFICER. Without objection, the preamble will be stricken out.

PUNISHMENT OF ESPIONAGE.

Mr. OVERMAN. I renew my motion that the Senate proceed to the consideration of Senate bill No. 2.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2) to punish acts of interference with the foreign relations, the neutrality, and the foreign commerce of the United States, to punish espionage, and better to enforce the criminal laws of the United States, and for other purposes.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. Sharkey, one of his secretaries, announced that the President had, on April 30, 1917, approved and signed the following act:

S. 1800. An act to amend an act approved June 29, 1906, and entitled "An act to authorize the Grand Lodge of the Independent Order of Odd Fellows of the District of Columbia to sell, hold, and convey certain real estate."

PETITIONS AND MEMORIALS.

Mr. KNOX presented resolutions adopted by the congregations of sundry churches in the State of Pennsylvania, praying for national prohibition during the period of the war, which were referred to the Committee on the Judiciary.

Mr. GALLINGER presented petitions of the congregation of the Free Baptist Church, of Gonic; the Executive Committee on Public Safety, of Antrim; and of sundry citizens of Derry, all in the State of New Hampshire, praying for national prohibition during the period of the war, which were referred to the Committee on the Judiciary.

Mr. TOWNSEND presented petitions of the Men's Bible Class of the Methodist Episcopal Church, of Clare; of the congregation of the First Congregational Church, of Owosso; of the congregations of the Presbyterian and Congregational Churches, of Ludington; and of the congregation of the First Methodist Episcopal Church, of Ishpeming, all in the State of Michigan, praying for national prohibition during the period of the war, which were referred to the Committee on the Judiciary.

Mr. SHEPPARD presented a petition of the Lions Club, of Dallas, Tex., praying for compulsory military service, which was ordered to lie on the table.

He also presented a memorial of sundry citizens of Wolfe City, Tex., remonstrating against compulsory military service, which was ordered to lie on the table.

He also presented petitions from the Texas Division United States Army for Food Service; of the congregation of the Collins Memorial Methodist Episcopal Church, of Houston; the congregation of the Presbyterian Church of Palacios; and of sundry citizens of Christoval and Jacksboro, all in the State of Texas, praying for the enactment of legislation to prevent the manufacture of foodstuffs into alcohol, which were referred to the Committee on the Judiciary.

He also presented petitions of the congregation of the Magnolia Avenue Christian Church, of Forth Worth, and of sundry citizens of Cistern and of Frio County, in the State of Texas, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. THOMPSON presented telegrams in the nature of petitions from citizens of Burns, Neodesha, Williamsburg, Stockton, Horton, Geneseo, Hewins, Coats, Deerfield, Ellis, Liberal, Montezuma, Salina, Weir, Wamego, Sabetha, Columbus, Cedar Vale, Niles, Osborne, Yates Center, Smith Center, Soldier, Bonner Springs, Concordia, Satanta, Minneapolis, Morrill, Tampa, Caldwell, Ellsworth, Chautauqua, Bison, Oswego, Sharon, Longa, Pittsburg, Andover, and Gridley, all in the State of Kansas, praying for compulsory military service, which were ordered to lie on the table.

He also presented a memorial of sundry citizens of Byers, Kans., remonstrating against compulsory military service, which was ordered to lie on the table.

He also presented petitions of the Defense Council of Rush County and of sundry citizens of Copeland, in the State of Kansas, praying for the conservation of food supplies and the prohibition of the manufacture of food products into alcohol, which were referred to the Committee on Agriculture and Forestry.

ADJOURNMENT.

Mr. OVERMAN. Mr. President, a number of Senators have expressed a desire to have a morning hour to-morrow, and I therefore move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 25 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, May 2, 1917, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

TUESDAY, *May 1, 1917.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

We need Thee, Almighty Father, every passing hour, but now in the great crisis which confronts us we need Thy holy influence to guide us. Solidify us as a people in thought and purpose, and inspire us with patriotism, that we may think together, work together, sacrifice together, that "Old Glory" may live and float on for liberty, justice, and equal rights for all mankind. In the name of Him who died that truth might live. Amen.

The Journal of the proceedings of yesterday was read and approved.

COMMITTEE ON AGRICULTURE.

Mr. RUBEY. The chairman of the Committee on Agriculture [Mr. LEVER] is at present engaged in an important hearing, and he has asked me to introduce the following resolution (H. Res. 72) and to ask for its immediate consideration.

The SPEAKER. The gentleman from Missouri presents a resolution, which the Clerk will report.

The Clerk read as follows:

Resolved, That the Committee on Agriculture of the House be granted permission to sit during the sessions of the House.

The motion was agreed to.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. KEY of Ohio, for 10 days, on account of illness.

To Mr. VOIGT, for 10 days, on account of important business.

LEAVE TO EXTEND REMARKS.

Mr. RUBEY. Mr. Speaker, on my own behalf I want to ask unanimous consent to extend my remarks in the RECORD upon the question of the food supply, presenting some remarks of my own and also certain telegrams exchanged between myself and the governor of Missouri, together with the resolutions adopted by the Missouri Food Conference.

The SPEAKER. The gentleman from Missouri asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. JOHNSON of Washington. Mr. Speaker, I ask unanimous consent to extend some remarks in the RECORD on the espionage bill under consideration yesterday.

The SPEAKER. The gentleman from Washington asks unanimous consent to extend his remarks on the espionage bill. Is there objection?

There was no objection.

WAR EXPENSES.

Mr. FITZGERALD. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the war expense urgent deficiency appropriation bill, H. R. 3971. Pending that motion I wish to inquire if it will be possible to fix the time for general debate?

Mr. CANNON. Does anybody want to talk on this bill on our side? What time does the gentleman propose?

Mr. FITZGERALD. I do not know. I wish to make a brief statement concerning the bill. I hope we may confine the general debate to this bill in order to expedite its passage.

Mr. CANNON. I suggest that the gentleman make his statement. So far as I know, there is no disposition for any considerable general debate upon this side. I have had no applications for time. Say half an hour or an hour on a side.

Mr. FITZGERALD. I will ask that the general debate be limited to two hours.

Mr. BUTLER. Not exceeding two hours.

Mr. FITZGERALD. To be controlled by the gentleman from Illinois and myself.

The SPEAKER. The gentleman from New York, pending his motion to go into the Committee of the Whole, asks unanimous consent that the general debate on this bill be limited to two hours, one half the time to be controlled by himself and the other half by the gentleman from Illinois [Mr. CANNON]. Is there objection?

There was no objection.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 3971) making appropriations to supply urgent deficiencies in appropriations for the Military and Naval Establishments on account of war expenses for the fiscal year ending June 30, 1917, and for other purposes, with Mr. GARRETT of Tennessee in the chair.

Mr. FITZGERALD. Mr. Chairman, I ask unanimous consent to dispense with the first reading of the bill.

The CHAIRMAN. The gentleman from New York asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

There was no objection.

Mr. FITZGERALD. Mr. Chairman, the items in this bill, with perhaps one or two exceptions, result entirely from the existing war emergency. The estimates considered aggregated the sum of $3,460,340,968.30. This sum included $523,658,851.87 on account of the Navy and $2,932,537,933 for the Military Establishment.

The bill recommends appropriations aggregating $2,699,485,281.18. Of this sum, $503,399,673.87 is for the Naval Establishment and $2,192,423,535.97 on account of the Military Establishment.

The amount recommended is $760,855,687.12 less than the estimates submitted to Congress.

The necessity of scrutinizing the estimates and of eliminating moneys not essential at this time, while giving to the Military Establishment all the money essential to the present emergency, is apparent from a hasty consideration of our finances.

I have roughly and somewhat hastily prepared a statement of our financial condition. The appropriations for the fiscal year 1918, including the Army bill, the sundry civil, and Military Academy appropriation bills, as they passed the Senate, and excluding the river and harbor bill, aggregate the sum of $1,974,442,174.62. Excluding the postal appropriations of $331,851,170, the permanent appropriation for sinking-fund purposes, aggregating $60,748,000, and an amount equivalent to about 5 per cent of the appropriations, which is the average amount unexpended of the amount appropriated for any one year, and which in this instance amounts to $79,092,150, which items aggregate $471,691,000, excluding these appropriations—the Postal Service, because it is practically self-supporting, and the sinking-fund provision, which has been ignored for many years, and the estimated sum that will not be expended—leaves $1,502,750,854.62, the total sum appropriated thus far for the support of the Government during the next fiscal year, exclusive of the Postal Service. In addition there was appropriated in the urgent deficiency bill approved April 11, $68,020.

In the bill authorizing the issuance of $5,000,000,000, of bonds and of $2,000,000,000 of certificates of indebtedness there was appropriated $7,063,946.46; in the pending bill, $2,699,000,000. The amount of contracts authorized in the pending bill, but for which appropriations are not made at this time, aggregate $56,000,000, and the sum of $245,000,000 is the yearly interest upon the authorized issue of bonds and certificates of indebted-

ness. These various sums make the total obligations to be met, or the total demands upon the Treasury, in the next fiscal year $4,510,918,102.26.

The estimated revenue for the next fiscal year and the sums available under the bond issue aggregate $3,445,000,000, so that there would be approximately $1,065,000,000 at least which must be provided, additional to the sums now available under existing revenue laws. In addition, there will be added by amendments to be proposed to the pay items $128,061,000, making the apparent deficit $1,193,972,810.26.

I do not wish to be understood that $1,193,972,810.26 is the maximum estimate of what may be required. No one can foretell what additional demands will be made upon the Treasury; but from this hasty review of the financial condition of the Government it is apparent that at least $1,200,000,000 must be raised by additional levies of taxes or else additional bond issues must be authorized to finance our operations during the next fiscal year.

The enormity of these figures justified the committee in scrutinizing with the utmost care the estimates submitted. On a previous occasion I pointed out that a special subcommittee of the Committee on Appropriations, consisting of myself, the gentleman from Kentucky, Mr. SHERLEY, who has charge of the fortifications bill, the gentleman from Tennessee, Mr. BYRNS, who has charge of the legislative bill, the gentleman from Mississippi, Mr. SISSON, the gentleman from Massachusetts, Mr. GILLETT, the gentleman from Iowa, Mr. GOOD, and the gentleman from Illinois, Mr. CANNON, had spent two weeks in making a close and searching investigation of the estimates submitted. A large amount of information was furnished to the committee of such a highly confidential character that it was the unanimous opinion of those who heard the testimony that it would be inexpedient from the standpoint of the public welfare to make public the testimony taken before the committee. Information of a highly confidential character regarding our military plans and operations was freely furnished to the committee. So that it may be that in the consideration of this bill, for reasons pertaining to the national defense, it will not be possible to answer freely questions that may be propounded, although I believe that Members of the House who desire information upon any particular point are entitled to have it, and I shall be glad to give it to them in a confidential manner.

In agreeing upon the items recommended for the Military Establishment, the committee proceeded upon this theory: The estimates submitted were based upon the requirements to sustain an army of a million men for one year engaged in hostilities It was believed that it will not be possible to have 1,000,000 men with the colors for the full period of one year between now and the 30th of June, 1918, and so the items for the pay and subsistence have been made upon the theory that there will be 1,000,000 men on the average during a period of eight months. All of the money required, or all of the money requested, for munitions and for equipment for the Medical Department, the Quartermaster's Department, the Engineer Department, the Signal Corps, and Ordnance Bureau have been carried in this bill with practically no reduction from the amount asked except in so far as those submitting the estimates acquiesced in the reductions.

The committee acted upon this theory, that if the Army is to be placed in the field the administration should be authorized and furnished the means to obtain all of the equipment and matériel required at the earliest moment possible. So all the money that it was estimated could be expended for equipment between now and the 30th of June, 1918, has been recommended, with the exception, as I have said, of some elimination in which the heads of the various bureaus have acquiesced, in some eliminations of matters that did not and do not arise out of the existing emergency, but have to do with the permanent establishment either of the Navy or of the Army. Matters of that character were eliminated.

For instance, in the Navy Department, a request was made for nearly $4,000,000 for the enlargement of the naval hospital now in existence. Those enlargements would not be completed within a year, or perhaps longer, and if our Navy were to be actually engaged at once would not be available for hospital purposes. The Navy Department has been given all the money necessary to care for sick or wounded, either in private or public institutions, and the money requested for the permanent enlargement of those naval hospitals has been withheld. That, Mr. Chairman, in a comprehensive manner explains what the committee has done.

I must, however, make one additional statement. When the bill to provide for raising a million men passed the House, an amendment was adopted which would increase the basic pay of enlisted men by $15 a month. The committee obtained from the Quartermaster General a statement of the amount of money that would be required to meet the obligation created by that amendment. It would require for an Army of a million men for the entire year $192,000,000, so that when the bill is considered the committee will offer an amendment increasing the respective items in the pay for enlisted men as carried by some two-thirds of the amount, making up the $192,000,000. So that the bill as recommended by the committee, in effect, will carry, in addition to the $2,699,000,000, an additional sum of $128,000,000, which will make $2,827,546,281.18.

Mr. MANN. Will the gentleman yield?

Mr. FITZGERALD. Certainly.

Mr. MANN. Just how do they reach the figures of one hundred and ninety-two million? Of course, the addition of $15 a month for 1,000,000 men would be $180,000,000.

Mr. FITZGERALD. I understood the amendment in the case in which it was offered added $15 a month to the basic pay.

Mr. MANN. It does not say anything about basic pay.

Mr. FITZGERALD. And that would affect some noncommissioned officers.

Mr. MANN. There is a Senate amendment which adds $14 a month to the basic pay, which would make a larger increase for the noncommissioned officers, but the amendment that the House adopted was a flat $15 increase to the rate of enlisted men and nothing about basic pay. I asked for curiosity whether the amendment was based upon the Senate bill provision or the House provision.

Mr. FITZGERALD. The Quartermaster General sent me this statement:

WAR DEPARTMENT,
OFFICE OF THE QUARTERMASTER GENERAL OF THE ARMY,
Washington, April 30, 1917.

CHAIRMAN COMMITTEE ON APPROPRIATIONS,
House of Representatives:

If the pay of all enlisted men is increased $15 each year per month, there should be added in pay of the Army amounts to items as follows:

Then he gives the items, and the aggregate is $192,091,500. And he further says that no increase has been made in the case of the Philippine Scouts.

I assume that the Quartermaster General's Department, which pays the Army, would be able to give as accurate information as could be had.

Mr. MANN. Will the gentleman read us the items?

Mr. FITZGERALD. They are as follows:

1. For pay of enlisted men of all grades, including recruits, add	$28,441,280
2. Pay of enlisted men (National Guard)	56,882,560
3. Pay of enlisted men (additional force)	75,000,000
4. Ordnance Department, pay of enlisted men	540,000
5. Quartermaster Corps, pay of enlisted men	14,663,700
6. Signal Corps, pay of enlisted men	3,440,520
7. Medical Department, pay of enlisted men	13,123,440
Total increase	192,091,500

Mr. MANN. I assume that there is an increase provided for the recruits that would not be covered by the 1,000,000 men. My assumption may not be accurate, but I guess that is the way of it. An army of 1,000,000 men may require more men on the pay roll than 1,000,000 men.

Mr. FITZGERALD. I think an army of 1,000,000, and I think it is 1,078,000 men, includes all of the officers as well as the men.

Mr. MANN. It includes the noncommissioned officers.

Mr. FITZGERALD. My recollection is the amendment made the increase in compensation from the 1st of April of this year, and it may be that the Quartermaster's Department is estimating the additional money required for these three months as well as for the full year.

Mr. McKENZIE Mr. Chairman, will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. McKENZIE. I want to ask a question for information. Of course we understand that the bill now under consideration is a deficiency bill owing to the emergency of war. I want to ask the gentleman a question in connection with an item on page 15 of the bill now under consideration relative to the pay of retired army officers. In the annual army appropriation bill for 1918, which is now in conference, on page 26 of that bill, reported from the Committee on Military Affairs, which was based on the estimate of the army officers, we appropriated $2,700,000 for the pay of retired army officers. In this deficiency bill, at the top of page 15, I notice an item among others for the pay of officers on the retired list, $62,420. The point that I do not get quite clear in my mind is whether or not this emergency, this war now going on, has increased the retired list? How do you get that? How does it come that there is a deficiency in the pay of retired officers? It certainly is not due to the fact that we are now in war. It can only be

due to the fact, in my judgment, that the men appearing before the Committee on Military Affairs and asking for the appropriation of $2,700,000 were wrong in their estimates. Can the gentleman from New York explain to the committee just how this happened?

Mr. FITZGERALD. No; I can not explain how it happened. The department said that those sums for pay were in addition to the amounts carried in the Regular Army appropriation bill, and the committee in determining the amounts deducted the highest amount in the bill. Wherever the Senate had increased an item in the Army appropriation bill as it passed the House, that highest sum was deducted. If the Senate decreased an amount in the bill as it passed the House, the amount carried in the bill as it passed the House was deducted. Whether under the exigencies of war some additional men will be retired I do not know.

Mr. McKENZIE. The fact that war now exists would not change the law providing for retirement.

Mr. ANTHONY. Mr. Chairman, will the gentleman from New York yield to me?

Mr. FITZGERALD. Yes.

Mr. ANTHONY. Is it not perhaps possible that a large number of retired officers have been ordered to active duty and now draw their full pay, and that that is the reason?

Mr. FITZGERALD. The gentleman may be correct.

Mr. McKENZIE. If the gentleman will pardon me——

Mr. FITZGERALD. The gentleman from Kansas has recalled a statement made that the taking of these retired officers in on the active pay has increased the aggregate.

Mr. McKENZIE. But on line 4 of the same page there is an item for increased pay to retired officers on active duty, $354,725. Consequently the point made by the gentleman from Kansas is not well taken.

Mr. FITZGERALD. I am unable to state about the retired list other than that the Quartermaster's Department worked out details of the sum and the committee included it. Whether they have calculated correctly I can not say.

Mr. McKENZIE. If the gentleman will pardon me, the reason for asking this question grows out of the fact that the Committee on Military Affairs was charged with not giving the appropriation item in the bill careful consideration, and for that reason this appropriation should be taken and considered by the Committee on Appropriations, and I have no great fault to find with that, but I did think perhaps that after giving the bill such careful consideration each item could be explained.

Mr. FITZGERALD. I do not know who charged the Committee on Military Affairs with not having given consideration to the bill. Certainly I did not. The criticism that I made of the Committee on Military Affairs was that it was proposing to turn over to the Secretary of War three thousand million dollars and authorizing him to expend it in his discretion, and suspending all laws that in any way limited or restricted his authority. The Quartermaster General, who has charge of the pay of the Army, made the statement that this additional sum was necessary to pay these officers upon the retired list. I do not know that any Member of Congress, whether he be on the Committee on Military Affairs or not, has either the time or the inclination to be furnished with the number of retired officers and when they go upon the retired list, and then calculate the exact sum that will be required, and I am not certain whether the Committee on Military Affairs in the pending bill gave the amount requested. A memorandum just handed to me discloses that the estimates submitted to the Committee on Military Affairs for pay of retired officers was $2,762,420, and the Army appropriation bill carries only $2,700,000. This sum of $62,420 is therefore the difference between the amount that the Army bill carries upon the recommendation of the Committee on Military Affairs and the amount the Quartermaster General has calculated is necessary to meet the obligations of the Government.

Mr. SHALLENBERGER. Mr. Chairman, will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. SHALLENBERGER. I find that the appropriation is for the fiscal year ending June 13, 1917. Is that correct?

Mr. FITZGERALD. There are two provisions on page 81 of the bill to which I call the gentleman's attention. One is that the appropriations contained in the act, unless otherwise specified, shall be available during the fiscal years 1917 and 1918, and the other provision to which I shall refer, while I am about it, is that the appropriations contained in the bill shall be available for the payment of obligations on account of the existing emergency incurred prior to the passage of this act and which are properly chargeable to such appropriations.

A number of orders have been issued for supplies, a number of contracts have been made, and a number of persons have been employed without authority of law, and this provision legalizes in effect what has been done and makes those appropriations, in so far as made for definite purposes, available for the payment of the obligations thus incurred.

Mr. SHALLENBERGER. Do I understand, then, as a matter of law, that all this money could be expended between now and the 1st of July if the department saw fit? Is there a fund provided at all for the payment of the Army after the 1st of next July in case the War Department expended the money?

Mr. FITZGERALD. This is available until the 30th of June, 1918.

Mr. SHALLENBERGER. Yes; but the gentleman provides that it may be expended.

Mr. FITZGERALD. It may be expended, but we can not pay an army of a million men until we have them.

Mr. SHALLENBERGER. Contracts can be made.

Mr. FITZGERALD. Contracts can not be made legally until either the authority to make is granted by law or until the appropriations to pay the obligations are made by law.

Mr. SHALLENBERGER. Now, the gentleman referred further to the proposition that the Military Committee proposed to make a lump-sum appropriation. I find on page 31 the gentleman provides that all the sums included in the first 31 pages of this bill—supplies, transportation, Quartermaster Corps, and so forth—shall constitute one fund. Can the gentleman tell us how many hundreds of millions are in that particular fund?

Mr. FITZGERALD. That provision was not particularly pleasing to the Committee on Appropriations, but it is the provision which is carried in the Army appropriation bill every year, and the Committee on Appropriations did not believe that in making these additional appropriations it should establish a different law and so entirely disrupt the present accounting system. It has restricted the accounting to one fund in the same way the Army appropriation bill restricts it.

Mr. SHALLENBERGER. Then as a matter of fact the gentleman has turned over to the Secretary of War the privilege of spending all these hundreds of millions, how many the gentleman can not state, but I have figured over seven hundred million, to be expended exactly as he determines. Is not that true?

Mr. FITZGERALD. Not exactly.

Mr. SHALLENBERGER. To all intents and purposes?

Mr. FITZGERALD It only can be appropriated for the specific purposes which are under the Quartermaster General. He can not take the pay of the Army and build barracks, as he could under the gentleman's proposition. He can not take the money appropriated for subsistence of the Army and buy munitions with it. The Committee on Military Affairs for a great number of years has permitted what I believe to be an indefensible practice of making specific appropriations and then consolidating them in one fund, and as the Military Committee in its wisdom decided it was wise to adopt such a practice in time of peace, we believed it would be very inexpedient for the Committee on Appropriations to determine that it should not be permitted in time of war.

Mr. SHALLENBERGER. Is there any further provision of that sort in this bill, say, for instance, in regard to ordnance?

Mr. FITZGERALD. We have the same provision as to those appropriations as are found in the Army bill, as, for instance, the pay of the Army. While specifically enumerating for various classes of men and officers, the usual provision contained in the Army bill makes them available in one fund to be accounted for in that way.

Mr. SHALLENBERGER. The gentleman has provided for a good many hundreds of millions to be expended for ordnance and different things that money may be expended for. Has the gentleman's committee provided finally that the War Department may be allowed to expend this as one fund?

Mr. FITZGERALD. No, we have not, because those items in a great measure are provided entirely in bills originating in the Committee on Appropriations, and that committee has never indulged in that practice to any extent. The complaint made thus far against this bill by the War Department is that we have limited the ordnance items so they can not expend it in any way they please.

Mr. SHALLENBERGER. One further question.

Mr. FITZGERALD. Yes.

Mr. SHALLENBERGER. Does the gentleman think the Committee on Appropriations can tell within five hundred millions of how much ordnance we must have if we get into this war?

Mr. FITZGERALD. No; I do not think we can do more than that. We can not do more than take the information furnished by the Ordnance Department that we ought to give a certain

amount of money for powder, a certain amount of money for small-arms ammunition, a certain amount for rifles, a certain amount for seacoast cannon, and accept the recommendations, but we can and we have done something else. We have prepared this bill in such a way that money can not be spent by the Ordnance Department for purposes which the Ordnance Department itself concedes was not necessary and could not be utilized within the time during which this money is available. A number of projects have been sought from the Committee on Military Affairs and the Committee on Naval Affairs, and the Committee on Appropriations for a number of years and Congress has with practical unanimity refused to grant money for such matters. Upon investigation it was disclosed that both of those establishments had started out under the guise of this emergency to get many such things, a part of the permanent peace establishment, upon the plea that they were necessary because we were at war, and they are not necessary because of the war situation and they have not been permitted.

Mr. SHALLENBERGER. The gentleman states the committee has reduced the amount asked for by the War Department by how many hundreds of millions?

Mr. FITZGERALD. Seven hundred and sixty million dollars.

Mr. SHALLENBERGER. Was the gentleman's committee able to convince the War Department to that effect or was that the judgment of the Appropriations Committee in face of the war?

Mr. FITZGERALD. In the reduction is included $280,000,000 which is now in the pending Army bill.

In the second place the War Department, upon being pressed, voluntarily admitted over $300,000,000 it did not desire.

Mr. SHALLENBERGER. That is the point I wished to bring out.

Mr. FITZGERALD. And a large part of the balance is eliminated upon the theory that a million men will not be actually with the colors for more than a period of eight months during the period indicated.

Then there are two items, one aggregating $140,000,000, which was included upon the theory that part of the Army would be raised under the volunteer system and that there would be dependents for whom provision should be made, and $51,000,000 upon the theory that Congress would legislate to give 20 per cent increased pay in time of war. As already pointed out, as the result of the Good-Austin amendment, the committee will add $128,000,000 to the pay item.

Mr. SHALLENBERGER. I gather that the items of ordnance—that is, the ammunition and ordnance—has not been reduced materially from that asked for by the War Department?

Mr. FITZGERALD. The Ordnance Department has not been reduced except in this respect: Authority to enter into contracts in sums aggregating $56,000,000 is given instead of the money, because the Chief of Ordnance stated that the work could not be finished within the period. If he had authority to make the contracts he would not need the money until after the 30th of June, 1918. Then there were some items in connection with the coast defenses and the insular possessions that it was conceded were not absolutely essential.

Mr. SHALLENBERGER. You have not denied to them the possibility of securing the ordnance which they were asking for?

Mr. FITZGERALD. We have given the Ordnance Department all the money that it insisted was necessary. The only complaint thus far advanced is that we have not made it in either a lump sum or more flexible so that it can be used in any way desired or with greater freedom than we give here.

Mr. SHALLENBERGER. Another item. Maj. Pierce, representing, I believe, the War College, stated that the cost of maintenance of the Ordnance Department would be something like $600,000,000 a year in case of war, and something like $100,000,000 in case of peace. In your figures here have you included the possible war estimate rather than the peace estimate?

Mr. FITZGERALD. We have included the war estimate, for this reason, that while we do not believe that a million men will be actually in the field inside of a year, it was believed to be essential to give the Ordnance Department all the money and authority necessary to accumulate the munitions and supplies so that whenever they were prepared to send a force into the field they would not be held back because of the failure to supply the munitions and maintenance items. In that respect the probabilities are that more money has been appropriated than can be utilized. It was there that the leeway was thought desirable to be given, and an excess of money to accumulate, rather than a large discretion to use it in ways that were not contemplated.

Mr. GARRETT of Texas. Will the gentleman yield?

Mr. FITZGERALD. Certainly.

Mr. GARRETT of Texas. In the appropriation bill of 1916, I believe it was, there is a provision made for pay to dependent mothers and wives of soldiers in the National Guard and Regular Army, brought about on account of the punitive expedition into Mexico, I think. I want to ask the gentleman if this bill makes any provision to take care of the dependents of privates that are now in the National Guard and Regular Army that may come into them prior——

Mr. FITZGERALD. No; because the President is given authority in the bill which passed the House to discharge those who have dependents.

Mr. GARRETT of Texas. The point I wanted to make to the gentleman was that there have been a number of applications made to the War Department to discharge privates who enlisted under the law as it was, where they enlisted for seven years, three years of actual service and four years in the reserves, and they have declined to do that.

Mr. FITZGERALD. My recollection is that the bill which passed the House the other day authorizes the President to do that.

Mr. GARRETT of Texas. I know it authorizes the President to do that. Is this bill drawn upon the assumption that when the appropriation is exhausted that has already been made to take care of such cases and the War Department still refuses to discharge men now in the service who while they were furloughed have married and have families dependent upon them they shall continue in the service and their families be compelled to subsist on the small amount of pay that we give to our soldiers?

Mr. FITZGERALD. The increase of $15 a month was understood to account in some way for that difference. The department intended to suggest legislation to Congress which would give an allowance, not to exceed $15 a month, to volunteers who had dependents. They have eliminated the volunteers and increased the basic pay $15.

Mr. GARRETT of Texas. That is in conference?

Mr. FITZGERALD. The Senate provides in their bill an increase of $14 and the House $15 a month, and there is certain to be an increase.

Mr. HILL. May I ask the gentleman one or two questions, not in any criticism of the bill, but for information along the line of the amount of money that has to be raised in making up the revenue bill? The gentleman said he would have to add to the amount of this bill probably two-thirds of $192,000,000 for increase of pay. Does this appropriation, this deficiency bill, cover the probable expenditures of the Army for the fiscal year 1918 or only up to the time when Congress will meet again?

Mr. FITZGERALD. All of 1918, including, of course, the $280,000,000 in the Army bill which is now pending in conference.

Mr. HILL. Does the gentleman figure on any continental army or any army at all in addition to the Regulars and the National Guard, which the Military Committee reported here would probably in war strength be about 1,000,000 men?

Mr. FITZGERALD. Of course. If a million men are obtained inside of six or eight months and the President undertakes to raise 500,000 additional men, as is authorized in the pending legislation, the necessary expense of subsisting, equipping, and maintaining the additional 500,000 men called for, whatever portion of the year they will be with the colors, will be provided additionally. The statement I made will show that at least $1,200,000,000 additional must be raised by taxation; at least that.

Mr. HILL. Let me ask the gentleman another question. Is there any provision in this bill for carrying out the law—I think it is now the law—that soldiers serving outside the country shall receive 20 per cent additional to their basic pay?

Mr. FITZGERALD. No; there is not, because the House has proposed to increase the pay by $15 a month, which will be much in excess of the 20 per cent increase for foreign service.

Mr. HILL. Is there any provision in this bill to pay the interest on the additional bonds which we are going to issue?

Mr. FITZGERALD. No. The Committee on Ways and Means properly provides for the amortization and interest. The interest on bonds, however, and all obligations of the Government are permanently appropriated for. There is never any annual appropriation for that purpose. There is a permanent appropriation of the amount required to meet the interest and obligations.

Mr. HILL. The Secretary of the Treasury in his annual report last fall estimated a deficiency for the fiscal year 1917 of about $100,000,000. The probabilities are—and I think the gen-

tleman will agree with me—that that deficiency under the existing circumstances must necessarily be largely increased. Is that amount to be taken out? Has the committee considered that—that part of this money may be expended before the 1st of July?

Mr. FITZGERALD. Yes. A considerable portion will be expended before the 1st of July.

Mr. HILL. Then it would be necessary, in raising money to meet the expenses to extend through the fiscal year 1918 to include that amount?

Mr. FITZGERALD. The gentleman will understand that that is a question for the Committee on Ways and Means to answer.

Mr. HILL. In making this estimate of about $3,000,000,000, with additional Army pay for two-thirds of the year for a million men, has the committee provided in other respects in this appropriation bill for the expense that will necessarily come in the last half of the next fiscal year, from January 1, 1918, to July 1, 1918, or is the committee assuming that they will bring in another deficiency bill and lay new taxation to meet it?

Mr. FITZGERALD. We have made provision to cover the expense to June 30, 1918, and the expense that would result if those men are actually engaged in the contest.

Mr. HILL. The 1,000,000 men?

Mr. FITZGERALD. Yes. If they are not sent abroad there would be $600,000,000 or $700,000,000 that would not be expended.

Mr. STAFFORD. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. FITZGERALD. I wish to reserve a little time.

Mr. CANNON. I ask that the gentleman's time be extended until he can complete his remarks.

Mr. FITZGERALD. I want to reserve a little time. If the gentleman can yield me 10 minutes——

Mr. CANNON. I will yield to the gentleman any time he wants. I am receiving some additional requests for time, but I think I can get it.

Mr. STAFFORD. The gentleman, I believe, has yielded. In the statement of expenditures that the gentleman has made he gave the grand total of expenditures during the next fiscal year as $4,510,000,000, and estimated that there would have to be raised $1,200,000,000; that there had already been provision made from different sources for the amount of $3,445,000,000, leaving a net of $1,065,000,000 to be raised by other sources to be provided for. I wish to inquire whether any bond issue is included in that $3,445,000,000? I believe the gentleman referred to some bond authorization to make up that amount.

Mr. FITZGERALD. Four billion five hundred million dollars?

Mr. STAFFORD. In the estimates of the amount for which provision has already been made to raise revenue, $3,445,000,000 was stated, as I got it, leaving $1,065,000,000 to be raised from other sources.

Mr. FITZGERALD. That contemplates $2,000,000,000 of bonds that will be available for the expenses of the Government and the balance as revenues.

Mr. STAFFORD. It does not include the $2,000,000,000 of certificates of indebtedness?

Mr. FITZGERALD. No; that is temporary.

Mr. STAFFORD. So that there will be more than $1,065,000,000 to be raised from other sources if we are going to pay off any of the bonded indebtedness?

Mr. FITZGERALD. Yes.

Mr. AUSTIN. Mr. Chairman, will the gentleman yield?

Mr. FITZGERALD. I wish to reserve the remainder of my time.

Mr. AUSTIN. I thought the gentleman from Illinois [Mr. CANNON] had agreed to give you some extra time, if it was needed, in which to answer questions.

Mr. FITZGERALD. I will yield to the gentleman.

Mr. AUSTIN. Did you make provision in this bill to take care of the increased pay?

Mr. FITZGERALD. Yes. I said amendments would be offered to do so.

Mr. Chairman, I reserve the balance of my time.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. HOWARD having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Carr, one of its clerks, announced that the Senate had passed bill and joint resolution of the following titles, in which the concurrence of the House of Representatives was requested:

S. 2099. An act providing for the modification of the designs of the current quarter dollar; and

S. J. Res. 42. A joint resolution authorizing the President to take over for the United States the possession and title of vessels of any subject or citizen of any nation with which the United States may be at war, and for other purposes.

WAR EXPENSES.

The committee resumed its session.

The CHAIRMAN. The gentleman from Illinois [Mr. CANNON] is recognized for one hour.

Mr. CANNON. Mr. Chairman, I am not going to take much time. I have listened to the statement of the gentleman from New York [Mr. FITZGERALD], and I substantially agree with what he has said. In fact, the Committee on Appropriations was unanimous in agreeing to this bill, the minority uniting with the majority in recommending that it do pass. For the present I will yield to the gentleman from Illinois [Mr. MANN] such time as he wants.

Mr. MANN. Mr. Chairman, this appropriation bill, carrying nearly two and three-quarter billions of dollars, is almost ten times as great in amount as any appropriation bill which heretofore has passed through Congress. That statement itself shows what we are engaged in.

Mr. Chairman, I did not want to go to war. I hoped from the beginning that this country could keep out of the war, though two years ago I stated to the House that I thought we ought then to provide for an army of at least a half million of men. That was not any particular foresight. It seemed as plain to me as daylight that that was the proper thing to do then.

We are in resources the greatest Nation of the world, in resources the greatest power in all time. We are a republic. It should be the policy of our country and our people to maintain peaceful relations with all the world. We should do everything within our power at all times to avoid war; but being a great and powerful nation we should let it be known to the world that when we have yielded to the belief that we should engage in war, we should make war terrible to those opposed to us. [Applause.] We should keep out of war as long as we can, but we should warn other peoples not to engage in conflict with us. We should adopt the policy that we will not do those things which give occasion for war, and when some other nation gives occasion which causes us to engage in war, they should know in advance that our enmity is terrible. [Applause.]

Mr. DENISON. Will my colleague yield?

Mr. MANN. No; I do not yield. I hope we will always follow this course. I would have the nations, big and little, throughout the world understand that though we are a republic and a peace-loving people, when we engage in war we mean to smite them to the earth. [Applause.]

Mr. CANNON. I yield to the gentleman from Wyoming [Mr. MONDELL] 15 minutes.

Mr. MONDELL. Mr. Chairman, it is only a few years since one of the most potent arguments—or an argument believed to be potent—against the party then in power was that it had extended the activities of the Federal Government to a point where we were appropriating a billion dollars during the two years of a Congress. The slogan "a billion-dollar Congress" was a campaign battle cry. Later, as our activities increased along many lines, we came to appropriating a billion dollars at a session of Congress, and the country had so grown in population and in wealth, had become so accustomed to great expenditures, had so generally demanded the broadening of Federal activities, that there was no potency as a criticism in the statement that we had come to expend a billion dollars at a session of Congress.

Those were in days of peace. At last, very much to the regret of all of us, inevitably, in my opinion, we are at war, and your Committee on Appropriations has presented to you for the purposes of that war by far the greatest appropriation bill ever presented to a legislative body in all the tide of time, a bill carrying nearly two billions and three-quarters, a sum so stupendous that the mind can not grasp it. As a matter of fact, we can not any of us intelligently understand or comprehend the enormous sum that we are proposing to appropriate. We may get some idea of what it means in the way of expenditure when we recall that it amounts to about $27 for every man, woman, and child in the United States. Yet it will be appropriated, first, by unanimous action of our committee, and then, I believe, by practically unanimous action of the House. For, notwithstanding the reluctance with which we took up the gage of battle, having taken it up, every resource of the Republic must be put at the command of those on whom rests the responsibility of waging the war which the representatives of the American people, with the sentiment of the American people behind them, in my opinion, have declared. The burden will be heavy, for this is, I fear, only the beginning, and we have started on a program under which our war expenditures can not be less than

$3,500,000,000 the first full year, exclusive of the $3,000,000,000 loan to our allies, which has heretofore been voted.

We have been and the Senate is now considering a bill for the marshaling of a mighty army. Personally I keenly and profoundly regret the method of conscription proposed for the raising of the major portion of that army; but that has been practically settled except for the details, and it is now our duty to give ungrudgingly liberal support to those responsible for raising that army, for furnishing it with arms and supplies, and for preparing to strike with the full strength of the Nation.

I think we, practically all of us, went into this war with the confident expectation, at least with the hope, that it might not be necessary to send troops overseas. I am one of those who still hope, though that hope grows more dim with the rising of every morning's sun, that we may not find it necessary to send large bodies of troops abroad. It may, however, be necessary, or it may be deemed wise and advisable, for us to do that sooner than we now expect or anticipate.

There has been a good deal of talk, a good deal of speculation, and wide difference of opinion as to the class of troops we should first send abroad if we find it necessary to send any. The Senate has voted for the organization of a division of volunteers in the expectation that they will be raised by Col. Roosevelt and that they will be used for that purpose. Believing in the volunteer system as I do, I hope that division may be provided for. That would be a splendid force, when trained, to send abroad, but it would take some time to organize and train them. In the meantime may I suggest we are not entirely lacking in trained forces, and those in considerable numbers. We have upward of 100,000 men in the Regular Establishment who are as well trained and disciplined soldiers as there are in the world. They are scattered somewhat widely just now, some in Hawaii, the Philippines, the Canal Zone, and on the Mexican border; but if I felt competent to advise in military matters my advice would be that if we must send some troops, a division or two divisions to the firing line in France or Flanders at an early date, the troops to send are the volunteer troops of the Regular Establishment. They are not only trained, disciplined, hardened to service, but they are officered by men who have received the splendid education of our Military Academy and our various service schools.

There are no better soldiers than these men on any of the fighting lines of Europe; and if it were necessary, it seems to me we might send not one but two divisions of those men within a comparatively short time. I am one of those who, while I shall greatly regret the necessity, if it be a necessity, of sending our men overseas, can not forget that we have declared this war as a war of humanity, with the purpose of fighting it to the end, and that we owe a very great debt of gratitude and obligation to the people of France, to our sister Republic which is now bleeding, as practically all of her available forces are valiantly and heroically fighting along that long-drawn line across northern France.

Mr. DENISON. Will the gentleman yield for a question?

Mr. MONDELL. I yield to the gentleman.

Mr. DENISON. I understand that Gen. Bridges, who is here with the English commission, has stated that the most serious blunder England made was the sending of her regular army, with her regular army officers, to France, thereby losing their services in training the volunteer army. What does the gentleman think of our making the same mistake in sending our Regular troops abroad now in the beginning of the war?

Mr. MONDELL. As I said, I am not a military man. I do not pretend to match my judgment with the judgment of so distinguished and gallant a soldier as Gen. Bridges. I do not pretend to advise the War Department, but we could, I think, send a goodly number of the Regular Establishment over the seas and still have a considerable number of officers for the purpose of drilling commands of new troops. I simply make the suggestion in view of the fact that these troops are equipped, drilled, and splendidly officered, and could take their places when they arrived alongside of the best fighting men of France or England. [Applause.]

The CHAIRMAN. The time of the gentlemen from Wyoming has expired.

Mr. SHERLEY. Mr. Chairman and gentlemen of the committee, the statement made by the chairman of the Committee on Appropriations renders unnecessary much of a statement on my part touching a bill the details of which will be explained when we reach it under the five-minute rule. But I want, even at the risk of repetition, to call attention, in a very rough and crude way, to the financial condition that confronts the country and to the lesson that I think should be drawn from it.

As has been stated, the appropriations for the fiscal year 1918, figured on a basis of the appropriations as made by the bills that have passed and become laws, and the amounts carried in the bills that are now pending in conference, will equal the sum of approximately $1,970,000,000. If you deduct from that the Postal Service and estimated unexpended sums and the amount of $60,000,000 for the present sinking funds, which will amount in the aggregate to about $470,000,000, you will have a total authorized expenditure for the next fiscal year of $1,500,000,000.

In addition to this, we have presented in this bill appropriations amounting in round figures to $2,699,000,000, and adding the urgent deficiency bill which has just been passed, the expense of preparing and issuing bonds and certificates of indebtedness and the interest on those bonds and certificates of indebtedness for a year, we will have a grand total of $4,500,000,000 of liabilities to meet in the coming fiscal year.

Now, if you deduct the revenues to be derived under existing law and the two billions of bond issue, amounting approximately to $3,400,000,000, you will have something over a billion dollars to be met by additional revenues to be raised by a further bond issue or taxation.

Mark you, that makes no provision of any sort for a sinking fund for the bond issue recently authorized.

Mr. GARNER. Will the gentleman yield?

Mr. SHERLEY. Yes.

Mr. GARNER. I just came into the Chamber and heard the statement of the gentleman, which is quite interesting to me as a member of another committee, and I understood him to say that for the next fiscal year, including the ordinary expenses of running the Government, it was necessary to raise from all sources $4,500,000,000 in round numbers.

Mr. SHERLEY. In round numbers, that is true. That is a rough estimate of the expenses for the fiscal year 1918.

Mr. GARNER. The gentleman from Kentucky would do a great service to another committee of the House if he would give as far as possible a detailed statement as to the items that go to make up that lump sum, because there is a division of opinion in regard to that matter.

Mr. SHERLEY. During the gentleman's absence the gentleman from New York went more into detail touching that particular matter. Of course much of it is a very rough estimate, as of necessity. But the point is that, even with no provision for a sinking fund for the great bonded indebtedness which we have authorized, we will need in addition to the two billions of money to be obtained from bonds, to raise in addition to the ordinary revenues under existing law more than a billion dollars of additional money. And therefore I repeat the warning I made to the Congress in the opening days of this session, that no more fatal mistake could be made than for Congress to fail to provide for the heavy taxation for the meeting now of the proper proportion of the burdens of this war. If we undertake now to slight in taxation and place the burden on a few instead of placing it on many things so that all bear some of the burdens, we will make the same fatal mistake that was made during the Civil War when the Congress, failing to realize the real patriotism of the people, hesitated to levy taxes sufficient to raise a proper amount of revenue, and it was only after the war had been going on two or more years that the Congress began to raise anything like the amount of money necessary. As a result the credit of America was seriously impaired, inflation took place in many ways and in many activities, and many evils in addition to those incident to war were brought upon the country because of a lack of courage on the part of Congress to do the necessary though disagreeable task of levying large taxes on the people.

Mr. HICKS. Will the gentleman yield?

Mr. SHERLEY. I will yield to the gentleman from New York.

Mr. HICKS. I thoroughly agree with what the gentleman has stated, and I know he has made a great study of the subject. Is he prepared to say what, in his mind, is the proper proportion to be raised by taxation this year and what is to be left for future generations?

Mr. SHERLEY. Not in detail; but I think it will be a great mistake if we do not provide in the coming revenue bill for raising a billion and a half of additional revenue.

Mr. HICKS. A proportion of 25 or 30 per cent?

Mr. SHERLEY. I have not worked it out in the way of percentage. But, in my judgment, while the House is being asked to consider the greatest supply bill that has ever been presented at any one time by any people, I think it is simply the beginning of many bills of equal and perhaps greater magnitude. We can not afford to finance the Government on the

theory that this particular appropriation bill is going to be the only one of any magnitude. If, as may be possible, we shall have not a million but three or four million men in the field, the sums here, huge as they are, will become very small as compared with what we will be called upon to appropriate.

I say this because I think it is important that the country, as well as the Congress, should realize the magnitude of the task upon which we have entered, and instead of Members of Congress receiving statements from constituents pleading that they be relieved from taxation, the public should realize the Government's need and Congress should determine that taxes shall be levied with the idea of raising tremendous additional sums. The size and wealth of this country makes that possible, if we will banish from our minds all class conceptions, all sectional conceptions, all selfishness of purpose, all desire to make our road easy with our particular constituencies, and undertake simply to levy taxes in true equity for the needs that are at hand. And if we prepare a revenue bill upon that basis, we can, without in any real sense burdening the people of America, raise a billion and a half to two billion dollars in additional revenue. The trouble is that men insist upon trying to place the burden upon a few to whom they are not directly responsible, and the proposition gets to be an exchange of selfish views and compromises not looking to the need of the country but to the relief of particular sections or a particular class.

Mr. FOCHT. Mr. Chairman, will the gentleman yield?

Mr. SHERLEY. Yes.

Mr. FOCHT. The gentleman, and I assume most of the Members of the House, have received a circular letter from the representatives of the farmers of the country in which the Congress is called upon to tax the present wealth and pay as we go in the conduct of this war, and I assume they mean that there should be no bond issue or burden put upon the future. What would the gentleman's answer be to that proposal?

Mr. SHERLEY. Of course, it is not practical at this time to undertake to finance the war by current revenues, even supposing you could raise them without a serious disturbance of business. You could not obtain the money quickly enough to be available for the purposes that are pressing, and you must have a bond issue. No one desires to go to that extreme, and there is no danger of our going to that extreme. The danger is all the other way, that we will not have the courage to perform fully the disagreeable task of levying taxes upon our constituents.

Mr. Chairman, I desire to say just a word about the bill itself. There have been reductions made in the estimates amounting to $704,000,000, if you consider that in addition to the moneys carried, we are authorizing contract obligations of $56,000,000. Of that $704,000,000, $302,000,000 represent items that are carried in the Regular Army bill and the sundry civil appropriation bill and which should not have been included in the estimates as originally submitted, so that the real reduction amounts to about $384,000,000 of Army estimates and some twenty millions of Navy estimates, of which six and a half millions the department voluntarily stated could be eliminated, and the rest related largely to matters not directly related to present war needs. As has been explained by the chairman of the committee, the Army reduction is largely due to a reduction in estimates touching the pay and feeding and maintenance of a million men for a year, because the committee did not believe that we would be able to average a million men for an entire year, but that an estimate upon the basis of a million men for a period of eight months would more nearly approach the fact, and we have accordingly, as to such items, appropriated money upon that basis.

Touching matériel, things that have to be supplied for the Army and to be on hand for the Army whenever it shall take the field, the committee did not endeavor in any way to reduce the estimates that were submitted. We did undertake in a few instances to limit the amounts of money that could be expended for the purchase of land, and we did eliminate items that looked to a permanent building program having no direct relationship to the need of the Army in this time of war.

One of the difficult problems that confronted the committee, one of the difficult problems that is going to confront the Congress, is how to safeguard the expenditure of funds without unduly tying the hands of the administrative officers. There can never be an ideal solution of that problem. If you give to them absolute freedom, as was proposed by the provision carried in the bill reported by the Military Affairs Committee for the raising of the new army, whereby $3,000,000,000 were made available for the Army in a few lines, you give them absolute freedom of initiative in the expenditure of the money, but you also destroy any control whatever by the Congress. If, on the other hand, you undertake to scrutinize and pass judgment as to the wisdom of each particular activity that is to be engaged in, then you destroy all initiative on the part of the administrative officers and those who are charged with and have only the knowledge as to the actual needs that confront the Army. So, somewhere between those two extremes must lie the compromise that is made by every constitutional government that believes in responsibility by executive officers to the representatives of the people in the legislative branch. We have tried to meet that problem by carrying sums in very large quantities under the usual language of the various appropriation bills. It may be, it doubtless will be, true that by the time this bill shall have passed the House and is presented to the Senate there will be discovered the need of a different arrangement of some few of these funds, perhaps the need of additional funds along certain lines, because it is not to be expected that the departments would have the wisdom to be able to anticipate fully the situation that confronts it now.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. SHERLEY. Certainly.

Mr. MANN. The War Department has provided for certain training camps for the training of men who are applicants to become officers and in some cases providing for the training of officers now in the Reserve Corps. Is there any appropriation in this bill to meet the expenses of those training camps, at least to the extent of paying salaries to men now in the Officers' Reserve Corps?

Mr. SHERLEY. There are items that are carried for those training camps and there are items, of course, carried for the pay of officers and men. What the policy of the department shall be touching the pay of men who go to these training camps with the idea of being finally commissioned as officers I am not now prepared to state, and I am not sure that they have come to any final conclusion.

Mr. MANN. I think that they have stated that they have no authority of law and no appropriation at present. However, I have gone through the bill. Of course, very many of the items are in general language. I could not discover any item which seemed to me would authorize the payment of a man now in the Reserve Corps who goes to one of these training camps to be trained as an officer.

Mr. SHERLEY. We made no provision as such for the payment of these men while at these training camps. Whether or not there may not be some fund available for such purpose I would not like to state.

Mr. MANN. The War Department has stated that there was no fund available now.

Mr. SHERLEY. I mean in the bill.

Mr. MANN. Well, there might be sufficient funds available now, but there are no items in this bill, I think, that are not covered by existing law. If the gentleman has the time I would like to have his opinion on that. It seems to me extremely important while raising men by draft, which is not a difficult thing to do, the great thing we need, which we do not have, will be officers, and ought we not to be training officers now, at once?

Mr. SHERLEY. Yes. I have no doubt that before this bill shall become a law there will be provision in it for payment of officers, men who are being trained as officers to the extent that the policy of the department shall make necessary, but the committee did not feel warranted in carrying a special provision for that purpose now when there had not been determined and presented to us a policy upon which we could base an appropriation.

Mr. MANN. Well, I can not understand why such a policy was not presented to the committee. Training camps have been authorized, men have been invited that they should appear at such camps. The most important thing we need to-day, while it may be matériel, I do not know, but I think it is officers, and yet we have no provision up to date comparatively for training officers except that if they will come at their own expense we will have somebody train them.

Mr. SHERLEY. Well, at one time it was contemplated that they should come at their own expense and submit to training and subsequently an examination, and if they qualified, they would then be commissioned and thereafter receive regular pay. The injustice of this is, to my mind, apparent, because manifestly many men desirous of qualifying as officers and who would make very desirable officers might not be qualified financially to go to these training camps.

Mr. MANN. I understand. It is a matter that has been running for weeks and certainly it ought not to take the War Department two weeks, and I do not think it ought to take 15 minutes, to determine the policy that it ought to pursue with reference to some appropriation for training officers.

Mr. McKENZIE. If the gentleman from Kentucky will yield, I would like to ask my colleague if he does not think it will be necessary to have some legislation authorizing an appropriation

and providing that these officers shall receive certain pay. Surely no one would think that a man as a member of the officers' reserve corps going to school for the Army should be entitled to full pay as a commissioned officer.

Mr. SHERLEY. That is one of the difficulties.

Mr. McKENZIE. It seems to me there should be a bill introduced and sent to the committee, perhaps the Committee on Military Affairs.

Mr. MANN. We just passed a bill from the committee on Military Affairs. Before that bill came in I assumed, of course, there was provision for training officers, but there was not. I did not offer an amendment to it because I have sense enough to know better, but there is no provision either in this bill for money, and one thing we need is officers, and we are making no provision for officers except to let men go to camps at their own expense and take a little training.

Mr. BORLAND. Will the gentleman yield? I think I may throw a little light on this subject.

Mr. SHERLEY. I want to conclude in a moment.

Mr. BORLAND. The military appropriation bill, H. R. 13, I will say to the gentleman from Illinois, carried an item of $3,000,000 for the pay of members of the Officers' Reserve Corps, but that is after the officer is commissioned, as I understand, and he went from there into the service. Every officer in the training camp is paid. Now, students who go to the training camps go of their own volition, and they are furnished mileage and subsistence, but no provision has been made for their pay; and probably we ought not to make provision for the pay of those who are just simply invited to take a preliminary training with the idea of being appointed officers.

Mr. MANN. The gentleman from Missouri having given me information, I will give to the gentleman the information that I have in my possession, a letter from the War Department stating they have neither the authority nor the money—neither the law nor the money—which authorizes them to pay a reserve officer any salary while he is in one of these training camps.

Mr. SHERLEY. The Army bill has not become a law.

Mr. BORLAND. That is H. R. 13 as it passed the House.

Mr. MADDEN. If the gentleman from Kentucky will yield, I have information from an officer high in command of the Army to the effect that there is no intention whatever to pay men to go to military training camps to be trained for officers.

Mr. SHERLEY. Well, I do not think that that is something the Congress or the country is going to take kindly to.

Mr. MADDEN. I do not think so, either.

Mr. SHERLEY. I think, before this bill becomes a law, a definite policy should be determined, and that there will be provision in the bill carrying a sufficient sum to take care of that situation.

Mr. MADDEN. I have the statement of people high in authority, of the executive branch of the Government, to the effect that the men who go to these military training camps to be trained ought to have sufficient patriotism in them to do it for nothing; but that is not the way to do it.

Mr. SHERLEY. The trouble is, patriotism might exist and yet the ability to take care of oneself under those conditions would not exist, and it would put a handicap upon the poor man and a premium upon the man of means becoming an officer.

Mr. MADDEN. I agree to that, and I think the department is wrong when they make the statement to the effect that they ought to go without pay.

Mr. SHERLEY. But the committee did not feel warranted in undertaking to legislate on this subject or to carry a specific fund when it did not have legislation that would be a basis for such a sum.

Mr. COMSTOCK. Will the gentleman yield for just a question?

Mr. SHERLEY. I will.

Mr. COMSTOCK. I find a reference in this bill, one on the bottom of page 15 and one on the bottom of page 16 in reference to the purchase of supplies and mileage for reserve officers. I speak now of a matter I have seen a reference to. I understand the law provides for a salary for reserved officers who have been commissioned. There are a number who have been examined and have been found qualified, and which they propose to call to these training camps. Did the committee consider the pay of those who had not received commissions but who had qualified?

Mr. SHERLEY. The committee did not undertake to go into details of that sort. They took the estimates. We took the recommendation of the department except to the extent of reducing the details on the basis of 1,000,000 men for 8 months instead of 1,000,000 men for 12 months.

Now, there may be some matters carried in this bill that will need revision by the Senate committee upon information that developed subsequent to our examination and that will require a change in amounts. It may be necessary to make the provision, very much restricted as it should be, for the interchange of certain percentages of amounts in particular departments. And I repeat that the problem that confronted the committee and that confronts this House is a problem that can not be accurately and definitely solved, of just how to carry an appropriation so as to keep control of expenditures and yet in no sense interfere with the efficiency of the Army. I have no doubt that the Congress and I am sure that the committee that has considered this matter are prepared to meet new and unperceived conditions that may arise as they arise. I do not believe that the position that was strongly urged by a limited number of department officials could be followed, that because of the need of taking care of unforeseen matters we should simply throw down the bars entirely and give a lump-sum appropriation.

Mr. TILSON. Will the gentleman yield for a question?

Mr. SHERLEY. Yes.

Mr. TILSON. The gentleman had representatives of the Quartermaster Corps before him. Was there anything proposed to the gentleman's committee in connection with reducing to a smaller number the bookkeeping items, for instance, of regular supplies for the Army?

Mr. SHERLEY. Yes. They presented their statement first in that form.

Mr. TILSON. Reducing it to 3 instead of 11 different items?

Mr. SHERLEY. Yes. I thoroughly agree with the wisdom of doing that.

Mr. TILSON. So do I.

Mr. SHERLEY. But the Committee on Appropriations did not feel warranted in undertaking to determine a matter which primarily rested with the Committee on Military Affairs.

Mr. TILSON. Unfortunately the Committee on Military Affairs also was unwilling to undertake it at this time, although I urged it with all my might. I think the change should be made.

Mr. SHERLEY. We followed the language of the three bills which carry the items for the Army, the language of the Army bill, of the fortifications bill, and of the sundry civil bill, and we did that for the very plain and compelling reason that in order when these respective bills were taken up at the regular session there would be some knowledge in the committee dealing with them as to the moneys that were available and have been available for the different purposes.

To my own judgment, our entire system of appropriating moneys is wrong. I have undertaken to say to the House over a series of 8 or 10 years that we are undertaking the impossible by our present method of detailed appropriations. We detail appropriations in order to tie the departments and prevent them from using moneys for purposes other than Congress intends and to compel economy of administration, but the result is usually that we tie the activities of an efficient officer, of an efficient administrator, and the inefficient one finds some way to circumvent our requirements. What is needed, and what this war will force upon the Congress of the United States, because of the magnitude of the sums we are dealing with, is a system of bookkeeping so devised as to not simply prevent embezzlement but to also show the cost of performing particular activities of the Government. Our entire bookkeeping system is predicated upon the idea of preventing misappropriation of funds. That it does, but it does nothing else. What is needed is to have a system which not only does that but also enables the Congress by an examination of the expenditures of a preceding year to determine not simply that the moneys that have been appropriated have been spent for the purposes intended, but that they have been efficiently expended, and then the remedy is not to tie the activities of department officials when you find they have been inefficiently expended but to cut off the head of the man who is responsible for the inefficiency of administration and to trust the man who is efficient. But under our present system there is no way of determining except by a species of cross-examination, which is more or less inadequate, who is efficient and who is inefficient. And the result is that Congress being unwilling to trust an agent that it can not control constantly undertakes to tie his initiative, with the result that we have wrapped the activities of the Government in red tape to the extent that it will require another Dickens to make the people realize it and get from under.

Mr. TILSON. Is there not danger of our suffering from the very same thing? And if we have suffered in carrying out the fewer activities we have heretofore had, shall we not fare even worse when compelled to enlarge our activities? Are we not in danger of so tying the hands of the executive departments, by

framing this bill in the terms of previous bills, that we are going to considerably hamper their work?

Mr. SHERLEY. I am inclined to think that the sums granted now are so tremendous, and the ability of the department to expend them within the time this bill is supposed to make provision for, that there will not be the difficulty, at least, to anything like the extent the gentleman fears.

But, as I stated, it may develop that there will arise a need of giving a certain leeway, such as we gave in connection with the Panama Canal estimates, when we provided for the interchange of some 10 per cent in various items that were carried in the various appropriation bills in connection with the construction of the Panama Canal. But at this particular time it was exceedingly desirable that we should present in the language of the usual bills this tremendous appropriation. The moment this bill was reported to the House it underwent, and will continue to undergo, the scrutiny of the departments, and I am quite sure that if there is any real handicap upon their proper activities it will be brought to the attention of the Congress and be remedied before the bill is written into final law.

Mr. TILSON. Well, I am with the gentleman on that; but can not the gentleman conceive of there being, in an emergency of this kind, worse harm coming to the Government than even theft, and that it might be less harmful by the relaxation of a little red tape to permit even a few thefts than it would be to tie the hands of the Executive too much?

Mr. SHERLEY. I do not think we need to take that alternative. I believe we can have, and will have, moneys honestly expended, but I agree thoroughly with what was in the gentleman's mind, that time is in many instances more important than money, and that the worse sort of economy would be an economy that was practiced at the expense of time. We are going to pay of necessity very much more for many things which we obtain in a hurry than we would pay if we acquired them over a long period of time, but the need is now. Let us hope that the need will not be in a few years to come.

I assure the gentleman that so far as I may have any voice in the making of these bills it will be given along the line of supplying the necessary moneys to the departments to enable them at the earliest possible moment to do the things that are at hand to be done, because I do not delude myself with any hope that other gentlemen seem to possess, that we may at any time wake up and observe that this great tragic war has disappeared and that we can step back into the old humdrum, peaceable methods that we pursued in the days that are gone. I fear that this country is facing months and years of trial, in which men will have to be willing to make a real sacrifice, and in which every energy of the Government will have to be speeded up to the highest possible point of efficiency.

Mr. TILSON. Mr. Chairman, will the gentleman yield for just one word further?

Mr. SHERLEY. Yes.

Mr. TILSON. I have spoken thus not in criticism of the bill at all, but spoken feelingly, because I have had some little experience at the other end of the proposition—that of spending appropriations in the field. I have observed the supply of troops under field conditions, though that was at a time when the Army was comparatively small; in fact, infinitesimally small as compared with the Army that we may be compelled to have later on. If the conditions were complicated then, what may they become with a very large Army and a vast number of comparatively inexperienced officers to expend these funds?

Mr. SHERLEY. The problem confronting the Congress is the most difficult that ever confronted a Congress—to steer a course between the two extremes of absolutely turning over all moneys without any real restriction to the departments on the one hand and on the other so curtailing their initiative as to paralyze their effective preparation for the war.

Mr. FOCHT. Mr. Chairman, before the gentleman retires from the floor, if he will permit, I would like to refer to his dissertation on the training camps. I am sure he can answer an inquiry I received this morning, whether these young men who are admitted from the schools and universities, but have had no training whatever—whether that action will in any way militate against or do injustice to the members of the National Guard who have long seen service and who have some military training and who are ambitious to advance, as all those in military service are anxious to do—whether their opportunity will not be lost in the presence of those who will now come in and supplant them?

Mr. SHERLEY. I do not see it in that way. I hope that opportunity will be given to men not now holding commissions in the National Guard to strive for commissions in the National Army. I have no fear that we are going to have a superabundance of officers. I think we are going to have difficulty in training, within the time that we can properly give to it, enough officers.

Mr. FOCHT. The thought was that, instead of taking these young men from the schools, we should call officers from the National Guard and from those having experience and put the students in the companies.

Mr. SHERLEY. That is not a matter that we ought to control here. The thing we ought to try to do is to determine broad basic things and to let alone the details of an army and its management. We can not blunder worse than by undertaking to make ourselves judges as to the merits of particular methods of doing things in connection with the raising of an army.

Mr. FOCHT. The question, then, shall still remain in the minds of these young men that, even though they have been ambitious to advance in the service, others are about to take the places of rank they have long hoped for and to which they would seem to be justly entitled.

Mr. SHERLEY. Well, there is no answer to make to a great many things that are being asked now by our constituents; but the answer will come in due course, and one of the greatest of virtues at this particular time is patience. [Applause.]

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

WAR DEPARTMENT.

Mr. TILSON. Mr. Chairman, before the gentleman passes from the first part of this bill, may I ask whether the gentlemen are correct in their title to this bill, "To supply urgent deficiencies in appropriations for the Military and Naval Establishments" of the United States Government, and if so, why are these other matters brought in here?

Mr. FITZGERALD. The gentleman ought to read all the title.

Mr. TILSON. I know that "other purposes" are included at the end.

Mr. FITZGERALD. These are emergencies arising out of the war.

Mr. TILSON. Why in the title should it be limited to two departments of the Government, when there are items applying to a number of the other departments?

Mr. FITZGERALD. Because those two departments have 99.99 per cent of the appropriations, and the others, while they are insignificant, nevertheless result from the existing war situation. Furthermore, it is in accordance with the well-established practice and custom of the House, universally followed by the Committee on Appropriations.

Mr. TILSON. Is it not a little more convenient, as the gentleman has found, to charge everything up to the Military and Naval Establishments as far as possible? We hear a great deal of talk about the tremendous cost of the Military and Naval Establishments. Is it not quite easy to charge everything up to these two establishments, especially in time of war?

Mr. FITZGERALD. No; it is not. If the gentleman will notice the items of which he is complaining he will see that here is a bill carrying about $2,827,000,000, and he seems to be afraid that because $8,540 for guards for the Treasury Department is carried in this bill the cost of the Military Establishment will be unduly exaggerated by including this item in the bill. No one else in the United States, or out of the United States, or in the heavens above, or in places below, will concur in that opinion. [Laughter.]

The Clerk read as follows:

Provided further, That the Secretary of War is hereby authorized to acquire, by purchase, donation, or by condemnation, such land sites throughout the United States as are immediately necessary for the permanent establishment of aviation schools, aviation posts, and experimental aviation stations and proving grounds for the United States Army: *Provided further*, That not more than $9,000,000 of the sum last above mentioned shall be made available for the purchase of land sites and for the improvement and preparation of land and waters contiguous thereto; for the construction, maintenance, and repair of permanent barracks, quarters, stables, storehouses, magazines, administration buildings, hangars, sheds, shops, garages, and other permanent buildings necessary for the shelter of aviation troops, public animals, stores and equipment, and for administration purposes; for the purchase of all equipment and material necessary for the installation, operation, and repair of all water, sewer, electric-light and electric-power systems; for the construction of roads, walks, and wharves; for the disposal of drainage; for the clearing, grading, rolling, seeding, dredging, and otherwise improving and preparing land and water sites; for rental and lease of grounds for aviation fields, camp sites, and other military aviation purposes; for rental and lease of buildings or portions of buildings for occupation by aviation troops, and for use as storehouses, offices, shops, garages, and for other military aviation purposes; for the purchase of office furniture and office equipment; for the purchase and installation of special equipment, supplies, and accessories necessary for the establishment of experimental stations and proving grounds, aviation schools, and aviation posts; for the purchase of such textbooks, books of reference, scientific and professional papers, periodicals and magazines, and the purchase of modern instruments and material for theoretical and practical instruction in all experimental stations and

proving grounds and aviation schools and aviation posts: *Provided further*, That not more than $2,500,000 of the said sum of $9,000,000 shall be used for the purchase of land.

Mr. BORLAND. Mr. Chairman, I move to strike out the last word. I ask unanimous consent that I may proceed for 10 minutes.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent that he may proceed for 10 minutes. Is there objection?

There was no objection.

Mr. BORLAND. Mr. Chairman, I want to say a word about this item, and especially as illustrative of some other items in this bill.

This is a bill of tremendous magnitude, larger than Congress has ever had to deal with in its history. I can only account for the smallness of the attendance on the discussion of it by the fact that very few of the Members of Congress yet realize the scope of the present legislation. This is not one of the familiar supply bills which so frequently engage the time and attention of Congress, even down to the most minute details, but it is a much larger and more far-reaching piece of legislation. This not only means that we are spending $2,600,000,000 in one bill, but it means more than that. It means that we are compelled, in expending that vast sum, to mobilize practically all of the resources of our country, and this item in regard to aviation is a good illustration of that.

My understanding of the way in which the War Department has grappled with this problem is that it has called to its aid in good faith and according to the intention of Congress the Council of National Defense. It has submitted these problems, after they have been worked out from the technical standpoint of the military men, to the business judgment of the members of the Council of National Defense. Take this item. Here is $47,000,000 for aviation; as we believe, to establish aviation in this country on a sound, complete, and efficient basis. When the Signal Corps worked out what they needed in the way of aviation, how many squadrons they wanted in the air, and how many machines they required, and how many men, and so forth, then the problem of the production, construction, and supply of those machines became very acute. The number of machines that could be manufactured in this country prior to the declaration of war was very small, and unfortunately they were not of the highest type. They were what were ordinarily called school machines, slow in speed and heavy in construction, used abroad only for the purposes of training and instruction. They are not the high-power war machines that are fighting the battles in the air. Manifestly we must have such machines of all kinds for scouting purposes, especially along the Atlantic seaboard. The department submitted that problem to the Council of National Defense, and the Council of National Defense created a subcommittee on the subject, at the head of which is Capt. Walton, late of the Packard Motor Co., a man whose services command a large sum in the commercial world, but who, as I understand, is giving his services entirely free, as a patriotic contribution to the Government.

Capt. Walton immediately began to mobilize every possible manufacturer of aviation materials in this country, even down to the wood that is used for the fans. He found the exact capacity of the Curtiss factory. He found how that capacity could be extended by combining with a well-known motor manufacturer, the Willys-Overland. He found in detail how many machines could be manufactured in the United States within the next six months. He says that the aviation manufacturers, combined with the motor manufacturers, can, if supplied with the raw material, turn out, as they claim, 6,800 machines. He discounts that to 3,800 machines in six months. Of course, even that will be an enormous gain over our present equipment of machines. I want to state that to the House for their information and as an illustration of the care with which the War Department has gone into this matter.

Now, something has been said about our limiting these appropriations to specific items. I hope that we are not going to do that to the extent of crippling the efficiency of the War Department, but I am strongly opposed to the indolent method of making a lump-sum appropriation of $3,000,000,000. I think it not only invites extravagance, which seems inseparable from the supplying of every army that ever fought in the field, but I think it takes away from the representatives of the people the stimulus to add their interest and their information and their business sagacity to the conduct of the affairs of the Government. In other words, if we have to meet these items and have them before us for consideration, we will exercise upon them or ought to exercise upon them that judgment which the Constitution requires us to exercise upon the expenditure of the people's money. For that reason I am strongly in favor of the segregation of these items, so that Congress may have full information and full responsibility in the expenditure of this money.

Mr. SHALLENBERGER. Will the gentleman yield for a question?

Mr. BORLAND. I yield to the gentleman from Nebraska.

Mr. SHALLENBERGER. What objection would you have to having the bill carry the items, and get the benefit of the deliberations of the committee, and then at the end put in the same language which you have put in halfway through the bill and specify that in the wisdom of the department they might spend the money but not above the total sum which the bill provides? What objection would there be to that?

Mr. BORLAND. I do not think that would reach the same end. That would merely recite the various items, and then at the end of the bill wind up by saying "We do not mean to itemize these expenditures; we mean a lump sum."

Mr. SHALLENBERGER. We do that for about half of the bill.

Mr. BORLAND. We do that with the Quartermaster's Department. In the proviso on page 31 you will see—

That all the money hereinbefore appropriated under the titles Subsistence of the Army; Regular supplies, Quartermaster Corps; Incidental expenses, Quartermaster Corps; Transportation of the Army and its supplies; Water and sewers at military posts; and Clothing and camp and garrison equipage—

You see that all these sums are lumped together, and the gentleman will see how wide it is—

shall be disbursed and accounted for by officers and agents of the Quartermaster Corps as "Supplies, services, and transportation, Quartermaster Corps," and for that purpose shall constitute one fund.

There is the item which takes care of all the slack, or lost motion, that may occur in the separation of items.

Mr. BLAND. Will the gentleman yield?

Mr. BORLAND. I will.

Mr. BLAND. I would like to ask if the information the gentleman gave the House was given before the committee in the way of testimony?

Mr. BORLAND. No; I gained that by way of a visitation to the War Department and the Council for National Defense. I gleaned that information myself.

Mr. BLAND. Then it is not a military secret?

Mr. BORLAND. No; if it was a committee secret I should not have felt free to state it.

Mr. SNOOK. Will the gentleman yield?

Mr. BORLAND. I will yield to the gentleman from Ohio.

Mr. SNOOK. Do I understand the gentleman to say that by the appropriation for the Aviation Service you expect to add 3,800 machines next year?

Mr. BORLAND. That is the maximum number. They expect to absorb that.

Mr. SNOOK. That is the maximum?

Mr. BORLAND. Yes; but these are of the scout type; they are not the high-power war machines that the French are using on the front; they are used for scouting and inspection purposes.

Now, there ought to be and there must be complete harmony between the executive and legislative branches of the Government in the conduct of this war. We have had a spirited debate in the last few days, in which some gentlemen imagine they are at war with the War Department; some imagine they are at war with the General Staff, and others seem to imagine that they are at war with the metropolitan newspapers. The fact is, we are at war with Germany, the most vigilant, active, highly organized enemy the world contains today. We are at war with a power which in every way can be denominated as first class, and which mobilizes its resources and has brought its power to the highest point of development. We want to bring our power and skill to the highest point of development. I do not think we shall find it necessary in doing so—certainly not now—to eliminate any constitutional guaranty, either in a separation of the legislative and executive branches of the Government with regard to the raising of the people's taxes or the expenditure of their money, or the ordinary right of life and property of the common citizen. I think we can preserve the constitutional rights and mobilize the resources to produce the highest efficiency and skill. But it will take very patient, hard work, and diligent consideration by this Congress to do it. We can not pass enormous lump-sum appropriations and check them up to the President or anyone else, but the responsibility in the last analysis ought to rest on our shoulders and we ought to assume it. [Applause.]

The Clerk read as follows:

For pay of officers of the line, including staff corps of the National Guard, $42,000,000.

Mr. DENT. Mr. Chairman, I wish to ask the chairman of the committee a question. How many officers does this provide for?

Mr. FITZGERALD. I do not know the number. This sum and the amount in the Army bill provide for all the officers that will be required for the National Guard, the Regular Army, and the additional army of 500,000 men. I think 45,000 officers for an army of a million men.

Mr. DENT. Forty-five thousand officers. My recollection is the Secretary of War said before our committee that it would require about 20,000 additional officers for an army of a half a million men.

Mr. FITZGERALD. That is, 20,000 in addition to those in the Regular Army; then for 500,000 additional men it would require 20,000 plus the officers in the National Guard and Regular Army, and that would make about 45,000.

Mr. DENT. A little less.

Mr. FITZGERALD. I am speaking in round figures.

Mr. DENT. Will the gentleman tell the committee upon what basis it calculated the pay of the officers—whether they took a captain's pay or a first lieutenant's—how they reached the total sum, whether they had any basis upon which they could figure.

Mr. FITZGERALD. The Quartermaster General estimated the amount of money that would be required to pay the officers in the Army for a period of one year, and the committee has accepted his calculation as to the actual amount required, but has deducted the amount carried in the Army appropriation bill and provided for the balance.

Mr. DENT. The committee did not have any fixed basis on which they could reach the total amount. In other words, by summing up from a general down to a second lieutenant.

Mr. FITZGERALD. The Quartermaster General figures so many lieutenants, so many captains, so many majors, so many lieutenant colonels, so many colonels, and so forth, deducting the amount carried in the Army bill, and we provided the balance, less $4,000,000 that could not be used because it was estimated that they could not have that number of officers for the entire year.

Mr. DENT. One more question. I understand the Appropriation Committee, in fixing the amount in this bill, has deducted the amount of the pending annual Army appropriation bill now in conference.

Mr. FITZGERALD. Yes; about $281,000,000, upon the theory that as the Army bill was pending with a certain maximum sum it would not be likely to be the policy of the representatives of the House in the conference to make any reduction when they would know that the money necessary would be provided, and it was assumed that the Army bill would carry the highest amount possible, and this would merely supplement those sums in the various items.

The Clerk read as follows:

For pay of enlisted men of all grades, including recruits, $120,000,000.

Mr. FITZGERALD. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 12, line 3, strike out the sum of $120,000,000 and insert in lieu thereof the sum of $226,882,560.

Mr. FITZGERALD. Mr. Chairman, as I stated in my explanation of the bill, this series of amendments proposes to add two-thirds of the amount of the additional sum that would be required for a million men in the field upon the rate of pay calculated on the increase of $15 a month as proposed by the House.

The amendment was agreed to.

The Clerk read as follows:

ORDNANCE DEPARTMENT.

Pay of enlisted men, $336,240.

Mr. FITZGERALD. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 12, line 5, strike out the sum of $336,240 and insert in lieu thereof the sum of $696,240.

The amendment was agreed to.

The Clerk read as follows:

Additional pay for length of service, $39,003.84.

Mr. MANN. Mr. Chairman, I move to strike out the last word. I suppose they do not get additional pay for length of service? We did not increase the basic pay, only the rate of pay. That would not give increase for lengthened service.

Mr. FITZGERALD. No; it would not. I will make this statement: The Army bill carried an appropriation of $2,153,000 pay for additional length of service.

This is the difference between that sum and the estimate originally submitted. The Military Committee has customarily made a reduction upon the theory that some of these men will die. Perhaps this additional money is not necessary.

Mr. MANN. I understand that. The additional pay is a percentage increase and not a flat rate.

Mr. FITZGERALD. It would not affect it, as I understand it.

Mr. MANN. I do not know.

Mr. FITZGERALD. I do not know whether it would or not.

Mr. TILSON. Mr. Chairman, will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. TILSON. In regard to this item, "Pay for length of service," is it not a fact that if the basic pay is changed it will change not only this particular item but a number of other things, because if we change the basic pay, it will change not only pay for length of service but also the pay of noncommissioned officers in a way that probably will make a sergeant's pay higher than that of a second lieutenant. That is the reason, or at least I had supposed it to be the reason, why the Senate did not pass the same amendment that we had hastily passed in the House. As I understand, the only reason for $29 instead of $30 being fixed in the Senate was because that slight difference would throw the matter into conference, so that the scale of pay might be worked out in conference rather than do it by disturbing the basic pay.

Mr. FITZGERALD. It may be true. The Quartermaster General was asked to furnish a statement of what additional moneys will be required for pay if the pay of enlisted men were increased $15 per month. He furnished that statement in detail, but did not indicate that any money was required for additional pay for length of service.

Mr. SHALLENBERGER. Mr. Chairman, will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. SHALLENBERGER. I understood the gentleman's statement to be that because of increase of pay to enlisted men he did not think it necessary to appropriate additional pay for foreign service. How about the officers? They are not affected by the raise. The gentleman understands that it is customary to pay officers when serving outside of the country 20 per cent increase.

Mr. FITZGERALD. Yes.

Mr. SHALLENBERGER. How would the men who go to Europe be affected?

Mr. FITZGERALD. The statute provides, my recollection is, for additional pay for foreign service.

Mr. SHALLENBERGER. We are going to have a lot of officers trained in training camps, which will require a considerable expense of money. Is that provided for in any way?

Mr. FITZGERALD. There is no provision for the payment of men while they are at the training school in advance of the commission, because there is no authority to pay them. I assume that if it is determined to adopt that policy provision will probably be inserted in the legislation that is to be considered by the Military Committee. This committee did not take up the question of legislation to provide things of that kind.

Mr. SHALLENBERGER. Maj. Pierce stated to the committee that if this appropriation were made in a lump sum, they would take care of that item, if necessary, out of that sum.

Mr. FITZGERALD. If it were made in a lump sum, and if the Secretary were authorized to expend it in any manner in which he pleased, as was proposed; but if these men are to be paid while they are in the training camp and before they get commissions it seems to me that the Congress ought to determine that fact and ought to determine how much they are to receive.

Mr. SHALLENBERGER. I had reference particularly to the subsistence of the men.

Mr. FITZGERALD. That is taken care of here.

Mr. DOWELL. Mr. Chairman, will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. DOWELL. Is it not true that a number of men are unable to go to the training camps because there is no appropriation for their services during that period?

Mr. FITZGERALD. The situation, as I understand it, is this: Men who have applied for commissions are being sent to training camps for preliminary training before it is determined whether they shall be given commissions. It is stated that there are many men who can not afford to go to these camps for this preliminary training unless provision be made to compensate them; that they will lose the ordinary emoluments of their various occupations and will receive nothing from the Government. There is no authority to pay men prior to the receipt by them of commissions, and there is complaint upon that ground. I understand that the matter is to be taken up and considered by the Military Committee.

Mr. DOWELL. I am receiving a great many complaints because people who are to attend these camps will lose their salaries and receive nothing to pay the expenses of those dependent upon them, and it occurs to me that we ought to make some arrangements whereby they will receive pay during the time they are preparing themselves for these commissions.

Mr. FITZGERALD. Probably some arrangement should be made, but it is a matter that should be worked out carefully, and the compensation determined and the period during which they are to be compensated should be determined, and that is a matter to be worked out in detail.

Mr. DOWELL. I was just making the inquiry to ascertain if it would not be possible to pay some compensation for this time that is taken necessarily out of their employment. My personal opinion is that it would be desirable to compensate these men during that period, and I shall vote for any provision that may be submitted along such lines. I hope the gentleman will assist in getting something from the Military Affairs Committee allowing some compensation for them.

Mr. FITZGERALD. Of course, there are a number of matters of legislation that the Committee on Military Affairs I have no doubt will take up and work out. They have been pretty busy thus far this session, and you can not do everything that an emergency such as this requires in a few days.

Mr. DOWELL. Just another question. The training camps are open now on the 5th of May.

Mr. BYRNS of Tennessee. On the 15th.

Mr. FITZGERALD. The 15th of May.

Mr. DOWELL. A number of communications that I have received indicate that persons are unable to attend those training camps now because they can not go and not receive the salary that they are now receiving in view of the fact they will not receive anything from the training-camp service.

Mr. GRAHAM of Pennsylvania. Will the gentleman yield?

Mr. FITZGERALD. I will.

Mr. GRAHAM of Pennsylvania. I understand and appreciate the difficulty. I merely ask for information as to another class. The question already answered relates to a class attending these camps for the purpose of getting a commission. Now, some of those who have received commissions have been instructed to attend these training camps. Is there any provision of which the gentleman knows for paying those men?

Mr. FITZGERALD. They are in the Reserve Officers' Corps, and provision has been made to compensate them and to pay their travel and subsistence.

Mr. DALLINGER. Will the gentleman yield?

Mr. FITZGERALD. I will.

Mr. DALLINGER. I understand that the training camp in Cambridge, Mass., in connection with Harvard University, has been given up, or is soon to be discontinued, because the department says they have not the money to pay the subsistence of the men while they are there, to say nothing of compensation.

Mr. FITZGERALD. I do not know what the policy of the department is. I know the department got all the money it asked for that purpose.

Mr. DALLINGER. In other words, it is not the fault of Congress they have not got the money, but simply because they do not want to do it.

Mr. FITZGERALD. I would not say it was anybody's fault; war has been declared since Congress convened about two or three weeks ago.

Mr. SHERLEY. If the gentleman will permit, there is $3,281,000 carried in the Army bill for the purpose of civilian military training, and that is available for subsistence, transportation, and a number of other things, such as uniforms and expenditures necessary for water, fuel, light, temporary structures, and so forth.

Mr. DALLINGER. Will the gentleman from Kentucky permit a question?

Mr. SHERLEY. Yes.

Mr. DALLINGER. If it was thought wise by the War Department to have another training camp east of Plattsburg before war was declared just as a matter of preparation, why, when war is declared and we want to mobilize all our forces, is this camp now discontinued?

Mr. SHERLEY. The gentleman will have to ask the War Department, but I have no doubt it is from very good reasons, and I have no doubt camps ought not to be located as a result of local pressure for them.

Mr. DALLINGER. This camp, as I understand it, was located there by the War Department because——

Mr. SHERLEY. It is probably not a good place.

Mr. DALLINGER (continuing). Because of its proximity to big universities containing thousands of young men.

Mr. SHERLEY. They are not going to get men simply from the universities, and probably there was no reason for continuing it.

Mr. DALLINGER. The reason was, they could not get the money for subsistence.

Mr. FITZGERALD. I think that statement is absolutely erroneous. I do not know that Congress has refused to give money for any purpose connected with this war emergency.

Mr. GARDNER. Is not this the difficulty? You appropriate in the current appropriation bill $3,000,000 for the Plattsburg camp to train civilians. That is on a peace basis. Now you are going to have training camps not only for civilians, but for men who have already got commissions in the Officers' Reserve Corps, and there is no provision under law for paying those men. The officers of the reserve corps who already have their commissions are going to be at these camps the same way as the civilians. They will be paid as officers. Of course, they have to transport themselves at their own expense originally. The civilian goes there at Government expense, and the fact is $3,000,000 is not nearly enough to pay the bill.

Mr. SHERLEY. If the gentleman will permit, as soon as the bill becomes a law there will be money to pay those who have commissions.

Mr. GARDNER. Certainly; but the man who has got a commission has got to go at his own expense to the training camp——

Mr. FITZGERALD. I do not understand so.

Mr. GARDNER. Every new officer of the United States, even your cadet going to West Point, must report in the first instance at his own expense. It is exactly the same thing with the Officers' Reserve Corps.

Mr. FITZGERALD. That may be true; I do not know.

Mr. GARDNER. Take a man in my district, for instance, who wants to go to this training camp—possibly already he has his commission. He wants to know how he is going to get his expenses paid, whether he is going to have his expenses paid if he goes there, whether he is going to have a uniform, and whether he is going to get any payment.

There is no possible way on earth to answer the man's question until you have that additional legislation. You have only provided $3,000,000 for these training camps, and that is on a peace basis.

Mr. FITZGERALD. The $3,000,000 in the Army bill.

Mr. GARDNER. That is on a supposed peace basis. That is very slightly more than you had last year.

Mr. SHERLEY. The gentleman is somewhat in error still. As it passed the House it is $2,250,000, and has been increased by a Senate amendment. The absence of an estimate by the War Department before us for this purpose was evidence that for the present they thought they had money enough when they got this $3,000,000.

Mr. GARDNER. It may be so, but I find the greatest difficulty in getting an exact statement from the War Department.

Mr. SHERLEY. The trouble is, I really think, that they have not yet determined what is to be the policy touching the pay of men who have not yet received commissions but who are to be applicants for commissions. Now, if they are to be paid at the rate of officers, even of the lowest grade, that will have to be provided for by legislation, and then, of course, there will have to be additional funds made available.

Mr. GARDNER. That is to say, in order to pay the civilian in training you have to have additional legislation?

Mr. SHERLEY. If you are going to pay them more than enlisted men, if you are going to pay at the rate of lieutenants——

Mr. GARDNER. You can not pay them as enlisted men, can you—a civilian in training?

Mr. SHERLEY. It depends on whether or not they enlist. My understanding was that the original plan was that they were to enlist with further contract that they would accept the commission if it was given to them, and if they did not make good they would be discharged, but they would be enlisted men while they were there.

Mr. GARDNER. Now, then, let me get this thing exactly correct, because I want to know how to answer these numerous inquiries which I get. I can say when this bill passes they will have their subsistence paid, anyway?

Mr. SHERLEY. I do not think there is any doubt about that.

Mr. GARDNER. So far as the $3,000,000 is concerned, their uniforms are provided for and their equipment and their transportation, to that extent, and beyond that it has not yet been decided what their status will be? In other words, exactly under what conditions transportation will be furnished them and whether or not they will get pay for their services are matters Congress has not yet determined.

Mr. SHERLEY. They will get transportation.

Mr. GARDNER. So far as the $3,000,000 will pay for it?

Mr. DOWELL. One question, please. At the present time, under the present regulations, do they not have to make a deposit also when they enter the training camp?

Mr. FITZGERALD. I am not familiar with what the regulations of the War Department are. It is a matter of administration, and I am not familiar with it. I am not going to bother with it, either.

Mr. OLNEY. The gentleman from Massachusetts [Mr. GARDNER] is absolutely correct in his statement that there is no provision in this bill for the appointment of these men who are going to train at these summer camps. In talking with the War Department the Secretary approves the plan of paying all these men who train $100 a month. Hundreds of men are pouring into the offices of the summer training camps, because these camps become privileged and are the only places where rich men can go. And it is economy and a very important proposition that a recommendation be made to pay all men who train at these places during the three-months' period $100.

Mr. FITZGERALD. Let them make their recommendation to Congress.

Mr. OLNEY. The conferees may arrange that, but that being subject to a point of order it might be best to offer an amendment here to take care of those men who train.

Mr. FITZGERALD. You can not offer an amendment of that character here and have it pass, because I should certainly introduce a point of order against it. The matter ought to be prepared and considered by the Committee on Military Affairs, and not done offhand.

Mr. HULBERT. Will the gentleman yield for a question?

Mr. FITZGERALD. Yes.

Mr. HULBERT. I understood from one of the officers of the War Department within the past hour that it was stated that some arrangement would be perfected growing out of the conference on the bill which was under consideration last week providing for at least some specific direction respecting the paying of these men while at the training camp. Would not such legislation be prerequisite to this bill containing a provision making the necessary appropriation?

Mr. DOWELL. Is it not a fact, however, that the bill that has just passed both Houses and is in conference does not have a question that will permit the conferees to make a report on the training camps?

Mr. FITZGERALD. I am not so sure about that. That is a parliamentary question on which I would not like to commit myself.

The CHAIRMAN. The time of the gentleman has expired on this.

Mr. SHALLENBERGER. I ask unanimous consent that the time be extended for one minute. I have listened here to the discussion about the severity of this war that we are going into, and the volunteer forces met a very severe loss here in the House last week. I think I might term it the first battle. The gentleman from New York is well informed. I see by the statement of the General Staff, in the estimates in which they ask for this money, they describe the forces to be raised as Regular Army, 242,954; National Guard, 329,954; "volunteers," 500,000; total enlisted men, 1,072,908, and 45,462 officers.

And then, on page 179, it says:

For the expense of equipping a force of 500,000 "volunteers," in addition to the Regular Army and National Guard and a reserve supply for one year.

And a letter from the Chief of Engineers to The Adjutant General states:

In accordance with instructions from The Adjutant General dated March 26, I submit herewith emergency supplemental estimates of the amounts required by the Engineer Department in case of the organization of a volunteer army of 500,000 men in addition to the Regular Army and National Guard.

And on page 180 there is the following letter from the Chief of Engineers to The Adjutant General:

Replying to your confidential letter dated March 21, 1917, the following estimates are submitted. These estimates include those called for in your letter dated March 21, 1917 (no file number), subject "Supplies and material for 500,000 volunteers."

Then, on page 180 I read:

1. Replying to your confidential letter dated March 21, 1917 (A. G. O. 2554258), the following estimates are submitted. These estimates include those called for in your letter dated March 21, 1917 (no file number), subject "Supplies and material for 500,000 volunteers."

Then, on page 182 appears the following from a letter addressed by the Ordnance Office to The Adjutant General:

1. In compliance with the instructions contained in letter from The Adjutant General's Office, dated March 26, 1916, A. G. O. 2555146 (O. O. 381.1/162), there are transmitted herewith estimates under the Army bill, the fortification bill, and the sundry civil bill (Panama Canal) covering the needs of the Ordnance Department for the equipment of a force of 1,000,000 men (500,000 National Guard and Regular Army and 500,000 volunteers).

Also items addressed to The Adjutant General showing that up to that time the official order was for 500,000 volunteers. That was on March 28, 1917. Can you tell me at what time in the interval between then and now the policy was changed from volunteers to conscripts?

Mr. FITZGERALD. As near as I can say, it was on Saturday night. [Laughter.]

I think I have what the gentleman has in mind. When it was believed that war was to be declared, the War Department determined at once to prepare estimates for an army consisting of 1,000,000 men. It was estimated that under the national defense act they were entitled to 242,000 men in the Regular Army; that under the National Guard they would get a number, I think, equal to about 329,000 men, and then there were to be 500,000 men additional. In preparing the estimates the department used the term "volunteers" in a generic sense. There were to be 500,000 men outside of the Regular Army and the National Guard; and it was pointed out that the expense of paying, subsisting, organizing, and equipping the men would be the same, whether they were obtained through the volunteer system or through a selective draft. I think the terms used in the preparation of these estimates were used advisedly, in deference to the fact that Congress itself had not determined upon any system other than a possible volunteer system. I think that explains the use of these terms.

Mr. DOWELL. Mr. Chairman, will the gentleman yield for another question?

Mr. FITZGERALD. Yes.

Mr. DOWELL. As I understood the gentleman, he said he would raise the point of order if this amendment were offered to this bill at this time. Assuming now that the Committee on Military Affairs would present such an amendment before this bill finally passes the House, would the gentleman then waive such a question of order and permit such an amendment to be considered?

Mr. FITZGERALD. I can not say as to that. I think this bill will be passed in a few hours, and I think the Committee on Military Affairs will not have an opportunity to prepare an amendment within that time. The opportunity will be given for it to prepare that legislation, and the money will be provided in accordance with law. Of course I have to make these points of order because that obligation falls upon me, inasmuch as I am in charge of the bill. I am in favor of these men going into training camps prior to the time of receiving their commissions, but in conformity with my obligation to the House I shall be constrained to make a point of order against an amendment to accomplish what I personally would like very much to see done.

The CHAIRMAN. The Clerk will read:

The Clerk read as follows:

QUARTERMASTER CORPS.

Pay of enlisted men, $15,114,328.

Mr. FITZGERALD. Mr. Chairman, I offer an amendment which I send to the Clerk's desk.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Committee amendment: On page 12, line 8, strike out the sum of "$15,114,328" and insert in lieu thereof "$24,890,128."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SIGNAL CORPS.

Pay of enlisted men, $3,016,216.

Mr. FITZGERALD. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from New York.

The Clerk read as follows:

Committee amendment: On page 12, line 11, strike out the sum of "$3,016,216" and insert in lieu thereof "$5,309,896."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

MEDICAL DEPARTMENT.

Pay of enlisted men, $10,000,000.

Mr. FITZGERALD. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report it.

The Clerk read as follows:

Committee amendment: Page 12, line 14, strike out "$10,000,000" and insert in lieu thereof the sum "$18,748,960."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

In all, $1,178,000: *Provided*, That no clerk, messenger, or laborer at headquarters of tactical divisions, military departments, brigades, service schools, and office of the Chief of Staff shall be assigned to duty in any bureau in the War Department.

Mr. ROBBINS. Mr. Chairman, I would like to know whether these are all additional clerks to the present force?

Mr. FITZGERALD. They are all additional.

Mr. ROBBINS. Are they appointed from the civil-service certified lists or otherwise?

Mr. FITZGERALD. They are all in the classified service and are appointed from the civil-service lists.

Mr. ROBBINS. Here is an increase of a thousand clerks in that paragraph—1,024 clerks.

Mr. FITZGERALD. This is a clerical force required for an Army of a million men. It is about a thousand clerks.

Mr. ROBBINS. It is 1,024. They are all appointed from the civil-service certified lists?

Mr. FITZGERALD. Yes; from the civil-service certified lists.

Mr. ROBBINS. And not by political influence?

Mr. FITZGERALD. No. These are all in the classified service and appointed from the civil-service lists. There is no patronage in this.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Clothing and camp and garrison equipage: For cloth, woolens, materials, and for the purchase and manufacture of clothing for the Army, including enlisted men of the Regular Army Reserve and retired enlisted men when ordered to active duty, for issue and for sale at cost price according to the Army Regulations; for payment for clothing not drawn due to enlisted men on discharge; for altering and fitting clothing, and washing and cleaning when necessary; for equipage, including authorized issues of toilet articles, barbers' and tailors' materials, for use of general prisoners confined at military posts without pay or allowances and applicants for enlistments while held under observation; issue of toilet kits to recruits upon their first enlistment, and issue of housewives to the Army; for expenses of packing and handling, and similar necessaries; for a suit of citizen's outer clothing, to cost not exceeding $10, to be issued upon release from confinement to each prisoner who has been confined under a court-martial sentence involving dishonorable discharge: for indemnity to officers and men of the Army for clothing and bedding, etc., destroyed since April 22, 1898, by order of medical officers of the Army for sanitary reasons, $231,538,548.64.

Mr. FESS. Mr. Chairman, I move to strike out the last word, for the purpose of asking the chairman, in view of the very large estimates, whether we have anything accurate, or are they more or less guesses? Here, for example, is an item of $231,000,000, and it ends with 64 cents.

Mr. FITZGERALD. That is based upon obtaining certain supplies for a definite number of men, and there is a unit cost that is adopted, based upon experience, and that is calculated accurately.

Mr. FESS. It would seem to me that it could not be estimated down to the last cent.

Mr. FITZGERALD. It may vary a little, but it is calculated accurately for the number of men, based upon a unit cost.

Mr. FESS. It deals in more than mere probability, then?

Mr. FITZGERALD. I think the Quartermaster's Department estimates quite accurately the cost of these outfits.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

Aviation: For aviation, including not to exceed $150,000 for the purchase of land, and for procuring, producing, constructing, operating, preserving, storing, and handling aircraft, including rigid dirigibles, and appurtenances, maintenance of aircraft stations and experimental work in development of aviation for naval purposes, $11,000,000: *Provided*, That the sum to be paid out of this appropriation under the direction of the Secretary of the Navy for drafting, clerical, inspection, and messenger service for aircraft stations shall not exceed $150,000.

Mr. KELLEY of Michigan. Mr. Chairman, I move to strike out the last word. I should like to ask the chairman of the committee for some information relative to the $150,000 for the purchase of land, in line 22, on page 50. Is the land to be purchased at Pensacola?

Mr. FITZGERALD. They expect to establish a number of patrol stations, and, as I recollect now, this is for land on the Chesapeake, around Hampton Roads.

Mr. KELLEY of Michigan. Is this a starter toward the purchase of the Jamestown Exposition site?

Mr. FITZGERALD. No; this is independent of that. The Jamestown matter is not included in this bill.

Mr. KELLEY of Michigan. Is it not true that it is the Jamestown site that certain people have been urging for a new aviation station?

Mr. FITZGERALD. The Jamestown matter was specifically requested, but was not included. My recollection is that the cost of the land proposed to be purchased at Jamestown is $1,400,000.

Mr. KELLEY of Michigan. What is the necessity of starting a new aviation station at this time? Why can we not conduct this aviation work at Pensacola?

Mr. FITZGERALD. They are establishing a number of patrol stations as a part of the active defense work.

Mr. KELLEY of Michigan. I will say to the chairman of the committee that for some time there has been a movement on foot to get the Navy Department to take over the Jamestown Exposition grounds for one purpose or another.

Mr. FITZGERALD. The Jamestown item is not in this bill. The specific request was made, but was not granted.

Mr. KELLEY of Michigan. Has the land appropriated for in this item been selected?

Mr. FITZGERALD. They have not located this particular land.

Mr. KELLEY of Michigan. They have not?

Mr. FITZGERALD. No; they thought they might need to buy some land.

Mr. KELLEY of Michigan. Is it to be in the vicinity of Norfolk?

Mr. FITZGERALD. They were unable to state just where this station was to be. It is not the Jamestown matter.

Mr. KELLEY of Michigan. Is there anything in this bill that will prohibit the department from purchasing the Jamestown grounds, or is there any reason why under this bill they could not purchase a portion of the Jamestown grounds?

Mr. FITZGERALD. They could not purchase it with this amount. The price asked is $1,400,000. I would be very glad if they could purchase the Jamestown site for $150,000. I would not have any objection to that.

Mr. KELLEY of Michigan. Does not the chairman of the committee think that perhaps this is the first step toward the acquisition of the Jamestown land? A little of it now and then more later on?

Mr. FITZGERALD. I have stated to the gentleman that I think not. The Jamestown proposition was specifically submitted, and is not included in the bill.

Mr. KELLEY of Michigan. This question of additional land for aviation purposes has been before the Naval Committee on several occasions, and the Naval Committee have not seen fit to include money for this purpose at any time, and I am inclined to think that that committee has given the matter much more thorough consideration than the Committee on Appropriations can possibly have given it in so short a time and in the rush of other matters.

Mr. FITZGERALD. The Navy Department requested unlimited authority to expend money for the purchase of land.

Mr. BUTLER. At what point?

Mr. KELLEY of Michigan. In the Chesapeake Bay region.

Mr. BUTLER. I will make a point of order against that, if it is not too late. We have had that quarrel up for a long time.

Mr. SHERLEY. The Committee on Appropriations were just as much determined not to enter into the purchase of the Jamestown Exposition grounds as were the members of the Naval Affairs Committee, and it was largely because we appreciated your opposition, and realized that it must be based upon proper grounds, that we would not listen to their proposal to carry an item for that purpose; and this money is not intended, and will not be used, for purchasing the Jamestown Exposition grounds.

Mr. KELLEY of Michigan. Does not the gentleman think that if this $150,000 is used for the purchase of land in the Chesapeake Bay region, it will simply mean the beginning of a new aviation station and the abandonment of Pensacola, just as has been advocated for some little time?

Mr. FITZGERALD. Let me state to the gentleman this——

Mr. KELLEY of Michigan. We have made a big investment at Pensacola, and now we are urged to abandon it apparently and to start a new station at Jamestown or some place near Norfolk.

Mr. FITZGERALD. I was in error. It is intended to establish 11 patrol stations. They wish to obtain tracts of about 40 acres at each of these different places and to construct the hangars and other buildings. It is estimated that the cost of each station will not exceed $300,000. They hope to get the land donated in some places. It is estimated that it may cost

$10,000 or $15,000 for land at these different places. The department asked that they be given unlimited authority to spend money for the purchase of land. I am not able to say whether it is absolutely essential as a military necessity to patrol our coasts with aeroplanes at this time. All the military experts of the Government say so. I am not in a position to resist an appropriation for what the military experts are unanimously agreed on. I would not set up my judgment against theirs.

Mr. KELLEY of Michigan. The gentleman states that the $150,000 is not to be expended at one place?

Mr. FITZGERALD. The Jamestown Exposition matter was specifically outlined, and authority was requested. The committee investigated the matter, and after we had finished I conferred with the gentleman from Tennessee [Mr. PADGETT], chairman of the Committee on Naval Affairs. I submitted to him the statement made before the Committee on Appropriations as to the necessity and desirability and importance of acquiring that site. He took that statement and examined it. He then obtained for me the statements that have been made at different times before the Committee on Naval Affairs, and as the result of those conferences the Committee on Appropriations refused to recommend an appropriation to purchase and to improve the Jamestown site.

Mr. KELLEY of Michigan. I understand the statement of the chairman to be that this entire sum of money is not to be expended in one place.

Mr. FITZGERALD. No; it is not. I inadvertently made that statement.

Mr. KELLEY of Michigan. Would the gentleman object to an amendment by the way of a proviso being put in to prevent the purchase of the Jamestown site?

Mr. FITZGERALD. I will state what it is for and let the committee determine that. I had rather not have the Jamestown site mentioned in it.

Mr. KELLEY of Michigan. I do not want a new station started there until the matter can be fully considered.

Mr. FITZGERALD. I do not think an attempt would be made to acquire the Jamestown site under this provision. The amounted requested for the Jamestown site purchase was $1,400,000 for, I think, 440 acres.

Mr. BUTLER. The Jamestown site, I understand, has over 400 acres.

Mr. FITZGERALD. Three hundred and twenty, and a hundred and some odd acres additional toward the channel. The entire tract was proposed to be bought. This is not for that purpose.

Mr. SHERLEY. I will say, as has been stated, that it is not intended for that purpose. It would be a gross abuse of the freedom we are allowing the department if it was made the medium for subsequently acquiring that land. I do not believe the Navy Department would be guilty of that breach of confidence—and I say this in order that the RECORD may show what is in the minds of the committee and of Congress.

Mr. FITZGERALD. If we could acquire that property that has been suggested by the Navy Department for $150,000, I think we would get a good bargain.

Mr. KELLEY of Michigan. If we start with $150,000 and make that investment in the property at Jamestown, it will be only one more step to go ahead and buy the rest subsequently. I do not think we should embark on the matter of buying land without knowing the ultimate purpose of the transaction.

Mr. SHERLEY. I do not know so much about the Navy people, because I have appropriated less for them, but the Army never violates an understanding such as I am now stating. We repeatedly appropriate millions of dollars which, under the language of the appropriation, the Army could use for a purpose other than stated, but they never do it. I have no doubt but that the Navy will have the same high regard for the understanding on which such appropriations are made.

Mr. FITZGERALD. This money is to acquire several tracts at different stations.

Mr. KELLEY of Michigan. Mr. Chairman, I move to insert an amendment at the end of line 5, page 51, as follows: "*Provided*, That no part of this sum shall be used to purchase the Jamestown site or any portion thereof."

The Clerk read as follows:

Page 51, after line 5, insert "*Provided further*, That no part of this sum shall be used for the purchase of the Jamestown site or any part thereof."

Mr. FITZGERALD. I wish to call the attention of the gentleman from Michigan to the fact that this appropriation of $150,000 is for drafting clerks and inspection and messenger service. Of course that could not be used for the purchase of land, anway.

Mr. KELLEY of Michigan. Where would the amendment come in to make it effective?

Mr. FITZGERALD. The gentleman's proviso should come at the end of line 5, page 51, after the $11,000,000.

Mr. KELLEY of Michigan. Mr. Chairman, I ask unanimous consent to modify my amendment in that respect by putting it at the end of line 5, page 51.

The CHAIRMAN. Is there objection to the modification of the amendment as stated by the gentleman from Michigan?

There was no objection.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan.

The amendment was agreed to.

Mr. BUTLER. Mr. Chairman, would it annoy the gentleman from New York if I asked him a question?

Mr. FITZGERALD. I will yield.

Mr. BUTLER. It is proposed by the Navy Department to acquire territory for aviation fields, which has given us some concern, and we have made some investigation. It is intended to purchase aviation fields along the coast to be used for the training of men to fly and for the use of flying machines, and at the same time afford protection to the coast.

Mr. FITZGERALD. Primarily as patrol stations.

Mr. BUTLER. After the war is over we will have on hand these 10 places.

Mr. FITZGERALD. They have to erect hangars.

Mr. BUTLER. I hoped that they might be able to rent these fields so that we might sometime get rid of them. It is my contention that we have too many fields and too many lands and not enough ships to sail the seas.

Mr. FITZGERALD. The gentleman will appreciate the fact that out of the $16,000,000——

Mr. BUTLER. I appreciate it, but I anticipate that the war is going to end sometime, and after the war is over I do not want too many fields on hand, for I know the enormous expense that is required to maintain them.

The Clerk read as follows:

Instrument and supplies: Supplies for seamen's quarters and for the purchase of all other articles of equipage at home and abroad and for the payment of labor in equipping vessels therewith and manufacture of such articles in the several navy yards; all pilotage and towage ships of war; canal tolls, wharfage, dock and port charges, and other necessary incidental expenses of a similar nature; services and materials in repairing, correcting, adjusting, and testing compasses on shore and on board ship; nautical and astronomical instruments and repairs to same; libraries for ships of war, professional books, schoolbooks, and papers; maintenance of gunnery and other training classes; compasses, compass fittings, including binnacles, tripods, and other appendages of ship's compasses; logs and other appliances for measuring the ship's way, and leads and other appliances for sounding; photographs, photographic instruments and materials, printing outfit and materials; and for the necessary civilian electricians for gyrocompass testing and inspection, $5,743,440.

Mr. KELLEY of Michigan. Mr. Chairman, I move to strike out the last word. I think language of this kind does not appear in the regular naval appropriation bill. Can the chairman give me some idea of how this sum was arrived at?

Mr. FITZGERALD. That language is in the regular appropriation bill. They are the supplies based upon the theory that the enlisted strength is to be increased 250,000 men.

Mr. KELLEY of Michigan. I do not recall any heading of this kind appearing in the regular naval bill.

Mr. FITZGERALD. If the gentleman has the regular naval appropriation bill he will see that this is the identical language.

The Clerk read as follows:

Naval training station, Great Lakes: Maintenance of naval training station: Labor and material; general care, repairs, and improvements of grounds, buildings, and piers; street car fare; purchase and maintenance of live stock and attendance on same; motor-propelled vehicles, wagons, carts, implements, and tools, and repairs to same, including the maintenance, repair, and operation of one motor-propelled passenger-carrying vehicle and one horse-drawn passenger-carrying vehicle to be used only for official purposes; fire apparatus and extinguishers; gymnastic implements; models and other articles needed in instruction of apprentice seamen; printing outfit and material, and maintenance of same; heating and lighting and repairs to power-plant equipment, distributing mains, tunnel, and conduits; stationery, books, schoolbooks, and periodicals; washing; packing boxes and materials; lectures and suitable entertainments for apprentice seamen; and all other contingent expenses: *Provided*, That the sum to be paid out of this appropriation under the direction of the Secretary of the Navy for clerical, drafting, inspection, and messenger service shall not exceed 4,500; in all, naval training station——

Mr. MANN. Mr. Chairman, I move to strike out the last word. On page 56, line 17, I notice that the dollar mark is omitted before the figures "4,500."

Mr. FITZGERALD. There should be a dollar mark inserted there.

Mr. MANN. The gentleman from Michigan [Mr. MAPES] called my attention to it.

Mr. FITZGERALD. I move to amend by inserting the dollar mark before the figures "4,500," in line 17, page 56.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 56, line 17, insert the dollar mark before the figures "4,500."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

Contingent, Bureau of Yards and Docks: For contingent expenses and minor extensions and improvements of public works at navy yards and stations, $750,000.

Mr. KELLEY of Michigan. Mr. Chairman, I call attention to lines 22, 23, and 24, on page 59. That carries an appropriation of $750,000 for "minor extensions and improvements" in the navy yards. It does not seem to me that they can be very "minor extensions," as the amount carried for this purpose in the last regular appropriation bill is only $75,000. What is this large sum of money to be used for?

Mr. FITZGERALD. Mr. Chairman, this bill carries, for instance, $49,000,000 for the arming and equipping of a thousand merchant ships. Work in the navy yards is to be rushed, and every yard is to be utilized to its utmost capacity. A great many minor improvements that ordinarily would not be deemed essential must be made at this time if these yards are to be made efficient. We must expend money to make the yards as efficient as possible for two reasons. One is that it will materially lessen the cost of the work and, secondly, it will greatly increase the speed with which the work can be done. A track now might be located in one place that would not be the most efficient arrangement possible, yet the yard could get along with it. Now, it is proposed to arrange the various devices so as to make them the most efficient possible, and when we realize that between the amount carried in this bill and the amount carried in the naval appropriation bill, one thousand million dollars is to be expended for the Navy, that we are to commandeer practically every shipbuilding plant in the country, $750,000 is an insignificant sum to make possible the utilization in the most efficient manner possible of our own plants.

Mr. KELLEY of Michigan. I call the chairman's attention to the fact that this $750,000 is for only minor extensions and improvements. There are millions carried in the last appropriation bill for the purposes suggested by the gentleman.

Mr. FITZGERALD. The last appropriation bill carries $75,000 for this purpose. A great number of arrangements have to be made. We are going to build a great number of destroyers and submarines in the yards, and it is necessary to provide accommodations and facilities that would not be contemplated or thought of under ordinary conditions, and it seems to me the part of economy to make possible the utilization of these plants in the most effective manner possible.

Mr. KELLEY of Michigan. Is the gentleman able to give any details as to the character of the improvements and in what yards the expenditures are to be made? I am asking this because the regular appropriation bill carries millions for these yards.

Mr. FITZGERALD. Rear Admiral Harris was not able to point out with very great definiteness the particular things that are to be done. Every day matters are coming up and being suggested, changes that must be made. It is to be admitted that to some extent he could not anticipate what they were. Some of it would be for dredging at places where unexpectedly deeper water would be required to utilize tonnage that previously was not needed. It is largely a maintenance item for these yards, to be utilized as never before contemplated. The fact of the matter is that, considering all that is to be done, the shipbuilding facilities are to be overtaxed in attempting to turn out the things that are required. No one can tell on a matter of this kind. It is largely a guess; but the committee believes on this kind of an item that we could not take a chance. We felt that we ought to put this sum at the disposal of the Bureau of Yards and Docks so that there would not be any question as to the best results.

Mr. KELLEY of Michigan. Mr. Chairman, I withdraw the pro forma amendment.

The Clerk read as follows:

Depots for coal and other fuel: Toward fuel-oil storage, including not to exceed $100,000 for the purchase of land, $1,500,000.

Mr. KELLEY of Michigan. Mr. Chairman, I ask unanimous consent to return to lines 6 to 8——

Mr. FITZGERALD. The statement was made, but it was confidential, and we did not even print it in the confidential hearings. It is a reserve supply of fuel of the Navy and can not be made public.

Mr. KELLEY of Michigan. I ask unanimous consent to return to lines 6 to 8.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. KELLEY of Michigan. Mr. Chairman, I want to ask about the $750,000 for the improvement of the power plant systems in lines 6, 7, and 8, and I want to say to the chairman of the committee in the last bill we appropriated for these power plants $2,230,000.

Mr. FITZGERALD. I know the committee did.

Mr. KELLEY of Michigan. Was that sum found to be insufficient, and is this to make up the deficiency, or are there some new improvements contemplated?

Mr. SHERLEY. There are a number of new activities.

Mr. KELLEY of Michigan. We considered the new activities, and, so far as we could we sought to anticipate the needs of these yards in reference to power plants when we made up the last regular appropriation bill for the Navy.

Mr. SHERLEY. There are some needs, I will be very glad to tell the gentleman, that ought not to be stated for the RECORD touching the need of certain facilities in connection with power plants and the activities of the navy yards.

Mr. KELLEY of Michigan. It does not occur to me that the question of power plants——

Mr. FITZGERALD. They are utilizing these plants to a capacity never before used, and in some places they are going to increase the existing plant; in other places they wish to make connection with outside power plants. Now, in some of these instances it will be necessary to install transformers and reducers and distributing systems and do a number of things in order to utilize the plant.

Mr. BUTLER. I know that the gentleman is advising us properly, and the program of this department for its extension should not go into the public record; but was this plan placed before the gentleman and his committee?

Mr. FITZGERALD. Not, in this instance, in the utmost detail—no; but sufficiently to justify, as we think, the appropriation.

Mr. BUTLER. I asked the question so we might know what the gentleman and his committee think, and I understand the committee was satisfied.

Mr. FITZGERALD. Yes.

Mr. KELLEY of Michigan. In view of the information supplied me by the gentleman from Kentucky [Mr. SHERLEY] privately, I will withdraw the request for a more detailed explanation for the RECORD.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn.

There was no objection.

The Clerk read as follows:

BUREAU OF MEDICINE AND SURGERY.

Medical department: For surgeons' necessaries for vessels in commission, navy yards, naval stations, Marine Corps, and for the civil establishment at the several naval hospitals, navy yards, naval medical supply depots, Naval Medical School, Washington, and Naval Academy, and toward the accumulation of a reserve supply of medical stores, $3,000,000.

Mr. MONDELL. Mr. Chairman, I move to strike out the last word. Mr. Chairman, I wish to ask the indulgence of the committee to discuss for a moment an item further along in the bill. I expect to be called away on important official duties in a moment and will possibly not be here when the item is reached, and I would like to call the attention of members of the committee to the item at the bottom of page 79 now.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. MONDELL. That is in reference to the court of appeals building, District of Columbia. An appropriation was made last winter of $5,000 for the rent of temporary quarters for the office of the recorder of deeds, because of the fact that it was necessary for the recorder of deeds to move out of the old court building, that is being repaired, and find new quarters. It is now proposed to repeal that appropriation of $5,000 and to expend $12,000 for the purpose of improving and finishing the third floor of the building on Judiciary Square, occupied by the court of appeals for the accommodation of the office of the recorder of deeds. I called the attention of the members of the committee to it when the committee considered the report of the subcommittee. I have further investigated the matter as I then said I would. I visited the court of appeals building and the office of the recorder of deeds to-day, and I find this to be the situation: The office of the recorder of deeds occupies a floor space of about 6,500 square feet on the ground floor of the old court building on Judiciary Square. That space consists of two large rooms and half a dozen smaller ones. There are 6,500 feet of floor space. The space that it is proposed to improve at the expenditure of $12,000 is the unimproved space on the third floor of the new courthouse building on Judiciary Square, built a few years ago for the use of the court of appeals.

The only space left there is a space that never was intended to be finished and utilized for office purposes. There are two areas of 25 feet width and 65 feet long, one on either side of the building and joined by a dark brick tunnel 50 feet long. These spaces are lighted only on one side. They are right under the roof. They have dead walls at either end. Together they furnish only half the space the recorder now has. They would not furnish him room enough in the way of dead walls against which to place his present files. In my opinion the accommodations would be exceedingly unsatisfactory, it being very difficult to ventilate this space, and it never could be finished and improved so as to be satisfactory for permanent office purposes. So much from the standpoint of the recorder of deeds, and while I understand the recorder of deeds is willing to take this space, in my opinion he could not utilize it in a way that would be very satisfactory to him or the public. But, in addition to that, in order to reach this space it will be necessary for the public, the many people visiting the office of the recorder of deeds, to come into the main door of the court building, traverse a hallway of considerable length, then turn and traverse a still longer one the entire width of the building. This brings one to a small deliberately moving elevator. Mounting to the third floor one finds to the right a cell-like apartment, 25 by 65, lighted only on one side, while a 50-foot tunnel leads to a like space on the other side of the building.

The public passing in and out through that court building, right in front of the main door of the court room, would undoubtedly make considerable noise, create more or less confusion, all of which would be annoying to the court. The public would find it difficult to find its way through those corridors, until it got accustomed to them, to the foot of this elevator shaft, where they would embark in this slow-moving elevator, which is very proper for a court but not at all of the sort needed in an office building where the public comes and goes.

Mr. STAFFORD. Will the gentleman yield?

Mr. MONDELL. Yes.

Mr. STAFFORD. Has the gentleman any alternative proposition?

Mr. MONDELL. Well, I think there will be no difficulty in the recorder of deeds finding space for $5,000 for his accommodation. In fact, he can now rent fireproof space right on Judiciary Square, but he does not care to have it because it is on several floors. He could get other space, but I understand does not like it because it is too high up.

Now, I have in mind, and I desire to have the chairman of the committee particularly give his attention to this, a space that I think they could occupy, and which I think is very much better located for the recorder of deeds than his present location. That is the ground floor of the post-office building. I was in that building the other day and went about through the lower floor of that building, vacated by the city post office a short time ago, and found that that splendid first floor was occupied almost entirely as file and storage space.

Mr. STAFFORD. It is not used at all except for storage?

Mr. MONDELL. Simply for storage. Now, the recorder of deeds' office ought to be down town. I am told the recorder of deeds does not feel that way about it, because they have dwelt in the atmosphere of the courts until they have the idea that the office of the recorder of deeds is more important to the court than it is to the general public. As a matter of fact anybody who has had anything to do with that sort of thing knows that 10 people visit the office of the recorder of deeds relative to ordinary transactions in real estate where 1 visits the office with a view of looking up the record of deeds in connection with a case in the court. They ought to be down town. They ought to be in the Municipal Building. There is this room on the first floor of the post-office building. At any rate, I think it would be a waste of public money to spend $12,000 to finish the attic of the Court of Appeals Building, two separated areas under the sloping roof in that great building, for the use of an office which ought to be on the ground floor, wherever it is, easily accessible to the public, and which, in my opinion, ought to be down town.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MONDELL. Mr. Chairman, I ask unanimous consent for one minute more.

The CHAIRMAN. The gentleman asks unanimous consent for one minute more. Is there objection?

There was no objection.

Mr. MONDELL. Now, Mr. Chairman, I am not going to ask to strike out this item. I simply want to have the committee have it in mind so that if later in the consideration of the bill it is clear what should or can be done we can do it. I have talked with the Superintendent of the Capitol, Mr. Woods, about it. He has charge of these improvements, and thinks it will be necessary to move these offices in order that he may carry on the work of remodeling the court building. They will have no difficulty, if they want to accommodate themselves to the situation, in finding space for their office. And the appropriation has already been made for that purpose, and we ought to spend the money for that purpose unless we use the room in the Post Office Building.

In any event we should not spend $12,000 to finish rooms that never will be permanently used for business purposes, and ought never to be used for those purposes at all. If we spend this money, the rooms would only be used for a short time. This extra space in the Court of Appeals Building will soon be needed by the court for storage and other purposes, and for those purposes the space does not need to be finished. It is in condition now that the court can use it for storage purposes and other purposes that in the very near future will be found necessary and essential. Without spending a dollar it can be used for those purposes and it should be left in its present condition until the court needs the space.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

Provisions, Navy: For provisions and commuted rations for the seamen and marines, which commuted rations may be paid to caterers of messes, in case of death or desertion, upon orders of the commanding officers, commuted rations for officers on sea duty (other than commissioned officers of the line, Medical and Pay Corps, chaplains, chief boatswains, chief gunners, chief carpenters, chief machinists, chief pay clerks, and chief sailmakers) and midshipmen, and commuted rations stopped on account of sick in hospital and credited at the rate of 50 cents per ration to the naval hospital fund; subsistence of officers and men unavoidably detained or absent from vessels to which attached under orders (during which subsistence rations to be stopped on board ship and no credit for commutation therefor to be given); subsistence of men on detached duty; subsistence of officers and men of the Coast Guard and Lighthouse Services while cooperating with the Navy in so far as the regular appropriations for these services are insufficient therefor; subsistence of officers and men of the naval auxiliary service; subsistence of members of the Naval Reserve Force during period of active service; and for subsistence of female nurses and Navy and Marine Corps general courts-martial prisoners undergoing imprisonment with sentences of dishonorable discharge from the service at the expiration of such confinement: *Provided*, That the Secretary of the Navy is authorized to commute rations for such general courts-martial prisoners in such amounts as seem to him proper, which may vary in accordance with the location of the naval prison, but which shall in no case exceed 30 cents per diem for each ration so commuted; and for the purchase of United States Army emergency rations as required; in all, $31,740,992.45.

Mr. MANN. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Illinois moves to strike out the last word.

Mr. MANN. I suppose this item carries the purchase of rations for the Navy, does it not?

Mr. FITZGERALD. Yes.

Mr. MANN. It says, "For provisions and commuted rations," and so forth. This is the item that buys the food for the enlisted men, is it not?

Mr. FITZGERALD. Yes.

Mr. MANN. Mr. Chairman, I congratulate the Committee on Appropriations. It is a wonderful committee. They have given careful consideration to this bill. In the midst of the problems of the advancing cost of living this committee has been able to figure out the cost of living in the Navy to a cent, and it brings in an appropriation of $31,740,992.45. Not many committees of the House could be so accurate. [Laughter.]

Mr. FITZGERALD. Well, the committee is to be commended for that.

Mr. MANN. That is what I am doing—commending.

Mr. FITZGERALD. Read!

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn. The Clerk will read.

The Clerk read as follows:

Buildings: For an addition to Isherwood Hall, $300,000.

Mr. KELLEY of Michigan. Mr. Chairman, I move to strike out the last word for the purpose of getting some information respecting Isherwood Hall.

The CHAIRMAN. The gentleman from Michigan moves to strike out the last word.

Mr. FITZGERALD. Isherwood Hall is the building containing the study halls and recitation rooms, and this is to provide for additional instruction facilities for the additional cadets previously authorized. The naval appropriation bill, as I understand, carries an appropriation for the enlargement of Bancroft Hall, which is a dormitory building. This is to enlarge Isherwood Hall, which is a class room or school building.

Mr. KELLEY of Michigan. I will say to the chairman of the Committee on Appropriations that, as a member of the Naval Committee, this is the first time that I have ever heard of any need of additions for recitation purposes at the Naval Academy.

It has never been called to the attention of the Committee on Naval Affairs, and it certainly has not grown out of any war conditions.

Mr. FITZGERALD. It is the first time I have ever heard of it. But what is the use of providing for an additional number of cadets and for commissioning them if you have no place to educate them?

Mr. KELLEY of Michigan. But we are graduating two classes this year and they will soon be out of there, and we have provided for additional cadets only to take the place of those classes graduated ahead of time. No extra schoolrooms will be needed on that account.

Mr. FITZGERALD. We have provided for additional midshipmen. The appointments will come due in a short time.

Mr. KELLEY of Michigan. But there will be only three classes there next year. Besides it does not seem to me that the Naval Academy authorities should come to the Naval Committee and get part of their needs taken care of and say nothing about other needs, which the chairman of the Committee on Appropriations says have grown out of the same general situation. We should have had the whole story.

Mr. FITZGERALD. I will say the addition is needed because they have a very largely increased number of midshipmen and they will need this recitation room.

Mr. KELLEY of Michigan. I do not think additional rooms are needed on that account, for the reason stated a moment ago. How soon will the building be erected?

Mr. FITZGERALD. In about eight months, as I understand.

Mr. KELLEY of Michigan. I do not think this item should remain in the bill, but if the Committee on Appropriations can stand for it, I can.

Mr. FITZGERALD. I stand for a great many iniquities. [Laughter.]

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn. The Clerk will read.

The Clerk read as follows:

To provide by cooperation of the Bureau of Standards, the War Department, the Navy Department, and the Council of National Defense, for the standardization and testing of the standard gauges, screw threads, and standards required in manufacturing throughout the United States, and to calibrate and test such standard gauges, screw threads, and standards, including necessary equipment, rental in Washington and elsewhere, direction of temporary structures, office expenses, books of reference and periodicals, personal services in the District of Columbia and in the field, and all other necessary items not included in the foregoing, $150,000.

Mr. NORTON. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from North Dakota moves to strike out the last word.

Mr. NORTON. I would like to ask the chairman of the committee whether these appropriations under the Bureau of Standards are really for war emergencies? Are they necessary and usual appropriations for that bureau, or are they occasioned by the present war?

Mr. FITZGERALD. These items are to enable the Bureau of Standards to be utilized to the fullest extent possible by the military establishments, due to the conditions growing out of the war.

Mr. NORTON. A total of $435,000 is asked for.

Mr. FITZGERALD. Thirty-five thousand dollars of it is for the equipment of the chemical laboratory, due to the increased costs which have taken place recently. Four hundred thousand dollars is to enable the bureau to do work of a very important character in connection with the Army and Navy Establishments.

Mr. NORTON. Every department here seems to have deemed it necessary or timely to ask for an additional appropriation. The committee thinks that this is really necessary?

Mr. FITZGERALD. I think that this is probably the most important work that can be done, and by having the Bureau of Standards do the scientific work required it will mean great economy eventually. For instance, it has been ascertained that the Army blanket, which is made wholly of wool, does not keep the men warm. There is a desire to ascertain what particular combination is best for the Army blanket. That question will be worked out scientifically by the Bureau of Standards.

There are a number of questions in connection with the standardization of parts for aeroplanes, and different matters in which I undertake to say that the services rendered by the Bureau of Standards will be immensely valuable. They are being called on continuously, both by the War Department and the Navy Department, for information of an extremely valuable character.

I will call attention to the fact that heretofore the lenses for field glasses and other optical instruments have been obtained in Germany. They can not be obtained there now, and the Bureau of Standards is engaged in testing and investigating regarding the character of lenses possible to be obtained in the United States.

Mr. NORTON. The reason why I made this inquiry is that it seems to me, just as an ordinary individual, that every department of the Government is taking advantage of the present situation, and every one seems to be crying for more money; and unless there is watchful care of the funds of the Government there is going to be great extravagance, and in view of the large appropriations here, it seems to me that some of them are ridiculous.

Mr. FITZGERALD. There is nothing in this bill to indicate that they have been getting excessive appropriations, because outside of the Army and Navy there is very little money in this bill for any of the other departments. And what is in this bill results entirely from the emergency of the war.

Mr. NORTON. I trust this money will be put to good use, but I am free to say that it seems to me to be very much of an extravagance.

Mr. FITZGERALD. In line 3, page 81, I desire to offer an amendment to strike out the word "direction" and insert the word "erection."

The CHAIRMAN. The gentleman from New York offers an amendment which the Clerk will report.

The Clerk read as follows:

Page 81, line 3, strike out "direction" and insert in lieu thereof the word "erection."

The amendment was agreed to.

Mr. TILSON. Mr. Chairman, I move to strike out the last word. The last paragraph speaks of the standardization of gauges, screw threads, and so forth. I understand it is the intention to make the Bureau of Standards the court of last resort to which all the standards to be used in different parts of the country, for instance, in the manufacture of ammunition and arms, will be brought. In this manufacture a great number of very finely constructed gauges are necessary. Is it the intention to have one complete set of these master gauges at the Bureau of Standards by which others may be tested?

Mr. FITZGERALD. To have the standards fixed there and test others for all the manufacturers. I think the gentleman from Connecticut appreciates the importance of this.

Mr. TILSON. I certainly do. I think it is one of the most important things in the whole bill. As the gentleman will recall, when the sundry civil bill was here I moved an amendment for $150,000 for this very purpose, the same amount that the gentleman has here.

Mr. FITZGERALD. Perhaps the gentleman is responsible for this. I do not know.

Mr. TILSON. It is the same amendment that I offered, except that I cut it down to $50,000 in order to get the gentleman to accept it at that time. I am glad it is going in now at $150,000.

Mr. FITZGERALD. It is certainly an important matter.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

HOUSE OF REPRESENTATIVES.

For stationery for the use of the committees and officers of the House, fiscal year 1917, $1,000.

Mr. FITZGERALD. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Committee amendment: Page 81, after line 14, insert: "To pay the widow of Henry I. Helgesen, late a Representative from the State of North Dakota, $7,500."

The amendment was agreed to.

The Clerk resumed and completed the reading of the bill.

Mr. FITZGERALD. I ask unanimous consent to return to page 11, line 18, for the purpose of striking out a superfluous cipher in the amount of $9,000,000, which is printed "$9,000,0000."

The CHAIRMAN. The gentleman from New York asks unanimous consent to return to page 11, line 18, for the purpose of offering the amendment indicated. Is there objection?

There was no objection.

The CHAIRMAN. The gentleman from New York offers an amendment.

Mr. FITZGERALD. I move to strike out the last cipher in the "$9,000,0000," in line 18, there being four ciphers in the last period instead of three.

The Clerk read as follows:

Page 11, line 18, strike out the cipher at the end of the sum of $9,000,000.

The amendment was agreed to.

Mr. FITZGERALD. I move that the committee do now rise and report the bill to the House with the amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. GARRETT of Tennessee, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 3971) making appropriations to supply urgent deficiencies in appropriations for the Military and Naval Establishments on account of war expenses for the fiscal year ending June 30, 1917, and for other purposes, and had directed him to report the same to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. FITZGERALD. I move the previous question on the bill and amendments to the final passage.

The motion was agreed to.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put them in gross.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time.

Mr. MANN. Mr. Speaker, I shall want a roll call on this bill, and I suggest to the gentleman from New York that he ask unanimous consent that the vote on the passage of the bill be taken immediately after the reading of the Journal to-morrow.

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent that the vote on the passage of the bill take place immediately after the reading of the Journal to-morrow.

The SPEAKER. The gentleman from New York asks unanimous consent that a vote be taken on the passage of this bill to-morrow immediately after the reading of the Journal and the disposition of matters on the Speaker's table. Is there objection?

There was no objection.

LEAVE OF ABSENCE.

Mr. TALBOTT, by uanimous consent, was granted leave of absence for five days, on account of sickness.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Tulley, one of its clerks, announced that the Senate had passed without amendment bill of the following title:

H. R. 2893. An act to amend section 10 of chapter 2 of the Criminal Code.

The message also announced that the Senate had insisted upon its amendment to the bill (H. R. 3545) to authorize the President to increase temporarily the Military Establishment of the United States, had requested a conference with the House of Representatives on said bill and the amendment thereto, and had appointed Mr. CHAMBERLAIN, Mr. HITCHCOCK, and Mr. WARREN as the conferees on the part of the Senate.

CALENDAR WEDNESDAY.

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent to dispense with the business in order under the rule to-morrow.

The SPEAKER. The gentleman from New York asks unanimous consent to dispense with the business on Calendar Wednesday for to-morrow. Is there objection?

There was no objection.

WITHDRAWAL OF PAPERS.

Mr. HOLLINGSWORTH, by unanimous consent, was given leave to withdraw from the files of the House without leaving copies papers in the case of John Meehan (H. R. 8876, Invalid Pensions, 64th Cong.), no adverse report having been made thereon.

INCREASE OF MILITARY ESTABLISHMENT.

Mr. DENT. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 3545, for the increase of the Military Establishment, disagree to the Senate amendment, and agree to the conference.

The SPEAKER. The gentleman from Alabama asks unanimous consent to take from the Speaker's table the bill H. R. 3545, disagree to the Senate amendment, and agree to the conference asked for. Is there objection?

Mr. FLOOD. Reserving the right to object, I would like to know if the House will have an opportunity to vote on the prohibition provisions of the bill?

Mr. DENT. I can not state what is going to be the result of the conference.

Mr. FITZGERALD. It is all one amendment.

Mr. MANN. There is but one amendment.

Mr. DENT. The Senate merely substituted their bill for the House bill. There is only one amendment.

The SPEAKER. Is there objection?

Mr. AUSTIN. Reserving the right to object, I want to ask if we will have an opportunity to vote on the so-called Roosevelt amendment or provision in the Senate bill?

Mr. DENT. Mr. Speaker, I can not state what is going to happen. We have not yet been in conference.

Mr. MANN. There is only one amendment. It is not possible to have a separate vote on any particular part of that amendment.

Mr. AUSTIN. Will a motion be in order to agree to that provision in the Senate substitute for the House bill?

Mr. FITZGERALD. Not at this time. There is no disagreement yet.

The SPEAKER. We have not yet disagreed to the Senate amendment.

Mr. AUSTIN. I would like to be recognized when that motion is in order. I do not wish to lose my rights.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

The SPEAKER appointed as conferees on the part of the House Mr. DENT, Mr. FIELDS, Mr. QUIN, Mr. KAHN, and Mr. ANTHONY.

INVITATION TO THE COMMISSIONERS OF THE ALLIES.

Mr. FLOOD. Mr. Speaker, I have been requested by a number of Members of the House to ask the Speaker to invite the two visiting commissioners of the allies to this country to visit the House of Representatives at such times as may be convenient for them, and to make a unanimous request that when they do come the House take a recess for 30 minutes so that Members may receive them.

The SPEAKER. The gentleman from Virginia asks unanimous consent that the Speaker of the House invite the commissioners of the allies to visit the House at such times as may be convenient to them, and that the House take a recess of 30 minutes at such times to receive them. Is there objection? [After a pause.] The Chair hears none.

COMMISSIONERS OF THE PHILIPPINE ISLANDS.

The SPEAKER laid before the House the following communication from the President of the United States, transmitting the credentials of the two Commissioners from the Philippine Islands, which was ordered printed and read, as follows:

THE WHITE HOUSE,
Washington, April 28, 1917.

The honorable the SPEAKER OF THE HOUSE OF REPRESENTATIVES.

MY DEAR MR. SPEAKER: Permit me to hand you the credentials of the Hon. TEODORO R. YANGCO and the Hon. JAIME C. DE VEYRA, elected Resident Commissioners to the United States by the Philippine Legislature on January 10, 1917, under the provisions of the act of Congress approved August 29, 1916, entitled "An act to declare the purpose of the people of the United States as to the future political status of the people of the Philippine Islands, and to provide a more autonomous government for those islands."

Very sincerely, WOODROW WILSON.

Mr. GARRETT. Mr. Speaker, I ask unanimous consent that the Commissioners may be permitted to have seats on the floor of the House. The rule does not provide for seats for the Commissioners, but they have heretofore been given seats by unanimous consent.

The SPEAKER. The gentleman from Tennessee asks unanimous consent that the Commissioners of the Philippine Islands have seats on the floor of the House. Is there objection?

There was no objection.

EXTENSION OF REMARKS.

Mr. JOHNSON of South Dakota. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting an address delivered by Hon. Theodore W. Noyes, editor of the Washington Star, before the Washington Board of Trade on April 27, 1917.

The SPEAKER. Is there objection to the request of the gentleman from South Dakota?

There was no objection.

ADJOURNMENT.

Mr. FITZGERALD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 20 minutes p. m.) the House adjourned until to-morrow, Wednesday, May 2, 1917, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Treasury, transmitting tentative draft of a bill authorizing the Secretary of the Treasury to transfer the old Subtreasury property at San Francisco, Cal., to the War Department for the use of the Engineer Corps, etc. (H. Doc. No. 107); to the Committee on Public Buildings and Grounds and ordered to be printed.

2. A letter from the Secretary of the Treasury, transmitting copy of a communication of the Secretary of War submitting estimates of appropriations required by the War Department for the service of the fiscal year 1917–18 (H. Doc. No. 108); to the Committees on Military Affairs and Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. ALEXANDER, from the Committee on the Merchant Marine and Fisheries, to which was referred the joint resolution (H. J. Res. 62) authorizing the President to take over for the United States the possession and title of vessels of any subject or citizen of any nation with which the United States may be at war, and for other purposes, reported the same with an amendment, accompanied by a report (No. 37), which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SLAYDEN, from the Committee on the Library, to which was referred the joint resolution (H. J. Res. 70) authorizing the erection, on the public grounds in the city of Washington, D. C., of a statue of James Buchanan, a former President of the United States, reported the same without amendment, accompanied by a report (No. 38), which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

Mr. FOSTER, from the Committee on Mines and Mining, to which was referred the bill (H. R. 3932) to prohibit the manufacture, distribution, storage, use, and possession in time of war of explosives, providing regulations for the safe manufacture, distribution, storage, use, and possession of the same, and for other purposes, reported the same without amendment, accompanied by a report (No. 39), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. TINKHAM: A bill (H. R. 4001) further extending the time for the repayment of certain Spanish War revenue taxes erroneously collected; to the Committee on Claims.

By Mr. LEHLBACH: A bill (H. R. 4002) providing for the purchase or condemnation of a site for a target range at or near Great Piece Meadows, in the State of New Jersey; to the Committee on Military Affairs.

By Mr. HOLLINGSWORTH: A bill (H. R. 4003) providing for the purchase of a site and the erection thereon of a public building at Wellsville, in the State of Ohio; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 4004) providing for the purchase of a site and the erection thereon of a public building at East Palestine, in the State of Ohio; to the Committee on Public Buildings and Grounds.

By Mr. CARTER of Oklahoma: A bill (H. R. 4005) authorizing the Secretary of War to donate to the citizens of Talihina, Okla., a bronze or brass cannon; to the Committee on Military Affairs.

By Mr. HOLLINGSWORTH: A bill (H. R. 4006) to provide for the erection of a statue to Maj. Gen. George Armstrong Custer at his birthplace in New Rumley, Ohio; to the Committee on the Library.

By Mr. TINKHAM: A bill (H. R. 4007) for the relief of Peabody & Stearns; to the Committee on Claims.

By Mr. MOORES of Indiana: Joint resolution (H. J. Res. 77) providing for a commission to make investigation and report to the Congress emergency legislation enacted by the several European countries now engaged in war; to the Committee on Appropriations.

By Mr. KALANIANAOLE: Memorial of the Legislature of the Territory of Hawaii, favoring the appointment of bona fide residents of the Territory to office in the Territory; to the Committee on the Territories.

By Mr. RAKER: Memorial of the Legislature of the State of California, inviting Arthur J. Balfour, British foreign secretary; Marshal Joffre, of France; and Marquis De Chambrun, of France, to visit the Middle West and the Pacific coast as the guests of the Nation; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ASHBROOK: A bill (H. R. 4008) granting a pension to Lemuel S. Darr; to the Committee on Pensions.

Also, a bill (H. R. 4009) granting a pension to Solomon Morris; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4010) to reimburse D. Dale Condit, of the United States Geological Survey, of Washington, D. C., for moneys expended in the payment of a damage claim; to the Committee on Claims.

By Mr. BRUMBAUGH: A bill (H. R. 4011) granting a pension to Charles H. Howell; to the Committee on Pensions.

By Mr. DALE of New York: A bill (H. R. 4012) granting a pension to John Demcy; to the Committee on Pensions.

By Mr. HOLLINGSWORTH: A bill (H. R. 4013) for the relief of Wickliff Fry for horse lost while hired by the United States Geological Survey; to the Committee on Claims.

By Mr. JOHNSON of Kentucky: A bill (H. R. 4014) for the relief of Jerry V. Crane; to the Committee on Military Affairs.

By Mr. KELLY of Pennsylvania: A bill (H. R. 4015) for the relief of the McClintic-Marshall Construction Co.; to the Committee on Claims.

By Mr. LITTLEPAGE: A bill (H. R. 4016) granting a pension to Wilber S. Chapman; to the Committee on Pensions.

By Mr. MOORES of Indiana: A bill (H. R. 4017) granting an increase of pension to Marcellus Teeters; to the Committee on Invalid Pensions.

By Mr. ROSE: A bill (H. R. 4018) granting an increase of pension to Samuel Shoup; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petition of members of the faculty and students of the University of Missouri, recommending a fiscal policy to be followed in raising money to finance the war; to the Committee on Ways and Means.

Also (by request), memorial of the Missouri Food Convention, in the matter of the food situation facing this country and urging industrial preparedness; to the Committee on Agriculture.

By Mr. BROWNING: Petiton of Young Men's Hebrew Association, of Camden, N. J., composed of Americans of foreign birth or extraction, pledging fullest devotion and support to the United States of America; to the Committee on Military Affairs.

Also, memorial of First Presbyterian Church of Merchantville, N. J., urging national prohibition as a war measure; to the Committee on the Judiciary.

By Mr. COOPER of Wisconsin: Memorial of sundry citizens of Edgerton, Wis., pledging themselves to do what they can to aid the Government in the present crisis; to the Committee on Military Affairs.

By Mr. CURRY of California: Protest against a stamp tax by R. E. Coggins Drug Co., James Pharmacy, W. L. Helke, and C. J. Peters, all of Sacramento, Cal.; to the Committee on Ways and Means.

Also, protest signed by 18 members of the California State Senate, 37 members of the Assembly, and by J. B. Rooney, Otto G. Koch, E. A. Palm, and W. F. Pierson, of Sacramento County, Cal., against prohibition of manufacture of beer during the war; to the Committee on the Judiciary.

By Mr. DOOLING: Memorial of the National Association of Cotton Manufacturers, relative to taxing incomes; to the Committee on Ways and Means.

Also, memorial of Chamber of Commerce of the State of New York, relative to conservation of tonnage for American foreign trade; to the Committee on Interstate and Foreign Commerce.

By Mr. DRUKKER: Memorial of Haledon (N. J.) Fire Company, No. 1, pledging loyalty and support to the President and Congress; to the Committee on Military Affairs.

By Mr. ESCH: Memorial of Onalaska (Wis.) Woman's Club, favoring universal military training; to the Committee on Military Affairs.

By Mr. FITZGERALD: Memorial of Miami Club, of New York City, N. Y., favoring the granting of home rule to Ireland; to the Committee on Foreign Affairs.

By Mr. GALLIVAN: Memorial of the Union Club of Boston, the Yale Club of New York City, and the Republican Club of New York City, pledging support to the President and urging universal military training; to the Committee on Military Affairs.

By Mr. HAYES: Petition of Mennonites of Paso Robles, Cal., against military training and service; to the Committee on Military Affairs.

By Mr. HILL: Memorial of New Haven County Medical Association of New Haven, Conn., relative to the patent on salvarsan; to the Committee on Patents.

By Mr. HOLLINGSWORTH: Memorial of the Presbyterian Church of Cadiz and Hopedale, Ohio, in favor of national prohibition as a war measure; to the Committee on Military Affairs.

By Mr. LINTHICUM: Petition of the John H. Jones Distributing Agency, of Baltimore, Md., against stamp tax; to the Committee on Ways and Means.

Also, petition of the Canned Goods Exchange of Baltimore, Md., favoring passage of selective draft; to the Committee on Military Affairs.

Also, memorial of Second Division, United Women of Maryland, favoring passage of the Kenyon-Sims bill, House bill 3107, relative to race-gambling bets; to the Committee on the Judiciary.

Also, petition of Maryland Canners' Association, Aberdeen, Md., favoring passage of Senate bill 1867; to the Committee on Ways and Means.

By Mr. LOBECK: Telegrams from George A. Magney and Carl E. Herring, of Omaha, Nebr., protesting against the proposed change in the rate of postage on second-class mail matter; to the Committee on the Post Office and Post Roads.

Also, telegram from Mr. S. R. McKelvie, of Lincoln, Nebr., favoring the zone system in the postal rates on second-class mail matter; to the Committee on the Post Office and Post Roads.

By Mr. MOTT: Memorial of Watertown (N. Y.) Grange, No. 7, Patrons of Husbandry, favoring prohibition as a war measure; to the Committee on the Judiciary.

Also, memorial of sundry citizens of Oneida, N. Y., favoring adoption of an antipolygamy amendment to the Constitution; to the Committee on the Judiciary.

Also, memorial of the Humanitarian Club of New York City, favoring woman suffrage; to the Committee on the Judiciary.

By Mr. RAKER: Petition of George Hewlett, president of California Hop Brewers' Association, protesting against prohibition of brewing of beer as a war measure; to the Committee on the Judiciary.

Also, memorial of Joint Military Engineering Committee of the United States, asking that all new units of Engineer troops be organized and maintained by the War Department; to the Committee on Military Affairs.

By Mr. RANDALL: Memorial of Highland Park Presbyterian Church, California, favoring prohibition for the war; to the Committee on the Judiciary.

Also, petition of the Centenarian Club of Los Angeles, Cal., favoring war-time prohibition; to the Committee on the Judiciary.

Also, memorial of the Friday Morning Club of Los Angeles, Cal., favoring woman suffrage; to the Committee on the Judiciary.

By Mr. SHOUSE: Petition of citizens of Byers, Kans., against miltary draft; to the Committee on Military Affairs.

Also, petition of citizens of Kinsley and St. John, Kans., for investigation of treatment of negro citizens of Texas City, Tex.; to the Committee on Military Affairs.

Also, peition of Mennonite Congregation of Syracuse, Kans., asking exemption from compulsory military service; to the Committee on Military Affairs.

By Mr. STINESS: Memorial of New England Southern Conference of the Methodist Episcopal Church favoring a retirement law for all Federal employees; to the Committee on Reform in the Civil Service.

Also, petition of Arthur B. Lisle, general manager of the Narragansett Electric Lighting Co., of Providence, R. I., urging that all new units of Engineer troops be organized and maintained by the War Department; to the Committee on Military Affairs.

Also, petition of Wood River Junction (R. I.) Christian Missionary Society and Peoples Congregational Church, of Providence, R. I., favoring national prohibition as a war measure; to the Committee on the Judiciary.

By Mr. TIMBERLAKE: Memorial of congregation of the First Methodist Episcopal Church, of Sterling, Colo., urging absolute prohibition of the liquor traffic as a war measure; to the Committee on the Judiciary.

By Mr WELTY: Memorial of International Molders' Union, asking for investigation of explosions in San Francisco last July; to the Committee on Labor.

SENATE.

WEDNESDAY, *May 2, 1917.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we thank Thee for the cause for which we stand, a cause which is high and righteous and holy. We feel our personal unworthiness to stand in Thy name or in the name of humanity. We bless Thee that our national ideals are such as that we can invoke Thy blessing upon them and upon the Nation. We look to Thee for Thy guidance and Thy blessing as we seek to maintain them.

Grant us this day wisdom. Grant us the Divine guidance. Give to us gentleness of spirit. Give to us clear discernment of the truth; and lead us into the blessed way of success. We ask for Christ's sake. Amen.

The Secretary proceeded to read the Journal of the proceedings of the legislative day of Monday, April 30, 1917, when, on request of Mr. SMOOT and by unanimous consent, the further reading was dispensed with and the Journal was approved.

PERSONAL EXPLANATION.

Mr. CURTIS. I should like to state that on the two votes upon pages 1624 and 1625 of the RECORD of May 1, 1917, I voted, thinking that the junior Senator from Georgia [Mr. HARDWICK] was in the Chamber. I did not inquire about it. If I had known that he was absent I would have announced my general pair with him and refrained from voting, unless I could have secured a transfer. I think in justice to him I should make this statement at this time. I am advised that he was absent on account of illness. My votes did not affect the result in any way.

NAVAL MAGAZINE, ST. JULIENS CREEK, VA. (S. DOC. NO. 13).

The VICE PRESIDENT laid before the Senate the following communication from the President of the United States, which was read.

The Secretary read as follows:

THE WHITE HOUSE,
Washington, May 1, 1917.

Hon. THOMAS R. MARSHALL,
President of the Senate.

MY DEAR MR. VICE PRESIDENT: I inclose a letter from the Secretary of the Navy recommending that legislation be enacted by the Congress authorizing the Navy Department to proceed with the development of the site to be acquired as an addition to the naval ammunition depot, St. Juliens Creek, Va.

The recommendation of the Secretary has my approval.

Sincerely, yours,

WOODROW WILSON.

The VICE PRESIDENT. The Chair is uncertain whether the communication should go to the Committee on Naval Affairs or to the Committee on Appropriations. The Chair will send it to the Committee on Naval Affairs in the first instance, at least.

Mr. MARTIN. My impression is that all such matters are treated as deficiencies and are being handled by the Committee on Appropriations.

The VICE PRESIDENT. The communication and accompanying papers will go to the Committee on Appropriations, then, and be printed.

EXPORTS TO NEUTRAL COUNTRIES.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of Commerce, transmitting, in response to a resolution of April 16, 1917, statements of the exports from the United States to neutral countries, etc., which, with the accompanying papers, was referred to the Committee on Printing.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House disagrees to the amendments of the Senate to the bill (H. R. 3545) to authorize the President to increase temporarily the Military Establishment of the United States, agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. DENT, Mr. FIELDS, Mr. QUIN, Mr. KAHN, and

Mr. ANTHONY managers at the conference on the part of the House.

The message also announced that the House had passed a bill (H. R. 3971) making appropriations to supply urgent deficiencies in appropriations for the Military and Naval Establishments on account of war expenses for the fiscal year ending June 30, 1917, and for other purposes, in which it requested the concurrence of the Senate.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT. The Chair presents a resolution of the House of Representatives of the Legislature of Nebraska, praying for national prohibition as a war measure, which will be printed in the RECORD.

The resolution is as follows:

HOUSE OF REPRESENTATIVES,
Lincoln, Nebr., April 19, 1917.

HON. THOMAS R MARSHALL,
Vice President, United States Senate, Washington, D. C.

DEAR SIR: I am inclosing herewith copy of resolution this day passed by the House of Representatives of the Nebraska Legislature in regular session assembled.

Very truly, yours,
G. W. POTTS,
Chief Clerk.

Resolved, That the following communication be sent by the chief clerk of this house:

"To the Senate and House of Representatives of the United States:

"The House of Representatives of the State of Nebraska hereby petitions Congress to pass a law prohibiting the manufacture, sale, and transportation of malt, spirituous, vinous, alcoholic, and intoxicating liquors for beverage purposes throughout the United States during the period of the war."

THOMAS.
NORTON.
FLANSBURG.

The VICE PRESIDENT. The Chair has received a large number of petitions and resolutions praying for freedom or for home rule in Ireland. They will be noted in the RECORD and referred to the Committee on Foreign Relations.

The VICE PRESIDENT presented petitions of sundry citizens of Chicago, Ill.; of New Bedford, Mass.; and of Boston, Mass.; of the James Connolly Branch, Friends of Irish Freedom, of Taunton, Mass.; of Miss Jennie O'Brien, of Taconite, Minn.; and of the Friends of Irish Freedom of Essex County, N. J., praying for the freedom of Ireland, which were referred to the Committee on Foreign Relations.

He also presented telegrams from the congregation of the Methodist Church, of Rosedale, Ind., and the congregation of the First Baptist Church of Columbia, S. C.; petitions from the congregation of the Central North Broad Street Presbyterian Church, of Philadelphia, Pa.; the congregation of the United Brethren Church of Rich Valley, Ind.; of the ministry and laymen of Jersey Shore, Pa.; of the congregation of the Washington Street Methodist Church, of Columbia, S. C.; of the Men's Club of the Grace Evangelical Church, of Chicago, Ill.; of the alumni and friends of North Western College, of Chicago, Ill.; of the student body of the University of Oklahoma, of Norman, Okla.; of the congregation of the Reformed Presbyterian Church of Bellefontaine, Ohio; of the Monthly Meeting of Friends, of Swarthmore, Pa.; of the congregation of the Christ Lutheran Church, of Gettysburg, Pa.; and of the Texas Division of the United States Army for Food Service, praying for national prohibition as a war measure, which were referred to the Committee on the Judiciary.

Mr. McCUMBER. I have resolutions adopted by the citizens of Grand Forks, N. Dak., at a great patriotic mass meeting in that city Tuesday evening, April 10, 1917, forwarded to me by Prof. McVeigh, president of the University of North Dakota. These resolutions present the patriotic sentiment of the people of our State so strongly that I ask that they may be printed in the RECORD, together with the names of the committee.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

Resolutions adopted by the citizens of Grand Forks, N. Dak., at a great patriotic mass meeting in that city Tuesday evening, April 10, 1917.

Whereas the President, through his messages to Congress, has laid before us the conditions of the relations of our Government to the Government of the German Nation; and

Whereas, in recognition of the facts so presented, being coerced and forced thereto by a ruthless war waged against it by the Imperial German Government, our Nation has recognized and declared to exist the said state of war thus relentlessly and cruelly forced upon us, and our President has been authorized to make use of all the resources of the Nation for its protection, for the safeguarding of our people, and, as he has well said, "to vindicate the principles of peace and of justice in the life of the world as against selfish and autocratic power and to set up amongst the really free and self-governed peoples of the world such a concert of purpose and of action as will henceforth insure the observance of those principles":

Now, therefore, the people of the city of Grand Forks, N. Dak., in mass meeting assembled, with bitterness toward none "but with firmness in the right," do hereby

Resolve—

First. That as loyal and patriotic citizens we heartily and thoroughly commend and approve the action of our President in severing diplomatic relations with the Imperial German Government; and

Second. That as loyal and patriotic American citizens we heartily and thoroughly commend and approve the action of the Congress of the United States in recognizing and declaring to exist the war which has been waged against us; and

Third. That we promise our hearty and enthusiastic aid and support to the Government in every step and act to protect the safety of our Nation and the cause of freedom and democracy throughout the world; and

Fourth. That we urge our Government to conduct the war thus forced upon us with all the vigor, power, and strength of our Nation, and in thus resorting to arms to protect ourselves from the attacks relentlessly made upon us we disclaim any desire or purpose of conquest or of waging any war other than in defense of our persons, our property, and our sacred honor and in vindication of human rights, and in the peace which follows this war it is our hope and prayer that our beloved Nation, which has through the years since its birth led all the peoples of the earth in the pathway of individual freedom and liberty, may then add its authority and its power to the authority and force of other nations and create and form with them an enduring league of peace; and

Fifth. To this task we "dedicate our lives and our fortunes, everything that we are and everything that we have, with the pride of those who know that the day has come when America is privileged to spend her blood and her might for the principles that gave her birth and happiness and the peace which she has treasured"; and

Sixth. That the chairman of this meeting cause copies of these resolutions to be made and that one of such copies be sent to the President of the United States and one to each of the Senators and Representatives of our State in Congress.

Geo. A. Bangs, Roger W. Cooley, Henry Holt, E. P. Robertson, J. B. Wineman, W. P. Davies, J. Nelson Kelly, O. B. Burtness, Tom Parker Junkin, J. D. Taylor, John M. Gillette, P. O. Thorson, W. H. Matthews, committee.

Mr. McCUMBER. I have a copy of resolutions passed in a convention by the Equity Cooperative Exchange, of my State. It covers many phases of the questions involved in the war, most of them, I think, relating to agriculture. I ask that it may be printed in the RECORD, together with the names of the officers signing it, and that it be referred to the Committee on Agriculture and Forestry.

There being no objection, the resolutions were referred to the Committee on Agriculture and Forestry and ordered to be printed in the RECORD, as follows:

I.

LOYALTY.

Whereas with war has come the supreme test of the Nation, necessitating vast economical and scientific production of foodstuffs upon a scale heretofore undreamed of: Therefore be it

Resolved by the members of the Equity Cooperative Exchange in special convention assembled, That we pledge anew our loyalty to the Nation, our faith in her democratic ideals, and our unswerving effort to omit no step which will make for increased production and the most effectual cooperation in the sale and distribution of farm products.

II.

THE GOVERNMENT SHOULD ELIMINATE SPECULATION AND FIX PRICES FOR FOOD PRODUCTS.

That by reason of the unlimited speculation and systematized price manipulation which has heretofore obtained in the so-called regular grain exchanges of the country, which practices are now immeasurably increased by reason of the abnormal and unprecedented conditions enforced by the war, the entire business of grain production has become a mere gamble, the outcome of which is determined by the riot of gambling and speculative transactions which daily and hourly raises and lowers the prices of commodities grown, which destroys all stability of price and lends itself to dishonest and selfish manipulation, to the detriment and injury of loyal workers in the field; be it further

Resolved, That we call upon the Federal Government, as a war measure and for the protection of workers everywhere engaged in production—

First. To abolish forthwith the practice of price manipulation in grain exchanges, together with the instrumentality through which this is accomplished, namely, future trading in grain and grain products.

Second. To fix and determine, with careful regard for the present disorganization of industry and the immensely increased actual and prospective cost of production, a schedule of minimum prices for farm products sufficient to guarantee to the producer a reasonable return and to insure him against the unnecessary gambling hazards of the present system. We call attention to the fact that practically all of the warring nations have already adopted this course and that the resultant stimulus to agriculture has been incalculable.

III.

Resolved, That we commend the action of the Government in its investigation of the speculative ownership and sale of grain and foodstuffs, and we urge the Government to take such steps as will prevent undue and unjustifiable profits in the manufacture and distribution of grain and grain products. We especially urge the Government to investigate the profits growing out of the manufacture, sale, and distribution of flour at present prices.

IV.

FARM LABOR, SEED, FEED, AND MONEY.

Whereas an assured and competent supply of labor, seed for planting, and feed for farm animals is absolutely essential to proper productions; and

Whereas to our knowledge competent farm labor has been increasingly difficult to obtain in past years, good seed is scarce and its price almost prohibitive, and many producers in the Northwest are literally without feed for necessary farm animals and without money to obtain or pay for the same: Therefore be it

Resolved, We call upon the Government, both State and Federal—and all the agencies of each—as well as upon the banks and all patriotic individuals with means, to assist the producers everywhere in obtain-

ing necessary labor, seeds, and feed, and we further solemnly warn the country that unless cooperation and assistance is advanced the farmers of the Northwest can not hope to produce to the full limit of their capacity, and that assistance, if rendered at all, must be rendered within a few weeks and before the planting season is over.

We earnestly suggest that the Government take immediate steps to provide for the free, or practically free, transportation to and from the harvest fields of all persons in the cities who are able and willing to work on the farms, to the end that all idle and unproductive elements of city population may be profitably and productively employed in agriculture.

V.

TAXATION TO MEET WAR EXPENSES.

Whereas our Government has authorized the raising of $7,000,000,000 for war purposes; and

Whereas it is evident to all that the raising of this stupendous sum is but a start upon future amounts which it will be necessary to raise in order to effectively prosecute the war; and

Whereas, further, the experience of the European nations engaged in war has resulted in stupendous bonded indebtedness, which has already entailed endless burdens upon posterity and even threatens to plunge the Governments of those nations into national bankruptcy and repudiation: Therefore be it

Resolved, That we demand that the Government of the United States adopt a pay-as-we-go policy and refrain from burdening posterity and inviting financial ruin by the assurance of any bonds except for temporary purposes and for the additional purpose of loans to ally nations; that we call upon the Government to adopt a system of income taxation which shall place a tax of at least 10 per cent upon the excess of incomes over $2,500 and up to $5,000, and shall rapidly progress until, if the duration of the war and its cost make it necessary, all of that portion of incomes in excess of $50,000 shall be taken entirely; that, further, a tax be imposed upon war profits which shall take a very large percentage of such profits, together with an increased tax upon all luxuries.

We further call attention to the fact that the universal experience shows that permanent bond issues produce inflation, thereby increasing the cost of living and the cost to the Government of purchasing munitions and war supplies and generally financing the war. The taxation of incomes, luxuries, and war profits is a fair, equitable, and democratic method of meeting war expenses. The poor man in the trenches will be called upon to give his all, even to his life. If maimed or injured, what he has given can not be returned. If the wealthy are merely called upon to invest in bonds, they give but little. The investment they make will be repaid with interest, and in the meantime it is exempt from taxation and secure. It would be inequitable to expect the poor man who, with sacrifice and suffering to himself and family, has fought the country's battles in the trenches, to return to civil life and assume the more than life-long burden of taxation which would be necessary to repay the profitable war-loan investments of his wealthier and more fortunate brother who merely loans money and performs no further service.

We therefore demand, in the interests of equal and democratic service, and the efficient conduct of the war, that incomes and profits be at least equally as liable to conscription as human lives.

We further demand that United States soldiers be paid a living wage of at least $40 per month, and we take the occasion to record our belief that after the end of the war the Government should show its loyalty to its defenders by making adequate provision for the comfortable maintenance of all injured soldiers, together with their families and the families of the dead, not as a matter of charity, but as a matter of absolute right.

VI.

Resolved further, That we extend to the city of Fargo, and particularly the Commercial Club of the city, our sincere appreciation of the uniform courtesy and hospitality which has been extended to us.

VII.

Resolved further, That copies of these resolutions be mailed to the Secretary of Agriculture of the United States and to all Members of the United States Congress from the Northwestern States.

C. J. LEE, *Fargo, N. Dak.*
ALEX S. HILL, *Newburg, N. Dak.*
J. W. BOEING, *Fargo, N. Dak.*
M. TEIGEN, *Kramer, N. Dak.*
C. B. MAY, *Argusville, N. Dak.*
ABRAM BALDWIN, *Oberon, N. Dak.*
BENJAMIN DRAKE, *Minneapolis, Minn.*

Mr. WALSH. I present resolutions adopted by the Serbian Society of Red Lodge, Mont., pledging their loyalty to the Government, which I ask may be printed in the RECORD.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

CHAMBER OF COMMERCE,
Red Lodge, Mont., April 24, 1917.

Hon. T. J. WALSH,
United States Senate, Washington, D. C.

DEAR SIR: I take great pleasure in transmitting to you the following resolutions passed by the Serbian Society of Red Lodge, Mont., April 22, 1917:

"Whereas the United States of America is now at war with the Imperial German Government; and

"Whereas the Serbian Society of Red Lodge, Mont., numbers among its more than 100 members men who, although their time of residence in the United States is more or less of recent beginning, yet yield to none in their devotion to the principles of liberty and order, and who believe that in their leaving European soil and joining their lives and fortunes with the lives and fortunes of native children of the Stars and Stripes they have established a just claim to recognition as members of the American family; and

"Whereas centuries of fighting for freedom against oppression and tyranny have bred into the bone and blood of Serbians an instinct of battle for their homes: Therefore be it

"*Resolved by the Serbian Society of Red Lodge*, That we pledge our united and individual support and loyalty to the United States of America in word and deed, and to the President of the United States of America, and to the Armies, Navies, and established institutions of the United States of America; and that we publish to the world our allegiance to the cause of freedom and democracy in all lands and under all flags, and in particular our allegiance to the banner of the United States of America and our determination to perform to the full extent of our knowledge and ability our utmost duty as citizens of this our country and protectors of this our flag, which resolution is made reverently under the witness of the Almighty God; and further be it

"*Resolved*, That copies of this resolution be sent to the President of the United States, the congressional delegation, Gov. S. V. Stewart, and the press.

"MIKE D. DIMIC, *President.*"

Yours, very truly,

QUINCY SCOTT, *Secretary.*

Mr. WALSH. Mr. President, I have received a brief letter from a farmer of my State breathing sentiments of patriotism so practical in their nature that I am moved to ask that it be read at the desk.

There being no objection, the letter was read, as follows:

LAUREL, MONT., *April 21, 1917.*

Hon. T. J. WALSH,
Washington, D. C.

MY DEAR SENATOR: I will be 59 years old the 1st day of next July. Rather old for the Army or Navy, but I see no reason that because a man is past military age that he should not serve his country in time of war without being allowed to make a fortune out of his country's misfortunes. I see no patriotism in raising wheat at $2 a bushel, and unless the Government takes some action to fix the price of wheat that is what it will cost. I have half interest in 225 acres of fall wheat, and will have about as much spring wheat sowed on my irrigated land, and if the speculators fix the price each farmer will try to get all he can for his wheat. But if our President would come out with one of his popular appeals to the patriotism of the farmers I believe they would respond and feel that they were actually doing something worth while.

I hate to think that I belong to a class that think only of the almighty dollar in a time like this. Farmers can raise wheat and make money—lots of it—at $1 a bushel. I have raised lots of wheat and never received $1 a bushel until two years ago.

I wish that you could see your way clear to use your great influence to require farmers to sell their wheat at not more than $1 direct to the General Government and require the mills to grind it at a reasonable price. I know that this seems like a queer proposition in America, but it looks reasonable to me.

I am too old for the Army or Navy, as I said in the first place, and I have only one son, and he has lain in a sick room for more than six weeks fighting for his life against a very serious case of typhoid fever. Yesterday the fever turned and we feel sure now that he has won out, but it will be a long time before he is fit for active duty. For the sake of our own self-respect give us a chance to do the right thing and cut out the speculators.

Sincerely, yours,

L. A. NUTTING.

Mr. BECKHAM. I have received a number of telegrams and communications from business firms and associations in my State, which I ask to have printed in the RECORD. It will not be necessary to print all the names.

There being no objection, the communications were ordered to be printed in the RECORD, as follows:

LOUISVILLE, KY., *May 1, 1917.*

Hon. J. C. W. BECKHAM,
Senate, Washington, D. C.:

On behalf of the Intercollegiate Prohibition Association of the Southern Baptist Theological Seminary, and in order to make our country strong at this critical hour, we petition you to use your support to a measure prohibiting the manufacture of intoxicating liquor during the war.

J. B. LOSTER,
President Intercollegiate Prohibition Association.
E. P. LEE,
Vice President Intercollegiate Prohibition Association.
D. H. WILETT,
Secretary Intercollegiate Prohibition Association.
J. R. EASLEY,
President Young Men's Christian Association.
NORMAN WILLIAMS,
Vice President Young Men's Christian Association.

LOUISVILLE, KY., *April 30, 1917.*

Senator J. C. W. BECKHAM,
Washington, D. C.:

The Men's Federation of Louisville, representing entire constituency of the Protestant churches of the city, urge you to support pending legislation in Congress for the prohibition of beverage liquor traffic, as a war measure; to conserve food supply; and promote factory and military efficiency. Patriotism and the welfare of our country appeal alike for this legislation.

MEN'S FEDERATION OF LOUISVILLE,
C. J. MEDDIS, *Executive Secretary.*

LOUISVILLE, KY., *April 30, 1917.*

Hon. J. C. W. BECKHAM,
United States Senate, Washington, D. C.

DEAR SIR: There are times when every man's brain should be clear and his nerve steady. The man in the factory and in the office can not work efficiently when he is slightly under the influence of liquor.

We strongly urge the prohibition of the liquor traffic as a war measure, first, on account of efficiency; and, second, because it would save an immense amount of food products which the Government is straining every nerve to supply.

Let's dare to do what we know is right.

Very truly,

DOW WIRE & IRON WORKS,
By W. HUME LOGAN, *President.*

A petition.

We, the undersigned citizens of Bell County, Ky., respectfully request that you use all possible efforts to effect the legislation prohibiting the use of grain in the distilling of liquors as a beverage or for other than war purposes throughout the duration of this present war.

E. C. Perkins, J. T. Martin, W. L. Cooper, Henry Broughton, Joe Medlin, A. Linsfert, Russ Collins, J. S. Wilder, A. E. Worley, E. R. Roberts, George Vocbeker, E. K. Young, D. H. Disney, C. J. Stines, Rosco Cadee, A. P. Steele, Thomas Polly, James Green, C. H. Harris, E. R. Nicholson, W. L. Harmon, W. D. Wilder, George W. Roberts, H. B. Trozer, J. D. Dusini, Russ Chappin, W. A. Stines, F. E. Gilbert, J. S. White, B. Mullin, Sam Hickey, H. Phipps, S. B. Day, C. H. Thomson, E. L. Green, Levi Slover, W. N. Taylor, C. T. Kirby, Charles B. Richardson, D. L. Soard, Dr. Charles V. Stark, L. Castle, A. D. Hill, W. C. Smith, H. C. Johnson, Frank Vance, R. C. Mullins, Jonas Jones, Tom Sulfridge, J. M. Richardson, J. L. Tugman, C. G. Turner, Henry Dixon, C. O. Haskins, Fred Hohwarth, W. G. Fultz, J. T. Martin, Missionary to Southeastern Kentucky, Box 372, Harlan, Ky.

—

COVINGTON, KY., *April 30, 1917.*

MY DEAR SENATOR BECKHAM: I am inclosing a petition which I have confidence you can best use for the purpose we have in view.

I hope you will not only labor for the suppression of the manufacture of alcoholic beverages but will do all you can to prevent entrenching the business more deeply by making it a large contributor through revenues of our Nation. We do not want our Nation supported by revenues on vicious business of any kind. Let us have an income tax that will reach the lowest income as well as the highest, equitably, and let us all individually contribute our share of our Nation's cost.

No true American can want some one else to pay his debt to our Government. Let all be taxed.

Very sincerely,

HUGH LEITH,
Minister First Presbyterian Church, Covington, Ky.

—

LEXINGTON, KY., *April 25, 1917.*

To Hon. J. C. W. BECKHAM,
Washington, D. C.:

We, the following residents of Lexington, Ky., realizing that our country faces a great war in which the conservation of food and manhood are prime essentials, and learning that the military encampment near our city is likely to be increased to from ten to forty thousand young men, we call upon our National Congress to pass and our President to sign a law enacting prohibition for our entire territory, at least during the continuance of the present war, in order that our young men may not have to face the inevitable danger of being preyed upon by the traffickers in intoxicating liquors, and in order that food-bearing grains may not be more than wasted by being converted into strong drink during these months of national peril.

THOMAS B. ROBERTS
(And others).

—

NEWPORT, KY., *April 30, 1917.*

Hon. J. C. W. BECKHAM,
United States Senate, Washington, D. C.

DEAR SIR: As loyal citizens of the United States, we hereby petition you in the interest of our country that as a war measure our food crops shall be conserved, and that we shall have prohibition of the manufacture and sale of alcoholic liquors. When our entire population could be fed for many months each year by the grain that is turned into liquor and other intoxicants, and when our men are rendered inefficient by the drinking of the article manufactured from the grain, it furnishes its own reason why consistency should cause laws to be enacted to rid ourselves of this great impediment to victory.

Yours, very truly,

LEROY M. ANDERSON,
Pastor Central Christian Church.

Signed by the members present Sunday, April 29, 1917.

—

Hon. J C. W. BECKHAM,
United States Senator from Kentucky, Washington, D. C.

SIR: A nation's trial tests the loyalty alike of its leaders and its people. The war which we have entered at the call of justice and humanity has made more acute the food crisis at home and the problem of hunger among our smitten brothers elsewhere. We commend our President's call to our people to increase and preserve in every possible way our country's food supply.

To this end we urge the passage of such laws as shall prevent, at least during our national crisis, the use of needed fruit and grain for the manufacture of alcoholic drinks. We therefore urge our President and lawmakers to express now that high honor and humanity which called us to take up arms by such legislation as shall conserve this fruit and grain for food and shall safeguard that greater treasure of our homes—the strength and honor of the young men who are answering the country's call—that they render the best service now and when the war is over.

Respectfully submitted,

MRS. JAS. H. WHITE
(And others).

—

We the undersigned citizens of the city of Covington, State of Kentucky, respectfully petition the Congress of the United States of America to prohibit the manufacture and distribution of alcoholic beverages throughout the United States and its dependencies. Especially do we desire this in these times of the stress of war.

HARRIET NORRIS
(And others).

Mr. JOHNSON of South Dakota. I present a petition of the ministers and laymen of the Sioux Falls district of the Dakota Conference of the Methodist Episcopal Church of South Dakota, and also of a large number of citizens of my State, which I ask may be referred to the appropriate committee for serious, and, I may say, I hope favorable, consideration.

The petitions were referred to the Committee on the Judiciary, as follows:

Petitions of sundry citizens of Brookings, Wessington Springs, Mitchell, Holmquist, Emery, Pierre, and St. Lawrence, all in the State of South Dakota.

Mr. GRONNA. The Committee on Agriculture and Forestry are now holding hearings upon various bills for the conservation of food. A certain gentleman from Michigan, Mr. Grant H. Slocum, who is supreme secretary of the Gleaners, a farmers' organization, appeared before that committee. I have a telegram from him since his return to Michigan, which I ask may be read. I think it contains a great deal of valuable information.

There being no objection, the telegram was read, as follows:

DETROIT, MICH., *May 1, 1917.*

Hon. ASLE J. GRONNA,
Committee on Agriculture, Washington, D. C.:

Have tabulated returns from 176 farmers, who average 120 acres. They will plant 1,958 acres of beans, 739 acres of potatoes, 2,385 acres of corn, and 1,918 acres of fall wheat. They will plant under a minimum guaranty 3,037 acres of beans, 1,273 acres of potatoes, 3,077 acres of corn, and 3,228 acres of fall wheat. This means an increase in beans of 1,079 acres; potatoes, 534 acres; corn, 692 acres; wheat 1,310 acres. Remember these farmers are not asking for help. This organization will lend $10,000 to members for seed at interest of 2½ per cent under a minimum guaranty. Quick action necessary.

GRANT H. SLOCUM,
Supreme Secretary of Gleaners.

Mr. GRONNA. I present a number of telegrams asking for national prohibition. A few of them protest against an increase in postal rates. They are all very brief, and I ask that they may be printed in the RECORD without reading.

There being no objection, the telegrams were ordered to be printed in the RECORD, as follows:

BISMARCK, N. DAK., *April 21, 1917.*

Senator A. J. GRONNA,
Washington, D. C.:

Please urge support of all prohibition measures up to date.

W. M. LANGER, *Attorney General.*

—

BISMARCK, N. DAK., *April 21, 1917.*

Senator A. J. GRONNA,
Washington, D. C.:

Wire passage of dry-zone camps; also prohibit sale of liquor to soldiers.

T. L. WATKINS.

—

MINNEAPOLIS, MINN., *April 23, 1917.*

Senator A. J. GRONNA,
United States Senate, Washington, D. C.:

My associates in Russell Miller Milling Co., Wells-Dickey Co., and Electric Steel Elevators Co. agree with me in recommending war prohibition, for reasons quite needless to repeat. Should you be in accord, will you please furnish copies of this message to Minnesota and North Dakota Representatives.

E. P. WELLS, *President.*

—

EGELAND, N. DAK., *April 25, 1917.*

Hon. A. J. GRONNA,
Washington, D. C.:

The Church of the Brethren here at Egeland are unanimous in favor of prohibition, and urge your support to make the liquor traffic of the Nation a war-emergency measure so as to conserve food supply.

Yours, truly,

A. M. SHARP, *Pastor.*

—

KENMARE, N. DAK., *April 23, 1917.*

Senator A. J. GRONNA,
Washington, D. C.

HONORABLE SIR: We, the representatives of the Woman's Christian Temperance Union of Kenmare, N. Dak., respectfully petition you to support the movement for national prohibition as an emergency war measure.

We feel that this step is absolutely necessary for the proper conservation of our foodstuffs and the manhood of the country.

Respectfully, yours,

MRS. KATE HUGHES,
MRS. RUTH SPEAKER,
Committee.

—

VALLEY CITY, N. DAK., *April 24, 1917.*

Senator A. J. GRONNA,
Washington, D. C.

DEAR SENATOR: The Ministerial Association of Valley City, N. Dak., at its meeting held on April 24, 1917, unanimously voted to appeal to President Wilson, Senators, and Representatives, urging the prohibition of the liquor traffic in the Nation as a war-urgency measure. It would seem as though circumstances demand such action, and the association feels confident that it would be in accordance with the wishes of the congregations represented, as well as the wishes of the majority of the people in this community. The association sincerely hopes and prays that the administration can see its way clear to enact this legislation.

J. F. S. BOHNHOFF, *Chairman.*
ERNEST A. MARTELL, *Secretary.*

JAMESTOWN, N. DAK., *April 26, 1917.*

Hon. WOODROW WILSON, President of the United States,
Washington, D. C.

DEAR SIR: The session of the First Presbyterian Church of Jamestown, N. Dak., recommend and urge that you use your influence to have Congress enact laws prohibiting the manufacture and sale of intoxicating liquor as a war measure, so as to conserve the food supply and increase the military efficiency of the Nation.

Yours, very respectfully,
H. B. ALLEN,
Clerk of Session.

Hon. A. J. GRONNA,
Washington, D. C.

DEAR SIR: The above letter was sent to the President. Please use your influence for the enactment of such a law.

Yours, very truly,
H. B. ALLEN,
Clerk of Session.

FORT RICE, N. DAK., *April 26, 1917.*

Hon. A. J. GRONNA,
Washington, D. C.:

We, the undersigned voters of Fort Rice, N. Dak., supporters of the North Dakota Enforcement League, earnestly desire to see a nation-wide prohibition of the liquor traffic.

S. C. QUIST.
O. PAULSON.
P. GWYTHER.
R. GWYTHER.
J. GWYTHER.
G. COLBY.
H. MCDONALD.
H. DAVIS.
B. GWYTHER.
J. WEAD.
GEO. LANEY.

SHERWOOD, N. DAK., *April 26, 1917.*

Hon. A. J. GRONNA,
Washington, D. C.:

We, as mothers and members of the Woman's Christian Temperance Union, in behalf of our boys who are responding to their country's call, do respectfully and earnestly appeal to you to do all within your power for nation-wide prohibition as a war emergency measure, to conserve foodstuffs, and for health and efficiency in this time of our Nation's need. Also to close dens of vice.

ALICE M. GOHEEN,
Acting Corresponding Secretary.

BATH GATE, N. DAK., *April 30, 1917.*

Senator ASLE J. GRONNA,
Washington, D. C.:

Every town and community in Pembina County strongly favors national prohibition as an emergency war measure.

C. STAGERMAN,
Sunday School Temperance Superintendent for County.

EDGELEY, N. DAK., *April 28, 1917.*

Senator ASLE J. GRONNA,
Washington, D. C.:

The Edgeley (N. Dak.) Woman's Christian Temperance Union petitions for the immediate enactment of national prohibition of the liquor traffic as a war emergency measure. As mothers we insist on the duty of the Nation to protect our boys whom we give to protect the Nation.

EDGELEY UNION.

WILKINSBURG, PA., *April 30, 1917.*

Hon. ASLE J. GRONNA,
Senate Office Building, Washington, D. C.

DEAR SIR: Your bill to prevent grain being wasted by brewers and distillers is a good one. Bread has gone to 10 and 15 cents a loaf here to-day. My brother was killed by the Pennsylvania Railroad October 6, 1915, after having spent his last dollar for whisky. If we are to have conscription, let the whole United States vote on it.

Yours, respectfully,
JOHN HOUSEL.

EDGELEY, N. DAK., *April 24, 1917.*

Senator ASLE J. GRONNA,
Washington, D. C.:

We request the immediate prohibition of the liquor traffic as an emergency war measure, the conservation of our food supplies, the protection of our sons in the service, and prevent the traffic and giving aid and comfort to our enemies. We have given our sons for the country's protection and appeal to you to safeguard them.

Charles Gunther, Jake Anderson, A. J. Kesler, James Layler, W. T. Martin, H. E. Sox, Ralph Hall, W. R. Scobie, Jud Brown, C. R. Crowley, E. C. Harrison, Geo. Bulmer, Chas. Sturgeon, Aug. Brodtkers, J. Flannery, L. S. Howe, M. M. Miracle, W. C. Gray.

EDGELEY, N. DAK., *April 24, 1917.*

Senator ASLE J. GRONNA,
Washington, D. C.:

The Edgeley (N. Dak.) Methodist Episcopal Church congregation, by unanimous rising vote, urge immediate national prohibition of the liquor traffic as a war emergency measure, to conserve food supply, to protect our sons in service, to increase national military and working efficiency, and thus and in other ways to stop the traffic, aid, and comfort to the enemy.

A. LINCOLN SHUTE, *Pastor.*
CHAS. GUNTHERP, *President Trustees.*

EDGELEY, N. DAK., *April 24, 1917.*

Senator ASLE J. GRONNA,
Washington, D. C.:

As a father giving a son to the service, I beg for immediate prohibition of the liquor traffic as a war emergency measure, to conserve morals, efficiency, and food, our boys and our crops for our country, but neither for the great liquor ally of our enemy.

A. LINCOLN SHUTE, *Methodist Pastor.*

TOLLEY, N. DAK., *April 24, 1917.*

Senator A. J. GRONNA,
Washington, D. C.:

We urge you, as our representative, to do all within your power to obtain national prohibition as a war emergency measure to save our husbands, fathers, sons, and lovers from moral degradation.

MRS. S. F. BEER,
President Woman's Christian Temperance Union of Tolley, N. Dak.

FARGO, N. DAK., *April 24, 1917.*

Senator A. J. GRONNA,
Washington, D. C.:

We earnestly request immediate prohibition of the liquor traffic to conserve the food supply and to promote factory, farm, and Army efficiency.

BRISTOL & SWEET HARNESS CO.,
By F. C. BRISTOL.
SENTINEL BUTTE SADDLERY CO.,
By W. F. PETERSON.
FARGO PLUMBING & HEATING CO.,
By P. W. FARNHAM.

GRAND FORKS, N. DAK., *April 26, 1917.*

Senator A. J. GRONNA,
Washington, D. C.:

The executive committee of the North Dakota Bankers' Association on food production ask if possible, that your good service be enlisted with the proper authorities to have all time put in as farm laborers by our men who have homesteads to count the same as if actually living on the homestead. We want Montana-Dakota homesteaders to help with our crops; we also strongly favor selective conscription so as to save our boys for farm work.

WESLIE C. MCDOWELL,
Chairman, Marion, N. Dak.

LISBON, N. DAK., *April 24, 1917.*

Senator A. J. GRONNA,
Washington, D. C.:

The North Dakota druggists have no desire nor wish to evade just burden of taxation, but do protest against the imposition in the form of a stamp tax as it is discriminating and disturbing to trade conditions, brings about unfair methods of competition, and is unsatisfactory to manufacturers and dealers.

W. S. PARKER,
Secretary North Dakota Pharmaceutical Association.

DICKINSON, N. DAK., *April 27, 1917.*

Senator A. J. GRONNA,
Washington, D. C.:

The bill increasing postal rates and establishing zones will work hardship and almost make circulation of some high-class publications prohibitive in certain localities. Any fair effort on your part to avoid this condition will be duly appreciated by the undersigned readers of the Christian Science Monitor, published in Boston, Mass.

N. Malcolm, B. B. Davis, A. O. Ross, A. Jensen, B. Sutherland, O. P. Brenick, E. H. Knapp, C. Langdon, C. Goodall, L. Egan, C. Fink, E. Bradford.

GRAFTON, N. DAK., *April 27, 1917.*

Hon. A. J. GRONNA,
Washington, D. C.:

Bill increasing postal rates and establishing zones will work hardship and almost make circulation of some high-class publications prohibitive in certain localities. Any fair efforts on your part to avoid this condition will be duly appreciated by the undersigned readers of the Christian Science Monitor, published in Boston, Mass.

W. C. TREUMANN.
L. E. GRAY.
E. DUNN.
A. DUNN.
A. HOOVER.
E. B. TREUMAN.
A. M. GROVER.
H. E. HALTER.

DEVILS LAKE, N. DAK., *April 27, 1917.*

Senator A. J. GRONNA,
Washington, D. C.:

Bill increasing postal rates and establishing zones will work hardship and make circulation of some high-class publications prohibitive in certain localities. Any fair effort on your part to avoid this condition will be duly appreciated by the undersigned readers of the Monitor, published in Boston, Mass.

EDGAR LARUE.
GEORGE A. KELLOG.
C. W. KELLEY,
A. L. SMITH.
C. E. DAHL.

GRAND FORKS, N. DAK., *April 27, 1917.*

Senator A. J. GRONNA,
Washington, D. C.:

Bill increasing postal rates and establishing zones will work hardship and almost make circulation of some high-class publications prohibitive in some localities. Any fair effort on your part to avoid this condition will be duly appreciated by the undersigned readers of the Christian Science Monitor, published in Boston, Mass.

H. N. WELLS.
C. W. GRAVES.
H. W. NUNN.
W. P. DAVIES.
J. D. BACON.

ABERDEEN, S. DAK., *April 27, 1917.*

Hon. A. J. GRONNA,
Washington, D. C.:

Our president, Herbert Myrick, suggested to Mr. KITCHIN, by letter April 12, equitable plan for war tax estimated to produce millions from publications it taxes in accordance with their ability to pay. Myrick wrote him April 25, showing that proposed doubling or trebling of second rates or zone system would utterly bankrupt our own farm periodical and many others. He has to-day wired Mr. KITCHIN that if they prefer war-tax advertising, it might be stamp tax upon invoices for advertising and publicity of all forms whatsoever, including posters, billboards, window signs. Beginning at 1 per cent for $5 to $99, increases graduated upward to 5 per cent upon invoices of $2,000 and over. Would suggest 1 cent tax upon each package mailed by parcel post, producing $15,000,000. Please urge these views on KITCHIN, RAINEY, DIXON, FORDNEY, and LONGWORTH. National needs of farms press more than ever in this crisis. Do not annihilate them.

WILLIAM C. ALLEN,
Editor the Dakota Farmer.

Mr. WOLCOTT. I am in receipt of resolutions adopted by the City Council of Wilmington, Del., relating to the acquisition of a canal connecting the Delaware and Chesapeake Bays, which I ask to have printed in the RECORD without reading.

There being no objections, the resolutions were ordered to be printed in the RECORD, as follows:

WILMINGTON, DEL., *April 19, 1917.*

Whereas it has become alarmingly apparent that the Chesapeake & Delaware Canal in time of war would be absolutely necessary for the perfect protection of a great portion of the Atlantic coast, with its great cities and important manufacturing plants: Therefore be it

Resolved by the Council of Wilmington, That Congress is hereby urged to take immediate action looking toward the purchase of the canal or to institute immediate proceedings for acquiring the same by condemnation; and be it further

Resolved, That a copy of this resolution be forwarded to our Senators and Representative in Congress; and be it further

Resolved, That the Council of Wilmington heartily approves of Senator SAULSBURY'S interest in the project and his endeavor to have the Government purchase or condemn the canal, and the council respectfully solicits the cooperation of Senator WOLCOTT and Representative POLK in bringing about the Government control of the canal, and later of its improvement.

THE MAYOR AND COUNCIL OF WILMINGTON,
By HENRY C. DOWNWARD,
President of the Council.

Attested:
[SEAL.]
HOMER C. SIMMONS,
Clerk of the Council.

Mr. PITTMAN. I have a couple of telegrams, one addressed by the governor of my State to the President, urging the prohibition of the manufacture of spirituous liquors from food grain during the war. The second telegram is from prominent men in the State of Nevada, taking the opposite view. I ask that both telegrams may be printed in the RECORD.

There being no objection, the telegrams were ordered to be printed in the RECORD, as follows:

CARSON CITY, *April 20, 1917.*

Hon. WOODROW WILSON, President of the United States,
Washington, D. C.:

I most earnestly and respectfully urge you to use your great influence in securing adoption of national prohibition during period in which we are at war. The economic waste resulting from the manufacture and use of liquors, amounting, directly and indirectly, in this country each year to a sum estimated as equal to more than a third of the $7,000,000,000 which you have just provided as a war fund, should not be allowed to continue at such a time as this. I am sure that you properly want advices regarding intelligent public sentiment on a question of this character, and I do not hesitate to say, after investigation, that Nevada is strongly favorable to the proposition of utilizing all our needed food resources beneficially, of increasing national efficiency, and decreasing internal disorder by an inhibition of the manufacture and sale of all spirituous liquors, at least during the present crisis. Here we have proposed prohibition by the initiative, and it is confidently predicted by those best able to judge that it will carry.

EMMET D. BOYLE, *Governor.*

—

RENO, NEV., *May 1, 1917.*

Hon. KEY PITTMAN,
Washington, D. C.:

The following message is self-explanatory; show Senator NEWLANDS:

"The PRESIDENT OF THE UNITED STATES, WOODROW WILSON:
"Washington, D. C.:

"YOUR EXCELLENCY: The utterances conveyed to you by the Hon. Emmet Boyle, governor of Nevada, asking for national prohibition do not speak the sentiments of Nevada. Therefore we pray you, in your wisdom, knowing that you will not let the minority govern the majority, to consider our wishes as well and not grant national prohibition, thereby working innumerable sufferings and hardships on loyal and true Americans, whose livelihood would be taken from them. Nevada stands first, proportionately, in its quota of enlistments, but that is not due to those who ask national prohibition of you now. The enlistments have come from our class of people, who are just as loyal and patriotic as any in Nevada, and, no matter what happens, we are with you."

H. G. Humphrey, chairman State Republican central committee; George Wingfield, mine owner and banker; S. M. Pickett, chairman Democratic State central committee; Roy W. Stoddard, attorney at law; Frank J. Byington, mayor of the city of Reno; H. H. Kennedy, cashier Reno National Bank; C. A. Stout, stockman; A. Parker Lewis, M. D., physician; Washoe Building Trades Council, by George Townshend, president; Reno Business Men's Association, by P. Y. Gillson; Reno Central Trade and Labor Council, by B. F. T. Schmidt, secretary; United Nevada Industries, by John J. Donnelly, executive secretary.

Mr. KENYON presented petitions of sundry citizens of Iowa, praying for national prohibition as a war measure, which were referred to the Committee on the Judiciary.

Mr. HITCHCOCK presented petitions of sundry citizens of Nebraska, praying for the enactment of legislation to prohibit the manufacture of food products into intoxicating liquor, which were referred to the Committee on Agriculture and Forestry.

He also presented petitions of sundry citizens of Nebraska, proposing methods of taxation to meet the expenses of the war, which were referred to the Committee on Finance.

He also presented a petition of members of the Nine Mile District of the Interstate Canal System, of Minatare, Nebr., praying to be allowed the benefits of the farm-loan act, which was referred to the Committee on Banking and Currency.

He also presented a petition of the United Improvement Clubs, of Greater Omaha, Nebr., praying for the enactment of legislation to prevent speculation in foodstuffs, which was referred to the Committee on Agriculture and Forestry.

Mr. SHEPPARD presented petitions of the Mothers' Council, of Dallas; the congregation of the Grace Presbyterian Church, of Temple; of the Woman's Christian Temperance Union, of Yoakum; of the congregation of the College Avenue Presbyterian Church, of Fort Worth; and of sundry citizens of Longview and Amarilla, all in the State of Texas, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented petitions of Council No. 59, United Commercial Travelers of America, of Houston, and of sundry citizens of Sherman and of Harrison County, all in the State of Texas, praying for compulsory military service, which were ordered to lie on the table.

Mr. WEEKS presented petitions of the congregation of the Immanuel Baptist Church, of Newton; the Committee of Public Safety, of Hanover; the Woman's Club, of Norwood; and the Public Safety Committee, of Whitman, all in the State of Massachusetts, praying for national prohibition as a war measure, which were referred to the Committee on the Judiciary.

He also presented a petition of the Committee on Public Safety, of Hanover, Mass., pledging support to the President, which was referred to the Committee on Foreign Relations.

Mr. SHERMAN. I present resolutions of the Board of Supervisors of Rock Island County, Ill., which I ask leave to have printed in the RECORD.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

Whereas the theory of well-directed government embraces the doctrine of "the greatest good to the greatest number," a republican form of government is based upon the principle of deriving its just powers from the consent of the governed, therefore the people, the greatest number, constitute the government; its official representatives are its servants, to work out and enforce such policies as are best calculated to guarantee equal rights to all, special privileges to none; and

Whereas government in the broadest sense exercises authority in regulating action, control, supervision; while such control implies regulation by established laws, government is even more; it may recognize an emergency, an unforeseen occurrence, or accommodation of circumstances calling for immediate remedy and direct by arbitrary will; and

Whereas an emergency now exists—an emergency of the gravest character, an emergency demanding immediate relief—in our beloved Nation, dedicated to the eternal principle of equal rights, the great mass of our people are struggling under the burden of unnatural and abnormal price inflation, constantly soaring higher and higher, until the bare necessities of life are beyond the reach of the average incomes; in the land of sovereigns we are dominated by kings more arbitrary than absolute monarchs or petty despots—food kings, oil kings, fuel kings, meat kings, transportation monarchs, and despots controlling every necessity—until the old principle of supply and demand has nothing to do with market quotations; and

Whereas the method of "investigation" as practiced in recent years has proven ineffective, lengthy investigations, elaborate collection of evidence, and the slow process of conclusion fail as a palliative, consume unreasonable lengths of time, during which the people suffer unrelieved, and ultimately come to naught, relief now, immediately, is the imperative demand; and

Whereas our Government is supreme in its power to protect its citizens, if its lawfully established means are inadequate to meet this emergency, its duty is clear—do it by arbitrary will. Confiscation is not suggested nor even desired, but compulsory action of no ordinary character, yet plainly within the province of the authorities, must protect the people if needs be: Therefore be it

Resolved by the Board of Supervisors of Rock Island County, Ill., That we memorialize our President and our Senators and Representatives in Congress to act quickly, decisively, and fearlessly in regulating the abnormal inflation of food prices, and see to it, by any and all means at their disposal, that our people be now relieved from this unnecessary, uncalled for, and unwarranted condition; and be it further

Resolved, That this resolution be spread upon the records of this board and copies furnished to the President of the United States and to our Senators and Representatives in Congress.

STATE OF ILLINOIS,
Rock Island County, ss:

I, Henry B. Hubbard, county clerk and clerk of the board of supervisors in and for the county and State aforesaid, do hereby certify that the foregoing is a true copy of a resolution introduced by Supervisor

Bakersfield and unanimously adopted by the board on the 25th day of April, A. D. 1917.

Given under my hand and seal, at Rock Island, Ill., this 26th day of April, A. D. 1917.

[SEAL.] HENRY B. HUBBARD, *County Clerk.*

Mr. MYERS presented resolutions of the Hardin Community Club, of Montana, favoring selective conscription, which were ordered to lie on the table.

He also presented a petition of the Hardin Community Club, of Montana, praying for the enactment of legislation providing for the opening to settlement of the Crow Indian Reservation, which was referred to the Committee on Indian Affairs.

He also presented a petition of the Presbytery of Kalispell, Mont., praying for the enactment of legislation to prohibit appropriations for sectarian purposes, which was referred to the Committee on the Judiciary.

He also presented resolutions of Hell Gate Lodge, No. 383, Benevolent and Protective Order of Elks, of Missoula, Mont., pledging support to the President on all preparedness measures, which were referred to the Committee on Foreign Relations.

Mr. KENDRICK. I present telegrams from the mayor and prominent citizens of Riverton, in my State, which I ask to have printed in the RECORD.

There being no objection, the telegrams were ordered to be printed in the RECORD, as follows:

RIVERTON, WYO., *April 29, 1917.*

Hon. JOHN B. KENDRICK,
United States Senate, Washington, D. C.:

Labor question is a serious problem. Many acres of fertile land untilled, crops not planted, teams standing idle, while saloons are filled with indifferent and intoxicated laborers. Wages being high, it requires only a week's work to provide sufficient funds for the average laborer to live in a saloon for a month. Closing saloons and prohibiting sale of liquor will not only give us more laborers but all help will be more reliable and trustworthy. Liquor traffic is the producers' greatest handicap, and unless remedied immediately many acres will not be cultivated; crops will not be planted, cultivated, or harvested. Prospects for coming crops are very discouraging and Congress should suppress liquor traffic without delay and confiscate all grain hoarded by breweries and distilleries.

J. A. Defelder, mayor of Riverton; Riverton Commercial Club, J. A. Defelder, president; W. T. Judkins; Earl Warren; O. N. Gibson; Riverton Review; F. Chatterson; George F. Dobeler; Albert B. Tonkin, M. D.; Thad H. Stratton; R. W. Warren; J. G. Jewitt; A. P. Nesbitt; W. J. Martin; W. H. Bower.

—

RIVERTON, WYO., *April 29, 1917.*

Hon. JOHN B. KENDRICK,
Senate Chamber, Washington, D. C.:

To-day's joint telegram describes actual conditions here. Best ranches in valley have many teams idle for want of labor. Streets and saloons full of men who decline work at exorbitant wages offered. Our situation is serious, principally due to drunkenness among laborers, who can't resist liquor when they have money. Instant suppression of all liquor traffic would bring great relief.

EARL WARREN.

—

RIVERTON, WYO., *April 29, 1917.*

Hon. JOHN B. KENDRICK,
Senate Chamber, Washington, D. C.:

Joint telegram states exact truth. Farmers and business interests demand relief from handicap of liquor traffic.

J. G. JEWITT.

EXEMPTIONS FROM DRAFT.

Mr. McCUMBER. I present a petition signed by Rev. Christian Reimche on behalf of the Mennonite congregation of Harvey, N. Dak., praying that they and other noncombatant Christians be exempt from compulsory service. I ask that it may be printed in the RECORD.

There being no objection, the petition was ordered to be printed in the RECORD, as follows:

The Mennonites of this country are either immigrants or the descendants of immigrants from various countries in Europe which they left to avoid compulsory military service. Assurance was given them by high officials of the United States, including President Grant in 1873, that they need fear no compulsory conscription here.

In view of this our attitude regarding military service we petition the Congress of the United States to exempt us and other noncombatant Christians from all compulsory military training and service in the event of the enactment of such a law.

Our people are mostly engaged in agriculture and are in every way loyal citizens. They pray for this exemption because they try to follow the doctrine of our Lord Jesus Christ, stated in Matthew 5:44—"Love your enemies, bless them that curse you, do good to them that hate you, and pray for them which despitefully use you and persecute you."

Our hope that this petition will be granted is based on the fact that in a democracy the conscience of the individual is duly considered and the further fact that in Canada our brethren have been assured by the government that the exemption for which we pray is granted them.

Mennonite congregation at Harvey, N. Dak., April 28, 1917.

CHRISTIAN REIMCHE, *Pastor.*

Mr. McCUMBER. Mr. President, at this time I ask permission in view of the character of the petition presented to say just a word.

I wish also to present another petition in the form of a telegram from New York. This petition reads:

We strongly urge your support of exemption from military service for those who have conscientious, moral, or spiritual objections to warfare. Why should Quakers be allowed more freedom of conscience than other equally moral and spiritual persons? Freedom of conscience should be the sacred right of each individual. Without it there can be no progress.

ELSIE B. GOLDSMITH,
EDITH BORG.

In view of the position which I took yesterday, I ask permission at this time to say that if all the Christian people of the world, or even a half of them, were like this congregation of Menonites, or other noncombatant Christians referred to in the gospel of Matthew, if all were so kindly disposed there would be no war and never an occasion for compulsory service. But unhappily the world is not so constituted. In every age of the world the greater military nations have bullied, attacked, crushed, and enslaved the nonmilitary and peace-loving nations. And as liberty is better than slavery, as justice and right must be defended by force, as no nation can long exist that will not oppose force with force, I hold it the sacred duty of every citizen to bear his breast to the onslaught and draw his sword in defense of liberty and nationality.

As governments are instituted for the sole and only purpose of protecting the weak from the strong, the lowly from the great, and as in this country the people themselves are the Government, the obligation of each citizen to furnish his moiety of the force necessary to enforce the laws or defend the life of the Nation becomes imperative.

So, too, Mr. President, I have a conviction as deeply rooted and earnest as that which ever rested upon a religious creed, that the citizen whose property and liberty and very life are protected by his government and by the lives and liberties of other members of society owes to that country a debt which can only be repaid in the tender of like sacrifices. Imbued with this conscientious creed concerning the duty of American citizenship, I could not, without a gross violation of my conviction, vote to relieve any class from the sacred duty of citizenship.

This view, Mr. President, also answers the second petition. There is not, there can not be, such a thing as a moral right of exemption from the performance of moral duty.

SELECTIVE DRAFT.

Mr. STONE. Mr. President, some days ago I received on one morning 19 telegrams from the town of Malden, Mo., one of which I read to the Senate, concerning what is known as the selective draft or conscription bill, then pending. I then expressed some wonderment as to how these 19 men in one comparatively small town had waked up suddenly to send this bunch of telegrams on the same morning and just what influence had operated to excite their sudden spasm of patriotism. I stated that I would send a copy of the RECORD containing my remarks to each one of the senders of these telegrams with the hope of finding out how it happened. This morning I am in receipt of a letter, the body of which I will read, as follows:

Noticing your comment on the telegram received by you from Malden, I am inclosing you a circular letter which likely explains the sudden outbreak of patriotism. I have not heard of any enlistments from Malden, however. Stand by your convictions. Your friends will be able to do the rest.

Yours, very truly.

Mr. President, the letter inclosed is from St. Louis and was sent to the writer of the letter I have just read. It is headed "St. Louis Branch, The National Security League." It is an appeal sent out April 24, broadcast, I assume—certainly to practically all the senders of the telegrams I received. I am not prepared to say that the letter I hold in my hand from the Security League was sent to any other towns or post offices than that of Malden, although it would seem strange if that were not so.

Mr. President, I am going to ask to have this letter from the chairman of the branch of the National Security League at St. Louis printed in my remarks.

This is not important, and I would not refer to it at this time except that I had stated when I brought the matter to the attention of the Senate some days ago that I would seek to ascertain through what inspiration this propaganda was begun and has been carried on. I think this is the explanation. It was the result of suggestion or solicitation. I ask to have the letter printed in the RECORD without reading; that is to say, I shall not take the time of the Senate to read it.

The VICE PRESIDENT. Without objection, it is so ordered.

The letter referred to is as follows:

ST. LOUIS, MO., *April 24, 1917.*

DEAR SIR: Our country is at war with the greatest military power that the world has ever known, and we are face to face with a crisis in which every American citizen must do his part.

It is your duty and ours to support President Wilson in every way in our power.

He is badly in need of your support now, and we appeal to you to telegraph and write your Congressman to stand by the President and to vote for the bill that he advocates, providing that our Army shall be raised by selective conscription.

Selective conscription means that the War Department shall select and conscript as soldiers those who are best fitted to be soldiers. It means that those who are working on farms, on the railroads, and in munition plants and other factories, who are rendering as great public service as if they were actually fighting in the trenches, shall not be taken from these necessary occupations, but shall continue doing work that is equal to any in honor, patriotism, and usefulness in this great national crisis.

The experience of England and our own failure in obtaining recruits proves the volunteer system to be a failure.

The President knows this. He is the Commander in Chief of all our armies and must be given our support in quickly raising our Army to war strength in the way that he knows to be right.

This appeal is addressed to you because of your known patriotism, loyalty, and influence in your community.

The only way your Congressman can know your views is for you to telegraph him to stand by the President and to urge all your friends to do so.

Yours, very truly,

NATIONAL SECURITY LEAGUE,
By GEORGE M. BROWN,
Chairman St. Louis Branch.

BUDGET SYSTEM.

Mr. KENYON. Mr. President, I introduced a few days ago a joint resolution with reference to the adoption of a national budget system. I ask unanimous consent to have that joint resolution printed in the RECORD. I also ask unanimous consent to have printed a list of the nations of the world having a national budget system, evidencing the fact that the United States and Turkey are the only two prominent nations of the world without such a system.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

Joint resolution (S. J. Res. 46) creating a commission to report a plan for the adoption of a national budget system.

Whereas in times of peace the expenditures of the Government were increasing yearly at a rapid rate; and

Whereas our entry into the world war will enlarge these expenditures to enormous proportions; and

Whereas the increased taxation to support the Government will place new burdens upon the shoulders of every citizen of the United States; and

Whereas this vast sum of money should be spent with the utmost efficiency and economy, and under modern methods of control; and

Whereas the estimates for the expenditures of the Government come to Congress without revision or scrutiny by any centralized agency of the Executive Government and are not treated by Congress as a part of its legislative program; and

Whereas under our present methods of legislative procedure the responsibility for the expenditures of the Government is scattered amongst a number of standing committees in the two Houses of Congress, which work independently of each other and of the Executive Government in providing funds; and

Whereas it is possible for private Members on the floors of the two Houses to offer amendments at will increasing the items of expenditure provided in the respective appropriation bills beyond the amounts requested by the Executive; and

Whereas under this procedure the evil practices, known as "log-rolling" and "pork-barrel" methods, have grown up and flourished; and

Whereas under this system there is no possibility of a governmental business program, or of a financial policy, or of a coordination of expenditures with revenues; and

Whereas it is the consensus of opinion among men of business, publicists, and students of public finance that the adoption of the national budget system would put the finances of the Government upon a sound, efficient, and economical basis by making possible a business program prepared upon the responsibility of the Executive and presented by him to Congress to be enacted into law; and

Whereas the chief political parties of the country in their platforms in 1916 pledged themselves to carry out budgetary reforms for the Federal Government; and

Whereas it is the experience of practically all foreign Governments that the national budget system is the only efficient method of dealing with the expenditures and revenues; and

Whereas to plan such a system for this Government requires careful study: Therefore be it

Resolved, etc., That a joint commission to report out a plan for adoption of a national budget system is hereby established. Its membership shall consist of the Secretary of the Treasury and two other officials of the Executive Government, to be appointed by the President; three Members of the Senate and three Members of the House, to be appointed by the presiding officer of the House and Senate, respectively.

SEC. 2. That no compensation shall be paid to any member of said commission.

SEC. 3. That said commission is hereby empowered and directed to report at the opening of the next session of Congress a plan for the adoption of a national budget system for the Government of the United States, and showing therein what changes, amendments, or adjustments the adoption of said budget system would cause in the rules of the Senate and the House in the laws now in operation relative to revenues and expenditures, in the organization of the Treasury Department, in the forms and method of preparation of the departmental estimates, in the method of presenting said estimates to the Congress, in the methods of accounting and audit, and such other and further information as said commission may see fit to lay before the Congress.

SEC. 5. That said commission is authorized to employ such experts and such clerical assistance as may be necessary to carry out the provisions of this resolution.

SEC. 6. That the sum of $25,000, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated, to carry out the provisions of this resolution.

SEC. 7. That said commission shall expire on the 31st day of December, 1917.

LIST OF NATIONS HAVING A NATIONAL BUDGET SYSTEM.

Argentina, Australia, Austria, Belgium, Bolivia, Brazil, Bulgaria, Canada, Chile, China, Colombia, Cuba, Denmark, Dominican Republic, Ecuador, Egypt, France, Germany, Great Britain, Greece, Guatemala, Honduras, Hungary, Italy, Japan, Liberia, Luxemburg, Mexico, Montenegro, Netherlands, Newfoundland, New Zealand, Nicaragua, Norway, Panama, Paraguay, Peru, Portugal, Roumania, Russia, Salvador, Serbia, Siam, Spain, Sweden, Switzerland, Union of South Africa, Uruguay, and Venezuela.

ARTICLE ON CONSCRIPTION.

Mr. STERLING. I have here a letter from the president of the Encyclopædia Britannica, whose letter incloses an article on conscription taken from the Encyclopædia Britannica, the eleventh edition. The article is very instructive; it treats of the subject historically and also from the economic standpoint; and I believe it is worth while, in view of the present interest in the subject, that it should be printed as a public document. I therefore ask that it be referred to the Committee on Printing.

The VICE PRESIDENT. It will be so referred.

FOOD CONTROL.

Mr. POMERENE. Mr. President, I present an article which appeared in the Ohio State Journal of April 29, 1917, on the subject of food prices. This article is based upon an investigation which was made by Mr. George Thomas Crawford, of the New Philadelphia Chamber of Commerce. It contains the retail prices of 31 food articles obtained in 59 Ohio cities on March 15 and 16. There is such a variance in the prices in the different cities that I feel that the article may be of interest to Members of the Senate.

As illustrations, turnips in Portsmouth were worth 85 cents a bushel, while in Mount Vernon they were worth $6 a bushel. Corn meal was 20 cents for a 10-pound sack in Washington Court House and 50 cents in Ashtabula and Paulding. Onions were worth $2.75 a bushel in Kenton, as against $11.20 in Lebanon. Other articles had as large differences in prices. This newspaper article contains the minimum and maximum prices of these different articles, and I ask to have it printed in the RECORD.

The VICE PRESIDENT. Without objection, it is so ordered. The article referred to is as follows:

[From the Ohio State Journal, Apr. 29, 1917.]

FOOD CONTROL BY STATE MAY COME IN FALL—DISTRIBUTION AND REGULATION OF PRICES BY OFFICIALS IS EXPECTED TO BE AN ACTUALITY BEFORE ANOTHER YEAR OF WAR—INITIAL STEPS ALREADY TAKEN—SURVEY OF RETAIL PRICES ON FOODSTUFFS IN 59 OHIO CITIES SHOWS WIDE VARIATIONS—TOO GREAT, DEFENSE COUNCIL HOLDS.

One of the biggest tasks of the State branch of the National Council for Defense is expected to be that of control of food distribution and regulation of prices before another year of the war rolls around, possibly by next fall.

Figures showing a wide variation of prices of foodstuffs in different localities of the State were submitted yesterday to Gov. Cox, who turned them over to the council for defense. Such a staple as eggs, for instance, varied from 22 to 38 cents; rib roast, 16 to 30 cents; potatoes, $2 to $3.80, on the same day.

The Federal Government is expected to take a hand in distribution and price regulation, and place the State work in charge of the councils for defense, which will furnish the basic information and machinery for control.

TABULATES OHIO PRICES.

Promotion of food production, in which the State council now is engaged, is known to be only a small portion of the work mapped for it. The Federal Government has under consideration the fixing of a minimum price for foodstuffs to farmers and is working on marketing, transportation, distribution, and further price-regulation problems.

Everything undertaken by the defense council, which will be enlarged as needs demand, is planned on a three-year war basis.

George Thomas Crawford, of the New Philadelphia Chamber of Commerce, has tabulated retail prices of 31 food articles gathered from mayors and civic organizations of 59 Ohio cities as of date March 15 and 16. Following are typical differences in prices:

Turnips, 85 cents a bushel in Portsmouth, against $6 in Mount Vernon; corn meal, 20 cents for a 10-pound sack in Washington Court House, against 50 cents in Ashtabula and Pauiding; onions, $2.75 a bushel in Kenton, against $11.20 in Lebanon; lamb chops, 20 cents a pound in Canton, 38 cents in Lakewood (suburb of Cleveland); rib roast, 16 cents in Canton and Chardon, 30 cents in Piqua; pork roast, 15 cents in Painesville, 31 cents in Lakewood; creamy butter 40 cents in McArthur and Newark, 50 cents in Ashtabula, Cincinnati, Chardon, Elyria, Lakewood, and Mount Vernon; country butter, 28 cents in Washington Court House, 45 cents in Warren, Ravenna, Painesville, and Dover; fresh eggs, 22 cents in Waverly, 38 cents in Warren; potatoes, $2 at McConnelsville, $3.80 at Delaware.

SAY RANGE EXCESSIVE.

Members of the defense council assert that even after allowance is made for variation of quality and proximity to place of production and distribution, the figures show too great a variation. Some of the highest prices on a particular commodity were quoted in cities in the center of a community producing it.

In each case the lowest price in a city is taken. The following table shows minimum and maximum prices found in the State:

		Minimum.	Maximum.
Fish:			
Halibut steak	pound	$0.18	$0.30
White fish	do	.18	.30
Beef:			
Rib roast	do	.16	.30
Rump roast	do	.16	.26
Sirloin	do	.22	.30
Round steak	do	.20	.27
Pork:			
Chops	do	.22	.33
Roast	do	.15	.31
Bacon:			
Sliced	do	.25	.40
Whole	do	.20	.40
Ham:			
Smoked, sliced	do	.25	.50
Smoked and whole	do	.23	.34
Lamb:			
Chops	do	.20	.38
Leg of lamb	do	.18	.35
Butter:			
Creamery	do	.40	.50
Country	do	.28	.45
Oleo, uncolored	do	.18½	.32
Eggs:			
Fresh	dozen	.22	.38
Storage	do	.25	.35
Lard	pound	.20	.26
Flour	½ barrel	2.65	3.25
Corn meal	10 pounds	.20	.50
Potatoes	bushel	2.00	3.80
Apples	do	1.00	3.84
Onions	do	2.75	11.20
Turnips	do	.85	6.00
Cabbage	pound	.10	.15
Rolled oats	box	.08½	.12
Beans, navy	pound	.15	.18
Sugar, granulated	25 pounds	2.10	2.85
Soap, ivory	6 cakes	.25	.33

Toledo is shown to have prices remarkably low as compared with the other four larger cities in the State. Columbus prices are average. Lowest prices, March 15 and 16, in the five principal Ohio cities were:

		Cincinnati.	Cleveland.	Columbus.	Dayton.	Toledo.
Fish:						
Halibut	pound		$0.20	$0.25	$0.24	$0.24
White	do		.20	.20	.25	.18
Beef:						
Rib roast	do	$0.25	.24	.22	.25	.20
Rump roast	do	.20	.26	.22	.25	.18
Sirloin	do	.30	.25	.25	.25	.22
Round steak	do	.30	.24	.25	.25	.22
Pork:						
Chops	do	.30	.27	.28	.30	.25
Roast	do	.24	.25	.25	.27	.23
Bacon:						
Sliced	do	.36	.30	.28	.35	.30
Whole	do	.28	.28	.25	.28	.25
Ham:						
Smoked, sliced	do		.30	.30	.40	.28
Smoked, whole	do	.24	.24	.25	.28	.24
Lamb:						
Chops	do	.35	.28	.30	.35	.25
Leg	do	.30	.28	.25	.30	.20
Butter:						
Creamery	do	.50	.47	.48	.49	.45
Country	do		.40	.43	.41	
Oleo, uncolored	do	.22	.27	.22	.25	.23
Eggs:						
Fresh	dozen	.31	.35	.30	.30	.31
Storage	do	.27				
Lard	pound	.20	.22	.22	.25	.22
Flour	½ barrel	2.70	3.00	2.65		2.91
Corn meal	10 pounds	.40	.45	.40		.37
Potatoes	bushel	2.80	2.90	3.00	3.00	3.16
Apples	do	2.40	1.75	1.50	3.20	2.90
Onions	do	4.50	4.15	7.80	7.00	6.25
Turnips	do		2.25	4.20	3.00	2.75
Cabbage	pound	.12	.10	.12	.12	.12½
Rolled oats	box	.10	.10	.10	.10	.10
Beans, navy	pound	.16	.15	.15	.15	.17
Sugar, granulated	25 pounds	2.13	2.29	2.15	2.38	2.23
Soap, ivory	6 cakes	.30	.30	.30	.30	.25

In these figures it must be taken into consideration that some instances of high prices may be due to temporary shortage of supply. Turnips, for example, may have been $6 in Mount Vernon only temporarily because of a shortage. This would be because of inefficient distribution. Again, it is possible that the $11.20 price for onions in Lebanon refers to fresh, greenhouse onions, while most of the other onion quotations are on onions harvested last fall.

Mr. GALLINGER. Mr. President, in that same connection I present a table prepared by the Old Dutch Market Co. showing a comparison of retail prices of foods during April, 1914, before the war, and April, 1917. This table includes staple articles in the grocery line as well as beef, pork, and vegetables. It shows the startling fact that since April, 1914, to April, 1917, there has been an average increase in prices of 85.32 per cent.

The table is very interesting, and I ask that it be printed in the RECORD.

The VICE PRESIDENT. Without objection, it is so ordered.

The table referred to is as follows:

Comparison of retail prices of foods during April, 1914, before the war, and April, 1917.

		April, 1914.	April, 1917.	Increase (per cent).
GROCERIES.				
Sugar, granulated	pound	$0.04	$0.09	125
Flour:				
Gold Medal	barrel	7.25	14.00	93
Hecker's	do	6.50	13.50	107
Milk:				
Condensed	can	.09	.15	67
Evaporated	tall can	.07½	.12	65
Do	small can	.03½	.06	70
Tomatoes, standard, 2½'s	can	.07	.17	142
Corn, standard, 2½'s	do	.07	.13	85
Peas, D. J		.07	.10	45
Baked beans		.08	.13	65
Corn meal	pound	.02½	.05	100
Hominy	do	.03	.05	66
Rice, best	do	.08	.09	12
Oatmeal	do	.03½	.06	70
Macaroni and spaghetti, bulk	do	.08	.13	65
Prunes, small	do	.05	.08	60
Salmon:				
Chum	can	.08	.14	75
Red Alaska	do	.14	.23	64
Soups	do	.08	.13	65
Navy beans, best	pound	.07½	.18	140
Lima beans, dried	do	.07	.20	185
Catsup	bottle	.08	.12	50
Sirup	can	.08½	.12	41
Corn flakes (Quaker)	package	.04½	.08	78
Split peas	pound	.06	.12	100
Scotch peas	do	.05	.09	80
Black-eye peas	do	.04	.08	100
BEEF.				
Rib roast	pound	.20	.25	25
Chuck roast	do	.17	.22	30
Plate (soup meat)		.13	.16	23
Porterhouse steak	pound	.28	.37	32
Sirloin steak	do	.24	.34	42
Round steak	do	.20	.32	60
Chuck steak	do	.18	.25	38
Hamburg steak	do	.15	.20	33
PORK.				
Fresh hams		.15	.27	80
Fresh shoulders		.13½	.22	58
Fresh pork chops, lean		.16	.28	80
Fresh pork chops, loin		.18	.32	80
Fresh pork roast, lean		.16	.28	75
Fresh pork roast, center		.18	.30	66
Corned shoulders		.13½	.20	50
Corned hams		.15	.24	60
Smoked hams, whole		.17	.25	47
Smoked hams, sliced		.28	.45	60
Smoked shoulders		.13½	.21	50
Smoked bacon, sliced		.24	.34	42
Smoked sausage		.12½	.25	100
Lard:				
Pure	pound	.12½	.25	100
Compound	do	.10	.20	100
Butter—first grade	do	.30	.55	83
Eggs, fresh	dozen	.21	.38	80
VEGETABLES.				
Potatoes	peck	.23	.90	291
Kale	do	.20	.40	100
Spinach	do	.20	.40	100
Onions, yellow	pound	.04	.13	250
Lettuce	head	.05	.10	100
Sweet potatoes	peck	.35	.75	114
Cabbage, new	pound	.03	.15	400
Yams	peck	.40	.60	50

Total of items, 60.
Total increase, 5,119 per cent.
Average increase on all items shown on this list, 85.32 per cent.

COMMITTEE ON COAST AND INSULAR SURVEY.

Mr. THOMPSON. From the Committe to Audit and Control the Contingent Expenses of the Senate, I report back favorably with an amendment in the nature of a substitute Senate resolution 46, submitted by the Senator from Delaware [Mr. SAULSBURY], and I ask unanimous consent for the present consideration of the resolution.

The Senate, by unanimous consent, proceeded to consider the resolution.

The amendment was, to strike out all after the resolving clause and insert:

That the Committe on Coast and Insular Survey, or any subcommittee thereof, during the Sixty-fifth Congress, be authorized to send for persons and papers and to administer oaths and to employ a stenographer, at a cost not to exceed $1 per printed page, to report such hearings as may be had in connection with any subject which may be pending before

said committee; that the committee may sit during the sessions or recesses of the Senate; and that expenses contracted hereunder shall be paid out of the contingent fund of the Senate.

The amendment was agreed to.

The resolution as amended was agreed to.

BILLS AND JOINT RESOLUTIONS INTRODUCED.

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SMITH of Maryland:

A bill (S. 2123) to regulate the practice of podiatry in the District of Columbia; to the Committee on the District of Columbia.

By Mr. CALDER:

A bill (S. 2124) to fix the salary of the United States district attorney for the eastern district of New York; to the Committee on the Judiciary.

A bill (S. 2125) directing the reexamination of the accounts of the late Peter G. S. Ten Broeck; to the Committee on Claims.

By Mr. KENYON:

A bill (S. 2126) to punish speculation in food products and prevent dealing in futures; to the Committee on Agriculture and Forestry.

A bill (S. 2127) granting an increase of pension to Mark Whitney (with accompanying papers); to the Committee on Pensions.

By Mr. STERLING:

A bill (S. 2128) to correct the military record of Francis M. Benson; to the Committee on Military Affairs.

A bill (S. 2129) for the relief of Edwin S. Metcalf; to the Committee on Claims.

By Mr. NELSON:

A bill (S. 2130) to increase the pensions of those who have lost limbs or have been totally disabled in the same in the military or naval service of the United States; to the Committee on Pensions.

By Mr. SAULSBURY:

A bill (S. 2131) to increase the salary of the United States district attorney for the district of Delaware; to the Committee on the Judiciary.

By Mr. SUTHERLAND:

A bill (S. 2132) granting an increase of pension to James A. Criswell; to the Committee on Pensions.

By Mr. SIMMONS:

A bill (S. 2133) to amend an act entitled "An act to authorize the establishment of a Bureau of War Risk Insurance in the Treasury Department," approved September 2, 1914, and for other purposes; to the Committee on Finance.

By Mr. JONES of Washington:

A joint resolution (S. J. Res. 48) directing a survey for a military road along the Pacific coast; to the Committee on Military Affairs.

By Mr. SMITH of Maryland:

A joint resolution (S. J. Res. 49) authorizing the erection on the public grounds in the city of Washington, D. C., of a statue of James Buchanan, a former President of the United States; to the Committee on the Library.

HEARINGS BEFORE COMMITTEE ON THE JUDICIARY.

Mr. CULBERSON submitted the following resolution (S. Res. 53), which was read and referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on the Judiciary, or any subcommittee thereof, be, and hereby is, authorized during the Sixty-fifth Congress to send for persons, books, and papers, to administer oaths, and to employ a stenographer at a cost not exceeding $1 per printed page, to report such hearings as may be had in connection with any subject which may be pending before that committee, the expenses thereof to be paid out of the contingent fund of the Senate, and the committee, or any subcommittee thereof, may sit during the sessions or recesses of the Senate.

HEARINGS BEFORE THE COMMITTEE ON COMMERCE.

Mr. FLETCHER submitted the following resolution (S. Res. 54), which was read and referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Commerce, or any subcommittee thereof, be, and the same are hereby, authorized during the Sixty-fifth Congress to send for books and papers, administer oaths, and employ a stenographer, at a price not to exceed $1 per printed page, and to employ such assistants as may be required to report such hearings as may be had in connection with any subject which may be pending before said committee or under investigation or examination thereby; that the committee, or any subcommittee thereof, may sit during the sessions or recesses of the Senate, the expenses thereof to be paid out of the contingent fund of the Senate; and that such committee, or subcommittee thereof, may sit during the sessions of the Senate or during the vacation of the Senate at any place in the United States.

HOUSE BILL REFERRED.

H. R. 3971. An act making appropriations to supply urgent deficiencies in appropriations for the Military and Naval Establishments on account of war expenses for the fiscal year ending June 30, 1917, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

RAILROAD REVENUES.

Mr. SMITH of Georgia. Mr. President, I request the consideration of Senate resolution 52.

The VICE PRESIDENT. The Senator from Georgia asks unanimous consent for the immediate consideration of Senate resolution 52.

Mr. SMITH of Georgia. My understanding is that under the rule this resolution can be called up during the morning hour.

The VICE PRESIDENT. The Chair did not know merely from the number what the resolution was. The Chair is now advised that it is a resolution coming over from a former day, and he therefore lays the resolution before the Senate.

The Senate proceeded to consider the resolution (S. Res. 52) as follows:

Be it resolved, etc., That the Interstate Commerce Commission is hereby directed to furnish for the use of the Senate a statement of the gross and net revenue of the railroad companies reporting to the commission for the first fiscal year for which reports were made after the creation of the commission, together with a statement showing the gross and net income of said railroads since said time, the statement to be total of said roads and not statement as to each road.

The commission is furthermore directed to furnish for the use of the Senate a statement showing the gross and net incomes of said roads for the last six months of 1916, the statement to be totals of said roads and not statement as to each road.

The commission is furthermore directed to furnish for the use of the Senate a statement of the bonded and other liabilities of the railroads, together with their capital stock, preferred, common, and debentures. Also statement of the net income of said roads after paying interest on their bonded debts. The above information to be applied to the fiscal year ending June 30, 1916.

The commission is furthermore directed to furnish for the use of the Senate a statement of the gross and net incomes of the said roads for the last six months of 1916, with a comparison of same with the gross and net incomes for the corresponding six months of 1915, reference being had to the calendar months.

The commission is furthermore directed to furnish for the use of the Senate a statement showing a comparison of the gross and net income of said roads, for the months of January, February, and March, 1917, with the gross and net income for the corresponding months of 1916, together with the total book costs or property investment account of said roads for the fiscal year ending July 1, 1916.

The commission is furthermore directed to furnish for the use of the Senate a list of the roads making a total net income of 7 per cent or more upon their capital stock during the fiscal year ending July 1, 1916, together with a statement showing the percentage of profits upon the capital stock for the fiscal year of 1916.

The commission is furthermore directed to furnish for the use of the Senate a list of the roads making a total net income of 7 per cent or more upon their book values during the fiscal year ending July 1, 1916, together with a statement showing the percentage of profits upon the book values made by each.

Mr. SMITH of Georgia. Mr. President, this information is all in the possession of the Interstate Commerce Commission, and a couple of competent men can in a very short time put it in shape, as directed by the resolution, for our use. I have most of it already; but I would be glad, in using it, to be sure of the accuracy of my figures; and I can only feel perfectly sure if I have the figures compared with the records of the commission.

To call attention to the importance of these figures, I wish to mention that I expect them to show the capital stock, preferred and common, and debentures of the railroads reporting to the commission, which cover all the railroads earning a gross income of a million dollars a year or more, amounted on July 1, 1916, to $6,963,000,000, leaving out the thousands. I expect also to show that, after paying all operating expenses, taxes, and so forth, and the interest on all their obligations, they had for that fiscal year a net income of $601,508,000. That is to say, the railroads of the United States netted for the fiscal year ending July 1, 1916, more than 8½ per cent on their capital stock—first preferred, common, and debentures, all capital stock obligations. Of course, some of them earned very much more than 8½ per cent, while some earned less than that; but the average income, as I am advised, for the fiscal year ending July 1, 1916, was 8½ per cent.

I expect to show, further, coming to the classes of roads, that certain roads, as the Pennsylvania Central, cleared for that year 10.76 per cent; the Pennsylvania Co., a branch, I believe, of the Pennsylvania Railroad, or a part of that system, cleared 17.84 per cent; the New York Central, 16.18 per cent; the Norfolk & Western, 14.61 per cent; and the Chesapeake & Ohio, 10.96 per cent.

Coming down to the class of southern roads, the Central of Georgia earned 20.43 per cent; the Nashville, Chattanooga & St. Louis, 14.61 per cent; the Alabama & Great Southern, 13 per cent; and the Louisville & Nashville, 19.51 per cent.

Mr. THOMAS. Mr. President——

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Colorado?

Mr. SMITH of Georgia. Yes.

Mr. THOMAS. Does the Senator take as a basis of his calculation of percentages the capital stock, including the common stock of these railroads?

Mr. SMITH of Georgia. All.

Mr. THOMAS. Has the Senator made any calculation, then, of the percentage of profit upon the capital actually invested, the common stock, as the Senator well knows, being what is generally known as "water," something that has no value except that which comes to it from the increased revenues of the concern issuing it?

Mr. SMITH of Georgia. I can answer the Senator only in this way: I do not know the actual value of the properties. They are now being appraised by the Government to ascertain actual value. Turning, however, to their books, I find that the book estimate of value exceeds about $1,000,000,000 the amount of liabilities, including stock issued. So far as my information goes the figures mentioned are correct, but I wish to state most positively that I do not personally assume responsibility for these figures, and it is for that reason that I wish this report from the Interstate Commerce Commission——

Mr. THOMAS. The figures of the Senator remind me of a statement made by a prominent railroad man a few years ago upon the witness stand, that 90 per cent of the stock issues of the railroads were water.

Mr. SMITH of Georgia. Answering the Senator, my advice is that the records of the commission will show that the bond indebtedness, capital stock, preferred, common, and debentures, amount to $16,922,000,000, and the property investment account of these roads, as kept by the roads, amount to $17,984,000,000. As to the accuracy of the property investment account, of course, question has been raised. I was simply calling attention to the dividends earned for the year ending July 1, 1916, upon their capital stock and debentures, to let it be seen that a general advance of fifteen one-hundredths in freight rates would be neither reasonable nor just.

Mr. WEEKS. Mr. President, may I suggest to the Senator from Georgia that I understand those figures are based on the capital, not on the selling price of the securities?

Mr. SMITH of Georgia. They are based on the capital, as I understand.

Mr. WEEKS. Mr. President, many of those securities sell for less than par. Some of them sell for very much more than par. The suggestion, therefore, that has been made by the Senator from Colorado [Mr. THOMAS] is not entirely true, because in many cases the laws require that stock shall be issued at a market price, and in many States they have been issued at a premium of 50 per cent, and even of 100 per cent in some instances. So that there are a good many different conditions that would have to be taken into account in arriving at an accurate statement of the actual capital invested.

Mr. THOMAS. Mr. President, I think the criticism made by the Senator from Massachusetts is sound so far as it goes, but it does not go far enough. Because a railroad company is doing an enormous business does not justify an increase of its capital stock, however valuable that capital stock may become, and then ask people to pay an additional amount of freight in order to keep up the dividends on that stock or to make it a paying investment.

Now, if the Senator from Georgia will pardon me a moment, let us suppose——

Mr. SMITH of Georgia. I yield to the Senator.

Mr. THOMAS. Let us suppose that Mr. Ford, whose company does a business of something like a hundred million dollars annually, with an actual profit last year of $58,000,000, should capitalize his concern on the basis of 6 per cent on those earnings. The stock would be enormously valuable, but it would be water just the same. And then if Mr. Ford came here and asked permission through us, if we had the power to grant it, to increase the price of his cars in order to meet the dividends or to pay a dividend upon this increased stock because of increasing expenses, that stock would be as fictitious for such a purpose as though it had no value whatever behind it. It would not represent the capital invested in the business.

Mr. WALSH. Mr. President——

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Montana?

Mr. SMITH of Georgia. I will yield to the Senator from Montana, but I will request that I be allowed to finish after his interruption is ended, because it was not my desire to enter into any discussion as to the effect of this evidence.

Mr. WALSH. I rise to ask the Senator from Georgia if he has any information about the western roads, the transcontinental lines, traveling through more sparsely settled territory, and territory less directly affected by war conditions?

Mr. SMITH of Georgia. Mr. President, I have not in detail that information with reference to them, except for the month of January of this year, which I will give in a moment; but the resolution which I have introduced will give us all of this information from the Interstate Commerce Commission.

Having called attention to the status of the roads, according to their business year ending July 1, 1916, or rather with reference to the fiscal year prior to July 1, 1916, I wish to state that as I am advised, and as I gather from this sheet taken from the Interstate Commerce Commission, their net profits for the last six months of 1916 exceeded their net profits for the last six months of 1915 by between fifty and sixty million dollars, although the large net profits to which I have referred were made for the fiscal year ending July 1, 1916, including the last six months of 1915.

Now, with reference to the present year: I understand that in the eastern district there has been a decline of net profits of some 16.6 per cent as compared to 1916; that during the month of January, 1917, there was a falling off of net profits in the eastern roads as compared to 1916, but that in the southern district there was an increase of net profits for January, 1917, as compared with January, 1916, of 22.9 per cent, and that in the western district January, 1917, showed an increase of net income of 42.7 per cent as compared to January, 1916.

It is this information, which I think is so valuable to us, that I am asking by this resolution to obtain; and I am sure it can be furnished with very little difficulty. A couple of the many excellent accountants that the Interstate Commerce Commission have can prepare it for us in a very short time.

Mr. POMERENE. Mr. President, I want to suggest to the Senator from Georgia that we were informed this morning in the Interstate Commerce Committee that the information for March, 1917, was not yet available, but that it probably will be in the course of several weeks.

Mr. SMITH of Georgia. If March is not available, we will abandon it; but I was advised that we could now obtain the figures for March from the Interstate Commerce Commission, also.

Mr. KELLOGG. Mr. President, I should like to ask the Senator from Georgia a question. I notice that in the resolution, from line 21, on page 2, down to and including line 8, on page 3, the Senator asks for the net earnings of the railroads showing an income of 7 per cent or more upon their capital stock, in the first part.

Mr. SMITH of Georgia. Yes.

Mr. KELLOGG. What is the objection to giving us the information as to the net income on the capital stock of all the railroads?

Mr. SMITH of Georgia. I am perfectly willing to accept that suggestion.

Mr. KELLOGG. Then, I suggest the following amendment to page 2. Strike out lines 21 to 25, inclusive, and lines 1 and 2, on page 3, and insert the following:

> The commission is furthermore directed to furnish, for the use of the Senate, the net income of all the railroads upon their capital stock during the fiscal year ending July 1, 1916, together with a statement showing the percentage of profits upon the capital stock for the fiscal year 1916.

Mr. SMITH of Georgia. I accept that, Mr. President.

Mr. POMERENE. Mr. President, allow me to suggest that instead of the word "all," the Senator use the word "each."

Mr. KELLOGG. That is satisfactory—"each."

Mr. SMITH of Georgia. I accept that.

Mr. KELLOGG. And the second amendment: Strike out lines 3 to 8, inclusive, on page 3, and insert the following:

> The commission is furthermore directed to furnish, for the use of the Senate, a list of the roads, together with the income upon their book values during the fiscal year ending July 1, 1916, together with a statement showing the percentage of profits upon the book values made by each.

Mr. SMITH of Georgia. I am perfectly willing to accept that.

Mr. McCUMBER. Mr. President, I should like a little information from the Senator from Georgia. For what use are we to secure this information?

Mr. SMITH of Georgia. There is a resolution now pending before the Interstate Commerce Committee of the Senate asking for an investigation of the subject, and there is also a resolution pending before the Senate requesting the commission to suspend the proposed 15 per cent increase. It is information for the use of the Senate in connection with any consideration we may see fit to give to the proposed 15 per cent flat increase of freight rates throughout the entire United States.

Mr. McCUMBER. Mr. President, some years ago we created a commission to pass its judgment upon all the information with respect to the rates. Then later we gave the commission power to fix rates according to a certain standard fixed by the Congress of the United States—that they should be just and reasonable. The commission having all the information, I want to ask for my own information why it is necessary for us to take up the matter and secure this information? Do we doubt that the commission will act properly in the case?

Mr. SMITH of Georgia. I do not know what the commission will do. For myself, if the commission does not suspend these rates, I am ready to support a measure to suspend them by congressional action. I go further and state that I believe there is a condition existing that the Interstate Commerce Commission really is not in a position to handle. If there are weak roads that need help, perhaps legislation upon the subject may be necessary. Surely we should not build up enormously increased percentages to roads making 20 per cent because some other road is not able to make more than 1 or 2 per cent. I regard it as a matter of information for legislative consideration, that we may determine whether there is a responsibility resting upon us and that at least we may have the facts before us during this session.

Mr. McCUMBER. Then at the present time the Senator does challenge the good judgment of the commission in its action?

Mr. SMITH of Georgia. No; I do not; but I do not waive the responsibility of Congress.

Mr. McCUMBER. I have no objection to receiving the information, but I did want to know whether or not the Congress had now come to the conclusion that its own creature has failed to perform its functions in accordance with the law passed by Congress.

Mr. SMITH of Georgia. I wish to answer the Senator in this way: I am not at all sure that the legislative discretion vested in the commission is broad enough to handle the subject. I doubt it. I believe that probably a condition exists that existing legislation does not meet, and I think this information will help us to correct that condition.

Mr. KELLOGG. Mr. President, answering the Senator from North Dakota further, I will say that I have no objection to the resolution of the Senator from Georgia requiring the commission to give us all the information; but in answer to the Senator from North Dakota I think it is fair to the commission to say that they have already ordered a hearing as to whether or not they will suspend these rates. That hearing is going on now, or will go on soon, as to the merits of their demands. I should like to send to the desk and have read the substance of a statement put out by the commission within the last few days, which will show that the commission are proceeding to hear the railroads and the public and the shippers on the question as to whether or not they will suspend these rates.

The VICE PRESIDENT. In the absence of objection, the Secretary will read as requested.

The Secretary read as follows:

The Interstate Commerce Commission has readjusted its calendar for the month of May so as to set apart the week beginning May 7 for hearings before the commission on carriers' proposals to generally increase freight rates and the protests thereto. The hearings will be held in the ball room of the Raleigh Hotel, in Washington, beginning at 10 o'clock a. m. During those six days it expects the carriers will put in their case. Hearings will be resumed on May 23, and it has been suggested that full presentation of the carriers' side may be facilitated if the cross-examination of their witnesses is deferred until subsequent hearing. This will give the representatives of shippers and of the public additional opportunity in which to prepare to cross-examine, as well as to prepare the case in chief against the proposed increases.

Hearings will be continued until adequate opportunity has been afforded for presentation of such matters as in the opinion of the commission may aid in determining whether or not it should suspend all or any of the supplements carrying the proposed increases, or require modification thereof as a condition of their becoming effective July 1, their proposed effective date.

Mr. POMERENE. Mr. President, I have no objection at all to the passage of this resolution; but as a member of the Committee on Interstate Commerce I want to make this observation:

A year or two ago, when there was an application pending before the commission for a 5 per cent increase of the freight rates generally throughout the country, a regular propaganda was begun throughout the country in an effort to influence the finding of the Interstate Commerce Commission. My mail was burdened with letters from shippers and manufacturers asking me to use my good offices toward getting this increase. I uniformly declined to take any action in that behalf, believing that the question of increase or decrease in freight rates was one which should address itself wholly to the commission. It is organized for that purpose. In the matter of the determination of rates it sits as a court; and I would no more assume to interfere with the findings or judgment of a court than I would with the findings of the Interstate Commerce Commission.

The matter of rates should be determined upon the evidence that is presented. In my judgment, there are very few Senators who can give to this question the time which would be required in order to enable them to come to a correct conclusion as to whether rates should be increased or decreased; and I do not feel that in advance of these hearings we are justified in saying that we will not abide by any finding that the commission may make. I trust that they will find that it is not necessary to grant an increase, but I do not know whether the facts are such as would justify them in making that order or not; and I simply wanted to take this opportunity of expressing my view in that behalf. I have no sufficient information to justify my coming to any conclusion now. I do not know what the increased cost of supplies or of operation may be.

Mr. WALSH. Mr. President, I propounded the inquiry which I addressed to the Senator from Georgia by reason of the fact that there came into my hands a few days ago a report of one of the western roads for the year 1916, conveying the very highly gratifying information that its net receipts for the year 1916 showed a very substantial increase over what had been realized in any preceding year in its history; and I am very well satisfied from other information which comes to me that a similar condition exists in the case of practically every other one of the transcontinental systems.

Mr. President, it is true that quite a good many years ago the Congress of the United States constituted an agency for the purpose of regulating rates and for hearing in all its details any controversy that may arise between the public on the one hand and the railroads upon the other, the shippers likewise being an interested party; but, Mr. President, it does not occur to me that the responsibility of the Congress of the United States to the people represented by the Members thereof is entirely released and discharged simply because they created such an agency. I apprehend that the responsibility still rests upon Congress to regard with some degree of attention, at least, the work of that commission; to keep itself advised, at least in a general way, concerning what it is doing; and it seems to me that in a great controversy of this character, involving a mass the aggregate of which simply staggers the imagination, it is quite appropriate for Congress, in order that it may follow the investigation with some degree of understanding, to call upon the commission for such information as it has at its command concerning the salient and more important features of the case.

It may develop another thing, Mr. President—and I should not be surprised if it did—that it would be a part of the duty of Congress, considering the tremendous interests involved, to make some additional provisions so that the interests of the public may be adequately and appropriately presented to the commission. I should not be surprised at all if when this report comes in it would be deemed advisable by the Congress of the United States to employ the best legal talent the country can afford to aid the able force now at the command of the commission in presenting the public side of this controversy.

It seems to me, Mr. President, that the information called for by this resolution ought to be furnished promptly to Congress.

Mr. FLETCHER. Mr. President, while I agree in a general way with the statement made by the Senator from Ohio [Mr. POMERENE], it does not seem to quite do away with the suggestion of the Senator from Georgia that there may be some need for further legislation. Take, for instance, this question of what is called car shortage. It develops that some roads have not control or possession of more than 40 or 50 or 60 per cent of their own cars. It is not so much a problem of car shortage as it is a problem of proper distribution. I doubt very much whether there is power in the Interstate Commerce Commission to control the question of the distribution of cars.

Mr. GALLINGER. May I ask the Senator a question? I heard the Senator make that same statement a little time ago in private conversation, and he rather startled me by suggesting that there was one road that had not more than 20 per cent of its own cars. I ask the Senator if there is a real shortage of cars. Do not the roads have the cars of other roads in their possession?

Mr. FLETCHER. It seems not. It appears they have not only lost the control of a very large percentage of their own cars, but they have not any cars to take the place of their own cars.

Mr. GALLINGER. My information is—in fact, I have some knowledge on the subject—that each of these roads have agents going over the country looking after their cars and seeing that they are returned. I have supposed that they were inter-

changeable and that the roads having a shortage of cars of their own have in their rolling stock cars belonging to other roads, which in due time will be returned to the rightful owners. But, of course, I have no definite knowledge on that point as to the roads the Senator has in mind.

Mr. FLETCHER. Of course they do interchange cars, but the situation in some portions of the country is very serious, and the reports are that certain roads not only have not enough of their own rolling stock but a large percentage of it is in the possession of other roads and they have not any rolling stock of those roads to take the place of it. The difficulty is to give some power and authority somewhere to compel the roads who seize the cars of other roads nolens volens and keep them as long as they please, probably paying demurrage and things of that sort, which they can well afford to do at the present freight charges and the prices of goods, and so forth. They make the shippers pay for it, probably; but there seems to be an absence of power in the commission to control the matter of car distribution, and the roads do take one from the other.

Mr. NORRIS. Mr. President——

The VICE PRESIDENT. Does the Senator from Florida yield to the Senator from Nebraska?

Mr. FLETCHER. In a moment. They take and retain just as they please cars of different lines, and that is largely responsible for the present condition. It may have a bearing on this question of rates; I do not know. I yield to the Senator from Nebraska.

Mr. NORRIS. I should like to suggest to the Senator from Florida that a witness testified yesterday before the Agricultural Committee in regard to refrigerator cars. He made the statement that it was admitted by the officials of most of the railroads at a hearing held by the Interstate Commerce Commission recently in regard to the distribution of cars that many of the roads had in self-defense taken all the cars they could get, no matter whose cars they were, and kept them as long as they could. He told us of an instance where refrigerator cars made and built for the purpose of carrying perishable products were then taken by other roads than the owners and put into other business, carrying dead freight, such as iron ore and things of that kind, which could just as well be carried in other cars, thus creating a shortage of refrigerator cars at a time when it was absolutely necessary to have refrigerator cars to move the perishable crops and goods that are produced in various parts of the country. He said the effect was a shortage of refrigerator cars for the purpose of moving that kind of freight at a time when they have less refrigerator cars and a greater amount of those products than in the preceding year.

Mr. FLETCHER. I think that confirms one point I rose to suggest, that there is a problem which may call for further legislation to strengthen the authority and power of the Interstate Commerce Commission over that condition. Unquestionably these products are now paying as high price as they ought to pay, and to increase those rates in order to relieve the roads and increase their earnings, and so forth, where their earnings are decreased by reason of their lack of control over their cars and lack of control in some power over that situation, would be a very doubtful proposition. I simply rose to suggest that as a matter which might be considered in connection with the adoption of the resolution and as one of the things that might be reached.

Mr. POMERENE. Mr. President, in answer to what the Senator from Florida has said I beg to inform the Senate that some time ago I introduced a bill conferring full authority upon the Interstate Commerce Commission to control the distribution of cars, and we are to have hearings on that bill to-morrow before a subcommittee of the Interstate Commerce Committee. Some time ago this question was before the Interstate Commerce Commission and by a vote of 4 to 3 they decided that they already have that power. If there is any doubt about it at all, of course Congress will be only to anxious to clear it up.

In further explanation of what I said a moment ago, as perhaps I did not make myself entirely clear, I stated that I had no objection to the passage of this resolution; I only took issue with the statement which was made to the effect that if the commission should make a certain finding some Senators would be ready to condemn them. I confess I am so constituted that I can not judge of a finding of a commission before the finding is made and before I know what the evidence is.

Mr. WEEKS. Mr. President, the truth is probably that there are not freight cars enough in the United States to do the business of the country. If these freight cars were all under one jurisdiction, so that they could be sent to the points where business is pressing, undoubtedly they could handle the business of the country better than it is done now; for instance, if they were handled as are the cars of the Pullman company. If traffic is running north and south the Pullman company divert cars to that service; if it is a summer resort or a winter resort business the cars are diverted for that purpose.

As a matter of fact, there are five prominent railroad presidents sitting in Washington trying to adjust this car situation as far as it is possible for them to do it. They represent the Pennsylvania, the Chesapeake & Ohio, I think, the Southern, the Chicago, Burlington & Quincy, and the New Haven Railroads. They are trying to determine where the need of cars is most pressing, and they, if I understand the question correctly, have full power of the railroads to divert cars to carry the business which is most pressing and most necessary for the time being.

That is really what the law should provide, that the cars should be sent where the service is most pressing. If that were followed out, either by the Interstate Commerce Commission or as a result of further legislation, it would answer the purpose as far as the number of cars available would enable it to be responded to.

But I do not believe that there are nearly enough cars in the United States to do the business that is offering to-day. We must remember that the building of cars now is a very expensive operation. The probabilities are that a freight car costs very nearly twice as much as it would in normal times, and in the final analysis the cost of the car is going to be imposed in freight, so that the public, if the railroads do build liberally, are going to pay the additional cost of the equipment which is furnished in this way.

Mr. HUSTING. Mr. President, I hope very much that the resolution will be adopted. I also hope that the other resolutions touching upon the same subject now before the committee will be reported out and adopted. I do not believe that Congress should always take for granted that its offspring is going to do exactly the right thing.

I can understand the theory and the practice of intrusting questions of rates to the Interstate Commerce Commission, especially at times when it concerns only certain commodities or in ordinary times to make a horizontal raise even, but at a time like this, when we are engaged in a world war, I think the Interstate Commerce Commission should have some solicitude and respect for the opinion of the people of the United States and Congress particularly, and should not object to but welcome advice or direction which Congress may give upon so important a subject. I think it might be very helpful to the Interstate Commerce Commission to ascertain the opinion of Congress as to the wisdom of a great raise in freight rates at this time, and particularly in respect to putting a rate in force at once pending the investigation. I want to give it as my judgment that the people will condemn the Interstate Commerce Commission or Congress if at this time a rate is put into effect increasing the present freight rates at all pending an investigation.

This is not a question of technical knowledge or technical information. There are some things connected with this demand for increased freight rates that I think even an ordinary citizen can understand, that even an ordinary Senator can understand. What has happened that would warrant a 15 per cent increase in the railroad rates? A short time ago the railroads came in and asked for a 5 per cent increase in freight rates. Why? Because they said they were not doing a normal business. At that time they pointed to the empty freight cars that were congesting traffic in the freight yards, and they said they had many cars which were idle and which were bringing in no revenue. That was true to a certain extent, although the wisdom of the raise was then questioned. There were a great many people well posted in this business who said that the railroads, on their legitimate investment, were then earning more than a fair return on the investment.

Mr. NELSON. Will the Senator yield to me for a moment?

Mr. HUSTING. Certainly.

Mr. NELSON. I desire to say that the car shortage which we hear so much about arises partly from two causes, one of a permanent nature and the other of a transitory character. The great eastern roads terminating at New York, like the Baltimore & Ohio and the Pennsylvania roads, have failed to do what our great western roads have done terminating at the head of Lake Superior—they have failed to supply large terminal elevators in which grain can be stored. The same is the case, I think, with the roads terminating in Boston. At the head of Lake Superior, where we have two great transcontinental lines terminating, we have large terminal elevators that can take care of the grain in the winter, so that it can be stored there until spring and shipped. The eastern seaboard cities lack entirely the terminal facilities in the shape of grain ele-

vators that they ought to have to store the grain that comes in there.

Another reason that I referred to is that a large number of cars have reached the seaboard on the East from the interior and the West with agricultural supplies and all other commodities, and the cars are retained at the seaboard for warehouse purposes. For the lack of shipment to take the goods abroad they do not take the products out of the cars. You will find cars by the scores and hundreds full of western freight tied up there and used as warehouses instead of putting the goods into terminal warehouses. If the eastern roads were to supply warehouse facilities for the western products, grain and flour and all other commodities, it would remove to a large extent the car shortage which arises not so much from lack of cars but because the cars are stranded on the eastern seaboard and used for warehouse purposes.

Mr. HUSTING. Mr. President, I want to thank the Senator for the information; but the point I want to make is that at that time the railroads were asking for a raise upon the ground that they had an oversupply of cars; that they had no use for the cars they had; that they were not doing any business; that their cars were idle, their trains were idle, and they dismissed a number of their crew, and that consequently they were not making the amount of money the law allowed. On these grounds they got a 5 per cent raise. Now they come here and ask for a 15 per cent raise because they say they have not got enough cars to do business with; that their facilities are overtaxed; in short, that their business is too good.

If there is any grabbing of cars, I assume that every road grabs whatever cars it can get, and thus, at least in part, is equalizing what damage it suffers at the hands of other roads. On the other hand, it is apparent that cars are in great demand, and that every car in the United States is in operation, is being used, and is bringing revenue to the railroads. It means that they have not got facilities enough to do the business that is brought to their lines; that they have not cars enough; that they have not engines enough; that they have not crews enough. What does that mean? Does that mean bad business, or does it mean good business? Does it mean a losing business, or does it mean a prosperous business? It does not take a scientist to understand that when business is so good that it overtaxes the facilities of the roads, that when there is no idle rolling stock and no idle capital, that when no men are laying off but all are working; in short, when every energy of the railroads is taxed to the utmost and everything is in motion and in service, the roads are not losing money but are making money.

So I say that the ordinary man can understand that if a raise of 5 per cent was necessary two years ago because the cars were idle and were doing no business, now, when the roads are doing business and overtaxed to the extent that they have not enough cars, it means they are offered so much business that they can not handle it, and that if they could have more cars and better facilities they would make still more money; in other words, it does not mean that they are losing money now, but it means that they are not making as much money as they would make if they had still more cars and still greater facilities for handling them. And it does mean most emphatically that the roads are making money now. These two inconsistent theories, that they need a raise when cars are idle and that they need a much greater raise when they have got so much business that the roads can not handle it, are not going to stand up very well before the ordinary citizen.

Another thing about this proposed 5 per cent raise at this time: We were told then that the railroads were not making quite the percentage which they were entitled to make. Very well. Suddenly a great streak of prosperity hit this country, and now they are doing so much business that they have not enough cars to do the business and their receipts have jumped up by leaps and bounds beyond anything in the history of railroad operation. I have not the slightest doubt that the figures of the Senator from Georgia [Mr. SMITH] are practically correct. So a year after the 5 per cent increase they had not only got back to normal conditions but to supernormal conditions the other way. Before the hard times of 1914 and part of 1915 and before the 5 per cent raise they had not made any complaint; they were making money before the hard times hit them. When normal times came back, and on the top of that still more prosperous times came, what did that mean? It meant that they were making more money than they did before they got the 5 per cent raise.

Well, why are they not here with an offer of restitution? Why should they not offer a reduction in rates? If they could get along without the 5 per cent prior to the time they asked for it, why can they not restore the 5 per cent or reduce their rates 5 per cent, when they have not merely returned to normal times but to better than normal times, for they are now making more money than they ever did? To the ordinary individual it would seem that they ought to be coming here with an offer or a prayer to the Interstate Commerce Commission to reduce rates by 5 per cent instead of asking to boost them 15 per cent. I think that is what will appeal to the ordinary man who puts two and two together.

It is said that because of the passage of the Adamson law the operating expenses of the railroads have increased. Well, it may be that operating expenses have increased a little, but nothing compared with the raise that they demand. It has been stated here, I think in one of the preambles of the resolutions of the Senator from Georgia, that this raise on account of the Adamson law, as has been estimated, varies from $30,000,000 to $60,000,000, while their demands for a 15 per cent increase means $400,000,000 increase in freight rates. Are the railroad companies acting in good faith when they come before the Interstate Commerce Commission and, because of a slight increase in operating expenses, demand a 15 per cent increase in rates?

I venture to say, further, that if the figures of the Senator from Georgia are correct, viz, that the Adamson law increases the operating expenses between $30,000,000 and $60,000,000, and that a 15 per cent increase would mean now an increase of $400,000,000, then a 5 per cent increase, which they are enjoying now and to which they are not entitled, would amount to one-third, or over $130,000,000, and much more than overcomes the increase caused by the Adamson law. So they are now enjoying the "velvet" of the rates between the cost under the Adamson law and the 5 per cent increase; and, therefore, they are already getting more than they are entitled to.

There is another feature of this matter. The President not long ago sent out an appeal to the country calling upon men, high and low, to serve the country. As a consequence of that appeal, men are coming in and offering their services gratuitously. Industrial concerns are coming in here and offering to put their plants at the disposal of the Government without profit. A manufacturer of shoes in Milwaukee has made an offer to the President to furnish 500 pairs of shoes a day at absolute cost, to be figured by the Government.

Not only that, Mr. President, but we have passed a conscription law by which the Government can enter any home and put its hand on a man, and say, "You must serve the country; you must sacrifice your life, if need be; you must give up your position, whether you are earning $1,000, $2,000, $10,000, or $50,000 a year, and you must serve the Government at $30 a month." When the Government conscripts a man, it conscripts his earning capacity, and when it conscripts his earning capacity, it conscripts his property as well as his life. It is a poor rule that does not work both ways. Are you going to conscript men and their lives and their service at $30 per month and at the same time reward others who are not conscripted by enormous increase in rates and in profits?

You have heard of the high cost of living and yet by a 15 per cent freight increase you are going to pile on top of the already staggering cost of living extraordinary transportation charges, to be saddled upon the backs of those who are left at home because their breadwinner has gone to the war and who must subsist on $30 per month?

Mr. President, this is no time, in my judgment, for business or for railroad companies or for industrial enterprises or for anybody else to come in and ask to have high profits or even to have profits increased. This is a time for service, not for gain, not for profit. The judgment of Congress and of the people of the United States, and their seal of condemnation should at once, and for all time, and at the very start, be put upon any such attempt as this. If this is going to be a game of grab, if men are going to set out at once to get hold of all they can while men are sacrificing their lives upon the battle field, everybody will grab, and everybody, instead of trying to find opportunities to give, will devote his time and energies looking for opportunities to get.

Not long ago there was a bill under consideration here providing that the Government should advertise in the newspapers and pay the newspapers for advertising for recruits. Very properly the Senator from Nebraska [Mr. HITCHCOCK], although himself a newspaper man, condemned the bill upon the ground that newspapers should be willing to do their part. This is the high plane to which other agencies should lift themselves or to which they should be lifted. Now, I say, let the railroads serve; let the industrial organizations serve; let everybody serve. Those who do not have to serve with their bodies at least should serve with their money or their service in some other way. Let us help to pay and not try to take. Let us not fill our pockets; let us rather try to empty them in the general

cause and for the general welfare. If it should come about that the Interstate Commerce Commission should increase these rates, as requested, under these circumstances, who, I ask, will oppose the United States taking over these railroads and commandeering them in the interests of the general welfare? I for one will not, and I want to predict that the people will demand that the Government take them over.

If it is going to appear to the people of the United States that the men at the head of our great transportation companies are going to be actuated by sordid motives and are not looking toward the service of the Government, but toward service of self, I here say there will be a sentiment going throughout this land in favor of this Government doing what other Governments have already done, namely, taking over the transportation companies and operating them for the purpose of serving the people in this great emergency.

Mr. CALDER. Mr. President——

The PRESIDING OFFICER (Mr. HITCHCOCK in the chair). Does the Senator from Wisconsin yield to the Senator from New York?

Mr. HUSTING. Certainly.

Mr. CALDER. Of course, the Senator from Wisconsin knows that the farmers of his State are getting for their products double what they ever received before; that the manufacturers of his State are getting double what they ever got before; that the railroad companies are paying double what they formerly paid for equipment, steel rails, wages, and everything else.

Mr. HUSTING. I do not know that the Senator's figures are correct. I know that it is generally supposed that the farmers are getting very high prices, that industrial concerns are getting very high prices, that railroad companies have to pay large prices; but it also appears, on certainly as good authority, that the railroad companies are making more money now in net earnings than they ever did before in the history of this country, and this notwithstanding the increased cost of operation.

Mr. CALDER. Mr. President, I can say to the Senator from Wisconsin that the people of New York State who are buying the products of the farmers in his State and the products of the manufacturers in his State are paying double what they ever paid before; and I do not see how any industry can be expected to live when it is compelled to pay double for everything it uses without any opportunity to increase its revenues.

Mr. HUSTING. I will answer the Senator that, according to his philosophy, as I understand it, because the farmers are getting double, because the manufacturers are getting double, therefore the railroads should get double. I ask if we permit one class of men to charge more than is equitable shall we then extend the privilege to everybody and let everybody else also fatten upon the country or shall we rather, as I would propose, restrict them? Where men are getting too much, do not let them have it. I do not advocate favoring any class, whether it be the farmers or whether it be the manufacturers or the transportation companies, or permitting them to take undue or unfair advantage of the people or the country, at a time like this, especially. I say at a time like this everybody should serve; everybody should make sacrifices of some kind. If one can not, by reason of age or otherwise, be of service at the front let him at least be willing to serve at home. All citizens ought at least be willing to do something in the nature of sacrifice and not insist upon having an advantage.

Mr. CALDER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from New York?

Mr. HUSTING. Certainly.

Mr. CALDER. If the Senator can develop a scheme by which the people of the country can buy the things they need more reasonably than they do now, I shall be glad to help him work it out.

Mr. HUSTING. I will say to the Senator that I am more anxious to restrict undue advantages or restrict profits already existing than I am to extend such undue profits to others and thus make conditions still more unendurable than they are now, and I hope before the end of this session something will be done to bring about a greater equality of service and benefits and a greater equality of the burdens of war. I sincerely believe that the Senator from New York will cooperate to that end when the time comes or opportunity is afforded.

Mr. KING. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Utah?

Mr. HUSTING. Certainly.

Mr. KING. I desire to suggest, for the consideration of the Senator from Wisconsin, that the rule which should govern the profits of public-service corporations, such as transcontinental railroads, should not be the one applicable to determining the profits made by individuals in their private activities.

Mr. SMITH of Georgia. Mr. President, if the Senator from Wisconsin will allow me——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Georgia?

Mr. HUSTING. Certainly.

Mr. SMITH of Georgia. I only desire to express the hope that the Senator from Wisconsin will not go so far into the general merits of the question as to prevent action on this resolution. It only asks for information. I am afraid that part of the figures I have given to the Senate have been incorrect, and I want to get the real facts.

Mr. HUSTING. I will say to the Senator that I consider this a very good time now to make the observations I have made.

I want to say that the rule suggested by the Senator from Utah [Mr. KING], which is applied to public-service corporations which are supposed to serve the public in a quasi public capacity, is a far different rule from that applied to individuals. I will even go further and say now that all should serve, whether they are private corporations, public-service corporations, private individuals, or officials—they should all serve.

I say this is a good time now to make these observations, because any attempt of this kind should be discouraged "right off the bat." This whole business should be lifted onto a higher plane, and men engaged in any walk of life, in any industry or vocation, whether it be farming or whether it be manufacturing, merchandising, or any other form, should understand that at a time when some men must sacrifice position, salary, business, and life itself there ought to be no encouragement for other men to increase their material advantages. I say it is not fair to conscript men and make them go to the front or make them give up positions where they have got to sacrifice not only profit but the very living of their families, and then encourage, on the other hand, increases of profits. In my judgment, all these transportation companies and these men at their head—and I respect many of them very highly—ought to be good sportsmen, ought to be good citizens, and good patriots, and instead of coming here asking for increased rewards and profits, they ought to come here offering something to the country. If the country will get together on that basis, it will find no dissatisfaction with the war.

I desire to sound this word of warning: That if this is going to be a fight for money as well as a fight for glory on the part of some men, if men are to be sent overseas to fight and die for their country so that others may stay here and get rich in their absence, you will have dissatisfaction with the war. I am anxious to see that this war shall be a success; that class distinctions shall die over here; that the captains of industry and the captains of transportation will so conduct and demean themselves in this crisis that all class feeling and class hatred will die away, and we shall have a brotherhood of American citizens, all willing to sacrifice something for their country, all willing to share in the burdens of war. To get increased profits will not involve sacrifice. Sacrifice can be made only by the relinquishment of something of value, not by the taking of something valuable. I say that this is the only way, in my judgment, that this war can be fought out successfully and leave this country in a stronger position than it now is.

I do not stand here and ask for confiscation, although I want to point out that in war even confiscation is not only justifiable, but is actually practiced. The Government, when it drafts him, is confiscating the man. It is confiscating his earning capacity when it drafts him and puts him into the service, and I say if the Government can do that with a man's life why should it not be just to do that with a man's property?

However, that is not what I am talking about. I am talking about fair play. I say that men and corporations should not come here and ask to have profits heaped upon profits at a time of stress like this; and I say that it would be well for the Interstate Commerce Commission to understand this, and to understand that the people are not in a temper to look with complacency on governmental action which has for its object and purpose the increase of profits at this time.

I hope that this resolution will pass and that the Interstate Commerce Commission will raise no rate temporarily or otherwise before the public's side can be fully heard.

Mr. GALLINGER. Mr. President, I submit a proposed amendment, to which the Senator from Georgia, the author of the resolution, does not object, and I trust that it will be agreed to.

The PRESIDING OFFICER. The Secretary will state the amendment.

The SECRETARY. At the end of the resolution it is proposed to add the following:

The commission is furthermore directed to furnish for the use of the Senate a list of all railroads in the United States now in the hands of receivers, with the percentage of mileage covered by said roads as compared to the total railroad mileage of the country.

Mr. SMITH of Georgia. I accept the amendment.

The PRESIDING OFFICER. Without objection, the amendment will be considered as adopted.

Mr. KNOX. Mr. President, I find myself in entire accord with so much of the observations of the Senator from Wisconsin [Mr. HUSTING] as cover the idea that this is a time for service. I am interested at this period in the railroad problem with the view, and with the exclusive view, of seeing that the railroads of the country, as its highways, render the greatest possible service in this emergency. The railroads are the highways of commerce; and it is over the railroads that the resources and the troops and the materials, whether they be food products or munitions of war, that are required by this Government and that are required by our allies, must be transported to the consumer.

A railroad as a highway can no more be maintained without profits than the Mississippi River could be maintained as a highway without rain. Railroads wear out; the roadbed deteriorates; the rails break or are worn out; the rolling stock is gradually consumed; and all of these things must be replaced. I do not understand that it is the suggestion of the Senator from Georgia that railroads should be disallowed profit. His resolution only goes to the question as to the obtaining of information from which some estimate of the justness of those profits could be made.

Mr. President, that is primarily the function of the Interstate Commerce Commission. I happened to be a Member of the Senate in 1906, and happened to take an active part in the discussion of the questions that were then before the Senate in respect to the regulations of railroads and the enlargement of the powers of the Interstate Commerce Commission. As all Senators will remember who were then Members of this body, and particularly those who participated in the debate, that was a period of self-renunciation. We had reached the conclusion, and perhaps wisely—indeed, it was almost unanimous—that it was not a possibility for us to deal legislatively with these great problems of railroad transportation, and that for that reason a commission should be employed, and that the powers and the functions of the then existing commission should be enlarged so that they could primarily, in the first instance, intelligently pass upon these questions, and practically determine the rule by which the railroads should be governed in their relations to the public.

Mr. President, there is a vast difference between the service that we shall exact from the private corporation and the service that we exact from the railroad. There is a vast difference between a railroad and the owner of a profitable operating concern in the city of Milwaukee or in the city of Pittsburgh or Philadelphia, who in all probability has a fat bank account, who has accumulated the savings of years, and is rich independently of the operation of his property. A railroad would cease to exist as a useful highway if you ceased to keep it up to the times, if you ceased to make good the deterioration to which I have referred. These are times of war, Mr. President. We know not what the future has in store for this country. If it is at all similar to the experience of the countries where the great battles are now being fought—France and Belgium—we will find that one of the great things that causes the suffering and the delays in the movement of troops and supplies is inadequate railway facilities. The fact is, Mr. President, that they are tearing up the railroads in Great Britain and shipping the ties and the rails and the cars to Flanders, because of the tremendous increase in the demand upon the functions of the railroads.

Mr. President, I have not the slightest objection to the Senate obtaining all the information called for in this resolution; but the theory of the Senator from Georgia, as I understand, is this: We want to be in possession of information that will enable us to judge whether the decision of the Interstate Commerce Commission, which is to pass primarily upon these questions, is just and is warranted by the facts. Now, if that is the theory——

Mr. SMITH of Georgia. Mr. President——

The PRESIDING OFFICER. Does the Senator from Pennsylvania yield to the Senator from Georgia?

Mr. KNOX. I do.

Mr. SMITH of Georgia. That is not the only theory. I regard it as a very important question, and I think the information may lead to additional legislation with reference to the powers of the commission, and, broadly, that it is information entirely outside of this action by the commission that Congress ought to have at this time. I have never really suggested any final action that I thought ought to be taken. I have introduced a resolution requesting the Interstate Commerce Committee of the Senate to consider the whole situation and see what they think ought to be done. I have even suggested before them that if they find a particular difficulty at some particular place in railroad service, it might be advisable, in view of the general situation, for the Government to seek to relieve the trouble.

Mr. KNOX. Well, Mr. President, I had accepted that as one of the purposes, and I understand the Senator from Georgia does not disavow that that is one of the purposes.

Mr. SMITH of Georgia. Yes; that is true—for consideration.

Mr. KNOX. But assuming that there is the additional purpose to which the Senator now alludes, it only strengthens the argument that I am about to suggest for broadening this resolution.

This resolution, in my judgment, calls for mere ex parte evidence, supposed to be tending to prove that the railroads are not entitled to the increase they are asking. Now, they may be or they may not be. I know nothing about that, and the Senate will know nothing about it unless it hears all of the evidence and all of the information bearing upon the subject. My suggestion is that this resolution ought to go to the Committee on Interstate Commerce, in order that it may compile a schedule of the information that we desire, that will enable us to deal intelligently with the entire subject; and I do not think we should pass the resolution asking only for the specific information therein set out.

Mr. HUSTING. Mr. President, may I ask the Senator a question?

The PRESIDING OFFICER. Does the Senator from Pennsylvania yield to the Senator from Wisconsin?

Mr. KNOX. Certainly.

Mr. HUSTING. I just wanted to ask the Senator, in view of what he said on the question of profits of railroads, whether he understood that I took the position that railroads should make no profits; that they should be run at a loss, or that they should be run at such rates as would destroy their usefulness?

Mr. KNOX. I certainly gathered, from the illustration the Senator used in speaking of the patriotic citizen of Milwaukee having turned over his factory to be operated without profit, that he meant to convey the suggestion that that was what the railroads should do.

Mr. HUSTING. I just want to say, then, in reply briefly to the Senator's understanding, that I merely cited that as an illustration of what citizens were ready and willing to do and were offering to do, and also pointing out that men were compelled by the Government to relinquish positions of profit to work for the Government at the rate of $30 a month, and that in view of that fact the railroads should not ask for increased profits; that they should be willing even to take less than the law would allow them in case of an adjustment of rates. In other words, my position was that if men were willing to make sacrifices of all their incomes plus their own lives, railroads should not be coming and asking for increased profits, but should be willing to do the work at a minimum profit and not a maximum profit.

Mr. KNOX. Mr. President, I am really gratified to know that I did misunderstand the Senator from Wisconsin. As to what may be a reasonable profit, or whether an advance at this time is justified or not, I do not know. My point is that if we are going to pass upon that question at all, and pass upon it intelligently, we ought to have all of the evidence bearing upon the equation laid before the Senate.

It may be that the railroads are not entitled to a penny of advance; but, if my memory serves me, at the time the Adamson bill was passed the President of the United States, who evidently had been devoting his mind for many days and many nights to thoughtful consideration of the railroad problem, said or intimated that the time had come when the railroads could with propriety consider an application for an increase of rates. I may be mistaken as to that having been his position, but that at least was the position that was presented to the public through the press; and I still think the Senator from Georgia ought to consent to allow this resolution to go to the committee, and then let the committee determine the scope of the inquiry.

Mr. SMITH of Georgia. Mr. President——

The PRESIDING OFFICER. Does the Senator from Pennsylvania further yield to the Senator from Georgia?

Mr. KNOX. I do.

Mr. SMITH of Georgia. If others want additional information, they can ask for it; but I do think we are entitled to this information now. I especially want it because I have used a number of those figures, and if I have been wrong I wish to correct them. I think I was wrongly informed as to some of them.

Mr. KNOX. Mr. President, if you are entitled to any information now, you are entitled to all the information now. Men are liable to form a judgment upon ex parte testimony. They are liable to form a judgment upon a prima facie showing that a subsequent examination of evidence tending the other way is often unable to uproot.

In dealing with a great problem of this kind, the time for us to decide, if we are called upon to decide anything in connection with this matter, is when we have all of the facts before us.

Mr. LODGE. Mr. President, the Senator from Minnesota [Mr. NELSON] made some statements about grain elevators at the eastern ports in which I think he was a little in error. Of course we have not at Boston or New York the system of enormous grain elevators which they have on the Lakes, but we have very large grain elevators at both those ports. On the Lakes they have to carry an immense amount of grain during the season when navigation is closed. Navigation is not closed at the Atlantic ports, and the elevators are built upon the theory that they will hold the grain only for a short time, that it will pass through rapidly to foreign countries, so that there will always be room for the grain as it comes in over the railroads.

Just now we are short of tonnage. Grain gathers in the elevators at Boston and New York, and, no doubt, other ports, and they can not take the additional grain that comes in the cars, and then the cars are held for storehouse purposes, as the Senator from Minnesota said; but the center of the problem is just where the center of the problem is in the war in which we are engaged, and it is part of that problem. It centers on the ships.

If you can get the grain and the rails and the locomotives and the thousand and one articles that are needed by the allies and by those who are now fighting with us against a common foe taken out of the Atlantic ports and carried across the ocean, a great deal will be done to relieve the congestion and apparent shortage of cars in this country.

Mr. SMITH of Maryland. Mr. President, if the Senator will excuse me——

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Maryland?

Mr. LODGE. Certainly.

Mr. SMITH of Maryland. I do not know what the conditions are in other cities, but I will say that in Baltimore they are building and preparing to build very largely increased facilities in the way of storage elevators. There is one already completed, and I understand the Pennsylvania Railroad expects to put in $2,000,000 in building increased elevator storage in Baltimore city. I do not know how it is in other seaports.

Mr. LODGE. I will ask the Senator, before he takes his seat, if he does not think that what I have stated about the congestion of the great Atlantic ports is largely true—that it is the difficulty of finding tonnage to get the wheat abroad?

Mr. SMITH of Maryland. That has evidently been the trouble. They can not get export; they can not get vessels to ship the grain in, and it has created a congestion that, of course, can not be remedied at once; but they are endeavoring to remedy it in the city of Baltimore now to a very great extent.

Mr. LODGE. I do not know whether they are building additional elevator space in Boston and New York or not, but I think I have stated the general situation correctly. It seems to me that at this juncture it is perhaps more important to do everything we can to promote the attack upon the common enemy than to amuse ourselves by assaulting our own railroads. Of course, as the Senator from Pennsylvania said, we all sympathize with what the Senator from Wisconsin said. Nothing is more sympathetic to any one than to make somebody else act on a high plane. We all like it. It is a form of altruism that appeals to every one of us. But it seems to me that even the railroads are entitled to a fair hearing, and I say, with all respect to my friend from Georgia, that this resolution calls for the evidence on one side and creates what seems to me to be an unfair impression on its face. If we are going to have the gross and net incomes, I want also the operating expenses.

Mr. SMITH of Georgia. The net income is what they have after they get through paying their operating expenses.

Mr. LODGE. Yes; but I want to know what the operating expenses are, and I want to see how they have increased if they have increased or decreased if they have decreased. Gross and net incomes are not all. The movement of operating expenses is a very important thing in judging of the relations of any corporation, and I think we ought to have that. I shall move to insert, after the words "gross and net incomes," wherever they occur, the words "and operating expenses."

Mr. SMITH of Georgia. I accept the suggestion.

Mr. LODGE. Although I think the amendment moved by the junior Senator from Minnesota in regard to not confining this to railroads with 7 per cent income——

Mr. SMITH of Maryland. I ask the Senator, would it not be well to find out what the railroads make—those over 7 per cent or below 7 per cent.

Mr. SMITH of Georgia. I have already accepted the amendment suggested by the Senator from Massachusetts.

Mr. LODGE. I was not aware that it had been accepted. I was going to say simply——

Mr. SMITH of Georgia. I will accept any suggestion for the fullest information asked for by anyone.

Mr. LODGE. Very well, I thought it only included the roads in the hands of receivers.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which is Senate bill No. 2.

PUNISHMENT OF ESPIONAGE.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2) to punish acts of interference with the foreign relations, the neutrality, and the foreign commerce of the United States, to punish espionage, and better to enforce the criminal laws of the United States, and for other purposes.

Mr. GALLINGER. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gerry	Lewis	Shields
Bankhead	Gronna	Lodge	Simmons
Beckham	Hale	McCumber	Smith, Ariz.
Brady	Hardwick	McKellar	Smith, Ga.
Brandegee	Hitchcock	Myers	Smith, Md.
Calder	Hollis	Nelson	Smoot
Chamberlain	Husting	Norris	Sutherland
Culberson	Johnson, S. Dak.	Overman	Thomas
Cummins	Jones, N. Mex.	Page	Thompson
Curtis	Jones, Wash.	Phelan	Underwood
Dillingham	Kellogg	Pittman	Walsh
Fall	Kendrick	Poindexter	Warren
Fernald	Kenyon	Pomerene	Watson
Fletcher	King	Ransdell	Weeks
France	Knox	Saulsbury	Williams
Gallinger	La Follette	Sheppard	Wolcott.

Mr. LEWIS. I have been requested to announce that the Senator from Arkansas [Mr. ROBINSON] is detained on official business.

Mr. THOMAS. I desire to announce that my colleague [Mr. SHAFROTH] is detained on important business.

I was also requested to announce that the junior Senator from Mississippi [Mr. VARDAMAN] is unavoidably absent, and he has a general pair with the junior Senator from Idaho [Mr. BRADY]. I will let this announcement stand for the day.

Mr. CHAMBERLAIN. I desire to announce the absence of my colleague [Mr. LANE] on account of illness. I ask that this announcement may stand for the day.

Mr. SUTHERLAND. I wish to announce the absence of my colleague, the senior Senator from West Virginia [Mr. GOFF] on account of illness. I will let this announcement stand for the day.

Mr. CURTIS. I desire to announce the unavoidable absence of the junior Senator from New Jersey [Mr. FRELINGHUYSEN]. I will let this announcement stand for the day.

The PRESIDING OFFICER. Sixty-four Senators have answered to their names. There is a quorum present.

Mr. SMOOT. Mr. President, the President of the United States, the Congress, the governors of the different States, the mayors of cities, the commercial clubs, and thousands of other organizations in this country have been pleading with the people to plant and cultivate every possible acre of ground for the purpose of raising sufficient food crops to feed the American people and our allies engaged in the present war for the coming year. Lands have been offered freely without recompense in any way, and there has been, I was going to say, almost a universal response on the part of the people.

But, Mr. President, I find from letters received by me from different parts of the country that there is an imposition being imposed upon the public by many concerns distributing seeds, and that the prices charged for them are outrageously high. I expect to call the attention of the Secretary of Agriculture to it. I believe that some movement should be made to prevent people who have responded so willingly to the appeal of the President and those whom I have already mentioned from being robbed as they are being robbed to-day in the purchase of seed.

A friend of mine writes me that after attending one of the meetings at which an earnest appeal was made for the cultivation of every possible acre of land he decided, upon leaving the meeting, to put all his back yard into vegetables and cultivate the land in the best way that he could. The next morning he started out to purchase some garden seed. He went to a seed house and bought some 10 or 20 packages of garden seed of different kinds. He took them home thinking he had plenty of seed to plant the small piece of ground. In opening the packages that were sold to him at five cents a package this is what he found:

He found just eight peas in the package of peas. I notice on the front of a package a picture of a pea pod and I count in the pod nine peas; but inside the package you will find only eight. The package was put up by the New York Seed Co., of New York.

The package of beets was put up by William Elliott & Sons, of New York, and there were just 13 beet seeds in the package.

That is not all. I see that in a package of radishes for which they charged 5 cents there were 15 radish seeds. I have not a pair of scales nor had I the time this morning to go to an apothecary's shop to see what 15 radish seeds would weigh, but at the rate charged for the 15 seeds it would amount to $20 or more a pound for radish seed. That is what people are paying for the seed they are going to plant in small lots to help feed the people of this country.

Of lettuce seed we find enough in the package to perhaps plant not to exceed a row of 5 feet.

Mr. President, I wish to call this to the attention of the Senate, hoping that something will be done to relieve the situation. I asked why they did not buy the seeds in bulk. In one case it was stated that the town was so small there was not a seed house in it and the only way they could buy seed was to purchase them in packages put up by the seed companies.

If this is to be universal, Mr. President, there will be millions of dollars spent by the American people in purchasing seeds put up in the form to which I have called the attention of the Senate.

Mr. CALDER. Mr. President——

The PRESIDING OFFICER (Mr. ASHURST in the chair). Does the Senator from Utah yield to the Senator from New York?

Mr. SMOOT. I yield to the Senator.

Mr. CALDER. Were the seeds purchased in the city of New York?

Mr. SMOOT. Of these seeds two of the packages—the beet seed and the radish seed—were purchased by Mr. W. P. Monson, of New York.

Mr. CALDER. In the city?

Mr. SMOOT. In the city. The other two packages that I have were purchased out West.

Mr. CALDER. They were purchased at retail from a retail dealer in a small place, but manufactured in New York.

Mr. SMOOT. They were put up in New York.

Mr. President, I simply call attention to this matter hoping that something will come from it. I am going to ask the Secretary of Agriculture to take up the question, so that in those places where there are no seed houses people can buy seeds in the bulk; that there shall be some arrangement made by which they can be sent out and the people not robbed as they are being robbed all over the country by purchasing seed in packages as put up to-day.

Mr. KENYON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Iowa?

Mr. SMOOT. I yield the floor.

Mr. KENYON. I should like to ask the Senator a question before he takes his seat.

Mr. SMOOT. Certainly.

Mr. KENYON. I ask the Senator from Utah if he has given consideration to the bill now before the Committee on Agriculture, section 5 of which covers to some extent this question, to enable the Secretary of Agriculture——

Mr. SMOOT. I have read the bill, I will say to the Senator, but I have not given any special attention to it, because I did not think that was necessary until the bill was either reported to the committee or we knew that some action was to be taken upon it.

Mr. KENYON. That bill is now before the Committee on Agriculture and Forestry and they are devoting consideration to that very question.

Mr. SMOOT. I so understood, Mr. President.

Mr. THOMAS. Mr. President, the facts laid before us by the Senator from Utah are deplorable, but they are not surprising. The seed men and all those who retail food products are taking advantage of existing conditions, just as everybody else are doing. Hence there is nothing new in the Senator's disclosures. If there are any producers on a large scale outside of some of the farmers, who are not profiting by the opportunities now presented, I have not heard of them.

I received a letter yesterday from a woman living in the city of Denver, my home city, calling attention to a situation at the other end of the food line, which is equally reprehensible and which, I fear, is not at all local in its application. I desire to read the concluding sentences from the letter, which refer to that situation. The lady says:

> About the food situation, there is a lot of talk about women wasting food. Well, they do, of course. There is more or less of that, but not among the masses. * * * But what about the men who buy up the fields and orchards and allow the food to rot?
>
> I was in Kansas City recently and heard the people there talking about the food destroyed there last year and this year. If people grow as much stuff as they expect to, what will be the result? Why, only the growers will benefit, for the speculator will destroy all that can not be sold at high prices to the nonproducer. There must be some drastic measures taken at once.

The name of this lady is Mrs. Frances Walden, 4554 Irving Street, Denver, Colo.

Mr. CURTIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Kansas?

Mr. THOMAS. I do.

Mr. CURTIS. Does the lady indicate the kind of produce destroyed? I ask the question because I had a similar letter, and in it there was no mention of the kind of produce that had been destroyed.

Mr. THOMAS. No; she does not. I will say to the Senator, however, that I was told about two months ago by a gentleman whose word is beyond question, that he knew of instances within 40 or 50 miles of Chicago, where last fall men from that city bought the product of some farms chiefly consisting of pumpkins, winter squash, and so forth, paying an extraordinarily high price for them, but which were never gathered. No pretense was made of harvesting the crop, and it having been sold the farmer, of course, could do nothing with it. The purchasers simply permitted them to remain on the ground, and thus decrease or minimize the amount of similar products upon the market. The effect upon their prices is obvious.

Mr. McCUMBER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from North Dakota?

Mr. THOMAS. I yield.

Mr. McCUMBER. I wish to say to the Senator that I have in my office a letter inclosing a clipping from one of the papers in my State, and in that clipping there is an announcement that there had been destroyed in Chicago 150,000 bushels of potatoes, that they had been destroyed lately, and destroyed for the purpose of decreasing the supply. I can not believe that that is true; I feel certain that it can not be true; and yet stuff of that kind is being circulated through the country to excite our people. Has the Senator any knowledge of any such destruction?

Mr. THOMAS. I have given the instances that have reached me directly. I recall, now that the Senator mentions it, seeing that account of the destruction of potatoes in or near Chicago. I do not say that these things are true; I hope they are not true; but I believe that the speculators would not hesitate to go to that extreme, if necessary, to enhance the price of their products.

Mr. McCUMBER. I can say, Mr. President, if it is true, there are some people in the United States unhung who ought to be hung. But I can not believe that the statement is true.

Mr. THOMAS. I quite agree with the last sentiment expressed by the Senator from North Dakota. I know of no crime more serious and reprehensible to-day than the deliberate destruction of food products anywhere. I know of no crime that approaches it so nearly as the practice which does prevail of cornering food products to enhance their prices. There is no question but that such practices are flourishing and the law seems to be unable to reach or punish them. I greatly fear that unless something is soon done to prevent them, resort will be had to the lamp-post.

I do not care to take the time of the Senate further in discussing the subject. I propose to offer when chapter 7 of the bill now before the Senate is reached an amendment suspending boards of trade and chambers of commerce in the United States which permit speculation in food products until the President by proclamation declares the war to have ended.

Mr. WILLIAMS. Mr. President, I agree with the Senator from North Dakota [Mr. McCUMBER]. I do not believe there has been any deliberate destruction of food products in the United States. Prices are not fixed by demand and supply; they are fixed by estimated demand and estimated supply. The

traitors who were in the pay of Von Papen and Von Rintelen and Von Igle are now spreading these reports all over the United States, with the view of making food cost as much as possible to the American people, the American Army and American Navy, and the armies and navies of our allies. There has not been anything like a deliberate destruction of food products anywhere. Somebody would have known it; somebody would have seen it; somebody would have seen the fire or the other method of destruction.

Prices depend upon psychology, contrary to the general impression. If you fix the psychological impression upon the public mind that supplies are being destroyed and are being diminished, prices go up, and if you fix the opposite psychological impression, the opposite result follows. I believe that the full amount of the German corruption fund has not yet been exhausted.

Mr. BORAH. Certainly the German corruption fund has not actually raised the prices.

Mr. WILLIAMS. Yes; it has and does now. The German corruption fund has created a hysteria; it has created a psychological impression that foodstuffs are short and the supply is insufficient, and in creating that it has increased prices.

Mr. BORAH. I think it was well founded, but the most alarming information which has gone to the country at all has gone from the Agricultural Department.

Mr. WILLIAMS. I am not talking about that, because that information, real as it is, can not account for the present prices. It can not account for the situation just disclosed by the Senator from Utah that there is a condition actually existing in places in which the nonproducing part of the population of the world in armies and navies is eating food to an enormous extent, out of all proportion to normal conditions, when there would be a similar proportion of the people producing food. That is undoubtedly true, but that does not account for this condition.

Now, this condition exists worse in the boll-weevil districts of the South than almost anywhere else right now. The people had their cotton crops destroyed by the boll weevil. So they wanted to raise foodstuffs this year. They have found that they can not buy a great many things, soy beans for one thing. Velvet beans are very scarce. Even cowpeas are said to be very scarce. Yet there is not a man throughout that country who does not know that we raised last year a bigger crop of cowpeas than we ever raised before in our lives. But the cowpeas are being cornered somewhere, and the impression is being placed upon the public mind that peas are scarce.

There is no one who does not know that the South planted more corn this year than it ever planted, and it planted more last year than it planted in the year previous. Because of the Mexican boll weevil and because of the high price of corn a man would say, "I can not afford to raise cotton with the proceeds of which I must purchase corn. Corn is $1.75 a bushel"—as it was for a short while—"so I will raise corn."

Now, you must remember that there is a great deal of hysteria in the country outside of all the German espionage and German corruption funds, which have been deflected to this new purpose since the gentlemen whom I previously mentioned had to leave the country. Outside of them there is a general hysterical war condition existing. People are going crazy about some things.

A man came around to me the other day. I have a little back yard on Sixteenth Street, about as big as from that desk to this one and back there [indicating]. He wanted me to plant vegetables. I could not plant vegetables enough there to furnish food for the family for hardly more than three breakfasts. It is stupid.

Now, the first thing you have got to get rid of is this psychological condition. You have got to get rid of the hysteria, and let the voice go out to the American people that there is no great shortage of the foodstuffs of America, or that at any rate while there may be a shortage it is not the extravagant shortage that the newspapers are feeding us on every day.

A newspaper boy naturally hunts the sensational; he has got to put things in the paper—by the way, he is about the fairest fellow in the world to us and to everybody else—but he is always hunting news, and the more extravagant the news is the more welcome it is and the further it goes. It is the psychology of the situation more than anything else, and we can correct it better from right here than from any other place in the world.

Mr. BORAH. Mr. President——

Mr. WILLIAMS. One word further. In the meanwhile, in order to correct it, let us take the course indicated by the Senator from Utah [Mr. SMOOT]. Let us put our hands upon the throats of these speculators, if there be any great number of them, so that we may fix for the farmer the minimum price and fix for the consumer the maximum price that shall be fair to all. Meanwhile, let us not let our allies in Europe think that their main dependence for food—America—can not be depended upon. We have the food, we have the money, we have the men, we have the courage, and we have got everything else.

One other thing I want to say. So far as the South is concerned, just at this moment, the trouble in raising food is not so much the lack of seed—though that is a trouble with vegetables and some other things, like soy beans and velvet beans, the new crops—but it is the lack of labor, though already in many places throughout the South men are beginning to substitute machinery for labor.

Mr. BORAH. I suppose the Senator would include fertilizer also, because we appropriated $10,000,000 for that yesterday.

Mr. WILLIAMS. I would, undoubtedly, but I was dwelling upon the *chief* trouble. The chief trouble in the South is the lack of labor. The whole South wants to turn itself into a place to raise food. You can raise oats and cowpeas and wheat and plant them with a tractor plow. One man on one place of mine now has put 150 acres into oats with a tractor plow, and is to follow it in the same year with peas. There never was a tractor plow seen around there before. But we simply can not get labor. The immigration from Europe has been shut off. As a consequence, the negro labor of the South has been going North. A man told me not long ago that he saw a camp of negroes working in Vermont—a thing never before seen there, I presume. Now, in the South farmers are gradually substituting for man power machine power, and it will not be long before they have substituted a sufficient amount of it to meet the trouble. But whatever else happens, let us not get hysterical.

Mr. THOMAS. Mr. President, I merely want to add to what I have said one reflection suggested by the remark of the Senator from Mississippi [Mr. WILLIAMS]. I think it is undoubtedly true that the hysteria of the time has much to do with some of the conditions of which we complain; but my imagination is not vivid enough to ascribe to it all of the evils which we are now discussing. I do not believe that German propaganda is the cause of the very small number of seeds in these bags, to which our attention has been called by the Senator from Utah, nor of the impression that our food supply may be confronted with a shortage. I agree with the Senator in that. I do not think there is immediate danger of such a calamity. I certainly hope not; yet, as suggested by the Senator from Idaho [Mr. BORAH], much of the information—some of which proceeds from official sources—may have been subject to the general hysteria and can not have been influenced by any German propaganda.

Mr. WILLIAMS. Mr. President——

Mr. THOMAS. I yield to the Senator from Mississippi.

Mr. WILLIAMS. The Senator from Colorado must admit that the agents of the Agricultural Department to-day are largely actuated by the motive of persuading the people to put in more and more foodstuffs, and are, therefore, very naturally biased in making their estimates as to what will be planted. They want to scare the people, so that there will be no danger of a lack of foodstuffs.

Mr. THOMAS. I think so, Mr. President, and I think that that is a very commendable course to pursue.

Mr. WILLIAMS. I think so, too.

Mr. THOMAS. I am sure that the Senator from Mississippi and I would agree on that proposition; at the same time there is a basis for the apprehensions of the department, which I think is pretty well founded.

This shortage is actually threatening us in some directions, due not to the lack of supply but to the manner in which that supply is controlled. I refer to a speculation which would confront us irrespective of the activities of enemies within our midst. For example, I have two clippings from the New York World of April 24. The first informs us that—

SPECULATORS ARE HOARDING VAST SUPPLIES OF FOOD.

Developments yesterday in the wholesale produce district here and at Chicago disclosed that large speculative syndicates, backed by millions of cash capital, are buying and hoarding vast quantities of eggs, dried beans, cheese, and some other foodstuffs urgently needed by our allies within the next few weeks.

This hoarding is going on just in advance of very large bids by the Government at Washington for food supplies for the Army and Navy and by the allied Governments for supplies to be shipped abroad.

The other is a telegram clipped from the same paper, as follows:

SPECULATORS HOLD 36,000,000 EGGS—COMMISSIONER DILLON'S AID TELLS OF VAST SUPPLY IN CHICAGO.

CHICAGO, *April 24*.

About 200 carloads of eggs, approximately 36,000,000, are on railroad tracks in Chicago to-day and they are being held by speculators, according to Hebert A. Emerson, who is on his way to his home in New York from the Pacific coast, where he investigated food conditions for John J. Dillon, commissioner of the State of New York.

Mr. Emerson said that the Pacific Coast States this year, instead of importing eggs as they have done usually, will have a surplus of 75,000 to 100,000 cases. This will release the supply from the Northern and Middle Western States which has been going to the coast in the past and will turn that supply toward the East. Mr. Emerson said he had no evidence of an Egg Trust, but said he is sure there is a "mighty close understanding" among the big dealers.

"The butter situation is a parallel," he said. "The Pacific coast this year will be able to ship east a surplus of 150 cars of butter, 24,000 pounds to the car. Four years ago the coast imported 200 cars." He said Chicago is now paying higher prices for eggs and some other foods than London and Liverpool.

This accounts in part for the failure of the large production of beans, to which the Senator from Mississippi referred, to affect sensibly and by way of reduction the prices for those commodities. It is this speculation in food products, Mr. President, which holds up the consumer, the Government, and our allies, and which will reap huge benefit from the $5,000,000,000 which this Congress has just voted for war purposes.

The real enemy of the American people to-day is the speculator and the combinations which seek to control the necessities of life and dictate their prices to the people and to the Government. They are creating a situation certain to create a crisis more serious than the war crisis now confronting the Nation. I earnestly hope that before we adjourn we shall enact legislation whereby the Government may take such people by the throat and keep its strangle hold until this war is over.

Mr. BORAH. Mr. President, I agree with the views expressed by the Senator from Colorado [Mr. THOMAS] as to one of the causes of the high cost of living at the present time; I have no doubt that the element of speculation enters into it to a very large degree; but I disagree entirely with the Senator from Mississippi [Mr. WILLIAMS], and with others, who express belief that there is not a shortage of food in this country. There is, and there has been for the last six months, a very wide and extended suffering upon the part of the poor people of this country for want of food. There is not any more doubt about it than there is that we are here in this Senate Chamber. The facts are to be gathered upon every hand. If it were not that we are having our attention diverted by conditions of war the facts would be so pointedly presented that no one could doubt them. There is a shortage of food supplies, and there will continue to be unless the most persistent, extraordinary, sustained, and vigilant efforts upon the part of the American people prevents it.

In my judgment, the most serious and stupendous fact which confronts us to-day with reference to the question of war is that of food; and there is no use of blinding our eyes to the fact. If this war continues for two years and there is not the most extraordinary exertion, sustained and constant upon the part of the American people, we shall face a world famine.

More important than men upon the front, and more important than any other question connected with this war, is the organization of the industries of this country, so that we may see that the people who go to the front are fed and the people who are at home are not visited with widespread famine. If the United States can do its part and if it can arouse the people to the necessity of doing their part in regard to this matter—as the Senator from Mississippi says, we have the men, we have the material, we have the territory, we have the area, we have the acreage—we can prevent it; but we can not prevent it by drifting.

Mr. President, this is not alone due to the fact of the conditions superinduced by war. There has been a constant rise in food prices for the last 15 or 20 years. There has been a constant decrease in acreage, proportionately speaking, and a constant increase of population in the cities. There has been a large number constantly going into the cities and a smaller number going to the farms to feed them. Mr. James J. Hill, who was not only a great railroad builder, but also an empire builder, warned us 10 years ago that if there was not turning from the city to the farm and an increase in acreage in proportion to the increase in population, we must face the fact that there would be universal want among the people who were drawing small salaries and earning small wages in this country. That prophecy has come true. He gave us the decrease in acreage from year to year in the production of wheat in proportion to the population, the decrease in acreage in the production of corn in proportion to the population; and it proves itself. It is a mathematical proposition. There is not enough being produced to feed those for whom the producers are working.

Here is an illustration of it. In 1890, according to an authority before me, we had 62,000,000 people, and we had at that time in this country 58,000,000 cattle. Now we have 100,000,000 people and 41,000,000 cattle. That is not a condition which has been superinduced by German spies or German corruption funds. It is a fact which had been demonstrated long before the situation which now confronts us was apparent to the country; and that must be overcome in order to meet this situation. It is just as necessary, Mr. President, as the question of raising armies and men to fight upon the battle front.

The American Steel & Wire Co., in a recent statement, said:

Live-stock growing is the most important subject in the country at this time. America in the past has offered meat three times a day to all comers; now things are changing, for the population is increasing faster than the meat to feed it. Must the country go backward to the European standard? Live stock is leaving the farms too fast—the raising of live stock has become unprofitable in the face of the greatest demand the world has ever known.

This is an illustration of what the Senator from Colorado [Mr. THOMAS] has said. It is by reason of the fact that there is a gigantic combine, a gigantic monopoly, which is in control of the situation, constantly impoverishing those who are raising the stock and constantly increasing the price to those who must feed upon the meat, if they get it at all.

Mr. James F. Pool, editor of the Live Stock Journal, in an article in the Chicago Examiner of January 20, 1917, says:

"Texas never has been as short of cattle since it grew grass," said Robert R. Hammond. "In one section of the Panhandle, where 200,000 head could easily have been found at this season a few years ago, I was able to find less than 200,000." Similar information comes from every section of the southwestern breeding grounds.

There will not be enough mature cattle to fill Flint Hill's pastures in the spring, to say nothing of the northwestern grass requirements.

Now, Mr. President, I turn back to some of the reasons for this situation. The American National Live Stock Association, at a meeting some time ago, passed these resolutions:

The packing interests of the country to-day are in control of practically all the stockyards at the market centers, exchange buildings, and all terminal facilities for the caring for and handling of stock.

In a very large measure they are in control of the banks and cattle loan companies at these market centers.

To-day a farmer ships his car of finished stock consigned to a commission man, who is found to rent his office from the packer—the buyer—and does his business with a packer-controlled bank. Under these conditions it is impossible for the seller to meet the buyer on equal terms. While the packer by his methods is impoverishing the producer, the cost of meats to the consumer is higher than ever before in the history of the country.

The object of the association is to bring about such a condition as will give the producer a fair profit and to once more raise the consumption of meats by the consumer to the level of five years ago by reducing the cost to the consumer. The shrinkage per capita consumption of meat during the last five years has been about 18 per cent.

The following resolutions were read and adopted:

"Whereas the big meat packers of the United States are largely in control of stockyards and the terminal facilities thereat, of the slaughter and distribution of cattle, sheep, hogs, and poultry, and the products thereof, including hides, tanneries, and the products thereof; many of the articles that are made from the horns and hoofs, including glue, buttons, combs, etc.; cottonseed oil mills and refineries, the products of which are used in the manufacture of lard compounds, soap, and various oleo products; and

"Whereas they also control the price of fertilizers, with which the fertility of the farms of the Nation is maintained; and

"Whereas they largely own and control the refrigerator cars and icing facilities used in the transportation of fruits, vegetables, and other perishable products; and

"Whereas in many localities of production they control the price paid and the distribution of fresh and canned fruits, and are thus able to influence the effect of supply and demand and to cause violent fluctuations in prices to the great detriment of the producer and without benefit to the consumer; and

"Whereas such control as recited above gives those possessing same a practical monopoly of the marketing of goods and other necessities of life and is a menace to our country: Therefore be it

"*Resolved*—

Then they ask for an investigation, I think, by the Federal Trade Commission in regard to the facts.

Only a short time ago what is known as the National Conference of Marketing and Farm Credits, which was attended, it was said, by 2,000 delegates from 47 States, passed this resolution:

We earnestly urge upon Congress the imperative need of a prompt and thorough investigation by the Federal Trade Commission, assisted by the Department of Agriculture, of the marketing of live stock and the meat-packing industries in this and other countries. We urge that this investigation be followed by a report with constructive recommendations for the improvement of the conditions and methods under which live stock is marketed, and the products thereof manufactured, distributed, and sold.

ADEQUATE APPROPRIATION AND AUTHORITY.

We urge upon Congress the making of an adequate appropriation and the giving of adequate authority to the Federal Trade Commission to enable it to cover all important phases of the problem.

Mr. CURTIS. Mr. President, will the Senator permit me an interruption?

Mr. BORAH. Yes, sir.

Mr. CURTIS. The Senator will remember that in the last sundry civil appropriation bill $250,000 were appropriated for that investigation. I think that was in response to a resolution similar to the one to which the Senator has referred.

Mr. BORAH. I know that that appropriation was made, but I am convinced the situation requires a remedy more speedy and drastic than a congressional investigation.

Mr. NELSON. Mr. President, will the Senator allow me an interruption?

Mr. BORAH. Yes.

Mr. NELSON. I desire to say to the Senator that the representative of the organization whose resolution the Senator has read, a former Secretary of the Interior, has been here lately and advocated this specific appropriation. He said it was just what he wanted to cure the situation.

Mr. BORAH. Yes; but does not the Senator from Minnesota——

Mr. NELSON. The Senator from Idaho knows to whom I refer.

Mr. BORAH. Of course, I know.

Mr. NELSON. I refer to Secretary Fisher, who was here. He wrote me about this matter and came to see me in regard to it; there is no secret about it. He wanted an appropriation of $400,000, but if he could not get that he would be satisfied with $200,000, but he said this was just what he wanted.

Mr. BORAH. Precisely; and I know how badly he wanted it, because he wrote me about it, and it was a step, perhaps, in the right direction. We would have a very learned and industrious investigation; it would reveal a startling state of facts, the volumes of which investigation would go into the archives of the Capitol, and there they would remain for all time to come; but the increase in the cost of living would proceed apace.

Mr. CURTIS. Mr. President, does not the Senator believe that, with the interest now manifested in this question, Members of the other House and of the Senate will thoroughly study that report?

Mr. BORAH. Mr. President, of course we thoroughly study all these questions, but the remedy which we usually provide is homeopathic; it does not seem to purge the system. There is not much doubt about the facts. Then why investigate? Does anyone really doubt the complete and absolute monopoly of the packers of this country over the live-stock industry? It can be demonstrated by the calling of a grand jury in three days; and you will never stop it by mere congressional investigation.

I said a moment ago that the most serious question in this war right now is the question of the supply of food; and, in my judgment, if the war continues, as I have said, for any length of time, that is going to be the situation with which it will be most difficult to deal.

We are conscripting men. I am for conscripting the means by which to feed the people of this country and the people of Europe, and I am in favor, as a war measure, of this Government taking possession of the packing plants of the country, to officer and run them for the benefit of the American people from now on, so long as the war continues.

Mr. THOMAS Mr. President, does not the Senator also think we should conscript all of the food in the different cold-storage warehouses of the country as well as the meat supply?

Mr. BORAH. Yes; I do.

Mr. WEEKS. Mr. President, I should like to ask the Senator from Idaho if he really thinks the retail prices of meat products would be any less if the Government were controlling the business?

Mr. BORAH. I think they would. Does the Senator from Massachusetts think they would be no less?

Mr. WEEKS. I have great doubt about it. I am inclined to think that the prices would be higher rather than lower.

Mr. BORAH. Well, two of the packing companies last year declared in the way of stock and cash dividends $125,000,000.

Mr. WEEKS. Let me ask the Senator from Idaho how much business they did?

Mr. BORAH. It does not make any difference to me how much business they did; they did a tremendous amount of business; but we propose to do the same amount of business with their plants, and give the American people the benefit of the $125,000,000 profit during the war.

Mr. WEEKS. How much capital did they have involved?

Mr. BORAH. I do not know.

Mr. WEEKS. How much rent would you pay, and how much higher wages would you pay?

Mr. BORAH. The Senator is talking about something that does not enter into this matter at all with me, so long as this war continues. We would not need to pay any higher rent or any higher wages. And then, when the war is over I would turn them back stripped and purged of their monopolistic elements. I would make the situation such that independent packing companies would dare to start and be able to live.

Mr. REED. Mr. President, I am interested in the Senator's figures. I propose to ask him whether there is any possibility of a mistake? I remember some months ago looking up the figures, and, as I recall, the profits of the Armour packing plant, which is one of the largest in the country, were $20,000,000, and not $120,000,000 or $125,000,000. It seems to me there is an error, and I know that the Senator from Idaho does not want to make an error. If I am wrong, I should like to be corrected. I do not say that as any answer to the Senator's argument, but in the interest of accuracy I make the suggestion that the Senator may be mistaken.

Mr. BORAH. Mr. President, I have before me a statement of facts, furnished to me by a gentleman in Chicago. I do not feel free to give his name, but the statement which he furnished me carries, to my mind, the evidence of verity, because it is sustained by a very thorough presentation of the facts, and he has been giving a great deal of time to the subject. I may be in error about it, but my information is that what I have given is a correct statement.

Mr. REED. I do not challenge the Senator's statement; I simply call attention to it, because it is in such great variance with the figures that I found. My figures, however, are some months back. Whatever the facts are I know we want to know all of them.

Mr. SMOOT. Mr. President, will the Senator yield to me?

Mr. BORAH. I yield to the Senator.

Mr. SMOOT. Mr. President, I received the annual statement of the Armour Packing Co. for the fiscal year ending December 31, 1916; and that statement, if I remember correctly, showed a profit for the year of nineteen million and some odd dollars. It also showed that the profit on the gross business—that is, on the amount of business handled—was a trifle less than 2 per cent, or, in other words, that for every $1,000 of business done by Armour & Co. the profit amounted to a trifle less than $20. Of course, I wish to say to the Senator——

Mr. KENDRICK. Mr. President——

The PRESIDING OFFICER (Mr. JOHNSON of California in the chair). Does the Senator from Idaho yield to the Senator from Wyoming?

Mr. BORAH. In just a moment. Of course, if I have been led into attacking an impoverished concern—a concern which is on its last legs financially—I should be glad to record my apology, when the facts are properly presented to show that fact.

Mr. SMOOT. I do not want the Senator to understand that I intimated that they were not making a good profit upon the amount of money invested. I simply called attention to the fact that, even if the Government of the United States were going to handle the business, it is very probable that it could not be handled for less than 2 per cent; and yet 2 per cent upon the great volume of business that they do shows a good profit for last year's business on the amount of money invested.

Mr. BORAH. Does the Senator, when he refers to the financial statement, take into consideration the stock dividends declared as well as the cash dividends?

Mr. SMOOT. Every dividend declared, and all of the profits that were made from every source.

Mr. BORAH. Then I venture to say that the Senator has been—something that does not often happen to the Senator—very sadly misled.

Mr. SMOOT. Well, I say to the Senator now that I base my statement on the annual report that was sent in pamphlet form to all of the stockholders and to many of the business men of the United States, showing the exact amount of business done during the year, the assets and the liabilities of the company, and showing the net profits of the company for that year. I can not say, of course, whether they were correct or not. I can only say that that was the statement that was given out by the company and signed by the president.

Mr. KENDRICK. Mr. President——

Mr. BORAH. I will yield to the Senator from Wyoming in just a minute. I would not quote a mere news publication which did not seem to be verified with reference to this matter, but I am quoting from one who has convinced me by his position to know, and by his long and industrious investigation, that he is pretty familiar with it. I may be in error.

I now yield to the Senator from Wyoming.

Mr. KENDRICK. Mr. President, I should like to say for the information of the Senator from Idaho, in answer to the statement made by the Senator from Utah, that the claim has been made by the packers for the past quarter of a century that they were not receiving a greater profit than he has indicated here; but the facts show beyond the shadow of a doubt that their profits are in the by-products that they produce, and that they are uniformly piling up profits, while those who produce live stock are, at least in many cases, losing money as producers. It can be shown without any question that their profits greatly exceed the claims they make, because they are covered up in the by-products.

Mr. SMOOT. Mr. President, the annual report to which I have reference—and, by the way, I will send for it and have it

here in a very few moments—takes into consideration every dollar of profit made by the concern. It not only takes into consideration the profits on the purchase of the stock but it takes into consideration the profits on all by-products. The company deals in sheep, cattle, hogs, wool, hides, glue, and they use everything there is in a carcass with the exception of the squeal, as somebody has so well said.

Mr. THOMAS. The squeal.

Mr. SMOOT. Nothing is lost; and that is absolutely shown in the report. The report shows the amount that is made in every subsidiary company of the concern, and I think the Senator is mistaken when he says that the profits in the by-products are not taken into consideration. But, Mr. President, I want it distinctly understood that it can be shown upon the face of the report that 2 per cent upon the volume of business done by the concern will bring about the profits of the institution as shown by their reports. It is not 2 per cent upon their capital; they turn that capital over many many times a year; and, of course, the profits upon the amount of capital invested are, as I said before, particularly the last year, amounts in the aggregate to a good profit.

Mr. KENDRICK. Mr. President——

Mr. BORAH. I yield to the Senator from Wyoming.

Mr. KENDRICK. If the Senator from Idaho will pardon me, I will say that this question of profits is one very easily juggled and covered up. It is true beyond a doubt that while within two or three years the imports into this country of meat products have fallen off our own consumption has greatly increased; our exports have increased at the same time; and yet it can be proved with figures, and is shown by the records, that the producers were receiving lower prices than they were under former conditions, the packers accumulating, by their own statements, enormous profits, and thousands of men who produced the live stock going on the rocks of failure.

Mr. BORAH. I believe the Senator from Wyoming has stated the matter just as it is; and one of the greatest evils of the situation is not the mere fact that the packing companies may or may not be making large profits, but by reason of the manner in which the business is conducted, the farmer being in a sense the peon of the packing companies, the farmer is discouraged from raising cattle and hogs and stock. He must deal alone with the packing company. When he goes to a commission merchant, the commission merchant, he finds, has his office rented in a packers' building. When the farmer wants to borrow money for the purpose of marketing it, he finds that he borrows it of a packers' bank; and so he is in every sense the industrial slave of the packing companies of the country.

So long as that is true, you may be sure that the farmer will feel discouragement, and it will be shown by a decrease of the production of live stock, as it has been for the last 10 years, notwithstanding the fact that meat prices have been constantly going up. If things were normal, if conditions were permitted to have their sway as they should, the natural rise in prices would naturally produce more stock, and in that way produce an equilibrium and a fair price; but here the amount of stock is constantly decreasing while the value of meat products is constantly going up.

I want to read again, for the benefit of some of the Senators who have come in since, the article which I read a few moments ago from the Live Stock Association, which bears out precisely what the Senator from Wyoming says:

> The packing interests of the country to-day are in control of practically all the stockyards at the market centers, exchange buildings, and all terminal facilities for the caring for and handling of stock. In a very large measure they are in control of the banks and cattle loan companies at these market centers. To-day a farmer ships his car of finished stock consigned to a commission man, who is found to rent his office from the packer, the buyer, and does his business with a packer-controlled bank. Under these conditions it is impossible for the seller to meet the buyer on equal terms. While the packer, by his methods, is impoverishing the producer, the cost of meats to the consumer is higher than ever before in the history of the country—

And so forth.

Mr. GALLINGER. Mr. President, will the Senator permit me?

Mr. BORAH. Yes.

Mr. GALLINGER. If I correctly remember some of the figures in the report to which the Senator from Utah has called attention, the Armour Co. claimed that they were receiving only one-fourth of a cent a pound profit on their meats—on beef. Of course they produce a vast amount. I have looked into this matter a little, however, and it strikes me that the middleman, and in some instances the retailer, are quite as much to blame for the high prices as the packers.

Mr. BORAH. Yes; but, Mr. President, when we talk about the profits of the packing company, we do not get at the profits they get by reason of being stockholders in a bank which does the financial part of the business and takes its "rake-off."

Mr. GALLINGER. Certainly not.

Mr. BORAH. We do not get at the profits they make by reason of being perhaps copartners with the commission merchants, salesmen, and so forth. They reap a profit all the way down the line, and they make a report to the American people of the final profit of the packing company, which is only a small part of the profits which they get out of the business.

Mr. GALLINGER. One other suggestion: The Senator suggests that the Government ought to commandeer these establishments, and perhaps that is right; but am I wrong in my recollection that some of these concerns, and perhaps all of them, offered to turn their establishments over to the Government a little while ago?

Mr. BORAH. I do not know.

Mr. GALLINGER. I think I am correct in that.

Mr. BORAH. Well, then, that would make it that much easier. I do not know upon what terms they offered; but I would take them at their offer.

Mr. KENDRICK. Mr. President——

Mr. BORAH. I yield to the Senator from Wyoming.

Mr. KENDRICK. I just wish to say to the Senator from New Hampshire that in conversation with the Secretary of Agriculture a few days ago with regard to this same question, he stated to me—and I think I betray no confidence in repeating it—that there had been more said about turning over these packing houses in the newspapers than had been said to him by the packers.

Mr. THOMAS. Mr. President——

Mr. BORAH. I yield to the Senator from Colorado.

Mr. THOMAS. I saw the statement to which the Senator from New Hampshire referred, that the profits made by the packers were only a quarter of a cent a pound; but the Senator will remember that the turn-over, so to speak—I think that is the commercial expression—is almost daily. Suppose, however, it were every five days: That would be a quarter of a cent for five days, and if you calculate the amount of profit during the year upon such a basis the Senator can very easily calculate what the actual profit is.

Mr. BORAH. I can understand that it is pretty large.

Now, Mr. President, I want to refer to another feature of the food question, perhaps not so interesting, but one upon which I do not have to rely so much upon the statements of other people.

The Secretary of Agriculture and the President, in his address to the American people, have both urged the American people to cultivate as large an area as possible, in view of the fact that they understand perfectly that it is necessary to make every exertion to meet the situation in reference to food; and people have been advised to cultivate their lots. I believe the Senator from Mississippi [Mr. WILLIAMS] said that he was requested personally to cultivate his back yard, which was a space of about 2 by 4, or something like that.

Mr. WILLIAMS. A little bit larger.

Mr. BORAH. And so on. Now, I agree with all that. I am in perfect harmony with it. I may disagree with my colleagues here upon some matters with reference to the method of preparing for this war, but I do not disagree with them at all as to the necessity of preparing to feed this situation. I have given more attention to it, and perhaps am therefore more imbued with the necessity of it. But if you suppose that you are going to draft men from this walk of life and that walk of life and send them out upon these farms to raise food products and to help raise live stock, and so forth, without relieving the situation as to the speculator, as to the monopoly which controls the situation, without having a vast amount of trouble in this country, you are doomed to disappointement.

If the American people can feel that they are to have the fruits of their labor, and if they are to be compensated according to their industry legitimately, you will not have much occasion for the enforcement of that part of the bill which refers to partial military service; but if you do not relieve the situation by lessening the grip of those who are collecting their millions in the way of speculation in this hour of peril, and undertake to force people to work as peons for these great organizations, you are going to have a vast amount of trouble in this country for which you will need an army before this war closes. You must relieve the situation from above, and then you will have very little occasion to draft people to go into these industries and work.

Again, Mr. President, out West we do not have to till our back yards. We have a vast amount of territory out there which is waiting for the hoe or the plow or the cultivator. If we can simply get the Government to assist us in putting that territory under water, we have not only large yards out there but we have hundreds of thousands of acres of as rich and

fertile land as lies outdoors, upon which the settlers are now settled and waiting for the Government to assist them in putting the water upon the arid land so that they may cultivate it.

It is true that this will not meet the situation for this year, but I think you are going to be disappointed if you suppose that this war is going to end before another season. If we could take the censorship off of the situation, if the facts were to come through as they exist in Russia and England and France, no man would believe that this war would be over by next winter, and we must prepare for another season and another year. In order to do that we ought to reach out, by the aid of the Government, wherever we can and encourage men to go upon these lands and prepare to do their part in raising the food which will be supremely necessary for another year.

We have pending here before the Congress measures providing the means by which to do that. Now, it is not the fault of the able Secretary of the Interior that it has not been done. I am sure that the Secretary of the Interior would have been glad to reclaim these lands during his administration for the last four years, but he is limited in the amount of funds which he has at his disposal for this purpose, and he is unable to go forward without Congress helping him; and the Congress of the United States, in view of the fact that every dollar of this money comes back, ought not only to loan its credit and guarantee these bonds which are to be placed upon these irrigation projects, but it ought to make a loan of fifty or seventy-five millions of dollars to the reclamation fund to enable the Secretary of the Interior to proceed.

These projects can be utilized inside of six months. The settlers are there; the lands are ready for irrigation; in many instances vast canals are flowing within a reasonable distance, and all you have to do is to build the side canals, and these hundreds of thousands of acres can be utilized.

Mr. STERLING. Mr. President——

Mr. BORAH. That makes me think that the Senator from South Dakota has pending here a bill which is also of great importance in this matter. He has pending a bill which subordinates the lien of the Government upon these projects to the farm-loan mortgages which may be put upon them. Now, these people can have that kind of aid, and that bill ought to be passed. It is a war measure. These people can have that kind of aid without costing the Government ultimately anything whatever, because this money all comes back into the Treasury.

I urge, Mr. President, in all seriousness, that any measure which has for its purpose the reclaiming of an acre of land and putting it under cultivation is just as much an emergency measure and a war measure as almost any other measure which may come before us concerning this great conflict.

Mr. WILLIAMS, MR. REED, and Mr. NELSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. WILLIAMS. Mr. President, men differ very much more in words than they do in ideas; that is, men of sound thinking. There is no doubt about the fact, as the Senator from Idaho [Mr. BORAH] has said, that the most important thing in connection with this world conflict is the production of food enough to carry the conflict through. It is of more importance than the furnishing of men in the trenches. Of course the men are the first line of defense, and if there are not enough of them we will lose; but in the ultimate end, unless you can feed the men that you can put there, you will lose anyhow.

Mr. President, the Senator is right about another thing. There is no doubt in the world about the fact that there is something absolutely "rotten in Denmark" about the manner and price at which I sell a cow in Mississippi and then buy beef in Washington; the manner and price at which I sell a hog in Mississippi and buy bacon in Washington; or the manner in which I sell a sheep in Mississippi and buy mutton in Washington. Whether that is the fault of speculation or the fault of bad distribution, I confess I have not thus far been able to learn, though I am inclined to think that a great deal of it is the fault of a misdistribution—costly, wasteful, and uneconomical distribution—though I think that much of it is also attributable to the hand to which I referred a few minutes ago that has the American agricultural throat within its grip, which hand ought to be made to turn it loose, and that is speculation.

Mr. CURTIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from Kansas?

Mr. WILLIAMS. I do.

Mr. CURTIS. I should like to ask the Senator if he does not have the same trouble in buying beef, mutton, and other products in the cities in the South as well as in Washington?

Mr. WILLIAMS. Oh, just the same; but it just so happens that I sell cattle and sheep and hogs in Mississippi, and for the most part of the year I buy the finished products here, so I referred to them in that way; but with a little bit less emphasis the same difference exists.

Mr. President, there are several reasons for this condition. One of them is a legislative reason, and I want to call the attention of the Senator from Idaho to that. For the last 30 or 40 years five of the great powers of the world have been engaged in legislation, the very end of which, if not its very intent, was to hothouse out of agriculture into manufacturing the labor and consumers of the United States, of Germany, of Russia, of France, and of Italy. Now, that has had a great deal to do with it. Then there is another reason, and that is a natural reason. It is the bent of all civilized countries, as they become more and more civilized, to become more and more industrial and less and less agricultural. That can not be prevented. That is a natural tendency that must prevail everywhere. It prevails because of two reasons: First, because as a State becomes more industrial the wages of industrial pursuits are greater in proportion than those of agriculture, and, secondly, because machinery takes the place of hand labor and of horse labor on the farm, and that is occurring more and more. But the amount of foodstuffs produced per capita ought not to decrease in the same proportion as the agricultural population decreases; but that takes place simply because machinery can not keep up with the decrease of labor all the time. After a while it will, of course, catch up as far as that particular matter is concerned.

There is another reason and that is the war reason, and that is the reason facing us now, and that is the thing I do not want us to get hysterical about. The Senator and I, like all men of tolerably fair sense, agree about things in the main; but the point that I was trying to make this morning was that we must not overexaggerate this situation. We must not overexaggerate the influence of the war upon the situation. You must remember the other things that have influenced it and have created it and were already causing it to exist before the war broke out. Wages were not keeping up with the cost of living before this war broke out; not only not here but not anywhere else on the surface of this earth, except perhaps in Asia Minor and part of Africa. So you must not overemphasize that, and you must not go around frightening and scaring into hysterics the people with a lot of new discoveries about "starvation certain to approach in the immediate future" when it is not going to approach in the immediate future.

Why, even Great Britain will raise a larger crop of foodstuffs next year than she ever raised in her history before, because she is putting down her deer parks and her sheep walks and everything, with all human labor and with motor plows running them. The South will raise more, because every day the South is substituting motor power for man power and horsepower. The whole world is sizing up the situation, and the world is going to face it, and we must not encourage these speculators in frightening the people about food scarcity. We must not by our talk here give them ground whereupon to proceed to excite the public imagination in favor of a speculative view of short supplies and in favor of increased demand. The war has just this much to do with it, and no more: Just in proportion as men go off of the farm and into the Army they keep the demand what it was before, and they decrease the supply and thereby in proportion raise the price. Now, that is all. It has no more to do with it than that.

The Senator from Idaho is eminently right when he says that one of the best things we can do is to put water on land that needs it to produce food. I can tell him another thing we can do that does not apply to his country, but does apply to mine, and that is to take water, where there is too much of it, off of land so that it can produce food.

Mr. BORAH. Mr. President, the bill to which I had reference, and which I introduced, includes the swamp lands as well as the arid lands.

Mr. WILLIAMS. I know that. I am agreeing with the Senator. He and I generally agree.

Mr. BORAH. I am complimented by that fact.

Mr. WILLIAMS. But I want to emphasize that "being as how," as the darkies say, he has emphasized the other side of the proposition, I want to emphasize the fact that it is just as important to take the water off of the land of the lower Mississippi Valley, where it is as rich as the Valley of the Nile, or richer, as it is to put water on the hillsides and valleys in Idaho. The Senator is precisely right about that.

But I did not rise in the first place in order to minimize the danger, but I rose for the purpose of putting an end, at any rate as far as I could, to any expression or any view which might encourage the very evil which the Senator has been de-

scribing. Frequently it goes out all over the country that Congress thinks that the country is about to be threatened with a famine, and then speculators will have a much easier job before them in raising prices than they had without it.

I agree with the Senator about another thing. This war is not going to close in one year or in two years. I know the German people. They are just going to begin fighting when they get back to the Rhine. We will have 2,000,000 men in Europe before this war is over, if you do not have more, unless some revolution there, some domestic trouble there, puts an end to the war. International conflict is not going to put an end to it in that length of time. It is going to take the money and the resources and the man power and the virility and the mental power of the United States, added to the democratic forces all over this world, to whip German, Austrian, Hungarian, and Turkish military autocracy to its knees.

The Senator is eminently right in thinking that the things which will ultimately end this war will be not men so much as resources—food, munitions, money, and men—but we must not act the part of cowards while we are about it. We must not be satisfied merely with resources, with food and munitions. We must show that we are fit to be the brethren of the French who fought at Verdun and who fought in the trenches, and the English under Gen. Haig, and all that brave little allotment of Belgians who died almost to a man in the most wonderful struggle that a free people ever made against insolent tyranny. We have got to prove that to all the world.

I merely want to emphasize this: That we shall not by our conduct and voices here unnecessarily increase popular hysteria; that we shall keep our heads cool and shall not mislead the people into hoarding food for the reason that they have been frightened about not having it week after next or some other time.

There is plenty of it to feed us even if we can not send much of it abroad, and, in my opinion, plenty to feed the world. By a good many things that have been said by the Agricultural Department and a good many thing that have been said by popular associations and a good many things that have been said here we are creating a sort of psychological situation which leads people to speculate, which leads them to corner foodstuffs, and which leads them to do it by holding out the hope of an immense profit if they do, when, in my private opinion, if they cooperate thus for about a year they will lose millions.

Mr. WALSH. Mr. President, I feel very sure there will be general concurrence in the view expressed by the Senator from Mississippi [Mr. WILLIAMS] that we ought not to be unduly alarmed about any situation that can be remedied. To those who, like him, think there is nothing serious in the whole situation, I commend an article which appeared in last Sunday's New York World by Arthur R. Marsh, one of the leading economists of this country. I am going to read a few paragraphs from the article. He says:

> If there be any virtue in publicity the people of this country are now completely informed of the seriousness of the present and prospective food situation throughout the world. It may perhaps be doubted, however, whether they have as yet really passed from the stage of intellectual apperception of the facts to that of personal realization of what these facts will ultimately mean for themselves as individuals.
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> Great numbers of persons—

Evidently including the Senator from Mississippi—

> Great numbers of persons undoubtedly believe that all the talk of a scarcity of food, at least in this country, is fallacious and indulged in for some sinister purpose.
>
> Naturally those in this frame of mind are indignant when told that it is now a duty of the United States, notwithstanding the scantiness of its own stores of food and the ever-increasing prices therefor, to share these stores with other still more necessitous countries, even though these be now our allies in the greatest of all wars.
>
> Despite this skepticism, the people of the United States have to face, certainly for the coming twelvemonth, and in all probability for more than one year thereafter, a condition of things with respect to their supply of food the like of which has not been seen on the North American Continent since its earliest colonization by the white race, unless exception, perhaps, be made of the first winter of the Pilgrim Fathers.

Then, Mr. President, after giving detailed statistics concerning the world's supply, he calls attention to the fact that there still remain three great food products the planting of which may be carried on very extensively, namely, beans, corn, and potatoes. He says:

> Corn and potatoes, however, must now be the country's chief recourse, both for supplementing its domestic food supply and for fulfilling its obligations to its allies. Every effort of those charged with the conduct of our affairs in these particulars should be directed first to the production and then to the saving of these crops. It is well to insist upon the importance of the second of these obligations, since the amount of really important waste in connection with these two crops is greater than perhaps for all our other crops put together.
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> The all-important point, however, is that the United States, in order to be safe in the matter of foodstuffs for its own and its allies' uses, ought to raise and preserve for the market a potato crop of at least 600,000,000 bushels, as compared with the 285,000,000 bushels estimated to have been grown in 1916, and at least 3,500,000,000 bushels of corn, instead of the 2,500,000,000 bushels of the past season. It were well, too, if we could produce 100,000,000 bushels of beans, instead of our usual ten or twelve million bushels.

Mr. President, I am satisfied the people of the country—at least if I may speak from conditions which prevail in my own State—are exerting every effort to get under cultivation the largest possible acreage of ground; but a great problem confronts us, and that is the problem of providing labor for the proper cultivation and harvesting of these great crops. A citizen of my State called upon me to-day and seriously proposed that we suspend the operation of our immigration laws, so as to permit the introduction into the country of 250,000 Chinese to work upon the farms and in related industries in this country.

Mr. President, this condition of affairs, to my mind, demonstrates the wisdom and the statesmanship of the President of the United States in his action in vetoing the immigration bill passed at the last session of Congress, excluding from our shores Caucasians, who would fill this great want for labor, because they could not read or write. I regret that the chairman of the Committee on Immigration is not here. He might be moved possibly by these considerations to endeavor to procure Congress to suspend the operation of that provision of the immigration law, at least for the period of the war.

But, Mr. President, the attention of Congress has been eloquently addressed by the remarks of the Senator from Idaho to the great possibilities that we have with reference to this problem in our immense western empire and domain. Of course, nobody wants to deter anyone from cultivating his back yard or his front yard with lettuce or potatoes or anything else, but the great area from which the food supply can be drawn is from that country of which he spoke.

Mr. GALLINGER. Will the Senator permit me to interrupt him?

Mr. WALSH. Certainly.

Mr. GALLINGER. The Senator probably knows that I was as earnest an advocate of the irrigation system as any western Senator; in fact, I believe I was the only eastern Senator who took that position.

Mr. WALSH. Let me interrupt the Senator to say that the western Senators and the people of that country recognize, with gratitude, the fact.

Mr. GALLINGER. I thank the Senator. But my attention was attracted by what the Senator from Idaho [Mr. BORAH] said and what the Senator from Montana is now saying, and I wondered where the difficulty is. Have we not legislation enough, or is the Government lax in its efforts to apply the system of irrigation as we intended it should be applied? I am in favor of very liberal appropriations from the Public Treasury, and if we have not voted money enough or if our laws are not liberal enough, I want to cooperate with the western Senators in having more legislation and more liberal legislation. I have wondered where the trouble really is.

Mr. WALSH. I thank the Senator from New Hampshire. I did not rise to plead for any appropriation for aid of a financial character at all. I was going to call attention to one measure which does not contemplate the expenditure of a dollar upon the part of the Government, for which I have been pleading here for two years. The great Crow Indian Reservation in my State, is inhabited by about 1,700 Indians, each of whom has an undivided interest in about 1,375 acres of land. Assuming that there are five members to a family, every Indian on that reservation has 7,000 acres of land. I have been endeavoring to get an act passed to control so much of that vast area as would leave to each Indian 375 acres of land, or something like 1,500 acres of land for every Indian family, and I have not been able to get a respectful hearing on the matter. I asked the Secretary of Agriculture a little while ago to send to the Senate information concerning the amount of cereal crops that could be raised upon the portion of the reservation which I ask thus to be thrown open, and he answered that at least 750,000 acres of that land is capable of tillage and the growing of annual crops without irrigation and would produce upward of 8,000,000 bushels of wheat a year.

Mr. GALLINGER. Mr. President, it is a most astounding statement the learned Senator makes, and while perhaps the Senator does not care to go into the matter it would be illuminating to me to know why that bill is held up.

Mr. WALSH. Because the Commissioner of Indian Affairs does not want it.

Mr. President, I am glad the Senator from New Hampshire has thus exhibited his interest in our problems there. Everybody recognizes that I have made myself something of a nuisance pleading here for water-power legislation. We passed

a bill yesterday appropriating $10,000,000 for the purchase of nitrates. If any legislation had been passed upon this subject three years ago, nitrate works would have been established in abundance all over the West, so that to-day we would have had an abundant supply of nitrates in our country.

Mr. President, not only do nitrates become the basis of much of the fertilizers of the Nation, but the phosphates are equally valuable, equally necessary, and equally profitable. I have been asking for legislation that would unlock the vast deposits of phosphates in the States of Montana, Idaho, and Wyoming. I represented to the Senate here that capital to the extent of millions is ready to go into the erection of works necessary to put this product in commercial form. I trust that some day or other we may be able to get a respectful hearing for these questions. I hope, when the great food problem is so acute, the eyes of the Congress may be directed to the vast possibilities offered by that great section of the country.

Mr. NELSON. Mr. President, I am not inclined to take the gloomy view of the situation that Senators take here. It seems to me that the tenor of the speeches which have been made here both in respect to the food supply and the continuation of the war will have a serious effect. The speculators will take the speeches that are made here in Congress as an excuse for raising prices, and the men who want to volunteer will be chilled by the fact that the Senator from Idaho and the Senator from Mississippi say that the war will last two years.

Mr. BORAH. Have we arrived at a point also where the speculators not only control food but control speech in the Congress of the United States?

Mr. NELSON. I am just telling you what the facts are. It is not an academic question as to whether you control it or not. I am speaking about the effect of it. As I have said, Mr. President, I fear that some of the remarks which have been made here upon this question will have a tendency to afford speculators an excuse for raising the prices of the products which they handle and control; and not only that but the gloomy predictions made as to the prolongation of the war for two or more years will be likely to retard volunteering for the Army, which is now so essential in the great conflict in which we are engaged.

What are the cold facts? We are not so short of food in this country as is proclaimed by certain newspapers and certain statesmen. A week ago there were over 100,000,000 bushels of spring wheat in Canada stored in the elevators available. England would have drawn that wheat long ago if she had been hard pressed. Our millers in Minnesota are getting that wheat now since the duty of 10 cents a bushel was removed, because the Canadians have removed their duty of 10 cents a bushel and our millers are getting wheat from Manitoba and the other Provinces down there and grinding it because it is a little better than our wheat.

Now, let us look at the wheat situation for a moment. Our country has been producing for the last series of years a quantity varying from 600,000,000 bushels of wheat up to a billion bushels a year. The biggest crop that I recall in recent years was the crop of 1915. The winter wheat crop was unusually large and so was the spring wheat crop. We had over a billion bushels in the United States. The prices were not very satisfactory to the farmers.

The Senator says our farmers ought to go into the raising of hogs and pigs and cattle. They do. That has been the trouble. They have found the raising of cattle and hogs much more profitable than raising wheat in my part of the country, and I live in the heart of the greatest agricultural spring wheat country of the Northwest.

Mr. BORAH. How does the Senator account for the rise in the prices of meat, then?

Mr. NELSON. I account for the rise in the price of meat because during the war a large quantity of our meat had gone abroad. The farmers are getting a large profit. I have sold hogs at my little town of Alexandria within the last two months for nearly $16 a hundred, live weight, and I have seen the time when I had to sell them at 3½ cents a pound. Superannuated cows that had gotten so far along that they could not eat hay, they were toothless—cows that formerly I would have been glad to have taken $10 a piece for—I sold within the last three months for $50 and $60 a piece, and they have no doubt made the canned corned beef that went over to supply the allies in Europe.

Mr. BORAH. I wish it were within my power to take the charge from the Senator which he has placed upon himself——

Mr. NELSON. Hold on; just give me a chance to explain. Take our wheat crop. In normal years a little more than two-thirds of our wheat crop is winter wheat and a little less than a third is spring wheat. The great spring wheat States are Minnesota, North and South Dakota, and in recent years the State of Montana.

Now, what are the conditions regarding our last crop? It was not that the farmers did not till enough land. The winter wheat crop was just an ordinary crop. The spring wheat crop, except in the State of Montana, was a failure; it was not more than half a crop in quantity and less than half in quality. What was the trouble? Why was our crop so poor? We had a cold, wet spring, and that was followed by intense heat and no rains in summer; the wheat got the black rust and it ruined our big spring wheat crop. I wish we could have had some of these modern statesmen there to have helped out our crop during that year; it might have rid us of the black rust.

Mr. President, as to this hysteria that we hear so much about, I want to tell you that our farmers in the great spring wheat States are sowing more wheat this year than ever before. They are putting in more grain than they have done for many years, wheat and oats and barley and rye. What I want is to have these statesmen come out there and give us good weather so that we can get a good crop and harvest it.

Mr. GALLINGER. Mr. President, I am interested in what the Senator says about the wheat crop; it is very fine; but a good woman said to me this morning she had paid $15.50 for a barrel of flour.

Mr. NELSON. Now, let me tell you something. The report of the Department of Agriculture a short time ago was to the effect that the winter wheat crop was a failure, just as statesmen have been telling us on the floor here how we are all going to perdition because of a shortage of food. What did the speculators do—the dealers in futures? When that report came out, they put up the price of wheat 50 cents a bushel.

Now, I will tell you another thing. The black rust and the climatic condition was such last year that whereas we usually get from 18 up to 25 bushels an acre of wheat, it ran from 5 to 10 bushels. On my own farm, where I have my home, I got new seed; I got the best wheat in my neighborhood; and yet the yield was only 10 bushels to the acre, No. 4 wheat. It was so poor that I had to buy new seed wheat for my farm this year, and I am putting in more wheat than before. Now, if some of these statesmen will go up there and give us good climatic conditions, plenty of rain and not too hot weather in July, we will show them what we can do in Minnesota. We will raise a mighty good crop.

Now, come back to the prices of these packers. I admit that we all have a prejudice against big capitalists. I have had in my day, and I do not know that I have gotten over it yet, because I came from the very ground up, and naturally such men are prejudiced against those who have some capital. I have been getting rid of the prejudice with my advancing years, and as I grow still older I may be entirely relieved of it.

But what are the facts? I wish statesmen would look at the figures and see what the farmer gets for his hogs, what he gets for his cattle to-day, and then look at the price at which the packer sells the carcass. They sell beef by the carcass or by the quarter to the retailer in the city. Now, see what the butchers, the retailers in the city, pay the packers for a quarter of beef or side of beef, and then see what they retail it for to the poor customers. There is where the robbery, if you please, comes in. There is where the poor people are bled by these middlemen. They bleed them in more ways than one. They hold the quarter of beef on the block and keep cutting it off as long as it is a movable column and then they throw it into a barrel and call it corned beef.

We have been selling cattle in our part of the country, grass-fed cattle, range cattle, not grain-fed cattle, for 6 and 7 cents live weight. Now, what has made the high prices? In fact, as the Senator from Mississippi said, it is on account of the war. These packers have been furnishing the allies in Europe with enormous quantities of all kinds of meat, and that has made an apparent scarcity in this country, though there is a large supply of cattle. Our farmers have not depleted their herds. Once in a while a hysterical fellow will get a law passed preventing farmers from killing their calves and lambs, compelling the farmers to raise the calves up to steers and the lambs up to be sheep. That is his remedy. Then there are others who have a more attenuated pilgarlic for the occasion—that is, do not kill chickens until they become hens.

Mr. President, within less than three months our winter wheat crop will begin to be harvested. We have an abundance of wheat at present to keep our mills going to supply our own people until that time. About the last of July or the 1st of August the winter wheat from the most southern States will begin to come in; during August there will be a full supply. By the month of September our spring wheat crop will come in, and barring the elements, the weather, we will have a bigger spring wheat crop

than we have had for years. I implore these statesmen, the Secretary of Agriculture, and everybody else to see to it that we get good weather so that we can get a good crop on the large belts of fertile lands we have sown to spring wheat. If these gentlemen will help us in that respect and furnish us those things rather than hysterical elocution, we will raise a good crop and we will supply the American people with food.

Mr. McCUMBER. Mr. President, if the real figures and facts would influence the American people in dispelling this phantom of starvation, I would like to have them just read the figures which I will now give them, namely: The consumption of wheat in the United States under normal conditions for both seed and bread amounts now to about 650,000,000 bushels. If we raise 650,000,000 bushels of wheat, we have enough for our own home consumption and for bread. As a man will not eat any more as a soldier than he would as a civilian it will not require any more for the American people and the American Army than it now requires.

Again, in 1915 we raised 1,100,000,000 bushels of wheat, or about 400,000,000 bushels more than we needed for home consumption. If the acreage which we are putting in this year will yield its normal crop, we will have more than 850,000,000 bushels of wheat. We will therefore have a surplus of over 200,000,000 bushels more than we need for consumption in the United States.

As suggested by the Senator from Minnesota, a portion of this will be coming in and being ground into flour within the next three months. If we have enough wheat in the United States to supply us for three months, there will be no danger of a shortage in this country, unless this year's crop is a half failure.

Here is the question, however, with which we must deal. We have not only to supply our own demands but we have to supply the demands of our allies. That brings us face to face with a situation that is far more desperate than the danger of not producing sufficient food, and that is, how will we get that food across the ocean? We can not fill up the ocean with our wheat and expect to go dry-shod across it to our allies. That question is being considered, however, by the American people, and they are proposing to build a vast number of ships to take over our surplus, but scarcely no consideration is being given to the problem of how we shall protect those cargoes from the submarine and get them over.

I tried a few days ago to get an amendment adopted that would give proper consideration to that one great feature of getting our food across the ocean to our allies. I could not secure any consideration of the amendment which I offered at that time. I hope to bring it up and to present the facts and figures that will demonstrate that the desperation of our case is not in the matter of producing food, but is in the matter of getting food across the ocean to our allies. I want to say to the Senator from Mississippi that unless we get that food across, unless we find some means to check the ravages of the submarine, this war will be over; it will be over in less than six months, and we will not put a single soldier across the ocean. At the present rate of increase in the submarines' ravages our allies can not continue in this conflict six months because of lack of supplies for their civilians and their soldiers. I hope to present this matter again, when I shall have more than five minutes' time to refute statements that will be made against taking the proper precautions; but, Mr. President, we need not be fearful of starving in this country. This year we are bound to have an enormous abundance of food products. Whether or not our allies will be able to secure the surplus depends upon whether we can check the ravages of the submarines. That is our real problem to-day.

Mr. OVERMAN. Mr. President, I should like now to proceed with the bill which is before the Senate. When the bill was last under consideration we stopped at chapter 6. The next chapter for consideration is chapter 7.

Mr. THOMAS. I wish to offer an amendment to the bill, to be known as section 4 of chapter 7, which I will read:

Add a new section to chapter 7, as follows:

"SEC. 4. All boards of trade, chambers of commerce, stock exchanges, or other bodies or associations engaged in or permitting speculations in food products of any character in the form of what are known as futures, or in any other form or character, are hereby suspended until the President, by proclamation, shall declare the existing war to have been ended; and all agreements, wagers and contracts, or wagers regarding food products of the character now and heretofore made in or upon such exchanges, boards of trade, chambers of commerce, or other bodies or associations by the members thereof are hereby prohibited pending such proclamation. Any person, board of trade, chamber of commerce, stock exchange, or other body or association willfully violating the provisions of this section, or any of them, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not to exceed $10,000."

I should like to have the amendment printed and lie on the table.

The PRESIDING OFFICER (Mr. SUTHERLAND in the chair). The amendment will be printed and lie on the table.

Mr. WALSH. When the bill was last before the Senate section 7 of chapter 5 was under consideration.

Mr. OVERMAN. I had lost sight of that. I will go back to that after we get through with the bill. All that was passed over, and I will call it up again. Did the Senator from Colorado ask to have his amendment printed?

Mr. THOMAS. I desire to have the amendment printed and lie on the table.

Mr. OVERMAN. This chapter might be passed this evening, and if the Senator desires his amendment printed he had better offer it to some other section of the bill.

Mr. THOMAS. I do not think the Senator from North Carolina will get through with this chapter this afternoon.

Mr. OVERMAN. Perhaps not.

Mr. THOMAS. I will say, however, that if we can get a vote upon it, I shall certainly not allow the amendment which I have offered to prevent it. I shall then offer the amendment to another part of the bill, although I think it should be appropriately considered in connection with chapter 7.

The reading of the bill was resumed.

The next amendment of the Committee on the Judiciary was, on page 24, after line 15, to insert:

CHAPTER VII.

CERTAIN EXPORTS IN TIME OF WAR UNLAWFUL.

SECTION 1. Whenever the United States is at war and the President shall find that the public safety or welfare shall so require, and shall make proclamation thereof, it shall be unlawful to export any article or articles from the United States, except at such time or times, and from such place or places, and under such regulations and orders, and subject to such limitations and exceptions as the President shall prescribe, until otherwise ordered by the President or by Congress.

Mr. SMITH of Georgia. I desire to offer a substitute for that section, which really is an amendment to it; but I have had it printed as the section will read as proposed to be amended.

The PRESIDING OFFICER. The amendment proposed by the Senator from Georgia will be stated.

The SECRETARY. It is proposed to substitute for section 1, chapter 7, the following:

SECTION 1. When during the pending war the President shall find that exports to a particular country are being used to supply an enemy country, and shall make proclamation thereof, it shall be unlawful to export any article or articles from the United States to such country except and under such regulations and orders and subject to such limitations and exceptions as the President shall prescribe, until otherwise ordered by the President or by Congress.

Mr. SMITH of Georgia. Mr. President, as originally drawn, this section has two objections. First, it is unconstitutional. I think that may still be suggested on the floor of the Senate as an objection to legislation, whether it carries much weight or not. It authorizes the limitation of exports from the ports of one State against imports of another; it allows the selection of ports from which exports are to go. It can hardly be questioned that the Constitution forbids any discrimination against the ports of States.

Mr. OVERMAN. Would the Senator call a shipment from one State to another an export?

Mr. SMITH of Georgia. No; from any port of this country to a port abroad.

Mr. OVERMAN. That is an export. The Senator said from one port in this country to another.

Mr. SMITH of Georgia. No; the Senator from North Carolina misunderstood me, or else I expressed myself very badly. I said it permits discrimination between the ports from which exports are to go abroad. Under its terms the President can designate the ports of the State of South Carolina, from which alone cotton could be shipped or the ports of Georgia, from which alone naval stores could be shipped, or the ports of any other State.

Mr. JONES of Washington. As I heard the Senator's amendment read from the desk, I gathered from it that it left that power in the hands of the President—not in express terms, but that under such rules and regulations as he might direct exports can be made.

Mr. SMITH of Georgia. Not under my amendment.

Mr. JONES of Washington. I did not notice any language in the Senator's amendment which limited the President in that respect.

Mr. GALLINGER. And, Mr. President, under the terms of the bill, I will ask the Senator if exports might not be permitted from the port of Boston and not from the port of New York or Baltimore or Philadelphia?

Mr. SMITH of Georgia. Yes; and I think that is unconstitutional.

Mr. GALLINGER. If the Constitution means anything, that provision is unconstitutional. I stand for the old Constitution; but it has been very badly fractured in the last couple of years.

Mr. SMITH of Georgia. I was suggesting that we might pay some respect to it at the present time.

Mr. GALLINGER. I think we ought to do so.

Mr. SMITH of Georgia. The language of the section as it reads expressly provides that—

It shall be unlawful to export any article or articles from the United States, except at such time or times, and from such place or places, and under such regulations and orders, and subject to such limitations and exceptions as the President shall prescribe, until otherwise ordered by the President or by Congress.

It expressly, I think, would confer the authority upon the President to designate a particular place or a particular State alone from which exports could be made.

Mr. OVERMAN. I think it is very important that when the Senator makes that statement he should also state that that is only to be done whenever "the public safety or welfare" of the country makes it necessary.

Mr. SMITH of Georgia. Yes. I do not think we could authorize the President to select the ports of any single State and allow exports from them alone against the ports of another State. I think the Constitution prohibits the deposit of such authority with the President.

Mr. GALLINGER. In other words, Mr. President, we could not well authorize by legislation the President of the United States to suspend the Constitution of the country.

Mr. OVERMAN. What section of the Constitution does the Senator speak of?

Mr. GALLINGER. I can not turn to it immediately, but it is definitely stated in the Constitution—and my memory is very good as to that—that we can not differentiate between the ports of the United States.

Mr. BRANDEGEE. That "no preference shall be given * * * to the ports of one State over those of another."

Mr. OVERMAN. That no preference shall be given to any ports as to exports.

Mr. SMITH of Georgia. The constitutional provision is:

No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another.

Mr. OVERMAN. That is right—from one State to another.

Mr. SMITH of Georgia and Mr. GALLINGER. Oh, no.

Mr. THOMAS. Preference shall not be given to one over another.

Mr. SMITH of Georgia. That no preference shall be given to the ports of one State over those of another.

Mr. GALLINGER. That is right.

Mr. SMITH of Georgia. Now, Mr. President, the amendment which I offer also eliminates what I consider another objectionable provision in this section. I do not believe we have reached the place where we should be ready to transfer our entire export business to the control of any officer of the United States. I would be utterly unwilling to permit the President or anybody else to determine just what can be exported from the United States. To reach such a view, of necessity, I think, requires almost a feeling of hysteria with regard to present conditions. It seems to me that, while we have declared war and while we are preparing to do our full part in it, we should interfere with the general business of the country and with normal conditions just as little as possible. I believe it is best for the whole country that our interference should be as little as possible.

Now, when our commodities are going to the enemy, when shipments are going to a neutral country, but the President finds, as a matter of fact, that while they are going to Denmark they are being really shipped through Denmark to Germany, I think we may well stop that. As much as I was in favor of preserving that trade when we were at peace with Germany, now that we are at war with Germany, I am equally in favor of conducting the fight in every way we can to help bring it to a speedy close. I am thoroughly in accord with the view that if our goods needed in Germany are going to Denmark or to any neutral port and from there are being carried to Germany to aid the Germans in sustaining the war, then we, on the President finding those facts, should provide by legislation that the shipments must stop, unless under regulations prescribed by the President they can go on without, in his judgment, helping the enemy.

Mr. SMITH of Maryland. Suppose Congress is not in session when that emergency arises?

Mr. SMITH of Georgia. The amendment presented provides that regulations shall be prescribed by the President by which alone shipments can be made.

Mr. KING. Mr. President, does the Senator from Georgia think that the President of the United States in this great emergency should not have the power to interdict the exportation of those commodities absolutely essential for the welfare of the American people?

Mr. SMITH of Georgia. I am utterly opposed to giving him that power now. I am unwilling for him, or anyone else, to pass upon that question. I am not ready myself to interdict any shipments at the present time.

Mr. KING. Does not the Senator think, if he will pardon me a moment, particularly in view of the fact that we may adjourn before the summer is over, that there ought to be power vested somewhere, or that we ought to give the power to some person to prevent the shipment abroad of those commodities that would be absolutely essential to the welfare of our own people?

Mr. SMITH of Georgia. I do not.

Mr. KING. Does not the Senator know that a similar power has been given heretofore upon numerous occasions to the Chief Executive of the United States?

Mr. KELLOGG. May I inquire when that power was given?

Mr. KING. It was given in the days of Adams, in the days of Jefferson, in the days of Lincoln in effect, and in the days of William McKinley.

Mr. SMITH of Georgia. Mr. President, I do not recall it having been done. I believe, however, there was such a bill during the administration of Mr. Adams, but I do not think that it was done at any other time, and my recollection is that in that instance the law was speedily repealed and very much censured.

Mr. WALSH. Mr. President, let me inquire of the Senator—because I should like to get his idea on the subject—is not that just exactly what the embargo act passed in Jefferson's administration was?

Mr. SMITH of Georgia. I do not recall the exact effect of that act.

Mr. WALSH. The embargo act prohibited any vessels sailing out of American ports.

Mr. SMITH of Georgia. As I was about to proceed to say before the Senator from Montana interrupted me, regardless of its ever having been done in the past, I think there is no occasion for it now.

Mr. WALSH. Mr. President, if the Senator will pardon me, I was not discussing the question of the wisdom or the policy of it, but I was directing the attention of the Senator to the question as to the power of Congress to authorize the President to prohibit exports from this country.

Mr. SMITH of Georgia. I was not questioning the power of Congress to prohibit exports.

Mr. WALSH. No; but to authorize the President by a proclamation to do so.

Mr. SMITH of Georgia. I was not questioning the power of Congress to authorize the President by proclamation to prohibit exports. I questioned the authority of Congress to authorize the President to permit exports from one State and to exclude them from other States. I questioned that.

Mr. OVERMAN. Mr. President, would the President of the United States do that?

Mr. SMITH of Georgia. I do not know what he would do; but I am opposed to voting for an act that would authorize him to do an illegal thing.

Mr. OVERMAN. Does not the Senator think that we have got to trust the President in this day and time to do things that are right and honorable and just?

Mr. SMITH of Georgia. Yes; but I believe in preserving some respect also for ourselves by not putting into a bill an authority to the President that would be unconstitutional if he exercised it.

Mr. WEEKS. Mr. President, I think the difference between this proposition and the embargo act, to which reference has been made by the Senator from Montana [Mr. WALSH], is that this relates to some particular port, while that related to all ports; it closed every port in the United States.

Mr. WALSH. Mr. President, I am not unmindful of the distinction; but that goes simply to the question of that provision of the bill which authorizes the President to prohibit exports except from such places as he may designate. I was addressing myself simply to the question asked by the Senator from Utah [Mr. KING] of the Senator from Georgia, as to whether he questioned the right of Congress to place in the hands of the President the power by proclamation to prohibit exports from the country at all.

Mr. SMITH of Georgia. Mr. President, I was misunderstood if it was supposed that I questioned the right of Congress to

pass a bill authorizing the President, upon the finding of certain facts, to stop even all vessels from leaving our ports, or to stop, upon the finding of certain facts as provided for in the act, the export of any particular commodity from our country. I think we can do so. I agree with the view suggested by the Senator from Montana as to the law on the subject. I was disagreeing with the Senator from Utah as to the advisability of such legislation. I do not think the situation is one that would excuse it. I do not believe such a situation will arise. If it should arise, it will be of sufficient importance to invite us back here, if we are not still here, and for Congress to consider it. I prefer to take part in passing upon it myself, if it is done at all, before it is done; but I do not anticipate a situation which I think would make it excusable.

Just a word more. I want to explain a little further precisely what is intended to be accomplished by the amendment to this section which I have drawn. It leaves the rule to be:

When during the pending war the President shall find that exports to a particular country are being used to supply an enemy country, and shall make proclamation thereof, it shall be unlawful to export any article or articles from the United States to such country—

The President, having found that our exports to a particular country were being used to supply the enemy, and having so declared by proclamation, thereafter it shall be unlawful to export to that country—

except and under such regulations and orders and subject to such limitations and exceptions as the President shall prescribe, until otherwise ordered by the President or by Congress.

That is to say, to illustrate, the President having found that our exports of foodstuffs to Denmark were being shipped from Denmark into Germany to feed our enemies, it would be his duty to make proclamation of that fact; and thereafter foodstuffs could not be shipped to Denmark from the United States except under such limited provisions as the regulations of the President permitted until such time as the further order of the President permitted them to go more freely.

Mr. CUMMINS. Mr. President, I am rising simply to ask of the Senator from Georgia a question. Do I understand him to admit that any law we may pass can be made dependent as to its taking effect upon the judgment of the President as to the public welfare?

Mr. SMITH of Georgia. I think the Supreme Court has so held with reference to embargoes that were provided under the administration of President McKinley.

Mr. CUMMINS. I do not agree with that; but I am not going to argue it at this time. I do not think it has ever been held unaccompanied by any other consideration. I do not believe that Congress can say that a certain regulation which we adopt shall be effective if the President finds that it is for the public welfare. I simply wanted to be clear as to the admission made by the Senator from Georgia. I rather hoped that he would not admit that we could repose all powers of legislation in the President to be operative upon a finding upon his part that it was for the public welfare.

Mr. SMITH of Georgia. Stated as broadly as the Senator from Iowa states it, I do not think we could; but I do understand that it was ruled in the embargo cases under the act, passed, I think, during the administration of President McKinley, that, upon finding certain facts, he was permitted to place an embargo upon certain shipments to certain countries. There were other facts beside simply the question of the general welfare. It was limited to a peculiar class of conditions.

Mr. CUMMINS. The Senator from Georgia is now referring to the tariff?

Mr. SMITH of Georgia. Yes.

Mr. CUMMINS. And to what is known as the reciprocity provision of the tariff act?

Mr. SMITH of Georgia. Yes.

Mr. CUMMINS. I really think that presents a very different question; but I am not now rising to engage the Senator in discussion about it.

Mr. SMITH of Georgia. I think that was a much more definite case than the one referred to by the Senator from Iowa.

Mr. THOMAS. Mr. President——

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Colorado?

Mr. THOMAS. I thought the Senator from Georgia had yielded the floor.

Mr. SMITH of Georgia. I am through.

Mr. THOMAS. Mr. President, when the bill was before the Senate more than a week ago I read very carefully the first section of chapter 7. I then thought it to be in conflict with what is known as the preference clause of the Constitution. I think that the Senator from Georgia and myself then had some discussion of the subject, and we were agreed in our prima facie view. I have since, Mr. President, had occasion to examine the section more closely and also to read the somewhat meager list of authorities in the reports of the Supreme Court of the United States affecting that clause. Of course, the Senator from Georgia, upon the assumption that the conflict is apparent, has sought to avoid it by the amendment which is now under consideration; but I do not believe that if the Senator would give that careful attention which he would bestow upon it if the subject were involved in an important lawsuit in which he was engaged he would adhere to that opinion.

I am anxious—quite as anxious as any Senator upon this floor—that the espionage bill shall not, wherever we can avoid it, trench in the slightest degree upon any fundamental constitutional rights of the citizen. Some features of it do this, in my judgment, and should therefore be well considered before they are engrafted upon the laws of the country; but I do not think that is true, Mr. President, of this section or of the clause of the Constitution which it is said to challenge. That clause provides that—

No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another; nor shall vessels bound to or from one State be obliged to enter, clear, or pay duties in another.

Mr. NELSON. Mr. President——

Mr. THOMAS. I yield to the Senator.

Mr. NELSON. It seems to me that the objection which the Senator is about to make, I take it, and which the Senator from Georgia has made to section 1, could be avoided by putting such a proviso as I am about to suggest at the end of the section:

Provided, however, That no preference—

Using the language of the Constitution—

Provided, however, That no preference shall be given to the ports of one State over those of another.

That would incorporate the language of the Constitution and would be a restriction upon the power of the President. It would cure the constitutional objection which the Senator from Georgia has made, and, I take it, which the Senator from Colorado intends to make. I am obliged to the Senator for yielding to me.

Mr. THOMAS. The Senator is mistaken. I do not object to that feature of the section. I said—perhaps the Senator did not hear me—only a moment ago that more mature consideration of the section convinced me that no constitutional objection could be made to it. Nor do I see any objection to incorporating in the section as reported by the committee the amendment which the Senator suggests, although I do not concede its necessity.

I read this clause of the Constitution to emphasize the fact that it really covers two subjects—one relating to preference between ports, the other relating to duties levied upon vessels bound to or from one State from or to ports of another. Now, this preference clause is not an absolute one. It is limited to specific things, which are recited in the clause itself:

No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another.

In our commercial regulations and in our revenue laws we must not offend that provision. It is not to be supposed that the fathers in framing the Constitution limited this restriction unadvisedly or without full consideration. Generally speaking, as I have said, in the references to this section in the Supreme Court reports there is a liberality of construction which I think relieves the section as reported by the committee from the objection urged against it.

Mr. KELLOGG. Mr. President——

The VICE PRESIDENT. Does the Senator from Colorado yield to the Senator from Minnesota?

Mr. THOMAS. I yield.

Mr. KELLOGG. Would the Senator claim that if the President, under this statute, made a regulation that exports could be made from certain ports and not from others that would be constitutional?

Mr. THOMAS. Undoubtedly, Mr. President; undoubtedly, if, as a war measure, the President made such a regulation, I have not the slightest doubt that the Supreme Court would sustain it. But I am now considering this matter not as sustained by the general-welfare clause of the Constitution, under which Congress is empowered to enact all legislation necessary to carry the other provisions into effect, but solely in its relation to this preference clause.

It has been several times questioned whether the levying of excise taxes upon products which are the subject of export from States did not constitute duties upon such exports, and wherever the question has been brought to the attention of the Supreme Court the decision has been against that contention. Cornell

against Coyne, in One hundred and ninety-second United States, is a case upon the subject. Let me say, in further answer to the query of the Senator from Minnesota, lest I forget it, that if such a regulation as he suggested were made by the President in times of peace it would offend this particular section; but as a war measure and for the national safety such a regulation, made under such a law as this, would be sustained under the more comprehensive clauses of the Constitution, because in war the President, clothed with authority of supreme command, would in an exigency demanding it otherwise be unable to protect the Nation if——

Mr. KING. Mr. President——

Mr. THOMAS. I yield to the Senator from Utah.

Mr. KING. As apropos of the suggestion just made by the Senator from Colorado is it not true that as a war measure the President would have the right to close and abolish ports of the United States?

Mr. THOMAS. Oh, we could authorize him to do it as a war measure.

Mr. CUMMINS. Mr. President——

Mr. THOMAS. I yield to the Senator from Iowa.

Mr. CUMMINS. I am not prepared to dispute the proposition just laid down by the Senator from Colorado; but if it is done as a war measure why is any authority necessary from Congress?

Mr. THOMAS. I do not know that there is.

Mr. CUMMINS. It would seem to be very clear that it is not, if it is done in the exercise of a power higher than the Constitution.

Mr. THOMAS. Mr. President, I will not undertake to answer that question positively one way or the other, but I have not any doubt that under a statute such as is here proposed the regulation as a war measure would be sustained.

In this case of Cornell against Coyne it was determined that—

The prohibition in the Constitution against taxes or duties on exports attaches to exports as such and does not relieve articles manufactured for export from the prior ordinary burdens of taxation which rest upon all property similarly situated.

Mr. WALSH. Mr. President, will the Senator yield?

Mr. THOMAS. I yield.

Mr. WALSH. I want to suggest to the Senator from Colorado that Abraham Lincoln gave a preference to the ports of the United States north of the Chesapeake over those south of the Chesapeake when he declared an embargo on all ports of the Southern States.

Mr. THOMAS. I have no doubt that other historic instances might be cited.

Mr. SMITH of Georgia. Mr. President, was not that entirely upon a different view? The Southern States were claiming to be out of the Union.

Mr. OVERMAN. He claimed that they were not.

Mr. THOMAS. Well, Mr. Lincoln never admitted that they were out of the Union.

Mr. SMITH of Georgia. No; but he treated them as being practically out of the Union.

Mr. THOMAS. And I think if Mr. Lincoln had lived they never would have been treated by the United States Government as having been out of the Union. Upon the theory, of course, that the ports against which the embargo was directed were no longer a part of the Union, there would be no necessity of appealing to the Constitution for his action or challenging its authority by measuring it with the terms of that instrument.

Mr. SMITH of Georgia. Mr. President——

Mr. THOMAS. I yield to the Senator from Georgia.

Mr. SMITH of Georgia. Was not the action of Mr. Lincoln the declaration of a blockade against those ports as against a public enemy?

Mr. THOMAS. Well, I presume that is the instance referred to by the Senator. The decision from which I just quoted only incidentally refers to the question under consideration.

Mr. KING. Mr. President——

Mr. THOMAS. I yield to the Senator from Utah.

Mr. KING. As bearing upon the suggestion made by the Senator from Montana and the question just propounded by the Senator from Georgia, I want to call the Senator's attention to the fact that Thomas Jefferson discriminated in favor of some ports as against others, and forbade the exportation of wheat and certain other foodstuffs from some ports upon the Chesapeake Bay, and permitted the exportation from other ports.

Mr. THOMAS. Does the Senator know whether the power or authority of the President so exercised was ever brought to the notice of the Supreme Court in any controversy in which the question was raised?

Mr. KING. I do not recall. In fact, I found no case where the act was construed.

In the case of the Armour Packing Co. and other packing companies against United States, known as the Packers' case, in Two hundred and nine United States, beginning on page 56, it is decided that—I read from the syllabus—

The export and preference clause of the Constitution prohibits burdens only by way of actual taxation and duty—

Only by way of actual taxation and duty—

or legislation intending to give, and actually giving, the prohibited preference, and does not prohibit the merely incidental effect of regulations of interstate commerce wholly within the power of Congress; and the fact that such regulations in the interstate-commerce act may affect the ports of one State having natural advantages more than those of another State not possessing such advantages does not render the act unconstitutional as violating that provision.

The court considers the proposition at greater length, commencing on page 79. I shall not take up the time of the Senate in reading more of the decision into the RECORD; but it will be noticed that the court determines that the Constitution prohibits burdens under this export and preference clause—and it is both—

only by way of actual taxation and duty or legislation intending to give, and actually giving, the prohibited preference.

Now, this proposed law does neither. It does not impose a burden by way of actual taxation or duty; it does not intend to give, nor does it actually give, the prohibited preference. Consequently it is not obnoxious, even under that clause, to the Constitution of the United States, in my judgment.

Now, what does it propose to do? Simply that—

whenever the United States is at war and the President shall find that the public safety or welfare shall so require, and shall make proclamation thereof, it shall be unlawful to export any article or articles from the United States, except at such time or times and from such place or places, and under such regulations and orders, and subject to such limitations and exceptions, as the President shall prescribe until otherwise ordered by the President or by Congress.

Mr. KING. Mr. President——

The VICE PRESIDENT. Does the Senator from Colorado yield to the Senator from Utah?

Mr. THOMAS. I yield.

Mr. KING. Is the Senator reading now from the original bill?

Mr. THOMAS. Yes.

Mr. KING. Or is he reading from the amendment offered by the Senator from Georgia?

Mr. THOMAS. The amendment offered by the Senator is the section as it appears in the bill, altered only by the changes printed in italics. I have read from the amendment, because it is more convenient, reading only the section as it appears in the bill.

It is true, Mr. President, that the Secretary under the provisions of that section might find it necessary to prohibit the export of articles from the port of New York, and might find at the same time, and so determine, that the exigencies requiring the closure of that port for the time being did not apply to the port of Savannah or to the port of San Francisco. Will it be said that in times of war, if such an exigency presented itself, the President could not be authorized to exercise such power? The preference would doubtless appear from the proclamation; but only as an act of war, if it be true that we can enact such legislation as may be necessary to give effect to the other provisions of the Constitution, and especially to its war provisions, then, of course, it can not be contended that such a power is obnoxious to the particular provision of the Constitution.

It will probably never be necessary that an embargo be laid upon part of the ports of one of our seaboards which does not include them all. Such an authority is undoubtedly embraced within the section proposed by the committee; but what emergency, what exigency that we can foresee or even imagine, would require such a discrimination?

We can well understand how it might be desirable as a war measure to close all the Atlantic ports, leaving those on the Pacific still open and unaffected by the embargo, and vice versa; but if we have the power to do this at all, then certainly we can not afford to put any limitations upon it, since unforeseen emergencies might arise making such limitations extremely embarrassing if not destructive of the original purpose designed.

Mr. President, I am not particularly concerned about the success either of the section proposed by the committee or of the section as amended by the Senator from Georgia. I think, however, that the committee section is to be preferred under all the circumstances. The Senator from Maine [Mr. FERNALD]—and I will yield to him in a moment—the other day in an argument which did not receive the attention that it deserved demonstrated to my satisfaction that the bestowal of such authority, if it does not exist, may be very necessary to the President during this war if we are to conserve our food supply in some directions. He showed, and showed clearly, that through our exports we

are losing something like 20,000,000 tin containers of canned foods and goods per month, and that in the face of a constantly decreasing supply of the material of which they are made. This, of course—Constitution or no Constitution—places an embargo in some degree upon the continued production of those food products which must be put in containers if they are to be used at all. Unless the home supply is equivalent to the demands made upon it by the export trade, and unless the President can at this time use extraordinary power to minimize this difficulty, or destroying it entirely, then we may be seriously embarrassed, not for lack of food but for lack of those materials which are necessary to its conservation; and what is true of the canned-goods industry may become equally true of other lines of food production.

Mr. FERNALD. Mr. President, I never rise in this body without feeling that I should first apologize for taking any time. Every question is so thoroughly discussed that it seems the Senators must tire of anything anybody has to say; and yet my heart and soul is so in this section and in this bill that I am going to take a little time at this moment to discuss it in a very brief way.

I want first to pay a deserved compliment to the senior Senator from Minnesota [Mr. NELSON]. In his remarks this afternoon on this bill there was so much solid, sound common sense, and it was so enlightening and so full of the good old Democratic doctrine that we believe in in this country. He reminded us that the same rules apply to-day which have applied during all time; that the question of supply and demand still has something to do with the prices we get for our products. Why, it is surprising to me Senators so forget themselves as to overlook the fact that within a very brief period of three years products raised in this country have touched the lowest and the highest points, and all because of the production. In my own State within three years I have seen the most magnificent crop of apples hanging on the trees rotting because there was an overproduction, and they were not worth picking. Only three years ago in the South cotton was so low they were begging for customers, and for everybody in the United States to "buy a bale of cotton"; and yet to-day I assume that cotton is about as high as it ever was known to be, and largely because of supply and demand.

I happen to belong to the wicked fraternity which the Senator from Idaho [Mr. BORAH] has spoken of this afternoon as the packers, who are so robbing the people of this country that something ought to be done immediately by the Congress of the United States to throttle them, and they should be cast out of respectable society, and immediate action should be taken. I have listened to Senators who advised that all the railroads of this country should be taken over immediately by the United States; that they were robbing the people; and that something must be done to them by the Government.

I have heard that all the canning establishments of the United States should be taken over at once by the United States Government, and that food would then be produced at so low a price the humblest citizen might have plenty; and yet the largest packing houses in this country, as was spoken of by another Senator, have been doing business with a profit of one-eighth of a cent per pound on beef and mutton and pork.

It has also been suggested that the farmers should be interested and lectured to in some way to get them interested in planting larger crops, greater acreage, and more seed. But let me tell you, Mr. President, that the price of $2.50 per bushel for wheat and $14 per hundred for hogs is the greatest inducement for the farmers of the United States to raise more hogs and sow more wheat, and there will be no trouble from that direction. I believe that every acre that it is possible to plant in the United States will this season be planted, because farmers can see a profit; and the only trouble which faces us is the lack of labor.

Mr. President, I regret that I am not an attorney. I should like to discuss this question from a constitutional and legal standpoint; but I want to say that my bill, which is almost precisely the same as this section in this bill, was drawn by the Department of Justice and has the approval of that department. I also have a letter from Secretary Redfield, the Secretary of Commerce, approving the bill, and a letter from Secretary Houston, the Secretary of Agriculture, approving the bill. It has run the gantlet of the Committee on Commerce and has a favorable report from it; and it has, so far as I know, the approval of all the people in the United States who believe that the price of foodstuffs would be reduced if this course were taken.

Mr. REED. Mr. President——

The VICE PRESIDENT. Does the Senator from Maine yield to the Senator from Missouri?

Mr. FERNALD. I do.

Mr. REED. If I will not interrupt the Senator, I should like to ask him a question, not in any antagonistic spirit, but to get his view.

The Senator states, I think, a very great truth when he asserts that the old law of supply and demand is still in good working force and effect; and he states another great truth which is akin to the one just referred to, and in fact is a sort of corollary of the one referred to—that $2 a bushel for wheat and $1 a bushel for corn constitute the most eloquent lectures that can be delivered to the farmers for the purpose of inducing them to plant crops. I believe that is true. I believe that if the farmer had been able to command prices of that sort for the past five or six years steadily and consistently there would have been under cultivation an immense amount of ground that has been lying idle and waste; and I believe that the certainty of such prices for the coming season would cause every farmer to exert himself to the utmost to plant and produce all that he could possibly care for and harvest.

Now, Mr. President, with that statement, which is in entire accord with what the Senator says, what will be the effect if we tell these farmers who are about ready to plant their grain, hoping for a $2 a bushel market, that at any moment the President may destroy that market and reduce that price, or that Congress at any moment may pass a maximum-price bill, so that the farmer, instead of getting the $2, may only get $1, or may get a less sum?

What will be the effect of that artificial and arbitrary—I do not mean the term in an offensive way—interference with the whole proposition?

Mr. FERNALD. I thank the Senator. I want to follow my argument a little further on the constitutionality of this law.

Section 8 of Article I of the Constitution of the United States gives the Congress power to lay and collect taxes, duties, and so forth; to borrow money on the credit of the United States; and to regulate commerce with foreign nations. Mr. President, we have not only appropriated $7,000,000,000 to carry on this war but we have given the President of the United States authority to loan that money to our friends. We have authorized the President of the United States to raise an army of 500,000 boys from 21 to 27 years old—or are about to give him that authority. We have given the President authority to send to every home in this land a military officer and take those boys from bed in the nighttime, if necessary, and if the boy says he would like to talk the matter over with his father that officer has a right to say, "No; you go with me now"; and if he should wish to have a few words with his mother he can not even do so. The officer has a right to take that boy and march him down to the post and put a gun in his hands and send him across the water and say, "You go out there and shoot to kill, and if you do not kill or if you do not shoot to kill we will kill you."

Now, we have given that authority to the President of the United States. I voted for it, and I believe it is right. Yet after that boy is shipped to France with 500,000 other boys, I assume we have got to send food over there to feed that army. Do Senators tell me that if we should ship the grain from the great West via the Grand Trunk road to Portland, Me., the natural outlet and the natural port to be shipped from, when that grain got there, and there should have been sown in the harbor of Portland hundreds of wicked mines, and that the harbor was filled with U boats, the President of the United States would not have, or ought not to have, the authority to turn the cereals to Boston or New York or some other port? Does anybody contend that ought not to be the duty of the President of the United States? Whether or not it is constitutional, it would be his duty.

A few years ago, in 1898, when we were having a war with Spain, it became necessary for the State of Maine to raise $40,000 in a very brief time, and although the governor of the State had no authority, he paid that from his own bank account rather than call together the legislature, and as soon as the legislature met, of course, it passed a resolution to reimburse him.

It seems to me that it should be one of the first duties of the President of the United States to furnish food, and yet we have not done a single thing in this Congress until yesterday toward really helping the farmer. We did pass a bill to buy some nitrates of soda. We have recommended that the people in the cities should plant little areas, and it will amount about to the experience of the friend of the Senator from Utah, who paid 5 cents for 8 peas. That is about the way the Government

would come out in undertaking to run the packing establishments of this country.

Before we plant a single seed we have hundreds of bushels shipped in and every bag tested to know just what per cent of that seed is good. If it was left to the Government would they understand how to carry on that business or any other of the many details of the packing business?

Every one in this country realizes, I suppose, at this time—it has been repeated over and over again in the Senate and every paper in the United States has been saying it from time to time—that a world-wide famine is threatened by the war; that food is the first demand of the allies. Yesterday we had a most impressive ceremony in the Senate, and those gentlemen were sent over here almost purposely to see what could be done toward supplying food for the allies. That is the one main thing. We have undertaken to take over the German ships in our ports; we have undertaken to do almost everything except to supply food, and there is a shortage of food in the country to-day. Those who are best informed estimate that the crop is about 65 per cent to-day of a normal yield.

Why is it that wheat is $2.50 a bushel? Because the vessels that have been going across the ocean for the last seven months have been dumping it into the sea. So long as that condition exists wheat will keep going higher and higher. We have a splendid crop in view. I feel that we ought not to be hysterical about these matters. There is no reason why we can not raise fruit and cereals and beef and mutton enough for this country of ours. We are producing something in every section of this great country all the time. We have enough to feed ourselves and we have enough to feed our Army, and we have great quantities that we will be able to ship to the allies if properly conserved.

But what brought my attention particularly to this matter is this: There is a great shortage of tin plate in this country at this time. My friend from Colorado [Mr. THOMAS] spoke of 20,000,000 cans per month. It is 20,000,000 cans every day, and that has been going on since the time when I introduced this bill.

Mr. THOMAS. I meant to have said 20,000,000 cans per day.

Mr. FERNALD. We are short on account of tin plate. Our factories are idle because of it.

Mr. THOMAS. I wish to set myself right as to the amount, if I said 20,000,000 cans a month.

Mr. FERNALD. Twenty million cans a day.

Mr. THOMAS. I stated it incorrectly.

Mr. KING. If the Senator will yield to me, I should be very glad if he would put into the RECORD the amount of tin plate that is exported to China and to other countries with which we are not at war, and the damaging effect that this constant exportation will have on the canning industry in this country.

Mr. FERNALD. I have already done that in the speech I made last week. I think you will find the figures there exactly. I have not them before me now. I gave the exact figures at that time.

As I recall it, about one-third of the tin plate manufactured in this country is shipped abroad. That is a very large quantity. We have only 12 tin-plate mills in this country; and let me say that yesterday the Secretary of Commerce called a meeting in this city of the tin-plate manufacturers, the tin manufacturers, the canners and packers of the country, and the wholesale grocers. They agreed that they would get great relief if this bill could be passed.

Mr. President, as I said, in this country we are going to plant this year every acre that is possible, but we have thousands and thousands of miles of seacoast that to-day produce millions and hundreds of millions of cases of fish that are not being packed for the want of tin plate. Those who are planting vegetables have not been able to plant the acreage they would have planted if they had known that the tin plate could be obtained from which cans needed in which to preserve their crop would be manufactured.

It has been suggested that something else might be used in the place of tin. It is impossible; there is nothing else that can be used in place of tin in a commercial way. If we used glass, the expense would be 600 per cent greater than it is with tin. There is no other way by which the canning process can be applied to many articles to keep. You understand the difficulty in shipping in glass. Every moment's delay is causing just that much less food to be produced in the country.

Now let me read, because you know, as in every crisis of the world's history, the first thing the first President of the United States did before he delivered his inaugural he called the business men of New York—April 28, 1798—together to get their ideas as to what should be done. The business men of this country are pretty good advisers on matters of this kind. I have had within two weeks, or since this bill was introduced, I will not say thousands, but I will say hundreds of letters and telegrams, and I think every Senator in this body must have received some advice from the people back home as to the tremendous advantage this bill would give them or the relief it would give them if passed immediately.

Here is a letter from a man who commands at least $50,000,000 worth of business in a year in canned goods. He says:

APRIL 27, 1917.

Hon. BERT M. FERNALD,
Washington, D. C.

MY DEAR SENATOR: Mr. Gorrell has sent me a letter calling attention to Senate bill 1867, regarding tin plate. We are heartily in favor of this bill——

Mr. KELLOGG. Mr. President——

Mr. FERNALD. I yield to the Senator.

Mr. KELLOGG. Does the bill say anything about tin plate?

Mr. FERNALD. No, sir.

Mr. KELLOGG. Is there any other bill that does?

Mr. FERNALD. I do not know that there is, but this covers it if it is enacted into law.

Mr. KELLOGG. Is it necessary to authorize the President to place an embargo on all the commerce of this country in order to stop the export of tin plate?

Mr. FERNALD. Not to stop the export of tin plate, but I assume there are many other things which would be affected, and it would perhaps be as beneficial as in the tin-plate industry. I do not know about that.

Mr. KELLOGG. There may be. I should like to be informed on the subject whether there are any other articles that should be embargoed at this time.

Mr. FERNALD. Permit me to read the balance of this letter:

We are heartily in favor of this bill, and will so write to our New York State Senators.

You will notice the language. This is from a man who represents something in the business world.

One of the great menaces to the packing of food this year is the threatened shortage of tin plate.

I am leaving for Washington on Monday afternoon to attend a meeting called by Secretary Redfield to discuss this tin-plate matter.

That is the meeting which was held yesterday. I have many other letters from packers all over the country.

Mr. GORE. I should like to ask the Senator the date of that letter?

Mr. FERNALD. April 27.

Mr. GORE. I should like to say in this connection that the Secretary of Agriculture came before the Committee on Agriculture a few days ago and stated that a few weeks since there was a threatened shortage of tin plate, but that he had taken it up with the various manufacturers of tin plate and those who handle the different successive processes, and he is confident that the situation will be met and the emergency or crisis averted in that regard.

Mr. FERNALD. I want to read to the Senator a letter from Secretary Houston which I have received. It is dated April 27, and is as follows:

THE SECRETARY OF AGRICULTURE,
Washington, April 27, 1917.

Hon. BERT M. FERNALD,
United States Senate.

MY DEAR SENATOR: I have your letter of April 26, in which you ask my views on Senate bill No. 1867, introduced by you, giving the President authority to direct exports from this country. I am heartily in favor of the bill. I was coming to the committee meeting Tuesday morning to give my personal indorsement of the bill, but was prevented from appearing by reason of very important developments here. I greatly hope that the bill will pass promptly.

Very sincerely,

D. F. HOUSTON, *Secretary.*

That is from Secretary Houston.

Let me say that at that time Secretary Houston did hope to intervene, and I think he has intervened. You must understand that there are great commercial interests in this country, and that the tin-plate manufacturers are likely to ship tin plate to the purchaser who will pay the highest price. They have large contracts in Asia. I do not recall exactly how much, but a large amount of tin plate that is manufactured to-day is being shipped to Asia to be used in the oil business. Those tin-plate men who have contracts abroad, unless relieved by law, will be obliged to fill those contracts; and unless we can retain sufficient in this country to manufacture the containers we need to cover the products we are raising here we might just as well be without the products themselves.

Let me say that this is no sectional matter. There is not a State in the Union that I recall but what has a canning factory, but what is able to conserve food, but what is able to produce

large quantities of food. Last year there were more than 4,000,000,000 cans of food put up in this country, and this year if we were assured of containers there will be more than 6,000,000,000 cans. We are losing enough every day to feed an army of 5,000 men for a day. We have already wasted 15 days since this bill was introduced, and I say it has the indorsement of all the departments, and I believe there is nothing we can enact into law which will so help all conditions. We have not only got to feed our Army and send the goods abroad, but we have got to feed the people at home. Prices have been constantly advancing until they are now out of reach of the common people, and we are likely to have trouble in our own country unless we can relieve the situation.

I am rather old-fashioned, but I believe that the least interruption, the least embarrassment we can give the business men of this country, the better it will be for the entire country. I believe all lines of business could be carried on in the usual way. I believe every manager of every great business in this country would manage it better than a new man. Already there is an unsettled condition—some lines of business have been closed down—and I believe it is the duty of the Senate to enact such laws as will relieve present conditions. This is not a drastic measure; it is not a severe measure; it simply gives the President the authority in time of war to direct the shipments of this country and to retain such goods as may be necessary for the welfare of our people. I hope this particular section will have the approval of the Senate and be given enactment at this session.

Mr. OVERMAN. I do not know whether anyone else wishes to go on to-day. I will ask an order for a recess, if no one desires to speak to-day.

Mr. JOHNSON of California. Before we take a recess, may I make a parliamentary inquiry? There has been some difference of opinion, and for that reason the inquiry is made.

It is my intention to move, when the appropriate time comes and the bill is in the Senate, to strike out all that portion of pages 8 and 9 embraced within the parenthetical (c)—the portion upon which argument was had when the bill was before the Senate. It was suggested that it would be necessary, in order that that motion might ultimately be entertained, that the right be reserved. If that be so, I wish to give the requisite notice to the Senator from North Carolina and advise him that I reserve the right and will then make the appropriate motion.

Mr. OVERMAN. The Senator has the right to make the motion at any time before the bill goes into the Senate.

Mr. JOHNSON of California. No; I wish to make it after the bill goes into the Senate.

The VICE PRESIDENT. The Senator has a right to make it in the Senate.

Mr. OVERMAN. He has a right to make it in the Senate; and he gives notice that he will make it then?

Mr. JOHNSON of California. Yes, sir.

Mr. OVERMAN. He can make it at any time without a notice. Does the Senator from California desire to speak further?

Mr. JOHNSON of California. I simply wanted to make the inquiry.

Mr. OVERMAN. I understand that some Senators desire an executive session. I therefore ask unanimous consent for an order that, instead of adjourning this afternoon, we shall take a recess until 11 o'clock to-morrow.

The VICE PRESIDENT. The Chair hardly knows how to put that request.

Mr. OVERMAN. I will make the motion later. I now move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session, the doors were reopened.

RECESS.

Mr. OVERMAN. I move that the Senate take a recess until to-morrow morning at 11 o'clock.

The motion was agreed to; and (at 5 o'clock and 20 minutes p. m.) the Senate took a recess until to-morrow, Thursday, May 3, 1917, at 11 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate May 2, 1917.

UNITED STATES DISTRICT ATTORNEY.

Clarence L. Reames, of Oregon, to be United States attorney for the district of Oregon. (Reappointment.)

UNITED STATES MARSHALS.

J. M. Tanner, of Skagway, Alaska, to be United States marshal for the first division of Alaska, vice Harry A. Bishop, resigned. (Mr. Tanner is now serving under appointment by the court.)

Benjamin F. Sherrell, of Texas, to be United States marshal for the eastern district of Texas. (Reappointment.)

RECEIVERS OF PUBLIC MONEYS.

Samuel Butler, of California, to be receiver of public moneys at Sacramento, Cal. (Reappointment.)

Sam Mothershead, of Oregon, to be receiver of public moneys at Burns, Oreg. (Reappointment.)

Nolan Skiff, of Oregon, to be receiver of public moneys at La Grande, Oreg. (Reappointment.)

Luren A. Booth, of Oregon, to be receiver of public moneys at The Dalles, Oreg. (Reappointment.)

REGISTERS OF LAND OFFICES.

Onias C. Skinner, of Colorado, to be register of land office at Montrose, Colo. (Reappointment.)

Frank O. Williams, of Montana, to be register of the land office at Kalispell, Mont. (Reappointment.)

H. Frank Woodcock, of Oregon, to be register of the land office at The Dalles, Oreg. (Reappointment.)

COAST GUARD.

Third Lieut. of Engineers Isaac John Van Kammen to be second lieutenant of Engineers in the Coast Guard of the United States, to rank as such from March 27, 1917, in place of Second Lieut. of Engineers Albert F. Patterson, promoted.

PROMOTIONS IN THE ARMY.

CAVALRY ARM.

First Lieut. Lawrence W. McIntosh, Fifteenth Cavalry, to be captain from April 20, 1917, vice Capt. Emil P. Pierson, unassigned, placed on detached officers' list.

COAST ARTILLERY CORPS.

First Lieut. Furman E. McCammon, Coast Artillery Corps, to be captain from February 10, 1917, vice Capt. Townsend F. Dodd, whose detail in the Ordnance Department is continued.

First Lieut. Louis B. Bender, Coast Artillery Corps, to be captain from March 20, 1917, vice Capt. John M. Page, retired from active service March 19, 1917.

CHAPLAINS.

To be chaplains with the rank of captain after seven years' service.

Chaplain James F. Houlihan, Second Field Artillery, from January 21, 1917.

Chaplain Louis A. Carter, Ninth Cavalry, from April 29, 1917.

PROMOTIONS IN THE NAVY.

Lieut. (Junior Grade) Robert F. Gross to be a lieutenant in the Navy from the 29th day of August, 1916.

Ensign John L. Riheldaffer to be a lieutenant (junior grade) in the Navy from the 7th day of March, 1915.

First Lieut. Theodore A. Secor to be a captain in the Marine Corps from the 18th day of October, 1916.

The following-named second lieutenants to be first lieutenants in the Marine Corps from the 29th day of August, 1916:

Norman C. Bates,
Arthur Kingston, and
John A. Minnis.

CONFIRMATIONS.

Executive nominations confirmed by the Senate May 2, 1917.

ASSISTANT APPRAISER OF MERCHANDISE.

Charles E. Victory to be assistant appraiser of merchandise in customs collection district No. 10, with headquarters at New York, N. Y.

POSTMASTERS.

ARKANSAS.

Ernest W. Cato, Gravette.

GEORGIA.

B. A. Nolan, Senoia.

PENNSYLVANIA.

Albert S. Faber, Cambridge Springs.

WITHDRAWAL.

Executive nomination withdrawn May 2, 1917.

J. J. Tanner, of Skagway, Alaska, to be United States marshal for the first division of Alaska.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *May 2, 1917.*

The House met at 12 o'clock noon.

The Rev. H. L. Haywood, of Waterloo, Iowa, offered the following prayer:

O Lord, our God and Father Almighty, Architect of our own and our Nation's destiny, we pause this moment in the beginning of these deliberations to quiet our minds in order the better to hear those eternal voices which speak within us, ever reminding us of our duties and of that high and haunting ideal which is embodied in our country. Grant to these Thy servants, Representatives of a multitudinous people and stewards of a vast responsibility, that wisdom which can alone come from sources higher than human. And may they, and we all, be reminded, while they seek to secure the internal safety of the land, of that All-Seeing Eye which maintains an everlasting espionage over the most secret thoughts and motives of our hearts. Amen.

The Journal of the proceedings of yesterday was read and approved.

THE COMMISSIONERS OF THE ALLIES.

The SPEAKER. The Chair desires to state to the House that in accordance with the direction of the House yesterday he addressed a letter to the British commissioners, and also to the French commissioners, extending to them an invitation to visit the House of Representatives. Hon. Henry H. White a few moments ago telephoned that the French commissioners would like to come here to-morrow at about 12 o'clock, as they are going to leave the city at 3 o'clock. That being the case, the Chair suggests that some gentleman ask unanimous consent that the House meet to-morrow earlier than 12 o'clock.

Mr. KINCHELOE rose.

The SPEAKER. For what purpose does the gentleman rise?

Mr. KINCHELOE. Mr. Speaker, in view of the fact that the allied commissioners are to visit the House of Representatives to-morrow at about 12 o'clock, I rise to suggest that unless some arrangement is made with respect to the galleries our immediate families will have to come here at sunup in order to get into the galleries.

Mr. MANN. I take it there will be two tickets issued by the Doorkeeper to each Member, as is customary.

The SPEAKER. People will be admitted to the galleries on cards. The Doorkeeper will have the cards.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, its enrolling clerk, announced that the Senate had passed joint resolutions of the following titles, in which the concurrence of the House of Representatives was requested:

S. J. Res. 43. Joint resolution making available the $200,000 appropriation for irrigation purposes on the Yakima Indian Reservation, State of Washington, carried in the Indian appropriation act for the fiscal year ending June 30, 1918; and

S. J. Res. 31. Joint resolution to increase food crops in the United States.

The message also announced that the President had, on April 30, 1917, approved and signed bill of the following title:

S. 1800. An act to amend an act approved June 29, 1906, and entitled "An act to authorize the Grand Lodge of the Independent Order of Odd Fellows of the District of Columbia to sell, hold, and convey certain real estate."

HOUR OF MEETING TO-MORROW.

Mr. GARRETT of Tennessee. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock a. m. to-morrow.

The SPEAKER. The gentleman from Tennessee asks unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock a. m. to-morrow. Is there objection?

There was no objection.

WAR EXPENSES.

The SPEAKER. By agreement entered into yesterday the vote will now be taken on the bill (H. R. 3971) making appropriations to supply urgent deficiencies in appropriations for the Military and Naval Establishments on account of war expenses for the fiscal year ending June 30, 1917, and for other purposes. The question is on passing the bill.

The question was taken.

Mr. MANN. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Illinois makes the point of order that there is no quorum present. Evidently there is no quorum present. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees and the Clerk will call the roll. The question is on passing the bill H. R. 3971.

The question was taken; and there were—yeas 362, nays 1, not voting 69, as follows:

YEAS—362.

Adamson	Emerson	Kincheloe	Rose
Alexander	Esch	King	Rouse
Almon	Estopinal	Kinkaid	Rowe
Anderson	Evans	Kitchin	Rubey
Anthony	Fairfield	Knutson	Rucker
Ashbrook	Farr	Krauss	Russell
Aswell	Ferris	La Follette	Sanders, Ind.
Austin	Fess	LaGuardia	Sanders, N. Y.
Ayres	Fields	Langley	Saunders, Va.
Bacon	Fitzgerald	Larsen	Schall
Bankhead	Flood	Lazaro	Scott, Iowa
Barkley	Focht	Lee, Ga.	Scott, Mich.
Barnhart	Fordney	Lehlbach	Sears
Bathrick	Foss	Lenroot	Sells
Bell	Foster	Lesher	Shallenberger
Black	Francis	Lever	Sherley
Bland	Frear	Linthicum	Sherwood
Blanton	Freeman	Little	Shouse
Booher	French	Littlepage	Siegel
Borland	Fuller, Ill.	Lobeck	Sims
Bowers	Gallagher	Lonergan	Sinnott
Brand	Gandy	Longworth	Sisson
Browne	Gard	Lundeen	Slayden
Browning	Gardner	Lunn	Sloan
Bruckner	Garland	McClintic	Small
Brumbaugh	Garner	McCormick	Smith, Mich.
Buchanan	Garrett, Tenn.	McCulloch	Snell
Burnett	Garrett, Tex.	McFadden	Snook
Butler	Glass	McKenzie	Stafford
Byrns, Tenn.	Glynn	McKeown	Steagall
Campbell, Kans.	Good	McKinley	Stedman
Campbell, Pa.	Goodwin, Ark.	McLaughlin, Mich.	Steele
Candler, Miss.	Gordon	McLaughlin, Pa.	Steenerson
Cannon	Graham, Ill.	McLemore	Stephens, Miss.
Cantrill	Graham, Pa.	Madden	Stephens, Nebr.
Caraway	Gray, Ala.	Magee	Sterling, Ill.
Carew	Gray, N. J.	Mann	Stevenson
Carlin	Green, Iowa	Mansfield	Stiness
Carter, Mass.	Greene, Mass.	Mapes	Strong
Carter, Okla.	Greene, Vt.	Martin, La.	Sumners
Cary	Gregg	Mason	Sweet
Chandler, N. Y.	Griffin	Mays	Swift
Chandler, Okla.	Hadley	Meeker	Switzer
Church	Hamill	Miller, Minn.	Tague
Clark, Fla.	Hamilton, Mich.	Mondell	Taylor, Ark.
Clark, Pa.	Hamlin	Montague	Temple
Classon	Hardy	Moore, Pa.	Templeton
Claypool	Harrison, Miss.	Moores, Ind.	Thomas
Coady	Harrison, Va.	Morgan	Thompson
Collier	Haskell	Mott	Tillman
Comstock	Hastings	Mudd	Tilson
Connally, Tex.	Haugen	Nicholls, S. C.	Timberlake
Connelly, Kans.	Hawley	Nichols, Mich.	Tinkham
Cooper, Ohio	Hayden	Nolan	Towner
Cooper, W. Va.	Heflin	Norton	Treadway
Cooper, Wis.	Heintz	Oldfield	Van Dyke
Copley	Helm	Oliver, Ala.	Vare
Costello	Helvering	Oliver, N. Y.	Vestal
Cox	Hensley	Olney	Vinson
Cramton	Hersey	Osborne	Volstead
Crisp	Hicks	O'Shaunessy	Waldow
Crosser	Hill	Overmyer	Walker
Currie, Mich.	Hilliard	Overstreet	Walsh
Curry, Cal.	Holland	Padgett	Walton
Dale, Vt.	Hollingsworth	Paige	Ward
Dallinger	Hood	Park	Watkins
Darrow	Houston	Parker, N. J.	Watson, Pa.
Davidson	Howard	Parker, N. Y.	Watson, Va.
Decker	Huddleston	Peters	Weaver
Dempsey	Hulbert	Phelan	Webb
Denison	Hull, Iowa	Platt	Welling
Dent	Hull, Tenn.	Polk	Welty
Denton	Humphreys	Pou	Whaley
Dewalt	Husted	Powers	Wheeler
Dickinson	Hutchinson	Pratt	White, Me.
Dies	Igoe	Purnell	White, Ohio
Dill	Ireland	Quin	Williams
Dillon	Jacoway	Rainey	Wilson, Ill.
Dixon	James	Raker	Wilson, La.
Dominick	Johnson, Ky.	Ramsey	Wilson, Tex.
Doolittle	Jones, Tex.	Ramseyer	Wingo
Doremus	Jones, Va.	Randall	Winslow
Dowell	Juul	Rankin	Wood, Ind.
Drane	Kahn	Rayburn	Woods, Iowa
Drukker	Keating	Reavis	Woodyard
Dupré	Kehoe	Reed	Young, N. Dak.
Dyer	Kelley, Mich.	Riordan	Young, Tex.
Eagan	Kelly, Pa.	Robbins	Zihlman
Eagle	Kennedy, Iowa	Roberts	The Speaker
Ellsworth	Kennedy, R. I.	Rodenberg	
Elston	Kettner	Romjue	

NAYS—1.

London

NOT VOTING—69.

Bacharach	Edmonds	Hayes	Miller, Wash.
Blackmon	Fairchild, B. L.	Heaton	Moon
Britten	Fairchild, G. W.	Johnson, S. Dak.	Morin
Brodbeck	Fisher	Johnson, Wash.	Neely
Byrnes, S. C.	Flynn	Kearns	Nelson
Caldwell	Fuller, Mass.	Key, Ohio	Porter
Capstick	Gallivan	Kiess, Pa.	Price
Crago	Gillett	Kreider	Ragsdale
Dale, N. Y.	Godwin, N. C.	Lea, Cal.	Robinson
Davis	Goodall	McAndrews	Rogers
Dooling	Gould	McArthur	Rowland
Doughton	Griest	Maher	Sabath
Dunn	Hamilton, N. Y.	Martin, Ill.	Sanders, La.

Sanford	Smith, Idaho	Sullivan	Wason
Scott, Pa.	Smith, C. B.	Talbott	Wise
Scully	Smith, T. F.	Taylor, Colo.	
Shackleford	Snyder	Venable	
Slemp	Sterling, Pa.	Voigt	

So the bill was passed.

The Clerk announced the following pairs:

Mr. BLACKMON with Mr. SMITH of Idaho.

Mr. SCULLY with Mr. PORTER.

Mr. DALE of New York with Mr. DAVIS.

Mr. STERLING of Pennsylvania with Mr. WASON.

Mr. SULLIVAN with Mr. ROGERS.

Mr. TALBOTT with Mr. ROWLAND.

Mr. TAYLOR of Colorado with Mr. SANFORD.

Mr. VENABLE with Mr. SCOTT of Pennsylvania.

Mr. WISE with Mr. SLEMP.

Mr. BRODBECK with Mr. BACHARACH.

Mr. BYRNES of South Carolina with Mr. BRITTEN.

Mr. CALDWELL with Mr. VOIGT.

Mr. DOOLING with Mr. CAPSTICK.

Mr. DOUGHTON with Mr. CRAGO.

Mr. FISHER with Mr. DUNN.

Mr. FLYNN with Mr. EDMONDS.

Mr. GALLIVAN with Mr. GEORGE W. FAIRCHILD.

Mr. GODWIN of North Carolina with Mr. BENJAMIN L. FAIRCHILD.

Mr. KEY of Ohio with Mr. GILLETT.

Mr. LEA of California with Mr. GOODALL.

Mr. MCANDREWS with Mr. GOULD.

Mr. MAHER with Mr. GRIEST.

Mr. MARTIN of Illinois with Mr. HAMILTON of New York.

Mr. MOON with Mr. HAYES.

Mr. NEELY with Mr. HEATON.

Mr. PRICE with Mr. JOHNSON of South Dakota.

Mr. RAGSDALE with Mr. JOHNSON of Washington.

Mr. ROBINSON with Mr. KIESS of Pennsylvania.

Mr. SANDERS of Louisiana with Mr. KREIDER.

Mr. SHACKLEFORD with Mr. MCARTHUR.

Mr. CHARLES B. SMITH with Mr. MILLER of Washington.

Mr. THOMAS F. SMITH with Mr. NELSON.

The SPEAKER. The Clerk will call my name.

The name of Mr. CLARK of Missouri was called, and he answered "Aye."

Mr. FRENCH. Mr. Speaker, my colleague, Mr. SMITH of Idaho, is prevented from being present to-day because of the critical illness of his son.

The result of the vote was announced as above recorded.

On motion of Mr. SHERLEY, a motion to reconsider the vote by which the bill was passed was laid on the table.

The SPEAKER. The Doorkeeper will unlock the doors.

SEIZURE OF GERMAN INTERNED SHIPS.

Mr. ALEXANDER. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Missouri rise?

Mr. ALEXANDER. Mr. Speaker, I wish to ask unanimous consent for the present consideration of House joint resolution 62, authorizing the President to take over for the United States the possession and title of vessels of any subject or citizen of any nation with which the United States may be at war, and for other purposes. This is intended to authorize the President of the United States to take over the German interned ships. It is a matter of vital importance. It passed the Senate day before yesterday; the Committee on the Merchant Marine and Fisheries reported out the House resolution yesterday unanimously, and in order to facilitate the passage of the resolution struck out the text of the House resolution and inserted the text of the Senate resolution by way of amendment, and I am hoping we may take up the House resolution and substitute the Senate resolution for it and pass it to-day.

The SPEAKER. The gentleman from Missouri [Mr. ALEXANDER] asks unanimous consent for the present consideration of House joint resolution 62. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, this resolution was reported yesterday, was not in print until this morning, and no copies are now available on the floor. The gentleman from Missouri conferred with me a little while ago, and I asked him, in view of the condition, not to ask to call up the bill to-day. I am rather surprised that he has. If gentlemen think they are going to pass bills through the House without any consideration at all, they are mistaken. I object.

The SPEAKER. The gentleman from Illinois objects.

ESPIONAGE.

Mr. WEBB. Mr. Speaker, I desire to call up the bill H. R. 291, which I understand to be the unfinished business of the House, known as the espionage and neutrality bill.

Mr. MANN. The gentleman calls that up on the call of the committees.

The SPEAKER. The Clerk will call the committees.

Mr. WEBB. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WEBB. When we adjourned on Monday afternoon this bill was still under consideration, and was only laid aside yesterday morning because of the privileged bill from the Committee on Appropriations. I desire to inquire whether it is in order that this bill should be taken up now?

The SPEAKER. If the gentleman will withhold, we can get to it in half a minute.

Mr. MANN. It only comes up on the call of the committees.

The SPEAKER. The Clerk will call the committees.

The Clerk called the Committee on the Judiciary.

Mr. WEBB. Mr. Speaker, I desire to call up the bill H. R. 291, generally known as the espionage or neutrality bill.

The SPEAKER. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 291) to punish acts of interference with the foreign relations, the neutrality, and the foreign commerce of the United States, to punish espionage and better to enforce the criminal laws of the United States, and for other purposes.

Mr. MANN. Mr. Speaker, I do not know how much time remains to the gentleman from North Carolina or the gentleman from Minnesota, but I would suggest to the gentleman from North Carolina that he now ask unanimous consent that his time be extended two hours and that the time of the gentleman from Minnesota [Mr. VOLSTEAD] be extended two hours.

Mr. WEBB. Mr. Speaker, I shall be glad to make that request if there is that much time desired and will be occupied by Members.

Mr. MANN. Well, if it is not occupied——

Mr. WEBB. It can be turned back. I make the request, Mr. Speaker.

Mr. MANN. I have no doubt there will be further requests for time.

Mr. WEBB. I make the request, Mr. Speaker, that two hours be extended to my colleague on the committee [Mr. VOLSTEAD] and two hours to myself, to be controlled by us, respectively——

Mr. MANN. In addition to the time remaining.

Mr. WEBB. In addition to the time remaining. I have none remaining, but my friend Mr. VOLSTEAD has some.

The SPEAKER. The gentleman from North Carolina asks unanimous consent that in addition to the time remaining to those gentlemen who did not use their hour that general debate be limited to four hours, half to be controlled by himself——

Mr. MANN. This is not a limitation of general debate, Mr. Speaker. It is simply extending the time of the gentleman from Minnesota two hours and the time of the gentleman from North Carolina two hours.

The SPEAKER. That the time be extended four hours, half of it to be controlled by the gentleman from North Carolina and the other half by the gentleman from Minnesota [Mr. VOLSTEAD]. Is there objection? [After a pause.] The Chair hears none.

LEAVE OF ABSENCE.

Mr. EAGLE, by unanimous consent, was granted leave of absence for 10 days, on account of illness in his family.

LEAVE TO VOTE.

Mr. SABATH. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Illinois rise?

Mr. SABATH. I ask unanimous consent that I may be recorded "yea" on the last bill.

The SPEAKER. The gentleman from Illinois [Mr. SABATH] asks unanimous consent that he may be recorded "yea" on the bill just passed. Is there objection?

Mr. MANN. Mr. Speaker, that request can not be submitted to the House under the rules. If he did not vote, there is no way of voting.

The SPEAKER. The gentleman from Illinois [Mr. MANN] objects.

EXTENSION OF REMARKS.

Mr. CRAMTON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from Michigan asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

ESPIONAGE.

Mr. WEBB. Mr. Speaker, I ask that my colleague [Mr. VOLSTEAD] use some of his time if he is ready.

Mr. VOLSTEAD. I yield 30 minutes to the gentleman from Oklahoma [Mr. MORGAN].

The SPEAKER. The gentleman from Oklahoma [Mr. MORGAN] is recognized for 30 minutes.

Mr. MORGAN. Mr. Speaker, this bill, H. R. 291, is commonly known as the "spy" bill or the espionage bill. It is a long bill and covers a number of subjects. It was before the Sixty-fourth Congress and should have been passed before that Congress adjourned, March 4 last.

The measure has been widely discussed and severely criticized. In my judgment, much of this has been done by those who have had no correct knowledge of the provisions of the bill.

The main criticism upon the bill has centered upon the first four sections of Title I of the bill.

That we may have a clear idea of these sections, I wish to present a summary of the first three sections, as follows:

SECTION 1. Whoever, with intent to injure the United States, obtains or attempts to obtain any information relating to the national defense, shall be punished by a fine of not more than $10,000 or by imprisonment for not more than 20 years, or by both.

SEC. 2. Whoever, with intent to injure the United States, communicates to any foreign government any information relating to the national defense shall be punished, (a) in time of peace, by a fine of not more than $10,000 or by imprisonment by not more than 20 years, or both; (b) in time of war, by imprisonment for not more than 30 years or by death.

SEC. 3. Whoever, having possession of information relating to the national defense, willfully and without proper authority, communicates or attempts to communicate such information to any person, or fails to deliver same to the person lawfully entitled to possession thereof, or through gross negligence permits the same to be removed from its proper place of custody or to be lost, stolen, or destroyed, shall be fined not more than $10,000 or by imprisonment for not more than five years, or by both.

Section 4 of Title I of the bill in full is as follows:

During any national emergency resulting from a war to which the United States is a party, or from threat of such a war, the President may, by proclamation, declare the existence of such emergency and, by proclamation, prohibit the publishing or communicating of, or the attempting to publish or communicate any information relating to the national defense which, in his judgment, is of such character that it is or might be useful to the enemy. Whoever violates any such prohibition shall be punished by a fine of not more than $10,000 or by imprisonment for not more than 10 years, or both: *Provided*, That nothing in this section shall be construed to limit or restrict any discussion, comment, or criticism of the acts or policies of the Government or its representatives or the publication of the same.

Section 4 has been criticized by the press on the ground that it is in conflict with the first amendment to the Constitution, which provides:

Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof, or abridging the freedom of speech or of the press, or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

I do not now intend to enter into any lengthy discussion on the freedom of the press at this time, but I will call attention to the fact that the section will be in effect only in war, or when a national emergency exists caused by the imminence of war, and that it in no way limits or restricts any discussion of, comment upon, or criticism of the acts or policies of the Government or its representatives. I will discuss the freedom of the press later on in my remarks.

Mr. Speaker, I believe that this bill should be passed at the earliest date possible. The Judiciary Committee has given a large amount of time to its consideration. No two members of the committee perhaps would agree upon the phraseology of a single section of this bill. We had many different minds on the matter. I presume when this bill comes up before the House for amendment, and as well as upon its final passage, there will be a like division of opinion and sentiment upon it.

I wish to make some general observations upon the bill rather than to discuss the phraseology of the various sections. Very much, I think, depends upon the attitude of mind with which we approach the consideration of the bill. If a man approaches this bill with the idea that there is something dangerous in it; that there are provisions in here which infringe upon the rights of American citizens under the Constitution, he, of course, will approach it with a critic's eye. He will be looking for defects, and a man usually finds what he is looking for. He will magnify what defects there are and the chances are that he will see imaginary defects which are creatures of his own mind and do not really exist.

The man who approaches the consideration of this bill with that attitude of mind will probably vote against it. In the consideration of this bill we should have in our minds the circumstances which have led to the bringing of it into Congress and which have created the demand for its enactment into law.

Go back two and one-half years ago, when the great war in Europe began. This country declared itself to be a neutral power. But as that war went on this Nation found that in many respects our Government was not in a position to properly protect the neutrality of the United States or to carry out its obligation as a neutral Nation. We found also that the conditions which developed here in our own land were such that many crimes were committed in the United States which this Government was powerless to punish by reason of the lack of law. Things were becoming worse and worse until the aggressions of the Imperial Government of Germany became so great that war with that nation was imminent. And then another stage came, by which we are to-day actually at war with that great military power.

Now, those were the circumstances, those were the conditions, that created the demand for the enactment of this measure. We should keep this in mind. The object of this bill is to enable the United States to discharge its duties as a neutral power with other nations at war and enable it when war is imminent to protect the rights of its own citizens, the property of its own citizens, and to punish those crimes which are dangerous to our peace and welfare and our honor.

Then let us approach this bill with the proper attitude of mind. The object is not to restrict an American citizen in any just right he has under the Constitution and laws of this Nation. On the other hand, it is to guard and protect those rights, to maintain the honor of the United States, to enable the United States to discharge its duties as a neutral between belligerent nations, and to provide for the general welfare, to conserve and protect our American free institutions and insure the perpetuation of the Nation. In other words, this is a war measure. It is true there are some provisions which apply only in time of peace, but in the main those provisions which apply only in time of peace are for the purpose of guarding and protecting our national defense. I do not mean by that that the laws and the Constitution should be set at naught during war; but I do mean that in time of war, in time of danger, in time of great national peril, it is necessary sometimes that individual citizens shall be willing to surrender some of the privileges which they have for the sake of the greater good. So this is a war measure, and we should proceed to its consideration with that important fact in mind.

Now, what is the source of this measure? It comes from three great departments of this Government—from the Attorney General, the Secretary of War, and the Secretary of the Navy. Why, some gentlemen seem to approach this bill with the idea that for this reason the bill demands greater scrutiny and more careful examination. Such gentlemen proceed with the idea that the heads of these great departments are trying to "put something over" on Congress and obtain power which would enable them to punish innocent citizens and deprive good, loyal citizens of their just rights. We ought not to assume that attitude. The cry has been, "Stand by the President!" but the heads of these great departments represent the President, represent the Chief Executive of this Nation.

More than that, the heads of these departments, by virtue of their positions, are the men who have come in contact with the facts and conditions and circumstances which make these laws necessary. They have been charged with the duty of hunting down, arresting, and prosecuting criminals, and with the duty of maintaining the proper relations with foreign nations. They are experts on these lines. They give their time and attention to these matters. They are under oath to discharge their duties faithfully. They come to Congress and say, "From our studies of these questions, from our efforts to enforce the law, to maintain the rights of the United States, to enable it to discharge its duties and functions and obligations to other nations, these laws and these provisions are necessary." We should remember that fact. We ought to trust those great Cabinet officers who have the responsibility of carrying out the laws and protecting the rights of citizens and who are the chosen agents of the President.

This is to be a criminal statute largely. Who is it to affect? The law-abiding citizen? Not at all. It is intended only to affect the criminal classes. And we have them in the United States. You know that we talk about recruiting our Navy up to 100,000 or more men.

We have, in round numbers, 100,000 men in the Federal and State penitentiaries throughout the United States. We have probably double that number in the minor prisons. We have our criminal classes. Here in the United States also are several thousand aliens, citizens of foreign nations. We have the right to assume that some of these aliens are unfriendly to the United States in the great struggle in which we are now engaged. Now, then, it is to control and subdue these criminal classes, these men who are unfriendly to the United States, these men who perhaps are not citizens and who would not hesitate to hinder our success in this war. I repeat it is the criminal classes that this act is intended to deter from crime, and to punish if they violate the law.

Mr. LAGUARDIA. Mr. Speaker, will the gentleman yield for a question?

The SPEAKER pro tempore. Does the gentleman from Oklahoma yield to the gentleman from New York?

Mr. MORGAN. Yes.

Mr. LAGUARDIA. Will the gentleman state how the criminal classes will obtain information of military movements?

Mr. MORGAN. Well, many of the criminals are as intelligent as any other class of citizens; they would have the same opportunity to get information as would a law-abiding citizen.

Mr. LAGUARDIA. Would the gentleman infer from that, that the War Department and the Navy Department will hand out all this information that they have indiscriminately?

Mr. MORGAN. Well, I should hope not.

Mr. LAGUARDIA. Why, then, put it in the bill?

Mr. MORGAN. Well, according to the ideas of some Members it is a crime for the Navy Department or the War Department to refuse to give out full and complete information about the doings of the Army and the Navy and the plans that they may have.

Mr. LAGUARDIA. This bill is not intended to curb the War Department or the Navy Department from giving out information. It is to curb other people from giving information. If the Navy Department or the War Department does not give out this information—and it is expected they will not—how are these criminal classes to get the information, so that they can impart it?

Mr. MORGAN. What is the object of the criminal law? It is to deter men from committing crime——

Mr. CHANDLER of New York. And to reform the criminal.

Mr. MORGAN. Yes; and to reform the criminal. That is one of the objects. Now the War Department or the Navy Department may refuse to give out information, but there are men who in their endeavor and desire to get that information to help the enemy will resort to all kinds of destructive activities, perhaps even going to the length of taking life in the endeavor to get that information. Yet ordinarily there would be no technical crime in their doing some of those acts, and so the object of this law is to make such an action a criminal offense. It is based upon the principle that all criminal statutes are based upon, in our Nation and in all the States. [Applause.] I say, therefore, that the very object is not only to punish the men, but it is to deter and prevent men from making an effort to acquire this information, which might result in injury to the United States.

Now, it is said that innocent people may suffer if this bill is enacted into law. Well, if that were a good excuse for preventing us from enacting this criminal law, then we should never enact a criminal statute in State or Nation, and we should repeal those that are already in force. We have a law against murder, though we know that there is a possibility of some innocent man suffering death under that penalty. We have laws against many other kinds of crime, and yet we know that there is a possibility that some innocent man will suffer. So it is readily seen that that objection is not sound. In times like these, when the Nation's very life and existence hang in the balance, suppose some individual does suffer a wrong.

Mr. CHANDLER of New York. Mr. Speaker, will the gentleman yield?

Mr. MORGAN. Yes.

Mr. CHANDLER of New York. Do I understand the gentleman thinks the existence of this Nation now hangs in the balance? Is he referring to our country?

Mr. MORGAN. Mr. Speaker, we have full faith and confidence in our hearts that this war will terminate in victory for the United States. But the fortunes of war can never be foretold. When nations are engaged in war, no man can say what will be the end or when it will come. This is to strengthen our national fabric. Think of it! We had even in the last Congress, in our preparedness measures, to increase our Army and Navy Establishments, and we appropriated vast millions of dollars——

Mr. KELLEY of Michigan. Mr. Speaker, will the gentleman yield?

Mr. MORGAN. In just a moment. We enacted laws placing on our people taxes unheard of in the country since the days of the Civil War.

Mr. KELLEY of Michigan. Before the gentleman concludes his remarks, does he intend to discuss section 4?

Mr. MORGAN. Yes. I am coming to that.

Mr. KELLEY of Michigan. I will be glad to hear it.

Mr. MORGAN. And yet we have now in this Congress gone far beyond that limit. Of the taxes that we are going to impose on the people, every man, woman, and child in the United States will feel the effect. Our boys are out on battleships ready to meet the enemy, and they know not when their lives will be taken. If we get into this war, either here on our own soil or over in Europe, our boys will be at the front facing the dangers of battle. And yet there are some men at home—some of our own citizens—who are not perhaps making any sacrifice at all, while the men at the front are giving their all, risking their all, giving up their last drop of blood. Under those circumstances should we be afraid that some man at home will have to sacrifice some little right or be subject to some inconvenience?

Mr. MOORE of Pennsylvania. Mr. Speaker, will my colleague yield?

Mr. MORGAN. Yes; I yield.

Mr. MOORE of Pennsylvania. I would like to know if there is anything in this bill that would cover a case of this kind: A resident of Philadelphia, whose family I know very well, starting in his motor boat on our inland waterways, with maps furnished to him by the Government, is arrested at New Orleans as a German spy. His ancestors came over with William Penn. There is no question about his being an American, but he is seized because he happens to have in his possession maps of inland waterways. That is all. Does the bill propose to hold men traveling over the waterways of the United States on business purposes or for pleasure because they may chance to arouse the suspicion of persons on the banks who may happen to observe their passing?

Mr. MORGAN. That illustrates the case that I am just talking about. There may be innocent men put to some inconvenience——

Mr. MOORE of Pennsylvania. In answering the question I wish the gentleman would consider the case of American citizens going about their business who may have automobile road maps or waterway maps in their possession and the possibility of their being arrested and held under suspicion by anybody who may have the notion that a German spy is hidden behind every tree.

Mr. MORGAN. That illustrates the point. It may be that innocent men will be put to some inconvenience; but, Mr. Speaker, under conditions of war every man in some way must make some sacrifice, and a man who does nothing more than to be placed at some inconvenience certainly can not complain. But under this bill no man can be convicted under sections 1 and 2 unless he obtains this information with the intent to injure the United States; and under his right of a fair trial before an impartial jury in the courts of this land certainly all of his rights would be protected.

Mr. MOORE of Pennsylvania. Will the gentleman yield for another question?

Mr. MORGAN. Will the gentleman be brief, please?

Mr. MOORE of Pennsylvania. I will. Suppose a man is sawing wood in his own cellar or, being of an inventive turn of mind, is working at some contrivance, and the man next door gets it into his head that a German spy is working in that cellar. Is there anything in this bill which protects that man against arrest upon the mere suspicion of his neighbor?

Mr. MORGAN. No. Neither is there anything to protect a man from the suspicion of being a criminal under our State laws or under our national laws to-day. Men are wrongfully suspected under every criminal law on the National or State statute books, and it will be just so under this; but a man who is a true and loyal citizen, whose intentions toward this Nation are right and proper, need not fear that he will be convicted and sent to prison unjustly and unfairly. As a rule, it is not true and loyal men who are afraid of suspicion. As a rule, it is those who ought to be suspected.

Mr. MOORE of Pennsylvania. I grant the gentleman that; but suppose a man is nailing up a box of applies or potatoes in his barn, and a man outside thinks he is putting a bomb inside the box, is he subject to arrest because some neighbor has a grudge against him?

Mr. MORGAN. I can not yield further.

Mr. MOORE of Pennsylvania. I thought the gentleman would answer. He is familiar with the bill.

Mr. MORGAN. Some one asked me about section 4 of this bill, which relates to the publication of matters concerning the national defense. It is the portion of the bill which strikes the great newspapers of this Nation, and some of them have indicated a fear lest they would not be able to perform their proper functions in this Government, and perhaps would be imposed on; in other words, that under this law there would be an abridgment of the liberty of the press. I read the other day in some newspaper—I think it was a Chicago paper—where the editor said that even though Congress should pass this law, that paper would publish what it thought was in the interest of the public, and take the chances of punishment. I think I read in this morning's paper that a man in England announced that he might take the chances of being punished under the

defense of the realm act, in order that he might accomplish some good. I could have nothing but admiration for an editor who, in the face of a possibility of being tried and imprisoned, would still publish that which he thought was in the interest of his country. He would be a hero, a martyr, and all praise to such editors as that. But how about other classes of editors who will probably publish matter not in the interest of the United States, not to the glory of the country, not to strengthen and encourage our armies at the front and help the boys to fight their battles—not for that purpose, but for some selfish, unpatriotic, disloyal purpose? Down forever with such editors as that!

Mr. RANDALL. Will the gentleman yield?

Mr. MORGAN. For a very short question, please.

Mr. RANDALL. I will make it very short. The exact language of the Constitution is:

Congress shall make no law abridging the freedom of speech or of the press.

Mr. MORGAN. Yes.

Mr. RANDALL. Now, the exact language of section 4 of this bill is:

The President may prohibit the publication of information which, in his judgment——

Now, does the gentleman think that that language involves any abridgment of the freedom of the press?

Mr. MORGAN. I think not. Now let me call your attention to this fact: I would be the last one to vote for any law that I thought would restrict the true liberty of the press of this Nation. You are familiar with the long history of the struggle for the development of the liberty of the press. It is considered a paramount necessity in a free government to have a free press, but the men who wrote our Constitution met in the Constitutional Convention, behind closed doors, and did not allow the press to publish their proceedings. The men who said this Congress shall not abridge the liberty of the press sat in that convention with closed doors. That is the way they interpreted the liberty of the press, and the Senate of the United States sat for five years in secret session, not allowing their debates to be published. That was the conception of our forefathers of the right of Congress or of the Nation to withhold information which they thought was not in the interest of the public.

Mr. KELLEY of Michigan and Mr. CHANDLER of New York rose.

Mr. MORGAN. I will yield first to the gentleman from Michigan, who has been standing some time.

Mr. KELLEY of Michigan. I should like to inquire of the gentleman whether, under this section, it might be impossible to arouse public opinion to a point where a weakness even in our military system could be corrected.

Mr. MORGAN. That is true. I say the liberty of the press ought not to be restricted.

Why, my friends, the press of the country is the great power that rules this Government. How? We say that the House of Representatives has power; we say that the Senate of the United States has power; we say that the Executive has power; we say that the judiciary has power; but what is the great power that controls this legislation? It is public sentiment and public opinion. Who makes and molds the public sentiment of this country? It is the great newspapers of this country.

The SPEAKER pro tempore (Mr. CARAWAY). The time of the gentleman has expired.

Mr. VOLSTEAD. I yield to the gentleman five minutes more.

Mr. MORGAN. You and I as individual Representatives today have no such power as the editors of great newspapers. They to-day mold public sentiment, and public sentiment rules the world. How was this military bill passed here a few days ago in this House? The newspapers created public sentiment of the Nation, and the public sentiment was reflected back to the Members of this House, and men here changed their minds, changed their ideas of what was right and what was best, followed public sentiment of the Nation and adopted a system of conscription in raising an army.

Oh, what power the press has! We want the press to continue in that power; we do not want to restrict or change it, and there is no intention to do that.

Mr. KING. I would like to ask whether this section 4 would prohibit the publication of the CONGRESSIONAL RECORD?

Mr. MORGAN. I think not.

Mr. KING. Why not?

Mr. LITTLE. Suppose the President, in his judgment, thought it ought to be suppressed, how about that?

Mr. MORGAN. It might be a good thing to do. [Laughter.]

Mr. KING. Does the gentleman think that it could be done?

Mr. MORGAN. No; I do not. If he should attempt it Congress might repeal the law, if it depended on the law.

Mr. KNUTSON. Will the gentleman yield?

Mr. MORGAN. Yes.

Mr. KNUTSON. I have been informed that Mr. Creel, of the Censor Board, stated at the Press Club the other night that in the event of the passage of this bill it might become necessary to restrict the publication of the CONGRESSIONAL RECORD at times.

Mr. MORGAN. I do not know about that; we have a right to have a secret session if we want to. If it becomes necessary in the interest of the public welfare we could have a secret session even if we were criticized at home.

Now, as I said in the beginning, let us get the right attitude toward this bill. Do not approach it with the idea that there is something dangerous to our liberties and that if it is passed free speech and a free press and our rights under the laws of nations will at one stroke be annihilated. It is not that. The object of the bill is, as I said at the beginning, to strengthen the arm of the Government in a time of war and in a time of stress and in a time of peril. This bill ought to pass.

As to the mere language of some sections, the committee, as a rule, are indifferent about that. We can not agree among ourselves, and you will not agree when you come to vote on your amendments. Nevertheless, what we want is that the bill shall be left in such strength that in this great emergency, the future of which no man can foresee or foretell, we shall in every way strengthen the Government; that we shall make the judiciary and the courts and the Department of Justice a power that will strengthen the Army and the Navy, that will help the boys at the front, and that will aid this Nation to win a glorious victory, the influence of which will live on and on through the ages and be a blessing to all mankind. [Applause.]

Mr. MANN. I would like to ask the chairman if we can not reach some agreement in reference to the consideration of the bill and amendments to the bill.

Mr. WEBB. I hope that we can.

Mr. MANN. Under the rules of the House, this being a bill on the House Calendar, any gentleman, especially the gentleman in charge of the bill, can demand the previous question at any time. Of course the House would not have to order it, but if it did it would cut out amendments. Otherwise, a man offers an amendment, and if he does it before he makes his speech he has an hour's time. If we should proceed on that theory and amendments were offered, we could not finish the bill in a month. What are the principal controversies over the bill?

Mr. WEBB. Title I and Title XI.

Mr. MANN. Why not ask unanimous consent that general debate, so called, on the bill shall be exhausted at a certain time, and after that Titles I and XI shall be read for amendment under the five-minute rule?

Mr. WEBB. I think that is a good suggestion. I think it will strike the House as being reasonable and give everybody a chance to offer amendments and to say what he pleases about the amendments and the sections.

Mr. MANN. I think possibly the gentleman from Minnesota [Mr. VOLSTEAD] has a demand for more time in general debate than he has remaining. Does the gentleman from North Carolina expect to use all of his time?

Mr. WEBB. I doubt it very much; we have only one or two more speeches.

Mr. MANN. Would the gentleman from North Carolina be able to yield to the gentleman from Minnesota a part of his time?

Mr. WEBB. I will if I can. It is hard just now to tell how much I will have. I will be as generous and fair as I can to the gentleman from Minnesota.

Mr. MANN. Suppose we give the gentleman from Minnesota a half an hour more and then ask unanimous consent that Titles I and XI shall be read under the five-minute rule.

Mr. WEBB. Mr. Speaker, I make that request. I ask unanimous consent that the gentleman from Minnesota be allowed 30 minutes more than he now has for general debate, and that Titles I and XI at the end of the general debate shall be considered under the five-minute rule for amendment.

Mr. STAFFORD. Will the gentleman yield?

Mr. WEBB. Yes.

Mr. STAFFORD. If that consent is agreed to, would that foreclose amendments to any other title of the bill?

Mr. WEBB. No; I think not.

Mr. STAFFORD. I assume that if any Member has a meritorious amendment the gentleman would permit discussion of that amendment without moving the previous question.

Mr. WEBB. I shall not use any tactics to unduly force the bill through the House against the wishes of Members. I take it, however, that every Member will help to facilitate its passage.

Mr. MANN. I suggest that the gentleman make the request in this way, that the time of the gentleman from Minnesota [Mr. VOLSTEAD] be extended for 30 minutes over the time now allotted to him, and that at the expiration of the time now allotted to the gentleman from North Carolina [Mr. WEBB] and the gentleman from Minnesota [Mr. VOLSTEAD] for general debate, Titles I and XI shall be read for amendment under the five-minute rule. If that request should be agreed to, it would still leave the gentleman from North Carolina the right to move the previous question at that time, in order to allow amendments to be offered to the other sections of the bill.

The SPEAKER pro tempore. The gentleman from North Carolina asks unanimous consent that the time for general debate be extended 30 minutes, that that time be awarded to the gentleman from Minnesota [Mr. VOLSTEAD], and that at the expiration of the time for general debate Titles I and XI be read for amendment under the five-minute rule. Is there objection?

Mr. GRAHAM of Pennsylvania. Mr. Speaker, reserving the right to object, will that preclude members of the committee hereafter from being heard upon the general merits of the bill under the usual practice and custom?

The SPEAKER pro tempore. As the Chair understands it, it would leave it within the power of the gentleman from North Carolina to move the previous question at any time and, of course, in that way cut off debate on other titles. Whether or not he would do that the Chair does not know.

Mr. GRAHAM of Pennsylvania. If he does not move the previous question, the matter will then still remain open for general debate?

Mr. MANN. This is not fixing the time for general debate, but yielding additional time for general debate and providing for what is not now under the rules in order, namely, that Titles I and XI shall be read for amendment under the five-minute rule. Otherwise no portion of the bill would be read for amendment at all. A Member who gets the floor can offer an amendment at any time.

Mr. RANDALL. To any section?

Mr. MANN. This is a House Calendar bill.

Mr. RANDALL. Reserving the right to object, Mr. Speaker, I would like to understand the right of a Member to offer an amendment to any other section. Will his right be cut off by the motion of the chairman of the committee to order the previous question?

Mr. MANN. Mr. Speaker, I would say to the gentleman from California that this is a House Calendar bill, not a Union Calendar bill. It is not considered in Committee of the Whole House on the state of the Union, and it is not read for amendment under the five-minute rule. In fact, it is not read for amendment at all. Any gentleman getting the floor is entitled to offer an amendment under the rules of the House, and he can discuss it for an hour if he desires, which would mean, of course, that not many Members would have the opportunity to present amendments. Under the arrangement that is proposed Titles I and XI will be read for amendment under the five-minute rule, and if the gentleman from North Carolina [Mr. WEBB] moves the previous question at the end of the reading of Title XI and the House orders the previous question there would be no opportunity to offer amendments to any other section of the bill; but that would be within the discretion of the House.

Mr. WEBB. This arrangement will really serve to liberalize the rules of the House which apply to the consideration of a bill on the House Calendar.

Mr. MANN. It will give a much wider latitude to offer amendments under the rules than now exists.

Mr. RANDALL. Mr. Speaker, I withdraw my reservation of objection, under the statement of the chairman of the committee that he has no intention of precluding any other amendments to the other sections of the bill.

Mr. PARKER of New Jersey. Mr. Speaker, Title XII has reference to the courts. I think some of these offenses ought to be tried by court-martial.

Mr. WEBB. The gentleman can offer that amendment if he desires, but this is a civil bill providing for trial in the courts of the United States by juries. A court-martial has nothing to do with these sections and ought not to have.

Mr. McCORMICK. Are not courts-martial competent to deal with these problems under military law?

Mr. WEBB. Yes; whenever military law prevails; but we are passing a law here to be administered by the civil courts of the United States.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. VOLSTEAD. Mr. Speaker, I now yield 15 minutes to the gentleman from Illinois [Mr. McCORMICK].

Mr. McCORMICK. Mr. Speaker, I trust that I shall not tax the House with all of the time allotted to me, but I wish to suggest to the Members that the bill as reported is more drastic than the bill reported to the Senate. The bill, as I am advised, is not less drastic than the present English law, with this very marked difference, that this bill, if it were to become a law, would be the law 3,000 miles, and presumably 30 days by mail, from the enemy country, whereas Great Britain is within 48 or 60 hours of the enemy. The censor will control the cable and the wireless stations, and matter published—and when I say "published" I mean by word of mouth or by print—in this country would not be transmitted directly to the enemy country except by leave of the censor at the cable or the wireless station. The bill as it now stands, as I read it—and I have read it and read it a second time to determine if it has a meaning other than that which I understand—the bill authorizes the President by proclamation to prohibit the publishing, and so forth, of any information relating to the national defense which in his judgment might be useful to the enemy. Patently the President of the United States is not going to draw the regulations originally or amend them subsequently. Before we began the addition to his burdens in this Congress he was already the most overworked public official in the world. These regulations and their subsequent amendment must be made by officials in the Department of War, and therefore it will be their judgment which will determine what relates to the national defense and what may be of such character that it might be useful to the enemy.

Mr. DYER. Mr. Speaker, will the gentleman yield?

Mr. McCORMICK. Yes.

Mr. DYER. The gentleman states they will likely be determined by officials of the War Department. I would ask him if he does not think they would be drawn by officials of the Department of Justice? I will say to the gentleman that the Department of Justice sent us the bill originally.

Mr. McCORMICK. Then I would suggest that if they are drawn by the Department of Justice it will be upon the initiative and with the approval of the Department of War, because the War Department will determine what information, if divulged, would be calculated to help the enemy.

Mr. DYER. It will be a cooperation between them, naturally.

Mr. McCORMICK. There will be cooperation.

Now, at the present moment, for example, there is a not inconsiderable amount of infectious disease among the new recruits in the Navy, embarrassing but not alarming. No publication of that has been made, though it might have been made under the law. But suppose there were serious infection among these recruits? Suppose that in the great camp to be established at Springfield, Mass., there were an epidemic of typhoid fever? Under this bill, as I understand it, no man, except by the leave of the department, could publish the fact that an epidemic of typhoid existed among the troops at Springfield. Of what advantage the permission contained in the proviso if there might be no utterance of the facts upon which discussion, comment, or criticism must be based? Let me illustrate further. It has been alleged and denied that the chief of the French military mission made certain requests which were deleted by the censor from his remarks. But, granting that they were not deleted by the censor, such requests could not be made public if forbidden under this act, and are they of a character which would require publication under such contingencies? Gen. Joffre has said, for example, that American troops ought to proceed forthwith to France. He said that an army division should consist not of twenty-some thousand but of 9,000 men. He has said that a military company, because of the requirements of modern warfare, should consist of 250 and not of 150 men. Now, let us conceive that possible, being human, the gentlemen in the War Department might hesitate for some time to acquiesce in the suggestion that the company unit be 250 instead of 150 men. It would imply that their testimony of two years ago was in error. It would imply that when they had an opportunity to revise the size of the company unit in recent legislation they had failed to do so. The increase of the size of the company would involve the increase in the number of lieutenants but no increase in the number of captains, and gentlemen in responsible positions in the military service of the United States have suggested to me that the reason the department had failed to make the important recommendation that a company comprise 250 and not 150 men was that such a change would increase only the number of sec-

ond lieutenants but not the number of captains. I refer to this only by way of illustration. It might very well be that supplies, ammunition, clothing, foodstuffs for the troops, either here or across the ocean, were defective or unsuited to their service, and yet it seems perfectly clear that publication of the fact that such supplies were defective or unsuitable might be forbidden under the language of the bill.

Mr. BURNETT. Will the gentleman yield?

Mr. McCORMICK. I will.

Mr. BURNETT. If conditions like the embalmed-beef scandal in the Spanish-American War should arise, and the press of the country should undertake to comment on it, and to bring it to the attention of the people of the country, what would happen?

Mr. McCORMICK. Not merely the press, but neither the gentleman nor I could publish the facts on the street corner, lest the United States marshal might take us in.

Mr. PLATT. Will the gentleman yield?

Mr. McCORMICK. I will.

Mr. PLATT. Does the gentleman think the publication of such information could be properly construed as of any advantage to the enemy?

Mr. McCORMICK. I would assume that it would be in the discretion of the Executive to state what was of use to the enemy.

Mr. PLATT. Of course, there is no——

Mr. McCORMICK. Let me refer the gentleman to the interrogation of the gentleman from Alabama [Mr. BURNETT] regarding embalmed beef and supplies furnished troops. It was Lord Northcliffe who first learned absolutely from the general in command of the forces in the field that the munitions supplied by the department in England were unsuitable and that because they were unsuitable the British troops suffered horrible losses of life. Lord Northcliffe violated the law, one in terms like this bill, and made public the facts and contributed, I was going to say, not less than Lord Kitchener to the subsequent victories on the western front. This bill, gentlemen, if it becomes law, will affect you and me, affect other individuals who may come in possession of important information, the publication of which has been forbidden. It will very little affect the newspapers of this country comparable in importance with those published by Lord Northcliffe. I know, for I was in the business until five or six years ago. Such newspaper, when the situation became grave enough would employ able counsel and defy the Government—as individuals could not—defy the administration with great increase in the confidence which the public reposed in them. That defiance in the long run would be worth far more than the cost of the prosecution and its defense. There is no menace in this bill to the great newspapers which would violate the law and defy the Government if there were conditions which demanded publication, but there is a menace to the small newspapers whose columns are important channels of communication to the great American public, and there is more menace still to the individual who might discover that this or another feature of the administration in the war was at fault.

Mr. JAMES. Will the gentleman yield?

Mr. McCORMICK. I will.

Mr. JAMES. What would have happened if this bill had been in effect in 1898 when some private wrote to his mother in regard to the embalmed beef and the other things, and she had given it to a newspaper, and the local paper had printed the article?

Mr. McCORMICK. She might have been pinched by the deputy marshal.

Mr. DYER. Will the gentleman yield?

Mr. McCORMICK. I will.

Mr. DYER. Under the section to which the gentleman is referring—I take it it is section 4——

Mr. McCORMICK. I am.

Mr. DYER. There is a provision there which says:

> That nothing in this section shall be construed to limit or restrict any discussion, comment, or criticism of the acts or policies of the Government or its representatives, or the publication of the same.

Does not the gentleman think that is an ample protection for the criticism of public officials in a beef scandal or anything of that kind?

Mr. McCORMICK. Let me ask the gentleman from Missouri to what does the phrase "or the publication of the same" refer? To the preceding language of the proviso, I think.

Mr. DYER. No; I do not think so.

Mr. McCORMICK. To what does it refer? If it does not refer to the preceding language of the proviso it nullifies all the other language of the section, and that would be a reductio ad absurdum. But if it applies, as I think, to the preceding language of the proviso, then discussion, comment, or criticism would be valueless, because you might be forbidden to state the fact upon which to base discussion.

Mr. DYER. Would the gentleman state what, in his opinion, would make this section absolutely clear that it is not the intention of Congress to prevent the newspapers from publishing facts or acts of the Government officials, referring to the question of the gentleman from Michigan [Mr. JAMES] as to the Spanish War embalmed-beef question? I do not think there is any desire on the part of the framers of this bill to prohibit the publication.

Mr. McCORMICK. The gentleman will understand that I do not impute that to the committee.

Mr. DYER. And I am very sure from what the President said he does not want that.

Mr. IGOE. Will the gentleman yield?

Mr. McCORMICK. I will.

Mr. IGOE. Does the gentleman think there ought to be any restriction at all upon the publication of matter that might be useful to the enemy?

Mr. McCORMICK. I think that is a debatable question.

Mr. IGOE. I am very anxious to get the view of the gentleman on account of his experience in the newspaper business.

Mr. McCORMICK. I think that is a debatable question. With war 3,000 miles away, and since we may presume that public opinion and the natural patriotism of the average American will affect such a censorship as already exists, I think it is possible that further prohibition may be necessary. I am not ready to advance that view, because, having served in the profession of journalism, I have felt that in advancing it I might do so with unconscious bias, but I have been prepared to submit to the House a substitute for some of the language in section 4.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. McCORMICK. May I have a few more minutes?

Mr. VOLSTEAD. Mr. Speaker, I yield five minutes more to the gentleman

Mr. McCORMICK. I purpose later to offer for some of the language of the section a substitute based on the corresponding section of the Senate bill, a part of which I will read by way of illustration:

> Any information with respect to the movement, numbers, description, or disposition of the armed forces, ships, aircraft, with respect to plans—

And so forth.

Mr. IGOE. Does that amendment provide that the President shall say what information with regard to those things will be prohibited, or does it simply specify in the law that nothing concerning those things shall be published?

Mr. McCORMICK. Under it the President may prohibit publication regarding a limited number of military and naval activities.

Mr. IGOE. Does not the Senate provision say "or any information regarding the national defense"?

Mr. McCORMICK. And that is precisely the part of the Senate proviso that I have not incorporated in the amendment which I have thought to offer.

Mr. IGOE. Now, when it comes to this it seems to me there is an agreement that there are things the publication of which should be prohibited and the power to say what those things are should be lodged in some one, although the Senate provision and the House amendment seem to agree upon that prohibition and that that power should be lodged in the President. Where is the difference between them?

Mr. McCORMICK. The distinction is that in one case the discretion is unlimited and in the other case it would be limited.

Mr. Speaker, candidly, I am far more fearful, and so are other Members of this House, that the administration of the War and Navy Departments will break down than that publication will be made of information hurtful to the military operations of the United States.

Mr. IGOE. It is a question of policy whether Congress wants to prohibit something or open the doors to everything. I was trying to get the views of the gentleman on those questions—whether you should prohibit them under any circumstances and in whom you would lodge the power.

Mr. McCORMICK. I would suggest that we must limit the scope of the prohibition or that we must create some other tribunal than the one provided for in the bill. If the gentleman has read articles on censorship published by officers of the War College, he will understand that while their views might be valuable under a people accustomed to such limitation of news, in this country they would be valueless. For example, they would prohibit criticism of the conduct of generals in the field.

Mr. IGOE. The most curious thing about it to me is that the papers do not seem to object very seriously to a law on the subject. That is another point.

Mr. VOLSTEAD. Mr. Speaker, I yield 15 minutes to the gentleman from New York [Mr. LAGUARDIA].

Mr. LAGUARDIA. Mr. Speaker, when the discussion on this bill was in progress Monday I believed that the general debate on this very important measure would continue until every Member who desired to speak on the subject had an opportunity to be heard. Ample time was given to all on the war resolution. No one was denied an opportunity to voice his views on the conscription bill. Yet Monday the distinguished gentleman from North Carolina [Mr. WEBB] expressed a desire late that afternoon to commence the reading of the bill and enter on the five-minute rule. This is not a question that can or should be discussed in five minutes. No Member of this House should be limited in his opposition to this un-American and vicious legislation. And surely such Members who favor it will require more than five minutes to justify their stand.

This bill is the most important measure that has come before the House during this and many previous sessions. It is a revolutionary measure. It shocks me as much as if a bill were proposed to change the color and formation of that flag we so dearly love. Gentlemen, if you do pass this bill and if it is enacted into law you change all that our flag ever stood and stands for, even though we do not change her colors.

We are at war. I realize it. The biggest task this country has ever undertaken. I know it. A fierce struggle awaits us. Still I have no fear. I doubt not the final victorious outcome of this conflict. I have confidence in the American people. This country will continue to exist after this war, and I want to do my part that it may exist a free and independent Nation, a Republic of republics, a model and inspiration to the oppressed people of the world.

Mr. STEELE. Mr. Speaker, will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. STEELE. Is there anything in this bill that limits the freedom of the people after the war?

Mr. LAGUARDIA. No; not the bill in general, but some of the measures do. I will take that up in a minute.

Now, let us examine this bill. We all agree that a spy, whoever he may be, whether a citizen or an alien, who reveals military secrets to an enemy should be summarily and expeditiously disposed of. I hardly believe any legislation for such purpose is necessary. However, anything contained in this bill to cover any contingency not included in existing law or international usage, I agree, should be put on our statute books. So that there can be no objection to sections 1, 2, and 3 of Title I of this bill.

We come, then, to section 4, which the distinguished gentleman from North Carolina, the chairman of the committee, apologetically presented to us Monday. He admitted that it was an extreme measure; he candidly stated that the committee presents it with great reluctance; he expressed a willingness to accept any amendment which would satisfy the administration and carry out the desired intent. His presentation of the bill was clear and able but as half-hearted as that of any lawyer pleading a case in the merits and justice of which he does not conscientiously believe. The distinguished chairman justifies his stand on the already overworked handmaid of the Sixty-fifth Congress, "Support the President."

I for one do not believe that I can rubber stamp every whim of our various departments and properly do my duty to my country in accordance with the dictates of my conscience, the guidance of my intellect, however limited that may be, and in keeping with my oath of office. We all have our heart and soul in this war, but because we have our heart in it is no reason why we should lose our head. It is our patriotic duty to remain calm, cool, and deliberate. We have the responsibility of carrying this country through this war without impairing or limiting any of her institutions of true liberty or losing her entity as an ideal Republic. Yes; it is easy for a Member to rise on this floor as he would in the course of a local campaign, cheer the Stars and Stripes, proclaim his unqualified support to the administration, and obtain a ripple of applause to be parenthetically included in the RECORD for home consumption. Ours is a bigger task than that, and never in the history of this country had Congress such a struggle on its hands to maintain a free form of government as intended by the framers of the Declaration and the strict mandates of the Constitution.

The chairman tells us that the proviso at the end of section 4—let me read:

That nothing in this section shall be construed to limit or restrict any discussion, comment, or criticism of the acts or policies of the Government or its representatives or the publication of the same.

With this he tells you the press and the people of this country will be free to criticize and comment upon the policies of the Government. I asked him to reconcile, if he could, section 1202 on page 61 of the bill with the proviso. I asked him whether or not the one was a limitation on the other, and I was answered with the usual wave of the hand and the condescending "No" that a first-year man generally gets from a chairman of an important committee.

Let us see. Section 4 provides that after proclamation, and so forth, the President may prohibit the publication, communication, and so forth, of any information relating to the "national defense." Then the proviso limits the restriction to comments, discussions, or criticisms of the acts or polices of the Government. Section 1202 says:

The term "national defense" as used herein shall include any person, place, or thing in any wise having to do with the preparation for or the consideration or execution of any military or naval plans, expeditions, orders, supplies, or warfare for the advantage, defense, or security of the United States of America.

Section 4 refers to communications or publications relating to "national defense," so broadly defined in section 1202. With that in mind, can anyone conceive of the possibility of indulging in any discussion or comment or criticism, ostensibly permitted in the proviso without violating the provisions of section 4, thereby committing a crime and facing imprisonment for 10 years?

Mr. STEELE. Mr. Speaker, will the gentleman yield again?

Mr. LAGUARDIA. Yes.

Mr. STEELE. Does the gentleman mean to say that that prohibits saying anything in relation to the national defense? Does not the section strictly say it is to be shown to the enemy and prohibited by the President?

Mr. LAGUARDIA. Yes. The President must follow the words of section 4, and if he does that, you may be free to criticize; but you can not mention a person or a place or a thing. So what good does it do?

Mr. STEELE. Is the gentleman in favor of any restriction whatever on a publication that might be useful to the enemy?

Mr. LAGUARDIA. No; not if it infringes on the rights guaranteed by Article I of the first amendment to the Constitution, and if it does more harm than good. The bill without section 4 is ample.

Mr. HOWARD. Mr. Speaker, will the gentleman yield right there?

Mr. LAGUARDIA. Yes.

Mr. HOWARD. I am very much interested in this section. Do you think there is anything in section 4 that will prohibit the papers from lambasting the War Department for inefficiency in letting contracts or inadequacy of food or anything that would not be helpful to the enemy at a strategic moment?

Mr. LAGUARDIA. I do; and I could so draw an indictment.

Mr. HOWARD. Under this act?

Mr. LAGUARDIA. Under this act.

Mr. HOWARD. The gentleman has more imagination than I have if he can do it.

Mr. LAGUARDIA. You will find if you pass this law that various United States district attorneys will have very resourceful imaginations.

Assuming the hypothetical case presented by the gentleman from Illinois [Mr. MCCORMICK] of poor food being supplied to part of the military forces. That could not be criticized, for it would involve a disclosure of supplies within the meaning of the term "national defense." The term was broadened to purposely embrace every possible contingency and limit or suppress at will comment or criticism, no matter how remote. Imagine a comment or criticism without reference to place, person, or fact. The well-intended proviso of the committee might as well be omitted for all the good it will do. There can be no mistake about the intent and effect of this law. It is absolutely a limitation on the freedom of the press and speech. It is a flagrant and daring violation of the spirit of Article I of the first amendment to the Constitution.

The President realizes how extreme this measure. Let me read to you a letter from him to Mr. Arthur Brisbane, of the New York American:

THE WHITE HOUSE.
Washington, D. C., April 25, 1917.

ARTHUR BRISBANE,
New York Evening Journal, New York American,
New York City.

MY DEAR MR. BRISBANE: I sincerely appreciate the frankness of your interesting letter of April with reference to the so-called espionage bill now awaiting action by Congress.

I approve of this legislation, but I need not assure you and those interested in it that whatever action the Congress may decide upon, so far as I am personally concerned, I shall not expect or permit any part of this law to apply to me or any of my official acts or in any way to be used as a shield against criticism.

I can imagine no greater disservice to the country than to establish a system of censorship that would deny to the people of a free Republic like our own their indisputable right to criticize their own public officials. While exercising the great powers of the office I hold I would regret, in a crisis like the one through which we are now passing, to lose the benefit of patriotic and intelligent criticism.

In these trying times one can feel certain only of his motives, which he must strive to purge of selfishness of every kind, and wait with patience for the judgment of a calmer day to vindicate the wisdom of the course he has tried conscientiously to follow.

Thanking you for having written to me.

Cordially and sincerely, yours, WOODROW WILSON.

Has not the President provided every one of us who still cling to our constitutional form of representative government and to the liberties guaranteed by the Constitution a powerful argument with which to protest and vote against such a vicious and unconstitutional law?

The only possible construction that can be fairly put upon the President's words is that if this bill is made a law it will give him power to silence criticism and to muzzle the press. But he adds that he does not expect to use that power. I sincerely believe that at the time of the writing of the letter on April 25, 1917, he did not expect to use that power any more than in the months of September and October last he expected that he could "keep us out of war." The law admittedly makes the President a despot, but with the comforting assurance that the despot about to be created has the present expectation to be a very lenient, benevolent despot—the restrictions herein created to be enforced at the will of a sort of royal prerogative. The American people do not want tolerance; they demand the continuance of their constitutional rights.

Gentlemen, so much has been said about disclosing to the enemy, through the public press, the movements of our troops, manner, and strategy of our intended warfare. What is the matter with our War and Navy Departments? Can not they control this information? Are they going to cry from the roof of the department building their proposed plans? Do the gentlemen who have argued in favor of this bill not undervalue the ability, efficiency, honesty, and patriotism of our War and Navy Departments? Will the gentlemen not agree that the press of this country have an important, necessary, and distinctly patriotic mission to perform? Have we not experienced by past performances that a vigilant eye must be kept open in a crisis like this? Food, clothing, arms, ammunition, and medicine must be provided. The very best that money can buy is not too good for the boys of the American Army. The people of this country are united in their demands that the scandals, abuses, graft, and incompetency of 1898 are not to be repeated, and the press is their medium of detecting and exposing these abuses and crimes. It is our duty as their representatives to do nothing which will impair, restrict, or limit the press in the fulfillment of that duty. This alone, without considering the destruction of one of our basic fundamental principles of liberty, is sufficient justification to arouse the indignation of this House and send this bill back to the committee, where it should die in shame and neglect.

Some of the gentlemen have spoken about the protection of the American boy. We all want to protect him. It is for his protection that I oppose this bill. You have spoken about the vicious enemy. I know the enemy is vicious. We all know that, and prepare accordingly. When the American Army meets the enemy, whenever that may be, leave it to the American Army to crush him. But what more vicious, dangerous, and cowardly than the friendly domestic enemy who is willing to turn American blood into gold and sell rotten cornbeef, wormy beans, paper shoes, defective arms for our American boys? And when the American press ferrets him out they will likewise crush that enemy. Our Army and Navy shall not be the dumping place for all the defective arms and war supplies rejected by the allies during the past two years. On the second day of this session I introduced a bill providing death punishment for dishonest contractors. I hope the Committee on the Judiciary will report it out. I will tell you more on that subject when the time comes. I had better not get started on that now.

Do you know that American warehouses are bulging with defective arms and ammunition that has been rejected by the allies in the last two years? And are we going to make our Army and our Navy a dumping ground for these defective arms and this defective ammunition? We must keep our eyes open, so that they will not try to put it across.

Gentlemen, a very similar statute as the bill under consideration was enacted in 1798, entitled "An act in addition to the act entitled 'An act for the punishment of certain crimes against the United States,' approved July 14, 1798, chapter 74."

Congress for that purpose passed an act punishing all unlawful combinations and conspiracies to oppose the measures of the Government, and, among other things, further provided for a public presentation and punishment by fine and imprisonment of all persons who should write, print, utter, or publish any false, scandalous, and malicious writing against the Government of the United States, or of either House of Congress, or of the President, with an intent to defame them, or bring them into contempt or disrepute, or to excite against them the hatred of the good people of the United States, or to excite them to oppose any law or act of the President in pursuance of law or his constitutional powers.

It became one of the most prominent points of attack upon the then administration. The appeal made to the people was more successful and more consonant with their feelings than any other made upon that occasion. Congress then, as now, was timid about it, and, as now, did not dare to make it a permanent statute, and we find in section 4 of the act that it "shall continue in force until the 3d day of March, 1801, and no longer," a period less than two years. The act being limited to a short period, expired by its own limitation and has never been renewed, until the present attempt in the year of our Lord, 1917. Justice Storey, in his work on the Constitution, referring to the act, says:

> It has continued down to this very day to be a theme of reproach with many of those who have since succeeded to power.

Just one word more, if you will bear with me. Refer, please, to section 13 of section 509, page 46, of the bill. What does that mean? Why, simply to prevent the sending of money to further the cause of any of the oppressed people of Europe, striving for centuries to obtain their liberties. My time has about expired, but I sincerely hope that some of my colleagues will give this section the attention and discussion necessary to bring about its defeat. Gentlemen, we all agree that we do not want to send filibustering expeditions to any country with which we are at peace. We do not want to fit an army of adventure and send them from here fully equipped to "start something" elsewhere in the world. We do want, and insist, to reserve our rights to extend material and moral assistance to any oppressed people anywhere in the world, whether they live on a continent or on an island. Had this section been the law of our land in the past the Republic of Portugal would not have seen light; the hopes of the Russian people would not have been realized.

With the exception of the first three articles and some of the shipping provisions, this bill is dangerous and should not pass. The liberty of the press, guaranteed by the Constitution, has been so clearly defined, construed, and limited by the courts of this country for the past 130 years. It is so restricted to guard the rights of every citizen, and under the decisions the Government is not now in need of new and additional legislation to carry out any necessary or honest limitation. We must take a decisive stand now; otherwise we may have nothing to stand for.

> This is true liberty, when free-born men,
> Having to advise the public, may speak free,
> Which he who can, and will, deserves high praise;
> Who neither can, nor will, may hold his peace:
> What can be juster in a State than this?

The great Milton quoted these lines from Euripides in his plea to the British Parliament for the freedom of the press. I hope no Milton in this House will remain "mute and inglorious." [Applause.]

Mr. WEBB. Mr. Speaker, I yield 10 minutes to the gentleman from Mississippi [Mr. VENABLE].

The SPEAKER. The gentleman from Mississippi is recognized for 10 minutes.

Mr. VENABLE. Mr. Speaker, any man who does not recognize the fact that extraordinary occasions do away with ordinary rules, it seems to me, puts himself in the attitude of a man that I read of once, who refused to save another man from drowning because he had never been introduced to him and, hence, could take no liberties with his person. All normal rules are made in view of normal conditions, and extraordinary conditions necessarily remand a waiver of the ordinary rules of conduct, because the reason for a rule ends when the extraordinary circumstances arise.

There has been a great deal of discussion and criticism of section 4 of this act. I do not believe that any man desires the freedom of speech and of the press more than I. I believe that the preservation of the freedom of speech and of the press is absolutely essential to the preservation of the liberties of any people. But freedom of speech and freedom of the press never included protection for a speech or a publication which would do harm.

We have heard a great many statements that this section violates the Constitution; some claim in letter and others in spirit. I do not think that any man who knows anything about the subject would seriously contend that it violates the letter of the Constitution of the United States; neither do I believe that

anyone on careful consideration would judge that it violated the spirit of the Constitution.

Mr. SIEGEL. Mr. Speaker, will the gentleman yield?

Mr. VENABLE. Yes.

Mr. SIEGEL. Will you tell me of any case in the United States Supreme Court that upholds your contention that this proposed section 4 is not a violation of the first amendment of the Constitution of the United States?

Mr. VENABLE. I know of none that either opposes it or upholds it. This particular section has never been construed, as I understand.

Mr. ROSE. Mr. Speaker, will the gentleman yield for a question?

Mr. VENABLE. Certainly.

Mr. ROSE. I would like to call the gentleman's attention to the provisions of section 4. It says—

Where the President may, by proclamation declare—

When any information—

in his judgment is of such a character that it is or might be useful to the enemy.

If the President alone believes it to be useful to the enemy, I would like to know whether or not it is not an abridgment of the right of trial by jury. Has anybody anything to say, any jury anywhere, if the President himself believed it to be of value to the enemy? Is there any right given at all to an accused man to present his case to a jury if the President of the United States determines it to be of use to the enemy? Or does the gentleman himself believe that is in conformity with the law of this land?

Mr. VENABLE. I do not believe the right of trial by jury is involved, for the reason that the right of trial by jury includes the right of a trial according to the ordinary course of legal procedure, with a jury to determine whether the defendant has violated the statute or not. This section gives the President the power to prescribe that certain things shall not be published. In other words, the President defines the crime, and anyone who violates the statute would still have the right of trial by jury to determine whether his conduct was a violation or not. I will answer the gentleman's question a little further. As I understand it, the question involved in this is twofold. Is it just, and is it expedient? Does it violate any principle of right? If not, is it wise to adopt it?

We have heard a great deal said to the effect that this section violated the spirit of the Constitution, based, it seems to me, on some sort of an assumption that men have the right at all times and under all circumstances to say anything in the world they wish, provided what they say is the truth. Such is not the law, as I understand it. Such has never been the law, as I understand it, and I think what I am about to say will answer the gentleman who first asked me a question.

A newspaper and an individual occupy precisely and identically the same position before the law. A newspaper has no special sanctity or privilege attaching to it. A newspaper can not lawfully print or publish anything that an individual could not print or publish. The common law contains absolutely no exception in favor of newspapers. There is no special sanctity attaching to what a man says because of the fact that he prints it in a paper. Now, under the libel and slander laws, which have been in existence for hundreds of years, and operating, too, under the constitutional provision which said that Congress should not abridge the liberty of speech or of the press, a man could be indicted for criminal libel, and the truth of what he said was not of itself a sufficient defense. Of course, the plea of justification—that is, of truth—is a perfect defense as regards either slander or libel in a civil suit where an individual is seeking to obtain damages for injury, for the reason that only the private interest is there considered, and if a man be actually guilty of what he is charged with in the alleged libel or slander he has no standing before the law. But even though what a man says be true, if he prints it and commits a libel he is liable both under the common law and under the statutes of some States to indictment and punishment, fine or imprisonment, according to the terms of the statute within whose jurisdiction the crime was committed.

Mr. SIEGEL. Will the gentleman yield?

Mr. VENABLE. Not now. A little later. The reason of the rule, as I understand it, is this: In a criminal prosecution the State is not interested in the damage done to the individual, but even assuming that injury has been done, it takes the position, according to the axiom, that the greater the truth the greater the libel, the reason being that such publications are apt to cause the commission of breaches of the peace, and because it is against public interest that there should be breaches of the peace. Therefore the citizen is prohibited from publishing certain things, even though they be true, and no one has ever made the point against that provision of the law that it violated liberty of speech.

So we find the precedents clear and clean-cut, and the principle well recognized, that even though what is said be true, if it be contrary to the public interest to have it published, it shall not be published.

Mr. GORDON. There are constitutional provisions in nearly every State which provide that the truth may always be given in evidence, and that it shall be a defense if the publication was made with good motives and for justifiable ends.

Mr. VENABLE. Yes; that is true in some States.

Mr. GORDON. That is true, I think, in most States.

Mr. VENABLE. That is true in some States as against a criminal prosecution by the State.

Mr. GORDON. In any action, civil or criminal.

Mr. VENABLE. The truth has always been a justification in a civil suit without any constitutional provision; but the point I am making is that the law, notwithstanding the constitutional provision, recognizes the principle that if the public interest demands it, a man can be prohibited from publishing that which is true, and that there is no such thing as an inherent, inalienable right to say anything that a citizen wants to say, whether by word of mouth or in the newspapers, simply upon the ground that it is true and without regard to the public interest. No one has ever contended that that rule was unconstitutional, and no court has ever so held.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. WEBB. I yield to the gentleman five minutes additional.

Mr. VENABLE. So we find that this provision does not violate any inherent right which a man has to publish what he pleases under the claim that it is true.

Mr. CANNON. Will the gentleman allow me, Mr. Speaker?

Mr. VENABLE. Yes.

Mr. CANNON. Suppose the President issues his proclamation, and I give information that his proclamation forbids; how am I to be convicted?

Mr. VENABLE. I presume you would be indicted and tried according to law.

Mr. CANNON. By a court?

Mr. VENABLE. Yes.

Mr. CANNON. Entitled to a jury trial?

Mr. VENABLE. Yes.

Mr. CANNON. Not to be tried by a court-martial?

Mr. VENABLE. No sir. As I understand it, this is a criminal statute like all the other criminal statutes of the United States.

Mr. CANNON. And I may deny everything that I choose to deny and may offer every defense that I choose to make?

Mr. VENABLE. And the burden of proof would be on the Government to prove you guilty.

Mr. CANNON. Precisely; and I would be entitled to a jury trial.

Mr. VENABLE. Absolutely; that is my understanding.

Mr. WEBB. Yes; the law will be executed by the civil authorities.

Mr. VENABLE. Absolutely; and the court would determine the law and instruct the jury.

The right of trial by jury, as I stated a while ago, is not in any way abridged by this section. So I submit to the House that no principle is violated.

Now, the question is, Is it expedient? Will any man contend that in times like these you do not have to have a censorship? Every Government at war has it. Every Government at war must have it. Now, the newspapers, or some of them, contend that they are so wise—and I do not doubt they have a great deal of wisdom—that they do not need any censorship; that their judgment, though the editors and managers are private citizens as the rest of us are, is so good that they can determine what to print and what not to print. Of course, we must have a censorship.

Now, that power must be vested somewhere. This Congress could not possibly pass enough regulations defining circumstances so as to cover the field, for the reason that no man knows in this war from day to day what is going to happen. This Congress will not be advised and can not be advised; this Congress is not in session all the time. This Congress can not now possibly define all the circumstances or kinds of data and information that must not be given out. So you must vest the power somewhere; and this bill chooses to vest it in the Chief Executive Officer of the Government, who is supposed to have all of the available information or at least has the means of advising himself as to developments and all the facts as they come into existence from time to time.

Now, some man objects and says that this large power ought not to be given to one man. You can not conduct wars except

through dictators. I mean by that that wars can not be conducted successfully without the concentration of power somewhere. The Romans recognized that fact, and when they had a war they elected a man, or appointed a man, as dictator during the period of the war, because the actual conduct of war is purely an executive thing. You can not split up the responsibility, you can not split up the authority, so as to have a part of governmental executive power going in one direction and a part in another, without the plan failing from not being coordinated, so as to have oneness of action, oneness of purpose, and oneness of accomplishment.

Mr. FESS. Will the gentleman yield?

Mr. VENABLE. I will yield to the gentleman from Ohio.

Mr. FESS. I presume the gentleman uses the word "dictator" advisedly. But really the situation is such——

Mr. VENABLE. Oh, I do not mean that I would turn over everything to him, not a dictator in the strict sense of the word.

Mr. FESS. The gentleman has noticed some editorials as to what we ought to do in the matter of transportation and other things. I wondered if the gentleman would go that far.

Mr. VENABLE. No; I do not mean in the strict sense of the term. I mean this, that you have to necessarily concentrate authority in some one in order to get the best results. Of course, there are limits to that. I am not contending that the legislative department should turn over its functions altogether, or turn them over at all. I mean the principle of concentrating power must be observed. It is the wise course of legislation when circumstances demand it to concentrate executive power, because that is the only way to accomplish effective results.

Mr. KNUTSON. Will the gentleman yield?

Mr. VENABLE. Yes.

Mr. KNUTSON. Would the gentleman concentrate power in the Executive by pulling down the power of Congress?

Mr. VENABLE. Oh, not at all. But I say Congress, in view of the war, as a matter of wise legislation, when it comes to things that pertain to executive matters, must vest the broadest powers and authority in the Executive. You can not conduct a war in any other way. There never was a war conducted in any other way; there never will be a war conducted in any other way; some man must pass upon these questions who is best able to do it, and that man is the head of the Government, I submit. [Applause.]

Mr. VOLSTEAD. Mr. Speaker, I yield 15 minutes to the gentleman from New Jersey [Mr. PARKER].

Mr. PARKER of New Jersey. Mr. Speaker, the laws of war are not the laws of peace. Laws can be passed giving some sort of trial in time of war for offenses which otherwise would be punished without trial, and necessarily so. I read from a book which I knew as a boy—Whiting's War Powers Under the Constitution. It was published in 1862, and this edition in 1871, is the forty-third edition, yet people seem to have forgotten it. On page 163 he states that the President in a time of war is Commander in Chief and has supreme authority, under the Constitution, while governing and regulating the land and military forces.

> Congress may refuse supplies or to raise troops; but for the military movements and measures essential to overcome the enemy, the President is responsible to and controlled by no other department of government. His duty is to uphold the Constitution and enforce the laws and to respect whatever rights loyal citizens are entitled to enjoy in time of civil war to the fullest extent that may be consistent with the performance of the military duty imposed on him.
>
> What is the extent of the military power of the President over the persons and property of citizens at a distance from the seat of war—whether he or the War Department may lawfully order the arrest of citizens in loyal States on reasonable proof that they are either enemies or aiding the enemy; or that they are spies or emissaries of rebels sent to gain information for their use, or to discourage enlistments; whether martial law may be extended over such places as the commander deems it necessary to guard, even though distant from any battle field, in order to enable him to prosecute the war effectually; whether the writ of habeas corpus may be suspended, as to persons under military arrest, by the President, or only by Congress (on which point judges of the United States courts disagree); whether, in time of war, all citizens are liable to military arrest, on reasonable proof of their aiding or abetting the enemy, or whether they are entitled to practice treason until indicted by some grand jury (thus, for example, whether Jefferson Davis or Gen. Lee, if found in Boston, could be arrested by military authority and sent to Fort Warren); whether, in the midst of wide-spread and terrific war, those persons who violate the laws of war and the laws of peace, traitors, spies, emissaries, brigands, bushwackers, guerrillas, persons in the free States supplying arms and ammunition to the enemy, must all be proceeded against by civil tribunals only, under due forms and precedents of law, by the tardy and ineffectual machinery of arrests by marshals, who can rarely have means of apprehending them, and of grand juries, who meet twice a year, and could seldom, if ever, seasonably secure the evidence on which to indict them; whether government is not entitled by military power to prevent the traitors and spies, by arrest and imprisonment, from doing the intended mischief, as well as to punish them after it is done; whether war can be carried on successfully, without the power to save the Army and Navy from being betrayed and destroyed by depriving any citizen temporarily of the power of acting as an enemy, whenever there is reasonable cause to suspect him of being one. * * *
>
> Whatever any commander in chief, in accordance with the usual practice of carrying on war among civilized nations, may order his army and navy to do, is within the power of the President to order and to execute, because the Constitution, in express terms, gives him the supreme command of both.

I shall not read the rest, though there is more here, and it is stated better than I can state it. Has the President the right to prevent what is dangerous by exercising arbitrary powers of imprisonment, of arrest, of seizure, wherever it seems to him a matter of danger? There were a few facts at that time. In 1861 the majority of the Legislature of the State of Maryland was disloyal. The State itself was loyal, but the majority of the Legislature of Maryland sympathized with the Southern States, and was about to pass a resolution to secede—a resolution which Mr. Lincoln regarded as against the Constitution. The President, without any warrant of law except his duty as the military commander to prevent insurrection, arrested members of the legislature and broke up their session. In 1861 certain papers in New York sympathized with the Confederate States and published editorials, and the grand jury presented them to the Postmaster General. After that presentment the Postmaster General denied the papers the privilege of the mails. Maj. Gen. Wallace, May 18, 1864, suppressed the Baltimore Evening Transcript. Gen. Rosecrans, May 26, 1864, prohibited circulation of the Metropolitan Record in the Department of Missouri. May 19, 1864—I get all this from that great book, McPherson's History of the United States, from November, 1860, to July 4, 1864, written by a clerk of this House and a former Member—when the New York World and Journal of Commerce published a forged proclamation asking for 400,000 more troops, Gen. Dix took possession of the newspaper offices and shut them up for four days. Gov. Seymour had him arrested. Gen. Dix submitted to arrest, but the case was never tried.

With reference to arrests, I need not go over the number of people who were in Fort Lafayette and in Fort Warren. Clement L. Vallandigham violated a proclamation forbidding people in the States of the North from exciting sympathy with the South, with which the North was at war, and was imprisoned until he escaped to Canada.

This course of action was not confined to the Northern States, either. The Southern States did just the same. In 1864, after arresting people in the same way, the Confederate Congress suspended the writ of habeas corpus, at the request of the president of the Confederacy, in all cases of treason and conspiracy to resist the lawful authority of the Confederate States or combining to assist the enemy, or of communicating intelligence, preparation, or attempts to incite servile insurrection, or desertions or encouraging desertions, or harboring deserters or spies and emissaries of the enemy, or holding correspondence or intercourse with the enemy without necessity, or unlawful trading, or destroying bridges, railroads, and so forth; and under that act the Government immediately established a military commission to try persons who were accused in these cases instead of sending them to a jury.

Mr. FESS. Mr. Speaker, will the gentleman yield?

Mr. PARKER of New Jersey. How much time have I remaining?

The SPEAKER pro tempore. The gentleman has eight minutes remaining.

Mr. PARKER of New Jersey. I think that I can finish in the eight minutes, and then I will be glad to yield to the gentleman from Ohio.

Mr. FESS. I desire to know whether Lincoln did not suspend the writ of habeas corpus instead of Congress?

Mr. PARKER of New Jersey. We can not suspend the writ of habeas corpus. No one can suspend the writ of habeas corpus except in case of insurrection or invasion; but it was held by Attorney General Bates with reference to Lincoln, when Congress had never suspended the writ, that the military authorities acting in war were not subject to the writ, and that is the doctrine laid down by Whiting.

Mr. FESS. My friend will remember that Jefferson did suspend the writ of habeas corpus in 1807.

Mr. PARKER of New Jersey. I know there is a question as to whether Congress or the President has the right to do it; but in this case it is held always that the Commander in Chief in time of war is not subject to the writ of habeas corpus as to what he does in his military capacity.

The question now is what to do. In this bill the first section says something about information to be communicated to an agent of the enemy; that is, material information. Must Government agents go before a United States commissioner or grand jury and show what that information is and that it is material, and thus disclose to the enemy what it is? Must the court grant bail to a man who is accused as a spy, so that he can run away

or get his friends to run away? When you are dealing with a spy, must you try him in court and put all the evidence in that you do not want to have come out? When the accused is, we will say, proved to have accepted $300 for giving important papers to a particular person, must it also be proved that that particular person was an agent of the enemy? The act is well drawn, but you can not carry out any such act in time of war. The United States must have, as the Confederates did, military courts to dispose of such charges. In 1863 the United States made the same rule as to spies. (Act of Mar. 26, 1863, sec. 38.)

The United States as a free people always look, when they can, to the example of England. Admit there was a spy fever there. Admit that it seemed very terrible when I was there between September and November, 1915, to see in the papers nothing but this, "Another spy has been committed to the tower." A few days afterwards, "Another spy has been tried by Justices So-and-so, sitting as a military commission, and has been condemned to be executed, and has been executed." No other word whatever, but when we knew also that Zeppelins were dropping bombs and the physician who attended my family was patrolling the streets at night with a shotgun on his shoulder—there were no regular arms—in order to protect public buildings—when we now see also such things as occurred near Philadelphia where eighty-odd poor girls were lying dead and mutilated, some unrecognizable, because of the explosion of a munitions works, we have to confess that it is war, that it is really war, and that the authority of the Commander in Chief extends to every foot of territory of these United States in order to use his power even on mere suspicion to hold every man and to prevent every act, not to punish it—how are you going to punish a newspaper by a jury trial, whoever did it?—but to prevent every act by a newspaper or anyone else which will give information to the enemy.

I desire to direct the attention of the House to the authority of the English act, it is only a page long; I will only read a part of it, and with the permission of the House I will extend my remarks to print the whole of this act, and I therefore ask that permission.

The SPEAKER pro tempore. The gentleman from New Jersey asks unanimous consent to extend his remarks. Is there objection? [After a pause.] The Chair hears none.

Mr. PARKER of New Jersey. Only to the extent of printing this act.

Mr. KNUTSON. Will the gentleman yield?

Mr. PARKER of New Jersey. In a moment. In 1914, on the 27th of November, the defense of the realm consolidation act was passed. It enacted:

His Majesty in council—

That would be the President here—

has power during the continuance of the present war to issue regulations for securing the public safety and the defense of the realm, * * * and may by such regulations authorize the trial by courts-martial, or in the case of minor offenses by courts of summary jurisdiction, and punishment of persons committing offenses against the regulations, and in particular against any of the provisions of such regulations designed—

(a) to prevent persons communicating with the enemy or obtaining information for that purpose or any purpose calculated to jeopardize the success of the operations of any of His Majesty's forces or the forces of his allies or to assist the enemy; or

(b) to secure the safety of His Majesty's forces and ships and the safety of any means of communication and of railways, ports, and harbors; or

(c) to prevent the spread of false reports or reports likely to cause disaffection to His Majesty, or to interfere with the success of His Majesty's forces by land or sea, or to prejudice His Majesty's relations with foreign powers; or

(d) to secure the navigation of vessels in accordance with directions given by or under the authority of the admiralty; or

(e) otherwise to prevent assistance being given to the enemy or the successful prosecution of the war being endangered.

The rest of it is for the establishment of courts-martial and summary courts for minor offenses. (Chitty's Annual Statutes, 1914, p. 27.) The question to be considered is whether it is better to leave the power simply to the discretion of the Executive from time to time to be exercised in his discretion, or to enact, as by the English law, that this power shall be exercised according to regulations that he shall publish. In England the revised regulations occupy some 30 pages in the following yearbook: Chitty, 1915, pages 936 to 964.

Mr. WALSH. Will the gentleman yield?

Mr. PARKER of New Jersey. I will.

Mr. WALSH. Will the gentleman state how he would have all this regulated in time of peace?

Mr. PARKER of New Jersey. Not at all, by law.

Mr. WALSH. Well, does not the gentleman recognize the fact that spies can do dangerous work in peace time?

Mr. PARKER of New Jersey. Yes; and the bill is all right for peace, but the trouble about it is that it does not make provision for war.

Mr. COOPER of Wisconsin. Will the gentleman yield?

Mr. PARKER of New Jersey. Mr. Speaker, how much time have I remaining?

The SPEAKER pro tempore. The gentleman has one minute remaining.

Mr. PARKER of New Jersey. Let me say this one sentence first. The question is, gentlemen, Is it better in time of war to ask that the President shall regulate and give rules to his own action and to equalize his issuance of regulations and statements of what his action will be, whether by censor, or whatever it may be, to carry out these great national needs, or is it better to leave it as it was during the Civil War for unregulated discretionary action after the act had taken place, in closing up newspapers, and so forth?

Mr. COOPER of Wisconsin. Will the gentleman now yield for a question?

Mr. PARKER of New Jersey. I will do so with great pleasure.

Mr. COOPER of Wisconsin. Did the gentleman read in the papers this morning the report of a very severe criticism made by a distinguished editor in Germany criticizing the German war administration? This bill would have prevented any such criticism in this country. Does the gentleman think we ought to be less liberal than they are in monarchial Germany?

Mr. PARKER of New Jersey. I do not think that proper criticisms are at all against the regulations of this law of which I have been speaking. The English bill provides against communicating information and acts of every description. The question, as I have said before, is whether power shall be exercised by blind discretion or according to rule. [Applause.]

NOTE.—Regulation 18, Chitty, 1915, page 944, establishes the censoring of certain sorts of news carefully defined:

"18. No person shall, without lawful authority, collect, record, publish, or communicate, or attempt to elicit, any information with respect to the movement, numbers, description, condition, or disposition of any of the forces, ships, or aircraft of His Majesty or any of His Majesty's allies, or with respect to their plans or conduct or supposed plans or conduct, of any naval or military operations by any such forces, ships, or aircraft, or with respect to the supply, description, condition, transport, or manufacture or storage or place or intended place of manufacture or storage of war material, or with respect to any works or measures undertaken for or connected with or intended for the fortification or defense of any place, or any information of such a nature as is calculated to be or might be directly or indirectly useful to the enemy, and if any person contravenes the provisions of this regulation, or without lawful authority has in his possession any document containing any such information as aforesaid, he shall be guilty of an offense against these regulations.

Mr. VOLSTEAD. Mr. Speaker, I yield 10 minutes to the gentleman from Minnesota [Mr. KNUTSON].

Mr. KNUTSON. Mr. Speaker, as time goes on the need for a joint committee on the conduct of the war, such as is proposed by the Weeks-Madden resolution, becomes more and more apparent. Surely, the administration should take Congress and the American people into its confidence as to true conditions, for the task which we have entered upon is far too great for any one man or a small number of men to bear alone. Congress has been most generous and loyal in its support of the various administration measures that have come up for consideration, and it deserves to be dealt with frankly rather than in an evasive manner. There is a great deal of objection over the entire land to the espionage bill.

I have here a list of 15 of the leading newspapers of this country, in every one of which have appeared editorials protesting against the passage of the espionage bill.

Mr. WEBB. May I interrupt my friend? Do not those newspaper articles refer to the bill as originally reported and not to the bill as we presented it to the House?

Mr. KNUTSON. Not according to my information. I took the list which the New York American published yesterday. There was a page editorial in that paper, and there were a great many papers listed in there as being opposed to the bill in its present form.

Mr. WEBB. I really think that the so-called spy bill that has been circulated was the one introduced in February and reintroduced in the extra session. I do not think it is the bill now before the House, concerning which I do not think the newspapers have full information. So I think the criticism is aimed at the old bill and not at this one.

Mr. KNUTSON. Not having seen the original editorials I am unable to state.

The espionage bill, in making the President the sole judge as to what constitutes writings and speech to be prohibited, clearly seeks to abrogate those provisions in the Federal Constitution which guarantees free speech and the freedom of the press.

I remember the great hue and cry that went up in the press of the land over the treatment the boys were receiving at Chickamauga and other training camps during the Spanish-American

War, and the result of the publicity given to that scandal by the American press resulted in a complete change in the conduct of the Government toward our troops.

Take the Gallipoli campaign and the lack of shrapnel on the western front in the great European war; in the American papers from time to time have appeared editorials taken from the London Times and several other of the Northcliffe papers severely criticizing the conduct of the English campaign as carried on by Churchill, Asquith, and others, and I want to say there is not a ministry in office in Europe to-day that was in office at the outbreak of the war—and the European press is responsible for that fact—except I believe the German ministry is still in power. But in Germany they have a strict censorship over the press, and hence it has been possible for the German ministry to hold on longer than was the case in England, France, or Italy. Shall it be said that we, the greatest democracy in all the world, fear to go into this war with a free press and a free people behind us? Will Congress dare to assume before the people the position of favoring a measure that will stifle American liberties?

It is true that we are at war, and I heartily favor the provisions in this bill that will punish treasonable utterances and writings, but I greatly fear the provision in section 4 of the bill, which makes the President the court of last resort. I do not think that simply because we are at war it shall be necessary that Congress should abrogate its powers and turn them over to the President. [Applause.]

Mr. Speaker, I hope to see section 4 so amended as to safeguard the freedom of the press and speech and at the same time protect the interests of the Republic.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The gentleman yields back four minutes.

Mr. VOLSTEAD. Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. GRAHAM].

Mr. GRAHAM of Illinois. Mr. Speaker and gentlemen, I think everyone concedes there ought to be somewhere some power to control the publication of news during the present emergency. And I take it that if I have sensed the feelings of the Members of this House correctly in what conversations I have had with them, everyone seems to feel that there ought to be some limitation on the publication of facts during this war. And, while I think they believe that, there is another question that intrudes itself into my mind when I think about this, and that is the question of how far we can go in allowing some one to control the publication of facts that this people ought to know during the progress of this war.

I can see how the thing might be made an instrument of oppression, and it seems to me in my consideration of the bill as it is presented by the committee that it is too broad, and ought to be amended in some particulars. If I read section 4 correctly it gives to the President of the United States the right to use his judgment and to absolutely say what he thinks might or might not be useful to the enemy, and, irrespective of what it was, his judgment would be conclusive.

We have heard the right of trial by jury discussed or alluded to here by some of these gentlemen. It is true the right of trial by jury would exist, but the one thing that would be tried would be whether the man who was charged with the offense had violated some regulation that the President had made; whether, after the President had made up his mind that a certain thing might be useful to the enemy, the man could then discuss that proposition. And the gentleman from Illinois [Mr. MCCORMICK] was right when he said that that would even extend to a private conversation on the street as well as to the publication in the newspapers.

I have always thought that it was highly inadvisable at any time for Congress or any other legislative body to deputize its lawmaking power to some other department of the Government. I remember an instance of that kind here a year or so ago, when this Congress passed an act permitting the Agricultural Department of this Government to make regulations relative to the protection of migratory birds. The Agricultural Department, in pursuance of that authority, passed certain rules and regulations, which have been changed from time to time, and which were not equitable and fair in their operation, in my experience, and regulations which have been largely disregarded by the people. In other words, I think it is not advisable at this time for the Congress or any other legislative body to try to deputize powers that ought to be exercised by it to some other department of the Government. It was not in that case and should not be in this case. I think Congress should, so far as it can, try to specify all the different classes of information which it does not desire to have given out, so that the President may by proclamation specify those particular classes so far as it is possible, and so that the people generally, gentlemen, may see written into the statutes of the country the law the violation of which will provide a penalty. But if this is passed in its present condition the President may make up his mind that a certain class of information which the people ought to have might be illegal and he can so proclaim, and the person then violating it will be subject to the penalty provided by this section. And it will be observed that the penalty provided in this section is somewhat drastic in its terms. It provides that anybody who violates the provisions of the act shall be punished by a fine of not more than $10,000 or by imprisonment for not more than 10 years, or both. I believe some such amendment as the gentleman from Illinois has suggested should be adopted and that we ought to specify the kinds of information we think ought not to be given out. For instance, the movement of troops, the movement of ships, the number of troops, their disposition, what they are doing, and the classes of information that are manifestly on the face of things of value to the enemy if they are disclosed. But for us to say that the President may find a class of information to be useful to the enemy, such as was developed by the spoiled-beef matter in the Spanish War, such as Lord Northcliffe has called attention to in England on several occasions, such things as ought to be made public, I do not think that is a wise power to be given to anyone. [Applause.]

The SPEAKER pro tempore. The time of the gentleman from Illinois has expired.

EXTENSION OF REMARKS.

Mr. GRAHAM of Illinois. Mr. Speaker, I ask leave to extend my remarks in the RECORD.

The SPEAKER pro tempore. Is there objection to the gentleman's request?

There was no objection.

Mr. MORGAN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER pro tempore. Is there objection to the gentleman's request?

There was no objection.

ESPIONAGE.

Mr. VOLSTEAD. Mr. Speaker, I yield 10 minutes to the gentleman from New York [Mr. SIEGEL].

The SPEAKER pro tempore. The gentleman from New York is recognized for 10 minutes.

Mr. SIEGEL. Mr. Speaker, I am frank to say that I am unalterably and irrevocably opposed to section 4 of this bill, which would, according to my construction of its language, practically muzzle the press of the United States during the whole war period.

I have implicit faith in the loyalty and patriotism of the newspaper men of America that they will of their own accord prevent the publication of such information as would tend in any manner or in the slightest degree to aid the enemy.

If the editors and newspaper correspondents of the press of America are not to be trusted, who is to be trusted in this critical hour in the Nation's affairs?

The power of the press has always been wielded in behalf of the best interests of the Republic, and the man who is afraid of the rays of its publicity usually has something to conceal.

The proposed section of this bill, better known as the press-muzzler section, is unconstitutional beyond any doubt.

The first amendment to the Constitution of the United States reads as follows:

> Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

I asked the gentleman from Mississippi [Mr. VENABLE] here to-day, when he was speaking, whether he had found any decision of the United States Supreme Court that had overridden that provision of the Constitution, and he answered promptly that he had not.

Mr. STEELE. Mr. Speaker, will the gentlemn yield?

The SPEAKER pro tempore. Does the gentleman from New York yield to the gentleman from Pennsylvania?

Mr. SIEGEL. Yes.

Mr. STEELE. Is the gentleman acquainted with the suggestions made by the metropolitan press of New York?

Mr. SIEGEL. I am.

Mr. STEELE. Does the gentleman recollect this provision that they suggested should be put in the bill, that when a state of war exists the President shall prohibit the use of the mails, the telegraph, the telephone, and cables and all means of transmission of information to any foreign country—information that may be of injury to the United States, and that he shall be empowered to issue such regulations as will render his prohibition effective?

Mr. SIEGEL. I am familiar with that, but that is not what they or other people say as to the question of the constitutionality of the act. I want to say also that there were Members of this House who opposed the judgment of gentlemen who favored the finding of contempt against H. Snowden Marshall, United States district attorney for the southern district of New York, and who felt that they had the right to punish him for contempt. The gentleman from Pennsylvania and others upheld our position, and the Supreme Court of the United States took our view of the situation; so that it is not always the legal opinion of people who are older in years or in experience than others that controls or affects the opinion of the Supreme Court in regard to any laws that Congress has enacted or desires to enact. We have to learn every day in the year until the final summons comes.

It is wise at this time to recall the words of Mr. James M. Beck, who was later Assistant Attorney General of the United States, and who in The Lewis Publishing Co. *v.* Morgan (229 U. S., 288, pp. 292, 293), said:

The first amendment means, in substance, that no burden or restriction should be imposed upon the press, excepting only in matters of recognized morality and subject always to responsibility at common law for libelous statements. The history which preceded the first amendment clearly shows that it was made to prevent a censorship of the press either by anticipation through a licensing system or retrospectively by obstruction or punishment.

To concede to Congress the power * * * to discipline the free press of the country would hereafter mean a stricter and more dangerous censorship, for in the matter of arbitrary power "the appetite grows by what it feeds on."

Thomas Jefferson, in 1799, said:

I am for freedom of the press, and against all violations of the Constitution to silence by force and not by reason the complaints or criticisms, just or unjust, of our citizens against the conduct of their agents.

And in 1816 he said:

Where the press is free and every man able to read all is safe.

And let me say to the gentleman from Missouri [Mr. IGOE] that in an article which appeared in the Saturday Evening Post of February 12, 1910, ex-Gov. Joseph W. Folk said:

We are too apt to accept such reforms as trial by jury, freedom of speech, and freedom of religion as matters of course, forgetting the struggle of centuries that brought these things about. It is much easier to lose these blessings than for us to gain them. The evils arising from the abuses of freedom of speech, the stage, and the press are bad enough, to be sure, but not so bad as tyranny. The power of censorship may be abused as well as freedom, and when that is abused there is tyranny. An aroused public conscience and an educated public opinion must correct these evils. There is little danger from error when public opinion is enlightened and reason is free. * * * The right of free speech does not mean only the right to say pleasant things, but the right to say things displeasing to the powers that be

One of the gentlemen of the committee said to me, "Why, we can prosecute, if this law is enacted, in any particular section of the country." In other words, if a newspaper published in New York prints some article highly displeasing to some one in power an indictment could be found, say, in St. Louis, and a newspaper editor might be dragged from New York to St. Louis. I do not like to differ with men older than myself or more mature in knowledge and of longer service in the House than I, but let me say that that question was determined long ago, away back in 1897 or 1898, when an indictment was found in the District of Columbia against Charles A. Dana, then editor of the New York Sun; that indictment was found at the request of Mr. Noyes, he being the complaining witness at that time. Mr. Elihu Root appeared in behalf of Mr. Dana, and the court held at that time that you could not go and indict a man in any part of the country where a newspaper might circulate, but the indictment must be found in the particular locality where the newspaper is published. I have only to refer to the later case of the United States against The Press Publishing Co., in Two hundred and nineteenth United States, page 1, where an indictment was found against the Press Publishing Co.—the New York World. I read from page 15:

In view of the unity between the act of composing and the primary publication of a newspaper containing a libelous article within the State of New York, and of subsequent publications or repetitions thereof by the publisher of the newspaper which are clearly the resultant of the provisions of the laws of New York above quoted and referred to, two propositions are, we think, plainly established: First, that adequate means were afforded for punishing the circulation of the libel on a United States reservation by the State law and in the State courts without the necessity of resorting to the courts of the United States for redress; second, that resort could not be had to the courts of the United States to punish the act of publishing a newspaper libel by circulating a copy of the newspaper on the reservation upon the theory that such publication was an independent offense, separate and distinct from the primary printing and publishing of the libelous article within the State of New York, without disregarding the laws of that State and frustrating the plain purpose of such law, which was that there should be but a single prosecution and conviction.

It was contended that you could proceed and take the editor of a newspaper where the publication takes place and take him to another part of the country. The judges of the court held the contrary. I could also call attention, if I would, to the recent case of one Thomas Watson, in the State of Georgia where, as we all know, he has been indicted several times, and he can never be convicted. The Attorney General had an idea that he could take Mr. Watson from the State of Georgia to some other State where a fair trial, according to the Attorney General, could be had. Several gentlemen here of the State of Georgia asked me what I thought of the proposition.

Mr. DILLON. Mr. Speaker, will the gentleman yield?

Mr. SIEGEL. Yes.

Mr. DILLON. Would not that depend on the statute fixing the place where the trial is to be had?

Mr. SIEGEL. Oh, no. The Supreme Court has settled that decisively and specifically in this New York World case, and in the case against the Indianapolis News a similar decision was rendered by United States District Judge Anderson. You can not drag a man from one part of the country and try him in another part of the country.

Mr. DILLON. But suppose the statute does give you the power to do that?

Mr. SIEGEL. Then the statute is unconstitutional.

The SPEAKER pro tempore. The time of the gentleman from New York has expired.

Mr. SIEGEL. I would like to have two or three minutes more, if the gentleman can spare it.

Mr. VOLSTEAD. I yield three minutes to the gentleman.

Mr. SHERWOOD. Mr. Speaker, this is one of the most important bills before Congress. I make the point that there is no quorum present.

The SPEAKER pro tempore. The Chair will count.

Mr. SHERWOOD. Mr. Speaker, I withdraw my point of no quorum.

The SPEAKER pro tempore. The gentleman from Ohio withdraws the point of no quorum. The gentleman from New York is recognized for three minutes more.

Mr. SIEGEL. In answer to the question, Mr. Speaker, I will state that Congress passed an act on July 7, 1898, the effect of which was to incorporate the criminal laws of the several States in force in July, 1898, into a statute and to make such criminal laws the laws of the United States. The text is quite large, and it is all found in this decision of the United States against the Press Publishing Co., supra.

Mr. Speaker, that the power which is sought to be given by this bill might in some cases be wrongly exercised can readily be seen from the letter which the President wrote to Mr. Arthur Brisbane, and wherein he said in part:

I shall not expect or permit any part of this law to apply to me or any of my official acts, or in any way to be used as a shield against criticism. * * * While exercising the great powers of the office I hold I should regret in a crisis like the one through which we are now passing to lose the benefit of patriotic and intelligent criticism.

I can not bring myself to vote for a measure which is clearly unconstitutional and opposed to the best interests of the Nation.

There is no demand on the part of the people of the United States for the enactment of an unconstitutional law which is going to prevent the exposure of any scandal that may arise in the present conflict or which will prevent the public from knowing whether the men who are going to fight the Nation's battles are receiving the proper kind of food and treatment which they are entitled to have.

We must realize that the press of the United States has always responded to the requests that the President of the United States has made to its representatives to keep from the public such information as the military and naval authorities deemed it inadvisable to disclose to the people at large. I have made a search of all the decisions handed down by the United States Supreme Court and I can find no information anywhere that the court has reached the point where it is going to override the first amendment to the Constitution. A reading of the opinion in the case against District Attorney Snowden H. Marshall would more than confirm the belief that the court believes in free speech and that public officials are subject to criticism of all kinds. The opinion of the court in full is as follows:

[Supreme Court of the United States. No. 606, October term, 1916. H. Snowden Marshall, appellant, *v.* Robert B. Gordon, Sergeant at Arms of the House of Representatives of the United States. Appeal from the District Court of the United States for the Southern District of New York.]

(Apr. 23, 1917.)

Mr. Chief Justice White delivered the opinion of the court.

These are the facts: A Member of the House of Representatives on the floor charged the appellant, who was the district attorney of the southern district of New York, with many acts of misfeasance and nonfeasance. When this was done the grand jury in the southern district of New York was engaged in investigating alleged illegal conduct of the Member in relation to the Sherman antitrust law and asserted illegal activities of an organization known as Labor's National Peace Council, to which the Member belonged. The investigation as to the latter subject not having been yet reported upon by the grand jury,

that body found an indictment against the Member for a violation of the Sherman law. Subsequently calling attention to his previous charges and stating others, the Member requested that the Judiciary Committee be directed to inquire and report concerning the charges against the appellant in so far as they constituted impeachable offenses. After the adoption of this resolution a subcommittee was appointed, which proceeded to New York to take testimony. Friction there arose between the subcommittee and the office of the district attorney, based upon the assertion that the subcommittee was seeking to unlawfully penetrate the proceedings of the grand jury relating to the indictment and the investigations in question. In a daily newspaper an article appeared charging that the writer was informed that the subcommittee was endeavoring rather to investigate and frustrate the action of the grand jury than to investigate the conduct of the district attorney. When called upon by the subcommittee to disclose the name of his informant the writer declined to do so, and proceedings for contempt of the House were threatened. The district attorney thereupon addressed a letter to the chairman of the subcommittee, avowing that he was the informant referred to in the article, averring that the charges were true, and repeating them in amplified form in language which was certainly unparliamentary and manifestly ill tempered and which was well calculated to arouse the indignation not only of the members of the subcommittee but of those of the House generally. This letter was given to the press, so that it might be published contemporaneously with its receipt by the chairman of the subcommittee. The Judiciary Committee reported the matter to the House, and a select committee was appointed to consider the subject. The district attorney was called before that committee and reasserted the charges made in the letter, averring that they were justified by the circumstances and stating that they would, under the same conditions, be made again. Thereupon the select committee made a report and stated its conclusions and recommendations to the House as follows:

"We conclude and find that the aforesaid letter, written and published by said H. Snowden Marshall to Hon. C. C. CARLIN, chairman of the subcommittee of the Judiciary Committee of the House of Representatives, on March 4, 1916, * * * is as a whole and in several of the separate sentences defamatory and insulting and tends to bring the House into public contempt and ridicule, and that the said H. Snowden Marshall, by writing and publishing the same, is guilty of contempt of the House of Representatives of the United States because of the violation of its privileges, its honor, and its dignity."

Upon the adoption of this report, under the authority of the House, a formal warrant for arrest was issued, and its execution by the Sergeant at Arms in New York was followed by an application for discharge on habeas corpus, and the correctness of the judgment of the court below refusing the same is the matter before us on this direct appeal.

Whether the House had power under the Constitution to deal with the conduct of the district attorney in writing the letter as a contempt of its authority and to inflict punishment upon the writer for such contempt as a matter of legislative power—that is, without subjecting him to the statutory modes of trial provided for criminal offenses protected by the limitations and safeguards which the Constitution imposes as to such subject, is the question which is before us. There is unity between the parties only in one respect—that is, that the existence of constitutional power is the sole matter to be decided. As to all else there is entire discord, every premise of law or authority relied upon by the one side being challenged in some respects by the other. We consider, therefore, that the shortest way to meet and dispose of the issue is to treat the subject as one of first impression, and we proceed to do so.

Undoubtedly what went before the adoption of the Constitution may be resorted to for the purpose of throwing light on its provisions. Certain is it that authority was possessed by the House of Commons in England to punish for contempt directly—that is, without the intervention of courts—and that such power included a variety of acts and many forms of punishment including the right to fix a prolonged term of imprisonment. Indubitable also is it, however, that this power rested upon an assumed blending of legislative and judicial authority possessed by the Parliament when the Lords and Commons were one, and continued to operate after the division of Parliament into two houses either because the interblended power was thought to continue to reside in the Commons, or by the force of routine the mere reminiscence of the commingled powers led to a continued exercise of the wide authority as to contempt formerly existing long after the foundation of judicial-legislative power upon which it rested had ceased to exist. That this exercise of the right of legislative-judicial power to exert the authority stated prevailed in England at the time of the adoption of the Constitution and for some time after has been so often recognized by the decided cases relied upon and by decisions of this court, some of which are in the margin (Brass Crosby's Case, 3 Wils. 188; Burdett *v.* Abbott, 14 East., 1; Stockdale *v.* Hansard, 9 Ad. & El., 1; Anderson *v.* Dunn, 6 Wheat., 204; Kilbourn *v.* Thompson, 103 U. S., 168), as to make it too certain for anything but statement.

Clear also is it, however, that in the State governments prior to the formation of the Constitution the incompatibility of the intermixture of the legislative and judicial power was recognized and the duty of separating the two was felt, as was manifested by provisions contained in some of the State constitutions enacted prior to the adoption of the Constitution of the United States, as illustrated by the following articles in the constitutions of Maryland and Massachusetts:

"That the house of delegates may punish, by imprisonment, any persons who shall be guilty of a contempt in their view, by any disorderly or riotous behavior, or by threats to, or abuse of, their members, or by any obstruction to their proceedings. They may also punish, by imprisonment, any person who shall be guilty of a breach of privilege, by arresting on civil process, or by assaulting any of their members, during their sitting, or on their way to, or return from, the house of delegates, or by any assault of, or obstruction to, their officers, in the execution of any order or process, or by assaulting or obstructing any witness, or any other person, attending on, or their way to or from the house, or by rescuing any person committed by the house; and the senate may exercise the same power, in similar cases." (Constitution of Maryland, 1776, art. 12.)

"They [the house of representatives] shall have authority to punish by imprisonment every person, not a member, who shall be guilty of disrespect to the house, by any disorderly or contemptuous behavior in its presence; or who, in the town where the general court is sitting, and during the time of its sitting, shall threaten harm to the body or estate of any of its members, for anything said or done in the house; or who shall assault any of them therefor; or who shall assault or arrest any witness, or other person, ordered to attend the house, in his way in going or returning; or who shall rescue any person arrested by the order of the house.

"And no member of the house of representatives shall be arrested, or held to bail on mesne process, during his going unto, returning from, or his attending the general assembly.

"The senate shall have the same powers in the like cases; and the governor and council shall have the same authority to punish in like cases: *Provided*, That no imprisonment, on the warrant or order of the governor, council, senate, or house of representatives, for either of the above-described offenses, be for a term exceeding 30 days." (Constitution of Massachusetts, 1780, pt. 2, chap. 1, sec. 3, arts. 10 and 11.)

The similarity of the provisions points to the identity of the evil which they were intended to reach. Clearly they operate to destroy the admixture of judicial and legislative power as prevailing in the House of Commons, since the provisions in both the State constitutions and the limitations accompanying them are wholly incompatible with judicial authority. Moreover, as under State constitutions all governmental power not denied is possessed, the provisions were clearly not intended to give legislative power as such, for full legislative power to deal with the enumerated acts as criminal offenses and provide for their punishment accordingly already obtained. The object, therefore, of the provisions could only have been to recognize the right of the legislative power to deal with the particular acts without reference to their violation of the criminal law and their susceptibility of being punished under that law because of the necessity of such a legislative authority to prevent or punish the acts independently because of the destruction of legislative power which would arise from such acts if such authority was not possessed.

How dominant these views were can be measured by the fact that in various other States almost contemporaneously with the adoption of the Constitution similar provisions were written into their constitutions and continued to be adopted until it is true to say that they became, if not universal, certainly largely predominant in the States. (1790, South Carolina, art. 1, sec. 13.; 1792, New Hampshire, pt. 2, secs. 22 and 23; 1796, Tennessee, art. 1, sec. 11; 1798, Georgia, art. 1, sec. 13; 1802, Ohio, art. 1, sec. 14; 1816, Indiana, art. 3, sec. 14; 1817, Mississippi, art. 3, sec. 20; 1818, Illinois, art. 2, sec. 13; 1820, Maine, art. 4, pt. 3, sec. 6; 1820, Missouri, art. 3, sec. 19.)

No power was expressly conferred by the Constitution of the United States on the subject except that given to the House to deal with contempt committed by its own Members. Article 1, section 5. As the rule concerning the Constitution of the United States is that powers not delegated were reserved to the people or the States, it follows that no other express authority to deal with contempt can be conceived of. It comes, then, to this: Was such an authority implied from the powers granted? As it is unthinkable that in any case from a power expressly granted there can be implied the authority to destroy the grant made, and as the possession by Congress of the commingled legislative-judicial authority as to contempts which was exerted in the House of Commons would be absolutely destructive of the distinction between legislative, executive, and judicial authority which is interwoven in the very fabric of the Constitution and would disregard express limitations therein, it must follow that there is no ground whatever for assuming that any implication as to such a power may be deduced from any grant of authority made to Congress by the Constitution. This conclusion has long since been authoritatively settled and is not open to be disputed. Anderson *v.* Dunn, 6 Wheaton, 204; Kilbourn *v.* Thompson, 103 United States, 168. Whether the right to deal with contempt in the limited way provided in the State constitutions may be implied in Congress as the result of the legislative power granted, must depend upon how far such limited power is ancillary or incidental to the power granted to Congress—a subject which we shall hereafter approach.

The rule of constitutional interpretation announced in McCulloch *v.* Maryland, 4 Wheaton, 316, that that which was reasonably appropriate and relevant to the exercise of a granted power was to be considered as accompanying the grant, has been so universally applied that it suffices merely to state it. And as there is nothing in the inherent nature of the power to deal with contempt which causes it to be an exception to such rule, there can be no reason for refusing to apply it to that subject.

Thus in Anderson *v.* Dunn, supra, which was an action for false imprisonment against the Sergeant at Arms of the House for having executed a warrant for arrest issued by that body in a contempt proceeding, after holding, as we have already said, that the power possessed by the House of Commons was incompatible with the Constitution and could not be exerted by the House, it was yet explicitly decided that from the power to legislate given by the Constitution to Congress there was to be implied the right of Congress to preserve itself; that is, to deal by way of contempt with direct obstructions to its legislative duties. In Kilbourn *v.* Thompson, supra, which was also a case of false imprisonment for arrest under a warrant issued by order of the House in a contempt proceeding, although the want of right of the House of Representatives to exert the judicial-legislative power possessed by the House of Commons was expressly reiterated, the question was reserved as to the right to imply an authority in the House of Representatives to deal with contempt as to a subject matter within its jurisdiction, the particular case having been decided on the ground that the subject with which the contempt proceedings were concerned was totally beyond the jurisdiction of the House to investigate. But in In re Chapman, 166 United States, 661, the principle of the existence of an implied legislative authority under certain conditions to deal with contempt was again considered and upheld. The case was this: Chapman had refused to testify in a Senate proceeding and was indicted under section 102 of the Revised Statutes, making such refusal criminal. He sued out a habeas corpus on the ground that the subject of the refusal was exclusively cognizable by the Senate and that therefore the statute was unconstitutional as a wrongful delegation by the Senate of its authority and because to subject him to prosecution under the statute might submit him to double jeopardy; that is, leave him after punishment under the statute to be dealt with by the Senate as for contempt. After demonstrating the want of merit in the argument as to delegation of authority, the proposition was held to be unsound and the contention as to double jeopardy was also adversely disposed of on the ground of the distinction between the implied right to punish for contempt and the authority to provide by statute for punishment for wrongful acts and to prosecute under the same for a failure to testify, the court saying that "the two being diverso intuito and capable of standing together," they were susceptible of being separately exercised.

acts the prevention of which is necessary to preserve legislative authority, by the decision of the privy council in Kielley *v.* Carson, 4 Moo. P. C., 63, which was fully stated in Kilbourn *v.* Thompson, supra, but which we again state. The case was this: Kielley was adjudged by the House of Assembly of Newfoundland, guilty of contempt for having reproached a member "in coarse and threatening language" for words spoken in debate in the house. A warrant was issued and Kielley was arrested. When brought before the house he refused to apologize and indulged in further violent language toward the member and was committed. Having been discharged on habeas corpus proceedings, he brought an action for false imprisonment against the speaker and other members of the House. As a justification the defendants plended that they had acted under the authority of the house. A demurrer to the plea was overruled and there was a judgment for the defendants. The appeal was twice heard by the privy council, the court on the second argument having been composed of the Lord Chancellor (Lyndhurst), Lords Brougham, Denman, Abinger, Cottenham, and Campbell, the vice chancellor (Shadwell), the lord chief justice of the common pleas (Tindal), Mr. Justice Erskine, Lushington, and Baron Parke.

The opinion on reversal was written by Parke, B., who said:

"The main question raised by the pleadings, * * * was whether the house of assembly had the power to arrest and bring before them, with a view to punishment, a person charged by one of its members with having used insolent language to him out of the doors of the house, in reference to his conduct as a member of the assembly—in other words, whether the house had the power, such as is possessed by both Houses of Parliament in England, to adjudicate upon a complaint of contempt or breach of privilege."

After pointing out that the power was not expressly granted to the local legislature by the crown, it was said the question was "whether by law, the power of committing for a contempt, not in the presence of the assembly, is incident to every local legislature."

"The statute law on this subject being silent, the common law is to govern it; and what is the common law, depends upon principle and precedent.

"Their lordships see no reason to think that in the principle of the common law any other powers are given them than such as are necessary to the existence of such a body and the proper exercise of the functions which it is intended to execute. These powers are granted by the very act of its establishment, an act which on both sides it is admitted it was competent for the crown to perform. This is the principle which governs all legal incidents." And after quoting the aphorism of the Roman law to the effect that the conferring of a given power carries with it by implication the right to do those things which were necessary to the carrying out of the power given, the opinion proceeded: "In conformity to this principle we feel no doubt that

And light is thrown upon the right to imply legislative power to deal directly by way of contempt without criminal prosecution with such an assembly has the right of protecting itself from all impediments to the due course of its proceeding. To the full extent of every measure which it may be really necessary to adopt, to secure the free exercise of their legislative functions, they are justified in acting by the principle of the common law. But the power of punishing any one for past misconduct as a contempt of its authority, and adjudication upon the fact of such contempt, and the measure of punishment as a judicial body, irresponsible to the party accused, whatever the real facts may be, is of a very different character, and by no means essentially necessary for the exercise of its functions by a local legislature, whether representative or not. All these functions may be well performed without this extraordinary power, and with the aid of the ordinary tribunals to investigate and punish contemptuous insults and interruptions."

There can be no doubt that the ruling in the case just stated upheld the existence of the implied power to punish for contempt as distinct from legislative authority and yet flowing from it. It thus becomes apparent that from a doctrinal point of view the English rule concerning legislative bodies generally came to be in exact accord with that which was recognized in Anderson *v.* Dunn, supra, as belonging to congress; that is, that in virtue of the grant of legislative authority there would be a power implied to deal with contempt in so far as that authority was necessary to preserve and carry out the legislative authority given. While the doctrine of Kielley *v.* Carson was thus in substantive principle the same as that announced in Anderson *v.* Dunn, we must not be understood as accepting the application which was made of the rule to the particular case there in question since, as we shall hereafter have occasion to show, we think that the application was not consistent with the rule which the case announced and would, if applied, unwarrantedly limit the implied power of Congress to deal with contempt.

What does this implied power embrace, is thus the question. In answering, it must be borne in mind that the power rests simply upon the implication that the right has been given to do that which is essential to the execution of some other and substantive authority expressly conferred. The power is therefore but a force implied to bring into existence the conditions to which constitutional limitations apply. It is a means to an end and not the end itself. Hence it rests solely upon the right of self-preservation to enable the public powers given to be exerted.

These principles are plainly the result of what was decided in Anderson *v.* Dunn, supra, since in that case in answering the question what was the rule by which the extent of the implied power of legislative assemblies to deal with contempt was controlled it was declared to be "the least possible power adequate to the end proposed" (6 Wheat., 231), which was but a form of stating that as it resulted from implication and not from legislative will the legislative will was powerless to extend it further than implication would justify. The concrete application of the definition and the principle upon which it rests were aptly illustrated in In re Chapman, supra, where, because of the distinction existing between the two which was drawn, the implied power was decided not to come under the operation of a constitutional limitation applicable to a case resting upon the exercise of substantive legislative power.

Without undertaking to inclusively mention the subjects embraced in the implied power, we think from the very nature of that power it is clear that it does not embrace punishment for contempt as punishment, since it rests only upon the right of self-preservation; that is, the right to prevent acts which in and of themselves inherently obstruct or prevent the discharge of legislative duty or the refusal to do that which there is an inherent legislative power to compel in order that legislative functions may be performed. And the essential nature of the power also makes clear the cogency and application of the two limitations which were expressly pointed out in Anderson *v.* Dunn, supra; that is, that the power, even when applied to subjects which justified its exercise, is limited to imprisonment, and such imprisonment may not be extended beyond the session of the body in which the contempt occurred. Not only the adjudged cases but the congressional action in enacting legislation as well as in exerting the implied power conclusively sustain the views just stated. Take, for instance, the statute referred to in In re Chapman, where, not at all interfering with the implied congressional power to deal with the refusal to give testimony in a matter where there was a right to exact it, the substantive power had been exerted to make such refusal a crime, the two being distinct the one from the other. So also when the difference between the judicial and legislative powers are considered and the divergent elements, which in the nature of things enter into the determination of what is self-preservation in the two cases, the same result is established by the statutory provisions dealing with the judicial authority to summarily punish for contempt; that is, without resorting to the modes of trial required by constitutional limitations or otherwise for substantive offenses under the criminal law. (Act of Mar. 2, 1831, 4 Stat., 487.) The legislative history of the exertion of the implied power to deal with contempt by the Senate or House of Representatives when viewed comprehensively from the beginning points to the distinction upon which the power rests and sustains the limitations inhering in it which we have stated. The principal instances are mentioned in the margin (1795, attempt to bribe Members of the House; 1800, publication of criticism of the Senate; 1809, assault on a Member of the House; 1818, attempt to bribe a Member of the House; 1828, assault on the Secretary to the President in the Capitol; 1832, assault on a Member of the House; 1835, assault on a Member of the House; 1842, contumacious witness; 1857, contumacious witness; 1858, contumacious witness; 1859, contumacious witness; 1865, assault on a Member of the House; 1866, assault on a clerk of a committee of the House; 1870, assault on a Member of the House; 1871, contumacious witness; 1874, contumacious witness; 1876, contumacious witness; 1894, contumacious witness; 1913, assault on a Member of the House), and they all, except two or three, deal with either physical obstruction of the legislative body in the discharge of its duties or physical assault upon its Members for action taken or words spoken in the body, or obstruction of its officers in the performance of their official duties, or the prevention of Members from attending so that their duties might be performed, or, finally, with contumacy in refusing to obey orders to produce documents or give testimony which there was a right to compel.

In the two or three instances not embraced in the classes we think it plainly appears that for the moment the distinction was overlooked which existed between the legislative power to make criminal every form of act which can constitute a contempt to be punished according to the orderly process of law and the accessory implied power to deal with particular acts as contempts outside of the ordinary process of law because of the effect such particular acts may have in preventing the exercise of legislative authority. And in the debates which ensued when the various cases were under consideration it would seem that the difference between the legislative and the judicial power was also sometimes forgotten, that is to say, the legislative right to exercise discretion was confounded with the want of judicial power to interfere with the legislative discretion when lawfully exerted. But these considerations are accidental and do not change the concrete result manifested by considering the subject from the beginning. Thus we have been able to discover no single instance where in the exertion of the power to compel testimony restraint was ever made to extend beyond the time when the witness should signify his willingness to testify, the penalty or punishment for the refusal remaining controlled by the general criminal law. So again we have been able to discover no instance, except the two or three above referred to, where acts of physical interference were treated as within the implied power unless they possessed the obstructive or preventive characteristics which we have stated, or any case where any restraint was imposed after it became manifest that there was no room for a legislative judgment as to the virtual continuance of the wrongful interference which was the subject of consideration. And this latter statement causes us to say, referring to Kielley *v.* Carson, supra, that where a particular act because of interference with the right of self-preservation comes within the jurisdiction of the House to deal with directly under its implied power to preserve its functions and therefore without resort to judicial proceedings under the general criminal law, we are of opinion that authority does not cease to exist because the act complained of had been committed when the authority was exerted, for to so hold would be to admit the authority and at the same time to deny it. On the contrary when an act is of such a character as to subject it to be dealt with as a contempt under the implied authority, we are of opinion that jurisdiction is acquired by Congress to act on the subject and therefore there necessarily results from this power the right to determine in the use of legitimate and fair discretion how far from the nature and character of the act there is necessity for repression to prevent immediate recurrence, that is to say, the continued existence of the interference or obstruction to the exercise of the legislative power. And of course in such case as in every other, unless there be manifest an absolute disregard of discretion and a mere exertion of arbitrary power coming within the reach of constitutional limitations, the exercise of the authority is not subject to judicial interference.

It remains only to consider whether the acts which were dealt with in the case in hand were of such a character as to bring them within the implied power to deal with contempt; that is, the accessory power possessed to prevent the right to exert the powers given from being obstructed and virtually destroyed. That they were not, would seem to be demonstrated by the fact that the contentions relied upon in the elaborate arguments at bar to sustain the authority were principally rested not upon such assumption, but upon the application and controlling force of the rule governing in the House of Commons. But aside from this, coming to test the question by a consideration of the conclusion upon which the contempt proceedings were based as expressed in the report of the select committee which we have previously quoted and the action of the House of Representatives based on it, there is room only for the conclusion that the contempt was deemed to result from the writing of the letter not because of any obstruction to the performance of legislative duty resulting from the letter or because the preservation of the power of the house to carry out its legislative authority was endangered by its writing, but because of the effect and operation which the irritating and ill-tempered statements made in the letter would produce upon the public mind or because of the sense of indignation which it may be assumed was produced by the letter upon the members of the committee and of the House generally. But to state this situation is to demonstrate that the contempt relied upon was not intrinsic to the right of the House to preserve the means of discharging its legislative duties, but was extrinsic to the discharge of such duties

and related only to the presumed operation which the letter might have upon the public mind and the indignation naturally felt by members of the committee on the subject. But these considerations plainly serve to mark the broad boundary line which separates the limited implied power to deal with classes of acts as contempts for self-preservation and the comprehensive legislative power to provide by law for punishment for wrongful acts.

The conclusions which we have stated bring about a concordant operation of all the powers of the legislative and judicial departments of the Government, express or implied, as contemplated by the Constitution. And as this is considered, the reverent thought may not be repressed that the result is due to the wise foresight of the fathers manifested in State constitutions even before the adoption of the Constitution of the United States by which they substituted for the intermingling of the legislative and judicial power to deal with contempt as it existed in the House of Commons a system permitting the dealing with that subject in such a way as to prevent the obstruction of the legislative powers granted and secure their free exertion and yet at the same time not substantially interfere with the great guaranties and limitations concerning the exertion of the power to criminally punish—a beneficent result which additionally arises from the golden silence by which the framers of the Constitution left the subject to be controlled by the implication of authority resulting from the powers granted.

It is suggested in argument that whatever be the general rule, it is here not applicable because the House was considering and its committee contemplating impeachment proceedings. The argument is irrelevant because we are of opinion that the premise upon which it rests is unfounded. But indulging in the assumption to the contrary we think it is wholly without merit, as we see no reason for holding that if the situation suggested be assumed it authorized a disregard of the plain purposes and objects of the Constitution as we have stated them. Besides, it must be apparent that the suggestion could not be accepted without the conclusion that under the hypothesis stated the implied power to deal with contempt as ancillary to the legislative power had been transformed into judicial authority and become subject to all the restrictions and limitations imposed by the Constitution upon that authority—a conclusion which would frustrate and destroy the very purpose which the proposition is advanced to accomplish and would create a worse evil than that which the wisdom of the fathers corrected before the Constitution of the United States was adopted. How can this be escaped, since it is manifest that if the argument were to be sustained those things which, as pointed out in In re Chapman, supra, were distinct, and did not therefore the one frustrate the other—the implied legislative authority to compel the giving of testimony and the right criminally to punish for failure to do so—would become one and the same and the exercise of one would therefore be the exertion of, and the exhausting of the right to resort to, the other? Again, accepting the proposition, by what process of reasoning could the conclusion be escaped that the right to exert implied authority by way of contempt proceedings, in so far as essential to preserve legislative power, would become itself an exertion of legislative power, and thus at once be subject to the limitations as to modes of trial exacted by the guaranty of the Constitution on that subject? We repeat, out of abundance of precaution, we are called upon to consider not the legislative power of Congress to provide for punishment and prosecution under the criminal laws in the amplest degree for any and every wrongful act, since we are alone called upon to determine the limits and extent of an ancillary and implied authority essential to preserve the fullest legislative power, which would necessarily perish by operation of the Constitution if not confined to the particular ancillary atmosphere from which alone the power arises and upon which its existence depends.

It follows from what we have said that the court below erred in refusing to grant the writ of habeas corpus and its action must be, and it is, therefore, reversed, and the case remanded with directions to discharge the relator from custody.

And it is so ordered.

Mr. Speaker, I quote from newspapers representative of the general feeling of the people in regard to this proposed law. In a lengthy editorial the New York American, on April 30, 1917, said in conclusion:

As you well know, our great Bill of Rights was appended to the Constitution in the form of the 10 amendments, and the very first of these which our fathers so wrote into the supreme law of the land is this:

"Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof; or abridging the freedom of speech or of the press."

Now, gentlemen of the Congress, there are not two consecutive paragraphs in this unconstitutional and tyrannical espionage bill which do not, either by permission or by mandate, attempt to abridge and to coerce and to destroy the freedom of speech and the freedom of the press.

And if you pass such a bill you are false to your oaths, false to the command of the Constitution you are sworn to obey and to uphold, false to your people, false to the liberties and the rights guaranteed to you and to your children, false to our noble traditions of freedom, false to the living and false to the dead who died that these institutions and promises of liberty might be the heritage of free Americans in free America through centuries upon centuries of representative constitutional government.

If you fail in your duty now, if you crouch like whipped dogs at the crack of the lash, if you do not maintain your own and your people's rights and liberties, you are not fit to represent a free people, and you will go down to posterity covered with the contempt and the resentment of those better and braver times which we still have faith to believe await our children and the Republic, which, please God, shall not perish either at the hands of foreign enemies or of the more dangerous domestic sycophants and lickspittles who would graft upon our national spirit and character the baseness and slavishness of their own contemptible and mean-spirited abasement in the dust at the feet of their rightful servants in office.

Not long ago the New York Times published the following editorial:

THE CENSORSHIP.

In the espionage bill now before Congress awaiting its consideration there is a section giving to the Government the power of censorship over the press, although the bill is professedly designed only to deal with spies. As it stands in the bill this section makes it possible for the Government to assume complete control over all the newspapers of the country, to abolish and suppress the freedom of the press guaranteed by the Constitution. In the guise of safeguards against giving information of value to the enemy it puts it in the power of the Government to prevent absolutely the publication of news relating to war.

It would appear that this section has been drawn as a bill to punish the crimes of theft, arson, or murder would be drawn, with the plain intent to confer the broadest possible powers. Yet it is sufficiently obvious that under our Constitution an emergency censorship act in time of war should in its scope be strictly limited to the immediate purpose of preventing the publication of news prejudicial to the success of military operations. It would be a monstrous abuse of legislative authority to attempt to put into the hands of the Government the power to interfere with the legitimate business of the newspapers.

It is quite beside the mark to argue that this power would not be exercised—it should never be conferred. The line of distinction between justified censorship and unwarrantable encroachment upon the freedom of the press is plain. If any Senators or Members of the House believe that it would be to the advantage of the Government to deprive the people of the means of knowing what is going on, or the Government of the daily opportunity to know the thoughts and feelings of the people, a candid retrospective consideration of the manner in which the newspapers of the United States during the past six months have served the cause of democracy, human rights, and American honor by bringing home to Congress and the administration the will and desires of the people would remove that delusion. The newspapers of the country will faithfully comply with any reasonable requests or regulations of the Government. It is not even necessary that the requests should have the special authority of a statute. The press is as patriotic as the Congress.

On May 1, 1917, the Philadelphia Inquirer printed an editorial reading:

SHALL CONGRESS MUZZLE THE NEWSPAPERS?

With the Army bill virtually out of the way, Congress is to take up and dispose of the so-called espionage measure. That measure contains a provision for gagging and muzzling the newspapers, in direct violation of the mandate of the Federal Constitution, which declares that "Congress shall make no law abridging the freedom of speech or of the press."

When it comes to dealing with spies and traitors, we care not how drastic legislation may be. But we enter an emphatic protest against any scheme which has in view a censorship that can not but fail to play havoc with the country.

England, plunged into war without the slightest preparation for it, committed many blunders. She has had to experiment and feel her way, and these experiments were generally very costly. One of the most grievous of her mistakes was the suppression of news. It created suspicion. It bred distrust. Because of this suspicion and distrust, the truth, when told, was only half believed.

We implore Congress to take warning and be governed in the light of England's experience.

Movements of troops or of naval vessels or any information that would be valuable to the enemy should be denied publication, otherwise the press should be left free. It can be trusted. It has been eager to comply with requests from the State, War, and Navy Departments. Shipping news, for instance, is practically abandoned. The dates of steamship sailings are no longer put in print. It is foolish in the extreme to note the arrival of a vessel which has escaped the submarines at "an American port," for when a vessel is safe, that is all there is to it. The fact that she arrived at Philadelphia or New York or Liverpool can be of no advantage to Germany. But the opinion of the Navy Department is honored in this respect, as is every other request.

So the press can be trusted, and it ought to be. Forbid the printing of information of value to the enemy, but do not pass a gag law that would suppress legitimate news or repress truth. Truth can not be successfully mangled for any length of time. Truth harms no one. It is the half truth that matters—the half truth that is in itself a lie or a deception. Muzzle the newspapers and we shall have a Nation distrustful of the Government, fearful that facts are concealed that ought to be made public.

To gag the newspapers would be the most disastrous thing that Congress possibly could do.

Let me read from to-day's Washington Times, which prints the following editorial:

IS THE CONSTITUTION OF THE UNITED STATES STRONG ENOUGH AND SOUND ENOUGH FOR WAR TIME?

This Nation has not as yet gone deep into war. We have announced war, we are preparing for it, that is all.

With the war only beginning a democratic administration discovers that the Constitution is too weak, or too tolerant for the United States of to-day.

Washington managed to do his work obedient to the Constitution.

Lincoln fought through the Civil War and did not find that the Constitution needed changing for his sake—his task was not easy.

But the democratic administration of to-day demands, at the mere suggestion of war, that the Constitution be changed, and changed in that part which more than all the rest of the Constitution guarantees freedom—freedom of speech, freedom of the press.

The first amendment to the Constitution that the so-called espionage bill would nullify reads, as follows:

"Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances."

That means freedom of belief and of thought.

Freedom of the press is collective freedom of speech.

The right of the people peaceably to assemble means freedom of the press, for in our day the people do not assemble in the market place as of old, but gather mentally in the columns of the independent newspaper, read by the people simultaneously each day.

And the right of the people "to petition the Government for a redress of grievances" means nothing else than freedom of the press, for it is through the press, the collective voice, that the people make their grievances known.

The dangerous feature of the espionage bill consists in this: Its serious discussion in both Houses of Congress indicates that the Government not only questions but denies the right and ability of the people to manage their affairs.

The study of mammoth forms in extinct animal life proves that when a creature grows too huge, fat, and heavy it can no longer care for itself and disappears.

Is the Democratic administration to prove that what was true of the dinosaur in its day is true now of the big, heavy, rich American Republic?

Our Nation can distribute billions among its friends, and safely promise billions more every year. Has that Nation grown so big and rich that it can not govern itself, can not be trusted to speak or think for itself?

The Democratic administration and the Congressmen that support the espionage bill declare that the United States has outgrown the ability to govern itself. When they insist upon their espionage bill they declare their belief that the people can no longer be trusted with self-government.

The nations at war in Europe have spent about a hundred billions of money, have lost millions of lives, have been fighting desperately for almost three years, yet free speech still lives among them.

Every day Northcliffe and a dozen others in England, Harden and a hundred others in Germany, representatives of free speech in France, Italy, Greece, and even Turkey, print and say that which in the United States, under the espionage bill, would put a man in jail.

Have we really come to such a pass? Must the people of this country be led like a tame bear with a ring in its nose, an elected public servant holding and pulling the string?

Have we, swimming in wealth, lost the power of self-government, as the monstrous whale, according to Darwin, lost the use of the legs with which it once walked on the land?

That question is being thrashed out in the Senate and in the House, and a most important discussion it is for the people of the United States.

Various interests are at work. The cunningest men in the Nation are in Washington, gathered like flies around a molasses jug, planning to get their share of the golden stream that gushes from the Treasury. They object to the free speech that asks questions, to the free press that prints facts.

Inexperienced men are handling great problems for the first time. It would relieve the inefficient to know that press and public were forbidden by law to criticize inefficiency. Burglars like dark streets, and dishonest legislators, arrogant public servants setting themselves above the people, will dislike the light of free discussion, free speech, and a free press.

Every man who votes for a bill that would nullify any clause of the Constitution without first submitting that nullification to the people, in accordance with the Constitution, violates his oath of office. For each has sworn to support the Constitution; and this espionage bill is an attack upon the Constitution.

In voting for the espionage bill the fraudulent public servant votes to give to himself and to the President power to put in jail any citizen who may tell an unpleasant truth or formulate a needed disagreeable criticism concerning either of them.

The espionage bill would give to the President or to any one of five hundred understrappers power to imprison any man for writing what you have just read—power to imprison you if you should say to your neighbor that it is criminal for public servants without public sanction to abolish constitutional guaranties.

Very broad is the language of these gentlemen in their official declaration that the United States dinosaur has outgrown the Constitution.

As Senator BORAH has pointed out, under this espionage bill citizens would be imprisoned, not for violating the law but for violating "regulations." And the President, or those to whom he might delegate the power, could make any regulations.

The espionage bill does away with every democratic principle, including trial by jury. For under that bill you can be fined $10,000 or imprisoned 10 years, or both, not upon conviction by 12 of your fellow citizens but upon the individual decision of the President of the United States that it would be a good idea thus to fine or imprison you.

Eighty years ago, when an American traveled in Turkey and a cross-legged pasha asked him, "How far have you come to see me?" the interpreter warned, "Just say you have come a long way. Don't tell him it's 4,000 miles or he will think you are a liar and put you in jail."

They don't do that, even in Turkey, any more. Are they going to begin it in the United States?

Until lately in Russia the Czar individually could decide that it was wise to jail, fine, or execute his subjects.

Is the United States Congress about to give to the President the power that the Russian people have just taken from the Czar?

Back of this espionage bill you will find—

The desire of inefficiency to escape criticism.

The desire of dishonesty to avoid exposure.

The desire of official power to escape control by the public that created it.

But dishonesty tempted by the sight of seven golden billions, official vanity eager for absolute power, and incompetent conceit dreading just criticism are minor details in this degrading and shameful discussion of the espionage bill.

Here is the danger signal.

The greatest Republic in the world begins a war announcing that it is fighting the fight of democracy. And it begins that war by questioning the very existence of democracy, denying the wisdom of the constitutional theory that the people are able to govern themselves, fit to control the servants whom they employ, and to be trusted with freedom of thought and speech.

The Congressman who votes for the espionage bill expresses contempt for those that put him where he is.

"Monarchies are destroyed by poverty, republics by wealth."

The French philosopher who said that would study with interest the official hirelings of this gigantically rich Republic solemnly discussing "in an emergency" the nullification of the United States Constitution.

Now, I can go a step further, and I say that the press of this country, regardless of the enactment of any law by Congress, will publish the facts either as to adulterated food being given to the men who go to fight our battles or as to an improper plan of campaign, or as any wrongdoing by an official, be he high or low, poor or rich. You can not stifle the press of the United States by the enactment of laws that are clearly unconstitutional. Who is it that fears the truth? That question has not been answered by anyone here.

Mr. HUDDLESTON. Will the gentleman please inform us what clause of the Constitution he relies upon to protect these newspaper publishers from indictment in districts distant from where they live?

Mr. SIEGEL. I rely on the decisions of the Supreme Court and on one of the amendments to our Constitution.

Mr. MANN. Article VI of the amendments to the Constitution.

Mr. SIEGEL. Let me read to you a short dispatch that appeared in to-day's Washington Post. I ask you whether you care to have a similar state of affairs in this country:

BERESFORD THREATENS TO REVEAL SEA HAVOC IN SPITE OF CENSOR.

LONDON, *May 1.*

Admiral Lord Beresford, speaking in London to-day and complaining of the incompleteness of the official returns of the submarine sinkings, said that the losses were appalling.

He declared that he was so keen on the matter that he was inclined to risk the penalties of the defense of the realm act and tell the people himself, because until they were informed they would not realize the importance of economy.

Whenever you try to keep something away from the people you are showing a distrust in their loyalty and in their patriotism. Do not imagine for a single moment that you can proceed here and enact laws and enforce them if those laws do not meet with the approval of public opinion. You will never get a conviction under this proposed statute against a single newspaper in any of the large cities of the country, because you can not get convictions under any law that does not meet with public approval; and I assert that there is no public demand for the enactment of any such statute as is proposed here in section 4.

Mr. FESS. Will the gentleman yield for one question?

Mr. SIEGEL. Certainly.

Mr. FESS. I do not know whether we are getting all the truth with regard to the western front——

Mr. SIEGEL. I do not think for a moment that we are.

Mr. FESS. Do you think that the sparsity of news is due to the fact that the law will not permit the publication, or is it a matter of public policy not to publish it?

Mr. SIEGEL. I take it for granted that if the law in the various belligerent countries under their censorship statutes and regulations prohibit the sending of news, it is directly resulting in our not getting certain news giving us the true facts.

Mr. FESS. Do you think that we would do any better—that we would have any more accurate information—if there was not any censorship at all?

Mr. SIEGEL. In Europe?

Mr. FESS. Yes.

Mr. SIEGEL. Undoubtedly. There is no question about that. [Applause.]

Mr. WEBB. I yield 15 minutes to the gentleman from Missouri [Mr. IGOE].

Mr. IGOE. Mr. Speaker and gentlemen of the House, when this bill was originally introduced it did not satisfy me. As it was amended at various times and stages it did not satisfy me, and I regret that it is necessary to pass such laws as this.

I believe that we must have some law upon these subjects, and particularly do I believe that there must be some provision along the line of that contained in section 4, that has been attacked so much here to-day. I have heard enunciated upon this floor by two Members of this House a doctrine with which I do not agree, and against which I want to utter my protest now. That is the statement that the newspapers of this country are above the law; that we can pass laws for individuals, but that newspapers will not and can not be expected to obey the law. I do not agree with that sentiment, and I protest against it now.

Mr. CHANDLER of New York. Will the gentleman give the names of the Members who said that newspapers were above the law? I did not hear them speak.

Mr. IGOE. The substance of what they said was that the newspapers would not obey this law, and that newspapers would not be convicted. One was the gentleman from New York [Mr. SIEGEL] and the other was the gentleman from Illinois [Mr. MCCORMICK].

Mr. SIEGEL. Do you think you will obtain a conviction in New York under this law, where a newspaper publishes something which it is in the public interest to expose?

Mr. IGOE. I hope it will never be necessary to bring a prosecution under it; but if it is enacted into law, and it is necessary to bring proceedings, then for the sake of the country and for the sake of the good name of the city of New York I hope we will be able to get convictions under it if it is violated. [Applause.]

The only purpose of the section is to prevent information going to the enemy that might be useful to him—information concerning the national defense. Now, I think that we will all agree,

and I think the newspapers do agree, that it is necessary to prevent that information going to the enemy. Now that we all want to prevent it, what is the best way in which to do it? I will remind the gentleman from New York [Mr. SIEGEL] that the newspapers of his city sent to another body a draft of a law relating to the censorship, which was more drastic than this proposed law, and if it had been enacted the President of the United States could have done much more to prevent publication than he could do under this section as drawn.

I want to say that I believe in the policy of preserving to the citizens and to the newspapers the right to criticize the actions of the Government and of its officials, and it was with that purpose that the committee wrote the proviso into this section.

I want to repudiate, too, the suggestion that the newspapers have any greater right than the people of this country, or that there is any distinction between the freedom of the press and freedom of speech, both of them resting upon the same ground. The mere fact that the Constitution states that we shall pass no law abridging freedom of speech or of the press does not mean and never has meant that we could pass no law punishing certain violations of the right of printing and speaking.

Justice Story, defining liberty of the press says:

> That every man shall have a right to speak, write, and print his opinions upon any subject whatsoever, without any prior restraint, so always that he does not injure any other person in his rights, person, property, or reputation; and so always that he does not thereby disturb the public peace or attempt to subvert government.

The Supreme Court of Missouri, in Ex Parte Harrison (212 Mo., 88), said:

> The constitutional liberty of speech and of press grants the right to freely utter and publish whatever a citizen may desire, and to be protected in so doing, provided always that such publications are not blasphemous, obscene, seditious, or scandalous in their character, so that they become an offense against the public and by their malice and falsehood injuriously affect the character, reputation, or pecuniary interest of individuals.

Mr. CHANDLER of New York. Will the gentleman allow me to suggest the distinction between freedom of speech and freedom of the press—that the freedom of speech has reference to an individual, while freedom of the press is the right enjoyed not only by the press and publishers of the country but it is a right to which the people of the country are entitled, a universal right, and that there should be freedom of the press in order that the people themselves may get together.

Mr. IGOE. I think they both rest upon the same principle. Now let me read from the decision of the United States Supreme Court in the case of Robertson *v.* Baldwin (165 U. S., p. 275, L. C. 281):

> The law is perfectly well settled that the first 10 amendments to the Constitution, commonly known as the Bill of Rights, were not intended to lay down any novel principles of government, but simply to embody certain guaranties and immunities which we had inherited from our English ancestors, and which had from time immemorial been subject to certain well-recognized exceptions arising from the necessities of the case. In incorporating these principles into the fundamental law there was no intention of disregarding the exceptions, which continued to be recognized as if they had been formally expressed. Thus the freedom of speech and of the press does not permit the publication of libels, blasphemous or indecent articles, or other publications injurious to public morals or private reputation; the right to keep and bear arms is not infringed by laws prohibiting the carrying of concealed weapons.

There is a case from the State courts of New York, which is a famous case, and I have no doubt the gentleman from New York is familiar with it. I want to read from it briefly. It is a case of The People *v.* Most (171 N. Y., 423). The gentleman's State undertakes to protect the freedom of speech and the freedom of the press. In that case Most had published some article in an anarchistic paper, and in the course of the decision the Supreme Court of the State of New York said, referring to this provision of the Constitution:

> While the right to publish is thus sanctioned and secured, the abuse of that right is excepted from the protection of the Constitution, and authority to provide for and punish such abuse is left to the legislature. The punishment of those who publish articles which tend to corrupt morals, induce crime, or destroy organized society is essential to the security of freedom and the stability of the State. While all the agencies of government—executive, legislative, and judicial—can not abridge the freedom of the press, the legislature may control and the courts may punish the licentiousness of the press.

And again, in the same decision, the court says of the constitutional provision:

> It places no restraint upon the power of the legislature to punish the publication of matter which is injurious to society according to the standard of the common law. It does not deprive the State of the primary right of self-preservation.
>
> It does not sanction unbridled license nor authorize the publication of articles prompting the commission of murder or the overthrow of government by force. All commentators contrast the liberty of the press with its licentiousness and condemn as not sanctioned by the constitution of any State appeals designed to destroy the reputation of the citizen, the peace of society, or the existence of government.

In the case of State *v.* McKee (73 Conn., 18), a decision was rendered in a prosecution brought under an act making it a criminal offense to sell or offer to sell, lend, or give a paper principally made up of criminal news, police reports, stories of lust and crime. It was held that the act did not violate a constitutional provision that no law should be passed to restrain liberty of speech or freedom of the press. The court said:

> The right to discuss public matters stands in part on the necessity of that right to the operation of a government by the people, but with this exception: The right of every citizen to freely express his sentiments on all subjects stands on the broad principle which supports the equal right of all to exercise gifts of property and faculty in any pursuit in life; in other words, upon the essential principles of civil liberty as recognized by our Constitution. Every citizen has an equal right to use his mental endowments, as well as his property, in any harmless occupation or manner; but he has no right to use them so as to injure his fellow citizens or to endanger the vital interests of society. Immunity in the mischievous use is as inconsistent with civil liberty as prohibition of the harmless use. Both arise from the equal right of all to protection of law in the enjoyment of individual freedom of action, which is the ultimate fundamental principle.

I contend that if the Government can pass a law punishing a libel, if it can pass a law punishing Most for putting into a paper anarchistic sentiments, certainly laws can be passed that will protect the very Government which undertakes to guarantee to the individual these very rights of free speech and press. And so there are restrictions on the liberty of the press; and when the gentleman from New York says that these proposed regulations are unconstitutional, I can not agree with him. I believe they are constitutional. As to whether or not it is wise, whether or not it is the best policy, that, of course, is a question for the Congress to decide.

I regret that it is necessary to pass laws to prohibit the publication of these things, but I believe that a majority, in fact nearly all, of the newspapers of this country are in favor of some regulation that will prevent publication of certain information.

Now, I beg to submit to this House that the newspaper owner who intends to obey the law, who has been obeying this voluntary censorship, ought to ask for some such law as this for his own protection. Because if there is no law, there can be no punishment of any violation of these restrictions, and the law-abiding newspaper and those who want to abide by reasonable rules that will be adopted will be handicapped by those newspapers that do not want to obey the restrictions. I believe that we ought to try and write the section so that freedom of criticism of the acts of the Government and officials may be preserved, and we ought to try and fix it so that only those publications of things respecting the national defense that will be useful to the enemy will be prohibited.

The strange thing about it is this. Newspapers a week ago were insisting that we had to pass the measure recommended by those in charge during the emergency here, while to-day they express dissatisfaction or distrust of the same officials who would pass upon some things that will affect their rights in some small degree. We all have to give up during the war some privileges that have been dear to us. I believe we must put this power in the hands of some one. The moment you try to write into the statute things you want to prohibit, just that moment you get into difficulty, because no man can say what may be necessary to be prohibited to-morrow. And so while I have given my approval and sanction to this measure, I would be glad if some one could submit an amendment that will make it clearer, if possible, that the individual and the newspapers can have the freedom of criticizing the conduct of affairs by Government officials.

Mr. WALSH. Will the gentleman yield?

Mr. IGOE. Yes.

Mr. WALSH. I would like to ask the gentleman if he does not think this section should apply to peace as well as to war. Why not leave it to the judgment of the President as to what shall be published in a time of peace?

Mr. IGOE. I do not know whether the gentleman asks that in a sarcastic vein or not.

Mr. WALSH. No; I am asking the gentleman to state the reason for the position that he takes.

Mr. IGOE. There are a good many powers that I would give to the President in time of war that I would not give him in time of peace. The gentleman will find, and so will the rest of us before we get through, that he will have to place more responsibility on the President, or some one else, if we are going to carry on a war successfully. As the gentleman from Mississippi [Mr. VENABLE] said a little while ago, there are many things, many powers that we will have to give to the President in this war in order to be successful.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. IGOE. Yes.

Mr. LAGUARDIA. I take it from the gentleman's remarks that he conceives the measure to be somewhat too drastic, and to embrace more than it ought.

Mr. IGOE. I will say that if the President wants to, he can go very far under this language in preventing criticism or in preventing the publication of news, but he could not go as far as he could have gone if the suggestion of the New York newspapers had been written into the law.

Mr. LAGUARDIA. I am not interested in the New York newspapers, I am interested in something greater than the newspapers, I am interested in the question of suppressing the privileges of the press.

Mr. IGOE. The gentleman must remember that anything that affects the newspaper will affect the individual. When I speak of the rights of the newspaper I am speaking of the rights of the gentleman's constituents, all governed by the same section.

Mr. LAGUARDIA. Did the committee gather any information that was justified in taking this drastic stand?

Mr. IGOE. The Commander in Chief of the Army and Navy asked the Congress to write some such law.

Mr. LAGUARDIA. A very feeble justification.

Mr. IGOE. Then we have had a very feeble justification for many things that we have done within the last few weeks.

Mr. LAGUARDIA. And you will live to regret it.

Mr. DILLON. Will the gentleman yield?

Mr. IGOE. I will yield to the gentleman.

Mr. DILLON. I would like to ask the gentleman if he thinks that Congress can delegate to the Executive the power to say what shall constitute a crime when Congress does not know what it is, and can Congress fix a penalty for something that it does not know what it is?

Mr. IGOE. I will say that there is no question about the constitutionality of that delegation. The gentleman from North Carolina will address himself to that particular phase of this discussion later.

Congress says in this proposed statute that the publication of certain information that might be useful to the enemy shall be an offense, and it leaves to the President the right to say what information in his opinion will be useful and ought to be prohibited.

Mr. DILLION. I would not doubt it if Congress made specifications, a bill of particulars, and then allowed the President to issue his proclamation in reference to those specifications.

Mr. IGOE. I will say to the gentleman that the Supreme Court has passed upon that question, and I do not think there is any question about the constitutionality of that particular feature.

The SPEAKER pro tempore. The time of the gentleman from Missouri has expired.

By unanimous consent, Mr. IGOE was granted leave to extend his remarks in the RECORD.

Mr. WEBB. Mr. Speaker, I yield 15 minutes to the gentleman from Pennsylvania [Mr. STEELE].

Mr. STEELE. Mr. Speaker, the chairman of the committee on Monday went over the provisions of this bill very fully and very carefully, and the debate has disclosed the fact that there are but few provisions of the bill which really have received any serious opposition. The principal opposition, as I understand the debate as it has run along thus far, is directed against section 4 of the first title of the bill. Some of the legal questions arising out of that section have been discussed by the gentleman who preceded me—the gentleman from Missouri [Mr. IGOE]—and, without attempting to repeat what he has no doubt better said, I shall confine myself to a few other aspects of that section, and particularly with reference to the question asked him at the conclusion of his argument.

Section 4, as I read the section, attempts to do certain things. It attempts to give the President power in time of war, or when war is threatened, to issue a proclamation promulgating certain rules and regulations relating to the national defense, and those rules and regulations are limited by the further stipulation that they must relate to what would be useful to the enemy. When the question is asked, "Why not make a similar regulation in time of peace?" the answer is apparent upon the face of the section that there is nothing that would be useful to the enemy in time of peace. Therefore what is provided for in this section is that the President, who is also, under the Constitution, Commander in Chief of the Army and Navy of the United States, shall have the further authority to issue his proclamation relating to the subject matter of the section.

The gentleman from New Jersey [Mr. PARKER] referred to a principle of constitutional law which to my mind has received the sanction of the Supreme Court, and that is this: The President as Commander in Chief of the Army and Navy has certain constitutional rights, of which Congress can not deprive him. As Commander in Chief of the Army and Navy he can prepare plans for purposes of common defense and can execute them and, with reference to the performance of these duties, Congress can not deprive him. Therefore while Congress has the power, as I view it, under the Constitution to declare war, to appropriate funds, which is its duty, the execution of the duties placed upon the President as Commander in Chief is within his constitutional authority; and within his constitutional authority, therefore, he would have the right to punish whatever would be contrary to the usages of military law. It would be highly improper, it would seem to me, to vest a divided authority over the subject you are treating in this section. It all ought to be vested in one person, because the line of division between his authority as Commander in Chief of the Army and the authority vested in Congress to make rules and regulations for the government of the Army and Navy has not been defined in the Constitution, and therefore it might be difficult to say where the line of division lies. Therefore, and wisely it seems to me, under this section these powers are vested in the same person that the Constitution makes Commander in Chief of the Army and Navy. This concrete statement of what I understand the law to be was stated by the Supreme Court in ex parte Milligan, where that court said:

> Congress has the power not only to raise and support and govern armies but to declare war. It has, therefore, the power to provide by law for carrying on war. This power necessarily extends to all legislation essential to the prosecution of war with vigor and success, except such as interferes with the command of the forces and the conduct of campaigns. That power and duty belong to the President as Commander in Chief. Both these powers are derived from the Constitution, but neither is defined by that instrument. Their extent must be determined by their nature and the principles of our institutions.

What are the nature and what are the principles of our institutions are left vague in the Constitution and they are left vague in the decision of the Supreme Court. In order to prevent any divided authority upon this subject, it seems to me that it is the purpose of the section to vest it in one single authority who can properly exercise it.

A question was asked the gentleman who preceded me as to whether or not the power to promulgate these rules and regulations that are mentioned in this section is not a delegation of legislative authority to the President beyond the power of Congress. That question, it seems to me, has also been decided by the Supreme Court. In no real sense, as the Supreme Court has said, in the promulgating of these rules and regulations is the President exercising any legislative authority. All that he is doing is carrying out what Congress has already said. Congress has said in the statute, if it is enacted, what the policy of Congress shall be with reference to it. He is authorized to promulgate rules and regulations with reference to the national defense, and what would be useful to the common enemy, but that is leaving to him details which are administrative in their character, and not legislative.

Mr. MANN. Mr. Speaker, will the gentleman yield for a question?

Mr. STEELE. Yes.

Mr. MANN. By this section, as I understand it, Congress itself does not prohibit the publication of information which may be useful to the enemy. There is no prohibition in the section as I read it?

Mr. STEELE. No.

Mr. MANN. So that it is left to the President whether there shall be a prohibition.

Mr. STEELE. It is said there may be a prohibition——

Mr. MANN. Well, it is left to the President whether there will be a prohibition.

Mr. STEELE. Yes.

Mr. MANN. If this is not legislation I do not know what legislation is.

Mr. STEELE. If the gentleman will read the section carefully——

Mr. MANN. Well, I have read it carefully a dozen times, and that is probably more than any member of the committee.

Mr. STEELE. The policy that is enacted by Congress and what is prohibited by the section is this, that the conveying or publication of information relating to the national defense which will be useful to an enemy; that is the thing that is prohibited.

Mr. MANN. There is nothing prohibited by the section. I have had occasion to draw a good many laws now on the statute books where violation of regulations is made a misdemeanor and penalized, but in every case Congress has first declared that such thing is prohibited, and then provided for regulation or provided that under regulation that prohibition may be removed. I do not think the gentleman can find on the statute books anywhere a single provision of law that leaves to an executive the authority to determine whether a thing shall be a misdemeanor or penalized or not.

Mr. STEELE. Is the gentleman familiar with the decision of the Supreme Court in the case of the United States against Grimaud, given in Two hundred and twentieth United States?

Mr. MANN. I am not as familiar with the decisions of the Supreme Court as I am with legislation, and I have been all over these decisions in the preparation of legislation.

Mr. STEELE. If the gentleman recalls that decision, Congress enacted a statute which vested in the Secretary of Agriculture power to make rules and regulations with reference to forest lands of the country.

Mr. GRAHAM of Illinois. Will the gentleman allow me to ask him a question?

Mr. STEELE. I yield.

Mr. GRAHAM of Illinois. Conceding now what the gentleman says is correct, that there is a constitutional power which the gentleman mentions, does the gentleman think it is advisable for a legislative body to try to vest some other department of the Government with legislative authority such as this in time of peace?

Mr. STEELE. This does not deal with time of peace, that is a question entirely outside; what I am discussing——

Mr. GRAHAM of Illinois. Then the only reason the gentleman would give is that it is in time of war, is that true?

Mr. STEELE. I wish to say to the gentleman that Congress has exercised that right and that power from the beginning of this Government. You will find in the case of Field *v.* Clark (143 U. S.), with reference to a provision in the tariff act of 1890 conferring upon the President power to make proclamation that wherever any foreign country should not give the same rates as the United States gave to it, or reciprocal rates, the President shall issue a proclamation, and then certain regulations should exist between those countries, and in that case the Supreme Court reviewed the history of legislation upon this subject showing that from the very beginning of the history of the Government Congress vested such powers in the various departments of the Government.

Mr. GRAHAM of Illinois. Does not the gentleman believe, however, that it is always advisable when you are making a penalty for the violation of a certain act that it is always advisable to write not only the terms of the crime but the penalty in the statute rather than leave it to some one to issue regulations from time to time?

Mr. STEELE. In answer to the gentleman I will say that the penalty is particularly set forth in this section.

Mr. GRAHAM of Illinois. Yes; but the crime is not.

Mr. STEELE. The crime, to my mind, is.

Mr. GRAHAM of Illinois. I do not think so.

Mr. STEELE. The President's rules and regulations must be confined to the language of the section which has reference to the national defense.

Mr. GRAHAM of Illinois. I think the gentleman will agree with me that the crime is defined from time to time by the Executive for which the regulation is issued——

Mr. STEELE. If the gentleman will pardon me, when the gentleman interrupted me I was about to explain the decision of the United States v. Grimaud. In that case Congress conferred upon the Secretary of Agriculture the power to promulgate rules and regulations upon the subject of forest lands. The Secretary did promulgate them. In that same statute Congress provided the penalty as is attempted to be provided in this section, and under that section the violator of those rules and regulations was indicted in the Federal court, and the case was taken to the Supreme Court, and the constitutionality of the provision was assailed in the Supreme Court, and the act was there sustained as a valid piece of legislation, so that, so far as any attempt is concerned to assail this statute on the ground that it delegates legislative authority under these various decisions, that contention must fail. I wish also to say for the information of the gentleman that in the debate in the Senate upon the provisions of the espionage bill before them the cases that I have referred to, or some of them at least, were also referred to as sufficient authority to sustain this provision.

Mr. WALSH. Will the gentleman yield?

Mr. STEELE. I will.

Mr. WALSH. In reference to the case the gentleman stated, was it not a fact that the Government owned the lands, one of the essential elements in the trial and decision of that case, and this is not at all similar?

Mr. STEELE. I said awhile ago it had relation to forest lands——

Mr. WALSH. Owned by the Government.

Mr. STEELE. I do not see that makes any difference, because the same provision practically is in the pure-food laws and various other laws where similar authority is conferred upon departments of the Government.

Mr. WALSH. But in those lines there is a direct prohibition included in the law by the Congress, is there not?

Mr. MANN. If the gentleman will pardon me, I drew the pure-food law as it stands, and it is directly contrary to the theory of this section 4.

Mr. STEELE. I do not propose to contradict the statement of the gentleman on the subject, but commend to him the decision of the Supreme Court. It lays down a general principle, it seems to me, which can not be gotten away from.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. CAMPBELL of Kansas. Will somebody yield to the gentleman enough time so that he can answer a question?

Mr. WEBB. Does the gentleman from Pennsylvania [Mr. STEELE] desire more time?

Mr. STEELE. I am quite ready to answer a question.

Mr. CAMPBELL of Kansas. Is it the contention of the gentleman from Pennsylvania that Congress has at any time delegated or the Supreme Court has confirmed the proposition that Congress may delegate the power to any executive body to make regulations with respect to either crimes or punishment?

Mr. WEBB. Will my friend let me read from a statute which is included in the decision of the United States Supreme Court on the subject? It is in the Two hundred and twentieth United States, in the Grimaud case, which my friend has just cited.

Mr. STEELE. Yes, sir.

Mr. WEBB. It says:

> It was also declared that the Secretary "may make such rules and regulations and establish such service as will insure the objects of such reservation, namely, to regulate their occupancy and use and to preserve the forests thereon from destruction; and any violation of the provisions of this act or such rules and regulations shall be punished," as is provided in section 5388, chapter 3, page 1044, of the Revised Statutes as amended.

Now, the Supreme Court held that that was a valid statute and held a man liable to punishment for violating the rules and regulations made by the Secretary.

Mr. CAMPBELL of Kansas. But in that case did not the act itself prohibit the act complained of?

Mr. WEBB. In that case it left the Secretary to make rules and regulations and provided that a violation of the rules and regulations should be a criminal offense, and the Supreme Court sustained the rule

Mr. CAMPBELL of Kansas. That is, provided, of course, that the rules and regulations simply construed the act itself rather than that the regulations constituted a crime which was committed?

Mr. WEBB. That is the language of the statute, and I will explain later the interpretation which the Supreme Court gave it.

Mr. MANN. Will the gentleman permit a question in reference to that?

Mr. WEBB. Of course.

Mr. MANN. The Constitution provides that Congress shall have power to make the needful rules and regulations respecting the territory or other property belonging to the United States. Now, the gentleman may be able to correct me, but I have always understood when Congress made the rule that the Secretary of Agriculture might make rules and regulations that Congress was confined to its authority under the Constitution, because the Government owned the property; and that the same rule did not apply to the general criminal statutes.

Mr. WEBB. I think if my friend will read this decision he will not find such distinction made.

Mr. AUSTIN. May I ask the chairman of the Committee on the Judiciary a question?

Mr. WEBB. Yes, sir.

Mr. AUSTIN. I want to call his attention to an editorial which appeared in the New York American——

Mr. WEBB. I would not want to yield for the reading of an editorial.

Mr. AUSTIN. I would like to ask the gentleman if he has read the editorial and if the statements contained therein are true?

Mr. WEBB. I have read it.

Mr. AUSTIN. What does the gentleman say as to that?

Mr. WEBB. My recollection is it does not refer to section 4.

Mr. AUSTIN. I am asking if it is well founded or not.

Mr. WEBB. I do not think the editorial mentions specifically any section of this bill. It is general criticism of a censorship.

Mr. AUSTIN. What does the gentleman say about the general editorial criticism of the bill?

Mr. WEBB. I do not think it is justified at all. I think the editor there is criticizing the censorship as put into effect in Great Britain. So far as I am able to see, he has not pointed out a single line of this bill to which he objects. It is more of

a general criticism against a censorship at large, instead of pointing out definitely the language of this bill he objects to.

Mr. AUSTIN. I have just read it hurriedly here. It says that, while this original bill has been amended, that the amendments do not save it from the criticism it makes.

Mr. WEBB. That is the opinion of the New York American. There are many other great papers that say it does, such as the New York World and other great papers, that are willing to abide by the section. The newspapers of this country that are patriotic—and I believe that most of them are—ought to be willing to help the President to prevent the publication of things that would be of benefit to the enemy in this great conflict.

Mr. AUSTIN. Does the daily press of the country in whole or in part approve the bill now under consideration?

Mr. WEBB. I can not answer that question, of course.

Mr. AUSTIN. Can the gentleman name any leading metropolitan paper which advocates and indorses the pending bill? I am seeking information.

Mr. WEBB. I read in my general statement on Monday afternoon an editorial from the New York World commending section 4 as presented by this committee. The trouble with most of the papers is that they are referring to the bill presented in February and reintroduced at this special session of Congress, and not this bill before us now, as presented by the Committee on the Judiciary.

Mr. AUSTIN. This seems to be aimed at the present bill. Does the gentleman recall any other paper than the New York World?

Mr. WEBB. I do not recall any paper that is condemning it. I know there is a great effort being made to organize a propaganda among the newspapers to oppose this bill. I do not see why the newspapers should not "take their medicine" in a great fight like this as well as other people. Why they should desire to publish information that the Commander in Chief of the Nation says is useful to the enemy is more than I can understand.

They have been demanding of us, and insisting on it for these many months past, that we stand by the President, insisting that he knows more about all these things than Members of Congress, and now when we go to give him the power to say that they shall not publish certain things useful to the enemy they say we should not pass such measure. I believe in applying the same yardstick to these men just the same as to any other ordinary men in this country.

Mr. AUSTIN. Does the gentleman contend that this bill is an abridgment of the freedom of the press?

Mr. WEBB. I do not believe it is. It is not an abridgment of the freedom of the press unless the press is determined upon destroying the Government. It is a crime to publish scandalous matter now, and it is punishable by law, and if you can stop newspapers in the exercise of their "rights" freely to print such matter and prohibit them from publishing scandalous matter, why not stop them from publishing things that will be useful to the greatest enemy in time of war?

Mr. AUSTIN. I am not assuming that the press of this country is going to publish anything which will endanger the safety or the interests of this country.

Mr. WEBB. Neither am I; and I think, therefore, the newspapers ought not to be "kicking."

Mr. AUSTIN. But I do not believe in applying a radical remedy here to the friends of the Republic and going out of our way to say in advance that we anticipate that they are going to say or do something which will embarrass or injure the Republic.

Mr. WEBB. You might then say that no man will violate the law. The criminal law is made with an intent to catch the criminal. This law is made only to catch the man who wants to publish information that will be useful to the enemy and hurtful to our country. No newspaper ought to be allowed to do it, even if they should want to do it.

Mr. AUSTIN. For more than one hundred years we have not had to anticipate that we would have to have a criminal law infringing the freedom of the press.

Mr. WEBB. Yes; and we have never had the necessity of fighting an enemy 4,000 miles away, and we never before issued a loan of $7,000,000,000. Many things exist now that did not exist 100 years ago, and considering all the powers of communication possessed by our enemy in this country it seems to me that the newspapers ought to hail with delight our attempt here to lay down a rule that would apply to all, instead of allowing one newspaper here and there, with a tip or an inside track, to get information that others would not get and which would be useful to the enemy.

Mr. AUSTIN. We have had many wars. We had the Revolutionary War, and the War of 1812, and the Civil War, and the War with Spain in 1898, and we never yet have found it necessary to put such a law on the statute books, abridging the freedom of the press. The press of this country is absolutely loyal to the country and to the administration. It is the one agency in this country which has aroused public sentiment in favor of military preparedness and the passage of the conscript bill. No agency has had more to do with the passage of that measure than the press of the country.

Mr. KNUTSON. Mr. Speaker, will the gentleman yield?

Mr. WEBB. Yes.

Mr. KNUTSON. Does the gentleman believe that the press of this country has changed materially in the last few years?

Mr. WEBB. Yes; I do.

Mr. RANDALL. Mr. Speaker, will the gentleman yield for a question?

Mr. WEBB. Yes.

Mr. RANDALL. I would like to ask the gentleman a question. The language of the bill is, "The President may prohibit the publishing of any information which in his judgment" is not so-and-so. Now, I would like to ask the gentleman if that constitutes any abridgment of the freedom of the press?

Mr. WEBB. No; I think not; absolutely not.

Mr. RANDALL. I heard the gentleman answer the question several times, and he has always said, "I think not."

Mr. WEBB. I am only expressing my opinion, as I gather it from the Constitution and the adjudicated cases. I am not a dogmatist. I may be wrong, but that is my opinion.

Mr. COOPER of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. WEBB. Yes.

Mr. COOPER of Wisconsin. I wish to ask a brief question. I would like to have the gentleman answer in his own way. An editorial appeared in to-day's Times on this bill. You will find it in the second column. I read:

As Senator BORAH has pointed out, under this espionage bill citizens would be imprisoned not for violating the law but for violating "regulations." And the President, or those to whom he might delegate the power, could make any regulations.

Mr. GORDON. Mr. Speaker, will the gentleman yield?

The SPEAKER pro tempore. Does the gentleman yield?

Mr. WEBB. Yes.

Mr. GORDON. Have you any authority that would warrant Congress in undertaking to delegate to the President the power to define what constitutes a crime? Have you examined that special feature?

Mr. WEBB. No. We do not do that in this section. We make the violation of the prohibition, which we authorize him to make, a crime.

Mr. GORDON. The President defines the prohibition?

Mr. WEBB. Yes. In answer to that let me read what this report, United States, 220, says:

In the nature of things it was impracticable for Congress to provide general regulations for these various and varying details of management. Each reservation had its peculiar and special features, and in authorizing the Secretary of Agriculture to meet these local conditions Congress was merely conferring administrative functions upon an agent, and not delegating to him legislative power. The authority actually given was much less than what has been granted to municipalities by virtue of which they make by-laws, ordinances, and regulations for the government of towns and cities.

It has been done often. I have here a collation of a dozen different statutes, where the Congress of the United States has left matters to the President, "if, in his opinion," the public good would require; has left it to the President "if, in his judgment," the laws are not equitable in a foreign country, or "if, in his opinion," so-and-so is required. From the very foundation of the Government to the present time the Congress has always left the execution of the laws and the making of rules and regulations in the discretion of the President and the heads of the departments if, in their opinion, it ought to be done.

Mr. COOPER of Wisconsin. Mr. Speaker, does the gentleman say Congress has ever given the President the power to make rules or regulations the violation of which would send a man to the penitentiary?

Mr. WEBB. Yes. The Post Office laws are full of such regulations, and I just read one of them a moment ago.

Mr. STEVENSON. Will the gentleman yield?

Mr. WEBB. I yield to my friend from South Carolina.

Mr. STEVENSON. I understand that Congress prohibits by this section, under penalty, the publication of anything that will be beneficial to the enemy, and merely delegates to the President the determination and declaration of what will be detrimental. Is not that what the law will be?

Mr. WEBB. That is the point exactly.

Mr. STEVENSON. That the creation of the crime is by the act of Congress, and the designation of what is detrimental to the country and beneficial to the enemy is left to the President.

Mr. WEBB. Absolutely. Now, quoting further from this opinion, which is very exhaustive—and I hope gentlemen who have doubt about this law will get it and read it—the court, citing Field against Clark, in One hundred and forty-third United States, says:

> The legislature can not delegate its power to make a law, but it can make a law to delegate a power to determine some fact or state of things upon which the law makes, or intends to make, its own action depend. To deny this would be to stop the wheels of government. There are many things upon which wise and useful legislation must depend which can not be known to the lawmaking power, and must therefore be a subject of inquiry and determination outside of the halls of legislation.

Justice Lamar cites a dozen different cases to sustain that point of view.

Mr. COOPER of Wisconsin. Is that the tariff case?

Mr. WEBB. No, sir.

Mr. MASON. Fields against Clark is the tariff case.

Mr. WEBB. That is the tariff case—yes—but the quotation of it is in the Grimaud case, in Two hundred and twentieth United States, which I am reading from.

Mr. RANDALL. That does not cover the point I raised.

Mr. WEBB. No; but there is a double question here. One of my friends has got one end of it and the other the other. The first question is whether Congress can pass a law—not leaving it to the President at all to "pass a law"—prohibiting the press of this country from publishing information which will be useful to the enemy. Now, can we do that? That is the plain question—whether or not you can limit "freedom of speech" in that way. If Congress can not do it, then we will cut out this section. If there is any gentleman who thinks that in a vital conflict like the one in which we are engaged the press of the country has the right to publish information useful to our enemy, and that we can not stop it, then all I have to say is that I am of a different opinion. That is the first question, whether we can constitutionally prohibit that, and I submit that I do not think any good lawyer will say we can not. If we can prohibit the publication of scandalous matter and immoral stuff, with all this "freedom of the press" that is demanded, then why can we not prohibit the publication of information that will be useful to the enemy in the life-and-death struggle in which this country is soon to be engaged? It is absurd to argue the negative.

Mr. CAMPBELL of Kansas. There is no question about the right, so far as Congress is concerned; but the question is, Can Congress delegate that power to the President or to anybody else?

Mr. WEBB. I am trying to answer one question at a time. My friend from California [Mr. RANDALL], I understood, took the position that we have no power to abridge the freedom of the press in the way I have just stated. Is not that what my friend means?

Mr. RANDALL. Oh, no; but you can not give the power to the President to say that in his judgment——

Mr. WEBB. One at a time. If you have got the power, first, to abridge the freedom of speech by passing such a law, if we agree on that, the next question is whether we can leave the section as it is written and leave it to the President of the United States to determine what information will be harmful to the Government and useful to the enemy and therefore make its publication a crime. There are two propositions in section 4, and if we are all agreed on the first proposition—and we now seem to be—that the liberty of the press is not so sacred that we can not prohibit it from publishing matter that is useful to the enemy, we have got by the first step. Then the next step is whether under the decisions for the last hundred years we have the right to delegate to the President—if you say it is a delegation—to decide what information would be useful to the enemy, and then let Congress step in and say that such information shall not be published. I contend that there are dozens of cases decided by the Supreme Court of the United States that uphold that view of this proposition.

Mr. LENROOT. The gentleman stated in answer to a question, and just now has repeated it, that this bill by its terms prohibits the publication of information useful to the enemy and delegates to the President only the power to determine what character of information he deems will be useful to the enemy. I would like to have the gentleman point out where in this bill there is any prohibition against the publication of information useful to the enemy.

Mr. WEBB. It is in the proclamation of the President——

Mr. LENROOT. Oh!

Mr. WEBB. We do not prohibit the publication of information useful to the enemy, for we do not know what information is useful to the enemy, and therefore we delegate to the President the power to determine what information it is, and then, if it is published, we make the publication a crime.

Mr. LENROOT. Then if Congress does not prohibit that, but delegates to the President the power to do it—in other words it delegates to the President the power to make a law.

Mr. WEBB. No; if the President does not make any proclamation which is in the nature of a public statute, then there is no information which is prohibited from being published.

Mr. LENROOT. Will the gentleman yield further, because we all want information about this?

Mr. WEBB. Certainly.

Mr. LENROOT. There are two cases, one the case of Field against Clark, which the gentleman has referred to. In Field against Clark the sole power given to the President was to determine facts, and upon the determination of facts by him, then the law of Congress operated in reference to reciprocity.

Mr. WEBB. That is what we do in this section, give him the power to determine whether or not the information will be useful to the enemy. That is for him to determine.

Mr. LENROOT. Yes; but in Field against Clark the law gave to the President the power to determine whether a certain fact existed. To make this case parallel we have first to prohibit the publication of information useful to the enemy and then properly to delegate to the President to determine the character of the information.

In the other case the gentleman is aware that those decisions were sustained on the ground that Congress had declared a general policy that it is impossible for Congress to follow in all the details, and therefore the Congress could delegate to the Secretary of the Interior or to the Agricultural Department the power to make rules and regulations to carry out the purpose of the law, but nowhere did it sustain the right to delegate to the Secretary of the Interior the power to make the law or make the prohibition.

Mr. WEBB. Exactly what the committee did do; it gave to the Secretary of the Interior the power to make rules and regulations, and whoever violated them would be guilty of a crime.

I want to say this: That if you want to undertake to designate the character of all information that you want to prohibit the newspapers publishing during the entire war, put it in the bill and see where you find yourself.

Mr. GORDON. Do you require the President to specify the character of the information or disclosures which would render the offender amenable to the law?

Mr. WEBB. I think he would be required to describe the character of the information.

Mr. GORDON. Oh, the character; would he not have to describe the act?

Mr. WEBB. No; he would not.

Mr. GORDON. Then the person would never know whether he was violating the law or not.

Mr. WEBB. He would designate information for national defense, movement of troops, movement of vessels, the establishment of forts, laying of mines, and a hundred other things that you can not think of and I could not think of, and that is why we think best to leave the character of the information to the President. If you want to specify these things, go ahead and put them in and see how deep water you get into.

Mr. CHANDLER of New York. Will the gentleman yield?

Mr. WEBB. I will yield to the gentleman from New York.

Mr. CHANDLER of New York. I want to ask the gentleman if he does not think that the great danger in prohibiting the right of the press to publish certain things is not the constitutional question, but is it not this, to give to one person, be he President of the United States or not, the power to shut out the light of public opinion?

Mr. WEBB. I admit that it is a great power to give anybody.

Mr. CHANDLER of New York. Is it not too great a power to give one man?

Mr. WEBB. It is a great power to give one man to send boys away from the United States to death and battle wherever he sees fit to send them—a much greater power than we give here. If he abuses the power, we have given the express right in the bill that nothing shall prohibit the criticism of every act that he may perform or that you and I may perform. If he abuses his powers, the newspapers will have a right and be quick to criticize him.

Mr. CHANDLER of New York. Suppose there was a wheat shortage and he sought to prohibit the information of that.

Mr. WEBB. If he should determine that it would be useful to the enemy, he might prevent it. I want to say that we have a President that we can trust.

Mr. CHANDLER of New York. Yes; but we know the characteristic feature of the President to change his mind.

Mr. SHERLEY. Will the gentleman yield?

Mr. WEBB. Yes.

Mr. SHERLEY. I would like to ask the gentleman touching the word "communicate." I can understand why you might prohibit publishing; you might prohibit any efforts looking to publication, but the word "communicate" is very much broader, and I am informed is very much broader than the word used in a similar act passed in England since the war started.

Mr. WEBB. I think the act the gentleman refers to provides for the prohibition against publishing, communicating, collecting, recording, or attempting to publish or eliciting information concerning so-and-so; it is very broad.

Mr. SHERLEY. I think the gentleman will not find in it the word "communicate." What I am calling attention to is the fact that "communicate" would seem to embrace any sort of communication, whether it led to or was intended to lead to publication. It makes it very much broader than perhaps is required.

Mr. WEBB. That was left in the bill under the belief that the President of the United States would not prohibit the publication and communicating of anything except it was extremely vital to the life of the Government. If that was so, nobody ought to communicate it to the public.

Mr. SHERLEY. The gentleman does not quite meet the point. We can all agree that the President will exercise the power wisely, but that does not excuse us from an obligation of voting only such power as the necessities of the case demands. Now I submit to the gentleman the inquiry as to whether it is necessary to embrace in your prohibition any sort of communication which would embrace a conversation that might not in any way have or be intended to have anything to do with publication, which is what you are really aiming at.

Mr. WEBB. It would be very little profit to prohibit the publication of a thing and then let a man verbally go upon the stump and proclaim it to the public by word of mouth.

Mr. SHERLEY. That would be more than a communication. The gentleman is assuming that "communicate" is the only word whereby you can define the offense. I suggest that is broader than we need. The whole question is a question of degree; we are all agreed as to what we desire to do. The whole question is how we shall do it.

Mr. CLARK of Missouri. Will the gentleman yield?

Mr. WEBB. Certainly.

Mr. CLARK of Missouri. Is there anything in this bill that would make it a criminal offense, or would the President have the power under the bill to make it a criminal offense to publish the fact that some contractor furnished embalmed beef to the soldiers. During the Spanish War Mr. Roosevelt and some others got up a round robin and denounced that kind of stuff vehemently, and it did a great deal of good. It may have been a breach of the military discipline for all that I know, but they dragged the matter to the light of day. Now, I want to know if there is anything in this bill that would authorize the President or anybody else to squelch a newspaper from giving that kind of information to the American people?

Mr. WEBB. I do not think there is, I will say to my distinguished friend. If there were, I would not support it.

Mr. CLARK of Missouri. One other question. Suppose it turned out that some general appointed by the President of the United States was undoubtedly incompetent for his command and endangering the lives of his soldiers by his incompetency, has the President under this proposed law or anyone else the right to undertake to squelch the newspapers from publishing criticism of that worthless general?

Mr. WEBB. I think not. We especially preserve that right in line 11:

Provided, That nothing in this section shall be construed to limit or restrict any discussion, comment, or criticism of the acts or policies of the Government or its representatives or the publication of the same.

I think that protects those situations.

Mr. HUDDLESTON. Mr. Speaker, will the gentleman yield?

Mr. WEBB. How much time have I remaining?

The SPEAKER pro tempore. The gentleman has used 25 minutes and has 51 minutes remaining.

Mr. WEBB. I desire to answer all of the questions I can, but I have promised other gentlemen some time.

Mr. HUDDLESTON. I want to ask if the gentleman's attention has been directed to the fact that this section would cover a private conversation or a private letter. For illustration, suppose under this section the President should forbid communicating news of the movement of troops, and a squad of soldiers should go down the road and a farmer who saw them pass his house should say to a neighbor, "I saw a squad of soldiers pass this morning," does the gentleman think that he would be guilty and could be punished under this section?

Mr. WEBB. I do not think so.

Mr. HUDDLESTON. He undoubtedly could be.

Mr. WEBB. I doubt it very much. De minimis non curat lex. That would be too small a matter for the Government to take hold of.

Mr. HUDDLESTON. I would call the gentleman's attention to the fact that that maxim does not apply in criminal law.

Mr. RANDALL. Suppose the President had prohibited the publication of information with reference to the movement of this squad of troops from one point to another, under the proviso the gentleman has just read the press would still have the right to criticize that act, and in criticising that act necessarily they would give the information as to the movements, would they not?

Mr. WEBB. I do not know that they would.

Mr. RANDALL. You provide that the newspapers may criticize any act.

Mr. WEBB. Yes; any refusal to let the public know certain things or the character of things.

Mr. RANDALL. Then the information would be given in the act of criticism.

Mr. WEBB. I do not think so. I confess that I think our friends are "running rabbits," while we are after the real "bear" in this fight, and, of course, you can assume that a bad President will do a lot of things, abuse a lot of laws. All laws are subject to abuse, but because a man can be indicted for murder when he is not guilty, or for assault when he is innocent, is no reason why we should not have laws against assault and murder, and because it is possible to abuse a law like this is no reason why we should not bring the law into being.

Mr. McCORMICK. Mr. Speaker, will the gentleman yield?

Mr. WEBB. Yes; for a brief question.

Mr. McCORMICK. I want to be as brief as I can in recurring to the questions of the distinguished gentleman from Missouri [Mr. CLARK]. Do the last six words in the proviso refer, as I assume, to the preceding language of the proviso, or to the language of the section above? If they refer to the proviso, then criticism can only be made upon such facts as are permitted to be published.

Mr. WEBB. Yes; of course, that is correct. Otherwise you would not need to have any law if you were to allow the criticism to expose and publish all of the facts and information useful to the enemy.

Mr. McCORMICK. Precisely. Then all facts the publication of which is forbidden by the President must remain hidden from the public.

Mr. WEBB. That is true, and why not? If the Commander in Chief, who is probably more interested in the success of this Government than anyone else, says that a fact is useful to the enemy, why should you want to publish it in your newspapers?

Mr. McCORMICK. Because, even confessing the gentleman's estimate of his capacity, I still believe that he is not all wise or omnipotent.

Mr. WEBB. I think the same thing, but I think he is wise enough to keep proper facts from these newspapers who want to publish everything about the Government, whether useful to the enemy or not, when they ought not to be allowed to do it.

Mr. MONTAGUE. Mr. Chairman, will the gentleman yield? It is not that we do not desire a law, but does this section afford a law? Can the President of the United States make a crime? Does not the Congress first have to declare the crime, and then you may authorize the President to make rules and regulations respecting it?

Mr. WEBB. We have been discussing that point for the last hour.

Mr. MONTAGUE. I do not desire to discuss it with the gentleman except to give my opinion.

Mr. WEBB. I have been reading from several Supreme Court opinions on that very question.

Mr. MONTAGUE. But those cases are distinguished from this bill. Congress can not empower the President of the United States to create, to prescribe a crime; Congress must first prescribe what is a crime. A crime must be created by law and not by proclamation.

Mr. CHARLES B. SMITH. On the same question that was asked by the Speaker and was just asked a moment ago, I would like to ask the gentleman from North Carolina if, under the provisions of this section, the newspapers would not be prevented from mentioning an act like the failure of the expedi-

tion to the Dardanelles, and if they could not mention the act itself, they could not, of course, criticize the President or criticize the expedition or anything in connection with it. Now, certainly nothing better for the English people was done than in connection with this particular criticism of the War Department of Great Britain.

Mr. WEBB. No; I do not think any man would prohibit the publication of what the gentleman calls the failure at the Dardanelles. I do not think the President would prohibit or try to prohibit it. Now, gentlemen, if this House wants to turn a newspaper loose to publish whatever it pleases, in whatever manner it pleases, wherever it pleases, and let it go wherever it pleases, carrying all sorts of information useful to the enemy, the House has the right to do it. We worked over this matter very patiently, and we thought we had a section on which we could all agree by allowing a man who is supposed and probably has as much interest as any man in making a success of this country in this war, to describe these important things that an enemy ought not to get hold of and nobody ought to publish.

Mr. OSBORNE. Will the gentleman yield for a question?

Mr. WEBB. Just for a question.

Mr. OSBORNE. I want to ask the gentleman this question: The country has been in war now for a month. I want to ask the gentleman under the self-imposed censorship which now exists if there has been any publication to his knowledge that would give comfort and aid to the enemy?

Mr. WEBB. Oh, I can not answer that. I understand possibly some newspapers have violated this agreement. I do not know which ones, however; but my friend knows that this agreement they made did not bind everybody. Some newspaper may want to get a "scoop," and it will publish a great deal of very important stuff that the enemy may desire to see, whereas reliable newspapers will carry out their agreement. But we ought to have a law to make the fellow who does not want to do it do it, and the newspapers which are willing to keep the censorship, which they have agreed to now, ought to be willing to stand by this "censorship" that we have provided in section 4, because it will make the other fellow who does not want to obey it obey it. Now, Mr. Speaker——

Mr. AUSTIN. I want really to stand by the committee and stand by the administration, but at the same time, in view of the criticisms that are made in the public press I want to ask the gentleman this question.

Mr. WEBB. I am perfectly willing to answer.

Mr. AUSTIN. I desire to ask just this one question. In this afternoon's daily Times, in the editorial column, this appears:

> The nations at war in Europe have spent about a hundred billions of money, have lost millions of lives, have been fighting desperately for almost three years, yet free speech still lives among them.
>
> Every day Northcliffe and a dozen others in England; Harden and a hundred others in Germany; representatives of free speech in France, Italy, Greece, and even Turkey, print and say that which in the United States under the espionage bill would put a man in jail.

Here is the question: Is that statement correct?

Mr. WEBB. No; I think not, because there is no espionage bill yet, and there will be none until the President of the United States by solemn act proclaims that certain character of information would be useful to the enemy and thereby tell the newspapers not to publish it.

Mr. OSBORNE. Will the gentleman yield for one other question? I recognize, and everybody recognizes, the frankness with which the gentleman is discussing this bill, but I want to ask this question: If it is conceded that there has been no damage in this month of war by the newspapers taking the usual course which they have taken, is not there danger of doing more harm by the enactment of this section than it would be from what infractions there might come——

Mr. WEBB. Oh, I think the newspapers are honestly trying to carry out the agreement of censorship, but this is intended to make them all carry out and have a law to punish the dishonest fellow who violates the law. I will ask my friend from Minnesota to yield some of his time.

Mr. VOLSTEAD. Mr. Speaker, I yield one hour to the gentleman from Pennsylvania [Mr. GRAHAM].

Mr. GRAHAM of Pennsylvania. Mr. Speaker, the bill under consideration is really a very important measure and it did appear to this committee who considered it that it was necessary that some such legislation as this ought to be prepared and presented to the House for action. The bill, as you will notice, covers a great many subjects and, although section 4 of Title I appears to be the storm center, there is a vast field of important and valuable legislation promulgated in this proposed measure. Therefore, however we may differ as to the paragraph which has caused this discussion, we ought to remember that the country needs at this time this legislation in order that we may be properly protected and also because part of it is to exist after the war in time of peace and is intended to cover those matters which were brought to light immediately prior to this state of war upon which we have entered, and which seem to be without adequate legislation to enable the Government to take hold of and deal with them. You will notice in the bill that the first title covers what has been called the subject of "espionage." I do not know whether the title is a good one or not, or whether it fully and clearly expresses what is conveyed by the language of the first part of the bill itself. Section 1, under Title I, is a provision for the punishment of anyone obtaining information improperly, or with an improper purpose behind the obtaining of it. Section 2 is a provision punishing the communication or transmission of that information to any foreign country or to any country wherein there is insurrection or to either party to the insurrection in such country. Section 3 is intended to be a punishment for the violation of a trust, and in that connection also where one is intrusted with the care and custody of valuable documents or papers it is intended to cover and provides for punishing gross negligence by which the document or paper is lost or comes into the possession of those who are not entitled to receive it. In regard to the first two sections, the bill differs radically from the one that was presented in the House and committed to us for consideration.

Upon discussion and examination of these sections there was written into them that which safeguards the provisions from being applied to any innocent person. Some one asked the question, "Could not one be arrested who had maps and plans, and so forth, in his possession?" Certainly he might. There is no law passed that can prevent a man from being arrested on suspicion of a violation of the law. But the vital thing in all legislation is to see that no man can be convicted of a crime unless certain essential elements of criminality are found in the case.

Now, the committee wrote into these sections what is and forever ought to be the qualifying element in almost every criminal statute. It is true that with relation to food laws and other matters of that character the mere prohibition of a thing constitutes a criminal act, whether or not there be any intent to do wrong. As, for instance, to forbid the adulteration of some article of food that has to be sold to the public. The public has a right to have the article just as it is or as it ought to be, without the adulteration. And a prohibitive statute may be passed which declares that the simple adulteration may be an offense, and in that class of cases the question of intent is eliminated.

But the thing that is vital in all other criminal legislation is the intent. And the committee has written into these sections the necessary requirement of intent. Whoever with intent or knowledge or reason to believe that the information to be obtained is to be used to the injury of the United States—in respect to any of the matters which follow in that section—shall be guilty of a crime and be punished. The touchstone that must be applied is with what intent did the man obtain the plans, the documents, or the articles, or the information? It must be with the intent to injure the United States. And upon whom does the burden of proof rest in the trial of such a criminal case? It rests upon the Government.

Some one said, "You are making it too difficult for the Government to prove the intent." I submit you can never make it too difficult by the requirement of the prosecution to prove every essential element of criminality. It is necessary that everything which constitutes the crime shall be proved and the burden of proving the intent rests upon the Government in every one of these cases, so that no innocent man is imperiled by the enactment of this into statute.

Mr. COOPER of Wisconsin. Will the gentleman permit an interruption?

Mr. GRAHAM of Pennsylvania. Yes.

Mr. COOPER of Wisconsin. The words "with intent" do not appear at all in section 4.

Mr. GRAHAM of Pennsylvania. Pardon me, but I am coming to that. I will not disturb my course of reasoning now. I will answer that when I reach it.

Mr. SWIFT. Is it a statutory regulation that you have to prove intent?

Mr. GRAHAM of Pennsylvania. If this statute read "whoever obtains any of these documents shall be guilty of a crime," no intent need be proved. But the committee has carefully guarded innocent people who might communicate, who might obtain a photograph of some public work connected with the defense of the country, from being held liable for a criminal act, because the Government must prove affirmatively by some act or deed or word that the person obtaining it had a guilty pur-

pose, to wit, to injure the United States. Now, that applies to the first two sections.

Section 3 has not the intent in it, because it is a breach of trust, and the simple requirement there is "whoever shall willfully and without proper authority" do the things enumerated in that section. That furnishes the basis for conviction under that section.

Mr. HUDDLESTON. Will the gentleman yield——

Mr. GRAHAM of Pennsylvania. Yes.

Mr. HUDDLESTON (continuing). For me to call his attention to the fact that it also punishes gross negligence without acting willfully?

Mr. GRAHAM of Pennsylvania. I said that. The first part is "whoever willfully communicates or transmits or attempts to communicate or transmit the same to any person, or"—another case—"willfully retains the same or fails to deliver it on demand to the person lawfully entitled to receive it," and then it goes on, "or other gross negligence." There no willfulness is charged. The only thing to be proved in this latter respect is gross negligence. But you must prove such facts and circumstances as will convince the jury that the article in question was lost and its possession parted with through gross negligence on the part of the man who was intrusted with its custody. Surely it is not going too far under this clause to say that the custodian of important documents and papers connected with the public defense must exercise care and caution to preserve them from being lost?

Now we come to section 4.

Mr. FESS. Will the gentleman yield a moment on section 3?

Mr. GRAHAM of Pennsylvania. Yes.

Mr. FESS. How broad is the word "information" in the second line? Is it limited by the words that follow it?

Mr. GRAHAM of Pennsylvania. My attention was first called in a critical way to that language and the context to-day, and it is my purpose to offer an amendment to section 3 of this kind, namely, to insert in line 10, on page 35, after the word "to" and before the word "control," the word "or." Then to strike out of line 11, "or being intrusted with any information" and insert the word "any." So that up to this point the paragraph would read:

Whoever, having possession of, access to, or control over, any document, writing, code book, signal book, sketch, photograph, photographic negative, blue print, plan, model, instrument, appliance, or note belonging to the United States relating to the national defense—

And so forth.

And then to take the words "or being intrusted by any such person with any information relating to the national defense" and insert them in the fifteenth line, after the word "defense." This would make the whole paragraph read down to this point:

Whoever, having possession of, access to, or control over, any document, writing, code book, signal book, sketch, photograph, photographic negative, blue print, plan, model, instrument, appliance, or note, belonging to, intended for, or under the control of the United States relating to the national defense, or being intrusted with any information relating to the national defense, willfully and without proper authority communicates—

And so forth.

Then I think that section would be perfected and meet the objection which the gentleman from Pennsylvania [Mr. TEMPLE] called my attention to here in the House.

As the language stands, it might be susceptible of misinterpretation. For instance, you could read it, eliminating the unnecessary words, "Whoever having possession of information communicates." A man might receive information from some one in the service, a son or a brother, and thus become possessed of information relating to the national defense and communicate it to some one else, because it says "To any other person," and thereby place himself under the condemnation of the act. But with these words changed that result can not be reached, and you will have then a consistent and harmonious enactment.

Mr. LENROOT. Mr Speaker, will the gentleman yield?

Mr. GRAHAM of Pennsylvania. Yes.

Mr. LENROOT. Will the gentleman kindly suggest that change again? I did not quite follow it before.

Mr. GRAHAM of Pennsylvania. The change is after the word "to," in line 10, insert the word "or"; strike out of line 11 the words "or being intrusted with any information," and substitute therefor the word "any"; then, in line 15, after the word "defense," insert the words "or being intrusted by any such person with any information relating to the national defense."

Mr. LENROOT. Mr. Speaker, may I ask the gentleman a question?

Mr. GRAHAM of Pennsylvania. Yes.

Mr. LENROOT. The words "any such person," if that amendment should be adopted, would relate back and apply only to persons having possession of, access to, control over, these documents, writings, note books, and so forth?

Mr. GRAHAM of Pennsylvania. Yes.

Mr. LENROOT. Suppose an Army officer intrusted a person with some information, but did not have control over these various things, and this information had no relation to it. If the words "any such person" are used in that connection, it would not be a crime. In other words, to make it a crime the officer would have to have control over those things, although it might have no relation to information that was given out.

Mr. GRAHAM of Pennsylvania. That may be. You can correct that if you think there is any loophole there and cover it. I think the language, however, as suggested will make that provision quite clear and better than it is now, and leave it free from a great many of the constructions that might be put upon that language. Besides, the section is applied to persons having custody, control, possession, or access to the things enumerated, and a military officer not having custody, and so forth, and giving information could be dealt with, and the person receiving the information could be dealt with under the preceding sections if there was any guilty intent, and if there was no intent to wrong the United States there would not be any crime, and there ought not to be any.

Now, as to section 4, I agree with the gentleman from Missouri [Mr. IGOE] in what he said in his discussion of the law about the constitutional question relating to freedom of speech and of the press, for he holds that every Government has the inherent power to control the freedom of speech or of the press in defense of its own life, as well as in defense of a question of the health or morals of the community, and that constitutional provision must be interpreted always with that thought in mind. Already we have exhibits of how the freedom of speech is curtailed. We have numerous examples of how the freedom of the press is restricted, and yet the constitutional provision is not violated.

There are difficulties connected with this section 4, and I do not think that there was any unanimity of opinion in regard to it on the part of the membership of the Judiciary Committee. I believe that those who finally framed this section and presented it to the House presented the very best thought on the subject which they could muster at that time.

It has been debated here as to whether or not a crime is denounced by the language of this section, and the question of illegal delegated power, as a defect, is also suggested. It seems to me that a crime is properly denounced by the language which the committee has used:

Whoever violates any such prohibition shall be punished.

And the question of delegating power to make rules and regulations, the breach of which will constitute a criminal act, is too well settled to be questioned. The power is expressly given under this section to the President to issue a proclamation and to say what, if anything, shall be prohibited from communication or publication, and this bill declares that whoever violates the prohibition shall be guilty of a crime and shall be punished.

But, after all, that point in and of itself, if everything else were satisfactory, is a minor matter, for it is easy for us to so change the language of this act so that it would meet the objections made by gentlemen who have criticized it. Hence we need spend no time touching that feature in relation to this section.

The word "communicating" there, as the gentleman from Kentucky [Mr. SHEELEY] said, does present some difficulties that might lead to action which you would not wish to have taken, or create criminal liability not intended to be within the contemplation of this law.

The words "in his judgment," in line 7, of page 36, are also highly important words. The President may declare by proclamation what "in his judgment" is of such a character that it might be useful to the enemy.

Mr. McCORMICK. Mr. Speaker, may I interrupt the gentleman at that point?

Mr. GRAHAM of Pennsylvania. I would rather you would not just for a moment.

That brings us to consider what it would be necessary to prove if one were to proceed to convict a prisoner accused of a violation of this section.

The first step would be the proclamation of the President, and the second to establish what the thing is that has been prohibited, and the third would be to establish the publication of that thing in the press, and your case is complete. Leaving "in his judgment" remain would foreclose the question whether or not the thing prohibited "might be useful to the enemy." The jury could not consider that, for the decision of the President would be final.

You will notice by this recital of the steps leading to conviction and the words "in his judgment" remaining in the statute would take out of the jury trial the offer of proof upon the fact

as to whether or not the thing communicated or published in violation of the President's proclamation "is useful to the enemy." Perhaps if the words "in his judgment" were stricken out it might leave the question to be determined by the jury whether or not the thing published after being prohibited was a thing that was useful to the enemy. But we have attached a proviso to this paragraph which calls for consideration. The proviso is an effort to make the section entirely consonant with the demands of the Constitution, namely, nothing in this section shall be taken to abridge the right of criticism, discussion, and comment. I do not quote the words literally, but the substance of them. The thought that prevails, in my judgment, with respect to that provision, is this: Does not that provision, when given its full and complete force and effect, destroy the first part of the section? I do not know how the discussion can be carried on or the criticism successfully made unless the subject of the criticism be disclosed and enter into the discussion. That would seem to involve revealing the thing prohibited.

A great deal has been said about the newspaper press being higher and greater than the law. That is aside from the question that we are to consider. Something has been said here about what newspaper editorials have expressed upon this subject. That is not to be considered by us. We ought to take into account only the existing conditions in this state of war, to ascertain what evils ought to be corrected by legislation, and then proceed to correct them. On the other hand, the appeal of the Constitution must come up to every one of us, and I would rather a thousand times err on the side of avoiding the making of legislation at all than to err on the side of inflicting a limitation upon the freedom of speech and the freedom of the press, both of which are so essentially necessary to the welfare of my country.

There are a number of other things that must be discussed, that ought to be discussed, which should not be left to the judgment of any one man or set of men as to whether or not they should be prohibited.

The suggestions that have been made on this floor as to the treatment of soldiers, how they are fed, clothed, and handled, the policy under which the war is being conducted, and a hundred subjects that would spring to our minds that ought not to be prohibited but that ought to be freely discussed for the welfare of the country, are subjects of national importance whose discussion ought not to be left to any one man or any set of men; and it is better to meet whatever evil may ensue from the discussion of them than to throttle the discussion and prevent the airing of evils that exist which will make against the welfare of the country and its success in the war. My own mind has reached the conclusion with respect to this section, and I give notice now, Mr. Speaker, that it is my intention to move to strike out of this bill section 4 [applause] and to leave the bill in all of its other provisions, with whatever slight amendments your wisdom may think ought to be made to them, to stand as the act of this House.

I believe at this time that more evil will ensue from the enactment of section 4 than any possible good that may come by reason of it being written into this law. [Applause.] I have tried to show the difficulties that surround its enactment. I appreciate what our distinguished chairman has said with reference to the work of the committee in endeavoring to frame language that would meet the situation. This bill originally is not the work of a Member of this House, but it came to us as an appeal practically from a coordinate branch of the Government for aid in legislation to enable them to meet and successfully deal with the evils that have been shown to exist. That appeal ought to meet with a generous response at our hands, and it was in the endeavor to meet the appeal and provide law for treating every part of the difficulty that this bill in its entirety was framed.

Those who compare them will see that the language of this section and the section in the Senate bill have the same difficulty. If there is no language in this bill denouncing the crime, neither is there in the Senate bill, which says that the President may prescribe regulations; no proclamation goes forth, but he may prescribe regulations, and whoever violates those regulations covering any of the enumerated matters included in the senatorial bill would be guilty of a crime.

Some one has suggested that we attempt to enumerate in this section the things that are forbidden, confining it and restricting it to those which are nominated in the law; but any man who reflects must concede that it would be impossible to thoroughly enumerate all the subjects; that if we begin to enumerate they should be set forth and included in the language of this section. Hence it is, facing these difficulties, facing these uncertainties, facing the question of possibly interfering with the right of free speech and a free press, that I am going to ask, so far as my voice and reasoning may have influence, that the Members of this House join me in eliminating section 4 from this proposed measure.

I do not wish to go over all the sections in their order, but I think even a casual reading will give to the reader a conception of language intended to meet and correct conditions and evils that do exist and are not fancied but real. The next title is that which relates to vessels in port. Surely this is necessary.

Mr. BATHRICK. Will the gentleman yield?

Mr. GRAHAM of Pennsylvania. Yes.

Mr. BATHRICK. Before the gentleman leaves section 4 I would like to ask him does he think that any information relating to national defense that might be useful to the enemy should be published?

Mr. GRAHAM of Pennsylvania. I do not.

Mr. BATHRICK. If you strike out this section, everybody will have a right to publish that, will they not?

Mr. GRAHAM of Pennsylvania. They have the right to-day.

Mr. BATHRICK. I understand that; but the law is for the purpose of prohibiting the right of anyone to communicate information to the enemy that might injure the country.

Mr. GRAHAM of Pennsylvania. I think anybody who does it with a guilty purpose can be caught and dealt with under the preceding sections of the bill, and anybody who merely publishes matters here at home and does it in the discharge of what seems to him to be a duty by way of criticism ought not to be prosecuted nor punished under any portion of the bill.

I wish to state, in partial answer to this question, something that came to my knowledge with relation to the conduct of the press at this time.

A matter of really serious importance became known to some of the staff gathering information for publication. Upon the request of the head of a department of Government, no publication of that fact was made, although practically every newspaper in New York, Philadelphia, and Washington knew of the instance.

Another thing: When the *St. Louis* went out as the first armed merchantman, you can recall that there was not a line in any paper telling of her departure. Although she was saluted as she passed down into New York Bay by the craft that were in the harbor, there was not a line to tell the world that she had started on her perilous voyage across the sea. I am told that in many other respects—yes; in every respect—the press of the country has been rendering loyal service in observing the requests made to it with respect to publishing things that were deemed inadvisable.

Mr. BORLAND. Will the gentleman yield?

Mr. GRAHAM of Pennsylvania. I will.

Mr. BORLAND. The gentleman is quite right in stating that the press has put a patriotic censorship on itself. I would like to hear the gentleman discuss the difference between a censorship, so called, which would prevent by black brushing out certain articles that appear from day to day, and this general proclamation of the President by which a man will know in advance that if he publishes certain information he will be committing a crime. Which would be the more onerous on the press and the more inconvenient to the public?

Mr. GRAHAM of Pennsylvania. The censorship would be more onerous on the press than this law, because this law requires the President to issue a proclamation and say that A B is prohibited, and the papers would thus know and understand that A B is prohibited because it might be of service to the enemy. And if the provision is violated, the newspaper must answer for that specific thing, of which it had due notice. But a bad President could forbid matter so as to prevent our people from learning things which they should know.

When you create a censorship of the press you authorize the blue pencil to regulate and control the publications in newspapers, which is a decided innovation and would be an infringement of the rights and the freedom of the press and a most un-American institution.

Mr. BORLAND. The gentleman and I agree on that—that the censorship would be much more onerous and burdensome than this law; but has it not become necessary abroad to exercise the censorship during a period of this war?

Mr. GRAHAM of Pennsylvania. I can not answer that, because I do not know exactly what the conditions abroad are. I know this, however, that the censorship abroad has been the subject of severe criticism, and the public unrest to-day is demanding fuller disclosures of everything, and the Government will be obliged to yield to that demand, for no man or set of men can maintain a position in the face of a united and earnest demand of the people of the country.

Mr. McCORMICK. Will the gentleman yield?

Mr. GRAHAM of Pennsylvania. I will.

Mr. McCORMICK. Before the gentleman concludes—because I know the House will be glad to have the benefit of his judgment—will he not speak of the possibility of enumerating the subjects of publication which might be forbidden. The gentleman has considered that question, I know, and his judgment will carry weight with the House. I think I disagree with him.

Mr. GRAHAM of Pennsylvania. I thought of two ways by which the objections to this paragraph might be removed. My colleague on the committee, Mr. VOLSTEAD, suggested that probably the striking out of the words "in his judgment," in the seventh line, would work a result that would make it acceptable. The striking out of those words would not give a remedy, but would destroy the strength of the paragraph by leaving to the jury to determine whether the fact prohibited would, if published, be "useful to the enemy."

The two ways that occurred to me, however, were these: First, to write into this section the question of intent and knowledge. Beginning in the eighth line, by striking out the word "violates," after the word "whoever," and inserting the words "with intent or knowledge or reason to believe" that the publishing or attempt to publish or communicate or attempt to communicate the forbidden or prohibited things relating to the national defense would be not only in the proclamation but would be useful to the enemy. This would make the finding of the intent to give out information that might be useful to the enemy.

The difficulty is apparent to anybody, for that would relegate the whole question to a jury, the jury would determine every fact in connection with it, and the probabilities are that except in some extreme case that would inflame the public mind and drive men away from a cool, calm, deliberate judgment; you would never secure a conviction in a case of the violation of the prohibition.

In consequence an attempt to enumerate the things to which the right of publication would be restricted would be difficult. But I confess that I could not frame language that would satisfactorily enumerate to my mind the things that should properly be the subject placed within the power of the President to be included in any proclamation of prohibition. As I said a few moments ago, in view of these difficulties I feel that you can afford to strike that section from the bill without harming the bill, and we will be able to manage our affairs through the voluntary aid and help of the press, which has already been loyally offered, and without suffering serious injury to our country or her cause.

The next provision is new and relates to "injuring vessels." Everyone can understand why a provision of that kind is necessary. We have had object lessons to teach us.

Title IV relates to "interference with foreign commerce by violent means." There may be a question involved in this title as to how far we are intruding upon the domain of State legislation; but it was thought by the committee that so long as the section was restricted to those things which entered into foreign commerce and any effort to hinder or impede that commerce by destroying plants and works it would be a proper subject for Federal legislation.

The next title, V, relates to the enforcement of neutrality, and I am sure that when you read the sections under this title you will agree that there is nothing therein that is severe or drastic or improper.

Mr. STAFFORD. Mr. Speaker, will the gentleman yield there in connection with Title IV?

Mr. GRAHAM of Pennsylvania. Yes.

Mr. STAFFORD. Will the gentleman explain the necessity for the National Government taking jurisdiction over matters which are entirely of local concern, and which the State jurisdictions can amply take charge of?

Mr. GRAHAM of Pennsylvania. But they are not entirely local. If what is embodied in the gentleman's questions were true—that the States could deal with these subjects successfully—it might be that this section would be wrong; but, unhappily, it is not the case. What we want to get at is those efforts to interfere by violence with the exercise of rights that belong to the American citizen in respect to foreign commerce that can be legitimately carried on during a time of war. You can best check and hinder these attacks by the aid of the Federal power. By the aid of the Secret Service branch of the General Government you can better succeed in locating and pursuing—often from State to State, where the State authorities would be limited by the State lines and be unable to do effective work—the malefactors of violence. I said, in speaking of this paragraph, that it approaches the border line of what ought to be or ought not to be in Federal legislation; but in view of its affecting the continuance and freedom of foreign commerce we thought that in order to meet difficulties on the part of States in enforcing it separately, we ought to make a provision by which the Federal power, with all of its resources and all of its strength, should pursue those who seek to violate the law and attempt to destroy property for their own malicious purposes in seeking to interfere with the exercise of legal rights on the part of American citizens.

Mr. STAFFORD. Is there anything to interfere with the National Government, throught its officers, pursuing the same activities the gentleman has so eloquently spoken of without this authority being vested in the National Government?

Mr. GRAHAM of Pennsylvania. I think there is. I think this provision is necessary to clothe the Federal authorities with full scope and power to prevent the mischief that the section is aimed to correct.

Mr. STAFFORD. Of course, I grant you, it confers authority to prosecute those crimes in the courts of the United States, but they are still crimes under State law and the national officials can ferret them out with the same authority as under this provision.

Mr. GRAHAM of Pennsylvania. I have answered as fully as I can the question of the gentleman, and I shall proceed to finish the remarks I have to make. The next section relates to the "enforcement of neutrality," and needs no comment. The next relates to the "seizure of arms," about which there is some difficulty in existing law and this section is intended to enlarge the power and give the Government control over this subject.

The next three titles relate to "disturbance of foreign relations" and interfering in the matter of "passports," forging, and so forth.

Title IX relates to the counterfeiting of the Government seal, which ought to be carefully guarded, especially in connection with passports and any public document that might be used to interfere with our neutral relations with other countries.

Title X relates to search warrants, and with respect to that title I have a suggestion to make, that there ought to be inserted into this section a provision which would limit the search warrant provided for herein "to the enforcement of any of the matters defined in preceding sections." The Department of Justice indulges altogether too much in the idea of search and seizure to be consonant with the provisions of the Constitution of the United States, and I would ask to have this right conferred by section 10 limited to the enforcement of the matters legislated upon in the preceding sections.

The use of the mails, Title XI, speaks for itself, and then follow several "general provisions" which help to explain the language of the bill.

Mr. ROBBINS. Will not the gentleman explain Title XI? Is not that covered by existing postal regulations and laws now?

Mr. GRAHAM of Pennsylvania. I would rather have some other member of the committee answer that question than undertake to answer it myself, because I have not in connection with the article examined the existing laws upon that subject, and I do not wish to make a statement that I have not fully verified.

Mr. WEBB. I can say to my friend I do not think there is any law now prohibiting the mailing of such matter as under the section. That is why we wrote it in there.

Mr. GRAHAM of Pennsylvania. That is my impression.

Now, I wish to say in conclusion, a great deal has been published and spoken with reference to this act. We have scarcely considered a more important matter than this since the declaration of war, and if we eliminate section 4 of Title I, I am sure that we ought all to unite heartily and cordially in passing this measure and giving the benefit of its provisions to the administrative or executive department of our Government. We have all said we want to uphold the hands of the President, we want to uphold the hands of the Department of Justice, we want to uphold those who are charged with the execution of the laws and the maintenance of peace and order in our own midst, and we can do this best by the enactment into law of this proposed bill which the Judiciary Committee of the House has submitted for your consideration. [Applause.]

Mr. WEBB. May I ask how much time the gentleman from Minnesota has left and how much I have left?

The SPEAKER pro tempore. The gentleman from Minnesota has 35 minutes and the gentleman from North Carolina has 38.

Mr. WEBB. Mr. Speaker, I yield 15 minutes to the gentleman from Ohio [Mr. GARD], a member of the committee.

Mr. GARD. Mr. Speaker, this is a bill which has for its completed purpose prosecution in the civil courts of criminal actions. Sometimes the discussion may have gone far afield or suggestions may have been made that it possibly incorporates military law, but those suggestions are not well taken. It is the

purpose of and the practice under this bill to preserve the Criminal Code, to make certain cases arising under that code triable in civil courts, triable before a jury, before a judge who instructs the jury as to the law, so that in so far as anything offensive to American ideals of justice is concerned this bill contains nothing. Upon the other hand it seeks to include matters which are not at present covered in existing law for one great purpose, and that is the protection of the United States of America. The bill in its very first provision contains that which is the gist of the entire bill when it speaks under the title of espionage of information "to be used for the injury of the United States." Now, this is the controlling feature in the entire bill, something to be used to the injury of the United States.

Mr. HUDDLESTON. Will the gentleman yield?

Mr. GARD. I will yield. I should have preferred to wait until I made further progress in my remarks, but I will yield.

Mr. HUDDLESTON. I want to ask the gentleman if he does not think that should be confined to the military injury of the United States, not merely commercial or financial injury?

Mr. GARD. I think the purpose of the bill is that it is a military injury to the United States; it is an injury to American arms; it is any attempt to bring about anything which may be useful to an enemy, and since the bill carries that in its different provisions, clearly and manifestly the intent of the bill is to promote the success of American arms and prevent useful information being carried to an enemy. The bill has been discussed, properly discussed, under two heads, one head affecting the constitutional right, the other head being the question of expediency or of propriety, if one may use that term. Article I of the amendment to the Constitution provides "that Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof, or abridging the freedom of speech or of the press." The freedom of speech and the freedom of the press stand upon the same basis of constitutional right. They derive their authority from the same article. One is as great as the other. However, this article of the amendment must be construed in the words of the Constitution coming before that, and I refer to section 8 of Article I, which provides that "Congress may make rules for the government and regulation of the land and naval forces," and that it may "make all laws which shall be necessary and proper for carrying into execution the foregoing powers and all other powers vested by this Constitution in the Government of the United States or in any department or officer thereof.

It is the idea, as expressed in the Constitution, that every law for its proper operation is necessary to be clothed in the flesh and blood of power. Therefore, constitutional authority is expressly given to the Congress to make rules for the government and regulation of the land and naval forces and to make all laws necessary for the purpose of carrying into execution all the powers in the Constitution contained. The authority to protect and defend the Government in time of war transcends all other authority.

Now, some gentlemen have contended here on the floor that this law is not constitutional, or perhaps one section of the law is not constitutional, namely, section 4. Before I come to that I may say, as other gentlemen have said, that there can be little genuine or well-taken objection made to the language of any part of this bill except where one considers section 4 as the gentleman from Pennsylvania [Mr. GRAHAM] has considered it, not from a constitutional standpoint, not from a legal standpoint since he was frank enough to give his approval to its legality, but from the standpoint of practical difficulty. I take it that the sections in the bill regulating actual espionage and regulating the different elements of neutrality are all provisions which are absolutey necessary at this time to be incorporated in the law of the land. I agree with the gentleman from Pennsylvania that in this particular section 4 it comes within the rule laid down by the Supreme Court of the United States in the cases cited by those who have spoken before me, and with special reference to the citations in the Grimaud case, as appearing on page 506 and following, in Volume 220 of the United States Reports. So that the only thing after that to which our attention is brought as affecting the constitutionality of section 4 is that there has been no language defining what the prohibition is.

I myself find no fault with that, since I deem it to be necessarily included in the language used in the bill that the prohibition contained is legal and in a statutory way made. But if there be any doubt in the mind of anyone in this House that such legal prohibition is not made, I would suggest, as I have suggested to the chairman of the Judiciary Committee, that possibly language similar to this might be employed, and I offer it merely as a suggestion:

That during any national emergency resulting from a war to which the United States is a party or from threat of such a war, the publishing or communicating or the attempt to publish or communicate any information relating to the national defense that is or might be useful to the enemy is hereby prohibited.

Then, following the language used in section 4 of this bill, which provides that the President may issue his proclamation after this law has first established a prohibitory feature therefor. But I speak of that as covering the possible defect which some gentlemen have imagined to exist in the law. For myself I do not believe it to exist and do not therefore especially urge it.

Now, we come to consider what section 4 is, and around that section has waged the entire contention this afternoon. It has been asserted that there are practical difficulties, and the gentleman from Illinois [Mr. MCCORMICK] has asked the gentleman from Pennsylvania [Mr. GRAHAM] to give the House the benefit of his valued opinion upon the question of incorporating in the bill a number of things which the Senate bill carries. The Senate bill enumerates a number of items, and then follows in language which is practically similar to the language used in the House bill. The Senate bill provides that there "shall be a proclamation and promulgation thereof with respect to the publishing of any information concerning the movements, numbers, description, condition, or disposition of any of the armed forces, ships, aircraft, or war material of the United States, or with respect to the plans or conduct of any naval or military operation, or with respect to any works or measures undertaken for or connected with or intended for the fortification or defense of any place, or any other information relating to the public defense."

The difference between that and the House bill is that the House bill makes of general character the publication of anything relating to the national defense which may be useful to the enemy.

The phase of intent is incorporated in this bill, because when you use the language "useful to the enemy" thereby is created the element of intent which makes the violation of this particular law an offense against this country, against these United States, for to furnish information useful to the enemy is herein denominated an offense against the United States, and one so furnishing such information can not but have evil intent.

Again I find myself in agreement with the gentleman from Pennsylvania that it is both unnecessary and possibly improper to set out the different things which are intended to be prohibited, since there is only one thing intended to be prohibited, and that is the information of character useful to the enemy. When we consider this bill as we are now discussing it, limited to the practical difficulties of its observance, I would say that I find no fault, and have found no fault, with the attitude of those who control the press of our country. I believe that the editors and the owners of the newspapers of the United States of America are among our most loyal citizens, and that they would do everything to advance the interests of the United States and nothing at all to interfere with their success. But when we assume that to be true, and emphatically it is true, we must realize as a practical matter of fact that there may exist—unfortunately there may exist—in our country either newspapers or newspaper men who are not guided by the high ideals of which I have spoken and of which I know almost universally newspapers and newspaper men are guided. And, like every other criminal statute—and this is a criminal statute—it is not intended as a punishment or deterrent for the great majority of the people, but it is intended for the protection of the majority of the people against the criminal, against the man who willfully and purposely would give aid and useful information to the enemy. So in that sense—and that is the only sense in which it can be properly considered—I do not think it presents any practical difficulty to the newspapers of the United States. On the contrary, it seemed to me that the newspapers would welcome a law of this kind. They can say, as they have already said, "We stand behind the Commander in Chief of our Army and naval forces; we are ready at any time to curtail our news items so that there may be no possibility of any information creeping therefrom which might be useful to the enemy."

All of the great newspapers of our country have done this, and from the great newspapers and the press associations of the country the news is flashed out all over the country, from north to south and from east to west, into the smaller daily papers and weeklies and bi-weekly papers, which, after all, make public opinion and which in times past have made and today are making the best public opinion. So that when I say that I advocate the continuance of this section I do it because I think

it is for the protection of the good newspapers of the United States. And I am happy to say that those are very greatly in the majority among all our newspapers. I am of those who would rather bear in silence the sting of unjust criticism than sanction an abridgment of freedom of speech or of the press.

The SPEAKER pro tempore. The time of the gentleman from Ohio has expired.

Mr. GARD. Mr. Speaker, may I have five minutes more?

Mr. WEBB. I yield to the gentleman five minutes.

The SPEAKER pro tempore. The gentleman from Ohio is recognized for five minutes more.

Mr. GARD. And in the matter of "practical difficulties" I desire to read to the House a proposition that has been made, because certain gentlemen, notably from the city of New York, have professed to find reasons for alarm in this bill. One of the gentlemen was so frank as to say that he did not believe in anything that would prohibit the press from publishing anything at all, no matter what it might be.

Mr. LAGUARDIA. Mr. Speaker, will the gentleman yield?

The SPEAKER pro tempore. Does the gentleman from Ohio yield to the gentleman from New York?

Mr. GARD. You are the gentleman I referred to, and of course I yield.

Mr. LAGUARDIA. In all fairness, why do you not quote what I said in addition to that? I added, "if it infringed upon the rights now guaranteed by the Constitution."

Mr. GARD. There is no intention in this bill to infringe on the rights guaranteed by the Constitution. But I was about to read that which was said by the metropolitan press, entitled "A tentative censorship bill agreed upon by New York newspapers." Now, this is concerning a tentative censorship bill. I do not believe in a censorship. I think the time is not here, and I hope it never will be here, when the press of the United States shall have a public censorship. But there may be for the protection of the press itself a necessity of indicating to the newspapers all over the land what is information which the Commander in Chief of our forces or the Government does not want to be broadly distributed. I read from this tentative censorship bill:

When a state of war exists the President may prohibit the use of the mails, the cables, the telegraphs for the purpose of transmitting to any foreign country information that may be of value to the enemies of the United States, and that he may issue such regulations as may be necessary to render such prohibition effective.

SEC. 2. That when a state of war exists the President may prohibit the publication of information within the United States, continental or insular, of any or all information, facts, rumors, or speculations relating to the armed forces of the Government, materials or implements of war, and that as to daily newspapers the regulations prescribed by the President shall be administered by a central board of censors to be appointed by the President.

Now, this is in the face of that which the gentleman from Pennsylvania says are the practical difficulties of enforcing this law. Here is a statement by the New York newspapers, delivered to the Senate of the United States, in which they themselves agree to a central board of censorship, to be appointed by the President, which shall administer the regulations prescribed by the President.

I believe that in this matter those of us present here who see the difficulties of administration are really fighting ghosts. We think we see something which does not, in fact, exist; and I refer to the very high authority of the New York Sun, which published an article 8 or 10 days ago, an article which I think is enlightening, and with which I shall close my remarks. It is headed, "Our liberties are not in danger," and reads as follows:

OUR LIBERTIES ARE NOT IN DANGER.

The Sun does not share the honest fears of some citizens that Congress is liable to put too much power in the executive department of the Government for the prosecution of war. The Sun refuses to be deceived by those who pretend alarm to cover their hostility to American purpose.

We are under no delusion as to the importance of the struggle in which the United States has entered. In it we shall be successful, but we shall not achieve success without undergoing inconvenience, deprivation, even hardship. We shall be obliged to conform our habits to the necessities of the Nation. We must relinquish privileges that in a long period of peace some have come to regard as inalienable rights. We shall be obliged to practice a repression foreign to our dispositions and incompatible with our easy political conventions. Sacrifices will be called for, will be imperative, and they will be made gladly by all patriots.

These sacrifices will involve no permanent impairment of our liberties. Instead, they will contribute to the defense of our freedom. For a time, long or short as the victory we are determined on is early or late, we shall be deprived of some of our familiar indulgences.

With that victory will come restoration of every privilege we now possess, unimpaired and buttressed in a power not hitherto known. Meanwhile our liberties are safeguarded in the Constitution, in the integrity of our officials, and beyond all in the steadfast, unquestioned devotion of the American people.

Mr. WEBB. Will the gentleman permit an interruption?

Mr. GARD. Yes.

Mr. WEBB. Is it not generally understood that the owner of the New York Sun is also the owner of the Evening Times of this city, from which we have just had read this article condemning the censorship bill?

Mr. GARD. I know nothing of the ownership of the newspapers mentioned.

Mr. COOPER of Wisconsin. The Sun article was published before the espionage bill was reported into the House or Senate, and it closes by saying that our rights are protected by the Constitution, and the first amendment protects a free press.

Mr. GARD. The bill seeks to protect a free press and to protect our country against the publication of prohibited matters relating to our national defense which might be useful to an enemy.

Mr. SMITH of New York. Will the gentleman yield?

Mr. GARD. If my time is not exhausted.

The SPEAKER pro tempore. The gentleman has half a minute remaining.

Mr. GARD. I gladly yield to the gentleman from New York.

Mr. SMITH of New York. I will ask the gentleman if he believes that the article which he has read from the Sun is an approval of section 4 in any sense?

Mr. GARD. I would say it was an entire approval of section 4.

Mr. SMITH of New York. I differ with my friend on that subject.

Mr. WALSH. Does the gentleman believe, with that editorial, that those who are opposing section 4 are hostile to American purposes?

Mr. GARD. Oh, no; not at all. I make no such statement. I read the editorial. I think here it is all a matter of legitimate discussion in which we all should strive to do that which is best for our country.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. WEBB. I will ask the gentleman from Minnesota if he desires to use any more of his time to-night?

Mr. VOLSTEAD. Not to-night.

Mr. WEBB. Has the gentleman any more speakers who desire to use time?

Mr. VOLSTEAD. Yes; but I have agreed to yield time to them later on.

ADJOURNMENT.

Mr. WEBB. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 42 minutes p. m.) the House adjourned until to-morrow, Thursday, May 3, 1917, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, reports on preliminary examination and survey of Yaquina Bar, Bay, and Harbor, Oreg., including consideration of any proposition for cooperation of local interests (H. Doc. No. 109); to the Committee on Rivers and Harbors and ordered to be printed.

2. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, reports on preliminary examination and survey of Taunton River, Mass., from its mouth to the head of navigation at Weir village, with a view of securing a channel of 25 feet depth, or of such depth as may be considered advisable in the interests of commerce (H. Doc. No. 110); to the Committee on Rivers and Harbors and ordered to be printed.

3. A letter from the Secretary of the Treasury, transmitting copy of a communication of the Secretary of the Navy, submitting an additional estimate of appropriation required for salaries, office of Chief of Naval Operations, Navy Department, for the fiscal years 1917 and 1918 (H. Doc. No. 111); to the Committee on Appropriations and ordered to be printed.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. DILL: A bill (H. R. 4019) to punish the speculation by any person or body of persons for the purpose of cornering the market and providing a penalty therefor, and for other purposes; to the Committee on the Judiciary.

By Mr. SCULLY: A bill (H. R. 4020) appropriating money for the improvement of the Shrewsbury River, N. J., up to Red Bank, on the North Branch, and to Branchport, on the South Branch; to the Committee on Rivers and Harbors.

By Mr. ESCH: A bill (H. R. 4021) to approve mutual cessions of territory by the States of Wisconsin and Minnesota and the consequent changes in the boundary line between said States; to the Committee on the Judiciary.

By Mr. JACOWAY: A bill (H. R. 4022) to increase the revenue; to the Committee on Ways and Means.

Also, a bill (H. R. 4023) authorizing the President to requisition and operate railroads or steamboat lines whenever he deems it necessary for the national security and defense; to the Committee on Interstate and Foreign Commerce.

By Mr. CROSSER: A bill (H. R. 4024) to provide increased revenue by a direct tax on the value of land in the United States, and for other purposes; to the Committee on Ways and Means.

By Mr. HAMILTON of Michigan: A bill (H. R. 4025) to amend section 1 of an act entitled "An act to regulate commerce," approved February 4, 1887, as heretofore amended, and for other purposes; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 4026) providing for the erection of a public building at the city of Benton Harbor, Mich.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 4027) granting a pension to persons who are deaf or partially deaf from causes arising while in the military service of the United States; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4028) providing for the erection of a monument at St. Joseph, Mich., commemorating the establishment of Fort Miami on the site of said city; to the Committee on the Library.

Also, a bill (H. R. 4029) to purchase a site for the erection of a post-office building in the city of St. Joseph, Mich.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 4030) to amend section 6, as amended, of the act to regulate commerce, approved February 4, 1887; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 4031) to increase the pensions of those who have lost one eye or have become totally blind in one eye from causes occurring in the military or naval service of the United States; to the Committee on Pensions.

Also, a bill (H. R. 4032) to provide campaign badges for officers, enlisted men, sailors, or marines who served honorably in the Spanish, Philippine, or China campaigns, and who were not in the United States service on January 11, 1905; to the Committee on Military Affairs.

Also, a bill (H. R. 4033) amending section 2 of an act entitled "An act to increase the pension of widows, minor children, and so forth, of deceased soldiers and sailors of the late Civil War, the War with Mexico, the various Indian wars, and so forth, and to grant a pension to certain widows of deceased soldiers and sailors of the late Civil War," approved April 19, 1908; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4034) providing for the erection of a public building at the city of South Haven, Mich.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 4035) to authorize the establishment of a life-saving station at or near Saugatuck, Mich.; to the Committee on Interstate and Foreign Commerce.

By Mr. LEVER: A bill (H. R. 4036) to provide further for the national security and defense by stimulating agriculture and facilitating the distribution of agricultural products; to the Committee on Agriculture.

By Mr. KETTNER: A bill (H. R. 4037) to grant rights of way over Government lands for reservoir purposes for the conservation and storage of water to be used by the city of San Diego, Cal., and adjacent communities; to the Committee on the Public Lands.

By Mr. PADGETT: A bill (H. R. 4038) for making further and more effectual provisions for the national defense, and for other purposes; to the Committee on Naval Affairs.

By Mr. NOLAN: A bill (H. R. 4039) to provide for old-age pensions; to the Committee on Pensions.

Also, a bill (H. R. 4040) to amend an act entitled "An act to provide for the lading or unlading of vessels at night, the preliminary entry of vessels, and for other purposes," approved February 13, 1911; to the Committee on Ways and Means.

Also, a bill (H. R. 4041) to amend section 8 of the act approved June 26, 1906, entitled "An act for the protection and regulation of the fisheries of Alaska"; to the Committee on the Merchant Marine and Fisheries.

Also, a bill (H. R. 4042) to prohibit the employment of any person who is not a citizen of the United States as radio operator or telegrapher on any vessel of the United States engaged in interstate or foreign commerce, and to establish the age of radio operators; to the Committee on the Merchant Marine and Fisheries.

Also, a bill (H. R. 4043) to provide for the establishment of a division of civic training in the Bureau of Education; to the Committee on Education.

Also, a bill (H. R. 4044) to further regulate interstate and foreign commerce by prohibiting interstate transportation of the products of convict labor, and for other purposes; to the Committee on Labor.

Also, a bill (H. R. 4045) to provide for the admission into soldiers and sailors' homes of persons who have served in the Army or in the Navy of the United States; to the Committee on Military Affairs.

Also, a bill (H. R. 4046) for the erection of new buildings for the Golden Gate Life-Saving Station at San Francisco, Cal.; to the Committee on Interstate and Foreign Commerce.

By Mr. NOLAN (by request): A bill (H. R. 4047) to establish a workers' home board for the purpose of making loans to workers with which to build or buy their homes; to the Committee on Banking and Currency.

By Miss RANKIN: A bill (H. R. 4048) authorizing Federal land banks to make loans on lands within irrigation projects, and giving priority of liens for loans so made; to the Committee on Irrigation of Arid Lands.

Also, a bill (H. R. 4049) granting to American women married to foreigners the right to retain their citizenship; to the Committee on Immigration and Naturalization.

By Mr. ALEXANDER: A bill (H. R. 4050) to amend an act entitled "An act to authorize the establishment of a Bureau of War-Risk Insurance in the Treasury Department," approved September 2, 1914, and for other purposes"; to the Committee on Interstate and Foreign Commerce.

By Mr. CARY: Joint resolution (H. J. Res. 78) advocating the freedom of Finland; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ASHBROOK: A bill (H. R. 4051) granting an increase of pension to Albert Helms; to the Committee on Invalid Pensions.

By Mr. BOWERS: A bill (H. R. 4052) granting an increase of pension to Joseph G. Kitchen; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4053) granting an increase of pension to George Dettmer; to the Committee on Invalid Pensions.

By Mr. CHANDLER of Oklahoma: A bill (H. R. 4054) to confer jurisdiction on the Court of Claims to try and adjudicate the claims of Joe Ellis and other individual Shawnee and Delaware Indians on account of depredations committed by soldiers and white citizens of the United States; to the Committee on Indian Affairs.

By Mr. FAIRFIELD: A bill (H. R. 4055) granting a pension to Laura A. Rosenbury; to the Committee on Pensions.

By Mr. GOULD: A bill (H. R. 4056) granting a pension to Menzo W. Johnston; to the Committee on Invalid Pensions.

By Mr. GRAY of New Jersey: A bill (H. R. 4057) for the relief of Edward Johnson; to the Committee on Military Affairs.

By Mr. HAMILTON of Michigan: A bill (H. R. 4058) granting a pension to Rose E. Wicoff; to the Committee on Pensions.

Also, a bill (H. R. 4059) granting a pension to Wesley H. Crockett; to the Committee on Pensions.

Also, a bill (H. R. 4060) granting a pension to Mary J. Welch; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4061) granting a pension to Amanda J. Kemberling; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4062) granting a pension to Frank Mead; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4063) granting a pension to Albert C. Sheldon; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4064) granting a pension to Emma L. Pugh; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4065) granting a pension to Sallie E. Doolittle; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4066) granting a pension to Emilia Granger; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4067) granting a pension to Jenette Babcock; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4068) granting a pension to Rebecca McCullough; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4069) granting a pension to Henry F. Baldwin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4070) granting an increase of pension to Anliza Griffin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4071) granting an increase of pension to Edwin P. Arnold; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4072) granting an increase of pension to J. K. P. McClary; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4073) granting an increase of pension to William Burns; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4074) granting an increase of pension to William Ray; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4075) for the relief of James W. Houser; to the Committee on Military Affairs.

Also, a bill (H. R. 4076) for the relief of Timothy Ellsworth; to the Committee on Military Affairs.

Also, a bill (H. R. 4077) for the relief of Park B. Chase; to the Committee on Naval Affairs.

Also, a bill (H. R. 4078) for the relief of Amanda Honert; to the Committee on Claims.

Also, a bill (H. R. 4079) for the relief of Myron Powers; to the Committee on War Claims.

Also, a bill (H. R. 4080) to correct the military records of the United States so as to muster Stewart C. Burt in and out of the service of the United States Army; to the Committee on Military Affairs.

By Mr. NOLAN: A bill (H. R. 4081) granting a pension to Bernhard Bolen; to the Committee on Pensions.

Also, a bill (H. R. 4082) granting a pension to Katie Noblitt; to the Committee on Pensions.

Also, a bill (H. R. 4083) granting a pension to Maxwell Gray; to the Committee on Pensions.

Also, a bill (H. R. 4084) granting a pension to John H. Simmons; to the Committee on Pensions.

Also, a bill (H. R. 4085) granting a pension to Robert F. Tietz; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4086) granting a pension to Charles A. Lyon; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4087) granting a pension to James P. Kennedy; to the Committee on Pensions.

Also, a bill (H. R. 4088) granting a pension to Mary Curtin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4089) granting a pension to Frank W. Allen; to the Committee on Pensions.

Also, a bill (H. R. 4090) granting an increase of pension to Jerome McWethy; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4091) granting an increase of pension to John McMahon; to the Committee on Pensions.

Also, a bill (H. R. 4092) for the relief of Jasper J. Henry; to the Committee on Military Affairs.

Also, a bill (H. R. 4093) for the relief of David Walker; to the Committee on Military Affairs.

Also, a bill (H. R. 4094) for the relief of James Ross; to the Committee on Naval Affairs.

Also, a bill (H. R. 4095) for the relief of George F. Stedman; to the Committee on Naval Affairs.

Also, a bill (H. R. 4096) for the relief of Patrick Savage; to the Committee on Naval Affairs.

Also, a bill (H. R. 4097) for the relief of Patrick McNamee; to the Committee on Naval Affairs.

Also, a bill (H. R. 4098) for the relief of Thomas Ford; to the Committee on Military Affairs.

Also, a bill (H. R. 4099) for the relief of Mary Curtin, widow of Michael Curtin; to the Committee on Military Affairs.

Also, a bill (H. R. 4100) for the relief of Horatio S. Turrell, alias Horatio Seaward; to the Committee on Military Affairs.

Also, a bill (H. R. 4101) for the relief of the Western Grain & Sugar Products Co. of California; to the Committee on Claims.

Also, a bill (H. R. 4102) for the relief of the minor nephews of Owen F. Solomon, first lieutenant, Fourth Regiment United States Artillery; to the Committee on War Claims.

By Mr. RAKER: A bill (H. R. 4103) granting a pension to Alice C. Glover; to the Committee on Invalid Pensions.

By Miss RANKIN: A bill (H. R. 4104) granting a pension to Rebecca B. Tooley; to the Committee on Invalid Pensions.

By Mr. SELLS: A bill (H. R. 4105) granting a pension to W. M. Balch; to the Committee on Pensions.

By Mr. STRONG: A bill (H. R. 4106) granting a pension to Thomas M. Hoover; to the Committee on Pensions.

By Mr. WEBB: A bill (H. R. 4107) granting a pension to George Archbold; to the Committee on Pensions.

Also, a bill (H. R. 4108) granting a pension to James F. Morrisey; to the Committee on Pensions.

Also, a bill (H. R. 4109) granting a pension to Jacob Hicks; to the Committee on Pensions.

Also, a bill (H. R. 4110) granting a pension to Guss Hughes; to the Committee on Pensions.

Also, a bill (H. R. 4111) granting a pension to Bacchus Lelford; to the Committee on Pensions.

By Mr. WOOD of Indiana: A bill (H. R. 4112) granting a pension to Serilda Harter; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4113) granting an increase of pension to John Q. Alter; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4114) to correct the military record of John W. Siple; to the Committee on Military Affairs.

By Mr. BATHRICK: Petition of Rev. Warren W. Tuttle and others, of Garrettsville, Ohio, favoring national prohibition; to the Committee on the Judiciary.

By Mr. DALE of New York: Petition of S. M. Bixby & Co., of Brooklyn, N. Y., against a special tax of 25 cents per gallon on alcohol; to the Committee on Ways and Means.

Also, petition of Oakley & Co., of New York City, against stamp tax on goods manufactured by them; to the Committee on Ways and Means.

By Mr. DYER: Memorial of members of the faculty and students of the University of Missouri, relative to financing the war by taxation; to the Committee on Ways and Means.

Also, petition of Curtis Manufacturing Co., of St. Louis, Mo., favoring universal military service; to the Committee on Military Affairs.

By Mr. FITZGERALD: Memorial of Humanitarian Cult, of New York City, favoring woman suffrage; to the Committee on the Judiciary.

By Mr. FULLER of Illinois: Petition of the Catholic Church Extension Society of the United States of America, against increase of second-class postage rates; to the Committee on the Post Office and Post Roads.

Also, petition of Chicago Medical Society, relative to abrogating the patents on salvarsan; to the Committee on Patents.

Also, memorial of Illinois Commandery, Naval and Military Order of the Spanish-American War, favoring universal military training; to the Committee on Military Affairs.

By Mr. GALLIVAN: Memorial of Chicago Federation of Labor, asking investigation of the throwing of a bomb in San Francisco, July 22, 1916; to the Committee on Labor.

By Mr. GARDNER: Memorial of Haverhill (Mass.) Rotary Club, favoring the conscriptive draft measure; to the Committee on Military Affairs.

Also, memorial of Massachusetts State Board of the Ancient Order of Hibernians, pledging support to the President in the present crisis; to the Committee on Military Affairs.

Also, memorial of Committee on Public Safety of West Newbury, Mass., relating to food conservation; to the Committee on Agriculture.

By Mr. HILL: Memorial of Sound Beach (Conn.) Rifle Club, favoring universal military service; to the Committee on Military Affairs.

Also, memorial of Bridgeport (Conn.) Lodge, No. 30, International Association of Machinists, relative to the food situation in the United States; to the Committee on Agriculture.

By Mr. HOLLINGSWORTH: Memorial of mass meeting at Cadiz, Ohio, asking suspension of breweries and distilleries as a war measure during the present exigency; to the Committee on Military Affairs.

By Mr. MORIN: Petition of Allegheny County Branch, State League of German Roman Catholic Societies of Pennsylvania, pledging their loyal support to the President and Government in this present trying crisis; to the Committee on Military Affairs.

By Mr. PRATT: Petition of R. W. Page, F. G. Fuller, A. W. Blair, and many citizens of Elmira, N. Y., favoring a Nation unhindered by the liquor traffic; to the Committee on the Judiciary.

Also, petition of Corning Council, No. 281, Knights of Columbus, of Corning, N. Y., by F. H. Suits, grand knight, and John J. Crowley, district deputy, expressing the utmost loyalty to and support of the course the Government has deemed wise to pursue in this hour of trial, and giving friendly assurance of their hearty cooperation; to the Committee on Military Affairs.

By Mr. ROWE: Petition of C. R. Kefanver, of Brooklyn, N. Y., against taxing building and loan associations; to the Committee on Ways and Means.

Also, petition of H. Planten & Son, of Brooklyn, N. Y., relative to levying a stamp tax along the lines of the Spanish-American War stamp tax; to the Committee on Ways and Means.

Also, petition of Illinois Society, Sons of the Revolution, favoring Army by conscription; to the Committee on Military Affairs.

Also, petition of John Simmons Co., of New York City, against taxing 8 per cent of the accumulated dividends of corporations; to the Committee on Ways and Means.

Also, memorial of Chamber of Commerce of the State of New York, relative to treaty relations and bargaining tariffs; to the Committee on Ways and Means.

Also, petition of the Manufacturing Perfumers' Association and board of directors of the American Society of Civil Engineers, New York City, favoring universal military training; to the Committee on Military Affairs.

By Mr. SCULLY: Memorial of Chicago Federation of Labor, asking investigation of the bomb throwing in San Francisco July 22, 1916; to the Committee on Labor.

By Mr. SHOUSE: Petition of Mennonite congregations of Kismet, Greensburg, and Kingman, Kans., asking exemption from compulsory military service; to the Committee on Military Affairs.

By Mr. SNELL: Resolutions of citizens of Willsboro, N. Y., urging upon the President of the United States and upon the Congress thereof the advisability of prohibiting during the war the manufacture and sale for beverage purposes of all alcoholic liquors; to the Committee on the Judiciary.

Also, resolution of the Second Oswegatchie Presbyterian, Morristown Center Methodist, and Galilee Methodist Churches, of Morristown, N. Y., favoring prohibition as a war measure; to the Committee on the Judiciary.

By Mr. STRONG: Resolution of the Men's Bible Class of the Methodist Episcopal Church of Brookville; the Holy Innocents Episcopal Church, Leechburg; and the First Baptist Church, Kittanning, Pa., favoring national prohibition during the period of the war; to the Committee on the Judiciary.

By Mr. TIMBERLAKE: Memorial of citizens of Boulder County, Colo., urging national prohibition as a war measure; to the Committee on the Judiciary.

By Mr. TOWNER: Petition of Meta Hughes, president, and the members of the Baptist Young People's Union, for prohibition as a war measure; to the Committee on the Judiciary.

Also, petition of Mr. H. L. Cosner and 115 other citizens, of Kellerton, Iowa, petitioning for legislation to prevent the use of grain for the manufacture of intoxicating liquor; to the Committee on the Judiciary.

By Mr. ZIHLMAN: Petition of 22 persons of Cumberland, Md., requesting a graduated income tax to pay the cost of the war, as well as the burden after the war, and to further legislation to bring about publicity of income-tax returns; to the Committee on Ways and Means.

Also, memorial of Improved Order of Red Men, of Maryland, offering undivided support of the President and commending Congress for casting aside partisan politics; to the Committee on Military Affairs.

SENATE.

THURSDAY, *May 3, 1917.*

(Legislative day of Wednesday, May 2, 1917.)

The Senate reassembled at 11 o'clock a. m., on the expiration of the recess.

Mr. VARDAMAN. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hardwick	Myers	Smith, Ariz.
Beckham	Hitchcock	Nelson	Smith, Ga.
Calder	Husting	New	Smoot
Chamberlain	James	Norris	Sterling
Culberson	Johnson, Cal.	Overman	Sutherland
Curtis	Johnson, S. Dak.	Page	Thomas
Dillingham	Jones, Wash.	Pittman	Thompson
Fall	Kellogg	Poindexter	Trammell
Fernald	Kendrick	Ransdell	Underwood
Fletcher	King	Robinson	Vardaman
France	Kirby	Saulsbury	Warren
Frelinghuysen	Knox	Shafroth	Watson
Gallinger	La Follette	Sheppard	Williams
Gore	McCumber	Sherman	
Gronna	McKellar	Shields	
Hale	Martin	Simmons	

Mr. FRELINGHUYSEN. I desire to announce the unavoidable absence of my colleague, the senior Senator from New Jersey [Mr. HUGHES], who is detained from the Senate by illness.

The VICE PRESIDENT. Sixty-one Senators have answered to their names. There is a quorum present.

CARE OF GERMAN PRISONERS.

Mr. HALE. Mr. President, out of order I desire to introduce a joint resolution, and I ask that it be read and referred to the Committee on Foreign Relations.

Mr. OVERMAN. I shall not object to the introduction of the joint resolution. I understand that it is not to be considered but simply to be referred. However, to any matter that is called up and asked to be considered I shall object. I do not object to this.

The joint resolution (S. J. Res. 50) authorizing and empowering the President of the United States to make offer to the Governments of England and France to take over and care for German prisoners detained in those countries was read the first time by its title and the second time at length and referred to the Committee on Foreign Relations, as follows:

Senate joint resolution 50.

Whereas there are a great number of German prisoners of war in the detention camps in England and France who must now be cared for, fed, and supported by the Governments of these countries; and

Whereas it is the policy of this county in every way to assist the allied powers in the matter of food supplies; and

Whereas it will afford a considerable relief to these two countries if our Government takes over the care and support of these prisoners: Now, therefore, be it

Resolved, etc., That the President of the United States be authorized and empowered to make offer to the Government of these two countries to take over these prisoners of war and that provision be made, if the said offer is accepted, to convey to this country as many of these prisoners as practicable, and that the President be further authorized and empowered to prepare camps for the detention of such prisoners as are brought to this country.

For the purpose of carrying out the provisions of this resolution an appropriation of $1,000,000 is hereby made out of any moneys in the Treasury not otherwise appropriated.

RECEPTION OF BRITISH COMMISSIONERS.

The VICE PRESIDENT. The Chair desires to make an announcement. When the British commissioners called on the presiding officer of the Senate, he invited them to appear on the floor of the Senate. It was not convenient on that occasion, and it has been delayed from time to time to suit the convenience of the commissioners. The Chair has just received notice that next Tuesday, May 8, at 12.30 p. m., will be a satisfactory time; and the Chair invited them to come and visit the Senate at that time.

ESTIMATE OF APPROPRIATION (S. DOC. NO. 14).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Comptroller of the Treasury submitting an urgent estimate of appropriation for additional force in his office, $31,940, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a telegram in the nature of a petition from Bishop Chartrand, of Indianapolis, Ind., praying that all ordained ministers of religion and all students for the ministry be exempted from military service, which was ordered to lie on the table.

He also presented resolutions adopted by the United Irish Societies of Paterson, N. J., pledging support to the President and praying for the freedom of Ireland, which were referred to the Committee on Foreign Relations.

He also presented resolutions adopted by the Laymen's Missionary Movement of the Methodist Episcopal Church South in session in the city of Nashville, Tenn., favoring national prohibition during the period of the war, which were referred to the Committee on the Judiciary.

He also presented the memorial of Dudley M. Shively, of South Bend, Ind., and a memorial of the Motion Picture Exhibitors' Corporation of the Northwest, remonstrating against the proposed tax on the gross receipts of moving-picture theaters, which were referred to the Committee on Finance.

Mr. SHEPPARD presented a petition of sundry citizens of Greenville, Tex., praying for national prohibition, which was referred to the Committee on the Judiciary.

Mr. PHELAN presented a telegram in the nature of a petition from the president and faculty of the Leland Stanford Junior University, Palo Alto, Cal., praying for national prohibition during the period of the war, which was referred to the Committee on the Judiciary.

He also presented a petition of the Bonner Fruit Co., of Lankershim, Cal., praying for the placing of an embargo on tin plate, which was ordered to lie on the table.

Mr. NELSON presented a resolution adopted by the Douglas County Maximum Crops Association of Minnesota, praying for the establishment of maximum and minimum prices on food products, which was referred to the Committee on Agriculture and Forestry.

Mr. GALLINGER presented the memorial of Dana W. Baker, of Exeter, N. H., remonstrating against an increase of postage on first-class mail matter, which was referred to the Committee on Post Offices and Post Roads.

He also presented petitions of the congregations of the Congregational Church of Barrington, N. H., and of the Baptist Church of East Washington, N. H., praying for national pro-

hibition during the period of the war, which were referred to the Committee on the Judiciary.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. POMERENE:

A bill (S. 2134) to authorize the Secretary of the Interior to issue a deed to the persons hereinafter named for part of a lot in the District of Columbia; to the Committee on the District of Columbia.

By Mr. THOMPSON:

A bill (S. 2135) granting an increase of pension to John W. Stokes; to the Committee on Pensions.

By Mr. JONES of Washington:

A bill (S. 2136) granting an increase of pension to Robert J. Foster (with accompanying papers); to the Committee on Pensions.

By Mr. GORE:

A bill (S. 2137) to regulate the interstate transportation of cattle under 1 year old; to the Committee on Interstate Commerce.

By Mr. PAGE:

A bill (S. 2138) granting a pension to William J. La Rock (with accompanying papers); to the Committee on Pensions.

By Mr. ASHURST:

A bill (S. 2139) making available until expended, and for other purposes, appropriations contained in the Indian appropriation acts for the fiscal years ending June 30, 1917, and June 30, 1918, for providing water rights for the Salt River Indian allotments; and

A bill (S. 2140) making available appropriations in the Indian appropriation act for the fiscal year ending June 30, 1917, for the Ganado irrigation project, Arizona, for repair of flood damages, and for other purposes; to the Committee on Indian Affairs.

By Mr. GORE:

A joint resolution (S. J. Res. 51) to authorize the Committee on Indian Affairs of the House of Representatives to continue the investigation of the Indian Service; to the Committee on Indian Affairs.

PUNISHMENT OF ESPIONAGE.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2) to punish acts of interference with the foreign relations, the neutrality, and the foreign commerce of the United States, to punish espionage, and better to enforce the criminal laws of the United States, and for other purposes.

The VICE PRESIDENT. The pending amendment is the amendment of the Senator from Georgia [Mr. SMITH].

Mr. JONES of Washington. Mr. President, I wish to say simply a word about the matter suggested yesterday by the Senator from Maine [Mr. FERNALD]. I am not acquainted with the details of the canning business, but I know we have some very large canning concerns in our State especially engaged in the canning of fish, and I have received a great many telegrams from these organizations urging the enactment of legislation of this character. They are especially interested in having tin plate out of which the cans are made. They seem to fear that unless an embargo is placed upon the exportation of tin plate they will not be able to get sufficient plate to make the cans necessary to conserve the product which their industry is engaged in canning.

While I do not want to encourage any hysteria throughout the country, I feel that one of the essential things for us to do in the war is to conserve our food supply and to make it just as abundant as possible. I have no fear of famine in this country; but, Mr. President, we have not only to feed our own people but we are going to have to feed those with whom we are fighting. We are going to have to feed the people of France, England, and Italy in addition to our own.

Mr. OVERMAN. Will the Senator yield to me for a moment?

Mr. JONES of Washington. Certainly.

Mr. OVERMAN. If the amendment now pending submitted by the Senator from Georgia prevails, it is limited so that the President can not take care of that situation.

Mr. JONES of Washington. I know that. In view of the fact which I have just stated it seems to me that every step we can take, not only to encourage an increase in the production of food in this country but also to encourage the ways and means by which it may be taken care of and preserved for use, should be adopted, and should have the consideration of Congress, and its consideration just as quickly as possible. There are many food products which can be made available if there are cans in which to put them which will not be made available in any other way. Corn can be made available in that way for food purposes as it might not be in any other way. Peas, beans, fruit, and many of the various things that we consume in daily life can be more largely conserved if they can be canned and kept for an indefinite period of time and made available when they are really needed.

As I said, we have some large canning industries in our State that are canning fish, and they are shipping it to all parts of the world. The people who are engaged in that industry fear that they will not be able to have the cans to take care of the fish which might be caught and conserved if they were assured of an ample supply of containers. I do not know whether there is any danger in that regard or not, but it does seem to me that Congress ought to take whatever steps may be necessary to safeguard and make absolutely sure that such a condition of things will not come about, not for the special interest of the canners or to promote their business but for the safety of our own people and for the safety of those who are fighting our common enemy. An ample supply of food for them and for ourselves is absolutely necessary for victory in this war. A supply of food is just as essential as men and armies.

As the Senator from North Carolina suggested, the amendment proposed by the Senator from Georgia, as I understand it, affects only those food products that are shipped to neutral countries and are likely to go to our enemies. That is good as far as it goes, but it does not go far enough.

Mr. PAGE. Will the Senator allow me?

Mr. JONES of Washington. Certainly.

Mr. PAGE. The remarks of the Senator from Maine [Mr. FERNALD] some 10 days ago upon this matter were the subject of some consideration before the Committee on Agriculture and Forestry the other day, and Secretary Houston was especially interrogated to know if in his judgment there was danger along the line suggested by the Senator from Maine. Secretary Houston said he thought that danger was overestimated, and that he had recently taken up the matter with the manufacturers of steel and tin plate and had been assured that they were making preparation to take care of the necessary wants of the canning industry. I have great faith in the information given by the Senator from Maine, for I think he is quite as conversant with the facts, perhaps, as the Secretary of Agriculture, but I am sure the Secretary has this in mind, and that it is his determination to see that the canning industry is supplied if possible.

Mr. JONES of Washington. Mr. President, this is the 3d day of May, and on the 27th day of April, just about a week ago, Secretary Houston wrote as follows to the Senator from Maine:

THE SECRETARY OF AGRICULTURE,
Washington, April 27, 1917.

Hon. BERT M. FERNALD,
United States Senate.

MY DEAR SENATOR: I have your letter of April 26, in which you ask my views on Senate bill No. 1867, introduced by you, giving the President authority to direct exports from this country. I am heartily in favor of the bill. I was coming to the committee meeting Tuesday morning to give my personal indorsement of the bill, but was prevented from appearing by reason of very important developments here. I greatly hope the bill will pass promptly.

Very sincerely,

D. F. HOUSTON, *Secretary.*

If the Secretary was in favor of the bill, he must have deemed that it was important to have it passed, or in a way necessary.

Mr. PAGE. I think perhaps the letter from the Senator from Maine to the Secretary grew out of the fact that after the Secretary made this statement before the committee I went to the Senator from Maine and said to him that there was a conflict of opinion, and the Senator from Maine assured me that he had investigated the matter and was satisfied that there was danger. I think thereupon he wrote to the Secretary and the Secretary rather acceded to his view and approved of his bill. I simply mention that because I want the Senator from Washington and the Senate to know that the matter is one which the department have in mind and are determined to safeguard if possible.

Mr. JONES of Washington. Unless we give them this legislation they may find themselves confronted with a situation where they can not take care of it.

Mr. PAGE. I think they have the necessary power.

Mr. JONES of Washington. Why, then, did he not say so in this letter?

Mr. PAGE. He is quite willing that legislation should be had.

Mr. JONES of Washington. He is entirely willing and heartily in favor of it. I would like to ask the Senator whether that letter was written before or after the hearing?

Mr. PAGE. After the hearing, I think.

Mr. JONES of Washington. I gather from the letter that he appeared before the committee after he wrote the letter.

Mr. PAGE. I can not believe that.

Mr. GRONNA. What is the date of the letter?

Mr. JONES of Washington. It is dated April 27.

Mr. GRONNA. The date of the hearing was April 23.

Mr. FERNALD. I wrote the Secretary on the suggestion of the Senator from Vermont, because I thought the information that I gathered was contrary to what the Secretary had told me over the phone, and the letter was written subsequent to that.

I want to say further, if I am permited this morning, within an hour information has come to me that every cannery of food in this country to-day is shut down now on account of the lack of cans, so that the suggestion from the Secretary that this might be relieved immediately has proven to be a failure. I will have that information in writing, I think, by 3 o'clock this afternoon. There are hundreds of products that ought to be canned now, and the canneries are at this minute closed down.

Mr. JONES of Washington. That situation just illustrates the danger of leaving the matter without legislative power being vested in the proper authorities to act in any emergency that may come up that they can not foresee.

Mr. PAGE. The Senator knows I am heartily in favor of this legislation.

Mr. NELSON. Mr. President——

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from Minn.?

Mr. JONES of Washington. I do.

Mr. NELSON. The Secretary of Agriculture will have no power to do what the Senator from Maine desires; he will have no legal power to enforce it without the enactment of this section. This section gives him general power, and under this enactment he will have the necessary power, but without it he has no power at all.

Mr. JONES of Washington. The fact called out by the Senator from Maine just now that the canning industries are practically at a standstill on account of a lack of tinplate illustrates the danger, as I said, of relying entirely upon the opinion some departmental officer may have. There is no question but that the Secretary of Agriculture was perfectly sincere in suggesting to the committee that the situation would be met, and yet within four days afterwards he writes to the Senator from Maine that he is in favor of this bill, which looks toward giving the President the power to prevent these exportations. The reason why I thought that this letter was written before the hearing was because he says:

> I was coming to the committee meeting Tuesday morning to give my personal indorsement of the bill, but was prevented from appearing by reason of very important developments here.

So apparently he had changed his mind as to the necessity of this measure. Anyhow, if he led the committee to believe on the 23d or 24th that the legislation was not necessary, he says he was coming to the committee to give the committee his indorsement of the measure.

Mr. PAGE. Mr. President, I think the view of the Secretary of Agriculture was that the manufacturers of tin plate were quite patriotic, and of their own volition they would see to it that a change in this matter was effected without legislation; but that does not mean the legislation may not be wise, and I assume it is. I am in favor of it. I think, however, that the Secretary evidently believes that there is a feeling that——

Mr. SMITH of Georgia. Mr. President, I am anxious to hear what the Senator from Vermont is saying, but I can not.

The PRESIDING OFFICER (Mr. ASHURST in the chair). The Senate will be in order.

Mr. PAGE. I say that I think the Secretary of Agriculture has received information from the manufacturers of tin plate to the effect that they would try to remedy this difficulty without being forced to do so by a congressional enactment; but the Secretary was unquestionably of the opinion that no harm could result from having this power conferred, and believing him, I am heartily in favor of the amendment of the Senator from Maine; but I do not know that we are more solicitous than we need be, in view of the fact that the manufacturers of steel and tin plate seem to be at this time very patriotic and design to do all that the Government could ask them to do without any enforcing legislation.

Mr. JONES of Washington. Mr. President, it does not seem to me that there is any impeachment of anybody's patriotism by suggesting legislation of this character. If these people are sending their tin-plate products to this consumer or to this purchaser or to that, I do not think that they are influenced by unpatriotic motives; but if a situation is developed through that action that is dangerous to the country, it ought to be met in some way either by direct action by Congress or by action under such a law as we propose here, vesting the President with power to take care of a situation that appears to him to be dangerous to the country.

Mr. GRONNA. Mr. President——

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from North Dakota?

Mr. JONES of Washington. I yield.

Mr. GRONNA. In justice to the Secretary of Agriculture I think I ought to read from the hearings what the Secretary of Agriculture actually said upon this very question:

> Senator SMITH of Georgia. We are being asked now to legislate to forbid the exportation of tin cans or the kind of containers that are used for canned vegetables and canned foods, upon the ground that unless we forbid the exportation there will be a terrific shortage and no supply can be had. You do not think the facts justify that?
>
> Secretary HOUSTON. I think the bill giving the Government power to control exports should be passed. It might be desirable and necessary to exercise that power with reference to containers. We do not know now how rapidly the manufacturers will produce an ample supply. I think the Government ought to have power to deal with the situation as the emergency may require.

That is the testimony of Secretary Houston.

Mr. JONES of Washington. That is very clear and is in entire accord with the letter which is in the RECORD.

Mr. President, it may not be necessary for the President to exercise this power; the situation may be fully taken care of by means of the ordinary methods of doing business; but it does seem to me in this crisis and in this emergency, when all possible or dangerous conditions that could be anticipated may in fact arise, that we ought to give to some agency of the Government whatever power is necessary to take care of any such emergency when it arises. If the emergency does not arise we have no right to assume or to believe that the power will be exercised. So it seems to me that we ought to vest in the Executive—and that it would be very wise to do so—the power in this war emergency to take care not only of the exports of tin plate, though those are not mentioned in the provision, but of exports generally, to promote the safety of the country.

Mr. FERNALD. Mr. President——

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from Maine?

Mr. JONES of Washington. I do.

Mr. FERNALD. In justice to myself and in order to prove that what I did say was absolutely correct, I want to read a little more from the hearing which was held on April 23—10 days ago—from page 10. The Senator from Nebraska [Mr. NORRIS] made the inquiry:

> May I ask you a question there, Mr. Secretary?—
>
> Addressing Secretary Houston—
>
> It has been reported that a great deal of the food products which it is necessary to can in order to preserve, that they will not be able to do it because of a lack of cans, and that a lot of the canneries will be idle——
>
> Secretary HOUSTON. I do not think that is true, Senator.

That was on the 23d of April, and to-day I can show by absolute authority from the canneries that every cannery in the United States which is canning nonperishable vegetables and foods is closed down. So the Secretary was simply in error in his thought that the situation might be relieved.

Mr. GRONNA. Mr. President——

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from North Dakota?

Mr. JONES of Washington. I yield.

Mr. GRONNA. In corroboration of what the Senator from Maine [Mr. FERNALD] has said I wish to state that I have received a letter from a man whom I know very well and very favorably—Mr. W. H. Standish, who is now operating a cannery at Reeds Spring, Mo. Mr. Standish was at one time the attorney general of our State. There is no more honest or patriotic citizen living in this country than is Mr. Standish. I believe every word he says, and he stated in his letter to me that his factory was closed down because he could not get containers.

Mr. FERNALD. Mr. President, one of the largest packers in the United States to-day has come on here—and he is now within the sound of my voice—to tell me that I have not made the picture half dark enough; that hundreds and thousands of canneries in this country, about which I did not know and which in my estimate I did not consider, had actually closed down. He is one of the largest packers of canned foods in the United States, and there is not a can in his factory to-day.

Mr. WADSWORTH. Mr. President, will the Senator from Washington permit me to ask a question of the Senator from Maine?

Mr. JONES of Washington. Certainly.

Mr. WADSWORTH. I desire to ask the Senator from Maine, who, of course, is thoroughly familiar with this particular sub-

ject, what sort of food products are being canned, we will say, in Missouri at this time?

Mr. FERNALD. I do not know what they are now canning in Missouri.

Mr. WADSWORTH. What would be canned in Missouri if the factory to which the Senator refers was open?

Mr. CURTIS. All kinds of vegetables which are raised in Missouri would be canned.

Mr. WADSWORTH. At this time of the year?

Mr. FERNALD. They could can kidney beans. Twenty-five varieties of beans are now being canned, and the organization of these canneries can be kept together where the canneries are located. They have to have superintendents and managers and bookkeepers and the whole organization, and they are kept together when they are packing nonperishable vegetables, like beans and fruits and spaghetti and many other different articles.

Mr. SMITH of Georgia. Mr. President, will the Senator from Washington allow me to ask the Senator from Maine a question?

Mr. JONES of Washington. Yes.

Mr. FERNALD. I presume that the Senator from Georgia or the Senator from Missouri could answer the question which has just been propounded by the Senator from New York [Mr. WADSWORTH]; but I am sure that at present large quantities of meats are being canned in Missouri.

Mr. SMITH of Georgia. I wish to ask the Senator from Maine a question, which is a little different from the immediate answer to this question. If the only industry which is suffering is the industry that would use cans, why not now limit the inhibition to empty cans? If you can make a case as to that, and offer legislation as to that alone, I am ready to support you. What I am objecting to is passing out of the hands of Congress and giving to anybody else the indiscriminate right to stop the export of anything they please.

Mr. FERNALD. I want to say to the Senator from Georgia that, so far as my interest is concerned, all that I have reference to at this time is that the tin plate may be held in this country. I do not know what the sponsors of the bill seek.

Mr. REED. Mr. President——

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from Missouri?

Mr. REED. Perhaps the Senator will indulge me.

Mr. JONES of Washington. Certainly, I yield to the Senator from Missouri.

Mr. REED. I desire to ask the Senator from Maine what the total production of tin plate in the United States amounts to?

Mr. FERNALD. To about 20,000,000 boxes.

Mr. REED. Is that production limited by the lack of raw material?

Mr. FERNALD. No. The trouble is that we are shipping plates abroad which, if they could be held in this country for a very short time, would give us a surplus to go and come on, and make certain that the canners would have sufficient containers. This provision would not have to last any length of time, probably.

Mr. REED. I heard the Senator's statement as to the difficulty confronting the canner; that is, he needs cans and there is a lot of them being sent away. I am going back of that question. There is tin plate in this country, and I want to know whether the supply of tin plate is limited by a lack of raw material out of which to make it, or whether the supply is limited because of the incapacity of the factories to make it, or whether it is limited by both?

Mr. FERNALD. I think the supply is limited in this country because of the fact that we are exporting more now than we ought to.

Mr. REED. That does not limit the supply; that is a question of consumption.

Mr. FERNALD. Well, I think the tin-plate factories in this country could produce enough.

Mr. REED. Let me make it plain. If there is a sufficient amount of raw material accessible at reasonable prices to make all the tin plate we need in this country and all we need to ship abroad—if that is a fixed fact, then the only thing necessary to have all the tin plate we need to supply both markets is an increase of the manufacturing capacity, and that increased manufacturing capacity will certainly come if prices go high enough. So that I am interested in knowing now what it is that brings about a shortage of tin plate in this country—whether it is a shortage of raw materials out of which to make tin plate, or whether it is a deficiency in manufacturing capacity, or whether the demand abroad is simply a sharp demand that has suddenly arisen.

Mr. FERNALD. No, sir. We have been exporting great quantities of tin plate right along. I think there is plenty of raw material in the country. Let me say——

Mr. KNOX. Mr. President——

Mr. FERNALD. If the Senator will permit me, let me say, while I am on this question, that of course if prices of any product continue to increase so that it becomes a profitable business, business men will undertake its manufacture, but it takes two years at least to establish a tin-plate factory. It is one of the most expensive industries in the world to establish, and it takes a long time to equip such a factory.

Mr. KNOX. Mr. President——

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from Pennsylvania?

Mr. JONES of Washington. I yield.

Mr. KNOX. I think I can perhaps answer the question of the Senator from Missouri. I was informed the other day by one of the leading manufacturers of the United States, to whom I put exactly the question the Senator from Missouri has put to the Senator from Maine, that the shortage of tin plate in this country is because of the fact that we can not get the tin. The base of tin plate is sheet steel, which then is tinned. The manufacturers largely depend upon imports of tin from Wales and other foreign countries; and that is the reason, as explained to me, for the shortage at this time.

Mr. REED. We can not get the tin?

Mr. KNOX. We can not get the tin.

Mr. REED. I am requested to ask at about what date that information was given to the Senator?

Mr. KNOX. It was given to me within 10 days.

Mr. REED. I thank the Senator.

Mr. FERNALD. But, Mr. President, we are shipping about 50,000 boxes per month. We are exporting that quantity today. If it could be held in this country it would give us sufficient for the needs of the packers at this time.

Mr. PAGE. Mr. President, will the Senator from Washington yield to me for a moment?

Mr. JONES of Washington. I yield to the Senator.

Mr. PAGE. Answering the question of the Senator from Missouri [Mr. REED], I want to say that at our committee meeting the other day I asked the question as to where tin came from——

Mr. THOMAS. Mr. President, I suggest to the Senator that he suspend until the conversation in the Chamber ceases. He is interfering with it.

Mr. PAGE. I repeat, as answering the question of the Senator from Missouri and as qualifying the answer of the Senator from Pennsylvania, that at our committee meeting the other day the question of tin for tinning the sheet-steel plates was brought up by myself, and I said:

> Mr. Secretary, there was a speech made in the Senate the other day in which the matter of tin was referred to. Is there an available supply of tin to meet this increase?
>
> Secretary HOUSTON. The getting of steel and other things is a part of the process of increasing that supply.
>
> Senator PAGE. We get the tin from Singapore, do we?
>
> Secretary HOUSTON. Mr. Brand can answer that.
>
> Mr. BRAND. We get it from the Straits Settlements; but there is an ample supply of tin. It only requires 1 pound of tin to coat 100 pounds of sheet steel.

That was the testimony of Mr. Brand, in response to the suggestion of the Secretary of Agriculture.

Mr. KNOX. Mr. President——

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from Pennsylvania?

Mr. JONES of Washington. I yield to the Senator.

Mr. KNOX. Mr. President, I understand that there is no difficulty about tin in the Straits Settlements. The difficulty about it, as explained to me by the manufacturer to whom I have referred, is in getting it here. We can not get it into this country. There is plenty at Singapore, lying in the ports, and plenty produced in the Straits Settlements, but on account of the scarcity of shipping facilities we are not able to get a sufficient quantity in this country to meet the demand.

Mr. PAGE. I can only give the Senator the information which has come to me.

One word more, and I will terminate my remarks. The Senator from Nebraska [Mr. NORRIS], continuing the inquiry, a part of which has been read into the RECORD, said:

> Senator NORRIS. May I ask you a question there, Mr. Secretary? It has been reported that a great deal of the food products which it is necessary to can in order to preserve, that they will not be able to do it because of a lack of cans, and that a lot of the canneries will be idle——
>
> Secretary HOUSTON. I do not think that is true, Senator.
>
> Senator NORRIS (continuing). Because they can not get tin cans. Is there anything in that?
>
> Secretary HOUSTON. I think not now. There might have been; but a number of weeks ago this matter was brought to our attention. It was reported that the manufacturers of cans needed more steel and that they could not get the steel companies to supply or the cars to ship it. The Secretary of Commerce and I immediately took the matter

up with the chairman of the committee on transportation of the Council of National Defense and with the manufacturers, and their cooperation was secured. The steel companies said they would supply the steel. The manufacturers of the cans said they would expedite their processes, and the canners were asked to make a point especially of canning things that were perishable rather than those that could be otherwise conserved, if necessary.

Mr. JONES of Washington. Mr. President, I appreciate the position of the Senator from Georgia [Mr. SMITH]. He does not desire to give such wide and tremendous power to any executive officer of the Government as is proposed to do by this provision. Generally, I am not in favor of anything of that kind either, but now we are at war and we have to do a great many things which we would not do in time of peace. I was opposed to getting into the war, but we are in it, and we ought to carry it on in the most effective way possible. So far as I am concerned, I am in favor of giving to the President, who has to carry on this war and conduct it with the means and instrumentalities that we give him, every power that we can give him within the limits of the Constitution, to carry it on effectively and expeditiously.

Now it appears that there is a crisis in one particular line of industry, threatening the maintenance of our food supply, coming about by reason of a deficiency in the supply of a particular product. Congress does not know——

Mr. KING. Mr. President——

Mr. JONES of Washington. I will yield to the Senator in just a moment—Congress does not know when an emergency of this character will arise in another line of industry. We can not tell. There is nobody who can determine that better than the Executive, who has the Agricultural Department and the various other departments to furnish him information and keep him in touch with the situation throughout the country. So, it seems to me, that the wise thing for us to do at this time is to give to the Commander in Chief of the Army and Navy, the Executive of the Government, all the power that may be required in the future in the conduct of this war that we can give him within the limits of the Constitution.

Mr. GORE. Mr. President——

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from Oklahoma.

Mr. JONES of Washington. I yield to the Senator from Utah [Mr. KING] who rose first.

Mr. KING. I yield to the Senator from Oklahoma.

Mr. JONES of Washington. Very well.

Mr. GORE. I wish to ask the Senator from Washington if he thinks we can both stimulate an increase of production of foodstuffs and at the same time either threaten or enforce an embargo on the exploitation of foodstuffs?

Mr. JONES of Washington. Mr. President, I did not intend to discuss the merits of that proposition. I am willing to take the provisions of this bill and vest the President with the power to determine what he thinks is best for the safety of this country in this emergency as conditions may arise. I leave that to him. We can not determine here, at any rate at this time, what might be or might not be a wise or unwise course to take under certain conditions hereafter, which may be entirely different from what they are now.

Mr. SHIELDS. Mr. President——

Mr. JONES of Washington. I yield to the Senator from Utah, who has been waiting to ask a question.

Mr. KING. Mr. President, I am very much interested in this proposition——

Mr. FERNALD. Will the Senator yield to me for just a moment?

Mr. KING. Permit me to make this inquiry, and perhaps the Senator from Maine may aid the Senator from Washington in replying. I was about to say that I was very much interested in this matter, for the reason that in the State which I in part represent there are a large number of canning plants, and I have received many communications from them, depicting in rather dark colors the danger that menaces that industry because, as it is claimed, practically all of the tin plate of this country is being shipped to oriental countries. What I wanted to ask either the Senator from Washington or the Senator from Maine was whether or not the manufacturers of tin plate in this country were discriminating against the domestic purchasers and consumers in favor of the foreign consumers or why it was that the domestic consumers of tin plate could not obtain the amount requisite for the industry of this country?

Mr. JONES of Washington. Mr. President, I can not give the Senator the information he wishes along those lines. If the Senator from Maine can, I shall be very glad to yield to him for that purpose.

Mr. FERNALD. Mr. President, answering the Senator from Missouri, I spoke last week to this same bill, and I want to give him the exact figures, because I have them before me.

There are 12 tin-plate mills in this country, whose combined output, according to the census of 1914, is 2,084,536,669 pounds, requiring 20,845,366 boxes of tin plate. More than one-half of all the tin plate used in this country is used in manufacturing containers of food products. The export of tin plate last year was 5,200,000 boxes. Of these 1,300,000 boxes were shipped to Canada. Large shipments of tin plate are made to Asia, being used extensively in the oil business and for many other purposes, as is much of the plate used in this country. So it will be noted that about one-quarter of all the tin plate manufactured in this country was exported in 1914, and I think the exports have increased somewhat in the last two years.

Now as to the pig tin: Most—and I might say all—of the pig tin comes from Singapore, but the industry is controlled by the British Government, so that as to the 1,300,000 boxes which are shipped to Canada it would be necessary to keep on exporting that, because if we shut out Canada the British Government would naturally shut us off from the pig tin. But I understand that the only trouble in getting pig tin in this country is due to the fact that our boats are sometimes interfered with; and if a boat of ordinary size carrying a cargo of tin were torpedoed, it would shut down the tin business in this country, because we only use 1 pound of pig tin to 100 pounds of plates. Only 1 per cent of tin plate is pig tin.

I think I have given the Senator the exact information he desired.

Mr. STERLING. Mr. President, may I ask the Senator——

Mr. JONES of Washington. I yield to the Senator from South Dakota.

The VICE PRESIDENT. We seem to be having a "round table" this morning.

Mr. STERLING. I understand now that the tin plate is manufactured in this country. The Senator's complaint, as I understand, is that it is exported abroad?

Mr. FERNALD. Yes.

Mr. STERLING. Why do not the home consumers of tin plate secure it? Why do they not purchase it instead of its being sent abroad?

Mr. FERNALD. Why, that is a matter of commerce. I suppose these tin-plate manufacturers have contracts which were, perhaps, made a year ago that they are filling, and unless they are relieved by some legal method they will have to continue to keep their contracts, I assume.

Mr. JONES of Washington. Mr. President, just a word and then I am through. I would have been through a good bit ago except for these interruptions.

I stated a while ago that I was willing to give the President all the power that might be necessary to meet this emergency within the limits of the Constitution. Now, I think there is some language in this bill that ought to be stricken out. It may be that amendments have been offered to strike it out—I do not know—but I merely wanted to suggest that, in line 22, I would strike out the words "at such time or times and from such place or places and," so that it would make it "unlawful to export any article or articles from the United States, except under such regulations and orders and subject to such limitations and exceptions," and so forth. The Constitution prohibits Congress from passing any law showing a preference between the ports of the country. Now, it seems to me that, so far as the language of this provision is concerned, we are attempting to authorize the President to do what the Constitution prohibits being done.

Mr. OVERMAN. Mr. President, I do not think the Constitution applies, except as to the regulation of the matter by means of the tariff. The Senator from Minnesota [Mr. KELLOGG] has an amendment to cover what the Senator proposes, which I am willing to accept.

Mr. JONES of Washington. Very well. That was all I wanted to suggest about that. I do not remember exactly the language of the Constitution, but my recollection is that the effect of it is that we can not pass a law giving a preference in the matter of exportation to one city over another city.

Mr. SMITH of Georgia. To the ports of one State over the ports of another State.

Mr. JONES of Washington. Yes; to the ports of one State over the ports of another; and yet if the President, by regulation, can determine that exports can go from Baltimore but can not go from New York, it seems to me that that would be contrary to that provision of the Constitution. We ought not even by language to appear to attempt to confer that authority upon him. The matter of the time is not so important. The President will fix the time as to the beginning and ending of the embargo, whether we so provide or not.

Mr. WATSON. Mr. President, if there be a necessity for limiting the export of tin plate, why not confer upon the Presi-

dent the power to limit the export of tin plate? Why confer on him universal embargo power? Does not the Senator look upon that as an absolute abdication of the function of Congress?

Mr. JONES of Washington. Well, we are going to abdicate a whole lot of things during this emergency, and we will have to do it.

Mr. WATSON. I understand that, but the less the better. Why go into the business on a wholesale scale?

Mr. JONES of Washington. Just because of what I said awhile ago. We have the facts presented only with reference to the tin-plate industry, the canning industry. Apparently that is the one that is in a critical condition now; but we do not know what other industry will be affected in the same way next week or next month or when we get away from here.

Mr. SHIELDS. Mr. President——

Mr. JONES of Washington. If we can give the President this power, and if it is desirable to give it to him in one line of industry it seems to me that it is the part of wisdom during this war to give him the power to meet any emergency that may confront him with reference to any line of industry.

Mr. SHIELDS. Mr. President——

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from Tennessee?

Mr. JONES of Washington. Yes; I am willing to yield the floor. If the Senator wants to ask me a question, I will endeavor to answer it.

Mr. SHIELDS. I will take the floor, but I should like to ask the Senator from Washington a question before he desists.

Mr. JONES of Washington. Very well.

Mr. SHIELDS. I agree with the Senator in being anxious to prosecute this war vigorously. I believe that nothing should be left undone and that all measures ought to be put in force and prosecuted that will effect that end; but why not have Congress remain here and discharge its functions as these emergencies occur instead of abdicating them and leaving them to some other branch of the Government to discharge?

Mr. JONES of Washington. Mr. President, I am perfectly willing to stay here all the summer. I am perfectly willing to stay here as long as it is necessary to discharge any duty or responsibility that is upon Congress; and if that is deemed to be the best way to meet these emergencies when they come up, very well. But we are going to reach a point probably when there will appear to be nothing for Congress to do. We are going to give the President a whole lot of power in a great many different lines, and we are going to give him power in lines that are likely to be far more injurious to this country than along these lines if there is any injury to come from it. But the time is coming when we will think that our work is done, when the President will have no further recommendations to make to us, and we are going to get away; or is it the Senator's idea that we ought to stay here waiting for something to come up, waiting for some condition to arise that will require the exercise of legislative power?

We may get through, and we might provide for the tin-plate industry and take care of that, and we might pass whatever appropriation bills are necessary and get through with the work that apparently it is necessary for Congress to do, and adjourn; and within a week conditions might arise with reference to some particular line of industry or activity that would require the exercise of large power by somebody. Of course, in that event Congress could be called back, but that takes time. Then legislation could be prepared and we could discuss it as long as we needed to; and unless we would expect to go into the details of the matter we would come back here to do the will of the Executive as to what he deemed necessary in the emergency, and we would do it without any special information or investigation. We would grant him the power asked. It is true we would go through the forms of acting, but in effect it would be just what we are proposing to do here. The advantage in this method is that it will secure prompt action. To wait for Congress to act in each particular emergency is to invite delay and disaster.

Mr. President, it seems to me that the wise thing for us to do is to say to the President: "Within the limits of the Constitution we are willing to trust you, during this summer and while this war is being carried on, to do along these lines what is necessary to be done, and to do it promptly and energetically." Why, oftentimes in matters of this kind time is of the essence of successful results. Time and promptness are obsolutely necessary to the successful development and prosecution of whatever must be done in connection with war; and so it seems to me that it is wise to give the general power proposed to be given by this provision to the President of the United States, and I am willing to give it to him. I am willing to stay here all summer, so far as that is concerned, and glad to do it if that is necessary and best.

I have opposed in the past the shirking of responsibilities by Congress. I am not in favor of doing it as long as there is time and opportunity for Congress to act, and when it is best for us to act. I have been denounced at home and other places because I was willing to assume the responsibilities that I thought were resting upon me and discharging duties that it was my duty to discharge, and which I was willing to discharge, instead of trying to shirk them and thrust them upon the President of the United States. But now the duty and the responsibility of carrying on this war to a successful conclusion really rest primarily upon him, and I am willing and I propose, so far as I can do so, to give him every power within the limits of the Constitution that is necessary for him to discharge that responsibility successfully and to bring this war to a conclusion. I am willing to give him, as I said, every power and authority that is necessary, and I do not believe I am shirking responsibility when I do it. I believe in so doing I am helping him and upholding his hands in bringing this country through this war to its successful termination, and of course I know that the Senator from Tennessee is in favor of the same thing. In what I have said I do not desire to be understood as reflecting upon him in the slightest degree, nor upon any other Senator.

Mr. WATSON and other Senators addressed the Chair.

The VICE PRESIDENT. Does the Senator from Tennessee yield to the Senator from Indiana?

Mr. JONES of Washington. I yield the floor.

The VICE PRESIDENT. This round table must stop from now on.

Mr. SHIELDS. I yield to the Senator from Indiana.

Mr. JONES of Washington. Well, Mr. President, I suggest to the Chair that——

The VICE PRESIDENT. The Senator from Washington is not out of order; but three Senators aside from the Senator from Washington, who was in order and speaking by leave of the Senator from Tennessee, began to talk at once.

Mr. JONES of Washington. I was ready to yield the floor. If the Senator desires to ask me a question, I shall be glad to have him do so.

Mr. WATSON. Mr. President, that is all I want.

Mr. JONES of Washington. I shall be glad to yield to the Senator.

Mr. SHIELDS. Mr. President, I understand that I have the floor, and that I yield to the Senator from Indiana.

Mr. JONES of Washington. I did not understand that I had yielded the floor. I said I was ready to yield the floor, but the Senator from Tennessee said he wanted to ask me a question.

The VICE PRESIDENT. The Senator from Tennessee said he would take the floor and ask a question in his time.

Mr. JONES of Washington. I did not understand him to say that. I beg the Chair's pardon.

Mr. WATSON. I will defer my question until later.

The VICE PRESIDENT. It is not very material who has the floor, but only one Senator can hold it at the same time.

Mr. SHIELDS. Mr. President, I fully agree with the Senator from Washington in his abstract proposition of constitutional law and of our constitutional duty and of the duties and powers of the President; but I differ with him in the application of these principles. I think the Congress should confer upon the President, as Commander in Chief of the Army and Navy, every possible power necessary to carry on this war with vigor and to a successful conclusion, as we directed him to do in the declaration of war; but I do not believe that the Constitution is abrogated by a state of war. I do not believe that, because of the existing war, Congress should abdicate its functions and require or authorize another branch of the Government to exercise them. I do not think we should destroy the distinctive feature of our republican form of government—distribution of the powers of government into three distinct, coordinate, and independent branches—the executive, the legislative, and the judicial.

I know, Mr. President, that there has been a tendency to do away with this division of power of government, to break down the barriers between the legislative and executive branches, but it has never been done by my consent and never will be. Whenever we do it, our form of government is destroyed. I think that Congress should assume its responsibilities and do its duty in prosecuting this war, and not require the President to do everything; and if it is necessary for Congress to stay here and discharge its duties, it should remain in continuous session for that purpose, and if any emergencies arise, we will

be here to provide for them and to discharge our duties in reference to them.

I do not believe that this bill, as reported by the committee, is a constitutional measure. I am now referring to section 7. I will favor the amendment offered by the Senator from Georgia [Mr. SMITH]. My objections to the section are twofold.

I believe—as has already been stated, and it is unnecessary, except to express my own views, for me to repeat it—that this bill violates the section of the Constitution which provides that no preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another. Now, it is said by one Senator that we should trust the President, that he will not violate the Constitution and will not do anything that is wrong in this matter. I am perfectly willing to trust him as much as any other Senator on this floor, and have done so, and will continue to do so; but this Congress has no power to pass a law giving a preference to the ports of one State over those of another, and none to delegate the authority to do so to the President of the United States. It would be abdicating our functions, it would be shifting the responsibility from the Congress, to authorize another officer to do what it can not do, and a violation of the fundamental law.

Mr. VARDAMAN. Mr. President——

Mr. SHIELDS. I yield to the Senator from Mississippi.

Mr. VARDAMAN. The Senator understands that in delegating a power which the Constitution does not authorize the Congress itself would be guilty of a violation of the Constitution. In other words, it would be just as reprehensible for Congress to undertake to confer upon the President of the United States powers forbidden by the Constitution, as it would be for the President to undertake to exercise authority not authorized by the Constitution.

Mr. SHIELDS. Most assuredly; and that is what I was trying to impress upon the Senate.

Mr. JONES of Washington. I hope the Senator did not understand that I was advocating anything of that kind?

Mr. SHIELDS. On the contrary, Mr. President, I understood the Senator objected to the bill on that very ground, and thought that it ought to be amended in that particular.

Now, I am not going to elaborate this proposition further. I think its soundness is recognized by everyone. That clause passed the committee inadvertently and without proper consideration.

I think there is another equally serious objection to this bill as framed, and that is that it is unquestionably a delegation of the legislative power of the Congress to the executive branch of the Government. I am aware, Mr. President, that the Supreme Court of the United States has gone a long ways in sustaining legislation of this character.

In the early days of this country a bill of this kind would have met with derision in this body.

In all our States, and it is part of the republican form of government guaranteed by the Constitution to the several States, the power of government is divided into three branches, the judicial, legislative, and executive, and there are express provisions in their constitutions that this power shall not be delegated to either of the other branches. Not only that but each of the three branches is prohibited from exercising the power belonging to either of the other two. There is no such express prohibition in the Constitution of the United States, yet it has always been so construed by all the text writers and by all the courts of the country.

As I said, a law like this in the early history of the country would have been held unconstitutional without argument. The courts would not have heard argument upon a proposition that was so plain. But since the Supreme Court has spoken upon the subject such legislation is valid.

The leading case on this subject is that of Field against Clark reported in One hundred and forty-third United States. That case states the rule so clearly that I am going to read an excerpt from it. The court said:

> That Congress can not delegate legislative power to the President is a principle universally recognized as vital to the integrity and maintenance of the system of government ordained by the Constitution. The act of October 1, 1890, in the particular under consideration is not inconsistent with that principle. It does not in any real sense invest the President with the power of legislation. For the purpose of securing reciprocal trade with countries producing and exporting sugar, molasses, coffee, tea, and hides, Congress itself determined that the provisions of the act of October 1, 1890, permitting the free introduction of such articles, should be suspended as to any country producing and exporting them that imposed exactions and duties on the agricultural and other products of the United States which the President deemed—that is, which he found to be—reciprocally unequal and unreasonable. Congress itself prescribed in advance the duties to be levied, collected, and paid on sugar, molasses, coffee, tea, or hides produced by or exported from such designated country while the suspension lasted. Nothing involving the expediency or the just operation of such legislation was left to the determination of the President. The words "he may deem," in the third section, of course, implied that the President would examine the commercial regulations of other countries producing and exporting sugar, molasses, coffee, tea, and hides and form a judgment as to whether they were reciprocally equal and reasonable, or the contrary, in their effect upon American products. But when he ascertained the fact that duties and exactions reciprocally unequal and unreasonable were imposed upon the agricultural or other products of the United States by a country producing and exporting sugar, molasses, coffee, tea, or hides, it became his duty to issue a proclamation declaring the suspension, as to that country, which Congress had determined should occur.

Mr. OVERMAN. That left the President, then, to find the fact; and having found the fact, he was authorized to issue his proclamation? Am I right about that?

Mr. SHIELDS. Certainly; and that is what this bill does not do. I will yield further to the Senator when I finish the quotation.

Mr. OVERMAN. Very well.

Mr. SHIELDS (reading)—

> He had no discretion in the premises, except in respect to the duration of the suspension so ordered. But that related only to the enforcement of the policy established by Congress. As the suspension was absolutely required when the President ascertained the existence of a particular fact, it can not be said that, in ascertaining that fact and in issuing his proclamation in obedience to the legislative will, he exercised the function of making laws. Legislative power was exercised when Congress declared that the suspension should take effect upon a named contingency. What the President was required to do was simply in execution of the act of Congress. It was not the making of law. He was the mere agent of the law-making department to ascertain and declare the event upon which its expressed will was to take effect. It was a part of the law itself as it left the hands of Congress that the provisions, full and complete in themselves—

A thing this is not—

> permitting the free introduction of sugars, molasses, coffee, tea, and hides from particular countries should be suspended in a given contingency, and that in case of such suspensions certain duties should be imposed.
>
> "The true distinction," as Judge Ranney, speaking for the Supreme Court of Ohio, has well said, "is between the delegation of power to make the law, which necessarily involves a discretion as to what it shall be, and conferring authority or discretion as to its execution, to be exercised under and in pursuance of the law."

Judge Ranney has just answered the argument the Senator from North Carolina proposes to make. I yield to the Senator.

Mr. OVERMAN. What are the facts before us? He finds a condition just like the Interstate Commerce Commission finds, that a certain rate is reasonable and then puts it into effect. Here the President must find the condition, and he issues his proclamation just as the Interstate Commerce Commission issues its order when it finds a rate reasonable or unreasonable, and when he finds the fact that public safety and public welfare of this Nation require it, and that is the only thing he finds, the public safety requires it, the welfare requires it, he finds that it is a fact, that it is absolutely necessary for the safety of this country to issue this proclamation, and when he does that the law goes into effect by his proclamation, just like an order of the Interstate Commerce Commission goes into effect.

Mr. SHIELDS. To my mind the conception of the Senator from North Carolina of what is a finding of fact is as nebulous as the milky way. I can not see how it can be said that "the public safety" or "the public welfare is a fact," a definite and fixed fact upon the happening of which powers like this legislation proposes to delegate can be made effective or operative. The fact to be found should be definite, certain. People should know the rule by which they are to be governed.

Mr. REED. Mr. President——

Mr. SHIELDS. I yield to the Senator from Missouri.

Mr. REED. What is the difference between the phraseology employed and a law which will say that whenever the President shall deem it for the public good he may do any particular thing that he sees fit to do?

Mr. SHIELDS. Absolutely nothing. That is what the public safety and the public welfare mean.

Mr. REED. It is about equivalent to saying when the President thinks it ought to be done he shall do it.

Mr. SHIELDS. Whenever the President, in his opinion, believes that it ought to be the law, he will enact it. That is what it means.

The case from which I have read is, perhaps, the leading case upon this subject. It does not in any way authorize legislation delegating the broad power to the Executive to enact laws in regard to any subject matter either in an emergency or for general application through all time.

Mr. President, we have never had in the history of this country such embargo legislation except one act enacted June 3, 1794, which the then Executive of the Nation refrained from putting into execution.

Mr. OVERMAN. Will the Senator yield to me?

Mr. SHIELDS. I yield.

Mr. OVERMAN. The Senator says there is no other act that he can recollect that was ever passed by this Nation.

Mr. SHIELDS. No; I did not say that. I said that there never was but one, and that that act was passed June 3, 1794; but that the then Executive did not execute it.

Mr. OVERMAN. What does the Senator think of this act passed April 22, 1898?—

That the President is hereby authorized, in his discretion, and with such limitations and exceptions as shall seem to him expedient, to prohibit the export of coal or other material used in war from any seaport of the United States until otherwise ordered by the President or by Congress.

Mr. SHIELDS. I think if such an act was passed, it was absolutely unconstitutional, but the Senator is not reading all of the act.

Mr. OVERMAN. I read all of it.

Mr. SHIELDS. I will come to that.

Mr. REED. Was it ever construed by a court?

Mr. OVERMAN. No; it was never construed, but I suppose the Judiciary Committee reported it out, and it was passed.

Mr. SHIELDS. The Judiciary Committee reported out this proposed act, too.

Mr. OVERMAN. Yes; the committee ordered it reported favorably, but I notice that most of the members of the Judiciary Committee are opposed to it.

Mr. SHIELDS. I was not present when it was ordered reported out, but if I had been and had voted for it and then upon a subsequent examination and consideration I saw that it violated the fundamental law and was vicious, I would vote against it upon this floor.

Mr. SMITH of Georgia. Will the Senator from Tennessee let me call his attention in connection with that act to the fact that it does not apply to all commodities? It is not nearly so broad as the one now before us. It only applies to coal and other material used in the war.

Mr. SHIELDS. Certainly.

Mr. OVERMAN. I am talking about the constitutionality of it. The Senator says it is unconstitutional.

Mr. REED. I should like to ask the Senator from North Carolina if the passage of an act by Congress is conclusive evidence or even persuasive evidence that it is constitutional?

Mr. OVERMAN. I have not made that point, yet I say Congress has done it, and it is a precedent, and it has some persuasive force. There were great lawyers here in that day; there were some of the greatest who ever sat in this Chamber when that act was passed. Such men as Spooner, Foraker, Hoar of Massachusetts, reported that bill out of one of the greatest committees that ever existed, and they would not have reported it out unless they thought it was constitutional. Therefore to that extent it ought to be persuasive.

Mr. SHIELDS. I wish to say one thing further in this connection about the Judiciary Committee reporting this bill out. The power of legislation under the Constitution is vested in the Congress of the United States and not the departments of the other branches of the Government. I have observed when bills like this are prepared in one of the departments to carry out some specific object which they have in mind and sent here to be introduced and enacted into law, they generally contain some provision that ought never to have the slightest recognition in this or any other legislative body. In my opinion, every bill introduced into the Senate ought to be drawn by a Senator. Bills ought to come from the body which is to enact them into law and not from an interested department.

Mr. OVERMAN. I am inclined to agree with the Senator on that; but this bill came from the President. The Attorney General sent it to us.

Mr. SHIELDS. I thought so, and that is why I made the remark I did.

Mr. OVERMAN. Why did not the Senator make the point before the committee? If he had made a motion not to consider it, or stated why it ought not to be considered according to his idea, we might have agreed with him. But he did not make that point in the committee.

Mr. SHIELDS. I was not present.

Mr. OVERMAN. The Senator is a member of the Judiciary Committee, but we did not have the advantage of his great argument there.

Mr. SHIELDS. I have made that objection to bills prepared by the departments.

Mr. OVERMAN. The Senator ought to have offered the objection before the committee as he is a member of the committee.

Mr. SHIELDS. I would have done so had I been present. I was engaged otherwise when this section was considered. Now, Mr. President, let us go into the history of our legislation upon the subject of embargoes.

The first one was a joint resolution of Congress of March 26, 1794:

An embargo was laid for 30 days on all ships and vessels in ports of the United States bound for any foreign port or place. The immediate cause was the British order in council of November 6, 1793, and a reported hostile speech by Lord Dorchester to the Indian tribes which were in hostility with the United States. It was expected that the measure would lead to a restriction of the supply of provisions to the British Fleet in the West Indies, though the letter of the act operated equally against the French. Washington, in a message to Congress of March 28, 1794, stated that he had requested the governors of the several States to call out the militia for the detention of vessels, if necessary; and he recommended that the embargo be extended to fishing vessels, to which it had not been held to apply. It was also construed not to apply to armed vessels possessing public commissions, except letters of marque. By resolution of April 18, 1794, the embargo was extended to May 25, 1794. On April 7, 1794, a resolution was introduced in Congress to suspend intercourse with Great Britain in British productions, but when Jay's mission to England was announced it was dropped. For the same reason the act of June 4, 1794, which was to remain in force till 15 days after the commencement of the next session of Congress, and by which the President was authorized to lay an embargo whenever in his opinion the public safety should require it, remained unexecuted. By an act of May 22, 1794, however, the exportation of munitions of war was prohibited for a year, and their importation free of duty was authorized for two years.

In a special message to Congress of December 18, 1807, President Jefferson, in view of the injuries inflicted on American commerce under Napoleon's Berlin decree of November 21, 1806, and the British decrees of blockade and orders in council, recommended "an inhibition of the departure of our vessels from the ports of the United States." The Senate, in secret session, by a vote of 22 to 6, passed a bill laying an embargo on all shipping, foreign and domestic, in the ports of the United States. The House, with closed doors, passed the bill, after a debate of three days, by a vote of 82 to 44. The bill became a law by the approval of the President on December 22, 1807. To the immediate operation of this measure an exception was made in favor of foreign vessels, which were allowed to depart, either loaded or in ballast, on receiving notice of the act. The embargo was repealed by the act of March 1, 1809, which substituted a policy of nonintercourse.

On April 1, 1812, President Madison sent a message to Congress recommending another embargo. An appropriate act was adopted on April 6, 1812, and this was followed on the 14th of April by an act prohibiting exportations by land.

Mr. President, the act of June 19, 1794, was the only act which broadly authorized the President to proclaim an embargo upon shipping from the ports of the United States. In all others Congress itself laid the embargo in fixed and express terms. None of them, except the one I have mentioned, delegated the power to the President which is attempted to be delegated by this bill.

Now, mark the provisions of the act of June 4, 1794. It was not so broad as this and had many safeguards thrown around it. It provided:

Be it enacted, etc., That the President of the United States be, and he hereby is, authorized and empowered whenever, in his opinion, the public safety shall so require, to lay an embargo on all ships and vessels in the ports of the United States, or upon the ships and vessels of the United States, or the ships and vessels of any foreign nation, under such regulations as the circumstances of the case may require, and to continue or revoke the same, whenever he shall think proper. And the President is hereby fully authorized to give all such orders to the officers of the United States as may be necessary to carry the same into full effect: *Provided*, The authority aforesaid shall not be exercised while the Congress of the United States shall be in session.

Congress recognized that it had some functions to discharge, and that it ought to discharge them, when this act was passed.

And any embargo, which may be laid by the President as aforesaid, shall cease and determine in 15 days from the actual meeting of Congress next after laying the same.

And be it further enacted, That this act shall continue and be in force until 15 days after the commencement of the next session of Congress.

Mr. President, I have said, guarded as this act was, and limited in its application, still the President did not enforce it. It remained a dead letter upon our statute books. I think the provisions of the one in Mr. Jefferson's day, which was referred to by the Senator from Utah yesterday, in stating that Jefferson laid an embargo on ports south of the Chesapeake Bay, authorized the President to make exceptions at any time upon the finding of certain facts; but the embargo itself was laid by Congress, and only certain exceptions were allowed to be made by the Executive.

I understand the Senator from Montana also stated that Mr. Lincoln declared an embargo as to certain ports of the Southern States during the Civil War. I think that the Senator from Montana is mistaken in his statement. The Southern States were then in insurrection; and, having a regular form of government and the power to maintain law and order, were for many purposes recognized as a belligerent government. I know the decisions of the Supreme Court of the United States are not altogether consistent upon this subject, and do not fully support my statement; but the Confederate States were certainly to some extent a belligerent government, and Mr. Lincoln, in the suppression of the insurrection, very properly, and with full authority under the Constitution, as a war measure directed a blockade of their ports and carried on an

effective blockade by sending the Navy of the United States to each and every one of those ports, and blockade runners were constantly seized and their ships condemned.

Mr. SMITH of Georgia. And, Mr. President, if the Senator from Tennessee will allow me, the entire treatment of foreign vessels that were seized by the Navy of the United States was upon the theory that they were seeking to run a blockade; and the suppression of the trade was enforced upon the ground that it was a legally sustained blockade against a belligerent.

Mr. SHIELDS. That is my recollection; I do not think there can be any doubt of the facts.

Mr. SMITH of Georgia. And those cases have been cited during the past two years over and over again by the nations of the world as the cases of opposing belligerents and blockade cases.

Mr. KING. Mr. President——

The VICE PRESIDENT. Does the Senator from Tennessee yield to the Senator from Utah?

Mr. SHIELDS. I yield.

Mr. KING. I do not know that the statute to which I am about to refer controverts the view of my friend; but I invite his attention to the fact that, in addition to the blockade statutes to which he has referred there was another act enacted by the Congress during the days of the Civil War, under which all commerce between the North and the South was prohibited, except under such circumstances as might be determined by the President of the United States; and if he found certain facts, then commercial intercourse between the North and the South might be resumed. Would not that act come within the principles for which my friend is contending?

Mr. SHIELDS. Mr. President, I think not. That was only by statute recognizing the general law of nonintercourse with enemies and prohibiting the citizens of States at war from trading and dealing with each other. That statute was a further implied recognition that the Confederate States were a belligerent power and an enemy, and that intercourse could be prohibited with them.

Mr. President, coming now to the provision of this bill as reported by the committee, it is in these words:

SECTION 1. Whenever the United States is at war and the President shall find that the public safety or welfare shall so require, and shall make proclamation thereof, it shall be unlawful to export any article or articles from the United States, except at such time or times, and from such place or places, and under such regulations and orders, and subject to such limitations and exceptions as the President shall prescribe, until otherwise ordered by the President or by Congress.

Now, I think that is in excess of the power that can be delegated by the Congress of the United States to the Executive of the Nation. I concede freely that, under the decisions of the Supreme Court of the United States in these latter days and times, the Congress can enact a law providing that when the executive department finds that certain facts exist, and proclamation is made, the law shall become operative and take effect. Such is the amendment of the Senator from Georgia. While those are not its exact terms, yet that is its fair construction; but it is not a fair construction of the pending bill. What may be "the public safety" or "the public welfare"? I remark right here that the words "public welfare" were not in the act of 1794; the words "public safety" alone were in that act; and there is a vast difference between "public safety" and "public welfare." "Public safety" applies more particularly to an emergency like that which is now confronting the country, to a state of war, whereas the expression "public welfare" might apply to the economic interests of the country and many other interests than those of war, which make drastic legislation necessary under many circumstances.

Mr. LODGE. Mr. President——

Mr. SHIELDS. I yield to the Senator from Massachusetts.

Mr. LODGE. I desire to ask the Senator a question at that point. Does not the Senator think that to confer upon the President the power delegated in the amendment of the Senator from Georgia, namely, to prohibit the export of goods which he had reason to believe had an enemy destination, is a definite enough power?

Mr. SHIELDS. I have just made the statement that I thought that was definite, and for that reason I would support the amendment of the Senator from Georgia.

Mr. LODGE. I did not catch the Senator's statement.

Mr. SHIELDS. And if any other case were stated, for instance, the contention of the Senator from Maine [Mr. FERNALD] that we are short of tin cans and there is a great national necessity that the export of them be prohibited, if a prohibition on their export were written in this bill, either to take effect immediately or upon the finding of the President that such necessity exists, then I would support such a provision. I will support any such measure which is to become effective whenever the precedent facts are found to exist. I am entirely willing to trust the President of the United States in finding that a certain state of facts does exist which makes it necessary for the law to go into effect, and to vest in him the power to make the proclamation, so that the people of the country may know that the law is effective and operative. I think that should be done.

An embargo upon foodstuffs, as well as upon munitions of war, has been agitated for two or three years. I never have been in favor of any embargo, because up to this time I have never believed that it was necessary. I have never believed that in supplying our products to the nations of Europe, or to those of them who could come and get them, or to any that our ships could reach, we violated the laws of nations or that there was anything wrong in doing so.

The first suggestion of an embargo along the lines of the amendment of the Senator from Georgia was made to a bill that was introduced by the Senator from Utah [Mr. KING], I believe. I ask the Senator from Utah if I am not correct?

Mr. KING. I submitted a resolution asking for certain information from the Department of Commerce relative to the exportations from this country which found their way into Germany and others of the central powers, and stated at the time that I had a bill prepared having for its object the interdiction of such exports as found their way through neutral territory into the nations with which we are at war.

Mr. SMITH of Georgia. Mr. President, will the Senator from Tennessee allow me to interrupt him for just a moment?

Mr. SHIELDS. I yield to the Senator.

Mr. SMITH of Georgia. I want to say that several of us upon the Judiciary Committee, myself among the number, gathered from that suggestion that the provision would apply to restrictions on shipments to enemy countries. Having engagements at other committees, I did not watch the provision, and I did not know that it had been changed from the original suggestion of the Senator from Utah to what it is until the bill came into the Senate. Of course, that was my fault, and the fault of no one else; but I was called to another committee and could not be present at the Judiciary Committee. I thought we were going to proceed on the suggestion of the Senator from Utah, and it seemed so entirely proper that I, for one, gave no further attention to it.

Mr. SHIELDS. I doubtless misunderstood the Senator from Utah. I know that I promptly and cordially concurred with him in the suggestion when made. I believe that such an embargo should be declared; and if it is known that there are any neutral countries which are receiving our exports and furnishing them to Germany, I would be willing to write the names of those countries in this bill and to establish an embargo as to them, without waiting for the President to make a proclamation. Such a measure would be meritorious. It is one that is proper in the national defense, and it ought to be the law, and doubtless will be, before this week is over.

Furthermore, if there is any article the exportation of which from this country ought to be prohibited in aid of the national defense, it ought to be so provided in this bill. If there is any article which we are now exporting that may be used to our injury, we ought to lay an embargo upon it, to take effect whenever the President finds it is being so used.

Mr. KING. Mr. President——

The VICE PRESIDENT. Does the Senator from Tennessee yield to the Senator from Utah?

Mr. SHIELDS. I yield to the Senator from Utah.

Mr. KING. Mr. President, I am very much in sympathy with much of what the Senator from Tennessee has said, but I am not quite sure that I understand the legal distinctions which he has drawn.

As I understand, the Senator says that in his opinion it would be constitutional to forbid the exportation of products which reach the enemy's country; that is to say, it would be constitutional to pass a law by which the President would be authorized by proclamation to forbid the exportation from this country of any product which he found went into an enemy's country. Suppose that the President should find that an article which is manufactured in our own country is absolutely necessary for the defense of our own country. Would it not be constitutional to pass a law saying that the President, whenever he finds that any article is essential for the defense of this land, may by proclamation prohibit its exportation to some other country?

Mr. SHIELDS. Mr. President, I do not feel that I can go as far as the Senator from Utah has suggested; but when I was interrupted I was coming to the point of prohibiting the exportation of articles required by this country. As I said a few minutes ago, I had been opposed to all embargoes; I had been

opposed to one upon foodstuffs, and I can not say that I am entirely prepared to come to that now; but the stream of tendency of my mind runs very strongly in that direction when I consider the high cost of living, the outrageous prices for which the necessities of life are now selling, and the great distress in this country on that account. I believed the agricultural interests ought to have the advantage of the high prices; and that the farmers of this country should reap some benefit from the conditions existing, just as the manufacturers and their employees are receiving high prices and wages from the manufacture and exportation of manufactured articles. I did not believe in any discriminatory legislation, and I so wrote my constituents.

But there is now an extraordinary state of affairs prevailing in this country. I hope the coming crop will relieve it. I believe it will; but if it is necessary at any time to prohibit the exportation of foodstuffs in order to supply this country with cheaper food, I will give very great weight to such a suggestion. I can not and will not ignore the interests of the poorer people of the country.

I am willing to enact the most drastic laws for the vigorous prosecution of this war, and I have voted for laws of that character against my inclination.

I have as much love for the history and traditions of the State which I have the honor in part to represent in this Chamber as any Senator has for his State. I am proud of Tennessee, of her people, and of her history. I am proud of the fact that her men have been upon almost every battle field in every war of this country, and on every occasion have distinguished themselves. You will pardon me when I say that I believe them to be the best, the bravest, and the most patriotic people in the world. I am proud of the fact that the greatest military genius this Nation has produced was a Tennesseean—Andrew Jackson. His name arouses enthusiasm in every hamlet and in every hollow and upon every hill in Tennessee, and will ever do so. He was a great Democrat and a great President, and his public services added glory and renown to the whole Nation.

We are proud of the volunteers who in the gloomy days of this country met on the Watauga and went over the mountains and won the Battle of Kings Mountain, which was like a sunburst that gave new hope and stimulated the patriotism of the people of the Colonies from Massachusetts to Georgia. This victory was a turning point in the Revolutionary War in its very darkest days, and the men that won it were volunteers. But I want to call attention to a fact that that occurred when these mountain men met upon the banks of the Watauga at Sycamore Shoals to go over the mountains and meet the British. The call to arms brought out almost every man in the mountains.

At that time the Creeks and the Choctaws were threatening an uprising, and a very serious question presented itself: "Shall all of our men go across the mountains to meet the British? What will become of our families here?" Practically every man in those mountains wanted to go, and finally it was agreed that they would conscript enough men to stay at home and protect their families against the marauding Indians, and it was done. That is the first time there was any conscription upon the soil of America, and a glorious conscription it was.

Tennesseeans volunteered when they went to New Orleans and won that great battle under Jackson. They volunteered when the Civil War came on. We furnished 110,000 soldiers to the Confederate Army and 30,000 to the Federal Army, and no braver men fought in that war. The records of the War Department show that, in proportion to the territory and population, there are more volunteers in the Regular Army from the mountains of east Tennessee than from any other section of the United States, and that their superiors as soldiers are not to be found.

I did not doubt but that Tennesseeans would fully answer the call to arms and volunteer for the full quota that would be required of our State. But we are in war; we have a powerful enemy confronting us, and I do not believe that we ought to speculate as to what might be done. I believed that by universal service and a selective draft we could certainly raise an army in the limited time required, and that we ought not to take any chances. I thought that we ought to let Germany and the whole world know that we were in earnest; that we were going to have an army to answer the emergency, ready to meet our enemies upon any field and at any time. I voted for the selective draft against my sentiments, against what I might say my wishes, because I did not consider it a local matter, because I believed it a great national measure, which the emergency upon us demanded our support.

Now, I am willing to give the President all the power we can constitutionally and rightfully give him to prosecute the war successfully, but I do not believe that Congress ought to abdicate any of its functions. Congress can remain here and discharge its duties just as well as the President, and it ought to do so.

The President does not want power which the Congress can not constitutionally confer upon him, and would not have it. I have the utmost confidence in the ability and patriotism of the President, and will go as far as any Senator in upholding and supporting him in this great emergency.

Mr. KIRBY. Mr. President——

Mr. OVERMAN. Mr. President, may I ask the Senator a question?

The PRESIDING OFFICER (Mr. POMERENE in the chair). Does the Senator yield, and to whom?

Mr. SHIELDS. I yield to the Senator from North Carolina.

Mr. OVERMAN. I just wanted to say that I did not interrupt the Senator when he was talking about Kings Mountain, but I believe at that time Tennessee was part of North Carolina.

Mr. SHIELDS. I did not say anything about that.

Mr. OVERMAN. I said they were Tennesseeans, and that Tennesseeans did their duty and exhibited great heroism there, but the commander there was a man who lived over on the North Carolina side. The most of the troops, too, were from North Carolina.

Mr. KING. As the Senators know, 100 cities claimed the birthplace of Homer.

Mr. OVERMAN. I am not detracting from Tennesseeans at all, because Tennessee then was a part of North Carolina.

Mr. SHIELDS. I have heard that North Carolinians claimed that, but it is known of all men that the Battle of Kings Mountain was won by Sevier, Campbell, and Shelby and their riflemen from the mountains.

Mr. OVERMAN. And McDowell. The Senator has left out McDowell, who was the commander there—Joseph McDowell.

Mr. McKELLAR. Mr. President, will my colleague yield to me?

The PRESIDING OFFICER. Does the Senator from Tennessee yield to his colleague?

Mr. SHIELDS. I do.

Mr. McKELLAR. I just want to reply for a moment to the statement of my distinguished friend from North Carolina that the troops there were in command of a North Carolinian. He is in error about it. The troops were in command of a Virginian and two Tennesseans—Gen. John Sevier first and Isaac Shelby, who really lived partly in one State and partly in the other, partly in Kentucky and partly in Tennessee. Gen. McDowell was not in command of those troops.

Mr. OVERMAN. There were two McDowells.

Mr. McKELLAR. If the Senator will examine the records of history he will find that he was mistaken.

Mr. OVERMAN. I know something about the history of it. Gen. McDowell was the commander, but he was not there on the day of the battle. They had sent him back to Rutherford, I believe; but Gen. Charles McDowell was the general of all that country. The other one was Joseph McDowell.

Mr. McKELLAR. That may be true, but Gen. Charles McDowell was not in command of the troops when the battle was fought and won, but the Tennesseans were.

Mr. OVERMAN. I want to say that not only Tennesseans were there, but Virginians and Marylanders and North Carolinians.

Mr. VARDAMAN. Mr. President, I suggest to the Senators from North Carolina and Tennessee that in the realm of patriotism there is no competition or rivalry. There is glory enough for both Tennessee and North Carolina in the achievements of their heroic sons in that unique period of our Nation's history.

Mr. SMITH of Georgia. What we want is to have North Carolina mentioned as well as Tennessee.

Mr. KIRBY. Mr. President, I am opposed to this amendment. I do not agree with the statement of the law as made by the distinguished Senator from Tennessee [Mr. SHIELDS]. As I understand the law, we are not allowed to delegate legislative power at all. There is an unbroken line of authorities to that effect. It has not been decided otherwise. As I understand the bill, there is no attempt whatever to delegate legislative power. There seems to be a necessity for this sort of a regulation. We are delegating to the President the power to determine a particular thing, and declaring, when he has determined and declared that that fact exists, that the law shall be so and so. We are making the law to fit the conditions as they may be determined by this fact that is referred to the President for his ascertainment.

Down in all our States we have delegated to administrative boards the power to make rates, to make regulations, and to

make orders, and we have said that if these rates when made are violated or if these orders are violated, then the punishment shall be so and so, making the law ourselves. That is no more than the kind of regulation you have here. We have the power to do this thing ourselves, and we do not know what the facts may be. We realize that the necessity may exist, and we say it can be determined in this way.

I am going to say here and now that I am not going to stickle any further at the grant of power to the administrative department. I say here and now to the Senator from Tennessee that there is no necessity for this Congress staying in session during and throughout this war to grant such power to the President or make such laws as he may think are necessary, because if a given law was regarded necessary and was demanded by the administration it would be passed by this Congress without regard to whether it overturned the precedents and practice and traditions of this Nation from all time to now.

Lord Northcliffe has said that democracy is a bad war maker; that the power must be concentrated in the hands of one man, or a few men, in order that it may be exercised successfully in waging war. You have all believed it. The power has been concentrated up to now. This is but a further concentration of power.

The Senator from Tennessee talked about the volunteer system, and regretted that he had had to vote against it. I want to say that Northcliffe told us the condition yonder in England, and it is true that they were not able to compel the British Parliament to go to the conscript system as against the volunteer system for raising an army until war had raged for two whole years and 5,000,000 men had volunteered, and the London press has expressed amazement that President Wilson was able to compel the Congress to adopt the conscript system at the very beginning of this war for the raising of an army to fight 3,000 miles from home.

Now, there is no use in talking about concentration of power further. If this power is necessary—and the administration seems to think that it is necessary—then give it to the administration and let the war proceed. I do not think there is any constitutional objection to it.

Mr. LODGE. Mr. President, I am going to suggest an amendment to this section—to strike out, in lines 22 and 23, the words "and from such place or places."

Whatever may be constitutional or unconstitutional, I am perfectly clear that the President can not close one port and open another, or close the ports of one State and leave the others open, under the provisions of the Constitution. If it is unconstitutional, as I believe it is, I think the only way is to take out the words which carry the unconstitutional power.

Mr. KIRBY. Mr. President, I should like to ask the Senator a question. The purpose of the law is not to discriminate against ports, but it is to authorize the President to exercise a certain power under a condition that may exist, and that provision of the Constitution providing against discrimination as between ports would not affect this law at all. In my opinion it would not be in contravention of it.

Mr. LODGE. If the President has the power to put an embargo on the ports of one State and take it off the ports of another State, it seems to me—I say it with all submission—to contradict the distinct prohibition of the Constitution.

Mr. KING. Will the Senator yield to me?

Mr. LODGE. I yield.

Mr. KING. I am not very familiar with the present statutes, but my understanding is that the President may under certain circumstances abolish ports. I ask the Senator from Massachusetts if that is not the law?

Mr. LODGE. Abolish ports?

Mr. KING. Yes; close ports.

Mr. LODGE. How do you mean to abolish ports?

Mr. KING. To close them and forbid exportations from that port. Suppose, for instance, a port happens to be unprofitable, may not the President close that port?

Mr. LODGE. The only power we have is about making it a port of entry, of course, for the entry of goods. That is all we can do. We can not change the ports.

Mr. KING. To what does the Constitution refer when it provides that no preference shall be given?

Mr. LODGE. It refers to export duties.

Mr. STONE. If my friend from Massachusetts will permit me, I think the Senator from Utah has reference to the bill which was passed five or six years ago, which authorized the President to discontinue certain ports or to make them subports.

Mr. LODGE. That is a port of entry, as I said.

Mr. KING. That is the law to which I referred.

Mr. LODGE. That is a very different thing.

Mr. KING. Then, if the President may discontinue a port may he not forbid exportations from that port by closing it?

Mr. LODGE. I do not think he can under the language of the Constitution. I think they are wholly different things. In the first place a port of entry is the entry from abroad, but I do not think it is in the power of the President or of Congress to discriminate by an embargo or an export duty against one State over another.

Mr. OVERMAN. Is not an export duty a regulation of commerce?

Mr. LODGE. It refers to export duty; but surely if you are not allowed to discriminate in an export duty I think ex necessitate you can not discriminate by prohibition.

Mr. OVERMAN. The only prohibition is that the President shall not do an unconstitutional act.

Mr. LODGE. No; nor the Congress. It is often attempted.

Mr. OVERMAN. I think we sometimes do it.

Mr. LODGE. We attempt it.

Mr. OVERMAN. If the President attempted to do such a thing it would be unconstitutional of course.

Mr. LODGE. I see no merit in those words; in any event, no necessity for them. I think if he has the power "except at such time or times and under such regulations and orders," and so forth, he has ample authority of all the purposes of this section.

Mr. President, I am not going to enter into the much-mooted question of delegated power. I do not think it is necessary. Our controlling purpose is to give the President power to carry on the war. I will go as far as anyone in giving him every power as Commander in Chief and responsible for the conduct of the war to enable him to carry the war to a successful conclusion as speedily as possible. One of the powers which is very necessary is expressed in the amendment offered by the Senator from Georgia.

The trouble with this paragraph, to my mind, is not the question whether we are delegating legislative power but that we are framing a provision wholly apart from the war. It has been illustrated here this morning. The effort here that has been expressed by the Senator from Maine and others is not an attempt to forward the war. It is an effort to give the President a certain power with the hope that he will yield to the pressure from those who are interested to protect an American industry. Other industries would like protection. There are many industries that would like to have a prohibition of exports put on, so as to keep their raw materials in the country. There are some industries much greater than the canning industry.

Mr. OVERMAN. I do not think the Senator put it on that ground.

Mr. LODGE. I am coming to the war aspect of it. It is to keep tin plate in the country in order to enable the canning industries to go on. We are not to export the tin plate.

Mr. President, that seems to me to be a matter for Congress to determine without any question. I have no idea myself that the President, if given the power, would do anything of the sort which is demanded here. Where do we get our tin? It has already been pointed out we get it exclusively from the Straits Settlements. The export from Wales ceased many years ago. The Straits Settlements, which furnish all the tin, is an English possession. England's first duty is to feed her own men. Suppose we say that tin plate shall not go out of this country. We can hardly blame England if she stops the export of tin plate to this country from the Straits Settlements. The Senator from Maine recognizes that, because he said we must not stop the export of canned food to Canada.

Let us go a step further. Tin plate, for instance, is needed for oil containers. That is a very important interest in Russia and an important element in the war. Are we prepared to say to Russia at the present time, "You shall not have any tin from us?" It may be proper to do so, but it seems to me that it requires a little more consideration of all these various conditions than can be given here in a brief debate.

My objection is fundamental. The purpose of this section is to give the President power to promote war measures; and I will go any distance in that direction; but when it comes to giving him power to help this industry and to help that industry and to refuse to help a third industry, all wholly domestic, I think we are conferring a power which ought never to be parted with by Congress, because it is not a war power. It relates solely to domestic products with no reference to the war; and there, I think, we are entering upon most dangerous ground.

If there are other war purposes like that accurately described in the amendment of the Senator from Georgia, I will give the President the fullest powers that can be devised, but I think that the language of this section is very loose indeed.

Mr. OVERMAN. Suppose other conditions should arise in the absence of Congress, then the President would have the power the amendment the Senator from Georgia gives him. It is limited to one thing—that is, that goods shall not be shipped into the enemy's country from a neutral country.

Mr. LODGE. I believe the amendment of the Senator from Georgia would give the President full power to prevent any export from this country to enemy destination or what he believes to be enemy destination.

Mr. OVERMAN. Suppose it is necessary to the welfare and safety of the country that our food products should be kept at home. Does not the Senator think that the President should have that power?

Mr. LODGE. I think that power can be safely left to Congress.

Mr. OVERMAN. Suppose Congress was not here, and it developed during the war.

Mr. LODGE. It does not take very long for Congress to get here.

Mr. OVERMAN. Suppose the safety of the country depended on it.

Mr. LODGE. It will not be imperiled in 24 hours or in a week, if it is a domestic question.

Mr. OVERMAN. If the President should find that the salvation of the country, the safety and welfare of our Republic——

Mr. LODGE. Has to be saved in a day?

Mr. OVERMAN. It might have to be saved in a day, before Congress could get here.

Mr. LODGE. I do not think so, so far as protection of our own industries is concerned.

Mr. OVERMAN. The way this bill is going to take, it would require two months to pass it, and it never would pass, probably, the way lawyers here differ about constitutional law.

Mr. LODGE. I am not making a point on the law at all; but there is nothing immediate in this particular provision. This tin-plate business is a perfect illustration of the danger you are running into, and the pressure you are preparing to put on the President from many quarters. This tin-plate proposition is not a war measure. It is not immediate. The country is not going to perish if we do not protect tin plate to-morrow.

Mr. OVERMAN. I do not know anything about tin plate, or who are interested in tin plate, but I know those who are interested—the farmers who are canning these vegetables, beans, corn, and so forth, who are not interested in the tin-plate business, who have nothing to do with it—come here to the Senate and say that all the canning industries have shut down, and the people must have cans this summer to can their vegetables. It has been stated that we must can enough this year to feed 500,000 men in our Army and the canneries are now shut down. Why? Because tin plate is being shipped abroad. If that is the truth—I do not know; I never heard of it before until it was announced on the floor of the Senate—and if our people can not get the tin to make the cans to furnish people cans with which to can their fruit for our soldiers during the war, it seems to me we are in a bad condition.

Mr. LODGE. Mr. President, I have the greatest possible sympathy with the farmer and I know how much we depend upon him. I am ready to do everything for him, but I think he is being a little bit overworked in this Chamber. We want to win this war. We know that to-day the great question before us is to get supplies to the armies that are fighting the common foe, because we have no army to put into the field, and we are proposing deliberately in this amendment to cut off one form of supplies. If we are going to cut off the supplies which the allies need we might as well abandon any anxiety about ships if we are not going to give them anything to carry.

Mr. OVERMAN. I dislike to interrupt the Senator, but I wish to say that we do not propose to do anything of the kind. We propose to leave it to the President of the United States to say whether that condition exists or not.

Mr. LODGE. Mr. President, I have no belief for a moment that the President of the United States would commit some of the follies which Congress is authorizing him to commit. I have no idea he will do it but——

Mr. FERNALD. Mr. President——

The PRESIDING OFFICER (Mr. JONES of New Mexico in the chair). Does the Senator from Massachusetts yield to the Senator from Maine?

Mr. LODGE. I yield.

Mr. FERNALD. May I ask the Senator whether he considers food as essential as munitions of war to fight the war?

Mr. LODGE. I consider them extremely essential to the countries on the other side of the water. I do not think this country is in any danger of starvation.

Mr. FERNALD. Does not the Senator recognize the fact that there is some shortage of food in this country?

Mr. LODGE. I am perfectly aware that there is a shortage owing to general war conditions, but I do not believe that you are going to help this war to a conclusion by preventing us from feeding the people who are fighting the same battle that we are. I know it is desirable for gentlemen who can foods, and I am sorry they should be interfered with. There are other industries in my State in like condition. I should like, for example, to see an embargo put on certain kinds of leather, but I hope that the President will not do it even if he is given the power, for it is a domestic work—a war question. I think we are entering upon very perilous ground when we begin to put on embargoes solely for the purpose of protecting our own industries.

Mr. FERNALD. Mr. President——

Mr. LODGE. I yield.

Mr. FERNALD. I rather resent the personal reference to its being the canner who is interested.

Mr. LODGE. I was not aware that I was making any personal reference. I did not know, or I had perhaps forgotten, that the Senator was a canner. Nothing would induce me to make a reference in that way to my friend the Senator from Maine, and if I seemed to do so I greatly regret it.

Mr. FERNALD. The canners of this country naturally want to see the tin plate kept in the country.

Mr. LODGE. Naturally, and so are the shoemakers interested in keeping leather here.

Mr. FERNALD. They are no more interested than all the people of the country outside of the military forces. There is a great shortage of food in the country, and it is very necessary that we provide more food the coming season. This is the important time, right now when the packers are making their contracts with the farmers. A great deal depends upon whether they are to have their containers or whether they are not going to have them to take care of the coming crop.

Mr. LODGE. I understood also that the prohibition was to extend to the container after it was filled except in the case of the Canadians. We shall not send food abroad to help the countries which we must help, if we are going to carry on this war at all, by putting it in tin plate and then prohibiting the exportation of tin plate.

Mr. WATSON. Does this proposition involve that?

Mr. LODGE. I understood the Senator from Maine said that he thought the Canadian exports of canned food ought not to be prohibited. So I judge that the containers are to be prohibited from export elsewhere.

Mr. FERNALD. I did not have reference to food.

Mr. LODGE. I thought that the Senator mentioned the number of cans sent to Canada filled with food.

Mr. FERNALD. I do not recall that I did. I said we took 1,300,000 boxes of tin plate to Canada last year.

Mr. LODGE. That makes it even more strong.

Mr. FERNALD. I assume the President would use his judgment as to where the food should be shipped and as to where embargoes should be placed, on what countries, and no countries that were allies of ours would be deprived of food or tin plate.

Mr. LODGE. Tin plate is not going to any enemy power. The tin plate is being exported only to countries that are on the side we are on in the war or to neutrals. The amendment of the Senator from Georgia covers the case of the neutral if it have enemy destination. So we may be sure that this tin plate goes only to friendly or allied powers. I do not believe we have been sending out tin plate to Germany or to Austria or to Turkey.

Mr. FERNALD. Does the Senator think it is as important to send tin plate to Asia to be used in the oil business as it is to retain it here to be used in conserving the food production of the country?

Mr. LODGE. I think it is a great deal more important to have our supply of tin, as we are getting it now, and export some of it rather than to have it all cut off. You are running the risk of having it all cut off. People are just as ready to protect themselves as you are to protect yourself. The desire to protect one's self is not confined to this country. Human nature is pretty evenly distributed, and if you shut off the export of some material for the purpose of protecting our own people, other nations will protect their own people. I am more than ready to give the President all the war powers possible, and the sole distinction I make is that here we are leaving the field of war and entering on the wholly different field of helping the domestic producers. I desire to help the domestic producer in any way I can, but it seems to me that subject is the business of Congress; it certainly is not a war measure,

protecting one American industry and not protecting another. That is something for Congress to say, and that is the reason why it seems to me this is dangerous legislation.

Mr. OVERMAN. Congress does limit it, I suggest to the Senator, by saying that it must be "for the safety of the country."

Mr. REED. "Or."

Mr. OVERMAN. "Or for its welfare."

Mr. LODGE. Preceding it is a question of public welfare that tin plate is to be guarded. I need not say to the Senator——

Mr. OVERMAN. In time of war; you must take the word "war." It is used for the safety of the public and the welfare of the Republic on account of the war in protecting the industry.

Mr. LODGE. It is not so worded. It simply says whenever the United States is at war, and of course this will not pass beyond the period of the war; I quite recognize that; but under this language "provided the country is at war" you are giving the President the right to help any industry he thinks may deserve assistance.

Mr. WALSH. I inquire of the Senator from Massachusetts whether in his judgment the sections might stand with the words "the welfare" stricken out?

Mr. LODGE. I think to take the words "or welfare" out would improve it enormously. I need not say to the Senator from Montana that through the public-welfare clause of the Constitution a number of Federal powers have entered in. It is a very broad expression, as the Senator knows.

Mr. WALSH. I am impressed with that view myself, and I think the Senator from North Carolina might well agree to leave out those words.

Mr. OVERMAN. I have accepted that amendment, and also to strike out the words "time and place."

Mr. LODGE. I do not see any objection to the word "time." I think it is better to leave it in.

Mr. OVERMAN. I am willing to leave that out.

Mr. LODGE. All I ask is that the words "or welfare" be omitted. That will improve it immensely.

Mr. OVERMAN. I accept that, because I think when it says "public safety" that includes welfare just as well.

Mr. WALSH. I think so. Let me say to the Senator from North Carolina, however, that I rather prefer the suggestion made by the Senator from Minnesota, that the language of the Constitution be added to the section, so that it shall read:

Provided, however, That no regulation shall give to the ports of one State a preference over those of another.

Mr. OVERMAN. I will accept that.

Mr. WALSH. Then I think there could be no objection on that score.

Mr. LODGE. That would protect that portion of it completely; but that would not get rid of the words "or welfare."

Mr. WALSH. Let me suggest that instead of amending that portion of it referring to time and place we strike out "or welfare."

Mr. LODGE. That would be satisfactory to me, leaving in time and place, as the Senator suggests; but I would like to have the words "or welfare" removed. It may be very much for the public welfare to prohibit the export of some product of some industry or the raw material. It may not matter at all to the public safety. I think what we are first considering now is public safety and the war.

Mr. WALSH. I feel impressed with this idea, that if that part of the section is not amended the President will be subject to all kinds of importunities——

Mr. LODGE. I agree with the Senator most fully.

Mr. WALSH. To prohibit the export of this product, of that product, and of the other product upon the ground that the public welfare might be subserved by that action. What is really in that regard for the public safety it seems to me ought to be determined by Congress rather than by the President. He can not give it the consideration that it ought to have.

Mr. LODGE. Mr. President, all I desire is to move to strike out the words "or welfare," in line 19, and I yield the floor.

Mr. OVERMAN. I accept that, Mr. President.

The amendment to the amendment was agreed to.

Mr. STONE. Mr. President, I do not rise to discuss the question immediately before the Senate, but to say a few words by way of suggestion on another subject. We have been hearing much in the last few days about the shortage of food and of hunger in this country as a result of that shortage, and hearing even much more about hunger as a possibility in other countries, especially among our allies. It is with respect to that subject I wish to make a suggestion about legislation which, it seems to me, might be worked out to advantage.

I will state what I have in mind to propose in some form. I wish I could have the real attention of Senators to this, for I want them to think about it if it is worth while thinking about. On yesterday the Senator from New Hampshire [Mr. GALLINGER] placed in the RECORD a very interesting paper about the increases in the cost of articles of food within recent months, or since the war began. We all believe—at least many believe—that these enormous increases are artificial and unwarranted. Is there any way to prevent a forced and artificial increase of the prices of food that the people must have to live? It seems to me, as evidently it seems to you, that this is a very complex and difficult question, and you have been talking about the best way to get at it. My suggestion concerns that very question.

I have this in mind: To enact a law levying an excise tax or a profits tax on wholesale and retail dealers in food products. Such a law should not apply to the producers of food products but to those who handle them as middle men, whether as wholesalers or retailers.

Can we use the taxing power of the Government legitimately and effectively to aid in remedying this great evil of excessive cost which afflicts the country? Is it possible to enact a law that would require dealers in food products, whether wholesale or retail, to make stated reports as a basis of taxation, showing the amount and kind of products handled by each and showing the cost of the various articles to the several dealers, the wastage, and so forth, the gross sum received on the sale by the wholesaler to the retailer or by the retailer to the consumer, as the case might be, and showing the profits of the business? There is where the profits tax might come in. A tax might be levied on this kind of business. If the tax should be on profits, the amount of the tax above a fixed per cent which should be exempted might as well be high enough to make excessive profits impossible and thus materially to diminish the temptation to extortion on the part of dealers.

Again, cold storage might be a good thing and of great value to the country if carried on with any decent regard for the public right and welfare. The cold storage of food products, as the business is run, is a positive public evil. Can not this evil be reached through the taxing power so as greatly to modify it? Here, too, a tax might be levied on excess profits or in some other effective way. Might not such a tax law be so framed as to make it unprofitable to hold food beyond short stated periods? It might also be made a crime for cold storage buyers—what do you think of this, Senators?—or any other buyers to destroy healthful food of any kind, and to prohibit such destruction without previous official inspection and authorization. I say this because I have been reliably informed that cold-storage managers not only take food out of their storage houses and destroy it, in order to keep up prices, but that they go out through the country and buy food products in the field or in the garden and leave them to rot. The information I have upon that subject convinces me that the statement I make is true and well founded in fact. That ought to be prevented in some way.

Mr. President, as a war measure I submit for your thought whether it would not be competent and advisable for the Government to take charge of—to commandeer, if you please—at least to supervise, cold-storage plants in the public interest, and through its agencies to collect and preserve food supplies in the public interest, the work to be done under departmental regulations. I have been trying in my feeble way to think out some practicable scheme along these lines to be submitted to the consideration of the Finance Committee when that committee shall have before it the new revenue bill, which is now being formulated by the House of Representatives. If among the Senators present there be any to whose minds this suggestion is attractive, I invite them to think about it, and if in the end they find it consistent with their judgments to approve it, to aid in formulating a provision in our tax bill, soon to be brought before the Senate, that will enable the Government to use its great taxing power to preserve the food products of the country and in a way to regulate the prices at which these products shall be offered to the consumers of the country, and to prevent undue extortion from them. I ask you, Senators, to think about this and see if we can not work out something worth while along these lines. I have brought this matter before you merely as a suggestion. I want you to think about it.

Mr. REED. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum being suggested, the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Chamberlain	Gallinger	Johnson, Cal.
Bankhead	Culberson	Gronna	Jones, N. Mex.
Beckham	Curtis	Hale	Jones, Wash.
Borah	Dillingham	Hardwick	Kellogg
Brandegee	Fall	Hitchcock	Kendrick
Broussard	Fernald	Hollis	King
Calder	France	Husting	Lodge

McCumber	Poindexter	Simmons	Townsend
McKellar	Pomerene	Smith, Ga.	Vardaman
New	Reed	Smoot	Wadsworth
Norris	Saulsbury	Sterling	Walsh
Overman	Shafroth	Stone	Warren
Page	Sheppard	Sutherland	Watson
Phelan	Sherman	Thomas	Wolcott
Pittman	Shields	Thompson	

Mr. TOWNSEND. I desire to announce the absence of my colleague [Mr. SMITH of Michigan]. He is paired with the junior Senator from Missouri [Mr. REED]. This announcement may stand for the day.

Mr. SUTHERLAND. I desire to announce the absence of my colleague, the senior Senator from West Virginia [Mr. GOFF], on account of illness. I will let this announcement stand for the day.

Mr. PITTMAN. The senior Senator from Florida [Mr. FLETCHER] requested me to state that he is absent from the Senate on official business.

Mr. FRELINGHUYSEN. I wish to again announce the unavoidable absence of my colleague [Mr. HUGHES], who is detained from the Senate by illness. I will let this announcement stand for the day.

Mr. THOMPSON. I have been requested to announce that the Senator from South Carolina [Mr. SMITH] is detained from the Senate on official business.

The PRESIDING OFFICER. Fifty-nine Senators have answered to their names. A quorum is present.

Mr. KELLOGG. Mr. President——

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. KELLOGG. Mr. President, I have listened with considerable interest to the discussion upon the pending chapter of the bill. Two questions have been raised: First, the constitutionality of the sections; and, second, the policy of conferring such power. I shall discuss the first question very briefly. I am not a great constitutional lawyer, although I am learning a great deal about the Constitution which I never knew before. I may say that I have learned more about it in the last month than I ever learned in 40 years of active practice at the bar. It is my opinion that, with one slight modification made by the amendment of the senior Senator from Minnesota [Mr. NELSON] and of the Senator from Massachusetts [Mr. LODGE], the bill would be clearly within the constitutional power of Congress to pass.

I agree with the Senator from Georgia [Mr. SMITH] that Congress has no power in the matter of exports to discriminate between the ports of the different States. It is perfectly clear, however, that the President, as the Commander in Chief of the Army and Navy, may close any port in the United States for military reasons. He may place mines therein, or protect them with battleships, or he may fortify them, and, in order to make the war effective, he may prohibit any one from entering or leaving those ports; but, under the power of placing an embargo, he can not select the open ports of the United States from which exports shall or shall not be made. That is a different power, but it is perfectly clear that by a simple amendment striking out the words "from such place or places" it would take from the President the power to select for other than military reasons the ports from which exports should be made. He may, for military reasons, select any ports which it is necessary to close to commerce, but the reason can not be simply that he desires exports to be made from one port in preference to another. I think the amendments of Senator NELSON or Senator LODGE should be adopted. I do not know whether or not the chairman of the committee has accepted.

Mr. OVERMAN. I had announced that I had accepted it.

Mr. KELLOGG. Very well. I am perfectly clear that within the embargo power the President could not, and undoubtedly would not, select one of the open ports of the United States as against another.

Now, as to the constitutional power of Congress to delegate to the President or any other officer the power to find whether the public safety requires an embargo upon shipments, it is my opinion, after the most careful investigation in the limited time I have had, that it is clearly within the constitutional power of Congress to confer this power upon the President. I am not going to take the time of the Senate to read authorities, for I believe the lawyers of the Senate are perfectly familiar with the long line of cases under the tariff and other regulations of the Government where such powers have been conferred. I may say, however, in passing, that from 1794 down to the present hour at different periods in times of war in this country, that power has been conferred and exercised unchallenged. Senators will bear me out when I say that the long exercise of such power has been held to be a practical construction of the provisions of the Constitution. In a very remarkable case known as the Mid-West Oil case, lately decided by the Supreme Court of the United States, the court held that the long unchallenged exercise by the President of the power to withdraw lands, although not specifically authorized by act of Congress, was a practical construction of the Constitution.

Furthermore, the authorities recognize and cite the act of 1794 as an exercise of the power which has been invoked by Congress. I find no principles laid down in the cases under the tariff provisions, including the cases read by the Senator from Tennessee [Mr. SHIELDS], which, in my mind, throw any doubt upon the doctrine that Congress may establish a policy of embargo and may leave the question of when the embargo shall become effective to be determined by a proclamation or a finding of fact to be made by the President or other public officer.

In this case we are at war. I am not one of those who believe the Constitution is suspended during war, but I am one of those who believe that Congress has the power under the Constitution to declare the principle of an embargo or leave it to the executive power to determine when the public safety requires it to do so; and when that time comes and the President, by his proclamation, establishes the fact, the law applies. Congress makes the law and lays down the principle, and the executive power brings it into being by proclamation.

I think probably that it goes to the limit of the right of Congress to delegate power, but in the complex business of this country, such as fixing rates and determining the conditions under which reciprocal tariff duties shall apply, or other business conditions which change from time to time, no great country such as ours can be governed without Congress laying down general principles and leaving it to the executive officials to find the conditions upon which the inhibition of the law shall apply.

I think, therefore, that it is clearly within the constitutional power of Congress to legislate along this line, but I would advise that the words "from such place or places" be stricken from the bill and advise against striking from the bill the words "except at such time or times." These words constitute the very essence of the bill, unless we shall declare an embargo on all commerce, for the President should find the time when the embargo should go into effect, and when the exigency passes the President should take off the embargo.

Now, as to the question of the advisability of such a law, I am convinced from what has been said upon this floor that the time has come when we ought to give the President—or at least some authority, such as the Council of National Defense or some other body created by Congress—the power to place an embargo on tin plate if the facts warrant it. It seems to be stated here and uncontradicted, so far as I have heard, that the occasion has arisen when an embargo should be placed upon the export of tin plate, and I am ready to vote to confer upon the President or the Council of National Defense this power, so that he or the council may find the facts and place a limitation or embargo upon such exports, if necessary.

Mr. REED. Mr. President——

Mr. KELLOGG. I yield to the Senator from Missouri.

Mr. REED. Lest it should go out to the country that there is no denial of the statement of the Senator from Maine [Mr. FERNALD] in relation to the tin-plate situation, I call the attention of the Senator from Minnesota to the fact that the Secretary of Agriculture, in what I think is emphatic language, has denied the existence of the condition. I call the Senator's attention, merely in passing, to page 11 of part 1 of the hearings before the Agricultural Committee, which I believe took place on or about the 23d of April. I make that statement simply in the interest of accuracy, and I will have something to say about it in my own time.

Mr. THOMAS. Mr. President——

Mr. KELLOGG. I yield to the Senator from Colorado.

Mr. THOMAS. I have been told that the Secretary of Agriculture has had occasion to modify that statement somewhat, although I do not know that that is the case.

Mr. KELLOGG. I thank the Senator from Missouri [Mr. REED] for calling my attention to the statement. The testimony to which the Senator refers, I believe, was read by one of the Senators on the floor this morning, and after that the Senator from Maine [Mr. FERNALD] read a letter from the Secretary of Agriculture, which was of a later date, in which the Secretary advised the passage of this clause of the bill. I assume the Secretary either changed his mind or else he was not speaking particularly with reference to tin plate.

Mr. PAGE. Mr. President, just a word, if the Senator will allow me to interrupt him.

Mr. KELLOGG. I yield to the Senator.

Mr. PAGE. At the very time the Secretary of Agriculture made the statement which has been quoted this morning, he advised the passage of this bill.

Mr. KELLOGG. Well, I do not state it as a fact——

Mr. REED. Mr. President, I do not think there is any question at all but that Mr. Secretary Houston is quite willing that Congress should confer this power upon him; indeed, I think his recommendations are on file with the Agricultural Committee to the effect that he favored practically giving complete control of the food supply of the United States to his department. There are very few men who are not willing to take on power of that sort, and there are very few who do not think themselves quite capable of managing the business of other men and of the country better than the other men and the country manage their own business.

But the point I make, if the Senator will pardon me, is that the fact of supreme necessity was denied by the Secretary in the hearings, although in the same hearings he expressed a desire to have this power conferred. However, I do not want to interrupt the Senator further than that.

Mr. KELLOGG. Mr. President, I do not say that the exigency has arisen to call for a total embargo on tin plate. All I do say is, that very strong statements have been made by Senators upon this floor that lead me to believe that there is quite a probability that such an embargo should be imposed, and with that series claim, although I will admit is has been denied, I am willing to confer that power upon the Council of National Defense or upon the President, and have the question examined, and, if it is necessary and advisable for the interest of this country to prohibit the export of tin plate, to do so.

But, Mr. President, the question goes further than that. Are we prepared now, without further information, to confer upon the President the absolute power at any time to place an embargo upon all the commerce of this country? I hesitate, Mr. President, to confer that power without further information. I should like very much to have the officials of this Government point out to me or to give us some information that there is likely to arise in the near future a necessity which will call upon us to exercise the extraordinary power of an embargo.

Mr. President, I admit that it may become necessary to place an embargo upon some articles of foodstuffs or of other manufacture in this country. While I do not believe we should become hysterical or overexcited, I do believe that it is fair to say that a grave situation confronts the belligerent nations of the world, including ourselves. I do not believe—although I think it should be stated with very great caution by public men—that the destruction of production, the extraordinary droughts in Argentina and in this country last year, the curtailment of the labor of the world, together with some artificial and other conditions, are producing a degree of scarcity and an enormous increase in prices which are threatening the prosperity, if not the strength, of the great allied nations to-day. I do believe that while we should not rush to ill-advised legislation, and while we should not attempt by ill-considered legislation to upset the normal business conditions of the country, we should give the most careful consideration to conserving the food supply, reducing the cost, and bringing it within the means of the great mass of the people of this country.

Whether there is a scarcity of food or not, there is a price to-day which makes many articles of necessity practically prohibitive to a large class of people who have small incomes. I do believe, however, that ordinarily in time of war the best course is for the people to go on with their employments in the usual, ordinary way, and not to upset and disturb the normal business conditions any more than is absolutely necessary.

I am not prepared to say at this time, even with the threatened scarcity of provisions and high prices to-day, that it is wise to place an absolute embargo on all the exportation of farm products of this country, which might be done if we should vest that power in one man, or even in the Defense Board. I am ready, however, if the time comes, to vote to place such an embargo upon the exportation from this country of foodstuffs or some articles of foodstuffs or manufactured articles if it will make for the benefit of all the people of this country.

I know it has been said that the farmers are getting high prices. They are not, however, getting all the high prices that the people are paying, and the price of wheat and flour and many other products to-day is not all going to the farmer by any manner of means. I believe it is a very big question. We should bring to bear upon it with coolness and deliberation all the intelligence and business capacity of the people in order that this question of marketing products of the farmer may be solved.

There is a wastefulness and extravagance in it, and there are undoubtedly in many places unreasonable profits extorted by speculation and otherwise; but we should go into this subject with the greatest thoroughness and care. I believe we can bring the producer and consumer nearer together, so that we will eliminate the speculative feature and eliminate the useless waste and extravagance in marketing, and reduce the price of food without reducing the profits of the farmer.

Mr. BORAH. Evidently the Senator has given much consideration to this question. How will you bring the producer and consumer together with reference to meat products, for instance, so long as the conditions prevail in this country which do prevail with reference to the packing establishments?

Mr. KELLOGG. Well, Mr. President, I do not know but that there will have to be some legislation on that subject. I did not start out to discuss a complete remedy to-day for all high prices and for the evils of our marketing system. I will say this, however: Take it right in my own State, in the city of Minneapolis. The mills were unable to transfer wheat from one elevator in Minneapolis to their mills this winter because they could not get the cars for the transportation, and they were compelled to go into the market and buy, at any price, grain on track to take the place of that which they had stored in their elevators. This illustrates the want of facilities which has added to the cost of distribution.

Now, what I say is this: We should not pass any ill-advised legislation that will destroy the market of the farmer in this country for his products. We may be compelled to place an embargo on some foodstuffs, and I am willing to admit that to-day the price of many articles of necessity is absolutely prohibitive to a great many people in this country. I was very much interested in the statement of the Senator from Idaho [Mr. BORAH] and the Senator from Montana [Mr. WALSH] on the question of making available for cultivation the arid lands and certain Indian reservations. Allow me to remark, merely in passing, that in my own State we have millions of acres of land, the richest productive land in the country, which to-day is useless because of flood conditions on the Red Lake and the great Red River of the North. We have been unable to get this Government to even make a survey which will demonstrate what must be done to bring that vast area into production, but as these rivers are navigable streams and within the jurisdiction of the Government, we are powerless, although I notice that we passed a bill carrying an appropriation of $10,500,000 for flood control; still we have been unable to get the small sum necessary to procure a survey, and the report of the Government officials is that it will be too expensive, yet it would cost only a few thousand dollars.

Mr. President, we must bring our vast domain into cultivation, we must conserve our resources, use our arid lands and our overflowed lands. There is plenty of land in this country to produce all of the products necessary for this country and to carry on the war.

But I did not start to discuss this subject. I should like, before voting to confer this extraordinary power, some statement that it will probably be necessary to place an embargo on any article of commerce beyond tin plate. I am ready to vote to give the power to-day for that article or any other article that there is any immediate prospect of a necessity to place an embargo upon, but I should like to hear from the Senator in charge of the bill whether there is such a necessity or the probability of such a necessity. Mr. President, I think we should, as far as possible, avoid the necessity of personal government. This is, or should be, a government of law. I have voted to confer upon the Central Government and upon the President all the powers which have been asked, and I am going to vote to confer all the power which shall be asked within the bounds of reason in order to carry on this war. I am not going to question hypercritically whether that power is necessary or not. I think we should back the President and the administration with all the influence and the power and the resources of this country; and while we should, of course, preserve all the constitutional rights of the people which it has taken years to develop, we should not be too technical or too sparing in the exercise of our power in this hour of national peril. We should not haggle about power. We should confer it wherever it will be beneficial or necessary for the preservation of the life of the United States that we may work out our own great destiny under this great democracy, but we should preserve the principles of our Constitution, which the experience of ages has demonstrated are necessary to human freedom.

The PRESIDING OFFICER. In order to keep the record of the proceedings, without objection, on page 25, line 22, the words "and from such place or places" will be stricken from the section.

Mr. OVERMAN. Also, on line 19, the word "welfare."

The PRESIDING OFFICER. That has been stricken out; and at the end of section 1——

Mr. OVERMAN. I will wait until the Senator from Minnesota comes in. Perhaps he wishes to perfect that amendment. I will not accept it now. I will let him offer his amendment.

Mr. REED. Mr. President, however unpopular it may be to make a speech on this question at this late time, I am going to venture upon a few remarks. I anticipate, from the current of the debate, that I shall speak on a very unpopular side of the question.

I have never seen a sudden emergency when the best and wisest of those who happen to be present were not for the moment, at least, thrown off their feet. Nearly always in his anxiety to serve each is ready to suggest a remedy. No man has ever had an ache or pain and made it known who has not experienced the felicity of being immediately prescribed for by all who have heard of his ailment; usually the number and variety of the prescriptions is exactly the same as the number who have heard of the disorder. Whenever there is an important event affecting the whole public, millions of busy brains are ready with suggestions. Every crossroads philosopher brings forth his own patent remedy, warranted to produce instant cure. Every country newspaper editor can in a few minutes indite an editorial that blazes a clear path through the forest of difficulties, while the sagacity of the great city editor is only equaled by his generous willingness to impart advice.

In the particulars referred to the men mentioned are not worse than those found in legislative halls. Like the others, when a great emergency is suddenly thrust upon us we get excited. We all want to help, but as we are often without accurate knowledge regarding the causes or extent of the danger, we are very prone to accept the first remedy proposed. Thus we are likely to do more harm than good. At this time the favorite device on the part of the press, on the part of the people, on the part of Congress, and especially on the part of the Senate, is to unload the whole difficulty, the power, and the responsibility upon the President.

It does not make any difference what the proposition is; inevitably the solution that is most popular is to pass it on to the President. If it is a matter of suppressing trusts and monopolies, we are invariably asked to confer upon the President some additional power to appoint some additional board, and to have that board deal with the proposition. Likewise, if it is a question pertaining to the national defense, the demand vehemently is made, "Put the responsibility on the President." Only to-day I have heard it stated upon this floor that the President is the Commander in Chief of the Army, and as such wholly responsible for the conduct of the war, and therefore that all power should be conferred upon the President.

Mr. President, a part of that statement is true and a part of it is not true. The President of the United States is the Commander in Chief of the Army, and a grave responsibility rests upon him as the Commander in Chief of the Army; but it is not true that upon the President rests the sole responsibility for the war or for its conduct; upon the Congress of the United States rests a grave responsibility which it can not escape and which it can not pass over to the President. The Constitution expressly provides that Congress shall have power to (a) declare war; (b) grant letters of marque and reprisal, and make rules concerning captures on land and water; (c) to raise and support armies; (d) to provide and maintain a navy; (e) to make rules for the government of the land and naval forces; (f) to call forth the militia to suppress insurrections and repel invasions; (g) to provide for arming and disciplining the militia. So far as I am concerned, I do not intend to shirk the responsibility resting upon me or to attempt to escape it by passing that responsibility over to the President. I shall, within the limits of my intelligence, perform my share of the great task before us.

Mr. President, never has there been in the history of this world a critical condition but there came forward men proposing the most extraordinary remedies. Frequently the remedies proposed will aggravate the evils sought to be corrected. I fear some of the "cureallS" now being pressed may kill oftener than cure. I grant you that if men engage in forestalling the market, if they engage in conspiracies to artificially raise prices by combinations, such men ought to be prosecuted to the limit of the law. Nothing could be more wicked than to pursue such practices at a time like this. I would prosecute such men because they are interfering with the natural law of supply and demand, but while I am prosecuting them as felons because they seek to interfere with the natural law of supply and demand I would be very careful as a Member of Congress not to myself interfere with the same law of supply and demand, lest I by legislation should work the exact evils produced by combinations.

I appeal to Members of the Senate to pause and think. We are liable here so to legislate as to destroy the very prosperity we hope to promote, and we are liable to reduce the very production the increase of which we all recognize may be vital to our country and to half the world. We may make a mistake that will be absolutely fatal; that will upset all the business of the country; that will reduce the productivity of the land, so that instead of expanding our resources in such a way as to be able to meet the demands of the world we shall only have crippled business by an ill-advised and ill-timed interference with it.

Before we can solve any question we must determine what it is. Accordingly I inquire what is the great question now confronting our people? I affirm that the great question is not one of high prices or of low prices. It is not one of profits or of losses. The one great problem that confronts the world to-day is that of increased production.

Let us stick one pin there, and let me appeal to Senators for their attention upon this matter. I may be mistaken, but if I be not mistaken we are all liable to make a very great mistake by enacting some of this proposed legislation. The question, I say, is one of production, and coupled with that, of course, is the question of delivery, for there is no use in producing if you can not deliver.

If we could double the wheat production of the United States, so that our crop next year would be two bushels where it was one last year, and deliver the wheat, the question of a wheat shortage in the world would be over. If we could double the production of corn and deliver it, the question of a corn shortage would be over. If we could double the production of steel and copper and tools and implements, all the difficulties with reference to all those great necessities would be over. If we could double this production, not only would the danger of a world famine or world shortage be over, but the question of excessive prices would instantly be solved. Manifestly if we should this year produce twice as much wheat as we did last year, the price of wheat must, in obedience to the law of supply and demand, come down. The 5-cent loaf of bread will come back to the poor man's table just as soon as the world's supply of wheat equals the world's demand. In like manner, if we could double the production of hogs the price of pork would come down. If we could double the production of beef, the price of beef would come down. If we could double the production of steel, the price of steel would come down. So that, after all is said and done, it seems to me that the one great question that we have to meet to-day is the question of production.

Now, Mr. President, let me examine that for just a moment. Is it not true as an axiom that certainty of profit means certainty of production? Is it not as true as any one thing in this world can be that if every man knows that in a certain business he can certainly make profit, that business will be crowded to the limit? Is it not true, now—applying it more concretely—that if every farmer in the United States knew at this moment that he could sell his corn next fall for $1 a bushel, and probably more, but certainly that much, every farmer in the United States would plant to corn every acre of ground that he could cultivate and harvest? Is it not true that if every cotton planter in the United States knew that he could sell his cotton for 30 cents a pound he would crowd every acre of his plantation with cotton that he could get hands to plant and pick? Is it not true that if the manufacturers of steel knew that they could make 100 per cent profit within the next year many of them would unhesitatingly expand their plants and multiply their production? These propositions surely argue themselves. They can hardly be denied.

The chief difficulty in the way of increased production is found in the uncertainty of the reward. Let us apply that by illustration. Assume that one of the Members of the Senate is a steel manufacturer and that he has a plant which is now running to its utmost capacity and is making him splendid profits. He knows that dealing within the limits of the capacity of that plant he is going to make considerable money in the next 12 months. He will crowd that business to the utmost. But now assume that he is asked to double his plant, and in order to double that plant he must first build out of materials at a very high price, with labor commanding a very high price, and he must buy his raw materials or contract for them at a very high price. This man may do that; he is likely to do it, provided, having surveyed the industrial and commercial field, he sees such a condition as will warrant him in believing that high prices will continue long enough for him to recoup on his investment.

Mr. President, every element of uncertainty you introduce, every element of doubt you introduce, tends to deter that man from making that investment. If his profits depend upon a war

liable to end at any time and so end his profits, he will hesitate. So also if his profits may be, under the authority of a statute of the United States, suddenly terminated, he will hesitate. Accordingly I inquire whether we are not in danger of creating a condition which will cause the man in my illustration to say, "I guess I will not build this mill this year; I can judge what the market may be; I may guess what the supply and demand will be; I may speculate in regard to profits with some degree of certainty; but as my market may be suddenly closed by the mandate of some statutory board, I can not afford to take that chance, hence I will not built the plant. Observe, if the illustration be true, we may cut off production at its source.

Now, there is a danger here, Senators, a danger so great that we can not afford to disregard it. If I wanted to solve this, the world's difficulty, to-day and were to follow the light of my own reason without suggestion from anybody, and were given unlimited power, I think I would be more inclined to guarantee profits than to threaten with loss. I think I would rather guarantee to the cattle raiser and the farmer certain minimum prices than to fill them with fear of ruin by the decree of some man denying them access to the markets of half the world. I think I would rather guarantee a minimum price to the manufacturer of these great products that we must have to carry on the war than to paralyze him with fear lest he be ruined by the arbitrary act of a board or of a single officer. I would do that if I did anything. But let me tell you when you undertake to go very far in interfering with the laws of supply and demand you are likely to—I employ a colloquial expression—"throw a monkey wrench in the machinery," and do more harm than you do good. It is true one can sit down and can figure out how by appointing a dictator for the country and by having that dictator surround himself with wise men, and by employing the arbitrary powers of a dictator, every man, woman, and child in the country can be made to step into a certain niche and perform a certain work. Thus we might create a great industrial machine and approach that condition of efficiency which we are told exists in the German Empire to-day.

Mr. BORAH. Mr. President——

Mr. REED. In just a moment.

That I grant you may be done, but that is a thing, Senators, that can only be done at the end of years and years of experimentation and patient building, and when it has all been done I question whether there is not lost in individual initiative more than is gained by the system. However that is not a thing which it is possible for us to do here at this time. We are entering upon a contest the end of which, of course, we can not prophesy. I grant you that we should take all steps necessary to meet the reasonable probabilities that may present themselves in the future.

But this is the point I want to make: We must choose to-day between the promoting of the efficiency of the American people, as the American people now live and as our business is now organized, and an attempt to regulate and change that business by law. I question whether the brain of any man can now devise a plan that will not do a great deal of harm, unless the plan be merely calculated to promote the energies of the people. Certain it is that embargoes seldom promote business.

I shall gladly yield now to the Senator from Idaho if I have not gone past the point he wanted to speak upon.

Mr. BORAH. I will not interrupt the Senator now.

Mr. REED. Mr. President, what is the industrial situation in the United States to-day? Everybody nearly wants to make money. There are, of course, a few drones in the hive of human industry; but, speaking broadly and including the children, there are 104,000,000 people in the United States all striving to make some money, all striving to gain an increment of wealth. Millions of farmers are tilling their fields and applying their individual brains to the problems before them. These farmers have some sense. Do you know I am enough of a heretic to actually believe that there are this afternoon following the plow across the prairies of the great Central West, and in the South and the North and East, clad in overalls and brogan shoes, millions of men who know more about agriculture than any Secretary of Agriculture now living, in its practical application to the particular piece of ground the particular farmer is working on.

I do not speak disrespectfully of the Secretary of Agriculture. He was a college professor. I do not know whether he was born or ever lived or ever worked on a farm. I do not know what his previous condition in life may have been. I recognize him as a big, intelligent, fine gentleman; and yet I make the assertion that the average farmer in the State of Missouri or Iowa or Indiana or any other State knows more about how to make his particular piece of land pay than the Secretary of Agriculture knows or any expert he has knows. If you will just encourage that farmer with the certainty of good prices, he will solve the question of agricultural production.

Now, how are you going to encourage him? You can not much encourage him by law, but you can greatly discourage him by law. Prices are $2 for wheat or better, $1 for corn or better, about $16 for hogs, I think. I have not looked at the market reports lately. All prices are very high. The farmer knows his ground, knows what labor he can command. Insure him a continuance of prices and do you doubt he will produce all his land can be forced to bear? Give to the farmer reasonable ground to believe the prices will continue and he will solve the problem of production. I repeat, these farmers are not fools. They read the market reports, and in modern times many of them get the market reports over the telephone. He is going to sit down with his pencil and figure corn is $1 a bushel; hogs are $14, if that happens to be the price; and cattle are so much. He will calculate the capacity of his farm. He will try to figure out with these high prices how he can increase his hog product, how he can increase his corn product, how he can increase his product of cattle, and so on. Now, do not make any mistake about it. He will figure it out better than anybody living at the Capital, hundreds of miles away, can figure it for him. If you can make it certain to the farmers of the country that they are going to continue to get these high prices, then you may be sure they will plant and they will harvest.

There is another thing you can do in the way of encouragement. You might arrange in certain localities where they need seeds that they shall get them, because that helps get the seed in the ground. You might under certain conditions that are imaginable help them get their crops harvested. But there again the wages that are paid the men will get the labor, and that is about the only thing that will get the labor. You might encourage irrigation to put water on dry land, and you might help build levees to keep the water off of wet land.

I have said, and I repeat, assure these farmers good prices and they will plant, and they will reap. They will be in the field with the first faint blush of dawn. They will stay there until the last gleam of the evening is gone. They will toil and moil. They will do their work better than they will if they are interfered with by the swivel-chair farmers of the Agricultural Department at Washington.

But now tell the farmers that they are liable to have their prices cut in two by the arbitrary mandate of some board and you will very quickly find out that many will hesitate about buying seed at high prices and hiring labor at high prices and buying extra horses at high prices in order to put in more acreage. They may take the chance of drouth or floods or grasshopper or other pests natural, but they will hardly take the hazard of some individual or board some fine morning cutting off half their world market by simply issuing an edict to that effect.

Mr. President, what I am saying here about the farmer is just as true, perhaps is in a greater degree true, of other business men, for the farmer is a business man.

Mr. KENYON. Will the Senator permit me?

Mr. REED. I will yield.

Mr. KENYON. I am greatly interested in the Senator's discussion and agree with him fully. I wish to suggest to the Senator that the great trouble the farmers in my State are having in handling this proposition is the question of labor—in getting labor to do the active farm work. If they can get the labor they can take care of this question of production. I was wondering in listening to the Senator if with his other good remedies he has any suggestion to make along that line.

Mr. REED. Mr. President, it comes back to the question, in my humble judgment, very largely of the old law of supply and demand being again the supreme law. To make my answer a little more specific, the farmer finds it difficult to get labor. I imagine he will have to pay very high prices to get it. I think the public can do some things in the way of encouragement. I think, for instance, a patriotic agitation might lead a great many boys in the cities to go to farms and so bring some measure of help. They can not take the place of the regular farm hand, but some help would come in that way.

Mr. WALSH. Mr. President——

Mr. REED. I yield to the Senator.

Mr. WALSH. It was suggested yesterday on the floor that the suspension of the literacy clause of the immigration law would aid. What does the Senator from Missouri think of that?

Mr. REED. I think of it just as I did when the bill was up, and the Senator from Montana will remember that his position and mine were the same. We held that it was a foolish thing

to prohibit men coming to this country simply because they could not read or write. But that is a remedy I fear we can not get much benefit from in time for the coming harvest. The coming harvest is less than 90 days away—a good deal less than that down in the Southern States.

Mr. SMITH of Georgia. Nor the corn.

Mr. WALSH. If the Senator will pardon me, I am told quite recently a large number of laborers were admitted from Mexico.

Mr. REED. There is a kind of labor down there that I confess I would not want to see come in, except as a war measure.

Mr. President, there are two things I want to advert to, and then I am through. One is the tin-plate argument that we have heard here, and the other, I hope I shall not forget, is the limitation upon human intellect, and therefore the total inability of any man in the world to manage the business of this country. We have listened to an argument here this morning——

Mr. BORAH. Before the Senator goes to that subject, may I interrupt him for a moment?

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Idaho?

Mr. REED. I do.

Mr. BORAH. The Senator has spoken ably of the question of encouraging production, and I agree fully with him in the proposition that it would be a mistake to spread over the country such a bureaucratic system as would destroy initiative on the part of the individual citizen. I agree further with the proposition that in all probability we can not encourage production very much by law, and might discourage it considerably by law. But there are some things, it seems to me, which we ought to be able to do in this country in some way, which, would encourage production, and that is to more equitably distribute the profits of production and to establish a closer relationship between the producer and consumer.

I called attention yesterday to some institution. Let me call attention to what I have just read in the paper of this morning. The Senator will remember that the Standard Oil Co. was dissolved a few years ago and rendered into its component parts and given a supposedly respectability and deprived supposedly of the power to extort from the American people vast sums of money which it had been in previous years extorting.

I read in the papers this morning that this disorganized and demoralized institution has paid since that time $629,000,000 in dividends, disbursements since the dissolution of the company being six times the amount of its capital. To my mind it is vain to hope that the individual citizen will exercise the initiative which still belongs to him in part if he realizes that over and above it are these organized institutions which practically reap the entire fruits of his labor.

Mr. REED. The Senator, I think, was not in the Chamber when I began my remarks.

Mr. BORAH. Yes; I was in my seat.

Mr. REED. Very early in my remarks I stated that every combination or conspiracy to extort unjust profits or to restrain trade ought to be punished more severely now than at any time in the history of the country. I stated that we were justified in thus punishing them, because by restraining trade and commerce they were putting a limitation upon the law of supply and demand, and we ought to be very careful when we come to enact a statute to see that we do not do by statute that which these other gentlemen are doing by conspiracy.

Mr. BORAH. I listened to the Senator's statement, and I did not disagree with him.

Mr. REED. I do not disagree with what the Senator has said now. Of course our old friend the Standard Oil——

Mr. CALDER. Will the Senator allow me?

Mr. REED. In just one moment I will yield. Our old friend the Standard Oil, so far back as the ordinary man can remember, has been regularly killed off about every 10 years. The custom is to periodically hunt the Standard Oil. A great cry is raised and it spreads to all parts of the country. The hunt is on—comes the fellow with his 22-caliber Sharpe single-shot pistol, likewise the individual with the 16-inch cannon, big and little they come and hunt the Standard Oil, and they finally round it up, and then they kill it and then they bury it; and the next morning they discover that some time during the night there occurred a mysterious resurrection, and the old Standard Oil, clothed in the flesh, restored to the vigor of youth, twice as big and twice as dangerous as it ever was before, is prancing around the country looking for rivals to crush and trade territory to grab. I suppose we are about due for another attack.

I hope that some day we will have a Federal court brave enough to really dissolve one of these concerns.

Since I am led into a digression, I wish to say that I regard the decision of the court in the Standard Oil case as little more than a perpetual charter to exercise monopoly in the United States. Until that decision had been rendered it could always be claimed by the Government that the Standard Oil Co., by virtue of its organization, was a combination existing in violation of the laws of the land, and as such liable to punishment; but when the court in a case duly brought had decided that it was a monopoly, and then had decided that it should be divided in a certain way, and had laid down the exact rules by which the component parts of the concern could run, it amounted to a decree authorizing it to run in that way forever. It has been running in that way, and probably strictly within the terms of that decree, ever since, and yet it is in fact one concern and is more powerful than in the past. If it has violated the terms of the decree I should like to know the fact, because I think that the Standard Oil and similar institutions are not beneficial to our country.

But, Mr. President, that is really a little aside from the matter I am discussing. I now yield to the Senator from New York.

Mr. CALDER. Mr. President, if the Senator from Missouri will permit me, I have been a Member of this body only a few months, but I have been here long enough to realize that when the Senator from Missouri is addressing the Senate Senators should remain in their seats and listen to what he says. He talks very interestingly of the matter of the high prices of commodities. Reference has been made by the Senator from Idaho to the Standard Oil Co., and other corporations have been referred to. The Senator from Missouri referred to the possibility of our providing for some system of minimum prices so as to assure sufficient production. Perhaps that may be the remedy.

Mr. REED. The Senator misapprehended me. I did not advocate that. I said if I were going to undertake to interfere at all I would look on that more favorably than I would on the restriction of exports.

Mr. CALDER. I did not mean to infer that the Senator said it was his remedy, but under the circumstances it may be the remedy. However, Mr. President, we all agree, and the Senator explained that in detail, that no man enters a business undertaking without a reasonable assurance of profit. That applies to every industry, and, as he has pointed out, to merchants, manufacturers, and railroad men, and it applies equally to farmers. The farmer has been making money as well as the rest of the business men of the country. I know on Long Island, where I live, during the past winter he received as high as $3 a bushel for potatoes. I am informed that this year, because of the large prices of last year, it is proposed in one county alone on Long Island to raise 5,000,000 bushels of potatoes. I believe that the farmers of the country, encouraged by the high prices of 1916, will raise enough this year to prevent any shortage in food products.

But there is one thought that comes to me in listening to the Senator's discussion of this subject. I was in Washington late in November of last year and met a farmer from New York State who farms on a very large scale. I told him it was up to the farmers of the country to get into the business of planting large crops in the year 1917, so as to take care of the difficulties that were confronting the Nation. He remarked, "My friend, let me say to you that the farmer has learned his lesson from the great combinations of business in this Nation. The farmers," he continued, "are not going to grow two blades of grass where one formerly grew without some assurance of a market." I hope, as the Senator expressed himself, that the business conditions of the Nation will warrant the farmer this year in growing the two blades of grass where one grew before; but if he does not, perhaps we may have to resort to some unusual methods at least during the present crisis; but I never would agree for this Government to guarantee to any line of endeavor a minimum price for its product as an ultimate proposition. It would be so revolutionary, it seems to me, as to destroy the initiative in every line of business.

Mr. REED. Mr. President, I thank the Senator. I want it to be understood that I have not been an advocate of fixing a minimum price; but I said if I were going to interfere at all in order to get a great production, which is the thing now necessary, I would interfere by offering to guarantee certain prices, so that producers would be assured against losses and possible ruin by the bottom suddenly falling out of the market. However, I think that the business men and the farmers of this country are perfectly willing to take their chances on the market, provided they are not to be arbitrarily interfered with.

This has nothing to do with combinations. I repeat that if men conspire to control the market, if men go into the business

of violating the laws of the United States and undertake to extort from their fellows by artificial and by illegal means, then, of course, the law should be applied to them with all its penalties. I am arguing, however, the proposition here, as well as I am able this afternoon, that if you will simply give the brains of America and the busy hands of America a free field these great prices will stimulate production; that any danger of shortage will soon pass away.

Mr. CALDER. There is no doubt of that.

Mr. REED. I am arguing that the most dangerous thing in the world to do is to hang over the industries of this country a sort of sword of Damocles, that is liable to be dropped at any moment upon them and to destroy them.

What man is there now who would enter upon the business of doubling the capacity of his factory, taking the chances of all market conditions, of all world conditions, if he understands that, in addition to such chances, at any moment he may, by the arbitrary decree of one man, find his market restricted or taken away? I propose to argue that question for a moment, using the tin-plate argument of the Senator from Maine [Mr. FERNALD].

The Senator from Maine well illustrated the evil that will come to this country if we look at questions from the one-man viewpoint or if we undertake to give a man or a board the right to run the business of 104,000,000 people. The Senator from Maine is a canner, and naturally he wants cans in which to put his products, and would like to have plenty of them, and like to have them at reasonable prices. I assume he would not want them at anything below a reasonable price; I am sure he would not. Looking at it from that standpoint, he speedily places himself in a sort of intellectual harmony with the rest of the country in this wise: "Tin is necessary for my cans; cans are necessary for vegetables and fruits; fruits and vegetables are necessary to humanity; ergo, when I work for my cans I work for all the people of the earth." Without speaking at all of the propriety of a man introducing any amendments having special bearing upon his particular line of business, and advocating them upon the floor of the Senate, waiving that question and approaching the proposition from the broad point of view, what seems to be the fact? It appears that enough sheet metal can be made in this country to make the cans; it seems there can be enough tin imported to tin the sheet metal. It seems there are more cans being sent abroad than the Senator from Maine likes, and for his benefit and for the benefit of other canners he brings in this amendment on behalf of himself as orator and for all others who may be similarly situated.

But what is the fact? The tin will cease going abroad just as soon as they pay more money for it in this country than is paid for it abroad. If we interfere to stop the tin going abroad in order that the Senator from Maine may have plenty of it with which to make his cans with which to preserve his vegetables and fruits, then, of course, we ought to prohibit the sending abroad of the fruits or of the vegetables, because, if we continue to send them abroad, that makes the price higher in this country to all the people of this country. But if we prohibit the sending of those fruits and vegetables abroad the man who is raising the fruits and vegetables will be practically bankrupted, for he raises them on high-priced land with high-priced labor and must have a good market to live. But, Mr. President, if we are to prohibit the sending abroad of tin plate and tin cans and vegetables in order that the Senator from Maine may escape paying a high price for his tin cans, then by parity of reasoning we ought to refuse to ship anything out of this country—wheat or corn or potatoes—because by closing the European markets to them we can reduce the price to the American consumer, and the American consumer is certainly as important as the American canner. But when you reduce the price to the American consumer by stopping the shipment of corn and of wheat and of potatoes and of rye and of barley and of horses and of sheep and of cattle you have reached every farmer there is in the United States, you have cut off his profits, and you have killed the very production that you want to promote at this particular period of the world's history.

In the name of high Heaven—and I say it reverently, and not oratorically—let us have some sense here in the Senate of the United States. When you put the embargo upon the shipment of these things from this country and destroy the market for them you destroy the farmer's profits; when you have destroyed the farmer's profits you have struck the country dry-goods store and grocery store and the boot and leather merchants; when you have reached them you have reached the jobbers, and when you have reached the jobbers you have reached the manufacturers, and when you have reached the manufacturers you have reached the army of labor that they employ. All down the line the interference will be passed along until at last you find that all you have succeeded in doing, unless you proceed with the extremest care, is to have interfered with that vast army of laborers, commonly called the American people, whose busy hands and busy brains are ready to toil, provided you give to them a certainty of recompense and an opportunity to labor.

Of course, if as this great stream of commerce flows by it is obstructed by dams built by wicked men, then the obstructions should be removed. I am not arguing that question. I am, with all the earnestness of my soul, arguing against a proposition that will interfere with the industries of the country and that will have a tendency to frighten people and to make them draw back from investment and from business adventure.

A little while ago Mr. Coffin, who is a member, I believe, of a board appointed by the President known as the National Council of Defense, made a trip west, and then came back and warned us. He said already these threats of interference, these threats of seizure, and threats of change of habits are disrupting the business of the country. Why should they not? Why will it be insisted that business men—and by "business men" I mean all men who are engaged in production, who have to invest their money or to invest their time and their brains upon a future market—why will it be insisted that the way to encourage them to invest is to hang over them the danger that an autocratic board clothed with autocratic power may at any moment take away that which they have produced?

That brings me, Mr. President, to a question of some delicacy, which I want to discuss with all frankness, and I hope without misunderstanding. I said in the opening of my remarks that everybody nowadays wants, when a difficult problem is presented, to say, "Pass it on to the President." Upon the President's devoted back has been tied not the sins but many of the responsibilities of the Congress.

When we say that a certain provision of law shall go into effect when the President shall find that the public safety requires, and so forth, we are wont to believe that the President will apply his great brain to that particular task. When we say that the President shall have authority to do this great work and that great work, we all are wont to think that the President will personally and individually perform that work. We have given the President enough jobs of this kind so that if he could transform himself into a physical Hercules, as he is already an intellectual Hercules, and then could subdivide himself into a hundred parts he could not personally perform the tasks. How does he proceed, and how must he proceed? He must proceed through human agencies, through men whom he selects. Who are the men he selects? Are they any wiser because the President selects them than they would be if the people selected them? Are they any more patriotic than they would be if the people selected them? If, indeed, they are wiser and more patriotic we had better change the form of our government, and authorize the President in all instances to appoint all the officers. But that is not the theory of our Government, and it is not the philosophy we have quite accepted up to this date. Our theory is that when the people pick their own servants, they will pick the most patriotic and the wisest. Accordingly, when they pick the President of the United States and take him from private life and put him in that great office, we honor him because the people put him there. And so some little modicum of honor used to be ascribed to those who sit in this Chamber or those who sit in the House of Representatives, but latterly the view seems to be to hold that if men are in Congress they can not by any possibility know much, so that when a difficult question arises they are to "pass it on to the President," who, in turn, will pass it on to somebody else.

Mr. SMITH of Georgia. Pass it on to a Secretary, who will pass it on to a chief of division.

Mr. REED. Yes. Now, who are these somebodys else? Gentlemen picked from private life, some of them men of ability—I pass no criticism on them, but they are merely men. If they were Members of this body they would not be able to stand on the floor for a moment and preamble their utterances, "Thus saith the Lord"; their words would be given no more weight than would be given the words of other Members.

I have heard Senators here recently quoting the Secretary of War. They say "the Secretary of War says thus and so." I speak this now in all kindness, for I have the utmost respect for the Secretary of War; but why quote the Secretary of War? You would think to hear the obsequious tones of these gentlemen as they speak of the Secretary of War that he traced his ancestry back through an unbroken line of distinguished warriors to the first great world conqueror, Alexander the Great, and that he had been all his life engaged in the study of great military problems; whereas, on the contrary, he was the mayor of a splendid city out in Ohio. He was a lawyer in good practice, a gentleman of ability and distinction, who probably, when he took the office of Secretary of War,

knew as little of matters military as any Member of either branch of Congress. With a good brain and with some advantage of position, he has, of course, increased his learning, and for him I have the utmost respect. I speak of him in this way because he furnishes a good example of my contention, for in recent days we have been a great deal quoting the Secretary of War. We have a Secretary of the Navy——

Mr. WALSH. Mr. President, I should like to inquire of the Senator from Missouri, because I understand that he has had personal experience along that line, whether he has not found that the office of mayor cultivates fighting qualities which are desirable in a Secretary of War?

Mr. REED. It does; but not that particular kind of fighting qualities that will lead anybody to mobilize an army for the trenches or to incur any great physical hazard.

We have a Secretary of the Navy, a splendid gentleman and, I trust, a particular friend of mine. I served with him on the Democratic national committee; we went through a campaign together; I have spoken with him from the same platform; I admire him; I have never been one of those who have criticized him. I think he has done many splendid things as Secretary of the Navy—magnificent things—but he was a newspaper man down in North Carolina. He, of course, has had four years' experience now in his great office, and a smart man will acquire a great deal of knowledge in that time; but there are Members of this body, though, perhaps, not present at this moment in the Chamber, who have had wide experience. There sits here an ex-Secretary of State, a distinguished man. In this Chamber there are those who served their time upon the Federal bench and have been retired. Here are other men who have been leaders in their professions, and so on. What I am pointing to is the fact that these agencies selected by the President—and I have named two, at the head of the War and of the Navy, simply as illustrations—are merely men, and they are just as liable to be mistaken as any one of the Members of this body; their judgment is just as liable to be in error, and this task which you are constantly putting on the President will necessarily be turned over to some one of the members of the Cabinet or directly to some board. When it comes to the member of the Cabinet, what does he do? He has a great deal of business upon his hands. He has many great problems. He must act through subordinates, and he appoints somebody or he calls on somebody to do the work.

Mr. OVERMAN. Mr. President——

Mr. REED. I will yield to the Senator in just a moment. He may call on the Civil Service Commission, who will certify the last fellow who passed the examination or the fellow at the head of the list. He may call upon some Senator or Representative to recommend somebody to him; he may pick somebody that he himself knows; but he has obtained a man now that probably could not get into either branch of Congress. That man calls somebody else in, and at the end they make up a finding of some sort that goes up in its routine way to the member of the Cabinet, and the member of the Cabinet certifies it up to the President, and that busy man, burdened and weighted down by the cares of the world, has to sign his name frequently as a matter of form. He can not, in the nature of things, give attention to all matters.

Now, Mr. President, that brings me to this: You propose under those circumstances to turn over the management of the business of the United States to some one or two or three individuals of the character I was discussing a moment since, and take it out of the hands of the people of the United States. There was never a graver mistake made by any legislative body.

Mr. OVERMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from North Carolina?

Mr. REED. I yield.

Mr. OVERMAN. Would not the same argument the Senator is now making apply to the President himself? He has had no naval or military experience. He is compelled to perform much of his work through other officers of the Government and give his opinion as to their recommendations. I do not know whether or not he could be elected to the Senate of the United States, but we have to trust these things to somebody, and the people have selected him to execute the affairs of this country.

Mr. REED. They have? I thought they selected a House of Representatives and a Senate to do part of the business of this country.

Mr. OVERMAN. I said "to execute."

Mr. REED. Yes. Well, we are not now talking about execution; we are now talking about passing laws in this body that will grant remarkable power to some board or some individual that we should ourselves exercise. I am not saying that there should not be any power given. It seems to me the amendment offered by the Senator from Georgia [Mr. SMITH] about hits the nail on the head, but I am protesting now against this proposal of allowing some one to say whether the people of this country can ship their goods abroad and how the people of this country shall do their business. Of course when it comes to shipping goods to a nation that is at war with us or shipping goods to nations that will in turn send them to a nation at war with us, that is clearly within the military authority. It is a plain question that should be determined in each instance upon its merits. That is not difficult; but when you propose to write into a bill language which authorizes an embargo to be placed upon the commerce of the United States whenever the President shall deem it for the public welfare, when you undertake to employ any of the "patent-medicine cure-alls" that have been suggested here within the past few days, when you undertake to regulate the business of the United States, you make a great mistake. Against that I protest.

Mr. President, I have sat upon committees of the Senate considering bills affecting some particular business when a representative of that business would come before the committee and in five minutes' time would disclose to us that the proposed legislation was altogether wrong or that it was in some respects erroneous. What has that to do with the question I am discussing? I answer that that illustrates the fact that the men engaged in running the business of this country know more about how to run their business, how to conduct it safely, how to make it pay, how to make it expand, than any individual sitting in the Capitol at Washington can know. We can carry this matter of interference to a point where the interference is destructive; and we must not do it.

Why, I remember there was a distinguished gentleman on the Federal Trade Commission who sent out a letter asking for opinions upon a rule which the Federal Trade Commission proposed to put into force. The commission proposed, according to his suggestion, to adopt a uniform system of bookkeeping and to make every man engaged in business in the United States conform to it. He wrote me for my opinion, and I said to him, "I had something to do with the Federal Trade Commission law; I opposed it in many particulars; I think I know what is in it, but I confess I know of no clause in it that will permit the Federal Trade Commission to undertake to set up a bookkeeping system for the business men of the United States. There is no authority for you to teach bookkeeping or to establish classes in law, in medicine, or in theology. I respectfully suggest that I am old-fashioned enough to believe that the business man who runs even a country grocery store knows better how to keep the accounts of his business in that little store that he built up and created than some wise man sitting at Washington knows."

We must not make the mistake of destroying the production of the United States by interfering with it. It seems to me that the whole problem before us is to do everything we can to prevent combination, to prevent cornering of products or of prices, to do everything we can to stimulate production; and the best way to stimulate production, I repeat, is to bring about a certainty, or as nearly as possible a certainty, of profits. Then let these busy brains of our business men that are working night and day continue to work with problems that are the usual commercial problems, and do not inject into the equation the uncertainty of the arbitrary action of some man or some board at Washington which may at any minute interfere with their calculations.

Mr. SMITH of Georgia. By cutting off their markets.

Mr. REED. Yes.

What is the proposition that will confront those people? Suppose, sir, that I am engaged in the business of manufacturing steel. Suppose that I know there is a market over there in Europe; that that market has a demand of approximately a certain amount; that the possible supply is approximately a certain amount. I can figure then that there is a market there for so many million pounds of steel, and I can figure approximately what the prices will be; and, thus figuring, I may be able to convince myself that it is proper to buy an iron mine at even a large price, to build a mill even at a large cost, to hire labor even at high wages, to buy ships even at excessive and unusual costs, and yet that I can make money. But if you say to me, after I have done all this, that at any moment that market may be taken away from me, will I, as a sensible man, make those investments?

Now, Mr. President, these patented remedies are not new. They have been made in nearly every great trouble that has arisen in the world's history. Efforts have been made to cut down the value of money and force it upon people by statute,

but it never succeeded. They have tried to regulate the price of foods, but it has never entirely succeeded. Perhaps to a slight extent it can be made to succeed for a limited period of time when backed by a sufficient number of bayonets. We have not yet reached the point when it is necessary to come to these supreme sacrifices, and to undertake them at this time will only interfere with the business of this land.

I repeat what I said a minute ago—that when you undertake to create an embargo upon shipments abroad, one of the first men to be affected will be the farmer. People say, "It costs a great deal of money to live in town. Potatoes are too high, meat is too high, and consequently we will stop shipping abroad." When you say that and do that, the farmer's profits are cut off, and instantly his injury flows back through all the lines of trade until everybody is affected. We can not afford to make a mistake about these matters.

Mr. President, if the United States of America were surrounded as Germany is surrounded to-day; if our people were in that state of consternation which would result if every avenue of escape were cut off; if our men were in the trenches by the millions, and their maimed bodies were being carried home every day, and their dead bodies were being corded in the trenches or burned on funeral pyres; if this fearsome state existed, when the very desperation of the situation would demand from everybody a supreme effort and inspire every soul to the highest possible effort, almost every imaginable kind of interference might be justifiable. The taking over of all the property of all the citizens might become justifiable, and the mobilization into one vast industrial army of every noncombatant might be justifiable; it might be necessary. But such, sir, is not the situation now confronting us. We have here a country enormous in extent, its resources incalculable. It is organized to-day by the individual brain and energy of its multitude of people. It is pursuing certain paths. It is producing certain results. Those policies and this course of living have made us the richest Nation of earth, and now we are suddenly confronted with a war abroad. What is the best thing to do under the circumstances?

It has been decreed that we will loan money in enormous amounts to our allies. In order to raise that money, we must promote our own prosperity. We must not kill it. Everything that makes for the prosperity of this country is essential to the floating of those great loans. Business should not be frightened. Farmers should not be alarmed. The people of the land should not be led to believe that there is any sudden lurch to be given to business. Everything should be done to encourage the people, to inspire them with confidence, to give them to understand that every man who engages in labor and every man who engages in honest investment is nearly certain of a just return. All this that you may float your loans. If you would float your loans, do not destroy business.

The next thing necessary is to raise troops. We have settled that, and our troops are to be raised by draft. That question is behind us, except the labor of the draft and the heartaches that will come—all that we must endure. That draft will interfere with the labor conditions of this country to some extent. Taking these men out of their various employments is going to make it harder for the business man; it is going to make it harder for the farmer; it is going to make it harder for every man that employs labor. So we must minimize that as much as we can; but we can not minimize it by threatening the man who must fill the gaps created by the draft with the destruction of his business through the arbitrary cutting off of his foreign trade. On the contrary, we must give him assurance, as far as we can, of a continuance of profits, so that he can hire green men and train them at a cost to himself, or even put women in the place of the men who are let out of the factories. That is the way we must take care of that situation.

Then will come the question of the production on the farms; and that is the big question after all. I repeat what I said a few moments ago—I can not repeat it too often, because in my judgment it is the eternal truth—that the best way to get farms planted in this country, the best way to get more wheat for people to eat, more corn, more cotton to clothe them, more meat for their stomachs, is to assure the farmer a great profit; and you can not assure that profit by telling him that at any moment his foreign market may be cut off. They all know enough to know that if you cut off the foreign market for six months' time the price of cotton and of wheat and of cattle and of horses will come down enormously. Convince the farmer that that is going to happen to him, and you may be sure that he will only plant that which he knows he can plant and harvest with his own hands, without incurring the danger of hiring high-priced men to do the cropping for him.

Oh, yes; there will be somebody on his feet in a minute with a remedy. He can tell us just exactly how to fix this thing. But, Mr. President, let no man incautiously interfere with that vastest and most intricate machine in all the world, the great industrial machine that has a million brains that think; a million eyes that see; a million pairs of hands to feel and grasp; a million stomachs to fill, that must always produce because it always must consume; that can not stop lest it starve, and so must always be kept in condition to never stop. That is the most intricate machine there is in the world. You had better let it alone. God Almighty created it, and under His providence men have been running it. Make no mistake; all are affected when one is injured. You can not interfere for the tin-can industry without interfering for other industries. You can not interfere with other industries without affecting the tin-can business, and so on.

What is the problem? The answer to it all is, Keep business going; and when I say "business," I mean everything, from the man who works with the shovel in the street to the man who stands back of the counter in the greatest bank of the land. Keep these men employed. Keep on making things. Make automobiles and send them to Europe. Make tin plate and send it to Europe. Make plows and send them to Europe, if there is any place they can use them. Make locomotives and send them to Europe, and all the time be making money and keeping it in America; and then turn around and loan it to our allies and help them win this war, and use some of it to produce for ourselves the finest cannon that the skill of man can produce and the greatest war vessels that can be created to plow the deep.

We must not apply quack remedies to the business ills of the land. Nor should we apply similar methods to the newspapers of the country. If we ever establish a press censorship, we are likely to have an individual who never was able to establish a paper that had a circulation of 500, or that was not under a mortgage every minute from the time it was created until the time it died, appointed to manage all the great newspapers of the country.

I know that newspapers do lots of provoking things. Of course they do. I get mad at them every day. They have never half appreciated me. [Laughter.] You never saw a newspaper man yet who could not tell you exactly how to do anything better than anybody else ever did it, from the writing of an ode to spring to the conduct and strategy of a great war. I commend to every newspaper man on earth the reading of that delightful story, How Private George W. Peck Put Down the Rebellion. [Laughter.] But, Mr. President, the aggregate and sum total of it all is this, that these great organs, spreading the views of first one man and then another, carryng the news of the world to all the other brains, are the vastest force there is in the world for intellectual and moral advancement and for the physical well-being of our race.

I believe there ought to be some laws passed that will make it possible to reach that newspaper man who prefers to have a "scoop" in his newspaper to having our Army win a battle. There are such men, possibly, in the business—by which I mean only to say that I believe it is entirely proper to pass a law here that will punish the exposition of military secrets and an interference with the plans of our Army and Navy in that respect. But, sir, I refuse to give my consent to a law, by whomsoever proposed—whether it comes here with the odor of sanctity about it, or whether it shall have fallen from the profane hand of an ordinary Senator—that will place an embargo upon information, upon freedom of speech, and freedom of the press, and the right of peaceable assemblage.

It is not necessary that we should thus copy Prussia. It is a singular thing that forming here in line as the torchbearers of democracy, holding aloft banners inscribed with legends to human liberty, it is proposed, before we take a single step forward in that great enterprise that we shall abandon all of the principles the fathers taught, all the great fundamentals of our democratic union, and that we shall adopt as our maxims the infamous principles of the infamous Government against which we make war to-day, upon which we make war because it has made war upon humanity, upon God's laws and man's rights.

I decline to Prussianize America. I say it is a wholly unnecessary thing to do. Better than a Prussianized army is an army of free men. Better than an army that moves forward in obedience to the brutal command of a master who goads it on with the sword of despotism is an army that moves in response to an inspiration of love of country and of justice and of right. Better than the solid phalanx that moves in obedience to one will, but moves forward blindly, is that other phalanx that moves forward as a unit in obedience to a love of man and a

service of God. Better the army of democracy than the army of autocracy.

This war can be fought and won, and it will be won, but it shall not be won at the expense of the liberties of the American people. Nay; rather, as we emerge from its clouds into the sunlight of peace, let us come as an army of democracy which never repudiated a single article of the creed of liberty. Let us come as an army of free men fighting as free men. Let us come as free men who entered as free men and who, through the storm and battle, remained always as free men. On the banners of our Army and our Nation let there never be spot or stain of despotism.

Mr. OVERMAN. Mr. President, the argument of this question has gone very far afield. The Senator from Tennessee [Mr. SHIELDS] this morning eloquently spoke of the volunteers from Tennessee fighting the Battle of Kings Mountain. I reminded him that there was no such State as Tennessee when that battle was fought. I reminded him also that if we called Tennesseeans all the men across the mountains where Tennessee is to-day there were more North Carolinians and Virginians in that fight than there were Tennesseeans.

I ask unanimous consent to insert in the RECORD a short extract from HENRY CABOT LODGE's work, The Story of the Revolution, showing that the man who commanded in that battle was a Virginian—Mr. Campbell. The general was Gen. McDowell, from North Carolina. Being a very aged man, and feeling incompetent to command on that occasion, he chose Campbell to fight the battle. Campbell and Cleaveland, of North Carolina, and Shelby and Sevier fought the battle. There were no Tennesseeans there, but there were about 300 under Shelby from the territory now called Tennessee. There were over 400 from the State of North Carolina. There were 500 from the old State of Virginia. I wanted this history put into the RECORD so that the truth might be told.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

[From pages 58 and 59 of The Story of the Revolution, by HENRY CABOT LODGE.]

They all assembled at the Sycamore Shoals, on the Watauga, on September 25. Four hundred of the Virginians came under William Campbell, 500 from the more southern settlement under Shelby and Sevier, and 160 refugees under McDowell, of North Carolina. The next day they started, after a stern and old Presbyterian minister had prayed and asked a blessing upon them. They gathered in an open grove, and, leaning on their rifles, these backwoodsmen and wild Indian fighters bowed their heads and listened in silence to the preacher who blessed them and called upon them to do battle and smite the foe with the sword of the Lord and Gideon.

Then they set out, a strange-looking army, clad in buckskin shirts and fringed leggings, without a tent, a bayonet, or any baggage, and with hardly a sword among the officers. But every man had a rifle, a knife, and a tomahawk, and they were all mounted on wiry horses. Discipline in the usual military sense was unknown, and yet they were no ordinary militia. Every man was a fighter, bred in Indian wars, who had passed his life with horse and rifle, encompassed by perils. They were a formidable body of men—hardy, bold to recklessness, and swift of movement. They pushed on rapidly over the high table land covered with snow, and then down the ravines and gorges—rough riding, where there was hardly a trail—until, on the 29th, they reached the pleasant open lowlands near the North Forks of Catawba. Here they were joined by more than 300 North Carolina Militia, led by Col. Cleaveland, a hunter and Indian fighter, quite the equal in prowess and experience of any who had crossed the mountains, and with a long list of private wrongs to avenge, for he had been in the thick of the civil war and partisan fighting which, since the fall of Charleston, had desolated the Southern States. On October 1 the forces, thus increased, passed Pilot Mountain and camped near the head of Cane and Silver Creeks. Thus far they had proceeded, as they had gathered together, each band under the command of its own chief; but such an arrangement involved too much disorder even for so unorganized an army as this, and the next day, dropping all local differences and personal jealousies, they agreed that Col. William Campbell should take command of the entire expedition.

Mr. NELSON obtained the floor.

Mr. SHIELDS. Mr. President, will the Senator yield to me for a moment?

Mr. OVERMAN. I do, with pleasure.

Mr. NELSON. I thought the Senator from North Carolina had yielded the floor.

The VICE PRESIDENT. The Senator from Minnesota has the floor.

Mr. NELSON. I so understood.

Mr. OVERMAN. I beg the Senator's pardon. I thought the Senator wanted to ask me a question.

Mr. NELSON. I yield to the Senator.

Mr. SHIELDS. I will not introduce any books to prove that Gov. Sevier was, I might say, the commanding spirit of Kings Mountain. That is so well known to the people of Tennessee that we need no books to prove it, especially none written in the interests of North Carolina.

Mr. OVERMAN. This book was written by the Senator from Massachusetts [Mr. LODGE], not in the interests of North Carolina, but in the interests of impartial history.

Mr. SHIELDS. We do not have to go away to Massachusetts to prove that John Sevier won the Battle of Kings Mountain. The people of Tennessee, the descendants of those who fought there, are the best witnesses. They know the history of their own country. It is common tradition in every hill and hollow of the State.

Mr. OVERMAN. Campbell was chosen to command, so history says, at the request of Gen. McDowell and not Sevier.

Mr. SHIELDS. Well, Campbell lived in western Virginia near the Tennessee line and was the friend of Sevier. But what I wish to reply to is the statement that there were Tennesseeans there. There was no Tennessee at that time. There was just one county of North Carolina west of the mountains, the county of Washington. The Senator should have remembered that Tennessee was not organized into a State until some 10 years after; but it was the people west of the mountains who won the battle, and they fought under John Sevier.

Mr. NELSON. Mr. President, I understand the amendment offered by the Senator from Georgia is a substitute for section 1. Before that amendment is voted upon I desire to offer an amendment to perfect section 1 by striking out, on page 26, line 2, the period and inserting a semicolon there and adding the following words:

Provided, however, That no preference shall be given to the ports of one State over those of another.

It is the exact language of the Constitution that I have used.

Mr. OVERMAN. I accept the amendment.

The VICE PRESIDENT. Without objection, the amendment is agreed to.

Mr. CUMMINS. Mr. President, I am opposed to Chapter VII as reported by the committee for two reasons: First, I believe it to be unconstitutional; second, I believe it to be unwise. It is worth while, Mr. President, to remember that the fathers of the Republic when they formulated the Constitution did not confer upon the President the power to lay an embargo. They understood perfectly that we would be at war part of the time and in peace part of the time, for they made many provisions in the charter of the Government for both peace and war.

I would like to ask the Senator from North Carolina why it was that those who framed and those who adopted the Constitution did not give the President the authority to lay an embargo upon exports in time of war?

Mr. OVERMAN. The Constitution did not provide for a commission to make rules and regulations as to railroad rates.

Mr. CUMMINS. Is that the answer? I do not perceive its relation to the question.

One of the important things in the minds of the people who made our Constitution was the right to export, was the right of the American people to do business with foreign countries. If our forefathers had believed that it was compatible with the liberty which they were endeavoring to preserve or crystallize in our Constitution that the President should have power to lay an embargo upon exports during times of war, they would have so declared.

Mr. OVERMAN. Mr. President, soon after we got away from the Revolutionary War, did not Congress grant that power?

Mr. CUMMINS. No, Mr. President.

Mr. OVERMAN. Soon after the formation of the Constitution.

Mr. CUMMINS. The Senator from North Carolina is mistaken with regard to that; but he is quite right in saying that very shortly after the Revolutionary War Congress did pass an act which the good sense and patriotism of the people of this country very soon rejected, and which has ever since been condemned by every impartial historian. I do not know any defender of two or three of the acts that were passed during our troubles with Great Britain and France, from 1794 up to 1810. There were, I think, but two of those acts. One was passed in 1794, as I remember it, and the other was passed in 1806.

Mr. OVERMAN. And one in 1898.

Mr. CUMMINS. No; Mr. President, there was no such act passed in 1898 nor any act which, in my opinion, bears any resemblance even to the measure which is now under consideration. I would be very glad if the Senator from North Carolina would read the act to which he refers, a copy of which I know he has in his hand.

Mr. OVERMAN. I think the Senator is familiar with it.

Mr. CUMMINS. Very familiar.

Mr. OVERMAN. I will read it, if the Senator wishes:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is hereby authorized, in his discretion, and with such limitations and exceptions as shall seem to him expedient, to prohibit the export of coal or other material used in war from any seaport in the United States until otherwise ordered by the President or by Congress.

Mr. CUMMINS. Precisely. It will be remarked, Mr. President, that the power given to the President was first to pro-

hibit the export of coal. I am not undertaking to inquire into the wisdom of that provision, but whether it was wise or unwise, it was very limited in its operation. Second, the President was given the right to prohibit the export of war material; that is, of material used in war. Those terms have a perfectly well-understood meaning. They are also limited in their extent as well as in their character. Such an act can not be cited in justification of a bill which proposes to give to the President the authority to close the ports of the United States entirely to every export of all kinds and of every character; that is to say, we are asked to give the President of the United States the right, the power, to say that we shall do no business at all with any country on earth.

Mr. OVERMAN. Provided he shall find as a fact that the public safety demands it.

Mr. CUMMINS. I am coming to that in a moment. Such a proposal was never before made in the country. The acts of 1794 and 1806 were trivial in their character as compared with the act we are now considering, as the Senator from North Carolina will observe when he reflects upon them.

I repeat that our forefathers did not intend that the President of the United States should have the power to lay an embargo upon the business of the country in time of war. If they had intended that he should exercise a power of that kind they would have given it to him by the terms of the instrument.

That leads me for a moment to ask the attention of the Senate to the powers that were given to the President. We are living in a time when the President is exercising every power of Government, practically. I do not intend to criticize either the way he exercises the authority he has or the extent of it at this time, but I think it is helpful. I think it will be instructive if we recall the power which our forefathers, the men whose work we so highly praise upon every occasion, intended that our President should have. It is all comprised within two or three sections of the Constitution, and, lest the subject may have become dim in the mind of some Senators, I should like to read just a few words from the Constitution. Article II begins:

> The executive power shall be vested in a President of the United States of America.

This is a general investiture of power. Whatever authority is executive in its character as understood by the statesmen of that time passed to the President of the United States. Next:

> The President shall be Commander in Chief of the Army and Navy of the United States.

This is the second grant of power or description, at least, of authority. Third:

> He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur; and he shall nominate and, by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States.

I have now named all the power that was given to the President of the United States in the Constitution.

I wish we might pause for a moment and compare that power with the authority which the high personage who occupies the office at the present time is exercising. I do not say exercising wrongfully, I say exercising under delegations by the Congress of the United States. It staggers me sometimes when I compare the meagerness of the power given to a Chief Executive for reasons which are perfectly well known by every student of the history of our country and of liberty and of civilization with the plenitude, the almost incomprehensible extent of power, which the Chief Executive now enjoys.

I am not even suggesting that the tendency which I deplore began with the present administration, because it did not. It has been a tendency, an unfortunate and, as I think, ultimately a fatal tendency, for many years in the United States; and I intend to do what little I can do from time to time as occasion presents itself to check that tendency. I do not believe that it is compatible with democracy. I do not believe it is consistent with free institutions. I do not believe that the tendency can continue if our country is to endure.

For these reasons I have now and then called the attention of the Senate and the country to the disaster we are inviting, to the onrushing movement carrying all the authority of Congress to the President. In the end you will all regret it. In the end a place in the Congress of the United States will cease to be a place of honor and distinction. In the end the House and the Senate will occupy a perfunctory relation to the Government of the United States. I can not view the outcome as my eyes see it with any composure whatsoever.

We are here asked, Mr. President, to transfer wholly without any restriction whatsoever the entire power of Congress in this regard.

Mr. VARDAMAN. I wish to ask the Senator if he has any idea that the disastrous tendency which he has so graphically described can be checked by anything short of a revolution on the part of the people? But I think a revolution is inevitable if free government shall be maintained. Free government never lasted very long when one man exercised all the power of government.

Mr. CUMMINS. Yes, Mr. President. I have some hope of seeing the tendency arrested, although I may have very little influence in even checking its growth; but some time the Members of Congress will become so jealous of the powers and responsibilities and honors conferred upon them in the Constitution and by the citizens who elected them that they will insist upon retaining and exercising the authority given to them by the Constitution.

Mr. VARDAMAN. God grant that that may be done. I join the Senator most heartily in his desire that it shall be done, but I do not see very much hope for it. Unless the people take the matter in hand, little change for the better may be looked for. Congress is so helpless and utterly subservient that its influence in legislation is well-nigh negligible now.

Mr. CUMMINS. With me, Mr. President, there is more hope than seems to fill the heart of the Senator from Mississippi. I know that we hold like views with regard to this subject. I feel that one of these days a light will break upon the Members of the Senate such as broke on Saul as he journeyed toward Damascus; some of these days a blaze of danger will scorch the Members of this body, and they will see the end toward which they are inevitably going.

Mr. HARDWICK. Mr. President, is not the Senator afraid it will be too late?

Mr. CUMMINS. Mr. President, it will be too late, possibly, for me to see, for I am gradually reaching middle age, but there are Senators here, I believe, who will witness the regeneration, the rebirth of constitutional comprehension. There are Senators here who will be serving the Republic when it will not be asserted that in every time of emergency the Constitution disappears. I do not see why an emergency in time of peace could not be used to overturn the Constitution just as readily as could an emergency in time of war.

Mr. GORE. It will be, sooner or later, if we keep at this.

Mr. CUMMINS. Peace emergencies are as vital oftentimes to the welfare of the people as are war emergencies, and I believe that we will before long awake, not because we have pride in our own power and want to exercise it and are merely envious but because we believe that the country will be better served in the end if we do what the Constitution lays upon us to do, if we bear our responsibilities, and if we discharge our duties.

For instance, the Senator from Maine [Mr. FERNALD] is of the opinion that we ought to lay an embargo upon tin plate, either permanently or for a limited time. It may be that he is right. I have listened to his argument with the greatest interest, and it has been so persuasive that I might be willing to vote for an embargo upon tin plate to permit the accumulation of a sufficient supply in our own country; but to use tin plate, to use the exigencies of our situation in that respect as an excuse for giving the President of the United States or anybody else the authority to lay an embargo on anything which is produced by American activity, energy, and commerce is to me little less than a crime—a crime against the people as well as a base abdication of our own duty—and an unconstitutional delegation of our own power.

We confess our impotence every time we are approached for the purpose of delegating to some executive officer our power; we confess our own incompetence to deal with the subject. We are to blame for the esteem in which we are held throughout the country. We are responsible for the disparaging criticisms that constantly fill the public press with regard to our work. I do not wonder that the people of the United States look upon the Senate, and oftentimes upon the other House, as physicians look upon the appendix in the human body—to be removed just as quickly as possible because it performs no useful function in the economy of life.

I do not censure the President for gradually encroaching upon our jurisdiction. It is just as natural for men to seek power as it is to breathe. When the President and his advisers find the Congress so easily conquered and overcome as the Congresses of the last few years have been, it is not strange that day after day the arms of the executive department are reaching out for power that we alone ought to exercise.

Mr. VARDAMAN. Mr. President——

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from Mississippi?

Mr. CUMMINS. I do.

Mr. VARDAMAN. The fact that Congress yields so readily is evidence that somebody ought to exercise the power which we refuse to exercise.

Mr. CUMMINS. There is a great deal of truth in that; and my remarks are mainly intended to awaken, if I can, the slumbering or nearly extinct spirit of the legislative branch of the Government. Because we have been slaves for a time is no reason why we should be slaves forever. Some time we shall rebel; and I am hoping, with every measure of this sort, that that time has come.

Mr. President, I do not want it understood that I am in the least degree criticizing the President. I think he is doing the very best he can. So far as his powers of Commander in Chief are concerned, I am willing to surround them and to sustain them with every resource of the Nation. I am willing to give him an army as powerful as this country can create; I am willing to give him a treasury sufficient to sustain that army. I am not criticising him, and I am not suggesting that he wants this legislation. I do not know that he does; there is no evidence before the Senate that he does. All that we know is that the Senate seems to be determined to surrender its prerogatives and its power simply because it is either too timid or too unintelligent to exercise its prerogatives and powers.

Mr. VARDAMAN. Mr. President——

Mr. CUMMINS. I yield to the Senator.

Mr. VARDAMAN. I do not think there is a Member of the Senate who does not share the views of the Senator from Iowa in the desire to uphold the hands of the Chief Executive, to give him every proper power, to render every possible assistance for carrying out the duties of the great office which he holds; but, with the Senator from Iowa, I think there are certain constitutional provisions that ought to be respected. I believe with Jefferson, "that our only security is in a written Constitution," and that the Constitution should not be changed by legislative or judicial construction, and that when we surrender to another department of the Government authority which belongs to Congress or the legislative department, we are living without the Constitution; and in that way weakening the Government.

Mr. CUMMINS. Mr. President, I agree with the Senator from Mississippi in what he has just said; and that brings me to consider for a moment a point of view which was stated with great power and earnestness by the Senator from Washington [Mr. JONES]. He said that he was willing to give this power to the President without any limitation or restriction, save that it must be within the Constitution. I wonder if those who look at it from that standpoint would be willing to give the President the power to levy any tax that he might see fit to levy, choosing the subjects upon which the tax should rest. If we have a right to give him the power of laying an embargo because of a great emegrency, because we are in the midst of war, although this is not directly connected with the war, we also have the right to give him the power to lay taxes because we are in war, and we have the right to give him the authority to expend the proceeds of the taxes without any direction whatsoever upon our part. Why not? If we can override one provision of the Constitution because we are in the midst of war, we can override every provision of the Constitution for the same reason.

I have heard a great deal said here about the suspension of the Constitution during times of war. I do not subscribe to that doctrine at all. Every provision of the Constitution is just as effectual and is just as binding in time of war as in time of peace. The only way in which we can get rid of the Constitution and the laws of the country is through a proclamation of martial law. If there be any part of our country occupied by the Army, and so occupied that the civil authorities have been compelled to suspend their functions, if the courts are closed and there is no authority recognized in that region except the authority of the Army, then I agree, when such a state exists and is properly declared, that the voice of the Commander in Chief is the supreme law in that particular locality, wherever the locality may be. If New York, for instance, were so occupied and subject only to martial law, I have no doubt that the President, by virtue of his authority as Commander in Chief, could close the port of New York, allowing no vessels either to enter the port or depart from it, and that without regard to the constitutional provision that no preference as between ports shall be given. I have no doubt that he could do what I have just suggested, even though the ports of Connecticut were open or the port of Boston were open for commerce; but, with that exception, so long as civil authority prevails and the courts are open for the adjudication of controversies, the Constitution is not only the supreme law of the land but the supreme guide for Members of Congress. In such sense, and in such sense alone, do I agree that there can be any suspension of any article of the Constitution, of any provision of this charter of our liberties and of our Government.

I have already said all that I care to say with regard to the wisdom of giving to the President or any one person this power, if we had the constitutional authority to do it, and I supplement that only by saying that there is no necessity for doing it. The Congress must be in session almost continuously during the present year at least, and if it is sought or desired to lay an embargo upon anything that we have been in the habit of exporting Congress is here to consider the measure. If it does not desire to lay the embargo specifically upon the special commodity, it can be acquainted with the situation sufficiently to establish a rule which the Secretary of the Treasury or the President or any other officer of the Government can apply to a particular state of facts.

I have no objection whatever to an embargo judged by the standards laid down in the amendment proposed by the Senator from Georgia [Mr. SMITH], and I would not care whether the power was delegated to the Chief Executive or to the Secretary of the Treasury or to the Department of Justice. If it is our purpose to prevent the export of commodities which finally reach and are intended to reach an enemy, I am willing to lay down the most stringent rules in that respect to arrest by legislation any such exports, giving to the proper officer the authority to execute the law. I do not know but that I would be willing to go one step further, although I have not fully made up my mind upon that; I do not know but that I would be willing to say, if with respect to any commodity the supply in our country was absolutely needed for our own consumption, either in the way of immediate and direct consumption or indirect consumption in manufacture, that the Tariff Board, or some other body of men who were studying the problems of commerce might have authority to temporarily suspend the export of any such commodity. I do not give my adhesion to that proposal, but it is not repugnant either to my sense of the law which should govern the subject or to my views of the wisdom of interfering with the commerce of the land. Those things might be tolerated; but here we have a proposal that if the President believes it to be for the welfare—mark you, that is one of the tests and might be the only test——

Mr. KING. Mr. President——

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from Utah?

Mr. CUMMINS. I yield.

Mr. KING. Does the Senator from Iowa recall the fact that the Senator having charge of the pending bill has consented to an amendment eliminating those words, so that now it is to be determined by whether it is necessary for the safety of the country?

Mr. CUMMINS. I did not.

Mr. KING. That has been stricken out by consent.

Mr. CUMMINS. Of course, it would make no difference in the argument I am pursuing. The word "safety" is as general and indefinite as "welfare," although I think less objectionable from some points of view.

What do we understand by the word "safety"? Does it mean that it might become perilous to export these things in the war that is going on? Does it mean the moral safety, or the material safety, or the physical safety of the country? I do not know. If those words were applied to our military organization, I would know what they meant; but as applied to our general industries throughout the country, I do not know what they mean. But at any rate, whatever they may mean, and whether there is any difference between the safety of the country and the welfare of the country, I protest against assigning to any person or any board the authority which we ought to exercise, after due examination of the facts which pertain to the immediate subject.

I hope, Mr. President, that the amendment proposed by the Senator from Georgia will prevail; for I think it is more consonant with the spirit of our institutions, as well as more agreeable to the terms of our Constitution, than is the chapter as proposed by the committee.

Mr. FLETCHER. Mr. President, in regard to this situation about which many persons seem to be very much exercised, regarding the supply of food in this country, it seems to me that a great country like the United States is not in any danger of being unable to produce the foodstuffs necessary to supply not only our own people but the world. We have an immense territory, reaching from ocean to ocean, and from the Lakes to the Gulf, vast areas of fertile lands, climatic conditions, growing seasons, and everything that would enable us to feed our own people and feed all of Europe without the slightest trouble. To me it is an astounding thing to contemplate for one moment what impresses me as a sort of hysteria, that there is any question about this country producing all the food and all the clothing that the United States and all Europe would require.

Think, for instance, of Germany, with an area only as big as the State of Texas less the area of Alabama, being able to feed 58,000,000 people, and so far as we know being able to continue that process for a good long time, and also to take care of the greatest army in the world, with many of her producers off the farm; and here we are the richest and most powerful country, with the most fertile lands, and every condition for the growing of foodstuffs, talking about a possible shortage of food!

The impression I have had for some years prior to all the present trouble has been that our problem was not so much a problem of production; that what we had to consider was not so much an increase of production in this country as a problem of distribution. We have had a great Department of Agriculture here serving the people for years and years, teaching them how to develop scientific farming; but the thing needed was some scientific system for proper distribution of the products of the farm. The problem was to eliminate the waste, the excess charges, the expenditure of vast amounts of money, the proceeds of the products of the farm, in a wasteful, useless way. The problem has been not one of scientific farming, but of scientific marketing; and in my judgment the great desideratum at this time is not so much to increase production—that can be increased almost without limit—but to devise a plan and a method or a system by which these products can get to market at the proper time, in the proper way, under proper conditions economically, and by which the waste that has been going on for years and years and the excessive charges imposed upon shipments of this kind can be eliminated. All in the world that is needed is to devise a system and a plan and a method of scientific distribution of these products.

The next question, as the Senator from Washington [Mr. JONES] so well said, is to devise a plan whereby these products which are perishable in their nature, which mature and must be marketed within two or three months, can be preserved and dealt out later in some wholesome and useful fashion as they are needed. For instance, we have in Florida cabbages ready for market in January; we have cucumbers, beans, strawberries, and other products of that sort in February. They must be marketed when they are ready for the market. If these products are all thrust on the market at the same time—and they have to go to market within two or three months—there is a glut, there is decay, there is wastage; they arrive in bad order, or various other causes contribute to the loss to the producers rather than to any profit on the production. There ought to be, undoubtedly, a proper plan devised whereby the excess of these products can be put into cans or some other shape, so that the surplus can be put away and taken care of and dealt out later as it is needed.

It seems to me, then, Mr. President, that this whole problem is not so much one of increasing production as it is a problem of devising a proper marketing system, organizing, mobilizing these resources, and a problem of preserving the surplus, excess products that are perishable in their nature so that they can be used for food at a later period and as needed.

In connection with my remarks, I should like to have printed in the RECORD a couple of letters that I have just received.

There being no objection, the letters referred to were ordered to be printed in the RECORD, as follows:

BAGDAD, FLA., *April 30, 1917.*

Senator FLETCHER,
Washington, D. C.

DEAR SIR: Within the last three weeks the essential foodstuffs have been advanced in price until it is becoming appalling, and the poor people and laboring people are being reduced to a condition of starvation in this land of plenty. For example, a leading merchant told me to-day that sugar has been taken off the market to force prices up. Flour is now here $16 a barrel, and sellers say it will be $20 a barrel within two weeks. Corn is $2 a bushel. Breakfast bacon is 35 cents a pound.

The people are at their wits' end and are clamoring for relief. Trouble will come, trouble must come, if Congress does not give us relief. I am pastor of the Presbyterian Church here and know what I am saying. I beg and pray Congress to place a maximum price on the essentials of food supplies. That maximum should be what it was on commodities, say, three or six months ago. Something must be done.

I am an administration man and am proud of your record in Congress. My appeal is not in the way or spirit of complaint, but to save our country from being wrecked by Mr. Wilson's enemies, who are also the enemies of our country.

Faithfully, yours,
REV. C. W. HUMPHREYS.

Please rush this cause.

JACKSONVILLE, FLA., *May 1, 1917.*

Hon. D. U. FLETCHER,
United States Senate, Washington, D. C.

DEAR SIR: Doubtless you have had called to your attention the serious shortage of cans for the packing of the coming season's crops of fruits and vegetables.

We have a letter from one of our connections in San Francisco to-day, in which they suggest that the shortage in tin plate continues to grow more serious every day, due largely to the exports from this country, which are continuing at the rate of 500,000 boxes a month, which would in the course of a year at the present rate make 1,500,000,000 cans. They suggest that these exports go largely to China, Africa, and other countries for use in the packing of nonedible products.

An effort is being made to persuade the Government to put an embargo on the exports of tin plate until such time as the domestic requirements for the canning of foods are covered. They suggest that a bill, being House bill 3216, has already been introduced in the House of Representatives to bring about this condition, and we beg of you, if we may be permitted to do so, to use your best efforts in assisting in the passage of this bill when it reaches the Senate.

The high cost of canned foods at the present time is due largely to the shortage of tin plate, and if we can possibly bring about an embargo such as outlined above, it seems to us that we will be doing something toward saving the consumer an unnecessary large amount of money.

With kindest regards and thanking you in advance for anything you can possibly do, we beg to remain,

Yours, truly,

A. S. BAKER CO.,
Per GEO. W. THAMES, Jr.

Mr. SMOOT. Mr. President, the Senate has been in session now for nearly six hours, and there are so very few Senators present that it is not likely that we will get a quorum before adjournment. I will ask the Senator in charge of the bill if he will not move a recess now?

Mr. OVERMAN. Mr. President, I have been informed by some of the Senators that they have engagements that have carried them away from here. I should like to get along with this bill as rapidly as possible. We are getting along very slowly. I hope we can get a vote to-morrow.

Mr. SMOOT. The Senator can ask unanimous consent for a vote in the morning. If he asks it at this time, it will compel the calling of a quorum, and I doubt very much if we can get a quorum at this time of day.

Mr. OVERMAN. I will say that I will ask the Senate to sit to-morrow until this chapter is finished.

Mr. SMITH of Georgia. I think we can finish it to-morrow.

Mr. OVERMAN. I hope we can, but I do not know how many arguments there will be on the Constitution to-morrow.

Mr. SMITH of Georgia. Speaking of the hour at which we will meet, a very important hearing will be held to-morrow morning before the Interstate Commerce Committee. I think we can start at 12 o'clock and certainly get through to-morrow.

Mr. OVERMAN. Will the Senator promise that we shall get a vote to-morrow?

Mr. SMITH of Georgia. I promise it so far as my own consumption of time goes.

Mr. OVERMAN. How would 11.30 do?

Mr. SMOOT. I will say that the subcommittee of the Committee on Appropriations meets to-morrow at 10 o'clock.

Mr. OVERMAN. I move, then——

Mr. ASHURST. Mr. President, will the Senator withhold that motion a moment?

Mr. OVERMAN. Yes.

Mr. ASHURST. I thank the Senator. I submit an amendment to the pending bill, which I ask to have printed and lie on the table.

The VICE PRESIDENT. The amendment will be printed and lie on the table.

RECESS.

Mr. OVERMAN. I move that the Senate take a recess until 12 o'clock to-morrow.

The motion was agreed to, and (at 4 o'clock and 55 minutes p. m., Thursday, May 3, 1917) the Senate took a recess until to-morrow, Friday, May 4, 1917, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

THURSDAY, *May 3, 1917.*

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Thou who art the inspiration of every heaven-born thought, the light of every moral and religious conception, the strength of every great and heroic act, the warmth of all the purest and sweetest affections of the human heart, lead Thou on to the perfect day when avarice, jealousy, hatred, revenge, and all that brood of vipers which follow in their wake to poison the life of the soul, shall sink to rise no more; and brotherly love, the crown of all humanity, shall cover the earth as the waters cover the sea, and an international peace pact shall forever banish war from the face of the earth under the spiritual leadership of the world's great Exemplar. Amen.

The Journal of the proceedings of yesterday was read and approved.

THE BRITISH COMMISSION.

The SPEAKER laid before the House the following letter:

2829 SIXTEENTH STREET,
Washington, D. C., May 2, 1917.

The Hon. CHAMP CLARK,
Speaker of the House of Representatives, Washington, D. C.

DEAR SIR: Please allow me to express, on behalf of myself and the members of the British commission, our high appreciation of the great honor done to us by the invitation which you conveyed to me on behalf of the House of Representatives.

I and the members of the commission will be very happy to avail ourselves of the privilege offered, and I venture to suggest 12.30 on Saturday next, May 5, if that time suits the convenience of the House.

Believe me, dear sir, yours, most respectfully,

ARTHUR JAMES BALFOUR.

ENROLLED BILL SIGNED.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 2893. An act to amend section 10 of chapter 2 of the Criminal Code.

LEAVE OF ABSENCE.

Mr. BACHARACH, by unanimous consent, was given leave of absence indefinitely on account of death in the family.

SEIZURE OF GERMAN INTERNED SHIPS.

Mr. ALEXANDER. Mr. Speaker, I ask unanimous consent for the present consideration of House joint resolution 62, authorizing the President to take over for the United States the possession and title of vessels of any subject or citizen of any nation with which the United States may be at war, and for other purposes, which is the resolution that I called up yesterday and to which objection was made.

Mr. MANN. I suggest to the gentleman that there may be some debate on that resolution, and that we let it go over until after the pending debate is disposed of.

Mr. ALEXANDER. How long will the pending bill take?

Mr. WEBB. That is problematical. It will take three or four hours, I should say.

Mr. ALEXANDER. If it can be disposed of during the day, it will be satisfactory to me.

Mr. MANN. I can not answer for that.

Mr. ALEXANDER. If the gentleman is willing in the afternoon, say at 4 o'clock, if the espionage bill is not disposed of, to consent that this bill may be taken up and disposed of, it will be satisfactory.

Mr. MANN. I do not think this is a killing matter whether it is disposed of to-day or to-morrow or the next day.

Mr. ALEXANDER. It is a vital matter.

Mr. MANN. If it is a vital matter, then it ought to have been reported to the House before.

Mr. ALEXANDER. It was reported to the House just as soon as it could be given consideration.

Mr. MANN. I am not criticizing the committee, but the department ought not to expect to get legislation while you wait.

Mr. ALEXANDER. I do not think the department occupies that attitude, and the pressure does not come from the department alone. The resolution was considered for a week by the Judiciary Committee of the Senate and was considered in executive session and passed Monday night.

Mr. MANN. If it was considered for a week by the Senate, it ought to have at least a chance to be considered a few minutes by the House.

Mr. ALEXANDER. I hope that when it comes up for consideration in the House it will be considered for a sufficient length of time, so that the House will understand the intent and purpose of it, so that it may intelligently decide whether it shall become a law. The situation is that we need more ships. There are over 600,000 tons of German ships in American ports.

Mr. MANN. Yes; we need more ships and more men in the Navy, and we have a bill pending for them and taking possession of all the interned ships.

Mr. ALEXANDER. Some of these ships are in a condition now for use, and others are being repaired as rapidly as possible for that purpose, and hence I do hope that gentlemen will consent that the bill may be taken up to-day for consideration.

Mr. MANN. I will not object to taking it up after the pending bill is disposed of, but for the present I object.

The SPEAKER. The gentleman from Illinois objects. The Clerk will call the committees.

The Clerk called the committees.

ESPIONAGE.

When the Committee on the Judiciary was called,

Mr. WEBB. Mr. Speaker, I call up the bill H. R. 291, the espionage bill.

The SPEAKER. The Clerk will read the title of the bill.

The Clerk read as follows:

A bill (H. R. 291) to punish acts of interference with the foreign relations, the neutrality, and the foreign commerce of the United States, to punish espionage and better to enforce the criminal laws of the United States, and for other purposes.

Mr. WEBB. Mr. Speaker, I desire to inquire of the gentleman from Minnesota if he desires to use any more of his time.

Mr. VOLSTEAD. Mr. Speaker, I yield 15 minutes to the gentleman from Iowa [Mr. TOWNER].

Mr. TOWNER. Mr. Speaker, all Members of the House recognize that the point of attack in this bill is not the general provisions to protect against unlawful acts against the Government. The point of attack in this bill is against the fourth section, the section that provides for the censorship of the press, and it is believed by many of us that that section is not only unwise, perhaps unconstitutional, certainly unjust, and at this time entirely unnecessary. I am not going to spend any time in discussing the general aspects of the case. I do desire, however, to call the careful attention of the Members of the House to the language contained in section 4 of the bill. It is provided that the President by proclamation may prohibit the publishing or communicating of, or the attempt to publish or communicate, any information relating to the national defense which in his judgment is of such a character that it is or may be useful to the enemy.

I desire to call the attention of the Members of the House, first, to this: That this is an anticipatory order; it is not an order upon that which has been done; it is an order prohibiting that which may be done. And necessarily from that fact it must be an order of a general nature.

I call Members' attention to the fact that when they discuss, as has been discussed here, as to whether or not certain particular information might or might not be injurious to the interests of the United States and of benefit to the enemy, that such publication can not be prevented by proclamation of the President, because the President in a mere proclamation of an individual act would be giving the information which it is desired to suppress, and one of the great dangers that lies in this particular section is that the President when he issues a proclamation must make it of a general nature. It must not be in regard to particular things, but it must be enlarged so as to include all things that may arise in regard to the general subject. For instance, if it affected the organization of the Army, if it affected the personnel of the Navy, if it affected the manufacture of ships or munitions, it must be general in its nature.

And when that fact is recognized, then we can all understand the great danger that must exist in the issuance of an order of that sort.

I desire to call further attention to another thing, and that is that the prohibition that may be issued and must be issued in advance by the President relates not to a discussion of a thing, not to the denunciation of it, not to the criticism of it, not even to an examination or discussion of it, because the language is not directed to the prohibition of such matters as that, but it is information that is prohibited. The facts are prohibited, the truth is prohibited from being made known in any form. That is the great danger. Gentlemen have discussed here as to whether or not criticism could be indulged in. There is a provision in this same section by which criticism of any of the policies of the Government or of their acts that have already taken place is protected, but that has nothing to do with an advance prohibition. It allows criticism of the act that has been done, of the fact that has been published and made known. That is a right granted to the press, to criticize the fact after it has become known. There is permission granted to the press to discuss in a general way the policies of the Government as they have been disclosed, but that is not the difficulty that we have before us. It is the right to prohibit in advance the publishing of any fact or any truth the publication of which may be regarded by the President as valuable to the enemy.

Mr. MORGAN. Mr. Speaker, will the gentleman yield?

Mr. TOWNER. Yes; certainly.

Mr. MORGAN. Does not the gentleman think that for the safety of the Nation in time of war the President should have that power?

Mr. TOWNER. If I did think so I would not be criticizing this section. The President now has the power to forbid in any department the issuance of any information, but that is not the difficulty.

Mr. MORGAN. Mr. Speaker, will the gentleman yield again?

Mr. TOWNER. He can prohibit the issuance of information with regard to any particular fact, but this gives the President the right to say that no newspaper under any circumstances

shall make any disclosure regarding any subject or any matter that may be raised that he thinks is inimical to the interest of the country.

Mr. MORGAN. Mr. Speaker, will the gentleman yield again?

Mr. TOWNER. Yes.

Mr. MORGAN. Does the gentleman think, then, that while the President now has the power to refuse to give out this information the newspapers of the country should have absolute liberty to publish anything which they can find out, regardless of its consequences upon the result of the war?

Mr. TOWNER. I am saying, I will say to the gentleman from Oklahoma, that already the President has all of the power that he ought to exercise. The President has the power now to prohibit information being given out by any of the departments, and if that be true, and if that is all that the gentleman thinks is contained in this bill, then the bill is unnecessary; but all of us understand that that is not all. We all of us understand that there will be general orders issued by the President regarding all of the matters that may be contained in the general policy or in all matters in any way related to the national defense.

Mr. COOPER of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. TOWNER. Certainly; I am glad to yield to the gentleman.

Mr. COOPER of Wisconsin. Mr. Speaker, I would like to ask the gentleman from Iowa a question. Suppose this bill had already been enacted into law, then under it the President would have had the authority to prevent Secretary Lane from making the speech which he did yesterday, in which he narrated in detail the distressing conditions brought about by the submarine, or he could have prohibited the Washington Post and other newspapers of the city from publishing it so that the people of the country might know their real danger.

Mr. TOWNER. Mr. Speaker, I will say to the gentleman that he is exactly right, and the danger will be that because upon some occasion some newspaper does publish something that the President does not think justified——

Mr. MORGAN. Mr. Speaker, will the gentleman yield again?

Mr. TOWNER. Not now, as I have only a few moments—he will feel impelled to make, and believe honestly that he is justified in making, an order which will prohibit any information and facts coming to the knowledge of the people. Gentlemen do not seem to understand that this is not the prohibition of wrongful criticism, of censure, or of anything of that sort, but that it is a prohibition of facts and of the truth from becoming known, and that is the point of attack. The President now has all of the power that he ought to exercise under any circumstances, and to give him more is but an invitation for him to use power that will be a greater injury by far to the Nation than the thing it is desired to prohibit.

I desire to call attention now to another fact connected with the provisions of this section. I am not sure whether or not this provision is constitutional. That may be a very close question. To say the least, it is doubtful. It is true that when there are prohibitions of certain things in statutes, the courts have gone so far as to give to the administrative departments of the Government the power to make rules and regulations regarding the enforcement of those sections, and then to say that a violation of those rules and regulations shall be considered a crime. But I very much doubt, I will say to the chairman of the committee and to those who have taken that view, that this may be carried as far as it has been in this bill. Whether a statute itself, with no provision in it denouncing an act and making it a crime by the order of the President, could be considered as within the authorities that have been quoted here is certainly questionable. I have not had time to give the question the careful examination that should be given it, but I very much doubt whether or not it could be considered that this statute was within the authorities that have been quoted.

Mr. GORDON. Mr. Speaker, will the gentleman yield?

Mr. TOWNER. Yes.

Mr. GORDON. Mr. Speaker, I call the gentleman's attention to the fact that the chairman of the committee yesterday, in reply to an inquiry, to me stated that it was inexpedient to undertake to specify either in the law or in the President's proclamation the acts which were unlawful.

Mr. TOWNER. That is very true, but I think the chairman of the committee hardly meant what he really said at that time.

Mr. WEBB. My recollection of what I said was that the President could specify or designate the character of information, but the President could not nor could Congress go into the details of the character of the information.

Mr. TOWNER. I think that would be true, and if I believed as the gentleman thinks, I would write into the provision a specific denunciation of the act of making public information that might be useful to the enemy. I would not give to the President the power to determine in advance what he thinks might be useful to the enemy. It is the duty of the lawmaking, not the executive, power to create and define crimes. Under this provision, as it stands, the jury would not have the right to pass upon the question whether the information would be useful to the enemy. Then the only thing that a man could plead, when called upon to answer an indictment under this provision, would be to the charge that he had published something which the President had prohibited. He could not have it left to a jury to determine whether it was useful to the enemy or not. That fact already would have been determined by the proclamation of the President, and the only issue that could be submitted to a jury would be simply upon the proclamation issued.

The SPEAKER. The time of the gentleman has expired.

Mr. MEEKER. I ask unanimous consent that the gentleman have five minutes more.

The SPEAKER. The gentleman from Minnesota [Mr. VOLSTEAD] controls the time.

Mr. VOLSTEAD. I yield the gentleman one minute.

Mr. TOWNER. Two things only could be considered by the jury. First, whether or not the proclamation had been issued, and, second, whether the publication had been made of the prohibited matter. I now yield to the gentleman from Missouri.

Mr. MEEKER. Has the gentleman from Iowa been able to find any place in our past history where the newspapers, either through their representatives or the papers themselves, have betrayed any Government secrets that have affected our policy?

Mr. TOWNER. No; and I want to say now the attitude of the papers toward the Government is that of loyalty [applause] almost entirely throughout the United States.

Mr. KELLY of Pennsylvania. Will the gentleman yield?

Mr. TOWNER. I yield to the gentleman from Pennsylvania.

Mr. KELLY of Pennsylvania. Just before the gentleman closes his very clear statement I wish he would explain what his idea is of the word "communicate" in line 5.

Mr. TOWNER. I wish I had time to do that.

The SPEAKER. The time of the gentleman has again expired.

Mr. VOLSTEAD. Mr. Speaker, I yield five minutes to the gentleman from New York [Mr. CHANDLER].

Mr. CHANDLER of New York. Mr. Speaker and gentlemen, I shall vote against section 4. I am opposed to it because of the exceedingly drastic provision that it contains; because I believe that it is unconstitutional in the first place, that it is un-American in the second place, which is another way of saying it is unconstitutional. One of the troubles that presents itself to me is this, that we have conferred upon the President of the United States legislative power; that is, we have conferred upon him the right to define a crime; and, in a sense, to have fixed a penalty. Now what we have delegated to the President of the United States is this, that he may have the power by proclamation to declare the existence of an emergency and by proclamation of his own prohibit the publishing or communication of or the attempting to publish or communicate any information relating to the national defense which, in his judgment, is of such character that it is or might be useful to the enemy. Now that is a crime, and to punish it a penalty is attached. Congress does not proclaim a certain thing nor does it prohibit a certain thing. It confers upon the President of the United States the power to do something, a violation of which is a crime.

I respectfully submit that the President of the United States is not the legislative branch of this Government. I respectfully submit the provision here is to delegate to him authority to create a crime with a penalty attaching, and I object to it for that reason. I object to it because it is an abridgment of the freedom of the press, and what we mean by the abridgment of the freedom of the press is not an abridgment of the rights and privileges of editors and publishers so much as an abridgment of the rights and privileges of the American people to have light thrown on certain things through the press. It is not the New York papers to be accommodated by this, nor the St. Louis papers, nor the San Francisco papers; it is the right of the American people to know everything which it is proper for them to know. Now, we know very well what has been the result in Europe of the censorship there. While the censorship is not exactly the same as proposed here, the principle is identical. I believe gentlemen in front of me now know how the British papers have lied. The British censors have compelled them to lie, and the British people do not know what has taken place

with reference to the extent and the disastrous consequences of the submarine warfare. Yes; let us impose some restriction upon the press, but let us not put in the hands of a single citizen, be he the President of the United States, the power to say to 100,000,000 of people that that which they should know they can not know.

In the phrase "which, in his judgment" there is boundless discretion offered to one citizen, President though he may be. It may be contended that that danger is nullified by the proviso that follows:

That nothing in this section shall be construed to limit or restrict any discussion, comment, or criticism of the acts or policies of the Government or its representatives or the publication of the same.

The provision itself is dangerous in placing in the hands of the President the total power of deciding what the acts and policies of the Government are.

Suppose we had 100,000 men killed in the trenches in Europe in a single day. Suppose the President, in his judgment and in the exercise of his discretion under the powers conferred, should decide that it would be a depressing thing to tell the people that 100,000 men had been lost? Should the President of the United States be permitted to declare that the papers could not publish the casualties, as far as the American troops were concerned, on the battle fields of Europe? Suppose the President should conclude that it would not be the right thing for the enemy to know that the wheat crop in America was limited; that there was a shortage. Would it be right that he should forbid the publication of the wheat shortage in America? If he did it, would it come under the acts and policies of the Government which would constitute an exception to the rule or be brought under the proviso? If so, the American people would do what the British people are now doing—they would fail to act in the matter of economy. I believe the day will come when there will be a revolt among the British people because what is really happening is being kept from them. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. CHANDLER of New York. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

Mr. WEBB. Mr. Speaker, I yield three minutes to the gentleman from California [Mr. RANDALL].

Mr. RANDALL. Mr. Speaker, no matter what sort of mental gymnastics we may attempt to perform, section 4 of this bill is clearly an abridgement of the rights of free press and free speech, and in the time granted to me I desire to have read at the desk a protest.

The SPEAKER. The Clerk will read the same.

The Clerk read as follows:

LOS ANGELES, CAL., *April 30, 1917.*

Hon. CHARLES H. RANDALL,
House of Representatives, Washington, D. C.:

The Newspaper Publishers' Association of Los Angeles, representing nearly a million readers, protest to you in the name of American liberty, free speech, and the integrity of the Constitution against the proposed espionage bill, which threatens to restrict the freedom of the press. The publishers' association at a meeting to-day unanimously resolved that any censorship of the press should be confined to military and naval matters, and that any more elaborate censorship is a direct blow at the historic liberty of the American newspaper and a flat violation of the United States Constitution and the American Bill of Rights.

LOS ANGELES TIMES.
LOS ANGELES EXAMINER.
LOS ANGELES TRIBUNE.
LOS ANGELES EVENING HERALD.
LOS ANGELES EXPRESS.

Mr. RANDALL. Mr. Speaker, I yield back the balance of my time.

The SPEAKER. The gentleman yields back one minute.

Mr. VOLSTEAD. Mr. Speaker, I yield five minutes to the gentleman from California [Mr. OSBORNE].

Mr. OSBORNE. Mr. Speaker, about nine-tenths of this bill is devoted to purposes of national defense, as to which there is no serious disagreement. The bill has been unfortunate in the name which has been attached it as the espionage bill. In the minds of many it is thought to be a bill permitting the Government authorities to spy upon the business and movement of individuals, while the fact is that it is a bill to punish espionage on the part of foreign enemies of the United States and to meet the movement of spies and other foreign enemies. If the bill had been known as the bill to punish espionage instead of the espionage bill, its purpose would be very much better understood.

It embraces such subjects as vessels in ports of the United States, injuring vessels in American ports, interference with foreign commerce by violent means, enforcement of neutrality, seizure of arms, disturbance of foreign relations, illegal issue of passports, counterfeiting the Government seal, issue of search warrants, use of mails for circulation of matter of a treasonable nature, and other like subjects.

That these are matters that should be covered by law is hardly subject to controversy, and for my own part I am heartily in favor of the general character of the provisions in the bill on these subjects.

The one subject that is open to question is that embraced in section 4 of Title I, covering the publishing or communicating of, or the attempt to publish or communicate, information, and commonly known as the censorship section. For my own part, I have determined, and have announced my determination on this floor, to support every measure proposed by the administration to further the cause of our country in this war unless I knew the proposed action to be a mistake or so believed. I am prepared to go a long way in furtherance of legislation asked by the administration, but this proposed section goes too far. It reverses the policy of our Government as it has been conducted for 140 years and places a curb upon a free press, which I can not bring myself to believe is wise.

On this floor yesterday, in a question directed to the distinguished chairman of the Judiciary Committee, I stated that the war had been in progress a month, and asked whether, under the self-imposed censorship which now exists among the newspapers, there had been any publication, to his knowledge, that would give aid and comfort to the enemy. Assuming that there had been no such publication during the month of war, I asked if there was not more danger of doing harm by the enactment of this section and the reversal of our ancient policy of a free press than there would probably be from a continuance of the present policy.

It may be freely conceded that there is a great deal of matter published that ought not to be published, not only in times of war but in times of peace. In times of war I believe that there should be some regulation of publications of all kinds that would prevent the enemy receiving knowledge that would be detrimental to the interests of our country. I believe, however, that this curbing and regulation should be less sweeping and drastic than that proposed in section 4. While I have been a newspaper man all my life until recent years, I have no interest whatever in the newspaper business, and I do not consider this question one in which the newspapers are the most concerned. The citizens of the United States are those who are the most deeply interested in this question. They are entitled to have all the information which can be given them with safety to the public interests. In times of peace that is information of every kind. In times of war it is information of every kind that does not impede the business and the military and naval operations of the Government. In parting with rights so essential and sacred as the right of receiving information laws should be made specific and without general provisions of unknown application. I believe that section 4 ought to be very materially modified—made specific—or it might be advisable to strike it from the bill entirely. The subject is of sufficient importance to warrant a bill devoted entirely to that subject. Further, if a modified bill should pass and it should be found inadequate, Congress is able at any time to add to its effectiveness by legislation, and it would be far better, in my opinion, to enter cautiously upon a policy of curbing the freedom of the press and of publications than to enter abruptly upon a complete reversal of the policy of free speech and free press, which has been one of the most potent and glorious privileges of American citizenship.

In conclusion, for the reasons which I have given, unless section 4 is greatly modified and made specific or is stricken from the bill entirely I shall feel constrained to vote against the bill. [Applause.]

Mr. WEBB. Mr. Speaker, I yield five minutes to the gentleman from Missouri [Mr. DYER].

Mr. DYER. Mr. Speaker and gentlemen of the House, the Committee on the Judiciary has had more genuine discussion and trouble and difficulty with reference to the matters covered in section 4 than perhaps any other portion of this bill. Yet, Mr. Speaker, the great majority of the committee, I think, from the beginning realized that it was necessary to give to the President such authority, or similar authority, to what is granted in this section.

As everyone knows, we are at war and in a war, and we do not know when the end will be or what may be necessary to do in order to keep information concerning the national defense from getting to the enemy. The newspapers in this country in the main are honorable and want to do that which is best to help the Government. But the writers on the newspapers of this country are human beings, and they are prone to err, as is any other human being; and to say that these men shall have full and complete liberty to publish any and everything that they may obtain, reliable or unreliable, as ofttimes news

is, would be putting the country into the greatest possible danger.

We have given to the President great authority, as it is necessary to give him great authority in time of war. He is the Commander in Chief of the Army and the Navy of the United States, and he must be given full and complete authority, that he may be able to get the best results out of the armed forces of our country.

Some men in this country believe it is sacrilegious to do anything against the great press of the country. They feel that they will subject themselves to possible criticism in the future or that they will not have the good will of the great press should they not give to them everything they ask. But the newspapers of this country are of the best that we have in the world. They are owned and conducted by honest and upright men in the main, and they do not expect to be given more consideration in these matters in time of war than the average citizen. And, Mr. Speaker and gentlemen, we ought to be brave enough to give our support to this bill and grant to the President the authority he must have, not that he may be called upon to use it to any great extent, but there may be some papers in this country who will wish to help the enemy, and there are some now that are not giving to the President full and complete support in the war in which we are engaged.

Mr. McCORMICK. If this bill becomes a law, will it not stop the mouth of a plain citizen as well as still the pen of an editor of a great newspaper? Is it not quite applicable to all?

Mr. DYER. It should be.

Mr. McCORMICK. It should be, of course; but I understood the gentleman's remark to be directed primarily to the great newspapers.

Mr. DYER. I have heard a great deal said in defense of the great newspapers, in that they should not be forbidden to publish anything concerning the war and the national defense, and little has been said concerning the rights of the individual citizens. We are all on the same level.

Mr. DOWELL. Is there any reason why the question of the violation of this section should not be left to the courts instead of to the judgment of the President?

Mr. DYER. In time of peace I should say yes, but in time of war I should say no.

Mr. DOWELL. Is there any statute anywhere that does not leave to the courts the question of the violation of the statutes?

Mr. DYER. I am quite sure this statute will be constitutional if enacted into law with a change. I take it that there should be some change, as suggested by several Members, but in the main the section, with a fair and reasonable amendment, will be made operative and can be used and can be put in force if need be.

I do not want to see the press of our country bridled or prevented from publishing full and complete criticisms of the President as Commander in Chief of the Army and Navy, of the Secretary of War, of the Secretary of the Navy, and of other officials concerning the conduct of this war. I know something about the conditions that prevailed during the Spanish-American War; and if we had not had men who were brave enough, men like Col. Roosevelt and the editors of the great press of our country, to expose the scandals connected with that war, such as the beef scandal and all, we would have suffered much loss. So I am in favor of giving full and complete liberty to the press, with the exception that we must not permit them to give information to the enemy that will work to the detriment and injury of our country—to the detriment and injury of the United States. [Applause.]

The SPEAKER pro tempore. The time of the gentleman from Missouri has expired.

Mr. VOLSTEAD. Mr. Speaker, I yield five minutes to the gentleman from New York [Mr. DEMPSEY].

The SPEAKER pro tempore. The gentleman from New York [Mr. DEMPSEY] is recognized for five minutes.

Mr. DEMPSEY. Mr. Speaker and gentlemen, the danger in this section which I as a lawyer have looked at with much interest is in the confiding to the President the power to determine what is and what is not a crime. I believe that I will be opposed to the section even though it be amended. I think, however, that it can be so amended that the danger to which I have adverted can be easily obviated.

There is no reason why the section can not be amended as follows: Strike out the President's discretion and simply prohibit the communicating of information. In that way you can obtain exactly the same results. You prohibit the giving of information to the enemy. That is what is aimed at. It is struck out by section 2, and is covered there fully, I believe; and it is on that basis that I am opposed to the section. But if this section is made a law, if it is to prevail, then in common sense and reason why should it not be so amended that the courts, the judges, and the juries should do as they have done in the past throughout civilized history—determine what is a crime, and not leave it to the individual discretion of any man.

I therefore will send to the desk an amendment and ask that it be read and that this section be amended so that it will be in accord with all other laws, all criminal laws of all times and civilized nations, so that the court and jury shall determine what shall be a crime, and not leave it to the individual discretion of any man.

I can understand that this bill has been hastily framed under the stress of circumstances, and that it has not on that account been so thoroughly digested as it might have been otherwise, and that therefore the Committee on the Judiciary is excusable in proposing it in this form. But I doubt seriously whether the lawyers in this body—and there are many good lawyers here [applause]—believe that this will stand the test of question. I do not believe it is constitutional or good, and I believe that every good lawyer in the House will agree with me. On that account I advocate primarily the striking out of the section; but if it is to prevail, then I say let it prevail in a legal and constitutional way, in the usual way. [Applause.]

The SPEAKER. The gentleman yields back two minutes.

Mr. VOLSTEAD. Mr. Speaker, I reserve the time that has been yielded back.

Mr. WEBB. How much time?

Mr. VOLSTEAD. Two minutes.

The SPEAKER. The gentleman from Minnesota [Mr. VOLSTEAD] has 2 minutes and the gentleman from North Carolina [Mr. WEBB] 11.

Mr. VOLSTEAD. Mr. Speaker, I yield to the gentleman from Iowa [Mr. DOWELL] two minutes.

The SPEAKER. The gentleman from Iowa is recognized for two minutes.

Mr. DOWELL. Mr. Speaker, section 4 of this bill, which has been criticized, is somewhat different from any other section of the criminal statutes enacted by Congress.

In the first place, it does not leave to the courts the determination of the question of the guilt or innocence of the one charged with the violation of this law. This statute not only applies to newspapers, but to everyone. The only thing necessary to prove is that the publication or communication has been made and that, in the judgment of the President, it might be useful to the enemy. The court has absolutely no other question to determine except these two, and no one who publishes or utters anything prohibited in this section has any defense before the court, and the court does not and can not pass upon the question as to whether or not there has been a violation of this section. This is determined in advance of the trial. It seems to me that Congress should not enact a criminal statute, the violation of which is not determined by the courts of the land. If we are to take from the courts the question of determining whether a penal statute has been violated and turn it over to some other person, we are going beyond what has ever been attempted by Congress or by the legislature of any State in the Union. This is in violation of the letter and spirit of our Constitution, which guarantees to every person the right of free thought and free speech. I certainly believe that this section should be so amended, if not stricken out altogether, that at least the question of determining the guilt of those who are charged with the violation of the section shall be passed upon by the courts. I favor an amendment to this section which permits the courts to determine whether or not a certain statement or publication is in violation of law and is in fact useful to the enemy.

If some officer who has the responsibility of caring for the men who are to fight the battles of the country has been unfaithful, the mouths of those who have the facts should not be closed. The dereliction of duty of any officer or man should not be hid behind a statute prohibiting his exposure, because forsooth it might, in the opinion of some one, be useful to the enemy.

Mr. ROMJUE. Will the gentleman yield?

Mr. DOWELL. I yield to the gentleman.

Mr. ROMJUE. Does the gentleman understand that this is purely a war measure?

Mr. DOWELL. I understand it is a war measure.

Mr. ROMJUE. Does the gentleman also understand that if the matter was left to the courts it might be 3 or 5 or 10 years before the question was decided?

Mr. DOWELL. The question can be determined by the courts as to whether there has been a violation. Simply because this is a war measure is no reason why some person, without a trial, without the question of his guilt or innocence being determined, shall be subject to fine or to imprisonment in the penitentiary. [Applause.]

Mr. WEBB rose.

The SPEAKER. The gentleman from North Carolina.

Mr. WEBB. May I inquire if it is the desire of the House to recess now?

The SPEAKER. The visiting statesmen and soldiers have not come up here yet.

Mr. WEBB. Mr. Speaker, the committee think they have shown to the House that the proposition contained in section 4 is both constitutional and wise as a war measure. As I have stated, this section simply gives the President the power to designate what information, in his opinion, would, if published, be useful to the enemy, and thereby and thereupon to declare the publication of such information unlawful. I have yet to see the first newspaper denounce the principle of this section. Whether the President may be right or wrong in his opinion in a particular case, so long as he is the Commander in Chief of all the forces of this country, whenever that Commander in Chief says that certain information would be useful to the enemy if published, it seems to me that while the newspapers may doubt it, no patriotic newspaper would want to publish such information. [Applause.] Many of the newspapers of this country have been insisting upon plunging this country into war. Therefore they have been insisting upon making the President the Commander in Chief of all our forces. That thing has been done, and after we have reposed all confidence in the Commander in Chief and have placed upon him a responsibility that carries with it perhaps the destruction of our boys and our property, then some newspapers are not willing to trust the President with the determination of the question of what information may be useful to the enemy. But the fact is there are only a few newspapers, so far as I know, which are objecting to this clause. The truth is, the newspapers themselves have agreed to a voluntary censorship much more strict and much broader in its terms than the one provided in section 4, which we are now considering.

Mr. HUSTED. Will the gentleman yield?

Mr. WEBB. No; I can not yield now. The truth is that before the bill was ever rewritten by the Judiciary Committee representatives of the newspapers of the country met the Attorney General and in a conference agreed that this section as drawn was unobjectionable to them. That statement was made to us by the Assistant Attorney General, Mr. Warren. In addition to that, Mr. Speaker, some newspapers have been quoted here, and I quote against them the expression of the New York World this morning, which says:

> The espionage bill as rewritten by the House Judiciary Committee wisely leaves the details of the press censorship to the President. Such objection as is now made to it rests upon the contention that in this respect it should be specific. An excellent idea as to espionage is thus distorted as to censorship. * * *
>
> It is not possible to write into a law precisely what this authority shall be. The danger in such a case is that the rights conferred will be too great or too small. We intrust the President in war time with almost despotic powers. He is Commander in Chief of millions of men. On his approval billions of dollars are expended. Subject always to congressional and popular criticism, he is the man who, on occasion, of which he is the best judge, should prescribe such newspaper censorship as may be necessary. Lodged anywhere else, this power is almost certain to be abused. He alone can be held responsible.

Mr. TOWNER. Will the gentleman yield?

Mr. WEBB. I can not yield now, for my time is too short. The argument was made a few moments ago that the President might proscribe the publication of a short wheat crop. He could not do it under the provisions of this bill, even though he wanted to, because if you turn to page 61 you will see what national defense is described as being. This section prohibits the publishing or communication of any information relating to the national defense which, in his judgment, is of such a character that it is or might be useful to the enemy.

Mr. CHANDLER of New York. Will the gentleman yield?

Mr. WEBB. No; I can not; my time is too short. Now, what is the character of the information that is not permitted to be published as being useful to the enemy, in the opinion of the President? This information is set forth in section 1202 of the bill.

> The term "national defense" as used herein shall include any person, place, or thing in anywise having to do with the preparation for or the consideration or execution of any military or naval plans, expeditions, orders, supplies, or warfare for the advantage, defense, or security of the United States of America.

Mr. CHANDLER of New York. Will the gentleman yield there?

Mr. WEBB. Yes; I will yield for a question.

Mr. CHANDLER of New York. Evidently the gentleman's criticism is aimed at my remarks. In the President's address to the American people he lays stress on the fact that the agricultural products is an important consideration in conducting the war, and that it necessarily related to the national defense. Further——

Mr. WEBB. I am sorry I can not allow the gentleman to proceed further, but my time is too short. Under the definition of "national defense" we have seen that it does not——

Mr. GORDON. It refers to supplies.

Mr. WEBB. Supplies of the United States, but not the wheat fields scattered all over the country. So the gentleman's criticism does not apply. A good deal of criticism that has been made here does not apply. The bottom of the whole trouble is that many men who voted to turn over the boys to the President of the United States to send to the trenches are not willing to turn over to the President the authority to say what information, if published, would be useful to the enemy and should not be published in the papers. If you want to turn the papers loose and let them publish what they please and say that the President shall have no authority as to what shall be published in the country, where there are thousands of aliens who sympathize with the enemy [applause], cut this section out. Pray tell me why the President should not be permitted to designate the character of information useful to the enemy, say to the newspapers of the country on a question of vital national importance that that information ought not to be published because it will hurt the United States and be helpful to the enemy. The newspapers themselves ought to support this proposition instead of opposing it, as some have been doing.

But, Mr. Speaker, they suggest that the President might prohibit this thing or that thing. Well, if he does we have reserved to the papers and the public the right to criticize him for it. The press has a right to criticize, lambaste, or cartoon the President in any way it pleases if he makes a mistake in prohibiting the publication of any character of information. The truth is they have been looking at the little things and not at the mighty things that confront us in a great war. It reminds me of the fellow who always had a grouch and who was carried to the top of Mount Blanc. The party looked with rapture on the world around, hundreds of mountain peaks, and the valleys, went into raptures over the glory of the scenery, and turning around to him to hear what he had to say, he said, "I wonder what that fool hornet built a nest way up here for." [Laughter.]

The SPEAKER. The time of the gentleman from North Carolina has expired.

RECEPTION OF FRENCH COMMISSION.

The SPEAKER. The Chair appoints as a committee to escort the French commissioners to the floor of the House the gentleman from Virginia, Mr. FLOOD; the gentleman from Maryland, Mr. LINTHICUM; the gentleman from Arkansas, Mr. GOODWIN; the gentleman from Wisconsin, Mr. COOPER; the gentleman from Pennsylvania, Mr. PORTER, being members of the regular Committee on Foreign Affairs; and also appoints the gentleman from Louisiana, Gen. ESTOPINAL, and the gentleman from Illinois, Mr. MCCORMICK, as they can each read and speak the French language. The committee will proceed to the Speaker's room and the House stands in recess for 30 minutes.

The Chair will further suggest that the Hon. Rene Viviani and Marshal Joffre come up in the first instance to the Speaker's desk to be presented to the House, and then that they take their stand at the right of the Speaker's desk, so that everybody can pass by and shake hands.

Accordingly, at 12 o'clock and 7 minutes p. m., the House stood in recess for 30 minutes.

At 12 o'clock and 10 minutes p. m. the commissioners of the French Republic to the Government of the United States, M. Rene Viviani, vice premier of the council of ministers; Marshal Joffre; Vice Admiral Chocheprat, of the Navy of France; and M. Emile Hovelaque, inspector general of public instruction, escorted by Mr. FLOOD, Mr. LINTHICUM, Mr. GOODWIN of Arkansas, Mr. COOPER of Wisconsin, Mr. PORTER, Mr. ESTOPINAL, and Mr. MCCORMICK, entered the Hall of the House, accompanied by M. Jusserand, the French ambassador extraordinary and plenipotentiary accredited to the United States, aides of the French officers, and the Assistant Secretary of State, Mr. Phillips. The distinguished visitors were escorted to the Speaker's rostrum amid prolonged applause and cheers.

The SPEAKER. Gentlemen of the House of Representatives, I present to you the vice premier, the minister of justice of France, M. Rene Viviani. [Prolonged applause.]

M. Viviani thereupon addressed the House in French, his remarks being received with frequent manifestations of applause. The address, in English, is as follows:

M. VIVIANI. Gentlemen, once more my fellow countrymen and I are admitted to the honor of being present at a sitting in a legislative chamber. May I be permitted to express our emotion at this notable exception to rules more than a century old, and, so far as my own person is concerned, may I say that, as a member

of Parliament accustomed for 20 years to the passions and storms which sweep through political assemblies, I appreciate more than anyone at this moment the supreme joy of being near this chair, which is in such a commanding position that however feeble may be the voice that speaks thence it is heard over the whole world?

Gentlemen, I shall not try to thank you, not because our gratitude fails but because now words to express it fail. No; I do not thank you for your welcome. We have all felt, my companions and myself, that the manifestations which rose toward our persons came not only from your lips. We have all felt that you were not merely fulfilling the obligation of international courtesy. Suddenly in all its charming intimacy the complexity of the American soul has been revealed to us. When one meets an American one is supposed to meet a practical man, merely a practical man, caring only for business, only interested in business; but when, at certain hours in private life, one studies the American soul one discovers at the same time how fresh and delicate it is, and when at certain moments of public life one considers the soul of the Nation, then one sees all the force of the ideals that rise from it; so that this American people, in its perfect balance, is at once practical and sentimental, a realizer and a dreamer, and is always ready to place its practical qualities at the disposal of its puissant thoughts.

And see, gentlemen, what a glorious comparison, to our profit and yours also, we can establish between our enemies and ourselves. Intrusted with a mandate from a free people, we come among free men to compare our ideas, to exchange our views, to measure the whole extent of the problems raised by this war, and all the allied nations, simply because they repose on democratic institutions, through their Governments, meet in the same lofty region, on equal terms, in full liberty.

I well know that at this very hour in the central Empire there is an absolute monarch who binds other peoples to his will by vassal links of steel. It has been said this was a sign of strength. It is only a derisive appearance of strength; and in truth, only a few weeks ago, on the eve of the day when outraged America was about to rise in its force, on the morrow of the day when the Russian revolution, faithful to its alliance, called at once its soldiers to arms and its people to independence, this absolute monarch was seen to totter on the steps of his throne as he felt the first breath of the tempest pass over his crown, and he bent toward his people in humiliation, and in order to win its sympathy borrowed from free peoples their highest institutions and promised his subjects universal suffrage.

Here, as in the crucial hours of our history as in yours, it is liberty which clears the way for our soldiers. We are all now united in our common effort for civilization, for right.

The day before yesterday in a public meeting at which I was present I heard one of your greatest orators say with deep emotion, "It has been sworn on the tomb of Washington." And then I understood the full emotion and import of those words. If Washington could rise from his tomb, if from his sacred mound he could view the world as it now is, shrunk to smaller proportions by the lessening of material and moral distances and the mingling of every kind of communication between men, he would feel his labors are not yet concluded and that, just as a man of superior and powerful mind has a debt to all other men, so a superior and powerful nation owes a debt to other nations, and after establishing its own independence must aid others to maintain their independence or to conquer it. It is the mysterious logic of history which President Wilson so marvelously understood, thanks to a mind as vigorous as it is subtle, as capable of analysis as it is of synthesis, of minute observation followed by swift action. It has been sworn on the tomb of Washington. It has been sworn on the tomb of our allied soldiers, fallen in a sacred cause. It has been sworn by the bedside of our wounded men. It has been sworn on the heads of our orphan children. It has been sworn on cradles and on tombs. It has been sworn.

The SPEAKER. Gentlemen of the House of Representatives, I present to you the marshal of France, Gen. Joffre. [Prolonged applause.]

In response to calls for an address, Marshal Joffre said:

I thank you. Vive l'Amerique! [Applause.]

The SPEAKER. Gentlemen of the House of Representatives, I present you the great-grandson of Gen. Lafayette, Marquis de Chambrun. [Applause.]

Gentlemen of the House of Representatives, I present to you the ambassador from France, M. Jusserand. [Applause.]

In response to calls for an address, M. Jusserand said:

Mr. Speaker and gentlemen of the House of Representatives, I intended to repeat only the word of Marshal Joffre, though I have not the same excuse for not making a longer speech; but the words interpret very well my feelings as well as his feelings and the feelings of all my compatriots. Gentlemen, I thank you. [Applause.]

This occasion is a very great one, a unique one, and I am sure that those two men whose portraits adorn this Hall, Washington and Lafayette, those two friends who fought for liberty, would, if they could, also applaud and say to their descendants, their American descendants and their French descendants, "Dear people, we thank you." [Applause.] What you have been doing, the laws you have passed, the decisions you have taken, touch us deeply, and touch the French people in a very particular fashion, because what you have done is a sort of counterpart of what we did long ago. What we did was to come to the rescue of men who wanted to be free, and our desire was to help them and to have no other recompense than to succeed, and that liberty should be established in this new continent. [Applause.] What we did was unique in the history of the world. We expected no recompense but your friendship, and that we got. [Applause.] We did not know that ever a time would come when the same event, the same action could be taken by another of the nations of the world, and yet that time has come, the same action has been taken, with the same energy, the same generosity, the same disinterestedness that characterize the conduct of those other men many years ago. What you do now is to come to Europe to take part in the fight for liberty, a fight in which you expect no recompense, nothing to your advantage, except that very great advantage, that in the same way that we secured liberty—human liberty, individual liberty, national liberty—on this continent, you will fight to see that liberty be preserved in the Old World, and, thanks to you, we shall see the calamities of this struggle shortened, and we shall see that a new spirit of liberty will grow greater and stronger, and, thanks to you, be rejuvenated. [Applause.]

The members of the French commission then took their places at the right of the Speaker's rostrum and the Members of the House were presented to them.

The distinguished visitors were then escorted from the Hall of the House.

AFTER THE RECESS.

The recess having expired, at 12 o'clock and 47 minutes p. m. the House was called to order by the Speaker.

ESPIONAGE.

Mr. WEBB. Mr. Speaker, all of the general debate, as I understand it, has now been exhausted, and under the agreement of yesterday we are to take up Titles I and XI and read them under the five-minute rule for amendment. I therefore suggest that the Clerk read Title I for amendment.

Mr. MANN. Mr. Speaker, under the order of the House, we are to proceed to read Titles I and XI for amendment under the five-minute rule, but that does not necessarily end general debate. After we have read those titles it will be in order for the gentleman from North Carolina [Mr. WEBB] to move the previous question, if he so desires, but it was understood yesterday that there might be opportunity to offer some amendments to some of the other sections of the bill, and I say this so that we may have no misunderstanding about it.

The SPEAKER. The Chair will have the order read so that there can be no misunderstanding about it.

Mr. MANN. Mr. Speaker, I doubt whether that can very well be done out of the RECORD, as it was a running conversation.

The SPEAKER. The Speaker did not happen to be in the chair at the time the order was made. What was the first thing the order provided?

Mr. MANN. The first thing in order is to read Title I for amendment under the five-minute rule, and when that is through with we are to take up Title XI for amendment under the five-minute rule.

The SPEAKER. The Clerk will read Title I.

The Clerk read as follows:

TITLE I.

ESPIONAGE.

SECTION 1. Whoever, with intent or knowledge, or reason to believe that the information to be obtained is to be used to the injury of the United States, copies, takes, makes, or obtains, or attempts to copy, take, make, or obtain, any sketch, photograph, photographic negative, blue print, plan, model, instrument, appliance, document, writing, code book, or signal book, connected with the national defense, or any copy thereof, or with like intent or knowledge, or reason to believe, directly or indirectly, gets or attempts to get information concerning the national defense shall, upon conviction thereof, be punished by a fine of not more than $10,000 or by imprisonment for not more than five years, or both.

Mr. MOORE of Pennsylvania. Mr. Speaker, I move to strike out the last word. I have had very little opportunity to listen

to the debate on this bill, but it seems proper to raise the question I desire to raise at the conclusion of this paragraph. What would be the effect of the enactment into law of this paragraph upon a man who is carrying about with him charts issued by the Government? Before the gentleman from North Carolina [Mr. WEBB] explains, if he will, I desire to say this: That a few days ago a resident of my city was arrested on suspicion of being a spy. He was traveling through the inland waterways in a small boat, thoroughly within his rights as an American citizen, having on board certain charts—and, if I am not mistaken, he got some of them from my office—charts which were issued by the Government of the United States. He has just been released upon advices by the Attorney General of the United States. It seems to me we ought to protect those of our own citizens who are carrying maps issued by the Government itself, because charts are used by thousands of men who are not only plying their business, but who are getting some pleasure out of their travels upon the waterways. They carry these maps and they must necessarily pass somewhere in the proximity of a fort or a navy yard. They ought to be protected against arrest when they have maps issued by the Government itself.

Mr. WEBB. Mr. Speaker, there is nothing in this section that would make the man the gentleman from Pennsylvania speaks of guilty of any offense at all.

Mr. MOORE of Pennsylvania. Well, the answer to the gentleman's statement is that the man was arrested.

Mr. WEBB. If the gentleman will look at the criminal records of the country, he will find that many of the persons indicted were proven not guilty. We can not put in this bill that nobody shall be arrested except a guilty man. Your constituent would not be guilty under this section at all, and would not be if it becomes the law.

Mr. MOORE of Pennsylvania. He was arrested on general suspicion, though a loyal friend of the Government of the United States.

Mr. WEBB. My friend realizes that we have no way to stop that, of course.

Mr. MOORE of Pennsylvania. Yes; we could do this, we could so amend this section that it would provide that it is unlawful to carry these sketches, photographs, photograph negatives, and so forth, blue prints, and so forth, maps, and so forth, except when issued by the Government of the United States——

Mr. WEBB. That would not do at all. Then every code book issued by the Government of the United States could be carried, and it would give the enemy all kinds of secrets. The man the gentleman desires to protect is protected under this section, because it requires he must make these copies for the purpose of injuring the United States.

Mr. MOORE of Pennsylvania. Let me ask the gentleman this. It is not the purpose of this bill to prevent a man going over the waters of the United States carrying charts issued by the United States?

Mr. WEBB. No, I will say to my friend; of course not.

Mr. MOORE of Pennsylvania. That may be satisfactory to the gentleman, but my constituent has been detected and arrested.

Mr. WEBB. But not under this section, and, besides, you say he has been turned loose.

Mr. MOORE of Pennsylvania. But there is something in the mortification of suspicion and arrest.

Mr. WEBB. I will say to my friend that he and I may be arrested between here and our hotels to-night, and we may not be guilty of any offense; and yet we may be arrested.

Mr. MOORE of Pennsylvania. Would the gentleman object to the insertion of two words here indicating that the possession of Government charts issued by the Government——

Mr. WEBB. It is not necessary.

Mr. MANN. If the gentleman from Pennsylvania will yield——

Mr. MOORE of Pennsylvania. I yield.

Mr. MANN. That would not add to this section. This section only provides getting information with the purpose that it shall be used to the injury of the United States; having it in possession is not a misdemeanor or a crime or anything else under this section. A man obtaining a chart, however, issued by the Government for the purpose of furnishing it to the enemy may be punished under this section, but not otherwise. Having it in possession is not enough, so that adding the words would make the section worse to the gentleman's constituent than now.

Mr. MOORE of Pennsylvania. I do not want to make it worse; it is bad enough as it is.

Mr. MANN. I think so.

Mr. MOORE of Pennsylvania. It seems to me it ought to protect the man who is engaged in legitimate business who carries charts which are furnished and sold to him by the Government.

Mr. MANN. I can give the gentleman an illustration, I can give him another. Two Members of this House recently were suspected of being German spies simply because of the clothing they wore on a trip.

Mr. MOORE of Pennsylvania. That would be a better case for suspicion than mine. If a Member of Congress is wandering around with suspicious clothes he ought to be detected. Some Members have even been prevented from entering the Capitol recently. There is a foolish opinion that it might be a good thing for the country if they were not permitted to come to the Capitol at all. I do not think so. We are not yet on horseback.

Mr. MANN. They can all stay away after the first of next month.

Mr. MOORE of Pennsylvania. I hope so. If I can not accomplish anything by offering an amendment I will not offer it.

Mr. WEBB. I do not think it will help the bill at all from the gentleman's standpoint, because the case cited would not come within this section.

Mr. MOORE of Pennsylvania. Of course, I understand it is no purpose of the bill to hold men under suspicion who are going about their lawful business, but in this case it happened.

Mr. GRAHAM of Pennsylvania. Mr. Speaker, the fears of my colleague from Pennsylvania, Mr. MOORE, are entirely groundless and certainly do not come under the provisions of this section because the arrest of the man to whom he referred took place without this section having become the law. This section as amended by the committee will guarantee protection to every innocent person because no one can be convicted under this section of any offense unless the jury finds that whatever he is charged with having done in violation of the section was done with intent or knowledge, or reason to believe that the information was to be used to the injury of the United States. Now, I will state that this is not a bad section, as the gentleman has stated, but it is a good section and will protect this country in various ways. We have written into this section that which is if a man seeks this information or obtains this information with the intent to injure the country he ought to be tried and convicted, and he can not be convicted unless the Government proves affirmatively that it was with the intent to injure the country. [Applause.]

Mr. FESS. Would the gentleman yield for a question of information pure and simple?

Mr. GRAHAM of Pennsylvania. Certainly.

Mr. FESS. I notice the gentleman uses the word "whoever" in each case. Is that the best legal phraseology?

Mr. GRAHAM of Pennsylvania. I would think so. It stands for any person who does these things. It is grammatically correct.

Mr. FESS. I am asking simply because the gentleman is acquainted with the legal phraseology, and I wondered whether that would be better than the words "any person who" or "anyone who"?

Mr. GRAHAM of Pennsylvania. It is just as proper and shorter.

Mr. HUDDLESTON. Mr. Speaker, I offer an amendment.

The SPEAKER pro tempore (Mr. FITZGERALD in the chair). The gentleman from Alabama offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 34, line 10, after the words "to the," insert "military prejudice or."

Mr. HUDDLESTON. Mr. Chairman, I would like to ask the attention of the chairman of the committee to this particular amendment. As the section now stands, if this act is done to the "injury" of the United States, whether it be military injury, financial injury, or otherwise, there is guilt. This law is intended to be of permanent application, not to be applicable to war alone; and under its terms if a man should in time of peace, I will say for illustration, obtain a plan or a sketch, connected with the national defense, with the intent to use that to erect for himself a building like it, or use it in any way which might operate to the financial injury of the United States, he would be guilty of the offense that is made punishable by this section. It seems to me that we ought to make this law applicable to military matters only.

Mr. WEBB. I do not quite catch the idea that the gentleman suggested might be copied and converted for his personal use.

Mr. HUDDLESTON. Take, for illustration, a building constructed in a fort such as these officers' quarters that are now being built at Fort Myer. There are, of course, plans and blue

prints of those structures. They are of no importance, it is true, but they are connected with the national defense. Now, then, if a workman should take away one of those blue prints, or a man should obtain it from a workman, although he got it honestly, it would be to the injury of the United States.

Mr. WEBB. I think not. He would not intend it should be to the injury of the United States in any way.

Mr. HUDDLESTON. If it should be taken away and the only thing involved in it was the pecuniary loss itself; if it was only 10 cents in value and there was no attempt to work to the military injury or prejudice of this country, he would be guilty of the heinous offense denounced by this statute.

Mr. WEBB. He would not be guilty of injury to the United States. He would be guilty of larceny.

Mr. HUDDLESTON. Why would you want to punish him for treason, as this statute contemplates? I say, punish the man for larceny. I will state the case again. If one of these workmen on one of these buildings should steal the blue prints of one of them in order to erect himself one like it, the injury to the United States would be perhaps 50 cents, the cost of the blue print, and that would be all, yet the man would be guilty of the offense denounced by this statute.

Mr. GARD. The gentleman seeks to convey the idea that the bill may carry the punishment for a possible petty larceny?

Mr. HUDDLESTON. Yes.

Mr. GARD. If the gentleman will read the language in line 10 of Title I, as appearing on page 34, he will see that it carries with it the intent or knowledge or reason to believe that the information to be obtained is to be used to the injury of the United States. It is not that it is to the injury of the United States, but it is to be used to the injury of the United States. So that the argument which the gentleman makes of the possible taking away of a small, unimportant plan would not come within the purview of the section.

Mr. HUDDLESTON. I think it would. The United States has proprietary interest in these plans and blue prints that have been made for those buildings. It is information to which the United States has an exclusive right. Let us say instead of a blue print that it was specifications for one of those buildings. A blue print is information as to how to construct a building. What I am insisting on is that we shall make this section absolutely clear. There is no reason to enact a law here that will punish a man for some offense not at all connected with the national defense.

The SPEAKER pro tempore. The time of the gentleman from Alabama has expired.

The question is on the amendment offered by the gentleman from Alabama [Mr. HUDDLESTON].

The question was taken, and the amendment was rejected.

Mr. JUUL. Mr. Speaker, I desire to offer an amendment.

The SPEAKER pro tempore. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. JUUL: Page 34, lines 18 and 19, after the word "punished," strike out all of the words after the word "punished," in line 18, and all of line 19, and insert in lieu thereof the following: "as hereinafter provided."

Mr. JUUL. Now, Mr. Speaker and gentlemen, the object of the offering of this amendment is as follows: You have seven sections, one following the other. There is a different penal clause providing a different punishment in each one of them. Not one of the sections starts by defining what the crime is. You do not in this bill get down to that point until you strike section 202, on page 39. For the first time in the bill you state that it shall be unlawful to do so and so. Until section 202 you have not stated that any of the things shall be declared unlawful.

You start right away to furnish penal clauses, and not two of them are alike. My amendment has this object in view: The first one strikes out the penal clause, and so will the second, and the third, and fourth, and the fifth, and the sixth amendment that I propose to offer, and the final amendment will cure what I think is a vital defect of this bill. The amendment is as follows:

Whoever shall willfully violate any of the provisions of the foregoing section shall be punished by a fine of not more than $10,000 or by imprisonment for not more than 15 years, or both.

That amendment will do away with seven different penal clauses. I think there is too much "imprisonment" in too many places in the bill, and no two of them are alike, and the second clause contains the death penalty; and, Mr. Speaker and gentlemen, I think it should not be contained there. I think it was on account of a drastic law of that kind that the Cavell incident in Belgium happened. We are apt to be a little excited and hysterical, and we will have an execution on our hands which five or six months after the war is over in which we shall be very unhappy to have participated. I move, therefore, that the penal clause be stricken out of this section and the following six sections. I make that motion as an amendment. If there is no objection, I will offer them now. Is there any objection to offering them now?

Mr. WEBB. I will say to the gentleman that I have no objection.

Mr. JUUL. They are all on the same subject, striking out the clauses providing the punishment in seven sections and furnishing one penal clause for the first seven sections. I will ask to have them read.

Mr. STAFFORD. They are not in order at the present time. The sections have to be read separately. The amendments at the present time are not in order under the rules of the House. The sections have first to be read, and then the amendments can be offered serially.

The SPEAKER pro tempore. The question is on agreeing to the amendment offered by the gentleman from Illinois [Mr. JUUL].

The question was taken, and the amendment was rejected.

Mr. DEWALT. Mr. Speaker, I move to strike out the last word.

The SPEAKER pro tempore. The gentleman from Pennsylvania moves to strike out the last word.

Mr. DEWALT. Mr. Speaker, I do so for the purpose of asking for information as much as anything else from the chairman of the committee, as to whether anywhere in this bill there is a provision which would punish one who aided, assisted, or abetted another?

In my judgment, this first section clearly and exclusively punishes the party who attempts to copy, take, make, or obtain any sketch, and so forth. In line 16 there is a phrase which says that anyone who "directly or indirectly gets or attempts to get information concerning the national defense shall, upon conviction thereof, be punished," and so forth.

Mr. GRAHAM of Pennsylvania. Mr. Speaker, will the gentleman yield for a question?

Mr. DEWALT. Certainly.

Mr. WEBB. May I ask the gentleman a question?

Mr. DEWALT. I have yielded to the gentleman from Pennsylvania.

Mr. GRAHAM of Pennsylvania. I would refer the gentleman to section 6 of the bill.

Mr. DEWALT. I read:

If two or more persons conspire to violate sections 2, 4, or 5——

Mr. WEBB. Mr. Speaker, will the gentleman permit an interruption?

Mr. DEWALT. Certainly.

Mr. WEBB. Section 6 does not cover the point raised. That makes all aiders and abettors of crime punishable the same as the principal.

Mr. GRAHAM of Pennsylvania. If one aids another to do an unlawful act, he is punished under section 6.

Mr. DEWALT. I agree with the gentleman from Pennsylvania and also with the gentleman from North Carolina in their assertion of the law as a legal proposition that one who aids or assists or abets another in the commission of a crime would be punishable provided the crime was not a felony, and is as guilty as the principal, and is called a principal in the law. That is a basic proposition and a legal proposition, but this section itself clearly and definitely says that the party who obtains the information shall be punishable. Now, I will be satisfied with the opinion of the learned gentlemen who are on the Committee on the Judiciary if they think this is strong enough to cover the party that aids, assists, and abets the principal. I will be satisfied with it then, but in my humble judgment as a lawyer the phrase and the clause would be stronger if they included immediately after the eleventh line the words that "anyone who aids, assists, abets, or procures another to obtain such information is equally guilty."

Mr. WEBB. I will say to my friend that if we would write that into this law we would be simply writing what is the law to-day. It is a part of the criminal statutes that the aider or abettor is as guilty of the same crime as the one whom he aids or abets.

Mr. DEWALT. I am merely suggesting it to you as a tentative idea.

The SPEAKER pro tempore. Without objection, the pro forma amendment will be withdrawn. The Clerk will read.

The Clerk read as follows:

SEC. 2. Whoever, with intent or knowledge, or reason to believe that it is to be used to the injury of the United States communicates, delivers, transmits, or attempts to communicate, deliver, or transmit to

any foreign Government, or to any faction, or party or military or naval force within a foreign country, whether or not recognized by the United States, or to any representative, officer, agent, employee, subject, or citizen thereof, any information, document, writing, code book, signal book, sketch, photograph, photographic negative, blue print, plan, model, note, instrument, or appliance, relating to the national defense, shall be punished by a fine of not more than $10,000 or by imprisonment for not more than 20 years, or both: *Provided*, That whoever violates this section in time of war shall be punished by imprisonment for not more than 30 years, or by death.

Mr. GRAHAM of Pennsylvania. Mr. Speaker, I desire to move two merely formal amendments to this section. I move to insert in line 5, on page 35, after the word "shall," the words "upon conviction thereof"; and in line 8, after the word "shall," the words "upon conviction thereof," so that the section would then read, "shall, upon conviction thereof, be punished" in each case.

Mr. WEBB. Mr. Speaker, the committee has no objection to that, but we think it means that anyway.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

In line 5, page 35, after the word "shall," insert the words "upon conviction thereof"; and in line 8, on page 35, after the word "shall," insert the words "upon conviction thereof."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. JOHNSON of Washington. Mr. Speaker, I move to strike out the last word.

The SPEAKER pro tempore. The gentleman from Washington moves to strike out the last word.

Mr. JOHNSON of Washington. Mr. Speaker, I want to ask the chairman a question or two. I regret I was able to be in the Chamber only part of yesterday to hear the general debate. However, I heard all of the debate on the preceding day, and took some little part in the local debate. I received this morning this letter from western Washington:

The Industrial Worker, official organ of the Industrial Workers of the World, published at Seattle by J. A. McDonald, 2118 Seventh Avenue, on April 7 published a scurrilous editorial pertaining to the recruiting bureaus of the United States Government. This was a vulgar, as well as slanderous article, and not fit to be reprinted.

Now, I ask the chairman this: Will this bill in any place suppress publications of that kind?

Mr. WEBB. Not unless they are anarchistic or treasonable in their character.

Mr. JOHNSON of Washington. And yet we propose to have in section 4 a supervision over publications which will simply harrass well-meaning and upright newspapers.

Mr. WEBB. I will say to the gentleman that the present statute already provides against the publication and circulation of obscene literature.

Mr. JOHNSON of Washington. Ah, but this complaint is not against obscenity.

Mr. WEBB. But the law reaches the other charges.

Mr. JOHNSON of Washington. I think not. Let me read a little more from the letter.

The United States district attorney for western Washington has stated that there is no law providing for the punishment of such insulting and slanderous articles.

The law-abiding citizens of this community feel that there should be some statutory provision that will provide for the punishment of anyone attempting to slander our Government.

Mr. NORTON. The gentleman says this is a libel. There are laws to cover that.

Mr. JOHNSON of Washington. Yes; a slander on the Government; but we have taken cases similar to this into the Federal court without success.

Mr. NORTON. Does not the gentleman think if that article was published in the Menace it would probably be all right?

Mr. JOHNSON of Washington. No; it would not be all right. Please understand that my correspondent does not say it was a vulgar article, but that it was a slanderous article. The gentleman, and all other gentlemen, know as well as I do just what kind of an article it was, and none of us have seen this particular one. It is probably just like the one read here a couple of days ago, but omitted from the RECORD by general consent on account of its near-treasonable and positively dangerous statements.

Mr. Chairman, the reason I ask about this is because we have had in my part of the country seven years' war with this organization known as the Industrial Workers of the World. I am informed here in another letter that while we are asked by the Government to build in my district 75 wooden ships in addition to the 100 and more we are now building in the Pacific Northwest, the plans are all laid for the bringing on of an Industrial Workers of the World strike in May in shipyards and lumber yards. In one county out there I am told that there are 2,000 card members of the Industrial Workers of the World, which now represents, as nearly as I can understand, the red element or the vicious element, in fact the outlaws, of the Socialist Party. They want trouble. They will make trouble first on one side of the country then on the other side, and never for the good of the workingmen, but for the general disturbance of the country, and for the aggrandizement and livelihood of their outlaw leaders, who go to the point of treasn in every utterance and every speech—war times or peace times.

One man who writes to me goes on to say that in a town of 15,000 people when a couple of companies of State troops and naval militia marched down the street at Uncle Sam's call, these Industrial Workers of the World stood on the sidewalk and hissed the troops that we are sending out.

I have to-day received a telegram in regard to Industrial Workers of the World activities, signed by all the lumber manufacturers of the one great shipping district, who can see the strike coming, and who ask that something be done in view of the Government's proposal that a large number of ships be built of wood on the North Pacific coast immediately.

Mr. BORLAND. The gentleman does not want to turn a statute designed to punish treason into an antistrike statute, does he?

Mr. JOHNSON of Washington. No; but I would like those who propose to work, and work hard, for the Government to be protected against these nonloyal agitators who not only preach but practice sabotage, destruction of property, and disorder generally. I am sorry that we propose here to pass a bill to check the newspapers that will do their best. It is to the credit of the newspapers that their representatives did not attend the hearings before the committee or ask to be heard. How could they in fairness? Besides, the well-meaning newspapers know the provisions of the Constitution with regard to a free press just as well as do the editors of these wretched Industrial Workers of the World sheets. I am the publisher of a newspaper. I know that every publisher and every editor of a legitimate paper wants to do everything that is right, and, Mr. Chairman, it would seem that while these editors of the legitimate newspapers are going to be checked and brought into all kinds of trouble by this thing, these scurrilous Industrial Workers of the World papers will go scot free and continue to libel, slander, and strike at this Government.

Mr. LONDON. And particularly the lumber manufacturers.

Mr. JOHNSON of Washington. The I. W. W. seems to insist on making trouble for the lumber manufacturers. They practice sabotage on them. They go into the camps where they are getting out logs and drive great spikes into the heavy logs, for the purpose of having the saw hit the spikes when the log goes into the mill, resulting in much damage generally.

Mr. WEBB. That is a local matter, and your State laws ought to take care of that.

Mr. JOHNSON of Washington. Sabotage does not allow itself to get caught.

Mr. WEBB. We can not catch it, then, if you can not.

Mr. JOHNSON of Washington. The Legislature of Washington passed a law this winter dealing with sabotage. The governor vetoed it. And the seven-year war goes on. At Everett, in my State, almost 70 I. W. W.'s are being tried—one by one—for murder and conspiracy. The trial of the first case has been going four or five weeks, or longer. Those murder trials will go on all summer, probably. Remember, there have been as high as 12,000 Socialist voters out in my district. Socialists, generally, however, repudiate the I. W. W.'s and are called by the latter "yellows." What the reds want is action, direct action, and they preach it all the time. What we want and ask from Congress is a law making more clear the crime of treason, defining treason in terms that will reach those who are guilty of this new kind of treason. Better not curb the press, even if we have to let the vicious I. W. W. press, if not obscene, live along with all other newspapers, unless we can charge them with actual treason.

We go to some great lengths with our present laws. Only a couple of days ago the gentleman from Massachusetts [Mr. WALSH] asked me if under the State laws of Washington we had not recently sent a Socialist to jail for slandering George Washington. Yes; we did; not exactly for slander but under the State law with reference to the libel of the dead. That is a fine stretch of the law, is it not? How this law will be stretched, if it is enacted, no man can even dream. It will do more harm than good.

This section 4, in my opinion, marches up the hill and, by the preamble, marches down again. In reality it does nothing

but give a lot of power to agents of the President—a lot of power that can only make trouble.

Now, Mr. Speaker, one more phase of this situation: Curb the press and you will open the way for a lot more letters like the one I shall now read:

APRIL 26, 1917.

Hon. ALBERT JOHNSON,
Washington, D. C.

DEAR SIR: Our State grain inspector reports 12,000,000 bushels of wheat in the elevators in our State and 600,000 bushels in the farmers' hands out here. Since war was declared by the United States flour has jumped in price to $3.50 per 50-pound sack and wheat to $2.50 per bushel. What are you going to do about it? How can you expect the people to volunteer to fight for a Government that will allow such conditions to exist?

Yours, respectfully,

———— ————.

I will not use the gentleman's name. He is not a Socialist. He asks a fair question. Let us think about his inquiry, and let us remember there will be other inquiries along other lines and concerning the living problems. I have no malice in the matter. I said the other day that I thought Congress was beating about the bush in an effort to provide a sort of censorship that is already established by regulation. Instead Congress should be going to the meat of the thing by preparing laws defining treason, so that the authorities can get after those newspapers which are actually preaching treason and endeavoring might and main to tear down this Government. I thank gentlemen for their attention. [Applause.]

Mr. HUDDLESTON. Mr. Speaker, I move to strike out the last word. I do that for the purpose of calling the attention of the chairman of the committee to the fact that this section also confines itself to denouncing acts done with the intent of "injury" without confining it to military injury. This is a much more serious situation than the one presented by the first section, because here we are creating an offense that is punishable by death. What I said with reference to the other section is applicable with increased force to this section. I am satisfied that the committee does not wish to have a law passed here that would make a man guilty of an offense punishable by death for a mere petty larceny or for some other delinquency not of a serious military nature. I am wondering why it is that the committee are not willing to make it absolutely clear that it is an exclusively military offense that is being provided for—that is, an act to the military injury of the United States. I am wondering why the committee will not make that absolutely clear by inserting the word "military" before "injury."

Mr. WEBB. I will say to my friend that it is as nearly confined to that as it is humanly possible to make it. It says:

Code book, signal book, sketch, photograph, photographic negative, blue print, plan, model, note, instrument, or appliance relating to the national defense.

Mr. HUDDLESTON. Or any document or writing whatsoever.

Mr. WEBB. Any man who transmits those important possessions of the United States to a foreign government for the purpose of injuring his own Government ought to be punished.

Mr. HUDDLESTON. The language of the section does not specify that the documents, and so forth, shall be furnished to a foreign government. It is not confined to that. A man might turn over one of these documents to some one without knowing that it was to the agent of a foreign government. The section does not require that he shall have knowledge that the document is to be used by some foreign government or to the prejudice of the United States.

Mr. WEBB. Here is what it says. The language is plain:

Transmits, or attempts to communicate, deliver, or transmit, to any foreign government, or to any faction, or party, or military or naval force within a foreign country, * * * or to any representative, officer, agent, employee, subject, or citizen thereof.

Mr. HUDDLESTON. And not even with knowledge that he is a citizen or agent. The offense is not postulated upon such knowledge. The offense is postulated merely upon the intent to work an injury to the United States. So that if a man, with intent to work an injury to the United States—that is to say, to give to somebody else plans and specifications which are the exclusive property of the United States and which work to it merely a financial injury—should turn these documents over to some person whom he does not know, and having no thought that he is an agent of a foreign Government, and it should actually transpire that the man he turns them over to is the agent of some foreign country, then the man is punishable by death.

Mr. WEBB. The court could punish him by sending him to jail for 10 days or 1 day or for years.

Mr. HUDDLESTON. The gentleman says that is what the court would do, but we are talking about the law. The court can, under this law, take the man's life.

Mr. WEBB. Yes; if, in time of war, he commits the offense against the spirit of the statute, he ought to have his life taken.

Mr. HUDDLESTON. He may have done it merely with the intent of doing a financial injury to the Government, not exceeding 50 cents in extent.

Mr. WEBB. Then the court would take that fact in consideration and punish him accordingly.

Mr. DEMPSEY. Mr. Speaker, I offer an amendment.

The SPEAKER pro tempore. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. DEMPSEY: Page 35, line 9, after the word "years," strike out the words "or by death"; line 8, after the word "punish," insert the words "by death or by."

Mr. DEMPSEY. Mr. Speaker, the purpose of this amendment is simply to make, as all statutes do, the maximum penalty the first penalty. That is the universal practice in statutes of this kind—in all criminal statutes. Here you make your minimum penalty precede your maximum. It is simply a formal amendment to make it conform to the invariable practice.

Mr. WEBB. Mr. Speaker, I hope the gentleman will not insist upon that amendment. It is merely a matter of words.

Mr. JUUL. Mr. Speaker, will the gentleman yield for a question?

Mr. WEBB. Yes.

Mr. JUUL. Does not the gentleman think that the statute, providing for a very severe punishment—30 years' imprisonment—is quite severe enough without having the death penalty also?

Mr. WEBB. Oh, no; I think that in time of war some offenses should be punishable by death. Spying on the Government in time of war in every country in the world is punishable by death. We are very liberal, because the punishment will depend upon the judge. He may say whether or not it shall be 1 day, or 30 years, or, if the crime be extremely malicious and treasonable, death.

Mr. JUUL. I want to ask the gentleman, if he will permit me, whether this is not the very wording in the German statute that every newspaper in the United States objected to when Miss Cavell was put to death?

Mr. WEBB. I do not know.

Mr. JUUL. Is it not a fact that if there had not been a death penalty provided for her conduct she would be alive to-day?

Mr. WEBB. I do not know that. My friend would not argue that a man who betrays his country in time of war by giving away profound secrets concerning the national defense should not be punished by death?

Mr. JUUL. He should be punished; but 30 years is a long time.

Mr. WEBB. I think the Cavell case came under court-martial.

Mr. JUUL. I suppose it did; but there was warrant for punishing her in that manner.

The SPEAKER pro tempore. The Chair suggests to the gentleman from New York that the word "by" should be eliminated, as it is already in the bill, and, without objection, the amendment will be so modified.

There was no objection.

The SPEAKER pro tempore. The question is on agreeing to the amendment offered by the gentleman from New York.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

SEC. 3. Whoever, having possession of, access to, control over, or being intrusted with any information, document, writing, code book, signal book, sketch, photograph, photographic negative, blue print, plan, model, instrument, appliance, or note, belonging to, intended for, or under the control of the United States, relating to the national defense, willfully and without proper authority communicates or transmits or attempts to communicate or transmit the same to any person, or willfully retains the same and fails to deliver it on demand to the person lawfully entitled to receive it, or through gross negligence permits the same to be removed from its proper place of custody, or delivered to anyone not lawfully entitled to receive it, or to be lost, stolen, abstracted, or destroyed, shall, upon conviction thereof, be punished by a fine of not more than $10,000 or by imprisonment for not more than five years, or both.

Mr. GRAHAM of Pennsylvania. Mr. Speaker, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amendment by Mr. GRAHAM of Pennsylvania: Page 35, line 10, after the word "to," insert the word "or." Strike out "or being intrusted with any information," in line 11, and insert in lieu thereof the word

"any." On line 15, after the word "defense," insert the words "or being intrusted by any such person with any information relating to the national defense."

Mr. WEBB. Mr. Speaker, may I ask my friend if that is the amendment that the gentleman from Pennsylvania, Dr. TEMPLE, suggested?

Mr. GRAHAM of Pennsylvania. This is the amendment that Dr. TEMPLE suggested to me yesterday.

Mr. WEBB. Mr. Speaker, I do not think the committee has any objection to it.

Mr. GARD. Is the gentleman sure that he has arrived at the object he desired?

Mr. MANN. Some one should explain the effect of it.

Mr. GRAHAM of Pennsylvania. Mr. Speaker, I will speak to the amendment. The language in the section as it stands reads as follows:

Whoever, having possession of, access to, control over, or being intrusted with any information, document, writing, code book, signal book, etc., willfully and without proper authority communicates or transmits—

And so forth.

The ambiguity in that language relates to the first two lines—

Whoever, having possession of, access to, or control over, or being intrusted with any information.

It is capable of a double interpretation, and I think both are there included. A man might be in possession of information. As was suggested by my colleague, he might receive a letter from his son in the naval service, and he would be in possession of information and he might communicate or mention that to some one else, and therefore be liable to the penalty provided in this section, whereas the section was never intended to meet or touch any such innocent performance as that. When we take "or being intrusted with any information" and place those words in the fifteenth line, which my amendment suggests, we remove the ambiguity and the section would then read:

Whoever, having possession of, access to, or control over any document, writing, code book, signal book, etc., under the control of the United States relating to the national defense, or being intrusted by any such person with any information relating to the national defense, willfully and without proper authority communicates—

And so forth.

The purpose of the language was to make the man punishable who was intrusted with information and who imparted it. Objection was made yesterday by my friend from Wisconsin [Mr. LENROOT] that the language "or being intrusted by any such person" might put a limitation upon it. My amendment intends that that limitation shall be put upon it because this section is a punishment for breach of trust, and the illustration which the gentleman gave of a military officer not having possession of any of these documents giving that information to somebody else would not be a violation of this statute. This amendment would not bring them, I admit, under the provisions of this statute, nor would I intend that the amendment should bring them under the statute because this is a breach of trust section, and on that ground alone it should be interpreted. Now, if a military officer gives information to somebody else, we turn to the prior section to find the basis for punishing him if it has been done with a guilty intent and knowledge. That is the whole answer.

Mr. LENROOT. Will the gentleman yield?

Mr. GRAHAM of Pennsylvania. Yes.

Mr. LENROOT. Take the case of a general intrusting an orderly with certain information, and he communicates it to some other officer of the Army. With the language as it stands if the communication was made to a third person he would be guilty of a violation of the act. With the gentleman's amendment he would not; no matter how serious the breach of trust might be, no punishment would be provided by the gentleman's amendment.

Mr. GRAHAM of Pennsylvania. The man would be punished under the prior section if there was a guilty intent.

Mr. TEMPLE. In the case supposed by the gentleman from Wisconsin there would not be any jurisdiction in the civil courts at all; he would be tried by court martial.

Mr. LENROOT. That is true; but suppose the Secretary of the Navy should call in the owner of a ship with reference to trusting him with certain information as to the intention of this Government in sending troops abroad. With the language as it stands if that person made a breach of trust he would be within the terms of the section and could be punished. But with the gentleman's amendment, however important the trust might be, if he conveyed the information, he could not be punished.

Mr. MANN. Why not?

Mr. LENROOT. Because it only relates to such person who has possession of, had access to, or control over, documents, writing, code book, signal book, and so forth.

Mr. MANN. I was going to ask what the words "such person" referred to.

Mr. LENROOT. To "whoever."

Mr. MANN. "Whoever" is the beginning, the one who is intrusted with the information. You can not have both the nominative and the accusative.

Mr. GRAHAM of Pennsylvania. It is the same that is carried by amendments through the entire section. This is a breach of trust, and the cases that are cited by my friend are punishable by a court-martial or under the prior section of the act if done with an evil intent. If they are not done with an evil intent, they ought not to be punished at all.

Mr. LENROOT. Suppose he gives it to a newspaper reporter.

Mr. MANN. "Whoever" refers to the person to be punished. The person giving out the information is the one to be punished, and that is what "whoever" refers to. "Such person" can not be that. "Such person" may be an officer in the Army who gives the information to a private citizen. The person to be punished is "whoever." He is the one who furnishes the information after being intrusted with it by some one else. "Such person" does not refer to anybody.

Mr. GRAHAM of Pennsylvania. Is that the gentleman's objection?

Mr. LENROOT. That is my objection.

Mr. GRAHAM of Pennsylvania. Mr. Speaker, I will ask unanimous consent to strike out the words "by any such person."

The SPEAKER pro tempore. The gentleman from Pennsylvania asks to modify his amendment as reported by the Clerk. The Clerk read as follows:

Strike out the words "by any such person," so the amendment will read:

"Page 35, line 10, after the word 'to,' insert the word 'or.' Strike out 'or being intrusted with any information' in line 11 and insert in lieu thereof the word 'any.' On line 15, after the word 'defense,' insert the words 'or being intrusted with any information relating to the national defense.'"

The SPEAKER pro tempore. Is there objection to the modification of the amendment?

There was no objection.

Mr. WALSH. Mr. Speaker, I trust that the chairman of the committee will not agree to accept this amendment. If the chairman will recall, this matter was thoroughly discussed in the committee in connection with a suggestion very similar to this. The only effect of inserting that in there, in my opinion, would be to get this section all balled up. The intention is that whoever has possession of this information, or whoever is intrusted with it, shall be punished. Now, you put the intrusting clause as applied only to the information and not to the other matters set out in the section, and we will not be able to punish anybody who has possession of this information, whether he gets it rightfully or wrongfully. The language reads "whoever is intrusted with information, code book," and so forth. To transfer it after the word "defense" does not change the effect of the section or what we are seeking to punish, except to weaken the section.

Mr. IGOE. Will the Senator yield?

Mr. WALSH. Yes.

Mr. IGOE. I want to point out that this section is intended to punish only the information belonging to and intended for or under the control of the United States. Now, then, it seems to me that the gentleman, by inserting after the word "defense" "and be intrusted with any information," runs into the difficulty he is seeking to avoid, because that means any information, whether it belongs to the United States or whether it is communicated to any individual. It seems to me the gentleman, by widening the scope of it, includes people not entitled to the information.

Mr. GARD. In addition to the pertinent observations of the gentleman from Missouri, does not the amendment proposed by the gentleman from Pennsylvania cut out from the operation of law or eliminate the information, document, writing, code book, signal book, and so forth? Surely that is not the idea of the gentleman from Pennsylvania?

Mr. NORTON. Do I understand the gentleman to infer that if this information is intrusted to him he will not have possession, access to it, or control over it?

Mr. WALSH. Well, the person might be intrusted with the information and not have it in his possession.

Mr. NORTON. Would he not have access to it or control over it?

Mr. WALSH. It might so happen. The latter part of the section is "through gross negligence."

Mr. NORTON. Has the gentleman any case in mind of that kind where information is intrusted to a man where he would not have possession of it?

Mr. WALSH. Oh, yes; he might have information in the way of orders or a code intrusted to him, and he might go off and leave it on his desk. It would not then be in his possession, but he would be intrusted with it, yet somebody could get possession of it, and he would have possession of it, and it would not be intrusted to him.

Mr. NORTON. I do not see how that applies here at all.

Mr. WALSH. Well, it would apply. We had other instances cited to the committee, and so, I repeat my suggestion, that I trust the chairman will not agree to accept the amendment. I think the meaning of this section as drawn is perfectly clear.

Mr. MANN. Will the gentleman yield for a question?

Mr. WALSH. I do.

Mr. MANN. In the case the gentleman just cited of an officer having possession of a code book and going off and leaving it on his table and somebody getting it, he would be punished regardless of whether this amendment of the gentleman from Pennsylvania goes in or goes out.

Mr. WALSH. Yes; he could be punished; I only cited that in answer to the gentleman's inquiry as to whether a man could be intrusted with something and not have it in his possession. He would be punished just the same under the provisions of this law, as I pointed out.

Mr. MANN. Well, the other provisions of the section punish anybody who has possession of any of these documents, or who has access to them or control over them, who furnishes information relating to them, or furnishes them.

Mr. WALSH. Or who is intrusted with them.

Mr. DEWALT. Mr. Speaker, I would like to ask the gentleman from Pennsylvania as the proponent of this measure whether a transposition of the words "being intrusted therewith" from line 11 to line 15 would not cut out the idea of being intrusted with documents, writings, code books, and so forth, because the prior sentence is "having possession of"? I would like to have the gentleman's construction as to whether a transposition of the words "being intrusted with" from line 11 to line 15 would not cut out the idea of punishing a party who was merely intrusted with a book, documents, and so forth.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. DEMPSEY. Mr. Chairman, I suggest to the gentleman who offers the amendment that the objection raised by the gentleman from Massachusetts [Mr. WALSH] and by the gentleman from Missouri [Mr. IGOE] can be readily obviated by not striking out the words "or being intrusted," in line 11, so that the section would read at the commencement:

> Whoever, having possession of, access to, control over, or being intrusted with any document, writing, code book—

And so forth.

That saves the question of objection to this part of the section that a person intrusted with documents would be eliminated, which seems the only objection made to the amendment.

Mr. TEMPLE. Whoever having possession of it and makes improper use may be punished. Does not that cover the case, he having possession of it through being intrusted with it?

Mr. DEMPSEY. Well, that is something——

Mr. TEMPLE. He is intrusted with it; it is a part of the thing covered by the broader language.

Mr. DEMPSEY. He might not have the physical possession and yet he might be intrusted with it. It might be the case of a code, where he might be directed to go and get it and never actually got it, and yet he might have been intrusted with the secret of where it was and give that information to some one else who might go and get it, without it ever having been in his possession.

Mr. GRAHAM of Pennsylvania. Would not that be intrusted with information instead of being intrusted with documents?

Mr. DEMPSEY. Well, it might be. I can not see this modification would in any way harm, and it does seem to me it would meet objections which have been made to the amendment. I am not fighting the amendment. I am for it, and I am simply trying to perfect it.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Pennsylvania.

The question was taken, and the amendment was rejected.

Mr. HUDDLESTON. Mr. Speaker, I offer the following amendment.

The SPEAKER pro tempore. The Clerk will report it.

The Clerk read as follows:

> Amendment by Mr. HUDDLESTON: Page 35, line 19, after the words "receive it," strike out lines 19, 20, 21, and all of line 22 before the word "shall."

Mr. HUDDLESTON. Mr. Speaker, this section is a very extreme section. In my opinion it is the most extreme section in the whole bill. Under this section petty larceny of something of trifling value may be punished by $10,000 fine and five years imprisonment. But the most extreme part of this section is the part that I am offering to strike out, which is the language, beginning in line 19, "or through gross negligence permits the same to be removed from its proper place of custody, or delivered to anyone not lawfully entitled to receive it, or to be lost, stolen, abstracted, or destroyed."

I venture to say that this is the first time in the history of our country when Congress has been asked to enact a law which would punish gross negligence with five years in the penitentiary and $10,000 fine, when the only result of the negligence is the loss of property which might be of trifling or perhaps scarcely of any material value.

To punish a man for gross negligence where his act results in the loss of human life is an extreme thing itself, and it is very difficult to secure a conviction. But under this statute if one of the workmen out at Fort Myer, where they are putting up officers' quarters, should, by gross negligence—that is, by failing to exercise slight care—lose a blue print or a copy of plans and specifications or any other document or writing, without it coming into the hands of the enemy and without any real harm being done to the Government, except the mere loss of a small piece of paper, that man would be guilty of this offense. In making a criminal law it is no answer to the argument that the law is unjust and improper to say that the courts will not enforce it, or that we may depend on a certain amount of judgment and common sense being used in enforcing it. That is begging the question. The question is, will we enact a sane and reasonable law?

I am not willing to put a man's liberty at somebody's mercy; to leave it to the discretion of a prosecuting officer, judge, or jury whether he shall or shall not be punished. I do not see how I could possibly be brought to support a measure that would put upon a man such an extreme penalty for an offense of perhaps no significance whatever. I want to vote for this bill; but I can not vote for an unreasonable bill which fixes extreme punishment for trifling offenses.

Mr. MANN. Will the gentleman yield?

Mr. HUDDLESTON. I will.

Mr. MANN. Suppose the Government is building some barracks, which I apprehend we will be doing, and the architect has a blue print in the hands of a workman—I do not know whether they would be considered blue prints in connection with the national defense in connection with the Army—and the workman carelessly leaves it where he has been working, is he subject to the penalty?

Mr. HUDDLESTON. Undoubtedly so, I will say to the gentleman, and that is exactly what I am trying to correct, just exactly that thing.

Mr. MANN. You will have to raise the wages of the workman if you do that.

Mr. BATHRICK. Will the gentleman yield?

Mr. HUDDLESTON. I will.

Mr. BATHRICK. Take another supposition. Suppose here is an important document that reveals the movement of troops intrusted to some person, the securing of which by an enemy might defeat our Army, and the person in whose hands this document was placed might leave it carelessly in some place, might not feel the responsibility placed upon him; what would happen then?

Mr. HUDDLESTON. Would the gentleman want to put a man five years in the penitentiary if he absent-mindedly walked out leaving a document on a table, without criminal intent and without any thought of having the document placed in the hands of an enemy?

Mr. BATHRICK. I will answer the gentleman's question——

Mr. HUDDLESTON. I will say to the gentleman the offense he mentions is covered by the next section of this bill. It is not necessary to state an extreme case. Let us imagine extreme cases for the benefit of human liberty. Let us conceive an extreme case for the protection of human rights. Let us not take the most extreme case possible where injury could be done as an excuse for passing a foolish law.

Mr. WEBB. Mr. Speaker, just one moment. The gentleman from Ohio has suggested the reason for putting this provision in the bill. There has been complaint that officers of the United States Navy and Army have carelessly, even grossly and negli-

gently, permitted the code books and signal books to be taken away. Not long ago a Japanese officer got control of one of the United States signal books, and we had to rewrite our entire signal code of the United States. Now, we intended to make an officer who is intrusted with that very vital and imported information concerning the Government not only careful but extremely careful in the preservation of it. He should never leave it unless it is locked up and put away where the authorities say it should be kept, in order that the enemies or spies or agents of foreign governments may not get hold of it. My friend must know that we do not intend to, and no district attorney would ever, prosecute a workman out here building a house because he had laid aside a blue print which has nothing to do with the national defense.

Mr. HUDDLESTON. Would the gentleman be willing to leave the workman's liberty at the discretion or whim of a district attorney?

Mr. WEBB. Everybody is at the whim of some one, more or less.

Mr. DOWELL. Under this law why would he not be prosecuted; and if he is, what defense can he make?

Mr. WEBB. The chief defense he would make would be that he was not grossly negligent.

Mr. DOWELL. But this does not provide any such thing.

Mr. WEBB. It does provide if he is grossly negligent.

Mr. DOWELL. If he is grossly negligent he has no defense, and it makes no difference whether it comes within the provisions suggested by the gentleman or whether it was intentional.

Mr. WEBB. I would say to my friend that my interpretation of the provision is that it would not cover the building of a house somewhere in a fort. It would be the fort itself, the things that are vitally connected with the national defense, a book or a photograph which would give the enemy the tunnels, the location of the guns, and things like that, and not the building of a house by a poor mechanic somewhere.

Mr. GREENE of Vermont. Will the gentleman permit? The Germans pursued the retreating Russians on the east front with remarkable speed, notwithstanding the Russians had destroyed the bridges behind them; but it was afterwards found that the Germans had duplicate blue prints of those bridges, and had prepared themselves by making duplicate parts of them so that they could replace the parts destroyed. Somebody mislaid or actually gave away blue prints of them.

Mr. WEBB. Mr. Speaker, this is the only section in the bill which is directed in a civil way to the officers of the United States Army and Navy. While we are restricting the rights of the civilian, we ought to make it imperative on the officers of this Government to preserve with a scrupulous care every one of these profound and important national secrets involving our military and national existence. [Applause.]

Mr. HUDDLESTON. Mr. Speaker, will the gentleman yield?

Mr. WEBB. Yes.

Mr. HUDDLESTON. This statute does not apply to officers. It applies to every man who may be intrusted with information, and it does not make any difference whether the information is important or not.

Mr. WEBB. Oh, you will not find the $2.50 mechanic in the United States intrusted with information such as is described here.

Mr. MADDEN. Do you pay only $2.50 to mechanics down in North Carolina? They pay $7 or $8 per day out my way.

Mr. WEBB. Yes; and they pay $7 or $8 down in my country, too, depending on their skill.

Mr. SLAYDEN. Mr. Speaker, will the gentleman yield?

Mr. WEBB. Yes.

Mr. SLAYDEN. If through gross negligence and careless conduct, a man should lose documents or papers, could he be punished under military laws?

Mr. WEBB. I have not read the law on that subject, but I think they tried to court-martial this particular officer that has been mentioned.

Mr. SLAYDEN. Well, if they court-martialed him, and if the court-martial dismissed him, what recourse would he have?

Mr. WEBB. He would have no recourse except to be tried under this civil section in the United States courts.

Mr. CLARK of Missouri. Mr. Speaker, will the gentleman yield there?

Mr. WEBB. Certainly.

Mr. CLARK of Missouri. Is it not absolutely established that Gen. Lee lost the Battle of Antietam because one of his generals, Gen. Hill, I believe, lost his plan of battle, and it fell into the hands of Gen. McClellan?

Mr WEBB. I have heard it so stated.

Mr. CLARK of Missouri. Was that general who lost that paper ever punished, although Gen. Lee had the autocratic power of commander in chief?

Mr. WEBB. No; and I suppose it was because it was perhaps a pure accident.

Mr. CLARK of Missouri. My stars! What is negligence if it loses an order like that, that fixes the plan of a campaign or a battle—a valuable document?

Mr. WEBB. I do not think that that kind of a document would be covered by this section. Court-martial would be his fate in time of war.

Mr. CLARK of Missouri. If that kind of a document would not be covered by it, what would be covered? I take it that no document was ever lost that made as much trouble as that did.

Mr. NORTON. Mr. Speaker, will the gentleman yield?

Mr. WEBB. Yes.

Mr. NORTON. Would not the circumstances and facts surrounding each have to show gross negligence? It would not be gross negligence if they were to leave a plan of a building out overnight, but it would be gross negligence to leave a plan of battle lying around loose.

Mr. CLARK of Missouri. Well, if every man had as much sense as Gen. Lee had there would be no doubt about people getting justice; but this law has to be enforced by a lot of petty officeholders throughout the country, and some one might take it into his head that somebody ought to be punished by imprisonment for 5 or 10 years for losing a blue print such as the gentleman was talking about.

Mr. GARD. Mr. Speaker, will the gentleman yield?

Mr. WEBB. Yes.

Mr. GARD. The suggestion the gentleman made does not concern the value of the paper lost, but the circumstances under which it was lost; indicating a pure accident. Gross negligence and only gross negligence is punishable under this section.

Mr. CLARK of Missouri. It looks reasonable that a man who was intrusted with such an important document as that of Gen. Lee would have hung onto it and not taken any chances about losing it.

Mr. GARD. The loss of it was probably a pure accident. I would say that if he had lost it through sheer negligence he should have been punished.

Mr. CLARK of Missouri. Does not the gentleman think that it is gross negligence for a lieutenant general, or chief of staff, to lose a plan of battle prepared by his chief?

Mr. GARD. It is necessary that the circumstances should show that gross negligence had been established.

Mr. CLARK of Missouri. It looks like a case of gross negligence unless somebody threw Gen. Hill down and took that document away from him after disarming him.

Mr. CARAWAY. Mr. Speaker, will the gentleman yield?

Mr. WEBB. Yes.

Mr. CARAWAY. Gen. Hill, to whom the gentleman has referred, afterwards resided in my State and was president of the university, and his son was chief justice of my State, and repeatedly said that the order never reached his hands at all. The order was lost by some clerk, who wrapped up three cigars in it and laid it down in his tent and went out in a hurry and left it.

Mr. CLARK of Missouri. I am not casting reflections on Gen. Hill.

Mr. CARAWAY. The order did not come into Gen. Hill's hands.

Mr. CLARK of Missouri. All I know about it is that Gen. Lee issued the order, and some clerk may have got hold of it, as the gentleman says, and used it in wrapping up three cigars. I have no intention to cast reflection on Gen. Hill.

Mr. GLASS. Mr. Speaker, will the gentleman yield?

Mr. WEBB. Yes.

Mr. GLASS. The gentleman will recall that Col. Henderson, whom the gentleman from Missouri quoted the other day, was of the opinion that Gen. Lee was too kind-hearted to be a good soldier.

Mr. CLARK of Missouri. I do not cast any reflections on Col. Henderson.

Mr. GLASS. Gen. Hindenberg would not have been so lenient.

Mr. CLARK of Missouri. And neither would Stonewall Jackson have been. I wish to add that I never before heard that explanation of the gentleman from Arkansas.

Mr. VOLSTEAD. Mr. Speaker, I want to call attention to the fact that the information that is covered by this section may be, and probably would be, of the very highest importance to the Government. It seems to me we ought to leave in this bill a provision of the kind sought to be stricken out. It is not an unusual provision at all. It occurs in a great

many criminal statutes. Men are convicted for gross negligence, but it has to be so gross as almost to suggest deliberate intention before a jury will convict. For instance, a person is killed by a man running an automobile recklessly on a crowded street. He may, and under the laws of most States would be, adjudged guilty of manslaughter, and can be sent to State prison. Many of our States have statutes relating to engineers running trains. If they run trains recklessly through a city or where it is well known that they may by such act kill anyone, they may be punished if people are thereby killed. We have, as I have already stated, a number of statutes of that kind. This provision is not revolutionary. It is the ordinary practice to apply such statutes to cases where lack of care occasions the death or serious injury of persons. This section should be, and probably would be, applied only in those cases where something of real consequence ought to be guarded with extreme care and caution. [Cries of "Vote!" "Vote!"]

The SPEAKER pro tempore. The question is on agreeing to the amendment.

Mr. MANN. Mr. Speaker, the forepart of this section penalizes the communicating of any of this information or these documents to any person without proper authority. Then, the latter part proposes to do the same thing with anyone who delivers these documents to one not entitled to receive them—which would be without proper authority—through gross negligence. A man having a document—a signal book, for instance—who delivers it to somebody without proper authority, is he to be punished? Or does the Government have to prove gross negligence when he delivers it?

Mr. HUDDLESTON. Will the gentleman yield?

Mr. MANN. I know I will not get the information that I ask from the gentleman from Alabama. I think he and I may be on the same side.

Mr. HUDDLESTON. Let me call your attention to the fact that the word "willfully" is used before the words "and without proper authority." It says "willfully and without proper authority."

Mr. MANN. He lets somebody have it. Which do you have to prove, gross negligence or that he did it willfully?

Mr. WEBB. Is the gentleman addressing me?

Mr. MANN. Yes.

Mr. WEBB. I think he would have to prove that he did it willfully and without proper authority in the one case and in the other case that through gross negligence he permitted it to be removed from its proper place and custody.

Mr. MANN. A man who delivers a thing does it willfully. That is what this says.

The SPEAKER pro tempore. The question is on the amendment.

The question being taken, on a division (demanded by Mr. HUDDLESTON) there were—ayes 6, noes 57.

Accordingly the amendment was rejected.

The Clerk read as follows:

SEC. 4. During any national emergency resulting from a war to which the United States is a party, or from threat of such a war, the President may, by proclamation, declare the existence of such emergency and, by proclamation, prohibit the publishing or communicating of, or the attempting to publish or communicate any information relating to the national defense which, in his judgment, is of such character that it is or might be useful to the enemy. Whoever violates any such prohibition shall be punished by a fine of not more than $10,000 or by imprisonment for not more than 10 years, or both: *Provided*, That nothing in this section shall be construed to limit or restrict any discussion, comment, or criticism of the acts or policies of the Government or its representatives or the publication of the same.

Mr. WEBB. Mr. Speaker, I desire, if I can, to reach some agreement as to the amount of time to be used on this section. We have been discussing it for two days, practically, and I hope gentlemen will be as reasonable as they can. I would like to know what time we can agree upon.

Mr. MADDEN. I would like to have about 10 minutes.

Mr. CLARK of Missouri. I would like to have 10 minutes on this section myself.

Mr. FESS. I should like five minutes.

Mr. DILLON. I should like five minutes.

Mr. DEMPSEY. I am going to offer an amendment——

Mr. WEBB. I will not make any request to dispose of this at this time. I will let it run along for a while.

Mr. MANN. Oh, I should suggest to the gentleman that we should reach some agreement.

Mr. WEBB. Then I ask unanimous consent that all debate on this section and all amendments thereto be closed within an hour and a half.

The SPEAKER pro tempore. The gentleman from North Carolina asks unanimous consent that all debate on this section and all amendments thereto be closed in an hour and a half. Is there objection?

Mr. McCORMICK. Reserving the right to object——

Mr. MANN. Reserving the right to object——

Mr. NORTON. Reserving the right to object——

Mr. MANN. Many Members did not have an opportunity to talk in general debate. I did not myself. Requests have already been made over here for at least two hours on this side on this subject.

Mr. WEBB. I had no idea that more than 18 men would want to speak five minutes apiece on this.

Mr. CLARK of Missouri. I want 10 minutes.

Mr. WEBB. An hour and a half would take care of 18 gentlemen, five minutes each.

Mr. MANN. Some of them want 10 minutes. I really think the gentleman would be making time by reaching an agreement now to give this side two hours. I do not care how much time the gentleman takes on the other side.

Mr. CLARK of Missouri. I suggest to the chairman that it is now 20 minutes past 2. Let this debate run the rest of the evening—until 6 o'clock—and two hours to-morrow, and then vote on it. This section is too important to take a snap judgment on.

Mr. WEBB. I want to say to my friend that we have been debating it in the committee for two months, and we have debated it in the House for two days.

Mr. MANN. The fact that it took two months for 21 gentlemen to express their sentiments to one another upon it is of itself a suggestion that 432 Members ought to have more than two hours. [Applause.]

Mr. WEBB. The House has had two days, and all the debate has been upon this section.

Mr. MANN. I understand.

Mr. WEBB. I have no disposition to press this bill unduly. It is as much your bill as mine or the committee's.

Mr. MANN. The gentleman has been liberal about it, and I am not complaining.

Mr. WEBB. I am pushing the bill so that we can get away from here some time in June.

I ask unanimous consent that all debate on this section and amendments thereto be closed at 6 o'clock.

Mr. MANN. We want two hours' time.

Mr. MADDEN. And we want the control of it over here.

Mr. CLARK of Missouri. Make it four hours. Why not say that the debate on this section and all amendments thereto shall close at 22 minutes after 6.

Mr. MANN. If you fix a definite time for closing the debate you will lose time, and then you can not divide your time so well.

Mr. CLARK of Missouri. All right.

Mr. MANN. Fix the amount of time that shall be consumed.

Mr. BORLAND. Two hours on a side.

Mr. CLARK of Missouri. That would give two hours on a side.

Mr. BORLAND. Two hours on a side would make four hours. That would bring it to 6.20.

Mr. MANN. I am perfectly willing to make it two hours on a side, though I do not think we will want to sit until 6.20. We ought to provide that the important vote, which will probably be either on the amendment the committee offers or on a motion to strike out, shall be taken to-morrow. We are in the House, and it is almost certain that there will be a roll call.

Mr. WEBB. Then, Mr. Speaker, I ask unanimous consent that all debate on this section and all amendments thereto be closed within four hours, two hours to be controlled by the gentleman from Minnesota [Mr. VOLSTEAD] or the gentleman from Illinois [Mr. MANN] and the other two hours by myself.

Mr. MANN. Let the gentleman from Minnesota control the time.

Mr. DOWELL. Reserving the right to object, does that mean that we are to vote on these amendments to-morrow morning?

Mr. MANN. We will probably vote on some amendments this afternoon.

Mr. WEBB. The two hours to be controlled by the gentleman from Minnesota [Mr. VOLSTEAD] and two hours by myself.

Mr. BORLAND. Reserving the right to object, I should like to ask the chairman of the committee is this time to be allotted to 5 or 10 minute speeches? It might easily be used up by members of the committee.

Mr. MANN. It will be alloted on this side for 5 and 10 minute speeches.

Mr. WEBB. The members of the committee have spoken about all they care to speak, unless some questions are asked.

The SPEAKER pro tempore. The gentleman from North Carolina [Mr. WEBB] asks unanimous consent that at the expiration of four hours' debate, two hours of which shall be controlled by himself and the other two hours by the gentleman from Min-

nesota [Mr. VOLSTEAD], the debate on this section and all amendments thereto shall terminate. Is there objection?

Mr. MANN. That means that we may have some amendments read, but the time shall not be taken out of the time for debate.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina? [After a pause.] The Chair hears none.

Mr. WEBB. Mr. Speaker, I yield 10 minutes to the gentleman from Missouri [Mr. CLARK].

Mr. GRAHAM of Pennsylvania. Mr. Speaker, before the gentleman from Missouri proceeds I would like to know if we are to be permitted to offer our amendments so that the discussion can proceed on the section and amendments thereto?

The SPEAKER pro tempore (Mr. SAUNDERS of Virginia). The Chair thinks that would be well if it is the desire of the House.

Mr. LENROOT. Reserving the right to object, I do not think that the House will come to the conclusion that it ought to come to if we are going to have all of these amendments read and then vote on 40 or 50 at the end of the debate.

The SPEAKER pro tempore. The Chair said if it was the desire of the House the Chair would submit them in that way.

Mr. MANN. I do not think that anybody can understand the amendments submitted in that way.

Mr. GRAHAM of Pennsylvania. Mr. Speaker, I send the following amendment to the desk.

The Clerk read as follows:

Page 36, strike out the whole of section 4.

Mr. CLARK of Missouri. Mr. Speaker and gentlemen, those who have read the history of the adoption of the Constitution know that a great many great Americans, led by Patrick Henry in Virginia, while in New York George Clinton, 18 years governor and finally Vice President, led the fight, were opposed to adopting the Constitution on the ground that it had every facility in it for finally making the Federal Government a despotism.

In Virginia, even with the great influence of Washington, the ratification was carried by a very small majority—by a scratch. In New York they fought it for months, and ratified it only after the necessary nine States had ratified it. I am not going to enlarge on that, except to say that they never would have got the Constitution ratified at all except by promising to put into it certain propositions by way of amendments, and the First Congress submitted 10 constitutional amendments. They were all ratified, and they ought to be at the first end of the Constitution instead of the last as a bill of rights.

The first one of these amendments is this:

Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof, or abridging the freedom of speech or of the press.

I undertake to say, without the fear of successful contradiction, that those words I have read are the most important part of the Constitution of the United States, bar none. [Applause.] I do not set up to be a great constitutional lawyer, although I do believe that I know a little about the Constitution; and I believe that this press-censorship section in here is in flat violation of the Constitution of the United States. [Applause.] A few of the newspaper editors abuse their privilege, slander people, lie about them, and villify them like pickpockets, sometimes for doing their plain duty; and within the last 10 days I have received as much of that slush as any man that ever lived in the world. [Laughter.] But all the abuse and slander and lying they can do will not make me desert the principle that underlies this Government—that we shall have free speech in this country. [Applause.] I am for free speech on principle not only for Representatives and Senators but for everybody else, the high and the lowly alike.

It is a little peculiar that the other day, when some of us were doing something certain editors did not want done, we were denounced in every kind of villainous terms that could be applied to us because we did not stand by the President; but, marvelous to relate, when it comes to a question where they get their own toes pinched they do not stand by the President. [Laughter and applause.] Very much depends on whose ox is gored.

The other day the President of the United States wrote to Arthur Brisbane, the highest-priced newspaper man in the world and one of the most brilliant, a letter that showed that he did not intend to harness up these editors. Now, everybody believes a thing when the President states it—that is a fact. [Laughter.] Well, there is a great difference between a fact and a theory; you may not believe his theories, but I suppose we all think he is a man of veracity, and he is a man of ability, and as far as enforcing this law is concerned, he will stick to what he said to Brisbane. I would be perfectly willing to have him pass on such things personally.

But the President of the United States would not have anything to do with this thing, not a thing in the world until the last resort. Some subaltern—and a good many men in this world act very peculiarly when vested with a little brief authority—some subaltern, or a multitude of them, because there will be a multitude of officers in this war, will harness these people up. They will undertake to have them punished without the President of the United States knowing a single thing about what is going on.

I will tell you it has been bruited in this House that there was a combination between the news agencies and the great newspapers not a great while ago to shut out all information on one side of a question. I do not know whether that is true or not, and I am not going to affirm or deny it, and I express no opinion about it. But I say, if that thing ever happens, then the public press becomes a menace to the liberties of the American people instead of their palladium. [Applause.]

I have read a good deal of Thomas Jefferson's writings—everything I ever saw or heard of that he wrote. He made some extreme statements, and he was a great hand to make epigrams. He said that he had rather live in a country with a free press and no government than to live in a country with a government and with no free press. And I say the same thing here to-day. [Applause.]

In a general way I think the newspapers try to do what is right. I do not believe there is a reputable newspaper in America, not one, that would voluntarily give out information detrimental to the Government of the United States to help the enemies of this Republic. That is a broad statement, but I believe it. Of course, there are black sheep among the editors, like there are among every other association of people in the world, who once in a while may violate the confidence and give out matter that ought not to be given out, but they are not in the reputable class.

I have been in this world a good while and I have had much to do with newspaper men, correspondents, and so forth. I never yet had but one of them violate a confidence. They come into my office and they talk to me freely about a great many things; I give them information that I do not want published; I caution them not to publish it, and they do not publish it. That much is due to these newspaper men. I do not think this law will be abused in the hands of President Wilson, but he is not going to live forever. There will be Presidents after him, and I hope all of them will be great men and good men; but you never can tell, and I am teetotally opposed to putting into the hands of any man a bridle which he may place upon the free expression of the opinions of Americans in this country either by word of mouth or in letters or in any other species of communication or in the public press. [Applause.]

There are laws against slander and libel. Of course, they do not amount to very much in the case of a man. If a newspaper libels a woman she can recover damages, but a man has to have a remarkably good case in order to recover in a libel suit against a newspaper. We are in a period of transition. It used to be that if a man lied about you you would go out after him. [Laughter.] They used to fight duels in this town. The last Congressman killed here was Cilley, of Maine, killed by Graves, of Kentucky. That day is past, but we have not progressed far enough for a jury in this country, as a rule, to give to a man substantial damages in a suit for libel or slander; but that time is coming, just as certain as that the sun will rise to-morrow morning and set to-morrow night, because justice demands it.

Let us suppose that some upstart is serving under President Wilson. Everyone knows that the soldiers during the Spanish War were fed embalmed beef, unfit to eat, and everyone knows that Col. Roosevelt, then, I think, a lieutenant colonel, got up a round robin, in violation of all military rules ever provided in this world, but by that round robin he stirred up public sentiment until the outrage and curse of embalmed beef were cured.

Let us suppose that a man writes an editorial condemning or criticizing the food that is provided for the soldiers in the war, or any other thing about their comfort, will it be said that he shall be harnessed up by one of these 8 by 10 upstarts who are going around enforcing military law? Shall an editor be jailed for exposing that? To do so would be a crime against both our soldiers and our institutions. To say that they shall not be able to criticize a general who is not fit to command troops is another crime, and here you are fixing it so that any malicious person in the whole neighborhood can dig out some little paragraph somewhere that some editor put into his paper which is not pleasing to the fellows who are run-

ning the show and have him fined and imprisoned for that. It is better to let the newspapers lie what they do lie than it is to undertake to have a governmental censorship of the public press. What people want is facts—real news—the facts on both sides of a question. Many newspapers should have a house cleaning of their own and certainly make up their plans to give both sides of a case. I never think about the press of the United States that I do not recall the lines from Shakespeare:

> O, it is excellent
> To have a giant's strength; but it is tyrannous
> To use it like a giant.

And I think we will all get along a great deal better to be careful about muzzling the public press of the United States, and I am in favor of the motion made by the gentleman from Pennsylvania [Mr. GRAHAM] to strike out the censorship section or rewrite it entirely. [Applause.]

Mr. BANKHEAD. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. BANKHEAD. Several gentlemen have offered amendments that are pending at the Clerk's desk, as I understand it, and would they not be in order before the amendment submitted by the gentleman from Pennsylvania?

The SPEAKER pro tempore. There is but one amendment at the Clerk's desk which has been reported, and that is the amendment of the gentleman from Pennsylvania.

Mr. BANKHEAD. I know; but that proposes to strike out the whole section.

The SPEAKER pro tempore. Yes; that is the only amendment at the desk.

Mr. BANKHEAD. If that is voted on first, as I understand it, if it should be agreed to, no opportunity will be afforded to offer the other amendments that have been proposed. I have an amendment which I have sent up to the Clerk's desk and I would like to have it considered. It involves only a portion of the section.

The SPEAKER pro tempore. As soon as the gentleman obtains time he can offer his amendment.

Mr. BANKHEAD. Is it necessary to obtain permission from the gentleman from North Carolina [Mr. WEBB] to offer an amendment?

The SPEAKER pro tempore. Or get recognition to do so.

Mr. MANN. The gentleman could do it later, but not now.

Mr. BORLAND. Mr. Speaker, is not an amendment to perfect a section of higher rank than an amendment to strike out the section?

The SPEAKER pro tempore. It is.

Mr. BORLAND. If the gentleman from Alabama [Mr. BANKHEAD] rises to offer an amendment to perfect the section, would it not have a right over the amendment of the gentleman from Pennsylvania?

The SPEAKER pro tempore. When the time comes for offering amendments; yes.

Mr. WEBB. Mr. Speaker, at this point I desire to offer an amendment to section 4 of the bill, which I send to the Clerk's desk and ask to have read.

The Clerk read as follows:

On page 36 strike out all after the figure "4" in line 1 down to and including the word "both" in line 11 and insert in lieu thereof the following:

"During a war in which the United States is engaged, or during a national emergency threatening war, the President is authorized from time to time to designate by proclamation the character of information concerning the national defense which, in his opinion, would be useful to the enemy, and thereupon it shall be unlawful for any person without proper authority to publish or communicate such information. Whoever violates this section shall be punished by a fine of not more than $10,000 or imprisoned not more than 10 years, or both."

Mr. VOLSTEAD. May I ask the gentleman if he intends to leave out the proviso in this section?

Mr. WEBB. No; if this amendment goes in the section the proviso remains in the section. Mr. Speaker, the debate on this section has shown that in the minds of some good lawyers there is some doubt about the constitutionality of the clause in the section. I find that most lawyers balk at the suggestion that the President shall make proclamation and make a violation of the President's proclamation a crime, so in order to avoid that objection, and so far as deputizing or delegating the question of power to anyone, I have redrafted that portion of the section, and simply give the President the power, for which there are hundreds of precedents, which has been given to the Secretary of War, the Secretary of the Navy, the Secretary of Agriculture, the Postmaster General, and the President—to give the President power to designate the character of certain information by proclamation from time to time which in his opinion would be useful to the enemy, and then the Congress says anyone who publishes or communicates that information without proper authority shall be guilty of a crime. I think that clearly removes the constitutional objection which some good lawyers have raised to that part of the bill. Therefore, I offer the amendment.

Mr. BANKHEAD. Will the gentleman yield?

Mr. WEBB. I will.

Mr. BANKHEAD. What character of authority is contemplated by the expression "without proper authority"?

Mr. WEBB. That expression was suggested by my friend from Illinois [Mr. MANN]. That is this, where a Government official has information that he ought to transmit or communicate to some other Government official, of course he would get authority from his superior officer to transmit it to another official. We thought that suggestion was a good one, and, therefore, have adopted it as the gentleman from Illinois suggested.

Mr. BANKHEAD. The gentleman will readily see under the provisions of the amendment, after proclamation had been issued denying publication of certain matters, it would leave the newspapers in this country in doubt as to what authority would be necessary for them to get in order to be within the provisions of the act.

Mr. WEBB. No; I do not think it would at all.

Mr. BANKHEAD. But authority from whom—who is to dispense the authority?

Mr. WEBB. His superior officer or the President himself. For instance, here are our tentative allies; here are the commissioners from England and France; there are certain things about the national defense which ought to be transmitted and communicated to those gentlemen. It will be done, and would be done if this section were in force, if the proper authorities should exercise their authority of communication to them; but if it were in force without such provision, you might make a Government official acting in perfect good faith guilty of a crime by the communication of information concerning the national defense that ought to be communicated to those gentlemen.

Mr. SLAYDEN. Would not the censors be the men to give that authority?

Mr. WEBB. No; the censor would have nothing to do with it.

Mr. SLAYDEN. The censor is the man who determines what is published and what is not.

Mr. WEBB. We will leave that for the President to designate—the character of the information that ought to be published. Now, Mr. Speaker, that is all I care to explain to the House why the committee adopted this amendment in order to eliminate the constitutional objection that has been made.

Mr. DOWELL. May I ask unanimous consent to have the amendment again reported? We could not get it all?

The SPEAKER pro tempore. Without objection, the Clerk will again report the amendment.

Mr. WEBB. I will say to my friend that I will send him a copy.

The SPEAKER pro tempore. Will that answer the gentleman's purpose?

Mr. DOWELL. As far as I am individually concerned.

The SPEAKER pro tempore. Without objection, the amendment will again be reported.

The amendment was again reported.

Mr. DOWELL. Will the gentleman yield for a question?

Mr. WEBB. I yield.

Mr. DOWELL. What does the amendment mean "without proper authority"?

Mr. WEBB. I just explained that to the gentleman from Alabama. That is the part which was suggested by the gentleman from Illinois [Mr. MANN], and I think it is a good suggestion because there might be times when certain information concerning the national defense ought to be transmitted from one officer of the United States to another, or to our allies, English or French, and without some clause of that kind a man would make himself liable to a penalty by innocently violating the section.

Mr. VOLSTEAD. Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Speaker, the amendment of the gentleman from North Carolina [Mr. WEBB] changes the form of the section. The present form of the section, in my judgment, is clearly unconstitutional; probably the form now submitted by the gentleman is constitutional, though it does not, of course, change the real purpose of the section. I think I shall vote for the amendment. I feel very confident I shall vote to strike out the section. It is very natural that the War Department—anybody—conducting a war wants to keep all the information so that it can not reach the enemy, and many times they want to keep information so that it shall not reach the people. I believe the people of the United States engaged in war are entitled to

know what is going on. [Applause.] We send our boys into camps. We ought to know how they are being treated in the camps. We send them to the front. We want to know what they are doing at the front and how they are being treated there. The enemy will know where they are when they come in contact with the enemy. They are not likely to obtain information to know just where they are sent regardless of any provision of law, because information of that sort must emanate from the War Department, and if they do not give it out it will not become public. I read a statement in this morning's paper, from a distinguished member of the President's Cabinet—I do not know whether it is information or not—which was made for the purpose of influencing the public sentiment of this country.

But if you provide by law that such things can not be published no one can endeavor to influence public sentiment. Of course, the bill provides you may criticize acts or policies of the Government, but if you say in addition to that you can furnish no facts, what good does the criticism do? Nobody knows what the facts are upon which the criticism is based. The best way for us to conduct war is to let the people know what is going on. [Applause.] It would be wiser perhaps, even in England, if the people there knew better the conditions in regard to the war both at home and abroad. We want to know not only in reference to the war, but we want to know in reference to the food supply, the transportation facilities, the manufacture of munitions of war. The War Department will not want to let any information percolate to the people. They believe in conducting everything secretly. I think that in a Republic like ours it is wiser to trust the people. I am not afraid if the people know what the situation is, but they will back up the Government and win the war; but if they are kept in ignorance no one knows what we will do. [Applause.] If we are defeated at the front, we ought to know it. If we win at the front, we ought to know it. If our boys are killed at the front, the lists ought to be published. I am not in favor of letting a clerk in the War Department say it will not be wise to publish a list of the dead; that it will not be wise to publish a list of those who are taken prisoners. Give the people the information, and if we have trust in our country then we must have faith in our people to have the information. And while we keep information from the enemy, which they will probably get anyhow, we will keep information from our own people which they have a right to know. [Applause.]

Mr. GARD. Mr. Speaker, I yield 10 minutes to the gentleman from Kentucky [Mr. THOMAS].

The SPEAKER pro tempore. The gentleman from Kentucky is recognized for 10 minutes.

Mr. THOMAS. Mr. Speaker, I believe in the complete freedom of the press, but not in that unhaltered license which gives it the privilege of vilifying all persons that do not obey its imperious mandates. There is an old and true saying that if you give a calf rope it will hang itself, and I believe if a newspaper is given sufficient latitude and at the same time is held answerable to just and proper libel laws it will finally reach the end of its rope and hang itself. I was formerly, many years ago, a newspaper editor myself, but I reformed, and have not been guilty since. [Laughter.] The majority of the newspapers of this country are conducted by high-minded, honorable, and patriotic men, but there are black sheep in every flock, and the newspaper fraternity has rather more than its share in that kind of animals.

It seems to me that newspapers can be punished if they make statements or publish matters that will give aid, comfort, and information to the enemy in time of war under the section of the Constitution defining treason. That section defines treason as follows:

> Treason against the United States shall consist only in levying war against them or in adhering to their enemies, giving them aid and comfort.

By the provisions of the pending measure, if any individual gives aid and comfort to the enemy by knowingly conveying by letter, word of mouth, or otherwise, any information of value, such person is amenable to punishment and I believe he would be liable to punishment under the law of treason. It is just as culpable and the same degree of crime for a newspaper to publish matters that are calculated to assist the enemy, and I think that is true without the passage of this bill.

There are, however, two sides to every question, and while newspapers may be a great power for good, they may also become a greater power of evil. A just and free press is a palladium of liberty, and a shield and buckler of national defense, while on the other hand, a corrupt and venal press may become the instrument of tyranny and oppression.

I am astonished that any of our recently highly excited compulsionist friends should fail to support this measure. Last week we were assured by many of the conscription newspapers, and evidently some Members of this House thought the same way, judging by their remarks, that it is near or quite high treason to oppose any bill the President is believed to favor, but now the shoe is pinching the other foot, and such newspapers and Members of the House are valiantly and vigorously opposing this measure drafted by the Department of State under the direction of the President. Mr. KAHN, of California, of recent ultracompulsion notoriety, is foremost among that number. Mr. CLARK of Missouri last week said it was "Kneel, Julius; arise, Sir Julius." I fear if the gentleman does not mend his ways it will soon be, "Kneel, Sir Julius; arise, Julius."

The press should be free to intelligently, justly, and decently express its honest opinions, and to freely criticize the public acts of public officials, but the law should put a lock on the lips of libel. The press that fails to criticize the public acts of public officials in a decent manner, fails in its duty to the country. Nevertheless, a great many newspapers bend the knee of suppliance to high official power, and unmercifully lash those in lower and less fortunate positions. So far as I am advised, few, if any, newspapers in my part of Kentucky have vilified Congress because of any position it has taken on public matters.

I desire to read a portion of an editorial from a newspaper that was afflicted last week with the unmental rabies because some Members opposed the compulsion bill and thereby, according to this veracious chronicler, opposed the President. That paper is now in the same state of mind about this espionage bill, only the shoe is on the other foot, and it is opposing the espionage bill and, therefore, opposing the President. That newspaper is the Louisville Courier-Journal. Mr. Watterson is the nominal editor of that paper, but does not spend much of his time in Louisville, and does but little work on the paper. He has built for it a reputation on which that paper is now existing, but when he is gathered to his fathers the old granny of Green Street will find the journalistic way a hard road to travel and full of stumps. That paper in the editorial, a part of which I will read, paid its respects to Speaker CLARK, Mr. DENT, Mr. HUDDLESTON, and to Mr. FIELDS and myself in lurid, if not lovable, language. Now, listen. This is an editorial from which I shall read in reference to myself, and is headed, "A voice from the cave." [Laughter.] That means the Mammoth Cave in my district, the greatest cave in the world. It appears that I am a cave dweller, according to this paper. [Laughter.] In this editorial the following language is used in reference to Daniel Webster:

> He was a noble orator, a sublime prose poet, and a learned constitutional lawyer, but in worldly wisdom and the practical affairs of life he had scarce wit enough to take himself in out of the wet when it rained, and was all his life dependent on his friends for support.

Further in this editorial the declaration is made that—

> Mr. THOMAS is almost as hopelessly antiquated and provincial as Mr. CHAMP CLARK.

And it further relieves its pent-up feelings by stating:

> Mr. THOMAS does not need to tell us, speaking of those who have been converted to the selective-draft system, that he is not one of those who have suddenly seen a great light, for, bless his simple soul, he represents the Mammoth Cave in Congress, the wondrous Mammoth Cave, which never changes and where all is dark.

The elevator man or office boy must have written that editorial, though I doubt if either would now, on reflection, admit its authorship. I am at all times delighted to learn and be corrected of my simple ignorance, though I am astonished to be informed that Webster was a fool, with scarce wit enough to take himself in out of the wet. The Courier-Journal says so, and, of course, that makes it true. In its superior wisdom it knows all things and some other things in addition. I am not much surprised that the Courier-Journal believes I am simple and dark, because I do not think as it does on the matter of compulsion, and compares my mental darkness to that of Mammoth Cave. Now, Mammoth Cave can be lighted by electricity and made nearly as light as day. It is not necessary for the person who afflicted the public with that editorial to enter any cave to be in darkness. He is, and will always remain, in total darkness, even on top of the earth and in the sunlight. [Applause.]

The editorial states that I am almost as hopelessly antiquated and provincial as Mr. Speaker CLARK. This is the same Mr. CLARK that paper so vigorously supported for the nomination for President before and at the Baltimore convention, and that may have been one of the chief causes of Mr. CLARK's defeat. After the nomination of Mr. Wilson that paper, while

pretending to support him, smote him under the fifth rib at every available opportunity. The voice was the voice of Jacob, but the hand was that of Esau, and it kept up the same course of conduct all through the administration of Mr. Wilson until the advent of the compulsion measure.

The Courier-Journal is a first-class newspaper, so far as its news columns are concerned, but it can not help that, as the news is furnished to it by the Associated Press and its correspondents. Otherwise, in the absence of Mr. Watterson, it gropes in narrow-minded bigotry and provincial darkness. It has made governors, Senators, and Representatives by opposing them. It is seldom right on any public question, and has lost the greater part of its political prestige in Kentucky. Bolting the Democratic Party has become habitual with it, and the Democracy of Kentucky no longer looks to it for political guidance. It is as fussy as an old hen with one chicken when bugs and worms are scarce and hard to find. It is usually as busy as a bird dog full of fleas, flinging mixed metaphors and "bad grammar" at the heads of those who have been so fortunate as to incur its displeasure.

I want to support the President, and shall do so in all essential particulars. Most of the newspapers that were declaring that support of the President is the one and supreme test of loyalty and patriotism are opposed to his views on this important question. According to these intelligent chroniclers, those Members of Congress who do not vote as they dictate, whether they support the President or not, are not patriotic.

The Washington Herald, which last week was ultracompulsionist, has recently seen a new light. The Washington papers are merely local papers, almost devoid of general news, and when not engaged in vilifying Congress are usually busy promoting some scheme to loot the Public Treasury. [Laughter and applause.] If my memory serves me correctly, that paper is among those which claim the credit or discredit, according to the point of view, of being responsible for the idea of latter-day compulsion. I think it applied the word "slacker" to persons who did not support its ideas of conscription; but when it sees the draft may likely strike Washington it wants to increase the army of slackers, and editorially declares that Washington is ready to do her bit, but feels that she should do it voluntarily. "Do her bit" is quite English, "dontcher know," and has recently become very popular in conscription circles.

In a recent editorial that paper declared:

> Washingtonians have no desire to be slackers. They have responded nobly in the past. They will respond in this crisis. But would it not be wise for the congressional conferees to give this question some thought? We have an exceptional number of Government employees who are doing civilian duty of importance, and can not be spared for actual fighting. No other city is confronted with a similar condition. It surely should be taken into consideration when the conference report is considered, since Washington, while ready and willing to do her bit, and probably more than her portion, feels that she should do it voluntarily and not because of hastily considered amendments that are inequitable.

The SPEAKER pro tempore. The time of the gentleman from Kentucky has expired.

Mr. THOMAS. Will the gentleman give me five minutes?

Mr. GARD. I yield to the gentleman five minutes.

The SPEAKER pro tempore. The gentleman from Kentucky is recognized for five minutes.

Mr. THOMAS. Mr. Speaker, you will observe that while the Herald states that Washington is ready and willing to do her bit she feels that she should do it voluntarily. [Laughter.] The people of Washington, according to this, must be falling over each other to volunteer, and should not be conscripted. They want to volunteer. [Laughter.] When "preparedness" excitement held full sway in this Capital City the people had a procession miles long and 80,000 strong. The bands played, the flags fluttered to the breeze, the drums beat, the bugles blowed, the fifes screamed, and the pretty girls marched and smiled their sweetest, and of course marched the boys, and everything was lovely and the goose hung high, and all went merry as a marriage bell. But when it came to the stern reality of facing another kind of music, and enlisting for service in possible war where bullets might be encountered other than those found in the ammunition wagon, that enthusiasm cooled and that mighty procession faded away like a dream of things that were and are not. It was with the greatest difficulty and only after much advertising that any enlistments to speak of were secured in Washington for the Mexican campaign.

This measure is of doubtful constitutionality, and if not constitutional should be made so before it is enacted into law. I do not believe that for the sake of coining money the newspapers should be permitted to publish matters that will give aid and information to the enemy. I do not believe that the Constitution intended to or does give such freedom to the press as to permit it to publish such news as will aid and encourage the enemy. No self-respecting paper will do so, and those that are sufficiently venal and corrupt to do so should be made to feel the heavy hand of the law.

I believe the press as a whole is honest and patriotic and lovers of flag and country, but laws are needed to regulate the corrupt and unpatriotic. This Congress, in addition to enacting laws to regulate the press, should also, in addition, pass severe libel laws applicable to papers with an interstate circulation so that the constant vilification of Congressmen and other public men generally may be at least to some extent ended. [Applause.]

The SPEAKER pro tempore. The gentleman from Kentucky returns two minutes.

Mr. GARD. I will ask the gentleman from Minnesota [Mr. VOLSTEAD] to use some time.

Mr. VOLSTEAD. Mr. Speaker, I yield five minutes to the gentleman from Massachusetts [Mr. WALSH].

The SPEAKER pro tempore. The gentleman from Massachusetts [Mr. WALSH] is recognized for five minutes.

Mr. WALSH. Mr. Speaker, I trust the motion to strike out section 4 will prevail. We need no such broad power.

I stated the other day that the President already has authority to control the very thing which it is sought to control in this section, and I direct the attention of the House to the official order, dated April 28, wherein the President puts a censorship on the telegraph and cable companies of the Nation and couches his announcement in issuing that order in this language:

> By virtue of the power vested in me under the Constitution and the joint resolution passed by Congress April 6, 1917, declaring a state of war to exist, it is ordered that all companies—
>
> And so forth—
>
> are hereby prohibited from "transmitting messages by cable or telegraph"—
>
> And so on.

Now, this section as it is drawn will result in the establishment of a censor board, and I read in the press and have heard from various sources that there already is a censor board in existence, and that a Mr. Creel is at the head of this board. I have also read and have been informed by gentlemen who would seem to be in a position to know that there has been placed in a position of trust on that board a certain gentleman who formerly held an unofficial position of trust in the executive department of this Government, a certain Mr. Price, formerly a newspaper reporter, who was at one time in the press room at the White House, who admitted in the "leak" investigation that he had betrayed the trust imposed on him, or at least that he had given to certain financial houses advance information in relation to the messages and orders of the President.

That is the sort of man who might have the authority to say under section 4 whether a newspaper could publish information because, perhaps, it might be useful to the enemy, and I assume that possibly he might also have the authority to say that it might be useful to certain financial houses whom he formerly served.

Mr. POU. Mr. Speaker, will the gentleman yield?

The SPEAKER pro tempore. Does the gentleman from Massachusetts yield to the gentleman from North Carolina?

Mr. WALSH. Yes.

Mr. POU. I do not think the gentleman from Massachusetts should make the statement as to Mr. Price that he has betrayed any secrets by giving advance information. He made no such admission as that. If the gentleman will examine the record, he will find that to be the case.

Mr. WALSH. I have examined the record, and I find that Mr. Price admitted that he took pay for information that was intrusted to him of a confidential nature, which he gave out before it was made public to certain brokerage houses and received pay for this service.

Mr. POU. Mr. Price's admission was that he did give advance information, but that he gave such information as other gentlemen engaged in the newspaper business might have obtained and did obtain, and that the information was not, as he regarded it, confidential. I think it is only fair to Mr. Price to say that.

Mr. WALSH. I want to be fair, but I will say further that whether he gave advance information or took pay for it or not, he was dismissed from the position which he held as the result of his action after this "leak" investigation was made by the Rules Committee of the House.

Mr. POU. That is very true, and I have no word of defense for the conduct of Mr. Price in accepting pay while he was doing newspaper work at the White House. But he should be treated fairly.

Mr. MANN. It shows the character of the man.

Mr. WALSH. As I stated, there is a censorship board already, I believe, in existence; and under this section, if it is allowed to remain in the bill, if this man is connected with it he might have charge of the giving out for publication the information which would be allowed to be stated and published.

Mr. SHERLEY. Can the gentleman state on what authority he makes the statement that Mr. Price is connected with this bureau?

Mr. WALSH. I state it on the authority of having read it in the press, and of having been told by several gentlemen on that side of the House as well as on this side of the House that they had information that Mr. Price has been or is now officially connected with the bureau over which Mr. Creel is in charge. It is hard to credit, but that is the report that has been given credence by others besides myself for several days.

Mr. MANN. It seems unbelievable to honest men.

Mr. VOLSTEAD. I yield five minutes to the gentleman from California [Mr. KAHN]. [Applause.]

Mr. KAHN. Mr. Speaker, the so-called censorship feature of this bill, which has been made the subject of so much criticism, appears to be predicated upon the theory that the American press is to be treated as if it were an enemy of the country; that it is open to the suspicion of disloyalty and contemplates acts of treason against the welfare of it. It seems to me that that is a very dangerous foundation upon which to build any legislative authority such as this measure designs to place in the hands of the Executive and the officials of this Government. In all matters affecting the interests of the United States and its people I, for one, believe that the newspapers are not only painstakingly consistent in their patriotic obligations but that they would be the first agency to expose treachery in any form and on the part of any person. I do not recall a single instance, nor do I believe that any Member of either House of Congress can point to any act of disloyalty on the part of a newspaper or periodical other than those which have been engaged in the promotion of dangerous propagandas whose inspiration is so unmistakably clear as to render them ineffective in formulating public opinion. I have been a Member of the House for 16 years. During that time I frequently have had to take members of the newspaper profession, of the press gallery of this House, into my confidence. I have told them matters I believed they should know but that I did not think the country should know just at that particular time. Not in a single instance was my confidence betrayed. I am sure that every Member of the House has had a similar experience. I feel that I can not let this occasion go by without commenting upon the high sense of honor that pervades the ranks of the newspaper profession here in the Capitol. The newspapers, in my opinion, constitute the chief agency through which acts of disloyalty and treachery usually become known. They further constitute one of the most important agencies in the organization of our system of government to which the President, his Cabinet advisers, and other officials of the Government almost daily appeal for support of official undertakings designed to arouse the spirit of patriotism in the people and to awaken them to a full responsibility of their duty as citizens of the United States. To include them indiscriminately among conspirators, marplots, nationals of unfriendly countries, spies, paid agents of offenders against our national laws, destroyers of our peace of mind, and insidious assailants of those things which are most sacred to the American heart is to cast unjust discredit upon a worthy and valuable ally of the Government and to display a woeful lack of appreciation of the tremendous services rendered by the newspapers. Whatever can be said of newspapers, they are rarely if ever insidious or skulking. Their offenses, if they can be called such, are just to the contrary. They do not publish their editorials or news articles for the purpose of giving aid and comfort to an enemy, but to call attention to evils that the people should be advised of in order to make the protection of both the Government and themselves more secure and certain. There may be some newspapers that could print a single issue intended to inform the enemies of their country of the plans of their Government relating to the movement of military and naval forces and to disclose secrets that might be of value to such enemies, but I do not believe that there is a single newspaper in the United States which would do so. For my part, I would rather the newspapers should be permitted to censor themselves, for I am quite sure that they can be trusted to do so with less injury to the interests of the people of the country than might result from the attempt of the Government to restrict their discussion and criticism of acts of which the people should have the fullest knowledge obtainable. It is entirely inconceivable that the President, who has frequently advocated "pitiless publicity" in the discussion of Government affairs; who not very long ago most ardently declared that the Government should be restored to the control of the people; who on more than one occasion has proclaimed "the open-door policy" in the administration of the affairs of New Jersey and of the Federal Government; who has proclaimed himself and his administration the servants and not the masters of the people—it is decidedly unthinkable that he should have any sympathy with or give his support to the promotion of a legislative undertaking designed to accomplish results diametrically the opposite. Taking our cue from him, I therefore believe it our duty to the American press to credit them with motives as highly patriotic as our own and to treat them as friends and not as criminals to be dealt with on the same plane with secret intriguers, conspirators, plotters, and spies. [Applause.]

Mr. VOLSTEAD. I yield five minutes to the gentleman from New York [Mr. DEMPSEY].

The SPEAKER pro tempore. The gentleman does not appear to be on the floor.

Mr. WEBB. I yield five minutes to the gentleman from Pennsylvania [Mr. KELLY].

Mr. KELLY of Pennsylvania. Mr. Speaker, I sent to the Clerk's desk a few moments ago an amendment which I desired to offer, in order to call attention to a phrase or two in the original section. It proposes to strike out the words "or communicating" in line 5 and the words "or communicates" in line 6. I desire to express my opposition to the dangerous proposition of using words which are incapable of exact meaning in a section dealing with specific rights guaranteed in the Constitution and won at the expense of countless battles and incalculable effort.

During the general debate I asked a number of gentlemen for the meaning of that word "communicate," and I could not secure a single definition that really defined. I do not believe an exact definition of that word "communicate" as used in this connection can be given. Yet it is here to be enforced, and severe penalties hinge upon it.

Mr. Speaker, I am willing to admit that the Constitution provides for the exercise of war powers by this Government by which any or all steps necessary to self-defense may be taken, even though they be expressly prohibited during times of peace.

I am willing to admit also that the rights of the individual, no matter how sacred they may be, must always be subservient to the Nation's welfare. The rights of the individual are not rights in any just sense if their exercise endangers the welfare and best interests of a majority of the people.

But admitting all this, it is still true that here is a question of policy which is of supreme importance to every citizen in the United States: Shall the Congress at this juncture limit freedom of speecr, freedom of the press, and freedom of assemblage?

I contend that such a policy is unwise and dangerous. This measure is called the "espionage" bill and is presumed to be intended to punish spies and conspirators and treacherous persons in our midst. But the very reason the activities of these persons are dangerous is because they are performed in stealth and secrecy. The spy once known and exposed is no longer a menace. Once he is known for what he really is, the possibilities of his working harm are taken away.

Now, shall we include in such a measure this section which compels darkness and secrecy at a time when, above all things, light is needed? Shall we say that the people are not to be trusted with full knowledge of the conduct of their own Government? While certain military information may well be withheld because of its possible benefits to our enemy, I am absolutely opposed to a provision which would include many other things beside military informaton. I want to see this section stricken out or trimmed to the bone of military news, for there never was a time when full knowledge of the conduct of government was more needed by Americans than to-day.

Men have been afraid of the light in the past but always it has been proven that light is the best disinfectant and the best policeman. Scientists agree that the germs of tuberculosis and yellow fever can not live in the sunlight. It is equally true that the germs of treason and treachery can not live in the sunlight. If you will turn on the light, you will find that there is red blood enough in America to withstand any disease that may assail it in this hour of peril. [Applause.]

I have been interested in reading in Knight's History of England a recital of the struggle necessary before street lamps could be erected in the streets of London. When the attempt was made, in the sixteenth century, every imaginable catastrophe was foretold. Then, in 1807, when the effort was made to substitute gas lights for oil lamps the battle had to be fought over again. Men said it would mean the destruction of the whale-oil industry as well as many other industries dependent on the oil-lighting system. But the advocates for more and

better light won, and Knight in describing the victory uses this significant statement:

These adventurers in light did more for the prevention of crime than the Government had done in centuries.

Why should we now attempt to cloak any activity of this Government in darkness. Should we not rather adopt the policy of full and free publicity, trusting the American people when they are fully informed to act in wise and patriotic fashion? That attitude would look vastly better in a measure to deal with spies and those who love darkness because their deeds are evil.

But, Mr. Speaker and gentlemen of the House, there is another issue involved in this controversy. We have talked much of mobilization during the past few weeks. We have said that America and all her resources are to be mobilized for the conduct of this war. We have passed the Army bill for the mobilization of our fighting force. We have passed the bond bill for the mobilization of a stupendous sum of money. But equally as important as these is the mobilization of public opinion. The mind and heart and conscience of the American citizenship must be brought to bear unitedly upon this great conflict and its possibilities.

That can not be done unless the people know and understand exactly what is going on in the departments of their Government. Public opinion can not be sane and wholesome and effective unless the facts are known and full freedom given to discuss and argue and criticize. The kind of unity that comes from ignorance of the truth and inability to fully consider it is a fraudulent unity sure to end in danger and disaster.

I am not concerned about the rights of the newspapers, but I am concerned in the rights of the people to free speech and free utterance and neither is possible if freedom of the press is destroyed or unduly restricted. I am sure that undue interference with the rights of free press and free speech will be the greatest possible barrier to a mobilization of public opinion in this country. It is natural for any person to be suspicious of the hidden and the secret. The very fact that any thing is kept shrouded in darkness gives reason for doubts and misgivings. If we desire a united and invincible public opinion in America, we must make sure that we do not prevent knowledge being given to the people who must make up the public opinion.

Mr. Speaker, let us make every true American a guardian of American interests by giving him the truth, upon which to base patriotic and efficient action. Merchants used to close their shutters at night and put out the lights in the belief that such action would prevent the depredations of marauders. But they found instead that burglars worked all the more securely behind such screens and in such darkness. Now business men find it safer to leave all lights burning at night, with windows unshuttered. Then every passer-by becomes a watchman and helps protect the property from those who would steal or destroy.

I have listened to gentlemen who declared that any effort by those who advocated the principle of universal service in the Army bill to defend free speech and free press is inconsistent. I contend, rather, that it is the truest consistency, and that the gentleman from California [Mr. KAHN] is absolutely consistent when he favors both, as he has just done.

We stand on the fundamental principle that every citizen owes a sacred obligation to serve his country. It is not a matter of choice but of obligation. The Government, representing all the people, must decide what the service shall be. But the very fact that that Government, as the agent of all the people, shall have that power carries with it the obligation that the Government shall work only in the open, so that its creator, the people, shall know and understand every action taken. I am not afraid of centralized power as long as the people remain master of those who use the power. And if they are to remain master they must be enlightened and possessed of full knowledge, else they have no way of forming wise and intelligent judgment.

Mr. Speaker, let us trust the people. Let us provide more light instead of less. Over every place where public business of vital importance to the public is transacted let us place the motto, "Let there be light." Instead of keeping proper public information from the people I believe we should establish an organized publicity bureau, whose entire duty would be to keep the people of America informed of the conduct of this Government in every detail, except only those military facts, possession of which might be of help to the enemy.

The people are not afraid of even bitter facts and they have the right to know both good news and bad as the progress of this war continues. They know, and this Congress should know as well, that it is the "truth which alone can make men free." [Applause.]

Mr. WEBB. I yield five minutes to the gentleman from Arkansas [Mr. CARAWAY], a member of the committee.

Mr. CARAWAY. Mr. Speaker and gentlemen of the House, there is no opportunity within the limits of the time assigned me to discuss the constitutionality of this section. I shall content myself by saying that I have no doubt of its constitutionality. I think those gentlemen who talk about the unconstitutionality of this provision are merely opposed to the policy of the law. They do not fear the law may be unconstitutional but do fear it may be constitutional, and those who violate it will not be protected by the Constitution. [Applause.] It strikes me as the most absurd thing of which I ever heard—and I have heard some very absurd things since I have been a Member of this House—that because the editors are patriotic and are going to abide by a reasonable censorship they ought not therefore to be humiliated by having a law passed forbidding them to publish those things harmful to the country and helpful to the enemy.

Carry that argument to its logical conclusion and you reach this situation: I take it that no Member intends to steal hogs—I am presuming, as I have no information [laughter]—and yet each of you live in a State that makes it a felony to steal hogs. Did I hear the gentleman from Missouri address me?

Mr. MEEKER. No; I was talking to the gentleman beside me.

Mr. CARAWAY. We live so near Missouri we had to pass that among our first statutes. [Laughter and applause.]

Mr. BORLAND. And the gentleman expected to get his hogs back?

Mr. CARAWAY. We never would have had them to get back if we had neglected passing this statute.

Mr. RUSSELL. The gentleman was born in Missouri——

Mr. CARAWAY. Oh, yes; I have told the gentleman that I was born in Missouri, but I left there when I was 6 weeks old. I would have gone sooner if I had realized where I was. [Laughter.] I was not a precocious child. [Laughter.] But the thing I was trying to say is that the newspapers take the position that they ought to be above the law, because they intend to be patriotic. That was the argument made by the gentleman from California [Mr. KAHN] a moment ago, that to keep this section in the bill would be impugning the motives of the newspapers. It is no more an imputation against their patriotism than it is against all of us to put in the bill that you shall not communicate information hurtful to this country and helpful to the enemy. But I started to say each of you live in a State where hog stealing is a felony, and yet I hardly think you look upon that law as a reflection on yourself.

What is the difference and what came over the spirit of your dreams so suddenly? One of the gentlemen who moved to strike out the provision was in the committee one day only, and that was the day we agreed to this section. The other gentleman who said that the committee ought to be a committee on punctuation was there a part of one day, and he it was that wanted to put in a comma where somebody else had put a semicolon. [Laughter.]

What is the use of deceiving yourselves, gentlemen; and why shed so many tears over the freedom of the press and talk about the newspaper editors' patriotism being impugned by this proposed law? If your arguments were sound, the other provisions of the bill impute a lack of patriotism and a lack of honor to every citizen under the flag, because the bill forbids everyone giving hurtful information to our enemies. If your argument is sound and should prevail here, we ought to wipe off our statute books all criminal laws, because a law against murder would be an imputation against the peaceable citizenship of the country who need no law to keep them from committing murder. You can not be consistent if you say this section imputes bad and disloyal motives to newspaper editors and does not impugn the motives of everyone else, and therefore you will exempt from its operations the newspapers.

You gentlemen who have so ardently defended the newspapers say that there are things newspapers should not and will not publish. I am going to say this, that no honest newspaper editor who is willing to abide by a reasonable censorship, a reasonable restraint of his liberty to publish those things helpful to the enemy and hurtful to the country, is going to object to a law that says that those who are not willing shall be compelled to do so. I say, with all due deference to you gentlemen who differ with me, that newspapers denouncing this proposed law is the strongest argument that has been offered for its passage, because if they do not intend to publish those things which in the judgment of the Commander in Chief of the Army and Navy in a time of war may be hurtful to us, why do they

object to this law which merely seeks to prevent its being done? As I said before, we have laws on the statute books against larceny and against murder, and yet nobody has heard honest people complaining that these laws are a reflection on them because these laws say they shall not steal and shall not commit murder. How any newspaper man who is willing to be patriotic and preserve the secrets of his country should object to a law that says if others do not do it they shall be punished is more than I can understand. It is not consistent.

It comes with special bad grace from the gentleman from California [Mr. KAHN] to talk about the patriotic impulses of the newspaper men, that they ought not to be subject to a law like this because it imputes to them a lack of patriotism, when a week ago he appealed to us to deny to the patriotic American citizens an opportunity to volunteer as soldiers but to take them by conscription. Certainly it is as much a reflection on the manhood of this country to deny them this privilege and to draft them into the Army as it is on the newspapers to say we are going by law to prevent them publishing those things thought to be helpful to our enemies and hurtful to our own country to have published.

Mr. IGOE. Perhaps the press wants to volunteer.

Mr. CARAWAY. They want to volunteer advice, and much of that is often hurtful and untrustworthy. I do not understand the attitude of gentlemen who take the position that we should take from 1,000,000 to 5,000,000 young men by draft—and I am not complaining of that law, for I voted for it—take them by force if necessary and send them out on the firing line to defend our country and then expose them to needless perils by giving advance information as to their number, equipment, and things helpful to their enemy by permitting such things to be published to the world. I say that the newspaper that wants to give that sort of information and objects to a law forbidding it doing so, and threatens to disobey such a law if enacted, is bordering dangerously near to treason. If you are going to compel the young men of this country to offer their lives as a sacrifice and bare their breasts to death in the forefront of battle, if you are going to expose them to all the perils incident to war, why, in the name of God, are you not willing to give to them what protection that may come to them by preventing newspapers or anyone else from advising the enemy and giving him information that will make our boys' position more perilous and our country less safe and secure? [Applause.] How can you reconcile your attitude, gentlemen, in voting to send young men by draft to the front and then, merely because some newspaper published in your district is opposed to being regulated, come here, and by your vote seek to deny those young men that protection that comes by having the secrets of the military department kept from the enemy? Can you afford to do it? Would you be willing that a newspaper should publish anything through which any young man sent by law to the front should lose his life by reason of the information so published? Can you pay that price? We all know who read history at all that the campaigns of the Civil War were destroyed almost in every instance by newspapers.

Newspaper correspondents went with every army, and as a consequence we had political generals and we fought political campaigns, and there are thousands upon thousands of unmarked graves in this country between this city and the capital of the Confederacy that were dug by correspondents' pens. Can you afford to say that because newspapers want to be permitted to demonstrate their patriotism and abuse those who seek to compel a reasonable observance of our country's requirements you are going to let them go without any restriction in order that they, perchance, may speak well of you? The gentleman from Massachusetts [Mr. WALSH] insists there is some kind of censorship now, and the only objection he seemed to have to it is that some man named Price has been appointed to a place of power in it. I do not know anything about that. If what I have read of Price be true, I certainly should regret it if he has been appointed on any board of censors; then how much better is it to have a law which defines these things about which regulations may be made, so that everyone may know what is forbidden, than to give to irresponsible persons the power to censor every bit of the news that goes to the people of this country of the armies on the European battle front. I would rather have a responsible head than to have an irresponsible censorship, and if you do not object to regulation you can not afford to vote to strike out section 4. [Applause.]

Mr. WEBB. Mr. Speaker, I yield two minutes to the gentleman from Kentucky [Mr. SHERLEY].

Mr. SHERLEY. Mr. Speaker, I do not desire now to discuss the merits of the bill, but I do desire to state for the information of the House that I have within less than three minutes talked with Mr. Creel. He advises me that Mr. Price has not been given and will not be given any position in connection with the existing censorship, nor, so far as he knows, touching any other censorship board that may be created. I say that because I think it is due to the House in view of what has been said, in order that a personal equation may not be brought into this discussion.

I yield back the remainder of my time.

Mr. WEBB. Mr. Speaker, I yield five minutes to the gentleman from Missouri [Mr. BORLAND].

Mr. BORLAND—

> How can I speak thee, or thy power express,
> Thou god of our idolatry, the Press?
> A fountain at which drink the good and wise,
> Or an ever-bubbling spring of endless lies;
> Like Eden's dread probationary tree,
> Knowledge of good and evil is of thee.

Our fathers of the Constitution wisely provided for the freedom of the press. Jefferson has said, as the Speaker reminds us, that a government without newspapers is worse than newspapers without government. Yet we must recollect that the clause of the Constitution giving freedom of the press, like all other provisions for liberty in that document, does not mean license. It is coupled in the same clause with the provision for freedom of speech, and if one section of this bill which restricts freedom of speech and communication is in violation of the Constitution the other is. Section 4 can no more infringe upon that provision of the Constitution than the other sections relating to the communication of information injurious to the Government by anyone. I want to say, gentlemen, that in the eight years in which I have served in this House I have had my full share of newspaper criticism. I have never found it necessary in that time to rise to a question of personal privilege, nor to attack nor comment upon the statement of any newspaper in regard to public affairs. I think it is one of the most valuable privileges of the American public life that public men are subject to that criticism, and I would not want to see it taken away.

I realize also very fully that the newspapers in the last few days or in the last few weeks during this emergency have placed upon themselves a most remarkable as well as a most high-minded patriotism in the matter of censorship to which they have voluntarily submitted. I know of many cases—not many, but I know of enough—where facts of great value to the Government have been within the knowledge of the newspaper correspondents, and they knew that they were not to publish them and did not publish them. That is true to-day. I could give an instance to-day within my own knowledge of facts within the knowledge of newspapers which might be injurious if published and which the press has refrained from mentioning. But, as the gentleman from Arkansas [Mr. CARAWAY], a member of the committee, says, laws are not made for those high-minded men who voluntarily obey the law, and laws are not made for those high-minded and reputable newspapers which voluntarily submit to a censorship. I can not see how that class of newspapers can object to the restraining force of law against a totally different class.

Mr. McCORMICK. Will the gentleman yield?

Mr. BORLAND. Yes, if I have the time. I have not much, but I will be glad to yield.

Mr. McCORMICK. I was going to ask the gentleman if between enumerated subjects the discussion of which may be prohibited and the elimination of all of section 4 the gentleman has any choice if that alternative were presented to him?

Mr. BORLAND. If that alternative were presented, I will say quickly to my friend I would choose the enumeration rather than the elimination of the section, but I do not think the enumeration would be feasible at this time. It seems to me that this provision bears so little disadvantage upon the newspapers, as compared with a real censorship, that it can not be attacked successfully on that ground.

Mr. VOLSTEAD. Mr. Speaker, I yield five minutes to the gentleman from New York [Mr. DEMPSEY].

Mr. DEMPSEY. Mr. Speaker, I ask that the amendment which I send to the Clerk's desk be read in my time.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. DEMPSEY: Page 36, lines 1 to 9, inclusive, after the word "war," in line 3, strike out the rest of the line and all of line 4; after the word "which," in line 7, strike out the words "in his judgment"; after the word "enemy," in line 8, insert "is hereby prohibited"; and strike out the first three words in line 9, "any such prohibition," and insert in place thereof "this section."

Mr. DYER. Mr. Speaker, can we have the section reported as it would read if amended as proposed by the gentleman, if that were agreed to?

Mr. DEMPSEY. I only want to speak for a moment, and I am perfectly willing.

The Clerk read as follows:

During any national emergency resulting from a war to which the United States is a party, or from threat of such a war, the publishing or communicating of, or the attempt to publish or communicate, any information relating to the national defense which is of such character that it is or might be useful to the enemy is hereby prohibited. Whoever violates any such prohibition shall be punished by a fine of not more than—

Mr. DEMPSEY. Mr. Speaker and gentlemen, I do not care to nor shall I attempt to discuss the merits of this section. I did that this morning, so far as I cared to do so. I only want to address myself to the proposition of the amendment. I said this morning, and I repeat now, I believe that I will vote against this section when it comes up; but if it is to prevail, I do not think that the decision whether certain acts constitute a crime should be left to the discretion of any one man. I think what are crimes should be fixed and defined by the proper legislative body, and that whether a crime has been committed should be a matter to be determined in the usual manner and by the usual tribunals. Now, since I spoke this morning, the chairman of the committee has offered an amendment which, I will admit, is more acceptable than the provision in the printed bill.

The amendment provides that the President may by proclamation declare certain things to be prohibited. He shall enumerate, in other words. Now, that is less objectionable, because then the public are advised what are crimes and when they are committing crimes, but I think that is objectionable in this way: It does not allow Congress to define crimes. We are the lawmaking power, and we are giving to the Executive the power to determine, sometimes in advance, that something shall be a crime—some unenumerated, some speculative, some uncertain, some problematical thing—which we can only guess at now. This proposition should stand here fully upon its own basis, and if it is a crime to communicate things which may be of benefit to the enemy that should be prohibited and be prohibited by the lawmaking power. We should not say that at some future time some officer, no matter who he may be, may determine that certain things shall be crimes and those things be punished. The discretion resides with us, and we might not at all agree with this officer, however elevated his position, in what he considers to be a crime. It was well pointed out by the minority leader that the very thing that he might consider to be inadvisable and even criminal we might as a body, in the patriotic exercise of our discretion, believe to be the things which should be encouraged instead of being prohibited. Gentlemen, I thank you. [Applause.]

Mr. STAFFORD. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. STAFFORD. I understand the amendment which has been offered and reported is pending?

The SPEAKER pro tempore. The amendment of the gentleman from New York [Mr. DEMPSEY]?

Mr. STAFFORD. Yes.

The SPEAKER pro tempore. Yes; it is at the Clerk's desk.

Mr. STAFFORD. I understand it has been reported and is pending, offered as a substitute, I suppose, to the amendment of the gentleman from North Carolina.

The SPEAKER pro tempore. The Chair did not understand it that way.

Mr. VOLSTEAD. Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. MCCORMICK].

Mr. MCCORMICK. Mr. Speaker, I offer this as a substitute for the pending amendment and ask that it be read in my time. I will only speak for a moment.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. MCCORMICK: Page 36, section 4, strike out all of line 7 and all of line 8 up to and including the words "to the enemy" and substitute the following: "Movements, numbers, description, or disposition of any armed force, ship, aircraft, or war material of the United States, or with respect to the plans for the conduct of any naval or military operations, or with respect to any work or measures undertaken for or conducted with or intended for the fortification or defense of any place prior to the publication or communication of such facts by the Government directly or by its authority."

Mr. MCCORMICK. Mr. Speaker, the issue before the House on section 4 apparently will resolve itself into three distinct parts: First, whether the House shall prefer to uphold the principle of the section as originally drawn or the substitute offered by the gentleman from North Carolina [Mr. WEBB]; or, second, whether, as seems more probable at this juncture, it shall decide to strike out all of section 4; or, third, whether it shall adopt the principle embodied in the amendment which I have offered.

Let me disclaim actual authorship of this amendment. It is based on the amended bill in the Senate, and is the handiwork of others beside myself. The question is whether there shall be no censorship of publication or whether matters which may be published and therefore discussed shall be entirely within the discretion of the Executive, or whether Congress shall try at least to enumerate subjects regarding which publication may be prohibited. And before I conclude I confess frankly that enumeration can not be exact; that if objection were made to this amendment that it did not exactly cover the ground the objection would be sound.

Mr. MORGAN. Will the gentleman yield?

Mr. MCCORMICK. Yes.

Mr. MORGAN. The gentleman is familiar, I presume, with the fact that in the original bill, introduced in the last Congress, prepared by the department, this section followed the plan suggested by the gentleman of enumerating certain things. So it is really the plan approved by the department, and what is in this bill really never has had the approval of the department.

Mr. MCCORMICK. Well, one might say a physician prescribed infinitesimal doses of strychnine, but that the gentleman would have the patient consume a tomato can full of it. There is a difference.

Mr. PLATT. The gentleman's enumeration does not include the sailing of merchant vessels, information concerning which might be very useful to the enemy.

Mr. MCCORMICK. Ships, without qualification.

Mr. PLATT. That is so worded that it seems to refer to public ships only.

Mr. MCCORMICK. I think not; but I have expressly disclaimed infallibility for the text of this amendment; but if the House were to consider it seriously I should say that Members of more experience than I should essay to make the enumeration more perfect than that which is herein contained.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. VOLSTEAD. Mr. Speaker, I yield five minutes to the gentleman from Wisconsin [Mr. STAFFORD].

Mr. STAFFORD. Mr. Speaker, lacking one year of a century and a quarter, we are attempting for the first time to amend and extend the neutrality laws that have been declared by eminent writers on international law to be the greatest contribution to public law that the United States has given to the civilized world. The clause under consideration involves, as I consider it, not only the liberty of the press but the liberty of the people.

War has been on, or diplomatic relations have been broken off, for more than a month, and yet we find the press, regardless of the attitude which they took prior to the severance of diplomatic relations, loyally supporting the Government. Papers printed in the German language that prior to the war or the severance of diplomatic relations took decided stand in favor of our keeping out of the foreign embroglio have in editorial expressions since, and many times, stated they intend to give loyal support to the Government.

The objection to this provision does not lie necessarily in the abuse that may result from its enactment. We can agree that in its enforcement it may not be abused, but the objection that I have, and a serious objection, is the fear of the offending that will be created in the minds of all the newspaper publishers of the country that if it is enacted they may incur the displeasure of censors, and, more, be guilty of a crime. That can result only in throttling the freedom of the press, which is essential to the maintenance of our liberty. Before we do that, there should be some showing made on the part of members of the committee that such plenary power is needed. Not an instance has been cited by any member of the committee that calls for an abridgment of the constitutional inhibition inserted shortly after the adoption of the Constitution to make the Constitution secure in the faith of the States which had adopted it; that one thing above all others should not be infringed, and that is the inviolability of the freedom of discussion by the press.

But this law as it is written seeks to apply not only to the present emergency but seeks to extend through all time; and I for one am unwilling to surrender even the amended form, as suggested by the chairman of the committee, to some one who may be such an autocrat as will rule this country with such a power that the people will not know the exact conditions that are existing in time of war. During all our previous wars, in the Civil War when feeling ran high on both sides in the border States, the press was not muzzled by fear of offending any autocratic censor in publishing criticisms on the conduct of the war; and I believe such an enactment now is fraught with danger to the free exercise of our liberty.

Why, if you look at the practical side, you will agree there is no possibility at the present time, under existing discontinuance of wireless communication and the cutting of cables with Germany, that any information inimical to the country's welfare can reach the enemy. Therefore, I submit, what is the need at this time of curbing the freedom of the press, the press of the public and the people, by adopting something that has not been shown as necessary up to the present time.

Mr. PLATT. How does the gentleman know that all the possibilities of communicating by wireless have been shut off?

Mr. STAFFORD. By the reading of the public press immediately following the breaking of diplomatic relations with Germany, when it was acknowledged that Germany was without any information as to the ground upon which the diplomatic relations were broken off for more than two weeks. And I know that, so far as information concerning submarine warfare is concerned, Great Britain is so potential in controlling the news as to submarine warfare that we have been deprived not only of the true facts but the facts have been misrepresented, in order to mislead not only the people of Great Britain but the people of the United States as to the destructive character of the German submarine warfare. This may be justified on the ground that the information may be useful to the enemy, but we want no such policy of restricted and untruthful news.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. GARD. Mr. Speaker, I yield five minutes to the gentleman from Texas [Mr. SLAYDEN].

Mr. SLAYDEN. May I ask the gentleman if I can possibly have 10 minutes?

Mr. GARD. I have no authority other than that delegated to me by the chairman, but I think we can take care of the gentleman.

Mr. SLAYDEN. Very well. Relying on that, I will try to get through in less than 10 minutes.

The SPEAKER pro tempore. The gentleman from Texas is recognized for 10 minutes.

Mr. SLAYDEN. Mr. Speaker, it would be audacious in me to undertake the discussion of a constitutional question. I am not a lawyer. I do not view things through a lawyer's eye. But I have repeatedly read the Constitution, and I have recently read and reread the 10 amendments to the Constitution, which say, among other wise things, that Congress shall make no law abridging the right of free speech and the freedom of the press. They do not say that Congress shall make some law or some sort of law, but they say Congress shall make no law abridging the right of free speech and the freedom of the press—no law whatever.

Now, Mr. Speaker, I have talked with some of my friends here to-day about this bill, exchanging views, and I have found that some of them who went down with me to defeat last week in the support of the principle of a volunteer army, but who are naturally and instinctively opposed to any such abridgment of the right of free speech and the freedom of the press were yet strongly tempted, so they said, to punish the press because of its inconsistent attitude. You have already had pointed out to you several times by the Speaker and other gentlemen in a forceful way how the press, less than 10 days ago, was raving almost in its demands that the Congress of the United States, no matter what individual Members might think, must abandon its views, abase this body, and abdicate its dignity as a coordinate branch of the Government, and do what it was commanded to do. I felt a little sore myself because of the position of the newspapers, but I can not yield to the temptation to punish anybody if that involves the abandonment of a serious and lifelong conviction, as my belief in the first amendment to the Constitution is, and I think it is, perhaps, the most important of all the sections in that document. The press is right in this demand for unabridged freedom to publish.

If we do abandon free speech, if we do abridge the freedom of the press, we strike at the very fundamentals of free government; and, Mr. Speaker, too many blows have already been aimed in that direction. Let us adopt the policy of universal military service; let us militarize this Government, and then deprive the press of the freedom of publishing its views and reaching the public in that way, and deprive the individual citizen of the right of agitation and the expression of his views, and the way will have been made plain and easy for some despot of the future.

It is too great a danger. We are fixing political policies that will probably endure in our country. We have virtually agreed to a military policy which, I believe, is full of danger, but which I am now convinced will be the policy of the future. I know that it is the project that military men have had in their minds for many years past. I have talked it over with them. I know their view on that question, and while I want to leave to the press all the freedom of publication that is possible, I think its ways should be amended in many particulars.

My friend from Kansas [Mr. ANTHONY] was telling me this morning of a conversation that he had yesterday with a distinguished editor of an eastern newspaper, who complained bitterly about this bill and denounced it and said it should not pass; that it was a blow at the liberties of the people.

My Kansas friend suggested to him that the press was not fair on this question, as well as on many others, because they gave only one side of a controverted question in Congress; and he asked the editor to compare the conduct of the American papers with those of Great Britain, which in all the heated debates in that country over the question of conscription fairly, and from day to day, presented both sides of it and the arguments made by both the opponents and proponents of the measure. The New York editor—there, unwittingly, I am giving his location, which I did not intend to do, and I will say "the editor of this eastern newspaper"—said, "Yes; the newspapers of the two countries are run on a different policy. Ours are run chiefly for the purpose of propaganda, of promoting some particular object. They are run for the purpose of molding public opinion"—that was his exact phrase—"while the papers of Great Britain undertake to publish the news and give both sides of a controverted question." I hope that some newspapers in this country some time will undertake to give us publications on that model, giving us the news, and telling both sides of questions, and leaving to American citizens the privilege of making up their minds on those questions.

Now, I want to say a word about the censorship. A few days ago I had the pleasure of meeting an official of this Government, an official belonging to one of the military branches, and he was discussing the question of the censorship. He was heartily in favor of it. He had been selected for service in connection with it, representing one branch of the military service. He said, "I think that the model censorship was that conducted by Maj. Blank at Blank during the Spanish-American War. His idea of censorship was to suppress everything, and it was his invariable rule when documents, letters, papers, or anything else came into his hands to pigeonhole everything." He did not censor it. His censorship was not intelligent. He disobeyed the orders that had put him there, because a censorship, as I understand it, involves discretion as to what should not go through, what might give aid and comfort to the enemy, and what is harmless and necessary in the general conduct of business and the spread of information which the people are entitled to. I suggested to him that that man ought to have been court-martialed for disobedience of orders or dismissed from the service for stupidity.

I know of but one case parallel to his. A friend of mine who visited Russia a few years ago told me that when he got to the border books that he had taken along to entertain himself on the road were taken away, and when they were returned after a few days pages here and there were blacked out so that they could not be read.

He had a copy of an illustrated London newspaper, which was taken from him, and when brought back to him the whole of the last page had been blacked out so that it was impossible to decipher a single word. It piqued his curiosity. He fixed in his memory the date of the paper, and when he got back to a free country he bought a copy of that paper and found that the last page was a huge advertisement which said that the Czar of all the Russias used Pears soap. [Laughter.] Now, that is on a par with the intelligence of the censorship that will be conducted in this country.

The SPEAKER pro tempore. The gentleman yields back a minute and a half of his 10 minutes.

Mr. VOLSTEAD. I yield one minute to the gentleman from Illinois [Mr. MANN].

Mr. MANN. I ask unanimous consent that the proceedings which took place in the Chamber to-day when the French commission visited the House may be inserted in the RECORD.

The SPEAKER pro tempore. The gentleman from Illinois asks unanimous consent to insert in the RECORD the matter indicated. Is there objection?

There was no objection.

Mr. VOLSTEAD. I yield to the gentleman from New York [Mr. LAGUARDIA] one minute.

Mr. LAGUARDIA. Mr. Speaker, it has been said by many of the gentlemen on the committee that the newspapers in my city, New York, were under a misapprehension, and that they had in mind the original bill. I want to say that all of the papers of New York City, and especially the New York American and Evening Journal, have in the last three days, both

editorially and in their news columns, presented fairly and accurately the bill as presented by the committee and now under discussion. The people understand the bill and know of the changes made by the committee. The New York Journal and American, and the papers published by Mr. Hearst throughout the country, have asked for expressions from their readers on the bill, and the response has been that in three days 600,000 citizens have signed a petition protesting against this measure, which I have this day formally presented to this House. [Applause.]

Mr. VOLSTEAD. Mr. Speaker, I yield five minutes to the gentleman from Indiana [Mr. WOOD].

Mr. WOOD of Indiana. Mr. Speaker and gentlemen, I am not only in favor of striking this section out of the bill but I believe this Government should make a request, if not a demand, upon our allies that the system of censorship now exercised and that has been exercised by them should be removed. If the censorship that has been exercised has worked well in Europe, I am quite sure that it will not work well in the United States. That it has been a failure in Europe was voiced in the House of Commons day before yesterday, when it was said by one high in authority that England had made a great mistake in censoring the press and keeping the facts away from the people, and that in his opinion the people should be taken into the confidence of the Government. I believe that in this country of ours that will be demanded. I believe we should not only know what is going on with reference to our own country, in so far as the facts are concerned in which the public are all alike interested, but that we should also know what is going on over on the other side with reference to the armies of the allies. If that had been the rule, we would not be in the dark to-day as to whether the war in Russia is at an end. If that had been the rule, the conditions would not have prevailed as have been cited, that the Russian soldiers had been battling on their front for a year before they knew that England was even engaged in the war. If that had been the rule, we would not to-day be in the dark with reference to the financial condition of Italy. If that had been the rule, we would not be in the dark to-day with reference to the exact condition prevailing throughout all the countries that are now our allies. We would know whether the submarine is destroying an inconsiderable number of vessels, as was reported some weeks ago, or whether it is destroying vessels in such alarming proportions that the very existence of France and England is threatened and the safety of the United States seriously menaced, as reported to-day.

And there is this thing that we should consider, that the American people are an independent people, boasting of their freedom of speech and freedom of the press since this Government was founded, and they will not easily submit to being kept in the dark. They feel that if they are furnishing the money to carry on this war they are entitled to know something of its conduct; and this law, innocent as it may appear, innocent as it may be intended except as to those who willfully commit crime, as such laws always have been in the past, will be an instrument of tyranny in the hands of tyrants. Gen. Grant in his memoirs says considerable with reference to the trouble that was caused by reason of this character of law from 1861 to 1865. He says that at no time from the beginning of his generalship to the close of that war did he ever issue an order that a single private individual should be imprisoned, yet that a great portion of his time was occupied in releasing men from prison who, it was said, were imprisoned because of his orders, he having given no such orders. That will be the trouble with this law.

Many of you no doubt have read that volume entitled "The American Bastile During the War of the Rebellion." I wish that every Member of this Congress might read of the hardships, the trials, the cruelties innumerable heaped upon private individuals and citizens throughout this country. It is not so much the law as it is the abuse of that law. I believe we have now upon our statute books ample protection against infractions that may be committed by the press of the United States and which should be punished. They are liable to prosecution for treason; they are liable to prosecution in the same manner that a private individual is liable, and it occurs to me that unless what they publish is dangerously near or akin to treason they should have full liberty to exercise their own censorship as to the policy and judgment they employ in giving information to the public. As has been said upon this floor—and it strikes me as being a forceful argument—the American people, who are called upon not only to give of their billions for the prosecution of this war, but who will be called upon to give their millions in men, should know something of what is going on at the front.

Mr. VOLSTEAD. I yield five minutes to the gentleman from Illinois [Mr. MADDEN].

Mr. MADDEN. Mr. Speaker, I am unalterably opposed to the enactment of any law that will place in the hands of any man, no matter who he may be—President or what he may be—the power to say what constitutes a crime. If this section remains in the bill the President of the United States will have such power. What we need more than anything else is to have all the liberty of criticism that the people of the United States have a right to expect to enjoy, not only by individuals but through the press. What we need is to know every movement of the troops, whether they are being fed properly, whether they are being clothed properly, whether they are being given the accommodations they ought to have in the camp or in the field, and whether the war is being conducted as it should be conducted; whether the men in command are qualified to command, and whether they are conducting their commands with wisdom or with unwisdom. Such information as this ought to be in the possession of the people who fight the war and who pay the bills. But if this section is allowed to remain in the bill no such information will be permitted to be given to the American people.

If we expect the confidence of the people and their enthusiastic support in the conduct of the war, we must take them into the confidence of the Government. They are entitled to know what the Government is doing. The Government is made by the people and for the people. I do not believe it ought to be considered the people are made for the Government; that the Government should be supreme; that no person living in the land has the right to know what the Government is doing. Censorship to the extent provided for in this section of the bill is unjust. It is un-American; it is against freedom; and it is against the liberty for which we are fighting. While we are fighting to establish the democracy of the world, we ought not to do the thing that will establish autocracy in America. [Applause.] I know of nothing that we can do that will come more nearly to establishing an autocracy than the enactment of a law which places it within the power of the President of the United States to say what constitutes a crime.

We are all ready to uphold the hands of the President in his conduct of the war, but we do not want to make the President so far superior to every other ruler on earth that the people of the country over which he rules will be barred from the expression of opinion as to the character of the rule that he gives. [Applause.]

The widest latitude should be given to the press to criticize graft, crooked contracts, extravagance in the conduct of the war, bad management of the Government, excessive expenditures in all lines, and every sort of criticism that will tend to let the administration know that it is not the only thing that lives on the American Continent. [Applause.] We want this war conducted successfully, and I believe it can not be successfully conducted unless the people are given all the information that will lead them to the conclusion that the war is being fought with a singleness of purpose, that purpose being to develop that system of government not only in this country but throughout the world that means rule by the people. [Applause.]

Mr. VOLSTEAD. Mr. Speaker, I yield five minutes to the gentleman from Ohio [Mr. FESS].

Mr. FESS. Mr. Speaker, one of the dangers that faces people in time of war is that under stress of emergency we are apt to do things that will forfeit fundamental principles. We are in danger of sweeping away in an hour's time institutions of a century's building, which cost blood and treasure to establish. That situation is now presented here. One of the fundamental principles of our Government is that organic law which recognizes the absolute freedom of the press as well as of speech, to secure which I think the most heated debate in the Constitutional Convention, known as the Federal Convention, was conducted. At the very outset of our nationality this was the prime object of our aspiration as a Nation.

Mr. MORGAN. Will the gentleman yield?

Mr. FESS. I will.

Mr. MORGAN. I would like for the gentleman to define what the freedom of the press is under the Constitution, because it all hangs on that. Does that mean that there can be no restriction or limitation?

Mr. FESS. In freedom of the press I do not mean what might be called the license to do anything you please without regard to the effect of it. That feature is not involved here. What I mean is that the individual who wants to say something, or the editor who wants to write, can exercise the freedom to give what is in his mind with the understanding that he will

have to meet whatever punishment will come through his having violated any right the violation of which might be regarded as an injury to the public. Here the remedy is in prosecution and not in injunction. We now have our remedy against improper publication, but that is far from muzzling free speech. What I am concerned about is that we ought not to pass a law fixing a penalty for its violation without first deciding what the law is. We propose here to attach a heavy penalty for violation of a law which is not yet defined. We here propose to give to an individual the power to say what the thing is to which that penalty must be applied. We certainly can not do that. There is no crime outside of statutory enactment, and to delegate its designation otherwise is extraconstitutional. When I argue for the freedom of the press I do it not for the sake of the publishers; they may not deserve it. I am not speaking from the standpoint of the editor. If I were to follow sentiment instead of judgment I would most likely put on the muzzle, in view of the recent intolerance of the press on behalf of an inhuman philosophy. I care nothing about that. I am speaking from the standpoint of the welfare of the country, upon the effect of abridging the freedom of the press, and its ultimate effect upon public opinion. I think to bridle the press in order to keep from the public facts that some one thinks ought not to be made public would be a remedy that is vastly worse than the disease that you are trying to cure. It is not too much information that hurts; it is the misinformation of a censored press that the country must avoid. What the country has the right to know is the true situation. There is no comment upon this need more powerful than that of Lord Beresford recently on the submarine situation. It is not the real situation England and America suffer from but the lack of true information touching the submarine that makes it a sensitive question both for England and America. We have the right to know the facts, and if you will prevent it through authority given to somebody to say that at this time my judgment suggests that it ought not to be uttered, it will be a dangerous step, because that judgment may be changed to-morrow and be different to-day from what it was yesterday. [Applause.] Judgment too frequently is shaped in the current of events, which is constantly changing.

There is nothing so fallible as individual judgment, and it seems to me that what we ought to guard against is writing a law in a time of war that will be in total contravention to the very principle for which the Nation struggled long and hard, and which was set out as the very first and foremost of all the famous code of human rights under government. The freedom of speech and of the press stands as the real palladium of our liberties, and it was written in the organic law as fundamental. It is the first amendment to the Federal Constitution.

If I had time it would be a delight to indicate the struggle in the constitutional convention between two schools of political thought. One school was led by Thomas Jefferson, although not in the convention, but through the man who represented him, Mr. Madison. He was the country's greatest exponent of liberty in government; hence his insistence upon a bill of rights as a part of the Constitution. The question came up whether this bill of rights demanded by the Jeffersonian school should be made a part of the Constitution or omitted entirely. There were those who contended that these rights should be written in the Constitution as a part of the instrument proper. Then another school insisted such a pronouncement had no place in a democracy or republic. Mr. Hamilton said there is no such thing as a bill of rights in a republic, because a bill of rights presupposes a king, the possessor of sovereign rights, giving rights to the people, and such rights as the people would not have unless the king gave them to the people. But in this country, he contended, the people are the sovereign power; and the bill of rights would be the people giving rights to the people, or the sovereign power conferring upon themselves rights which they already had, which would be inconsistent in a government by the people or in a republican form of government.

This debate ran for several days. However, the contention was not whether the people should possess the rights afterwards written in the Bill of Rights, but simply whether these rights should be designated in the organic law to insure their enjoyment by the people. The Jeffersonians demanded them written in the covenant. The Hamiltonians resisted it as unnecessary. At last a compromise was reached. They agreed to omit the bill of rights as a part of the original instrument proper or as a fundamental part of the Constitution, but they made it specific that the States, upon their ratification, should suggest in the form of amendments what these rights should be. Almost every State made suggestions. The sum total covered all the suggested rights. Consequently, the States recommended many amendments which were classified by the first session of Congress in 1791.

As I now recall the historical facts, these amendments were classified under 12 heads by the First Congress and submitted, as any other amendment is submitted, to the people for ratification. Of the 12 thus voted on 10 were ratified, and thus became a part of the fundamental law of the land in 1791. Amongst those are the ones relating to freedom of speech and of the press and the right to worship God and the right to assemble and petition the Government. This inhibition of Congress to abridge the freedom of the press is not the very first by accident. It was even then regarded as of the highest importance. There were nine others that followed, every one to secure to the individual the right, without which it could not be secured, according to the Jeffersonian school of thought. Those 10 amendments, though not in the Constitution, are just as fundamentally a part of the Constitution as if they had been written in the fundamental law. I do not want in the heat of the excitement of war to wipe out to-day a right that has never been questioned but once in a serious vein of mind. In fact, I do not want to vote for any law that will abridge any of these rights. [Applause.]

Mr. Speaker, it will not be out of place in this discussion to refresh our minds of one prior attempt to abridge the freedom of speech and the press. It was back in the Federalist régime, when the sedition law was enacted back in 1798.

Under that law several persons were prosecuted; the most famous cases were Matthew Lyon and Thomas Cooper. Also four editors of four important papers were prosecuted—the Aurora, of Philadelphia; the Argus, of New York; the Chronicle, of Boston; and the Examiner, of Richmond.

The revulsion against this violation of the first amendment produced the famous Kentucky resolutions, written by Jefferson, and the Virginia resolutions, by Madison.

It also led to the defeat of the Federalist Party by the Democrat or Jeffersonian school, which held absolute sway for 50 years, save two interregnums of 4 years each.

There is no passion in our nationality stronger than that which demands an untrammeled press and free speech.

Mr. Speaker, there is not a Member here who does not wish to give unstinted support to the Commander in Chief in time of war. This must not demand of us that we repudiate our most sacred fundamentals of democracy.

This is especially true in a country that is governed by public opinion. There is nothing sounder than a public opinion based upon facts, undisputed detail of the real situation. There is nothing more dangerous among us than a prejudiced public opinion, based upon ignorance of realities. What America demands and what we have a right to have is the real situation in this war.

The suspicion, strongly supported by continued reversals of accounts on the European fronts and the submarine danger, arouses resentment in the American mind. This country will demand the truth, no matter whether favorable or otherwise, in order that it may provide for the worst. It demands to know the Russian situation, that it need not grope in the dark. If the censor becomes active in expurgation to withold the facts and it becomes known to our people, the problem will be vastly different from Europe. I shall therefore vote against this proposed bridling of the news in the conviction that it is not knowledge but the lack of it that will insure disaster.

Mr. VOLSTEAD. Mr. Speaker, I yield five minutes to the gentleman from Indiana [Mr. COMSTOCK].

Mr. COMSTOCK. Mr. Speaker and gentlemen of the House, I shall not take advantage of the opportunity I have to occupy even the five minutes of time allotted. I have not the vanity to believe that I will be able to say anything that has not already been better said upon either side of the question we are considering. I am not surprised that a painstaking and conscientious Committee on the Judiciary were perplexed and labored hard to agree on the bill which they now present. Upon the motion now pending I have had some doubt. As I understand the question, it is upon the motion to strike out the fourth section of Title I. I do not propose—and, in fact, it is unnecessary upon my part—to enlarge upon the general provisions of the bill; but I am clear upon this proposition, though I do not care, as I have in effect said, to use the time to give the processes by which I reached the conclusion, and will simply state the conclusion; and, if I later see fit to extend my remarks, I hope to have the ordinary indulgence accorded to Members of the House to do so. Upon the question of the constitutionality of two provisions in this section I now have no doubt. I think that the section gives to the Chief Executive the power of legislation. That power can not be delegated by Congress. I think

there can be but one interpretation or one construction of the section. It permits him to determine what is a violation of the law and when that violation shall be punished.

As to the other provision referred to, it abridges the freedom of the press—a right that has engaged the attention of statesmen for many years and up to this time held inviolable. I think there can be no question about that. I do not mean by the expression "freedom of speech" to be understood as meaning unbridled license. I think there should always go along with its interpretation the spirit of the act, that there should be a certain decency and propriety in whatever may be written or spoken. In the laws of all of our States damages are awarded on account of any wrong occasioned by untruthful defamation either by a newspaper in a written article or by an individual in spoken words. We recognize that the same principle might by proper legislation be applied to the General Government, that it might have a right to shield itself from attack that might lend aid and comfort to the enemy. The basic principle of the question presented is that it involves the invasion of a right which has been regarded ever since the Government was founded as a sacred right, the freedom of the press—not unbridled license but the right to do certain things that are regarded as legitimate and honest and proper as matters of information to give to the people. I shall not discuss the matter, but simply express myself as favoring the motion to strike out this fourth section of Title I. [Applause.]

Mr. Speaker, I now yield the remaining portion of my time, if I may be permitted to do so, to the gentleman from Minnesota [Mr. SCHALL].

The SPEAKER pro tempore. The gentleman has one minute remaining.

Mr. SCHALL. Mr. Speaker, our forefathers came to this country to escape religious tyranny. They came here to enjoy free speech, they came to worship God as they chose, to carve out for themselves a future, and to conquer a wilderness. God was their common master and each was the equal of his brother.

> What constitutes a State?
> Not high-raised battlements or labored mound,
> Thick wall or moated gate;
> Not broad-armed ports, where, laughing at the storm,
> rich navies ride.
> No; men, high-minded men—
> Men who their duties know;
> But know their rights, and knowing, dare maintain:
> These constitute a State.

These must be the men who, intrusted with a nation's heritage, will defend our constitutional rights as well as our international ones. Our Nation's defense lies in its people's devotion to its free institutions, free speech, an unbridled press, free worship, and our public schools, from whose towers for 140 years the Stars and Stripes tell in what a spirit are reared our coming men. [Applause.]

This question involves a principle deeper than the interest of this or that big newspaper. It digs to the root of every individual's right. Neither Congress nor the President has the right to deny or abridge the freedom of the press or the freedom of speech. We can not lightly lay aside constitutional limitations if we are to keep faith with ourselves and the charter of our liberties.

A law which seeks to Russianize our land can not compensate in its temporary good effects for the lasting evil in its train. Too much has our Nation been kept in ignorance. The very spies within our borders, the potentates abroad, know more about our defenses, our plans, our weaknesses than the people of these United States know. Give our people the truth. Give them facts on which to base their conclusions and the idealism and judgment of our Nation can be relied on to make right decisions.

Military information, facts of importance, whose publication might advantage the enemy, these can be kept out of circulation without the passage of so drastic a regulation. The laws of silence in the brotherhood of the press, when invoked by necessity, are as the laws of the Medes and Persians. When patriotism is the motive for silence, surely no man believes that an instinct for scoops, a habit of purveying to the curious, could prevail over the humblest scribe.

In a war that is so widely proclaimed to be a war for democracy it would be a bad precedent to yield this dearly bought heritage. It is not in the genius of the American people to swallow statements because they are "official," to blindly make supreme sacrifices because some one tells them to. But if in the conduct of this war they are kept informed of its progress, its failures as well as its successes, its reverses as well as its advances, its efficient as well as its inefficient servants; if the pitiless light of publicity can seek out the wrongdoer, the speculator, the human vulture who seeks to coin the tragedy of the human race by cheating and sharp practice, then they will press forward without need of spur. In their own breasts will they feel confidence toward the leaders charged with the conduct of the war.

America is not made of the stuff that has to be coddled along with tales of winning to make her fight. Winning or losing, she will fight just the same. Only let her know. Tell her the truth.

Free speech, free press, these are privileges too dear to be abandoned. The intelligence of the plain people of this country has always been reckoned with as a cooperating force in our Government. Why should we set ourselves up to throw away the policies of Washington, Jefferson, and Lincoln, of all our forebears, and initiate a system of treating the people as if they were children who could not be trusted, whose counsel and opinion no longer weigh aught in the seat of government? Freedom to criticize is the strongest corrective force in this country. When you destroy public opinion you shut the doors and windows and pull down the shades in our domestic temple and the free light and air of liberty no longer circulate.

I am therefore opposed to the fourth section of this bill, which attempts to amend the Constitution and take the right from the people of free press, free speech, free worship, and I shall therefore cast my vote to strike out this section. [Applause.]

Mr. VOLSTEAD. Mr. Speaker, I yield three minutes to the gentleman from Pennsylvania [Mr. ROSE].

Mr. ROSE. Mr. Speaker and gentlemen of the House, after reading and considering section 4 of this bill I made up my mind that I could not vote for such a section containing such drastic provisions. I take it that in the provisions of section 4 there are greater possibilities of injury to a certain class of people in the United States than any other legislation brought before the House at this session. It gives the right to the President of the United States, upon the publication by any person of anything which, in his judgment, would be useful to the enemy, to punish such person by a fine of $10,000 and imprisonment. With respect to the provisions of this section, to prevent its passage in its present form, I offered an amendment; but I have learned since then that there have been amendments offered to cover the provisions which struck me as decidedly unfair. This section presumes disloyalty upon the part of the public press. In my judgment that is entirely unwarranted. There has not been a single instance brought to our attention in the discussion of this bill that would lead any of us to believe that the press of this country has done anything less than it should do in order to help this Government in its great time of need. What has been done during this past week—our reception to the great commissions of England and France—is a clear indication of the loyalty and patriotism of all of our people, and I submit that no one class of persons has done more to make the people of our Nation acquainted with the true conditions than the press of the country. I feel now that the time has come for us to assert our rights and not give any one man the right to say what ought to be a crime. There is not a section in this bill, save this one, which does not define the crime to be punished. In this the door is left wide open to one man, or a subordinate appointed by him, who has the right of determining whether or not the publication of anything is a crime, and even all the amendments which have been offered are not satisfactory, I believe now, to the Members of this House; and, therefore, I say, in all justice to ourselves and to the press of this country, that the only safety we have is to eliminate this section, and hence it is with great pleasure that I shall cast my vote in support of the proposition offered by the gentleman from Pennsylvania. [Applause.] Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman? [After a pause.] The Chair hears none.

Mr. VOLSTEAD. Mr. Speaker, I yield five minutes to the gentleman from New York [Mr. PLATT].

Mr. PLATT. Mr. Speaker, it seems a little remarkable to me that in one breath certain gentlemen in this House will denounce newspapers vigorously as having brought on this war, and even declare that the newspaper men ought to be put in the front rank, as if they were responsible for the war, and then in the next breath the same gentlemen get up here and defend the members of the press and say we must not pass any item in this bill that will hinder for a moment their publishing any facts or any alleged facts they want, and, goodness knows, many of them have at times published alleged facts. It seems to me there is a certain amount of inconsistency in that kind of talk. Personally I do not think, as a newspaper man, there is any serious objection to this section as proposed to be amended by the proposal of the gentleman from North Carolina [Mr. WEBB], though I may vote for further amendment.

Mr. FESS. Will the gentleman yield for a correction?

Mr. PLATT. In just a moment. It seems to me that if the President is required in the case of war to proclaim that a certain class of facts shall not be published without authority—for instance, we will say, facts relating to the Army, or something like that—the very fact that he has included that class of facts as not to be published without authority the newspapers can discuss under the authority of the proviso in this amendment. They can say that facts are being withheld in regard to this matter and that there must be something wrong or they would not be withheld. And they can get up such a hullabaloo about it that if there is anything in it the President will be compelled to modify his decree. I think the press has power enough to see that there will be no such serious abuse of the exercise of such Executive authority as given in this section.

Mr. FESS. Will the gentleman yield?

Mr. PLATT. I now yield to the gentleman from Ohio.

Mr. FESS. While I do not sympathize with the statement that newspaper people ought to be put in the front rank, however I do sympathize with the statement that it is not the newspapers we are defending but the country we are defending in having what the newspapers can give them.

Mr. PLATT. Some of the Members of this House apparently think the newspapers ought to have been prevented from publishing any facts concerning American ships being sunk on the ocean. They think that the publication of those facts aroused public opinion and got the people in a frame of mind to resent the outrages that were put upon us. And they blame the newspapers for that. And then they turn around and want to defend the papers and say they should print any facts they want to. How they can reconcile both attitudes I do not understand.

Mr. MANN. Does not the gentleman think there is quite a distinction between criticizing the newspapers for a policy which they advocate and permitting them to publish any information?

Mr. PLATT. As nearly as I understand the attitude of some of the gentlemen here, they objected to the publishing of certain information in the newspapers.

Mr. MANN. I have heard of no such statement in the House during my service in the House. I have heard gentlemen criticize the policy of the newspapers in advocating certain policies to be followed by the Government. It seems there is quite a difference between criticizing a paper for its policy and for publishing information.

Mr. PLATT. I think that is true.

Mr. MANN. The gentleman is advocating a provision now under which, if it had been followed, the President could have forbade the newspapers publishing any information concerning the sinking of American vessels, because there was war threatened at that time.

Mr. PLATT. I suppose he might possibly have done that, but the newspapers could turn right around and criticize that very fact. They could say that American ships were being sunk.

Mr. MANN. No; they could not.

Mr. PLATT. And that the President was suppressing that fact.

Mr. MANN. If they did, they could have been sent to the pen for it.

Mr. PLATT. I do not believe they could under this section, unless they gave some details as to the sinking that they got hold of in some way without authority. I think because of the fact that they were being prevented from publishing they could criticize.

Mr. MANN. They could be criticized for publishing details as to the sinking of vessels, but not the facts as to the vessels being sunk. It would be no actual information. It would be innuendo.

Mr. PLATT. The criticism would accomplish what they were after.

Mr. MANN. It certainly might.

Mr. PLATT. I think there is another thing to be said. I believe some such section as this proposed to be amended by the gentleman from North Carolina would, to a certain extent, protect the smaller newspapers of the country, which do not have correspondents and do not have yachts scouring around the ocean looking for news, but must get their information from the news agencies.

Mr. WEBB. It would protect the honest newspapers.

Mr. PLATT. It would protect the honest newspapers and the smaller newspapers.

The SPEAKER pro tempore. The time of the gentleman from New York has expired.

HOUR OF MEETING TO-MORROW.

Mr. WEBB. Mr. Speaker, I ask unanimous consent that when the House adjourns this afternoon it adjourn to meet at 11 o'clock a. m. to-morrow.

The SPEAKER pro tempore. The gentleman from North Carolina asks unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock a. m. to-morrow. Is there objection. [After a pause.] The Chair hears none.

ESPIONAGE.

Mr. WEBB. Mr. Speaker, I yield five minutes to the gentleman from Pennsylvania [Mr. DEWALT].

Mr. DEWALT. Mr. Speaker, during the course of this debate I heard the amiable Speaker of the House say that he agreed with Thomas Jefferson in proclaiming that he would rather live in a country where there was no government and where there were newspapers than to live in a country where there was a government without newspapers. Of course no one would assume to contradict or refute any such assertion as that, particularly when it was enunciated by Thomas Jefferson and supported by so eminent an authority as the Speaker of the House. But the question still remains: When you have both a Government and newspapers, then what is the best thing to be done under the circumstances?

The proposition presented to this House in all this argument has been whether or not this measure is constitutional, and the questions have arisen on two theories. First, some gentlemen say that it is not constitutional, because it delegates power to the President which ought to rest affirmatively with the House of Representatives and the Senate of the United States. For myself, I confute and refute that proposition. The authorities in the United States reports are full of support of the contention that the legislative authorities, so far as the administrative functions are concerned, can be and have been delegated to the administrative authority. The Interstate Commerce Commission makes rules for railroads. The legislative power was granted by the House and the Senate, and yet we all know, without fear of contradiction, that the rules that are made by the Interstate Commerce Commission, so far as the administrative functions are concerned, are themselves law and can not be disputed.

The next contention is that this is not constitutional because it infringes upon the liberty and the freedom of the press. Now, basically we should determine, first, what is liberty of the press. Do we mean that where there is a government and where there is a press that then the press, by reason of the words in the Constitution to the effect that there shall be no abridgment of that liberty, shall have the right to say and declare what it pleases, and when it pleases, and under all circumstances? If that be liberty of the press, then all authority over the press is nowhere and can rest nowhere.

But this bill declares that in cases of emergency, when the President of the United States shall declare that emergency by a proclamation to exist, then certain things shall be, as a matter of course, established, namely, that information which may be useful to the enemy shall be prohibited from being given, either by word of mouth by the individual or by the press itself.

Now, speaking to the amendment of the gentleman from North Carolina [Mr. WEBB], who is the chairman of this great committee, what does it declare? It declares that during a war in which the United States is engaged, or during a national emergency threatening war, the President is authorized from time to time to designate by proclamation the character of information concerning the national defense which in his opinion would be useful to the enemy, and that then and thereupon, after such proclamation of what he deems to be necessary in the way of prohibition, it shall be unlawful for any person to publish or communicate such information.

Now, I ask the gentlemen who have been demanding the striking out of this fourth section what reasonable or just excuse——

The SPEAKER pro tempore. The time of the gentleman from Pennsylvania has expired.

Mr. DEWALT. I ask for one minute more.

Mr. WEBB. I yield to the gentleman one minute more, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Pennsylvania is recognized for one minute more.

Mr. DEWALT. I ask what reasonable or just demand could be made by a free and patriotic press, upon the people of this country, to say that after they had been given due notice, and when the President, acting for the defense of the whole Nation, by reason of his authority as President, proclaims that certain

things shall not be published when they, in defiance of such proclamation, say they will publish such information, I ask, Where is the justice in such a demand?

Mr. CAMPBELL of Kansas. Mr. Speaker, will the gentleman yield?

The SPEAKER pro tempore. Does the gentleman from Pennsylvania yield to the gentleman from Kansas?

Mr. DEWALT. Yes.

Mr. CAMPBELL of Kansas. The objection I have is that the President may make a proclamation defining a crime and providing a punishment. I do not believe that the Congress can delegate such power. Does the gentleman?

Mr. DEWALT. That is just where the gentleman, in my judgment, is incorrect as a basic proposition. If he will examine the authorities all the way before the Milligan case and subsequent to the Milligan case, he will find that, after all, the legislative power has always been recognized to define in terms what a crime shall be, and then the regulations by which the punishment of that crime is to be enforced and the crime prohibited could be given to the executive authority. My contention as a lawyer is that this bill does nothing more than that. It legislates, prescribing what the crime shall be, and gives to the Executive the power of enforcement and punishment and prohibition.

The SPEAKER pro tempore. The time of the gentleman from Pennsylvania has again expired.

Mr. DEWALT. I ask unanimous consent, Mr. Speaker, to extend my remarks in the RECORD.

The SPEAKER pro tempore. Is there objection to the gentleman's request?

There was no objection.

Mr. VOLSTEAD. Mr. Speaker, I yield five minutes to the gentleman from North Dakota [Mr. NORTON].

The SPEAKER pro tempore. The gentleman from North Dakota is recognized for five minutes.

Mr. NORTON. Mr. Speaker, I am in favor of giving the President and the administration every reasonable support that this Congress can give to carry this war to an early and successful conclusion.

We have been asked during the past few days to give to the President and the administrative officers autocratic powers that we would not have countenanced a few months ago giving to any man or to any few men. We are going to be asked in a few days to give to the heads of departments further autocratic powers. We are going to be asked to give to certain administration officers the right to set maximum and minimum prices on all food products and the right to conscript property, and I rather think that, to a large degree, that may be for the best interest of our people in the war. But I hold that the American people should reserve to themselves the right of free speech and the right of a free press. The right of free speech in matters pertaining to the conduct of the present war should not be delegated to the President. To do this would, in my judgment, be vital to the most sacred principles on which this Nation was founded.

In this section the administration asks for the power to be given to the President to say what the newspaper shall or shall not publish, so far as question of facts pertaining to the national defense are concerned. It is true the proviso here recites that—

> Nothing in this section shall be construed to limit or restrict any discussion, comment, or criticism of the acts or policies of the Government or its representatives or the publication of the same.

But about the only thing that can be done under that language is to criticize the action of the administration without giving any facts on which the criticism may be based. If this section is put into effect, it will give the President practically the power to say to the press of the country just what the press shall publish. To-day there is a general opinion over the country that the people are not getting from the newspapers the true facts concerning the European war, that they are getting only the English-French favorable side of it; and I want to say that from what I have personally heard from some of the commissioners from France and from England during the past three days, I am led to believe that the people generally of our country do not truly understand and are not really being given to understand the seriousness of the present war. This war is not going to end in 30 or 60 days or in 6 months, as many of our people have been led to believe. The Imperial German Government is not going to be frightened into peace terms by our declaration of war against it. This must be hard fought to the end, and the indications are, as one of the leading commissioners said, that the war is more likely to last several years longer than to last but one year longer.

There is no occasion nor need at this time for passing any legislation that will put into the hands of the President or into the hands of administrative officers the power to keep from the people the fullest information pertaining to the war and its conduct and progress. I believe that this section should be treated in the same way as the audacious request—that is the only proper term I can think of to characterize it—that was sent to this House by the Secretary of War in asking this Congress to appropriate $3,000,000,000 and turn it over carte blanche to the War Department. That request did not receive a single solitary vote in this House last week, and I believe the request for legislation of this character should not receive a single solitary vote. If the section is going to be passed in any form, it should be passed in a form that will specify the character of information and communications that are to be prohibited. It should under no circumstances be passed in its present un-American form. As it stands, it states that it shall be unlawful to publish or communicate—communicate from person to person—any information relating to the national defense which, in the judgment of the President, is of such a character that it is or might be useful to the enemy. If the section is passed in its present form, it will not be the President's judgment that will be exercised. It will be the judgment of some petty administrative officers. Administrative officers might hold that information regarding the treatment that soldiers were receiving in the Army, information regarding the condition of clothing and food furnished to the soldiers, would be useful to the enemy, and that the publishing of that information would be prohibited. I trust that this section will not receive a single vote. It is not worthy of the vote of any thoughtful self-respecting citizen in this House. [Applause.]

Mr. VOLSTEAD. I yield five minutes to the gentleman from New York [Mr. MAGEE].

Mr. MAGEE. Mr. Speaker, I shall vote in favor of the amendment offered by the gentleman from Pennsylvania to strike section 4 from the bill. I think that this section is within constitutional limitations, but any attempt at any time to restrict in any degree the freedom of speech or of the press is of such great importance that legislation to such end should receive the most careful consideration. If such need shall be deemed to exist, proposed legislation in relation thereto ought to be considered, in my judgment, in a separate bill. I do not think that it is practicable to so amend this section in the limited time for consideration here as to safeguard properly the rights of those who would be affected by such an enactment. Any act providing for severe punishment by fine or imprisonment should contain in clear and concise language what is prohibited by the act and the violation of which or any part thereof will be a crime. What is to be prohibited should be determined by the Congress, and there should be no judgment in the premises except its judgment. [Applause.]

I appreciate that it will be a most difficult matter to state in the body of an act of this character all of the things which shall not be done, but those who may be affected by such an enactment are entitled to know what the law is and what will constitute a violation of the law, and the difficulty, however great, in framing such a law affords no excuse to the lawmaking body. If we are to legislate upon this most important subject, we are bound, in my judgment, to state without ambiguity and affirmatively in the act what will constitute a crime. [Applause.]

I yield back the remainder of my time.

The SPEAKER pro tempore. The gentleman yields back three minutes.

Mr. AUSTIN. May I ask the gentleman a question before he surrenders the floor?

Mr. MAGEE. Yes.

Mr. AUSTIN. Has the gentleman read in the New York daily papers an address delivered in that city last night by Mr. Pomeroy Burton, the manager of the London Daily Mail, in which he warns the American people not to make the mistake the English Government made in passing a bill of this character?

Mr. MAGEE. I have not read that.

Mr. VOLSTEAD. Mr. Speaker, I yield five minutes to the gentleman from Wisconsin [Mr. COOPER].

Mr. COOPER of Wisconsin. Mr. Chairman, I shall vote for the McCormick amendment, because, in my judgment, the restrictions, even though in a constitutional sense only advisory, should be clearly set forth in the law enacted by the Congress. The Congress constitutes the legislative body, and the executive department ought not to be permitted to make either laws or regulations equivalent to laws when the violation of any such mere regulation is to send a man to the penitentiary.

We have been taught that this is a Government of the people, by the people, for the people, and yet, although the proposition here is to give to one man the right in effect to make a law that, if violated, will throw another into prison, gentlemen say, "Pass it, pass it, as a matter of course." Though some

gentlemen seem not to appreciate it, that, Mr. Speaker, is a most serious proposition. In some respects, perhaps in vital respects, this section is, in its possible ultimate consequences, as important to this Republic as was the resolution to declare war itself. This is true because in plain violation of the first amendment to the Constitution, which commands that Congress pass no law abridging the freedom of the press. This section 4 would empower the President to prohibit the publishing or communicating of, or the attempting to publish or communicate, any information relating to the national defense, which, in his judgment, is of such character that it is, or might be, useful to the enemy.

Now, suppose that a man is arrested and haled to the bar of a United States court. The Government proves the publication. What has he published? Simply that the known sanitary conditions of a camp of United States troops, say, at Chickamauga, or elsewhere, are intolerable, as was sometimes the case during our other wars, and that, as a result, the whole force is demoralized. Every voter in the United States ought to know that; but suppose that the President had prohibited the publication of any information relating to the sanitary conditions of troops on the theory that it might be useful to the enemy. The defendant has published it in the utmost good faith, with a view only to helping his country. And yet he has no defense. It is impossible for him to make a defense. For though he be absolutely innocent of wrongful intent the mere fact of the publication convicts him. Though the publication was of matters of public concern and was made from motives purely patriotic, he is denied any opportunity to be judged by the opinion of a jury as to the criminality of his act. The mere violation of the regulation may send him to a prison cell, though the publication was intended only to serve, and would serve, the best interests of the Nation.

Mr. COX. Will the gentleman yield?

Mr. COOPER of Wisconsin. I can not yield, as I have only five minutes.

Mr. COX. I am with the gentleman——

Mr. COOPER of Wisconsin. I know the gentleman is a man of sound judgment, and I assumed that he was right on this important question.

Mr. Speaker, I wish, as does the gentleman from North Dakota [Mr. NORTON] to help in every honorable way to sustain the Government in carrying on this war.

We can not be too often reminded that in all popular governments a free press is of vital importance. This truth is forcefully stated by one of the very greatest of American jurists, Justice Thomas M. Cooley, in his Constitutional Limitations, in which, referring to the first amendment to the Federal Constitution, he says:

> The first amendment to the Constitution of the United States provides, among other things, that Congress shall make no law abridging the freedom of speech or of the press. The privilege which is thus protected against unfriendly legislation in Congress is almost universally regarded not only as highly important but as being essential to the very existence and perpetuity of free government.

Mark that language—"essential to the very existence and perpetuity of free government." What could more powerfully bring home to us the importance of the bill we are now considering?

"Congress," says the Constitution, "shall pass no law abridging the freedom of the press," and yet it is here proposed to turn over to the executive department—a department created by the Constitution not to make laws but only to execute them—the power to make regulations the violation of which, even with the most innocent of intentions, may send a man to the penitentiary.

Mr. Speaker, I am clearly of the opinion that Congress is wholly without authority, in view of the first amendment to the Constitution, to turn over to one man the power to make such regulations as are suggested in section 4. I can not understand where there is any opportunity for argument about this. There is nothing ambiguous in the language of the first amendment—nothing calling for interpretation except as the language was long ago interpreted and its meaning established. It is clear, explicit, and, what is equally important, it is mandatory. The words are "shall" and "no"—"shall make no laws abridging the freedom of the press." "The constitutional liberty of speech and of the press, as we understand it," says Justice Cooley, "implies a right freely to utter and publish whatever the citizen may please, and to be protected against any responsibility for so doing, except so far as such publications, from their blasphemy, obscenity, or scandalous character, may be a public offense, or as by their falsehood and malice they may injuriously affect the standing, reputation, or pecuniary interests of individuals. Or, to state the same thing in different words, * * * liberty of the press implies not only liberty to publish, but complete immunity from legal punishment for the publication, so long as it is not harmful in its character, when tested by such standards as the law affords. For these standards we must look to the common-law rules which were in force when the constitutional guaranties were established, and in reference to which they have been adopted."

The gentleman from New York, in defending section 4, called attention to the fact that we delegate to the Interstate Commerce Commission the authority to make rules concerning rates. But there is no constitutional provision touching that subject analogous or similar to the prohibition in the first amendment. In one case there is a violation of an express command of the Constitution; in the other there is no constitutional inhibition. [Applause.]

Mr. VOLSTEAD. Mr. Speaker, I yield five minutes to the gentleman from Pennsylvania [Mr. CLARK].

Mr. CLARK of Pennsylvania. Mr. Speaker and Members of the House, I did not come here with the intention of making any address. If I could explain my vote when I came to cast it I would not stand here, but I can not, and therefore I must give some reason for my judgment. I have been an owner of a newspaper, assisted in founding another, owned and published the paper that Horace Greeley first learned to set type on. But brushing aside all the desires and wishes of editors, I have been a disciple of Blackstone, and practicing all the law that my clients would allow me to. [Laughter.] And I have a fair knowledge, or ought to have, of the English language.

I read the first amendment of the ten which were passed on the 25th of September, 1789. There were 10 of them. I might say that these 10 amendments are 10 commandments, for in each one is wrapped up the essence of "thou shalt not." In this first one it relates to three subjects. What are those subjects? They are religion, speech, and the press. Congress shall make no law respecting the establishment of religion or abridging the freedom of speech and the press. Brush aside the technicalities of your attorneys, for every law library is filled with the bound volumes of their mistakes. One side must lose and the other side must win—about 50-50—and bring to bear on the interpretation of that section your common-school education and it is as plain as can be. I therefore believe in the prohibition of the words "thou shalt not pass"—not that you may pass something, inject a little something, but thou shalt not do it.

Therefore I can not bring my mind to believe that I am observing the oath of office which I took when I came into this Hall, that I would observe the Constitution of the United States, if I vote to retain this section 4. We are attempting to put a great class of patriotic citizens under the ban of being possible criminals. I do not believe that it is necessary to center in the mind of one man or to center in one man's judgment, or to leave to a changing judgment the right to enact criminal statutes. That is what this bill proposes. I know that it is a time for sanity of thought, sanity of speech, and sanity of act, and I hope that my speech and my thought and my act in my vote will encompass a fair degree of that sanity. I am opposed to this section and shall vote against it, or in favor of its amendment. [Applause.]

Mr. VOLSTEAD. Mr. Speaker, I yield five minutes to the gentleman from Minnesota [Mr. MILLER].

Mr. MILLER of Minnesota. Mr. Speaker, I frankly confess that for some days after I began the study of this bill I was in some doubt as to whether or not I should vote for this fourth section. However, after I had indulged in a somewhat mature investigation and thought upon the matter, all doubt was removed. I believe it will be exceedingly dangerous for the people of this country if we pass a law of this kind. In the first place, my friends, a democracy lives only because there is such a thing as public sentiment. The moment there is no longer a public policy or public sentiment tyranny is born and democracy dies. I do not believe there can be an efficient government in a democracy such as ours unless there is full publicity on all things that are material and valuable for the people to know. I believe, I think, as strongly as any Member of this House in scientific organization for military efficiency. I believe in every individual subordinating his own desire, his own right, that he can easily relinquish, in order to accomplish the maximum of material efficiency; but I do not believe a democracy can ever be efficient in time of peace when knowledge is denied a hearing and when ignorance prevails. I do not believe that democracy can ever be efficient in war when knowledge is denied the hearing and when ignorance prevails. That which makes a citizen soldier of a Republic the grandest hero and

the strongest fighting man of all time is because he is intelligent, because he has back of his arms the strength of a free man, and no one can be a free man with a free man's spirit who is kept in ignorance regarding the purposes and events of the war. [Applause.]

The gentleman from Tennessee [Mr. AUSTIN], by the interrogatories which he made a few moments ago, barely suggested a thought which it would be well for the membership of the House to know. I wish I had time to read the article to which he alluded. It is by a very distinguished gentleman from England now in this country. I do want to read to you two or three paragraphs. He says:

> It must be admitted that the main reason for the utter inability of the people of this country to grasp the true significance of the war to-day is the policy of suppression which has prevailed in the principal entente countries since the day the first shot was fired.
>
> This close censorship policy has cost them dearly.
>
> It has kept the spirit and meaning of the war from entering the minds of the people in this and other countries remote from the conflict.
>
> It has been a brake pressed hard on the wheels, while the hauling was all uphill.

If that is true in England, in France, aye, even in Russia, how much more true would it be in the United States of to-day? We had an example of the high position the public press of this country can be expected to take in a matter of this kind. We had a little war on our hands a year ago now. We sent into the heart of Mexico the flower of our Regular Army, and it was a very considerable expedition. All along the border, eighteen hundred miles in length, there was danger of insurrection and raiding. The public press of this country, in not a single instance, ever published a fact of the slightest value to the enemy, but they kept the American people fairly well advised of the purpose of the pursuit; and now in this time, when great things are at hand, let us put in the public press and the patriotism of the editors of this land that same trust that some one proposes we now place in the hands of the President of the United States. [Applause.]

Mr. WEBB. Mr. Speaker, I yield five minutes to the gentleman from Missouri [Mr. MEEKER]. [Applause.]

Mr. MEEKER. Mr. Speaker, this has been a very refreshing day to me, for I have insisted for some time that as yet the Constitution was a national covenant, and that it was written for the purpose of protecting free men. I am rather glad that this section was put into the bill. It is bringing out an expression from certain gentlemen as to the rights of free men. It will be of value later. Anyone would imagine from what has been going on here to-day that this section will be stricken out. I thoroughly sympathize with the committee. They placed this section in the bill because of their desire to go just as far as they felt they could in what is practically new legislation. Very few Members of this House have ever been called upon to sit in a war Congress. Much of the legislation that is now being proposed is new to us all, and the committee did the right thing in having this question raised. It is doing the fair thing now in giving opportunity to have a thorough discussion. I believe that when the vote is taken we will be satisfied that even during a war period some of the liberties of American citizens are yet to be safeguarded by the American Congress. That will be a mighty good thing. We are all the time tempted, in our desire to do some certain thing, to take a legislative short cut. That is the danger here. In our effort to get control of an obstreperous editor we are going to destroy one of the very fundamental principles of our Government. We have got to watch that all the time in this emergency legislation. In our haste and eagerness to turn everything over to those who are in authority we must not destroy something that we will regret we ever let go. So far as the press itself is concerned, there is not a man in public life who has not seen the time when he would like to get hold of some brash editor and settle the account outside the office. [Laughter.]

I have had three newspaper lies written about me in one newspaper, and then an editorial was written on the lies. I insist that that editor shall be permitted to go on, for his opposition is my biggest boost. We have got to consider this one thing: The newspapers, after all, when you get down to brass tacks, are our only sources of world information. Some one has well said, "A little learning is a dangerous thing." So far as the situation here and abroad is concerned, the newspapers have not been permitted to publish enough of the facts about this war. I find in my district, from the correspondence that is coming in, that many of the protests from my constituents are due to the fact that they do not know the facts about the war. When they are informed by private correspondence they are coming in, steadily, changing their opposition and their attitude toward this whole program. I think that the danger all the time is going to be that our newspapers will not be crowded with real war news to the people. If we could get rid of the editorial page and turn that over to news, it might be desirable. It would give additional news space for the people.

Mr. WEBB. Mr. Speaker, may I ask the gentleman from Minnesota if he has any other gentleman who desires to use time? I understand he has 30 minutes remaining of his time.

Mr. VOLSTEAD. I would like to suggest that at this time we adjourn. I have some time left, but I would like very much to have the House adjourn and take up the matter in the morning, for a few minutes anyway.

Mr. WEBB. Mr. Speaker, I yield five minutes to the gentleman from New York [Mr. LONDON].

Mr. LONDON. Mr. Speaker, madam, and gentlemen, there is not the slightest doubt that the committee is endeavoring to minimize the evil of regulation. The committee has undoubtedly made an honest effort to bring in a bill which will do as little harm as possible. We can not afford to permit one man to make law. I have a great deal of respect for the President, and because I consider him a man of extraordinary ability I am afraid of him. If he were a commonplace man, or a man below the commonplace he would not be as dangerous as he is. The world is being remade. It is all in the crucible. Big men and great men have lost their bearings. Philosophers, thinkers, and statesmen have repudiated the accumulated notions of a lifetime in a day and have found themselves at odds with themselves and with their entire past.

The country finds itself to-day at war, many of us not knowing why. We have to-day cheered the representatives of France, and I have joined in greeting them. Every liberty-loving man throughout the world has an undying love for revolutionary France and sympathizes with her in her sorrow. [Applause.] We do not know whether we have allies or no allies. We do not know whether we are entering upon a partnership of facts or a partnership of beautiful words such as our President, the great artist of the spoken word, can wield. Is it a partnership of words, of phrases, or a partnership in fact? We do not know. What are the terms of the partnership? We do not know. Our great newspapers have not brought out anything about it. I am sorry for the man who gets all his information from the newspapers. Most newspapers are the greatest source of misinformation and miseducation. There are some newspapers that are more dangerous than all the inmates of all the jails of America.

When Gutenberg invented movable types he probably considered himself the benefactor of the race. He discovered something that would help convey thought and sentiment to his fellow men, and the press would be a blessing if it were honest—if it were not run by unclean interests. The old newspaper of the eighteenth century which represented the mind and conscience of an able man does not exist. It is the newspaper owned by some powerful corporation, by some railroad company, by some financial interest that commands the intellect of a man and kills the conscience and soul of the writer, that confronts us to-day.

Section 4 is a menace to freedom of the press, of the big paper, but Title XI is a menace to all. That is why I want to call your special attention to Title XI. There is nothing more oppressive in the world than a democracy gone mad than a democracy which has surrendered its rights to an individual. It is Title XI which permits any postmaster to exclude from the mails anything that he may consider treasonable or anarchistic. I was never so amused in my life as when I listened a few days ago to a discussion on this floor of what socialism and anarchy and nihilism mean. I did not participate in that discussion, as I did not want to lend it dignity. I am going to reprint the RECORD showing that discussion, as an evidence of lack of information on a subject which intelligent men should know. It was particularly interesting in view of the fact——

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. LONDON. I would like to have five minutes more.

Mr. WEBB. I yield five minutes more to the gentleman.

Mr. LONDON. That one of the great Frenchmen whom we have honored to-day is a socialist. I am not going to enter upon a discussion of socialism and anarchism. Nihilism does not exist to-day. So far as socialism is concerned, it is the essence of industrial democracy. The socialists seek to apply to industry the principles which are supposed to govern the political relations of the individual to the State in a political democracy. Anarchism in its philosophic sense means the perfection of the individual to an extent which would make

government unnecessary. It has absolutely nothing to do with terrorism. Terrorism is a question of methods and not a question of philosophy. A man may be a reactionary, a conservative, and still be a terrorist. The night riders who fought the Tobacco Trust with terrorism were not anarchists.

Title XI permits the Postmaster General to exclude things that he will consider treasonable, that he will consider anarchistic. It is an attack on the liberties of the little fellow, of the helpless man, of the defenseless man, and not on the powerful newspapers. The big newspapers will find plenty of champions here. They own the country. If you want to know what the President is thinking, read the great New York newspapers, and they will tell you in advance what you will do to-morrow. That has been our experience. So the big papers will take care of themselves and have plenty of supporters and friends here.

I want to lift my voice on behalf of free speech and the free word, both written and spoken. If there are any treasonable thoughts in the minds of the American people, I want them expressed; if there is any discontent with the war, I want to hear it. Is it or is it not treasonable to plead for international peace? Is it or is it not treasonable to demand a revocation of the war resolution? Is it or is it not treasonable to oppose the sending of an army abroad? Is it or is it not treasonable to complain that there is a shortage of food and incompetence in high places in dealing with the food problem? All such complaints are encouraging to the enemy. Shall we suppress them, or shall we find compensation in the opportunity to have wrongs righted by the curing power of free discussion?

I heard some people here attack certain utterances as treasonable which were nothing more than a protest against war I did not intend to make a speech on this section, because so many people spoke in favor of striking out this section. I am not going to enter upon a discussion of liberty. So many beautiful phrases have been uttered about that. It is evident that in every community where democratic principles rule there must be some restriction of the absolute rights of the individual. John Stuart Mill said in his book on "Liberty" that the great problem of civilization seems to be how to reconcile the largest measure of individual liberty with the highest welfare of the community. That seems to be the whole problem. That is the problem, stated in the fewest possible words.

Let us not surrender our individual rights at a time when we need to enlist, when we must enlist, the cooperation of every man and every woman. Let men speak freely. Do not drive them into the cellar of conspiracy. Do not turn people into hypocrites and cowards. Let us not, while we talk of fighting for liberty abroad, sacrifice and crush our liberties here.

That is why I am glad to see such a sentiment in favor of striking out section 4, and I hope also to see Title XI eliminated from this bill. I am entirely willing to vote for every measure that will guard the military and naval secrets of the country. Further than that I will not yield. I will not surrender any of the liberties of the humblest citizen of the United States. [Applause.]

Mr. Speaker, I ask unanimous consent to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the gentleman's request?

There was no objection.

Mr. WEBB. Mr. Speaker, I believe the gentleman from Minnesota [Mr. VOLSTEAD] has remaining only about 30 minutes, and I think I have about 30 minutes remaining, and as there is no one who wants to speak to-night, and as I understand my friend from Minnesota desires to yield some time to one or two Members to-morrow, I believe now that I will move that the House adjourn.

EXTENSION OF REMARKS.

Mr. MANSFIELD. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the question of the war with Germany, to embrace a speech, an address delivered before the Legislature of Texas by Hon. Jacob F. Walters.

Mr. STAFFORD. Mr. Speaker, we can not hear the gentleman's request.

Mr. MANSFIELD. I ask unanimous consent to extend my remarks in the RECORD on the question of the war with Germany, to embrace a speech made by Hon. Jacob F. Walters before the Legislature of Texas, along patriotic lines.

Mr. STAFFORD. Reserving the right to object, Mr. Speaker, it is not customary for the House to insert in the RECORD speeches made by gentlemen outside, not connected with the House of Representatives. I would like to inquire how lengthy a speech it is?

Mr. MANSFIELD. It would make several pages of the RECORD.

Mr. STAFFORD. In the absence of the chairman of the Joint Committee on Printing, who usually acts as censor on these matters, I shall have to object.

Mr. THOMAS. Mr. Speaker, I ask unanimous consent to revise and extend the remarks I made to-day.

The SPEAKER pro tempore. Is there objection?

There was no objection.

REQUEST FOR LEAVE TO ADDRESS THE HOUSE.

Mr. LONDON. Mr. Speaker, I ask unanimous consent that on next Tuesday, after the reading of the Journal, I may have three-quarters of an hour in which to address the House on the subject of the revolution in Russia and its effect upon international peace.

Mr. STAFFORD. Mr. Speaker, reserving the right to object, we can not forecast what important measures may be pending on Tuesday next.

Mr. LONDON. That is, of course, subject to all other business, important bills, and so forth.

Mr. STAFFORD. The gentleman can make his request later in the week. For the time being, I shall have to object.

Mr. LONDON. Mr. Speaker, I withdraw the request.

ADJOURNMENT.

Mr. WEBB. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 40 minutes p. m.) the House adjourned, pursuant to the order previously made, until to-morrow, Friday, May 4, 1917, at 11 o'clock a. m.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. HARDY: A bill (H. R. 4115) to amend section 2 of an act entitled "An act to regulate the officering and manning of vessels subject to the inspection laws of the United States," approved March 3, 1913; to the Committee on the Merchant Marine and Fisheries.

By Mr. SAUNDERS of Virginia: A bill (H. R. 4116) to create a decentralized bank of commerce to facilitate and regulate commerce with foreign nations and among the several States, Territories, and insular possessions of the United States, to create Government depositaries and fiscal agents for the United States, and for other purposes; to the Committee on Banking and Currency.

By Mr. BLANTON: A bill (H. R. 4117) to detach Pecos County, in the State of Texas, from the Del Rio division of the western judicial district of Texas and attach same to the San Angelo division of the northern judicial district of said State; to the Committee on the Judiciary.

By Mr. HAWLEY: A bill (H. R. 4118) for the construction of a seagoing dredge for use in improving the harbors on the coast of Oregon; to the Committee on Appropriations.

Also, a bill (H. R. 4119) granting increased pensions to surviving widows of soldiers of the various Indian wars; to the Committee on Pensions.

By Mr. TILLMAN: A bill (H. R. 4120) to pay Confederate soldiers and to the widows of Confederate soldiers $500 and $30 per month during the remainder of their lives; to the Committee on War Claims.

By Mr. WALDOW: A bill (H. R. 4121) authorizing the Secretary of the Navy to establish and maintain a training station for the use of the United States Naval Coast Defense Reserve, at Buffalo, N. Y.; to the Committee on Naval Affairs.

By Mr. PADGETT: A bill (H. R. 4122) to amend the provision in the act approved August 29, 1916, authorizing the Secretary of the Navy to grant furloughs without pay to enlisted men of the Navy; to the Committee on Naval Affairs.

By Mr O'SHAUNESSY: A bill (H. R. 4123) to repair, remodel, and modernize the public building at Providence, R. I., known as the old post-office building; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 4124) for the erection of a Federal building for the United States post office at Warren, R. I.; to the Committee on Public Buildings and Grounds.

By Mr. LEVER: A bill (H. R. 4125) to provide further for the national security and defense by encouraging agriculture and regulating the marketing and distribution of foods and other necessaries of life; to the Committee on Agriculture.

By Mr. HOWARD: Joint resolution (H. J. Res. 79) investigating trade conditions in the United States; to the Committee on Appropriations.

By Mr. RAKER: Memorial of the Legislature of the State of California, inviting Arthur J. Balfour, British Foreign Secretary; Marshal Joffre, of France; and Marquis de Chambrun, of France, to visit the Middle West and the Pacific coast as the guests of the Nation; to the Committee on Foreign Affairs.

By Mr. STINESS: Memorial of the Legislature of the State of Rhode Island, urging the enactment of legislation authorizing a survey of proposed harbor lines at the mouth of the Seekonk River; to the Committee on Rivers and Harbors.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ALMON: A bill (H. R. 4126) to provide for the payment of the claim of J. W. Johnson against the United States; to the Committee on War Claims.

By Mr. ASHBROOK: A bill (H. R. 4127) granting an increase of pension to John Stone; to the Committee on Invalid Pensions.

By Mr. BARKLEY: A bill (H. R. 4128) for the relief of U. S. Davis; to the Committee on Claims.

By Mr. BRUCKNER: A bill (H. R. 4129) granting an increase of pension to John Waterhouse; to the Committee on Invalid Pensions.

By Mr. COMSTOCK: A bill (H. R. 4130) granting an increase of pension to Thomas Gray; to the Committee on Invalid Pensions.

By Mr. DYER: A bill (H. R. 4131) granting an increase of pension to August Isermann; to the Committee on Invalid Pensions.

By Mr. KETTNER: A bill (H. R. 4132) granting a pension to Sarah E. Thacker; to the Committee on Invalid Pensions.

By Mr. NOLAN: A bill (H. R. 4133) authorizing the President of the United States to restore to the active list Daniel Moriarty, chief boatswain, United States Navy, retired; to the Committee on Naval Affairs.

By Mr. O'SHAUNESSY: A bill (H. R. 4134) granting a pension to Marie F. Manns; to the Committee on Pensions.

Also, a bill (H. R. 4135) granting an increase of pension to Mary A. Mykins; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4136) granting an increase of pension to Katherine A. Sproat; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4137) granting an increase of pension to Elizabeth A. Main; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4138) granting an increase of pension to James Buchanan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4139) granting an increase of pension to Bridget M. Fauls; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4140) granting an increase of pension to Priscilla V. Hiebler; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4141) granting an increase of pension to William H. Hunt; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4142) granting an increase of pension to Johanna Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4143) for the relief of Iver Boreson; to the Committee on Claims.

By Mr. POWERS: A bill (H. R. 4144) granting a pension to Christopher C. Jones; to the Committee on Pensions.

Also, a bill (H. R. 4145) granting a pension to John Huff; to the Committee on Pensions.

Also, a bill (H. R. 4146) granting a pension to Ewell V. Osborn; to the Committee on Pensions.

Also, a bill (H. R. 4147) granting a pension to Samuel Smith; to the Committee on Pensions.

Also, a bill (H. R. 4148) granting a pension to Elijah Spurlock; to the Committee on Pensions.

Also, a bill (H. R. 4149) granting a pension to Gilbert Taylor; to the Committee on Pensions.

Also, a bill (H. R. 4150) granting a pension to Sarah Scott; to the Committee on Pensions.

Also, a bill (H. R. 4151) granting a pension to Blain Pedago; to the Committee on Pensions.

Also, a bill (H. R. 4152) granting a pension to James E. Jones; to the Committee on Pensions.

Also, a bill (H. R. 4153) granting a pension to Taylor Hubbard; to the Committee on Pensions.

Also, a bill (H. R. 4154) granting a pension to Mary Starnes Elliott; to the Committee on Pensions.

Also, a bill (H. R. 4155) granting a pension to John Ferman; to the Committee on Pensions.

Also, a bill (H. R. 4156) granting a pension to Isom W. Foley; to the Committee on Pensions.

Also, a bill (H. R. 4157) granting a pension to John Sullivan; to the Committee on Pensions.

Also, a bill (H. R. 4158) granting a pension to Eli Bowling; to the Committee on Pensions.

Also, a bill (H. R. 4159) granting a pension to James H. Hornsby; to the Committee on Pensions.

Also, a bill (H. R. 4160) granting a pension to William Pace; to the Committee on Pensions.

Also, a bill (H. R. 4161) granting a pension to George Brewer; to the Committee on Pensions.

Also, a bill (H. R. 4162) granting a pension to Buster Davis; to the Committee on Pensions.

Also, a bill (H. R. 4163) granting a pension to Elijah Lundy; to the Committee on Pensions.

Also, a bill (H. R. 4164) granting a pension to Gilson D. Moore; to the Committee on Pensions.

Also, a bill (H. R. 4165) granting a pension to Nathaniel Blanton; to the Committee on Pensions.

Also, a bill (H. R. 4166) granting a pension to Ewel King; to the Committee on Pensions.

Also, a bill (H. R. 4167) granting a pension to Edward Lay; to the Committee on Pensions.

Also, a bill (H. R. 4168) granting a pension to Elizabeth C. Archibald; to the Committee on Pensions.

Also, a bill (H. R. 4169) granting a pension to Bev Baker; to the Committee on Pensions.

Also, a bill (H. R. 4170) granting a pension to Walter G. Abner; to the Committee on Pensions.

Also, a bill (H. R. 4171) granting a pension to Curt Morgan; to the Committee on Pensions.

Also, a bill (H. R. 4172) granting a pension to Rebecca Martin; to the Committee on Pensions.

Also, a bill (H. R. 4173) granting a pension to Isaac Townsend; to the Committee on Pensions.

Also, a bill (H. R. 4174) granting a pension to Jacob C. Wright; to the Committee on Pensions.

Also, a bill (H. R. 4175) granting a pension to James M. Howard; to the Committee on Pensions.

Also, a bill (H. R. 4176) granting a pension to Stephen House; to the Committee on Pensions.

Also, a bill (H. R. 4177) granting a pension to Raleigh J. Stanberry; to the Committee on Pensions.

Also, a bill (H. R. 4178) granting an increase of pension to George Poff; to the Committee on Pensions.

Also, a bill (H. R. 4179) granting an increase of pension to Bascumb Hornsby; to the Committee on Pensions.

Also, a bill (H. R. 4180) granting an increase of pension to John W. Cook; to the Committee on Pensions.

Also, a bill (H. R. 4181) granting an increase of pension to Dillon Collett; to the Committee on Pensions.

Also, a bill (H. R. 4182) granting an increase of pension to Dudley R. Sloan; to the Committee on Pensions.

Also, a bill (H. R. 4183) granting an increase of pension to Joseph Roach; to the Committee on Pensions.

Also, a bill (H. R. 4184) granting an increase of pension to Alexander Kelly; to the Committee on Pensions.

Also, a bill (H. R. 4185) granting an increase of pension to Leander Young; to the Committee on Pensions.

By Mr. SINNOTT: A bill (H. R. 4186) granting an increase of pension to Nathaniel C. Long; to the Committee on Invalid Pensions.

By Mr. TAYLOR of Colorado: A bill (H. R. 4187) authorizing Anton Hiersche to select other land in lieu of land now owned by him, required for reclamation purposes; to the Committee on Irrigation of Arid Lands.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ASHBROOK: Petition of Mrs. James Graham and 73 other ladies, of Warsaw, Ohio, asking for national prohibition; to the Committee on the Judiciary.

By Mr. DALE of New York: Petition of 350,000 organized wageworkers of New York City, against national prohibition; to the Committee on the Judiciary.

Also, petition of Colgate & Co., of New York, favoring passage of House bill 2609, daylight-saving bill; to the Committee on Interstate and Foreign Commerce.

Also, petitions of B. D. Sheedy, the Pineoleum Co., and the J. M. Etzel Co., of New York City, favoring passage of a bill for revision of postal rates; to the Committee on the Post Office and Post Roads.

Also, petition of E. Fougera & Co., of New York City, against the stamp tax; to the Committee on Ways and Means.

By Mr. DYER: Memorial of the Missouri Food Conference, relative to universal military service, etc.; to the Committee on Military Affairs.

By Mr. ESCH: Memorial of the Presbytery of Madison of the Presbyterian Church of the United States of America, favoring national prohibition as a war measure; to the Committee on the Judiciary.

By Mr. FULLER of Illinois: Petition of the Kurtz Action Co., of Rockford, Ill., protesting against a proposed tax on denatured alcohol; to the Committee on Ways and Means.

Also, petition of the Autocar Sales & Service Co., of Illinois, against a tax on automobiles; to the Committee on Ways and Means.

Also, petition of W. C. De Atley, of De Kalb, Ill., protesting against stamp tax on proprietary manufactures; to the Committee on Ways and Means.

By Mr. GALLIVAN: Petition of the Dorchester Aerie, No. 1989, Fraternal Order of Eagles, of Dorchester, Mass., offering to the President moral and financial support of the order during the war; to the Committee on Military Affairs.

By Mr. GARDNER: Memorial of the First Baptist Church of Beverly, Mass., against use of grain for manufacture of intoxicating liquors; to the Committee on the Judiciary.

By Mr. HAMILTON: Papers to accompany House bill 3261, to increase pension of William Wilson; to the Committee on Invalid Pensions.

By Mr. HOLLINGSWORTH: Memorial of Rittie L. Rothwell, president Woman's Christian Temperance Union of East Palestine, Ohio, and 100 citizens, favoring prohibition of use of grain for manufacture of intoxicating liquors during the war; to the Committee on the Judiciary.

By Mr. LAGUARDIA: Memorial of 600,000 readers of the newspapers controlled by William Randolph Hearst, against the proposed espionage bill; to the Committee on Military Affairs.

By Mr. LONERGAN: Memorial of Norden Lodge, No. 37, Independent Order of Good Templars, in New Britain, Conn., favoring national prohibition; to the Committee on the Judiciary.

By Mr. RAKER: Petition of Ed E. Leake, appraiser of merchandise, San Francisco, Cal., and N. S. Farley, deputy collector of customs, in regard to extending benefits of care and treatment by the Public Health Service to seamen on vessels used in the service of the United States; to the Committee on the Merchant Marine and Fisheries.

Also, petition of Los Angeles (Cal.) Examiner, Herald, Times, Tribune, and Express, protesting against provisions of the espionage bill; to the Committee on the Judiciary.

Also, petition by W. F. Prisk, publisher, Long Beach, Cal., urging enactment of universal liability-to-service bill; to the Committee on Military Affairs.

Also, petition by Red Bluff News, John G. Miller, editor, urging enactment of universal liability-to-service bill; to the Committee on Military Affairs.

Also, petition by Business Men's National Service League, urging enactment of universal liability-to-service bill; to the Committee on Military Affairs.

Also, petition of Maryland Metal Cross Tie Co., of Baltimore, Md., in relation to crossties; to the Committee on Interstate and Foreign Commerce.

Also, petition of Orlando Unit Water Users' Association, of Orlando, Cal., urging amendment to reclamation act; to the Committee on Irrigation of Arid Lands.

By Mr. REED: Petitions of 400 members of the McClelland Bible Class, of the First Presbyterian Church, and members of the Central Christian Sunday School, of Clarksburg, W. Va., asking suppression of the liquor traffic during the war; to the Committee on the Judiciary.

By Mr. SNOOK: Memorial of public meeting in Delta, Ohio, against polygamy in the United States; to the Committee on the Judiciary.

Also, memorial of Van Wert Lodge of International Association of Machinists, favoring Government control of foodstuffs; to the Committee on Agriculture.

By Mr. STINESS: Memorials of congregations of Wood River and Alton Chapel, Rhode Island, and Ministers' Conference of Providence, R. I., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of Providence (R. I.) Pattern Makers' Association, relative to proposed taxation to finance the war; to the Committee on Ways and Means.

By Mr. TILSON: Petition of New Haven Equal Franchise League, favoring woman suffrage; to the Committee on the Judiciary.

SENATE.

FRIDAY, *May 4, 1917.*

(Legislative day of Wednesday, May 2, 1917.)

The Senate reassembled at 12 o'clock m., on the expiration of the recess.

ADDRESS BY M. VIVIANI.

The VICE PRESIDENT. The Chair has received a translation of the address delivered by the French vice premier in the Senate Chamber on the 1st instant. If there is no objection, the Chair will order it printed in the RECORD, and when incorporated in the permanent RECORD it will be of value in future years.

PUNISHMENT OF ESPIONAGE.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2) to punish acts of interference with the foreign relations, the neutrality, and the foreign commerce of the United States, to punish espionage, and better to enforce the criminal laws of the United States, and for other purposes.

The VICE PRESIDENT. The pending amendment is the amendment of the Senator from Georgia [Mr. SMITH].

Mr. OVERMAN. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Husting	New	Smith, Md.
Bankhead	James	Norris	Smoot
Brady	Johnson, Cal.	Overman	Sterling
Chamberlain	Johnson, S. Dak.	Page	Thomas
Culberson	Jones, N. Mex.	Phelan	Thompson
Cummins	Jones, Wash.	Pittman	Townsend
Curtis	Kellogg	Robinson	Trammell
Dillingham	Kendrick	Saulsbury	Vardaman
Fernald	Kenyon	Shafroth	Walsh
Frelinghuysen	Knox	Sheppard	Warren
Gallinger	La Follette	Sherman	Watson
Gerry	McKellar	Smith, Ariz.	Wolcott
Hale	Myers	Smith, Ga.	

Mr. FRELINGHUYSEN. I desire to announce the unavoidable absence of my colleague, the senior Senator from New Jersey [Mr. HUGHES], on account of illness. I will let this announcement stand for the day.

Mr. JONES of Washington. I wish to announce that my colleague [Mr. POINDEXTER] is detained from the Chamber on public business.

Mr. TOWNSEND. I wish to announce the absence of my colleague [Mr. SMITH of Michigan] and his pair with the junior Senator from Missouri [Mr. REED]. This announcement may stand for the day.

Mr. THOMPSON. I desire to announce that the junior Senator from Missouri [Mr. REED] is unavoidably absent this morning.

Mr. CHAMBERLAIN. I wish to announce the absence on account of illness of my colleague [Mr. LANE].

The VICE PRESIDENT. Fifty-one Senators have answered to the roll call. There is a quorum present.

Mr. SMITH of Georgia obtained the floor.

Mr. SMITH of Arizona. Will the Senator from Georgia permit me to present a report from the Committee on Printing?

The VICE PRESIDENT. The Chair is compelled under the rule to prevent the interruption of a Senator on the floor for the making of reports or any other business. The Senator from Georgia will proceed.

Mr. SMITH of Georgia. Mr. President, I shall detain the Senate very briefly in the consideration of the substitute which I have offered.

The provision contained in the report from the Judiciary Committee gives nominally to the President the right to stop the exportation of any commodity he may see fit from the United States. The substitute which I have offered limits this control to commodities going to an enemy country.

Is it necessary at this time to declare upon the floor of the Senate by a majority vote that a condition exists where we deem it advisable to hang over every product of the United States the possibility of suspension of access to markets? The price of any commodity depends upon the market, in a large part, that it can reach. Has such a condition arisen that we are justified in saying to every producer in the United States we think it necessary to threaten your production with the order of an individual which will stop your markets?

Of course this work placed upon the President can not be performed by him. No human being could cover this work alone by himself. It means that some men in some bureau are to form conclusions, and as a result of their conclusions the production will be cut off from the markets of the world.

Our constituents understand that if the subject of cutting a particular commodity off from the markets of the world was to be considered by Congress they would have a hearing, for their Senators are within their reach. Their Representatives are within their reach, and they are likely to express the wish of the people of their State.

Mr. GALLINGER. Mr. President, will the Senator permit me? I am quite in sympathy with the Senator's contention, but I wish to suggest to the Senator that the evil he is complaining against is infinitesimal compared with what is proposed, if the Washington Post of this morning is reliable authority, so far as the immediate future is concerned.

Mr. SMITH of Georgia. Let us stop it now and be prepared to stop it further on.

Mr. GALLINGER. I agree with the Senator.

Mr. SMITH of Georgia. Let me take, for instance, cotton, the chief commodity for market of my section. If a proposition was made to stop the export of cotton and cut the markets of the world off from the cotton producer, he would feel that he had his Senators and his Representatives, who would listen to him and probably heed his views. If it was to cut off corn, the Senators from Iowa, representing that great corn-producing State, would be within his reach to listen to him. If it was to cut off wheat, the Senators from the Dakotas would listen to their constituents. If it was to cut off some manufactured product of Pennsylvania, the Senators and Representatives of that State would be within the reach of their constituents and would listen to them. But we propose to transfer the power of destroying markets, not really to the President—he could not investigate the questions—but to some representative in the department, some bureau men to whom the people of the country do not have access.

Mr. OVERMAN. In war does not the President have to trust to his generals and the colonels and the captains in fighting the war? In carrying on war does he not have to trust his Cabinet and his subordinates? Is that a matter which can be regulated otherwise? It has to be done through his subordinates.

Mr. SMITH of Georgia. I answer the Senator, when it comes to handling the Army, yes; but when it comes to handling the commerce of the United States, that is not a war measure which we should delegate to the head of the War Department or to the head of any bureau. We can pass upon it better than they can. We could not pass upon the details of the management of troops in the field—that is not our business and that is not the business of our constituents at home—but when it comes to saying whether corn can be exported to the markets of the world, or whether it should be cut off from the markets of the world, we know more about it than the Army or Navy do, or any bureau, or than the President does.

I do not believe that the mere occupancy of a seat in the Cabinet, as Secretary to the President, transforms a man into superior knowledge. I have personally been aware of the fact that Cabinet men are not always fully qualified to fill the places they occupy, from my personal experience in filling such a place, although there is something about the occupancy of it that creates in the mind of the occupant a misconception of his own capacity. I have had that experience also.

Mr. OVERMAN. The Senator served as a Cabinet officer, and he was a very distinguished and able one. I have no doubt his advice to the President of the United States, Grover Cleveland, was very valuable to him.

Mr. SMITH of Georgia. Mr. President, I know I am ten times better qualified to-day than I was then, and I believe that there are Senators upon this floor fully as qualified, many of them, as any in the Cabinet. I deny that this is a question to be handled in such a way. It is not a matter of war now. It is a subject for us to pass upon if the emergency arises. The emergency has not arisen. I insist that for us to pass such a measure is to put a cloud over the industries of the country and to discourage production. This measure, if passed, will certainly discourage production all over our country——

Mr. STONE. Mr. President——

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Missouri?

Mr. SMITH of Georgia. I yield.

Mr. STONE. What would the Senator consider to be an emergency of sufficient magnitude to warrant an embargo on the exportation of food products, whether the embargo should be laid by the President or directly by an act of Congress?

Mr. SMITH of Georgia. I can scarcely conceive of one.

Mr. STONE. Let me supplement my question by asking if it is true now or should later become true that there was a shortage of food supplies in the United States which threatened the well-being of the American people, would such a situation as that be an emergency?

Mr. SMITH of Georgia. There would then be a still further problem involved. With our allies, England and France, we are at war with Germany. I can not conceive of this country not producing foodstuffs enough, economically used, to feed the people of France, England, and the United States—all three. We could not afford an embargo that would starve France and England. That would be to invite German submarines to our shores and the war to our own shores. I do not believe that there is a danger of a shortage of foodstuffs that would lessen the necessities of life to the people of this country. We may deter production by threatening foodstuffs with prices that might be consequent upon an embargo. We must encourage production by letting it be known that markets will be preserved in which those who produce can dispose of their products.

The threat of an embargo is likely to check food production in the United States; it is likely to check all kinds of production; it is likely to bring about the difficulty that we so much desire to avoid.

If the occasion arises, let us ourselves pass upon it; let us keep in the minds of the people that there will be no embargo on anything unless their Congress, constitutionally authorized to pass upon such a subject, considers it and is prepared to justify the particular embargo. It will be time enough when it comes; but give the producer the assurance that it will not be accepted as having come until his own Senators and his own Representatives, to whom he can present his case, are prepared to justify before their constituents the embargo for which they vote. I believe it is essential to defeat this provision in order to preserve production. This is necessary for consumer as well as producer.

Mr. President, I have become earnestly convinced that what we need is not hysteria; what we need is not a manifestation of a willingness to wipe out all normal conditions; but, so far as we can, it is to preserve normal conditions, to give the industries of the country and the employment of those not called to arms the opportunity for work, for production, for sale, just as nearly normal as possible. The less we interfere the more normal they will be. I have for myself reached the conclusion that in levying taxes we should be very careful at this time not to so levy them as to mar the normal conditions of the country. Our effort should be to preserve the normal, not to destroy it. I do not desire to detain the Senate, and I will not do so. I believe the majority of the Judiciary Committee is to-day opposed to this provision.

Mr. OVERMAN. Oh, no.

Mr. SMITH of Georgia. Still, I believe it. I may be mistaken. This provision passed the Judiciary Committee; I took no part in it, because I understood the measure we were going to recommend was the one which I thought had been suggested by the Senator from Utah [Mr. KING], and until I read this provision in the Senate I supposed it was merely a provision to authorize the prevention of shipments of our goods to those countries which carry them on to an enemy country, substantially what I have embodied in the substitute. I have sought to embody in the substitute what I understood the Senator from Utah advocated in the Judiciary Committee. I shall not, however, detain the Senate.

Mr. OVERMAN. But the Senator from Georgia will remember that the Senator from Utah did not advocate that. He was satisfied with this amendment, and did not present his amendment at all.

Mr. SMITH of Georgia. I heard that mentioned, but I was not present.

Mr. OVERMAN. The Senator from Georgia stated that the Senator from Utah had introduced a similar bill, but that bill was never before the Judiciary Committee, and this proposition was.

Mr. SMITH of Georgia. I do not say that it was formally before the committee, but it had been mentioned there, and the impression I gathered was that that was the measure which we were going to embody in the bill. I was called to another committee, where I thought my presence was necessary. For that reason I was not present in the Judiciary Committee when this provision was adopted.

Mr. WALSH. Mr. President, any subject being treated of with his customary vigor by the Senator from Missouri [Mr. REED] or by the distinguished Senator from Georgia [Mr. SMITH], who has just now addressed the Senate, assumes an importance sometimes quite disproportionate to its real significance. Both of those Senators have in a discussion of the feature of the bill under consideration laid particular emphasis upon the fact that oftentimes when a general power is granted to the President of the United States the real obligation for

action in the premises in the practical operation of the law devolves upon some subordinate in some department of the Government. Of course, Mr. President, if we could entertain at all the idea that this provision of this bill is to be put in operation upon the judgment or in accordance with the discretion of any clerk in one of the departments, everything that the Senators have said in opposition to it would be sound and ought to govern and influence the action of the Senate to reject it; but, Mr. President, I submit that the notion upon which the argument is based must be dismissed, notwithstanding the confidence with which it is advanced.

What is that power, Mr. President, that it is supposed will thus be delegated to a subordinate? Nothing that has been said by the Senators who have spoken upon this subject in opposition to the provision as it is found in the bill as now amended can add to the tremendous importance of the question before us as it must address itself to every Senator, involving, as it does, the shutting off of exports from this country to any other country, either altogether or with reference to particular commodities. Why, Mr. President, it does not make any difference how insignificant is the particular commodity that may be interdicted nor how insignificant is the foreign state to which the proclamation is directed or whose interests are involved, that state will be prompt to protest against any contemplated action upon the part of our Government under the power it is proposed to grant to the President. Unquestionably any attempt upon the part of the executive power to exercise the authority intended hereby to be granted to him will immediately give rise to an international complication.

Is it to be imagined for a single moment that an order of that character will be promulgated thoughtlessly upon the suggestion of some subordinate in any one of the departments? Why, Mr. President, it will not be put out, as it will probably be agreed upon reflection, even upon the suggestion of the head of a department. We can not conceive, Mr. President, that it ever will be issued except as a result of a Cabinet meeting, before which the move will be considered in all of its aspects and in all of its phases. The State Department, as a matter of course, will feel called upon to interpose upon any suggestion to resort to the authority to be conferred as a form of reprisal and to represent how it will affect our relations with the countries involved.

The amendment proposed by the Senator from Georgia [Mr. SMITH] suggests one condition under which it may be advisable to exercise the power, namely, when the exports from this country to one of the neutral countries are, by the connivance of that country, allowed to go into the countries with which our country is at war. But, Mr. President, it may be desirable to bring pressure to bear upon some of the countries not yet parties to the war upon considerations quite outside of the question of their allowing exports from our country to get within the borders of enemy countries. There are many other ways in which neutral countries can be of material help to our enemies and of injury to us; and in negotiating with them, in order to insist upon their desisting from a course which is damaging to us, an act such as is now proposed will be a powerful weapon to put into the hands of the Executive. It will be a powerful argument to him to be able to say to them that, unless they desist from a course which we believe violative of their attitude of neutrality and destructive of our rights, we shall immediately suspend commercial relations with them.

Mr. President, the Senator from Georgia [Mr. SMITH] and the Senator from Iowa [Mr. CUMMINS] want the course we should take when differences arrive at that stage to be determined not in the secrecy of a Cabinet meeting and by the heads of the various departments in consultation with the Commander in Chief of the Army and the most conspicuous representative of the Nation, but by Congress. Why, Mr. President, we should be sorely crippled if in any such emergency involving a foreign country the President was obliged to relegate the subject to the legislative branch. He would have no means of forcing acquiescence in his legitimate demands upon neutral countries that are pursuing a policy inimical to our interests. They would recognize as a matter of course that action by Congress might or might not be helpful to the President. They would be prone to indulge the hope that his views would not prevail. They would recognize that local interests would be more or less powerful, and they know of the success with which legislation in Congress and in legislative bodies generally can be interrupted and delayed. That course, Mr. President, would weaken our executive branch in a most unfortunate way in the discharge of the grave duties which now devolve upon it.

In the English system they have the privy council, which handles all questions of this character. We have no such machinery in our form of government, but the nearest approach to it is the Cabinet meeting, at which the heads of the great departments of the Government, the constitutional advisers of the President, consult and confer with him. There, it seems to me, the power should be left.

Mr. President, I represent in part a great State which stands second among the States of the Union in the production of copper, and it is rapidly reaching a position of primacy in the production of zinc—two great commodities that are of first importance in the conduct of a war. It is fast reaching a place of first magnitude in the production of foodstuffs; and yet, Mr. President, I know I speak the sentiments of the people of the State of Montana when I say that they are perfectly willing to abide by any decision that is made by the President and his constitutional advisers to the effect that the safety of the country requires and demands that we cease commercial transactions with any of the neutral countries.

Mr. President, over a year ago I introduced a bill which, if passed, would have placed in the hands of the President the power to lay an embargo upon exports from this country to any country which, after warning by the Executive, persisted in a course that was violative of our international rights. I am perfectly willing to-day to intrust that power to the President in the midst of war; and I do not see how anyone who really considers the subject calmly and with an earnest desire to back up the President in any legitimate effort that he may make in this connection can hesitate for a moment to do so.

I think the chapter was wisely amended so as to leave it in such shape as that it can not be exercised by the President upon any consideration of what is for the public welfare as against the public safety; but as a war measure, for the purpose of aiding the President in bringing the strife to a speedy conclusion, I believe that we may safely intrust him and his constitutional advisers—his Cabinet—with the discretion to lay this embargo whenever in their judgment the public safety requires that it shall be done.

As was pointed out by the Senator from Minnesota [Mr. KELLOGG], there can be no serious question about the power of Congress thus to delegate the right to declare when the embargo is to become effective. An act substantially like the bill before us was passed in the year 1794, and received the signature of George Washington, the first President of the United States, who, as well, was the president of the Constitutional Convention. I think that he and those who participated with him in the formation of the organic law upon which our institutions rest did not disregard the spirit of that law, nor the obligation of the oath which they took to support the Constitution in the enactment of that measure, and I do not think we shall do so in the passage of this bill.

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Georgia [Mr. SMITH].

Mr. TOWNSEND. Mr. President, I do not rise so much to discuss the particular amendment under consideration as to call attention to the fact that the committee provision is but another example of the tendency of the Congress. I believe that we are legislating under hysteria; that the need of extraordinary action of the kind proposed is magnified beyond all due proportion to the necessities of the time. To mobilize and make efficient in the shortest practical time all of the country's resources is our very present duty, but to conjure evils and thus assail the foundations of constitutional government for remedies falsely labeled war emergencies is not only unnecessary but possibly dangerous.

I confess, Mr. President, that we know very little about our real war situation, and in submitting these remarks I am confident that I will not be properly subject to the criticism of partisanship, because I am in distinguished company, in the company of Democratic Senators who have supported the administration under all circumstances, and who, with me, feel that at this time it is proper to submit suggestions which are entirely pertinent to the occasion and disassociated from partisan politics. I repeat that the Congress knows little about the real situation. It is possible that the delegates appointed by the legislative branches of France and of England now here in our Capital may know something about it, but the Senate does not. It is expected to have implicit confidence in what is being proposed and unhesitatingly to yield its prerogatives to the Executive. I had supposed that the Senate, under the Constitution, was an advisory body to the President; but some Senators seem to feel that it is our duty to shift every difficult problem over to the Executive and confer upon him full authority to solve it and apply the result as to him may seem best.

I have voted an acknowledgment of the fact that we were engaged in war. I have voted emergency millions to the President to expend without check, and I shall continue to vote whatever money may seem to be necessary to carry on the war in which we are engaged; but I submit that it is not the duty nor the right of the Congress blindly to surrender its every responsibility and duty in this war to the Chief Executive.

This provision of the bill includes not only possible relief for certain emergencies in which some Senators are interested and for which they have spoken, but it gives the President such power, I submit, as few, if any, rulers of the world have ever possessed or possess now. It has been said by some one that if Russia has established a democracy the only two great autocracies left in the world are Germany and the United States, and I fear that there is very much truth in that statement.

A moment ago I referred to the fact that the Chief Executive of our country is now in consultation with the agents of the legislative branches of our two allies, France and Great Britain; but those agents are not in consultation with the legislative branch of our Government. No Members of the Congress have been called to the council chamber to consult as to what our country is to do in this crisis; as one of the humblest Members of this Congress, I feel that even I have a right to know. I protest against this condition, Mr. President. It is the duty of the Congress to know; and it should remain in session until it knows and performs its full duty. It should consider the problems that exist now and that will arise hereafter—emergencies that are subject to the action of Congress—and they should be met as it was intended that the Congress should meet them.

I believe that the people of the United States expect that Congress shall be something more than an indorser of ready-made, not understood, propositions. Outside of Washington this hysteria which affects the Capital is not felt so generally. I suppose the experience of other Senators is the same as my own. I am receiving letters and telegrams from good people in my State, who protest against the surrender by Congress of its prerogatives, even in what are called emergencies, but which are not always so, and which can be successfully met by helpful cooperation between the President and Congress.

Mr. President, while I understand that, possibly, it may be unpopular to submit these remarks, I nevertheless feel it my duty to protest against this surrender of responsibility on the part of the Congress to the President of the United States, however good and wise and patriotic he may be. I suppose that when you give the unlimited power contained in this section and in other sections of this bill you will then enact the espionage clause. You will vote it into the bill in order to prevent any criticism of the conduct of the war or a disclosure of all the facts to the people. Will you brand as an enemy to his country he who dares to call attention to conditions which exist? The success of this war may depend upon the patriotic support of our people. It is their war now, no matter how reluctant they may have been to enter it. They have a right to know all about it and to be represented fully by their Congress.

Mr. President, I do not think many propositions of this bill are in the interest of patriotism. I do not think they are in the interest of effective democracy. I would enact laws imposing penalties capital in their nature, if need be, upon a traitor to this country, whether foreign or native born, but I would not destroy the press or close the mouths of the people in their efforts to present to the country the facts as they exist in reference to this war. Never before, however, in our history have we taken the position that even a President can make no mistakes. Never before have we acknowledged that democracy is inefficient to meet any emergency. The Congress has demonstrated its desire to stand by the President. There is no division of sentiment in that respect here or elsewhere. He is receiving the patriotic support of all of the people; but because the Congress is patriotic, because it is generous to the utmost degree with the people's money, because it equips its Commander in Chief with every facility for success, because it upholds the President in his mighty responsibilities, is that a reason or an excuse for the Senate to vacate its duties, its responsibilities?

Mr. President, the particular example cited by the senior Senator from Maine [Mr. FERNALD], as it applies to tin plate, affects many citizens of my State very materially. We have many good people up there engaged in the canning business. They confer a benefit upon the farmers all about and are a very important factor in food conservation; and if a specific provision to meet the apparent tin-plate emergency were presented, Congress itself could afford relief, and I would gladly support it. But when you cover it into a blanket provision which permits the President of the United States to use unlimited power in any way which may to him appear good, it seems to me that you entirely depart from the theory of our Republic.

Of course, the argument of the Senator from Montana is good, so far as efficiency is concerned; and it applies to all autocracies. A supreme man at the head of a country, one with all wisdom and all power and all goodness, could undoubtedly give a more efficient and probably a better government than a republic could give; we know that such a man does not live; none such has ever lived; but that is not our theory of government. We have been experimenting for more than a century and a quarter in self-government through legislatures. The Congress of the United States is composed of representatives of the people and is supposed to speak for them. This suggestion in the Washington morning papers that Congress surrender absolutely and turn over its business to the President and go home does not find any favorable response in my mind or heart. If our system of government did not forbid it, our experience of the last few years would still induce me to oppose transferring all power to the Executive.

Our duty is here. These problems, however difficult, must be solved by men. When we were elected it was with the presumption that we had the ability to represent the people and to perform the duties which the Constitution had imposed upon us. We have not tried. The proposition is not to try. It is this tendency toward autocracy against which I protest, not so much against the particular section under consideration. That is but one instance of the menace contained in this bill, and there are other measures which have been presented and which may be presented to Congress illustrative of this serious condition.

Mr. JONES of New Mexico. Mr. President——

The VICE PRESIDENT. Does the Senator from Michigan yield to the Senator from New Mexico?

Mr. TOWNSEND. I yield.

Mr. JONES of New Mexico. I should like to ask the Senator how much in detail he would like the Congress to consider the questions which are now before the Senate and the subject of the remarks of Senators? Would the Senator suggest having Congress decide whether or not any particular commodity should cease to be exported? Would he have the Congress take up the details as to whether or not cotton, for instance, should be exported? And if so, would he go further and have the Congress consider the question as to whether cotton should be exported to Italy or not? To what extent would he advocate legislation upon this question of exports?

Mr. TOWNSEND. I would do in a particular case just as I would do on any other question that came before Congress for its consideration. I do not believe that we have reached the point in this matter under consideration where it is necessary for the Congress to act in this blanket manner; but if Senators think we have reached that point in reference to any particular product, I would legislate upon that directly. I would do as we do in other matters of legislation—legislate fully on the subject.

Mr. President, I do not care to detain the Senate longer. As I said to begin with, I rose simply to utter a protest rather than to discuss in detail the provisions of the bill. They have already been discussed, and there have been some speeches made on the floor of the Senate during the last few days which will be a credit to the United States Senate when its record has been completely written. They are some evidence of the ability, at least, of some Senators.

Mr. OVERMAN. Mr. President, the Senator has said we are standing by the President. I protest that at the very outset of this war Senators refuse to give him their confidence. One Senator upon this floor complains that, forsooth, the President of the United States, through his Attorney General, is guilty of the crime of sending down a bill for the Judiciary Committee to consider and suggesting what ought to be done. This seventh chapter was not included in the original bill sent down here, but it was sent, and introduced not by me, but by another member of the Judiciary Committee at the request of the Attorney General. Is that a crime? It is only a suggestion to Congress and a suggestion to the committee.

This original bill was introduced and passed through the committee and passed the Senate. It was considered for six weeks in the Committee on the Judiciary, every line of it. The President of the United States, when we declared war and put in his hands the direction of affairs and gave him $100,000,000 and told him to conduct this war, gathered around him his advisers, the Cabinet, and asked what legislation was necessary to safely conduct the war. He sent down to the Senate, as it was his duty to do, a request to Congress to invest him with certain powers that he might conduct the war success-

fully. Then, Mr. President, three or four weeks ago information came to the President of the United States that this country was sending food, clothing, wheat, and everything to the Germans through neutral countries; and then it was, with that information in his possession, that the President gathered his advisers around him, and said: "What am I to do? I ask for some power that I may stop the furnishing of supplies to our enemies, feeding them when our allies are starving to death, and even our people at home are starving to death"; and yet here Senators upon this floor decline to vest that authority in him. They do not have that confidence in him. They are afraid to trust him with finding as a fact that the very safety of our Republic is at stake.

What are we going to do about it? What are you going to do about it? Are you going to let this corn and wheat and clothing and other things be shipped to the Germans? Shall it continue to go on and go on, and Congress sit here and talk and talk and talk for weeks and weeks before any bill is passed, because, forsooth, some Senator from some section of the country is opposed to it? Shall we have criticism of the President because he asks us for power to carry on the war successfully?

I protest that we are not giving him our confidence. I say a vote here for these amendments and against this bill is a vote of lack of confidence right at the outset of this war. Is it constitutional? If it is unconstitutional, I say I would ask no Senator to vote for it; but if there is doubt about it, as a Senator said in connection with the child-labor case, give the President the benefit of the doubt; and if he is to fight this war, rest your confidence in him that he will not do any great wrong to his people, that he will not make this proclamation unless he finds as a fact that our own Republic is in danger and it is necessary for him to declare an embargo if he is going to fight a successful war.

What are you going to do about it? Will some Senator tell me what you are going to do about it? Does the Senator from Michigan want us to sit here and wait for information to come through the diplomatic channels that this thing which is being done in other countries ought to be stopped, and then send a message down here and let us discuss it for a month? Or will you trust the President and repose this power in him, if it is constitutional?—and I believe it is.

The Senator from Minnesota [Mr. KELLOGG] made an argument here upon the same principles as adopted in the Great Northern Securities case—and he is a great lawyer—that this is constitutional. I believe it is constitutional, and three or more of the lawyers of this great committee—nearly all of them, with probably four exceptions—say it is constitutional. Then if you have no doubts, or even if you have a doubt of its constitutionality, let us trust our leader in time of war. Let us give him the power, because I believe he will exercise it justly. I do not believe he will put an embargo on cotton.

Mr. SMITH of Georgia. Mr. President, he will never by my vote have the power to do it.

Mr. OVERMAN. I am willing to trust him and give him the power, because I know unless he finds it is necessary for the safety of this Republic that he will never put an embargo on it. I know he will never put an embargo on anything else unless he finds as a fact, or as the proposed law says, that the safety of the Republic demands it.

Mr. WATSON and Mr. TOWNSEND addressed the Chair.

Mr. OVERMAN. I yield to the Senator from Indiana.

Mr. WATSON. I saw in the paper this morning a statement that a bill has been introduced——

Mr. OVERMAN. Oh, Mr. President, do not let us discuss that bill. We will discuss it when it comes here.

Mr. WATSON. I want to know of the Senator just how far he wants to trust the President, this President or any other President. He says we must have confidence in the President.

Mr. OVERMAN. Yes.

Mr. WATSON. How far are you willing to trust the President?

Mr. OVERMAN. I want to trust him this far, that if he finds the enemy to-day are fed and clothed from this country he shall have the power to stop food from going from this country to that country. That is as far as I want to go now, and when further power is sought I will take that up later. I yield to the Senator from Michigan.

Mr. TOWNSEND. The Senator has repeated that statement, which is a surprise to me. How long has the President known that the United States was shipping foodstuffs to Germany?

Mr. OVERMAN. Mr. President, I do not know except as the information came. Perhaps I ought not to state it. Some things occur in committees that can not be said upon the floor; but there has been so much said about it I concluded I would make a clean breast of it and tell what did occur. How long it has been known I do not know.

Mr. TOWNSEND. Do you not think, Mr. President, that it is the duty of Congress or it is the privilege of Congress to know that?

Mr. OVERMAN. Mr. President, when we were fighting the little Spanish War, when President McKinley came to Congress and asked for practically the same power that is asked here, you did not hear a Senator talking about its constitutionality. You did not hear Senators talking about being afraid to trust him and that Congress ought to do it. That Congress was then composed of the greatest lawyers in this country. There never have been such lawyers in this body as sat here then, and they marched up without any opposition at all and conferred this right upon President McKinley. Do you tell me here now that you want to help the President? The precedent is upon the statute books in that act passed by Congress.

Mr. WATSON. If the object of this legislation is to prevent the shipping of food products from this country through neutral countries to an enemy country, and that is the sole object, as I understand the Senator from North Carolina——

Mr. OVERMAN. No; I did not say it was the sole object.

Mr. WATSON. Then why not adopt the amendment of the Senator from Georgia?

Mr. OVERMAN. If we are going to go that far, if that is constitutional, let us extend the power. We can not tell what is going to happen. The Senator from Georgia admits that it is constitutional by his amendment, and his amendment is all right as far as it goes, but it is limited. When we adjourn here we do not know what is going to happen. As the Senator from Montana has said, a thousand things may arise during this war where it may be necessary for the public defense that the President of the United States should have power to put an embargo on exports. I am willing to trust him if it is constitutional. Are you? You who think it is unconstitutional vote against it, but you who are willing to trust the President to do right and to fight the war successfully vote for this amendment and let us pass the bill.

He has said, "I can not fight this war successfully unless Congress authorizes me to do things as I think they ought to be done." He has submitted this measure to the Department of State, and he has submitted it to the Attorney General, and the Attorney General wrote us and advised us that it was constitutional, and therefore the President walked down and said: "Give me this authority; I need it. The safety of the Republic is in danger. I need this authority. Give me this authority." Why not? What are you going to do about it?

Mr. WEEKS. Mr. President——

Mr. OVERMAN. I yield to the Senator from Massachusetts.

Mr. WEEKS. The Senator speaks of Congress adjourning. I should like to ask him if he thinks Congress is likely to adjourn unless provision is made for a joint committee on the conduct of the war?

Mr. OVERMAN. I do not know anything about that. I do not know whether that is meant as a threat or not. That is a matter now before the committee for consideration. I do not know whether Congress is going to adjourn or not; but, Mr. President, there comes to the President of the United States, through diplomatic channels and through the Secretary of State, information sometimes that ought not to be given out; information which makes it necessary for the safety of this Republic that he should exercise certain authority, and the power ought to be given to him to exercise it.

Mr. TOWNSEND. May I interrupt the Senator one moment? What message does the Senator refer to that the President has submitted to Congress asking for this particular power?

Mr. OVERMAN. He has asked it, and sent, through the Attorney General, this single measure, solitary and alone, which we put into this bill in order to get it through speedily.

Mr. TOWNSEND. Is that the message to which the Senator refers?

Mr. OVERMAN. No message was sent, but I say it came through the Attorney General.

Mr. TOWNSEND. The Senator referred to a message from the President.

Mr. OVERMAN. No; the Senator is mistaken. If I did, I did not mean it. I know of no message.

Mr. REED. Mr. President, I wish to get a little information about that. The Attorney General a good while ago wrote a number of bills, which were presented to the Judiciary Committee. They contained some very radical propositions. The particular chapter which we are now discussing was one of those bills.

Mr. OVERMAN. The Senator is mistaken.

Mr. REED. As I understand it.

Mr. OVERMAN. It was not one of the original 12 or 13 bills sent down.

Mr. REED. There were originally 13 bills, or something like that number, sent in at the last Congress. At this session of Congress those same bills were returned to the committee of the Senate, and in addition to those 13 was the bill that is now under discussion, known as Chapter VII.

Mr. OVERMAN. No; this was sent down later. I do not think the Senator was even on the subcommittee. It was considered by the subcommittee, according to my recollection.

Mr. REED. I want to know if it did not come to the committee just as the others did, through the Attorney General as the suggestion of the Attorney General.

Mr. OVERMAN. I think not, Mr. President. It was sent down probably to the chairman of the committee, who introduced the bill very much later than the other bills, because the Senator from Utah some time ago had a bill very much like it introduced, and he was surprised three weeks ago when in the committee he found the Attorney General had sent down another bill to carry out the idea.

Mr. REED. What I am getting at is this: The Attorney General had drawn a number of bills. He afterwards drew two or three more bills, not this one but others.

Mr. OVERMAN. This was later.

Mr. REED. It came to the committee through the Attorney General. I want to know if the Senator means to tell us that the President of the United States singled out this bill, which now appears here as Chapter VII, and sent it down with any special request or message other than, or different from, that which may be assumed as to the other bills.

Mr. OVERMAN. I thought I had already stated that the President at the outset of the war discussed, as he should have done, with the Secretary of State, the Secretary of War, and all the Cabinet, as to what legislation was necessary for him to have from Congress in order to carry the war to a successful end. In pursuance of that the Secretary of War and the Secretary of the Navy and the Secretary of State, together with the Attorney General, prepared some 13 bills and sent them to us, not that Congress should enact those bills but in order to carry out the suggestions of the Secretary of War and the Secretary of State and the Secretary of the Navy and the other Secretaries. They sent the 13 bills here, which the committee sent to a subcommittee. The 13 were considered in the subcommittee and then reported to the full committee, and I thought we never would get them reported out. They were discussed in the committee for months, and just before the close of the Congress on the 4th of March we reported them out, too late for the House of Representatives to pass them.

Then the Attorney General, giving the history of it, as I understand it, sent down these bills again as amended by the committee. He sent them down like the Senate had amended them and the House had amended them, saying they were very important, and he desired to have them brought to the consideration of Congress for passage again. Then the subcommittee—the Senator from Missouri being on the subcommittee—began to consider those bills. Subsequently, I think, my recollection is, after we reported it, this bill that we are talking about now was sent by the Attorney General from the President, he giving the information which I have stated, that certain neutral countries were furnishing food to Germany. I can not mention the countries now, but it was said they were furnishing food to the Germans.

Mr. REED. Will the Senator state that that information was ever given to the subcommittee of which I was a member?

Mr. OVERMAN. No, sir; I said the Senator was not on the subcommittee, but the committee had reported it out. My recollection is he was on the subcommittee except as to this bill. You were on the subcommittee on all the other chapters, every one, except this.

Mr. REED. I say no such information as the Senator is now giving was ever laid before a subcommittee of which I was a member.

Mr. OVERMAN. I said that.

Mr. REED. Or was ever laid before the Judiciary Committee.

Mr. OVERMAN. When you were present?

Mr. REED. When I was present.

Mr. OVERMAN. I accept that.

Mr. REED. I now make the further statement that if the Senator will write into this bill a provision that when the President finds that there are supplies being sent from this country to our enemy or sent to other countries and forwarded on to our enemy he shall have the power to stop that I would myself guarantee that there will not be a vote in the Senate against that proposition.

Mr. OVERMAN. The Senator, then, thinks that would be constitutional?

Mr. REED. Undoubtedly it is constitutional; and you have heard me raise no constitutional objection to it.

Mr. OVERMAN. I know the Senator is a great lawyer, and I want to bring out the fact that he thinks it is not unconstitutional.

Mr. REED. That proposition would undoubtedly be right; and undoubtedly, in my opinion, it would be constitutional if Congress was to say that upon the happening of this particular fact the President should exercise a particular power; that having the power it can be reasonably said to be exercised in pursuance of the war or in support of the war. I have not the slightest doubt of its constitutionality, and I have heard no lawyer here make an argument to the contrary.

Mr. CUMMINS. No lawyer here has made an argument to the contrary or questioned the constitutionality of the amendment proposed by the Senator from Georgia. So far as I am concerned, I certainly do not.

Mr. OVERMAN. If we give him the power by proclamation to place an embargo upon wheat going from the United States to foreign countries and to Germany, I can not understand why we can not give him the power to find as a fact that the public safety requires that certain other things should be done.

Mr. REED. If the Senator will pardon me, I do not want him to get away from the proposition of the President having made a special request with reference to the particular bill we are now discussing.

Mr. OVERMAN. All right.

Mr. REED. I now understand the Senator to say nothing more nor less than this: There were a number of bills sent down at the previous session of Congress. They came to us through the various Cabinet officers and as the suggestions of those departments. Subsequently, and at this session of Congress, the Attorney General brought in one or two or, perhaps, three more bills, and among those was this particular measure.

Mr. OVERMAN. No; I do not think so. I do not recollect that there were two or three more. I said a number. I remember this one in particular.

Mr. REED. That this bill was presented as the bill which was desired, I have not yet heard in the committee; and I want to know if the Senator means to say now that the President sent any special request.

Mr. OVERMAN. I do not say that. The Attorney General had the information and came to the committee.

Mr. REED. I was present when the Attorney General was there and discussed it.

Mr. OVERMAN. The Senator did not see the Attorney General's letter and he did not have any conversation with him, I suppose.

Mr. REED. I am talking about the subcommittee.

Mr. OVERMAN. We called upon him about the other bills. He came there, as the Senator knows, upon other bills. We did not send for him to come about this bill.

Mr. REED. Of course, if there is a grapevine somewhere that the Senator has been in touch with and has been getting information by conversation and by letter——

Mr. OVERMAN. I got this from the newspapers also, and the Senator did, too.

Mr. REED. Very well. Now, I think that is about the situation, that instead of the President having sent down to the committee a request to pass this particular bill, all the Senator knows about it is that the Attorney General brought it down there and asked to have it passed, and probably wrote a letter in relation to it, and the newspapers have printed statements about it. That is a very different proposition from the one which the Senator was making a little while ago.

Mr. OVERMAN. The Attorney General did not bring it down; he did not come there with it at all.

Mr. REED. Then we are further off from it than we were a minute ago.

Mr. OVERMAN. I say he sent us another bill and asked us to pass it; and the Attorney General said the bill was indorsed by the President. He would not have come here with it if the President had not advocated it and wanted it.

Mr. SHIELDS. Mr. President, I do not fully understand what the Senator from North Carolina says. Does the Senator mean to say that the Attorney General drafted this bill?

Mr. OVERMAN. I think he did, and I have no objection to it.

Mr. WALSH. Mr. President——

Mr. OVERMAN. I yield to the Senator from Montana.

Mr. WALSH. I thought my recollection was correct. I have the letter now here, over the signature of the President, recommending the passage of the bill. I sent to the Judiciary Committee room and secured it. I ask that it be read at the desk.

The PRESIDING OFFICER (Mr. KENDRICK in the chair). The Secretary will read as requested.

The Secretary read as follows:

THE WHITE HOUSE,
Washington, April 14, 1917.

MY DEAR SENATOR: I am taking the liberty of sending you the draft of a suggested bill permitting the President to control exports, for the purpose of seeing to it that the resources of the country are used in the most effective way for the prosecution of the present war rather than diverted to countries or quarters where they are less needed.

I send also extracts from the letter of the Attorney General, which accompanied these drafts when he was kind enough to submit them to me at my request:

"As to section 3 appearing in the informal draft marked 'A,' that was intended to make the proposed legislation fit into chapter 6 of the so-called omnibus bill now pending in Congress covering foreign relations, neutrality, espionage, etc.——

Mr. OVERMAN. What is the date of the letter?

The PRESIDING OFFICER. The 14th of April.

Mr. OVERMAN. Every statement that I have made, then, Mr. President, is true, and it did not come exactly from newspapers. I am sorry the Senator from Missouri was not a little more regular in his attendance on the committee. Probably he would have heard the letter read.

Mr. REED. Mr. President, that is a very unnecessary remark to make.

Mr. SMITH of Georgia. I hope the Secretary will conclude the reading of the letter.

Mr. OVERMAN. The Senator from Missouri said he had not heard it.

Mr. REED. It is not always the number of times a man attends a committee that measures his usefulness. Sometimes the character of his service there is equally important.

Mr. OVERMAN. The Senator seemed to doubt my statement.

Mr. REED. The Senator's own statement was at variance with the fact. The Senator from Montana has just presented the letter. The Senator from North Carolina had forgotten about it evidently.

Mr. OVERMAN. I said the statement was made before the committee. I did not remember who made it, whether it was the Attorney General or the chairman or who made it.

Mr. REED. Manifestly the Senator had forgotten about the letter.

Mr. OVERMAN. I did forget that the letter was written, but I would not make a statement unless it was true.

Mr. REED. Then, why will the Senator criticize me and say I was not present?

Mr. OVERMAN. The Senator was not present or he would not have said what he did.

Mr. REED. Since the statement has been made let me say that I have been present at the Judiciary Committee every single Monday morning except when I have been compelled to attend other committees that had important work at that time.

Mr. OVERMAN. I want to say to the Senator that he is one of the most regular attendants on the committee, and one of the ablest lawyers on the committee, and we like to have him discuss questions, because no man discusses them so ably. But he was not present when this letter was read or he would not have made the statement he did and criticized me as he did a few minutes ago about the matter. He acted like I was a witness on the stand, and he as a lawyer cross-examined me. He knows how to get men in trouble in that way and he thought he had me. I am very glad the Senator from Montana came with the letter to help me out.

Mr. GALLINGER. Mr. President, can we not have the entire letter read? I think it is important.

Mr. REED. I think the incident might as well be dropped now.

Mr. OVERMAN. I think so.

Mr. REED. However, I should like to conclude my remark.

Mr. OVERMAN. I do not understand why I should have been interrupted in making the statement I did.

Mr. GALLINGER. Mr. President, I ask that the letter be read.

Mr. OVERMAN. I do not care to yield any further. I want the whole letter read. The Senator from New Hampshire has asked that it be read, and it ought to be read.

The PRESIDING OFFICER. Without objection, the Secretary will read the letter.

Mr. REED. I have been interrupted here, and interrupted out of order, when I had a right to speak. I want to conclude my sentence. I should not have been interrupted. I simply rose to say that in the heat of debate the Senator from North Carolina had made statements which, in my judgment, were calculated to reflect upon the members of the committee——

Mr. OVERMAN. I never intended to do so.

Mr. REED. And to hold the members of the committee up as antagonizing the President in matters concerning which he had personally asked to be given authority to act. I thought it proper to ask the Senator some questions with reference to that. Now that the thing has calmed down, I understand that the Senator does not mean, and has not meant, any more than simply to assert that this bill was sent to the committee with the letter of the President, which is about to be read; that the bill has since been changed in some respects by the Senate, and with the Senator's consent, and we are now discussing whether there should be further changes. There has been no reflection upon anybody and none has been intended.

Mr. OVERMAN. I have not meant to reflect on any of my colleagues; and if I did so, I take it back. I was only stating as nearly as I could the truth about it. That is all.

The PRESIDING OFFICER. The Senator from New Hampshire asked that the letter be read in full.

Mr. GALLINGER. Yes; let it be read.

Mr. OVERMAN. I will yield after the letter shall have been read.

The PRESIDING OFFICER. Without objection, the letter will be read.

The Secretary read the letter, as follows:

THE WHITE HOUSE,
Washington, 14 April, 1917.

MY DEAR SENATOR: I am taking the liberty of sending you the draft of a suggested bill permitting the President to control exports for the purpose of seeing to it that the resources of the country are used in the most effective way for the prosecution of the present war rather than diverted to countries or quarters where they are less needed.

I send also extracts from the letter of the Attorney General which accompanied these drafts when he was kind enough to submit them to me at my request:

"As to Section 3 appearing in the informal draft marked "A," that was intended to make the proposed legislation fit into Chapter 6 of the so-called Omnibus Bill now pending in Congress covering foreign relations, neutrality, espionage, etc.; this bill has not yet been passed, and at this time it is not possible to tell whether it or the bill we are now considering will first go through Congress. Therefore, to avoid confusion, we have concluded to strike out Section 3 as it appears in draft "A" and meet that situation by asking the Judiciary Committee so to amend Chapter 6 of the Omnibus Bill as to include "articles the export of which is made unlawful by or under any statute."

"I am therefore sending you also three copies of the formal draft we have finally determined on marked "B" consisting of Sections 1 and 2 of original draft "A," eliminating Section 3 of that draft, and adding a new Section 3 to the finally proposed draft, this Section 3 merely providing additional safeguards and penalties in enforcing the provisions of the legislation we are now proposing."

I feel confident that the policy embodied in such a measure will commend itself to your judgment and therefore I feel at liberty to urge it upon your favorable attention.

The Attorney General will be glad to put himself at your disposal for the discussion of any aspect of this legislation which he has considered at my request.

With much regard,

Cordially and sincerely yours, WOODROW WILSON.

Encs.

HON. CHARLES A. CULBERSON,
United States Senate.

Mr. OVERMAN. The Senator has heard the letter read. What does the Attorney General say? He takes up the amendment adopted in the Senate and the amendment adopted in the other House and tries to conform the two amendments adopted in the House and in the Senate, respectively, which were passed by both bodies, showing he is only making the suggestion and and carrying out, so far as he can, the ideas of Congress.

I have said about all I had to say in reference to the matter. I do not desire to criticize anybody, but when I am charged with the duty and ordered by the committee to bring this bill in here, and when I find that Senators who sat in the committee without opposing the provision and without making such a fight as they are now making here upon the floor of the Senate, and making it as an afterthought; and when I find some Senators criticizing the President and saying that we are not ready to give him this power, I do feel a little bit indignant about it.

When I cited the precedent where Congress in the Spanish-American War gave this power to the President some Senator criticized me for assuming that the President had asked for this power. He did ask for it, and the Attorney General asked for it. Under such circumstances I naturally felt somewhat annoyed. I have the kindest feeling for my colleagues. The Senator from Missouri [Mr. REED] is the last man I would reflect upon, because he has given such wonderful service to the committee; but I have spoken just as I felt about the matter.

Mr. SMITH of Georgia. Mr. President, Senators know my fondness for the Senator from North Carolina; I am very much attached to him personally and have the greatest regard for him. He and I each came from the same section of North

Carolina, although I am now from Georgia. Our ancestors have been friends for over a hundred years.

Mr. OVERMAN. That is mutual, and I love the Senator from Georgia.

Mr. SMITH of Georgia. I dislike to differ with the Senator from North Carolina, but I am intensely against the provision as it came from the Judiciary Committee. I am sorry I was not in the committee at the time to voice my objection then, but I was not; and I should fail in my duty as a Senator now, with my convictions on the subject, if I did not voice my objection here.

If the Senator from North Carolina had not been charged with the responsibility of carrying this measure through, I would feel like appealing to him to support my substitute, and I would not be uneasy about obtaining his help, for away down inside of his heart his feeling is such that if it were left to him as an original proposition he would, in my judgment, take the substitute instead of the provision contained in section 1 of Chapter VII.

Now, with reference to the President, just a word. Is there a man on the floor who has given the President for the past four years more intense support than I have or who has admired him more than I do? I doubt it. But if I could combine Col. Roosevelt and Col. Bryan and Mr. Taft and the President all in one, and get all that was best in each of the four, and take out of that composite man all that was objectionable in either of the four and put him in the White House, I would not vote for the provision contained in section 1 of Chapter VII, even if he had recommended it.

Mr. President, the power proposed to be conferred is not limited to President Wilson. It would apply to all future Presidents in any kind of war, however small, in which we might be engaged. Is it a reflection upon the President to object to putting upon him a responsibility which the law puts upon the Congress? I do not think so. Suppose I should present a joint resolution declaring that "Whereas a condition of war exists, and whereas it is important that Congress should adjourn and go home; therefore be it resolved, that whenever the President finds the public safety so requires he is hereby authorized to suspend any existing law and enact any new one that he sees fit." I would hesitate about voting for such a joint resolution; but I would not feel that in failing to support it I was lacking in confidence in the President or in admiration for him. To object to loading him with responsibilities that belong to us is no reflection upon him.

But it has been suggested that the President has approved this proposed legislation. Why, he has not, Mr. President. I have heard his letter read; and pardon me for saying that I have some knowledge of how officers of departments bring bills to the President and how he sends them to committees of Congress. It is utterly impossible for a President to study in detail and master every bill that the head of one of his departments may desire to present to Congress. Take the length of time it has required for the Judiciary Committee to study this bill. Why, the President probably read it in half an hour, if he read it at all. Pardon me for saying that when I was Secretary of the Interior I submitted bills to the President of the United States and obtained letters from him, transmitting them with his commendation to the chairman of a committee of Congress, that he knew practically nothing about, and I would write the letter for him. So for Congress to accept the view that the President has mastered in detail a bill of this kind because he sends it to Congress for the consideration of a committee is utterly to misconceive the truth. It is impossible for any human being occupying the office of President, if he combined all the wisdom that has been possessed since the days of Solomon, to master in detail the various pieces of legislation presented to him.

Mr. WALSH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Montana?

Mr. SMITH of Georgia. I yield to the Senator for a question.

Mr. WALSH. I should like to ask the Senator from Georgia whether he feels that the President has not seriously reflected upon the main idea of the bill under consideration, reposing in him the power to prohibit exports?

Mr. SMITH of Georgia. I hope not; I do not know.

Mr. WALSH. I do not ask what the Senator hopes; but does he seriously believe that the President asks for the granting of such power to him without having seriously reflected upon it?

Mr. SMITH of Georgia. Yes.

Mr. WALSH. Very well.

Mr. SMITH of Georgia. I can not believe that he seriously grasped the extent of this proposition.

Mr. WALSH. That was not the question I asked the Senator at all. I asked him as to whether he thought the President had not seriously reflected upon the main idea of the bill, vesting in the President the power to lay embargoes on exports? Will the Senator, then, give us some idea, if he has any, as to the officer who is responsible for the idea and with whom it does originate?

Mr. SMITH of Georgia. My opinion would be that it originated with the Department of Justice, along with a number of other suggestions, and that they came to the Judiciary Committee to thrash the matter out.

Mr. WALSH. Let me inquire of the Senator now if he seriously doubts that the matter has been the subject of consideration at a Cabinet meeting?

Mr. SMITH of Georgia. I suppose it has been, but I would not accept such a consideration as thorough. A bill of this kind could not in a week's time be thoroughly mastered if all the Cabinet meetings were given up to its consideration.

Mr. WALSH. If the Senator will pardon me, I understand the position of the Senator perfectly with respect to this question. He is opposed to it, no matter who brought it here.

Mr. SMITH of Georgia. I would be; yes.

Mr. WALSH. I am merely desiring to direct attention to the fact that it has had, and must have had, the serious consideration of not only the President, but of the Cabinet before it could be adopted as a governmental policy.

Mr. SMITH of Georgia. Well, frankly, I do not think that would be as serious a consideration as would come from consideration by a committee of either House of Congress. What I am pressing is that we should not accept and be seriously influenced by a conclusion of others in arriving at which, it was utterly impossible for them to give that care and considerate thought that we should give to the subject matter.

Mr. WALSH. Mr. President, if the Senator will pardon me further, I simply meant to indicate that it occurred to me that the debate ought to proceed upon the assumption that the proposal had had the serious consideration, in its main ideas, of the President and his Cabinet, and that we are not considering a question here that originated with some insignificant subordinate in one of the departments.

Mr. SMITH of Georgia. Well, I do not know how seriously I would consider it, even then. I have known Cabinet officers frequently to ask support of measures which when criticized before them they have seen were unsound. The real value of the Senate and of the House of Representatives is that we, and not men busy with administration, should legislate. It is all right for others to give us their suggestions, but we ought not to be overwhelmed by them. Frankly, if the Senator desires my opinion, I would say, if the President asked me to vote for such a provision as that reported by the committee, I would say to him, "I can not do so, Mr. President; I can not vote for it, and I wish to show you why I hope you will not press it." As a representative from my State I would feel that if I failed to take that course I ought to be ready to tender my resignation and go home.

Mr. President, there has not a reason been given in favor of this section. The argument of the Senator from North Carolina was that some country might ship into Germany our goods and that that must be stopped. The necessity for the legislation, beyond stopping shipments to enemy countries, has not been made apparent. No doubt that was what was in the mind of the President, but the language drawn is broader than it ought to have been. The substitute I have offered fully gives to the President everything that the argument presented here justifies. I believe that should be given. I do not favor doing more. I do not believe the President would use any more power if we gave it; I have not the slightest idea that he would. But I do not want Congress to say to the industries of this country, "We are so hysterical about the situation that we have felt called upon to vest in the Executive the power to stop the exportation of any of your commodities whenever he may think it desirable."

Mr. WALSH. Mr. President, may I again interrupt the Senator from Georgia?

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Montana?

Mr. SMITH of Georgia. Yes.

Mr. WALSH. The newspapers, Mr. President, have carried information within the last few days to the effect that a secret treaty exists between the Republic of Chile and the Imperial Government of Germany. I do not credit the report at all, but I desire the Senator from Georgia to assume that such a condition of things exists, and, as a consequence of that treaty, the Republic of Chile gives aid and comfort of the most substantial

character to the public enemies of this country. Chile is dependent for her very existence now, under the present condition of things, upon exports of an important character from this country. Would the Senator from Georgia like to put into the hands of the President the power to say to Chile, "You must desist from this course or we will suspend exports to your country"?

Mr. SMITH of Georgia. I do not know that I would; not unless I knew more about it than the Senator has stated.

Mr. WALSH. Oh, I have stated very little. The Department of State may know vastly more about it than I do.

Mr. SMITH of Georgia. We are still quite dependent upon Chile.

Mr. WALSH. Surely.

Mr. SMITH of Georgia. We are as much interested in getting saltpeter from Chile as Chile is in getting certain commodities from us. Now, if the time should come that Chile arbitrarily, in the interest of Germany, said that the United States should have no more saltpeter from Chile, that would raise an issue that would be worthy of immediate consideration. It is the broad blanket of distrust that we throw over every industry in the United States against which I protest, which I say nothing has been shown to the Senate to justify. If a particular occasion arises, we can handle it. We are going to be here for 30 days longer, anyhow. Let us not be so hysterical as to put this shadow of doubt over all production in the country.

Mr. THOMAS. Mr. President, perhaps I should not prolong this discussion; but the argument of the Senator from Georgia [Mr. SMITH] reminds me that in the consideration of this amendment the consumer and the interests of the consumer seem to have been lost sight of. In fact, in all of our legislation that is apt to be the case. Every burden imposed, and particularly by our revenue laws, upon any industry, with perhaps a possible exception here and there, ultimately rests on the consumer. He is the common victim of every enterprise and of every conspiracy affecting the laws of trade and diverting them in unnatural directions.

If we levy taxes, they are shifted to the consumer. If we penalize corporations, the penalties are shifted to the consumer; corners are made in the necessaries of life and the burden finds its ultimate resting place upon the shoulders of the consumer.

The argument thus far, if I have correctly followed it, has been urged in the interest of the producer, and the consequence to him has formed the chief burden of opposition to the section.

Mr. SMITH of Georgia. Mr. President, will the Senator allow me to interrupt him for a moment?

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Georgia?

Mr. THOMAS. Certainly.

Mr. SMITH of Georgia. My suggestion was, in my opening remarks, that this would discourage production and defeat the very thing we have in view—that there should be ample production, which we could only hope for by holding out to producers a broad market.

Mr. THOMAS. Well, Mr. President, the discouragement may be in the limitation of the market and in the consequent difficulty of maintaining existing prices for production.

The consumer can stand many things, but there is a limit even to his capacity to respond to and sustain the burdens that are constantly imposed upon his shoulders. While listening to the President's letter, the thought occurred to me that the purpose behind the section reported by the committee was not entirely confined to possible shipments and abuses of our export trade with belligerents, or with neutrals trading with belligerents, but that it had behind it as well the welfare of the people of this country. The instance presented so fully by the Senator from Maine is in point. If we are threatened with a famine in containers—and I now neither assert nor deny that proposition—then the danger to the domestic consumers is the same, whether the export of containers is to a neutral or to a belligerent; consequently, we should arm the President with power, if we are to arm him at all, to guard as well the interests of the home consumer growing out of the undue exportations to this, that, or the other country as to guard against exportations to a belligerent, particularly as he probably has that power without further legislation.

Mr. REED. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Missouri?

Mr. THOMAS. I yield.

Mr. REED. The Senator is now putting upon this section a construction of which I understand the chairman of the committee claims that it is not susceptible; that is, that under the bill presented the President can exercise this power of embargo, not for the purpose of carrying on the war alone and for military reasons but for the benefit of the consumers of the country. Now, I call the Senator's attention to the fact that the chairman of the committee consented to have the words "or welfare" stricken out of the clause "whenever the United States is at war and the President shall find that the public safety or welfare shall so require," so that the clause as it now stands has the words "or welfare" omitted. Hence the sole power now sought to be conferred, according to the language of the section, is one limited to the war power. The sole power is a power connected with the war authority of the President. Consequently I call the Senator's attention to the fact that if he is correct in his diagnosis of the case he ought to insist on the words "or welfare" going back in.

Mr. THOMAS. Mr. President, I should not object to their reinsertion in this section. I have the highest respect for the opinions of the chairman of the committee. They are well considered, and maybe better than mine upon the subject, but I am unable to perceive that the excision of the two words "or welfare" affects the argument that I am endeavoring to present.

Suppose, for example, in our efforts to supply food products to Great Britain a number of vessels out of proportion to the number now being destroyed which are carrying food should be sunk and we should be face to face with the alternative either of abandoning such attempts to revictual them, notwithstanding the huge food destruction, or of retaining in our own country the remainder for home consumption. Suppose that this home need were so imminent that the mutterings of the public, the discontent of the masses, should indicate revolt and riot should further attempts to replace the food supplies of our allies be made. That would directly menace the public safety; and if the President has not the power to meet such an emergency, then, in my judgment, it is necessary that we should enact this section in order to give him that power.

Now, it may be that we have an abundant food supply. Senators better informed than I so insist. Others having the same information which I possess have expressed their apprehension upon the subject, and, of course, with equal earnestness; and I can readily understand how, in the event the submarine menace is enlarged and aggravated—and I am apprehensive that such a situation will very shortly confront us—what shall we do with regard to the question of domestic food supplies? If the risk, no matter how great, is one which, when compared with the expected profits, does not deter those controlling the food supplies from continuing their efforts to replenish the allies, then greed and avarice, always active and well developed during times of war in every country, will take that risk for the profit which may possible be realized, with consequent depletion of our own food supplies, voicing itself through distress in our great communities.

Under the amendment of the Senator from Georgia, if such an alternative were presented to the President he would be helpless; and if Congress were in recess this menace to safety might develop into open revolt before we could be summoned together to meet the exigency through adequate emergency legislation. So, Mr. President, in my judgment, this section as presented by the committee, if we are to legislate at all upon the subject, should be the one which the Senate should adopt.

Mr. President, I rose, among other things, to call attention to certain comments of the press upon a statement which I made here upon the 2d instant. I am made by the press dispatches to say that I advocate resort to the lamp-post as the proper remedy for correcting the extortionate demands of certain food combinations in this country. I did not say that, Mr. President. I am not surprised that I was so quoted, because nowadays we are liable—and especially those of us who have not been in complete accord with the current demands of the press—to be so represented as to give the public an entirely erroneous impression. It would be a very serious thing for a Senator or Representative, even in these exciting times, to advocate directly an unlawful and violent method of redress for any public wrong. Hence, and for that reason—because I seldom go to the trouble of correcting misstatements in the press concerning myself, since I can not keep up with the procession; I learned that long ago, and therefore abandoned all efforts in that direction—I repeat what I then said:

> There is no question but that such practices are flourishing, and the law seems to be unable to reach or punish them. I greatly fear that unless something is soon done to prevent them, resort will be had to the lamp-post.

Now, I do not indulge the hope that the newspapers which have misquoted me will do me the justice of making the correction; but I can call the attention of some of the people of the country to the truth in this way.

Mr. BRADY. Mr. President, I expect to cast my vote for the amendment offered by the Senator from Georgia [Mr. SMITH]. I feel that I should offer a word of explanation of my reasons for so doing, lest my vote on questions that may come up in the future may be misunderstood.

I am in favor of the concentration of power during the present war, just as much as it is possible to do so under our Constitution. I shall at all times vote to support the President in any action he may take that I think is within the limits of reason; but I do not believe the time has arrived when the section in the bill is necessary.

The amendment offered by the Senator from Georgia reads:

When during the pending war the President shall find that exports to a particular country are being used to supply an enemy country, and shall make proclamation thereof, it shall be unlawful to export any article or articles from the United States to such country except and under such regulations and orders and subject to such limitations and exceptions as the President shall prescribe, until otherwise ordered by the President or by Congress.

It seems to me that this amendment has sufficient scope to answer all present purposes, but I do not believe that present conditions are going to continue. Ere long this Congress will have to do as the bodies of a similar nature in all countries have had to do in the past during great wars, and that is to give power to carry on the war in a forceful and effective manner, either to some one individual or to a small group of individuals designated either by the people or by the governing body. The great trouble in this body attempting to carry on this war by special and specific orders lies in the fact that we would be unable to agree among ourselves. It would take us too long to reach a conclusion, and when that conclusion should be reached it probably would not be any better, or serve the purposes any better, than the conclusion reached by the President, his Cabinet, and his advisers.

I listened yesterday to a very eloquent argument by the Senator from Missouri [Mr. REED], and heard him inform this body of the inexperience of some of the present members of the Cabinet. We were advised that the Secretary of War was a young and probably inexperienced attorney from Cleveland, and that there were also thousands and thousands of farmers in the country who knew more about agriculture in their specific lines than our present Secretary of Agriculture. While that may be true to an extent, my judgment is that the President of the United States acted honestly and conscientiously in selecting not only those two men but every other member of his Cabinet.

Even this morning in this body I heard the distinguished Senator from Georgia proclaiming to the world something of his shortcomings as Secretary of the Interior. I listened in silence yesterday relative to the present members of the Cabinet, but I do not propose to-day to listen in silence to that accusation by the Senator from Georgia [Mr. SMITH] against himself. I appeared before the Senator from Georgia when he was Secretary of the Interior many times on important business connected with a line of work that he had never had experience in handling relative to western irrigation and public-land matters, and I am frank to say that he handled them in a manner which demonstrated that he had surrounded himself with men who had placed him in a position so that he could render an honest, fair decision, and in every case it was beneficial not only to the people of my community, not only to the people of the Western States, but to the Nation at large. I have no hesitation in saying, although he may not think he possessed the ability to do so, that I would not be in the least afraid to-day to trust him in the position we are in this amendment trusting the Secretary of War or the Secretary of Agriculture, and I would feel, as I feel now relative to the matter, that he would perform his services and his duties faithfully and well, and would act in a manner that he thought best for the interests of the whole country.

I wonder if the Senator from Missouri would have appeared on a platform last fall during the time when he so eloquently spoke to some 300,000 people and made the same statements he made yesterday relative to our Secretary of War and Secretary of Agriculture. They were just as good then as now, and he, in his able way, aided by his assistants, made the country understand and convinced them that they were the proper men for the place. I thought otherwise, but under our republican form of government when the battle is over, the decision made, it is the duty of very American citizen to support the administration. For that reason I expect to support the administration and to support the Secretary of War and to support the President of the United States wherever it is possible for me to do so in this awful conflict.

The men in the Cabinet should be selected not to please any particular locality, not to please any particular man, but in order to make the administration of the party in power a success and to serve the people well. There is no election, the President and his advisers act coolly and calmly, and look not for the politician but for the experienced man of affairs who can serve his country in a manner that will enable the President to carry out the pledges and promises he made to the people relative to his conduct of public affairs.

But in this body and in the other branch of the Congress nobody picks the candidate and asks him to come forward and discuss matters that they may see whether or not he is fitted for the position. We select ourselves and go out among the people, and by persuasive oratory and facts try to convince them that we are the proper men for the place, and when we appear in Congress we act with thought of the people at home, with thought of what our constituents will say. As the able Senator from Georgia said this morning, if we were going to put an embargo on corn the Senators from Iowa might object, and I will add, even though it might be for the best interests of this Nation for this embargo to be placed on the exportation of corn. The same question would arise relative to the exportation of cotton, or potatoes, or any other product. So we would never find ourselves in harmony. Before we could take action and agree upon a proper course the war might be won by our enemies.

For that reason, I believe that sooner or later during this war, which I do not believe is going to close nearly so soon as many people believe, it will be necessary for us to confer unlimited powers on our Executive, and it will be necessary for us to do many things that we would not do under normal conditions or in times of peace. But now, while we have the time and the opportunity to study the situation, it seems to me that we are capable of deciding what articles should and what articles should not be exported. I believe that no Senator in this body would vote against a measure that would say that we should not ship things to our foreign enemy. That is what we say in this amendment. It will serve until we get our armies raised or until some condition arises where it becomes necessary for us to put an embargo on other articles. When that time comes I can see no reason why our President and his advisers should not ask permission to put an embargo on any particular article. He can send a message to this body and explain to us why he thinks we should put an embargo on some article, and we will have more time to discuss the matters in proper form and manner than they can possibly have with the very onerous duties that they have to perform.

Therefore, I shall support the amendment offered by the Senator from Georgia, but I hope Senators will understand that as matters come up from time to time, as this war progresses and while we are facing the enemy, it shall be my purpose, when I can conscientiously do so, at all times to support the President in the things that he believes are best for the interests of the people of this country and the winning of the war.

It is well known that I voted and worked against the present occupant of the White House. I favored another man because he represented my party and the principles that my party stands for. I had a feeling of regret when I read in the morning papers after the election that the man whom I had opposed had been elected. But I never felt more proud of anything in my life than I did after the declaration of war was made to have the man whom I supported and whom I wanted in the White House come out in the very first issue of the paper and say he was for standing behind the President and asked all his friends to do likewise. That is Americanism, and that is the kind of Americanism that will win this war.

I hope that the war may be ended soon, but I realize that the President is the Commander in Chief of our Army and he is fighting for our country, fighting for our flag, and he, with us, is fighting for a world democracy and a lasting and permanent peace; and while he is doing that he is fighting for my country and my flag, and I expect to stand by him in every move that he makes that is for the benefit of the people of this country so long as I can do so and observe the oath of office that I have taken.

Mr. JOHNSON of South Dakota. Mr. President, I do not know who recommended this amendment to section 1 of the chapter of the bill before us, and that does not concern me very much, but I am going to vote for that amendment for the reason that I find contained in the first 17 words of that amendment the following:

Whenever the United States is at war and the President shall find that public safety shall so require.

Mr. President, I realize as well as anybody here that the President of the United States is loaded down with powers given by Congress. I have no doubt but that he would much rather not stand in that position with regard to about three-fourths of those powers. But the provision contained in this amendment seems to me to be one of the most important pro-

visions relative to any power I know of that is to be conferred upon him by Congress.

Mr. President, if this embargo is placed upon food stuffs there is no State in the Union which will be affected greater than my own, and I will have to answer to my constituency if I cast my vote on this matter contrary to their views; but I know, I am certain, that they will all uphold my views and my vote upon this question of so grave importance to our country—should the emergency arise that would require it—as provided in this amendment.

I do not care to take up any time of the Senate and will not do so, but I shall vote for this amendment believing it to be the most important amendment that is contained in the bill.

Mr. SIMMONS. Mr. President, I shall detain the Senate but a very few minutes. A great deal has been said in this discussion with reference to whether this bill comes from the President or from the Department of Justice with his approval. I myself do not know anything about that, but I am sure if the bill was prepared by the Department of Justice and sent to the committee it was prepared after mature deliberation and was presented to the committee only after it had received the sanction of the President; and I am equally sure that it did not receive the sanction of the President until after he himself had given it mature and earnest consideration. I am sure of that because of the importance of the power that is sought to be conferred upon the President. I do not know whether this bill is the result of the deliberations of the committee, acting upon its own initiative, or whether it comes from the President through the Department of Justice, but I know enough of the President and the Attorney General to say with implicit confidence that if it came from the Department of Justice it came with the sanction of the President and that the President maturely considered it before he sanctioned it.

But, Mr. President, I do not care whether the bill is the result of the initiative of the administration or the committee; I do not care whether the President is asking this authority or not, because I believe, whether he asks it or not, he ought to have it and that the interests and the public safety of the country require that it should be bestowed upon him.

What is the power that is proposed to be conferred upon the President? It is not the power to proclaim an embargo simply because in his judgment the public welfare requires it. That provision has been eliminated from the bill. The power of embargo the bill proposes to confer upon the President is confined to cases where the public safety is involved, where the safety of the Nation requires that the prohibition should be declared and enforced.

Senators say that that is a power which the people lodged in Congress. It is very true that it is a power which the people lodged in Congress, and if it were absolutely certain that Congress was going to remain in continuous session during the continuance of this horrible war, ready at any time when an emergency arises to exercise the power in the interest of the public safety there would be something in the argument against delegating the power to the President.

But, Mr. President, we know that Congress is not going to continue in session during the whole of the time of the probable continuance of this war. What is going to happen if Congress shall adjourn and go home leaving no one with the power to protect the Government in this matter involving, it may be, not only the safety, but the very life of the Nation?

Mr. President, I do not know what might happen in such a situation, but that Congress should deliberately leave the Government without means to protect the country against such a jeopardy is to me wholly inconceivable.

Mr. President, it is sought to sustain the opposition to conferring upon the President this vital power, a power that we have every reason to know will be discreetly exercised, upon the theory that the foreign markets of farmers are threatened. We are not acting upon a bill now to place an embargo upon food products. The bill we are considering does not authorize the President, in case the public welfare or the domestic requirements call for an embargo upon the exportation of food products or any other kind of products, to place one upon them. We are not considering that sort of bill. We are considering a bill to authorize him to impose the embargo only when in his judgment, as the Chief Executive of the Nation, as the Commander in Chief of the Army, as the man whom we have intrusted to carry on this war, he thinks "the public safety"—those are the words used in the grant of power—requires it.

I know the farmers do not want an embargo placed upon their food products, but do you not know, Mr. President, and does not every Senator here know, that the farmers of this country understand perfectly well that an embargo upon food products, except possibly to a few small so-called neutral countries bordering upon the country of the enemy, would not be an embargo in the public interest and safety, but would be an embargo against the public interest and safety? Are we not being constantly and insistently admonished and warned that it is absolutely necessary we shall send food products in increasing quantities to our allies? Without our help in this respect they can not win the war for us and for themselves.

Mr. SMITH of Georgia. Mr. President——

The PRESIDING OFFICER (Mr. BRADY in the chair). Does the Senator from North Carolina yield to the Senator from Georgia?

Mr. SIMMONS. I beg the Senator not to interrupt me just at this point. As a matter of "safety" to us, therefore, it is just as important that the allies should have foodstuffs and munitions and the other necessary supplies of war as it is that they shall have soldiers. It is just as unreasonable to believe the President in these circumstances would proclaim an embargo upon food products destined for our allies as it would be to believe he would proclaim an embargo upon an army being sent to Europe to aid our allies in case it shall become necessary to do so to save us and them from crushing defeat. The farmers understand that.

Mr. SMITH of Georgia. Will the Senator let me ask him what kind of an embargo he thinks will be necessary and why he thinks this power should be given to the President?

Mr. SIMMONS. Mr. President, I am not now discussing the question of what kind of an embargo should be placed; I am discussing the question whether there is any justification for this attempt to alarm the farmers of the country with the suggestion that by giving the President the power to declare an embargo when he thinks the public safety requires it, is a menace of their foreign markets for the sale of their products.

Mr. President, the farmers are not alarmed about this. Let me say to Senators that I do not believe there are any farmers in this country—there are not in my part of the country, I say with confidence—who want to deny to the President the right to place an embargo upon their products if it should be found after investigation that the exportation of those products jeopardizes the public safety of the Nation. To say that they want the foreign markets for their products at the expense of the safety of the country is to question their patriotism.

I am not afraid that any farmer in my State, I am not afraid that any manufacturer in my State will say, "I am outraged in my rights because, forsooth, the Congress of the United States has said that the President may prohibit exportations of my products when during this war the 'safety' of the country in his judgment require it." No; he will take no such unpatriotic position. On the other hand, he will say, "I am willing to forego my profit and willing to sustain the loss if it be necessary to preserve the Nation's life or safety." The patriotism that does not rise to that level, Mr. President, is not patriotism at all; it is selfish commercialism masquerading in the garb of patriotism.

Mr. President, it is said that Congress alone has the power of embargo. Yes; and they got it from the people. The people gave that right to Congress and are not afraid it will abuse it either in times of peace or time of war; neither are they afraid that the President of the United States will abuse it if it is delegated to him by Congress. Senators upon this floor have fallen into the habit of constantly going into hysterics over any suggestion of the delegation of power, even though it be a war power, to the President. They tremble lest we pave the way to autocracy.

Mr. President, I want to say in conclusion that such distrust of the President of the United States meets no response in the public mind. Distrust his patriotism? No. Distrust his sincerity of purpose and disinterestedness of action? No. Distrust his judgment or ability to determine wisely and patriotically what is for the best interests of this country? No. The people of this country have confidence in Congress, but they have equal confidence in the man who sits in the White House as the chosen guardian of their interests and the public weal as they have in Congress; and no Senator need refuse to vote to confer this power on the President upon the theory that it will be unpopular with his constituents. Let no Senator deceive himself with the belief that the people distrust the President or fear he will, if given the power, betray their confidence by abusing it.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Georgia [Mr. SMITH].

Mr. CALDER obtained the floor.

Mr. WALSH. Mr. President——

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Montana?

Mr. WALSH. I do not want to take the Senator off the floor. I did not know the Senator had the floor.

Mr. CALDER. Mr. President, we have heard discussed at length this afternoon the question of enacting legislation permitting the President to levy an embargo against exports to any countries.

It seems to me that it might be well to inform the Senate that for the past year at least there has been in effect a system in this country which has prevented the shipment of goods to any neutral country in Europe whereby the goods could in any way reach the central powers. The practice has been that before any ship left the eastern coast of the United States the shipper has been compelled to secure a letter of assurance from the trade department of the British Embassy, which letter is issued only after the British foreign office has investigated the consignee and through the local British consul secured satisfactory guaranties, backed by indemnities, that the goods he desires to import will not be reexported in any shape whatsoever to any of the powers allied against Great Britain.

The control exercised by Great Britain through the issuance of these letters of assurance has restricted the quantities of commodities shipped to neutral European countries to the barest amount of actual consumption. Through the necessity of steamers carrying cargoes to northern Europe being compelled to call at Halifax and those sailing for ports in southern Europe being compelled to stop at Gibraltar, where manifests and letters of assurance are carefully scrutinized, there is no possibility of the shipper fictitiously describing his shipment with the idea of violating any of the principles involved in Great Britain's control of this system.

It is true, Mr. President, that our shipments to neutral countries in Europe, particularly those in close proximity to Germany, have of late largely increased. I have not the figures before me; but I venture the statement that our exports to Norway, Sweden, Denmark, and Holland are many times what they were before the war. I have talked to some of the people engaged in this shipping business, and they have explained that this is accounted for by the fact that these countries are able to secure little or nothing from Russia, Germany, France, or Great Britain; that these markets are practically closed to them. They must therefore obtain from the United States nearly all of the things needed for their own consumption. A man interested in shipping to Norway advises me that that country is compelled to import at least 50 per cent of the foodstuffs that she consumes.

Mr. NELSON. Will the Senator yield to me?

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Minnesota?

Mr. CALDER. Certainly.

Mr. NELSON. I desire to say to the Senator from New York that Norway has to import fully three-fifths of all the cereals that she needs. Before the war Norway used a good deal of rye, and got most of her grain from Russia and the Baltic Provinces of Prussia. Since the war all that supply has been cut off, and the people of Norway have to get all their flour, their corn, and other grain, as well as most all of the products they consume, from this country. Norway had a great trade with Germany previously to the war, but that has been cut off. As the Senator well states, her trade has also been cut off to a large extent with England. The same is true as to Denmark and Sweden, but not to so great an extent with respect to cereals as to other products.

Mr. CALDER. Mr. President, the Senator confirms what I said a moment ago. The statement, continually made, that our exports to the northern European countries are getting into Germany can hardly be borne out by the facts, particularly when one comes to understand the very careful supervision that England has exercised over all exports from the United States, at least during the past year. If we prohibit trade with the countries of northern Europe, we will not only seriously hamper the business of many legitimate enterprises here in our own country, but our action will tend to create bitterness on the part of the people of those nations that is not warranted under the circumstances.

For my part, I feel disposed to support the amendment submitted by the Senator from Georgia [Mr. SMITH]. I should like very much to have it broadened to help the conditions referred to by the senior Senator from Maine [Mr. FERNALD], and I hope that some provision may be made to take care of the difficulty regarding tin plate; but if we give to the President the right to levy an embargo against the export of foodstuffs, which might ultimately reach countries at war with the United States, and stop at that, it seems to me, Mr. President, we shall go quite far enough.

Mr. WALSH. Mr. President, before the substitute is voted upon, I suppose the original text should be perfected. I inquire whether the amendment proposed by the Senator from Minnesota—the incorporation of a provision to the effect that the orders and regulations shall not give the ports of one State preference over those of another——

Mr. OVERMAN. That amendment has been adopted.

Mr. NELSON. That was adopted last night.

Mr. WALSH. It has been agreed to?

Mr. OVERMAN. Yes.

Mr. WALSH. Will the Secretary read the provision as it now stands?

Mr. OVERMAN. I think, before it is voted upon, we had better have a full Senate, and I suggest the absence of a quorum.

Mr. WALSH. Will the Senator from North Carolina withhold that suggestion until I can have the section read?

Mr. OVERMAN. I was going to ask to have it read to a full Senate.

Mr. FERNALD. Mr. President, I simply want to state that if the amendment proposed by the Senator from Georgia shall be adopted I shall introduce an amendment covering the tin-plate situation, which I trust may be acceptable to the Senate, as I think it will be entirely so to the Senator from Georgia.

Mr. OVERMAN. I suggest the absence of a quorum.

Mr. KING. Mr. President——

The PRESIDING OFFICER. The absence of a quorum is suggested. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gronna	McKellar	Smith, Ga.
Bankhead	Hale	Nelson	Smith, Md.
Brady	Hardwick	New	Smoot
Calder	Hitchcock	Norris	Sterling
Chamberlain	Hollis	Overman	Stone
Colt	Husting	Page	Sutherland
Culberson	Johnson, Cal.	Phelan	Thomas
Curtis	Johnson, S. Dak.	Pomerene	Thompson
Dillingham	Jones, N. Mex.	Ransdell	Trammell
Fall	Jones, Wash.	Reed	Underwood
Fernald	Kendrick	Sanisbury	Vardaman
Fletcher	King	Shafroth	Wadsworth
France	Kirby	Sheppard	Walsh
Gallinger	Knox	Sherman	Warren
Gerry	Lewis	Shields	Watson
Gore	McCumber	Simmons	Wolcott

Mr. SUTHERLAND. I desire to announce the absence of my colleague, the senior Senator from West Virginia [Mr. GOFF], on account of illness. I ask that this announcement may stand for the day.

Mr. CURTIS. I desire to announce the absence of the junior Senator from New Jersey [Mr. FRELINGHUYSEN], who is detained from the Senate on account of illness in his family. I will let this announcement stand for the day.

Mr. JONES of Washington. I desire to state that my colleague [Mr. POINDEXTER] is necessarily absent from the Senate on official business.

Mr. THOMPSON. I am requested to announce that the senior Senator from New Jersey [Mr. HUGHES] is detained from the Chamber on account of illness.

Mr. KIRBY. I wish to announce that my colleague, the senior Senator from Arkansas [Mr. ROBINSON], is absent on official business.

The PRESIDING OFFICER. Sixty-four Senators have answered to their names. A quorum of the Senate is present.

Mr. REED. Mr. President, I desire to take just one minute to clear up a matter that occurred this morning. The statement had been made, in substance, that information had been furnished by the President to the Judiciary Committee that goods or provisions being shipped from this country were being sent either to enemy countries or were being sent to neutral countries, which in turn forwarded the goods to enemy countries. Some colloquy and discussion occurred about that, when the Senator from Montana [Mr. WALSH] sent for a letter of the President, and it was read at the desk as bearing out the statement. I have had occasion to examine the letter, and I find that it does not convey any such information. The President's statement was:

> I am taking the liberty of sending you the draft of a suggested bill permitting the President to control exports for the purpose of seeing to it that the resources of the country are used in the most effective way for the prosecution of the present war rather than diverted to countries or quarters where they are less needed.

That is a very different proposition from one which might have conveyed to us information that goods were being sent to enemy countries.

I simply make this statement in order to clear up the record, that there may be no misunderstanding. I was very sure that the information had never been given to the committee while I was present that goods were being sent from this country to

enemy countries or to neutrals and by them sent on to enemy countries to the injury of the United States.

Mr. WALSH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Montana?

Mr. REED. I do.

Mr. WALSH. I think that the inquiry which gave rise to the presentation of the letter was as to whether this particular bill was sent by the President and approved by him. I do not recall that any question was presented as to the validity of the reasons which he urged for the passage of the bill.

Mr. REED. Both the question referred to by the Senator from Montana and the one to which I have just referred were made matters of discussion, and I simply wanted to say the word which I have said not for the purpose of criticizing the Senator from Montana for producing the letter or for the purpose of criticizing anybody else, but simply to clear the question up.

Now, Mr. President, that brings me to one further observation, and then I shall take my seat. I am unwilling that the Senator in charge of this bill should be permitted to criticize the members of the Judiciary Committee who may now see fit to oppose certain provisions of the bill or to ask their amendment. To begin with, while this bill was some considerable time before the Judiciary Committee, the Senator knows that many other important matters were constantly pressed upon that committee for attention, and that our examination of all bills for some time, because of the congestion of work in the committee, was lacking to some extent in that deliberation which we usually undertake to bring to the consideration of any important bill. He also will recognize the fact that the same emergency which occasioned the unusual demands upon the Judiciary Committee also occasioned demands upon other committees, which compelled Senators frequently to leave the Judiciary Committee to attend other committees. A fitting illustration of that I can give from my personal experience. A portion of the time that the particular bill now under consideration was before the Judiciary Committee I was compelled to choose between attending the Judiciary Committee and attending the Committee on Military Affairs, the Committee on Military Affairs having under consideration bills which related to the organization of the Army, the immediate passage of which, it was asserted, was absolutely necessary. Likewise, the Committee on Banking and Currency was called together to pass upon emergency financial legislation, and it was necessary at times to attend upon that committee. So that we did not have the opportunity to give to the pending bill as full and complete discussion as it would have received under normal circumstances.

Moreover, it was pretty well understood that any member of the committee was at perfect liberty to suggest amendments or changes as they occurred to him upon the floor. But, however that may be, I affirm this to be true, that it is the high duty of any Member of the Senate who has sat upon a committee to change his position in the Senate if he is convinced by the arguments in the Senate that the report of the committee is wrong; and, if it be true that a number of Senators on the committee have changed their opinion, the argument is only that much stronger in favor of a modification of the language of the bill.

Mr. FERNALD Mr. President——

Mr. REED. I will yield to the Senator presently; I shall be through in a moment.

Mr. FERNALD. Very well.

Mr. REED. One further observation, and I shall take my seat. I am unwilling that the distinguished Senator in charge of this bill, for whom I entertain a genuine affection and a very high respect and regard, should assume the attitude that those who believe the language of the bill is not just what it ought to be are opposed to giving the President all the power that he ought to have; that they are standing in opposition to the President; that they are seeking to tie the President's hands. Mr. President, if I did not so love the Senator from North Carolina, if I were speaking of and concerning some man to whom I was indifferent, I would say that that was rather a cheap kind of pettifogging, but I would not say that of the Senator from North Carolina for anything in the world, because I know he is incapable of it.

All these matters ought to be settled upon their merits. Let us start with this basic fact, that there is not a man in this body who is not a patriotic American citizen; that there is not a man in this body who does not place the interests of America above every other consideration in the world; that there is not a man in this body who is not in heart and in soul as much devoted to his country as is any member of the Cabinet, or as is even the President of the United States himself. A great problem confronts us, the greatest problem that has ever confronted this Nation. We all have our duties to perform; we all want to solve that problem right; and some of us see the matter in one light and some of us see it in another light. Some believe that we should create an absolute dictatorship in the United States, and they stand and cry aloud against all who do not agree; but some believe that all power necessary can be conferred and yet every principle of the Constitution can be preserved; that all power necessary can be conferred and the business of the United States not be given any violent wrench. So these Senators, all equally sincere, all equally desiring the success of our country, have divergent views; and it is not in comport with what I think is the highest duty of Senators to undertake to impugn the motives of any fellow Senator because he does not agree to a particular bill that was handed to us by the Attorney General.

Why, Mr. President, the Attorney General himself, if he were a Member of this body, would not decline to consider suggestions. He brought to us a number of bills. The Senator from North Carolina has spoken with reference to them. These bills were before the Senate and were modified not only in committee but upon the floor of the Senate in many important respects; and yet when the Attorney General brought them back at a subsequent session he adopted practically the bills as they had been amended by the Senate, thus conceding, at least, that he did not desire to antagonize the Senate; perhaps conceding that the Senate had added a little of wisdom to the bill.

The particular measure now under discussion, after being discussed for days, was found to need an amendment, even according to the opinion of the distinguished Senator in charge of the bill, for he accepted a most important amendment—an amendment which, in my judgment, changes the whole character of the bill, because the language as it stood gave the President the authority, whenever the United States is at war and the President shall find that the public welfare so requires, to close the ports of the United States to every foreign country or to any foreign country. Thus the President would have had conferred upon him if the bill had passed a right at any time during a war to close the ports of the country for any reason which the President in his judgment thought might be for the public welfare. The chairman of the committee has consented to striking out those words—a most important amendment—leaving the bill to stand so that the President shall possess this authority only in case he shall find that the public safety shall require the placing of an embargo.

I make this statement because I think, with all the kindness in the world, that the Senator from North Carolina [Mr. OVERMAN], in the fervor of his eloquence this morning, came very near criticizing the motives of all who have ventured to differ from him somewhat with reference to this bill. I think this much ought to be said in the interest of fairness.

Now, Mr. President, so far as I am concerned, I apologize for the time of the Senate I have taken in discussing this bill. I hope I shall not take so much for a long time in the future.

Mr. FERNALD. Mr. President, I offer an amendment to the pending amendment of the Senator from Georgia. I send the amendment to the desk and ask to have it read.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The SECRETARY. It is proposed to add, at the end of the words proposed to be inserted, the following:

Whenever during the pending war the President shall find that the exportation of tin plate or tin containers to any foreign country will leave the United States without an adequate supply for the manufacture of tin containers, and shall make proclamation thereof, it shall be unlawful to export such tin pate or tin containers to such countries from the United States, except at such times and under such regulations and orders and subject to such limitations and exceptions as the President shall prescribe, until otherwise ordered by the President or by Congress.

Mr. OVERMAN. Mr. President, I want to say to my distinguished friend from Maine that that amendment is out of order at this time, being an amendment in the third degree. If the amendment of the Senator from Georgia is adopted, then the Senator can offer his amendment.

The PRESIDING OFFICER. The amendment is clearly in order.

Mr. OVERMAN. It is an amendment in the third degree. The chapter is an amendment to the original bill.

The PRESIDING OFFICER. It is an amendment to the pending amendment.

Mr. SMITH of Georgia. Mr. President, if the amendment which I have offered is adopted, and the Senator from Maine will offer this as an additional section, I should think it would be entirely in order, and I certainly should not object to it.

Mr. OVERMAN. This amendment is not in order now.

Mr. FERNALD. I understand that it is in order.

Mr. OVERMAN. It is an amendment in the third degree.

Mr. TOWNSEND. No; not as I understand it, Mr. President. The provision to be amended is the committee bill. The amendment is offered by the Senator from Georgia.

Mr. OVERMAN. Chapter 7 itself is a committee amendment, and the Senator from Georgia has offered an amendment to the committee amendment in the nature of a substitute. Chapter VII is not in the original bill, so the committee offers it as an amendment.

Mr. TOWNSEND. Is it not true that the provision in the Senate bill in italics is a part of the original bill as presented to the Senate?

Mr. OVERMAN. Not at all. I tried to explain this morning that we introduced in the Senate a bill containing certain chapters that were in the bill which passed the Senate. After the introduction of that bill, when it went to the committee, the committee reported Chapter VII as a committee amendment to the original bill, so that is an amendment to this bill. Then the Senator from Georgia introduced an amendment—that makes the second amendment—and this is the third amendment.

The PRESIDING OFFICER. The understanding of the Chair is that the amendment of the Senator from Georgia is to strike out and insert. Rule XVIII, in closing, says:

> But pending a motion to strike out and insert, the part to be stricken out and the part to be inserted shall each be regarded for the purpose of amendment as a question; and motions to amend the part to be stricken out shall have precedence.

Mr. OVERMAN. I misunderstood the amendment. I thought it was an amendment to the chapter—a motion to strike out.

The PRESIDING OFFICER. It is not. It is a motion to strike out and insert.

BUREAU OF WAR-RISK INSURANCE.

Mr. SIMMONS. Out of order, I ask unanimous consent to report favorably with amendments from the Finance Committee Senate bill 2133, known as the Bureau of War-Risk Insurance bill, and I submit a report (No. 33) thereon.

The PRESIDING OFFICER. The Senator from North Carolina asks unanimous consent to make a report from the Committee on Finance. Is there objection? The Chair hears none, and the report will be received.

Mr. SMOOT. Do I understand the Senator to ask unanimous consent for the present consideration of the bill, or merely to report it?

Mr. SIMMONS. No; I asked unanimous consent to make a report from the Committee on Finance.

Mr. SMOOT. I have no objection to that, but I should object to the present consideration of the bill.

The PRESIDING OFFICER. The bill will be placed on the calendar.

HEARINGS BEFORE THE COMMITTEE ON THE JUDICIARY.

Mr. THOMPSON. I ask unanimous consent to report favorably, from the Committee to Audit and Control the Contingent Expenses of the Senate, Senate resolution 53, with regard to the employment of a stenographer.

The PRESIDING OFFICER. The Senator from Kansas asks unanimous consent to submit a report. Is there objection? The Chair hears none.

Mr. THOMPSON. I should like unanimous consent for the present consideration of Senate resolution 53.

Mr. OVERMAN. I can not agree to unanimous consent for the present consideration of the resolution. I have no objection to the Senator submitting the report, but I must decline to allow it to be considered at this time, while the pending bill is being considered.

Mr. SMOOT. I will say to the Senator from North Carolina that there can be no objection whatever to the resolution, and it can be passed in a moment.

Mr. THOMPSON. I can not see what objection there can be. It is for the Judiciary Committee.

Mr. OVERMAN. If I should give unanimous consent for the consideration of the resolution, I would have to give it for others, and therefore I am obliged to object. It can be taken up when the calendar is considered. I know all about what is needed; and it can be taken up from the calendar at any time.

Mr. THOMPSON. Of course, if the acting chairman of the Judiciary Committee does not want the resolution passed, I shall not press it.

Mr. OVERMAN. I do not desire it to be passed while the pending bill is under consideration. I can not consent to have a resolution passed involving my own committee and then object to another committee having a similar resolution passed. I wish to be consistent.

The PRESIDING OFFICER. The resolution will go to the calendar.

PUNISHMENT OF ESPIONAGE.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2) to punish acts of interference with the foreign relations, the neutrality, and the foreign commerce of the United States, to punish espionage, and better to enforce the criminal laws of the United States, and for other purposes.

Mr. NELSON. Mr. President, this debate has been so protracted that until the last moment I had concluded not to say anything upon this subject; but certain doctrines have been announced here that seem to me to be utterly subversive of the best interests, indeed, of the life and the welfare of the country. Before coming to the main point, however, I desire to call attention to the amendment of the Senator from Georgia [Mr. SMITH].

That amendment, Mr. President, is wholly unnecessary. The President can exercise that power. It is exactly the same power that the British Government has exercised in respect to the blockade of Germany. In connection with that blockade, the British Government has established and maintained the doctrine that it had a right to seize goods that were destined for the enemy's country, even though they passed through a neutral country. All that the amendment of the Senator from Georgia proposes to do is simply to prohibit the export of our products through a neutral country to an enemy's country. Now, all we have to do to accomplish that fact is to join with the British Government is maintaining the blockade that Great Britain has maintained, to join with her, and insist upon the doctrine that Great Britain has insisted upon, and that is that the ultimate destination of the goods is the criterion. So that, to my mind, the amendment of the Senator from Georgia is utterly useless and unnecessary. The President, by means of the blockade that I have suggested, can exercise all the powers that that amendment undertakes to give him.

Coming back to the main question, Mr. President, I listened with much interest yesterday to that part of the argument of the senior Senator from Iowa [Mr. CUMMINS] in which he denied our constitutional power to enact this legislation. I concede that there may be an honest difference of opinion between us as to whether or not this is wise legislation under existing circumstances, but to me there is not a scintilla of doubt that the Government has a perfect right, in the midst of this great war, to enact such legislation, and I will tell you why: Congress has declared war. Having declared war, it is our duty and we are empowered under the Constitution to provide for the national defense. This war is what military men call an offensive-defensive. It is as much a part of our national defense to see that our people, our soldiers, and our sailors have an abundance of food during the war as it is to equip them with swords and bayonets and with powder and shells.

Suppose it turns out next fall that our crop has been such a failure that we really need all our agricultural products for our people here at home and for our Army and Navy. You and I know that we have in this country some men so possessed of the spirit of Mammon and the spirit of the very devil that wherever they can see a chance to make a dollar they will make it, they care not at whose expense, whether at their neighbor's expense or at the expense of their own country. If those speculators, in case of such an emergency as I have cited, should see that they could get more for their products by shipping them to one of the neutral countries in South America than by selling them to our own Government, they would never hesitate to do so, even if our soldiers and sailors and our people at home needed every pound of those products.

Can Senators draw any distinction between the necessity of providing our own people and our Army and Navy with an ample supply of food, and the matter of supplying them with ammunition and all those things that are essential in war? To deny the Government this right and power would be to divest it of one of its original functions and sources of strength. When we are in the midst of a great war, as we are on this occasion, we have a right to arm and equip our Government in such a manner that it will be ready for every emergency, small or great.

Mr. President, I have been a Republican all my life, but since we have declared war I have buried all partisan feelings. I am for this country always, whether in war or in peace. I am ready to smoke the pipe of peace in peace; but when we are at war I want to wield the tomahawks of war to the uttermost, and I have said, and I repeat it, to my mind it is as important that we equip our Government by providing for an ample supply of food of all kinds as it is to provide for munitions and all the implements of warfare.

But it is said, "Oh, there is great danger in committing this power to the President." Well, he was not the President of my

choice, but he is at the head of this Government; he has charge of it; we are in the midst of a gigantic war, and I am willing to trust him. We have already conferred on the administration great powers—the distribution of a $7,000,000,000 fund—and the other day the Senator from Georgia was willing to intrust to the President the buying of $10,000,000 worth of nitrate of soda, distributing it to the people who needed it, and collecting the proceeds as best he could. I sympathized with him in that case; I thought he was straining things a little; but I knew that the people of the South needed those fertilizers—thank God, we in the West and Northwest do not need them—so I was willing to have him stretch things in that instance.

During the Spanish-American War we laid an embargo on the exportation of coal and one or two other products with respect to which we thought it was necessary. Now, we do not know what the morrow may bring forth. If Congress were to remain in perpetual session—and for the good of the country I hope it will not—and could act quickly, we might leave this power in abeyance, but Congress is not likely to be in session perpetually. Suppose next fall we have a shortage of food products; suppose that in many lines of industry there is a shortage, and that we ought to keep our products at home, ought we not to put up a bar against these greedy cormorants who are ready to do anything to make an extra dollar, no matter whether it injures their own country or not?

To me—and I can not help but say it in dead earnest; as my friends here know, I never mince matters—this doctrine that the Constitution makes us helpless in such cases, and that we have no power in the case of a war emergency, is utterly repulsive. I can very well see, as I said at the outset, how men can differ as to the necessity for this legislation. That is a thing on which men may fairly differ; but I do not understand how any man who has at heart the welfare, the honor, aye, the very existence of our Government in the midst of a great war—and they tell us this war will last two years and longer, and that it will try all our resources in men and money—I do not understand how any patriot can have the heart to say that the Constitution does not give our Government this power. To my mind in time of war, as a matter of national defense, our Government has this power as clearly as it has the power to organize and equip armies and send them into the field.

The President is given a great many powers by legislation. That right is denied here, and it is said that you can not delegate legislative powers. We have repeatedly done it. We confer great legislative powers upon the Interstate Commerce Commission. We authorize them to establish and fix reasonable rates; but, Mr. President, no act of Congress has ever defined, and no act of Congress ever can define, what is "a reasonable rate." That is left to the judgment of the Interstate Commerce Commission, followed by the judgments of the courts where a case is taken into the judicial tribunals. I remember some years ago we provided for a system of tea inspection, and delegated certain powers in that connection. That law was passed upon by the Supreme Court. I forget the title of the case, but some of the lawyers here whose memories are better than mine can perhaps tell me what it was.

Mr. OVERMAN. The Stranahan case.

Mr. NELSON. Yes; the Stranahan case. In that case the question was raised that we had sought to confer legislative power upon an administrative officer in respect to the grading of imported teas. The Supreme Court held the act to be valid, and said that we had a right to confer legislative power.

Mr. OVERMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Minnesota yield to the Senator from North Carolina?

Mr. NELSON. I do.

Mr. OVERMAN. Certainly the Senator was here, I think—I know he has been here longer than I have been, and I was here then—when many of the lawyers took the position that we could not delegate to the Interstate Commerce Commission the right to regulate rates.

Mr. NELSON. Oh, I have heard that old argument year after year, that we never could delegate that power. If time permitted, I could enumerate many instances where we have delegated it. In the very nature of things in many instances we must delegate it. How could Congress in every instance pass upon the question of what were reasonable or unreasonable rates? And so, how could Congress readily determine the question whether there was a scarcity of food or of any other product in this country, necessitating and requiring an embargo?

My friends, let us not take too narrow a view of this question. Let us arm and equip the Government with the power to exert all its resources in every direction, so as to bring to a victorious conclusion this great war. To me, Mr. President, it has seemed from the beginning that this was a war in which our own country was vitally interested. To me it seemed that if Germany, Austria, and Turkey should succeed in this great war, should vanquish France, England, and Russia, our country would be absolutely at the mercy of those autocratic Governments. So from the beginning I have cared little about orders in council, about blockades, and about keeping the ocean lanes open. I have looked at the big question beyond. That was the great question, that France, England, and Russia were fighting—at a long distance from us, to be sure, but nevertheless fighting—the battle of real democracy throughout the world. Now that we have joined in this great war, let us not be small; let us not distrust our own Government; let us generously equip it with all the power that is needed, in order that success may crown our efforts and that democracy may become the paramount and prevailing system of government of the entire civilized world.

I am unwilling to go into details, and discuss this subject from A to Z in all its minutiæ, to assume that there is danger here and danger there, a shadow here and another shadow there, and that all our officials in high authority—the President and whomsoever he calls into his councils—are likely to be corrupt, are likely to be dishonest, or are likely to do something unusual and dangerous to the country and its institutions. Why, Mr. President, we are all human; we are all liable to make mistakes; but I assume, and I think all Senators ought to assume, that these public officials, from the President down, are as honest and have as good intentions as we have. I am willing to trust them, though they are not of my own party. I am willing to trust them because this is a great emergency, and I want our country so equipped that we will emerge from this almost world-wide conflict with victory emblazoned on our banners, with every assurance for a long-continued and unbroken peace, and with our free, republican institutions unimpaired.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Maine [Mr. FERNALD] to the amendment of the Senator from Georgia [Mr. SMITH].

Mr. THOMAS. I suggest the absence of a quorum. The Senator from Georgia is absent at this moment.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gronna	McKellar	Shields
Bankhead	Hale	Martin	Simmons
Borah	Hardwick	Myers	Smith, Ga.
Brady	Hitchcock	Nelson	Smoot
Calder	Hollis	New	Sterling
Chamberlain	Husting	Norris	Sutherland
Colt	Johnson, Cal.	Overman	Thomas
Culberson	Johnson, S. Dak.	Page	Thompson
Cummins	Jones, N. Mex.	Phelan	Townsend
Curtis	Jones, Wash.	Poindexter	Underwood
Dillingham	Kendrick	Pomerene	Vardaman
Fall	Kenyon	Ransdell	Walsh
Fernald	King	Reed	Warren
Fletcher	Kirby	Saulsbury	Watson
France	Knox	Shafroth	Wolcott
Gallinger	La Follette	Sheppard	
Gerry	McCumber	Sherman	

Mr. NORRIS. I desire to announce that the senior Senator from Oklahoma [Mr. GORE] is absent from the Senate on official business.

The PRESIDING OFFICER. Sixty-six Senators have answered to their names. There is a quorum present.

Mr. SMITH of Georgia. I desire to add, after the word "used," in the sixth line of the substitute which I have offered, the words "directly or indirectly," so that it will read:

exports to a particular country are being used directly or indirectly to supply an enemy country.

That broader language will cover it if they are shipping out their own goods and bringing other goods in to take the place of their goods.

I wish the Senator from Maine would let it be just as straight as it is now, without proposing to put anything else on it. I am just afraid that the substitute would be jeopardized by his amendment. He could offer his proposed amendment as an independent section, and we could vote upon it then as an independent section. I am for it as an independent section, but if he offers it as an amendment to the substitute there will not be a chance to get a clean-cut issue between the original provision reported by the Senate committee report and this substitute.

Mr. SMOOT. I also suggest to the Senator from Georgia that the Senator from Maine could offer his amendment after the bill gets into the Senate. He can reserve the right to offer it in the Senate.

Mr. SMITH of Georgia. If necessary, I can reach the same object that I have by simply moving three amendments to the original provision. I can move that the first line of section 1

be stricken out, which uses the language, "Whenever the United States is at war and," and substitute therefor "When during the pending war"; I can move to strike out, in the fifth line, "the public safety shall so require" and substitute "exports to a particular country are being used, directly or indirectly, to supply an enemy country"; I can move to strike out "except at such time or times" and add the words "to such country except"; and then I would have the exact language of the substitute I offer.

So, if the Senator from Maine forces me to do so, I can go back to the original provision in the bill reported and by three amendments bring in the substitute. I believe it is better for us to have an opportunity to just vote the substitute against the original provision and let the special provision with reference to the particular industry come up on its own merits.

Mr. FERNALD. I withdraw the amendment to the amendment and will offer it again.

The VICE PRESIDENT. The question, then, is on the amendment of the Senator from Georgia [Mr. SMITH].

Mr. THOMAS. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CURTIS (when Mr. FRELINGHUYSEN's name was called). I desire to announce the absence of the junior Senator from New Jersey [Mr. FRELINGHUYSEN] on account of illness in his family. He is paired with the senior Senator from Arkansas [Mr. ROBINSON].

Mr. MYERS (when his name was called). The Senator from Connecticut [Mr. MCLEAN], with whom I am paired, is absent. I do not know how the Senator from Connecticut would vote if present. I transfer my pair to the Senator from New Jersey [Mr. HUGHES] and vote "nay."

Mr. SMITH of Georgia (when his name was called). I have a general pair with the senior Senator from Massachusetts [Mr. LODGE], which I transfer to the Senator from Illinois [Mr. LEWIS] and vote "yea."

The roll call was concluded.

Mr. CURTIS. I have been requested to announce that the Senator from West Virginia [Mr. GOFF] is paired with the Senator from South Carolina [Mr. TILLMAN] and that the Senator from Pennsylvania [Mr. PENROSE] is paired with the Senator from Mississippi [Mr. WILLIAMS].

Mr. KIRBY. I have been requested to announce that my colleague [Mr. ROBINSON] is detained on official business. He is paired with the Senator from New Jersey [Mr. FRELINGHUYSEN].

Mr. REED (after having voted in the affirmative). I voted without announcing a transfer. I transfer my pair with the Senator from Michigan [Mr. SMITH] to the Senator from Oklahoma [Mr. OWEN] and allow my vote to stand.

Mr. SHIELDS. I have a general pair with the Senator from Connecticut [Mr. BRANDEGEE]. Understanding that he would vote the same way that I will if he were present, I will vote. I vote "yea."

Mr. OVERMAN (after having voted in the negative). I have a general pair with the senior Senator from Wyoming [Mr. WARREN]. I transfer that pair to the junior Senator from Louisiana [Mr. BROUSSARD] and let my vote stand.

Mr. THOMPSON. I desire to announce that the senior Senator from New Jersey [Mr. HUGHES] is detained from the Chamber on account of illness. He stands paired on this vote with the Senator from Connecticut [Mr. MCLEAN].

Mr. SIMMONS (after having voted in the negative). I wish to inquire whether the Senator from Minnesota [Mr. KELLOGG] has voted?

The VICE PRESIDENT. He has not.

Mr. SIMMONS. I transfer my pair with that Senator to the Senator from Nevada [Mr. NEWLANDS] and let my vote stand.

Mr. WEEKS. I have a general pair with the senior Senator from Kentucky [Mr. JAMES], which I transfer to the Senator from Connecticut [Mr. BRANDEGEE] and vote "yea."

Mr. STERLING. I have a pair with the Senator from South Carolina [Mr. SMITH], and therefore withhold my vote.

Mr. SMITH of Georgia. I wish to state to the Senator from South Dakota that if the Senator from South Carolina [Mr. SMITH] were present he would vote "yea."

Mr. STERLING. I am therefore at liberty to vote. I vote "yea."

Mr. UNDERWOOD (after having voted in the affirmative). I transfer my general pair with the junior Senator from Ohio [Mr. HARDING] to the junior Senator from Nevada [Mr. PITTMAN] and let my vote stand.

The result was announced—yeas 40, nays 30, as follows:

YEAS—40.

Bankhead	France	McKellar	Smith, Ga.
Borah	Gallinger	Martin	Smoot
Brady	Gore	New	Sterling
Calder	Hale	Norris	Sutherland
Chamberlain	Hardwick	Page	Townsend
Cummins	Hitchcock	Poindexter	Underwood
Curtis	Johnson, Cal.	Reed	Vardaman
Dillingham	Kenyon	Shafroth	Wadsworth
Fall	Knox	Sherman	Watson
Fernald	Lewis	Shields	Weeks

NAYS—30.

Ashurst	Husting	McCumber	Sheppard
Beckham	Johnson, S. Dak.	Myers	Simmons
Colt	Jones, N. Mex.	Nelson	Thomas
Culberson	Jones, Wash.	Overman	Thompson
Fletcher	Kendrick	Phelan	Walsh
Gerry	King	Pomerene	Wolcott
Gronna	Kirby	Ransdell	
Hollis	La Follette	Saulsbury	

NOT VOTING—26.

Brandegee	Kellogg	Pittman	Swanson
Broussard	Lane	Robinson	Tillman
Frelinghuysen	Lodge	Smith, Ariz.	Trammell
Goff	McLean	Smith, Md.	Warren
Harding	Newlands	Smith, Mich.	Williams
Hughes	Owen	Smith, S. C.	
James	Penrose	Stone	

So the amendment of Mr. SMITH of Georgia was agreed to.

Mr. KING. I send to the desk a substitute for section 1 of Chapter VII, which has just been adopted, and ask that it be read.

The SECRETARY. In lieu of the matter just inserted it is proposed to insert the following——

Mr. GALLINGER. Mr. President, I make the point of order that that is not in order until the bill reaches the Senate.

The VICE PRESIDENT. The Chair sustains the point of order.

Mr. FERNALD. I offer the amendment which I withdrew as an amendment to the amendment of the Senator from Georgia. I offer it at this time as a separate section.

Mr. WALSH. Mr. President, a parliamentary inquiry. The bill was referred to the Judiciary Committee, which reported Chapter VII with amendments. The Senator from Georgia then moved to substitute a section prepared by him for the amendments proposed by the committee.

The VICE PRESIDENT. And that was adopted.

Mr. WALSH. The Senator from Utah [Mr. KING] was desirous of taking the judgment of the Senate upon the wisdom of adopting the substitute proposed by him rather than the substitute offered by the Senator from Georgia, both of them being substitutes for section 1 as proposed by the committee. The Senator from Utah inquired of some of us as to whether under the rules of the Senate he would be entitled to move his amendment as a substitute for the amendment proposed by the Senator from Georgia. I may have spoken ill advisedly to him, but I advised the Senator that it would not be in order. If it was not in order, it does seem to me as though there should be some method of presenting to the Senate in Committee of the Whole the substitute proposed by the Senator from Utah rather than the substitute proposed by the Senator from Georgia. I inquire of the Chair what course the Senator from Utah may take in order to test the sense of the Senate upon his proposed substitute.

The VICE PRESIDENT. What course he may take, the Chair is not prepared to rule upon. What course he could have taken would have been to offer it at the time either to the part proposed to be stricken out or the part proposed to be inserted; but he did not offer it to either.

Mr. WALSH. He offers it now.

The VICE PRESIDENT. But he offers it after the part proposed by the committee has been stricken out and the part proposed by the Senator from Georgia has been inserted.

Mr. WALSH. Let me remark that there could not be two motions pending at one and the same time.

The VICE PRESIDENT. The rule says:

If the question in debate contains several propositions, any Senator may have the same divided, except a motion to strike out and insert, which shall not be divided; but the rejection of a motion to strike out and insert one proposition shall not prevent a motion to strike out and insert a different proposition; nor shall it prevent a motion simply to strike out; nor shall the rejection of a motion to strike out prevent a motion to strike out and insert.

That seems to cover all those questions.

But pending a motion to strike out and insert, the part to be stricken out and the part to be inserted shall be regarded for the purpose of amendment as a question; and motions to amend the part to be stricken out shall have precedence.

This is the first time the Chair has ever heard it questioned that the Senator from Utah did not have the distinct right

either to offer his amendment to the original committee amendment or to the proposed amendment of the Senator from Georgia. Not having offered it to the amendment of the Senator from Georgia and that amendment having been adopted, the Chair holds that in Committee of the Whole it is now too late to present it.

Mr. VARDAMAN. In order to get the matter before the Senate I will move to reconsider the vote by which the amendment offered by the Senator from Georgia was adopted.

Mr. KING. I think the matter can be properly presented to the Senate in the Senate, and I ask leave to withdraw my amendment now. I shall offer it at an appropriate time when the bill is under consideration in the Senate.

The VICE PRESIDENT. The question is on agreeing to the amendment of the committee as amended.

The amendment as amended was agreed to.

The VICE PRESIDENT. The Senator from Maine offers as a separate section an amendment, which will be read.

The SECRETARY. Add, after section 1 of chapter 7, a new section, as follows:

SEC. 2. Whenever during the pending war the President shall find that the exportation of tin plate or tin containers to any foreign country will leave the United States without an adequate supply for the manufacture of tin containers and shall make proclamation thereof, it shall be unlawful to export such tin plate or tin containers to such countries from the United States, except at such time and under such regulations and orders and subject to such limitations and exceptions as the President shall prescribe until otherwise ordered by the President or by Congress.

The VICE PRESIDENT. The question is on the amendment of the Senator from Maine. [Putting the question.] The ayes seem to have it.

Mr. REED. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. MYERS (when his name was called). I make the same announcement of my pair and its transfer as on the last vote and vote "yea."

Mr. OVERMAN (when his name was called). I am paired with the Senator from Wyoming [Mr. WARREN] and therefore withhold my vote.

Mr. STERLING (when his name was called). Announcing my pair as on the last vote and not knowing how my pair, if present, would vote, I withhold my vote.

Mr. UNDERWOOD (when his name was called). I transfer my general pair with the Senator from Ohio [Mr. HARDING] to the junior Senator from Nevada [Mr. PITTMAN] and vote "yea."

The roll call was concluded.

Mr. UNDERWOOD (after having voted in the affirmative). In the absence for the time being of the junior Senator from Nevada [Mr. PITTMAN] I transferred my pair with the junior Senator from Ohio [Mr. HARDING] to the junior Senator from Nevada. Since that time the junior Senator from Nevada has come into the Chamber and voted. I therefore withdraw the announcement I made and transfer my pair to the senior Senator from Illinois [Mr. LEWIS] and will allow my vote to stand.

Mr. REED (after having voted in the negative). I voted without having announced a transfer of my pair. I transfer my pair with the Senator from Michigan [Mr. SMITH] to the Senator from Oklahoma [Mr. OWEN] and will allow my vote to stand. I make this announcement of general transfer on any vote occurring during the day, provided the Senator from Oklahoma does not enter the Chamber.

Mr. CURTIS. I have been requested to announce the following pairs:

The Senator from West Virginia [Mr. GOFF] with the Senator from South Carolina [Mr. TILLMAN];

The Senator from New Jersey [Mr. FRELINGHUYSEN] with the Senator from Arkansas [Mr. ROBINSON];

The Senator from Pennsylvania [Mr. PENROSE] with the Senator from Mississippi [Mr. WILLIAMS];

The Senator from Connecticut [Mr. BRANDEGEE] with the Senator from Tennessee [Mr. SHIELDS]; and

The Senator from Massachusetts [Mr. WEEKS] with the Senator from Kentucky [Mr. JAMES].

The result was announced—yeas 55, nays 11, as follows:

YEAS—55.

Ashurst	Gerry	Martin	Smith, Md.
Bankhead	Gronna	Myers	Smoot
Beckham	Hale	New	Sutherland
Brady	Hitchcock	Norris	Swanson
Calder	Husting	Page	Thomas
Chamberlain	Johnson, Cal.	Phelan	Thompson
Colt	Jones, N. Mex.	Pittman	Townsend
Cummins	Jones, Wash.	Poindexter	Trammell
Curtis	Kellogg	Saulsbury	Underwood
Dillingham	Kenyon	Shafroth	Vardaman
Fernald	King	Sheppard	Wadsworth
Fletcher	Knox	Sherman	Watson
France	La Follette	Smith, Ariz.	Wolcott
Gallinger	McCumber	Smith, Ga.	

NAYS—11.

Borah	Hardwick	Kirby	Stone
Culberson	Hollis	Ransdell	Walsh
Gore	Kendrick	Reed	

NOT VOTING—30.

Brandegee	Johnson, S. Dak.	Overman	Smith, S. C.
Broussard	Lane	Owen	Sterling
Fall	Lewis	Penrose	Tillman
Frelinghuysen	Lodge	Pomerene	Warren
Goff	McKellar	Robinson	Weeks
Harding	McLean	Shields	Williams
Hughes	Nelson	Simmons	
James	Newlands	Smith, Mich.	

So Mr. FERNALD'S amendment to the committee amendment was agreed to.

Mr. KING. Mr. President, the amendment which I tendered a few moments ago as a substitute and which I asked to have withdrawn, I desire to have printed. I ask unanimous consent that that may be done for the information of the Senate. For fear that I did not make my request broad enough, I give notice now that in the Senate I shall ask a separate vote upon this amendment as a substitute for the amendment offered by the Senator from Georgia [Mr. SMITH].

The VICE PRESIDENT. Without objection, it will be so ordered.

The reading of the bill was resumed.

The next amendment of the Committee on the Judiciary was, in Chapter VII, page 26, after line 2, to add a new section, to be known as section 3, as follows:

SEC. 3. Any person who shall export or deliver or attempt to deliver for export any article in violation of this chapter, or of any regulation or order made hereunder, shall be fined not more than $10,000, or, if a natural person, imprisoned for not more than two years, or both; and any article so delivered or exported, or so attempted to be delivered or exported, shall be seized and forfeited to the United States; and any officer, director, or agent of a corporation who participates in any such violation shall be liable to like fine or imprisonment, or both.

The amendment was agreed to.

The next amendment was, in the same chapter, on page 26, after line 12, to insert a new section, to be known as section 4, as follows:

SEC. 4. Whenever there is reasonable cause to believe that any vessel, domestic or foreign, is about to carry out of the United States any article or articles in violation of the provisions of this chapter, the collector of customs for the district in which such vessel is located is hereby authorized and empowered, subject to review by the Secretary of the Treasury, to refuse clearance to any such vessel, domestic or foreign, for which clearance is required by law, and by formal notice served upon the owners, master, or person or persons in command or charge of any domestic vessel for which clearance is not required by law, to forbid the departure of such vessel from the port, and it shall thereupon be unlawful for such vessel to depart. Whoever, in violation of any of the provisions of this section shall take, or attempt to take, or authorize the taking of any such vessel, out of port or from the jurisdiction of the United States, shall be fined not more than $10,000 or imprisoned not more than two years, or both; and, in addition, such vessel, her tackle, apparel, furniture, equipment, and her forbidden cargo shall be forfeited to the United States.

The amendment was agreed to.

Mr. THOMAS. Mr. President, I offered an amendment, to be known as section 4, to Chapter VII, designed to suspend or close all exchanges dealing in futures or speculating in food products during the war. This morning a bill was presented in the other House, known as the Lever bill, dealing with that, among other subjects. In the hope that that bill will be reported by the committee before the pending bill is finally disposed of, it would doubtless expedite this legislation if the amendment which I proposed were postponed until after the passage of the so-called Lever bill. I therefore shall not insist upon the amendment now but reserve the right to present it when the bill comes into the Senate, if there is in the interval no action by the other House upon the Lever bill. I have made this suggestion to the Senator having this bill in charge, and it is satisfactory to him.

The reading of the bill was resumed.

The next amendment of the Committee on the Judiciary was, in Chapter VIII, on page 27, section 1, line 18, after the word "Government," to insert "to the injury of the United States"; and in line 20, after the word "thereof," to insert "to the injury of the United States"; so as to make the section read:

SECTION 1. Whoever, in relation to any dispute or controversy between a foreign Government and the United States shall willfully and knowingly make any untrue statement, either orally or in writing, under oath before any person authorized and empowered to administer oaths, which the affiant has knowledge or reason to believe will, or may be used to influence the measures or conduct of any foreign Government, or of any officer or agent of any foreign Government, to the injury of the United States, or with a view or intent to influence any measure of or action by the Government of the United States, or any branch thereof, to the injury of the United States, shall be fined not more than $5,000 or imprisoned not more than five years, or both.

The amendment was agreed to.

The next amendment was, on page 28, section 3, line 14, after the word "or," to strike out "imprisonment" and insert "imprisoned," so as to make the section read:

SEC. 3. Whoever being an alien, other than a diplomatic or consular officer or attaché, shall act in the United States as an agent of a foreign government without prior notification to the Secretary of State shall be fined not more than $5,000 or imprisoned not more than five years, or both.

The amendment was agreed to.

Mr. STERLING. Mr. President, I wish to offer the amendment which I send to the desk to section 1 of Chapter VIII.

The VICE PRESIDENT. The committee amendments have not yet been agreed to.

Mr. STERLING. I did not understand that.

The reading of the bill was resumed.

The next amendment of the Committee on the Judiciary was, on page 29, section 5, line 5, after the word "property," to strike out "of a foreign government, or any political subdivision thereof," so as to make the section read:

SEC. 5. If two or more persons within the jurisdiction of the United States conspire to injure or destroy property situated within a foreign country, with which the United States is at peace, when the offense designed to be committed in such foreign country constitutes a crime punishable by imprisonment under the laws thereof, and when one or more of such persons commits an act within the jurisdiction of the United States to effect the object of the conspiracy, each of the parties to such conspiracy shall be fined not more than $5,000, or imprisoned not more than three years, or both.

The amendment was agreed to.

The next amendment was, on page 29, line 14, after the word "Chapter," to strike out the roman numerals "VIII" and insert in lieu thereof "IX."

The amendment was agreed to.

Mr. OVERMAN. Mr. President, I understand that the Senator from South Dakota [Mr. STERLING] has an amendment which he intends to propose to Chapter VIII.

Mr. STERLING. Yes; I now offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment proposed by the Senator from South Dakota will be stated.

The SECRETARY. On page 27, line 13, after the word "writing," it is proposed to strike out the words "under oath before any person authorized and empowered to administer oaths"; and in line 15, on the same page, to strike out the word "affiant" and to insert in lieu thereof the words "person making such statement."

Mr. STERLING. Mr. President, I hope I shall not be thought unduly persistent in offering this amendment, which was offered when the bill was before the Senate at the last session of Congress; but I really want to make this section amount to something; I should like to see it effective, and without this amendment I do not see how it can be of very much force or effect.

The requirement of the bill is that the statement shall be "to the injury of the United States," and it must be made not alone to the injury of the United States, but it must be made under oath. The statement, it will be observed according to this section, must relate to a dispute or a controversy between a foreign government and the United States. It must be willfully made, knowingly made, and the statement must be untrue. As I say, it must be to the injury of the United States; and yet under the terms of the bill, unless that statement is made under oath, the party making it falsely and knowingly in a dispute between this Government and a foreign government and to the injury of this Government can not be punished.

Let us suppose a case. The dispute is the subject of negotiations for a treaty between this and a foreign government; that it is a serious dispute; and, unless settled by treaty, involves the danger of a severance of diplomatic relations between our Government and the foreign government, and, if a severance of diplomatic relations, a possibility, or even a probability, of war. Now, suppose that some emissary makes a statement to a representative of the foreign government which is untrue but which he has reason to believe will be acted upon and which in fact induces action on the part of that government or the representatives of that government and that action is to the injury of the United States. I believe, without reference to the question of whether or not he made the statement under oath, he should be punished for the statement.

Suppose another case, Mr. President. The dispute is the subject of diplomatic correspondence and our Secretary of State has sent a note to the foreign power and some emissary comes forward and says that nothing was meant by that note or the note did not mean what it purported to mean on its face, and the foreign power governs itself accordingly. The statement is wholly untrue; it is made in the belief that it will be acted upon, and is made to the injury of the United States, and yet under this bill, because it is not made under oath, the party can not be punished. Suppose, Mr. President, the controversy relates to a question of damages between the two Governments growing out of the acts of agents or citizens of one Government, and suppose untrue statements are made with the result that the Government of the United States is induced to take less than it is entitled to or to pay more in damages than it should be required to pay. It is evidently to the injury of the United States. But because the statement is not made under oath the party can not be punished for it, although falsely and knowingly made, and with the belief that it would be acted upon in this important controversy with a foreign power.

Why, Mr. President, care will be taken, of course, that a statement intended to influence the action of a foreign government or of our own Government will not under such circumstaces be made under oath. There will either be no occasion to make it under oath, or if an oath is requested of the party making the statement he will say, "Here are my credentials; you ought not to require the statement to be made under oath I do not want to be put to the expense and the trouble of defending myself against a prosecution, although innocent of making any false statement to you."

So, Mr. President, it seems to me that, with these elements to constitute the offense, namely, that the statement be false, that it be knowingly made, that it be made in relation to a foreign controversy with knowledge or reason to believe that it will influence the measures or conduct of either party to the controversy, and that it be made to the injury of the United States, it should make no difference whether it was made under oath or not; in either case the party should be punishable. Hence my amendment. I hope it will prevail in order that this may be made an effective provision.

Mr. OVERMAN. Mr. President, the Senator presented this amendment before the committee, but the committee thought that it was too broad and that we would go perhaps a little too far if we undertook to punish a man for making a simple statement. The committee thought that the penalty should attach to a man who makes under oath such a statement as is prohibited. So they objected to the amendment and rejected it.

Mr. STERLING. Mr. President, I will simply say in reply to the Senator from North Carolina that the only reference to a case where a statement was made under oath was in the case of the *Lusitania*, where an oath was made to the effect that the *Lusitania* was an armed vessel. That is cited. and has been cited again and again, in support of this provision requiring a statement to be made under oath. That case can not be cited as an illustration or as a reason why in a section like this we should require that a statement should be made under oath, the section having so specifically set forth other elements sufficient to constitute a grave offense. Whether the statements are made under oath or not should make no difference.

The VICE PRESIDENT. The question is on agreeing to the amendment submitted by the Senator from South Dakota.

Mr. STERLING. I ask for the yeas and nays on the amendment.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. SMITH of Maryland (when his name was called). I inquire if the Senator from Vermont [Mr. DILLINGHAM] has voted?

The VICE PRESIDENT. He has not.

Mr. SMITH of Maryland. I have a pair with that Senator, and in his absence withhold my vote.

Mr. STERLING (when his name was called). I am paired with the Senator from South Carolina [Mr. SMITH]. Not knowing how he would vote if present, I withhold my vote.

Mr. THOMAS. I inquire if the senior Senator from North Dakota [Mr. MCCUMBER] has voted?

The VICE PRESIDENT. He has not voted.

Mr. THOMAS. I transfer my pair with that Senator to the senior Senator from Nevada [Mr. NEWLANDS] and vote "nay."

Mr. UNDERWOOD (when his name was called). I transfer my pair with the junior Senator from Ohio [Mr. HARDING] to the Senator from Illinois [Mr. LEWIS] and vote "nay."

Mr. WEEKS (when his name was called). I have a pair with the senior Senator from Kentucky [Mr. JAMES]. He being absent, I withhold my vote.

The roll call was concluded.

Mr. MYERS. I make the same announcement of my pair and its transfer as heretofore and vote "yea."

Mr. OVERMAN. Announcing my general pair with the senior Senator from Wyoming [Mr. WARREN], I transfer that pair to the Senator from Louisiana [Mr. BROUSSARD] and vote "nay."

Mr. CURTIS. I am requested to announce the following pairs:

The Senator from West Virginia [Mr. GOFF] with the Senator from South Carolina [Mr. TILLMAN];

The Senator from New Jersey [Mr. FRELINGHUYSEN] with the Senator from Arkansas [Mr. ROBINSON];

The Senator from Pennsylvania [Mr. PENROSE] with the Senator from Mississippi [Mr. WILLIAMS];

The Senator from Connecticut [Mr. BRANDEGEE] with the Senator from Tennessee [Mr. SHIELDS]; and

The Senator from Maine [Mr. FERNALD] with the Senator from South Dakota [Mr. JOHNSON].

The result was announced—yeas 11, nays 47, as follows:

YEAS—11.

Brady	France	Knox	Poindexter
Calder	Jones, Wash.	Myers	Watson
Curtis	Kenyon	Page	

NAYS—47.

Ashurst	Hardwick	Nelson	Smith, Ariz.
Bankhead	Hitchcock	New	Smoot
Beckham	Hollis	Norris	Stone
Borah	Husting	Overman	Sutherland
Chamberlain	Johnson, Cal.	Pittman	Swanson
Culberson	Jones, N. Mex.	Pomerene	Thomas
Cummins	Kellogg	Reed	Thompson
Fall	Kendrick	Saulsbury	Trammell
Fletcher	King	Shafroth	Underwood
Gallinger	Kirby	Sheppard	Vardaman
Gerry	McKellar	Sherman	Wolcott
Gore	Martin	Simmons	

NOT VOTING—38.

Brandegee	Hughes	Owen	Sterling
Broussard	James	Penrose	Tillman
Colt	Johnson, S. Dak.	Phelan	Townsend
Dillingham	La Follette	Ransdell	Wadsworth
Fernald	Lane	Robinson	Walsh
Frelinghuysen	Lewis	Shields	Warren
Goff	Lodge	Smith, Ga.	Weeks
Gronna	McCumber	Smith, Md.	Williams
Hale	McLean	Smith, Mich.	
Harding	Newlands	Smith, S. C.	

So, Mr. STERLING'S amendment was rejected.

The VICE PRESIDENT. Are there further amendments to the chapter?

Mr. POMERENE. Mr. President, I send to the desk an amendment to section 5, on page 29.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 29, line 3, it is proposed to strike out the word "two" and insert in lieu thereof the word "one," and after the word "conspire," in line 4, to insert the words "with one or more persons within or without the jurisdiction of the United States," so that, if amended, the text will read:

If one or more persons within the jurisdiction of the United States conspire with one or more persons within or without the jurisdiction of the United States—

And so forth.

Mr. POMERENE. Mr. President, as the text reads, two or more persons within the jurisdiction of the United States would be guilty if they conspired together to do any of the forbidden acts defined in this section; but if one of these two persons were on this side of the Canadian line, and a coconspirator were on the other side of the Canadian line, they could conspire to destroy property in Canada, and neither one would be amenable to the laws of the United States. So the amendment I offer provides that if a conspiracy is entered into between two persons, whether they are both within the United States or one within the United States and one without the United States, they shall be guilty of the offense.

Mr. OVERMAN. I accept that amendment.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. POMERENE. Now, Mr. President, I also move to amend the section by inserting, after the word "destroy," on line 4, the words "any person or."

Mr. OVERMAN. What page is that?

Mr. POMERENE. The same page—page 29.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 29, line 4, after the words "injure or destroy," it is proposed to insert the words "any person or," so that, if amended, it will read:

To injure or destroy any person or property.

Mr. POMERENE. The text makes it an offense to conspire to destroy property, but it does not make it an offense to conspire to destroy persons.

Mr. THOMAS. Should not the Senator carry the amendment further? As the section now reads, it refers to the injuring or destruction of "property situated within a foreign country."

Mr. POMERENE. Yes.

Mr. THOMAS. Would the Senator say "any person situated within a foreign country"?

Mr. POMERENE. If it was a conspiracy for the purpose of injuring or destroying a human being in the other country, clearly it ought to be an offense, just as though it involved property.

Mr. THOMAS. I do not doubt that, but the language——

Mr. HARDWICK. Suppose that person were an alien enemy?

Mr. POMERENE. If the Senator will follow the language, I think he will not make that criticism.

Mr. HARDWICK. I think so.

Mr. POMERENE. Well, that is not so intended.

Mr. HARDWICK. If that person were an alien enemy or some one else, he would be a person anyhow, and would be subject to this. If a person were an alien enemy, it would be a crime to destroy him. Does the Senator mean it in that way?

Mr. THOMAS. I would suggest that the language "person situated in" is somewhat unusual.

Mr. OVERMAN. Yes. The "destroying" of persons is unusual, too.

Mr. POMERENE. We are speaking now of friendly countries.

Mr. OVERMAN. I know, but my idea is that the Senator might get a better word than "destroying" a person.

Mr. POMERENE. I certainly want to avoid that construction. It may be that the language should be changed. If the Senator will permit this to be passed, I will change my amendment so as to avoid that construction.

Mr. CUMMINS. Mr. President——

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from Iowa?

Mr. POMERENE. I yield.

Mr. CUMMINS. I want to get the thought of the Senator from Ohio in my mind. Does he intend to make it a crime for a person or two or more persons in this country to give aid and comfort to a revolution which is proposed in a foreign country?

Mr. POMERENE. I am not quite sure that I grasp the Senator's question.

Mr. CUMMINS. Suppose, before the Spanish-American War, the Cubans revolted. They had friends in the United States, and a great deal of the propaganda—a large part of the movement for the libertion of Cuba—took place in the United States. I am using this illustration purely as an illustration. Does the Senator from Ohio, by his amendment, desire to prevent the United States from becoming the home of such propaganda as that?

Mr. POMERENE. I have not had that in mind. What I had in mind, briefly, was this: Under the bill, as reported by the committee, if a conspiracy is entered into for the purpose of blowing up a building in Canada that would be a violation of this section of the statute; but if the conspiracy was to kill a member of the Canadian Parliament or a business man that would not be an offense under this statute. Now, my thought was that the person of a citizen of Canada ought to be just as sacred to us as the property which he might own. That is the situation which I want to meet.

Mr. CUMMINS. Mr. President, I think the Senator from Ohio is right about that phase of it; but the Senator from Ohio must be aware that there was in the mind of the person who originally drew this section the purpose to make it impossible for the people of the United States to give aid and comfort to revolutions in other countries. I think we might just as well come to the point itself.

Take Ireland: There has been going on in this country for a great many years a movement for the freedom of Ireland. A very large amount of money has been sent from the United States from time to time in support of that movement, to use no harsher term. Does the Senator from Ohio believe that we ought to make it a crime for those who believe that Ireland should be free to enter into, if you please, sympathetically and with money, a movement to promote an uprising in Ireland which has for its purpose the independence of that people?

Mr. POMERENE. In my amendment I had no reference whatsoever to Ireland or to anything of an Irish nature at all.

Mr. CUMMINS. I am sure of that; but the Senator from Ohio will see at once that when the section is amended as he proposes to amend it, it would not require a very gifted imagination to draw within the terms of the laws every effort upon the part of the people of this country to aid the struggles of the people of other countries to maintain or secure their rights.

Mr. POMERENE. Does not the Senator think that the construction which he seeks to place upon the language now is rather strained?

Mr. CUMMINS. I do not know. The thought arose in my mind at once. I knew it was not in the contemplation of the

Senator from Ohio; and inasmuch as he asked that the section go over, I wanted him to reflect upon the interpretation which a great many people have put upon this paragraph of the law.

Mr. POMERENE. I will be very glad to bear that in mind, and be glad to confer with the Senator on the subject.

Mr. CUMMINS. I am just as much opposed to conspiracies which are directed toward property or directed toward persons as anyone can be; but while we are engaged in a great fight for democracy throughout the world I am not willing to suppress the sympathies which individuals in the United States may feel for revolutions in which we may not take any national part.

Mr. POMERENE. I had no such thought as that in mind when I offered the amendment, but if it may go over I shall be glad to consider it further.

Mr. OVERMAN. I should like to have this chapter adopted. I do not think the Senator, when he thinks about it, will introduce it. If he does, he can introduce it in the Senate.

Mr. POMERENE. If that may be passed over for the time being, I will consider it further.

Mr. OVERMAN. Will the Senator let this chapter be adopted?

Mr. POMERENE. I wish to offer another amendment to this section.

Mr. OVERMAN. Very well.

Mr. POMERENE. On line 9, I move to strike out the word "and" and substitute therefor the word "or."

As I construe this section, it would not be an offense to enter into a conspiracy to destroy property in another country, but the conspiracy would have to be followed by the actual destruction of the property. I do not think that was in the mind of the committee when this section was drafted. In other words, if a conspiracy has been entered into for the purpose of destroying property, that ought to be an offense complete in itself, without making it necessary to show that there was an actual overt act committed under the conspiracy.

The VICE PRESIDENT. The question is on the amendment. Is there any objection to the chapter going over?

Mr. OVERMAN. Mr. President, I just said to the Senator that I should like to have this chapter adopted. He can introduce his amendment in the Senate, if he still wishes to introduce it.

Mr. POMERENE. What will be gained by it?

Mr. OVERMAN. Why, we will have all these chapters adopted, and then the bill will go into the Senate.

Mr. POMERENE. With that understanding, I will not object.

Mr. STONE. Mr. President, I desire to ask——

Mr. POMERENE. May I ask what disposition was made of this amendment?

Mr. OVERMAN. I understood that was to go over.

Mr. POMERENE. No; I was not insisting upon it; but the last amendment I offered was to strike out "and" and substitute therefor the word "or."

Mr. OVERMAN. I do not know whether it was put to the Senate or not.

The VICE PRESIDENT. It was not put. The question is on the amendment of the Senator from Ohio.

Mr. HARDWICK. Mr. President, I want to suggest to the Senator, before the Senate votes upon any such proposition as that, whether it is not necessary that not only the conspiracy shall be made so far as word and plan is concerned, but also that it shall be conjunctively required that some attempt shall be made somewhere to carry it into execution. There will be very great danger, otherwise, of people using this provision of the law to lay false information against their neighbors; and was not that the reason why, in drawing this bill, the committee followed the plan of the law generally? It seems to me that the general principles of law applicable to this subject ought to be maintained by the Congress in enacting legislation on this subject.

Mr. POMERENE. Mr. President, what the Senator suggests is rather a question of degree of proof than anything else.

Mr. HARDWICK. Yes.

Mr. POMERENE. In effect it would be that, I believe. It does seem to me that if there are in this country any individuals who are vicious enough to enter into a conspiracy looking to the destruction of a bridge or a building in one of the allied countries, and that proof is clearly made before a proper tribunal, the person guilty of entering into that conspiracy ought to be punished; and I do not think we ought to wait until some overt act is committeed before seeking to punish it.

Mr. HARDWICK. Mr. President, with all deference to the Senator from Ohio, I think the Senator is wrong about it, and wrong on the very theory on which all the principles of law, as applied in almost every civilized country, rest. There might be some advantages to accrue from charging somebody with entering into a conspiracy, but there are a great many disadvantages. People might use the law as an engine of oppression, and bear false witness against their neighbors; and I think it is pretty well to require proof of some overt act before we make this serious crime punishable in that way. At least, an attempt should be made, as the Senator from North Carolina suggests on the side, to do something in a physical way, in the way of an overt act, before we provide such punishment. So I think the department and the committee were right. I believe it will be far safer to stick to the established principles of the old rule.

The Senator from North Carolina calls my attention to the fact that the very carefully considered language of the committee is, "commits an act within the jurisdiction of the United States to effect the object of the conspiracy." That is required. I think the Senator from North Carolina agrees that it is probably safer to leave this language as it is; and I hope it will be kept as it is.

The VICE PRESIDENT. The question is on the amendment of the Senator from Ohio.

The amendment was rejected.

Mr. STONE. Mr. President, there is a provision in section 2a of Chapter II of the bill, subdivisions (b) and (c), which relates to the publication in newspapers of forbidden information. I should like to ask the Senator from North Carolina when he thinks that provision of the bill will be reached? It is to be called up again. When it is reached, I desire to express my opinions with respect to it; and as I am now quite busily engaged with matters that keep me more or less out of the Chamber, I should be glad to know, if the Senator can tell me, when that section of the bill, and particularly that part of the section of the bill to which I refer, will be brought again before the Senate?

Mr. OVERMAN. Mr. President, Chapters XI and XII will cause a great deal of debate in the Senate, and it will continue at least through Saturday and probably Monday. This chapter has already been passed in the Committee of the Whole, and when the bill goes into the Senate there is a notice given by the Senator from California that he will move to strike out subsections (b) and (c).

Mr. STONE. Then it will come up in the Senate?

Mr. OVERMAN. It will come up in the Senate.

Mr. STONE. I desire to be heard upon it, when it is brought up.

Mr. OVERMAN. I will let the Senator know.

The SECRETARY. On page 29, line 14, after the word "Chapter," the committee proposes to strike out "VIII" and to insert "IX."

The amendment was agreed to.

The VICE PRESIDENT. Are there any amendments to this chapter? The Chair hears none, and it is agreed to as in Committee of the Whole.

The SECRETARY. At the top of page 32, line 1, after the word "Chapter," it is proposed to strike out "IX" and insert "X."

The amendment was agreed to.

The VICE PRESIDENT. Are there any amendments to this chapter? The Chair hears none, and it is agreed to as in Committee of the Whole.

The SECRETARY. On page 33, line 5, after the word "Chapter," it is proposed to strike out "X" and insert "XI."

The amendment was agreed to.

The SECRETARY. After line 6 the committee proposes to insert a new section under the heading of "Search warrants," as follows:

SECTION 1. A search warrant may be issued in conformity with the provisions of this act for the purpose of searching any premises or person to discover any property, or papers, held, secured, or used, or intended to be held, secured, or used, in violation of or in aid of a violation of any law of the United States, or of a treaty of the United States, or of the rights or obligations of the United States under the law of nations.

Mr. THOMAS. Mr. President, I ask leave at this time to offer an amendment, to be known as section 9. I desire to have it printed and lie over.

The VICE PRESIDENT. That will be done.

Mr. CUMMINS. Mr. President, there will be, I think, some discussion with regard to Chapter XI. It involves a very important subject. It is a radical departure from all the legislation of the United States; and I wondered whether the Senator from North Carolina thinks it would promote a final vote to take it up to-night?

Mr. OVERMAN. Mr. President, I know it can not be taken up and considered to-night; but I should like the Senator, if he has no objection, to let the committee amendments to this section be read.

Mr. SMOOT. Mr. President, if that were done I should have to send for a number of Senators who have asked me, in case Chapter XI was reached, to notify them, because they desired to be here. I do not think that would save more than five minutes, and perhaps it would require to-morrow a reconsideration of some matters in view of their absence.

Mr. OVERMAN. I was not going to ask for the adoption of the amendments to-night.

Mr. SMOOT. I mean, of the committee amendments. There may be objections to them by Senators who are not present at this time.

Mr. OVERRMAN. I simply ask that the amendments be read, and then I will allow them to go over until to-morrow.

The VICE PRESIDENT. These are amendments to Chapter XI.

Mr. OVERMAN. Mr. President, I believe I had better move to take a recess now. The reading of the amendments will not amount to much. I therefore move that a recess be taken until 11 o'clock to-morrow.

Mr. JONES of Washington. Mr. President, if the Senator will withhold that motion for a moment, there is an amendment intended to be proposed to this bill relating to the manufacture of alcohol from cereals, grains, etc. I ask that certain matter which I send to the desk be placed in the RECORD, to be available when that amendment is taken up.

The VICE PRESIDENT. Without objection, it is so ordered. The matter referred to is as follows:

FRANCE AND ALCOHOLISM IN WAR TIME.

[Statement by Cora Frances Stoddard, executive secretary Scientific Temperance Federation.]

The United States is being urged by the allied nations now at war to avoid as far as possible all conditions which have been hampering to the other nations in the development of their war policies.

From France, as from Great Britain, come illustrations of the handicap which drink exerts in war time. The magnificent work done by France during the war is not depreciated by these illustrations, but they do suggest incumbrance which the United States would do well to avoid.

Soon after the war began France struck at one of the serious sources of alcoholism by prohibiting absinthe. The hours of sale were somewhat restricted. Gen. Joffre forbade the sale of intoxicants to soldiers in the war zone. The only alcohol supposed to be allowed the soldiers was that issued in the rations.

The following pages are taken, unless otherwise stated, from a recent book, L'Union Sacree Contre L'Alcoolisme, by Jean Finot, editor of La Revue and secretary of L'Alarme, an organization of which the President of France, M. Raymond Poincare, is the honorary president. The book has evidently been passed by the censor.

Owing to agricultural and commercial conditions peculiar to France, M. Finot believes that it is impossible at present to prohibit the production and sale of wine. Hence, he can not be said to be writing from a radical point of view, as he is urging only the prohibition of distilled liquors and some further limitations on the general traffic for the reasons that appear in the illustrations given.

MOBILIZATION AND TRAINING-CAMP DIFFICULTIES.

In quoting letters it will be understood that the omission of the designation of regiments, etc., is by M. Finot.

Here is a letter addressed to us by an artillery officer of ———:

"On August 2 and the following days I was present in Brittany at the departure of trainloads of mobilized men, all intoxicated to such a point that the guards were ordered to lock the compartments. Although this was done, arrived at Brest, these marines continually found means of getting too much to drink. And as they were more embarrassing than useful the naval officer in charge of the district sent them back home."

In a recent address before the Society of Civil Engineers of France M. Victor Cambon spoke as follows amid the applause of his numerous hearers:

"I have seen in Brittany villages where 40 per cent of the conscripts are invalided sad victims of the alcoholism of their parents. All the rest are at the front, but how many will come back? And it is from these 40 per cent of human wrecks that the Bretons are going to perpetuate their race!

"We shall undoubtedly defeat Germany, declared M. Cambon, who knows our adversaries thoroughly, but if we do not cut off alcohol to-day, alcohol will cut us off to-morrow."

Here, for example, is what we read in l'Ouest-Eclair (May 17). In this article clearly appears not only the grave responsibility resting on all who protect this evil but also the immediate danger which menaces the national defense.

"From 5 to 9 o'clock in the evening the stations, which are overflowing with troops (young recruits and old reservists), turn loose in the city bands of men away from home, having nothing to do, who, during these four hours, go from cabaret to cabaret, cramming themselves into low dogholes black with smoke, where the air seems unbreathable. After these long stops many of them go out staggering to return to the barracks.

"What can our generals be thinking of this preparation for the fatigues of a campaign, and how can one conceive of the intensive training of our young soldiers under such conditions?

"Thus, well before the departure for the front, the result of this state of affairs shows itself by the daily admission to the hospitals of numerous sick—so numerous that it has been necessary to find an annex to receive them.

"Grippe, pneumonia, or some other affection that would not be dangerous to a healthy organism carries these men off in two or three days, owing to complications due to alcohol. The mortality among these men is frightful. All the physicians now attached to military hospitals could testify to the fact that France thus loses every day hundreds of soldiers. At a time when so many are suffering from this war is it not extremely painful to see those upon whom we count for deliverance waste their feeble resources and abuse and destroy themselves by alcohol when the whole strength of the nation should be straining toward a single end—victory!

"I consider that the generals who command in the rear and prepare the new recruits have a very heavy responsibility. It is not possible when alcoholizing oneself to prepare to undergo the fatigues of marches, assaults, long watches, rigors, or extremes of weather, and if pneumonia makes ravages in the training stations, what will it do in the trenches when cold and fatigue will come more surely than enemy shells to finish the work of alcohol?"

EFFICIENCY OF SOLDIERS.

At the time of the discussion of the law against absinthe in the Senate, M. Pulle concluded his speech with these significant words:

"Almost all men brought before courts-martial for offenses toward superior officers are victims of alcoholism."

Here is an extract from a letter (April 5, 1915) from Mme. Texier, president of the Rouen Woman's Suffrage Union. She says:

"At Rouen British soldiers, as well as the French, who are forbidden to enter the cafés, use children as agents for getting alcohol into the camps or canteens. It is a deplorable example, everybody knows, and in spite of all protests from the antialcohol societies and from the friends of childhood, the trade does not stop. The soldiers generally send for 10 sous' worth of spirits, 4 sous' worth of coffee, and 5 sous for sugar, and say to the child, 'Hide the bottle under your blouse, and if anybody asks you what it is say that it is wine.'"

The following is a paragraph from a sergeant:

"Several of my comrades who have allowed themselves to drink too much were excellent soldiers at the beginning of the war. Under the influence of alcohol they have become discouraged and insubordinate. I have noticed also that those who drank too much got tired more quickly. How many I have seen give out and sit down in the trench because they had drunk too much the night before."

The commanding general of the —— army corps writes me:

"Continue your campaign, which has already produced some results. It has, you may be sure, much influence on the decisions made in the military zones. You have thus helped save whole regiments. * * * Numbers of soldiers are good; quality is better. But with alcohol, no good soldiers; and if the Government were to apply outside the army zone the measures we have adopted, the quality of our soldiers would increase in every respect."

"Alas," writes Col. ———, of the ———, "the administrative powers often disorganize our work. A bridge separates our ——— from the civil zone. Soldiers off duty have only to cross it to be again prey to the solicitations of the liquor dealers. They finally come back to us mortally injured by the immoderate use of drinks. They even frequently bring back drinks for their comrades. If the people in civil life only knew all the evil which results in the army, doubtless they would not hesitate for a moment to shut up all the keepers of wine shops and their defenders."

"I have before me," writes M. Finot, "a court journal which relates in detail the following revolting facts:

"'"Territorial" Pilardeau came back the other evening to Mormant, from quarters, arm in arm with his comrade Capelle. Corpl. Budeau, seeing the intoxicated condition of both of them, asked them to quiet down and to retire immediately. The wise advice angered Pilardeau, who attacked Corpl. Budeau and struck him in the chest with such violence that he fell against a gun rack.

"'The savage act, styled "violence to a superior," was severely condemned by the second court-martial, which, in spite of the plea of the advocate, condemned Pilardeau to the death penalty. His comrade, Capelle, who had only shown disrespect, got out of it with five years in prison.'"

When some day the real diminution of our strength due to alcoholism is known, the central power, which might have stopped the evil from the beginning, will have a formidable account to render. We might have filled this column, 225 pages, with the alarming letters that have come to us for several months from large and small cities, towns, and villages.

A seller from the city of Dijon writes, in part:

"I understand all the harm that unwillingly I have done to my fellow citizens. * * * The financial condition of my poor family does not permit me to close my establishment. * * * But continue your campaign, because I see around me the evil that alcoholism is doing to our soldiers. My poor brother-in-law who, when wounded, received permission to come back home, so far from being cured, has just succumbed, after having been intoxicated several times in the company of his comrades."

A HANDICAP TO RECOVERY IN WOUNDED SOLDIERS.

This last letter introduces a new count against alcohol, its influence in delaying the recovery of wounded soldiers. On this point M. Finot has several illustrations.

We have seen, he says, that some generals commanding army corps have definite action (in the protection of soldiers against drunkenness). But the territory outside the firing line also requires protection. The stations of the troops, the ambulances, and the hospitals are scattered all over the land, and, nevertheless, nothing is yet done to safeguard the health of the troops and of the wounded.

There is nothing more contagious than the passion for drink. Every soldier who is addicted to it easily leads away his comrades who yield to the spirit of comradeship.

Quite recently it was decided to pay convalescents a monthly allowance. But as the sale of intoxicants to wounded soldiers was not forbidden the latter spent all they received with the drink sellers.

I am told that several refuges for wounded soldiers established in the outskirts of Paris by philanthropic women are on the point of being closed. The unfortunate convalescents, unable to resist the temptation of alcohol, often return home dead drunk and provoke scandals which frighten and discourage the ladies at the head of the institutions.

For reasons easy to understand we can not publish the names of several ladies who have lately sent me their grievances on this subject. It would be superfluous to multiply examples.

Mme. Z., who directs an ambulance for convalescents, told me she had to call on the police at least three times a week to have soldiers carried off who came back dead drunk. One enterprising convalescent having a few francs at his disposal is sufficient to lead off a dozen others into a debauch.

The evil thus increases daily. I have recently visited some 20 hospitals and ambulances, and everywhere the directresses have said the same thing: "Alcoholism does irreparable harm to the wounded and the sick. Why is it that the Government takes no action to save our poor soldiers?"

In addition to the press of Paris, which is helping our efforts, all the regional newspapers are doing the same. There are published in them from time to time such revolting facts that one would think them impossible if the local censorship in permitting their publication did not thus guarantee their authenticity.

Here, for example, is what we read in l'Ouest-Eclair of May 17 (an article already quoted in these pages which was sent M. Finot by a physician of Rennes). In this article clearly appears not only the grave responsibility resting on those who protect the evil, but also the immediate danger which menaces national defense:

"All physicians and surgeons who have had the care of the wounded since the beginning of the war will tell you the enormous difference there is in the rapidity, or even possibility, of recovery in two wounded men according to whether they are alcoholic or not.

"The most terrible mutilations heal with a rapidity that seems miraculous in a healthy organism; on the contrary, the alcoholics either die more quickly of superacute complications or cumber the hospitals for months with interminable wounds.

"When finally we have them almost cured, can you realize how heart-breaking it is for us doctors, as happened to me to-day, to see one of those whom after many dangers we had almost pulled through, make use of his first leave to enter one after the other the three saloons close by the hospital and come back drunk in the evening?"

I had occasion, says M. Finot, to confer with a large number of physicians who care for the military wounded. One ought to hear them relate the difficulties in certain garrisons caused by former and recent alcoholism. For the patients, barely recovered, go to the taverns for consolation and amusement.

Here is an extract from a letter sent me by M. Hayaux, the distinguished editor of la Pensee ouvriers:

"In a city on the western front, six soldiers whose wounds were nearly healed had permission to leave the hospital for a few hours in charge of a sergeant also convalescent. They went to a little village stopping at the smoking room of the place and asked for drink. When evening came only one was in condition to get up and start for the hospital. The five others and the sergeant were under the table. In going through the streets this one made himself so conspicuous that he was arrested by two gendarmes and taken back to the hospital where he arrived so ill that he had to be placed under medical care again. His five comrades and the officer did not return until the next morning, and then in what condition? The military authorities, shocked by this spree, had all seven sent to prison. The sergeant, who had served so heroically at the front that he had received mention in the order of the day and in recognition of his exploits was going to be promoted, will be degraded. The soldiers who had fought courageously and were to have had 15 days' convalescence leave of absence at home, having done their prison term, will return to the front without having been able to embrace their families."

In a document which came to me from St. Lunaire early in December, a lady well known in Paris, wrote me, among other things, the following:

"Our little community has about 550 wounded, who, when hardly fit to go out, spend their time in the drink shops. Unfortunate Algerians, Arabs, Moroccans, or Senegalese are tempted by their trench comrades, and the drunkenness produced frightful results in these children of distant lands. They become a veritable plague to the population, to say nothing of the danger they run as to their own health."

I have asked a lady of great intelligence and sympathy, of Norman birth, to relate to our readers the ravages of alcoholism in her native district. Here is the letter she writes me. It goes back to the months of July and August, 1914, and enables one to get an idea of a Norman locality in the weeks preceding and following the declaration of war:

"The catastrophe burst.

"From the first days of mobilization our Tenth Corps included numerous cases of epilepsy, and I have recently proven in the young conscripts of 1915 the degeneracy of this Norman race, which has produced so many large and sturdy lads; almost all were thin and stunted. One or two generations more and alcoholism will finish killing it off. It is not rare to meet in our section men 40 years old, strong in appearance, who can not sign their name without a trembling hand.

"Before caring for the wounded I had no idea to what extent the love of drink can possess certain men. The soldiers who come from the people especially only live to get out to go to the drink shop. In one sitting they destroy the results of long treatment and watchful care. This is what happened to me in the case of a sick wounded soldier, attacked by albuminaria who, hardly out of bed, went out to get abominably intoxicated."

Dr. Cochot, of auxiliary hospital No. 7, at Cannes, has written a letter to the editor of Le Temps, referring to one of my articles in that journal:

"As a Red Cross physician at Cannes I am glad to be able to bring to the support of the opinion of M. Jean Finot my daily experience at Cannes, both from the point of view of the treatment of the alcoholic wounded, who either mends badly or not at all, and from the point of view of the convalescents, whose first visits to the city are often, alas, to the drink shops. If personally I have not had these delinquents treated rigorously as those of whom M. Finot speaks, it is because I wished to avoid punishment (which could only be prison) for those brave fellows and valiant soldiers, on the whole less to blame than those who sell, or allow to be sold, alcohol under the multiple labels used by the trade."

Count de Cominges, mayor of Clairoix, writes on this point:

"I have always had a horror of alcoholism, but during the war I have been able to prove the shame and seriousness of its ravages as much among the civil population as among the soldiers. Our sick soldiers, when alcoholic, become the appointed victims of typhoid and infection. I am mayor of a small village of 800 people, almost on the firing line. We have six liquor sellers."

ALCOHOLISM AND NATIONAL DEFENSE.

Thanks to the intelligent initiative of one of my friends, writes M. Finot, nearly all the chambers of commerce in France are now proceeding to careful inquiries as to the ominous relation of alcoholism to national industry. It is especially a question of bringing out the facts as to what French industry loses from the point of view of quantity and value of products obtained under the influence of alcohol.

Further, they are investigating as to how the manufacture of munitions and guns is handicapped by the alcoholism that prevails throughout France.

For a moment let us dip into a report admirable for its clarity and precision which is offered me by the Chamber of Commerce of Epinal. The latter took the trouble to interrogate 120 employers selected among the heads of establishments or presidents of syndicates.

Certain figures make even those shudder who know on what to depend as to the importance of this evil; and if one wished to judge of it by the department of the Vosges, one would easily arrive at frightful estimates. Yet this department is far from figuring among the most alcoholic. Thus M. Baudoin, president of the syndicate of contractors, estimates at 15,000 the number of building workmen in the Vosges. He declares that a third of them—that, is, 5,000—give themselves over to drunkenness with such passion that the number of discharges reaches frightful proportions, and they talk to us of a successful struggle with German industry so powerfully organized!

Almost all the employers have observed that alcoholism has increased with the war. Drunkenness reaches its maximum on Monday and takes off about a third of the men, to say nothing of the women, who drink as much as the men. Another employer from the district of St. Die makes this statement: "If I were to be strict toward the drunkards, I would have to discharge a third of my workmen." Three employers of the district of Remiremont declare, "We can not deal too severely with drunkenness; we should lack hand labor." One of them adds, "In varying degrees 75 per cent of my adult employees are alcoholic."

If one wishes to get an idea of the ravages in other departments according to the picture drawn in the Vosges, one will easily perceive that the French race is destined to disappear.

Naturally its industry will not only not be able to pick up after the war, but, on the contrary, will be condemned to complete ruin before many years.

In one precise investigation covering 170 men who could not be kept in one of our factories, writes a great employer, a little more than 80 were dismissed for flagrant and repeated drunkenness.

The engineer, Paul Renaud, director of l'Institut Scientifique et Industriel, who is regarded as one of the most enterprising men in the industrial world, has been glad to make at our request a most complete inquiry among the engineers and superintendents of factories as to the inroads of alcohol in the industrial field.

Among the large correspondence which is in my hands I find, among others, the quotations which follow.

M. Ambiard, director of the steel works of the Manche, writes:

"Alcoholism from the beginning of the war has been clearly injurious to our production, and that to an extent which has seemed to me considerably more than that of preceding months. * * * Yet our product concerns directly and indirectly national defense, for orders designed for war have mobilized workmen. For the latter the question of alcoholism is not a matter of concern. They are generally serious workmen, for the most part strangers to the region, and the severe penalties to which their military position would expose them protects them sufficiently from temptation. * * * It is quite otherwise with the group of nonmobilized workers. Nearly all are people of the section. A good part of them frequently give themselves over to alcoholism, and repression is almost impossible by reason of the large number of cases and the actual impossibility of replacing those dismissed. Thus it frequently happens that we send away workmen in a state of drunkenness whom we are obliged, for lack of better, to take on again some days later." * * *

M. F. Brazzola, constructing engineer (Paris-Passy), among others, points out the following:

"I have not had to suffer from this during the war, because I suspended my enterprise, but formerly it was a true calahuity. I put through in the Calvados some quite important works. I may say that 50 per cent of my laborers got through by getting intoxicated. The work naturally suffered, which obliged us to disband, in part, our own working force and to replace it by foreign labor, which also finished in this unlucky environment by becoming contaminated."

M. A. Cothias, of the Cothias Metal C. (Ivry-Port Seine), informs us:

"During the war the only serious disagreements that we have had with the help had drink as purely the cause, either that the men on resuming work after breakfast are more or less in a state of drunkenness or that they bring wine into the workshops or, again, that the intoxication of the evening before prevents them from resuming work next day. We experience this difficulty even with the mobilized men who have been sent us. * * * Our production is wholly concerned with national defense."

The letter from M. Georges Chretien, who directs in the same section a workshop for the repair of army automobiles, is still more significant:

"My workshop employs about 300 men, of whom half are employed absolutely as in their civil life. I have been struck by their fine bearing and accomplishment of work. * * * I attribute this fact to the sobriety which they are obliged to practice for pecuniary and disciplinary reasons, and that especially since the application of rigorous measures against the consumers of alcohol."

The director of a Rouen company declares:

"We can only deplore in a general way the injurious influence of alcoholism from the point of view of the output of hand labor. * * * Alcoholism certainly counts for 50 to 60 per cent in reducing the actual output of our port workers. Yet we employ on the average from 1,000 to 1,200. Our business concerns to the highest degree national defense, as we are charged, with our allied company, with supplying the camp around Paris with coal and grain. (Without coal, there is no motive power, no munitions; without grain, no feeding of the armies.) * * * Owing to the scarcity of labor, we are reduced to accepting, or at least to accepting their services anew, although we know their failing as regards alcohol. We content ourselves with taking off boats and stopping work when drunkenness has affected the men to such a degree that it would be too dangerous to put them in charge."

Think well on this: The output diminished from 50 to 60 per cent with 1,000 to 1,200 workmen; that means that, in a single concern so important for national defense, alcoholism makes us lose daily the work of about 600 men.

M. Clavel, manager of a factory furnishing all kinds of tools, as well as machinery for public works, states that—

"Alcoholism is almost always disastrous. Those of our workmen who succumb to it are half as effective workers as the others, taking into consideration the necessary days they lose in coming back to normal ability and moral strength. Yet our output 80 times out of 100 is destined for national defense."

The director of Bermont & Co. Foundries (Dole, Jura) declares that—

"Alcoholism is sternly treated here, but we are so short of hand labor that one is obliged to resort to men addicted to drink.

"These letters which have been address to us by the heads of factories are as numerous as they are disquieting."

Agriculture in its turn feels the effects. At this time when it is necessary to utilize all available resources in order to meet the exigencies of the war as it is prolonged, the work in the fields is terribly paralyzed.

I have lived for several years in one of the most charming places about Paris. My little market town, situated in Montmorency Forest and some miles from the railroad, is inhabited by a quiet and peaceable people. The alcoholism which began its ravages there a few years ago assumed exceedingly disquieting proportions with the outbreak of the war.

The wife of one of the richest growers of the country has recently written me this admission so tragic in its artlessness:

"I have given up working my fields because my workmen who before the war only got d— once a week, during the war get d— three times a week."

And this good woman adds:

"If the Government had closed the drink-selling places, or at least had forbidden the sale of alcohol, we could otherwise have lived happily in France."

It has been revealed to us quite recently that we pay for many products almost double their value because of the difficulty of getting the boats unloaded in our ports. Help is lacking for unloading coal in France at Havre or Rouen, because the larger part of the longshoremen spend half or three-fourths of their day in the public houses.

THE FUTURE OF FRENCH INDUSTRY AND COMMERCE.

We have seen how alcohol by its influence on industrial production imperils national defense. But the future also of French industry and commerce are endangered.

M. Paul Renaud, president of the board of directors of several of our largest industrial companies, writes me on this subject as follows:

"From the day after the Battle of the Marne, in spite of the doubts and hesitation of my colleagues, I undertook to get to going again the eight industrial or commercial enterprises which are under my direction.

"After securing a small production in October, I had reached during January full production in four of these concerns.

"The most appalling obstacle against which I had to contend was alcoholism; in a single one of our factories, in order to replace 40 workmen called away by the mobilization, I appealed to eight or nine refugee committees to the employment service of the minister of the interior; and thus in an almost exclusively Breton environment I engaged, successively, 215 refugees or unemployed, paying their traveling expenses from Paris to the factory, not starting them until assured that they desired to work.

"And in spite of that I have not at this moment gotten together the 40 workmen that were necessary.

"Why? Because every day our factory superintendent is obliged to discharge one or two for drunkenness."

—

DAVID LLOYD-GEORGE ON DRINK.

The leader of the British Empire has said:

"We are fighting Germany, Austria, and drink, and so far as I can see the greatest of these three deadly foes is drink."

—

WAR PROHIBITION CONSERVATION COMMITTEE,
Boston, Mass., April 18, 1917.

DEAR SIR: President Wilson has said: "The world's food reserves are low. The importance of adequate food supplies, especially for the present year, is superlative." And, in the same address, "I hope that clergymen will not think this theme an unworthy or inappropriate subject of comment and homily from their pulpits."

We are therefore sending you verified facts concerning the food waste in liquor, hoping that you can use them in your sermon, and, if it seems best, ask your congregation to go on record for war prohibition and send the resolution to President Wilson.

Do you realize that over 20,000,000 bushels of corn (average for 1911–1915) go yearly into distilled spirits alone—enough at 3,400 calories a day (a man's ration) to support 1,000,000 of our soldiers for 17 months?

Do you realize that the rye that went into distilled spirits (1916) would make over 200,000,000 loaves of bread, enough to supply the city of New York for 100 days? (Frederick Boyd Stevenson, Brooklyn Eagle.)

Do you realize that hops have practically no nutritive value? Our 44,000 acres of hops planted with oats and potatoes would support 255,000 men for a year.

And so we might go on, showing item by item the vast waste in brewing and distilling. But we will sum it up by saying that approximately (allowing for the distilled spirits withdrawn for denaturing) 6,000,000,000 pounds of foodstuffs go yearly into beer and distilled liquor—enough to support 7,000,000 hard-working men for an entire year.

And note that corn in the form of whisky costs sixteen times as much as good nourishing corn meal.

Besides this there is the loss of labor and waste of transportation. With our present shortage of cars every cubic inch of space is needed for the bare necessities.

Do you wonder that Kenyon L. Butterfield, president of the Association of American Agricultural Colleges and Experiment Stations, says, "Prohibition has become an economic necessity."

ELIZABETH H. TILTON,
For the Committee.

—

HOUSE OF COMMONS,
April 2, 1917.

DEAR MR. DINWIDDIE: I am very much obliged to you for your letter of the 22d of January, inclosing copy of the decision of the Supreme Court sustaining the Webb-Kenyon interstate liquor shipment law. It seems a very important decision, and I congratulate the Prohibitionists on the victory they have achieved.

We watch with rather envious eyes the wonderful strides which prohibition is making in your country. Here, though the need is even greater than yours, the cause makes but slow progress. The Government is being driven by the hard facts of the situation to reduce the output of beer and spirits, but they move reluctantly, and they only go a very little way at a time. * * * Public opinion is growing in favor of prohibition, and if the Government would take the final step of altogether suspending the sale and manufacture of intoxicants during the war, I am confident that our people would not only acquiesce in it but would welcome it as the surest means of safeguarding the food supply and the efficiency of the nation.

With all good wishes, I am, yours, very truly,

LEIF JONES, *M. P.*

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the Speaker of the House had signed the enrolled bill (H. R. 2893) to amend section 10 of chapter 2 of the Criminal Code, and it was thereupon signed by the Vice President.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a petition of the Cole Motor Car Co., of Indianapolis, Ind., remonstrating against a proposed 5 per cent tax on automobiles, and suggesting a specific tax on all automobiles in use and to be purchased for use, which was referred to the Committee on Finance.

He also presented a petition of the United Irish Societies of Seattle, Wash., praying for the freedom of Ireland, which was referred to the Committee on Foreign Relations.

He also presented a telegram in the nature of a memorial from the United Brewery Workers of America remonstrating against the enactment of legislation to prohibit the manufacture of beer as a war measure, which was referred to the Committee on Agriculture and Forestry.

Mr. SHEPPARD presented petitions of the Commercial Club of Mathis; of the congregations of 25 churches of Austin; of sundry citizens of Rotan; and of the faculty and students of Trinity University, Waxahachie, all in the State of Texas; and of the Woman's Christian Temperance Union No. 2, of Washington, D. C., praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. PHELAN presented a petition of the Board of Trustees of Ross, Cal., praying for universal compulsory military service, which was ordered to lie on the table.

Mr. HALE. I present resolutions adopted at a meeting of the Cumberland Club, of Portland, Me., which I ask to have printed in the RECORD.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

Resolutions of Cumberland Club, April 21, 1917.

Resolved, That the members of the Cumberland Club declare their absolute approval of the action of President Wilson in asking Congress to accept the status of war thrust upon the United States by the Imperial German Government, and of the subsequent action of Congress declaring the existence of a state of war and conferring upon the President full powers to prosecute it to the extent of all the resources of the United States.

We also pledge ourselves unreservedly to the support of the Government for maintaining its ideals of democracy, liberty, and humanity.

Believing that the Government has the right to demand of every citizen such service as he is best able to render for its defense, whether in the Army, the Navy, or among the workers who furnish sustenance and munitions of war to the men at the front: Be it further

Resolved, That we indorse and pledge ourselves heartily to support the policy of universal military and other public service.

CUMBERLAND CLUB,
By J.C. HAMLEN, *President.*

PORTLAND, ME.

Mr. HALE presented petitions of sundry citizens of Maine, praying for the organization and maintenance of all new units of engineering troops by the War Department and not by the individual States, which were referred to the Committee on Military Affairs.

Mr. COLT. I present resolutions of the General Assembly of the State of Rhode Island, which I ask may be printed in the RECORD and referred to the Committee on Commerce.

There being no objection, the resolutions were referred to the Committee on Commerce and ordered to be printed in the RECORD, as follows:

[State of Rhode Island, etc., in general assembly, January session, A. D. 1917.]

Resolution urging upon Congress and the Senators and Representatives therein from the State of Rhode Island the enactment of legislation authorizing a survey of proposed harbor lines at the mouth of the Seekonk River.

Whereas the matter of the improvement of navigation in the Seekonk River, leading from Providence Harbor to the city of Pawtucket, particularly by the establishment of important modifications of the present harbor line at the entrance of said Seekonk River into Providence Harbor, has been a matter of careful consideration by State commissions created for that purpose, and by committees representing the municipalities affected by such proposed changes, as well as by representatives of the various transportation interests of the State; and

Whereas there has been presented to this general assembly an act entitled "An act to establish harbor lines at the entrance to the Seekonk River, being an act in amendment of chapter 557 of the Public Laws, passed at the January session, A. D. 1865; as amended by chapter 476 of the Public Laws, passed at the January session, A. D. 1885; by chapter 915 of the Public Laws, passed at the January session, A. D. 1890; by chapter 1096 of the Public Laws, passed at the January session, A. D. 1892; and by chapter 424 of the Public Laws, passed at the September session, A. D. 1896; also

being an act in amendment of senate resolution No. 21, passed at the May session, A. D. 1877; also being an act in amendment of chapter 758 of the Public Laws, passed at the January session, A. D. 1879; also being an act in amendment of chapter 600 of the Public Laws, passed at the January session, A. D. 1866; as amended by chapter 759 of the Public Laws, passed at the January session, A. D. 1879," the same being senate act No. 143, accompanied by a map indicating certain proposed changes in the State harbor lines at the entrance to said Seekonk River; and

Whereas it is necessary that the authority of the Government of the United States shall be had before any harbor line established by the State of Rhode Island can become fully operative: Therefore be it

Resolved, That the General Assembly of the State of Rhode Island respectfully request of the Congress of the United States that there may be included in the next river and harbor bill a provision authorizing a survey of said entrances to the Seekonk River, particularly with reference to the establishment of modifications of the present harbor lines substantially as indicated upon the said map which has been presented; and be it further

Resolved, That the Senators and Representatives in Congress from Rhode Island be, and they hereby are, requested to use their efforts to secure the passage of legislation authorizing such survey; and the secretary of state is hereby instructed to communicate a copy of these resolutions to the Senate and House of Representatives of the United States, and to each of said Senators and Representatives immediately upon the passage of this resolution.

STATE OF RHODE ISLAND,
OFFICE OF THE SECRETARY OF STATE,
PROVIDENCE.

I hereby certify the foregoing to be a true copy of the original resolution approved by his excellency the governor on the 19th day of April, in the year 1917.

In testimony whereof I have hereunto set my hand and affixed the seal of the State of Rhode Island this 25th day of April, in the year 1917.

[SEAL.] J. FRED PARKER,
Secretary of State.

Mr. POINDEXTER presented a petition of sundry citizens of Lind, Wash., pledging support to the President, which was referred to the Committee on Foreign Relations.

Mr. HUSTING presented petitions of Council No. 614, Knights of Columbus, of Oshkosh; of the Benefit Society of the Segelke & Kohlhaus Manufacturing Co., of La Crosse; of the Hillside Country Club and the Advancement Association, of Horicon; and of sundry citizens of Prairie du Chien, all in the State of Wisconsin, pledging support to the President, which were referred to the Committee on Foreign Relations.

Mr. JOHNSON of South Dakota presented petitions of the Anti-Saloon League of Roberts County; the congregation of the Methodist Episcopal Church of Irene; the Brotherhood of the First Congregational Church of Sioux Falls; the congregation of the Presbyterian Church of Brookins; the faculty of Augustana College, of Canton; and of sundry citizens of Bruce, Volga, Goodwin, and Mitchell, all in the State of South Dakota, praying for National prohibition during the period of the war, which were referred to the Committee on the Judiciary.

LAND IN THE DISTRICT OF COLUMBIA.

Mr. POMERENE, from the Committee on the District of Columbia, to which was referred the bill (S. 2134) to authorize the Secretary of the Interior to issue a deed to the persons hereinafter named for part of a lot in the District of Columbia, reported it without amendment.

BILLS INTRODUCED.

Bills were introduced, read the first time, and by unanimous consent the second time, and referred as follows:

By Mr. HALE:

A bill (S. 2141) for the relief of Lewis Myshrall; to the Committee on Military Affairs.

A bill (S. 2142) granting an increase of pension to Almon G. Warren; and

A bill (S. 2143) granting an increase of pension to Melville N. Freeman (with accompanying papers); to the Committee on Pensions.

By Mr. HUSTING (for Mr. LANE):

A bill (S. 2144) to authorize the Secretary of Commerce to conduct operations to increase the production and utilization of fishes and other aquatic food animals, and to take, catch, prepare, cure, pack, transport, and market such fishes and other aquatic food animals, and to do any and all things necessary and convenient to successfully carry out the purposes of this act; to the Committee on Fisheries.

By Mr. POINDEXTER:

A bill (S. 2145) to relieve enlisted men of requirements of residence, cultivation, improvement, development, or otherwise, on homestead, mineral, or other entry or claim under the land laws of the United States during the period of their service and for six months thereafter; to the Committee on Public Lands.

A bill (S. 2146) authorizing the Secretary of War to make donation of condemned cannon and cannon balls to the Chehalis (Wash.) public schools; to the Committee on Military Affairs.

A bill (S. 2147) granting a pension to Catherin Arminty Holmes (with accompanying papers); and

A bill (S. 2148) granting an increase of pension to George C. Bonney (with accompanying papers); to the Committee on Pensions.

By Mr. REED:

A bill (S. 2149) granting an increase of pension to Sarah C. Stokely (with accompanying papers);

A bill (S. 2150) granting an increase of pension to A. S. Leach (with accompanying papers);

A bill (S. 2151) granting an increase of pension to Thomas J. Walker (with accompanying papers); and

A bill (S. 2152) granting a pension to Sarah Ann Mitchell (with accompanying papers); to the Committee on Pensions.

By Mr. CHAMBERLAIN:

A bill (S. 2153) granting an increase of pension to William W. Findley; to the Committee on Pensions.

MILITARY AND NAVAL ESTABLISHMENTS.

Mr. NORRIS submitted an amendment intended to be proposed by him to the bill (H. R. 3971) making appropriations to supply urgent deficiencies in appropriations for the Military and Naval Establishments on account of war expenses for the fiscal year ending June 30, 1917, and for other purposes, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. CURTIS submitted an amendment intended to be proposed by him to the bill (H. R. 3971) making appropriations to supply urgent deficiencies in appropriations for the Military and Naval Establishments on account of war expenses for the fiscal year ending June 30, 1917, and for other purposes, which was referred to the Committee on Appropriations and ordered to be printed.

YEAR'S PROFITS OF ARMOUR & CO.

Mr. BORAH. Mr. President, on Wednesday last in debate I referred to some figures with reference to the profits of the packing companies, which figures were thought to be exaggerated. I take up the time of the Senate for just a moment to insert a statement, which is found in the Chicago Daily Tribune of January 12, 1917, which purports to be an authorized statement of Armour & Co., and I presume it is, because it is indorsed by an interview given by President J. Ogden Armour at the time.

Armour & Co.'s net earnings, less donations to pension fund, were $20,100,000 in the fiscal year ending October 28, 1916. This is equal to 20 per cent on the present outstanding stock, which was increased during the year from $20,000,000 to $100,000,000. On the basis of stock outstanding at the beginning of 1916 the year's earnings are equal to better than 100 per cent. In 1915, the previous best year, earnings were 55 per cent, the net standing at $11,000,000.

I simply put that into the RECORD to substantiate the statement which I made on a previous day.

ARMY APPROPRIATIONS—CONFERENCE REPORT (S. DOC. NO. 15).

Mr. CHAMBERLAIN. I desire at this time to submit the following conference report on the Army appropriation bill, which I ask may be printed in the RECORD.

The conference report is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13) making appropriations for the support of the Army for the fiscal year ending June 30, 1918, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 2, 3, 4, 5, 6, 7, 8, 17, 18, 22, 24, 32, 33, 34, 41, 49, 56, 58, 60, 64, 79, 85, 88, 89, 90, 91, 94, 96, 97, 107, 108, 109, 110, 111, 112, 115, 119, 120, 124, 130, 131, and 135.

That the House recede from its disagreement to the amendments of the Senate numbered 9, 10, 11, 12, 14, 15, 19, 20, 21, 23, 28, 30, 31, 35, 36, 37, 38, 39, 40, 42, 43, 44, 45, 47, 48, 51, 52, 55, 57, 61, 63, 65, 66, 67, 68, 69, 70, 72, 74, 75, 76, 77, 80, 81, 82, 83, 84, 86, 87, 92, 93, 98, 100, 101, 102, 103, 104, 106, 113, 116, 117, 118, 127, 132, 133, and 134, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment as follows: In line 1 of said amendment strike out the word "hereafter"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment as follows: Restore the amount stricken out by said amendment in lieu of the amount inserted by said amendment; in line 15 of said amendment, after the word "Scouts" and the comma, insert the following: "between the ages of 21 and 34 years"; and on line 19 of the same amendment strike

out the word "thirty" and insert the word "thirty-four"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "$2,437,272"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "$1,070,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "$100,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment as follows: In line 3 of said amendment, after the word "amended," insert the following: "for the period of the existing emergency"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 46, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "$18,500,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 50, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "$13,450,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 53, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "$2,000,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 54, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "*Provided*, That section 1120 of the Revised Statutes of the United States be, and the same is hereby, repealed"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 59, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "$16,000,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 62, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "$28,640,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 71, and agree to the same with an amendment as follows: In line 3 of said amendment strike out the words "exceeding one thousand five hundred" and insert in lieu thereof the following: "less than one thousand one hundred and eighty"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 73, and agree to the same with an amendment as follows: Add, after the amount, in line 5 of said amendment, the following: ", to remain available until June 30, 1919"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 78, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment; on page 42 of the bill, in line 5, after the word "buildings," insert the words "needed for vocational training in agriculture"; and in line 4 of said amendment strike out the word "regiment" and in lieu thereof insert the words "or more and not exceeding three regiments"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 95, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "$5,000,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 99, and agree to the same with an amendment as follows: In line 1 of said amendment strike out the word "hereafter"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 105, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment, and on page 61 of the bill, in line 12, after the amount "$2,000,000," insert the following: ": *Provided*, That not exceeding $125,000 of said sum shall be available for procurement by purchase or condemnation of lands in the Eastern and Western Departments for encampments and ranges for Field Artillery of the Regular Army and the National Guard"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 114, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment and transpose the same to follow line 15 on page 63 of the bill; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 121, and agree to the same with an amendment as follows: Add the following proviso: ": *Provided*, That the Secretary of War is hereby authorized, out of this appropriation, to pay to persons designated by him for training as officers in the Army during the period of their training the sum of not to exceed $100 per month in addition to the allowances authorized by said section 54: *Provided*, That they shall agree to accept appointment in the Officers' Reserve Corps in such grade as may be tendered by the Secretary of War"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 122, and agree to the same with an amendment as follows: In line 1 of said amendment, after the word "*Provided*," insert the word "*further*"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 123, and agree to the same with an amendment as follows: In line 1 of said amendment, after the word "War," insert the following: "in his discretion"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 125, and agree to the same with an amendment as follows: In line 2 of said amendment strike out the word "and" and insert the word "or"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 126, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "*Provided further*, That members of the Officers' Reserve Corps who are in the employ of the United States Government or of the District of Columbia and who are ordered to duty by proper authority shall, when relieved from duty, be restored to the positions held by them when ordered to duty"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 128, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "*Provided further*, That any former officer of the Regular Army, the Volunteer Army, the Organized Militia, or the National Guard under the age of 64 years, and who has resigned or been honorably discharged from the service after a total commissioned service of not less than three years in either the Regular Army, the Volunteer Army, the Organized Militia, or the National Guard, may, upon such examination and within such age limits as may be prescribed by the President, be appointed and commissioned, in the discretion of the President, in any appropriate arm, staff corps, department, or section of the Officers' Reserve Corps, with rank not more than one grade higher than any previously held by the officer in either of said forces, but in no case above that of lieutenant colonel"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 129, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said amendment insert the following: "*Provided further*, That the following language of section 5 of the act of June 3, 1916, entitled 'An act for making further and more effectual provision for the national defense, and for other purposes,' to wit: 'Not more than one-half of all of the officers detailed in said corps shall at any time be stationed, or assigned to or employed upon any duty, in or near the District of Columbia,' be amended so as to authorize the President to suspend the operation of the same during the existing emergency"; and the Senate agree to the same.

GEORGE E. CHAMBERLAIN,
G. M. HITCHCOCK,
F. E. WARREN,
Managers on the part of the Senate.

S. H. DENT, JR.,
W. J. FIELDS,
P. E. QUIN,
JULIUS KAHN,
D. R. ANTHONY,
Managers on the part of the House.

Mr. CHAMBERLAIN. I ask that the conference report may lie on the table and be printed, so that Senators will have it before them to-morrow. I wish to call it up as soon as I can do so to-morrow.

The VICE PRESIDENT. The conference report will be printed.

MILITARY ACADEMY APPROPRIATIONS—CONFERENCE REPORT (S. DOC. NO. 16).

Mr. CHAMBERLAIN. I also present the conference report on the Military Academy appropriation bill and ask that it lie on the table and be printed, to be called up to-morrow for consideration.

The report is as follows:

The committee on conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 14) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1918, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 2 and 3, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: On page 6 of the bill strike out all on line 18 and in lieu thereof insert the following:

"Thirty-eight privates, first class, and thirty-eight privates, second class, $15,080."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said amendment insert the following:

"That the President of the United States be, and he is hereby, authorized, by and with the advice and consent of the Senate, to appoint Bertram T. Clayton, jr., late a cadet at the Military Academy at West Point, to the position of second lieutenant of Infantry of the Army, and to place him upon the retired list with the pay of a retired second lieutenant of Infantry."

And the Senate agree to the same.

GEORGE E. CHAMBERLAIN,
G. M. HITCHCOCK,
F. E. WARREN,
Managers on the part of the Senate.
S. H. DENT, Jr.,
W. J. FIELDS,
JULIUS KAHN,
Managers on the part of the House.

The VICE PRESIDENT. The conference report will be printed.

RECESS.

Mr. OVERMAN. I move that the Senate take a recess until 11 o'clock to-morrow.

The motion was agreed to; and (at 4 o'clock and 55 minutes p. m., Friday, May 4, 1917) the Senate took a recess until to-morrow, Saturday, May 5, 1917, at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES.

FRIDAY, *May 4, 1917.*

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Let Thy blessing descend upon us, O Lord God our Heavenly Father, and guide us to a successful end in all our worthy undertakings. To whom much has been given, of him much shall be required. For whatever is worth having is worth defending. We thank Thee for the wave of patriotism sweeping through our land, and we pray that its manifestations may prove worthy of brave and noble men; that we may stand together for all that is nearest and dearest to our hearts; that the progress of civilization may continue until all that is best in life may be fulfilled in all the nations of the earth for the betterment of mankind in spite of every untoward effort, for Thine is the kingdom and the power and the glory, forever, amen.

The Journal of the proceedings of yesterday was read and approved.

EXTENSION OF REMARKS.

Mr. RAMSEYER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a letter from the President of Switzerland to the President of the United States.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. POLK. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing certain resolutions adopted by the City Council of Wilmington, Del., relating to the acquisition of the Delaware & Chesapeake Canal as a part of the plan of preparedness of this Government.

The SPEAKER. Is there objection? [After a pause.] The Chairs hears none.

Mr. HELM. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the pending bill.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. OSBORNE. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a brief telegram.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. HOUSTON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing some resolutions adopted at a meeting of the citizens of Murfreesboro, Tenn.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. ASWELL. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing an article on cotton prices.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. ASHBROOK. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

Mr. AUSTIN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. LINTHICUM. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

ESPIONAGE.

The SPEAKER. The Clerk will call the committees.

The Clerk called the committees, and when the Committee on the Judiciary was called,

Mr. WEBB. Mr. Speaker, I call up the bill H. R. 291, the espionage bill.

The SPEAKER. The gentleman from North Carolina calls up the bill of which the Clerk will read the title.

The Clerk read as follows:

A bill (H. R. 291) to punish acts of interference with the foreign relations, the neutrality, and the foreign commerce of the United States, to punish espionage and better to enforce the criminal laws of the United States, and for other purposes.

Mr. WEBB. Mr. Speaker, I will ask the gentleman from Minnesota to use the remainder of his time, for we shall have only one more speech on our side.

Mr. VOLSTEAD. Mr. Speaker, I suggest the absence of a quorum.

The SPEAKER. The gentleman from Minnesota makes the point of no quorum, and evidently no quorum is present.

Mr. WEBB. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The doors were closed, and the Sergeant at Arms was directed to notify absent Members.

The Clerk called the roll, and the following Members failed to answer to their names:

Anthony	Dixon	Hill	Martin, La.
Bacharach	Doughton	Hull, Tenn.	Moon
Blackmon	Eagan	Kearns	Moore, Pa.
Britten	Eagle	Kehoe	Morin
Brodbeck	Fairchild, G. W.	Kelley, Mich.	Mott
Caldwell	Fairfield	Kennedy, Iowa	Neely
Campbell, Kans.	Fitzgerald	Key, Ohio	Nelson
Capstick	Flynn	Kitchin	Nichols, Mich.
Carew	Focht	Kreider	Oldfield
Carlin	Fordney	Lazaro	O'Shaunessy
Collier	Gandy	Lehlbach	Parker, N. Y.
Connally, Tex.	Gardner	Littlepage	Porter
Cooper, Ohio	Garland	Longworth	Pou
Crago	Godwin, N. C.	McAndrews	Price
Crisp	Green, Iowa	McCulloch	Purnell
Davis	Hamill	McLaughlin, Mich.	Rainey
Dewalt	Hamilton, N. Y.	McLaughlin, Pa.	Riordan
Dill	Hayes	Martin, Ill.	Robinson

Rogers	Shackleford	Sullivan	Ward
Rowland	Sloan	Taylor, Colo.	White, Ohio
Sanders, La.	Smith, Idaho	Tinkham	Wilson, La.
Sanford	Snyder	Vare	Zihlman
Saunders, Va.	Sterling, Ill.	Venable	
Scully	Sterling, Pa.	Voigt	

The SPEAKER. On this call 336 Members have answered to their names, a quorum.

Mr. WEBB. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The doors were opened.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. LITTLEPAGE, for five days, on account of important business.

To Mr. STRONG, for three days, on account of sickness in his family.

To Mr. DRANE, for to-day, on account of important business.

ESPIONAGE.

Mr. VOLSTEAD. Mr. Speaker, I yield 10 minutes to the gentleman from Pennsylvania [Mr. GRAHAM].

Mr. GRAHAM of Pennsylvania. Mr. Speaker, I may not occupy the entire 10 minutes, having spoken the other day upon the bill. I propose in these remarks to confine myself to the discussion of section 4 of title 1. You all doubtless know that there are four amendments—or, rather, three amendments and a motion to strike out the section—pending at this time. One amendment is that offered by the chairman of the committee having this bill in charge. Another amendment is the one offered by the gentleman from New York [Mr. DEMPSEY] and the last one is the one offered by the gentleman from Illinois [Mr. MCCORMICK]. There are three amendments and then the motion presented by myself to strike section 4 from the bill.

I rise for the purpose of advocating the adoption of the amendment to strike out, and I do so upon two grounds: First, the section is so worded at present that it is full of peril to the liberties of this country; second, that not one of the proposed amendments will remove the difficulties that exist in this section. Hence, logically, the only thing to do is to strike the section from the bill, and this can be done without imperiling the validity of the remaining sections of this measure. Taking out section 4 will not interfere with the enforcement of the entire remaining portion of the bill. So that a Member in voting can confine his thought and attention to the one single question: Am I in favor of section 4 as it is written in this bill; has the discussion that has taken place on the floor and my own thought convinced me that it is a questionable measure and ought not to be introduced into this bill and made into law? Upon your conclusion in that respect you can vote upon this single paragraph without hesitation.

The gentleman from Kentucky [Mr. SHERLEY], in a question, called attention to one defect there is in the measure as it is written. I refer to the words "or communicating." They are utterly too broad to remain with safety in the bill. And yet there is no amendment pending that would strike those words out of the proposed law.

Mr. KELLY of Pennsylvania. If the gentleman will yield, there is an amendment pending for that very purpose.

Mr. GRAHAM of Pennsylvania. I accept the gentleman's statement that there is an amendment pending in regard to that particular word. If so, it is a much-needed amendment, and the striking out of the word "communicating" will make one step toward improving the text of section 4. "Communicating" is fraught with peril to innocent citizens. It would interfere with you or me if an order were issued by proclamation declaring that certain lines were forbidden; it would prevent us from communicating with each other concerning it and the citizens of the country from discussing it as a question of policy, and it ought not to exist.

Another objection lies in the words "in his judgment." As our Speaker said in discussing this measure, it is not one presented solely for the administration of Mr. Wilson, it is one to be a law upon the statute books for all coming time until repealed by the Congress of the United States. "In his judgment" has this result: That when he declares that in his judgment certain subjects are prohibited, they are removed from the trial of the cause, and the question submitted to the jury would be not whether these things so prohibited were such as might be useful to the enemy but whether or not the man charged with the offense had simply published or communicated something concerning the subject matter of the proclamation.

Mr. HARDY. Will the gentleman yield for a question?

Mr. GRAHAM of Pennsylvania. I can not yield. I have not the time. Every lawyer knows that what I say is true, that on the trial there would be only the proof of the proclamation and the proof of the violation of the terms of the proclamation in order to make a man guilty and compel the court to charge the jury that the case had been made out against him. Again, the proviso that is added to this section, that nothing in this section shall be construed to limit or restrict any discussion, comment, or criticism of the acts or policies of the Government or its representatives, or the publication of the same, is placed there for the purpose of avoiding the constitutional objection that is made against the section. Does it accomplish that fact? Does it bring this section into compliance with the requirements of the Constitution of the United States?

How can a person discuss a matter that has been prohibited without referring to the thing that has been prohibited? And if he is given liberty to discuss that, then the prior portion of the section is utterly valueless and of no effect. Why then attempt to enact such a provision?

The amendments which have been offered all point in one direction, and all of them involve one single proposition, couched in various terms and in differing language, but they all point toward the accomplishment of one thing, to wit, they are intended to put into the section an enumeration of the things that are to be prohibited; or, I might rather say, they are intended to put into the section an enumeration of the things that are to be made the subject of prohibition by the President. I submit that you can not enumerate in such general terms as to make the enumeration of any service without clothing the individual who has the right to judge with a discretionary power that is inimical to the welfare of the Republic. I say to the Members of this House, it is far better to strike this section from the bill than to attempt by a patchwork that is unsatisfactory at the best to amend it or try to perfect it. Let us take the people of the country into our confidence in the management and handling and conduct of their war.

The people of the country are the sovereigns in this land, and they have a right to know about their own war, the war to which they will have to contribute the means and the men, and make the sacrifices that will bring the conflict to a right conclusion. Any attempt to hamper, any attempt to prevent proper communication, any attempt to prevent the right interchange of thought, is an attempt that will be productive of ill and can not accomplish any good.

I wish to have this section stricken from the law because of these manifold objections to its text, because its purposes can not be accomplished without injury to the cause.

During the entire Civil War, when there was danger of the communication and publication of evil things, there was never such a bill as this attempted to be put upon the statute books of our country. Why should we attempt it now? Let us make this piece of otherwise useful legislation valuable to the country and valuable to the administration by striking out section 4 and passing the rest of it with such amendments as you may deem proper to make it perfect. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. VOLSTEAD. I yield 10 minutes to the gentleman from Oklahoma [Mr. MORGAN].

Mr. MORGAN. Mr. Speaker, I do not think that this section should be stricken out. I believe the proper course to pursue is to make such amendments thereto as are wise and necessary. I believe I speak for the entire Judiciary Committee when I say that it is not averse to any amendment that will improve the bill. In my opinion the majority of the committee is opposed to striking out the section.

The gentleman says that this section is dangerous to the interests of the people. Why, the very object and intention of this section is to protect the interests of the people.

There are four provisions in the Constitution to which I wish to make reference. First, the President is Commander in Chief of the Army and Navy; second, the Constitution says Congress shall have power to provide for the common defense and the general welfare; third, Congress is prohibited from abridging the freedom of the press; fourth, Congress is given power to enact all laws which are necessary to carry into execution the foregoing provisions. The provision in the Constitution which gives Congress the power to provide for the common defense and the general welfare stands upon an equal footing with the prohibition against abridging the freedom of the press. The argument presented by the gentleman who preceded me [Mr. GRAHAM of Pennsylvania] is that Congress can not provide for the common defense and the general welfare if by so doing we shall in any way restrict the publication of any news or information concerning the national defense. In other words, he stands

for the enforcement of one provision of the Constitution, and he appeals to you to ignore the other portion of the Constitution.

Now, the President is Commander in Chief of the Army and Navy, and as such officer, under the Constitution, his power is supreme. This section does not in any way give the President additional power so far as he has power to restrict and limit the giving out of information concerning the Army and the Navy or the national defense. It in no way gives him any additional power. The President now is in a way conducting a censorship. In time of peace, and above all in time of war, the President has the power and it is his duty to restrict information given to the public when, in his judgment, that information would be detrimental to the cause of our Army and Navy. This section does not give him any additional power in that respect. The only thing it does is to provide a penalty to deter men from publishing information which, in the interest of the public good, should not be published.

Mr. CHANDLER of Oklahoma. Will the gentleman yield for a question?

Mr. MORGAN. I will yield to my colleague; yes.

Mr. CHANDLER of Oklahoma. Do you not believe that any newspaper that publishes anything injurious to the United States can be prosecuted under section 2 of this act?

Mr. MORGAN. I am not so certain about that. I think it is very doubtful.

Now, what is the liberty of the press? I read from Words and Phrases Judicially Defined, volume 5:

Judge Cooley, in speaking of the constitutional provisions relating to liberty of speech and of the press, says: "We understand 'liberty of speech and of the press' to imply not only liberty to publish but complete immunity from legal censure and punishment for the publication, so long as it is not harmful in its character, when tested by such standards as the law affords."

Again—

"Liberty of the press" as used in the provision of the Federal Constitution guaranteeing the liberty of the press, etc., means a right in the conductor of a newspaper to print whatever he chooses without any previous license, but subject to be held responsible therefor to exactly the same extent that anyone else would be responsible for the publication.

Again—

The liberty of the press was said by Blackstone to consist "in laying no previous restraints upon publication, and not in freedom from censure for a criminal matter when published. Every freeman has an undoubted right to lay what sentiments he pleases before the public. To forbid this is to destroy the freedom of the press, but if he publishes what is improper, mischievous, or illegal he must take the consequences of his own temerity."

Clearly, the freedom of the press under the Constitution does not mean that one is entitled to absolute freedom to publish what he pleases. If his publication injures an individual, he must respond in damages, and in many cases he may be indicted for criminal libel; and in no State of the Union is an editor or a publisher given absolute immunity from punishment for what he publishes; he is held responsible. Under all of the precedents of the past and in every State of the Union an editor or a publisher is responsible for injuring an individual; and yet you stand here and say that a publication that injures the Nation, that injures the whole public, that endangers the safety of the Nation, that may affect the success of our Army and Navy, and yet we are powerless, under the Constitution, to place any restriction upon him or hold him responsible. If it is not an abridgement of the freedom of the press to hold a man responsible for injuring an individual, in the name of my country, I ask, how is it an abridgement of the press to hold an editor responsible when he injures the public at large? How is it any abridgement of the freedom of the press if we place a restriction upon him as to such publication? I appeal to you and ask you, if this section is not in the proper language, to amend it, and, if it is necessary, stay here another day and give such attention to this section as will perfect it and enable the Government in this emergency, when we are engaged in war, to have some restriction and some limitation placed upon editors and publishers who might in time of war take advantage of the people and make publications that might be injurious. If we restrict editors in their publications respecting individuals, then for a far greater reason we should restrict them when the interests of the entire Nation is at stake.

The SPEAKER pro tempore (Mr. DECKER). The time of the gentleman from Oklahoma has expired.

Mr. WEBB. Mr. Speaker, I yield five minutes to the gentleman from Missouri [Mr. DYER].

Mr. DYER. Mr. Speaker and gentlemen of the House, the question to my mind now is whether or not you gentlemen value the lives of the boys of our coming Army and Navy who must cross the ocean to fight in France, and their safety, more than you do the giving to the press of our country absolute liberty to publish whatever they may see fit and proper.

Mr. NORTON. Mr. Speaker, will the gentleman yield?

Mr. DYER. No; not in five minutes. The question is that, and it can not be anything else. The reputable newspapers of our country, with very few exceptions, are not asking gentlemen to refuse to pass this amendment. I have not received any requests from the reputable newspapers of my district, and I have five of the great daily papers published in my district. Not one of them is sending any objections to this bill and to this section. The gentleman from Pennsylvania [Mr. GRAHAM] is one of the able and distinguished members of the Committee on the Judiciary of this House. This section was debated and considered for weeks and weeks in the Committee on the Judiciary. Every member of that committee had free and full opportunity to offer suggestions and to correct this amendment, but here to-day he comes and advocates not the correction of this section, he advocates not what the gentleman from Illinois [Mr. MCCORMICK] suggests, namely, the amending of this section—and I might say that it will meet with the approval of many members of the committee to amend it so that it will be known exactly what shall not be published pertaining to the movement of ships or the movement of soldiers—but he comes here and advocates the striking out of the section altogether.

Suppose that some person who may not be a newspaper man obtains information as to the departure of thousands of our boys on transports to Europe to fight, and suppose that information is published, be it in the newspaper or not, and it becomes known to the enemy and they are able to sink those transports and drown those boys. Will you gentlemen who are standing here to-day and saying, do not make any law upon this subject at all, then feel that you have done your duty to your country as you ought to do it in this hour? Gentlemen, the President of the United States is entitled to your absolute and unconditional support in this measure. He is responsible to the people of this country. The press is not responsible to the people of this country for the conduct of this war. It is placed in the hands of the President, the Commander in Chief, and I ask you to give to him authority to say when matters should not be published that would be of benefit to the enemy. That is all that we ask.

Mr. MCCORMICK. Mr. Speaker, will the gentleman yield?

Mr. DYER. Yes.

Mr. MCCORMICK. The gentleman is responsible to the people of his district, is he not? If the gentleman were to discover that an epidemic of an infectious disease among the naval recruits was gravely serious and that adequate steps were not being taken to stamp it out, would he feel justified then in proclaiming the facts, in violation of the law?

Mr. DYER. Mr. Speaker, there would not be any objection to that. There would be nothing in this bill to prevent the publication of such news. There is specific provision stating at the end of this section that a newspaper shall be permitted to publish news about the management or mismanagement of the Army or the Navy.

The SPEAKER pro tempore. The time of the gentleman from Missouri has expired.

Mr. VOLSTEAD. Mr. Speaker, I yield one minute to the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. Mr. Speaker, that free speech and a free press are absolutely essential to the maintenance of a free government is axiomatic, and the fathers of the Republic were so fully alive to that tremendously important fact that they placed in the Constitution a provision, clear, definite, and specific, against the abridgment of free speech or a free press. The section now under discussion, either in its present form or in any form proposed by the amendments before us, would fly squarely in the face of that constitutional provision and would greatly endanger the liberties of the people by abridging the rights of free speech and of a free press. I am, therefore, in favor of striking the section out. [Applause.]

Mr. VOLSTEAD. Mr. Speaker, I believe we are all in favor of free speech and a free press, and we ought to guard that carefully. I do not believe that the section in question authorizes any violation of that right at all.

There is nothing in that section itself that impinges upon that right in any way; it does, however, give to the President the power to determine that certain matters shall not be published, but we have a right to assume that the President will obey the Constitution. Let me remind this House that we have voted in favor of war and that we have voted in favor of compelling the boys to go into the trenches to fight our battles here and abroad. When we did that we placed upon the President the greatest possible responsibility, infinitely greater than any that we propose to confer on him by this bill. We are asked now to give to him the power to protect our soldiers from treachery at home. I can not understand how anyone can insist that

the power necessary to protect them should not be given simply because somebody contends that free speech in some fashion may be infringed. I have talked with a number of old soldiers who served in the Civil War. They have told me that in many instances information published in one section or another crossed the line and was very detrimental to this Government in carrying on that war. Are we going to permit the same during this war? The other sections of this bill do not cover this matter at all. As I called attention in speaking on this bill a couple of days ago, the first section relates to obtaining information, not to publishing or communicating it. The second covers communications directly to an enemy, and the third applies to officers or others who are intrusted with information, prohibiting those people from turning the information into channels where it may reach the enemy. There is a great deal of information that may be of value to an enemy, and if you permit its publication it is evident it will reach our enemies. A newspaper, for instance, published in New York might describe fortifications, or publish the movement of ships or troops. This newspaper may go onto some foreign vessel or across the Mexican border from which they may reach Germany.

Suppose the Germans know that we have a ship laden with troops for France or Belgium or any other section? If they can have that information they will profit by it. The natural thing will be to prepare to sink it just as they did the *Lusitania*. The Germans knew when the *Lusitania* sailed and announced they would sink it and did sink it. Ought we not pass some law to restrain our people from publishing facts that will aid our enemies in sinking other ships with their cargoes of soldiers? We should not put our soldiers or sailors in a position where they are at the mercy of those who are not loyal among us. It is idle and utterly foolish to insist that our newspapers are all going to be loyal and eager to protect our national interests. We know there are numbers of people among us who are not loyal to us. Many of them are actually German soldiers. I am told there are 30,000 German reservists recorded at one consulate in the United States. With that number here, can you hope to keep the secrets we ought to keep from reaching the enemy if we permit everybody to publish anything that they may see fit? Why should we be so tender about the press, that we are willing to imperil the safety of our own military operations not to offend it? I have an amendment which I desire to offer, which I think will obviate most of the difficulties that have been suggested, and I ask that it be read in my time for the information of the House.

The SPEAKER. The Clerk will read the amendment of the gentleman from Minnesota in his time.

The Clerk read as follows:

Amendment by Mr. VOLSTEAD: At the end of section 4, page 36, insert the following:

"*Provided further*, That the effect that any information may have upon the morale of the United States, its enemy, or the armed forces of either, shall not be considered in determining whether any information is of value to the enemy but only information which might be of direct use to the enemy in directing operations of the war shall be so considered, and the question whether the information is of such character shall in prosecutions under this section be submitted to the jury for its determination."

Mr. VOLSTEAD. Mr. Speaker, I believe that if that amendment were added to the section so that it will relate only to information that will be of use to the enemy in carrying on military operations the power of the President would be greatly limited. To make doubly sure that the President shall not make any unreasonable restrictions on the press, I leave it to the jury to determine whether the information he condemns is of such a character that it would be injurious to the country. It seems to me if that amendment is adopted no one need hesitate to vote for this section. I feel that in this emergency we can not afford to play politics, that it is our duty to stand by the administration. We are appropriating millions of dollars and raising millions of troops and we must not hesitate to protect those troops. We must not hesitate to protect the interests of the United States. [Applause.]

Mr. WEBB. Mr. Speaker, I regret very much that my friend from Pennsylvania [Mr. GRAHAM], a member of the committee, has seen fit, after assisting in the perfection of the amendment in the committee and without voicing any objection to it there, should move to strike out the section from the bill on the floor of the House. And I should regret very much if this House——

Mr. GRAHAM of Pennsylvania. Will the gentleman permit an interrogatory?

Mr. WEBB. Just a question.

Mr. GRAHAM of Pennsylvania. I want to ask the chairman what the doings in the committee have to do with the perfected language of the bill? And in that connection I wish also to ask him whether I did not request, if it were possible, that the committee should not meet on the following Monday, when this bill was reported, but meet on the following Tuesday, so that I might be present to reconsider the whole bill? Is not that the fact?

Mr. WEBB. I do not remember that, Mr. Speaker; and, in fact, I do not care to say what took place in the committee, but it was my understanding all along that there was only one member of the Committee on the Judiciary who objected to section 4, and that was the gentleman from Massachusetts [Mr. WALSH], who, in the committee, notified the committee that he was opposed to it and would oppose it on the floor of the House.

Mr. MANN. Does the gentleman think it is treasonable that a member of the committee objects to the bill as reported to the House?

Mr. WEBB. I was stating that I regretted that a member of the committee who seemed to favor the section in the committee and help draft it should, on the floor of the House, move to strike the section from the bill. As I started to say, I hope very much that the House in this great crisis, the greatest this country has ever encountered from its beginning, when, if there ever was a time in its history that it is supremely important to keep information that is useful to the enemy from being published throughout the broad land, where there are so many hundreds of thousands of alien sympathizers with the enemy, will not strike this section out of the bill entirely. Every man who is sitting before me should realize that in a time like this there ought to be some restrictions upon the publication of those things concerning the vital interests of our national defense, and which, if communicated to the enemy by such publication, would be detrimental to our defense and helpful to the enemy.

If you strike this section out of the bill many thousands of newspapers of the country, many of them published in foreign languages, many published by alien enemies, many by foreign sympathizers, will be turned loose to publish in this country for the benefit of every spy and every sympathizer with our common enemy things concerning the most vital part of our Government, namely, the national defense, and that information can be transmitted to the enemy and taken advantage of when we come to do our part of the fighting.

Mr. DILL. Will the gentleman yield?

Mr. WEBB. For a question only.

Mr. DILL. Are they not now free to do that?

Mr. WEBB. Yes; they are free to do that now. That is, the honorable newspapers have agreed to publish only certain things, but that is a gentleman's agreement. They have volunteered to do that. Others will not adhere to the agreement. I am in favor of conscripting them and making them do it. [Applause.] There are many newspapers of this country that have not entered that agreement and which at the first opportunity will violate the agreement that only a few of the newspapers of the country have made. This amendment——

Mr. HULBERT. Will the gentleman yield?

The SPEAKER pro tempore. Does the gentleman from North Carolina yield to the gentleman from New York?

Mr. WEBB. I regret that I can not yield just now.

This amendment I have offered gives the President power from time to time by proclamation to designate the character of information that in his opinion would be useful to the enemy if published, and then the Congress prohibits its publication. This will hurt no honest newspaper man; will hurt no patriotic publisher of a newspaper. Therefore that kind of newspaper ought not to object to it and all other kinds ought to be made to stand by such a provision.

Mr. REAVIS. Will the gentleman yield?

Mr. WEBB. I will yield to the gentleman.

Mr. REAVIS. I would like to have the gentleman's opinion regarding the amendment offered by the gentleman from Minnesota [Mr. VOLSTEAD], making the issue as to whether the information was of such a character as might be useful to the enemy one of fact to be determined by a jury rather than depending upon the President's proclamation.

Mr. WEBB. Yes; you might have our Government destroyed before a jury trial ever took place.

Mr. SHERLEY. Was not that the real crux of the fight that was made in regard to the old English libel laws—the fight Erskine made against Mansfield?

Mr. WEBB. I do not remember.

Mr. SHERLEY. You ought to know about it.

Mr. WEBB. The gentleman may know, but I do not. I know what we have before us now. I am talking of the necessities of the present, not what took place long ago.

The gentleman from Pennsylvania [Mr. GRAHAM], who moves to strike out this section, in his speech yesterday declared he thought this section was constitutional, and undoubtedly the amendment which the committee has offered has removed all

objection, technical constitutional objection, that some may have to the section.

Before proceeding further I will read from Field against Clark just a few statutes which are in line with the amendment which I was authorized by the committee yesterday to offer. In 1794 the Congress gave authority to the President to lay an embargo on all ships and vessels in the ports of the United States, as follows: "Whenever, in his opinion, the public safety shall so require," and under regulations to be continued or revoked "whenever he shall think proper."

That is the language of the statute. By the act of February 9, 1799, the President was given the power to remit and discontinue for the time being the restraint on exportations which Congress had proscribed with respect to commercial intercourse with the French Republic if he should "deem it expedient and consistent with the interests of the United States."

Now, gentlemen of the House, there are probably a hundred cases of that sort in the statutes of the United States where, as the court has said, it is absolutely necessary to leave some administrative duty to the Chief Executive or the heads of departments. The amendment which the committee has offered is absolutely in line with that long list of statutes from 1799 down to the present time, as cited in the case of Field against Clark and in the Grimaud case on down, so that the House need have no scruple in voting for the amendment on the ground that it is not constitutional.

But even if it is not unconstitutional from that standpoint—that is, that the President may designate from time to time the character of information that may be useful to the enemy—admitting that that is constitutional, the next objection, as they say, is that we have no right to abridge the freedom of the press. We have heard a great deal of beautiful oratory about the freedom of speech and of the press. We have heard a great deal of beautiful oratory about the right to life, liberty, and the pursuit of happiness, but every one of us can have our life taken from us and our happiness disturbed in certain cases by the supreme law of the land.

Now, Judge Story is a very good authority on the freedom of the press, and I want to read a few words from him on that point:

> There is a good deal of loose reasoning on the subject of the liberty of the press, as if its individuality were constitutionally such that, like the King of England, it could do no wrong and was free from every inquiry and afforded a perfect sanctuary for every abuse; that, in short, it implied a despotic sovereignty to every sort of wrong, without the slightest accountability to private or public justice.

That is the position to-day. Men have argued here almost to the extreme limit to the effect that whatever the press does, it can do no wrong. I deny that any such power rests in any organization or institution in this country, high or low, from the President to the humblest citizen. Is it going to be contended here to-day that in time of war everybody must have a master except the newspapers of the country. [Applause.] I read further:

> Such a notion is too extravagant to be held by any sound constitutional lawyer with regard to the rights and duties belonging to governments generally or to the State governments in particular. If it were admitted to be correct it might be justly affirmed that the liberty of the press was incompatible with the permanent existence of any free government.

I read still further from this great judge:

> Besides, what is meant by restraint of the press or an abridgment of its liberty? If to publish without control or responsibility be its genuine meaning, is not that equally violated by allowing a private compensation for damages, as by a public fine? Is not a man as much restrained from doing a thing by the fear of heavy damages as by public punishment? Is he not often as severely punished by one as by the other? Surely it can make no difference in the case what is the nature or extent of the restraint, if all restraint is prohibited. The legislative power is just as much prohibited from one mode as from another. And it may be asked, where is the ground for distinguishing between public and private amenability for the wrong? The prohibition itself states no distinction. It is general; it is universal. Why, then, is the distinction attempted to be made? Plainly, because of the monstrous consequences flowing from such a doctrine. It would prostrate all personal liberty, all private peace, all enjoyment of property, and good reputation. These are the great objects for which government is instituted; and if the licentiousness of the press must endanger not only these but all public rights and public liberties, is it not as plain that the right of government to punish the violators of them—the only mode of redress which it can pursue—flows from the primary duty of self-preservation? No one can doubt the importance, in a free government, of a right to canvass the acts of public men and the tendency of public measures, to censure boldly the conduct of rulers, and to scrutinize closely the policy and plans of the Government. This is the great security of a free government. If we would preserve it public opinion must be enlightened; political vigilance must be inculcated; free, but not licentious, discussion must be encouraged. But the exercise of a right is essentially different from an abuse of it. The one is no legitimate inference from the other. Common sense here promulgates the broad doctrine, sic utere tuo, ut non alienum lædas; so exercise your own freedom as not to infringe the rights of others or the public peace and safety.

Now, gentlemen of the House, has not this Congress, has not this Government, the right to preserve its own existence by prohibiting the newspapers of the country from publishing secrets that are of vital importance to that very existence? I do not think any lawyer in this House will contend that we have not the power, in an effort to preserve the very life of this Government, to prohibit the publication in the public press of this country of those things which are vitally connected with our national defense, and which, if made public, would be carried to the enemy, and therefore would destroy or tend to destroy the very Government under which we operate to-day. The Congress has the power to raise armies. There is no section in the Constitution that gives us the right explicitly to gather up men by conscription. The word "conscription" or "draft" can not be found in the Constitution. And yet under the power of Congress to raise armies and to provide for the national defense we send the heavy hand of the law throughout this broad land and lay it on the shoulder of every mother's boy and say, "You must give up your liberties and come into the Army and fight for the national defense and for the existence of the Government."

No; there is no place in the Constitution which says you can make an express provision giving Congress the power to prohibit the publication of these national-defense secrets which are helpful to the enemy and hurtful to our country, except under the implied power of the Constitution, the power to raise armies and maintain them, the power to declare war; and, in fact, under the eighteenth paragraph of the eighth section of the Constitution, which says in substance that the Congress shall have power to pass all laws needful to carry out the objects and purposes of the Constitution. That gives us the power to defend the Government against destruction, and that is all that is aimed at in this section, to prevent the enemy with whom we are now at war from coming into possession of the vital secrets concerning our national defense.

Now, gentlemen of the House, after all, the fight against this bill has been made by a newspaper propaganda. I saw in a New York newspaper, whose columns have been quoted in this debate three or four times, several days ago that the editor had sent over the country 1,000 telegrams, asking expressions against "the infamous spy bill," and, of course, he got a good many. But right here, in a paper handed to me a while ago, is an illustration of what ought not to be published at this time, and yet it is published in a paper whose editorials are denouncing this morning any restriction on the liberty and freedom of the press to publish whatever it pleases. It says, "To sink U boats at their bases" is the proper campaign to wage against their menace. Is there any doubt but what that information will be gotten to the enemy? It ought not to be published. Yet it is published in a paper that is demanding wide-open license to publish whatever it pleases at a time when our country is in danger.

Mr. BOOHER. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from North Carolina yield to the gentleman from Missouri?

Mr. WEBB. Yes.

Mr. BOOHER. I agree thoroughly with the gentleman's position. Has the gentleman no censure for that member of the War Board that gave that secret away? Some member of that board must have given it away.

Mr. WEBB. I agree to that, my friend, and that is the trouble about these volunteer censorships. You can not always make them stick to their volunteering. You must have the heavy hand of the law to restrain the fellow who wants to violate the section, who wants to kick out of the volunteer censorship, and who is willing, if need be, in order to exercise that licentious liberty of the press, to scatter information to the four winds and let the enemy get it and possibly destroy his own country thereby. [Applause.]

Mr. WALSH. Will the gentleman yield for a question?

Mr. WEBB. I yield.

Mr. WALSH. I should like to ask the chairman of the committee if he does not think that the President could exercise a censorship over the newspapers in the same way in which he does it over the cable and telegraph companies by an Executive order, under the authority of the Constitution and the declaration of war.

Mr. WEBB. Oh, I think not.

Mr. WALSH. Why not?

Mr. WEBB. I think if he should undertake to do that you would want to impeach him probably. In a life and death struggle between this country and another country we have the right to say that no newspaper shall publish those secrets which are necessary and vital to our own life. Why not say it like men and

not allow a few newspapers to browbeat us. And it is only a few that are trying to do it and to drive us into this position just because they want the license to publish what they please. These very same newspapers, many of them, for the last six months and longer have been crying from one end of this country to the other, "Stand by the President!" When the McLemore resolution was up they said, "Stand by the President. He knows," and we stood by him, and the newspapers told us to do it. When it came to arming merchant ships the newspapers said, "Stand by the President. He knows." And we did stand by him. Then, when we broke off diplomatic relations with Germany, these same newspapers cried, "Stand by the President. He is Commander in Chief. He knows." Then, when it came to the declaration of war, these very same newspapers declared that any man who did not stand by the President, because he knew, was practically a traitor to his country; and we stood by him. Then, when it came to raising an army with which to wage the war, which the newspapers themselves had more to do with bringing on than any other agency in the world, they said, "Stand by the President, and go to every home in the land and take the flesh and blood that has been raised with infinite pains and patience and compel the boys to join the Army to fight this war. Stand by the President. He knows," was their cry. But now, when we ask them to stand by the President and trust him, they say, "We will not do it." [Applause.]

Mr. RANDALL. Will the gentleman yield?

Mr. WEBB. I yield for a question.

Mr. RANDALL. Does not the gentleman approve of the latest act of the press in becoming a little independent?

Mr. WEBB. That is not it. I do not like to have a crowd of newspapers or a crowd of people tell this Congress incessantly, day in and day out, to stand by the President when they will not do it themselves when their interest is involved. The paper I had here a moment ago has been doing that every day and every hour for the last six months or a year and branding men with the traitor's mark who do not stand by the President. Now, when we call upon the editor of that paper to stand by the President he says, "I will not do it, because you are going to take some of my liberties away." [Applause.] I think it is time for this House to assert a little independence of the newspapers of this country, especially certain newspapers that try to control the independent action of this great body. I want to say to the newspapers of the country and to say to the House, and maybe they will see their duty when I make it so positive, that not two hours ago I received a message from the President of the United States, the Commander in Chief of all the armies of a million boys that with your vote and mine we are going to raise and put in the trenches and fight for the glory and the defense of this country. The President sent me word and asked me to say to the House that the principle of this section 4 is absolutely necessary to the defense and success of this country in this war. [Applause.]

Mr. NORTON. Will the gentleman yield for a question?

Mr. WEBB. I yield for a question.

Mr. NORTON. Was that message taken down to you by the Postmaster General, Mr. Burleson, who again has been snooping around the House Office Building and the Capitol this morning?

Mr. WEBB. I do not think the gentleman ought to make observations of that kind. I got the message directly from the President of the United States, the Commander in Chief of our Army and Navy, and the man into whose hands the gentleman voted to turn over a million boys of this country. Is it possible that when you go back home you are going to say to the mothers and fathers, "I trusted Woodrow Wilson sufficiently to turn over to him a million of the noblest boys in the world, to send to their life or their death, wherever he might say, but I was not willing to take from the newspapers of the country the privilege of publishing information which might be gotten to the enemy and make it easier for them to destroy those boys." [Applause.] Oh, yes; I am tired of double dealing and hypocrisy.

If it is good to stand by the President in all those great things that we have been doing for the last few months, the newspapers ought to come across and stand by him now. When one day the newspapers call on us to stand by the President and the next day they say, "Don't you do it"—one day they tell us "if you don't stand by him you are a traitor" and the next day "if you do stand by him you are a traitor"—they remind me in their inconsistency of a story of the old farmer down in Virginia who had a pack of dogs. Among them was a greyhound. He went out one day to hunt rabbits, and the greyhound, as you know, runs by sight and not by scent. A rabbit was hopped, and the pack took off after the rabbit, and the greyhound bounded out far ahead of the rest of the pack. Suddenly he collided with perpendicular strand of a barbed-wire fence, which slit him open from nose to tail. The old farmer ran up, saw the plight of his dog, gathered up the two parts, carried them home, and laid them in the kennel. The next morning he went out for the purpose of burying the pride of his pack, but to his great surprise he found the dog was still living, but was horrified to find that in putting the two halves together he had put the tail part where the head ought to be and the head part where the tail ought to be. Notwithstanding this condition, by what the doctors call the osmose and the endosmose the parts began to adhere and grow together, and a week or two later one of the farmer's friends said, "Bill, how is that dog getting along that was split in two the other day out in your pasture?" "Why," he said, "he is fine. He is by all odds the best dog in the pack." "How is that?" "Well, it is this way, that dog can run both ways and bark at each end." [Laughter.] So these papers that for six months have been echoing and reechoing the cry, "Stand by the President," on everything that they want done, now, when we want them to stand by the President, say, "No; we will not do it."

Mr. ALEXANDER. Will the gentleman yield for a question?

Mr. WEBB. I yield to the gentleman from Missouri.

Mr. ALEXANDER. Are the newspapers of the country in a class by themselves? Does the Constitution recognize them as having any greater rights than the citizens? Are they more patriotic than the citizens of the United States? Should they be exempt from reasonable control?

Mr. WEBB. Some of them seem to think that they are in a class by themselves and possess privileges that no one else does. Yes, gentlemen of the House, this great man up in the White House that some here seem to be afraid to trust, to him we have voted not only the control of a million boys of the country, but we have voted $7,000,000,000 into his hands to distribute almost as he sees fit. Seven billion dollars! A sum of money by a billion dollars larger than there is gold in the entire world. It would take 12,000 horses to pull it; a line of horses 35 miles long; 250 freight cars loaded to their capacity—and yet every one of us voted to turn this stupendous amount of money over to the President of the United States; and yet we can not trust him to restrain the newspapers of the country from publishing news that would be destructive of our Government and helpful to the enemy. Let us not be so inconsistent.

Mr. CHARLES B. SMITH. Will the gentleman yield?

Mr. WEBB. Yes.

Mr. CHARLES B. SMITH. Is it not a fact that the gentleman is slightly wrong in the assumption that Members of the House are opposed to restraining the newspapers? Is it not a fact that we are opposed to this particular way of restraining them? We want to get into the law just how and to what extent we will restrain them.

Mr. WEBB. That is exactly what we have done. We propose to restrain them from publishing matters that in the judgment of the Commander in Chief of the Army and Navy will be hurtful to this country and helpful to the enemy concerning national-defense matters.

Mr. HARDY. Will the gentleman yield?

Mr. WEBB. I will yield to the gentleman.

Mr. HARDY. The gentleman from Pennsylvania has stated that it would be impossible to frame the exact conditions that would entitle the matter to prohibition. Then if you take away from the President the authority to do it, would it not leave it in the discretion of every man in the country to do it for himself?

Mr. WEBB. Yes; I think the honest newspapers of this country, all of them, are anxious not to publish national-defense secrets that would be helpful to the enemy, but we have dishonest newspapers, like we have dishonest people, and out of 20,000 publications you will find some in sympathy with the enemy who will be happy to publish many things concerning our affairs that would be helpful if communicated to the enemy. And a great many may innocently do it.

Mr. LITTLE. Will the gentleman yield?

Mr. WEBB. Yes.

Mr. LITTLE. I want to say to the gentleman that what we object to is that when a man is tried as to whether he shall go to jail or not, what we want is not the judgment of the Commander in Chief of the Army and the Navy, but the judgment of a jury.

Mr. WEBB. If you can not trust the judgment of the Commander in Chief of the Army and the Navy to say what information ought not to be published, how can you trust him with a million boys?

Mr. LITTLE. That is not the question.

Mr. WEBB. It is the question.

Mr. LITTLE. The Constitution provides that we shall have a trial and verdict by a jury. We are willing to leave to the Commander in Chief the right to command, but we do not want him to usurp the province of the jury.

Mr. WEBB. There is no usurpation of the province of the jury whatever in this section. Trial by jury is absolutely preserved.

Mr. LITTLE. If you had not put that provision in, you would not have had this opposition.

Mr. SHERLEY. Will the gentleman yield?

Mr. WEBB. I will yield to the gentleman from Kentucky.

Mr. SHERLEY. One reason why we are willing to trust the Executive with great power is because his exercise of that power may be subject to the discriminating criticism and judgment of the people of the country. [Applause.]

Mr. WEBB. Mr. Speaker, I want to read after that applause what we have put in this bill. Talk about the rights of discrimination and discussion—it was not necessary to write this in the section, but for the sake of those who fear that there was some influence that wanted to strike down the criticism of the press, we have written this into the section:

Provided, That nothing in this section shall be construed to limit or restrict any discussion, comment, or criticism of the acts or policies of the Government or its representatives or the publication of the same.

Mr. SHERLEY. What we want is to go to the jury with the right to determine not only whether the matter prohibited was published, but whether it was of such a character as would be helpful to the enemy.

Mr. WEBB. Yes; and in this country with all the delays of a jury trial you will find that the country could be destroyed, the forts blown up, and transports sunk before you could get your trial. [Applause.] War is a serious business. You have entered into it, and it takes strong and stern acts in time of war to preserve the country. The gentleman from Kentucky himself made an argument to that effect.

Mr. HARDY. Will the gentleman yield?

Mr. WEBB. Yes.

Mr. HARDY. The very proposition would carry the further proposition that you must submit to the jury the intention—as intention is the gist of the crime—of the intention to violate the spirit of the law. So that every man would be tried not on the question of whether his action was harmful, but whether he intended it to be harmful, and then you would leave it to the fools and the traitors to betray the country.

Mr. SHERLEY. That was the same argument made by the crown when the criminal libel laws were passed, and led to the Fox libel law, which gave to the jury the right to determine the law as well as the fact.

Mr. WEBB. I am sorry that the gentleman did not vouchsafe his knowledge to the Judiciary Committee four or five days ago instead of waiting until this late hour.

Mr. WALSH. Will the gentleman yield?

Mr. WEBB. Yes.

Mr. WALSH. If the newspapers should publish information useful to the enemy, will not that be giving aid and comfort to the enemy, and will not that publisher be guilty of treason, and could not he be punished without this law?

Mr. WEBB. No; he would not. And if you do not put something like this in the law, when trouble breaks loose, when the shooting and killing begins, you are going to turn loose 20,000 newspapers, and every one will rush in to get the first information, the first news, to be published in his paper, while there are thousands of alien enemies in our midst to pick it up and possibly send it to the very enemy we are fighting. The papers may do it innocently, but that does not alter the fact that the information may be used tremendously against our success.

Mr. CHANDLER of New York. Mr. Speaker, will the gentleman yield?

Mr. WEBB. For a question.

Mr. CHANDLER of New York. The gentleman states that the proviso saves the situation by providing that criticism of acts and policies of the Government would not be prohibited. Who is to decide what constitutes acts and policies of the Government and that which is proper to prohibit?

Mr. WEBB. Anybody who knows what an act or a policy is can decide that for himself.

Mr. CHANDLER of New York. What effect would that have on the press?

Mr. WEBB. None, in so far as criticism is concerned. The New York American can say just as many things about the President and Congress, and all of the rest of the newspapers can say as many things as they choose.

Mr. CHANDLER of New York. Suppose the President, in construing this proviso, in the exercise of his discretion, makes a mistake, is there any appeal from his decision?

Mr. WEBB. No appeal, except to public opinion, which can criticize him from one end of the country to the other. That is the way they do with the gentleman and myself when we make mistakes.

Mr. LAGUARDIA. Mr. Speaker, will the gentleman yield?

Mr. WEBB. No; I can not yield any further. I am going to conclude now. Gentlemen, when you go back home and tell the people whose boys you have drafted into the Army to wage this great war that you voted $7,000,000,000 of taxes upon them and have done everything to try to make your country successful in war, but tell them you would not vote to keep the newspapers of the country from publishing facts about your national defense, secrets which might protect your boys in foreign fields, or in the trenches, or in transit over the ocean, what do you think they are going to say or think about it? Do you think that you can fool them? Do you think that they will be fooled? No; they will tell you that you ought to treat the newspapers just as you have treated them in a great crisis like this, and require the newspapers, if need be, to make some little sacrifice, to give up some of their boasted rights, as you have taken the liberty of their boys from them. You can not fool the folks on that. It will be just like the negro boy who went down to a livery stable one day dressed up with a red necktie and a hard hat and a pair of creased trousers. He walked into the stable where an overall boy was working and while the dude was standing there something kept flying around him, and he said to the overall boy, "What is that flying around me?" The boy who was working said, "That is a green fly." "What does the green fly do?" "Why, it flys around garbage cans and the like of that." "Well," said the negro dude, "I ain't no garbage can, is I?" Do I look like one?" The other boy said, "You don't look like a garbage can to me, but you can't fool a green fly." [Laughter.] So you can not fool the people on this thing when you go home and tell them that you voted to take their liberties and their boys from them when it comes to fighting a great war, but that you balked when it came to taking any of the rights of the newspapers away from them.

Mr. Speaker, it is said there are 30,000 German reservists registered in the city of Chicago alone. There are German sympathizers and Austrian sympathizers throughout the United States, and let us suppose that the first shipload of boys, two or three thousand, were put upon a transport and started across to the foreign fields to fight. Suppose some newspaper then concludes that that is too big a piece of news not to publish and concludes in its own mind that it does not care anything for a voluntary censorship but that it is going to publish it in the newspaper and let the people know what has happened, and it does so, and some one of these many thousand German reservists relays that to Mexico and from Mexico it is wirelessed out to a submarine which lies in wait for the destruction of our boys, which goes out and blows them up, then will you feel any remorse of conscience when you look back and say, "I declined by my vote to prohibit that kind of information being given to the enemy?" We have talked so much about the *Lusitania* horror. Would that be anything more horrible? And yet it is entirely possible that that thing may happen. You can not control 20,000 newspapers, nor 10,000 of them, by a voluntary censorship; and every publication of that kind would go like the wind, and it may be that thousands upon tens of thousands of our boys may be blown up in midocean because of the transmission of such information.

Mr. COOPER of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. WEBB. Yes.

Mr. COOPER of Wisconsin. The McCormick amendment, as I heard it read, provides in express terms that there shall be no publication by newspapers of the country of the movement of troops, of the number of troops, of their location, or anything of that kind.

Mr. WEBB. I understand that.

Mr. COOPER of Wisconsin. In other words, that that provision shall be in the act itself.

Mr. WEBB. I understand that; and if the newspapers want that, I am for it, because it is a broader provision and will limit their "liberties" more than the provision which we have put into the section. If the House wants to adopt that amendment, let them do it.

Mr. RAGSDALE. Would not the provision in this bill that would specifically prohibit the publication of anything relating to the movement of any ship protect all of our rights on the high seas and our boys on the high seas, and yet give to the American public that information to which they are entitled in this great situation that faces them to-day?

Mr. WEBB. No; I do not think it would cover every situation.

Mr. RAGSDALE. Would it not protect the people?

Mr. WEBB. It would give the President the power to cover such situations as he thought were vital, and it strikes me that if the House is willing to give him all this other colossal and stupendous power we ought not to object to giving him that power to keep from the papers those things that are useful to the enemy.

Mr. COOPER of Wisconsin. Mr. Speaker, will the gentleman yield again?

Mr. WEBB. For a question.

Mr. COOPER of Wisconsin. Mr. Speaker, I will say to the gentleman from North Carolina that I have in my hand the McCormick amendment.

Mr. WEBB. I heard it read here yesterday and am familiar with it.

Mr. COOPER of Wisconsin. I think it is exceedingly important——

Mr. WEBB. It will be read from the desk when we vote upon it.

Mr. COOPER of Wisconsin. Will not the gentleman permit it to come in here, so that there can be a discussion of it now?

Mr. WEBB. That was discussed yesterday, and I have stated my opinion, both yesterday and to-day. I say that if the House wants to adopt the McCormick amendment, let them do so; but I hope the House will not strike out this section without putting in something that will give the Commander in Chief the power to protect the armies and the navies of this country from things that would be hurtful to us and useful to the enemy.

Mr. LANGLEY and Mr. McCORMICK rose.

Mr. LANGLEY. Will the gentleman yield?

Mr. WEBB. No; I can not yield. How much time have I remaining, Mr. Speaker?

The SPEAKER. The gentleman has five minutes remaining.

Mr. McCORMICK. Mr. Speaker, I ask unanimous consent that the gentleman's time be extended five minutes, that he may answer some questions.

Mr. WEBB. I have been answering questions for three or four days.

The SPEAKER. The gentleman from Illinois asks unanimous consent that the time of the gentleman from North Carolina shall be extended five minutes so that he can answer questions. Is there objection?

Mr. MANN. Mr. Speaker, I object.

The SPEAKER. The gentleman from Illinois objects.

Mr. WEBB. Mr. Speaker, here is the attitude of the honest newspapers of this country on this section, and the power conferred by this section will not hurt the honest man, as I have said before, and the dishonest paper ought to be hurt. This propaganda against this section has been carried on throughout the country to get the newspapers to oppose this bill. The Atlanta Georgian—I believe it is generally understood it is owned by Mr. Hearst—the Atlanta Georgian has been preaching that propaganda in Georgia. It telegraphed to the editor of the Columbus Inquirer-Sun, Columbus, Ga., on May 2, this month, urging him as follows:

INQUIRER-SUN, *Columbus, Ga.:*

Espionage bill now pending in Congress is, in our opinion, an assault upon the very foundation of our free institutions and freedom of thought and speech. The Georgian wishes to put before Congress the judgment of leading editors of the country on the danger of withholding from the public full knowledge of public affairs, and depriving the press of the right freely to express public opinion.

There is nothing in this section that prohibits the free expression of public opinion, and here is what this editor wired back, Mr. W. H. Tucker, and sent copy to Congressman ADAMSON:

There are times when it is inexpedient for us to exercise our rights. If in a great crisis such as the present the Government deems it wise and prudent for the freedom of the press and of speech to be abridged in order that an infinitely larger freedom may be preserved and perpetuated, then we would in no circumstance interpose a single objection to such abridgment. At times, even in a great democracy such as ours, everything should be subordinated to military necessity.

[Applause.]

That is the way the patriotic newspapers of this country feel, and that is the way this House ought to feel, and, as that was written from Georgia, I can do no better in these circumstances than to quote the epitaph that is graven on the monument of Benjamin H. Hill, which stands in Atlanta, Ga., which says:

He who saves his country saves all things, and all things saved will bless him; but he who lets his country die lets all things die, and all things dying curse him.

[Applause.]

The SPEAKER. The Clerk will report the first amendment to this section.

Mr. LANGLEY. Mr. Speaker, may I ask unanimous consent to extend my remarks in the RECORD?

The SPEAKER. Is there objection to the request of the gentleman from Kentucky? [After a pause.] The Chair hears none.

Mr. MASON. Mr. Speaker, I desire to make the same request.

The SPEAKER. Is there objection to the request of the gentleman from Illinois? [After a pause.] The Chair hears none. All these amendments to this section are voted on before the motion of the gentleman from Pennsylvania [Mr. GRAHAM] to strike out the section. The Clerk will report the first amendment.

The Clerk read as follows:

Amendment by Mr. WEBB——

Mr. WEBB. Mr. Speaker, I ask that the amendment of the gentleman from Pennsylvania to the amendment be adopted by striking out the words "or communicate."

Mr. MANN. There has been no such amendment offered yet.

The SPEAKER. The Chair does not understand the gentleman.

Mr. MANN. There has been no such amendment offered. Does the gentleman offer to modify his amendment?

Mr. WEBB. I thought the gentleman from Pennsylvania stated he offered that amendment.

Mr. MANN. It has not been offered notwithstanding it may have been suggested.

Mr. WEBB. Then I ask unanimous consent to modify the committee's amendment by striking out the words "or communicate"—I think it is in line 6—so that the prohibition will be against the publication.

The SPEAKER. The Clerk will report the last amendment.

The Clerk read as follows:

Modification of the Webb amendment: Strike out of the amendment the words "or communicate."

Mr. HUDDLESTON. Mr. Speaker, I believe there is a request for unanimous consent. Reserving the right to object, I would like to ask the gentleman who makes the request whether he has in mind that to publish would include sending a letter and whether it would not be well to insert the words "in a newspaper"——

Mr. WEBB. No; no.

Mr. HUDDLESTON. So that this section could refer to a publication in a newspaper, to a publication by printing. It occurs to me——

Mr. WEBB. No; I do not think anybody ought to write these intensely profound important secrets.

Mr. HUDDLESTON. A soldier in the Army might write to his mother a letter that would state certain facts——

The SPEAKER. Is there objection to the request of the gentleman from North Carolina [Mr. WEBB] to strike out the words "or communicate"?

Mr. HUDDLESTON. Mr. Speaker, I object. I have an amendment which I wish to offer.

Mr. MANN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MANN. The gentleman from North Carolina offered an amendment which is pending. The gentleman from New York [Mr. DEMPSEY] offered an amendment to that amendment which is pending; I do not know whether it is strictly an amendment to the amendment, but anyhow it was offered. The gentleman from Illinois, my colleague, offered a substitute for the Webb amendment. Does not the vote first come on the Dempsey amendment?

The SPEAKER. It would, but the gentleman from North Carolina [Mr. WEBB] asks unanimous consent——

Mr. MANN. Objection was made to that. I am trying to fix it so that he can offer it as an amendment.

Mr. WEBB. Is it now in order to move to amend the amendment?

Mr. MANN. You can not move it now because there is an amendment to the amendment pending.

Mr. WEBB. I will do it later, I will say to the Speaker.

The SPEAKER. The way it runs is this: Somebody offered an amendment and somebody else offered an amendment to that amendment, and somebody offered a substitute to the amendment to the amendment. The first thing to do is to vote on the amendment to the original amendment. The Clerk will report it.

The Clerk read as follows:

Amendment offered by Mr. DEMPSEY: Page 36, lines 1 to 9, inclusive——

Mr. CLARK of Florida. Mr. Speaker, can not we have the original amendment read first?

The SPEAKER. Without objection the original amendment to section 4, offered by the gentleman from North Carolina [Mr. WEBB], will be read.

The Clerk read as follows:

On page 36 strike out all after the figure "4" in line 1 down to and including the word "both" in line 11 and insert in lieu thereof the following:

"During a war in which the United States is engaged, or during a national emergency threatening war, the President is authorized from time to time to designate by proclamation the character of information concerning the national defense which, in his opinion, would be useful to the enemy, and thereupon it shall be unlawful for any person without proper authority to publish or communicate such information. Whoever violates this section shall be punished by a fine of not more than $10,000 or imprisoned not more than 10 years, or both."

Mr. WEBB. Mr. Speaker, I again renew my request for unanimous consent to strike out of the amendment the words "or communicate."

The SPEAKER. Is there objection?

Mr. BANKHEAD. Mr. Speaker, reserving the right to object, I wish to call the attention of the chairman of the committee——

Mr. MANN. Mr. Speaker, I call for the regular order.

The SPEAKER. The regular order is a vote on the amendment offered by the gentleman from New York [Mr. DEMPSEY]. Is there objection to the request of the gentleman from North Carolina [Mr. WEBB] to strike out of the amendment the words "or communicate"? [After a pause.] The Chair hears none.

The Clerk will report the amendment of the gentleman from New York [Mr. DEMPSEY].

The Clerk read as follows:

Amendment offered by Mr. DEMPSEY: Page 36, lines 1 to 9, inclusive, after the word "war," in line 3, strike out the rest of the line and all of line 4; after the word "which," in line 7, strike out "in his judgment"; after the word "enemy," in line 8, insert "is hereby prohibited"; strike out the first three words in line 9, "any such prohibition," and insert in lieu thereof "this section," so that as it is proposed to be amended the section will read:

"SEC. 4. During any national emergency resulting from a war to which the United States is a party, or from threat of such a war, the publishing or communicating of, or the attempting to publish or communicate any information relating to the national defense which is of such character that it is or might be useful to the enemy is hereby prohibited. Whoever violates this section shall be punished by a fine of not more than $10,000 or by imprisonment for not more than 10 years, or both: *Provided*, That nothing in this section shall be construed to limit or restrict any discussion, comment, or criticism of the acts or policies of the Government or its representatives or the publication of the same.

The SPEAKER. The question is on the amendment offered by the gentleman from New York [Mr. DEMPSEY] to the amendment offered by the gentleman from North Carolina [Mr. WEBB].

The question was taken, and the amendment to the amendment was rejected.

The SPEAKER. The Clerk will report the substitute offered by the gentleman from Illinois [Mr. MCCORMICK].

The Clerk read as follows:

Substitute offered by Mr. MCCORMICK: Page 36, section 4, strike out all of line 7 and all of line 8 up to and including the words "to the enemy" and substitute the following: "movement, numbers, description, or disposition of any armed forces, ships, aircraft, or war materials of the United States, or with respect to the plans for the conduct of any naval or military operations, or with respect to any works or measures undertaken for or connected with or intended for the fortification or defense of any place prior to the publication or communication of such facts by the Government directly or by its authority."

The SPEAKER. The question is on agreeing to the substitute.

Mr. MCCORMICK. Mr. Speaker, that substitute was drawn for the original clause as reported by the gentleman from North Carolina [Mr. WEBB].

The SPEAKER. The question is on the substitute offered by the gentleman from Illinois [Mr. MCCORMICK].

The question was taken, and the Speaker announced that the noes seemed to have it.

Mr. MCCORMICK. Division, Mr. Speaker.

The committee divided; and there were—ayes 101, noes 133.

So the substitute was rejected.

Mr. KAHN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. KAHN. Would it be in order now to offer an amendment to strike out and insert?

The SPEAKER. The gentleman from Pennsylvania [Mr. GRAHAM] has a motion pending to strike out.

Mr. KAHN. My amendment is to strike out and insert.

Mr. MANN. Of course the motion can be offered, but we can not move on it until amendments to perfect the section are disposed of.

The SPEAKER. Of course that is the rule as to voting. The question is on the amendment of the gentleman from North Carolina [Mr. WEBB].

Mr. HUDDLESTON. Mr. Speaker, I have an amendment I wish to offer.

The SPEAKER. The gentleman from Alabama [Mr. HUDDLESTON] offers an amendment to the amendment of the gentleman from North Carolina [Mr. WEBB], which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. HUDDLESTON: Amend the amendment of Mr. WEBB by inserting, after the words "without authority to publish," the words "by printing or circulating any printed matter."

The SPEAKER. The question is on agreeing to the amendment offered by the gentleman from Alabama [Mr. HUDDLESTON].

Mr. HUDDLESTON. Mr. Speaker, a parliamentary inquiry. Is debate exhausted on this amendment under the rule?

The SPEAKER. Debate is exhausted on this title.

The question is on the amendment of the gentleman from Alabama [Mr. HUDDLESTON], just read, to the Webb amendment.

The question was taken, and the amendment to the amendment was rejected.

The SPEAKER. The question is on agreeing to the Webb amendment.

The amendment was agreed to.

The SPEAKER. The Clerk will read the next one.

Mr. KAHN rose.

The SPEAKER. For what purpose does the gentleman from California rise?

Mr. KAHN. Mr. Speaker, I desire to offer an amendment which I send to the Clerk's desk.

The SPEAKER. The Chair knows; but there are a whole lot of amendments here pending to perfect that section, the Chair thinks.

Mr. VOLSTEAD rose.

The SPEAKER. For what purpose does the gentleman from Minnesota rise?

Mr. VOLSTEAD. To offer an amendment which was read in my time.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. VOLSTEAD: Add at the end of section 4, page 36, the following:

"*Provided further*, That the effect that any information may have upon the morale of the United States, its enemy, or the armed forces of either shall not be considered in determining whether any information is of value to the enemy, but only information which might be of direct use to the enemy in directing operations of the war shall be so considered, and the question whether the information is of such character shall in prosecutions under this section be submitted to the jury for its determination."

The SPEAKER. The question is on agreeing to the Volstead amendment just read.

The question was taken, and the Speaker announced that the noes seemed to have it.

Mr. VOLSTEAD. I ask for a division, Mr. Speaker.

The SPEAKER. The gentleman from Minnesota asks for a division.

The House divided; and there were—ayes 69, noes 126.

So the amendment was rejected.

The SPEAKER. The Clerk will read the next one.

The Clerk read as follows:

Amendment offered by Mr. ROSE: Page 36, line 9, after the word "shall," insert "upon conviction."

The SPEAKER. The question is on agreeing to the Rose amendment.

The question was taken, and the amendment was rejected.

The SPEAKER. The Chair will state that there is an amendment here on the table, offered by the gentleman from Pennsylvania [Mr. KELLY], which has already been disposed of by the unanimous consent that was given.

Mr. KELLY of Pennsylvania. Mr. Speaker, I ask unanimous consent to withdraw that amendment.

The SPEAKER. The gentleman from Pennsylvania withdraws it. The Clerk will report the Kahn amendment.

The Clerk read as follows:

Amendment offered by Mr. KAHN: Page 36, strike out all of section 4 and insert in lieu thereof the following:

"SEC. 4. During any international emergency resulting from a war to which the United States is a party, or from threat of such a war, the President shall, by proclamation, declare the existence of such an emergency and shall create immediately upon the issuance of such proclamation a board of censors, which said board shall have power to prohibit the publishing or communicating of, or the attempting to publish or communicate, any information relating to national fortifications or the movements or disposition of any armed forces, ships, aircraft, munitions, or war materials of the United States which, in their judgment, is of such character that it is or might be useful to the enemy. Said board of censors shall consist of seven members, as follows:

"One member representing the Department of State, one member who shall be a captain in the Navy, one member who shall be a brigadier general of the Army, and four members who shall be representative newspaper editors, journalists, or publishers in the United States. The appointment of said newspaper editors, journalists, or publishers shall be ratified and confirmed by the Senate, and their compensation shall be $5,000 each per annum during the existence of

said national emergency resulting from a war to which the United States is a party.

"Whoever violates such prohibition hereinabove referred to shall be punished by a fine of not more than $10,000 or by imprisonment for not more than 10 years, or both: *Provided*, That nothing in this section shall be construed to limit or restrict any discussion, comment, or criticism of the acts or policies of the Government or its representatives or the publication of the same."

The SPEAKER. The question is on agreeing to the Kahn motion to strike out and insert.

The question was taken, and the motion was rejected.

The SPEAKER. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. GRAHAM] to strike out the whole section.

Mr. WEBB. The section as amended.

The SPEAKER. Yes; the section as amended.

Mr. KINCHELOE rose.

The SPEAKER. For what purpose does the gentleman from Kentucky rise?

Mr. KINCHELOE. I rise to ask unanimous consent that the Webb amendment as adopted may be read again.

The SPEAKER. The Webb amendment has already been adopted.

Mr. KINCHELOE. The section as amended.

The SPEAKER. Is there objection?

Mr. MEEKER. Mr. Speaker, I object.

The SPEAKER. The gentleman from Missouri objects. The Clerk will report the Graham amendment.

The Clerk read as follows:

Amendment offered by Mr. GRAHAM of Pennsylvania: On page 36, Mr. GRAHAM moves to strike out the whole of section 4.

The SPEAKER. The question is on agreeing to the Graham amendment to strike out section 4.

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. WEBB. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER. The Clerk will call the roll. Those in favor of the Graham amendment to strike out section 4 will, when their names are called, answer "yea"; those opposed to the Graham amendment will answer "nay."

The question was taken; and there were—yeas 221, nays 167, answered "present" 1, not voting 43, as follows:

YEAS—221.

Almon	Farr	Kinkaid	Scott, Iowa
Anderson	Ferris	Knutson	Scott, Mich.
Anthony	Fess	Kraus	Scott, Pa.
Austin	Fitzgerald	LaGuardia	Sherley
Bacon	Focht	Langley	Sherwood
Bell	Fordney	Lehlbach	Siegel
Blackmon	Foss	Lenroot	Sinnott
Bland	Francis	Little	Sisson
Bowers	Frear	London	Slayden
Britten	Freeman	Longworth	Slemp
Browne	French	Lundeen	Sloan
Browning	Fuller, Ill.	McArthur	Smith, C. B.
Burnett	Gallagher	McCormick	Snell
Butler	Gallivan	McKenzie	Snook
Campbell, Kans.	Garland	McKinley	Stafford
Cantrill	Garrett, Tenn.	McLaughlin, Pa.	Steagall
Cary	Glynn	McLemore	Steenerson
Chandler, N. Y.	Good	Madden	Sterling, Ill.
Chandler, Okla.	Goodall	Magee	Stiness
Church	Gordon	Mann	Strong
Clark, Fla.	Gould	Martin, La.	Sweet
Clark, Pa.	Graham, Ill.	Mason	Swift
Classon	Graham, Pa.	Meeker	Switzer
Claypool	Gray, Ala.	Miller, Minn.	Tague
Condy	Greene, Mass.	Miller, Wash.	Temple
Comstock	Greene, Vt.	Mondell	Templeton
Connelly, Kans.	Hadley	Montague	Thompson
Cooper, W. Va.	Hamill	Mott	Tilson
Cooper, Wis.	Hamilton, Mich.	Mudd	Timberlake
Costello	Harrison, Va.	Nelson	Tinkham
Cox	Haskell	Nichols, Mich.	Towner
Cramton	Hawley	Nolan	Treadway
Curry, Cal.	Heaton	Norton	Van Dyke
Dale, Vt.	Heintz	Olney	Vare
Dallinger	Helvering	Osborne	Vestal
Darrow	Hersey	O'Shaunessy	Voigt
Davidson	Hicks	Paige	Waldow
Davis	Hill	Powers	Walsh
Dempsey	Hilliard	Pratt	Ward
Dent	Hollingsworth	Purnell	Wason
Dill	Huddleston	Ragsdale	Watson, Pa.
Dillon	Hull, Iowa	Raker	Watson, Va.
Dominick	Humphreys	Ramseyer	Wheeler
Doremus	Husted	Randall	White, Me.
Dowell	Hutchinson	Rankin	White, Ohio
Dunn	Ireland	Reed	Williams
Dupré	James	Robbins	Wilson, Ill.
Eagan	Johnson, Wash.	Roberts	Winslow
Edmonds	Juul	Rodenberg	Wood, Ind.
Ellsworth	Kahn	Rose	Woods, Iowa
Elston	Kearns	Rouse	Woodyard
Emerson	Keating	Rowe	Zihlman
Esch	Kelly, Pa.	Sabath	The Speaker
Fairchild, B. L.	Kennedy, Iowa	Sanders, Ind.	
Fairchild, G. W.	Kennedy, R. I.	Sanders, N. Y.	
Fairfield	Kettner	Schall	

NAYS—167.

Adamson	Drukker	Kincheloe	Riordan
Alexander	Dyer	King	Romjue
Ashbrook	Estopinal	Kitchin	Rubey
Aswell	Evans	La Follette	Rucker
Ayres	Fields	Larsen	Russell
Bankhead	Fisher	Lazaro	Sanders, La.
Barkley	Flood	Lea, Cal.	Saunders, Va.
Barnhart	Foster	Lee, Ga.	Scully
Bathrick	Fuller, Mass.	Lesher	Shallenberger
Black	Gard	Lever	Shouse
Blanton	Gardner	Linthicum	Sims
Booher	Garner	Lobeck	Small
Borland	Garrett, Tex.	Lonergan	Smith, Mich.
Brand	Gillett	Lunn	Smith, T. F.
Brodbeck	Glass	McClintic	Stedman
Bruckner	Goodwin, Ark.	McFadden	Steele
Brumbaugh	Gray, N. J.	McKeown	Stephens, Miss.
Buchanan	Gregg	McLaughlin, Mich.	Stephens, Nebr.
Byrnes, S. C.	Griest	Maher	Stevenson
Byrns, Tenn.	Griffin	Mansfield	Sumners
Campbell, Pa.	Hamlin	Mapes	Talbott
Candler, Miss.	Hardy	Mays	Taylor, Ark.
Cannon	Harrison, Miss.	Moores, Ind.	Thomas
Caraway	Hastings	Morgan	Tillman
Carew	Haugen	Nicholls, S. C.	Venable
Carlin	Hayden	Oldfield	Vinson
Carter, Mass.	Heflin	Oliver, Ala.	Volstead
Carter, Okla.	Helm	Oliver, N. Y.	Walker
Collier	Hensley	Overmyer	Walton
Connally, Tex.	Holland	Overstreet	Watkins
Copley	Hood	Padgett	Weaver
Crisp	Houston	Park	Webb
Currie, Mich.	Howard	Parker, N. J.	Welling
Dale, N. Y.	Hulbert	Peters	Welty
Decker	Hull, Tenn.	Phelan	Whaley
Denison	Igoe	Platt	Wilson, La.
Denton	Jacoway	Polk	Wilson, Tex.
Dickinson	Johnson, Ky.	Pou	Wingo
Dies	Jones, Tex.	Quin	Wise
Dixon	Jones, Va.	Ramsey	Young, N. Dak.
Dooling	Kehoe	Rayburn	Young, Tex.
Doolittle	Kiess, Pa.	Reavis	

ANSWERED "PRESENT"—1.

Johnson, S. Dak.

NOT VOTING—43.

Bacharach	Gandy	Martin, Ill.	Rowland
Caldwell	Godwin, N. C.	Moon	Sanford
Capstick	Green, Iowa	Moore, Pa.	Sears
Cooper, Ohio	Hamilton, N. Y.	Morin	Sells
Crago	Hayes	Neely	Shackleford
Crosser	Kelley, Mich.	Parker, N. Y.	Smith, Idaho
Dewalt	Key, Ohio	Porter	Snyder
Doughton	Kreider	Price	Sterling, Pa.
Drane	Littlepage	Rainey	Sullivan
Eagle	McAndrews	Robinson	Taylor, Colo.
Flynn	McCulloch	Rogers	

The SPEAKER. The Clerk will call my name.

The Clerk called the name of Mr. CLARK of Missouri, and he voted "yea."

So the motion of Mr. GRAHAM of Pennsylvania to strike out section 4 was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. PARKER of New York (for) with Mr. LITTLEPAGE (against).

Mr. HAMILTON of New York (for) with Mr. EAGLE (against).

Mr. ROWLAND (for) with Mr. DEWALT (against).

Mr. COOPER of Ohio (for) with Mr. NEELY (against).

Until further notice:

Mr. GANDY with Mr. JOHNSON of South Dakota.

Mr. SEARS with Mr. SMITH of Idaho.

Mr. MCANDREWS with Mr. SANFORD.

Mr. CROSSER with Mr. BACHARACH.

Mr. DOUGHTON with Mr. CAPSTICK.

Mr. DRANE with Mr. CRAGO.

Mr. FLYNN with Mr. GREEN of Iowa.

Mr. GODWIN of North Carolina with Mr. HAYES.

Mr. KEY of Ohio with Mr. KELLEY of Michigan.

Mr. MARTIN of Illinois with Mr. KREIDER.

Mr. MOON with Mr. MCCULLOCH.

Mr. PRICE with Mr. MOORE of Pennsylvania.

Mr. ROBINSON with Mr. MORIN.

Mr. SHACKLEFORD with Mr. PORTER.

Mr. STERLING of Pennsylvania with Mr. ROGERS.

Mr. SULLIVAN with Mr. SELLS.

Mr. TAYLOR of Colorado with Mr. SNYDER.

Mr. FRENCH. Mr. Speaker, my colleague, Mr. SMITH of Idaho, is prevented from being present on account of the critical illness of his son.

Mr. JOHNSON of South Dakota. Mr. Speaker, I am paired with my colleague, Mr. GANDY, so I desire to withdraw my vote of "yea" and to answer "present."

Mr. CROSSER. Mr. Speaker, I was called out of the Hall when the vote was being taken. I desire to vote.

The SPEAKER. The gentleman does not bring himself within the rule, which says that a Member must be in the Hall listening for the calling of his name.

The result of the vote was announced as above recorded.

Mr. MANN. I move to reconsider the vote by which the Graham amendment was agreed to, and I move to lay that motion on the table.

The SPEAKER. Without objection, it will be so ordered.

There was no objection.

Mr. GARD. Mr. Speaker, I offer the following amendment as a new section.

The Clerk read as follows:

SEC. 4. During any national emergency resulting from a war to which the United States is a party, or from imminence of such war, the publishing willfully and without proper authority of any information relating to the national defense that is or may be useful to the enemy is hereby prohibited, and the President is hereby authorized to declare by proclamation the existence of such national emergency, and is hereby authorized from time to time by proclamation to declare the character of such information which is or may be useful to the enemy, and in any prosecution hereunder the jury trying the cause shall determine not only whether the defendant or defendants did willfully and without proper authority publish the information relating to the national defense as set out in the indictment, but also whether such information was of such character as to be useful to the enemy: *Provided*, That nothing in this section shall be construed to limit or restrict any discussion, comment, or criticism upon any fact or any of the acts or policies of the Government or its representatives, or the publication of the same.

Whoever violates the foregoing provision shall upon conviction thereof be punished by a fine of not more than $10,000, or by imprisonment for not more than 10 years, or both.

Mr. GARD. Mr. Speaker, this new section as offered I think thoroughly establishes its constitutionality. It first makes a legislative enactment of that which is prohibited; in other words, it prohibits the willful and unlawful publication of any information relating to the national defense that is useful to the enemy, so that thereby it explicitly states what the crime is. Then it follows with the provision that the President is authorized to declare by proclamation the existence of the particular national emergency; also, by like proclamation, to declare the character of the information which is useful to the enemy. And, inasmuch as this is a prosecution and trial in the civil courts and could not go beyond that, the new section provides that in a trial by jury the jury is to determine not only the fact of publication but also whether the publication was information relating to the national defense and of such a character as to be useful to the enemy.

This takes away the contention of some Members that authority was given to the President of the United States to make an absolute determination of guilt. In the section proposed the President has nothing to do except to make a declaration of the character of the information which would be detrimental to the national defense and useful to the enemy, in the event of a national emergency resulting from war or its imminence.

The procedure after that would follow that the language complained of would have to be set out in the indictment, and it would be incumbent on the Government to prove by the degree of proof required in criminal cases, not alone that the publication was made, but that the publication was of information relating to the national defense which was useful to the enemy. So that the finding would be by the jury of vital facts and not a finding merely corroborative of the President's declaration.

Additional language in this amendment provides that there shall be no limit to the discussion upon any fact, and this includes also acts and policies of the National Government or its representatives. So that section 3a, as is proposed, provides for the observance of constitutional rights and yet affords that which our Commander in Chief says may be necessary for the protection of our country in time of war. At the same time it takes away from no man, from no person, the slightest atom of personal freedom guaranteed by the Constitution.

Mr. CLARK of Florida. Will the gentleman yield?

Mr. GARD. I will.

Mr. CLARK of Florida. I understood the amendment to say something about a jury trial. Does it specifically guarantee a jury trial?

Mr. GARD. It does; and provides that the jury trying the case shall determine not alone whether the man did make the publication of the language set out in the indictment, but also that the language set out in the indictment is information relating to the national defense and useful to the enemy. In other words, that the man should not be convicted of a crime unless he has willfully and without authority made a publication which is intentionally useful to the enemy, and I apprehend that that is what we all want to cover.

Mr. ELSTON. Will the gentleman yield?

Mr. GARD. I will.

Mr. ELSTON. The section speaks of publication without authority. That is an unusual phrase in a criminal statute, inasmuch as it implies that a precedent privilege or authority should be shown. Does not the gentleman believe that that clause could be left out because it is confusing, and I do not think it adds anything to the section. It places the burden on the party accused to show some authority.

Mr. GARD. No; on the contrary, it places the burden on the Government to show that it was done willfully and without authority.

The SPEAKER. The time of the gentleman from Ohio has expired.

Mr. GRAHAM of Pennsylvania was recognized.

Mr. MANN. Mr. Speaker, can not we get some agreement about time?

Mr. GARD. What time would the gentleman suggest?

Mr. MANN. If the gentleman wants to spend two or three more days on this matter, I do not object.

Mr. SHERLEY. I think we can present the changes in this proposed amendment in a reasonable time. I would like five minutes. I think it is important enough for a limited debate.

Mr. GARD. I would suggest for the approval of the gentleman 20 minutes in support of the proposed section and 20 minutes against it.

Mr. MANN. I am willing to make an agreement, if it is an agreement made in good faith, and that it will be kept.

Mr. GARD. The agreement would be, of course, one in good faith if made.

Mr. MANN. I do not think that after closing debate to offer a new section and get further debate is in good faith.

Mr. GARD. That was not the purpose of offering this amendment; it was to perfect the law.

Mr. MANN. We had an agreement to close debate on section 4. Technically the gentleman gets around the agreement after a debate of two or three days by proposing a new section. You could do that 40 times if the gentleman did not carry his amendment at any time. That is a one-sided arrangement.

Mr. SHERLEY. I suggest to the gentleman——

Mr. MANN. I am not complaining; I am only seeking to know whether, if we come to an agreement, we will close debate on the subject matter.

Mr. SHERLEY. Perhaps I am somewhat responsible for the offering of this new section. But it is the crux of the whole matter and is offered to work out a solution. We do not desire any snap judgment.

Mr. GRAHAM of Pennsylvania. Would it not be far better, if the gentleman wants to perfect this part of the bill, to prepare a separate independent bill on the subject instead of trying now to put a measure through that can not be a well-considered measure?

Mr. SHERLEY. We have had a vote for and against the gentleman's amendment and other amendments, and I shall hope that if this fails that we will have a bill dealing specially with the subject. But it did not seem to me to violate the proper procedure, now that a full attendance is here and men's minds are on this matter, to have them pass upon this question.

Mr. MANN. Unless we can have an agreement to close debate upon this subject matter there will be no more agreements made.

Mr. NORTON. Mr. Speaker, I demand the regular order.

Mr. GARD. Mr. Speaker, I ask unanimous consent that debate upon this subject matter be closed in 30 minutes.

Mr. WALSH. Mr. Speaker, what does the gentleman mean by this subject matter?

Mr. GARD. On the matter contained in section 3a, and such like language and provisions.

Mr. WALSH. The gentleman's amendment includes in it several propositions that have already been submitted to the House by separate amendment and voted down.

Mr. GARD. No; it does not. It includes some voted down and some that have not been acted upon.

The SPEAKER. The gentleman from Ohio asks unanimous consent that debate upon the subject matter contained in section 4, which has just been stricken out of the bill, and also in section 3a, which is the same subject matter as in section 4, which is now proposed, be limited to 30 minutes. He has already consumed 5 minutes of those 30 minutes. Is there objection? [After a pause.] The Chair hears none, and recognizes the gentleman from Pennsylvania [Mr. GRAHAM] for five minutes.

Mr. GRAHAM of Pennsylvania. Mr. Speaker, it certainly was my understanding when the agreement was arrived at the other day that debate on section 4 and all amendments to section 4 was to be limited and concluded within the time that was agreed to, and the presentation of this new amendment, while it may be technically in order, is not within the compass of that gentleman's agreement. As most of you did, of course, I only heard the proposed substitute read from the desk, but it seems to me that it is far worse than the original proposition as contained in the bill when reported. This measure would leave every citizen unconscious and unknowing when he was violating the law until after a jury had passed upon the question.

Yes. It says that the jury shall determine whether or not the information was calculated to give aid and comfort to the enemy, or whatever the particular language may be in the proposed substitute—"useful" is the word. There is nothing in this with regard to the intent, and the vice of all of the preceding legislation circled around that thought. Where a man does a thing with intent to hurt his country, then he ought to be punished; but when an individual or a newspaper criticizes the act of the Government with the hope of bettering conditions for his Government, although what he may say would in some aspects of it be considered by a jury as useful information to the enemy, that man, I say, in the interest of liberty and the welfare of the country ought not to be prosecuted or convicted.

Mr. GARD. Mr. Speaker, I yield five minutes to the gentleman from Kentucky.

The SPEAKER. Nothing was said in the agreement about who should control the debate. The Speaker will therefore control it.

Mr. BURNETT. Mr. Speaker, I would like—not in the gentleman's time—to have the amendment again reported from the desk, as many of us did not hear it.

The SPEAKER. The Chair recognizes the gentleman from Kentucky for five minutes.

Mr. SHERLEY. Mr. Speaker, the gentleman from Pennsylvania [Mr. GRAHAM] perhaps was led into the error of several of his statements by not having seen the exact language of the amendment. The proposal before us differs from previous proposals, first, in that it lays down the rule as to what is prohibited, making that the act of Congress, and then declares that the President shall by proclamation indicate those matters that would come within the rule of prohibition; and it is fundamentally different in this, that in order to secure conviction it requires not only that the act shall be willfully done but that the jury shall determine that the thing published was such as to be useful to the enemy. The gentleman from Pennsylvania remembers that the old historic fight that took place in connection with the libel laws of England, when the Crown was undertaking for political purposes to have men indicted for the publication of various matters, was this: The Crown contended that all the jury could determine was whether the accused had published the particular thing charged, and, if they found the accused had so published it, then the court would determine the guilt and fix the punishment. Erskine, leading the fight for the liberties of the English people, declared that the jury should also have the right to determine whether the thing published was libelous. Losing his fight in the court, he went to Parliament and there had Fox pass what is known as the Fox libel law, which was copied by us here—first in Virginia, I think, and afterwards in most of the other States—so that to-day the law of the land in nearly every State of the Union, if not in every one, is that a jury shall determine not simply whether the alleged libel has been published, but whether it is in fact a libel. By the provision offered by the gentleman from Ohio [Mr. GARD] any man who would be indicted would have to have proved against him not only that he willfully published the thing charged but that the thing published was of such character as to be useful to the enemy.

I am not going to run over the old debate. I am one of those men who believe that there ought to be some censorship as to what is published at this time, but in my desire to provide that I was not willing to go to the extent that the gentleman from North Carolina [Mr. WEBB] wanted us to go, and write into the law a provision that, in the first instance, I believe to be unconstitutional, because it did not lay down a rule but left it to the President to determine a crime, and also which I thought did not give to the citizen indicted under it the proper safeguards to guarantee him in his liberty and against oppression. The proposal that is now presented does permit a censorship, but it permits a censorship so guarded that no man can be under risk of punishment except in such plain cases that the judgment of everybody would be that he should be punished, and it preserves by express proviso the principle of criticism of the administration. I would be unwilling to vote for any law that undertook to shield any administration from criticism of its acts, and in time of war it is even more important than in time of peace, because in time of war the disposition of men of opposite political parties is to get together and back up the administration without regard to old party lines, so that the position that the minority party usually fills—of criticism—is very largely taken away in time of war, and for that reason there is all the more need that the press and the public at large should be in a position to criticize along legitimate lines the action of the administration. But I had called to my attention this morning the statement in a New York paper, printed unintentionally, but a statement that told the fishermen of New York how they might avoid the nets which were to protect the harbor of New York. Now, manifestly a statement of that kind ought not to be published, and manifestly there ought to be put upon the newspapers of America a realization by the passage of such a law as this that they must look and see to it that not through carelessness or design do they endanger the safety of the Republic by publishing matters that should not be published.

This whole bill will go into conference. Of necessity, there will be a full consideration of the various provisions as they may be passed, in this bill or a similar bill passed by the Senate, and any crudities of language can and will be corrected. But I believe the proposal now before the House is in line with what nearly all desire without really impairing the liberties of anyone. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. MANN. Mr. Speaker, we have spent a number of days in the discussion of the validity of section 4 of this bill. There were several days of debate mainly devoted to section 4. Then there was a long discussion under the five-minute rule where anyone in the House had an opportunity to offer amendments. The gentleman from Ohio [Mr. GARD] a member of the committee, could have presented his amendment under section 4. The House rejected section 4. With all of this opportunity to consider all amendments proposed to it, it rejected it after a long discussion. It is a proposition that vitally affects the liberties of the people. Gentlemen have talked as though it only affected the liberty of the press. It affects the liberties of all the people. The press, to begin with, is not published only for the information of men who publish the papers. It is published for the information of the people and the proposition which has been pending would prevent the publishing of matter between individuals as well, and now after all this discussion on the matter vitally affecting the liberties of the people, it is proposed offhand by an individual Member of the House, without committee sanction, to write what shall go into the law, and I speak with knowledge when I say there is not a man on the Republican side of the House who knows what the proposition is, and I do not believe there are five men on the Democratic side of the House who know what it is, and there is no one here with that great knowledge able to determine on a matter like this so vitally affecting the liberties of the people merely by hearing a casual reading of the amendment. I do not know whether the suggested amendment now is better or worse than those which were voted down, but it would be the height of folly for Congress in this way to attempt to perfect such a vital matter. If the gentleman from North Carolina wants to recommit this bill to the Committee on the Judiciary to prepare a proper amendment, I would say, very well, but the idea of asking the House at this time to do so shows what can be done by technical matters. The offering of an amendment, I will not say it was bad faith and yet it violates the understanding which the House had, is offered as a technical right. You propose to confer upon somebody in authority the power to do anything he pleases with the liberties of the people, hoping that he will not exercise that technical right when here we have an illustration of the exercise of a technical right to override the wishes of the House itself. [Applause.]

Mr. MONTAGUE. Mr. Speaker, I do not desire to enter into the debate, but I wish to make an explanation of my position. I voted "aye" upon the amendment offered by the gentleman from Pennsylvania [Mr. GRAHAM]. I voted "aye" because I entertained doubts as to the constitutional validity of the bill as proposed by the Committee on the Judiciary, and I say that with deference to the committee. But in view of the changes now made by the new section under consideration, I shall vote "aye" on this new section. I appreciate that perhaps all of us do not know what is contained in this amendment, but I do not believe that we would know any better what is contained in an amendment when offered by an individual or offered by a committee. We have got to take snapshots at amendments most frequently in this House, and that has been my experience during the four years I have been here. So far as the argument is concerned, I shall not enter into it. I think that now the section is constitutional. I think, furthermore, it safeguards the rights and liberties which the former amendment did not safeguard, and for that reason I shall vote "aye" upon this new section, or substitute, offered by the gentleman from Ohio. [Applause.]

The SPEAKER. There are two minutes remaining upon the side of the affirmative and eight minutes on the side of the negative. If no gentleman desires to speak——

Mr. MANN. Let us vote.

The SPEAKER. The question is on the proposition offered by the gentleman from Ohio [Mr. GARD].

Mr. DILLON. Mr. Speaker, I offer an amendment to the amendment.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. DILLON: After the word "willful" insert the following words: "and with the intent to aid the enemy."

The SPEAKER. The question is on the Dillon amendment.

The question was taken, and the amendment was rejected.

The SPEAKER. The question is on the Gard amendment, 3a.

The question was taken, and the Speaker announced the ayes seemed to have it.

Mr. GARD. I ask for a division, Mr. Speaker.

The House divided; and there were—ayes 79, noes 91.

Mr. GARD. Mr. Speaker, I demand the yeas and nays.

Mr. MANN. Mr. Speaker, I make the point of order, then, that there is no quorum present.

The SPEAKER. The gentleman from Illinois makes the point of order that there is no quorum present, and evidently there is not. The Doorkeeper will lock the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll.

The question was taken; and there were—yeas 191, nays 185, answered "present" 1, not voting 54, as follows:

YEAS—191.

Adamson	Dies	Huddleston	Rainey
Alexander	Dixon	Hulbert	Rayburn
Alsbrook	Dooling	Hull, Tenn.	Riordan
Ashbrook	Doolittle	Igoe	Romjue
Aswell	Doremus	Jacoway	Rouse
Ayres	Drukker	Johnson, Ky.	Rubey
Bankhead	Dupré	Jones, Tex.	Rucker
Barkley	Dyer	Jones, Va.	Russell
Barnhart	Eagan	Kehoe	Sanders, La.
Bathrick	Estopinal	Kettner	Saunders, Va.
Bell	Evans	Kiess, Pa.	Scully
Black	Fields	Kincheloe	Shallenberger
Blackmon	Fisher	King	Sherley
Blanton	Fitzgerald	La Follette	Sherwood
Booher	Flood	Larsen	Shouse
Borland	Foster	Lazaro	Sims
Brand	Freeman	Lea, Cal.	Slayden
Brodbeck	French	Lee, Ga.	Small
Bruckner	Fuller, Mass.	Lesher	Smith, T. F.
Brumbaugh	Gard	Lever	Steagall
Buchanan	Gardner	Linthicum	Stedman
Burnett	Garner	Lobeck	Steele
Byrnes, S. C.	Garrett, Tenn.	Lonergan	Stephens, Miss.
Byrns, Tenn.	Garrett, Tex.	Lunn	Stephens, Nebr.
Campbell, Pa.	Gillett	McClintic	Sterling, Ill.
Candler, Miss.	Glass	McKeown	Stevenson
Cannon	Goodwin, Ark.	McLaughlin, Mich.	Sumners
Cantrill	Gordon	Maher	Talbott
Caraway	Gray, Ala.	Mansfield	Taylor, Ark.
Carew	Gray, N. J.	Mapes	Thomas
Carlin	Gregg	Martin, La.	Tillman
Carter, Okla.	Griest	Mays	Vinson
Clark, Fla.	Griffin	Montague	Volstead
Claypool	Hamill	Moores, Ind.	Walker
Collier	Hamlin	Morgan	Walton
Connally, Tex.	Hardy	Nicholls, S. C.	Watkins
Connelly, Kans.	Harrison, Miss.	Oldfield	Watson, Va.
Copley	Harrison, Va.	Oliver, Ala.	Webb
Cri-p	Hastings	Oliver, N. Y.	Welling
Crosser	Hayden	Overstreet	Welty
Currie, Mich.	Heflin	Padgett	Whaley
Dale, N. Y.	Helm	Park	White, Ohio
Dallinger	Helvering	Parker, N. J.	Wilson, La.
Decker	Hensley	Phelan	Wilson, Tex.
Denison	Holland	Platt	Wingo
Dent	Hood	Pou	Wise
Denton	Houston	Quin	Young, Tex.
Dickinson	Howard	Ragsdale	

NAYS—185.

Anderson	Davidson	Glynn	Kearns
Anthony	Davis	Good	Keating
Austin	Dempsey	Goodall	Kelly, Pa.
Bacon	Dill	Gould	Kennedy, Iowa
Bland	Dillon	Graham, Ill.	Kennedy, R. I.
Bowers	Dominick	Graham, Pa.	Kinkaid
Britten	Dowell	Green, Iowa	Knutson
Browne	Dunn	Greene, Mass.	Kraus
Browning	Edmonds	Greene, Vt.	LaGuardia
Butler	Ellsworth	Hadley	Langley
Campbell, Kans.	Elston	Hamilton, Mich.	Lehlbach
Carter, Mass.	Emerson	Haskell	Lenroot
Cary	Esch	Heaton	Little
Chandler, N. Y.	Fairchild, B. L.	Heintz	London
Chandler, Okla.	Fairchild, G. W.	Hersey	Lundeen
Church	Fairfield	Hicks	McArthur
Clark, Pa.	Farr	Hilliard	McCormick
Classon	Ferris	Hollingsworth	McFadden
Coady	Fess	Hull, Iowa	McKenzie
Comstock	Focht	Humphreys	McKinley
Cooper, W. Va.	Fordney	Husted	McLaughlin, Pa.
Cooper, Wis.	Foss	Hutchinson	McLemore
Costello	Francis	Ireland	Madden
Cramton	Frear	James	Magee
Curry, Cal.	Fuller, Ill.	Johnson, Wash.	Mann
Dale, Vt.	Gallagher	Juul	Mason
Darrow	Garland	Kahn	Meeker
Miller, Minn.	Rankin	Smith, Mich.	Vare
Miller, Wash.	Reavis	Smith, C. B.	Vestal
Mott	Reed	Snook	Waldow
Mudd	Robbins	Stafford	Walsh
Nelson	Roberts	Steenerson	Ward
Nichols, Mich.	Rodenberg	Stiness	Wason
Nolan	Rose	Strong	Watson, Pa.
Norton	Rowe	Sweet	Wheeler
Olney	Sabath	Swift	White, Me.
Osborne	Sanders, Ind.	Switzer	Williams
O'Shaunessy	Sanders, N. Y.	Tague	Wilson, Ill.
Paige	Schall	Temple	Winslow
Peters	Scott, Iowa	Templeton	Wood, Ind.
Powers	Scott, Mich.	Thompson	Woods, Iowa.
Pratt	Scott, Pa.	Tilson	Woodyard
Purnell	Siegel	Timberlake	Young, N. Dak.
Raker	Sinnott	Tinkham	Zihlman
Ramsey	Sisson	Towner	
Ramseyer	Slemp	Treadway	
Randall	Sloan	Van Dyke	

ANSWERED "PRESENT"—1.

Johnson, S. Dak.

NOT VOTING—54.

Bacharach	Hamilton, N. Y.	Mondell	Sears
Caldwell	Haugen	Moon	Sells
Capstick	Hawley	Moore, Pa.	Shackleford
Cooper, Ohio	Hayes	Morin	Smith, Idaho
Cox	Hill	Neely	Snell
Crago	Kelley, Mich.	Overmyer	Snyder
Dewalt	Key, Ohio	Parker, N. Y.	Sterling, Pa.
Doughton	Kitchin	Polk	Sullivan
Drane	Kreider	Porter	Taylor, Colo.
Eagle	Littlepage	Price	Venable
Flynn	Longworth	Robinson	Voigt
Gallivan	McAndrews	Rogers	Weaver
Gandy	McCulloch	Rowland	
Godwin, N. C.	Martin, Ill.	Sanford	

So the amendment was agreed to.

The Clerk announced the following additional pairs:

On this vote:

Mr. DEWALT (for) with Mr. ROWLAND (against).

Mr. EAGLE (for) with Mr. HAMILTON of New York (against).

Mr. LITTLEPAGE (for) with Mr. PARKER of New York (against).

Mr. NEELY (for) with Mr. COOPER of Ohio (against).

Until further notice:

Mr. GANDY with Mr. JOHNSON of South Dakota.

Mr. CALDWELL with Mr. BACHARACH.

Mr. COX with Mr. HAUGEN.

Mr. VENABLE with Mr. HAWLEY.

Mr. GALLIVAN with Mr. HILL.

Mr. KITCHIN with Mr. LONGWORTH.

Mr. OVERMYER with Mr. MONDELL.

Mr. POLK with Mr. SNELL.

Mr. SEARS with Mr. VOIGT.

Mr. WEAVER with Mr. HAYES.

Mr. JOHNSON of South Dakota. Mr. Speaker, I am paired with my colleague, the gentleman from South Dakota, Mr. GANDY, and I wish to withdraw my vote of "nay" and vote "present."

The result of the vote was announced, as above recorded.

The SPEAKER. A quorum is present, and the Doorkeeper will open the doors. The Clerk will read.

The Clerk read as follows:

SEC. 5. Whoever in time of war willfully makes or conveys false reports or false statements with intent to interfere with the operation or success of the military or naval forces of the United States or to promote the success of the enemy or whoever in time of war willfully causes or attempts to cause insubordination, disloyalty, or refusal of duty in the military or naval forces of the United States shall be punished by a fine of not more than $10,000, or by imprisonment for not more than 20 years, or both.

Mr. MANN. Mr. Speaker, when the gentleman from Ohio [Mr. GARD] offered his amendment, he unnecessarily labeled it as "SEC. 3a." It would have been just as much in order, or more in order, as "SEC. 4." I ask unanimous consent that the amendment agreed to be modified and labeled as "SEC. 4." There is no use in our making ourselves look silly over in the Senate.

The SPEAKER. The gentleman from Illinois asks unanimous consent that the amendment labeled "SEC. 3a" be labeled "SEC. 4." Is there objection?

There was no objection.

Mr. BRITTEN. Mr. Speaker, I move to strike out the last word.

The SPEAKER. The gentleman from Illinois moves to strike out the last word.

Mr. BRITTEN. I ask unanimous consent, Mr. Speaker, that I may proceed for five minutes out of order.

The SPEAKER. The gentleman from Illinois asks unanimous consent to proceed for five minutes out of order. Is there objection?

There was no objection.

Mr. BRITTEN. Mr. Speaker, a matter has just come to my attention which I think the House should know, and particularly so because of the visit to the House to-morrow of the distinguished former prime minister of England, the minister of foreign affairs, at which time, I am told, he probably is going to address us.

I have just received a telegram from Chicago from a concern of shippers and manufacturers of malt. They had sold 30,000 bushels of malt to a customer in Argentina, South America. They shipped that malt to New York, naturally assuming that there would be no objection to its reshipment to Argentina, and after much parleying they are told that they can not ship. The British trade restrictions are such that an American can not even ship in an American bottom to South America without the consent of London. I wired the gentleman for further information, and he wired back and says that after much parleying and much delay he had disposed of the malt to some one else at a great financial loss to his concern, and that some one else—we will learn in a day or two—will probably sell that malt to some one in South America, who in turn will sell to the original prospective purchaser.

It occurs to me to suggest, while our distinguished visitors are here—they are our allies in war—it occurs to me that we are just as seriously interested in the defeat of Germany as they are; Germany is the common enemy—and I thought that to-day might be an opportune time to suggest that instead of dealing with generalities—and of course I realize that the British foreign minister will not deal in the same generalities that our distinguished French visitors did, because they can not refer to their Lafayette and others who came over to help our country at one time or another, so that their remarks are likely to be more specific. But I think it is time to talk about the removal of objectionable trade restrictions. How long are we expected to go under the regulations of to-day, when an American shipper, desiring to ship goods to South America or elsewhere in an American bottom under the American flag has got to wait days and weeks and months, if you please, before he can get a letter of assurance from the British foreign office in London?

That is the situation that exists to-day. They are opening our mails on the high seas, just as they were a year ago. I think that censorship on our mail and British trade restrictions should be lifted now, and that we should take care of our own trade restrictions. We are certainly capable of doing that. If not, we will make very poor allies for the British and the French.

Great Britain to-day has designated ports in Holland and in Sweden and Norway and Denmark as being under an effective blockade. We can not ship there without the consent of Great Britain. Notwithstanding that fact, however, Great Britain's exports and reexports to those same ports have increased in many instances a thousand per cent. But we can not ship there. England will not let us. Let us see what Secretary Lansing says about that particular state of affairs in his letter to Earl Grey. I read:

> It is matter of common knowledge that Great Britain exports and reexports large quantities of merchandise to Norway, Sweden, Denmark, and Holland, whose ports, so far as American commerce is concerned, she regards as blockaded.

And, further:

> The blockade upon which such methods are partly founded is ineffective, illegal, and indefensible.

Secretary Lansing goes on further to say that the American shipper, the American public, should not be subjected to that sort of treatment. He wants to know how long it is going to last.

Mr. MONTAGUE. Mr. Speaker, will the gentleman yield?

Mr. BRITTEN. Yes.

Mr. MONTAGUE. Will the gentleman state what is the date of the paper he is reading from?

Mr. BRITTEN. This is a resolution I have introduced to-day.

Mr. MONTAGUE. I mean the date of the paper the gentleman is reading from.

Mr. BRITTEN. October 21, 1915. The same conditions, I am told by the State Department, exist to-day.

The SPEAKER. The time of the gentleman from Illinois has expired.

Mr. BRITTEN. Mr. Speaker, I ask unanimous consent that I may proceed for five minutes.

Mr. FLOOD. I object, Mr. Speaker.

Mr. GLASS I object, Mr. Speaker.

The SPEAKER. The gentlemen from Virginia object.

Mr. BRITTEN. I ask unanimous consent that I may extend my remarks in the RECORD.

The SPEAKER. The gentleman from Illinois asks unanimous consent to extend his remarks in the RECORD. Is there objection?

Mr. GLASS. I object.

The SPEAKER. The Clerk will read.

The Clerk read as follows:

> SEC. 7. Whoever harbors or conceals any person who he knows, or has reasonable grounds to believe or suspect, has committed, or is about to commit, an offense under this title shall be punished by a fine of not more than $10,000 or by imprisonment for not more than two years, or both.

Mr. DILLON rose.

The SPEAKER. For what purpose does the gentleman from South Dakota rise?

Mr. DILLON. I want to propound a question to some member of the committee.

The SPEAKER. The gentleman from South Dakota moves to strike out the last two words.

Mr. DILLON. Mr. Speaker, I want to ask the gentleman from North Carolina if this would prohibit the husband from harboring a wife, or a wife from harboring her husband or her sons, in the house where they live?

Mr. WEBB. I rather think so, if they are guilty.

Mr. DILLON. Does not the gentleman think that is a little too strong, and that a member of a family ought not to be required to give up another member of the family in a criminal prosecution?

Mr. WEBB. We find hardships all through the criminal law. Not even a father or mother has a right to shield a child in the commission of a crime.

Mr. DILLON. I think they ought to have a right to say nothing about it and not convey any information.

Mr. WEBB. I have no doubt the judge would take into consideration the affection of the father and mother under such circumstances, and the punishment would be very light accordingly. We have arranged the penalty so that it may be anywhere from 1 day to 10 years, or from 1 penny to $10,000.

Mr. DILLON. Would this section require a person to act affirmatively and give information?

Mr. WEBB. I do not think I understand the gentleman's question?

Mr. DILLON. Would this section require a father to give information to the prosecuting officers about matters that he knew of, connecting his son with an offense?

Mr. WEBB. I do not think he would be required to do it.

Mr. DILLON. He could remain quiet then?

Mr. WEBB. He might refuse to testify, and all the court could do would be to put him in jail for contempt.

The SPEAKER. The pro forma amendment is withdrawn, and the Clerk will read.

The Clerk completed the reading of Title I.

Mr. WEBB. I think under the order the House should now proceed to the consideration of Title XI.

The Clerk read as follows:

TITLE XI.

USE OF MAILS.

> SEC. 1100. Every letter, writing, circular, postal card, picture, print, engraving, photograph, newspaper, pamphlet, book, or other publication, matter, or thing of any kind in violation of any of the provisions of this act, or of a treasonable or anarchistic character, is hereby declared to be nonmailable matter and shall not be conveyed in the mails or delivered from any post office or by any letter carrier.

Mr. MANN. Mr. Speaker, what is the definition of "anarchistic matter" under this section?

Mr. WEBB. I will say to my friend that I described it as well as I could in my opening remarks on this bill. As I understand, an anarchist is a man who does not believe in any government.

Mr. MANN. This has nothing to do with an anarchist. This is anarchistic matter.

Mr. WEBB. Anarchistic matter is matter that advocates the abolition of the Government under which we live, or the abolition of all government.

Mr. MANN. The President of the United States has recently advocated the abolition of the existing German Government. I take it that is not anarchistic.

Mr. WEBB. I presume not. He does not advocate the abolition of all government. He advocates the abolition of one form and the substitution of another and better.

Mr. MANN. What is the occasion for putting this in here, then? There is at present a criminal law that covers this subject very fully. Nobody is now advocating the abolition of all government. What is the object of letting the Postmaster General determine what anarchistic matter is?

Mr. WEBB. The Postmaster General has nothing to do with this.

Mr. MANN. Oh, the Postmaster General, or a hireling of the Postmaster General, or, more properly speaking, an employee of the Post Office Department, is the man who will determine this.

Mr. WEBB. The Postmaster General is given no authority in this section.

Mr. MANN. If the gentleman thinks the Postmaster General has no jurisdiction, who will enforce this?

Mr. WEBB. The postmaster.

Mr. MANN. All postmasters act under the direction of the Postmaster General.

Mr. WEBB. The postmasters exclude matter from the mails.

Mr. MANN. Under the direction of the Postmaster General.

Mr. WEBB. The local postmaster would have to do the physical excluding from the mails of the matter covered in this section. Then if a man mailed it in violation of the law, the courts of the United States would try him for a violation of the law.

Mr. MANN. Oh, well, that is another thing. The Postmaster General stops the transmission in the mail. There is a newspaper published out West that I do not sympathize with, which I have heard described here as anarchistic. A number of attempts have been made to have a provision put in the law which would exclude that paper from the mails. This provision would do it. Maybe that is all right; I am not undertaking to say as to that. But the Postmaster General under this provision can exclude from the mails anything he pleases, on the ground that it is anarchistic.

Mr. WEBB. I think the courts would have a right to issue an injunction to prohibit the postmaster from doing that if his act was wrong. Undoubtedly, any aggrieved party would have the right of appeal to the courts. I do not know whether my friend heard my statement on this question or not.

Mr. MANN. I heard about a dozen of them, but I do not know whether I heard this one or not. I was entertained and instructed every time.

Mr. WEBB. The point I referred to is the very point he is discussing now. The reason that actuated the committee in inserting the word "anarchistic" was this: The committee, when it first drafted this bill, included only the word "treasonable" and eliminated the word "anarchistic"; but the Post Office Department sent down to us some pamphlets that had been going through the mail that were so horrible that neither I nor any other Member of the House was willing to have them go into the RECORD, although read from the Clerk's desk here, and that was what impelled us to put in the word "anarchistic." I am sure if the gentleman heard that matter read from the desk, he will agree that nobody should print such articles as that in a newspaper and send it through the mails of the United States.

Mr. MANN. There are a great many newspaper articles that I do not like to read. In fact, I think most of the articles in the newspapers are not worth the time to read them, and I do not read them. But that is not the question. The question is whether the Postmaster General, who now has almost autocratic power—greater power over mail matter than the Czar of Russia had—shall determine what is anarchistic matter.

Mr. WEBB. No; he can not determine finally.

Mr. MANN. But he does under this bill.

Mr. WEBB. The final determination is in the courts of the United States.

Mr. STAFFORD. Do I understand the gentleman to contend that if the Congress forbids matter of a certain character being put in the mails, and leaves it to the Postmaster General to determine the character of that matter, the courts have any authority whatsoever in determining whether the Postmaster General has a right to carry out the direction of Congress?

Mr. WEBB. I say the matter is not acted upon by the Postmaster General under this section, but by the postmasters.

Mr. STAFFORD. I wish to say that the decisions of the Supreme Court of the United States are uniformly in the opposite direction, holding invariably that under the post-office clause of the Constitution Congress has the right, if it sees fit, to exclude from the mails whatever it determines to exclude. These decisions point out that it can not perhaps exclude from interstate commerce, but it has plenary power to regulate the Postal Service as it sees fit, and if this amendment is adopted we vest full authority in the Postmaster General to pass upon the character of a publication without the right of resort to the courts to review his decision.

Mr. WEBB. As to that I will say that Mr. Lamar, Solicitor of the Post Office Department, was asked the question if a postmaster should exclude any matter which under the decision of the Postmaster General was regarded as anarchistic, what would be the remedy of the person who sent it through the mail, and he said, "Take it into court and get an injunction or mandamus."

Mr. STAFFORD. That is not the law of the United States.

Mr. MANN. It is not the law that is being enforced every day in the Post Office Department.

Mr. CURRY of California. Mr. Speaker, I move to strike out the last two words. I want to ask the chairman of the committee if under this title the Government, or a bureau of the Government, would have the right to censor the mail of Members of Congress or the governors of the States, and if under the provisions of this title the Government, or a bureau of the Government, would not have the authority and right to censor the CONGRESSIONAL RECORD?

Mr. WEBB. I do not think so.

Mr. CURRY of California. The language is very broad.

Mr. WEBB. I assume that no Member of Congress is going to make an anarchistic speech advocating the destruction of the Government, or advocating no Government, while he is an officer of the existing Government.

Mr. CURRY of California. The question I asked was if an inspector was permited to open and censor the mail.

Mr. WEBB. Suppose a treasonable speech was made on the floor. Ought it not to be censored?

Mr. CURRY of California. We would censor that ourselves.

Mr. WEBB. Then, you might censor anarchistic matter.

Mr. CURRY of California. We would, and it would be a lot better than to have a $1,200 clerk do it.

Mr. WEBB. The only way that a sealed package can be opened which is going through the mail is by issuing a search warrant and taking the package into court and opening it. No postmaster or any branch of the Post Office Department has the right or power in that connection to open a sealed package.

Mr. MANN. You could get the English Government to do it without any trouble. They open all of our mail.

Mr. WEBB. I know that has been done, but it has been done by force and not by law.

Mr. MANN. It has been done by the law of England.

Mr. WEBB. Yes; orders in council, against which we have protested.

Mr. TEMPLE. Will the gentleman yield?

Mr. WEBB. Yes.

Mr. TEMPLE. The paragraph provides that every letter in violation of the provisions of the act shall be nonmailable and shall not be conveyed in the mails or delivered from any post office or by any letter carrier. How is the letter carrier to know whether a sealed letter comes under that description or not?

Mr. WEBB. He would not know it, but that is the law to-day.

Mr. TEMPLE. Then what is the necessity of putting it in here?

Mr. WEBB. This is practically a reenactment of the present statute, with the addition of the words "treasonable or anarchistic."

Mr. TEMPLE. Why is it necessary to reenact it?

Mr. WEBB. Because it does not apply to the things in this statute. The only way would be——

Mr. TEMPLE. I should like to know whether they are going to open my letters to find out whether they are mailable or whether the letter carrier is authorized to deliver them?

Mr. WEBB. The only way would be that if you suspected a man of transmitting through the mails prohibited matter you get a search warrant and discover the letter, and if you find the letter and that it has been mailed you can convict him.

Mr. GOOD. Can you convict the letter carrier?

Mr. WEBB. Not without he had some knowledge of it.

Mr. GREENE of Vermont. Mr. Speaker, I desire to improve this time by calling the attention of the House to the character of some publications and other matter probably intended to be sent through the mails that are prohibited and penalized under this section. I have received from a confidential source a copy of what is called The Internationalist, published by the Socialist Propaganda League of America. Without going into the full text of it, which obviously should not be printed, I will read a few extracts:

In conformity with and applying these general principles the Socialist Party of America lays down the following program of action during the war:

(1) Representatives of the Socialist Party in the various governing bodies shall refuse to vote for war credits or any other measures of war. Action shall immediately be taken to expel party members violating this decision.

(2) We pledge ourselves and our organization to resist all efforts at recruiting by means of meetings, an aggressive educational propaganda, mass demonstrations, and by any other means in accord with revolutionary socialist principles and tactics.

And so on in the same line and with the same general purport in purpose and effect. It winds up by saying that they will

pursue this policy whether it be declared legal or illegal. This circular came from a confidential source as being pertinent to the discussion of the espionage bill.

Mr. FESS. Will the gentleman yield?

Mr. GREENE of Vermont. Yes.

Mr. FESS. Is it the judgment of the gentleman that if the law is passed this matter could not legally go through the mails?

Mr. GREENE of Vermont. That is the intention.

Mr. FESS. In other words, that would fall within the terminology of anarchistic.

Mr. GREENE of Vermont. Yes; defiance of law, order, and government, and these enemies are employing our own mails to facilitate the dissemination of their propaganda.

Mr. GOOD. Will the gentleman yield?

Mr. GREENE of Vermont. Yes.

Mr. GOOD. The gentleman is a military expert.

Mr. GREENE of Vermont. I am not.

Mr. GOOD. The gentleman is so considered by the House. I noticed this morning in a rather prominent place information that evidently comes from the military arm of the Government, giving away the plan that is proposed to destroy the submarines by discovering their base and surrounding them with nets.

Does not the gentleman think there ought to be some law to curb these inefficient Government officials who are giving out, apparently, this kind of information that ought not to be given out under any circumstances?

Mr. GREENE of Vermont. Mr. Speaker, I think it may be stated as a general proposition, not only with regard to this but to many other occasions, that if some law could be made to work that would stop people talking and writing too much we would all vote for it.

Mr. MANN. Oh, no; we would all be convicted under it.

Mr. Speaker, I move to strike out the last word. I do not know whether the gentleman from Vermont [Mr. GREENE] who read that circular or letter believes that such matters ought not to be published. Somebody may want to advocate that this Government make peace with Germany. Do I understand that the gentleman thinks that such a man has no rights under the Government?

Mr. GREENE of Vermont. Is the gentleman addressing his remarks to me?

Mr. MANN. I was only commenting upon the gentleman's remarks. I have heard very strong language uttered by Members of this House since the conscript amendment was passed by the House denouncing what had already been done. Do I understand that gentlemen think that those men are traitors? There seems to be a great idea just now abroad in the land that nobody shall be permitted to express an opinion unless it agrees with your own. A whole lot of people here and elsewhere seem to think that if a man does not agree with you he is a traitor and is guilty of treasonable utterances. Some people seem to imagine that no one is right except themselves. The very principles of our Government, the basis upon which we founded our liberty, is the right of people to differ and express their opinions. Then the majority is supposed to have control of Government, but not to oppress those who differ with them in opinion. I am not in favor yet of giving the administration such power as has just been granted it by the House. Perhaps I may be a traitor because I do not agree with the foolishness that the House adopted this afternoon. I am not prepared to let some men in this Government tell me how I shall think or what I shall say, and thinking so myself I have no desire to tell other people how they shall think or what they shall say. Freedom is to be attained by having liberty, not by curtailing it. [Applause.]

Mr. GRAHAM of Pennsylvania. Mr. Speaker, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Mr. GRAHAM of Pennsylvania moves to insert, after the word "carrier," in the eleventh line, page 60, the following:

"*Provided*, That nothing in this section shall be taken or construed to clothe the Government of the United States or any department thereof with power to open any letter intrusted to the mail by any citizen, except on cause shown under oath in accordance with section 10 hereof."

Mr. WEBB. Mr. Speaker, I do not see any use in writing into the law what the Supreme Court has decided. They have decided that the only way you can get into a sealed package of mail is by having a search warrant issued. There is no use in writing that into the law. To attempt to open a sealed package is contrary to the criminal law. I have known of postmasters who have been thrown into jail for doing that.

Mr. GRAHAM of Pennsylvania. Mr. Speaker, the gentleman ought to realize that the Supreme Court has not passed upon this bill, because it has not yet become a law, and this provision is simply to make clear that it is not the purpose of this law to clothe any Postmaster General or any subordinate in the department with the power to open my letter or your letter when in transit through the mail.

Mr. WEBB. Mr. Speaker, will the gentleman yield?

Mr. GRAHAM of Pennsylvania. Yes.

Mr. WEBB. Mr. Speaker, the Supreme Court did construe this paragraph line by line and word for word, except that the words "treasonable" and "anarchistic" were not in it. A case arose in New York, and in an exhaustive opinion the court declared that no Government authority had the power to open any sealed package of mail except by first swearing out a search warrant and taking charge of it in a regular way. I do not see any need for incorporating what is the law now.

Mr. WALSH. Mr. Speaker, will the gentleman yield?

Mr. WEBB. Yes.

Mr. WALSH. Will the gentleman state in what case the Supreme Court construed the language of this section as it is written in this bill? The expression was on a different statute.

Mr. WEBB. I do not recall the title of the case, but I think it is in the ninety-sixth United States. I read it last evening. I believe the title is "In re Jackson," in the ninety-sixth United States.

Mr. WALSH. But it is different language.

Mr. WEBB. Oh, no.

Mr. STEENERSON rose.

The SPEAKER. For what purpose does the gentleman rise?

Mr. STEENERSON. To discuss the amendment.

The SPEAKER. Debate upon the amendment is exhausted.

Mr. STEENERSON. Then I move to strike out the last word. Mr. Speaker, this applies not only to ordinary mail, unsealed, but it applies to sealed letters, and adds to the kind of sealed letters that are made unmailable; sealed letters that contain anything in violation of the provisions of this act. That seems to me to be sufficient. I doubt the wisdom of including the word "anarchistic," because there is a great deal of difference of opinion about what that word means. Some very good people advocate, simply as a social and political ideal, the absence of force and government, and they have no intention of interfering with the Government or doing anything that is treasonable, and, therefore, by adding the word "anarchistic" we might punish people who are not intending to do anything that is treasonable.

With regard to the precise question involved in this amendment, I agree with the gentleman from North Carolina [Mr. WEBB].

In the case In re Jackson, Ninety-sixth Supreme Court Reports, where the lottery law was involved, they held that the constitutional provision against unreasonable search would apply to letters; that sealed letters or packages in the mail were, in the theory of the law, in the possession of the sender, and that to open them would require proceedings under affidavit sufficient to authorize the search of a man's private residence, the very thing that is contemplated by the amendment of the gentleman from Pennsylvania.

In that case the court said:

Letters and sealed packages of this kind in the mail are as fully guarded from examination and inspection, except as to their outward form and weight, as if they were retained by the parties forwarding them in their own domiciles. The constitutional guaranty of the right of the people to be secure in their papers against unreasonable searches and seizures extends to their papers, thus closed against inspection, wherever they may be. Whilst in the mail, they can only be opened and examined under like warrant, issued upon similar oath or affirmation, particularly describing the thing to be seized, as is required when papers are subjected to search in one's own household. No law of Congress can place in the hands of officials connected with the Postal Service any authority to invade the secrecy of letters and such sealed packages in the mail; and all regulations adopted as to mail matter of this kind must be in subordination to the great principle embodied in the fourth amendment to the Constitution. * * * Whilst regulations excluding matter from the mail can not be enforced in a way which would require or permit an examination into letters, or sealed packages subject to letter postage, without warrant, issued upon oath or affirmation, in the search for prohibited matter, they may be enforced upon competent evidence of their violation obtained in other ways, as from the parties receiving the letters or packages, or from agents depositing them in the post offices, or others cognizant of the facts.

So I agree with the gentleman from North Carolina [Mr. WEBB] that it is not necessary to adopt this amendment, because sealed letters are protected by the Constitution of the United States against unreasonable search and the practice of the department in regard to sealed letters is, and has been for many years, not to open them; clerks or postmasters are not entitled to open them; and the only way prosecution can be successful for mailing an obscene letter that is sealed, with nothing on the outside to indicate its contents, or one in violation of the lottery law, is for the Government to get proof as to the contents of a letter from the outside, or from some clerk or employee, of the sender, or by the man who receives it, the

addressee, or some one who has seen the letter to prove its contents. The Post Office Department does not now attempt to censor the mails, so far as sealed letters are concerned, even if they are in violation of the law against lotteries and the sending of obscene matter, and for this reason I do not believe it is necessary to adopt the amendment proposed by the gentleman from Pennsylvania, but I do not think that the word "anarchistic" here is unnecessary. If you simply make this prohibition against mailable matter which is in violation of this act, you go as far as this act was intended to go. You are simply running into a field that is very dangerous if you include this word "anarchistic," which may be construed in many different ways. In the Standard Dictionary one of the definitions given is, "An anarchist is one who advocates the absence of formal government as a social and political ideal." Now, if a person advocates that as an ideal, that does not mean that that is treasonable.

The SPEAKER. The time of the gentleman has expired and the pro forma amendment will be considered as withdrawn. There is an amendment pending offered by the gentleman from Pennsylvania [Mr. GRAHAM].

Mr. CROSSER. Mr. Speaker, I desire to offer an amendment.

The SPEAKER. Does the gentleman desire to offer that as an amendment to the amendment? The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. CROSSER: Page 60, line 9, after the word "treasonable," strike out "or anarchistic," and insert, after the word "character," "or of a character advocating the destruction of or injury to the Government by violence."

Mr. WEBB. Mr. Speaker, I move to strike out the last three words for the purpose of——

The SPEAKER. The Chair desires to ask the gentleman from Ohio if his amendment is intended to be an amendment to the amendment offered by the gentleman from Pennsylvania?

Mr. CROSSER. It is offered as a substitute really.

Mr. MANN. It is not a substitute; it has nothing to do with the amendment offered by the gentleman from Pennsylvania. It is an amendment to the section.

Mr. GRAHAM of Pennsylvania. Mr. Speaker, I will withdraw the amendment I have offered as a proviso to this section with the consent of the House.

The SPEAKER. The gentleman from Pennsylvania desires to withdraw his amendment. Is there objection? [After a pause.] The Chair hears none. Does the gentleman from Ohio want to offer his amendment as a separate proposition?

Mr. CROSSER. Yes.

The SPEAKER. The Clerk will again report the amendment so that everybody will understand it.

The Clerk read as follows:

Amendment offered by Mr. CROSSER: Page 60, line 9, after the word "treasonable," strike out "or anarchistic," and insert, after the word "character," "or of a character advocating the destruction of or injury to the Government by violence."

Mr. CROSSER. Mr. Speaker, I offer this amendment for the reason that there are a great many very estimable men of high character, intellect, and education who advocate what they call philosophic anarchy. Their philosophy is of a very idealistic nature, and yet if this bill passes with the language in the section as it now stands, the writings of these men would be barred from the mails entirely, so that they could not send their addresses or writings from one part of the country to another.

Mr. KINKAID. Will the gentleman yield?

Mr. CROSSER. Yes.

Mr. KINKAID. Does the gentleman mean to say advocating anarchy or socialism? The gentleman said "anarchy."

Mr. CROSSER. I said that there are a great many very estimable gentlemen of education and ability who advocate what they call philosophic anarchy. Their idea is that ultimately there ought not to be any government at all. I am told that Emerson's ideas tended in that direction. I know a man, one of the brainiest, finest men I know, who holds such views as that. He would not do harm to any person or to the Government, but he derives a great deal of satisfaction from his theories. He is a very close thinker and a close reasoner. Now, it seems to me that men of that particular type, who possibly may be considered what the chairman of the committee has called an anarchist, will be done a great injustice by having their writings and philosophy barred from the mails. What the gentleman from North Carolina had in mind I am quite certain is literature which advocates violence, which advocates the violent destruction or overturning of the Government or injury to the Government.

Mr. FARR. Will the gentleman yield?

The SPEAKER. Does the gentleman from Ohio yield?

Mr. CROSSER. I do.

Mr. FARR. Might not that type of philosophy incite somebody else?

Mr. CROSSER. Not the kind to which I refer. Emerson, I am told, advocated a kind of anarchy and everybody knows that he was a very fine writer.

Mr. FESS. Will the gentleman yield?

Mr. CROSSER. Yes.

Mr. FESS. The philosophic anarchy that was indorsed by Emerson, Tolstoy, and many others was a state of society under whose ideal operation there was no need of government in restraint.

Mr. CROSSER. That is exactly it.

Mr. FESS. There is not any doubt but that there is that sort of anarchy, and yet we apply the term to "forcible anarchy."

Mr. CROSSER. The gentleman will admit that if this bill in its present form is enacted into law we would prevent the passage of such literature as that through the mails.

Mr. FESS. As one of these authors said, "The ideal conception of heaven is that of anarchy."

Mr. CROSSER. Yes. I do not remember the names of other writers at the present time, but Emerson, Thoreau, Tolstoy, are men often so referred to. It seems to me it would be a great misfortune if their writings could be barred from the mails at the whim of some executive officer by putting his own construction upon it.

Mr. TOWNER. Will the gentleman yield?

Mr. CROSSER. Yes.

Mr. TOWNER. I thought perhaps it should be understood that Mr. Emerson never claimed to be an anarchist. The anarchists, however, have claimed that Emerson's philosophy was in reality within the anarchistic definition.

Mr. CROSSER. Some men take a pride in giving their writings a label and others do not. Some like to give them the name "philosophic anarchy." Personally I am not subscribing to any of these doctrines, but I think, Mr. Speaker, that it is a dangerous thing to say, "You shall not write or say things except those with which I agree." I think we are doing a great deal toward preventing the freedom of thought and restricting the liberty of expressing thought that is so necessary in a free Government.

Mr. TOWNER. I agree with what the gentleman says, of course, but I think Mr. Emerson would be very much surprised if he had known that after his death he would be claimed as an anarchist.

The SPEAKER. The time of the gentleman from Ohio [Mr. CROSSER] has expired.

LEAVE OF ABSENCE.

Mr. TALBOTT, by unanimous consent, was granted leave of absence, until Monday, on account of important business.

ESPIONAGE.

Mr. LONDON. Mr. Speaker——

The SPEAKER. The gentleman from New York [Mr. LONDON] is recognized for five minutes.

Mr. LONDON. Mr. Speaker, I am glad to find here a Democrat with enough love of democracy to make that motion. The ignorance displayed by the membership of this House on the subjects of socialism and anarchism is a sufficient reason for eliminating the words "or anarchistic" from this section.

The gentleman from Vermont [Mr. GREENE] culled from the text of a long article from some publication, the character of which I do not know, the phrase "international revolutionary socialism," and he thought that expression was so horrid, was so suggestive of revolution, of an immediate change by violence that he welcomed the adoption of this section with the phrase "anarchistic" in it, because it promised to exclude from the mails anything dealing with "international revolutionary socialism." His intention is good, but he is ignorant on the subject. I am a believer in international revolutionary socialism. I believe that we are in the midst of a revolution, and that revolution began long ago with the organization of the first fighting unit on the economic and the political fields with the spread of intelligence among the working people. That is when it began. The word "revolution" does not mean violence.

Mr. GREENE of Vermont. Will the gentleman permit?

Mr. LONDON. Yes.

Mr. GREENE of Vermont. The gentleman was addressing his remarks to me?

Mr. LONDON. I was referring to the phrase "revolutionary international socialism," and it seems to me the gentleman was trying to convey the impression that the use of that expression in itself constituted a violation of the law.

Mr. GREENE of Vermont. The gentleman quite misunderstood my expression. I was merely quoting the language that

the socialists had employed in the circular as being objectionable.

Mr. JOHNSON of Washington. I want to ask the gentleman if he believes in direct action?

Mr. LONDON. I will take care of the lumber interests of the State of Washington in a minute. I will come to that. Now, unless I entirely misunderstood the gentleman from Vermont [Mr. GREENE] the things that he quoted were not in violation of any existing law.

Gentlemen, let me call your attention to the fundamental fact. I tried to make it clear yesterday. There is a world of distinction between the philosophy of a thing and the method. The Ku-Klux were terrorists. They used violence, but they were not socialists; they were not anarchists. They had no distinct philosophy about the reorganization of the world. They were just Ku-Klux, using terrorism to promote the things they believed in. The Night Rider, fighting the Tobacco Trust, was a terrorist. He was not an anarchist. He was a violator of the law. He resorted to violence. The industrial corporations, whether in the State of Washington or in Colorado, who hired gunmen against strikers were terrorists. Please draw the distinction between method and philosophy. So far as the socialists are concerned, they have always and everywhere sought to promote their cause by peaceful methods. Even Social Democrats of Russia, having to deal with the most autocratic Government in the world, pinned their faith upon education and the growth of a greater knowledge among the people.

The SPEAKER. The time of the gentleman from New York has expired.

Mr. LONDON. I ask unanimous consent, Mr. Speaker, to proceed for five minutes more.

The SPEAKER. Is there objection to the gentleman's request?

There was no objection.

Mr. LONDON. Now, I ask you gentlemen to eliminate that phrase. It will give an opportunity to every ignorant person and to every little postmaster and to every man who is under the pressure, it may be, of the lumber interests or of some other interest to remove from the mail everything that will advise the people to fight for their rights under the guise that they advocate anarchy. Make it clear that you are opposed to the use of the mail for the purpose of advocating the overthrow of government by violence. Make it clear so that there will be no mistake about it.

I call your serious attention to it, and I speak in all earnestness, hoping that there is enough democracy and enough love of liberty left here to prevent any possible abuse by a petty official, by an ignorant official, although he may be a well-meaning man, but ignorant of the rights of the common man, of the plain man. Do not try to suppress ideas by law. You can not do it. You can not accomplish it.

Mr. MILLER of Minnesota. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from New York yield to the gentleman from Minnesota?

Mr. LONDON. Yes.

Mr. MILLER of Minnesota. The gentleman was in the Hall the other afternoon when the gentleman from Texas [Mr. EAGLE] read from a circular. Does the gentleman believe that the Government should permit that kind of a publication to be sent through the mails?

Mr. LONDON. Representative EAGLE read only a part of the circular. If he wanted to challenge me to reply to him, he should have read the entire circular, because I do not know to what extent the part he did not read modified the meaning of the part that he did read. Anyone can understand that.

Mr. GREENE of Vermont. Mr. Speaker, will the gentleman yield?

Mr. LONDON. Yes.

Mr. GREENE of Vermont. What does the gentleman say about this? I read from that circular again:

> In the event of conscription being forced upon the people of this country by the ruling class, we shall initiate a movement for the refusal of military service; moreover, we shall support by all means massed movements of the people organized to resist and refuse compulsory military service.

Mr. LONDON. I understand it to be the opinion of the socialists that in the event of conscription being adopted they would immediately begin a movement for the repeal of that law, placing themselves clearly on a legal foundation; and they certainly have the right to immediately begin a movement to repeal an obnoxious law.

Mr. GREENE of Vermont. Mr. Speaker, will the gentleman yield again?

The SPEAKER. Does the gentleman from New York yield to the gentleman from Vermont?

Mr. LONDON. Yes.

Mr. GREENE of Vermont. I will say to the gentleman that I do not want to take out a single phrase from a document and base questions upon it. That would be an unfair way to do.

Mr. LONDON. Read the entire document.

Mr. GREENE of Vermont. I would be willing to do it, but the character of the document is such that it should not be printed and circulated.

Mr. LONDON. I am willing to trust to the judgment of the gentleman from Vermont. I do not want him to be frightened by the word "internationalism." Our President has proclaimed the doctrines of internationalism. We are supposed to help bring about internationalism in the world and international peace. [Applause.]

Mr. GREENE of Vermont. Let me read this:

> We call upon the working class, organized and unorganized, to institute strikes against the mobilization of industry and military forces under the guise of which the ruling class deprives the people of its civil and industrial rights; and we pledge ourselves to encourage and support these strikes and develop them into a general revolutionary movement against war and capitalism.

Mr. LONDON. Well, people have the right to oppose capitalism, and they have the right to oppose war. Had I agreed with the policy of using revolutionary methods to oppose the war, had I agreed with that policy, I would not have continued my attendance on the floor of Congress. I believe that by educating the people and by reaching the masses we would make war impossible.

Mr. GREENE of Vermont. There is one thing more that I wish to refer to, if the gentleman will permit me to intrude on his time.

Mr. LONDON. Yes.

Mr. GREENE of Vermont. Here is a pledge which men are asked to sign and send to headquarters:

> I, the undersigned, solemnly protesting against the working class and the country of my birth (or adoption) being caught in the steel trap of militarism, will refuse to render any kind of military service when informed that 10,000 male citizens of the United States (or those who have declared their intention to become citizens), of an age between 18 and 45, have signed this pledge.

Mr. LONDON. I do not hesitate to say that I do not indorse this program, because I can not advise another man to do that which I would not do. That is why even against unjust wars and even against capitalism I believe that there is only one remedy, and that is more knowledge on the part of the people. If there had been a majority of socialists in this Congress there would have been no declaration of war. With a majority of Democrats and Republicans, the people got what they voted for.

Mr. CROSSER. Would not what has been read by the gentleman from Vermont be prohibited by the language of the amendment, anyhow?

Mr. LONDON. It would, undoubtedly.

The SPEAKER. Debate on this amendment is exhausted.

Mr. SISSON. Mr. Speaker, I move to strike out the last word.

The SPEAKER. The gentleman from Mississippi is recognized for five minutes.

Mr. SISSON. Mr. Speaker, I think the amendment offered by the gentleman from Ohio [Mr. CROSSER] should be adopted. I do not believe you will suppress either socialism or anarchy by endeavoring by law to stop people from talking about them. The English Government permits people always to talk about what they please, and when you permit men to say what they please frequently you disgust people with what they have said, and frequently by the very absence of law you get the thing you would not accomplish by the enactment of law. I have no patience with the idea that because some of us voted against conscription we ought not to give our whole soul, heart, mind, and body to enabling the President of the United States to get the soldiers necessary to fight this war. I do not suppose any man in this House was more opposed to conscription than I was. I voted against the whole bill, because it had conscription in it, but the majority of the Members of the House disagreed with me, and whatever may be the final outcome, I trust that Congress will have the courage, when the war is over, to break up the standing army and go back to peace strength. I have been afraid of a large standing army, but notwithstanding that fact I now stand absolutely where every man ought to stand—squarely behind the Army and Navy—in order that we may get the very best Army possible and in the very quickest method under the law which you gentlemen will vote for when the amendment is adopted.

But, Mr. Speaker, I rose for the purpose of asking unanimous consent to extend my remarks in the RECORD by printing one of the most marvelous documents ever written by the pen of man upon free speech and free press. That is the marvelous document of John Milton, called the Areopagitica, said to be the most magnificent document ever written upon this subject in the entire annals of English literature.

The SPEAKER. The gentleman from Mississippi asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

The document is as follows:

AREOPAGITICA.

[By John Milton.]

They who to states and governors of the commonwealth direct their speech, high court of parliament, or wanting such access in a private condition, write that which they foresee may advance the public good; I suppose them, as at the beginning of no mean endeavour, not a little altered and moved inwardly in their minds; some with doubt of what will be the success, others with fear of what will be the censure; some with hope, others with confidence of what they have to speak. And me perhaps each of these dispositions, as the subject was whereon I entered, may have at other times variously affected; and likely might in these foremost expressions now also disclose which of them swayed most, but that the very attempt of this address thus made, and the thought of whom it hath recourse to, hath got the power within me to a passion, far more welcome than incidental to a preface.

Which though I stay not to confess ere any ask, I shall be blameless, if it be no other than the joy and gratulation which it brings to all who wish to promote their country's liberty; whereof this whole discourse proposed will be a certain testimony, if not a trophy. For this is not the liberty which we can hope, that no grievance ever should arise in the commonwealth; that let no man in this world expect; but when complaints are freely heard, deeply considered, and speedily reformed, then is the utmost bound of civil liberty obtained that wise men look for. To which if I now manifest, by the very sound of this which I shall utter, that we are already in good part arrived, and yet from such a steep disadvantage of tyranny and superstition grounded into our principles as was beyond the manhood of a Roman recovery, it will be attributed first, as is most due, to the strong assistance of God, our deliverer; next, to your faithful guidance and undaunted wisdom, lords and commons of England. Neither is it in God's esteem the diminution of his glory when honourable things are spoken of good men and worthy magistrates; which if I now first should begin to do, after so fair a progress of your laudable deeds, and such a long obligement upon the whole realm to your indefatigable virtues, I might be justly reckoned among the tardiest and the unwillingest of them that praise ye.

Nevertheless there being three principal things without which all praising is but courtship and flattery: First, when that only is praised which is solidly worth praise; next, when greatest likelihoods are brought that such things are truly and really in those persons to whom they are ascribed; the other, when he who praises, by shewing that such his actual persuasion is of whom he writes, can demonstrate that he flatters not; the former two of these I have heretofore endeavoured, rescuing the employment from him who went about to impair your merits with a trivial and malignant encomium; the latter as belonging chiefly to mine own acquittal, that whom I so extolled I did not flatter, hath been reserved opportunely to this occasion. For he who freely magnifies what hath been nobly done, and fears not to declare as freely what might be done better, gives ye the best covenant of his fidelity; and that his loyalest affection and his hope waits on your proceedings. His highest praising is not flattery, and his plainest advice is a kind of praising; for though I should affirm and hold by argument that it would fare better with truth, with learning, and the commonwealth, if one of your published orders, which I should name, were called in; yet at the same time it could not but much redound to the lustre of your mild and equal government, whenas private persons are hereby animated to think ye better pleased with public advice than other statists have been delighted heretofore with public flattery. And men will then see what difference there is between the magnanimity of a triennial parliament and that jealous haughtiness of prelates and cabin counsellors that usurped of late, whenas they shall observe ye in the midst of your victories and successes more gently brooking written exceptions against a voted order than other courts, which had produced nothing worth memory but the weak ostentation of wealth, would have endured the least signified dislike at any sudden proclamation.

If I should thus far presume upon the meek demeanour of your civil and gentle greatness, lords and commons, as what your published order hath directly said, that to gainsay, I might defend myself with ease, if any should accuse me of being new or insolent, did they but know how much better I find ye esteem it to imitate the old and elegant humanity of Greece than the barbaric pride of a Hunnish and Norwegian stateliness. And out of those ages to whose polite wisdom and letters we owe that we are not yet Goths and Jutlanders, I could name him who from his private house wrote that discourse to the parliament of Athens that persuades them to change the form of democracy which was then established. Such honour was done in those days to men who professed the study of wisdom and eloquence, not only in their own country but in other lands, that cities and signiories heard them gladly, and with great respect, if they had aught in public to admonish the state. Thus did Dion Prusæus, a stranger and a private orator, counsel the Rhodians against a former edict; and I abound with other like examples, which to set here would be superfluous. But if from the industry of a life wholly dedicated to studious labours, and those natural endowments haply not the worst for two and fifty degrees of northern latitude, so much must be derogated as to count me not equal to any of those who had this privilege, I would obtain to be thought not so inferior as yourselves are superior to the most of them who received their counsel; and how far you excel them, be assured, lords and commons, there can no greater testimony appear than when your prudent spirit acknowledges and obeys the voice of reason, from what quarter soever it be heard speaking; and renders ye as willing to repeat any act of your own setting forth as any set forth by your predecessors.

If ye be thus resolved, as it were injury to think ye were not, I know not what should withhold me from presenting ye with a fit instance wherein to shew both that love of truth which ye eminently profess, and that uprightness of your judgment which is not wont to be partial to yourselves; by judging over again that order which ye have ordained "to regulate printing: that no book, pamphlet, or paper shall be henceforth printed, unless the same be first approved and licensed by such, or at least one of such, as shall be thereto appointed." For that part which preserves justly every man's copy to himself, or provides for the poor, I touch not; only wish they be not made pretences to abuse and persecute honest and painful men who offend not in either of these particulars. But that other clause of licensing books, which we thought had died with his brother quadrangesimal and matrimonial when the prelates expired, I shall now attend with such a homily as shall lay before ye, first, the inventors of it to be those whom ye will be loath to own; next, what is to be thought in general of reading, whatever sort the books be; and that this order avails nothing to the suppressing of scandalous, seditious, and libellous books, which were mainly intended to be suppressed. Last, that it will be primely to the discouragement of all learning, and the stop of truth, not only by disexercising and blunting our abilities in what we know already, but by hindering and cropping the discovery that might be yet further made, both in religious and civil wisdom.

I deny not but that it is of greatest concernment in the church and commonwealth to have a vigilant eye how books demean themselves, as well as men; and thereafter to confine, imprison, and do sharpest justice on them as malefactors; for books are not absolutely dead things, but do contain a progeny of life in them to be as active as that soul was whose progeny they are; nay, they do preserve as in a vial the purest efficacy and extraction of that living intellect that bred them. I know they are as lively, and as vigorously productive, as those fabulous dragon's teeth: and being sown up and down, may chance to spring up armed men. And yet, on the other hand, unless wariness be used, as good almost kill a man as kill a good book: who kills a man kills a reasonable creature, God's image; but he who destroys a good book, kills reason itself, kills the image of God, as it were, in the eye. Many a man lives a burden to the earth; but a good book is the precious life blood of a master-spirit, embalmed and treasured up on purpose to a life beyond life. It is true, no age can restore a life, whereof, perhaps, there is no great loss; and revolutions of ages do not oft recover the loss of a rejected truth, for the want of which whole nations fare the worse. We should be wary, therefore, what persecution ye raise against the living labours of public men, how we spill that sensoned life of man, preserved and stored up in books; since we see a kind of homicide may be thus committed, sometimes a martyrdom; and if it extend to the whole impression, a kind of massacre, whereof the execution ends not in the slaying of an elemental life, but strikes at the ethereal and fifth essence, the breath of reason itself; slays an immortality rather than a life. But lest I should be condemned of introducing licence while I oppose licensing, I refuse not the pains to be so much historical as will serve to shew what hath been done by ancient and famous commonwealths against this disorder, till the very time that this project of licensing crept out of the inquisition, was catched up by our prelates, and hath caught some of our presbyters.

In Athens, where books and wits were ever busier than in any other part of Greece, I find but only two sorts of writings which the magistrate cared to take notice of; those either blasphemous and atheistical, or libellous. Thus the books of Protagoras were by the judges of Areopagus commanded to be burnt, and himself banished the territory for a discourse begun with his confessing not to know "whether there were gods, or whether not." And against defaming, it was agreed that none should be traduced by name, as was the manner of Vetus Comœdia, whereby we may guess how they censured libelling; and this course was quick enough, as Cicero writes, to quell both the desperate wits of other atheists, and the open way of defaming, as the event showed. Of other sects and opinions, though tending to voluptuousness, and the denying of divine Providence, they took no heed. Therefore we do not read that either Epicurus, or that libertine school of Cyrene, or what the Cynic impudence uttered, was ever questioned by the laws. Neither is it recorded that the writings of those old comedians were suppressed, though the acting of them were forbid; and that Plato commended the reading of Aristophanes, the loosest of them all, to his royal scholar Dionysius, is commonly known, and may be excused, if holy Chrysostom, as is reported, nightly studied so much the same author, and had the art to cleanse a scurrilous vehemence into the style of a rousing sermon.

That other leading city of Greece, Lacedæmon, considering that Lycurgus their lawgiver was so addicted to elegant learning as to have been the first that brought out of Ionia the scattered works of Homer, and sent the poet Thales from Crete, to prepare and mollify the Spartan surliness with his smooth songs and odes, the better to plant among them law and civility; it is to be wondered how museless and unbookish they were, minding nought but the feats of war. There needed no licensing of books among them, for they disliked all but their own laconic apophthegms, and took a slight occasion to chase Archilochus out of their city, perhaps for composing in a higher strain than their own soldiery ballads and roundels could reach to; or if it were for his broad verses, they were not therein so cautious but they were as dissolute in their promiscuous conversing; whence Euripides affirms, in Andromache, that their women were all unchaste.

This much may give us light after what sort of books were prohibited among the Greeks. The Romans also for many ages trained up only to a military roughness, resembling most the Lacedæmonian guise, knew of learning little but what their twelve tables and the pontific college with their augurs and flamens taught them in religion and law; so unacquainted with other learning that when Carneades and Critolaus, with the stoic Diogenes, coming ambassadors to Rome, took thereby occasion to give the city a taste of their philosophy, they were suspected for seducers by no less a man than Cato the Censor, who moved it in the senate to dismiss them speedily, and to banish all such Attic babblers out of Italy. But Scipio and others of the noblest senators withstood him and his old Sabine austerity; honoured and admired the men; and the censor himself at last, in his old age, fell to the study of that whereof before he was so scrupulous. And yet, at the same time, Nævius and Plautus, the first Latin comedians, had filled the city with all the borrowed scenes of Menander and Philemon. Then began to be considered there also what was to be done to libellous books and authors; for Nævius was quickly cast into prison for his unbridled pen, and released by the tribunes upon his recantation: we read also that libels were burnt, and the makers punished, by Augustus.

The like severity, no doubt, was used, if aught were impiously written against their esteemed gods. Except in these two points, how the world went in books the magistrate kept no reckoning. And therefore Lucretius, without impeachment, versifies his Epicurism to Memmius, and had the honour to be set forth the second time by Cicero, so great a father of the commonwealth; although himself disputes against that opinion in his own writings. Nor was the satirical sharpness or naked plainness of Lucilius, or Catullus, or Flaccus, by any order prohibited. And for matters of state, the story of Titus Livius, though it extolled that part which Pompey held, was not therefore suppressed by Octavius Cæsar, of the other faction. But that Naso was by him banished in his old age for the wanton poems of his youth, was but a mere covert of state over some secret cause; and besides, the books were neither banished nor called in. From hence we shall meet with little else but tyranny in the Roman empire, that we may not marvel if not so often bad as good books were silenced. I shall therefore deem to have been large enough, in producing what among the ancients was punishable to write, save only which, all other arguments were free to treat on.

By this time the emperors were become Christians, whose discipline in this point I do not find to have been more severe than was formerly in practice. The books of those whom they took to be grand heretics were examined, refuted, and condemned in the general councils; and not till then were prohibited, or burnt, by authority of the emperor. As for the writings of heathen authors, unless they were plain invectives against Christianity, as those of Porphyrius and Proclus, they met with no interdict that can be cited, till about the year 400, in a Carthaginian council, wherein bishops themselves were forbid to read the books of Gentiles, but heresies they might read; while others long before them, on the contrary, scrupled more the books of heretics than of Gentiles. And that the primitive councils and bishops were wont only to declare what books were not commendable, passing no further, but leaving it to each one's conscience to read or to lay by, till after the year 800, is observed already by Padre Paolo, the great unmasker of the Trentine council. After which time the popes of Rome, engrossing what they pleased of political rule into their own hands, extended their dominion over men's eyes, as they had before over their judgments, burning and prohibiting to be read what they fancied not; yet sparing in their censures, and the books not many which they so dealt with; till Martin the Fifth, by his bull, not only prohibited, but was the first that excommunicated the reading of heretical books; for about that time Wicklef and Husse growing terrible were they who first drove the papal court to a stricter policy of prohibiting. Which course Leo the Tenth and his successors followed, until the council of Trent and the Spanish inquisition, engendering together, brought forth or perfected those catalogues and expurging indexes that rake through the entrails of many an old good author with a violation worse than any could be offered to his tomb.

Nor did they stay in matters heretical, but any subject that was not to their palate, they either condemned in a prohibition, or had it straight into the new purgatory of an index. To fill up the measure of encroachment, their last invention was to ordain that no book, pamphlet, or paper should be printed (as if St. Peter had bequeathed them the keys of the press also as well as of Paradise) unless it were approved and licensed under the hands of two or three gluttonous friars. For example:

"Let the chancellor Cini be pleased to see if in this present work be
"contained aught that may withstand the printing.
"Vincent Rabatta, Vicar of Florence."

"I have seen this present work, and find nothing athwart the
"Catholic faith and good manners: in witness whereof I have
"given, &c.
"Nicolò Cini, Chancellor of Florence."

"Attending the precedent relation, it is allowed that this present
"work of Davanzati may be printed.
"Vincent Rabatta," &c.

"It may be printed, July 15.
"Friar Simon Mompei d'Amelia, Chancellor of the Holy Office
in Florence."

Sure they have a conceit, if he of the bottomless pit had not long since broke prison, that this quadruple exorcism would bar him down. I fear their next design will be to get into their custody the licensing of that which they say Claudius intended, but went not through with. Vouchsafe to see another of their forms, the Roman stamp:—

"Imprimatur, If it seem good to the reverend master of the Holy
Palace.
"Belcastro, Vicegerent."

"Imprimatur,"
"Friar Nicolò, Rodolphi, Master of the Holy Palace."

Sometimes five imprimaturs are seen together, dialogue wise, in the piazza of one titlepage, complimenting and ducking each to other with their shaven reverences, whether the author, who stands by in perplexity at the foot of his epistle, shall to the press or to the sponge. These are the pretty responsories, these are the dear antiphonies, that so bewitched of late our prelates and their chaplains with the goodly echo they made; and besotted us to the gay imitation of a lordly imprimatur, one from Lambeth-house, another from the west end of Paul's; so apishly romanizing, that the word of command still was set down in Latin; as if the learned grammatical pen that wrote it would cast no ink without Latin; or perhaps, as they thought, because no vulgar tongue was worthy to express the pure conceit of an imprimatur; but rather, as I hope, for that our English, the language of men ever famous and foremost in the achievements of liberty, will not easily find servile letters enow to spell such a dictatory presumption Englished.

And thus ye have the inventors and the original of book licensing ripped up and drawn as lineally as any pedigree. We have it not, that can be heard of, from any ancient state, or polity, or church, nor by any statute left us by our ancestors elder or later; nor from the modern custom of any reformed city or church abroad; but from the most anti-christian council, and the most tyrannous inquisition that ever inquired. Till then books were ever as freely admitted into the world as any

other birth; the issue of the brain was no more stifled than the issue of the womb: no envious Juno sat cross-legged over the nativity of any man's intellectual offspring; but if it proved a monster, who denies but that it was justly burnt, or sunk into the sea? But that a book, in worse condition than a peccant soul, should be to stand before a jury ere it be born to the world, and undergo yet in darkness the judgment of Radamanth and his colleagues, ere it can pass the ferry backward into light, was never heard before, till that mysterious iniquity, provoked and troubled at the first entrance of reformation, sought out new limboes and new hells wherein they might include our books also within the number of their damned. And this was the rare morsel so officiously snatched up and so illfavouredly imitated by our inquisiturient bishops, and the attendant minorites, their chaplains. That ye like not now these most certain authors of this licensing order, and that all sinister intention was far distant from your thoughts when ye were importuned the passing it, all men who know the integrity of your actions, and how ye honour truth, will clear ye readily.

But some will say, what though the inventors were bad, the thing for all that may be good. It may be so; yet if that thing be no such deep invention, but obvious and easy for any man to light on, and yet best and wisest commonwealths through all ages and occasions have forborne to use it, and falsest seducers and oppressors of men were the first who took it up, and to no other purpose but to obstruct and hinder the first approach of reformation; I am of those who believe, it will be a harder alchymy than Lullius ever knew, to sublimate any good use out of such an invention. Yet this only is what I request to gain from this reason, that it may be held a dangerous and suspicious fruit, as certainly it deserves, for the tree that bore it, until I can dissect one by one the properties it has. But I have first to finish, as was propounded, what is to be thought in general of reading books, whatever sort they be, and whether be more the benefit or the harm that thence proceeds.

Not to insist upon the examples of Moses, Daniel, and Paul, who were skilful in all the learning of the Egyptians, Chaldeans, and Greeks, which could not probably be without reading their books of all sorts, in Paul especially, who thought it no defilement to insert into holy scripture the sentences of three Greek poets, and one of them a tragedian; the question was notwithstanding sometimes controverted among the primitive doctors, but with great odds on that side which affirmed it both lawful and profitable, as was then evidently perceived, when Julian the Apostate, and subtlest enemy to our faith, made a decree forbidding Christians the study of heathen learning; for, said he, they wound us with our own weapons, and with our own arts and sciences they overcome us. And indeed the Christians were put so to their shifts by this crafty means, and so much in danger to decline into all ignorance, that the two Apollinarii were fain, as a man may say, to coin all the seven liberal sciences out of the Bible, reducing it into divers forms of orations, poems, dialogues, even to the calculating of a new Christian grammar.

But, saith the historian Socrates, the providence of God provided better than the industry of Apollinarius and his son, by taking away that illiterate law with the life of him who devised it. So great an injury they then held it to be deprived of Hellenic learning; and thought it a persecution more undermining and secretly decaying the church than the open cruelty of Decius or Diocletian. And perhaps it was with the same politic drift that the devil whipt St. Jerome in a lenten dream, for reading Cicero; or else it was a phantasm, bred by the fever which had then seized him. For had an angel been his discipliner, unless it were for dwelling too much on Ciceronianisms, and had chastised the reading, not the vanity, it had been plainly partial, first, to correct him for grave Cicero, and not for scurril Plautus, whom he confesses to have been reading not long before; next to correct him only, and let so many more ancient fathers wax old in those pleasant and florid studies, without the lash of such a tutoring apparition; insomuch that Basil teaches how some good use may be made of Margites, a sportful poem, not now extant, writ by Homer; and why not then of Morgante, an Italian romance much to the same purpose?

But if it be agreed we shall be tried by visions, there is a vision recorded by Eusebius, far ancienter than this tale of Jerome, to the nun Eustochium, and besides, has nothing of a fever in it. Dionysius Alexandrinus was, about the year 240, a person of great name in the church for piety and learning, who had wont to avail himself much against heretics, by being conversant in their books; until a certain presbyter laid it scrupulously to his conscience, how he durst venture himself among those defiling volumes. The worthy man, loath to give offence, fell into a new debate with himself, what was to be thought; when suddenly a vision sent from God (it is his own epistle that so avers it) confirmed him in these words: "Read any books whatever come to thy hands, for thou art sufficient both to judge aright and to examine each matter." To this revelation he assented the sooner, as he confesses, because it was answerable to that of the apostle to the Thessalonians: "Prove all things, hold fast that which is good."

And he might have added another remarkable saying of the same author: "To the pure, all things are pure;" not only meats and drinks, but all kind of knowledge, whether of good or evil; the knowledge cannot defile, nor consequently the books, if the will and conscience be not defiled. For books are as meat and viands are; some of good, some of evil substance; and yet God in that unapocryphal vision said without exception, "Rise, Peter, kill and eat;" leaving the choice to each man's discretion. Wholesome meats to a vitiated stomach differ little or nothing from unwholesome; and best books to a naughty mind are not unapplicable to occasions of evil. Bad meats will scarce breed good nourishment in the healthiest concoction; but herein the difference is of bad books, that they to a discreet and judicious reader serve in many respects to discover, to confute, to forewarn, and to illustrate. Whereof what better witness can ye expect I should produce, than one of your own now sitting in parliament, the chief of learned men reputed in this land, Mr. Selden; whose volume of natural and national laws proves, not only by great authorities brought together, but by exquisite reasons and theorems almost mathematically demonstrative, that all opinions, yea, errors, known, read, and collated, are of main service and assistance toward the speedy attainment of what is truest.

I conceive, therefore, that when God did enlarge the universal diet of man's body, (saving ever the rules of temperance,) he then also, as before, left arbitrary the dieting and repasting of our minds; as wherein every mature man might have to exercise his own leading capacity. How great a virtue is temperance, how much of moment through the whole life of man! Yet God commits the managing so great a trust, without particular law or prescription, wholly to the demeanour of every grown man. And therefore when he himself tabled the Jews from heaven, that omer, which was every man's daily portion of manna, is computed to have been more than might have well sufficed the hartiest feeder thrice as many meals. For those actions which enter into a man, rather than issue out of him, and therefore defile not, God uses not to captivate under a perpetual childhood of prescription, but trusts him with the gift of reason to be his own chooser; there were but little work left for preaching, if law and compulsion should grow so fast upon those things which heretofore were governed only by exhortation. Solomon informs us that much reading is a weariness to the flesh; but neither he nor other inspired author tells us that such or such reading is unlawful; yet certainly had God thought good to limit us herein, it had been much more expedient to have told us what was unlawful than what was wearisome.

As for the burning of those Ephesian books by St. Paul's converts; it is replied, the books were magic, the Syriac so renders them. It was a private act, a voluntary act, and leaves us to a voluntary imitation: the men in remorse burnt those books which were their own; the magistrate by this example is not appointed; these men practised the books, another might perhaps have read them in some sort usefully. Good and evil we know in the field of this world grow up together almost inseparably; and the knowledge of good is so involved and interwoven with the knowledge of evil, and in so many cunning resemblances hardly to be discerned, that those confused seeds which were imposed upon Psyche as an incessant labour to cull out and sort asunder, were not more intermixed. It was from out the rind of one apple tasted that the knowledge of good and evil, as two twins cleaving together, leaped forth into the world. And perhaps this is that doom which Adam fell into of knowing good and evil; that is to say, of knowing good by evil.

As therefore the state of man now is, what wisdom can there be to choose, what continence to forbear, without the knowledge of evil? He that can apprehend and consider vice with all her baits and seeming pleasures, and yet abstain, and yet distinguish, and yet prefer that which is truly better, he is the true warfaring Christian. I cannot praise a fugitive and cloistered virtue unexercised and unbreathed, that never sallies out and seeks her adversary, but slinks out of the race, where that immortal garland is to be run for, not without dust and heat. Assuredly we bring not innocence into the world, we bring impurity much rather; that which purifies us is trial, and trial is by what is contrary. That virtue therefore which is but a youngling in the contemplation of evil, and knows not the utmost that vice promises to her followers, and rejects it, is but a blank virtue, not a pure; her whiteness is but an excremental whiteness; which was the reason why our sage and serious poet Spenser, (whom I dare be known to think a better teacher than Scotus or Aquinas,)

describing true temperance under the person of Guion, brings him in with his palmer through the cave of Mammon, and the bower of earthly bliss, that he might see and know, and yet abstain.

Since therefore the knowledge and survey of vice is in this world so necessary to the constituting of human virtue, and the scanning of error to the confirmation of truth, how can we more safely, and with less danger, scout into the regions of sin and falsity, than by reading all manner of tractates, and hearing all manner of reason? And this is the benefit which may be had of books promiscuously read. But of the harm that may result hence, three kinds are usually reckoned. First, is feared the infection that may spread; but then, all human learning and controversy in religious points must remove out of the world, yea, the Bible itself; for that ofttimes relates blasphemy not nicely, it describes the carnal sense of wicked men not unelegantly, it brings in holiest men passionately murmuring against Providence through all the arguments of Epicurus: in other great disputes it answers dubiously and darkly to the common reader; and ask a Talmudist what ails the modesty of his marginal Keri, that Moses and all the prophets cannot persuade him to pronounce the textual Chetiv. For these causes we all know the Bible itself put by the papist into the first rank of prohibited books. The ancientest fathers must be next removed, as Clement of Alexandria, and that Eusebian book of evangelic preparation, transmitting our ears through a hoard of heathenish obscenities to receive the gospel. Who finds not that Irenæus, Epiphanius, Jerome, and others discover more heresies than they well confute, and that oft for heresy which is the truer opinion?

Nor boots it to say for these, and all the heathen writers of greatest infection, if it must be thought so, with whom is bound up the life of human learning, that they wrote in an unknown tongue, so long as we are sure those languages are known as well to the worst of men, who are both most able and most diligent to instil the poison they suck, first into the courts of princes, acquainting them with the choicest delights, and criticisms of sin. As perhaps did that Petronius, whom Nero called his arbiter, the master of his revels; and that notorious ribald of Arezzo, dreaded and yet dear to the Italian courtiers. I name not him, for posterity's sake, whom Henry the Eighth named in merriment his vicar of hell. By which compendious way all the contagion that foreign books can infuse will find a passage to the people far easier and shorter than an Indian voyage, though it could be sailed either by the north of Cataio eastward or of Canada westward, while our Spanish licensing gags the English press never so severely.

But, on the other side, that infection which is from books of controversy in religion is more doubtful and dangerous to the learned than to the ignorant; and yet those books must be permitted untouched by the licenser. It will be hard to instance where any ignorant man hath been ever seduced by any papistical book in English, unless it were commended and expounded to him by some of that clergy; and indeed all such tractates, whether false or true, are as the prophecy of Isaiah was to the eunuch, not to be understood without a guide. But of our priests and doctors how many have been corrupted by studying the comments of Jesuits and Sorbonists, and how fast they could transfuse that corruption into the people, our experience is both late and sad. It is not forgot since the acute and distinct Arminius was perverted merely by the perusing of a nameless discourse written at Delft, which at first he took in hand to confute.

Seeing therefore that those books, and those in great abundance, which are likeliest to taint both life and doctrine, cannot be suppressed without the fall of learning and of all ability in disputation, and that these books of either sort are most and soonest catching to the learned, (from whom to the common people whatever is heretical or dissolute may quickly be conveyed,) and that evil manners are as perfectly learnt without books a thousand other ways which cannot be stopped, and evil doctrine not with books can propagate, except a teacher guide, which he might also do without writing, and so beyond prohibiting; I am not able to unfold how this cautelous enterprise of licensing can be exempted from the number of vain and impossible attempts. And he who were pleasantly disposed could not well avoid to liken it to the exploit of that gallant man who thought to pound up the crows by shutting his park gate.

Besides another inconvenience, if learned men be the first receivers out of books, and dispreaders both of vice and error, how shall the licensers themselves be confided in, unless we can confer upon them, or they assume to themselves, above all others in the land, the grace of infallibility and uncorruptedness? And again, if it be true that a wise man, like a good refiner, can gather gold out of the drossiest volume, and that a fool will be a fool with the best book, yea, or without book; there is no reason that we should deprive a wise man of any advantage to his wisdom, while we seek to restrain from a fool that which being restrained will be no hindrance to his folly. For if there should be so much exactness always used to keep that from him which is unfit for his reading, we should, in the judgment of Aristotle not only but of Solomon and of our Saviour, not vouchsafe him good precepts, and by consequence not willingly admit him to good books; as being certain that a wise man will make better use of an idle pamphlet than a fool will do of sacred scripture.

It is next alleged, that we must not expose ourselves to temptations without necessity, and next to that, not employ our time in vain things. To both these objections one answer will serve, out of the grounds already laid, that to all men such books are not temptations, nor vanities; but useful drugs and materials wherewith to temper and compose effective and strong medicines, which man's life cannot want. The rest, as children and childish men, who have not the art to qualify and prepare these working minerals, well may be exhorted to forbear; but hindered forcibly they cannot be, by all the licensing that sainted inquisition could ever yet contrive; which is what I promised to deliver next: that this order of licensing conduces nothing to the end for which it was framed; and hath almost prevented me by being clear already while thus much hath been explaining. See the ingenuity of Truth, who, when she gets a free and willing hand, opens herself faster than the pace of method and discourse can overtake her. It was the task which I began with, to shew that no nation, or well instituted state, if they valued books at all, did ever use this way of licensing; and it might be answered, that this is a piece of prudence lately discovered.

To which I return, that as it was a thing slight and obvious to think on, so if it had been difficult to find out, there wanted not among them long since who suggested such a course; which they not following leave us a pattern of their judgment that it was not the not knowing, but the not approving, which was the cause of their not using it. Plato, a man of high authority indeed, but least of all for his Commonwealth, in the book of his laws, which no city ever yet received, fed his fancy with making many edicts to his airy burgomasters, which they who otherwise admire him wish had been rather buried and excused in the genial cups of an academic night sitting. By which laws he seems to tolerate no kind of learning, but by unalterable decree, consisting most of practical traditions, to the attainment whereof a library of smaller bulk than his own dialogues would be abundant. And there also enacts, that no poet should so much as read to any private man what he had written until the judges and law keepers had seen it and allowed it; but that Plato meant this law peculiarly to that commonwealth which he had imagined, and to no other, is evident. Why was he not else a lawgiver to himself, but a transgressor, and to be expelled by his own magistrates, both for the wanton epigrams and dialogues which he made, and his perpetual reading of Sophron Mimus and Aristophanes, books of grossest infamy; and also for commending the latter of them, though he were the malicious libeller of his chief friends, to be read by the tyrant Dionysius, who had little need of such trash to spend his time on? But that he knew this licensing of poems had reference and dependence to many other provisoes there set down in his fancied republic, which in this world could have no place; and so neither he himself, nor any magistrate or city, ever imitated that course, which, taken apart from those other collateral injunctions, must needs be vain and fruitless.

For if they fell upon one kind of strictness, unless their care were equal to regulate all other things of like aptness to corrupt the mind, that single endeavour they knew would be but a fond labour; to shut and fortify one gate against corruption, and be necessitated to leave others round about wide open. If we think to regulate printing, thereby to rectify manners, we must regulate all recreations and pastimes, all that is delightful to man. No music must be heard, no song be set or sung, but what is grave and Doric. There must be licensing dancers, that no gesture, motion, or deportment be taught our youth, but what by their allowance shall be thought honest; for such Plato was provided of. It will ask more than the work of twenty licensers, to examine all the lutes, the violins, and the guitars in every house; they must not be suffered to prattle as they do, but must be licensed what they may say. And who shall silence all the airs and madrigals that whisper softness in chambers? The windows also, and the balconies, must be thought on; there are shrewd books with dangerous frontispieces set to sale: who shall prohibit them, shall twenty licensers? The villages also must have their visitors to inquire what lectures the bagpipe and the rebec reads, even to the ballatry and the gamut of every municipal fiddler, for these are the countryman's Arcadias and his monte mayors.

Next, what more national corruption, for which England hears ill abroad, than household gluttony? Who shall be the rectors of our daily rioting? And what shall be done to inhibit the multitudes that frequent those houses where drunkenness is sold and harboured? Our garments also should be referred to the licensing of some more sober work masters, to see them cut into a less wanton garb. Who shall regulate all the mixed conversation of our youth, male and female together, as is the fashion of this country? Who shall still appoint what shall be discoursed, what presumed, and no further? Lastly, who shall forbid and separate all idle resort, all evil company? These thing will be, and must be; but how they shall be least hurtful, how least enticing, herein consists the grave and governing wisdom of a state.

To sequester out of the world into Atlantic and Utopian politics, which never can be drawn into use, will not mend our condition; but to ordain wisely as in this world of evil, in the midst whereof God hath placed us unavoidably. Nor is it Plato's licensing of books will do this, which necessarily pulls along with it so many other kinds of licensing as will make us all both ridiculous and weary, and yet frustrate; but those unwritten, or at least unconstraining laws of virtuous education, religious and civil nurture, which Plato there mentions as the bonds and ligaments of the commonwealth, the pillars and the sustainers of every written statute; these they be which will bear chief sway in such matters as these, when all licensing will be easily eluded. Impunity and remissness for certain are the bane of a commonwealth; but here the great art lies, to discern in what the law is to bid restraint and punishment, and in what things persuasion only is to work. If every action which is good or evil in man at ripe years were to be under pittance, prescription, and compulsion, what were virtue but a name, what praise could be then due to well doing, what gramercy to be sober, just, or continent?

Many there be that complain of divine Providence for suffering Adam to transgress. Foolish tongues! When God gave him reason He gave him freedom to choose, for reason is but choosing; he had been else a mere artificial Adam, such an Adam as he is in the motions (puppet shows). We ourselves esteem not of that obedience, or love, or gift, which is of force; God therefore left him free, set before him a provoking object ever almost in his eyes; herein consisted his merit, herein the right of his reward, the praise of his abstinence. Wherefore did he create passions within us, pleasure roundabout us, but that these rightly tempered are the very ingredients of virtue? They are not skilful considerers of human things who imagine to remove sin by removing the matter of sin; for, besides that it is a huge heap increasing under the very act of diminishing, though some part of it may for a time be withdrawn from some persons, it cannot from all, in such a universal thing as books are; and when this is done, yet the sin remains entire. Though ye take from a covetous man all his treasure, he has yet one jewel left, ye cannot bereave him of his covetousness. Banish all objects of lust, shut up all youth into the severest discipline that can be exercised in any hermitage, ye cannot make them chaste that came not thither so: such great care and wisdom is required to the right managing of this point.

Suppose we could expel sin by this means; look how much we thus expel of sin, so much we expel of virtue: for the matter of them both is the same: remove that, and ye remove them both alike. This justifies the high providence of God, who, though he commands us temperance, justice, continence, yet pours out before us even to a profuseness of all desirable things, and gives us minds that can wander beyond all limit and satiety. Why should we then affect a rigour contrary to the manner of God and of nature, by abridging or scanting those means, which books freely permitted are, both to the trial of virtue and the exercise of truth?

It would be better done, to learn that the law must needs be frivolous which goes to restrain things uncertainly and yet equally working to good and to evil. And were I the chooser, a dram of well-doing should be preferred before many times as much the forcible hindrance of evil doing. For God sure esteems the growth and completing of one virtuous person more than the restraint of ten vicious. And albeit whatever thing we hear or see, sitting, walking, travelling, or conversing, may be fitly called our book, and is of the same effect that writings are; yet grant the thing to be prohibited were only books, it appears that this order hitherto is far insufficient to the end which it intends. Do we not see, not once or oftener, but weekly, that continued court libel (the "Mercurius Aulicus," a royalist weekly paper.—Ed.) against the parliament and city, printed, as the wet sheets can witness, and dispersed among us for all that licensing can do? Yet this is the prime service, a man would think, wherein this order should give proof of itself. If it were executed, you will say. But, certain, if execution be remiss or blindfold now, and in this particular, what will it be hereafter, and in other books?

If then the order shall not be vain and frustrate, behold a new labour, lords and commons, ye must repeal and proscribe all scandalous and unlicensed books already printed and divulged; after ye have drawn them up into a list, that all may know which are condemned, and which not; and ordain that no foreign books be delivered out of custody, till they have been read over. This office will require the whole time of not a few overseers, and those no vulgar men. There be also books which are partly useful and excellent, partly culpable and pernicious; this work will ask as many more officials, to make expurgations and expunctions, that the commonwealth of learning be not damnified. In fine, when the multitude of books increase upon their hands, ye must be fain to catalogue all those printers who are found frequently offending, and forbid the importation of their whole suspected typography. In a word, that this your order may be exact, and not deficient, ye must reform it perfectly, according to the model of Trent and Sevil, which I know ye abhor to do.

Yet though ye should condescend to this, which God forbid, the order still would be but fruitless and defective to that end whereto ye meant it. If to prevent sects and schisms, who is so unread or uncatechised in story that hath not heard of many sects refusing books as a hindrance, and preserving their doctrine unmixed for many ages, only by unwritten traditions? The Christian faith (for that was once a schism) is not unknown to have spread all over Asia ere any gospel or epistle was seen in writing. If the amendment of manners be aimed at, look into Italy and Spain, whether those places be one scruple the better, the honester, the wiser, the chaster, since all the inquisitional rigour that hath been executed upon books.

Another reason, whereby to make it plain that this order will miss the end it seeks, consider by the quality which ought to be in every licenser. It cannot be denied, but that he who is made judge to sit upon the birth or death of books, whether they may be wafted into this world or not, had need to be a man above the common measure, both studious, learned, and judicious; there may be else no mean mistakes in the censure of what is passable or not; which is also no mean injury.

If he be of such worth as behooves him, there cannot be a more tedious and unpleasing journeywork, a greater loss of time levied upon his head, than to be made the perpetual reader of unchosen books and pamphlets, ofttimes huge volumes. There is no book that is acceptable, unless at certain seasons; but to be enjoined the reading of that at all times, and in a hand scarce legible, whereof three pages would not down at any time in the fairest print, is an imposition I cannot believe how he that values time, and his own studies, or is but of a sensible nostril, should be able to endure. In this one thing I crave leave of the present licensers to be pardoned for so thinking: who doubtless took this office up, looking on it through their obedience to the parliament, whose command perhaps made all things seem easy and unlaborious to them; but that this short trial hath wearied them out already, their own expressions and excuses to them who make so many journeys to solicit their licence are testimony enough. Seeing, therefore, those who now possess the employment by all evident signs wish themselves well rid of it, and that no man of worth, none that is not a plain unthrift of his own hours, is ever likely to succeed them, except he mean to put himself to the salary of a press corrector, we may easily foresee what kind of licensers we are to expect hereafter, either ignorant, imperious, and remiss, or basely pecuniary. This is what I had to show, wherein this order cannot conduce to that end whereof it bears the intention.

I lastly proceed from the no good it can do, to the manifest hurt it causes, in being first the greatest discouragement and affront that can be offered to learning and to learned men. It was the complaint and lamentation of prelates, upon every least of a motion to remove pluralities and distribute more equally church revenues, that then all learning would be forever dashed and discouraged. But as for that opinion, I never found cause to think that the tenth part of learning stood or fell with the clergy; nor could I ever but hold it for a sordid and unworthy speech of any churchman who had a competency left him. If therefore ye be loath to dishearten utterly and discontent, not the mercenary crew of false pretenders to learning, but the free and ingenuous sort of such as evidently were born to study and love learning for itself, not for lucre, or any other end, but the service of God and of truth, and perhaps that lasting fame and perpetuity of praise, which God and good men have consented shall be the reward of those whose published labours advance the good of mankind: then know, that so far to distrust the judgment and the honesty of one who hath but a common repute in

learning, and never yet offended, as not to count him fit to print his mind without a tutor and examiner, lest he should drop a schism or something of corruption, is the greatest displeasure and indignity to a free and knowing spirit that can be put upon him.

What advantage is it to be a man over it is to be a boy at school, if we have only escaped the ferula to come under the fescue of an imprimatur? if serious and elaborate writings, as if they were no more than the theme of a grammar-lad under his pedagogue, must not be uttered without the cursory eyes of a temporizing and extemporizing licenser? He who is not trusted with his own actions, his drift not being known to be evil, and standing to the hazard of law and penalty, has no great argument to think himself reputed in the commonwealth wherein he was born for other than a fool or a foreigner. When a man writes to the world, he summons up all his reason and deliberation to assist him; he searches, meditates, is industrious, and likely consults and confers with his judicious friends; after all which done, he takes himself to be informed in what he writes as well as any that wrote before him; if in this, the most consummate act of his fidelity and ripeness, no years, no industry, no former proof of his abilities, can bring him to that state of maturity as not to be still mistrusted and suspected, unless he carry all his considerate diligence, all his midnight watchings, and expense of Palladian oil, to the hasty view of an unleisured licenser, perhaps much his younger, perhaps far his inferior in judgment, perhaps one who never knew the labour of bookwriting; and if he be not repulsed, or slighted, must appear in print like a puny with his guardian, and his censor's hand on the back of his title to be his bail and surety that he is no idiot or seducer; it cannot be but a dishonour and derogation to the author, to the book, to the privilege and dignity of learning.

And what if the author shall be one so copious of fancy as to have many things well worth the adding come into his mind after licensing, while the book is yet under the press, which not seldom happens to the best and diligentest writers; and that perhaps a dozen times in one book. The printer dares not go beyond his licensed copy; so often then must the author trudge to his leave-giver, that those his new insertions may be viewed; and many a jaunt will be made, ere that licenser, for it must be the same man, can either be found, or found at leisure; meanwhile either the press must stand still, which is no small damage, or the author lose his accuratest thoughts, and send the book forth worse than he had made it, which to a diligent writer is the greatest melancholy and vexation that can befall.

And how can a man teach with authority, which is the life of teaching; how can he be a doctor in his book, as he ought to be, or else had better be silent, whenas all he teaches, all he delivers, is but under the tuition, under the correction of his patriarchal licenser, to blot or alter what precisely accords not with the hide-bound humour which he calls his judgment?

When every acute reader, upon the first sight of a pedantic licence, will be ready with these like words to ding the book a quoit's distance from him: "I hate a pupil teacher; I endure not an instructor that comes to me under the wardship of an overseeing fist. I know nothing of the licenser, but that I have his own hand here for his arrogance; who shall warrant me his judgment?" "The state, sir," replies the stationer: but has a quick return: "The state shall be my governors, but not my critics; they may be mistaken in the choice of a licenser, as easily as this license may be mistaken in an author. This is some common stuff:" and he might add from Sir Francis Bacon, that "such authorized books are but the language of the times." For though a licenser should happen to be judicious more than ordinary, which will be a great jeopardy of the next succession, yet his very office and his commission enjoins him to let pass nothing but what is vulgarly received already.

Nay, which is more lamentable, if the work of any deceased author, though never so famous in his lifetime, and even to this day, comes to their hands for licence to be printed, or reprinted, if there be found in his book one sentence of a venturous edge, uttered in the height of zeal, (and who knows whether it might not be the dictate of a divine spirit?) yet not suiting with every low decrepit humour of their own, though it were Knox himself, the reformer of a kingdom, that spake it, they will not pardon him their dash (forego their erasure.—Ed.); the sense of that great man shall to all posterity be lost, for the fearfulness or the presumptuous rashness of a perfunctory licenser. And to what an author this violence hath been lately done, and in what book, of greatest consequence to be faithfully published, I could now instance, but shall forbear till a more convenient season. Yet if these things be not resented seriously and timely by them who have the remedy in their power, but that such ironmoulds as these shall have authority to gnaw out the choicest periods of exquisitest books, and to commit such a treacherous fraud against the orphan remainders of worthiest men after death, the more sorrow will belong to that hapless race of men whose misfortune it is to have understanding. Henceforth let no man care to learn, or care to be more than worldly wise; for certainly in higher matters to be ignorant and slothful, to be a common steadfast dunce, will be the only pleasant life, and only in request.

And as it is a particular disesteem of every knowing person alive, and most injurious to the written labours and monuments of the dead, so to me it seems an undervaluing and vilifying of the whole nation. I cannot set so light by all the invention, the art, the wit, the grave and solid judgment which is in England, as that it can be comprehended in any twenty capacities, how good soever; much less that it should not pass except their superintendence be over it, except it be sifted and strained with their strainers, that it should be uncurrent without their mutual stamp. Truth and understanding are not such wares as to be monopolized and traded in by tickets, and statutes, and standards. We must not think to make a staple commodity of all the knowledge in the land, to mark and license it like our broad-cloth and our wool-packs. What is it but a servitude like that imposed by the Philistines, not to be allowed the sharpening of our own axes and coulters, but we must repair from all quarters to twenty licensing forges?

Had any one written and divulged erroneous things and scandalous to honest life, misusing and forfeiting the esteem had of his reason among men, if after conviction this only censure were adjudged him, that he should never henceforth write but what were first examined by an appointed officer, whose hand should be annexed to pass his credit for him that now he might be safely read; it could not be apprehended less than a disgraceful punishment. Whence to include the whole nation, and those that never yet thus offended, under such a diffident and suspectful prohibition, may plainly be understood what a disparagement it is. So much the more when as debtors and delinquents may walk abroad without a keeper, but uninoffensive books must not stir forth without a visible jailor in their title. Nor is it to the common people less than a reproach; for if we be so jealous over them as that we dare not trust them with an English pamphlet, what do we but censure them for a giddy, vicious, and ungrounded people; in such a sick and weak state of faith and discretion as to be able to take nothing down but through the pipe of a licenser? That this is care or love of them we cannot pretend, when as in those popish places, where the laity are most hated and despised, the same strictness is used over them. Wisdom we cannot call it, because it stops but one breach of licence, nor that neither when as those corruptions which it seeks to prevent break in faster at other doors which cannot be shut.

And in conclusion it reflects to the disrepute of our ministers also, of whose labours we should hope better, and of their proficiency which their flock reaps by them, than that after all this light of the gospel which is, and is to be, and all this continual preaching, they should be still frequented with such an unprincipled, unedified, and laic rabble as that the whiff of every new pamphlet should stagger them out of their catechism and Christian walking. This may have much reason to discourage the ministers, when such a low conceit is had of all their exhortations, and the benefiting of their hearers, as that they are not thought fit to be turned loose to three sheets of paper without a licenser; that all the sermons, all the lectures preached, printed, vended in such numbers and such volumes as have now well-nigh made all other books unsaleable, should not be armour enough against one single Enchiridion, without the castle of St. Angelo of an imprimatur.

And lest some should persuade ye, lords and commons, that these arguments of learned men's discouragement at this your order are mere flourishes, and not real, I could recount what I have seen and heard in other countries, where this kind of inquisition tyrannizes; when I have sat among their learned men, (for that honour I had), and been counted happy to be born in such a place of philosophic freedom, as they supposed England was, while themselves did nothing but bemoan the servile condition into which learning amongst them was brought; that this was it which had damped the glory of Italian wits, that nothing had been there written now these many years but flattery and fustian. There it was that I found and visited the famous Galileo, grown old, a prisoner to the inquisition, for thinking in astronomy otherwise than the Franciscan and Dominican licensers thought. And though I knew that England then was groaning loudest under the prelatical yoke, nevertheless I took it as a pledge of future happiness, that other nations were so persuaded of her liberty.

Yet was it beyond my hope, that those worthies were then breathing in her air who should be her leaders to such a deliverance as shall never be forgotten by any revolution of time that this world hath to finish. When that was once begun it was as little in my fear that what words of complaint I heard among learned men of other parts uttered against the inquisition, the same I should hear by as learned men at home uttered in time of parliament against an order of licensing; and that so generally that when I had disclosed myself a companion of their discontent, I might say, if without envy, that he whom an honest questorship had endeared to the Sicilians was not more by them importuned against Verres than the favourable opinion which I had among many who honour ye, and are known and respected by ye, loaded me with entreaties and persuasions that I would not despair to lay together that which just reason should bring into my mind toward the removal of an undeserved thraldom upon learning.

That this is not, therefore, the disburdening of a particular fancy, but the common grievance of all those who had prepared their minds and studies above the vulgar pitch, to advance truth in others, and from others to entertain it, thus much may satisfy. And in their name I shall for neither friend nor foe conceal what the general murmur is; that if it come to inquisitioning again, and licensing, and that we are so timorous of ourselves, and suspicious of all men, as to fear each book, and the shaking of each leaf, before we know what the contents are; if some who but of late were little better than silenced from preaching, shall come now to silence us from reading, except what they please, it cannot be guessed what is intended by some but a second tyranny over learning, and will soon put it out of controversy that bishops and presbyters are the same to us, both name and thing.

That those evils of prelaty which before from five or six and twenty sees were distributively charged upon the whole people will now light wholly upon learning, is not obscure to us; whenas now the pastor of a small unlearned parish on the sudden shall be exalted archbishop over a large diocese of books, and yet not remove, but keep his other cure, too, a mystical pluralist. He who but of late cried down the sole ordination of every novice bachelor of art, and denied sole jurisdiction over the simplest parishioner, shall now at home in his private chair assume both these over worthiest and excellentest books and ablest authors that write them. This is not the covenants and protestations that we have made. This is not to put down prelacy; this is but to chop an episcopacy; this is but to translate the palace metropolitan from one kind of dominion into another; this is but an old canonical sleight of commuting our penance. To startle thus betimes at a mere unlicensed pamphlet, will, after a while, be afraid of every conventicle, and a while after will make a conventicle of every Christian meeting.

But I am certain that a state governed by the rules of justice and fortitude, or a church built and founded upon the rock of faith and true knowledge, can not be so pusillanimous. While things are yet not constituted in religion, that freedom of writing should be restrained by a discipline imitated from the prelates, and learned by them from the inquisition, to shut us up all again into the breast of a licenser, must needs give cause of doubt and discouragement to all learned and religious men; who cannot but discern the fineness of this politic drift, and who are the contrivers; that while bishops were to be baited down, then all presses might be open; it was the people's birthright and privilege in time of parliament, it was the breaking forth of light.

But now the bishops abrogated and voided out of the church, as if our reformation sought no more, but to make room for others into their seats under another name; the episcopal arts begin to bud again; the cruse of truth must run no more oil; liberty of printing must be enthralled again under a prelatical commission of twenty; the privilege of the people nullified; and, which is worse, the freedom of learning must groan again, and to her old fetters; all this the parliament yet sitting. Although their own late arguments and defences against the prelates might remember them that this obstructing violence meets for the most part with an event utterly opposite to the end which it drives at: instead of suppressing sects and schisms it raises them and invests them with a reputation: "The punishing of wits enhances their authority," saith the Viscount St. Albans; "and a forbidden writing is thought to be a certain spark of truth, that flies up in the faces of them who seek to tread it out." This order, therefore, may prove a nursing mother to sects, but I shall easily shew how it will be a stepdame to truth: and, first, by disenabling us to the maintenance of what is known already.

Well knows he who uses to consider that our faith and knowledge thrives by exercise, as well as our limbs and complexion. Truth is compared in scripture to a streaming fountain; if her waters flow not in a perpetual progression, they sicken into a muddy pool of conformity and tradition. A man may be a heretic in the truth, and if he believe things only because his pastor says so, or the assembly so determines, without knowing other reason, though his belief be true, yet the very truth he holds becomes his heresy. There is not any burden that some would gladlier post off to another than the charge and care of their religion. There be, who knows not that there be? of protestants and professors who live and die in as arrant an implicit faith as any lay papist of Loretto.

A wealthy man, addicted to his pleasure and to his profits, finds religion to be a traffic so entangled and of so many piddling accounts, that of all mysteries he cannot skill to keep a stock going upon that trade. What should he do? Fain he would have the name to be religious, fain he would bear up with his neighbors in that. What does he therefore, but resolves to give over toiling, and to find himself out some factor, to whose care and credit he may commit the whole managing of his religious affairs; some divine of note and estimation that must be. To him he adheres, resigns the whole warehouse of his religion, with all the locks and keys, into his custody, and indeed makes the very person of that man his religion; esteems his associating with him a sufficient evidence and commendatory of his own piety. So that a man may say his religion is now no more within himself, but is become a dividual movable, and goes and comes near him according as that good man frequents the house. He entertains him, gives him gifts, feasts him, lodges him; his religion comes home at night, prays, is liberally supped, and sumptuously laid to sleep; rises, is saluted, and after the malmsey, or some well-spiced bruage, and better breakfasted than He whose morning appetite would have gladly fed on green figs between Bethany and Jerusalem, his religion walks abroad at eight and leaves his kind entertainer in the shop trading all day without his religion.

Another sort there be who when they hear that all things shall be ordered, all things regulated and settled, nothing written but what passes through the custom-house of certain publicans that have the tonnaging and poundaging of all free-spoken truth, will straight give themselves up into your hands, make them and cut them out what religion ye please: there be delights, there be recreations and jolly pastimes, that will fetch the day about from sun to sun and rock the tedious year as in a delightful dream. What need they torture their heads with that which others have taken so strictly and so unalterably into their own purveying? These are the fruits which a dull ease and cessation of our knowledge will bring forth among the people. How goodly and how to be wished were such an obedient unanimity as this! What a fine conformity would it starch us all into! Doubtless a staunch and solid piece of framework as any January could freeze together.

Nor much better will be the consequence even among the clergy themselves: it is no new thing never heard of before for a parochial minister, who has his reward and is at his Hercules' pillars in a warm benefice, to be easily inclinable, if he have nothing else that may rouse up his studies, to finish his circuit in an English concordance and a topic folio, the gatherings and savings of a sober graduateship, a Harmony and a Catena, treading the constant round of certain common doctrinal heads, attended with their uses, motives, marks, and means; out of which, as out of an alphabet or sol-fa, by forming and transforming, joining and disjoining variously, a little bookcraft and two hours' meditation might furnish him unspeakably to the performance of more than a weekly charge of sermoning: not to reckon up the infinite helps of interlinearies, breviaries, synopses, and other loitering gear. But as for the multitude of sermons ready printed and piled up, on every text that is not difficult, our London trading St. Thomas in his vestry, and add to boot St. Martin and St. Hugh, have not within their hallowed limits more vendible ware of all sorts ready made; so that penury he never need fear of pulpit provision, having where so plenteously to refresh his magazine. But if his rear and flanks be not impaled, if his back door be not secured by the rigid licenser, but that a bold book may now and then issue forth and give the assault to some of his old collections in their trenches, it will concern him then to keep waking, to stand in watch, to set good guards and sentinels about his received opinions, to walk the round and counter-round with his fellow-inspectors, fearing lest any of his flock be seduced, who also then would be better instructed, better exercised and disciplined. And God fend that the fear of this diligence, which must then be used, do not make us affect the laziness of a licensing church.

For if we be sure we are in the right, and do not hold the truth guiltily, which becomes not, if we ourselves condemn not our own weak and frivolous teaching, and the people for an untaught and irreligious gadding rout; what can be more fair than when a man judicious, learned, and of a conscience, for aught we know, as good as theirs that taught us what we know, shall not privily from house to house, which is more dangerous, but openly by writing, publish to the world what his opinion is, what his reasons, and wherefore that which is now thought cannot be sound? Christ urged it as wherewith to justify himself, that he preached in public; yet writing is more public than preaching, and more easy to refutation if need be, there being so many whose business and profession merely it is to be the champions of truth; which if they neglect, what can be imputed but their sloth or inability?

Thus much we are hindered and disinured by this course of licensing toward the true knowledge of what we seem to know. For how much it hurts and hinders the licensers themselves in the calling of their ministry, more than any secular employment, if they will discharge that office as they ought, so that of necessity they must neglect either the one duty or the other, I insist not, because it is a particular, but leave it to their own conscience, how they will decide it there.

There is yet behind of what I purposed to lay open, the incredible loss and detriment that this plot of licensing puts us to. More than if some enemy at sea should stop up all our havens, and ports, and creeks, it hinders and retards the importation of our richest merchandise,—truth: nay, it was first established and put in practice by anti-Christian malice and mystery, on set purpose to extinguish, if it were possible, the light of reformation, and to settle falsehood; little differing from that policy wherewith the Turk upholds his Alcoran, by the prohibiting of printing. It is not denied, but gladly confessed, we are to send our thanks and vows to heaven louder than most of nations for that great measure of truth which we enjoy, especially in those main points between us and the Pope, with his appurtenances the prelates: but he who thinks we are to pitch our tent here, and have attained the utmost prospect of reformation that the mortal glass wherein we contemplate can shew us, till we come to beatific vision, that man by this very opinion declares that he is yet far short of truth.

Truth indeed came once into the world with her divine Master, and was a perfect shape most glorious to look on: but when He ascended, and his apostles after him were laid asleep, then straight arose a wicked race of deceivers, who, as that story goes of the Egyptian Typhon with his conspirators, how they dealt with the good Osiris, took the virgin Truth, hewed her lovely form into a thousand pieces, and scattered them to the four winds. From that time ever since, the sad friends of Truth, such as durst appear, imitating the careful search that Isis made for the mangled body of Osiris, went up and down gathering up limb by limb still as they could find them. We have not yet found them all, lords and commons, nor ever shall do, till her Master's second coming; he shall bring together every joint and member, and shall mould them into an immortal feature of loveliness and perfection. Suffer not these licensing prohibitions to stand at every place of opportunity forbidding and disturbing them that continue seeking, that continue to do our obsequies to the torn body of our martyred saint.

We boast our light; but if we look not wisely on the sun itself, it smites us into darkness. Who can discern those planets that are oft combust, and those stars of brightest magnitude that rise and set with the sun, until the opposite motion of their orbs bring them to such a place in the firmament, where they may be seen evening or morning? The light which we have gained was given us, not to be ever staring on, but by it to discover onward things more remote from our knowledge. It is not the unfrocking of a priest, the unmitring of a bishop, and the removing him from off the presbyterian shoulders, that will make us a happy nation: no; if other things as great in the church, and in the rule of life both economical and political, be not looked into and reformed, we have looked so long upon the blaze that Zuinglius and Calvin have beaconed up to us, that we are stark blind.

There be who perpetually complain of schisms and sects, and make it such a calamity that any man dissents from their maxims. It is their own pride and ignorance which causes the disturbing, who neither will hear with meekness, nor can convince, yet all must be suppressed which is not found in their Syntagma. They are the troublers, they are the dividers of unity, who neglect and permit not others to unite those dissevered pieces which are yet wanting to the body of Truth. To be still searching what we know not by what we know, still closing up truth to truth as we find it, (for all her body is homogeneal, and proportional,) this is the golden rule in theology as well as in arithmetic, and makes up the best harmony in a church; not the forced and outward union of cold and neutral and inwardly divided minds.

Lords and commons of England, consider what nation it is whereof ye are, and whereof ye are the governors: a nation not slow and dull, but of a quick, ingenious, and piercing spirit, acute to invent, subtile and sinewy to discourse, not beneath the reach of any point the highest that human capacity can soar to. Therefore the studies of learning in her deepest sciences have been so ancient and so eminent among us, that writers of good antiquity and able judgment have been persuaded that even the school of Pythagoras, and the Persian wisdom, took beginning from the old philosophy of this island. And that wise and civil Roman, Julius Agricola, who governed once here for Cæsar, preferred the natural wits of Britain before the laboured studies of the French. Nor is it for nothing that the grave and frugal Transylvanian sends out yearly from as far as the mountainous borders of Russia, and beyond the Hercynian wilderness, not their youth, but their staid men, to learn our language and our theologic arts. Yet that which is above all this, the favour and the love of Heaven, we have great argument to think in a peculiar manner propitious and propending toward us. Why else was this nation chosen before any other, that out of her, as out of Sion, should be proclaimed and sounded forth the first tidings and trumpet of reformation to all Europe? And had it not been the obstinate perverseness of our prelates against the divine and admirable spirit of Wicklef, to suppress him as a schismatic and innovator, perhaps neither the Bohemian Husse and Jerome, no, nor the name of Luther or of Calvin, had been ever known: the glory of reforming all our neighbours had been completely ours. But now, as our obdurate clergy have with violence demeaned the matter, we are become hitherto the latest and the backwardest scholars of whom God offered to have made us the teachers.

Now, once again by all concurrence of signs and by the general instinct of holy and devout men as they daily and solemnly express their thoughts, God is decreeing to begin some new and great period in his church, even to the reforming of reformation itself; what does he then but reveal himself to his servants, and as his manner is, first to his Englishmen? I say, as his manner is, first to us, though we mark not the method of his counsels, and are unworthy. Behold now this vast city, a city of refuge, the mansion-house of liberty, encompassed and surrounded with his protection; the shop of war hath not there more anvils and hammers working, to fashion out the plates and instruments of armed justice in defence of beleaguered truth than there be pens and heads there, sitting by their studious lamps, musing, searching, revolving new notions and ideas wherewith to present, as with their homage and their fealty, the approaching reformation: others as fast reading, trying all things, assenting to the force of reason and convincement.

What could a man require more from a nation so pliant and so prone to seek after knowledge? What wants there to such a towardly and pregnant soil but wise and faithful labourers to make a knowing people, a nation of prophets, of sages, and of worthies? We reckon more than five months yet to harvest; there need not be five weeks; had we but eyes to lift up, the fields are white already. Where there is much desire to learn, there of necessity will be much arguing, much writing, many opinions; for opinion in good men is but knowledge in the making. Under these fantastic terrors of sect and schism we wrong the earnest and zealous thirst after knowledge and understanding which God hath stirred up in this city. What some lament of we rather should rejoice at, should rather praise this pious forwardness among men to reassume the ill-deputed care of their religion into their own hands again. A little generous prudence, a little forbearance of one another, and some grain of charity might win all these diligences to join and unite into one general and brotherly search after truth; could we but forego this prelatical tradition of crowding free consciences and Christian liberties into canons and precepts of men. I doubt not if some great and worthy stranger should come among us, wise to discern the mould and temper of a people, and how to govern it, observing the high hopes and aims, the diligent alacrity of our extended thoughts and reasonings in the pursuance of truth and freedom, but that he would cry out as Pyrrhus did, admiring the Roman docility and courage, "If such were my Epirots, I would not despair the greatest design that could be attempted to make a church or kingdom happy."

Yet these are the men cried out against for schismatics and sectaries, as if, while the temple of the Lord was building, some cutting, some squaring the marble, others hewing the cedars, there should be a sort of irrational men who could not consider there must be many schisms and many dissections made in the quarry and in the timber ere the house of God can be built. And

when every stone is laid artfully together, it cannot be united into a continuity, it can but be contiguous in this world: neither can every piece of the building be of one form; nay, rather the perfection consists in this, that out of many moderate varieties and brotherly dissimilitudes that are not vastly disproportional arises the goodly and the graceful symmetry that commends the whole pile and structure.

Let us therefore be more considerate builders, more wise in spiritual architecture, when great reformation is expected. For now the time seems come, wherein Moses, the great prophet, may sit in heaven rejoicing to see that memorable and glorious wish of his fulfilled, when not only our seventy elders but all the Lord's people are become prophets. No marvel then though some men, and some good men too perhaps, but young in goodness, as Joshua then was, envy them. They fret, and out of their own weakness are in agony, lest these divisions and subdivisions will undo us. The adversary again applauds, and waits the hour: when they have branched themselves out, saith he, small enough into parties and partitions, then will be our time. Fool! he sees not the firm root, out of which we all grow, though into branches; nor will beware, until he see our small divided maniples cutting through at every angle of his ill-united and unwieldly brigade. And that we are to hope better of all these supposed sects and schisms, and that we shall not need that solicitude, honest perhaps, though overtimorous, of them that vex in this behalf, but shall laugh in the end at those malicious applauders of our differences, I have these reasons to persuade me.

First, when a city shall be as it were besieged and blocked about, her navigable river infested, inroads and incursions round, defiance and battle oft rumoured to be marching up even to her wall and suburb trenches; that when the people, or the greater part, more than at other times, wholly taken up with the study of highest and most important matters to be reformed, should be disputing, reasoning, reading, inventing, discoursing, even to a rarity and admiration, things not before discoursed or written of, argues first a singular good will, contentedness, and confidence in your prudent foresight, and safe government, lords and commons; and from thence derives itself to a gallant bravery and well-grounded contempt of their enemies, as if there were no small number of as great spirits among us as his was who, when Rome was nigh besieged by Hannibal, being in the city, bought that piece of ground at no cheap rate whereon Hannibal himself encamped his own regiment.

Next, it is a lively and cheerful presage of our happy success and victory. For as in a body when the blood is fresh, the spirits pure and vigorous, not only to vital but to rational faculties, and those in the acutest and the pertest operations of wit and subtlety, it argues in what good plight and constitution the body is; so when the cheerfulness of the people is so sprightly up, as that it has not only wherewith to guard well its own freedom and safety, but to spare, and to bestow upon the solidest and sublimest points of controversy and new invention, it betokens us not degenerated, nor drooping to a fatal decay, but casting off the old and wrinkled skin of corruption to outlive these pangs, and wax young again, entering the glorious ways of truth and prosperous virtue, destined to become great and honourable in these latter ages. Methinks I see in my mind a noble and puissant nation rousing herself like a strong man after sleep, and shaking her invincible locks. Methinks I see her as an eagle mewing her mighty youth, and kindling her undazzled eyes at the full midday beam, purging and unscaling her long-abused sight at the fountain itself of heavenly radiance; while the whole noise of timorous and flocking birds, with those also that love the twilight, flutter about, amazed at what she means, and in their envious gabble would prognosticate a year of sects and schisms.

What should ye do then, should ye suppress all this flowery crop of knowledge and new light sprung up and yet springing daily in this city, should ye set an oligarchy of twenty engrossers over it, to bring a famine upon our minds again, when we shall know nothing but what is measured to us by their bushel? Believe it, lords and commons, they who counsel ye to such a suppressing do as good as bid ye suppress yourselves; and I will soon shew how. If it be desired to know the immediate cause of all this free writing and free speaking, there cannot be assigned a truer than your own mild and free and humane government; it is the liberty, lords and commons, which your own valorous and happy counsels have purchased us; liberty which is the nurse of all great wits; this is that which hath rarified and enlightened our spirits like the influence of heaven; this is that which hath enfranchised, enlarged, and lifted up our apprehensions degrees above themselves. Ye can not make us now less capable, less knowing, less eagerly pursuing of the truth, unless ye first make yourselves, that made us so, less the lovers, less the founders of our true liberty. We can grow ignorant again, brutish, formal, and slavish, as ye found us; but you then must first become that which ye cannot be, oppressive, arbitrary, and tyrannous, as they were from whom ye have freed us. That our hearts are now more capacious, our thoughts more erected to the search and expectation of greatest and exactest things, is the issue of your own virtue propagated in us: ye cannot suppress that, unless ye reinforce an abrogated and merciless law, that fathers may dispatch at will their own children. And who shall then stick closest to ye and excite others? Not he who takes up arms for coat and conduct (taxation for the clothing and conveyance of troops), and his four nobes of Danegelt. Although I dispraise not the defence of just immunities, yet love my peace better, if that were all. Give me the liberty to know, to utter, and to argue freely according to conscience, above all liberties.

What would be best advised then, if it be found so hurtful and so unequal to suppress opinions for the newness or the unsuitableness to a customary acceptance, will not be my task to say; I shall only repeat what I have learned from one of your own honourable number, a right noble and pious lord, who had he not sacrificed his life and fortunes to the church and commonwealth, we had not now missed and bewailed a worthy and undoubted patron of this argument. Ye know him, I am sure; yet I for honour's sake, and may it be eternal to him, shall name him, the Lord Brook. He writing of episcopacy, and by the way treating of sects and schisms, left ye his vote, or rather now the last words of his dying charge, which I know will ever be of dear and honoured regard with ye, so full of meekness and breathing charity, that next to His last testament, who bequeathed love and peace to his disciples, I cannot call to mind where I have read or heard words more mild and peaceful. He there exhorts us to hear with patience and humility those, however they be miscalled, that desire to live purely in such a use of God's ordinances as the best guidance of their conscience gives them, and to tolerate them, though in some disconformity to ourselves. The book itself will tell us more at large, being published to the world and dedicated to the parliament by him who both for his life and for his death deserves that what advice he left be not laid by without perusal.

And now the time in special is by privilege to write and speak what may help to the further discussing of matters in agitation. The temple of Janus, with his two controversial faces, might now not unsignificantly be set open. And though all the winds of doctrine were let loose to play upon the earth, so Truth be in the field, we do injuriously by licensing and prohibiting to misdoubt her strength. Let her and Falsehood grapple; who ever knew Truth put to the worse in a free and open encounter? Her confuting is the best and surest suppressing. He who hears what praying there is for light and clear knowledge to be sent down among us would think of other matters to be constituted beyond the discipline of Geneva, framed and fabricated already to our hands.

Yet when the new light which we beg for shines in upon us, there be those who envy and oppose, if it come not first in at their casements. What a collusion is this, whenas we are exhorted by the wise men to use diligence, "to seek for wisdom as for hidden treasures," early and late, that another order shall enjoin us to know nothing but by statute? When a man hath been labouring the hardest labour in the deep mines of knowledge, hath furnished out his findings in all their equipage, drawn forth his reasons as it were a battle ranged, scattered and defeated all objections in his way, calls out his adversary into the plain, offers him the advantage of wind and sun, if he please, only that he may try the matter by dint of argument; for his opponents then to skulk, to lay ambushments, to keep a narrow bridge of licensing where the challenger should pass, though it be valour enough in soldiership, is but weakness and cowardice in the wars of truth. For who knows not that truth is strong, next to the Almighty; she needs no policies, nor stratagems, nor licensings to make her victorious; those are the shifts and the defences that error uses against her power; give her but room, and do not bind her when she sleeps, for then she speaks not true, as the old Proteus did, who spoke oracles only when he was caught and bound, but then rather she turns herself into all shapes except her own, and perhaps tunes her voice according to the time, as Micaiah did before Ahab, until she be adjured into her own likeness.

Yet is it not impossible that she may have more shapes than one. What else is all that rank of things indifferent, wherein truth may be on this side or on the other without being unlike herself? What but a vain shadow else is the abolition of "those ordinances, that hand-writing nailed to the cross," what great purchase is this Christian liberty which Paul so often boasts of? His doctrine is that he who eats or eats not, regards a day or

regards it not, may do either to the Lord. How many other things might be tolerated in peace and left to conscience, had we but charity, and were it not the chief stronghold of our hypocrisy to be ever judging one another? I fear yet this iron yoke of outward conformity hath left a slavish print upon our necks; the ghost of a linen decency yet haunts us. We stumble, and are impatient at the least dividing of one visible congregation from another, though it be not in fundamentals; and through our forwardness to suppress and our backwardness to recover any enthralled piece of truth out of the gripe of custom we care not to keep truth separated from truth, which is the fiercest rent and disunion of all. We do not see that while we still affect by all means a rigid external formality, we may as soon fall again into a gross conforming stupidity, a stark and dead congealment of "wood and hay and stubble" forced and frozen together, which is more to the sudden degenerating of a church than many subdichotomies of petty schisms.

Not that I can think well of every light separation; or that all in a church is to be expected "gold and silver and precious stones": it is not possible for man to sever the wheat from the tares, the good fish from the other fry; that must be the angels' ministry at the end of mortal things. Yet if all cannot be of one mind, as who looks they should be? this doubtless is more wholesome, more prudent, and more Christian, that many be tolerated rather than all compelled. I mean not tolerated popery and open superstition, which as it extirpates all religions and civil supremacies, so itself should be extirpate, provided first that all charitable and compassionate means be used to win and regain the weak and the misled: that also which is impious or evil absolutely either against faith or manners no law can possibly permit that intends not to unlaw itself: but those neighbouring differences, or rather indifferences, are what I speak of, whether in some point of doctrine or of discipline, which though they may be many, yet need not interrupt the unity of spirit, if we could but find among us the bond of peace.

In the meanwhile, if anyone would write, and bring his helpful hand to the slow-moving reformation which we labor under, if truth have spoken to him before others, or but seemed at least to speak, who hath so bejesuited us that we should trouble that man with asking licence to do so worthy a deed? and not consider this, that if it come to prohibiting, there is not aught more likely to be prohibited than truth itself: whose first appearance to our eyes, bleared and dimmed with prejudice and custom, is more unsightly and unplausible than many errors; even as the person is of many a great man slight and contemptible to see to. And what do they tell us vainly of new opinions, when this very opinion of theirs, that none must be heard but whom they like, is the worst and newest opinion of all others; and is the chief cause why sects and schisms do so much abound, and true knowledge is kept at distance from us? Besides yet a greater danger which is in it: for when God shakes a kingdom with strong and healthful commotions to a general reforming, it is not untrue that many sectaries and false teachers are then busiest in seducing; but yet more true it is that God then raises to his own work men of rare abilities and more than common industry, not only to look back and revive what hath been taught heretofore, but to gain further, and to go on some new enlightened steps in the discovery of truth. For such is the order of God's enlightening his church, to dispense and deal out by degrees his beam, so as our earthly eyes may best sustain it. Neither is God appointed and confined, where and out of which place these his chosen shall be first heard to speak; for he sees not as man sees, chooses not as man chooses, lest we should devote ourselves again to set places and assemblies, and outward callings of men; planting our faith one while in the old convocation house, and another while in the chapel at Westminster; when all the faith and religion that shall be there canonized is not sufficient without plain convincement, and the charity of patient instruction, to supple the least bruise of conscience, to edify the meanest Christian who desires to walk in the spirit, and not in the letter of human trust, for all the number of voices that can be there made; no, though Harry the Seventh himself there, with all his liege tombs about him, should lend them voices from the dead to swell their number.

And if the men be erroneous who appear to be the leading schismatics, what withholds us but our sloth, our self-will, and distrust in the right cause, that we do not give them gentle meetings and gentle dismissions, that we debate not and examine the matter thoroughly with liberal and frequent audience; if not for their sakes yet for our own? Seeing no man who hath tasted learning, but will confess the many ways of profiting by those who, not contented with stale receipts, are able to manage and set forth new positions to the world. And were they but as the dust and cinders of our feet, so long as in that notion they may yet serve to polish and brighten the armoury of truth, even for that respect they were not utterly to be cast away. But if they be of those whom God hath fitted for the special use of these times with eminent and ample gifts, and those perhaps neither among the priests nor among the pharisees, and we, in the haste of a precipitant zeal, shall make no distinction, but resolve to stop their mouths, because we fear they come with new and dangerous opinions, as we commonly forejudge them ere we understand them; no less than woe to us, while, thinking thus to defend the gospel, we are found the persecutors!

There have been not a few since the beginning of this parliament, both of the presbytery and others, who by their unlicensed books to the contempt of an imprimatur first broke that triple ice clung about our hearts, and taught the people to see day; I hope that none of those were the persuaders to renew upon us this bondage which they themselves have wrought so much good by contemning. But if neither the check that Moses gave to young Joshua, nor the countermand which our Saviour gave to young John, who was so ready to prohibit those whom he thought unlicensed, be not enough to admonish our elders how unacceptable to God their testy mood of prohibiting is; if neither their own remembrance what evil hath abounded in the church by this lett of licensing, and what good they themselves have begun by transgressing it, be not enough, but that they will persuade and execute the most Dominican part of the inquisition over us, and are already with one foot in the stirrup so active at suppressing, it would be no unequal distribution in the first place to suppress the suppressors themselves; whom the change of their condition hath puffed up, more than their late experience of harder times hath made wise.

And as for regulating the press, let no man think to have the honour of advising ye better than yourselves have done in that order published next before this, "That no book be printed, unless the printer's and the author's name, or at least the printer's, be registered." Those which otherwise come forth, if they be found mischievous and libelous, the fire and the executioner will be the timeliest and the most effectual remedy that man's prevention can use. For this authentic Spanish policy of licensing books, if I have said aught, will prove the most unlicensed book itself within a short while; and was the immediate image of a star-chamber decree to that purpose made in those times when that court did the rest of those her pious works, for which she is now fallen from the stars with Lucifer. Whereby ye may guess what kind of state prudence, what love of the people, what care of religion or good manners there was at the contriving, although with singular hypocrisy it pretended to bind books to their good behaviour. And how it got the upper hand of your precedent order so well constituted before, if we may believe those men whose profession gives them cause to inquire most, it may be doubted there was in it the fraud of some old patentees and monopolizers in the trade of bookselling; who, under pretence of the poor in their company not to be defrauded, and the just retaining of each man his several copy, (which God forbid should be gainsaid,) brought divers glossing colours to the House, which were indeed but colours, and serving to no end except it be to exercise a superiority over their neighbours; men who do not therefore labour in an honest profession, to which learning is indebted, that they should be made other men's vassals. Another end is thought was aimed at by some of them in procuring by petition this order, that having power in their hands, malignant books might the easier escape abroad, as the event shews. But of these sophisms and elenchs of merchandise I skill not: this I know, that errors in a good government and in a bad are equally almost inciuent; for what magistrate may not be misinformed, and much the sooner, if liberty of printing be reduced into the power of a few? But to redress willingly and speedily what hath been erred, and in highest authority to esteem a plain advertisement more than others have done a sumptuous bribe, is a virtue, honoured lords and commons, answerable to your highest actions, and whereof none can participate but greatest and wisest men.

Mr. WOOD of Indiana. Mr. Speaker, I offer a substitute for the amendment.

The SPEAKER. The gentleman from Indiana offers a substitute for the Crosser amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. WOOD of Indiana: Page 60, line 9, after the word "or," strike out the word "anarchistic" and insert the word "seditious."

Mr. WOOD of Indiana. Mr. Speaker, it strikes me that the committee are unfortunate in using the word that they have used. If I am correctly informed we already have a law with reference to prohibiting anarchistic matter going through the mail. If there is not such a law, it should be passed as an inde-

pendent statute. I think the word "anarchistic" is foreign to the subject matter that we are now considering.

Mr. WEBB. Can the gentleman tell us where we can find the law prohibiting anarchistic matter going through the mails?

Mr. WOOD of Indiana. I may be mistaken about it.

Mr. WEBB. I think the gentleman is mistaken.

Mr. WOOD of Indiana. If there is not such a law, there should be. I do not think the word "anarchistic," as it is used here, will accomplish the purpose desired, while the word "seditious" would.

Bouvier has defined sedition. It is the raising of commotions or disturbances in the State. It is a revolt against legitimate authority. As I understand, it is the purpose of this bill, in the first place, to reach those things which are treasonable, and, second, to reach things which are not treasonable but which are for the purpose of disturbing the peace, which are for the purpose of creating commotion in the State. Sedition has been well defined in this country, and it has a fixed place in the law of this country, while "anarchistic" has not. We might have as many different ideas with reference to what constitutes anarchy as there are individuals in this House. As has been referred to by one of the gentlemen in this debate, Tolstoy is recognized as one of the greatest philosophical anarchists that the world has ever produced, but I do not think there is anyone who will say that the teachings of Tolstoy should be excluded from the mails.

Mr. TOWNER. Mr. Speaker, will the gentleman yield?

Mr. WOOD of Indiana. I will.

Mr. TOWNER. I would like to ask the gentleman if his attention has been called to the definition of anarchist as given in the immigration law, and if he does not think that the same definition, placed in this section as the official statutory definition, would be clear? This is the definition given in the immigration law. Among those who are prohibited from coming to this country are—

> Anarchists, or persons who believe in or advocate the overthrow by force or violence of the Government of the United States, or of all forms of law, or who disbelieve in or are opposed to organized government, or who advocate the assassination of public officials, or who advocate or teach the unlawful destruction of property.

Does not the gentleman think that with that official statutory definition attached to the word "anarchist" it would be what is intended in this statute?

Mr. WOOD of Indiana. That might be, if the two statutes were to be construed together. But I think this statute should be complete within itself, and I repeat that it is the purpose of this law, if it can be done, to inflict punishment upon those who are guilty of a lesser crime than treason. It is for the purpose of reaching those whose writings, as well as whose deeds, have a tendency to create disturbances in the community, have a tendency to attack and destroy the loyal and patriotic feelings and influences of people throughout the country.

Mr. GORDON. Does not the gentleman think the word "seditious" is a pretty broad and elastic term?

Mr. WOOD of Indiana. It is a pretty broad and elastic term.

Mr. GORDON. Would you consider the Declaration of Independence a seditious document?

Mr. WOOD of Indiana. No; I do not.

Mr. GORDON. It advocates the destruction of the British Government, and asserts the right of any people to overthrow a government whenever it becomes oppressive.

Mr. WOOD of Indiana. Had the cause of the colonists failed, no doubt England would have punished the authors of that document for sedition. The reason I am insisting upon the word "seditious" is because of the fact that it has a well-defined meaning. There is no well-defined meaning in the law for the word "anarchistic." There would be no doubt as to what would be inhibited by this section. There would be great confusion until the thing was determined in a court of last resort, if this word undefined is used, and I dare say that with reference to each individual case there would be the question of whether or not that particular thing was or was not anarchy; while anything that has a tendency to disturb the peace of the State or has a tendency to create undue commotion among the people against the interests of the State in time of war has been held to be sedition, and it seems to me that the word "seditious" would accomplish fully the purposes of the measure while the word "anarchistic" does not.

Mr. VENABLE. Mr. Speaker, I am opposed to the amendment offered by the gentleman from Indiana, as I am opposed to the language of this section as it exists and favor rather the amendment of the gentleman from Ohio. If society is to make any progress at all there certainly must be granted to the members of society the privileges and right of persuading their fellows that the course they are following is wrong and to persuade them to follow another and better course. To say that a man shall not have the right to advocate reforms and changes is based on the assumption that the present existing order of things is absolutely right and correct. One age discovers errors in the preceding age and makes improvements. The history of the world is the history of progress, the casting aside by succeeding generations of the things held most sacred by the preceding one.

So I think men should have the right to advocate those principles which they believe to be for the best interest of society. However, I do not believe that they have a right to bring about changes by violence or force, but through persuasion alone. In other words, I think the right consists in the right to persuade one's fellows and not to coerce one's fellows. So, if that principle be correct, it seems to me it furnishes a criterion by which this legislation ought to be drawn.

The trouble with the bill as introduced, it seems to me, with all due deference and respect to the able gentlemen on the committee, and with the amendment offered by the gentleman from Indiana, is that it deals with names and not with definitions of the acts. A name is an empty bucket into which anything can be poured, and having poured it in, you can take it out again. We talk about sedition and anarchy, but before you can enforce the law it is necessary for the administrative officer to define according to his own satisfaction what is meant by sedition and what is meant by anarchy.

I favor the amendment as drawn by the gentleman from Ohio [Mr. CROSSER] because there are defined the acts which are prohibited. If this amendment is adopted to permit the section defining things and naming things which can not be done and which are condemned, we permit men to advocate the things they believe in and exercise their right to persuade the people by appeals to reason and argument.

Mr. FESS. Will the gentleman yield?

Mr. VENABLE. Yes.

Mr. FESS. In the opinion of the gentleman, does the amendment of the gentleman from Ohio give us what the committee wants to put in the law?

Mr. VENABLE. I do not think so. I do not think it is complete. For instance, "advocating overthrowing the Government by violence." We had a circular read by a gentleman in which it was advocated that soldiers should not enlist and should not fight. I think the man who advocates the doctrine that a soldier should not fight, although the soldier be a passive one, is advocating a thing which is wrong.

Mr. FESS. Is that anarchistic under this term?

Mr. VENABLE. Nobody knows what an administrative officer would bring under that term; it might be anarchistic according to my idea and not according to the ideas of another man. That is the point I am making, that we should not deal with names but ought to define the things which are prohibited.

Mr. LENROOT. Would not the court determine that rather than the administrative officer, and is not sedition as well defined in law as the word treason?

Mr. VENABLE. Hardly so well.

Mr. HARDY. Will the gentleman yield?

Mr. VENABLE. Yes.

Mr. HARDY. In regard to the amendment offered by the gentleman from Ohio [Mr. CROSSER], would it not cover all the committee's amendment if it added to it the use of violence for the overthrow of government or the resistance to the Government?

Mr. CROSSER. Or injury to. That is my amendment.

Mr. VENABLE. The gentleman from Wisconsin asked me in regard to sedition and whether or not it was not as well defined as treason. Assuming that your position be correct, that it is as well defined as treason, I do not think that we should deal with names, because we ought to have certain fixed standards by which the postal authorities could apply the test, and not have a long course of legal procedure in the courts as to whether or not the postmaster was justified in his interpretation.

Mr. STAFFORD. Mr. Speaker, I rise to remove from the mind of any Member here the belief that if we adopt this phraseology as it stands the courts will have authority to pass upon the acts of the Postmaster General in construing his action. In the debate the chairman of the committee justified this provision of allowing the word "anarchistic" to remain by saying that there was the palladium of the court still to be had in case it was abused. I challenge that statement. I have before me the decision of the United States Supreme Court in Bates & Guilds Co. *v.* Payne (194 U. S., p. 106), from which I will read a few excerpts.

In that decision, rendered by Justice Brown, he cites some extracts from former decisions of the Supreme Court, and among others Gaines *v.* Thompson (7 Wallace, 347), as follows:

It was held that the court could no more interfere by injunction than by mandamus to control the action of the head of a department; and in the United States ex rel. Dunlap *v.* Black, 128 U. S., 40, it was said that the courts would not interfere by mandamus with executive officers of the Government in the exercise of their ordinary official duties even where those duties require an interpretation of the law, no appellate power being given them for that purpose.

And then he goes on and uses language which is all-controlling of the question of whether or not the courts have any power over the decision of the heads of departments—as where Congress would vest in the Postmaster General the power to determine with his own ipsi dixit what is anarchistic and what may be excluded from the mails.

The rule upon this subject may be summarized as follows: That where the decision of questions of fact is committed by Congress to the judgment and discretion of the head of a department his decision thereon is conclusive; and that even upon mixed questions of law and fact, or of law alone, his decision will carry with it a strong presumption of its correctness, and the courts will not ordinarily review it, although they may have the power and will occasionally exercise the right of so doing.

So I say to the Members of the House that in the stress of war we should not confer upon any executive authority such absolute power that he may exercise it to the detriment of the people in the use of the mails or in the exercise of the privilege of the press. There is no occasion for us now to confer upon the Postmaster General this authority that would enable him to exercise such power. We have never heretofore, in war times or in peace times, conferred such autocratic power upon the Postmaster General. We should not now vest this power in him which can not be reviewed in any way by the courts.

Mr. WEBB. Mr. Speaker, will the gentleman yield?

Mr. STAFFORD. Certainly.

Mr. WEBB. I think my friend has missed the whole meaning of this section. The decision he is reading from is under a case where the Congress already had given the Postmaster General discretionary power, and the courts said they would not intervene by injunction or mandamus to control that discretion, and that is exactly what we struck out in committee. We eliminated the idea of giving the Postmaster General authority to exclude anything from the mails and have made it a question of law and fact left for the court to decide.

Mr. STAFFORD. There is nothing in the amendment which gives the court any power, and here is a decision of Mr. Justice Brown which says the courts will not interfere by mandamus or injunction in that way with the exercise by the head of the department in the construction of the law in the case where Congress gives authority to the executive head to act.

Mr. WEBB. They were interpreting an entirely different statute from the one that is now before us.

The SPEAKER pro tempore. The question is on the substitute offered by the gentleman from Indiana to the amendment offered by the gentleman from Ohio.

The substitute was rejected.

The SPEAKER pro tempore. The question now is on agreeing to the amendment offered by the gentleman from Ohio.

The amendment was agreed to.

The Clerk read as follows:

SEC. 1101. Whoever uses or attempts to use the mails or Postal Service of the United States for the transmission of any matter declared by this title to be nonmailable shall be fined not more than $5,000 or imprisoned not more than five years, or both. Any person violating any provision of this title may be tried and punished either in the district in which the unlawful matter was mailed or to which it was carried by mail for delivery according to the direction thereon, or in which it was caused to be delivered by mail to the person to whom it was addressed.

Mr. MASON. Mr. Speaker, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amendment by Mr. MASON: Amend by striking out all of section 1101 after the word "both" in line 16.

Mr. MANN. Mr. Speaker, will the gentleman yield to me before he takes the floor?

Mr. MASON. Certainly.

Mr. MANN. I just wanted to ask the gentleman if he knew that this was the exact language of the existing law which forbids lottery-ticket schemes and various things of that kind?

Mr. MASON. Mr. Speaker, I know that it has been the practice, and the court has upheld the practice in some cases, but I have made up my mind to make the first effort I could to amend the law so that a man charged with a crime shall be tried in the district where he resides or where the crime was committed. In this particular case, if a man should send out a circular which went to half of the post offices in the country he could be tried under the section in any locality. It makes no difference how far from his home, and the practice that has grown up in the country whereby a man may be charged with a crime against the Government of the United States and be hauled from one end of this country to the other for trial, away from home, away from neighbors, away from opportunity to give bond or bail, is really a great hardship. I feel that by striking this out in this act we can go at least that far. I do not know, however, that it would repeal the existing law in regard to lotteries. I think it would make this law so that a man could be tried and insist upon trial in the district where he is indicted and where the crime is committed.

Mr. WEBB. Mr. Speaker, I hope the amendment will not be adopted. This amendment, as has been pointed out by the gentleman from Illinois [Mr. MANN], is a verbatim copy of the language with reference to the place of trial as contained in the criminal laws of the country, United States Statutes at Large, chapter 2, section 213, and I do not think it is wise at this time, especially in view of the crimes we are denouncing in this section, to change the law with regard to the place of trial.

Mr. COX. Mr. Speaker, will the gentleman yield?

Mr. WEBB. Yes.

Mr. COX. The language in the bill is identical with the language in the so-called Reed bone-dry amendment, adopted at the last session of Congress, is it not?

Mr. WEBB. Yes.

The SPEAKER pro tempore. The question is on agreeing to the amendment offered by the gentleman from Illinois.

The amendment was rejected.

Mr. MANN. Mr. Speaker, will the gentleman from North Carolina [Mr. WEBB] yield to me for a moment?

Mr. WEBB. With pleasure.

Mr. MANN. I do not know whether there are any other amendments which gentlemen desire to offer to other sections of the bill or not?

Mr. LAGUARDIA. Mr. Speaker, I have an amendment which I desire to offer to section 13, on page 46.

Mr. MANN. That is section 509?

Mr. LAGUARDIA. Yes.

Mr. MANN. Is there any other amendment?

Mr. GRAHAM of Pennsylvania. I have two amendments, one on page 53, section 704, and one on page 57, section 1000.

Mr. RANDALL. Mr. Speaker——

The SPEAKER pro tempore. For what purpose does the gentleman rise?

Mr. RANDALL. To offer an amendment.

Mr. MANN. To what section?

Mr. RANDALL. As an additional title.

Mr. WEBB. Will my friend wait until we perfect this part of the bill?

Mr. RANDALL. I will.

Mr. MANN. Mr. Speaker, the only amendments desired to be offered are to sections 509, 704, and 1000. I suggest to the gentleman from North Carolina that he ask unanimous consent—how much time is desired for debate?

Mr. GRAHAM of Pennsylvania. I do not desire any debate upon one amendment except to state it, and the other one I might possibly wish five minutes.

Mr. LAGUARDIA. I want five minutes.

Mr. MANN. Would 10 minutes on each of these amendments be sufficient? I suggest to the gentleman from North Carolina that he ask unanimous consent that amendments be offered to sections 509, 704, and 1000 and that debate be limited to 10 minutes on each section and all amendments thereto.

Mr. WEBB. Mr. Speaker, if that is agreeable to the House—I hope it is—and if we can close up this bill this afternoon I will be gratified.

Mr. MANN. I hope we can, but if we can not we still have to-morrow.

Mr. WEBB. I understand; but I think the House is anxious to get through.

The SPEAKER pro tempore. The gentleman from North Carolina asks unanimous consent that debate upon all amendments to be offered to be limited to sections 509——

Mr. MANN. Amendments to be offered to sections 509, 704, and 1000 and debate be limited to 10 minutes on each section and all amendments.

The SPEAKER pro tempore. The gentleman from North Carolina asks unanimous consent that amendments be offered to sections 509, 704, and 1000 and that debate upon said amendments be limited to 10 minutes on each section and all amendments. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. LAGUARDIA. Mr. Speaker, I offer an amendment to section 509.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows :

Amendment offered by Mr. LAGUARDIA: Page 46, strike out all of section 13 under section 509, pages 46 and 47.

Mr. LAGUARDIA. Mr. Speaker, this amendment adds to the existing statute the words in line 21, page 46, "or furnishes the money for or takes part in"; in line 22 adds the words "or naval." The statute as it exists is sufficient to cover any act that may be committed in violation of the actual neutrality of this country. The words "or furnishes money for" are absolutely dangerous and must have been inserted at the request of some foreign government. If this section had existed for the past five years or for the past nine years the Republic of Portugal would never have seen light, and the hopes of the Russian people would not have been realized. Now, under this section any person sending $100 or any sum of money to Ireland to contribute there to the cause is a felon and liable to imprisonment. If a Bohemian sends money home for the purpose of establishing schools to further the cause of their freedom, he commits a crime under this section. And the same is true of the southern Slavs. There are Serbia, Montenegro, Bosnia, Herzegovina, Croatia, Slavonia, and Dalmatia, where they have endeavored for years to unite in a confederation, and they have been kept apart by the intrigues of Hapsburg politics. Now the time is approaching when they can realize their hopes, and if you prevent them from getting together here and collecting funds, so as to assist their brethren across the seas, we will absolutely play right into the hands of the Hapsburgs. Hungary, with the aid of her former oppressed subjects now residing in this country, could declare herself free and independent.

Mr. BORLAND. Will the gentleman yield?

Mr. LAGUARDIA. Certainly.

Mr. BORLAND. As I read this section, the word "thence," in line 23, makes it clear that the expedition must proceed from the United States or its possessions.

Mr. LAGUARDIA. And the money.

Mr. BORLAND. Not the money, but the expedition.

Mr. LAGUARDIA. And the money.

Mr. BORLAND. If I am correct about that——

Mr. LAGUARDIA. It is my interpretation that the money sent from here violates the statute.

Mr. BORLAND. But the money is to be used in an expedition to be sent from the United States or its possessions to some country with which the United States is at peace.

Mr. LAGUARDIA. It is true.

Mr. BORLAND. But does not forbid the sending of money from here to some other country.

Mr. LAGUARDIA. Then the statute covers the situation, if the contention of the gentleman from Missouri is correct, and this language is not necessary. Therefore I urge the gentleman from Missouri to assist me in putting through this amendment.

Mr. WEBB. The chief change is having the words "or naval." Every country in the world has such a statute, and we ought to preserve our neutrality in time of peace. I hope the amendment will be voted down.

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was rejected.

Mr. GRAHAM of Pennsylvania. Mr. Speaker, I offer an amendment.

The SPEAKER pro tempore. The gentleman from Pennsylvania offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. GRAHAM of Pennsylvania: Strike out on page 53 all after the word "peace" in line 14, all of lines 15 and 16, and all preceding the word "and" in line 17, and insert "and if such injury or destruction would constitute a crime punishable by imprisonment under the laws of the United States."

Mr. GRAHAM of Pennsylvania. Mr. Speaker, the lines which I asked the House to strike out read as follows:

and if such injury or destruction would constitute a crime punishable by imprisonment under the laws of the country in which the property is situated.

This section is a section designed to punish a conspiracy to destroy property in a foreign country. Now, that would require the citizen of this country to be familiar with the laws of the foreign country, which is an anomaly in criminal legislation. The words which are sought to be substituted would make it read:

and if such injury or destruction would constitute a crime punishable by imprisonment under the laws of the United States.

And in preserving neutrality no higher standard ought to be asked from us than that the offense defined would be punishable under the laws of the United States if done against property in our own country.

Mr. WEBB. I have no objection to striking out the language the gentleman has indicated, but I do not think it is necessary to add the language he wants to substitute. We put the language he wants stricken out of the bill in the bill for the protection of a man indicted in this country. I have no objection to striking that language out, but I do not think we should insert the language that he proposes.

Mr. MANN. What is the objection to putting that language in?

Mr. WEBB. We make the conspiracy to commit a crime in a foreign country dependent upon whether it is a crime there.

Mr. MANN. We want to punish a conspiracy here to destroy property abroad; but we do not want to punish that conspiracy, as you call it, unless it would be a crime to destroy the same kind of property here.

Mr. WEBB. Suppose it is not a crime to destroy the same kind of property in a foreign country?

Mr. MANN. That does not make any difference.

Mr. WEBB. That is what we want to protect.

Mr. MANN. And you want the man in the United States to know all the criminal laws in the world. It is hard enough to know our own.

Mr. WEBB. We do not want to punish him for committing a crime unless the crime committed against a foreign country is a crime there.

Mr. MANN. A man is supposed to know whether he is going to commit a crime or not. Crimes are not supposed to be accidental, and the man who could not know what the law is ought not to be punished for crime. Now, we theoretically require all men at their own risk to know the laws of the United States, but there is no reason why we should make them know the law of a back Province in China.

Mr. WEBB. If this language is stricken out, then I think it is idle to put in the language suggested by the gentleman from Pennsylvania [Mr. GRAHAM], because every conspiracy to destroy property in the United States belonging to the United States Government of course is a crime. What is the object of putting it in?

Mr. GRAHAM of Pennsylvania. I do not think so. The gentleman is clearly mistaken about it.

Mr. MANN. Then there is no harm in putting it in. It takes the place of what the gentleman had.

Mr. WEBB. I do not think it makes any difference, one way or the other.

Mr. SISSON. If the gentleman will yield, I wish to say that unless you adopt the amendment of the gentleman from Pennsylvania, would you not virtually embody in this statute the law of every foreign nation on earth and put us in the attitude of enforcing the laws of every foreign nation on earth, however oppressive they might be?

Mr. WEBB. Certainly not. We provide the punishment. We provide the punishment, depending, however, on whether or not the conspiracy was to commit an offense in a foreign country—something which is an offense there.

Mr. SISSON. That is, you are to enforce a law of a foreign country by means of our instrumentalities here?

Mr. WEBB. No. We do not propose to have any conspiracies hatched in this country to be carried out in a foreign country if it is a crime there. If it is not a crime there, we have nothing to do with it here.

Mr. SISSON. You are attempting to enforce the laws of a foreign country by an instrumentality here?

Mr. WEBB. Oh, no.

Mr. SISSON. And as to every statute which makes it a crime in that way you put it in here to enforce that statute.

Mr. WEBB. No; we forbid a conspiracy in this country to destroy property in a foreign country with which we are at peace if that destruction of property in a foreign country is a crime there. If not, it is not punished here.

Mr. SIEGEL. Mr. Speaker, will the gentleman yield?

Mr. WEBB. Yes.

Mr. SIEGEL. In United States courts the United States district judges in enforcing the laws only take judicial notice of the laws of our own country. But, according to the way you have it, you would have the ordinary layman know all the laws of all foreign countries.

Mr. WEBB. No; the United States would be required to prove these foreign statutes. For that reason I have no objection to striking it out. It makes it harder to convict. It might affect some of the gentleman's constituents. [Laughter.]

Mr. SIEGEL. I want to say to the gentleman from North Carolina that that State of mine shows a less proportion of

crime than any other part of the country. I will put facts in the RECORD to prove it.

Mr. WEBB. Well, I may say there are crimes committed in my own State, so fur as that is concerned. I am willing to strike it out if the gentleman wants it stricken out.

The SPEAKER pro tempore (Mr. FITZGERALD). The question is on agreeing to the amendment offered by the gentleman from Pennsylvania [Mr. GRAHAM].

The amendment was agreed to.

Mr. WEBB. Mr. Speaker, I understand that that carried with it the language?

The SPEAKER pro tempore. Yes. The gentleman from Pennsylvania offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. GRAHAM of Pennsylvania: Page 57, line 14, after the word "issued," insert "for the purpose of enforcing the provisions of this act."

Mr. GRAHAM of Pennsylvania. Mr. Speaker, I do not wish to occupy any time, scarcely, in discussing this. We are familiar with the fact that there is constitutional protection against unlawful searches and seizures. I am opposed to enlarging the search-warrant power to be used by the officials of the Government beyond that which may be covered by the statutes regulating the subject, and these words are put in solely to confine the provisions of title 10 to warrants issued for the purpose of enforcing the provisions of this act. And in passing this bill into a law, we ought to put that restrictive language in the section.

Mr. STEVENSON. Mr. Speaker, will the gentleman yield for a question?

The SPEAKER pro tempore. Does the gentleman from Pennsylvania yield to the gentleman from South Carolina?

Mr. GRAHAM of Pennsylvania. Yes, sir.

Mr. STEVENSON. I just ask for information. Is not this the general law of the United States that you are writing in here as to the issuance of search warrants, and if you put that language in here will you not make it impossible to take out a search warrant for any other purpose except for the purpose of enforcing the provisions of this particular act? Will you not destroy the whole right except with respect to this one thing?

Mr. GRAHAM of Pennsylvania. Will the gentleman listen for one moment?

Mr. STEVENSON. Yes; I am asking for information.

Mr. GRAHAM of Pennsylvania. I will endeavor to give it, so far as I can. This section does not repeal any existing law, you will notice; the language "except in cases provided for by law." I think it is a very safe rule to adopt in legislating, when you are passing bills which, when they become law, touch upon vital rights, that you shall legislate only upon what is contemplated to be the evil to be redressed by the statute which you are enacting into law; and I simply ask that you say in this law, "Sufficient unto the day is the evil thereof." When we are in this law touching upon the sciatic nerve of personal liberty, we ought not to write into the statute law of the country a statement that there is an unlimited power to issue a search warrant in every case where the agencies of the Government assume to exercise their power.

Mr. STEVENSON. But the gentleman has not answered my question. Is this the only section of the criminal statute which provides for the issuance of a search warrant?

Mr. MANN. This is not a section from the criminal acts.

Mr. STEVENSON. This is a section of the statutes of the United States, is it not?

Mr. MANN. Not at all.

Mr. STEVENSON. I want to ask this question: Where is there a statute of the United States providing for the issuance of warrants except this?

Mr. MANN. There is not; but if there was not any except this there would not be any at all. We are not repealing any statute. We are not amending any statute.

Mr. STEVENSON. I am asking the gentleman from Pennsylvania the question, Is there any power to take out a search warrant on anybody in the United States except for the purpose of enforcing the act which we are passing to-day?

Mr. MANN. The same power would exist that now exists.

Mr. STEVENSON. Where is it?

Mr. MANN. It is in the statutes.

Mr. GRAHAM of Pennsylvania. I would like the gentleman, if he has addressed the last question to me, to permit me to respond. The subject contained in this bill is the thing about which we are legislating. Whenever you take up the subject generally of issuing search warrants, then I will be ready to meet you and discuss that question intelligently. But when we are legislating on a subject such as contained in this bill, and the search-warrant power is intended to be an ancillary power to enforce this bill, then we are to put in the bill language to the effect that it is ancillary to this bill.

Mr. STEVENSON. The gentleman does not answer the question. He says this is entirely confined to this one proposition; that it applies to nothing else. If that be true, then it is unnecessary to write "for the purpose of enforcing this act" in this bill, because it can not be greater than the act itself. But if it is a statute that should be here for the purpose of taking out search warrants for people who are counterfeiting and all that kind of thing, then they ought to limit it so that no search warrant could be taken out for any other purpose.

Mr. WEBB. Mr. Speaker, I rise for the purpose of opposing the amendment of the gentleman from Pennsylvania [Mr. GRAHAM]. There are only a few cases where a search warrant can be issued now under the laws of the United States.

It is an anomaly that while every State in the Union has a law providing for the issuance of search warrants in all cases where such issuance would assist in the detection of crime, yet the United States has no general search-warrant law, but only a law applying to liquor in the Indian country, to supposed unmailable matter, and to a few other special things of that kind. My friend's own State of Pennsylvania has a very full and thorough law, and New York and the rest of the States have laws granting the right to issue search warrants. Why should not the United States have a general law, when it is safeguarded as this provision is carefully written and carefully safeguarded, for the aid of the United States in the detection of crime of whatever character it may be, where a search warrant is necessary to detect that crime?

Mr. GRAHAM of Pennsylvania. Will the gentleman permit a question?

Mr. WEBB. Just a question.

Mr. GRAHAM of Pennsylvania. I wish to know if it is the intention of the committee to make this a general law for the issuance of search warrants in all cases and under all circumstances?

Mr. WEBB. I will say to the gentleman that that is the intention of the committee.

Mr. GRAHAM of Pennsylvania. And not simply for the enforcement of the provisions of this bill?

Mr. WEBB. Absolutely.

Mr. GRAHAM of Pennsylvania. Then, I certainly insist upon my amendment, and hope the Members of the House will see to it that no such vicious legislation as that, in violation of constitutional rights, is put upon the statute books.

Mr. WEBB. Does my friend say it violates the Constitution?

Mr. GRAHAM of Pennsylvania. Yes.

Mr. WEBB. If it violates the Constitution, it can not help it any to confine it to the acts covered by this bill, for it would still violate the Constitution. I can not see why the gentleman should advocate a partial provision which is unconstitutional and oppose a complete provision.

Here is what the Attorney General has said on this subject:

Experience has shown that in the enforcement of laws relating to neutral obligations, as well as in the enforcement of the general Federal criminal laws, some provision for the issue of search warrants is imperatively necessary. At present the issue of search warrants is practically authorized only in statutes relative to customs and internal revenue. There are also a few statutes authorizing searches in certain particular cases, such as introduction of liquor into Indian country, presence of unmailable matter, and vessels violating the Alaska fisheries law. In general, however, there is no provision for the issuance of a search warrant in the enforcement of the Federal criminal laws, either to recover stolen Government property or to seize property produced by, or used for, or devoted to a criminal use. It is a legitimate function of a search warrant to gain possession of such property. (State *v.* McNulty, 73 N. W., 87; Commonwealth *v.* Dana, 2 Metc., 329; Collin *v.* Lean, 9 Pac., 173; In re Jackson, 96 U. S., 727; see also 11 Atl., 767; Adams *v.* United States, 192 U. S., 598; 25 Am. & Eng. Encyl. Law, 2d ed., 146, 147.) The court in the Adams case said: "The right to issue a search warrant to discover stolen property or the means of committing crime is too long established to require discussion."

Such legislation seems now necessary for the detection and efficient punishment of Federal crimes. It seems highly illogical that State officials have power to enforce the criminal laws of the States by the issue of search warrants, while United States officials have no power to enforce the Federal criminal laws in such manner. Effective means of discovering the commission of crime are a protection to the citizens of the United States from crime. Property safeguarded, there is no danger in search warrants. The bill herewith submitted contains careful restrictions on an abuse of the power.

Mr. GRAHAM of Pennsylvania. Will the gentleman permit a question?

Mr. WEBB. A question; yes.

Mr. GRAHAM of Pennsylvania. The Attorney General recommended a great many things in connection with this bill that your committee turned down, did he not?

Mr. WEBB. Yes; and my friend seems to be wanting to turn down what the committee did.

Mr. GRAHAM of Pennsylvania. Now, I ask you whether a law with reference to the common offenses of society, issuing search warrants in cases of theft and the recovery of stolen property, is a proper basis for a clause that provides for "a full and particular description of the property or papers sought for, and of the place or places where the same are believed to be"? Why are they going to search for papers and documents? In what class of cases?

Mr. WEBB. The gentleman was not present in the committee room when this section was framed, but the subcommittee worked on it, and the full committee worked on it; and we have confined it almost verbatim to the language of the Constitution; and if it does comply with the constitutional provisions, this House ought to be willing to give the Department of Justice power to detect and break up crime of whatever nature against the United States. I can not understand any disposition to the contrary.

Mr. TOWNER. Will the gentleman yield?

Mr. WEBB. For a question; yes.

Mr. TOWNER. I think the statement was made by the chairman of the committee that this was to be a general statute, applicable in all cases. I will ask the chairman to interpret the language in the third line of the section, in which it says—

A search warrant issued under the provisions of this title.

Would that not limit it to the provisions of this title?

Mr. WEBB. Title X. That is the search-warrant title.

Mr. TOWNER. It means only as contained in this bill.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. LENROOT. I move to strike out the last word.

The SPEAKER pro tempore (Mr. FITZGERALD). Under the agreement all time has expired. The question is on the amendment of the gentleman from Pennsylvania [Mr. GRAHAM].

The question being taken, on a division (demanded by Mr. WEBB) there were—ayes 71, noes 45.

Accordingly the amendment was agreed to.

Mr. RANDALL. Mr. Speaker, I wish to offer an amendment.

Mr. STAFFORD. Before the amendment is offered I wish to direct the attention of the gentleman from North Carolina to line 16, page 59, and to ask him whether the word "orders" is not grammatically incorrect, and if it should not be "order."

Mr. WEBB. I think so.

Mr. VOLSTEAD. Mr. Speaker, I wish to offer an amendment.

The SPEAKER pro tempore. The gentleman from Minnesota offers an amendment which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. VOLSTEAD: Page 58, line 19, strike out all of line 19 after the word "issue" and strike out lines 20 and 21, and insert in lieu thereof "he shall issue it forthwith."

Mr. VOLSTEAD. This only eliminates some language that is entirely unnecessary, and which may tend to confusion. If the judge finds that a search warrant should issue, there can be no necessity of his finding further that it is in due form or that there is probable cause, because the first finding includes the others; the language is superfluous.

Mr. MANN. Will the gentleman yield?

Mr. VOLSTEAD. Yes.

Mr. MANN. Without this language in, will the commissioner have any jurisdiction except to pass on the form of the application?

Mr. VOLSTEAD. Certainly; he must determine not only that it is in due form but the real merits of the application.

Mr. MANN. I do not profess to be an expert on criminal law, but I should think that without the language in the law all the commissioner could do would be to pass upon the form of the application. With the language in he must pass upon the question of whether there is probable cause.

Mr. VOLSTEAD. It seems to me that he must determine that there is probable cause before he can determine that a warrant should issue.

Mr. MANN. It seems to me that without it he has to take the sworn statement of the applicant, if it is in proper form, and issue the warrant.

Mr. BORLAND. What the gentleman wants to do is to strike out of line 19 the words that such warrant shall issue. And he wants to leave the language that if the commissioner decides that the application is in due form and if there is probable cause he shall forthwith issue the warrant. There is a repetition of language there.

Mr. VOLSTEAD. Let me call attention to the fact that in the first part of the section you will find that the judge may summon witnesses and call for additional affidavits. This clearly contemplates that he must consider the merit before the search warrant may issue. A finding that it should issue must involve not only the form but the facts showing grounds for its issue.

Mr. BORLAND. The gentleman wants to provide that the court or the commissioner shall find two things: First, that the application is in due form; and, second, that there is probable cause. That makes redundant the words in line 19 that the search warrant should issue. Those words are redundant.

Mr. VOLSTEAD. Mr. Speaker, I will ask unanimous consent to modify my amendment.

The SPEAKER pro tempore. The gentleman from Minnesota asks unanimous consent to modify his amendment. Is there objection?

There was no objection.

Mr. VOLSTEAD. I ask to modify it by striking out, in line 19, the words "that the search warrant should issue."

Mr. WEBB. I have no objection to that amendment.

The SPEAKER pro tempore. The Clerk will report the modification.

The Clerk read as follows:

Amendment offered by Mr. VOLSTEAD: On page 58, line 19, strike out the words "that the search warrant should issue and."

Mr. WEBB. I have no objection to that.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Minnesota.

The amendment was agreed to.

Mr. VOLSTEAD. Is there any objection to striking out the word "further" in line 20? It is simply surplusage.

Mr. WEBB. I do not think it makes any difference whether it is in or out. Mr. Speaker, I move that, on page 59, line 16, the "s" in the word "orders" be stricken out, so that it will read "order."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 59, line 16, strike out the letter "s" in the word "orders."

The amendment was agreed to.

Mr. RANDALL. Mr. Speaker, I offer the following amendment.

The Clerk read as follows:

Page 41, line 2, insert a new title as follows: "3a. Destruction of food products. Section 300a. Whoever, when the United States is at war, shall willfully destroy any cereals or vegetables which are valuable for food purposes, either by manufacturing intoxicating liquors for beverage purposes therefrom, or otherwise, shall be fined not more than $10,000 or imprisoned not more than 10 years, or both."

Mr. MEEKER. Mr. Speaker, I make the point of order that that is not germane.

Mr. RANDALL. Will the gentleman reserve his point of order?

Mr. MEEKER. I will reserve the point of order. No, Mr. Speaker, I will make the point of order. If somebody should step on an apple or throw it into the river I do not think he ought to be fined $10,000.

Mr. RANDALL. Mr. Speaker, I am surprised that any sane man should attempt to make a point of order against any amendment that could be offered to a bill of this kind. This bill embraces a great variety of subjects, such as vessels in ports of the United States, injuring vessels or injuring cargoes of vessels, interference with foreign commerce, enforcement of neutrality, seizure of arms, disturbance of foreign relations, illegal issue of passports, counterfeiting the Government seal, issue of search warrants, use of the mails for circulation of certain matter, publication or communication of certain information, and other subjects. It is the greatest conglomeration of legislative subjects ever presented in a single bill.

Mr. MEEKER. Mr. Speaker——

Mr. RANDALL. Mr. Speaker, I do not yield. I agree that every section of this bill is intended to help win this war. I have an amendment designed to help win this war. I submit to the Chair that any amendment which may reasonably help to win this war is in order. Mr. Speaker, a hundred times have I heard upon this floor the assertion that the real patriot of this war is the man who will feed our Army and the man who will feed America. If the man who produces food for the people is a patriot and a hero, then the man who destroys that food is a traitor to his country. The Department of Agriculture——

Mr. MEEKER. Mr. Speaker, I make the point of order that the gentlemen is not discussing the point of order.

Mr. RANDALL. Mr. Speaker, I am attempting to show that this amendment is in order upon this bill because it will assist along with the other legislation in the bill in winning this war.

Mr. MEEKER. Mr. Speaker, I make the point of order that the gentleman is not discussing the point of order. He is discussing the sanity of some man who does not agree with him.

Mr. RANDALL. I trust, Mr. Speaker, that I may be heard upon this question.

The SPEAKER pro tempore. The gentleman from California will address himself to the point of order.

Mr. RANDALL. Mr. Speaker, quoting from a report of the Department of Agriculture covering an investigation made by Dr. Alonzo Taylor, of the University of Pennsylvania, on the relation of the liquor question to the grain supply, the food supply of the country, which I submit is a question that is interesting in this emergency, it shows that in 1916 $145,000,000 of grain and other food materials were consumed in liquor manufacture in the United States.

Mr. MEEKER. Mr. Speaker, I insist that the gentleman is not discussing the point of order.

The SPEAKER pro tempore. Upon the objection of any Member to a discussion of the merits of an amendment, the point of order having been made to the amendment, the gentleman must confine himself to a discussion of the point of order.

Mr. RANDALL. Mr. Speaker, I shall endeavor to do so. I shall endeavor to confine myself to the subject of the food supply of the country in the present emergency.

Mr. MEEKER. Mr. Speaker——

The SPEAKER pro tempore. The gentleman will suspend. The question to be determined is whether the particular amendment offered by the gentleman from California is in order as an amendment to this bill, and objection having been made several times the gentleman from California must not discuss further the merits of the amendment.

Mr. RANDALL. All right, Mr. Speaker, then I ask for a ruling, if I am not to be permitted to have any latitude whatever, similar to the latitude other gentlemen in the House have had. I ask for a ruling.

The SPEAKER pro tempore. Does the gentleman from Missouri desire to be heard upon the point of order?

Mr. MEEKER. No.

The SPEAKER pro tempore. This bill is entitled "A bill to punish acts of interference with the foreign relations, the neutrality, and the foreign commerce of the United States, to punish espionage, and better to enforce the criminal laws of the United States." The amendment proposed by the gentleman from California makes the destruction of food products a crime, either by manufacture of them into intoxicating liquors for beverage purposes or otherwise. The Chair does not thing that it is germane to this bill, and sustains the point of order.

Mr. RANDALL. Mr. Speaker, I respectfully appeal from the decision of the Chair.

The SPEAKER pro tempore. The gentleman from California appeals from the decision of the Chair. The question is, Shall the decision of the Chair stand as the judgment of the House?

Mr. WALSH. Mr. Speaker, I move to lay that appeal on the table.

The SPEAKER pro tempore. The gentleman from Massachusetts moves that the appeal be laid on the table. The question is on the motion of the gentleman from Massachusetts.

The question was taken; and the Chair announced that the ayes seemed to have it.

Mr. RANDALL. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER pro tempore. The gentleman from California makes the point of order that there is no quorum present. The Chair will count. [After counting.] One hundred and seventy-nine Members present, not a quorum. The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll. The question is on the motion to lay on the table the appeal from the decision of the Chair. The Clerk will call the roll.

The question was taken; and there were—yeas 337, nays 20, answered "present" 2, not voting 72, as follows:

YEAS—337.

Adamson	Bowers	Carew	Currie, Mich.
Alexander	Brand	Carlin	Curry, Cal.
Almon	Britten	Carter, Mass.	Dale, N. Y
Anderson	Brodbeck	Carter, Okla.	Dale, Vt.
Anthony	Browne	Cary	Dallinger
Ashbrook	Browning	Chandler, Okla.	Darrow
Aswell	Bruckner	Clark, Fla.	Davidson
Austin	Brumbaugh	Clark, Pa.	Davis
Ayres	Buchanan	Classon	Decker
Bankhead	Burnett	Coady	Dempsey
Barkley	Butler	Connally, Tex.	Denison
Barnhart	Byrnes, S. C.	Cooper, W. Va.	Dent
Bathrick	Byrns, Tenn.	Cooper, Wis.	Denton
Bell	Campbell, Kans.	Copley	Dickinson
Black	Campbell, Pa.	Costello	Dies
Blackmon	Candler, Miss.	Cox	Dominick
Bland	Cannon	Cramton	Dooling
Booher	Cantrill	Crisp	Doolittle
Borland	Caraway	Crosser	Doremus
Dowell	Hersey	Montague	Sinnott
Drukker	Hicks	Moores, Ind.	Sisson
Dunn	Holland	Morgan	Slayden
Dupré	Hollingsworth	Mott	Smith, Mich.
Dyer	Hood	Mudd	Smith, C. B.
Eagan	Houston	Nelson	Smith, T. F.
Edmonds	Howard	Nicholls, S. C.	Snell
Ellsworth	Huddleston	Nichols, Mich.	Snook
Elston	Hulbert	Nolan	Stafford
Emerson	Hull, Iowa	Norton	Steagall
Esch	Humphreys	Oldfield	Stedman
Evans	Husted	Oliver, Ala.	Stephens, Miss.
Fairchild, B. L.	Hutchinson	Oliver, N. Y.	Stephens, Nebr.
Fairfield	Igoe	Olney	Sterling
Farr	Ireland	Osborne	Stevenson
Ferris	Jacoway	Overmyer	Stiness
Fess	James	Overstreet	Sumners
Fields	Johnson, Ky.	Padgett	Sweet
Flood	Johnson, Wash.	Paige	Swift
Focht	Jones, Tex.	Park	Switzer
Foss	Juul	Parker, N. J.	Tague
Foster	Kahn	Peters	Taylor, Ark.
Francis	Kearns	Phelan	Temple
Frear	Kehoe	Platt	Templeton
Freeman	Kelly, Pa.	Polk	Tillman
French	Kennedy, Iowa	Pou	Tilson
Fuller, Mass.	Kennedy, R. I.	Pratt	Timberlake
Gallagher	Kiess, Pa.	Purnell	Tinkham
Gallivan	Kincheloe	Quin	Towner
Gard	Kinkaid	Ragsdale	Treadway
Gardner	Knutson	Raker	Van Dyke
Garland	La Follette	Ramsey	Vare
Garner	LaGuardia	Ramseyer	Venable
Garrett, Tenn.	Langley	Rankin	Vestal
Garrett, Tex.	Larsen	Rayburn	Vinson
Gillett	Lazaro	Reavis	Waldow
Glass	Lea, Cal.	Reed	Walker
Glynn	Lehlbach	Riordan	Walsh
Good	Lenroot	Robbins	Walton
Goodall	Lesher	Roberts	Ward
Goodwin, Ark.	Lever	Robinson	Wason
Gordon	Lobeck	Rodenberg	Watkins
Gould	London	Romjue	Watson, Pa.
Graham, Ill.	Lonergan	Rose	Watson, Va.
Graham, Pa.	Lundeen	Rouse	Webb
Gray, Ala.	Lunn	Rowe	Welling
Gray, N. J.	McArthur	Rubey	Welty
Green, Iowa	McClintic	Rucker	Whaley
Greene, Mass.	McCormick	Russell	Wheeler
Greene, Vt.	McFadden	Sabath	White, Me.
Gregg	McKenzie	Sanders, Ind.	White, Ohio
Griffin	McKeown	Sanders, La.	Williams
Hadley	McKinley	Sanders, N. Y.	Wilson, Ill.
Hamill	McLaughlin, Mich.	Saunders, Va.	Wilson, La.
Hamilton, Mich.	McLaughlin, Pa.	Schall	Wingo
Hardy	Madden	Scott, Iowa	Winslow
Harrison, Miss.	Magee	Scott, Mich.	Wise
Harrison, Va.	Maher	Scott, Pa.	Wood, Ind.
Haskell	Mann	Scully	Woods, Iowa
Hastings	Mansfield	Sears	Woodyard
Hawley	Mapes	Sells	Young, N. Dak.
Heaton	Mason	Shallenberger	Young, Tex.
Heflin	Mays	Sherley	Zihlman
Heintz	Meeker	Sherwood	
Helm	Miller, Minn.	Shouse	
Hensley	Miller, Wash.	Siegel	

NAYS—20.

Bacon	Dillon	King	Sims
Blanton	Hamlin	Kraus	Steenerson
Claypool	Hayden	Little	Thomas
Connelly, Kans.	Hilliard	Powers	Thompson
Dill	Keating	Randall	Volstead

ANSWERED "PRESENT"—2.

Fitzgerald Johnson, S. Dak.

NOT VOTING—72.

Bacharach	Fordney	Linthicum	Rogers
Caldwell	Fuller, Ill.	Littlepage	Rowland
Capstick	Gandy	Longworth	Sanford
Chandler, N. Y.	Godwin, N. C.	McAndrews	Shackleford
Church	Griest	McCulloch	Slemp
Collier	Hamilton, N. Y.	McLemore	Sloan
Comstock	Haugen	Martin, Ill.	Small
Cooper, Ohio	Hayes	Martin, La.	Smith, Idaho
Crago	Helvering	Mondell	Snyder
Dewalt	Hill	Moon	Steele
Dixon	Hull, Tenn.	Moore, Pa.	Sterling, Pa.
Doughton	Jones, Va.	Morin	Strong
Drane	Kelley, Mich.	Neely	Sullivan
Eagle	Kettner	O'Shaunessy	Talbott
Estopinal	Key, Ohio	Parker, N. Y.	Taylor, Colo.
Fairchild, G. W.	Kitchin	Porter	Volgt
Fisher	Kreider	Price	Weaver
Flynn	Lee, Ga.	Rainey	Wilson, Tex.

So the appeal was laid on the table.

The Clerk announced the following additional pairs:

Mr. TALBOTT with Mr. BROWNING.

Mr. DEWALT with Mr. ROWLAND.

Mr. EAGLE with Mr. HAMILTON of New York.

Mr. LITTLEPAGE with Mr. PARKER of New York.

Mr. NEELY with Mr. COOPER of Ohio.

Mr. GANDY with Mr. JOHNSON of South Dakota.

Mr. LEE of Georgia with Mr. MONDELL.

Mr. LINTHICUM with Mr. MORIN.

Mr. CHURCH with Mr. CHANDLER of New York.

Mr. COLLIER with Mr. COMSTOCK.

Mr. DIXON with Mr. GEORGE W. FAIRCHILD.

Mr. ESTOPINAL with Mr. FORDNEY.

Mr. STEELE with Mr. GRIEST.
Mr. HELVERING with Mr. HAUGEN.
Mr. HULL of Tennessee with Mr. HILL.
Mr. JONES of Virginia with Mr. MARTIN of Louisiana.
Mr. KETTNER with Mr. SLEMP.
Mr. MCLEMORE with Mr. SLOAN.
Mr. O'SHAUNESSY with Mr. STERLING of Illinois.
Mr. RAINEY with Mr. STRONG.
Mr. SMALL with Mr. VOIGHT.
Mr. WILSON of Texas with Mr. SMITH of Idaho.

Mr. BROWNING. Mr. Speaker, I have a pair with Mr. TALBOTT, of Maryland, and as he would have voted the same as I do on this proposition I desire to let my vote of aye stand.

Mr. OSBORNE. Mr. Speaker, when Mr. LONGWORTH's name was called I answered by mistake and voted aye for Mr. LONGWORTH and I want to correct it.

The name of Mr. OSBORNE was called and he voted "Aye."

Mr. JOHNSON of South Dakota. Mr. Speaker, I am paired with my colleague, Mr. GANDY. I desire to withdraw my vote of aye and answer "present."

The name of Mr. JOHNSON of South Dakota was called and he answered "Present."

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present; the Doorkeeper will unlock the doors.

Mr. WEBB. Mr. Speaker, I move the previous question on the bill H. R. 291.

The SPEAKER. The gentleman from North Carolina [Mr. WEBB] moves the previous question on the bill to final passage.

The previous question was ordered.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is: Shall the bill pass?

Mr. MANN. Mr. Speaker, on that I ask for the yeas and nays.

The SPEAKER. The gentleman from Illinois demands the yeas and nays. Those in favor of ordering the yeas and nays will rise and stand until they are counted. [After counting.] Sixty gentlemen have risen, not a sufficient number.

Mr. MANN. Mr. Speaker, I demand the other side.

The SPEAKER. The gentleman from Illinois [Mr. MANN] demands the other side. Those opposed to taking this vote by the yeas and nays will rise and stand until counted. [After counting.] One hundred and ninety-two gentlemen have risen in the negative. Sixty is a sufficient number, and the yeas and nays are ordered.

The question was taken; and there were—yeas 260, nays 106, answered "present" 3, not voting 62, as follows:

YEAS—260.

Adamson	Crisp	Gardner	Johnson, Ky.
Alexander	Crosser	Garner	Jones, Tex.
Almon	Currie, Mich.	Garrett, Tenn.	Kehoe
Anderson	Dale, N. Y.	Garrett, Tex.	Kettner
Ashbrook	Dale, Vt.	Gillett	Kiess, Pa.
Aswell	Dallinger	Glass	Kincheloe
Austin	Darrow	Glynn	King
Ayres	Davidson	Goodall	Kitchin
Bankhead	Decker	Goodwin, Ark.	Kraus
Barkley	Dempsey	Gordon	La Follette
Barnhart	Denison	Gould	Larsen
Bathrick	Dent	Graham, Ill.	Lazaro
Bell	Denton	Gray, Ala.	Lea, Cal.
Blackmon	Dickinson	Gray, N. J.	Lee, Ga.
Bland	Dies	Greene, Mass.	Lehlbach
Blanton	Dill	Greene, Vt.	Lesher
Booher	Dixon	Gregg	Lever
Borland	Dominick	Griffin	Lobeck
Brand	Dooling	Hadley	Lonergan
Brodbeck	Doolittle	Hamill	Lunn
Browning	Doremus	Hamilton, Mich.	McFadden
Bruckner	Drukker	Hamlin	McKeown
Brumbaugh	Dunn	Hardy	McLaughlin, Mich.
Buchanan	Dupré	Harrison, Miss.	Magee
Burnett	Dyer	Harrison, Va.	Maher
Butler	Eagan	Hastings	Mansfield
Byrnes, S. C.	Ellsworth	Hayden	Mapes
Byrns, Tenn.	Elston	Heflin	Martin, La.
Campbell, Pa.	Emerson	Heintz	Mays
Candler, Miss.	Esch	Helm	Miller, Minn.
Cannon	Estopinal	Helvering	Miller, Wash.
Cantrill	Evans	Hensley	Montague
Caraway	Ferris	Hicks	Moores, Ind.
Carlin	Fess	Holland	Morgan
Carter, Mass.	Fields	Hood	Mott
Carter, Okla.	Fitzgerald	Houston	Nicholls, S. C.
Clark, Fla.	Flood	Howard	Nichols, Mich.
Condy	Foss	Hulbert	Oldfield
Collier	Foster	Hull, Tenn.	Oliver, Ala.
Connally, Tex.	Frear	Humphreys	Oliver, N. Y.
Connelly, Kans.	Freeman	Hutchinson	Olney
Copley	French	Igoe	Overmyer
Costello	Fuller, Mass.	Jacoway	Overstreet
Cox	Gard	James	Padgett
Park	Russell	Snook	Venable
Parker, N. J.	Sabath	Stafford	Vinson
Peters	Sanders, Ind.	Steagall	Volstead
Phelan	Sanders, La.	Stedman	Walker
Platt	Saunders, Va.	Steenerson	Walsh
Polk	Schall	Stephens, Miss.	Walton
Pou	Scott, Mich.	Stephens, Nebr.	Ward
Quin	Scott, Pa.	Sterling, Ill.	Wason
Ragsdale	Scully	Stevenson	Watkins
Rainey	Sears	Stiness	Watson, Va.
Raker	Sells	Summers	Webb
Ramsey	Shallenberger	Swift	Welling
Rayburn	Sherley	Switzer	Welty
Reavis	Sherwood	Taylor, Ark.	Whaley
Riordan	Shouse	Temple	White, Ohio
Rodenberg	Sims	Thomas	Wilson, La.
Romjue	Slayden	Tillman	Wilson, Tex.
Rouse	Small	Timberlake	Wingo
Rowe	Smith, Mich.	Towner	Wise
Rubey	Smith, C. B.	Treadway	Young, N. Dak.
Rucker	Smith, T. F.	Vare	Young, Tex.

NAYS—106.

Anthony	Graham, Pa.	McArthur	Sanders, N. Y.
Bacon	Green, Iowa	McCormick	Scott, Iowa
Bowers	Haskell	McKenzie	Siegel
Britten	Haugen	McKinley	Sinnott
Browne	Heaton	McLaughlin, Pa.	Snell
Campbell, Kans.	Hersey	Madden	Strong
Cary	Hill	Mann	Sweet
Chandler, Okla.	Hilliard	Mason	Tague
Classon	Huddleston	Meeker	Templeton
Comstock	Hull, Iowa	Mondell	Thompson
Cooper, W. Va.	Husted	Mudd	Tilson
Cooper, Wis.	Ireland	Nelson	Tinkham
Cramton	Johnson, Wash.	Nolan	Van Dyke
Curry, Cal.	Juul	Norton	Vestal
Davis	Kahn	Osborne	Waldow
Dillon	Kearns	O'Shaunessy	Watson, Pa.
Dowell	Keating	Paige	Wheeler
Edmonds	Kelly, Pa.	Powers	White, Me.
Fairchild, B. L.	Kennedy, Iowa	Pratt	Williams
Fairfield	Kennedy, R. I.	Purnell	Wilson, Ill.
Farr	Kinkaid	Ramseyer	Winslow
Focht	Knutson	Randall	Wood, Ind.
Francis	LaGuardia	Rankin	Woods, Iowa
Gallagher	Langley	Reed	Woodyard
Gallivan	Little	Robbins	Zihlman
Garland	London	Roberts	
Good	Lundeen	Rose	

ANSWERED "PRESENT"—3.

Black	Johnson, S. Dak.	Sisson

NOT VOTING—62.

Bacharach	Flynn	Littlepage	Rowland
Caldwell	Fordney	Longworth	Sanford
Capstick	Fuller, Ill.	McAndrews	Shackleford
Carew	Gandy	McClintic	Slemp
Chandler, N. Y.	Godwin, N. C.	McCulloch	Sloan
Church	Griest	McLemore	Smith, Idaho
Clark, Pa.	Hamilton, N. Y.	Martin, Ill.	Snyder
Claypool	Hawley	Moon	Steele
Cooper, Ohio	Hayes	Moore, Pa.	Sterling, Pa.
Crago	Hollingsworth	Morin	Sullivan
Dewalt	Jones, Va.	Neely	Talbott
Doughton	Kelley, Mich.	Parker, N. Y.	Taylor, Colo.
Drane	Key, Ohio	Porter	Voigt
Eagle	Kreider	Price	Weaver
Fairchild, G. W.	Lenroot	Robinson	
Fisher	Linthicum	Rogers	

So the bill was passed.

The Clerk announced the following additional pairs:

On the vote:

Mr. BLACK (for) with Mr. MCLEMORE (against).

Until further notice:

Mr. BLANTON with Mr. CLARK of Pennsylvania.

Mr. CAREW with Mr. GEORGE W. FAIRCHILD.

Mr. CLAYPOOL with Mr. FORDNEY.

Mr. FISHER with Mr. FULLER of Illinois.

Mr. FLYNN with Mr. HAWLEY.

Mr. MCCLINTIC with Mr. HOLLINGSWORTH.

Mr. JONES of Virginia with Mr. VOIGT.

Mr. COOPER of Wisconsin. Mr. Speaker, I want to make a correction.

The SPEAKER. Is it about this vote?

Mr. COOPER of Wisconsin. It is. I do not know what the name was that was called just before Mr. VOLSTEAD's name was called, but whatever it may be I by mistake answered at the time it was called, and that vote should be stricken out.

Mr. STAFFORD. It was Mr. VOIGT, of Wisconsin, Mr. Speaker.

Mr. COOPER of Wisconsin. My own vote should stand, voting "no," but the other man's should be erased.

Mr. BROWNING. Mr. Speaker, I wish to make the same announcement that I did on the last roll call. I voted "aye," but I have a pair with the gentleman from Maryland [Mr. TALBOTT]. If he had voted, I would vote also. I wish to withdraw my vote and answer "present."

The SPEAKER. The Clerk will call the gentleman's name.

The Clerk called the name of Mr. BROWNING, and he answered "Present."

Mr. JOHNSON of South Dakota. Mr. Speaker, how am I recorded?

The SPEAKER. The gentleman is not recorded. Was the gentleman in the Hall, listening?

Mr. JOHNSON of South Dakota. I was, during both roll calls. If I were to vote, I would vote "no," but I am paired with my colleague, Mr. GANDY, and I wish to answer "present."

The SPEAKER. The Clerk will call the gentleman's name.

The Clerk called the name of Mr. JOHNSON of South Dakota, and he answered "Present."

Mr. FRENCH. Mr. Speaker, my colleague [Mr. SMITH of Idaho] is prevented from being present to-day on account of the critical illness of his son.

The result of the vote was announced as above recorded.

On motion of Mr. WEBB, a motion to reconsider the vote whereby the bill was passed was laid on the table.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. HAWLEY, at the request of Mr. MCARTHUR, for two weeks, on account of the serious illness of his mother in Oregon.

To Mr. HAYES, at the request of Mr. CURRY of California, indefinitely, on account of illness.

EXTENSION OF REMARKS.

Mr. HICKS. Mr. Speaker, I ask unanimous consent that my colleague, Hon. ISAAC SIEGEL, be permitted to extend his remarks in the RECORD on "Patriotism."

The SPEAKER. The gentleman from New York asks unanimous consent that his colleague, Mr. SIEGEL, shall have leave to extend his remarks. Is there objection?

There was no objection.

Mr. CARY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the bill just passed.

The SPEAKER. Is there objection to the gentleman's request?

There was no objection.

Mr. ZIHLMAN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing resolutions adopted by 2,000 Baltimoreans in mass meeting in favor of universal military training.

The SPEAKER. The gentleman from Maryland asks unanimous consent to extend his remarks by printing the resolutions referred to. Is there objection?

There was no objection.

Following are the resolutions referred to:

MARYLAND LEAGUE FOR NATIONAL DEFENSE,
Baltimore, Md., May 1, 1917.

Hon. FREDERICK N. ZIHLMAN,
House Office Building, Washington, D. C.

SIR: The inclosed resolution was adopted by 2,000 Baltimoreans at a mass meeting held last Sunday in the Academy of Music in the interest of universal military training.

We earnestly request your consideration of this petition and of the facts set forth therein.

Respectfully, yours,
GUY HOLLYDAY,
Secretary of the Meeting.

Whereas the administration bill passed by Congress provides that upon the expiration of the present emergency all the military forces of the United States, including the Regular Army, the National Guard, and the additional forces provided for by the act, shall be discharged, leaving this country without any armed forces subject to immediate call by the Government; and

Whereas it is imperative for the security, liberty, and independence of this great Nation that a definite, permanent military policy be adopted, and as the General Staff of the United States Army, the highest military authority, states that one year of military training is necessary to make a soldier, and inasmuch as where there is privilege there is no equality before the law, no liberty, and where there is universal liability to service there can be no privileges: Therefore be it

Resolved, That it is the opinion of this meeting that it is incumbent upon the Congress of the United States to pass an act providing for the military training of every physically fit youth in the land during times of peace, in order that the security of the country may rest equally and equitably upon its citizens and not upon an unjust, inadequate, and undemocratic volunteer system.

Resolved further, That the establishment of a system of universal obligatory military training and service is the most efficient way to prevent the growth of a military cast whose members will claim that they are entitled to special privileges because of the sacrifice which they make in devoting themselves to military service and the protection of the country, as against those who remain at home and make money.

Mr. MCLAUGHLIN of Pennsylvania. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection to the gentleman's request? There was no objection.

HOUR OF MEETING TO-MORROW—11 O'CLOCK A. M.

Mr. KITCHIN. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock to-morrow morning.

The SPEAKER. The gentleman from North Carolina asks unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock to-morrow morning. Is there objection?

Mr. MANN. Reserving the right to object, I understand that the British commission is to be in the House to-morrow. At what hour?

The SPEAKER. Twelve-thirty is the word they sent. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

AMENDMENT OF THE FEDERAL RESERVE ACT.

Mr. MANN. Mr. Speaker, we had up the other day the Glass bill, to amend the Federal reserve act. We got to the debate under the five-minute rule. As I understand, the gentleman from Virginia is very anxious to proceed to-morrow. If there is no objection, the gentleman from North Carolina might ask that that bill be considered to-morrow.

Mr. KITCHIN. I do ask that, that the bill H. R. 3673 be considered to-morrow, after the reading of the Journal and the transaction of routine business.

The SPEAKER. The gentleman from North Carolina asks unanimous consent that to-morrow, after the reading of the Journal and the clearing up of business on the Speaker's table, the bill (H. R. 3673) to amend the Federal reserve act shall be in order. Is there objection?

Mr. LONDON. What does the bill deal with?

The SPEAKER. It is the bill to amend the Federal reserve act. Is there objection?

There was no objection.

ADJOURNMENT.

Mr. KITCHIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 20 minutes p. m.) the House adjourned, pursuant to the order previously made, until to-morrow, Saturday, May 5, 1917, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Treasury, transmitting an estimate of appropriation for inclusion in some deficiency bill (H. Doc. No. 112); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of Escambia River, Fla. (H. Doc. No. 113); to the Committee on Rivers and Harbors and ordered to be printed.

3. A letter from the Secretary of the Navy, submitting a tentative draft of a bill to provide for the payment of six months' gratuity to the widows and children or dependent relatives of retired officers or enlisted men on active duty (H. Doc. No. 114); to the Committee on Naval Affairs and ordered to be printed.

4. A letter from the Secretary of the Navy, submitting a tentative draft of a bill to authorize the Secretary of the Navy to grant furloughs without pay to enlisted men of the Navy (H. Doc. No. 115); to the Committee on Naval Affairs and ordered to be printed.

5. A letter from the Secretary of the Navy, submitting a tentative draft of legislation to increase the pay of enlisted men of the Navy during the continuance of the war (H. Doc. No. 116); to the Committee on Naval Affairs and ordered to be printed.

6. A letter from the Secretary of Commerce, submitting facts regarding the need of a proper building for the Bureau of Fisheries (H. Doc. No. 117); to the Committee on Public Buildings and Grounds and ordered to be printed.

7. A letter from the Secretary of Commerce, submitting changes in certain deficiency estimates of appropriations for the service of the Department of Commerce for the fiscal year ending June 30, 1917, and prior years (H. Doc. No. 118); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. PADGETT, from the Committee on Naval Affairs, to which was referred the bill (H. R. 2337) to amend an act entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1917, and for other purposes," relative to enrollments in the Naval Reserve Force, reported the same without amendment, accompanied by a report (No. 40), which said bill and report were referred to the House Calendar.

Mr. ADAMSON, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 1655) providing that the Panama Canal rules shall govern in the measurement of vessels for imposing tolls, reported the same without amendment, accompanied by a report (No. 41), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. LEVER: A bill (H. R. 4188) to provide further for the national security and defense by stimulating agriculture and facilitating the distribution of agricultural products; to the Committee on Agriculture.

By Mr. GOULD: A bill (H. R. 4189) authorizing the use of radio stations under the jurisdiction of the Navy Department for commercial purposes between the United States and Hawaii, Guam, and the Philippines; to the Committee on Naval Affairs.

By Mr. EMERSON: A bill (H. R. 4190) to abrogate the patent upon the article known as salvarsan; to the Committee on Patents.

By Mr. RAKER: A bill (H. R. 4191) exempting enlarged homesteads from liability for debt contracted prior to issuance of patent; to the Committee on the Public Lands.

By Mr. BRITTEN: A bill (H. R. 4192) to authorize the refund of duties collected on field kitchens imported during the year 1916; to the Committee on Claims.

By Mr. HEINTZ: A bill (H. R. 4193) to provide for the publication and sale of patriotic stamps for voluntary use on mail matter; to the Committee on the Post Office and Post Roads.

By Mr. FRENCH: A bill (H. R. 4199) to restore homestead rights to settlers on the Cœur d'Alene Indian Reservation; to the Committee on the Public Lands.

By Mr. CARTER of Massachusets: A bill (H. R 4210) appropriating $500,000 for use of the Council of National Defense; to the Committee on Appropriations.

By Mr. BRITTEN: A resolution (H. Res. 73) relating to certain restrictions upon American commerce with neutral countries; to the Committee on Foreign Affairs.

By Mr. DYER: A resolution (H. Res. 74) making inquiry as to whether or not the manufacturers of cement are violating the antitrust laws or laws in restraint of trade; to the Committee on the Judiciary.

By Mr. CLARK of Pennsylvania: A joint resolution (H. J. Res. 80) authorizing and directing the Secretary of War to enter and record the name of Roe Reisinger, alias J. Monroe Reisinger, late corporal, Company H, One hundred and fiftieth Regiment Pennsylvania Volunteer Infantry, on "the Army and Navy medal of honor roll," provided by the act of Congress approved April 27, 1916, and to furnish him with a certificate of service and of the act of heroism, gallantry, bravery, or intrepidity for which the medal of honor was awarded, and of enrollment under said act, and of his right to be entitled to and receive the special pension therein granted; also to deliver to the Commissioner of Pensions a certified copy of said certificate; to the Committee on Military Affairs.

By the SPEAKER (by request): Memorial of the Legislature of the Territory of Alaska, favoring repeal of certain provisions of the law governing election of a Delegate to the House of Representatives and the enactment of a law providing for a canvassing board in each judicial division of the Territory of Alaska; to the Committee on the Territories.

By Mr. CARTER of Massachusetts: Memorial of the Legislature of the State of Massachusetts, favoring the regulation of coal and other commodities; to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BRITTEN: A bill (H. R. 4194) for the relief of Katherine Simon; to the Committee on Claims.

By Mr. CARTER of Massachusetts: A bill (H. R. 4195) granting a pension to Pierce O'Connell; to the Committee on Pensions.

Also, a bill (H. R. 4196) granting a pension to Michael E. O'Donnell; to the Committee on Pensions.

By Mr. CARY: A bill (H. R. 4197) for the relief of the heirs of Oscar Chrysler; to the Committee on Claims.

By Mr. CURRIE of Michigan: A bill (H. R. 4198) granting a pension to Robert Patchell; to the Committee on Pensions.

By Mr. GOULD: A bill (H. R. 4200) granting a pension to Simon R. Thornton; to the Committee on Pensions.

Also, a bill (H. R. 4201) granting an increase of pension to Louis H. Blake; to the Committee on Pensions.

By Mr. HICKS: A bill (H. R. 4202) directing the reexamination of the accounts of the late Peter G. S. Ten Broeck; to the Committee on Claims.

By Mr. HUDDLESTON: A bill (H. R. 4203) for the relief of Harry C. Bradley; to the Committee on Claims.

By Mr. NOLAN: A bill (H. R. 4204) granting a pension to Henry Braunagel; to the Committee on Pensions.

By Mr. RAKER: A bill (H. R. 4205) granting an increase of pension to Joseph K. Kelly; to the Committee on Invalid Pensions.

By Mr. SCOTT of Iowa: A bill (H. R. 4206) granting an increase of pension to Thomas J. Trulock; to the Committee on Invalid Pensions.

By Mr. STRONG: A bill (H. R. 4207) granting a pension to Thomas G. Lindsay; to the Committee on Pensions.

Also, a bill (H. R. 4208) granting an increase of pension to Jacob Barger; to the Committee on Invalid Pensions.

By Mr. WINGO: A bill (H. R. 4209) granting a pension to Mary Jane Frazee; to the Committee on Pensions.

By Mr. EVANS: A bill (H. R. 4211) for the relief of Kate Canniff; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Memorials of William Jewell College, of Liberty, Mo.; Savannah (Ga.) Federation of Woman's Organizations; members of the Illinois Conference of the Evangelical Association; and Assembly of the University of Oklahoma, favoring national prohibition; to the Committee on the Judiciary.

Also (by request), memorials of the United Irish Societies of Seattle, Wash., and the United Irish Societies of the City of Paterson, N. J., relative to justice for the Irish nation; to the Committee on Foreign Affairs.

Also (by request), memorial of Pennsylvania Society of the War of 1812, favoring universal military training; to the Committee on Military Affairs.

Also (by request), memorial of B. of L. E. Lodge, of Galesburg, Ill., relative to putting the war tax on the rich of the country; to the Committee on Ways and Means.

Also (by request), original papers relating to claims for pensions of Rebecca Rainberger and Mary V. Rainberger; to the Committee on Invalid Pensions.

By Mr. CARY: Petition of Wisconsin Oakland Co., against extra tax on automobiles; to the Committee on Ways and Means.

Also, petition of J. B. Heil, of Milwaukee, Wis., against any bill which will levy additional tax on corporations, etc.; to the Committee on Ways and Means.

Also, petition of F. Mayer Boot & Shoe Co., of Milwaukee, Wis., against bill relating to the exchange of bank checks, etc.; to the Committee on Banking and Currency.

By Mr. DALE of New York: Petitions of sundry business people of New York, favoring passage of bill for revision of our postal rates; to the Committee on the Post Office and Post Roads.

Also, petition of John C. White, of New York, and Farmers' Feed Co., of New York, against bill to prohibit use of grain for making liquors; to the Committee on the Judiciary.

By Mr. DRUKKER: Petition of sundry citizens of Paterson, N. J., favoring woman suffrage; to the Committee on the Judiciary.

Also, memorial of Branch 87, Slovak League of America, of Passaic, N. J., pledging loyalty and support to the President and Congress; to the Committee on Military Affairs.

By Mr. FULLER of Illinois: Petition of Cigar Makers' Union, No. 99, of Ottawa, Ill., protesting against increase of tax on cigars; to the Committee on Ways and Means.

By Mr. GALLIVAN: Memorial of the Manufacturing Perfumers' Association of the United States, against stamp tax; to the Committee on Ways and Means.

By Mr. GARNER: Petition of several hundred citizens of Frio County, Tex., favoring bill for national prohibition as war measure; to the Committee on the Judiciary.

By Mr. GREENE of Vermont: Petition of I. C. Smart and others, in first congressional district of Vermont, urging that the use of grain for making alcohol be prohibited; to the Committee on the Judiciary.

By Mr. HOLLINGSWORTH: Memorial of Ohio Dry Federation, favoring prohibition of the liquor traffic during the war; to the Committee on the Judiciary.

By Mr. LINTHICUM: Petition of W. F. Applegarth, of Cambridge, Md., favoring passage of Senate bill 1867, relative to increasing supply of canned goods; to the Committee on Ways and Means.

Also, petition of O'Donovan Bros., of Baltimore, Md., against passage in espionage bill relative to suppression of the press; to the Committee on Military Affairs.

Also, petition of the R. J. Ederer Co. and Phillips Bros. & Co., of Baltimore, Md., favoring bill providing for revision of postal rates; to the Committee on the Post Office and Post Roads.

Also, petition of John C. Thomas, of Baltimore, Md., favoring the Hughes bill to create a motion-picture commission, etc.; to the Committee on Education.

Also, petition of Maryland Products Co., of Baltimore, Md., favoring regulation by Congress of food prices; to the Committee on Agriculture.

By Mr. McFADDEN: Petitions of J. O. Frost's Sons, Towanda; George C. Burns, Montrose; and Williamsport Furniture Co., of Williamsport, Pa., protesting against stamp tax on denatured alcohol; to the Committee on Ways and Means.

By Mr. MORIN: Petition of Pittsburgh Tennis Association, Mr. J. E. McLain, president, indorsing the daylight saving bill as a war measure deserving immediate consideration and favorable action; to the Committee on Interstate and Foreign Commerce.

By Mr. NOLAN: Petition of Langley & Michaels, of San Francisco, Cal., against the reenactment of stamp taxes on proprietary articles; to the Committee on Ways and Means.

By Mr. OVERMYER: Petition of 102 qualified electors of the thirteenth Ohio congressional district, favoring legislation to provide for war expenses without resorting to sale of bonds; to the Committee on Ways and Means.

Also, petition of 106 voters and 121 residents of the thirteenth Ohio congressional district, asking that no grain be used for the manufacture of alcoholic beverages; to the Committee on the Judiciary.

Also, memorial of Sandusky (Ohio) Trades and Labor Assembly, asking a full inquiry into the conspiracy alleged in connection with the so-called San Francisco preparedness parade explosion; to the Committee on Labor.

Also, memorial of Fremont (Ohio) Chamber of Commerce, favoring universal military training; to the Committee on Military Affairs.

Also, memorials of public meetings at Gibsonburg, Lindsey, Fremont, and Bowling Green, Ohio, favoring adoption of amendment prohibiting polygamy, etc.; to the Committee on the Judiciary.

By Mr. PRATT: Petition of Methodist Episcopal Church, of 240 members, Trumansburg, N. Y., by Rev. Edward M. Cullinan, pastor, favoring national prohibition as a war measure; to the Committee on the Judiciary.

Also, petition of the Brotherhood Bible Class of the First Methodist Episcopal Church of Groton, N. Y., by Foster T. Van Buskirk, corresponding secretary, favoring national prohibition as a war measure; to the Committee on the Judiciary.

Also, petition of Ernest C. Van Kuren, C. J. Bush, and sundry other citizens of Elmira, N. Y., favoring national prohibition as a war measure; to the Committee on the Judiciary.

Also, petition of Rotary Club, of Elmira, N. Y., by J. Maxwell Beers, president, and W. H. Snyder, secretary, urging national prohibition as a war measure for and during the period of the war; to the Committee on the Judiciary.

Also, petition of Frances Willard Woman's Christian Temperance Union, of Elmira, N. Y., favoring national prohibition; to the Committee on the Judiciary.

By Mr. STRONG: Memorial of congregation of the United Presbyterian Church, Statelick, Pa., favoring national prohibition as a war measure; to the Committee on the Judiciary.

By Mr. TILSON: Memorial of the New Haven County (Conn.) Medical Association urging Congress to abolish the patents on salvarsan and its closely related products; to the Committee on Patents.

By Mr. WARD: Memorial of agricultural mobilization day meeting, held at Milton, Ulster County, N. Y., regarding conservation of grain and exemption of farmers from military service; to the Committee on Military Affairs.

Also, memorial of members of the Zion Lutheran Church, Cobleskill, N. Y., urging that breweries and distilleries be closed by legislative action during the period of the war; to the Committee on the Judiciary.

Also, petition signed by hop growers, farmers, and business men of Schoharie County, N. Y., expressing opposition to the enactment of any law to prohibit or restrict the manufacture or sale of fermented liquors; to the Committee on the Judiciary.

Also, memorial of the Methodist Church of Monticello, N. Y., urging immediate action upon national prohibition by Congress; to the Committee on the Judiciary.

Also petition signed by George G. Honness and other residents of Kingston, N. Y., in favor of selective conscription and compulsory military training and service; to the Committee on Military Affairs.

Also, memorial of a mass meeting of the people of Kingston, N. Y., presided over by Hon. A. T. Clearwater, president, expressing approval of the action of the President and Congress in declaring war against the Imperial German Government, indorsing the proposal of universal military service, and a selective draft; to the Committee on Military Affairs.

By Mr. ZIHLMAN: Memorial of Middleton (Md.) Valley Grange, No. 331, protesting against use of grain in manufacture of alcoholic beverages; to the Committee on the Judiciary.

SENATE.

SATURDAY, *May 5, 1917.*

(Legislative day of Wednesday, May 2, 1917.)

The Senate reassembled at 11 o'clock a. m., on the expiration of the recess.

INTERNATIONAL PARLIAMENTARY CONFERENCE OF COMMERCE (H. DOC. NO. 119).

The VICE PRESIDENT. The Chair lays before the Senate a communication from the Secretary of State, which will be inserted in the RECORD and referred to the Committee on Foreign Relations.

The communication is as follows:

DEPARTMENT OF STATE,
Washington, May 4, 1917.

The Hon. THOMAS R MARSHALL,
Vice President of the United States.

SIR: I have the honor to advise you for the information of the Senate that I am in receipt of a cable message from the American ambassador at Paris, dated May 2, 1917, stating that he has received an invitation for the Congress of the United States to participate by a delegation in the International Parliamentary Conference of Commerce, which will meet at Rome on May 17, under the presidency of Mr. Tittoni, former ambassador of Italy at Paris.

The ambassador adds that the conference is to be composed of delegates from both chambers of the legislative bodies of the countries represented and of persons prominent in industrial, commercial, and legal circles, and that the object of the conference is to prepare the way for an economic entente after the war, the governments, or the parliaments participating being, however, in no way officially bound by the action of the conference.

I have had the honor to address a similar communication to the Hon. CHAMP CLARK for the information of the House of Representatives.

I have the honor to be, sir, your obedient servant,

ROBERT LANSING.

ESTIMATE OF APPROPRIATION (S. DOC. NO. 17).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Auditor for the War Department submitting an urgent estimate of appropriation for additional force in that department, $136,140, which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

INTRACOASTAL WATERWAY (S. DOC. NO. 18).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of February 19, 1917, certain information relative to the measures taken in the State of New Jersey toward carrying into effect a joint resolution adopted by the legislature of that State pledging itself to acquire and donate to the Federal Government the right of way for an intracoastal waterway across the State, which, with the accompanying paper, was referred to the Committee on Commerce and ordered to be printed.

EXEMPTIONS FROM DRAFT.

The VICE PRESIDENT. The Chair lays before the Senate a letter from Bishop Chartrand, of Indianapolis, Ind., which will be inserted in the RECORD and referred to the Committee on Military Affairs.

The letter is as follows:

BISHOP'S HOUSE, *Indianapolis, May 3, 1917.*

To the VICE PRESIDENT OF THE UNITED STATES.

YOUR EXCELLENCY: You will please pardon me for intruding upon you just now, when I know you are much occupied. In explanation of my telegram, please permit me to call your attention to the following:

1. Catholics, as all the wars of our country testify, have, in the highest as well as the lowest places of the Army and Navy, in vast numbers evidenced their intense loyalty and patriotism.

2. We are only 5 per cent of the population, yet the Navy is Catholic by 40 per cent, and among those who volunteered to go to the border in the recent trouble with Mexico 22 per cent were Catholics. This is certainly a good showing.

3. Priests and nuns are willing to go as chaplains and nurses; they have gone in great numbers, in great numbers in all our wars; they are found always in the very forefront of their country's battles, and many have died heroes to their duty.

4. Priests, however, who make many sacrifices and who have given up everything to devote themselves to the spiritual welfare of the people, should not, in due respect for their sacred calling, be compelled to take up arms.

5. One or two countries in Europe have forced them to do this; but this was in spite of the pleading and protest of the church by certain politicians, out of contempt for the church.

Surely, the great, big, broad American Republic will recognize the calling and work of those who devote themselves, in season and out of season, to the things that are above the clamor and the confusion into which the unfortunate world has been cast.

With cordial greetings to yourself and Mrs. Marshall, I am,

Sincerely, yours,

JOSEPH CHARTRAND, *Bishop*.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented telegrams in the nature of petitions from the Lumbermen's Exchange of Philadelphia, Pa., and from the Woman's Christian Temperance Union of Gildford, Mont., praying for national prohibition as a war measure, which were referred to the Committee on the Judiciary.

Mr. HARDWICK presented telegrams in the nature of memorials from the Standard Handle Co., Burden, Smith & Co., W. T. Anderson, and Charles B. Lewis, president of the Georgia Bankers' Association, all of Macon, in the State of Georgia, remonstrating against the proposed tax on incomes and profits for 1916, which were referred to the Committee on Finance.

Mr. THOMPSON presented petitions of sundry citizens of Sterling, Havensville, Emporia, and Winfield, all in the State of Kansas, praying for the enactment of legislation to prohibit the consumption of foodstuffs in the manufacture of intoxicating liquor, which were referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Ladies of the Grand Army of the Republic No. 1, of Topeka, Kans., praying for the enactment of legislation to protect military camps from vice, which was ordered to lie on the table.

He also presented a petition of the congregation of the Baptist Church of Hays, Kans., praying for national prohibition as a war measure, which was referred to the Committee on the Judiciary.

Mr. GALLINGER presented a petition of the United Baptist Convention of New Hampshire, praying for national prohibition during the period of the war, which was referred to the Committee on the Judiciary.

He also presented memorials of the Manchester Auto Garage Co., the Hanover Street Garage, and of A. C. Frost, of Manchester, and of the Woodbury Auto Co., of Nashua, all in the State of New Hampshire, remonstrating against a tax of 5 per cent on the wholesale price of automobiles, which were referred to the Committee on Finance.

Mr. SHEPPARD presented a petition of sundry citizens of Camp County, Tex., praying for the 100 per cent increase in the pay of private soldiers, which was referred to the Committee on Military Affairs.

He also presented petitions of the Nazarene Church of Hondo; the Pastors' Association of Haskell; of sundry citizens of Crosbyton; of John T. Garner, president of the Farmers' Prohibition League, of Winfield; and of local branch Red Cross Association, of Georgetown, all in the State of Texas, praying for national prohibition, which were referred to the Committee on the Judiciary.

EIGHT-HOUR LAW (S. DOC. NO. 20).

Mr. SMITH of Arizona, from the Committee on Printing, reported the following resolution (S. Res. 55), which was read, considered by unanimous consent, and agreed to:

Resolved, That the pamphlet submitted by the Senator from Montana [Mr. WALSH] on April 10, 1917, entitled "Opinion of the United States Supreme Court Construing the Act to Establish an Eight-Hour Day for Railway Employees, Together with the Concurring and Dissenting Opinions of the Court," be printed as a Senate document.

UTAH POWER & LIGHT CO. (S. DOC. NO. 21).

Mr. SMITH of Arizona, from the Committee on Printing, reported the following resolution (S. Res. 56), which was read, considered by unanimous consent, and agreed to:

Resolved, That the pamphlet submitted by the Senator from Montana [Mr. WALSH] on April 10, 1917, entitled "Opinion of the United States Supreme Court in the Case of the Utah Power & Light Co. v. The United States, Relating to the Eminent Domain Power of the States," be printed as a Senate document.

ADDRESS BY CLARK W. HETHERINGTON (S. DOC. NO. 22).

Mr. SMITH of Arizona, from the Committee on Printing, reported the following resolution (S. Res. 57), which was read, considered by unanimous consent, and agreed to:

Resolved, That the manuscript submitted by the Senator from Colorado [Mr. THOMAS] on April 17, 1917, entitled "Shall Military Training Be Given Our Youth?" an address by Clark W. Hetherington, professor of physical education and recreation, University of Wisconsin, be printed as a Senate document.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. HARDWICK:

A bill (S. 2154) to amend an act entitled "An act approved July 17, 1916, to provide for agricultural development, to create standard forms of investment based upon farm mortgages, to equalize rates of interest upon farm loans, to furnish a market for United States bonds, to create Government depositaries and financial agents for the United States, and for other purposes"; to the Committee on Banking and Currency.

A bill (S. 2155) to amend an act entitled "An act to repeal section 3480 of the Revised Statutes of the United States"; to the Committee on the Judiciary.

By Mr. PITTMAN:

A bill (S. 2156) to authorize exploration for and disposition of potassium or sodium; to the Committee on Public Lands.

By Mr. WATSON:

A bill (S. 2157) granting a pension to Nellie Evans;

A bill (S. 2158) granting an increase of pension to James H. Shutts;

A bill (S. 2159) granting an increase of pension to Henry Wheeler; and

A bill (S. 2160) granting an increase of pension to Nathan Van Metre; to the Committee on Pensions.

PUNISHMENT OF ESPIONAGE.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2) to punish acts of interference with the foreign relations, the neutrality, and the foreign commerce of the United States, to punish espionage, and better to enforce the criminal laws of the United States, and for other purposes.

The VICE PRESIDENT. The pending question is on the amendment of the committee, on page 33.

Mr. JONES of Washington. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hitchcock	Nelson	Smith, Ariz.
Beckham	Husting	New	Smith, Ga.
Brady	James	Norris	Smoot
Calder	Johnson, Cal.	Overman	Sterling
Chamberlain	Jones, N. Mex.	Page	Sutherland
Culberson	Jones, Wash.	Pittman	Thomas
Cummins	Kellogg	Poindexter	Thompson
Curtis	Kendrick	Pomerene	Trammell
Fernald	Kenyon	Reed	Vardaman
Fletcher	King	Robinson	Wadsworth
France	Kirby	Saulsbury	Walsh
Gallinger	Knox	Shafroth	Warren
Gronna	La Follette	Sheppard	Watson
Hale	McKellar	Sherman	Weeks
Hardwick	Martin	Simmons	Williams

Mr. SUTHERLAND. I desire to announce the absence of my colleague, the senior Senator from West Virginia [Mr. GOFF], on account of illness. I will let this announcement stand for the day.

Mr. CURTIS. I wish to announce the absence of the junior Senator from New Jersey [Mr. FRELINGHUYSEN] on account of illness in his family.

Mr. JAMES. I desire to announce the absence of the senior Senator from New Jersey [Mr. HUGHES] on account of illness. I will ask that this announcement may stand for the day.

Mr. CHAMBERLAIN. I desire to announce the unavoidable absence of my colleague [Mr. LANE] on account of illness. I ask that this announcement may stand for the day.

Mr. McKELLAR. Mr. President, I have been requested to announce that the senior Senator from Tennessee [Mr. SHIELDS] is absent on official business. He has a general pair with the Senator from Connecticut [Mr. BRANDEGEE]. I desire that this announcement shall stand for the day.

The PRESIDING OFFICER (Mr. PAGE in the chair). Sixty Senators have answered to their names. There is a quorum present.

Mr. OVERMAN. The next amendment for consideration is in Chapter XI, on page 33.

The PRESIDING OFFICER. It will be stated.

The SECRETARY. On page 33, after line 6, the Committee on the Judiciary report to insert:

SECTION 1. A search warrant may be issued in conformity with the provisions of this act for the purpose of searching any premises or person to discover any property, or papers, held, secured, or used, or intended to be held, secured, or used, in violation of or in aid of a violation of any law of the United States, or of a treaty of the United States, or of the rights or obligations of the United States under the law of nations.

Mr. CUMMINS obtained the floor.

Mr. HITCHCOCK. Will the Senator yield to me for a moment?

Mr. CUMMINS. I will yield to the Senator.

ANTHRACITE COAL SUPPLY (S. DOC. NO. 19).

Mr. HITCHCOCK. Before the discussion begins I should like to ask the Chair to hand down a report which has just been made by the Federal Trade Commission. I do not ask to have it read. I ask to have it printed and also ask that it be published in the RECORD.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

Mr. NELSON. What is the report about?

Mr. HITCHCOCK. I was going to state that this is a report which I deem of a good deal of importance. Last year I introduced a resolution directing the Federal Trade Commission to investigate the condition in anthracite coal mining by reason of the great advance in the price of coal. The commission went to work. We all know that during the winter there was a large increase in the price of anthracite coal, an increase which was felt all over the country. Recently there have been indications that there would be another increase in the price of anthracite coal. The Federal Trade Commission has made a particular investigation, and has made a report upon that investigation, which is now before the Senate setting forth these facts:

First, that there is no scarcity in anthracite coal; second, that there was no just cause for the unreasonable advance in the price of anthracite coal last winter; third, that there is no just reason now for an advance in the price of anthracite coal; and, fourth, that a large part of the trouble has arisen because of a consumers' panic.

People have become panic-stricken and have sought to fortify themselves and increase the supplies of their coal out of season and unreasonably, and a part of the trouble in the marketing of anthracite coal, as in the marketing of food supplies and in the marketing of print paper, has been due to a foolish and unjustifiable panic on the part of consumers who have sought to gather in unnecessary supplies. The result has been the bidding up of the price. This tendency has been taken advantage of by speculators in food, speculators in coal; and it is the purpose of this report to convince the country that there is no just cause for alarm; that the country will produce this year much more anthracite coal than it has ever produced before, and that if the consumers will be reasonable in their purchases and not seek to lay in six months' supply in advance there is no reason to believe that there will be an undue advance in the price of coal, and there will be no scarcity in the supply of anthracite coal.

Mr. GRONNA. Mr. President——

Mr. HITCHCOCK. I yield to the Senator.

Mr. GRONNA. If the Senator will permit me, I ask him if his inquiry related only to anthracite coal? The Senator knows, of course, that there has been an advance in all kinds of coal. There has been an advance in the price of lignite coal in this country.

Mr. HITCHCOCK. My inquiry, as I remember the resolution last year, related only to anthracite coal, for the reason that anthracite-coal miners were defending the advance in the price of coal by saying that there had been an advance in wages. The report now before the Senate shows the advance in wages only as justifies an advance of 30 cents per ton in the price of coal, which, however, has advanced a great deal more.

Another thing that this report calls attention to is that speculators in coal have held their coal in cars rather than storing it, and in that way have produced a scarcity of freight cars in this country, which the commission suggests is an evil that Congress ought to deal with—the using of cars upon the railroads as warehouses in which coal has been stored while speculators have endeavored to get the advantage in the artificial advance in the price of coal.

Mr. POMERENE. Mr. President——

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from Ohio?

Mr. HITCHCOCK. I am calling this to the attention of the Senate and the country at this time in the hope that the press associations and the newspapers will spread broadcast the authoritative statement of the Federal Trade Commission in this report that there is no scarcity in the supply of anthracite coal and no justification for an advance in the price.

Furthermore, it is stated in this report that the Federal Trade Commission have had repeated conferences with those who produce anthracite coal and have assurances from them that they will cooperate in preventing dealers and speculators from robbing the public by an unconscionable advance in the price of coal.

Mr. President, I think this is a matter of a good deal of importance, and we can not have too much publicity of it, because, as I say, it not only is true with regard to coal, but with regard to a great many other necessaries of life. This country has been getting into a hysterical condition as to supplies, and hundreds of thousands of householders have been going to market and supplying themselves with the necessaries of life months in advance of any need to use them. In that way they have contributed to produce this apparent scarcity and, I believe, have contributed to put up prices. I think it is time we started a propaganda to the contrary. This great country, with its enormous productive energies, is able to supply the people with all that is needed; and it is only this panic of consumers, cooperated in also by the speculators, which is making a very serious unnecessary increase in the cost of living.

Mr. POMERENE. Mr. President——

Mr. HITCHCOCK. I yield to the Senator from Ohio.

Mr. POMERENE. Mr. President, I think there is very great truth in the statement just made by the Senator from Nebraska, but there is another element at work which has had more to do with the increase of prices than even those causes which the Senator has suggested. That is the difficulty of distributing the coal. To illustrate: Last summer, while I was in the coal regions of Ohio, I found that in many banks their books were filled with orders and the miners eager to work. In one locality particularly I was advised that the books were filled with orders, but the miners could only get work one day per week, because the employers could not get the cars necessary for distribution. This is true with regard to food products as well.

A significant fact was disclosed just the day before yesterday in the hearings before a subcommittee of the Interstate Commerce Committee on a bill giving further power to the Interstate Commerce Commisssion in the regulation of the distribution of cars. The public utilities commissioner of the State of Minnesota testified that at the present time there were 25,000,000 bushels of wheat which had been sold and ready for delivery in the State of Minnesota alone, 5,000,000 bushels to go to the allies and 20,000,000 bushels to go to the American millers, but that there was not a car in sight with which to deliver this vast quantity of grain. This means that in one State alone there was more than 1 bushel of wheat for every family in the United States sold and ready to be delivered and no means for delivery. Of course such a condition seriously disturbs normal market prices.

Mr. HITCHCOCK. Mr. President, I trust the Senator from Ohio will not confuse the issues. I realize that there is force in what he says; but the thing to get before this country now in concrete form—and I hope the newspapers and press associations will cooperate in doing so—is that we have here an authoritative statement of a Government agency that has carefully investigated the situation, and that they have found there is an abundant supply of anthracite coal for all needs and no warrant for an advance in the price. If that fact can once be thoroughly understood by the country, it will do much to allay this uneasiness and to put a stop to this difficulty.

I want to say that I know of a case in which a large manufacturer went to a Government official in this city a few days ago in an alarmed condition, saying that he was anxious about his supply of coke, and that he wanted at once 500 cars of coke. Careful inquiry was made into his affairs, and it was found that he had at present four months' supply of coke on hand; in other words, he was in a panic, and he was making the case worse by endeavoring to gather in a large part of the supply that he might need during the next year.

For that reason, Mr. President, I think that an authoritative statement such as this by a Government agency which has investigated the situation and has reported to the country that there is no scarcity of anthracite coal, that the production this year will be far larger than it has ever before been, and that there is no justification for an advance in the price of that coal, but that there is every reason why those who purchase during the summer in reasonable quantities should have the usual summer discount—I think it is important that that fact should get before the country thoroughly, in order that the people may know that there is no cause for uneasiness on this subject,

and that will do much to put an end to this panicky condition in this necessary of life. I believe, if it can also be applied to other necessaries of life, it will do very much in alleviating this artificial condition, which has come about through a consumers' panic and through speculators' machinations.

Mr. GALLINGER. Mr. President, if the Senator will permit me on that very point, I wish to say that he certainly is doing a great service in calling attention to that report on the anthracite-coal situation. This very morning I ascertained from officials connected with a hospital in which I feel a very great interest in the city of Washington that last year under contract they procured their coal at, I think, $3.50 a ton, and that under a new contract, which they are required to make, unless they purchase coal by the load, as they are doing now, it is going to cost them $7.90 a ton; I think that is the figure, but it is certainly over $7.

Mr. HITCHCOCK. There is no justification for that. I will say that I think this report shows conclusively that the country has been robbed by speculators, and that the consumers themselves have contributed to it by getting into a panicky condition. I believe that Congress ought to do something to put a stop to the storing of the necessaries of life in freight cars, the using of freight cars, which ought to be used in transportation, to store goods for purposes of speculation. I think some of these emergency bills which we have before Congress ought to be enlarged so as to put an end to that evil, if possible.

Mr. THOMAS. Mr. President——

Mr. HITCHCOCK. I yield to the Senator from Colorado.

Mr. THOMAS. Does not the Senator think that this panicky condition among the consumers is largely justified by the fact that the actual necessities of life, such as coal, are costing many families in this country far more than the combined incomes of all their members, and that therefore it is not only justified, but inseparable from existing conditions?

Mr. HITCHCOCK. Mr. President, I think that undoubtedly we have got to share with the rest of the world in the advance in the prices of all things that we buy.

Mr. THOMAS. Certainly.

Mr. HITCHCOCK. But I believe that we have unnecessarily contributed to it, first, by permitting speculation.

Mr. THOMAS. I agree with that.

Mr. HITCHCOCK. Take what I have stated as to cost as an instance, where people have bought far in advance of their needs. There can be no excuse for a manufacturer who has four months' supply of coke on hand coming to a Government agency here in Washington and urging as a favor that he be permitted to buy additional coke, and yet that is what he is doing on a large scale, and what is also being done by millions of consumers on a small scale all over the country.

But the point I am making is that this authoritative statement ought to be taken by the country, first, to prove that there is no scarcity of anthracite coal, and, second, that the people who are worrying about it and laying up their supplies in advance are contributing to higher prices.

Mr. THOMAS and Mr. CALDER addressed the Chair.

Mr. CUMMINS. Mr. President, I yielded for the purpose of hearing the report, and I am becoming impatient to hear it read.

Mr. THOMAS. I will not trespass on the Senator.

Mr. HITCHCOCK. Will the Senator consent to have the report read?

Mr. CUMMINS. I want to have it read.

Mr. HITCHCOCK. I ask that the report be read, Mr. President.

The VICE PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

FEDERAL TRADE COMMISSION,
Washington, May 5, 1917.

To the PRESIDENT OF THE SENATE OF THE UNITED STATES.

SIR: By direction of the United States Senate, as expressed in resolution No. 217, Sixty-fourth Congress (Senator HITCHCOCK), the Federal Trade Commission has been engaged in an investigation of certain phases of the anthracite-coal industry.

While that investigation was going forward a "buying panic" developed in the autumn of 1916 and enormous increases in retail prices resulted. Continuing its general investigation, the Federal Trade Commission turned immediate attention to this condition. The commission, being about to make its report, finds that at this present moment the symptoms of the former unwarranted panic are recurring and that there is now imminent a repetition of the conditions obtaining last winter.

These conditions were intolerable, and the commission now, therefore, without waiting the transmission of its complete report on past conditions, is moved to call to the attention of the Senate the danger threatening the consumers of anthracite coal and the steps thus far taken based upon the knowledge of the commission and within the limitations of its power to avert that situation.

During the past week daily conferences have been held with anthracite operators, with the officials of the United Mine Workers of America, with leading jobbers, and with retailers from various parts of the country.

The commission is able to say that there now exists no good reason for a panic in the anthracite market nor for any increase in the present selling price to consumers. On the contrary, the retail prices generally obtaining to-day are unwarranted.

The wage increase agreed upon on April 26, 1917, will involve an increased cost of production of between 24 and 30 cents a ton. The price at which leading operators have announced that they will sell will not exceed this increase. This price is upon anthracite on cars at the mouth of the mine. There is no justification for a larger increase to be passed on to the consumer, and these mine prices will not justify present retail prices in many instances.

The new wage scale with the United Mine Workers is a beneficial and steadying factor in the industry. The commission has received assurances both from responsible anthracite operators and from the miners' representatives that this will be a year of unusually large production. The mine prices announced for May reflect approximately the wage increase of last week. The commission is assured that there is no reason why this price should not continue for the season and be subject to the usual summer discounts, namely, 40 cents per ton in May, 30 cents in June, 20 cents in July, and 10 cents in August.

The commission believes that the custom normally followed by the majority of retailers of passing the benefit of these discounts on to the consumer should be followed by the whole trade.

If the public is again so deceived as to indulge in a scramble for coal such as occurred last winter, the favorable situation above reported may be nullified. A demand for four months' coal in the single month of May will be most deplorable. If, on the other hand, purchases are made as usual, there will be no disturbance and small chance for speculators to fleece the public. The best thing that can happen now is for everyone to buy as has been his custom in former years. Such normal buying spreads evenly through the summer, and will insure a steady flow of the production of the mines through the channels of distribution, to build up usual supplies in the hands of consumers, and more especially to build up the normal stock piles of wholesalers and retailers at points far removed from the anthracite region. Many of these points must build up their winter supply during the summer when water transportation is available. Transportation will thereby be relieved of undue burdens and the coal will be steadily distributed during the summer against the needs of the winter.

During the coal panic of the winter of 1916–17, one of the greatest factors in the distressing and intolerable condition was the unwarranted and indefensible practice of using coal cars for warehouses. Coal was held in cars by speculators while shortage of cars was alleged as a cause of fuel shortage. The commission calls your attention also to other activities of speculators in anthracite coal who perform no useful service in the distribution of the coal, but who insert themselves as a disturbing and clogging factor upon the industry and whose unearned profits are often much greater than those enjoyed by either miner or operator or honest dealer. These profits, in many instances more than 100 per cent, were paid by the consumer, together with enormous bills for car demurrage.

Within the scope of its powers this commission will continue to exert every influence to avert the threatened recurrence of the conditions obtaining in the winter of 1916–17. To this end the commission proposes to secure complete current information, keeping close to the conditions of production, distribution, price at the mouth of the mine, price to jobbers, price to retailers, and price paid by the public.

The commission will expose any unscrupulous wholesaler, jobber, or retailer who seeks to mislead the public into a belief that exorbitant prices are justifiable or that there is any necessity to join in a frenzied bidding to secure immediate delivery for far-future needs.

The commission will compile this information at frequent intervals and will ask the cooperation of the patriotic newspapers of the country to the end that the public may be kept constantly informed of what, in justice and reason, it should be expected to pay for anthracite coal and as to the volume of the production and stocks on hand existing at such times. The commission has assurances from the anthracite operators that in case of local shortages being called to their attention by the commission the operators will relieve such local stringency immediately.

The agencies which handle and distribute coal after it leaves the mine and before it comes into the hands of the consumer have also been heard to say to the commission, through numerous representatives, that they desire and will expect only a fair and reasonable profit for the useful labor and service which they perform.

The fair retail price at any place is the price at the mouth of the mine, plus freight, plus the reasonable dealer's profit and cost of local delivery. The May price at the mine of ordinary white-ash anthracite, allowing for the 40 cent discount, is approximately as follows:

	Gross ton (2,240 pounds).	Net ton (2,000 pounds).
Egg	$4.05	$3.61
Stove	4.30	3.84
Chestnut	4.40	3.93

So, then, anthracite-coal consumers of the United States may feel assured, first, that there is an adequate supply of coal; second, that that supply will be taken out and prepared for use in a large and constant flow during the summer months; third, that in so far as the power of constant scrutiny and publicity are effective, the Federal Trade Commission will function; fourth, that prices at the mine will be reasonable and such as would not justify the average prices now being paid by consumers.

As to the price of coal to the consumer for the coming season, this leaves two problems for further action, either by the Congress of the United States or by some authority to be designated by Congress: First, the elimination of the element of speculation and the charging of an exorbitant price or the withholding from use of this necessity of life; and, second, the imperative need of keeping the coal moving from the point of its production to its final destination and of preventing coal cars from being held out of use for the purpose of speculative storage.

The Federal Trade Commission will have the honor to present to you at an early time a further and detailed report and recommendation upon the anthracite-coal industry.

Respectfully submitted.

JOSEPH E. DAVIES,
WILLIAM B. COLVER,
JOHN F. FORT,
Commissioners.

(Chairman William J. Harris did not sign, being in Chicago, engaged in a hearing on bituminous coal.)

Mr. THOMAS. Mr. President, what the commission has said of the anthracite coal situation is equally true of those sections of the country which depend upon bituminous and lignite coal for their supply. It is a nation-wide condition. While it is doubtless true that the anxiety of consumers has contributed to the acuteness of this situation, it is equally true that their apprehensions and their desire to safeguard the future are not only rational, but are the inevitable consequence of this constant rise, this unnatural rise, in the prices of all necessities of life, a rise which can not be explained in its present extreme by any other cause than by the cornering by speculators of the necessaries of life and by the gamblers of the produce exchanges, including as well food, clothing, and coal. This apprehension will continue so long as these prices prevail; it will grow with every increase; the feeling will grow in volume as the danger becomes more menacing.

From the voluminous communications which I have received upon this subject in the last two or three days from all sorts and conditions of men expressing warm approval of some remarks of mine in this Chamber early in the week I am inclined to think that we are rapidly approaching the breaking point. I hope not. I pray not, Mr. President. For there is no revolt so terrible as that which comes from lack of food, lack of clothing, lack of coal to warm the habitation. Nothing more justifies to every thinking man those extremities of lawlessness which are provoked by the lack of appropriate remedy or the enforcement of existing legislation to prevent these conditions and punish those responsible for them. The Anglo-Saxon is long-suffering, but do not push him over the precipice. Anne of Austria years ago said to Cardinal Mazarini, "My Lord Cardinal, the Almighty always pays. He does not pay every week or every month or every year, but He always pays some time." I commend that profound truth to the immediate consideration of those who are cornering or speculating in the necessaries of life, who make long prayers and devour widows' houses. The people must have food, clothing, and coal at decent prices or they will know why.

Mr. SHAFROTH. Mr. President, I believe that the report ought to be published as a public document and circulated. I believe that it has a great deal of merit in it; but there is one other thing which, I think, also contributes to the high price of coal.

About 15 years ago the Government undertook a policy of withdrawing from entry coal lands upon the public domain; and although the Geological Survey stated that there were in the State of Wyoming, in public lands, 449,000,000,000 tons of coal, enough to supply the world for 400 years, and that there were 371,000,000,000 tons of coal in the public lands of Colorado, enough to supply the world for 300 years, yet, notwithstanding that, a policy was then adopted which was to the effect that these lands should be withdrawn from entry until classified.

Mr. OVERMAN. Mr. President, I hate to interrupt the Senator's remarks by calling for the regular order, but I can not——

Mr. SHAFROTH. I shall be through in only a minute more. Following that there was a reclassification of these lands by the Government by which a very high valuation was placed upon the same, reaching as high as $400 and $500 an acre; and the result has been that practically no lands have since been taken up under the coal-mining laws of the United States. That has been one of the reasons, Mr. President, in my judgment, that has caused this great shortage of coal. The policy aids in the establishment of a monopoly of those companies that own their coal lands.

Mr. CALDER. Mr. President, the other day I introduced a resolution, which was adopted by the Senate, dealing with this very subject. I introduced it because of the protests of many people from all over the country and State, especially the city of New York. I am very glad that we have had so complete a report on the resolution of the Senator from Nebraska [Mr. HITCHCOCK] and trust it will be given the fullest publicity. I believe that in a measure the high price of coal is due to the unnecessary excitement of the people at this time, but I do insist also that it is caused in part by speculation.

It has been the practice of the coal dealers in the larger cities of the East, and I assume all over the country, to begin the solicitation of orders for coal in the early spring. In the month of April they offer a reduction of 50 cents a ton, and, as the report indicates, for May 40 cents, for June 30 cents, for July 20 cents, and for August 10 cents a ton.

Mr. OVERMAN. Mr. President, I hate to interrupt the Senator, but——

Mr. CALDER. I will conclude in two or three minutes. During the month of April of this year dealers all over New York began the usual process of soliciting orders. I know many householders who have given orders for coal expecting, as has been the custom heretofore, to obtain immediate delivery, only to be informed that while the orders were taken there could be no assurance when the coal could be delivered. So that the dealers themselves are more responsible for this panicky situation regarding coal than are the people.

I do hope that this report will be given the widest publicity. I believe it will in a measure allay this panicky feeling; but I also insist, Mr. President, that the Federal Trade Commission or some other function of the Government is duty bound to see to it that no combination of interests either between operators, speculators, or dealers in coal is permitted to exist, to the end that the people during the coming fall and winter may not be required to pay exorbitant prices for this product.

Mr. HITCHCOCK. Mr. President, I modify my request so as to ask that this be printed as a public document and referred to the Committee on Interstate Commerce, and that 5,000 extra copies be printed.

The VICE PRESIDENT. Is there any objection? The Chair hears none, and it is so ordered.

CONSTRUCTION OF SHIPS.

Mr. KNOX. I ask unanimous consent that I may send to the desk and have read a resolution.

The VICE PRESIDENT. In the absence of objection the resolution will be read.

The Secretary read the resolution (S. Res. 58), as follows:

Resolved, That the Secretary of Commerce be, and he is hereby, requested to furnish the Senate with information as to the number of ships now in process of construction in American shipyards, or that are completed and undelivered, under contracts with all persons, corporations, or governments other than the Government of the United States.

Mr. KNOX. Mr. President, I ask unanimous consent for the present consideration of this resolution, for this reason:

I have been informed, from sources that I entirely credit, that there are a great number of commercial vessels in process of construction, many of which have been practically completed and are ready for delivery to private corporations and persons residing in the United States and private corporations and persons residing in foreign countries. I notice by the press within the last 10 days that complete crews to man some 40 commercial vessels for citizens and corporations of foreign Governments have recently arrived in this country for the purpose of receiving delivery of and taking away these vessels.

Now, of course, everybody knows that such vessels are subject to requisition; and while I am not urging any action in that direction at this time, I think it is well that such information as this resolution calls for should be received by the Senate, and therefore I ask unanimous consent for its present consideration.

Mr. JONES of Washington. Mr. President, I should like to ask the Senator a question. Does the Senator have any doubt about the advisability of making public information like that?

Mr. KNOX. I have excluded vessels building for the United States. I have thought of that, and I can see no objection to its being made public, as to the vessels that are being constructed for commercial purposes.

Mr. JONES of Washington. It just occurred to me, in view of the intensity of this submarine warfare, that information as to the number of merchant ships that we have under construction and that the enemy would have to meet would be very valuable information to the enemy. I simply suggest that to the Senator.

Mr. KNOX. I think perhaps it would be very valuable information for us, because I am informed that there are a very large number of these vessels which could be utilized by the United States for the purpose of carrying food and other products to Europe.

Mr. JONES of Washington. I wonder if that information could be brought to the Senate in such a way as to have it treated as confidential or secret, so that it should not become public information. It occurs to me that it might be valuable to the enemy.

Mr. KNOX. I will modify the resolution by inserting the words "if not incompatible with the public interest," and let the executive department of the Government determine that question.

Mr. HARDING. Mr. President, I will suggest to the Senator from Pennsylvania that this information has probably been

already furnished by the Shipping Board to the Secretary of Commerce.

Mr. KNOX. Is not the Shipping Board operating under the direction of the Secretary of Commerce?

Mr. HARDING. I have no knowledge of that fact.

Mr. JONES of Washington. No; it is an independent organization.

Mr. KNOX. I accept the suggestion, and will ask to have the words "the United States Shipping Board" inserted in the place of the words "the Secretary of Commerce."

The VICE PRESIDENT. Is there any objection to the present consideration of the resolution? The Chair hears none. The resolution as modified was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed a bill (H. R. 291) to punish acts of interference with the foreign relations, the neutrality, and the foreign commerce of the United States, to punish espionage, and better to enforce the criminal laws of the United States, and for other purposes, in which it requested the concurrence of the Senate.

PUNISHMENT OF ESPIONAGE.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2) to punish acts of interference with the foreign relations, the neutrality, and the foreign commerce of the United States, to punish espionage, and better to enforce the criminal laws of the United States, and for other purposes.

The VICE PRESIDENT. The pending amendment is the amendment on page 33.

Mr. CUMMINS. Mr. President, in submitting some observations in opposition to the chapter of the heterogeneous and conglomerate measure now under consideration I am appealing to the same calmness of judgment in legislation which the Senator from Nebraska [Mr. HITCHCOCK] so earnestly invoked in presenting the resolution which has just been read. There is quite as much danger of undue excitement and hasty action in legislation as there is in the conduct of the people in carrying on the business in which they are interested. What has been said inclines me to refer to certain aspects of the existing situation before attempting an analysis of this chapter of the bill.

Under cover of the war the great industries of the United States are willfully disregarding and intentionally violating the antitrust laws of the country and are sweeping into their coffers every day profits which baffle the imagination when one attempts to measure them in the medium to which we are accustomed. I have sometimes thought—especially in view of what has occurred this morning—that if the departments of the Government were as vigilant and energetic in enforcing the laws we have as they are in writing new ones, many of the evils of which we complain, and justly complain, could before this time have found a remedy. Taking advantage of the general confusion which is observable everywhere, the railway companies of the country are about to advance their rates to a point which will yield them a gross annual revenue of nearly, if not quite, $400,000,000 in excess of their present unparalleled income. I can not especially condemn the officers of the railways of the country, for I assume that from their point of view these additional revenues are required; but in the smoke which surrounds all our undertakings just now we seem to be indifferent with regard to these movements which must ultimately work disaster to the people of the country.

Impressed, apparently, with the pervading and prevailing spirit, the executive departments are making unprecedented inroads upon the liberties and privileges of the people—liberties and privileges which I have no doubt these departments believe should be subordinated for the time, but which I think are essential to the preservation of free institutions. I think they are too active in these respects. I am not criticizing the communication, under proper circumstances, between the departments and Congress. I am not criticizing the preparation of bills by some department of the Government and submitting them to the committees of Congress; but I think they, too, have become hysterical. They are apparently filled with fear of imaginary evils, and they prepare and present to us a series of enactments the like of which never before found their way into the legislation of any country in the world.

I am quite willing to believe that these departments of the Government are honest in their efforts to suppress what they believe to be dangers and perils confronting us. I am not in the habit of imputing bad motives to anybody unless I have conclusive evidence that these motives do exist. But I venture at this moment to offer a word of counsel and advice, and I hope it will be received with sober thought. This Government is at the present moment confronted with difficulties which never before were presented to our organized society. Its first duty is, and everybody ought to admit it, to raise and equip an army sufficient for our defense. It is a vast work. The preparation of everything that goes to make up an efficient army of the magnitude required by our necessities is so burdensome upon the mind as well as upon the body that it can not be wondered if we are slow and somewhat ineffectual in the beginning; but we ought to give our whole thought to that mighty work. It will be a good while before we have the men who are required in camp and it will be a good deal longer before we have the equipment which they must have in order to become efficient defenders of the country.

Second, we ought to concentrate all our activities and energies upon sweeping the submarine from the sea. There is room in this undertaking for all the genius and all the resources of the American Republic. It is a present menace, it is a constant peril which is before us, and we must deal with it, and deal with it successfully if this war is brought to a victorious end.

I think we ought to go a little slowly in taking over the industrial activities of the United States. These activities are greater than are found in any other country in the world. They are more varied, they are more difficult of management and direction than the activities of any other country in the world.

While I believe in establishing certain rules of honesty and efficiency which we will compel others to obey I am slow to see the Government enter the fields and the factories of the United States and attempt to do directly through its own agencies things that are now being done by the best brain, the most effective genius, that the world of industry has ever evolved.

I think with regard to coal, of which we have heard this morning, we do not need to take possession of the coal mines. We have a law now in force to prevent the very situation so eloquently and impressively depicted by the Senator from Nebraska [Mr. HITCHCOCK]. The men who do these things, which are, of course, forbidden not only by the law of God but by the law of men as well, ought to be put into the penitentiary, and we have a law which in my judgment if vigorously enforced would accomplish that purpose.

It may be that we ought to enact some further legislation with regard to the effort to extort unreasonable profits in the transaction of business. If we had a statute, however, which made it criminal for any man to demand or to receive more than a fair and reasonable profit in the transactions in which he engages, and if that law were enforced with fair diligence, the extortions of which the country has been full in the last year or two would not be repeated.

What we ought to do with regard to the business of the country is to declare the principles upon which it shall be conducted and allow the men who are accustomed to do the business to continue to do it. If they offend against the law, then punish them as they deserve to be punished; but I fear——

Mr. WEEKS. Mr. President——

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from Massachusetts?

Mr. CUMMINS. But I fear the entrance by the Government upon the management of all the industries of the Nation. I yield to the Senator from Massachusetts.

Mr. WEEKS. I am very largely in sympathy with what the Senator from Iowa has been saying, but it is a difficult problem to determine what is extortion, whether it covers a term of years or one year. I wish to ask the Senator this hypothetical question: Suppose the owner of a coal mine had been operating it for 10 years and from the product of it he had not made any money, but the prices under present conditions were such that he would make 25 or 30 per cent on his investment, would the Senator consider that to be extortion?

Mr. CUMMINS. I would not. But the incident, of course, to which the Senator refers never could arise.

Mr. WEEKS. It has arisen.

Mr. CUMMINS. No; it has not arisen, and it can not arise; and I will tell the Senator from Massachusetts why.

Somebody has been making a profit on coal for the last 10 years, and if the company which has been making the profit should be confined to a fair profit there is no danger that the company which has been doing business without a profit could sell its output at more than the price fixed by its competitors. So while I answer the question very frankly, I am quite sure that there are no instances, or very few, at least, in which any seller could justify a profit of 25 or 30 per cent.

Mr. WEEKS. If the Senator has time ever to investigate the question and does investigate it he will find there are a very large number of such instances in the soft coal trade. I am not speaking of anthracite coal.

Mr. CUMMINS. I have not investigated the particular instances. If in the instance referred to by the Senator from Massachusetts he should sell his coal in competition with others at a profit of 25 or 30 per cent to make up the losses of the past 10 years, I do not regard that as morally wrong.

Mr. NELSON. Will the Senator yield to me?

Mr. CUMMINS. I yield.

Mr. NELSON. The surprising thing about all these reports is that they do not give information on the vital points. I should like to know how much it costs to put a ton of coal on board a car, how much the railroads get for carrying it, and what the retailers get. I have never yet been able to ascertain that. There is nothing in this report about it. I have a suspicion that the retailers get a bigger profit than either the miners or the railroads; but we have no data on it.

Mr. WEEKS. In the last 10 years, practically speaking, it has cost more to transport a ton of coal from the West Virginia coal mines to the seaboard than the gross price averaged to the miner.

Mr. CUMMINS. I have no doubt of that, Mr. President. I do not undertake to say what the proper rate on coal is for any given distance. There has been an increase in the cost of producing coal at the mines, for I assume that the compensation of miners has increased in harmony with the general advance of wages. But in our country soft coal reaches the car in which it is to be transported at a cost not to exceed $1.15 a ton, possibly $1.25 a ton in some particular locality, and all the rest of the ultimate charge is the cost of transportation and the profit to the middle men.

But I did not intend to enter, Mr. President, into a discussion of the profits which are enjoyed by the various enterprises of the country. I only say that it is my judgment that instead of the Government attempting to manage for itself and to dispossess those who are now in control and undertake the direction of these great enterprises the Government ought to be content in imposing certain rules of honesty and morality and decency upon those who own and conduct the property and depend for the outcome upon the enforcement of those rules.

Mr. SHERMAN. Mr. President——

Mr. CUMMINS. I yield.

Mr. SHERMAN. While the Senator is on that branch of the discussion, what would he think the Government could do on patented articles in which the inventor has the exclusive right, and to which he devoted, say, 20 or 25 years before he had perfected his invention and had it put on the market?

Mr. CUMMINS. It is a very difficult thing to control, but fortunately there are not many of the necessities of life controlled by a patent.

Mr. SHERMAN. How about the telephone?

Mr. CUMMINS. There are no patents on telephones, they have all expired; that is, all the essential patents expired years ago.

Mr. SHERMAN. There was a time within the lifetime of the patent when the inquiry would apply.

Mr. CUMMINS. That is very pertinent.

Mr. SHERMAN. When the only telephone practically in our offices was covered by the original patent.

Mr. CUMMINS. I am speaking, of course, Mr. President, of the great necessities of life, the scarcity of which we deplore, and the prices of which are in many cases beyond the reach of the common, ordinary citizen.

I beg pardon for this diversion. I come now to the chapter which is before us.

Mr. President, the words "search and seizure" have an ominous sound in the ears of American freemen. I am but mentioning familiar history when I say that the Revolution began in 1761 with the immortal attack made by James Otis upon the writs of assistance with which England was harrowing the patriots of Massachusetts. I but remind you of a mountain peak in history when I say that the abuse of the search warrant or seizure or writ of assistance furnished Thomas Jefferson the most terrific indictment found in the Declaration of Independence, and it ultimately became the basis of the fourth amendment to the Constitution.

In view of these facts—and they are very important and I think ought to be interesting facts—is it any wonder that the people of this time should consider with very great care a proposal to extend the operation of the search warrant far beyond the limits ever defined by any country in the world. I am now speaking, of course, of times of peace, and I am also speaking of free countries. I do not know what Russia did with her search warrants; I do not know what Germany has done with search warrants; I do not know what Great Britain has done in the last few months with search warrants; but I know what Great Britain did with search warrants in the days from which we draw our inspiration. I know the lesson she taught in the time when she was holding up for the whole world an example of liberty.

For 128 years the United States has passed along her way among the nations of the earth without any legislation of this character, and her history has not only been a source of gratification to every lover of freedom, to every lover of individual privilege and immunity from espionage and from the interference of Government, but it has been a history of which every citizen of the land is so proud that he is willing to fight for the democracy established by our forefathers. The question is whether we are willing to surrender it on the floor of the Senate.

I am going now to read the first section of this chapter. First, let me say, however, that we have this process in the laws of the United States. We have authorized search warrants to seize smuggled goods that were sought to be imported into this country without the observance of the customs laws. We have a search-warrant law respecting the seizure of counterfeiting tools and of property that is used for the violation of the law in that respect. We have a search-warrant law relating to some phases of the liquor traffic, especially with the Indians, I believe, and there are two or three other instances of that kind. Those are all the search-warrant laws which we have at the present moment. We have lived for 128 years in prosperity and in safety and in progress without giving to the Government the right upon mere suspicion to search not only the premises but the persons of all our people for property and papers relating to the subjects I am about now to mention.

Section 1 is as follows:

SECTION 1. A search warrant may be issued in conformity with the provisions of this act for the purpose of searching any premises or person to discover any property, or papers, held, secured, or used, or intended to be held, secured, or used, in violation of or in aid of a violation of any law of the United States—

So far I have quoted from the section. I now add, any law of the United States, whether civil or criminal; any law of the United States, whether it attaches simply the remedy of damages for a wrongful act, or whether it attaches a penalty in the form of a forfeiture, a fine, or imprisonment. I am not prepared to say that there is no parallel for a provision of this sort in the law of any State in the Union; I only say that I am not familiar with a statute of that kind anywhere, and I know that among the great nations of the earth with free institutions there never has been a law of that character.

Mr. SHERMAN. Mr. President——

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from Illinois?

Mr. CUMMINS. I yield to the Senator from Illinois.

Mr. SHERMAN. I am greatly interested in what the Senator is saying, and I desire to ask would not that power, if put in the form of law, enable a United States marshal to search a man's business office?

Mr. CUMMINS. Certainly.

Mr. SHERMAN. And he could take private papers, involving titles to property or securities of any kind that are current on the market, such as stocks, bonds, and mortgages?

Mr. CUMMINS. Undoubtedly.

Mr. SHERMAN. Is there any remedy against the invasion of private business under such a provision?

Mr. CUMMINS. There is none whatever, except, after there is a hearing, such papers may be returned.

Mr. SHERMAN. But they may be impounded indefinitely pending the hearing?

Mr. CUMMINS. Certainly. There is, however, this limitation—I do not want to be misunderstood—it must be alleged before the judge or the commissioner—and any United States commissioner can issue this warrant under the terms of the proposed statute——

Mr. SHERMAN. I am assuming that the formalities required by the provisions of the bill shall have been complied with and a search warrant issued in the usual form, but enlarging the ordinary search warrant that now may be taken out for searching to recover stolen property with the well-known limitations that are on search warrants——

Mr. CUMMINS. Certainly.

Mr. SHERMAN. But under the enlargement in the bill would there be any limitation on it?

Mr. CUMMINS. There would be none. Every lawyer knows that ordinarily, no matter what may be the terms of the statutes of the various States, the search warrant has, in the main, been used for the purpose of discovering and reclaiming stolen property. It has been extended to the execution of certain other laws, notably to the liquor laws of the States, but it has

been recognized everywhere as the efficient and the proper remedy for uncovering and reclaiming stolen property.

Mr. THOMAS. Mr. President——

Mr. CUMMINS. I yield to the Senator from Colorado.

Mr. THOMAS. The Senator from Iowa, of course, knows that under the English common law and the statutes of all of our States the service of a search warrant is expressly limited to the daytime, and for the most obvious reasons, which are essential to the protection of the individual. I call the Senator's attention to the fact that, in addition to the criticisms which he has made, section 3, on page 35, authorizes the service of such warrant in the nighttime, as well as in the daytime, when the affiant is positive that the property is on the person or in the place to be searched. The Senator will notice in this case that search warrants may issue not only for the search of structures but of the person, and in the nighttime, provided the appropriate affidavit is made.

Mr. CUMMINS. I intended to call attention to that a little later when I came to consider the details that arise in the administration of the proposed law. I am very glad, however, the Senator from Colorado has mentioned that particular danger or hardship. I repeat, that all that is necessary, in order to warrant the officer in serving the process in the nighttime and upon the person, is that the informant be positive with regard to the one fact which the Senator from Colorado has suggested.

I hope you will not become indignant about what I have already said, for it is merely a little step toward the enormity to follow. I read again from the section:

> Any property or papers held, secured, or used, or intended to be held, secured, or used, in violation of or in aid of a violation of * * * a treaty of the United States—

Mr. President, this country sometimes enters into agreements with other countries and they are called treaties. They ordinarily create obligations upon the part of our country and reciprocal obligations upon the part of the country with which we are dealing. Ordinarily they do not entail any obligation upon the individual citizen. I can not now recall a single instance in which any treaty of the United States has imposed upon a citizen an obligation. There may be such treaties; I will not say that there are not; but I can not at this moment recall any one of that character. So this search warrant goes to any person or to any premises to discover any paper or any property that may be used or held or which may be intended to be used or held in violation by the United States of any treaty.

When we remember the wide difference of opinion that exists with regard to treaties and their interpretation, their construction; when we remember what variety of judgment there is with respect to the obligations which a treaty puts upon the country, is it not monstrous to suggest that a search warrant may issue and the person of any citizen may be taken if it is alleged that he has any paper that has or may be used in violation of the treaty, and the paper itself may be removed from his possession and delivered to an officer of the Government? I venture to say that the extension of the search warrant to that degree has never before been attempted; at least, if it has been so attempted, I am not familiar with it.

What I have said, however, is still but an insignificant and trivial thing compared with what I am about to say. Reading again—

> To discover any property or papers held, secured, or used, or intended to be held, secured, or used, in violation of or in aid of a violation of any law of the United States, or of a treaty of the United States, or of the rights or obligations of the United States under the law of nations.

What is "the law of nations"? Who interprets it? Who construes it? Who is to decide what the rights and the obligations of the United States may be under the law of nations? If I have a paper in my possession which I intend to use as a part of an effort to sustain a certain proposal with respect to the rights and obligations of the United States under the law of nations, is it tolerable that a provost marshal can take my person, search it, and, discovering, may take that paper because it is not in harmony with the view which the then administration may take with regard to the rights and obligations of the United States under the law of nations? If I have a printing press which I intend to use as one of the instrumentalities for the publication of certain doctrines respecting the rights and obligations of the United States under the law of nations, and the Attorney General believes that those doctrines are not in harmony with the best interests of the country, are we to authorize his agent to come to my premises and take the printing press in order to prevent the publication and dissemination of my views concening the law of nations and our rights and obligations under it?

Mr. DILLINGHAM. Mr. President, if it will not interrupt the Senator——

Mr. CUMMINS. Not at all.

The PRESIDING OFFICER (Mr. KENYON in the chair). Does the Senator from Iowa yield to the Senator from Vermont?

Mr. CUMMINS. Certainly.

Mr. DILLINGHAM. I have been reading section 7 of this chapter, and I have been wondering whether, in the view of the Senator, the provisions of section 7 modify the provisions of section 1 and limit the scope of the operation of the search warrant?

Mr. CUMMINS. Not in any way. I think the thought underlying section 7 was that it was necessary to make an act criminal in order to attach the search-warrant privilege to it; but, in the first place, that is not accurate; and, in the second place, section 7 does not cover the whole ground covered by section 1, nor is it really in any way related to it; that is, section 1 would, in my judgment, operate independently of section 7. But that would make no difference. That would simply intensify the objection. I will come to section 7 directly; but in view of the question put by the Senator from Vermont, I only say that it is a section in which it is attempted to make one a criminal if he has in his possession any paper or property which is used—not intended to be used, but used—in violation of the law of nations. I do not believe the Senator from Vermont would insist that any court would ever hold a statute valid which would attempt to make one a criminal on account of the views which he entertains upon the law of nations and upon the rights and obligations of the United States growing out of the law of nations.

Mr. DILLINGHAM. No, Mr. President; my only thought was that stated in the form of a suggestion to the Senator that possibly the provisions of section 7, which define the offense, modify the provisions of section 1. To make what I have in mind clear, I will read the provision, which is as follows:

> SEC. 7. Whoever shall knowingly and willfully hold, secure, or use any property or papers, in violation of, or in aid of the violation of, any law of the United States, or of any treaty of the United States, or of the rights or obligations of the United States under the law of nations, shall be fined not more than $1,000 or imprisoned not more than five years, or both, in the discretion of the court.

The purpose of that section seems to be to define the offense with which the person is charged who is sought to be reached under the provisions of section 1 through a search warrant. Whoever drafted the bill, I think, had that thought in mind; and I wanted to know what the Senator's view of it was. That was all.

Mr. CUMMINS. No; as I remember it—and I am now speaking of what occurred before the Judiciary Committee, and I do not know whether I ought to do so or not—but I think it was urged there by some one that the search warrant could be used only as an aid to the enforcement of a criminal law, of a penal law; and whoever drew section 7 prepared it, I believe, in order to meet that objection. I remember that the Member who offered it stated at the time that he was not at all convinced of the necessity of section 7, but he did it to cover that objection. I do not think that it limits, in any way whatever, section 1. If the objection to which I have just referred were a valid one, it might sustain section 1 in certain respects.

Mr. DILLINGHAM. Mr. President, if the Senator please——

Mr. OVERMAN. If the Senator from Vermont will excuse me, and with the permission of the Senator from Iowa, I desire to state that I understood the committee allowed the search warrant to issue where there was a violation of law. There was no law furnishing violations of international law, and therefore we made such an act a crime, so as to bring it within these provisions.

Mr. CUMMINS. I understood that was the reason, but, of course, it does not limit section 1 in any way at all, because section 1 declares when a search warrant may be issued and what it may be used to accomplish.

Mr. DILLINGHAM. Mr. President, section 1 and section 7, being printed in italics, it appears that they are amendments recommended to the original draft of the bill. They were intended, as I think, by whoever drew them, to be construed together.

Mr. CUMMINS. The Senator from Vermont must remember the general course of the proposed statute through the committee. While I agree these are amendments in form now presented by the committee and approved by the committee, I can not quite accept the understanding of the Senator from Vermont with regard to the connection of the two, although my conclusions would be the same, because I think it is just as inhuman and as outrageous to attempt to make a crime of a

difference with regard to the law of nations, as it is to issue a search warrant for evidence with which to convict the person who is accused of that crime. It must be remembered that this chapter does not require that the person to be searched shall be accused of any crime.

Mr. OVERMAN. Mr. President, I think the Senator is mistaken about that. Does there not have to be a violation of the law, and can a search warrant be obtained unless it is stated in the application that a law has been violated? I understand that that has to be stated.

Mr. CUMMINS. No.

Mr. OVERMAN. If the Senator will read further, he will see that it is set out.

Mr. CUMMINS (reading)—

> A search warrant may be issued in conformity with the provisions of this act for the purpose of searching any premises or person to discover any property or papers, held, secured, or used, or intended to be held, secured, or used, in violation of or in aid of a violation of any law of the United States, or of a treaty of the United States, or of the rights or obligations of the United States under the law of nations.

The person who is in possession of the property may not be the violator at all.

Mr. OVERMAN. Here is subsection 2, which says:

> The facts upon which his knowledge, or the grounds of his belief, if his application be based upon belief, that a violation of the rights or obligations of the United States under the law of nations, or treaty obligation, or statute of the United States as in this chapter provided has been, is being, or is intended to be accomplished.

There must be an allegation somewhere.

Mr. CUMMINS. Certainly. I think there is no difference between the Senator from North Carolina and myself.

Mr. OVERMAN. I misunderstood the Senator from Iowa.

Mr. CUMMINS. What I said was that the person from whom the property or the papers were to be taken, or the person to be searched, might not be the person who was accused of a violation of the law.

Mr. OVERMAN. Well, Mr. President, in the case of Boy-Ed and these conspirators over here, where they had deposited these papers which showed their guilt in somebody's house, it so happened that the agents of the Government went and broke in and got them without law. They were obliged to do it. They had no law for it, but this makes it a law. They went in and searched the premises and found those papers in a man's house. Would the Senator have us do that? Where we know that there is going on a conspiracy against this Government to violate the neutrality laws, and the conspirators deposit papers which show their guilt with some one else, ought we not to be able to go in there without force? Ought there not to be some law to allow us to go in there?

Mr. CUMMINS. Certainly.

Mr. OVERMAN. That is the case this provides for.

Mr. CUMMINS. No; that is the trouble. This is simply another illustration of the process that has been going on here for the last four years, accelerated and emphasized in the last two years. A defect is discovered in the law, and it is suggested that we ought to remedy the defect. Everybody would be in favor of remedying the defect; but instead of limiting the amendment of the law to the case which has been discovered, to the defect which has become known, the law is made so broad and comprehensive that it reaches infinitely beyond the field in which legislation is necessary. I agree that the search warrant might properly be used in the case suggested by the Senator from North Carolina; but when we want to strengthen the law in such a case as that, if there is such a case, is it necessary to authorize a search warrant to seize the Senator from North Carolina and take from his pockets a paper which he may be intending to use as an argument in respect to our rights and obligations under the law of nations? That is just what is proposed in this statute.

Mr. OVERMAN. Mr. President, I call the Senator's attention to the fact that that objection, as he knows, was made in our committee.

Mr. CUMMINS. Oh, certainly.

Mr. OVERMAN. And an appeal was made to the committee, and the committee appointed a subcommittee—it is a right interesting story—to carry out the Senator's idea. That very able subcommittee went out and tried to prepare a substitute, and when they came to do it they found that this was better than the substitute.

Mr. CUMMINS. Mr. President, it is hardly fair to oppose some of the vagaries of the Judiciary Committee to the argument that I am now attempting to make. I have high regard for every member of that committee; but the fact that there was a subcommittee appointed, and that it brought in a different chapter, and that it was rejected and this was accepted in its stead is really no answer to the argument I am making.

Mr. OVERMAN. Not a bit.

Mr. CUMMINS. Generally speaking, I may say here and now that I think the work of that subcommittee was admirable; and if it had not been for two or three very serious blemishes—that is, from my standpoint—which I think might easily have been removed, I would have favored it.

Mr. OVERMAN. The reason I mentioned this, if the Senator pleases, was that if the Senator could—I do not know whether it can be done or not—get up an amendment that would enable us to do what we want to do, and limit it to what the Senator wants to do, I would accept it; but that is one of the hardest things I have ever tried to do. I do not know; the Senator may have an amendment. He is very wise, and the suggestions that he made to the committee impressed the committee very much; but when we tried it we found it exceedingly difficult.

Mr. WATSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Indiana?

Mr. CUMMINS. I think I ought to yield first to the Senator from Minnesota [Mr. KELLOGG]. He has been on his feet two or three times.

Mr. WATSON. I beg pardon; I did not know that he had been.

Mr. CUMMINS. I will yield to the Senator from Indiana immediately thereafter.

Mr. WATSON. That is all right.

Mr. KELLOGG. I simply desired to ask whether the Senator had framed an amendment to cover the specific case that the chairman of the committee says is all he desires to cover?

Mr. CUMMINS. I have not. I have not attempted to prepare any amendment to this chapter. It can not be amended.

I think that a substitute could be prepared, but I have had such ill success in making my views upon this subject meet the judgment of the Judiciary Committee that I did not try it.

Mr. KELLOGG. I understood the Senator from North Carolina to say that all he desired was a provision to cover the particular case mentioned, and that he would be glad to accept such an amendment, and I wondered whether any amendment had been prepared.

Mr. CUMMINS. I would be perfectly willing to see the law amended, or rather to see an addition to our present law that would embrace all such cases; but that has not really been the effort of those who drew this law—to make it reach just such cases as that, and no more.

Mr. KELLOGG. I understood the Senator from North Carolina to say that that would be satisfactory to him.

Mr. CUMMINS. I did not so understand him.

Mr. OVERMAN. I said that if the Senator could frame an amendment that would cover that particular case, as to the person, I would accept it.

Mr. CUMMINS. If the Senator from North Carolina will say that, after a conference with the Senator from Minnesota I will attempt it.

Mr. OVERMAN. I should be glad to have it. I know it has been tried a half dozen times, and when you get into deep water the only way to do is to make it general.

Mr. CUMMINS. I now yield to the Senator from Indiana.

Mr. WATSON. I simply wanted to ask a question of the Senator from North Carolina. Inasmuch as he had made the observation that all he really wanted to do was to provide a remedy for the situation he describes, I wanted to ask him whether that was not at least a covert admission on his part that the provisions of the pending bill are too comprehensive?

Mr. OVERMAN. No; it is not. I said the committee tried to frame something which would cover that case, and nobody yet has been able to do it, so far as I can see.

Mr. WATSON. And if this case were covered, the Senator would not then insist upon the provisions of this bill?

Mr. OVERMAN. Why, certainly. It is only one phase of the matter that the Senator is talking about; and I admit the force of his suggestion as to that particular phase of it. The Senator did not understand me to say that I was not in favor of the search-warrant bill. My statement was only as to that particular phase.

Mr. CUMMINS. If we are permitted to disclose what occurred in the Judiciary Committee, I venture to remind the Senator from North Carolina that the Assistant Attorney General who had the matter in charge, and who is a very excellent lawyer, said that the effort to authorize the issuance of a search warrant under the law of nations was inadvisable and unnecessary. I think the Senator from North Carolina will agree to that.

Mr. OVERMAN. I agree, but I understood the Senator to say under the present law, unless we made it a crime, as we have done. I may have misunderstood. We went on to make it a crime in consequence of what he said to us. He said that

unless we made it a crime, it would be inadvisable to do it; but we have made it a crime to violate the law.

Mr. CUMMINS. I did not so understand it.

Mr. OVERMAN. I may have misunderstood.

Mr. WALSH. Mr. President——

Mr. CUMMINS. I yield to the Senator from Montana.

Mr. WALSH. Ordinarily I am not troubled in the least to follow the course of any argument which the Senator from Iowa makes upon the floor. We do not always agree, but I find no difficulty ordinarily in getting his point of view and following the course of his argument; but I must confess that I am utterly unable to comprehend—and I should like the attention of the lawyers upon the floor—how the Senator reaches the conclusion that if he had a printing press in his possession, and was printing from that printing press some matter expressing his views concerning the rights or obligations of the United States under the laws of nations, that printing press would be subject to seizure. Likewise, I find it utterly impossible to understand how he reaches the conclusion that if he has in his breast pocket a paper which he intends to use in connection with an argument which he makes touching the rights and obligations of the United States under the law, it would be subject to seizure. Of course, I can conceive that some lawless Attorney General might want to seize it, and I likewise recognize that some idiot of a magistrate or a judge might possibly issue a search warrant. We can not help that. We can not talk about that. We must talk about the law. The law, if this bill is enacted into law, says that if the property which is to be seized is to be used in violation of a law of the United States, or if that property is to be used in violation of the rights or obligations of the United States under the law of nations, it is subject to seizure. Let me remark, and let me recall to the attention of the Senator from Iowa the fact, that the particular thing which was in mind was something about like this:

Here is some one who has accumulated a lot of arms in this country, to be utilized in carrying on unlawful warfare against some other country. The statute was intended to permit the seizure of those arms. Now, I speak of that as being the evil to be remedied; but I ask the Senator from Iowa whether he proposes to assert before this body of lawyers that in his judgment, if he had a printing press in his possession, and was printing on that printing press matter expressive of his views concerning the rights and obligations of the United States under the laws of nations, it would be subject to seizure under this law? I so understood the Senator.

Mr. CUMMINS. I do not think the statute would stand for a moment before any court; but if it did stand——

Mr. WALSH. Exactly; I am not asking the Senator whether, in his view, it would be constitutional if it did so provide. I am asking if he seriously desires to have it understood that in terms this statute would authorize the seizure of that printing press?

Mr. CUMMINS. I think so.

Mr. WALSH. Well, but how?

Mr. CUMMINS. I can easily point out how. I tried to do it.

Mr. WALSH. I should be glad to hear the Senator on that point.

Mr. CUMMINS. The statute says that a search warrant may be issued if any person has any property or papers intended to be used in violation of the rights or obligations of the United States under the law of nations. Now, I assume that means to be used for the purpose of overturning a right or repudiating an obligation. What does it mean when it says this may be done if the property or paper is to be used in violation of the rights of the United States? What are the rights of the United States under the law of nations in a particular case? They are matters upon which men differ widely. Where is the standard of right?

Mr. WALSH. Why, Mr. President——

Mr. CUMMINS. If I use any property—a printing press or any other kind of property—as an instrumentality to overthrow the rights of the United States under the law of nations, I have exposed myself to the operation of the search warrant under this section.

Mr. WALSH. I must express my astonishment at the view expressed by the Senator from Iowa, good lawyer as he is; but it does occur to me that you could scarcely describe the printing press as a deadly weapon if it was used in the way I have described.

Mr. CUMMINS. Sometimes it is very deadly.

Mr. WALSH. Well, of course, figuratively speaking.

Mr. CUMMINS. But this statute is not limited to deadly weapons. It is not limited to weapons of any kind.

Mr. WALSH. No; but it is not used in violating a right of the United States.

Mr. CUMMINS. Certainly.

Mr. WALSH. It is not used in violating an obligation of the United States.

Mr. CUMMINS. If we had a criminal statute which defined the rights of the United States, and said that anyone who violated the statute should be subject to a search warrant, the case would be very different; but we have said that the search warrant shall go not only when a law of the United States is violated, but whenever a right of the United States under the law of nations is violated.

Mr. WALSH. And against the property used in the violation.

Mr. CUMMINS. The property or papers or whatever is used or intended to be used in the violation.

But, Mr. President, after having shown what section 1 provides, which I think is anomalous in the whole history of this Nation, I now come to another part of the bill, which is in the last degree objectionable, and I can not understand how lawyers anywhere defend it. It is found on page 36. I read from section 4, beginning with line 6:

And the person making such seizure—

That is, the seizure of the property or papers.

Mr. KELLOGG. What line is that?

Mr. CUMMINS. I withdraw that. I shall have to begin further back. I read the entire section:

SEC. 4. Whenever any property or papers shall be seized and detained on a search warrant issued under the provisions of this chapter, the owner or claimant thereof may forthwith file with the judge or commissioner issuing said warrant, his petition setting out his title or claim of ownership to, or right to the custody of such property or papers, and any other facts legally tending to require restoration of the property or papers to the claimant; whereupon such judge or commissioner, after due notice, not exceeding five days, to the United States attorney for the district and the person making such seizure shall proceed to speedily hear and determine the case, and order the property or papers restored to the owner or claimant, or shall order the same retained in the custody of the person seizing them to be used as evidence in any case or proceeding, civil or criminal, in which the United States may be interested, or to be otherwise disposed of according to law.

Mr. President, I do not intend to confuse that issue by any inadequate words of my own. I shall content myself with a reference to an opinion rendered by the Supreme Court of the United States which is still the law of the land and to which Congress should pay some respect. It is the case of Boyd against The United States, in One hundred and sixteenth United States Reports, page 616. I intend to read it at some length, because I want the RECORD to show what we have believed the law to be on this subject.

Mr. WATSON. When was the case decided?

Mr. CUMMINS. It was decided in 1885.

Mr. JONES of Washington. May I ask the Senator if he is directing his remarks to the point that it would permit the person seizing the papers to keep them in his custody and use them in court?

Mr. CUMMINS. I am reading the report to show what the Supreme Court thinks the fourth amendment to the Constitution and what also the fifth amendment to the Constitution means with regard to search and seizure and the use of the things seized as evidence against the person from whom they were seized.

Mr. STERLING. Will the Senator kindly give the citation again?

Mr. CUMMINS. I am considering now Boyd against The United States, in One hundred and sixteenth United States, page 616. This was a suit brought under a penal statute of the United States for the forfeiture of goods which it was alleged had been undervalued and brought into the country in violation of the customs law. I pass over the statement of the case, because it is not material to the point I have in mind. Justice Bradley delivered the opinion. I must state these facts. The court ordered the production of certain books and papers on the part of the defendant, and under the statute as it was at that time if the defendant failed to produce the books and papers under the order the matter charged by the prosecution to be in the books or papers, or that would be shown by the books and papers, was be taken as confessed. I read, beginning on page 621:

The clauses of the Constitution to which it is contended that these laws—

Namely, the one that I have just mentioned—

are repugnant are the fourth and fifth amendments. The fourth declares—

Then quoting—

"the right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the persons or things to be seized."

I may say in passing that this act does not require any such description as is provided for in the Constitution.

The fifth article, amongst other things, declares that no person "shall be compelled in any criminal case to be a witness against himself."

But, in regard to the fourth amendment, it is contended that, whatever might have been alleged against the constitutionality of the acts of 1863 and 1867, that of 1874, under which the order in the present case was made, is free from constitutional objection, because it does not authorize the search and seizure of books and papers, but only requires the defendant or claimant to produce them. That is so; but it declares that if he does not produce them the allegations which it is affirmed they will prove shall be taken as confessed. This is tantamount to compelling their production, for the prosecuting attorney will always be sure to state the evidence expected to be derived from them as strongly as the case will admit of.

I read the concluding sentence of that part of the opinion:

It is our opinion, therefore, that a compulsory production of a man's private papers to establish a criminal charge against him, or to forfeit his property, is within the scope of the fourth amendment to the Constitution, in all cases in which a search and seizure would be, because it is a material ingredient and effects the sole object and purpose of search and seizure.

I have read so much because I wanted to make it clear that this opinion is an opinion upon the validity of search warrants. You will observe that the distinguished judge declared that this order, under the law, was the equivalent of a search warrant and must be judged by the principles which control and determine that process of the court. I read again:

The principal question, however, remains to be considered: Is a search and seizure, or, what is equivalent thereto, a compulsory production of a man's private papers, to be used in evidence against him in a proceeding to forfeit his property for alleged fraud against the revenue laws—is such a proceeding for such a purpose an unreasonable search and seizure within the meaning of the fourth amendment of the Constitution, or is it a legitimate proceeding? It is contended by the counsel for the Government that it is a legitimate proceeding, sanctioned by long usage and the authority of judicial decision. No doubt long usage, acquiesced in by the courts, goes a long way to prove that there is some plausible ground or reason for it in the law or in the historical facts which have imposed a particular construction of the law favorable to such usage. It is a maxim that consuetudo est optimus interpres legum, and another maxim that contemporanea expositio est optima et fortissima in lege. But we do not find any long usage or any contemporary construction of the Constitution which would justify any of the acts of Congress now under consideration. As before stated, the act of 1863 was the first act in this country, and, we might say, either in this country or in England, so far as we have been able to ascertain, which authorized the search and seizure of a man's private papers or the compulsory production of them for the purpose of using them in evidence against him in a criminal case or in a proceeding to enforce the forfeiture of his property.

Even the act under which the obnoxious writs of assistance were issued—

And I suppose if we had lived in the Revolutionary days those who favor the search warrant here provided for would be led to defend the writ of assistance which finally culminated in the War of the Revolution—

Even the act under which the obnoxious writs of assistance were issued did not go as far as this—

That is, the statute then being considered—

but only authorized the examination of ships and vessels and persons found therein for the purpose of finding goods prohibited to be imported or exported, or on which the duties were not paid, and to enter into and search any suspected vaults, cellars, or warehouses for such goods—

And so forth.

I intend to ask that I may print as a part of my remarks the entire opinion, but I will content myself with reading brief extracts from——

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CUMMINS (reading)—

In order to ascertain the nature of the proceedings intended by the fourth amendment to the Constitution under the terms "unreasonable searches and seizures," it is only necessary to recall the contemporary or then recent history of the controversies on the subject, both in this country and in England. The practice had obtained in the Colonies of issuing writs of assistance to the revenue officers, empowering them, in their discretion, to search suspected places for smuggled goods, which James Otis pronounced "the worst instrument of arbitrary power, the most destructive of English liberty, and the fundamental principles of law, that ever was found in an English law book," since they placed "the liberty of every man in the hands of every petty officer." This was in February, 1761, in Boston, and the famous debate in which it occurred was perhaps the most prominent event which inaugurated the resistance of the Colonies to the oppressions of the mother country. "Then and there," said John Adams, "then and there was the first scene of the first act of opposition to the arbitrary claims of Great Britain. Then and there the child Independence was born."

In the course of the opinion from which I am reading copious extracts were made from the opinion of Lord Camden which altogether from every standpoint is probably the most lucid exposition of private right and human liberty that can be discovered in English literature. He delivered the opinion in the case of Entick *v.* Carrington and Three Other King's Messengers, and it is reported in Howell's State Trials, page 1029. The case to which I have just referred was a case decided, as I remember, in 1762, very shortly before the revolution, and it was an opinion which furnished the patriots of that time in America not only their inspiration but their argument against the oppression of the mother country. Lord Camden said:

The great end for which men entered into society was to secure their property. That right is preserved sacred and incommunicable in all instances where it has not been taken away or abridged by some public law for the good of the whole. The cases where the right of property is set aside by positive law are various. Distresses, executions, forfeitures, taxes, etc., are all of this description, wherein every man by common consent gives up that right for sake of justice and the general good. By the laws of England every invasion of private property, be it ever so minute, is a trespass. No man can set his foot upon my ground without my license but he is liable to an action, though the damage be nothing.

I read again from Lord Camden's opinion:

Lastly, it is urged as an argument of utility, that such a search is a means of detecting offenders by discovering evidence. I wish some cases had been shown where the law forceth evidence out of the owner's custody by process. There is no process against papers in civil causes. It has been often tried but never prevailed. Nay, where the adversary has by force or fraud got possession of your own proper evidence, there is no way to get it back but by action. In the criminal law such a proceeding was never heard of; and yet there are some crimes, such, for instance, as murder, rape, robbery, and house breaking, to say nothing of forgery and perjury, that are more atrocious than libeling. But our law has provided no paper search in these cases to help forward the conviction. Whether this proceedeth from the gentleness of the law toward criminals, or from a consideration that such a power would be more pernicious to the innocent than useful to the public I will not say. It is very certain that the law obligeth no man to accuse himself; because the necessary means of compelling self-accusation, falling upon the innocent as well as the guilty, would be both cruel and unjust; and it would seem that search for evidence is disallowed upon the same principle. Then, too, the innocent would be confounded with the guilty.

Justice Bradley, in commenting upon this opinion, declared that there is no dissent from it except in the infamous utterances of Chief Justice Scroggs and his associates, whose labors in the field of English law bring shame to the cheek of every man who values English liberty and English civilization.

Mr. FLETCHER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Florida?

Mr. CUMMINS. I yield.

Mr. FLETCHER. The particular section the Senator is now considering provides a remedy for the person against whom the search warrant has been sued out. I take it the Senator does not object to giving the right to the person to go before the court and have it determined whether the property shall be turned over to him or not. I presume the Senator's remark is aimed at the provision which authorizes the court to determine that the property shall be held in the custody of a certain officer.

Mr. CUMMINS. It is no remedy. The case that I am reading from—that is, the case in One hundred and sixteenth United States—was an order for the production of books and papers where the court had a complete remedy.

Mr. FLETCHER. I understand.

Mr. CUMMINS. Where the court had complete jurisdiction.

Mr. FLETCHER. I understand.

Mr. CUMMINS. Yet the Supreme Court of the United States held that the law which required either the production of those books and papers or the admission that the claim with respect to them was true was unconstitutional. You might just as well say, Mr. President, that a law which permitted a man to be tried after he had been decapitated gave him a remedy. After you have seized the papers, the books, and taken them into the possession of the Government it makes no difference then what is done with them.

Mr. FLETCHER. Of course, that argument is directed against the whole proposition to issue search warrants as provided in this chapter.

Mr. CUMMINS. Against every part of it, so far as the use of papers as evidence against one accused of crime is concerned. It does not apply to the common use of search warrants.

Mr. FLETCHER. Let me ask the Senator in this connection, suppose a counterfeiting outfit is seized, does the Senator hold that under the law forbidding the use of counterfeiting implements and tools and paraphernalia that property could not be used as evidence against the defendant?

Mr. CUMMINS. No. The Senator from Florida can easily, I think, perceive the distinction. A search warrant is issued in a counterfeiting case and the counterfeiting tools are seized in the possession of the person accused. They may be used as evidence for whatsoever their possession will prove; but suppose the counterfeiter has in his pocket a letter in which he admits that he has been guilty of the offense, and the officer seizes the letter, does the Senator say it can be offered in evidence against him or that it can be lawfully taken from his person? There is a vast difference between the case put by the Senator from Florida and the searches and seizures that are warranted by this chapter.

Mr. FLETCHER. However, the particular section the Senator is discussing provides a remedy for the person whose property or whose effects or implements or paraphernalia may be seized under a search warrant. It does more than that. The court may order that the property shall be turned over or held by the officer making the search for subsequent use. It does not say how it may be used, but it orders it to be held. It is entirely conceivable that the material or property or paper, whatever it may be, that is seized by the issue of the search warrant may be a very important piece of evidence in the case. I am unable to see why the law should not make it evidence, even although this perhaps does not go that far. This section simply turns it over, and it is a question to be determined later as to how it can be used in evidence. It does say that the same may be retained in the custody of the person seizing it to be used as evidence in a case or a proceeding civil or criminal. It is a question for the court to determine later on as to how that may be introduced in evidence, whether it is relevant, whether it is material, whether it is competent, or whether it is a proper piece of evidence to be introduced against the defendant.

The main argument of the Senator is addressed largely against the use of search warrants entirely, but in this particular section it is sought to give a remedy to the defendant whose property is seized. It depends on what develops at the hearing on that sort of an application whether the letter or document or material is such that it can be introduced in evidence at the trial.

Mr. CUMMINS. All I can do, Mr. President, is to submit the opinion of the Supreme Court from which I have been reading as again the views just stated by the Senator from Florida. If they are not inconsistent with each other, then my argument goes for nothing.

Mr. WALSH. I should like to address a question to the Senator from Iowa.

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Montana?

Mr. CUMMINS. I do.

Mr. WALSH. Is it the understanding of the Senator from Iowa that this statute would authorize the seizure of a letter which one had on his person admitting that he had committed a crime?

Mr. CUMMINS. It says so.

Mr. WALSH. That is not my understanding of it.

Mr. CUMMINS. If the letter is a paper.

Mr. WALSH. The Senator instances that case as falling under the statute; and I inquire of him if it is his understanding of the statute that it would, whether justifiable or not, in terms authorize the seizure of a letter which one had on his person containing an admission that he had committed a crime?

Mr. CUMMINS. I do not catch the Senator.

Mr. WALSH. The Senator from Iowa made a remark in the colloquy he just had with the Senator from Florida which led me to believe that the Senator is of the opinion that this statute, if it becomes a statute, would authorize a search warrant to seize a letter which was on the person of one, containing an admission of that person that he had committed a crime, the letter to be used in evidence against him of the commission of the crime.

Mr. CUMMINS. I do not think the statute directs that the letter shall be received in evidence.

Mr. WALSH. No.

Mr. CUMMINS. But it does authorize the seizure of the letter, in my opinion.

Mr. WALSH. That is the way I understood the Senator. But how can the Senator reach that conclusion when the statute expressly declares that it is only such papers as have been used, or are intended to be used, in the commission of a crime?

Mr. CUMMINS. The language is "held, secured, or used, or intended to be held, secured, or used, in violation of or in aid of a violation of any law of the United States."

Mr. WALSH. Exactly.

Mr. CUMMINS. I see the distinction which the Senator from Montana makes; that is, that the officer should go over the person and if he finds a letter which is simply an admission that he has been guilty of an offense he should not take that letter?

Mr. WALSH. Not at all. He must first particularly describe the paper which he intends to seize, and in particularly describing it if he describes it as a paper not that had been used in the commission of a crime, not that it was intended to be used in the commission of a crime or a violation of the law, but one containing an admission that a crime had been committed, the search warrant would not issue.

Mr. CUMMINS. I think the Senator from Montana has forgotten or possibly overlooked the language of the chapter with regard to the character of the affidavit which must be made. It says:

> As full and particular a description of the property or papers sought for, and of the place or places where the same are known or believed to be, as his knowledge or belief will permit, which said description shall recite the general characteristics of the property or papers sought or some fair proportion thereof, with such reasonable particularity as may be sufficient to identify the same when found.

Mr. WALSH. No; I had not overlooked that; but, however general the description may be, it must be a description not of a paper containing an admission that a crime had been committed, but it must be a paper that was used in the commission of a crime, as, for instance, a forged passport.

Mr. CUMMINS. I am inclined to think that, technically speaking, in the case of a counterfeiter, which was the case put, the letter which I have imagined to be on the person of the accused admitting the offense would not be within the terms of the search warrant; but it is not difficult to imagine an instance in which the paper which was used in violation of the law or against the law of nations would constitute at once the instrument of violation and the admission of guilt.

Mr. WALSH. Undoubtedly. So if one accumulated a vast amount of dynamite for the purpose of blowing up bridges it would at once be concluded that it was intended to be used in the commission of a crime, and it would likewise be evidence; but it must have the characteristic of having been used or being intended to be used.

Let me remark that I simply address these questions to the Senator from Iowa for the purpose of directing his attention, and the attention of the Senate, to the fact that this is not a search warrant to search for evidence generally, but only to search for property and for documents that have been used or are intended to be used in the commission of crime.

Mr. CUMMINS. Mr. President, I add one more quotation from the opinion of Boyd against the United States. It is from page 630:

> Can we doubt that when the fourth and fifth amendments to the Constitution of the United States were penned and adopted the language of Lord Camden was relied on as expressing the true doctrine on the subject of searches and seizures, and as furnishing the true criteria of the reasonable and "unreasonable" character of such seizures? Could the men who proposed those amendments, in the light of Lord Camden's opinion, have put their hands to a law like those of March 3, 1863, and March 2, 1867, before recited? If they could not, would they have approved the first section of the act of June 22, 1874, which was adopted as a substitute for the previous law? It seems to us that the question can not admit of a doubt. They never would have approved of them. The struggles against arbitrary power, in which they had been engaged for more than 20 years, would have been too deeply engraved in their memories to have allowed them to approve of such insidious disguises of the old grievance which they had so deeply abhorred.

The court proceeds, and finally holds the law under consideration to be unconstitutional. The whole opinion is full of the finest spirit, as well as of the soundest law; and it is the law at this time; it has never been modified or reversed.

Let me be fully understood. There are a great many instances that could be reached under Chapted XI that would be constitutional. A great many crimes possibly could be uncovered or discovered that ought to be uncovered and discovered and punished under Chapter XI. My objection to it is the length to which it goes; my objection to it is the vagueness with which it describes the circumstances under which the search warrant can be issued; my objection to it is the attempt to establish a censorship infinitely more obnoxious than the censorship which we discussed under Chapter II of the present measure.

Mr. President, I have already pursued this subject to much greater length than I had any dream of doing when I began. I close with the suggestion that I am not unfamiliar with the opinions of the Supreme Court of the United States in recent years, relaxing the rule applicable to the individual, so far as corporations are concerned. It has been held over and over again that the papers and books of corporations are not to be guarded as are the books and papers of an individual. In saying what I have it must not be thought that I am contending that the officer of a corporation can not be compelled to produce the books and papers of the corporation, even though they may incriminate him or another officer of the corporation.

In order to illustrate just what modifications of the law have taken place with regard to corporations as affected by the fourth and fifth amendments of the Constitution, I desire to cite Wilson *v.* The United States (221 U. S., 361).

Mr. President, it is not agreeable to me to be so frequently a protestant against the legislation which seems to be thought necessary by the administration, but I would be false to my conception of duty, to my conception of free institutions, and to my deep desire to preserve our institutions unimpaired in the mighty struggle through which we are passing should I refrain from expressing my views in regard to such legislation.

These things compel me to call attention to attempts, as I believe them to be, to infringe unnecessarily and unjustly upon the liberties and the privileges of the freemen of the United States.

APPENDIX.

BOYD V. UNITED STATES.

Error to the Circuit Court of the United States for the Southern District of New York.

[Argued Dec. 11, 14, 1885.—Decided Feb. 1, 1886.]

The fifth section of the act of June 22, 1874, entitled "An act to amend the customs revenue laws," etc., which section authorizes a court of the United States, in revenue cases, on motion of the Government attorney, to require the defendant or claimant to produce in court his private books, invoices and papers, or else the allegations of the attorney to be taken as confessed: *Held*, To be unconstitutional and void as applied to suits for penalties, or to establish a forfeiture of the party's goods, as being repugnant to the fourth and fifth amendments of the Constitution.

Where proceedings were in rem to establish a forfeiture of certain goods alleged to have been fraudulently imported without paying the duties thereon, pursuant to the twelfth section of said act: *Held*, That an order of the court made under said fifth section, requiring the claimants of the goods to produce a certain invoice in court for the inspection of the Government attorney, and to be offered in evidence by him, was an unconstitutional exercise of authority, and that the inspection of the invoice by the attorney, and its admission in evidence, were erroneous and unconstitutional proceedings.

It does not require actual entry upon premises and search for and seizure of papers to constitute an unreasonable search and seizure within the meaning of the fourth amendment; a compulsory production of a party's private books and papers to be used against himself or his property in a criminal or penal proceeding, or for a forfeiture, is within the spirit and meaning of the amendment.

It is equivalent to a compulsory production of papers, to make the nonproduction of them a confession of the allegations which it is pretended they will prove.

A proceeding to forfeit a person's goods for an offense against the laws, though civil in form, and whether in rem or in personam, is a "criminal case" within the meaning of that part of the fifth amendment which declares that no person "shall be compelled, in any criminal case, to be a witness against himself."

The seizure or compulsory production of a man's private papers to be used in evidence against him is equivalent to compelling him to be a witness against himself, and, in a prosecution for crime, penalty or forfeiture, is equally within the prohibition of the fifth amendment.

Both amendments relate to the personal security of the citizen. They nearly run into and mutually throw light upon each other. When the thing forbidden in the fifth amendment, namely, compelling a man to be a witness against himself, is the object of a search and seizure of his private papers, it is an "unreasonable search and seizure" within the fourth amendment.

Search and seizure of a man's private papers to be used in evidence for the purpose of convicting him of a crime, recovering a penalty, or of forfeiting his property, is totally different from the search and seizure of stolen goods, dutiable articles on which the duties have not been paid, and the like, which rightfully belong to the custody of the law.

Constitutional provisions for the security of person and property should be liberally construed.

This was an information against 35 cases of polished plate glass. The facts which make the case are stated in the opinion of the court. Judgment in favor of the United States. The claimants sued out this writ of error.

Mr. Edwin B. Smith for plaintiff in error. Mr. Stephen G. Clarke was with him on the brief.

Mr. Solicitor General for defendant in error.

Mr. Justice Bradley delivered the opinion of the court.

This was an information filed by the district attorney of the United States in the District Court for the Southern District of New York, in July, 1884, in a cause of seizure and forfeiture of property, against 35 cases of plate glass, seized by the collector as forfeited to the United States, under section 12 of the "Act to amend the customs revenue laws, and to repeal moieties," passed June 22, 1874, 18 Stat., 186.

It is declared by that section that any owner, importer, consignee, etc., who shall, with intent to defraud the revenue, make, or attempt to make, any entry of imported merchandise, by means of any fraudulent or false invoice, affidavit, letter, or paper, or by means of any false statement, written or verbal, or who shall be guilty of any willful act or omission by means whereof the United States shall be deprived of the lawful duties, or any portion thereof, accruing upon the merchandise, or any portion thereof, embraced or referred to in such invoice, affidavit, letter, paper, or statement, or affected by such act or omission, shall for each offense be fined in any sum not exceeding $5,000 nor less than $50, or be imprisoned for any time not exceeding two years, or both; and, in addition to such fine, such merchandise shall be forfeited.

The charge was that the goods in question were imported into the United States to the port of New York, subject to the payment of duties; and that the owners or agents of said merchandise, or other person unknown, committed the alleged fraud, which was described in the words of the statute. The plaintiffs in error entered a claim for the goods, and pleaded that they did not become forfeited in manner and form as alleged. On the trial of the cause it became important to show the quantity and value of the glass contained in 29 cases previously imported. To do this the district attorney offered in evidence an order made by the district judge under section 5 of the same act of June 22, 1874, directing notice under seal of the court to be given to the claimants, requiring them to produce the invoice of the 29 cases. The claimants, in obedience to the notice, but objecting to its validity and to the constitutionality of the law, produced the invoice; and when it was offered in evidence by the district attorney they objected to its reception on the ground that, in a suit for forfeiture, no evidence can be compelled from the claimants themselves, and also that the statute, so far as it compels production of evidence to be used against the claimants is unconstitutional and void.

The evidence being received, and the trial closed, the jury found a verdict for the United States, condemning the 35 cases of glass which were seized, and judgment of forfeiture was given. This judgment was affirmed by the circuit court, and the decision of that court is now here for review.

As the question raised upon the order for the production by the claimants of the invoice of the 29 cases of glass, and the proceedings had thereon, is not only an important one in the determination of the present case, but is a very grave question of constitutional law, involving the personal security, and privileges and immunities of the citizen, we will set forth the order at large. After the title of the court and term, it reads as follows, to wit:

"The United States of America *v.* E. A. B., 1—35, Thirty-five Cases of Plate Glass.

"Whereas the attorney of the United States for the Southern District of New York has filed in this court a written motion in the above-entitled action, showing that said action is a suit or proceeding other than criminal, arising under the customs revenue laws of the United States, and not for penalties, now pending undetermined in this court, and that in his belief a certain invoice or paper belonging to and under the control of the claimants herein will tend to prove certain allegations set forth in said written motion, hereto annexed, made by him on behalf of the United States in said action, to wit, the invoice from the Union Plate Glass Co. or its agents, covering the 29 cases of plate glass marked G. H. B., imported from Liverpool, England, into the port of New York in the vessel *Baltic*, and entered by E. A. Boyd & Sons at the office of the collector of customs of the port and collection district aforesaid on April 7, 1884, on entry No. 47,108:

"Now, therefore, by virtue of the power in the said court vested by section 5 of the act of June 22, 1874, entitled 'An act to amend the customs-revenue laws and to repeal moieties,' it is ordered that a notice under the seal of this court, and signed by the clerk thereof, be issued to the claimants, requiring them to produce the invoice or paper aforesaid before this court in the court rooms thereof in the United States post-office and courthouse building in the city of New York on October 16, 1884, at 11 o'clock a. m., and thereafter at such other times as the court shall appoint, and that said United States attorney and his assistants and such persons as he shall designate shall be allowed before the court, and under its direction and in the presence of the attorneys for the claimants, if they shall attend, to make examination of said invoice or paper and to take copies thereof; but the claimants or their agents or attorneys shall have, subject to the order of the court, the custody of such invoice or paper, except pending such examination."

The fifth section of the act of June 22, 1874, under which this order was made, is in the following words, to wit:

"In all suits and proceedings other than criminal arising under any of the revenue laws of the United States, the attorney representing the Government, whenever in his belief any business book, invoice, or paper belonging to, or under the control of, the defendant or claimant, will tend to prove any allegation made by the United States, may make a written motion, particularly describing such book, invoice, or paper, and setting forth the allegation which he expects to prove; and thereupon the court in which suit or proceeding is pending may, at its discretion, issue a notice to the defendant or claimant to produce such book, invoice, or paper in court, at a day and hour to be specified in said notice, which, together with a copy of said motion, shall be served formally on the defendant or claimant by the United States marshal by delivering to him a certified copy thereof, or otherwise serving the same as original notices of suit in the same court are served; and if the defendant or claimant shall fail or refuse to produce such book, invoice, or paper in obedience to such notice, the allegations stated in the said motion shall be taken as confessed, unless his failure or refusal to produce the same shall be explained to the satisfaction of the court. And if produced the said attorney shall be permitted, under the direction of the court, to make examination (at which examination the defendant, or claimant, or his agent, may be present) of such entries in said book, invoice, or paper as relate to or tend to prove the allegation aforesaid, and may offer the same in evidence on behalf of the United States. But the owner of said books and papers, his agent or attorney, shall have, subject to the order of the court, the custody of them, except pending their examination in court as aforesaid." (18 Stat., 187.)

This section was passed in lieu of the second section of the act of March 2, 1867, entitled "An act to regulate the disposition of the proceeds of fines, penalties, and forfeitures incurred under the laws relating to the customs, and for other purposes" (14 Stat., 547), which section of said last-mentioned statute authorized the district judge, on complaint and affidavit that any fraud on the revenue had been committed by any person interested or engaged in the importation of merchandise, to issue his warrant to the marshal to enter any premises where any invoices, books, or papers were deposited relating to such merchandise, and take possession of such books and papers and produce them before said judge, to be subject to his order, and allowed to be examined by the collector, and to be retained as long as the judge should deem necessary. This law, being in force at the time of the revision, was incorporated into sections 3091, 3092, 3093 of the Revised Statutes.

The section last recited was passed in lieu of the seventh section of the act of March 3, 1863, entitled "An act to prevent and punish frauds upon the revenue, to provide for the more certain and speedy collection of claims in favor of the United States, and for other purposes." (12 Stat., 737.) The seventh section of this act was, in substance, the same as the second section of the act of 1867, except that the warrant was to be directed to the collector instead of the marshal. It was the first legislation of the kind that ever appeared on the statute book of the United States, and, as seen from its date, was adopted at a period of great national excitement, when the powers of the Government were subjected to a severe strain to protect the national existence.

The clauses of the Constitution to which it is contended that these laws are repugnant are the fourth and fifth amendments. The fourth declares, "The right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures shall not be violated, and no warrants shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the persons or things to be seized." The fifth article, amongst other things, declares that no person "shall be compelled in any criminal case to be a witness against himself."

But, in regard to the fourth amendment, it is contended that, whatever might have been alleged against the constitutionality of the acts of 1863 and 1867, that of 1874, under which the order in the present case was made, is free from constitutional objection, because it does not authorize the search and seizure of books and papers, but only requires the defendant or claimant to produce them. That is so; but it declares that if he does not produce them, the allegations which it is affirmed they will prove shall be taken as confessed. This is tantamount to compelling their production; for the prosecuting attorney will always be sure to state the evidence expected to be derived from them as strongly as the case will admit of. It is true that certain aggra-

vating incidents of actual search and seizure, such as forcible entry into a man's house and searching amongst his papers, are wanting, and to this extent the proceeding under the act of 1874 is a mitigation of that which was authorized by former acts; but it accomplishes the substantial object of those acts in forcing from a party evidence against himself. It is our opinion, therefore, that a compulsory production of a man's private papers to establish a criminal charge against him, or to forfeit his property, is within the scope of the fourth amendment to the Constitution in all cases in which a search and seizure would be, because it is a material ingredient and effects the sole object and purpose of search and seizure.

The principal question, however, remains to be considered. Is a search and seizure, or, what is equivalent thereto, a compulsory production of a man's private papers, to be used in evidence against him in a proceeding to forfeit his property for alleged fraud against the revenue laws—is such a proceeding for such a purpose an "unreasonable search and seizure" within the meaning of the fourth amendment to the Constitution? Or, is it a legitimate proceeding? It is contended by the counsel for the Government that it is a legitimate proceeding, sanctioned by long usage and the authority of judicial decision. No doubt long usage, acquiesced in by the courts, goes a long way to prove that there is some plausible ground or reason for it in the law or the historical facts which have imposed a particular construction of the law favorable to such usage. It is a maxim that, consuetudo est optimus interpres legum; and another maxim that, contemporanea expositio est optima et fortissima in lege. But we do not find any long usage, or any contemporary construction of the Constitution which would justify any of the acts of Congress now under consideration. As before stated, the act of 1863 was the first act in this country, and, we might say, either in this country or in England, so far as we have been able to ascertain, which authorized the search and seizure of a man's private papers, or the compulsory production of them for the purpose of using them in evidence against him in a criminal case or in a proceeding to enforce the forfeiture of his property.

"Even the act under which the obnoxious writs of assistance were issued (note by the court, 13 and 14 Car., 2, ch. 11, sec. 5) did not go as far as this, but only authorized the examination of ships and vessels, and persons found therein, for the purpose of finding goods prohibited to be imported or exported, or on which the duties were not paid, and to enter into and search any suspected vaults, cellars, or warehouses for such goods."

The search for and seizure of stolen or forfeited goods, or goods liable to duties and concealed to avoid the payment thereof, are totally different things from a search for and seizure of a man's private books and papers for the purpose of obtaining information therein contained, or of using them as evidence against him. The two things differ toto cœlo. In the one case the Government is entitled to the possession of the property; in the other it is not. The seizure of stolen goods is authorized by the common law, and the seizure of goods forfeited for a breach of the revenue laws, or concealed to avoid the duties payable on them, has been authorized by English statutes for at least two centuries past (note by the court, 12 Car., 2, ch. 19; 13 and 14 Car., 2, ch. 11; 6 and 7 W. & M., ch. 1; 6 Geo., 1, ch. 21; 26 Geo., 3, ch. 59; 29 Geo., 3, ch. 68, sec. 153, etc.; and see the article "Excise, etc.," in Burn's Justice, and Williams's Justice, passim, and Evans's Statutes, vol. 2, p. 221, subpages 176, 190, 225, 361, 431, 447), and the like seizures have been authorized by our own revenue acts from the commencement of the Government. The first statute passed by Congress to regulate the collection of duties, the act of July 31, 1789, 1 Stat., 29, 43, contains provisions to this effect. As this act was passed by the same Congress which proposed for adoption the original amendments to the Constitution, it is clear that the Members of that body did not regard searches and seizures of this kind as "unreasonable," and they are not embraced within the prohibition of the amendment. So also the supervision authorized to be exercised by officers of the revenue over the manufacture or custody of excisable articles, and the entries thereof in books required by law to be kept for their inspection, are necessarily excepted out of the category of unreasonable searches and seizures. So also the laws which provide for the search and seizure of articles and things which it is unlawful for a person to have in his possession for the purpose of issue or disposition, such as counterfeit coin, lottery tickets, implements of gambling, etc., are not within this category. Commonwealth v. Dana, 2 Met. (Mass.), 329. Many other things of this character might be enumerated. The entry upon premises made by a sheriff or other officer of the law for the purpose of seizing goods and chattels by virtue of a judicial writ, such as an attachment, a sequestration, or an execution, is not within the prohibition of the fourth or fifth amendment, or any other clause of the Constitution, nor is the examination of a defendant under oath after an ineffectual execution, for the purpose of discovering secreted property or credits, to be applied to the payment of a judgment against him, obnoxious to those amendments.

But when examined with care it is manifest that there is a total unlikeness of these official acts and proceedings to that which is now under consideration. In the case of stolen goods, the owner from whom they were stolen is entitled to their possession, and in the case of excisable or dutiable articles the Government has an interest in them for the payment of the duties thereon, and until such duties are paid has a right to keep them under observation or to pursue and drag them from concealment; and in the case of goods seized on attachment or execution the creditor is entitled to their seizure in satisfaction of his debt; and the examination of a defendant under oath to obtain a discovery of concealed property or credits is a proceeding merely civil to effect the ends of justice, and is no more than what the court of chancery would direct on a bill for discovery. Whereas by the proceeding now under consideration the court attempts to extort from the party his private books and papers to make him liable for a penalty or to forfeit his property.

"In order to ascertain the nature of the proceedings intended by the fourth amendment to the Constitution under the terms 'unreasonable searches and seizures,' it is only necessary to recall the contemporary or then recent history of the controversies on the subject, both in this country and in England. The practice had obtained in the Colonies of issuing writs of assistance to the revenue officers, empowering them, in their discretion, to search suspected places for smuggled goods, which James Otis pronounced 'the worst instrument of arbitrary power, the most destructive of English liberty and the fundamental principles of law, that ever was found in an English law book,' since they placed 'the liberty of every man in the hands of every petty officer.' (Note by the court: Cooley's Constitutional Limitations, 301–303 (5th ed., 368, 369). A very full and interesting account of this discussion will be found in the works of John Adams, vol. 2, Appendix A, pp. 523–525; vol. 10, pp. 183, 233, 244, 256, etc., and in Quincy's Reports, pp. 469–482; and see Paxton's Case, ditto, 51–57, which was argued in November of the same year (1761). An elaborate history of the writs of assistance is given in the Appendix to Quincy's Reports, above referred to, written by Horace Gray, jr., Esq., now a member of this court.) This was in February, 1761, in Boston, and the famous debate in which it occurred was perhaps the most prominent event which inaugurated the resistance of the Colonies to the oppressions of the mother country. 'Then and there,' said John Adams, 'then and there was the first scene of the first act of opposition to the arbitrary claims of Great Britain. Then and there the child Independence was born.'"

These things, and the events which took place in England immediately following the argument about writs of assistance in Boston, were fresh in the memories of those who achieved our independence and established our form of government. In the period from 1762, when the North Briton was started by John Wilkes, to April, 1766, when the House of Commons passed resolutions condemnatory of general warrants, whether for the seizure of persons or papers, occurred the bitter controversy between the English Government and Wilkes, in which the latter appeared as the champion of popular rights, and was, indeed, the pioneer in the contest which resulted in the abolition of some grievous abuses which had gradually crept into the administration of public affairs. Prominent and principal among these was the practice of issuing general warrants by the secretary of state, for searching private houses for the discovery and seizure of books and papers that might be used to convict their owner of the charge of libel. Certain numbers of the North Briton, particularly No. 45, had been very bold in denunciation of the Government, and were esteemed heinously libelous. By authority of the secretary's warrant Wilkes's house was searched and his papers were indiscriminately seized. For this outrage he sued the perpetrators and obtained a verdict of £1,000 against Wood, one of the party who made the search, and £4,000 against Lord Halifax, the secretary of state who issued the warrant. The case, however, which will always be celebrated as being the occasion of Lord Camden's memorable discussion of the subject, was that of Entick v. Carrington and Three Other King's Messengers, reported at length in Nineteenth Howell's State Trials, page 1029. The action was trespass for entering the plaintiff's dwelling house in November, 1762, and breaking open his desks, boxes, etc., and searching and examining his papers. The jury rendered a special verdict, and the case was twice solemnly argued at the bar. Lord Camden pronounced the judgment of the court in Michaelmas term, 1765, and the law as expounded by him has been regarded as settled from that time to this, and his great judgment on that occasion is considered as one of the landmarks of English liberty. It was welcomed and applauded by the lovers of liberty in the colonies as well as in the mother country. It is regarded as one of the permanent monuments of the British constitution and is quoted as such by the English authorities on that subject down to the present time. (Note by the court: See May's Constitutional History of England, vol. 3, (American ed., vol. 2) chap. 11; Broom's Constitutional Law, 558; Cox's Institutions of the English Government, 437.)

As every American statesman during our revolutionary and formative period as a nation was undoubtedly familiar with this monument of English freedom and considered it as the true and ultimate expression of constitutional law, it may be confidently asserted that its propositions were in the minds of those who framed the fourth amendment to the Constitution and were considered as sufficiently explanatory of what was meant by unreasonable searches and seizures. We think, therefore, it is pertinent to the present subject of discussion to quote somewhat largely from this celebrated judgment.

After describing the power claimed by the Secretary of State for issuing general search warrants, and the manner in which they were executed, Lord Camden says: "Such is the power, and, therefore, one would naturally expect that the law to warrant it should be clear in proportion as the power is exorbitant. If it is law, it will be found in our books; if it is not to be found there, it is not law.

"The great end for which men entered into society was to secure their property. That right is preserved sacred and incommunicable in all instances where it has not been taken away or abridged by some public law for the good of the whole. The cases where this right of property is set aside by positive law are various. Distresses, executions, forfeitures, taxes, etc., are all of this description, wherein every man by common consent gives up that right for the sake of justice and the general good. By the laws of England, every invasion of private property, be it ever so minute, is a trespass. No man can set his foot upon my ground without my license, but he is liable to an action though the damage be nothing, which is proved by every declaration in trespass where the defendant is called upon to answer for bruising the grass and even treading upon the soil. If he admits the fact, he is bound to show, by way of justification, that some positive law has justified or excused him. The justification is submitted to the judges, who are to look into the books and see if such a justification can be maintained by the text of the statute law or by the principles of the common law. If no such excuse can be found or produced, the silence of the books is an authority against the defendant and the plaintiff must have judgment. According to this reasoning, it is now incumbent upon the defendants to show the law by which this seizure is warranted. If that can not be done, it is a trespass.

"Papers are the owner's goods and chattels; they are his dearest property; and are so far from enduring a seizure that they will hardly bear an inspection; and though the eye can not by the laws of England be guilty of a trespass, yet where private papers are removed and carried away the secret nature of those goods will be an aggravation of the trespass, and demand more considerable damages in that respect. Where is the written law that gives any magistrate such a power? I can safely answer there is none; and therefore it is too much for us, without such authority, to pronounce a practice legal which would be subversive of all the comforts of society.

"But though it can not be maintained by any direct law, yet it bears a resemblance, as was urged, to the known case of search and seizure for stolen goods. I answer that the difference is apparent. In the one I am permitted to seize my own goods which are placed in the hands of a public officer till the felon's conviction shall entitle me to restitution; in the other, the party's own property is seized before and without conviction, and he has no power to reclaim his goods even after his innocence is declared by acquittal.

"The case of searching for stolen goods crept into the law by imperceptible practice. No less a person than my Lord Coke denied its legality (4 Inst., 176); and therefore if the two cases resembled each other more than they do we have no right, without an act of Parliament, to adopt a new practice in the criminal law, which was never yet allowed from all antiquity. Observe, too, the caution with which the law proceeds in this singular case. There must be a full charge upon oath of a theft committed. The owner must swear that the goods are lodged

in such a place; he must attend at the execution of the warrant, to show them to the officer, who must see that they answer the description. * * *

"If it should be said that the same law which has with so much circumspection guarded the case of stolen goods from mischief, would likewise in this case protect the subject by adding proper checks; would require proofs beforehand; would call upon the servant to stand by and overlook; would require him to take an exact inventory, and deliver a copy: my answer is, that all these precautions would have been long since established by law if the power itself had been legal; and that the want of them is an undeniable argument against the legality of the thing."

Then, after showing that these general warrants for search and seizure of papers originated with the Star Chamber, and never had any advocates in Westminster Hall except Chief Justice Scroggs and his associates, Lord Camden proceeds to add:

"Lastly, it is urged as an argument of utility, that such a search is a means of detecting offenders by discovering evidence. I wish some cases had been shown where the law forceth evidence out of the owner's custody by process. There is no process against papers in civil causes. It has been often tried, but never prevailed. Nay, where the adversary has by force or fraud got possession of your own proper evidence there is no way to get it back but by action. In the criminal law such a proceeding was never heard of; and yet there are some crimes, such, for instance, as murder, rape, robbery, and housebreaking, to say nothing of forgery and perjury, that are more atrocious than libeling. But our law has provided no paper search in these cases to help forward the conviction. Whether this proceedeth from the gentleness of the law toward criminals, or from a consideration that such a power would be more pernicious to the innocent than useful to the public, I will not say. It is very certain that the law obligeth no man to accuse himself; because the necessary means of compelling self-accusation, falling upon the innocent as well as the guilty, would be both cruel and unjust, and it would seem that search for evidence is disallowed upon the same principle. Then, too, the innocent would be confounded with the guilty."

After a few further observations, his lordship concluded thus: "I have now taken notice of everything that has been urged upon the present point, and upon the whole we are all of opinion that the warrant to seize and carry away the party's papers in the case of a seditious libel is illegal and void." (Note by the court.—See further as to searches and seizures, Story on the Constitution, secs. 1901, 1902, and notes; Cooley's Constitutional Limitations, 299 (5th ed., 365); Sedgwick on Stat. and Const. Law, 2d ed., 498; Wharton Com. on Amer. Law, sec. 560; Robinson *v.* Richardson, 13 Gray, 454.)

The principles laid down in this opinion affect the very essence of constitutional liberty and security. They reach further than the concrete form of the case then before the court, with its adventitious circumstances; they apply to all invasions on the part of the Government and its employees of the sanctity of a man's home and the privacies of life. It is not the breaking of his doors and the rummaging of his drawers that constitute the essence of the offense, but it is the invasion of his indefeasible right of personal security, personal liberty, and private property, where that right has never been forfeited by his conviction of some public offense—it is the invasion of this sacred right which underlies and constitutes the essence of Lord Camden's judgment. Breaking into a house and opening boxes and drawers are circumstances of aggravation; but any forcible and compulsory extortion of a man's own testimony or of his private papers to be used as evidence to convict him of crime or to forfeit his goods is within the condemnation of that judgment. In this regard the fourth and fifth amendments run almost into each other.

Can we doubt that when the fourth and fifth amendments to the Constitution of the United States were penned and adopted the language of Lord Camden was relied on as expressing the true doctrine on the subject of searches and seizures, and as furnishing the true criteria of the reasonable and "unreasonable" character of such seizures? Could the men who proposed those amendments, in the light of Lord Camden's opinion, have put their hands to a law like those of March 3, 1863, and March 2, 1867, before recited? If they could not, would they have approved the fifth section of the act of June 22, 1874, which was adopted as a substitute for the previous laws? It seems to us that the question can not admit of a doubt. They never would have approved of them. The struggles against arbitrary power in which they had been engaged for more than 20 years would have been too deeply engraved in their memories to have allowed them to approve of such insidious disguises of the old grievance which they had so deeply abhorred.

The views of the First Congress on the question of compelling a man to produce evidence against himself may be inferred from a remarkable section of the judiciary act of 1789. The fifteenth section of that act introduced a great improvement in the law of procedure. The substance of it is found in section 724 of the Revised Statutes, and the section as originally enacted is as follows, to wit:

"All the said courts of the United States shall have power in the trial of actions at law, on motion and due notice thereof being given, to require the parties to produce books or writings in their possession or power, which contain evidence pertinent to the issue, in cases and under circumstances where they might be compelled to produce the same by the ordinary rules of proceeding in chancery; and if a plaintiff shall fail to comply with such order to produce books or writings, it shall be lawful for the courts, respectively, on motion, to give the like judgment for the defendant as in cases of nonsuit; and if a defendant shall fail to comply with such order to produce books or writings, it shall be lawful for the courts, respectively, on motion as aforesaid, to give judgment against him or her by default." (Note by the court: Sixty-two years later a similar act was passed in England, viz, the act of 14 and 15 Vict., c. 99, sec. 6. See Pollock on Power of courts to compel production of documents, 5.)

The restriction of this proceeding to "cases and under circumstances where they [the parties] might be compelled to produce the same [books or writings] by the ordinary rules of proceeding in chancery" shows the wisdom of the Congress of 1789. The court of chancery had for generations been weighing and balancing the rules to be observed in granting discovery on bills filed for that purpose, in the endeavor to fix upon such as would best secure the ends of justice. To go beyond the point to which that court had gone may well have been thought hazardous. Now it is elementary knowledge that one cardinal rule of the court of chancery is never to decree a discovery which might tend to convict the party of a crime, or to forfeit his property. (Note by the court: See Pollock on Production of documents, 27; 77 Law. Lib., 12 [8]. And any compulsory discovery by extorting the party's oath, or compelling the production of his private books and papers, to convict him of crime, or to forfeit his property, is contrary to the principles of a free government. It is abhorent to the instincts of an Englishman; it is abhorrent to the instincts of an American. It may suit the purposes of despotic power; but it can not abide the pure atmosphere of political liberty and personal freedom.

It is proper to observe that when the objectionable features of the acts of 1863 and 1867 were brought to the attention of Congress, it passed an act to obviate them. By the act of February 25, 1868 (15 Stat., 37), entitled "An act for the protection in certain cases of persons making disclosures as parties, or testifying as witnesses," the substance of which is incorporated in section 860 of the Revised Statutes, it was enacted "that no answer or other pleading of any party, and no discovery, or evidence obtained by means of any judicial proceeding from any party or witness in this or any foreign country, shall be given in evidence, or in any manner used against such party or witness, or his property or estate, in any court of the United States, or in any proceeding by or before any officer of the United States, in respect to any crime, or for the enforcement of any penalty or forfeiture by reason of any act or omission of such party or witness."

This act abrogated and repealed the most objectionable part of the act of 1867 (which was then in force) and deprived the Government officers of the convenient method afforded by it for getting evidence in suits of forfeiture; and this is probably the reason why the fifth section of the act of 1874 was afterwards passed. No doubt it was supposed that in this new form, couched as it was in almost the language of the fifteenth section of the old judiciary act, except leaving out the restriction to cases in which the court of chancery would decree a discovery, it would be free from constitutional objection. But we think it has been made to appear that this result has not been attained; and that the law, though very speciously worded, is still obnoxious to the prohibition of the fourth amendment of the Constitution, as well as of the fifth.

It has been thought by some respectable members of the profession that the two acts, that of 1868 and that of 1874, as being in pari materia, might be construed together so as to restrict the operation of the latter to cases other than those of forfeiture; and that such a construction of the two acts would obviate the necessity of declaring the act of 1874 unconstitutional. But as the act of 1874 was intended as a revisory act on the subject of revenue frauds and prosecutions therefor, and as it expressly repeals the second section of the act of 1867, but does not repeal the act of 1868, and expressly excepts criminal suits and proceedings, and does not except suits for penalties and forfeitures, it would hardly be admissible to consider the act of 1868 as having any influence over the construction of the act of 1874. For the purposes of this discussion we must regard the fifth section of the latter act as independent of the act of 1868.

Reverting, then, to the peculiar phraseology of this act, and to the information in the present case, which is founded on it, we have to deal with an act which expressly excludes criminal proceedings from its operation (though embracing civil suits for penalties and forfeitures), and with an information not technically a criminal proceeding, and neither, therefore, within the literal terms of the fifth amendment to the Constitution any more than it is within the literal terms of the fourth. Does this relieve the proceedings or the law from being obnoxious to the prohibitions of either? We think not; we think they are within the spirit of both.

We have already noticed the intimate relation between the two amendments. They throw great light on each other. For the "unreasonable searches and seizures" condemned in the fourth amendment are almost always made for the purpose of compelling a man to give evidence against himself, which in criminal cases is condemned in the fifth amendment; and compelling a man "in a criminal case to be a witness against himself," which is condemned in the fifth amendment, throws light on the question as to what is an "unreasonable search and seizure" within the meaning of the fourth amendment. And we have been unable to perceive that the seizure of a man's private books and papers to be used in evidence against him is substantially different from compelling him to be a witness against himself. We think it is within the clear intent and meaning of those terms. We are also clearly of opinion that proceedings instituted for the purpose of declaring the forfeiture of a man's property by reason of offenses committed by him, though they may be civil in form, are in their nature criminal. In this very case the ground of forfeiture as declared in the twelfth section of the act of 1874, on which the information is based, consists of certain acts of fraud committed against the public revenue in relation to imported merchandise, which are made criminal by the statute; and it is declared, that the offender shall be fined not exceeding $5,000 nor less than $50, or be imprisoned not exceeding two years, or both; and in addition to such fine such merchandise shall be forfeited. These are the penalties affixed to the criminal acts, the forfeiture sought by this suit being one of them. If an indictment had been presented against the claimants, upon conviction the forfeiture of the goods could have been included in the judgment. If the Government prosecutor elects to waive an indictment, and to file a civil information against the claimants—that is, civil in form—can he by this device take from the proceeding its criminal aspect and deprive the claimants of their immunities as citizens, and extort from them a production of their private papers, or, as an alternative, a confession of guilt? This can not be. The information, though technically a civil proceeding, is in substance and effect a criminal one. As showing the close relation between the civil and criminal proceedings on the same statute in such cases, we may refer to the recent case of Coffey *v.* The United States, ante, 436; in which we decided that an acquittal on a criminal information was a good plea in bar to a civil information for the forfeiture of goods, arising upon the same acts. As, therefore, suits for penalties and forfeitures incurred by the commission of offenses against the law, are of this quasi criminal nature, we think that they are within the reason of criminal proceedings for all the purposes of the fourth amendment of the Constitution, and of that portion of the fifth amendment which declares that no person shall be compelled in any criminal case to be a witness against himself; and we are further of opinion that a compulsory production of the private books and papers of the owner of goods sought to be forfeited in such a suit is compelling him to be a witness against himself, within the meaning of the fifth amendment to the Constitution, and is equivalent of a search and seizure—and an unreasonable search and seizure—within the meaning of the fourth amendment. Though the proceeding in question is divested of many of the aggravating incidents of actual search and seizure, yet, as before said, it contains their substance and essence, and effects their substantial purpose. It may be that it is the obnoxious thing in its mildest and least repulsive form; but illegitimate and unconstitutional practices get their first footing in that way, namely, by silent approaches and slight deviations from legal modes of procedure. This can only be obviated by adhering to the rule that constitutional provisions for the security of person and property should

be liberally construed. A close and literal construction deprives them of half their efficacy, and leads to gradual depreciation of the right, as if it consisted more in sound than in substance. It is the duty of courts to be watchful for the constitutional rights of the citizen, and against any stealthy encroachments thereon. Their motto should be obsta principiis. We have no doubt that the legislative body is actuated by the same motives; but the vast accumulation of public business brought before it sometimes prevents it, on a first presentation, from noticing objections which become developed by time and the practical application of the objectionable law.

There have been several decisions in the circuit and district courts sustaining the constitutionality of the law under consideration, as well as the prior laws of 1863 and 1867. The principal of these are Stockwell v. United States (3 Clifford, 284), In re Platt and Boyd (7 Ben., 261), United States v. Hughes (12 Blatchford, 553), United States v. Mason (6 Bissell, 350), United States v. Three Tons of Coal (6 Bissell, 379), United States v. Distillery No. 28 (6 Bissell, 483). The first and leading case was that of Stockwell v. United States, decided by Mr. Justice Clifford and Judge Shepley, the law under discussion being that of 1867. Justice Clifford delivered the opinion and relied principally upon the collection statutes, which authorized the seizure of goods liable to duty, as being a contemporaneous exposition of the amendments and as furnishing precedents of analogous laws to that complained of. As we have already considered the bearing of these laws on the subject of discussion, it is unnecessary to say anything more in relation to them. The learned justice seemed to think that the power to institute such searches and seizures as the act of 1867 authorized was necessary to the efficient collection of the revenue, and that no greater objection can be taken to a warrant to search for books, invoices, and other papers appertaining to an illegal importation than to one authorizing a search for the imported goods; and he concluded that, guarded as the new provision is, it is scarcely possible that the citizen can have any just ground of complaint. It seems to us that these considerations fail to meet the most serious objections to the validity of the law. The other cases followed that of Stockwell v. United States as a precedent, with more or less independent discussion of the subject. The case of Platt and Boyd, decided in the District Court for the Southern District of New York, was also under the act of 1867, and the opinion in that case is quite an elaborate one; but, of course, the previous decision of the circuit court in the Stockwell case had a governing influence on the district court. The other cases referred to were under the fifth section of the act of 1874. The case of United States v. Hughes came up first before Judge Blatchford in the district court in 1875. (8 Ben., 29.) It was an action of debt to recover a penalty under the customs act, and the judge held that the fifth section of the act of 1874, in its application to suits for penalties incurred before the passage of the act, was an ex post facto law and therefore, as to them, was unconstitutional and void; but he granted an order pro forma to produce the books and papers required, in order that the objection might come up on the offer to give them in evidence. They were produced in obedience to the order and offered in evidence by the district attorney but were not admitted. The district attorney then served upon one of the defendants a subpœna duces tecum, requiring him to produce the books and papers; and, this being declined, he moved for an order to compel him to produce them; but the court refused to make such order. The books and papers referred to had been seized under the act of 1867 but were returned to the defendants under a stipulation to produce them on the trial.

The defendants relied not only on the unconstitutionality of the laws, but on the act of 1868, before referred to, which prohibited evidence obtained from a party by a judicial proceeding from being used against him in any prosecution for a crime, penalty, or forfeiture. Judgment being rendered for the defendant, the case was carried to the circuit court by writ of error, and, in that court, Mr. Justice Hunt held that the act of 1868 referred only to personal testimony or discovery obtained from a party or witness, and not to books or papers wrested from him; and, as to the constitutionality of the law, he merely referred to the case of Stockwell, and the judgment of the district court was reversed. In view of what has been already said, we think it unnecessary to make any special observations on this decision. In United States v. Mason, Judge Blodgett took the distinction that, in proceedings in rem for a forfeiture, the parties are not required by a proceeding under the act of 1874 to testify or furnish evidence against themselves, because the suit is not against them, but against the property. But where the owner of the property has been admitted as a claimant, we can not see the force of this distinction; nor can we assent to the proposition that the proceeding is not, in effect, a proceeding against the owner of the property, as well as against the goods; for it is his breach of the laws which has to be proved to establish the forfeiture, and it is his property which is sought to be forfeited; and to require such an owner to produce his private books and papers, in order to prove his breach of the laws, and thus to establish the forfeiture of his property, is surely compelling him to furnish evidence against himself. In the words of a great judge, "Goods, as goods, can not offend, forfeit, unlade, pay duties, or the like, but men whose goods they are." (Note by the court.—Vaughan, C. J., in Sheppard v. Gosnold, Vaugh., 159, 172, approved by Ch. Baron Parker in Mitchell qui tam v. Torup, Parker, 227, 236.)

The only remaining case decided in the United States courts to which we shall advert is that of United States v. Distillery No. 28. In that case Judge Gresham adds to the view of Judge Blodgett, in United States v. Mason, the further suggestion, that as in a proceeding in rem the owner is not a party, he might be compelled by a subpœna duces tecum to produce his books and papers like any other witness; and that the warrant or notice for search and seizure, under the act of 1874, does nothing more. But we can not say that we are any better satisfied with this supposed solution of the difficulty. The assumption that the owner may be cited as a witness in a proceeding to forfeit his property seems to us gratuitous. It begs the question at issue. A witness, as well as a party, is protected by the law from being compelled to give evidence that tends to criminate him, or to subject his property to forfeiture. (Queen v. Newell, Parker, 269; 1 Greenleaf on Evid., secs. 451-453.) But, as before said, although the owner of goods, sought to be forfeited by a proceeding in rem, is not the nominal party, he is nevertheless the substantial party to the suit; he certainly is so, after making claim and defense; and, in a case like the present, he is entitled to all the privileges which appertain to a person who is prosecuted for a forfeiture of his property by reason of committing a criminal offense.

We find nothing in the decisions to change our views in relation to the principal question at issue.

We think that the notice to produce the invoice in this case, the order by virtue of which it was issued, and the law which authorized the order, were unconstitutional and void, and that the inspection by the district attorney of said invoice, when produced in obedience to said notice, and its admission in evidence by the court, were erroneous and unconstitutional proceedings. We are of opinion, therefore, that the judgment of the circuit court should be reversed, and the cause remanded, with directions to award a new trial.

Mr. Justice Miller, with whom was the Chief Justice, concurring:

I concur in the judgment of the court, reversing that of the circuit court, and in so much of the opinion of this court as holds the fifth section of the act of 1874 void as applicable to the present case.

I am of opinion that this is a criminal case within the meaning of that clause of the fifth amendment to the Constitution of the United States which declares that no person "shall be compelled in any criminal case to be a witness against himself."

And I am quite satisfied that the effect of the act of Congress is to compel the party on whom the order of the court is served to be a witness against himself. The order of the court under the statute is in effect a subpœna duces tecum, and, though the penalty for the witness's failure to appear in court with the criminating papers is not fine and imprisonment, it is one which may be made more severe, namely, to have charges against him of a criminal nature, taken for confessed, and made the foundation of the judgment of the court. That this is within the protection which the Constitution intended against compelling a person to be a witness against himself, is, I think, quite clear.

But this being so, there is no reason why this court should assume that the action of the party to produce certain papers as evidence on the trial, authorizes an unreasonable search or seizure of the house, papers, or effects of that party.

There is in fact no search and no seizure authorized by the statute. No order can be made by the court under it which requires or permits anything more than service of notice on a party to the suit. That there may be no mistake as to the effect of the statute and the power to be exercised under it, I give the section here verbatim:

"SEC. 5. That in all suits and proceedings other than criminal arising under any of the revenue laws of the United States, the attorney representing the Government, whenever, in his belief, any business book, invoice, or paper, belonging to or under the control of the defendant or claimant, will tend to prove any allegation made by the United States, may make a written motion, particularly describing such book, invoice, or paper, and setting forth the allegation which he expects to prove; and thereupon the court in which suit or proceeding is pending may, at its discretion, issue a notice to the defendant or claimant to produce such book, invoice, or paper, in court, at a day and hour to be specified in said notice, which, together with a copy of said motion, shall be served formally on the defendant or claimant, by the United States marshal, by delivering to him a certified copy thereof, or otherwise serving the same as original notices of suit in the same court are served; and if the defendant or claimant shall fail or refuse to produce such book, invoice, or paper in obedience to such notice, the allegations stated in the said motion shall be taken as confessed, unless his failure or refusal to produce the same shall be explained to the satisfaction of the court. And if produced, the said attorney shall be permitted, under the direction of the court, to make examination (at which examination the defendant or claimant, or his agent, may be present) of such entries in said book, invoice, or paper as relate to or tend to prove the allegation aforesaid, and may offer the same in evidence on behalf of the United States. But the owner of said books and papers, his agent or attorney, shall have, subject to the order of the court, the custody of them, except pending their examination in court as aforesaid." (18 Stat., 187.)

Nothing in the nature of a search is here hinted at. Nor is there any seizure, because the party is not required at any time to part with the custody of the papers. They are to be produced in court, and, when produced, the United States attorney is permitted, under the direction of the court, to make examination in presence of the claimant, and may offer in evidence such entries in the books, invoices, or papers as relate to the issue. The act is careful to say that "the owner of said books and papers, his agent or attorney, shall have, subject to the order of the court, the custody of them, except pending their examination in court as aforesaid."

The fourth amendment says: "The right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures shall not be violated, and no warrant shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the person or thing to be seized."

The things here forbidden are two—search and seizure. And not all searches nor all seizures are forbidden, but only those that are unreasonable. Reasonable searches, therefore, may be allowed, and if the thing sought be found, it may be seized.

But what search does this statute authorize? If the mere service of a notice to produce a paper to be used as evidence, which the party can obey or not as he chooses, is a search, then a change has taken place in the meaning of words, which has not come within my reading, and which I think was unknown at the time the Constitution was made. The searches meant by the Constitution were such as led to seizure when the search was successful. But the statute in this case uses language carefully framed to forbid any seizure under it, as I have already pointed out.

While the framers of the Constitution had their attention drawn no doubt to the abuses of this power of searching private houses and seizing private papers, as practiced in England, it is obvious that they only intended to restrain the abuse, while they did not abolish the power. Hence it is only unreasonable searches and seizures that are forbidden, and the means of securing this protection was by abolishing searches under warrants, which were called general warrants, because they authorized searches in any place for any thing.

This was forbidden, while searches founded on affidavits and made under warrants which described the thing to be searched for, the person and place to be searched, are still permitted.

I can not conceive how a statute aptly framed to require the production of evidence in a suit by mere service of notice on the party who has that evidence in his possession can be held to authorize an unreasonable search or seizure, when no seizure is authorized or permitted by the statute.

I am requested to say that the Chief Justice concurs in this opinion.

MILITARY ACADEMY APPROPRIATIONS—CONFERENCE REPORT.

Mr. CHAMBERLAIN. Mr. President, I desire to call up for consideration the conference report on the disagreeing votes of the two Houses on the amendments of the Senate to the bill

(H. R. 14) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1918, and for other purposes, with a view to its disposition at this time.

The PRESIDING OFFICER (Mr. NEW in the chair). Without objection, the Chair lays before the Senate the conference report referred to by the Senator from Oregon.

The Senate proceeded to consider the conference report, which appears in yesterday's proceedings.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

Mr. CHAMBERLAIN. Mr. President, I shall not ask that the conference report be agreed to until I suggest the absence of a quorum, for the reason that a number of Senators who are absent may desire to be present, and they may not know that the conference report has been taken up. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Borah	Husting	Nelson	Smith, Ariz.
Brady	Johnson, Cal.	New	Smith, Md.
Brandegee	Jones, N. Mex.	Norris	Smoot
Calder	Jones, Wash.	Overman	Sterling
Chamberlain	Kellogg	Page	Sutherland
Culberson	Kendrick	Phelan	Swanson
Fernald	King	Pomerene	Thompson
Fletcher	Knox	Ransdell	Townsend
France	La Follette	Robinson	Wadsworth
Gerry	Lewis	Saulsbury	Walsh
Gronna	McCumber	Shafroth	Warren
Hale	McKellar	Sheppard	Watson
Harding	Martin	Sherman	Weeks

Mr. McKELLAR. I desire to announce that my colleague, the senior Senator from Tennessee [Mr. SHIELDS], is absent on official business. He has a general pair with the Senator from Connecticut [Mr. BRANDEGEE]. I will ask that this announcement stand for the day.

Mr. TOWNSEND. I desire to announce the absence of my colleague [Mr. SMITH of Michigan] and his general pair with the junior Senator from Missouri [Mr. REED]. I will ask that this announcement stand for the day.

Mr. ROBINSON. The Senator from Colorado [Mr. THOMAS] is unavoidably absent on business of the Senate.

Mr. LEWIS. May I be permitted to announce, for the day, the absence of the senior Senator from South Carolina [Mr. TILLMAN], caused by illness? He has a general pair with the Senator from West Virginia [Mr. GOFF].

In this connection may I also be permitted to announce the absence of the Senator from Mississippi [Mr. VARDAMAN] and of the Senator from Louisiana [Mr. BROUSSARD], who have been called out on official business of the Senate?

The PRESIDING OFFICER. Fifty-two Senators have answered to their names. There is a quorum present. The question is on agreeing to the report of the committee of conference.

Mr. NELSON. What is the question?

The PRESIDING OFFICER. On agreeing to the report of the committee of conference on House bill No. 14, being the Military Academy appropriation bill.

Mr. CHAMBERLAIN. I will say, for the information of the Senate, that we have taken up for consideration the conference report on the Military Academy appropriation bill.

Mr. NELSON. I have no objection.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

ARMY APPROPRIATIONS—CONFERENCE REPORT.

Mr. CHAMBERLAIN. I ask the Senate to proceed to the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to House bill 13, being the Army appropriation bill.

There being no objection, the Senate proceeded to consider the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13) making appropriations for the support of the Army for the fiscal year ending June 30, 1918, and for other purposes.

The Secretary read the report, which was printed in the RECORD of the proceedings of Friday, May 4.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

Mr. CHAMBERLAIN. Mr. President, while there appear to be a great many changes in the bill, I desire to say that there are no radical changes in the bill as it passed the Senate. The amount of the appropriations carried by the bill has been reduced by $8,129,722.17. Reductions were made in many instances, and in other instances the provisions which the House bill contained were restored, because the conferees thought that a bill which has passed the House and which is now pending in the Appropriations Committee of the Senate provides ample appropriations to cover the amounts by which we have reduced appropriations. Therefore, many of the changes refer to these reductions in amount. If there are any particular amendments to which Senators desire to direct my attention, I will be very glad, so far as I can, to explain them.

Mr. FLETCHER. Mr. President, I should like to ask the Senator what reason can be given for requiring the Senate to recede from amendment numbered 119, on pages 87, 88, 89, and 90 of the bill? The Senate amended the provision of the House bill by making a few changes in it, perfecting it, and making, I think, a very great improvement on the House bill. I should like to inquire why the Senate conferees could not retain that amendment, and why the House insisted upon the Senate receding?

Mr. CHAMBERLAIN. Mr. President, the House conferees were very insistent upon the provision of the House bill, which is more nearly in accord than was the provision of the Senate bill with the law as it was passed last year making appropriations for rifle ranges for civilian instruction. In addition to that, Mr. President, the conferees thought, in view of the fact that under the bill for increasing the Army larger opportunities will be given for target practice in the army to be organized, that it was not best at this time to enlarge the functions of the National Board for Promotion of Rifle Practice, but to leave it rather to the army that is to be organized under the bill which is now in conference. The House conferees were insistent upon the House provision, and there was much force in the suggestions which they made. The Senate conferees receded from the Senate amendment with some reluctance, after trying as hard as they could to get the House conferees to yield.

Mr. FLETCHER. Mr. President, I will say that, of course, the conditions are somewhat changed from what they were a year ago; but they have not changed in a way that would make less desirable this encouragement of civilian marksmanship. There is just as much need, and even greater, while we are in war than there was before, that those of our people who are capable of bearing arms should know how to shoot. It is useless to give a man a gun and a quantity of ammunition and send him out if he can not hit a barn 200 yards away. This provision in the bill, it seems to me, is very important.

At the State camp in Florida they have the equipment, the targets, and the range; the Government owns some 700 acres of land there; and it is an ideal place for this kind of practice, which ought to be kept up. The Regular Army is not excluded from it at all. It is open to all—Regulars, National Guard, schools, colleges, universities, and rifle clubs all over the country. This thing of teaching how to shoot is a very important part of military preparation. Bernard Shaw in his article, rather of a facetious title and perhaps ambiguous, "Joy riding at the front," giving his observations on the battle fields of France, says the most effective work being done is by the men who can shoot straight. That is an important thing, and we ought not to lose sight of it.

The provision of the House bill for $60,000 to transport men to the rifle ranges is wholly inadequate, and it was for the purpose of taking care of that situation that the Senate amendment was offered.

Mr. SMOOT. Mr. President, I desire to say to the Senator that in connection with the urgent deficiency bill, now before the Appropriations Committee, there was recommended this morning an appropriation of $344,000 for the same purpose. That will be in addition to the amount provided for in this bill. There is no limitation as to the amount that shall be expended for the transportation of the men or any other limitation.

Mr. FLETCHER. I am very glad to hear the Senator mention that. I was not aware of that pending matter. That, however, I am afraid will not accomplish what is aimed at here, because I fear it will not be spent for this purpose.

Mr. SMOOT. As to that, of course, Mr. President, I can not say; but I know that the Secretary of War will have it in his power to expend the amount for that purpose if he so desires.

Mr. FLETCHER. That, of course, will be helpful.

Mr. SMOOT. In connection with the reductions that have been made in the bill, I desire to say that they have all been added in the urgent deficiency bill.

Mr. FLETCHER. I think it is a great mistake to recede from the amendment; but, of course, I do not want to cause any trouble about the whole bill.

Mr. CHAMBERLAIN. Mr. President, it would not be in order to act on any particular amendment to this bill. The report of the conferees must be either adopted or rejected as a whole.

Mr. JONES of Washington. Mr. President, I desire to ask the chairman of the committee—I have not been able to examine

the conference report carefully—what was done with Senate amendment No. 73 with reference to military roads in Alaska?

Mr. CHAMBERLAIN. The amount was placed at $500,000, and was agreed to.

Mr. JONES of Washington. I also desire to ask the Senator with reference to Senate amendment No. 76, relating to the Vancouver rifle range?

Mr. CHAMBERLAIN. That was agreed to as it was in the Senate bill.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

HOUSE BILL REFERRED.

H. R. 291. An act to punish acts of interference with the foreign relations, the neutrality, and the foreign commerce of the United States, to punish espionage, and better to enforce the criminal laws of the United States, and for other purposes, was read twice by its title, and, on motion of Mr. OVERMAN, referred to the Committee on the Judiciary.

PUNISHMENT OF ESPIONAGE.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2) to punish acts of interference with the foreign relations, the neutrality, and the foreign commerce of the United States, to punish espionage, and better to enforce the criminal laws of the United States, and for other purposes.

The PRESIDING OFFICER. The question is on the amendment of the committee, on page 33, inserting section 1.

Mr. CALDER. Mr. President, when the vote was taken the other day on the motion to strike out the section of this bill which would limit the publication of war news by the newspapers of the country I voted for it, and regret that the motion was not carried; but I know that another opportunity will be afforded when the bill is reported in the Senate, and I shall at that time again vote to strike out the provision referred to.

Mr. President, I do not think it can be maintained that the Members of either the Senate or the House of Representatives have failed during the present session to stand by the President. We have voted for a declaration of war, almost unanimously; we have voted unanimously to permit the President to issue $7,000,000,000 worth of bonds and other securities; we voted almost unanimously to authorize him to raise an army by selective draft; and many of the Senators voted for this simply because the President asked for it.

The claim made in this Chamber that the President is favorable to this particular provision in the bill under consideration is not sufficient reason to warrant my voting for it; but this is not an evidence that I do not contemplate voting to give all the men and money needed to carry this war to a successful conclusion.

I am not ready, Mr. President, to prevent the great independent press of this country from printing all the news of the day. I believe that they can be trusted not to publish anything that would be of aid or comfort to the enemy. In every war this Nation has ever been engaged in, one of its greatest pillars of strength has been the support of the press. Have those in charge of this bill any idea that Congress would have acted with such unanimity during the past few weeks if the President did not have a united press behind him; do they believe that in the days to come we can hope to succeed in this conflict unless the press of the country stands strongly behind the Government?

It is a matter of common knowledge that but for the exposure by the English press of the inefficiency of those in charge of the British Government in the early days of the war, conditions might have continued there which would have led to ultimate defeat. Lord Northcliffe, in his newspapers, laid before the public the true conditions; and the pressure of public opinion became so great as to make necessary the complete reorganization of the Government, and the placing in charge of it of men equipped to handle its affairs. I hope that our newspapers will not be called upon to perform that service for the people of the United States; but I am not willing that any law should be enacted which would prevent spreading broadcast throughout the Nation the news, if such there be, that our Government is being inefficiently conducted.

At a dinner given to him by his old friends in Brooklyn recently Pomeroy Burton, editor of the London Times, in referring to the matter of censorship, said:

> The Government needs publicity, the armies need it, the navies need it, the whole war machinery from start to finish needs it in the widest possible sense. There must be absolute freedom to discuss, argue, criticize, oppose, and suggest.

Senators have insisted that this is a war measure, and any such measure which, in my judgment, is necessary will have my whole-hearted support; but I do not believe this to be necessary or expedient, and I am not willing, because of the indiscretion of one or two newspapers, that the rest should be stifled. The administration will need the friendship and cooperation of America's great journals. Their support will be freely given, and I know that the stronger ones will criticize, if criticism is necessary, even if we should enact the legislation now under consideration. But the less powerful ones would be deterred from printing what they really believed it was advisable for the people to know.

I have here, Mr. President, a letter sent to me by the editors of three Brooklyn newspapers, the Brooklyn Eagle, the Standard Union, and the Brooklyn Times. These three great patriotic journals have been ardent supporters of the Government in these critical days, and no one of them has made an unfriendly statement. I am pleased to read into the RECORD their views on this important matter:

> Hon. WILLIAM M. CALDER,
> *Washington, D. C.:*
>
> The Brooklyn newspapers take this opportunity to urge upon the Brooklyn Members of the Congress the necessity for checking hasty and unintelligent legislation which seeks to place the press of the United States under the control of a drastic censorship. The Brooklyn newspapers, like newspapers elsewhere, have loyally cooperated with the Government in suppressing news and restraining comment which in the expressed opinion of the Government might have given aid to the enemy and caused embarrassment in Washington. The Brooklyn newspapers recognize that it may be imperative to substitute for that voluntary censorship a system established by congressional enactment; but they insist that such a system be not constructed upon the model of the British and French censorships which have kept from the people of Great Britain and France vital facts regarding the war. News concerning the movement of troops and warships, news that might to any marked degree assist the enemy, may properly be excluded by law from publication. But the Government should help and not obstruct the newspapers in the publication of the truth concerning all war losses and all conditions which, when fully known, would arouse the people of the country to the magnitude of the task before them. The newspapers do not wish their readers to live in any fool's paradise of misapprehension or ignorance.
>
> THE BROOKLYN DAILY EAGLE,
> By ARTHUR M. HOWE, *Editor.*
> THE BROOKLYN DAILY TIMES,
> By JOHN M. HARMAN, *Editor.*
> THE STANDARD UNION,
> By JOHN A. HALTON, *Editor.*
>
> MAY 2, 1917.

I also have here copy of resolutions unanimously adopted by the American Newspaper Publishers' Association in New York City, on Wednesday, April 25, which I ask may be printed in the RECORD with my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

> The following resolutions, offered by Louis Wiley, business manager of the New York Times, and seconded by Charles H. Taylor, jr., publisher of the Boston Globe, were unanimously adopted at the convention of the American Newspaper Publishers' Association at the Waldorf-Astoria, Wednesday afternoon, April 25:
>
> "The American Newspaper Publishers' Association, representing the daily newspapers, requests Congress to eliminate the press-censorship provision from the espionage bill now pending.
>
> "The proposed legislation strikes at the fundamental rights of the people, not only assailing their freedom of speech but also seeking to deprive them of the means of forming intelligent opinion. It is drastic, yet vague, in its terms, providing the severest penalties for acts the criminal quality of which is to be defined hereafter under a delegated authority. Its possible consequences in restricting the liberty of the press are full of peril to free institutions.
>
> "The censorship proposed is believed to be a violation of the Constitution of the United States, which prohibits Congress from 'abridging the freedom of speech or of the press.' An effort to suspend this constitutional guaranty, whether ultimately sustained or not, is sure to be followed by grave injury to the rights of the people, whose one great safeguard in time of war is an untrammeled press.
>
> "A voluntary censorship, suggested by the Government, is being carefully observed by the newspapers of the United States, and no loyal newspaper will knowingly print that which would give aid to the enemy. Any newspaper that willfully publishes information of military value to the enemy can, and should be, prosecuted under the law of treason.
>
> "Established means of communication, carrying messages ordinarily regarded as private, will be used by an enemy for the transmission of information, and every proper purpose of the proposed legislation would be served by the control of outgoing messages by mail, telegraph, cable, etc., and by search of the effects of persons traveling from the United States to foreign countries.
>
> "In war especially the press should be free, vigilant, and unfettered. The American people are entitled to a full and frank statement of all that occurs, whether it be good or bad. There can be no justification for a restriction that abridges the liberty of the press, for the people must have confidence that they are getting the truth.
>
> "The defeat of this objectionable legislation, therefore, is most earnestly urged upon Congress."

Mr. CALDER. Mr. President, I have no doubt but that before this measure is finally enacted it will be modified so as not to stifle the great independent press of the country. To prevent the publication of information which the public should know would, I sincerely believe, be a grievous mistake.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. McCUMBER. Mr. President, I was just going to suggest the absence of a quorum before the amendment is voted on.

Mr. SMOOT. Does the Senator suggest the absence of a quorum?

Mr. McCUMBER. I do.

Mr. SMOOT. I think it ought to be done. There are about four Senators present on the other side.

The PRESIDING OFFICER. The absence of a quorum is suggested. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bankhead	Harding	Myers	Sherman
Brady	Johnson, Cal.	Nelson	Simmons
Brandegee	Jones, N. Mex.	New	Smith, Ga.
Calder	Jones, Wash.	Norris	Smith, Md.
Chamberlain	Kellogg	Overman	Smoot
Colt	Kendrick	Page	Thomas
Culberson	Kenyon	Pittman	Thompson
Cummins	King	Pomerene	Underwood
Curtis	Kirby	Ransdell	Wadsworth
Dillingham	Knox	Saulsbury	Walsh
Fletcher	McCumber	Shafroth	Warren
France	McKellar	Sheppard	

Mr. PITTMAN. I have been requested to announce that the Senator from California [Mr. PHELAN] is detained on official business.

Mr. McKELLAR. My colleague [Mr. SHIELDS] is absent on public business, and is paired, I believe, with the senior Senator from Connecticut [Mr. BRANDEGEE].

Mr. THOMPSON. I wish to announce that the junior Senator from Mississippi [Mr. VARDAMAN] and the junior Senator from Louisiana [Mr. BROUSSARD] are absent on official business.

The PRESIDING OFFICER. Forty-seven Senators have answered to their names. There is not a quorum present. The Secretary will call the names of the absentees.

The Secretary called the names of absent Senators, and Mr. GORE, Mr. MARTIN, and Mr. STONE answered to their names when called.

Mr. ASHURST and Mr. GRONNA entered the Chamber and answered to their names.

The PRESIDING OFFICER. Fifty-two Senators have answered to their names. There is a quorum present.

Mr. McCUMBER. Mr. President, just before the call for a quorum was made I understood the Chair to state that the question was on the amendment of the committee. Am I right?

The PRESIDING OFFICER. The Senator is correct.

Mr. McCUMBER. Mr. President, when the absence of a quorum was suggested there were three members of the majority in the Senate Chamber. I assume that that means that all of those who were absent are satisfied as to what their votes shall be upon the amendment. Therefore I am not at all criticizing their absence, but I assume that they have heard all the argument that they desire and are ready to vote, and, of course, ready to support the committee's report.

I should like to have the chairman of the committee state to me why it is necessary that so drastic a measure as is contained in section 1 should be made the law, not during the war but at all times? Why is it necessary to have this new legislation, broadening to a very great degree the reasons for the issuance of these writs, apply in years when we are at peace?

Mr. OVERMAN. Mr. President, there have been brought to the attention of the committee serious conditions that have arisen since the war. I want to say to the Senator that if he has read the report of the Attorney General—which I will have read when he gets through—he has no doubt seen what the Attorney General says, calling the attention of Congress before the war to the importance of having a search-warrant law. The truth of it is, we have nothing in the laws of this country in regard to search warrants except with regard to customs, counterfeiting, blockading, whisky, and smuggling.

Mr. McCUMBER. Does that mean before this war began, or before we entered into this war?

Mr. OVERMAN. Before we entered into this war.

Mr. McCUMBER. But the war was going on?

Mr. OVERMAN. Oh, no; I refer to the Attorney General's annual report, sent to Congress last November, I think.

Mr. McCUMBER. I mean, the war itself—not our war, but the present European war—was going on?

Mr. OVERMAN. It was not with reference to this war, especially. Of course very serious conditions have occurred, showing the necessity of it, since the war began; but when the Senator gets through I should like to read what the Attorney General says in regard to the necessity for this legislation in his annual report made in November, 1916.

Mr. NELSON. Mr. President——

Mr. McCUMBER. I yield to the Senator from Minnesota.

Mr. NELSON. If the Senator will allow me, I desire to state that great misapprehension exists as to the object and purpose of this law, and why it is desired.

Within the last six months—I can not recall the exact date—police officers in New York invaded the quarters of Von Engel, a representative of the German Government, who was cooperating with Boy-Ed and Von Papen in carrying on in this country a system of espionage. They seized a lot of valuable papers. They were brought here to Washington, and I understand the contention was made by the German ambassador that they were official papers and that our Government had no right to seize them. There was a large lot of papers. Finally, as I understand—and I get my information from the newspapers—our Government suggested to the German ambassador that he could come and look over the papers and select those that were official papers. He declined to avail himself of that opportunity, because that would have been a clear give-away.

Now, those papers were most important and valuable. They explained the entire ramifications of the spy system that had been carried on in this country under German auspices since the war began. It was a perfectly lawless act to go in there and take those papers at the time and place and under the circumstances. The Government feels, and it seems to me, that seizures of that kind ought to be permitted by law.

I want further to say—and I do not want to argue the case—that we have no general Federal law in reference to search warrants, as they have in most of the States. We have only laws permitting search in a few special cases. One is internal-revenue cases; another is customs cases; a third is counterfeiting cases; a fourth is smuggling liquor into Indian reservations and offenses connected with the liquor traffic. Possibly there may be others, but those are the only ones I can recall at this moment. The object of this is to have a general law for the Federal Government where an offense has been committed, a violation of the laws of the United States, treaties of the United States, or the obligations and rights and duties of the United States under the law of nations.

As the bill originally came to the committee it contained a provision defining these offenses. The argument was made before the committee that you could not seize any papers unless there was a crime committed or about to be committed. So to meet that idea section 7 was incorporated in the bill, and I ask Senators to read that section in connection with section 1, because the seizures contemplated by section 1 are seizures of property and papers that are made criminal under section 7.

I believe we ought to have a general law on the subject. The criticism was made that it included the rights and duties of our Government under the law of nations. I can conceive of many cases where a man may violate the obligations and duties of our country under the law of nations; but if Senators think that phrase should be omitted, certainly it ought to cover cases of violations of laws of the United States and the treaties of the United States. There can not be any doubt about that.

This is all I desire to say. I have simply explained the purpose of the law. It is to fill a vacuum that exists in our legislation. As I said, we have no general search-warrant law. It is limited to the four cases I have mentioned. Perhaps I may have omitted some, but I can not at this moment recall any others; and this is to give us a general law covering criminal cases of this kind.

Mr. McCUMBER. Mr. President, if it stopped there it might be well, but it does not; it covers every case of every kind of a law, civil and criminal, that has been enacted by the Congress of the United States. It covers the entire field of congressional legislation upon every possible subject.

It is admitted that this is a war measure, and I will readily vote for any legislation that is necessary to apply the search warrant to any possible thing that affects our war relations. I am not, however, prepared to vote to extend the search warrant into every possible avenue or line of business or trade that is covered by a law of the United States.

I want the authorities to have the power to issue and to serve a search warrant and to ascertain whether or not there is any propaganda that is attempting to forestall or prevent the application of the draft system, for instance, or that in any way attempts to check our forces and our prowess in this great war in which we are now entering. But, Mr. President, I think it ought to be limited to this war, and then we can, when we have time, prepare and enact any legislation that would apply to other matters.

There are two things that I think ought to be out of this provision. One is that which relates to the violation of any law of the United States, and the other is that which relates to the law of nations, which law is extremely broad and very little understood, and is changing from day to day and from month to month and year to year without any legislation upon the subject.

Mr. President, suppose we would state that this law should apply during the continuance of this war, and then simply cut

out that portion relating to the violation of any law and that relating to the violation of the law of nations, leaving in that violating our treaty obligations, and then substitute it with something like this:

That during the continuance of the present war a search warrant may be issued in conformity with the provisions of this act for the purpose of searching any premises or person to discover any property or papers held, secured, used, or intended to be held, secured, or used in violation of or in aid of a violation of any law of the United States.

Now, what law? So far I have copied the measure itself:

Any law of the United States relating to the raising or supplying of the military or naval forces of the United States or any other law relating to the conduct of said war or to the treaty obligations of the United States.

That would cover everything the Senators supporting this measure have argued in favor of. It is broad enough to cover everything pertaining to this war and at the same time is narrowed down to those things that are of vital interest to us in the conduct of the war, and it ought not to go any further at this time.

Mr. KING. Mr. President, will the Senator yield for a question?

Mr. McCUMBER. I yield with pleasure, Mr. President.

Mr. KING. Does not the Senator think there ought to be a general statute of a Federal character something like the statutes of the States providing for search warrants when a public offense has been committed or is about to be committed?

If the Senator will pardon me, I will propound another question while I am on the floor. Does not the Senator think the amendment which he has suggested is rather too narrow, because it would not give the Government authority to invoke the benefit or aid of a search warrant in cases which are now infractions of the criminal statutes of the United States?

Mr. McCUMBER. No; Mr. President, it is as broad as the law now is. It allows the use of these instruments for the enforcement of the law wherever they can be allowed to-day; and in addition it covers everything pertaining to the war. I think before we enact a general statute covering every law that has been or may be passed by the United States we ought to give that special consideration, and we can not do it and we are not doing it in the consideration of this bill. I am not prepared to say that there should be a search warrant of the character mentioned herein which could be applied to the violation of every law that has been passed by the Congress of the United States. I think we should consider that as a separate matter. What we are dealing with now is the war situation, and if we enact legislation that deals with this war legislation we may well relegate all other matters to a time in which we can consider them as separate propositions.

Mr. KING. Will the Senator pardon another question?

Mr. McCUMBER. Certainly.

Mr. KING. Does the Senator see any reason why we should not have a statute something like that which obtains in most of the States? The statutes of the States usually provide that a search warrant may be issued, among other reasons, "when the property was stolen or embezzled," or "when it was used as the means of committing a felony," or "when it is in the possession of any person with the intent to use it as the means of committing a public offense." Why should there not be a general statute enacted by the Federal Government which may be invoked in cases where a public offense has been or is about to be committed under the same circumstances and to the same extent as a similar statute is invoked in the States?

Mr. McCUMBER. I am inclined to think there should be. I would not want to pass absolute judgment upon that question at this particular time; but I call the Senator's attention to the fact that this proposed measure is so broad that it covers civil law, criminal law, and international law—law of every character.

Mr. KING. I wish to say to the Senator that the criticism which he made against some features of the first section appeal to me very strongly, and I will agree to a part of his amendment, speaking for myself; but I do not think the amendment of the Senator is broad enough. There ought to be a statute sufficiently broad to permit the United States to invoke a statute something like that which prevails in the various States.

Mr. McCUMBER. We might well take our time in the consideration of that general law. What we need now is a law that will meet the war situation; the amendment which I propose as a substitute does meet that, and that I think is all that we should consider to-day.

Mr. BRADY. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Idaho?

Mr. McCUMBER. I yield to the Senator.

Mr. BRADY. May I ask the Senator from North Dakota at what place in the bill he would have the amendment he suggests inserted?

Mr. McCUMBER. I substitute it for the entire section 1. I have recopied almost all of section 1.

Mr. BRADY. That would then limit the entire bill to the war?

Mr. McCUMBER. No; it would limit the issuance of these writs to the cases now provided by law and all the other cases relating to war conditions.

Mr. BRADY. Only as it applies to section 1?

Mr. McCUMBER. Yes.

Mr. KNOX. Mr. President, I desire to ask the Senator a question.

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Pennsylvania?

Mr. McCUMBER. Certainly.

Mr. KNOX. I understood the Senator to make the objection to the first section that the violation of the law of nations is a pretty broad order; that the law of nations is rather indeterminate, especially at this time, and mostly it is only what the most powerful nation says it is. But I do not read the section in that way. I do not think it is subject to that objection. It is not where the law of nations is violated, but where the rights and obligations of the United States under the law of nations are violated.

I think there is quite a distinction between searching a house or papers for a violation of the law of nations and doing it for the purpose of seeing whether the rights and obligations of the United States are being impaired or interfered with under the law of nations. I think perhaps there is no more sacred right than the right and obligation the Government of the United States has under the law of nations, and no more serious offense could be committed than an offense in violation of those rights and obligations.

Mr. McCUMBER. I think that is subject to the same objection, because the obligation of the United States of the law of nations is about as indefinite and indeterminate as one could possibly conceive. What is the law of nations relative to the particular right? That is a question which must be decided by the courts or by some one else. Where are you going to get the information upon which you may decide that? From the writers upon international law, who determine according to their judgment what the custom of nations has been upon the particular phase of international law discussed.

Mr. KNOX. May I again ask a question?

Mr. McCUMBER. Certainly.

Mr. KNOX. I think I was unfortunate in not making myself clear. Let me read section 1:

A search warrant may be issued in conformity with the provisions of this act for the purpose of searching any premises or person to discover any property or papers held, secured, or used, or intended to be held, secured, or used, in violation of or in aid of a violation of any law of the United States, or of a treaty of the United States, or of the rights or obligations of the United States under the law of nations.

It is wholly immaterial, as it would be wholly impossible, under this section to secure a search warrant against a man who was charged with violating the law of nations unless you would put in the information "violating the rights or the obligations of the United States under the law of nations." We know the functions of our Government. We know it is the function of our Government to know and assert what our rights are under the law of nations. It is the function of the Government to know and to perform our obligations under the law of nations. It seems to me if there is any class of offenders who ought to be reached it is those who have writings, papers, property, or anything else that would interfere with the United States in asserting its rights and fulfilling its obligations under the law of nations.

Mr. McCUMBER. I agree that it is the function of the United States Government to determine what its obligations are under the law of nations, but I can not conceive that we could provide that the individual should always be held responsible, because we can not guess what the decision of the Government will be in reference to its obligations or duties under the law of nations; and that is the objection which I am trying to urge.

Mr. OVERMAN. Mr. President——

Mr. McCUMBER. In just one moment. Let me call attention to the fact that my proposed amendment does provide for reaching a case—

In violation of or in aid of a violation of any law of the United States relating to the raising and supplying of the military or naval forces of the United States or of any treaty obligation of the United States or any other law relating to the conduct of said war.

We can all tell what the treaty obligations are because they are written law, and we will take our chances whether we

violate them or not. Very few have even a meager understanding of what international law is, and therefore less understanding as to what our obligations under international law would be in any given case.

Mr. CUMMINS. Mr. President——

Mr. McCUMBER. I yield to the Senator from Iowa.

Mr. CUMMINS. By the courtesy of the Senator from North Dakota I should like to ask a question of the Senator from Pennsylvania to see if I understand clearly his position.

Mr. McCUMBER. I yield, Mr. President.

Mr. CUMMINS. Recently when some of our ships sought to enter the neutral ports of Norway, Denmark, and Sweden they were interrupted, arrested by British ships, turned back, and taken into the proper port and committed to the care of a prize court. We asserted that under the law of nations we had a right to enter those ports. Great Britain asserted that under the law of nations we had not the right to enter them. My question is this: If a citizen of the United States, through any instrumentality that he might possess, was endeavoring to convince the world the we had no right to enter those neutral ports under those conditions, would he have been guilty of a crime and would he and his possessions have been subject to a search warrant?

Mr. McCUMBER. I yield to the Senator from Pennsylvania.

Mr. KNOX. I do not think it necessarily follows that anyone is guilty of a crime who has in his possession any of the documents which are described in the first section. It is the purpose of the search to find whether or not these documents so held do violate the laws or treaties of the United States or the rights and obligations of the United States under the law of nations.

I should say in the case the Senator from Iowa cites that if the United States authority as provided for in the second subdivision of this chapter would go before a United States judge or a United States commissioner, he would have to make out a case very different from the case put by the Senator from Iowa. He would have to show not only that the papers or documents that were sought to be obtained by the search warwant had reference to rights or obligations of the United States, but that they were intended to be used in violation of those rights or obligations. The question put by the Senator from Iowa, it seems to me, would only indicate that they would have reference to that situation.

Mr. CUMMINS. Will the Senator from Pennsylvania be a little more specific and say what, in his judgment, would be a violation of the right of the United States in the case I put?

Mr. KNOX. It seems to me that that is rather a wide question to ask one who has simply risen to call attention to the distinction between the violation of the law of nations and the violation of the rights and obligations of the United States under the law of nations. I can not call to my mind just at this moment what might be a case, but I have no doubt after a half hour's reflection I could bring to your attention half a dozen cases where the rights and obligations of the United States were involved either in a controversy with a foreign country or arose in some other way where those rights and obligations could be most seriously interfered with by a private citizen.

There is a statute of the United States, upon the books today and has been for almost a hundred years, making it a criminal offense to hold correspondence with a foreign Government or citizens of a foreign Government in relation to pending diplomatic affairs between the United States in such a way as might interfere with not only the right and the duty of the United States, but might interfere with the orderly progress and successful eventuation of matters that were in contemplation or under consideration.

So this section of the bill does not stagger me one particle. I do not feel that I must tremble for my individual right under this section of the bill. I think no citizen of the United States has any cause to complain if his house is searched or his person is searched simply for the purpose of seeing whether he has in his possession documents or property or other things that might tend or were intended, as this bill says, to be used in violation of the rights of his country, whether the violation pertains to the enforcement of its statutes, the enforcement of its treaties, or the enforcement of its duties under the broader law that prevails between the civilized nations of the world.

Mr. McCUMBER. Mr. President, here are two very learned attorneys who differ radically upon this simple little proposition. While it would not stagger the Senator from Pennsylvania to be brought up against a proposition of this kind, it might stagger the ordinary individual who is not a lawyer at all when his person and his property are seized and his home is violated in carrying out a provision under this bill. I wish to call the Senator's attention again to the proposition that it is not only the violation or proposed violation of a criminal statute for which this search warrant will be issued, it is the violation of any law of the United States—civil or criminal.

Mr. KELLOGG. Will the Senator allow me a moment?

Mr. McCUMBER. Certainly.

Mr. KELLOGG. Do you think a violation of the rights and obligations of the United States under international law to be more indefinite than the amendment offered by the Senator from Iowa [Mr. KENYON] to make the receiving or asking of anything more than a reasonable profit a criminal offense?

Mr. McCUMBER. Mr. President, I am not discussing that now. I might say that I would not, but the Senator from Iowa must answer the question of the Senator from Minnesota.

Mr. President, I do not wish to delay any vote on this proposition, but I want to say as earnestly and as emphatically as I can that the proposed substitute does cover every question which might possibly arise that would affect the interest of this country during the continuance of this war, and that it does eliminate and only eliminates that debatable and questionable ground as to whether the law should apply in such and such cases or should apply to the general laws of the United States; and as this, I repeat, is a bill which seeks to deal with only a war situation, its terms ought to be limited to the necessities of that situation.

Mr. WALSH. Mr. President, I think I might help the Senator from North Dakota [Mr. McCUMBER] by referring to the genesis of this bill. It is an error to suppose that this feature of the bill originated by reason of the war contingency either before or after we entered into the contest. The Senator from Minnesota [Mr. NELSON] is usually accurate in his statement of the law, but I think he is in error in the statement that the present law authorizes the issuance of search warrants to seize intoxicating liquors about to be taken into Indian territory. The want of a statute of that character gave rise originally to the discussion of this search-warrant question. A bill was introduced by the Senator from Oklahoma [Mr. OWEN] which authorized the issuance of search warrants to search for and seize liquor within or about to be taken within that portion of the State of Oklahoma which is still regarded as Indian country so far as the enforcement of the intoxicating-liquor statute is concerned, and the question of the framing of an adequate search-warrant statute thus came under consideration by the Judiciary Committee and by the Department of Justice.

While the matter was pending in that shape the necessity for a search-warrant statute in connection with the troubles in Mexico presented itself. It was not an uncommon practice when it was made an offense to introduce arms into the Republic of Mexico, pursuant to a proclamation issued by the President under a statute, for the officers of the United States, military and otherwise, to seize arms that were intended to go into Mexico in violation of the statute and the proclamation, and when they could be found they were seized. But information often came to the officers that accumulations of arms of that kind were being made with intent to take them into Mexico in violation of the statute and the necessity for a search-warrant statute to meet conditions of that character presented itself.

Mr. NELSON. Will the Senator allow me?

The PRESIDING OFFICER (Mr. ROBINSON in the chair). Does the Senator from Montana yield to the Senator from Minnesota?

Mr. WALSH. I yield.

Mr. NELSON. I am inclined to think the Senator from Montana is right and that I was mistaken in the broad statement as to Indian reservations. I was led to make that statement from the fact that in the State of Minnesota the supreme court has decided under the provisions of an old Indian treaty that certain territory the Indians ceded long ago is what we call commonly dry territory, and under the provisions of that treaty and that decision the Government officials have been seizing all liquor found in that country. That is what led me to make the statement. I am inclined to think that I was mistaken and that in its full extent the Senator from Montana is correct.

Mr. WALSH. I thank the Senator for the statement, and knowing how accurate he usually is, I went to the compilation of statutes to confirm my recollection about the matter, and I found there was not a general statute authorizing generally the seizure of liquors that were about to be introduced within the Indian country. So, Mr. President, the Senator from North Dakota is in error in assuming that this feature of the bill is intended to take care only of conditions furnished by the war. It was intended to cover the general subject of search warrants.

Mr. President, there is a very great necessity for a statute of this character, because there are many places within the country within the exclusive jurisdiction of the Federal courts; for

instance, Indian reservations, and reservations of many kinds. Crimes committed within that territory are punishable under the Federal law and not under the State law; larceny, for instance, committed within territory of that character—that is, within the exclusive jurisdiction of the Federal courts. No provision is made by the law for the issuance of a search warrant even for the purpose of securing stolen goods within that territory. It is solely within the jurisdiction of the Federal courts. So the statute should be made to cover the subject generally as well as to meet the conditions that are peculiar in their nature by reason of the state of war which now prevails.

There is one suggestion, Mr. President, which has been made by the Senator from North Dakota which to me seems very forcible and which I think might well be accepted. It is true that the statute reads generally that a search warrant is authorized in case of the violation of any law of the United States. That would, of course, include a violation of a civil statute as well as of a penal statute. When it comes to the violation of a statute I think it might well be confined to violations of penal statutes, and I would suggest the incorporation of the word "penal" before the word "statute." With that amendment, Mr. President, I do not believe that any just criticism can be lodged against this provision of the bill.

I quite agree with the Senator from Pennsylvania [Mr. KNOX] that the liberties of the citizen are by no means imperiled when a search warrant, under the restrictions and the safeguards provided by this bill, is issued for the purpose of searching the premises of a person for the purpose of finding thereon property which, it is asserted, has been used or is about to be used in violation of the law of nations or the rights or obligations of the United States under the law of nations. Mr. President, that is the feature of immediate consequence. We had the matter under consideration, as I suggested, in connection with the situation in Oklahoma, to which I have referred, and in connection with conditions which arose by reason of the troubles in Mexico, and now upon the prospect of war with Germany; and the necessity became apparent for the issuance of a search warrant in the case of threatened violations of the law of nations involving the rights or obligations of the United States.

It is true, Mr. President, that there is more or less doubt—indeed, we might say more, rather than less, doubt—about what is the law of nations; and yet the Supreme Court of the United States ever since it came into existence has interpreted and enforced the law of nations. It has declared that the international law is thus and so, and has adjudicated rights to private property upon the rules of international law as they were by that court laid down. International law is not expressed in a code, it is true, and oftentimes it is difficult to determine just what the law of nations is with reference to a particular matter; but in every State in which they have common-law crimes, where crimes are not defined by statute, it becomes necessary, in exactly the same way, for the man who wants to be entirely advised as to whether or not he is violating the law, to go back to all of the old English decisions and that kind of thing to find out whether in the particular circumstances that surround him he commits larceny or not.

Mr. KNOX. Mr. President——

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Pennsylvania?

Mr. WALSH. I do.

Mr. KNOX. May I not ask the Senator from Montana if the Supreme Court has not gone even further than he has stated? Has not the Supreme Court held that the law of nations is a part of the law of the United States, and that as such it will be enforced by the court?

Mr. WALSH. It has; and so, Mr. President, although there may be more or less uncertainty about the thing—and undoubtedly there is—there is likewise uncertainty about what is the criminal law of any State in which there is no penal code; and the courts simply punish crimes in accordance with what is the common law.

Of course, in exactly the same way you will find the greatest divergence of views among the courts as to what is the common law with reference to a particular subject, and you will find great divergence as to what is the common law with reference to certain crimes, many of the courts holding that the common law makes the doing of acts under a certain state of circumstances a crime and others holding that the common law does not make the doing of those acts under those particular circumstances a crime. I will agree also that in all probability the uncertainty is greater in the case of international law; but I do not believe that the danger is perilous by any means to the ordinary law-abiding citizen.

Mr. OVERMAN. Mr. President, I think the amendment suggested is a very proper one. I have consulted some other members of the committee, and I agree to accept the amendment which has been tendered by the Senator from Montana [Mr. WALSH]. I hope that will satisfy the Senator from North Dakota [Mr. MCCUMBER].

Mr. McCUMBER. Mr. President, I wish to say that, of course, that would eliminate one objection; but I still think it very objectionable to include the phrase "relating to the obligations of the United States under international law." That is too vague and too uncertain to be made the basis upon which to issue a search warrant.

Mr. OVERMAN. Mr. President, I want to state to the Senator from North Dakota, in reference to what he has said about this being a war measure, that the Attorney General made a report in 1916, in which he urged such legislation as is now proposed. We were not in a state of war at that time. The report which I hold in my hand is very lengthy, and I shall not read it. It cites the authorities, and makes a strong and urgent appeal to Congress to enact a law on this subject. I will say to the Senator from Montana that the recommendation is limited to a penal statute. Therefore the proposed amendment is in accord with the report of the Attorney General. Since reading the report I am glad to accept the amendment.

The PRESIDING OFFICER. The Chair requests the Senator from Montana to formally state his amendment.

Mr. WALSH. I understand the amendment presented by the Senator from North Dakota is——

Mr. McCUMBER. I believe the RECORD will not show that I have offered an amendment.

The PRESIDING OFFICER. There is a pending amendment.

Mr. WALSH. In any case, that is a substitute, and I think it will be proper first to perfect the text.

Mr. McCUMBER. I simply suggested an amendment, but I did not offer it.

Mr. OVERMAN. That is true.

Mr. McCUMBER. I therefore have not an amendment pending. I will say that, having accepted the other amendment, which is the principal proposition, I shall not offer my suggested substitute.

The PRESIDING OFFICER. The Chair calls the attention of Senators to the parliamentary status. The pending question is the committee amendment in section 1, page 33, beginning on line 7, down to and including line 14. If there is no objection, the Chair will dispose of this amendment. The question is upon the amendment.

Mr. WALSH. This is an amendment to that amendment.

The PRESIDING OFFICER. The Senator will state the amendment to the amendment.

Mr. WALSH. On page 33, line 11, after the word "any," I move to insert the word "penal," so that it will read:

A violation of any penal law.

The PRESIDING OFFICER. Without objection, the amendment proposed by the Senator from Montana [Mr. WALSH] to the committee amendment is agreed to. The Chair hears none. The question now recurs upon the amendment as amended.

The amendment as amended was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on the Judiciary was, on page 33, line 15, to strike out "section 1" and to insert "section 2."

The amendment was agreed to.

Mr. KNOX. Mr. President, in the language in section 2, I wish to call the attention of the Senator in charge of the bill to the sixteenth line, and to offer as an amendment to insert the word "authorized" before the word "person."

The reason I suggest that amendment is, that while it is true that in the next section it is contemplated that the authority of the person making the application shall be made known at the time the application for the writ is made, yet it is doubtful whether the authority does not refer to the word "officer," in line 16, and not to the word "person." I think it would be wiser to have it appear that if it is not an officer of the Government who is making the application it should be some authorized person. Then, the next section shows where he gets his authority and what his authority relates to.

Mr. OVERMAN. Will the Senator from Pennsylvania kindly read the language as it will read as he proposes to amend it?

Mr. KNOX. So that it would read:

Before any search warrant shall issue the officer or authorized person desiring its issuance shall make a written application—

And so forth.

Mr. OVERMAN. I shall make no objection to that amendment, Mr. President.

Mr. CUMMINS. I wish to give notice——

Mr. WALSH. Mr. President, I do not understand——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Montana?

Mr. CUMMINS. I do not wish to interrupt this particular part of the chapter.

Mr. WALSH. Then, Mr. President, if the Senator from Iowa will give me the floor——

Mr. CUMMINS. I yield to the Senator.

Mr. WALSH. I desire to say that I do not understand the significance of the amendment proposed by the Senator from Pennsylvania [Mr. KNOX]. My understanding about this matter is, that the proper affidavit having been made, the warrant should be issued. No authorization to any person to make the affidavit is contemplated by the bill nor does it suggest who would vest such person with the requisite authority.

Mr. KNOX. I do not read the next section in that way, though perhaps I may be mistaken about it. I had an idea that the next section was intended to provide that a person who made the application should show his authority; that is to say, that he has some relation to the enforcement of the law; that it is not intended that any individual shall go and sue out a search warrant against any other individual. I think, if that were the provision of this proposed statute, it would be objectionable.

Mr. WALSH. Subdivision 1 of section 2 provides that the applicant must set out the authority under which he seeks to enforce the rights or obligations of the United States under the laws of nations, and so forth.

Mr. KNOX. The purpose of my amendment, on line 16, was to make it clear that it was a lawful officer or an authorized person—somebody who bore some relation to the enforcement of the law.

Mr. OVERMAN. I think, if the Senator from Montana will yield, that it ought to be some authorized person.

The PRESIDING OFFICER. Does the Senator from Iowa yield further?

Mr. CUMMINS. I will yield until this matter is adjusted.

Mr. WALSH. I will make no further contention about it.

The PRESIDING OFFICER. Without objection, the amendment proposed by the Senator from Pennsylvania [Mr. KNOX] is agreed to. The Chair hears none, and it is agreed to.

Mr. CUMMINS. Mr. President, I rose simply to give notice that when the bill reaches the Senate I shall offer a substitute for section 1. I discussed the matter generally this morning in the hope that Senators, who had not hitherto had the subject called to their attention, would think about it and would be better prepared when the bill reached the Senate to consider the amendment than they would be at this moment.

The reading of the bill was resumed.

The next amendment of the Committee on the Judiciary was, in chapter 11, section 2, page 33, line 18, after the word "judge," to strike out the words "or magistrate" and insert the word "of."

The amendment was agreed to.

The next amendment was, in section 2, page 33, line 19, after the word "State," strike out the comma; in the same line, after the word "Territorial," to strike out "or municipal"; and in the same line, after the word "United," to strike out the word "of," so as to read:

A State or Territorial court, or to a United States commissioner for the district wherein the property or papers sought are known or believed to be located setting out the following matters:

The amendment was agreed to.

The next amendment was, on page 33, line 24, after the word "enforcing," to insert "the rights or obligations of the United States under"; and in line 1, on page 34, after the word "nations," to insert the word "the," so as to make the paragraph read:

(1) The authority under which the applicant seeks to enforce, or assist in enforcing, the rights or obligations of the United States under the law of nations, the treaty obligation, or statute law of the United States which he alleges has been, is being, or is intended to be violated.

The amendment was agreed to.

The next amendment was, on page 34, line 6, after the words "violation of," to insert "the rights or obligations of the United States under," so as to make the paragraph read:

(2) The facts upon which his knowledge, or the grounds of his belief, if his application be based upon belief, that a violation of the rights or obligations of the United States under the law of nations, or treaty obligation, or statute of the United States as in this chapter provided has been, is being, or is intended to be accomplished; and.

The amendment was agreed to.

The next amendment was, on page 34, line 17, to change the number of the section from "2" to "3"; in line 18, after the word "judge," to strike out "magistrate"; and on page 35, line 3, after the word "judge," to strike out "magistrate," so as to make the section read:

SEC. 3. Upon the making to him of any such application the judge, court, or commissioner to whom the same is addressed shall forthwith consider it and may summon and examine under oath such further witnesses if any as he may deem desirable, or require further affidavits, as the convenience of the case may require; and if the application is based upon knowledge and he shall find that the applicant would be authorized to execute the search warrant, if issued, and that the said application conforms to the requirements of section 1 of this chapter, he shall forthwith issue the same; and if the said application is based upon belief, then the judge or commissioner, as the case may be, shall not only have the power and jurisdiction to inquire into the authority of the applicant to execute the warrant, if issued, and to examine and pass upon the sufficiency of the application therefor, but shall also consider and decide whether there is probable cause to believe that the property or papers to the claimant; whereupon such judge or tended to be possessed, used, or employed in the manner set out in said application. If he shall decide that the applicant is authorized to have a search warrant issued to him, and that the application is in due form, and further, that there is probable cause for its issuance, he shall forthwith issue such warrant. The officer issuing such warrant must insert a direction in the warrant that it be served in the daytime, unless the affidavit be positive that the property is on the person or in the place to be searched; in which case he may insert a direction that it be served at any time in the day or night.

The amendment was agreed to.

The next amendment was, on page 35, line 21, to change the number of the section from "3" to "4"; in line 24, after the word "judge," to strike out "magistrate"; and on page 36, line 4, after the word "judge," to strike out "magistrate," so as to make the section read:

SEC. 4. Whoever shall use or attempt to use the mails or Postal Service to obtain a search warrant issued under the provisions of this chapter, the owner or claimant thereof may forthwith file with the judge or commissioner issuing said warrant, his petition setting out his title or claim of ownership to, or right to the custody of such property or papers, and any other facts legally tending to require restoration of the property or papers described have been, are being, or are in commissioner, after due notice, not exceeding five days, to the United States attorney for the district and the persons making such seizure shall proceed to speedily hear and determine the case, and order the property or papers restored to the owner or claimant, or shall order the same retained in the custody of the person seizing them to be used as evidence in any case or proceeding, civil or criminal, in which the United States may be interested, or to be otherwise disposed of according to law.

The amendment was agreed to.

The next amendment was, on page 36, line 13, to change the number of the section from "4" to "5"; in line 14, after the word "civil," to strike out "military or naval"; and in line 17, after the words "the United States," to insert, "*Provided*, That in time of war such warrant may be issued to a civil, military, or naval officer of the United States," so as to make the section read:

SEC. 5. No search warrant shall issue hereunder to other than a civil officer of the United States duly authorized to enforce or assist in the enforcement of any law thereof, or to a person so duly authorized by the President of the United States: *Provided*, That in time of war such warrant may be issued to a civil, military, or naval officer of the United States.

The amendment was agreed to.

The next amendment was, on page 37, after line 2, to insert as a new section the following:

SEC. 7. Whoever shall knowingly and willfully hold, secure, or use any property or papers, in violation of, or in aid of the violation of, any law of the United States, or of any treaty of the United States, or of the rights or obligations of the United States under the law of nations, shall be fined not more than $1,000 or imprisoned not more than five years, or both, in the discretion of the court.

Mr. NELSON. Mr. President, to harmonize that section with secton 1, the word "penal" should be inserted, in line 5, between the word "any" and the word "law." Such an amendment was made in section 1 on motion of the Senator from Montana [Mr. WALSH], and the same word should be inserted here. It would then read "of any penal law of the United States."

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The SECRETARY. In the amendment of the committee, on page 37, line 5, before the word "law," it is proposed to insert the word "penal," so as to read, "or in aid of the violation of any penal law of the United States."

The PRESIDING OFFICER. The amendment to the amendment is agreed to without objection. The Chair hears no objection.

Mr. CUMMINS. Mr. President, I desire to give notice that when the bill reaches the Senate I shall offer a substitute for section 7, which will be coupled up more directly with section 1.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment as amended.

The amendment as amended was agreed to.

Mr. THOMAS. Mr. President, I offer an amendment proposing a new section, to be known as section 9, to this chapter, which I ask to have considered now.

The PRESIDING OFFICER. The Secretary will state the amendment.

The SECRETARY. On page 37, after line 12, it is proposed to insert the following:

SEC. 9. Sections 125 and 126 of the Criminal Code of the United States shall apply to and embrace all persons making oath or affirmation under the provisions of this act or any of them and shall be subject to all the pains and penalties of said sections 125 and 126.

Mr. THOMAS. That amendment, Mr. President, is designed to apply the statutes concerning perjury and the punishment therefor to this chapter. I do not think that it is necessary, but I think, out of abundance of caution, it should be done.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Colorado.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on the Judiciary was, on page 37, after the amendment last agreed to, to insert:

CHAPTER XII.

USE OF MAILS.

SECTION 1. Every letter, writing, circular, postal card, picture, print, engraving, photograph, newspaper, pamphlet, book, or other publication, matter, or thing, of any kind, in violation of any of the provisions of this act, or intended or calculated to induce, promote, or further any of the acts or things by any provisions of this act declared unlawful, is hereby declared to be nonmailable matter and shall not be conveyed in the mails or delivered from any post office or by any letter carrier.

SEC. 2. Every letter, writing, circular, postal card, picture, print, engraving, photograph, newspaper, pamphlet, book, or other publication, matter or thing, of any kind, containing any matter of a seditious, anarchistic, or treasonable character, is hereby declared to be nonmailable.

SEC. 3. The Postmaster General may, upon evidence satisfactory to him that any person, concern, association, or company is engaged in using the mails for the circulation or dissemination of any matter by this act declared to be nonmailable, forbid the use of the mails by any such person, concern, association, or company.

SEC. 4. Whenever any property or papers shall be seized and delivered to the Government for the transmission of any matter declared by this chapter to be nonmailable shall be fined not more than $5,000 or imprisoned not more than five years, or both. Any person violating any provision of this chapter may be tried and punished either in the district in which the unlawful matter or publication was mailed, or to which it was carried by mail for delivery according to the direction thereon, or in which it was caused to be delivered by mail to the person to whom it was addressed.

SEC. 5. An order of the Postmaster General forbidding the use of the mails in any case under the provisions of this chapter shall be subject to review by injunction proceedings instituted in the Supreme Court of the District of Columbia.

During the reading of the amendment,

Mr. POMERENE. Mr. President, I desire to offer a suggestion to the Senator in charge of the bill. Section 2 of the amendment just read forbids the mailing of "any matter of a seditious, anarchistic, or treasonable character." I suggest inserting the word "libelous" as well.

The PRESIDING OFFICER. The Chair inquires of the Senator from Ohio where he desires to have the word inserted?

Mr. OVERMAN. Mr. President, will the Senator withhold that amendment for a few moments?

Mr. POMERENE. Very well.

After reading of the amendment was concluded,

Mr. OVERMAN. I shall ask that section 5 be stricken out, as it is useless. I notice from the decisions of the Supreme Court of the United States that this question has been passed upon, and it has been decided that the Federal courts have jurisdiction in any State of the Union to review the decision of the Postmaster General in refusing admission to the mails. I therefore ask that section 5 be stricken out.

The PRESIDING OFFICER. The Senator from North Carolina moves that section 5 be stricken out.

Mr. CUMMINS. Mr. President——

Mr. OVERMAN. I will repeat, for the benefit of the Senator, that section 5 is not necessary to this bill. I find from the decisions of the Supreme Court of the United States that the Federal courts have jurisdiction to review the orders of the Postmaster General refusing admission to the mails.

Mr. CUMMINS. Mr. President, I did not rise for the purpose of discussing that matter. It may or may not be that the courts have power to set aside an order of the Postmaster General forbidding the use of the mails to certain persons who have been guilty, as alleged, of the offense of mailing nonmailable matter. I am opposed to the chapter for much broader reasons than the difficulty of a review in the courts. This chapter gives to the Postmaster General, or to any postmaster, the authority to refuse to carry or transmit anything that, in his judgment, either violates any of the provisions of this act or which is "intended or calculated to induce, promote, or further" any of the things that are declared by the act to be unlawful.

Mr. President, I protest against the extension of the power of an administrative officer to that extent, whether it be the Postmaster General, or whether it be the postmaster of some specific place, or whether it be an inspector of the Post Office Department. The words, "or intended or calculated to induce, promote, or further any of the acts or things by any provision of this act declared unlawful" are without limit. It is simply a matter for the post-office official to determine for himself whether a given article, a given letter, a given circular, a given newspaper is "intended or calculated to induce, promote, or further" any of the violations which are designated in the preceding 11 chapters which create a great variety and a great number of additional offenses.

Mr. THOMAS. Mr. President, the Senator will notice that it is not an emergency chapter.

Mr. CUMMINS. Oh, no. This has nothing whatever to do with the war. This is declared now to be a part of the general policy of the United States.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Idaho?

Mr. CUMMINS. I yield.

Mr. BORAH. How would the Postmaster General determine all these things except upon the theory that the bill authorizes him to open any and every letter that goes through the post office?

Mr. CUMMINS. Undoubtedly it authorizes him to do that. There is no other way in which he could exercise the authority that is here given to him. He can open every newspaper, every pamphlet, every circular, every letter deposited in the mail, and then it is for him to reach a conclusion upon this question. For instance, does this paper or circular or letter tend to induce or promote the violation of the rights of the United States under the law of nations, or it is calculated to promote the violation of some treaty of the United States, and so forth.

Mr. THOMAS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Colorado?

Mr. CUMMINS. I yield to the Senator from Colorado.

Mr. THOMAS. If the Senator will permit me, I think that the powers of the Postmaster General under section 3 go even further than that. He can do all these things or any of them upon evidence that is satisfactory to him. The Senator from Iowa might be a publisher of a newspaper which entered into competition with a newspaper which I might be publishing, and he might indulge in criticisms or statements or comments which I, as an enemy of his, would take advantage of, or could take advantage of, to represent to the Postmaster General as being in violation of the provisions of this section; and the Postmaster General, having confidence in me, and being suspicious of the Senator, might act upon that as evidence satisfactory to him and prohibit from access to the mails the Senator's newspaper or letters or any other documents which might fall within the inhibition of the chapter.

Mr. CUMMINS. The Senator from Colorado is quite right. The action of the Postmaster General or of the Post Office official is ex parte entirely; the hearing, the examination, the investigation are ex parte. The person who is interested, or whose privileges are affected by the acts of the Post Office officials, is not present; he has no right to be present, and the law does not require that he shall be notified. It is simply establishing an espionage and censorship, which I think can not be comprehended by those who are silently sitting by and allowing such legislation to pass, or they would rebel against it. We are not only reenacting here all the dangers of the so-called espionage chapter of the bill but every other chapter of the bill, and we are creating the Postmaster General or the inspectors or the postmasters the judges, not only of the infraction of the law but we are committing to them the duty or the discretion to determine whether the matter that is sought to be carried in the mails is "calculated to induce, promote, or further" any violations of the law.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Idaho?

Mr. CUMMINS. I yield.

Mr. BORAH. I should like to ask the Senator from Iowa just what the word "seditious" means? I have found it very difficult to find a definition of the word "seditious," as laid down by the courts, which has really any limitation. Of course, the courts have held certain things to be seditious, but they have not defined just what "sedition" means in its full extent.

I noticed the other day that a paper published in San Francisco was denied the mails because it published an editorial criticizing the President. I presume that in time of war the Postmaster General would be likely to come to the conclusion, honestly enough, that a criticism of any one of the departments which has to do with the carrying on of the war was seditious.

If this measure passes, therefore, in its present form there is no use to worry about the censorship of the press, for that will be lodged absolutely in the hands of the Postmaster General.

Mr. CUMMINS. Mr. President, I think no one would be rash enough to attempt a definition of the word "seditious" as employed in this chapter. In criminal law the word has been applied; but I take it that the word "seditious," as used here and as used in common parlance, would embrace any letter or publication that would unreasonably, if you please, criticize the Government; anything that might stir up dissension, discontent, disaffection, in or among the people of the country.

I would not so much object to a prohibition against sedition. I think if the accusation for sedition were made in the way common and known to the criminal law, and before a judge of learning in the law, and of the standing which judges ought to have and usually do have among the people, there would be no great danger; but you are here committing the discretion to the post-office inspector, who tries the accusation of sedition and determines whether the communication or the matter deposited in the mail, no matter what its character may be, is seditious; and if he finds it to be seditious he eliminates it from the mail, and there is no adequate remedy whatsoever for his acts.

If the Postmaster General were to issue an order prescribing a certain character of literature or a certain publication issued by a certain person or corporation, and saying that that person or corporation could not longer send that literature through the mail, there might be a remedy, a very long-delayed and ineffective remedy; but there is no remedy for the destruction of the nonmailable matter which passes through the mails from day to day.

Mr. KING. Mr President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Utah?

Mr. CUMMINS. Certainly.

Mr. KING. I agree with very much of what the Senator has said, and as this chapter is now written I shall not vote for it; but I desire to ask the Senator if he does not think there should be some statute enacted by which publications that denounce the laws of the United States, and urge their constant infraction, ought to be prohibited from being carried through the mails of the United States?

Mr. THOMAS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Colorado?

Mr. CUMMINS. I do.

Mr. THOMAS. Does the Senator mean all the laws, or some particular law? I know a good many laws that ought to be denounced.

Mr. KING. With the permission of the Senator from Iowa, I will ask the Senator from Colorado if he thinks the Government of the United States ought to be the instrumentality for the denouncement of its own laws; that it ought to furnish the instrumentality by which every man who seeks to undermine the Government and destroy the authority of its officials may have these publications carried throughout the United States?

Mr. THOMAS. I do not think so, but I think the limitations that you seek to put upon such matter going through the mails will be productive, in all probability, of far more injury and damage to the common mass of our citizenship than they will prove to be of benefit to the country.

Mr. KING. One other question——

Mr. CUMMINS. If I may further answer the question put by the Senator from Utah, I do not agree with him with regard to the matter. I have rather severely criticized the chapter which has just been adopted, namely, the chapter enlarging our procedure with regard to search warrants; but I would think that my Government was rather tyrannical and unreasonable if it refused to send my speech through the mails if I were to pay the postage upon it as provided by law. I do not believe that is the way to reach offenses of that kind. If any person is guilty of any crime against the United States in either saying or publishing particular matter, he ought to be punished as a criminal, but his punishment ought not to be handed over to the ill-considered ex parte proceeding carried on by a post-office inspector.

Mr. JOHNSON of California. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from California?

Mr. CUMMINS. I do.

Mr. JOHNSON of California. With the permission of the Senator who has just addressed the Senate, I should like to answer, in just a word, the query that was put by the Senator from Utah. That query, as I understand it, was, Did we believe that the Post Office Department or the Government of the United States should be the means for the transmission of that which denounced the laws or denounced the policy of the Government of the United States? The answer is found in the answer to the question, To whom does the Government of the United States belong? If it belongs to all the people, it should be the means for the transmission of the expression of the views of all the people of the United States. If it belongs to but a part of the people, it should be the means for the transmission of the views of but a part of the people of the United States.

Mr. OVERMAN. Mr. President, will the Senator from Iowa allow me to suggest a matter to the Senator from California?

Mr. CUMMINS. I yield for that purpose.

Mr. OVERMAN. What would the Senator say about this paper, which is now being circulated through the mails?—

Workers, refuse to take up arms against the workers of any country! If the Government forces you into the Army, use their guns against them to overthrow their power and to emancipate yourselves from slavery.

Mr. JOHNSON of California. I would say that such a document was rot and was nonsense, and that it was a document to which no man with any degree of sanity would for one instant give the slightest recognition or the slightest credence; but I say, as well, that any citizen of the United States has the right freely to express his views within the constitutional limitations, and any newspaper in the United States has the right freely to express its views within the constitutional limitations.

Mr. OVERMAN. The Senator thinks, then, that a man who is guilty of treason, a traitor, would have the right to publish a paper in this country and have it circulated?

Mr. JOHNSON of California. The Senator asks whether a man guilty of treason would have the right to publish papers?

Mr. LEWIS. Mr. President——

Mr. OVERMAN. To publish papers and circulate treasonable matter in the mails.

Mr. JOHNSON of California. I am not speaking in the slightest degree of circulating treasonable matter in the mails. I am speaking of the indefinite designation by some particular official of the Government of what may be seditious or treasonable. When you leave uncertain the determination of what may be seditious, and without definition give to some subordinate official the power by his mere ipse dixit to make a citizen a felon, you have strayed far from democracy and American ideas of freedom. The Senator from North Carolina and the Senator from Iowa and the Senator from Utah, able and experienced as they are in any given case, might disagree. Whose determination, then, among these three Senators is the one that should ultimately decide what would be seditious and what should be transmitted in the mails?

Mr. OVERMAN. Why, Mr. President, no man on earth would say that that was not treasonable matter.

Mr. BORAH. Mr. President, may I make a suggestion?

Mr. CUMMINS. Yes.

Mr. BORAH. No man would say that that was proper material to be transmitted; but the danger lies in the fact that there is no limitation, except what the ex parte judge may say, as to what may not be transmitted.

Mr. OVERMAN. I appreciate the point. I wish we could amend this. There are certain papers that I should like to stop from going through the mails. There is a paper circulating in the South, I am told in a telegram, advising the negroes of the South that now is the time for them to rise up, slay the white people of the South, and take charge of the Southland.

Mr. LEWIS. Mr. President, may I interrupt the Senator?

Mr. JOHNSON of California. You have upon your statute books, if the Senator will permit me to suggest, various penal statutes which will enable you to deal with anything that incites to riot and the like.

Mr. OVERMAN. Would not the Senator from California forbid that kind of a paper from going through the mails, circulating among the poor colored men of the South?

Mr. JOHNSON of California. Oh, possibly so; but that is wide from this particular issue and far apart from the matter that we are discussing here.

Mr. OVERMAN. I want to narrow it down, if possible. I do not want to make it too broad, but such treasonable matter as that ought to be stopped from going through the mails. I do not see how anyone could object to stopping that kind of stuff from going through the mails. The paper is now being circulated from New York, and why should we let a paper like that circulate among the poor negroes of the South, urging them to rise up and slay the white people?

Mr. JOHNSON of California. Nobody who is advocating what we advocate in respect to this particular chapter would for one instant contend that that sort of thing should be per-

mitted any wide dissemination; but that is not the question that is presented here at all. The question is much broader and much deeper; and neither of us—and that, after all, is a point that is fundamental in democratic government—can take upon ourselves the determination of what ought and what ought not to go through the mails. There must be, in a statute such as this, ample designation and ample description before any such statute should be permitted to become, in any degree, a part of the law of the land.

Mr. LEWIS. Mr. President, will the Senator allow me?

The PRESIDING OFFICER. Does the Senator from Iowa now yield to the Senator from Illinois?

Mr. CUMMINS. Mr. President, while I would prefer to go on, I yield to the Senator from Illinois if he desires to interrupt me.

Mr. LEWIS. I should like to ask the able Senator who has charge of this bill and the Senator from Iowa, if the construction be accurate that is placed upon the measure by the Senator from Idaho and the Senator from Utah and the Senator from Iowa, could the speeches of a Senator who might oppose the policy of the Government in the exercise of his duty as a Senator be made the subject, under this provision, of the postmaster's right to open, read, and conclude in his opinion that such matter was seditious, and therefore he would not circulate the expressions of the public representatives?

Mr. THOMAS. Why, certainly.

Mr. CUMMINS. That is the purpose of the law.

Mr. LEWIS. Does the Senator feel—and may I ask the Senator from North Carolina if he agrees—that the provision would probably permit the postmaster to stop the delivery of the CONGRESSIONAL RECORD, for instance, containing the speeches of a Senator, because he objected to the sentiments therein contained, and thought they were, in his judgment, seditious, or that they opposed the policy of the Government?

Mr. OVERMAN. I do not think so. I do not think he would attempt to stop the CONGRESSIONAL RECORD from going through the mails, or any copy of it.

Mr. CUMMINS. I do not know. I think there are copies of the CONGRESSIONAL RECORD which might very easily fall within the operations of this chapter.

Mr. OVERMAN and Mr. THOMAS addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Iowa yield, and to whom?

Mr. CUMMINS. Who desires to interrupt me?

Mr. OVERMAN. I should like to ask the Senator from Illinois a question.

Mr. CUMMINS. I had yielded to the Senator from Illinois.

Mr. OVERMAN. I ask the Senator from Iowa to let me ask the Senator from Illinois a question.

Mr. CUMMINS. I yield to the Senator from North Carolina.

Mr. OVERMAN. I will ask the Senator from Illinois if he thinks this ought to go through the mails:

> But, alas! here are two flags, one colored with stars and stripes, and side by side a black one, with a white inscription: "Men wanted for the Army." That is, food for the cannon is wanted to protect the colored, useless rag.
>
> What is the significance of a national flag? Every national flag is a symbol of bondage, oppression, an attack on other nations, rape, force, and fratricide.

Mr. LEWIS. Mr. President, I would say to the Senator that at times like these I would not allow such matter to go through the mails; but because such matter ought to be prohibited, I ask the Senator whether he thinks a clause so general as to permit the postmaster also to prohibit the mere expressions of a public representative should be enacted into law?

Mr. OVERMAN. I have just said that if we could confine it to matters of that kind—treasonable matter, anarchistic matter—I should be glad to do so.

Mr. LEWIS. That would meet my approval. I fear a provision of this breadth.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Idaho?

Mr. CUMMINS. I yield.

Mr. BORAH. The Senator from North Carolina has given one extreme example. Now, let me give another from the other extreme.

I read in the New York Sun, under date of April 28, that some one had censored "The Star-Spangled Banner," and that the fourth verse of "The Star-Spangled Banner" was, in official life, to be left out hereafter, because it might ruffle the relationship with one of our allies. Now, that was published in the New York Sun as an authoritative statement.

Mr. OVERMAN. Does the Senator think that the authority given here in this statute would authorize the Postmaster General to stop it in the mails?

Mr. BORAH. Well, Mr. President, I said a few moments ago that if this law passes as it is written there, we need not stop to discuss the other provision of this bill with reference to censorship of the press, when you have a better censor in the Postmaster General than you can get in anybody else, so far as this situation is concerned. I can not imagine why the fourth verse was left out of "The Star-Spangled Banner" unless it was supposed to be, under the peculiar circumstances which now surround us, seditious.

Mr. WATSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Indiana?

Mr. CUMMINS. I yield.

Mr. WATSON. Who has authority to omit a stanza?

Mr. POINDEXTER. Mr. President, I can answer the question of the Senator from Indiana. Everybody, every individual citizen in the United States, has authority to omit one stanza, or two. I think it is very largely a matter of good taste.

Mr. WATSON. It is very largely a matter of ability to sing it, I think, so far as that is concerned.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Idaho?

Mr. CUMMINS. I do.

Mr. BORAH. The Senator from Washington is correct if it is left to me to exercise my own judgment; but if I happen to be a member of the Army, the Navy, or in official life in some other way, and if I desire to sing the fourth verse, I do not want somebody else to tell me that I must not do it, lest I be reprimanded.

Mr. POINDEXTER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Washington?

Mr. CUMMINS. I do.

Mr. POINDEXTER. I agree with the Senator in that. I think it is execrable judgment and lack of taste.

Mr. WALSH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Montana?

Mr. CUMMINS. Mr. President, I hope we will not be drawn from the real point in controversy. I yield to the Senator from Montana.

Mr. WALSH. Mr. President, my attention was attracted by a remark made by the Senator from Idaho to the effect that what he objected to was allowing an individual down here in the department to judge of this matter. I call attention to the fact that we have reposed in the Postmaster General a vast power in connection with this matter, and I invite the attention of the Senator from California to the fact. We make unmailable matter that is calculated to defraud or to aid in a scheme to defraud. Likewise, we make unmailable obscene matter. Often it is difficult to tell whether a particular paper falls within the condemnation of either of these statutes, and we have found it necessary to repose in the Postmaster General the power to decide.

Now let me inquire of the Senator from California, with the permission of the Senator from Iowa, whether it is not quite proper to authorize the Postmaster General to exclude from the mails papers intended to incite people to commit crimes? Would the Senator from California deny to the Postmaster General the right to exclude from the mails papers calculated to incite the commission of crimes?

Mr. JOHNSON of California. Under which designation, if you please?

Mr. WALSH. I do not want to discuss the language of the statute now; but I understood the Senator from California to object to leaving this matter to the decision of the Postmaster General.

Mr. JOHNSON of California. Surely.

Mr. WALSH. Then the Senator would object, as I understand him, to a statute——

Mr. JOHNSON of California. I would object to leaving the determination of what might be a political question, what might be the dividing line upon a question of social policy, and the like, to any particular official.

Mr. WALSH. Why, Mr. President, there is not any controversy between the Senator from California and myself about that. That was not the question. The question I addressed to the Senator from California was whether he objects to giving to the Postmaster General power to exclude from the mails papers which are calculated to incite the commission of crimes.

Mr. JOHNSON of California. It would depend entirely upon the language of the particular enactment—wholly so.

Mr. WALSH. I understand the Senator, then. The Senator would be quite willing to allow the passage through the mails of

papers that are calculated to incite the commission of certain crimes?

Mr. JOHNSON of California. No; I beg the Senator's pardon. Of course, I do not dispute that the distinguished Senator understands me in that particular way; but, if so, he is laboring under a misapprehension entirely. I would insist upon such designation, if it were attempted, upon such definition that the ordinary man might be able to know the particular offense with which he is charged; I would leave to no subordinate the power to determine what might be "calculated" to incite crime. But all of that begs the particular question here. When you use the terms "seditious" and "anarchistic," you get into a realm that is far different from that which the Senator from Montana is discussing, and that particular realm is one where we should be particularly careful in the determination of just exactly what we mean.

Mr. WALSH. Mr. President, I felt very sure that when the Senator from California reflected upon this matter he would find no reason to deny to the Postmaster General the right to exclude from the mail matter calculated to incite or induce the commission of crimes of any character. As I understand the Senator, the bill before us does not reach the case that he has in mind at all. Now, I would not care to intrust to the Postmaster General the right to say whether certain matter was anarchistic or socialistic or contravened certain social principles. That is not the question. The question is, when the law denounces a certain thing as a crime, Should the Postmaster General be authorized to exclude matter that is calculated to incite the commission of a crime?

Now, I agree with the Senator that, speaking with reference to section 1, the language might perhaps be made very much more specific and definite; but the general principle can not be disputed that we must vest the Postmaster General with power to exclude matter of this kind from the mails.

Mr. JOHNSON of California. May I ask the Senator from Montana whether he means to exclude matter of a seditious, anarchistic kind, as designated in this particular act?

Mr. WALSH. I do not find anything of that kind in the bill.

Mr. JOHNSON of California. Why, it is in section 2. That is the section about which we are talking.

Mr. WALSH. Oh! I was speaking about section 1.

Mr. JOHNSON of California. I see from what is said that there is no difference between the Senator from Montana and myself. He was not aware, however, of the particular matter which we were discussing and the particular words to which our attention had been devoted.

Mr. STERLING. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from South Dakota?

Mr. CUMMINS. Mr. President, I should like to go forward with my observations.

Mr. STERLING. If the Senator will indulge me just a moment for a question.

Mr. CUMMINS. I yield; but I hope it will be confined to a question.

Mr. STERLING. I understood the Senator from California awhile ago in his general discussion to oppose section 1 of this chapter.

Mr. JOHNSON of California. I have been speaking entirely of section 2.

Mr. STERLING. I should like to ask the Senator from California, then, in view of what he said in regard to section 2, whether he objects to making nonmailable the matter specified in section 1?

Mr. JOHNSON of California. Of course I do. The words are:

> Intended or calculated to induce, promote, or further any of the acts or things by any provision of this act declared unlawful.

Why, language like that is so broad that it might include any conceivable act of any individual which might be construed by some other individual to have promoted the infraction of some particular part of the act. And I now have pending before the Senate a motion to strike out a part of the general bill containing some of these crimes which are to rest entirely in some official's mind.

Mr. STERLING. By the other provisions of this act, I will say to the Senator from California, the Senate, in Committee of the Whole, declared that certain acts are unlawful. They are crimes and offenses against the United States. Now, does the Senator believe that matter intended to induce, promote, or further the commission of any of those acts should be mailable?

Mr. JOHNSON of California. The Senator is not aware—with the permission of the Senator from Iowa, and then I will not trespass again upon his time—that I have pending a motion to strike out a part of that which has already been passed, and it doubtless will be argued on Monday. It will then, in this fashion, answer his inquiry, I think.

The PRESIDING OFFICER. The Senator from Iowa has the floor.

Mr. CUMMINS. If there is no other Senator who desires to speak, I will continue my observations upon this chapter.

It will be seen that the first section gives to the Postmaster General or any officer of the Post Office Department who happens to be in the custody of the mail the right to exclude anything that in his judgment is calculated to induce, promote, or further any of the acts which are forbidden in the 11 preceding chapters. The Senator from Montana referred to the present statute, which makes nonmailable matter calculated to induce fraud or, I think, to obtain money upon false pretenses. I know it is difficult to draw the line of safety, but I suppose the Senator from Montana and everybody in the Senate knows that there have been many, many instances of the most grievous injustice perpetrated under that statute. I know myself. It happened to come to me before I became a Member of the Senate. I know of three instances in which honest, straightforward, upright citizens conducting a perfectly legitimate business were ruined by the orders of the Postmaster General excluding the matter which it was proposed to mail from the mails and forbidding not only the transmission of the particular matter pertaining to the subject in hand but forbidding the citizen any use of the mails, no matter how innocent the subject might be.

Mr. WALSH. Would the Senator from Iowa suggest a repeal of that statute?

Mr. CUMMINS. I would be willing to change it mightily. I have no doubt there ought to be a hearing had and opportunity to exclude such matter from the mail, but I am entirely unwilling to submit the question to an obscure official of the Post Office Department to investigate and act without any opportunity whatever for those who are interested to be heard until after the decision is reached, and then it is practically impossible to secure a reversal of the finding already made.

Now, remembering that, but not understanding me to desire that the mails shall have no protection whatever, I refer to the scope of this first section of chapter 12, "calculated to induce, promote, or further any of the acts or things by any provision of this act declared unlawful." Immediately before chapter 12 we find the section that we have been discussing:

> Whoever shall knowingly and willfully hold, secure, or use any property or papers, in violation of, or in aid of the violation of, any law of the United States, or of any treaty of the United States, or of the rights or obligations of the United States under the law of nations, shall be fined not more than $1,000 or imprisoned not more than five years, or both, in the discretion of the court.

We give here to the Post Office Department the right to determine secretly whether any particular communication or paper is calculated further to induce or promote the violation of the section I have just read. The breadth of the discretion reposed in the official of the Post Office Department is apparent; it is unsafe. It never ought to be established as the law.

Mr. FLETCHER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Florida?

Mr. CUMMINS. I yield to the Senator.

Mr. FLETCHER. How would the Senator regard a change from the use of the word "act" to the word "chapter," so that violations punishable here would be limited to those mentioned in this chapter?

Mr. CUMMINS. There are none mentioned in the chapter except——

Mr. FLETCHER. Oh, yes. "Every letter, writing, circular, postal card, picture, print, engraving, photograph, newspaper, pamphlet, book, or other publication, matter, or thing of any kind containing any matter of a seditious, anarchistic, or treasonable character, is hereby declared to be nonmailable." And then provision is made for the punishment of anybody using the mails in the distribution of nonmailable matter. That covers the whole ground, it seems to me.

Mr. CUMMINS. The chapter would mean nothing, then. I would greatly prefer it as compared with the present chapter. There is no prohibition other than is found in the words I have read.

Mr. FLETCHER. Section 1 provides that "every letter, writing," and so forth, "of any kind in violation of the provision of this chapter is hereby declared to be nonmailable and shall not be conveyed or delivered," and so forth. Now, would the words "provided in this chapter"; that is, "every letter, writing, circular, postal card, picture, print, engraving," and so forth, "con-

taining any matter of a seditious, anarchistic, or treasonable character, is declared to be nonmailable" improve it? You provide in section 1 that none of that material shall be admitted to the mails; it is nonmailable.

Mr. CUMMINS. There is no use to declare it nonmailable twice; it is declared nonmailable in the second section.

Mr. FLETCHER. It is declared nonmailable in the second section, but in section 4 "whoever shall use or attempt to use the mails or Postal Service * * * for the transmission of any matter declared by this chapter to be nonmailable" is punishable by fine and imprisonment.

Mr. CUMMINS. I think that it would very greatly improve the chapter if section 1 were stricken out, and that would be the effect of the suggestion just made by the Senator from Florida, as I look at it.

Mr. FLETCHER. There is another thought in this connection, and it may meet the objection raised by the Senator from California [Mr. JOHNSON]. In case a person should mail one of these letters which the Postmaster General would declare to be nonmailable and an inspector swears out a warrant against him and he is arrested, it is then for the court to determine; it is not for the Postmaster General to say whether he shall be punished or not; it is for the court to determine whether he has used the mails in transmitting nonmailable matter, and then the letter is to be offered to determine whether it is nonmailable within the meaning of section 2.

Mr. CUMMINS. Suppose he is not arrested; what becomes of the letter?

Mr. FLETCHER. He is forbidden the use of the mails on the order of the Postmaster General.

Mr. CUMMINS. Suppose he is not arrested and the letter or communication is not sent; the communication is destroyed?

Mr. FLETCHER. He would have to proceed under the law now existing to enjoin the Postmaster General.

Mr. CUMMINS. From what?

Mr. FLETCHER. For interfering with his mail.

Mr. CUMMINS. For refusing to send the letter?

Mr. FLETCHER. Yes.

Mr. CUMMINS. To me that remedy is almost grotesque.

Mr. KING. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Utah?

Mr. CUMMINS. I yield.

Mr. KING. Before the Senator leaves the matter he is discussing, I wish to inquire whether I understood his answer correctly in response to the question propounded by the Senator from Colorado. As I understood the Senator from Iowa, he stated that as he interpreted this proposed statute, it would give authority to the Postmaster General to invade the secrecy of any letters or papers that were placed in the mail for transmission.

I wish to ask the Senator from Iowa if he is not mistaken in that view, if I interpreted his answer correctly; and if not this statute parallels the statutes of the United States with respect to the matter to which the Senator from Montana referred.

If I may go a little further the court in the ex parte Jackson case states with respect to that class of matter that:

> The constitutional guaranty of the right of the people to be secure in their papers against unreasonable searches and seizures extends to their papers, thus closed against inspection, wherever they may be. While in the mail, they can only be opened and examined under like warrant, issued upon similar oath or affirmation, particularly describing the thing to be seized, as is required when papers are subjected to search in one's own household.

The point I am trying to make——

Mr. CUMMINS. That ought to be the law, but it is not the practice.

Mr. KING. That section is the law, I understand. I ask the Senator from Iowa if the proposed chapter would change in any way the law as it has been expounded by the Supreme Court of the United States?

Mr. CUMMINS. I doubt whether that is the law at present or ever was—I mean the law that governs the post-office inspectors. The Senator from Utah knows perfectly well that they do not swear out a search warrant in order to get possession of a letter. There is no provision in the law for a search warrant, as I remember it, to secure possession of letters in the custody of the mails. Is there, I ask the Senator from Utah?

Mr. KING. Replying to the Senator from Iowa, I think there is no specific statute. I am not sure how far there is any statute with respect to search warrants and seizures. For that reason the chapter to which attention has been given this afternoon seems to me to be necessary to be passed, or one of like import.

Mr. CUMMINS. Mr. President, we have already discussed section 2 in sufficient detail and I now read section 3, which still, I think, is more severe in its operation:

> SEC. 3. The Postmaster General may, upon evidence satisfactory to him that any person, concern, association, or company is engaged in using the mails for the circulation or dissemination of any matter by this act declared to be nonmailable, forbid the use of the mails by any such person, concern, association, or company.

That means that not only is objectionable matter to be excluded from the mail or taken from the mail and destroyed, but that the person who has attempted to use the mail for any such purpose shall not be permitted to use it for any purpose, however legitimate or honest.

I know that is the law at the present time with regard to certain classes of nonmailable matter, but when you broaden the judgment or discretion of the Post Office Department so as to take in practically everything that relates to our political, social, and industrial life, I very respectfully submit that we ought not to impose a penalty of that kind upon one who is so unfortunate as to attempt to send through the mail matter which does not meet the approval of the Post Office Department.

It is the purpose, of course, of this chapter, as it has been the purpose of all the legislation for the last three years, to draw within the authority of the executive department all powers of government. This is but a part of a broad, general, and comprehensive effort to change, as I think, the whole character of the Government. I am opposed to it. I am opposed to it fundamentally and essentially. I am not opposed to laying upon the individual the most stringent penalties for a violation of the law; but I believe when the citizen is accused he has a right to a trial, an open, public trial, with an opportunity to present his evidence before he is condemned, before the penalty is exacted from him. This chapter denies him any such opportunity, and it ought not to be adopted.

Mr. THOMAS. Mr. President, the Senator from Iowa [Mr. CUMMINS] has, I think, expressed the views which I entertain regarding this chapter so completely as to make any very extended discussion of it unnecessary on my part. I merely wish to add my approval of his criticism and to call attention to some few of the probable consequences of the enactment of this chapter in its practical application to conditions as they will be unfolded during the progress of the war.

There can be no question that the purpose sought to be subserved by the committee in reporting this chapter is a most important and serious one, the design being to prevent the use of a public agency for the dissemination of treasonable matter. There is, no doubt, a difficulty, too, perhaps almost insuperable, in the task of framing sections carrying out that purpose thoroughly and completely without at the same time trenching upon some of the fundamental rights of the citizen. Hence, I have the most abundant sympathy for the committee's bill with regard to the object which it has sought to accomplish and the difficulty of accomplishing it through the use of printed language. But, Mr. President, I can not avoid the impression that if to accomplish that purpose it is necessary to enact a law as far reaching, as despotic, and as arbitrary as this must be, we had better regulate or attempt to regulate the evil which it is designed to destroy in some other way.

Now, this language is as comprehensive as any that can be found in the bill. It covers—

> every letter, writing, circular, postal card, * * * newspaper—

And so forth, which is—

> in violation of any of the provisions of this act, or intended or calculated to induce, promote, or further any of the acts or things by any provision of this act declared unlawful.

It is not an emergency proposition. It proposes the enactment of a permanent statute which will define and control and enlarge, as the case may be, the administration of the postal department in the future. Of course, that objection may be eliminated by appropriate amendment; but even during this period the crisis now confronting the Nation and which will be with us in all probability for an indefinite period, it is practically or may prove practically to be if not the destruction certainly serious injury to the very things which compelled us to take up arms in this mighty struggle.

Despotic authority can be created in a republic and sometimes is exercised in a republic without the sanction of law as well as in an autocratic despotism. The fundamentals of free government everywhere must be the exercise of free speech within proper limitation and freedom of the press, the right of the citizen to be exempt from searches and seizures, to meet in assemblies, and peaceably to petition. Without them free government is inconceivable. No such government has ever existed in their absence nor can it exist.

Criticism of the Government, of our public officials, is one of the healthiest elements of free government, one of the things

essential to keep it pure and to keep it free; and that is as true in times of war as it is in times of peace.

We have, of course, as everyone knows, elements in this country which are not only opposed to the war but which are inimical to the Government. We have other elements which are opposed to every government and which preach and practice anarchy. The war did not create this latter class. They have existed and have been organized for years. It is true the present opportunity is the most welcome one which they have thus far encountered. They may and probably will attempt to utilize it for the propagation and the exercise of their doctrines to a degree not hitherto attempted, and they ought to be suppressed.

I say that frankly. Indeed, the dissemination of documents, such as the Senator from North Carolina has called the attention of the Senate to, are in themselves treasonable acts, and as such ought to be punished by indictment, prosecution, and conviction independently of whether they are circulated through the mails or whether they are distributed in some other manner. The man who to-day counsels any of our citizens to resist the Government in its efforts to carry through this war successfully, who urges men to use the arms placed in their hands not against the common enemy but against the Government itself, is guilty of treason and should be punished accordingly.

If there is no law to meet such conditions, then let us enact one as speedily as possible. Of course that does not do away with the necessity of preventing the circulation of such doctrines through periodicals devoted to them, but, Mr. President, every document, every newspaper, every photograph, every letter which, in the opinion of the man who for the time being happens to be Postmaster General, tends to violate this chapter of the bill, can not only be excluded from the mails but the writer or sender of it may be forbidden the use of the mails for any purpose whatsoever. Then, Mr. President, the evil wrought by the legislation of this body will be far more serious and extensive, far more despotic and tyrannical, far more likely to be subject to abuse, than the information which is sought to be destroyed by this legislation.

Let us see how this would work. It has been an axiom of republics for centuries that absolute power can be intrusted with safety to no man. He may be the most benevolent man, the most highly educated, the most wise, the most statesmanlike, the most thoroughly devoted to republican principles of any man living, and yet clothe him with absolute power, and history teaches that sooner or later he will abuse it.

This invests, in my judgment, the Postmaster General with absolute authority over one of the greatest agencies, if not the greatest agency, for the circulation and distribution of intelligence that ever existed in this or in any other country. He can exclude, upon evidence satisfactory to him, letters and documents sought to be mailed by the Senator from Connecticut [Mr. BRANDEGEE] if, for any reason, I can convince him that the documents so sought to be mailed violate or tend to violate any of the provisions of this chapter. A certain class of newspapers in this country are devoted to denunciations of Catholicism as dangerous to the peace and welfare and integrity of the United States. Another class of newspapers—some of them brought into being by these attacks, others previously existing but brought into the arena of controversy—go to the other extreme, naturally driven thereto by the fierce resentment which all religious controversies must excite. Let us suppose that the Postmaster General for the time being in office may be a partisan upon one or the other side of the controversy. Naturally he sympathizes with the side with which he is affiliated; naturally he feels that the tenets and doctrines and publications of the other are treasonable. So we place in the hands of such a man, not only now but for all time, the power either to discriminate and exclude one set of publications from the mails and their publishers also from access to the mails for any purpose, while giving the other the widest latitude and permitting their pamphlets and periodicals to circulate without limitation. That is one instance, merely one illustration, of the extent to which the power we here propose to endow an official of the General Government with may go.

Mr. FLETCHER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Florida?

Mr. THOMAS. I yield.

Mr. FLETCHER. I desire to say that I can not conceive that this proposed statute would apply to the situation which the Senator from Colorado mentions, because I should suppose that matter would not come under the head of either "seditious, anarchistic, or treasonable character."

Mr. THOMAS. Why not?

Mr. FLETCHER. At any rate, what I arose to ask the Senator was, whether or not the bill as it now stands would be relieved of objection if section 3 were stricken out?

Mr. THOMAS. Of course, Mr. President, that unquestionably would be a relief. Still, the remaining sections are so obnoxious to my sense of justice, to say nothing of the violation of the protection afforded by the Bill of Rights in other directions, that I think it all ought to go out, or else that it should be much more extensively modified than the suggestion of the Senator from Florida would permit.

Reference was made some time ago to statutes which are designed to prevent the use of the mails for the circulation of literature, as it is called, relating to fraudulent schemes; and the Senator from Iowa [Mr. CUMMINS] called attention to the extent to which abuses under that very laudable scheme of legislation have extended. Why, Mr. President, in my State two of our most reputable citizens, men of character, men of integrity, men of the highest morality, are to-day under indictment, forsooth, because of the so-called violation of these laws as the outgrowth of an enterprise in the State of Florida, which my friend the Senator from Florida so well represents here. In my judgment they are absolutely innocent; but let that be established, as it doubtless will be, still there is the disgrace, the humiliation, the trouble, the expense, and, above all, the infinite injury to an enterprise which is as free from any scheme of dishonesty as an enterprise can be. What shall we say of the effect of the operation of that system of laws upon those who, through the resentment—the malice, if you please—or the mistaken judgment of the inspector, have been afflicted with so much punishment?

This chapter, if it is enacted into law, will necessarily create a new brood of inspectors, all eager and zealous not only to perform their duty but to demonstrate to the Government the absolute necessity to its welfare of their continued employment. The number of cases and instances of the violation of the law which they may be able to call to the attention of the department will probably be considered as the measure of their merit and the means of their promotion. As a result the mail of every suspected man and woman in this country must necessarily be opened and examined, in order to determine if the suspicions entertained, whether rightly or wrongly, of their purposes and objects are well founded. That in itself, Mr. President, is a monstrous situation. It may not be resorted to, and yet I can not escape the conviction that, if the law is to be effective at all, it can only be made effective through such a process.

The other methods of establishing to the satisfaction of the Postmaster General the existence of these things will not be sufficiently comprehensive to embrace all the varied features of violations of which this law is susceptible.

It was well said here by the Senator from Idaho [Mr. BORAH] that, if we pass this chapter, it will be of very little concern whether the espionage chapter passes or not. Pass this chapter and make it a part of the laws of the United States, and then appoint me to the office of Postmaster General, and I will take a contract to make the freedom of the press a byword and a sneer. I will give bond to build up or ruin any business man in the United States. I will assume the obligation, if you please, to determine what class of our taxpayers shall use the mails and what class shall be absolutely excluded from them. I will make it one of the greatest engines of tyranny and of arbitrary power that can be devised by the wit of man.

Now let me ask, assuming what I have stated to be correct, whether a law capable of producing such conditions should be enacted by the American Congress in this or any other crisis? I do not think so, Mr. President. I may be mistaken, but I am one of those who believe that it is just at times like this that the fundamental limitations upon arbitrary power written into our Constitution should be observed and strengthened.

Mr. VARDAMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Mississippi?

Mr. THOMAS. I yield.

Mr. VARDAMAN. I agree with the Senator very heartily, but I want to ask him if there is not a provision in this bill for appeal from the rulings of the Postmaster General?

Mr. THOMAS. There is; but the Senator from North Carolina [Mr. OVERMAN], when the discussion began, said that he would ask to eliminate it, because under the law as it stands the right of appeal would exist. But, Mr. President, the right of appeal is a very questionable remedy to an injured citizen. The processes of administering justice in this country are extremely expensive and exceedingly slow. The courts are crowded, and becoming more so all the time. A shrewd attorney—and there are many of them in the Government employ,

which is perfectly proper—thoroughly acquainted with rules and methods of procedure, may make an appeal, however meritorious, absolutely innocuous for several years, and, unless the court graciously permits the appeal to suspend the operation of the ruling, the interval between an appeal and its final establishment may result in the absolute ruin of the man whose affairs are affected.

Mr. TOWNSEND. Mr. President, before the Senator leaves that subject——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Michigan?

Mr. THOMAS. I yield.

Mr. TOWNSEND. Does the Senator agree with me that this particular chapter and several other chapters of the bill are not for a war emergency—are not based upon war conditions—but are for all time, until repealed?

Mr. THOMAS. I called the attention of the Senate to that fact, both by a suggestion to the Senator from Iowa [Mr. CUMMINS] when he had the floor, and since in my preliminary statement.

Mr. TOWNSEND. I was not in the Chamber at the time. Then I desire to ask a further question. Does the Senator believe that it would be possible to pass such legislation as this except under the pressure of war conditions?

Mr. THOMAS. I should dislike to believe so, Mr. President. It would be a great humiliation to me to believe that the Congress of the United States in times of peace could even be induced seriously to consider such a proposition.

Mr. VARDAMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Mississippi?

Mr. THOMAS. I yield.

Mr. VARDAMAN. May I suggest to the Senator from Colorado that it occurs to me that in abnormal times, such as we are passing through to-day, the freedom of the press, the privilege of the newspapers to criticize the acts of officials, and make suggestions touching public questions, so that by the attrition of ideas and the friction of suggestions the eternal truth may be evolved, is more necessary than in normal times? I owe nothing to the metropolitan newspapers. They have slandered and abused me incontinently, shamefully, but I will cheerfully bear it all rather than see the freedom of the press abridged in the slightest degree. Error is short lived, and any advantage obtained by it is ephemeral so long as truth and uncircumscribed discussion are free to combat it.

Mr. THOMAS. Why, Mr. President, it seems to me that that proposition does not admit of argument; it is self-evident. During the past month I have been the subject of as much severe adverse criticism by the press throughout the country—I will not say "as much," but of a great deal; not so much as some of my associates upon this floor have been, but to an unusual degree. Such attacks are not pleasant. One's family suffers more from them than does the victim himself; one's friends are more concerned about it, especially those near and dear friends who feel, and feel keenly, their injustice; but, Mr. President, I would rather have such criticisms multiplied a thousandfold in their intensity and in their frequency than to see the press of this country muzzled by legislation which would prevent it. It is one of the evils of the freedom of the press, Mr. President, which we must bear with as much equanimity as possible, since efforts to correct it must necessarily lead to the destruction of the expression of public sentiment, without which we can not exist as a Republic.

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Iowa?

Mr. THOMAS. I yield.

Mr. CUMMINS. I have no doubt that the Senator from Colorado had the distinction I am about to suggest in his mind when he spoke of the question of an appeal to the courts. Properly described, the process is not one of appeal. The only way by which the citizen who is aggrieved can reach the courts is to bring a bill in the proper jurisdiction asking for an injunction to restrain the Government official from doing the thing that he is about to do.

Mr. THOMAS. The Senator reminds me of a legal status which had escaped me; and I notice that such is the language of section 5, to which I referred in answer to the inquiry of the Senator from Mississippi [Mr. VARDAMAN], which is virtually the same thing.

Mr. CUMMINS. That remedy to the ordinary citizen and for the ordinary case is of little or no value.

Mr. THOMAS. It is practically prohibitive. The expense of it to the ordinary man is more than he can bear.

Mr. President, when interrupted I was about to refer to what I consider the greatest forensic argument that ever fell from human lips. I refer, of course, to the argument of the Hon. Jeremiah S. Black in the Milligan case, one of the gems, if it is not the principal gem, of legal literature; a speech that deserves to rank side by side with the speeches of Daniel Webster, in which he expounded the Constitution and made sure the foundations of our Federal structure. In that argument Judge Black used this language:

> But we are answered that the judgment under consideration was pronounced in time of war, and it is therefore, at least morally, excusable. There may or there may not be something in that. I admit that the merits or demerits of any particular act, whether it involves a violation of the Constitution or not, depend upon the motives that prompted it, the time, the occasion, and all the attending circumstances. When the people of this country come to decide upon the acts of their rulers they will take all these things into consideration. But that presents the political aspect of the case, with which, I trust, we have nothing to do here. I decline to discuss it. I would only say, in order to prevent misapprehension, that I think it is precisely in a time of war and civil commotion that we should double the guards upon the Constitution. If the sanitary regulations which defend the health of a city are ever to be relaxed, it ought certainly not to be done when pestilence is abroad. When the Mississippi shrinks within its natural channel and creeps lazily along the bottom the inhabitants of the adjoining shore have no need of a dike to save them from inundation. But when the booming flood comes down from above and swells into a volume which rises high above the plain on either side, then a crevasse in the levee becomes a most serious thing. So in peaceable and quiet times our legal rights are in little danger of being overborne, but when the wave of arbitrary power lashes itself into violence and rage and goes surging up against the barriers which were made to confine it, then we need the whole strength of an unbroken Constitution to save us from destruction.

Precedents, Mr. President, are serious things in a free government. They rise inevitably to sustain or to plague us in the future; and legislation like this, finding its only possible justification in the serious conditions by which we are confronted, may prove to be the basis for other invasions of absolute power upon rights which we do not appreciate because we have enjoyed them so long—rights which were wrested from arbitrary power through centuries of struggle, of sacrifice, and of bloodshed. Let us not, Mr. President, during these serious times prove unworthy sons of worthy sires, but guard this precious heritage bequeathed to us from the founders of the Government safely through the present tide of affairs that we may deliver it without injury to those who are to come after us.

I can not, Mr. President, do otherwise than to vote against this entire chapter, believing that the consequences with which we will be menaced in the event it becomes a law are far more serious, far more formidable, and far more dangerous to American liberty than can be the things at which it is aimed and which it is designed to destroy.

RECESS.

Mr. OVERMAN. I move that the Senate take a recess until 12 o'clock on Monday.

The motion was agreed to; and (at 4 o'clock and 45 minutes p. m., Saturday, May 5, 1917) the Senate took a recess until Monday, May 7, 1917, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

SATURDAY, *May 5, 1917.*

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Thou great Father-Soul, in whom dwelleth all wisdom, power, and goodness, impart unto these Thy servants of Thy substance; that they may be guided by wisdom, justice, equity, and truth in all the transactions of this day; that Thy will may be accomplished in them. In the Spirit of the Lord Jesus Christ. Amen.

The Journal of the proceedings of yesterday was read and approved.

ENROLLED BILL PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bill:

H. R. 2893. An act to amend section 10 of chapter 2 of the Criminal Code.

FOOD PRICES.

Mr. ASWELL. Mr. Speaker, I ask unanimous consent to extend my remarks on food prices.

The SPEAKER. The gentleman from Louisiana asks unanimous consent to extend his remarks in the RECORD on food prices. Is there objection?

There was no objection.

SLOVAK LEAGUE OF AMERICA.

Mr. RAMSEY. Mr. Speaker, I ask unanimous consent to have inserted in the RECORD resolutions adopted by Branch 87 of the

Slovak League of America, at Passaic, N. J., April 29, representing Bergen and Passaic Counties, N. J.

The SPEAKER. The gentleman from New Jersey asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

The resolutions are as follows:

Resolutions adopted at a mass meeting arranged by Branch 87 of the Slovak League of America, at Passaic, N. J., April 29, 1917.

In the present crisis of the Republic we, as representatives of the American people of Passaic, Wallington, Garfield, and Clifton, N. J., who are of Slovak descent, assembled to-day at a mass meeting under the auspices of Branch 87 of the Slovak League of America, at Passaic, N. J., declare to the Nation, State, and cities that the allegiance and patriotism of the Slovaks in America; to our leader, the President of the United States, Woodrow Wilson; to this our new adopted country and its unconquerable flag, is unswerving, undivided, and full hearted; and

Whereas the hearts of Slovaks in America, bleeding with pity for their unfortunate brethren who are suffering under the oppression of the cruel Austro-Hungarian Government and now are compelled to give their lives and their fortunes for the cause of their own oppressor; and

Whereas we in this free country are enjoying the priceless blessings of golden liberty for which we would look in vain in any other part of the world; and

Whereas President Wilson, in his war address to Congress on April 2, 1917, solemnly declared that our country would fight in the present world war for the "liberties of small nations" and to "make the world itself at last free"; and

Whereas the other great powers, now our allies, at war with the German Government, and practically at war with the Government of Austria-Hungary, under which we all had lived under oppression, have voiced their purpose to secure the rights and liberties of the small nations no less than of the great, and also of the Slovaks and Czechs (Bohemians): Therefore be it

Resolved, That we renew and accentuate our allegiance and loyalty to the United States of America, and that we shall support any measure that our President and Congress would deem necessary to take, and that we are ready with our lives and fortunes to support this our adopted country, to preserve her unity and freedom; and be it further

Resolved, That we express our heartfelt gratitude to our President, Woodrow Wilson, and our allies for their courageous and high stand favoring the freedom of small nations, and we assure them that our oppressed Slovak brethren under the Hungarian yoke shall never forget their gratitude as long as they live; and be it further

Resolved, That we extend our hearty greetings and welcome to the Right Hon. Arthur J. Balfour; to Gen. Joffre, the hero of the Marne; to the Hon. M. René Viviani, and the other commissioners from Great Britain and France, who are now with us in our country; and be it further

Resolved, That we send our hearty greetings and congratulations to our Russian brothers already liberated from despotism, and we pray that they may persevere in their hard and heroic struggle until final victory and help to liberate their oppressed Slavonic brothers in Austria-Hungary from oppression; and be it finally

Resolved, That copies of these resolutions be sent to His Excellency Woodrow Wilson, the President of the United States of America, to the members of the Cabinet, and all Governments of our high allies.

JOHN MARKO, *Chairman*,
ADAM J. ANDRASCIK, *Secretary*,
REV. C. L. ORBACH,
MICHAEL A. DAVALA,
Committee.

LEAVE TO EXTEND REMARKS.

Mr. BROWNE. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

FEDERAL RESERVE.

The SPEAKER. The House automatically resolves itself into the Committee of the Whole House on the state of the Union——

Mr. MANN. I think there should be a motion.

The SPEAKER. The other day the gentleman insisted that it was automatic.

Mr. MANN. And that was right the other day, too.

The SPEAKER. How could it be right then and wrong now?

Mr. MANN. The House then ordered consideration of it, and this time only made it in order.

Mr. GLASS. I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill amending the Federal reserve act—H. R. 3673.

The motion was agreed to.

The SPEAKER. The gentleman from Texas [Mr. GARNER] was presiding when this bill was under consideration the other day, but he is absent in attendance at a meeting of the Ways and Means Committee. The Chair will ask the gentleman from Illinois [Mr. FOSTER] to take the chair.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 3673) to amend the act approved December 23, 1913, known as the Federal reserve act, as amended by the acts of August 4, 1914, August 15, 1914, March 3, 1915, and September 7, 1916, with Mr. FOSTER in the chair.

Mr. PLATT. Mr. Chairman, I rise to oppose the pending amendment.

Mr. WINGO. As I understand it, the committee resumes consideration of the bill at the point that we reached the other day.

The CHAIRMAN. Yes.

Mr. MANN. Let us have the amendment reported.

Mr. WINGO. Was there an amendment pending at the time the committee rose?

Mr. MANN. Yes.

The CHAIRMAN. The Chair is informed by the Clerk that there are two amendments now pending before the committee.

Mr. PLATT. There is an amendment pending, offered by the gentleman from Pennsylvania [Mr. MCFADDEN].

The CHAIRMAN. The Chair is informed that there is pending an amendment by the gentleman from Connecticut [Mr. HILL]——

Mr. GLASS. There is an amendment offered by the gentleman from Connecticut [Mr. HILL] and a substitute offered by the gentleman from Pennsylvania [Mr. MCFADDEN].

The CHAIRMAN. The Clerk will report the first amendment, and then the substitute.

The Clerk read as follows:

Amendment by Mr. MCFADDEN: Page 6, line 16, strike out the word "seven" and insert the word "five."

Amendment by Mr. HILL: Page 6, line 9, after the word "deposit," in line 8, strike out lines 9 to 25, on page 6 and the first three lines on page 7.

The CHAIRMAN. The question is on the substitute.

Mr. PLATT. Mr. Chairman, I rise to oppose the amendment.

The CHAIRMAN. The Chair recognizes the gentleman from New York [Mr. PLATT], a member of the committee.

Mr. PLATT. Mr. Chairman, practically the only objection we have heard to any part of this bill has reference to this amendment to section 19 of the Federal reserve act, proposing to decrease the reserve requirements and providing that all reserves are to be in the Federal reserve banks. Country banks now are required to maintain a reserve of 12 per cent of deposits, and this amendment reduces that requirement to 7 per cent of its deposits, the whole 7 per cent to be kept in the Federal reserve bank. The present requirement of 5 per cent to be maintained in the bank's own vaults is cut out.

The gentleman from Connecticut [Mr. HILL] made an argument the other day on this point, taking the ground that it was entirely unsafe to allow a country bank to run without any home reserve requirement. He seemed to imply, although I know he did not mean to imply, that this act requires that all the reserve money a bank has in its vaults must be put in the Federal reserve bank vaults; that is to say, that any gold, gold certificates, or legal tender that the bank finds among its deposits must be immediately sent to the Federal reserve bank. Of course that is not true. It merely means that the only reserve that the bank is required to keep must be in the Federal reserve bank, and that is reduced from 12 per cent to 7 per cent.

The gentleman from Connecticut [Mr. HILL] also said that provided for an inflation. Well, potentially, it does; it provides for a further mobilization of gold upon which credit can be issued, but the Federal reserve banks are exceedingly conservatively managed; their rediscount rates are so high now that they do not attract business; they have wisely made no effort whatever to attract business; they are holding their reserve for an emergency. That is what they were created for. They are loaning money where it is needed to banks, but they are not seeking to compete with the open-market money rates for call or time loans in our financial centers. A bank in the East which owns bonds, for instance, can take its bonds to the National City Bank of New York, or to one of the other large banks there, and can borrow money from them at a lower rate than it can generally obtain of the Federal reserve bank, and that, I think, is as it should be. It shows that the Federal reserve banks can be trusted with the greater power this measure will afford them for handling any emergency that may arise during the war.

Now, if the gentleman from Connecticut thinks it is unsafe for country banks to run without reserve in their own vaults, he might move to restore the words originally written in this bill requiring each bank to keep 5 per cent of "till money" on hand. The absurdity of that position is this: If you require the reserve to be in any bank all the time, you can not use it when the emergency comes. That suggests an argument used at the time the Federal reserve act was under discussion. The old law required 15 per cent to be kept by the country banks and 25 per cent in the central reserve banks for an emergency. In order to show the absurdity of a hard and fast reserve requirement—and it was largely the reserve requirements them-

selves which caused the panic of 1907—this illustration was used. Suppose a hospital had 100 beds and the requirement was to hold 15 per cent in reserve for an emergency. Suppose a great railroad accident or a battle took place, and along came the ambulances filled with wounded men, and when 85 beds were filled suppose the surgeon says, "We can not open these reserve beds; they must be reserved for an emergency." But, they say, "Here is the emergency." "It does not make any difference; these beds must be held for an emergency." Whether the emergency comes or does not come, you can not use reserves which you are required by law at all times to keep, and if you put back in this bill the requirement that 5 per cent for "till money" must be kept on hand and can not be used you will really require a bank to keep at least another 5 per cent for actual use. No other country has a reserve requirement for its banks.

Mr. FESS. Will the gentleman yield?

Mr. PLATT. Yes.

Mr. FESS. Who is to determine when the emergency arises under the amendment; will it be the Federal reserve bank?

Mr. PLATT. I will say that the Federal Reserve Board has authority to determine when an emergency arises and has authority to suspend, in the case of a great emergency, all reserve requirements. That is, in my opinion, one of the best provisions in the Federal reserve act.

Mr. FESS. I understand the amendment is for the purpose of mobilizing the reserves in a central authority, reserves that otherwise would be valueless.

Mr. PLATT. Not wholly valueless but much more useful if centralized.

Mr. FESS. Let me ask the gentleman what effect would it have on the local bank to require it to keep a reserve in a Federal reserve bank instead of its own bank?

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. STAFFORD. I ask unanimous consent that the gentleman's time be extended five minutes.

The CHAIRMAN. The gentleman from Wisconsin asks that the time of the gentleman from New York be extended five minutes. Is there objection?

There was no objection.

Mr. PLATT. The gentleman's question is as to the effect of keeping the reserve in the Federal reserve bank?

Mr. FESS. Instead of in its own bank, in case of an emergency.

Mr. PLATT. I think it would be decidedly advantageous. For instance, the desire to keep all the reserve in its own banks was what in a great part caused the panic of 1907. Of course, the law at that time required a country bank to keep 15 per cent—6 per cent in its own vaults and 9 on deposit with the correspondence banks—but it permitted them to keep the whole 15 per cent in their own vaults.

When the emergency came they were all pulling on the banks in the large cities trying to get the 15 per cent in their own vaults. After the panic there was a statement showing that the country banks did have the most of the 15 per cent on hand. As a matter of fact, the banks nearly always keep more than they are required to keep, and I have in my hand the call of March 5, 1917, which shows that the banks of the country had no less than $1,109,000,000 in reserve money—more than they were required to keep by law. If you will take a bank statement from your own district and figure up what reserves they keep you will find that they almost always have way above the requirement, so that there is no necessity for requiring that they shall keep 5 per cent of the till money. They will do it anyway, and keep a good deal more as a matter of habit and good judgment. The bank statements show that they do it.

Mr. FESS. Will the gentleman yield further?

Mr. PLATT. Certainly.

Mr. FESS. What effect would it have on the depositors of a bank to have the reserves kept in the Federal reserve bank rather than in the local bank?

Mr. PLATT. That is a good question, and I will answer it in this way: I will say, of course, that this bill does not do away with the regular examinations of the local banks. The bank examiner will call for the condition of a bank at certain times, on a certain date, and they are always for a date that has gone by. For instance, they will call on the 15th of March for the condition of a bank on the 5th of March. The local banks do not know what date they will call for, but they know it is some date that has gone by. This statement will show, as they do now, cash on hand in the banks; and the depositors reading those statements published will know not only that his money is safe and that his checks will be paid on demand, but will know that the bank has ample reserves with the Federal reserve bank. It is absolutely certain that our bankers can be trusted to keep a sufficient amount of cash on hand; but I want to say, while on the subject, that the amendment offered by my friend from Pennsylvania, Mr. McFADDEN, to reduce the reserve kept in the Federal reserve bank from 7 to 5 per cent I think would be unwise. That is going further than the banking experts recommend. It is not necessary and might cause apprehension.

Mr. FESS. Mr. Chairman, I will say to my friend that he has not yet answered my question.

Mr. PLATT. The gentleman asked what effect it would have upon the depositors. The depositor reads in his newspaper, after the bank has been examined, and knows what cash it has on hand. He knows that it has more than 5 per cent, and why should it have any effect upon him?

Mr. FESS. If a man deposits in a bank, he knows that the reserves are there to take care of the deposits in case of emergency.

Mr. PLATT. But you can not use them in case of an emergency.

Mr. FESS. What is the use of placing them anywhere?

Mr. PLATT. The Federal reserve bank has got them mobilized. The member bank can obtain help from it at any time by presenting notes for rediscount. The depositor knows that. The ordinary depositor does not know anything about the reserve requirements in the banks, whether 15, 12, or 5 per cent. All he knows is it has so much cash on hand, and he will see that in the statement.

Mr. GLASS. The idea of the reserve is that the Federal reserve bank can use it when it can not be used by the local bank.

Mr. PLATT. That is true.

Mr. GLASS. That is one advantage, and another advantage is that we transform a larger part of the present required reserves from the reserve which can not be used into till money, which can be used. The reserve is a fixed quantity all the year around. Country banks now are compelled to carry 12 per cent reserves.

Mr. PLATT. And a fixed quantity of certain kinds of money.

Mr. GLASS. At varying seasons of the year, when business activities are acute, the bank for its own protection will have to carry a larger amount of till money than it would have to carry during a lax season.

The CHAIRMAN. The time of the gentleman from New York has again expired.

Mr. SNYDER. Mr. Chairman, I ask unanimous consent that the time of the gentleman may be extended for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. SNYDER. Mr. Chairman, will the gentleman yield?

Mr. PLATT. I yield to the gentleman from New York.

Mr. SNYDER. I would like to ask if it is now the purpose that only 7 per cent shall be carried as a reserve, and that carried in the reserve bank against both time and demand deposits?

Mr. GLASS. No; 3 per cent.

Mr. PLATT. Three per cent against time deposits.

Mr. SNYDER. Three per cent against time and 4 per cent against demand?

Mr. PLATT. No; seven.

Mr. SNYDER. Three and seven?

Mr. PLATT. Yes.

Mr. SNYDER. That is little enough, in my judgment.

Mr. GLASS. It is now 12 and 5.

Mr. PHELAN. Mr. Chairman, will the gentleman yield?

Mr. PLATT. Yes.

Mr. PHELAN. The gentleman from New York [Mr. SNYDER] says that it is little enough. The banks are going to keep more than that. They are going to keep something for use.

Mr. SNYDER. Of course they are.

Mr. PHELAN. In England and in foreign countries there is no legal reserve at all. It is left entirely to the discretion of the banker. They keep over 7 per cent.

Mr. SNYDER. I appreciate that the banks will keep more than both the 7 and the 3 per cent. They must do that. A bank can not get along without any money.

Mr. PHELAN. The depositor will be absolutely taken care of.

Mr. HUSTED. Mr. Chairman, will the gentleman yield?

Mr. PLATT. Yes.

Mr. HUSTED. Did I understand that the money kept in the reserve, in the Federal reserve banks, will be carried in the statements as cash on hand?

Mr. PLATT. No; the cash the bank has in its own vault.

Mr. HUSTED. How would the money in the Federal reserve bank be carried in the statement?

Mr. PLATT. There is a special line in the statement for the reserve in the Federal reserve banks.

Mr. HUSTED. My idea was that the ordinary person in reading a statement would get the impression his bank had very little cash on hand; that he would not take into consideration the fact that this money carried in the Federal reserve bank was practically cash also.

Mr. PLATT. I do not think so. I think that the statement will show that it is a reserve and, in addition to that, it will show the cash on hand. One great advantage of this is that it allows the bank to show the cash on hand in bank notes and Federal reserve notes, whereas the old system shows only gold and gold certificates and legal tender as reserve. Every bank, if it could now count all the cash, all of its bank notes and Federal reserve notes as reserve, would show a very much larger reserve than the legal reserve shows, and when the new statements come out I apprehend the practical reserve showing will be about as it has been.

Mr. SMITH of Michigan. Will the gentleman yield for a question?

Mr. PLATT. I will.

Mr. SMITH of Michigan. What is the objection to allowing or permitting or requiring the regional bank to pay 2 per cent interest on these deposits? Why do we insist upon their having it for nothing?

Mr. PLATT. I can tell the gentleman what the objection is. That would make an inducement to the Federal reserve banks to go out and get business and pay money out without regard to an emergency which might come, and it would be a very bad thing to do, in my opinion.

Mr. SMITH of Michigan. How much will this 7 per cent amount to of the reserve banks? How much will be placed immediately in the original banks under this 7 per cent requirement?

Mr. PLATT. Well, for $100,000 demand deposits it will be $7,000.

Mr. SMITH of Michigan. No; but what will be the gross amount that will be deposited in the regional banks of the country without any interest?

Mr. PLATT. I do not remember. The gentleman can see from the comptroller's statement of Saturday what it is now. I have forgotten the amount.

Mr. SMITH of Michigan. It will be over a billion dollars.

Mr. PLATT. Not quite that.

Mr. GLASS. Approximately $900,000,000.

Mr. PLATT. Approximately that. Now, unless somebody wants to ask me a further question, I do not care to consume further time. I hope this bill will be passed, and that the bill will not be amended from the floor.

Mr. SCOTT of Iowa. Will the gentleman yield?

Mr. PLATT. I will.

Mr. SCOTT of Iowa. Under what circumstances may a member bank call upon the reserve bank for its 7 per cent reserve, if any?

Mr. PLATT. Under what circumstances may it call upon it——

Mr. SCOTT of Iowa. Under what circumstances can a member bank, and under what emergency, use that 7 per cent reserve, and how?

Mr. PLATT. The reserve can be intrenched upon to a certain extent, notes can be rediscounted and the proceeds placed to the credit of the borrowing member bank. If there is an emergency, the Federal Reserve Board can suspend all reserve requirements.

Mr. SCOTT of Iowa. That is all subsequent action, but it seems to me that is effectually abolishing the entire reserve as far as use by the member banks is concerned.

Mr. PHELAN. If the gentleman from New York will permit, I would state that if the member banks would use only the 7 per cent virtually the whole system will be a failure. The point is this: When the Federal reserve bank has that 7 per cent in its coffers it gives the Federal reserve bank the power to give the member bank just two and a half times as much, and the greater the power you give the Federal reserve banks to loan the greater power you give to help the member bank which wants to borrow from it, and that 7 per cent is simply the basis of the loaning power of the Federal reserve bank. It can loan a great deal more than the 7 per cent that it gets from the member banks.

Mr. SCOTT of Iowa. It ceases to be a reserve of the member banks and amounts to nothing more than a deposit of the Federal reserve banks.

Mr. PHELAN. No——

Mr. PLATT. The bank can increase its cash by rediscounting notes, if it desires to do so.

Mr. SCOTT of Iowa. It can do that with deposits of any kind.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GLASS. May I inquire how many other Members want to speak on this particular provision?

Mr. CANNON. I would like about five minutes.

Mr. TOWNER. Mr. Chairman, let me suggest, however, to the chairman of the committee that while I do not desire to speak there are a great many inquiries which gentlemen would like to propound.

Mr. GLASS. Only three have indicated their desire to speak. What I am trying to do is——

Mr. TOWNER. This is my thought, Mr. Chairman, that if we only give them five minutes' time gentlemen might hesitate to ask questions and use up that small amount of time.

Mr. GLASS. I do not object to an extension of time, but I want to get approximately some estimate of how much more time will be consumed on this section, which seems to be the only controverted section.

Mr. MADDEN. I think I would like about five minutes, and possibly, if my statement might meet with favor, five minutes additional.

Mr. STAFFORD. Mr. Chairman, say 20 minutes on this side.

Mr. McFADDEN. Mr. Chairman, I desire about 10 minutes.

Mr. STAFFORD. Make it half an hour on this side, let me suggest to the gentleman.

Mr. GLASS. I will let it run, then, for a while.

Mr. McFADDEN. Mr. Chairman, I desire to proceed for 10 minutes.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to proceed for 10 minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. McFADDEN. Mr. Chairman, I am going to ask unanimous consent to modify my amendment to this section by inserting the word "six" in place of the word "five," thus changing the proposed reserve to 6 per cent instead of 5 per cent, as provided for in my previous amendment.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to modify his amendment. Is there objection? [After a pause.] The Chair hears none.

Mr. McFADDEN. Mr. Chairman, in the consideration of the proposed amendments to the Federal reserve act now under consideration, I have no desire to impede or interfere with the adoption of most of the amendments herewith proposed. I have offered an amendment to paragraph (a) of section 19, on page 6 of the bill, regarding the reserve requirements of what is commonly termed "country banks."

This amendment which I have offered places the reserve requirements at 6 per cent of the aggregate amount of their demand deposits and 3 per cent of their time deposits, and is 1 per cent less than is proposed by the Federal Reserve Board, but which conforms to the provisions in the bill which is now in committee in the Senate.

I believe that a 6 per cent reserve is all that should be required of these country banks. It might be argued in this connection that in case of stress or a straining of general financial conditions the burden of relief to be afforded by the Federal Reserve System is to be had through the discounting of commercial paper, and the large bulk of commercial paper is available and held by banks in reserve and central reserve cities. Because of this fact these banks should carry the larger reserve to take care of these emergencies, as the country banks have a smaller quantity of paper subject to rediscount than these banks which are located in central and central reserve cities. Then, too, another argument in favor of this smaller amount of reserve requirement is the question of the ability of these country banks to make a reasonable amount of earnings. The earnings of these country banks have been seriously reduced during the last few years, and that is causing these banks considerable concern. This lessening of their earning ability has come about through the following causes: Competition, legislation, and regulations.

On the question of competition, a serious question arises in my mind as to whether any State bank or trust company has a right to enter the Federal Reserve System, which is a commercial system pure and simple, created for the purpose of handling the commercial transactions in the United States, and I say there is a serious question in my mind whether or not State banks and trust companies doing the kind of business they do, with the kind of assets they possess, their investments being mostly made in paper representing a fixed asset, or a slow paper, paper which does not liquidate itself readily, and certainly under the Federal reserve act this class of paper is not and should not be subject to rediscount. Many of these banks argue that the class of securities they hold is as good, if not better, as the basis of security back of the issuance of Federal reserve notes under the rediscounting privilege afforded by the Federal

Reserve System, as is the kind of paper that is legally subject to rediscount by these banks, namely, commercial paper. It therefore is a serious thing in my mind whether any of these banks which are carrying these kinds of investments should be permitted to enter the Federal Reserve System, as I think the Federal Reserve System should adhere strictly to commercial transactions and be kept in a liquid condition at all times; and fixed investments must not be made liquid unless you want inflation

A keen competition has developed in this country between the State banks and trust companies and the members of the Federal Reserve System.

The State banks and trust companies, through favorable State legislation, have not been slow to complete, and, because of their broad charter rights, have in their operation deprived the national banks of a large part of the commercial business of the United States. These institutions were created originally as trustees to act in a fiduciary capacity to receive and administer inactive accounts, the placing of investments, and so forth, a kind of business that never was intended to be commercial. These institutions have commercialized their trust-company business, and I believe their proper functions still lie along these more conservative lines, and the commercial business they are now doing should be done by the member banks in the Federal Reserve System. If this commercial business were transferred to the Federal Reserve System there would be no question but that the Federal Reserve System would then be in a position to handle all of the commercial necessities of the country, as it would thus provide sufficient reserves and assets to permit of the rediscounting of sufficient paper to cover any emergency which might arise in this country because of commercial activities. Either this must be done or some plan must be devised to compel all of the banks of the United States to come under Federal control and supervision, or else the one-third banking power of the United States, as now represented by the Federal Reserve System, will have the burden of carrying the full stress of the commercial financial requirements in case of a crisis.

This act provides for mobilization of some $400,000,000 of gold into the 12 Federal reserve banks. This is done because the gold thus mobilized in this central reservoir will provide for an expansion in the way of rediscounts at the rate of $2.50 for every $1 of gold reserve.

I seriously question whether it is right to burden these country banks and other members of the Federal Reserve System with the full burden of carrying reserve requirements to take care of the entire banking situation in the United States, and I contend that if they do so they are standing an improper share of maintaining the stability of all the banks in the United States.

The Federal Reserve Board, realizing fully the stress and responsibility imposed on the Federal Reserve System, are offering every inducement possible, consistent with their views, for the entry of the State banks and trust companies into the system. They are trying in every way possible to remove the objections which these institutions have to the entry into the system.

I seriously question whether the Federal Reserve Board will be able to remove all of these objections unless they make some very drastic changes. Not only the member banks, but the State banks and trust companies, criticize certain features of the Federal reserve act; and it is well known that the member banks are chaffing under the law and the responsibilities and loss of sources of profit which the law now imposes.

The question of the political control of the Federal Reserve System is always manifest. The criticism of the domination and centralization under the rulings and administration of the Federal Reserve Board are also pointed out as one of the opposing features. Many students, bankers, and business men believe that the regulation of the entire Federal Reserve System should be in the hands of the Federal Reserve Board, and that all tinge of politics should be removed therefrom, and that the board should be purely a nonpartisan board and that the Secretary of the Treasury should not be ex officio chairman of the board and the Comptroller of the Currency should be subservient to the board.

I am simply attempting to point out here some of the objections which I think, from my knowledge of the situation, must be removed before any of the banks now outside of the Federal Reserve System will voluntarily enter therein.

The sources of profit which the country banks have been deprived of might be summarized as follows: Loss of former profit through circulation privilege; loss of exchange; increase of rate of interest paid on deposits because of competition with State institutions and granting of charters to banks in communities that are already properly and efficiently served by banks already established; increased cost of operation of institutions because of requirements in regard to reports, taxes, and so forth, to both State and National Governments.

In many instances to-day the net profits of many country banks have been so reduced that they are not able to pay a reasonable dividend or place a proper amount of surplus to protect the bank's depositors or stockholders against possible loss on account of bad debts being incurred. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. GLASS. Mr. Chairman, I ask unanimous consent that the gentleman's time be extended for a minute in order that I may ask him a question.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia? [After a pause.] The Chair hears none.

Mr. GLASS. My colleague speaks of the decrease of earnings of the member banks of the Federal Reserve System. I call his attention to the fact that the report of the Comptroller of the Currency for the last fiscal year showed that the earnings of the national banks of this country for the last fiscal year exceeded considerably the earnings of the national banks for the last 47 years.

Mr. McFADDEN. I think the gentleman is correct in that, but I think he will also find the greater portion of those earnings are made by banks located in the large centers and that the small country bank, of which I am speaking, is having serious trouble along the earning line because of the very points I have mentioned.

Mr. GLASS. If the gentleman will examine the report of the Comptroller of the Currency he will find that he gives increased earnings by States, and I think the gentleman will find, as I think I have found upon examination, that the earnings of the country banks keep quite abreast of the earnings of the banks in the largest centers.

Another thing, I do not exactly recall the figures now, but there has been much said about the country banks not having available paper for rediscount. I recall that a kindred statement was made when the Federal reserve bill was in process of consideration before the committee, and I obtained figures upon that proposition. It appeared that the country banks—that is, the banks outside of the reserve and centralized reserve cities of the Middle West alone—had $236,000,000 of paper available for rediscount at that time.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GLASS. I will add that the earnings for the last fiscal year were 8.76 per cent on capital and surplus, which makes over 14 per cent on capitalization alone.

Mr. SMITH of Michigan. Is that the net earnings or gross earnings?

Mr. GLASS. Net earnings.

Mr. PHELAN. If I may have just a minute, they paid dividends amounting to 10.76 per cent on their capital during the past year, and that amounts to 6.38 per cent on their capital and surplus combined. You can not say they have not any money.

Mr. CANNON. Mr. Chairman, I have listened with great interest, especially to the remarks of the gentleman from Pennsylvania [Mr. McFADDEN]. It is impossible to talk much, even if I knew 10 times what I do about banking, and it is impossible to say much in five minutes; and I suppose I will not say much. But I just want to make a statement. You may take great quantities of bankers, and if you size them up now on this regional system, the member banks, you will find in the country outside of the great commercial centers and the great industrial centers, that 95 per cent, if they are profane, violate the commandments in talking about this system. The gentleman from Massachusetts [Mr. PHELAN] at a former sitting said, when it was stated that the country banks did not have paper that met the law for rediscounting, "Oh, well, they ought to have paper or go out of business."

Mr. PHELAN. Will the gentleman yield? If he refers to me, I want to say that I did not make any such statement as that.

Mr. CANNON. It was that in substance, as I recollect it.

Mr. PHELAN. I said if they are doing business in the right way they will have that kind of paper, and I will stand by that statement. That is no criticism at all, but is a matter of fact.

Mr. CANNON. By doing business in the right way they will have the right kind of paper. Now, then, there was a State bankers' meeting in my little city last year. I went around, when the eating time came, to a banquet. There were 400 or 500 bankers there, and I talked a little while. I do not know that I talked with much sense, probably not, or with great information, but as I talked I looked around over that audience. There were a few bankers there from the larger cities. I said, "I ask you bankers here now, every one of you, who indorse

this system as now provided by law to rise." I looked around and there was not a soul rose. Now, that is the way they look at it. It is not a popular system with the country banks. Now, why? First, they have not the commercial paper.

Mr. HARDY. Will the gentleman yield?

Mr. CANNON. Yes.

Mr. HARDY. I wish to state to the gentleman that shortly after the organization of this system two or three of the banks in my town in order to secure accommodations from the Federal reserves sent up here, and one of them got $88,000 and another got $44,000, and the Comptroller of the Currency said in a public statement that the banks of Texas could have gotten many millions.

Mr. CANNON. What is the gentleman's city?

Mr. HARDY. Corsicana, Tex.

Mr. CANNON. What paper did they have?

Mr. HARDY. I only know that they wrote me they sent paper eligible for rediscount.

Mr. CANNON. Precisely; and it was cotton paper. Now, we do not raise cotton up in Illinois.

Mr. HARDY. Pardon me but I do not think it was cotton paper, because it was too early.

Mr. CANNON. I am speaking whereof I know. You may take the average country bank—and I speak for the Middle West—and it does not have the paper that will rediscount.

Mr. STEPHENS of Nebraska. Will the gentleman yield?

Mr. CANNON. Unless I can have a little more time I will not yield to the gentleman. I will yield if I may have more time.

Mr. GLASS. Mr. Chairman, I ask unanimous consent that the gentleman's time may be extended five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. CANNON. I yield for a question.

Mr. STEPHENS of Nebraska. I want to ask the gentleman from Illinois if cattle paper and corn and wheat paper is not rediscountable at these banks, and that we have an abundance of it in your district and in mine?

Mr. CANNON. Corn paper and cattle paper and wheat paper we have not to any considerable extent.

Mr. STEPHENS of Nebraska. It is all the kind we have, I will say to the gentleman.

Mr. CANNON. Oh, no; it is not all the kind we have. Now, then, the farmer in the main is a depositor; he used to be a borrower.

It is the business man in the village that is the borrower very largely, and he does not make paper that passes muster. It is not commercial paper.

Mr. STEPHENS of Nebraska. Why not?

Mr. CANNON. The gentleman asks, "Why not?" Because he expects to renew it.

Mr. GLASS. Mr. Chairman, will the gentleman yield?

Mr. TOWNER. Will the gentleman yield?

The CHAIRMAN. Does the gentleman yield; and if so, to whom?

Mr. CANNON. I would like to have five minutes if I yield.

Mr. TOWNER. They will give it to you. Will the gentleman yield?

Mr. CANNON. Yes.

Mr. TOWNER. I would like to ask the gentleman if he thinks it will increase the popularity of this system when the declared object, as stated here in this report, is that the principal purpose of the proposed change, referring to this reserve provision, is to increase the gold holdings of the Federal Reserve System? And then the statement is made that it would add approximately $300,000,000 of gold to the present holdings of the Federal reserve banks. In other words, it would take the gold from the member banks and transfer it to the Federal reserve banks for the purpose of transferring it across the seas.

Mr. GLASS. Mr. Chairman, may I ask the gentleman why he did not read the succeeding sentence to show what would be the effect on the commerce of this country by that proposed concentration?

Mr. TOWNER. I am asking what effect this will have upon the people of the country in regard to the popularity of this system. I have no controversy with the gentleman on the reserve bank system.

The CHAIRMAN. The gentleman from Illinois [Mr. CANNON] has the floor.

Mr. CANNON. Now, Mr. Chairman, this is the condition: The country banks with their reserve deposits in the regional bank—I am speaking now of the member banks—get no interest. They get uneasy once in a while when the regional bank proposes, as they did a few months ago, that they were going to inaugurate a system that would compel these country banks, which were driven into this system, on penalty of passing in their charters, to do all their collection business for nothing, and so on, and so on. Why, the gentleman from North Carolina [Mr. KITCHIN] issued a statement to the effect that if they perfected that system it would put the Democratic Party out of power.

Let me suggest that the bank on its deposits receives no interest, and I know from a number of banks in my region that I am familiar with that they keep and have kept for a year or longer—two years for that matter—from 25 to 40 and 45 per cent of available means that are not earning. Now they keep a considerable portion of those deposits with their large agents in the cities. They get 2 per cent interest. You do not get any interest from the regional bank. But this great multitude of country banks furnishes, with the reserves deposited in the regional bank, the capital, without interest and without compensation, for the benefit of whom? For the benefit of anybody of the great commercial centers.

Well, you may say, suppose you get "tight up." What are you going to do? I will tell you what we did do in 1907. We got "tight up" because our depositors in Chicago and New York and Philadelphia could not get currency. Why? Because they said you could not pay it all at once, and they issued clearing-house certificates, and any relief that we got for our country banks was through our correspondents, with whom we had deposits, by taking out full circulation, they furnishing the securities, and thereby to a considerable extent we got the money that the city banks owed us.

The CHAIRMAN. The time of the gentleman from Illinois has again expired.

Mr. CANNON. Well, I would like to have a little more time.

Mr. WINGO. Mr. Chairman, I ask that the gentleman's time be extended five minutes.

The CHAIRMAN. The gentleman from Arkansas asks unanimous consent that the time of the gentleman from Illinois be extended five minutes. Is there objection?

There was no objection.

Mr. SLAYDEN. Mr. Chairman, I wish the Chair would try to secure a little order. The gentleman has too much competition on the floor right now.

The CHAIRMAN. The Chair would like again to request Members to cease from conversation, and the Chair would again admonish the galleries to cease conversation.

Mr. CANNON. Well, I do not think, Mr. Chairman, that it is the fault of the galleries. I am not complaining of the membership of the House. I do not care to use the additional five minutes, because evidently the House does not desire to hear and pursue the proposition. I do not complain. I am a Member of the House, and ordinarily when I talk I manage to have something of interest in view to command attention, but it does not seem that I have now on this subject. I am not complaining or criticizing. [Applause and cries of "Go on!"] I say I am not complaining or criticizing. When I am listening I suppose I do some talking myself when other gentlemen are addressing the House. [Laughter.]

Now, I am not here to say that this system is not useful, but I am here to say that to make it useful the great number of country banks, that are compelled to make their deposits without interest, furnish a large part and a larger part of the capital to support that system, and they get no adequate compensation. They are driven now, if they do any business at all, to keep the larger part of their deposits as they kept them prior to the original bank legislation, with banks like the City National, the First National, or the Commercial National, of Chicago, because, paying as they do, some of them 3 per cent interest in competition with the State banks, they can not afford to deposit any more than they are obliged to with the regional bank without interest, because there is a loss, and therefore they utilize the larger banks that are solvent.

Now, I would like to see this law amended by the people who do the large business in the great centers, the great industrial and commercial centers. If they want, for their protection and to carry on their business, to have this system, they should pay more to have it than they are paying.

I want to make one further statement: Most of the country banks now have full circulation. If they would retire from the system, they would have to take care of that circulation; and if they would retire by the wholesale, your 2 per cent bonds would go to 80 or 75. And what keeps them in is not a desire to stay in, but it is a desire to avoid the loss that they would meet if they would go out by the wholesale, having to sell the bonds to redeem their circulation.

Now I expect this sounds like nonsense to many gentlemen who are financial and banking experts. I am only telling it to you as I see it and as I hear it from my country bank constitu-

ency, and I think what is true with me is true with the Middle West, with nine-tenths of the country banks. [Applause.]

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. OLNEY having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Waldorf, its enrolling clerk, announced that the Senate had agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the Senate to bills of the following titles:

H. R. 13. An act making appropriations for the support of the Army for the fiscal year ending June 30, 1918, and for other purposes; and

H. R. 14. An act making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1918, and for other purposes.

AMENDMENT TO FEDERAL RESERVE ACT.

The committee resumed its session.

Mr. WINGO and Mr. NORTON rose.

The CHAIRMAN. The Chair will first recognize the gentleman from Arkansas [Mr. WINGO], a member of the committee.

Mr. GLASS. Mr. Chairman, will the gentleman yield?

Mr. WINGO. Yes.

Mr. GLASS. I hate to interrupt my colleague, but it is necessary to do so. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. FOSTER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 3673) to amend the Federal reserve act and had come to no resolution thereon.

TELEGRAM FROM THE CHAMBER OF DEPUTIES OF ROUMANIA (H. DOC. NO. 121).

The SPEAKER. The Chair lays before the House a telegram, in French, received from the Chamber of Deputies of Roumania, and will ask the gentleman from Louisiana, Gen. ESTOPINAL, to read it to the House.

Mr. ESTOPINAL read the telegram, as follows:

JASSY, *May 5, 1917.*

To the SPEAKER AND MEMBERS OF THE HOUSE OF REPRESENTATIVES, *Washington, D. C.:*

La Chambre des Députés de Roumanie se réunissant pour la première fois après la déclaration de guerre faite par la grande République Américaine a l'Allemagne, s'empresse d'expresser a ses représentants ses félicitations les plus chaleureuses d'avoir accompli cet acte décisif, qui sera un puissant reconfort pour tous ceux qui sont engagés dans la lutte avec les empires de l'Europe centrale, dans les heures tragiques qu'elle traverse la Roumanie voit ses espérances s'affermir, et ne doute pas que les efforts de tous les peuples democratiques débarrassent le monde des étreintes du militarisme allemand dans la lutte que nous soutenons poursuivons la libération de nos frères opprimés qui sont sous le jour de l'Autriche-Hongrie, et nous sommes fiers de participer en même temps aux nobles buts des grandes nations qui veulent assurer avec la liberté des peuples le respect de la dignité Roumaine du droit et de la justice.

VAGA MONTZUN,
President de la Chambre des Députes de Roumanie.

The SPEAKER. The gentleman from Illionis [Mr. MCCORMICK] has made a translation of this telegram, which will be incorporated in the RECORD.

The translation of the foregoing telegram is as follows:

To the SPEAKER AND MEMBERS OF THE HOUSE OF REPRESENTATIVES, *Washington, D. C.:*

The Roumanian Chamber of Deputies, meeting for the first time since the declaration of war of the Great American Republic with Germany, hastens to express to the Representatives of the American House its warmest congratulations on their having taken this decisive action, which will be a powerful reinforcement to all those who are engaged in war with the central empires of Europe.

In the tragic hours through which she is passing Roumania sees her hopes confirmed and cherishes no doubt that the democratic peoples will free the world of the yoke of German militarism. In the struggle which we are waging we see the liberation of our oppressed brothers who bear the yoke of Austria-Hungary, and at the same time we are proud to share the purposes of the great nations which wish to assure, with the freedom of the peoples, respect for the dignity of Roumania, right, and justice.

VAGA MONTZUN,
President Chamber of Deputies of Roumania.

Mr. MANN. Mr. Speaker, should not the message from the Chamber of Deputies, which has just been read, be referred to the Committee on Foreign Affairs?

The SPEAKER. It should. The telegram and the accompanying translation are ordered referred to the Committee on Foreign Affairs and printed.

RECEPTION OF BRITISH COMMISSION.

The SPEAKER. The Chair appoints as a committee to escort the British commissioners to the floor of the House the gentleman from Virginia, Mr. FLOOD; the gentleman from Maryland, Mr. LINTHICUM; the gentleman from Arkansas, Mr. GOODWIN; the gentleman from Wisconsin, Mr. COOPER; and, in the absence of the gentleman from Pennsylvania, Mr. PORTER, and the gentleman from Massachusetts, Mr. ROGERS, the next ranking members of the Committee on Foreign Affairs, he appoints the gentleman from Pennsylvania, Mr. TEMPLE. The committee will proceed to the Speaker's room, and, in accordance with the previous order, the House will stand in recess for 30 minutes.

Accordingly (at 12 o'clock and 30 minutes p. m.) the House stood in recess.

The President of the United States entered the Executive gallery of the House and was greeted with prolonged applause and cheers.

The Chief Justice and Associate Justices of the Supreme Court of the United States were seated in front of the Speaker's rostrum.

At 12 o'clock and 35 minutes p. m., the commissioners of the Government of Great Britain to the Government of the United States, the Right Hon. Arthur James Balfour, principal British secretary of state for foreign affairs; Gen. G. T. M. Bridges, of the British Army; Admiral Sir Dudley R. S. De Chair, K. C. B., of the British Navy; Fleet Paymaster V. A. Lawford, D. S. O. R. N.; Lord Cunliffe, governor of the Bank of England; Mr. Ian Malcolm, M. P.; and Maj. Spender-Clay, M. P., British general staff, escorted by Mr. FLOOD, Mr. LINTHICUM, Mr. GOODWIN of Arkansas, Mr. COOPER of Wisconsin, and Mr. TEMPLE, entered the Hall of the House, accompanied by Sir Cecil Arthur Spring-Rice, the British ambassador extraordinary and plenipotentiary accredited to the United States, aids of the British officers, and the Assistant Secretary of State, Mr. Phillips, and Mr. Hugh Gibson, of the Department of State. The distinguished visitors were escorted to the Speaker's rostrum amid prolonged applause and cheers.

The SPEAKER. Gentlemen of the House of Representatives, I present to you the Right Hon. Arthur James Balfour, principal British secretary of state for foreign affairs. [Prolonged applause.]

REMARKS OF RIGHT HON. ARTHUR J. BALFOUR.

Mr. BALFOUR. Mr. Speaker, ladies, and gentlemen of the House of Representatives, will you permit me, on behalf of my friends and myself, to offer you my deepest and sincerest thanks for the rare and valued honor which you have done us by receiving us here to-day? We all feel the greatness of this honor, but I think to none of us can it come home so closely as to one who, like myself, has been for 43 years in the service of a free assembly like your own. I rejoice to think that a member—a very old member, I am sorry to say—of the British House of Commons has been received here to-day by this great sister assembly with such kindness as you have shown to me and to my friends. [Applause.]

Ladies and gentlemen, these two assemblies are the greatest and the oldest of the free assemblies now governing great nations in the world. The history indeed of the two is very different. The beginnings of the British House of Commons go back to a dim historic past, and its full rights and status have only been conquered and permanently secured after centuries of political struggle. Your fate has been a happier one. You were called into existence at a much later stage of social development. You came into being complete and perfected and all your powers determined, and your place in the Constitution secured beyond chance of revolution; but, though the history of these two great assemblies is different, each of them represents the great democratic principle to which we look forward as the security for the future peace of the world. [Applause.] All of the free assemblies now to be found governing the great nations of the earth have been modeled either upon your practice or upon ours, or upon both combined.

Mr. Speaker, the compliment paid to the mission from Great Britain by such an assembly and upon such an occasion is one not one of us is ever likely to forget, but there is something, after all, even deeper and more significant in the circumstances under which I now have the honor to address you, than any which arise out of the interchange of courtesies, however sincere, between two great and friendly nations. We all, I think, feel instinctively that this is one of the great moments in the history of the world and that what is now happening on both sides of the Atlantic represents the drawing together of great and free peoples for mutual protection against the aggression of military despotism. [Prolonged applause and cheers.]

I am not one of those and none of you are among those who are such bad democrats as to say that democracies make no mistakes. All free assemblies have made blunders; sometimes they have committed crimes. Why is it, then, that we look for-

ward to the spread of free institutions throughout the world, and especially among our present enemies, as one of the greatest guaranties of the future peace of the world? I will tell you, gentlemen, how it seems to me. It is quite true that the people and the representatives of the people may be betrayed by some momentary gust of passion into a policy which they ultimately deplore, but it is only a military despotism of the German type which can, through generations if need be, pursue steadily, remorselessly, unscrupulously, the appalling object of dominating the civilization of mankind. [Applause.] And mark you, this evil, this menace under which we are now suffering, is not one which diminishes with the growth of knowledge and the progress of material civilization, but on the contrary it increases with them. When I was young we used to flatter ourselves that progress inevitably meant peace, and that growth of knowledge was always accompanied, as its natural fruit, by the growth of good will among the nations of the earth. Unhappily we know better now, and we know there is such a thing in the world as a power which can with unvarying persistency focus all the resources of knowledge and of civilization into the one great task of making itself the moral and material master of the world. It is against that danger that we, the free peoples of western civilization, have banded ourselves together. [Applause.] It is in that great cause that we are going to fight and are now fighting this very moment side by side. [Applause.] In that cause we shall surely conquer [applause], and our children will look back to this fatefull date as the one day from which democracies can feel secure that their progress, their civilization, their rivalry, if need be, will be conducted, not on German lines, but in that friendly and Christian spirit which really befits the age in which we live.

Mr. Speaker, ladies, and gentlemen, I beg most sincerely to repeat again how heartily I thank you for the cordial welcome which you have given us to-day, and to repeat my profound sense of the significance of this unique meeting. [Great applause.]

The members of the English commission took their places at the right of the Speaker's rostrum and the Members of the House were presented to them, the President of the United States accompanying the Members.

The distinguished visitors were then escorted from the Hall of the House.

AFTER THE RECESS.

The recess having expired, the House was called to order by the Speaker.

PRINTING OF PROCEEDINGS DURING RECESS.

Mr. MANN. Mr. Speaker, I ask unanimous consent that the proceedings had in the Hall of the House to-day during the recess may be published in the RECORD.

The SPEAKER. The gentleman from Illinois asks unanimous consent that the proceedings had during the recess in the Hall of the House be printed in the CONGRESSIONAL RECORD. Is there objection? [After a pause.] The Chair hears none.

EXTENSION OF REMARKS.

Mr. TREADWAY. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Massachusetts rise?

Mr. TREADWAY. I desire to ask unanimous consent to extend my remarks by printing a telegram from an organization in Westfield, Mass.

The SPEAKER. Is there objection to the request? [After a pause.] The Chair hears none.

The telegram referred to is as follows:

WESTFIELD, MASS., *May 3, 1917.*

HON. ALLEN TREADWAY,
House of Representatives, Washington, D. C.:

We, the Bohemians of Westfield, Mass., assembled at a mass meeting in the Bohemian Hall May 3, 1917, have adopted the following resolution:

"Whereas the United States of America is engaged in a war the ultimate object of which is the permanent establishment of the principle of true democracy among the civilized nations of the world; and

"Whereas true principles are those for which the Bohemian people have always been striving: Therefore be it

"*Resolved*, That we hereby solemnly declare our hearty, undivided loyalty to the Government of the United States of America; that we offer our willing services to this country wherever and whenever the Government may call us.

"*Resolved further*, That copies of these resolutions be forwarded to the President of the United States, the governor of the Commonwealth of Massachusetts, as well as our Representatives in Congress and the State legislature."

WILLIAM KOBERA,
Chairman of the Meeting.

AMENDMENTS TO FEDERAL RESERVE ACT.

Mr. GLASS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 3673.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 3673, with Mr. FOSTER in the chair.

The CHAIRMAN. The House is in the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 3673, the title of which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 3673) to amend the act approved December 23, 1913, known as the Federal reserve act, as amended by the acts of August 4, 1914, August 15, 1914, March 3, 1915, and September 7, 1916.

The CHAIRMAN. When the committee rose the gentleman from Arkansas [Mr. WINGO] was occupying the floor and had two minutes of time remaining.

Mr. GLASS. Mr. Chairman, I ask unanimous consent that the gentleman from Arkansas may proceed for 10 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia? [After a pause.] The Chair hears none.

Mr. WINGO. Mr. Chairman and gentlemen of the committee, I do not pretend to be a banking and currency expert, and naturally dislike to differ with the distinguished gentleman from Illinois [Mr. CANNON]. However, I will say to the gentleman that he is the first man I have seen since the enactment of the Federal reserve act entering the lists as a champion of the country bank, and yet at the same time frankly advocates the return to the old banking and currency system which produced the panic of 1907, to which he referred. Every argument that he has offered, and that has been offered during this debate, against the pending bill was heard upon this floor in criticism of the Federal reserve act when it was being considered by this House. It seems that there are some gentlemen in this House, as well as some bankers of this country, who have not yet caught the philosophy of the Federal Reserve System or see only the mistakes in its administration made by the Federal Reserve Board and overlook the benefits of the system, who are yet blind to the reasons of the panic of 1907 and the panics that preceded that one. There are yet some gentlemen in this House, and some bankers in this country, who measure everything connected with banking and currency by the dividends that the banker gets and exclude from consideration the protection and facilities which the Federal Reserve System affords the banker and the protection and benefits that it affords the public.

Mr. Chairman, those who framed the Federal reserve act did not do so with the view solely of providing dividends for the banks of this country, but the larger object back of the Federal reserve act was to furnish an elastic currency that would meet the expanding and seasonal needs of the commercial, industrial, and agricultural activities of the Nation and avoid the losses suffered both by the banks and the people from the panics that were the natural, logical results of our old banking and currency system. There may be some bankers who decline to carry burglary insurance because they do not receive direct dividends upon the premiums they pay.

Mr. MEEKER. Will the gentleman yield?

Mr. WINGO. I would rather not yield until I have finished my statement; but as the gentleman has interrupted me, I will yield now.

Mr. MEEKER. Is it not true that the Secretary of the Treasury stated that the Federal Reserve System had nothing to do with the relieving of the panic of 1907?

Mr. WINGO. I leave the gentleman with the Secretary of the Treasury. I have never heard him say that and do not believe he said it, as there would be no reason for such a statement by him, because the Federal reserve act was not enacted until several years after the panic of 1907. I have never heard it questioned before by any man that the reasons for the panic of 1907 were those given by the gentleman from Illinois [Mr. CANNON] a moment ago. Let us briefly state the elements that entered into and precipitated that panic. It is a strange fact, though nevertheless true, that the panic of 1907 came at a time of the country's greatest prosperity. Under the law the banks of the country are divided into three classes—country banks, reserve city banks, and central reserve city banks. Under the old law the country banks were required to keep a certain portion of their reserves on deposit with an approved bank in one of the reserve cities. The banks of the reserve cities, in turn, were required to keep one-half of their reserves on deposit with an approved bank in one of the three central reserve cities, the greatest of which was New York. Without stopping to go into detail, it is a fact admitted by all that under that system of reserves the reserve money of the country was pyramided, and a large volume of it found its way

to the banks of the city of New York. These banks were paying 2 per cent interest on these reserves, and naturally they wanted to have some returns on them, to which they had a right; and in order to get these returns they loaned out these reserves upon the only security with which they were familiar—that is, investment and speculative securities that were being dealt in on the stock exchange of New York. Each year these New York banks gradually loaned out these reserves to a greater extent, and finally in 1907 the crash came.

The gentleman will recall that at that time the country was in a prosperous condition, that we had bumper crops, and that the mills of the country were running at a greater capacity than they had ever run before. This very prosperity had caused a rising and an active market in the speculative securities upon which the New York banks had loaned these reserves, and naturally there was a great demand for this reserve money, and the loans of this character had a larger and greater volume than ever before. Bumper crops were being harvested, and in order to provide funds and credits for the harvesting of these great crops the country banks began to call in their reserves and ask for greater accommodations from the New York banks in a volume greater than their ordinary seasonal demands. What happened? The demands of the country banks occasioned by the prosperity of the country were greater than the New York banks could meet, and in order to get the funds with which to meet these demands these banks commenced calling these speculative call loans, and this caused a dumping of securities on the stock exchange market and resulted in the panic. In other words, the very prosperity of the country precipitated the panic. I say precipitated the panic, but of course it did not cause it. The underlying cause was the unsafe system that was in effect and made such conditions possible. What was the result? When the country banks called upon their correspondents in New York and the other central reserves and reserve cities for their reserve money and for rediscount privileges neither were available. And as the gentleman from Illinois well said, the banks told us that we could not get our money all at once. What was the need of the country? The bumper crops, the industrial prosperity, and the extraordinary activities and needs called for a greater volume of money, but instead of getting a greater volume of money to meet the seasonal and legitimate demands of the prosperity of the country the panic caused a shortage of current funds and caused great loss.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WINGO. I ask for five minutes more.

The CHAIRMAN. The gentleman from Arkansas asks unanimous consent for five minutes more. Is there objection?

There was no objection.

Mr. WINGO. That was the cause of the panic of 1907, and I do not think the gentleman from Illinois [Mr. CANNON], or any other gentleman who studied the question, will doubt it; and if the gentleman from Missouri [Mr. MEEKER] can get the Secretary of the Treasury to make a statement to the contrary, I shall be very much surprised.

But, Mr. Chairman, let us get back to the original proposition. The gentleman from Illinois said he has been at these country bankers' banquets and that they cuss the Federal Reserve System, and that in order to express their real opinions about it I think he said he would have to use unparliamentary language and violate some of the commandments. Oh, yes; I have read some of the speeches delivered at some of these same bankers' banquets, and I suspect the gentleman from Illinois has fallen into the same error that some of the bankers did that he listened to, and that is criticizing the system itself when really their only objection went to the administration of the system. But there are some bankers in this country who still long for a return to the old system, disastrous as it proved to be; but the amusing thing about some of these speeches at some of these banquets is that in one breath they claim credit for the enactment of the Federal Reserve System, contending with great earnestness that they started the propaganda by which the banking and currency system of the country was revised, and tell how they had to drive Congress into this reform, and yet in the next breath, as the gentleman from Illinois says, they condemn the system itself.

Mr. BARNHART. Will the gentleman yield?

Mr. WINGO. I yield to the gentleman from Indiana.

Mr. BARNHART. The National Bankers' Association, after first condemning this system, have wheeled into line and now indorse it year after year, do they not?

Mr. WINGO. Oh, yes. The truth is, every intelligent banker of this country recognized that it was necessary to revise the banking and currency laws of this country. There was no dispute about that. The opposition that they offered to us in the Banking and Currency Committee and to Members of Congress was not for the purpose of preventing a revision of the banking and currency laws, but was for the purpose of trying to get something put into the system to which they were not entitled, and they used their opposition to the revision itself purely as a lever.

Mr. GLASS. I suggest to my colleague that if the gentleman from Illinois [Mr. CANNON] had attended the banquets throughout the country of large commercial associations and large industrial associations, he would have heard only praise of the Federal Reserve System.

Mr. WINGO. That is true; and I will say to the gentleman from Illinois that in my candid judgment—and I have talked to country bankers—every day they are beginning more and more to understand the philosophy of the banking and currency system that is embodied in the Federal reserve act, and I candidly believe that when we enact this amendment it will enable a great many State banks to come in and ultimately the majority of the State banks will join the system.

I admit there are some things in the bill that violate my ideas of what should be done, and there are some amendments I would like to have made to the bill, but I recognize that every amendment authorized in this act is in keeping with the fundamental philosophy of the Federal reserve act.

Mr. GLASS. Will the gentleman yield?

Mr. WINGO. I will.

Mr. GLASS. I want to say to the gentleman that within the last 48 hours State banks and trust companies in the Mississippi Valley, representing resources of $75,000,000, have joined the Federal Reserve System.

Mr. WINGO. That is true. Now, before I conclude I want to discuss the reserves in detail.

Mr. HARDY. Will the gentleman yield?

Mr. WINGO. Yes.

Mr. HARDY. Is it not a fact that 90 per cent of the criticism of the country banks grows out of the fact that they are not allowed to charge for collections?

Mr. WINGO. That is true; and I am in sympathy with the contention of the country banks that they should have the right to charge a reasonable legitimate exchange on collections to cover actual service rendered; but that is not in the bill. I offered such an amendment in the Committee on Banking and Currency and reserved the right to vote for it should it be offered on the floor. It was offered in the committee, but the chairman ruled it out of order on this bill.

Now, I want to discuss briefly the reserve question, because there seems to be a misunderstanding even among some Members of the House as to what reserves are. I want to state what constitutes reserve money, what the reserve requirements were under the old law, what the reserve requirements are under the present law, and what the reserve requirements will be if this bill becomes a law. That is information which several gentlemen have asked me to give while discussing this bill. First, what do you mean by reserves? By that is meant that each bank must keep in reserve, unused, save in certain contingencies, a sum in lawful money equal to a certain percentage of its deposits. Second, what constitutes lawful money? By lawful money is meant legal-tender money. The principal lawful money is gold coin, which, of course, is the basic money of the country; then the gold certificate, of which one class is payable to order; then clearing-house certificates, United States notes, the Treasury notes of 1890, silver dollars, silver certificates, and fractional coin. In addition to that, banks are permitted to count gold bullion bearing the assay stamp of the United States mint as reserve money. In passing it might be well to state the status of each kind of lawful money, which is as follows:

Gold coin is legal tender at its nominal or face value in payment of all debts, public and private, when the coin is not below the standard weight and limit of tolerance prescribed by law and when below such standard weight and limit of tolerance it is legal tender in proportion to its weight. Being standard money, gold coins are not redeemable.

Gold certificates are not legal tender but are receivable for all public dues, and when so received may be reissued; and they may be held by Federal reserve and national banks as lawful reserve. Gold certificates are receipts for actual deposits of gold in the Treasury and are redeemable in gold coin by the Treasurer and all assistant treasurers of the United States.

Standard silver dollars are legal tender at their nominal or face value in payment of all debts, public and private, without regard to the amount, except where otherwise expressly stipulated in the contract. Being standard money, standard silver dollars are not redeemable.

Silver certificates are not legal tender, but, like gold certificates, they are receivable for all public dues, and when so

received may be reissued; and they may be held by Federal reserve and national banks as lawful reserve. Silver certificates are receipts for actual deposits of standard silver dollars in the Treasury and are redeemable in such dollars only.

Treasury notes of the act of July 14, 1890, are legal tender for all debts, public and private, except where otherwise expressly stipulated in the contract. They are redeemable in United States gold coin or in standard silver dollars at the option of the holder by the Treasurer and all assistant treasurers of the United States. When received by the Treasurer they are cancelled and replaced by silver certificates.

United States notes (also known as "green backs" and "legal tenders") are legal tender for all debts, public and private, except duties on imports and interest on the public debt. Upon the resumption of specie payments, January 1, 1879, these notes were accepted in payment of customs dues and have been freely received on that account since, though the law has not been changed. They are redeemable in United States gold coin in any amount by the Treasurer or any assistant treasurer of the United States, and when received are reissued.

Subsidiary silver coins are legal tender for amounts not exceeding $10 in any one payment. They may be presented in sums or multiples of $20 to the Treasurer or any assistant treasurer of the United States for redemption or exchange into lawful money.

I might also, in passing, give the legal status of the Federal reserve notes and national bank notes, which is as follows:

Federal reserve notes are not legal tender, but are receivable by the Government for all public dues, and are receivable on all accounts by all Federal reserve banks, national banks, and other banks members of the Federal Reserve System. They are redeemable in gold coin of the United States by the Treasurer, and in gold or lawful money by any Federal reserve bank. Federal reserve bank notes are identical in all their attributes with national bank notes.

National bank notes are not legal tender, but are receivable for all public dues except duties on imports, and may be paid out by the Government for all purposes except interest on the public debt and for redemption of national bank notes. They are redeemable in lawful money of the United States by the Treasurer, but not by the assistant treasurers, and are also redeemable at the bank of issue.

Now, having stated what constitutes reserves and what moneys may be counted as reserves under the law, let us see what amount of reserves was required under the old law, the present law, and also under the pending bill.

The CHAIRMAN. The time of the gentleman from Arkansas has expired.

Mr. WINGO. I ask for five minutes more.

The CHAIRMAN. Is there objection? The Chair hears none.

Mr. WINGO. But, before I undertake to show the amounts of the different reserve requirements, it might be well to explain the different classifications of banks: National banks are divided into three classes—country banks, reserve city banks, and central reserve city banks. I will not stop to give the statutory definition of the different classes but will simply say that the country banks are the banks of the country towns; the reserve city banks are the banks in the reserve cities, of which cities there are 52; the central reserve city banks are those banks in the three central reserve cities. Under the old law the country bank was required to keep a reserve of 15 per cent. Of that amount they were required to keep 6 per cent in their own vaults and 9 per cent in an approved bank in one of the reserve cities——

Mr. PLATT. Will the gentleman yield?

Mr. WINGO. I yield to the gentleman from New York.

Mr. PLATT. They were allowed to keep in the reserve cities but were not required to.

Mr. WINGO. Yes; they were allowed to; and they could keep it at home, though they were required to keep as much as 6 per cent in their own vaults. That is, three-fifths of the reserve might consist of balances due the bank by approved banks in the reserve cities.

Mr. PLATT. Sometimes they had one plan and sometimes another.

Mr. WINGO. Yes; that is true, but I am trying to give the reserve requirements and the percentages and where such reserves might be kept so that Members may have a clear idea of these requirements.

The banks in the reserve cities had to keep on hand 25 per cent of the deposits, one-half of which they were required to keep in their own vaults, and the remainder they might have on deposit with approved banks in a central reserve city. The banks in the central reserve cities were required to keep on hand in lawful money 25 per cent of their deposits.

Having given the reserve requirements under the old law, let us see what the reserve requirements of the present Federal Reserve System are. It will be seen that by the Federal reserve act we lower the reserve requirements considerably. Under the present law, that is, the Federal Reserve System, the country banks are required to keep on hand as a reserve an amount of lawful money equal to 12 per cent of their deposits. Of this amount—I am giving you the figures as the law will be in November of this year, when the reserves are finally shifted under the new law. Of that 12 per cent they will then be required to keep at least 4 per cent in their own vaults, 5 per cent with the Federal reserve bank, and the remaining 3 per cent either in their own vaults or in the Federal reserve bank.

The reserve city banks under the present law are required to keep on hand as a reserve lawful money to an amount equal to 15 per cent of their deposits. Of this amount they are required to keep 5 per cent in their own vaults, 6 per cent with the Federal reserve bank, and 4 per cent they are permitted to keep in their own vaults or with the Federal reserve bank.

Under the present law banks of the central reserve cities are required to keep on hand in lawful money an amount equal to 18 per cent of their deposits, of which 6 per cent must be kept in their own vaults, 7 per cent with the Federal reserve bank, and the remaining 5 per cent either in their own vaults or with the Federal reserve bank.

Now, under the pending bill the country banks are required to keep a 7 per cent reserve, the reserve city banks a 10 per cent reserve, and central reserve city banks a 13 per cent reserve, and in each instance these reserves must be kept with the Federal reserve bank.

To recapitulate, under the old law the country banks were required to keep 15 per cent reserves, under the present law they are required to keep 12 per cent reserves, and under the pending bill they would be required to keep only 7 per cent reserves. Reserve city banks under the old law were required to keep 25 per cent reserves, under the present law they are required to keep 15 per cent reserves, while under the pending bill they will be required to keep only 10 per cent reserves. Central reserve city banks under the old law were required to keep 25 per cent reserves; under the present law they are required to keep 18 per cent reserves, while under the pending bill they will be required to keep only 13 per cent reserves.

[At this point the committee rose, as the time had arrived under the previous order of the House to receive the British commission. After the reception of the British commission, and the recess for that purpose, the House again resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 3673. After the Clerk of the House, by direction of the Chairman, had reported the bill, the following proceedings were then had:]

The CHAIRMAN. When the committee rose the gentleman from Arkansas [Mr. WINGO] was occupying the floor, and had two minutes of time remaining.

Mr. GLASS. Mr. Chairman, I ask unanimous consent that the gentleman from Arkansas may proceed for 10 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. WINGO. Mr. Chairman, I thank the gentleman from Virginia [Mr. GLASS] and the committee, but I shall not use all of the time. I do not now recall exactly the point I was discussing when the committee rose for the purpose of receiving the British commission, but I think I had finished a recapitulation or a comparison of the reserves under the old law, the present existing law, and what they would be under this bill. From what I stated before the committee will understand that we propose a further reduction of the reserves by reducing the reserves to 7 per cent for the country banks, 10 per cent for the reserve city banks, and 13 per cent for the central reserve cities, and this bill would require all of these reserves to be kept with the Federal reserve bank of the district in which the member bank is located, and it is this requirement to which opposition has arisen. If those who oppose this requirement will compare the reserves required by this bill to be kept with the Federal reserve bank, with the reserve requirements of the old law, or even with the present law, they will readily see that we have reduced materially the amount of money that banks are required to keep tied up in reserves. But it is contended that these reserves draw no interest. That is true, but under existing law after next November they would not be permitted to collect interest; so, as a matter of fact, this bill does not change

the law on that point. Another objection that is offered to this bill is that the banks are not required to keep any reserves at all in their own vaults. The bill as originally written and presented to the Committee on Banking and Currency required the country banker to keep as till money an amount equal to 5 per cent of his deposits, but this provision was cut out in the Committee on Banking and Currency because it was useless and unnecessary and injected into the law an unheard of requirement without any necessity therefor, the committee recognizing the fact that each banker of necessity will keep sufficient money in his till to meet his current daily needs. The gentleman from New York [Mr. PLATT] called attention to the great volume of excess reserves now held by the banks of the country. That is true, but it does not indicate what some gentlemen seem to think, but to the practical man it indicates very clearly that the banks of this country believe that it is necessary for them to carry higher reserves than the law requires; so, as a matter of fact, we find the banks imposing a greater burden upon themselves than the law places upon them. If they wish to carry excessive reserves they may do so under this bill, the only compulsory requirements in it being that they must keep a certain amount of reserve funds with the Federal reserve bank.

Another objection is that while we reduce the total amount of reserves, the amount that is required to be kept with the Federal reserve bank is a 2 per cent increase over the requirements of the present law. Personally I have doubted the necessity for this increase, but the Federal Reserve Board and others, who have considered the question, suggested a necessity which appeals strongly to those who would recognize existing conditions with reference to our gold supply, and who see the necessity for its proper mobilization and governmental control over it. This bill, if enacted, will effect a mobilization of a greater volume of gold in the Federal reserve banks. It is thought that practically the entire increase in reserves will ultimately be in gold, and that by this increase the gold holdings of the Federal reserve banks will be increased to an estimated $354,000,000. These increased gold holdings by the Federal reserve banks will serve two purposes, whether you agree that they are necessary for the safety of the country or not. One of these purposes will be that by this increased holding in gold the Federal reserve banks will have a greater volume of gold for reserves against Federal reserve note issues, and that by this the rediscount privileges of the Federal reserve banks combined will be increased to approximately $1,000,000,000. The other purpose to be served will be the mobilization of the gold of the country, or rather a controlling volume of it, in the hands of the Federal reserve banks, and these banks being under the control of a Government board the controlling volume of the country's gold will thereby be placed under Government supervision, and its outflow can be directed along practical and necessary lines and so safeguarded as to protect the commerce and welfare of the entire country. You ask how this will be done? You ask what is the necessity of taking the gold away from the country banks and mobilizing it in the hands of the Federal reserve banks? I in turn ask you what service is the gold now lying in the vaults of the country banks rendering to the Nation, to its banking system, or to its commerce? With the exception of the Pacific slope you do not have gold in ordinary circulation.

The increase in the gold holdings of this country since the beginning of the war and its probable outflow at the conclusion of the war is a question that very properly gives serious concern not only to the bankers of the country but also to every citizen of the country, because the handling of that gold all agree will affect the commerce and welfare of the country. One of the controlling forces of high prices is the increased volume of gold in the country. Since the beginning of this war the gold holdings of the United States have been so increased that this country controls over one-third of the gold in the world. We want to control the outflow of that gold so it will go out for legitimate purposes and in such a way as to not unsettle business and disturb the economic welfare of the Nation.

I am not afraid of the outflow of gold if it goes out for legitimate purposes, and in a steady, well-directed, and legitimate way; but suppose we leave our surplus gold scattered over the country, lying idle in the vaults of the different banks, then I ask you what control can be exercised over it? Other nations have undertaken to solve this problem, and we should profit by their experience. We should not only profit by their experience, but we should so control our gold supply as to protect us against the controlling and preventive measures that other nations have resorted to. How is the outflow of gold controlled in England, France, and Germany? If there is an extraordinary outflow of gold from England in such an abnormal way and under conditions that disturb trade and prices in the British Empire, the Bank of England raises the discount rate, checks the outflow, and reduces it to a normal, legitimate flow. In the other nations the same method is employed, and in each of these nations a controlling volume of their gold is under control. By mobilizing the controlling volume of the gold of this country in the hands of the Federal reserve banks, the Federal Reserve Board can resort to the same measures that other countries resort to, if they attempt to draw from us our gold supply for other than legitimate normal actual needs. I will repeat that this gold question is one that causes deep concern to every thoughtful man. Since the beginning of the war every nation on earth has striven to mobilize its gold and gather from other nations what it could. The result of these efforts is that while the gold reserves of England and France and our other allies have increased by an estimated 18 per cent during the last three years, Germany, shut in as she is from the rest of the world, has increased her gold holdings to 115 per cent. That is significant, is it not? I will not undertake to burden the committee with a discussion of this significance, but I ask you if it is not well, in view of these facts, for this Nation to mobilize its gold, so as to have it under proper control? Any man who has studied the question knows that the fluctuation of gold is one of the greatest determining factors in the fluctuation of prices. If we do not prepare against the day that is coming, and our gold should be suddenly drawn from us, there necessarily will come a sudden contraction of credits, and with this contraction of credits and the industrial depression that would follow in this country, the country banker would be affected as deeply as any other class of citizens of this country, and for what reason, he has a vital interest and will benefit by the things that we seek to do by this bill. I believe that those who study the question recognize that their welfare is wrapped up in the general welfare, and will take the broader view, and will see that the reserve requirement of this bill, instead of being a hardship, is a security against unsettled conditions, which if permitted to come by a sudden contraction of their credit and currency the disaster would fall heavily upon them and their depositors.

Mr. FESS. The balance of trade during the war has been so enormous that England could not control the flow of gold to this country. Now, in case after the war is over the balance of trade starts in the other direction instead of in this direction, have we any power under this Federal reserve act to control or to prevent it going out to settle balances?

Mr. WINGO. Not for legitimate and proper purposes, such as in the settling of actual and usual balances growing out of trade transactions where we get value received together with profit. I am not one of those who are afraid of our gold going out as long as we get value received for it, and it goes out in such a normal legitimate way as not to cause a sudden contraction of credits in this country. One way I will suggest to the gentleman by which we can control it is through the discount rate and by the establishment of branches of our Federal reserve banks in foreign countries.

Mr. FESS. I wanted to say that the gentleman's statement that Germany had prevented the gold from going out of the country even at a time when she is under great stress is interesting to me. But is it not true that Germany has not been buying from other countries?

Mr. WINGO. Yes; that is true, but I fear the gentleman did not get my point. In speaking of the mobilization of gold in the German Empire I referred to her governmentally controlled banking institutions, which have increased their gold holdings 115 per cent since the war started, whereas the average increase of gold holdings of the controlled and central banks of the allies has been only about 18 per cent. I think the real reason for the normal increase of our allies has been that we have drained them of their gold in payment of supplies they have been buying from us. In other words, we have taken this gold in the settlement of the balance of trade in our favor.

Mr. FESS. What I wanted to ask was whether the gentleman had looked into the fact as to how Great Britain could buy, say, $2,500,000,000 of products from us beyond what she sold and yet transfer to this country only about three-quarters of a billions dollars gold. How was that done?

Mr. WINGO. Well, I shall not undertake to go into detail as to my opinion as to that, but let me suggest these facts to the gentleman for his reflection, and possibly he can answer his own question. Since the war started we have not only gotten from the rest of the world gold in great volume but we have also rebought a great volume of our securities that were held in England and France, so that these two items combined—that is, gold and our own securities which we have drawn from our allies—amount, according to one estimate

that I have seen, to over $5,000,000,000. Let me suggest that after the war is over and before we return to our relative positions occupied by us commercially and financially before the war, the balance of trade against us must exceed $5,000,000,000. In other words, before we get back to the position that we occupied relatively before the war, the balance of trade must go against us to a volume that we need not fear, and the only real fear is our gold supply will be drawn upon by the other nations not through the regular legitimate trade channels or in the settlement of commercial balances but by sudden movements caused by a manipulation of exchange, which would unsettle industrial conditions in this country, and which it is thought can be avoided by mobilizing our gold and directing its use at home and its outflow to other countries along legitimate lines.

Mr. HARDY. Mr. Chairman, will the gentleman yield?

Mr. WINGO. Yes.

Mr. HARDY. Is it not a fact that writers to-day contend that at the end of this war the nations now at war will make spasmodic efforts to recoup themselves with gold?

Mr. WINGO. Yes; that necessarily will happen.

Mr. FESS. Mr. Chairman, will the gentleman yield?

Mr. WINGO. Yes.

Mr. FESS. About what proportion of American securities that have been held by the Governments of the allies has been mobilized and turned in?

Mr. WINGO. I regret that I can give the gentleman no estimate on that. But I wish to conclude, Mr. Chairman, because I have taken more time than I intended. I wish to repeat that the philosophy of the Federal Reserve System is not based solely upon its profit making. It was intended by the creation of that system primarily to prevent the recurring panic conditions that grew out of the old system of reserves and the unseen private control of the banking facilities of this country. In other words, it was intended that the Federal reserve act should be what its name indicated—primarily a system for safeguarding, mobilizing, and directing along proper legitimate lines the bank reserves of the country; and those gentlemen who are opposed to requiring the member banks to keep their reserves with the Federal reserve banks wish to have the play Hamlet, with Hamlet left out. [Applause.]

The CHAIRMAN. The time of the gentleman from Arkansas has expired.

Mr. MADDEN. Mr. Chairman, I doubt whether I have anything of great value to contribute to the general knowledge on this question, but what I have to say shall be chiefly on the question of taking the reserves out of the member banks and putting them into the reserve banks.

The doing of that ought not to create any uneasiness anywhere, for these reasons: Those reserves will have to be maintained somewhere, and the wisdom in this case seems to compel the conclusion that the safe place to keep them is where they can best be utilized. If we assume that we have 9,000 member banks—and I do not know just how many we have—we will have 9,000 units endeavoring to make loans on the basis of the reserves which they hold in their vaults. Everybody can see that in a case of emergency they could not utilize all their resources to make loans to the best advantage if the reserves were held by the member banks, whereas in cases of an emergency, such as may arise during the present year, if all these reserves are held where they can be controlled and directed by the Federal Reserve Board, it is easy to understand that we can expand the credit of the country to the extent that the Federal reserve banks are allowed to loan on the basis of the reserves, namely, $2.50 to every $1 of reserve.

The proposition now is to take over about $350,000,000 of reserves in the member banks and place them in the reserve banks, and to enable the Federal reserve banks to rediscount paper on the basis of 2½ to 1, which will make in the neighborhood of an extra billion dollars of credit that can be assembled at once.

Of course, it can not be assumed that the banks themselves would not be able to make loans against the reserves if they were held in their vaults, but it must be agreed that they could not assemble all their reserves and extend the credits on the basis of the amount of the reserves that are held by a number of institutions in the same way they can be assembled if they are under the control of the Federal Reserve Board. We are going to have to use a whole lot of money, and we have got to have credit where we can assemble it; and there is no means on earth by which we could be certain that we are going to be able to meet the situation except by placing these reserves under the control of the Federal Reserve Board in the Federal reserve banks. It is not going to impose any hardship on the banks to turn over 2 per cent more of their reserves than they are now turning over, because it only means to a bank that has $9,000,000 of deposits $180,000. It will be on that basis with respect to all other banks, and to say that the banks themselves will not have the means by which they can take care of their customers is beside the question, because they will be allowed to have free money in their vaults for use in making loans, whereas if they held the reserves in the banks they could not use those reserves to make loans at all. They could not use the money. It does not take any loaning power away from the banks to turn it over to the reserve banks, because they could not use that money themselves under any circumstances. It would have to remain in their vaults. It does not embarrass the banks at all, but it does facilitate the extension of credits at a period when we may need the credits more than we have ever needed them before. We have a war on our hands. We will need money, and if the Federal reserve banks are permitted to carry the reserves they will have the power by the amount of the reserves to extend the credit two and a half times beyond that. To say that the banks are not to be permitted to collect interest on those reserves is only to say that they are doing to-day what the banks would have to do on the 1st of next November anyhow. Is not that true, I will ask the chairman of the committee?

Mr. GLASS. I will say to the gentleman that it is worse than that. Under existing law after the 17th of next November the country banks will have a reserve of 12 per cent tied up, on which they may draw no interest, instead of 7 per cent, as under this proposed bill.

Mr. MADDEN. That is true. This reduces their reserves from 12 per cent to 7. They are already obliged to carry 5 per cent of their reserves in the Federal reserve banks, and we are only increasing the amount 2 per cent.

Mr. PLATT. As a matter of fact, a good many of them are voluntarily carrying 7 per cent and more, too, in the Federal reserve banks.

Mr. MADDEN. Of course. They will carry it anyhow. They do not need this reserve in the small banks of the country, and this question is too big a question to be considered on the basis of what the profit of a particular bank is going to be.

Mr. HARDY. On 2 per cent.

Mr. MADDEN. As long as we are doing no serious injury to the banks, the thing to be considered is the best interests of the country, and we are not doing any serious injury to the banks; but, on the contrary, we are establishing a policy which, in my judgment, must inevitably lead to the conclusion that credits are to be established on a firmer basis than they ever have been before.

Mr. BORLAND. Mr. Chairman, I am thoroughly in accord with this act, and would not undertake to discuss it if it had not been for what has been said in regard to the dissatisfaction of the bankers with the Federal Reserve System. I know that it is very easy, when men's financial interests are involved, to arouse some feeling of dissatisfaction upon particular details of legislation, and unfortunately that is especially easy to do when the thing takes on in any way a political complexion; but I will venture to say that there has never been a law of the magnitude of this law and the far-reaching effect of this reserve banking act which has gone into operation with less jar, with less hardship, and with less dissatisfaction, either by the people directly affected or the community at large, than this reserve banking act. It has been a pronounced and an unequivocal success. It has stood the strain under the most remarkable circumstances of our country. From repeated conversations with city bankers who are directly affected by this, and with country bankers also, I venture to say that there is not anywhere a sentiment for a return to the old system. They are all in favor of the continuance of the Federal Reserve System. Where complaints are made at all, they are the natural complaints of men who feel that in some way their financial interest might be bettered by a particular change; and we must take that sort of complaint into consideration and give it what weight it is entitled to and no more.

Gentlemen must not forget that this system is what it is denominated to be—a reserve system. They must keep their minds always upon the idea that the great principle involved in this bill is to make our bank reserves really answer the purpose of reserves. Now, the gentleman from Arkansas [Mr. WINGO] pointed out very clearly, I thought, the cause of the disgraceful and inexcusable panic of 1907. If I were disposed to engage in any political discussion this would be a very apt opportunity to do so. I think that panic was inexcusable, disgraceful, and ought not to be repeated in this country. It was caused by the fact that the so-called reserves of the banks in those days were not reserves at all. They did not answer the purpose of reserves. Now, I know there were some banks in my part of the

country, especially country banks, which had been in a certain family for a very long time, and were very sound and reputable and solid, and they prided themselves upon paying dollar for dollar over their counters all during that panic, when city banks were giving out clearing-house certificates or refusing to pay. I know of a few country banks of that kind, and naturally they were very proud of what they did. Yet let us consider for a moment what it meant to a country bank to be in a position to do that. It meant that it must have reserves in its vault far beyond what was necessary or profitable for any bank to carry in its vaults. If a bank wishes to do that, to restrict its earning power and restrict its service to the community to the extent of carrying undue reserves in its vaults, it may be able to withstand the stress and the run of critical times; but this reserve system is to avoid the inconvenience to the country banks and the inconvenience to the community that such a course of procedure involved. I take it when a bank keeps its money in its vaults in order that it can say that it is able at any time when suddenly called upon to do so, to pay over its counter dollar for dollar of every demand that may be made upon it by depositors, it is not fulfilling its full function to the community. This Federal Reserve System is designed so that the reserves shall be actually on hand to answer the purpose of reserves in time of stress, and there is no way in which it can be done except by the Federal Reserve System. That is agreed upon by the banks, and certainly it is agreed by the business men and public who are benefited by it.

If a bank carries any portion of its reserve in a sister bank, it may occasionally go to that bank and get favors in the way of advances of cash or rediscounts. It may, but that depends upon the ability of the bank that carries the reserve to answer those demands. That is the first contingency. In the time of the panic of 1907 the big city banks were not able to answer these demands. Those that were able to help the small banks must necessarily play favorites. They necessarily favored some country banks among their correspondents and refused other country banks. That was within my knowledge. I know that some country banks came in and got advance currency to meet the stress, and others were refused. That was a discrimination not only among the banks but among the communities served by such banks. Under these circumstances the bank can now be absolutely sure that when it goes to seek a rediscount it is entitled to it as a matter of law. It does not cast any reflection on the credit of the bank to ask for a rediscount; it is asked for to serve the community it undertakes to serve.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. GLASS. Mr. Chairman, I ask unanimous consent that all debate on this paragraph and all amendments thereto close in 10 minutes.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent that all debate on this section and amendments thereto close in 10 minutes. Is there objection?

Mr. NORTON. Reserving the right to object, I would like to ask the gentleman if I can have some of that time.

Mr. GLASS. Yes.

Mr. MEEKER. Mr. Chairman, I want a minute to ask unanimous consent to insert in the RECORD page 1 from the Annual Report of the State of the Finances of the Treasury Department, December 19, 1914, which will make it clear to the House that the gentleman from Arkansas and myself in a colloquy were talking about two different propositions. I maintain that the point I made at that time in regard to the Federal Reserve System will be sustained by this report. I further wish to say that the italics which appear in the report will be my own. However, the paragraphs italicized constitute a part of the report.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent to insert in the RECORD the extract he speaks of. Is there objection?

Mr. MANN. How long is the extract?

Mr. MEEKER. Just one page.

Mr. WINGO. The extract that the gentleman wishes to insert shows that the quotation that the gentleman referred to in the colloquy was in reference to the conditions in 1914 and not 1907.

Mr. MEEKER. Yes; the Federal Reserve System.

The extract is as follows:

ANNUAL REPORT ON THE FINANCES—THE EUROPEAN WAR CRISIS.

The outbreak of the European war precipitated many grave problems. International credits and exchanges were completely disorganized, ocean transportation was for a time partially paralyzed, the entire business and economic structure in this country was shaken to its foundations, and a catastrophe of calamitous proportions was narrowly averted. It is a tribute to the economic strength and soundness of the country and to the patriotism of its people in every class and walk of life that the shock has been so admirably withstood. A panic of cataclysmic proportions might easily have resulted, and, if it had, the injury to the country would have been incalculable and many years would have been required to overcome its effects. *Through the prompt and effective action of the Treasury Department and with the cordial and intelligent cooperation of the banking and business interests of the country, the danger has been averted. Confidence has been restored and specie payments have been maintained in the face of the world.* At no time since the war broke out has there been, to the knowledge of this department, with the exception of a few isolated cases, a failure on the part of any solvent national bank to honor its checks in currency or money or to meet its obligations. The general revival of business throughout the country is the best evidence that confidence has been restored. Interest rates have come down from the high level to which apprehension had lifted them, restriction of credits has disappeared, foreign exchange has reached a normal basis, and a feeling of optimism pervades the business world. There is every reason why the country should look to the future with confidence, so far as its trade, commerce, and industry are concerned. *This has been accomplished notwithstanding the fact that the Federal Reserve System authorized by the act of December 23, 1913, was at that time only in process of formation, and was therefore unable to render any service in the situation.*

Mr. NORTON. Mr. Chairman, I would not occupy the time of the committee at all in this matter if it were not for the statements made by the gentleman from Illinois [Mr. CANNON].

I want to say that from the beginning I have had a great deal of confidence in the Federal Reserve System, and at the present time I am in favor of any amendment that will liberalize or improve that system, and I believe the amendment proposed here to section 19 will do that.

I live in a section of the country the interests of which are much the same as those of the gentleman from Illinois [Mr. CANNON]. I represent a large farming community, and I can say to this House that this system already has been of very great direct and indirect benefit to my section of the country. I must say, to be candid, that when this system was under consideration in this House a large majority of the bankers of North Dakota were opposed to the system. I believe that was true also of the bankers of Minnesota, our adjoining sister State. At that time I talked personally with some of the most prominent bankers of North Dakota and Minnesota, and many of them were then bitterly opposed to the proposed Federal Reserve System. Within the past month I have talked with some of the largest and most influential bankers of Minneapolis and St. Paul, and almost to a man they have expressed the opinion that the Federal Reserve System has already proven to be a great success.

Within the past month I have talked with the president of a bank in the west central portion of the United States that has on deposit more than $15,000,000. When the Federal reserve act was under consideration in the House he was bitterly opposed to it. But recently he stated to me that his bank intended soon to avail itself of the advantages of the system by discounting some of its paper, and that he thought the Federal Reserve System was a bulwark of strength for the business interests of the country. It has been frequently urged by way of criticism that the Federal Reserve System is not a profit-making system. Now, that may or may not be true; but I do not understand that it was organized primarily as a profit-making proposition. It was organized to give better and safer banking services and facilities to the people of the country. I know as far as my section of the country is concerned that it is to-day doing that to a large extent. The small banks of the Northwest are able to-day to receive, and are receiving, better accommodations from the larger correspondent banks with which they do business than they ever have before. Depositors, borrowers, and small as well as large banking institutions throughout the Northwest have benefited greatly, directly and indirectly, on account of the establishment of this system.

The system as it operates in the Northwest makes it easier and safer for the country banks to do business; it enables the country banker as well as the city banker to sleep better nights. The country banker and the city banker knows that if there is a sudden and heavy demand for loans from the customers of his bank, as has occurred in times past, he has somewhere to go where he can with absolute certainty secure money by rediscounting the securities in his bank. The large bankers in Minneapolis and St. Paul I know feel safer in the banking business to-day under this system than they ever did under the old national banking system.

Mr. ROSE. Will the gentleman yield?

Mr. NORTON. Certainly. I shall be happy to yield to the gentleman.

Mr. ROSE. The gentleman made the statement that the country banks in time of stress knew where they could go and get their money. About how long does it take for a country bank to receive that aid from one of the Federal reserve banks?

Mr. NORTON. It does not take the country banker any longer to-day to receive proceeds of rediscounts directly or indirectly from the Federal Reserve System than it took him to receive loans from his correspondent banks in the most prosperous times in the past under the old national banking system.

Due to increased farming operations, there is a great demand for money now throughout the Northwest from the larger city banks. In fact, such a demand has, as I suggested a few moments ago, caused the larger banks to do something that they never expected to be obliged to do, and that is to borrow from the Federal reserve banks. There is such an elasticity in the Federal system that it permits member banks by rediscounting their securities to provide the money at once for the going and growing business of the country. I can not concur in the attempted general criticism of the system made by the gentleman from Illinois [Mr. CANNON].

The CHAIRMAN. The question is on the substitute offered by the gentleman from Pennsylvania [Mr. MCFADDEN], which, without objection, the Clerk will again report.

There was no objection, and the Clerk again reported the substitute offered by Mr. MCFADDEN.

The CHAIRMAN. The question is on the substitute offered by the gentleman from Pennsylvania.

The question was taken, and the substitute was rejected.

Mr. HILL. Mr. Chairman, do I understand that the amendment offered by myself is now pending?

The CHAIRMAN. It is. The Chair begs to state to the gentleman from Connecticut that debate has been closed by unanimous consent.

Mr. HILL. Mr. Chairman, I ask unanimous consent that I may proceed for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. HILL. Mr. Chairman, as I stated the other day, I am in favor of this bill with this section with regard to the reserve stricken out. As I said the other day, this section is directly and distinctly antagonistic to the interests of the country banks. I would not plead for striking it out upon that ground alone, but I go still further than that and claim that in the ultimate reach of this amendment it is far more detrimental and will be to the whole country than simply to the country banks now. As I understand this proposition, its purpose is to draw into the control of the Federal Reserve System practically all of the gold of the country, and if I am wrong in that statement I wish the chairman of the committee would correct me. I understand that to be the primary purpose of the amendment.

Mr. GLASS. I think the gentleman is totally mistaken about that.

Mr. HILL. That is the way I understand it. The purpose of this amendment is to draw into the Federal Reserve System practically all of the gold of the country, and against that gold so taken into the Federal Reserve System to issue Federal reserve notes. The weekly reports of the Federal Reserve System are made on Saturday. I have not had time to examine the papers this morning, but I venture the statement now that if you will look at the New York papers, you will find there is being pumped into the circulation of this country paper money to the extent of about a million dollars a day.

Mr. WINGO. Mr. Chairman, will the gentleman yield? I call his attention to the fact that the proposition he suggests was voted down in the committee. It was in the original bill.

Mr. HILL. The effect of this amendment of lowering the reserves to 7 per cent and requiring that they all shall be placed in the Federal reserve banks will be just as I have stated. What will be the ultimate result? By-and-by, when this war is over, you will find a great volume of paper money in the circulation of the United States based on gold. The Federal Reserve Board are issuing it now at about a hundred per cent gold as against 100 per cent paper. The law simply requires 40 per cent. When the draft comes on this country to maintain our gold reserve and preserve the balance of trade, in view of the rapidly increasing importations into this country and the dead certainty that the flood will come with double volume after the war is over, when the factories of Germany and Austria and the rest of the central powers are thrown open, and the stoppage of war supplies compels and forces activity in the production of articles for peace in the allied countries, then that gold will go down to the point of 40 per cent reserve and we will find this country flooded with a volume of paper money in its effect no more and no less than if it were greenbacks, and this circulation is being pumped in for the purpose of maintaining flush times then under an inflated system of currency and preventing perhaps—perhaps—a cataclysm by-and-by. I would prevent it by holding the gold, if necessary, in the banks of the country rather than paper money and making our own goods, where possible, here under protective duties on competing products. Now, I make that statement unqualifiedly, and I must go to the committee meeting now. I thank you for the privilege of letting me speak. [Applause.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Connecticut.

The question was taken, and the chairman announced that the noes seemed to have it.

On a division (demanded by Mr. MANN) there were—ayes 13, noes 34.

So the amendment was rejected.

The Clerk read as follows:

SEC. 8. That section 14, subsection (e), of the act be amended and reenacted so as to read as follows:

"(e) To establish accounts with other Federal reserve banks for exchange purposes and, with the consent or upon the order and direction of the Federal Reserve Board and under regulations to be prescribed by said board, to open and maintain accounts in foreign countries, appoint correspondents, and establish agencies in such countries wheresoever it may be deemed best for the purpose of purchasing, selling, and collecting bills of exchange, and to buy and sell, with or without its indorsement, through such correspondents or agencies, bills of exchange (or acceptances) arising out of actual commercial transactions which have not more than 90 days to run, exclusive of days of grace, and which bear the signature of two or more responsible parties, and, with the consent of the Federal Reserve Board, to open and maintain banking accounts for such foreign correspondents or agencies. Whenever any such account has been opened or agency or correspondent has been appointed by a Federal reserve bank, with the consent of or under the order and direction of the Federal Reserve Board, any other Federal reserve bank may, with the consent and approval of the Federal Reserve Board, be permitted to carry on or conduct, through the Federal reserve bank opening such account or appointing such agency or correspondent, any transaction authorized by this section under rules and regulations to be prescribed by the board."

Mr. MCFADDEN. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, section 8 of this bill provides for the establishment in foreign countries of branches for exchange purposes under rules and regulations to be prescribed by the Federal Reserve Board, and makes it lawful for Federal reserve banks to maintain accounts in foreign countries, appoint correspondents and establish agencies in such countries wheresoever it may be deemed best for the purpose of purchasing, selling, and collecting bills of exchange, and so forth, arising out of actual commercial transactions. Branches have now been established in London and Paris.

The authority vested in this section establishes a new precedent as regards foreign exchange business in this country, and I believe that if this section is adopted and placed in the law, and I believe it should be, that the Federal Reserve System will eventually do all of the foreign exchange business that is now being done by private international banking institutions.

The handling of this foreign exchange business under the Federal Reserve System is a tremendously important step and will add greatly to the prestige of the Federal Reserve System, and will be a compelling feature for entry into the system of the banking institutions of the United States which are now outside of the system. The bulk of this foreign exchange business must necessarily be centered at a point in the United States where foreign bills are most in evidence, namely, New York City. The entry of the Federal Reserve System into this foreign exchange business will make these facilities available to all member banks, and thus make it possible for every member bank to take care of all their customers' requirements, as regards foreign exchange through the Federal reserve bank and its system of branches in foreign countries, thus facilitating imports, exports, issuance of traveler's checks, and help greatly to maintain the value of the American dollar in foreign exchange markets.

Mr. Chairman, I am heartily in favor of this system and I hope this amendment carries.

The CHAIRMAN. Without objection the pro forma amendment will be withdrawn.

There was no objection.

The Clerk read as follows:

SEC. 9. That section 9 of the Federal reserve act be amended to read as follows:

"SEC. 9. Any bank incorporated by special law of any State, or organized under the general laws of any State or of the United States, desiring to become a member of the Federal Reserve System, may make application to the Federal Reserve Board for the right to subscribe to the stock of the Federal reserve bank organized within the district in which the applying bank is located. Such application shall be for the same amount of stock that the applying bank would be required to subscribe to, as a national bank. The Federal Reserve Board, in accordance with such rules and regulations, and subject to such conditions as it may prescribe, may permit the applying bank to become a stockholder of such Federal reserve bank.

"In acting upon such applications the Federal Reserve Board shall consider the financial condition of the applying bank, the general character of its management, and whether or not the corporate powers exercised are consistent with the purposes of this act.

"Whenever the Federal Reserve Board shall permit the applying bank to become a stockholder in the Federal reserve bank of the district its stock subscription shall be payable on call of the Federal Reserve Board, and stock issued to it shall be held subject to the provisions of this act.

"All banks admitted to membership under authority of this section shall be required to comply with the reserve and capital requirements of this act and to conform to those provisions of law imposed on national banks which prohibit such banks from lending on or purchasing their own stock, which relate to the withdrawal or impairment of their capital stock, and which relate to the payment of unearned dividends. Such banks and the officers, agents, and employees thereof shall also be subject to the provisions of and to the penalties prescribed by section 5209 of the Revised Statutes, and shall be required to make reports of condition and of the payment of dividends to the Federal reserve bank of which they become a member. Not less than three of such reports shall be made annually on call of the Federal reserve bank on dates to be fixed by the Federal Reserve Board. Failure to make such reports within 10 days after the date they are called for shall subject the offending bank to a penalty of $100 a day for each day that it fails to transmit such report; such penalty to be collected by the Federal reserve bank by suit or otherwise.

"As a condition of membership such banks shall likewise be subject to examinations made by direction of the Federal Reserve Board or of the Federal reserve bank by examiners selected or approved by the Federal Reserve Board.

"Whenever the directors of the Federal reserve bank shall approve the examinations made by the State authorities, such examinations and the reports thereof may be accepted in lieu of examinations made by examiners selected or approved by the Federal Reserve Board: *Provided, however* That when it deems it necessary the board may order special examinations by examiners of its own selection and shall in all cases approve the form of the report. The expenses of all examinations, other than those made by State authorities, shall be assessed against and paid by the banks examined in the same manner and at the same rate that national banks are assessed for such expenses.

"If at any time it shall appear to the Federal Reserve Board that a member bank has failed to comply with the provisions of this section or the regulations of the Federal Reserve Board made pursuant thereto, it shall be within the power of the board after hearing to require such bank to surrender its stock in the Federal reserve bank and to forfeit all rights and privileges of membership. The Federal Reserve Board may restore membership upon due proof of compliance with the conditions imposed by this section.

"Any State bank or trust company desiring to withdraw from membership in a Federal reserve bank may do so, after six months' written notice shall have been filed with the Federal Reserve Board, upon the surrender and cancellation of all of its holdings of capital stock in the Federal reserve bank: *Provided, however,* That no Federal reserve bank shall, except under express authority of the Federal Reserve Board, cancel within the same calendar year more than 10 per cent of its capital stock for the purpose of effecting voluntary withdrawals during that year. All such applications shall be dealt with in the order in which they are filed with the board. Whenever a member bank shall surrender its stock holdings in a Federal reserve bank, or shall be ordered to do so by the Federal Reserve Board, under authority of law, all of its rights and privileges as a member bank shall thereupon cease and determine, and after due provision has been made for any indebtedness due or to become due to the Federal reserve bank it shall be entitled to a refund of its cash paid subscription with interest at the rate of one-half of 1 per cent per month from date of last dividend, if earned, the amount refunded in no event to exceed the book value of the stock at that time, and shall likewise be entitled to repayment of deposits and of any other balance due from the Federal reserve bank.

"No applying bank shall be admitted to membership in a Federal reserve bank unless it possesses a paid-up unimpaired capital sufficient to entitle it to become a national banking association in the place where it is situated under the provisions of the national bank act.

"Banks becoming members of the Federal reserve system under authority of this section shall be subject to the provisions of this section and to those of this act which relate specifically to member banks, but shall not be subject to examination under the provisions of the first two paragraphs of section 5240 of the Revised Statutes as amended by section 21 of this act. Subject to the provisions of this act and to the regulations of the board made pursuant thereto, any bank becoming a member of the Federal Reserve System shall retain its full charter and statutory rights as a State bank or trust company, and may continue to exercise all corporate powers granted it by the State in which it was created, and shall be entitled to all privileges of member banks: *Provided, however,* That no Federal reserve bank shall be permitted to discount for any State bank or trust company notes, drafts, or bills of exchange of any one borrower who is liable for borrowed money to such State bank or trust company in an amount greater than 10 per cent of the capital and surplus of such State bank or trust company, but the discount of bills of exchange drawn against actually existing value shall not be considered as borrowed money within the meaning of this section. The Federal reserve bank, as a condition of the discount of notes, drafts, and bills of exchange for such State bank or trust company, shall require a certificate or guaranty to the effect that the borrower is not liable to such bank in excess of the amount provided by this section, and will not be permitted to become liable in excess of this amount while such notes, drafts, or bills of exchange are under discount with the Federal reserve bank.

"It shall be unlawful for any officer, clerk, or agent of any bank admitted to membership under authority of this section to certify any check drawn upon such bank unless the person or company drawing the check has on deposit therewith at the time such check is certified an amount of money equal to the amount specified in such check. Any check so certified by duly authorized officers shall be a good and valid obligation against such bank, but the act of any such officer, clerk, or agent in violation of this section may subject such bank to a forfeiture of its membership in the Federal Reserve System upon hearing by the Federal Reserve Board.

Mr. SMITH of Michigan. Mr. Chairman, I desire to ask unanimous consent to return to page 6, paragraph (a), for the purpose of offering a little amendment.

Mr. GLASS. Mr. Chairman, we can not do that; we will never get through.

Mr. SMITH of Michigan. I will ask for two minutes, then. I have not taken up any time.

Mr. PHELAN. Does the gentleman want to correct the spelling of a word? There is one word that is incorrectly spelled——

Mr. SMITH of Michigan. No; it will only take me a minute or two, and I ask unanimous consent for two minutes.

Mr. MANN. The gentleman can move to strike out the last word and then proceed for five minutes and longer, if he wants to do so.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent to proceed for two minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. SMITH of Michigan. Mr. Chairman, I would like to present this amendment, on page 6, paragraph (a), and I ask permission to return——

Mr. GLASS. Mr. Chairman, I shall have to object to that, because we will never get through if we are to proceed in that way.

Mr. PHELAN. Mr. Chairman, I suggest the gentleman from Michigan tell us what his amendment is in his own time now.

Mr. SMITH of Michigan. Mr. Chairman and gentlemen of the committee, I voted for the Federal reserve act, and I intend to support this amendment, but the criticism and what the gentleman from Illinois [Mr. CANNON] said this morning about the unpopularity of this system is certainly true. There is a prejudice and feeling against the Federal reserve act which ought not to be. I think some comes through the treatment that the member banks receive and in the administration of this law. Now, I have prepared a little amendment here, which would require all the regional banks to pay 2 per cent interest on daily balances for the money that they are required to send there as a reserve balance of 7 per cent. I want to say, as my opinion, that there are no State banks going into this system unless they can receive as fair and good treatment as they receive under the laws of their own States. The State banks already pay 3 to 4 per cent for this reserve money that they are asked to send up and deposit in the regional banks. It is admitted here that there will be in the neighborhood of $1,000,000,000 of this reserve money. That is the people's money, it is not the bank's money, and these banks that are required to send it there are required to pay 3 or 4 per cent on it, and by requiring these regional banks to pay 2 per cent upon this reserve of $1,000,000,000 would only be just. The member banks pay 3 per cent upon this billion dollars, and if they receive 2 per cent upon the billion dollars they will be receiving back $20,000,000. I do not think it is right for the member banks to pay 3 per cent to their depositors for this reserve and the Federal reserve banks pay nothing. Now it occurs to me that is a considerable item.

Mr. GLASS. Did not the gentleman observe that if the regional reserve banks are required to pay interest on deposits the only way they can recompense themselves is to charge a high rate of interest for rediscount, and in the end commerce and industry will have to bear the burden?

Mr. SMITH of Michigan. No; I do not see that. Now, it was stated here in reference to the rural-credit act that the rural-credit banks could do business upon one-half of 1 per cent, and if they pay 2 per cent on the money which these banks are compelled to send to these regional banks it is simply dividing the interest with them, and they can put every dollar of that into the best security in the world—into national war certificates and into these national war bonds—and get 3½ per cent upon that very money upon which they pay no interest. So it occurs to me that if the regional banks paid $15,000,000 interest for this extra billion dollars that the member banks are compelled to send there for a reserve, instead of not paying them anything when these country banks pay $30,000,000 for this very same billion dollars, it is only fair these regional Federal reserve banks should popularize themselves and pay at least a small portion of what these country banks pay for the money they are compelled to deposit or surrender their charters. I want to say further that I voted for that in the way it was brought up in order to make more elastic currency and to give greater elasticity to our banking system; but now the reserve banks are going into the banking business themselves, and if you want to popularize them, and if you want these country banks to join the Federal Reserve System, which we do, it occurs to me it is not fair, and they are paying too much for the privilege of taking their best paper and their best securities to the regional bank and getting them rediscounted.

Mr. GLASS. Mr. Chairman, I shall have to object to returning to the paragraph. I move that the committee do now rise.

Mr. SMITH of Michigan. Mr. Chairman, I would like to have the amendment read, and I ask unanimous consent for one minute for that purpose.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. SMITH of Michigan: Page 6, line 18, after the word "deposits" insert: "upon which interest at the rate of 2 per cent shall be paid on daily balances."

Mr. GLASS. Mr. Chairman, I move that the committee do now rise.

Mr. MANN. Mr. Chairman, I desire to make a preferential motion. I move to strike out the last two words.

Mr. WINGO. If the gentleman will permit, can not we reach an agreement by which we will close the debate?

Mr. MANN. I do not know that there is any further debate desired.

Mr. Chairman, the Federal reserve act was passed a little over three years ago. It was claimed to be a perfect measure at the time it was passed; but, after all, the gentlemen in charge of it were very clever about making claims for it. It has already been amended up to date by four different acts of Congress. That is more than an average of one a year. In the last Congress the Committee on Banking and Currency reported further amendment to the law, comprising what is in this bill in the first eight sections. Owing to delay, pressure, or whatever it was, that bill did not pass in the last Congress, and between the ending of the Congress and the 23d of April, this year, slightly less than two months, the Federal Reserve Board desired a further amendment, which is carried in section 9 of this bill. We are a patient legislative body, but I would like to suggest to the gentlemen up in the Federal Reserve Board that they give more careful consideration to their needs, and when they want amendments to the act wait until they know what they want, and not constantly be coming in here with little piecemeal legislation.

Mr. GLASS. I concur most heartily with the suggestion. [Applause.]

Mr. MANN. It is not a very good method. Before the Federal reserve banks went into operation, after the Federal reserve law had been passed, the board asked for the passage of two bills which were reported by the distinguished chairman of the Committee on Banking and Currency, the gentleman from Virginia [Mr. GLASS], which came in the House during one of the long sessions, after a large portion of the membership had been called away for their health on account of the protracted heat, and they insisted that those bills be passed.

One was brought up and was under consideration in the House. Members of the Federal Reserve Board called upon me and said it would not be possible in their opinion to put the act in operation until those two bills were passed. Well, they were not passed. We left here in August, September, or October—I do not remember which—and when we came back on December 1 or about December 1 the Federal Reserve Board said they no longer needed those two amendments to be passed at all. That was not good judgment at one time or the other, to say in August or September, "We dare not put the act in operation unless we have these amendments," and then within a month or so, before the act had been put in operation, say, "We do not need the amendments at all." They ought to give more careful consideration up there themselves. Banking and currency is a subject that, when men study it legislatively, drives most of them daffy. I think the distinguished gentleman from Virginia [Mr. GLASS], the chairman of the committee, has retained his head, and I think the present Committee on Banking and Currency have retained their heads, though I notice at times a little flightiness that used to be a regular thing on the part of the chairman and the members of that committee in prior Congresses. [Laughter.] But I think the Banking and Currency Committee must respond largely to the request made by the Federal Reserve Board. They are influenced by the demands of the board, and if the board is going to ask repeated amendments to the law they ought to study the subject themselves before they ask for legislation. [Applause.]

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn.

There was no objection.

Mr. SMITH of Michigan. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. McFADDEN. Mr. Chairman, I move to strike out the last three words. I would like to call the chairman's attention to the reading of the first two lines in section 9, page 11, where it says, "any bank incorporated by special laws of any State."

In the State of Pennsylvania we have a State bank law which does not apply to a trust company. There are two distinct laws applying there. And I wanted to make sure whether this would apply to trust companies in the State of Pennsylvania and possibly other States where they have separate laws covering trust companies and State banks.

Mr. GLASS. I will say to my colleague, if he will return to the first provision of the Federal banking law, that he will see there it provides in terms that wherever the word "bank" is used in that act the word shall be held to include the State banks, banking associations, and trust companies, except where national banks and national reserve banks are explicitly referred to.

Mr. McFADDEN. I think that covers it.

Mr. GLASS. Mr. Chairman, I move that the committee do now rise and report the bill to the House with amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. FOSTER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 3673) to amend the act approved December 23, 1913, known as the Federal reserve act, as amended by the acts of August 4, 1914; August 15, 1914; March 3, 1915; and September 7, 1916, and had directed him to report the same to the House with certain amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. GLASS. Mr. Speaker, I move the previous question on the bill and amendments to final passage.

Mr. STAFFORD. Mr. Speaker, if the gentleman will withhold a moment——

Mr. GLASS. Certainly.

Mr. STAFFORD. I call the attention of the gentleman to the fact that, on line 5 of page 8, the word "event" lacks the final letter "t."

Mr. MANN. I thought that had been corrected.

Mr. GLASS. I ask unanimous consent, Mr. Speaker, that the typographical error of the "t" being omitted in the word "event" be corrected on page 8, line 5.

The SPEAKER. The gentleman from Virginia asks unanimous consent that the correction be made. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. GLASS. Mr. Speaker, I move the previous question on the bill and amendments to final passage.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the amendments.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill as amended.

The bill as amended was ordered to be engrossed and read a third time and was read the third time.

Mr. MANN. Mr. Speaker, I ask for a division.

The SPEAKER. The gentleman from Illinois asks for a division. Those in favor of passing the bill will rise and stand until they are counted. [After counting.] Seventy gentlemen have risen in the affirmative. Those opposed will rise and stand until they are counted. [After counting.] Eight gentlemen have risen in the negative. On this vote the ayes are 70 and the noes are 8, and the bill is passed.

On motion of Mr. GLASS, a motion to reconsider the vote whereby the bill was passed was laid on the table.

ENEMY SHIPS.

Mr. ALEXANDER. Mr. Speaker, I ask unanimous consent to call up Senate joint resolution 42, now on the Speaker's table, and substitute it for House joint resolution 62, which is an exact counterpart of the Senate resolution, and that the Senate joint resolution be immediately considered.

The SPEAKER. The gentleman from Missouri [Mr. ALEXANDER] asks unanimous consent for the present consideration of House joint resolution 62, and asks that Senate joint resolution 42 be considered in lieu of House joint resolution 62. Is there objection?

Mr. MANN. Reserving the right to object——

The SPEAKER. The gentleman from Illinois reserves the right to object.

Mr. MANN. It is not so very late in the afternoon, but it has been a rather strenuous week. Now this resolution comes up, and I am perfectly willing that it should be taken up. So far as I am concerned, I want a couple of hours for general debate. I think it would meet the approval of most of the Members who are here, and probably the approval of all of the Members who are absent, if we could reach an agreement to make this in order on Monday and then adjourn.

Mr. ALEXANDER. After the reading of the Journal on Monday?

Mr. MANN. After the disposal of the Unanimous Consent Calendar, which will take only a few minutes.

Mr. ALEXANDER. I think that is very well, in view of the fact that there are so few Members present.

ORDER OF BUSINESS.

Mr. MANN. I suggest that the gentleman ask first that we meet at 11 o'clock on Monday.

Mr. ALEXANDER. I ask unanimous consent, Mr. Speaker, that on Monday——

Mr. MANN. Simply make it in order on Monday. We will reach it soon.

Mr. FOSTER. I understand the gentleman from Alabama [Mr. DENT] is working on his conference report, and will be able to present it soon if the House remains in session for a little while.

Mr. MANN. He can not take it up to-night.

Mr. FOSTER. That is true, if he is required first to print it. He can file it.

Mr. MANN. Certainly. But the gentleman from Missouri can ask that when we adjourn to-day we adjourn to meet at 11 o'clock on Monday.

Mr. DENT. Mr. Speaker, I will say that the conference report on the Army bill is ready for submission, and the accompanying statement is being prepared for the signatures of the House managers.

Mr. MANN. I do not see how it could lack the signatures of the managers on the part of the House when it has been signed by the Senate managers.

Mr. DENT. I speak in regard to the accompanying statement.

Mr. MADDEN. Is that the conference report on the Army bill?

Mr. DENT. On the Army appropriation bill.

The SPEAKER. Has anybody made a request?

Mr. ALEXANDER. I made a request, Mr. Speaker. If I can have opportunity I will repeat it.

The SPEAKER. The gentleman from Missouri is recognized.

HOUR OF MEETING ON MONDAY—11 O'CLOCK A. M.

Mr. ALEXANDER. I ask unanimous consent, Mr. Speaker, that when the House adjourns to-day it adjourn to meet at 11 o'clock on Monday.

The SPEAKER. The gentleman from Missouri asks unanimous consent that when the House adjourns to-day it adjourn to meet on Monday at 11 o'clock a. m. Is there objection?

There was no objection.

ENEMY SHIPS.

Mr. ALEXANDER. Now, Mr. Speaker, I ask unanimous consent that it may be in order on Monday to take Senate joint resolution 42 from the Speaker's table and consider the same in lieu of House joint resolution 62.

Mr. MANN. You do not have to say in lieu of anything.

Mr. ALEXANDER. And that it shall be in order to——

Mr. MANN. Do not put that in——

Mr. ALEXANDER. That it shall be in order to call it up on Monday.

The SPEAKER. The gentleman from Missouri asks unanimous consent that it shall be in order on Monday to take up and consider Senate joint resolution 42. Is there objection?

There was no objection.

ARMY AND MILITARY ACADEMY APPROPRIATION BILLS.

Mr. MANN. Now, the gentleman from Alabama [Mr. DENT] might ask unanimous consent to have the statement accompanying the conference report on the Army appropriation bill printed in the RECORD.

Mr. DENT. I ask unanimous consent that the conference report and the statement on the annual Army appropriation bill and the Military Academy bill be printed in the RECORD.

Mr. MANN. Have these conference reports been presented?

Mr. DENT. They will be presented with the statements as soon as I can get them signed.

Mr. MANN. The gentleman can ask unanimous consent that they both be printed in the RECORD.

Mr. DENT. I ask unanimous consent that both the conference report and statement on the annual Army appropriation bill and on the Military Academy bill be printed in the RECORD as of to-day.

The SPEAKER. The gentleman from Alabama [Mr. DENT] asks unanimous consent that the conference report on the annual Army appropriation bill, together with the statement thereon, and also the conference report on the Military Academy bill and the statement thereon be printed in the RECORD under the rule. Is there objection?

There was no objection.

ADJOURNMENT.

Mr. GLASS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 42 minutes p. m.) the House adjourned, under its previous order, until Monday, May 7, 1917, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of State, transmitting information relative to an invitation for the Congress of the United States to participate in the international parliamentary conference of commerce, at Rome, May 17, 1917 (H. Doc. No. 119); to the Committee on Foreign Affairs and ordered to be printed.

2. A letter from the Acting Secretary of the Treasury, transmitting tentative draft of a provision of legislation to be inserted in some appropriate bill to afford more adequate protection to the revenues derived from distilled spirits, fermented liquors, etc. (H. Doc. No. 120); to the Committee on Ways and Means and ordered to be printed.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. ASWELL: A bill (H. R. 4212) to authorize agricultural colleges and experiment stations to investigate and to teach the science and art of manufacturing and using oleomargarine, and to exempt such colleges and stations from the imposition of special taxes and the payment of taxes; to the Committee on Education.

By Mr. JOHNSON of Washington: A bill (H. R. 4213) to repeal section 11 of the act of August 24, 1912; to the Committee on Interstate and Foreign Commerce.

By Mr. DILL: A bill (H. R. 4214) amending the reclamation law to authorize Federal farm loans on lands within United States reclamation projects; to the Committee on Irrigation of Arid Lands.

By Mr. LONERGAN: A bill (H. R. 4215) for erecting a suitable memorial to Nathan Hale; to the Committee on the Library.

By Mr. THOMAS F. SMITH: A bill (H. R. 4216) granting allowances to the beneficiaries of enlisted men in the service of the United States; to the Committee on Military Affairs.

By Mr. AUSTIN: A bill (H. R. 4217) granting an increase of pay to enlisted men in the Navy, Marine Corps, and Naval Reserve; to the Committee on Naval Affairs.

By Mr. SABATH: Joint resolution (H. J. Res. 81) for Bohemian independence; to the Committee on Foreign Affairs.

By Mr. TEMPLETON: Memorial of the Legislature of the State of Pennsylvania, urging members of the Pennsylvania delegation to vote for selective-draft legislation; to the Committee on Military Affairs.

By Mr. VARE: Memorial of the Legislature of the State of Pennsylvania, urging members of the Pennsylvania delegation in Congress to vote for selective-draft legislation; to the Committee on Military Affairs.

By Mr. FRENCH: Memorial of the Legislature of the State of Idaho, asking that an item be included in the Indian appropriation bill appropriating $50,000 for the construction of good wagon roads on the Fort Hall Indian Reservation; to the Committee on Indian Affairs.

Also, memorial of the Legislature of the State of Idaho, asking for submission of a constitutional amendment providing for the absolute abolition of the liquor traffic, both manufacture and sale, from every portion of the United States of America; to the Committee on the Judiciary.

Also, memorial of the Legislature of the State of Idaho, favoring an appropriation for a drainage project in the Kootenai River Valley, Idaho; to the Committee on Appropriations.

Also, memorial of the Legislature of the State of Idaho, asking Congress to make an appropriation of $30,000 for the improvement of wagon roads leading through and to Indian lands and for the diking of said Indian lands along the bank of the Kootenai River between Bonners Ferry and Fort Hill, Idaho; to the Committee on Indian Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BRODBECK: A bill (H. R. 4218) granting a pension to Hannah R. Cave; to the Committee on Invalid Pensions.

By Mr. KIESS of Pennsylvania: A bill (H. R. 4219) granting an increase of pension to Daniel Robb; to the Committee on Invalid Pensions.

By Mr. KINKAID: A bill (H. R. 4220) granting a pension to Otto M. Payton; to the Committee on Pensions.

Also, a bill (H. R. 4221) granting a pension to Charles H. Jackson; to the Committee on Pensions.

Also, a bill (H. R. 4222) granting a pension to Magdalena Baer; to the Committee on Pensions.

Also, a bill (H. R. 4223) granting a pension to George Baldwin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4224) granting an increase of pension to Sidney E. Timerman; to the Committee on Invalid Pensions.

By Mr. KNUTSON: A bill (H. R. 4225) for the relief of Wilson B. George; to the Committee on Military Affairs.

By Mr. MILLER of Minnesota: A bill (H. R. 4226) granting a pension to Marie Johnson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4227) conveying certain lands to the T. R. Foley Co.; to the Committee on the Public Lands.

By Mr. SMITH of Michigan: A bill (H. R. 4228) granting an increase of pension to John Rinkle; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BRODBECK: Papers relating to bill to grant a pension to Hannah R. Cave; to the Committee on Invalid Pensions.

By Mr. DALE of New York: Petitions of the American Law Book Co. and Otto M. Foernsler, of New York, favoring passage of bill for revision of postal rates; to the Committee on the Post Office and Post Roads.

By Mr. DALLINGER: Memorial of Pattern Makers' Association of Boston, Mass., favoring an increase in the taxes on incomes; to the Committee on Ways and Means.

By Mr. GALLIVAN: Petition of members of the Tennis and Racquet Club of Boston, Mass., pledging loyalty and support to the Government in present crisis; to the Committee on Military Affairs.

By Mr. GARDNER: Memorial of citizens of Oak Park, Ill., favoring universal military service; to the Committee on Military Affairs.

By Mr. KIESS of Pennsylvania: Resolution adopted by the First United Evangelical Church of Lock Haven, Pa., favoring national prohibition; to the Committee on the Judiciary.

Also, resolution from Women's Christian Temperance Union, Austin, Pa., favoring national prohibition; to the Committee on the Judiciary.

Also, resolution from Pine Street Methodist Episcopal Church of Williamsport, Pa., favoring national prohibition; to the Committee on the Judiciary.

Also, petition from First Presbyterian Church of Coudersport, Pa., favoring national prohibition; to the Committee on the Judiciary.

By Mr. LA FOLLETTE. Petition of Mennonite Congregation of New Colfax, Wash., asking exemption from military service; to the Committee on Military Affairs.

By Mr. MORIN: Petition of Bricklayers' International Union, No. 2, of Pennsylvania, asking that the President, the Senate, and the Congress of the United States immediately take possession of all commercial foodstuffs, in order to conserve them for the use of our people; to the Committee on Agriculture.

By Mr. OSBORNE: Memorial of Federated Men's Clubs of Hollywood and Ebell Club of Los Angeles, Cal., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of Advertising Club of Los Angeles, Cal., urging that pay of soldiers and sailors be increased; to the Committee on Military Affairs.

By Mr. O'SHAUNESSY: Petition of citizens of the United States in attendance at Trinity Union Methodist Episcopal Church, Providence, R. I., favoring prohibition as a war measure; to the Committee on the Judiciary.

Also, petition of Towarzystwo-Synowie Polskii Litwy, Providence, R. I., favoring House resolution 41; to the Committee on Foreign Affairs.

By Mr. PRATT: Petition of Local Union No. 532, United Brotherhood of Carpenters and Joiners, of Elmira, N. Y., favoring the meeting of all indebtedness for war purposes by income taxes to a point which will permit no individual retaining an annual net income in excess of $100,000; and favoring the enactment of legislation by Congress to prevent excessive profits on the sale of necessaries of life during the war; to the Committee on Ways and Means.

By Mr. RAKER: Petition of Langley & Michaels, wholesale druggists, San Francisco, Cal., protesting against reenactment of stamp tax; to the Committee on Ways and Means.

Also, memorial of Single Tax League, of Los Angeles, Cal., favoring taxation of land values; to the Committee on Ways and Means.

Also, petition of Central Federated Union of New York, protesting against national prohibition; to the Committee on the Judiciary.

Also, memorial of California State Conference of Social Agencies, favoring prohibition as war measure; to the Committee on the Judiciary.

Also, petition of Hawley, King & Co., Los Angeles, Cal., and Auto Sales Car Co., of Ardmore, Pa., protesting against tax on automobiles; to the Committee on Ways and Means.

By Mr. REED: Memorial of Clarksburg (W. Va.) Board of Trade and Business Men's League, favoring the conservation of food by prohibiting the manufacture of intoxicating liquors; to the Committee on the Judiciary.

By Mr. ROWE: Petitions of the Republican Club of New York and Washington (D. C.) Harvard Club, favoring universal military service; to the Committee on Military Affairs.

Also, petition of sundry citizens of New York, against conscription; to the Committee on Military Affairs.

Also, memorial of Chamber of Commerce of New York, relative to conservation of tonnage for American foreign trade; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Manufacturing Perfumers' Association against stamp tax; to the Committee on Ways and Means.

Also, petition of the Manufacturing Perfumers' Association of the United States, declaring loyalty and support to United States Government; to the Committee on Military Affairs.

By Mr. SINNOTT: Petition of 116 citizens of La Grande, Oreg., favoring national prohibition as a war measure; to the Committee on the Judiciary.

By Mr. TINKHAM: Petition of Iron Patternmakers' Association of Boston, Mass., relative to levying tax on incomes for war purposes; to the Committee on Ways and Means.

By Mr. WALDOW: Petition of Home Defense Committee of Erie County, N. Y., urging establishment at Buffalo, N. Y., of a training station for the use of the United States naval coast defense reserves; to the Committee on Naval Affairs.

By Mr. WASON: Petition of Rev. Clinton W. Wilson and 126 other residents of Lancaster, N. H., favoring the passage of a bill authorizing Col. Roosevelt to organize a volunteer force for service in Europe; to the Committee on Military Affairs.

SENATE.

MONDAY, *May 7, 1917.*

(Legislative day of Wednesday, May 2, 1917.)

The Senate reassembled at 12 o'clock m., on the expiration of the recess.

Mr. GALLINGER. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Harding	Martin	Smith, Mich.
Bankhead	Hardwick	Myers	Smoot
Beckham	Hollis	Nelson	Sterling
Brady	Husting	New	Stone
Brandegee	James	Overman	Sutherland
Chamberlain	Johnson, Cal.	Page	Swanson
Colt	Jones, N. Mex.	Pittman	Thomas
Culberson	Jones, Wash.	Poindexter	Thompson
Cummins	Kendrick	Reed	Townsend
Curtis	Kenyon	Robinson	Underwood
Dillingham	Kirby	Saulsbury	Vardaman
Fernald	Knox	Sheppard	Walsh
Fletcher	Lewis	Sherman	Warren
France	Lodge	Simmons	Watson
Gallinger	McCumber	Smith, Ariz.	Weeks
Gerry	McKellar	Smith, Ga.	Williams
Hale	McLean	Smith, Md.	Wolcott

Mr. SUTHERLAND. I desire to announce the absence of my colleague, the senior Senator from West Virginia [Mr. GOFF], on account of illness. I will let this announcement stand for the day.

Mr. KENYON. I wish to announce that the Senator from Oklahoma [Mr. GORE], the Senator from North Dakota [Mr. GRONNA], and the Senator from Nebraska [Mr. NORRIS] are detained in a committee hearing.

Mr. McKELLAR. I wish to announce that my colleague [Mr. SHIELDS] is necessarily absent on public business.

Mr. JAMES. I desire to announce that the senior Senator from New Jersey [Mr. HUGHES] is detained from the Senate by reason of illness. I will let this announcement stand for the day.

Mr. SHEPPARD. I wish to announce that the Senator from New York [Mr. WADSWORTH] is detained by official business in the Committee on Agriculture and Forestry.

Mr. CURTIS. I desire to announce the absence of the junior Senator from New Jersey [Mr. FRELINGHUYSEN] on account of illness in his family. I will let this announcement stand for the day.

Mr. CHAMBERLAIN. My colleague [Mr. LANE] is absent owing to illness.

The VICE PRESIDENT. Sixty-eight Senators have answered to the roll call. There is a quorum present.

PERSONAL EXPLANATION.

Mr. THOMAS. Mr. President, the Washington Post of yesterday morning quotes me as having used the following language:

There has been a great deal of legislation lately that would confer unlimited powers upon the President. A great part of this war-time legislation does this. It is indisputable that the President is gradually asking for and being given the power to run this Government about as he pleases.

Mr. President, I have not, in the Senate or on any occasion elsewhere, used the language which has been attributed to me.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed a bill (H. R. 3673) to amend the act approved December 23, 1913, known as the Federal reserve act, as amended by the acts of August 4, 1914, August 15, 1914, March 3, 1915, and September 7, 1916, in which it requested the concurrence of the Senate.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT. The Chair presents a concurrent resolution of the Ninth Legislature of the Territory of Hawaii, which will be incorporated in the RECORD.

The concurrent resolution is as follows:

HOUSE OF REPRESENTATIVES,
Honolulu, Hawaii, April 12, 1917.

The Honorable PRESIDENT OF THE SENATE,
Washington, D. C.

SIR: I have the honor to forward you herewith certified copy of house concurrent resolution No. 11, which was adopted by the Legislature of the Territory of Hawaii.

Very respectfully,
EDWARD WOODWARD,
Clerk House of Representatives.

Concurrent resolution 11.

Whereas both the Republican and Democratic Parties of the Territory of Hawaii are in favor of the principle that all Federal appointees within the Territory of Hawaii be actual bona fide residents of said Territory; and

Whereas the national platforms of both of said parties so provided: Now, therefore, be it

Resolved by the House of Representatives of the Territory of Hawaii, regular session of 1917 (the Senate concurring). That the Congress of the United States is hereby requested and respectfully petitioned to enact a law under and by the terms of which all Federal appointees within the Territory of Hawaii, including judges of the Federal court, postmasters within the Territory, the collector of customs of the Territory of Hawaii, and the collector of internal revenue for the district of Hawaii, shall be bona fide residents of the Territory of Hawaii for at least one year prior to their appointment; and be it further

Resolved, That a copy of this resolution be forwarded to the President of the United States, the President of the Senate of the United States, the Speaker of the House of Representatives of the United States, and the Delegate to Congress from Hawaii.

THE HOUSE OF REPRESENTATIVES OF THE
TERRITORY OF HAWAII,
Honolulu, Hawaii, April 2, 1917.

We hereby certify that the foregoing resolution was adopted in the House of Representatives of the Territory of Hawaii on April 2, 1917.

H. L. HOLSTEIN,
Speaker House of Representatives.
EDWARD WOODWARD,
Clerk House of Representatives.

THE SENATE OF THE TERRITORY OF HAWAII,
Honolulu, Hawaii, April 11, 1917.

We hereby certify that the foregoing resolution was adopted in the Senate of the Territory of Hawaii on April 11, 1917.

CHAS. T. CHILLINGWORTH,
President of the Senate.
O. P. SOARES,
Clerk of the Senate.

The VICE PRESIDENT. The Chair lays before the Senate a joint memorial of the Legislature of the Territory of Alaska, which will be incorporated in the RECORD:

The joint memorial is as follows:

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY FOR THE
TERRITORY OF ALASKA,
Juneau, Alaska, April 26, 1917.

PRESIDENT OF THE SENATE,
Washington, D. C.

DEAR SIR: By direction of the Territorial legislature, now in session, I am sending you herewith a certified copy of senate joint memorial No. 2.

Yours, very truly,
CHARLES E. DAVIDSON,
Secretary of Alaska.

Senate joint memorial No. 2.

To the Senate and House of Representatives of the United States of America in Congress assembled:

Your memorialists, the Legislative Assembly of the Territory of Alaska, respectfully represent that—

Whereas conditions in the paper industry have constituted one of the most serious of our domestic problems during the past year; and

Whereas recent prices of news print at New York have ranged upward of $60 a ton, and experts of the Forest Service report that it is entirely practicable to manufacture news print in Alaska and deliver it to New York through the Panama Canal, at a cost of not more than $35 a ton; and

Whereas there are 70,000,000,000 feet of spruce and hemlock in the national forests of Alaska, besides timber on the other public lands of Alaska; in many respects its conditions as to abundant forests of paper-making woods, water power, and direct tidewater transportation, duplicate those of Norway, the leading country of the world in its paper industry; and

Whereas private capital has not been enlisted to meet the needs of a larger paper supply available at fair prices, it is desirable that the Federal Government should enter the industry as a direct method of controlling the situation: Therefore be it

Resolved by the Legislature of the Territory of Alaska, That we respectfully and earnestly petition the Senate and House of Representatives of the United States of America in Congress assembled to enact necessary legislation for the construction and operation of a pulp and paper factory in the Territory of Alaska; and, be it further

Resolved, That a copy hereof be sent to the President of the United States, the Secretary of Agriculture, the Secretary of Labor, the President of the United States Senate, the Speaker of the House of Representatives, and Delegate to Congress from the Territory of Alaska.

Passed the Senate March 22, 1917.

O. P. HUBBARD,
President of the Senate.

Attest:

W. M. EDDY,
Secretary of the Senate.

Passed the house April 17, 1917.

LUTHER C. HESS,
Speaker of the House.

Attest:

A. H. ZIEGLER,
Chief Clerk of the House.

UNITED STATES OF AMERICA,
Territory of Alaska, ss:

I, Charles E. Davidson, secretary of Alaska, do hereby certify that the above is a full, true, and correct copy of senate joint memorial No. 2, of the Alaska Territorial Legislature, passed at the third session thereof. Witness my hand and the seal of the Territory of Alaska, affixed at Juneau, the capital, this 26th day of April, A. D. 1917.

[SEAL.] CHARLES E. DAVIDSON,
Secretary of Alaska.

The VICE PRESIDENT. The Chair lays before the Senate a joint memorial of the Alaskan Territorial Legislature, which will be incorporated in the RECORD.

The joint memorial is as follows:

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY FOR THE TERRITORY OF ALASKA,
Juneau, Alaska, April 21, 1917.

PRESIDENT OF THE UNITED STATES SENATE,
Washington, D. C.

DEAR SIR: By direction of the Alaska Territorial Legislature, now in session, I am sending you herewith a certified copy of house joint memorial No. 6.

Yours, very truly,
CHARLES E. DAVIDSON,
Secretary of Alaska.

House joint memorial 6. (By Mr. Coombs.)

To the President and the honorable Senate and House of Representatives in Congress assembled:

We, your memorialists, the Legislature of the Territory of Alaska, do most respectfully and earnestly represent that—

Whereas the organic act of the Territory of Alaska provides that the canvass of the election for members of the legislature shall be governed by the provisions of the act of Congress entitled "An act providing for the election of a Delegate to the House of Representatives from the Territory of Alaska," approved May 7, 1906; and

Whereas the canvass conducted under the provisions of the said act is made by the Territorial canvassing board, consisting of the governor, surveyor general, and collector of customs of Alaska, in Juneau, Alaska, and can not be made until late in the month of February following the election; and

Whereas the legislature convenes on the first Monday in March, and it is necessary for the members-elect of the legislature from remote parts of Alaska to start for the capital long before the canvass can be completed and the results announced; and

Whereas the returns from such remote parts do not all reach the canvassing board until shortly before the legislative session begins, and the candidates have no means of determining the result of the election except from unofficial reports, which, in case of a close election, are not to be relied upon, which condition has made it necessary in more than one instance for rival candidates to make the long, expensive, and arduous trip from remote interior points in Alaska to the capital; and

Whereas such conditions are not unusual but very likely to happen in every election: Now, therefore,

This legislature petitions you, and each of you, to repeal that section of the act of Congress providing for the canvass of returns in the election of Delegate from Alaska to the House of Representatives approved May 7, 1906, and to provide by proper legislation for a canvassing board in each judicial division of the Territory of Alaska, to which canvassing board the returns from all precincts for members of the legislature, Delegate to the House of Representatives, and all other officers, both local and Territorial, voted for at the general election, shall be sent to be canvassed by such board, which canvass shall be

final as to the members of the legislature and local officers, but preliminary only as to the Delegate to the House of Representatives and Territorial officers; and

Providing that upon the completion of said canvass by the division canvassing board the returns be forwarded to the Territorial canvassing board for a final canvass and confirmation as to the office of Delegate to the House of Representatives and other Territorial officers; and

We, your memorialists, will every pray.

Passed the house April 12, 1917.

LUTHER C. HESS,
Speaker of the House.

Attest:

A. H. ZIEGLER,
Chief Clerk of the House.

Passed the senate April 18, 1917.

O. P. HUBBARD,
President of the Senate.

Attest:

W. M. EDDY,
Secretary of the Senate.

UNITED STATES OF AMERICA,
Territory of Alaska, ss:

I, Charles E. Davidson, secretary of Alaska, do hereby certify that the above is a full, true, and correct copy of house joint memorial No. 6 of the Alaska Territorial Legislature, passed at the third session thereof.

Witness my hand and the seal of the Territory of Alaska, affixed at Juneau, the capital, this 21st day of April, A. D. 1917.

[SEAL.] CHARLES E. DAVIDSON,
Secretary of Alaska.

Mr. SMITH of Michigan. Mr. President, I have received a telegraphic protest, in which I share, from the governor of Michigan bearing upon a very important matter pending in the Senate and vitally affecting the interests of my State. I should like to have the telegram read for the information of the Senate.

There being no objection, the telegram was read, as follows:

LANSING, MICH., *May 5, 1917.*

Hon. WILLIAM ALDEN SMITH,
Washington, D. C.:

Michigan most emphatically protests against the proposed tax on automobiles which, if adopted in its present form, will threaten the very life of the State's most important industry. We are willing to give of our men, our wealth, and our vast resources, but we feel that the proposed measure discriminates against Michigan in a most unjust and unwarranted manner. A great majority of the automobile institutions are doing business on a very small margin of profit, and if the factories are taxed beyond reason the workingmen who are dependent for their livelihood upon the automobile industry will be forced out of employment. Michigan is willing to bear her share of the great burden imposed by the war, and we believe the people of our country will give us a square deal in this matter. I therefore urge you to use all honorable means against the proposed 5 per cent tax on automobiles.

ALBERT E. SLEEPER, *Governor.*

Mr. SMITH of Michigan. I also have a telegram from the Detroit Board of Commerce, and I request that it also be read for the information of Senators.

There being no objection, the telegram was read, as follows:

DETROIT, MICH., *May 5, 1917.*

Hon. WILLIAM ALDEN SMITH,
United States Senate, Washington, D. C.:

The Detroit Board of Commerce, representing a membership of over 4,000 Michigan business men, protest against the proposed discrimination against the automobile industry through 5 per cent tax on the wholesale price, which is equivalent to 5 per cent tax on receipts. Few companies in all Michigan are strong enough to stand this. It will mean the extinction of a considerable number. All the smaller ones will be terribly hard hit. Where is the justice in taxing the automobile industry everything that general concerns are taxed and then adding the 5 per cent tax on receipts, which in the average will equal nearly 50 per cent of the profits of the more prosperous concerns? The automobile industry is anxious to bear its full share of taxation, but protests against the serious discrimination tax proposed. We ask your utmost cooperation. Thanks for what you have done.

DETROIT BOARD OF COMMERCE,
ALLAN A. TEMPLETON, *President.*

Mr. McKELLAR. I submit certain resolutions adopted at town meetings in Tennessee relative to the subject of food and lower prices thereof, which I ask may be printed in the RECORD.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

WHY THE HIGH COST OF FLOUR?

JACKSON, TENN., *April 29, 1917.*

To the COMMERCIAL APPEAL:

One of the grocers was heard to say last week, "Flour has gone up $1 a barrel to-day." This astonishing statement started some thinking.

This sudden rise in price did not increase the quantity of flour, but made it more difficult to get, already out of the reach of thousands of women and children. This sudden rise in price made all the people poorer; and whom did it make richer? Only a few idle men of the nonproducing class. These money sharks are a greater menace to our public welfare than German submarines, and we are praying that they may all be captured or sunk. Those heartless speculators ought to feel the heavy hand of the law. It is more gentlemanly to gamble for the shoes of a dead child than for the bread that would have kept it alive.

The conditions of war are abnormal, and new and stringent regulations should be applied. Force should be used anywhere, the public welfare requiring it. Producers and manufacturers should have a reasonable profit; but the profits that make men suddenly rich are not reasonable; the methods that increase the comforts of the few by increasing the sufferings of the many are not democratic and humane. The future welfare of our country depends on bringing up a generation of well-fed and well-educated children; and nearly all of them will come from the homes of the poor. A patriot can not stand by and see them starved or stinted.

I am ready to be sacrificed when the good of the country demands such an offering. The Government that has the just right to force men into battle in times of war and to fix the rate of interest in times of peace has the duty to fix the prices of the necessaries of living, or to say, thus far shalt thou go and no farther.

G. M. SAVAGE.

HALLS, TENN., ROUTE NO. 1.

Hon. K. D. MCKELLAR,
Washington, D. C.

DEAR SIR: We are aware that we are short on foodstuff; and don't doubt us but what we will do our bit; and we are looking to you to do something to stop this speculation which is robbing us poor people.

Yours, truly,

S. G. PRICE.

BURRVILLE, TENN., *May 2, 1917.*

At a mass meeting of the farmers of Burrville, Tenn., and vicinity, held on April 26, 1917, the following resolutions were passed:

"*Resolved*, That our Representative, Hon. CORDELL HULL, and our Senators, Hon. JOHN K. SHIELDS and Hon. KENNETH MCKELLAR, be urged to support the bill now before Congress to fix a minimum and maximum price on farm products in order to protect the public from the manipulations of the speculator.

"*Resolved*, That a copy of these resolutions be furnished each of the above-named gentlemen."

Very respectfully,

A. B. PETERS,
Dr. H. V. EASLEY,
R. G. JACKS,
J. S. GREER,
C. D. HURST.

Resolutions adopted by patriotic mass meeting held at the Grand Theater, Murfreesboro, Tenn., on Friday night, April 20, 1917. About 1,000 people attended this meeting and the spirit of enthusiasm and patriotism ran very high.

Whereas the United States of America has made formal entrance into the world's greatest war, combining its destinies with those allied nations of Europe long engaged in open warfare with the Imperial German Government; and

Whereas the American people, always jealous of their inalienable rights and priceless liberties, ready always to resist any form of attack upon their institutions of government, have for almost three years, watched with unusual interest the trend of relations between their own country and its present enemy; and

Whereas the people of America loving peace and having always advocated the fellowship of all nations in a common pact of peace, especially appreciate the efforts of their President throughout all the long period of disagreement and controversy with Germany to amicably adjust differences and secure a lasting peace; and

Whereas the United States, seeking no territorial extension by conquest and having utterly no selfish ends to subserve by the waging of war with any great world power bravely enters this conflict in behalf of the rights of mankind and the ultimate establishment of peace throughout the world in the future; and

Whereas the Congress of the United States, practically with one accord, met the view of the President in that war was inevitable, that the body of the Nation favored it, and that without delay its declaration should be made, that the honor of the Nation may be upheld; and

Whereas the Representatives in Congress from the State of Tennessee, consisting of two Senators and ten Congressmen, solidly aligned themselves with the President and voted for a declaration of war on the part of the country with the Imperial Government of Germany; and

Whereas the Nation faces the gigantic task of speedily providing all necessary preparations for the proper prosecution of the war, including greatly enlarged armed forces on land and sea, together with adequate equipment and maintenance therefor; and

Whereas the President has stressed the shortage of food reserves throughout all food-producing countries of the world, and has made patriotic appeal to the country, especially the South, to increase and conserve the food supply in order that the armies, the country generally, and the European allies of this Government may be properly supplied with such necessities: Now, therefore, be it

Resolved, That we, in mass meeting assembled, indorse the course of President Woodrow Wilson in his consistent advocacy of peace so long as there was hope for peace. We also commend his wonderful alertness, patience, conservation, and decisive course in dealing with all the causes responsible for war with the German people. We also pledge him our cooperation and loyal support and promise our best efforts toward the maximum production of food supplies during the whole progress of the war; and be it further

Resolved, That we heartily indorse the course of Tennessee's Representatives in Congress in casting their votes for the declaration of war against a known enemy of our beloved country, and express to them our thanks in view of their prompt, courageous, and patriotic actions and be it further

Resolved, That copies of these resolutions be furnished to the President of the United States, the honorable Secretaries of War, Navy, and Agriculture, Members of the National Congress from Tennessee, the local newspapers, and the press at Nashville.

ATHENS, TENN., *April 30, 1917.*

In a patriotic mass meeting held here on Sunday afternoon, April 29, the following resolutions were unanimously adopted:

"Whereas the United States has been drawn into the great world conflict now being waged; and

"Whereas the shortage of food supplies has been ascertained by our Government; and

"Whereas speculators are taking advantage of the conditions and have raised the prices on the necessities of life and are now fixing the prices of future supplies so high as to place a real burden upon the wage earners and in many instances deprive them of the necessities of life: Therefore be it

"Resolved by the citizens of Athens, McMinn County, in a mass meeting—

"First. That we most earnestly request our Congressman, Hon. JOHN A. MOON, and our United States Senators from Tennessee, Hon. J. K. SHIELDS and Hon. K. D. MCKELLAR, to vote for and use their influence for the passage of a bill regulating immediately the prices of the necessities of life.

"Second. That we earnestly request their very best efforts for the passage of a bill prohibiting the distillation of all grains so much needed at the present time to supply our people with food and avoid the real suffering which must follow the diverting of more than 600,000,000 bushels of grain into worse than useless channels."

A. M. TOMLINSON,
ELBERT WILSON,
J. H. JARVIS,
W. T. ROBERTS,
Prof. GRANNIS,
Committee.

Mr. McKELLAR presented a petition of the Christian Endeavor Society of the McLemore Avenue Christian Church, at Memphis, Tenn., praying for national prohibition as a war measure, which was referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Buchanan, Tenn., praying for the enactment of legislation to prohibit the manufacture of food products into intoxicating liquors, which was referred to the Committee on Agriculture and Forestry.

Mr. McLEAN presented petitions of the Men's Bible Class of the Methodist Episcopal Church of Milford; the congregation of the King's Highway Congregational Church, of Bridgeport; of Norden Lodge, No. 37, International Order of Good Temperance, of New Britain; the Christian Endeavor Society of the United Church of New Haven; of O. B. North & Co., of New Haven; the Pastors' Union, of New Haven; the Temperance Society East Conference of the Methodist Episcopal Church of the State of Connecticut; and of the Bilton Machine Tool Co., of Bridgeport, all in the State of Connecticut, praying for national prohibition as a war measure, which were referred to the Committee on the Judiciary.

He also presented a petition of the New Haven County Medical Society of Connecticut, praying for the abrogation of the patents on salvarsan and its closely related products, which was referred to the Committee on Patents.

He also presented a petition of the Woman's Christian Temperance Union of Bridgeport, Conn., praying for the adoption of an amendment to the Constitution to prohibit polygamy, which was referred to the Committee on the Judiciary.

He also presented a petition of Local Union No. 79, United Brotherhood of Carpenters and Joiners, of New Haven, Conn., praying for the levying of income taxes for the purpose of paying war indebtedness and other obligations of the Government, and for the enactment of legislation to prevent the sale of necessaries of life during the war at excessive profits, which was referred to the Committee on Finance.

He also presented a petition of Lodge No. 30, International Association of Machinists, of Bridgeport, Conn., praying for Government control of food during the war, which was referred to the Committee on Agriculture and Forestry.

Mr. WEEKS presented petitions of the congregations of the Old South Church, of Worcester; the First Baptist Church of Malden; the Central Congregational Church, of Newtonville; the Methodist Episcopal Church of Newton Center; the Emanuel Primitive Methodist Church, of Methuen; the First Baptist Church of Northboro; the First Congregational Church of Woburn; the Second Congregational Church of Attleboro; the First Unitarian Society of Hudson; of Pomona Grange, No. 184, Patrons of Husbandry, of Topsfield; of the Men's Club of the Church of the Good Shepherd, of Waban; of the Massachusetts State Baptist Missionary Society; of the Public Safety Committee of Harvard; of Pomona Grange, No. 314, Patrons of Husbandry, of Dighton; of the Old Colony Association of the Congregational Churches of Mattapoisett; of the Bay View Club, of Milford; and of Pomona Grange, No. 106, Patrons of Husbandry, of West Boylston, all in the State of Massachusetts, praying for national prohibition as a war measure, which were referred to the Committee on the Judiciary.

Mr. TOWNSEND. I present a concurrent resolution of the Legislature of Michigan, praying for national prohibition as a war measure, which I ask may be printed in the RECORD.

There being no objection, the concurrent resolution was ordered to be printed in the RECORD, as follows:

SENATE, STATE OF MICHIGAN,
Lansing, May 3, 1917.

Mr. CHARLES E. TOWNSEND,
Washington, D. C.

MY DEAR SENATOR: I am directed to forward to you the accompanying resolution, which has been adopted by the two houses of the Michigan Legislature.

Very respectfully,
D. E. ALWARD,
Secretary of the Senate.

Senate concurrent resolution 24.

Whereas there now exists a state of war between the United States and Germany; and

Whereas the experience of the nations now engaged in war demonstrates beyond any question the necessity of husbanding every resource in this great struggle, to the end that the interests of our people may be preserved to them; and

Whereas the liquor traffic as we know it to-day is a burden economically and industrially; 25 States, among which is our own beloved State of Michigan, recognizing this great truth, have outlawed it; most of the great nations now engaged in the greatest war of the ages have as a war measure either absolutely abolished it or very materially reduced its activities, and are considering further reduction thereof; and this has all been done in order to insure the full strength of these nations against their enemies, unhampered by this gigantic evil; and

Whereas the liquor traffic is to-day withdrawing from legitimate lines of industry and commerce of the United States upward of $2,000,000,000 annually, and in addition to this awful economic waste is using enormous quantities of fuel, foodstuffs, and other useful commodities that will be needed by the Nation in order to prosecute successfully the struggle in which we are now engaged, and if deprived of such commodities the people will suffer serious inconvenience and distress and the Nation will be handicapped in the prosecution of the war: Therefore be it

Resolved by the senate (the house of representatives concurring), That the Congress of the United States be, and is hereby, requested to enact, as a war measure, such legislation as will be effective to immediately stop the manufacture and sale of intoxicating liquors within the borders of the Nation; and that Congress be further asked to submit at once to the several States for ratification a resolution providing for an amendment to the Constitution providing for national constitutional prohibition of the liquor traffic; and be it further

Resolved, That copies of this resolution be sent to the Speaker of the House of Representatives, to the President of the Senate of the Congress of the United States, and to each Member of the Senate and House of Representatives of this State in Congress.

Mr. TOWNSEND presented petitions of the Rotary Club of Battle Creek; of Richmond Grange, No. 878, Patrons of Husbandry, of Reed City; of the Michigan State Conference of the Evangelical Association, held at Elkton; of the Brotherhood of the Presbyterian Church of Ypsilanti; of the president and faculty of the University of Michigan, of Ann Arbor; of sundry citizens of Big Rapids; and the congregations of the Methodist Episcopal Church of Hesperia, the Methodist Episcopal Church of Gwinn, the Methodist Episcopal Church of Amasa, the Methodist Episcopal Church of Stambaugh, and the First Methodist Episcopal Church of Hermansville, all in the State of Michigan, praying for national prohibition as a war measure, which were referred to the Committee on the Judiciary.

He also presented a petition of Local Union, No. 252, International Brotherhood of Electrical Workers, of Ann Arbor, Mich., praying for the payment of the war debt by means of the income tax and for the purchase of war supplies at a reasonable profit, which was referred to the Committee on Finance.

Mr. GALLINGER presented the petition of W. K. Robbins, of Manchester, N. H., praying that new units of engineering troops be organized and maintained by one central department, which was referred to the Committee on Military Affairs.

He also presented a memorial of the Orange Judd Co., of Springfield, Mass., and a memorial of the Phelps Publishing Co., of Springfield, Mass., remonstrating against an increase of second-class postage, which were referred to the Committee on Post Offices and Post Roads.

Mr. JAMES. I present resolutions of Latonia Lodge, No. 107, Knights of Pythias, of Covington, Ky., which I ask may be printed in the RECORD.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

COVINGTON, KY., *April 16, 1917.*

Whereas our country is now facing a crisis which demands not the undivided loyalty of all its citizens but the unanimous and outspoken support to those directing the affairs of our Government as well; and

Whereas from the very foundation of this order the Knights of Pythias are under a binding obligation to assist in the furtherance of American patriotism: Therefore be it

Resolved at a regular meeting of Latonia Lodge, No. 107, Knights of Pythias, held April 16, 1917, at Covington, Ky., That this lodge fully indorses the patient and determined course of our President, Woodrow Wilson, in seeking to preserve the American rights by peaceful means, and the possibilities of negotiations having failed, that we further indorse each and every step that he has taken or may take to protect those rights; and be it further

Resolved, That a copy of this resolution be sent to the President, the Senators from Kentucky, and Congressman ROUSE, from this district.

H. S. CONNELY, *Chairman*,
B. T. HENDRIXSON,
GEO. H. HOELSCHER,
Committee.

ABROGATION OF FOREIGN PATENTS ON DRUGS.

Mr. JAMES. Mr. President, I have here a petition from the Mayo Bros. and the physicians of the Mayo Clinic and also from the Mayo Foundation for Medical Education and Research, earnestly requesting Congress to abrogate the patents upon various medicines, particularly upon salvarsan, which are greatly needed in the United States in the treatment of diseases.

These patents are held by certain citizens of Germany; the price of them has been very greatly and exorbitantly raised in the last few months, and the petition states the reasons why this action should be taken. I ask that they be printed in the RECORD for the information of the Senate.

There being no objection, the petitions were ordered to be printed in the RECORD, as follows:

MAYO CLINIC,
Rochester, Minn., May 4, 1917.

Senator OLLIE JAMES,
Chairman of the Committee on Patents,
United States Senate, Washington, D. C.

MY DEAR SENATOR JAMES: I have the honor to submit to you herewith a statement of the position of the staff of the Mayo Clinic with respect to the question of abrogation by Congress of foreign patents on drugs essential to public health, especially salvarsan.

Respectfully, yours, JOHN H. STOKES, M. D.,
Chief Section of Dermatology and Syphilology.

We, the undersigned members of the medical staff of the Mayo Clinic and of the faculty of the Mayo Foundation for Medical Education and Research, desire to direct your attention to the condition now prevailing in this country with respect to the supply of certain widely used and extremely important drugs used by the medical profession in the treatment of disease. Chief among these drugs is salvarsan, a preparation upon which depends much of the modern treatment of syphilis, and upon which also the control of the contagiousness of this particular disease must largely rest. The sale of salvarsan in this country is controlled absolutely, both as regards name and methods of manufacture, by patents owned in Germany and controlled in this country by the Farbwerke-Hoechst Co., of New York City, of which one H. A. Metz is president. We believe that the patents on salvarsan in particular should be immediately abrogated by Congress and desire to urge the following considerations as ground for asking you to do all in your power to bring about such action:

During the course of the European war the supply of salvarsan in this country has been insufficient and precarious. The drug has been manufactured in Germany, imported when circumstances permitted, and doled out to the medical profession at prices which have largely prevented its use to the extent or in the type of cases which the interest of the public health demands.

Salvarsan has been successfully manufactured in this country under the direction of the dermatological research laboratories of the Philadelphia Polyclinic, of which Prof. J. Frank Schamberg is director. During a part of the time that the supply of salvarsan from Germany was cut off Prof. Schamberg was permitted to market the product of his manufacture under sufferance of the patentees and at a price dictated by their conception of commercial expediency. The clinical experience of many physicians throughout the country at this time agreed in regarding the American product as at least equal to the German in its therapeutic effect on syphilis and distinctly superior to it on the score of a lower toxicity and fewer unfavorable by-effects. As soon as the supply of salvarsan from Germany could be renewed the patentees stopped the manufacture of the American product.

The price of salvarsan as regulated by the Farbwerke-Hoechst Co. is a glaring example of a commercial monopoly reaping enormous profits at the expense of sickness and misfortune. It has been repeatedly stated by Prof. Schamberg that the drug can be placed on the market profitably and under appropriate governmental control at $1 a dose instead of $4.50, the price fixed by the holders of the patent rights. The surplus profits go to enrich not the inventor of the drug nor his estate, which has long since been generously provided for, but the private fortunes of the gentlemen who control the rights for this country. The prices which they maintain are prohibitive for a large body of the sick and will effectually throttle a public campaign against syphilis as a disease until such time as the patents expire or are abrogated by Congress.

We respectfully submit that even in time of peace the propriety and wisdom of a public policy which permits private monopoly to control and seriously limit the use of remedial agents whose availability is vital to the public health may well be questioned. There is no doubt in the minds of the medical profession of this country that the control of syphilis as a scourge of the public health is seriously hampered by the price set upon the drug by gentlemen who seem to see in it only a means of increasing their already large private fortunes. The abrogation of patent rights, with the consequent reduction in price which would follow upon the home manufacture of the drug, would not only work no real injustice to the persons concerned in the distribution and control of salvarsan, but would place at the disposal of millions of persons now deprived of it by their misfortune and their poverty a remedy which in its own field has all the beneficent and saving qualities of antitoxin in diphtheria and of vaccine in smallpox.

We submit further that if it is unwise to permit commercial control of the public health in time of peace, it is doubly unwise to permit it at a time when the country is bending its energies to prepare for and successfully wage war. The protection of the Army and Navy from the ravages of this disease, which has long been recognized by physicians and laymen as a more serious menace to the manhood of a nation than many of the devices of an enemy, demands an abundant and cheap supply of this drug available not merely to governmental agencies but to all physicians, for use both among mobilized troops and in the civil population. The prevention of a devastating epidemic of syphilis during and after the war demands that from the first moment of mobilization until at least some years after the discharge of the last man at the close of the war the medical profession of this country be able to employ salvarsan in treatment in amounts unlimited by any consideration of cost as dictated by the ideas of private monopolists representing alien interests in control of the supply of the drug. The belligerent countries of Europe have recognized that private rights must be waived in the face of such considerations, and preparations similar to salvarsan are being made in Canada, England, and France with governmental sanction.

In view of these considerations, and in view of the fact that salvarsan has been successfully manufactured in this country, and can be marketed at a price which will make it available for a public health campaign, we beg to urge upon you that you use every influence which you can bring to bear in favor of an immediate abrogation by Congress of the patent rights on this drug and incidentally on other drugs necessary to the public health whose usefulness is curtailed by German patents. We urge that such an abrogation shall not be merely for the duration of the war, but shall be permanent, and that, furthermore, there shall ultimately be a radical revision of our patent law, looking to the prevention of private monopoly of remedial agents indispensable to the public health.

W. J. Mayo, C. H. Mayo, E. S. Judd, E. C. Rosenow, Grant S. Nelson, Wm. Carpenter MacCarty, W. F. Branasch, R. V. Beard, A. H. Sanford, M. D., D. C. Balfour, M. D., W. E. Sistrunk, M. D., M. O. Ott, M. D., Oliver C. Melson, M. D., Lee W. Pollock, M. D., John H. Stokes, M. D., Paul A. O'Leary, M. D., A. E. Mark, M. D., P. P. Vinson, M. D., Wayne W. Bissell, M. D., W. D. Shelden, M. D., A. W. Adson, James R. McVay, R. D. Mussey, M. D., Clapham P. King, M. D., Leda J. Stacy, M. D., E. F. Chase, M. D., J. H. Shephard, M. D., E. H. Weld, M. D., M. S. Henderson, M. D., Geo. E. Sutton, M. D., T. L. Szlapka, M. D., Arch H. Logan, J. M. Hayes, M. D., Paul Ferrin, M. D., Louis A. Bine, M. D., Fred R. Sanderson, M. D., Anders Peterson, M. D., Carleton Dederer, M. D., John R. McLeod, J. M. Blackford, Geo. D. Sutton, M. D., Georgina M. Laden, M. D., S. C. Broders, M. D., John L. Crenshaw, M. D., Alexander Archibald, M. A., Litt. B., Edinburg, Alexander B. Moore, M. D., J. J. W. Looneyr, J. C. Masson, J. P. Weyrens, E. J. Horgan, A. N. Desjardins, Howard R. Hartman, F. A. Willins, Frank A. Plum, D. F. Hallenbeck, C. L. Hess, J. C. Bragden, Wm. J. Tunicee, J. de J. Pemberton, J. M. Blackford, L. H. Redelings, M. D., K. M. Evans, E. C. Kendall, R. K. Cole, F. C. Mann, R. L. Sanders, W. W. Mattson, W. H. Poscoe, C. C. Hoke, S. O. Black, J. M. Blackford, V. C. Hunt, W. L. Benedict, M. D., J. C. Walker, M. D., W. A. Plummer, M. D., G. B. Ensterman, Carl Fisher, Albert Miller, George W. Wright, H. S. Plummer, H. M. Lowell, M. D., R. D. Corman, M. D., S. T. Hutton.

MOBILIZATION OF AGRICULTURAL RESOURCES.

Mr. FLETCHER. Mr. President, I ask unanimous consent to have printed in the RECORD a document by David Lubin, the American delegate to the International Institute of Agriculture at Rome, on the subject of food supply and the mobilization of our agricultural resources.

There being no objection, the document was ordered to be printed in the RECORD, as follows:

NATIONAL CHAMBER OF AGRICULTURE.

The half-yearly report on cereals by the International Institute of Agriculture shows that bad as was the situation in 1916, it has grown even worse in 1917. Instead of a reserve, there is now a deficit of cereals for all the countries open to trade. This deficit amounts to 35,000,000 quintals less than normal requirements.

A WAR MEASURE MOBILIZING OUR AGRICULTURAL RESOURCES—FACTS AND DEDUCTIONS SHOWING THE NEED FOR THE PASSAGE OF SENATE BILL 5973 (64TH CONG., 1ST SESS.).

[By David Lubin, delegate of the United States, International Institute of Agriculture.]

INTERNATIONAL INSTITUTE OF AGRICULTURE,
Rome, April 11, 1917.

Senator DUNCAN U. FLETCHER,
United States Senate, Washington, D. C.

DEAR SENATOR FLETCHER: In recent letters from yourself and Senator SHEPPARD it is stated that the bill for a national chamber of agriculture (S. 5973, 64th Cong., 1st sess.) would be reintroduced at the next session of Congress, and sooner if an extra session were held. As the extra session is now sitting, and in view of the war situation and recent developments in the world's supply of cereals as shown by the institute's latest report, I have sent you the following cable:

"War situation bearing on economic conditions and grave additional world cereal shortage render mobilization of agriculture imperative. Strongly advise you with committee of Senate and House to consult President on immediate passage of bill for the national chamber of agriculture."

The following are some further facts and deductions which have a decided bearing on this matter.

Yours, very sincerely, DAVID LUBIN,
Delegate of the United States,
International Institute of Agriculture, Rome, Italy.

A WAR MEASURE MOBILIZING OUR AGRICULTURAL RESOURCES UNDER SENATE BILL 5973.

(64th Cong., 1st sess.)

The mobilization of our agricultural resources comes right next in importance as a war measure to the proper handling of the Army and the Navy.

Mr. Bonar Law, the leader of the House of Commons, says: "It is still the considered view of the cabinet that the production of food is at least as important, if not even more important, than getting men into the army."

The handling of the food question in England is, therefore, treated as an important war measure. But is its importance confined to production? By no means; the chief question is one of distribution (see addenda); distribution is the paramount issue, not merely in England but in each and all of the belligerent countries of Europe.

And the same will hold good here; surely so now that the war is on. Yes; and even more so here than elsewhere, for, as is well known, there is more manipulation in the distribution of food products in the United States than in the other belligerent countries. To permit such manipulation to have free play in war time would be to court defeat; it would be nothing short of criminal imbecility.

The first thing to be done, therefore, is to choke off the possibility of such manipulation through effective organization, organization which shall mobilize this industry. But how can this be effected?

On this head the Secretary of Agriculture says:

"Where the food supply is located, who owns it, what may be the difficulties of securing it, whether the local market conditions are due to car shortage, whether there is artificial manipulation or control, no one can state with certainty. It is essential that we have the facts * * * they are a prerequisite for the working out of a permanent, just, and economical system of marketing." (Price Current Grain Reporter, Mar. 7, 1917.)

As matters stand to-day, under present conditions, the Secretary is entirely right; the facts are not known, and yet it is essential that they should be known. How can this be done?

Senate bill 5973 (64th Cong., 1st sess.) provides the way.

Under Federal Government charter it establishes an organization of the farmers in each township; these elect their delegates to the county chamber of agriculture; these county chambers elect delegates to their State chamber of agriculture; and the State chambers elect the national chamber of agriculture. We thus have a pyramid, as it were, working from the township up to the county, from the county up to the State, and from the State up to the Nation; all for the purpose of promoting the equitable distribution and advantageous marketing of farm products.

Let me quote from section 23 of the bill:

"Whenever a local unit or chamber or any member thereof desires to offer for sale or to purchase any agricultural products, or desires information relating to said products, said chamber or said member may communicate such desire to the secretary of the local chamber, whose duty it shall be, in case he can not meet the needs of the applicant, to certify and forward the application to the secretary of the county unit or chamber. If the secretary of the county unit or chamber can not meet the needs of the applicant, he shall certify and forward the application to the secretary of the State unit or chamber. If the secretary of the State unit or chamber can not meet the needs of the applicant, he shall certify and forward the application to the secretary of the national chamber, whose duty it shall be to act at once upon the application."

Thus, as I stated to the Chief of the Diplomatic Bureau in my hearing before the State Department on June 21, 1915, each producer would be enabled to see how best to market his products, not merely with his own eyes, as at present, but with the help of four or five millions of his fellow workers' eyes.

And now, to continue with the quotation from the bill; these local, county, State, and national chambers of agriculture shall—

"provide for the employment of the card index, the telephone, the telegraph, and other means of accurate and rapid communication to and from the units or chambers. They shall also have power to provide such street markets, salesrooms, and exchanges as may be deemed necessary and expedient along the line of promoting the equitable distribution of farm products."

But why should this proposed organization be semiofficial? Why should it not be unofficial; a mere union of agricultural organizations, if you please?

It should not be unofficial because any mere union of present farm organizations would be inadequate for the purpose, as these organizations have been mainly on social lines; therefore but few of their leaders have had the requisite trend of thought for the serious business in hand. Moreover, by far the greater number of the farmers of the country are not members of these organizations at all.

Well, then, why should not the organization be official? Why should not the Government itself perform this task?

Because it would be as impracticable to have Government employees distribute our agricultural products to economic advantage as it would be to have them do this with our dry goods, boots, shoes, metal goods, furniture, etc. Government could no more do this for the farmer than it could for the manufacturer or the merchant, although, of course, we all know that the Government bureaus can be of material help to the farmers in carrying out this work.

The semiofficial organization provided for under the measure we are considering (S. 5973, 64th Cong., 1st sess.) would be all-embracing. It would cover the farmers of the Nation and would permit of the freest action by each unit of the membership consistent with the welfare of the whole. At the same time it would afford the means for ready and prompt response to Government guidance and direction. Such semiofficial organizations have been proven effective by years of experience in the central European countries.

But the question arises, Would it not take a long time to start this system? No; for section 3 of the bill provides that at the start "the members of the national chamber of agriculture shall be appointed by the President as soon after the passage of this act as possible," and there is nothing to prevent these members from going ahead with the work immediately after their appointment.

At this moment, while I am writing, the news of the declaration of war has been flashed this way. The war is on; we should at once mobilize our agricultural industry; we should at once place the distribution of the products of agriculture on a war footing, whether we go to war independently of any alliance with the present belligerents or not.

If we go to war independently it will, of course, be quite a different matter to joining the alliance. If we join the alliance our war is likely to be over when the war with the alliance ceases. But if we do not join, there will be nothing to prevent our war continuing after that of the allies has ceased. In that event we shall have some four or five thousand miles of sea front to defend against an enemy navy as large and perhaps larger than our own, an enemy with a veteran army of some several million men, and it would be quite problematic whether in that event the British Navy would stand behind us as it does now.

We have now the choice of one of two methods of procedure: We may either drift toward a series of coercive and restrictive measures, such as those shown in the addenda to this paper, or else we must adopt a measure of mobilization which shall place the distribution of agricultural products on the soundest war footing consistent with rational business methods.

Such a measure of mobilization is provided for under the bill we are now considering (S. 5973).

The semiofficial institution which this bill would establish would effectively mobilize agriculture. With its several million units of membership, with its ramifications extending to every nook and corner of the United States, centralized under Government charter, it would respond to Government guidance and direction as readily as an automobile responds to the slightest turn of the wheel.

SOME FACTS SHOWING THE NEED FOR THE PASSAGE OF SENATE BILL 5973—THE FOOD SITUATION—A DEFICIT.

This morning (Apr. 7, 1917) in a conversation with the chief of the Statistical Bureau of the International Institute of Agriculture I put to him the following questions:

Q. Did not the report for the available world supplies of cereals issued in your statistical notes for October, 1916, show a decidedly lesser amount than the normal?—A. Yes; decidedly so.

Q. How is it in the report you are just now issuing?—A. The situation is still worse than it was in last October. Take wheat, for instance, in the Northern Hemisphere. The situation is worse than as shown last October. It was bad enough then, when it showed 75.5 per cent of the previous year's production, but now it only shows 73.9 per cent.

Q. And how about the Southern Hemisphere's crops?—A. Although they are good in Australia, they are so very bad in Argentina that that Government has prohibited exportation, as the crop is about one-third of the normal. On the whole, the outlook is very bad, decidedly worse than in last October, as the total world's yield this year available for international trade is only 72 per cent of last year's and 83 per cent of a five years average.

Q. But you speak only about wheat. Will not the other cereals make up for the deficiencies in the wheat crop?—A. Unfortunately, no; the most alarming fact is that these other cereals do not make up for the deficiency in wheat at all, for the total of all the cereals bulked together still shows that this year's crop is only 80 per cent of last year's.

Q. Everyone knows that the 1915 crop was a bumper crop. Will not the carry over from that crop make up for the deficiency on this year's production?—A. No; the yield of that bumper crop, which exceeded the yield of any of the 10 previous years, is proven to be insufficient to make up for the deficit of the 1916–17 crop; in fact, normal requirements can not possibly be satisfied this year.

Q. While I know that it is rather early to ask this question, yet can you give any idea of what the prospects are for the 1917 crop?—A. Prospects are shown to be not at all favorable, for acreage is not perceptibly larger than last year's, whereas all the world over weather has been exceedingly unfavorable for the last several months, impeding sowings in a great number of countries.

ADDENDA.

[From the International Institute of Agriculture's Statistical Notes on Cereals, April, 1917.]

RESTRICTIVE AND COERCIVE FOOD MEASURES.

The following quotations are from the proof sheets of the Institute's half-yearly statistical report on cereals for April, 1917, pages 20–23:

NOTE.—The difficulties in Germany can not be traced to defects in its distributive system. They are due to the stoppage of food imports owing to the blockade.

Germany: A decree of October 28, 1914, forbids the use of wheat and rye for feeding live stock. In January, 1915, this interdiction was extended to oats, except in the case of horses, whose ration was fixed at 1½ kilograms per day.

On January 25, 1915, a decree was issued requisitioning all stocks of wheat and rye, and rye, barley, and oat meal.

By a decree of June, 1916, the wheat and rye crops of 1916 and all supplies of flour were requisitioned, and on July 24 this measure was extended to barley and oats.

On March 1, 1917, the Imperial Bureau of Cereals ordered that 94 pounds of flour were to be obtained from every 100 pounds of wheat, and 84 pounds from every 100 pounds of rye.

A decree of October 24, 1914, ordered that wheat bread was to contain at least 10 per cent of rye flour, and rye bread at least 5 per cent of potato flour. On January 5, 1915, the order was to mix 30 per cent of rye flour in wheat bread and 10 to 30 per cent of potato flour in rye bread.

The daily ration of bread was fixed in January, 1916, at 200 grams per head.

A decree of June 26, 1916, requires all townships of more than 40,000 inhabitants to collect all the kitchen waste and remainders from meals, such as broken bread, relics of vegetables, fruit, meat, fish, soup, sauce, potatoes, including skins, and to keep them in special boxes. A penalty of six months' imprisonment or 1,500 francs fine is provided for those who fail to collect broken victuals, or who steal them from the boxes provided for that purpose.

Austria: A decree of January 30, 1915, provides that the flour used in making bread must consist half of wheat or rye flour and half of other farinaceous stuffs.

A decree of February 21, 1915, requisitioned all stocks of cereals and flours; a decree of June 21, 1915, requisitioned all the 1915 crops; and a decree of June 11, 1916, requisitioned all the crops of 1916.

A decree of March 26, 1915, fixed the ration of bread and flour per inhabitant at 200 grams per day, and introduced bread and flour cards.

Hungary: A decree of September 8, 1916, requisitioned all stocks of wheat, rye, barley, and oats, and on the 29th of September, 1916, this measure was extended to include maize.

A decree of February 16, 1915, ordered that 50 per cent of maize flour or 25 per cent of potato flour was to be used in bread making.

France: A ministerial decree closed all confectioners' shops on Tuesdays and Wednesdays. A decree of February 9, 1917, forbids the sale of new bread.

Italy: A decree of February 21, 1917, orders that 90 pounds of flour shall be obtained from every 100 pounds of wheat.

A decree of December 12, 1916, enacts restrictions on the consumption of food in hotels, pensions, restaurants, cafés, dairy shops, etc., and forbids certain foods on certain days, limits the number of dishes which may be served, etc. A decree of March 10, 1917, forbids the sale of all cakes and confectionery.

The following countries have fixed maximum prices for wheat: Germany, Austria, Hungary, Belgium, France, Italy, Spain, Switzerland, Sweden, Russia, and Tunis.

Great Britain and Ireland: A government commission has the monopoly of importing and distributing in Great Britain and Ireland all foreign wheat, maize, and rice.

Bread can only be sold when it is 1-day old. It is forbidden to use milk and sugar in baking bread. The food controller has fixed the ration of bread and flour at 4 pounds per inhabitant per week.

From an editorial in the London Times, March 24, 1917:

"For the first time since the Crimean War the price of bread in this country is to be raised to a shilling for a 4-pound loaf.

"The country was led to concentrate its attention upon meatless days and potatoless days, and up till now has paid very insufficient attention to the even more pressing question of bread. * * * If it is necessary to prescribe the number of ounces of meat which may be consumed at a meal in an hotel, as undoubtedly it is, why not rigidly limit the bread also? * * * The tea shop requires scrutiny just as much as the restaurant. * * * Three meals a day and nothing between ought now to be the extreme limit for everybody in the land. We shall be lucky if we do not in the end get down to two meals a day.

"Possibly domiciliary search for food hoards has become necessary. * * * The food controller's suggested order touches every householder in the land, and might easily become a cause of widespread irritation.

"A further reduction of the sugar ration is about to be promulgated."

Mr. GALLINGER. Mr. President, I was waited on by a committee of young colored men from Howard University, in this city, who submitted to me a memorandum concerning a training camp for negro officers. I ask that it may be printed in the RECORD without reading.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

TRAINING CAMP FOR NEGRO OFFICERS.

Our country faces the greatest crisis in its history. The negro, as ever, loyal and patriotic, is anxious to do his full share in the defense and support of his country in its fight for democracy. The negro welcomes the opportunity of contributing his full quota to the Federal Army now being organized. He feels very strongly that these negro troops should be officered by their own men. The following statement presents the facts upon which we base our request for an officers' training camp for negroes:

1. (a) Fourteen officers' training camps are to be opened on May 14, 1917, to provide officers for the new Federal Army.

(b) No officers are to be commissioned unless they receive training in one of these 14 training camps.

(c) The War Department has stated that it is impracticable to admit negroes to the 14 established camps.

2. (a) The negro is to furnish his proporationate quota in this Army.

(b) It seems just that the competent and inteiligent negroes should have the opportunity to lead these troops.

(c) One thousand negro college students and graduates have already pledged themselves to enter such a training camp immediately.

(d) In addition, men in the medical profession desire to qualify for service in the Medical Corps, and there are other competent men ready to qualify for other specialized corps provided for.

(e) Records of negro officers and troops warrant the provision for negro officers to lead negro troops—Lieut. Col. Young, Capt. Davis, Maj Walker, Maj. Loving.

3. Therefore the negro race requests the establishment of an officers' reserve training camp for negroes.

FRANK COLEMAN, *Chicago.*
W. DOUGLAS, *Lincoln,*
W. A. HALL, *Union,*
M. H. CURTIS, *Howard,*
M. GREGORY, *Harvard,*
C. H. HOUSTON, *Amherst,*
L. H. RUSSELL, *Cornell,*
Central Committee of Negro College Men.
C. B. CURLEY,
General Secretary Howard University, Washington, D. C.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SHEPPARD:

A bill (S. 2161) to increase the utility of the postal savings bank, to encourage savings among the people, and to secure the largest returns for such savings consistent with adequate security; to the Committee on Post Offices and Post Roads.

By Mr. McLEAN:

A bill (S. 2162) for the relief of Charles Yarrington (with accompanying papers); to the Committee on Military Affairs.

By Mr. SUTHERLAND:

A bill (S. 2163) granting an increase of pension to John M. Jones; to the Committee on Pensions.

AMENDMENT TO PENDING BILL.

Mr. ASHURST submitted an amendment intended to be proposed by him to the bill (S. 2) to punish acts of interference with the foreign relations, the neutrality, and the foreign commerce of the United States, to punish espionage, and better to enforce the criminal laws of the United States, and for other purposes, which was ordered to lie on the table and be printed.

PUNISHMENT OF ESPIONAGE.

Mr. McCUMBER. Mr. President, I rise to a point of order. I desire to have the Chair inform me what business is before the Senate at the present time.

The VICE PRESIDENT. The unfinished business, which is Senate bill No. 2.

Mr. McCUMBER. I object to any other business until we dispose of that unfinished business.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2) to punish acts of interference with the foreign relations, the neutrality, and the foreign commerce of the United States, to punish espionage, and better to enforce the criminal laws of the United States, and for other purposes.

Mr. MARTIN I move that the doors be closed, that the Senate may proceed with the consideration of legislative business in secret session.

Mr. OVERMAN. I second the motion.

The VICE PRESIDENT. The Sergeant at Arms will clear the galleries and close the doors.

The Senate thereupon proceeded to deliberate with closed doors. After 4 hours and 55 minutes the doors were reopened, while the doors were closed,

On motion of Mr. LODGE, the Journal entries of the proceedings were ordered to be printed in the RECORD, and the entries are as follows:

On motion by Mr. MARTIN, the vote agreeing to the reported amendment, on page 25, line 16, to page 27, line 7, inclusive, inserting a new section in Chapter VII was reconsidered.

On motion by Mr. MARTIN, to reconsider the vote of the Senate agreeing to the amendment of Mr. SMITH of Georgia to the reported committee amendment, to strike out all of section 1 and insert the following:

Whenever during the present war the President shall find that exports to a particular country are being used directly or indirectly to supply an enemy country, and shall make proclamation thereof, it shall be unlawful to export any article or articles from the United States to such country, except under such regulations and orders and subject to such limitations and exceptions as the President shall prescribe, until otherwise ordered by the President or by the Congress.

After debate, it was determined in the affirmative.

Mr. SMITH of Georgia, by unanimous consent, withdrew his proposed amendment; and

The reported amendment having been further amended, on motion by Mr. OVERMAN, viz, in line 18 to strike out the words "the United States is at war and" and insert "during the present war,"

On motion of Mr. GALLINGER, the doors were reopened.

Mr. OVERMAN. I understand the Senator from Georgia has withdrawn his amendment, and the question now is on the adoption of the amendment of the committee.

Mr. BRANDEGEE. The amendment which the Senator from Georgia [Mr. SMITH] offered the other day having been reconsidered and withdrawn and section 1 of Chapter VII having been amended behind closed doors, I ask the Secretary to read to the Senate that section as it has already been amended.

The VICE PRESIDENT. The section as amended will be read.

The Secretary read as follows:

SECTION 1. Whenever during the present war the President shall find that the public safety shall so require, and shall make proclamation thereof, it shall be unlawful to export any article or articles from the United States, except at such time or times and under such regulations and orders and subject to such limitations and exceptions as the President shall prescribe, until otherwise ordered by the President or by Congress: *Provided, however,* That no preference shall be given to the ports of one State over those of another.

Mr. SMITH of Georgia. Mr. President, I call the attention of the Senator in charge of the bill to the peculiar way in which this section is written. I really think it does not embody the wishes of the Senator or the wishes of the committee. As written, the President is to find that the public safety requires an embargo, an embargo on something, an embargo somewhere, and thereupon he issues his proclamation. What is the effect of that proclamation? It is to put an embargo upon the shipment of everything and anything out of the United States. It stops everything from leaving the United States, although the embargo might be limited to one single country. The President might perhaps have found that some neutral country contiguous to Germany was permitting our food shipments to go on through to Germany, and the embargo might be intended to be limited to that country to prevent the shipments to Germany, and yet under this section, as it is drawn, the moment the proclamation is made no shipment of anything can go from the United States except under regulations by the President.

Mr. OVERMAN. And subject to the limitations that he shall prescribe.

Mr. SMITH of Georgia. Precisely; but it applies it to everything, it puts the embargo on everything, though the purpose of the President may be to limit it to one country and one product. We might desire to prevent coal from going to some country, and we might desire to put an embargo on coal to that country, yet under the provisions of this section the proclamation covers all products anywhere and everywhere.

I submit, Mr. President, that it should be modified so as to permit the embargo to be levied as a result of the proclamation applying it to a single country or a single commodity. A broader latitude in the nature of the embargo ought to be covered by the section and the proclamation ought to cover the particular embargo which the section intends to cover.

Mr. WALSH. Mr. President——

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Montana?

Mr. SMITH of Georgia. I yield.

Mr. WALSH. I think there is much in the suggestion of the Senator from Georgia. Let me ask if the idea he has in mind would not be met by inserting the word "particular" after "any," the words "commodity or commodities" after "arti-

cles," and the words "to any or all countries" after the words "from the United States," so that it will read:

It shall be unlawful to export any particular article or articles, commodity or commodities from the United States to any or all countries.

Mr. SMITH of Georgia. What I would like, Mr. President, would be to have the Senator from North Carolina [Mr. OVERMAN], the Senator from Montana [Mr. WALSH], the Senator from Florida [Mr. FLETCHER], who have been the special champions of the provision, and the Senator from Minnesota [Mr. NELSON], representing the other side, take the section to-night and rewrite it, embodying more clearly just what we all wish.

Mr. McCUMBER. Will the Senator allow me to suggest to him that if we add, on line 21, after the word "articles," the words "mentioned in such proclamation," we will have met the objections urged by the Senator.

Mr. SMITH of Georgia. If the Secretary will report the language embodying the two suggestions, I think perhaps we have what I was seeking to suggest.

Mr. McCUMBER. I suggest, after the word "articles," in line 21, to insert the words "mentioned in such proclamation."

Mr. GALLINGER. On page 26?

Mr. McCUMBER. On page 25 of this print.

The VICE PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. On line 21, page 25, after the word "articles," insert the words "mentioned in such proclamation."

The VICE PRESIDENT. It will be agreed to without objection.

Mr. SMITH of Georgia. I desire to suggest, further, that the words should be added "to the country or countries named in such proclamation." Both should be covered by it, because the proclamation should be permitted to limit the exports both as to articles and as to countries.

Mr. NELSON. I suggest to the Senator that we utilize the word "to" in the clause "from such place or places" by striking out the word "from" and inserting the word "to," so as to read "and to such place or places." I think that would meet the objection.

Mr. SMITH of Georgia. No; that is excluding the shipments "from such place or places."

Mr. NELSON. No; it would then read, "except at such time or times and to such place or places."

Mr. SMITH of Georgia. The suggestion I made a few moments ago I believe is the best. If the Senator from North Carolina, the Senator from Montana, the Senator from Florida, and the Senator from Minnesota would take the section to-night and rewrite it, they will be likely to bring us exactly what we want in the morning.

Mr. OVERMAN. I think the amendment which the Senator from Montana offered along that line will cover that case.

Mr. WALSH. I believe the language suggested by the Senator from North Dakota accomplishes the purpose I had in mind in the first part of my amendment, and that suggested by the Senator from Georgia accomplishes what I proposed in the second part of my amendment.

Mr. SMITH of Georgia. I ask that the Secretary may read the section as now amended.

Mr. OVERMAN. Let it be read as amended.

The VICE PRESIDENT. The section as it is now amended will be read.

The Secretary read as follows:

SECTION 1. Whenever during the present war the President shall find that the public safety shall so require, and shall make proclamation thereof, it shall be unlawful to export any article or articles mentioned in such proclamation from the United States, except at such time or times and under such regulations and orders, and subject to such limitations and exceptions as the President shall prescribe, until otherwise ordered by the President or by Congress: *Provided, however*, That no preference shall be given to the ports of one State over those of another.

Mr. WADSWORTH. Mr. President, may I suggest to the Senator in charge of the bill that in the interest of clarity we make line 21 read:

It shall be unlawful to export from the United States any article or articles mentioned in such proclamation.

It now reads "to export any article or articles mentioned in such proclamation from the United States." I suggest that we put the words "from the United States" after the word "export."

Mr. OVERMAN. I see no objection to that, Mr. President.

The VICE PRESIDENT. It will be agreed to, without objection.

Mr. SMITH of Georgia. Now, after the word "export," I ask to add "to any country named in said proclamation."

Mr. WALSH. I suggest that the Senator put in those words after the words "United States."

Mr. SMITH of Georgia. "From the United States to any country named in such proclamation." That is satisfactory.

The VICE PRESIDENT. It will be agreed to, without objection.

Mr. STONE. I now ask that it be read.

Mr. BORAH. Mr. President, what portion of this bill is now before the Senate?

The VICE PRESIDENT. Chapter VII, section 1, is now under consideration.

Mr. McCUMBER. Have we adopted the amendment known as section 1 of Chapter VII?

The VICE PRESIDENT. Not as amended. The Secretary will read it.

The Secretary read as follows:

SEC. 1. Whenever during the present war the President shall find that the public safety shall so require, and shall make proclamation thereof, it shall be unlawful to export from the United States to any country named in such proclamation any article or articles mentioned in such proclamation, except at such time or times, and under such regulations and orders, and subject to such limitations and exceptions as the President shall prescribe, until otherwise ordered by the President or by Congress: *Provided, however*, That no preference shall be given to the ports of one State over those of another.

Mr. WALSH. Mr. President, I ask the attention of the Senate to the fact that the language "and from such place or places" has been taken from the provision, and that the proviso suggested by the Senator from Minnesota [Mr. NELSON] has been added to it. The suggestion of the Senator from Minnesota was that this language be left in the bill, but that the proviso be added to it, so that any provision should not run counter to the Constitution. I suggested a little while ago that it would be wise to leave in the bill the language "from such place or places," putting it at the end of the proviso; and for this reason: The Constitution, as I then stated, does not forbid that a preference be given to one port over another, but it forbids that a preference be given to the ports of one State over the ports of another State. If the rule is just exactly the same with reference to all the States then the regulation would not offend the Constitution.

I suggested that it might be advisable to provide, for instance, that the exports should take place only from one port in each State, because it may become necessary to convoy the ships that leave our ports, and it will be necessary to assemble them at a certain particular port in each State in order that they may carry on their work.

I do not think anybody would object to the language "from such place or places," except as it was felt that it might contravene the Constitution; but I believe that with the clause which we have in it and the proviso suggested by the Senator from Minnesota we may well leave this language in the bill. Accordingly, Mr. President, I move that the vote be reconsidered by which those words were eliminated.

Mr. LODGE. Mr. President, I hope that will not be done. I think the words "and from such place or places" ought to be left out. They can have no effect on the power to enforce the law. I think it opens a dangerous constitutional question, but, whether it does or not, I do not think the power ought to be given to discriminate between ports and States. If we need to put an embargo upon any article, put it on, but make it a general one; we ought not to shut it off at one place and let it out at another.

Mr. WALSH. I imagine that perhaps the Senator from Massachusetts did not hear me. I am not particular about this. I am not going to insist upon it at all, but there is a reason for it. I repeat, perhaps the Senator from Massachusetts did not hear what I said. Under the Constitution it would be impossible to discriminate or to give any preference to the ports of one State over the ports of another; you have got to give the same privileges to the ports of each State; but it may be desirable to confine exports to one port in each State.

The VICE PRESIDENT. The question is on the motion of the Senator from Montana to reconsider the vote by which the amendment to the amendment, to which he has referred, was agreed to. [Putting the question.] The noes seem to have it. The noes have it. The question now is on the section as amended.

Mr. TOWNSEND. Mr. President, the RECORD will show that the vote of Friday adopting amended section 7 has been reconsidered, and that the provision which the Senate then adopted giving the President power to place an embargo upon all goods going out from the United States which find their way, directly or indirectly, into an enemy country through a neutral country has been withdrawn. The reasons for such reversal, however, the RECORD will not disclose. They were given in secret session.

I find myself in a position where I can not support this amendment. I have been perfectly willing at all times, and I am still willing, to confer upon the President all the power which he ought to possess, or which could be reasonably asked for him, in order that he may successfully prosecute the war. I am not willing, however, to copy any of the barbarous methods of Germany, which we have condemned and which have led up to this war. My understanding is now that this section will not be used for the purpose of protecting the American consumer, no matter what the needs of our people may be; that it will not be invoked for the purpose of conserving food or reducing the cost to the American people; but that it may be used for the purpose of coercing neutral countries into a participation in this war.

Mr. President, I can not vote for such a measure as that. We have stood for neutrality; the President has invoked it; he has asked all of the nations of the world to join with us in preserving it. Now, that we ourselves are engaged in the war we ought not to attempt to coerce neutral countries into violating their neutrality. I do not believe that that kind of a war can result in good to the world.

It is stated that we are fighting this war for the cause of democracy and that the weaker nations of the world shall be secure in their rights; that they shall be protected in their national ideals in the governments which they have set up for themselves. What a mockery of that profession this proposed action makes! If it is true that the real force and effect of this proposition is to coerce weaker nations into doing things that they would not otherwise do, into an abandonment of free, independent governmental action, then we depart from the high ideals that we held aloft as the reason for our entering into this world conflict.

I do not wish to be placed in a position where I shall be considered as antagonizing the President of the United States or the Government of the United States in the prosecution of this war. I will not antagonize him or it. But my own judgment is that the course you propose to take now is going to intensify that war, is going to line up against us people who up to this time have been friendly. So believing, I can not, even though it may subject me to criticism, vote for a measure which I believe at once to be unjust and unwise. Instead of creating allies it may multiply our enemies.

Mr. CUMMINS. Mr. President——

The VICE PRESIDENT. Does the Senator from Michigan yield to the Senator from Iowa.

Mr. TOWNSEND. I yield.

Mr. CUMMINS. I am tempted to ask the Senator from Michigan this question: Suppose it were suggested now that, in order to fight the war successfully, the United States should use its submarines against neutral shipping in the same way that Germany has used her submarines. Would the Senator from Michigan think that the United States ought to use that weapon in that way in order to win?

Mr. TOWNSEND. I do not. I have condemned the use of submarines, because such warfare is inhuman and uncivilized. We must meet it, and I am willing to use any proper means to defeat its awful efficiency; but, Mr. President, I am not willing to vote to force upon any neutral country in this world, and especially upon a little country that can be coerced by the great United States, methods which we have ourselves condemned. It may be necessary to our success, but I doubt it. We invoke Jehovah to aid our arms at this time. Can we expect such aid when we employ methods such as this measure contemplates? We ought to fight this war honorably. If we are going to use these unusual means, let us use them against our enemies, not against our friends. Let us not force upon neutral countries the methods which we have condemned in others, and because of the use of which by Germany we are now in war.

Mr. President, I have felt like explaining the vote which I am to cast on this question, inasmuch as its merits were discussed in secret session, and I want my people to know my reasons. I feel very deeply about it. I would vote for the provision if I were confident that that was the only way that democracy could be preserved; but believing, as I do, that it may be used as an instrument for the destruction of democracy, believing that the power as it is proposed to be used is unfair, unjust, and uncivilized, I must protest against granting it.

Mr. STONE. Mr. President, may I ask the Senator a question?

Mr. TOWNSEND. Yes.

Mr. STONE. I should like to ask the Senator this question: The United States is now a belligerent power, not a neutral power. Certain countries, numerous countries, are still neutral, and, so far as I know, all of them are in a state of friendly relationship with the United States. If we were still neutral, I would join very readily with the Senator in opposing any such legislation as this, but we are not now neutral; we are belligerent.

Now, on that premise, I ask if it be true that any neutral nation, for example some neutral nation contiguous to Germany, which is now our enemy in war, was supplying Germany with food and munitions or other matériel of war out of its own production, and then coming to the United States to purchase here and transport there a sufficient quantity of things that they had sold and delivered to Germany to replace the supply furnished Germany, does not the Senator think that the United States would be absolutely within its belligerent rights to say to that neutral country that it—that is, the United States—would not consent that that neutral country should furnish the enemy of the United States with supplies and then come here into our ports and markets to replace what they had sold to our enemy?

Mr. TOWNSEND. Mr. President, to prevent the transaction suggested by the Senator from Missouri is not the object of this section as it now stands. That is not the question involved. The Senate the other day provided against just exactly that emergency, and that action is what the Senator voted this afternoon to reconsider. The Smith amendment, which was adopted by the Senate, provided that the President could exercise the power of embargo upon goods going to a neutral country with ultimate destination, either directly or indirectly to the enemy. That is not the question here now. I voted for that proposition and am willing to support it, but it was withdrawn. It is true, as the Senator from Missouri says, that we are no longer a neutral Nation, and now you do not propose that any other nation that we are strong enough to coerce shall be neutral. That is the proposition involved, as I understand it, that we, now in war, claim the right to force all other nations into war, and compel them to abandon their neutrality against their will under the possible pains of starvation inflicted upon them by our boasted Christian Government.

Mr. REED. Mr. President——

The VICE PRESIDENT. Does the Senator from Michigan yield to the Senator from Missouri?

Mr. TOWNSEND. Yes.

Mr. REED. I do not wish to ask the Senator a question or to seem to criticize the Senator, but we had a session here all day long in secret, and I can not any longer see the purpose of it if Senators are to proceed with this line of discussion. I suggest that to the Senator.

Mr. TOWNSEND. Mr. President, I am not discussing what occurred in secret session. The immediate discussion was induced by the question of the senior Senator from Missouri [Mr. STONE], and I am very glad he asked it, because it gives me an opportunity to explode that thin excuse for the position of Senators who voted for the so-called Smith amendment and afterwards abandoned it. But, Mr. President, I have spoken as long as I intended to speak, and I have said all I care to say. I realize that my words will be ineffectual in modifying this section, but some day, possibly in the near future, but when too late for reversal, we shall recognize our dreadful mistake in passing this provision. My only hope is that the President will not enforce it, as he now thinks he will and as its proponents expect him to do.

Mr. LA FOLLETTE. Mr. President, I offer the amendment which I send to the desk to come in at the end of the section. I ask to have it read and printed and lie on the table.

The VICE PRESIDENT. The Secretary will read the amendment.

The SECRETARY. It is proposed to add, at the end of the section, the following:

Provided further, That the power herein conferred upon the President shall in no case be used to withhold any product from any neutral nation for its own use and consumption, unless such product, in the opinion of the President, be required for domestic consumption, or to interfere with the neutral rights of any neutral nation, or to coerce any such nation by commercial pressure or otherwise, directly or indirectly, to engage in or to participate in the existing war.

The VICE PRESIDENT. The amendment will be printed and lie on the table.

EXECUTIVE SESSION.

Mr. OVERMAN. Mr. President, it is evident that we can not finish the bill to-night. I therefore move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened.

RECESS.

Mr. OVERMAN. I move that the Senate take a recess until 12 o'clock noon to-morrow.

The motion was agreed to; and (at 5 o'clock and 45 minutes p. m., Monday, May 7, 1917) the Senate took a recess until to-morrow, Tuesday, May 8, 1917, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate May 7 (legislative day of May 2), 1917.

CONSUL GENERAL.

CLASS 5.

James C. McNally, of Pennsylvania, to be a consul general of class 5 of the United States of America.

APPOINTMENT IN THE ARMY.

Rev. Albert Kingsbury Mathews, of California, to be chaplain, with the rank of first lieutenant from May 4, 1917, to fill an original vacancy.

PROVISIONAL APPOINTMENTS, BY PROMOTION, IN THE ARMY.

INFANTRY ARM.

Second Lieut. Truman Smith, Fourth Infantry, to be first lieutenant from November 28, 1916, vice Campbell, Eleventh Infantry, promoted.

NOTE.—The above-named officer was nominated to the Senate on April 19, 1917, for promotion under the name of Freeman Smith. This is submitted for the purpose of correcting an error in the name of the nominee.

CAVALRY ARM.

Corpl. Ralph L. Willner, Troop A, Second Cavalry, to be second lieutenant, with rank from date of appointment.

PROMOTIONS AND APPOINTMENT IN THE NAVY.

Lieut. (Junior Grade) Howard M. Lammers to be a lieutenant in the Navy from the 29th day of August, 1916.

Ensign Fitzhugh Green to be a lieutenant (junior grade) in the Navy from the 5th day of June, 1914.

Ensign Michael Hudson to be a lieutenant (junior grade) in the Navy from the 7th day of June, 1916.

Earl L. Bailey, an enlisted man in the United States Navy, to be an assistant paymaster in the Navy from the 7th day of May, 1917.

CONFIRMATIONS.

Executive nominations confirmed by the Senate May 7 (legislative day of May 2), 1917.

UNITED STATES MARSHAL.

Benjamin F. Sherrell to be United States marshal for the eastern district of Texas.

APPOINTMENT IN THE NAVY.

Earl L. Bailey to be an assistant paymaster in the Navy.

POSTMASTERS.

COLORADO.

W. S. Buchanan, Salida.

KANSAS.

Grover T. Emmons, Bucklin.
Josie Curtis, Englewood.

MISSOURI.

John P. Ray, Cassville.
Zina A. Cleeton, Green Castle.

OHIO.

Henry W. Brown, Findlay.
John S. Heeter, West Carrollton.

TEXAS.

W. B. Claunch, Hamilton.

WEST VIRGINIA.

H. A. Turk, Newell.

HOUSE OF REPRESENTATIVES.

MONDAY, *May 7, 1917.*

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Eternal God, our heavenly Father, we bless Thee for the beautiful world in which Thou hast placed us, with its opportunities to develop our minds and souls unto the perfect man. But if there are obstacles in the way to be overcome, they do but strengthen us for the larger life. To-day we are facing a world-wide struggle for supremacy; on the one side is liberty, on the other is limitation; on the one side freedom of thought and action, on the other subjection to the will of others. Shall it be popular government or monarchical domination, right or might? God speed the right and throttle the wrong; that men may live and grow all that is purest and best in them; and thus dwell together in peace, joy, and happiness; each for all and all for each. In the spirit of the Master. Amen.

The Journal of the proceedings of Saturday was read and approved.

BRIDGE ACROSS THE MISSISSIPPI RIVER, MORRISON, MINN.

The SPEAKER. The Clerk will call the Unanimous Consent Calendar.

The first business on the Calendar for Unanimous Consent was the bill (S. 1006) authorizing the county of Morrison, Minn., to construct a bridge across the Mississippi River in said county.

The SPEAKER. Is there objection?

Mr. FOSTER. Reserving the right to object, it has been the understanding with the committees, as I take it, that they were not to report bills except such as were necessary for the purpose of prosecuting the war or closely related to that particular subject. I have noticed not only these bills on the Unanimous Consent Calendar, but other bills reported from different committees and placed on the calendar. I do not know what the emergency connected with these bills may be, but it seems to me that if it is to be the policy to report all kinds of bills then the membership of the House and the members of the committee who have many bills referred to them ought to know it. I feel that it is a duty to object to these bills unless there is some particular urgent reason why they should be considered. I ask the gentleman from Georgia what the emergency is in connection with this bill.

Mr. ADAMSON. The gentleman from Illinois has called my attention to the fact that several bridge bills had found their way to the calendar. I explained to the House and I explained to him that the author of each of these bills assured me that the bill was an actual emergency; that during the war some regiment might have to march across the bridge, and they were in a hurry to get it built.

Mr. FOSTER. I do not think that is a sufficient reason.

Mr. ADAMSON. I do not wish to do violence to the understanding. I am opposed to reporting anything except necessary war measures. I think we ought to adjourn and go home as soon as we have arranged to whip Germany. I do not wish to violate any understanding, but this was precipitated on the House without any intention of mine. I did not place the bills on the calendar or expect them to be called. If it is not the wish of the House to consider these bills, it will receive the unanimous sanction of the committee.

Mr. CARTER of Oklahoma. Mr. Speaker, there is a great deal of pressure being brought to bear on every committee to report bills. If one committee keeps faith, all ought to keep faith. I notice that there are eight bills reported from the gentleman's committee. We have had several bills which are said to be very important referred to the Indian Committee, but we have not called our committee for the reason that the Democratic caucus passed a resolution instructing us to report no bills out, except in pursuance of the war plans of the President.

Mr. ADAMSON. I will state that every bill reported out from our committee, except the little bridge bills, are administration measures that were presented to the committee as war measures.

Mr. MANN. And some have been pending for a year.

Mr. ADAMSON. They probably were apprehending war and believed in preparedness.

Mr. CARTER of Oklahoma. Mr. Speaker, I shall be obliged to object.

Mr. MANN. I hope the gentleman will not object.

Mr. CARTER of Oklahoma. I will reserve my objection.

Mr. MANN. Bridge bills are of a different character from almost every other bill.

Mr. ADAMSON. I was trying to say that.

Mr. MANN. We could leave to the War Department absolutely the control over bridge bills, and under ordinary cases, where some one wants to construct a bridge over a navigable stream, they have proceeded to a point where they are ready to do it before they find out that they have to have an act of Congress. We have passed bridge bills as a matter of course without controversy where there was nothing unusual involved in them. Here is a county that wants to build a bridge. It does not come within the class of general legislation that applies to anything else. I do not think there ought to be any objection. In previous Congresses at special sessions, where nothing else

was done except to consider revenue measures, we still passed bridge bills by unanimous consent, and in some cases the committees had not been appointed at all.

Mr. ADAMSON. If the gentleman will withhold his objection, I would like to say that I have no bridge bill myself. Other gentlemen have these bills. As the gentleman from Illinois remarked, Members say there is an emergency in the locality of these bridges and it is important to them. At previous extra sessions, when nothing else practically was done, these little bridge bills were passed by the House. I would like to accommodate these gentlemen if the House is willing to do it. Every one we have reported has been with the understanding that they would not be called up if it was in violation of the wishes of the House.

Mr. CARTER of Oklahoma. I understood that the caucus decided that bills were not to be reported at all, and there was no understanding that they were to be reported and not to be called up. If it is to be the policy of the House to report bills and not call them up in the House, we ought to know it right now.

Mr. MANN. The result of the caucus action has been that several gentlemen on the Democratic side of the House have been asking me if I would object, or if anybody in the House would object, to passing some bills by unanimous consent without having them reported by the committees.

Mr. FOSTER. They probably will not get a chance at that.

Mr. MANN. I am not anxious for the session to continue any longer than necessary.

Mr. ADAMSON. While we have not reported a single bridge bill without the statement that it was for an emergency. I would like to have it decided by the House if they do not wish to consider these bills.

The SPEAKER. Is there objection?

Mr. FERRIS. Reserving the right to object, I notice that there are 10 bills on the Union Calendar, 8 on the House Calendar, 1 on the Private Calendar, and 4 on the Unanimous Consent Calendar. Now, everybody in this House very well understands what unanimous consent means and what running the gantlet of unanimous consent means. I do not think the calendar ought to be cluttered up with any bills while this agreement is on and while this war business is on, and for the present I object to bridge bills or any other bills.

The SPEAKER. Is there objection?

Mr. FERRIS. I object.

The SPEAKER. The gentleman from Oklahoma objects, and the bill is stricken from the calendar.

Mr. MANN. I do not care anything about this, but if gentlemen on that side of the House are going to attempt to determine in the caucus what shall come up I shall object to everything by unanimous consent. Proceed with your caucus action. There will be no more unanimous consents.

The SPEAKER. The gentleman from Oklahoma objects, and the Clerk will call the next bill.

BRIDGE ACROSS MISSISSIPPI RIVER AT BEMIDJI, MINN.

The next business on the Calendar for Unanimous Consent was the bill (S. 1007) authorizing the city of Bemidji, Minn., to construct a bridge across the Mississippi River at or near that place.

The SPEAKER. Is there objection?

Mr. FERRIS. I object.

The SPEAKER. The gentleman from Oklahoma objects, and the bill is stricken from the calendar.

CAR SERVICE IN INTERSTATE COMMERCE.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 328) to amend an act entitled "An act to regulate commerce, as amended, in respect to car service, and for other purposes."

The SPEAKER. Is there objection?

Mr. FERRIS. Mr. Speaker, I object.

The SPEAKER. The gentleman from Oklahoma objects, and the bill is stricken from the calendar. The Chair is informed that that is the last bill on the calendar.

STEAM YACHT "OWERA."

Mr. PADGETT. Mr. Speaker, notwithstanding the objections that have been made, on the Private Calendar there is a bill (S. 1845) to authorize PETER GOELET GERRY to enter into a contract with the Secretary of the Navy, in behalf of the United States for the use of the steam yacht *Owera*, which bill has been reported by the Naval Committee. I desire to ask unanimous consent for its consideration. It is to allow Senator GERRY to present to the Government the use of his yacht for war purposes. There is a statute which prohibits a Member of Congress from entering into any agreement or contract with the Government, and this is to waive that and to allow him to turn over to the Government, without compensation, the use of his boat.

The SPEAKER. A special order was made Saturday to consider Senate joint resolution 42.

Mr. PADGETT. This would not take a minute, if the gentleman from Missouri would yield to me.

Mr. ALEXANDER. Mr. Speaker, I do not know anything that would not take more than a minute. It would be hazarding much to say that it would not take more than a minute. Senate joint resolution 42 was made the special order to-day by unanimous consent, and while I am in favor of the bill presented by the gentleman from Tennessee, that is simply a bill permitting a private citizen to turn over his yacht for the use of the Government, whereas Senate joint resolution 42 is a resolution authorizing the President to take over the German ships interned in American waters—a matter of infinitely more importance.

Mr. PADGETT. Mr. Speaker, I will say to the gentleman that if anyone makes an inquiry I shall withdraw my request.

Mr. STAFFORD. Mr. Speaker, I will say to the gentleman from Tennessee that I desire to make an inquiry suggested by the letter from the Secretary of the Navy.

Mr. MANN. That has not been passed upon by the Democratic caucus, and I think I should have to object in view of what has taken place, and to all other requests for unanimous consent.

INTERNED GERMAN SHIPS.

Mr. ALEXANDER. Mr. Speaker, I call up for consideration Senate joint resolution 42, authorizing the President to take over for the United States the possession and title of any vessel within its jurisdiction, which at the time of coming therein was owned in whole or in part by any corporation, citizen, or subject of any nation with which the United States may be at war, or was under register of any such nation, and for other purposes.

Mr. MANN. Mr. Speaker, I suggest that the gentleman has to move to go into Committee of the Whole House on the state of the Union.

Mr. ALEXANDER. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of Senate joint resolution 42, and pending that motion I would like to have some agreement about the time of general debate. I ask unanimous consent that general debate be limited to an hour, to be confined to the subject matter of the resolution.

Mr. MANN. Mr. Speaker, personally with two or three other gentlemen who have spoken to me, I desire two hours and a half.

Mr. GREENE of Massachusetts. Mr. Speaker, I have requests for considerable time on this side.

Mr. MANN. Mr. Speaker, I think we had better let general debate run along temporarily for a while.

The SPEAKER. The question is on the motion of the gentleman from Missouri

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of Senate joint resolution 42, with Mr. BOOHER in the chair.

Mr. ALEXANDER. Mr. Chairman, I ask unanimous consent that the first reading of the resolution be dispensed with.

Mr. MANN. Mr. Chairman, I shall have to object to that. We do not know yet what the Senate resolution is.

The CHAIRMAN. The Clerk will report the resolution.

The Clerk read as follows:

Resolved, etc., That the President be, and he is hereby, authorized to take over to the United States the immediate possession and title of any vessel within the jurisdiction thereof, including the Canal Zone and all territories and insular possessions of the United States except the American Virgin Islands, which at the time of coming into such jurisdiction was owned in whole or in part by any corporation, citizen, or subject of any nation with which the United States may be at war when such vessel shall be taken, or was flying the flag of or was under register of any such nation or any political subdivision or municipality thereof; and, through the United States Shipping Board, or any department or agency of the Government, to operate, lease, charter, and equip such vesssel in any service of the United States, or in any commerce, foreign or coastwise.

SEC. 2. That the Secretary of the Navy be, and he is hereby, authorized and directed to appoint, subject to the approval of the President, a board of survey, whose duty it shall be to ascertain the actual value of the vesssel, its equipment, appurtenances, and all property contained therein, at the time of its taking, and to make a written report of their findings to the Secretary of the Navy, who shall preserve such report with the records of his department. These findings shall be considered as competent evidence in all proceedings on any claim for compensation.

Mr. ALEXANDER. Mr. Chairman, the gentleman from North Carolina [Mr. WEBB] introduced House joint resolution 62, which was referred to the Committee on the Merchant

Marine and Fisheries and was reported back to the House on the 1st day of May. As reported to the House, the text of House joint resolution 62 is the same as the text of Senate joint resolution 42 as it passed the Senate. Mr. Polk, at the first hearing before the House committee, was present and made a statement, and Mr. Woolsey, representing the Department of State, and Attorney General Gregory were before the House Committee on the Merchant Marine and Fisheries at the second hearing. After hearing the statements made by these gentlemen, the committee agreed to strike out all of the subject matter of House joint resolution 62 and substitute, by way of amendment, the provisions in Senate joint resolution 42 as it passed the Senate. House joint resolution 62 as amended comes to the House with the unanimous approval of the committee. There are two propositions contained in the resolution.

First—

That the President be, and he is hereby, authorized to take over to the United States the immediate possession and title of any vessel within the jurisdiction thereof, including the Canal Zone and all Territories and insular possessions of the United States except the American Virgin Islands, which at the time of coming into such jurisdiction was owned in whole or in part by any corporation, citizen, or subject of any nation with which the United States may be at war when such vessel shall be taken, or was flying the flag or was under register of any such nation or any political subdivision or municipality thereof; and through the United States Shipping Board, or any department or agency of the Government, to operate, lease, charter, and equip such vessel in any service of the United States or in any commerce, foreign or coastwise.

The second proposition is this:

That the Secretary of the Navy be, and he is hereby, authorized and directed to appoint, subject to the approval of the President, a board of survey, whose duty it shall be to ascertain the actual value of the vessel, its equipment, appurtenances, and all property contained therein at the time of its taking, and to make a written report of their findings to the Secretary of the Navy, who shall preserve such report with the records of his department. These findings shall be considered as competent evidence in all proceedings on any claim for compensation.

This resolution is intended to give the President authority to take over the immediate possession and title of the German refugee ships. These ships sought refuge in the harbors of the United States and of our insular possessions following the outbreak of the war in Europe, and are now within the jurisdiction of the United States.

Mr. RUSSELL. Will the gentleman yield?

Mr. ALEXANDER. I would prefer to make a short statement first.

Mr. RUSSELL. Then after the gentleman gets through.

Mr. ALEXANDER. Between 600,000 and 700,000 tons of these ships, many of them very fine passenger ships and others freight ships, are in our harbors. They sought refuge in our harbors at the beginning of the war in Europe, and they were still in our harbors at the time we became parties to the war against Germany. They did not dare leave our ports for fear of capture by British and French cruisers hovering along our coasts. Many ships were more or less damaged by their officers and crews following our declaration of armed neutrality, presumably by order of the Imperial German Government. A survey of the vessels has been made, and repairs are proceeding with a view to their use in service of the United States at the earliest practical moment. They are now in the possession of the collectors of the ports in the several ports where they are now docked under orders issued by the Secretary of the Treasury.

It has been said that the President might have taken over possession of these vessels, seized them, confiscated them on behalf of the United States without action by Congress. I question whether it would have been proper for him to do so. I think the decisions of the Supreme Court of the United States sustain the contrary view and that Congress should authorize that to be done.

That we have the right to take over the title to these vessels, to seize them, to confiscate them, I think is beyond question. It is not my purpose to discuss this matter at length, but I will call attention to the case of Brown against United States, Eighth Cranch, page 121, and particularly to the statement by Chief Justice Marshall as regards the right of the Government to seize or confiscate enemy ships:

Respecting the power of the Government no doubt is entertained. That war gives to the sovereign full right to take the persons and confiscate the property of the enemy wherever found is conceded. The mitigations of this rigid rule, which the humane and wise policy of modern times has introduced into practice, will more or less affect the exercise of this right, but can not impair the right itself. That remains undiminished, and when the sovereign authority shall choose to bring it into operation, the judicial department must give effect to its will. But until that will shall be expressed, no power of condemnation can exist in the court.

This is a case involving the title to a cargo of logs in which it was sought to condemn them, and the decision refers to that particular case.

Now, as to the right of the President as Commander in Chief of the Army and Navy to exercise the war powers bestowed on him under the Constitution of the United States to take over these ships without the authority conferred by this joint resolution, I will call attention to this further statement in the same decision, page 125——

Mr. STAFFORD. Will the gentleman kindly give us the citation and report?

Mr. ALEXANDER. It is Brown against The United States, Eighth Cranch, page 125:

If we look to the Constitution itself, we find this general reasoning much strengthened by the words of that instrument. That the declaration of war has only the effect of placing the two nations in a state of hostility, of producing a state of war, of giving those rights which war confers; but not of operating by its own force any of those results, such as a transfer of property, which are usually produced by ulterior measures of government, is fairly deducible from the enumeration of powers which accompanies that of declaring war. "Congress shall have power to declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water." It would be restraining this clause within narrower limits than the words themselves import to say that the power to make rules concerning captures on land and water is to be confined to captures which are ultra-territorial. If it extends to rules respecting enemy property found within the territory, then we perceive an express grant to Congress of the power in question, as an independent substantive power, not included in that of declaring war.

And again, quoting from the same decision:

The acts of Congress furnish many instances of an opinion that the declaration of war does not, of itself, authorize proceedings against the persons or property of the enemy found at the time within the territory. War gives an equal right over persons and property; and if its declaration is not considered as prescribing a law respecting the person of an enemy found in our country, neither does it prescribe a law for his property. The act concerning alien enemies which confers on the President very great discretionary powers respecting their persons, affords a strong implication that he did not possess those powers by virtue of the declaration of war.

Of course, we have solemnly declared that a condition of war exists between the United States and Germany.

Chief Justice Marshall further says:

The "act for the safe keeping and accommodation of prisoners of war," is of the same character. The act prohibiting trade with the enemy contains this clause: "And be it further enacted, that the President of the United States be, and he is hereby, authorized to give, at any time within six months after the passage of this act, passports for the safe transportation of any ship or other property belonging to British subjects, and which is now within the limits of the United States." This phraseology of this law shows that the property of a British subject was not considered by the legislature as being vested in the United States by the declaration of war; and the authority which the act confers on the President is manifestly considered as one which he did not previously possess.

This opinion of the Supreme Court in Brown against The United States is recognized and restated with approval by Henry Wheaton in Elements of International Law, fourth English edition, by J. B. Atlay, 1904, pages 425 and 428.

Section 303. During the war between the United States and Great Britain, which commenced in 1812, it was determined by the Supreme Court, that the enemy's property, found within the territory of the United States on the declaration of war, could not be seized and condemned as prize of war without some legislative act expressly authorizing its confiscation. The court held that the law of Congress declaring war was not such an act. That declaration did not, by its own operation, so vest the property of the enemy in the Government as to support judicial proceedings for its seizure and confiscation. It vested only a right to confiscate, the assertion of which depended on the will of the sovereign power.

Section 304.

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In the light of these authorities the proposition that the declaration of war does not of itself vest the property of the enemy in the Government is entirely free from doubt. It is clear that it is necessary to pass this joint resolution in order to confer this power on the President of the United States to take over to the United States the possession and title of the vessels covered thereby.

Mr. FESS. Would it interrupt the gentleman if I should ask him a question?

Mr. ALEXANDER. I will yield.

Mr. FESS. These ships are not owned by the German Government but by corporations of German citizens, as I understand it?

Mr. ALEXANDER. They belong in the most part to the Hamburg-American Steamship Co., which is a German corporation, and to the North German Lloyd Steamship Co., which is a German corporation, one I think of Hamburg and the other of Bremen.

Mr. FESS. As I understand it, there would be a difference if these ships were German property rather than the property of German citizens?

Mr. ALEXANDER. That is, if they belonged to the Government; yes. I think seven of the ships that took refuge in our ports were of that character; that is, were German naval auxiliaries. They have already been seized and taken over by the Government, as I am informed, without awaiting the action of the Congress.

Mr. FESS. I want to ask the chairman this question: Can we assume that the destruction of the machinery in the ships was by order of the German Government?

Mr. ALEXANDER. Well, I do not know whether we will be warranted in that assumption or not, nor do I know how many ships were injured in that way. The effort to injure or destroy them may have been inspired by a determination on the part of their officers and crews not to let the ships fall into our hands in condition for use against their country. I understand generally—and my information is not very full and accurate, as I got it in an informal way—that some of these ships were not injured at all, except by the damage and depreciation by lying in the harbor and by becoming foul.

Mr. FESS. I think it is very clear in international law that if there was an attempt by the authority of the German Government to destroy the ships there would be no question of the President's right to take them over immediately without an act of Congress.

Mr. ALEXANDER. I would be inclined to that view.

Now, the question has been raised as to whether or not we will violate any of our treaties with Germany in taking over these ships. It is a very serious question whether or not the treaties of 1785, 1799, and 1828, or any of the provisions of those treaties, are in force. Most of the provisions of those treaties relate to the duty of one nation to the other if one is involved in war, not with the other, but with some other nation.

Mr. FESS. That is right.

Mr. ALEXANDER. And I have read all the provisions of those treaties, and I would say that they have been violated in letter and in spirit by the German Government during the progress of this war, and the Imperial German Government could not consistently insist that the provisions of those treaties are now in force, as they have repeatedly violated them. But assuming that they are in full force and effect, which I might concede for the purpose of this argument, there is only one provision in those treaties that even remotely might be regarded as having a bearing upon this question, and that is article 23 of the treaty of 1799, which reads:

> If war should arise between the two contracting parties, the merchants of either country then residing in the other shall be allowed to remain nine months to collect their debts and settle their affairs and may depart freely, carrying off all their effects without molestation or hindrance. And all women and children, scholars of every faculty, cultivators of the earth, artisans, manufacturers, and fishermen, unarmed and inhabiting unfortified towns, villages, or places, and in general all others whose occupations are for the common subsistence and benefit of mankind shall be allowed to continue their respective employments and shall not be molested in their persons, nor shall their houses or goods be burnt or otherwise destroyed, nor their fields wasted by the armed force of the enemy into whose power by the events of war they may happen to fall; but if anything is necessary to be taken from them for the use of such armed force the same shall be paid for at a reasonable price.

That is the only provision of the treaty between Germany and ourselves that might even remotely refer to the status of enemies residing in the United States, and would not apply, in my opinion, to enemy property, such as the vessels in controversy, belonging to the enemy citizens resident in Germany.

Mr. McKENZIE. Will the gentleman yield?

Mr. ALEXANDER. I will yield.

Mr. McKENZIE. The gentleman has stated that the German Imperial Government has violated, both in letter and in spirit, some of the sections of the treaties we have with the Imperial German Government. Now, to the end that the Members of the House and the country may have that information, will the gentleman cite one or more instances showing such violation?

Mr. ALEXANDER. Well, if the gentleman will read the provisions of the treaties I think the information will occur to him at once.

Mr. TOWNER. Will the gentleman yield?

Mr. McKENZIE. But if the gentleman will pardon me, I am not seeking for my own information.

Mr. ALEXANDER. The treaties were drawn on broad and humane lines, as you will see by reading them. It is my purpose to incorporate those provisions relating to Germany's duty toward us as a neutral as part of my remarks.

Mr. TOWNER. If the gentleman will yield——

Mr. ALEXANDER. I would like to finish my statement in reference to these treaties, if the gentleman will pardon me.

Now, when Mr. Polk was before the committee he was asked which treaty, if any, applied to the facts in this case. In other words, if to take over these ships as proposed by this joint resolution it would violate any of the provisions of our treaties with Germany. I will read part of the letter which the Secretary of State wrote to the President on that subject, as follows:

> It may be argued that the treaties of 1828, 1799, and 1785 would be violated by requisitioning the German refugee vessels. The only stipulation of those treaties bearing on this point is article 23 of the treaty of 1799, providing in case of war "the merchants of either country then residing in the other shall be allowed to remain nine months to collect their debts and settle their affairs and may depart freely, carrying off all their effects, without molestation or hindrance." As most of the German vessels are owned by nonresident German corporations, with only operating agents here, only two or three vessels lying in our insular ports being possibly owned by Germans residing there, it would seem that this stipulation of the treaty would as a practical matter have little application to vessels in the United States ports.

Now I will answer the gentleman from Iowa [Mr. TOWNER].

Mr. TOWNER. I was just going to say that certainly there is very high authority in international law for the proposition that when there is a declaration of war as between two governments that have an existing treaty the declaration of war itself is an abrogation of the treaty. Certainly in this case, if there were treaty provisions existing of the nature and character referred to here, it could not take away from this country the rights which she would otherwise have under international law of taking over the vessels, and, of course, being responsible for such obligations arising therefrom at the end of the war as international law would recognize.

Mr. ALEXANDER. Well, I would say that if we had a treaty with another nation making provision for the rights of our respective citizens in the event of war, and war should ensue, that would not abrogate the provisions of that treaty; else it would be a work of supererogation to enter into these treaty stipulations.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. ALEXANDER. Yes.

Mr. MANN. With reference to the statement of the gentleman from Iowa [Mr. TOWNER], would anybody claim that where you make a treaty which itself by language expressly provides that it is made mainly to be in effect in time of war, that treaty would be abrogated by war?

Mr. ALEXANDER. I should think not.

Mr. MANN. That is the case with this treaty. It expressly says it is not to be abrogated by war, because it was made mainly to be in effect in time of war if war should come.

Mr. TOWNER. I did not say that that was my contention. I said there was very high authority in international law on the proposition. This was the proposition: That if there was a provision which by implication might take away from us the right to exercise what otherwise we would have the right to exercise under this international law, certainly we would not hesitate to exercise our general rights under general law at this time.

Mr. MANN. That is an academic proposition upon which we would probably all agree, but it has nothing to do with this case.

Mr. TOWNER. That may be true.

Mr. HICKS. Mr. Chairman, will the gentleman yield for a question?

Mr. ALEXANDER. I yield.

Mr. HICKS. Did it come to your notice, or to the notice of the committee, whether or not any large financial institutions of this country had loaned money on any of these ships?

Mr. ALEXANDER. Not directly. I think it was Mr. Polk, counselor for the State Department, who stated before the committee that he had information to the effect that some trust company in New York had advanced about $2,000,000, I think, to the Hamburg-American Line to defray necessary expenses, including upkeep, since the vessels were interned in the port of New York.

Mr. HICKS. Since they were interned?

Mr. ALEXANDER. Yes.

Mr. HICKS. About $2,000,000?

Mr. ALEXANDER. Yes; and perhaps this sum was secured by chattel mortgage or some other form of lien against these vessels.

Mr. MANN. Mr. Chairman, will the gentleman from Missouri yield?

Mr. ALEXANDER. I yield.

Mr. MANN. The press at various times had indicated or stated that some of these interned ships have been sold to American citizens. Does the gentleman know whether or not that that is the case?

Mr. ALEXANDER. I do not.

Mr. MANN. The press has stated that not only some of them had been sold but that some of them when sold had been seized

by the British Government, but I suppose they are not now in the territorial waters of the United States. Does the gentleman believe that, if in good faith American citizens have purchased some of these interned ships, the Government now ought to seize them and take them away from those owners without making compensation?

Mr. ALEXANDER. I think it was Mr. Polk also who made the statement that four or five of these vessels, as he understood, had been sold to the Atlas Co. The Atlas Co. is an American corporation, but I think he stated that the stock in the company is owned by German citizens or subjects.

Mr. MANN. Well, stock in the New York Central Railroad is owned by German citizens, too.

Mr. ALEXANDER. How?

Mr. MANN. And stock in the United States Steel Corporation is also owned by German citizens.

Mr. ALEXANDER. The stock is owned in Germany, as I understand it, and to all intents and purposes the status of the vessels is not changed.

Mr. MANN. Do I understand the gentleman to say that the Government of the United States is now going to seize the stock of companies in this country owned by German citizens? If not, I do not see what the remark of the gentleman has to do with it.

Mr. ALEXANDER. No; the Government is not going to seize the stock but the vessels. This resolution applies to the status of these vessels that have come into our ports under the German flag and are within our jurisdiction.

Now, as regards the equities and liens of these companies for advances, and these other questions involved, this resolution does not undertake to treat of those questions at all.

Mr. MANN. No; but it takes the ships and title without compensation.

Mr. ALEXANDER. Yes; and we have the right to take the ships and title without compensation, too.

Mr. MANN. Well, that is a constitutional question. I do not agree with the gentleman on that.

Mr. ALEXANDER. If they have any equities, they must be adjusted hereafter, just like the equities of the German owners, if we pursue the time-honored policy of our Government on the conclusion of the war, or later.

Mr. MANN. Yes; "later" is well said.

Mr. ALEXANDER. We could compensate the Hamburg-American and the North German Lloyd Steamship Companies for these ships; if we pursue our policy in the future as in the past we will compensate these owners for these vessels, but at this time, early in the war, and with conditions changing from day to day, the equities shifting, it will be time enough, in the view of the Senate and in the view of the administration and in the view of the Committee on the Merchant Marine and Fisheries, to adjust these equities after peace has been declared, because in the meantime we will no doubt have property destroyed; we will have counter claims against Germany; and it will be time enough to do so then.

Mr. MANN. What I want to get at is the question of fact, whether it is the intention under this bill to seize possession and title without making present compensation of vessels which have been sold by their German owners to American citizens?

Mr. ALEXANDER. There was not a particle of evidence before the committee that any vessels had been sold.

Mr. MANN. I do not know whether there have been any sold. I know that the newspapers have constantly made that statement.

Mr. ALEXANDER. Mr. Polk said he had heard that, too.

Mr. MANN. What would Mr. Polk know about it? Who is Mr. Polk, by the way?

Mr. ALEXANDER. He is counselor for the State Department. Well, it was none of our business to have the parties at interest come before our committee, and there was no evidence before the committee to that effect, and we did not think it was our business to go out and look for it.

Mr. MANN. Why do you put a provision in the bill that permits that to be done? Why not except such a case? Unless the gentleman intends deliberately to seize vessels now belonging to American citizens, acquired in good faith, why not have the bill so state?

Mr. ALEXANDER. There was not a particle of evidence before the committee that they belonged to American citizens or that they had been purchased by them.

Mr. MANN. I do not suppose there was much evidence at all before the committee.

Mr. ALEXANDER. Hence there was no reason to put any such thing in the bill. Mr. Sickel, American agent of the Hamburg-American Line, called on me and wanted to know what provision would be made to pay the Hamburg-American Co. for these vessels. He never stated that anybody had purchased any of these ships.

Mr. MANN. Probably he had not sold any of them.

Mr. ALEXANDER. He did not state that any American citizen was the owner of any of these ships. He should know.

Mr. MANN. He was not the only pebble on the beach.

Mr. ALEXANDER. These are Hamburg-American ships that the newspapers are talking about.

Mr. MANN. I think not. That is not my recollection of it. However, will the gentleman allow me to ask him another question?

Mr. ALEXANDER. Yes.

Mr. MANN. Why is the exception made in the case of the Danish West India Islands, or the American Virgin Islands, as they are now properly called?

Mr. ALEXANDER. The Attorney General made a statement about that, and I will ask the gentleman from North Carolina [Mr. WEBB] to recall it, if he can.

Mr. WEBB. I understand that our State Department had a special arrangement with the Danish Government——

Mr. MANN. What is the special arrangement?

Mr. WEBB. That none of these vessels which were at the Virgin Islands should be confiscated or taken.

Mr. MANN. How was that arrangement made?

Mr. WEBB. That was not stated before the committee, but the substance of the statement was what I have repeated.

Mr. MANN. Does not the gentleman think we are entitled to know how it was made? It is not in the treaty, as far as I can find.

Mr. WEBB. That was the statement before the committee of which the gentleman from Missouri [Mr. ALEXANDER] is chairman—that when those islands were taken over an exemption was made as to these ships that were in the harbor. There are very few of them—only two or three small ships. The matter involved, so far as these ships are concerned, amounts to very little.

Mr. MANN. Another case of acting without knowledge or information.

Mr. ALEXANDER. I just want to say in this connection that the lists of German ships in American waters does not include any in the Danish West Indies.

Mr. LENROOT. Will the gentleman yield?

Mr. CANNON. Will the gentleman yield?

Mr. ALEXANDER. I yield first to the gentleman from Wisconsin [Mr. LENROOT].

Mr. LENROOT. With reference to possible American ownership of these ships, I would like to ask the gentleman whether it is not true that if these vessels are still of enemy register, still flying the German flag, American ownership can not in the least affect our right to take them over.

Mr. ALEXANDER. I think that is correct.

Mr. CANNON. Will the gentleman yield?

Mr. ALEXANDER. I am glad to yield to the gentleman from Illinois.

Mr. CANNON. As I understand from the gentleman's statement, these ships were seized by the United States, and have been in the possession of the United States from that time to the present, and if there was any contract made with some third party, I want to ask the gentleman, did possession follow that contract?

Mr. ALEXANDER. It did not.

Mr. CANNON. It seems to me that if it was a mere contract, and if possession did not follow, it could not constitute a sale as against the rights of the United States.

Mr. ALEXANDER. I think the gentleman is correct. In the first place these vessels were taken over by the collector of the port under the orders of the Treasury Department, and have been in the possession of the Government ever since the declaration of war.

Mr. SLAYDEN. Since what time?

Mr. ALEXANDER. Since the declaration of war.

Mr. SLAYDEN. Since our declaration of war a few weeks ago?

Mr. ALEXANDER. Yes.

Mr. SLAYDEN. But previous to that they were simply here as guests.

Mr. ALEXANDER. Simply for their own protection.

Mr. SLAYDEN. They were not seized or taken possession of at all?

Mr. ALEXANDER. They were simply interned, or made our ports places of refuge.

Mr. HARDY. Will the gentleman permit a question?

Mr. ALEXANDER. I yield to the gentleman from Texas.

Mr. HARDY. In the line of the last suggestion of the gentleman from Illinois [Mr. MANN]; that is, as to the excep-

tion in regard to the American Virgin Islands, that exception is in conformity with the terms of an agreement, as I understand it, with the Government formerly owning the Virgin Islands, and that agreement was made when they transferred those islands to our Government?

Mr. ALEXANDER. That was the explanation made by the Attorney General.

Mr. MADDEN. Was that agreement outside of the treaty?

Mr. ALEXANDER. I do not know as to that. The treaty will show for itself about that.

Mr. HAMILTON of Michigan. Will the gentleman from Missouri yield to me?

Mr. ALEXANDER. I yield to the gentleman from Michigan for a question.

Mr. HAMILTON of Michigan. I simply want to ask the gentleman, as bearing upon the treaty provisions relating to these ships which are said to be at the American Virgin Islands, would it not be possible before action is taken upon this bill to get from the Attorney General a statement in writing, so as to clear up all question in that behalf?

Mr. ALEXANDER. This bill does not affect the vessels in those islands.

Mr. HAMILTON of Michigan. They are excepted, and the question has been asked why they are excepted, and the gentleman has made a statement in relation to it and has turned also to the gentleman from North Carolina [Mr. WEBB] for an answer to the inquiry; and I was simply asking whether it might not be possible before the debate is concluded to have a statement from the Attorney General setting forth the reasons why the committee takes the action it does. Otherwise we shall not know what the information of the Attorney General is.

Mr. WEBB. My recollection is that the agreement between the United States and Denmark in taking over the Virgin Islands provided that all ships that were then in the harbor should remain the property and in the possession of the then owners. That is why this exception is put in. This was agreed upon by our State Department and the Danish Government.

Mr. MANN. Where is that in the treaty?

Mr. WEBB. That was the statement of the Attorney General, who said that that was the agreement between the two Governments.

Mr. MANN. But the gentleman has never undertaken to look at the treaty?

Mr. WEBB. I think there are but three vessels, and I do not think they are worth very much.

Mr. MANN. That has nothing to do with it.

Mr. HAMILTON of Michigan. The gentleman states that this was not a treaty provision, as I understand?

Mr. WEBB. It was the understanding when the islands were turned over to the United States.

Mr. HAMILTON of Michigan. But it was not incorporated in the treaty?

Mr. WEBB. Not that I know of. It was so stated by the State Department, that that was the understanding.

Mr. HAMILTON of Michigan. It is an agreement separate from the treaty, and the gentleman does not know whether that was in writing or not.

Mr. WEBB. I do not know; but I understand that it was agreed by letter between the two Governments, and without such agreement the deal or sale might have been blocked by Germany and Denmark greatly embarrassed.

Mr. ALEXANDER. Mr. Chairman, I call attention to the fact that the list of German vessels is given in the report; the vessels in the Danish West India Islands were not in our possession, and I would think the status of the vessels in those islands would be fixed in our treaty with Denmark.

Mr. SABATH. Will the gentleman yield?

Mr. ALEXANDER. I will yield to the gentleman from Illinois.

Mr. SABATH. I desire to ask the gentleman, in view of the statements made by my colleague from Illinois, if it is not a fact that from the beginning of the war, and a good many months thereafter, Great Britain refused to sanction the sale of any of these vessels belonging to Germany and Austria, and later on Germany forbade its subjects to transfer or sell any of the vessels belonging to her citizens, and consequently none of them could have been sold?

Mr. ALEXANDER. I can not state what the fact is about that.

Mr. MANN. We can not sell anything without the permission of Great Britain.

Mr. SABATH. Great Britain would not have recognized the sale, and for that reason there was no one to buy and no one to sell, because later the German Government refused to sanction the sale of any of the vessels.

Mr. ALEXANDER. All that is quite apart from the issue here. We are at war with Germany and these are German ships in American ports. We have a right to seize them and confiscate them if we wish to do so. The equities as between us and private owners can be left to be adjusted hereafter.

Mr. SLAYDEN. Will the gentleman yield?

Mr. ALEXANDER. I will yield to the gentleman.

Mr. SLAYDEN. It is my understanding, and I want to know if my view is confirmed by the gentleman from Missouri, who is better informed than I am—with reference to German vessels in the Virgin Islands, and the question that has arisen out of that—is it not true that they sought refuge in the Virgin Islands while those islands were a part of the sovereignty of the King of Denmark, and we assumed morally an obligation that they had protected these people who came there under the custom of nations, and that that moral obligation passed to us when the islands were sold?

Mr. ALEXANDER. I understand that to be true, and I understand that to be the view of the department which prompted the exception in this resolution.

Mr. SLAYDEN. An international courtesy to recognize the obligation which rested on the islands at the time we took them over?

Mr. ALEXANDER. Yes; if they were not covered by treaty. There are only two or three vessels of small value, as I understand.

Mr. SLAYDEN. I have seen it stated in the paper that there were two or three vessels.

Mr. ALEXANDER. That is my understanding. Mr. Chairman, how much time have I consumed?

The CHAIRMAN. The gentleman has occupied 19 minutes.

Mr. ROBBINS. Will the gentleman answer a question?

Mr. ALEXANDER. Yes.

Mr. ROBBINS. What is the probable liability of the United States for these ships so seized?

Mr. ALEXANDER. None at all.

Mr. ROBBINS. If we answer later in damages, what is the liability?

Mr. ALEXANDER. None at all.

Mr. ROBBINS. Then the gentleman thinks we never will be called upon to pay for these ships?

Mr. ALEXANDER. If we do it will not be a legal liability, but on account of the policy of the Government in the past to recognize claims of private parties.

Mr. ROBBINS. The gentleman stated that a part of these ships were owned by corporations organized by Germans in the United States.

Mr. ALEXANDER. No; I stated just the contrary; they are owned by German corporations incorporated in Germany.

Mr. ROBBINS. I misunderstood the gentleman.

Mr. ALEXANDER. Mr. Chairman, the gentleman from Illinois [Mr. MCKENZIE], a while ago, called my attention to my statement that the German Imperial Government had violated both the letter and spirit of our treaties with Germany and asked me to cite instances.

I assume that he did not mean to assert that my statement is not accurate, or fully supported by the events occurring since August, 1914, when the war in Europe began.

It is beyond controversy that vessels under the American flag have been sunk and their cargoes lost, and, what is of infinitely greater concern, the lives of hundreds of Americans have been taken in the ruthless submarine warfare carried on by the Kaiser's Government indiscriminately against the merchant vessels of belligerents and neutrals alike. I need not enter into particulars; they are known—well known to all.

A casual reading of the provisions of our treaties of 1785, 1799, and 1828 with Prussia, and the terms and obligations of which the Imperial German Government had recognized and was bound to observe and keep, will bear out and confirm in the broadest and fullest sense the accuracy of my statement.

That the Congress and the country may have their attention called to the provisions of the treaties to which I refer, I will incorporate them in my remarks. They are as follows:

ARTICLES IN TREATIES BETWEEN UNITED STATES AND GERMANY RELATING TO WAR AND NEUTRALITY.

TREATY OF 1785 WITH PRUSSIA.

(The articles quoted from these treaties were revived by Article XII of the treaty of 1828.)

ARTICLE XII. If one of the contracting parties should be engaged in war with any other power, the free intercourse and commerce of the subjects or citizens of the party remaining neutral with the belligerent powers shall not be interrupted. On the contrary, in that case, as in full peace, the vessels of the neutral party may navigate freely to and from the ports and on the coasts of the belligerent parties, free vessels making free goods, insomuch that all things shall be adjudged free which shall be on board any vessel belonging to the neutral party, although such things belong to an enemy of the other; and the same

freedom shall be extended to persons who shall be on board a free vessel although they should be enemies of the other party, unless they be soldiers in actual service of such enemy.

TREATY OF 1799 WITH PRUSSIA.

(The articles quoted from these treaties were revived by Article XII of the treaty of 1828.)

ARTICLE XIII. And in the same case of one of the contracting parties being engaged in war with any other power, to prevent all the difficulties and misunderstandings that usually arise respecting merchandise of contraband, such as arms, ammunition, and military stores of every kind, no such articles carried in the vessels or by the subjects or citizens of either party to the enemies of the other shall be deemed contraband so as to induce confiscation or condemnation and a loss of property to individuals. Nevertheless it shall be lawful to stop such vessels and articles and to detain them for such length of time as the captors may think necessary to prevent the inconvenience or damage that might ensue from their proceeding, paying, however, a reasonable compensation for the loss such arrest shall occasion to the proprietors; and it shall further be allowed to use in the service of the captors the whole or any part of the military stores so detained, paying the owners the full value of the same, to be ascertained by the current price at the place of its destination. But in the case supposed of a vessel stopped for articles of contraband, if the master of the vessel stopped will deliver out the goods supposed to be of contraband nature, he shall be admitted to do it, and the vessel shall not in that case be carried into any port nor further detained, but shall be allowed to proceed on her voyage.

All cannons, mortars, firearms, pistols, bombs, grenades, bullets, balls, muskets, flints, matches, powder, saltpeter, sulphur, cuirasses, pikes, swords, belts, cartouch boxes, saddles and bridles, beyond the quantity necessary for the use of the ship or beyond that which every man serving on board the vessel, or passenger, ought to have, and, in general, whatever is comprised under the denomination of arms and military stores, of what description soever, shall be deemed objects of contraband.

ARTICLE XIV. To insure to the vessels of the two contracting parties the advantage of being readily and certainly known in time of war, it is agreed that they shall be provided with the sea letters and documents hereafter specified:

1. A passport, expressing the name, the property, and the burthen of the vessel, as also the name and dwelling of the master, which passport shall be made out in good and due form, shall be renewed as often as the vessel shall return into port, and shall be exhibited whensoever required, as well in the open sea as in port. But if the vessel be under convoy of one or more vessels of war belonging to the neutral party, the simple declaration of the officer commanding the convoy that the said vessel belongs to the party of which he is shall be considered as establishing the fact and shall relieve both parties from the trouble of further examination.

2. A charter party; that is to say, the contract passed for the freight of the whole vessel, or the bills of lading given for the cargo in detail.

3. The list of the ship's company, containing an indication by name and in detail of the persons composing the crew of the vessel. These documents shall always be authenticated according to the forms established at the place from which the vessel shall have sailed.

As their production ought to be exacted only when one of the contracting parties shall be at war, and as their exhibition ought to have no other object than to prove the neutrality of the vessel, its cargo, and company, they shall not be deemed absolutely necessary on board such vessels belonging to the neutral party as shall have sailed from its ports before or within three months after the Government shall have been informed of the state of war in which the belligerent party shall be engaged. In the interval, in default of these specific documents, the neutrality of the vessel may be established by such other evidence as the tribunals authorized to judge of the case may deem sufficient.

ART. XV. And to prevent entirely all disorder and violence in such cases it is stipulated that, when the vessels of the neutral party, sailing without convoy, shall be met by any vessels of war, public or private, of the other party, such vessel of war shall not send more than two or three men in their boat on board the said neutral vessel to examine her passports and documents. And all persons belonging to any vessel of war, public or private, who shall molest or insult in any manner whatever the people, vessels, or effects of the other party shall be responsible in their persons and property for damages and interest, sufficient security for which shall be given by all commanders of private armed vessels before they are commissioned.

ART. XVI. In times of war, or in cases of urgent necessity, when either of the contracting parties shall be obliged to lay a general embargo, either in all its ports or in certain particular places, the vessels of the other party shall be subject to this measure, upon the same footing as those of the most favored nations, but without having the right to claim the exemption in their favor stipulated in the sixteenth article of the former treaty of 1785. But, on the other hand, the proprietors of the vessels which shall have been detained, whether for some military expedition or for what other use soever, shall obtain from the Government that shall have employed them an equitable indemnity, as well for the freight as for the loss occasioned by the delay. And furthermore, in all cases of seizure, detention, or arrest, for debts contracted or offenses committed by any citizen or subject of the one party within the jurisdiction of the other, the same shall be made and prosecuted by order and authority of law only, and according to the regular course of proceedings usual in such cases.

Mr. Chairman, attention has been called to the fact that the joint resolution under consideration does not make any provision for payment for the vessels, the possession and title of which the President is authorized to take over to the United States. The failure of the committee to do so was not the result of oversight. In section 2 of the joint resolution we do make provision for the survey and valuation of the vessels. The rights of the owners and all intervening equities are left for the consideration of the Congress at some future time.

The ruthless destruction of our merchant shipping and the loss of American lives by the German submarines still goes on and will, no doubt, continue until the end of the war. We have just claims against the German Imperial Government for sinking our vessels and the loss of American lives in disregard of our treaty rights and in disregard of our well-established rights under international laws. More than 100 lives of American citizens were lost when the *Lusitania* was sunk by a German submarine in utter disregard of every principle of international law, and in my opinion it will be time enough when the present deplorable conflict shall have ended, and in the consideration and adjustment of the equities between our Government and the German Imperial Government, and between our citizens and the citizens and subjects of the German Imperial Government to adjust all the claims growing out of the war.

I would not entertain the thought for one moment that we will depart from time-honored and enlightened righteous policy that has marked our intercourse with other nations, and their citizens and subjects. And in this connection, as it illustrates what I have in mind, it may be well to call attention to The Hague Convention of 1907, and the reasons assigned by the delegates of the United States for not signing it:

THE HAGUE CONVENTION VI (1907) RELATING TO THE RIGHTS OF ENEMY MERCHANT SHIPS AT THE OUTBREAK OF HOSTILITIES AND REPORT OF THE DELEGATES OF THE UNITED STATES GIVING THE REASONS FOR NOT SIGNING IT.

(Signed Oct. 18, 1907.)

NOTE.—The United States delegates did not sign this convention. The reasons for this are given in the appended report.

His Majesty the German Emperor, King of Prussia [etc.]:

Anxious to ensure the security of international commerce against the surprises of war, and wishing, in accordance with modern practice, to protect as far as possible operations undertaken in good faith and in process of being carried out before the outbreak of hostilities, have resolved to conclude a convention to this effect, and have appointed the following persons as their plenipotentiaries:

[Here follow the names of plenipotentiaries.]

Who, after having deposited their full powers, found in good and due form, have agreed upon the following provisions:

ARTICLE 1.

When a merchant ship belonging to one of the belligerent powers is at the commencement of hostilities in an enemy port, it is desirable that it should be allowed to depart freely, either immediately or after a reasonable number of days of grace, and to proceed, after being furnished with a pass, direct to its port of destination or any other port indicated.

The same rule should apply in the case of a ship which has left its last port of departure before the commencement of the war and entered a port belonging to the enemy while still ignorant that hostilities had broken out.

ARTICLE 2.

A merchant ship unable, owing to circumstances of force majeure, to leave the enemy port within the period contemplated in the above article or which was not allowed to leave, can not be confiscated.

The belligerent may only detain it, without payment of compensation, but subject to the obligation of restoring it after the war or requisition it on payment of compensation.

ARTICLE 3.

(For reservations of Germany and Russia, see below.)

Enemy merchant ships which left their last port of departure before the commencement of the war and are encountered on the high seas while still ignorant of the outbreak of hostilities can not be confiscated. They are only liable to detention on the understanding that they shall be restored after the war without compensation, or to be requisitioned, or even destroyed, on payment of compensation, but in such cases provision must be made for the safety of the persons on board as well as the security of the ship's papers.

After touching at a port in their own country or at a neutral port, these ships are subject to the laws and customs of maritime war.

ARTICLE 4.

Enemy cargo on board the vessels referred to in articles 1 and 2 is likewise liable to be detained and restored after the termination of the war without payment of compensation, or to be requisitioned on payment of compensation, with or without the ship.

The same rule applies in the case of cargo on board the vessels referred to in article 3. (For reservations of Germany and Russia, see below.)

ARTICLE 5.

The present convention does not affect merchant ships whose build shows that they are intended for conversion into warships.

ARTICLE 6.

The provisions of the present convention do not apply except between contracting powers, and then only if all the belligerents are parties to the convention.

EXTRACT FROM REPORT OF THE DELEGATES OF THE UNITED STATES.

(60th Cong., 1st sess. S. Doc. No. 444, pp. 38–40.)

VI.—CONVENTION REGARDING THE ENEMY'S SHIPS OF COMMERCE AT THE BEGINNING OF HOSTILITIES.

The uninterrupted practice of belligerent powers since the outbreak of the Crimean War has been to allow enemy merchant vessels in their ports at the outbreak of hostilities to depart on their return voyages. The same privilege has been accorded to enemy merchant vessels which sailed before the outbreak of hostilities to enter and depart from a belligerent port without molestation on the homeward voyage. It was therefore the view of the American delegation that the privilege had acquired such international force as to place it in the category of obligations. Such, indeed, was the view of a majority of the conference; but as the delegation of Great Britain adhered to the opinion that such free entry and departure was a matter of grace or favor, and not one of strict right, the articles regard it as a delay by way of favor and refer to the practice as desirable.

In support of the American view, the case of the *Buena Ventura* is in point. This case was decided in 1899, and in his opinion Justice Peckham says:

"It being plain that merchant vessels of the enemy carrying on innocent commercial enterprises at the time or just prior to the time when hostilities between the two countries broke out would, in accordance

with the later practice of civilized nations, be the subject of liberal treatment by the Executive, it is necessary when his proclamation has been issued which lays down rules for treatment of merchant vessels to put upon the words used therein the most liberal and extensive interpretation of which they are capable; and where there are two or more interpretations which possibly might be put upon the language, the one that will be most favorable to the belligerent party, in whose favor the proclamation is issued, ought to be adopted.

"This is the doctrine of the English courts, as exemplified in The *Phœnix* (Spink's Prize Cases, 1, 5) and The *Argo* (Id., p. 52). It is the doctrine which this court believes to be proper and correct. The *Buena Ventura*" (175 U. S., 388).

At the first reading, the convention seems to confer a privilege upon enemy ships at the outbreak of war. Free entry and departure are provided for, ships are not to be molested on their return voyages, and a general immunity from capture is granted to vessels from their last port of departure, whether hostile or neutral. But all these immunities are conditioned upon ignorance of the existence of hostilities on the part of the ship. This condition forms no part of the existing practice, and it was the opinion of the delegation that it substantially neutralized the apparent benefits of the treaty and puts merchant shipping in a much less favorable situation than is accorded to it by the international practice of the last 50 years.

An enemy merchant vessel approaching a hostile port which is notified by an armed cruiser, or which obtains the information under circumstances calculated to charge it with knowledge of the fact that hostilities exist, forfeits the immunities conferred by the treaty and becomes eo instante, liable to capture. As the freight trade of the world is carried on in steamers which habitually carry only enough coal to reach their destination, the operation of the treaty is to render them instantly liable to capture, the alternative being to continue to the hostile destination and surrender.

The convention operates powerfully in favor of a State having a predominant naval force and possessed of numerous ports throughout the world, so situated that a merchant vessel carrying its flag may take refuge in such ports on being notified that hostilities exist. All other powers would be placed in a position of great disadvantage, and their merchant marine would suffer incalculable injury as the result of its adoption.

The effects upon the practice of marine insurance are also important. The ordinary contract does not cover a war risk. The operation of a war risk is simply because its conditions and incidents are fully known. But a policy calculated to cover the contingency of capture, the risk of depending upon the chance or possibility of notification would introduce an element of uncertainty into marine risks which, in view of the interests at stake, should not be encouraged.

The convention also presents an undesirable alternative in the treatment of enemy merchant ships, in that it provides that in certain cases they may be seized "subject to restoration after the war without indemnity" or to "immediate requisition with indemnity." As merchant-marine commerce is carried on it is obvious that the condition of the cargo which is detained in indifferent or inefficient custodianship during the ordinary duration of war would approach confiscation. It would also be substantially impossible to make such a risk the subject of a practicable contract of insurance.

The foregoing convention was not signed by the delegation, and its acceptance as a conventional obligation is not recommended.

Mr. Chairman, as the questions involved are of the greatest interest at this time I beg to call attention to extracts from international-law authorities as regards the status of enemy merchant ships in port at outbreak of war.

I would not be understood, however, as taking the position that these principles may be applied to the German and Austrian ships which have taken refuge in our ports since the outbreak of the war in Europe. Their status is somewhat peculiar.

At the time they came into our ports we were a neutral nation. They sought our ports for protection from the British and French fleets. So far as we are concerned, the German and Austrian merchant vessels were free to depart and, for that matter, return at will, but they did not dare do so, for fear of capture by the British and French fleets.

They might have departed immediately following our declaration that a state of war existed between our Nation and Germany, but did not undertake to do so, and no doubt for the reasons stated, and for the added reason that immediately upon our declaration in February last that we would pursue a policy of armed neutrality, many of these vessels were disabled to the extent that they were no longer in a seaworthy condition.

In determining the status of these ships and the rights of the German corporations understood to be their owners to claim compensation for them, if taken over by our Government, it may be important to inquire whether or not the attempted destruction and damage done to these vessels by their officers and crews was by order of the German Imperial Government, but these are questions for future consideration.

ENEMY MERCHANT VESSELS IN PORT AT OUTBREAK OF WAR—EXTRACTS FROM INTERNATIONAL-LAW AUTHORITIES.

(See also Moore's Digest of International Law, vol. 7, pp. 453–456, 459; Scott, James Brown, The Hague peace conference of 1899 and 1907, vol. 1, pp. 556–568.)

1. THE STATUS OF ENEMY MERCHANT SHIPS AT OUTBREAK OF HOSTILITIES.

(For the proceedings in the conference on this subject, see La Deuxième Conférence Internationale de la Paix, 1907, vol. 3, pp. 825–830, 852–864, 884–886, 917–919, 936–957, 1030–1038, 1150–1155; vol. 1, 235–236, 250–255 (Report of M. Henri Fromageot).)

When no distinction was made in theory and practice between the status of private property of the enemy upon land and upon sea, it necessarily followed that such property was liable to seizure and confiscation wherever found. If upon land, it would naturally fall prey to an invading army and be appropriated to a public use or claimed as the booty of the commander or camp follower. If the private property of the enemy were within the jurisdiction or control of the other belligerent, it could easily be confiscated by actual seizure or legislative enactment. The gradual immunity extended to private property of the enemy upon land, reserving always the right to subject it to requisition or to contribution, creates a distinction between the rights of capture and confiscation unless the principle of immunity be equally extended to unoffending private property of the enemy upon the high seas. As the immunity in the latter case, however acceptable in theory, has not been recognized in practice, it follows that, whether logical or illogical, the distinction exists and must be borne in mind in discussing the status of the enemy and enemy property.

It may be stated that international law recognizes as a general principle that private property of the enemy upon land is, within certain limitations, not necessary for the present discussion, exempt from capture and confiscation. It is equally true that private property of the enemy upon the high seas is subject to capture, and the determination of the situation of the property determines at once its liability to or its exemption from capture. An enemy merchant ship is therefore liable to capture if found within the zone of naval operations, unless special rules and regulations exempt it from the treatment recognized and permitted by international law. The situation of the merchant vessel would seem in theory to be unimportant, because the right of capture is recognized, but, as a matter of fact, custom, which is the very life of the law, treats differently property situated in an enemy port at the outbreak of hostilities and private property of the enemy upon the high seas. Therefore it is advisable in discussing the general subject to consider, first, the status of enemy merchant vessels found in port upon the breaking out of hostilities, and, second, to discuss the status of enemy merchant vessels found upon the high seas upon the breaking out of war.

If an enemy merchant vessel moored to the wharf or found within the territorial waters of the other belligerent were regarded not only within the jurisdiction of the belligerent but as thoroughly subject to his jurisdiction as other private property of the enemy found upon the land, there could be in theory no rational distinction between the property and the treatment to be accorded to it. Merchant ships of the enemy are not, however, assimilated to private property upon land, but the tendency of custom is to give to them greater rights and privileges than other property found elsewhere upon the outbreak of hostilities. In former times enemy merchant vessels found in the harbor or within the territorial waters were subject to capture, and when hostilities seemed imminent an embargo was placed upon such property, so that departure would be illegal and would subject it to seizure or confiscation. The result would be that upon the outbreak of war the property would be seized and passed before a court as legitimate prize. The older law is briefly stated in the case of Lindo *v.* Rodney (1781 Douglas, 615), in which Lord Mansfield said:

"Ships not knowing of hostilities come in by mistake; upon the declaration of war or hostilities, all the ships of the enemy are detained in our ports, to be confiscated as the property of the enemy, if no reciprocal agreement is made."

The policy and reasoning by which it was sought to support seizure and confiscation are set forth in the case of the Boedes Lust (1803, 5 C.; Robinson, 245), tried and condemned before the great Lord Stowell, when Sir William Scott. A Dutch ship on a voyage from Demerara to Batavia, embargoed at the Cape of Good Hope by a British squadron before the actual declaration of war against Holland in 1803, was afterwards condemned as enemy's property. In passing judgment Lord Stowell said:

"This was the state of the first seizure. It was at first equivocal; and if the matter in dispute had terminated in reconciliation, the seizure would have been converted into a mere civil embargo. That would have been the retroactive effect of that course of circumstances. On the contrary, if the transactions end in hostility, the retroactive effect is directly the other way. It impressed the hostile character upon the original seizure. It is declared to be no embargo; it is no longer an equivocal act, subject to two interpretations; there is a declaration of the animus, by which it was done, that it was done hostili animo, and is to be considered as an hostile measure ab initio. The property taken is liable to be used as the property of persons, trespassers ab initio, and guilty of injuries, which they have refused to redeem by any amicable alteration of their measures. This is the necessary course, if no particular compact intervenes for the restitution of such property taken before a formal declaration of hostilities. No such convention is set up on either side, and the State, by directing proceedings against this property for condemnation, has signified a contrary intention. Accordingly the general mass of Dutch property has been condemned on this retroactive effect; and this property stands upon the same footing."

However artificial, illogical, or unjust we may consider the reasons advanced by Lord Stowell, the case of the Boedes Lust was unquestioned law and actual practice. As late as 1854 Dr. Lushington could say:

"With regard to an enemy's property coming to any part of the Kingdom, or being found there, being seizable, I confess I am astonished that doubt should exist on the subject. I apprehend the law has been this, that it is competent for any person to take possesion of such property, unless it had any protection by license or by some declaration emanating by the authority of the Crown, and to assist the Crown to proceed against it to adjudication." (Johanna Emilie, Spinks, 14, 1854.)

As Prof. John Bassett Moore says in his monumental International Law Digest:

"It was formerly the practice not only to seize enemy vessels in port at the outbreak of war, but also to lay an embargo upon them in expectation of war, so that if war should come they might be confiscated. A rule of precisely the opposite effect has been enforced in recent wars." (Moore, Digest of International Law, Vol. VII, sec. 1196, p. 453.)

The innovation came from a quarter in which it was least expected, for on October 4, 1853, Turkey said, in its declaration of war against Russia:

"The sublime porte does not consider it just that, agreeable to ancient usage, an embargo should be laid upon Russian merchant vessels. Accordingly they will be warned to proceed within a period to be fixed hereafter to the Black Sea or to the Mediterranean, as they choose."

The Christian governments did not lag behind the followers of Mahomet. The Russian Government granted full liberty to Turkish vessels in its ports to return to their destination till the 10th (22d) of November. On March 27, 1854, France issued the following declaration:

"ARTICLE 1. Six weeks from the present date are granted to Russian ships of commerce to quit the ports of France. Those Russian ships which are not actually in our ports, or which may have left the ports of Russia previously to the declaration of war, may enter into French ports and remain there for the completion of their cargoes until the 9th of May, inclusive."

Great Britain issued a similar declaration on March 29, 1854. Further indulgences were afterward allowed to Russian vessels which had sailed for English and French ports prior to May 15, 1854, and Russia on its part allowed English and French vessels six weeks from April 25, 1854, to load their cargoes and sail from Russian ports in the Black Sea, the Sea of Azof, and the Baltic, and six weeks from the opening of navigation to leave the ports of the White Sea. (Halleck, International Law (3d ed., by Baker), Vol. I, 552, 553, Note.)

We thus see that the right of capture and confiscation was recognized in the Crimean War, but following the initiative of the Turkish Government, the great maritime States of Great Britain, France, and Russia, while recognizing the right, limited it in such a way as to free from capture and confiscation enemy merchant ships found in their respective ports, and to give them a certain time within which to unload their cargo and proceed to their ports of destination. Capture is always a harsh measure, but it seems peculiarly harsh to capture and confiscate merchant vessels whose owners did not or could not know of the outbreak of wars, and who in no way, either directly or remotely, influenced or were concerned in the outbreak of war. An enemy vessel found upon the high seas or in an enemy port after such warning or after the various dates prescribed might be treated as having voluntarily assumed the risk of capture, and therefore properly exposed to it. The precedent of 1854 was followed in the Prussian-Austrian War of 1866. For example, the Prussian ministerial declaration, June 21, 1866, provided that:

"Austrian merchant vessels which are now in Prussian ports, or whose masters, unaware of the breaking out of the war, may enter Prussian ports, shall, on condition of reciprocity, have six weeks reckoned from the day of their entry into port to land their cargo and to go away with a new cargo, contraband of war excepted. On the expiration of this term they must leave port. Austrian merchant vessels whose masters are aware of the breaking out of the war are not permitted to enter a Prussian port." (Moore, Inter. Law Digest, Vol. VII, sec. 1196, p. 454.)

In the great war of 1870, France granted a leave of 30 days, as appears from the following passage from a work of authority:

"Merchant vessels belonging to the enemy which were actually in the French ports, or which entered the ports in ignorance of the war, were allowed a delay of 30 days for leaving, and safe conducts were given them to return to their port of dispatch or of destination. Vessels which took in cargoes for France, or on French account, in enemies or neutral ports before the declaration of war, were not subject to capture, but were allowed to disembark their freights in the French ports, and afterwards received safe-conduct to return to their ports of dispatch." (Halleck, Inter. Law (3d ed., by Baker), Vol. I, 532, note.)

These European precedents were followed by the United States in the Spanish-American War of 1898. In the President's proclamation, dated April 25, 1898, for the government of the officers of the United States during the war with Spain the fourth rule read, as follows:

"4. Spanish merchant vessels, in any ports or places within the United States, shall be allowed till May 21, 1898, inclusive, for loading their cargoes and departing from such ports or places; and such Spanish merchant vessels, if met at sea by any United States ship, shall be permited to continue their voyage if, on examination of their papers, it shall appear that their cargoes were taken on board before the expiration of the above term: *Provided*, That nothing herein contained shall apply to Spanish vessels having on board any officer in the military or naval service of the enemy, or any coal (except such as may be necessary for their voyage), or any other article prohibited or contraband of war, or any dispatch of or to the Spanish Government."

The Spanish Government issued a royal decree, dated April 23, 1898, which permitted, five days from the date of publication, the departure of American ships from Spanish ports. It was not so liberal as the American proclamation, for the Spanish decree did not in terms prohibit the capture of the American merchantment after their departure nor did it provide for the entrance and discharge of American ships sailing for Spanish ports before the war. As no captures were made by Spain, the exact nature and extent of the immunity were not tested before a prize court. The President's proclamation, however, was passed upon by the courts of the United States, and the interpretation thereof was liberal, in accordance with its spirit. The leading case on the subject is the *Buena Ventura* (1899, 175 U. S., 384).

The vessel in question was a Spanish merchant ship captured on the morning of April 22, 1898, some 8 or 9 miles off the Florida coast. At the time of capture the vessel was on a voyage from Ship Island, Miss., to Rotterdam, by way of Norfolk, Va., with a cargo of lumber. She arrived at Ship Island March 31, 1898, and sailed for Rotterdam April 19, with a permit, obtained in accordance with the laws of the United States, to call at Norfolk for supply of bunker coal. When captured on April 22 she made no resistance, had on board no military or naval officer, and carried no arms or munitions of war. The question at issue was therefore whether the vessel could be brought within the exemption of the fourth rule of the proclamation of 1898 as to "Spanish merchant vessels in any ports or places within the United States." In delivering the opinion of the Supreme Court, Mr. Justice Peckham observed, to quote the language of Prof. Moore (Digest of Inter. Law, vol. 7, sec. 1196, pp. 455–456), "that the vessel in question, as a merchant vessel of the enemy carrying on an innocent commercial enterprise at or just prior to the time when hostilities began, belonged to a class which the United States had always desired to treat with great liberality, and which civilized nations had in their later practice in fact so treated. The President's proclamation should therefore receive 'the most liberal and extensive interpretation' of which it was capable, and where two or more interpretations were possible the one most favorable to the belligerent in favor of whom the proclamation was issued. The provision that 'Spanish merchant vessels in any ports or places within the United States shall be allowed until May 21, 1898, inclusive, for loading their cargoes and departing' might, said the learned justice, be held to include (1) only vessels in port on the day when the proclamation was issued, namely, April 26, or (2) those in port on April 21, the day on which war was declared by Congress to have begun, or (3) not only those then in port but also any that had sailed therefrom on or before May 21, whether before or after the commencement of the war or the issuing of the proclamation. The court adopted the last interpretation. While the proclamation did not in so many words include vessels which had sailed from the United States before the commencement of the war, such vessels were, said Mr. Justice Peckham, clearly within its 'intention,' under the liberal construction which the court felt bound to give it. In view of the fact, however, that at the time of the capture the proclamation of April 26, without which the vessel would have been liable to condemnation, had not been issued, restitution was awarded without damages or costs."

The recent Russo-Japanese War likewise followed the enlightened practice dating from the Crimean War. For example, the Imperial Japanese ordinance of February 9, 1904, provides that—

"ARTICLE 1.

"Russian merchant ships which happen to be moored in any Japanese port at the time of the issue of the present rules may discharge or load their cargo and leave the country not later than February 16.

"ARTICLE 2.

"Russian merchant ships which have left Japan in accordance with the foregoing article, and which are provided with a special certificate from the Japanese authorities, shall not be captured if they can prove that they are steaming back direct to the nearest Russian port or a leased port or to their original destination. This measure shall, however, not apply in case such Russian merchant ships have once touched at a Russian port or a leased port."

And the Imperial Russian order of February 14, 1904, provides that—

"Japanese trading vessels which were in Russian ports or havens at the time of the declaration of the war are authorized to remain in such ports before putting out to sea with goods which do not constitute articles of contraband during the delay required in proportion to the cargo of the vessel, but which in any case must not exceed 48 hours from the time of the publication of the present declaration by the local authorities."

It is thus seen that in no less than five great wars of the last 50 years an exemption was made in favor of enemy merchant vessels in port at the outbreak of hostilities, and that a longer or shorter period was fixed within which such vessels might safely leave their ports and proceed to their destination. Although the custom is modern, it can not be said to be limited to any particular quarter of the world, for the States generally have recognized the exemption in their recent wars not only in Europe and America but also in Asia. Such a custom, however recent it may be, may rightly claim to form a part of the law of nations. It is therefore a source of regret that the second peace conference refused to recognize it as a right but simply as a privilege, a délai de faveur, which may be accorded or refused at the option of the belligerent, and that the privilege was unaccompanied by any recommendation of a period of time within which the privilege in question should be accorded. The exact wording of the first two articles of the convention follows:

"SECTION 1.

"When a merchant ship belonging to one of the belligerent powers is, at the commencement of hostilities, in an enemy port, it is desirable that it should be allowed to depart freely, either immediately or after a reasonable number of days of grace, and to proceed, after being furnished with a pass, direct to its port of destination or any other port indicated.

"The same rule should apply in the case of a ship which has left its last port of departure before the commencement of the war and entered a port belonging to the enemy while still ignorant that hostilities had broken out.

"SECTION 2.

"A merchant ship unable, owing to circumstances of force majeure, to leave the enemy port within the period contemplated in the above article, or which was not allowed to leave, can not be confiscated.

"The belligerent may only detain it, without payment or compensation, but subject to the obligation of restoring it after the war, or requisition it on payment of compensation."

It may be said that the expression "it is desirable" that the vessels should be allowed to depart freely amounts in reality to a command, and that the practice of the future will recognize the custom as freely as it has done in the past, thus establishing as a right what the conference modestly denominates a privilege. If such be the case the opposition of Great Britain to the recognition of the right will be as futile in practice as it was unreasonable at the conference.

Passing to the second branch of the question, namely, the treatment accorded to enemy merchant ships which prior to the outbreak of war had left port destined to any port or place of the other belligerent, the enlightened policy of the European States in their recent wars of 1854, 1866, and 1870 has been stated in the extracts already quoted from their respective declarations. The more recent practice will be briefly set forth. The fifth rule of the presidential proclamation of April 26, 1898, provided that:

"Any Spanish merchant vessel which, prior to April 21, 1898, shall have sailed from any foreign port bound for any port or place in the United States shall be permitted to enter such port or place and to discharge her cargo, and afterwards forthwith to depart without molestation; and any such vessel, if met at sea by any United States ship, shall be permitted to continue her voyage to any port not blockaded."

It has previously been observed that the Spanish decree did not provide for the entrance and discharge of American ships sailing for Spanish ports before the war, but, as no captures were made by Spain, the less liberal provisions of the Spanish decree did not affect American commerce. Rule 5 of the American proclamation was judicially interpreted in the case of the *Pedro* (175 U. S., 354). This vessel, sailing under the Spanish flag and officered and manned by Spaniards, was loaded in Antwerp for Cuba, and on March 18, 1898, was chartered by an American firm to proceed to Pensacola, Fla., or Ship Island, Miss., for a cargo of lumber for Rotterdam or Antwerp. Shortly after this date the *Pedro* sailed from Antwerp with a cargo of merchandise for Habana and Cienfuegos. She arrived at Habana on April 17, and, after discharging her cargo, sailed, on the 22d, for Santiago, Cuba, with a small quantity of general merchandise taken at Habana. While pursuing the voyage from Habana to Santiago, Cuba, she was captured on the same day, April 22, a few miles from Habana by the United States blockading fleet. In delivering the opinion of the Supreme Court, Chief Justice Fuller held that the *Pedro* did not fall within the exemption contained in rule 5; that she lay at Habana from the 17th of April to the 22d; that she cleared from Habana April 22, a day after the war began; that she had then no cargo for any port of the United States, but only for an enemy port, namely, Santiago and Cienfuegos. It could not, therefore, be said that she had left a foreign port in ignorance of the "perilous condition of affairs"; that it must be assumed that she either knew of hostilities or had been advised that hostilities were imminent. She was not bringing a cargo to the United States for the increase of its resources and the convenience of its citizens, but she was an enemy vessel trading with an enemy port.

The Supreme Court therefore affirmed the condemnation of the district court and held squarely that the contract to proceed ultimately to a port of the United States did not bring the vessel within the exemption of the fifth rule. The decision of the Supreme Court is technically

correct, but it seems illiberal, both in its interpretation and application of the exemption meant to be conferred by the fifth rule, as was pointed out by Mr. Justice White in a strong dissenting opinion, in which Justices Brewer, Shiras, and Peckham concurred. While it is true that a statute in derogation of the common law should be strictly construed, this principle clearly should not apply to an exception in the common law of nations made in the interest of innocent enemy subjects engaged in innocent commerce.

In the recent Russo-Japanese war an immunity of a like nature was extended by article 3 of the Imperial Japanese ordinance of February 9, 1904, the exact text of which is as follows:

"Russian steamers which may have left for a Japanese port before February 16 may enter our ports, discharge their cargoes at once, and leave the country. The Russian steamers coming under the above category shall be treated in accordance with article 2."

It will be seen, therefore, that recent enlightened practice permits enemy merchant ships which have left their last port of departure before the commencement of the war, or within a certain fixed period, to continue their journey unmolested to the port or place within the territory of the other belligerent, to unload their cargoes, and to return to the home port without danger of capture during the voyage. The convention concerning the status of enemy merchant ships unfortunately is less liberal than recent practice. Article 3 is as follows:

"Enemy merchant ships which left their last port of departure before the commencement of the war and are encountered on the high seas while still ignorant of the outbreak of hostilities can not be confiscated. They are only liable to detention on the understanding that they shall be restored after the war without compensation, or to be requisitioned, or even destroyed, on payment of compensation, but in such case provision must be made for the safety of the persons on board, as well as the security of the ship's papers.

"After touching at a port in their own country, or at a neutral port, these ships are subject to the laws and customs of maritime war."

The seeming exemption is rather illusory, for the exemption from capture is based upon the fact that at the time of seizure the enemy merchant ships were still ignorant of the outbreak of hostilities. If they had been informed of the existence of hostilities they would seem to be liable to capture, for the merchant vessels of to-day have discarded canvas for steam, and it rarely happens that a vessel is provided on the outbound voyage with sufficient coal for the return. It would seem, therefore, that the vessel is exposed to capture, because it could not safely continue its voyage to the belligerent port; and if it seeks to return to the home port, the vessel is liable to capture, with little chance of escape by reason of the lack of means to continue its voyage. If the merchant vessel is ignorant of the outbreak of hostilities it may not be captured, but it may be detained subject to restoration at the end of the war without compensation. The value of the vessel may be seriously depreciated in case of a long war. If requisitioned, it is unlikely that the transaction will be profitable to the original owner, and if destroyed it is improbable that the compensation will at all be adequate. The article in question, therefore, can not be considered an advance; it is a distinct limitation of customary rights. Article 4 of the convention is as follows:

"Enemy cargo on board the vessels referred to in articles 1 and 2 is likewise liable to be detained and restored after the termination of the war without payment of compensation or to be requisitioned on payment of compensation with or without the ship."

The same rule applies in the case of cargo on board the vessels referred to in article 3.

The provisions depending upon articles 1 and 3, already quoted, would seem to require no special explanation or comment.

The convention as a whole was a compromise between those who believed in the existence of a right and those who refused to recognize the legal validity of the custom which has grown up in recent years. As in most compromises, the result is unsatisfactory. The convention can not be called progressive, for it questions a custom which seems generally established, and its adoption would seem to sanction less liberal and enlightened practice. The United States delegation, therefore, refused to sign the convention, and its acceptance has not been recommended by the Department of State.

(United States Naval War College. International law topics. Documents on neutrality and war, with notes. 1915. Pp. 16–19.)

ENEMY VESSELS AT OUTBREAK OF WAR—DAYS OF GRACE.

Interference before war: The diplomatic correspondence between Great Britain and Germany seems to show that there was some interference with shipping even before war was declared, though the reason given was "that mines were being laid and other precautions being taken."

Review of regulations: The British orders in council of August 4, 1914, referring to VI Hague Convention, 1907, showed a disposition to establish with Germany by reciprocal agreement 10 "days of grace." The correspondence seems to indicate a willingness on the part of both belligerents to adopt this period, but through a misunderstanding this was not adopted.

With Austria-Hungary, however, a satisfactory agreement was made by Great Britain, and 10 days were allowed from the declaration of hostilities.

Great Britain, considering that Turkey was not a party to The Hague convention relative to the status of enemy merchant vessels at the outbreak of war, did not extend to Turkish vessels the advantages of the order in council of August 4, 1914.

The same position was assumed by Great Britain in regard to Bulgaria.

The declaration of war between Germany and France, August 3, 1914, contained a proposal for a reciprocal agreement in regard to days of grace. These two States allowed a seven days' period of grace.

France and Austria reached a similar reciprocal agreement.

Italy decreed the sequestration of enemy merchant vessels unless apparently intended for conversion into vessels of war. Vessels of the latter class were to be captured and placed in the prize court. The proceeds of sale or use of vessels which had been sequestrated might be used to pay indemnity in case the enemy acted contrary to "the principles of the rights of war generally recognized and admitted."

Naval War College proposal, 1906: In general, the principle of reciprocity has received approval since July, 1914, and the practice in many instances has been similar to that proposed by the United States Naval War College in 1906 in the following words:

"1. Each State entering upon a war shall announce a date before which enemy vessels bound for or within its ports at the outbreak of war shall under ordinary conditions be allowed to enter to discharge cargo, to load cargo, and to depart without liability to capture while sailing directly to a permitted destination. If one belligerent State allows a shorter period than the other, the other State may, as a matter of right, reduce its period to correspond therewith.

"2. Each belligerent State may make such regulations in regard to sojourn, conduct, cargo, destination, and movements after departure of the innocent enemy vessels as may be deemed necessary to protect its military interests.

"3. A private vessel suitable for warlike use, belonging to one belligerent and bound for or within the port of the other belligerent at the outbreak of war, is liable to be detained unless the Government of the vessel's flag makes a satisfactory agreement that it shall not be put to any warlike use, in which case it may be accorded the same treatment as innocent enemy vessels."

NOTE.—Here follows the text of orders-in-council proclamations and decrees in Great Britain, France, and Italy relating to days of grace for enemy ships (pp. 19–32).

The following authorities on international law review and discuss the same questions in a comprehensive manner and are in accord as regards the principles involved:

Oppenheim, L. International Law, vol. 11, War and Neutrality, 2d ed., 1912, pp. 140–143.

Westlake, John. International Law, part 11, War, 2d ed., 1913, pp. 42–44.

Rapisardi-Mirabelli, Andrea. La guerre italo-turque et le droit des gens. (In Revue de Droit International, t. 15 (1913), No. 5. pp. 577–579.)

Mount, Russel T. Prize cases in the English courts arising out of the present war. (In Columbia Law Review, Apr., 1915, pp. 318–323.)

Lawrence, T. J. International Problems and Hague Conferences, 1908, pp. 110–112.

THE AMERICAN POLICY.

The President stated on February 8 that this Government "will scrupulously respect all private rights of its own citizens and the subjects of foreign states."

On April 2 he stated that we should "observe with proud punctilio the principles of right and fair play we profess to be fighting for."

This doctrine had its origin in the fundamental opinions of Chief Justice Marshall. Writing of the power to confiscate enemy property, he said:

The mitigations of this rigid rule which the humane and wise policy of modern times has introduced into practice will more or less affect the exercise of this right, but can not impair the right itself.

Referring to an English judge whose opinions uphold the confiscation of privately owned ships of the enemy, he said:

It is impossible to consider them attentively, without perceiving that his mind leans strongly in favor of captors.

In a great maritime country, depending on its navy for its glory and safety, the national bias is perhaps so entirely in this direction that the judge, without being conscious of the fact, must feel its influence. However this may be it is a fact of which I am fully convinced, and on this account it appears to me to be the more proper to investigate rigidly the principles on which his decisions have been made, and not to extend them where such extension may produce injustice.

This humane doctrine has been expressly extended by our courts to ships.

In the case of Wagner *v.* The *Juanita* (28 Federal Cases, 1331), the court, reaffirming the principle stated by Chief Justice Marshall, writes:

In respect to the vessel herself, now in the port of New Orleans, I consider the reasoning of the court equally strong against the claim of the libellant; she is to all intents and purposes property as much infra-territorial, within the limits of the United States, as the cargo placed in store a few hundred yards from the shore where she is moored, and she can with no more reason be said to be beyond the territorial limits of the United States than the river upon whose waters she is now floating.

The sixth convention of The Hague Peace Conference of 1907 provides as follows:

ART. 2. A merchant ship unable, owing to circumstances of force majeure, to leave the enemy port within the period contemplated in the above article, or which was not allowed to leave, can not be confiscated. The belligerent may only detain it, without payment of compensation, but subject to the obligation of restoring it after the war, or requisition it on payment of compensation.

While the United States did not ratify this convention, the reason for its refusal is thus stated by Oppenheim (International Law, 2d ed., p. 141, note 1):

The United States of America refused to sign the convention because she considers its stipulations retrogressive, as they are less liberal than the practice which has prevailed since 1854.

On February 8, 1917, a statement was issued by the State Department, with the authority of the President, as follows:

The Government of the United States will in no circumstances take advantage of a state of war to take possession of property to which international understandings and the recognized law of the land give it no just claim or title. It will scrupulously respect all private rights alike of its own citizens and the subjects of foreign States.

In his address to Congress delivered on April 2, the President said:

Just because we fight without rancor and without selfish object, seeking nothing for ourselves but what we wish to share with all free peoples, we shall, I feel confident, conduct our operations as belligerents without passion and ourselves observe with proud punctilio the principles of right and of fair play we profess to be fighting for.

It should be evident to all mankind that our Government in the conduct of the present war will be governed by those broad principles of humanity and justice that have given luster to our flag.

Mr. HAMILTON of Michigan. Mr. Chairman, it is now nearly three years since Germany declared war on France and Russia and invaded Belgium. That invasion horrified the world and made Prussian militarism the synonym of unspeakable cruelty everywhere. I say Prussian militarism, because by the adjustment of suffrage in Germany Prussia controls Parliament, and a few rich men control Prussia.

In the history of this war the amazing, cynical, openly avowed doctrine of the Prussian military system that might makes right has finally forced itself upon the reluctant realization of mankind.

That doctrine, as elaborated by German historians, philosophers, ethical writers, and military writers involved, first, the assumption that Germany is the most highly civilized power on earth; second, that it is the duty of Germany to impose her scheme of civilization upon Europe and ultimately upon the world; and, third, that what Germany believes to be politically right is right.

It follows, therefore, as explained by German writers, that, first, military weakness is a sin; second, that a nation makes its own morality and should disregard every law except that which is for its own advantage; third, that it is immoral if a State does not extend its power if such extension is required by its expanding population; fourth, that a nation should never allow itself to be bound by its treaty obligations when they are not to its advantage; fifth, that war is not only a biological law, but a moral obligation; and, sixth, that the Kaiser rules by divine right and is above the moral obligations of other men. He himself declares, "We Hohenzollerns take our crown from God alone and to God alone we are responsible."

In simple words, his doctrine means, if you need more room, kill your neighbor.

If you have signed a contract which hampers you, disregard it as a scrap of paper.

At the outset of this war the Emperor addressed his army in these words:

> Remember that the German people are the chosen of God.
> On me as German Emperor, the Spirit of God has descended. I am His weapon, His sword, His vice regent.
> Woe to the disobedient; death to cowards and unbelievers.

No such profane, colossal megalomania has ever had such an instrument with which to work its will as the German military power, to which the whole development of the State has been made tributary.

In the execution of the Prussian military policy four facts stand out which have influenced the judgment and the sympathy of the world.

And the first fact that stands out is Germany's violation of Belgium's neutrality, notwithstanding her agreement to uphold it.

If any man is disposed to deny this violation of Belgium's neutrality let him read the speech of the German chancellor in the Reichstag August 4, 1914, in which he said:

> Our troops have occupied Luxemburg and perhaps are already on Belgium soil. Gentlemen, that is contrary to the dictates of international law.
> * * * Necessity knows no law. We were compelled to override the just protests of the Luxemburg and Belgian Governments.

Germany commenced her war, then, as a confessed breaker of the law of nations, and she has continued it as a barbarian among nations.

The second fact that stands out in the execution of the Prussian military policy by the self-proclaimed vicegerent of God on earth is the commission by his army, drawn from "the chosen of God," of crimes in Belgium which it would be a slander of brutes to call brutal.

This self-proclaimed weapon, sword, and vicegerent of God on earth, by his army, invaded a peaceful, neutral nation and deliberately entered upon a policy of "frightfulness" which spared neither age, womanhood, nor childhood; which ravished, mutilated, and bayoneted women and girls; which compelled the living to dig the graves of their murdered dead; which burned its helpless victims alive in the flames of their burning homes.

If any man is disposed to deny this, let him read the notebooks of the captured German soldiers.

The third fact that stands out in the execution of the Prussian military policy by the self-proclaimed weapon, sword, and vicegerent of God on earth is the separation of families and the making of little children homeless and fatherless in the bitter cold of winter by the deportation of thousands of Belgians into slavery.

If any man is disposed to deny this, let him read the official report of Brand Whitlock, American minister to Belgium, in which he describes the circumstances of this horror as "so cruel that German soldiers are said to have wept in its execution, and so monstrous that German officers were said to be ashamed."

Gentlemen, eternity is not long enough for the expiation of these crimes. Nothing can drown the cries of fatherless, homeless little children or wipe away the blood and tears of outraged Belgium. [Applause.]

The fourth fact that stands out in the execution of the Prussian military policy by the self-proclaimed weapon, sword, and vicegerent of God on earth is the deliberate murder of American men, women, and children at sea without warning, without mercy, and without compunction.

We were slow to wrath. We did not want war. We did not threaten war even after the *Lusitania* was sunk and 137 American men, women, and children were drowned in the sea.

Seven times Germany promised to observe the rights of American neutrals and seven times she broke her promises, but when at last she openly proclaimed her purpose to go on killing our people, we declared war.

But some people have said we ought to declare war on England also, because England mined the North Sea and proclaimed a "military area" there.

And she did, but she did not kill our people. On the contrary, she notified the world of lanes of safety across the sea.

Both Germany and England mined the North Sea, and Germany not only mined the North Sea but she mined the ports of England and the trade routes of the open sea with intent to kill without notice and without discrimination.

But we did not propose to go to war on account of m es.

Some people have said we ought to declare war on England because she tried to blockade the ports of Germany and halted our commerce with neutral ports on the ground that it was of ultimate enemy destination.

And she did; ' ut she did not sink our ships or kill our people, and we did not propose to go to war on account of an attempted blockade or on account of ships and cargoes.

But Germany not only sunk our ships and sunk their cargoes but she killed our people, and she not only killed our people but she gave notice that she proposed to go on killing our people.

We were slow to wrath. Seven times Germany promised to stop killing American men, women, and children, but she broke her promises; and when at least she extended her dead line to surround 2,000,000 square miles of land and sea and notified us of her determination to go on killing our people we declared war.

The whole structure of the German Government is autocratic, and her purpose is war and conquest. In a speech in the Reichstag, April 27 last, Dr. Diedrich Hahn, of the Agrarian-Junker Party, said, "Let us keep Bismarck's policy. Germany's future is a future of battle and conquest."

Our war is not against the German people, except as they are forced to war by Germany's autocracy.

We have never struck a blow except for liberty, and we have never struck our colors. [Applause.]

Our war is not for territory, not for conquest, not for aggression.

Our banner has upon it no beast or bird of prey, but its stripes are red with the blood of patriots, shed that its stars might shine together for liberty and to uplift the oppressed. [Applause.]

We fight under the banner of the average man, and we fight for the average man. [Applause.]

As a nation organized out of a dream of human equality, which for 141 years we have been trying to make come true, we sympathize with the oppressed, and we fight their battles.

We were slow to wrath—no American has wanted war.

We would be glad to help the German people, not to fight them, but there is no help for the German people until they have thrown off the yoke of Prussian militarism.

If you ask me where my sympathies are, I tell you frankly they are with the victims, even in her own ranks, of Germany's unholy war. This tells the story:

> There was an eager gentleman, who ranted by my side,
> And much he prated of the war, and then at last he cried,
> When he had talked his breath away, and so at last was through:
> "And now, I prithee, tell me, friend, upon what side are you?"
>
> Said I, "It may surprise you, but I really sympathize
> With the boyish wounded Austrian, who lost his legs and eyes;
> I'm siding with the Russian, who left a girlish bride;
> I'm siding with a German lad, who, shrapnel-shattered, died.
>
> "I'm siding with a Frenchman, who in his trench has stood
> Half frozen till they shot him, and he said that death was good;
> I'm with the English officer, whose little newborn son
> Will never see his face because his father's work is done.

"I'm with the Belgian father, whose baby starved last week;
I'm with the hordes of men mowed down each time the cannons speak;
I'm with those pallid women who are mothers, sweethearts, wives,
Those wives who anguish o'er their dead and nourish unborn lives.

"I'm with each man who's in a trench, each boy who's lost a limb;
Each fighter, who is starved and cold, I'm very strong for him.
It's useless quite your argument adown my throat to cram;
I've told you very frankly now upon whose side I am."

[Applause.]

Gentlemen make a mistake who fear the votes of recently enfranchised citizens of foreign birth or foreign extraction.

They know better than you what imperialism means, and they came here to escape it.

They know better than you what it is to be subjects where class controls all the avenues upward, and they came here to escape it.

They know better than you that the Stars and Stripes mean democracy of opportunity and the breath of a new life. [Applause.]

But votes or no votes, I know that no man here will let votes affect his duty to his country.

Out of the dim, heroic past comes the muffled beat of the drums of 1776, drowned for a time by the hum of peace.

Louder and louder it sounds, closer and closer it comes—and now it is here!

Along the street there comes
A blare of bugles, a ruffle of drums,
A flash of color beneath the sky.
Hats off! The Flag is passing by.

Blue and crimson and white it shines
Over the steel-tipped, ordered lines,
Hats off! the colors before us fly;
But more than the Flag is passing by.

Sea fights and land fights, grim and great,
Fought to make and to save the State;
Weary marches and sinking ships,
Cheers of victory on dying lips.

Days of plenty and years of peace,
March of a strong land's swift increase;
Equal justice, right, and law,
Stately honor and reverent awe.

Sign of a nation great and strong,
To ward her people from foreign wrong,
Pride and glory and honor, all,
Live in the colors to stand or fall;
Hats off! The Flag is passing by.

[Applause.]

Mr. GREENE of Massachusetts. Mr. Chairman, I reserve the balance of my time.

Mr. MANN. Mr. Chairman——

The CHAIRMAN. The gentleman from Illinois.

Mr. MANN. Mr. Chairman, I yield my hour to the gentleman from Connecticut [Mr. TILSON]. [Applause.]

Mr. TILSON. Mr. Chairman and gentlemen of the committee, perhaps it is presumptuous in me to attempt to instruct this House. I do not hope to be able to do that except in some slight measure, and that more by way of ocular demonstration than by any statement that I may make to you. Since this Congress convened we have been passing bills one after another appropriating huge sums of money for the purpose of carrying on the war. Much of it has been for the purchase of arms, ammunition, and other war matériel. It has occurred to me that it would be suggestive, and possibly prove helpful, for me to bring before you a few of the most necessary and essential weapons used in warfare, and for which we are now spending, and shall hereafter expend, very large sums of money.

Modern warfare is a contest of metals more than men. At the time our first militia law was passed, in 1792, it was a different proposition altogether. If you will read that law, keeping in mind the state of the arts at that time, you will see that the law then enacted was entirely reasonable and adequate. It provided for universal military service. That is what we started out with in this country. Each man was compelled to be enrolled throughout the different States, and he also had to provide himself with arms and ammunition. Such a provision sounds ridiculous now, but it was a simple thing to require of him in those days. His arms consisted principally in a firelock, a flintlock rifle. His ammunition factory he carried with him—a bullet mold, a bar of lead, and a powderhorn. With this equipment he was ready to mold his own bullets from the lead which he carried. The powder from the horn he put into the gun himself. It was no inconvenience or embarrassment for men to have different kinds of guns. Each man being required to provide his own gun, there were all kinds of guns; but the arrangement was not as bad as it sounds. If we had an army now going forth with all kinds of guns, it would be a mob; but it was different in those days, because, as I say, each man carried his own arsenal and made his own ammunition from day to day. As firearms developed, a type of rifle was adopted and changed from time to time until now we have what I think is the best rifle in the world. Connected with another possible change is quite a problem of which I will speak a little later. In what I have to say I hope that Members of the House will feel at perfect liberty to ask me questions at any time, and just as many questions as they please.

I do not promise to answer them all, but I shall do my best. The only request I make in this connection is that when I take up one subject—for instance, the rifle—all questions be directed to the rifle, and when I take up the machine gun or artillery ammunition that questions be directed to those things. I ask this so as to be allowed to present what I have to say, as far as possible, in logical order, although I realize that I can not make it entirely so.

The first I shall take up, and the most important, is the rifle.

The rifle is the arm which determines in the first place the size of your army, and in the next place it determines the final victory. In the last analysis there is only one thing that will finally decide a battle, and that is the shock of cold steel. The bayonet is the weapon that finally decides the battle. You can not shoot a man out of a hole with any kind of an arm that has yet been invented that you can carry in your hand or on your shoulder. Therefore the bayonet is a very important part of the rifle. At one time military men thought of dispensing with the bayonet. The bayonet adopted was a small rod affair, not very effective, but by experience it was found that the larger bayonet was necessary, and so we have adopted the bayonet, which you see here on this board, [indicating], which is a decidedly dangerous weapon.

One of the problems now confronting us, and a very important one, is in regard to the kind of rifle we shall use in the present war. We have developed what we think is the best rifle in the world, namely, the Springfield service rifle—I hold one in my hand. I wish to assure all of you once and for all that there is no danger, inasmuch as it is not only not loaded, but no cartridge that I have brought into the building has any charge in it whatever. So there is no danger. We have developed this rifle and it is now being manufactured in two of our arsenals, at Springfield, Mass., our larger factory, and at Rock Island. We have been manufacturing that rifle, called the 1903 model, for a number of years. We have gradually accumulated the tools and fixtures in these two arsenals sufficient to manufacture a little over 200,000 a year, with a single shift working eight hours a day. If we should speed up to the limit and run both our factories 24 hours a day, with three shifts, we could probably manufacture close up to half a million rifles in a year.

Mr. WINGO. Will the gentleman yield right there?

Mr. TILSON. I yield.

Mr. WINGO. What is the number that we have accumulated?

Mr. TILSON. We have accumulated 800,000 of these rifles.

Mr. WINGO. Is that in addition to those that are in the hands of the troops?

Mr. TILSON. No.

Mr. WINGO. That includes those in the service?

Mr. TILSON. That includes all in the hands of the troops, Regulars, National Guard, and in reserve. We have, all told, 800,000 of these and a capacity which, used to its fullest extent, can turn out 500,000 in a year. Now, you see the problem we are confronted with at once. If we wish to arm quickly a million of men, we simply can not do it with our present capacity.

Mr. WINGO. Is it possible or practical to manufacture those same guns in any other plants in the United States?

Mr. TILSON. It would be if we had the gauges, jigs, and other necessary tools and fixtures. These are words that I have used in a good many speeches here on this floor.

Mr. WINGO. What do you mean by gauges?

Mr. TILSON. Gauges are special tools like these I have here, used to determine forms, sizes, limits, and dimensions. The gauges I referred to are tools specially made to determine the various sizes, shapes, limits, and dimensions of the rifle. It requires a large number of different gauges to make this rifle. There are something like 150 different parts to it, as you will observe by an examination of this board containing an array of all the parts.

Mr. WINGO. You mean that many different parts to the rifle you hold in your hand?

Mr. TILSON. Yes. This part is the receiver of the rifle, which contains the bolt and the mechanism. To make that one part alone requires 120 gauges. Some of them are elaborately constructed tools and very expensive.

Mr. POU. I have heard that in order to properly equip an army it requires four of those rifles per man. I would like to know of the gentleman whether or not that is correct.

Mr. TILSON. I have heard that, too, but, in my opinion, that is rather extravagant, and the experience on the western front

in Europe has not been to that effect. The wastage of rifles is considerable under any conditions, but a man soon falls in love with his rifle and takes great pains with it. He oils it, rubs it, and takes fine care of it. I think a wastage of 50 per cent per annum would be fair. In the Russian Army, at one stage of the war, I think it ran 150 per cent in a year.

Mr. POU. At the request of some of our colleagues, I want to ask what is the range of that rifle?

Mr. TILSON. It is farther than you can see to sight it accurately. It is sighted up to 2,400 yards, and it is effective that far if you should happen to hit somebody, but you can not see that far away. There is no way except with telescope sighting. Some of the sharpshooters and snipers have telescopic sights that they put on their rifles. They manage to see a considerable distance, and the rifle is effective if you can contrive some way of seeing. The point-blank range of the rifle is 547 yards; that is, if you fire it at a target 547 yards away, the path of the ball at any point between the muzzle of the rifle and the target would not be above 6 feet from the ground. In all that distance it would kill a man standing. In 1898 my regiment was armed with the old Springfield rifle. In using that arm the muzzle elevation had to be so great and the loop in the air that the bullet made was so high that it was not dangerous at any place except near the muzzle and at the point where the bullet came down. The danger space was thus made very small. A whole brigade of men could have encamped between the mouth of the rifle and the target without danger. It was not in any sense as effective a rifle as this one.

Mr. CURRY of California. I have heard unofficially, but from an employee of the works, that the Westinghouse people, near Philadelphia, manufactured 1,000,000 rifles for the Russian Government within three months after the contract had been awarded. Now, I do not know what kind of a rifle they manufactured, but if that is true, why is it that it would take us one year to turn out 600,000 Springfields?

Mr. TILSON. Well, in the first place, that is not true. It is absolutely impossible that that could be true. It can not be done. From information gathered from the manufacturers' standpoint, I know that it can not be done. At the outset of the war——

Mr. CURRY of California. I will say that I do not know whether it is true or not, but I was so told.

Mr. TILSON. I was going to give you some facts upon which I have based my statement. Representatives of foreign governments came to this country immediately after the outbreak of the war and placed contracts for rifles. They wanted rifles in the worst possible way. In Great Britain, for instance, they could not put rifles into the hands of 1 out of every 10 men they could enlist. They wanted rifles just as rapidly as possible. They came to people in this country who manufactured rifles, large concerns, who had all the money, all the credit, and all the machinery that was necessary, and they placed contracts. What was the result? There was no concern in this country that could produce a single rifle inside of a year, with every possible facility that peace times could furnish them with—plenty of money, plenty of credit, plenty of skilled mechanics, and all the rest. In fact, it was 18 months before any considerable number of rifles on these hurry-up contracts could be delivered. These are facts that I know of.

Mr. CURRY of California The Westinghouse people, you know, were not manufacturers of rifles, but they changed their plant to a rifle-manufacturing plant. It is very close to Washington, and a telephone message from here to there might possibly give you the information. I understand that those rifles are already on the road to Russia, and that the last rifle was completed a month ago, and that they were loaded on the cars and shipped.

Mr. TILSON. That can not be correct, as the gentleman first stated it in his inquiry.

Mr. CURRY of California. Do you know that it is not correct, or do you just think it is not correct?

Mr. TILSON. I have first-hand information that leads me to believe that it is not correct, and my information is perfectly reliable. The Westinghouse people are manufacturing that rifle [exhibiting a specimen rifle] for Russia. That is the Russian rifle, and they are being turned out now, as I am informed, at the rate of 2,500 rifles a day. I was informed yesterday by a man who had information on the subject that the Russian people were very stiff in their inspection. He said they were very rigid in their inspection, and did not accept them very well. The Westinghouse people believed they could make as many as 5,000 a day, but the Russian inspectors did not believe they could make over 2,500 a day.

Mr. LITTLE. Mr. Chairman, will the gentleman yield before he leaves that subject of the rifles?

Mr. TILSON. Yes.

Mr. LITTLE. Is it possible to explain to us what rifle is in use in the foreign armies, and in what way it differs from our rifle?

Mr. TILSON. This is the Russian rifle that I was speaking of.

Mr. LITTLE. Will you give us the name in each country—the name of the rifle in use and the difference between them and ours?

Mr. TILSON. This is the three-line rifle of the same caliber as ours, although the cartridge is different. I have some of the Russian cartridges here. In this belt—these are Russian cartridges. They are of the same caliber as ours, and the only difference is that the head has a flange instead of a cannelure. The Russian cartridge has a flange on the end of it the same as the British.

Mr. LITTLE. What is the name?

Mr. TILSON. They call it the "three-line" rifle.

Mr. STEPHENS of Nebraska. What is meant by "three-line"?

Mr. TILSON. It means the same as ours. We call it ".30." Ours has a cipher on the end of it, point thirty—.30.

Mr. LITTLE. How about the German rifles?

Mr. McCORMICK. Mr. Chairman, before the gentleman goes from that point, may I interrupt at the point the gentleman from Kansas [Mr. LITTLE] left off?

Mr. TILSON. Yes.

Mr. McCORMICK. As to the difference between our rifle and the British, the Enfield rifle, will the gentleman explain the process of rechambering for our ammunition and the relative output of Springfields, the American service rifle, and the double output of Enfields, the English service rifle? I understand it is possible to make twice as many of the Enfields as ours.

Mr. TILSON. The gentleman is modest as to that; several times as many. That is the problem to which I was referring earlier in my remarks—the big problem that is confronting this country. The biggest problem, so far as the use of arms and ammunition is concerned, is the proposition as to whether we shall rechamber this rifle—the Enfield—for our use or whether we shall use it just as it is used by Great Britain.

Mr. LITTLE. What is the name?

Mr. TILSON. This is the Lee-Enfield, the British rifle. It is .303 caliber, slightly larger than ours. It has a flange at the head instead of a cannelure. It is an entirely different cartridge, so that the ammunition is not interchangeable.

Mr. SNYDER. Mr. Chairman, will the gentleman yield to me?

Mr. TILSON. Yes.

Mr. SNYDER. Is it not a fact that at the present time there are practically two propositions before the country in the matter of the small rifle—whether or not we shall continue the manufacture for our purposes of the Springfield rifle or whether, due to the fact of the tremendous product, we are now able to turn out in what is known as the Lee-Enfield? Is it not a fact that there are just two practical propositions before us—whether we shall use the Springfield, or the Lee-Enfield, chambered to use our ammunition?

Mr. TILSON. No; we have gone a step further. As I started out to tell you, we can produce at the maximum only half a million of our service rifles in a year.

Mr. McCORMICK. What has been the rate of production since the war broke out?

Mr. TILSON. Not over 200,000; probably much less than that.

Mr. COOPER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. TILSON. Yes.

Mr. COOPER of Wisconsin. The other day, during the debate, the gentleman from Pennsylvania [Mr. BUTLER] a member of the Committee on Naval Affairs, said that a man prominent in the Eddystone Co. said that Pennsylvania could furnish 15,000 rifles a day in the very near future. Now, what rifle was he speaking about?

Mr. TILSON. The rifle that we could come the nearest to doing that with is the Enfield rifle that I have in my hand. If gentlemen will excuse me for just a moment, there is a point there that I ought to clear up before we leave it.

Mr. PARKER of New Jersey. There are some questions that I desire to ask the gentleman.

Mr. TILSON. Let me explain this point before we leave it, because it is important.

I wish to recur to the question of my friend from New York [Mr. SNYDER] as to the problem that is confronting us in regard to the rifle. We can not manufacture the Springfield rifle rapidly enough now to serve our purpose. We can not increase

our capacity for its manufacture sufficiently to serve our purposes because of the difficulty of procuring gauges and other special tools. We have waited too long.

Mr. ROBBINS. Does the gentleman think that is good information to make public?

Mr. TILSON. Oh, everybody knows it except ourselves. [Laughter.] All our enemies know it. We need not try to keep it a secret now. We had better meet the situation squarely. We can not increase our capacity because we have not the special tools and fixtures. It takes special tools and fixtures which must be made by skilled mechanics. They are made from designs and it takes a lot of time to make them. We do not count the money now. We would be willing to pay any amount of money if we had these tools, but we have not got them and we can not make them in time to serve our present purpose. If we put all the available toolmakers in the country to work we can not make them in time to save us in this war, so we must discard that plan. We had a conference of the gauge manufacturers of the country assembled here a short time ago. They met over in the House Office Building and they were asked point blank, "How many men can you put to making gauges?" One man said so many hours a week, and another man so many hours a week, and so on around the room until we got a census of all the gauge makers that would be available for Government work. As was told you awhile ago, it takes more gauges for the rifles than for anything else. It takes a large number—120 for that one piece alone, and about 1,400 different ones for the whole rifle. So that it would take us at least a year—we had just as well face that fact—under the most favorable circumstances, if we should turn all the available toolmakers that we have in the country to making gauges for the large scale mass production of that one weapon. We need these toolmakers for something else. We must have artillery ammunition, and we must have gauges for that. It takes 253 of these gauges to make the time fuse on the end of a shrapnel shell, and it takes 58 gauges to make the shell itself; that is, that many different ones. We have only about so many men in the country who can do that sort of thing.

The question was, Should we turn them all over to making the gauges for the rifle, abandoning everything else? Many of these men are tied up with contracts for making gauges for Canada, Russia, and others of our allies. Should we take these toolmakers away from that necessary work and set them to making gauges for the rifles? It was decided that it was best not to attempt to do that. Therefore, in view of the fact that we are making in this country a large number of the British rifles, the Enfield, with the gauges already in the hands of the manufacturers all over the country, so that we can make, as somebody said, at least 15,000 a day, the solution of the problem has been made, and we are to use the Enfield. Necessity has made the solution for us. Instead of going on and attempting to increase our capacity for the manufacture of our own rifle, for the present we shall make the rifle that we can make, and that is the Enfield. The only remaining problem with reference to this matter is, what ammunition shall we use? It is not a very serious matter to change the chamber of the new rifles that we make for American ammunition instead of British. If we are going over to France to fight alongside of the British, there are a great many advantages in using the same ammunition. They have had great difficulty on the western front in having France armed with one rifle, using one kind of ammunition, Great Britain another, the small Portuguese division another, and the Belgians another. The small contingent of Russians who came over to the western front were armed, I believe, with the French rifle outright, so they were put in with the French troops and did not complicate the situation.

Mr. DOWELL. Is the Enfield rifle considered the equal of the Springfield rifle, manufactured by the United States Government?

Mr. TILSON. I do not think it is quite as fine a rifle, if you are going out for target shooting, or for open fighting; but the shooting qualities of a rifle are not of such supreme importance in the present kind of warfare. The rifle is not used so much as a shooting iron now in trench warfare as it is in the open and as it formerly was. Machine guns are very largely used; and finally the bayonet.

Mr. DOWELL. Why is it that we have not got a sufficient number of the Springfield rifles to arm the forces that we are going to have under the present law?

Mr. TILSON. The gentleman asks in effect why we did not provide ourselves with sufficient capacity to manufacture them. If Congress had followed my advice, given freely in speeches here on the floor, beginning nearly two years ago, probably we should have had a great many more than we have now on hand, and would have been ready to manufacture a great many more. The truth is, there was a general feeling that the needs of the country did not call for it, and we did not do it; but we are in the situation now that I have stated to the gentleman. Now I will yield to the gentleman from Mississippi.

Mr. SISSON. I wanted to ask the gentleman this question: We have had this matter up in connection with the purchase of a great many supplies with military experts. Why is it that we can not use to advantage the Lewis gun?

Mr. TILSON. The gentleman will excuse me, but I would like to finish with the rifle before I come to the machine gun.

Mr. DOWELL. Mr. Chairman, I want to finish the question that I asked. Has there not been appropriated by Congress a sufficient amount, and was not there a year ago appropriated enough to manufacture these rifles at the Government arsenal?

Mr. TILSON. The gentleman heard me when I said we could not manufacture over 500,000 a year if we run night and day, three shifts.

Mr. DOWELL. The gentleman just answered that if he had had his way we would have had plenty of Springfield rifles. Is it not a fact that a year ago we appropriated more money for the manufacture of these rifles at the arsenals than was used, and, in fact, the Government did not use the money appropriated for the purpose of manufacturing Springfield rifles?

Mr. TILSON. I do not care to go into that. I do not know that it is a fact as the gentleman states it. I doubt if it would serve any useful purpose to attempt to go into that feature of it. Nothing that I have said or may say is intended as a reflection upon anyone in any department of the Government, unless it be a reflection on ourselves that we were not farsighted enough to sense the situation earlier.

Mr. DOWELL. I wanted to know the reason why we have not Springfield rifles if it is the best rifle. I want to know if Congress has not made appropriations sufficient to manufacture the guns if the money had been used as Congress intended that it should have been used.

Mr. TILSON. We should not have had a sufficient number of rifles now even if we had appropriated money enough for them last year.

Mr. DOWELL. Is it not a fact that there was to have been 800,000 more rifles than now exist?

Mr. TILSON. I do not quite follow the gentleman in his figures. I promised to yield to the gentleman from Vermont.

Mr. GREENE of Vermont. I only had in mind, Mr. Chairman, to ask the gentleman when he was discussing the difference between the Enfield and the Springfield rifles if he would not indicate that there was also a considerable advantage in our favor in the character of the ammunition; that our .30 cartridge was considered to be superior to the British .303, and that would be one of the reasons for rechambering.

Mr TILSON. Yes; that would be one point in favor of rechambering. The gentleman will understand that we can make the British ammunition; we have been making it in large quantities, and it is not such a difficult matter to prepare to make small-arms ammunition. Therefore we can afford to dismiss that part of the problem. We can make either British or American ammunition, and we can produce it in large quantities. I hold in my hand a board which shows all the different operations from the time the sheil is stamped out of the brass until it is made into the cartridge and put in the clip. There are something like 75 different operations. Gentlemen will notice that two have been removed. They have invented a tool which will do at one operation what formerly took three. So the manufacture of the small-arms ammunition is a comparatively simple problem, and we can deal with it by making either form of ammunition that may be desired.

Mr. MILLER of Minnesota. Will the gentleman yield?

Mr. TILSON. Yes.

Mr. MILLER of Minnesota. Is it anticipated to equip the Regular Army with the Lee-Enfield rifle? I mean the men now using the Springfield—are they going to shift?

Mr. TILSON. The whole question, if the gentleman will permit me, is this: If we are going to fight in France alongside of men armed with the British rifle, chambered for British ammunition, whether or not it would be wiser to use the same ammunition. In other words, whether we should chamber the Enfield rifles that we make here for British ammunition or whether it would be better to chamber them for our own ammunition so that we could use not only the Enfield but also the Springfield.

Mr. MILLER of Minnesota. I think we ought to have in mind what the condition of this country will be at the close of the war. What will be the effect when all the men are trained to use ammunition and the gun which we do not use permanently?

Mr. TILSON. I think that trouble, if there is any, would soon disappear.

Mr. MILLER of Minnesota. The gentleman made an interesting speech two years ago on this same subject. Did that bear no fruit?

Mr. TILSON. It did, because Congress did authorize the procurement of gauges, special tools, and appliances for small arms and ammunition.

Mr. MILLER of Minnesota. Was it because Congress failed to make the appropriation?

Mr. TILSON. No; Congress made the appropriation, but we found that the toolmakers were tied up making them for somebody else.

Mr. NORTON. Will the gentleman yield?

Mr. TILSON. I will yield to the gentleman.

Mr. NORTON. Can the gentleman tell the committee the number of Springfield rifles that have been manufactured by the Government since the beginning of the war, August, 1914?

Mr. TILSON. No; I can not tell the gentleman. We have increased our total number, but certainly not to the amount of the capacity of our arsenal.

Mr. NORTON. About how many?

Mr. TILSON. We certainly have not been increasing at the rate of 200,000 a year, and we could easily make 200,000 a year.

Mr. NORTON. Have we increased during the last two years, or since August, 1914, 200,000?

Mr. TILSON. I do not believe we have increased 200,000.

Mr. SHALLENBERGER. Mr. Chairman, will the gentleman yield?

Mr. TILSON. Yes.

Mr. SHALLENBERGER. I will say for the information of the gentleman and the House that I got the exact figures from the War Department, and the entire number of rifles manufactured since the war started is less than 66,000, and since I delivered that speech and so informed the House, I have been informed by Col. Babbitt, in charge of the Ordnance Department, that they have manufactured no new rifles at all.

Mr. STEPHENS of Nebraska. Since what war started?

Mr. SHALLENBERGER. In the three years since the war in Europe began we have manufactured less than 66,000 Springfield rifles, although we had a capacity of making 2,000,000 during that time.

Mr. HICKS. Mr. Chairman, will the gentleman yield?

Mr. TILSON. Yes.

Mr. HICKS. If it is proper to answer the question that I am going to ask, very well; and if the gentleman deems it is not proper, I hope he will not answer it. I understand that we have 800,000 Springfield rifles on hand?

Mr. TILSON. Yes.

Mr. HICKS. How many Krags have we?

Mr. TILSON. We have 350,000 Krags, but they use different ammunition, and we are not prepared to manufacture them in large quantities. I should consider them out of the question. We should not attempt to manufacture any more Krags.

Mr. SHALLENBERGER. I know the gentleman wants to be accurate. He recalls that Maj. Pierce, speaking for the War Department, stated that the exact number of rifles on hand was 690,000. They have taken off 110,000 since we have gone into the war.

Mr. TILSON. I use the information that I obtained from the Chief of Ordnance in his hearing before the Committee on Military Affairs.

Mr. SHALLENBERGER. That is published in the record; you will find it there—690,000.

Mr. TILSON. Eight hundred thousand was what the Chief of Ordnance gave to us in the committee.

Mr. SHALLENBERGER. They have cut off 110,000.

Mr. TILSON. Probably there have been some wasted. If there are no further questions, I would like now to speak about the machine guns.

Mr. BRITTEN. Mr. Chairman, before the gentleman leaves that question of the rifles I would like him to yield to me.

Mr. TILSON. Very well.

Mr. BRITTEN. Did I understand the gentleman to say that we have only 690,000 Springfield rifles now?

Mr. TILSON. That is what the gentleman from Nebraska [Mr. SHALLENBERGER] says his last information is. Gen. Crozier, Chief of the Ordnance Department, in the hearings stated that there were 800,000, and that is the information that I was using.

Mr. BRITTEN. The gentleman also says our capacity was in excess of 200,000 a year?

Mr. TILSON. Yes.

Mr. BRITTEN. The European war has been going on for almost three years. Have we not been making any guns to take care of this emergency?

Mr. TILSON. Sixty-six thousand, it is said.

Mr. SHALLENBERGER. I will say the capacity is 600,000 a year.

Mr. TILSON. I should say that is a large estimate.

Mr. BRITTEN. And we have been making only 66,000?

Mr. TILSON. I should say 500,000 at the maximum, running day and night.

Mr. BRITTEN. Is not the fact that we have only 700,000 on hand in the gentleman's opinion a disgraceful state of affairs?

Mr. TILSON. I do not know whether you would call it disgraceful. It is unfortunate.

Mr. RUSSELL. Mr. Chairman, will the gentleman yield?

Mr. TILSON. Yes.

Mr. RUSSELL. About what does the best Springfield rifle cost the Government?

Mr. TILSON. There is a tragedy connected with that also. That rifle cost us fourteen or fifteen dollars, at a rough estimate, and now we can not produce it or purchase it for less than about $25. Twenty-one dollars and fifty cents, or something like that, is the least that we can produce it for now.

Mr. FARR. What does the Enfield cost?

Mr. TILSON. The other is practically the same.

Mr. HULL of Iowa. Does the gentleman know what the contract price for the Enfield rifle is that they have just contracted for?

Mr. TILSON. No; I do not. I do not know whether that is information that they would care to have published. At any rate, I did not seek that information, but the cost of the rifle is something like $25.

Mr. SNYDER. Mr. Chairman, will the gentleman yield?

Mr. TILSON. Yes.

Mr. SNYDER. The gentleman states that the Springfield rifle costs about fifteen or sixteen dollars. I would like to ask if that cost was based on the manufacture when they were making on the basis of 66,000 in two years and a half, or whether it is based on the calculation of 200,000 per year?

Mr. TILSON. All I have are the figures of the Ordnance Department, and I do not think those figures are too high. I do not think that they can produce them for that now.

Mr. GILLETT. Mr. Chairman, will the gentleman yield?

Mr. TILSON. Yes.

Mr. GILLETT. Upon this subject the gentleman probably would like to state that there are about 300,000 Krag rifles which the Government owns?

Mr. TILSON. Yes; I referred to that a moment ago.

Mr. McKENZIE. Mr. Chairman, will the gentleman yield?

Mr. TILSON. Yes.

Mr. McKENZIE. If my colleague will simply permit an interruption, I want to ask him a question in connection with the question asked by my colleague from Illinois [Mr. BRITTEN], in which he stated that the fact that we have not manufactured more rifles than we have is certainly a disgraceful situation, or words to that effect. I desire to ask my colleague upon the committee if Congress has not in the past two or three years appropriated the money to provide for the manufacture of a very large number of rifles?

Mr. TILSON. I do not believe there has been any fault on the part of Congress with regard to these appropriations within the last year.

Now, I would like to proceed, if my time is going to expire pretty soon, as I have a number of other things to which I would like to refer. Mr. Chairman, I would like to ask at this point whether there will be any probability or possibility of my getting a little further time if I should yield further now? I should like to refer to some other matters here, and I dislike to refuse to yield.

Mr. MILLER of Minnesota. Mr. Chairman, I ask unanimous consent that the gentleman's time be extended 30 minutes.

Mr. RUCKER. Until he concludes his remarks.

Mr. PARKER of New Jersey. Mr. Chairman, I ask unanimous consent that the gentleman may proceed for 15 minutes without interruption. [Applause.]

Mr. FARR. I would like to ask the gentleman——

The CHAIRMAN. The gentleman from New Jersey asks unanimous consent that the gentleman from Connecticut be permitted to proceed for 15 minutes without interruption. Is there objection? [After a pause.] The Chair hears none.

Mr. MILLER of Minnesota. Mr. Chairman, I should object to that.

Mr. MANN. The time of the gentleman is not up yet.

Mr. TILSON. My point is, gentlemen, I have some other things here which are very important. Very interesting questions come up in connection with some of them, though I would like to yield to all if I had the time.

Mr. MANN. We would rather have the gentleman proceed.

Mr. TILSON. Then I will proceed, if I may. Before passing finally from the rifle, I would say that the question of the inter-

changeability of the rifle is a very important one. All parts of it should be interchangeable, so that if any part of the rifle is out of order another can be substituted in its place. That means universal interchangeability, so that you can have one part manufactured in one factory and another part in another factory, and then bring them together and they would all fit.

In the case of artillery ammunition that is not so important, because when it is fired from the mouth of the cannon its interchangeability ceases to be a factor. Therefore it is a simpler matter of increasing the output of artillery ammunition than it is of rifles. The interchangeability of ammunition, which I have referred to several times, is important for this reason: On the western front they fight at least three divisions deep—one division at the front, one on the second line, and one further back. When the division in front has taken its turn it retires and another division moves up. If all these divisions are not armed with the same arm it is a very troublesome matter when the ammunition supply at the base or in the ammunition trains get mixed up. It is apt to be embarrassing when you get a wagonload of ammunition and do not know whether it fits your rifle or not. Imagine the situation out on the firing line when your ammunition runs out. Your neighbor has plenty of ammunition, but you can not use it. It has been embarrassing between France and Great Britain, particularly at those parts of the line where they come together. You have noted the fact that France has one part of the line, Great Britain another, and the Belgians another. Where they join each other there is always a problem. If we had an army in France the question of the transportation of ammunition would become a very serious one if we had to see to it that every box of ammunition that left this country went straight through until it reached our contingent of troops on the line. If, on the other hand, we were using the same ammunition that Great Britain, for instance, is using, we could ship so many thousand rounds of ammunition to one point and draw so many thousand rounds at another point, all fitting the rifle. It would simplify immensely the transportation problem. You would be able to take ammunition from your neighbor, you would be able to take ammunition from the dead and the wounded. It is really a very serious problem, and I do not know how it is going to be decided.

Regardless of what the situation is going to be when this war is over, whether it finds us with a large number of British rifles on our hands chambered for British ammunition, I am myself inclined to the opinion that it would be wiser for us to arm the men sent across the water with the rifle using the ammunition of the man whom he would have to fight alongside of. [Applause.]

I have here an exhibit of a French carbine—a light gun with which the light cavalry is armed—picked up on the field of battle. The caliber of the French gun is .315.

Mr. LITTLE. Before the gentleman leaves the question——

SEVERAL MEMBERS. No; go on!

Mr. LITTLE. I am trying to get information; that is what I am here for.

Mr. TILSON. This is a Mauser rifle used by Germany. It was picked up on the battle field in France. It was made in 1915, since the war began. This is a Russian rifle made by the Westinghouse people at Springfield, Mass., of which I spoke awhile ago. This is an Enfield rifle made in this country, of which we are prepared to make a great many.

Mr. FARR. How many total, if the gentleman thinks he should state that?

Mr. TILSON. I do not know that I could give the gentleman the exact information, or that I ought to give it to him if I had it, because this is a vital point; but we are prepared to make a large number of these rifles in this country.

Now, turning to the machine gun—and I wish to say that they use the same ammunition, by the way—I have here six, of various types. The first one on my right is the old light Hotchkiss gun, so called. The French name given to it is the Benet-Mercier gun. It is an air-cooled gun. We have a number of those still in service. France has a number of them, chambered for her own ammunition, of course, and they are still in use and a dangerous weapon.

We have here the Colt gun [indicating]—the Colt automatic, it is called. There have been a great many of these made for use in Russia. It is an air-cooled gun. It feeds from a belt running through here [indicating], 250 cartridges in a belt, the same as a number of the others here. It is a good rifle, but it has this objection, that in order to start the rifle you have to operate this lever first, to load it and start it, and then if the cartridge jams you have got to do that over again. More than that, you must have all of that room where the lever plays, because that lever goes up and down with each shot. That is one of its difficulties. The Marlin people have an improvement on that, and this is a gun of which they have furnished a great many [indicating]. They claim to have furnished 15,000 of those to the allies during the last year. If gentlemen will notice, it has the same lever that I spoke of the Colt automatic having, but they have added a number of improvements. There is this window through which to see if there is a jam, and it is a very useful improvement. It has this string here, so that you will not have to reach out in front in order to start the first cartridge. That is a good gun. They have used a great many of them in Europe and are using them to-day.

Of course, all of these guns are automatic in their action. They are what they call "gas-operated" guns.

Another type of that same gun made by the Marlin people is a still further improvement. They obviate that long lever that comes down. It works by a piston through here and operates the gun without the long lever. That is the gun they are now making for the Navy—for these small boats with which they go out and chase submarines.

Mr. ROWE. What is the range of that?

Mr. TILSON. The same as the Infantry rifle. The machine gun should always have the same ammunition. A great many of them are used on aeroplanes, and as the aeroplanes have a different base it is not so troublesome to use a different ammunition on the aeroplane guns. The Lewis gun, which is the farther one over there [indicating], has been used on aeroplanes probably more than any other, possibly because they had more of them. This one the Marlin people are making for the Navy. The Navy has ordered, I think, 1,600, if I remember correctly, of these guns to shoot submarine periscopes with. It operates by gas, and feeds from a belt the same as the other. It fires 250 shots. All you have to do is to load one shot, pull the trigger, and it does not stop until the 250 have been fired.

Mr. FARR. How rapidly can they prepare them?

Mr. TILSON. I do not know how soon they can be completed. A good part of the gun is the same that they have made many of for the allies. They are prepared to make them on a large scale.

This is the Vickers gun [indicating]. It is a very excellent gun, especially for defensive work. It is heavy. It is a water-cooled gun. This is a jacket [indicating], which is filled with water. It is cooled in that way, and this does not operate by the gas, but by the recoil itself direct. The others are operated by the gas coming down through an opening here [indicating] and operating the mechanism in that way. It has a very fine mechanism and is, in fact, a fine piece of machinery.

Mr. MILLER of Minnesota. Which is the kind that our Army has been using?

Mr. TILSON. That is a kind we have ordered a considerable number of.

Mr. DOWELL. How long do those guns last? What is the life of the gun?

Mr. TILSON. The barrels do wear out rather rapidly when they get too hot. If you use them too long they get hot. Those are taken right out of there and a new barrel inserted. They carry an extra barrel along with it, and it can be put in very quickly.

The last machine gun I shall refer to is the Lewis gun. Perhaps there has been more talk about it than any other. It is fed from that magazine [indicating]. Here is one of the magazines filled with cartridges. You simply cock it once, pull the trigger, and it fires 47 times at the rate of 400 or 500 a minute. No gun can stand fire at that rate, however. It gets so hot in a very few minutes that it is unreliable. To fire it that fast is an impossibility. So it is not so important that you fire 500 shots in a minute. If you have shot 15 or 20 holes through a man it does not matter whether you shoot 15 or 20 more holes through him or not.

Mr. MANN. Which is the Lewis gun?

Mr. TILSON. This one here [indicating]. It is a gas gun, operated by gas, and is operated by a piston that comes back here [indicating]. It is really a very simple machine after all. It operates the machinery, turns the magazine, puts in another cartridge, and does the same thing over again. It is air cooled, too, but it has this difference that the other air-cooled guns I have spoken of do not have. That one [indicating], as you will notice, has a corrugated barrel. This one, the Lewis, has an aluminum jacket around it. The shape of the muzzle is such that when the gun is fired it produces a very great suction, drawing air through here, so that if you put pieces of tissue paper in rear of the gun when you fire it you will drag it out here, showing the great suction of air through the gun.

The CHAIRMAN (Mr. BOOHER). The time of the gentleman from Connecticut has expired.

Mr. HULBERT. Mr. Chairman, I ask unanimous consent that the gentleman's time be extended half an hour.

The CHAIRMAN. The gentleman from New York asks unanimous consent that the time of the gentleman from Connecticut be extended half an hour. Is there objection?

There was no objection.

Mr. TILSON. I will try to get through before that time.

Mr. HULBERT. Will the gentleman yield for just a question?

Mr. TILSON. Yes.

Mr. HULBERT I did not want to break in when the gentleman was talking about the rifle.

Mr. TILSON. Yes.

Mr. HULBERT The gentleman emphasized the fact that the British were using one kind of a rifle and the French were using another. That condition has continued during the three years of the war, has it not?

Mr. TILSON. Yes; very much to their regret.

Mr. HULBERT. So that if the United States Government were to discard the Springfield rifle and adopt the Enfield we might be in this position, that if we were fighting alongside the British we might be able to get supplies and ammunition from their men, while, on the other hand, if we were fighting alongside the French we would be at the same disadvantage as we would be at if we had a different rifle?

Mr. TILSON. Yes. We are not prepared to manufacture the French rifle at all, and we are prepared to manufacture the British rifle.

Mr. HULBERT. Have we not a reserve now of the Springfield rifle sufficient to equip the number of men we will be able to call out under the call, pursuant to this draft bill?

Mr. TILSON. Unfortunately, no. The gentleman from Nebraska [Mr. SHALLENBERGER] tells us that the latest information is that we have 690,000.

Mr. HULBERT. Is that the total number, or the reserve?

Mr. TILSON. All that we have.

Mr. HULBERT. Then in all we would discard 690,000, together with 300,000 Krag rifles?

Mr. TILSON. We have already discarded the 300,000 Krags, but we would not discard the Springfields. It would be a useful rifle to train with, and a great many rifles would have to be used in this country in war. We can not increase our output of Springfields, whereas we can make the Enfields quickly.

Mr. HULBERT. There are some gentlemen here who are interested in learning where the Lewis gun is manufactured.

Mr. TILSON. Well, the Lewis gun is manufactured in a number of places. It is being manufactured in large numbers now in Great Britain. It was being manufactured in Belgium. Then there is a large manufactory in this country turning out the Lewis gun, the Savage Arms Co., in the district of my friend from New York [Mr. SNYDER].

Mr. HULBERT. Then Lewis had to go first to Belgium and then to Great Britain in order to get the recognition of the merits of his gun?

Mr. TILSON. Well, unfortunately we were not interested in machine guns at that time. When that gun was first presented to our Government we were not interested in it as we are to-day, in the midst of a great war.

Mr. HOWARD. Mr. Chairman, will the gentleman yield?

Mr. TILSON. Yes.

Mr. HOWARD. I have heard it stated that one of the great defects of this new Lee-Enfield rifle is attributable to that spring and the proneness of that rifle to jam. Has the gentleman ever heard of that criticism made of that new Enfield?

Mr. TILSON. I have been told that that rifle would jam, but most rifles do to some extent.

Mr. HOWARD. I understood the gentleman to say that this was his choice of rifles.

Mr. TILSON. Oh, no. My choice is the Springfield.

Mr. HOWARD. Then this is the next best?

Mr. TILSON. No; it is not a case of next best. It is the only thing available.

Mr. HOWARD. This is the rifle that the British are using?

Mr. TILSON. Yes.

Mr. HOWARD. They tell me it is very susceptible of jamming.

Mr. TILSON. Yes.

Mr. HOWARD. If a man were being shot at he would be apt to run before he could get that thing fixed after it jammed in that way.

Mr. LITTLE. Mr. Chairman, will the gentleman let me ask him a question?

Mr. GOODWIN of Arkansas. Mr. Chairman, will the gentleman yield?

Mr. TILSON. Yes; I yield to the gentleman from Arkansas.

Mr. GOODWIN of Arkansas. How many of these guns are of American invention and American manufacture?

Mr. TILSON. Every one of these machine guns is manufactured here. The only two guns that I have that were manufactured abroad are the French carbine and the German Mauser.

Mr. GOODWIN of Arkansas. Are they all of American invention?

Mr. TILSON. Yes; I think they are all of American invention.

Mr. LITTLE. How about the supply of Enfields?

Mr. TILSON. Our capacity of manufacture is, at least, 15,000 a day.

Mr. LITTLE. Are there any on hand now?

Mr. TILSON. They are turning them out every day. The British Army is armed with them, and undoubtedly they have a large supply of them.

Now, Mr. Chairman, if I may have but a moment longer before leaving the subject of arms entirely, I want to present some pistols. This is the old Colt automatic and this is the new one. This our service pistol, the automatic pistol. It is a good pistol. It holds 10 cartridges in a magazine, and has three magazines, so that it holds 30 shots.

Mr. BYRNES of South Carolina. How long does it take to load?

Mr. TILSON. Oh, it is loaded very rapidly. That is a good gun, and we are manufacturing them in large quantities, but we can not do it fast enough to equip all the officers that we are now going to take into the service.

Mr. WILSON of Illinois. Are they more desirable than the others?

Mr. TILSON. It will shoot more. You can get more metal out of the muzzle of that gun.

Mr MILLER of Minnesota. Mr. Chairman, will the gentleman yield?

Mr. TILSON. Yes.

Mr. MILLER of Minnesota. I will say, that in the judgment of men who are thoroughly familiar with it, that is the best pistol ever made.

Mr. TILSON. It is a good pistol.

Mr. HELM. Which one can you reload the fastest?

Mr. TILSON. The automatic. They are going to make some of that new model of Colt's, but we are not so hard up for pistols as we are with respect to some other things.

Now, just a few moments in regard to ammunition.

Mr. HICKS. Will the gentleman kindly tell us the prices of these different weapons?

Mr. TILSON. The prices have all been upset by the increased cost of labor and material. The Colt automatic pistol used to cost about as much as the rifle, something like $15; but it costs a good deal more than that to make them now. Prices have all gone awry on pistols and rifles, the same as on many other things.

Now, coming to artillery ammunition, I hold in my hand the most common form of artillery projectile—the shrapnel. This is a 3-inch one. This which I hold in my hand is a sectionalized sample. Here are the 252 bullets incased in rosin. Here is the black powder charge at the base, and here is the time fuse which can be set to any time up to 21 seconds, so it is called the 21-second time fuse. The fire train is set off by the first concussion, when the projectile leaves the mouth of the cannon. That starts the fire train. It burns any number of seconds that it is set to burn, and then explodes. The object of the gunner is to make his shrapnel explode a short distance in front of his target. When this explodes at the base of the shrapnel these bullets leave the shell, expand in a fan-shaped stream, and go forward making a path of death in front of them. They are incased in rosin so that when the rosin burns it makes a little smoke so that you can see where the shell is exploding, whether short or over. The black powder is used in the base of the projectile for the same purpose, so as to help locate the next shot.

Mr. BRITTEN. The shell itself remains intact?

Mr. TILSON. The old shrapnel burst and flew in every direction, but the up-to-date shrapnel remains intact, except that the nose of it is blown off.

Mr. BRITTEN. And the effect is the same as though the shrapnel bullets came out of an auxiliary gun?

Mr. TILSON. Yes; the same as if you could sneak up within 75 yards of your enemy and discharge a short shotgun of that magnitude at him.

Mr. MEEKER. What is the range of that?

Mr. TILSON. This time fuse can be set for about 6,500 yards; but the ideal range, the best range, the range at which you can create the most havoc, is about 2 miles, about 3,500 yards.

Mr. MEEKER. I mean after the shrapnel bullets leave the shell.

Mr. TILSON. After the shrapnel bullets leave the shell they will go a long distance, depending on the distance from the gun where the shell explodes; but the black powder at the base of the shell gives it an additional impetus, as I recall it offhand, something like 200 feet per second additional to the velocity with which it is traveling when it explodes.

Mr. BYRNES of South Carolina. These shells are timed up to 21 seconds?

Mr. TILSON. Yes. That is the method of using shrapnel against troops in the open or behind slight defenses. For the deep trench work it is necessary to use high-explosive shells which are fired at a high angle and coming down enter the ground, and detonate after they have entered the ground, blowing up a tremendous crater. Of course, before the infantry can possibly advance you must use enough high-explosive shells to demolish all the wire entanglements, demolish the trenches in which the defenders are protected, and then produce your curtain of fire, by which you arrange to have a hail of these bullets falling from the shrapnel shells along a certain line. They can place them rather accurately, to hold back the defenders until the attackers can make their attack.

Mr. BRITTEN. Do these shells land point first, irrespective of the trajectory?

Mr. TILSON. Yes; they are so balanced that they will land point first, as I understand it.

Mr. BRITTEN. The Navy shell will not do that.

Mr. TILSON. The shrapnel shells are so balanced that they explode point first.

Mr. BRITTEN. Irrespective of the trajectory?

Mr. TILSON. Irrespective of the trajectory. I have here a complete shrapnel, just as it is fired, except that this is made of brass instead of steel, so as not to wear the rifling of the cannon. It is called a drill cartridge. You can use that over and over again without wearing out your rifling.

This large shell which I have just held up for your inspection is a 6-inch armor-piercing shell used by coast artillery guns. It weighs 108 pounds, and has a detonating fuse which delays the explosion until it has pierced the armor of a ship.

These are the things, gentlemen, of which we have to produce the most, and the problem of producing them is more largely dependent on the use of gauges and special tools than anything else. I have brought in here about 30 gauges, which are about one-tenth of the number necessary to make the shrapnel time fuse alone.

Mr. MILLER of Minnesota. The gentleman says that after his speech of a year or two ago about these gauges we made an appropriation for their manufacture. Is it a fact that the Ordnance Department have not made any of the gauges then provided for, or have they made a portion of the number appropriated for?

Mr. TILSON. They are making them now. That is, they are contracting for them, and these gauges are being made, especially complete sets of master reference gauges. That is a very important point, that we make a complete set of gauges for all these different things, at least one master reference set, and we should have a set in the Bureau of Standards by which all of the others can be tested.

Mr. MILLER of Minnesota. We have approximately enough Springfield rifles to arm the Regular Army and the National Guard. If the Springfield factory was put to its utmost capacity, could it not turn out enough to arm the next increment of 500,000 men and then in a year have enough to arm the next 500,000 men?

Mr. TILSON. I have told the gentleman what our capacity is. The best estimate I can make is that it is about 500,000 in a year. That is all we can do, and that does not take anything into account for wastage. If we have 800,000 on hand, and the wastage should be 50 per cent in a year, we would not gain any at all.

Mr. MILLER of Minnesota. When they were drilling there would not be any wastage.

Mr. TILSON. No; just for drilling purposes the wastage would be very small indeed.

Mr. BORLAND. Will the gentleman from Connecticut yield?

Mr. TILSON. I yield to the gentleman from Missouri.

Mr. BORLAND. How do these Springfield rifles compare with the weapons now used by the French and British troops on the western front? Are they of the same caliber and the same kind?

Mr. TILSON. The gentleman was probably busy in his committee and not able to be present when I went over that in the first part of my remarks. What we need to-day more than anything else to increase our capacity for the manufacture of all necessary things so that we can make them by the repetitive process, the same process by which you make Ingersoll watches or anything of that kind; what we lack most are the supplies of the gauges, and these must be made by fine skilled mechanics—toolmakers. We have only a limited number of these men in this country, and they are largely engaged in making these things for others, so that it is a very difficult matter to increase the capacity for the manufacture of these things.

Mr. PLATT. Will the gentleman explain how these gauges are used. They are for inspection, are they not?

Mr. TILSON. For illustration, take these two gauges. One is a maximum and one is a minimum for a certain purpose, in this case to determine the size of this screw. The screw must be so that it will go into one and must not go into the other. The difference between the two is called the tolerance—one is the "go" and the other is the "no go." The difference between some gauges in some classes of work is as small as one five-thousandth of an inch, so small that it is impossible for the natural eye to detect it. And yet these accurate tools must be used in order to make time fuses and other implements function properly.

Mr. SNYDER. The gauges are simply a test to determine when a part is made whether it will fit or not. Now, the complication in manufacturing additional Springfield guns, making them in a larger proportion than we now make them, would be that tools are one thing and gauges another. As the gentleman states, it takes 1,400 tools to turn out the parts of the Springfield gun. It means the tools for each one of the various machines used for the manufacture of the guns. In order to make a large number there must be a great duplication of these tools, a much larger proportion than the average man can conceive of. I simply want to get that clearly in the minds of gentlemen here—that gauges are one thing and tools for making the parts are quite as difficult to make, and have to be made in much larger numbers.

Mr. TILSON. The number of special tools is very important, and there are a number of other things, like jigs. In the manufacture of small-arms ammunition the dies by which you draw out the brass into the proper shape are necessary.

Mr. SHALLENBERGER. Will the gentleman yield?

Mr. TILSON. Yes.

Mr. SHALLENBERGER. Will the gentleman inform the House as to the cost of the different machine guns he has here?

Mr. TILSON. The Lewis gun, I believe, is $750. The Vickers gun is about $2,700, including a number of extra parts, accessories, and the tripod, as I recall the testimony before our committee.

Mr. SHALLENBERGER. And what about the Colt?

Mr. TILSON. I have not the cost of that.

Mr. SHALLENBERGER. Six hundred and fifty dollars. The Colt people furnish a tripod with their gun, while the Government is paying $250 for the tripod on the Vickers.

Mr. TILSON. They also have an improvement here, by which they can elevate the Vickers gun and use it as an antiaircraft gun.

Mr. MANN. Have we any of the Vickers guns?

Mr. TILSON We have ordered a number of those.

Mr. SHALLENBERGER. Four thousand.

Mr. TILSON. It is about time that deliveries were being made now. It is a fine type of gun.

Mr. FARR. How rapidly can they be made?

Mr. TILSON. I can not tell what the capacity is.

Mr. BUCHANAN. Where is it made?

Mr. TILSON. In Hartford, Conn. We have most of the Benet-Mercier gun. We bought a lot of the Lewis guns last summer—about 300—chambered for British ammunition. We have those; but I do not know whether we have any Vickers guns yet or not, but deliveries are to begin in this month.

Mr. FARR. When was the order given for the Vickers gun?

Mr. TILSON. It must have been a year ago.

Mr. LITTLE. How many Colts have you got?

Mr. TILSON. I do not know.

Mr. HULBERT. Has the gentleman got the price of the Benet-Mercier gun?

Mr. TILSON. I do not know what the price is; that is a gun that we have had a long time. The fact is that prices have been so upset lately that I did not attempt to provide myself with that information.

Mr. PLATT. Is there not the same difference in the artillery ammunition?

Mr. TILSON. Yes; the difference in caliber in the artillery has caused trouble in Europe, and will be a source of trouble for us. Our caliber is a little different—3 inch where the British is a little more than that.

Mr. PLATT. Are we prepared to make guns which the British are using?

Mr. SABATH. Faster than our own?

Mr. TILSON. I think we are prepared to manufacture them in larger quantities than we are our own.

Mr. BRUMBAUGH. Can the gentleman give an estimate of the actual cost of these guns and whether or not the value is largely in the patents?

Mr. TILSON. I am not prepared to go into that proposition and I really do not know as to what the principal element of the cost is. We have contracted for some of these guns and I could get the gentleman the contract price; but what enters into it, whether it be profits, patents, or what, I can not say.

Mr. BRUMBAUGH. Does the Government make any of those guns?

Mr. TILSON. No; the Government is not manufacturing any of these guns, so far as I know.

Mr. DOWELL. The gentleman states that there are 4,000 machine guns ordered of that type. Is that correct?

Mr. TILSON. I did not state that. I do not know just how many of the Vickers type have been ordered. I do not think it is as many as that.

Mr. DOWELL. How many will it take to equip an army of half a million?

Mr. TILSON. That has not been determined. At the present time we are using only four machine guns to a regiment of troops. We know that is ridiculously small, and we have got to increase it. Gen. Wood, I believe, thinks we ought to have one machine gun for every 10 men, and we are going to try to get as many machine guns as we can. As I understand it, we are buying all of these different types, practically, that we can get that are workable, in order to supply our troops, so that we may have a sufficient number. So far we have an entirely inadequate supply.

Mr. DOWELL. Is it the idea of the department to have one machine gun for every 10 men in the service?

Mr. TILSON. I did not say that is so. I said that was the recommendation of a high general officer. I do not know what the policy of the department is.

Mr. DOWELL. Does the gentleman know what are being used by the French and English and German?

Mr. TILSON. There is no way of telling just how many are being used, but certainly a very great number of them are being used.

Mr. SLAYDEN. Which one of these guns is of the same type as that used so effectively in the defense of Columbus, N. Mex., which jammed?

Mr. TILSON. As I remember, it was the Benet-Mercier.

Mr. DILL. How many men does it take to handle the Vickers gun?

Mr. TILSON. Two men.

Mr. SNYDER. Some gentleman asked how many such guns were in use in England. I can tell the gentleman of one factory that has shipped 12,500 for use on the allied line.

Mr. FARR. From this country?

Mr. SNYDER. From this country.

Mr. HULBERT. Mr. Chairman, I want to ask the gentleman whether it is intended to use the Vickers gun for trench warfare or whether they are for defensive purposes?

Mr. TILSON. By and large the Vickers is a defensive gun. It is the heavier type gun and it serves its purpose better for defensive work, whereas the Lewis, the Colt, and the Marlin are better guns on the attack, because one man can take a gun on his shoulder and carry it forward.

Mr. HULBERT. What kind has been decided on by the War Department for a defensive gun?

Mr. TILSON. I will say to the gentleman that so far as I know the War Department is trying to get all of these guns, as many as they can get, different types.

Mr. SNYDER. Is it not a fact that both the Vickers gun and the Savage Arms gun, the Lewis gun, do exactly the same work, and answer exactly the same service, so far as the ammunition and the power of the gun is concerned, only that one is a light, mobile gun, and can be handled by one man, and even shot from the shoulder, whereas the other gun has to be carried into action by mules and handled by more than one man?

Mr. TILSON. And is put on a tripod.

Mr. FARR. Is the ammunition interchangeable?

Mr. TILSON. The ammunition is of the same type. The ammunition for the machine gun and the rifle must be the same.

Mr. FARR. Different machine guns?

Mr. TILSON. All. Mr. Chairman, there is one implement of warfare that I meant to have had here to-day but which I have not, and that is the aerial bomb. I have in my hand here a photograph of an aerial bomb which is a little over 6 feet tall, and weighs 100 pounds. It carries 40 pounds of high explosives, and dropped from any height it explodes about 6½ feet above the ground. In the tests that have been made, 8 out of 10 were perfect, and fired within 6 or 8 feet of the ground. They produce desolation and death for a circle of some 300 feet round about. A man takes one on an aeroplane and carries it over the object that he wishes to strike and drops it. It explodes just a few feet above the ground and literally destroys everything within the circle of its operation, about 300 feet.

Mr. HULBERT. Have we any of them in use?

Mr. TILSON. We have contracted for them; they are being built and have already been tested.

Mr. PARKER of New Jersey. May I ask the gentleman to say something about grenades and trench mortars?

Mr. TILSON. Yes. I meant to have some grenades here, but I was not able to get them. They are implements that we must make more of than we have already made, and they are under consideration.

The CHAIRMAN. The time of the gentleman from Connecticut has again expired.

Mr. MANN. Mr. Chairman, I ask unanimous consent that the gentleman have 10 minutes more. I desire to ask him a question.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MANN. Mr. Chairman, I do not know whether I ought to ask the question or not, but the gentleman can do as he pleases about answering it. I do not know but what we have already been furnished information here which, if published, would render the gentleman who published it liable to imprisonment in the penitentiary if this espionage bill passes. I heard the other night Gen. Joffre state that if an American Army went over to France, while they might possibly take care of a division, still, if an army of any size was sent, even a corps, it would be necessary to provide from American transportation facilities, including a railroad, locomotives, cars, all ammunition, all supplies. Now, what I would like to ask the gentleman, and he can do as he pleases about answering it, if he knows, is whether we now have, and if we do not now have, how soon we can obtain, the necessary ammunition and guns to provide an army in France and take care of it from America with all that is necessary, not counting on being able to obtain anything whatever either from the English or French Governments?

Mr. TILSON. Well, there are a number of items in addition to those of which I have spoken in particular, the arms and ammunition, that might hinder the carrying out of such a plan. So far as arms and ammunition are concerned, those two things alone, I believe there would be no difficulty in placing three divisions in Europe with arms and ammunition, using our own arms, as the gentleman understands, the arms we now have.

Mr. MANN. Of course, three divisions is less than 100,000?

Mr. TILSON. Oh, yes.

Mr. MANN. The gentleman speaks rather discouragingly, and it rather discourages, it seems to me, the idea of our being able to use anything over there.

Mr. TILSON. No; I was just telling the gentleman some of the difficulties in the way, some of the problems.

Mr. MANN. I understand. Does the gentleman know whether we will be able to furnish arms and ammunition for a reasonable army if we were to send one over there in the course of a few months, or maybe longer?

Mr. TILSON. I think it is doubtful as to our being able to furnish a sufficient supply; that is, if we are going to fight——

Mr. MANN. If it is doubtful——

Mr. TILSON. If we are going to fight. Of course, if it is sent for drill we have enough arms and ammunition to equip that many men for drilling.

Mr. MANN. If it is doubtful the doubt ought to be removed.

Mr. TILSON. The doubt may be in my mind only. It may be that other people may be clear about it, but in my mind it is quite doubtful.

Mr. GARDNER. Will the gentleman yield for a question?

Mr. TILSON. I will.

Mr. GARDNER. Is not the answer to that question that it depends a great deal on whether we go to their calibers or not? I mean to say, in other words, whether we are willing to take their guns which are in process of construction, their rifles rather than our own?

Mr. TILSON. No; for a small force that does not apply, because you see we have, according to the smallest estimate of the gentleman from Nebraska, about 690,000 rifles——

Mr. GARDNER. I know that.

Mr. TILSON. And we have at least 200,000,000 rounds, I know, of small-arms ammunition.

Mr. GARDNER. We had 195,000,000 rounds of ammunition for small arms and machine guns. For the Lewis guns we have got to have the rim cartridges, the English cartridges.

Mr. TILSON. They are prepared to make that gun chambered for our ammunition very soon. They claim it has already been demonstrated to use the American cartridge.

Mr. GARDNER. I know and the gentleman knows there has been so much informal talk lately to the effect that we had to go to their calibers, and I know the gentleman would be able to answer the gentleman's question. You hear around the War Department that we have got to go to their calibers in order to get the arms and ammunition that we will need to fight with.

Mr. TILSON. That is what I stated early in my remarks; that is my opinion.

Mr. HELM. Will the gentleman yield?

Mr. TILSON. I would like to yield but——

Mr. HELM. Just one question. The press dispatches indicate that the question of food and food supplies is a very critical one at the present time in all Europe and those supplies are to be drawn largely from the United States. I would like the gentleman to express an opinion, if he has it, whether if we are unable to supply the people in Europe with food, is it desirable to take a million or two Americans over there and run the risk of being able to supply them with food?

Mr. TILSON. That would depend upon how important it was that the million of men should go over there.

Mr. DOWELL. Will the gentleman yield for just one question?

Mr. TILSON. Well, if the gentleman will ask his question along the lines on which I have already proceeded I will, but I do not care to enter into any extraneous matters.

Mr. DOWELL. The question of equipping an army and sending it to France would imply the furnishing of machine guns——

Mr. TILSON. Yes.

Mr. DOWELL. In sufficient quantities. Does the gentleman know when these machine guns which we have ordered can be delivered, and can the gentleman tell us how soon we can have the number of machine guns necessary to equip such an army?

Mr. TILSON. Well, I have not the accurate information, and if I had the most accurate information the War Department itself has it might be, and would be, liable to be changed, because there are many things entering into the question of manufacture, especially in a time like this, when manufacturers are oftentimes unable to deliver for reasons over which they have no control.

Mr. DOWELL. The gentleman would say that the Army should not be sent until it has been properly equipped with the modern guns?

Mr. TILSON. It goes without saying, we should not send an army until it is properly equipped.

Mr. REED. I am deeply grateful to the gentleman for his address on this subject, and I would like to ask him a question. Our serious problem is to get guns to the men on the firing line. Were the American manufacturers working up to their limit, say, a month ago in supplying the foreign trade?

Mr TILSON. They were working up to their contracts with the foreigners and pretty well finishing their contracts. So far as the manufacture of arms and ammunition is concerned, they are pretty well finished on their contracts with the foreigners.

Mr. REED. Are the European nations getting guns fast enough with our help?

Mr. TILSON. Oh, yes; and they are making them themselves, especially in Great Britain. That country is turning out an immense number of arms.

Mr. FARR. What have we to do then to supply our own needs?

Mr. TILSON. To turn these private manufacturers that have been manufacturing for the foreigners toward the supplying of our own needs as rapidly as possible. In general that is the answer to the question.

Mr. BRITTEN. Will the gentleman yield?

Mr. TILSON. Yes.

Mr. BRITTEN. Can the gentleman tell the House what percentage of the General Staff, the approximate percentage, is in favor of sending the troops to Europe now?

Mr. TILSON. No; I have no information on that point. I have not attempted to inform myself on that subject at all.

Mr. LONERGAN. Will my colleague yield?

Mr. TILSON. Yes.

Mr. LONERGAN For the information of the House I want to say that in Hartford, Conn., where the Colt Patent Firearms Co. has its plant, the president thereof informed me the other day that other manufacturers in and about the city of Hartford, for patriotic reasons, had transferred to the Colt Patent Firearms Co. skilled mechanics to the number of some hundred, and it would probably help the situation if manufacturers in other parts of the country would do likewise.

Mr. TILSON. That is correct.

Now, Mr. Chairman, I wish to thank the gentlemen of the House very sincerely for their patient and helpful attention. [Applause.]

Mr. EDMONDS. Mr. Chairman, I yield 10 minutes to the gentleman from New York [Mr. ROWE].

Mr. ROWE. Mr. Chairman, when the war broke out between Germany and England a little over two and one-half years ago there were in the harbors of the United States 91 German vessels. The talk which we have just had and which closed with a reference to the difficulty which confronted the people of our country, the difficulty in getting an army over to Europe and then supplying them with ammunition and food is right in line with the joint resolution which is before the House to-day. These 91 vessels are still in our harbors. Part of them, or most of them, were kept in good repair for about two years, until the Germans began to realize that in all probability there would be war some time in the near future between the United States and Germany, when they proceeded to destroy the machinery in many of these vessels.

Now, when war actually broke out between the United States and Germany, the day the bill was passed in this House, somebody issued an order which caused the seizure by the United States Government of all the German vessels in our harbors. They were seized even before the President of the United States had signed the bill. So these vessels to-day are in our control; they are in our possession. Many of them will require a great deal of repairing. Some of them it will take more than four months to put in repair. But there are others of them, and some of the most vital and most necessary for us, are ready at this moment to go to sea. These 91 ships amount to 594,696 gross tons. They are worth more than $100,000,000 to-day. They are worth a great deal more than that to our country, because they are vessels which we can put to use at once in carrying men and provisions between this country and Europe.

Now, a good deal has been said about the condition of these vessels, as to just who owns them and just who has the real interest in them. There was no testimony taken before our committee as to the condition of them. Many have spoken of what they had read in the newspapers and what has been reported since. There is no question as to one fact, I think, and that is that five or six of the smallest of these vessels, all of them freighters, were transferred by one of these German companies to the Atlas Co. That transfer was made at the request of the attorneys for one of the trust companies in New York. That trust company had a claim of $2,000,000 and they asked for security. The first security offered to them was a mortgage on the vessels of the Hamburg-American Line. Their attorney said:

> That is not proper security. We doubt very much whether your agents in this country have the authority to mortgage your property.

This was before war was declared between the United States and Germany. And then the German companies proposed that they be transferred to the Atlas Co. In New York it is generally reported that the Atlas Co., which is an American company, has all the stock subscribed or held by American citizens, but nobody doubts its control. Indeed, the agents of the company say it is controlled by the German company. To this Atlas Co. were transferred these vessels, and then they were mortgaged by this company to the trust company.

Mr. BORLAND. Will the gentleman yield?

Mr. ROWE. Yes.

Mr. BORLAND. Do the hearings of the committee show——

Mr. ROWE. The hearings do not. We had only executive sessions. The hearings do not show.

Mr. BORLAND. There are no hearings published?

Mr. ROWE. I should not have brought this up except it has been discussed formerly on the floor here.

Mr. BORLAND. I would like to know, if you could disclose it, the stockholders in this Atlas Co.

Mr. ROWE. Now, it is generally reported both in New York and in Washington that these five vessels are at this time under contract of sale on which there is said to have been paid $200,000 to the Carr Steamship Co., an American company owned and controlled by American citizens. The Carr Co. is under a very large contract to deliver produce and ammunition to Italy, as I am informed by one of my colleagues.

I should say that this contract of sale of these five freighters was said to have been executed on the very day that we passed the resolution declaring war. There has been no attempt, I believe, to complete the transfer of these vessels or to carry out that contract.

Now, if you will look at this bill you will see that it does not direct the President of the United States to take these vessels,

It authorizes the President to do certain things, beginning on the sixth line of the second page. It says:

That the President be, and he is hereby, authorized to take over to the United States the immediate possession and title of any vessel within the jurisdiction thereof, including the Canal Zone and all territories and insular possessions of the United States except the American Virgin Islands, which at the time of coming into such jurisdiction was owned in whole or in part by any corporation, citizen, or subject of any nation with which the United States may be at war when such vessel shall be taken, or was flying the flag of or was under register of any such nation or any political subdivision or municipality thereof; and, through the United States Shipping Board, or any department or agency of the Government, to operate, lease, charter, and equip such vessel in any service of the United States, or in any commerce, foreign or coastwise.

Now something has got to be done to protect American citizens. This bill has already been passed in the form in which it comes to us by the Senate of the United States. If it passes this body it immediately becomes a law, and we take possession of the vessels.

Such seizures are made in most of the States of the Union, and afterwards they settle the bill. We even take real estate in my State and afterwards condemn the property and find the value. It is done when the real estate is wanted and wanted immediately. Here is something that we want. We must have ships that can carry freight and soldiers from this country and Canada to Europe.

There is no man in this House to-day that wants us to take advantage of the private citizens of the United States or the private citizens even of Germany. They must and will be paid. We do hold, however, that no money that is paid for these vessels should be transferred to any German citizen or to the German Government before this war is closed. I personally would like very much if we could settle with all American citizens for every bit of property taken during the war, and settle immediately. That is what I would like. But we have no time to find the value of these vessels. We must have the vessels and have them now. Let us at the proper time find out who really has an interest in these so-called German vessels. There are probably many other claims against some or all of them, for they have been more than two and a half years shut within the harbors of the United States. [Applause.]

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. EDMONDS. Mr. Chairman, I yield 10 minutes to the gentleman from Wisconsin [Mr. STAFFORD].

The CHAIRMAN. The gentleman from Wisconsin [Mr. STAFFORD] is recognized for 10 minutes.

Mr. STAFFORD. Mr. Chairman, one school of publicists holds that treaties are but "scraps of paper," and that they yield to policy in war times. Since the outbreak of the European war we have seen practices in contravention of international law indulged in by both of the belligerent European powers. When the chairman of the committee comes before this House and advocates that the owners of these vessels, whether they are enemy foreign subjects or American citizens, have no right of claim to be reimbursed, I wish to take issue with that position. As I read international law, even though these ships are owned by enemy foreign subjects the latter-day principle of the latest and best writers on international law renders this property exempt from seizure.

I wish to cite in confirmation of that postition what Lawrence says in his recent work on international law. I direct your attention to page 456, in which he uses this language:

The sixth Hague convention of 1907 conferred an incomplete and limited immunity on three classes of merchantmen: Those who are found in an enemy port at the commencement of hostilities—

And I assume that these German vessels are included in that category—

Those who enter such a port ignorant that war has broken out, and having left their last port of departure while peace existed; and those who are encountered on the high seas in the same condition of ignorance, and having sailed before the war began from the last port at which they had previously touched.

On page 458 he summarizes with this postulate of the rule of law that should be applicable in cases of private foreign ships:

In one case only is confiscation permitted, and that is when detained merchantmen shows by their build that they are meant to be converted into warships.

It is true that the sixth convention of 1907, which was referred to by Lawrence, was not an article that was joined in by the United States. Article 2 of that convention reads as follows:

A merchant ship unable, owing to circumstances of force majeure, to leave the enemy port in the period contemplated in the above article—

Namely, article 1, which provides for days of grace after war is declared—

or which was not allowed to leave, can not be confiscated.

Though the United States is not one of the signatory powers to that article, it was not because our representatives at the Hague conference did not approve of all the articles as stated in that convention, but our representatives held that they did not go far enough to protect these foreign private ships in case war was declared.

I fully approve of the policy that is provided for in this bill for the Government to appropriate these foreign interned ships, but I also wish to advocate the duty of the Government to pay those rightful owners, whoever they may be, for the use of those ships.

Mr. STEVENSON. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Wisconsin yield to the gentleman from South Carolina?

Mr. STAFFORD. Not at this point.

The CHAIRMAN. The gentleman declines to yield.

Mr. STAFFORD. It is so well established in international law that the property of foreign subjects domiciled in this country at the outbreak of war is beyond seizure except for the purposes of the Government, and if taken by the Government they must be compensated for it. That principle is akin to that providing compensation for these interned ships; that being interned here, the owners not having the privilege of leaving port except by rushing into the jaws of destruction, are entitled to have their rights conserved and recognized in the courts of this country. And I make this claim, that if Germany accords to our citizens in their courts the same right to sue the Government as is accorded aliens in the Court of Claims, if she accords them reciprocal rights, then these foreign subjects, upon the seizure of their property, have the right to go into the Court of Claims and prosecute their claim for indemnity or for the return of the property. I shall not take up the time to call the attention of the committee to the clauses under the judicial code that authorize such procedure. In another body when this resolution was suddenly presented for consideration reference was made to the case of United States against Russell, Thirteenth Wallace, page 623, as justifying our action in appropriating these private vessels. I wish to read from that decision, which has been many times referred to approvingly in subsequent decisions of the Supreme Court, and to call attention to the principle which I am enunciating here, that if we confiscate this property for war's ends—and I claim that is the only justification, because of the need at the present time to assist our Government in this war in the transportation of munitions and troops—then we must recognize the rights of property, and the owners are entitled to be reimbursed by our Government.

Mr. BORLAND. Will the gentleman yield?

Mr. STAFFORD. As soon as I read this citation. The United States against Russell was a case where the property was not appropriated as is proposed here, but where, during the Civil War, vessels of American registry and owned by Americans were requisitioned; and the Supreme Court, in the decision rendered by Mr. Justice Clifford, upheld the right of the claimant to be reimbursed for the use of the vessels requisitioned during the war by the Army officers. Mr. Justice Clifford uses certain language, to which I wish to call the attention of the House:

And it is equally clear that the taking of such property under such circumstances—

Referring to the emergency of the public service in time of war—

creates an obligation on the part of the Government to reimburse the owner to the full value of the service. Private rights, under such extreme and imperious circumstances, must give way for the time to the public good, but the Government must make full restitution for the sacrifice.

That principle has been approved in subsequent decisions of the Supreme Court. Now I yield to the gentleman from Missouri.

Mr. BORLAND. I want to ask the gentleman: If we were to take these German ships and employ them in our service, and they were taken over into the danger zone and sunk by a German submarine, would he still contend that we ought to pay for them?

Mr. STAFFORD. There is a distinction made in international law between belligerent public vessels and private vessels owned by foreign subjects. There is no question but what if these ships were public vessels, cruisers, submarines or the like, owned by the German Government, we would have a right to confiscate them.

The CHAIRMAN. The time of the gentleman has expired.

Mr. EDMONDS. I yield to the gentleman five minutes more.

Mr. STAFFORD. Undoubtedly we would have a right to confiscate them if they were public vessels of the enemy, but as these vessels are the private property of subjects of the alien country, we should in conscience reimburse them, just as under international law we are bounden to reimburse Germans or

Austrians in this country in case the Government should have need to take for war purposes any of their private property. Why, no one claims that bonds, money, or any other property of foreigners domiciled in this country can be taken by the Government without the owners being compensated. If the Government would appropriate the product of a woolen mill owned by German aliens domiciled here, the Government would certainly be obligated to pay for the property taken. The mere fact that the woolen goods were seized by German warships as contraband would not impair the rights of the original owner to compensation for his property. So with these private vessels, though they are movable, nevertheless they are private personal property. They are the private property of these stockholders, just as bonds owned by enemy aliens in this country are their private property; and if perchance they are destroyed by a submarine attack of the enemy that does not destroy the rights of these alien owners to their rights of property, which are recognized in international law.

Under this resolution, exercising the war powers of Congress, we are appropriating the property of foreign subjects, but I contend that we should compensate them for that property. And no matter what consequences may befall the use of that property, we are appropriating it for the use of the Government, and their private rights can not be affected by a use over which it has no control.

Mr. BORLAND. No; but the act that I am speaking of is the act of the Government of Germany. Suppose, when we send these ships over to the other side, Germany should sink them?

Mr. STAFFORD. If the ships were our enemy's property, public ships, well and good; but the rights of private property are secure, and the owners of these ships are not assenting to the action of this Government. If the property of these private owners is sunk, it will be directly due to the action of our Government in taking the property and using it for its own needs.

Mr. BRITTEN. Putting it into the war zone.

Mr. STEVENSON. The gentleman stated awhile ago that the declaration of The Hague was his authority for the position that these vessels should not be confiscated. Is it not a fact that The Hague declaration was followed by the declaration of London, concurred in by both the United States and Germany, and that it contained a provision that no ships attempting to run a blockade could be captured as prizes and be sunk unless such ships endangered the capturing ship or endangered the enterprise upon which it was engaged, and then only after removing all of the passengers from the ship to a place of safety?

Mr. STAFFORD. I decline to yield any further. I am fully acquainted with the declaration of London. That has nothing to do with this discussion at all.

Mr. STEVENSON. Has not Germany repudiated all of these conventions by her action in sinking vessels without warning?

Mr. STAFFORD. One minute; I am not going into the past history of the positions of the two belligerent powers—Great Britain and her allies and Germany and the central powers. I will call the attention of the gentleman from South Carolina to this fact, that Germany was willing at the outset of the European war to adhere to every principle laid down by the declaration of London, but the British Government, which, through Earl Grey, inaugurated the convention that met in London in 1908–9, declined absolutely to be bound by it. That is an academic question that has no relevancy to this question. I yield to the gentleman from Alabama.

Mr. BANKHEAD. I will ask the gentleman from Wisconsin if he can find in either one of the sections of the joint resolution as reported to the House a denial of the principle he is arguing for?

Mr. STAFFORD. The chairman of the committee stated very positively that there was no liability at all on the part of the United States to compensate the owners of these vessels. The gentleman from New York who just preceded me [Mr. ROWE] also took that position, that there was no liability, whether the property was owned by United States citizens or foreign subjects.

Mr. ROWE. I beg the gentleman's pardon. I took just the opposite position.

Mr. STAFFORD. I understood the gentleman to say that there would be no recognition of liability until the war was at an end. Here is a peculiar feature about that. The bill does rather contradict the position of the distinguished chairman of the committee. The bill provides, in section 2, for the means whereby the Secretary of the Navy may appraise the property that is taken over and says that that appraisal shall be considered as competent evidence in all proceedings hereafter authorized in any claim for compensation. That rather presupposes that some person somewhere will make a claim for damages.

The CHAIRMAN. The time of the gentleman from Wisconsion has again expired.

Mr. ALEXANDER. I ask unanimous consent that the gentleman's time be extended for two minutes.

Mr. EDMONDS. I yield to the gentleman five minutes more.

Mr. ALEXANDER. If the gentleman will yield, I want to say that the chairman of the committee did say that we have the right to confiscate these ships, and I gave as my authority the decision of the Supreme Court of the United States, which fully carried that out. I also said that it had been the policy of our Government when property was taken of enemy subjects to compensate the owners thereof.

Mr. STAFFORD. Will the gentleman deny that he used the language that there was no liability at all on the part of the United States?

Mr. ALEXANDER. There is no liability, strictly; no.

Mr. STAFFORD. The gentleman cited a decision over 100 years old. We all know and recognize the principle that the Supreme Court will follow in its decision, so far as public matters are concerned, the policy of the political department of the Government that determines its foreign policy. The case that the gentleman referred to, decided over 100 years ago and reported in Eighth Cranch, was decided when international law was one thing, but here are our representatives at The Hague convention agreeing to initiate a totally different policy, and the Supreme Court would accept the policy of the State Department in passing upon these rights.

Mr. STEENERSON. Will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. STEENERSON. The authority of international law that the gentleman read from states that these vessels that arrived here in ignorance of the existence of war, which had been prevented from leaving our ports within the prescribed time, would be compensated for. Now, these vessels were not prevented from leaving our harbor; they could have left at any time; we did not prevent them.

Mr. STAFFORD. The authority I read from contains direct approval of the position that enemy merchant ships in ports of the enemy at the outbreak of war are exempt from confiscation.

Mr. STEENERSON. If the gentleman will read it over, he will find that it will not include the class he describes.

Mr. STAFFORD. The authority I read from gave three classes of merchant vessels that were exempt to which I direct special attention. The first class was those who are found in an enemy port at the commencement of hostilities. These ships were found in the enemy ports of the United States—that is one of the classes.

Mr. STEENERSON. What are the other classes?

Mr. STAFFORD. The other two classes are where they enter the port after the declaration of war, where they enter without knowing that war has been declared. The first class covers this case exactly.

Mr. STEENERSON. I understood that that was modified by the succeeding paragraph.

Mr. STAFFORD. Oh, no; if the gentleman will read the text, he will see that my position is well taken.

Further, Mr. Chairman, in the case of the *Buena Ventura*, in One hundred and seventy-fifth United States Reports, page 384, the Supreme Court followed the liberal policy of our Government in recognizing as exempt from seizure private merchant vessels owned by enemy subjects in giving a liberal construction of the proclamation of President McKinley at the outbreak of the Spanish-American War, in exempting from seizure Spanish merchant ships that had left our ports prior to the declaration of war and was taken as a prize by one of our warships on the high seas. Though the language of the proclamation did not specifically exempt this merchant ship from capture, still the Supreme Court held that it came within its purview, and that in construing the proclamation—

It is proper—

Reading from the decision on page 389—

to refer to the prior views of the executive department of the Government as evidence of its policy regarding the subject. A reference to the views that have heretofore been announced by the executive department is made in Third Wharton, supra, and will be found that they are in entire accord with the most liberal spirit for the treatment of noncombatant vessels of the enemy.

In that case the Supreme Court decided that the ship was exempt and that the claimant should be awarded the moneys arising from the sale of the ship.

Now, Mr. Chairman, if it is the accepted principle of international law that the Government has no right to appropriate the property of aliens domiciled in this country without compensation certainly we can claim that it is an equitable act to

compensate the owners of these vessels, whether they are subjects of Germany domiciled here or abroad. Why, there are instances in the practice of nations in war times where enemy governments have declined even to confiscate a war vessel that was driven into their harbors by reason of stress conditions. And yet these vessels that sought our ports as a haven of refuge at the beginning of the war and could not with safety leave because of the British vessels being on patrol outside should not be appropriated without compensation to their owners. I approve of the right to take them, but I dissent from the principle that we should not compensate the owners of private property in this country taken for the use of the Government.

Mr. ALEXANDER. Mr. Chairman, I ask unanimous consent that my time be extended one hour, so that I may yield some time.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent that his time be extended one hour. Is there objection

There was no objection.

Mr. ALEXANDER. Mr. Chairman, I yield 10 minutes to the gentleman from Texas [Mr. HARDY].

Mr. HARDY. Mr. Chairman and gentlemen, in the discussion of this bill I would like to be brief and state plainly and clearly a few thoughts that I wish to present. There is no question in this bill of a violation of any treaty that we have or had with Germany. Of course, if Germany has violated her treaty, it would not be binding on us, since a treaty can not be unilateral. But the article of the treaty sometimes referred to as being possibly in conflict with this bill is article 23, which provides for the safety of property and the right of removal of property of the citizens of a nation with whom we are at war for a limited time after the declaration of war. There is nothing in this case applicable to that, because that applies to resident merchants in this country citizens of the enemy nation. These ships are not supposed to belong to resident merchants in America of German citizenship. Nor, indeed, if that were the case, if the article in question applied to German citizens living outside of our country, would this bill violate it. This bill simply sets in motion the power of eminent domain of the Government to take the property of an alien or of a citizen, and the Government has the right in a case of public necessity arising from war to take over the property of its own citizens, and certainly no less the property of any other resident human being within its borders. But under all our practice it has been the custom when taking the property of our citizens under the right of eminent domain to compensate them for that property, and consequently this resolution provides that when these ships are taken there shall be a survey and estimate of the value of the ship at the time the ship is taken, with a view to using that evidence in future court proceedings which are authorized by this bill to be instituted by any citizen of America. When those court proceedings are instituted the court will determine whether or not the citizen is damaged, and this bill provides that in ascertaining whether the citizen is damaged the court shall inquire into the real truth and not merely the legal status of the property. If an American has the legal title to the ship, say, but if it is shown that the beneficial title is in a German citizen, in a German land, the American will not get judgment under the authority of this resolution, for this resolution provides only that American citizens under its terms may sue the Government to reclaim or to secure such damages as they are entitled to.

Mr. STAFFORD. Mr. Chairman, will the gentleman yield?

Mr. HARDY. I think I will get to the part the gentleman has in mind.

Mr. STAFFORD. I would like to inquire of the gentleman where that provision is?

Mr. HARDY. The provision is that any person or corporation may institute suit against the United States, but the second part of the section provides that in order to recover judgment the claimant must prove that he was the owner at the time of the taking of the interest for whose taking he seeks compensation; that is to say, that the American citizen must so prove.

Mr. STAFFORD. Mr. Chairman, will the gentleman yield?

Mr. HARDY. Yes.

Mr. STAFFORD. I think the gentleman is reading from a part of the bill that has been eliminated by the committee.

Mr. HARDY. I am reading from the bill which we are asking the House to adopt.

Mr. STAFFORD. From what section is the gentleman reading?

Mr. HARDY. Section 3.

Mr. MANN. There is no section 3.

Mr. STAFFORD. I wish to call the attention of the gentleman to the fact that by the action of the committee that section was eliminated.

Mr. HARDY. The gentleman is correct. That was the form in which the House bill stood, and is perhaps what will be embodied in future legislation. But in order to expedite this legislation we have eliminated all except the first and second sections. As the bill now stands we have only section 1 and section 2, which is the form in which the resolution was passed by the Senate. Section 2 provides for a survey and estimate of the value of the ships taken over. It does it in order that that survey might be held as prima facie evidence of the facts; that is, of the value of the ships when taken over. It does not undertake to decide the matter or manner of compensation now. We leave the final settlement of the claims of American citizens and of all others to be ascertained and determined by proceedings that may be instituted under the laws that will be passed when Congress has ample time to pass those laws.

I take it that the rights of German citizens as against the American Government for property of theirs that is taken under this law will in its ultimate conclusion depend largely upon the action of the German Government with reference to the property of our citizens which may be taken over by that Government, and that that will be settled in the final terms of peace under the treaties which may be negotiated between this Government and the German Government; and if we, in accordance with the ideas of the gentleman from Wisconsin [Mr. STAFFORD], were to give the right now to a German citizen to go into our court and establish his claim and obtain judgment against the Government of the United States for damages, we would then leave our citizens hopeless for any recovery in Germany after the war was ended, and I think we would do something that no nation ever has done, or ever will do, if, pending the war and while the war is going on, we authorize German citizens to institute a suit against our Government for property taken belonging to them and recover judgment and obtain compensation before that war is ended. That is what the gentleman from Wisconsin wants us to do.

I want to say that, so far as our policy as a nation is concerned, from its foundation it has never been a policy of ruthless power. We have never intended, never desired, and never will desire to wrongfully take the property of citizens of any nation, even though we are at war with that nation. It has been our policy that any property which comes rightfully within our jurisdiction will have all of the rights of its owner preserved, and when this war is ended there will not be a German right which will be violated by the American people, and I believe I know this Congress well enough to know that it will never use its power to take from any man, German, Austrian, Englishman, Frenchman, or American, any right that justly belongs to him, but we do not propose to settle up the claims that should be settled by the German Government for and with its citizens before we know what Germany will do with American rights. [Applause.]

Mr. Chairman, this is a very simple proposition. There are over 600,000 tons of German shipping in our ports, which we urgently need now in war times. This bill should be passed in 20 minutes. We take those vessels, and under section 2 we arrive at their value as best we can, and wait until the war is ended to determine what remedies, rights, and recompenses we shall grant to those damaged.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. HARDY. Yes.

Mr. MANN. The gentleman said that we ought to wait to see what Germany will do with our citizens in Germany and their property, as I understood him?

Mr. HARDY. I think so; yes. In other words, I think these rights should be determined by the treaty that determines the end of the war.

Mr. MANN. If we seize property here belonging to German citizens, will anybody quarrel with Germany if she seizes property over there belonging to American citizens?

Mr. HARDY. Whether we quarrel with it or not, she will seize the property in case of necessity.

Mr. MANN. She has not done it yet.

Mr. HARDY. I do not know whether we have any there that is needed for war purposes.

Mr. MANN. Oh, that does not make any difference. This has not anything to do with war. If we commence to seize property belonging to German citizens here, we must expect that Germany will seize property over there belonging to American citizens.

Mr. HARDY. The gentleman assumes the very point of controversy—that this has not anything to do with war. These are ships that are useful in time of war. We are taking over

ships that belong to our citizens. A Member of Congress told me lately that he is interested in some of the ships that have already been taken over.

If we did not need these ships in war, if it was a house or lot or money belonging to German citizens in the bank, I should be against seizing it, but these are thought necessary in the conduct of our war, and we would take them even if they were American ships, and we do propose to take them.

Mr. MANN. We do not take them as warships.

Mr. HARDY. We take them as warships in the sense that we take them for the purposes of war.

Mr. MANN. We take them to help carry on the war in one sense, to help transport materials——

Mr. HARDY. Like Gen. Jackson took cotton to carry on the war.

Mr. MANN. That would justify the taking of money; that is the same thing; that would justify Germany in taking anything belonging to American citizens.

Mr. HARDY. I do not know whether gentlemen draw any distinction between Gen. Jackson taking cotton at New Orleans and taking money or not, but it is a well-recognized fact that under the right of eminent domain the Government takes the things necessary for its defense.

Mr. MANN. And when we commence taking things belonging to German citizens, then Germany will commence taking things belonging to American citizens. It is pure hypocrisy——

Mr. HARDY. There is no hypocrisy about it. It is pure hypocrisy for any man to say it is not necessary to take those ships for the purpose of carrying on the war, whether they belong to American citizens or foreigners. [Applause.]

Mr. ALEXANDER. Mr. Chairman, I yield five minutes to the gentleman from North Carolina [Mr. SMALL].

Mr. SMALL. Mr. Chairman, I only rose to present one phase of this matter. I am in favor of this bill which appropriates the interned ships of Germany, with which we are at war. I think it can be justified upon the ground of emergency and necessity, but at the same time I do not believe there should remain the slightest question that there should be compensation to the owners of these ships to the extent of their value as of the present time. This bill is silent upon the question of compensation. There is evidently serious doubt in the minds of some Members of this House and many distinguished international lawyers of the country regarding the duty of the United States to make compensation or payments for these vessels. For instance, I read in a recent issue of the New York Times a most interesting contribution by Prof. Albert Bushnell Hart, professor of history in Harvard University, in which he endeavored to sustain the contention that because of our treaty relations with the German Government and because of the acts of Germany toward us that we would be justified not only in taking and using but actually confiscating these ships.

Mr. HICKS. Will the gentleman yield for a question?

Mr. SMALL. Certainly.

Mr. HICKS. I know when the war broke out, or shortly afterwards, it was stated in the papers in many cases American automobilists traveling through Germany had their automobiles seized by the German Government for use of the German Army. Is not that a fact and is not that something in the same line as the taking of these ships at the present time?

Mr. SMALL. Assuming it is a fact and about which I have not accurate knowledge, but I will come to the inference the gentleman seeks to draw from that in a moment. I was not convinced by this most illuminating contribution by Prof. Hart as to the justification of the United States in taking over these ships without making compensation.

Mr. MONTAGUE. Will the gentleman yield?

Mr. SMALL. I will.

Mr. MONTAGUE. Does the gentleman from North Carolina esteem Prof. Hart, for whom I entertain the highest respect, to be an international lawyer?

Mr. SMALL. Well, he is a recognized authority on the history not only of our own country but the history of other countries, and his opinion is entitled to consideration upon any international question.

Mr. MONTAGUE. I just wanted the gentleman's views about it.

Mr. SMALL. At any rate, he did not succeed in convincing me. What I have in my mind regarding the attitude of our Government toward these ships is this, that we should do the thing which is actuated by the principles of fairness and of justice and of righteousness, regardless of what Germany does to us.

Mr. HARDY. Will the gentleman yield for a question?

Mr. SMALL. Certainly.

Mr. HARDY. Does not the gentleman recognize the fact that by only incorporating sections 1 and 2 in this bill, finding the value and leaving it there as the permanent finding, that we put ourselves in the attitude by future legislation to do whatever Congress in deliberate purpose may find to be just?

Mr. SMALL. The gentleman is entirely right, and I have no disposition to criticize the committee in not providing in this bill any specific declaration upon compensation; but as a Member of this House, believing that we are big enough and rich enough to do exact and even justice, without regard to what is done by any other country, I wish to make, even from an humble source, an expression of what I believe ought to be the attitude of the United States upon this question, and whenever the time shall come, and I am not in favor of postponing that time until we can weigh up in the scales the acts of Germany so as to determine whether by reason of these acts we should do an act of justice or not, that I am in favor of this great country doing justice, regardless of the attitudes or acts of any other country.

Mr. TOWNER. Will the gentleman yield?

Mr. SMALL. Certainly.

Mr. TOWNER. Is not there great force in the suggestion made by the gentleman from Texas [Mr. HARDY] when he says that it would be very unwise for us at this time to make any declaration regarding that matter, for the reason that necessarily there will be a treaty at the close of this war between Germany and the United States, and in such treaties all these matters are the matters that are determined by treaties as to the rights of individuals respectively against the other countries for damages for the destruction of their property? That is always included in such treaties, and is it not wise for us now not to put any provision in this bill, because that will be attended to when the treaty relations between the Governments are closed at the end of the war?

Mr. SMALL. I admit, Mr. Chairman, there seem to be strong reasons for that, and I so endeavored to express myself a moment ago.

The CHAIRMAN. The time of the gentleman from North Carolina has expired.

Mr. HARDY. Will the gentleman yield for just another question?

The CHAIRMAN. The time of the gentleman from North Carolina has expired.

Mr. HARDY. Mr. Chairman, I ask that he may have five minutes more.

Mr. ALEXANDER. Mr. Chairman, I yield five minutes more to the gentleman.

Mr. HARDY. I would just like to call the gentleman's attention to another thing along that line. The rights of our citizens against foreign governments is never presented through a suit against those governments, but through diplomatic representation of our diplomatic agents. The rights of German citizens will be ascertained after this war is over through diplomatic channels, by diplomatic methods, by the German Government, and our citizens will have their rights established in the same manner. So that a claim for damages now would be extremely contrary to international custom, it seems to me.

Mr. SMALL. I am not prepared to make the contention that our relationship toward this question in making compensation should be set forth in this bill, nor am I particular as to when it is done, although I do not think there should be any undue delay. The only point I make is that we should do that which is right and just with relation to our appropriation of these ships.

Mr. Chairman, the President has said, and I take it it is the sentiment of every intelligent and just-minded citizen in our country, that the private property of alien enemies within the United States shall be scrupulously respected and preserved. These ships in large degree, if not altogether, are the property of residents or citizens of the Imperial German Government. Simply because this property consists of ships instead of money in bank or real estate located here, or buildings, or movable personal property, does not in my mind differentiate them so as to apply a rule of right to one and not to the other. And it is because I have strong convictions upon this question, because I believe we should do that which is right and just, regardless of what other countries do, that I desired to make this brief expression at this time.

Mr. HELM. Will the gentleman yield?

Mr. SMALL. Yes.

Mr. HELM. Is it not a fact that two of the German ships, one at Charleston, S. C., and another at the Island of Guam, in American territory, were blown up and scuttled by the German officers? Is not that a fact?

Mr. SMALL. I understand so.

Mr. HELM. And did not the Germans by that fact recognize or forecast the possibility of the United States Government taking charge of or confiscating these ships, and was it not done to prevent that very thing?

Mr. SMALL. If I were to attempt to decide this question upon resentment, by any doctrine of reprisal, by any desire to gauge my principles of integrity and honesty by that which my enemy does, I might be induced to take a different position. But the point I am making is that because of orders by the German Government or German officers these ships were damaged or because of any other acts for which the owners of these ships were not responsible, while they might arouse my indignation, it does not make me willing to forget the principles of right and justice and have this great Government destroy and confiscate the property of innocent citizens of Germany who have their investments in this class of property. [Applause.]

I yield back the balance of my time.

The CHAIRMAN. The gentleman yields back one minute.

Mr. GREENE of Massachusetts. Mr. Chairman, I yield 10 minutes to the gentleman from Pennsylvania [Mr. EDMONDS].

Mr. EDMONDS. Mr. Chairman, I am going to use a few minutes to bring before the House the status of these ships. In the first place, we made a treaty with Prussia in 1799. This treaty ran for 10 years. After the expiration there was no treaty made until 1828, when we made another treaty with the same Government, which was ratified in 1829 and was good for 12 years, and to be extended after the 12 years annually without it was disagreed to by the parties signatory thereto.

In the treaty of 1829 sections 13 to 24, inclusive, of the treaty of 1799 were reenacted. Article XXIII of the act of 1799 gave all German citizens nine months in which to dispose of their property and carry off their effects without molestation; that is, German citizens residing in this country, and, as afterwards proven by a decision of the court, not exactly proven in a German case, but proven by decision of the court—would include ship property. Now, Article XXIV at the end states this, and this was a part of the 1799 treaty and included in the 1828 treaty:

And it is declared that neither the pretense that war dissolves all treaties nor any other whatever shall be considered as annulling or suspending this and the next preceding article; but, on the contrary, that the state of war is precisely that for which they are provided, and during which they are to be as sacredly observed as the most acknowledged articles in the law of nature and nations.

I am sure there was no intention to confiscate this property. It was simply left open for adjudication at an early date.

We need the ships. There is no question about that. We have got to have them. They are lying useless in the harbors, and the attorneys of the Hamburg-American Line do not make any question as to our power to take them. They simply state that in so far as the resolution empowers the President to take over the ships of the Hamburg-American Line they do not raise any question.

We take the ships. We have arranged to leave the question of compensation open. The treaty is here. Undoubtedly all those questions will be brought up when this case will be adjudicated in the Court of Claims, where they have a right to take it.

In the case of Wagner against The *Juniata*, Twenty-eighth Federal Cases, page 3821, the court reaffirming the principle stated by Chief Justice Marshall, said:

In respect to the vessel herself, now in the port of New Orleans, I consider the reasoning of the court equally strong against the claim of the libellant; she is to all intents and purposes property as much infra-territorial, within the limits of the United States, as the cargo placed in store a few hundred yards from the shore where she is moored; and she can with no more reason be said to be beyond the territorial limits of the United States than the river upon whose waters she is now floating.

Now, gentlemen, undoubtedly the committee, realizing that the Government needed these ships, has taken the best course that it is possible to devise to take possession of them at this time, and has left the question entirely as to how they were to be settled for open for the future.

Now, I want to go into the question that was brought up this morning as to the Guarantee Trust Co., of New York, which has loaned to the Hamburg-American Line money for carrying on the necessary repairs, and so forth, to these ships while lying in harbor. The Guarantee Trust Co., in order to be protected, undoubtedly had the Hamburg-American people turn these ships over to the Atlas Steamship Co., and the Atlas Steamship Co. endeavored to sell them when they found the war was coming on to the Karr Steamship Co. The Atlas Co. has nothing to fear. They have the right to libel any money that would come from the United States Government to the German owners and get their money out of it. I am not a lawyer, but I may say confidently that they will be taken care of in the settlement that will eventually be made for the ships.

The question was brought up as to why we left out the ships in the Virgin Islands. If you will read article 2 of our treaty with Denmark you will notice this:

But it is understood that this cession does not in any respect impair private rights which by law belong to the peaceful possession of property of all kinds by private individuals of whatsoever nationality, by municipalities, public or private establishments, ecclesiastical or civic bodies, or any other associations having legal capacity to acquire and possess property in the islands ceded.

You will see the reason why they were left out, because otherwise there would be a question as to whether or not they would be covered by the treaty made with Denmark.

Mr. HICKS. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Pennsylvania yield to the gentleman from New York?

Mr. EDMONDS. With pleasure.

Mr. HICKS. This may not have a particular bearing on this matter, but it is a matter of general information. For a year or more it has been rumored that the German Emperor, either as an individual or as an official of the state, has been a large owner in the North German Lloyd Line. Has the gentleman heard as to that?

Mr. EDMONDS. I have never heard from the German Emperor on that, but I have heard rumors about it.

Mr. HICKS. Is there anything on that point in the hearings?

Mr. EDMONDS. There is nothing in the hearings in regard to the ownership.

Mr. HICKS. I did not wish to accuse the gentleman of undue familiarity with the German Kaiser. [Laughter.]

Mr. EDMONDS. Well, we have met quite a number of noblemen here lately, and I thought possible the gentleman might have thought I had met the German Emperor. [Laughter.] I want to read from a joint resolution of the House of Representatives, approved on April 28, 1904. I read:

It is the sense of the Congress of the United States that it is desirable, in the interest of uniformity of action by the maritime states of the world in time of war, that the President endeavor to bring about an understanding among the principal maritime powers with a view of incorporating into the permanent law of civilized nations the principle of the exemption of all private property at sea, not contraband of war, from capture or destruction by belligerents.

Now, gentlemen, you will see that the House and the Congress has at all times stood for fair compensation for anything it has taken belonging to anybody else, whether belonging to our own citizens or to foreign citizens. I think we can afford to pass this resolution and leave it to the court to pass upon in due time what we are to pay for these ships. [Applause.]

I yield back the remainder of my time.

The CHAIRMAN. The gentleman yields back three minutes.

Mr. ALEXANDER. Mr. Chairman, I yield five minutes to the gentleman from Texas [Mr. SLAYDEN].

The CHAIRMAN. The gentleman from Texas is recognized for five minutes.

Mr. SLAYDEN. Mr. Chairman, I can hardly say in five minutes what I had hoped to say on one feature of this resolution—rather on a question growing out of it—that I wanted specially to speak to. It has been discussed and hinted at once of twice to-day, and I had hoped to have the privilege of at least expressing my views upon it more fully than I can do in five minutes.

The whole civilized world was horror-stricken when a high and responsible official of the Imperial German Government, in 1914, admitted that the action then contemplated by his Government in the invasion of Belgium was contrary to international law and broke solemn treaties. Treaties are the method by which governments from time immemorial have obligated themselves, the one to the other—and they were spoken of as "scraps of paper."

I believe that that is the most impressive outstanding feature, aside from the personal misery, of the whole war. It is whether the obligations of states, one with the other, shall be treated so lightly as to be discarded "scraps of paper." It is highly important, if we are to preserve a vestige of civilization, that we should get that thought out of the minds of men. We must have treaties. No better device for contractual engagements between states has ever been suggested, and it may be said that, in the main, they have been lived up to; and I believe that the world will return to them with renewed faith and with a greater fervor for their enforcement, with a stronger, clearer acknowledgment of their importance.

The thirteenth article of the treaty of 1785, repeated in the treaty of 1799, just referred to by the gentleman from Pennsylvania [Mr. EDMONDS], and carried again into the treaty of 1828, sets forth certain reasonable, Christian, and humane rules for the conduct of the two Governments that were going into that agreement at the time for the treatment of the nationals of each if they should unfortunately ever engage in war. The purpose of Article XIII was to mitigate the horrors of war and to compel respect for the rights of property of private citizens and to secure decent treatment for individuals forced to reside in an enemy country.

I am convinced that section 2 of this resolution designedly recognizes that obligation in the words that permit a board of survey to be appointed to value this property that we are about to appropriate to our military use.

It is a recognition of the fact that the obligations of the three treaties to which I have referred—of 1785, 1799, and 1828—still bear on us, are still to be respected in principle; and I am delighted to know that the chairman of the committee [Mr. ALEXANDER] was wise enough to have those obligations recognized in the way he did, and incorporated in the resolution itself.

A few days ago I had occasion to visit the Patent Office and had a most interesting talk with the Commissioner of Patents. My business touched on the question of the right of Americans to use patents of German citizens taken out in the United States. I learned from him that there is to-day in Great Britain and in Germany, notwithstanding their intense hostility to each other, a respect for the patent laws of the respective countries; and he told me, upon what authority I do not know—I simply accepted his statement—that to-day patents taken out by Englishmen in the German Empire and being used there, either by the Government or by individuals with the consent of the Government, are respected to the extent that the royalties earned are set aside and kept for the benefit of the owners of the patents, and that the same thing is being done in Great Britain as to German patents; and that after the war the individual citizens who own them will be compensated for the use of them during this period of war when ordinary international commerce has been suspended. Now, we ought to cultivate that spirit; we ought to do all that we can to reestablish international law, and treaties that are international law as between the two parties making the contract. We can not build up civilization, we can not provide anything like a reasonable scheme for the maintenance of peace between the governments of the world unless we do respect that principle; and I would like to have it known to the whole world that it is the opinion of the American Congress, without additional legislation being necessary, that private property rights that were undertaken to be cared for in the three treaties I have mentioned are to be respected, and that the United States, at least, is going to conduct its war upon the basis of justice to private citizens; and that after the war is over we stand willing actually, in spirit and in fact, to help the world reestablish itself on a basis of sanity, and meantime we are going to keep the faith to which we are plighted.

Mr. Chairman, the fact that treaties have been broken and that people who were our friends have now for the time being become our enemies, ought not to cause us to set aside all the decent and well-conceived laws of the past for the recognition of their rights and the governing and protection of personally innocent and unoffending individuals. The most distressing feature of the situation in this country is the intolerant spirit shown by some of our people. Regardless of treaties I have heard a demand that we should take the property of Germans in the United States. Because a man has the temerity to stand up and plead for justice to citizens of an enemy country, who unfortunately happen to be here, he is frequently denounced as pro-German; because he merely stands for reason, for common sense, and for recognition of the principles that this Government has stood for from the beginning, and which I am proud to say I believe it will stand for until the end. These intolerant people, these people who believe it to be the duty of every citizen to hate the individuals of another country with which his is engaged in war, have been manifesting a hostility that is not creditable to them as men, and certainly if shared in by this Government as a political entity will reflect no credit upon it. [Applause.]

I yield back to the gentleman from Missouri the remainder of my time.

Mr. ALEXANDER. Will the gentleman from Massachusetts [Mr. GREENE] use some of his time?

The CHAIRMAN. The gentleman from Massachusetts has used all his time.

Mr. GREENE of Massachusetts. I ask unanimous consent that my time may be extended one hour.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent that his time be extended one hour. Is there objection?

There was no objection.

Mr. GREENE of Massachusetts. I yield to the gentleman from Washington [Mr. HADLEY] 10 minutes.

Mr. HADLEY. Mr. Chairman, I have no desire or purpose to repeat arguments which have been made before the committee in so far as I have heard them. I think the time has come when this resolution ought to be passed as expeditiously as possible, though it should have due consideration.

There is one point to which I wish to address myself very briefly, which was being touched upon by the gentleman from Texas [Mr. SLAYDEN] when I was called out. Not having heard his remarks, I wish to allude to that phase of the resolution, though it may be somewhat of a repetition. I do not know about that. I refer to the second section of the resolution.

There seems to be quite a difference of view as to what we ought to do with regard to the question of compensation. I take it, when this discussion has been analyzed, there is really no serious controversy over any other question, if indeed there is a controversy there. There should be none upon that point. I desire to draw the attention of the committee directly to what the resolution provides in terms. It provides that the Secretary of the Navy shall appoint a board, with the approval of the President, to make a survey of the vessels which it is proposed to take over, with a view to determining their actual value at the time they are taken; and not only the vessels but the equipment and appurtenances and all property contained therein at the time of the taking. And what is the purpose of that survey? It is in order that it be preserved as a permanent record for future use in the event it should become necessary to consider the question of compensation. It is to be preserved, and to be submitted in any court of competent jurisdiction that may deal with that subject. That is expressly provided by the resolution.

It is true that the resolution does not in terms declare that compensation shall be paid. It is equally true that it does not either declare or intimate that compensation shall not be paid. It simply provides the present machinery whereby the evidence of value shall not only be ascertained but that it shall be preserved; and having been ascertained and preserved, it makes it mandatory, in the terms of the resolution, that such evidence shall be recognized as competent proof in any court having jurisdiction. At all events that is the effect of this language:

These findings—

Meaning the findings of the board of survey—

shall be considered as competent evidence in all proceedings on any claim for compensation.

How much further can Congress go at this time? How much further should it go than to preserve for the benefit of all persons who may be interested in the subject matter the evidence to which the owner may appeal in the future to show his damage? We ought not now to attempt to define the measure of damage, or to define the principle upon which compensation shall be paid; but we ought to preserve the means of determining the elements of value which go to the determination of the question of compensation and the measure of damage, in any court in which the question may subsequently arise. In my judgment that is as far as we ought to go at this time. We recognize that compensation may be due or may not be due. We recognize that under the circumstances of the case that question may arise, and it is proposed in the resolution to take the only sensible, reasonable, and practical means, as I look at it, of preserving the record for the benefit of whoever may be interested, whether he be alien or citizen. Then whatever court may hereafter be applied to, whether it be a prize court, court of claims, or any other court of competent jurisdiction, it will be a matter for that court to determine whether the compensation will be paid and not a question for us now to determine. It is not feasible and not practicable that we should attempt to determine that matter or to preserve any other right except to preserve all the means by which the real parties in interest may be protected if they ought to be protected. That is as far, I think, as we ought to go.

Mr. SLAYDEN. Will the gentleman yield?

Mr. HADLEY. I will.

Mr. SLAYDEN. Does not the gentleman think that after the war in an adjustment made by special commissions or diplomatic agents these records would be useful, and the fact that Congress did take such pains to prepare for the making and preservation of the records would indicate a disposition on the part of the Representatives of the people in this country that that should be the policy of the Government?

Mr. HADLEY. That is correct and represents my view. I thank the gentleman for eliciting it. In addition to the preservation of the record for court procedure, it will be useful in the determination of questions arising on the treaty of peace that may be entered into at the conclusion of the war, and, as suggested by the gentleman from Texas, will show the resolution and purpose on the part of the Government to recognize the claim for damages in case the party has a right to it.

It has been stated that we have 600,000 gross tons, approximately, of German tonnage to be affected, exclusive of that of other countries, or about 350,000 net tons. Everyone concedes and recognizes the immediate, urgent, and pressing necessity

on the part of this Government for additional tonnage. I regard it as not only our right under the authorities which have been cited and under the statements made by the distinguished chairman of the committee to take this tonnage over, but under the circumstances—the war in which we are engaged and the circumstances which led up to it—it is our duty to do so and our duty to impress it into the service of the country for the prosecution of our commercial business and for the purpose of contributing to the support of the armies of the allies as well as our own.

I do not desire to repeat the arguments and go over the discussion of international treaties, because they have been very fully presented. I wished primarily to speak on the question of the construction of the second section of the resolution. I hope gentlemen considering the resolution will not lose sight of the fact that, while the committee did not attempt to provide the machinery for the final solution and determination of the matter, it did not ignore the fact that compensation might be had. I think the committee has done the proper thing in providing the means of ascertaining the value, so that the determination of the question of compensation in the future may be had if, indeed, it should arise. I yield back the balance of my time.

Mr. ALEXANDER. Mr. Chairman, I yield five minutes to the gentleman from Virginia [Mr. MONTAGUE].

Mr. MONTAGUE. Mr. Chairman, the remarks that I desired to make have been anticipated by the lucid statement of the gentleman from Washington, who has just taken his seat.

It appears to me the resolution has gone as far as it is practicable to go, as far as sound expediency and wisdom will justify. We can not go further, because we have no information to enable us to go further. There may be in the progress of this war developments that will enter into this question, and that different application of the principles will be then considered from what would now be considered if action had finally to be taken at this time.

That is to say, Mr. Chairman, that we can not do exact justice until we have all the facts in hand and the final accounting is taken. I do not take the view of the gentleman from North Carolina [Mr. SMALL] that we should now utter or proclaim an abstract rule of justice respecting our contemplated conduct. I view this matter largely as one of offset and of accounting. If we have claims against Germany and Germany has claims against us, they can only be determined in or at the final accounting.

Mr. HARDY. Will the gentleman yield?

Mr. MONTAGUE. For a question.

Mr. HARDY. And that will be through a representation of the diplomatic agents of the several Governments representing its citizens?

Mr. MONTAGUE. I imagine that would be the agency or instrumentality to ascertain these facts and to perform such accounting and settlement.

Mr. TOWNER. Will the gentleman yield?

Mr. MONTAGUE. I will.

Mr. TOWNER. Is it not the modern approved practice in the settlement of claims of this character that there shall be appointed by the final treaty a commission to determine the respective claims of individuals arising out of the war?

Mr. MONTAGUE. I think that has been the practice, but I do not desire to discuss the practice; I only wish to impress the fact that the claims of the United States and the claims of Germany are not separable. They are related and inseparable in the final accounting, and to do justice we must have them both at hand and give them both consideration and a fair apportionment.

Mr. COX. Will the gentleman yield?

Mr. MONTAGUE. For a question.

Mr. COX. I agree with the gentleman's last statement. Now, this provision proposes to only deal with vessels owned by citizens and corporations subjects of Germany. Suppose in the last analysis it should be determined that the German Government owns some of these vessels or all of them. What effect would that have?

Mr. MONTAGUE. I would rather not go into that now. I suppose it would be a very pregnant matter to be considered at the time of final settlement, and, as I said at the opening of my brief remarks, we do not have at hand the facts by which we would be justified in going any further at this time than this resolution prescribes.

We can now and in the progress of events catch the facts and incidents living, as they arise, and hold them to be hereafter submitted as evidence in the final adjustment between Germany and the United States.

May I be permitted one other remark in relation to the suggestion of my friend from Texas [Mr. SLAYDEN]? I expect to see the United States practice the most rigid lines of justice and adherence to her treaties; but what circumstances may hereafter occur to disrupt, neutralize, or modify our treaty rights we do not now know, we can not now foresee. To say now that we can lay down a hard and fast line as to exactly what we will do without knowing what Germany will do or has done is to jump into the dark. All we can do is to do what we have done, to take the appraisement or survey of these vessels as they now stand, fresh in our minds as the incident occurs, and hold it hereafter as evidence to be submitted to the appropriate tribunal that will finally determine the mutual offsets, which offsets may not all now be in existence but may hereafter arise from time to time until the conflict is ended.

Mr. GREENE of Massachusetts. Mr. Chairman, I yield 10 minutes to the gentleman from Kansas [Mr. CAMPBELL].

Mr. CAMPBELL of Kansas. Mr. Chairman, I shall not use the 10 minutes for the very good reason that what I had in mind to say has been better said than I could have said it. There is no question about not only the right but the duty of the United States at this time to take over these ships. What has been done and what shall be done with respect to the taking of the ships is a matter that appeals to everyone, layman as well as legislator, and those who have given no attention whatever to the study of international law as well as to those who have given it a most thorough study.

I have been impressed, the more I have thought about it, with the fears of those who have raised the question as to whether or not justice would be done to the owners of these ships at the close of the war. I do not agree that any settlement should be made at this time with the owners of these ships; but the owners of these ships need have no fear; they need not look forward to a time when the war shall have been ended to any difficulty they will have in getting justice from the United States. As to whether or not these ships shall become the victims of submarines at the hands of the German Government raises a question that will no doubt enter into the settlement of the matter of the payment for these ships; but the Government of the United States has always maintained its position of adhering with the strictest account to every treaty that it has entered into and to every obligation that it has assumed or that is thrust upon it, and that will be true with respect to these ships and to every incident growing out of this war as it has with respect to every other. The owners of the ships and the German Government may well look back to the action of the United States at the termination of the Spanish-American War, when this Government did more than was really expected of it by the vanquished. We did more for Spain than Spain had a right to expect. We did more for Spain than many of the people of the United States believed we ought to do; but it was the policy of the Government to do just what was done. That is the American feeling, and has been. That is the spirit of the American soldier at the termination of a war in which he has been a conqueror. Gen. Grant said to Gen. Lee and his men, "Keep your side arms and take your horses; you will need them for the spring plowing." That is the American spirit. So, I say, there need be no apprehension upon the part of the rightful owners of these ships with respect to the manner in which they shall be treated at the termination of the war. But we can not say now—we can not say here—what the conditions will be between now and the end of the war. We can not say what the treaty of peace or what range of subjects the treaty of peace will cover; but that treaty will make provision for such commissions as are necessary to adjust the matters growing out of the war with respect to the claims of citizens of foreign countries residing here, whether belligerents or otherwise, whose property has been affected during the war.

That is all I had in mind to say, and I would not have stated it if it had not been that it has seemed to me there has been some anxiety here for fear that the Government of the United States would take advantage of its power in the premises and in the final conclusion not do justice by the owners of any property it may seize for war purposes. [Applause.]

I yield back the remainder of my time.

Mr. ALEXANDER. Mr. Chairman, I yield five minutes to the gentleman from Kentucky [Mr. HELM].

Mr. HELM. Mr. Chairman, it seems to me that the resolution is abundantly safeguarded from every angle. It preserves and protects international and treaty rights.

My purpose in consuming this short period of time is not so much to discuss the resolution as it is to discuss a matter which

I think is pertinent and relevant at this time. The resolution proposes to take over 95 ships of gross tonnage of 628,837 and a net tonnage of 371,028. We are constructing 1,000 merchant ships. The necessity for this measure is obvious. The further necessity of keeping all of these ships afloat is the acute, the paramount, undertaking upon the part of the United States. We will not only need all of this tonnage and all that we can construct, but far more to carry munitions and supplies to the allies or to the American soldiers when they go to Europe. It seems to me that we ought to learn a lesson from the mistakes in the past. England for over a year has been arming her merchantmen without avail. A very small per cent of the English merchantmen, of the French merchantmen, of the Italian merchantmen that have been attacked by submarines have escaped. Now, let the United States profit by their example, and it seems to me that the proper thing, the first thing, for this Government to do is to take the necessary steps to avoid the very losses and misfortunes that have befallen the allies, and which they have been unable to avoid up to this time. It occurs to me that the sensible, common-sense conclusion is that the arming of these ships by the allies has been almost a total failure.

Now, after we have taken over these ships, how are we to keep them afloat? The only way, I think—there has been no answer yet discovered to the submarine question—is to furnish protection by convoys, and it occurs to me that no American ships ought to leave American ports until they are grouped or assembled in sufficient numbers and convoys are supplied to guarantee a safe passage from the American port to the ports of those countries with which the so-called central powers are at war.

Mr. BORLAND. Will the gentleman yield?

Mr. HELM. Certainly.

Mr. BORLAND. Do I understand the gentleman to contend that unarmed merchant ships are safer from submarine attacks than armed merchant ships, and if so, why. Why does the gentleman make such a distinction?

Mr. HELM. The unarmed ships are not safer, but the armed ships are not safe. The press dispatches state that 400,000 tonnage was sunk in one week very recently. Does the gentleman contend that that was a safe way to go to sea with those ships, which were armed merchantmen and yet were sunk? I contend that neither the armed merchantmen nor the unarmed merchantmen are safe at sea, and the thing that ought to interest the United States at the very beginning is to profit by the mistakes made by the allies and send our ships guarded and convoyed by submarine chasers and destroyers—small craft that present a small target, possessing the very highest speed, and are capable of fully protecting the American merchant ships.

Mr. BORLAND. The gentleman says whether a ship is armed or unarmed it is still subject to attack, and the unarmed ships have fared just as the armed ships——

Mr. HELM. Substantially the same.

Mr. BORLAND. Is it not the case that some of the armed ships have escaped and have successfully repelled the attacks of the submarines?

Mr. HELM. In a very negligible number, and I expect that the unarmed merchant ships of high speed have escaped just about as frequently as the armed ships of similar speed.

Mr. COX. Will the gentleman yield?

Mr. HELM. Yes.

Mr. COX. Has the gentleman any authentic record or data showing that any armed ship has sunk any submarine?

Mr. HELM. I have never read of it. I yield back the remainder of my time.

Mr. GREENE of Massachusetts. Mr. Chairman, I yield 10 minutes to the gentleman from Iowa [Mr. TOWNER].

Mr. TOWNER. Mr. Chairman, I desire to call the attention of the committee for a few moments to a very important matter not directly connected with this discussion; however, it is indirectly connected with it. We are here considering the question of the transportation of men and of arms and of ammunition and of food products and other material to support our army that we shall send across the seas. I think we are beginning to understand, many of us, at least, the vast importance of the food question and its exceeding difficulty. We will be called upon shortly to consider legislation affecting it. I want to call attention to a phase of the matter that has been called to my attention by a letter I have just received this morning from a member of the Iowa Legislature, who is a large farmer and whose words are entitled to special consideration. What he says regarding conditions in the Middle West is as true of the other States where the great bulk of our food products must come from as it is the particular locality to which he refers, and I am going to read to the committee a part at least of this statement. He says:

> Since Congress has passed the conscription plan of raising an army, and, as I understand it, left it to the President to make exemptions, he should make his exemptions known without delay in regard to those in pursuit of agriculture if he intends so to do.

Mr. MONTAGUE. Will the gentleman yield for an interruption right there?

Mr. TOWNER. Yes.

Mr. MONTAGUE. Has that bill yet passed Congress?

Mr. TOWNER. No, sir; but a bill has passed the House and a bill has passed the Senate and the conference bill will soon become a law, we all hope and believe.

Mr. MONTAGUE. The gentleman will agree that he could not make the selection until the bill passes specifying who shall come within those exemptions?

Mr. TOWNER. Certainly; but what I am trying to impress upon Congress is the fact that those exemptions and all matters affecting the planting of crops should be passed upon and determined just as soon as possible.

Mr. MONTAGUE. I quite agree with the gentleman there.

Mr. TOWNER. I hope the gentleman will not understand that my suggestion is made in any spirit of criticism. It certainly is not, because I think we are all equally interested in doing everything we can do and in assisting in doing everything that should be done to carry on successfully this war. He says:

> The reason for so doing is this: Corn is now from $1.50 to $1.75 in the market and wheat $2.50 to $3, and with the comparative failure of this year's wheat crop all energies should be bent on planting as much corn as possible. Now to the point I desire to raise. If the farmer is in doubt about his help for the summer he can not and will not go after it with the determination necessary for desired results.

I presume gentlemen well understand that in the State of Iowa we have no large cities. Our State is almost exclusively an agricultural State. We will have to furnish our quota for the Army according to the population of the State. Unless there are exemptions made from the agricultural classes, it will take almost our entire quota, or a large portion of it, from the farmers of the State of Iowa. Now, if there are exemptions to be made in favor of the farmers in order that the crops may be largely increased and preserved, then whatever is done should be known just as early as possible.

If there are no exemptions to be made, it is equally important that our farmers should know it.

Mr. COX. Is it not true that the farmers of Iowa and Indiana now and for several years have been subject to a great shortage of farm labor?

Mr. TOWNER. I was just going to say that. I am glad my friend called my attention to it. Conditions are deplorable in his State and in mine with regard to farm help. It is almost impossible to secure it throughout all the Middle West. Farms are not being cultivated to crops because of the fact that help can not be obtained to do it, and that is the condition especially in the State of Iowa.

Mr. MONTAGUE. Does not the condition pertain very generally throughout the United States?

Mr. TOWNER. I presume it does, I will say to the gentleman.

Mr. FESS. Will the gentleman yield to an interruption?

Mr. TOWNER. Yes; with pleasure.

Mr. FESS. Just this last week I received a letter from a farmer in my section of the State saying that the employment bureau of Dayton had sent out to his farm certain laborers, and he said that these laborers wanted to sit out in the evening until 11 o'clock and smoke cigarettes, and they could not get them up in the morning. And he asked if there was not something that could be done, so that they could get better labor. This is all that we can do now; but what can be done?

Mr. TOWNER. I have no doubt that conditions exist all over the agricultural parts of the United States where ineffective laborers will be sent for the purpose of taking care of this serious condition. Of course they will not be able to meet the shortage with such kind of help, for, as the gentleman suggests, such help is worse than valueless.

Mr. FESS. The word goes out that they are furnishing labor but the labor is really no labor at all.

Mr. TOWNER. I will say this, too, that there is hardly a town in the State of Iowa where there is a commercial organization in existence where they are not taking steps to secure, if possible, farm help. They are taking an inventory of the farms that need farm help. They are sending everywhere they can think of for laborers. They are promising men that if they will come from other places and work on the farms of Iowa they will pay their transportation there and back and give them an assurance of large wages.

Mr. PLATT. Will the gentleman yield?

Mr. TOWNER. Yes.

Mr. PLATT. Did not this House vote a little while ago that we did not want farm laborers, when they could not read and write?

Mr. TOWNER. The gentleman will excuse me from answering that question now, I am sure.

I want to read a further statement of my correspondent from Iowa:

Now to the point I desire to raise. If the farmer is in doubt about his help for the summer, he can not and will not go after it with the determination necessary for desired results. On the other hand, if the President (or Congress) would announce, now, that the persons in agricultural pursuits will be exempt until the crop is in for this season, all the farmers, young and old, would take hold with the determination of carrying out their calculation in planting the biggest corn crop ever known. Furthermore it would have a tendency to bring the city lad to the farm or enlist, which might help out the present shortage of labor on the farms. It is now corn planting time—

And I ask special attention to this statement—

It is now corn planting time and not more than half of the corn ground broken up, and none of it finished for planting as yet, and that is the condition in southwestern Iowa. What about the more northern parts?

In confirmation of that I have also received this morning a letter from one of our large merchants, a very intelligent, capable, and reliable man, in which he says:

Rain for past two weeks. Snowed all day yesterday. Farmers discouraged on crop prospects.

It will be seen, I think, from these statements that the crop condition is not favorable. The prospects are not good for a large crop, though everything is being done that can be done to secure one. Certainly, at this time everyone who has any interest not only in the prosecution of the war across the seas but in looking after the welfare of our own people here in the United States should carefully consider that we may do everything that we possibly can to insure as large a crop as can possibly be raised this year.

Mr. SNOOK. Will the gentleman yield?

Mr. TOWNER. I will yield.

Mr. SNOOK. I represent a district in Ohio something like that which the gentleman represents in Iowa, purely agricultural, and I would like to ask him this question: Is it his idea that on the first draft that shall be made no farm laborers or farmers shall be drafted?

Mr. TOWNER. That is not for me to say. The gentleman has heard on the floor and has read in the newspapers the statement that it will be necessary to make some exceptions with regard to agricultural help.

Mr. SNOOK. What is the gentleman's idea with regard to that?

Mr. TOWNER. It would hardly be proper for me to express an opinion now. That is a matter that has been left to the President. I might venture to say, however, that it would be a great mistake, in my judgment, to take from the farms the small amount of help they now have. There can be no more important work than raising crops now. I have no disposition to criticize the President with regard to it, because I do not know what that attitude will be. But whatever is done should be done quickly. The farmers ought to know at once what they may expect. The planting and sowing time is passing, and will not come again this year. Of course I realize it can not be done until the bill finally becomes a law. But that will be within a few days. I am trying to impress upon the Members of Congress the vast importance of the conditions that we have to meet, and to call their attention to some of the problems that arise in the minds of the farmers regarding existing conditions. Just a few days ago——

The CHAIRMAN. The time of the gentleman has expired.

Mr. ALEXANDER. Mr. Chairman, I yield to the gentleman from Louisiana [Mr. LAZARO].

Mr. LAZARO. Mr. Chairman, the United States are now at war with one of the most powerful, scientific, and efficient nations of the world, and it becomes the duty of all Americans to act together and in harmony, to the end of organizing our country in such a way as to bring this war to a successful termination, and as speedily as possible. In order to accomplish this result we are brought face to face with great problems which require cool men, deep thinkers, and courageous action to solve. We must not lose patience with honest and sincere men who differ with us in the plans of solution of these problems. We must assume that the aim of each and every one is the good of our country. Our President, who is not only the head of the Nation but the Commander in Chief of our Army and Navy, has appealed to every American to speak, act, and serve together to meet our Nation's supreme test. This appeal will no doubt meet with the hearty response of the American people.

While it is true that the best guide for the present and the future is the experience of the past, we must not lose sight of the fact that conditions have changed; that this war is a war of science and machinery. The invention of the flying machine and the submarine and the other modern implements of war and the scientific methods in which the war is being carried on makes it absolutely necessary to have perfect organization and efficiency and trained men to meet like conditions on the enemy side. We must not rely altogether on what we have been told by 4th of July orators to win this war. It is best that we should realize from the first what we have and what we lack, so as to prepare thoroughly for success in the end. Our democracy is engaged in the business of preparing to uphold its ideals with arms. The soul of this process is willingness to cooperate; the first requisite is readiness to cast aside prejudice, self interest, class interest, sectional interest, and every kind of crystallized demarcation, and merge into a voluntary whole. We must not try to ride hobbies on the horse of war.

I have listened attentively to the discussions here, and have read with deep interest a great deal on the important questions now before us, and I am led to submit a few suggestions for consideration.

All the military experts and men promiment in civil life agree that a well-organized and efficient Army and Navy must have back of it the mobilization of all the resources of the country; and it becomes necessary for us to do important things that we have neglected in times of peace. All are agreed upon the proposition that the immediate need of our Nation to-day is our food supply, and especially for the present year. Not only that the demand here and abroad has increased tremendously, but as a result of bad seasons the food reserves of the world are low. There is no doubt that the acreage and production will be increased, and if men think and act wisely this problem will be solved satisfactorily. But it is not amiss to encourage our farmers to increase their food production so that they can live more at nome and at the same time be in position to supply the great demands to be made upon them by men engaged in other industries and by our military forces.

There is no assignable limit to the vegetables, truck crops, fruits, and poultry products which the people of the country will produce if they can get fair marketing, transportation facilities, and fair prices, and are not subjected to unfair governmental regulations. But how much this will benefit the cities will depend on the cities themselves to a large extent. They should know as much about their food supply as they do about their water supply, and its processes must be as pure and as uncontaminated.

The farmers will need some financial assistance because of higher prices for seed and labor and the need of machine power to make up for lack of man power. The Federal Farm Loan Board can do a good deal to accomplish this, but some of the needs are sudden—short-time needs—and must be met by quick mobilization of money. Much new land will be worked if this is done in time. The factories work on a guaranteed basis, and it may become necessary to give the food makers the same assurance. This Government must build or, at least, secure control of adequate cold storage for the perishable foodstuffs, like fruit, eggs, potatoes, and cabbage. It is the fall glut in those which makes their production hazardous to the farmers, and steps must be taken to obviate this danger.

I believe, too, that our Government should and will rise to the importance of seeing that certain unscrupulous middle men and speculators, who take advantage of just such a situation as exists to-day to demand abnormal prices from the consumers for products which they have bought from the producers much cheaper, are dealt with with a rigid hand.

I have heard a good deal since the war broke out about cutting down the cotton crop and increasing the food crop of the South. This is a question that should be dealt with very carefully. Very few people seem to realize that cotton is a food and feed crop. If the South raises less than 12,000,000 bales of cotton in 1917 this Government will realize that a calamity has befallen it. We all know the necessity of the lint from the cotton for clothing and munitions, but few think about what a 12,000,000-bale crop means in food and feed. Twelve million bales of cotton produces, after reserving seed for planting the next crop, 1,400,000,000 pounds of oil—more than twice the amount of creamery butter in the whole United States. Such a crop of cotton means in feed 3,800,000,000 pounds of cottonseed meal, which, pound for pound, has twice the food value of corn, and yet cottonseed meal sells, pound for pound, at about two-thirds the price of corn. Such a crop of cotton means 2,400,000,000 pounds of hulls, which, pound for pound, have a feed value about equal to timothy hay, and yet hulls sell for about one-half the price of timothy hay. Holland, one of the greatest dairy countries in the world, encourages her people to churn

cottonseed oil and other vegetable oils in their milk, which produces palatable and wholesome margarine, from which she furnishes England millions of pounds for food.

But without curtailing too much the cotton crop, the South should plant more corn. The great sheet anchor of the United States against any real shortage of food is the corn crop. It makes most of our meat and, if absolutely necessary, it might make all our bread. I have often been told by old Confederate soldiers how they marched and fought in the Civil War on corn bread baked in camp. The farmers and millers of the country should prepare for an expansion of the corn-meal business.

We should, too, at this time, popularize rice as an article of food in those sections where it has dropped backward somewhat in the last years. The consumption of rice has not increased with its production, and we Americans to-day actually use less per capita than our ancestors did long ago. Its general use will not only increase the acreage and production, but will mean the saving of millions of dollars to the consumers who are compelled to pay exorbitant prices for wheat bead. We must demonstrate to the people as soon as possible how to properly cook rice, not only in custards and desserts but as a bread. It will be remembered that in the Russo-Japanese War, in all of their great campaigns, rice was one of the staple foods of the armies of Japan. I believe that its extensive use by our armies would be a big saving to the Government, and its transportation can be handled just as easily as flour. Like cotton, rice also furnishes some valuable by-products. Rice bran and rice polish are unexcelled as feeds for cattle and hogs.

But further than the mere production, I believe that right now is the time to look into the conservation, preservation, and transportation of our foodstuff—even before it has been produced. What good will it do to encourage increased production of foodstuffs if, when the farmers' products are ready for market, we are lacking in transportation facilities? We know that we will be short in tin and short of glass to preserve our food, and we should begin now to teach our people to save the supply that we have. We should teach our farmers the process of dehydration, which is so well understood and used in Europe. Then, too, we must realize that if we suffered from car shortage in times of peace, we are apt to suffer more in the months that are before us. I know from personal experience last year, when I waited for days for an empty car to ship some corn that I had for sale. And I know that this has been the experience throughout the country with all those who had anything to ship. When perishable foods are ready, they must move at once if the people in the congested centers are to be relieved and the farmers are to receive a fair compensation for their labors.

We must not only increase our railroad facilities and furnish cars to those who may need them and when they need them, but this is the time for our Government to correct a serious mistake made in the past; that is, improve our waterways and shipping facilities on them. Nature has given us the most magnificent system of waterways in the world, and we have done less as a nation to improve and use this system than any other nation in the world that assumes to be progressive. We must awaken to the importance of improving our waterways systematically, not only to accommodate our commerce, domestic and foreign, but for military purposes as well.

I recently read from an article by Sir Edward Bruce Hamly, in his Operations of War, where he states the following:

> The means of supplying troops in the field is not restricted to roads and railways. Canals and navigable rivers, where their direction is suitable, form valuable lines of supply. They have, too, the great advantages over railways and even over roads that they are not vulnerable except only at canal locks, and these locks are usually further apart than vulnerable points on a railway. Another advantage may be claimed for them in comparison with roads; they do not wear out, and though severe frosts, floods, and high winds may affect movement on them, progress on roads may be equally delayed by bad weather.

I believe we should devote our immediate attention to this phase of preparedness.

While we are doing all we can to hasten the building of our merchant ships for the purpose of assisting our allies in carrying products from this country to Europe, we must not neglect the necessity of improving our coastwise and inland shipping. The withdrawal of too many vessels engaged in local traffic would cause more harm than good in the end. It would demoralize our transportation service, render it impossible to move our food and other crops as rapidly as they ought to be moved, and bring about a condition of congestion extremely injurious to the whole situation. The railroads have broken down several times because of congestion in the months passed, and the situation would be made far worse if the coastwise vessels which have transported so many tons throughout the country were taken away from our own needs at this time. The very large traffic, for instance, which now finds its way to New York from Pacific points by way of the Panama Canal, the Gulf of Mexico, and the Atlantic seaboard would have to be carried to a large extent by the railway companies, if coastwise shipping were to be materially restricted. Thousands of miles of railroads in the Southern States now used in connection with Gulf shipping and the Atlantic seaboard would be crippled by the excess burdens placed upon them. It is not advisable to turn over our coastwise commerce to the railroads and depend on them alone to carry our products from port to port. This change would tend to delay the marketing and handling of our crops and products to the great injury of the people here and to our allies abroad.

The impossibility of getting transportation is one of the main causes of high prices, and until something is done to improve our roads, our railroad facilities and our waterway transportation, it matters not how much acreage is devoted to production and how great the harvest may be, the producers will continue to work at a disadvantage and the consumers will continue to pay high prices and suffer.

This is a time, too, when our people should practice economy in all things. No one has any idea of the food wasted in this country, and conservation of this is just as important as production. The average man in Europe can live on what an average American throws in the garbage pail. Economy of food can and should be practiced by each individual family, without any further urging from the Government, if we are to obviate having to resort to such laws as now operate in Europe in the homes of the families.

Some have suggested closing the schools earlier in the year, with a view of increasing the food production of the country. This is one idea, however, with which I can not agree; and I feel sure that such a mistake will not be made. If there ever was a time when the young boys and girls should be encouraged to remain in school, it is now. I imagine this idea of closing the schools comes from Europe, where conditions are different. There it became necessary for the entire male population of military age to go to the front, which left the farming in a great measure in the hands of the women and children. Naturally, the vacancies in the fields had to be filled by boys from the school. The future of this Republic depends on the training which our boys and girls are receiving to-day, and we should make many other sacrifices before we remove them from the schools. It has been shown by statistics that while crime has decreased among men of military age in Europe, as a result of the war, it has increased among the young men of school age. This is due to the fact that the fathers are at the front and the mothers are busy with other things, and the children are out of school. This is another reason why we must keep the children in school.

I am glad to note that the boys of this country are to-day being encouraged to devote more time to the study of agriculture and the girls are being better trained in home economics. The success of Germany is due in a great measure to the fact that they have encouraged scientific agriculture in the past. Practical education and extension of vocational education to the grown-ups as well as to the child must be encouraged by our Government. The Department of Agriculture should encourage the farmers of the South, who are rapidly giving up the old haphazard way of raising cattle and hogs, in adopting scientific methods. Because of our mild winters and the presence of feed right at hand, these animals can be raised and marketed more cheaply in the South than in any other section. But in carrying out this work it is to be hoped that the Government will select the most experienced and practical men to encourage and educate our people.

In war matters the country looks to the National Government for leadership and results, and rightly so. But yet the States retain many of their powers, and by cooperation and a judicious use of them can greatly promote national action and supplement national achievement. That all of them are desirous of doing this is to be assumed, and I am sure that material benefit will come out of cooperation between the National Government and the States. Let us hope that our State authorities and local auhorities will cooperate and act in harmony with our National Government in solving the problems necessary to carry out our work scientifically, efficiently, and with economy, and that our people will heartily respond to the efforts of our constituted authorities along these lines.

Mr. ALEXANDER. Mr. Chairman, I yield to the gentleman from Ohio [Mr. GORDON].

Mr. GORDON. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD for the purpose of embodying an answer to the secretary of the Cleveland Real Estate Board, in which he criticized my action upon the conscription bill.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to extend his remarks in the RECORD for the purpose

indicated. Is there objection? [After a pause.] The Chair hears none.

Mr. GREENE of Massachusetts. Mr. Chairman, how does the time stand?

The CHAIRMAN. The gentleman from Massachusetts [Mr. GREENE] has 35 minutes remaining and the gentleman from Missouri [Mr. ALEXANDER] has 42.

Mr. ALEXANDER. Mr. Chairman, of course, it is my wish that we may get through before 5 o'clock and that the committee may rise and report this bill for passage this evening, but I yield 10 minutes to the gentleman from Wisconsin [Mr. LENROOT].

Mr. LENROOT. Mr. Chairman, I wish to address myself particularly to some suggestions that have been made during the debate—that because of stock ownership by American citizens in some of the corporations owning these enemy ships, or by reason of mortgage liens upon them, there would be an unconstitutional taking of property.

Now, the law is well settled that an enemy ship—a ship of enemy register, flying the enemy flag—is subject to capture, and that, too, irrespective of whether it be in the ports of the country seeking to capture or whether it be upon the high seas.

With reference to the first proposition, as to any rights by reason of part ownership, I wish to read from Westlake on international law, page 147. I read:

> If a ship sails under the enemy flag, the character which her owner or any of her part owners may have as individuals is immaterial. By accepting the flag they have placed themselves under its protection; if that fails them, she may be captured and will be condemned, and no share which a friend may have in her will be saved. A mortgage or lien on a ship sailing under the enemy's flag, whether it arises by contract or by law as a factor's lien—unless it is a general law of the mercantile world, as that which gives the lien of freight—is treated as part interest in the ship and is not saved from the condemnation.
>
> The rule just stated with regard to mortgages and liens applies in England and the United States to cargoes as well as to ships, on the broad ground, stated by Lord Stowell, that "captors are supposed to lay their hands on the gross tangible property, on which there may be many just claims outstanding between other parties which can have no operation as to them."

Mr. LITTLE. Mr. Chairman, will the gentleman yield for a question?

The CHAIRMAN. Does the gentleman from Wisconsin yield to the gentleman from Kansas?

Mr. LENROOT. Yes.

Mr. LITTLE. Suppose an American had a mortgage on a German ship. Would that rule still apply?

Mr. LENROOT. Absolutely; and it has been so decided by the Supreme Court in the case of the *Hampton*, in United States Reports, where it was decided that the mortgagee had no right or claim.

Mr. GORDON. Mr. Chairman, will the gentleman yield to me for a question?

Mr. LENROOT. Yes.

Mr. GORDON. Can aliens, especially alien enemies, invoke any constitutional provision for the protection of their rights?

Mr. LENROOT. No. But we were speaking of American citizens, by owning stock or by mortgage, having an interest in enemy ships.

Now, as to the question of the right of the United States to take over enemy ships, as proposed in this bill, as to that there can be no question, with due respect to the opinion of my colleague [Mr. STAFFORD]. If I understood him correctly, he stated that that decision that so held was more than 100 years old, and that that doctrine had been modified since that time.

I wish to say that as late as the Spanish-American War the United States Supreme Court, in case after case, reaffirmed that doctrine. In the Spanish-American War, as Members will recall, President McKinley, by proclamation, gave Spanish ships 30 days in which to load, unload, and leave ports before they were subject to capture. There were many captures during the Spanish-American War by our fleet, and in a number of cases the question of the lawfulness of the capture arose, and particularly so in the case of the *Buena Ventura*, which will be found in One hundred and seventy-fifth United States, page 384; and in every one of those cases, as a matter of international law, the right to capture the enemy ship was sustained; but in each case they resorted to the proclamation of President McKinley to find the exemption, and in the case of the *Buena Ventura* particularly they said expressly that if that ship was exempted from capture it must be found in the interpretation of the proclamation of President McKinley, and not because of any international law respecting it.

Now, it is true that ever since this Government was formed, almost, the United States has contended for the inviolability of property upon the high seas, contending that the property of enemy subjects on the sea should be as inviolable as that upon land. But never has the United States been successful in securing the acceptance of that doctrine by other nations either by treaty or otherwise.

It is true, as stated, that in The Hague Convention of 1907 the provision that has been read was adopted as a part of that convention with reference to merchant ships being in the ports of an enemy and through force majeur not being able to depart. But as has also been stated, the United States never ratified that convention and never was a party to it, and that is not binding in any degree upon the United States.

Mr. STAFFORD. Mr. Chairman, will the gentleman yield right there?

The CHAIRMAN. Does the gentleman from Wisconsin yield to his colleague?

Mr. LENROOT. I yield.

Mr. STAFFORD. Does the gentleman deny that the representatives of our Government declined to sign that convention, because they considered its stipulations retrogressive and that they were less liberal than the practice that had prevailed since 1854?

Mr. LENROOT. That is absolutely true; but so did this Government decline to sign the treaty of Paris, because they did not believe that the treaty of Paris went as far as it ought to go; and it was upon this very question, too, by the way, in the treaty of Paris, because that treaty did not secure the inviolability of ships upon the high seas.

But because the United States wanted to go further does not mean that the United States, in the absence of international law, is bound by what was done at The Hague convention.

Mr. STAFFORD. Yes; but because the Government declined to adhere to those principles because they did not go far enough is no reason for saying that American international law contravenes those principles. Now, I ask the gentleman whether he can cite an instance in the Spanish-American War or under international law where the United States Government has confiscated enemy vessels confined in ports, as we are attempting to do in this case?

Mr. LENROOT. I was coming to a discussion of that proposition if the gentleman had not asked me that question. I was stating, first, what international law was upon the subject. I stated what the policy of the United States had been, and I am frank to say I believe that should continue to be the policy of the United States. But every situation must depend upon the particular facts in that situation. Now, what is the situation that we have before us at the present time with reference to the taking over of these ships? I do not say for a moment that we ought not to compensate the owners of these ships. I do say the committee is right in not undertaking to provide for their compensation now. And let me give the reason why I think it should not be done. In the first place, it is a matter of grace with any nation, and not of international law, as to whether they will compensate or not. If they do compensate, there is an obligation of equitable fair dealing upon the part of the owners of the ships as well as upon the part of the United States Government. Now, we are informed with reference to many of these ships that they were damaged and disabled by their owners, many of them, for the very purpose of depriving the United States of the power of making use of them. Now, shall it be said, as a matter of justice and equity, that an enemy subject who is the owner of a ship, and who voluntarily disables the ship for the purpose of injuring the United States, shall have the same rules of equity applied to him as to compensation as one who, finding his ship in the harbor and unable to depart, leaves that ship to be taken over and paid for by the Government? I think not.

Mr. SISSON. Then in addition to the statement made by the gentleman at this time we ought not to go into the question of payment, because in the settlement of the international differences and damages that may have been done to American citizens by the German Government those things would have to be considered at the same time.

Mr. LENROOT. That is true. Then there is another consideration. When these ships are taken over they will be engaged in merchant transportation. They will be in every sense of the word, so far as what they do is concerned, merchant vessels. Now, Germany, under international law, if she would observe it, has certain obligations with reference to the capture or destruction of merchant vessels. Now, when we take these vessels over, if Germany sees fit, in violation of international law, to destroy one of these German vessels that we have taken over, is it not a question for serious consideration at least, when this war is over, whether we should compensate a German subject for a vessel that has been unlawfully destroyed by his own government? [Applause.]

Secondly, supposing one of these vessels is captured on the high seas by the German Government, as she has a right to

capture them, and supposing when Germany captures them she turns the vessel over to its owners, shall the owners get the vessel and also get from the United States Government the value of the vessel? Perhaps so. I am not expressing any opinion about it. But certainly we ought not at this time to make any such provision as that.

Something has been said about the treaty existing between this Government and Germany. I do not know whether that section has ever been read into the RECORD, but I think it should be, with reference to the obligations contained in the treaty of 1799 between this country and Germany. I want to read article 12 of that treaty.

Experience having proved that the principle adopted in the twelfth article of the treaty of 1785, according to which free ships make free goods, has not been sufficiently respected during the two last wars, and especially in that which still continues, the two contracting parties propose after the return of a general peace to agree, either separately between themselves or jointly with other powers alike interested, to concert with the great maritime powers of Europe such arrangements and such permanent principles as may serve to consolidate the liberty and the safety of the neutral navigation and commerce in future wars.

Now, mark this:

And if in the interval either of the contracting parties—

And that interval has existed now for the past three years—

And if in the interval either of the contracting parties should be engaged in a war to which the other should remain neutral, the ships of war and privateers of the belligerent power—

In this case Germany—

shall conduct themselves toward ports the merchant vessels of the neutral power—

In this case the United States up to the declaration of war—

as favorably as the course of the war then existing may permit, observing the principles and rules of the law of nations generally acknowledged.

That was the treaty between this country and Germany. Is there anyone who will say that that treaty has not been most openly, flagrantly, and deliberately violated by Germany? [Applause.] And then, will anyone say that because there was also in another article of that treaty a provision that enemy subjects whose property is taken should be compensated, we shall be bound, but Germany shall not? Those are questions that ought not to be settled now in this bill. Those are questions that ought to come up and be settled when this war is over. [Applause.]

Mr. LITTLE. Has there been any adjudication by the courts of the property rights of parties who took the ships after they were interned?

Mr. LENROOT. These ships have never been interned in the sense the gentleman speaks of. A war vessel is interned in this sense, that when German ships have sought asylum here we have not permitted them to leave, but every one of these ships proposed to be taken by this bill was always at liberty to leave our ports at any time, from the day they sailed in there until the day that we declared a state of war to exist. We have done nothing to prevent their leaving until we took possession of them.

Mr. LITTLE. I do not care to dwell upon the fine distinction in the words, but I mean after the ships have been put in the position in which they have been put, has there been any adjudication of any property rights that were claimed to arise after the war began, on the part of those who were in possession of the ships?

Mr. LENROOT. Nothing more than the principle that was involved in the case of the *Buena Ventura* in the Spanish War, which case I cited a few minutes ago. That was a case where there was a Spanish ship loaded at some port in the South, which I think went to Norfolk. The owners of the ship had no knowledge of the existence of a declaration of war between Spain and this country. They had a clearance from American officers and yet they were captured. The same principle exactly applies to that capture which the court said was innocent in every respect as that which relates to a ship in the United States ports, but the court held that the capture was valid.

Mr. LITTLE. I did not make quite clear my question. Suppose I undertook to buy one of these ships. Has there been any adjudication of that right?

Mr. LENROOT. No; I think not. Now, I want to make one more reference——

Mr. STAFFORD. Will the gentleman yield?

Mr. LENROOT. Yes.

Mr. STAFFORD. Was not the *Buena Ventura* captured on the high seas?

Mr. LENROOT. Yes; but the same principle applies as to the owners of a ship having no knowledge whatever of the existence of a declaration of war. The court in that case said that the owners were absolutely innocent, and they were in exactly the same position as far as principle is concerned as these vessels in the ports of the United States. Now, the gentleman from Wisconsin cited the case of the United States against Russell, Thirteenth of Wallace, to sustain his position that compensation must be made. I want to call attention to the fact that the United States against Russell did not involve an enemy ship. That was a taking over of an American ship flying the American flag owned by loyal citizens, and there was no question whatever of an enemy character of that ship. The only question was whether they had a right to requisition the ship, and the court held that they did, and, of course, as in taking private property of American citizens for public use, held that compensation must be made. There was no question of an enemy ownership, and this bill rests wholly upon the principle of enemy ownership.

Mr. ELSTON. Will the gentleman yield?

Mr. LENROOT. Yes.

Mr. ELSTON. Has the gentleman considered the status of a vessel bought under executory contract by an American citizen and American registry held in suspense, and the whole matter open since the 1st of January? My understanding would be that an equitable title rests in the American citizen, but the bill provides that the whole title may be taken by the Government whether Germany owns it in whole or in part. Does the gentleman think that the bill protects sufficiently the American citizen?

Mr. LENROOT. Until the change of registry is effected I think as a legal proposition—I say nothing of the equity—the right to take over depends on the registry at the time of taking over.

Mr. GREENE of Massachusetts. Mr. Chairman, I yield 15 minutes to the gentleman from Ohio [Mr. FESS].

Mr. ALEXANDER. Mr. Chairman, I would like to ask the gentleman from Massachusetts how many speeches he has remaining.

Mr. GREENE of Massachusetts. I have two more—myself and one other

Mr. FESS. Mr. Chairman, I think the gentleman from Wisconsin [Mr. LENROOT] made two very important observations on two technical questions that grow out of this proposed resolution, both of which should be kept in mind when the matter of future adjustment is considered. I think these ought to be emphasized because they are largely the crux of the entire dispute over the question of confiscation, if there is such a dispute. I do not believe that there is anyone in the Congress who seriously questions the right under international law of the United States to take over these vessels. They are property of citizens of a foreign country which is at war with us. I can not understand upon what angle any discussion would be carried on that the United States, which is now a belligerent country, could not take over the vessels in the ports that belong to its enemy. Such right is certainly clear under international practices. The first section of the bill authorizes the President to do that thing, and if the bill would stop with that there might be some question of the wisdom of the policy, but certainly none on the authority, for that first section suggests that the United States can take over title and possession and operate or lease or charter and equip these vessels. That indicates a right in a belligerent nation, and that right is certainly well defined in international law; but the second section suggests whether this is to be confiscation or requisition. If the second section were not in the bill, we would jump to the conclusion that it probably meant confiscation. The first section takes over both possession and title and makes no suggestion of future adjustment. But the second section suggests that it is to be requisition, or at least it lays the grounds for it, since it there provides for a board of survey to ascertain the values of t' ese vessels. It does not specify just why that is done, but all of us understand that in case it is to be adjudicated on the question of value, this Government by this provision shows clearly its intention not to take any advantage of the owners of these vessels. We here undertake to procure the facts by a jury properly appointed, and thus fix the basis upon which any future adjudication that might be required, or seemed to be justified, might be had. I think that is as far as the resolution ought to go. It leaves the question of adjustment for a later date, to be determined by subsequent events.

In other words, the question as to whether it is to be confiscation or requisition is not to be settled now. I do not think it ought to come up now. The question ought to be reserved for later consideration, because as has been so frequently stated we do not know all the elements that may be involved. Here is one of them: Members of the House seem to look upon the German vessels in the American ports as interned vessels. That is a common phrase that has crawled into the discussion by loose phraseology. The vessels are not war vessels to which that term is applied. The word "internment" is a word of common usage, but not international. Technically it is not well

employed when applied to merchant vessels. If it was a war vessel the internment is by order of the government in whose port it lands and not by its own government. If a war vessel comes into a neutral port in time of war, it may coal and remain 24 hours, but after that it must go, and if it does not go within the time allowed it must dismantle and remain until the war is over. That is by order of the neutral government, in this case our Government. The war vessel is in port because the Government's order "Go out now, or stay until the end of the war" was respected by the belligerent power.

But that is not the case of these vessels now under consideration. These vessels came here for refuge; they sought an asylum. Under international law no belligerent war vessel is permitted to enter neutral waters to capture enemy vessels. On the high seas they were subject to capture. They sought neutral waters to avoid capture. They are now in our ports not because we would not allow them to leave, but because they forfeited protection against seizure the moment they went beyond the neutral waters. In that case they would be captured by the British or the French Government, and consequently they chose to remain in safety at their option and not because we forbade them to go. It is the case of an asylum rather than internment. That differentiation can not escape the discussion or consideration of the international question. These vessels are in American ports by their own choosing and not by our orders.

Then there is another feature that must not be overlooked, and that is that these vessels remained in port up to the time when our country ceased to be neutral and became a belligerent, and in that belligerency an enemy of the country whose citizens were the owners of the vessels. Prior to this date and while this country was extending the privilege of asylum to these vessels an attempt was made to destroy these vessels rather than run the risk to put to sea.

When the chairman of the committee was opening the discussion of this resolution I asked him the question, in order to fix the principle, Can we assume that the attempt at destruction of these vessels in American ports by German officers was under the order of the German Government? That is a determinant to fix the status, whether the vessel is private or public. If we could assume that, then the destruction ordered by the German Government makes those vessels public under the control of the German Government, and in that case we can confiscate them under any treaty now existing or under the principles of international law. The only question that is in doubt in my mind is when they were destroyed, or when the attempt at destruction was made upon them, whether we could assume that was by the order of the German Government. That question is one of doubt in my mind, and must be established by the facts which should surround the case.

Mr. HARDY. Mr. Chairman, will the gentleman yield?

Mr. FESS. Yes. I will yield to my friend from Texas.

Mr. HARDY. I am informed by the gentleman from South Carolina [Mr. STEVENSON] that after the merchant ships in the port at Charleston had been destroyed and their officers were arrested and charged with their destruction, those officers pleaded in their defense that they did what they did by order of the German Government.

Mr. FESS. Mr. Chairman, I am very glad to have that interpolation at this time, because that incidentally makes those vessels, whether in ownership or not of the German Government, at least under the control of the German Government, and consequently I think there is no doubt that our Government, an enemy of the German Government, can confiscate those vessels and do it without the violation of any international right at all. However, when the matter of confiscation or requisition comes up all the facts should be marshaled rather than allow a statement of officers to be conclusive.

Mr. HARDY. That shows that those vessels are being used by the German Government itself.

Mr. FESS. Yes; I think it could well be so regarded.

Mr. MILLER of Minnesota. Mr. Chairman, will the gentleman yield?

Mr. FESS. Yes; I yield to my friend.

Mr. MILLER of Minnesota. Could not the German Government exercise such a control over these ships as to order their being dismantled or injured without exercising a proprietary interest in them—that is, without having title to them?

Mr. GORDON. Oh, no.

Mr. MILLER of Minnesota. But any government can confiscate ships and use them for naval purposes at any time, the gentleman from Ohio [Mr. GORDON] to the contrary notwithstanding.

Mr. FESS. That might be a strained interpretation of the international relationship that governs the question. But an attempted destruction of the vessels to avoid taking them over would justify their seizure by the Government and confiscation as well.

Mr. MILLER of Minnesota. Every day we give orders to shipping, forbid ships from leaving our ports, we do not give clearance, and things of that kind, and in that way we exercise Government control.

Mr. FESS. What I had to say on this question in regard to the control of the German Government in the attempt to destroy is not a matter of opinion simply, but it is a matter of adjudication by the courts of the United States. When certain cotton was captured in the Confederacy there was a question of doubt, as all of you remember, whether the cotton should be confiscated or requisitioned. This grew out of the fact of ownership, whether by loyal citizens or by citizens who were in the Confederacy. Members will recall that the principle adopted was as follows: In order to adjudicate it ultimately the cotton would be taken over without pay, and then the question of confiscation would be determined by the ownership later on, and in case after case—and this is the point that I desire to make—where the cotton was destroyed by the order of the Confederacy in order to prevent its falling into the hands of the Union forces, it was held by virtue of its destruction as being subject to confiscation without any further adjudication or demand. In other words, cotton, even though it might be held by a citizen loyal to the Union, if it were destroyed by the Confederacy the owner had no claim against the Government.

Mr. TEMPLE. Mr. Chairman, will the gentleman yield?

Mr. FESS. Yes. I yield to my friend from Pennsylvania.

Mr. TEMPLE. Is it not a fact that the names of a large number of these vessels appear upon the German Navy lists as auxiliary vessels of the German Navy, and is it not a fact that the officers are officers of the naval reserve?

Mr. FESS. I thank my friend for that statement, because it calls up other features that I wanted to call attention to, and that is one of the phases of it. The other phase is that when we come to adjudicating these questions of value later on, the Government ownership, in the way of subsidy, in the way of imperial control by the German Government over its own shipping, even though it be owned by its own citizens, will go a great way in determining what we should do in the matter.

Mr. ALEXANDER. Mr. Chairman, will the gentleman yield?

Mr. FESS. Yes. I yield to the chairman.

Mr. ALEXANDER. I would say that there are seven of those ships that our Government upon the facts disclosed recognized as a part of the German naval reserve, and they have already been taken over without any reference to this action, simply because they did belong to the German Navy.

Mr. FESS. And the chairman ought to admit at once there would be no question as to our right as belligerents to deal with an enemy ship owned by the enemy——

Mr. ALEXANDER. I do not think there is a question about it.

Mr. STEVENSON. Mention has been made about the ship sunk at Charleston. I happened to be present at the trial of the men who sunk that ship. Their plea, as stated a while ago, was that they did it under orders of their Government; and further, that being on board a ship flying the German flag they did it in German territory; and that, having done it in German territory, they are not amenable to the laws of the United States; and further, that had they not done it they would have been guilty of treason and triable therefor when they got to Germany. That is the plea they set up.

Mr. FESS. That principle is pretty well recognized in international law. There seems abundant evidence to justify this Government in its action to take over these vessels without committing itself beforehand to specific terms.

Mr. GORDON. I want to ask the gentleman if it is not a fact that a great many of these difficulties as to privately owned ships are cleared away by the mere statement, which every one of us knows to be a fact, that a state of war between the German Imperial Government and the Government of the United States places in a state of war each citizen and subject of Germany with each citizen and subject of the United States?

Mr. FESS. That is true.

Mr. MILLER of Minnesota. May I ask the gentleman one question? Did these prisoners plead that they did that at the command of the German Government, or at the command of the German owners of the boats?

Mr. STEVENSON. At the command of the German Government; and the plea was overruled——

Mr. FESS. I can not yield any further——

Mr. STEVENSON. But they were given the benefit, or, rather, exculpated of being guilty of treason, because acting in concert under the command of their superior officer was not a conspiracy such as acting in concert by their own agreement.

Mr. FESS. Just to recapitulate very briefly. Many questions that are in doubt must be adjusted later on. In the first place, just the force of the treaties now obtaining is not entirely clear, to say nothing about Germany's conduct toward us in the light of past treaties. What those treaties are—there were three of them, and whether one is a supplement of the other or one supersedes the other is not clear. Whether those parts in the treaties of 1785 and 1799 not included in that of 1828 are void it is not certain. That will have to be adjudicated later on. Secondly, just the effect of war upon treaties that were not made with specific reference to a state of war but to regulate commercial rights is the question that must be adjudicated later on, and can not now be done. It is a question whether in the absence of provision otherwise a war does not abrogate treaty obligations. Another question is whether Germany has not by her conduct toward us repudiated the treaty obligations toward her. Still another question is whether these ships can be considered under such ownership or control of the German Government that they might be called public ships. We do not know, although strong evidence points that way. If they were, confiscation is clear. Another question is whether in the destruction of those vessels it was an act of the German Government because she feared they would be utilized in favor of her enemy. Later on that must be considered and can not be at this time adjudicated. There are so many questions that have come up that I am perfectly willing and shall freely vote to take these vessels, their title and possession, with the understanding that the Government is to operate or lease them or charter them and equip them, and then I hope that our Government, following the second section here, will proceed upon the basis that all rights of all people and of all citizens, of whatever nationality, will be regarded and respected, for our Government is too big to do anything else. [Applause.]

We have every reason, it seems to me, to employ our right in the premise. I feel quite certain the President has the authority to seize them without an act of Congress. However, I should prefer that our Government shall proceed upon the higher plane of public announcement that in our dealings even with an enemy and in time of war we will endeavor to secure every right to all citizens, even though they are citizens of an enemy country.

Mr. GREENE of Massachusetts. Mr. Chairman, I yield eight minutes to the gentleman from Pennsylvania [Mr. MCFADDEN].

Mr. MCFADDEN. Mr. Chairman, the gentleman from Wisconsin [Mr. LENROOT] and the gentleman from Ohio [Mr. FESS], who have preceded me, I think have both raised a very important, if not the most important, issue here in connection with this bill. That is the question as to whether or not by the action of the German Government in ordering the crippling of the machinery of these 91 boats in our ports the title to these vessels did not transfer to the German Government by this very act, and whether, if the German Government ordered the destruction of these boats, it might not be conclusive proof that the German Government itself did by this very action confiscate these boats from the private ownership. I really believe, then, that if they did that we are fully justified in confiscating these boats, as in so doing we would be taking the property of the German Government and not the property of private owners or individuals. If, on the other hand, the real ownership of these boats is not vested in the German Government, I am interested just to the extent to see that confiscation of private property is not had by this Government without some basis of settlement being provided for eventually. I do not say at this time, but eventually, but believe the law should be made very specific now; and in that connection I want to quote a statement which was made by the State Department, with the authority of the President, on February 8, 1917, in which it stated:

> The Government of the United States will in no circumstances take advantage of a state of war to take possession of property to which international understandings and the recognized law of the land give it no just claim or title. It will scrupulously respect all private rights alike of its own citizens and the subjects of foreign States.

Then I also want to quote from the President's message to this Congress on April 2, in which he said this:

> Just because we fight without rancor and without selfish object, seeking nothing for ourselves but what we wish to share with all free peoples, we shall, I feel confident, conduct our operations as belligerents without passion and ourselves observe with proud punctilio the principles of right and of fair play we profess to be fighting for.
>
> It will be all the easier for us to conduct ourselves as belligerents in the high spirit of right and fairness because we act without animus.

This is a war measure and warranted by the exigencies of the case; but, however grave the situation, shipping that came to our ports in the legitimate prosecution of ocean traffic, the property of individuals and companies, should not be seized without rendering at the proper time just compensation therefor. The good name of our Republic demands that such a provision be incorporated in the bill.

This should not be left to the uncertainties of the future without a word indicating our disposition to treat the matter fairly.

We have entered into this great conflict not only because the rights of American citizens have been outraged and national and international laws disregarded in the most flagrant manner, but also in the interest of world-wide humanity and the dethronement of despotic rule and the substitution therefor of forms of government where the individual shall be known and recognized. Our policies with other nations have been honorable, our course such as to command the admiration of the world. Many peoples are looking to us for guidance. We can not afford to be misunderstood; we can not afford to proclaim to the world that we are taking the property of individuals owing allegiance to a nation with whom we are at war without having in contemplation the just and equitable intention of rendering at some time all equivalent therefor.

I anticipate that when it is known to the German Government that we have seized the German ships now in our ports the German Government in retaliation therefor might feel justified and think a sufficient precedent was established in warranting them in seizing any ships or property belonging to the United States or any citizens of the United States in their country. Under these conditions at the termination of the war a treaty would be entered into between the United States and the German Government in which peace terms would be provided, and in the consideration of these terms the property of the German Government and individual citizens seized or taken over by the United States and, vice versa, any property of the United States or of its individual citizens taken over by the German Government would have to be adjudicated; and in this connection it is reasonable to suppose that if there were anything like an equal division of claims of this character the United States would say to Germany, "You settle the claims with your citizens and we will settle the claims of our citizens." Then, according to this law, if this procedure were adopted, the citizens of the United States who have suffered the loss of property in Germany would present their claims to the United States, and they would either be adjusted amicably or a suit in equity would be brought against the United States for settlement.

It will be remembered in this connection that many old French claims under circumstances somewhat similar to this are still pending settlement by the United States, and the experience of claimants with claims similar to these against the United States has not been very satisfactory; that is to say, these adjustments result in long and tedious litigation, and in many instances have never been paid.

This is one reason why I think that the method of adjustment in this law about to be enacted should be made perfectly clear in this respect.

I believe that the exigencies of this case are such that we are fully justified in taking over these enemy boats. We want these boats for the purpose of conveying food and supplies to our allies, who are fighting to raise the standard of humanity and civilization. We do not want to take them for what they are worth as property, as much as we need ships, but we want to help lift our allies out of their bondage, and the seizure of these ships at this time for these various purposes will aid in this.

I shall, therefore, vote for the passage of this bill, with the full anticipation that if the act of the German Government in the ordering of the crippling of these boats is regarded under international law as confiscation by the German Government of the property of their own citizens, namely, these seized boats, the United States is fully justified in confiscating them, and need not make any settlement therefor; but, on the other hand, if it is finally determined that these boats are the property of individual citizens of Germany, after the war is over that prompt and full settlement will be provided for to the individual citizen.

This will thus remove any argument which might be used by the Government of Germany in persuading their people to enmity against the United States by pointing to this ship seizure as an illegal act of international law. [Applause.]

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The gentleman yields back one minute.

Mr. GREENE of Massachusetts. Mr. Chairman, I am not a lawyer, and I do not pretend to having any knowledge of international law or ordinary law, excepting the one law of com-

mon sense which my father taught me in my early youth always to bear in mind was good law. The law of common sense seems to me to be fairly shown in what has been said before the Committee on the Merchant Marine and Fisheries, of which I happen to be the leading minority member, and also before this House during the general debate that has been developed here. I believe that we have taken a common-sense action in preparing and offering this bill, and I sincerely hope that no amendment will be offered on the floor to change the same as it is now presented. The bill is considerably different from that which was originally brought to the committee's attention and which it was proposed that we originally should present to the House. There was some discussion in the committee as to the changes to be made. I had the privilege of offering an amendment. The committee cut the bill down considerably from what was originally brought to its attention and which it was proposed that we originally should present to the House. There was some discussion in the committee as to the changes that were made, and, as before stated, I had the privilege of offering an amendment which I hoped might have been adopted, and I will refer to the amendment, but I shall not offer it on the floor. And I hope that if any amendments are offered they will not be adopted. I think we want to get this resolution enacted into law as soon as it possibly can be done. The amendment I offered was to provide, after the word "coastwise," on page 2, line 20, the following:

Provided, That no vessel taken over as herein authorized shall be operated in the coastwise trade of the United States after the termination of the existing war.

The object of this proviso was to prevent permanent interference with the shipping business of the coastwise trade. I know that I am not in accord with the opinion of the gentlemen who sit on the majority side of the House, but I have never been in accord during my membership in this House with the Democratic Party in their action affecting the coastwise trade of the United States. Year after year we on the Republican side of the House have endeavored to protect the coastwise trade, and our friends on the other side of the aisle have made continued attacks upon it, and never until the election of 1912 were they allowed any opportunity to make any great inroads on the question of interfering with the coastwise trade. There was a proposition put into the Panama Canal act which I voted against on account of its having provisions for allowing the foreign-built vessels admitted to the American registry under the Panama Canal act to enter the coastwise trade. But it was found no great number of vessels less than 5 years old that were built abroad were available to be admitted to American registry under that act, consequently that proposition fell by the wayside and an amendment was finally adopted that provided for foreign-built vessels of any age that should be admitted to American registry under the provisions of the canal act should have the privilege of entering the coastwise trade.

I simply want to hold up to the committee considering this resolution the fact that when the time comes, if it ever does come, as I expect it will, if not in my lifetime in the lifetime of some others who have the same view that I have, that we should again obtain the control of both branches of the Congress and the Presidency the party now in the minority will endeavor to put the vessels of the coastwise trade in possession of what they formerly had as a right for more than 100 years, and that right, in my judgment, never should have been interfered with, for the protection afforded to our coasts on the Atlantic and Pacific Oceans in time of trouble would have been in the nature of a valuable volunteer coast guard by thus providing at any time to have vessels commanded by American masters and owned by American citizens possessing the exclusive right to enjoy the privilege of the coastwise trade, rather than to have vessels commanded by officers owing allegiance to a foreign flag, and who have been educated and trained under foreign influences, to have the privileges which are now afforded under existing laws and grants of authority afforded to the President in his discretion.

Nations generally do not admit vessels of other nations to their ports or allow the vessels of other nations to enter into their coastwise trade, especially if they have any protective ideas themselves. I have always been opposed to that, and I wish it distinctly understood here that I am opposed to the proposition of destroying our coastwise trade, which has been built up here after so many years of effort. But I do not feel at all at liberty to offer an amendment on the floor now, and I hope no one will offer an amendment like it. I would vote against it if it came upon this floor, for the reason that I believe the proposition which has been brought in here has been so clearly made out and is so clearly understood that it should be enacted without delay. It has been demonstrated beyond question in this debate that we are acting simply under the authority of the law, and it does not seem to me that any sound argument has been brought to bear on the action we are proposing to take. I believe we are authorized to take that action, and I am in full accord with it. I hope the bill will pass as it is now presented. [Applause.]

Mr. ALEXANDER. Mr. Chairman, I ask that the Clerk read.

The CHAIRMAN. The Clerk will read the joint resolution for amendment.

The Clerk read as follows:

Resolved, etc., That the President be, and he is hereby, authorized to take over to the United States the immediate possession and title of any vessel within the jurisdiction thereof, including the Canal Zone and all territories and insular possessions of the United States, except the American Virgin Islands, which at the time of coming into such jurisdiction was owned in whole or in part by any corporation, citizen, or subject of any nation with which the United States may be at war when such vessel shall be taken, or was flying the flag of or was under the registry of any such nation or any political subdivision or municipality thereof; and, through the United States Shipping Board, or any department or agency of the Government, to operate, lease, charter, and equip such vessel in any service of the United States or in any commerce, foreign or coastwise.

Mr. MONDELL and Mr. BORLAND rose.

The CHAIRMAN. The gentleman from Wyoming rose first and will be recognized.

Mr. MONDELL. Mr. Chairman, I did not have the opportunity of hearing the part of the general debate that had reference to the bill, and therefore possibly the questions I shall ask have already been answered.

I should like to call the attention of the chairman of the committee to the following words:

Which at the time of coming into such jurisdiction were owned in whole or in part by any corporation, citizen, or subject of any nation with which the United States may be at war when such vessel shall be taken.

I assume the purpose of the bill is to take over the vessels which were interned in our harbors at the beginning of the war which were flying the German flag or the Austrian flag and were under German or Austrian registry. But the words that I have just read would seem to authorize the taking of a ship flying any flag or having any registry, if, as a matter of fact, it was owned in part, ever so small a part, by any corporation, citizen, or subject of a nation with which the United States is at war. Is it the intent of the framers of the bill to authorize the taking over of a ship flying the American flag or the British flag or the French flag or the Norwegian flag where it develops that some German subject had a small interest in the vessel, either as an individual or as an owner of stock in a corporation?

Mr. ALEXANDER. All the questions involved have been thrashed out in committee, but the purpose of this bill directly is to take over German ships. While it is broad enough to take over the Austrian ships, should we become involved in war with Austria, it would not authorize the President to take over Austrian ships at this time, because we are not in a state of war with Austria.

Mr. MONDELL. My inquiry is this: Is not the bill broad enough to authorize the taking over of a ship flying the American flag?

Mr. ALEXANDER. Oh, no.

Mr. MONDELL. Or the French flag or the British flag?

Mr. ALEXANDER. It is not.

Mr. MONDELL. Why not? It authorizes the taking over of any vessel owned in whole or in part by any corporation, citizen, or subject of any nation with which the United States may be at war when the vessel shall be taken.

Mr. ALEXANDER. Yes. Are we at war with France or England?

Mr. MONDELL. Certainly not; but it may be possible—I do not know as a matter of fact whether it is so or not—but it may be possible that there are American ships, French ships, Norwegian ships, bearing those flags and carrying those registries in which some German subject may have a small interest, either as an individual or as a stockholder. The language I have just read would authorize, as I understand it, the taking over of any vessel flying any flag, bearing any registry, which was owned in ever so small a part by a citizen or a subject of Germany. Is that what was intended?

Mr. ALEXANDER. If it was under German registry or under the German flag, why should we not take it over?

Mr. MONDELL. But that is not what I am talking about. The gentleman has evidently not read his bill or does not understand it.

Mr. ALEXANDER. I certainly have read the bill and I think I understand it. The gentleman evidently does not understand it.

Mr. MONDELL. The bill does not provide that the President may take over a ship partly owned by a German and carrying German registry and flying the German flag. If it did, then my inquiry would have no point. But it provides that he may take over any ship owned in any part by any subject of Germany. It also provides later for the taking over of a ship flying the German flag and bearing German registry.

But the first part of the paragraph, the words I have read, either mean that the President can take over any ship, carrying any flag, having any registry, owned in any part by any subject of the German Empire, or they do not mean anything.

Mr. ALEXANDER. I am sorry I can not agree with the gentleman's construction.

Mr. MONDELL. If the gentleman will explain wherein I am wrong——

Mr. ALEXANDER. I will just read the language:

That the President be, and he is hereby, authorized to take over to the United States the immediate possession and title of any vessel within the jurisdiction thereof * * * which, at the time of coming into such jurisdiction, was owned in whole or in part by any corporation, citizen, or subject of any nation with which the United States may be at war.

Mr. MONDELL. Yes.

Mr. ALEXANDER. Not a Frenchman, not an Englishman. There is only one nation with which we are at war.

Mr. MONDELL. But, if the gentleman will allow me, there may be ships bearing the American flag, sailing under American registry, owned in small part by a German citizen or owned by a corporation some of the stock of which is in the hands of a German subject. Under the language of the bill which the gentleman has just read such a ship could certainly be taken over, because the bill does not confine its operations to ships having German registry carrying the German flag. The bill provides for the taking over of two entirely distinct classes of ships: First, ships having German registry bearing the German flag. Those are the interned ships. But in addition thereto any ship bearing any flag, having any registry, if it is owned in the most infinitesimal part by any subject of the German Empire. The gentleman asks me if we are at war with this, that, or the other country other than Germany. Of course we are not; but when you provide for the taking over of a ship which may bear the French or English or other flag, if a citizen or subject of Germany has any interest in it whatever, you are taking a step that under other conditions might lead to war.

Mr. BORLAND. Will the gentleman yield?

Mr. MONDELL. Yes.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MONDELL. I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. The gentleman from Wyoming asks unanimous consent that his time be extended five minutes. Is there objection?

There was no objection.

Mr. BORLAND. The gentleman overlooks two very material points.

Mr. MONDELL. I will be very glad to have the gentleman enlighten me.

Mr. BORLAND. The first is that the bill provides that the President is hereby "authorized" to take over; he is not directed or required to take over——

Mr. MONDELL. I take it that the gentleman from Missouri would not want to vote for a bill that clearly and definitely and beyond all question authorized the President to take over American ships, even though it were only permissive in its terms.

Mr. BORLAND. No; but I want to call attention to the second point which the gentleman overlooks.

Mr. MONDELL. A great many crimes have been committed under mere permission.

Mr. BORLAND. The President ought to be authorized to take over such a ship, even though not under German registry or the German flag, if it is in fact wholly owned by German citizens.

Mr. MONDELL. Wholly; perhaps so, though I am not sure of that; but this says in "whole or in part."

Mr. BORLAND. Wholly or chiefly.

Mr. MONDELL. That is the information I have been seeking, and which the chairman of the committee did not give. Is that what the committee intended to do? If so, should it be done?

Mr. BORLAND. That is my construction of it. And if the Germans, for any purpose of their own, are sailing ships under some other flag, those ships ought to be liable to seizure to the same extent as German ships flying the German flag.

Mr. MONDELL. But there have been no ships interned except the ships carrying the German flag.

Mr. BORLAND. That is where the gentleman is getting down to a practical question; and, as my colleague from Missouri [Mr. ALEXANDER] says, there are no ships within the contemplation of this law, except German ships. But if the gentleman is arguing a purely technical legal right, I say that the President should have the power and should be authorized to take over certain ships, even though they be not actually under the German flag.

Mr. MONDELL. That is what I want to know, whether it was the intent of the framers of the bill to give the President authority to take over an American ship, a French ship, or a Scandinavian ship bearing the flag and the registry of one of those countries if he discovered that a dollar's worth of the stock or bonds of such ship or any interest in it were owned by a German citizen. If that is the intent, I do not know that I shall quarrel with it, but why has no one discussed or defended so unusual and, as I see it, so questionable a procedure?

Mr. BORLAND. That is a purely technical construction of it. The chances are, as the gentleman knows, that the President will not take over any such ships, but he ought to be authorized to take over a ship, even though it may not be technically under German registry, if, in fact, it is owned by German subjects.

Mr. SISSON. Will the gentleman yield for a moment?

Mr. MONDELL. Yes.

Mr. SISSON. It seems to me that the question the gentleman raises is perhaps answered by the words in line 8, page 2:

Which at the time of coming into such jurisdiction was owned in whole or in part.

Mr. MONDELL. Yes; but that does not explain it.

Mr. SISSON. One moment. If it is a vessel of the United States Government, it is always within our jurisdiction. The United States Government controls absolutely all vessels of its own registry. Now, if it is a German ship, although wholly owned by American citizens, but registered as a German vessel, operating under the German law, coming into one of our ports, it might be seized under this bill; but if a German subject owns stock in one of our shipping corporations, I do not believe that the fact of his being a stockholder in the corporation or in a single ship would subject that ship to be taken under this language, because that would always be subject to the laws of the United States anyway, because it would have to come within our jurisdiction.

Mr. MONDELL. But if the gentleman will allow me, it seems to me the language of the act ought to be so clear that there would be no misunderstanding. If that is the intent, and it is decided that is a wise thing to do, I shall have no quarrel with it; but clearly the language I have read would authorize the taking over of a ship carrying any flag, under any registry, if German subjects were interested in any way in the ship, if they owned any part of it, either as individuals or as members of a corporation.

Now, that involves an entirely different principle from that involved in the taking over of a ship flying an enemy flag and under enemy registry, particularly ships that are, some of them at least, listed as German naval auxiliaries. All that may be done legitimately as a war measure. Some may urge that any property of an alien enemy may be seized, houses, lands, money in bank, or personal property, including interests in corporations; however that may be viewed as a legal proposition we are not proposing to do it, but in this bill you authorize a procedure quite as extraordinary as it would be to authorize the taking over any banking or industrial enterprise owned in ever so small a part by a German citizen or subject.

Mr. ELSTON. Mr. Chairman, I move to strike out the last word. I would like to ask the chairman of the committee a question bearing on the same subject matter that has been brought to his attention by the gentleman from Wyoming [Mr. MONDELL]. The question is, Why has there been a separation of ownership and registry? Why has not the gentleman joined the registry and the ownership?

I have a special case in mind the difficulty of which would be remedied if the suggestion of the gentleman from Wyoming were adopted. He has shown that you may take over a vessel under British or French registry in which a very small part is owned by German citizens.

Mr. ALEXANDER. Does the gentleman know of any case of that sort?

Mr. ELSTON. I can easily imagine a case of that sort.

Mr. ALEXANDER. Why should you go into imagining cases?

Mr. ELSTON. There is a case I have in mind, and I do not know but that the situation might appeal to the gentleman. I have no doubt of his disposition to be fair and equitable. There is an actual case on the Pacific coast where an Ameri-

can citizen purchased a German sailing bark. The purchase was made four or five months ago. The transaction was executory only in the fact that American registry was not granted in view of the fact that there was probability at the time of difficulties between the German Government and our own. The purchase price was deposited in escrow and the equitable ownership vested in the American citizen. This is a case which I think should be considered in this discussion.

Mr. ALEXANDER. I am frank to say that the committee did not consider every possibility; but this bill makes it permissive with the President; he may take over the vessels or he may not. If there are any such cases as the gentleman imagines, I suppose the President will waive the equities in the interest of American citizens.

Mr. ELSTON. That is all the interest I have in it. I believe the committee should protect the rights of American citizens. I am not assuming that the gentleman is going to disregard them.

Mr. MONDELL. Will the gentleman yield?

Mr. ELSTON. Yes.

Mr. MONDELL. I want to make this suggestion: That if the intent of this bill is simply to take over the ships that were flying the German flag and under the German register, partly or wholly owned by Germans, that can easily be accomplished by striking out the word "or," in line 14, and inserting the word "and."

Mr. ELSTON. That is the suggestion I am making to the chairman of the committee. Why not strike out the word "or" and insert the word "and" and combine the ownership and registry?

Mr. ALEXANDER. Because it is wholly unnecessary. Our purpose is to pass this bill this evening that it may become a law at once. I think it is of paramount importance that we should get possession of these ships and not split hairs about imaginary cases that may arise in the future. We give the President permission to take these vessels, and he may or may not take them over, and we give him the implied power to consider the equities of such cases as the gentleman refers to.

Mr. ELSTON. I am just as anxious to have this bill passed as soon as possible as is the gentleman from Missouri. I am merely suggesting possible hardships under its execution. I certainly intend to vote for it.

Mr. BORLAND. Mr. Chairman, I move to strike out the last word. I did not have the opportunity to speak in general debate, or, at least, I surrendered the reservation of time that I had. I want to say that I trust there will be no demand to amend this bill in regard to the taking possession of the vessels. For my own part, I think that we could well provide in the bill for the payment of any possible interest that an American citizen has in the ships, and so provide at the time. But I want to clear up, if I may, in the mind of my friend from Wisconsin, who is unquestionably right on the broad principle of international law, the legal aspect of this situation in this act of Congress. It would be utterly impossible for us to provide in this kind of a measure for the compensation to alien enemies. All we could do would be to announce a policy or make a recitation of future intention, which is sometimes a dangerous thing to do.

I take it that the gentleman from Wisconsin [Mr. STAFFORD] does not simply want that, but he will recognize instantly himself how impossible it is from a legal standpoint to safeguard the rights of an alien enemy. Assuming, as I know he does, that we have an indisputable right to seize these ships, and that it is our duty under the circumstances to do so, the question of the future compensation to a possible alien owner must be left to the future policy of the Government. It was provided in section 3 of the original bill that an American citizen should have the right of action against his own Government for compensation. That is a matter of grace, because under the general rule of law a sovereignty can not be sued without its own consent; but I have never seen a case where sovereignty submitted to be sued by a friend, even an alien friend. It is impossible to imagine a case where an alien enemy would have a right to go into the courts of the country during the continuance of a war.

Does the gentleman really expect that some provision might be made giving these alien enemies a legal right at this time? The entire provision will be a mere declaration of future intentions, which, as I say, would not only be futile, but in some cases dangerous.

Mr. STAFFORD. Is the gentleman aware that under existing statutes foreigners may present claims against the Government in the Court of Claims if the same reciprocal rights are granted to citizens of our country in other countries?

Mr. BORLAND. I have no doubt there are such cases.

Mr. STAFFORD. It is the law; it is not a matter of cases.

Mr. GORDON. But there is no law authorizing an alien enemy to sue in the Court of Claims.

Mr. BORLAND. No; and there never was. I think the gentleman from Ohio is unquestionably right. These claims must be left to the adjudication of the peace commission upon the conclusion of peace, and it is impossible to exclude at that time the question of our reciprocal rights against the Government of that particular subject who claims that we have injured it. It may turn out that we shall insist upon Germany paying the claims of her own citizens. There have been three cases in this country where the United States has assumed as a matter of treaty the payment of spoliation claims to its own citizens. First, there was the French spoliation claims; second, the Spanish spoliation claims; and, third, the Mexican. It may easily happen, and I think will happen, that we shall insist upon Germany treating solely with her own citizens with regard to any spoliation claims.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. MONDELL. Mr. Chairman, I desire to offer an amendment. I move to strike out, in line 11, page 1, the word "or" and to insert in lieu thereof the word "and."

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Wyoming.

The Clerk read as follows:

Page 1, line 11, strike out the word "or" and insert in lieu thereof the word "and," so that it will read: "when such vessel shall be taken and was flying the flag, etc."

Mr. MONDELL. Mr. Chairman, I would like to be heard upon this for just a moment. The bill as it stands would very clearly authorize the taking over of a ship carrying any flag under any registry if it was owned in part by a German subject. Evidently that is not the intent of the framers of the bill.

Mr. MONTAGUE. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. Yes.

Mr. MONTAGUE. Does not the gentleman think that that ought to be the construction and ought to be the law?

Mr. MONDELL. That has not been my thought.

Mr. MONTAGUE. The gentleman says this very clearly does it. Does that not consummate the gentleman's thought?

Mr. MONDELL. I can think of no argument for going into an elaborate examination of the ownershsip of all of the steamships and shipping companies and privately owned ships of the world in order to discover whether some one of them may be owned in a very small part by some German subject. What we are proposing to do is to take over some interned ships, and if the resolution be amended as I suggest, it will give full authority to do that thing.

Mr. ELSTON. Would it possibly cloud the title by having a possible execution of this privilege in the President impending over the title of every vessel under American registry, French registry, or British registry in which a German citizen may have any interest?

There would be suspended over such vessels the possibility that the President under the athority of this act might forfeit the title to the Government of the United States. If the gentleman will permit, I can not conceive of any instance in which the United States Government would desire to take over any vessel partly owned by a German citizen, but sailing under either American, French, or British registry. There are very cogent reasons why German ownership in whole or in part should be joined to German registry before confiscation is permitted. In an actual case on the Pacific coast the equitable and legal ownership passed many months ago to an American citizen, and the only thing remaining is the change from German to American registry.

Mr. MONDELL. Mr. Chairman, if there is any reason why we should authorize the President to take over ships bearing the flag and having the registry of nations with which we are at peace, that is an important matter that should be considered and discussed, and it has not been considered and discussed in connection with this legislation, and my purpose is simply to amend the bill so that it will authorize what its authors intended to accomplish, as I understand it—that is, to take over these interned ships, ships owned wholly or in part by Germans, carrying the German flag and under German registry.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wyoming.

The question was taken, and the Chairman announced the noes seemed to have it.

On a division (demanded by Mr. MONDELL) there were—ayes 13, noes 39.

So the amendment was rejected.

The Clerk concluded the reading of the joint resolution.

Mr. ALEXANDER. Mr. Chairman, I move that the committee do now rise and report the joint resolution to the House with the recommendation that the same do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. BOOHER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration Senate joint resolution 42 and had directed him to report the same back to the House without amendment and with the recommendation that the joint resolution do pass.

Mr. ALEXANDER. Mr. Speaker, I move the previous question on the joint resolution.

The previous question was ordered.

The joint resolution was ordered to be read the third time, was read the third time, and passed.

On motion of Mr. ALEXANDER, a motion to reconsider the vote by which the joint resolution was passed was laid on the table.

LEAVE TO EXTEND REMARKS.

Mr. ALEXANDER. Mr. Speaker, I ask unanimous consent that those who spoke on the bill may have leave to revise and extend their remarks.

The SPEAKER. The gentleman from Missouri asks unanimous consent that all gentlemen who spoke on Senate joint resolution 42 have leave to revise and extend their remarks. Is there objection? [After a pause.] The Chair hears none; and, without objection, House joint resolution 62 of similar tenor will lie on the table.

There was no objection.

REPRINT OF A BILL.

Mr. LEVER. Mr. Speaker, I ask unanimous consent for the reprint of the bill H. R. 4125.

The SPEAKER. The gentleman from South Carolina asks unanimous consent for a reprint of the bill the title of which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 4125) to provide further for the national security and defense by encouraging agriculture and regulating the marketing and distribution of foods and other necessaries of life.

The SPEAKER. Is there objection?

Mr. MANN. What does the gentleman mean by a reprint?

Mr. LEVER. I understand through the clerks of my committee that the document room has exhausted the supply of these bills that have been printed. I have not looked into the matter personally, but I understand that the number allowed are exhausted and Members can not get copies of the bill.

The SPEAKER. Is there objection?

Mr. MANN. I do not know just what this reprint will be——

Mr. LEVER. I do not myself.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

LEAVE OF ABSENCE.

By unanimous consent, Mr. RODENBERG was granted leave of absence indefinitely on account of sickness in his family.

STEAM YACHT "OWERA."

Mr. PADGETT. Mr. Speaker, I ask unanimous consent for the consideration of the bill S. 1845, the bill I mentioned this morning, to allow Senator GERRY to turn over to the department during the war his boat.

The SPEAKER. Is it a House bill?

Mr. PADGETT. It is a Senate bill.

The SPEAKER. The gentleman from Tennessee [Mr. PADGETT] asks unanimous consent for the consideration of a bill, which the Clerk will report.

The Clerk read as follows:

An act (S. 1845) to authorize PETER GOELET GERRY to enter into a contract with the Secretary of the Navy, in behalf of the United States for the use of the steam yacht *Owera*.

Be it enacted, etc., That PETER GOELET GERRY, a Senator of the United States from the State of Rhode Island, having offered to the Government for the period of the war the use of his yacht hereinafter named, be, and he is hereby, authorized to enter into a contract or agreement with the Secretary of the Navy, in behalf of the United States, for the use by the United States of the steam yacht *Owera*, owned by the said Senator, for such period as may be mutually agreeable to the parties to the contract or agreement herein authorized.

SEC. 2. That the provisions of sections 114 and 115 of the act approved March 4, 1909, entitled "An act to codify, revise, and amend the penal laws of the United States," and any other laws or parts of laws inconsistent herewith, be, and they are hereby, declared inapplicable to the said PETER GOELET GERRY and the Secretary of the Navy, or such other officer or officers of the United States as shall, on behalf of the Secretary of the Navy, enter into the aforesaid contract or agreement for the purposes and to the extent set forth in section 1 hereof.

The SPEAKER. Is there objection?

Mr. STAFFORD. Reserving the right to object, I wish to ask the gentleman a question. I notice in the letter of the Secretary of the Navy, in the report accompanying this bill, that he states it is not his policy to accept ships offered gratis to the Government unless it is with the authority of Congress. I wish to inquire whether the committee has considered the suggestion of the Secretary of making a general authorization for him to accept these vessels rather than singling out special instances, as is provided in the bill under consideration?

Mr. PADGETT. I will state that I can not say it has been before the committee. I have personally been giving some consideration to that.

Mr. STAFFORD. The Secretary directs attention to the fact that there are many instances of private persons having offered their vessels free to the Government, but he does not feel warranted in accepting them without authority of Congress. Why should not the House favor such a policy and not single out just one bill for special distinction?

Mr. PADGETT. When it was offered and it was called to my attention, as I stated, I had been thinking of preparing a bill along that line. But this is offered, and they want it, and they said it would be useful. I see no objection to granting the authority. Other persons can trade with the Government because they are not prohibited. But a Member of Congress without the authority of the House or Senate can not enter into any agreement for trade, because the statute forbids. This is simply to remove the objection of the statute and forbid him, notwithstanding the statute, to make the trade.

Mr. STAFFORD. We all agree that the Government is in need of ships.

Mr. PADGETT. Yes, sir; very much.

Mr. STAFFORD. I suppose we all further agree that the Government should accept the ships of all persons, whether United States Senators or private individuals. Here we have a declaration of the Secretary of the Navy saying that he will not accept them without authorization of Congress. Why should we not have a general law rather than such a private bill as is under consideration?

Mr. PADGETT. As I was saying, I was thinking of preparing and introducing a bill of that kind, but so far it has not been done.

Mr. MANN. Reserving the right to object, the committee reports that Senator GERRY is the owner of a yacht, and as it is the Navy Department can not accept as a gift to the Government any property of considerable value without a contract.

Mr. PADGETT. Where is that?

Mr. MANN. I am reading from the report of the committee. What about the charge? Does the gentleman know?

Mr. PADGETT. It is free. There is no charge or compensation at all to be paid.

Mr. MANN. There is nothing in this bill to that effect.

Mr. PADGETT. That is the proposition that he makes to the Government, and the Secretary in his letter states it is without charge or compensation.

Mr. MANN. But the report of the committee shows that the department declined to accept the free gift to the Government, and therefore it is necessary to enter into a contract. That implies that there is to be a contract for a consideration.

Mr. PADGETT. No. The Secretary in his letter stated that it is without charge or compensation.

Mr. MANN. But the Secretary states he wants authority to enter into a contract because he does not accept free gifts.

Mr. PADGETT. There is the general law, you will remember——

Mr. MANN. I know the general law forbids a Member of Congress making a contract.

Mr. PADGETT. I understand, and the general law forbids the Government to accept gifts also.

Mr. NORTON. What would be the compensation if the yacht was destroyed during the war?

Mr. PADGETT. None whatever, as I understand, sir.

Mr. NORTON. There is nothing to indicate that in this proposed legislation.

Mr. PADCETT. That will be in the contract. He proposes just to turn it over to the Government and let them use it without any liability or any compensation.

Mr. MANN. I suppose the gentleman considers this as an emergency matter.

Mr. PADGETT. The Government is needing ships very much.

Mr. MANN. That being the case, why is not what the Secretary refers to an emergency matter? The Secretary's letter says that while the department is very much in need of vessels and desires to accept vessels they can not do so without the consent of Congress. Why is not that an emergency matter just as much as for one vessel?

Mr. PADGETT. I was stating to the gentleman that I was thinking of preparing a bill and bringing it before the House.

Mr. MANN. Thinking about it is very slow if it is an emergency matter. This bill was reported to the House two weeks ago.

Mr. PADGETT. Yes. I have several other matters here that are needed——

Mr. MANN. But the gentleman is only thinking now of preparing a bill on a real emergency matter.

Mr. PADGETT. I have been preparing a good many others that are on the calendar.

Mr. MANN. On the calendar?

Mr. PADGETT. Yes. I have been holding hearings every day, and we have been considering bills and reporting them.

Mr. MANN. I think it would probably expedite the gentleman's thinking about the general subject if we do not pass this bill at this moment.

Mr. PADGETT. I hope the gentleman will not object.

Mr. MANN. Then I am not sure whether this has met the approval of the Democratic caucus. [Laughter.] We were told this morning by gentlemen on the other side that the House could not pass anything because the Democratic caucus had so decided. The Democratic caucus runs the Congress. I think the gentleman ought to go and get the approval of the Democratic caucus.

Mr. PADGETT. I appreciate the gentleman's humor. [Laughter.] But on the merits of this matter I think we ought to pass this bill, and I hope there will be no objection.

The SPEAKER. Is there objection?

Mr. MANN. For the present I object.

The SPEAKER. The gentleman from Illinois objects.

ADJOURNMENT.

Mr. ALEXANDER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 45 minutes p. m.) the House adjourned until to-morrow, Tuesday, May 8, 1917, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Navy, transmitting tentative draft of legislation to amend section 1570 of the Revised Statutes of the United States (H. Doc. No. 122); to the Committee on Naval Affairs and ordered to be printed.

2. A letter from the Secretary of the Navy, transmitting a draft of proposed legislation transferring the vessels of the Bureau of Fisheries, Commerce Department, to the jurisdiction of the Navy Department in time of war (H. Doc. No. 123); to the Committee on the Merchant Marine and Fisheries and ordered to be printed.

3. A letter from the Secretary of the Navy, transmitting tentative draft of a bill to authorize additional pay for enlisted men detained beyond the expiration of their terms of enlistment (H. Doc. No. 124); to the Committee on Naval Affairs and ordered to be printed.

4. A letter from the Secretary of the Navy, transmitting tentative draft of a bill to authorize the designation by the President of six officers of the Navy for the command of fleets or subdivisions thereof with the rank of admiral and vice admiral, and for other purposes (H. Doc. No. 125); to the Committee on Naval Affairs and ordered to be printed.

5. A letter from the Secretary of the Navy, transmitting tentative draft of a provision of legislation authorizing the President to drop from the rolls of the Navy or Marine Corps any officer under certain conditions (H. Doc. No. 126); to the Committee on Naval Affairs and ordered to be printed.

6. A letter from the Secretary of the Navy, transmitting tentative draft of a bill to authorize the Secretary of the Navy to determine where and when there are no public quarters available for officers of the Navy and Marine Corps (H. Doc. No. 127); to the Committee on Naval Affairs and ordered to be printed.

7. A letter from the Secretary of the Navy, transmitting tentative draft of a bill to provide for the disposition of the effects of deceased persons in the naval service (H. Doc. No. 128); to the Committee on Naval Affairs and ordered to be printed.

8. A letter from the Secretary of the Navy, transmitting tentative draft of a bill for the relief of certain enlisted men of the United States Navy (H. Doc. No. 129); to the Committee on Claims and ordered to be printed.

9. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, reports on preliminary examination and survey of Olympia Harbor, Wash. (H. Doc. No. 130); to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

10. A letter from the Secretary of the Treasury, transmitting copy of a communication of the Secretary of War submitting an estimate of appropriation required for the service of the fiscal year ending June 30, 1918, for disposition of remains of officers, soldiers, and civilian employees (H. Doc. No. 131); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. LEVER, from the Committee on Agriculture, to which was referred the bill (H. R. 4188) to provide further for the national security and defense by stimulating agriculture and facilitating the distribution of agricultural products, reported the same with amendment, accompanied by a report (No. 44), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. VAN DYKE: A bill (H. R. 4229) to prohibit the use of stop-watch or timing devices or systems in the Postal Service; to the Committee on the Post Office and Post Roads.

By Mr. GALLIVAN: A bill (H. R. 4230) for the relief of officers of the National Guard; to the Committee on Military Affairs.

Also, a bill (H. R. 4231) providing that the pay of officers and enlisted men of the National Guard, while in the United States service, shall be the same as officers and men in the Regular Army; to the Committee on Military Affairs.

By Mr. PARK: A bill (H. R. 4232) extending the limit of time for the construction of a bridge across Flint River; to the Committee on Interstate and Foreign Commerce.

By Mr. DILLON: A bill (H. R. 4233) to further national security and defense by increasing food production; to the Committee on Appropriations.

By Mr. CHARLES B. SMITH: Joint resolution (H. J. Res. 82) to state the rights of nations and to lay the foundations for the establishment of a court of nations, a congress of nations, an international army and navy, and for other purposes; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BRITTEN: A bill (H. R. 4234) granting a pension to George S. Frankenfield; to the Committee on Pensions.

By Mr. CLARK of Missouri: A bill (H. R. 4235) granting a pension to Henry Myers; to the Committee on Invalid Pensions.

By Mr. RUSSELL: A bill (H. R. 4236) to carry out the findings of the Court of Claims in case of Wiley S. Holland; to the Committee on War Claims.

By Mr. CHARLES B. SMITH: A bill (H. R. 4237) for the relief of Alexander W. Hoffman; to the Committee on Claims.

By Mr. VAN DYKE: A bill (H. R. 4238) for the relief of A. E. Kuester; to the Committee on Claims.

By Mr. WALTON: A bill (H. R. 4239) for the relief of Dora Gaines Delano, and for other purposes; to the Committee on the Public Lands.

Also, a bill (H. R. 4240) for the relief of Alma Harris; to the Committee on the Public Lands.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. CARY: Petitions of sundry citizens of Milwaukee, Wis., against increase in rates on second-class mail matter; to the Committee on the Post Office and Post Roads.

Also, petitions of sundry citizens of Milwaukee, Wis., against war tax on automobiles; to the Committee on Ways and Means.

By Mr. CLARK of Florida: Petition of John Rimes and other citizens of the State of Florida, asking that sufficient taxes be levied on the surplus profits of corporations and partnerships and the incomes of individuals to pay the entire expense incident to preparation for and conduct of the war with Germany; to the Committee on Ways and Means.

Also, petition of faculty of the University of Florida, protesting against the enactment of legislation providing for universal

compulsory military training; to the Committee on Military Affairs.

Also, petitions of Citizens' Protective League of Fernandina, Fla., declaring approval of the act of the President and Congress in declaring war on Germany; to the Committee on Foreign Affairs.

Also, petition of the Marion County (Fla.) Agricultural Committee, asking that Congress investigate farm labor conditions in the South, with a view to making the same more stable and reliable; to the Committee on Labor.

Also, petition of faculty and student body of Columbia College, Lake City, Fla., declaring allegiance to the Government of the United States; to the Committee on Foreign Affairs.

By Mr. DALE of New York: Petition of William T. Holden, of Brooklyn, N. Y., against tax on movie theaters and operators; to the Committee on Ways and Means.

Also, petition of Globe Elevator Co., John S. Sills & Sons, of New York City, and Hudson Valley Muslin Underwear Co., of Poughkeepsie, N. Y., favoring passage of bill for revision of postal rates; to the Committee on the Post Office and Post Roads.

By Mr. DILLON: Petition of Clifford R. Siason, W. C. Pierson, C. L. Johnson, and others, of Goodwin, S. Dak., favoring the prohibition of the liquor traffic as a war measure; to the Committee on the Judiciary.

By Mr. ESCH: Memorial of Woman's Club, favoring universal military training; to the Committee on Military Affairs.

Also, memorial of Wisconsin Anti-Saloon League, of Milwaukee, Wis., favoring prohibition as a war measure; to the Committee on the Judiciary.

Also, petition of labor organizations, asking investigation of bomb throwing in San Francisco on the 22d of July, 1916; to the Committee on Labor.

By Mr. FULLER of Illinois: Petitions of Illinois Athletic Club and Chamber of Commerce of the State of New York, favoring universal military service; to the Committee on Military Affairs.

Also, petition of J. E. Porter Co., of Ottawa, Ill., favoring prohibition as war measure; to the Committee on the Judiciary.

Also, petition of the Central Federated Labor Union of Greater New York, opposing national prohibition; to the Committee on the Judiciary.

Also, petitions of J. C. Deagan Musical Bells Co., opposing additional tax on business; to the Committee on Ways and Means.

Also, petition of Rockford (Ill.) Manufacturers and Shippers' Association, against tax on denatured alcohol; to the Committee on Ways and Means.

Also, petition of the Farm Journal, protesting against increase of postage on second-class matter; to the Committee on the Post Office and Post Roads.

Also, petition of Schaffer & Co., of Chicago, Ill., favoring increase of postage rates on second-class matter; to the Committee on the Post Office and Post Roads.

By Mr. GORDON: Petition of John D. Fackler and 294 other residents of Cleveland, Cuyahoga County, Ohio, in support of collecting the money necessary to pay the expenses of the war from income and excess-profit taxes, to restrict excessive profit upon the necessaries of life, that soldiers be paid sufficient to keep their families in comfort, and to provide for equalizing the burdens of war; to the Committee on Ways and Means.

By Mr. GREENE of Vermont: Petition of Wesley W. Smith and others, of the first congressional district of Vermont, urging the national prohibition of the manufacture and sale of intoxicating liquors as a beverage for at least the duration of the present war with Germany; to the Committee on the Judiciary.

Also, petition of Frank W. Hazen and others, of the first congressional district of Vermont, urging national prohibition as a war measure; to the Committee on the Judiciary.

By Mr. HUTCHINSON: Memorial of Defense Emergency League of Newark, N. J., urging national control and distribution of foodstuff; to the Committee on Agriculture.

Also, petition of 104 citizens of Trenton, N. J., protesting against censorship section of the espionage bill; to the Committee on Military Affairs.

By Mr. LINTHICUM: Memorial of members of the Presbytery of Baltimore of the Presbyterian Church in the United States of America, favoring prohibition as a war measure; to the Committee on Military Affairs.

Also, memorial of 2,000 Baltimoreans and medical and chirurgical faculty of the State of Maryland, favoring universal military training; to the Committee on Military Affairs.

Also, memorial of Woman's Club of Bethesda, Md., favoring tax on incomes for war revenue; to the Committee on Ways and Means.

By Mr. LONERGAN: Memorial of Charles Barnes and others, of Hartford County, relative to taxing incomes for war revenue; to the Committee on Ways and Means.

Also, memorial of Cigar Makers' Local Union, No. 42, of Hartford, Conn., against any increase in internal-revenue tax; to the Committee on Ways and Means.

By Mr. MOTT: Memorial of Northern New York Federation of Women's Clubs and citizens of Oneida, N. Y., favoring prohibition as war measure; to the Committee on the Judiciary.

Also, memorial of six churches of Fulton, N. Y., favoring an antipolygamy amendment to the Constitution; to the Committee on the Judiciary.

By Mr. POWERS: Petition of the faculty of Berea College, Berea, Ky., favoring the prohibition of use of foodstuffs in the manufacture of intoxicating liquors; to the Committee on the Judiciary.

Also, petition of sundry citizens of Bell County, Ky., protesting against the consumption of foodstuffs in manufacture of intoxicating liquors; to the Committee on the Judiciary.

By Mr. PRATT: Petition of Mr. G. B. Wixson, Mr. R. B. Kellogg, and sundry other citizens of Elmira, N. Y.; favoring national prohibition as a war measure; to the Committee on the Judiciary.

By Mr. RAKER: Petition of Judge C. E. McLaughlin, of Sacramento, Cal., in behalf of citizens of Sacramento, supporting the President in effort to provide adequate Army and Navy, etc.; to the Committee on Military Affairs.

By Mr. RANDALL: Petition of Thomas G. Burt, president of Occidental College, Los Angeles, and 75 others, favoring national prohibition as war measure; to the Committee on the Judiciary.

Also, petition of First Presbyterian Church, Trapico, Cal., favoring war-time prohibition; to the Committee on the Judiciary.

Also, petition of mass meeting at Alhambra, Cal., favoring war-time prohibition; to the Committee on the Judiciary.

Also, petition of G. E. Candee and 30 others, of Eagle Rock, Cal., favoring the prohibition of the use of foodstuffs in the manufacture of intoxicating liquors; to the Committee on the Judiciary.

By Mr. SHOUSE: Petition of Mennonite Congregation at Pawnee Rock, Kans., asking exemption from military service; to the Committee on Military Affairs.

Also, petition of citizens of Scandia, Kans., asking that no American soldiers be sent outside of the United States during the war; to the Committee on Military Affairs.

By Mr. SNOOK: Petitions of Sunday schools of the Lutheran United Brethren and the Christian Churches of Malinto, Ohio, favoring national prohibition as war measure; to the Committee on the Judiciary.

By Mr. SNYDER: Memorial of First Baptist Church, of Poland, N. Y., favoring amendment to the Constitution prohibiting polygamy; to the Committee on the Judiciary.

Also, petition of International Molders' Union, of Frankfort, N. Y., for investigation of the so-called bomb plot at San Francisco; to the Committee on Labor.

Also, memorial of Oakland Distributing Co., of Little Falls, N. Y., against 5 per cent tax on automobiles; to the Committee on Ways and Means.

By Mr. STINESS: Petition of Harold L. Madison, curator of Rogers Williams Park Museum, Providence, R. I., favoring national prohibition as war measure; to the Committee on the Judiciary.

By Mr. TEMPLE: Petition adopted at mass meeting held by citizens of Smiths Ferry, Pa., April 25, 1917, favoring enactment of a national prohibition law, in view of the present war situation; to the Committee on the Judiciary.

Also, petition adopted at mass meeting held by citizens of Midland, Pa., on April 25, 1917, favoring enactment of national prohibition law, in view of the present war situation; to the Committee on the Judiciary.

Also, 13 petitions favoring taxation upon net earnings of corporations and incomes and certain other legislation; to the Committee on Ways and Means.

By Mr. VAN DYKE: Petition of Union Ministers' Association of St. Paul, Minn., favoring a Federal motion-picture censorship; to the Committee on Interstate and Foreign Commerce.

Also, petition of Union Ministers' Association of St. Paul, Minn., favoring a bill to forbid interstate transmission of race-gambling debts; to the Committee on Interstate and Foreign Commerce.

By Mr. VARE: Memorial of Fairmount Business Men's Association, of Philadelphia, Pa., favoring bill to permit Col. Roosevelt to raise division for service in Europe; to the Committee on Military Affairs.

By Mr. WOODYARD: Memorial of citizens of West Virginia, relative to raising revenue necessitated by war and preparation for war; to the Committee on Ways and Means.

SENATE.

TUESDAY, *May 8, 1917.*

(Legislative day of Wednesday, May 2, 1917.)

The Senate reassembled at 12 o'clock m., on the expiration of the recess.

Mr. OVERMAN. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hardwick	New	Sterling
Bankhead	Hollis	Norris	Sutherland
Beckham	Husting	Overman	Swanson
Brandegee	James	Owen	Thomas
Chamberlain	Johnson, Cal.	Page	Thompson
Colt	Jones, N. Mex.	Phelan	Townsend
Culberson	Jones, Wash.	Pittman	Trammell
Cummins	Kellogg	Pomerene	Underwood
Curtis	Kendrick	Reed	Vardaman
Dillingham	Kenyon	Robinson	Wadsworth
Fall	King	Saulsbury	Walsh
Fernald	Kirby	Shafroth	Warren
Fletcher	Knox	Sheppard	Watson
France	La Follette	Sherman	Weeks
Frelinghuysen	Lewis	Simmons	Williams
Gallinger	Lodge	Smith, Ariz.	Wolcott
Gronna	McKellar	Smith, Ga.	
Hale	McLean	Smith, Md.	
Harding	Martin	Smoot	

Mr. SUTHERLAND. I desire to announce the absence of my colleague, the senior Senator from West Virginia [Mr. GOFF], on account of illness. I will let this announcement stand for the day.

Mr. MCKELLAR. The senior Senator from Tennessee [Mr. SHIELDS] is away on public business. I ask that this announcement may stand for the day.

Mr. CHAMBERLAIN. I wish to announce that my colleague [Mr. LANE] is absent on account of illness.

Mr. FRELINGHUYSEN. I desire to announce the unavoidable absence of my colleague [Mr. HUGHES] on account of illness. This announcement may stand for the day.

The VICE PRESIDENT. Seventy-three Senators have answered to the roll call. There is a quorum present.

MINT AT DENVER, COLO. (S. DOC. NO. 23.)

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Director of the Mint submitting an estimate of a deficiency in the contingent appropriation of the mint at Denver for the current fiscal year in the sum of $4,000, which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a telegram in the nature of a petition from the twelfth district of the Indiana State Federation of Clubs, of South Whitley, Ind., and a petition of the congregation of the Methodist Episcopal Church South, of Harriman, Tenn., praying for national prohibition as a war measure, which were referred to the Committee on the Judiciary.

Mr. JONES of Washington. I present a memorial in the nature of a petition, which I ask may be printed in the RECORD without reading.

There being no objection, the memorial was ordered to be printed in the RECORD, as follows:

SEATTLE, WASH., *April 28, 1917.*

Hon. WESLEY L. JONES,
Washington, D. C.

DEAR SIR: The United Irish Societies of Seattle, Wash., having appointed a joint committee to express to you officially their view of the service which it lies in the power of the Congress of the United States at this time to render to the cause of democracy and small nationalities, through the restoration of its freedom to the Irish nation, the committee has commissioned us as its officers to forward to you the following as the expression of its view and that of the various societies which called it into existence:

"On behalf of a great historic nation, whose nationhood and civilization antedate those of any other European country save Greece alone, and which for over seven centuries has maintained in open warfare its right to the liberties of which it has been robbed, we appeal to the Congress of the United States. We do so as citizens of this Republic, for the protection of whose honor and whose liberties the men of our race are to-day, as they have ever been since its foundation, ready to yield up, if necessary, all that they are and all that they have in this life.

"We appeal to you at this portentious crisis in the world's history for your aid in asserting and bringing to realization the restored liberties of Ireland, the cradle of our race, and ever the unfailing friend and champion of the American Republic, its liberties, and its institutions.

"When in his effort to bring peace to the distracted nations of Europe our national Executive, with that rare eloquence peculiarly his, proclaimed our national purpose to be therein the vindication of democracy and 'the rights and liberties of small nationalities,' he struck a tenderly responsive chord in the hearts of the Irish race the world over.

"It has happened, as the world well knows, that the leading belligerent nations have, however equivocally, sought in their response to the President's appeal to justify themselves by the avowal of a corresponding purpose.

"Since under the providence of God it has been vouchsafed that while claiming only to seek the well-being of humanity we should have been called upon ourselves to become one of the belligerents, the great privilege is now presented to us as a Nation to successfully assert against all opposing forces the glorious principles upon which rest the institutions of this Nation. With such an opportunity at its disposal, it is fitting that we should appeal, and we do appeal most sacredly, to the American Congress that it may at this time take such action as must necessarily secure at once the independence of Ireland.

"The great occasion now offers itself to the national representatives of this people, and we ask that, in the glorious spirit which wrought the liberation of the sister island of Cuba, and which has extended the willing hand of aid and comfort to all nations struggling to be free, the Congress of the United States shall demand of those nations with which we are to act in concert in the prevailing hostilities, and directly and immediately of that one of them which holds her in bondage, that Ireland shall forthwith be restored to her lost national independence.

"For such a demand at this time we have the warrant of over 140 years of unswerving loyalty to this land on the part of the Irish race, sanctified by their blood and made good in their labors and sacrifices for the perpetuity and well-being of American institutions."

Respectfully requesting that this communication may be read to your body and that it be printed in extenso in the CONGRESSIONAL RECORD, we have the honor to subscribe ourselves.

Very respectfully, yours,

WM. O'MULCAHY, *Chairman.*
EDWARD J. LOEW, *Secretary.*

Mr. KNOX. I present resolutions of the House of Representatives of the Legislature of Pennsylvania, which I ask may be printed in the RECORD.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

COMMONWEALTH OF PENNSYLVANIA,
HOUSE OF REPRESENTATIVES.

Resolved, That the House of Representatives of the Commonwealth of Pennsylvania hereby request and urge the Members of the House of Representatives and of the Senate of the United States from this Commonwealth to vote for and assist in the adoption of the selective-draft measure now before the Congress of the United States.

Resolved, That a copy of this resolution, signed by the speaker and chief clerk of the house, be forwarded to each Member of the Congress from this Commonwealth.

The foregoing is a true and correct copy of a resolution passed in the house of representatives on April 24, 1917.

R. J. BALDWIN,
Speaker of the House of Representatives.
THOMAS H. GARVIN,
Chief Clerk of the House of Representatives.

Mr. KNOX presented a memorial of sundry druggists of Plymouth, Pa., remonstrating against any additional tax on proprietary medicines, which was referred to the Committee on Finance.

He also presented petitions of the congregations of sundry churches in the State of Pennsylvania, praying for national prohibition during the period of the war, which were referred to the Committee on the Judiciary.

Mr. WEEKS presented petitions of the congregations of the Church of the Epiphany (Episcopal), of Winchester; the Baptist Church of Roslindale; the First Presbyterian Church of Quincy; the Massachusetts Prohibition State committee; of Pomona Grange, No. 200, Patrons of Husbandry, of Uxbridge; of the Men's Bible Class of the Methodist Episcopal Church of Attleboro; of the Congregational Society (Unitarian) of Grafton; of Pomona Grange, No. 198, Patrons of Husbandry, of Leominster; of the Board of Trade of Norwood; of the Massachusetts State Federation of Churches; and of sundry citizens of Quincy and Newton, all in the State of Massachusetts, praying for national prohibition as a war measure, which were referred to the Committee on the Judiciary.

He also presented a petition of the City Council of Revere, Mass., praying for governmental control of food and fuel, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Local Aerie, Fraternal Order of Eagles, of Revere, Mass., pledging support to the President, which was ordered to lie on the table.

He also presented a petition of the Massachusetts Real Estate Exchange, of Boston, Mass., praying for the acquisition by the Government of the Cape Cod Canal, which was referred to the Committee on Commerce.

He also presented a memorial of Local Branch, Boot and Shoe Workers' Union, of Whitman, Mass., remonstrating against the enactment of legislation providing for conscription, which was ordered to lie on the table.

Mr. HARDWICK presented telegrams in the nature of memorials from the Phosphate Mining Co. and the J. M. Lang Co., of Savannah; the Cotton Oil Co., of Covington; the Georgia Manufacturers' Association; the Atlanta Paper Co., of Atlanta; the Norris (Inc.) Monarch Manufacturing Co., of Atlanta; and of the Sibley Manufacturing Co., of Augusta, all in the State of Georgia, remonstrating against a tax on 1916 incomes, which were referred to the Committee on Finance.

He also presented telegrams in the nature of memorials from George W. and Thomas W. Gilmore, of Macon, and from B. W. Holt and W. F. Rawlings, of Atlanta, all in the State of Georgia, remonstrating against the proposed 5 per cent tax on automobiles, which were referred to the Committee on Finance.

Mr. MYERS presented resolutions of the Chamber of Commerce of Butte, Mont., indorsing the action of the President and Congress in declaring war, which were referred to the Committee on Foreign Relations.

He also presented a petition of National Park Lodge, No. 168, International Association of Machinists, of Livingston, Mont., praying for the enactment of certain legislation for the conduct of the war, which was referred to the Committee on Finance.

Mr. POINDEXTER presented resolutions adopted by the Progressive national convention, held at St. Louis, Mo., April 13, 1917, indorsing the bill to amend section 4 of the act to regulate commerce passed February 4, 1887, and subsequent amendments thereof, which were referred to the Committee on Interstate Commerce.

He also presented a petition of Kellogg Marsh Grange, No. 136, Patrons of Husbandry, of Marysville, Wash., praying for the requisition by the Government of warehouses, grain elevators, food supplies, etc., which was referred to the Committee on Agriculture and Forestry.

Mr. NELSON presented a petition of the city council of Minneapolis, Minn., praying for compulsory military service, which was ordered to lie on the table.

He also presented a petition of the Methodist pastors of Minneapolis, Minn., pledging support to the President and praying for national prohibition as a war measure, which was referred to the Committee on the Judiciary.

HEARINGS BEFORE THE COMMITTEE ON COMMERCE.

Mr. THOMPSON. From the Committee to Audit and Control the Contingent Expenses of the Senate, I report back with an amendment in the nature of a substitute Senate resolution 54, submitted by the Senator from Florida [Mr. FLETCHER], and I ask for its present consideration.

The VICE PRESIDENT. The resolution will be read.

The SECRETARY. The committee proposes to strike out all after the word "*Resolved*" and to insert:

That the Committee on Commerce, or any subcommittee thereof, be, and hereby is, authorized during the Sixty-fifth Congress to send for persons, books, and papers, to administer oaths, and to employ a stenographer, at a cost not exceeding $1 per printed page, to report such hearings as may be had in connection with any subject which may be pending before that committee, the expenses thereof to be paid out of the contingent fund of the Senate; and the committee or any subcommittee thereof may sit during the sessions or recesses of the Senate.

Mr. CULBERSON. There is a similar resolution on the calendar providing for hearings before the Committee on the Judiciary.

Mr. OVERMAN. I objected the other day to the resolution reported from the committee authorizing the Committee on the Judiciary to take testimony and to pay for stenographic reports. As soon as this resolution is disposed of I am willing to have that resolution taken up for consideration, and those are the only matters that I will consent to have considered this morning.

Mr. SMOOT. I understand the resolution for the Judiciary Committee is now on the calendar.

Mr. THOMPSON. That is correct.

Mr. FLETCHER. This resolution, providing for hearings before the Committee on Commerce, has been reported by the committee favorably with an amendment.

Mr. THOMPSON. This is Senate resolution 54, which was submitted by the Senator from Florida [Mr. FLETCHER].

Mr. SMOOT. I have no objection to its consideration.

The Senate, by unanimous consent, proceeded to consider the resolution.

The VICE PRESIDENT. The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

The resolution as amended was agreed to.

HEARINGS BEFORE THE COMMITTEE ON THE JUDICIARY.

Mr. THOMPSON. I desire to call up Senate resolution 53 from the calendar.

Mr. OVERMAN. I yield for that purpose.

The VICE PRESIDENT. The resolution will be read.

The Secretary read Senate resolution 53, submitted by Mr. CULBERSON and reported by Mr. THOMPSON on the 4th instant, from the Committee to Audit and Control the Contingent Expenses of the Senate, as follows:

Resolved, That the Committee on the Judiciary, or any subcommittee thereof, be, and hereby is, authorized during the Sixty-fifth Congress to send for persons, books, and papers, to administer oaths, and to employ a stenographer, at a cost not exceeding $1 per printed page, to report such hearings as may be had in connection with any subject which may be pending before that committee, the expenses thereof to be paid out of the contingent fund of the Senate; and the committee or any subcommittee thereof may sit during the sessions or recesses of the Senate.

Mr. THOMPSON. I ask for the present consideration of the resolution.

The resolution was considered by unanimous consent and agreed to.

BILLS AND JOINT RESOLUTIONS INTRODUCED.

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SHAFROTH:

A bill (S. 2164) to provide for the erection of a public building at Montrose, Colo., upon a site heretofore acquired by the United States; and

A bill (S. 2165) to provide for the acquisition of a site and the erection thereon of a public building at Alamosa, Colo.; to the Committee on Public Buildings and Grounds.

By Mr. PHELAN:

A bill (S. 2166) authorizing the Secretary of Commerce to lease certain property; to the Committee on Commerce.

By Mr. POMERENE:

A bill (S. 2167) authorizing and directing the Secretary of the Treasury to acquire, by purchase, condemnation, or otherwise, a suitable site and cause to be erected thereon a suitable building for the use and accommodation of the post office and other governmental offices, at Canton, Ohio, at a cost not to exceed $350,000, and to sell the present building and site; to the Committee on Public Buildings and Grounds.

By Mr. KNOX:

A bill (S. 2168) for the relief of the McClintic-Marshall Construction Co.; to the Committee on Claims.

By Mr. NELSON:

A bill (S. 2169) for the relief of Stephen A. Randolph; to the Committee on Military Affairs.

By Mr. MYERS:

A bill (S. 2170) for the relief of Dora Gaines Delano, and for other purposes; and

A bill (S. 2171) to abolish the United States land office at Springfield, Mo.; to the Committee on Public Lands.

By Mr. SMOOT:

A bill (S. 2172) granting an increase of pension to Allen Russell (with accompanying papers); to the Committee on Pensions.

By Mr. POINDEXTER:

A bill (S. 2173) for the relief of Frederick W. Seidell; to the Committee on Public Lands.

By Mr. SUTHERLAND:

A bill (S. 2174) granting a pension to Thomas J. Boice; and

A bill (S. 2175) granting an increase of pension to James B. Atkinson; to the Committee on Pensions.

By Mr. GORE:

A joint resolution (S. J. Res. 52) to prohibit and punish conspiracies in respect of transportation, handling, or dealing in food supplies, and for other purposes; and

A joint resolution (S. J. Res. 53) authorizing the President to appoint two additional Assistant Secretaries of Agriculture, and for other purposes; to the Committee on Agriculture and Forestry.

By Mr. GORE (by request):

A joint resolution (S. J. Res. 54) empowering the Secretary of Agriculture to regulate dealings in agricultural products on boards of trade, and for other purposes;

A joint resolution (S. J. Res. 55) authorizing the President to restrict or prohibit the use of food and feed materials in the manufacture of alcoholic and other beverages, and for other purposes;

A joint resolution (S. J. Res. 56) authorizing the Secretary of Agriculture to make a survey of the food situation and to ascertain basic facts in relation thereto, and for other purposes;

A joint resolution (S. J. Res. 57) authorizing the Secretary of Agriculture to establish grades for certain agricultural food products, and for other purposes; and

A joint resolution (S. J. Res. 58) vesting the President with certain powers in respect to movements of common carriers, and

for other purposes; to the Committee on Agriculture and Forestry.

AMENDMENT TO PENDING BILL.

Mr. ASHURST submitted an amendment intended to be proposed by him to the bill (S. 2) to punish acts of interference with the foreign relations, the neutrality, and the foreign commerce of the United States, to punish espionage, and better to enforce the criminal laws of the United States, and for other purposes, which was ordered to lie on the table and be printed.

AMENDMENT OF FEDERAL RESERVE ACT.

Mr. OWEN. Mr. President, I wish to call the attention of the Senate to the importance of passing the proposed amendment to the Federal reserve act as a means of floating the bonds and Treasury certificates which we have on hand now at the rate of $200,000,000 every two weeks. The espionage bill has had the floor for some days, and I have not been willing to interfere with the orderly proceedings, but I do wish to call the attention of the Senate to this matter and to discharge my responsibilities in connection with it.

I have a very urgent letter from the Secretary of the Treasury, dated May 5, to this effect:

THE SECRETARY OF THE TREASURY,
Washington, May 5, 1917.

DEAR SENATOR: The House passed the bill to-day covering certain of the amendments to the Federal reserve act which the Federal Reserve Board is anxious to see made law, and I write to beg that you give this matter your prompt and vigorous attention, so that the Senate bill may be passed at the earliest possible moment. I can not exaggerate the importance of prompt action in this matter. It is of additional importance in view of the $2,000,000,000 liberty loan we are now trying to place. The stronger we make the Federal Reserve Banks and the more we enlarge their facilities the more useful they can be in all of the important financing which lies ahead of the Government. Please let me know how soon you think the bill can be put through the Senate.

Cordially, yours, W. G. MCADOO.

Hon. ROBERT L. OWEN,
United States Senate.

I was called up this morning by the Federal Reserve Board, urging this measure, and I wish to discharge my duty in the matter. If it is delayed any longer the responsibility should be placed upon the Senate and not upon the chairman of the Committee on Banking and Currency.

I ask unanimous consent that we may, at 8 o'clock to-night, take up this measure.

The VICE PRESIDENT. The Chair will state, for the information of the Senator from Oklahoma, that in his absence from the Senate and the city the Senator from Nebraska [Mr. HITCHCOCK] requested the Chair to hold House bill 3673, which came from the House of Representatives, until the return of the Senator from Oklahoma. The Senator from Oklahoma having returned, the Chair lays before the Senate the bill from the House of Representatives, which will be read by its title.

The bill (H. R. 3673) to amend the act of December 23, 1913, known as the Federal reserve act, as amended by the act of August 4, 1914, August 15, 1914, March 3, 1915, and September 7, 1916, was read twice by its title.

The VICE PRESIDENT. The bill will be referred to the Committee on Banking and Currency.

Mr. OWEN. I now ask unanimous consent that at 8 o'clock to-night we may take up this bill for consideration.

The VICE PRESIDENT. Is there objection?

Mr. GALLINGER. I object to that.

Mr. SMOOT. The bill will have to be reported before we can give unanimous consent for its consideration. The Senator from Oklahoma will have to report the bill sometime to-day, and if he then desires to ask unanimous consent for its consideration, well and good.

Mr. OWEN. There is pending on the calendar this same bill in substance as Senate bill 1796. I ask unanimous consent to take up Senate bill 1796 which has been reported by the Committee on Banking and Currency and which is on the calendar.

Mr. GRONNA. Mr. President.

Mr. BORAH. Mr. President, a parliamentary inquiry. Are we now proceeding by unanimous consent? Is the espionage bill the unfinished business?

The VICE PRESIDENT. It is, and it is before the Senate. We are proceeding by unanimous consent.

Mr. BORAH. I object to unanimous consent until the espionage bill is disposed of.

Mr. OVERMAN. I wish to say to the Senator from Oklahoma that the espionage bill has been before the Senate for about 10 days and has been fully debated. My own honest opinion is that we will finish it to-morrow or Thursday morning. I think the Senate can proceed to the consideration of the bill the Senator from Oklahoma has in charge by Friday.

Mr. OWEN. I thought we might have a night session and dispose of this measure without interfering with the orderly debate on the espionage bill, and it was with that view in mind that I made the request.

Mr. OVERMAN. As far as I am concerned, I have no objection to a night session to consider the bill.

Mr. OWEN. It is a very urgent matter in financing the Treasury certificates which are being marketed in this country.

The VICE PRESIDENT. Is there objection to a night session at 8 o'clock to-night for the purpose of considering the measure?

Mr. GRONNA. I object.

Mr. BORAH. I do not desire——

Mr. GRONNA. I have objected.

Mr. BORAH. I do not know that I shall object, but a number of us here know nothing about the bill to which the Senator from Oklahoma refers and we are very much interested in the bill which is now the unfinished business. I would have no objection to putting aside the espionage bill until this bill is disposed of, but I object to coming here at a night session while we are having such long hours on the important measure which is the unfinished business.

Mr. WEEKS. Mr. President——

Mr. BORAH. Could not the Senator from North Carolina, who has charge of the espionage bill, give the Senator from Oklahoma some time during the afternoon?

Mr. OVERMAN. No; I want to continue and finish the pending bill. It has been here, as I have said, 10 days; and I want to get through with it. I am not going to yield for any purpose until that bill is disposed of.

Mr. BORAH. I really suspect that the bill of which the Senator from Oklahoma has charge, is more important than the bill which the Senator from North Carolina has in charge.

Mr. WEEKS. Mr. President——

Mr. OWEN. Both bills are of great importance, and I do not wish to compare one with the other. I do wish, however, to put upon the Senate itself the responsibility of any further postponement of the bill to which I refer.

Mr. WEEKS. Mr. President, I rose to suggest to the Senator from North Carolina, as the espionage bill is divided into chapters, if it would not be possible after completing a chapter to lay it aside and take up the bill in charge of the Senator from Oklahoma [Mr. OWEN], which, I think, can be passed in one day. It is a bill of very considerable importance, and it seems to me it should be given early consideration. If the Senator from North Carolina is not willing to do that, I will suggest to the Senator from Oklahoma that he move that a session be held to-morrow evening at 8 o'clock for the purpose of taking up the banking bill.

Mr. SHAFROTH. Mr. President, I should like to suggest both to the Senator from Oklahoma and the Senator from North Carolina that if the Senator from North Carolina, when the time for adjournment arrives to-day, will move an adjournment till to-morrow that would give the Senator from Oklahoma two hours to-morrow morning in which to have his bill considered, and I believe the bill can be gotten through in that time.

Mr. OWEN. Mr. President, I move that to-morrow evening at 8 o'clock the Senate proceed to the consideration of Senate bill 1796.

The VICE PRESIDENT. That is a request for the making of a special order, which will require a two-thirds vote. The only way the Chair can determine the matter is for the Secretary to call the roll.

Mr. BORAH. I ask that the roll be called.

Mr. OVERMAN. Without doing that, I suggest to the Senator that I am willing to accede to the suggestion that to-day the Senate take an adjournment until to-morrow, instead of a recess, which will give the Senator from Oklahoma two hours to-morrow morning.

Mr. GALLINGER. Mr. President, if the Senator from Oklahoma will permit me, if his bill should not be concluded within those two hours, I think the Senator might then arrange for a night session at which to complete it.

Mr. OWEN. I thank the Senator for the suggestion.

Mr. OVERMAN. I accede to that proposition, Mr. President, and at the conclusion of the session to-day I shall move an adjournment instead of a recess. The Senator from Oklahoma will then have from 12 to 2 o'clock to-morrow in which to have his bill considered. Then if we do not finish the bill, the Senator can ask for a night session.

Mr. OWEN. Then I ask unanimous consent that at 12 o'clock to-morrow, an adjournment having been taken from this afternoon, we may take up the bill to which I have referred in the morning hour.

Mr. GALLINGER. There will be no objection to the Senator's doing so to-morrow morning, but I suggest to him not to ask for an order to that effect.

Mr. OWEN. Very well; I withdraw the suggestion.

The VICE PRESIDENT. The Chair doubts whether what the Senator from Oklahoma proposes can be done without a roll call, although the Chair has no doubt the Senate will accede to his request for the consideration of the bill to-morrow. The unfinished business is before the Senate.

PUNISHMENT OF ESPIONAGE.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2) to punish acts of interference with the foreign relations, the neutrality, and the foreign commerce of the United States, to punish espionage, and better to enforce the criminal laws of the United States, and for other purposes.

Mr. OVERMAN. Mr. President, at the adjournment on yesterday the Senate was considering Chapter VII of the pending bill. It is only a short time, now, being only five minutes, when we shall receive the British commissioners. I therefore ask that Chapter VII of the bill be laid aside, and that we consider the last chapter of the bill, which is known as the mail-orders chapter.

The VICE PRESIDENT. Is there objection? The Chair hears none.

Mr. HARDWICK. Mr. President, I offer an amendment, which I send to the desk.

The VICE PRESIDENT. There is now a pending amendment.

Mr. OVERMAN. Mr. President, I will ask the Senate to hear the reading of a letter from the Solicitor of the Post Office Department. There have been some reflections made upon the mail orders which have been issued by the Post Office Department. I want to say that of the orders which have been made by the present Postmaster General, there has not been any criticism whatever, because the policy of that department has been changed. I desire to have read into the RECORD the regulations and rules as now prescribed by the department in making mail fraud orders. I will ask the Secretary to read the part of the Postmaster General's report which I send to the desk.

The VICE PRESIDENT. Without objection, the Secretary will read as requested.

Mr. REED. Mr. President, before that is done, I ask permission to offer an amendment to the last section of the pending bill, and to have it printed.

Mr. OVERMAN. Let the amendment be read.

The VICE PRESIDENT. The amendment will be read.

The SECRETARY. At the end of the bill it is proposed to insert:

SEC. 6. Whenever the present war shall cease by the conclusion of peace between the United States and its enemies in the present war, the President shall so declare by a public proclamation to that effect, and from and after the date of said proclamation the provisions of this act shall cease to be in force and effect.

The VICE PRESIDENT. The amendment will lie on the table and be printed. The extract from the communication referred to by the Senator from North Carolina will be read.

The SECRETARY. Reading from the report of the Assistant Attorney General for the Post Office Department to the Postmaster General for the year ending June 30, 1913, page 6, as follows:

FRAUD ORDERS.

The issuance of fraud orders under sections 3929 and 4041, Revised Statutes, as amended by the acts of September 19, 1890, and March 2, 1895, against swindlers using the mails to conduct schemes to defraud the public was practically discontinued and little effort has been made to enforce these sections during the past several years, the published reports of my predecessors showing that the Government relied almost entirely upon the enforcement of section 5480 of the Revised Statutes (now section 215 of the Criminal Code), which provides for the indictment and punishment of persons who use the mails in conducting schemes to defraud.

At the outset of the present administration the attention of the department was called to the fact that reliance upon criminal prosecutions to root out the various schemes to defraud the public through the mails had been ineffective, that criminal proceedings are necessarily slow, and by means of appeals and other methods the execution of sentence had been deferred for long periods, during which the concerns and individuals engaged in such fraudulent businesses had continued to reap a harvest of their fraudulent enterprises. In some instances, the penalty of the law being merely a fine, there was nothing to prevent the parties from continuing the conduct of their schemes except fear of subsequent fines. These they could easily afford to pay, in view of the large revenue derived from the business. Instances were brought to the attention of the department where even after a term of imprisonment the fraudulent scheme was resumed by the offender upon his release, and in other instances the operation of the fraudulent scheme was continued without interruption during the criminal proceedings, conviction, and imprisonment, during all of which time the public had been left at the mercy of these swindlers, in ignorance of the prosecution, and in reliance upon the integrity of any concern which the Government permitted the use of the mails; the very use of the mails itself being advertised by some of these fraudulent concerns as an evidence of the fact that they were necessarily doing a legitimate business or the Government would not permit them the use of the mails.

The following paragraph, quoted from the report of the chief post-office inspector of 1912, will be of interest:

"The discouraging feature to the department in its fraud crusade is the character of sentences imposed by the courts. In a number of instances parties who have robbed the people of millions of dollars have received sentences of only a few months, and it generally appears in certain of the courts that defendants who obtained several hundred thousand dollars, and were found guilty as charged in the indictments, have been sentenced to pay only small fines ranging from a few dollars to $3,000. Even the cost to the Government of the prosecution, which in most instances was many times the amount of the fine, has not been imposed against these wealthy defendants."

After numerous conferences of officials of this department among themselves and with officials of the Department of Justice the policy with respect to the enforcement of the laws providing for the exclusion from the mail of this class of matter was determined upon by you soon after assuming the duties of your present office. The object of this policy is a tireless campaign against those who conduct schemes to defraud through the mails, and involves a strict enforcement of sections 3929 and 4041 of the Revised Statutes as amended.

The theory that fraud orders can be evaded successfully by a mere change of name is not substantiated by the records. It is to be borne in mind that a fraud order immediately cuts off the source of supply of funds upon which the scheme largely depends for its continuance. Such an order also puts many prospective victims on their guard by reason of the return to them of their letters addressed to the fraudulent concern plainly marked "fraudulent" on the envelope. To continue the scheme under a new name requires in most instances the publication of advertisements and the sending out of circular matter under that name. Such matter soon comes to the attention of the department, and supplemental fraud orders can be forthwith issued. This office is aware of no instance in which the endeavor to conduct the scheme under a new name has met with real success after the issuance of a fraud order.

Some idea may be conveyed of the magnitude of the present undertaking, and the additional work which will be thrown upon my office as a consequence, when it is considered that in the enforcement of the criminal statute (sec. 215 of the Criminal Code) during the year ended June 30, 1912, more than 4,000 cases involving schemes to defraud were investigated by post-office inspectors; that in the two years preceding that date over 1,000 persons had been arrested for such swindling through the mails; and that the estimated losses to the public through the fraudulent operations represented by these arrests amounted to over $129,000,000.

In the enforcement of the laws authorizing the issuance of fraud orders not only will this class of cases come before my office, but in addition there will be submitted here a large number of cases which some district attorneys may not feel disposed to present to the grand juries.

Upon the resumption of the fraud-order work by this office a modified plan of procedure was adopted, which should make it free from whatever ground of criticism, if any, formerly existed as to methods pursued here.

When the post-office inspectors investigate these cases they submit to this office exactly the same class of evidence which they submit to the United States attorneys for prosecutions under the criminal statutes. The method now being pursued by this office in handling these cases involves, first, a careful review and analysis of the evidence presented by the post-office inspectors by one of my assistants, who, if he thinks the case as presented warrants, prepares and presents over his signature a citation of charges and specifications informing the respondent of the nature of the case against him. These charges and specifications are transmitted by me to the respondent with a notice that upon a day certain he may submit his answer in writing and supplement the same by evidence in support thereof and by oral argument, if desired. Upon the day named in the citation a hearing is had before me, and the evidence in the possession of the Government's attorney is brought to my attention for the first time. The respondent is thereupon given an opportunity to present such evidence as he desires in defense. This results in a fair trial of the issues involved and not infrequently extends over a period of several days. The principal evidence in these cases is necessarily of a documentary character. If, in my judgment, it is established that the scheme involved is one which is prohibited by the statutes, it is necessary to review all of the evidence on both sides of the case and to prepare a memorandum for the Postmaster General showing the charges, the evidence adduced in support of them, the answer and the evidence offered in the way of defense or explanation, and the conclusion reached thereon by me. Upon this memorandum final action is taken by the Postmaster General, consisting either in the issuance of a fraud order or dismissal of the charges. In cases where it is found at the hearing that the evidence in the case is not sufficient to establish the alleged violation of law, the case is closed and no further action is taken in the matter by this office. It is proposed to enforce these statutes vigorously and with impartiality, and it is hoped that this course, together with prosecutions for violations of section 215 of the Criminal Code, will serve to stamp out the use of the mails for fraudulent purposes.

RECEPTION OF BRITISH COMMISSIONERS.

The VICE PRESIDENT (at 12 o'clock and 27 minutes p. m.). The British commissioners having arrived at the Capitol, the Chair requests the Senator from Alabama [Mr. BANKHEAD], the Senator from Mississippi [Mr. WILLIAMS], the Senator from Ohio [Mr. POMERENE], the Senator from Rhode Island [Mr. COLT], and the Senator from Idaho [Mr. BORAH] to meet the members of the British commission in the Vice President's room and escort them into the Senate Chamber.

At 12 o'clock and 30 minutes p. m. the commissioners of the Government of Great Britain to the Government of the United States, the Right Hon. Arthur James Balfour, M. P., O. M., principal British secretary of state for foreign affairs; the Hon. Sir Eric Drummond, K. C. M. G., C. B.; Mr. Ian Malcolm, M. P.; Mr. C. F. J. Dormer; Rear Admiral Sir Dudley R. S. de Chair, R. N., K. C. B., M. V. O.; Fleet Paymaster Gen. Vincent A. Lawford, R. N., D. S. O.; Maj. Gen. G. T. M. Bridges, G. M. G., D. S. O.; Maj. H. H. Spender-Clay, M. P., British

General Staff, escorted by the committee appointed by the Vice President, consisting of Mr. BANKHEAD, Mr. WILLIAMS, Mr. POMERENE, Mr. COLT, and Mr. BORAH, entered the Senate Chamber, accompanied by Sir Cecil Arthur Spring-Rice, the British ambassador extraordinary and plenipotentiary accredited to the United States, aids of the British officers, the Assistant Secretary of State, Mr. William Phillips; Mr. Hugh Gibson, of the State Department; and Capt. George Quekemeyer, United States Army. The distinguished visitors were escorted to the places assigned to them, the Right Hon. Arthur J. Balfour and the British ambassador, Sir Cecil Arthur Spring-Rice, being seated, respectively, at the right and left of the Vice President.

Mr. MARTIN. Mr. President, in honor of the distinguished representatives of Great Britain, who are the guests of the Nation and who are now in the Senate Chamber, and in order that Senators may have an opportunity to be presented to them, I move that the Senate take a recess for 30 minutes.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from Virginia.

The motion was agreed to; and accordingly (at 12 o'clock and 32 minutes p. m.) the Senate took a recess for 30 minutes.

During the recess,

The VICE PRESIDENT. Senators, for more than a century and a quarter the one great reason for the existence of this body has been to preserve the equality of all men before the law. A few days since we had the pleasure of greeting the representatives of that people whose shibboleth is "fraternity." To-day we honor, and in turn are ourselves honored, by receiving the representatives of that people whose forbears centuries ago, in an age of almost universal absolutism, compelled their King, annointed though he was with the holy oil of consecration, to give to them the Great Charter of human liberty. It were mere prophecy to say that without that Great Charter the Republic either of France or of America would be or have a hope of being.

May I express the hope that at the end of this most horrific warfare, when the representatives of liberty, fraternity, and equality shall take their seats at the council table of the nations, they will not arise therefrom until they shall, so far as human ingenuity can do so, guarantee to every people the right to be free from the fear of assault from without or oppression from within [applause] until they shall write this legend in the firmament, above the sun rising for a newer and, if not a better, at least a safer, civilization, "I shine only for the wise; they are not wise who are not just"? In the words of one woman lawyer, for whom I have profound respect, the wise Portia, to Antonio, Bassanio's best friend:

> Sir, you are very welcome to our house;
> It must appear in other ways than words,
> Therefore I scant this breathing courtesy.

I have the honor and the great pleasure of presenting to you the foremost champion of Magna Charta, the Right Hon. Arthur James Balfour, British secretary of state for foreign affairs. [Applause.]

ADDRESS OF RIGHT HON. ARTHUR JAMES BALFOUR.

Mr. BALFOUR. Mr. President and gentlemen of the Senate: You, Mr. President, have in graceful and pregnant sentences brought to our recollection the common origin of those liberties which, whether in France, in Britain, or in the United States of America, we all rejoice in and are all determined to defend. [Applause.] You have also in warm words of welcome spoken kindly of the mission of which I have the honor to be the head and to which you are now paying the rare, the very rare, honor of welcoming within your walls. Gentlemen, on their behalf not less than on my own I most sincerely thank you for your welcome. I know well that it is not a welcome to individuals. The kindness which each one of us as individuals has received since we came to this great city will never be forgotten by any one of us. It has been kindness, abundant, overflowing, generous, unlimited; but, gentlemen, behind that kindness paid by individuals to individuals, behind the expression of a hospitable and generous feeling to guests within your gates, there is, after all, something much deeper, something much more important, something which is, after all, the animating spirit which brings this great assembly here to-day.

The original object of our mission, if I may so express it, was mainly a purely business one. We came here to discuss matters of the deepest moment for the conduct of that great war in which both our nations are involved. We came here to explain to your leaders and statesmen what were the needs from which the allies mainly suffered, and to lay freely at the disposal of those responsible for the conduct of your affairs the results of our own experience, the consequences, perhaps I ought to say, in some cases of our own errors and blunders during two years and a half of strenuous and sanguinary fighting. That was the original object; that was the business side of our mission. But the reception which you have given us here, the treatment which we have received from the President, from the Cabinet, from the House of Representatives, from the Senate—that treatment raises the whole level of our mission from a purely business operation to a great incident in the common life of two great and free peoples.

Gentlemen, I do not think the importance of that is easy to overrate. I believe that the consequences will not be measured by any mere record of the transactions that may take place between our various Governments, nor will the effects of it vanish when we ourselves, in consequence of the calls of duty elsewhere, leave your hospitable city. No, gentlemen, this mission and the French mission which is associated with it, mark a new epoch in the relations of our three countries, and I believe that in the alliance thus cemented lie secure some of the greatest hopes, some of the proudest expectations, which we dare to entertain about the future of civilization. [Applause.]

Gentlemen, it is not, however, your kindness of heart alone which has given this significance to contemporary events. That significance is forced upon our notice whether we be citizens of America or citizens of France or citizens of Britain; but I speak especially at this moment of citizens of America and citizens of Britain. It is forced upon our notice by the unwearied efforts of an unconscionable German propaganda. Whether we live on the other side of the Atlantic or on this side of the Atlantic, we English-speaking peoples have never organized ourselves for military purposes; we have never been military States; and, when the war broke out, undoubtedly the Germans looked around the world, estimated the value (from their point of view) of the nations with whom they might be concerned, and, profoundly contemptuous of our views of civilization, whether they were British or American views, they decided that neither Britain nor America counted in the struggle by which they hoped to obtain the domination of the world. They found us unprepared; they found us unmilitary; and because we were unprepared and because we were unmilitary, they jumped rashly to the conclusion, firstly, that we were afraid to fight, and, secondly, that if we fought we would be wholly negligible quantities. I think they are beginning, possibly, to find out their mistake. [Great applause.]

How, gentlemen, did that mistake ever arise? It arose from the utter incapacity of the German ruling class—and it is only of the German ruling class that I speak to-day—to estimate value except in terms of drilled men and military preparation. They saw that England and America were prosperous, were unwarlike, were immersed in the arts of peace and involved in the industrial interests incident to a peaceful civilization, and they drew from that two conclusions: They drew from it, in the first place, the conclusion that because we were commercial we were therefore material; that we were incapable of high ideals or great sacrifices; and the further conclusion that even if we determined late in the day to pursue those high ideals and to make those great sacrifices we should be so utterly incompetent in the arts to which they had devoted so much of their attention that our interference in the war would be a thing which they could leave wholly on one side. On that miscalculation have been wrecked, and will be wrecked, all their hopes. [Applause.] It was their fatal blunder, a blunder from which they will never recover, but a blunder which has saved civilization.

Gentlemen, I speak with confidence about the issue of this great struggle, a confidence which is redoubled since you have thrown in your lot with those who have been fighting since 1914. [Great applause.] I see, indeed, suggestions that Germany, incapable of winning by arms, is going to win through the illegitimate weapon of submarine warfare. I believe it not. I do not at all minimize, I do not wish to minimize, the gravity of the submarine menace. After all, in the two years and a half during which the war has been going on, more than one difficulty of like magnitude has met us and more than one difficulty of like magnitude has been overcome.

The question of munitions is a case in point. I do not wish to detain you on such an occasion with details, but at the beginning of the war it became evident that Germany had recognized the importance of the munitions question, had been preparing for this war through years of peace by having at her disposal a supply of ammunition greater than all the rest of the world put together, and at one time it almost looked as if the cause of civilization and liberty were to be crushed under the multitude of shells and the weight of artillery. We have surmounted that difficulty. It was a very great one.

I do not deny that the submarine difficulty is a very great one. I do not deny that it will require every effort made, either in Britain or here, successfully to overcome it; but that those efforts will be made, that this menace will be overcome, that the United States of America, like Great Britain and her dominions, will throw themselves into the task with ungrudging efforts, and that those efforts will be crowned with success, I do not doubt for a moment. [Great applause.] This war is not going to be settled by the sinking of helpless neutrals or by sending women and children to the bottom by torpedoes or gunfire. It is to be settled by hard fighting; and when it comes to hard fighting, neither America nor Britain nor France need fear measuring themselves at any moment against those who have risen up against all that we hold dear for the future.

I therefore, gentlemen, look forward—not, of course, in a spirit of light and easy and unthinking confidence, but with firm faith—to the future of this war. It requires every man and woman on this side of the Atlantic, as on the other side of the Atlantic, to throw their united efforts into the scale of right. That effort unquestionably will be made, is being made, will be made yet further, and, being made, I doubt not that it will be crowned with success, and that posterity will look back upon the union of these peoples, symbolized by such meetings as that which I am now addressing, as marking a new epoch in the history of the world; an epoch in which all the civilized nations roused themselves in unity to deal with one of their number which has forgotten its responsibilities, forgotten its duties, and which, in unscrupulous lust for universal domination, has brought the greatest of known calamities upon the world.

Gentlemen, I have detained you too long, but I was led away by my subject. On my own behalf and on behalf of my friends around me, I beg to thank you for the unique honor which you have paid to us, and, through us, to our country, to our cause, which is your cause, and to the future of civilization, which is yours as much as ours.

I thank you. [Great applause.]

The VICE PRESIDENT. The British commissioners will take pleasure in greeting the Senators of the United States and such guests as may be upon the floor of the Senate. At the hour of 1 o'clock the Chair will ask Senator ROBINSON, of Arkansas, to take the chair.

The members of the British commission then took their places at the left of the Vice President's desk, and the Members of the Senate were presented to them by the committee of the Senate appointed by the Vice President for that purpose.

At 1 o'clock p. m., upon the expiration of the recess, the distinguished visitors were escorted from the Chamber and the Senate reassembled.

PUNISHMENT OF ESPIONAGE.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2) to punish acts of interference with the foreign relations, the neutrality, and the foreign commerce of the United States, to punish espionage, and better to enforce the criminal laws of the United States, and for other purposes.

Mr. MARTIN. I move that the doors be closed, so that the Senate may proceed with the consideration of legislative business in secret session.

Mr. OVERMAN. I second the motion.

The PRESIDING OFFICER (Mr. ROBINSON in the chair). The Sergeant at Arms will clear the galleries and close the doors.

The Senate thereupon proceeded to deliberate behind closed doors. After 4 hours and 40 minutes the doors were reopened.

While the doors were closed,

Mr. CUMMINS submitted the following amendment, which was ordered to be printed in the RECORD:

Add, at the end of section 1, chapter 7, the following:

"*Provided further*, That nothing herein contained shall be construed as giving authority to violate any treaty between the United States and a nation with which it is at peace, nor to punish a friendly and neutral power for the exercise of its neutral rights and privileges."

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the joint resolution (S. J. Res. 42) authorizing the President to take over for the United States the possession and title of any vessel within its jurisdiction which at the time of coming therein was owned in whole or in part by any corporation, citizen, or subject of any nation with which the United States may be at war, or was under register of any such nation, and for other purposes.

The message also announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13) making appropriations for the support of the Army for the fiscal year ending June 30, 1918, and for other purposes.

The message further announced that the House had passed a concurrent resolution (H. Con. Res. 7) authorizing the Clerk of the House in the enrollment of the bill (H. R. 13) making appropriations for the support of the Army for the fiscal year ending June 30, 1918, and for other purposes, to omit the figures "$75,000," on page 42, line 16, as the same were stricken out by the amendment of the Senate numbered 78, etc., in which it requested the concurrence of the Senate.

The message also announced that the House disagrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 14) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1918, and for other purposes, further insists upon its disagreement to the amendments of the Senate, asks a further conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. DENT, Mr. FIELDS, and Mr. KAHN managers at the further conference on the part of the House.

MILITARY ACADEMY APPROPRIATIONS.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 14) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1918, and for other purposes, further insisting upon its disagreement to the amendments of the Senate and requesting a further conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. CHAMBERLAIN. I move that the Senate still further insist upon its amendments and agree to the further conference asked for by the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Vice President appointed Mr. CHAMBERLAIN, Mr. HITCHCOCK, and Mr. WARREN conferees at the further conference on the part of the Senate.

Mr. CHAMBERLAIN submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 14) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1918, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, and 4, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: On page 6 of the bill, strike out all on line 18, and in lieu thereof insert the following: "38 privates, first class, and 38 privates, $15,080"; and the Senate agree to the same.

G. E. CHAMBERLAIN,
G. M. HITCHCOCK,
F. E. WARREN,
Managers on the part of the Senate.
S. H. DENT, Jr.,
W. J. FIELDS,
JULIUS KAHN,
Managers on the part of the House.

The report was agreed to.

ARMY APPROPRIATIONS.

The VICE PRESIDENT laid before the Senate the following concurrent resolution of the House of Representatives, which was read:

House concurrent resolution 7.

Resolved by the House of Representatives (the Senate concurring), That in the enrollment of the bill (H. R. 13) entitled "An act making appropriations for the support of the Army for the fiscal year ending June 30, 1918, and for other purposes," the clerk be, and he is hereby, authorized and directed to omit the figures "$75,000," on page 42, line 16, of said bill, as the same were stricken out by the amendment of the Senate numbered 78, the conference report on said bill and amendments to the contrary notwithstanding.

Mr. CHAMBERLAIN. I ask that the Senate concur in the resolution of the House.

The resolution was concurred in.

ADJOURNMENT.

Mr. OVERMAN. I move that the Senate adjourn until 11 o'clock to-morrow morning.

The motion was agreed to; and (at 5 o'clock and 45 minutes p. m., Tuesday, May 8, 1917) the Senate adjourned until to-morrow, Wednesday, May 9, 1917, at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES.

TUESDAY, *May 8, 1917.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father in heaven, fill our hearts with that same love for Thee and for humanity that ennobled and glorified Thy Son and that makes Him the world's great Exemplar; that we may honor our lives and dignify the work which Thou hast given us to do, through Him who taught us the way and the truth and the life. Amen.

The Journal of the proceedings of yesterday was read and approved.

SENATE JOINT RESOLUTION REFERRED.

Under clause 2, Rule XXIV, Senate joint resolution of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. J. Res. 31. Joint resolution to increase food crops in the United States; to the Committee on Appropriations.

ARMY APPROPRIATIONS.

Mr. DENT. Mr. Speaker, I call up the conference report on the bill (H. R. 13) making appropriations for the support of the Army for the fiscal year ending June 30, 1918, and for other purposes. The clerk in charge of the papers has received notice of the death of his sister and has left the papers locked up, so I ask unanimous consent that the printed copy of the conference report may be read.

The SPEAKER. The gentleman asks unanimous consent that the Clerk may read the printed copy of the conference report. Mr. Cannon, the journal clerk, has received a telegram announcing the death of his sister and is absent on that account. The drawer where he keeps these papers is locked. Is there objection to reading the printed copy of the conference report in lieu of the original?

There was no objection.

The Clerk read the statement of the managers on the part of the House.

CONFERENCE REPORT (NO. 42.)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13) making appropriations for the support of the Army for the fiscal year ending June 30, 1918, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 2, 3, 4, 5, 6, 7, 8, 17, 18, 22, 24, 32, 33, 34, 41, 49, 56, 58, 60, 64, 79, 85, 88, 89, 90, 91, 94, 96, 97, 107, 108, 109, 110, 111, 112, 115, 119, 120, 124, 130, 131, and 135.

That the House recede from its disagreement to the amendments of the Senate numbered 9, 10, 11, 12, 14, 15, 19, 20, 21, 23, 28, 30, 31, 35, 36, 37, 38, 39, 40, 42, 43, 44, 45, 47, 48, 51, 52, 55, 57, 61, 63, 65, 66, 67, 68, 69 70, 72, 74, 75, 76, 77, 80, 81, 82, 83, 84, 86, 87, 92, 93, 98, 100, 101, 102, 103, 104, 106, 113, 116, 117, 118, 127, 132, 133, and 134, and agree to the same.

Amendment numbered 13: That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment as follows: In line 1 of said amendment strike out the word "hereafter"; and the Senate agree to the same.

Amendment numbered 16: That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment as follows: Restore the amount stricken out by said amendment in lieu of the amount inserted by said amendment; in line 15 of said amendment, after the word "Scouts" and the comma, insert the following: "between the ages of 21 and 34 years"; and on line 19 of the same amendment strike out the word "thirty" and insert the word "thirty-four"; and the Senate agree to the same.

Amendment numbered 25: That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "$2,437,272"; and the Senate agree to the same.

Amendment numbered 26: That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "$1,070,000"; and the Senate agree to the same.

Amendment numbered 27: That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "$100,000"; and the Senate agree to the same.

Amendment numbered 29: That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment as follows: In line 3 of said amendment, after the word "amended," insert the following: "for the period of the existing emergency"; and the Senate agree to the same.

Amendment numbered 46: That the House recede from its disagreement to the amendment of the Senate numbered 46, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "$18,500,000"; and the Senate agree to the same.

Amendment numbered 50: That the House recede from its disagreement to the amendment of the Senate numbered 50, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "$13,450,000"; and the Senate agree to the same.

Amendment numbered 53: That the House recede from its disagreement to the amendment of the Senate numbered 53, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "$2,000,000"; and the Senate agree to the same.

Amendment numbered 54: That the House recede from its disagreement to the amendment of the Senate numbered 54, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "*Provided*, That section 1120 of the Revised Statutes of the United States be, and the same is hereby, repealed"; and the Senate agree to the same.

Amendment numbered 59: That the House recede from its disagreement to the amendment of the Senate numbered 59, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "$16,000,000"; and the Senate agree to the same.

Amendment numbered 62: That the House recede from its disagreement to the amendment of the Senate numbered 62, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "$28,640,000"; and the Senate agree to the same.

Amendment numbered 71: That the House recede from its disagreement to the amendment of the Senate numbered 71, and agree to the same with an amendment as follows: In line 3 of said amendment strike out the words "exceeding one thousand five hundred" and insert in lieu thereof the following: "less than one thousand one hundred and eighty"; and the Senate agree to the same.

Amendment numbered 73: That the House recede from its disagreement to the amendment of the Senate numbered 73, and agree to the same with an amendment as follows: Add, after the amount in line 5 of said amendment, the following: ", to remain available until June 30, 1919"; and the Senate agree to the same.

Amendment numbered 78: That the House recede from its disagreement to the amendment of the Senate numbered 78, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment; on page 59 of the bill, in line 5, after the word "buildings," insert the words "needed for vocational training in agriculture"; and in line 4, page 60, of said amendment strike out the word "regiment" and in lieu thereof insert the words "or more and not exceeding three regiments"; and the Senate agree to the same.

Amendment numbered 95: That the House recede from its disagreement to the amendment of the Senate numbered 95, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "$5,000,000"; and the Senate agree to the same.

Amendment numbered 99: That the House recede from its disagreement to the amendment of the Senate numbered 99, and agree to the same with an amendment as follows: In line 1 of said amendment strike out the word "hereafter"; and the Senate agree to the same.

Amendment numbered 105: That the House recede from its disagreement to the amendment of the Senate numbered 105, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment, and on page 61 of the bill, in line 12, after the amount "$2,000,000," insert the following: "*Provided*, That not exceeding $125,000 of said sum shall be available for procurement by purchase or condemnation of lands in the Eastern and Western Departments for encampments and ranges for Field Artillery of the Regular Army and the National Guard"; and the Senate agree to the same.

Amendment numbered 114: That the House recede from its disagreement to the amendment of the Senate numbered 114, and agree to the same with an amendment as follows: Restore

the matter stricken out by said amendment and transpose the same to follow line 15, on page 63 of the bill; and the Senate agree to the same.

Amendment numbered 121: That the House recede from its disagreement to the amendment of the Senate numbered 121, and agree to the same with an amendment as follows: Add the following proviso: "*Provided*, That the Secretary of War is hereby authorized out of this appropriation to pay to persons designated by him for training as officers in the Army during the period of their training the sum of not to exceed $100 per month in addition to the allowances authorized by said section 54: *Provided*, That they shall agree to accept appointment in the Officers' Reserve Corps in such grade as may be tendered by the Secretary of War"; and the Senate agree to the same.

Amendment numbered 122: That the House recede from its disagreement to the amendment of the Senate numbered 122, and agree to the same with an amendment as follows: In line 1 of said amendment, after the word "*Provided*," insert the word "*further*"; and the Senate agree to the same.

Amendment numbered 123: That the House recede from its disagreement to the amendment of the Senate numbered 123, and agreed to the same with an amendment as follows: In line 1 of said amendment, after the word "War," insert the following: "in his discretion"; and the Senate agree to the same.

Amendment numbered 125: That the House recede from its disagreement to the amendment of the Senate numbered 125, and agree to the same with an amendment as follows: In line 2 of said amendment strike out the word "and" and insert the word "or"; and the Senate agree to the same.

Amendment numbered 126: That the House recede from its disagreement to the amendment of the Senate numbered 126, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "*Provided further*, That members of the Officers' Reserve Corps who are in the employ of the United States Government or of the District of Columbia and who are ordered to duty by proper authority shall, when relieved from duty, be restored to the positions held by them when ordered to duty"; and the Senate agree to the same.

Amendment numbered 128: That the House recede from its disagreement to the amendment of the Senate numbered 128, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "*Provided further*, That any former officer of the Regular Army, the Volunteer Army, the Organized Militia, or the National Guard, under the age of 64 years and who has resigned or been honorably discharged from the service after a total commissioned service of not less than three years in either the Regular Army, the Volunteer Army, the Organized Militia, or the National Guard, may, upon such examination and within such age limits as may be prescribed by the President, be appointed and commissioned, in the discretion of the President, in any appropriate arm, Staff Corps, department or section of the Officers' Reserve Corps, with rank not more than one grade higher than any previously held by the officer in either of said forces, but in no case above that of lieutenant colonel"; and the Senate agree to the same.

Amendment numbered 129: That the House recede from its disagreement to the amendment of the Senate numbered 129, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said amendment insert the following: "*Provided further*, That the following language of section 5 of the act of June 3, 1916, entitled 'An act for making further and more effectual provision for the national defense, and for other purposes,' to wit: 'Not more than one-half of all of the officers detailed in said corps shall at any time be stationed, or assigned to or employed upon any duty, in or near the District of Columbia,' be amended so as to authorize the President to suspend the operation of the same during the existing emergency"; and the Senate agree to the same.

S. H. DENT, Jr.,
W. J. FIELDS,
PERCY E. QUIN,
JULIUS KAHN,
D. R. ANTHONY, Jr.,
Managers on the part of the House.
GEO. E. CHAMBERLAIN,
G. M. HITCHCOCK,
F. E. WARREN,
Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13) making appropriations for the support of the Army for the fiscal year ending June 30, 1918, and for other purposes, submit the following written statement explaining the effect of the action agreed on:

The amendments from which the Senate receded may be summarized as follows:

On Nos. 1 to 8, both inclusive: Relates to private claims against the Government.

On No. 17: Undertakes to change section 24 of the act to June 3, 1916, providing for the recommission of officers who had formerly been in the service by making them additional officers. It was thought that that section of the act fully covered the case.

On No. 18: Contemplates a change in existing law.

On No. 22: Contemplates a change in existing law, relating to enlisted men being assigned to recruiting duty and given increased pay.

On No. 24: Adopts the amount fixed by the House bill upon the idea that enlisted men of the Regular Army Reserve would at least for most of the year be in the Regular service.

On No. 32: Adopts the House figures as to the amount of the appropriation.

On Nos. 33 and 34: Were matters of private legislation for the benefit of certain retired officers.

On No. 41: Adopts the House figures for pay of enlisted men for Philippine Scouts.

On No. 49: Strikes out new language put in for the purchase of textbooks for noncommissioned officers, and subscriptions for newspapers and magazines.

On No. 56: Strikes out new legislation put in by the Senate authorizing the services of advertising agents in recruiting.

On No. 58: Strikes out the words "officers and" upon the subject of travel allowance upon discharge.

On No. 60: Adopts the amount fixed by the House for the expenses of West Point Cadets in attending the inaugural ceremonies.

On No. 64: Adopts the House provision as to various items constituting one fund.

On No. 79: Provides for filing equipment for the Army.

On No. 85: Adopts House figures for amount for ordnance stores.

On No. 88: Adopts House figures for small-arms target practice.

On No. 89: Relates to new provision for civilian rifle ranges.

On No. 90: Adopts House figures for manufacture of arms.

On No. 91: Adopts House figures for gauges, dies, jigs, etc.

On No. 94: Adopts House language for detail of enlisted men as temporary instructors in rifle practice.

On Nos. 96 and 97: Strikes out Senate language which made the appropriation available for more than two years.

On No. 107: Adopts House figures.

On Nos. 108, 109, 110, 111, and 112: Adopts House language as to inspector and sergeant instructors.

On No. 115: Provides for office rent for inspector-instructors.

On No. 119: Restores House language relative to rifle ranges for civilian instruction.

On No. 120: Restores House language on the subject of civilian military training.

On No. 124: Strikes out amendment to section 39 of the national-defense act.

On No. 130: Restores House language providing an amendment to the second proviso of section 37 of the national-defense act.

On No. 131: Restores House language authorizing semimonthly pay of employees of the Ordnance Department.

On No. 135: Strikes out a provision making the entire appropriation immediately available.

The amendments from which the House receded may be summarized as follows:

On Nos. 9 and 10: Adopts the figures of the Senate for the pay of the Signal Service of the Army.

On No. 11: Adopts the Senate language for the acquisition of sites for aviation purposes.

On No. 12: Provides for the detail of officers of the Aviation Section of the Signal Corps.

On No. 14: Provides for the establishment of aerological stations by the Weather Bureau, and an appropriation of $100,000 for that purpose, in aid of aeronautics.

On No. 15: Adopts Senate figures for pay of officers of line.

On No. 19: Adopts Senate figures for pay of members of the Officers' Reserve Corps.

On No. 20: Adopts Senate figures for pay of officers of the National Guard.

On No. 21: Adopts Senate figures for pay of enlisted men.

On No. 23: Adopts Senate figures for additional pay of enlisted men.

On No. 28: Adopts Senate figures for commutation of quarters, heat, and light.

On No. 30: Adopts Senate figures for female nurses.

On No. 31: Simply corrects language.

On No. 35: Adopts Senate provision giving to retired officers benefit of active detail service in computing longevity pay.

On Nos. 36 and 37: Gives to enlisted men of the Regular Army Reserve and retired enlisted men commutation of quarters when on active duty.

On No. 38: Provides mileage for field clerks.

On Nos. 39 and 40: Adopts Senate figures for increased pay while on foreign service.

On No. 42: Authorizes officers of the Quartermaster Corps to intrust the disbursement of moneys to other officers as their agents, both officers being held responsible.

On Nos. 43 and 44: Puts enlisted men of the Regular Army Reserve and retired enlisted men when ordered to active duty on the same basis of Regulars of the Army.

On No. 45: Raises the ration rate from 30 to 40 cents.

On Nos. 47 and 48: Puts the officers and enlisted men of the Officers' Reserve Corps and the Regular Army Reserve and retired enlisted men, when on active duty, on the same basis as Regulars so far as Regular supplies of the Quartermaster Corps are concerned.

On No. 51: Applies in the same way to the Officers' Reserve Corps as to incidental expenses.

On No. 52: Strikes out language which is taken care of under the Medical Department.

On No. 55: Pays a bill ordered by a recruiting officer in Oregon.

On No. 57: Puts officers of the Reserve Corps and retired enlisted men, when on active duty, on the same basis as Regulars so far as transportation is concerned.

On No. 61: Does the same thing so far as clothing and camp and garrison equipage are concerned.

On No. 63: Provides an additional appropriation for the Jeffersonville depot of the Quartermaster Corps.

On No. 65: Substitutes "Medical Department" for "Hospital Corps," which is in accordance with present law.

On No. 66: Strikes out dental surgeons, who are now under the Medical Department, and gives to members of the Officers' Reserve Corps when on active duty the same rights of Regulars under the title of barracks and quarters.

On No. 67: Does the same for the enlisted men of the Regular Army Reserve and retired enlisted men and members of the Enlisted Reserve Corps when ordered to active duty.

On No. 68: Opens the chapel at the Presidio at San Francisco to all denominations under such regulations as the Secretary of War may prescribe.

On No. 69: Provides an additional appropriation for the purchase and alterations of buildings at Jeffersonville Depot.

On No.70 : Simply changes the language to meet the present act.

On No. 72: Authorizes the Secretary of War to convey to the regents of the University of California for art, educational, and park purposes that part of the military reservation of the Presidio of San Francisco on which the Palace of Fine Arts is located on condition that said regents shall procure for the United States other lands located in the same vicinity that the Secretary of War may approve.

On No. 74: Provides a total sum for the construction of officers' quarters.

On No. 75: Provides for the construction of a hospital at Fort Ward, Wash.; Schofield Barracks, Hawaii; enlargement of the Walter Reed Hospital; a modern hospital at Fort McPherson, Ga.; and an officers' infirmary at Fort Bayard, N. Mex. It provides that no building of a permanent nature, the cost of which shall exceed $30,000, shall be erected for use as an Army hospital unless by special authority of Congress.

On No. 76: Provides $100,000 for a target range near the city of Vancouver, Wash.

On No. 77: Provides for the purchase of the right of way of the Gettysburg Railway Co. for the Gettysburg National Military Park.

On No. 80: Makes the appropriation immediately available.

On No. 81: Adopts Senate figures.

On No. 82: Authorizes the present authorized appropriation to be used for the purposes mentioned in this appropriation.

On No. 83: Strikes out House language authorizing the use of proceeds received from the operation of a public utility to be available for the purpose of engineer operations in the field, which provides that such proceeds shall go into the Treasury.

On No. 84: Provides an appropriation of $200,000 for military surveys and maps.

On No. 86: Provides that one-half instead of one-third of the sum appropriated for ammunition and ordnance stores shall be expended in purchasing the articles provided for.

On No. 87: Strikes out the language "of able-bodied men capable of bearing arms" under the item for small-arms target practice.

On No. 92: Increases the appropriation that may be used for the purchase of ordnance stores and supplies from $5,000,000 to $6,000,000.

On No. 93: Strikes out the House provision authorizing the Secretary of War to loan service material for exhibition purposes.

On No. 98: Authorizes the purchase in limited quantities abroad of material for the Ordnance Department, and provides that such material when so purchased shall be admitted free of duty.

On Nos. 100, 101, and 102: Simply perfect the language.

On No. 103: Adds the words "radio company" to machine-gun troops or companies, etc.

On No. 104: Adopts the figures of the Senate increasing the appropriation of the House by $10,000.

On No. 106: Authorizes the purchase of a rifle range for the use of the District National Guard in the sum of $50,000.

On No. 113: Increases the appropriation for the expenses of sergeant instructors from $80,000 to $100,000.

On No. 116: Provides that the National Guard shall include officers and enlisted men of the Staff Corps and Departments according to those of the Regular Army when authorized by the Secretary of War.

On No. 117: Raises the appropriation for Infantry equipment in the National Guard from $800,000 to $1,200,000.

On No. 118: Provides for the closing of the accounts with the States of money heretofore appropriated for the Organized Militia at the end of the fiscal year 1918, wherever such funds remain to the credit of such States, Territories, or the District of Columbia on August 29, 1916.

On No. 127: Authorizes the acceptance of offers of gratuitous service of members of the Officers' Reserve Corps in the enrollment, organization, and training of the Officers' Reserve Corps, the Reserve Officers' Training Corps, or the Enlisted Reserve Corps of the Army.

On No. 132: Requires that no expenditure exceeding $5,000 upon any building, military post, etc., shall be made without the approval of the Secretary of War upon detailed estimate submitted to him.

On No. 133: Authorizes the Secretary of War to have printing and binding done outside of the Government Printing Office in time of actual hostilities.

On No. 134: Relieves the Navasota Transfer Co. of its obligations to the Government for the supply of hay and bedding at various posts in the Southern Department.

On No. 13: Strikes out the word "hereafter," so as not to make it permanent law.

On No. 16: Authorizes the appointment of second lieutenants from enlisted men, including officers, of the Philippine Scouts, members, including officers, of the Organized Militia, the National Guard, or the Naval Militia, between the ages of 21 and 34.

On No. 25: Adopts the Senate figures, but strikes out the proviso.

On No. 26: Makes the amount $1,070,000, instead of $900,000, for the pay of enlisted men of the Signal Corps.

On No. 27: Raises the appropriation for additional pay for length of service of enlisted men of the Signal Corps from $96,000 to $100,000.

On No. 29: Authorizes the increase of the General Staff for the period of the existing emergency to 91.

On No. 46: Makes the item for subsistence of the Army $18,500,000, instead of $16,500,000 in the House bill and $19,293,394 in the Senate bill.

On No. 50: Makes the item for "Regular supplies of the Quartermaster Department" $13,450,000 instead of $11,000,000 in the House bill and $13,453,995.19 in the Senate bill.

On No. 53: Fixes $2,000,000 for incidental expenses of the Quartermaster Department instead of $1,800,000 in the House bill and $2,199,000 in the Senate bill.

On No. 54: Repeals section 1120 of the Revised Statutes, which authorized the pay to any person who procured a recruit for the Army.

On No. 59: Fixes the appropriation at $16,000,000 for transportation of the Army instead of $15,000,000 in the House bill.

On No. 62: Fixes the appropriation at $28,640,000 for clothing and camp and garrison equipage instead of $15,000,000 as provided in the House bill.

On No. 71: Adopts the Senate provision for the purchase of additional land adjoining the military reservation at Fort Sam Houston of not less than 1,180 acres.

On No. 73: Provides an appropriation of $500,000 for the construction, maintenance, etc., of military and post roads, etc., in Alaska, and makes same available for two years beginning the 1st of July next.

On No. 78: Simply perfects the language for vocational training in the House bill, together with the Senate amendment, which later provides that the Secretary of War may select one or more regiments of Infantry, Cavalry, or Field Artillery for such training purposes.

On No. 95: Fixes the appropriation for automatic machine rifles at $5,000,000, instead of $3,000,000 as provided by the House bill and $7,350,300 by the Senate bill.

On No. 99: Authorizes mileage to officers of the Ordnance Department to be paid from the appropriation for the work in connection with which the travel is performed, but it does not make this permanent law.

On No. 105: Restores the House language for the acquisition, construction, and maintenance of shooting galleries and target ranges, and provides that $125,000 shall be available for the procurement of lands for Field Artillery in the eastern and western departments, as authorized in the last annual appropriation bill.

On No. 114: Is kept in the bill, but placed, as indicated, at a different place.

On Nos. 121 and 122: Adopts the Senate figures as well as the amendment offered by the Senate providing for 3½ cents per mile travel pay and the payment of the return journey in advance, and an additional provision authorizing the payment of not exceeding $100 a month for persons designated for training for officers in such camps.

On No. 123: Authorizes the Secretary of War, in his discretion, to designate the first corps cadets of the National Guard of Massachusetts a senior division of the Reserve Officers' Training Corps.

On No. 125: Undertakes to clarify the language and authorizes leave of absence to officers or employees of the United States or of the District of Columbia while in the training camps, not to exceed 15 days.

On No. 126: Provides that members of the Officers' Reserve Corps in the employ of the United States or the District of Columbia shall after being ordered to duty, when relieved, be restored to the positions they held when so ordered.

On No. 128: Authorizes any former officer of the Regular or Volunteer Army, Organized Militia, or National Guard, under 64 years of age, who has resigned or been honorably discharged after a total service of not less than three years, under such examination and within such age limits as may be prescribed by the President, be commissioned in any appropriate arm, Staff Corps, department, or section of the Officers' Reserve Corps with rank of not more than one grade higher than that formerly held by him in any of said organizations, but in no case above that of lieutenant colonel.

On No. 129: Restores the House provision suspending the act providing that not more than one-half of the Staff Corps shall be stationed or assigned to or employed upon any duty in the District of Columbia or near thereto during the existing emergency.

The amount of the Senate bill was reduced by a little more than $4,500,000.

S. H. DENT, Jr.,
W. J. FIELDS,
PERCY E. QUIN,
JULIUS KAHN,
D. R. ANTHONY, Jr.,
Managers on the part of the House.

Mr. DENT. Mr. Speaker, I call attention to the fact that I did not ask that the statement be read in lieu of the report, but it having been read, I now make that request.

The SPEAKER. The gentleman from Alabama asks unanimous consent that the statement be read in lieu of the report. Is there objection?

There was no objection.

The SPEAKER. We have got the original papers here now.

Mr. DENT. Mr. Speaker, this annual Army appropriation bill carried, in the form in which it passed the Senate, a little over $278,000,000. In the statement filed by the managers on the part of the House there is a mistake in stating that the House conferees succeeded in reducing the Senate bill about four and one-half million dollars. On looking over the figures I find that the reduction really amounts to $8,129,722.17.

The House conferees agreed to increases that the Senate insisted upon amounting to $33,070,923.35. The principal item of that increase of $33,000,000 is $13,640,000, or a little less than one-half the total increase, for the purchase of clothing and camp equipage. We were convinced by what we were told by the Quartermaster's Department, that in view of the present situation the Army is very short in that regard, and the House yielded, raising that amount by nearly $14,000,000.

In this bill there are some changes made in the law. Amendment No. 37 gives to retired officers the benefit of whatever active service they have had in computing their longevity pay. We thought that was only fair and just because they had actually been performing service.

Amendment 42 authorizes the Quartermaster's Department to name other officers in helping to make distribution of the funds in their charge. The purpose of that is manifest, I think, upon its face, because there are times when one man is simply physically unable to discharge this duty and he calls upon another officer to assist him in it, each officer being held responsible for the proper distribution of the funds.

Perhaps the most important legislative change that was made in this bill was the increase of the age limit of second lieutenants who have been enlisted men, including the officers of the Philippine Scouts and the enlisted men who have been officers of the Organized Militia and National Guard, from 21 to 34 years instead of 21 to 30 years of age.

Mr. SLAYDEN. I wish the gentleman from Alabama would make that statement again. I did not quite catch it. Does it change the ages for admission?

Mr. DENT. So far as it applies to the enlisted men of the Regular Army and the officers of the Philippine Scouts and enlisted men and officers of the Organized Militia and National Guard, the entrance age was raised to 34 years, heretofore it having been 27 years in some instances and 30 years in others.

Mr. SLAYDEN. Twenty-seven years in all instances, except for enlisted men?

Mr. DENT. Yes.

Mr. BORLAND. Let me understand that. It is proposed that a man 34 years of age may take the examination for second lieutenant?

Mr. DENT. Provided he has had service as an enlisted man, or officer of the National Guard. We made the maximum age limit 34 to meet the objection which the War Department is constantly making, that if you raise this age limit, the man will be subject to retirement before he has had 30 years of service as an officer, which is the usual rule in the department. The age limit of 34 would give these officers 30 years of service before they reach the retiring age, which is 64 years. We thought it was only just and fair that these enlisted men, and particularly officers of the Philippine Scouts who have, many of them, seen much more service than a great many officers in the Regular Army, should have the right to get into the Regular Establishment, and should have the benefit of their prior service.

Amendment No. 29 increases the number of the General Staff to 91. This is the proposition about which there has been so much controversy in the newspapers. That is the number requested by the General Staff and by the Secretary of War. As the House doubtless will remember, this increases the General Staff from 55 to 91, but the increase is positively limited to the period of the present emergency, so that it does not become permanent law.

In the same connection the Senate receded from the House provision suspending the manchu law so far as it provided that not more than one-half of the General Staff should be on duty in or near the District of Columbia, the suspension being during the period only of this emergency.

Mr. SHERWOOD. I see the statement of the House conferees says that the amount of the Senate bill was reduced in conference by $4,500,000. How much does the conference report as agreed to increase the bill above the amount which it carried as it passed the House originally?

Mr. DENT. Thirty-three million dollars. The House agreed to increases amounting to $33,000,000 and secured a reduction of $8,000,000. The bill as it passed the Senate carried about $278,000,000, and as agreed to by the conferees it carries about $270,000,000.

Mr. SLAYDEN. Will the chairman of the committee permit a question?

Mr. DENT. Yes.

Mr. SLAYDEN. Did I understand him to say that there had been a change in the so-called manchu law which lessens the amount of time that officers are required to spend with their organizations?

Mr. DENT. Oh, no, indeed. I referred to the manchu law. This bill changes the law, or rather suspends the law during the period of this emergency in so far as a provision in the national

defense act declares that not more than one-half of the General Staff shall be at or near the District of Columbia at any one time.

Mr. SLAYDEN. I misunderstood the gentleman. This is the time they should be with the organization.

Mr. KINCHELOE. Will the gentleman yield?

Mr. DENT. Certainly.

Mr. KINCHELOE. The gentleman will remember the bill which passed the Sixty-fourth Congress and went to the Senate, and when it came back there was an amendment forbidding the use of tobacco by the soldiers at training camps. Is there any provision of that kind in this bill?

Mr. DENT. Not at all.

Mr. STAFFORD. Will the gentleman yield?

Mr. DENT. I will.

Mr. STAFFORD. I wish to direct the attention of the chairman of the committee to that item which was eliminated in the House on the motion of a member of the Committee on Military Affairs, which provided $500,000 for the building of roads in Alaska. The Senate reinserted the item, and the committee has accepted the amendment with an amendment that the fund shall be available until the end of the fiscal year 1919. I wish to inquire whether the gentleman has any assurance that no additional money will be called for to be expended in Alaska in patchwork on Alaskan roads and building bridges during the fiscal year of 1919, if this provision is adopted as is proposed for the ensuing year?

Mr. DENT. Of course I have no assurance to that effect and no way of obtaining that assurance.

Mr. STAFFORD. If I am not violating any confidence, I will state that I received a letter from the Secretary of War in which he stated that if this $500,000 appropriation was allowed to go through he would not make any additional recommendations for next year.

Mr. DENT. I have no such letter.

Mr. STAFFORD. I did not know whether the gentleman had any assurance that if it was extended to 1919 the $500,000 would be all that would be used.

Mr. DENT. That was the object in giving them two years to expend it in, that they would accomplish the purpose they had in view.

Mr. KAHN. Will the gentleman yield?

Mr. DENT. Certainly.

Mr. KAHN. I think the gentleman will recollect that the purpose of extending it two years was that the time for working in Alaska is very short. The summer is only about three or four months long and by extending this amount, making it available for two years, they can begin the work very promptly in the fiscal year 1919, and thus do a great deal of work that ordinarily they would not be able to do if they waited for the usual annual appropriation. Of course they hope by saving time in that way to be able to finish their plans.

Mr. STAFFORD. It is plain that the $500,000 was too much for the next fiscal year, and that it should be distributed over two years instead of one.

But I wish to make another inquiry about an item that has never been in the House and which, I assume, is a matter about which the gentleman from California is much more cognizant. It is amendment 73, providing for the exchange of certain lands in the Presidio that were used in connection with the California exposition for other land with the regents of the University of California. All of us who visited the fair remember the location of the land, that it was directly tributary to the Presidio, that large Army post which will grow in importance as the years go on, and that the land was so situated as to be serviceable for Army purposes. I wish to inquire why the Government is surrendering that land to the university, containing a building that is partly a shack, where the university has no ground near by in exchange for other lands that no one knows what they are and which may be of doubtful value.

Mr. DENT. I will yield to the gentleman from California.

Mr. KAHN. Mr. Chairman, the land in question is about 9 acres in area. It occupies a place in the Presidio of San Francisco, which prior to the exposition was a swamp. The exposition company filled it in. The Government never had any use of that land at any time by reason of the fact that it was overflowed. The University of California has land in various sections of the State, as well as in several sections of San Francisco. The land that is intended to be exchanged for this 9-acre tract is about an equal amount in area, bordering on what is known as Lobos Creek. Lobos Creek now furnishes the water supply of the Presidio. It is an independent supply. If the supply of San Francisco were to be cut in the rear of the city by some enemy at any time, the military post of the Presidio would still have its own water supply. The Government owns one-half of that stream that meanders along toward the Bay of San Francisco, including the eastern and southern banks. The idea is to allow the city of San Francisco, or its citizens, to purchase the other half of the creek, and then turn over to the military authorities all the land from the center of the creek to the house line of the city, so that the waters of the creek will be protected from contamination. It is the thing that the Government has been trying to do for some years, but it has been unable to accomplish the purpose. By this exchange the Government will get this land and its water supply, and the regents of the University of California will get a tract of land upon which stands the Palace of Fine Arts, which was such a marvelous attraction of the exposition at San Francisco in 1915. There is no disposition to take advantage of the Government. On the contrary, the city of San Francisco and its citizens will give quid pro quo for the land. The gentleman's assertion that the building is a shack is not borne out by the facts. The building cost something like $2,000,000 in its construction. Surely that is not a shack.

Mr. STAFFORD. I wish to say that the building I visited on several occasions containing the exhibition of fine arts was nothing but a shack.

Mr. KAHN. The gentleman's idea of a shack and my idea of a building are entirely different. He is entitled to his opinion, but a $2,000,000 building is hardly to be classified as a shack. It is all built of brick and iron, with the exception of some ornamental work, and it is proposed to make that ornamental work permanent.

Mr. STAFFORD. Mr. Speaker, will the gentleman yield?

Mr. KAHN. Yes.

Mr. STAFFORD. Do I understand that this land that is to be acquired by the city of San Francisco and conveyed to the Government in exchange for the site now occupied by the former Building of Fine Arts furnishes the present water supply of the Presidio?

Mr. KAHN. One-half of the water supply. The present water supply is Lobos Creek. The Government owns to the middle of that stream. The Spring Valley Water Co. and other private owners own the other half of the stream and the lands adjacent thereto. Individual owners and the Spring Valley Water Co. own the land back to the house line fronting on that creek.

Mr. STAFFORD. Does the Presidio get its water supply from the Spring Valley Water Co.?

Mr. KAHN. It does not.

Mr. STAFFORD. Or does it get its supply from its own controlled sources?

Mr. KAHN. The Spring Valley Water Co. is making no claim to the water, and the Government at this time is using all the water of the creek for its water supply.

Mr. STAFFORD. Who furnishes the water—the Spring Valley Water Co., or does the Government supply its own water?

Mr. KAHN. The Government furnishes half from its own lands and half from the land of the Spring Valley Water Co.

Mr. STAFFORD. As I understand it, the Spring Valley Water Co. is going to have their rights taken over——

Mr. KAHN. By the Government.

Mr. STAFFORD. By the county of San Francisco for the Hetch Hetchy project?

Mr. KAHN. Oh, the Hetch Hetchy project has nothing to do with this.

Mr. STAFFORD. I am asking for information.

Mr. KAHN. The Government takes all its water from the creek, and there is a question of the ownership of one-half of the creek, and also of the land which borders on the creek, and which runs back to the building line owned principally in private ownership. It is proposed to turn all that land over to the Government so that the Government will have absolute control of the water of the creek and also the lands abutting thereon, so as to insure noncontamination of the supply.

Mr. STAFFORD. And when they acquire this additional land then the Presidio will have an independent source of water supply not dependent on any outside source at all?

Mr. KAHN. Absolutely.

Mr. FOSTER. Mr. Speaker, will the gentleman yield?

Mr. KAHN. Yes.

Mr. FOSTER. What is the value of this land that the Government is giving up?

Mr. KAHN. I do not know what the value of the land is. It is down on a flat which was, as I have stated to the House, a marsh prior to the time of the exposition.

Mr. FOSTER. I understand that it has been filled up and is land that can be used now.

Mr. KAHN. Yes.

Mr. FOSTER. What is the value of the land that the Government is getting?

Mr. KAHN. I have no idea. I can not inform the gentleman, but I am told that the land that will be ceded is at least of equal value and possibly of greater value to the Government.

Mr. FOSTER. Is this land that the Government is ceding closer to the city?

Mr. KAHN. No.

Mr. FOSTER. Farther away?

Mr. KAHN. No; they are equally close to the city. The United States Marine Hospital is also near Lobos Creek, and I dare say that the water from Lobos Creek can ultimately be supplied to the marine hospital so that institution will also be free from a local water supply.

Mr. FOSTER. The gentleman's opinion is that it is of advantage both to the Government and to the city?

Mr. KAHN. I think so, because the Government for many years has been trying to arrange the purchase of those lands so as to have its water supply complete and uncontaminated.

Mr. MANN. Mr. Speaker, will the gentleman from Alabama yield?

Mr. DENT. Yes.

Mr. MANN. In reference to Senate amendment 121, where the conference added a proviso in reference to the training of officers, that clearly covers the case of applicants for commissions who go into the training camps to be trained, who will receive not more than $100 a month?

Mr. DENT. Yes.

Mr. MANN. How about the officers who are now in the Reserve Corps, who go into these training camps? Is there any authority or appropriation under which they can be paid while they are in the training camps?

Mr. DENT. Not unless they are designated to go to a camp for training by the Secretary of War, according to the language of the amendment under the provisions of this section.

Mr. MANN. Does the gentleman refer to the proviso?

Mr. DENT. Yes.

Mr. MANN. It may be that this proviso would be construed to cover men now in the Reserve Corps, but plainly the reading of the proviso does not contemplate that. The proviso contemplates that anyone who receives this pay can make an agreement to accept an appointment in the Reserve Corps, in such grade as may be tendered by the Secretary of War. That plainly does not contemplate the payment of officers in the Reserve Corps in certain grades.

Mr. DENT. Unless they would be designated there for training and get a promotion, I think the gentleman is correct.

Mr. MANN. They are not ordered to duty. I know that officers now in the Reserve Corps have been notified that they can go into a training camp. There is no law and no appropriation out of which they can be paid while they are in the training camp, and I apprehend that as to many officers now in the Reserve Corps it would add very materially to their value to the country if they would go into one of these training camps and receive training, but it can hardly be expected that men will do that and not be paid anything, while the man who is a mere applicant for a position is paid $100 a month.

Mr. DENT. I appreciate the point that the gentleman makes, and perhaps this language would not cover those officers, although it was the intention of the conferees to try to draft this language so as to cover every one who is designated by the Secretary of War to go into a training camp.

Mr. MANN. Well, it may be that they will so construe it, though the latter part of the proviso indicates that it is not intended for anyone except the applicant.

Mr. DENT. I will state to the gentleman from Illinois that I shall inquire of the War Department their construction of this provision, and if I find that it does not take care of the case it states, which I think ought to be taken care of, I shall endeavor, as far as I can, to have it corrected in the new Army bill.

Mr. MANN. Then I will ask the gentleman with reference to amendment 78—I suppose this is highly technical——

Mr. DENT. Well, I intended to ask unanimous consent in regard to it, but I had not gotten to the point.

Mr. MANN. The gentleman probably has reference to the amount of the appropriation?

Mr. DENT. Yes, sir.

Mr. MANN. Well, that is one point, but I would like to make a further inquiry as to two other points. The conference report restores the matter stricken out by said amendment—that is, part of it, involving the amount—leaving the two amounts named. Then it goes on to say "on page 59 of the bill, in line 5, after the word 'buildings,' insert the words 'needed for vocational training in agriculture.'" Of course the enrolling clerk has to enroll the bill from this conference report. There is no word "buildings" on page 59 in line 5, either in the bill as it passed the House or the bill as printed by the House with Senate amendments. I do not know whether it is intended to have the enrolling clerk search around the bill until he finds the word "buildings" in some place and then insert some language after it.

Mr. DENT. Well, I will state to the gentleman that the enrolling clerk called my attention to the figures here—$75,000—but my attention has not been called to the fact that there was a mistake in that amendment.

Mr. MANN. Then it goes on and says, "and in line 4, page 60 of said amendment, strike out the word 'regiment.'" There is no such word in line 4 on page 60 either of the amendment or the bill as it passed the House or of the bill printed with Senate amendments.

Mr. DENT. Will the gentleman kindly state where that ought to come in?

Mr. MANN. That is a guess on my part.

Mr. DENT. I would have to look at it——

Mr. MANN. I suppose, though I do not know, the gentleman wants to put the language in after the word "buildings" where it appears in the House print with Senate amendments, on page 59, in line 22.

Mr. DENT. But that page and that line is not the original House bill. This is a Senate print of the House bill.

Mr. MANN. I have the printed bill as it passed the House—the original bill in the hands of the conferees.

Mr. DENT. Well, does the gentleman think, then, if the House gives unanimous consent to add that language after the word "buildings," on page 59, line 22, that that would correct it?

Mr. MANN. Well, page 59 is not the right page. The reference of the conference report is properly made to the original House bill as it passed the House, with the engrossed copy and the engrossed amendments.

Mr. DENT. Mr. Speaker——

Mr. MANN. Vocational training in the engrossed copy of the bill comes on page 41, and if the gentleman refers to the language "and the construction of buildings for shops, storage, shelter of machinery," that is where that language comes in.

Mr. DENT. Page what?

Mr. MANN. Page 42, line 5.

Mr. DENT. Then I will ask unanimous consent——

Mr. MANN. The gentleman will have to have a concurrent resolution.

Mr. DENT. I was going to state, if the gentleman will permit me, I understand, of course, that it will be necessary to get a concurrent resolution unless there is unanimous consent in both Houses to make these changes. I have an agreement with Senator CHAMBERLAIN, chairman of the Committee on Military Affairs of the Senate, to ask unanimous consent in the Senate to make the changes in Senate amendment 78 where the mistakes were made in printing, and I thought that was the easiest way to get at it.

Mr. MANN. The enrolling clerk called my attention to the original conference report, which is not printed correctly. There are two errors in this one amendment in the print of the original conference report, which does not reflect very highly on the Printing Office. The report reads, "On page 42 of the bill, in line 5"; that is correct, and the other place it reads "in line 4 of said amendment." Well, it is not line 4 of the amendment, it is line 3, but probably that is near enough for the clerk to catch it; but the report as printed says "line 4 of said amendment, on page 60." Why they should insert that in the Printing Office, if they did, is beyond me.

Mr. DENT. Well, then, I understand, Mr. Speaker, that it is not necessary to make——

Mr. MANN. I think the clerk can make it out, while the report is not accurate.

Mr. DENT. But it is necessary to ask unanimous consent to strike out "$75,000."

Mr. MANN. That will have to be by concurrent resolution, I will say to the gentleman.

Mr. DENT. Does the gentleman not think if this House and the Senate both grant unanimous consent to make the change that that will accomplish the same purpose?

Mr. MANN. The Senate has no power over this conference report any more. They can not act upon it.

Mr. DENT. They can change it by unanimous consent. However, I will adopt that course.

Mr. MANN. They have no way of getting control of it.

Mr. HULBERT. Will the gentleman yield for a question?

Mr. DENT. Yes, sir.

Mr. HULBERT. I assume that in the organization of the Army to be organized under the selective draft system that the negroes of the country will be expected to contribute their proportion toward the making up of that branch of the service, and I would like to ask the gentleman whether the provision for the 14 training camps is by virtue of any statute enacted here or regulation of the War Department?

Mr. DENT. By regulation of the War Department.

Mr. HULBERT. Does the gentleman know that the War Department has declined to admit colored citizens at the training camps to receive instructions?

Mr. DENT. I do not know. I do not know of any such instance, and have never heard of such.

Mr. MILLER of Minnesota. I would like to ask the gentleman a question in reference to amendment No. 16, on page 17. It really is not in reference to any change in the law, but I want to ask the gentleman if his committee has given thought to a change. The minimum age for a commission fixed in this amendment is the same as it is in the law now—21 years?

Mr. DENT. That is the fact.

Mr. MILLER of Minnesota. I expect the gentleman's attention as well as mine has been called to a large number of young men who are graduates of military schools in the United States, graduating this year particularly, who are 20, but not quite 21; young men graduating from Culver, from the Virginia Military Institute, and from the Pennsylvania Military College, and others. Quite a number of these young men have been brought to my attention who are the very best trained material we have for officers. During the Civil War, I have been informed, commissions were granted way below the age of 21. Has the gentleman's committee given attention to whether or not it would be advisable to change the minimum age of 21 to 19 or 20 during the emergency?

Mr. DENT. The conference committee?

Mr. MILLER of Minnesota. I mean the Committee on Military Affairs.

Mr. DENT. Neither one at this session of Congress; but I will say to the gentleman, so far as I am personally concerned, I see no objection to it, but it has not been considered either by the conference committee or the House Military Committee up to date.

Mr. MILLER of Minnesota. Have any bills been brought to the gentleman's attention?

Mr. DENT. No. There may be bills before the Military Committee, but I will say to the gentleman that in the past few weeks I have not had a chance to examine any of them.

Mr. MILLER of Minnesota. One other inquiry I would like to make. I notice in this amendment which the conferees agreed upon there is given to officers of the Philippine Scouts an opportunity to take the examination and secure commissions in the Regular Establishment. Why does the Committee on Military Affairs of the House and Senate persist in always excluding officers of the Philippine Constabulary in matters of this kind?

Mr. DENT. They are not a part of the Military Establishment of the country at all.

Mr. MILLER of Minnesota. Now, that reason has been repeatedly given, but I submit it does not answer the question at all. They are citizens of the United States who are better educated than the officers of the Scouts, are graduates of American colleges and universities, who, before they became officers of the Philippine Constabulary, had to demonstrate their military proficiency and graduation from military instruction; and they are the very top kind of material for officers in the United States Army to-day. And, what is more, they are younger in years. The gentleman knows that the officers of the Philippine Scouts are a splendid body of men, and I have tried to speak in their favor equally with others. They are all men who have been enlisted men in the Army, who, by reason of superior proficiency, have been given commissions in the Philippine Scouts. Most of them are men of mature years, beyond the age limit fixed here; but that is not true of the officers of the Philippine Constabulary, who for the most part are young men between the ages of 22 and 28, and are a class of men we ought to utilize now. They have not only had the educational training in a military way, but they have had the actual experience, and from my personal observation the experience of the officers of the Philippine Constabulary is not one whit inferior to the experience of the officers of the Philippine Scouts; and I can not see why on earth the time can not come when the officers of the Philippine Constabulary are not given this. It is not academic on my part. If I have received 1, I have received 50 to 100 letters during the last two years from these men, asking that they be given a chance that every other American boy ought to have.

Mr. DENT. I will say to the gentleman that I know he is very familiar with the situation over there, and he and I have had many conversations on the subject, and, so far as I am concerned, the Military Committee of the House would be very glad to hear him on that subject.

Mr. MILLER of Minnesota. I will say to the gentleman that I will try to introduce a bill to-day giving that permission, and I hope that the gentleman's committee will give us an opportunity to consider it.

Mr. LINTHICUM. Will the gentleman yield?

Mr. DENT. I will yield to the gentleman from Maryland.

Mr. LINTHICUM. Has there been any provision made concerning compensation of those who go to the officers' training camp?

Mr. DENT. Provision has been made for $100 a month, and 3½ cents a mile for transportation.

Now, Mr. Speaker, I move the previous question on the adoption of the conference report.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the conference report.

The question was taken, and the conference report was agreed to.

On motion of Mr. DENT, a motion to reconsider the vote by which the conference report was agreed to, was laid on the table.

MILITARY ACADEMY.

Mr. DENT. Now, Mr. Speaker, I desire to call up the conference report on the bill (H. R. 14) making appropriations for the Military Academy.

The SPEAKER. The Clerk will report it.

Mr. STAFFORD. Mr. Speaker, I wish to reserve a point of order on the conference report.

The SPEAKER. The gentleman from Wisconsin reserves a point of order. Point or points?

Mr. STAFFORD. I think one will be sufficient.

The SPEAKER. The Clerk will read the conference report.

The conference report was read as follows:

CONFERENCE REPORT (NO. 43).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 14) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1918, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 2 and 3, and agree to the same.

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: On page 6 of the bill strike out all on line 18 and in lieu thereof insert the following: "38 privates, first class, and 38 privates, second class, $15,080"; and the Senate agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said amendment insert the following:

"That the President of the United States be, and he is hereby, authorized, by and with the advice and consent of the Senate, to appoint Bertram T. Clayton, jr., late a cadet at the Military Academy at West Point, to the position of second lieutenant of Infantry of the Army, and to place him upon the retired list with the pay of a retired second lieutenant of Infantry."

And the Senate agree to the same.

S. H. DENT, JR.,
W. J. FIELDS,
JULIUS KAHN,
Managers on the part of the House.

GEO. E. CHAMBERLAIN,
G. M. HITCHCOCK,
F. E. WARREN,
Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 14) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1918, and for other purposes, submit the following written statement explaining the effect of the action agreed on:

The House receded from its disagreement to Senate amendment No. 1 providing extra pay for 19 enlisted men instead of for 13, as provided in the House bill. Although without authority, as the matter was not in conference, the conferees took the liberty of striking out the words "76 privates, at $15 each per

month, $13,680" and substituting therefor "38 privates, first class, and 38 privates, second class, $15,080." This change was made upon the recommendation of the Engineer Department, which stated that the language originally used would tend to disrupt the present organization.

The House receded from amendments 2 and 3, authorizing the President to appoint William Harold Kehoe and Clyde R. Altman, late cadets at the Military Academy at West Point, to the position of second lieutenant of Infantry and to place them upon the retired list with the pay of a retired second lieutenant.

A provision was also added authorizing the President to appoint Bertram T. Clayton, jr., to the position of second lieutenant and to place him upon the retired list with the pay of a retired second lieutenant. The conferees thought this was only fair, as the case is similar to that of W. H. Kehoe, both having developed tuberculosis while cadets at the Military Academy.

S. H. DENT, Jr.,
W. J. FIELDS,
JULIUS KAHN,
Managers on the part of the House.

The SPEAKER. The question is on agreeing to the conference report.

Mr. STAFFORD. I make the point of order, Mr. Speaker, that the conferees have exceeded their authority in agreeing with an amendment to amendment No. 4.

Mr. DENT. In amendment No. 4?

Mr. STAFFORD. Yes.

The SPEAKER. Will the gentleman suspend a moment? The Chair wishes the gentleman from Wisconsin to state exactly his position.

Mr. DENT. Mr. Speaker, I might save a little time on this. I am perfectly willing to admit that the amendment is subject to a point of order, with this statement: That the Senate put on two cadets at West Point, one of whom is at the hospital at Fort Bayard, N. Mex., and made him a retired second lieutenant. Out at that same hospital there is another cadet, the son of Maj. Burtram T. Clayton, of the Army, who developed tuberculosis while he was a cadet at West Point, and he is at the same hospital recovering from the same trouble as Cadet Kehoe, and the conferees thought that if they were going to yield in one case it was only fair and just that both should be put on the same footing. But if the gentleman makes a point of order, I confess the point of order is well taken.

Mr. STAFFORD. Mr. Speaker, if the House will indulge me a minute or two in justification of my position, I wish to say that in the last Congress the Committee on Military Affairs reported two private bills authorizing the retirement of Cadets Kehoe and Altman, with the rank of second lieutenant. Those bills on several occasions were considered under the unanimous-consent call of the Private Calendar, and on the last call of the Private Calendar the opposition of those opposing those bills was very pointedly stated; that tubercular trouble in most instances is congenital, and that in these two instances it did not arise from Army service. While there were some facts showing that these cadets contracted a cold, still, to my mind, it seemed that they had tubercular trouble when they entered the academy.

This amendment confers upon the President the power to retire these cadets, if he see fit, on three-quarters pay for some cause that may not have arisen from Army service. In my brief experience I have known young men connected with the Naval Academy who, by reason of defective vision brought on by intensive study, have been compelled to resign. We might as well give them three-quarters pay as second lieutenants in the Navy for the balance of their lives if we are going to adopt that policy in these instances at the threshold of a war that will entail untold expense on this generation and on future generations. I think it is a wrong policy for the Government to adopt, and I am taking this position in order to attract the attention of the country to the fact that these two items have been included in the bill when they had no right to be included therein. I know the pressure that was brought to bear upon the Members of this House in the last Congress to allow these two bills to pass, and I assume as much pressure will be brought to bear on the President of the United States.

Mr. FOSTER. Mr. Speaker, will the gentleman withhold his point of order for a moment?

Mr. STAFFORD. Yes; I will withhold it.

Mr. FOSTER. Mr. Speaker, I am somewhat surprised at the gentleman from Wisconsin, who makes the claim here, in the case of these boys who now have tuberculosis, that it was congenital with them. Nobody claims that except the gentleman from Wisconsin.

Mr. FOSTER. That may have been thought true a hundred years ago, but it is not now. To say to this House that we are proposing to retire these boys because they have contracted tuberculosis since they have been in the Military Academy, and then to charge that that was congenital and that they had it when they went there is hardly correct. I know my friend has not read up lately on these questions, because otherwise he would not make such a claim.

Those boys, if they had tuberculosis when they went in there, had it at least in such a stage that nobody could find it out. But the chances are ninety-nine out of one hundred or nine hundred and ninety-nine out of one thousand that those boys had in some way contracted that disease since they went into the academy. I am sure my friend from Wisconsin does not desire to create the impression that these boys had consumption when they went there; that is, that they had it from birth, as he indicates. We used to talk about a whole lot of things that doctors would not talk about now as true, things which no intelligent physician now would mention. They used to charge almost everything up from a man's birth, but we know differently now, it is not all inherited. Men have investigated those conditions, and they know that that does not exist, and that those conditions do not come in that way. They used to talk about people having "stomach trouble," which covered a multitude of sins, and men have died from appendicitis when it was said they had some "stomach trouble." People know better about those things now.

Mr. GILLETT. Mr. Speaker, will the gentleman yield?

Mr. FOSTER. Yes.

Mr. GILLETT. Were these boys exposed to peculiar hardships in the academy which would make them subject to this disease more than they would have been under ordinary circumstances?

Mr. FOSTER. I do not know as to that, but I do know this: That they in all probability contracted the disease while they were there. Whether the Government should pay them or not is another question. I am not speaking that it should be done. That is doubtful in my mind that such action should be taken.

Mr. FIELDS. In answer to the gentleman from Massachusetts [Mr. GILLETT] I will say that one of these young men, Cadet Kehoe, was thrown from a horse. His shoulders and chest were hurt, and a long illness ensued, during which tuberculosis developed. Cadet Altman, who is provided for in the bill, was almost up to the point of graduation. He took sick in March, I believe, before he was to graduate in June, and if he had remained only a few months longer he would have been graduated.

Mr. MANN. Getting tuberculosis from being thrown from a horse is a good deal like getting it congenitally.

Mr. FIELDS. A long illness ensued as the result of that hurt.

Mr. FOSTER. Whatever lowers a man's vitality may permit these germs to live in his system. They have learned that in treating tuberculosis one great element is the proper nourishment, and keeping the vitality to as high a point as possible. Now, what the hurt may have had to do about it I do not know; probably none.

Mr. BUTLER. This is setting a very dangerous precedent.

Mr. FITZGERALD. Mr. Speaker, I hope the gentleman from Wisconsin [Mr. STAFFORD] will not press the point of order. The effect of his action will be to eliminate one of the cadets, Bertram T. Clayton, jr.

Mr. MANN. It ought to eliminate both of them.

Mr. FITZGERALD. It can not eliminate both. There are two of them. The Senate put one of them in, and the House added Bertram T. Clayton, jr. He is a son of Maj. Clayton, of the United States Army. Maj. Clayton was graduated from the United States Military Academy about 1886, and after serving some years resigned and went into private life in Brooklyn. He organized Troop C of the National Guard, and during the Spanish-American War went with his troop to Cuba and took part in the campaign there. Upon his return from Cuba he was elected to the Fifty-sixth Congress, and while in Congress was made the colonel of a regiment of the National Guard in Brooklyn, which he put into very fine military shape. After he left Congress he was appointed in the Army under the reorganization act following the Spanish-American War.

I knew this young man, Bertram T. Clayton, as a small boy, when he was 8 or 9 years old. I knew his father and was slightly acquainted with his mother. So far as I have ever known, there was no consumption in either family. This young man went to the Military Academy, and through overzealousness and overwork so impaired his system that he contracted a cold, and eventually developed consumption. He is in the military hospital at Fort Bayonne. He has no means. He is dependent entirely upon either the gratitude of the Government or whatever assistance his father may be able to give him, and his father is now likely to be assigned to active service at any

time. As one of these young men is to be put on the retired list as a second lieutenant by the action of the Senate, it seems to me that the House ought not to prevent this other young man having the same action taken with regard to him.

Mr. HUSTED. I should like to ask if there is any precedent for this kind of legislation?

Mr. FITZGERALD. I do not know.

Mr. HUSTED. I know that in the past a great many young men have been compelled to leave West Point before graduation on account of physical disability.

Mr. FIELDS. In 1913 similar bills were passed by Congress.

Mr. FITZGERALD. The point I make is this: The Senate, by a Senate amendment, has provided for one of these young men. The other one is in the same hospital, in exactly the same condition. If the point of order is interposed, the conference report will be rejected, and it will not be possible to make provision for young Clayton, while the managers upon the part of the House will probably be compelled to yield to the insistance of the Senate to take care of the other young man. In view of the circumstances, with which I am familiar, as I have stated them to the House, I believe they should both be treated alike.

Mr. GREENE of Vermont. May I ask the gentleman if he finds in our general legislative policy any warrant for such action? These young men have not been rendering service to the Government, so that the Government would be under some obligation to take care of them because their health was impaired in the line of duty; but, on the contrary, they have been at a school where the Government has been rendering a service to them.

Mr. FITZGERALD. I am not making any contention about it. I am stating the facts. The Senate has provided for one and the House conferees have incorporated a provision for the other. If the point of order is insisted upon and the conference report rejected, nothing can be done for young Clayton, although the provision for Kehoe will probably be retained in the bill and can not be elimninated. In view of the situation regarding these men it seems to me we ought to treat them both alike.

Mr. LINTHICUM. If this young man Clayton recovers, will he render service to the Government, or will he continue to receive his retired service pay?

Mr. FITZGERALD. I am not in a position to make any pledge. The retired pay of a second lieutenant is about $1,700 a year.

Mr. BORLAND. He can be ordered back to duty.

Mr. FITZGERALD. He will be on the retired list, and can be ordered back to active duty at any time. I have been acquainted with him for a great many years, and I know that nothing would give him greater pleasure than to be able to go into the service and stay in the Army. His father being an Army officer, that was his ambition from the time he was a little chap.

Mr. DENT. If the gentleman will allow me to make a statement, I will say that young Clayton has an application on file to go into the Officers' Reserve Corps and has asked for active duty, and I have indorsed his application, and this morning Gen. Gorgas wrote me that he had indorsed it, and that he probably will be sent on some active duty.

Mr. MANN. Then he does not need to go on the retired list.

Mr. FIELDS. Cadet Kehoe desires to go on active duty just as soon as they will accept him. It is the ambition of his life to enter the Army and remain in it.

Mr. LINTHICUM. I do not object to it. I think he ought to serve the Government when he recovers.

Mr. FIELDS. He is very anxious to do so.

Mr. FITZGERALD. He has been anxious to serve, but has not been able to do so. I have stated the facts about this young man, Clayton, as I know them. I was elected to this House 18 years ago, with his father as my colleague from Brooklyn, and we lived together in Washington. I am intimately acquainted with him. I know the facts connected with this young man. If provision is to be made for the other, it is a matter of common justice that we should make provision for both of them.

Mr. MANN. Mr. Speaker, a great many boys who go to college throughout the country acquire tuberculosis, and a great many boys who have not been fortunate enough to go to college acquire tuberculosis. Of course, quite a number who go to Annapolis and West Point to be educated at the expense of the Government acquire tuberculosis. Those who are fortunate enough to have their school expenses paid by the Government are better off than those who pay their own expenses and go to some other college, and those who pay their own expenses at some other college are better off than those who are unable to afford the expense of going to college at all. Yet the proposition here is to give the preferred class compensation, to be paid out of the pockets of those who are not so fortunate.

These men are not in the military service of the Government. They are at school, at the expense of the Government, being furnished an education. Now, I have the profoundest sympathy for any young boy who acquires tuberculosis. It is a very unfortunate condition. I know myself with reference to it. I can see no reason why the Government of the United States should give special preference to two individuals who have gone to West Point and there became afflicted with tuberculosis. If we are going to make a rule of that sort, make it general. It would be far better to do something for all those who have tuberculosis throughout the country than merely to take care of two. These two young men, against whom no word can or would be said, who think now they want to go back into the Army, had better stay out of the Army. If they go back in the Army, they will not last long with tuberculosis.

Mr. FOSTER. They probably would not be taken back.

Mr. MANN. They probably would not, although we are told that they expect to get back.

Mr. FOSTER. That will not happen.

Mr. MANN. I think myself it will not happen, although that has been the strongest reason given for passing this provision.

Mr. LINTHICUM. Will the gentleman yield?

Mr. MANN. Yes.

Mr. LINTHICUM. The gentleman said we ought to do something for all those that are suffering with tuberculosis.

Mr. MANN. I said it would be far better.

Mr. LINTHICUM. Does not the gentleman think that we had better begin at the root of the evil and regulate the milk and dairy supplies of the country?

Mr. MANN. Oh, if the gentleman from Maryland ever gets to the gates of heaven and St. Peter asks him a question, he will reply by talking about the milk supply. [Laughter.] He is possessed with the idea that nothing but the milk supply is the root of all evil. The gentleman ought to go back and drink the milk of the babies, build up again, and get some of those notions out of his head. [Laughter.]

Mr. LINTHICUM. The gentleman wants to eradicate the root of the evil, and not begin to try to cure the disease after it is contracted.

Mr. MANN. Unfortunately, I will say for the benefit of the gentleman, that I have one boy who has tuberculosis, and for years never drank milk before he became afflicted with tuberculosis.

Mr. LINTHICUM. He may have been in contact with somebody who had it.

Mr. MANN. He was not. How he got it, no one knows.

Mr. LINTHICUM. He either got it through contact with somebody else or through the milk. It is not congenital.

Mr. MANN. No one knows. Tuberculosis germs are in the air everywhere.

Mr. FOSTER. Let me say that I think my colleague is quite right; very few cases can be traced to their origin.

Mr. MANN. They do not know how it comes. It is said that more than 25 or 33 per cent of all the population probably at some time in their lives have a touch of tuberculosis. The gentleman from New York [Mr. FITZGERALD] says that we will have to agree to the Senate amendment. We do not have to agree to it; if this goes back, the Senate amendment ought not to be agreed to.

Mr. BUTLER. Mr. Speaker, I ask unanimous consent to speak for two or three minutes.

The SPEAKER. We are arguing the point of order, and the Chair will recognize the gentleman from Pennsylvania.

Mr. BUTLER. Mr. Speaker, I dislike to say anything that might in the least way interfere with the aid that the Government might give to these young men, but it is a dangerous precedent to make. If the gentleman will permit me to say, for 20 years I have sat on a subcommittee of the Committee on Naval Affairs and have dealt with a number of cases like these. On every occasion we have resisted. My chief, the chairman of the committee is here, who will bear me out. We have resisted on many, many occasions, and, although it has given us a great deal of pain, we have declined to offer Government aid and assistance to the young men who have contracted disease or become crippled in some way at the Naval Academy and who could not be graduated; but I know of no time when favorable action has been taken by the Naval Affairs Committee of the House.

Mr. PADGETT. If the gentleman will permit me, under the law they have a pensionable status at present and can receive a pension, but if retired they would get three-quarters pay. This is a special method of giving a larger pension than that provided by the general law.

Mr. BUTLER. I will ask the gentleman if he remembers any measure of this kind that was ever reported favorably?

Mr. FADGETT. No; we have uniformly declined to report favorably on young men in that condition in the academy. We have left them to their remedy for a pension under the general law.

Mr. GREENE of Vermont. Will the gentleman yield?

Mr. BUTLER. Yes.

Mr. GREENE of Vermont. The law gives them a pensionable status, but it is not construed to include anything except disease or injury contracted in the line of duty.

Mr. BUTLER. That is correct; in the line of duty. I have known young men in the Naval Academy whose vision had become impaired and who asked for relief, but they never obtained it. I would be willing to vote in favor of a general provision by which some sort of assistance could be given to these young men, but to take two or three by the method we are now considering I do not think is hardly fair toward the others who have gone out and made their efforts repeatedly for assistance, but have obtained no sort of Government assistance.

Mr. CRAGO. Will the gentleman yield?

Mr. BUTLER. Certainly.

Mr. CRAGO. Does not the gentleman recognize the distinction between these cases and the ordinary case of a young man acquiring an education who acquires tuberculosis? I am told that in the case of Altman there is no tuberculosis in the family. These men have offered their lives to their country and were being trained, and we must admit that inside of a few months, or a year at least, if they had gone on with their education, they would have been graduated at the academy, and if this disability had come on them after that they would have been retired by operation of law.

Mr. BUTLER. Yes; but if I can make a reply to the gentleman's question, and I have endeavored to recall all of it, we have never considered these young men in the Government service. It costs $18,000 or $20,000 to educate each young man at Annapolis. He must take his chances with other young men who are in institutions for the purpose of being prepared for the events of life. We have never considered them in the military service, and I repeat what I have already said, upon every occasion we have declined to report measures that would give them the advantage of Government aid.

Mr. CRAGO. Take the case of young men who are attending theological seminaries. I know of a number of cases where they have failed to graduate and become regular ordained ministers on account of failure of health, and invariably the church organizations have taken care of them in some way.

Mr. BUTLER. But that is a private institution, and I could say to my friend that they might take care of me if they wanted to, but this is a bill having to do entirely with a military institution of the Government, and I repeat what I have said—Congress has never considered any of the young men in these institutions as belonging to the military arm of the Government more than for the mere purpose of educating and training them. If they are unfortunate during the period of training at these academies, we have always declined to report measures that would give them Government aid.

Mr. CRAGO. Not always. There are precedents.

Mr. BUTLER. Oh, I understand. I know they have gotten a rider on once in a while, but I say let them be considered on their merits.

Mr. CRAGO. The gentleman will admit that if one of these cases goes through both should go through?

Mr. BUTLER. I do most positively feel that way about it. If one goes for this reason, both ought to go, but in my judgment neither should. I am not going to offer any objection by point of order to the passage of the bill, which provides for young men suffering with tuberculosis.

Mr. MASON. Mr. Speaker, will the gentleman yield?

Mr. BUTLER. Yes.

Mr. MASON. Are the students there on a pensionable basis? Can they get a pension?

Mr. BUTLER. They have a pensionable status, and it has been so held, and if they contract diseases while at the academy or become hurt in any way so they can not graduate they have a pensionable status and may receive a certain amount of compensation.

Mr. BATHRICK. Is that true of the Military Academy also?

Mr. BUTLER. Yes.

Mr. CRAGO. And in the case of Altman, he has held a position at West Point and is keeping that district in Pennsylvania out of a new appointment, and if we would take this action today we would make a place for another young man to start his military education.

Mr. GREENE of Vermont. Is the obligation on the part of the Government to make the place for the young man who wants to go to school, or is the obligation the other way?

Mr. CRAGO. I am not questioning the policy of the Government in withholding this aid. I do not know that it is exactly the thing to do, but I do claim that if one of these cases goes through, the other should, and I do say that there is a difference between these young men and the young man in the pursuit of an ordinary education, because they have offered their services to the Government, and in a few months or a year they would have been eligible to this retirement.

Mr. MANN. How about the young man who wanted to go and could not get the appointment?

Mr. CRAGO. He is unfortunate.

Mr. GREENE of Vermont. What are you going to say about the man who would have enlisted but for having taken tuberculosis three months before he intended to enlist? Is he not in exactly the same class?

Mr. MONDELL. Mr. Speaker, a number of years ago I nominated to West Point one of the finest young men I ever knew. He was appointed. He was a splendid young officer. He was educated there for more than three years, and at the end of that time he had trouble with his eyes, brought about by hard study, probably with poor lights, and was compelled to resign from the academy. It never occurred to that young man that he was privileged to saddle himself upon the Public Treasury for the balance of his life, because the Government, having given him the opportunity, he had unfortunately injured his eyesight in his effort to secure a military education. It never occurred to me that having given that young man that opportunity I should come before the Congress and ask that he become a pensioner at three-quarters of his active pay for the rest of his life. He went out into the world and went into business. There was no obligation on the part of the Government to retire him, and he never thought there was, and I never thought there was, and met no one with a different opinion. But these young gentlemen provided for in this bill happen to have very persistent and very influential friends, men with political connections, and they have been tremendously insistent in what, in my opinion, is a very poor cause. I can not understand how any young man, having been given the opportunity of studying in the academy, being unfortunate in any way so that it was necessary for him to leave the academy before he received a commission, can in self-respect ask the Government of the United States to make him a beneficiary of public funds all his life by reason of that fact. I can not undertsand how any self-respecting relative or friend of that young man could ask to have that thing done. These young men are selected from among many who would be glad to have that splendid opportunity.

In the case of the young man to whom I refer, the loss of his eyesight was due to service. There is not any doubt about that. No one questions it, and no one denies it. We do not know how tuberculosis came to develop in these young men. It may have been due to the service, it may not. There was no question with respect to the young man to whom I have referred. His eyes were injured by hard and persistent study. He stood near the head of his class, but like a good citizen and a good soldier when he found that he could not pass he sent in his resignation and took his chances with the balance of the boys of the country who had not had the opportunity and the privilege which he had enjoyed.

And I repeat again, the last thing I would ever ask for a friend of mine, for a relative of mine, would be that, having been given the opportunity of receiving an education at the expense of the Government, having been unfortunate enough to develop some physical disability making it impossible for him to receive a commission, that he should then for his life, from youth to the grave, be fastened like a barnacle upon the Treasury, upon the good people of the country at a good round sum.

Mr. STAFFORD. Mr. Speaker, I make the point of order that the conferees have exceeded their authority.

The SPEAKER. The point of order is sustained.

Mr. DENT. Mr. Speaker, I move the previous question on the adoption of the conference report——

The SPEAKER. The conference report is knocked out.

Mr. FIELDS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. FIELDS. Does that dispose of the whole conference report or amendment No. 4?

The SPEAKER. It disposes of the whole thing.

Mr. FIELDS. I thought the point of order was made to the particular portion.

The SPEAKER. The Chair knows it was so made to a particular portion, but if any part of a conference report is bad the whole thing goes by the board.

Mr. DENT. Mr. Speaker, I will ask that the House further insist on its amendments and ask for a conference.

The SPEAKER. The gentleman from Alabama moves that the House further insist on its disagreement to the Senate amendments and ask for a conference.

The question was taken, and the motion was agreed to.

The SPEAKER. The Chair announces the following conferees.

The Clerk read as follows:

Mr. DENT, Mr FIELDS, and Mr. KAHN.

ARMY BILL.

Mr. DENT. Mr. Speaker, I ask unanimous consent to consider and pass at this time the following concurrent resolution.

The SPEAKER. The Clerk will report the concurrent resolution.

The Clerk read as follows:

House concurrent resolution 7.

Resolved by the House of Representatives (the Senate concurring), That in the enrollment of the bill (H. R. 13) entitled "An act making appropriations for the support of the Army for the fiscal year ending June 30, 1918, and for other purposes," the Clerk be, and he is hereby, authorized and directed to omit the figures "$75,000," on page 42, line 16, of said bill, as the same were stricken out by the amendment of the Senate No. 78, the conference report on said bill and amendments to the contrary notwithstanding.

The question was taken, and the concurrent resolution was agreed to.

CALL OF COMMITTEES.

The SPEAKER. The Clerk will call the committees.

Mr. LEVER (when the Committee on Agriculture was called). Mr. Speaker, by direction of the Committee on Agriculture I call up the bill H. R. 4188.

Th SPEAKER. The gentleman from South Carolina calls up a bill, the title of which the Clerk will report.

Mr. MANN. Mr. Speaker, I make the point of order that the gentleman can not call up the bill, as it is on the Union Calendar.

Mr. LEVER. The gentleman's point of order, of course, is good. Mr. Speaker, if the House will indulge me I will submit a unanimous-consent request on this bill. I ask unanimous consent for the present consideration of the bill named.

The SPEAKER. The gentleman from South Carolina asks unanimous consent for the present consideration of the bill named.

Mr. CANNON. Mr. Speaker, I think I shall have to object.

Mr. MANN. Mr. Speaker, reserving the right to object, here is a bill only reported yesterday; nobody has had an opportunity to see it. The bill as reported was not available until late this morning.

Mr. LEVER. Mr. Speaker, I recognize that to be the fact, and yet I will say this to the gentleman, that the time for planting in this country is rapidly passing.

Mr. MANN. That fact ought to have been considered by the committee and they should have reported the bill earlier, then.

Mr. LEVER. Some of the provisions of this bill we think will very greatly stimulate planting in certain sections of the country and we would like to have the very earliest consideration possible, but of course if the House feels that it would like to have a little more time to look into its provisions I will not press the matter. I always have been very liberal in such matters.

Mr. MANN. I am frank to say I do not know what the bill is. I have not had an opportunity to read the bill even, and could not get it until the House met.

Mr. LEVER. I think I should be able to explain it in a very few words.

Mr. MANN. I have no doubt the gentleman could, but still it is not a very good practice. I take it from what the gentleman stated to me privately yesterday it is a very important bill.

Mr. LEVER. It is an important bill, but it does not involve any matter with which the House is not all more or less familiar. The first proposition in the bill provides a more general survey of the food situation in this country than we have the machinery to make at this time. The second proposition in the bill provides for the purchase of seed—field seed—for distribution for the crop of 1918 in certain areas where they may need to have seed. The third proposition involves an increase of the present activities of the Department of Agriculture along the demonstration county-agent methods of teaching farmers and also in its market-news service, together with some appropriations for combating animal diseases and encouraging meat-food production, together with some provisions for a more general distribution of information which the department is getting out from time to time.

Mr. MANN. Mr. Speaker, I have a copy of the bill in my hands. Opening it on page 6, I see an appropriation of $6,500,000 for the eradication of insects and plant diseases, which certainly has nothing to do with a war emergency.

Mr. LEVER. Well, I will say to the gentleman from Illinois that of that appropriation of $6,500,000, $6,000,000 is to be used in the purchase of seed and in their storage for the crop of 1918 in emergencies.

A portion of it is to be used in fighting diseases of vegetables and truck crops, particularly beans and the like of that, concerning which I would go into quite freely when the bill is reached under the five-minute discussion.

Mr. MANN. I think we ought to have an opportunity of seeing a bill of this sort. I realize the fact that it may be late in the planting season, but it is not the fault of the House. Having been in extra session for more than a month, propositions of this kind should have been reported before. I do not say it was anybody's fault; but if other people require consideration of this matter for a month, certainly the Members of the House ought to have a chance to read the bill before it comes up for consideration.

Mr. LEVER. The gentleman, I think, will acquit the committee of any undue delay in the matter.

Mr. MANN. I am not charging the committee or charging the Department of Agriculture with any delay, although if it has taken them more than a month, or two months, since we knew there was going to be a war, or more than six months since we knew there was a shortage of food supply, to make a suggestion like this, we ought to have more than 24 hours, or at least 24 hours, in which to think about it.

Mr. LEVER. I wonder if we might enter into an agreement to fix a day on which this bill might be considered? I am very anxious to take it up at the earliest possible moment, and yet I do not want to get in the way of the revenue bill, if that bill is ready. I have not had an opportunity of consulting with the majority leader on that proposition. I do not think it will take more than an hour or two hours to pass this bill.

Mr. MANN. To pass this bill? From some recollection of the precedents in the House, I think it would take more than that time to pass this bill.

Mr. FITZGERALD. The gentleman from South Carolina is quite a humorist.

Mr. CANNON. I would like to ask the gentleman if his committee is going to consider and thinks about reporting H. R. 4125?

Mr. LEVER. The committee is now having hearings on that bill. The committee has not reached any conclusion itself on the matter at all and has not taken it up in detail.

Mr. CANNON. That, with other commissions, many of them duplicated, I think, would take very largely people who would go into civil appointments and would leave us practically without anybody to draft.

Mr. LEVER. I would say to the gentleman from Illinois that H. R. 4125 has been introduced for the purpose of discussion not only for the Committee on Agriculture but for discussion in the country. The committee itself, I think, at this time has no very definite line of thought in its own mind, except the committee, I think, does realize that the food situation in this country is becoming each day more and more critical. And I think the committee would feel disposed, after we have had such testimony as we can get from people who ought to know, to try to find some remedy for the situation.

Mr. MADDEN. Will the gentleman yield?

Mr. LEVER. Yes.

Mr. MADDEN. I understand there is a Council of National Defense at work down here at the other end of the Avenue, and they are trying to do exactly what this bill and other bills under consideration seem to indicate the committees want to do. They are spending money that is appropriated for the Army, and for other purposes, and the $100,000,000 that was given to the President for emergency purposes, and they claim to be compiling information with respect to the food supply and the industrial situation, and are making an inventory of all the activities of the United States and the remedies that are to be applied to meet the situation that is about to confront us. Now, why duplicate what they are doing?

Mr. LEVER. I have not been advised that the Council of National Defense is making anything like as careful, thorough, and comprehensive food survey of this country as that which is proposed in this bill.

Mr. MADDEN. They say they are. I do not know.

Mr. LEVER. If there is any disposition on the part of the House to feel that we ought not to consider this matter at this time, I do not feel disposed to force it to consideration. I do not want to take the time of the House, because there are other matters to come up for consideration.

Mr. HOWARD. When does the gentleman think we can get to this bill? Just on this point I want to say that my judgment

is that if Congress is going to do anything to stimulate food production, they had better get at it.

Mr. MADDEN. The gentleman from Georgia does not think the stimulation of food supply is fixed by Congress? I thought the farmers did that?

Mr. HOWARD. I think they need a little artificial stimulation. I do not think the gentleman understands the situation.

Mr. MADDEN. I do not think I do.

Mr. HOWARD. I am from the back country——

Mr. MANN. You do not need to tell us about that. [Laughter.]

The SPEAKER. Is there objection?

Mr. MANN. I shall have to object.

The SPEAKER. The gentleman from Illinois [Mr. MANN] objects.

Mr. LEVER. Then, Mr. Speaker, let me submit this unanimous-consent request.

Mr. MANN. I suggest to the gentleman not to submit a unanimous-consent request now. Perhaps we can all agree.

Mr. LEVER. I was wondering if we could not consider this bill to-morrow or Thursday. I understand the revenue bill has not been agreed upon. I hear that informally from Members around me. In that case we might agree to take up this bill on Thursday, which would be perfectly satisfactory to me.

Mr. MANN. I was told last night that the expectation was the revenue bill would be agreed upon informally by the committee to-day, introduced to-day, ordered reported to-day, and that they would ask unanimous consent, or move, to take it up to-morrow. To-morrow is Calendar Wednesday, and it can only be done by agreement.

Mr. LEVER. Let me suggest this to the gentleman from Illinois, that the revenue bill is a very much more important bill than this, and I would not think unanimous consent for its present consideration would be granted if unanimous consent is not granted for this bill.

Mr. MANN. Well, that may be, although I take it that the revenue bill will take several days, probably, of general debate; but I do not know.

Mr. LEVER. That is the point I am trying to make. If I can get this bill in before the revenue bill, it will expedite the passage of this bill, I am sure, and I think we ought to pass it without a great deal of debate.

Mr. MANN. Do you mean to say that this bill will become effective as a law this month if we pass it now?

Mr. LEVER. Unless it is passed within 10 days it will not do much good in stimulating production.

Mr. MANN. Has this bill or the corresponding bill on the other side been reported to the Senate?

Mr. LEVER. I do not know, but the Committee on Agriculture there is holding hearings.

Mr. MANN. The gentleman has been here for several years.

Mr. NORTON. Mr. Speaker, will the gentleman yield?

Mr. LEVER. Yes.

Mr. NORTON. If this bill were passed here to-day and passed by the Senate and signed by the President, does the gentleman think that any farmer in the northern part of the United States desiring to put in a greater crop, would be able to get five additional bushels of wheat or corn for seed as the result of its passage?

Mr. LEVER. I think that if this bill is passed to-day, in many sections of the country it would stimulate production, though not so much, perhaps, as other measures that are pending.

Mr. MANN. If it were passed to-day it might permit farmers to sow buckwheat. [Laughter.]

Mr. NORTON. It takes two or three months for the Department of Agriculture to send out alfalfa, after a request has been received.

Mr. LEVER. Maybe they have not got it.

Mr. NORTON. Even if they do have it. If it is ordered sent out now, it would not get to North Dakota until next July. It is all poppy-cock to say that this would assist the farmers in getting seed grain if the bill were passed this afternoon.

Mr. LEVER. Mr. Speaker, I withdraw my request.

The SPEAKER. The gentleman from South Carolina withdraws his request. The Clerk will call the roll of committees.

The Clerk proceeded to call the list of committees.

TEMPORARY INCREASE, NAVY AND MARINE CORPS PERSONNEL.

Mr. PADGETT (when the Committee on Naval Affairs was called). Mr. Speaker, I ask unanimous consent to take up the bill H. R. 3330, Union Calendar No. 11.

The SPEAKER. The gentleman from Tennessee asks unanimous consent to take up the bill H. R. 3330, No. 11 on the Union Calendar. Is there objection?

Mr. MANN. Reserving the right to object, I would like to know what the bill is.

Mr. STAFFORD. May we have it reported by title, Mr. Speaker?

The SPEAKER. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 3330) to temporarily increase the commissioned and warrant and enlisted strength of the Navy and Marine Corps, and for other purposes.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. This bill is on the Union Calendar.

Mr. PADGETT. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 3330) to temporarily increase the commissioned and warrant and enlisted strength of the Navy and Marine Corps, and for other purposes.

The SPEAKER. The gentleman from Tennessee moves——

Mr. PADGETT. Pending that, Mr. Speaker, I would like to ask the gentleman from Pennsylvania [Mr. BUTLER], if he is present, if we could agree upon some limit for general debate at the present time?

Mr. BUTLER. I do not know, Mr. Speaker. I suggest to the gentleman from Tennessee to let it run for a little while.

Mr. PADGETT. Then I move for the present, Mr. Speaker, that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 3330.

The motion was agreed to.

The SPEAKER. The gentleman from Nebraska [Mr. SHALLENBERGER] will please take the chair.

Accordingly, the House resolved itself into Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 3330) to temporarily increase the commissioned and warrant and enlisted strength of the Navy and Marine Corps, and for other purposes, with Mr. SHALLENBERGER in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 3330, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 3330) to temporarily increase the commissioned and warrant and enlisted strength of the Navy and Marine Corps, and for other purposes.

Mr. PADGETT. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

There was no objection.

Mr. PADGETT. Mr. Chairman, under the legislation contained in the appropriation bill that became a law August 29, 1916, the enlisted strength of the Navy was made 87,000. That is, it was provided that it should be increased from 51,500 to 68,000, with authority on the part of the President to increase it to 87,000 whenever in his judgment an emergency existed that required the increase, and the President some months ago exercised this authority, and the present authorized enlisted strength of the Navy is 87,000.

The law also provided for 6,000 apprentice seamen, so that the enlisted strength of the Navy is 93,000.

The law also provided that the commissioned personnel of the Navy, the official branch of the Navy, should be 4 per cent of the enlisted personnel. We have at present, I think, 2,236 officers of the line, distributed in the various grades and ranks of the Navy. Under the provisions of the act of August 29 the distribution in the commissioned personnel was in the proportion of 1 admiral of the line to 4 captains, to 7 commanders, to 14 lieutenant commanders, to 32.5 per cent for lieutenants, and 42.5 per cent for lieutenants of junior grade and ensigns. This bill, as reported by the committee with various amendments, which will be submitted as the bill is considered under the five-minute rule, provides for an increase of the enlisted personnel in the Navy to 150,000, and of the enlisted personnel of the Marine Corps from 17,400, which was provided under the act of August 29, 1916, to 30,000.

But the bill provides that there shall be no permanent or temporary appointments either in the Navy or in the Marine Corps based upon this increase above the authorizations in the act of August 29. It provides that there may be temporary increases or temporary promotions in the Navy not above the grade of lieutenant in the Navy or major in the Marine Corps, based on the increase of the enlisted strength of the Navy and of the Marine Corps; and it provides further, as we do not have a sufficient number of officers—having 2,236, as I remember, and as I stated a moment ago—the bill provides that there may be temporary promotions and temporary appointments in the various grades and ranks of the Navy and of the Marine Corps

up to the authorization provided in the act of August 29; and the sum of that would be that, based upon the enlisted strength of 93,000, 87,000 of enlisted men and 6,000 apprentice seamen, the commissioned personnel may be temporarily increased and promotions temporarily made to provide the commissioned personnel for that authorization, as we do not have in the permanent Navy a sufficient number of officers to meet that requirement.

But above the 87,000 no temporary promotions can be made or temporary appointments made above lieutenant in the Navy and major in the Marine Corps, based upon the increase provided in this bill; and above the grade of lieutenant in the Navy and major in the Marine Corps there can be no permanent or temporary promotions or appointments, either in the Navy or the Marine Corps.

Mr. FOSS. I want to ask the gentleman a question. As I understand it this bill relates simply to a temporary increase during the period of the war.

Mr. PADGETT. Absolutely.

Mr. FOSS. That all increases in men and officers, and also all promotions of a temporary character, shall cease when the war ceases.

Mr. PADGETT. Yes; not later than six months after the end of the war.

Mr. FOSS. And as I understand you are not raising the permanent list at all?

Mr. PADGETT. There is absolutely no provision whatever in the bill for adding to the permanent Navy. That is governed absolutely by the law of August 29 last.

Mr. FOSS. And what is the permanent number of men under that law?

Mr. PADGETT. The enlisted personnel was 87,000, and 6,000 apprentice seamen, which would make 93,000. Now, as the graduates come through Annapolis, and the other sources provided by existing law, the commissioned personnel is 4 per cent——

Mr. FOSS. Of the total enlisted force?

Mr. PADGETT. Of the total enlisted force, but that has to be supplied, under the provisions of existing law, almost wholly from Annapolis. The output from Annapolis is not sufficient to provide the required number upon that basis. In the distribution of that 4 per cent a certain percentage goes to the line and a certain percentage to the staff, and then in the line distribution is made by a percentage and in the staff by a percentage.

Mr. FOSS. And those percentages are not changed?

Mr. PADGETT. Not at all, but it is provided that everything here shall be distributed according to the act of August 29.

Mr. CARLIN. Will the gentleman yield?

Mr. PADGETT. Yes.

Mr. CARLIN. From what force will these temporary officers be taken?

Mr. PADGETT. That is provided in section 5 of the bill, which provides—

That the additional temporary officers authorized in the various grades and ranks of the Navy and Marine Corps in accordance with the next preceding section may be temporarily appointed to serve in the grades or ranks to which appointed or promoted by the temporary advancement of officers holding permanent and probationary commissions—

And here are the classes—

by temporary appointment of commissioned warrant officers, warrant officers, and enlisted men of the Navy, and warrant officers, noncommissioned officers, and clerks to assistant paymasters of the Marine Corps, citizens of the United States who have had previous naval or military service or training, and other citizens of the United States specially qualified—

With a committee amendment including the commissioned and warrant officers of the United States Coast Guard.

Those are the sources of supply from which it is expected that these temporary officers may be secured, and the bill further provides that these temporary appointments are to be made in the lowest grades, so that coming in from the outside they come into the lower grades, and promotions are made, either of the permanent Navy or of this temporary force during the continuance of the war, and all of it is limited to such time, not exceeding six months after the close of the war, as Congress or the President may permit.

Mr. BUTLER. How many captains are provided for in the Navy now?

Mr. PADGETT. Under the act of August 29——

Mr. BUTLER. We can not increase beyond 70, I think.

Mr. PADGETT. Seventy was the number authorized by law prior to August 29 last. There are four captains to one rear admiral, and at the present time we have, I think, about 88 or 89 captains, based upon a total of 2,036 officers that we have in the line of the Navy.

Mr. BUTLER. Now, we propose to repeal that provision——

Mr. PADGETT. No; we do not repeal anything.

Mr. BUTLER. Section 14 says—

That the provisions of the act entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1917, and for other purposes," approved August 29, 1916.

Mr. PADGETT. Which limits it to not exceeding 10 a year——

Mr. BUTLER. Yes.

Mr. PADGETT. We propose to repeal that.

Mr. BUTLER. Yes.

Mr. PADGETT. Now, in peace time we did not know that we would need more than 10 captains additional in any one year, and we inserted a provision in the act of August 29 that not more than 10 captains should be added in any one year, distributing the increase over a number of years. Now, it is proposed——

Mr. BUTLER. It is proposed to repeal that.

Mr. PADGETT. It is proposed to repeal that limitation of 10.

Mr. BUTLER. Yes.

Mr. PADGETT. So as to allow us to receive during this war such temporary increase as may be needed for the service.

Mr. BUTLER. Now, let us get down to something concrete. We can not under this bill have in the service at one time more than, say, 80 or 85 captains. If we repeal that provision, we can go up to at least 150 captains. After this war is over how many captains will we have?

Mr. PADGETT. We will go back absolutely to four times the number of rear admirals, depending upon the graduates from the Naval Academy who come into the service.

Mr. BUTLER. I know that the chairman is very familiar with the law, and I am perfectly willing to accept his interpretation of it. The gentleman feels absolutely safe in the statement that after this war is over we will go back to the old provision of the personnel act of last year?

Mr. PADGETT. Absolutely, sir.

Mr. BUTLER. And that the officers who are promoted to be captains during the temporary service will be demoted and go back to their grades from which they were promoted?

Mr. PADGETT. They will if they receive temporary promotion; but you must remember——

Mr. BUTLER. I understand.

Mr. PADGETT. That when the graduates come in from Annapolis the total number of the commission's personnel is increased, and every 100 that graduate from the academy have four officers, which are distributed. Now, there are 180 that graduate in March, and there will be from 180 to 200 that will graduate between now and September in the advanced class.

Mr. BUTLER. Let me ask the gentleman another question. You provide in this bill that there can be no temporary appointments above the grade of lieutenant.

Mr. PADGETT. Based on the increase above the personnel authorized by the act of August 29 last. But there is a provision for a temporary increase, the supply of officers needed and authorized under the provisions of the act of August 29.

Mr. BUTLER. Mr. Chairman, I repeat my confidence in the good judgment of the chairman, but there is a lot in this bill that I do not know anything about or understand. I do not want to see the Navy after the war with 157 or 175 captains in it for every 400 or 500 men.

Mr. PADGETT. You will not.

Mr. BUTLER. If I do, I will make a holler about it. This is intended to be a temporary measure, but it has the most material by title and by reference which, if written out, would cover pages, and it requires the most particular and careful and accurate knowledge of all these statutes to understand it.

Mr. BRITTEN. Will the gentleman yield?

Mr. PADGETT. It was considered by the committee for several days and in detail, section by section and paragraph by paragraph.

Mr. BUTLER. Yes; I know we went over it and amended it.

Mr. BRITTEN. Will the chairman yield for a suggestion?

Mr. PADGETT. Yes.

Mr. BRITTEN. I do not think there is anything in the bill that provides for any temporary commission of captain. There seems to be some confusion about it.

Mr. PADGETT. Under the amendment the committee adopted at the last session there is authorization for the temporary appointment in the various grades of the Navy and the Marine Corps up to the authorization contained in the act of August 29 last. Now, as they are supplied from Annapolis they would be permanent appointments; but during the war we will need more officers than the permanent list has. For instance, we have 2,236 permanent officers of the line of the Navy at the present time. We will need more than that during this war. In order to get

the extra number, there is a provision made here that there may be temporary appointments.

Mr. BRITTEN. That does not apply to captains. Section 14 removes the restriction in the act of August 19, 1916, not to exceed 10 captains to be promoted in any one year. We are removing the restrictions; there may be 20 or 25 promoted this year. Is it possible to demote them and bring them back as commanders of the Navy?

Mr. PADGETT. The bill provides that all temporary appointments, upon expiration of the war and a period not exceeding six months thereafter—all temporary promotions, temporary appointments—shall cease.

Mr. BRITTEN. That is true, but the temporary appointments only include the rank of lieutenant junior and lieutenant proper. Captains on the list await promotion because of the exclusion in the law last year, where only 10 can be promoted in any one year; we are going to promote more than 10, and those are not temporary appointments.

Mr. PADGETT. The promotions under the act of August last would be permanent appointments, but we need additional ones, and they are all temporary. Now, for instance——

Mr. BUTLER. I want to say that I am in trouble over this and have been. I believe that the repeal of the provision of the personnel act of last year will permit permanent promotions of 70 captains.

Mr. PADGETT. Oh, no. Let me call your attention to it.

Mr. BUTLER. I hope it will not, and I do not think the gentleman intends it shall. I am not accusing the gentleman, but the different provisions seem sort of twisted to me.

Mr. PADGETT. I think I can make it plain to the gentleman; it is so plain to my own mind.

Mr. BRITTEN. If the gentleman will yield, I am told that what the chairman of the committee is thinking about is an amendment that has been agreed upon by the committee but which has not been offered in the House.

Mr. PADGETT. That is true.

Mr. BRITTEN. And the confusion results from that.

Mr. PADGETT. But let me call attention to this, that we have a certain number of officers.

Mr. BUTLER. Based on the enlisted force.

Mr. PADGETT. Yes.

Mr. BUTLER. An enlisted force of 87,500 men.

Mr. PADGETT. No.

Mr. BUTLER. Well, by order of the President it can be increased to that.

Mr. PADGETT. Now, if the gentleman will allow me to make a statement I will make it perfectly plain. We have under the act of August 29 last an authorized enlisted personnel in the Navy of 87,000 enlisted men and 6,000 apprentice seamen, making 93,000 in the total. Now, the law authorizes a commissioned personnel based on that of 4 per cent. But we have not got 4 per cent or anything like it. We have 2,236, and under the provisions of the existing law that are not at all interfered with, modified, or altered in any way or affected by this legislation our supply of those officers comes through the graduates of the Naval Academy. Now, then, we provide that the distribution of the grades shall be in the proportion to the total number of officers. In other words, when we have 2,236 officers at the present time we get 22 rear admirals, 1 per cent of the commissioned personnel. Having 22 rear admirals, we can only have 88 captains, because there are 4 captains to 1 rear admiral. We have 7 commanders to 1 rear admiral. We have 14 lieutenant commanders to 1 rear admiral. We have on the proportion of 32½ lieutenant commanders to 1 rear admiral, and of lieutenants of the junior grade and ensigns we have the proportion of 42½ per cent. That would distribute the commissioned personnel. When you come to the question of captains, as I said, under the law of August 29 the total number of commissioned officers is distributed in the various grades, and you have 1 admiral and can not have but 4 captains.

Mr. BUTLER. How do you get the admirals?

Mr. PADGETT. You get 1 per cent of the total number of officers in the permanent grade. That would give us 22. We provided in the act of August 29 that not more than 10 captains should be added in one year. We had 70. That limited the number to 80, but under this provision if it is restricted with 22 admirals we would have 88 captains—four times 22—so that instead of increasing the captains by 75 or 100, as was stated a while ago, you would increase it to 88 instead of 80 under the provision that was made then. But you must remember that we will need in this war, while the war is going on, more than the 88 captains. We will need more than the number of commanders that are provided upon the basis of 7 commanders to 1 admiral, and those are all temporary. There is no provision authorizing a permanent increase in any way except as authorized in the act of August 29.

Mr. BUTLER. In other words, we propose now to take into the permanent service of the Navy sufficient enlisted men to make the number 87,000?

Mr. PADGETT. We have already got them.

Mr. BUTLER. I know we have got them, but we have got them within three or four months.

Mr. PADGETT. Yes.

Mr. BUTLER. But after this war is over we will have 87,000?

Mr. PADGETT. Ninety-three thousand.

Mr. BUTLER. How many rear admirals will we permanently have?

Mr. PADGETT. As soon as the Naval Academy supplies the number added it would increase it until it would reach the ultimate strength of 37.

Mr. BUTLER. And how many captains will we have?

Mr. PADGETT. Four times that would be 148.

Mr. BUTLER. One hundred and forty-eight captains. Is it not a fact that when the war is over our permanent naval strength will consist of 148 captains?

Mr. PADGETT. No; not when the war is over. I hope it will not last until the Naval Academy will supply that additional number. Whenever the Naval Academy will supply enough graduates——

Mr. BUTLER That will be within four years.

Mr. PADGETT. The commissioned personnel up to 4 per cent of the 93,000 under the provisions of the act of August 29 last we would have 37 rear admirals, and then in the meantime you will bear in mind that the large building program that we have authorized and that is under construction will have been completed and we will have need for every one of them.

Mr. BUTLER. Mr. Chairman, I have no objection whatever to increasing the number of captains and officers in the Navy during temporary service, but it would be very disappointing to me to know that when this war is over we would have 148 captains in the Navy.

Mr. PADGETT. We would not have.

Mr. BUTLER. I am willing to accept the gentleman's statement, because it is a pleasure to admit that he has paid more attention to the subject than I have, and I know that he thinks he is absolutely right.

Mr. PADGETT. It is written into the law just as plain as the English language can make it.

Mr. BUTLER. A great deal of it is technical, and I admit that I become confused, and I largely rely upon the chairman of this committee, in whom I have great confidence.

Mr. PADGETT. In writing this bill, I want to say that we put it in the plainest, simplest English that can be found.

Mr. BUTLER. The English is good, but there is so much English put in every line and word that it bothers me.

Mr. PADGETT. I think we have made it as plain as possible. We have provided that every appointment authorized by this bill is temporary. It is provided in this bill that every promotion that is authorized by this legislation is temporary. It is provided that every promotion made in this bill is temporary. We do not change the law of August 29 that fixed the proportions and the numbers and distributed them in the various grades, but we do provide that in order to get a sufficient number of officers in the various ranks there may be temporary appointments based upon the percentage authorized in the act of August 29, 1916, and in addition to that that there may be temporary appointments and temporary promotions in the grades not above lieutenant in the Navy and major in the Marine Corps, so as to have a larger number of these junior officers called into the service that they may be trained and prepared as a nucleus if the future should demand them.

Mr. CARLIN. Would it not relieve the situation somewhat if you gave the ensigns the rank of lieutenant as they graduate from Annapolis?

Mr. PADGETT. No; I do not think that ought to be done. That would be simply jumping grades.

Mr. CARLIN. It would make this difference: They have had some naval training and experience.

Mr. PADGETT. Yes.

Mr. CARLIN. And under this bill you take them from civil life, and they may not have had any.

Mr. PADGETT. But they have to go into the lowest grades.

Mr. CARLIN. The lowest grade is that of lieutenant.

Mr. PADGETT. No; the lowest grade is that of ensign.

Mr. SLAYDEN. Mr. Chairman, will the gentleman yield?

Mr. PADGETT. Yes; I yield to the gentleman from Texas.

Mr. SLAYDEN. First let me ask a question of elemental importance only. The grade of rear admiral is that above the rank of captain?

Mr. PADGETT. Yes, sir.

Mr. SLAYDEN. It corresponds to the rank of brigadier general in the Army?

Mr. PADGETT. The grade of rear admiral in the Navy consists of two rear admirals—rear admiral of the upper line and rear admiral of the lower line.

Mr. SLAYDEN. There are two classes——

Mr. PADGETT. Yes, sir. The rear admiral of the lower line corresponds to a brigadier general and a rear admiral of the upper line corresponds to the grade of a major general.

Mr. SLAYDEN. I would like to ask the gentleman this question, and then I have another point to which I desire to direct his attention: Has not the Navy, as compared with the Army, a disproportionately large representation in the rank of rear admirals?

Mr. PADGETT. No, sir; I understand we have less. The Army provides for a larger proportion of what is called flag officers in the Navy, which would be the general officers——

Mr. SLAYDEN. Brigadier generals.

Mr. PADGETT (continuing). Than the Army provides. The Navy has a smaller proportion. Now, it was recommended when we were framing the legislation of August last that the proportion of rear admirals number 1½ per cent, and we cut it down to 1 per cent.

Mr. SLAYDEN. Reference was made a few minutes ago, I think by the gentleman from Minnesota, or maybe the gentleman from Illinois [Mr. BRITTEN], to the fact that the statute provides that there shall be a promotion to the rank of rear admiral of the lower line of only 10 captains a year.

Mr. PADGETT. No; it is the promotion from commander to captain, not from captain to admiral.

Mr. SLAYDEN. The gentleman means there shall only be 10 commanders in a year promoted to the rank of captain?

Mr. PADGETT. That is a provision in the act of August 29.

Mr. SLAYDEN. It is immaterial anyway. This is the point I want to put to the gentleman: The gentleman says that it is not adequate to meet the present contingency, and therefore you will have to promote some 25 more——

Mr. PADGETT. No.

Mr. SLAYDEN. How many?

Mr. PADGETT. I said it would authorize the promotion of eight.

Mr. SLAYDEN. Eight in addition?

Mr. BRITTEN. Eighteen.

Mr. PADGETT. No; 8. We have already promoted 10 of them. The act of August 29—or rather, we had 70 captains under the old law, and when we established the percentage of 4 captains to 1 rear admiral and made the rear admirals 1 per cent of the commissioned personnel of the Navy, the rear admirals went up to 22, if I remember, or 23.

Mr. SLAYDEN. The gentleman said 22 a while ago.

Mr. PADGETT. That would have made 88 captains. We had 70 captains under the old distribution, but we thought that 10, running it up to 80, would be enough, and 10 the next year, until we distributed the increase over several years.

Mr. SLAYDEN. I will say to the chairman here is what I am trying to get at: The law authorizes the promotion of 10 commanders a year to the rank of captain?

Mr. PADGETT. Yes. That is, 10 increase, but wherever there are deaths or resignations or vacancies they are filled.

Mr. SLAYDEN. I understand.

Mr. PADGETT. It is distributed with the authorized increase.

Mr. SLAYDEN. What I am trying to get at is this: Suppose you promote 10 and require more captains for this emergency, and you promote 10 more. That is 20. Does that second increment, the 10 additional, become permanent captains in the line of the Navy?

Mr. PADGETT. No; the permanent number would be only 4 for each permanent rear admiral.

Mr. SLAYDEN. They can not exceed 10?

Mr. PADGETT. No. We have 22 rear admirals——

Mr. SLAYDEN. We are speaking about the promotion from commanders to captains.

Mr. PADGETT. Now we would have 88 captains. They are permanent captains. Now, you can not have under the law more than 4 captains to 1 rear admiral, but we hold it down and distribute that increase over 2 or 3 years. Now, the whole number of officers determines the number of admirals and the number of the other officers.

Mr. SLAYDEN. On a percentage basis?

Mr. PADGETT. On a percentage basis. For instance, 1 per cent of the total commissioned officers are admirals. Now we have 2,236 officers, and that gives us 22 rear admirals. Now that would give us 88 captains. It would give us 7 times 22 for commanders.

Mr. SLAYDEN. Now, this is the question I would like to get clear in my head——

Mr. PADGETT (interrupting). Now, the number of these various grades only increase by increasing the total number of officers in the permanent Navy, and the permanent number of officers are increased by the inflow from Annapolis. For instance, we graduated 180 in March. We added 180 to it, which would add 2 rear admirals, because a division of about 50 per cent——

Mr. SLAYDEN. Then every time we increase the output of the Naval Academy we automatically increase the high commissioned personnel of the Navy. Is that it?

Mr. PADGETT. Yes; we increase——

Mr. SLAYDEN. And who can tell what the law provides, outside of a specialist or an expert on that?

Mr. PADGETT. It is nothing in the world but an exact calculation.

Mr. SLAYDEN. There is no limit——

Mr. PADGETT. Yes; there it is.

Mr. SLAYDEN. Of course, in a matter that includes percentage it is simply a matter of elemental mathematical calculation; but——

Mr. PADGETT. The only way that the enlisted personnel can be increased is by act of Congress, and whenever Congress increases the enlisted personnel permanently, automatically the permanent commissioned personnel increases in the rate of 4 per cent. In other words, when there were 100 graduates from the Naval Academy there would be 4 officers in the total; when there were 200 added, there would be 8 officers that would be added.

Mr. SLAYDEN. That is interesting.

Mr. PADGETT. Now, then, the 4 per cent is distributed according to the percentage—1 per cent for admirals, 4 per cent for captains, 7 per cent for commanders, 14 per cent for lieutenant commanders, 32½ per cent for lieutenants, and 42½ per cent for lieutenants, junior grade, and ensigns—so that Congress holds the whole thing in its hands. It only authorizes an increase of the personnel. If it reduces the personnel, it reduces the percentage of officers; if it increases it, it increases the percentage. Now, in this bill it is provided that the increase of the enlisted personnel shall be temporary, but it goes further and provides that there shall be no increase of the commissioned personnel on account of this temporary increase above the rank of lieutenant. It does give us additional lower officers, but no lieutenant commander, or commander, or captain, or rear admiral is provided for under any circumstances.

Mr. SLAYDEN. Why should you not do in Navy legislation what heretofore has been done in Army legislation? I do not know what may happen now.

Mr. PADGETT. You have a percentage basis in the Army.

Mr. SLAYDEN. And provide for so many officers of a certain rank?

Mr. PADGETT. That was the old law for years, but Congress changed both the Army and Navy and Marine Corps, and put them upon a scientific basis of a certain percentage, proportioned to what they had to do—the men they had to command.

Mr. SLAYDEN. I want to ask the last half of the question. This is an interesting discussion, but we have gotten far away from the subject. Now, to go back to those 20 commanders who are promoted to the rank of captain, 10 authorized by the statutes and 10 more to meet the emergency, that you say are temporary promotions or appointments——

Mr. PADGETT. The gentleman does not state it accurately. The law authorizes so many captains in the aggregate and so many commanders in the aggregate, based upon this percentage; but we said that all that increase from captains to commanders should not take place at once; that not more than 10 of them should take place. So when we increase it from 70, instead of going above 80 we limit it to 80. Then the next year there would have been 10; that would have run it up to 90, but under the present strength of the Navy we would be entitled to 88.

Mr. SLAYDEN. That does not have a bearing on the question I wanted to ask. The law limits the promotion, so it has been stated here by the gentleman from Illinois and others, of 10 commanders to captains in a year; now, the contingency arises, and you promote 10 more. Suppose—and it is a mere supposition—some of our clever people should invent some sort of a machine that would answer the submarine, then the war would collapse promptly enough; then, would that second 10, that increment, go back to the rank of lieutenant commander that they had before? That is answered, I think, by yes or no.

Mr. PADGETT. I think I can answer it. Part of them would go back and part of them would not.

Mr. SLAYDEN. Would the numbers go back? It does not make any difference whether the individuals do or not.

Mr. PADGETT. They would go back to the established number under the act of Congress. To illustrate, we would be entitled to 88 captains. Suppose we appointed 10 more and made it 90 instead of 88; now, then, 8 of them would be permanent and 2 of them would be temporary. And if we appointed 10 more in the increase authorized upon the basis of 87,000, under the act of August 29, those 10 would be all temporary, and as soon as the war ended they would go back.

Mr. SLAYDEN. That is what I wanted to know.

Mr. PADGETT. That is absolutely what is provided for. I think it is as plain as it can be made.

Mr. CARLIN. Will the gentleman yield?

Mr. PADGETT. Yes, sir.

Mr. CARLIN. I want to get clear in my mind just whether this bill does not discriminate against the ensigns in the Navy?

Mr. PADGETT. It does not.

Mr. CARLIN. Let us see. I notice you have provided that the clerks of assistant paymasters may be made lieutenants, but beginning with line 15, on page 5, you expressly provide that no ensign can be made lieutenant unless he has served two years as an ensign.

Mr. PADGETT. There is a committee amendment which provides that lieutenants, junior grade, and ensigns may be considered eligible for temporary promotions to the grades of lieutenants and lieutenants, junior grade, respectively, without regard to length of service in grade.

Mr. CARLIN. That answers my question.

Now, there is one other thing which, it seems to me, is left open, and I suppose it is covered by that amendment. As they are graduated now and commissioned as ensigns, they could, if thought wise, be commissioned as lieutenants?

Mr. PADGETT. They could for temporary service.

Mr. NOLAN. Will the gentleman yield?

Mr. PADGETT. Yes.

Mr. NOLAN. Is there any provision of law contemplated by the committee to take care of an incident like this? For instance, Admiral Mayo is the senior admiral of the Atlantic Fleet——

Mr. PADGETT. I do not know that he is senior admiral.

Mr. NOLAN. Suppose that he should reach the retirement age of 64 years; what provision is there to retain him in the service, if thought advisable?

Mr. PADGETT. Every retired officer in time of emergency is subject to call to active duty. And I will say, further, that every officer in the Navy or Marine Corps on the retired list who is capable of performing duty has already been notified of the duty he is to perform and been directed to report.

Mr. NOLAN. The point I wanted to get at is this: Would they be retained in their command provided they reached the retirement age?

Mr. PADGETT. They would be detailed by the Commander in Chief of the Army. Many of them are detailed for shore duty. Having been absent from sea duty for years, they are keeping active men in command of the fleet and these men are being assigned to shore duty.

Mr. NOLAN. Then the law provides a method whereby the admiral of the fleet could be retained in that position if it were deemed advisable by the Commander in Chief?

Mr. PADGETT. Oh, yes.

Mr. NOLAN. There is another question that I want to ask.

Mr. MANN. When he is retired a new admiral is appointed to succeed him?

Mr. PADGETT. Yes; but he would still be subject to service.

Mr. MANN. Certainly.

Mr. PADGETT. And he could be detailed to that duty.

Mr. MANN. He might be detailed to that duty.

Mr. NOLAN. That is the point I wanted to get at. During an important crisis in this war we might have our fleet engaged in activities on the Atlantic Ocean; and is it possible for the man in command, having had experience, to be retained there?

Mr. PADGETT. Oh, yes; on any duty in the world; or any other retired officer could be put there.

Mr. BRITTEN. Many other retired officers have been put back in the service?

Mr. PADGETT. Yes.

Mr. NOLAN. Could he retain that command?

Mr. PADGETT. Certainly he could.

Mr. NOLAN. I understand the committee has an amendment increasing the pay of enlisted men as well as of petty officers. Is that true?

Mr. PADGETT. Yes.

Mr. NOLAN. To what highest grade of petty officers does that increase apply?

Mr. PADGETT. All the way up to warrant officers.

Mr. NOLAN. What is the increase proposed for enlisted men?

Mr. PADGETT. Fifteen dollars for the enlisted men, the same as in the Army.

Mr. NOLAN. And what percentage to the petty officers? Is that $15 a month, or a percentage increase?

Mr. PADGETT. It is $15 a month, just like the Army. In the Army it applies to the petty officers, and the Navy is in exactly the same position.

Mr. NOLAN. I see.

Mr. SANFORD. Mr. Chairman, will the gentleman yield?

Mr. PADGETT. Yes.

Mr. SANFORD. If the gentleman has finished speaking about this subject I would like to ask this question: Am I correct in assuming that the full enlisted strength of 87,000 enlisted men is now realized?

Mr. PADGETT. Yes.

Mr. SANFORD. Is there need, then, to enlist in the near future to the new authorized strength included in this bill of 150,000 men?

Mr. PADGETT. The Secretary of the Navy told me informally that he did not know that he would enlist up to the full 150,000, but he wanted authority for that, or some leeway if it should be needed. But they expect to enlist above the present 93,000.

Mr. SANFORD. Can the gentleman say that there is need for any substantial increase in the enlistments from now on? I assume there is.

Mr. PADGETT. Yes, sir.

Mr. SANFORD. What I want to get at, then, is this: Is it the intention——

Mr. PADGETT. Let me call the gentleman's attention to a matter that may be of interest to the House as well as to him. About 10,000 have come into the Navy from the Naval Militia, and something over 5,000 have come in from the Naval Reserves, so that we have brought the enlisted personnel up to 93,000. I understand they have reached that, and I believe they have got all the apprentice seamen. They have the 87,000 enlisted men.

Mr. BUTLER. Beyond that, fully. They are getting a thousand a day.

Mr. PADGETT. Yes. They are enlisting very rapidly, and they want to keep it up to get the men available. Ten thousand came in from the Naval Militia, and of naval volunteers something more than 5,000 came in, so that 93,000 and 10,000 make 103,000, and 5,000 more make 108,000 that are available.

Mr. SANFORD. Then, do I understand, Mr. Chairman, that the plan is to continue this campaign for volunteers that is now being carried on for enlisted men in the Navy?

Mr. PADGETT. Yes. In the Navy they are all volunteers, and they are enlisting very rapidly. [Applause.]

Mr. SANFORD. Let me complete what I was getting at. Is there any provision, as the gentleman understands, in the conscription bill that we recently passed that would authorize the use in the Navy of any of the men conscripted?

Mr. PADGETT. I understand not. I understand that applies only to the land forces—to the Army.

Mr. SANFORD. I want to ask the gentleman another question. Does the gentleman think that it is a good thing at this time, when the country is applying the principle that has recently been adopted as the basis of our military policy, to carry on the "You next" campaign and the campaign of "Uncle Sam needs you," as it is now being carried on in the big cities—the campaign, one might say, of enlisting by abuse, as I have seen it applied? Does the gentleman think that that campaign is going to have a good effect upon the minds of the people whom we are trying to persuade to accept patriotically the conscription act?

Mr. PADGETT. I do not know to what the gentleman refers. I do not know of any abuse. The Navy is receiving purely volunteer enlistments, and the Marine Corps is receiving purely volunteer enlistments, and they are enlisting very rapidly, and were prior to the conscription act.

Mr. SANFORD. Has not the gentleman seen the signs of great pressure applied in the cities?

Mr. BUTLER. There is no pressure exercised except advertising——

Mr. PADGETT. And the appeals that are being made.

Mr. SANFORD. Those appeals can not be resisted by the young men of the country—"The country needs you," and "You are next."

Mr. PADGETT. The country needs them. The duty is to arm and come on.

Mr. BRITTEN. Mr. Chairman, will the gentleman yield for a suggestion?

Mr. PADGETT. Yes.

Mr. BRITTEN. There is also a committee amendment to this bill that will permit a periodic enlistment for the war only, is there not?

Mr. PADGETT. Yes. I was going to take that up.

Mr. CAMPBELL of Kansas. Mr. Chairman, will the gentleman yield there?

Mr. PADGETT. Yes.

Mr. CAMPBELL of Kansas. I want to ask the gentleman from New York a question.

Mr. SANFORD. Will the chairman permit?

Mr. PADGETT. Yes.

Mr. CAMPBELL of Kansas. Does the gentleman from New York object to the Navy being supplied with volunteers while he favors conscription for the Army?

Mr. SANFORD. I certainly object to the campaign as it is now being carried on, to persuade men that it is their duty to enlist, when at the same time the Government is trying to teach the people that when the Government wants them it will take them according to law, and I think that the two campaigns are absolutely inconsistent and one is incompatible with the other.

Mr. CAMPBELL of Kansas. Which one does the gentleman prefer?

Mr. SANFORD. I believe in the one that allows the Government to take the citizen whenever it wants him.

Mr. CAMPBELL of Kansas. Is that the reason why New York is so far behind in her quota in the Navy?

Mr. SANFORD. I do not know that New York is, in fact, behind in the Navy. But let me answer, if that is true, I should not be surprised if that were the reason, because throughout the State of New York——

Mr. CAMPBELL of Kansas. Is that the reason, also, why you are behind in the Army?

Mr. SANFORD. Let me answer. I think that is the reason why it is hard to recruit by the volunteer system in New York, because while almost everyone there that I know anything about is willing to do his duty——

Mr. CAMPBELL of Kansas. Then they want to be forced to it.

Mr. SANFORD. They seriously believe that the welfare of the country demands a universal acceptance of the obligation to serve, and everyone that I hear from is anxious to serve when his country calls, but he does not care to push himself in the way. They have accepted the new idea.

Mr. CAMPBELL of Kansas. They want to wait until they are forced.

Mr. SANFORD. I want to ask if the gentleman from Kansas has not accepted the new idea?

Mr. CAMPBELL of Kansas. Is New York up to her quota?

Mr. SANFORD. Oh, I will be willing to compare the National Guard of New York with the National Guard of Kansas for that matter.

Mr. CAMPBELL of Kansas. The gentleman would not compare any regiment of New York with the Twentieth Kansas. Kansas is up on all her quota.

Mr. SANFORD. I do not think we would gain anything by a comparison with Kansas. [Laughter.]

Mr. MILLER of Minnesota. Mr. Chairman, will the gentleman yield for a question?

Mr. PADGETT. Yes; I yield to the gentleman from Minnesota.

Mr. MILLER of Minnesota. I want to make an inquiry of the gentleman in reference to the Marine Corps, apropos the discussion we have been having with reference to the officers of the Army, which have been extremely interesting and valuable. I would like a little information with respect to the Marine Corps. As I understand, the law provides 14,700 men for the Marine Corps. I refer to the enactment of the law of last August. There were no brigadier generals in the Marine Corps, excepting the chief, as I understand it.

Mr. PADGETT. He is a major while he holds the office. He is in now. The highest rank is colonel.

Mr. MILLER or Minnesota. And then on down. Now, by the act of August last several brigadier generals will be created, as I understand.

Mr. PADGETT. Yes; they have already been created, and confirmed by the Senate.

Mr. MILLER of Minnesota. How many?

Mr. PADGETT. Five, I believe.

Mr. MILLER of Minnesota. This further increase will therefore provide for some additional brigadier generals.

Mr. PADGETT. Not one, sir.

Mr. BUTLER. Not one.

Mr. MILLER of Minnesota. These five already created will be sufficient to take care of the entire force?

Mr. PADGETT. We cut off all promotions or appointments above major in the Marine Corps, based upon the passage of this act. They are governed absolutely by the act of August 29 last.

Mr. MILLER of Minnesota. If five brigadier generals are needed in the Marine Corps for 17,000 men—and I assume they must have been needed or they would not have been asked for—why are not additional ones needed when you increase the force by 40 per cent?

Mr. PADGETT. Simply for the reason that the Marine Corps served in small detachments, many of them. Here is a detachment that is guarding a navy yard, and 75 or 100 on board a battleship, and another small detachment on another battleship or a smaller boat. So they are distributed around, and they have a number of them on shore station. Then if a large contingent of 10,000 or 15,000 should be sent abroad, they would be grouped together into one organization, and I think we do not require these additional higher officers.

Mr. BRITTEN. May I suggest to the gentleman from Minnesota that under this bill the increase in the personnel of the Marine Corps is merely temporary, and the officers commissioned in the Marine Corps are merely temporary, and only go as high as the rank of major. We do not commission any officers in the Marine Corps above the rank of major under this bill, and those below the rank of major are merely temporary.

Mr. MILLER of Minnesota. Do I understand there will be no promotions above the rank of major?

Mr. BRITTEN. No promotions above the rank of major, and all the appointments made under this bill will be merely temporary.

Mr. PADGETT. No promotions above the rank of major on account of this legislation. Under the act of August 29, which increases the strength of the Marine Corps up to 17,400, the regular promotions would go on under existing law, as though this act was not passed. This does not interfere with the act of August 29, but with this increase of 12,600 there is no increase in the Marine Corps except a temporary increase, and there are to be no appointments or promotions under this act above the rank of major.

Mr. MILLER of Minnesota. Then the opportunity for advancement, to an officer in the Marine Corps, pretty nearly ceases after he has attained the rank of major?

Mr. PADGETT. Oh, no; they have been having exceedingly rapid promotions. Some of them, under the act of August 29, have been getting them at the rate of two a week.

Mr. BRITTEN. I should like to suggest to the gentleman from Minnesota also that this temporary enlisted force will be retired after the war, and the Marine Corps will then again be reduced to 17,400 men.

Mr. MILLER of Minnesota. What will be done with the officers then?

Mr. BRITTEN. The temporary officers?

Mr. MILLER of Minnesota. Yes.

Mr. BRITTEN. They will go back to their original places?

Mr. PADGETT. If they are temporary promotions, they will go back to their original places.

Mr. BUTLER. And those appointed from civil life will go back to civil life?

Mr. PADGETT. Under existing law enlistments in the Navy or Marine Corps are for four years; or if a boy is a minor, his enlistment is during minority, and the length of his enlistment is from the date when he enlists until he attains his majority. We have a provision in this bill authorizing enlistments for four years, or for the period of the war, or for such shorter time or times as the President may prescribe. So that if a person wanted to enlist for four years, he could do so. If he wanted to enlist for the period of the war, there would be authority for him so to enlist. If the President should prescribe to take enlistments for one year or two years, or for a shorter period, he could enlist for that, so that enlistments need not be for the hard and fast period of four years, as at the present time.

Mr. BRUMBAUGH. Will the gentleman yield?

Mr. PADGETT. Yes.

Mr. BRUMBAUGH. I want to ask the chairman of the Naval Committee who or what authority prescribes the rules and regulations governing the admission of midshipmen into the Naval Academy? Is that a function of Congress, or is it turned over to the Naval Board?

Mr. PADGETT. Congress prescribes the number who shall be appointed.

Mr. BRUMBAUGH. I mean the qualifications.

Mr. PADGETT. The examinations, mental and physical, are held under the authority of the academic board, and the whole

management of the academy is under the Secretary of the Navy, subject, of course, to the authority of the President.

Mr. BRUMBAUGH. Can the chairman inform me why it is made so much harder and more difficult for a young man to gain admission to the Naval Academy at Annapolis than it is to enter the Military Academy at West Point?

Mr. PADGETT. I could not tell the gentleman that, because my experience has been just the other way. My young men have gotten into the Naval Academy, but in the 16 years that I have been here I believe I have only had three who have gotten into the Military Academy.

Mr. SISSON. Is that because the gentleman from Tennessee [Mr. PADGETT] is on the Naval Committee and the gentleman from Ohio [Mr. BRUMBAUGH] is on the Military Committee?

Mr. BRUMBAUGH. No; I am not on the Military Committee nor on the Naval Committee.

Mr. PADGETT. And I have had them fail in attempting to gain entrance to both academies.

Mr. BRUMBAUGH. This is what I refer to: The Military Academy at West Point has an accredited list of schools, graduates from which it will receive cadets without entrance mental examination. If a young man has made a certain standing, if he is a graduate of certain accredited schools, of which there may be a dozen in your district, he is admitted to West Point without entrance mental examination. They will give you a list of the schools. There may be in your congressional district half a dozen high schools, all the colleges, and, in fact, all the high schools of any standing—all of them on this accredited list. If the boy has made a certain acceptable grade, in many cases they do not even require graduation, he is admitted on the standing which he has made at school. Now, Annapolis will not accept the grade or diploma of the graduate of any school, college, or university in lieu of the required entrance mental examination. They will accept no diploma, even from a State university.

Mr. PADGETT. They hold examinations.

Mr. BRUMBAUGH. The point I am really getting at is this: We have enacted laws here to increase the number of midshipmen at Annapolis, and we select splendid young men from our districts. Their parents go to the expense of having them prepare for entrance at Annapolis. A young man ofttimes drops out of college and the high school or is prepared by private schools for this examination. The cry goes up that we need more midshipmen. We go to the trouble of sending them there; we select splendid young men, anxious to go, but they are confronted with an examination that only a few of them can pass.

Mr. PADGETT. No; 66 per cent pass, and I understand that that is about the percentage that pass the college examinations. The passing mark is only 62½ out of a hundred. I do not know why the department has never seen fit to accept certificates or diplomas unless they do not think it satisfactory.

Mr. SISSON. Will the gentleman yield?

Mr. PADGETT. Yes.

Mr. SISSON. Has not the gentleman got the figures exactly wrong; is it not 66⅔ per cent that fail and 33⅓ per cent that are admitted?

Mr. PADGETT. No.

Mr. SISSON. Out of an examination of six hundred and odd men a while ago only 250 or 260 passed.

Mr. PADGETT. I am talking about the run of the years.

Mr. SISSON. I recollect that in a debate we had some time ago the Speaker himself made the assertion that out of 600 men examined only two hundred and some odd passed, and the President of the United States, Mr. Taft, made a speech a short time after the examination, in which he and Speaker CLARK both delivered speeches, and as I read the speeches in the paper the Speaker made the statement that out of six hundred and odd men only 200 or 250 passed. I think the gentleman has got his figures exactly wrong, or else the last list of examinations was a wonderful exception to what has been going on.

Mr. PADGETT. I do not know the result of the last one. But, Mr. Chairman, this is all foreign to the discussion here.

Mr. SISSON. I will state that I made my observation in response to the question raised by the gentleman from Ohio [Mr. BRUMBAUGH].

Mr. BROWNING. Will the gentleman yield?

Mr. PADGETT. Yes.

Mr. BROWNING. Speaking of the failures at Annapolis, I think it can be obviated if we adopt my plan. To-day at Camden, N. J., the Civil Service Commission is holding an examination for me for two appointments to Annapolis. I know that there are 17 young men entering that examination.

Mr. BRUMBAUGH. How many will pass?

Mr. BROWNING. I do not know. The last appointment that I made at West Point they accepted the diploma of the Salem (N. J.) High School, but at a February examination the young man failed, and he is out to-day.

Mr. PADGETT. At West Point I have had every candidate I have nominated take the examination except one, who went in on his certificate, and he was accepted by the academy. After he had been there four weeks he himself asked to resign, because he said he saw that he was not competent to carry on the work.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. BRUMBAUGH. I ask unanimous consent that the gentleman may proceed for 10 minutes.

Mr. PADGETT. Five minutes will be enough.

Mr. MANN. I ask unanimous consent that the gentleman may conclude his remarks.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the gentleman from Tennessee may proceed until he concludes his remarks. Is there objection?

There was no objection.

Mr. BRUMBAUGH. Now will the gentleman yield?

Mr. PADGETT. Yes.

Mr. BRUMBAUGH. Is there any provision made for the Government to use the services of these young men who have spent a year, two years, or three years at Annapolis, and who have failed on some subjects and they have refused to graduate them?

Mr. PADGETT. They can come in under the clause authorizing appointments from citizens specially qualified. They would have some special qualification, and they could come in and receive a temporary appointment.

Mr. BRUMBAUGH. Does not the gentleman think that the age limit is too low—that it should be something like 20 years?

Mr. PADGETT. It is 16 to 20—four years' margin; and I think that is old enough. I will state that that question has been before the committee time after time for a number of years, and all of the naval officers have been advocating that it should be reduced from 15 to 18 instead of being from 16 to 20. I have stood out against it because I felt that it ought to be from 16 to 20. But they have made arguments that the young boys who go in from 16 to 20 are the best; that the younger they go in the better they adapt themselves to the service; that when you get them older they do not take so readily and so well to the service and do not adjust themselves to the new conditions and get what they call the sea habit.

Mr. BRUMBAUGH. It may be that they adapt themselves better to the rules and regulations, but it appears to me that their minds are not mature enough to get the benefit out of the difficult subjects they are asked to pursue.

Mr. PADGETT. I think 16 to 20 is a fine age for them to enter.

Mr. REED. Will the gentleman yield?

Mr. PADGETT. Yes.

Mr. REED. What is the latest examination for the additional number of midshipmen to be appointed?

Mr. PADGETT. I understand that there is an examination June 27, which is the next one, and that will be succeeded by one in February. Any Member who wants to nominate candidates for this coming session, which meets in September or before October, can have their applicants take the examination the 27th of June. If they fail to nominate, Members can have the right to nominate candidates who will be examined next February.

Mr. REED. That is, to get the quota of four?

Mr. PADGETT. Yes.

Mr. FESS. Will the gentleman yield?

Mr. PADGETT. Yes.

Mr. FESS. I understood the gentleman to say that we had 1 admiral for every 4 captains, and that we have 37 rear admirals.

Mr. PADGETT. Twenty-two. I said that if we got the enlisted strength up to the 93,000 authorized by law, and if the supply of the total number of officers should run up to a sufficient number, the ultimate limit of rear admirals would be 37, but we have 22 or 23 at the present time.

Mr. FESS. That would give us 148 captains.

Mr. PADGETT. Yes; that is all under the act of August last; 7 commanders to 1 admiral.

Mr. FESS. Five hundred and eighteen lieutenant commanders, if we were full?

Mr. PADGETT. Yes.

Mr. FESS. And 1,202 lieutenants?

Mr. PADGETT. Twelve hundred and two or twelve hundred and three.

Mr. FESS. And 1,572 of the grade of ensign?

Mr. PADGETT. Under that it would be 42 per cent of the total.

Mr. FESS. I am asking purely for information as to the officering of the Navy if it were completed.

Mr. PADGETT. If it were up to the authorized strength of the 93,000 and we had that number of men; yes.

Mr. FOSS. Mr. Chairman, will the gentleman yield?

Mr. PADGETT. Yes.

Mr. FOSS. I want to ask the chairman if he thinks he has made ample provision here for the personnel during this war? Of course, we do not know at the present time how many men we will need.

Mr. PADGETT. I think so.

Mr. FOSS. It seems to me it would be wise to give a wide margin to the Secretary of the Navy in the matter of enlistments.

Mr. PADGETT. I think we have. Increasing it up to 150,000 I think is giving a leeway of 25,000 or 30,000.

Mr. HICKS. Admiral Palmer before our committee the other day stated 150,000 was ample to take care of not only the immediate need but for some time in the future.

Mr. FOSS. Of all ships likely to be put into commission?

Mr. PADGETT. Yes

Mr. FOSS. Including ships that will be turned over to the Government, including the torpedo-boat chasers and power boats now under construction?

Mr. PADGETT. Yes; they said it would meet everything.

Mr. FOSS. I think it is very important that we should authorize a sufficient number of men in the bill, and it seems to me it makes very little difference whether we say 150,000 or 175,000, or even 200,000. There ought to be a wide margin; otherwise we would have to pass another bill.

Mr. PADGETT. I think we have given all the necessary leeway, because when you have the 150,000 there are 10,000 to be added to that.

Mr. FOSS. Of apprentices?

Mr. PADGETT. No; there will be 6,000 apprentices.

Mr. FOSS. We would have 4,000 additional?

Mr. PADGETT. No; that is included. Six thousand additional would make 156,000, and then the Naval Militia already has contributed 10,000, which would make 166,000, and we have over 5,000 that have already come into the reserves, which would run it up to 171,000.

Mr. FOSS. Was there any estimate made by the Bureau of Navigation, which was before the committee at the time, of the number of ships?

Mr. PADGETT. We had Admiral Palmer before the committee, and in his statement, which is printed, you will find that he gives an itemized statement of how in a general way the distribution would be made, and provides for what he says is an ample number.

Mr. Chairman, I have nothing further to say at the present time.

Mr. McFADDEN. Mr. Chairman, whether the Members of Congress or the people of the United States agree or not with the President as to our entry into this war with Germany, the die is cast, and the United States has by its official act declared that a state of war now exists between our country and Germany.

Only two courses of action are now open to us as a Nation—admit defeat or press on to victory. To admit defeat means humiliation and national disgrace and destroys our right to exist as a Nation and throws into the discard all the things we as a free and independent Nation have loved, fostered, and fought to preserve. All of our early traditions and principles that Washington, Jefferson, Lincoln, and Grant have stood for disappear in clouds of smoke, the smoke of a generation of people who had confidence in the future generation, our generation, who are the heirs of the sturdy heritages and traditions of the past.

War is a stern reality, and four things will win this war, namely, organization, men, money, and food.

ORGANIZATION.

Organization must be had through the men who are charged with the supreme authority of guiding this Nation, the President and those men of his choosing and the heads of departments and others who are in authority with him. Any successful organization must have a single head. In this case it must be the President, because he is Commander in Chief of the Army and Navy, and the full responsibility rests on him to perfect the organization and administer the various functions that are placed in his hands by Congress to be by him, as Commander in Chief of the Army and Navy of the United States, properly and efficiently managed. It is the supreme duty of the Congress to place at the disposal of the President all necessary materials, including men, money, and food, and when Congress has acted it is the duty of the people to cooperate and trust the Commander in Chief to the fullest degree.

I believe that the selective plan of conscription as proposed by the President is the proper one, and I favor conscripting all men between the ages of 21 and 30 immediately and the placing in the hands of the President the authority to select from these men those that are needed for the various pursuits necessary to wage this war to a successful termination and bring the Imperial German Government to terms that will end the war, and thus preserve to this country the same degree of freedom and rights that we now possess and provide for future generations the same degree of freedom. I have supreme confidence in the people of this Nation and feel that they will respond to the urgent needs of their country in this critical period.

MONEY.

At the request of the President the Congress has placed at the disposal of the Commander in Chief the entire resources of our beloved country—over 100,000,000 people and a wealth of $200,000,000,000. Congress has provided an initial appropriation of $7,000,000,000, and is about to provide additional revenue to the amount of $2,000,000,000 to apply toward the annual cost of supporting the Army and Navy, and will furnish such additional credit and cash as are necessary. Our all is in the melting pot and every care must be exercised to see that as few mistakes are made as possible.

The responsibility of preserving our financial equilibrium is a great one and every care must be taken to keep it on a sound basis. We can if necessary furnish $10,000,000,000 a year for the next seven years for war purposes without going into debt any more in proportion than is the debt now of Great Britain and France occasioned by this war.

The word that I would send to Germany at this time is that our people are united; that our combined wealth of $200,000,000,000 and $10,000,000,000 a year to run the war machine, if necessary, seven years, and a conscripted army of 22,000,000 men have been placed at the disposal of the Commander in Chief to be used as he may see fit to bring the war to a successful termination.

FOOD.

The responsibility of feeding not only our own people, but the larger responsibility of feeding the balance of the people of the whole world now rests on our shoulders. The importance, therefore, of a thorough system of production and delivery, providing for the elimination of all waste and for efficient facilities for transporting food from the producer through the various stages necessary to bring it to the ultimate consumer is readily apparent and must be successfully coped with. All possible assistance should be given by the various departments of the Government to see that the farmer produces and that the proper agencies are maintained to make full deliveries at reasonable rates to the consumer, and to provide for exports to maintain our armies wherever they may be, and to maintain our allies as their needs may require. [Applause.]

Mr. MANN. Mr. Chairman, the statement was made that this increase in the enlisted force of the Navy was only for the war. I suppose that represents the intention of the department, not the language of the bill.

Mr. BRITTEN. Mr. Chairman, it is the intention of the committee to provide an increase up to 150,000 men, if need be, during the period of the war.

Mr. MANN. Why did not the committee say that? Of course the bill provides for a temporary increase, and it says that the President may take enlistments for the period of the war; but where is the provision in the bill that at the end of the war the force shall be decreased?

Mr. BRITTEN. Does not the suggestion itself convey that information—for the period of the war? If the appointment is a temporary appointment, for the period of the war, is it not natural to assume that when the war is over the present established or enlisted force will prevail?

Mr. MANN. There is no provision in the bill that enlistments shall be for the period of the war only.

Mr. BRITTEN. There is, according to a committee amendment, if the gentleman will read the report.

Mr. MANN. The trouble with the gentleman is that I read it carefully and know what the language is. The committee has told what it means and reports it without examining the language. The bill provides, by the committee amendment, that enlistments may be for the war.

Mr. MADDEN. Does my colleague mean to convey the idea that the Committee on Naval Affairs never read the bill?

Mr. MANN. Oh, no. The Committee on Naval Affairs is one of the ablest committees of this legislative body or any other legislative body. I have served on committees myself, and I know something about the committee acts on bills. Of course it may be that the increase in the force is for the duration of the war, but I would be willing to bet my hat against 1 cent—and I do not know that it is worth a cent—that the Navy will never be restored to the enlisted force of only 87,000 men.

Mr. PADGETT. Ninety-three thousand is the number provided.

Mr. MANN. I am only referring to the language of the bill. Of course I do not know whether that is correct or not. There is no committee amendment about that. The bill says in the first section—and I am trying to get information—that—

The authorized enlisted strength of the active list of the Navy is hereby temporarily increased from 87,000 to 150,000.

Is that correct or not?

Mr. PADGETT. Yes.

Mr. MANN. Then the gentleman ought not to criticize me for using the terms of the bill.

Mr. PADGETT. I am not criticizing the gentleman.

Mr. MANN. Oh, yes; the gentleman was correcting me when I said the Navy, in my judgment, would never be decreased to 87,000. Now, if 87,000 is not the correct figure, I say it is not my fault; it is the fault of the bill. I do not know how many men there are in the Navy.

Mr. PADGETT. The enlisted strength is 87,000, as provided in the act of August last.

Mr. MANN. That is the act I was referring to.

Mr. PADGETT. And in addition to that the law provided for 6,000 apprentice seamen.

Mr. MANN. I ask the gentleman from Tennessee, Does he believe that the enlisted force of the Navy will ever be reduced to 87,000 after it has been increased to 150,000?

Mr. PADGETT. I do.

Mr. MANN. Well, the gentleman's faith would move mountains. A man who has his childlike and implicit faith has no place in this body. [Laughter.]

Mr. BRITTEN. Is not the matter entirely up to Congress after all?

Mr. MANN. Certainly.

Mr. BRITTEN. Does not section 3 in clear terms distinctly say "that enlistments in the Navy and Marine Corps, during such time as the United States may be at war, shall be for four years, or for the period of the war, or for such shorter period or periods as the President may prescribe?" The committee put in an amendment providing for the increase of this force for the period of the war.

Mr. MANN. Does the gentleman think that means during the period of the war?

Mr. BRITTEN. I do.

Mr. MANN. It says as the President may prescribe, and are we prescribing it shall be for the period of the war?

Mr. BRITTEN. Well——

Mr. MANN. Are we prescribing it shall be for the period of the war?

Mr. BRITTEN. No; we are not.

Mr. MANN. That is all I said.

Mr. PADGETT. It is stated that temporary appointments shall end not later than six months after the war.

Mr. MANN. Those are officers appointed.

Mr. PADGETT. Yes.

Mr. MANN. Here is the situation that will confront us: At the end of the war we will have a naval enlisted force, if this bill is carried out, of at least 150,000, whose terms do not expire necessarily with the end of the war——

Mr. CALDWELL. Will the gentleman yield?

Mr. MANN. Not in the middle of a sentence, I will say to my friend——

Mr. CALDWELL. I thought the gentleman had finished.

Mr. MANN. I had not. The gentleman interrupted me in the middle of a word. [Laughter.] The bill will provide an enlisted force of 150,000 and at the end of the war we will have an enlisted force of 150,000 whose terms do not expire. Then we will have temporary appointments of officers whose terms will expire six months after the end of the war, and, of course, then it will be up to Congress to provide appointments further for the enlisted force that stays in the Navy——

Mr. BRITTEN. That is, the officers.

Mr. MANN. Now no sane man believes—no; I will take that back, some sane man may believe—but I do not believe with the great increase in our Naval Establishment at the end of the war we will ever go back to 87,000 enlisted men. I do not believe that anybody who has watched the Navy grow can believe that and look facts in the face. Now, I am not criticizing the committee for bringing in a bill that may provide for a reduction in the enlisted force at the end of the war. How many new ships are we going to have in the Navy in the next three or four years?

Mr. PADGETT. We have authorized battleships, I think, 54, all told, 6 battle cruisers; we authorized in the last Congress 38 submarines; we authorized the session before that, in August, 30. That makes 68. We had about 74 before that and in addition to that a number of cruisers, torpedo-boat destroyers, built and in course of building.

Mr. MANN. Well, will these 150,000 enlisted men man all these ships?

Mr. PADGETT. A good many of them will not be completed before the end of the war.

Mr. MANN. Well, the gentleman does not know whether they will be completed by the end of the war or not.

Mr. PADGETT. Under ordinary expectations.

Mr. MANN. The gentleman knows nothing is ordinary now in reference to this war, everything is extraordinary; but I would like to know if the 150,000 enlisted men provided for in this bill will man all the ships that we have now authorized?

Mr. PADGETT. Admiral——

Mr. MANN. That is a simple question, will they or not?

Mr. FARR. Yes; allowing some for casualties.

Mr. PADGETT. I think it would.

Mr. MANN. During the next three or four years how many ships will be scrapped if they do not get injured in battle?

Mr. PADGETT. None I know of at all.

Mr. MANN. Then in the next three or four years, if we provide this enlisted force, at the end of that time 150,000 men will be on board ship——

Mr. PADGETT. No; because in time of peace no nation in the world keeps all the fleet in full commission. They only keep a percentage.

Mr. MANN. No nation except Great Britain and probably France and Germany and a few other countries that have a fleet.

Mr. PADGETT. Great Britain kept 60 per cent in active commission and 40 per cent in reserve before the war began.

Mr. MANN. They put them in the scrap heap.

Mr. PADGETT. They kept them with nucleus crews.

Mr. MANN. We are trying to build a Navy, and all the time we are told it is very important that we have a Navy. It was Thomas Jefferson, great man that he was, who proposed to build ships and put them in a storehouse, under a shed, in time of peace. That is what we are going to do with our Navy now, practically, according to the gentleman from Tennessee [Mr. PADGETT]. Well, I doubt it. I have seen come and go a good many opportunities for increase and decrease of officers. I can not now recall a single case, though doubtless I could if I took more time, in which after we had authorized and provided an actual increase in the number of any class of people in the Government service we have decreased it since I have been a Member of this House. And I have not the slightest idea that when we increase the enlisted force of the Navy, theoretically for the time of war, and they are on board ships, we will decrease the number at the end of the war. But you can provide a temporary army and disband it. You can not very successfully scrap one of our naval ships that is not ready for the scrap heap, and build some submarine and torpedo destroyers, and tow them into port some place and let them lie there. Who believes that will be done? It does not seem to me that anyone can believe it will be done who has any confidence in the integrity of any one of the men who are managing the Government. I do not know how soon they would get out of date.

Mr. BRITTEN. Will the gentleman yield for a question right there?

Mr. MANN. I promised to yield to the gentleman from New York [Mr. CALDWELL] when I reached the end of my sentence, and I now am glad to yield to him.

Mr. CALDWELL. Does the gentleman say that he wants to yield to me?

Mr. MANN. I yield to the gentleman now.

Mr. CALDWELL. You have finished the sentence, I presume?

Mr. MANN. Yes; I have finished the sentence.

Mr. CALDWELL. Section 3 on page 2 provides—

That enlistments in the Navy and Marine Corps, during such time as the United States may be at war, shall be for four years or for the period of the war or for such shorter period or periods as the President may prescribe.

May I ask the gentleman what, in his opinion, would be the longest time that that wording would authorize the enlistment of men?

Mr. MANN. Four years.

Mr. CALDWELL. Unless, of course, the war lasted longer than four years. He indicated a few moments ago it might last longer than four years.

Mr. MANN. Yes. That is the longest definite time.

Mr. CALDWELL. The longest definite time is four years. What is the longest indefinite time?

Mr. MANN. The length of the war.

Mr. CALDWELL. If the war did not last as long as four years, these would all expire?

Mr. MANN. If the enlistments were for the period of the war, they would all expire when peace was declared; but it would be a silly proceeding to take them that way.

Mr. CALDWELL. On the first page of the bill I notice, in lines 3, 4, and 5, it is provided this increase shall be temporary.

Mr. MANN. I take it that the gentleman from New York has just come in.

Mr. CALDWELL. I have been here most of the time. I have been here nearly as long as the gentleman from Illinois has.

Mr. MANN. Then, the gentleman has not been attentive, because I read all that to the committee, and so did the gentleman from Tennessee [Mr. PADGETT].

Mr. CALDWELL. You did not seem to coordinate the two.

Mr. MANN. That is exactly what I did. I read them in connection, while the gentleman was out sporting, probably.

Mr. CALDWELL. Not out sporting.

Mr. MANN. I thought he was. I thought possibly he had gone to the baseball game. I wish I had.

Mr. BRITTEN. Will the gentleman yield?

Mr. MANN. I will.

Mr. BRITTEN. Does not the gentleman think it would be a mighty good thing if it does require 150,000 men to carry on a mobilization of our Navy—and we have never had one in the history of our country that I know of—does not the gentleman think it would be a good thing to have 150,000 men in the Navy all the time?

Mr. MANN. Certainly. I am not quarreling with that.

Mr. BRITTEN. I understood that, and I hope the gentleman is absolutely correct in his statement.

Mr. MANN. I never have attempted to deceive myself. I think I rarely attempt to deceive anybody else, but I never attempt to deceive myself. I think the committee attempted to deceive itself when it proposed to increase the Navy to 150,000, with the great number of new naval ships now authorized, and then thought to itself that at the end of the war it would decrease the force to that which is now authorized. I think the committee attempted to deceive itself if it is honest, and of course I believe it is honest, in presenting a bill like this to the House.

Mr. BRITTEN. The best expert opinion that the committee could get indicated that 150,000 men would be vastly in excess of the enlisted personnel required for the ships built and building at the present time. I think that 115,000 to 120,000 men can be used, according to the best expert advice, on all ships built and building.

Mr. MANN. Really, you know, I had imagined that we had authorized about as many ships as we have now. Of course, I am clear off on that.

Mr. BRITTEN. What do you mean by saying that we authorized as many ships as we have now?

Mr. MANN. I said that we had authorized, not yet in commission, about as many ships as we now have in commission.

Mr. KNUTSON. Can I ask the gentleman a question?

Mr. MANN. The gentleman can properly ask me a question, but I am not sure that I can give him any information.

Mr. KNUTSON. Are we committed to a definite naval program regardless of what the terms of peace may be at the conclusion of the war?

Mr. MANN. The gentleman asks if we are committed to a definite program in connection with the Navy. There is no way of committing Congress to a definite program on any subject. In the naval bill of last year, which is now the law, there is a provision to the effect that before we go to war we will seek arbitration. That is in the law at the present time. That was announced to be the policy of this Government less than a year ago, but we reversed it. We will reverse our policy on naval affairs. A few years ago it was the policy of the Government apparently to increase the naval force by one battleship a year. Then it became the policy to increase by two battleships a year. I do not know just what the policy would be considered now. Apparently the policy of the Government is to authorize a great many battleships and construct very few. [Laughter.]

Mr. BRITTEN. Was that reversal of the law to which the gentleman just referred the fault entirely of Congress, or was it the fault of the Executive?

Mr. MANN. I do not charge the Executive with responsibility for things which Congress inserts in the law.

Mr. MONDELL. Mr. Chairman, will the gentleman yield?

Mr. MANN. Yes; I yield to the gentleman.

Mr. MONDELL. The gentleman is always well informed. Will the gentleman tell us whether it is true, as the newspapers reported a few days ago, that work on the large battleships and the large cruisers had been entirely, or practically entirely, suspended at this time?

Mr. MANN. I refer the question to my distinguished and learned friend from Tennessee.

Mr. PADGETT. My information, sir, is that the battleships, 30 of them, are now fully equipped with men.

Mr. MONDELL. I am speaking of the battleships that have been authorized, the battleships and the cruisers that have been authorized and laid down and under construction. Several days ago several newspapers that I read stated that it was proposed to suspend work on practically all of those ships.

Mr. PADGETT. I know of no such purpose. The piece I saw in the papers stated that such a thing was being contemplated.

Mr. MONDELL. The statement was that in view of the need for mechanics and workmen for the smaller vessels the men were to be taken off the large ships. The gentleman does not know whether that is being done or not?

Mr. PADGETT. I do not know.

Mr. MONDELL. It would be a very practical and sensible thing to do, I should say, under the circumstances.

Mr. PADGETT. I do not know that it would be.

Mr. MANN. Well, when two such learned gentlemen disagree I refuse to be the referee. [Laughter.]

Mr. MONDELL. I am not sure that I am fully informed on the subject yet.

Mr. MANN. Just in passing, speaking of building these ships, I was on a torpedo-boat destroyer the other day and I saw a seaman sawing a piece of bronze, or whatever it was, off one of the torpedo guns. It took quite a while, and I sat there watching him. After he was through I said, "What is the reason you sawed that off?" "Well," he said, "there is a little operation in connection with this gun that we frequently have to go through. With that little piece sawed off we can do it in a half a minute. If that piece is left on, it takes us about an hour and a half." I said to myself, "Whoever designed that gun certainly was brilliant in that one respect—to leave it to a seaman to discover and remove a projection from a gun whereby it would take more than an hour to do something which is quite essential to do in handling the gun, but which, when he sawed it off, could be done almost instantly."

Mr. BRITTEN. Just at that point, what was the object of that projection on the gun? What was it intended to do?

Mr. MANN. I do not know. It was a projection merely, and the gun was just as strong when it was sawed off as before.

Mr. MONDELL. Was it a sort of vermiform appendix? [Laughter.]

Mr. MANN. I saved it, by the way. I have it—the piece that he sawed off—as a souvenir.

Mr. BRITTEN. You might send it down to the Gun Factory.

Mr. MANN. I hate to detain the committee so long, but I wanted to ask a question in reference to these commissioned officers. Just what is the increase authorized in this bill in the number of different grades of commissioned and noncommissioned officers for temporary appointment?

Mr. PADGETT. The bill as submitted authorizes an increase based upon 57,000, the difference between 93,000 and the 150,000, of 747 lieutenants, and 954 lieutenants of junior grade and ensigns. It does not authorize any other grades above that. It authorizes a temporary increase from what we have in the permanent commissioned personnel—2,236 officers, I think it is—up to the authorization of the act of August 29 last. I have not figured out what that difference is, but it will be a substantial increase. We are short of officers at the present time. We have at the present time 2,236 officers, and with 4 per cent on the 93,000, that would be 3,720 officers. The difference between that might be authorized temporarily by the provisions of this bill, but none of them permanently, except such as come in from the Naval Academy, who are added yearly to the permanent increase of the commissioned personnel.

Mr. MANN. May I ask the gentleman this question: As to this increase that is now authorized, is there any way of utilizing now 150,000 enlisted men except for training them?

Mr. PADGETT. Yes, sir. A great many of these men will be put upon commercial ships that are taken over. A great many of them will be put upon auxiliaries that are used for the support of the Navy, fuel ships, coal and oil and supply ships, and transportation generally. A great many of these men are needed for that service.

Mr. MANN. They do not put Navy men on a coal ship, do they?

Mr. PADGETT. Heretofore, in time of peace, they have been operating them with civilian crews, perhaps with one or two naval officers; but in time of war they would be taken into the regular naval service and operated with naval crews. Of course, they would have to have military discipline and control.

Mr. MANN. I was under the impression that these coal ships had civilian officers and not naval officers.

Mr. PADGETT. In time of peace the fuel ships do have civilian crews, but in time of war they are operated under military control, and the crews would be enlisted men.

Mr. MANN. In time of peace, do all of these colliers, so called, have naval officers?

Mr. PADGETT. No.

Mr. MANN. I know that most of those that carry coal do not. I do not know whether they call them colliers or contract ships.

Mr. PADGETT. The colliers do not. They have civilian crews and civilian officers, but when they are taken over into the Navy in time of war they have military control, and are taken into the Navy.

Mr. MANN. What increase in the number of rear admirals is authorized in this bill?

Mr. PADGETT. None, except as I stated a while ago. I stated a while ago that there was an authorization for an increase over what we have, up to the authorized increase under the act of August last.

Mr. MANN. I know; but that does not mean anything to me, unfortunately.

Mr. PADGETT. I stated it before, and I will repeat it. It might go up from the 22 or the 23 that we now have to 37 rear admirals, but it could not go above that number.

Mr. MANN. And in comparison, what increase in captains?

Mr. PADGETT. It could go from the number that we have now, something over 80, to four times 37, which would be 148. That is the temporary increase.

Mr. MANN. That is based on what enlisted force?

Mr. PADGETT. On 93,000, that I mentioned a moment ago, provided by the act of August 29 last.

Mr. MANN. Do you make any provision here for any additional vice admirals?

Mr. PADGETT. No, sir; none whatever.

Mr. MANN. Why not?

Mr. PADGETT. Because I did not think we needed them. The department have sent down a suggested bill, which has not yet been introduced and has not been considered by the committee, recommending a change in the law with reference to admirals and vice admirals. Under existing law the commander in chief of the Atlantic Fleet, of the Pacific Fleet, and of the Asiatic Fleet, while serving as such commander in chief, has the rank of admiral, and the second in command of those three fleets has the rank of vice admiral while so serving. The department has sent down a recommendation for a modification of the law, that as there is no service for the vice admirals on the Pacific and Asiatic stations in this emergency the geographical restrictions be removed, and that they be allowed to serve generally in the Navy without being restricted to the Pacific Fleet and the Asiatic Fleet.

Mr. MANN. That seems to be a very sensible suggestion. The department has sent half a dozen or a dozen letters recently, addressed to the Speaker, asking for changes in the law relating in the main to technical matters.

Mr. PADGETT. Yes.

Mr. MANN. Most of which, it would appear to me, ought to be enacted into legislation. I do not know whether the committee has looked at them yet or not.

Mr. PADGETT. I will say to the gentleman that these recommendations reached me yesterday from the Secretary of the Navy. I noticed that they were sent to the Speaker, and they were referred, and I got that notice this morning. I have not yet had the opportunity to consider them.

Mr. MANN. I will say to the gentleman that I have read them all. I have had them in print and have read them. They were referred to the Speaker.

Mr. PADGETT. I read the one that came to me from the Secretary of the Navy.

Mr. MANN. I have read them as they came through the Speaker to the House.

Mr. PADGETT. But the one sent through the Speaker did not reach me until this morning.

Mr. MANN. And I hope the rest of the members of the Committee on Naval Affairs will get them and read them. It is a very good practice, which is seldom observed, for members of a committee to get the documents which are referred to their committee and to read them. But they never do it unless somebody else calls their attention to them.

Mr. BRITTEN. That is a very good suggestion. Are these documents all printed as they come through the Speaker's hands? Are they made public documents?

Mr. MANN. House documents.

Mr. BRITTEN. And put in the document room in the ordinary way?

Mr. MANN. Yes.

Mr. BRITTEN. How would a member of the House who was not a member of that committee know when a document came to the Speaker and was referred in the natural way, to the Committee on Naval Affairs, for instance, unless he followed the CONGRESSIONAL RECORD as closely as the gentleman from Illinois does?

Mr. MANN. It is a very simple matter. A document is sent to the House, referred by the Speaker to the Committee on Naval Affairs, and ordered printed. It is delivered to the clerk of the Naval Committee. It is the duty of the clerk to know; and when I was chairman of a committee the clerk of that committee notified every member and sent to every member of the committee a copy of that printed communication so referred to the committee. It does not require any astuteness to do that. It only requires less than ordinary intelligence.

Mr. REED. Are all the petitions which are handed in at the desk printed?

Mr. MANN. They are not printed. If they were, our printing bill would be longer than the Atlantic Ocean is wide.

I believe that we ought to have additional vice admirals. I believe that we ought to provide for the appointment of one or more admirals. We are in war. I never have been an enthusiastic advocate of a great Navy or a great Army, but we are in the war, and that is not all. They are endeavoring now to give the impression—I do not know whether it is correct or not—that the Germans have the English and French almost whipped to a frazzle. I doubt it, but they are trying to give that impression now, so as to excite us. It may be true. But we are in the war. We can not back out.

If we are going to provide a great fleet, we ought to provide commanding officers for that fleet who shall be of equal rank to the commanding officers of the fleets of other countries which our fleet will meet. The same is true of the Army. If we are going to send an army to France, we ought to send an army officered just as highly as the French or English Army is officered. I know we are in the House of Representatives. Everybody kicks us around for a football, or tries to, but after all we sometimes maintain our dignity a little bit, and we ought to maintain our position in the world in making our legislation. And while we are in war I am in favor of giving to the Navy all the men it can use, all the officers it can use, all the ships we can build. We send them out hoping they will do well. And we should give to the Army the proper officers, also. The sooner we get over the idea in this country and in this House that we are conducting a woman's sewing circle, or a pink-tea affair, the better it will be for us all. We are at war with the greatest war power that the world has ever seen. The English and French have proved no match for Germany. The Russians have run like sheep before dogs. We can not run. [Applause.] The English and French have not run; it is not in the English blood to run, but we are at war, and we have got to learn how to conduct a war. We can not stand on the idea that we do not want to create some high office because we do not want to make a place for some pet. We have got to get out of that notion. Pets will soon go to the rear in this war. It will take men with red blood and determination to lead our forces, I hope, to victory. [Applause.]

Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The gentleman has 15 minutes.

Mr. MANN. I yield five minutes to the gentleman from Kansas [Mr. CAMPBELL].

Mr. CAMPBELL of Kansas. Mr. Chairman, the situation that confronts the country is not getting far into the hearts and consciences of the people. Even Congress does not appreciate the fact that we are in one of the greatest wars in all history.

I thought on the night of the 2d of April, one of the most memorable nights in the history of the Republic, that we were really entering the war with all the military pomp and circumstance and force that nations command. Why, the pomp and circumstance that surrounded the Capitol on that night was so impressive that those who encountered it will never forget it. The Members of Congress who were under hoof and confronted with the point of the sword will never forget it. I thought that we were entering war then under leaders that knew war.

But the 2d of April passed and the enthusiasm of the administration for war seemed to have passed with it. It is a month or more since then. What has been done? Under circumstances similar to these the Congress took over the responsibility of the Nation and conducted a foreign war to a successful issue. The War of 1812 dragged on. It was not conducted by the Executive, and the House of Representatives, under the leadership of its Speaker, Henry Clay, practically took over the conduct of the war, created a sentiment in the country, created a war spirit, aroused the people to a knowledge of the fact that they were at war. I am not so sure that this Congress will not have to do a similar thing. We must not wait until some calamity occurs. The responsibility of Congress is hidden in the Constitution, and we must assume it.

Mr. AYRES. Will the gentleman yield?

Mr. CAMPBELL of Kansas. I will.

Mr. AYRES. Does the gentleman think that Congress is making a good record when it has not agreed upon a military bill the past week?

Mr. CAMPBELL of Kansas. The Congress would have agreed upon the military bill long ago if it had not been that a higher source is insisting on keeping certain conditions out of the bill that ought to be in it. [Applause.] The conferees would have agreed long ago if the administration had consented that a volunteer division of an army of fighters were permitted to organize for early embarkment to the seat of war to fight in the trenches with our allies. But the administration does not want that particular division. It is time to speak. This is a representative government, and you and I have a responsibility that we can not shift if we would. We are responsible to the people quite as much as the Executive.

Mr. FESS. Will the gentleman yield for a question?

Mr. CAMPBELL of Kansas. Yes.

Mr. FESS. Many Members here are interested in the statement that we have a higher power. Has it come to our Government that the Congress is not coordinate with the executive department but is under it?

Mr. CAMPBELL of Kansas. I used the expression as it is currently used. The Congress is made up of men who sometimes protest that they are not rubber stamps, but they are. They do nothing that the Executive does not want, and they always do exactly what the Executive does want while they in their own minds and souls protest against it. That is the Congress of the United States to-day.

Mr FESS. If the gentleman will yield further, my question was not facetious.

Mr. CAMPBELL of Kansas. And my answer was not facetious.

Mr. FESS. From the standpoint of political science it seems to me that we are drifting to that view that Congress is a subordinate body instead of a coordinate body, and I think it is really serious.

Mr. CAMPBELL of Kansas. One of the most serious things that could happen to this country—and it did not begin with this administration; it has been going on for some years—the Congress has lost its position as one of the coordinate branches of the Government largely because it has yielded from time to time to the persuasion of one of the coordinate branches of the Government.

Mr. Chairman, I have no politics from now on until this war is over, except that of an American interested in the welfare of his country and in the successful termination of the war. To do that, to accomplish that purpose, I want the best that is in this Government utilized—men, money, material, everything. We are not using the best men. We are not using the best men in the executive department of this Government to-day. Men not big enough in time of peace are still kept in places of great responsibility. The administration is refusing real warriors when they offer their services. Why? The administration must answer to the American people soon for its delinquencies; for the failure to utilize the very best that is in the Nation.

If we sit idly by waiting for the Executive to announce what he desires and then do it hurriedly, and go home, as is intimated, we will make ourselves contemptible in the eyes of the world and in our own eyes. Mr. Chairman, this Congress should not think of adjourning, should not think of terminating its work while this war progresses. Men here have taken an oath to support the Constitution of the United States against all enemies, foreign and domestic, and are we, because the Executive has all the plans that he has worked out, ready to say, "We have done your bidding, and we will now go home?" We have work to do. The Committee on Military Affairs and the Committee on Naval Affairs should take the initiative. The members of those committees are experienced in the matters with which we are now concerned, and they should call upon a coordinate branch of the Government to execute what this Congress under their leadership has done. The laws of the United States are not executed. Members of Congress know that.

Mr. Chairman, what I want to impress upon the House is this, that we are not here to do the will of a coordinate branch of the Government and then go home. We must assume our share of this responsibility and carry it out. The Congress of the United States at the close of the War of 1812 was charged with being the dominant power in the Government, with having taken from the Executive the power that the Executive rightfully possessed. Oh, what a contrast between the Congress of that day and of this!

The CHAIRMAN. The time of the gentleman from Kansas has expired.

Mr. PADGETT. Mr. Chairman, I ask that the Clerk read the bill.

The Clerk read as follows:

SEC. 3. That enlistments in the Navy and Marine Corps, during such time as the United States may be at war, shall be for four years or for such shorter period or periods as the President may prescribe or for the period of the war.

With the following committee amendments:

Page 2, line 5, after the word "years," insert the words "or for the period of the war."

Page 2, line 7, strike out the words "or for the period of the war."

The CHAIRMAN. The question is on agreeing to the committee amendments.

The committee amendments were agreed to.

The Clerk read as follows:

SEC. 4. That the number of additional commissioned officers in the Navy and Marine Corps, based upon the temporary increases herein or hereafter authorized in the number of enlisted men shall be temporarily appointed not above the grades and ranks of ensign, lieutenant (junior grade), and lieutenant in the line and staff of the Navy and the grades and ranks of second lieutenant, first lieutenant, and captain of the Marine Corps and shall be based upon the authorized temporary increase to 150,000 enlisted men in the Navy and the authorized temporary increase to 30,000 enlisted men in the Marine Corps, respectively, the computation and distribution in said grades and ranks to be made in accordance with the provisions of the act of August 29, 1916, and the authorized number of officers in said grades and ranks may be appointed as soon as sufficient eligibles are available: *Provided*, That there shall be no permanent or temporary appointments in or permanent or temporary promotions to any grade or rank in the line or staff above that of lieutenant in the Navy or of captain in the Marine Corps by reason of the temporary increase of enlisted men in the Navy above the number of 87,000 and 17,400 enlisted men in the Marine Corps authorized by the act of August 29, 1916: *Provided further*, That the proviso last above shall not be held or construed to limit or abridge the use or service of the officers of the Naval Militia and National Naval Volunteers, Naval Reserve Force, and Marine Corps Reserve as provided and authorized under existing law: *Provided further*, That the President may use the officers of the Navy and Marine Corps on the retired list for service in their several grades and ranks as provided by existing law: *Provided further*, That temporary chaplains and acting chaplains in the Navy may be appointed for service during the period of the war in the proportion of the enlisted personnel of the Navy as now prescribed by existing law.

Mr. PADGETT. Mr. Chairman, instead of acting upon the committee amendments as printed in the bill, the committee has decided to submit a new amendment in the form of a substitute for section 4, and I send that up to the desk.

Mr. MANN. Then the gentleman desires to ask unanimous consent to vote on the committee substitute without perfecting the original section in the bill?

Mr. PADGETT. Yes. Mr. Chairman, I ask unanimous consent to consider the substitute for section 4, which I send to the Clerk's desk, instead of perfecting section 4 as printed in the bill.

The CHAIRMAN. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will report the committee substitute.

The Clerk read as follows:

Pages 2, 3, and 4, strike out all of section 4 and in lieu thereof insert the following:

"SEC. 4. Additional commissioned officers in the Navy and Marine Corps, based upon the temporary increases herein authorized in the number of enlisted men, shall be temporarily appointed by the President, in his discretion, not above the grades and ranks of lieutenant in the line and staff of the Navy and major in the Marine Corps, the distribution in said grades and ranks to be made in accordance with the provisions of the act of August 29, 1916: *Provided*, That all temporary original appointments shall be made in the lowest commissioned grades of the line and staff of the Navy and Marine Corps, exclusive of commissioned warrant officers, and that there shall be no permanent or temporary appointments in or permanent or temporary promotions to any grade or rank above that of lieutenant in the Navy or major in the Marine Corps by reason of the temporary appointment of officers authorized by this act in excess of the total number of officers authorized by existing law or on account of the increase of enlisted men herein authorized: *Provided further*, That, during the period of the present war, any existing deficiency in the total number of commissioned officers of the Navy and Marine Corps authorized by the act of August 29, 1916, may be supplied by temporary appointments in the lowest grades and by temporary promotions to all other grades until a sufficient number of officers shall be available for regular appointment or promotion in accordance with existing law: *Provided further*, That nothing herein shall be held or construed to limit or abridge the use or service of the

officers of the Navy and Marine Corps on the retired list or of the officers of the Naval Militia and National Naval Volunteers, Naval Reserve Force, and Marine Corps Reserve, as provided and authorized under existing law: *Provided further*, That temporary chaplains and temporary acting chaplains in the Navy may be appointed for service during the period of the war in the proportion of the personnel of the Navy as now prescribed by existing law.

The CHAIRMAN. The question is on the substitute.

The question was taken, and the substitute was agreed to.

The Clerk read as follows:

SEC. 5. That the additional temporary officers authorized in the various grades and ranks of the Navy and Marine Corps in accordance with the next preceding section may be temporarily appointed to serve in the grades or ranks to which appointed or promoted by the temporary advancement of officers holding permanent and probationary commissions, by temporary appointment of commissioned warrant officers, warrant officers, and enlisted men of the Navy, and warrant officers, noncommissioned officers, and clerks to assistant paymasters of the Marine Corps, citizens of the United States who have had previous naval or military service or training, and other citizens of the United States: *Provided*, That in making appointments authorized herein the maximum age limit shall be 45 years for commissioned warrant officers, warrant officers, and enlisted men to ensign, enlisted men of the Navy to warrant rank, candidates for assistant surgeon, noncommissioned officers of the Marine Corps to commissioned rank, members of the Marine Corps branch of the Naval Militia and National Naval Volunteers, Marine Corps Reserve, and civilians to commissioned rank, and warrant officers of the active list of the Marine Corps appointed to commissioned rank: *Provided further*, That graduates of the Naval Academy and warrant officers duly commissioned in the Navy or Marine Corps in accordance with existing law shall not, by virtue of this section, be required to receive temporary appointments; and the class of midshipmen graduated from the Naval Academy on March 29, 1917, and the classes to be graduated hereafter under the provisions of the act of March 4, 1917, may be commissioned effective from date of graduation: *Provided further*, That temporary appointments as warrant officers of the Navy may be made by the Secretary of the Navy: *Provided further*, That lieutenants (junior grade) and ensigns shall have had not less than two years' service in grade before being eligible for temporary promotion to the grades of lieutenant and lieutenant (junior grade), respectively.

Mr. PADGETT. Mr. Chairman, I have some other committee amendments which I wish to offer——

Mr. MANN. Does the gentleman want to agree to the committee amendments first?

Mr. PADGETT. That is all right; the Clerk can go ahead with the reading of the committee amendments.

The Clerk read as follows:

Committee amendments: Page 4, line 17, insert the words, at the beginning of the line, "specially qualified."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Page 4, line 18, strike out the word "forty-five" and insert in lieu thereof the word "fifty."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Page 4, line 25, after the word "civilians," insert the words "specially qualified."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Page 5, line 2, after the word "rank," insert the words "and temporary chaplains and temporary acting chaplains."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Page 5, line 7, strike out the word "section" and insert the word "act."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Page 5, line 11, strike out the words "under the provisions of the act of March 4, 1917."

The question was taken, and the amendment was agreed to.

Mr. PADGETT. I now offer a further committee amendment.

The Clerk read as follows:

Page 4, line 14, before the word "citizens," insert the words "commission and warrant officers of the United States Coast Guard."

The question was taken, and the amendment was agreed to.

Mr. PADGETT. Mr. Chairman, I offer another amendment.

Mr. BRITTEN. Before the gentleman does that I would like to ask if a comma comes after the word "Guard" in the amendment just read?

Mr. PADGETT. Yes; there is a comma in there.

The CHAIRMAN. The Clerk reports a period.

Mr. PADGETT. It should be a comma.

The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read as follows:

Page 5, strike out the proviso in lines 15 to 19, inclusive, and in lieu thereof insert the following:

"*Provided further*, That lieutenants (junior grade) and ensigns may be considered eligible for temporary promotions to the grades of lieutenant and lieutenant (junior grade), respectively, without regard to length of service in grade."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

SEC. 6. That during the period of the present war the computations to be made by the Secretary of the Navy as prescribed by the act of August 29, 1916, shall be made semiannually as of July 1 and January 1 of each year, and at such other times as he may deem necessary; and the Board of Rear Admirals, for selection for promotion prescribed in said act, may be convened at such times as the exigencies of the service may require; and if 9 rear admirals can not be convened without injury to the service, 6 rear admirals may constitute the board, and 4 of the members must concur in the recommendations instead of 6, as prescribed in said act.

The Clerk read as follows:

Committee amendment: Page 6, line 3, after the word "require" strike out the semicolon and all the remainder of the paragraph.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

SEC. 7. That the permanent and probationary commissions, appointments, and warrants of officers shall not be vacated by reason of their temporary advancement or appointment, nor shall said officers be prejudiced in their relative lineal rank in regard to promotion in accordance with the act of August 29, 1916: *Provided*, That the rights, benefits, privileges, and gratuities of all enlisted men of the Navy and Marine Corps now authorized by law shall not be lost or abridged in any respect whatever by their acceptance of temporary commissions or warrants hereunder: *Provided further*, That no person who shall receive a temporary appointment shall be entitled to pay or allowances except under such temporary appointment: *And provided further*, That upon the termination of temporary appointments in a higher grade or rank as authorized by this act the officers so advanced, including probationary second lieutenants, warrant officers, and enlisted men of the Navy and Marine Corps, shall revert to the grade, rank, or rating from which temporarily advanced, unless such officers or enlisted men in the meantime, in accordance with law, become entitled to promotion to a higher grade or rank in the permanent Navy or Marine Corps, in which case they shall revert to said higher grade or rank and shall, after passing the prescribed examinations, be commissioned accordingly.

Mr. PADGETT. Mr. Chairman, I offer a committee amendment.

The CHAIRMAN. The Clerk will report it.

The Clerk read as follows:

Page 6, line 23, after the words "warrant officers," insert the words "clerks to assistant paymasters."

The question was taken, and the amendment was agreed to.

Mr. PADGETT. Mr. Chairman, I offer an amendment upon my own motion because it occurred to me afterwards; this is to perfect the language in there in reference to the Coast Guard.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 6, line 24, after the words "Marine Corps," insert the words "commissioned and warrant officers of the United States Coast Guard."

The question was taken, and the amendment was agreed to.

Mr. FESS. Mr. Chairman, I move to strike out the last word for the purpose of asking a question. In line 14, on page 6, in the first proviso, it says:

That the rights, benefits, privileges, and gratuities of all enlisted men of the Navy and Marine Corps now authorized by law shall not be lost or abridged in any respect.

That would indicate some might be.

Mr. PADGETT. It is put in there as a protection. It is usual in cases of this kind, where you are changing legislation, to preserve by specific language their rights, and therefore we put the word "all" in there. There are various classes—for instance, petty officers of different ratings—who are enlisted men, and this is to take in all the enlisted men whatever their ranks and ratings.

Mr. FESS. It is not an error, but it is put in there on purpose?

Mr. PADGETT. Yes; it is put in there on purpose.

The Clerk read as follows:

SEC. 8. That all temporary appointments or advancements authorized by this act shall continue in force only until otherwise directed by the President or until Congress shall amend or repeal the authorization for the increases herein provided.

The following committee amendment was read:

After the word "provided," in line 11, on page 7, insert the words "and not later than six months after the termination of war."

The CHAIRMAN. The question is on agreeing to the committee amendment.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

SEC. 9. That any officer of the permanent Navy or Marine Corps temporarily advanced in grade or rank in accordance with the provisions of this act who shall be retired from active service under the permanent commission while holding such temporary rank shall be placed on the retired list with the grade or rank to which his position in the permanent Navy or Marine Corps at the date of his retirement would entitle him, and any person originally appointed temporarily, as provided in this act, shall not be entitled to any rights of retirement, except for physical disability incurred in line of duty.

Mr. PADGETT. Mr. Chairman, I wish to offer a committee amendment.

The CHAIRMAN. The gentleman from Tennessee offers an amendment, which the Clerk will report.

The Clerk read as follows:

Committee amendment: Page 7, line 17, after the word "rank," insert the following: "except for physical disability in line of duty."

The CHAIRMAN. The question is on agreeing to the committee amendment.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

SEC. 10. That should any second lieutenant of the Marine Corps holding a probationary appointment for the period of two years become eligible for promotion to a higher grade and qualify therefor before the expiration of two years from the date of original appointment, he shall receive a probationary appointment in such higher grade, which appointment shall be made permanent or shall be vacated in the manner prescribed by the act of August 29, 1916.

Also the following committee amendment was read:

Page 7, line 24, after the word "That," insert the words "during the continuance of the present war."

The CHAIRMAN. The question is on agreeing to the committee amendment.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

SEC. 12. That the temporary appointments and promotions herein authorized to be made by the President shall be made by and with the advice and consent of the Senate.

Also the following committee amendment was read:

Page 8, line 14, strike out the word "to" and insert the word "shall."

The CHAIRMAN. The question is on agreeing to the committee amendment.

The question was taken, and the amendment was agreed to.

Also, the following committee amendment was read:

Page 8, line 15, after the word "President," strike out the following: "shall be made by and with the advice and consent of the Senate."

Mr. MANN. Does the gentleman from Tennessee expect this amendment to stay in the bill?

Mr. PADGETT. I hope so, sir. My recollection is that in the Army bill it provided, as it passed, that these temporary appointments should be made by the President without submitting them to the Senate.

Mr. MANN. I think it is quite appropriate. Years ago I put a bill through this House providing for the appointment of various officials by the President without confirmation by the Senate, and stuck to it and got it into the law. Roosevelt was President. He could not believe it. So he nominated a candidate and sent it to the Senate and asked for confirmation, when the law provided that he should make the appointment without the advice and consent of the Senate. It was unusual then, and, in the main, it is unusual now. It is utterly ridiculous to require the names of lieutenants and captains, either in the Army or the Navy, to be sent to the Senate for confirmation, where those appointments are confirmed as a matter of routine.

Mr. PADGETT. I think especially so when it is temporary. For that reason we have recommended this change.

The CHAIRMAN. The question is on agreeing to the committee amendment.

The question was taken, and the committee amendment was agreed to.

Also, the following committee amendment was read:

After line 16, insert a new section, as follows:

"SEC. 13. Nothing contained in this act shall operate to reduce the rank, pay, or allowance that would have been received by any person in the Navy or Marine Corps except for the passage of this act."

Mr. PADGETT. Mr. Chairman, I wanted to offer an amendment to that amendment.

The CHAIRMAN. The gentleman from Tennessee offers an amendment to the amendment, which the Clerk will report.

The Clerk read as follows:

Amendment to the amendment, offered by Mr. PADGETT: After the word "Navy" insert a comma, strike out the word "or," and after the words "Marine Corps" insert the words "or Coast Guard."

The CHAIRMAN. The question is on the amendment to the amendment.

Mr. HICKS. Mr. Chairman, I move to strike out the last word, just for the purpose of saying a word in regard to the Coast Guard. The total complement of the Coast Guard is 3,945 men, and of this number 2,107 are employed at coast stations in the service formerly known as the Life-Saving Service. They all perform most important duties—saving life and property, destroying derelicts, protecting the customs, enforcing quarantine and navigation regulations, suppressing mutinies, patroling the fishing grounds, and so forth. These men at the stations patrol the coast from Maine to Florida in all kinds of weather. All night long these hardy Americans march along the beaches, breasting the ice and sleet, ever on the lookout to seaward for wrecks and stranded seamen in need of assistance. They are expert in their profession, inured to hardships, well disciplined, and always ready to sacrifice their lives, if need be, for the distressed mariner. No better men are in the service of any nation to-day than the officers and men of the Coast Guard. They have now been called into the Navy under the law and are entitled to every consideration at the hands of the Government they serve so faithfully.

I withdraw the pro forma amendment.

The CHAIRMAN. The question is on the amendment to the amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The Clerk read as follows:

SEC. 13. That the provisions of the act entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1917, and for other purposes," approved August 29, 1916, which read as follows: "*Provided further*, That the increase in the number of captains herein authorized shall be made at the rate of not more than 10 captains in any one year" and "That officers of the Marine Corps with the rank of colonel who shall have served faithfully for 45 years on the active list shall, when retired, have the rank of brigadier general; and such officers who shall hereafter be retired at the age of 64 years before having served for 45 years, but who shall have served faithfully on the active list until retired, shall, on the completion of 40 years from their entry in the naval service, have the rank of brigadier general," are hereby repealed.

The following committee amendment was read:

Committee amendment to section 14: Page 8, line 21, strike out the figures "13" and insert "14."

The CHAIRMAN. The question is on the committee amendment.

The question was taken, and the amendment was agreed to.

Mr. PADGETT. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Tennessee offers an amendment which the Clerk will report.

The Clerk read as follows:

Committee amendment offered by Mr. PADGETT: Page 9, after line 12, add a separate paragraph, as follows:

"SEC. 15. That on and after May 1, 1917, the pay of all enlisted men of the Navy during the continuance of the war be, and it is hereby, increased $15 a month over and above the rates of pay proper as fixed by law for times of peace."

Mr. MANN. I reserve a point of order on that amendment, Mr. Chairman.

Mr. PADGETT. Mr. Chairman, that is just the same as was incorporated in the Army bill. The Army bill, as it passed the House, and also as it passed the Senate, provided for that increase. The House provision was $15 a month for enlisted men in the Army, and this is identical, except that it will provide for the Navy instead of the Army.

Mr. MANN. Well, it may be all right; but there is a very great difference in the pay now between the Army and the Navy, and it is all in favor of the Navy.

Mr. PADGETT. There is very little difference. The base pay of the Army is $15 and the base pay of the Navy is $17.60.

Mr. MANN. I know; but the base pay has not much to do with it.

Mr. PADGETT. It is a difference of $2.60, as I understand.

Mr. MANN. There are a great many commissioned officers in the Navy.

Mr. PADGETT. This does not apply to commissioned officers. This applies only to enlisted men.

Mr. MANN. I mean noncommissioned officers in the Navy—and they are mighty well paid. When a man goes into a service of that sort and gets from $75 to $125 a month and his keep, and no chance to spend money, he is not badly paid. I do not think it is necessary. It is just an extravagance. It is necessary in the case of the Army, but——

Mr. PADGETT. It is putting the Navy on the same basis as the Army. The enlisted men in the Army were granted an increase of $15, and this gives the same increase to the same class of men in the Navy; and the gentleman will bear in mind the fact that there has heretofore been a good deal of criticism in the House to the effect that we were not paying them the same.

Mr. MANN. It does not put them on the same basis. The Navy now is paid higher than the Army. But I withdraw the point of order.

Mr. PADGETT. I wish, Mr. Chairman, to offer an amendment to the amendment on account of the provision with reference to the Coast Guard. This is put in there on account of the amendment that was adopted.

Mr. MANN. Are you going to increase the Coast Guard, too?

Mr. PADGETT. They shall have the same pay as the enlisted men of the Navy. Simply while they are serving on the ships they will have the same pay as the Navy.

Mr. MANN. They now get higher pay without this increase. But the Coast Guard men have to work.

Mr. PADGETT. This would not reduce them in time of war.

Mr. TILSON. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Connecticut moves to strike out the last word.

Mr. TILSON. I do so for the purpose of asking the gentleman from Tennessee [Mr. PADGETT] if the provision of his amendment is simply to add $15 to the pay of all enlisted men? It is not to increase the base pay?

Mr. PADGETT. It does not increase the base pay at all. It simply adds $15 to the pay that the men are receiving.

Mr. TILSON. So that the petty officer's pay will not be doubled up two or three times, but he will simply have $15 added to his monthly pay?

Mr. PADGETT. That is all.

The CHAIRMAN. The Clerk will report the amendment to the amendment offered by the gentleman from Tennessee.

The Clerk read as follows:

Amendment to the amendment offered by Mr. PADGETT: On page 9 add to the new section the following:

"*Provided*, That during the continuance of the war warrant officers, petty officers, and enlisted men of the United States Coast Guard shall receive the same rates of pay as are or may be hereafter prescribed for the corresponding grades or ratings and length of service in the Navy."

The CHAIRMAN. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

The CHAIRMAN. The question is on agreeing to the amendment as amended.

The amendment as amended was agreed to.

Mr. PADGETT. Mr. Chairman, I now move that the committee rise and report the bill and amendments to the House with the recommendation that the several amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. SHALLENBERGER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill (H. R. 3330) to temporarily increase the commissioned and warrant and enlisted strength of the Navy and Marine Corps, and for other purposes, had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. PADGETT. Mr. Speaker, I move the previous question on the bill and all amendments to final passage.

The SPEAKER. The gentleman from Tennessee moves the previous question on the bill and amendments to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put them in gross. The question is on agreeing to the amendments.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

On motion of Mr. PADGETT, a motion to reconsider the vote by which the bill was passed was laid on the table.

NAVAL AUXILIARY RESERVE.

Mr. PADGETT. Mr. Speaker, I call up from the House Calendar the bill (H. R. 2337) to amend an act entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1917, and for other purposes," relative to enrollments in the Naval Reserve Force.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the act entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1917, and for other purposes," approved August 29, 1916, be, and the same is hereby, amended by adding after the proviso under the heading "Naval Reserve Force," which reads as follows: "*Provided*, That citizens of the insular possessions of the United States may enroll in the Naval Auxiliary Reserve," a further proviso as follows: *Provided further*, That such persons who are not citizens of the United States, but who have or shall have declared their intention to become citizens of the United States, and who are citizens of countries which are at peace with the United States, may enroll in the Naval Reserve Force, subject to the condition that they may be discharged from such enrollment at any time within the discretion of the Secretary of the Navy, and such persons who may, under existing law, become citizens of the United States, and who render honorable service in the Naval Reserve Force in time of war for a period of not less than one year may become citizens of the United States without proof of residence on shore and without further requirement than proof of good moral character and certificate from the Secretary of the Navy that such honorable service was actually rendered.

The SPEAKER. The gentleman from Tennessee is recognized for one hour.

Mr. PADGETT. Mr. Speaker, I do not care to address the House. I ask that the bill be put upon its passage.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

On motion of Mr. PADGETT, a motion to reconsider the vote by which the bill was passed was laid on the table.

STEAM YACHT "OWERA."

Mr. PADGETT. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 1845) to authorize PETER GOELET GERRY to enter into a contract with the Secretary of the Navy, in behalf of the United States, for the use of the steam yacht *Owera*.

The SPEAKER. The gentleman from Tennessee asks unanimous consent for the present consideration of a Senate bill which the Clerk will report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. MANN. Let us have the bill reported.

The SPEAKER. The Clerk will report the bill.

The bill was read as follows:

Be it enacted, etc., That PETER GOELET GERRY, a Senator of the United States from the State of Rhode Island, having offered to the Government for the period of the war the use of his yacht hereinafter named, be, and he is hereby, authorized to enter into a contract or agreement with the Secretary of the Navy, in behalf of the United States, for the use by the United States of the steam yacht *Owera*, owned by the said Senator, for such period as may be mutually agreeable to the parties to the contract or agreement herein authorized.

SEC. 2. That the provisions of sections 114 and 115 of the act approved March 4, 1909, entitled "An act to codify, revise, and amend the penal laws of the United States," and any other laws or parts of laws inconsistent herewith, be, and they are hereby, declared inapplicable to the said PETER GOELET GERRY and the Secretary of the Navy, or such other officer or officers of the United States as shall, on behalf of the Secretary of the Navy, enter into the aforesaid contract or agreement for the purposes and to the extent set forth in section 1 hereof.

The SPEAKER. Is there objection?

There was no objection.

Mr. PADGETT. Mr. Speaker, yesterday when I called up this bill and asked unanimous consent for its consideration, I stated what I then believed to be the fact, that Senator GERRY would turn this yacht over to the Government absolutely, without expectation of compensation if it was destroyed in action. Since then I have seen Senator GERRY, and have obtained from him information upon that matter, and I think it proper to state to the House that I was in error in that respect. He turns over to the United States the use of the yacht without compensation, but he will make with the department the same contract that all others make, that if it is destroyed he is to receive reasonable compensation. That is the same provision that is made with all others; but he charges nothing for the use of it and the service that it may render to the Government.

The SPEAKER. The question is on the third reading of the bill.

The bill was ordered to a third reading, and was accordingly read the third time and passed.

On motion of Mr. PADGETT, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. PADGETT. Now, if there is nothing further, Mr. Speaker, I will move that the House adjourn.

Mr. MANN. It does not make any difference whether there is anything further or not. The gentleman said he would move to adjourn.

Mr. PADGETT. I make that motion.

PERE MARQUETTE RAILROAD CO.

Mr. CRAMTON. Will the gentleman withhold that for a request for unanimous consent?

Mr. PADGETT. If the gentleman will consult with the gentleman over there, Mr. MANN. I told him I would move to adjourn.

Mr. CRAMTON. I ask unanimous consent for the printing as a House document of 4,000 copies of the report of the Interstate Commerce Commission on their investigation of the financial history and operation of the Pere Marquette Railroad Co. and the Cincinnati, Hamilton & Dayton Railroad Co., the same to be distributed through the folding room.

Mr. MANN. That resolution ought to come from the Committee on Printing.

Mr. CRAMTON. I introduced a resolution (H. Res. 70) to that effect several days ago, and I have had the matter up fully with the chairman of the Committee on Printing, Mr. BARNHART, who has not been able to get a meeting of his committee, owing to the fact that at least one, and perhaps more, of them are out of the city. It is quite urgent that I get action on the matter, for the reason that it is of particular interest now. I am getting many requests for this document, which I am unable to meet. Furthermore, I have had the type from the original print held up in the Government Printing Office.

Mr. MANN. They will hold it up until the Committee on Printing can take action on this matter.

The SPEAKER. Is there objection?
Mr. MANN. I will have to object.

ADJOURNMENT.

The SPEAKER. The gentleman from Illinois [Mr. MANN] objects, and the gentleman from Tennessee [Mr. PADGETT] moves that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 4 minutes p. m.) the House adjourned until to-morrow, Wednesday, May 9, 1917, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Acting Secretary of War, transmitting, with a letter from the Chief of Engineers, reports on preliminary examination and survey of Connecticut River from Hartford, Conn., to Long Island Sound (H. Doc. No. 132); to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

2. A letter from the Secretary of the Treasury, transmitting copy of a communication of the Secretary of War, submitting an estimate of appropriation required for the service of the fiscal year ending June 30, 1918, to begin the establishment of a national military post at the battle field of Guilford Court House, N. C. (H. Doc. No. 133); to the Committee on Appropriations and ordered to be printed.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. ALEXANDER: A bill (H. R. 4241) transferring the vessels of the Bureau of Fisheries, Department of Commerce, to the jurisdiction of the Navy Department in time of war; to the Committee on the Merchant Marine and Fisheries.

By Mr. ESTOPINAL: A bill (H. R. 4242) in reference to a national military park on the Plains of Chalmette, below the city of New Orleans; to the Committee on Military Affairs.

By Mr. MILLER of Minnesota: A bill (H. R. 4243) suspending during the present emergency all rights arising out of any patent granted by the United States upon any compound or medicine of which salvarsan is a constituent part; to the Committee on Patents.

By Mr. LOBECK: A bill (H. R. 4244) to regulate the construction and operation of elevators in the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. WALDOW: A bill (H. R. 4245) authorizing the Secretary of War to establish and maintain an aviation training station at Buffalo, N. Y.; to the Committee on Military Affairs.

By Mr. LONERGAN: A bill (H. R. 4246) to increase the salary of the United States district attorney for the district of Connecticut; to the Committee on Expenditures in the Department of Justice.

By Mr. RAMSEYER: A bill (H. R. 4247) to increase the revenue, and for other purposes; to the Committee on Ways and Means.

By Mr. BLANTON: A bill (H. R. 4248) to suspend the manufacture of and all traffic in intoxicating liquors for beverage purposes during the time the United States may be engaged in war, and fixing a penalty; to the Committee on the Judiciary.

By Mr. FERRIS: Resolution (H. Res. 75) authorizing certain members of the Committee on the Public Lands of the House of Representatives to make investigation relative to natural resources of the public domain; to the Committee on the Public Lands.

By Mr. MASON: Resolution (H. Res. 76) requesting information from the Secretary of War; to the Committee on Military Affairs.

By Mr. IRELAND: Joint resolution (H. J. Res. 83) to authorize the Secretary of Agriculture to make an exhibit illustrative of the investigations, products, and processes relating to farming at the International Soil-Products Exposition, Peoria, Ill.; to the Committee on Industrial Arts and Expositions.

By Mr. KALANIANAOLE: Memorial of the Legislature of the Territory of Hawaii, requesting the Congress of the United States to provide ways and means for the dredging of Kalihi Channel at Honolulu, between Honolulu and Kapala Basin; to the Committee on Rivers and Harbors.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ASHBROOK: A bill (H. R. 4249) granting an increase of pension to Casper Paul; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4250) granting an increase of pension to Thomas Simmons; to the Committee on Invalid Pensions.

By Mr. GANDY: A bill (H. R. 4251) granting a pension to Ernest Blaseg; to the Committee on Pensions.

By Mr. IRELAND: A bill (H. R. 4252) granting an increase of pension to Melvin Seward; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4253) granting an increase of pension to Andrew R. Jones; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4254) granting an increase of pension to Levi Coon; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4255) granting a pension to John Kircher; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4256) granting a pension to Angelica Culver; to the Committee on Invalid Pensions.

By Mr. KAHN: A bill (H. R. 4257) for the relief of Charles Edward Lutz; to the Committee on Naval Affairs.

By Mr. KRAUS: A bill (H. R. 4258) granting an increase of pension to Hymelius Mendenhall; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4259) granting an increase of pension to Edward C. Jeffries; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4260) granting an increase of pension to Nelson Mattix; to the Committee on Invalid Pensions.

By Mr. MEEKER: A bill (H. R. 4261) granting a pension to Stanley M. Riggs; to the Committee on Pensions.

By Mr. NOLAN: A bill (H. R. 4262) granting a pension to Robert F. Tietz; to the Committee on Pensions.

By Mr. OSBORNE: A bill (H. R. 4263) for the relief of the Citizens' National Bank, of Los Angeles, Cal.; to the Committee on Claims.

By Mr. REED: A bill (H. R. 4264) granting an increase of pension to Littleton T. Morgan; to the Committee on Invalid Pensions.

By Mr. ROBERTS: A bill (H. R. 4265) granting a pension to Alpheus W. Clark; to the Committee on Pensions.

By Mr. STRONG: A bill (H. R. 4266) granting a pension to William R. Baum; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4267) granting a pension to Margaret E. McNutt; to the Committee on Invalid Pensions.

By Mr. TEMPLETON: A bill (H. R. 4268) to place the name of Jedediah C. Paine upon the unlimited retired list of the Army; to the Committee on Military Affairs.

By Mr. WELTY: A bill (H. R. 4269) for the relief of Henry I. Stockstill; to the Committee on Claims.

Also, a bill (H. R. 4270) granting a pension to Albert Haines; to the Committee on Pensions.

Also, a bill (H. R. 4271) granting a pension to Mary M. Heath-Bowers; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4272) granting a pension to Levi Falkner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4273) granting an increase of pension to Loveman Place; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4274) granting an increase of pension to Joseph H. Pillars; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4275) granting an increase of pension to Joseph E. Neargarder; to the Committee on Pensions.

Also, a bill (H. R. 4276) granting an increase of pension to George Hedrick; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4277) granting an increase of pension to Levi Guy; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4278) granting an increase of pension to Uriah J. Favorite; to the Committee on Invalid Pensions.

By Mr. WOODYARD: A bill (H. R. 4279) granting a pension to Della Smith; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Memorial of the faculty and students of the University of the State of Missouri, relative to financing the war by taxation; to the Committee on Ways and Means.

Also (by request), memorial of East St. Louis Citizens' Association, expressing undivided loyalty to their country and its flag; to the Committee on Military Affairs.

Also (by request), petition of Retail Merchants' Association of Washington, D. C., pledging loyalty to their country and its flag; to the Committee on Military Affairs.

Also (by request), petition of sundry citizens of the State of Missouri, favoring volunteer system for raising an army; to the Committee on Military Affairs.

Also (by request), memorial of the United Improvement Clubs of Greater Omaha relative to doing away with gambling in foodstuffs; to the Committee on Agriculture.

Also (by request), petition of citizens of Worcester, Mass., declaring undivided support of President in the present crisis; to the Committee on Military Affairs.

Also (by request), memorial of Sons of the Revolution, New York City, expressing approval of United States Government in entering war; to the Committee on Military Affairs.

Also (by request), petition of 1,561 voters employed by manufacturers of Warren, Pa., favoring prohibition during the war; to the Committee on the Judiciary.

By Mr. BARNHART: Petition of eight citizens of Elkhart, Ind., favoring placing war taxes on the rich and paying soldiers $100 per month; to the Committee on Ways and Means.

By Mr. CARY: Telegrams from A. O. Smith (Corp.), Howard Jones, W. A. Perkins, B. V. Dela Hunte, W. B. Rood, J. P. Peterson, W. Jonas, J. Jonas, L. Perman, J. Feldmeir, B. Field, V. Sclichting, A. Anderson, P. Williams, and A. Ball, all of Milwaukee, Wis., protesting against the proposed 5 per cent tax on all new automobiles and second-class mail matter; to the Committee on Ways and Means.

By Mr. DALE of New York: Memorial of New York State Allied Printing Trades Council, against increased postage on second-class mail matter; to the Committee on the Post Office and Post Roads.

By Mr. FULLER of Illinois: Petition of Manufacturing Perfumers' Association of the United States, protesting against stamp taxes, etc.; to the Committee on Ways and Means.

Also, petition of Keyt-Erb Automobile Co., of Rockford, Ill., protesting against a proposed 5 per cent tax on new motor cars; to the Committee on Ways and Means.

Also, petition of W. C. De Atley, of De Kalb, Ill., protesting against a proposed increase of tax on alcohol; to the Committee on Ways and Means.

Also, memorial of the drug and chemical markets, proposing a Federal license tax and a tax on gross sales, in lieu of other proposed emergency taxes; to the Committee on Ways and Means.

Also, petition of Curt, Tirch & Co., of Chicago, Ill., protesting against increased postage on souvenir post cards; to the Committee on the Post Office and Post Roads.

Also, petitions of Manufacturers' Record and Farm Implements News, of Chicago, Ill., against increase of postage on periodicals; to the Committee on Ways and Means.

Also, petition of Tuthill Spring Co., of Chicago, Ill., favoring bill to increase second-class postage rates; to the Committee on the Post Office and Post Roads.

Also, memorial of First Presbyterian Church of Belvidere, Ill., favoring prohibition during the period of the war; to the Committee on the Judiciary.

Also, petition of Orpheum Amusement Co., of Rockford, Ill., protesting against proposed taxes on amusements; to the Committee on Ways and Means.

By Mr. GALLIVAN: Petition of Lawyers' Club of Washington, favoring universal military service; to the Committee on Military Affairs.

By Mr. HAMILTON of New York: Petition of sundry citizens of Wellsville, N. Y., favoring prohibition as a war measure; to the Committee on the Judiciary.

By Mr. HOLLINGSWORTH: Petition of J. J. Harrington and 79 other citizens of Salem, Ohio, relative to war finance; to the Committee on Ways and Means.

By Mr. LINTHICUM: Memorial of executive committee of the Baltimore Woman's Christian Temperance Union, favoring national prohibition as a war measure; to the Committee on the Judiciary.

Also, petition of National Women's Trade Union League, relative to taxing incomes for war expenses; to the Committee on Ways and Means.

Also, memorial of Maryland Society, Sons of the American Revolution, favoring universal military training; to the Committee on Military Affairs.

By Mr. MEEKER: Memorial of American Economists, regarding war finance, submitted by the faculty of the University of Missouri, Columbia, Mo.; to the Committee on Ways and Means.

Also, petition of Musicians' Mutual Benefit Association, Local No. 2, American Federation of Musicians; Wagon Drivers and Helpers' Union, No. 606; Cigar Makers' Local, No. 44, and Local Union No. 1, I. B. E. W., all of St. Louis, Mo., praying for an investigation by Congress into the controversy between the Chamber of Commerce of San Francisco, Cal., and organized labor; to the Committee on the Judiciary.

Also, petition of Central Trades and Labor Union; Stove Mounters' Local, No. 34; White Rats Actors' Union, No. 11; Metal Polishers, Buffers, and Platers, No. 13; and Bartenders' Local, No. 51, all of St. Louis, Mo., praying for an investigation by Congress into the controversy between the Chamber of Commerce of San Francisco, Cal., and organized labor; to the Committee on the Judiciary.

Also, petitions of United Brotherhood of Leather Workers; Waiters' Union, Local No. 20; Brewery Oilers and Helpers' Union, Local No. 279; Beer Bottlers' Union, Local No. 187; International Association of Machinists, District 9; and Brewery Firemen Union, Local No. 95, all of St. Louis, Mo., praying for an investigation by Congress into the controversy between the Chamber of Commerce of San Francisco, Cal., and organized labor; to the Committee on the Judiciary.

By Mr. MORIN: Petition of the Pittsburgh Academy of Medicine, asking Congress to abolish during the period of hostilities the manufacture of alcoholic beverages; to the Committee on the Judiciary.

Also, petition of the Pittsburgh Academy of Medicine, urging the universal military training of all youths of this country; to the Committee on Military Affairs.

By Mr. MOORES of Indiana: Petition of voters of Indianapolis, Ind., relative to levying taxes to meet war measure; to the Committee on Ways and Means.

By Mr. RAKER: Petition of W. P. Lyon, of San Jose, Cal., against commandeering by Government of only two steamers available for shipping paper from mills to San Francisco, Cal.; to the Committee on Interstate and Foreign Commerce.

Also, petition of F. A. Lewis, of Roseville, Cal., against tax on toilet articles and patent medicines; to the Committee on Ways and Means.

Also, petition of Los Angeles (Cal.) Times, Tribune, Examiner, Herald, and Express, protesting against the administration commandeering of coast vessels now used to transport food products and carry news-print paper; to the Committee on Interstate and Foreign Commerce.

Also, petition of Charles K. Fields, of San Francisco, Cal., against new second-class zone postal rates; to the Committee on the Post Office and Post Roads.

Also, petition of the Autocar Co., Ardmore, Pa., against proposed tax on automobiles; to the Committee on Ways and Means.

Also, petitions of Earle C. Anthony and Motor Car Dealers' Association of Los Angeles, Cal., against 5 per cent tax on motor cars; to the Committee on Ways and Means.

Also, petition of Thomas V. Cator, of San Francisco, Cal., favoring sending of new levies to be trained in France; to the Committee on Military Affairs.

Also, petition of Richard H. Edmonds, editor Manufacturers' Record, Baltimore, Md., against any increase in postage under existing conditions; to the Committee on the Post Office and Post Roads.

By Mr. REED: Petition of Central West Virginia Coal Operators' Association, favoring national prohibition as war measure; to the Committee on the Judiciary.

By Mr. ROWE: Petition of sundry citizens of Brooklyn, N. Y., favoring taxing large incomes for war revenues; to the Committee on Ways and Means.

Also, memorial of Chamber of Commerce of the State of New York, favoring universal military training; to the Committee on Military Affairs.

Also, petition of Equitable Cooperative Building & Loan Association, Brooklyn, N. Y., asking exemption of building and loan associations from any new tax law; to the Committee on Ways and Means.

Also, petition of S. Sternan & Co., of New York City, against 25-cent tax a gallon on alcohol; to the Committee on Ways and Means.

Also, petition of William Green, of New York City, against increase of postal rates on second-class matter; to the Committee on the Post Office and Post Roads.

Also, petition of executive committee of Flatbush Taxpayers' Association, Brooklyn, N. Y., approving bill for a selective draft; to the Committee on Military Affairs.

By Mr. STRONG: Resolution of the Men's Bible Class of the First United Presbyterian Church of Indiana and resolution of the Bethel Baptist Church, of Sykesville, both of Pennsylvania, favoring the prohibition of the manufacture and sale of intoxicating liquors during the war; to the Committee on the Judiciary.

By Mr. TILSON: Petition of Bible School of the Calvary Baptist Church, of New Haven, Conn., favoring prohibition as a war measure; to the Committee on the Judiciary.

By Mr. VARE: Petition of sundry citizens of Philadelphia, Pa., relative to provisions in pending revenue bill; to the Committee on Ways and Means.

By Mr. WOODYARD: Memorial of Central West Virginia Coal Operators' Association, favoring national prohibition as a war measure; to the Committee on the Judiciary.

Also, memorial of citizens of Huntington, W. Va., relative to methods of financing the war; to the Committee on Ways and Means.

SENATE.

WEDNESDAY, *May 9, 1917.*

The Senate met at 11 o'clock a. m.

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, in the midst of all the storm and stress of life Thou art still God, the God of our minds and of our hearts and of our lives. Thou art drawing us to Thyself through the storm of life; Thou art teaching us our needs of Thy care. We lift our hearts to Thee to-day as we face the ever-increasing responsibilities of this high office. We pray that Thou wilt give to us the wisdom which will justify our authority; that Thou wilt give to us the grace which will sanctify the power that is lodged in the hands of Thy servants in the Senate; and that we may lift our hearts to Thee with such fervent, earnest prayer and faith as that it may please Thee to guide us in the discharge of the duties of this day. For Christ's sake. Amen.

FRANCIS G. NEWLANDS, a Senator from the State of Nevada, appeared in his seat to-day.

The Secretary proceeded to read the Journal of the proceedings of the legislative day of Wednesday, May 2, 1917, when, on request of Mr. GALLINGER and by unanimous consent, the further reading was dispensed with and the Journal was approved.

ESTIMATES OF APPROPRIATIONS.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of the Navy submitting additional estimates of appropriations in connection with the urgent deficiency bill required by the Naval Establishment amounting to $4,366,860 (S. Doc. No. 25), which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of the Interior submitting a clause of appropriation to provide during the fiscal year 1918 for increased compensation as authorized by section 7 of the legislative appropriation act for the fiscal year 1918, the provisions of which shall apply to employees for the care of the new Interior Department Office Building, etc. (S. Doc. No. 24), which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had passed the bill (S. 1845) to authorize PETER GOELET GERRY to enter into a contract with the Secretary of the Navy, in behalf of the United States, for the use of the steam yacht *Owera*.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 2337. An act to amend an act entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1917, and for other purposes," relative to enrollments in the Naval Reserve Force; and

H. R. 3330. An act to temporarily increase the commissioned and warrant and enlisted strength of the Navy and Marine Corps, and for other purposes.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT. The Chair lays before the Senate resolutions of the Chicago Theosophical Association, which will be inserted in the RECORD.

The resolutions are as follows:

Resolutions Chicago Theosophical Association.

The Chicago Theosophical Association, on April 28, 1917, unanimously adopted the following resolutions:

"Whereas our country has cast the die for war, and, right or wrong, the motives actuating the masses of our people are for humanity's redemption; and

"Whereas we firmly believe that the world is gradually evolving individually and nationally from greed, avarice, intrigue, and selfishness into a realization of the fundamentals of brotherhood; and

"Whereas our country has been comparatively heedless of the stupendous sacrifices which have been made during this titanic struggle, and must now itself display this heroic quality; and

"Whereas it is our belief that the whole effort on America's part should be in this complete spirit of sacrifice; and

"Whereas we feel that the American people desire to accept the inevitable in that spirit, and will not consider their personal rights invaded if the country is immediately put upon a war basis, its resources husbanded and luxuries curtailed: Therefore, be it

"*Resolved*, That we urge our President and Congress to at once consider—

"(a) Establishing maximum prices on staple food products.

"(b) Making speculation in food a felony.

"(c) Placing a ban upon liquor.

"(d) Appropriating the bulk of profit.

"(e) Placing the financial burden upon us in proportion to our ability to carry same.

"(f) Handling of all financial matters by the Government direct.

"(g) Making every effort to curtail discrediting our foreign born, whose position is most pathetic."

CHICAGO THEOSOPHICAL ASSOCIATION,
By JULIA K. SOMMER, *President*.
H. E. BENKE, *Secretary*.

The VICE PRESIDENT presented a telegram in the nature of a petition from the congregation of the Methodist Episcopal Church of Sheffield, Pa., and a petition from the congregation of the First Baptist Church of Micanopy, Fla., praying for national prohibition as a war measure, which were referred to the Committee on the Judiciary.

Mr. GRONNA. I have a number of telegrams from automobile dealers in my State. I present only one of them and ask that it may be printed in the RECORD.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

FARGO, N. DAK., *May 7, 1917.*

Senator A. J. GRONNA,
Washington, D. C.:

If the Government considers it necessary to raise revenue from automobiles for war purposes, the undersigned automobile dealers and distributors of Fargo favor a tax or license applied to all the three and one-half million automobile owners of the country. If desire is to tax prosperous corporations, we favor a tax on the net profits of all corporations and all merchants in the entire country, but we emphatically protest against the proposed tax of 5 per cent to be levied on all new automobiles at factory as not only discriminating and unjust but because it will prove disappointing and inefficient.

Calkins & Orr, representing Velie, Hudson, and Saxon; Oakland Motor Sales Co., representing Oakland and Oldsmobile; Horton Motor Co., representing Cadillac and Paige; Wheelock Auto Co., representing White, Franklin, and Mitchell; Northern Auto Co., representing Buick and Packard; More Bros., representing Pullman; Murphy & Palmer, representing Maxwell and Chalmers; George Schaas, representing Jeffrey; M. A. Enders, representing Studebaker and Chevrolet; J. C. Vincent, representing Dodge.

Mr. GRONNA. I also have two or three letters and telegrams here bearing upon important questions, which I ask to have printed in the RECORD.

There being no objection, the letters and telegrams were ordered to be printed in the RECORD, as follows:

GRAND FORKS, N. DAK., *May 7, 1917.*

Hon. A. J. GRONNA,
United States Senate, Washington, D. C.:

The report from Washington is that there is to be an additional 5 per cent added to the selling price of automobiles. If this action is taken by Congress it will be an injustice to the automobile owners, as automobiles are of a necessity to-day, and the automobile owners in this district are not favorable to such a tax, as it would be discriminating. We hope that you will not support any measure favorable to unequal taxation.

GRAND FORKS OVERLAND CO.,
By J. E. SANDLIE, *President.*

MINOT, N. DAK., *May 5, 1917.*

The Hon. A. J. GRONNA,
Washington, D. C.

DEAR MR. SENATOR: In accordance with the unanimous vote of the ministers and delegates of the Mouse River Association of Congregational Churches, I am directed to send you the following resolution:

"That this association record itself in favor of the immediate passage by our Government of a bill prohibiting the manufacture, sale, and importation of intoxicating liquors as a war emergency measure for the purpose of conserving food supply, factory and farm production, and military efficiency in the Nation."

On behalf of the Mouse River Association.

W. KNIGHTON BLOOM, *Registrar.*

THE AD-CLUB OF GREATER GRAND FORKS,
Grand Forks, N. Dak., May 3, 1917.

Senator A. J. GRONNA,
Washington, D. C.

DEAR SENATOR: At a meeting of the executive committee of the Grand Forks Ad-Club, held May 2, 1917, the following resolution was adopted:

"Whereas it has come to the attention of the Grand Forks Ad-Club that Senator HITCHCOCK has proposed a free advertising campaign to mobilize men and money; and

"Whereas the Grand Forks Ad-Club firmly believes that the most economical and efficient way of mobilizing men and money is not by inaugurating a free advertising campaign, but by inaugurating a campaign of publicity to be paid for the same as grain or munitions are paid for; and

"Whereas we believe that the publishers of the United States can be relied upon to give the Government hearty cooperation as fully as they should be expected to do; and

"Whereas paid advertising has proved very successful as used by Great Britain and Canada during the world struggle: Therefore be it

"*Resolved*, That it is our firm conviction that advertising space for the purpose of mobilizing men and money should be placed upon a paid basis by the United States Government, and an appropriation made therefor, in the usual manner."

Yours, very truly,

J. A. POPPLER, *President.*
J. H. PEARSON, *Secretary.*

A petition to Congress.

The Mennonites of this country are either immigrants or the descendants of immigrants from various countries in Europe which they left to avoid compulsory military service. Assurance was given them by high officials of the United States, including President Grant in 1873, that they need fear no compulsory conscription here.

In view of this, our attitude regarding military service, we petition the Congress of the United States to exempt us and other noncombatant Christians from all compulsory military training and service in the event of the enactment of such a law.

Our people are mostly engaged in agriculture and are in every way loyal citizens. They pray for this exemption because they try to follow the doctrine of our Lord Jesus Christ, stated in Matthew 5:44—"Love your enemies, bless them that curse you, do good to them that hate you, and pray for them which despitefully use you and persecute you."

Our hope that this petition will be granted is based on the fact that in a democracy the conscience of the individual is duly considered, and the further fact that in Canada our brethren have been assured by the Government that the exemption for which we pray is granted them.

Mennonite congregation at Munich, N. Dak.

JAHN GUENTER, *Pastor.*

APRIL 30, 1917.

Mr. SMITH of Michigan presented a telegram, in the nature of a petition from the Michigan Farmer, of Detroit, Mich., praying that, if a 3-cent second-class-postage rate be established, that it shall not take effect for one year, which was referred to the Committee on Finance.

Mr. SHEPPARD presented petitions of the Woman's Christion Temperance Union of Hondo, the McKinney District Conference of the Methodist Episcopal Church South of Frisco, and of sundry citizens of Colony, all in the State of Texas, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. HARDWICK presented telegrams in the nature of memorials from the Varn Johnson Motor Co., of Savannah; H. D. Chapman and sundry other citizens of Spartn; from Lyon & Keily, of Augusta; from Kingmun Moore and others, of Macon; from J. C. Bush, of Fitzgerald; from George W. and Thomas W. Gilmore and George Gilmore, of Warthen; from the Atlanta Automobile Association; from the Arrington Oakland Co., of Augusta; from Audley Hill, of Augusta; from J. W. Westmoreland, of Augusta; from the Augusta Automobile Association, of Augusta; from A. W. Smith, of Macon; from the People's Bank and the Overland Co., of Athens; and from J. W. Johnson and sundry other citizens, of Carrollton, all in the State of Georgia, remonstrating against the proposed 5 per cent tax on automobiles, which were referred to the Committee on Finance.

Mr. FRELINGHUYSEN presented petitions of Local Union No. 1414, United Brotherhood of Carpenters and Joiners of America, of Bergenfield; of Local Union No. 32, Brotherhood of Masons and Plasterers, of Cliffside; of Local Union 1443, United Brotherhood of Carpenters and Joiners of America, of Englewood; of Local Union 578, International Brotherhood of Electrical Workers, of Englewood; and of sundry citizens of East Rutherford, all in the State of New Jersey, praying for the improvement of the Hackensack River, N. J., which were referred to the Committee on Commerce.

He also presented a petition of the congregation of the Methodist Episcopal Church of Hackensack, N. J., praying for national prohibition as a war measure, which was referred to the Committee on the Judiciary.

He also presented petitions of the New Jersey State Board of Education and of the Board of Trade of Newark, N. J., praying for compulsory military service, which were ordered to lie on the table.

Mr. GALLINGER presented petitions of the congregation of the First Congregational Church of Lyme; of 29 students of Dow Academy, Franconia; and of sundry citizens of Franklin and Northwood, all in the State of New Hampshire, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented memorials of Couture Bros., of Manchester, and of the E. J. Caron Amusement Co., of Manchester, in the State of New Hampshire, remonstrating against a tax on theaters, which were referred to the Committee on Finance.

He also presented memorials of H. C. Lintott, of Nashua, and of sundry citizens of Woodsville, in the State of New Hampshire, remonstrating against the proposed 5 per cent tax on automobiles, which were referred to the Committee on Finance.

Mr. WEEKS presented petitions of sundry citizens of the State of Massachusetts, praying for national prohibition as a war measure, which were referred to the Committee on the Judiciary.

Mr. McLEAN presented petitions of the Manufacturers' Association of Bridgeport; of members of the Sunday school of the Westville Methodist Episcopal Church, of New Haven; and of the Citizens' No-License League, of Milford, all in the State of Connecticut, praying for national prohibition as a war measure, which were referred to the Committee on the Judiciary.

He also presented a memorial of the Automobile Dealers' Association of Stamford, Conn., remonstrating against the proposed 5 per cent tax on automobiles, which was referred to the Committee on Finance.

He also presented a memorial of Cigar Makers' Local Union No. 42, of Hartford, Conn., remonstrating against an increase of the tax on cigars, which was referred to the Committee on Finance.

Mr. TOWNSEND. I present a letter from the Schwarze Electric Co., of Adrian, Mich., relative to the proposed tax on automobiles, which I ask may be printed in the RECORD and referred to the Committee on Finance.

There being no objection, the letter was referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

ADRIAN, MICH., *May 7, 1917.*

Hon. CHARLES E. TOWNSEND,
Washington, D. C.

MY DEAR CHARLIE: At a meeting of the board of directors of the Schwarze Electric Co. a resolution opposing the proposed automobile tax was unanimously passed. This proposed tax would certainly be a death blow to Michigan, as so much of this tax would have to be paid by our State. We are directly interested, because our business depends entirely upon the automobile trade.

We sincerely trust you will use your every effort to prevent so unjust legislation.

Yours, truly,

SCHWARZE ELECTRIC CO.,
By J. N. SAMPSON, *President.*

Mr. TOWNSEND presented a telegram in the nature of a memorial from the Common Council of Bay City, Mich., remonstrating against the proposed 5 per cent tax on automobiles, which was referred to the Committee on Finance.

Mr. PHELAN presented a petition of sundry citizens of Santa Ana, Cal., praying for national prohibition as a war measure, which was referred to the Committee on the Judiciary.

He also presented a memorial of the Property Owners' Protective Association of Oakland, Cal., remonstrating against national prohibition as a war measure, which was referred to the Committee on the Judiciary.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent the second time, and referred as follows:

By Mr. FRELINGHUYSEN:

A bill (S. 2176) for the relief of George B. Hughes; to the Committee on Claims.

By Mr. CHAMBERLAIN:

A bill (S. 2177) for the relief of Charles G. Griffa; to the Committee on Military Affairs.

By Mr. NELSON:

A bill (S. 2178) suspending during the present emergency all rights arising out of any patent granted by the United States upon any compound or medicine of which salvarsan is a constituent part; to the Committee on Patents.

A bill (S. 2179) in relation to volunteers rejected by examining officers; to the Committee on Military Affairs.

A bill (S. 2180) to approve mutual cessions of territory by the States of Wisconsin and Minnesota and the consequent changes in the boundary line between said States (with accompanying papers); to the Committee on the Judiciary.

By Mr. SHIELDS:

A bill (S. 2181) to provide for the erection of a public building at Lenoir City, Loudon County, Tenn.; to the Committee on Public Buildings and Grounds.

By Mr. HALE:

A bill (S. 2182) granting an increase of pension to Francis Mayhew (with accompanying papers);

A bill (S. 2183) granting a pension to George Garland (with accompanying papers); and

A bill (S. 2184) granting a pension to Sibae S. Andrews; to the Committee on Pensions.

By Mr. KENYON:

A bill (S. 2185) to suspend the manufacture of and all traffic in intoxicating liquors for beverage purposes during the time the United States may be engaged in war, and fixing a penalty; to the Committee on Agriculture and Forestry.

By Mr. GRONNA:

A bill (S. 2186) to conserve the agricultural food products of the United States and to prohibit their manufacture into alcoholic liquors, except in certain cases; to the Committee on Agriculture and Forestry.

HOUSE BILLS REFERRED.

The following bills were each read twice by their titles and referred to the Committee on Naval Affairs:

H. R. 2337. An act to amend an act entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1917, and for other purposes," relative to enrollments in the Naval Reserve force; and

H. R. 3330. An act to temporarily increase the commissioned and warrant and enlisted strength of the Navy and Marine Corps, and for other purposse.

AMENDMENT OF THE FEDERAL RESERVE ACT.

Mr. OWEN. From the Committee on Banking and Currency, I report back the bill (H. R. 3673) to amend the act approved December 23, 1913, known as the Federal reserve act, as amended by the acts of August 4, 1914, August 15, 1914, March 3, 1915, and September 7, 1916, with an amendment to strike out all after the enacting clause and to substitute therefor the bill (S. 1796) to amend the act approved December 23, 1913, known as the Federal reserve act, as amended by the acts of August 4, 1914, August 15, 1914, March 3, 1915, and September 7, 1916. I ask unanimous consent that the Senate may proceed to the consideration of House bill 3673.

Mr. ASHURST. Mr. President, I do not wish to impede the progress of this bill, but I simply wish to give notice that at the conclusion of the morning hour this morning I shall very briefly address the Senate on Chapter II of the pending unfinished business, S. 2, the espionage bill.

The VICE PRESIDENT. The Senator from Oklahoma asks the unanimous consent of the Senate to proceed to the consideration of House bill 3673.

Mr. GRONNA. Personally I have no objections to taking up the bill, but it is a very important measure and there are several members of the Committee on Banking and Currency who talked to me and said they would like to be present when the bill is taken up. I think we ought to have a quorum, but I do not ask for it now.

Mr. OWEN. We might call a quorum immediately after the bill is taken up.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 3673) to amend the act approved December 23, 1913, known as the Federal reserve act, as amended by the acts of August 4, 1914, August 15, 1914, March 3, 1915, and September 7, 1916.

The amendment of the Committee on Banking and Currency was to strike out all after the enacting clause and to insert:

That section 4 of the act approved December 23, 1913, known as the Federal reserve act, be amended by striking out the sentence reading as follows: "One of the directors of class C, who shall be a person of tested banking experience, shall be appointed by the Federal Reserve Board as deputy chairman and deputy Federal reserve agent, to exercise the powers of the chairman of the board and Federal reserve agent in case of absence or disability of his principal," and by adding in place thereof the following:

"Subject to the approval of the Federal Reserve Board, the Federal reserve agent shall appoint one or more assistants. Such assistants, who shall be persons of tested banking experience, shall assist the Federal reserve agent in the performance of his duties and shall also have power to act in his name and stead during his absence or disability. The Federal reserve agent may require such bonds of his assistants as he may deem necessary for his own protection. Assistants to the Federal reserve agent shall receive an annual compensation to be fixed and paid in the same manner as that of the Federal reserve agent. One of the directors of class C shall be appointed by the Federal Reserve Board as vice chairman to exercise the powers of the chairman of the board in case of the absence or disability of the Federal reserve agent; in case of the absence of the chairman and vice chairman, the third class C director shall preside at meetings of the board."

SEC. 2. That section 9 of the Federal reserve act be amended to read as follows:

"SEC. 9. Any bank incorporated by special law of any State, or organized under the general laws of any State or of the United States, desiring to become a member of the Federal Reserve System may make application to the Federal Reserve Board for the right to subscribe to the stock of the Federal reserve bank organized within the district in which the applying bank is located. Such application shall be for the same amount of stock that the applying bank would be required to subscribe to as a national bank. The Federal Reserve Board, in accordance with such rules and regulations and subject to such conditions as it may prescribe, may permit the applying bank to become a stockholder of such Federal reserve bank.

"In acting upon such applications the Federal Reserve Board shall consider the financial condition of the applying bank, the general character of its management, and whether or not the corporate powers exercised are consistent with the purposes of this act.

"Whenever the Federal Reserve Board shall permit the applying bank to become a stockholder in the Federal reserve bank of the district its stock subscription shall be payable on call of the Federal Reserve Board, and stock issued to it shall be held subject to the provisions of this act.

"All banks admitted to membership under authority of this section shall be required to comply with the reserve and capital requirements of this act and to conform to those provisions of law imposed on national banks which prohibit such banks from lending on or purchasing their own stock, which relate to the withdrawal or impairment of their capital stock, and which relate to the payment of unearned dividends. Such banks and the officers, agents, and employees thereof shall also be subject to the provisions of and to the penalties prescribed by section 5209 of the Revised Statutes, and shall be required to make reports of condition and of the payment of dividends to the Federal reserve bank of which they become a member. Not less than three of such reports shall be made annually on call of the Federal reserve bank on dates to be fixed by the Federal Reserve Board. Failure to make such reports within 10 days after the date they are called for shall subject the offending bank to a penalty of $100 a day for each day that it fails to transmit such report, such penalty to be collected by the Federal reserve bank by suit or otherwise.

"As a condition of membership such banks shall likewise be subject to examinations made by direction of the Federal Reserve Board or of the Federal reserve bank by examiners selected or approved by the Federal Reserve Board.

"Whenever the directors of the Federal reserve bank shall approve the examinations made by the State authorities, such examinations and the reports thereof may be accepted in lieu of examinations made by examiners selected or approved by the Federal Reserve Board: *Provided, however*, That when it deems it necessary the board may order special examinations by examiners of its own selection and shall in all cases approve the form of the report. The expenses of all examinations, other than those made by State authorities, shall be assessed against and paid by the banks examined in the same manner and at the same rate that national banks are assessed for such expenses.

"If at any time it shall appear to the Federal Reserve Board that a member bank has failed to comply with the provisions of this section or the regulations of the Federal Reserve Board made pursuant thereto, it shall be within the power of the board after hearing to require such bank to surrender its stock in the Federal reserve bank and to forfeit all rights and privileges of membership. The Federal Reserve Board may restore membership upon due proof of compliance with the conditions imposed by this section.

"Any State bank or trust company desiring to withdraw from membership in a Federal reserve bank may do so, after six months' written notice shall have been filed with the Federal Reserve Board, upon the surrender and cancellation of all of its holdings of capital stock in the Federal reserve bank: *Provided, however*, That no Federal reserve bank shall, except under express authority of the Federal Reserve Board, cancel within the same calendar year more than 10 per cent of its capital stock for the purpose of effecting voluntary withdrawals during that year. All such applications shall be dealt with in the order in which they are filed with the board. Whenever a member bank shall surrender its stock holdings in a Federal reserve bank, or shall be ordered to do so by the Federal Reserve Board, under authority of law, all of its rights and privileges as a member bank shall thereupon cease and determine, and after due provision has been made for any indebtedness due or to become due to the Federal reserve bank it shall be entitled to a refund of its cash paid subscription with interest at the rate of one-half of 1 per cent per month from date of last dividend, if earned, the amount refunded in no event to exceed the book value of the stock at that time, and shall likewise be entitled to repayment of deposits and of any other balance due from the Federal reserve bank.

"No applying bank shall be admitted to membership in a Federal reserve bank unless it possesses a paid-up unimpaired capital sufficient to entitle it to become a national banking association in the place where it is situated under the provisions of the national bank act.

"Banks becoming members of the Federal Reserve System under authority of this section shall be subject to the provisions of this section and to those of this act which relate specifically to member banks, but shall not be subject to examination under the provisions of the first two paragraphs of section 5240 of the Revised Statutes as amended by section 21 of this act. Subject to the provisions of this act and to the regulations of the board made pursuant thereto, any bank becoming a member of the Federal Reserve System shall retain its full charter and statutory rights as a State bank or trust company, and may continue to exercise all corporate powers granted it by the State in which it was created, and shall be entitled to all privileges of member banks: *Provided, however*, That no Federal reserve bank shall be permitted to discount for any State bank or trust company notes, drafts, or bills of exchange of any one borrower who is liable for borrowed money to such State bank or trust company in an amount greater than 10 per cent of the capital and surplus of such State bank or trust company, but the discount of bills of exchange drawn against actually existing value shall not be considered as borrowed money within the meaning of this section. The Federal reserve bank, as a condition of the discount of notes, drafts, and bills of exchange for such State bank or trust company, shall require a certificate or guarantee to the effect that the borrower is not liable to such bank in excess of the amount provided by this section, and will not be permitted to become liable in excess of this amount while such notes, drafts, or bills of exchange are under discount with the Federal reserve bank.

"It shall be unlawful for any officer, clerk, or agent of any bank admitted to membership under authority of this section to certify any check drawn upon such bank unless the person or company drawing the check has on deposit therewith at the time such check is certified an amount of money equal to the amount specified in such check. Any check so certified by duly authorized officers shall be a good and valid obligation against such bank, but the act of any such officer, clerk, or agent in violation of this section may subject such bank to a forfeiture of its membership in the Federal Reserve System upon hearing by the Federal Reserve Board."

SEC. 3. That the first paragraph of section 13 be amended so as to read as follows:

"Any Federal reserve bank may receive from any of its member banks, and from the United States, deposits of current funds in lawful money, national-bank notes, Federal reserve notes, or checks, and drafts, payable upon presentation, and also, for collection, maturing notes and bills; or, solely for purposes of exchange or of collection, may receive from other Federal reserve banks deposits of current funds in lawful

money, national-bank notes, or checks upon other Federal reserve banks, and checks and drafts, payable upon presentation within its district. and maturing notes and bills payable within its district; or, solely for the purposes of exchange or of collection, may receive from any nonmember bank or trust company deposits of current funds in lawful money, national-bank notes, Federal reserve notes, checks and drafts payable upon presentation, or maturing notes and bills: *Provided*, Such nonmember bank or trust company maintains with the Federal reserve bank of its district a balance sufficient to offset the items in transit held for its account by the Federal reserve bank."

SEC. 4. That the fifth paragraph of section 13 be, and is hereby, amended so as to read as follows:

"Any member bank may accept drafts or bills of exchange drawn upon it having not more than six months sight to run, exclusive of days of grace, which grow out of transactions involving the importation or exportation of goods; or which grow out of transactions involving the domestic shipment of goods provided shipping documents conveying or securing title are attached at the time of acceptance; or which are secured at the time of acceptance by a warehouse receipt or other such document conveying or securing title covering readily marketable staples. No member bank shall accept, whether in a foreign or domestic transaction, for any one person, company, firm, or corporation to an amount equal at any time in the aggregate to more than 10 per cent of its paid-up and unimpaired capital stock and surplus, unless the bank is secured either by attached documents or by some other actual security growing out of the same transaction as the acceptance; and no bank shall accept such bills to an amount equal at any time in the aggregate to more than one-half of its paid-up and unimpaired capital stock and surplus: *Provided, however*, That the Federal Reserve Board, under such general regulations as it may prescribe, which shall apply to all banks alike regardless of the amount of capital stock and surplus, may authorize any member bank to accept such bills to an amount not exceeding at any time in the aggregate 100 per cent of its paid-up and unimpaired capital stock and surplus: *Provided further*, That in no event shall a bank accept for any one person, company, firm, or corporation to an amount equal at any time in the aggregate to more than 20 per cent of its paid-up and unimpaired capital stock and surplus."

SEC. 5. That section 16, paragraphs 2, 3, 4, 5, 6, and 7, be further amended and reenacted so as to read as follows:

"Any Federal reserve bank may make application to the local Federal reserve agent for such amount of the Federal reserve notes hereinbefore provided for as it may require. Such application shall be accompanied with a tender to the local Federal reserve agent of collateral in amount equal to the sum of the Federal reserve notes thus applied for and issued pursuant to such application. The collateral security thus offered shall be notes, drafts, bills of exchange, or acceptances rediscounted under the provisions of section 13 of this act, or bills of exchange indorsed by a member bank of any Federal reserve district and purchased under the provisions of section 14 of this act, or bankers' acceptances purchased under the provisions of said section 14, or gold or gold certificates; but in no event shall such collateral security, whether gold, gold certificates, or eligible paper, be less than the amount of Federal reserve notes applied for. The Federal reserve agent shall each day notify the Federal Reserve Board of all issues and withdrawals of Federal reserve notes to and by the Federal reserve bank to which he is accredited. The said Federal Reserve Board may at any time call upon a Federal reserve bank for additional security to protect the Federal reserve notes issued to it.

"Every Federal reserve bank shall maintain reserves in gold or lawful money of not less than 35 per cent against its deposits and reserves in gold of not less than 40 per cent against its Federal reserve notes in actual circulation: *Provided, however*, That when the Federal reserve agent holds gold or gold certificates as collateral for Federal reserve notes issued to the bank such gold or gold certificates shall be counted as part of the gold reserve which such bank is required to maintain against its Federal reserve notes in actual circulation. Notes so paid out shall bear upon their faces a distinctive letter and serial number, which shall be assigned by the Federal Reserve Board to each Federal reserve bank. Whenever Federal reserve notes issued through one Federal reserve bank shall be received by another Federal reserve bank, they shall be promptly returned for credit or redemption to the Federal reserve bank through which they were originally issued or, upon direction of such Federal reserve bank, they shall be forwarded direct to the Treasurer of the United States to be retired. No Federal reserve bank shall pay out notes issued through another under penalty of a tax of 10 per cent upon the face value of notes so paid out. Notes presented for redemption at the Treasury of the United States shall be paid out of the redemption fund and returned to the Federal reserve banks through which they were originally issued, and thereupon such Federal reserve bank shall, upon demand of the Secretary of the Treasury, reimburse such redemption fund in lawful money or, if such Federal reserve notes have been redeemed by the Treasurer in gold or gold certificates, then such funds shall be reimbursed to the extent deemed necessary by the Secretary of the Treasury in gold or gold certificates, and such Federal reserve bank shall, so long as any of its Federal reserve notes remain outstanding, maintain with the Treasurer in gold an amount sufficient in the judgment of the Secretary to provide for all redemptions to be made by the Treasurer. Federal reserve notes received by the Treasurer otherwise than for redemption may be exchanged for gold out of the redemption fund hereinafter provided and returned to the reserve bank through which they were originally issued, or they may be returned to such bank for the credit of the United States. Federal reserve notes unfit for circulation shall be returned by the Federal reserve agents to the Comptroller of the Currency for cancellation and destruction.

"The Federal Reserve Board shall require each Federal reserve bank to maintain on deposit in the Treasury of the United States a sum in gold sufficient, in the judgment of the Secretary of the Treasury, for the redemption of the Federal reserve notes issued to such bank, but in no event less than 5 per cent of the total amount of notes issued less the amount of gold or gold certificates held by the Federal reserve agent as collateral security; but such deposit of gold shall be counted and included as part of the 40 per cent reserve hereinbefore required. The board shall have the right, acting through the Federal reserve agent, to grant, in whole or in part, or to reject entirely the application of any Federal reserve bank for Federal reserve notes; but to the extent that such application may be granted the Federal Reserve Board shall, through its local Federal reserve agent, supply Federal reserve notes to the banks so applying, and such bank shall be charged with the amount of notes issued to it and shall pay such rate of interest as may be established by the Federal Reserve Board on only that amount of such notes which equals the total amount of its outstanding Federal reserve notes less the amount of gold or gold certificates held by the Federal reserve agent as collateral security. Federal reserve notes issued to any such bank shall, upon delivery, together with such notes of such Federal reserve bank as may be issued under section 18 of this act upon security of United States 2 per cent Government bonds, become a first and paramount lien on all the assets of such bank.

"Any Federal reserve bank may at any time reduce its liability for outstanding Federal reserve notes by depositing with the Federal reserve agent its Federal reserve notes, gold, gold certificates, or lawful money of the United States. Federal reserve notes so deposited shall not be reissued, except upon compliance with the conditions of an original issue.

"The Federal reserve agent shall hold such gold, gold certificates, or lawful money available exclusively for exchange for the outstanding Federal reserve notes when offered by the reserve bank of which he is a director. Upon the request of the Secretary of the Treasury the Federal Reserve Board shall require the Federal reserve agent to transmit to the Treasurer of the United States so much of the gold held by him as collateral security for Federal reserve notes as may be required for the exclusive purpose of the redemption of such Federal reserve notes, but such gold when deposited with the Treasurer shall be counted and considered as if collateral security on deposit with the Federal reserve agent.

"Any Federal reserve bank may at its discretion withdraw collateral deposited with the local Federal reserve agent for the protection of its Federal reserve notes issued to it and shall at the same time substitute therefor other collateral of equal amount with the approval of the Federal reserve agent under regulations to be prescribed by the Federal Reserve Board. Any Federal reserve bank may retire any of its Federal reserve notes by depositing them with the Federal reserve agent or with the Treasurer of the United States, and such Federal reserve bank shall thereupon be entitled to receive back the collateral deposited with the Federal reserve agent for the security of such notes. Federal reserve banks shall not be required to maintain the reserve or the redemption fund heretofore provided for against Federal reserve notes which have been retired. Federal reserve notes so deposited shall not be reissued except upon compliance with the conditions of an original issue."

All Federal reserve notes and all gold, gold certificates, and lawful money issued to or deposited with any Federal reserve agent under the provisions of the Federal reserve act shall hereafter be held for such agent, under such rules and regulations as the Federal Reserve Board may prescribe, in the joint custody of himself and the Federal reserve bank to which he is accredited. Such agent and such Federal reserve bank shall be jointly liable for the safe-keeping of such Federal reserve notes, gold, gold certificates, and lawful money. Nothing herein contained, however, shall be construed to prohibit a Federal reserve agent from depositing gold or gold certificates with the Federal Reserve Board, to be held by such board subject to his order, or with the Treasurer of the United States for the purposes authorized by law.

SEC. 6. That section 16 be further amended by adding at the end of the section the following:

"That the Secretary of the Treasury is hereby authorized and directed to receive deposits of gold coin or of gold certificates with the Treasurer or any Assistant Treasurer of the United States when tendered by any Federal reserve bank or Federal reserve agent for credit to its or his account with the Federal Reserve Board. The Secretary shall prescribe by regulation the form or receipt to be issued by the Treasurer or Assistant Treasurer to the Federal reserve bank or Federal reserve agent making the deposit, and a duplicate of such receipt shall be delivered to the Federal Reserve Board by the Treasurer at Washington upon proper advices from any Assistant Treasurer that such deposit has been made. Deposits so made shall be held subject to the orders of the Federal Reserve Board and shall be payable in gold coin or gold certificates on the order of the Federal Reserve Board to any Federal reserve bank or Federal reserve agent at the Treasury or at the Subtreasury of the United States nearest the place of business of such Federal reserve bank or such Federal reserve agent: *Provided, however*, That any expense incurred in shipping gold to or from the Treasury or Subtreasuries in order to make such payments, or as a result of making such payments, shall be paid by the Federal Reserve Board and assessed against the Federal reserve banks. The order used by the Federal Reserve Board in making such payments shall be signed by the governor or vice governor, or such other officers or members as the board may by regulation prescribe. The form of such order shall be approved by the Secretary of the Treasury.

"The expenses necessarily incurred in carrying out these provisions, including the cost of the certificates or receipts issued for deposits received, and all expenses incident to the handling of such deposits shall be paid by the Federal Reserve Board and included in its assessments against the several Federal reserve banks.

"Gold deposits standing to the credit of any Federal reserve bank with the Federal Reserve Board shall, at the option of said bank, be counted as part of the lawful reserve which it is required to maintain against outstanding Federal reserve notes, or as a part of the reserve it is required to maintain against deposits.

"Nothing in this section shall be construed as amending section 6 of the act of March 14, 1900, as amended by the acts of March 4, 1907, March 2, 1911, and June 12, 1916, nor shall the provisions of this section be construed to apply to the deposits made or to the receipts or certificates issued under those acts."

SEC. 7. That section 17 be, and is hereby, amended so as to read as follows:

"SEC. 17. So much of the provisions of section 5159 of the Revised Statutes of the United States, and section 4 of the act of June 20, 1874, and section 8 of the act of July 12, 1882, and of any other provisions of existing statutes as require that before any national banking association shall be authorized to commence banking business it shall transfer and deliver to the Treasurer of the United States a stated amount of United States registered bonds, and so much of those provisions or of any other provisions of existing statutes as require any national banking association now or hereafter organized to maintain a minimum deposit of such bonds with the Treasurer is hereby repealed."

SEC. 8. That section 19 be amended and reenacted so as to read as follows:

"SEC. 19. Demand deposits within the meaning of this act shall comprise all deposits payable within 30 days, and time deposits shall comprise all deposits payable after 30 days, all savings accounts and certificates of deposit which are subject to not less than 30 days' notice before payment, and all postal savings deposits.

"Every bank, banking association, or trust company which is or which becomes a member of any Federal reserve bank shall establish and maintain with its Federal reserve bank reserves as follows:

"(a) If not in a reserve or central reserve city, as now or hereafter defined, it shall hold and maintain with the Federal reserve bank of its district actual net reserves equal to not less than 6 per cent of the aggregate amount of its demand deposits and 3 per cent of its time deposits.

"(b) If in a reserve city, as now or hereafter defined, it shall hold and maintain with the Federal reserve bank of its district actual net reserves equal to not less than 10 per cent of the aggregate amount of its demand deposits and 3 per cent of its time deposits.

"(c) If in a central reserve city, as now or hereafter defined, it shall hold and maintain with the Federal reserve bank of its district an actual net reserve equal to not less than 13 per cent of the aggregate amount of its demand deposits and 3 per cent of its time deposits.

"Every member bank shall maintain in its own vaults an amount of specie or currency equal to at least 4 per cent of its demand deposits less the amount of those reserves with the Federal reserve bank which are in excess of the minimum reserves required by this section.

"No member bank shall keep on deposit with any nonmember bank a sum in excess of 10 per cent of its own paid-up capital and surplus. No member bank shall act as the medium or agent of a nonmember bank in applying for or receiving discounts from a Federal reserve bank under the provisions of this act except by permission of the Federal Reserve Board.

"The required balance carried by a member bank with a Federal reserve bank may, under the regulations and subject to such penalties as may be prescribed by the Federal Reserve Board, be checked against and withdrawn by such member bank for the purpose of meeting existing liabilities: *Provided, however*, That no bank shall at any time make new loans or shall pay any dividends unless and until the total reserve required by law is fully restored.

"In estimating the reserves and the cash in vault required by this act, the net balance of amounts due to and from other banks shall be taken as the basis for ascertaining the bank deposits against which reserves with Federal reserve banks and cash in vault shall be determined.

"National banks or banks organized under local laws located in Alaska or in a dependency or insular possession or any part of the United States outside the continental United States may remain nonmember banks, and shall in that event maintain reserves and comply with all the conditions now provided by law regulating them; or said banks, except in the Philippine Islands, may, with the consent of the Federal Reserve Board, become member banks of any one of the reserve districts, and shall, in that event, take stock, maintain reserves, and be subject to all the other provisions of this act."

SEC. 9. That that part of section 22 which reads as follows: "Other than the usual salary or director's fees paid to any officer, director, or employee of a member bank and other than a reasonable fee paid by said bank to such officer, director, or employee for service rendered to such bank, no officer, director, employee, or attorney of a member bank shall be a beneficiary of or receive, directly or indirectly, any fee, commission, gift, or other consideration for or in connection with any transaction or business of the bank," be, and hereby is, amended and reenacted so as to read as follows:

"Other than the usual salary or director's fee paid to any officer, director, employee, or attorney of a member bank, and other than a reasonable fee paid by said bank to such officer, director, employee, or attorney for services rendered to such bank, no officer, director, employee, or attorney of a member bank shall be a beneficiary of or receive directly or indirectly, any fee, commission, gift, or other consideration for or in connection with any transaction or business of the bank: *Provided, however*, That nothing in this act contained shall be construed to prohibit a director, officer, employee, or attorney from receiving the same rate of interest paid to other depositors for similar deposits made with such banks: *And provided further*, That notes, drafts, bills of exchange, or other evidences of debt executed or indorsed by directors or attorneys of a member bank may be discounted with such member bank on the same terms and conditions as other notes, drafts, bills of exchange, or evidences of debt upon the affirmative vote or written assent of at least three-fourths of the members of the board of directors of such member bank.

Mr. OWEN. I suggest to the Senator from North Dakota that he call for a quorum.

Mr. SMITH of Michigan. I will call for a quorum. I make the point that there is no quorum present.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hardwick	New	Smoot
Beckham	Hollis	Overman	Sterling
Calder	Husting	Owen	Sutherland
Culberson	Johnson, Cal.	Page	Swanson
Cummins	Jones, N. Mex.	Pittman	Thompson
Curtis	Kellogg	Pomerene	Trammell
Fall	King	Robinson	Underwood
Fernald	Kirby	Shafroth	Walsh
France	La Follette	Sheppard	Warren
Frelinghuysen	McCumber	Sherman	Watson
Gallinger	McKellar	Simmons	Weeks
Gronna	Myers	Smith, Ga.	Williams
Hale	Nelson	Smith, Mich.	

Mr. SMITH of Georgia. I desire to announce that Senators GORE, KENDRICK, NORRIS, KENYON, and BRADY are engaged in the Committee on Agriculture and Forestry upon an important hearing.

Mr. FRELINGHUYSEN. I wish to announce the unavoidable absence of my colleague, the senior Senator from New Jersey [Mr. HUGHES], on account of illness. I ask that this announcement may stand for the day.

Mr. CURTIS. I desire to announce the absence of the senior Senator from Washington [Mr. JONES] and the junior Senator from Washington [Mr. POINDEXTER] on public business. I also desire to announce that the senior Senator from Vermont [Mr. DILLINGHAM] is absent on account of sickness in his family. I will let this announcement stand for the day.

Mr. SUTHERLAND. I wish to announce the absence of my colleague, the senior Senator from West Virginia [Mr. GOFF], on account of illness. I will let this announcement stand for the day.

Mr. THOMPSON. I wish to announce that the senior Senator from Kentucky [Mr. JAMES] is absent on official business, and also that the Senator from South Dakota [Mr. JOHNSON] is necessarily absent and has a general pair with the Senator from Maine [Mr. FERNALD]. I also have been requested to announce that the Senator from Louisiana [Mr. RANSDELL] is unavoidably detained from the Senate. I will let this announcement stand for the day.

The VICE PRESIDENT. Fifty-one Senators have answered the roll call. There is a quorum present.

Mr. OWEN. Mr. President, in making a report on this bill I should like to be permitted to make a statement with regard to the changes which are made by the amendment proposed by the committee, without interruption, as far as it is practicable, and after I have finished I shall be very glad to answer any question. I will answer questions while making the explanation if Senators desire it, but I would prefer to make a statement of the amendments which are now proposed connectedly and then answer questions.

In the first section it is proposed to modify section 4 so as to add these words:

Subject to the approval of the Federal Reserve Board, the Federal reserve agent shall appoint one or more assistants. Such assistants, who shall be persons of tested banking experience, shall assist the Federal reserve agent in the performance of his duties, and shall also have power to act in his name and stead during his absence or disability. The Federal reserve agent may require such bonds of his assistants as he may deem necessary for his own protection. Assistants to the Federal reserve agent shall receive an annual compensation to be fixed and paid in the same manner as that of the Federal reserve agent. One of the directors of class C shall be appointed by the Federal Reserve Board as vice chairman to exercise the powers of the chairman of the board in case of the absence or disability of the Federal reserve agent; in case of the absence of the chairman and vice chairman, the third class C director shall preside at meetings of the board.

Under the old law it was provided that one of the members of class C directors should act as deputy Federal reserve agent. He did not necessarily live in the town where the bank might be located. Some sudden exigency might call the Federal reserve agent from his post of duty, and in that event it was necessary to wire to the deputy to come to the city to take charge of the large amounts of securities and of gold and of Federal reserve notes in the possession of the Federal reserve agent. These amounts now go into very large sums, hundreds of millions of dollars in the 12 banks. It, therefore, has been found advisable to give the Federal reserve agents the power of bonded officers to take care of these securities in his absence.

Mr. KELLOGG. May I ask the Senator——

Mr. OWEN. I yield to the Senator from Minnesota.

Mr. KELLOGG. Are not these agents salaried officers?

Mr. OWEN. They are.

Mr. KELLOGG. That will make a large number of agents.

Mr. OWEN. There will be one for each of 12 banks.

Section 2 is a provision not found in the House bill, modifying section 9 so as to give a larger opportunity to the State banks or trust companies to enter this system. The modifications are shown in the Senate report numbered 11, calendar, which I would be glad if Senators might have in their hands, because in the report you will find the words which are stricken out of the existing law in line type and the words which are proposed to be inserted in italics, so that it makes it perfectly clear what the changes are.

This section 2 is intended to make the system more attractive to the State banks and trust companies. The most important part of it is the proviso which will permit them to withdraw from the system, if they want to do so, after they have tested it out. Under the existing law there appeared to have been no adequate means by which a State bank or trust company coming into the system could conveniently get out, and some of the State banks and trust companies that were willing to try it did not want to go into a system from which they saw no means of withdrawing.

Mr. SMITH of Michigan. And no prospect of profit at the time.

Mr. OWEN. The Senator suggests no prospect of profit. Of course this system is intended to safeguard the banks of the country, as well as the business and credits of the country, and to stabilize them. They have been the beneficiaries of the stabilization of the financial system by a very large increase in the deposits of the State banks and trust companies as well as the national banks.

Mr. SMITH of Michigan. I did not make the suggestion by way of criticism. Of course, it is a well-known fact that when the national banks were threatened with the forfeiture of their charter if they did not come in, there did not seem to be a very remunerative prospect on their investment. It may turn out to be an excellent investment for the State banks.

Mr. OWEN. Since that time the national banks have been beneficiaries by an increase of their deposits, due to the stabilizing of this system, of $450,000,000.

Mr. SMITH of Michigan. Yes, Mr. President; but the State banks have also increased their deposits, I think, in even a greater ratio than the national banks, and they are not members of the association.

Mr. OWEN. I am compelled to observe that that does not happen to be an accurate statement.

Mr. SMITH of Michigan. It is accurate so far as my State is concerned.

Mr. OWEN. It is not true with regard to the United States. The national banks have increased more largely in proportion, but the State banks themselves are stabilized by this system, because they can use the benefits of the system. I will put in the RECORD a statement of facts with regard to that matter.

Mr. SMITH of Michigan. The Senator from North Dakota suggests to me what was in my mind, that while the deposits in national banks increased 15 per cent, the deposits of the State banks increased 14 per cent.

Mr. OWEN. I will say to the Senator from Michigan that the increase in the deposits of national banks has been approximately 50 per cent since 1913.

Mr. GRONNA. I was giving the increase for the year 1915.

Mr. OWEN. I was giving it since this system was adopted, in 1913.

Mr. SMITH of Michigan. I do not want to seem to be put in opposition to what the Senator from Oklahoma is saying——

Mr. OWEN. I did not so understand the Senator.

Mr. SMITH of Michigan, Because I have gradually learned to estimate this law, which originally I opposed, at a much higher value than I did in the beginning. I am very frank to say that I am not now opposed to it. I think it will subserve a very useful purpose, and I say so without any hesitation at all: I wish that the laws of my own State were such that our State banks could, if they so desired, invest in the stock of the Federal reserve banks.

Mr. OWEN. Section 3 of the proposed amendment extends the clearing and collection facilities to nonmember banks, permitting them to put a balance with the Federal reserve banks and to check against it, so that they may get credit and debit and become members of the clearing system of this Federal reserve plan.

Mr. GRONNA. Mr. President, while the Senator from Oklahoma is explaining section 3, may I ask for information? I have not had an opportunity to examine the House bill, as I have had other matters to attend to. Are there any provisions in the House bill as to how much money shall be kept by the nonmember banks in order that their checks may be cleared? The Senator from Oklahoma will remember that in committee I offered an amendment, which the committee was kind enough to adopt, in reference to that matter.

Mr. OWEN. The House of Representatives did not adopt such a provision, but the Senate bill takes the place of the House bill, we having substituted the Senate bill for it. The Senator from North Dakota is correct in his statement. We modified the form of the language which had been suggested by the Federal Reserve Board, which was adopted by the House, and we changed it on the suggestion of the Senator from North Dakota.

Section 4 deals with foreign acceptances, and the change which has been made is by the insertion of these words:

Provided, however, That the Federal Reserve Board, under such general regulations as it may prescribe, which shall apply to all banks alike regardless of the amount of capital stock and surplus, may authorize any member bank to accept such bills to an amount not exceeding at any time in the aggregate 100 per cent of its paid-up and unimpaired capital stock and surplus: *Provided further*, That in no event shall a bank accept for any one person, company, firm, or corporation to an amount equal at any time in the aggregate to more than 20 per cent of its paid-up and unimpaired capital stock and surplus.

The House bill has a different provision in that respect. When I complete my observations with regard to the Senate amendment, I will in precise terms point out the differenees between the House and the Senate bills, so that they may be clearly apparent to the Senate.

Section 5 deals with gold and gold certificates as collateral security for the issuance of Federal reserve notes. It provides, in effect, that the Federal reserve banks may, when they receive gold in due course of business, take that gold and deposit it with the Federal reserve agent, and receive from him Federal reserve notes, and in that way pass their notes into circulation. The effect of it is that it will drift into such banks a large amount of gold certificates and put gold that is now passing current in the pockets of the people. The ordinary citizen does not at all care whether he has a national-bank note, a Federal reserve note, or a gold certificate; he takes this current money without any question one way or the other; but the banks of the country, of course, preserve gold for their own uses. The citizens who do not care one way or the other whether they have in their pockets a gold certificate or a Federal reserve note will allow the drifting into these banks of a considerable amount of gold, and with the Federal reserve notes issued in lieu thereof anyone requiring gold can at any time easily obtain it by asking gold for his Federal reserve notes.

Mr. CURTIS. Is the purpose of the amendment to cause the gold to go into the Federal reserve banks?

Mr. OWEN. The purpose of the amendment is to cause that gold which is in ordinary circulation in the pockets of the people to drift into those banks.

Mr. SMITH of Michigan. To accumulate there.

Mr. OWEN. To accumulate in the banks.

Mr. CURTIS. That is, when it reaches the member or smaller banks they are required to send it in to the Federal reserve banks?

Mr. OWEN. No; not at all. They do not have any requirement about that. It only applies when the Federal reserve bank has the gold in its own possession, permitting the bank to deposit its own gold and get Federal reserve notes in exchange for the gold deposited.

Mr. CURTIS. I now understand.

Mr. GRONNA. Will the Senator from Oklahoma now explain the per cent which is required to be deposited in order that these Federal reserve notes may be issued? That is really the crux of the whole situation, and is really the important section of the entire bill.

Mr. OWEN. Under the existing law the Federal reserve banks are required to hold 140 per cent of security against the notes which they are permitted to receive from the United States in the form of Federal reserve notes. Those notes are the notes of the United States; they are not the notes of the banks. Those Federal reserve notes, when they are issued to the Federal reserve banks, are secured by 140 per cent of securities, 40 per cent of which must be gold.

Mr. KELLOGG. What per cent must be gold, I will ask the Senator?

Mr. OWEN. Forty per cent must be gold. In the case of an exigency the Federal Reserve Board may reduce that requirement, under a penalty.

Mr. SMITH of Michigan. Is the Senator from Oklahoma now speaking of the rediscounted collateral notes used at the Federal reserve banks?

Mr. OWEN. I am only speaking of the securities required by the United States to secure the Government in issuing the Federal reserve notes. The Federal reserve note is redeemable in gold at the Treasury of the United States and is redeemable in gold at the Federal reserve bank counter. Any man who wants gold can get it from the Federal reserve bank by depositing a Federal reserve note; but the existing law requires 140 per cent of security against the issuance to a Federal reserve bank of a Federal reserve note. Of that security there must be in the hands of the Federal reserve agent 100 per cent of short-time maturing commercial commodity bills and 40 per cent of gold in the hands of the bank against such notes when in circulation. These short-time maturing commercial bills are commodity bills, drawn against such security as wheat and other nonperishable materials, which are available for the market. The security, therefore, consists of 100 per cent of these very sound commercial bills, indorsed by a member bank, or of gold or a mixture of such commercial bills and gold; and, in addition, there must be 40 per cent of gold in the hands of the Federal reserve bank when the notes are issued by the bank.

The substance of the amendment is that the Federal reserve bank may take gold from its own counter, which comes into its hands in due course of business, deposit it with the Federal reserve agent, and get from him these Federal reserve notes, without requiring 40 per cent of gold in addition when the bank puts such notes in circulation.

Mr. SMITH of Michigan. The Senator from Oklahoma will recall, I think, that the early regulations of the Federal Reserve Board provided that this commercial paper should all be two-name paper. It would not make any difference if the Senator from Oklahoma were worth a hundred million dollars, and should tender his unindorsed note to his own bank, that

note could not be rediscounted at the Federal reserve bank, because, forsooth, it did not arise out of a commercial transaction and lacked the element of two-name commercial paper.

I think that was a very great weakness, for much of the best paper, in fact, as the Senator from Oklahoma knows, a very large proportion of the best paper of any banking institution is paper which stands on the direct individual responsibility of its maker. I think, however, the board in that regard have modified their views somewhat, and that they are now accepting certain classes of single-name paper. Does the Senator know as to that?

Mr. OWEN. I so understand. The matter has been liberalized, as the directors of these banks and the Reserve Board itself have become more familiar with these transactions, and have learned how the matter can be done with perfect safety. So the regulation has been somewhat liberalized in practice.

The next important amendment——

Mr. McCUMBER. Mr. President, before the Senator leaves that question will he inform us what is the amount of reserve notes now in circulation?

Mr. OWEN. I have not in my possession at this moment the information, but I can get it very quickly. It is between four and five hundred millions.

Mr. McCUMBER. Can the Senator give it to us approximately?

Mr. OWEN. I will put it in the RECORD in connection with my remarks. I will immediately get the exact figures, and put them in the RECORD, and advise the Senator.

Mr. McCUMBER. I have understood that it is somewhere in the neighborhood of $500,000,000.

Mr. OWEN. It is quite large, but not quite so much.

Mr. McCUMBER. And that, being based upon short-time notes, has added that much to our currency; or, in other words, has inflated our currency to that extent.

Mr. OWEN. I will say to the Senator that that is covered by a sequestration of a large amount of gold coin.

Mr. McCUMBER. I understood the Senator to say that the ratio of gold coin to the Federal reserve notes was 40 to 100.

Mr. OWEN. I do not mean that. I mean dollar for dollar in the hands of the Federal reserve agent.

Mr. McCUMBER. The Senator does not think, then, that it really means an inflation to the extent that the Federal reserve notes are put in circulation?

Mr. OWEN. No; I do not.

Mr. McCUMBER. I think the greater portion is.

Mr. OWEN. Yes; I can agree with the Senator that some part of the notes may be called an expansion of the currency.

Mr. McCUMBER. I merely suggested that, as I think it has a considerable bearing upon what we now call the high cost of living, because there is so much more currency to pay for things we purchase.

Mr. WEEKS. Mr. President——

Mr. OWEN. I yield to the Senator from Massachusetts.

Mr. WEEKS. I should like to suggest to the Senator from North Dakota [Mr. McCUMBER] that, if that were true, the increase in the amount of circulation has not been any more rapid than the volumn of business in the country. If there were no other circulation than Federal reserve notes, the volume of those notes would respond absolutely and be a complete index to the amount of business that was being conducted by the country. The fact that more Federal reserve notes have been issued than there has been gold coined means that the volume of business has increased and requires that additional amount of currency.

Mr. OWEN. I think the Senator is correct in that observation.

Mr. McCUMBER. So that the Senator will not think that I am bound by that statement, or in the conclusion derived from it, I want to say most frankly that the business of the country could be done with a very much less volume of circulating medium. It could still be done, but the prices would be different from what they are now with a much larger circulation.

Mr. SHAFROTH. Mr. President, I will say to the Senator from North Dakota that I do not think that the amount that has been issued under the Federal reserve act is anywhere near $500,000,000 at the present time. It is a varying amount, and it declines from time to time by reason of the fact that the banks have to pay interest, and when it is not needed that of necessity works automatically to bring about a decline. I think the amount is only $30,000,000 or $40,000,000 at the present time over and above the gold held in deposit to secure the same.

Mr. McCUMBER. But, if the Senator will allow me, let me suggest that for a certain length of time—I do not remember exactly the number of days—no interest is charged at all, as I remember. Therefore the fact that no interest is charged is an invitation to keep the currency continually inflated, because a note can be turned into currency any time it is so desired.

Mr. SMITH of Michigan. Mr. President——

Mr. OWEN. I will say to the Senator that his idea about the Federal reserve notes is approximately correct, and that the total amount of Federal reserve notes outstanding is $458,874,000, against which the United States holds in the hands of the Federal reserve agents about $431,000,000 of gold.

Mr. SMITH of Michigan. I was about to suggest that it is shown in the Daily Statement of the United States Treasury issued May 7, 1917.

Mr. OWEN. Section 6, permitting deposits of gold coin and gold certificates with the Treasurer and Subtreasurer to the credit of the Federal Reserve Board, is intended to facilitate the handling of the balances which are due to the various 12 Federal reserve banks. They each have a gold balance in the United States Treasury for the purpose of promptly redeeming in gold the Federal reserve notes issued through the Federal Reserve Board. Under the old system they had to actually take these gold certificates and transfer them from one box to another, to make the balances daily. That proved quite a troublesome task and quite a responsible task. Now it is proposed to put this gold fund into an account with the United States Treasury, and this account is kept as a matter of bookkeeping, so that the balances are daily met out of the fund which is held by the Treasurer.

Mr. SMITH of Michigan. Mr. President, if the Senator will allow me, his suggestion of a few moments ago that these notes were very largely secured by the deposit of gold is borne out by the Daily Statement of the United States Treasury; and also in a footnote there, under the designation of "a," the Senator will see, if he will turn to it, that against this total of outstanding Federal reserve notes of $458,874,000 there stands $27,343,000 in commercial paper and $433,089,000 in gold and lawful money, which is practically dollar for dollar in the broadest sense, and verifies the statement of the Senator from Oklahoma.

Mr. OWEN. Section 6, in reality, is merely designed for convenience in bookkeeping.

Mr. KELLOGG. Mr. President——

Mr. OWEN. I yield to the Senator from Minnesota.

Mr. KELLOGG. I understand the Senator will return to section 5 and further explain it later on.

Mr. OWEN. Yes; I will; and will be glad to answer any question which the Senator may desire to ask.

Mr. KELLOGG. I desire to ask a question about the expansion on account of permitting the gold used as a reserve to be used also as security.

Mr. OWEN. Section 7 simply relieves the national banks of the necessity of keeping on deposit United States bonds. We are now practically going out of the bonding system.

There are $433,089,000 in gold and lawful money held by the Federal reserve agents as against the outstanding Federal reserve notes of $458,874,000.

Section 8 deals with reserves and in effect provides that the banks shall keep with the Federal reserve bank 6 per cent of their demand deposits and 3 per cent of their time deposits, and keep in their own vaults 4 per cent of cash balances so as to provide till money. The House bill puts it at 7 per cent, but does not make any provision about till money, that being within the convenience and discretion of the bank, according to its location, whether it is immediately adjacent to a Federal reserve bank, where it can get currency in any amount it wants, or whether it is somewhat remote. Many of the banks carry a very much larger amount than 4 per cent just for their own convenience.

The differences between the House bill and the Senate bill are these:

Section 1 of Senate bill 1796 is practically the same as section 1 of House bill 3673, except that the House bill repeats the existing law.

The House bill provides that the Federal Reserve Board may require bonds of assistants to the Federal reserve agent. The Senate bill provides that the Federal reserve agent may require such bonds of his assistants.

The House bill provides that one of the directors of class C shall be appointed by the Federal Reserve Board as deputy chairman. There is no real difference, except a matter of words. The Senate bill provides that one of the directors of class C shall be appointed by the board as vice chairman and provides that the third class C director shall preside at meet-

ings in the absence of the chairman and vice chairman. This latter provision is not confined in the House bill.

Section 2 of the House bill corresponds to section 3 of the Senate bill exactly, with the following exception: In the Senate bill the proviso beginning with line 4, page 9, is that the nonmember bank maintain with the Federal reserve bank a balance sufficient to offset items in transit held for its account by the Federal reserve bank; the House bill provides that this balance shall be in an amount to be determined by the Federal Reserve Board under such rules and regulations as it may prescribe.

It was introduced in the Senate in that form, but we changed it from the House provision on the suggestion of the Senator from North Dakota [Mr. GRONNA]. It was changed by the Senate committee, and it now appears here as a change, using the language "a balance sufficient to offset items in transit held for its account by the Federal reserve bank."

Section 3 of the House bill corresponds with section 4 of the Senate bill and is identical, except that the proviso of the Senate bill beginning with line 11, on page 10, is as follows:

That in no event shall a bank accept for any one person, company, firm, or corporation an amount equal at any time in the aggregate to more than 20 per cent of its paid-up and unimpaired capital stock and surplus.

While the proviso in the House bill is as follows:

That the aggregate acceptances growing out of domestic transactions shall in no event exceed 50 per cent of such capital and surplus.

Section 4 of the House bill is identical with section 7 of the Senate bill.

Section 5 of the House bill corresponds with section 8 of the Senate bill.

The House bill requires a member bank in a reserve or central reserve city to maintain a balance with the reserve bank of not less than 7 per cent of its demand deposits, while the Senate bill provides for only 6 per cent.

The House bill does not require a member bank to maintain any till money.

The Senate bill requires member banks to maintain at least 4 per cent of its demand deposits as till money.

The Senate bill excepts the Philippine Islands from among the insular possessions which may have member banks. The House bill makes no such exception.

Mr. SMITH of Michigan. Mr. President, when the Senator says "till money" does he mean the money that is actually in the possession of the bank?

Mr. OWEN. Oh, just money that is used for local exchange, for making change, and so forth.

Mr. SMITH of Michigan. I thought the Senator meant to distinguish between the money that might be in a State bank depository in the same city and the money in the actual possession of the bank.

Mr. OWEN. No; just money that they keep in their own tills for the purpose of settling with their local customers.

The Senate bill follows the old law in calling these balances "reserves." The House bill calls them "balances." Otherwise section 5 of the House bill and section 8 of the Senate bill are identical.

Section 6 of the House bill corresponds with section 9 of the Senate bill. They are identical, with the following exceptions:

The Senate bill includes attorneys among those connected with the bank who may receive interest on deposits and other accommodations. The House bill provides that these officers or directors may receive such accommodations upon the affirmative vote of a majority of the board of directors. The Senate bill requires the assent of at least three-fourths of the board of directors. Otherwise the provisions are the same.

Mr. SMITH of Michigan. The State law requires two-thirds in most of the States.

Mr. OWEN. Yes. We may compromise on that.

Mr. SMITH of Michigan. I think that would be a wiser number, for the simple reason that it will then harmonize with most of the State laws, most of which require a two-thirds vote when they loan to officers and directors.

Mr. OWEN. Yes; I know that a number of them do.

Section 7 of the House bill amends section 3 of the Federal reserve act so as to authorize the Reserve Board to permit or require a Federal reserve bank to establish branches. There is no provision in the Senate bill relating to this subject or amending section 3 in any particular.

Section 8 of the House bill proposes to amend subsection (e) of section 14 of the reserve act so as to permit the Federal Reserve Board to compel a Federal reserve bank to open and maintain banking accounts with foreign countries. There is no such provision in the Senate bill. I think it is advisable that at least one of these great reserve banks should establish foreign accounts, and that other Federal reserve banks might transact their foreign business through that particular bank. I see many advantages in that, and that is a matter, of course, which will come up in conference.

Section 9 of the House bill, with reference to the admission of State banks to membership in the Federal Reserve System, is identical in every particular with section 2 of the Senate bill.

The House bill contains no provision similar to section 5 of the Senate bill, relating to the deposit of gold and gold certificates as security for the issuance of Federal reserve notes.

I ask permission to put in the RECORD as part of my remarks the report which was made upon Senate bill 1796 in order that the matter may be fully in the RECORD for those who wish to examine it.

The VICE PRESIDENT. Without objection, it will be so ordered.

The report is as follows:

AMENDMENTS TO FEDERAL RESERVE ACT.

Mr. OWEN, from the Committee on Banking and Currency, submitted the following report:

The Committee on Banking and Currency, to which was referred the bill (S. 1796) to amend the Federal reserve act, having considered the same, report it back without amendment and recommend its passage.

The amendments to the Federal reserve act contained in this bill are those which were recommended by the Federal Reserve Board and are substantially the same as were reported during the last Congress in Senate Report No. 1059, February 14, 1917, the bill having failed to be acted upon during that Congress because of the pressure of other public business during the closing days of the session.

For the convenience of the Senate, each section of the Federal reserve act proposed to be amended is printed immediately following, so as to show the existing law in roman type, the parts stricken out in brackets, and the proposed change in italic, with an explanatory note following each of these proposed changes.

SECTION —. ASSISTANTS TO RESERVE AGENTS.

Be it enacted, etc., That section 4 of the act approved December 23, 1913, known as the Federal reserve act, be amended by striking out the sentence reading as follows: "One of the directors of class C, who shall be a person of tested banking experience, shall be appointed by the Federal Reserve Board as deputy chairman and deputy Federal reserve agent, to exercise the powers of the chairman of the board and Federal reserve agent in case of absence or disability of his principal," and by adding in place thereof the following:

"Subject to the approval of the Federal Reserve Board, the Federal reserve agent shall appoint one or more assistants. Such assistants, who shall be persons of tested banking experience, shall assist the Federal reserve agent in the performance of his duties and shall also have power to act in his name and stead during his absence or disability. The Federal reserve agent may require such bonds of his assistants as he may deem necessary for his own protection. Assistants to the Federal reserve agent shall receive an annual compensation to be fixed and paid in the same manner as that of the Federal reserve agent. One of the directors of class C shall be appointed by the Federal Reserve Board as vice chairman to exercise the powers of the chairman of the board in case of the absence or disability of the Federal reserve agent; in case of the absence of the chairman and vice chairman, the third class C director shall preside at meetings of the board."

This section provides for an amendment of section 4 of the Federal reserve act so as to authorize the Federal reserve agent to appoint one or more assistants, who shall be persons of tested banking experience, and to permit him to require bond of such assistants for safeguarding the gold, Federal reserve notes, and securities of which the Federal reserve agent is custodian.

This section, as amended, requires that the assistant shall perform the ordinary duties of the reserve agent, except that one of the directors of class C shall act as vice chairman and the third class C director shall act as chairman in the absence of the Federal reserve agent and the vice chairman. This is intended to give greater prestige to the representatives of the Government, the Government being responsible for the safeguarding of this system.

SECTION 2. ADMISSION OF STATE BANKS.

SEC. 2. That section 9 of the Federal reserve act be amended to read as follows:

"SEC. 9. Any bank incorporated by special law of any State, or organized under the general laws of any State or of the United States, *desiring to become a member of the Federal Reserve System*, may make application [to the reserve-bank organization committee, pending organization, and thereafter] to the Federal Reserve Board for the right to subscribe to the stock of the Federal reserve bank organized [or to be organized] within the [Federal reserve] district [where] *in which* the [applicant] *applying bank* is located. *Such application shall be for the same amount of stock that the applying bank would be required to subscribe to as a national bank.* The [organization committee or the] Federal Reserve Board, *in accordance with* [under] such rules and regulations *and subject to such conditions* as it may prescribe, [subject to the provisions of this section] may permit the applying bank to become a stockholder [in the] *of such* Federal reserve bank [of the district in which the applying bank is located].

"In acting upon such applications the Federal Reserve Board shall consider the financial condition of the applying bank, the general character of its management, and whether or not the corporate powers exercised are consistent with the purposes of this act.

"Whenever the [organization committee or the] Federal Reserve Board shall permit the applying bank to become a stockholder in the Federal reserve bank of the district], stock shall be issued and paid for under the rules and regulations of this act provided for national banks which become stockholders in Federal reserve banks] *its stock subscription shall be payable on call of the Federal Reserve Board, and stock issued to it shall be held subject to the provisions of this act.*

["The organization committee or the Federal Reserve Board shall establish by-laws for general government of its conduct in acting upon applications made by the State banks and banking associations and trust companies for stock ownership in Federal reserve banks. Such by-laws shall require applying banks not organized under Federal law to comply with the reserve and capital requirements and to submit to

the examination and regulations prescribed by the organization committee or by the Federal Reserve Board. No applying bank shall be admitted to membership in a Federal reserve bank unless it possesses a paid-up unimpaired capital sufficient to entitle it to become a national banking association in the place where it is situated, under the provisions of the national banking act.

["Any bank becoming a member of a Federal reserve bank under the provisions of this section shall, in addition to the regulations and restrictions hereinbefore provided, be required to conform to the provisions of law imposed on the national banks respecting the limitation of liability which may be incurred by any person, firm, or corporation to such banks, the prohibition against making purchase of or loans on stock of such banks, and the withdrawal or impairment of capital, or the payment of unearned dividends, and to such rules and regulations as the Federal Reserve Board may, in pursuance thereof, prescribe.]

"All banks admitted to membership under authority of this section shall be required to comply with the reserve and capital requirements of this act and to conform to those provisions of law imposed on national banks which prohibit such banks from lending on or purchasing their own stock, which relate to the withdrawal or impairment of their capital stock, and which relate to the payment of unearned dividends. Such banks and the officers, agents, and employees thereof shall also be subject to the provisions of and to the penalties prescribed by [sections] *section* [5198, 5200, 5201, 5208, and] 5209 of the Revised Statutes [. The member banks shall also], *and shall* be required to make reports of [the conditions] *condition* and of the [payments] *payment* of dividends to the [comptroller, as provided in sections 5211 and 5212 of the Revised Statutes, and shall be subject to the penalties prescribed by section 5213 for the failure to make such report] *Federal reserve bank of which they become a member. Not less than three of such reports shall be made annually on call of the Federal reserve bank on dates to be fixed by the Federal Reserve Board. Failure to make such reports within 10 days after the date they are called for shall subject the offending bank to a penalty of $100 a day for each day that it fails to transmit such report; such penalty to be collected by the Federal reserve bank by suit, or otherwise.*

"As a condition of membership such banks shall likewise be subject to examinations made by direction of the Federal Reserve Board or of the Federal reserve bank by examiners selected or approved by the Federal Reserve Board.

"Whenever the directors of the Federal reserve bank shall approve the examinations made by the State authorities, such examinations and the reports thereof may be accepted in lieu of examinations made by examiners selected or approved by the Federal Reserve Board: Provided, however, That when it deems it necessary the board may order special examinations by examiners of its own selection and shall in all cases approve the form of the report. The expenses of all examinations, other than those made by the State authorities, shall be assessed against and paid by the banks examined in the same manner and at the same rate that national banks are assessed for such expenses.

"If at any time it shall appear to the Federal Reserve Board that a member bank has failed to comply with the provisions of this section or the regulations of the Federal Reserve Board *made pursuant thereto,* it shall be within the power of the [said] board after hearing to require such bank to surrender its stock in the Federal reserve bank [; upon such surrender the Federal reserve bank shall pay the cash paid subscriptions to the said stock with interest at the rate of one-half of 1 per cent per month, computed from the last dividend if earned, not to exceed the book value thereof, less any liability to said Federal reserve bank, except the subscription liability not previously called, which shall be canceled, and the said Federal reserve bank shall, upon notice from the Federal Reserve Board, be required to suspend said bank from further privileges of membership, and shall, within 30 days of such notice, cancel and retire its stock and make payment therefor in the manner herein provided.] *and to forfeit all rights and privileges of membership.* The Federal Reserve Board may restore membership upon due proof of compliance with the conditions imposed by this section.

"Any State bank or trust company desiring to withdraw from membership in a Federal reserve bank may do so, after six months' written notice shall have been filed with the Federal Reserve Board, upon the surrender and cancellation of all of its holdings of capital stock in the Federal reserve bank: Provided, however, That no Federal reserve bank shall, except under express authority of the Federal Reserve Board, cancel within the same calendar year more than 10 per cent of its capital stock for the purpose of effecting voluntary withdrawals during that year. All such applications shall be dealt with in the order in which they are filed with the board. Whenever a member bank shall surrender its stock holdings in a Federal reserve bank, or shall be ordered to do so by the Federal Reserve Board, under authority of law, all of its rights and privileges as a member bank shall thereupon cease and determine, and after due provision has been made for any indebtedness due or to become due to the Federal reserve bank it shall be entitled to a refund of its cash-paid subscription, with interest at the rate of one-half of 1 per cent per month from date of last dividend, if earned, the amount refunded in no event to exceed the book value of the stock at that time, and shall likewise be entitled to repayment of deposits and of any other balance due from the Federal reserve bank.

"No applying bank shall be admitted to membership in a Federal reserve bank unless it possesses a paid-up unimpaired capital sufficient to entitle it to become a national banking association in the place where it is situated under the provisions of the national bank act.

"Banks becoming members of the Federal Reserve System under authority of this section shall be subject to the provisions of this section and to those of this act which relate specifically to member banks, but shall not be subject to examination under the provisions of the first two paragraphs of section 5240 of the Revised Statutes as amended by section 21 of this act. Subject to the provisions of this act and to the regulations of the board made pursuant thereto, any bank becoming a member of the Federal Reserve System shall retain its full charter and statutory rights as a State bank or trust company, and may continue to exercise all corporate powers granted it by the State in which it was created, and shall be entitled to all privileges of member banks: Provided, however, That no Federal reserve bank shall be permitted to discount for any State bank or trust company notes, drafts, or bills of exchange of any one borrower who is liable for borrowed money to such State bank or trust company in an amount greater than 10 per cent of the capital and surplus of such State bank or trust company, but the discount of bills of exchange drawn against actually existing value shall not be considered as borrowed money within the meaning of this section. The Federal reserve bank, as a condition of the discount of notes, drafts, and bills of exchange for such State bank or trust company, shall require a certificate or guarantee to the effect that the borrower is not liable to such bank in excess of the amount provided by this section, and will not be permitted to become liable in excess of this amount while such notes, drafts, or bills of exchange are under discount with the Federal reserve bank.

"It shall be unlawful for any officer, clerk, or agent of any bank admitted to membership under authority of this section to certify any check drawn upon such bank unless the person or company drawing the check has on deposit therewith at the time such check is certified an amount of money equal to the amount specified in such check. Any check so certified by duly authorized officers shall be a good and valid obligation against such bank, but the act of any such officer, clerk, or agent in violation of this section may subject such bank to a forfeiture of its membership in the Federal Reserve System upon hearing by the Federal Reserve Board."

This section makes more convenient and desirable to the State banks and trust companies membership in the Federal Reserve System and throws reasonable safeguards around the admission of State banks, requiring them to comply with the ordinary safeguards of the national banks, but enables the State banks or trust companies which become members to withdraw without loss in case they find the membership undesirable. These withdrawals, however, are not to be permitted in such a way as to cause any sudden disturbance of the reserve bank to which the withdrawing State banks or trust companies are attached.

It protects by special rule the State banks and trust companies becoming members from excessive examinations in addition to the State bank examinations, confining the examinations to those made by the Federal reserve bank, of which it is required there shall be three annually. It is believed that under this section 2 there will be many State banks admitted.

In this connection there is submitted a letter from the governor of the Federal Reserve Board, who transmits copy of a letter from Mr. J. W. Butler, president of the Texas Bankers' Association. Mr. Butler's letter speaks for itself and explains the wisdom of the proposed amendments in leaving undisturbed the loan limits allowed State banks under their local laws while protecting the Federal reserve banks by limiting the rediscount privileges to notes forming lines of credit not exceeding 10 per cent of the member bank's capital and surplus.

FEDERAL RESERVE BOARD,
OFFICE OF THE GOVERNOR,
Washington, April 14, 1917.

Hon. ROBERT L. OWEN,
Chairman Committee on Banking and Currency,
United States Senate, Washington, D. C.

MY DEAR SENATOR: I hand you herewith, for your information, copy of letter received from Mr. J. W. Butler, president of the Texas Bankers' Association. This letter is significant, as Mr. Butler a year ago was reported as being most pronounced in his opposition toward the Federal Reserve System. It also tends to emphasize, in my judgment, the importance of lines 12–13 et seq., on page 7 of Senate bill No. 8, which will leave undisturbed the loan limits allowed State banks under their local laws, while protecting the Federal reserve banks by limiting the rediscount privilege to notes forming lines of credit not exceeding 10 per cent of the member bank's capital and surplus.

You will notice from the inclosed statement that the bank of which Mr. Butler is president is essentially a country bank, with a capital of $20,000 and surplus of $10,000, and the statement that he makes regarding exchange charges in the concluding paragraph of his letter shows a change of sentiment on the part of the country banks themselves.

Very truly, yours, W. P. G. HARDING, *Governor.*

—

TEXAS BANKERS' ASSOCIATION,
Clifton, Tex., April 10, 1917.

FEDERAL RESERVE BOARD, *Washington, D. C.*

GENTLEMEN: In these late wonder days of mighty transition and world movement it occurs to me as tremendously important that the State banks in this Nation add their support to the Federal Reserve System.

I would like to forward such a movement. In Texas we have more than 800 State banks. Not less than 500 of these banks have sufficient capital to make them eligible.

I wonder if it is possible to obtain some slight modifications so as to make a reasonable inducement to these banks. I am sure they have the proper patriotism and would wish very little change.

It occurs to me that if the loan limit allowed to State bank members was made flexible, allowing the State banks to make loans as large as permitted by the respective States under their laws, a great many State banks would waive all other objections.

If this is impracticable, then I wish a compromise could be effected permitting State banks to loan as much as 20 per cent of capital and surplus to one concern or individual. Texas State banks now enjoy 25 per cent limit in this respect. It would be only fair that the national banks in such States enjoy equal privilege.

It has been suggested to the writer that we enter our application of our little State bank for membership and that it would influence other State banks in Texas to consider the step.

Whether this influence be much or little, we would incline to make application if the limitation on loans could be modified.

In the West, Middle West, and South, all comparatively a new and undeveloped country, the deposits in the banks as compared to the capital does not rank so well as in the older thickly populated and highly developed sections. It is unprofitable to operate so much capital.

Indeed, the little State bank we have was formerly a national bank, and to accommodate the requirements of the live-stock and agricultural clientele it was necessary that our capital stock be higher than it could be operated profitably. For that reason we were compelled to change to the State system, reducing our capital to one-third that used as a national bank. Our loaning power to one concern remains the same. We are earning nice dividends.

Because of this dearth of deposits natural to any new, growing country the State system is best suited to the small community. In localities of this kind the deposits are small, and the requirements in loans large.

I believe the small country banks would waive the privilege of exchange now enjoyed. In this connection I have observed that a very noticeable trend downward in exchange charges is obtaining. I would appreciate an expression. I wish to forward the unification of the banking interests of our Nation.

Yours, very truly, J. W. BUTLER, *President.*

P. S.—I would not favor a reduction of the present rule of minimum capital; $25,000 is low enough.

Section 5198 of Revised Statutes deals with usurious interest.

Section 5200 deals with limit of liabilities which may be incurred by any one person.

Section 5201 relates to associations loaning on or purchasing their own stock.

Section 5208 relates to penalty for falsely certifying checks.

The committee hopes that as a matter of patriotism all qualified State banks will, in this great national crisis, enter the Federal Reserve System and thus give to the United States the most magnificent banking system in the world.

SECTION 3. EXTENDING CLEARING AND COLLECTION FACILITIES TO NONMEMBER BANKS.

SEC. 3. That the first paragraph of section 13 be amended so as to read as follows:

"Any Federal reserve bank may receive from any of its member banks and from the United States deposits of current funds in lawful money, national-bank notes, Federal reserve notes, or checks and drafts, payable upon presentation, and also, for collection, maturing *notes and* bills; or, solely for purposes of exchange or of collection, may receive from other Federal reserve banks deposits of current funds in lawful money, national-bank notes, or checks upon other Federal reserve banks and checks and drafts, payable upon presentation within its district, and maturing *notes and* bills payable within its district; *or, solely for the purposes of exchange or of collection, may receive from any nonmember bank or trust company deposits of current funds in lawful money, national-bank notes, Federal reserve notes, checks, and drafts, payable upon presentation, or maturing notes and bills: Provided, Such nonmember bank or trust company maintains with the Federal reserve bank of its district a balance sufficient to offset the items in transit held for its account by the Federal reserve bank.*"

The effect of section 3, which amends section 13 of the Federal reserve act, is to permit nonmember banks to maintain an account with the Federal reserve bank against which it may clear its items, and in this way give the nonmember banks the clearing facilities of the Federal reserve banks.

SECTION 4. FOREIGN ACCEPTANCES.

SEC. 4. That the fifth paragraph of section 13 be, and is hereby, amended so as to read as follows:

"Any member bank may accept drafts or bills of exchange drawn upon it having not more than six months' sight to run, exclusive of days of grace, which grow out of transactions involving the importation or exportation of goods; or which grow out of transactions involving the domestic shipment of goods, provided shipping documents conveying or securing title are attached at the time of acceptance; or which are secured at the time of acceptance by a warehouse receipt or other such document conveying or securing title covering readily marketable staples. No member bank shall accept, whether in a foreign or domestic transaction, for any one person, company, firm, or corporation to an amount equal at any time in the aggregate to more than 10 per cent of its paid-up and unimpaired capital stock and surplus, unless the bank is secured either by attached documents or by some other actual security growing out of the same transaction as the acceptance; and no bank shall accept such bills to an amount equal at any time in the aggregate to more than one-half of its paid-up and unimpaired capital stock and surplus: *Provided, however, That the Federal Reserve Board, under such general regulations as it may prescribe, which shall apply to all banks alike, regardless of the amount of capital stock and surplus, may authorize any member bank to accept such bills to an amount not exceeding at any time in the aggregate 100 per cent of its paid-up and unimpaired capital stock and surplus: Provided further, That in no event shall a bank accept for any one person, company, firm, or corporation to an amount equal at any time in the aggregate to more than 20 per cent of its paid-up and unimpaired capital stock and surplus.*"

This amendment of section 13 of the Federal reserve act enlarges the amount to which member banks may accept foreign or domestic bills, not to exceed its capital and surplus.

Under existing law these acceptances are only permitted up to 50 per cent of the capital, but it is believed that with the safeguard of proper regulations this business is entirely safe up to the extent of the capital.

SECTION 5. GOLD AND GOLD CERTIFICATES AS COLLATERAL SECURITY FOR THE ISSUANCE OF FEDERAL RESERVE NOTES.

SEC. 5. That section 16, paragraphs 2, 3, 4, 5, 6, and 7, be further amended and reenacted so as to read as follows:

"Any Federal reserve bank may make application to the local Federal reserve agent for such amount of the Federal reserve notes hereinbefore provided for as it may require. Such application shall be accompanied with a tender to the local Federal reserve agent of collateral in amount equal to the sum of the Federal reserve notes thus applied for and issued pursuant to such application. The collateral security thus offered shall be notes, drafts, bills of exchange, or acceptances rediscounted under the provisions of section 13 of this act, or bills of exchange indorsed by a member bank of any Federal reserve district and purchased under the provisions of section 14 of this act, or bankers' acceptances purchased under the provisions of said section 14, *or gold or gold certificates; but in no event shall such collateral security, whether gold, gold certificates, or eligible paper, be less than the amount of Federal reserve notes applied for.* The Federal reserve agent shall each day notify the Federal Reserve Board of all issues and withdrawals of Federal reserve notes to and by the Federal reserve bank to which he is accredited. The said Federal Reserve Board may at any time call upon a Federal reserve bank for additional security to protect the Federal reserve notes issued to it.

"Every Federal reserve bank shall maintain reserves in gold or lawful money of not less than 35 per cent against its deposits and reserves in gold of not less than 40 per cent against its Federal reserve notes in actual circulation: *Provided, however, That when the Federal reserve agent holds gold or gold certificates as collateral for Federal reserve notes issued to the bank such gold or gold certificates shall be counted as part of the gold reserve which such bank is required to maintain against its Federal reserve notes in actual circulation* [and not offset by gold or lawful money deposited with the Federal reserve agent.] Notes so paid out shall bear upon their faces a distinctive letter and serial number, which shall be assigned by the Federal Reserve Board to each Federal reserve bank. Whenever Federal reserve notes issued through one Federal reserve bank shall be received by another Federal reserve bank they shall be promptly returned for credit or redemption to the Federal reserve bank through which they were originally issued *or, upon direction of such Federal reserve bank, they shall be forwarded direct to the Treasurer of the United States to be retired.* No Federal reserve bank shall pay out notes issued through another under penalty of a tax of 10 per cent upon the face value of notes so paid out. Notes presented for redemption at the Treasury of the United States shall be paid out of the redemption fund and returned to the Federal reserve banks through which they were originally issued, and thereupon such Federal reserve bank shall, upon demand of the Secretary of the Treasury, reimburse such redemption fund in lawful money, or if such Federal reserve notes have been redeemed by the Treasurer in gold or gold certificates, then such funds shall be reimbursed to the extent deemed necessary by the Secretary of the Treasury in gold or gold certificates, and such Federal reserve bank shall, so long as any of its Federal reserve notes remain outstanding, maintain with the Treasurer in gold an amount sufficient in the judgment of the Secretary to provide for all redemptions to be made by the Treasurer. Federal reserve notes received by the Treasurer otherwise than for redemption may be exchanged for gold out of the redemption fund hereinafter provided and returned to the reserve bank through which they were originally issued, or they may be returned to such bank for the credit of the United States. Federal reserve notes unfit for circulation shall be returned by the Federal reserve agents to the Comptroller of the Currency for cancellation and destruction.

"The Federal Reserve Board shall require each Federal reserve bank to maintain on deposit in the Treasury of the United States a sum in gold sufficient in the judgment of the Secretary of the Treasury for the redemption of the Federal reserve notes issued to such bank, but in no event less than 5 per cent *of the total amount of notes issued less the amount of gold or gold certificates held by the Federal reserve agent as collateral security;* but such deposit of gold shall be counted and included as part of the 40 per cent reserve hereinbefore required. The board shall have the right, acting through the Federal reserve agent, to grant, in whole or in part, or to reject entirely the application of any Federal reserve bank for Federal reserve notes; but to the extent that such application may be granted the Federal Reserve Board shall, through its local Federal reserve agent, supply Federal reserve notes to the banks so applying, and such bank shall be charged with the amount of [such] notes *issued to it* and shall pay such rate of interest [on said amount] as may be established by the Federal Reserve Board [and the amount of such] *on only that amount of such notes which equals the total amount of its outstanding Federal reserve notes less the amount of gold or gold certificates held by the Federal reserve agent as collateral security.* Federal reserve notes [so] issued to any such bank shall, upon delivery, together with such notes of such Federal reserve bank as may be issued under section 18 of this act upon security of United States 2 per cent Government bonds, become a first and paramount lien on all the assets of such bank.

"Any Federal reserve bank may at any time reduce its liability for outstanding Federal reserve notes by depositing with the Federal reserve agent its Federal reserve notes, gold, gold certificates, or lawful money of the United States. Federal reserve notes so deposited shall not be reissued except upon compliance with the conditions of an original issue.

"The Federal reserve agent shall hold such gold, gold certificates, or lawful money available exclusively for exchange for the outstanding Federal reserve notes when offered by the reserve bank of which he is a director. Upon the request of the Secretary of the Treasury the Federal Reserve Board shall require the Federal reserve agent to transmit [so much of said gold] to the [Treasury] *Treasurer* of the United States *so much of the gold held by him as collateral security for Federal reserve notes* as may be required for the exclusive purpose of the redemption of such [notes] *Federal reserve notes, but such gold when deposited with the Treasurer shall be counted and considered as if collateral security on deposit with the Federal reserve agent.*

"Any Federal reserve bank may at its discretion withdraw collateral deposited with the local Federal reserve agent for the protection of its Federal reserve notes [deposited with it] *issued to it* and shall at the same time substitute therefor other [like] collateral of equal amount with the approval of the Federal reserve agent under regulations to be prescribed by the Federal Reserve Board. *Any Federal reserve bank may retire any of its Federal reserve notes by depositing them with the Federal reserve agent or with the Treasurer of the United States, and such Federal reserve bank shall thereupon be entitled to receive back the collateral deposited with the Federal reserve agent for the security of such notes. Federal reserve banks shall not be required to maintain the reserve or the redemption fund heretofore provided for against Federal reserve notes which have been retired. Federal reserve notes so deposited shall not be reissued except upon compliance with the conditions of an original issue.*"

All Federal reserve notes and all gold, gold certificates, and lawful money issued to or deposited with any Federal reserve agent under the provisions of the Federal reserve act shall hereafter be held for such agent, under such rules and regulations as the Federal Reserve Board may prescribe, in the joint custody of himself and the Federal reserve bank to which he is accredited. Such agent and such Federal reserve bank shall be jointly liable for the safe keeping of such Federal reserve notes, gold, gold certificates, and lawful money. Nothing herein contained, however, shall be construed to prohibit a Federal reserve agent from depositing gold or gold certificates with the Federal Reserve Board to be held by such board subject to his order or with the Treasurer of the United States for the purposes authorized by law.

This very important provision is intended to permit the Federal reserve banks to exchange Federal reserve notes in lieu of gold and in this way drift into the banks the idle gold which citizens now carry in their pockets with indifference and without national use.

It is estimated that under this item probably two or three hundred millions of gold will be acquired by the Federal reserve banks and the reserve bank system will be strengthened to this extent.

While this gold occupies the position of trust gold in the same manner that the gold held for the payment of gold certificates does, the effect of the proposed amendment is to permit the Federal reserve banks, if the occasion should ever rise, to issue to the limited extent that it has received gold in lieu of Federal reserve notes—to that extent and to that extent only—Federal reserve notes against 100 per cent of qualified commercial bills of short maturities underwritten by member banks as required by statute.

At present the reserve bank must have against its loan of Federal reserve notes 100 per cent of qualified commercial bills indorsed by member banks, plus 40 per cent gold, but, under the proposed amendment, if a bank should have a million dollars of gold deposited against a million dollars of outstanding Federal reserve notes, such bank would be permitted to issue a million dollars of reserve notes against a million dollars of qualified commercial bills of short maturities indorsed by member banks.

This is in effect the German system, which permits the Imperial Bank of Germany to issue legal tender notes against commercial bills of a qualified class at par subject to an interest charge to the Government.

It has been urged that giving this additional power to the banks would mean inflation. It does not mean inflation, because the reserve system is adequately protected against inflation by the control of the Federal Reserve Board, by the right to charge interest on the reserve notes, by the entire power being in the hands of the National Government to prevent anything of the kind.

It does give a larger power of credits for our commerce if our national interest should require it, and this power could only be exercised with the approval of the National Government.

It gives additional power to the National Government, and such issues of Federal reserve notes to a Federal reserve bank is safeguarded up to 100 per cent of such notes by the following line of credits:

First. The short-time credit of the individual borrower engaged in commercial business against an actual commercial transaction, the borrower's credit being regarded as perfectly good by a local member bank to the point that the bank is willing to indorse his paper and to advance him money on it on the bank's own account.

Second. This issue is secured by the indorsement of a member bank on a short-time maturing commercial bill.

Third. It is secured by the reserve of such member bank in the Federal reserve bank.

Fourth. It is secured by the stock held in the Federal reserve bank by the member bank indorsing the paper.

Fifth. It is secured also by the double liability of the stockholders of the member bank which has indorsed the paper used as a basis of issue.

Sixth. It is further secured by all of the assets of the Federal reserve bank and the double liability of stockholders of every one of the member banks.

Seventh. Finally, it is secured by the taxing power of the people of the United States.

There is no danger whatever in such credits. To call it inflation is not argument, it is abuse, and is a slur entirely unjustified by the facts.

In Europe the most strenuous efforts are made by the various Governments of Great Britain, France, Italy, Germany, Austria, and Russia to concentrate in the Government banks every ounce of gold available, as gold is the final basis of credit throughout the world. The United States has made no adequate effort to do this, and there are several hundred millions which could be concentrated in these banks under this system if adopted.

This is an emergency matter which the exigencies of war require should not be overlooked or slighted and must not be misunderstood.

The several smaller amendments are inserted to provide and recognize the fact that when a reserve note is covered by gold up to 100 per cent no further security is needed for the reserve note outstanding.

SECTION 6. PERMITTING DEPOSITS OF GOLD COIN AND GOLD CERTIFICATES WITH THE TREASURER AND SUBTREASURER TO THE CREDIT OF THE FEDERAL RESERVE BOARD.

SEC. 6. That section 16 be further amended by adding at the end of the section the following:

"*That the Secretary of the Treasury is hereby authorized and directed to receive deposits of gold coin or of gold certificates with the Treasurer or any Assistant Treasurer of the United States when tendered by any Federal reserve bank or Federal reserve agent for credit to its or his account with the Federal Reserve Board. The Secretary shall prescribe by regulation the form of receipt to be issued by the Treasurer or Assistant Treasurer to the Federal reserve bank or Federal reserve agent making the deposit, and a duplicate of such receipt shall be delivered to the Federal Reserve Board by the Treasurer at Washington upon proper advices from any Assistant Treasurer that such deposit has been made. Deposits so made shall be held subject to the orders of the Federal Reserve Board and shall be payable in gold coin or gold certificates on the order of the Federal Reserve Board to any Federal reserve bank or Federal reserve agent at the Treasury or at the subtreasury of the United States nearest the place of business of such Federal reserve bank or such Federal reserve agent: Provided, however, That any expense incurred in shipping gold to or from the Treasury or subtreasuries in order to make such payments, or as a result of making such payments, shall be paid by the Federal Reserve Board and assessed against the Federal reserve banks. The order used by the Federal Reserve Board in making such payments shall be signed by the governor, or vice governor, or such other officers or members as the board may by regulation prescribe. The form of such order shall be approved by the Secretary of the Treasury.*

"*The expenses necessarily incurred in carrying out these provisions, including the cost of the certificates or receipts issued for deposits received, and all expenses incident to the handling of such deposits shall be paid by the Federal Reserve Board and included in its assessments against the several Federal reserve banks.*

"*Gold deposits standing to the credit of any Federal reserve bank with the Federal Reserve Board shall, at the option of said bank, be counted as part of the lawful reserve which it is required to maintain against outstanding Federal reserve notes, or as a part of the reserve it is required to maintain against deposits.*

"*Nothing in this section shall be construed as amending section six of the act of March fourteenth, nineteen hundred, as amended by the acts of March fourth, nineteen hundred and seven, March second, nineteen hundred and eleven, and June twelfth, nineteen hundred and sixteen, nor shall the provisions of this section be construed to apply to the deposits made or to the receipts or certificates issued under those acts.*"

This amendment to section 16 is for convenience in handling the daily exchanges between the 12 reserve banks which now must be done by physically transferring gold certificates from one bank to another. It is proposed to put these certificates in a common vault and arrange the distribution by bookkeeping instead of by transfer.

SECTION 7. RELIEVING NATIONAL BANKS OF THE NECESSITY OF KEEPING ON DEPOSIT UNITED STATES BONDS WITH THE TREASURER.

SEC. 7. That section 17 be, and is hereby, amended so as to read as follows:

"SEC. 17. So much of the provisions of section fifty-one hundred and fifty-nine of the Revised Statutes of the United States, and section four of the act of June twentieth, eighteen hundred and seventy-four, and section eight of the act of July twelfth, eighteen hundred and eighty-two, and of any other provisions of existing statutes as require that before any national banking [associations] *association* shall be authorized to commence banking business it shall transfer and deliver to the Treasurer of the United States a stated amount of United States registered bonds, *and so much of those provisions or of any other provisions of existing statutes as require any national banking association now or hereafter organized to maintain a minimum deposit of such bonds with the Treasurer* is hereby repealed."

This proposed amendment merely obviates a practice no longer required under the Federal reserve act of compelling national banks to keep a minimum deposit of United States bonds with the Treasurer of the United States.

National banks are no longer required to keep outstanding a minimum amount of circulating notes and a newly organized bank is not obliged to purchase or carry any bonds of the United States; but there are a number of national banks, organized before the passage of the Federal reserve act, which have retired their national bank circulation in full, yet they are, under a construction of the old law, required to keep on deposit with the Treasurer of the United States a certain minimum of United States bonds. The committee believes that these banks should be relieved of further obligation in this matter.

SECTION 8. RESERVES.

SEC. 8. That section 19 be amended and reenacted so as to read as follows:

"SEC. 19. Demand deposits within the meaning of this act shall comprise all deposits payable within 30 days, and time deposits shall comprise all deposits payable after 30 days, [and] all savings accounts and certificates of deposit which are subject to not less than 30 days' notice before payment, *and all postal savings deposits.*

["When the Secretary of the Treasury shall have officially announced, in such manner as he may elect, the establishment of a Federal reserve bank in any district, every subscribing member] *Every bank, banking association, or trust company which is or which becomes a member of any Federal reserve bank* shall establish and maintain *with its Federal reserve bank* reserves as follows:

"(a) *If* [a bank] not in a reserve or central reserve city, as now or hereafter defined, *it* shall hold and maintain *with the Federal reserve bank of its district actual net* reserves equal to *not less than* [twelve] *six* per cent of the aggregate amount of its demand deposits and [five] *three* per cent of its time deposits [, as follows:].

["In its vaults for a period of 36 months after the said date five-twelfths thereof, and permanently thereafter four-twelfths.

["In the Federal reserve bank of its district, for a period of 12 months after said date, two-twelfths, and for each succeeding six months an additional one-twelfth, until five-twelfths have been so deposited, which shall be the amount permanently required.

["For a period of 36 months after said date the balance of the reserve may be held in its own vaults, or in the Federal reserve bank, or in national banks in reserve or central reserve cities as now defined by law.

["After said 36 months' period, said reserves, other than those hereinbefore required to be held in the vaults of the member bank and in the Federal reserve bank, shall be held in the vaults of the member bank or in the Federal reserve bank, or in both, at the option of the Federal member bank.]

"(b) *If* [a bank] in a reserve city, as now or hereafter defined, *it* shall hold and maintain *with the Federal reserve bank of its district actual net* reserves equal to *not less than* [fifteen] *ten* per cent of the aggregate amount of its demand deposits and [five] *three* per cent of its time deposits [, as follows:].

["In its vaults for a period of 36 months after said date six-fifteenths thereof, and permanently thereafter five-fifteenths.

["In the Federal reserve bank of its district for a period of 12 months after the date aforesaid at least three-fifteenths, and for each succeeding six months an additional one-fifteenth, until six-fifteenths have been so deposited, which shall be the amount permanently required.

["For a period of 36 months after said date the balance of the reserves may be held in its own vaults, or in the Federal reserve bank, or in national banks in reserve or central reserve cities as now defined by law.

["After said 36 months' period all of said reserves, except those hereinbefore required to be held permanently in the vaults of the member bank and in the Federal reserve bank, shall be held in its vaults or in the Federal reserve bank, or in both, at the option of the member bank.]

"(c) *If* [a bank] in a central reserve city, as now or hereafter defined, *it* shall hold and maintain *with the Federal reserve bank of its district an actual net* reserve equal to *not less than* [eighteen] *thirteen* per cent of the aggregate amount of its demand deposits and [five] *three* per cent of its time deposits [, as follows:].

["In its vaults six-eighteenths thereof.

["In the Federal reserve bank seven-eighteenths.

["The balance of said reserves shall be held in its own vaults or in the Federal reserve bank, at its option.]

"*Every member bank shall maintain in its own vaults an amount of specie or currency equal to at least four per cent of its demand deposits, less the amount of those reserves with the Federal reserve bank which are in excess of the minimum reserves required by this section.*

["Any Federal reserve bank may receive from the member banks as reserves not exceeding one-half of each installment eligible paper, as described in section 13, properly indorsed and acceptable to the said reserve bank.

["If a State bank or trust company is required or permitted by the law of its State to keep its reserves either in its own vaults, or with another State bank or trust company, or with a national bank, such reserve deposits so kept in such State bank, trust company, or national bank shall be construed within the meaning of this section as if they were reserve deposits in a national bank in a reserve or central reserve city for a period of three years after the Secretary of the Treasury shall have officially announced the establishment of a Federal reserve bank in the district in which such State bank or trust company is situate. Except as thus provided, no] No member bank shall keep on deposit with any nonmember bank a sum in excess of 10 per cent of its own paid-up capital and surplus. No member bank shall act as the medium or agent of a nonmember bank in applying for or receiving discounts from a Federal reserve bank under the provisions of this act, except by permission of the Federal Reserve Board.

"The [reserve] *required balance* carried by a member bank with a Federal reserve bank may, under the regulations and subject to such penalties as may be prescribed by the Federal Reserve Board, be checked against and withdrawn by such member bank for the purpose of meet-

ing existing liabilities: *Provided, however*, That no bank shall at any time make new loans or shall pay any dividends unless and until the total reserve required by law is fully restored.

"In estimating the reserves *and the cash in vault* required by this act, the net balance of amounts due to and from other banks shall be taken as the basis for ascertaining the bank deposits against which reserves *with Federal reserve banks and cash in vault* shall be determined. [Balances in reserve banks due to member banks shall to the extent herein provided be counted as reserves.]

"National banks *or banks organized under local laws* located in Alaska or *in a dependency or insular possession or any part of the United States* outside the continental United States may remain nonmember banks, and shall in that event maintain reserves and comply with all the conditions now provided by law regulating them; or said banks except in the Philippine Islands may, with the consent of the *Federal* Reserve Board, become member banks of any one of the reserve districts, and shall, in that event, take stock, maintain reserves, and be subject to all the other provisions of this act."

This section provides for a readjustment and decrease in the gross reserves required of the member banks. The object of the amendment is twofold. First, to increase the gold holdings of the Federal Reserve System, and thus strengthen the system against any exigency that may result from the European war, and, secondly, to decrease the amount of gross reserves required of member banks. The amendment would add approximately $200,000,000 of gold to the present holdings of the Federal reserve banks. The amendment also proposes to require the member banks to maintain in their own vaults, for till money, an amount of currency equal at least to 4 per cent of its demand deposits.

SECTION 9. PERMITTING DIRECTORS, OFFICERS, OR EMPLOYEES OF MEMBER BANKS TO RECEIVE INTEREST ON DEPOSITS AND TO OBTAIN ACCOMMODATIONS UNDER CERTAIN RESTRICTIONS.

SEC. 9. That that part of section 22 which reads as follows: "Other than the usual salary or director's fees paid to any officer, director, or employee of a member bank and other than a reasonable fee paid by said bank to such officer, director, or employee for service rendered to such bank, no officer, director, employee, or attorney of a member bank shall be a beneficiary of or receive, directly or indirectly, any fee, commission, gift, or other consideration for or in connection with any transaction or business of the bank," be, and hereby is, amended and reenacted so as to read as follows:

"Other than the usual salary or director's [fees] *fee* paid to any officer, director, [or] employee, *or attorney* of a member bank, and other than a reasonable fee paid by said bank to such officer, director, [or] employee, *or attorney* for services rendered to such bank, no officer, director, employee, or attorney of a member bank shall be a beneficiary of or receive, directly or indirectly, any fee, commission, gift, or other consideration for or in connection with any transaction or business of the bank: *Provided, however, That nothing in this act contained shall be construed to prohibit a director, officer, employee, or attorney from receiving the same rate of interest paid to other depositors for similar deposits made with such bank: And provided further, That notes, drafts, bills of exchange, or other evidences of debt executed or indorsed by directors or attorneys of a member bank may be discounted with such member bank on the same terms and conditions as other notes, drafts, bills of exchange, or evidences of debt upon the affirmative vote or written assent of at least three-fourths of the members of the board of directors of such member bank.*"

This amendment removes an evident hardship imposed upon directors, officers, and employees of member banks, who under existing law might be held as precluded from drawing interest on their deposits and prevented from obtaining accommodations in their own bank. The amendment very properly provides for restrictions upon such loans which, in the judgment of the Federal Reserve Board and of your committee, properly insures the bank against fraud and incident loss.

COLLECTION CHARGES.

An amendment in relation to charging for checks was proposed by Senator GRONNA, as follows:

"*Provided further*, That nothing in this or any other section of this act shall be construed as prohibiting a member bank from making reasonable charges against the presenter, in no case to exceed 10 cents per $100 or fraction thereof based on the total of checks and drafts presented at any one time, for collection or payment of checks and drafts drawn upon it and remission therefor by exchange or otherwise."

At present a very large part of the exchanges of the country are taken at par. It saves bookkeeping; it saves annoyance to business men. It is just to the depositor that his check should be paid at its face value, and, as far as the clearings through the Federal reserve bank are concerned, there is no excuse whatever for charging—on the unjustified pretense that the bank against which the check is drawn is furnishing exchange from the local bank to the central bank—because each of the member banks is given full credit at par for all checks it remits against the other. Consequently each bank should be debited at par in order that these items may be cleared at the same instant on the books of the Federal reserve bank. For instance, if bank 642 sends in $10,000 of checks and receives credit for the checks against its associate member banks, there is no reason why the associate member banks should not be credited against bank 642 at the same time for $10,000 of checks which they present against it at that instant. Under the national-bank act, prior to the establishment of the Federal Reserve System, the banks in the reserve and central reserve cities made a habit of giving credit at par for remitted checks, and would send out and collect the checks at the counter of the bank against which the checks were drawn and the latter bank would make remittance in due time. The bank in the reserve city would be compensated by having a large balance kept with it at a low rate of interest, or perhaps at no interest at all, and there were other compensating features enjoyed by the bank in the central reserve city. But this system goes out of effect entirely in November in so far as a compulsory reserve with a reserve agent in a reserve or central reserve city is concerned. The reserve banks are now serving a very great and important function of giving increased velocity to credits by canceling the check on presentation, giving immediate credit and debit, and in this way doing away with what is called "float," or exchange items.

Your committee transmitted Senator GRONNA's letter to the Federal Reserve Board requesting a report. The report is hereto attached, together with a report of the action of the board of governors of the 12 Federal reserve banks, showing it is the universal opinion of the experts employed by the Government that the present system of clearing through the reserve banks should not be changed:

FEDERAL RESERVE BOARD,
OFFICE OF THE GOVERNOR,
Washington, April 13, 1916.

Hon. ROBERT L. OWEN,
United States Senate, Washington, D. C.

MY DEAR SENATOR OWEN: I have your letter of the 12th instant in reference to the amendment to Senate bill No. 8 proposed by Senator GRONNA, and brought it to the attention of the board at the meeting this morning.

After a full discussion of the matter the board directed me to say to you that it would regard the adoption of the amendment as most unfortunate. It believes firmly that it is the duty of every bank to pay without deduction or discount, at its own counter, checks drawn by its depositors against their balances. No bank questions this obligation on its part when cash payments are demanded by the presenter of the check, and about one-half of all banking institutions in the country are now remitting without deduction for checks on themselves forwarded by the Federal reserve banks. The board realizes that the operation of the Federal reserve check clearing system has in a number of cases deprived banks from an income from exchange on checks which they have hitherto enjoyed, but as they are enabled to offset checks drawn upon themselves sent them by the Federal reserve banks with checks drawn upon other banks and are permitted, furthermore, to cover by shipments of currency at the expense of the Federal reserve bank, no actual hardship is imposed. An amendment permitting a charge of not exceeding 10 cents per $100 or fraction thereof, based on the total of checks and drafts presented at any one time for collection and payment of checks and remissions therefor by exchange or otherwise, would, in the opinion of the board, be construed by the banks as a definite suggestion that they impose such a charge, with the result that eventually these charges would be generally made, not only as against checks coming in from a distance but even against checks presented by payees residing in the community where the bank is located. While banks would no doubt put checks for their own depositors without any charge, it is entirely possible that many of them would avail themselves of the opportunity of enforcing this charge against checks presented by payees who are not depositors. This would impose a hardship upon those of the poorer classes who are not bank depositors.

The board would call attention also to the fact that for some years past actual payees of checks drawn upon country banks have been able in many cases to collect them without exchange charges, which have been absorbed by their depository banks, which have in turn been reimbursed by balances kept with them by the country banks. Immediately upon the passage of Senate bill No. 8, or no later in any event than November 17 next, no bank balances will count as reserve except those with Federal reserve banks, so that facilities for free collection will no longer be afforded by member banks, and the result would be that many individuals, firms, and corporations would be paying exchange charges of one-tenth of 1 per cent upon checks which they have hitherto been able to collect at par.

The enactment of the proposed amendment, in the opinion of the board, would, because of the injury it would work to holders of bank checks, create a strong protest all over the country, which would be far stronger than the pressure that is now being brought to bear for its enactment.

In this connection I inclose for your information copy of a resolution that was adopted at a meeting of the governors of Federal reserve banks which was held here last week.

Very truly, yours,

W. P. G. HARDING, *Governor.*

[Resolution passed at tenth conference of Federal reserve bank governors.]

KITCHIN BILL.

Whereas it is stated that there is to be reintroduced in the present Congress for enactment the so-called Kitchin bill, the purpose of which is to so amend the Federal reserve act as to permit national banks to impose exchange charges contrary to the basic principles of the Federal reserve collection system; and

Whereas it is understood that under the direction of a committee of the American Bankers' Association, known as the committee of twenty-five, a vigorous and far-reaching campaign is being conducted to bring influence upon the Congress to secure the enactment of the Kitchin bill; and

Whereas it is the belief of the governors of the several Federal reserve banks that should the Kitchin bill become law it would not only serve to nullify the great benefits which would accrue to the business interests of the country under the operation of a scientific, direct, and efficient collection system, but its enactment would seriously affect and seriously injure the best and broadest development of the Federal Reserve System: Therefore be it

Resolved, That the governors in conference earnestly urge the Federal Reserve Board to use every legitimate means possible to prevent the enactment of the Kitchin bill when introduced into Congress, and to promptly develop and put into the fullest operation the Federal reserve collection system.

Mr. KELLOGG. Mr. President——

Mr. OWEN. I yield to the Senator from Minnesota.

Mr. KELLOGG. I should like to ask the Senator from Oklahoma if he has completed his statement?

Mr. OWEN. I have completed the statement.

Mr. KELLOGG. Turning to page 9 of the report, referring to section 5, as I understand, the old law read as follows:

Every Federal reserve bank shall maintain reserves in gold or lawful money of not less than 35 per cent against its deposits and reserves in gold of not less than 40 per cent against its Federal reserve notes in actual circulation.

Mr. OWEN. That is correct.

Mr. KELLOGG. And the amendment provides as follows:

Provided, however, That when the Federal reserve agent holds gold or gold certificates as collateral for Federal reserve notes issued to the bank such gold or gold certificates shall be counted as part of the gold reserve which such bank is required to maintain against its Federal reserve notes in actual circulation.

Mr. OWEN. Yes; that is the proposed amendment.

Mr. KELLOGG. That permits, then, an inflation to a very large extent, by reason of the fact that the 40 per cent of gold may be used in both capacities, does it not?

Mr. OWEN. I do not agree with the Senator that it permits inflation, because the term "inflation" carries with it the suggestion that it is an improper increase of the circulating medium. In this case, where they have, for instance, a million dollars of extra gold which they have deposited with the Federal reserve agent, in that event they would be permitted to issue a million dollars of Federal reserve notes against commercial bills equal to a million dollars. The effect of it would be that they would only be required to have 100 per cent of commercial bills instead of 100 per cent of commercial bills plus 40 per cent of gold.

Mr. KELLOGG. Then, to the extent of that 40 per cent, the currency would be inflated. I do not use the word "inflation" in the sense that the Senator does.

Mr. OWEN. I should say it would permit expansion against commercial bills to that extent.

Mr. SMITH of Michigan. There would be a redundancy to that extent.

Mr. KELLOGG. Can the Senator give me a reasonably accurate estimate of the amount of inflation or increase of the circulating medium of this country that that would produce?

Mr. OWEN. We hope that it will drift into these banks between $200,000,000 and $300,000,000.

Mr. KELLOGG. Then to that extent it would be an inflation of the currency?

Mr. OWEN. To that extent it would provide the power to these banks of receiving and issuing Federal reserve notes, which they might use against the same volume of the business of the country that would come into their hands in the form of these short-maturing commercial bills.

Mr. KELLOGG. While we can not tell what may happen in the future, in the past there has been a greater inflation than the business of the country justified, has there not?

Mr. OWEN. I do not think so.

Mr. KELLOGG. And this would permit a very large extension of the circulating medium.

Mr. OWEN. The Senator had his attention called a few minutes ago to the issuance of these Federal reserve notes. I did not know the exact amount of gold that had been drawn into the banks against those notes, but I find it is almost dollar for dollar. It has not resulted even in an appreciable expansion, much less what might be termed an improper expansion, for a larger amount of national-bank notes have been retired than the uncovered Federal reserve notes in actual circulation.

Mr. KELLOGG. I do not say that the provision is not wise, but I think we should understand that it is going to permit a very great extension of our circulating medium over the present.

Mr. OWEN. The extension would be limited, first, by the amount of gold deposited to cover such notes, estimated as a possible $300,000,000; second, by the business demand of the country for currency in excess of the entire power of issuance under the present law; third, by the granting of such loans under conditions 1 and 2 and the circulation of such notes.

I will say to the Senator that in England, when they had the great panic of 1866, the English law of 1849, requiring that English £5 notes could be issued only by the Bank of England after the primary issue against 100 per cent of gold, was met by a ministerial permit authorizing the Bank of England to issue £5 notes against commercial bills in any quantity necessary to meet the exigency. It resulted instantly in supplying the sudden demand for currency which that panic created, and it resulted also in the immediate cessation of the panic.

Mr. SMITH of Michigan. It pledged only the resources of the bank. It did not pledge any specific character of coin or other value.

Mr. OWEN. No; but the effect was that the bank immediately issued these £5 notes to their customers against their ordinary bills, and therefore the effect was that the Government of Great Britain put a £5 note against the commercial bills of its merchants and business men; and the very moment it did that the panic abated, and they had no more panics for a number of years. When panics occurred afterwards they did the same thing on three great occasions, with the result of an immediate settlement of the panic.

Mr. KELLOGG. The Senator knows, I think, that there was a rigidity in the English system that does not exist in ours to-day under the present banking system——

Mr. OWEN. Well, we have modified that in a very substantial way, I am happy to say.

Mr. KELLOGG. And that that was a most extraordinary occasion, the beginning of the present war; and yet the English banking act did not permit the expansion that this bank act now provides for.

Mr. OWEN. I wanted to call the attention of the Senator then to the further history of this principle of finance. The German people, having observed what took place in 1866 in the immediate control of that panic by the free issuance of legal-tender notes against commercial bills, adopted it as a fixed part of their system and authorized the Imperial Bank of Germany to issue legal-tender notes against commercial bills without limitation, except that there was provision for a penalty of 5 per cent for the issuance of those notes—an automatic penalty which went to the federal treasury.

Mr. SMITH of Michigan. Mr. President——

Mr. OWEN. I yield to the Senator from Michigan.

Mr. SMITH of Michigan. If the Senator from Oklahoma will allow me, his plan of expansion at least has the merit of being much more desirable than the clearing-house certificates to which we resorted 10 years ago with very great liberality, thus inflating the currency.

Mr. OWEN. We were compelled to use the clearing-house certificates.

Mr. SMITH of Michigan. Now, if member banks can resort to a central governmental depository, with jurisdiction throughout the entire country and accurate supervision of the note issue, it seems to me we are on a far less tempting basis, so far as overissuance of money is concerned, than we were before.

Mr. OWEN. I should like to call the attention of the Senator from Michigan to the remarkable fact that in violation of the laws of the United States in 1907 the bankers of this country had the wisdom and the patriotism to issue five hundred and odd millions of dollars of clearing-house certificates, of cashiers' checks, of time certificates, and of all sorts of credit instruments which served the function of money, and it was all retired without the loss of a dollar.

Mr. KELLOGG. I hope the Senator from Michigan did not understand my remarks as being in opposition to the present Federal banking system, which permits that expansion, and which is absolutely necessary.

Mr. OWEN. I did not so understand the Senator.

Mr. KELLOGG. I was simply calling the attention of the Senate to the fact that in addition to the emergency currency, as we may call it, which may issue under this banking system, this act does permit an additional inflation or expansion to a very large extent.

Mr. OWEN. It does; and in my judgment that is the value of the system.

Mr. SMITH of Michigan. Yes, Mr. President; I entirely agree with the Senator from Oklahoma. I was making no criticism of the observations of the Senator from Minnesota; but, following the line suggested by the Senator from Oklahoma, banks not only issued these clearing-house certificates without authority of law but they lacked the potency of even corporate power to do it. The clearing house issued them under mutual agreements with one another, and the effect was most salutary. If we have now come to the point where, in an emergency, we can confidently turn our eyes to the great national reservoir from which we can draw Government money which will be acceptable to the people, and deposit commercial paper which has been recognized as worthy of credit, we have accomplished very much.

I am going to make this statement, which I have never made before: I regret that it is not possible for every banking institution in our country under Nantional and under State supervision to come into this system and uphold it and stengthen it and in turn rely upon it whenever an emergency arises.

Mr. OWEN. I am very glad to hear that expression from the Senator. I think that where the State laws permit, it really would be a patriotic act on the part of the State banks and trust companies to enter this system, and enable America to have the financial power to move the world. This system can make itself, with the cooperation of the State banks and trust companies, the most powerful financial system on earth.

Mr. McCUMBER. Mr. President——

Mr. OWEN. I yield to the Senator from North Dakota.

Mr. McCUMBER. Is not the vice of the present system in this: That while the means of expansion is very simple and easy, the means of contraction, when the expension is no longer needed, is not so easy?

Mr. OWEN. I will say to the Senator that it is subject to a tax.

Mr. McCUMBER. But it is not subject to a tax until after six months. Is not that correct?

Mr. OWEN. Oh, a tax can be imposed on the issuance of these Federal reserve notes at any time by the Federal Reserve Board.

Mr. McCUMBER. Yes; but under the present law and rules there is no tax until after six months.

Mr. OWEN. The Federal Reserve Board can impose a tax on the issuance of Federal reserve notes at its will.

Mr. McCUMBER. Let me call the Senator's attention to just how that operates in business.

I appeal to the Senator for a loan of $200, and in his naturally generous disposition he agrees to loan me $200. Now, how will he do it? He can loan me $100 out of his own pocket and take my note, drawing 8 per cent interest. Then he can take that note, drawing 8 per cent interest, and immediately deposit it, and secure another $100 on that, and loan me that $100; so that during six months at least, under the present law, he is receiving 16 per cent upon the actual dollars—the gold, or whatever he loans me—without any expense to himself; and if I pay the note at the end of that time he has received 16 per cent upon his investment. Nor does it stop there. By reason of that expansion of the currency and the lengthening of your method of purchasing you have increased the cost of everything that I must purchase by the inflation system.

It seems to me that in that respect the Vreeland-Aldrich Currency Act was an improvement over the present system, because the moment that this other $100 which the Senator would receive in a Federal reserve note was issued to him that moment he would be compelled to pay interest, and if he kept it a longer time, a greater interest, and so on, until it did not pay him any longer to keep it and loan it to me.

It seems to me that that is the vice of the present law.

Mr. OWEN. I will say to the Senator the existing law contemplated several means to prevent an expansion that would be unhealthy or beyond what would be the normal requirements of our commerce. The first was to tax the reserve notes themselves and fix the rate at which the notes could be loaned to the commerce and industries of the country. I will say to the Senator the experience of Belgium was that they enjoyed a rate of 3 per cent interest for the 50 years preceding the European war, and in this country of course we paid a very high rate of interest. It was hoped here the system, by making currency more accessible to the people, would affect the interest rate and would reduce the interest rate to our business people.

Mr. McCUMBER. I am not saying that there are not a great many splendid provisions in this law.

Mr. OWEN. I am only speaking about the question of expanding this currency. The way in which it can be controlled is by taxing the issue itself under the existing law or raising the rate, which would, of course, prevent the issuance of these notes to the people.

Mr. McCUMBER. But the great trouble is that under the law you do not tax the issue at all, as I remember, until the expiration of six months.

Mr. OWEN. We have not found any actual need of taxing these notes, but you will find in the law itself the language which I may be permitted to read to the Senator.

Mr. McCUMBER. I should like to have the Senator read it, as I may have forgotten it.

Mr. OWEN (reading)—

And provided further, That when the gold reserve held against Federal reserve notes falls below 40 per cent, the Federal Reserve Board shall establish a graduated tax of not more than 1 per cent per annum upon such deficiency until the reserves fall to 32½ per cent, and when said reserve falls below 32½ per cent, a tax at the rate increasingly of not less than 1½ per cent per annum upon each 2½ per cent or fraction thereof that such reserve falls below 32½ per cent. The tax shall be paid by the reserve bank, but the reserve bank shall add an amount equal to said tax to the rates of interest and discount fixed by the Federal Reserve Board.

Mr. McCUMBER. But suppose, Mr. President, the reserves do not fall below the 40 per cent, what are the taxes then? Then there are no taxes whatever?

Mr. OWEN. No; there is no tax unless there comes about an expansion that will be regarded as unhealthy, and then it can be imposed.

Mr. McCUMBER. But let me ask the Senator, is it not a fact that since the new system has been put in operation there has not been a month when there has not been an inflation of the currency?

Mr. OWEN. I do not think so. The Senator from Minnesota called attention to it this morning, and he was quite right in saying the amount of these notes was approximately $500,000,000; it is $458,874,000; but against that there is $433,089,000 in gold and lawful money held by reserve agents. So there is very little expansion.

Mr. McCUMBER. The notes themselves can not be held against their own issue, I assume.

Mr. OWEN. The commercial paper in the hands of the Federal reserve banks against that issue was $27,000,000.

Mr. McCUMBER. And the rest was gold or other money.

Mr. OWEN. Gold or lawful money, which means legal-tender notes.

Mr. McCUMBER. Does that lawful money include gold certificates?

Mr. OWEN. It includes gold certificates.

Mr. McCUMBER. Under the existing law, I mean.

Mr. OWEN. It does.

Mr. McCUMBER. No gold certificate is even lawful money. I do not think the Senator intends by this amendment to include gold certificates.

Mr. OWEN. Yes; because the actual gold could be obtained on them if desired. I think the gold certificate ought to be made lawful money. I think we ought to make legal tender every form of money which we offer to the people and put the full credit of the United States behind every dollar of money we put into the hands of the people. In point of fact, we do that in effect now, because it is all easily convertible into gold, if anyone wants it.

Mr. McCUMBER. But one trouble the Senator has forgotten is that suggested by the Senator from Minnesota. You issue the gold certificates against the gold, and you then simply balance, you do not inflate; but immediately you take the gold certificates and issue some more paper money upon them.

Mr. OWEN. Oh, no.

Mr. McCUMBER. To that extent it is inflation.

Mr. OWEN. The Senator is wrong. The Senator overlooks the fact that the gold certificates pass into the hands of the Federal reserve agent and are sequestered and taken out of circulation.

Mr. McCUMBER. Under the law which the Senator now proposes?

Mr. OWEN. Yes, sir.

Mr. McCUMBER. So that it will be a gold basis.

Mr. OWEN. Absolutely.

Mr. McCUMBER. And short-time notes only?

Mr. OWEN. Absolutely.

Mr. McCUMBER. That would answer the Senator's proposition, as I understand the Senator from Oklahoma.

Mr. KELLOGG. Mr. President——

Mr. OWEN. I yield to the Senator from Minnesota.

Mr. KELLOGG. It does not answer as to the gold certificate. The gold certificate, of course, takes the place of the gold, but under this proposed law the gold may be used as security for notes issued and for reserves under the banking act.

Mr. McCUMBER. I understand the Senator says it can be done.

Mr. KELLOGG. It can be done.

Mr. OWEN. I do not think the Senator from Minnesota followed me, though perhaps I did not state it clearly. Under the existing law the Federal reserve bank is required to have 40 per cent gold in its own vaults as reserve against every reserve note in actual circulation, and in addition 100 per cent of commercial bills. The effect of this amendment is to permit the Federal reserve bank to take from its vault gold and deposit it with the Federal reserve agent and get the reserve notes back. That is all.

Mr. KELLOGG. And it permits expansion to that extent over the present law.

Mr. OWEN. It is rather a substitution in actual circulation of the Federal reserve note for a gold certificate or for actual gold.

Mr. KELLOGG. But it does permit inflation over the present law of $250,000,000 or $360,000,000.

Mr. OWEN. It would have the effect of sequestering $250,000,000, I hope, of actual gold coin and putting in actual circulation a like amount of reserve notes. Gold certificates would serve the same purpose and substitute in lieu of that the like amount of Federal reserve notes.

Mr. McCUMBER. Just let me finish by making this suggestion to the Senator in the shape of a prophecy: Just so long as you can turn a note into the bank and receive a Federal reserve note in lieu thereof without the payment of any interest or any penalty for a given length of time, just so long will men take advantage of that opportunity to get money for nothing and loan it for something, and just so long there will be an inflation of the currency.

Mr. WEEKS. I hope the Senator from North Dakota appreciates the statement he has just made. He talks about turning into the Federal reserve bank a note on which he is paying interest, or some one is paying interest, and getting circulation against it. Now, he wants to tax the circulation; but a tax on circulation is a tax on business—an additional tax to what he would pay as interest on the note—and it would be an impediment to good business methods. No man is going to turn a

note into the bank and get circulation for it unless he actually needs circulation. The whole theory of this system is that the note will be paid and the circulation will automatically retire.

Mr. McCUMBER. If the Senator will allow me to answer that, if I have a note of $100 drawing 6 per cent interest, and I can turn that note into a bank and get $100 in cash and immediately loan that cash out at the same rate of interest, naturally that would be my loan business, and I would be making a very good profit. I would not consider that it would be a tax upon business if the Government refused to furnish money for me for nothing that I could loan out to somebody for 6 or 8 per cent.

Mr. HOLLIS. Will the Senator from Oklahoma permit me?

Mr. OWEN. I yield to the Senator from New Hampshire.

Mr. HOLLIS. I should like to suggest to the senior Senator from North Dakota that when a member bank rediscounts promissory notes with a Federal reserve bank, receiving Federal reserve notes therefor, the Federal reserve bank draws the interest on the note, and the bank that has rediscounted the note merely takes the currency and loans it again if it can. So it draws its interest then on the currency and the Federal reserve bank draws the interest on the note.

Mr. McCUMBER. Let me say to the Senator, even under that statement, if you turn in a note drawing 5 per cent interest or 4 per cent interest or this certificate money which bears less than that, and out in the country convert that in money which you may loan out at 10 per cent interest, you are ahead quite a little in the transaction.

Mr. HOLLIS. But you are only ahead the difference between what the discount rate is and what you are able to loan the money at—not the whole amount of the interest.

Mr. OWEN. There are some minor changes I would like to suggest myself, and I would be glad if attention would be given to them.

Mr. SHAFROTH. Before we go to that I should like to say to the Senator from North Dakota that there has been a large decrease in the amount of national bank notes retired under the provisions of the Federal reserve act. There are only $700,000,000 now in existence.

Mr. OWEN. It is the intention to retire all the national bank notes.

Mr. McCUMBER. I understand that.

Mr. OWEN. On page 3, in lines 7 and 8, I move to strike out the words "in accordance with such rules and regulations," and in line 2, after the words "Federal Reserve Board," to insert "under such rules and regulations as it may prescribe."

This amendment is made in order to indicate more clearly that the rules and regulations referred to apply to the application for stock in the Federal reserve banks and are not intended to give the board the right to make future regulations applicable solely to State member banks which might further curtail their power as member banks after they have entered the system.

That is an amendment suggested by the State banks.

The amendment to the amendment was agreed to.

Mr. OWEN. On page 5, in lines 4, 5, and 6, I move to strike out "in the same manner and at the same rate that national banks are assessed for such expenses."

The purpose of this amendment is to enable the Federal Reserve Board or the Federal reserve banks to make examinations of State member banks either separately or in conjunction with the examiners of the State or of the clearing houses, of which the State banks may be members, without making the full charge based on the amount of the assets or resources of the bank examined as is required in the case of national banks. It is intended solely to charge the State banks the actual cost of examination and no more.

The amendment to the amendment was agreed to.

Mr. OWEN. On page 5, line 23, I move to strike out the word "ten" and insert "twenty-five," so as to read:

That no Federal reserve bank shall, except under express authority of the Federal Reserve Board, cancel within the same calendar year more than 25 per cent of its capital stock for the purpose of effecting voluntary withdrawals during that year.

The amendment to the amendment was agreed to.

Mr. OWEN. On page 7, line 15, after the words "actually existing value," I move to insert the words "and the discount of commercial or business paper actually owned by the person negotiating the same."

This insertion is made solely for the purpose of making this definition of borrowed money analogous to that contained in section 5203 of the Revised Statutes relating to national banks.

The amendment to the amendment was agreed to.

Mr. OWEN. On page 11, line 2, after the word "acceptances," I move to strike out the word "rediscounted" and to insert in its place the word "acquired."

I should like to put in the RECORD an explanation of this proposed amendment.

When section 13 of the Federal reserve act was amended last September so as to authorize Federal reserve banks to make advances to their member banks for periods not exceeding 15 days on their promissory notes, secured by eligible commercial paper or bonds or notes of the United States, it was taken for granted that such member bank notes so secured would be eligible as collateral for Federal reserve notes. It is probable, however, that the word "rediscounted" in line 2, of page 11, is not sufficiently broad to include a member bank's note given to a Federal reserve bank for a direct advance as authorized by section 13. It is suggested, therefore, that the word "rediscounted" be changed to "acquired" so as to eliminate the possibility of any doubt on this question.

The amendment to the amendment was agreed to.

Mr. OWEN. The committee have no further amendments to offer, Mr. President.

Mr. GRONNA. I understood the junior Senator from Georgia [Mr. HARDWICK] had an amendment. I have a similar amendment, but I will let him offer his. I send to the desk the amendment offered by the junior Senator from Georgia. I wish to state to the chairman of the committee that this is practically the same amendment which I offered during the last session. It has reference to exchange. I trust the Senator from Oklahoma will not ask to have the bill disposed of until the Senator from Georgia can be heard.

Mr. VARDAMAN. Let it be read.

The VICE PRESIDENT. The amendment will be read.

The SECRETARY. On page 9, line 7, at the end of section 3, insert:

That the the first paragraph of section 13 be further amended by inserting at the end of section 3 of S. 1976 an additional proviso, as follows:

"*Provided further*, That nothing in this or any other section of this act shall be construed as prohibiting a member or nonmember bank from making reasonable charges, in no case to exceed 10 cents per $100 or fraction thereof, based on the total of checks and drafts presented at any one time, for collection or payment of checks and drafts and remission therefor, by exchange or otherwise."

Mr. HARDWICK. Mr. President, I thank the Senator from North Dakota for his courtesy. The amendment I will propose now, if I may be permitted to do so.

The VICE PRESIDENT. The question is on the amendment submitted by the junior Senator from Georgia to the amendment.

Mr. HARDWICK. Before we proceed to discuss the amendment I desire a quorum of the Senate present. I am going to ask for a vote as soon as we can get it, and I want Senators to hear the reasons why the amendment is offered. I make the point of no quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gerry	McCumber	Sheppard
Bankhead	Gronna	McKellar	Simmons
Borah	Harding	McLean	Smith, Ariz.
Brady	Hardwick	Nelson	Smith, Md.
Brandegee	Hollis	Overman	Smith, Mich.
Calder	Husting	Owen	Thomas
Chamberlain	Johnson, Cal.	Page	Thompson
Culberson	Jones, N. Mex.	Phelan	Townsend
Cummins	Kellogg	Pittman	Vardaman
Curtis	Kirby	Poindexter	Weeks
Fernald	La Follette	Pomerene	Williams
France	Lewis	Shafroth	

Mr. SHEPPARD. I have been requested to announce that the Senator from Utah [Mr. KING] is necessarily absent on official business.

Mr. THOMPSON. I have been directed to announce that the Senator from Louisiana [Mr. RANSDELL] is unavoidably detained from the Senate.

Mr. CURTIS. I desire to announce that the Senator from Washington [Mr. JONES] is absent from the Senate on official business.

Mr. LEWIS. Permit me to announce the absence of the Senator from Oklahoma [Mr. GORE], the Senator from Georgia [Mr. SMITH], the Senator from New York [Mr. WADSWORTH], the Senator from Iowa [Mr. KENYON], the Senator from Wyoming [Mr. KENDRICK], and the Senator from Nebraska [Mr. NORRIS], who are engaged on official business in the Committee on Agriculture and Forestry.

Mr. KIRBY. I desire to announce the absence of my colleague [Mr. ROBINSON] on official business.

The VICE PRESIDENT. Forty-seven Senators have answered to the roll call. There is not a quorum present. The Secretary will call the roll of absentees.

The Secretary called the names of absent Senators, and Mr. HALE, Mr. KENYON, Mr. SHIELDS, and Mr. STERLING answered to their names when called.

The VICE PRESIDENT. Fifty-one Senators have answered to the roll call. There is a quorum present.

Mr. HARDWICK. Mr. President, I am sorry to have called Senators who were busy from their various tasks outside of the Senate, but the object in doing so was to bring the attention of Senators who were absent not to a speech but to an amendment of some importance, which I desire to present briefly, giving, as briefly, as succinctly, and as compactly as possible, the reasons for the amendment. I propose to amend the bill by adding, on page 9, at the end of line 7, the following:

Provided further, That the first paragraph of section 13 be amended by inserting an additional proviso, as follows:

"*Provided further*, That nothing in this or any other section of this act shall be construed as prohibiting a member or nonmember bank from making reasonable charges, in no case to exceed 10 cents per $100 or fraction thereof, based on the total of checks and drafts presented at any one time, for collection or payment of checks and drafts and remission therefor by exchange or otherwise."

Mr. President, the amendment I have suggested is a proposition of the American Bankers' Association. I present it at their request, because my judgment approves it and because my experience tells me that there is no other way in which we can more materially strengthen the Federal banking system and to make it extend and ramify throughout this country.

The proposition, as Senators can see, is one to allow these banks to charge a very small exchange on the checks and drafts which they collect. I have some arguments which I wish to present, compiled by the committee of 25 who were appointed by the American Bankers' Association, in advocacy of this proposition. I desire to present them to the Senate, and I believe they will be persuasive.

First. This amendment, if adopted, will be the means of bringing hundreds of State banks and trust companies into the Federal Reserve System.

On that point I want to say that to my certain knowledge and in my own experience, for I live in one of the smaller towns of a great agricultural State, the smaller banks are not very willing to embrace this system, and even when they do embrace it they are not very anxious or even willing to remain in it unless they are allowed some exchange charges for collection. Their capital, Mr. President, is small; their overhead charges are large, relatively speaking. They have always to some extent relied on deriving some revenue from this source.

In the town in which I live, of possibly 3,000 population—a rich town of its size, surrounded by a very rich and prosperous agricultural community—there are something like four or five banks—small ones, most of them—and two of those banks are national banks. Within the last few days one of those banks—I think largely on account of this matter—has withdrawn from the system, and the president of the other told me during my recent visit home that he, too, would have to withdraw unless something of this sort were done. So much for that.

Second. This amendment would sweep aside the bitter antagonism that is entertained by more than 50 per cent of the banks and trust companies of America, because of the methods of coercion that have been used in the effort to force small banks to enter the collection system and to render a substantial service entailing labor, risk, and expense without the right of any compensation whatsoever. One of such methods is that of sending checks through the express companies for collection. It is not unusual for a country bank, carrying in its vaults in actual cash not to exceed $6,000, to receive for payment by remittance through the mail in a single day checks aggregating $10,000. It is customary to pay these checks by draft upon a balance in some central city, created there through direct credit arrangements, discounting of bills, shifting of credit or accumulation of available exchange, all of which is done at an expense to the small bank. The Federal reserve bank of New York, aware of these facts, inaugurated on April 2, 1917, the scheme of sending through the express companies for collection checks upon all State banks and trust companies in the State of New York who would not agree to the arbitrary demand that they remit to the Federal reserve bank at par regardless of the expense and labor that might be imposed upon such State banks and trust companies. The power of this club is because of the injuries and dangers that are possible to the small banks against which it is being wielded. It is designed to injure these small institutions and has in it the possibilities of even causing them to close their doors. Where is there a bank that can receive deposits day in and day out, 90 per cent of which are made up of checks and like credits, and at the same time pay all demands in lawful money? It can ont be done. The Federal reserve banks hold that in presenting checks through the express companies they are admitting that checks are payable at the counters of banks upon which drawn, but the people who draw the checks and send them to distant points do not want the funds paid over the counters. If the funds were paid over the counter, the drawers would need find some agency to transport the funds to the distant points where their debts are to be paid. What the people want is to have their indebtedness at the distant points liquidated. In furnishing the facilities for liquidating such indebtedness represented by checks banks are rendering a valuable service involving labor and expense, and for which they should receive pay.

Third. The amendment will open the way to friendly cooperation among banks that is so essential at this time in order to marshal the resources of not only the Federal reserve banks and their members, but the nonmember banks, trust companies, and individuals throughout the land as well, so as to make them available for the protection of the commerce, industry, and the credit of America during the crisis she is now facing.

Fourth. The purchase and sale of exchange is a legitimate function of banking, and when the resources of banks are used in an indirect way to perform the service usually performed through the purchase or creation and sale of exchange, the banks are entitled, under all laws of fairness and equity, to receive compensation therefor. The right to demand and receive pay for his labor is guaranteed to every citizen by the Constitution of the United States.

Fifth. The debtor and creditor are the parties benefited through an exchange transaction; that is, the buyer and seller are the principal beneficiaries from a transaction involving the sale of goods. The sale creates a debt, for which a check is given. The expense of liquidating the debt through the means of the check or otherwise is a matter resting between the buyer and seller and should be borne by the buyer or seller as they may agree between themselves. It should not be shifted to a third party, either by law or by ruling. The Federal reserve collection plan by its operations shifts the expense to the small bank.

Sixth. There is no means of creating without expense credit balances through which to liquidate checks, and there never will be any such means so long as time and distance remain.

Seventh. The public should be given the best possible service at the least possible expense. Exchange should be regulated but not eliminated. As a matter of right and principle, a bank's right to charge the beneficiaries an amount to make good the service and expense should not be denied.

Mr. KIRBY. Mr. President——

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Arkansas?

Mr. HARDWICK. I yield to the Senator.

Mr. KIRBY. I should like to ask the Senator this question: A man has his deposit in a bank which pays him no interest whatever on it; it gets his money and hands it back to him when he wants it. Why should not that bank hand out the money in payment of his check at any time or anywhere without any expense to him? The bank has the benefit of his money all the time; and why is it not for his benefit that his check should be paid without expense and be paid anywhere in the world when he wants it paid? Ought not the bank be required to do that much by reason of having the use of the depositor's money?

Mr. HARDWICK. Of course, the Senator has raised a question that is entirely argumentative. That is one view of the matter. There is an answer which suggests itself to my mind that I will give to the Senator. It seems to me that the man who draws the check does not pay the exchange. The expense is usually borne by the other man, the man who gets the check. So I do not think the Senator's question fits what happens. In other words, if the man who drew the check had to pay the exchange, I think that perhaps what the Senator suggests might be true.

Mr. SHAFROTH. Mr. President, does not the Senator recognize also that of the checks that are received by a bank nine-tenths, or even more than that, are simply transfers of credit upon the depositor's own account?

Mr. HARDWICK. Sometimes; not always.

Mr. SHAFROTH. Now, is it not a fact that when you send to a bank checks to be credited to your own account there is no transfer of cash, except perhaps in one case out of ten? Is not that an element?

Mr. HARDWICK. Of course, if you send a check on another community it might be different, although they do not ordinarily charge in such case. If you have a general account they do not charge you exchange.

Mr. SHAFROTH. As a matter of fact, they get the benefit also of the four or five days that are consumed in the transmission of it from the one and the return of the check to the bank on which it is drawn; and it seems to me that is more compensation than the one-tenth of 1 per cent.

Mr. PAGE. Mr. President, will the Senator yield?

Mr. HARDWICK. If the Senator will allow me, I should like to finish reading this brief, and then I shall be glad to

yield to him or to any other Senator. I can not very well answer such questions as that while my mind is on the argument presented by this bankers' committee. I will undertake to answer any question I can when I finish the brief of this committee, although I admit I am not an expert on this question.

Eighth. There are 750,000,000 so-called country checks circulated annually. These aggregate $30,000,000,000. The exchange charge thereon, including handling cost, averaged during the year prior to the inauguration of the Federal reserve collection plan $1 per $1,000, or $30,000,000.

Ninth. The operations of the free collection system is not essential to the accomplishment of the fundamental purposes contemplated by the Federal reserve act. In the present form it is a serious hindrance to development of the more important features of the Federal Reserve System.

Tenth. The Federal reserve banks, by fixing a service charge ranging from 1 to 1½ cents per check to cover the cost of handling within their own offices, have recognized the fact that there is considerable expense involved. There are at least two other banks engaged in the liquidation of every check. Then if the cost of physical handling within the one institution, which is presumed to have the most modern equipment, efficient and up-to-date methods, is from 1 to 1½ cents per check, it is but fair to assume there is a like expense within each of the other two banks through which the checks pass. The Federal reserve banks may become a means of reducing the expense, but they can not eliminate time and distance. So long as those factors remain there will be considerable expense attached to liquidating checks and drafts.

Eleventh. Gov. Harding, of the Federal Reserve Board, said, in a public address some months ago, "Section 16 shrinks into insignificance as compared to the underlying principles of the Federal reserve act."

Vice Gov. Warburg, of the Federal Reserve Board, in a recent address, indicated that checks are not a circulating currency because they are driven back home by law and custom over the most expeditious route.

Twelfth. Some of the Federal reserve banks pay express companies $2 per thousand dollars for collecting checks and drafts, but decline to pay a bank for a like service on the ground that the law and rulings of the Federal Reserve Board will not permit them to pay a bank for such service. Is a law fair that may be so interpreted? Why is not a bank entitled to consideration equally as favorable as that given to express companies? The charges made by the express companies are approved by a governmental body, namely, the Interstate Commerce Commission.

Thirteenth. The Federal reserve collection system is now handling less than 10 per cent of the total of the so-called country checks. The par lists of the Federal reserve banks according to the report of the Federal Reserve Board showed a net loss of 79 banks during the month ending March 15, 1917. Also indicated a net loss of 44 State banks and trust companies from the lists during the month prior—banks generally seek the most satisfactory channels through which to collect checks and drafts. Those interested in favoring the development of the Federal reserve collection system have proclaimed it a success, giving as argument the idea that more than 8,000 nonmember banks are in the system of their own volition and are happy because of its operations. To verify the accuracy of this position a letter was addressed to five banks in each State whose names appear upon the par lists of the Federal reserve banks; these letters brought immediate responses from 156 banks. Of this number 81 reported that they had no option in the matter. Their items were being presented through some member national bank, through the express companies or some other agent. Seventy-five only report that their items were being sent direct to them by the Federal reserve banks, and, of that number, 36 said that they had been coerced into making the arrangements and were strong in their denunciation of the plan. Seventeen stated they had remitted at par before the Federal reserve plan was inaugurated, and it therefore made no difference in their arrangements; 22 banks out of the 156 went into the plan voluntarily and were satisfied with its operations. In other words, a possible 2,000 banks out of the 8,000 nonmembers whose names appear upon the par lists of the Federal reserve banks are in sympathy with the present plan.

Fourteenth. Replies to a questionnaire sent to every bank in America indicated that 76.6 per cent of the banks are opposed to the present Federal reserve collection plan, and at the same time these banks made offer of their earnest cooperation in the development of a plan: (a) Based upon fairness and equity; (b) which would free them from unwarranted and unnecessary burdens; and (c) which would give the public the most efficient service upon the most economical lines.

Fifteenth. Before the inauguration of the present plan banks were not restricted in the matter of exchange charges, yet only 15 per cent of the total number of banks in America charged above 10 cents per hundred dollars. If this amendment is passed exorbitant charges will be eliminated, exchange will range from par to 10 cents per hundred dollars and will be governed as it should be by the flow of business to and from the different sections of the country and the other natural elements.

Sixteenth. Merchants, jobbers, manufacturers, and other business people do not want to transact business without profit. Banks should at least be permitted to cover their expense in rendering service to the public.

Seventeenth. Adequate and proper laws are essential, they must be just and fair in order to get the whole-hearted cooperation that is necessary to strengthen the banking system to a degree that will enable it to meet the unusual conditions that are certain to arise. By close cooperation of all the banks America will be enabled to maintain the enviable position that she has acquired among the financial powers of the world.

Mr. President, that, in substance, is the brief submitted by the committee of 25 of the American Bankers' Association.

I want to say in a general way, as briefly as possible, that this question has been, as I was informed, thoroughly thrashed out before the American Bankers' Association, an association made up of big banks and little banks, city banks and country banks, and there the amendment that I have offered was the compromise plan that practically all of them agreed upon, if my information is correct, and a committee of 25 were appointed to draft the proposition. They drafted the amendment that I have offered. The secretary of the association brought it to me knowing that I was in sympathy with this proposition, because of my knowledge of the situation in the rural sections of our own part of the country; and I offered it. These are the arguments—the brief, you might say—that he presented to me in support of the plan.

Mr. McKELLAR. Mr. President——

Mr. HARDWICK. I yield to the Senator from Tennessee.

Mr. McKELLAR. I notice that the Senator, in his amendment, provides for a collection fee of not exceeding 10 cents on the hundred dollars.

Mr. HARDWICK. Yes, sir.

Mr. McKELLAR. Are not the cost of collecting a large check and the cost of collecting a small check precisely the same? Why fix it upon the basis of the size of the check? Would it not be better to have a reasonable charge fixed for each check?

Mr. HARDWICK. I am compelled to confess to the Senator from Tennessee that I am not a banking expert.

Mr. McKELLAR. Well, I am not, either.

Mr. HARDWICK. Most of my operations in the banking business have been on the opposite side of the counter from the expert; but I think this, if the Senator pleases: There always has to be some yardstick, some standard. This service is charged for, for two reasons: First, the bank renders some service, performs some labor, and is put to some expense because of the service to the parties that are transferring money. Naturally, you are serving a man more if you transfer $10,000 for him than you are if you transfer 10 cents for him; so that everywhere, in every civilized country, exchange has always been based to some extent, if not entirely, on the amount involved. That is my information, in a general way.

Mr. McKELLAR. As I understand, it is a different thing where you buy exchange.

Mr. HARDWICK. Well, I mean exchange charges. It has always been true. It was true under the old national banking law. It is true under every State banking law. It is true as far as there is a system of charging exchange on collections to-day in this country. It is based on the amount of money involved in each transaction. Now, the 10 cents a hundred is, I think, considerably smaller than it was before this change was made by the Federal Reserve Board. It used to be 25 cents, some Senator upon this side says.

Mr. McKELLAR. It has been reduced.

Mr. HARDWICK. These bankers, the city bankers and the country bankers, have thrashed it all out. I think some of the city bankers prefer this plan of the Federal Reserve Board.

Mr. POMERENE. Mr. President——

Mr. HARDWICK. I yield to the Senator from Ohio.

Mr. POMERENE. The Senator has just stated that this was a report or an argument presented by a committee of the American Bankers' Association.

Mr. HARDWICK. Yes, sir.

Mr. POMERENE. At the beginning of the Senator's statement, if I understood him correctly, he stated that it was the argument presented by a committee of national bankers. Was that correct?

Mr. HARDWICK. Well, the American Bankers' Association is what I meant. I do not know to what extent their membership is made up of national bankers or outside bankers.

Mr. POMERENE. I want it understood whether this is the view taken by the national banks alone, or whether this committee represents all the bankers of the country.

Mr. HARDWICK. I think it represents the entire banking interests of the country. I think any banker, whether he is a State banker or a Federal banker, or owns and operates a trust company, is eligible for membership in this bankers' association. Anyhow, at the last annual meeting of that great body this question was taken up and thrashed out, and a committee of 25 was finally appointed to solve it; and they finally solved it as far as they could solve it, as far as their own collective judgment went, by saying that this compromise was the best thing.

Mr. McKELLAR. Mr. President, will the Senator yield to me again?

Mr. HARDWICK. Yes.

Mr. McKELLAR. I am in sympathy with what the Senator is saying, but I should like to ask him if he does not think it would be well to prescribe a limit. For instance, if the check was quite large, the collection charge on this basis would be a considerable amount. Ought there not to be a limit upon the cost of collecting any check?

Mr. HARDWICK. I would not object to that—say, a limit of $20, or something like that; whatever the Senator thinks. If they handle a $10,000 check, they ought to have more than if they handle a $10 check.

Mr. McKELLAR. I should think that while that may be true, there ought to be some limit upon the amount of the charge.

Mr. HARDWICK. If the Senator pleases, while I do not think it is best to have such an amendment, on the whole, I would not resist it. This thing has been worked out by the experts in this business. I do not know the details of the matter. They have appointed a committee, which has worked for months on this subject, and they say this is the correct solution of it. Now, if we are going to do it at all, I reckon we had better do it in a businesslike way and not make any mistakes. I think, without a doubt, we ought to do it; and I think we ought to do it in the interest of the Federal Reserve Banking System itself.

Mr. POMERENE. Mr. President——

Mr. HARDWICK. I yield to the Senator from Ohio.

Mr. POMERENE. The Senator fixes a maximum limit of 10 cents per hundred as the authorized charge; and he also stated awhile ago that that was considerably less than the usual charge.

Mr. HARDWICK. Yes, sir.

Mr. POMERENE. Can the Senator state what has been the average charge for the collection of checks?

Mr. HARDWICK. I must say that I can not, of my own knowledge. Some Senator in this neighborhood said 25 cents a hundred.

Mr. PAGE. Mr. President——

Mr. POMERENE. I know that it has varied very materially in different sections of the country.

Mr. HARDWICK. Yes; it varies very much, I know.

Mr. POMERENE. And I think the charge in the Southern States has been very much larger.

Mr. HARDWICK. In the South and the West the charges have been heavier than they are in New England or in the East.

Mr. POMERENE. I think that is correct.

Mr. VARDAMAN. Mr. President, if the Senator will permit me, I think it is about 25 cents on the hundred dollars.

Mr. HARDWICK. In the South, I think, maybe that is about right.

Mr. VARDAMAN. That is the custom down in the neck of the moral vineyard from which I come.

Mr. PAGE. Mr. President——

Mr. HARDWICK. I yield to the Senator from Vermont. I ought to have yielded to him before.

Mr. PAGE. I know that in the East, and, I believe, in the more densely populated centers of the South and the West, there is no such charge as one-fourth of 1 per cent. The charge made by the eastern bankers, as a rule, is one-tenth of 1 per cent on the ordinary transactions; but on sums of several thousand dollars the charge is usually about one-twentieth of 1 per cent.

Mr. HARDWICK. Well, 10 cents on the hundred is one-tenth of 1 per cent.

Mr. PAGE. Certainly.

Mr. HARDWICK. In other words, this figure is about the charge in the East and in the larger cities elsewhere.

Mr. PAGE. That is about right for the great bulk of the business done. Now, the Senator from Tennessee [Mr. McKELLAR] asked why the charges should not be uniform. He will bear in mind that every bank that has a large number of small checks to handle has to keep a force of clerks to do that work. A check of $5 takes the same time and the same bookkeeping as the one of $5,000.

Mr. McKELLAR. I quite agree with the Senator on that. The only question was, What would be a reasonable amount to charge for the service rendered in collecting the check? And it seems to me that it would be practically the same in the case of a large check as it would with a small one.

Mr. PAGE. The facts are that, if the check is very large, it frequently happens that the actual currency must be sent from the home bank to the central bank upon which the check is drawn, and the cost of that transmission of currency may be a dollar per thousand. From many States it is usually not less than $1, and in many remote sections a dollar and a half or two dollars a thousand. This expense must always be incurred wherever the balances one way or the other are large enough so that the transmission of currency either one way or the other is essential.

The point about this whole matter is this—that the little banks scattered through the country have got to have something out of which to pay these expenses.

Mr. HARDWICK. Exactly.

Mr. PAGE. You can not establish a little bank in a little town and pay the stockholders a fair remuneration if you can not get something for velvet—something for profit somewhere. The ordinary bank in a country village starts with a capital of fifty or a hundred thousand dollars, and the expenses of running that bank are 1 to 2 and sometimes 3 per cent on the capital stock. The bank that does this collection business has got to carry a good-sized balance in some central or city bank. I think the ordinary bank in the country which has $100,000 capital will carry nearly or quite $10,000 as a city balance, and oftentimes much more. On this balance the bank gets only 2 or 2½ per cent. If it is with a trust company, the bank may get 3 per cent; but the average national bank usually carries its account with another national bank on which is paid 2 to 2½ per cent. Some banks will not pay anything on balances but, as a rule, they now pay 2 to 2½ per cent.

Mr. HARDWICK. If the Senator will pardon me a minute, I want to say just one or two more sentences; and then I should like to have the Senator from Vermont take the floor in his own right, because I am anxious to hear him on this proposition.

Mr. PAGE. I beg the Senator's pardon for taking so much time.

Mr. HARDWICK. I do not want to keep the floor. I want the Senator to take it.

Mr. President, I am about to yield the floor to the Senator from Vermont or any other Senator who cares to take it; but I want to say that it seems to me that if your national banking system is to be strong, virile, powerful, and able to meet all the demands that the country may put upon it, especially in times like these, it must not stop at the great cities; it must not end with the populous centers of trade and commerce; but it must reach out into the rural sections and into the small towns and into the great agricultural, mining, and producing communities of this Republic, everywhere where the people are toiling and producing and making money; and the banks of this country ought to be unified if it is possible to accomplish it. I think this is too small and too trifling a matter about which to run the risk of keeping thousands of the country banks out of this system, or of driving out many more of them in these small towns out of the system, if they happen to be in it already.

The VICE PRESIDENT. The morning hour having expired, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 2) to punish acts of interference with the foreign relations, the neutrality, and the foreign commerce of the United States, to punish espionage, and better to enforce the criminal laws of the United States, and for other purposes.

Mr. OWEN. Mr. President, I should like to ask the Senator from North Carolina if he will not consent to lay this bill aside temporarily until we dispose of the Federal reserve bill?

Mr. OVERMAN. How long will that bill take?

Mr. OWEN. I should say it will take only 30 minutes.

Mr. OVERMAN. Is this amendment the only question involved?

Mr. OWEN. This is the only question that is left, so far as I know.

Mr. HARDWICK. So far as I know, it is. I have said nearly all I want to say about it.

Mr. OVERMAN. Well, Mr. President, I ask that the unfinished business may be temporarily laid aside.

The VICE PRESIDENT. Is there any objection to laying aside the unfinished business for 30 minutes and proceeding with the consideration of the Federal reserve bill?

Mr. GRONNA. I shall object to any specific time. I shall not object to laying the unfinished business aside.

Mr. OVERMAN. I did not mention any specific time.

Mr. SHAFROTH. The Senator from North Carolina did not limit the time.

Mr. OVERMAN. I will agree that the unfinished business shall be laid temporarily aside, and if the pending bill takes more than an hour I shall call it up.

Mr. HARDWICK. Mr. President, so that other Senators may have time, I will now conclude. I do think that while the argument is made that this is a mere transfer of the bank balances, and no actual expense is involved, and that contention will be made on this floor, if we want to make this a great national system, strong and powerful, and let it reach out in the country to the small banks that have not large capital and must meet their overhead charges, we had better be a little liberal and had better let this compromise on this question be made. I hope the amendment I have offered may prevail.

Mr. PAGE. Mr. President, I wish to say very briefly that, as a member of the Committee on Banking and Currency, I have tried to see in this new banking system a benefit to the banks of the country at large. It is a system which the State banks ought to consider in a very broad-gauged way, for I believe that in case of a panic they are going to receive indirectly large benefits from the system, even though they do not belong to it, and so believing I have tried to look favorably upon its provisions.

But when the bill was before our committee I took pains to write to every one of our State banks in Vermont, placing it before them in a favorable light and asking if they could not utilize the proposals of the Federal Reserve Board, which, it seemed to me, had been made with the idea of being generous to State banks. I said to them that the only cost of collecting their checks under this proposed bill was a small deposit of money to cover the loss of interest while the checks were in transit in the process of collection. Nearly every one of them has replied, and the great majority of them have said that they were already receiving better terms through their correspondent banks in New York and Boston. The banks in New York and Boston no doubt avail themselves of the advantages that they have by reason of being members of the Federal Reserve System, but be that as it may, the country banks who carry fair balances with their New York and Boston correspondent banks get all the advantages offered them by the Federal reserve banks, and in addition get from 2 to 2½ per cent interest on their deposits, while in the Federal reserve banks they receive nothing on their deposits.

I wish it were possible to have this system broadened so that it would take in every State bank. The State banks in case of a panic are going to benefit from it, although in an experience dating back to 1874, and I have been in banking all that time, I have never seen the time when a country bank carrying a fair balance with its city correspondent bank has not been taken care of through every panic. In the panics of 1893 and 1907 there were times when we could not get actual currency without paying a little premium for it, but as far as all practical business purposes were concerned, our city correspondent banks took care of all our requirements, and to-day our correspondent city banks say to us, "Stay with us and you need have no fear but that you will be taken care of in the future as you have been in the past."

This being the case, some inducement must be held out to the State banks or they are not going to voluntarily embrace this Federal system, as I had hoped they might, for the general prosperity of the country, it seems to me, would be subserved if we could induce the State banks to enter the Federal Reserve System.

Mr. VARDAMAN. Mr. President, this question has been discussed at considerable length among the people of Mississippi. I have a great many letters and telegrams regarding it. I realize the force of the suggestion made by the interrogatory of the Senator from Arkansas [Mr. KIRBY] to the Senator from Georgia [Mr. HARDWICK].

My support of this amendment is not entirely in the interest of the banks. I realize that while the banks are institutions established in the interests of the stockholders, they are conducted to make the largest possible dividends upon the investment. There is nothing altruistic, in other words, in the enterprise, and we all are bound to admit that it is a very convenient plan to have in a community a great many of the small banks that are organized by small contributions from merchants, doctors, lawyers, and farmers of the community for the convenience of the community. I do not think it is prudent to enact laws which will prevent those enterprises from being profitable. None of them make a very large dividend or interest on the investment.

I had a letter a day or two ago in which the cashier of a bank wrote me that the profits of his little bank were in the exchange; that the interest on the loans just about paid the clerical force.

Mr. WEEKS. I ask the Senator if that letter was from Mount Holly? Is there such a town in Mississippi?

Mr. VARDAMAN. I do not know of it. There is a Holly Springs, but I have no recollection of any letter from a banker at Holly Springs. However, I have a number of letters from every portion of the State, and I really think it is in the interest of the mass of the people to give the banks this very limited income which would be derived from charging exchange.

For that reason I shall vote for the amendment offered by the Senator from Georgia.

Mr. OWEN. Mr. President, this matter has been considered by the House committee and by the Senate committee and by the Federal Reserve Board, and they all have determined against it as inexpedient for the system. I wish to remind the Senate that when the Federal reserve act was first drawn the question was at that time discussed most fully and completely, and this provision was put in the Federal reserve act:

> Every Federal *reserve bank* shall receive on deposit *at par* from member banks or from Federal reserve banks checks and drafts drawn upon any of its depositors, and when remitted by a Federal reserve bank, checks and drafts drawn by any depositor in any other Federal reserve bank or member bank upon funds to the credit of said depositor in said reserve bank or member bank.

In other words, those who remitted to the Federal reserve bank a bunch of checks got immediate credit for that against the other member banks of the system. There is an average of somewhere about 600 banks to each of the Federal reserve banks. We will say that there are 300 banks on this side having a lot of checks sent in and 300 banks on the other side having a lot of checks sent in. They all come to a common table, and every member bank sending in these checks gets credit at par. It is only fair that the member banks upon whom these checks are drawn should be debited at par. That wipes out the transaction. It is a mere matter of bookkeeping. It costs something less than a cent apiece for these checks to make the entries. It does not do any harm whatever to the member bank. The member bank gets credit for everything it sends to the reserve bank.

The trouble is that under the old system the member banks were induced to send their checks to banks in reserve cities and the reserve cities would give them immediate credit for the checks sent in, and then would act as a collecting agency. It would send out all over the country and collect the checks at considerable expense, and then when it came to remitting the amount on the checks some of the banks at that time would charge for the remittance. But we considered the question of a bank selling exchange or rendering service to anybody by this language put into the original Federal reserve act:

> Nothing herein contained shall be construed as *prohibiting a member bank from charging its actual expense incurred* in collecting and remitting funds, or *for exchange sold to its patrons.*

Mr. CURTIS. Is it intended to include the expense of clerk hire? I understand that some of these banks handle many thousands of checks, and it must necessarily, as stated by the Senator from Vermont [Mr. PAGE], amount to keeping a record of them, and that requires a clerical force.

Mr. OWEN. Of course they enter on their own books the checks drawn on their own bank. When a Federal reserve bank sends a bunch of checks back there they debit the individual who has an account with them and make an entry. That gives an account of their deposits; that is, when the checks are sent in. They would do that under any system.

Mr. CURTIS. I understand that in many cases it has been the practice of the banks not to charge for collections for regular customers.

Mr. OWEN. There is a considerable variety of ways in which they deal with them.

Mr. CURTIS. If they take checks from people who are not their customers, why should they not be permitted to charge?

Mr. OWEN. They have a perfect right to do it, and they can do it under the Federal reserve act.

Mr. CURTIS. Under the Federal reserve act I understand they can only charge the actual expense, which would be, according to the statement of the Senator from Vermont a minute ago, the postage.

Mr. OWEN. No; if you send a check to a member bank and ask them to give New York exchange, they may charge you whatever is right.

Mr. HARDWICK. If the Senator will yield, that is true about central exchange, using that term, of banks, but it is not true about the ordinary checks that are sent. That language does not cover them.

Mr. OWEN. Checks for collection?

Mr. HARDWICK. Exactly, checks for collection; but the language does not authorize them to do that. It has been so construed by the Federal Reserve Board.

Mr. OWEN. The only provision in the old act is just that which I read.

Mr. HARDWICK. But I am trying to get a construction of it, so that there can be no possible dispute between the Senator and myself. The practice and method is to exchange these checks, and exchange under that language is not allowed.

Mr. OWEN. The purpose of the act was to collect the checks at par which went through the Federal reserve bank.

Mr. HARDWICK. Exactly, and——

Mr. OWEN. That was intended as a means of serving the depositors after having deposited with a member bank, so that the check would be worth its face value in paying his bills.

Mr. HARDWICK. But, Mr. President——

Mr. OWEN. Just a minute, please. When I send my check to New York to pay my bills where I owe a thousand dollars I ought to have my check pay that thousand dollars. The suggestion has been made that you can put it on the man who receives the check, who is willing to take something less in order to get the bill paid. I do not want to pay my bills in that way. The American people do not want to pay their bills in that way. They want to pay dollar for dollar what they owe.

Mr. PAGE. Will the Senator allow me?

Mr. OWEN. Certainly.

Mr. PAGE. Is it not true that the country banks believe this new proposal will have the effect of largely transferring the burden of collections from the shoulders of the city to the little country banks? Under the old system the large city houses like Marshall Field & Co., who take a thousand and one checks every day, have been obliged to pay, either by way of deposits with their bankers or otherwise, a very small fraction of 1 per cent for collecting those checks. We are now proposing to transfer that burden from the city merchant, who can afford to pay it, to the little country bank, which can not.

Mr. OWEN. I will say in answer to the suggestion of the Senator that I do not blame the country banks for wanting to levy upon the checks which pass through their hands a tax on the proposal of transferring credits, but by the Federal Reserve System we have provided a plan which does not cost them anything.

Mr. PAGE. I wish to suggest to the Senator from Oklahoma that it does indirectly cost them something, because the little country bank which makes a few hundred dollars a year out of these collections is under your proposal obliged to forego this little source of revenue.

Mr. OWEN. The bank can, if it pleases, send its check to the correspondent in the city and not send it to the reserve bank. They do not have to send it to the reserve bank, but if they do send it to the reserve bank this system has been based upon parring the check so that the credit and debit are given at the table by the Federal reserve bank. In that way there is the least possible cost, only requiring book entry, in disposing of the matter.

Mr. PAGE. Technically what the Senator says is true, but, on the other hand, and we can not argue around the fact, it in effect transfers a burden which has been heretofore borne by Marshall Field & Co. and other large city concerns, who can afford to pay, to the little banks in the country, which ought not to be called upon to forego this little stipend which they so richly earn. You deprive them of a legitimate fee, which they must have if small country banks are to live.

Mr. OWEN. In so far as checks of business men of the country pass through the reserve bank they are parred, but if the bank wants to change the Federal reserve act and prevent the remitting of checks in this country and go back to the old system of levying tribute that is not merited and where service is not rendered, then it will have to be done by repealing that provision in the reserve act and amending it as proposed by the American bankers' amendment. I do not blame them for desiring to tax the business of the country in that way, but when they do not render service they have no right to tax the business of the country. The business men of this country are entitled to have their checks parred at the face value. When I send my check, whether it be $10 or $10,000, to pay my bills I am entitled to my full credit for it; I am entitled to have every dollar of it paid and not have a dollar cut off of it for the accommodation of a bank that rendered no service.

Mr. PAGE. The banks, the Senator says, render no service. I insist that they do render a most valuable service, for they give to rural communities banking accommodations which are almost indispensable, and without these collections many of them would find it difficult to do business. I insist, Mr. President, that this collection fee is a strictly legitimate charge of which the country banker should not be deprived.

Mr. OWEN. I have been director in a national bank for 27 years. I organized one and I was president for 10 years. I have controlled its policy during that time. I talked this matter over with my directors, and they were perfectly satisfied to give up any such advantages as that because of the compensatory advantages in which the depositors were given an additional advantage, the depositor having his confidence strengthened in the system. It led immediately to the expansion of the deposits, it enlarged the amount of money the banks received, and the banks, because of that, have had a compensatory advantage far more than any such little item as this is concerned.

Mr. PAGE. The Senator speaks of compensatory advantages. I believe that 97 per cent of the country banks—and I do not know but 99 per cent of them—do not believe there are compensatory advantages sufficient to warrant entering the system.

Mr. OWEN. They have already gotten the advantage of the system even where they are not members, and having gotten the advantages, they naturally like not to pay the price even as to this trivial matter of letting the checks be parred.

Mr. PAGE. The Senator says this does not apply to the banks of the country as a whole. I think he is wrong. I believe the State banks will not go into the system, and many of the national banks would not be in it except that they have been forced into it by the Federal reserve law.

Mr. OWEN. I know there is a very lively propaganda being carried on by a particular section of the American Bankers' Association, and they have deluged Senators with letters and telegrams saying that they are just about to expire. They will not expire; they are all right; they are doing splendidly; they are earning big interest on their capital, on the whole.

The national banks are earning approximately 10 per cent on their capital and surplus every year.

Mr. PAGE. I should like to ask the Senator one further question. Does he not know that the small country banks generally feel that they have been wronged by being deprived of this legitimate collection fee?

Mr. OWEN. The little banks in the country and the big banks of the country are influenced by their own self-interest, and I am not quarreling with them about it. I only say they ought not to fix the policy of the people of the United States nor be allowed to tax the business of this country unfairly.

Mr. HARDWICK. Mr. President——

Mr. OWEN. I yield to the Senator.

Mr. HARDWICK. The Senator then concedes that at present these checks are parred by the Federal Reserve Board?

Mr. OWEN. In so far as they pass through the Federal Reserve Board.

Mr. HARDWICK. I do not mean any other checks except those checks, of course. But that is done regardless of the question whether there is any expense in handling them in the small banks.

Mr. OWEN. There is no instance.

Mr. HARDWICK. I do not concede that by any manner of means. That is a matter of controversy.

Mr. OWEN. I am only expressing my opinion.

Mr. HARDWICK. It is the Senator's judgment, but we contend that it is otherwise.

Mr. OWEN. When they go through the Federal reserve bank they are parred.

Mr. HARDWICK. No exchange is allowed?

Mr. OWEN. No exchange is provided, but the Federal Reserve Board would have a right to determine whether or not the banks were subjected to an expense and to make due allowance for it under existing law.

Mr. HARDWICK. Under their rule they have decided that they will not allow any.

Mr. OWEN. That is the evidence.

Mr. HARDWICK. I do not know whether it is or not.

Mr. OWEN. That is the evidence and that justifies the observation I made a few moments ago.

Mr. HARDWICK. As the Senator knows, that is a matter of very great controversy.

Mr. GRONNA. May I ask the Senator a question?

Mr. OWEN. Certainly.

Mr. GRONNA. The chairman of the committee will admit that the chairman of the Federal Reserve Board stated to the committee that he was not opposed to this amendment. He said it was a matter for Congress to regulate.

Mr. OWEN. Yes; he did say it was a matter for Congress to regulate, and I think in that respect the Senator drew the inference that he had nothing to say about it. I immediately submitted the matter to the Federal Reserve Board for their consideration and this is the letter that I received from them. It is printed in the report which I submitted April 17, and is as follows:

FEDERAL RESERVE BOARD,
OFFICE OF THE GOVERNOR,
Washington, April 13, 1917.

Hon. ROBERT L. OWEN,
United States Senate, Washington, D. C.

MY DEAR SENATOR OWEN: I have your letter of the 12th instant in reference to the amendment to Senate bill No. 8 proposed by Senator GRONNA, and brought it to the attention of the board at the meeting this morning.

After a full discussion of the matter the board directed me to say to you that it would regard the adoption of the amendment as most unfortunate. It believes firmly that it is the duty of every bank to pay without deduction or discount, at its own counter, checks drawn by its depositors against their balances. No bank questions this obligation on its part when cash payments are demanded by the presenter of the check, and about one-half of all banking institutions in the country are now remitting without deduction for checks on themselves forwarded by the Federal reserve banks. The board realizes that the operation of the Federal reserve check clearing system has in a number of cases deprived banks from an income from exchange on checks which they have hitherto enjoyed, but as they are enabled to offset checks drawn upon themselves sent them by the Federal reserve banks with checks drawn upon other banks and are permitted, furthermore, to cover by shipments of currency at the expense of the Federal reserve bank, no actual hardship is imposed. An amendment permitting a charge of not exceeding 10 cents per $100 or fraction thereof, based on the total of checks and drafts presented at any one time for collection and payment of checks and remissions therefor by exchange or otherwise, would, in the opinion of the board, be construed by the banks as a definite suggestion that they impose such a charge, with the result that eventually these charges would be generally made, not only as against checks coming in from a distance but even against checks presented by payees residing in the community where the bank is located. While banks would no doubt pay checks for their own depositors without any charge, it is entirely possible that many of them would avail themselves of the opportunity of enforcing this charge against checks presented by payees who are not depositors. This would impose a hardship upon those of the poorer classes who are not bank depositors.

The board would call attention also to the fact that for some years past actual payees of checks drawn upon country banks have been able in many cases to collect them without exchange charges, which have been absorbed by their depository banks, which have in turn been reimbursed by balances kept with them by the country banks. Immediately upon the passage of Senate bill No. 8, or no later in any event than November 17 next, no bank balances will count as reserve except those with Federal reserve banks, so that facilities for free collection will no longer be afforded by member banks, and the result would be that many individuals, firms, and corporations would be paying exchange charges of one-tenth of 1 per cent upon checks which they have hitherto been able to collect at par.

The enactment of the proposed amendment, in the opinion of the board, would, because of the injury it would work to holders of bank checks, create a strong protest all over the country, which would be far stronger than the pressure that is now being brought to bear for its enactment.

In this connection I inclose for your information copy of a resolution that was adopted at a meeting of the governors of Federal reserve banks which was held here last week.

Very truly, yours,

W. P. G. HARDING, *Governor.*

[Resolution passed at tenth conference of Federal reserve bank governors.]

KITCHIN BILL.

Whereas it is stated that there is to be reintroduced in the present Congress for enactment the so-called Kitchin bill, the purpose of which is to so amend the Federal reserve act as to permit national banks to impose exchange charges contrary to the basic principles of the Federal reserve collection system; and

Whereas it is understood that under the direction of a committee of the American Bankers' Association, known as the committee of twenty-five, a vigorous and far-reaching campaign is being conducted to bring influence upon the Congress to secure the enactment of the Kitchin bill; and

Whereas it is the belief of the governors of the several Federal reserve banks that should the Kitchin bill become law it would not only serve to nullify the great benefits which would accrue to the business interests of the country under the operation of a scientific, direct, and efficient collection system, but its enactment would seriously affect and seriously injure the best and broadest development of the Federal Reserve System: Therefore be it

Resolved, That the governors in conference earnestly urge the Federal Reserve Board to use every legitimate means possible to prevent the enactment of the Kitchin bill when introduced into Congress, and to promptly develop and put into the fullest operation the Federal reserve collection system.

These governors represent the organized banks of the United States; they are elected by the organized banks, and they represent their views. They come here and by unanimous vote point out the mischiefs that would occur if we were to break up the system of clearing at par. Already a large part of the banks of the country are clearing at par, without any question by anybody. New England has had a system of clearing checks at par for a long period of time, and we are only adopting now the New England system, in effect, of clearing checks at par.

Mr. PAGE. Mr. President——

Mr. OWEN. I yield to the Senator from Vermont.

Mr. PAGE. The Senator from Oklahoma is in part correct and he is in part incorrect. For example, every bank in the reserve cities like Boston and New York, where our balances are kept, have urged us to collect checks at par. In a bank with which I am connected we were under such obligations to our correspondent city bank that for a long time we collected at par; but after a time we found that our neighbor banks were making a thousand or two thousand dollars out of collections which we were not getting, and finally we went into what are called the "black-listed banks," and up to the time of the passage of the Federal reserve act the great body of the New England banks were charging for collections.

Mr. OWEN. I knew at Boston they did clear checks at par on a very large scale. The question is merely as to whether or not we shall interfere with the convenience and comfort of the depositors of the banks throughout the country, who are a good deal more numerous than are the banks, and who are entitled to have their checks paid at par and not have a deduction made from them by the payee. Of course, a payee who has a check sent to him for a thousand dollars and who puts it in bank will submit to that tax of a dollar or two dollars and a half when it finally comes down; but he does not feel that he has really received payment at par at last, because he is charged something out of the very check which has paid his bill. I think when a man who deposits in a country bank pays his bills in New York or in Boston or in Topeka such payment ought to be a par payment, and the local bank that has had the use of his money ought not to want to charge an exchange when a service has not really been rendered.

Mr. VARDAMAN. Mr. President——

Mr. OWEN. I yield to the Senator from Mississippi.

Mr. VARDAMAN. Take a case of this kind: Suppose the Senator from Oklahoma should go to a bank in some obscure village in Oklahoma and ask that bank to cash a check for $100 or $1,000, does he think that that bank should give him the money without any compensation?

Mr. OWEN. Not a bit of it; and under the Federal reserve act that bank can charge what it thinks is right for the accommodation.

Mr. VARDAMAN. But, as a matter of fact, it does not do so.

Mr. OWEN. But it can do so under the law.

Mr. VARDAMAN. But the Senator is familiar with the operation of the law, and the Senator knows that it is not often done, and that if it were done this protest would not be coming to Congress.

Mr. OWEN. No; the Senator from Mississippi does not really fully appreciate, I think, just what they are driving at. What they want to do is to charge for the entire bunch of checks which come from the Federal reserve bank in bulk. Listen to this a moment——

Mr. PAGE. May I ask the Senator from Oklahoma one question?

Mr. OWEN. Just a moment. Here is what the language is:

Provided further, That nothing in this or any other section of this act shall be construed as prohibiting a member bank from making reasonable charges against the presenter—

Mind you, that is broad enough to cover the Federal reserve bank—

in no case to exceed 10 cents per $100 or fraction thereof based on the total of checks and drafts presented at any one time—

That exactly fits the case of a bunch of checks sent by the Federal reserve bank to a local bank for entry or—

for collection or payment of checks and drafts drawn upon it and remission therefor by exchange or otherwise.

Which means a cross entry on the books of the Federal reserve bank.

Mr. HARDWICK. Is the Senator reading from the amendment which I offered?

Mr. OWEN. I am; yes.

Mr. HARDWICK. Where is the word "presenter" in my amendment? I did not put that in.

Mr. OWEN. It is in the copy of the amendment which was given to me by the Senator from North Dakota.

Mr. HARDWICK. That must be the amendment of the Senator from North Dakota.

Mr. OWEN. This amendment, at any rate, reads "against the presenter"; but, at all events, it is intended to apply, and everybody knows it is intended to apply, to a bunch of checks sent down by the Federal reserve bank.

Mr. HARDWICK. I know, but the Senator from Oklahoma emphasized the word "presenter." I had a reason for not putting that word into the amendment which I offered.

Mr. OWEN. I had the copy of another amendment. Still, however, the word "otherwise" covers it. It is really intended to cover the remittance made to the Federal reserve bank.

Mr. HARDWICK. Undoubtedly.

Mr. PAGE. Mr. President, I want to ask the Senator from Oklahoma one question before he sits down. The customer of a bank in Vermont brings a thousand dollars in money and deposits it. He immediately sends his check to Boston where he owes a bill. The money is deposited in his home bank. The home bank may be compelled to send that money to Boston, very likely at an actual cost of from 50 cents to $1 a thousand for transmission. Why should the country bank be compelled to pay that money in Boston?

Mr. OWEN. The Senator from Vermont presents only one-half of this transaction. The other half is, that when the money comes back this depositor puts it in there, and the amount of deposits is all the time balancing the amount going out.

Mr. PAGE. I beg pardon; they usually do, I confess, but——

Mr. OWEN. Take it in the long run and they do.

Mr. PAGE. I know, but there must be many transfers, as every banker knows. They have to transmit shipments of currency to the country bank to supply the bank. Then when the balance of exchange runs the other way it becomes necessary to transmit currency from the city bank to the home bank.

Mr. OWEN. That transmission of currency is paid for by the Federal reserve bank.

Mr. PAGE. That is where we have to keep a balance of several thousand dollars with the Federal reserve bank.

Mr. OWEN. Where you keep a balance there.

Mr. PAGE. And without any interest.

Mr. OWEN. And they extend you that accommodation.

Mr. GRONNA. Mr. President, I shall detain the Senate but a moment. I have so often expressed my views upon this question that I shall not now take up any length of time.

The Senator from Oklahoma [Mr. OWEN], however, argues in a circle when he states to this body that this is a question between the depositor and the banks. It is a question between the great commercial bodies of this country and the little country banks. That is all there is to it. These same great commercial bodies do not have to take checks if they do not want them. They can refuse any check; they can compel the debtor, whoever he may be, who owes them money, to send them a bank draft. They do not have to accept checks.

I am really surprised to hear the argument presented by the Senator from Oklahoma. I had hoped that he would present an argument which would be of some real value in the way of information to this body. The excuse given by the Federal board seems to me to be indefensible. That any man who knows anything about banking must admit that the small commercial banks or the large commercial banks do not always charge exchange; they do not charge their own customers exchange; but why should we expect the little country banks, without any charge whatever, to clear all foreign checks, not drawn upon them, but drawn upon other banks? That is the question.

Now, Mr. President, I believe I am safe in saying that every banker in my State, whether he belongs to the Federal Reserve System or to the State system, is in favor of this amendment. I have not heard a sirgle complaint from any depositor among the people of my State; but I have heard complaints from great commercial bodies, from the wholesale houses, and from the large catalogue houses. Whatever the banks lose in the transaction of their business on collection charges is all being made by the great commercial bodies, and there is not a penny taken out of the pockets of the people by the exchange charged by the little country banks.

Mr. President, I had a similar amendment, which I presented to this bill a year ago, but the Senator from Georgia [Mr. HARDWICK] has presented his amendment, and I shall be very glad to vote for it.

Mr. REED. Mr. President——

The PRESIDING OFFICER (Mr. KIRBY in the chair). Does the Senator from North Dakota yield to the Senator from Missouri?

Mr. GRONNA. I yield.

Mr. REED. The Senator stated that there was not a penny taken out of the pockets of the people.

Mr. GRONNA. Yes, sir; I state that without fear of successful contradiction.

Mr. REED. Suppose there is a merchant in the Senator's home town who wants to pay a bill of $1,000 in New York City and he sends his check to New York City for $1,000. Does the Senator mean that, if the bank is going to charge a dollar or $10 for collection, the creditor in New York City will not deduct that amount from the remittance?

Mr. GRONNA. Is the Senator through with his question?

Mr. REED. Yes.

Mr. GRONNA. Yes; I mean to say that I have had actual experience for 25 or 30 years, and I know that he does not. Furthermore, if the creditor in New York receives that check and sends it back either to the little bank upon which the check was drawn or to its correspondent, there would not be a penny charged upon that check under the old system.

Mr. REED. Now, the Senator speaks with great positiveness——

Mr. GRONNA. Yes; I do, because I am familiar with the matter.

Mr. REED. But the testimony that was adduced before the Banking and Currency Committee from many men, coming from many different banking institutions in different States, was to the effect that in many instances the merchant or the individual making the remittance—the remitter—was charged. If there are no charges being made to anybody, it is perfectly clear that the banks would not be here clamoring for a restitution of the right to make this charge.

Mr. GRONNA. I do not think that any commercial man will undertake to say that it has been the practice if he accepts a check from his customer he is going to credit his customer with any sum less than the amount of that check. I have never heard of that charge being made.

Mr. KIRBY. Mr. President, I should like to ask the Senator a question.

Mr. REED. Mr. President, if the Senator will pardon me just a moment, if it is true that the banks are here clamoring for a return of the right to make these charges, it is perfectly evident they are here because it will put some money in their vaults, and somebody will have to pay that money. Will the Senator tell us who it is?

Mr. GRONNA. I will say to the Senator that I do not know of any banker being here. I know that the amendment of the Senator from Georgia is here, and that amendment has been prepared by the Bankers' Association of the United States and has been approved by them. That is all I know about it.

Mr. REED. Does the Senator think that they got it up for the purpose of cutting down their revenues or increasing their revenues?

Mr. GRONNA. Why, certainly they got it up for the purpose of increasing their revenues.

Mr. REED. If their revenues are going to be increased, somebody will have to pay that increase.

Mr. GRONNA. But the Senator from Missouri knows that this expense will have to be paid by the commercial bodies and not by the individual depositors.

Mr. REED. The Senator says if I "know anything about the business." I confess I am not as well posted, perhaps, in regard to country banking as is the Senator——

Mr. GRONNA. The Senator has manifested that.

Mr. REED. Because the Senator is himself a banker, he may speak with more experience, and possibly with more heat than I will——

Mr. GRONNA. Well, I have told the Senator from Missouri the way the business has been transacted and the way it is being transacted.

Mr. REED. Of course, it is entirely possible that the business being done by the Senator's bank may not be the model by which all banking business is done.

Mr. PAGE. Mr. President, does the Senator know of his personal knowledge any bank that does not transact the business in that way?

Mr. REED. I do not profess to say further than that the testimony before the committee of which I am a member, and which listened for many weeks to testimony, was to the effect that when the charges were made by the bank the money was collected from somebody, and when it was collected from somebody the profit went to the bank. Who that somebody was that had to make the payment differed in different instances. Sometimes the wholesale merchant would stand the loss and sometimes the retail merchant would stand the loss, according to the testimony which we received; but, in any event, if you load it onto the wholesale merchant in New York City primarily, you may be very sure that he in turn will add it to the price of his goods which he is selling to the country merchant. It gets back to that individual, and then in the end it will get back finally to the man who buys the goods.

Mr. GRONNA. Mr. President, may I ask the Senator from Missouri a question?

Mr. REED. In just a moment. Like nearly everything else, it gets back to the ultimate consumer. So I do not think we gain anything by undertaking to dodge the question by saying that that money is primarily paid by the merchant in New York.

Mr. GRONNA. I did not say it was paid by the merchant in New York.

Mr. REED. And moreover the business is not all done between the country and New York. Checks are constantly sent back and forth a distance of 10 or 20 miles almost in local communities; indeed the great mass of the business of the country is done in that way. The testimony before our committee was that the banks had in many instances been utterly unconscionable in their charges.

Mr. GRONNA. Mr. President, may I ask the Senator from Missouri a question?

Mr. REED. Certainly.

Mr. GRONNA. The Senator, of course, knows that the Federal Reserve Board has held that checks shall be cashed at par, and that since the Federal Reserve System went into effect there has been no exchange allowed upon checks that have gone through the Federal Reserve banks. Now, will the Senator show me where the public has profited by that system and where the prices of goods have been reduced to the public?

Mr. REED. Oh, of course, it would be absolutely impossible to take a 10-cent rake-off that some banker got on a check and trace it down through the channels of business to the ultimate consumer; but we, nevertheless, know the fact to-day that every burden that we may place upon business must necessarily be added to the cost of the goods which are ultimately to be consumed or used.

Mr. HARDWICK. That is not always true. It can not be passed on in many cases to the ultimate consumer; but generally it is true.

Mr. REED. In detailed cases it may not be so, but in the broad sense it is the law of trade. Is it not a mere begging of the question, then, to say that this money comes out of the big man—the big commercial institution—instead of coming out of the small individual? The question ought to be not who pays the money but, Is it a just and equitable charge?

Mr. HARDWICK. If the Senator from Missouri will yield, with the permission of the Senator from North Dakota, I will say that the question ought to be also whether the banks are not entitled from somewhere to a reasonable compensation for the service they perform? The Senator avoids that. That is the precise question that they present.

Mr. REED. No; that is absolutely involved in my statement. I say the question ought to be whether the charge is a just and an equitable charge.

Mr. HARDWICK. Yes, sir.

Mr. REED. That covers all the Senator puts in his proposition.

Mr. HARDWICK. The proposition is, Do these men render service, and, if so, ought we not to allow them a reasonable compensation therefor?

Mr. WILLIAMS. "No charge at all" can not be just and reasonable.

Mr. REED. Mr. President, it may be an exceedingly just and reasonable regulation.

I want just a word on this matter. I do not mean, however, to take the Senator from North Dakota off his feet. I thought the Senator had concluded.

Mr. GRONNA. No, Mr. President; I have not concluded.

Mr. REED. Mr. President, I beg the Senator's pardon.

Mr. GRONNA. I shall conclude in a few moments, but I have not concluded.

Mr. President, I did not mean to cast any reflection upon the Senator from Missouri with reference to his experience as a business man or as a banker; but anyone who has had any experience at all with banking knows that no banker, whether his bank is large or small, will charge exchange upon the checks of his own customers. I do not know of any banker who would be foolish enough to do that. It simply resolves itself down to this: Shall the small banks which are scattered all over the country—and the small banks are really the only ones involved—have a right to make a charge not to exceed 10 cents a hundred dollars for the collection of checks or drafts which they have to enter upon their books? It costs them something to keep clerks in their banks and enter all these items. It does not make any difference from what part of the country the checks come, they must all be entered in their books; and in many instances, as the Senator from Vermont [Mr. PAGE] has stated—and I will say that the Senator from Vermont knows a great deal more about banking than I do, because I am not a practical banker—in many instances these banks have to transmit currency in order to pay these checks and to make up the balances. The whole question resolves itself into this, that there is an effort not only on the part of the large commercial bodies of this country, but upon the part of the large banks, to do away with the little banks in the country, which really serve a valuable purpose. They are of great benefit to the people of the Nation, especially in the new sections of country like the Northwest. I do not know how we would get along without them in my section of the country; and the statement that it is unreasonable that they should be permitted to charge not to exceed 10 cents a hundred dollars, it seems to me, can not be said to be unreasonable.

Mr. President, before I close I wish to state that I can not vote for this bill. I am a member of the Committee on Banking and Currency, and I have given careful study to its provisions, but, whether this amendment is adopted or not, I shall be compelled to vote against the bill. My reasons for voting against it will not be influenced because of the failure of this amendment.

Mr. HARDWICK. If the Senator please, I hope the Senator will vote for the amendment, and that the amendment will not fail. I do not believe it will fail.

Mr. GRONNA. I shall vote for the amendment; but there is a provision in this bill of greater importance than the question of whether the banks shall be allowed to charge exchange upon checks. There is a fundamental question involved in this measure, and that is, Shall we permit all the gold in the United States to be mobilized from every bank and from every corner of this country into a few large banks? I may be mistaken in my judgment, but I remember having read in history that in 1864 gold went up to $2.85. Those who were in possession of the gold had an opportunity to make that tremendous profit. I say it is possible that to-day we are legislating in a way that may put it in the power of the great corporations to control the money market and burden the people of this country simply by holding and owning the gold. That is the reason, Mr. President, why I can not vote for the bill.

Mr. WILLIAMS. Mr. President, I am in favor of this amendment. I doubt if the existing law authorized the Federal Reserve Board to make the order which it has made. I know that when the act was passed by Congress most of us did not think so.

Mr. President, I doubt something else: I doubt the power of Congress, or the right of Congress, at any rate, even if it had so intended, to require of any man anywhere to do any work without any compensation. The banks do a certain amount of work in connection with their exchange business. The Senator from Oklahoma [Mr. OWEN] says that that work costs them nothing. That statement I take issue with. If a bank has a sufficient volume of this sort of business, it has to employ a special exchange clerk or teller. Some banks employ several who do nothing else. When the volume of that sort of business for a little bit of a country bank is so small that it does not justify the employment of a special exchange teller or clerk, still the time and the exchange work is divided among the other employees of the small bank and is subtracted from the work which they would be doing upon some other branch of the banking business. So the bank does do work and you want it to do the work without compensation. The bank does the work at some cost to itself, however small, but you who oppose this amendment do not want it to receive a sufficient remuneration to repay that cost—no remuneration, however small. It is wrong.

Mr. OWEN. Mr. President, the Senator does not interpret what I said to that effect, because the Federal reserve act itself provides for the payment of any actual cost that is incurred.

Mr. WILLIAMS. Oh, yes; but the Federal Reserve Board has ruled in effect and contrary to the fact that there is no cost, because it has ruled that the exchange must take place at par. Now, as I understood this provision when the original Federal reserve bill came from the conferees, they had saved the point that I, for one, had insisted upon, that these banks should be allowed to charge at least enough to pay the cost of the transaction. Now, the Federal Reserve Board, in the face of that very language to which the Senator has referred, has ruled that this exchange work must take place at par, and, necessarily, in making that ruling they have ruled that it costs nothing, because the law itself enables them to charge whatever it costs.

Mr. OWEN. The Senator's attention is called to the fact that for the cross entry of these credits on their books the Federal reserve banks charge of course nothing, and the Federal reserve bank will itself remit the currency where it is necessary.

Mr. WILLIAMS. I understand that; but that has nothing to do with the little bank back yonder attending to its work. The "cross entries in the reserve banks" of course do not cost the country bank anything, but its own entries do, because they and the balance of the business entail work and work has to be paid for.

Now, as to the Federal board paying for the remission of the currency, that is wrong, too. Here is a transaction between me and the Senator from Oklahoma as buyer and seller

The transaction is closed by exchange; and now you want to make the country pay the cost of the exchange, instead of making either the buyer or the seller, or the two together, pay it. The transaction of buying and selling is one between me and the Senator, and it is not a cost that ought to be laid upon the country through the instrumentality of the Reserve Board sending the currency for nothing.

Mr. OWEN. The fact is that these checks pass back and forth, and it is only the balances at the end of a senson, or from time to time, that are remitted.

Mr. WILLIAMS. I understand that.

Mr. OWEN. The actual transmission of funds occurs only in one out of a thousand transactions.

Mr. WILLIAMS. I understand that perfectly, and I understand that the amount of cost which the public assumes through the instrumentality of the Reserve Board being a mere clearing house with sheet balances is small; but whatever it is—however small—the principle is the same. The point is, however, that that has nothing to do with the fact that the little country bank of $25,000 capital has got to do certain work for nothing; and the fact that when all of the checks that go through it and go through other banks everywhere are cleared together and a balance struck, the balance is very small, does not affect the amount of work that each country bank has had to do within its own four walls.

Mr. President, I intended when this question was presented to the Senate to make quite an argument in favor of it. I do not mean by that, necessarily, a good argument, but I mean an extended one; but the Senator from Vermont [Mr. PAGE], the Senator from Kansas [Mr. CURTIS], my colleague [Mr. VARDAMAN], the junior Senator from Georgia [Mr. HARDWICK], and the junior Senator from North Dakota [Mr. GRONNA] have, in my opinion, so perfectly and completely covered the ground that I had virtually nothing left to say, except upon the point which I intended to cover a moment ago. While we are talking the Germans are sinking ships.

Mr. REED. Mr. President, when we were undertaking to create a Federal Reserve System two questions were sharply presented. One was, What is to be the use of the Federal Reserve System? The other question was, How is the Federal Reserve System to be maintained if it is created?

The first question—What is the use of the Federal Reserve System?—could be answered in a word. Broadly, it was intended to sustain the credit of the entire banking system of the United States; and accordingly, at the instance and solicitation of every class of bankers in the United States, big and little, hearings were granted to all of these several kinds of bankers. The State banks and trust companies came before the committee and asked that certain provisions be inserted in the bill so that the State banks and trust companies could come under the system. These changes were made, and the understanding at that time was that, as all the banks of the country would get the benefit of this Federal Reserve System which was created to sustain the entire system, so all of them ought to be willing to make some contributions for the benefit of that system.

Now, what has transpired? It has transpired that the national banks, which were compelled to come into this system, have been practically compelled to sustain it; that the attitude of the State banks and trust companies has been: "The tree having now been planted, and its shade being now generous, we will sit under the shade of this great financial tree and enjoy its protection, but we will contribute nothing whatsoever to the watering or the pruning of the tree."

I think legislation ought to be enacted which will compel those who engage in the business of banking to each contribute his share to the maintenance of the system, to the maintenance of that great reservoir from which the system must draw in case of a financial stringency in the country. I say that legislation ought to be enacted to compel them to come in and do their duty, because the entire weight of all the fiscal transactions of the Government and of the people ultimately falls upon the Federal Reserve System; and as it does fall upon the Federal Reserve System there ought to be gathered into that system all the resources of the banks of the country. And yet, with a selfishness which I think is absolutely inexcusable, nearly all the State banks and trust companies have remained out of the system. They have figured coldly that the Federal Reserve System is big enough and strong enough to protect the finances of our country, and that they will enjoy its benefits and advantages and stay outside of the system.

So far as I am concerned, I am getting in a frame of mind where I am willing to levy some kind of a tax that will make it very necessary for these banks to come in and do their share. If, however, we are to maintain the Federal Reserve System without such legislation as I have spoken of, then there must be advantages of some kind given to the Federal Reserve System, because these banks that now make up the Federal Reserve System have to supply its capital; they have to subscribe for its stock; they have to practically guarantee its success. One of the things that it was thought would make the Federal Reserve System attractive, bringing business to that great system, was the clearing of checks at par. It is now proposed to destroy that feature of the system.

Mr. PAGE. Mr. President, the Senator is absolutely mistaken about that. He could not have known the facts, or he would not have made that statement.

Mr. REED. I am talking about the ideas that were present with the committee when this bill was written, and at a time when the Senator from Vermont was not a member of the committee, and at a time when he knows nothing whatsoever regarding its deliberations.

Mr. PAGE. That is true in regard to the city banks; but so far as the country banks are concerned, I think I know that they have not favored the system of collecting checks without pay.

Mr. REED. Let me ask the Senator, Is he interested in national banks?

Mr. PAGE. I am.

Mr. REED. And is he also interested in State banks and trust companies?

Mr. PAGE. I am; yes, sir.

Mr. REED. Your State banks and trust companies have not come into the system?

Mr. PAGE. No, sir; and I will say, further, that some of the national banks of Vermont are now discussing the idea of retiring from the system because of these conditions.

Mr. REED. Well, if a few more retire, they probably will all be stopped from retiring. These gentlemen who retire belong to the class to which the State banks belong to which I have been referring. That is, they say, "The system is here; the reservoir is created; the national banks put in their money, and it is there, and it is a protection to us in a time of any trouble. We can pull out and get that protection just as well outside as inside, and we will not contribute"—a very selfish purpose.

When the question of parring checks came up in the committee, when the Senator from Vermont was not there, of course—for he was not a member—some of the small country banks came in and said that was a considerable source of revenue to them. They undertook to justify their charges upon the ground that the Senator from Mississippi [Mr. WILLIAMS] a few moments ago mentioned, namely, that they were performing a service. This was the line of reasoning which they presented: They not only said they were performing a service, but they said they were actually out of the use of money; for, said they, "If a customer of our bank draws his check and sends it to New York, and it is accepted in New York and sent back to us here at par, the customer has had the use of that money"; and so they undertook to figure, by that and similar transactions, that the money was passing back and forth from the country bank to New York, and that the banker was laying out the money. As a matter of fact, the only thing that was passing between the country banker and New York was a piece of paper in an envelope with a 2-cent stamp upon it, and the money was lying right in somebody's bank all the time, doing business and making money for the banker who happened to hold it.

It is true that there are occasionally transactions that must be conducted in cash. At the end of a day's business in a clearing house, when millions of dollars in checks have gone through, there may be a little balance that is settled by cash between the banks.

Mr. OWEN. And even that is settled by check.

Mr. REED. And even that generally is settled by check, as the Senator states. There may be occasionally some moneys sent from the provinces into the cities or from the cities back to the provinces, if we can use those terms; but, as a matter of fact, it is generally all transacted through the maintenance of a balance in some business center against which checks are drawn and to which checks are sent, and probably not one dollar of cash is moved from the outside parts of the country to the business centers for $1,000,000 of business that is transacted.

Mr. OWEN. It is covered by a gold balance in the Treasury, held by these 12 reserve banks now.

Mr. REED. Yes. Now, the system that was established in this way for the parring of checks was intended to cut off a system of petty graft that was being maintained by certain banks, and it was intended to confer that privilege and benefit upon the great body of our people. It was intended to arrange it so that in this country a man owing a bill to his neighbor in

the adjoining county could send that neighbor a check for the face of the amount and that neighbor could take the check down and put it in a bank of the Federal Reserve System and get its face. It was intended to make it so that a man living in the city of Milwaukee and owing a bill in New York City, and having money in the city of Milwaukee, could send his check to his New York creditor and that creditor could deposit the check at par in a bank in New York City, and that bank could have a credit at par. It is only a matter of bookkeeping with the bank in Milwaukee. It was intended to give this benefit and blessing to the people of the country, and it was held out as one of the chief advantages flowing from this system.

Mr. OWEN. And it also avoids, I might say to the Senator, the necessity of keeping a bookkeeping account of microscopic charges on every check going through the country.

Mr. REED. Now, of course, there are some of these small banks that made two or three or four thousand dollars a year by nipping 10 cents off of this transaction, by collecting their toll of 5 or 10 or 20 cents off of that transaction, by getting a dollar off of this other transaction, and by taking $5 off of some other transaction. They were the keepers of the gate through which the business of the country had to pass, and everybody had to drop something into their hat as he passed through, although the money they were handling was the money of the gentleman who was passing through the gate, and always has been his money. The banks in modern times have never done business on their own account. They do business upon the money of their depositors. No attack is to be made on them for that; that is perfectly legitimate; but a part of the compensation that ought to come back to the public is the right of a man who has money in a bank that is a member of the Federal Reserve System to pay his bills at par with his check, so that that check can be put into any part of that great system in any part of the country and his check is worth its face.

Now, what is the proposition? Some bankers got together and they wrote out what they would like to have, and they would like to have some more profits and some more tolls; and two bankers on the floor of the Senate have given us the benefit of their experience and knowledge in extended arguments in favor of increasing the profits of the banker. I do not want to criticize that, but I am getting about in the frame of mind to call attention to a rule of the Senate which forbids any man voting on any bill where he is directly interested in the result.

Mr. PAGE. In that connection, Mr. President, if I may be allowed, I want to say that the Senator from Kansas City is trying to take a burden from that city of probably $100,000 a year and put it into their pockets, and to take from the little banker in the country the little pittance he gets from each check and give it to Kansas City.

Mr. REED. Mr. President, the Senator to whom reference is made is not a Senator from Kansas City. He is a Senator from the State of Missouri, and he represents the little banker just as he represents the big banker, and he represents the citizenry of that State as well as he can, and he has no special interest in any bank or in any class of banks; and there are a great many more little banks in my State that have votes than there are big banks that have votes. I have not in my office to-day half a dozen letters from the small banks of my State asking this; neither have I a protest from a single big bank against it.

Mr. PAGE. In the Senator's argument he is certainly speaking for Kansas City and not for the little banks of Missouri.

Mr. REED. I am speaking for my State. I am speaking for the Great Federal Reserve System. I am not speaking for a city. I am not narrow enough to speak for a city. I want to see the Federal Reserve System, which has already proven itself the bulwark of our Nation in time of financial stress and danger, maintained. It has been maintained thus far under the wise guidance of a board that have, I think, performed almost financial miracles; and there is no member of that board here recommending this change.

Mr. SHAFROTH. Mr. President, it seems to me there is but one question involved in whether we should adopt this proposition or not, and that is the question as to whether it is best for the Federal Reserve System. It is perfectly optional with the State bank as to whether it will make a deposit with the Federal Reserve System or not, and consequently be deprived of the right to charge one-tenth of 1 per cent for cashing checks. There is nothing compulsory about it. If it does not want to keep on deposit with the Federal reserve bank money to meet this parring of exchange, it need not do so, and therefore it need not lose anything whatever. It is purely optional with the State banker, and consequently this theory that it is a coercion of the State bank, it seems to me, is not warranted.

Looking at it from the other standpoint, it seems to me to be clear that this system of exchange is equitable. These State banks do get an enormous benefit from the Federal Reserve System. The reason is because they can take their securities to a national bank that is a member bank and cash them, and that member bank can draw from the Federal Reserve System upon those securities all the money that is necessary to meet any crisis. With that enormous benefit—a benefit that is worth thousands of dollars to them and sometimes prevents a run upon them—should they not be willing, if this bill becomes a law, to enter into this system by keeping on deposit with the Federal reserve bank of their district money sufficient to meet at par the checks that are drawn by depositors upon their banks?

That being the case, Mr. President, it seems to me to be clear that the proposal of the committee ought to be adopted. It strengthens the Federal Reserve System. It is practically of little detriment to the country State bank. It is not any, considering the fact that the banker has got on deposit in his bank all the time money to meet the check and is getting the interest that it earns for the four or five days that it is necessary to have that check cashed and balanced after it is drawn and presented to the home bank. These are compensations that the State bank gets, and it seems to me, in view of that, that we ought to have the provision recommended by the committee as a law to make perfect the exchange of checks between banks.

The PRESIDING OFFICER (Mr. JONES of New Mexico in the chair). The question is on the amendment of the Senator from Georgia [Mr. HARDWICK] to the amendment of the committee.

Mr. VARDAMAN. On that I call for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. WILLIAMS (when his name was called). I transfer my pair with the senior Senator from Pennsylvania [Mr. PENROSE] to the senior Senator from New Jersey [Mr. HUGHES] and vote "yea."

The roll call was concluded.

Mr. STERLING. Has the junior Senator from South Carolina [Mr. SMITH] voted?

The PRESIDING OFFICER. He has not.

Mr. STERLING. I am paired with that Senator and therefore withhold my vote.

Mr. SMITH of Maryland. Owing to the absence of my pair, the senior Senator from Vermont [Mr. DILLINGHAM], I withhold my vote.

Mr. VARDAMAN (after having voted in the affirmative). I desire to ask whether the junior Senator from Idaho [Mr. BRADY] has voted?

The PRESIDING OFFICER. He has not.

Mr. VARDAMAN. I have a general pair with that Senator. I transfer that pair to the junior Senator from Oregon [Mr. LANE] and will let my vote stand.

Mr. SMITH of Georgia. I transfer my pair with the senior Senator from Massachusetts [Mr. LODGE] to the senior Senator from Louisiana [Mr. RANSDELL] and vote "yea."

Mr. CHAMBERLAIN. I have a general pair with the Senator from Pennsylvania [Mr. KNOX]. In his absence I transfer my pair to the junior Senator from Louisiana [Mr. BROUSSARD] and vote "nay."

Mr. WEEKS (after having voted in the negative). I have a general pair with the senior Senator from Kentucky [Mr. JAMES]. I observe that he is not present, and I withdraw my vote.

Mr. CURTIS. I desire to announce the absence of the senior Senator from Vermont [Mr. DILLINGHAM] because of illness in his family. I will let this announcement stand for the day.

Mr. SUTHERLAND (after having voted in the affirmative). I have a general pair with the junior Senator from Kentucky [Mr. BECKHAM]. He is absent, and I therefore withdraw my vote.

Mr. HUSTING. I desire to announce that the junior Senator from Kentucky [Mr. BECKHAM] is detained from the Senate on official business.

Mr. CURTIS. I have been requested to announce the following pairs:

The Senator from Rhode Island [Mr. COLT] with the Senator from Delaware [Mr. SAULSBURY];

The Senator from West Virginia [Mr. GOFF] with the Senator from South Carolina [Mr. TILLMAN];

The Senator from Indiana [Mr. WATSON] with the Senator from Delaware [Mr. WOLCOTT]; and

The Senator from Maine [Mr. FERNALD] with the Senator from South Dakota [Mr. JOHNSON].

The result was announced—yeas 36, nays, 29 as follows:

YEAS—36.

Ashurst	Gore	La Follette	Simmons
Bankhead	Gronna	Lewis	Smith, Ariz.
Borah	Harding	McCumber	Smith, Ga.
Brandegee	Hardwick	McKellar	Smith, Mich.
Cummins	Jones, N. Mex.	Nelson	Townsend
Curtis	Jones, Wash.	Overman	Underwood
Fall	Kellogg	Page	Vardaman
Fletcher	Kendrick	Poindexter	Wadsworth
Gallinger	Kenyon	Shields	Williams

NAYS—29.

Calder	King	Pittman	Thomas
Chamberlain	Kirby	Pomerene	Thompson
France	McLean	Reed	Trammell
Frelinghuysen	Martin	Robinson	Walsh
Gerry	Myers	Shafroth	Warren
Hollis	New	Sheppard	
Husting	Owen	Sherman	
Johnson, Cal.	Phelan	Stone	

NOT VOTING—31.

Beckham	Hale	Newlands	Sterling
Brady	Hitchcock	Norris	Sutherland
Broussard	Hughes	Penrose	Swanson
Colt	James	Ransdell	Tillman
Culberson	Johnson, S. Dak.	Saulsbury	Watson
Dillingham	Knox	Smith, Md.	Weeks
Fernald	Lane	Smith, S. C.	Wolcott
Goff	Lodge	Smoot	

So Mr. HARDWICK's amendment to the amendment was agreed to.

Mr. McKELLAR. I desire to present a number of telegrams from citizens of Tennessee on the subject of the bill under consideration. I ask that they be printed in the RECORD without reading.

There being no objection, the telegrams were ordered to be printed in the RECORD, as follows:

MEMPHIS, TENN., *April 19, 1917.*

Senator KENNETH MCKELLAR,
Washington, D. C.:

Will appreciate very much your influence toward securing enactment of Senate bill 1796, introduced by Senator OWEN, providing for reasonable exchange charge and reduction of country bank reserve to 5 per cent in vault and 5 per cent in reserve bank.

S. E. RAGLAND.

—

MEMPHIS, TENN., *April 19, 1917.*

Senator K. MCKELLAR,
Washington, D. C.:

Understand Senate bill 1796, regarding Federal reserve amendments, has been introduced by Senator OWEN. Will appreciate very greatly your support of this bill, as we consider it contains provisions of great importance to the banking interests.

GILMER WINSTON, *Vice President.*

—

MEMPHIS, TENN., *April 19, 1917.*

Hon. K. D. MCKELLAR,
Washington, D. C.:

In my opinion you should support the Owen bill, 1796.

JO. L. HUTTON,
President Mercantile National Bank.

—

MEMPHIS, TENN., *April 19, 1917.*

Hon. K. D. MCKELLAR,
Washington, D. C.:

We indorse Senate bill 1796, introduced by Senator OWEN, and solicit your support of the bill.

NATIONAL CITY BANK.

—

MEMPHIS, TENN., *April 19, 1917.*

Senator K. D. MCKELLAR,
Senate Chamber, Washington, D. C.:

We would appreciate your support of Senate bill No. 1796, introduced by Senator OWEN, providing for reasonable exchange charge, with reduction of country bank reserves.

BANK OF COMMERCE & TRUST CO.

—

MEMPHIS, TENN., *April 19, 1917.*

Senator KENNETH MCKELLAR,
Washington, D. C.:

Senate bill No. 1796, introduced by Senator OWEN, providing for reasonable exchange charge, with reduction of country bank reserve to 5 per cent in vault and 5 per cent in reserve bank, should unquestionably be passed. Your active influence toward securing enactment of bill into law will be appreciated.

D. M. ARMSTRONG.

—

MEMPHIS, TENN., *April 19, 1917.*

Hon. K. D. MCKELLAR,
Senate Chamber, Washington, D. C.:

Regard it important that you vote for and support Owen bill, No. 1796, providing for reasonable exchange charges and country reserve requirements. Will appreciate your active support.

MANHATTAN SAVINGS BANK & TRUST CO.

—

NEW YORK, *April 30, 1917.*

Senator K. D. MCKELLAR,
Washington, D. C.:

Understand proposed amendments to Federal reserve act up for consideration in House to-day will likely be considered in the Senate in two or three days. These proposed amendments, as recommended by both House and Senate committees, increase the reserve of banks in Chattanooga and Nashville, which are reserve cities, from 6 to 10 per cent, and, we understand, also increases the reserve to be deposited with the Federal reserve banks slightly for other member banks in Tennessee. Normally this will work a hardship on every member bank in Tennessee. We hope you can see your way clear to urge that the present law governing amount that should be deposited with the Federal reserve banks remain as it is.

W. A. SADD,
T. R. PRESTON.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee as amended.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The question is, Shall the bill pass?

Mr. GRONNA. On the passage of the bill I demand the yeas and nays.

The yeas and nays were not ordered.

The bill was passed.

Mr. OWEN. I move that the Senate request a conference with the House of Representatives upon the bill and amendment, and that the Chair appoint the conferees upon the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. OWEN, Mr. HITCHCOCK, and Mr. MCLEAN conferees on the part of the Senate.

PUNISHMENT OF ESPIONAGE.

Mr. OVERMAN. I ask that the unfinished business, Senate bill No. 2, be now proceeded with.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2) to punish acts of interference with the foreign relations, the neutrality, and the foreign commerce of the United States, to punish espionage, and better to enforce the criminal laws of the United States, and for other purposes.

Mr. LEWIS obtained the floor.

Mr. LA FOLLETTE. Mr. President——

Mr. LEWIS. I yield to the Senator from Wisconsin if he desires to tender an amendment and to have it read.

Mr. LA FOLLETTE. I wish to present an amendment to the pending bill, and I ask that it be read.

The PRESIDING OFFICER. The proposed amendment will be read.

The SECRETARY. At the end of section 2, Chapter VII, insert the following additional proviso:

Provided further, That the power herein conferred upon the President to place an embargo upon the export of any article or articles from the United States to any foreign country shall in no case be used to prohibit such exports to any foreign country whose Government is at peace with the United States when such article or articles are for the use and consumption of and within such foreign country, unless such article or articles, in the judgment of the President to be so declared in his proclamation, be required for domestic use and consumption by the people of the United States, or for the use of the Government of the United States in its prosecution of the war; nor shall such power so conferred upon the President be used to interfere with the neutral rights of any neutral nation or to coerce the Government of any such neutral nation, directly or indirectly, to engage or participate in the existing war.

Mr. OVERMAN. I understand that the Senator from Wisconsin proposes to offer that when the bill comes into the Senate. It would not be in order now, of course.

Mr. LA FOLLETTE. I understand the amendment is not in order now. If I may be permitted, I have offered it at this time because of the fact that there is pending on the desk of the Presiding Officer a motion in writing to close the debate. That motion after it is put and carried will cut off the offering of or voting upon any amendment which has not prior to that time been offered and read. I wished merely to have this amendment offered and read at this time so that I would have an opportunity for a vote upon it when the bill reaches the stage of voting in the Senate, and the chapter would then be open to amendment.

The PRESIDING OFFICER. The amendment will be printed and lie on the table.

Mr. ASHURST. I gave notice this morning that at the conclusion of the morning hour I would address the Senate on the pending bill, but I gladly yield to the Senator from Illinois. I will follow him.

Mr. LEWIS. Does the Senator from Georgia [Mr. HARDWICK] have an amendment to offer?

Mr. HARDWICK. I have an amendment to chapter 1 to offer, but I need not present it now.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. LEWIS. I think the Senator from California [Mr. JOHNSON] desires to introduce an amendment, and I yield to him for that purpose.

Mr. JOHNSON of California. If the Senator will kindly yield for a moment, notice was given and the right reserved upon a motion to strike out, but for the reasons which have been suggested by the Senator from Wisconsin [Mr. LA FOLLETTE] I wish to have the motion read, so that there may be no technical objections to its ultimate consideration.

The PRESIDING OFFICER. Without objection, the request will be granted and the amendment will be read.

The SECRETARY. A motion to strike out, which has been duly reserved and of which notice has been given. Strike out, beginning with the word "and," in line 19, page 8, down to and including the word "same," in line 13, page 9.

The PRESIDING OFFICER. The amendment will be printed and lie on the table.

Mr. CUMMINS. If the Senator from Illinois will yield to me, I desire to put myself in the same position in regard to a certain amendment that I shall offer to the bill as has been suggested by the Senator from Wisconsin.

Mr. LEWIS. If I understand the Senator from Iowa, he desires to send his amendment to the desk and have it read and take such steps as will enable him to return to it when the bill is in the Senate.

Mr. CUMMINS. Precisely.

Mr. LEWIS. I yield for that purpose, Mr. President.

Mr. CUMMINS. I do not regard it as necessary, but in order to be on the safe side I desire to say that I will offer this amendment in the Senate. I now present it to have it read. It is an amendment to subsection (c) of Chapter II, being practically the same amendment which I offered at a former time.

The PRESIDING OFFICER. The amendment will be read.

The SECRETARY. It is proposed to insert at the proper place:

In time of war the President is hereby authorized to prescribe and promulgate rules and regulations for the purpose of preventing the disclosure to the public, and thereby to the enemy, of information with respect to the movement, numbers, description, and disposition of any of the armed forces of the United States or the plans of naval or military operations; and whoever in time of war shall willfully violate any such rule or regulation shall be punished by a fine of not more than $10,000, or by imprisonment for not more than five years, or by both such fine and imprisonment: *Provided, however,* That no such rule or regulation shall apply to the proceedings of the Congress of the United States nor to the debates therein.

Mr. CUMMINS. I desire also to give notice and present now an amendment which I intend to offer to section 1 of Chapter XI when the bill reaches that stage.

The proposed amendment is as follows:

SECTION 1. A search warrant may be issued in conformity with the provisions of this act for the purpose of searching any premises or persons to discover any property which has been used or which is intended to be used as the means of committing a public offense.

Mr. CUMMINS. I am much obliged to the Senator from Illinois.

Mr. LEWIS. I yield at the request of the Senator from Arkansas [Mr. KIRBY], who desires to offer an amendment that it may lie on the table.

Mr. KIRBY. I desire to offer an amendment to subsection (b), page 8. I ask that it may be read now and considered when the appropriate time is reached.

The PRESIDING OFFICER. The amendment will be read.

The SECRETARY. It is proposed to add at the proper place the following:

A press censorship is hereby established for the period of the war with the Secretaries of the Navy and War as directors thereof. They or either of them, by written order, may summarily suspend for 30 days any newspaper or magazine making publication of any information concerning the plans or conduct of any military or naval operations or movement of ships or troops, or with respect to any works or measures undertaken for fortification or defense, or any other information relating to public defense which might be useful to the enemy, unless the matter has been given out for publication by one or the other of said directors, or its publication consented to. It shall also be unlawful for the owner or publisher of any newspaper or magazine to make the publications aforesaid or to fail to obey the said order of suspension, and upon conviction of either of said offenses in any court of competent jurisdiction the managing editor thereof shall be punished by a fine of not more than $5,000, and the publication suspended for a further period of six months as part of the judgment against the offender.

The PRESIDING OFFICER. The amendment will be printed and lie on the table.

Mr. LEWIS. Does the Senator from Minnesota [Mr. KELLOGG] desire to interrupt me?

Mr. KELLOGG. I send to the desk an amendment, which I desire to have read for the reason that I believe amendments will be cut off when the time for voting is reached.

Mr. LEWIS. I yield for that purpose, and here, I trust, these installment contributions will end.

The PRESIDING OFFICER. The amendment submitted by the Senator from Minnesota will be read.

The SECRETARY. Strike out beginning with the word "and," in line 19, page 8, down to and including line 13, page 9, and insert in lieu thereof:

Whenever the President of the United States shall by proclamation or Executive order declare a national emergency to exist by reason of actual or threatened war he may by proclamation prohibit the publication or communication of, or the attempt to publish or communicate, any information calculated to be useful to the enemy, relating to national fortifications or the movements or disposition of the armed forces, ships, aircraft, or munitions, or war materials, of the United States, prior to the publication, communication, or disclosure of such facts by the Government, directly or by its authority. Whoever violates any such prohibition of the President shall be punished by a fine of not more than $10,000 or by imprisonment for not more than 10 years, or both: *Provided,* That nothing in this section shall be construed to limit or restrict any discussion, comment, or criticism of the acts or policies of the Government or its officers or Representatives or the publication of such discussion, comment, or criticism.

The PRESIDING OFFICER. The amendment will be printed and lie on the table.

Mr. LEWIS. Mr. President, I rise at this time, with the permission of the able Senator in charge of the bill, to intrude a subject a little apart from the main discussion. I see the able Senator from New York, the junior Senator from New York [Mr. CALDER], is here, and I desire him present, as I wish to refer to a matter of which he has knowledge. Thinking he might wish to contribute something in reply to some observations of my own, I have taken the liberty to merely notify him to note what I shall say.

Mr. President, we observe in the public press, which comes to us this morning, that Col. Theodore Roosevelt, a distinguished citizen of our Republic, former President of the United States, in an address at a dinner given in honor of the admired junior Senator from New York [Mr. CALDER] at the Brooklyn Republican Club last night in the city of Brooklyn, State of New York, called attention to the fact that this country failed to prepare in times of peace and therefore it must pay for its folly.

Mr. President, the eminent ex-President may not have intended to leave the partisan suggestion that the responsibility for the failure of preparation was to be charged to the present Democratic administration, but since the report of his speech has gone through the press agency to all the papers of the country and will be read because of the great interest always enlisted in anything Col. Roosevelt would say, I find it justifiable certainly from my viewpoint to say that, in view of the fact that such an address was made before a club so distinctly a Republican Party organization, the remarks of Col. Roosevelt will be construed to mean that the failure of preparation was due to some omission of duty on the part of the Democratic administration. No other construction can follow, and in a most adroit and alert manner characteristic of his eminent qualifications it was insinuated for that purpose.

Mr. President, at a time like this I feel that every effort, whether made by the Democratic Party or its representatives, or that of the Republican Party or its representatives, to give the slightest partisan bias to anything we do or to unjustly tinge it with condemnation for that which any party has not done should be promptly reprobated. I can not feel that Col. Roosevelt meant to do this, but I can not overlook the fact that the conclusion is evident, the result inevitable—that such will be the effect.

Mr. President, I must at this point call the attention of the country to the country's real status.

Mr. CALDER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from New York?

Mr. LEWIS. Gladly.

Mr. CALDER. I hesitate interrupting the distinguished Senator at this moment, but I must leave the Chamber to keep an important engagement. I heard the speech last evening to which the Senator refers; it was delivered at a meeting of the Republican committee in Brooklyn, and I can say to him that the distinguished citizen of my State—or more properly as the junior Senator from Ohio [Mr. HARDING] put it recently, the greatest private citizen in America—Col. Roosevelt delivered an address that was in no wise a partisan one, and in it he insisted that it was the duty of every American citizen to support the Government with all the power he possessed, and it was particularly the duty of Republicans. There were 8,000 people present, and practically all were Republicans, and he advised them to cast partisanship aside in the end that there should be no division in the country in this crisis. The junior Senator from Illinois can be assured that no more patriotic address was ever uttered in this country.

Col. Roosevelt might, if he had wished to do so, told his audience that barely four years ago a Democratic House of Representatives insisted that the Army be reduced to the extent

of at least five Cavalry regiments, and he could have advised the assembled multitude that during his seven years in the White House he had labored long and diligently to build up the great Navy we had when he left the office of President. He made no reflection upon the party in power nor did he say anything that might be construed as intimating that the Democrats at Washington, the President, or Congress had left anything undone to put this country in a state of preparedness.

Mr. LEWIS. Mr. President, I appreciate the contribution the able Senator from New York has made, and I clearly understand from him that he, like myself, acquits the "distinguished private citizen" of America, who, however distinguished he is, may he still remain a private, politically speaking, though I know from his eminent characteristics that that particular limitation will never qualify him if it is to be attended by silence as to his country's affairs. But in both these respects he has my admiration and friendship, and I concur with the able Senator from New York at once in acquitting President Roosevelt of any object whatever of a partisan nature.

I can not, Mr. President, however, overlook that the artful manner in which his speech presented is calculated to have the effect which I am sure the distinguished citizen would not reject—the placing of the blame, if blame there be, upon the Democratic administration. It is the Democratic administration that was in power in the time of peace preceding the war. This would lead very clearly to the conclusion that that administration must be that which is responsible for the unprepared condition which the eminent citizen says was a folly for which we will greatly repent.

Mr. President, however, that which the able Senator probably anticipated was not in my mind at all; it was not my intent to condemn Col. Roosevelt. I would no more condemn him for a partisan expression on the omission of duty than I would justify him in a partisan approval of fulfillment of duty. I merely rose to call attention to that which has not been sufficiently impressed upon the public mind. It is that no leader of any political party should at this time attempt to put responsibility for the condition of our country upon any one political party. We should, however, frankly tell our people that the condition which surrounds this country, which menaces it with a peril which the distinguished ex-President invites us to consider, is due to the fact that our country has not awakened to the danger which surrounded it for years. It is not that any political party has so failed in its duty nor that any administration should be charged with an omission sufficient to penalize it with any condemnation.

I want to invite the country's attention that when Col. Roosevelt suggested to us that this condition of unpreparedness was the failure of taking action in time of peace, he must inherit the result of that as well as this administration known as the Democratic administration. The people of America have never believed up to the present hour that we were on the eve of any war. They have never believed that there was a grievance against us in any part of the world sufficient to bring about a conflict. They have never been impressed with the dangers, and though now on the brink of disasters unless we prepare to meet them our country is still unaroused to that peril.

But let this be remembered, sir, that the country may understand that the charge of unpreparedness can not be laid at the doors of the Democratic administration and that the intimated charge of the distinguished private citizen shall not be construed to be in its effect as against this administration—that immediately after the Spanish-American War, and I can speak intimately of that, where I had an inconspicuous service, I then returned, as my distinguished friend, Mr. KING, of Utah, in front of me here well recalls, in the House of Representatives and participated in the matters of debate, being then a Member of Congress—that notwithstanding the fact that we had the menace of the Spanish-American War already passing before us and all were admonished when peace was declared of future dangers yet, so general was the idea as stated by eminent men that that was the last war in the world and that there would never be another, you could not arouse the people to take any steps for their defense, that Congress defeated the very effort to increase the Army following the Spanish-American War. It defeated the recommendation, as my distinguished friend from Michigan, Mr. SMITH, who served at that time with great distinction in the House, will recall, the recommendation of President McKinley to increase or make a reformation of the Army. Then Col. Roosevelt, after being Vice President of the United States, came in control of the Government. He recommended with all the avidity of his nature the increase of the Navy. Despite his recommendation, our country was so secure in the belief that we were in an era of peace where war could never again arise and that the burden of taxation upon the people was so unnecessary, that it defeated Col. Roosevelt in a Republican Congress, in a Republican Senate, in the increase of the Navy. His recommendations for four battleships could not be adopted, because the Representatives of the people did not believe there was such imminency of danger to justify the taxation that would follow the expense. Then the recommendation of two battleships a year met the same fate, notwithstanding all the lessons we had from what we had just gone through.

Mr. SMITH of Michigan rose.

Mr. LEWIS. I yield to the Senator from Michigan.

Mr. SMITH of Michigan. Perhaps I ought not to intrude myself into the Senator's remarks at all.

Mr. LEWIS. The Senator is quite welcome.

Mr. SMITH of Michigan. However, I do recall very distinctly that in this Chamber the program of the so-called more conservative Senators, who sought to commit the Government to a very modest naval program, was completely undone, but we did succeed in almost doubling the proposed authorization.

Mr. LEWIS. Mr. President, it may be that at the time to which the able Senator refers he may have in his mind some authorization which was made in this body; but the fact remains that in the final consummation President Roosevelt, in 1906, was compelled to recommend to Congress, as a concession to his defeats, that if we but repeated the program of the previous system of one battleship a year, or just enough to make up the loss or the decadence of that which was then in existence, it would be sufficient. He said he would not ask for increase of the Navy. Therefore we see that if there was any want of preparation, it was due to the fact that the people of this country did not feel the necessity for such preparation. If there was a failure to provide a Navy, it was because the people felt there was no demand for a further Navy. If there was a want of necessary Army, it was due to the fact that the people of the country would not be aroused to believe that there was any danger to the Republic. Therefore, sir, it is to the people of the country to whom we must address either blame or praise as to the conditions of naval or military preparation.

Mr. President, then, following President Roosevelt, President Taft recommended to this body the increase of the Army. As my brother, the Senator from Utah [Mr. KING], promptly brings to my attention, the increase of the Army in its force had not met with the approval of the previous President, President Roosevelt. He was a strong advocate—as I have ever been—of a powerful Navy, but President Taft did recommend to this body the increase of the Army in all its branches; but notwithstanding the recommendation—barring a few changes in the staff and some slight changes in methods of formation and government of the Army—the recommendations of President Taft were defeated, not because they were from President Taft, but because the country did not feel that there was any danger to our country justifying the increase of the Army; thus those who paid the taxes protested against the increase of the taxes necessary to the increase of the Army or the Navy.

Now, sir, what do we find? I invite Senators to a very interesting spectacle to which I shall now allude. The present temper of the day is still that there are no dangers; there is no part of our country yet aroused in this war; the Nation has not awakened up to the fact that there is any enemy at its door; the people of this country have not been shaken into a realization that they are upon the eve of a struggle that may mean the life or death of all that there is in republican institutions in America.

Sir, what more evidence do you want than one that I shall tender, among many? You, Senators, recall the processions of preparedness, which my friend and fellow officer in the service, Col. Roosevelt, among others, was the very first to invoke and to summon up—how we recall that from New York, just previous to the election, 289,000 were reported in the procession; in the city of Chicago, 235,000 in procession; in Kansas City, in Minneapolis, in San Francisco, Cal., in St. Louis, Mo., in Cleveland, through the South, and down to the city of Washington these processions of preparedness multiplied. These gentlemen making up the processions walked with gallant tread; they unfurled the flag with splendid pride; they condemned the administration then in power; they hissed their criticisms of Congress wherever they could; they vaunted splendidly their magnificent capacity to defend the Government and their immediate willingness to sacrifice everything for the defense of the Nation. But, Mr. President, now, when the country is at war, may I call your attention to the fact that if 15 per cent of those gentlemen who walked through our communities crying "preparedness" and criticizing Congress and

who presented themselves as the living embodiment of all the patriotism there was in the country had merely enlisted we should have had the army. Yet, sir, while making imprecations against some government in power, either Republican or Democratic, yet when it came to opportunity for action, where were these gentlemen to be found? We see where they stand. When it came to presenting themselves as exhibitions of patriotism to our citizens in going to the front and offering their lives, then it was we saw the shrinking and shirking from any such sacrifice. When the time came for these gentlemen to enlist, to present themselves for the defense against those dangers which they condemned the administration had not prepared for, where were they? They saw no need for enlistment and made no effort to become soldiers for their Nation. Shall I charge them with lack of patriotism? No. Shall I charge them with want of bravery? No. But I must charge that they were not sufficiently convinced of the dangers against which they marched to give profert of their lives as security against them.

Mr. President, even those who marched in these countless thousands have not awakened to the fact that their country is in any danger that they protested then called for preparation. For this absence of sense of duty the United States was compelled to depart from the American policy of a volunteer system of enlistment to adopt one of the enforced system, which I deplore not only as an officer and servant of the national volunteer guard, but as an American. I deplore that the necessity has ever been forced upon my country that she has been compelled to certify before the world that she was so lacking in voluntary patriotism of her citizens, on the one hand, or were unaroused to their danger or, on the other, that their country was compelled by the force of power to enlist their lives for the defense of their Nation in order to save their Republic. Such is the state of our country.

Then, sir, when the intimation may be made from any source that the lack of preparation in time of peace could be charged to any administration that might be in power during that time of peace, let the reply be from Col. Roosevelt, eminent soldier and distinguished citizen; let it come from the leader of the Democracy; let it come from every man in every public place—that the real evil, if evil it is, is not of the officers in control of an administration, not in the execution or the failure upon the part of any leaders of any political party, but because our countrymen will not awake to the dangers that surround them even now, with the tocsin of war ringing in their ears and the resonance of the cannon of the fields of Europe echoing against their hearts. If my friend Col. Roosevelt and others of his splendid capacity will do a service, they will go to the country, in the small towns, and awaken our citizens to realize what the dangers are; to the cities, and arouse them from the torpor that has set upon them. Let us all go forth to remind them that, whether they were for the war or against the war, this country has declared for war.

There is but one outcome of this war. This country must be victorious or it must be defeated. There can be but one or the other. Which will the American citizen take? Which will he now prepare himself to endure?

The only way, Mr. President, that you can ever arouse the American people to take an interest in this conflict sufficient to insure American victory is that there shall be some agency which that citizen respects to go out to him and convince him of the danger. Let him know that we are at war; that the result of the war must be the surrender of the enemy or the surrender of America, or the compromise of a principle. Let him know what the consequence will be to the Republic, and then let us hope, with this lesson learned, he will be found joining with others in the defense of his country in numbers, in volume, in legions sufficient to guarantee the prompt preservation of the Republic. But, Mr. President, so long as this country shall remain as it now is, where one-half of the country feels that the declaration of war was a mere fulmination, another part of the country feels that, if it is to be a war, let the Atlantic coast fight it, and another set feels that it is a war merely of finance and not of the people—so long, sir, as these discordant elements wriggle among each other, revolve around each other, with no concord of support, we shall have the complaint which Col. Roosevelt makes, and before we know it we shall be confronted at our gates with an enemy encouraged to come to America by the appearance of a divided and a distracted country that presents the lack of unity in an opposition against an enemy or defense of its own Republic.

Therefore, sir, I arose to merely say that I trust there may be no intimation from any source, however lofty or humble, that shall partake of partisan reflections upon this administration upon the ground that it has failed to prepare. Let the country remember that the preceding administrations before the administration of President Wilson came into power spent $3,000,000,000 of the people's money ostensibly for a navy and an army, and yet, despite that expenditure, it still develops that when the Democratic Party came into power it found none of the elements of defense necessary to preserve the country, no doubt occasioned by the want of the country understanding our real dangers and preparing for them. We shall not charge these omissions to any party in power or any party out of power; but I must respectfully urge, as I bring these observations to a conclusion, that the duty of every man is now no longer either to condemn a political party or to place responsibility upon one for a political advantage, but that we all join together to front the perils which on every side surround our country, that it may unitedly, man to man, forgetting all differences of the past, political or personal, move shoulder to shoulder, heart to heart, under the slogan of "America, prepare or beware!"

LIBERTY OF THE PRESS AND FREEDOM OF SPEECH.

Mr. VARDAMAN. Mr. President, I wish to ask permission to have the address delivered by me yesterday in the Senate upon Senate bill No. 2, after making proper corrections and presenting it in the order in which it should have appeared, to appear in the RECORD of to-day.

The VICE PRESIDENT. Is there objection? The Chair hears none.

Mr. VARDAMAN's speech, as corrected, is as follows:

Mr. VARDAMAN. Mr. President, I shall ask the Senate to indulge me for a few minutes while I discuss briefly Chapters II and XII particularly, and submit some observations upon the tendency of such legislation generally as that embraced in the pending bill. Referring to what the able and learned Senator from Illinois [Mr. LEWIS] has said regarding the political war talk of Col. Roosevelt, permit me to indulge the hope, Mr. President, that the time is not far distant when in moments of great emergency like the present we may all be able to concentrate our affections upon the State and not allow party affiliations to influence our thoughts or compel our action. I wish the whole world had been no better prepared for war three years ago than America was when the Congress made the declaration of war a few weeks ago. If that had been the case, we would have had no war. Unfortunately it is the rule with nations as with individuals, preparation and readiness for a fight always promotes a conflict. That is the history of mankind.

Mr. President, America is confronted to-day by a number of cruel, stubborn, conscienceless facts, creating a condition which calls for very cool and deliberate consideration and a congressional judgment that will refuse under any circumstances to be stampeded.

Of all times, this moment, is the least propitious for listening with credulity to the whisperings of fancy or pursuing with eagerness the phantoms of hope, expecting the deficiencies of to-day to be supplied by the wisdom of to-morrow.

It is imperative that the right thing shall be done to-day, done boldly, effectively, for if we fail the ghost of our blunder will rise continually to haunt and vex us at every turn of the road.

Mr. President, when the storm is raging fiercely and the billows are rolling high the brave and steady-nerved pilot demands the utmost freedom of action.

No fixed, immutable, cast-iron rules for steering the ship in such an emergency are observed.

But every caprice of the weather and trick of disordered nature must be met, overcome, or avoided by the resourceful, untrammeled genius of the man in command of the ship.

It is easy to meet and overcome or mitigate the dangers of a catastrophe if we know it is identical with that which has happened heretofore.

No ship ever goes down on a well-known breaker. Locate the submerged rock and it is easy to avoid it.

I think it was Walt Whitman who said, "The whole theory of the universe is directed to one single individual, namely, to you."

That suggestion applies with great force to our system of government, and describes accurately the individual citizen's relation to the Republic.

The whole theory of this Government is directed to, and depends for successful administration and conduct upon, the fruitful initiative, good judgment, and sound sense of the individual citizen.

All of the just powers of government are derived from the consent of the governed in theory, if not in fact, and the closer we cling to the theory the better will be the government for all the people.

And it must not be forgotten that the total strength of the Government is enhanced by preserving the constitutional plan of distributing the power.

All the wisdom and wealth, physical strength, and moral forces expressed and bodied forth in this Government are reposed primarily in the individual citizen of the Republic.

Every penny that will be expended in this great war—and God knows the magnitude of the amount staggers the imagination—must come from the products of patient toil. And its diversion from the normal channels of trade will necessarily deny to the toiler, to that extent, the opportunities necessary for the growth and proper development of the mind and morals of himself and those dependent upon him.

Every drop of blood that will be shed in this war in order to keep the American flag triumphant in the air and the lanes of commerce on the high seas free of all impediments will come from the veins of the individual man—that potential unit of the great mass of humanity which composes the aggregate invincible citizenship of this Nation.

And it must not be forgotten, also, that every ruddy drop drawn from the sad heart of the patriot—let it be said to the discredit of America—will be shed in obedience to a despotic law which denies him the freeman's privilege of offering his services to his country without compulsion.

Mr. President, at the risk of appearing academic or guilty of advancing a trite argument, I am going to ask permission to urgently impress upon the Congress and the people the pregnant truth that this Government belongs to the people; that the Congress is but the representative, the trustee, the custodian of the power which belongs to the people; and therefore we are charged with a very sacred trust and serious responsibility.

Buckle, in his History of Civilization, says:

"No great political improvement, no great reform, either legislative or executive, has ever been originated in any country by its rulers.

"The first suggesters of such steps have invariably been bold and able thinkers, who would discern the abuse, denounce it, and point out how it is to be remedied.

"But long after that is done even the most enlightened governments continue to uphold the abuse and reject the remedy.

"At length, if circumstances are favorable, the pressure from without becomes so strong that the Government is obliged to give way, and the reform being accomplished the people are expected to admire the wisdom of their rulers, by whom all of this has been done."

Pretty keen satire and grilling irony—a severe arraignment of the timeserver, but a very highly deserved and bitter denunciation of the pitiful, pliant political poltroon—the ever-present menace to free government, who would betray his people, crook the pregnant hinges of the knee, that patronage, pelf, or temporary popularity might follow his pusillanimous fawning, and then claim credit for that to which he is not entitled.

It is unfortunate that so many men in public life are incapable of independent, rational thought and courageous action.

To move along the lines of least resistance is the natural tendency of us all. We are too prone, too willing to take credit for things others have toiled and suffered to produce and to wear unblushingly the laurels others have sacrificed, to win.

Yes—

> It is easy to drift back, to sink;
> So hard to live abreast of what you think.

There must be very little temporal satisfaction or delight in playing the rôle of martyr, and yet I can understand how it is easier for an honest man to suffer for the right, than to luxuriate in the wrong. I can understand how it is easier to confront the frowns of a disapproving world, than it is to suffer in silence the raspings of an outraged conscience.

The ingratitude, however, of those for whom one sacrifices his life and surrenders all is a sharp and bitter tooth that bites to the quick, but to do right should be the highest reward, and to know that in the end good will come to the many for the acts that you have done or the sufferings that you have experienced should be the sweetest foretaste of the blessings that will surely come to the faithful in the realm of eternal rest.

I believe that service to man is the acceptable service to God, and he who contributes most to the sum of human happiness and the well-being of mankind will wear the brightest crown.

Mr. President, it is my deliberate judgment, that, in abnormal times, such as in the providence of God our beloved country is passing through to-day, the freedom of the press—the privilege of the newspaper to criticize and discuss the acts of officials—to spread broadcast proper news, to furnish the forum in which suggestions may be made touching all public questions, to promote discussion, and in that way encourage the attrition of ideas and the friction of suggestions, which alone make it possible for the eternal truth to be evolved—is vastly more necessary than in normal times, when the current of affairs moves on without a ripple.

There is enough of the dynamite of despotism in this bill to wreck the whole fabric of democracy in America. Time and trial have demonstrated that it is dangerous to vest so much power in one man or a few men. Unconsciously self-will, under the influence of vanity, sometimes becomes so ardent and active that it would break the world to pieces if necessary to make a stool for the tyrant to sit on.

As further evidence of the correctness of my position I desire to reenforce it by a quotation from a speech delivered by the late Hon. Jerry S. Black in the Milligan case, which I regard as strikingly pertinent. There is some similarity between conditions then and now. It was a time when sectional passion and prejudice ran high, swayed the greatest intellects and disturbed the usual poise of the leaders of thought. Judge Black, in my opinion, was one of the greatest lawyers of the English-speaking race, and his contributions to the juridical literature of America are of the most enduring and brilliant character. He says:

"But we are answered that the judgment under consideration was pronounced in time of war, and it is therefore, at least morally, excusable. There may or there may not be something in that. I admit that the merits or demerits of any particular act, whether it involves a violation of the Constitution or not, depend upon the motives that prompted it, the time, the occasion, and all the attending circumstances. When the people of this country come to decide upon the acts of their rulers they will take all these things into consideration. But that presents the political aspect of the case, with which, I trust, we have nothing to do here. I decline to discuss it. I would only say, in order to prevent misapprehension, that I think it is precisely in a time of war and civil commotion that we should *double the guards upon the Constitution.* If the sanitary regulations which defend the health of a city are ever to be relaxed, it ought certainly not to be done when pestilence is abroad. When the Mississippi shrinks within its natural channel and creeps lazily along the bottom the inhabitants of the adjoining shore have no need of a dike to save them from inundation. But when the booming flood comes down from above and swells into a volume which rises high above the plain on either side, then a crevasse in the levee becomes a most serious thing. So in peaceable and quiet times our legal rights are in little danger of being overborne, but when the wave of arbitrary power lashes itself into violence and rage and goes surging up against the barriers which were made to confine it, then we need the whole strength of an unbroken Constitution to save us from destruction."

What a glorious, brilliant beacon light to point the way in this hour of trial and doubt!

Mr. President, I am in no way indebted to the metropolitan newspapers for even justice at their hands, and I hold no special brief for the representatives of that potential influence in American politics. They have slandered, misrepresented, maligned, and abused me incontinently, shamefully, and cruelly.

There has been an air of abandon recklessness in their abuse of me which indicated that their masters were not pleased with my public career. They have unintentionally created the impression upon the impartial observer that I have not been plastic in their editorial hands or in any way obedient to their imperious dictations. To which I most gratefully enter a plea of guilty.

Their denunciations have been so severe at times that their corrupt purposes and pernicious motives appeared upon the surface of the dishonest criticism.

But I will cheerfully bear all of their injustice, and more, rather than to see the freedom of the press abridged in the slightest degree—not to serve the press, however, but, rather, the American people. I ask no quarter. I crave no favors. I demand justice only. I am willing to stand or fall by my record. I realize that error is short-lived, and any advantage obtained by the publication of a lie is ephemeral so long as truth unproscribed is free to combat it.

I think the observations of Thomas Jefferson on this question are the quintessence of human wisdom, and just as applicable to all states and conditions of the country to-day as they were in the morning of our country's career.

I would like to write these vital, virile ideas in ineffaceable characters upon the tablets of your memories and impress them upon the minds of the people, so that they might be taught to their children and their children's children until they shall become the instinct of the race. He says:

> One of the amendments to the Constitution * * * expressly declares that Congress should make no law respecting an establishment of religion or prohibiting the free exercise thereof, or abridging the freedom of speech or of the press, thereby guarding in the same sentence and under the same words the freedom of religion, of speech, and of the press, in so much that whatever violates either throws down the sanctuary which covers the others.

And further:

Truth is the proper and sufficient antagonist to error, and has nothing to fear from the conflict, unless by human interposition disarmed of her natural weapons, free argument and debate.

And, continuing, he says:

There are rights which it is useless to surrender to the Government, and which governments have yet always been found to invade. Among these are the rights of thinking and publishing our thoughts by speaking or writing.

Our liberty—

He continues—

depends upon the freedom of the press, and that can not be limited without being lost.

And further—

The press is the best instrument for enlightening the mind of man and improving him as a rational, moral, and social being.

And another truth he expresses, which I would especially impress upon the minds of the country to-day:

That where the press is free and every man is able to read, all is safe. * * * The only security of all is in a free press. The force of public opinion can not be resisted when permitted freely to be expressed. The agitation it produces must be subjected to. It is necessary to keep the waters pure.

Mr. President, those wise words spoken a hundred years ago are strikingly pertinent to the present-day conditions and can not be overlooked without detriment to the Nation.

It is very natural for men in authority to desire power—it is the natural impulse of the heart and promptings of the vanity of every potentate that his will is the best and wisest law for the government of all. There is no draft that makes such a dangerous drunk as power. Some wise man has observed that "power will intoxicate the best hearts as wine the strongest heads. No man is wise enough nor good enough to be trusted with unlimited power, for whatever qualification he may have evinced to entitle him to the possession of so dangerous a privilege, yet, when possessed, others can no longer answer for him, because he can no longer answer for himself." How profoundly true.

He knows in his own conceit what he wants to do and therefore thinks that everybody who differs from him must necessarily be wrong. That is the old human nature which is responsible for all the tyranny that has cursed the world in all the ages past and will curse it again if the people shall sleep on their rights and forget their duty to the State.

I am not questioning the wisdom of any particular individual; I am just discussing the nature of mankind generally, but I repeat the source of all power in the United States, determined by the very system and form of our Government, is vested with the citizen. That truth can not be too often repeated.

It is also a truth, let me assert again, proven by history and the experience of mankind, that even under the best forms of government those intrusted with absolute power have invariably converted it into a tyranny. It is well, therefore, to avoid everything that has in it the elements of ultimate despotism. The best way to avoid the dangers of an error is not to commit it; but if committed minimize its evil consequences by killing it in embryo. The American people can be trusted to do that which is best for their own Government. The irresistible influence of self-interest assures that. I would rather trust the feelings and the wisdom of all the people, than the judgment of any one man or small coterie of men.

The safest and best laws are enlightened public opinion crystallized.

If you will tell me what the man who toils wants, if you will describe his necessities, if I might be permitted to put my ear to his bosom and hear the throbs of his patriotic, honest heart, read his unexpressed thoughts, and know the impulses of his anxious soul, I can write the perfect law.

I can extract more wisdom and justice from the feeling of the masses, made known by the liberty of speech and freedom of the press, than by the reasoning or logical processes of the wise few.

Mr. President, I think any effort at this time to abridge the freedom of the press and limit free speech will be a mistake.

The world is passing through a trying ordeal. The old landmarks that pointed the way in the past are considered no longer altogether safe guides. Tyranny and the ambition of the few have engulfed the world in a sea of blood.

The men who are surrendering their lives in this unnecessary, brutal, unconscionable war were not consulted about it.

If they had been consulted about it, there would have been no war. This war is an impeachment of the morals of the rulers of mankind. It is a reflection upon their intelligence, an indictment of their consciences, and an outrage upon civilization, justice, and humanity.

Like dumb cattle the bravest and best of the earth are being driven to the slaughter, to satisfy the greed, cupidity, vanity, and the insane ambition of the enthroned few.

Never before in the history of the world was it so necessary, so imperative, to turn to the imperial individual—the private citizen—awaken him from his lethargy, appeal to his independence of thought, and arouse him to heroic action, as now.

The "common sense of most" is needed to hold the fretful world in awe and bring order out of the interminable chaos which seems to prevail through the world.

It is high time, I submit, that we should take into account the value of the human being and consider the sacredness of human life.

I wish every man engaged in this war throughout the world with one accord might stop at this moment and say to himself: "I will fight no longer, except for the right to rule myself and my own country; I shall dethrone the royal usurper, the king or the ruler that has betrayed me, and in the future, with my brothers throughout the world, we will submit our differences to the arbitrament of reason rather than the blood-stained, brutal sword.

We will organize the great world court, in which the international conscience shall be the supreme law, to which all our differences shall be submitted and settled.

We will organize "the parliament of man" and bring about "the federation of the world" for the good of the masses, rather than submit our interest and ourselves to be exploited for the aggrandizement of the titled few.

We will repudiate the right of any man to inherit a public office, and spurn with contumely the power that would attempt to force us to bend the knee of subserviency to a ruler who claims to hold his place by divine right.

This divine right assumption is a libel against God Almighty and an affront to truth and must forever be repudiated.

It is responsible for more wars—has blighted more lives, frustrated more ambitions, broken more hearts—in a word, it has filled the world with more misery and woe than any and all evils combined.

Its wrecks and ravages cumber the highways of history and point the student with warning hand to its disastrous consequences.

There never has been a war waged among civilized peoples that could not have been avoided or settled without bloodshed, with honor, if the masses had been wise, provident, and prudent, and the leaders, the officeholders, those in authority, had been brave, patriotic, and unselfish.

War is the game of the men in power, and those who profit pecuniarily thereby—a bloody game, in which the ignorant and subservient masses are merely the pawns.

I would that I had the power to put into operation forces that would educate the people, arouse in them that sense of self-preservation which would lead them, by any and all means, to uncrown every crowned head beneath the canopy of heaven to-day, and sell the jewels that glisten in those emblems of usurped authority, and with the proceeds feed the poor and educate the unlearned.

It is time for the men and women of the world whose labor feed and clothe mankind to make a declaration of independence, to think and act for themselves. The masses have been the slaves and serfs of the titled few long enough.

The only true nobility which society should be permitted to countenance are those who refuse to live by the toil of others and who prefer to serve rather than to be served. I have more respect for the patriotic artisan who does "his bit" with cheerfulness, for the plowman whose labor puts raiment on the naked and food in the mouths of the hungry—for the man who consecrates his genius to the service of humanity and devotes his life to the betterment of the condition of his fellowman—I have more respect, a thousand times more respect, for that class of men, than I have for the crowned loafer and the titled parasite, together with the American plutocrat, who "toil not, neither do they spin," but fatten upon the products of honest industry.

Mr. President, America at this moment is calling for men to do the ghastly work of war. We need men also to do the necessary heroic work of peace, work that must be done if society shall live after the war is over.

Some must work to feed, while others fight and bleed.

Yes; we need men—

"God give us men!" is the urgent cry—
Men who are honest, who will not lie;
Men who are strong, noble, and true;
Men who have courage to dare and to do.

God give us men who stand for the right—
Men who are ready all evil to fight;
Men that are clean, whose word is their bond;
Men who when called are sure to respond.

God give us men that money can't buy—
Men who have faith and are willing to try;
Men who have honor, virtue, and power—
"God give us men!" is the cry of the hour.

The newspaper is the greatest educator of modern times. From its teachings let us hope that truth will eventually triumph. There is no doubt about it in my judgment.

Therefore let the newspaper continue unhindered to carry on its great work of education; let us magnify the potency and dignity of the individual private citizen and minimize to the proper level the dignity and power of the officeholder in America.

Let us understand that—

The rank is but the guinea stamp;
The man's the gow'd for a' that.

Let us understand that "princes and lords are but the breath of kings; that an honest man is the noblest work of God."

Let the average man—the sovereign citizen—come into his own and express without fear of punishment his honest thoughts touching matters of vital public concern to him.

Mr. President, I repeat, America is passing through an ordeal that will test the spirit and purpose and strain the very letter of the Constitution.

The Congress and the Executive need all the wisdom and advice which the people are capable of giving through the medium of the press.

Too long residence in Washington, surrounded by flatterers and courtiers, the man in high office is liable to lose the common touch and forget the real people, for whose service the Government is at least in part established.

Our only means of ascertaining what the people really want, feel, and need is through the columns of the newspapers and magazines, and to cut off that source of information would be disastrous.

And while I know there are instances where the power of pelf will influence the newspaper to lie, to misrepresent and betray the people, still a large majority of the newspapers, thank God, I believe, will hew to the line.

So, unproscribed, untrammeled—

May the press the people's rights maintain,
Unawed by influence and unbribed by gain.
Here patriotic truth her glorious precepts draw,
Pledged to religion, liberty, and law.

No, Mr. President, I will not support any measure that permits any man or small coterie of men to proscribe the press or abridge the liberty of speech in this free country.

We are going to win this war for liberty, freedom, and democracy, but we are not going to win it with my consent by resorting to autocratic methods, by the methods of the tyrant, whose cruel grasp we are now trying to take from the strangled throat of struggling world democracy.

I take no stock in all this talk about "liberty" and the "driving of autocracy from the face of the earth" while at the same time and in the same breath we are sowing the seed of an intolerable despotism upon the free soil of America, which will grow up to vex us in the years to come.

Let me commend to all lovers of liberty, as the better expression of my own views, the wise counsel given by Judge Story in the concluding chapter of his great work on the Constitution:

"Let the American youth never forget that they possess a noble inheritance, bought by the toils and sufferings and blood of their ancestors; and capable, if wisely improved and faithfully guarded, of transmitting to their latest posterity all the substantial blessings of life, the peaceful enjoyment of liberty, property, religion, and independence. The structure has been erected by architects of consummate skill and fidelity, its foundations are solid, its compartments are beautiful as well as useful, its arrangements are full of wisdom and order, and its defenses are impregnable from without. It has been reared for immortality, if the work of man may justly aspire to such a title. It may, nevertheless, perish in an hour by the folly or corruption or negligence of its own keepers—THE PEOPLE. Republics are created by the virtue, public spirit and intelligence of the citizens. They fall, when the wise are banished from the public councils, because they dare to be honest, and the profligate are rewarded because they flatter the people in order to betray them."

Nothing truer was ever uttered by the loyal lips of an American patriot.

Mr. ASHURST. Mr. President, I have submitted an amendment to Chapter II of the pending bill because I am unable to support that chapter in its present form. I am opposed to a censorship of the press as we have come to know that expression, and I oppose it on two grounds—upon the ground of public policy and upon the ground of constitutionality. I shall discuss the present chapter, reviewing both aspects of the same as they present themselves to me; that is, from the standpoint of public policy and from the standpoint of its constitutionality.

Press censorships in every government have invariably brought unhappy and in many instances disastrous results. The evil that a censorship creates is more malignant than the evil it seeks to avoid and conceal. If, during the ensuing war, the press should be censored and information as to the progress of the war should go to the public filtered through a censor, we would soon be living in a vapor of suspicion, a cloud of misinformation, a miasma of rumor.

A censorship of the press results in the diffusion and spread of misinformation and idle tales. Under a censorship sensational stories fly apparently on the wings of the wind. The ordinary citizen is practically helpless and knows not what or whom to believe. I do not mean to say that the press is always accurate in its gathering and presentation of facts, or always correct in its interpretation of facts, but in the main it attempts to be correct and seldom is willfully and wantonly unjust. A censorship proposed to be established with the intention and for the purpose of preventing our enemies from obtaining information as to the position and movement of our troops and fleets and the location of munition factories, machine shops, and details of coast defenses would, and no doubt should, meet with general approval.

The people composing the United States Government are now just about to enter upon a most stupendous struggle. Events of world-wide importance are following each other so rapidly that they tread upon each other's heels; and sufficient events are transpiring each day to make volumes of history for the historian of the future.

I wish first to present my view as to the censorship in respect to its being an unconstitutional statute as proposed.

The first amendment to the Federal Constitution reads as follows:

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; * * *

Or abridging, omitting the parenthetical matter—

the freedom * * * of the press.

Everyone here knows what the word "abridging" means. I need not pause to consider or discuss the meaning of "abridgment."

What does "freedom of the press" mean? It is amazing to note the amount of loose talk—not in the Senate, but throughout the country and in the newspapers themselves—as to what is "freedom of the press" as used in the Constitution of the United States. The average citizen of this Republic, the ordinary publisher in our country who is not a lawyer, thinks that "freedom of the press" means the right to publish his sentiments just as he pleases. In a large sense, that may be true; but in a legalistic sense, and from a constitutional standpoint, that is not entirely accurate. "Freedom of the press" means simply, solely, and only the right to be free from a precensorship, the right to be free from the restraints of a censor. In other words, under the Constitution as amended by amendment No. 1, "freedom of the press" means nothing except that the citizen is guaranteed that he may publish whatever he sees fit and not be subjected to pains and penalties because he did not consult the censor before doing so. The citizen is left to publish just what he pleases, and must take his chances before a court of his country as to whether or not he has published anything libelous or anything that may bring any human being to disrepute or ridicule, or whether he has published anything of a treasonable or obscene nature. I undertake to say upon the floor of the Senate that any sort of censorship which even the necessities of war may apparently cast upon us would not be in keeping with the Constitution of the United States.

Now, to discover what this phrase "freedom of the press" means, we will resort to that which lawyers, in all time, have resorted to. What was the meaning of the phrase "freedom of the press" when the Constitution of the United States was adopted? When the first amendment was adopted, what did those who adopted and urged the amendment, what did the lawyers of that day say "freedom of the press" meant? What did the reports and the courts of the time say "freedom of the press" meant?

Mr. President, I believe that Sir William Blackstone is a fairly good authority as to what is the common law of England; and the common law of England has been in force in this country since we have been a Nation. It was brought to these shores by the migration hither of our ancestors. They brought it with them. This book of Blackstone's Commentaries was written before the adoption of this amendment, so it is presumed that those who adopted the amendment adopted it with the language in it with the construction which he put upon it and which the common law gave it. I read now from volume

4 of Wendell's Blackstone's Commentaries, page 151, where that great commentator says:

In this and the other instances which we have lately considered, where blasphemous, immoral, treasonable, schismatical, seditious, or scandalous libels are punished by the English law, some with a greater, others with a less degree of severity, the liberty of the press, properly understood, is by no means infringed or violated. The liberty of the press is, indeed, essential to the nature of a free state; but this consists in laying no previous restraints upon publications.

Let me read that again:

But this—

What? Freedom of the press—

consists in laying no previous restraints upon publications, and not in freedom from censure for criminal matter when published. Every freeman has an undoubted right to lay what sentiments he pleases before the public; to forbid this is to destroy the freedom of the press; but if he publishes what is improper, mischievous, or illegal, he must take the consequences of his own temerity.

Now, Senators will observe that these words are not the "wild shoutings of some demagogue out on the public hustings, seeking to arouse public prejudice and get votes." They are the words and the language of the great writer whose works we all consider and devoutly study—if I may use the words "devoutly study"—when we attempt to become lawyers. He says:

To subject the press to the restrictive power of a licenser, as was formerly done, both before and since the revolution—

Referring, I presume, to the English Revolution of 1688—

is to subject all freedom of sentiment to the prejudices of one man, and make him the arbitrary and infallible judge of all controverted points in learning, religion, and government. But to punish (as the law does at present)—

What law? The common law of England—

any dangerous of offensive writings, which, when published, shall, on a fair and impartial trial, be adjudged to be of a pernicious tendency, is necessary for the preservation of peace and good order, of government and religion, the only solid foundations of civil liberty. Thus the will of individuals is still left free; the abuse only of that free will is the object of legal punishment. Neither is any restraint hereby laid upon freedom of thought or inquiry; liberty of private sentiment is still left; the dissemination or making public of bad sentiments, destructive of the ends of society, is the crime which society corrects. A man (says a fine writer on this subject) may be allowed to keep poisons in his closet, but not publicly to vend them as cordials. And to this we may add that the only plausible argument heretofore used for restraining the just freedom of the press, "that it was necessary to prevent the daily abuse of it," will entirely lose its force when it is shown (by a seasonable exertion of the laws) that the press can not be abused to any bad purpose without incurring a suitable punishment; whereas it never can be used to any good one when under the control of an inspector. So true will it be found that to censure the licentiousness is to maintain the liberty of the press.

Now, Mr. President, adverting to this bill, we find in lines 19, 20, 21, and 22, of page 8, the offensive language. We find there language which, even though Senators should admit might apparently be for the common good, offends the Constitution, because the same is as follows:

Whoever, in time of war—

Now comes the matter obnoxious to the Constitution—

in violation of reasonable regulations to be prescribed by the President, which he is hereby authorized to make and promulgate—

This language sets up a censor to whom you must go to have your writings viséed or O. K'd, or you are guilty of a crime; and that, in my judgment, I repeat, is unconstitutional. All the commentators that have ever written, all that wrote before the adoption of our Federal Constitution, and nearly all of them that wrote since, agree that "freedom of the press" means freedom from the restraints of a censor, means the absolute liberty and right to publish whatever you wish; but you take your chances of punishment in the courts of your country for the violation of the laws of libel, slander, and treason.

In 1803 a man named Croswell was indicted in the courts of New York for libeling Thomas Jefferson. Croswell published a brutal and scandalous publication. He was arrested and tried and convicted before one of the nisi prius courts of New York. He took an appeal to the supreme court of the State, the court of last resort in the State at that time being designated the supreme court. The case came before the supreme court, and upon the bench was Chancellor Kent. One of the attorneys, in fact the leading attorney, for the defendant Croswell was Alexander Hamilton. Alexander Hamilton as a constitutional lawyer will compare favorably with some of the lawyers of the Senate. I think we may fairly concede that Alexander Hamilton knew something as to what the Constitution meant. I have here the great case, which is reported in Johnson's Cases, third volume, at page 355 et sequitur. I will not pause to read the whole case, but will say that the prosecuting attorneys urged that under the common law "the greater the truth the greater the libel," and that therefore the defendant was not permitted to offer proof as to the truth of his publication.

The question of censorship was discussed, and Hamilton in his argument in February, 1804, at Albany—by the way, Hamilton's last great legal argument—pointed out that there was on the part of the attorneys for the defendant a misconception as to what was the common law. Some lawyers, for instance, Mansfield and Lord Raymond, insisted that the common-law doctrine, "the greater the truth the greater the libel," was a part of the common law. Hamilton pointed out to the satisfaction of the court, and all American lawyers have taken Hamilton's view, that "the greater the truth the greater the libel" was part of the "star-chamber rule," which, under the rule of the Stuarts, was injected into the common law and was not the common law at all.

Hamilton's view has been the view of all the courts of this country. The Legislature of New York in the succeeding year, 1805, enacted a law which provided substantially that the truth may be given to the jury in all cases of libel and slander where it is published for good and for justifiable ends. Hamilton was of opinion that a censorship violates the liberty of the press, and freedom from censorship means the liberty of the press.

Now, Mr. President, we are not wholly in the dark in our country as to what a censorship may mean.

I shall here include in the RECORD some authorities I have compiled from "Words and Phrases" (vol. 5, p. 4131, et seq.):

"Liberty of the press," as used in the provision of the Federal Constitution guaranteeing the liberty of the press, etc., means a right in the conduct of a newspaper to print whatever he chooses, without any previous license, but subject to be held responsible therefor to exactly the same extent that anyone else would be responsible for the publication. (Sweeney *v.* Baker, 13 W. Va., 158, 182; 31 Am. Rep., 757; Negley *v.* Farrow, 60 Md., 158, 175; 45 Am. Rep., 715; Jones *v.* Townsend's administratrix, 21 Fla., 431, 450; 58 Am. Rep. 676; Upton *v.* Hume, 33 Pac., 810, 812; 24 Or., 420; 21 L. R. A., 493; 41 Am. St. Rep., 863; Fitzpatrick *v.* Daily States Pub. Co., 20 South., 173, 179; 48 La. Ann., 1116; Commonwealth *v.* Buckingham (Mass.) Thacher, Cr. Cas., 29, 39.)

The liberty of the press was said by Blackstone to consist "in laying no previous restraints upon publication, and not in freedom from censure for a criminal matter when published. Every freeman has an undoubted right to lay what sentiments he pleases before the public. To forbid this is to destroy the freedom of the press; but if he publishes what is improper, mischievous, or illegal, he must take the consequences of his own temerity." (Morton *v.* State, 3 Tex. App., 510, 516 (citing 4 Bl. Comm., side p. 152).)

In its broadest sense "freedom of the press" includes not only exemption from censorship but security against laws enacted by the legislative department of the Government or measures resorted to by either of the branches for the purpose of stifling just criticism or muzzling public opinion. It will not apply to a contract for the sale of a newspaper, whereby it was agreed that the seller would not edit, print, or conduct a newspaper, or be connected with one in the State, without consent of the purchaser. (Cowan *v.* Fairbrother, 24 S. E., 212, 215; 118 N. C., 406.

"Freedom of the press" does not mean "a press wholly beyond the reach of the law, for this would be emphatically Pandora's box, the source of every evil. The founders of our governments were too wise and too just ever to have intended by the freedom of the press a right to circulate falsehood as well as truth, or that the press should be the lawful vehicle of malicious defamation, or an engine for evil and designing men to cherish for malicious purposes sedition, irreligion, and impurity. I adopt in this case as perfectly correct the comprehensive and accurate definition of one of the counsel at the bar (Gen. Hamilton) that the liberty of the press consists in the right to publish with impunity truth, with good motives and for justifiable ends, whether it respects government, magistracy, or individuals." (People *v.* Croswell, 3 Johns. Cas., 337, 393; State *v.* Meyers, 21 Wkly. Law Bul., 302; 10 Ohio Dec., 238.)

The constitutional guaranty of freedom of speech and liberty of the press were designed to secure constitutional immunity for the expression of opinion; but that does not mean unrestrained license, nor does it confer the right upon the editor of the newspapers to write or publish whatever he may choose, no matter how false, malicious, or injurious it may be, without full responsibility for the damage it may cause. (Fitzpatrick *v.* Daily States Pub. Co., 20 South., 173, 179; 48 La. Ann., 1116.)

It is a popular thing to say that this must be put through as a war measure. Mr. President, this is America, not another country. We forget something of the genius of our people if we believe we can censor their sources of information. We must not for a moment think that the great war in which we are about to engage is going to be carried successfully through by means of confusing the people or denying them information to which they are entitled.

During the Civil War, the War between the States, feeling ran high and censorship was attempted. Indeed, not only was the censorship attempted, but Gen. Burnside seized and suppressed an edition of the Chicago Times, alleging that it was publishing matter treasonable and against the public safety. The edition was stopped, but in the loyal State of Illinois the feeling of the people was so keen, so intense, that the legislature of the State passed a resolution opposing the act of Gen. Burnside for stopping the edition of the Times, and Lyman Trumbull and Isaac N. Arnold, Lincoln's confidential advisers, urged him at once to revoke the order, and Lincoln revoked it. Not even in the most tense and critical periods of our country's history did the American freemen permit the hands of military authority to be laid upon the ark of freedom.

Mr. BRANDEGEE. Mr. President——

Mr. ASHURST. I yield to the Senator.

Mr. BRANDEGEE. The Senator stated, if I understood him correctly, that some people attempted to justify this censorship on the ground that it is a war measure. I wish to ask the Senator if in his opinion Congress has any greater power in time of war than it has in time of peace?

Mr. ASHURST. It has no greater power in time of war than in time of peace.

Mr. BRANDEGEE. Let me ask the Senator, because this question not only arises now, but in my opinion will continue to arise as other measures unusual and drastic may be proposed, Does the fact that Congress under the Constitution may declare war give any power to anybody to repeal or in any way conflict with the restraints and limitations and guaranties of the Constitution itself?

Mr. ASHURST. None whatever. I thank the Senator from Connecticut.

The State of Illinois during the Civil War may fairly be deemed to have been a loyal State, and I am able to imagine the flame of indignation that rolled over the State when Gen. Burnside attempted with his censorship to stop the edition of the Chicago Times, and that wise man, whose countenance seems seared with the plowshare of sorrow, at once directed Mr. Stanton, the Secretary of War, to revoke the order stopping the issue of the Chicago Times. I will read a copy of the order. It was subjoined as a note to a very long letter. It is dated "War Department, Washington, June 1, 1863." Note the date June 1. It was only one month anterior to the Battle of Gettysburg. the critical period of our country's history.

Maj. Gen. A. E. BURNSIDE,
Commanding Department of the Ohio.

GENERAL—

Here is a long letter, and then comes the postcript, as follows:

P. S.—Since writing the above letter the President has been informed that you have suppressed the publication or circulation of the Chicago Times in your department. He directs me to say that in his judgment it would be better for you to take an early occasion to revoke that order.

Here is wisdom—

The irritation produced by such acts is in his—

The President's—

opinion likely to do more harm than the publication would be. The Government approves of your motives and desires to give you cordial and efficient support. But while military movements are left to your judgment, upon administrative questions, such as the arrest of civilians and the suppression of newspapers, not requiring immediate action the President desires to be previously consulted.

EDWIN M. STANTON,
Secretary of War.

Mr. KING. Mr. President——

Mr. ASHURST. I yield to the Senator from Utah.

Mr. KING. Do I understand the Senator from Arizona to announce as the basis of his contention here that in time of war it would be unconstitutional for the President of the United States and for the military authorities acting under him to prevent in any way they could the dissemination of information as to the movement of troops which would come to the enemies of our country and aid them in their contest against us?

Mr. ASHURST. The learned Senator probably drew that inference. I responded to a question propounded to me by the distinguished Senator from the State of Connecticut. He asked me if Congress has any greater power in time of war than it has in time of peace. My reply is that our Constitution not being flexible nor amendable by Congress alone, Congress has no greater power in time of war than in time of peace. I call the Senator's attention, if he will pardon me for a moment, to the act of Congress under which Gen. Burnside assumed to act. It was the act of Congress of April 10, 1806, and section 57 thereof reads as follows:

ARTICLE 57. Whosoever shall be convicted of holding correspondence with or giving intelligence to the enemy, either directly or indirectly, shall suffer death or such other punishment as shall be ordered by the sentence of a court-martial.

Mr. WALSH. Mr. President——

Mr. ASHURST. I yield to the Senator.

Mr. WALSH. It seems quite clear, then, that the military officer acted without any authority of law at all. Is that the understanding of the Senator?

Mr. ASHURST. He acted without any constitutional authority.

Mr. WALSH. Or without any statutory authority?

Mr. ASHURST. I have not examined far enough to ascertain whether or not there was a statute passed after 1806. If there was a statute passed after 1806, I was unable to find it, though such may have been passed.

Mr. WALSH. I understood the Senator to state that that was all the authority he could find.

Mr. ASHURST. All I could find is the act of 1806.

Mr. WALSH. So that really Congress has not expressed its approval in any form of the act. Likewise it appears that he actually suppressed the paper.

Mr. ASHURST. He attempted to suppress it, as I read the President's order transmitted by the Secretary of War ordering the commanding general to revoke his order.

Mr. WALSH. While I subscribe to many of the very excellent principles for which the Senator from Arizona has so pointedly contended he rerecognizes, of course, that there is nothing in this bill which would authorize any military officer to suppress a newspaper.

Mr. ASHURST. I think the Senator is quite right about that, and I was only adverting to it to support my argument and to reinforce that statement I made in the opening sentence which fell from my lips to the effect that such orders and such laws always create more irritation and do infinitely more damage than they do good, and I would be presumptious, if the Senator will pardon me, to attempt to put my opinion upon a question of constitutional law against that of the Senator from Montana [Mr. WALSH] or the Senator from Utah [Mr. KING] either for that matter.

Mr. KING. Will the Senator allow me?

Mr. ASHURST. I yield to the Senator from Utah.

Mr. KING. The Senator was referring to the act of Mr. Lincoln. Will he permit me to call his attention to an order which Mr. Lincoln did promulgate and which, contrary to the statement of the Senator, was the basis of the action of Gen. Burnside, rather than the statute to which the Senator referred?

Mr. ASHURST. I would be very glad to see that; it may have escaped me in my researches.

Mr. KING. This is an order which was promulgated July 8, 1861:

Henceforward the telegraph will convey no dispatches concerning the operations of the Army not permitted by the commanding general, Winfield Scott. The above order is confirmed.

SIMON CAMERON.

Mr. ASHURST. I thank the Senator, but I have that before me and I have reflected upon it.

Mr. KING. Just a little further, if the Senator will pardon me, the second order, dated August 7, 1861, is as follows:

By the fifty-seventh article of the act of Congress entitled "An act for establishing rules and articles for the government of the armies of the United States," approved April 10, 1806, holding correspondence with, or giving intelligence, to the enemy, either directly or indirectly, is made punishable by death, or such other punishment as shall be ordered by the sentence of a court-martial. Public safety requires strict enforcement of this article. It is therefore ordered that all correspondence and communication, verbally, or by writing, printing, or telegraphing, respecting operations of the Army or military movements on land or water, or respecting the troops, camps, arsenals, intrenchments, or military affairs within the several military districts, by which intelligence shall be directly or indirectly given to the enemy without the authority and sanction of the major general in command, be, and the same are, absolutely prohibited, and from and after the date of this order persons violating the same will be proceeded against under the fifty-seventh article of war.

SIMON CAMERON.

Approved:

A. LINCOLN.

Does not the Senator know that under that order not only was the paper in Chicago suppressed, but numerous other newspapers were suppressed, and men were arrested and charged with sedition and various other offenses?

Mr. ASHURST. The Senator is correct. Not only, Mr. President, as the Senator well said, was the Chicago Times seized and the edition suppressed, but editions of the New York World were seized and suppressed, I believe.

In war the strong man wins, and my desire and my solicitude—and I think I may be pardoned if I say I believe it is a patriotic solicitude—is that America will win the war to sustain the Constitution and sustain every constitutional right possible. Between winning the war and giving up the Constitution I would give up the Constitution, but in my judgment the time has not arrived when the citizen is called upon to give up one single particle of his constitutional rights.

Now, I am going to read for a moment from the fourth volume of Rhodes's History of the United States, referring to Gen. Burnside's order. I read from page 253:

Burnside was induced to further acts of folly.

After describing some acts he committed with which the writer does not agree:

He issued an order announcing that "the publication or circulation of books containing sentiments of a disloyal tendency comes clearly within reach of General Orders, No. 38, and those who offend in this manner will be dealt with accordingly." June 1 he promulgated General Order No. 84. The circulation of the New York World, it said, "is calculated to exert a pernicious and treasonable influence, and is therefore prohibited in this department. * * * On account of the repeated expression of disloyal and incendiary sentiments the publication of the newspaper known as the Chicago Times is hereby suppressed."

And the author concludes with this pregnant sentence:

Strange pronunciamentos were these to apply to the States of Ohio, Indiana, and Illinois, where there was no war, where the courts were open, where the people were living under the American Constitution and English law. Fortunately men bred in liberty do not easily forget their lessons.

I said in the opening part of my remarks that every attempt on the part of President Lincoln or Mr. Stanton, the then Secretary of War, to set up a censorship of the press inevitably brought a reaction which created much damage and intolerable discontent.

Mr. BRANDEGEE. Did the Senator state the name of the author from whom he read?

Mr. ASHURST. Rhodes's History of the United States, Volume IV, 1862–1864.

Mr. WALSH. Mr. President——

Mr. ASHURST. I yield to the Senator from Montana.

Mr. WALSH. I am deeply interested in the information which is being given to the Senate of a historical character by the Senator from Arizona. Can he tell us whether any steps were taken by Congress to express either its approbation or its disapprobation of these efforts of the Executive to prevent information from getting to the enemy concerning military movements through the press.

Mr. ASHURST. As I said before, I did not in my searches find any statute, although doubtless one existed. I do not find any statute relating to the subject directly except the statute enacted April 10, 1806. All the authority that Gen. Scott acted upon when he issued the order, the first one read by the Senator from Utah [Mr. KING] and many subsequent orders, was predicated upon the recital of the fifty-seventh chapter of the act of April 10, 1806. So I think I am fairly within the bounds of accuracy in assuming that there was no other statute, although there may be.

Mr. WALSH. Perhaps the Senator did not clearly understand the idea I desired to convey. What I wanted to learn was whether Congress during the war expressed in any way its approbation or its disapprobation of the course taken. For instance, was not a joint resolution passed by Congress asking a revocation of those orders?

Mr. ASHURST. I know of none, Mr. President.

Mr. WALSH. Or did Congress acquiesce, and thus approve that action?

Mr. ASHURST. I know of none whatever, except that contemporaneous history, which I have a right to advert to, indicates that nearly all the Senators who were supporting the President at that time were opposed to the censorship; and I again advert to the fact that as soon as the Chicago Times had ceased publication Lyman Trumbull, a friend of the President I think, rushed to the telegraph office and he and others sent their telegrams pleading with the President to revoke that order.

Mr. SHERMAN. Mr. President——

Mr. ASHURST. I yield to the Senator from Illinois.

Mr. SHERMAN. Before the Senator leaves that part of his address to which he is now devoting his time, might I add some supplemental matter concerning the territory embraced in a number of those orders to which the Senator has referred?

Mr. ASHURST. I should be very glad to have the Senator from Illinois do that.

Mr. SHERMAN. A large part of southern Illinois, which was covered by this order, might properly be described as hostile territory. It contained a peninsula of which the south end and both flanks were slave territory. A very large percentage of hostile sentiment was found there; so much so that life and property were at times unsafe. This sentiment was greatly aggravated by the publication referred to in the Chicago Times.

The publisher and editor of the Chicago Times was Wilbur F. Storey, who sometimes signed his name to the inflammatory articles. They were extremely treasonable; they went beyond the limits of legitimate journalism. I have had access to some copies of the paper containing editorials that were circulated in the Union camps at that time, and they exceeded anything in the extremity and violence of their attacks upon governmental action that has been seen inside the borders of the United States. The courts remained open and civil process could be served on all the territory affected in Indiana and in Illinois.

I should like to add here that the mere fact that military law had been assumed to be put in operation by Gen. Burnside, and that that country was in an actual state of war within certain theaters of operation, did not suspend the civil laws within the territory embraced in the order. May I ask the Senator from Arizona whether the mere fact that we have declared war by a joint resolution passed by Congress has at all affected the civil jurisdiction of all the peaceable authorities in this country so as to justify any such censorship?

Mr. ASHURST. The only person who has had his civil rights affected in the United States by the declaration of war is the soldier, who patriotically gives up for a short period by virtue of his enlistment some of his civil rights; but as to all others no civil right whatever is suspended.

Mr. President, I secured a book the other day which I had never before seen, although I have heard of the author; he was a correspondent of the New York Herald and the Washington agent of the Associated Press during the Civil War. His name was L. A. Gobright. He tells about the censor, a very young man, doubtless a very excellent young man, who had his office in the National Hotel—now an historic building, historic not only because the censor had his office there but historic because one of our greatest American tribunes died there—Henry Clay. This author, telling about the difficulty he had in getting through his dispatches respecting the situation to New York, recites the dispatch, and then says:

This dispatch had, like all others, to undergo censorship. The censor at the time was a very young man, who, appreciating the importance of his position—

I should think he would appreciate the importance of his position when every correspondent had to go to him and ask him whether or not he could send out his dispatch to his newspaper—

"put on airs"—

I do not know whether the Senate understands what that expression means or not, but I do—

and assumed an undue degree of gravity. He had a small room in the National Hotel, high up badly lighted stairs—

"Badly lighted stairs" synchronizes with "censorship"—dark-chamber proceedings—

and at first somewhat difficult to find. There he had on his table scissors of various sizes, a full rack of pens, several inkstands, a dozen or more of lead pencils, of different colors—black and blue—

I presume they were mostly blue—

a pot of mucilage, half a ream of paper, and other properties, thought by him to be essential to his high office. Well, I handed the dispatch to the young man, Mr. Holland, in the office, directing him to give it to the censor and to be particular in watching what this mighty little man did with it. When he returned, he informed me that the censor, without fully reading the dispatch, stuck it into his capacious pocket, which answered the purpose of a wastebasket.

Then the author goes on to recite more experiences, but I shall not weary the Senate telling about the difficulty of getting dispatches through. I will, however, read from page 322 another instance of what the author calls "censorial caution and astuteness." He says:

Passing up Pennsylvania Avenue on a Saturday night, I happened to meet one of Gen. Wool's staff. My friend had just arrived from Frederick, Md., and had in his pocket an official communication from his chief to the Secretary of War. He informed me that there was much alarm in western Maryland, Lee and his army having invaded that State. He told me no more, because he had not yet ascertained the particulars. I immediately went to the telegraph office to "send off" the fact of invasion—

To "send off" meant to forward his matter—

making not more than 20 lines. The censor—not the young man who had vetoed my former communication, but a man at that time well known to many persons in New York and elsewhere—looked at my dispatch, then said: "It can't go." "Why not?" "Because it gives information to the enemy." "Colonel, do you suppose the enemy does not know what he himself is doing? And, besides, is it not important that the people of Pennsylvania and New York should know of their danger? Should they be kept in ignorance on so vital a question?" I continued my interrogatories. Although the censor had not the reputation of being a very wise man, he was impressed a little with my arguments, and, by way of compromise, agreed to forward my dispatch with the qualification of the one which, he said, he had sent to his wife. That qualification was, "It is said that," etc. Thus the positive announcement was turned into a mere rumor, which the public could believe or not. No better bargain could be made; and I, of course, was forced to submit.

Having now read some extracts from this book showing the workings of a censorship and its ridiculousness in this city during the war between the States in a Government where free people are accustomed to indulge in the luxury of reflection, I will give attention to the expression from the censor of the press in England, and I believe the person whom I shall now quote was the last censor in England until the present war.

Sir Roger L'Estrange in May, 1680, in first exercising his authority as licensor and censor of the press, and in explaining the attitude of the ruling classes, among other things said:

A newspaper makes the multitude too familiar with the actions and councils of their superiors and gives them (the multitude) not only an itch, but a kind of colorable right and license to be meddling with the Government.

Mr. CURTIS. Mr. President——

Mr. ASHURST. I yield to the Senator from Kansas.

Mr. CURTIS. I desire to ask the Senator a question in regard to his amendment. I wish to know if he would not consent in line 7 to strike out the word "calculated," and to insert in lieu thereof the word "intended"?

Mr. ASHURST. I thank the Senator. The amendment which I tendered on yesterday I will modify at his suggestion in line 7 by striking out the word "calculated" and inserting in lieu thereof the word "intended," or will introduce another amendment to that effect, so a vote may be had upon both forms.

Now, Mr. President, this great right, the freedom of the press—and I use the term "freedom of the press" in its legal sense as used in the Constitution—has been so jealously guarded that some of the best authorities say that if A learns that a paper is about to print a false scandal about him, he has no remedy by injunction or otherwise, but is left to his remedy at law for damages or by prosecution. Quoting from 8 Cyc., page 893, Monograph on Constitutional Law:

Injunctions to prevent abuse of the right. It is still, however, uncertain whether the attempt to prevent, rather than to punish, abuses of speech or publications is constitutional.

There are a number of very respectable authorities tending to show that sometimes injunction will lie; but the authorities are very respectable and numerous to the effect that injunction will not lie. I ask to include the authorities in my remarks.

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

Authorities: The following cases sustain attempts to prevent such abuses: Snoemaker v. South Bend Spark Arrester Co. (135 Ind., 471; 35 N. E., 280; 22 L. R. A., 332). Flint v. Hutchinson Smoke Burner Co. (110 Mo., 492; 19 S. W., 804; 33 Am. St. Rep., 476; 10 L. R. A., 243); holding, however, that the fact of libel or slander must first be found by a jury, and then an injunction would be granted to restrain any further publication. Thomas v. Cincinnati, etc., R. Co. (62 Fed., 803).

The following cases hold the opposite view: Dailey v. San Francisco 112 Cal., 94; 44 Pac., 458; 53 Am. St. Rep., 160; 32 L. R. A., 273). Life Association of America v. Boogher (3 Mo. App., 173). New York Juvenile Guardian Society v. Roosevelt (7 Daly, N. Y., 188). Doff v. Doll (9 Ohio Dec. (reprint), 428; 13 Cinc. Law Bul., 335).

Mr. CUMMINS. Mr. President——

Mr. ASHURST. I yield to the Senator.

Mr. CUMMINS. In making the change in the amendment just suggested by the Senator from Kansas [Mr. CURTIS], does the Senator from Arizona also intend to strike out the word "calculated," in line 9, on page 2, and substitute the word "intended"?

Mr. ASHURST. I thank the Senator from Iowa. That amendment should follow. I am going to modify my amendment to that effect before I tender it finally, when I conclude my remarks, or offer another amendment to that effect.

Mr. CUMMINS. Mr. President, will the Senator pause long enough to explain what he means by the word "intended"? Does he mean that the publisher must make the publication with the intent to help the enemy?

Mr. ASHURST. If the Senator will pardon me, I want to get the amendment in the shape in which it will command the most votes. I think the committee provision is in grave danger of being adopted. My amendment originally contained the words "all information calculated to be of aid to the enemy"; but the Senator from Kansas has suggested a modification to that, and the Senator from Iowa suggests that to be consistent I ought to insert the word "intended," instead of "calculated," on line 9, page 2, so that it would read "intended to be useful to the enemies of the United States."

The word "calculated" might imply that the defendant calculated in his mind that it should be of use to the enemy. I believe there should be a guilty mind; that the information was intended to be of use to the enemy. The intent can only be drawn from the acts and the motives of the defendant. So, Mr. President, that reconciles me to the insertion of the word "intended." I am going to read my amendment later. It provides for a jury trial; it provides that a jury shall pass upon the question of intent.

Mr. WALSH. Mr. President——

Mr. ASHURST. I yield to the Senator.

Mr. WALSH. Let me inquire, would it not be treason if it were intended that the enemy should get the information?

Mr. ASHURST. I am inclined to think it might be and ought to be; I rather think so.

Mr. WALSH. Then that is covered by the statute relating to treason.

Mr. ASHURST. In treason there must be an overt act and it must be proved by two witnesses. If I write a letter to the Senator I "publish" it. My amendment will cover not only those publications which appear in newspapers but any letter that is calculated to be of use to the enemy, because "publication" includes the writing of a letter by one man to another man; that is publication in the eyes of the law.

Mr. WALSH. I desire to suggest to the Senator that if it is treason, if the statute really designates a thing that falls within the definition of treason, it will be necessary, as a matter of course, to have two witnesses to the overt act.

Mr. ASHURST. That is true.

Mr. SMITH of Michigan. Would not the word "intended" operate to shift the burden of proof upon the State in a manner different than would be the case if the other word were employed?

Mr. OVERMAN. Mr. President, if the Senator will yield——

Mr. ASHURST. I yield to the Senator.

Mr. OVERMAN. I should like to ask the Senator whether he would not just as soon go on in the morning? I should like to have a quorum here in order to made an effort to secure a unanimous-consent agreement.

Mr. ASHURST. I fear I may be obliged to be absent for a time to-morrow. I would have finished by this time had I not been interrupted.

Mr. OVERMAN. I beg the Senator's pardon; I did not know he desired to conclude this afternoon.

Mr. ASHURST. I am going to finish very soon, just as soon as I can. I would not want a day or so to elapse between the beginning of a speech and its conclusion, for in that event one half of my speech might get lonesome without the other half.

Now, Mr. President, it is said that republics never learn by experience, and that democracies are wholly unable to fight a successful war. I do not wholly agree with such statements. We are now called upon to avail ourselves of the lessons taught to us by the British Empire. Shall we learn? No man can say who won the war for Great Britain, because it has not been won as yet; but I am able to name the man who has prevented Great Britain from being defeated. The man who prevented Great Britain from being defeated in this war was not the distinguished Right Hon. Arthur James Balfour, who did us the honor to address the Senate yesterday. The man who saved Great Britain was not David Lloyd-George; not that distinguished statesman, Herbert Henry Asquith; not even Sir John Jellicoe; nor was it Churchill. But the man who saved the British Empire was none other than Alfred Charles Harmsworth, known to heraldry as Lord Northcliffe. He made personal visits to the British lines. He discovered that the shells that were made in England would only reach one-third of the distance they were guaranteed to reach; that inferior powder was being used in them; and that thieving contractors were palming off upon the Government shells of one-third of the potentiality they were guaranteed to have. In spite of censorship, in the face of a court-martial, Alfred Charles Harmsworth published to Great Britain and to the world those facts that a censorship sought to conceal, and in those publications saved his Government and country from disaster.

So, Mr. President, we may pass our statutes and say to the press that we will filter out the news to the people through some man; but the press of this country, if I know it, if it is patriotic, as I believe it is, will publish the facts, censorship or no censorship, if the attempt is made to feed our troops embalmed beef and set up typhoid fever camps, such as were set up in the War with Spain. During the Spanish-American War, in the city where I now live, viz, Prescott, Fort Whipple was located, as it is now, about 1 mile from the city. Troops were brought to Fort Whipple and it became necessary to have more shoes for them. The shoes wore out in three days. They had paper soles and were paper shoes. Do you think that the press of this country would be performing a patriotic duty if it sat silent, cowed by a censorship, when grafting contractors were palming off on the Government paper shoes and embalmed beef and shells that would not explode and would carry but one-third of the distance they were intended to go? No. There would be a hundred Alfred Charles Harmsworths, who might not be lords in one sense, but would be lords in another, who would come to the rescue of their country and publish the facts to the world that an incompetent War College or bureaucratic commander might—I do not say would, but might—see fit to suppress. Human nature is human nature. I attempt to conceal my defects, and so do you all. If I were Secretary of War, and had defects or made mistakes, I would expect to try to conceal my defects, and so would you all; but it is our duty as men and as Senators to see to it that no defects and no blunders are concealed, but that they are laid before the American people, so that at least they may know the facts in the case and aid the officials in correcting them.

So, Mr. President, I am opposed to censorship. A golden stream of $7,000,000,000 is soon going to proceed from out the Treasury of the United States, raised by taxes laid upon the people. We may want to discuss how and when and by whom that is to be spent. We do not know what we might

want to say about it. We do not know what the papers might want to say about it; but in making this speech I wish to be understood as not in the slightest degree reflecting upon the integrity or the capability or the honesty of those Cabinet ministers now in charge of our affairs.

I believe I can say, without that offensive flattery that should disgust a Cabinet officer, that our Cabinet to-day measures up just as high and is just as pure and is just as patriotic, and upon it we may as confidently and as trustingly depend as upon any Cabinet in the history of our Government. But do you claim that they are infallible and unable to make a mistake? If they are the wise men I think they are, if they are the patriotic men I believe them to be, they will welcome a disclosure so startling as that made by Lord Northcliffe, should like facts exist, regarding the shortage and the inferiority of the shells that were furnished to the British Government in the latter part of 1914 and during the early part of the year 1915.

We are going to make, in my judgment, many, many mistakes in this war, because we are human beings. We only learn by mistakes, and unless the mistakes are discovered and exposed to the public how will we learn? Our War College and our generals will probably be in command of more men than they have ever before assembled even on paper. They will be called upon to perform duties requiring high efficiency.

I know there are men in the world who are like the ancient ruler who always beheaded all those who brought bad news; but, Mr. President, there is some iron and blood in the American people. They can bear bad news without flinching. They want the truth during the progress of this war. The only effective way, in fact, the only way in which they can secure it, is to have these lynx-eyed reporters and these editors, who we have a right to assume in large part are patriotic, lay before the country each morning or each day the status as to how the soldiers are fed, how they are clothed, and so on. Nobody expects that any newspaper will, and indeed the editor should be punished if he did, publish information as to the movements of the fleet, the troops, the aircraft, the location of powder factories, the location of defense works, and all that sort of thing.

I do not know who the censor is that has been appointed. I was told the other day; I have forgotten. I am going to assume that the censor who has been appointed is a man of the highest character; but when I assume that I am not bound still further to assume that he is the wisest man, the most circumspect man, in all our country.

Mr. WALSH. Mr. President——

Mr. ASHURST. I yield to the Senator from Montana.

Mr. WALSH. Before the Senator goes to that, I should like to address another question to him, because, in my judgment, his discussion is very enlightening and helpful.

The Senator referred to the difficulties which a war correspondent encountered during the Civil War about getting dispatches to his paper from Washington to New York. There are a great many correspondents of foreign papers now in the city of Washington.

Mr. ASHURST. Yes, sir.

Mr. WALSH. Information conveyed from this city to Copenhagen, for instance, or to Christiania, or to Stockholm, undoubtedly would get right into Germany. Are we to understand the Senator as objecting to a censorship of the cable under which these gentlemen who are correspondents for these foreign newspapers would be limited at all in transmitting information for publication in their papers?

Mr. ASHURST. No, Mr. President. I would not want to give to the correspondents of foreign newspapers the authority to publish and send to a foreign country any news as to the movements of our troops. I would not want that at all. In fact, I would be willing to assist, if I could, in the suppression of dispatches to points in other countries from which they might reach our enemies.

Mr. President, I will illustrate what I mean. I have for a long time believed there was a powerful wireless station in Mexico working with Germany. I called the attention of the War Department to my views. I presume that the letters and communications are in the department. Finally I secured a copy of a newspaper from Mexico, and I found in one little corner a notice that "there are now 30 wireless stations working in the Republic," and that "the land wires are unnecessary, because our wireless is working everywhere"; and in another corner of the paper I found a dispatch saying that "the powerful wireless, being the thirty-first, has just been completed and set up" on the northern side of the island of Lobos, on the eastern side, although I believe there is such an island also on the western side, and that that wireless would work anywhere in the world. I sent that to the War Department and asked their attention to it.

Mr. WALSH. Mr. President, that is most interesting and important information which the Senator now gives us. Then an American newspaper publishes all about the movements of our troops, anything it sees fit to publish; it goes over into Mexico; they put it on the wireless there and send it to Germany.

Mr. ASHURST. I just said that I would be willing to do anything we could, take more aggressive measures, in respect to dispatches going to points from which they might reach our enemies.

Mr. WALSH. But the point is that we can not control the Mexican wireless from this country. If they permit wireless stations to be established there, we can not prohibit that.

Mr. ASHURST. But does the Senator think the American people should be allowed to remain in ignorance as to the fact that those conditions exist in Mexico?

Mr. WALSH. Certainly not. I do not understand that there is anything in this bill that would prevent information being circulated to the effect that there are wireless stations in Mexico in communication with Germany; but that is not the point. The point I am making is that those wireless stations being there, as we will assume for the purpose of the discussion, affording opportunities for communication with Germany, if we allow our papers in the United States freely to print information concerning the disposition and movements of our troops, and those newspapers are carried across the border into Mexico, as a matter of course, all the information that they contain will be transmitted by wireless to Germany.

Mr. ASHURST. The Senator says "information as to the movements and disposition of our troops." My amendment—which I am going to read now, because I am going to conclude—provides for striking out all after the parenthetical (c), and inserting the following:

Whoever, in time of war, shall publish any information with respect to the movements, numbers, or disposition of any of the armed forces, ships, aircraft, or war materials of the United States, or with respect to the location of any fortifications, munition plants, machine shops, shipyards, docks, factories, naval stores, arsenals, or any other information relating to the national defense calculated to be useful to the enemies of the United States, shall, upon conviction thereof, be punished by a fine of not more than $10,000 or by imprisonment for not more than 10 years, or by both such fine and imprisonment: *Provided*, That nothing in this section shall be construed in any way to limit or restrict any discussion, comment, or criticism of the acts or policies of the Government or its representatives or the publication of the same—

That provision is in the bill now—

Provided further, That in any prosecution hereunder the jury trying the cause shall determine not only whether the defendant or defendants did willfully publish the information relating to the national defense, as set out in the indictment, but also whether such information was calculated to be useful to the enemies of the United States.

Mr. WALSH. Well, Mr. President, that is the point I am making. The Senator, as I understood him, interprets his own language to mean that the crime has not been committed unless the publisher intends that the information shall get to the enemy; but I want him to assume the case where the publisher does not intend anything of the kind at all. He simply intends that it shall get to his readers in this country; but it is carried across into Mexico, and thus the information gets abroad. I would not give that interpretation to the language of the amendment as proposed by the Senator, but I take his own interpretation of his own language; and the crime would not be committed, as I understand him, unless the publisher of the newspaper printed the matter with an intent that it should get to the enemy.

Mr. ASHURST. There are two different kinds of offenses attempted to be defined here: First, the substantive offense of publishing any information concerning the disposition of the armed forces, ships, aircraft, or war materials of the United States, or with respect to the location of any fortifications, munition plants, machine shops, shipyards, docks, and so forth. That is one offense. Intent is not necessary there.

Mr. WALSH. Exactly.

Mr. ASHURST. The next offense described in my second amendment is, any information not described above calculated to be of use to the enemies of the United States; because I have not sufficient ingenuity, and very few men have, to describe all the offenses that might come under the class of "calculated to be of use to the enemy."

Mr. WALSH. Then, I inquire of the Senator, wherein lies the difference between his amendment and the provision found in the bill?

Mr. ASHURST. The provision found in the bill is unconstitutional because it sets up a precensorship. That is where it offends against the Constitution. It sets up a precensorship; but the fundamental law of our land requires that in cases of this kind, in all cases regarding publications, the jury must pass upon the case. A man can be deprived of his liberty only

after a jury has found him guilty; because "freedom of the press" means, and means only, freedom from anybody saying what you shall and shall not publish.

Mr. WALSH. I quite agree with the Senator, but I do not understand how he finds a precensorship in the provision of the bill and does not find it in his amendment.

Mr. ASHURST. Why, there is no precensorship in my amendment. My amendment simply says that whoever in time of war shall do certain things is guilty of a crime.

Mr. WALSH. But that is what the bill says.

Mr. ASHURST. No; I beg the Senator's pardon. The bill says:

Whoever in time of war in violation of reasonable regulations to be prescribed by the President, which he is hereby authorized to make—

That means that regulations can be made. It involves the great question as to whether or not these regulations are reasonable. It means that a censorship is set up, that some man is clothed with sufficient authority to visé the dispatches of all persons; and the gravamen of the offense in the bill is the publication of the matter without the consent of the party set up as a censor.

Mr. WALSH and Mr. KING addressed the Chair.

Mr. ASHURST. I yield; but I want to get through in a minute.

Mr. WALSH. I want to say to the Senator that those of us who are responsible for the language do not give it that interpretation.

Mr. ASHURST. I said half an hour ago that I would be very presumptuous to set up my opinion on a constitutional question against the opinion of the distinguished Senator from Montana, but nevertheless that is my opinion; and, indeed, a censorship now has been established, though not under this authority.

Mr. WALSH. Mr. President, I am very glad the Senator refers to that, because that is a matter that is altogether different from the matter under consideration here, and I take this occasion to say that the censorship to which the Senator refers is nothing more nor less than this: A Mr. Creel has been appointed to give to the newspapers such information as the War Department chooses to give out concerning the movements of the troops. He has absolutely nothing to do with the activity of any newspaper correspondent who gets any information anywhere else.

Mr. ASHURST. I am very glad to know that. That is probably not in law a "censorship"; it is a matter of departmental policy. I presume that if the department does not desire to promulgate to the general public what is transpiring in that department, it would take statute law to require it to do so.

Mr. KING. Mr. President——

Mr. ASHURST. I yield to the Senator from Utah.

Mr. KING. In order that I may understand the position of the Senator—and I desire to do so—I want to submit a concrete illustration, and ask him whether he thinks there ought not to be some provision by which punishment might attend such conduct.

Suppose that we shall send to France—as we doubtless shall within a short time—a number of troops. They will have to be transported upon our vessels or the vessels of our allies. Does not the Senator think that, in view of the submarine warfare, we ought to conceal from our enemies the fact that these troops are going, the places from which they go, and the hours of their departure?

Mr. ASHURST. The Senator is entirely right; and any newspaper that would publish that—and I doubt if any newspaper in the Nation would publish it—should be punished according to law.

Mr. KING. Supposing now that a newspaper should publish those facts—not in order that the knowledge may get to the enemy but hoping that it will be confined to its own readers—does not the Senator think that it would be proper to lodge somewhere the power to inflict punishment upon the newspaper that gave out that information in such a way that it would reach the enemy?

Mr. ASHURST. Why, in drawing my amendment I reflected for a time upon the advisability of making punishable with death the offense of communicating to the enemy such intelligence or publishing anything as to the movements of the fleet. I would vote for a provision like that. I want that substantive fact of guilt to be found by a jury, however.

I want to say before I pass on that the day the colonel, of whom my distinguished friend from Illinois [Mr. LEWIS] spoke—that colonel who has two large fists and a mouthful of teeth—sails for Europe at the head of a hundred thousand men—and he will sail—I do not believe you can find a newspaper in the Nation unpatriotic enough to publish the fact that he has sailed, or to give the name of the port from which he sails, or where the men are going, or how they are going.

Mr. WALSH. I quite agree with the Senator; I do not expect any paper will print it; but my attention was called the other day to a publication which appeared in one of the papers in New York City which gave exact and explicit information concerning the location and the extent and the number of nets spread in the harbor of New York City for the purpose of intercepting any submarine that might come into the harbor.

Mr. ASHURST. I am very much disappointed. I did not believe that they would attempt to do that, and it disappoints me to learn it.

Mr. CUMMINS. Before the Senator from Arizona concludes, I wish he would clear up a matter which touches me somewhat. As the Senator's amendment was originally drawn it was easy to see that it provided for an offense that had not been covered by the preceding part of Chapter II, but as he has now consented to its change by eliminating the word "calculated" and substituting the word "intended" I see no difference except in form between paragraph (c) as it would be if the Senator's amendment were adopted and paragraph (b). It defines practically the same offense and the same proof would be required to establish it.

Now, we have attached as a penalty to a violation of paragraph (b) punishment by death or imprisonment not less than 30 years. Punishment for exactly the same offense in substance attached to the amendment by the Senator from Arizona is a fine of $10,000 and imprisonment for not more than 10 years. It would seem to me that if the Senator intends to redefine practically the same offense he ought to attach the same penalty.

Mr. ASHURST. As to the particular penalty, I have no pride of expression, but think heavy penalties should be inflicted.

Mr. FLETCHER. I suggest to the Senator that in its present form, as the Senator from Iowa has said, the amendment is merely a repetition of paragraph (b) in the bill.

Mr. CUMMINS. I think it is exactly the same in legal effect. I may say to the Senator from Arizona that in my judgment he has simply described the crime of treason just as the crime of treason is described in paragraph (b).

Mr. FLETCHER. When you use the word "intended" for "calculated" you base the whole thing on the proposition of paragraph (b) during time of war.

And (b) whoever, in time of war, with intent that the same shall be communicated to the enemy, shall collect, record, publish, or communicate, or attempt to elicit any information with respect to the movement—

And so forth.

That is all covered by the proposal.

Mr. ASHURST. I think that part can be stricken out of my amendment. I realize that it is very difficult to catch the guilty and at the same time not to throw heavy or unjust labor upon the innocent. I think the Senators who have given attention to the particular question as to lines 19, 20, 21, and 22, with reference to the rules and regulations to be observed, will see the radical fundamental differences between my amendment and the provision of the bill on page 8.

Mr. CUMMINS. Undoubtedly.

Mr. ASHURST. There is the radical change.

Mr. CUMMINS. But in paragraph (b) we have no rules and regulations provided, for paragraph (b) declares that "whoever, in time of war, with intent that the same shall be communicated to the enemy, shall collect, record, publish, or communicate."

The offense is punishable by death because it is treason.

Mr. ASHURST. In other words, let me get the point the Senator makes.

Mr. CUMMINS. In the Senator's amendment there are no rules and regulations, but the provision is now that anyone who publishes information intended to be useful to the enemy's cause shall be punished.

Mr. ASHURST. I catch the Senator's point. Then striking out the word "calculated" in line 7 of my amendment changes the whole course of the bill.

Mr. CUMMINS. Precisely, and makes it simply a duplication of paragraph (b).

Mr. ASHURST. I thank the Senator for calling attention to it. I am bound to admit that there is very great force in what the Senator says. Hence that is one of the reasons why I have offered two amendments, one containing the word "intended," and the other containing the word "calculated," so that if, upon reflection, Senators believe the amendment containing the word "intended" will be found more serviceable, they will have an opportunity to vote for that. I wish to

say that I have submitted the two amendments in order to be within the rule which will take effect to-morrow, I presume, requiring the amendment to be submitted before the vote is taken upon the motion calling for the cloture upon the bill.

The privileges which the English-speaking people hold to be of inestimable value, to wit, suffrage—based upon patriotism and integrity instead of upon property—a free press and freedom of religion, have not been easily acquired or easily maintained. The contest for a free and untrammeled press has been just as keen and intense as the contest for a free ballot.

In England, until the expiration of the licensing act, May 3, 1695, it was by no means certain that the publication of a newspaper was not illegal. The Court of Star Chamber delivered an opinion that it was unlawful to publish without license, and, indeed, near the close of the reign of Charles II the judges pronounced that it was a misdemeanor at common law to publish any news of a political nature without the express approval of the licensors of the King. Even John Milton's Paradise Lost narrowly escaped severe mutilation, and with difficulty obtained "leave to print" from the King's licensors.

Article I of the first amendment to the Constitution of the United States was a rampart reared for the protection of the American people against those persons who believed that republican governments were dangerous delusions, and for the security of the people against legislative, executive, and judicial usurpations, just as the Bill of Rights and the Great Charter were reared by the English people for their own protection against the encroachments of the royal prerogative.

Congress passed the act of July 14, 1798, which declared it to be a crime to publish any false, scandalous article concerning Congress or the President, and making it unlawful to stir up sedition against the United States. The manifest purpose of this sedition law was to shield the Federal Government from damaging criticism, and the sedition law was of a transient nature limited to short duration and expired by effluxion of time on March 4, 1801.

The constitutionality of the sedition law was vigorously assailed with great ability and earnestness and was defended with equal vigor. This sedition law was impugned as being directly opposed to the letter and spirit of the Constitution of the United States and as wholly inconsistent with the rights of citizens and the liberty of the press. It never came before the United States Supreme Court, but Mr. Vice President John C. Calhoun, writing in August, 1832, said that from the date of the formation of the Constitution in 1787 down to 1832 only one question of a political character had been settled in the public opinion, and that that question was the unconstitutionality of the sedition law.

It is difficult to estimate the number of prosecutions conducted under this sedition law, but sufficient it is to observe that each prosecution still further served to swell the tide of indignation against it and its authors, and the heat of popular resentment against the sedition law was undoubtedly one of the features of the campaign which promoted the triumph of Thomas Jefferson and the defeat of John Adams in 1800.

We must not forget that in many of the governments of antiquity liberty degenerated into license, and that with many of the ancient rulers the word "liberty" became an excuse or pretext for measures which transformed liberty into license and destroyed the very things which made liberty valuable. Indeed, the history of the world furnishes us with many painful and shocking examples of men who have spoken rapturously and sometimes with flaming eloquence of liberty and patriotism, but who simply used such speeches as a disguise or mask to conceal the fact that they were subverting true liberty.

We in this age who are not restrained to establish and publish a newspaper or print our sentiments therein seem to think these rights were born with us, are inherent in us, and seemingly it never occurs to us that our patriotic ancestors gave up their liberty, shed their blood, and sacrificed their lives in order that we might enjoy privileges which we of to-day accept as a matter of course, but which mean very much to people who value true freedom. American citizenship is an inheritance which has been achieved and maintained only by virtue of stupendous sacrifices that have been made by those who have gone before to secure for us this inestimably valuable boon.

The United States is just entering upon a struggle of unparalleled proportions against the most perfectly organized and powerful nation in the world. Such a situation, of course, calls for sacrifice from every individual citizen of this Republic. In responding to the duties incumbent upon us in this posture of affairs the soldier stands foremost and his sacrifice is the greatest. He will be called upon, if necessary, to give up much that is dear to him—his home, freedom of speech and action, his prospect of gainful occupation for a time, and perhaps his life. The soldier exacts no conditions, but loyally gives himself to his country as represented by the constituted authorities placed over him, and although the soldier yields up his civic rights entirely for the good of his country, he is none the less a citizen. He simply waives his rights temporarily to give greater efficiency to his efforts and justly looks forward to the time when the authority of government will again restore the exercise of civil rights he has so patriotically laid down.

The duties of the citizen not in the battle line are of a more peaceful and not so exacting a character, but every citizen is none the less a soldier; he is either a soldier of the shop, a soldier of the soil, a soldier of the train, a soldier of the farm or factory, and it well becomes the citizen not in the battle line to appreciate the grandeur and magnitude of the devotion of his fellow citizens in the field and to prove that he, the citizen not in the battle line, is also a soldier called upon to make some sacrifices, but that his country's demand upon him is relatively small when compared to the sacrifices that may be called for from the soldier. Hence, of course, the citizen not in the battle line must and should be willing to give up a part of the liberty he exercises in normal times and imitate, so far as possible, the loyal and patriotic example of the soldier in the field. The citizen will be unfair to the soldier as well as unfaithful to the country if while enjoying the fruits of freedom he were unwilling to give up a portion of the privilege which the soldier resigns for the common good.

We must admit that freedom of discussion as to the movements of the Army and Navy and the location of munition factories and powder plants, which would be perfectly innocent and harmless in time of peace, may be insidious treason and strike at the root of military power in time of war. Hence a statute should be enacted laying heavy penalties upon those persons who publish any information concerning the location, number, and movement of troops and fleets, the location and operation of munition factories, powder plants, fortifications, and defenses; but let the statute be enacted in accordance with the Constitution; allow the offending person to be indicted, tried by a jury of the vicinage; let the question of the guilt or innocence of the person be tried according to law; make penalties as heavy as may be thought necessary—subject the defendant to rigorous and extreme punishment—but do this in the manner provided by the Constitution.

If it be wise to require the citizen in civil life to give up his great right to publish his sentiments and views and to forego for the common good his right to have accurate information as to the state of war, let the citizen be denied such right and privilege in accordance with the methods prescribed by our Federal Constitution.

Mr. OVERMAN. Mr. President, every phase of the bill has been discussed at length. There are 12 chapters and every chapter has been discussed. I want to see if I can not get a unanimous-consent agreement to vote on the bill. I ask the Senate to agree to the order which I ask to have read by the Secretary.

The VICE PRESIDENT. The Secretary will read.

The Secretary read as follows:

It is agreed by unanimous consent that not later than 11 o'clock a. m., Friday, May 11, 1917, the Senate will proceed to vote upon any amendment that may be pending, any amendment that may be offered, and upon the bill S. 2, the espionage bill, so called, through the regular parliamentary stages to its final disposition; and that after 11 o'clock on said day no Senator shall speak more than once or longer than 10 minutes upon the bill, or more than once or longer than 5 minutes upon any amendment thereto.

Mr. CUMMINS. Mr. President, I am sure I want to reach an early vote on the bill; I do not intend to object to an agreement to fix the time to vote; but that is lacking in one element, namely, that the bill will be before the Senate between now and 11 o'clock on Friday.

Mr. OVERMAN. To-morrow anyone can speak as long as he pleases.

Mr. CUMMINS. I want the vote to be had to-morrow.

Mr. OVERMAN. Of course there is no reason why we should not vote to-morrow.

Mr. CUMMINS. I want to have the privilege of offering an amendment, and when the debate has been concluded I wish to have a vote upon the amendment. I think there ought to be a provision in the agreement so that the bill may be kept before the Senate continuously until it is concluded, and if we can conclude it before the hour named on Friday we ought to do it.

Mr. OVERMAN. I expect to finish it on Friday, even without a unanimous-consent agreement.

Mr. CUMMINS. Suppose some Senator upon that side, or this side either, has another bill that he thinks very important,

just as the Senator from Oklahoma [Mr. OWEN] had a bill to-day, why should he not bring it before the Senate?

Mr. OVERMAN. I will say to the Senator that I will keep this bill before the Senate.

Mr. CUMMINS. For both discussion and action?

Mr. OVERMAN. Yes.

Mr. CUMMINS. I have faith enough in the Senator from North Carolina to accept his statement.

Mr. STONE. Mr. President, I should like to have the attention of the Senator from North Carolina. I want to facilitate the vote on the bill, and I am desirous of aiding the Senator from North Carolina in bringing the bill to as speedy a conclusion as possible. In the order he submits for adoption by unanimous consent, he has proposed that what we usually call general debate shall end at 11 o'clock on Friday, and that we shall then proceed to the consideration of amendments.

Mr. SMITH of Michigan. Not later than 11 o'clock on Friday.

Mr. STONE. Well, not later.

Mr. OVERMAN. We can take them up earlier.

Mr. STONE. Of course, if it can be done earlier all the better, but that is immaterial. When 11 o'clock on Friday is reached we are to consider amendments, and no speech beyond 10 minutes shall be permitted. In the meantime what is going to happen?

Mr. OVERMAN. We will go on with the bill to-morrow, and my opinion is that one of the first things we reach will be the espionage chapter, if the Senator wants to speak on that, because we have finished with the last chapter. Then the bill comes regularly into the Senate for concurrence in the amendments adopted as in Committee of the Whole, and amendments then will be offered to each chapter.

Mr. STONE. I understand the process of proceeding as well as the Senator from North Carolina.

Mr. OVERMAN. I know you do.

Mr. STONE. But what I had in mind is that when we conclude the consideration of the bill as in Committee of the Whole this afternoon, as the Senator hopes to do, and it goes to the Senate proper, and we adjourn or take a recess until to-morrow at 11 o'clock, the bill then comes before the Senate and is subject to amendment as in Committee of the Whole. If the bill goes to the Senate this afternoon, and we adjourn until 11 o'clock to-morrow, or take a recess until that hour, all general debate must end by 11 o'clock the next day.

Mr. President, I do not know how many amendments are going to be proposed in the Senate to the bill.

Mr. OVERMAN. Now, I want to say——

Mr. STONE. Just wait a moment. I do not know who is going to get the floor or who is going to ask to take the floor, or whether we are going to have two or three Senators recognized, who will speak out the whole day of Thursday. So I come to the point I have in mind, that this order ought to contain a provision that when the bill goes to the Senate from the Committee of the Whole no Senator shall speak longer than one hour. That will give more of us a chance to say what we desire to say.

Mr. SMITH of Georgia. Mr. President, what I should like to see inserted in the agreement would be a provision that speeches on the bill hereafter should be limited to 10 minutes. A 10-minute speech is listened to and has some effect upon the action of the Senate, while a long speech vacates the Senate Chamber and accomplishes nothing. If the Senate would agree to give the Senator from North Carolina what he asks and agree that, beginning on to-morrow morning at 11 o'clock, we should proceed with the consideration of this bill and any amendments that should be offered, and that thereafter no Senator should speak longer than 10 minutes, we should really have a debate; we should consider amendments, and every Senator would have an opportunity to say all that he really has to say.

Mr. OVERMAN. We could not get such an agreement, Mr. President.

Mr. SMITH of Georgia. Can we not?

Mr. STONE. No; you can not get such an agreement by unanimous consent.

Mr. SMITH of Georgia. We can not get it otherwise.

Mr. STONE. Then you can not get it in that way.

Mr. OVERMAN. I want to say to the Senator from Georgia that I have conferred with Senators about that, and they will not agree to that.

Mr. STONE. Mr. President, the Senator from Georgia has debated this bill on several occasions and at considerable length.

Mr. SMITH of Georgia. If the Senator from Missouri will allow me, he is mistaken. He will not find that I took over 10 minutes at any one time. The Senator may examine the RECORD as to that.

Mr. STONE. I should not like to join issue with the Senator, but into how many hours the various 10 minutes which he took would run it is impossible for me to calculate at this moment. However, when the question comes up in the Senate on that provision of the bill relating to newspapers and other publications, the provision which has just been debated by the Senator from Arizona, I desire to be heard for 30 minutes or thereabouts. It may be a little less and it may be a little more, but not much less nor much more. I am not willing to have my opportunity circumscribed in the way suggested by the Senator from Georgia.

Mr. SMITH of Georgia. If I had known the Senator from Missouri desired to speak upon the matter, I should not have made the suggestion——

Mr. STONE. I am quite sure of that.

Mr. SMITH of Georgia. Because I would be glad to be here and to hear him for 30 minutes or longer.

Mr. STONE. I am quite sure the Senator would not have made the suggestion. I believe he is entirely sincere in the whole statement that he has made.

Mr. SMITH of Georgia. I am.

Mr. STONE. But I do not think any Senator ought to speak over an hour.

Mr. OVERMAN. Mr. President, to-morrow we shall have all day for speeches; this bill will be finished as in Committee of the Whole in an hour. Then it goes to the Senate, and on the matter about which the Senator from Missouri is speaking he can get the floor at once and make his speech on that particular feature of the bill.

Mr. STONE. How does the Senator from North Carolina know that I can get the floor?

Mr. OVERMAN. I know the Senator can get the floor, as there are only a few more speeches to be made, as I understand.

Mr. STONE. If the Senator will assure me of that fact, I have nothing more to say.

Mr. OVERMAN. I think to-morrow we will get through with all the speeches.

Mr. SMITH of Michigan. I should like to ask the Senator from North Carolina if, under the unanimous-consent agreement which he proposes, it would not be possible to exhaust debate to-morrow and to proceed to a vote on the bill?

Mr. OVERMAN. That is what the unanimous-consent agreement provides for.

Mr. SMITH of Michigan. But that we shall not dispose of it before Friday unless debate is exhausted?

Mr. OVERMAN. Not later than Friday.

Mr. WADSWORTH. Will the Senator from North Carolina yield to me?

Mr. OVERMAN. I yield to the Senator.

Mr. WADSWORTH. I desire to ask the Senator from North Carolina if this proposed unanimous-consent agreement will be applicable only to the Senate bill?

Mr. OVERMAN. It is applicable, of course, to the Senate bill.

Mr. WADSWORTH. As I understand, the other House has passed a bill very similar to this one. It must have reached the Senate by this time, and presumably it has gone to the Committee on the Judiciary.

Mr. OVERMAN. It is before the Committee on the Judiciary.

Mr. WADSWORTH. I assume, without professing to read the mind of the Senator from North Carolina, that it is the intention of that committee to report that bill and to substitute the Senate text after the enacting clause?

Mr. OVERMAN. Yes.

Mr. WADSWORTH. Then debate on the bill will be entirely reopened?

Mr. OVERMAN. Debate can be reopened.

Mr. SMITH of Georgia. Now, Mr. President——

Mr. WADSWORTH. While I have the floor, as the Senator from North Carolina has yielded to me, would it not be possible to obviate that difficulty in advance?

Mr. OVERMAN. I do not see how we can do so.

Mr. WADSWORTH. Would it not be possible for the Judiciary Committee—and I feel great hesitancy in offering that committee or its acting chairman any advice—to report the House bill and to make the substitution before the unanimous-consent agreement is made?

Mr. OVERMAN. We can report that bill back, and when this bill is passed we can then offer it as a substitute for the House bill, but not until then.

Mr. BRANDEGEE. Inasmuch as the whole proceeding is by unanimous consent, why could not that provision be made a part of the unanimous-consent agreement, to wit, that the text of the Senate bill, by unanimous consent, be substituted for the House bill?

Mr. OVERMAN. Of course, the Senate can do anything by unanimous consent.

Mr. BRANDEGEE. That will obviate the point made by the Senator from New York [Mr. WADSWORTH].

Mr. WADSWORTH. The point I intended to make was that it would be very advisable, if possible, to make the substitution before the hour of 11 o'clock on Friday. Then the unanimous-consent agreement for restricting debate would apply to the substitute.

Mr. OVERMAN. How can we substitute this bill for the House bill until we finish this bill?

Mr. WADSWORTH. We can do so by unanimous consent.

Mr. OVERMAN. I think the Senate will make a unanimous-consent agreement such as we had on the Army bill, and have no debate.

Mr. WADSWORTH. But that opens debate again, and we shall lose another day.

Mr. SMITH of Georgia. I should like to make this suggestion to the Senator from New York: We ought to bring the House bill back here at once, offer the Senate bill as a substitute for it, and proceed to perfect our substitute for the House bill, which is the Senate bill. Then, when we adopt the substitute, we are through with it; we do not have another day with a reopening of the issues.

Mr. OVERMAN. If the Senator will ask unanimous consent to do that, I think the Senate will agree to it.

The VICE PRESIDENT. There is not any doubt about the parliamentary situation—that if the Committee on the Judiciary desire to report the House bill with the Senate amendment, it can be so reported.

Mr. OVERMAN. On second thought, I think we can do that without unanimous consent, for I can come in and offer the Senate bill as an amendment at any time by giving notice before it comes into the Senate.

Mr. SMITH of Georgia. Why can we not now, by unanimous consent, withdraw the House bill from the committee, take it up, and then offer this bill as a substitute for it, and go on and perfect it?

Mr. OVERMAN. We can report it back in the morning and offer this as a substitute for it.

Mr. CUMMINS. Mr. President, a parliamentary inquiry. What would you offer as a substitute? The bill as it has been amended up to this time as in Committee of the Whole or the bill as reported originally by the committee?

Mr. OVERMAN. This bill.

Mr. CUMMINS. But this bill is not yet finished.

Mr. OVERMAN. It is not finished, but I should like to have that done after the bill is finished; and that is what I had intended to do.

Mr. SMITH of Georgia. Why can we not have a unanimous-consent agreement now to withdraw the House bill from the Judiciary Committee, to take it up, and let the Senator from North Carolina then offer this bill, as we have so far perfected it, as a substitute for the House bill? Then we can proceed to perfect the substitute and adopt it and be through with it.

Mr. BRANDEGEE. One reason why it would be objectionable, in my opinion, to do it in that way, would be that an amendment offered on the floor would be an amendment in the second degree and would not be subject to any further amendment.

Mr. SMITH of Georgia. Not at all. We would have a right to perfect the substitute. The Senate bill as it now stands would be offered as a substitute for the House bill, and we could perfect the substitute before we voted on it, just as we are perfecting it now.

Mr. BRANDEGEE. That is just what I supposed; but in my opinion an amendment to an amendment offered from the floor would then be out of order as being in the third degree.

Mr. SMITH of Georgia. Not at all.

Mr. NELSON. Mr. President, I think that the suggestion of the Senator from Georgia is practical and can be carried out. Let the committee report the House bill back with a substitute in the form of the Senate bill as it now stands. The substitute will then come before the Senate and will be open to amendment. I think we can do that.

Mr. OVERMAN. The Senator will remember that the committee has authorized that bill to be reported back. That can be done at any time.

Mr. NELSON. I suggest that the Senator report it back now and recommend that the Senate bill in its present condition be substituted for the House bill. That would settle it, and then the substitute would be open to amendment. I think the Senator in charge of the bill is authorized to make that report.

Mr. OVERMAN. I am authorized to make the report.

Mr. WALSH. Mr. President, I have a suggestion to make, which I think will meet with general approval. We might add a clause to the unanimous-consent agreement to this effect:

That upon the disposition of the pending bill the Senate will proceed to the consideration of H. R. 291, and vote without debate upon any motion which may be made to strike out all after the enacting clause and substitute the text of the pending Senate bill, and that House bill 291 shall then be passed by the Senate, if the motion to substitute shall prevail, without debate.

Mr. OVERMAN. That is all right.

Mr. CUMMINS. That would be very objectionable, unless the right to amend the substitute after its adoption were reserved.

Mr. WALSH. That procedure is to be obviated, if possible, the idea being to require all amendments that any Senator cares to submit to be offered to the pending bill, and then, when the pending bill is in such form as meets the approval of the Senate, take up for consideration the House bill and vote immediately upon a motion to substitute.

Mr. CUMMINS. I do not care how it is reached; but it could be done in another and, I think, much simpler way, by reporting the House bill, agree to substitute for it the Senate bill as at the present time perfected, with a reservaton that the substitute shall then be open to amendment precisely as though it were an original proposition.

Mr. WALSH. Of course, there is a great deal more machinery about that than under the plan I propose. Under that suggestion we would have to refer it to the committee and the committee would have to report it.

Mr. CUMMINS. The very moment we vote to substitute the Senate bill for the House bill, and that motion is adopted, the right of amendment is over. There is no further opportunity to amend.

Mr. OVERMAN. Mr. President, why would it be? Why does the Senator want to amend it further after the Senate bill has been perfected?

Mr. CUMMINS. I do not, if the motion to substitute is not made until the Senate bill is fully perfected.

Mr. OVERMAN. That is the plan I had marked out—to perfect the Senate bill and offer it as a substitute for the House bill.

Mr. CUMMINS. That is subject to only one objection—and I do not raise it—namely, that when an amendment is offered to the amendment it will not be in order.

Mr. OVERMAN. There will be no amendments to it after the Senate bill is substituted, according to the suggestion made by the Senator from Montana [Mr. WALSH]. That will be the end of it.

Mr. SMITH of Georgia. Mr. President, I wish to ask the Chair if he can give us advice in advance with reference to the parliamentary status? If the House bill is reported from the committee and the Senate bill is offered as a substitute for it, is not that substitute open to amendment and perfection, just as we are seeking now to amend and perfect the Senate bill?

The VICE PRESIDENT. There is no question of doubt that the substitute would be open to amendment and that the original bill would be open to amendment. The House bill would first be subject to amendment and then the substitute. There is not any doubt about it and there never has been. It is a proposition to strike out and insert.

Mr. OVERMAN. According to that ruling, I do not see now why I should not report the House bill from the committee with the Senate bill as a substitute.

Mr. HARDWICK. Mr. President, before that is done I desire to say that I would not wish to give my consent to an agreement like that, because I do not believe that a correct statement of parliamentary law. If the substitute is offered, then an amendment to the amendment in the second degree will not be in order. There is no doubt about that being the law, in my judgment. So, I would not want to enter into an agreement that would put us in the condition that an amendment to the amendment would not be in order.

The VICE PRESIDENT. There never has been any doubt about it. The Chair will read again Rule XVIII, for the benefit of the parliamentarians of the Senate. It is as follows:

If the question in debate contains several propositions, any Senator may have the same divided, except a motion to strike out and insert, which shall not be divided; but the rejection of a motion to strike out and insert one proposition shall not prevent a motion to strike out and insert a different proposition; nor shall it prevent a motion simply to strike out; nor shall the rejection of a motion to strike out prevent a motion to strike out and insert. But pending a motion to strike out and insert, the part to be stricken out and the part to be inserted shall each be regarded for the purpose of amendment as a question; and motions to amend the part to be stricken out shall have precedence.

There is not any doubt about the question presented.

Mr. HARDWICK. The precedents of the Senate however, are the other way on this precise question, when it comes to the

proposition that another bill is offered as a substitute, and I would not enter into an agreement based on any such theory.

The VICE PRESIDENT. In the opinion of the Chair there is not any doubt as to the proposition to strike out and insert, and there never has been.

Mr. OVERMAN. Mr. President, I should like to make a parliamentary inquiry. Why can not I, under the proposed unanimous-consent agreement, at any time before the bill reaches the Senate, give notice that I am going to offer, when the bill gets into the Senate the House bill, with the Senate bill as a substitute for it?

The VICE PRESIDENT. The trouble about the whole matter is this: The Senator from North Carolina is presenting a unanimous-consent agreement which, if it be entered into, will result in the disposal of this bill in some way, either by its passage or by its rejection. He has proposed no unanimous-consent agreement whatever with reference to the House bill. When the pending proposed agreement is made, of course, he can not put into it the provision regarding the House bill. That is the trouble with it.

Mr. SMOOT. Mr. President, may I suggest to the Senator from North Carolina that if the Committee on the Judiciary is ready to report House bill 291, which is a bill upon the same subject, striking out all after the enacting clause and inserting Senate bill No. 2 as amended up to this time, then to-morrow morning we can take up the House bill. Then the Senate can perfect the substitute or the original House measure, as the case may be, and the House bill will be before the Senate in place of the Senate bill. That seems to me to be the quickest and the easiest way to obviate the difficulty.

The VICE PRESIDENT. What the Senator from Georgia [Mr. HARDWICK] was thinking about was this: That the Senate bill, being offered as a substitute for the House bill, if it passed from the Committee of the Whole and reached the Senate, of course it could not be amended.

Mr. HARDWICK. Exactly.

The VICE PRESIDENT. Because it is all one amendment; but when the House of Representatives bill is reported with the Senate amendment it is in the Committee of the Whole. It has not reached and will not reach the Senate.

Mr. HARDWICK. Yes; that is true. But I have the other situation in mind where it might be urged that an amendment was in the third degree, and it might prevent real consideration.

Mr. CUMMINS. Mr. President, a parliamentary inquiry there. We are operating under a unanimous-consent agreement which provided that each chapter should be adopted in Committee of the Whole as an independent proposition. Now we have passed the time for the amendment of many of these chapters in the Committee of the Whole.

The VICE PRESIDENT. We have.

Mr. CUMMINS. And if that rule is to prevail with the substitute we might not be permitted to amend the substitute at all.

The VICE PRESIDENT. But the Senate is operating under a unanimous-consent agreement to consider each chapter separately and adopt it separately in Committee of the Whole, but it is not under a unanimous-consent agreement that this bill shall ever come to a vote; and if the Senate does not want it to come to a vote and takes up the House of Representatives bill with a substitute this unanimous-consent agreement is dead.

Mr. CUMMINS. That is very satisfactory.

Mr. OVERMAN. I might report the House bill now as a substitute for Senate bill 2, and then ask unanimous consent for the consideration of House bill 291.

Mr. SMITH of Georgia. That is all right.

Mr. OVERMAN. If that is the way to do it, I will report it now and ask that this bill be a substitute; that all after the enacting clause be stricken out and this be offered as a substitute——

Mr. HARDWICK. But you can not amend it.

Mr. OVERMAN. Why, to be sure you can—as a substitute for House bill 291. I do that now by unanimous consent.

The SECRETARY. The Senator from North Carolina reports favorably from the Committee on the Judiciary House bill 291 with an amendment. The amendment proposes to strike out all of the text of the House bill and to insert certain words—the Senate bill as amended to the present time.

Mr. OVERMAN. Now, I ask unanimous consent to take up that bill for consideration.

The VICE PRESIDENT. Is there any objection?

Mr. BRANDEGEE. Mr. President, before that is agreed to I still want to suggest to the Chair that the committee has reported what the Senate has so far perfected as an amendment to the House bill—an amendment to strike out and insert, in the nature of a substitute—so that the committee amendment is the question before the Senate. If a Senator offers an amendment, that will not be open to amendment, because it will be in the third degree.

Mr. OVERMAN. I ask unanimous consent that an amendment offered by a Senator to that shall be in order.

Mr. SMITH of Georgia. Mr. President, as I understood the position of the Senator from Connecticut, it was this: That if an amendment was offered to this substitute——

The VICE PRESIDENT. There never has been any difference in the rulings since the present occupant of the chair has been here; at least, that any Senator may offer an amendment to the original House bill if he wants to; a Senator may offer to amend the amendment; a Senator may offer to amend the substitute; or a Senator may offer to amend the amendment offered to the substitute, under Rule XVIII. They are really original bills, being motions to strike out and insert.

Mr. OVERMAN. I do not think there is any doubt about that. Now, Mr. President, I substitute——

The VICE PRESIDENT. Without objection, the Chair lays this bill before the Senate.

Mr. WALSH. Just a minute. I think we ought to have another unanimous consent now, making the unanimous-consent agreement entered into with respect to the Senate bill applicable to this bill, namely, that all action taken with reference to the various chapters of the Senate bill in the Committee of the Whole shall be deemed to have been taken with reference to this.

Mr. SMOOT. Oh, no; this is a new bill.

Mr. WALSH. Otherwise we start right in with Chapter I, and it is open to amendment and discussion all along down the line.

Mr. SMITH of Georgia. That is all right.

Mr. OVERMAN. It is, unless we can get this unanimous-consent agreement.

Mr. MARTIN. Have you taken up the House bill now?

Mr. OVERMAN. Mr. President, let the House bill be reported.

The VICE PRESIDENT. It has been reported.

Mr. OVERMAN (reading)—

> It is agreed by unanimous consent that not later than 11 o'clock Friday, May 11, 1917, the Senate will proceed to vote upon any amendment that may be pending, any amendment that may be offered, and upon the bill (H. R. 291), the espionage bill, so called, through the regular parliamentary stages to its final disposition, and that after the hour of 11 o'clock on said day no Senator shall speak more than once or longer than 10 minutes upon the bill, or more than once or longer than 5 minutes upon any amendment thereto.

Mr. STONE. Mr. President, I want in there a provision that during the consideration of the bill prior to 11 o'clock on Friday morning, if any Senator desires to speak upon the bill generally, or any provision of the bill generally, he may do so for not exceeding one hour. Has the Senator from North Carolina any objection to that?

Mr. OVERMAN. I have no objection.

Mr. BRANDEGEE. Except that it would be impossible for all Senators to avail themselves of the privilege.

Mr. STONE. It would be less possible for Senators to avail themselves of the privilege if there be no limitation on debate.

Mr. BRANDEGEE. My only point is that the Senator has got it so long that only a few Senators could speak if they spoke one hour each.

Mr. BORAH. Mr. President, I understand that the vote does not come until 11 o'clock on Friday. There is no limitation on the time of speaking before that.

Mr. STONE. There is none, but I am trying to put a limitation upon it. If you do not, then two or three or four Senators may take the whole 8 or 10 hours.

Mr. BRANDEGEE. I think that is the intention.

Mr. STONE. If it is the intention, that is what I am opposed to.

Mr. BRANDEGEE. I know that.

Mr. CUMMINS. Mr. President, I have no objection whatever to the thought of the Senator from Missouri; but if it is intended that there shall be no vote upon any amendment to the bill until 11 o'clock Friday, I am opposed to it, and would not consent to it. I want to proceed to-morrow morning, as early as may be thought desirable, with the bill and go right forward with it; and anybody who wants to speak can speak, and if nobody wants to speak we can have a vote.

Mr. STONE. Why, to be sure; if no one wishes to speak, we can have a vote.

Mr. CUMMINS. But the suggestion is that there be nothing but talk to-morrow.

Mr. STONE. That is not my suggestion.

Mr. CUMMINS. No; not the Senator's, but that has been the suggestion.

Mr. OVERMAN. I said they could do that if they wanted to.

Mr. CUMMINS. And I do not want to enter into an agreement of that kind.

Mr. OVERMAN. There is nothing of that kind in the proposed unanimous-consent agreement. That was only a suggestion made by me to the Senator from Missouri—that he could speak as long as he wanted to.

Mr. STONE. I want to speak as long as I want to speak, but I say it will be considerably less than an hour; but I do not want to be cut off by some Senators who desire to speak very much longer, if there should be any.

Mr. CUMMINS. Why not, then, limit the time from now on to 1 hour for each Senator, and after 11 o'clock limit it to 10 minutes?

Mr. STONE. That is just what I am saying.

Mr. CUMMINS. Yes; I should like to see that done.

Mr. STONE. That is what I am saying, or substantially what I am saying.

Mr. OVERMAN. Then, Mr. Secretary, it is suggested that we insert:

Provided, That from this hour no Senator shall speak more than one hour.

Mr. STONE. "*Provided*, That from the adoption of this order."

Mr. OVERMAN. "*Provided*, That from the adoption of this order no Senator shall speak more than one hour."

Mr. BRANDEGEE. "From the adoption of this order up to 11 o'clock Friday."

Mr. STONE. "Up to 11 o'clock Friday, no Senator shall speak more than one hour."

Mr. OVERMAN. "*Provided*, That from the adoption of this order until 11 o'clock Friday no Senator shall speak more than one hour."

Mr. THOMAS. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator from Colorado will state it.

Mr. THOMAS. Some Senators, including myself, have reserved the right, after the bill comes into the Senate to present certain amendments. If this unanimous-consent agreement is made, what effect will that have upon our right to proceed according to our reservation?

The VICE PRESIDENT. We have done a lot of things since the Senator from Colorado was here. That bill is all out of the way.

Mr. THOMAS. I understand, Mr. President, that that bill is out of the way. At the same time it is the same bill that is before us; and I should prefer to proceed, as far as I am concerned, under the reservation which was then made. If, however, notwithstanding that, I can call up the amendment under the present arrangement at any time, I shall not object.

The VICE PRESIDENT. That arrangement can not apply to this bill.

Mr. OVERMAN. Let me say this: This bill is about finished and is going to the Senate early to-morrow, because the only thing before the Committee of the Whole now that can possibly come up is the last chapter; and I have agreed upon an amendment with some Senators here who have been opposing the last chapter upon certain grounds, so that there can not be much debate on it. Therefore, when that is adopted, it will come into the Senate as soon as the Senator from Iowa introduces his amendment.

The VICE PRESIDENT. Surely the Senator from North Carolina remembers that his Senate bill has been displaced.

Mr. OVERMAN. I understand. I am talking about the bill that will be up, House bill 291. It really is this same bill.

The VICE PRESIDENT. It may really be the same bill, but it is in the Committee of the Whole and open to amendment at any place from anybody who may want to offer an amendment.

Mr. JOHNSON of California. Mr. President, a parliamentary inquiry. Is it a fact that all of the amendments that have been presented to the pending bill are now disposed of?

The VICE PRESIDENT. They undoubtedly are.

Mr. JOHNSON of California. Is that the understanding of the chairman of the committee?

Mr. BRANDEGEE. Another parliamentary inquiry, Mr. President.

The VICE PRESIDENT. The Senator from Connecticut will state it.

Mr. BRANDEGEE. Is it necessary that Senators should give notice that they reserve the right to offer an amendment?

The VICE PRESIDENT. Certainly not. This is a new bill, which is before the Senate as in Committee of the Whole, and is open to amendment anywhere.

Mr. OVERMAN. Now, Mr. President, if the Secretary is ready, I should like to have him read the proposed agreement.

The VICE PRESIDENT. The Secretary will state the proposed unanimous-consent agreement.

The Secretary read as follows:

It is agreed by unanimous consent that at not later than 11 o'clock a. m. on the calendar day of Friday, May 11, 1917, the Senate will proceed to vote upon any amendment that may be pending, any amendment that may be offered, and upon the bill H. R. 291, the espionage bill, so called, through the regular parliamentary stages to its final disposition; and that from this hour until 11 o'clock a. m. of Friday, May 11, 1917, no Senator shall speak more than once or longer than one hour upon the bill and any amendments offered thereto, and that after the said hour of 11 o'clock a. m. of Friday, May 11, 1917, no Senator shall speak more than once or longer than 10 minutes upon the bill or more than once or longer than five minutes upon any amendment offered thereto.

Mr. STONE. The order asked for provides that "from this hour" no Senator shall speak more than one hour. That is very indefinite. It ought to be "from the adoption of this order."

Mr. GALLINGER. It is the same thing.

Mr. STONE. No; I beg to express the opinion that it is not the same thing. We might keep on here until the Lord knows when. This hour is 5 minutes to 6 o'clock; and we might not do this until to-morrow morning, and then it would be different.

Now, Mr. President, I wish to make a parliamentary inquiry. The bill we are considering, the Senate bill, has not yet been concluded, and the Senator from North Carolina, in charge, says he thinks he will be able to conclude it to-morrow. I had supposed, from the colloquies that had occurred here previously, that he would finish it to-night. Now, if this bill is to go over until to-morrow and we are to have long debates on this last chapter, those debates on that chapter might run on through the whole day of to-morrow. We have had so many experiences of that kind that for the Senator from North Carolina to say that he expects to conclude it very speedily to-morrow morning, without taking into his confidence 95 of his colleagues on this floor, is merely the expression of an opinion.

Mr. OVERMAN. I have no confidence at all. I have nothing to say, except that it is my judgment that that will be done.

Mr. STONE. Well, I know; that is just what I said—that it was the judgment or opinion of the Senator. Now, if we spend the whole day to-morrow in the discussion of this last chapter, and then have to go to voting at 11 o'clock the next day, I do not see what chance there is going to be for anybody to discuss——

Mr. THOMAS. I suggest the substitution of May 12, at 11 o'clock, in place of May 11.

Mr. BRANDEGEE. Saturday.

Mr. OVERMAN. I have no objection to that, if that will be satisfactory.

Mr. STONE. If the Senator asks if it satisfies me, yes; I will take my chances on that.

Mr. OVERMAN. Then, Mr. Secretary, just insert there "Saturday, May 12," instead of "Friday."

Mr. STONE. And we do that in the hope that we will get through even to-morrow.

Mr. GALLINGER. Mr. President, a parliamentary inquiry. I was not present during this controversy, but I submit to the Chair that we now have a new bill before us, and that that bill is amendable from start to finish.

The VICE PRESIDENT. The Chair has made the distinct statement that the bill pending before the Senate is the House bill——

Mr. GALLINGER. Exactly.

The VICE PRESIDENT. For which the Senate committee has offered to substitute the Senate bill as far as it has been agreed upon.

Mr. GALLINGER. Yes.

The VICE PRESIDENT. The Chair has made the announcement that the bill is in Committee of the Whole; that the House bill is subject to amendment; that any Senator may offer to amend the House bill, and another Senator may offer to amend the amendment; and that a Senator may offer to amend the Senate bill, and that another Senator may offer to amend the amendment of the Senator to the Senate bill. It is in the Committee of the Whole as an entirely new bill.

Mr. GALLINGER. That is the very point I wanted to emphasize, that we are not now confined to a consideration of one section of the original bill but that we have a bill de novo before us.

The VICE PRESIDENT. The Chair wished to make a statement, as the opinion of the Chair, to see if it was disputed.

Mr. GALLINGER. There is no question about it at all.

Mr. OVERMAN. I think we ought to go on and continue the consideration of this bill, and then introduce it as a substitute when the bill is completed, and pass it without delay.

The VICE PRESIDENT. The Senator from North Carolina reported the House bill as a substitute, and asked the unanimous consent of the Senate to take it up.

Mr. OVERMAN. I can withdraw that.

The VICE PRESIDENT. No; the Senate has given its consent.

Mr. OVERMAN. The Senate has given its consent?

The VICE PRESIDENT. Certainly, and it was laid before the Senate and can only be displaced by unanimous consent or by a motion to proceed to the consideration of some other matter.

Mr. OVERMAN. We need not take up the House bill at all. The bill before the Senate is Senate bill 2. I asked unanimous consent to report the bill from the committee as a substitute.

The VICE PRESIDENT. The Senator asked the Senate to take it up, and the Senate did take it up.

Mr. GALLINGER. And we are considering it now.

Mr. STONE. Can not the Senator by unanimous consent withdraw the report?

The VICE PRESIDENT. Certainly; if the Senator wants to withdraw it and substitute the Senate bill.

Mr. STONE. No; just withdraw the report.

Mr. OVERMAN. I am going to ask unanimous to withdraw that and continue this bill, and do like I had intended from the outset. If Senators want to go on and debate it afterwards, let them debate it. The only course to pursue is to go on with this bill under the unanimous-consent agreement. I withdraw that bill.

The VICE PRESIDENT. Is there objection?

Mr. WALSH. I may have no objection, but I wish to suggest to the Senator from North Carolina that he will not improve the situation in that way, because, when he goes on and perfects the Senate bill and then moves to take up the House bill and moves to substitute the Senate bill as perfected, we will be in exactly the same situation we are in now. The House bill will be open to amendment as the Senate substitute will be open to amendment. So I suggest to the Senator he does not improve the situation at all by changing the present status.

Mr. GALLINGER. We had better let it go as it is.

Mr. WALSH. I do not see why the Senator should want to change the status.

Mr. OVERMAN. I take it for granted if the bill has been considered no Senator will debate the bill when it comes up again after we have perfected the measure.

Mr. WALSH. I feel that the Senator can rely on that and that the Senate will stand to it.

Mr. OVERMAN. We will get it through on Saturday some time if this unanimous consent is given. So I will let it go.

The VICE PRESIDENT. There is no use to call the roll if there is an objection from any Senator present.

Mr. THOMAS. What is the statement of the Chair?

The VICE PRESIDENT. The Chair said there is no use to comply with the rule and call the roll for a quorum in order to present the unanimous consent if any Senator present is going to object.

Mr. BRANDEGEE. This is not a unanimous-consent agreement which attempts to set a final day for a vote on the bill. Therefore the roll does not have to be called.

The VICE PRESIDENT. The Chair does not know why it is not.

Mr. BRANDEGEE. It does not limit the hour when we shall vote on the bill.

The VICE PRESIDENT. It certainly does.

Mr. BRANDEGEE. It merely limits debate on the bill to 10 minutes for each Senator.

The VICE PRESIDENT. Just a moment. The Chair supposed it provided for a final vote. It does not seem to so provide.

Mr. BRANDEGEE. I did not think so as I heard it read.

The VICE PRESIDENT. The Chair thought it did.

Mr. BRANDEGEE. There is no unanimous-consent agreement proposed that before adjournment on the calendar day of Saturday, May 12, the Senate shall vote upon the bill and all amendments to its final disposition.

Mr. OVERMAN. Not at all.

Mr. BRANDEGEE. There is no such agreement as that proposed.

The VICE PRESIDENT. There is no agreement as to a final vote on the bill proposed.

Mr. OVERMAN. Let the Secretary read the agreement.

The VICE PRESIDENT. It will be read.

The Secretary read as follows:

It is agreed by unanimous consent that at not later than 11 o'clock a. m., on the calendar day of Saturday, May 12, 1917, the Senate will proceed to vote upon any amendment that may be pending, any amendment that may be offered, and upon the bill H. R. 291, the espionage bill, so called, through the regular parliamentary stages to its final disposition; and that from the hour of the adoption of this agreement up to the hour of 11 o'clock a. m., of Saturday, May 12, 1917, no Senator shall speak more than once or longer than one hour upon the bill and any amendments offered thereto; and, further, that after the said hour of 11 o'clock a. m., of Saturday, May 12, 1917, no Senator shall speak more than once or longer than 10 minutes upon the bill, or more than once or longer than five minutes upon any amendment offered thereto.

Mr. BRANDEGEE. The consideration of the bill might extend for a week before a final vote was reached.

Mr. SWANSON. Mr. President, I understand there is an inconsistency there. It provides for a final vote commencing at 11 o'clock Saturday.

Mr. BRANDEGEE. No.

Mr. SWANSON. And the latter part of it provides for debate to continue.

Mr. BRANDEGEE. It provides that we shall begin to vote on amendments and on the bill to the final disposition, but it does not say that before adjournment on any particular day the bill shall be voted on to a final disposition. There is no time fixed for a final vote on the passage of the bill.

The VICE PRESIDENT. The Chair is impressed with the fact, and is going to rule on it now, that it requires a call of the Senate to disclose a quorum.

Mr. BRANDEGEE. I think I shall object, then, to save the calling of the roll. I do not object to limiting debate nor do I object to a unanimous-consent agreement that is intelligible. If we all understood the same thing by the proposed agreement, I would not object to it now.

Mr. OVERMAN. What does the Senator understand?

Mr. BRANDEGEE. I understand that no time is fixed for a final vote on the bill.

Mr. OVERMAN. I purposely left that out for the reason that one Senator would not agree to that.

Mr. BRANDEGEE. Very well, if the Senator takes that view of it I will not object.

Mr. BORAH. It is not so material what view the Senator takes about it but how the Vice President construes it.

Mr. BRANDEGEE. I do not think he will construe it. It is for the Senate to construe its own unanimous-consent agreement.

Mr. BORAH. One Senator might have a view different from the rest of the Senate, but if the Chair holds that it fixes an hour for a final vote the Senate will likely approve it.

Mr. BRANDEGEE. It might.

Mr. JONES of Washington. If the Chair holds that the agreement fixes the hour, then I shall object to the unanimous consent. I do not understand that it does that.

The VICE PRESIDENT. The Chair has an opinion. The Chair believes that it will be necessary to do just what was done before—that is, that at midnight on the 12th, regardless of any pending amendment or amendments, it will be necessary to vote on the bill.

Mr. JONES of Washington. In conferring with the Senator from North Carolina I suggested a change in language to meet that very situation. That language is entirely different from the unanimous-consent agreement to which the Vice President now refers. It was changed so that we would not be confronted with that situation. If that should be the ruling of the Chair, then I will object to this unanimous-consent agreement, because I do not want the Senate to be in the situation it was in on the Army bill when we reached the point where important amendments could not be presented.

The VICE PRESIDENT. There can be no doubt about it—"not later than 11 o'clock a. m. on the calendar day of Saturday, May 12, 1917, the Senate will proceed to vote upon any amendment that may be pending, any amendment that may be offered, and upon the bill, H. R. 291," the House bill, "through the regular parliamentary stages to its final disposition."

Mr. JONES of Washington. But it does not say the bill must be disposed of on that day. It simply says that beginning at 11 o'clock speeches shall be limited. But I do not care to argue that, except that I would object to that construction. The legislative day would be all right.

The VICE PRESIDENT. The Chair does not know what a unanimous-consent agreement would amount to for a vote if it does not fix any time for a final vote.

Mr. JONES of Washington. It limits the time in the first instance.

Mr. OVERMAN. That is all I could get, and I think it is all right. I will change the word "calendar" before "day" to "legislative." The Senator does not object to that?

Mr. JONES of Washington. No; I do not object to that.

Mr. OVERMAN. Strike out "calendar" and insert "legislative."

The VICE PRESIDENT. Is it the understanding that there must be a vote on that legislative day?

Mr. JONES of Washington. On that legislative day. It may run into next week.

The VICE PRESIDENT. The Chair does not care where it runs or when it is.

Mr. BRANDEGEE. I wish to understand it. Suppose the Senate declines to take a recess—I do not say that it will—so as to make a legislative day, then it forces a vote on the calendar day, does it not? I object to the unanimous consent.

The VICE PRESIDENT. There is objection.

Mr. OVERMAN. Does the Senator object to the unanimous consent?

Mr. BRANDEGEE. I object.

The VICE PRESIDENT. It is no use to call the roll, then.

Mr. CALDER. This afternoon there was filed with the file clerk of this body a petition against the passage of the pending measure. This petition was signed by 1,500,000 representative citizens of the United States. It was gathered during the course of a week's canvass by the newspaper organization of W. R. Hearst. There are still some hundreds of thousands of names signed to similar petitions which it has been impossible to forward to Washington because of intervening distance.

Mr. THOMAS. May I ask the Senator if the 1,500,000 signers were volunteers or were they drafted?

Mr. CALDER. I understand that they were volunteers.

I have the petition with the signatures here, and I ask unanimous consent to insert the petition in the RECORD without the signatures.

The VICE PRESIDENT. Is there objection? The Chair hears none.

The petition referred to is as follows:

Petition to Congress opposing the espionage bill.

To the Congress of the United States:

Your petitioners earnestly and respectfully ask the Congress not to pass any censorship act that shall extend beyond military and naval news of value to the enemy.

The whole country is engaged in the war, and the whole country should be permitted to know the truth about the war.

It is always dangerous in a republic to withhold from the people full knowledge of their affairs or to deprive the press of the right freely to express public opinion.

The censorship provision of the espionage bill now pending in Congress is an assault upon the very foundation of our free institutions—freedom of thought and of speech.

It is un-American, because it tends to put in full effect for the first time in the life of this Republic regulations for the suppression of news and free public discussion—a suppression practiced only under monarchies and autocracies.

It is undemocratic in that it violates the principle enunciated by Thomas Jefferson, author of the Declaration of Independence, who declared that government without laws would be better than government without a free press.

It is unrepublican in that it violates the principle of Abraham Lincoln, who said that it was better that public officials should be criticized unjustly than that they should not be criticized at all.

It is unpatriotic in that it violates the spirit, if not the letter, of our Constitution, which provides that "Congress shall make no law * * * abridging the freedom of speech or of the press."

We therefore urge that Congress shall take no step to withhold from the people that full information of the progress and conduct of the war which is necessary for their proper enlightenment, or to deny to the people their fundamental American liberties of free speech, free publication, and a free expression of opinion.

Concealment of military plans and operations during their execution is always necessary, but concealment of the result of those operations, of failures or reverses, or past mistakes, or of incompetence or dishonesty, is inexcusable in a Republic where the people govern and must know the truth in order to govern wisely and well.

Mr. BRANDEGEE. I will withdraw the objection I made to the unanimous-consent agreement.

Mr. OVERMAN. I understand the Senator from Connecticut withdraws his objection, and I ask that it may be agreed to.

Mr. JONES of Washington. I wish to understand it. There was a suggestion on the part of the Senator from Connecticut that if it were the legislative day and the Senate refused to take a recess, then we would have to vote on the final passage at 12 o'clock midnight. If that is the understanding of the Senator, I will not consent to it.

Mr. OVERMAN. I do not know how that could be claimed.

Mr. JONES of Washington. We would then be right in the position we were in on the Army bill with important amendments coming up that could not be considered.

Mr. OVERMAN. I will use my influence to prevent that, and I do not think the Senate would take advantage of the Senator.

Mr. JONES of Washington. I understood the suggestion was that the Senate would have to vote by 12 o'clock Saturday night.

Mr. OVERMAN. Not at all. We could take a recess until Monday morning, and from Monday until Tuesday morning, and from Tuesday until Wednesday morning of next week.

Mr. JONES of Washington. Of course I do not care about taking a recess. I simply want to provide against the contingency of having this bill come to a final vote when there are important amendments that Senators desire to offer which they can not offer, let alone discuss. That is all. I should like to see the agreement changed so that we might begin the consideration of this bill in the morning and then continue its consideration until it is disposed of.

Mr. OVERMAN. That is practically what the agreement proposes.

Mr. JONES of Washington. It gives an opportunity for an hour's speech on each proposition.

Mr. OVERMAN. We try to give and take, Mr. President.

Mr. JONES of Washington. With the understanding that the bill is to be disposed of on the legislative day, I will not object.

Mr. OVERMAN. I understand the Senator withdraws his objection.

SEVERAL SENATORS. Question!

The VICE PRESIDENT. The Chair thinks this calls for a final vote at some time on the bill.

Mr. OVERMAN. Of course.

The VICE PRESIDENT. So that it is necessary to have a call of the Senate in order to disclose the presence of a quorum.

Mr. GALLINGER. Let the roll be called.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gallinger	Kirby	Smith, Ga.
Bankhead	Gerry	Knox	Smoot
Borah	Gore	Lewis	Stone
Brandegee	Hardwick	Martin	Swanson
Broussard	Hollis	Nelson	Thomas
Calder	Johnson, Cal.	New	Thompson
Chamberlain	Jones, N. Mex.	Overman	Trammell
Cummins	Jones, Wash.	Page	Wadsworth
Fall	Kellogg	Poindexter	Walsh
Fletcher	Kendrick	Shafroth	Williams
Frelinghuysen	King	Sheppard	Wolcott

Mr. WOLCOTT. I desire to announce the necessary absence of my colleague [Mr. SAULSBURY] because of important business. I will let this announcement stand for the day.

The VICE PRESIDENT. Forty-four Senators have answered to the roll call. There is not a quorum present. The Secretary will call the names of the absent Senators.

The Secretary called the names of the absent Senators, and Mr. SUTHERLAND responded to his name when called.

Mr. PITTMAN entered the Chamber and answered to his name.

The VICE PRESIDENT. Forty-six Senators have answered to the roll call. There is not a quorum present.

Mr. OVERMAN. I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The VICE PRESIDENT. The question is on the motion of the Senator from North Carolina, that the Sergeant at Arms be directed to request the attendance of absent Senators.

The motion was agreed to.

The VICE PRESIDENT. The Sergeant at Arms will carry out the instructions of the Senate.

Mr. SMITH of Michigan and Mr. VARDAMAN entered the Chamber and answered to their names.

Mr. OVERMAN. Mr. President, I have some assurance from Senators that they think the speeches to-morrow will be very short. I believe, therefore, I will withdraw the request for unanimous consent, and move that the Senate adjourn.

The motion was agreed to; and (at 6 o'clock and 30 minutes p. m.) the Senate adjourned until to-morrow, Thursday, May 10, 1917, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *May 9, 1917.*

The House met at 12 o'clock noon and was called to order by the Clerk, Hon. South Trimble, who caused the following communication to be read:

WASHINGTON, D. C., *May 9, 1917.*

Hon. SOUTH TRIMBLE,
Clerk of the House:

I hereby designate Hon. FINIS J. GARRETT to preside over the House for this day.

Yours, CHAMP CLARK.

Mr. GARRETT of Tennessee took the chair as Speaker pro tempore.

The Chaplain, Rev. Henry N. Couden, offered the following prayer:

O Thou great Spirit whose eternal energy is everywhere potent, help us to do our work fully, completely, patiently; that we may have no regrets for the past and go forward to meet the

veiled future with brave and manly hearts, inspired by the incomparable life and character of Thy Son Jesus Christ Our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

BENNETT C. CLARK.

Mr. MANN. Mr. Speaker, the parliamentary clerk of the House, Bennett C. Clark, has made application to go into the Officers' Reserve Corps, and I believe is shortly to go into the training camp. I ask unanimous consent—and I do this without his knowledge—that the House grant to him temporary leave of absence, beginning at his convenience, with pay. Of course that will only run until he receives pay, if he does, under the Army appropriation bill in training camp.

The SPEAKER pro tempore. The gentleman from Illinois asks unanimous consent that leave of absence with pay be granted the parliamentary clerk of the House for the reason stated. Is there objection?

Mr. STAFFORD. May I inquire of the gentleman from Illinois whether this is to continue indefinitely, or only until the time he receives compensation as a member of the Reserve Corps?

Mr. MANN. Under the law he could not receive both compensations, and when he receives compensation as a member of the Reserve Corps his compensation here would cease.

The SPEAKER pro tempore. Is there objection?

There was no objection?

[Applause.]

MESSAGE FROM THE SENATE.

A message from the Senate by Mr. Waldorf, its enrolling clerk, announced that the Senate had further insisted upon its amendments of the Senate to the bill (H. R. 14) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1918, and for other purposes, had agreed to the further conference asked for by the House, and had appointed Mr. CHAMBERLAIN, Mr. HITCHCOCK, and Mr. WARREN as the conferees on the part of the Senate.

The message also announced that the Senate had passed without amendment the following concurrent resolution:

House concurrent resolution 7.

Resolved by the House of Representatives (the Senate concurring), That in the enrollment of the bill (H. R. 13) entitled "An act making appropriations for the support of the Army for the fiscal year ending June 30, 1918, and for other purposes," the clerk be, and he is hereby, authorized and directed to omit the figures "$75,000," on page 42, line 16, of said bill, as the same were stricken out by the amendment of the Senate numbered 78, the conference report on said bill and amendments to the contrary notwithstanding.

ORDER OF BUSINESS.

The SPEAKER pro tempore. This is Calendar Wednesday, and the Clerk will report the unfinished business.

The Clerk read as follows:

S. 383. A bill to punish the destruction or injury of war material and war transportation facilities by fire, explosives, or other violent means, and to forbid hostile use of property during time of war, and for other purposes.

Mr. WEBB. Mr. Speaker, by direction of the Committee on the Judiciary, I am instructed to ask that this bill be passed on the first call, and I therefore ask unanimous consent that that may be done.

The SPEAKER pro tempore. The gentleman from North Carolina, by direction of the Committee on the Judiciary, asks unanimous consent that this bill may be passed on this call without prejudice. Is there objection?

There was no objection.

CAR SHORTAGE.

The Clerk proceeded with the call of committees. When the Committee on Interstate and Foreign Commerce was called,

Mr. ADAMSON. Mr. Speaker, I have from the Committee on Commerce only two bills. One of them is of great importance, and we have been receiving demands for its passage from all over the country. It is essential to transportation during the war. It refers to car shortage. I understand, however, that the gentleman from North Carolina [Mr. KITCHIN], who is not here, thinks that we ought to waive the call to-day in behalf of the Committee on Agriculture. While I dislike to postpone so important a bill, if I can do it without prejudice I am willing to do it.

Mr. MANN. The gentleman's committee will soon be reached again anyhow.

Mr. ADAMSON. I am perfectly amiable about it, but I do not want to be prejudiced by waiving it. I am perfectly willing if it is thought that we will not lose too much by it and the country will not lose too much.

Mr. CANNON. Which is the best bill and which is the worst bill?

Mr. ADAMSON. Judging from the complaints from commercial centers all over the country, as well as demands for transportation, the car shortage is very, very important. The railroads at this time are pretending to comply with the demands of the Interstate Commerce Commission, but the commission does not report full and faithful compliance. It is important that our bill should be passed as soon as possible.

Mr. CANNON. Then, why not pass it?

Mr. ADAMSON. Well, I have been importuned by others who say that the other bill is more important, and I understand that my leader is of the opinion that I ought to yield.

Mr. CANNON. Has the gentleman any leader when important business comes from his committee?

Mr. ADAMSON. I suppose we can be reached next Calendar Wednesday. What does the other gentleman from Illinois think of it?

Mr. MANN. I do not know; there are not very many bills on the calendar.

Mr. ADAMSON. I do not suppose much harm will be done by my waiving it to-day. I have not seen until now the gentleman from Wisconsin [Mr. ESCH] on the floor, but I will ask his opinion.

Mr. ESCH. It occurs to me that if the car-shortage bill was passed it might render unnecessary the insertion of certain things in the Agricultural bill that is to come up.

Mr. ADAMSON. If the gentleman thinks so and will come over here and help, I will call up the bill.

Mr. ESCH. I do not think it will take long.

Mr. ADAMSON. Very well; Mr. Speaker, I call up the bill (H. R. 328) to amend an act entitled "An act to regulate commerce" as amended in respect of car service, and for other purposes.

The SPEAKER pro tempore. The Clerk will read the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 1 of an act entitled "An act to regulate commerce," approved February 4, 1887, as heretofore amended, be further amended as follows:

By inserting in the second paragraph, before the words "and the term 'transportation,'" the words "and the term 'car service,' as used in this act, shall include exchange, interchange, and return of cars used in the transportation of property by any carrier subject to the provisions of this act," so that the paragraph as amended will read as follows:

"The term 'common carrier,' as used in this act, shall include express companies and sleeping car companies. The 'railroad,' as used in this act, shall include all bridges and ferries used or operated in connection with any railroad, and also all the road in use by any corporation operating a railroad, whether owned or operated under contract, agreement, or lease, and shall also include all switches, spurs, tracks, and terminal facilities of every kind used or necessary in the transportation of the persons or property designated herein, and also all freight depots, yards, and grounds used or necessary in the transportation or delivery of any of said property; and the term 'car service,' as used in this act, shall include exchange, interchange, and return of cars used in the transportation of property by any carrier, subject to the provisions of this act; and the term 'transportation' shall include cars and other vehicles and all instrumentalities and facilities of shipment or carriage, irrespective of ownership or of any contract, express or implied, for the use thereof, and all services in connection with the receipt, delivery, elevation, and transfer in transit, ventilation, refrigeration, or icing, storage, and handling of property transported; and it shall be the duty of every carrier subject to the provisions of this act to provide and furnish such transportation upon reasonable request therefor, and to establish through routes and just and reasonable rates applicable thereto; and to provide reasonable facilities for operating such through routes and to make reasonable rules and regulations with respect to the exchange, interchange, and return of cars used therein, and for the operation of such through routes; and providing for reasonable compensation to those entitled thereto."

By inserting in the fourth paragraph the word "rules," followed by a comma, before the word "regulations" in the fourth and sixth lines thereof; the words "the car service," followed by a comma, after the words "the facilities for transportation" in the ninth line thereof; and the word "rule," followed by a comma, before the word "regulation" in the sixteenth line thereof, so that the paragraph as amended will read as follows:

"And it is hereby made the duty of all common carriers subject to the provisions of this act to establish, observe, and enforce just and reasonable classifications of property for transportation, with reference to which rates, tariffs, rules, regulations, or practices are or may be made or prescribed, and just and reasonable rules, regulations, and practices affecting classifications, rates, or tariffs; the issuance, form, and substance of tickets, receipts, and bills of lading; the manner and method of presenting, marking, packing, and delivering property for transportation; the facilities for transportation; the car service; the carrying of personal, sample, and excess baggage; and all other matters relating to or connected with the receiving, handling, transporting, storing, and delivery of property subject to the provisions of this act which may be necessary or proper to secure the safe and prompt receipt, handling, transportation, and delivery of property subject to the provisions of this act upon just and reasonable terms, and every such unjust and unreasonable classification, rule, regulation, and practice with reference to commerce between the States and with foreign countries is prohibited and declared to be unlawful."

SEC. 2. That section 6 of said act to regulate commerce, as amended, be further amended to read as follows:

"SEC. 6. That every common carrier subject to the provisions of this act shall file with the commission created by this act and print and keep open to public inspection schedules showing all the rates,

fares, and charges for transportation between different points on its own route and between points on its own route and points on the route of any other carrier by railroad, by pipe line, or by water when a through route and joint rate have been established. If no joint rate over the through route has been established, the several carriers in such through route shall file, print, and keep open to public inspection, as aforesaid, the separately established rates, fares, and charges applied to the through transportation. The schedules printed as aforesaid by any such common carrier shall plainly state the places between which property and passengers will be carried, and shall contain the classification of freight in force, and shall also state separately all terminal charges, storage charges, icing charges, and all other charges which the commission may require, all privileges or facilities granted or allowed, and any rules or regulations which in anywise change, affect, or determine any part or the aggregate of such aforesaid rates, fares, and charges, or the value of the service rendered to the passenger, shipper, or consignee, and any rules, regulations, and practices to be established, observed, and enforced by such common carrier, either individually or jointly with other carriers, with respect to car service, including the classification of cars, the compensation to be paid for the use in car service of any car not owned by it, and the penalties or other sanctions for nonobservance of such rules, regulations, and practices. Such schedules shall be plainly printed in large type, and copies for the use of the public shall be kept posted in two public and conspicuous places in every depot, station, or office of such carrier where passengers or freight, respectively, are received for transportation, in such form that they shall be accessible to the public and can be conveniently inspected. The provisions of this section shall apply to all traffic, transportation, and facilities defined in this act.

"Any common carrier subject to the provisions of this act receiving freight in the United States to be carried through a foreign country to any place in the United States shall also in like manner print and keep open to public inspection at every depot or office where such freight is received for shipment schedules showing the through rates established and charged by such common carrier to all points in the United States beyond the foreign country to which it accepts freight for shipment; and any freight shipped from the United States through a foreign country into the United States the through rate on which shall not have been made public, as required by this act, shall, before it is admitted into the United States from said foreign country, be subject to customs duties as if said freight were of foreign production.

"No change shall be made in the rates, fares, and charges, or joint rates, fares, and charges, or privileges, facilities, rules, regulations, or practices which have been or shall have been filed and published by any common carrier in compliance with the requirements of this section, except after 30 days' notice to the commission and to the public, published as aforesaid, which shall plainly state the changes proposed to be made in the schedule then in force and the time when the proposed changes will go into effect; and the proposed changes shall be shown by printing new schedules or shall be plainly indicated upon the schedules in force at the time and kept open to public inspection: *Provided*, That the commission may, in its discretion and for good cause shown, allow changes upon less than the notice herein specified or modify the requirements of this section in respect to publishing, posting, and filing of tariffs, either in particular instances or by a general order, applicable to special or peculiar circumstances or conditions.

"The names of the several carriers which are parties to any joint tariff shall be specified therein, and each of the parties thereto, other than the one filing the same, shall file with the commission such evidence of concurrence therein or accepted thereof as may be required or approved by the commission, and where such evidence of concurrence or acceptance is filed it shall not be necessary for the carriers filing the same to also file copies of the tariffs in which they are named as parties.

"Every common carrier subject to this act shall also file with said commission copies of all contracts, agreements, or arrangements with other common carriers in relation to any traffic affected by the provisions of this act to which it may be a party.

"The commission may determine and prescribe the form in which the schedules required by this section to be kept open to public inspection shall be prepared and arranged and may change the form from time to time as shall be found expedient.

"No carrier, unless otherwise provided by this act, shall engage or participate in the transportation of passengers or property, as defined in this act, unless the rates, fares, and charges upon which the same are transported by said carrier and its rules, regulations, and practices with respect to car service have been filed and published in accordance with the provisions of this act; nor shall any carrier charge or demand or collect or receive a greater or less or different compensation for such transportation of passengers or property, or for any service in connection therewith, between the points named in such tariffs than the rates, fares, and charges which are specified in the tariff filed and in effect at the time; nor shall any carrier refund or remit in any manner or by any device any portion of the rates, fares, and charges so specified, nor extend to any shipper or person any privileges or facilities in the transportation of passengers or property, or establish, observe, or enforce any rules, regulations, or practices, either individually or jointly with other carriers, with respect to car service, except such as are specified in such tariffs or prescribed by direction or order of the commission with respect to car service as hereinafter provided for the case of emergency: *Provided*, That wherever the word 'carrier' occurs in this act it shall be held to mean 'common carrier.'

"That in time of war or threatened war preference and precedence shall, upon the demand of the President of the United States, be given over all other traffic to the transportation of troops and material of war, and carriers shall adopt every means within their control to facilitate and expedite the military traffic. And in time of peace shipments transported for the United States and at its expense and consigned to or by the United States for its own use shall be delivered by the carriers as promptly as possible and without regard to any embargo that may have been declared, and no such embargo shall apply to shipments so consigned.

"Whenever the commission shall be of opinion that an emergency exists in respect of the supply or use of cars for transportation of property, the commission shall have, and it is hereby given, authority, either upon complaint or upon its own initiative without complaint, at once, and, if it so orders, without answer or other formal pleading by the interested carrier or carriers, and with or without notice, hearing, or the making or filing of a report, according as the commission may determine, to suspend the operation of any or all rules, regulations, or practices then established with respect to car service for such time during the continuance of the emergency as may be determined by the commission, and also authority to make such just and reasonable directions with respect to car service, or for the distribution and movement of cars for the transportation of particular commodities or for transportation to or from particular localities during the emergency as in its opinion will best meet the emergency and promote operation of car service in the interest of the public and to the advantage or the convenience and commerce of the people. The directions of the commission as to car service, distribution, and movement during emergency may be made through and by such agents or agencies as the commission shall designate and appoint for that purpose.

"The commission may reject and refuse to file any schedule that is tendered for filing which does not provide and give lawful notice of its effective date, and any schedule so rejected by the commission shall be void and its use shall be unlawful.

"In case of failure or refusal on the part of any carrier, receiver, or trustee to comply with any direction or order with respect to car service, any regulation adopted and promulgated or any order made by the commission under the provisions of this section, such carrier, receiver, or trustee shall be liable to a penalty of $500 for each such offense, and $25 for each and every day of the continuance of such offense, which shall accrue to the United States and may be recovered in a civil action brought by the United States.

"If any common carrier subject to the provisions of this act, after written request made upon the agent of such carrier hereinafter in this section referred to, by any person or company for a written statement of the rate or charge applicable to a described shipment between stated places under the schedule or tariffs to which such carrier is a party shall refuse or omit to give such written statement within a reasonable time, or shall misstate in writing the applicable rate, and if the person or company making such request suffers damage in consequence of such refusal or omission or in consequence of the misstatement of the rate, either through making the shipment over a line or route for which the proper rate is higher than the rate over another available line or route, or through entering into any sale or other contract whereunder such person or company obligates himself or itself to make such shipment of freight at his or its cost, then the said carrier shall be liable to a penalty of $250, which shall accrue to the United States and may be recovered in a civil action brought by the United States.

"It shall be the duty of every carrier by railroad to keep at all times conspicuously posted in every station where freight is received for transportation the name of an agent resident in the city, village, or town where such station is located, to whom application may be made for the information by this section required to be furnished on written request; and in case any carrier shall fail at any time to have such name so posted in any station it shall be sufficient to address such request in substantially the following form: 'The station agent of the ——— company at ——— station,' together with the name of the proper post office, inserting the name of the carrier company, and of the station in the blanks, and to serve the same by depositing the request so addressed, with postage thereon prepaid, in any post office.

"When property may be or is transported from point to point in the United States by rail and water through the Panama Canal or otherwise, the transportation being by a common carrier or carriers and not entirely within the limits of a single State, the Interstate Commerce Commission shall have jurisdiction of such transportation and of the carriers, both by rail and by water, which may or do engage in the same, in the following particulars in addition to the jurisdiction given by the act to regulate commerce, as amended June 18, 1910:

"(a) To establish physical connection between the lines of the rail carrier and the dock of the water carrier by directing the rail carrier to make suitable connection between its line and a track or tracks which have been constructed from the dock to the limits of its right of way, or by directing either or both the rail and water carrier, individually or in connection with one another, to construct and connect with the lines of the rail carirer a spur track or tracks to the dock. This provision shall only apply where such connection is reasonably practicable, can be made with safety to the public, and where the amount of business to be handled is sufficient to justify the outlay.

"The commission shall have full authority to determine the terms and conditions upon which these connecting tracks, when constructed, shall be operated, and it may, either in the construction or the operation of such tracks, determine what sum shall be paid to or by either carrier. The provisions of this paragraph shall extend to cases where the dock is owned by other parties than the carrier involved.

"(b) To establish through routes and maximum joint rates between and over such rail and water lines and to determine all the terms and conditions under which such lines shall be operated in the handling of the traffic embraced.

"(c) To establish maximum proportional rates by rail to and from the ports to which the traffic is brought, or from which it is taken by the water carrier, and to determine to what traffic and in connection with what vessels and upon what terms and conditions such rates shall apply. By proportional rates are meant those which differ from the corresponding local rates to and from the port and which apply only to traffic which has been brought to the port or is carried from the port by a common carrier by water.

"(d) If any rail carrier subject to the act to regulate commerce enters into arrangements with any water carrier operating from a port in the United States to a foreign country, through the Panama Canal or otherwise, for the handling of through business between interior points of the United States and such foreign country, the Interstate Commerce Commission may require such railway to enter into similar arrangements with any or all other lines of steamships operating from said port to the same foreign country.

"The orders of the Interstate Commerce Commission relating to this section, being section 11 of the act of August 24, 1912, shall only be made upon formal complaint or in proceedings instituted by the commission of its own motion and after full hearing. The orders provided for in the two amendments to the act to regulate commerce enacted in this section, being section 11 of the act of August 24, 1912, shall be served in the same manner and enforced by the same penalties and proceedings as are the orders of the commission made under the provisions of section 15 of the act to regulate commerce as amended June 18, 1910, and they may be conditioned for the payment of any sum or the giving of security for the payment of any sum or the discharge of any obligation which may be required by the terms of said order."

SEC. 3. That section 15 of said act to regulate commerce as amended be further amended, as follows:

By inserting the word "rule," followed by a comma, before the word "regulation," wherever that word appears in the section.

By inserting the word "rules," followed by a comma, before the word "regulations," where that word appears in the first sentence of the first paragraph of section 15, and after the word "exceptions," where that word appears in the first sentence of the fifth paragraph of said section 15.

By inserting, after the words "affecting any rate, fare, or charge," the words "or the car service," followed by a comma, in the first sentence of the second paragraph.

SEC. 4. That this act shall take effect and be in force from and after the expiration of 90 days after its passage, except that section 1 and that part of section 2 which, by amendment to section 6 of the act to regulate commerce, as amended, confers authority upon the commission in case of emergency in respect of the supply or use of cars for transportation of property, shall take effect and be in force immediately.

Mr. ADAMSON. Mr. Speaker, I yield to the gentleman from Wisconsin, who is the author of the bill, to make such explanation as he may desire and answer such questions as may be asked him.

Mr. ESCH. Mr. Speaker, the bill seems rather formidable, as far as length is concerned, but the new legislation contained therein would not cover more than a page and a half. It is sought in the bill to amend sections 1, 6, and 15 of the interstate-commerce act in order to give the Interstate Commerce Commission full power and jurisdiction over the matter of car service. The new matter which is up for consideration is principally contained on page 9, beginning on line 14 and extending to line 14 on page 10. The substantive feature of this proposed legislation is contained in that one page of the bill.

The matter of car shortage is not of recent development. It has been with us for many years. It is an evil that is seasonal for the most part, occurring in those periods of the year when the shipments of coal and grain are greatest. The car shortage that has been existing ever since March of last year, which has been continuous in fact for a year, may in large degree be attributed to war conditions. While this bill seeks to give added powers to the commission in cases of emergency, it is not merely the emergency of war but the emergency of economic conditions.

There are many causes for car shortage. Among these may be first stated the want of the necessary rolling stock. In testimony before our committee and in testimony before the Newlands joint committee the railroad representatives themselves repeatedly adverted to the fact that, owing to the regulations of the Interstate Commerce Commission and the several State commissions in the matter of rates, sufficient income was not allowed to maintain equipment at a point necessary to meet the conditions of traffic. Mr. Hill, of the Great Northern, said some four years ago that it would require the expenditure of a billion dollars a year to keep our railroads apace with the increasing needs of commerce. That, then, is the first cause of car shortage—the statement that the railroads have not had money enough to buy the necessary equipment. Whether we agree with this contention or not, the fact remains that there is a car shortage.

Mr. MADDEN. Mr. Speaker, will the gentleman yield?

Mr. ESCH. Yes.

Mr. MADDEN. I think the gentleman might add that a great deal of the car shortage is due to the awkward method of the movement of trains—leaving them in yards by the railroad companies before delivering them to their destination. Between Joliet and Chicago, where cars are loaded by an individual company and shipped to itself at their own track, a distance of 37 miles, it takes an average of five days to make the round trip of the car, although the car may be loaded within two hours after it is received and unloaded within two hours after it has reached its destination. The movement of trains and the delay in the switchyards of the railroad companies have more to do with the car shortage than anything else, and it is not due to the fact stated by the gentlemen who testified before the committee.

Mr. ESCH. That anticipates another cause of car shortage which I intended to mention.

Mr. SLAYDEN. Mr. Speaker, will the gentleman yield?

Mr. ESCH. Yes.

Mr. SLAYDEN. Did Mr. Hill mean to suggest in his statement that it would take a billion dollars a year for new equipment?

Mr. ESCH. New equipment and to meet the growing needs of commerce.

Mr. SLAYDEN. Additional equipment each year?

Mr. ESCH. New tracks, double tracks, sidings, terminals, and new rolling stock.

Mr. COX. Mr. Speaker, will the gentleman yield?

Mr. ESCH. Yes.

Mr. COX. I am asking this question for information, for I do not like to bother the gentleman. What does the gentleman think of the contention of the railroad companies that this car shortage is partly due to so many regulatory bodies, from the Interstate Commerce Commission on down through the various State railway commissions? Does he think their contention is well founded?

Mr. ESCH. I do not think it is well founded, because the Interstate Commerce Commission has not had any such control as would bother them. We are here seeking to give the Interstate Commerce Commission such power as might supplant the power of some State regulatory body. But I was about to give some of the causes of car shortage. Another cause is the lack of sufficient sidings, trackage, terminal facilities, and elevators. There is no question but that all of these enter into the problem of car shortage. Of course, the railroad companies are not supposed to supply all of these facilities. Some of them, like elevators, warehouses, industrial tracks, and so on, must be supplied at the expense of private owners, but trackage, sidings, terminals, and like facilities must be supplied by the carriers. It is true that the tremendous export of food and ammunition from the Atlantic port terminals in the last two and a half years has overtaxed the terminal facilities of those ports, and there has not been much done since the beginning of the war to meet the demand.

Mr. HARDY. Mr. Speaker, will the gentleman yield?

Mr. ESCH. Yes.

Mr. HARDY. The gentleman may come to this himself, or may be expecting to come to it, but it seems to me that we were definitely informed last year that the railroads had made an excess of profit over any preceding year of about three hundred and some odd million dollars.

Mr. ESCH. The amount is $601,000,000.

Mr. HARDY. The whole year?

Mr. ESCH. Yes.

Mr. HARDY. Do the railroads contend that with these great excess profits they have not the means to get the necessary additional cars?

Mr. ESCH. I will state that last fall—I think in November—the railroads of the United States let contracts for car equipment, including locomotives, totaling something like $75,000,000. Whether that will be ample or not I do not know. I doubt it.

Mr. HARDY. That would be about one-eighth of their excess profits for last year?

Mr. ESCH. Of course, they also contend that while the profits of $601,000,000 seem large, they are abnormal, and therefore the fatness of last year should be conserved for the leanness of some subsequent year.

Mr. HARDY. In other words, they do not want to spend the profits they are making, but prefer to declare dividends?

Mr. ESCH. I think that may be so. Another cause of car shortage is the holding of cars on the part of shippers themselves, using the car as a species of warehouse, instead of promptly unloading it. I think that is quite a universal evil throughout the United States, but it is due in some measure to the lack of warehouse and elevator facilities at the terminals.

Mr. HULBERT. Mr. Speaker, unless the gentleman intends to enlarge upon this point, I would like to ask him right here if the shortage upon the Atlantic seaboard is not also due to the fact that we have failed to develop the water frontage in our great harbors, so that the necessary amount of ships can be accommodated at one time, and in consequence of that freight cars are backed upon the tracks for some miles distant while one ship is loaded and can be taken out and another ship put in the berth. And in that connection I refer to the fact that in New York Harbor on frequent occasions during this war you could see a dozen ships at anchor off the Statue of Liberty for a week or 10 days or 2 weeks simply because they have not got the carrying facilities at the docks to accommodate those vessels at one time.

Mr. ESCH. There is no doubt there is a lack of terminal facilities in the great ports.

Mr. SMITH of Michigan. Will the gentleman yield for a question?

Mr. ESCH. In a moment. One reason being, of course, the tremendous cost of terminal facilities at the great ports, and it may result in having terminals along our coasts constructed at places where land and wharfage and shore rights are cheap. I now yield to the gentleman from Michigan.

Mr. SMITH of Michigan. I would like to inquire whether or not it is the purpose of the amendment contained in this bill to prevent the evil or prohibit the evil of storage on sidings and in cars of, for instance, coal, which seems to be the very reason for the shortage as it is now determined.

Mr. ESCH. We give the commission under the proposed amendment power to expedite the movement of coal.

Mr. SMITH of Michigan. Why not have a provision in the bill that will specifically compel either the railroads to move the cars within 36 or other hours——

Mr. ESCH. That may be provided for by rules for demurrage or per diem charges to be enforced by the Interstate Commerce Commission.

Mr. SMITH of Michigan. But notwithstanding the demurrage rates, and so forth, that evil did exist last winter greatly.

Mr. ESCH. That is true.

Mr. SMITH of Michigan. And led to a great deal of suffering by the people.

Mr. ESCH. That is true.

Mr. SNYDER. I would like to ask the gentleman if there is anything in this bill that forces the railroad company itself to unload its own cars and get them back to the starting point? The reason I ask that is this: Within a few days I made a trip to St. Louis and back by way of the Pennsylvania and the New York Central, and, in my best judgment, on careful count during daylight, I counted nearly 10,000 carloads of coal standing—not in operation, but standing on the tracks. Now, my judgment is a large amount of that coal is for the use of the railroads themselves, and there is a crying demand for soft coal particularly throughout the country.

Mr. ESCH. One of the reasons for the car shortage which I stated in this report I have written is the inefficient management and control exercised heretofore by the railroad officials, and as evidence of it is the very evil to which the gentleman has called attention; but I think that all of the cars the gentleman counted were not filled with coal for company use.

Mr. SNYDER. I do not maintain that they were, but it seemed to me they must be, or they would have moved them.

Mr. ESCH. On account of the congestion at port terminals the congestion now extends many miles into the interior, even as far back as a hundred or a hundred and fifty miles, and the sidings are filled with cars destined to port terminals where there is lack of shipping. I yield to the gentleman from Alabama.

Mr. BANKHEAD. I desire to suggest to the gentleman I think it would benefit the whole membership of the House, realizing as we do that the gentleman from Wisconsin is a high authority on this proposition, if he might be allowed to proceed without interruption to his main statement and after that questions might be asked of him if desired. [Applause.]

Mr. MADDEN. If the gentleman will yield to me, I would like to ask him one question. I would like to ask the gentleman if there is any provision in this bill to compel railroad companies to pay demurrage to the shippers in case they failed to furnish the cars within the time they were required for the shipment of the goods?

Mr. ESCH. The gentleman means reciprocal demurrage?

Mr. MADDEN. This gives the Interstate Commerce Commission the right to authorize them to charge certain demurrage of the shipper if he fails to unload the car. Ought not the shipper to have a claim against the railroad company in case they fail to furnish the cars?

Mr. ESCH. I have no doubt under the proposed amendment, in case of emergency, the commission could make any rules or regulations that they saw fit that would promote the transit of freight, because the power is very broad, and necessarily so.

Mr. MADDEN. Does the gentleman think there is anything in this bill that would justify the Interstate Commerce Commission in imposing a tax on the railroad companies for failure to furnish cars while it has adequate power under the bill to impose a tax on the shipper because he fails to unload the car? I think it ought to be reciprocal, and there ought not to be any one-sided, jug-handle law passed. This is a railroad law. It is not intended to do anything for facilitating the movement of commodities. It is intended to increase the price of commodities by giving the railroad companies the right to charge more for freight by the addition of more demurrage.

Mr. ADAMSON. The gentleman from Wisconsin will remember that other parts of the interstate-commerce law provide with reference to orders to furnish cars.

Mr. ESCH. There is one reason for the car shortage which is probably as well known as any other and that is the lack of ocean-carrying space due to war conditions.

As long as we keep shipping from interior points to the ocean terminals and can not have the ships to take the freight from the port terminals, there is destined to be a very serious congestion. And increased activities of the U-boats, together with the lessened shipment due to the threat of loss by reason of such boats, have simply added to the complexity of the situation along the Atlantic coast. Now, I do not claim that this bill will change that situation very much, but to the Shipping Board is given the task of solving that problem, and we trust that it will be solved.

When the Interstate Commerce Commission was advised on March 1, 1916, that there was a shortage of 19,537 cars, it had already begun to investigate the matter and to suggest methods of relief. When on September 30, 1916, the shortage had reached 60,697 cars, the necessity for prompt action became even more manifest. When on November 1 the shortage had risen to 114,908 cars, the commission authorized Commissioner McChord, in response to many complaints from all parts of the country, to enter upon a general investigation covering all sections of the United States "concerning the supply, exchange, interchange, and return of freight cars, and all rules, regulations, and practices relating thereto, with a view of issuing such order or orders as the commission might deem appropriate." A hearing was held at Louisville, Ky., and witnesses representing substantially all the principal carriers of the country were examined with reference to their supply and use of freight cars. Shippers and consignees were also heard. The evidence disclosed the failure on the part of the carriers to observe the car-service rules of the American Railway Association, which provide for the return of cars to the owning roads. The failure to observe these rules of their own making, on the part of the carriers, became a common practice as the volume of traffic increased. "The misuses of equipment resulted in depriving the owning lines of cars which they had provided for the transportation of coal, grain, perishable commodities, and other articles and diverting such cars from the normal channels to the transportation of other commodities in other territory and reducing in large measure the ability of certain carriers to serve the shippers and consignees of freight located on their lines and the lines of their connections, and in denying to many shippers and consignees such transportation facilities as were necessary to them and such as they would have received if freight cars had been handled in accordance with car-service rules." In contravention of the provisions of the interstate commerce act "embargoes were placed by some lines against the movement of their own coal cars beyond their rails."

As a result of these disclosures, and on November 14, 1916, the carriers were requested by the presiding commissioner "to return foreign open-top cars and refrigerator cars to the owning lines, either loaded or empty, without delay. To this request all the carriers which were represented at the hearing gave their assent and filed severally their instructions for the return of these cars. At the hearing the carriers were requested to lift the embargoes which had been placed against the movement of their own coal cars beyond their rails." The executives of the railroads were requested by the commission to use their utmost efforts to relieve the deplorable conditions found to exist. As a result, the American Railway Association, on November 15, 1916, appointed a conference committee on car efficiency, which was subsequently merged into the car-service committee, to which committee was delegated full authority to handle the car-interchange question, and it proposed to increase the per diem charges on December 1. On that date increased demurrage charges were also to become effective, and it was decided further to put into effect penalties for diversion of and delays to equipment on January 1.

The committee took up its work here in Washington in conjunction with representatives of the Interstate Commerce Commission and issued circulars to the various carriers containing recommendations for the return of equipment to the owning roads. In spite of all these efforts to put a stop to the diversion and misuse of foreign refrigerator cars and coal cars, numerous instances of such diversions and misuse were reported to the Interstate Commerce Commission by its inspectors. The committee of the carriers was not securing obedience to its directions and this, too, notwithstanding the fact that the executives of many railroads had pledged themselves to give effect to the rules and support to the car-service committee in the performance of its duties.

As a result of the inability of the carriers, through the car-service committee, to secure enforcement of their own car-service rules, and the fact that notwithstanding all their efforts only partial progress had been made, the Interstate Commerce Commission, on December 28, 1916, issued an order to the carriers to show cause "why an order should not be entered requiring respondents to return to their owners without diversion or misuse all foreign open-top cars and all railroad owned or controlled refrigerator, heater, ventilator, and insulated cars after being unloaded at destination, either loaded or empty, (a) direct if belonging to direct connections, (b) through the proper home route if belonging to other than direct connections, or in accordance with such rules as may be found reasonable and be prescribed, and to return all other foreign freight cars to their owners in accordance with car-service rules 1, 2, 3, and 4 of the American Railway Association, or to effect a relocation of such cars in accordance with such other rules as may be found reasonable and be prescribed." As a result of the hearing on this order, the commission on January 18 last modified the car-service rules of the American Railway Association in certain particulars and prescribed what should be the reasonable rules thereafter to be followed. These new rules were required to be established on or before February 21 of this year, but owing to a final effort on the part of railroad executives to relieve

the situation by sending empty cars in trainload lots from Atlantic port terminals to the West, the commission deferred the time of taking effect of these amended rules to March 15, and a later extension to April 15.

This decision of January 18, 1917, was not the unanimous opinion of the commission, three of the members dissenting on the ground that, based on prior decisions of the commission, especially the decision In the Matter of Car Shortage and Other Insufficient Transportation Facilities (12 I. C. C., 561), decided in January, 1907, the commission did not have power to prescribe general rules relative to interchange of cars, and the assumption therefore on the part of the commission in declaring what car-service rules were just and reasonable and should be enforced was an assumption of legislative powers. The majority, in justification of its decision, through Commissioner McChord, declared that "While all the members of the commission are not in accord with reference to the powers of the commission to make an order in this case (Car Supply Investigation No. 9284, decided Jan. 18, 1917), the wrongs are flagrant, and even if there were doubt as to the commission's power to give full relief by formal order, we think that in the emergency that doubt should be resolved not only in favor of the carriers who are wrongfully deprived of the use of their cars but in favor of shippers and the general public, who would be without remedy if, having the power, we failed to act."

It was because of this doubt in the minds of the commission, the commission being almost evenly divided as to their power to issue the order as to car service, to even enforce the rule which the railroad executives through the car-service commission had voluntarily agreed upon, that the committee felt we should have this legislation in order to remove the last doubt as to the power of the commission to correct the evil of car shortage. Instead of leaving the solution of car shortage to the voluntary agreement of the railroad executives themselves, we thought we should put the punch of law back of the commission, so that there should be enforcement of the rules. [Applause.]

I wish now to call attention to some of the amendments. The amendments to section 1 of the bill are merely verbal and are in the nature of definitions. The term "car service," as you will find on the middle of page 2, is thus defined:

Shall include exchange, interchange, and return of cars used in the transportation of property by any carrier subject to the provisions of this act.

The next material change in the existing interstate-commerce act is found in the middle of page 5, which requires the rules, regulations, and classifications of the car service to be printed and made public just the same as railroad schedules are now required to be made public under existing law; that notice of changes of such rules must be given 30 days in advance of their becoming operative. The next material change in existing law is found, as I have already stated, in the middle of page 9, extending to the middle of page 10. And it is to that paragraph I wish to briefly call your attention:

Whenever the commission shall be of opinion that an emergency exists in respect of the supply or use of cars for transportation of property, the commission shall have, and it is hereby given, authority, either upon complaint or upon its own initiative without complaint, at once, and if it so orders, without answer or other formal pleading by the interested carrier or carriers, and with or without notice, hearing, or the making or filing of a report, according as the commission may determine, to suspend the operation of any or all rules, regulations, or practices then established with respect to car service for such time during the continuance of the emergency as may be determined by the commission, and also authority to make such just and reasonable directions with respect to car service, or for the distribution and movement of cars for the transportation of particular commodities or for transportation to or from particular localities during the emergency as in its opinion will best meet the emergency and promote operation of car service in the interest of the public and to the advantage or the convenience and commerce of the people. The directions of the commission as to car service, distribution, and movement during emergency may be made through and by such agents or agencies as the commission shall designate and appoint for that purpose.

It may be contended that the first part of this proposed amendment gives the commission summary power in that it can suspend the operation of any rule or regulation as to car service without notice, without complaint, on its own initiative, without reply. But I will state that almost identical powers are given to the Interstate Commerce Commission, and in practically the same language in reference to the establishment of new schedules, so that we are not here treading upon new ground.

Mr. HUMPHREYS. Mr. Speaker, will the gentleman yield for a question?

Mr. ESCH. Yes.

Mr. HUMPHREYS. The serious trouble in some parts of the country—I know that it is true in the State of Mississippi, where we ship more stuff out of the State than is shipped into it—is caused by this fact, that in the process of their business the State becomes depleted of cars because the railroads will not willingly return empty cars, and they would rather keep cars where they can be hauled to and fro, where they will get a load both ways. Will this amendment that you have just suggested enable the commission to require the railroad companies to haul those empty cars back to places where they are needed?

Mr. ESCH. I think it will under this language:

And also authority to make such just and reasonable directions with respect to car service, or for the distribution and movement of cars for the transportation of particular commodities, or for the transportation to and from particular localities during the emergency.

Now, in the gentleman's section they are suffering from a car shortage, so far as the lumber manufacturing interests are concerned, and in fact in some of the Southwestern States the situation with reference to the lumber industry is nothing less than deplorable. Some of the mills have shut down or have threatened to shut down because they can not get cars enough to ship their products. Their yards are full, their orders are more than they can fill; they have but 25 per cent of the necessary cars to ship out their product.

Mr. HUMPHREYS. I have been advised that the Gulf & Ship Island Railroad, which is a small railroad in the State of Mississippi, running through the lumber country, has orders for large consignments of lumber to Cleveland, for instance, where they are building the submarine chasers, and to the Brooklyn Navy Yard, and other places where they are building the ships that we are trying to build. They are directed to set out so many cars in one place and so many in another. If they would set out the number of cars they are directed to set out in order to fill these orders, that would leave no cars to carry foodstuffs and groceries from one point to another. It is not because the road has not cars enough. I understand they have from 1,200 to 1,500 cars. The railroads will not bring them back empty. Out of the 1,200 or 1,500 cars they have about 200 available. There ought to be some provision by which they can get those empty cars back, so that they can do business, not simply to penalize the road that keeps them and charge them rent for the cars but to require that the cars be returned so that the lumber can be shipped out. How do you meet that?

Mr. ESCH. I think this power would be broad enough to enable the commission to meet that situation. Take the case of the New Orleans Great Northern, down in the gentleman's section. I believe they have only about 30 per cent of their own cars on their own tracks. The rest have gone out and are held up probably in some eastern port terminal. There should be some power somewhere to equalize that movement and permit the people living on the line of a road to receive fair treatment from that road, especially when the officers of that road want to give their people fair treatment.

Mr. CRAMTON. Mr. Speaker, will the gentleman yield?

Mr. ESCH. Yes.

Mr. CRAMTON. The gentleman has referred to the power heretofore given to the commission to suspend the taking effect of a new rate.

Mr. ESCH. A new schedule.

Mr. CRAMTON. A new schedule, yes; in comparison with the power here given. Is there not quite a substantial distinction in the fact that heretofore, when the commission has had authority to suspend the taking effect of a new schedule, the old-established schedule would continue in effect, whereas under this provision we are to give the commission authority to suspend not a new rule but perhaps a rule or regulation that has been many years in effect, and without any notice, either to the shippers or the carriers, and allow the commission to put in place of it an absolutely new rule or regulation?

Mr. ESCH. Well, the gentleman must remember that this covers only cases of emergency.

Mr. CRAMTON. I am not speaking necessarily in a spirit of opposition.

Mr. ESCH. I think there is some merit in the gentleman's distinction as between changing and modifying new schedules and changing or suspending rules and regulations as to car service.

Mr. CRAMTON. Instead of continuing established conditions, this brings about new conditions without a hearing.

Mr. ESCH. Yes.

Mr. GRAHAM of Illinois. Mr. Speaker, will the gentleman yield?

Mr. ESCH. Yes.

Mr. GRAHAM of Illinois. I wish the gentleman would explain this proposition: Is the ruling of the commission, in such cases as it shall make a rule, final and conclusive upon the people who are interested? I notice this language, that they shall have authority to make such just and reasonable directions as they may desire. Are they the judges of what is just and reasonable, or do you believe that the person aggrieved might

have recourse to the courts to determine whether these regulations are just and reasonable?

Mr. ESCH. The gentleman realizes that this is only amending one section of the interstate-commerce act, and we do not amend those sections of the interstate-commerce act which give the right of appeal and the right to go into the courts where injustice is done, or where there is confiscation of property, and so on. The rights are preserved.

Mr. GRAHAM of Illinois. In the gentleman's judgment, that remedy is still preserved?

Mr. ESCH. I think so. How much time have I remaining, Mr. Speaker.

The SPEAKER pro tempore. The gentleman has occupied 31 minutes.

Mr. ESCH. I want to reserve the balance of my time. The balance of the bill after page 10 practically contains no amendment except the insertion of the word "rule" in one case and the word "rules" and the words "or the car service" in section 15 of the interstate-commerce act.

Mr. WINGO. Will the gentleman yield on that point?

Mr. ESCH. Yes.

Mr. WINGO. What change did you make on page 11, in the last paragraph?

Mr. ESCH. There is no change whatever of existing law there.

Mr. WINGO. From line 3 to line 21, inclusive, is that existing law?

Mr. ESCH. That is the existing law, with no change whatever.

Mr. CRAMTON. Are lines 3 to 13, on page 9, existing law?

Mr. ESCH. There is a change in line 9 which was suggested to the committee by Commissioner Hall, in order to remove an ambiguity which existed in that part beginning with line 8 and ending with line 13. That is a passage which was inserted in the Army appropriation bill of last year, I think, and so on his suggestion, in order to make it more definite and certain, we made a slight amendment in the language.

Mr. CRAMTON. Can the gentleman state the nature of that?

Mr. ESCH. The new words are:

Transported for the United States and at its expense and consigned to or by the United States.

With that addition it makes the sentence read:

And in time of peace shipments transported for the United States and at its expense and consigned to or by the United States for its own use shall be delivered by the carriers as promptly as possible and without regard to any embargo that may have been declared, and no such embargo shall apply to shipments so consigned.

Mr. CRAMTON. Will the gentleman yield further?

Mr. ESCH. Yes.

Mr. CRAMTON. In connection with that language it has occurred to me, in reading it over, that it would perhaps in time of peace authorize shipments of live stock, for instance, absolutely contrary to quarantine regulations, and the same as to nursery stock, and so forth.

Mr. ESCH. I would not anticipate that danger. I doubt whether the Government, shipping for or on its own account, would want to violate any of the quarantine regulations.

Mr. CRAMTON. For instance, an embargo may be placed against certain live stock on account of quarantine because of the foot-and-mouth disease. Under this, in time of peace, if live stock is to be shipped for the United States, it might be shipped without regard to any such embargo.

Mr. ESCH. And that was the law as passed in the Army appropriation bill of a year ago. We did not modify that.

Mr. CRAMTON. That is what I want to know.

Mr. McKENZIE. Will the gentleman state his opinion as to whether or not there is a real car shortage in this country at the present time?

Mr. ESCH. On April 1, as I recall the figures, the car shortage was something like 143,000 cars.

Mr. McKENZIE. Is it the judgment of the gentleman from Wisconsin that some relief should be granted?

Mr. ESCH. Most assuredly.

Mr. McKENZIE. In order that the railroads may build more cars?

Mr. ESCH. Not only that, but there ought to be relief by requiring the shippers and consignees to load and unload the freight promptly when cars are given to them.

Mr. McKENZIE. I think I fully agree with the gentleman from Wisconsin, but in order to make this bill parallel some bills that we have been passing lately in this House I think it ought to have a provision in it first compelling the railroads to build more cars, and, second, making a large appropriation to build some by the Government.

Mr. HARDY. Will the gentleman yield?

Mr. ESCH. I yield to the gentleman from Texas.

Mr. HARDY. The gentleman has stated that a great deal of this car shortage arises from congestion in ports, because of the lack of ships, which causes an accumulation of cars on sidings even as far back as 150 miles in the interior.

Mr. ESCH. Yes.

Mr. HARDY. Did it occur to the gentleman's committee that they might relieve some of that congestion by an emergency measure which would provide that during the existence of this war foreign ships in our ports engaged in round-trip voyages, but going from one of our ports to another, might carry some of this congested commerce from one of our ports to another?

Mr. ESCH. Instead of going by rail?

Mr. HARDY. No; instead of these ships going empty, as they have to do if they are foreign ships, why not let a ship that is going from Baltimore to Galveston, when Baltimore is congested with freight, carry a load of freight from Baltimore to Galveston, even though the ship is under a foreign flag, during this emergency?

Mr. ESCH. That did not occur to our committee, because merchant-marine matters are somewhat beyond our jurisdiction.

Mr. HARDY. But this relates to commerce.

Mr. ESCH. I will say to the gentleman that the suggestion is worth considering.

Mr. HARDY. Certainly at this time it looks as though the cramps on our commerce ought to be removed.

Mr. ESCH. We ought to do everything we can to relieve the situation.

Mr. HARRISON of Mississippi. Will the gentleman yield?

Mr. ESCH. I yield to the gentleman from Mississippi.

Mr. HARRISON of Mississippi. As I understand the bill it is left optional with the Interstate Commerce Commission to do these things you grant them the authority to do.

Mr. ESCH. Yes.

Mr. HARRISON of Mississippi. In view of the statements which the gentleman has made as to the true situation, does he not think it would be better to direct the Interstate Commerce Commission to take cognizance of this situation and act upon it?

Mr. ESCH. This is the full authority they ask of us, and we grant it to them, feeling that they will exercise it to the fullest extent, and to the advantage of the public interest.

Mr. HARRISON of Mississippi. The gentleman has no doubt, then, that the Interstate Commerce Commission will take up the matter immediately?

Mr. ESCH. Most assuredly they will. They have been pressing this legislation for a long time.

Mr. SIMS. The gentleman was asked a while ago about the power of the Interstate Commerce Commission to make orders and enforce them.

Mr. ESCH. How much time have I, Mr. Speaker?

Mr. ADAMSON. I hope the gentleman will not feel uneasy about his time. He understands this bill, and I hope he will answer fully all questions in regard to it.

Mr. SIMS. Any order that the Interstate Commerce Commission makes regarding this or anything else may be enjoined by the railroads upon the allegation that the commission has exceeded its authority, or that the order if put into effect would be confiscatory, so it would be impossible to know whether or not the order would be resisted.

Mr. ESCH. I stated that we did not seek to amend the other sections of the interstate-commerce act, but that the remedy was left as it has been heretofore.

Mr. WATSON of Pennsylvania. Does not the gentleman think that there is great lack of enterprise on the part of the capitalists to build new railroad lines and thereby extending transportation and to develop new territory in our great resourceful country? In 1915 there were only 936 miles of new railroad constructed, and last year I do not believe there were more than 500 miles. Our population is increasing, our industries are expanding, and our present railroad system can not take care of the present travel and freight. That is one reason for the great congestion.

Mr. ESCH. There were 1,000 miles of road built in 1915 and about 1,000 miles, if my recollection serves me, in 1916, whereas the average for the prior 20 years had been between 4,500 and 5,000 miles. The gentleman is right in saying that there has been a very marked dimunition in railroad construction during the last two years.

Mr. WATSON of Pennsylvania. The railroads have increased the weight of the rails, the capacity of the cars, and the power of the engines, yet they are unable to meet the demands of the public.

Mr. ESCH. The contention made before the subcommittee very recently was that the fact that they did not build more mileage was due to the fact that they did not have the money.

Mr. WATSON of Pennsylvania. Due to the fact that the laws are so severe that people will not put money into new railroad projects.

Mr. ESCH. It was also suggested that the dividends paid by the roads prior to 1916 were not such as to encourage investments, and so the roads could not get money to build tracks and cars.

Mr. GREENE of Vermont. Will the gentleman yield?

Mr. ESCH. Certainly.

Mr. GREENE of Vermont. Has the gentleman made any study of the actual physical car shortage existing under normal conditions; that is to say, the difference between the number of cars in existence and that which would be expected to carry normal traffic when the transportation is normally distributed and not congested as it now is?

Mr. ESCH. Owing to the phenominal prosperity during the year 1907 there were two periods of car shortage in that year—one during the midsummer months, when the maximum shortage reached 30,370 cars; the other during the last three months of the year, when the shortage on December 24 reached 208,586 cars. During the following years of 1908 and the greater portion of 1909 there was business depression, and the number of idle cars reached on April 29, 1908, a maximum of 413,338. During October and November of 1909 there was a small shortage. During 1911 there was no shortage. In the fall of 1912 the shortage reached a maximum on November 7 of 51,259 cars. During the latter part of October, 1913, there was another small shortage, with no shortage for 1914, the first year of the European war. The surplus of idle cars extended throughout the year 1915, with a maximum on April 1 of 327,084 cars. So normally we have during the greater portion of the year a car surplusage, and the shortage comes only during those periods of the year requiring seasonal movement of crops.

Mr. GREENE of Vermont. The gentleman's answer is clear and convincing, and leads to the proposition that the evil lies in the want of practical distribution.

Mr. ESCH. And oftentimes wise and efficient management of the equipment we already have. That is due to having so many different systems and each system anxious to get the fullest amount of trade and business in order to swell the gross receipts. That is natural.

Mr. GREENE of Vermont. I have some personal recollection of former conditions, when it was my function and duty to chase empties on other roads stolen from our road.

Mr. ESCH. I have no doubt the gentleman's experience tallies with the experience of witnesses we had before the committee.

Mr. HULBERT. Will the gentleman yield?

Mr. ESCH. Certainly.

Mr. HULBERT. It is a fact that the movement of cars during the shortage since the European war has been toward those points on the Atlantic seaboard where the greatest shipments have been made to European countries.

Mr. ESCH. That is true.

Mr. HULBERT. May I state for the information of the House and the committee that while we have 771 miles of water front in the port of New York, two-thirds of all the water-borne commerce in the city of New York is accommodated upon 7½ per cent of the total water front of the Borough of Manhattan, and that is due to the fact that Congress has failed to provide by sufficient appropriation and adoption of new projects for the approaches to the shore.

The city of New York has been willing to expend, and for the past six or eight years has contemplated an expenditure of upward of $60,000,000 for the construction of docks on East River, N. Y., and yet during that time, although the Army Engineers reported in 1912 that the further improvement of that river under the project adopted in 1868 was deemed economically inadvisable, this Congress has not adopted the project for a greater depth of water to afford sufficient access to the wharves, so that these vessels that are compelled to anchor at the Statue of Liberty until berth accommodations can be afforded could be more expeditiously brought to the piers and the cars waiting to discharge their cargoes could be unloaded and sent back upon the railroads.

Mr. ESCH. The gentleman is on the Rivers and Harbors Committee.

Mr. HULBERT. Yes; and I suppose that is why I am on the Rivers and Harbors Committee. I have been advocating that ever since I have been here, but I have not succeeded yet.

Mr. ESCH. Our committee has no jurisdiction over that. I concede that there ought to be more river frontage to accommodate the ships, but our committee can not deal with that.

Mr. HULBERT. I appreciate that. May I ask a question directly on the bill? In my inquiries in reference to the food supply I have been informed that commission merchants in large cities have more difficulty now in "pick-up" shipments from the interior—that is, from small points of collection—than heretofore, for the reason that the railroads will not fix specific times when, upon notice to the farmers in those communities, such produce as they may deliver may be collected up. What we would like to know is whether there is any provision that will provide for the adoption of a "picking-up system" so that the farmer who lives in a rural community, who may only have six or eight crates of eggs to ship into the nearest city at one time, is afforded an opportunity to get the same facilities for shipment that those have who are able to bring the farm produce into the cities by automobile trucks, where it is picked up at such centers of collection and distribution.

Mr. ESCH. That would be a matter very largely within the jurisdiction of the State, more in the nature of a police regulation, the same as the protection of grade crossings, and so forth.

Mr. HULBERT. That would be true except in the case of an emergency such as we have now, and this, I understand, is emergency legislation.

Mr. ESCH. In some States they have a practice of having certain days of the week for the shipment of live stock and not on other days. That is beneficial in every way to the market, the accommodation of the farmers and the shippers, and the railroads themselves.

Mr. HULBERT. The point I emphasize has not been brought to the attention of the gentleman's committee during the preparation of this measure?

Mr. ESCH. Not that particular thing.

Mr. BORLAND. Will the gentleman yield?

Mr. ESCH. Yes.

Mr. BORLAND. I have noticed considerable comment in the last day or two about the duplication of passenger service between two large points on different roads. Has there been any consideration by the gentleman's committee on the duplication of trains, the removal of which would relieve the rolling stock and engines, and so forth?

Mr. ESCH. That has been brought to the attention of the Newlands subcommittee, and several witnesses have testified as to the matter of duplication of equipment. Take the case of the roads between Chicago and St. Louis. Five passenger trains go to St. Louis and probably four to Kansas City, five to St. Paul—all leaving Chicago about the same time and arriving at the terminals at the same time, and none of them are full.

A suggestion was made to the subcommittee that there might be a conservation of equipment by authorizing two of the trains to do the whole of that passenger business.

Mr. BORLAND. It seems to me that there is a good deal in that.

Mr. ESCH. Thus relieving the other carriers of that much equipment that could be used in the transportation of freight.

Mr. BORLAND. It seems to me that there is a good deal in that suggestion. Between St. Louis and Kansas City there are five competing railroads and all of them run their own trains between 11 and 12 o'clock at night, getting into the city early the next morning. Each road wants to be in the market for that business, and it runs a train at that hour to accommodate the business men, when probably two trains well equipped could carry all of the business on any average day.

Mr. ESCH. A subcommittee of the Council of National Defense, of which Mr. Willard, I think, of the Baltimore & Ohio, is chairman, has already made recommendations to the various railroads of the United States to cut down their passenger equipment wherever possible, in order to relieve so much equipment, especially the motive power, for the carriage of freight.

Mr. BORLAND. Is there anything in the law that would prevent the railroads from carrying out the project suggested by Mr. Willard, in the reduction of the passenger service? Could they agree to do that by joint action?

Mr. ESCH. There is no law preventing a reduction of the service, if it does not affect the rates.

Mr. BORLAND. Suppose two of the railroads carry all of the business and collect all of the passenger receipts, how would that operate upon the receipts of the other railroads?

Mr. ESCH. The Pennsylvania and the Baltimore & Ohio between here and Chicago are trying to solve that problem as to competitive points. Whether that can be done remains to be seen.

Mr. BORLAND. That would result in some sort of a pooling agreement?

Mr. ESCH. It would; and pooling is prohibited.

Mr. MONDELL. Mr. Speaker, will the gentleman yield?

Mr. ESCH. Yes.

Mr. MONDELL. I understand that this measure is intended to give the Interstate Commerce Commission large control over

car service, and that it is not intended, I assume, to give the Interstate Commerce Commission any control over the shipment of commodities; that is, any authority relative to the routing or shipment of commodities to a given point.

Mr. ESCH. Under existing law, of course, the shipper has a right to choose the route.

Mr. MONDELL. Just one moment. I have not finished my statement. A bill was introduced some time ago, and I think is still pending before the Committee on Agriculture, proposing to give the Secretary of Agriculture control over shipments, authorizing him to order commodities shipped to a given market. I assume that no such authority or control was contemplated in this bill, but I want to call the gentleman's attention to the language on page 10, beginning in line 2:

And also authority to make such just and reasonable directions with respect to car service—

So far, all plain—

or for the distribution and movement of cars for the transportation of particular commodities—

That seems to be reasonably plain—

or for transportation to or from particular localities during the emergency—

And so forth.

I assume that the committee did not intend by that language to give the Interstate Commerce Commission any control over the direction of commodities to a given market—over shipments—any authority to say to a shipper, as was proposed in the bill before the Agriculautral Committee, you shall ship to this market or to the other.

Mr. ESCH. I think that language was inserted to meet a condition such as was quite common in the Northwest during the last winter, where cities suffered from a coal shortage, and in some places a municipal lighting plant had only one day or two days' supply of coal. In other places there was a shortage of food products, and it was thought that there ought to be some power to relieve such a situation, because it was emergent in character.

Mr. MONDELL. But the gentleman does not understand that this language would give the Interstate Commerce Commission power to direct a certain shipment to a given point? As I understand it, what you intend to do is to simply give the commission authority over the car service, so that the commission could say in a given case, Minneapolis claims that it is not securing coal for its municipal lighting plant, and you must furnish cars for that service. I do not assume it was intended to give the commission any authority to say that such a shipment should be made.

Mr. ESCH. It says "give direction."

Mr. MONDELL. The gentleman will understand how very important a matter it is if the committee proposes to give any authority to demand a given shipment. If we propose to do that it would follow, it seems to me, logically, that we would then be called upon to insure the shipper a market after he reached the designated destination to which he was commanded to make the shipment.

Mr. ESCH. In lines 19, 20, and 21, on page 10, in the penalty paragraph, we say:

In case of failure or refusal on the part of any carrier, receiver, or trustee to comply with any direction or order with respect to car service.

We have defined what "car service" is in section 1.

Mr. MONDELL. So that it was not intended and the gentleman thinks it would not be a fair interpretation of the language that I have read to give the Interstate Commerce Commission control to the extent of ordering a shipment to a given point.

Mr. ESCH. The initiative as to rules and regulations, with reference to car service, is in the carriers, and under this bill such rules and regulations can only be suspended by the commission in case of emergency.

The SPEAKER pro tempore. The gentleman from Georgia [Mr. ADAMSON] has one minute remaining, the Chair will state.

Mr. ADAMSON. Then I shall reserve the remainder of my time.

Mr. MANN. How much more time does the gentleman from Wisconsin desire?

Mr. ESCH. I think I have concluded all that I desire to say.

Mr. MANN. I would like to have a few minutes.

Mr. ADAMSON. The gentleman can be recognized in his own time. I reserve the remainder of my time.

The SPEAKER pro tempore. The Chair will suggest that we are operating, of course, under the Calendar Wednesday rule, and if anyone desires to be recognized in opposition to the measure, he would be entitled to recognition first.

Mr. MANN. I do not think I shall vote against the bill, but if anybody desires to be recognized in opposition I will give way.

Mr. ADAMSON. I do not think that anyone is opposed to the bill. The gentleman can be recognized for an hour and take what time he pleases. I reserve the remainder of my time.

Mr. MANN. Mr. Speaker, I would like to make an inquiry or so in reference to the bill before I conclude, and I shall not take very much time. There has been a good deal of trouble about car shortage, so called. The gentleman from Wisconsin [Mr. ESCH] has given us some very valuable information and suggestions in regard to it.

One of the main reasons for car shortage is the slowness of the movement of cars. It takes a long time for a freight car to go from one point to another, and you may pass laws and then more laws, but that will not cure the situation until you give the railroads an opportunity to have money enough to buy sufficient motive power. Shortage is not in the cars, shortage is in the supply of cars for use, because cars are lying on the tracks on their way to destinations for the reason there is not sufficient motive power to move them promptly, and the reason there is not sufficient motive power promptly to move them is because the railroads have not the money or the credit. Of course, we have provided that the railroads shall do their business under the control of the Interstate Commerce Commission. I would not change it. I have done my little part toward increasing the powers of the Interstate Commerce Commission, but it will take more than the passage of bills, it will take more than orders made by the Interstate Commerce Commission to move cars promptly to get them moved. The order of man will not move cars.

If talk would move cars, we would move them very rapidly here, and if issuing orders would move cars they would be moved very rapidly by the Interstate Commerce Commission. They have got to have more money and better credit, because as long as they are without the money they will not buy the locomotives and other necessary motive power, and we might as well know it. Now, having said that much, I would like to make an inquiry about the bill. There is a new provision in the bill with reference to the powers of the commission to make orders, found on pages 9 and 10. These orders are in reference to the supply or use of cars for transportation of property, and so forth. Then it says:

The directions of the commission as to car service, distribution, and movement during emergency may be made through and by such agents or agencies as the commission shall designate and appoint for that purpose.

Will the gentleman from Wisconsin tell us what is intended to be done by that provision?

Mr. ESCH. Mr. Speaker, last winter there was a congestion in the city of Detroit, in the yards of Detroit, of 40,000 cars. The Interstate Commerce Commission, under the powers it has now, sent one of its agents—I suppose one of its inspectors—up there to cooperate with the municipal authorities and the local railroad authorities and see what they could do to relieve that congestion. He went up there, conferred with them, and inside of a week they had reduced that congestion quite a considerable amount. Now, I suppose that if this becomes the law inspectors would be sent to help relieve congestions in the various centers where complaint has arisen.

Mr. MANN. Oh, well, that is a supposition that is not warranted by the language of the bill. If they want to say that the Interstate Commerce Commission could issue its orders through employees of the commission, it is easy to put that in the English language; but this is through "such agents or agencies as the commission shall designate for that purpose." I take it that the gentleman from Wisconsin did not draw the bill——

Mr. ESCH. I did not draw the language.

Mr. MANN (continuing). But it was drawn by the Interstate Commerce Commission. I take it that the purpose of that is to permit an organization of railroad officials to act as agencies of the commission, which may be proper; but in the next or second paragraph from this is a penalty for anybody who does not obey the directions with respect to car service, and I would like to know whether we propose to put in here that the Interstate Commerce Commission shall authorize a railroad president or two railroad presidents to act as an agency of the Interstate Commerce Commission and make an order relating to some other railroads, and then attempt to penalize the other people because they do not obey the directions of the adverse railroad president. That may be a desirable thing to do. It seems to me it is going a long ways. There is some doubt about how far we can authorize a penalty for the violation of a regulation of the Interstate Commerce Commission itself, which is our agency; but when we undertake to say that we will let the Interstate Commerce Commission create another agency to make penal offenses it is going a long ways, it seems to me. It is a cloudy line. No one can definitely set apart one side from the other as to how

far Congress can delegate its legislative powers now, but we have the power to give to the Interstate Commerce Commission under the law that we enact the power to make certain regulations and certain rules and to punish a violation of those rules and regulations in accordance with the law we pass laying down the fundamental principles.

Now, here is Mr. Willard, president of the Baltimore & Ohio Railroad Co., a great railroad man, now at the head of the subcommittee of the Council of National Defense, desiring to help the country in the management of the railroads, but he is a private individual; yet under this individual he could be authorized to give a direction which some man or some railroad would have to obey with a penalty of $25 a day or more if they did not obey that direction. Now, that is really an autocratic power running to the extreme. Then I would like to make another inquiry, suggested to me by the gentleman from Maine [Mr. WHITE]. In this same provision, which is new in the law, the Interstate Commerce Commission is given the power without notice or hearing to suspend the operation of all rules and regulations or practices then established with respect to car service. I think that is not objectionable. Then the language reads, on the top of page 10, "And also authority to make such just and reasonable directions with respect to car service," and so forth. Now, I will defy any Member of this House or anybody else to read the language of that paragraph and express a judgment founded on the person's own belief that he is right as to whether they can make these directions without hearing and without notice or whether they will have to give hearing and notice. Now, I acquit the Committee on Interstate and Foreign Commerce of preparing any language which is so indefinite. That was drawn by somebody connected with the Interstate Commerce Commission, probably some bright young attorney, but whoever supervised it did not examine it. It has not been the practice to permit the Interstate Commerce Commission to make orders without notice and without hearing. Now, it may be necessary to give them the power to suspend the operation of rules and regulations without notice and without hearing. It may be desirable to let them make new rules and regulations without notice or hearing, though I doubt it; but nobody can tell from this whether they are given the power or not. And I would like to know, if my friends on the committee have an opinion on the subject, not a hastily expressed opinion, whether it was intended to let these directions with respect to car service or for the distribution or movement of cars for the transportation particularly of commodities, and so forth, to be made without notice and without hearing?

Mr. CRAMTON. Will the gentleman yield?

Mr. MANN. I will yield to anybody who can give me that information.

Mr. CRAMTON. I am not going to assume that.

Mr. MANN. I will yield to the gentleman, anyway.

Mr. CRAMTON. I thought perhaps the gentleman might give me some light. I understand the gentleman to assume that the old regulation may be suspended without a hearing?

Mr. MANN. This bill so says.

Mr. CRAMTON. Yes. Then, if the old regulation is suspended without a hearing and the commission has no authority to make a new regulation without a hearing, will not things be left in the air temporarily until such hearing is held, without any regulation?

Mr. MANN. That might be, although they might not need regulation. However, I call the attention of my friend from Michigan to the fact that the right to suspend regulation only relates to the car service, while the authority to make new regulation applies not only to the car service but distribution and movement of cars for the transportation of particular commodities, transportation to and from particular localities, and other very general authority—to promote the operation of car service in the interest of the public and to the advantage or convenience and commerce of the people. I question whether you would pass by unanimous consent practically a bill in this House designed on its face to give to the Interstate Commerce Commission power to make without notice and without hearing any order it thought was to the advantage or convenience and commerce of the people. That is an extremely broad authority. If you should put that into the law, you might just as well repeal all the rest of it, because the rest would be unnecessary.

Mr. DOWELL. Will the gentleman yield?

Mr. MANN. I yield.

Mr. DOWELL. Is it not the inference that it is to be a reasonable regulation, and if it is a reasonable regulation should they not have that power?

Mr. MANN. There is no inference about it. The bill says it is to be a just and reasonable direction, and so forth. But that does not mean that they will be just and reasonable. That is fixing the power of the commission. We can not give them the unlimited power. That is subject probably to review by the court after the damage is done. That is the power that is given in reference to railroad rates—to fix just and reasonable rates.

Mr. DOWELL. If it was unreasonable and could not be complied with by the companies, of course they would have redress in the courts.

Mr. MANN. They would have that redress if they gave it, with or without notice.

Mr. DOWELL. Of course, that is true.

Mr. MANN. The question is whether you would give to the commission the power offhand. And in practice it amounts to this: Some examiner for the commission, some agent for the commission, some inspector, or perhaps some mere dollar-a-day employee, though that is probably extreme, suggests that the commission do so-and-so. The commission itself does not examine all these orders. They do not know when many of them are issued, and can not know. Shall they give to the commission the power to do all of these things without notice, without hearing, and take a man's property away from him without giving him a chance to be heard at all?

Mr. ADAMSON. I leave the gentleman from Wisconsin to answer the question the gentleman asks; but I wish to call his attention to the fact that this entire paragraph relates to an emergency, and in the very language which the gentleman criticizes it is repeated again, "during emergency," and that the directions or orders issued are simply served upon the party by the agent or agencies "during the emergency." And the word "emergency" is repeated several times. It is not a permanent regulation at all.

Mr. MANN. What is the emergency?

Mr. ADAMSON. There may be frequent emergencies. I do not know what.

Mr. MANN. The Interstate Commerce Commission determines the emergency. It might just as well be left out as put in. That part is pure bunk. It is put in not in good faith but just to look well. The Interstate Commerce Commission says an emergency exists. If an emergency did not exist, there would be no orders issued at all.

Mr. BRUMBAUGH. Will the gentleman yield for a question?

Mr. MANN. Yes.

Mr. BRUMBAUGH. A great many companies are making storage houses of their rolling stock, and cars remain loaded, and there does not appear to be any authority to compel them to unload them and use the rolling stock. They remain loaded for weeks and months, thousands and thousands of cars. Has the Interstate Commerce Commission authority to control that matter?

Mr. MANN. The railroad companies, in the first place, do not use the cars for storage purposes. The gentleman's assumption is wrong. It is the man who owns the freight that uses the car for storage purposes—contrary to the wish of the railroad company—subject to demurrage charges.

Now, it is all very well to say that a man shall be required to unload a freight car within a certain time. The gentleman would not want to have it said, if he had a car of household goods, that it should be unloaded within 10 minutes after it reaches its destination. The shipper wants some time. The time has been probably too long. The time has recently been very much reduced. Of course the only way you can reduce the time for unloading the car is by reducing the free time and then increasing the demurrage charge for the balance of the time.

The gentleman's question does not apply to the railroads. They are trying their best to overcome this, and many shippers are. But human nature is human nature. A man has a car of coal or a train of coal and no place to put it. He will leave it in the cars until he can find a place to put it. Now, how soon he will find a place to put it will depend upon how much it is costing him to keep it in the car. You can not take it out offhand.

Mr. BRUMBAUGH. I had reference chiefly to coal.

Mr. MANN. Well, I was talking about coal, supposing the gentleman was talking about coal. The railroads are trying their best to get the coal out of the cars, but they can not unload the coal. They can not dump it alongside the tracks. The only way to reach it is by charging. Of course, one trouble with coal has been that they could not get it to the place where it could be unloaded for lack of motive power.

Now, I want to offer one amendment to this bill, which I am sure will be accepted, and then I will close. Mr. Speaker, I move to amend by inserting before the word "railroad," in line 3, on page 2, the word "term."

The SPEAKER pro tempore. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 2, line 3, before the word "railroad," insert the word "term."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

Mr. ADAMSON. I think that is a good amendment.

The question was taken, and the amendment was agreed to.

Mr. MONDELL rose.

Mr. HARRISON of Mississippi. Mr. Speaker, will the gentleman from Illinois yield me five minutes?

Mr. MANN. By offering the amendment I lost the floor.

Mr. ADAMSON. If the gentleman from Illinois can yield time to the gentleman from Mississippi, all right.

The SPEAKER pro tempore. The gentleman from Illinois has lost the floor.

Mr. ADAMSON. Then, Mr. Speaker, I move the previous question.

The SPEAKER pro tempore. The gentleman from Georgia moves the previous question.

Mr. MONDELL. Mr. Speaker, I would like to have 10 minutes.

Mr. ADAMSON. I would like to accommodate these gentlemen.

Mr. MONDELL. Mr. Speaker——

Mr. ADAMSON. I will amend my motion. I ask unanimous consent, Mr. Speaker, that at the end of 10 minutes——

Mr. MANN. Ask unanimous consent that the previous question shall be considered as ordered at the end of 15 minutes.

Mr. ADAMSON. Very well.

The SPEAKER pro tempore. The gentleman from Georgia asks unanimous consent that the previous question shall be considered as ordered on this bill and all amendments thereto at the expiration of 15 minutes. Is there objection?

There was no objection.

The SPEAKER pro tempore. The gentleman from Wyoming is recognized for 10 minutes.

WAR-REVENUE BILL (H. REPT. NO. 45).

Mr. KITCHIN. Mr. Speaker, I desire to present a report to accompany House bill 4280, the war-revenue bill, and I wish to say that we hope to take it up to-morrow morning.

The SPEAKER pro tempore. The gentleman from North Carolina presents a report, which the Clerk will read by title.

The Clerk read as follows:

Report from the Committee on Ways and Means, to accompany the bill (H. R. 4280) to provide revenue to defray war expenses, and for other purposes.

The SPEAKER pro tempore. The gentleman from North Carolina gives notice that the bill will be called up to-morrow. This report will be referred to the Committee of the Whole House on the state of the Union and ordered to be printed.

HOUR OF MEETING TO-MORROW—11 O'CLOCK A. M.

Mr. KITCHIN. I ask unanimous consent, Mr. Speaker, that when the House adjourns to-day it adjourn to meet at 11 o'clock a. m. to-morrow.

The SPEAKER pro tempore. The gentleman from North Carolina asks unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock a. m. to-morrow. Is there objection?

Mr. MANN. Reserving the right to object, of course by 11 o'clock to-morrow we may possibly be able to get sight of the bill—not before that. How long is it expected that this bill will be under general debate?

Mr. KITCHIN. I imagine two or three days, anyway. I wish we could get through by Saturday night—the whole thing.

Mr. MANN. Well, I suppose the gentleman from North Carolina would like to get through to-morrow night. Is the bill so bad as that, that you do not want anybody to have a chance to read it? [Laughter.]

Mr. KITCHIN. It is so good, in short, that everybody ought to vote for it unanimously without any time being wasted in investigating it at all; it is such a good bill, such a large bill. [Laughter.] Seriously, I have no desire to hurry the matter unduly, but——

Mr. MANN. There should be some general debate, so that gentlemen can have an opportunity to look at the items. Of course, I suppose it will be easier to pass the bill before the country knows what it is than it will be to pass it afterwards. [Laughter.]

Mr. KITCHIN. I should think that nobody in the country would oppose this bill. [Laughter.]

Mr. MANN. I can assure the gentleman that probably nobody will oppose it who is not taxed.

Mr. MOORE of Pennsylvania. Most of the protests are already in.

Mr. MONDELL. No; they are still coming.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina, that the House meet at 11 o'clock to-morrow morning?

There was no objection.

CAR SHORTAGE.

The SPEAKER pro tempore. The gentleman from Wyoming [Mr. MONDELL] is recognized for 10 minutes.

Mr. MONDELL. Mr. Speaker, relative to this matter of car shortage, the gentleman from Illinois [Mr. MANN] has called attention to one of the controlling reasons for car shortage, which for some reason or other does not seem to have been widely discussed—at least I have not heard much discussion of it—that is the question of the effect of the movement of trains on the abundance or the lack of cars.

We all realize that the potential capacity of the freight rolling stock in the country could be doubled any day by the carrying out of an order doubling the speed of all freight trains. I am not sure that such an order could be carried out; but there is no doubt but that the speed of some freight trains could be doubled, and the probability is that it would be physically possible to immediately very largely increase the average speed of freight trains.

We have had a curious experience in this country relative to the speed of freight trains. It is a curious fact of our wonderful railway development that as we have progressed and developed and improved the average speed of the movement of merchandise has decreased. Years ago, when the maximum grades of the principal railroads were greater than they are now, when the engines were light, when the rails were light, when the cars were small compared with their present capacity, the speed of freight trains was greater than it is now. A train can only be loaded to a capacity that the engine can handle over the maximum grade. When the maximum grade is high compared with the average grade, the speed on the average grade is very considerable. But as maximum grades were reduced it became possible with the same engine to carry very much heavier loads, and that meant that the average speed of the train was slackened. While the engine must have power enough to carry the train over the maximum grade, it need not carry it over rapidly, and when it is loaded to its capacity that loading slows it and impedes its speed on every up grade. There is a very important economic factor operating there. The net income of a railroad can be increased by decreasing the speed of the freight train; by carrying more tons of freight with the same crew and the same motive power. There is a saving in a slow movement of the locomotive. A locomotive going at 10 miles an hour consumes less coal per ton-mile than a locomotive going twice as fast.

The late James J. Hill was the man who first made a science of maximum tonnage. That policy, inaugurated by Mr. Hill, spread from the Great Northern and its allied lines to the balance of the country. I remember very well when, out in our range country, we would make a shipment of stock, driving it to a shipping point. One of those little engines of that day would pull in with a string of cars, take the stock, and haul it to market at the speed of a passenger train, or at 18 or 20 miles an hour. There is nothing of that kind in these days. The tonnage idea has been carried to a point where the movement of freight has come to be, as I recall it on some roads, as low as four or four and a half miles an hour. A number of years ago we passed a bill here known as the 16-hour law. We passed it in order to relieve men from the awful strain of long hours and to save the public from the dangers that long hours brought. One of the most important effects of that legislation was to speed up the movement of freight, because while under the highest development of the tonnage system trains were frequently loaded so heavily that their average running time over a division was 18 or 20 hours, or even more. With the passage of the 16-hour law it became necessary to cut down the tonnage sufficiently to enable the train to go from division point to division point within 16 hours under ordinary and normal conditions. And so we speeded up the movement of freight. But we still have in the country as a whole a slower movement of freight, according to my understanding, than we had years ago. Well, what are we going to do about it? So far as the public are concerned, they would be very greatly benefited by the speeding up of freight trains. That is particularly true with regard to live-stock trains.

The SPEAKER pro tempore. The time of the gentleman from Wyoming has expired.

Mr. HAMLIN. May the gentleman have five minutes more? I want to ask him a question.

The SPEAKER pro tempore. There was an agreement limiting the time.

Mr. MONDELL. The gentleman from Mississippi [Mr. HARRISON] wants five minutes.

Mr. HARRISON of Mississippi. I will yield a part of my time to the gentleman from Wyoming.

Mr. MONDELL. No; I do not want the gentleman to yield a part of his time. I ask that I may have five minutes more without taking it out of his time.

Mr. HAMLIN. I make that request, if it can be submitted. I was not aware of any previous agreement limiting the time.

The SPEAKER pro tempore. By unanimous consent, the previous question has been ordered at the end of 15 minutes. But the Chair supposes this request can be submitted: The gentleman from Missouri asks unanimous consent that the time of the gentleman from Wyoming be extended five minutes, not to interfere with the gentleman from Mississippi, and that the previous question be considered as ordered at the end of 10 minutes from now. Is there objection?

There was no objection.

Mr. HAMLIN. I think the gentleman from Wyoming is discussing a very vital proposition now, as to the movement of freight. My information is that formerly the average speed of freight trains was about 18 miles an hour, but that since the heavy engines have been put on, and what the railroad men call a drag, the speed of freight trains has been reduced to about 9 miles an hour on the average.

Mr. MONDELL. My understanding is that it is even less than that.

Mr. HAMLIN. Perhaps so, but that was my information. Now, this is the suggestion I want to make to the gentleman. A very practical railroad man told me that the thing which was really at the bottom of the recent threatened strike was the failure of the companies to move the freight trains rapidly enough, and that if a law should be passed requiring the railroad companies to move every car so many miles every 24 hours after the bill of lading was issued, the whole question would be solved. Has the gentleman thought about that proposition?

Mr. MONDELL. I have thought about it, and the Interstate Commerce Committee have thought of it, because they have had before them at various times bills proposing to give the Interstate Commerce Commission authority to fix a minimum speed per hour, particularly and perhaps exclusively for stock trains. But here is the economic question, as the gentleman will understand; that is the nub of this whole matter. I am not so sure but it would be of sufficient benefit to all the people of the country to have freight moved more rapidly than it is, to justify our compelling such an accelerated movement, with the understanding that the railroads would be paid for it. We all understand that the loading of trains to capacity, and their consequent slow movement, is due to the desire of the railroads to cheapen the cost of the service, or at least to reduce expenses per ton-mile; and if that is carried far enough, so that it becomes the general practice, under our control of railroad rates, the public gets the benefit of it in cheaper rates. Whether the people have gotten all they are entitled to from the reduction in cost I do not know, but this is certain: If the present rates, based on the slow movement of freight are fair, then you must increase the rates if you demand more rapid movement, because more rapid movement costs more money.

Mr. HAMLIN. Now, right at that point, this same gentleman, in whose knowledge of these things I have great confidence, says that the very fact that this slow movement has been inaugurated by the railroads of this country has tended to increase the price of products to the consumer, because of the failure to get these products to the centers of consumption rapidly enough. He says that if they are forced to move these products more rapidly the prices of products will go down to the consumers of the country, because there would not be the scarcity which now often exists.

Mr. MONDELL. That could only be true in the case of perishable products.

Mr. HAMLIN. Yes; it could be true of all products of universal use. This is true even as to coal.

Mr. MONDELL. I think not. So far as ordinary shipments are concerned, grain and products of that sort, we would not cheapen the product any by moving it more rapidly. On the contrary, in so far as the more rapid movement costs more, you would add to the cost of the article.

Mr. HAMLIN. I think the gentleman is wrong about that, because the shortage of cars makes a scarcity of a certain product in the business section of the country. If the products were moved more rapidly these same cars could be emptied and returned and reloaded with other products and shipped to these business centers, and in that way keep the markets supplied which would have the effect of holding down prices rather than increasing them, as you intimate.

Mr. MONDELL. The gentleman is discussing the matter simply from the standpoint of meeting an emergency condition. This movement of freight should be considered aside from the question of a failure to deliver products at some particular place at some particular time, because it is a matter which affects the movement of all freight at all times. If the railroads had cars enough, which they might have and should have under a slow movement of freight as well as under a fast, no such condition as the gentleman suggests would arise. There would not be under that condition of affairs any special gain to the consumer of the product by reason of the fast movement, except in the matter of live stock or a perishable product. There are, however, many ways in which the public generally would be benefited by more rapid movement of freight. The benefits would, I think, be sufficient that the shipper could afford to pay for the slightly higher cost.

Mr. HARRISON of Mississippi. Mr. Speaker, I hesitate to say anything at this time so anxious am I to see this bill pass at the earliest possible moment. I realize that every section of this country is affected by car shortage. Of course, I am not familiar with the situation in other sections, but I am familiar with the section which I in part have the honor to represent.

I live in a section that produces a large amount of lumber. The lumber mills of the South for the past few years have not experienced the degree of prosperity that other industries have, but in the last few months there has been a revival of business, an increase in prices, and they are now manufacturing quite a lot of lumber.

I am informed by men who own sawmills that they have such large stocks of lumber in the yards that the insurance companies are making a demand on them to move the stock, and if they do not the companies threaten to cancel the insurance policies. The manufacturers are helpless, because they can not obtain cars to to get the lumber to the markets of the world. If the insurance companies cancel their insurance policies the banks will stop lending them money to carry on the industries, and thousands of employees of these plants will be thrown out of employment. And I may say that the lumber industry is the largest in my section.

I am informed by a gentleman who represents a district adjoining mine that one mill has already closed down because they can not get cars to ship the lumber, and that 800 employees have been thrown out of work.

I was informed yesterday that the railroad that traverses that section had on the tracks now only about 50 per cent of the cars they own, including the cars from other railroads of the country; that the Illinois Central had only about 60 per cent of the number of cars they own, including those of other roads now on their tracks; that the little railroad that traverses my district for 350 miles, the Gulf and Ship Island, owning 2,800 cars, have on that road, including cars from other roads, only 200 box cars to take care of their business. That is the situation in my section, and I do not know that it is worse in any other section.

I was informed by a vice president of one of the railroads yesterday that he had received a telegram from one of the counties in my district stating that 200 carloads of Irish potatoes were ready to be shipped to market and they could not get the cars. Here we are legislating about foodstuffs and can not get cars to send foodstuff that has already been grown to the markets. In the little place in which I was raised, a great vegetable center, I noticed that last Saturday they shipped 14 carloads of vegetables. In the course of two weeks they will be shipping as many as 50 or 60 carloads of vegetables from that place. All this produce will perish unless they can get the cars. Now what pertains to that section pertains to Florida and other sections throughout the South and other sections of the country. So I think this is a most important bill, giving the Interstate Commerce Commission, as it does, the authority not only to pass these orders but to enforce the orders and command the railroads to send empty cars to those sections of the country where needed so the products can be moved easily and quickly. [Applause.]

Mr. ADAMSON. Mr. Speaker, I ask unanimous consent that Members who have desired to say something on this bill but did not have the opportunity may have five legislative days in which to print remarks in the RECORD.

The SPEAKER pro tempore. The gentleman from Georgia asks unanimous consent that all Members may have five legislative days in which to print remarks on the subject of this bill. Is there objection?

There was no objection.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. ADAMSON, a motion to reconsider the vote whereby the bill was passed was laid on the table.

Mr. ADAMSON. Mr. Speaker, there are two or three other bills reported from the Committee on Interstate and Foreign Commerce which I am authorized to call up.

Mr. MANN. There are two or three bridge bills; why not pass them?

Mr. ADAMSON. Gentlemen the other day objected to them.

Mr. MANN. I know, but they can not object to-day.

Mr. ADAMSON. I apprehend that our committee will be reached again pretty soon.

Mr. MANN. I think we ought to pass the bridge bills.

Mr. ADAMSON. I think so, too; but I got the impression that we were somewhat criticized the other day, although they are bills that have always been passed at every session and during all emergencies. I will ask the Clerk to call the bridge bills.

BRIDGE ACROSS THE MISSISSIPPI RIVER AT MORRISON, MINN.

The SPEAKER pro tempore. The Clerk will report the first bridge bill.

The Clerk read as follows:

S. 1006. An act authorizing the county of Morrison, Minn., to construct a bridge across the Mississippi River in said county.

The Clerk read the bill, as follows:

Be it enacted, etc., That the county of Morrison, in the State of Minnesota, be, and it is hereby, authorized to construct, maintain, and operate a highway bridge and approaches thereto across the Mississippi River, at a point suitable to the interests of navigation, in section 8, township 127 north, range 29 west of the fifth principal meridian, and section 32, township 39 north, range 32 west of the fourth principal meridian, in the State of Minnesota, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER pro tempore. The question is on the third reading of the Senate bill.

The bill was ordered to be read a third time, was read the third time, and passed.

The bill H. R. 1679, granting the consent of Congress for the county of Morrison, Minn., to construct a bridge across the Mississippi River in said county, was laid on the table.

BRIDGE ACROSS THE MISSISSIPPI RIVER AT BEMIDJI, MINN.

The SPEAKER pro tempore. The Clerk will call the next bill.

The Clerk called the bill (S. 1007) authorizing the city of Bemidji, Minn., to construct a bridge across the Mississippi River at or near that place.

The SPEAKER pro tempore. The Clerk will read the bill.

The Clerk read as follows:

Be it enacted, etc., That the city of Bemidji, a corporation organized under the laws of the State of Minnesota, its successors and assigns, be, and they are hereby, authorized to construct, maintain, and operate a highway bridge and approaches thereto across the Mississippi River at a point suitable to the interests of navigation between lots 1 and 2, section 16, township 146 north, range 33 west, fifth principal meridian, in the State of Minnesota, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendment:

Page 1, line 6, strike out the word "highway."

The SPEAKER pro tempore. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed.

BRIDGE ACROSS WABASH RIVER AT VINCENNES, IND.

Mr. ADAMSON. Mr. Speaker, I call up the bill H. R. 2343, granting consent to Ernest B. Denison, A. J. Barchfield, and Ethan I. Dodds to construct a bridge across the Wabash River within or near the city limits of the city of Vincennes, Ind.

The SPEAKER pro tempore. The gentleman from Georgia calls up a bill which the Clerk will report.

The Clerk read as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to Ernest B. Denison, A. J. Barchfield, and Ethan I. Dodds, their successors and assigns, to construct, maintain, and operate a bridge and approaches thereto across the Wabash River at a point suitable to the interests of navigation, within or near the city limits of Vincennes, in the county of Knox, in the State of Indiana, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That this act shall be null and void unless the construction of said bridge is commenced within two years and completed within five years from the date of approval hereof.

SEC. 3. That the right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendments:

Page 2, strike out all of section 2; page 2, line 8, strike out the figure "3" and insert the figure "2."

The SPEAKER pro tempore. The question is on agreeing to the committee amendments.

The Committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

Mr. ADAMSON. Mr. Speaker, I move to reconsider the votes by which these three bills were passed and to lay that motion on the table.

The motion was agreed to, and it was so ordered.

CALL OF COMMITTEES.

The SPEAKER pro tempore. The Clerk will proceed with the call of committees.

The Clerk proceeded with the call of committees.

DISTRIBUTION OF AGRICULTURAL PRODUCTS.

Mr. LEVER (when the Committee on Agriculture was called). Mr. Speaker, by direction of the Committee on Agriculture I call up the bill (H. R. 4188) to provide further for the national security and defense by stimulating agriculture and facilitating the distribution of agricultural products, which I send to the desk and ask to have read.

The SPEAKER pro tempore. The gentleman from South Carolina calls up the bill H. R. 4188, which is on the Union Calendar. The House will automatically resolve itself into the Committee of the Whole House on the state of the Union for the consideration of this bill.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 4188, with Mr. HAMLIN in the chair.

The CHAIRMAN. The Clerk will report the bill.

Mr. LEVER. Mr. Chairman, I ask unanimous consent to dispense with the first reading of the bill.

The CHAIRMAN. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, there are a number of gentlemen who are interested in this bill and who did not know when it was coming up. Would the gentleman from South Carolina think it amiss if I should make the point of no quorum?

Mr. LEVER. I would not. On the contrary, I think it is only fair.

Mr. MANN. I do not object to dispensing with the first reading of the bill.

The CHAIRMAN. The Chair hears no objection, and the first reading of the bill is dispensed with.

Mr. MANN. Mr. Chairman, I make the point of order that there is no quorum present.

The CHAIRMAN. The gentleman from Illinois makes the point of order that there is no quorum present. The Chair will count. [After counting.] Eighty-five Members present; not a quorum. The Clerk will call the roll.

The Clerk called the roll and the following Members failed to answer to their names:

Barnhart	Flynn	Littlepage	Sabath
Bland	Focht	Lobeck	Saunders, Va.
Brand	Foss	Lundeen	Scott, Pa.
Brodbeck	Fuller, Mass.	Lunn	Scully
Bruckner	Gandy	McAndrews	Sells
Brumbaugh	Gard	McClintic	Shackleford
Capstick	Godwin, N. C.	Magee	Sherley
Caraway	Goodwin, Ark.	Maher	Shouse
Carlin	Griest	Martin, Ill.	Siegel
Carter, Okla.	Griffin	Moon	Smith, Idaho
Chandler, N. Y.	Hamill	Morin	Smith, C. B.
Clark, Fla.	Harrison, Va.	Mott	Stafford
Clark, Pa.	Haskell	Nichols, Mich.	Sullivan
Cooper, Ohio	Hawley	Oliver, N. Y.	Swift
Copley	Hayes	Olney	Tague
Costello	Helvering	Osborne	Taylor, Colo.
Currie, Mich.	Hensley	O'Shaunessy	Templeton
Curry, Cal.	Huddleston	Overstreet	Tinkham
Dale, N. Y.	Hull, Tenn.	Park	Treadway
Dallinger	Jones, Va.	Parker, N. Y.	Van Dyke
Darrow	Kelley, Mich.	Porter	Vare
Denison	Kennedy, R. I.	Pou	Voigt
Dooling	Key, Ohio	Pratt	Walton
Drukker	Kiess, Pa.	Reavis	Ward
Eagan	Kincheloe	Robbins	Webb
Eagle	Kitchin	Robinson	Welling
Edmonds	Kreider	Rodenberg	Williams
Fairchild, G. W.	Linthicum	Rowland	Winslow

The committee rose; and the Speaker having assumed the chair, Mr. HAMLIN, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee having had under consideration the bill H. R. 4188, finding itself without a quorum, under the rule he had caused the roll to be called, whereupon 317 Members, a quorum, responded to their names, and he reported the names of the absentees to be entered upon the Journal.

The SPEAKER. The committee will resume its sitting.

The committee resumed its sitting.

The CHAIRMAN. The House is in the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 4188. The gentleman from South Carolina is recognized for one hour.

Mr. LEVER. I would ask the Chair to notify me when I have used 30 minutes. Mr. Chairman, if I can have the committee to understand that the bill now under consideration does not involve any of the propositions contained in the bill (H. R. 4125) the food-control bill proper, I think we shall expedite the consideration of this bill. I desire to assure the committee that this bill does not contain any provision that looks to the fixing of prices, either minimum or maximum, to the matter of suspending the mixed-flour law or increasing the milling content of wheat, or any proposition for the regulation of boards of trade and speculative bodies, but confines itself to about three basic propositions. The first of these is that we are undertaking in this bill to enable the Department of Agriculture to make a complete, full, and comprehensive food survey of the country in order to ascertain the actual facts as they exist in reference to the food supply of the United States. There is no machinery now existing of a governmental character which has the power to make such a survey. It is true that the Federal Trade Commission does have power with respect to investigating the situation as concerns corporations engaged in interstate commerce, and the sundry civil bill gives the Federal Trade Commission an appropriation of $250,000 to do that work; but the Federal Trade Commission, as I understand the law as it is given to me by those who know, does not have the power to make investigations as to the food situation as it affects individuals, partnerships, and corporations engaged in intrastate as in contradistinction to interstate transactions.

Mr. HELM. Will the gentleman yield?

Mr. LEVER. In just one minute. We are undertaking in this bill to broaden the power now existing in the Government to get the facts with respect to the food situation, and we are doing it by giving complete and rather drastic authority, I admit, to the Department of Agriculture to make a survey and report the facts to the country. If we are going to handle the food situation accurately and intelligently we have got, first, to find the basic facts, and we are proposing to do this under the terms of this bill. Now I yield to the gentleman from Kentucky.

Mr. HELM. The gentleman has just stated that there is no departmental organization that has the data or facts showing the supply of food on hand or the machinery to assemble that data. Is it not a fact that the Bureau of the Census has recently completed a survey, as the gentleman terms it, of the food products of the United States, showing that there are 59,317 establishments that are either producing or in which the food supplies of the United States are stored?

Mr. LEVER. That may be very true, and yet that is only a nibble of the situation; that is only a very small part of the problem. Fifty-nine thousand three hundred and seventeen establishments would be a very infinitesimal part of the proposition involved in this——

Mr. HELM. No; 59,000.

Mr. LEVER. Yes; even 59,000 would be but a very small part of the proposition. What we are trying to do by this bill is to give authority to the Department of Agriculture, safeguarding it, so that the Department of Agriculture, under the direction of the President, will cooperate with every other branch of the Government to get a real, genuine, comprehensive food survey of this country, which we do not now have.

Mr. HELM. Are we not getting that now through the Bureau of Census?

Mr. LEVER. I think not.

Mr. COOPER of Wisconsin. Will the gentleman yield for a question?

Mr. LEVER. I will.

Mr. COOPER of Wisconsin. Is it intended that the information thus secured and collated shall be published?

Mr. LEVER. It is.

Mr. COOPER of Wisconsin. I do not see any provision in the bill requiring the publication.

Mr. LEVER. There is no prohibition against the publication of this information, and it is the thought of the committee, and that thought is in line with the suggestions of the Department of Agriculture, that this information will be made public from time to time.

Mr. COOPER of Wisconsin. Yes; but it is quite a different thing, of course the gentleman from South Carolina knows, not to prohibit the publication and to require the publication.

Mr. LEVER. If the——

Mr. COOPER of Wisconsin. Under this bill, if it were enacted into law, it would be possible, would it not, to keep that information within the department and then not publish it?

Mr. LEVER. If I may be permitted, I will say this to the gentleman from Wisconsin: If the gentleman from Wisconsin desires to offer an amendment to require in direct terms the publication of this information, I do not think the committee would have any objection, certainly the chairman of the committee would not have any.

Mr. WOOD of Indiana and Mr. BORLAND rose.

Mr. LEVER. I yield to the gentleman from Indiana.

Mr. WOOD of Indiana. This provides the machinery for a food survey and also provides the Secretary of Agriculture may requisition and take certain property——

Mr. LEVER. Seed.

Mr. WOOD of Indiana. Yes; seed. I would like to call the gentleman's attention to the fourth section, page 3, where it says:

> The Secretary of Agriculture is authorized to require any person having at his disposal any such seed to furnish the whole or any part thereof to the Secretary of Agriculture.

And so forth.

I would like the gentleman to explain what is meant by the words "at his disposal." For instance, a farmer might have a thousand bushels of wheat at his disposal. He may perhaps dispose of it by seeding it himself or using it for his own individual purposes. Does the gentleman think under this bill the Secretary of Agriculture could take that property?

Mr. LEVER. I do not; and I want to come to that a little later, if the gentleman will permit me; but I will say to him now that the view of the committee is that if a person is found to-day with a large quantity of seeds on hand, beyond his own capacity for planting or useful purposes, and is in the act of hoarding such seeds when the country needs them, then under this bill the Secretary could commandeer them.

Mr. WOOD of Indiana. There is not anything here providing how that is to be determined. How is it to be determined as to whether he intends it for his own purpose or is holding it for other purposes?

Mr. LEVER. That is a matter of detail that will have to be worked out by somebody in authority.

Mr. HULBERT. Will the gentleman yield?

Mr. LEVER. I will yield to the gentleman from New York.

Mr. HULBERT. I notice in section 3 there is a broad authorization to the Secretary of Agriculture, and I wanted to call the attention of the gentleman to these words in line 21:

> And may enter, on any business day during the usual hours of business, any place, including any structure, * * * or other premises except a dwelling house actually occupied exclusively as such.

Now, of course, the gentleman knows in large cities like New York, Chicago, and Philadelphia many of the apartment houses are not occupied exclusively as dwelling houses, but that upon the ground floor of those buildings there are numerous business enterprises located. What effect will that provision of the bill have in respect to houses of that character?

Mr. LEVER. That question was thoroughly debated in the committee, and the bill as originally presented to the committee was amended in the hope that we were making it impossible absolutely for any entry into a house occupied exclusively as a dwelling house. I think under the language of the bill that we might enter into the lower portion of an apartment, as described by the gentleman from New York [Mr. HULBERT], but unless the gentleman from New York himself was running a concern on the first floor and occupying quarters above where he kept his books and his confidential information we could not enter the apartment above. That is the view of the committee.

Mr. HULBERT. Of course the gentleman realizes the old Anglo-Saxon maxim that a man's house is his castle?

Mr. LEVER. Exactly.

Mr. HULBERT. And the invasion or right of invasion of a man's home is a matter of serious consequence?

Mr. LEVER. The committee undertook, as nearly as it could, to guard absolutely the sanctity of the dwelling. If the gentleman has any language which he can propose that will make the intent of Congress more certain, there will be no objection to it on the part of the committee.

Mr. HULBERT. This suggestion came to my mind: A man having large agricultural interests might be living in an apartment house in a large city, and in the building in which he resided there might be stores on the ground floor, as is the situation in the cities I have mentioned; and I can not see that there is any language here that will prevent the Secretary of Agriculture invading a man's home or confiscating his property and doing with it what he could not do if that man occupied a private house.

Mr. LEVER. The committee feels that we have absolutely safeguarded that proposition in the language we have included, but if the gentleman can offer any stronger language we will be glad to consider it.

Mr. MOORE of Pennsylvania. I would like to ask the gentleman a question.

Mr. LEVER. I will yield to the gentleman.

Mr. MOORE of Pennsylvania. What was the appropriation in the last Agricultural bill?

Mr. LEVER. About $26,000,000—offhand recollection.

Mr. MOORE of Pennsylvania. And that covers the employment of about 17,000 employees?

Mr. LEVER. Yes; employed in obtaining information and disseminating it.

Mr. MOORE of Pennsylvania. And this bill would carry $18,500,000 more for the employment of how many more people to gather information?

Mr. LEVER. It carries just $7,000,000 less than estimated by the department, and I assume would employ probably 600 or 800 or probably 1,000 people. I have not figured it up.

Mr. MOORE of Pennsylvania. I have heard that this would provide for employment of about 7,000 more people.

Mr. HAUGEN. It will enable the department to employ 7,000 people, including salaries, expenses, and automobiles.

Mr. MOORE of Pennsylvania. The gentleman from Iowa confirms the information I have.

Mr. LEVER. The gentleman got his information from the gentleman from Iowa, I think.

Mr. MOORE of Pennsylvania. The gentleman knows that this question is one that I have raised before, as to whether the Department of Agriculture was not already amply supplied with employees to gather information for the benefit of the public.

Mr. LEVER. I will say to the gentleman from Pennsylvania that I intended to discuss that feature of the bill as we came to it under the five-minute discussion. I desire now to make a general statement of the situation.

Mr. MOORE of Pennsylvania. If the gentleman intends to cover it, I will not interrupt him now.

Mr. DILLON. I notice this gives very broad powers in reference to taking testimony and the production of books and figures. How long does the gentleman think it would take the department to make this survey?

Mr. LEVER. The testimony of Dr. Brand before the committee was to the effect that he could begin operating under this bill, getting the information provided for in the bill, within six days, and that he ought to complete his investigation within four or five or six months.

Mr. DILLON. Will not the emergency have passed before you obtain a survey through this investigation?

Mr. LEVER. That is a matter of judgment entirely. If this war is to last five or six months only, then the emergency will have passed. If the war is to last two, three, four, or five years, then the emergency will not have passed. That is a matter of individual judgment.

Mr. MORGAN. Will the gentleman yield?

Mr. LEVER. I will yield for a question.

Mr. MORGAN. I notice in section 9, page 6, the paragraph beginning with line 5, there is a paragraph appropriating $4,500,000 "for increasing food production and eliminating waste," and so forth. So that, one object of your bill is to increase food production? I want to ask the gentleman if, in this bill or any other, there is any provision to provide the farmer with better credit facilities for personal loans as a means whereby to increase food production?

Mr. LEVER. There is nothing in this bill, I will say very frankly to the gentleman from Oklahoma, which undertakes to provide better credit facilities to the farmers of the country. That is a question, however, that has been brought to the attention of the chairman of the committee and which the chairman proposes to lay before his committee when we consider the other bill, which we hope to report after we have completed the consideration of it.

Mr. MORGAN. The gentleman is aware of the fact that if our farmers are given better credit facilities—that is, for short-time loans—it will enable them to increase greatly their farming activities.

Mr. LEVER. I am in sympathy with the gentleman from Oklahoma about short-time credits.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. LEVER. Yes.

Mr. MANN. I wish to remind the gentleman that under the rules of the House the gentleman has only one hour for debate, which can not be extended. I would like to hear him explain the bill, or have the opportunity to—and I think the Members of the House would, because it is a rather novel idea—without interruption until he concludes his statement.

Mr. LEVER. I thank the gentleman from Illinois for that suggestion.

Now, Mr. Chairman, I want to call the attention of the committee to the fact that the Bureau of Markets is now engaged in undertaking to ascertain the food supply of the Nation. It is now engaged in the matter of gathering reports from various concerns as to the food on hand, when it arrives, when it is going out, and all the facts connected with it. It is in touch with quite a number of establishments, but the difficulty has been found to be that the information received from these various concerns is of a voluntary nature, and there is no method of checking up the accuracy of the information sent to the department. Here, for instance, is a concern engaged in the wholesale distribution of eggs. The department now is getting information from that kind of a concern, but the information is entirely voluntary. It may be accurate, or it may be inaccurate. It is fair to say, according to the testimony of Dr. Brand, that in only one case has the department found that inaccurate data were furnished to the department by these concerns that reported, and that was due to a mistake.

Mr. MADDEN. Mr. Chairman, will the gentleman yield for a moment?

Mr. LEVER. In a minute. Now, what we are proposing to do under this bill in the emergency existing here, when it is known by every Member of this House that it is absolutely up to the United States not only to feed the people of our country but to furnish food to our country's allies in this war, is, under such a stress, to get the absolutely accurate facts, so that we may know who has the food, where it comes from, where it is going, and whether or not it is being hoarded and kept out of commerce, to the hurt of a great class of our people in this country, and so forth.

Mr. MADDEN. Would it interrupt the gentleman if I should ask him if this bill contemplates an increase of the cultivated acreage of the country?

Mr. LEVER. It is my opinion, I will say frankly to the gentleman from Illinois, that the passage of this bill will not very largely increase the number of acres cultivated in this country. It may have the result—this bill and the other that we hope to have following soon—of increasing the amount of food products planted in this country, as contradistinguished from certain other kinds of staple crops. I think it will have the result of very largely stimulating the effort of the people of the country to produce those staple articles of food—not much of wheat, because the time is too late now—but beans, peas, potatoes, rice, and the like of that, upon which our armies might be fed.

Mr. MADDEN. I would like to have the gentleman grant me permission to put into the RECORD right at this point the percentage of lands in the various States that is under cultivation.

Mr. LEVER. I do not know what the gentleman has; but the gentleman's statement, whatever it may be, would not contradict my own proposition. I do not believe you are going very largely to increase the total acreage of production, but I do think that you can very largely increase the total production in certain kinds of crops, and that is what we are undertaking to do.

Mr. MADDEN. It would be very appropriate to have this inserted right here, and it will not take me a minute to do it.

Mr. LEVER. Well, I would rather not be interrupted at this point.

Mr. MADDEN. It is right in line with that.

Mr. HOUSTON. Mr. Chairman, will the gentleman yield?

Mr. LEVER. Yes.

Mr. HOUSTON. I want to ask the gentleman when he expects or hopes to get the information called for by this bill?

Mr. LEVER. As I said in answer to a question propounded by the gentleman from South Dakota [Mr. DILLON], the testimony before the committee was to the effect that the matter of undertaking to get the information should be begun by the Bureau of Markets in six days after this bill becomes a law, and that they ought to have the information desired within three or four or five months.

Mr. HOUSTON. Let me ask the gentleman another question.

Mr. LEVER. Yes.

Mr. HOUSTON. What Department of the Government does the gentleman expect to do this work of gathering these statistics? Does the gentleman expect the Agricultural Department to do that, or the Bureau of the Census, the statistical bureau of the Government?

Mr. LEVER. My idea is that the Department of Agriculture and the Bureau of the Census will very closely coordinate their machinery for getting this information.

Mr. HOUSTON. Does not the gentleman believe that the Bureau of the Census is fully equipped now to do this work at once?

Mr. LEVER. Frankly, I do not.

Mr. HOUSTON. Is it not now engaged in this very work?

Mr. LEVER. The Bureau of the Census gets its facts once in 10 or 5 year periods. The Bureau of the Census does not now have the machinery or the trained men to weigh the facts as they are gathered.

Mr. HOUSTON. If the gentleman will pardon me, is he not aware of the fact that the census report of 1914 sets forth the very facts that it is proposed to gather by this bill, and it has now the machinery necessary to carry on that work?

Mr. LEVER. The gentleman from Tennessee would not want this Congress, or would not want any commission authorized by this Congress, to predicate its action in the way of controlling the food situation of this country during this emergency upon facts gathered in 1914. We want the facts now as they exist at this time, and not as they existed in 1914.

Mr. HOUSTON. If the gentleman will bear with me, the facts in that report would be of vast service in getting the reports of the conditions to-day.

Mr. LEVER. Undoubtedly; and the Department of Agriculture and the Census Bureau, acting under the authority contained in this bill, would undoubtedly use the facts gathered in 1914 by the census for such purposes as they could make use of.

Mr. HELM. Mr. Chairman, will the gentleman yield?

Mr. LEVER. Yes.

Mr. HELM. Is not the Bureau of the Census equipped with the machinery necessary for gathering this data now?

Mr. LEVER. What machinery does the Bureau of the Census have now that is not occupied?

Mr. HELM. What machinery has it now?

Mr. LEVER. Yes; what machinery has it that is not now in use?

Mr. HELM. It has the identical machinery that it had when it took the census of 1910.

Mr. LEVER. Oh, the gentleman knows that the enumerators who took that census have been dismissed and have been forgotten.

Mr. ANDERSON. Mr. Chairman, will the gentleman yield?

Mr. LEVER. Yes.

Mr. ANDERSON. I want to call the gentleman's attention to this fact, that there is a great difference between getting the statistics and knowing what they mean.

Mr. LEVER. Exactly. Now, Mr. Chairman, just one word on section 3, which is the section I have been discussing and which gives the authority to make this complete, fundamental, basic survey of the food situation, and that is to say there is no authority in any department of the Government now to do that type of work. There is no machinery that I know of through which any department of the Government at this time can do that work; and yet I believe we all recognize that if we are going to handle the matter of controlling our food supply in this emergency we must have the facts that are undertaken to be sought in this section.

Mr. DIES. Will the gentleman yield for a question?

Mr. LEVER. I yield to the gentleman from Texas for a question.

Mr. DIES. Is it anticipated by the gentleman from South Carolina that this information will be in hand in time for this Congress to use it in framing legislation?

Mr. LEVER. I am not sure of that, because, unfortunately, I do not know when we are going to adjourn.

Mr. MONDELL. Will the gentleman yield for a question?

Mr. LEVER. Yes.

Mr. MONDELL. The gentleman is aware of the fact that a short time ago there was an appropriation made of $250,000 to authorize the Federal Trade Commission to make an investigation as to food production, and food prices, and costs, and so forth.

Mr. LEVER. Yes.

Mr. MONDELL. Will not that commission, in carrying out the provisions of that act, do very much of the work that is contemplated under this section?

Mr. LEVER. We think that under the item in the sundry civil bill and the item in the agricultural bill proposed by the gentleman from Illinois, we have laid the foundation for getting a good deal of this information; but the gentleman realizes that the activities of the Federal Trade Commission are limited by the powers under which that commission acts.

Mr. MONDELL. Is not this true, that there is bound to be a duplication of work and effort between these two departments of the Government?

Mr. LEVER. On the contrary we propose in this bill that the President shall direct that these various agencies now collecting information shall so coordinate in their activities as to prevent duplication and waste.

Mr. MONDELL. The President is a great man——

Mr. LEVER. Undoubtedly.

Mr. MONDELL. But I will consider him still greater if he can accomplish what the gentleman suggests that he desires to accomplish; that is, to compel two bureaus of the Government to coordinate in doing the same kind of work.

Mr. LEVER. I will say to my friend that the President of the United States is so surprisingly each day becoming greater and greater that we need not be astonished at any great thing he may do.

Mr. MONDELL. Miracles do happen.

Mr. LEVER. Now, Mr. Chairman, section 4 of this bill provides that in restricted areas, where seeds are needed for planting purposes, the Secretary of Agriculture may purchase the seeds for the crop of 1918, store them, and sell them on credit or otherwise, at cost, to such farmers, in such restricted areas as may require them, a small part of the appropriation being made available to take care of any emergency situation that may now exist.

Mr. COX. The gentleman is touching upon the very point I wanted to ask him about. How much of this appropriation, if any, is segregated or set apart to buy seed to take care of emergencies which may arise this year?

Mr. LEVER. The committee has not segregated any specific amount.

Mr. COX. How much is contemplated?

Mr. LEVER. The department contemplates using as much of this appropriation as is shown to be necessary to take care of emergency propositions, not exceeding $75,000 or $100,000.

Mr. COX. It is not the purpose of this bill then to use any part of this money to buy spring wheat seed for the Northwest?

Mr. LEVER. No; unless that is absolutely necessary in the judgment of the Secretary.

Now, I want to call attention to the seed situation. One of the difficulties that we are going to be up against in 1918 is that if the present high prices of seed continue the farmer who ordinarily feeds his oats or his corn to his cattle and his hogs, but saves a certain amount for planting seed, is going to find that it is more profitable for him to feed all of that grain to his stock rather than to keep any in reserve for planting purposes, and it may be that in certain sections of the country the seed for planting purposes may be absolutely exhausted unless the agents of the department, through publicity, lectures, and the like, may convince the people that they must preserve their planting-seed supply. But we can not afford, in this emergency, to depend on those things having the salutary effect that we think they may have. We can not depend upon the fact that in a certain section of the country there will be an adequate supply. Last year we had a great flood which swept across 8 or 10 States and wiped out much of the agriculture of those States. Telegrams are coming to me from those sections and from certain Northwestern sections, saying that production could be greatly increased if they had the seeds, but they do not have them. Now, there is no doubt that there is seed enough in the country. There is no particular shortage in seed for planting purposes in this country, but the seeds are not available in the localities where they are most needed. It is too late to take care of much of that situation, but we can not afford to permit ourselves to be caught in that fix again—next year or the next.

Mr. MADDEN. Will the gentleman yield?

Mr. LEVER. I yield to the gentleman from Illinois for a question.

Mr. MADDEN. Does the gentleman think the Department of Agriculture could tell the farmer any better than he himself knows just what he ought to do about planting his crops?

Mr. LEVER. If the Department of Agriculture and the agricultural colleges and agricultural experiment stations in this country can not do that in most cases, then they ought to be abolished, and we ought to be run out of Congress for wasting the people's money in supporting them. That is my answer to that.

Mr. HAMILTON of Michigan. Will the gentleman yield?

Mr. LEVER. I yield to the gentleman for a question.

Mr. HAMILTON of Michigan. One very great difficulty that the farmers in my part of the country are having is the difficulty about getting sufficient help on the farm.

Mr. LEVER. Yes.

Mr. HAMILTON of Michigan. In some cases they are obliged to seed down parts of the farm to grass for hay, because they can not get the help to properly cultivate the land.

Mr. LEVER. Yes.

Mr. HAMILTON of Michigan. And that is true of Indiana, as I have been informed.

Mr. LEVER. It is true of South Carolina. It is true of all the country in greater or less degree.

Mr. HAMILTON of Michigan. Now, the great problem that farmers are confronted with is the problem of help. The hired man, employed by the month on the farm, is very uncommon and as scarce as hen's teeth.

Mr. LEVER. Let me say to the gentleman from Michigan that the problem of help in this country is a very serious problem. We are proposing to use some of the money appropriated in this bill to put into each State one, two, three, or a dozen men who can, in a measure, assemble and mobilize the labor of that State and use it to the best advantage.

Now, the gentleman knows that this week a farmer in a certain section may need all the labor that he can get to save his crops, and his next-door neighbor may not need it. We desire as far as we can to mobilize the labor in all the States so that we can send it into a community where labor is scarce and where we know the need is great for some of that labor, and we are providing some appropriations for that purpose.

Mr. HAMILTON of Michigan. That may be done about harvest time, possibly; but to meet the problem at planting and seed time is also important, and it seems to me very difficult.

Mr. LEVER. It is exceedingly difficult, and the greatest difficulty about the situation is that the planting season is practically over for this year.

Mr. NORTON. May I ask the gentleman a question?

Mr. LEVER. I will yield to the gentleman.

Mr. NORTON. I am very much in sympathy with the legislation that will increase the production of this country. I want to say along the line of the remarks of the gentleman from Michigan that in my section of the country I have in mind three agents of the Department of Agriculture. These three young men are receiving salaries of about $2,000 a year each. One is a married man. The three of them made complete failures as farmers. They are running over our section of the country, and one of them is running over the United States gathering information. A great many of the farm boys are working for $40 and $50 a month, and it seems to me more of an incentive for them to leave the farm and try to get one of these easy jobs than it is to remain on the farm.

Mr. FOSTER. May I ask the gentleman whether they were selected under the civil service?

Mr. NORTON. I do not know whether they were or not, but I will say this, that that is one of the errors we are liable to fall into. There are 7,000 men to be employed in the Agricultural Department, and it will take them away from productive work and put them into nonproductive work, and somebody has got to pay for it in taxes.

Mr. LEVER. Let me say to the gentleman from North Dakota and to the committee that we are in war. War is wasteful, and we are going to waste some of this appropriation, I suspect.

Mr. NORTON. We need not add to the waste with a bill like this.

Mr. LEVER. We are going to waste some money under the provisions of this bill, unless a miracle should happen. But the question is whether or not the purposes that we seek in this bill are worth the appropriations that we are making in the bill. That is all there is to it.

Now, I have had no opportunity to explain the items of appropriation in this bill, $18,000,000 in round numbers. Let me say what they propose in a general kind of way. They are to be used for the food-survey purposes, which is basically important in my judgment. In addition to that, a part of it is to be used in storing seeds for emergency purposes during the next crop season.

Another portion is to be used in combatting animal diseases—cattle tick, hog cholera, anthrax, tuberculosis, and other diseases that are placing a burden of more than $125,000,000 upon the food supplies of this Nation each year, and I am conservative in that estimate.

Another portion of this fund is to be used for the purpose of organizing counties now unorganized under the agricultural extension act, counties which do not have the county agent system.

We must have in the various agricultural counties of the United States a hub around which the activities of the various agricultural interests of this Nation may revolve. We have 2,800 rural counties in the United States. Thirteen hundred of these are organized and have their county agents, men and women. You know what that work is. It is not necessary for me to explain it. But there are some 1,550 rural counties that have no semblance of an organization. If we are going to bring to this country an agriculture of the highest efficiency of which it is capable, we must furnish it the organization with which to do it. That is the purpose of this bill, and upon that plea I ask you to support it and expedite its passage. [Applause.]

Mr. HAUGEN. Mr. Chairman, I yield 10 minutes of my time to the gentleman from Minnesota [Mr. ANDERSON].

Mr. ANDERSON. Mr. Chairman, I had not intended to discuss this bill at this time, but there seems to be so much misunderstanding as to its purposes that I think I may be justified in taking 10 minutes of the time of the committee to discuss one or two of its features.

As the chairman has said, the United States is in war. Practically all of the civilized nations of the world are at war. Some 13 or 14 of them have been at war for nearly three years. The demand of that great war has reduced the food supply of the world far below normal. Europe is undernourished now. Some of its people are upon barest ration of necessities. The United States is going to be during the next year—probably during the next three years—the food banker of the world. We must determine some way, somehow, how much food each one of these warring nations will get out of such surplus as we may be able to raise during the present crop season; how much we can afford to let them have and not starve our own people. As the world food banker, it is absolutely essential that we should have at the very outset an inventory or census of the food supply of the Nation that we may know where that food is, how much of it there is, where it ordinarily goes to, and how it can be best turned into the channels of consumption with reference to needs of this war. All these questions must be determined in an accurate and scientific way. We are going to make a bank account of our national food resources, and from time to time as that national-bank account of food resources is diminished we are going to subtract the amount by which it is diminished from the bank account. And if it increases by production of food products, we are going to add to that bank account. In other words, we propose to keep a food account for the benefit of ourselves, our civilian population, the Army and the Navy, and the people of the world, a bank account of the food supply of this Nation. This is an absolutely necessary essential to measures of food control and to prevent starvation of our own and other peoples. I can not overemphasize its necessity and importance.

Mr. HAMILTON of Michigan. Will the gentleman yield?

Mr. ANDERSON. I will yield to the gentleman.

Mr. HAMILTON of Michigan. I do not know whether my friend is a practical farmer or not. Has he ever farmed any?

Mr. ANDERSON. Some. I do not claim to be a farmer.

Mr. HAMILTON of Michigan. In various parts of the country farms have run down and it is impossible to raise good crops on much of the land. Now, you are proposing to reorganize the agricultural resources of the country under fire. What are you proposing to do about fertilizing the land so that it will produce fair crops?

If you could get our land up to standard in the way of production, you could certainly greatly increase the bank account the gentleman is talking about.

Mr. ANDERSON. I can not discuss in 10 minutes the ways and means by which food production is to be increased.

Mr. HAMILTON of Michigan. Does this bill provide for any such thing?

Mr. ANDERSON. It provides appropriations by which the Agricultural Department may assist the farmer in every way. It provides appropriations for the prevention of waste by diseases of animals and diseases of plants. While there is no specific appropriation for the furnishing of fertilizer, an effort will be made to increase the fertilizer supply and to let people know where fertilizer is to be obtained if any is available, and I am very frank to say to the gentleman that I am rather doubtful that there is any available at this time.

Mr. SUMNERS. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON. Yes.

Mr. SUMNERS. When you take this inventory of our agricultural assets, what benefit will that give in dealing with the question, when the volume of production and consumption is continually changing?

Mr. ANDERSON. We propose to keep track in a broad, general way of the food supply that is taken out by consumption

of the great aggregate of our bank account of food products, so that we can know at any time just how much there is in the aggregate and in a particular warehouse in any particular city and how it can be obtained.

Mr. COX. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON. Yes.

Mr. COX. Does not the gentleman believe that all of the information sought to be obtained in the second paragraph in which $4,500,000 is appropriated for the conservation of food through educational methods——

Mr. ANDERSON. What does the gentleman mean by the second paragraph?

Mr. COX. On page 6. Does not the gentleman believe that all of that information could be disseminated and given to the people through the publication of bulletins?

Mr. ANDERSON. I do not, and I will give the gentleman an illustration of what I have in mind. In the district which I have the honor to represent there is one county in particular which is very well organized. In that county we have a general farm bureau under the control of the county agent. Affiliated with that general farm bureau are all of the different farm organizations—the cow-test association, the bull association, and all of the different kinds of farm associations. The result of that organization has been positively marvelous in increasing the grain, dairy, and food production in that county. If we could succeed by the methods provided in this bill in organizing every agricultural county in the United States upon the same plan, I think we could increase the ordinary production of the counties of the United States enormously. I am very frank to say that I think there will probably be some waste in these appropriations that can not be avoided.

Mr. COX. Mr. Chairman, will the gentleman yield further?

Mr. ANDERSON. Yes.

Mr. COX. I have read the hearings upon this bill, and particularly the gentleman's questions in the committee, which struck me very forcibly. Take one of these items, in which it is proposed to send about 260 men at a salary of about $3,000 a year each. They are to go to the counties already organized, where they have county agents, and these extra men are to talk to the county agents and tell the county agents how they can go out and tell the farmers how they can save food by proper conservation. Does the gentleman not think that such information as that could be supplied by bulletins? In the hearings the gentleman criticized that very severely as a bird-shot process, and I think his criticism was very appropriate.

Mr. ANDERSON. I agree with the gentleman on that. As I said a moment ago, I think that there is some waste in this bill. I recognize, however, that in dealing with a proposition of this kind we have got to deal with it with a view to the kind of organization that we have. We are in a sort of rut, and it is probably true that in this bill we are making the rut longer and broader and wider than it was before, but in the aggregate I think great benefit will result from the additional appropriations carried in the bill.

Mr. MADDEN. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON. Yes.

Mr. MADDEN. The gentleman admitted a moment ago that he thought there was a good deal of waste in the bill.

Mr. ANDERSON. I said I thought there might be some.

Mr. MADDEN. Would the gentleman indicate what percentage of waste he thinks there is, so that we may eliminate it before we pass the bill?

Mr. ANDERSON. Oh, I will leave that to the wise judgment of the gentleman from Illinois.

Mr. JOHNSON of Washington. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON. Yes.

Mr. JOHNSON of Washington. Does not the gentleman think that with an array of food census takers, followed by an array of deputy tax collectors, more of the farmer's time will be taken up than the whole thing will be worth?

Mr. ANDERSON. The gentleman is proceeding upon a hypothesis that is not justified.

Mr. JOHNSON of Washington. Well the Civil Service Commission is asking for 800 deputy tax collectors, and the examinations call for a 75 per cent allowance for adaptability.

Mr. ANDERSON. I have nothing to do with that proposition.

Mr. HAMILTON of Michigan. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON. No; if I have to yield to nonsensical questions, I can not yield any further.

Mr. HAMILTON of Michigan. But mine are not nonsensical.

Mr. ANDERSON. I do not assume to say that my friend from Michigan will ask any such question.

Mr. HAMILTON of Michigan. I would like to ask the gentleman a question to demonstrate it.

Mr. FARR. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON. Yes.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. HAUGEN. Mr. Chairman, I yield the gentleman five minutes more.

Mr. FARR. Will not the census of the foodstuffs of the country afford the Government the best means of reaching the food exploiters?

Mr. ANDERSON. Unquestionably.

Mr. HAMILTON of Michigan. Will the gentleman yield?

Mr. ANDERSON. I will.

Mr. HAMILTON of Michigan. Now, as a practical man, does not the gentleman from Minnesota understand that the average farmer with the good prices which he is likely to get for what he can produce will have the strongest possible incentive to get all he can out of his soil, and does the gentleman think that our scientific friends who will approach him at very long range will be able to help him very much in increasing his production?

Mr. ANDERSON. I do think so. I think they will be able to help him both in preventing waste from diseases of plants and insect pests of plants; I think they will be able to help him considerably by the prevention of the diseases of animals; I think they will be able to help him in the organization of the general farm operations upon a broader and more scientific basis.

Mr. HULBERT. Will the gentleman yield in reference to the construction of a provision of this law?

Mr. ANDERSON. Yes.

Mr. HULBERT. I would like to ask the gentleman——

Mr. ANDERSON. But I would rather yield under the five-minute rule.

Mr. HULBERT. I would like to ask the gentleman whether he believes the provisions of section 2, page 2, would authorize the Secretary of Agriculture to suspend in whole or in part the operations of the present pure food and drug law?

Mr. ANDERSON. I should say not. I should say there are no regulatory features in this bill whatever in the sense that any authority is given to the Secretary of Agriculture or any of his agents to regulate the acts of any individual or any corporation. The purpose of this bill is purely administrative. It is not designed to permit the regulation of the activities of individuals or of corporations. The only purpose of section 2, I will say to the gentleman, is to permit the Secretary of Agriculture to use such agencies as the county agents—and I might say to the gentleman if he is not familiar with it that under existing law there is a sort of dual control over the county agents, and the purpose of this is simply to fortify to some extent the power of the Secretary of Agriculture to use the county agents and the agricultural colleges, and any other agencies that he can use, in obtaining the facts of this food census. It is not designed to permit the regulation of individuals. The only regulatory provisions that are carried in the bill at all are the provisions of section 3 which are only in a sense regulatory.

Mr. HULBERT. Then, I would like to ask the gentleman if he believes section 5 on page 4 would serve to permit the Secretary of Agriculture to suspend in whole or in part the operation of the present pure food and drug law?

Mr. ANDERSON. I should say absolutely not; that the regulations authorized in section 5 are designed to permit the issuance of general regulations relating to the conduct of the men who are in the Department of Agriculture. They are not designed to permit the regulation of the general citizens of the country. I yield back the balance of my time. [Applause.]

Mr. HAUGEN. Mr. Chairman, there are so many requests for time that I shall only occupy a very small portion of the time at my command, but I desire to refer to a few provisions of the bill. The chairman referred to the provision providing for the purchase of seed and the distribution at cost. If you will read the bill you will find that it reads that it may be distributed free under the provisions of the bill. The bill reads "to furnish them by sale or otherwise." The bill carries $18,510,000.

This money will not be used for the purchase of seed. The seed is already in the ground, and unless it is proposed to dig the newly planted crops out of the ground and replant them, this money will not be needed for seed this spring. But every dollar of it may be used for the employment of experts, and the experts who will be employed are college boys and teachers in the schools.

The experts are not available, and it will be necessary to pick up the college boys and the teachers, many of whom have had

no experience, as their time has been occupied in college preparing for other activities. They are now to be employed and sent over the country to instruct the farmers how to farm. I believe all of you will agree that it requires as much training for a farmer as a soldier or any other activities. The proposition is to employ people without experience and send them out to instruct the farmers how to farm. We have 17,000 people in employment now. This will add to it 7,000 more, with an average expense of $2,500 for salaries and expenses.

Mr. MADDEN. Will the gentleman yield for a question?

Mr. HAUGEN. Certainly.

Mr. MADDEN. Would the employment of these 7,000 men taken from the colleges exempt them from war service under the conscription act we have just passed?

Mr. HAUGEN. Oh, exactly as stated by Uncle JOE the other day, it is necessary to reserve a few for the trenches rather than to hire them and put them in Ford cars and send them out in the country. Crops are not grown either by Ford automobiles or upon the lecture platform. It requires the services of trained men. Now, if it is the purpose of this House, if it is the purpose of Congress and of this administration, to increase the food production in this country, there is a way of getting at it. We have millions and millions of acres of land that can be turned into cultivation. We have public lands; we have patriotic citizens who have tendered their farms to our Government free of charge. There is no trouble about getting the soil. We have the soil; the next thing is the labor. If you will employ the labor and buy the seed and plant and harvest it with this $18,500,000 you can increase our production 100,000,000 bushels of wheat. [Applause.] There is no question about it. A gentleman asked if there was waste in the bill. Yes. Some one has asked the percentage. Can anyone figure it out? Will it be 50 per cent? Yes; probably 75 per cent, when it comes to production. Now, Mr. Chairman——

Mr. LA FOLLETTE. Will the gentleman yield?

Mr. HAUGEN. I will in just a moment.

To give you an idea of what the people at home think about it I will read from a clipping from my home paper:

> It is easy for Congress and the other spellbinders to tell the farmers what to do in the way of increasing crops. They seem to forget that the weather man is the first one to be let into the consultation.

Now, Mr. Chairman, we underestimate the industry, the intelligence, and the patriotism of the people on the farm. We underestimate the interest that they take in this matter. I take it that every farmer in the country has as much interest in this matter as we have. He is as much interested in the welfare of this country and to make this war a success as the people who are seeking jobs.

Mr. Chairman, I ask that the clipping I send to the desk be read. It is from the district of the gentleman who has just preceded me [Mr. ANDERSON].

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

> Says the Albert Lea Standard of April 30: "The Freeborn County Citizen's Auxiliary is doing a great work. Formed only two weeks ago, it has now over 300 members and a complete working organization, and covers every field of the preparedness program. And what is better yet, the men who have been called up for service are all ready and willing to do anything that is asked. This spirit of willingness to work, no matter what the task, is a most encouraging sign, and foretells the usefulness of the auxiliary. With the passage of the bill for selective conscription many duties may be delegated to the organization. These duties will probably involve the gathering of all kinds of statistical information. This information is already being gathered and tabulated, and when the call comes everything will be ready in Freeborn for an instant response."

Mr. HAUGEN. Now, Mr. Chairman, what is being done in Freeborn County is being done practically in every county in this country. Every agricultural college, every State department of agriculture, the Department of Agriculture, and nearly every patriotic man is doing the same thing. Their minds are upon one thing, and that is to increase production in order to feed not only our Army and Navy but our people and allies as well.

Now, the question is, Can or can we not use this money to better advantage? It is $18,500,000, and, as admitted by those who are for the bill, there is much of it to be wasted.

Now I yield to the gentleman from Washington [Mr. LA FOLLETTE].

Mr. LA FOLLETTE. I simply wanted to ask what the farmers have done in this country that they should be so afflicted?

Mr. HAUGEN. Oh, Mr. Chairman, examine the bill, and what does it provide? It gives the Secretary of Agriculture the power to administer oaths, to issue subpœnas, and to compel attendance. If the farmer is occupied otherwise, if he is putting forth an honest endeavor to produce crops and can not spend time to give testimony he can be sent to jail; true, for only two years, and fined only $5,000, or both; that is all. [Laughter.] That is what this patriotic farmer gets. But, gentlemen, when it comes to the speculator, to the gambler, to the manipulator, who puts the prices up sky-high, he has been forgotten. Oh, no; the speculation, the manipulation of prices goes on. The farmer is to be jailed and the gambler, the manipulator, is to be crowned. When we first reported this bill it had in it section 2, which was aimed at the gambler and manipulator, but that bill was withdrawn. It came back without that section. It is here before you to-day, and the proposition is to jail the farmer and to crown the other fellow.

Mr. CURRY of California. Will the gentleman yield?

Mr. HAUGEN. Yes.

Mr. CURRY of California. Is there anything in this bill which, if enacted into law, would discourage speculation and would make the cost of foodstuffs cheaper to the consumer than they are at the present time?

Mr. HAUGEN. Not one line, not one word, not one syllable. It has been stricken from the bill.

Mr. HASTINGS. Will the gentleman yield for a question?

Mr. HAUGEN. Yes, sir.

Mr. HASTINGS. I understand the gentleman is the ranking minority member of the Committee on Agriculture, and he is discussing a very important bill and criticizing it very severely. I would like to ask him if he has favored the House with a minority report setting forth all the evils of the bill?

Mr. HAUGEN. Mr. Chairman, I am submitting my report in a feeble way now. I have done my best. [Applause.]

Mr. BURNETT. Really, is not this a bill to give the Secretary of Agriculture more jobs to fill?

Mr. HAUGEN. About 7,000 jobs; that is all.

Mr. Chairman, I now yield 10 minutes to the gentleman from Pennsylvania [Mr. GRAHAM].

Mr. GRAHAM of Pennsylvania. Mr. Chairman, I approach the consideration of this bill, for one, with a mind open to its reception if its merits can be established. In other words, the opening lines provide that this is for the purpose of effectually providing for the national security and defense in carrying on the war. Anything that tends toward the accomplishment of that purpose has my sincere, earnest, and hearty support.

There are some things which occur to me in reading this bill that, I think, ought to be very carefully considered and either amended or eliminated, so as to perfect the bill for the purpose of voting on it and making it into a law.

Section 3 appears to me to be quite drastic in its provision. It says—

> that the Secretary of Agriculture is authorized to investigate and ascertain the demand for, the supply, consumption, costs, and prices of, and the basic facts relating to the ownership, production, transportation, manufacture, storage, and distribution of foods, food materials—

And so forth. That is a broad commission, involving an inquiry into the most personal affairs of every farmer or producer in the Nation. Whether the committee intends that it shall go forth on that basis or not I am not sure, but it appears to me that some of those words might be eliminated and strengthen the bill. The purpose of this bill is to secure a larger production and aid the farmer in destroying certain insects and other things that impede and hinder his success. Why not confine the bill to those matters and strike out portions of this section, following in that way all the bills of that kind that have been passed—bills which subject a citizen to investigation, to laying bare his personal and private affairs, and bringing them out, and, as it is proposed, publishing them to the country?

There is another evil in this section, and it is to be found in line 15:

> The Secretary of Agriculture, and his agents duly authorized therefor, may compel the attendance at any designated place of witnesses from any part of the United States.

In the legislation relating to the jurisprudence of this country the line of demarkation has always been maintained that, except in criminal cases, no such plenary power in serving a subpœna has ever been permitted; and the Members of this House who were here at a former session will recall that when the Clayton antitrust bill was presented from our committee it had in it that same provision, allowing the running of a subpœna all over the United States and compelling a citizen to come from any point to any other point that might be named, and this House unanimously struck it out of that bill upon my motion to amend.

I respectfully submit that while we are anxious to promote the welfare of the country, to aid in the prosecution of the war, let us not move with such celerity or speed that we will override some of the most sacred rights of the individual [applause], but let us preserve and maintain them as far as possible. That should be stricken from the bill. The power to serve a subpœna in any part of the United States and bring a witness thousands of miles to attend a hearing ought not to be given in any civil investigation.

And then, beginning at the middle of line 21, it says:

And may enter on any business day during the usual hours of business any place, including any structure, vessel, vehicle, or other premises, except a dwelling house actually occupied exclusively as such.

He may enter for what purpose? To serve a subpœna? No; because that power exists independently of this bill. What are you to enter? My store, my warehouse, my property. What right have you to invade my individual possessions? Why should the agent of the Secretary of Agriculture be permitted to go into my premises without an object stated, without a purpose to be accomplished? There is none expressed and none implied, unless it be by relation backward to these words, for the purpose of gathering and possessing any "books, letters, papers, or documents." I am sure the membership of this House will hesitate long before they clothe any of these irresponsible agents of the Secretary of Agriculture with a power like that. What, if you pass such laws, would be the use of your constitutional provision against unlawful searches and seizures—a thing that was fought for by our forefathers? What use is it for you to pass laws couched in the language that is contained in this section if you respect these fundamental rights?

Mr. ANDERSON. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Pennsylvania yield to the gentleman from Minnesota?

Mr. GRAHAM of Pennsylvania. In a moment. Let the gentleman kindly wait until I have finished this criticism. Then I will answer him.

The CHAIRMAN. The gentleman declines to yield.

Mr. GRAHAM of Pennsylvania. Then, when you come to this section 4, as it is worded—it can be cured by amendment—you find that the Secretary of Agriculture is authorized to seize and pay for, at a price to be fixed by himself, your property or mine. That is bad enough. But he is authorized to sell it again at cost. What will become of the various industries of this country in the seed-raising business, an aid to agriculture, wherever they exist? It would put every one of them out of business. There ought to be words inserted there "to purchase and take at not less than the fair market price," and not do, as the bill proposes, turn the citizen over to a litigation in the courts of justice for the recovery of any amount that would be necessary to make a proper compensation to him.

Mr. KING. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Pennsylvania yield to the gentleman from Illinois?

Mr. GRAHAM of Pennsylvania. I ought to yield first over here, because I was questioned here first.

Mr. MONDELL. If the gentleman from Iowa [Mr. HAUGEN] is correct in his statement that the Secretary could give these seeds away, then he could take them at any price he fixed and give them away?

Mr. GRAHAM of Pennsylvania. That certainly would follow.

Now, the other sections of the bill are largely administrative, and I do not desire to present any criticism with respect to them.

Mr. KING. Now will the gentleman yield?

Mr. GRAHAM of Pennsylvania. Yes; surely.

Mr. KING. As I understand it, the gentleman is in favor of the conscription of life, but not in favor of the conscription of property.

Mr. GRAHAM of Pennsylvania. The gentleman totally misapprehends me. I regret that I am not able to express myself so as to make my words intelligible to his mind. I have said nothing of the sort. There is a principle of law which provides that private property shall not be taken without just compensation, even for public purposes, and it is to that principle that I am appealing now. When you come to the question of conscription, I am in favor of the selective draft, as I said upon this floor upon several occasions. Why? Because it is simply a draft, like a check upon a bank account. The Nation has the bank account of the dutiful citizens everywhere, and all that a selective draft does is to issue a check for so much of that reserve fund as it needs to be placed at the Nation's service in the hour of her emergency or in defense of her life. [Applause.]

Mr. ANDERSON. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Pennsylvania yield to the gentleman from Minnesota?

Mr. GRAHAM of Pennsylvania. Surely.

Mr. ANDERSON. The gentleman seemed to take the position there that this bill would permit an unlawful seizure or search or entrance upon property by these officials or agents?

Mr. GRAHAM of Pennsylvania. I certainly do.

Mr. ANDERSON. Supposing that some person should refuse to permit the Secretary of Agriculture or his agents to enter upon his premises. Can the gentleman point out in this bill any language under which the Secretary of Agriculture or his agents could enter that building over his protest?

Mr. GRAHAM of Pennsylvania. Would the gentleman permit me to answer the question in the Yankee fashion? Can a court of justice, seeking testimony or information affecting life or property, walk into your premises at will, through its agents, and take what it pleases? No. Even a court of justice in the administration of the law must come in a lawful way and subpœna you to produce at the proper place, and subject to the proper conditions, the information that is sought. Why should not the Secretary of Agriculture be compelled to do the same thing? [Applause.]

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. HAUGEN. Mr. Chairman, will the gentleman from South Carolina yield some of his time now?

Mr. LEVER. I yield five minutes to the gentleman from Wisconsin [Mr. LENROOT].

The CHAIRMAN. The gentleman from Wisconsin is recognized for five minutes.

Mr. LENROOT. I did not intend to speak upon this bill at all, but the criticisms that have just been made by the gentleman from Pennsylvania [Mr. GRAHAM] I think deserve some attention.

In the first place, in reference to his criticism of section 4, authorizing the Secretary of Agriculture to purchase seeds and sell them at cost, the gentleman indicates that in his opinion that authority should be limited to purchasing at their market value and selling at that value. If that is done, why the whole purpose or the whole benefit of section 4, it seems to me, would be lost, because if here is a man that has a corner upon seeds of any kind and he can charge what he chooses and the Secretary is compelled to pay him that market price, which is made by himself and one or two others, how is any benefit to the farmer to be gotten out of this bill?

If there is such a corner, if there is such a speculator, there is no injustice in permitting the Secretary of Agriculture to fix the price, and then let the speculator go into court and recover, if he can, a larger price than is fixed by the Secretary of Agriculture. [Applause.]

I want to say that provision is exactly the provision that we inserted in the naval bill last year, authorizing the Secretary of the Navy to fix the price when he took over the plants, and if the owners were dissatisfied with the price, they could go into court and get a larger sum. I take it for granted that the committee in preparing this bill has followed exactly the phraseology that was followed by the Committee on Naval Affairs in the preparation of the naval bill.

Mr. GRAHAM of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. LENROOT. Yes.

Mr. GRAHAM of Pennsylvania. My suggestion was that the bill would be better if we would provide that he should take it over at a fair market price. Is there any such provision as that?

Mr. LENROOT. I take it that that is what it would mean under ordinary circumstances, if there be a market price.

Now, with reference to the suggestion of the gentleman as to the section with relation to investigation, section 3, I do agree with the gentleman that some amendments would be wise; but I think it would be most unwise to strike out the section entirely. The gentleman from Iowa [Mr. HAUGEN] has suggested that this bill as now framed reaches the farmer only, but does not reach the speculator. If you strike out section 3, his observation will be correct. But I take it that section 3 will reach the speculator, will enable the Secretary of Agriculture to get the information that he must get if the purpose of this bill is to be carried out. For instance, here is a corner in eggs; and if the Secretary desires to know what is the egg supply of the United States, he will not go to the farmer and examine every farmer in the United States to know whether he has 2 or 3 dozen eggs on hand, but he will go to these storage houses; and he ought to have the right, whether in this exact form or otherwise, to compel the information from the man who has cornered those eggs as to how many he has, and all the information necessary with reference to that.

So with grain in elevators. Without that section, the owner of grain or the elevator owner may refuse to give any information. With that section, he can be compelled to give the data from which the Secretary of Agriculture may be able to get information, so that when he has completed his investigation we will have some accurate knowledge as to how many million bushels of grain there are in the country. And so with other commodities. While the suggestion of the gentleman from Iowa [Mr. HAUGEN] is that this section will be used to

call the farmer from the field and get all the information from him, I take it for granted that this section will not be used probably in any case, so far as the farmer is concerned, but it will be used to reach the speculator, the middleman, and the distributor, from whom they must get the information if it is to be of value to the country. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. HAUGEN. Will the gentleman from South Carolina use some of his time?

Mr. LEVER. How much time remains?

The CHAIRMAN. The gentleman from South Carolina has 16 minutes, and the gentleman from Iowa 20 minutes.

Mr. LEVER. I ask the gentleman from Iowa to use some of his time.

Mr. HAUGEN. I yield five minutes to the gentleman from Iowa [Mr. TOWNER].

Mr. TOWNER. Mr. Chairman, certainly the members of the committee must understand that extraordinary and unprecedented power is granted to the Secretary of Agriculture by the terms of this bill. I call the attention of gentlemen to section 2, that has not been hitherto referred to. The language of that section is that the Secretary of Agriculture is authorized to take such measures, to use such means, and to employ such existing or additional agencies of the Department of Agriculture as he finds necessary, and so forth. Certainly no language could be broader or more general than that.

And then we come to section 3 of the bill. Gentlemen say, and especially the gentleman from Wisconsin [Mr. LENROOT] says, he judges that the extraordinary powers conveyed in this section, of investigation, of enforced information, will not be used except as against the manipulators of food products. But certainly that can not be the intention and purpose of this bill, because, as the chairman of the committee admits, we have already that power in the hands of a separate bureau of this Government, with an appropriation of $250,000 to carry on the investigation, with ample and sufficient powers, with men already in the field. But this, as the chairman of the committee says, is to acquire information from the farmers and from the farm districts of the country with regard to what they may have on hand and to advise them and aid them in their work.

And gentlemen should understand that this measure will not cause the addition of a single acre of cultivated land this year. It will not and can not cause the addition of a single bushel to the crops that are to be raised this year. It is to determine only by these extraordinary powers conferred what the farmer now has on hand, and under the terms of the bill 7,000 agents may be sent all over the country to go into the farm districts to investigate the farmers themselves and compel them to answer, under oath, regarding the number of live stock they have on hand, the number of bushels of grain, the prices, and all about the production—any questions that they may choose to ask. And the compulsory process is of such an extraordinary nature as to make the farmer liable to two years imprisonment in the penitentiary and a fine of $5,000 if he shall refuse to answer the questions satisfactorily.

Mr. HARDY. Will the gentleman yield for a question?

Mr. TOWNER. I yield to the gentleman from Texas.

Mr. HARDY. Does not the very nature of the matters involved indicate that this calling for books and accounts and things of that kind is not intended for the farmer?

Mr. TOWNER. If that be the case, then let us change it so that it will not embrace the farmer. I wonder if the gentleman from Texas would support an amendment of that kind? It not only calls for books and papers, but it even calls for account books or memoranda that the farmer may have. It would even compel him to give up a letter from a tenant that may be sent to him, or for any other book or paper.

Mr. MADDEN. It calls for the farmer himself, does it not?

Mr. TOWNER. Certainly. As suggested by the gentleman from Pennsylvania, the utterly indefensible power is granted here to call a farmer from the farm in Iowa to come to Washington or to New York City or to any other place in the country before any agent commissioned by the department and compel him to testify to anything the agent may ask him about.

Mr. HASTINGS. Will the gentleman yield?

Mr. TOWNER. Yes.

Mr. HASTINGS. In view of the last clause providing that he shall be paid mileage, does the gentleman believe that a farmer would be called from the interior part of the country to come to Washington?

Mr. TOWNER. I will state to the gentleman that just exactly such things have been done. When these agents are commissioned and granted such extraordinary power as this it must not be taken for granted that some one will not exercise it.

Mr. LEVER. Would the gentleman be satisfied if it was confined to the State in which he was a resident?

Mr. TOWNER. I think some amendment of that kind ought to be put in the bill.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. HAUGEN. Mr. Chairman, I yield five minutes to the gentleman from Indiana [Mr. COX].

Mr. COX. Mr. Chairman and gentlemen of the committee, of course this bill carries power, and if properly distributed I am not afraid of it, because we must recognize that we are living in abnormal times. We are living in times which call for power and concentration of power. I think section 3 of this bill with some amendments added to it, as suggested by the gentleman from Pennsylvania and the gentleman from Iowa, will make it a very important measure. I believe it is fundamentally essential that we should as quickly as possible have a complete food survey of our Nation, to know how much food there is on hand now; to take an approximation of the amount of food that we will produce in this country during the coming season. For that purpose, Mr. Chairman, I would in no way or manner oppose the appropriation for this purpose.

But I am very much afraid that a large part of this money, a large part of the $18,500,000, will not go to produce a single extra bushel of wheat, a single extra bushel of potatoes, a single extra beef, hog, or sheep. In fact, I think the whole purpose and tenor of the bill is to employ a lot of agents to travel around over the United States and tell men that know what to do who have learned their lessons in the hard school of experience, how they can produce more foodstuff and conserve their food better. I want particularly to call the attention of the committee to this language in the bill:

> For increase of food production and the conservation of food by education and demonstrational methods through country districts and resident agents and others, $4,500 000.

If every member of this committee would read the hearings before the committee as given to the committee by Mr. Rawl, of the Department of Agriculture, I do not believe it would agree to this proposition.

He says that it is proposed to employ upward of 1,300 experts at a salary of from $2,500 to $3,000 a year; and what for? To travel over this Nation; and 260 of them to go to various county agents and to have the county agent to go out and tell the farmers how they can conserve the feed supply to the stock. Just imagine a farmer of 40 years' experience, a farmer who has made a success in life, who knows how to feed his stock, who knows how to get the most out of the feed to his stock, and that man being visited by some man graduated at Purdue University in Indiana, telling the farmer that he is wasting his feed, that he is wasting his feed to his horse and cattle and sheep and hogs, and he must take this new method. He is told that by a man that never saw a farm in his life, a man that would not know what a farm was unless he was told it was a farm, whose only qualification is that he holds a diploma as a graduate from Purdue University, in my own State; and I am not saying anything against that school any more than any other.

Mr. KING. Will the gentleman yield?

Mr. COX. Yes.

Mr. KING. Are there not a great many men from State and college universities just going into the field now?

Mr. COX. Of course there are; 260 men designated to do this work, who are not practical farmers but are men born and raised in the cities.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CAMPBELL of Kansas. Mr. Chairman, I ask unanimous consent that we may have 30 minutes additional on both sides.

Mr. MANN. I suggest to the gentleman that that can not be done in committee. We are acting under a rule that the gentleman supported, providing for two hours of general debate.

Mr. CAMPBELL of Kansas. I did not support the rule.

Mr. MANN. Then we are acting under a rule that the gentleman and I did not support.

Mr. LEVER. Mr. Chairman, let me suggest that there will be a liberal discussion under the five-minute rule. It was the intention on this side to move to rise after the completion of general debate on this bill this afternoon. And I will also say that I am going to try to enter into a unanimous-consent agreement by which this bill will be made the unfinished business after the revenue bill is out of the way; of course, not to interfere with conference reports, and so forth.

Mr. HAUGEN. This will be the unfinished business next Wednesday.

Mr. LEVER. Yes; but the revenue bill may be out of the way before that time.

Mr. MANN. And the revenue bill may not be finished by Wednesday, but we can make it the unfinished business and it will give greater latitude under the five-minute rule, perhaps.

Mr. LEVER. We all recognize that this is an important bill, and I have no disposition to shut off debate under the five-minute rule, except that I do not think we ought to string it out; I mean reasonable debate.

Mr. HAUGEN. I know the gentleman wants to be fair about the matter.

Mr. CAMPBELL of Kansas. Mr. Chairman, what I had in mind was that this debate is not dilatory, that it goes to the heart of a very important subject.

Mr. LEVER. I recognize that fact, and I am sure there is no disposition here to delay the passage of this bill, and I think we can come to a working agreement under the five-minute rule.

Mr. HAUGEN. If that is the understanding, that the committee shall rise immediately after the conclusion of general debate, that arrangement can be made later. I yield five minutes to the gentleman from Texas [Mr. SUMNERS].

Mr. SUMNERS. Mr. Chairman, I regret very much that I do not find myself able to support the survey feature of this bill. My judgment is that we have reached the point where there ought to be an end to this sort of appropriations. The question that confronts Congress in passing upon this matter ought to be, What are we going to do with the information, and what may we find out that we do not now know with reference to our ability or necessity for dealing with this farm-product matter? When this investigation is completed it will be ascertained that the food supply of the country is short. Do we contemplate an embargo against the nations that are engaged with us in this war? Certainly we do not. Are we to take over the food of the Nation and distribute it? There is no intimation that that is even remotely contemplated. What are we going to do with the information after we get it? What can we do with it? By the time it is taken the wheat harvest will be partly completed and production and consumption will all the while have been in operation. But, after all, what will we do with the information we get? We will do with it just what we have done with information that we have spent millions of dollars to obtain heretofore, namely, put it in a book and then put it away in a cubby hole somewhere, and these farmers who do need constructive service now in getting a fair share of the value of what they produce, help in getting their products to market, will pay the tax. We are going to do one of two things. We are going to take 7,000 men from production, who are farmers, or we are going to send 7,000 men into the field who do not know anything about the business. We are going to give the Secretary of Agriculture power to expend $18,000,000, a large part on the investigating and producing end, and as a representative of a great agricultural State I am getting pretty tired of having the Nation presume that the farmers of the country have not got sense enough to produce, and leaving them helpless when they come to sell. We need more food; we do not have to investigate to learn that. We can secure more food much better by helping the farmer to get a better profit than we can by sending some Government agent snooping around his cow lot to see whether or not old Bossie has added one more to the cow family, and then sending the farmer a bill for the visit. We know we have not too much food. We need more. Profit is the effective stimulus. That is what the farmer operates for. [Applause.] The farmers of America have always taken care of their part of this job, and I have never been guilty of trying to soft soap them in my life. I have a definite situation in my home community. The Dallas News of two or three days ago carried in it a statement that the commercial truck growers in that community were plowing up their spinach for which they could not find a market. That spinach is worth $3.50 per barrel here. What do we propose to do? We propose to send some town fellow down there to tell them how to raise more spinach and take a survey of what they have on hand. [Laughter.] I am willing to go to the limit, gentlemen, but——

Mr. HARDY. Mr. Chairman, will the gentleman yield?

Mr. SUMNERS. Yes.

Mr. HARDY. I do not know very much about this bill, but where does the gentleman get the idea that they are going to send town men, utterly ignorant of this business, down there to tell these farmers what to do?

Mr. SUMNERS. My statement was that we will take 7,000 farmers from the field of production or we will send 7,000 town people there.

Mr. LEVER. Does the gentleman think that 7,000 farmers out of 6,000,000 will affect the situation very much?

Mr. SUMNERS. It is according to how far you proceed along that line. Seven thousand farmers ought to raise something. [Laughter and applause.] I know we have reached the point where we figure that $18,000,000 do not amount to much, and perhaps 7,000 people do not amount to much. We are thinking in billions, and I recognize that it is pretty hard for me to get down to thinking in thousands and millions myself. [Laughter.]

Mr. HARDY. Then, if the gentleman will permit, the gentleman is not certain that they are going to send clerks and bookkeepers from towns to do this work?

Mr. SUMNERS. Oh, no.

Mr. HARDY. I thought the gentleman said they were.

Mr. SUMNERS. Oh, no.

Mr. OVERMYER. Mr. Chairman, will the gentleman yield?

Mr. SUMNERS. Yes; for a question.

Mr. OVERMYER. The gentleman indicated that he thought the money spent for this food survey might be wasted because the information would not be used. Did my friend read the testimony of Dr. Taylor before the committee, who spent last year in Europe?

Mr. SUMNERS. No; I did not read the doctor's testimony.

Mr. OVERMYER. He said that Germany, Italy, France, and England, who had made food surveys, each considered it the best expenditure of money they had made during the war, and the most important conservation proposition they could have engaged in.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. LEVER. Mr. Chairman, I yield five minutes to the gentleman from Texas [Mr. YOUNG].

Mr. YOUNG of Texas. Mr. Chairman and gentlemen, I seldom inflict myself on the House, but being a member of this committee, I have felt that it is my duty to make some statement with reference to my viewpoint as to the legislation contained in this bill. This is purely and strictly an emergency proposition, and I would not be candid with the House if I did not say that, as to the various items of expenditure here, the discretion is left very largely with the administrative force in our Department of Agriculture, and of necessity it has to be so left. In our annual appropriation bill we inspect each item to know where the money is going to be spent, but now we have an emergency—our food supplies are running low, crop seasons are advanced, and we must act quickly. One of the most important items in this bill is the provision relating to the taking of a census of the food supply now in our country. It was disclosed by the hearings that all the European nations at war have taken such census, and their representatives tell us the value of this work can not be overestimated. They have been able to conserve the stock of food on hand in the various nations. No man can approximate what the food supply of our country is, and we must know. I want to submit to you there is a propaganda going on that has thrown our people into a panic. I notice from the papers of my district—and papers from all over the country as to that—that certain farmers and other citizens——

Mr. JONES of Texas. Will the gentleman yield?

Mr. YOUNG of Texas. In a moment; not now. One of whom I have in mind, went into the market the other day and bought 90 sacks of flour, which he can not use in three years, and stored it for future contingency. That is going on throughout the length and breadth of the country. Now I yield to the gentleman.

Mr. JONES of Texas. Is it not true the testimony the gentleman had in reference to the European conditions was in reference to countries where the supply of land was very limited——

Mr. YOUNG. That is true.

Mr. JONES of Texas. And it might not apply to this country, where we have a great deal of land that is not cultivated?

Mr. YOUNG of Texas. No; we can get the information, as it is on hand, just the same here as anywhere else. It is only a question of machinery. Take my colleague from Texas, Mr. SUMNERS. He says he is against the waste of money taking statistics of this kind on the ground that there has been much waste in years past along that line, and yet I dare say that my colleague from Texas will not stand on this floor and say to you that he would repeal the law, the best statistical law on the books to-day, that goes after the production of the cotton of this country and which shows every bale that we make, where it is, etc. [applause]; and he would not dare to stand on this floor and say that he would repeal the law that goes after the production of cotton seed and the foodstuffs that come from the seed. These statistics, accurately made and widely cir-

culated, are of incalculable value in handicapping the cotton gambler in his efforts to beat down the price of the great crop of the South that goes forth to bless the world with food and clothing. Let me say to you gentlemen a word as to the food value of cottonseed products. Two-thirds of the weight of the cotton in the seed is food product either directly or indirectly. You use cottonseed oil every day at your hotel and in your homes, and you do not know it.

Mr. HAMILTON of Michigan. We know that.

Mr. YOUNG of Texas. You are using that as an oil for cooking your bread, and you do not know it. You use it every day as butter, and you do not know it.

Mr. HAMILTON of Michigan. We do.

Mr. YOUNG of Texas. Before long you will be using a good deal of cottonseed meal made into flour, and you will not know it. Do not let these recitations alarm you; all these articles of diet are chemically pure and healthful. Now we would not repeal those laws relating to cotton production because we get good information, and it is of practical benefit. The war is on; and it is absolutely essential, if we are going to use all the power at our command, to know what the food supply is. Let me tell you we have heard much as to what is the first line of defense in this great war and in our preparations for this great war. Some say it is the Navy and some say it is the Army; but we are awakening to the fact that this time the farmer is the first line of defense [applause], and this war is going to be won or lost on the ability of the nations involved to meet the demands for food. [Applause.] Now, is it not important for us to have information as to our own resources and know where to strike and how, if we are to be equal to the emergency.

Mr. BLANTON. Will the gentleman yield?

Mr. YOUNG of Texas. I have not the time. How are you going to spend the money? I will tell you. Take the greens that my good friend from Texas talks about, what do you call them, spinach? People have gone crazy about this back-yard gardening proposition. It is all right, but still that is a perishable crop; and I will tell you where this appropriation comes in with respect as to it, perishable as it is. Eleven hundred girls from one of the industrial colleges at Denton, Tex., will be graduated in a few days, and they have volunteered their services to go out in the different counties of Texas and help teach the farmers' wives, those who do not know—and many do not—how to preserve these perishable products and make a permanent food store of such perishable products. [Applause.]

These perishable crops can not be depended on by the farmer as a safe marketing proposition, as everybody knows. But important, nevertheless, while they last, for our population can consume some, being healthful, good diet. While we are consuming these perishable crops we are not consuming the staple nonperishable products that our armies here and our allies abroad need so badly.

Thus with proper agitation among our people and information as to preserving the surplus so that the surplus of the perishable may be added to the storehouse for future use, great economical savings will be had.

That runs through all the productive capacity. And if you are going to use the perishable crops, you have got to go to the farmer and let him know the importance of preserving his surplus. I know what I am talking about. My district is wholly agricultural. The people are patriotic. They go to work early in the morning and do not quit until late at night. You want to take information to them that will enable them to preserve the products that have heretofore gone to waste. For example, potatoes, the drying process; fruits, the drying process; perishable products, the canning process. Let the graduates, such as these 1,100 Denton girls, from the industrial colleges, go into the communities from which they have been sent to school—and, as a rule, they are the daughters of the farmers of the country—and take that kind of information back home, and you will wisely spend this money and add to our food storehouse.

Mr. HARDY. Does the gentleman think the students at the agricultural colleges have not learned anything there by their training?

Mr. YOUNG of Texas. They are the men that are going to use some of this money. If the Secretary is wise—and I think he is—that is the class of people he will put in the communities of the country.

The meat-supply question is an important proposition not only in this emergency but even when we are normal. One of the most serious things connected with the food supply of the Nation is the rapidly exhausting of the herds of both swine and cattle. We are giving $500,000 of this money to take care of the hog cholera, and $500,000 to take care of the cattle tick. My State has something like 7,000,000 head of cattle to-day. It is the greatest cattle State in the Nation, and yet we have not solved the tick proposition until now. Up to this date the money we have spent has been in an educational way, and I know what it is because I have gone through it.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LEVER. I yield three minutes more to my friend.

Mr. YOUNG of Texas. I undertook to make a speech on that proposition and put it in the hands of every farmer in my district. It stirred up some of the leading farmers as to the importance of it. They called a meeting in one county and adopted plans, left it to a kind of local option on the question, and allowed the citizens to say whether or not they would undertake the proposition of getting rid of the cattle tick. They had 50 farmers selected from the various communities, and they went around trying to educate their neighbors. When the election came off, to everybody's astonishment, knowing what we knew and what the Government had taught us as to the simple process of getting rid of this destructive pest, they voted that proposition down. What did we do next? We took it up with the legislature of the State. We now make it a compulsory proposition. The State is divided up into zones and every man in Texas will be forced under penalty of the law to adopt the dipping process, and in another four years, the outside limit, Texas with its 7,000,000 head of cattle will be free from this pest, and instead of the 7,000,000 head of cattle that we contribute to the consuming world, we will make it three times 7,000,000 head. [Applause.] That is the kind of work that is being proposed in this bill. There may be waste in it, but it is emergency. We have done the best we could, and I plead with you from a patriotic point of view to grant this sum, small as compared with the total we are appropriating here, to the first line of defense, and I believe that you will see beneficial results from it, and may God have mercy on the administrative officer who wastes or wrongfully dissipates this trust fund that we freely give to win this war and save starving humanity. [Applause.]

Mr. HAUGEN. Mr. Chairman, I yield three minutes to the gentleman from North Dakota [Mr. NORTON].

Mr. NORTON. Mr. Chairman, if the Congress of the United States will do something to insure the farmer that he will receive a fair price for his farm products you need not worry for a moment but that he will produce at the maximum of his power. The farmers of this country are not more ignorant than any other class of our citizens, but it seems that the presumption that they are is taken for granted to a large extent in the make-up of this bill. I believe that this bill, by proper amendments, gives opportunity for extending substantial and beneficial legislation of some real benefit to the American farmer. My section of the country is a great grain and stock raising territory. In my State alone in an ordinary year we raise upward of 150,000,000 bushels of wheat. Men who make the most and the easiest profits out of that wheat do not live in the State at all and do not bend their backs or callous their hands to produce from mother earth a bushel of this wheat. They live in the so-called commercial centers—in St. Paul, Minneapolis, Chicago, and New York. Through present defection and bad economic and trade systems these men prey upon and rob, on the one hand, the producer of our wheat, and, on the other hand, the consumer of flour and other wheat products. Hundreds of men who have never done a lick of work to raise a bushel of wheat, by the mere process of speculating on the Chamber of Commerce of Minneapolis and on the Board of Trade of Chicago, make more profits out of our wheat crop than do the farmers of North Dakota. They live far better, and they have more of the pleasures and luxuries of life than do our farmers, who toil early and late to produce this wheat. This condition is not right, and it should not under our Government and laws be permitted to continue.

I believe that in this bill there should be added a provision that will do away with the speculation that is being carried on throughout the country in grain and in food products, and I propose to offer such amendment when the bill is considered for amendments. I firmly believe that no man or set of men should be allowed to make an easy and luxurious living by price juggling, price gambling, and speculation in products that have been produced by the frugal, hard-working farmers, farm laborers, farmers' wives, and farmer boys and girls of this Nation.

Another thing that I believe should be provided for in this bill and in this connection is storage plants, where grains and other food products can be stored for future sale and consumption, and the farmers paid a reasonable price for these products—a price that will give them reasonable compensation for their hours of hard labor and a fair percentage of profit on the

money they have invested in their farm lands and in their farm machinery and farm equipments.

Mr. BORLAND. Mr. Chairman, will the gentleman yield?

Mr. NORTON. I have but a moment.

Mr. BORLAND. For a brief question?

Mr. NORTON. No; I have not the time.

Mr. BORLAND. I just wanted to ask the gentleman if he had read the bill H. R. 2145, which provides for all the things the gentleman has suggested?

Mr. NORTON. If it provides for that, I shall certainly be very much in favor of it.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HAUGEN. One moment. It is true that the bill provides for that, but it provides for no appropriation and provides for no penalty. It simply makes it unlawful.

Mr. NORTON. It is high time that Congress does something real and practical to put an end for all time to gambling and price speculation in grains and other food products.

Mr. LEVER. That is the reason why the gentleman objects to this bill?

Mr. HAUGEN. This is different. Mr. Chairman, I yield eight minutes to the gentleman from Iowa [Mr. GOOD].

The CHAIRMAN. The gentleman from Iowa is recognized for eight minutes.

Mr. GOOD. Mr. Chairman, I am in favor of any proposition calculated in a sensible way to increase and conserve the food supply of the Nation. I am likewise in favor of any proposition that will curb the avarice of men who are now increasing the prices of the necessaries of life, and I hope we may have some concrete bill that will attempt to accomplish these results. I do not believe this bill will accomplish either of these results.

I am glad, for one, that the Department of Agriculture is at last determining what it should do. Its real function does not seem to be real clear to those in charge of this department. Eighteen months after the outbreak of the European war, when the question of the food supply of the Nation was one of the greatest questions before not only the people of America but the people of the world, the Department of Agriculture, through the head of its Bureau of Farm Management, testifying before the House Committee on Agriculture in February, 1916, said that the problem of the department was not one of underproduction; that the Department of Agriculture had made mistakes in trying to get men to raise 100 bushels of corn where 50 grew before, and that the Department of Agriculture had been guilty of attempting to stimulate production, but that the real problem was to see to it that the farmer received an increase in price for his product. Then under that plan we were appropriating millions to decrease production in order to increase the price. Now, after about a year, that policy is cast aside and a new policy is inaugurated, and the problem now is to appropriate $18,000,000 out of an empty Treasury—to do what? To stimulate production where, less than a year ago, there was overproduction. Yes; it is estimated that it will take 7,000 men—this bill will create 7,000 jobs; 7,000 men will be exempted from military service; 7,000 men paid by the Government not to help production but to hinder and delay production.

You are a farmer going to town with a load of wheat or a load of cotton, and you meet one of these boys from the town who is going out to find out how much cotton or wheat you have. You are 6 miles from town, and he says, "Go back to the farm with me and show me your books, or you will go to jail."

If you will turn over the 7,000 men herein provided for to help do the work so much needed on the farm, you will stimulate more production than you will by appropriating this large sum of money. Seven thousand inquisitors will be able to keep on an average 7,000 farmers from doing their work, and what will be the net result? It is a grave question if it will increase production at all; the question is not alone one for the Department of Agriculture to determine.

The gentleman from Missouri [Mr. BORLAND] secured the adoption of an amendment to the sundry civil bill giving the Federal Trade Commission $250,000 and the power to investigate the question of foods. How many departments are to handle this investigation? It is proposed to make a survey under this bill. When will that survey be taken? Why, it will be taken within a few months. It will be of the food supplies then existing. How much of that food will be in existence in 6 months or 12 months from then; how much will be added to that food supply by this year's crop? What value will that kind of a survey be to the people of the United States? Of what value will it be when completed?

There seems to be a lack of coordination between the executive departments of the Government to increase production. The Department of the Interior is sending out notices to the press asking men to take up and cultivate the unused public lands of the United States. A constituent of mine, a public-spirited man, wrote in and wanted to take up some of the advertised public lands, and all I could get from the Department of the Interior was a bulletin issued on a subject that referred him to semi-arid lands. No greater crime can be committed than to send the farmers who can produce to cultivating these arid lands that produce nothing.

So far as prices are concerned, the question in most cases could be solved if we would enforce the laws that we now have. But we are not enforcing the laws already on the statute books. In 1910, according to the reports of the Attorney General, we commenced eight civil suits to enforce the Sherman antitrust law. In 1916, after the Clayton bill was on the statute books, intended to strengthen that law and to place more people and corporations amenable to its violations, you commenced but one. But that is not all. In 1910 we commenced 66 criminal suits to enforce the criminal provisions of the Sherman antitrust law. How many do you think you commenced last year? Only one.

Mr. HOWARD. And that is not finished yet.

Mr. GOOD. No. It will likely be dismissed. In 1910 we secured 35 convictions under the criminal provisions of the Sherman antitrust law. [Applause.] How many did you get last year? Only two.

There never was a time in our entire history when there was greater need for law enforcement.

Mr. Chairman, I have a letter here, just received to-day, stating that the manufacturers of my State are compelled to pay $3.50 for steam coal, and the concern that has cornered the market on all the steam coal in that section buys it at a price ranging from 85 cents to $1 per ton.

Corn, for example, sold in Iowa 90 days ago for 90 cents a bushel. To-day it is largely in the elevators, and the price is $1.50 a bushel. There is no attempt to-day by the Department of Justice to enforce the law against such unlawful acts, no attempt to make arrests and to get a conviction. It is an easy thing to pass these laws. It is an easy thing, apparently, to make these large appropriations. A few days ago we passed a law conscripting the boy from the farm, to send him to the Army, to the trenches maybe. To-morrow, I understand, there is to be reported a bill that will lay a tax on practically every farmer to help support that boy in the trenches. And now you are taking out of the Treasury $18,500,000 to provide 7,000 jobs to hamper the farmers of the United States, and it will greatly hamper them. The point I am trying to make is this, that this bill will not add one bushel of corn or wheat to the world's supply, but it is only going to provide 7,000 useless jobs, and to exempt 7,000 men from military service. It will subject the farmers to inquisitorial powers of the Government, and these powers will necessarily in many instances be invoked by men without farm experience or knowledge of agriculture.

Mr. MONDELL. Will the gentleman yield?

Mr. GOOD. I yield to the gentleman.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. LEVER. Has the gentleman from Iowa [Mr. HAUGEN] used all his time?

The CHAIRMAN. He has used all his time.

Mr. LEVER. I yield the remainder of my time, six minutes, to the gentleman from Missouri [Mr. BORLAND].

Mr. BORLAND. Mr. Chairman, I understood my friend from Iowa [Mr. GOOD] awhile ago to say that there were plenty of laws on the statute books now to stop food monopoly if they were enforced. Yet, if I am not very much mistaken, he has recently introduced a bill to provide for the fixing of prices on pretty nearly every necessity of life. If the gentleman really thought that there were enough laws on the statute books, he would not be here introducing that bill.

But the great difficulty with my friend from Iowa [Mr. GOOD] is that he makes these spirited attacks upon everything that is proposed in this House and usually winds up by voting for a Democratic measure in the interest of the American farmer. [Applause.] I think he will wind up in this case in the same way. Apparently he misses the real purpose of this bill.

Mr. GOOD. No; the real purpose of it is to provide 7,000 jobs. I did not miss the purpose of it at all.

Mr. BORLAND. I heard the gentleman repeat that several times. The gentleman misses entirely the real purpose of this bill. The situation that confronts us to-day is—and will the gentleman be serious for a moment to look at it—that this country is to be the food market of the world for the next three years. Every pound of food in this country to-day, or that can be produced in this country for the next three years, is going to count in the great war for the victory of democracy. The very purpose of this bill is to see how much of such ammunition we have on hand at this time. Whether we have an opportunity

now to increase the food supply for the current season or not is more than doubtful. I know nothing about the part of the bill which provides for the purchase and distribution of seeds, but I do know that it is absolutely essential at this time to take a complete and accurate account of the stock on hand in the way of food. If there is any one message that has been brought to us by those distinguished men who have come to us from the men who are fighting the same battle that we are fighting, it is that the visible supply of food now in the world must be mobilized and its resources determined in order to win the present war. The only fear I have for the American farmer is that when conditions come back to normal again he may not be able to adjust himself from the enormous demands existing at the present date.

You will find that this bill will be followed by a measure practically to marshal all of the food supplies of the United States. One of the greatest features of this bill is the one criticized by my friend from Pennsylvania [Mr. GRAHAM], and from a purely technical standpoint criticized very ably, and that is the part of the bill which gives inquisitorial powers to go into the grain elevators and packing houses and cold-storage plants and find out where the food is being stored to-day. I undertake to say that a very liberal number of those places are in the district which I represent.

Mr. GRAHAM of Pennsylvania. Can not that be as successfully done under the power of subpœna as by allowing anybody to go into everybody's place of business and handle their papers?

Mr. BORLAND. It is not a question of handling papers. It is a question of inspecting a list of the actual products on hand in those establishments. I want to say that I think a liberal number of those establishments are in the district which I represent, and yet the men who own and operate those establishments are no more entitled to the consideration of this House or of the Government than are the great army of wageworkers in this country who must produce the other necessities of life, and must live from this food supply while they are doing it.

Every wage earner in this country is interested, as every farmer is interested, aye, and more than the farmer is interested, in seeing that every bit of food is available for the great industrial population of the country. This is not purely a farmer's bill. It is a bill affecting the great industrial enterprises of the country, the factories that produce the munitions of war, the support of the Army, the support of the Navy, the support of the merchant marine on the seas, and the war vessels. All of it depends on the first line of defense, the American farmer, who is, in the feeding of this vast army, engaged in winning this war.

We shall this year have to impound and marshal all the food we have. It has been a short year. The State of Kansas, the banner wheat State in the Union, is 50,000,000 bushels short in the crop this year. I have heard my friend from South Dakota say that they raised 150,000,000 bushels of wheat in his State. I have heard no such statistics, and they did not raise it this year. We are short four or five million bushels of wheat in the country. All that we have on hand must be marshaled not only for the use of this Nation but for the use of the two great nations, France and England, with whom we are fighting side by side. Next year we must have a banner crop in this country, so that there will be no shortage of food to win the great war for democracy. [Applause.]

The CHAIRMAN. All time has expired, and the Clerk will read.

The Clerk read the first paragraph of the bill.

Mr. LEVER. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. HAMLIN, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 4188, and had come to no resolution thereon.

Mr. LEVER. Mr. Speaker, I ask unanimous consent that this bill, H. R. 4188, may be made the unfinished business at the completion of the revenue bill, not to interfere with conference reports.

The SPEAKER. The gentleman from South Carolina asks unanimous consent that House bill 4188 may be made the unfinished business after the revenue bill is disposed of, not to interfere with conference reports. Is there objection?

Mr. FOSTER. Reserving the right to object, I have a little bill reported here from the Committee on Mines and Mining, and I would like to ask, if no one has any objection, that it might be given a privileged status.

Mr. MANN. Not to-night. This request will not interfere with the gentleman in any way.

Mr. FOSTER. No; it was only to get it ready to call up that I make the request.

Mr. MANN. "Sufficient unto the day is the evil thereof."

Mr. FOSTER. This bill seems to be important. It is really no use for us to save grain in an elevator which might be blown up by some mischievous man who chooses to do a thing of that kind. I would like very much, if I could, to have it understood that it may be given a privileged status when it does not interfere with matters of greater importance.

Mr. MANN. I think we ought not to make that arrangement now.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. FOSTER. Now, Mr. Speaker, I ask unanimous consent that the bill H. R. 3932 may have a privileged status.

Mr. MANN. For the present I will object.

EXTENSION OF REMARKS.

Mr. TILSON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing certain correspondence.

The SPEAKER. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

Mr. LEVER. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. LEVER. In submitting my request for unanimous consent I assumed that the revenue bill would come up, although I had no information about it. Assuming that it does not come up to-morrow, under my request would the bill be unfinished business to-morrow?

Mr. MANN. No.

Mr. LEVER. I do not think it would in the way I have put the proposition.

Mr. MANN. We will find out to-morrow.

The SPEAKER. The Chair will inquire if the revenue bill has been reported.

Mr. MANN. It has; and the gentleman from North Carolina [Mr. KITCHIN] said that he would call it up to-morrow.

RIVERS AND HARBORS BILL (H. REPT. NO. 46).

Mr. SMALL, chairman of the Committee on Rivers and Harbors, by direction of that committee, reported a bill (H. R. 4285) making appropriations for the construction, repair, and preservation of said public works on rivers and harbors, and for other purposes, which, with the accompanying documents, was referred to the Committee of the Whole House on the state of the Union and ordered printed.

Mr. MANN reserved all points of order.

Mr. SMALL. Mr. Speaker, I ask unanimous consent that any members of the committee who desire to do so may have the right to file minority views within three days.

The SPEAKER. The gentleman from North Carolina asks unanimous consent that members of the Rivers and Harbors Committee may have three days in which to file minority views. Is there objection?

There was no objection.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 13. An act making appropriations for the support of the Army for the fiscal year ending June 30, 1918, and for other purposes.

The SPEAKER announced his signature to enrolled joint resolution and bill of the following title:

S. J. Res. 42. Joint resolution authorizing the President to take over for the United States the possession and title of any vessel within its jurisdiction which at the time of coming therein was owned in whole or in part by any corporation, citizen, or subject of any nation with which the United States may be at war, or was under register of any such nation, and for other purposes.

S. 1845. An act to authorize PETER GOELET GERRY to enter into a contract with the Secretary of the Navy, in behalf of the United States, for the use of the steam yacht *Oweera*.

MILITARY ACADEMY BILL.

Mr. FIELDS. Mr. Speaker, I submit for printing under the rules the conference report on the bill (H. R. 14) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1918, and for other purposes.

The conference report and statement are as follows:

CONFERENCE REPORT (NO. 47).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 14) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1918, and for other purposes, having met, after full and further free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, and 4, and agree to the same.

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: On page 6 of the bill strike out all on line 18 and in lieu thereof insert the following: "38 privates, first class, and 38 privates, $15,080"; and Senate agree to the same.

S. H. DENT, Jr.,
W. J. FIELDS,
Managers on the part of the House.

GEO. E. CHAMBERLAIN,
F. E. WARREN,
Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 14) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1918, and for other purposes, submit the following written statement explaining the effect of the action agreed on:

The House receded from its disagreement to Senate amendment No. 1, providing extra pay for 19 enlisted men instead of for 13, as provided in the House bill. Although without authority, as the matter was not in conference, the conferees took the liberty of striking out the words "76 privates at $15 each per month, $13,680," and substituting therefor "38 privates, first class, and 38 privates, $15,080." This change was made upon the recommendation of the Engineer Department, which stated that the language originally used would tend to disrupt the present organization.

The House receded from amendments 2 and 3, authorizing the President to appoint William Harold Kehoe and Clyde R. Altman, late cadets at the Military Academy at West Point, to the position of second lieutenant of Infantry and to place them on the retired list with the pay of a retired second lieutenant.

S. H. DENT, Jr.,
W. J. FIELDS,
Managers on the part of the House.

REPORT OF THE INTERSTATE COMMERCE COMMISSION ON PERE MARQUETTE AND CINCINNATI, HAMILTON & DAYTON RAILROADS (H. DOC. NO. 137).

Mr. CRAMTON. Mr. Speaker, I ask unanimous consent for the printing as a House document, to be distributed through the folding room, of 4,000 copies of the report of the Interstate Commerce Commission on their investigation of the financial history of the Pere Marquette Railroad and the Cincinnati, Hamilton & Dayton Railroad.

The SPEAKER. The gentleman from Michigan asks unanimous consent to have printed as a public document 4,000 more copies of the report of the Interstate Commerce Commission upon the Pere Marquette and the Cincinnati, Hamilton & Dayton Railroads.

Mr. MANN. Mr. Speaker, I think the gentleman's request is to print the document as a House document and that 4,000 additional copies be printed to be distributed through the folding room.

Mr. CRAMTON. I think it is 4,000 copies.

The SPEAKER. The gentleman asks unanimous consent to have it printed as a House document, 4,000 copies to be distributed through the folding room.

Mr. MANN. The law provides how House documents are printed.

Mr. CRAMTON. My desire is not to exceed the $500 limit. I would say, in this connection, that a resolution to similar effect has been pending before the Committee on Printing, and I have had several consultations with the gentleman from Indiana [Mr. BARNHART], who, owing to the absence of at least one member of his committee from the city, has not been able to get his committee together. I am taking this action this afternoon, however, with his consent and approval.

The SPEAKER. Is there objection?

Mr. FOSTER. Mr. Speaker, reserving the right to object, what is the special use for printing these reports?

Mr. CRAMTON. Mr. Speaker, an investigation was made of the Pere Marquette upon the request of the Committee on Interstate and Foreign Commerce in 1914, as the result of a resolution introduced in the House by me.

Mr. FOSTER. That is true, but what is the use of having so many copies printed of this report now?

Mr. CRAMTON. Simply because it has cost the Government a large amount of money to make the investigation and it is the most thorough financial investigation ever made of any railroad company in the country.

Mr. FOSTER. It has been printed.

Mr. CRAMTON. In a limited quantity by the Interstate Commerce Commission. I have had a large number of calls for it, and I am not able to supply them, and I think various Members, especially those from Michigan and Ohio, will have calls for them. The conclusions of the commission are of the utmost importance in connection with the present problems affecting transportation matters in this country.

Mr. MANN. I would like to make this suggestion to the gentleman. This document when printed will be in demand mostly in Michigan, or in Michigan and Ohio. Members from the South, and probably from farther West, will never use any of the documents in the folding room. Why does not the gentleman endeavor to get copies printed so that they may be distributed to those who want them and have them distributed through the document room?

Mr. CRAMTON. It would be agreeable to me to have them go to the document room.

Mr. MANN. That is where they ought to go.

Mr. FOSTER. I do not know about that.

Mr. CRAMTON. But in the event they go to the folding room I shall not hesitate to ask those Members who are not interested in the matter to assign their copies to me.

Mr. FOSTER. Mr. Speaker, the gentleman, in justification of having this printed, said that it is a document of importance in its bearing on the general situation, and if that is true, I do not see why it belongs only to the States of Ohio and Michigan.

Mr. MANN. That is where the demand will mostly come from.

Mr. SHERWOOD. How voluminous is the document?

Mr. CRAMTON. It is a pamphlet of about 260 pages. It is now in type and made up, and I have taken the precaution to ask them to hold it so that there will not be any expense for typesetting and making up, and this request will come under the $500 limit.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

ADJOURNMENT.

Mr. LEVER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 34 minutes p. m.) the House, under its previous order, adjourned to meet at 11 a. m. to-morrow, Thursday, May 10, 1917.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. KITCHIN: A bill (H. R. 4280) to provide revenue to defray war expenses, and for other purposes; to the Committee of the Whole House on the state of the Union.

By Mr. LINTHICUM: A bill (H. R. 4281) to supplement existing legislation relative to the United States Court for China and to increase the serviceability thereof; to the Committee on Foreign Affairs.

By Mr. HASTINGS: A bill (H. R. 4282) authorizing the licensing and control of corporations engaged in the storing of food products for interstate shipment; to the Committee on Interstate and Foreign Commerce.

By Mr. GOODALL: A bill (H. R. 4283) authorizing the donation of the land and building at Kennebunkport, Me., known as "the old customhouse" to the town of Kennebunkport, Me.; to the Committee on Public Buildings and Grounds.

By Mr. POLK: A bill (H. R. 4284) to provide for the purchase of a site and the erection of a public building thereon at Georgetown, in the State of Delaware; to the Committee on Public Buildings and Grounds.

By Mr. SMALL: A bill (H. R. 4285) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes; to the Committee of the Whole House on the state of the Union.

By Mr. ROWE: A bill (H. R. 4286) to amend sections 4402, 4404, and 4414 of the Revised Statutes of the United States; to the Committee on the Merchant Marine and Fisheries.

By Mr. FREAR: Resolution (H. Res. 77) to direct the Federal Trade Commission to make an immediate investigation to ascertain the cause for the recent increase in the price of American flags and report to the House; to the Committee on the Judiciary.

By Mr. DYER: Resolution (H. Res. 78) authorizing and directing the Attorney General to investigate the coal and coke industry; to the Committee on the Judiciary.

By Mr. SANFORD: Resolution (H. Res. 79) authorizing the printing as a House document the pamphlet entitled "Plan of military instruction"; to the Committee on Printing.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. MANN: A bill (H. R. 4287) for the relief of the legal representatives and heirs of George H. Riley, deceased, of Chicago, Ill.; to the Committee on Claims.

By Mr. DENTON: A bill (H. R. 4288) granting an increase of pension to William C. Lawrence; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4289) granting an increase of pension to Christian Weisel; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4290) granting an increase of pension to Thomas J. Westfall; to the Committee on Invalid Pensions.

By Mr. DICKINSON: A bill (H. R. 4291) granting a pension to Fred Yoemans; to the Committee on Pensions.

By Mr. GRAHAM of Illinois: A bill (H. R. 4292) granting an increase of pension to Jacob Bachman; to the Committee on Invalid Pensions.

By Mr. HASTINGS: A bill (H. R. 4293) granting a pension to Lewis Mulkey; to the Committee on Pensions.

By Mr. HEINTZ: A bill (H. R. 4294) granting an increase of pension to Margaret Robb; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4295) granting an increase of pension to William W. Prather; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4296) granting a pension to Oscar F. Lutz; to the Committee on Pensions.

By Mr. LINTHICUM: A bill (H. R. 4297) granting an increase of pension to Joseph Guest; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4298) granting an increase of pension to Ebenezer Riley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4299) granting a pension to Edwina B. Kemp; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4300) granting a pension to Elsie Hoffman; to the Committee on Pensions.

Also, a bill (H. R. 4301) granting a pension to Henry Lang; to the Committee on Pensions.

Also, a bill (H. R. 4302) granting a pension to Leonard Ripple; to the Committee on Pensions.

Also, a bill (H. R. 4303) granting a pension to Thomas Heffernan; to the Committee on Pensions.

By Mr. POLK: A bill (H. R. 4304) granting a pension to Jane Hammond, widow of Henry Hammond; to the Committee on Invalid Pensions.

By Mr. POWERS: A bill (H. R. 4305) granting a pension to James H. Buckner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4306) granting a pension to Henderson Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4307) granting a pension to Lucretia E. James; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4308) granting a pension to Mary Burkhart; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4309) granting a pension to Stephen Standafer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4310) granting a pension to N. Ellen Peters and George N. Peters; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4311) granting an increase of pension to John R. Rice; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4312) granting an increase of pension to Tivis C. Simmons; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4313) granting an increase of pension to John H. Alcorn; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4314) granting an increase of pension to Columbus C. Logan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4315) granting an increase of pension to Mrs. Nan E. Le Force; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4316) granting an increase of pension to Mary Davison; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4317) granting an increase of pension to George McDaniel; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4318) granting an increase of pension to Charles Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4319) granting an increase of pension to Andrew York; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4320) granting an increase of pension to Fred Leick; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4321) granting an increase of pension to William C. Waddle; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4322) granting an increase of pension to Gideon P. Myers; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4323) granting an increase of pension to Zacharah Holland; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4324) granting an increase of pension to Clay Jackson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4325) granting an increase of pension to Washington M. Brown; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4326) granting an increase of pension to William J. Girdler; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4327) granting an increase of pension to Pollie W. Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4328) granting an increase of pension to Julia A. Cook; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4329) granting an increase of pension to Francis M. Sexton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4330) granting an increase of pension to Green Williams; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4331) granting an increase of pension to Joseph F. Turner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4332) granting an increase of pension to Joseph D. Thach; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4333) granting an increase of pension to Turner Bartley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4334) granting an increase of pension to Thomas F. Clutts; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4335) granting an increase of pension to Elizabeth Davis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4336) granting an increase of pension to John Doss; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4337) granting an increase of pension to Jonas F. Fortney; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4338) granting an increase of pension to Elizabeth J. Herrin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4339) granting an increase of pension to Thomas Hubbard; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4340) granting an increase of pension to Thomas G. Mitchell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4341) granting an increase of pension to Gideon P. Myers; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4342) granting an increase of pension to James F. Peters; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4343) granting an increase of pension to John C. Oliver; to the Committee on Invalid Pensions.

By Mr. TALBOTT: A bill (H. R. 4344) granting an increase of pension to John Bowen; to the Committee on Pensions.

Also, a bill (H. R. 4345) for the relief of the Sanford & Brooks Co. (Inc.); to the Committee on Claims.

By Mr. WOODYARD: A bill (H. R. 4346) for the relief of Allen Greenlief; to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Memorial of Michigan Society, Sons of the American Revolution, pledging support to the President; to the Committee on Military Affairs.

Also, petition of Friends of Irish Freedom, Los Angeles, Cal., pledging support to Government in present crisis; to the Committee on Military Affairs.

By Mr. ASHBROOK: Memorial of Cohoshing Tent of Maccabees, of Mount Vernon, Ohio, favoring woman suffrage; to the Committee on the Judiciary.

By Mr. BACON: Telegrams from Hon. Albert E. Sleeper, governor of Michigan; Howard A. Coffin, president Detroit Rotary Club; 38 companies or manufacturing firms of Detroit; manufacturing firms in Grand Rapids, Jackson, Adrian, and other cities; Jackson Chamber of Commerce; the Adrian Chamber of Commerce; and business men in the cities of Wayne, Washtenaw, Jackson, Monroe, and Lenawee Counties, all in the State of Michigan, protesting against the proposed tax on automobiles; to the Committee on Ways and Means.

By Mr. BROWNING: Memorial of Manufacturers' and Merchants' Association of New Jersey, protesting against national

prohibition as a war measure; to the Committee on the Judiciary.

By Mr. CARY: Memorial of Patternmakers' Association of Milwaukee, Wis., relative to tax on incomes for war expenses; to the Committee on Ways and Means.

By Mr. DALE of New York: Petition of Oakley & Co., New York City, against imposition of stamp tax; to the Committee on Ways and Means.

Also, petition of L. H. Baekeland, Yonkers, N. Y., against special tax of 25 cents per gallon on denatured alcohol; to the Committee on Ways and Means.

Also, petition of Brooklyn Mutual Building and Loan Association, asking exemption from tax of building and loan associations; to the Committee on Ways and Means.

Also, petition of the Produce News, New York, against increase of postage on second-class matter; to the Committee on the Post Office and Post Roads.

Also, memorial of committee on hospital and medical facilities of the mayor's committee on national defense, favoring exempting interns from conscription; to the Committee on Military Affairs.

Also, memorial of 266 members of the Motor and Accessory Manufacturers' Association, against extra tax on automobiles; to the Committee on Ways and Means.

By Mr. DENTON: Petition of Louis H. Legler, of Evansville, Ind., favoring legislation to prohibit killing of immature calves and hogs; to the Committee on Agriculture.

By Mr. DICKINSON: Petition of 150 citizens of Dade, Cass, and Johnson Counties, Mo., favoring prohibition as war measure; to the Committee on the Judiciary.

By Mr. DRUKKER: Petition of Peter Stam and others, of Paterson, N. J., urging plan to stop destruction of grain by the liquor makers; to the Committee on the Judiciary.

Also, memorial of Manufacturers and Merchants' Association of New Jersey, against national prohibition; to the Committee on the Judiciary.

By Mr. EAGAN: Memorial of National Automobile Chamber of Commerce, relative to taxing automobiles; to the Committee on Ways and Means.

Also, petition of the Cleveland committee on war finance, favoring tax on incomes for financing war; to the Committee on Ways and Means.

Also, memorials of the Manufacturers and Merchants' Association of New Jersey and the Central Federated Union of New York, against national prohibition; to the Committee on the Judiciary.

Also, petition of the Manufacturers' Record, of Baltimore, Md., and the Farm Journal, of Philadelphia, Pa., against increase of postage on second-class matter; to the Committee on the Post Office and Post Roads.

By Mr. FOSS: Memorial of the Old Guard of Labor, favoring universal military training; to the Committee on Military Affairs.

By Mr. FULLER of Illinois: Petition of Chicago Real Estate Board, asking prohibition of sale of liquor around military concentration camps; to the Committee on Military Affairs.

Also, petition of N. G. Manley, Peoria, Ill., against tax on automobiles; to the Committee on Ways and Means.

Also, petition of Illinois Society of Architects, favoring conscription and universal military service; to the Committee on Military Affairs.

Also, petition of J. F. Humphreys & Co., of Bloomington, Ill., against increase of postage on first-class matter; to the Committee on the Post Office and Post Roads.

Also, petition of Chamber of Commerce of East St. Louis, Ill., favoring adequate appropriation at present session of Congress for improvement of rivers and harbors; to the Committee on Rivers and Harbors.

Also, petition of the Rockford (Ill.) Malleable Iron Works, favoring prohibition as war measure; to the Committee on the Judiciary.

Also, petition of the National Legislative Conference on Prohibition, opposing any increase of tax on manufacture or sale of intoxicating liquors; to the Committee on Ways and Means.

Also, petition of the Distillers' Security Corporation, favoring increase of tax on distilled spirits for the period of the war; to the Committee on Ways and Means.

Also, petition of Curtis P. Brady, protesting against increase of second-class postage rates; to the Committee on the Post Office and Post Roads.

Also, petitions of Franklin Motor Car Co.; the Lord & Bushnell Co.; Cross, Roy & Saunders; Buckley, Dement & Co.; and Pacific Mutual Door Co., all of Chicago; the East St. Louis Lumber Co., of East St. Louis; the National Sewing Machine Co., of Belvidere; the Whifeld Manufacturing Co., of Peoria, all in the State of Illinois, and the Security Insurance Co., of New Haven, Conn., favoring the Moon bill, for revision of postage rates; to the Committee on the Post Office and Post Roads.

Also, petition of the Carter Hardware Co., of Yorkville, Ill., favoring increase of postage on second-class matter; to the Committee on the Post Office and Post Roads.

By Mr. GALLIVAN: Memorial of Friends of Irish Freedom, of northern Worcester County, Mass., pledging loyalty to President and Government; to the Committee on Military Affairs.

By Mr. GREENE of Vermont: Memorial of Burlington (Vt.) Union, No. 683, United Brotherhood of Carpenters and Joiners of America, urging certain tax legislation for financing the war; to the Committee on Ways and Means.

By Mr. HASTINGS: Resolution by mayor and councilmen of city of Checotah, Okla., indorsing war with Germany and stand of Government of United States; to the Committee on Military Affairs.

Also, resolution of citizens of Sallisaw, Okla., pledging support in war with Germany; to the Committee on Military Affairs.

Also, resolution adopted by citizens of Wagoner County, Okla., indorsing position taken by Government in making war on Germany; to the Committee on Military Affairs.

Also, resolution passed by district conference of the Methodist Episcopal Church South, McAlester, Okla., requesting prohibition of grain for manufacture of alcoholic liquors and national prohibition; to the Committee on Agriculture.

Also, resolution adopted by Grady County Highway Association, Chickasha, Okla., favoring good roads; to the Committee on Roads.

Also, letter of C. L. Williams, Kusa, Okla., requesting that postal rates on papers and periodicals be not increased; to the Committee on the Post Office and Post Roads.

By Mr. HOLLINGSWORTH: Memorial of mass meeting of American citizens of Bohemian birth and descent, asking that a free Bohemian republic be provided for in the terms of peace at end of present war; to the Committee on Foreign Affairs.

Also, memorial of people of Columbiana County, Ohio, protesting against use of grain for manufacture of liquor during war; to the Committee on the Judiciary.

By Mr. NOLAN: Petition of Importers and Wholesale Liquor Merchants' Association of San Francisco, Cal., against proposed extra tax on rectified spirits; to the Committee on Ways and Means.

Also, petition of Theater Owners' Association, of Los Angeles, Cal., against proposed tax on motion pictures; to the Committee on Ways and Means.

Also, petition of Earle C. Anthony (Inc.), Motor Car Dealers' Association, and the Metz Co., Los Angeles, Cal., against proposed 5 per cent tax on automobiles; to the Committee on Ways and Means.

Also, protest of Locomobile Co. of America, Pacific Coast Branch; Motor Car Dealers' Association; Frank O. Renstrom Co.; Dubroy Motor Co. (Inc.); Chalmers Co.; Don Lee; F. L. Linz Motor Co.; Peacock Motor Sales Co.; the Winton Co.; W. F. Culberson, president Pierce Arrow Pacific Sales Co. (Inc.); H. B. Rector Co.; Mercer & Jordan Pacific Coast Agency; Pacific Hupmobile Co.; Willys Overland, of California; Haynes Auto Sales Co.; and Cuyler Lee, all of San Francisco, Cal., against the proposed tax of 5 per cent on automobiles; to the Committee on Ways and Means.

By Mr. REED: Memorial of Rotary Club of Wheeling, favoring acceptance of Col. Roosevelt's proposition to raise an army to take to France; to the Committee on Military Affairs.

By Mr. SELLS: Petition of Cleveland committee on war finance, favoring tax on incomes for war revenue; to the Committee on Ways and Means.

Also, petition of sundry citizens, favoring prohibition as war measure; to the Committee on the Judiciary.

By Mr. SMITH of Michigan: Petition of E. L. Conklin and eight churches and clubs of Charlotte, Mich., favoring prohibition; to the Committee on the Judiciary.

By Mr. STEENERSON: Petition of Crookston-Parnall Country Club and E. F. Rustad, of Minnesota, favoring fixing minimum price upon farm products; to the Committee on Agriculture.

Also, petition of sundry citizens and churches of Minnesota, favoring prohibition as a war measure; to the Committee on the Judiciary.

Also, memorial of Commercial Club of Thief River Falls, Minn., urging a vigorous prosecution of the war; to the Committee on Military Affairs.

By Mr. WASON: Petition of Wilbur F. Parker and 27 other residents of the town of Franconia, N. H., favoring legislation

to prohibit the manufacture and sale of intoxicating liquors; to the Committee on the Judiciary.

Also, resolutions of the citizens of Northwood, N. H., favoring a law prohibiting the manufacture and sale of intoxicating liquors; to the Committee on the Judiciary.

By Mr. YOUNG of North Dakota: Petition of Vilie, Hudson, Saxon, and 10 other automobile dealers, favoring war tax on net profits of corporations and against 5 per cent tax on automobiles; to the Committee on Ways and Means.

Also, memorial of faculty of the University of North Dakota, indorsing President's plan of selective conscription; to the Committee on Military Affairs.

Also, memorial of J. J. Hirsch and 19 other citizens of Anamoose, N. Dak., favoring tax on surplus profits of corporations for war expense; to the Committee on Ways and Means.

SENATE.

THURSDAY, *May 10, 1917.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, God of Nations, God of hosts, we are lifting our hearts to Thee at the beginning of this day's work that we may get the Divine point of view and be found to be in harmony with the Divine plan. We can only measure these great problems of human life under the limitations of the powers that Thou hast committed to us. We can not see far the sequence of history. We can not solve that great problem which lies just ahead of us. O God, give us that inestimable gift of Thy Holy Spirit which added to our human powers will guide and direct our steps after the order of the Divine counsel. Help us to work out the problems of state according to the Divine program. For Christ's sake. Amen.

The Journal of yesterday's proceedings was read and approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the bill (S. 1006) authorizing the county of Morrison, Minn., to construct a bridge across the Mississippi River in said county.

The message also announced that the House had passed the bill (S. 1007) authorizing the city of Bemidji, Minn., to construct a bridge across the Mississippi River at or near that place, with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House disagrees to the amendment of the Senate to the bill (H. R. 3673) to amend the act approved December 23, 1913, known as the Federal reserve act, as amended by the acts of August 4, 1914, August 15, 1914, March 3, 1915, and September 7, 1916, agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. GLASS, Mr. PHELAN, and Mr. PLATT managers at the conference on the part of the House.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 328. An act to amend an act entitled "An act to regulate commerce," as amended, in respect to car service, and for other purposes; and

H. R. 2343. An act granting consent to Ernest B. Denison, A. J. Barchfield, and Ethan I. Dodds to construct a bridge across the Wabash River within or near the city limits of the city of Vincennes, Ind.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolution, and they were thereupon signed by the Vice President:

S. 1845. An act to authorize PETER GOELET GERRY to enter into a contract with the Secretary of the Navy, in behalf of the United States, for the use of the steam yacht *Owera*;

H. R. 13. An act making appropriations for the support of the Army for the fiscal year ending June 30, 1918, and for other purposes; and

S. J. Res. 42. Joint resolution authorizing the President to take over for the United States the possession and title of any vessel within its jurisdiction, which at the time of coming therein was owned in whole or in part by any corporation, citizen, or subject of any nation with which the United States may be at war, or was under register of any such nation, and for other purposes.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT. The Chair lays before the Senate a concurrent resolution of the Legislature of the Territory of Hawaii, which will be incorporated in the RECORD and referred to the Committee on Pacific Islands and Porto Rico.

The concurrent resolution is as follows:

EXECUTIVE CHAMBER,
Honolulu, Hawaii, April 28, 1917.

Honorable PRESIDENT OF THE SENATE,
Washington, D. C.

SIR: I have the honor to transmit herewith, at the request of the Ninth Legislature of the Territory of Hawaii, house concurrent resolution No. 31.

Very respectfully, LUCIUS E. PINKHAM,
Governor of Hawaii.

(Inclosure.)

Concurrent resolution.

Whereas it is the sense of the House of Representatives of the Legislature of the Territory of Hawaii that section 421 of the Revised Laws of Hawaii, 1915, wherein, among other things, it is provided that the yearly rental for homestead held under right-of-purchase lease shall be at the rate of 8 per cent of the appraised value thereof, should be amended so that such yearly rental shall be reduced to the rate of 6 per cent; and

Whereas said section 421 of the Revised Laws of Hawaii, 1915, can only be amended by the Congress of the United States, inasmuch as the same was made a part of the organic act by reference: Therefore be it

Resolved by the house of representatives (the senate concurring), That the Congress of the United States be, and it is hereby, respectfully requested and petitioned to amend said section 421 of the Revised Laws of Hawaii, 1915, so that the yearly rental for homestead held under right-of-purchase lease shall be at the rate of 6 per cent of the appraised value of such homestead, instead of at the rate of 8 per cent; and be it further

Resolved, That the governor of the Territory of Hawaii be, and he is hereby, respectfully requested to transmit copies of this resolution to the President of the United States, the Secretary of the Interior of the United States, the President of the Senate of the United States, the Speaker of the House of Representatives of the United States, and the Delegate to Congress from Hawaii.

—

HOUSE OF REPRESENTATIVES OF THE TERRITORY OF HAWAII,
Honolulu, Hawaii, April 23, 1917.

We hereby certify that the foregoing resolution was adopted in the House of Representatives of the Territory of Hawaii on April 23, 1917.

H. L. HOLSTEIN,
Speaker House of Representatives.
EDWARD WOODWARD,
Clerk House of Representatives.

—

THE SENATE OF THE TERRITORY OF HAWAII,
Honolulu, Hawaii, April 25, 1917.

We hereby certify that the foregoing resolution was adopted in the Senate of the Territory of Hawaii on April 25, 1917.

CHAS. T. CHILLINGWORTH,
President of the Senate.
O. P. SOARES,
Clerk of the Senate.

Mr. McLEAN. I present a memorial signed by Henry W. Farnum, professor of economics, and others of the faculty of Yale University, which contains many valuable suggestions relating to the pending revenue measure. I ask that it be printed in the RECORD without reading.

There being no objection, the memorial was ordered to be printed in the RECORD, as follows:

MEMORIAL OF AMERICAN ECONOMISTS TO CONGRESS REGARDING WAR FINANCE.

We, the undersigned, teachers of political economy, public finance, and political science in American universities and colleges, respectfully urge upon Congress to adopt the policy of taxation rather than that of bond issues as the principal means of financing the expenditures of our own country in the war on which it has embarked.

The taxation policy is practicable. It will prevent the price inflation which must result from large bond issues. It is demanded by social justice. It will increase the efficiency of the Nation in the conduct of the war.

The argument in support of these statements is briefly as follows:

THE TAXATION PLAN IS PRACTICABLE.

The taxation policy is practicable, because the current income of the people in any case must pay the war expenditures. The choice between bond issues and taxation is merely a choice whether the Government shall take income with a promise to repay those who furnish it or take income without such promise. The actual arms, munitions, and other equipment and supplies for use in the war, except to the small extent that they have been stored up in the past, must be produced now, during the war itself, not after the war, and moreover must be produced by our own people. The policy of borrowing within the country itself does not shift any part of the Nation's burden of war expenditures from the present to the future. All it does is to make possible a different distribution of the burden among individuals and social classes, to permit repayment to certain persons who have contributed income during the war by other persons after the war. If the people can support the war at all, they can do it on a cash basis. Borrowing creates nothing. Except by borrowing abroad, which we can not do, we can get nothing which we do not ourselves produce.

It may be necessary for a month or two at the outset to issue a limited amount of bonds, pending the collection of increased taxes, but beyond these, which might well be made repayable within a year, no necessity for bonds exists.

TAXATION PREVENTS PRICE INFLATION.

The taxation policy and no other will enable the country to escape the enormous evils of further inflation. The present high level of prices in Europe and America is primarily due to the war bonds and the paper money issued abroad. If the United States joins on a huge scale in this policy of borrowing, prices are bound to become far higher still.

Price inflation is harmful even in times of peace. During a war it is disastrous. It increases the cost of conducting the war. It postpones victory and thus adds to the war's toll of lives as well as to its money expenditures. By every bond issue the Government enhances the prices it must pay, and thus creates the need of more bonds. The policy works against itself.

Moreover, inflation of prices works injustice between different classes of society. The burden rests chiefly upon wage earners and salary receivers, whose pay never rises as fast as prices, and upon those who receive fixed or contractual incomes. The hardship which millions of our people are already suffering from the increased cost of living will be made many fold greater if the Government issues billions of dollars of bonds to finance the war.

The manner in which bond issues inflate prices may be briefly explained. The bond policy increases the amount of bank credit, which is equivalent in effect to an increase in the currency.

For example, if the Government takes $1,000 from a man in taxes his credit or purchasing power is lessened to the same extent as the Government's is increased. On the other hand, if the Government borrows $1,000 from him the quantity of purchasing power in existence is greatly increased. He now has a bond worth $1,000 on which he can and very often will borrow at the bank. Say he borrows $800; to lend him $800 the bank does not have to give up 800 actual dollars. Instead it gives him a deposit account of $800, and inasmuch as most of those who present checks do not ask for actual cash, but have their checks credited to their deposit accounts, the bank can keep this $800 in checks floating by setting aside, say, only $200 of actual cash. In other words, this bond-issue transaction has resulted in increasing the Government's credit by $1,000, in decreasing the man's credit by only $200, and in decreasing the bank's money by only $200; that is, there has been a net increase of credit currency—checking-deposit accounts—of $600, in contrast with no net increase if taxes had been adopted instead of bonds.

If the man had given up his money in taxes he would have ceased to compete with the Government and other buyers of commodities and labor to the extent of $1,000, but when the Government gives him a bond for his payment he is still enabled to compete to the extent of $800. The purchasing power of society as a whole has increased by $600. This inevitably forces up prices.

The above illustrates the result of a bond issue that is taken by the public. As a matter of fact, if bonds are issued a large part of them will be taken by banks. It is likely that the Federal reserve banks will buy these bonds wholesale by giving the Government checking accounts to the extent of the bonds. This causes immediate inflation to the full amount of the checking accounts thus created; that is, inflation to 100 per cent instead of to 60 per cent of the bond issue, as outlined in the illustration above.

As the Government draws checks on these bank accounts to meet its requirements the banks will try to recoup themselves by retailing the bonds to the public. To the extent that they succeed the bonds get into the hands of the ultimate investor with the resulting inflation already described. In so far as the banks are successful in this distribution they are almost certain to issue bank notes on the basis of bonds left in their hands, and these notes will cause inflation even worse than that due to the checking accounts of the public based on bond collateral.

JUSTICE DEMANDS THE TAX POLICY.

The policy of taxation for war expenditures is demanded by justice. Apart from the injustice arising from price inflation, the policy of paying for the war by bond issues gives property a preference over life; it deals unjustly as between citizen and citizen. The question of taxation versus bonds is not merely one of economics; it is one of morals, of right against wrong.

This war is a great social enterprise. The American people have undertaken it as a people. The future welfare of the country as a whole is involved; the future welfare of every citizen is involved. It is the duty, therefore, of every citizen to share in war's burdens to his utmost. For some the duty is to fight; for others to furnish money. For all the duty is without limit of amount. The citizen who contributes even his entire income, beyond what is necessary to subsistence itself, does less than the citizen who contributes himself to the Nation.

The man who goes to the front can not be paid back the life or the limb he may lose. The man who stays at home should contribute his just share of the money cost without expectation of repayment. That the soldier or sailor who gives himself to his country should, if he be so fortunate as to return, be taxed to pay interest and repay principal to him who has contributed the lesser thing, money, is a crying injustice. If conscription of men is just and right, conscription of income is the more so; conscription of both is just and right when the Nation's life and honor are at stake.

TAXATION WILL INCREASE WAR EFFICIENCY.

The policy of taxation for war expenditures will increase the efficiency of the Nation in the war. Its effect in keeping down the cost of the war has already been pointed out. Its effect on the spirit of the people is still more important. The general recognition of the justice of requiring everyone, according to his ability, to share the burdens of war, will bind the people together; the sense of injustice in the policy of borrowing will tend to drive them apart, to array class against class. Our soldiers and sailors will fight loyally in any case, but their spirit will be the more indomitable if they feel that every man who stays at home is serving the country to the utmost with his substance. An America in which every citizen without discrimination, is called upon to do and to give all that he can, all that his powers permit, will be a united America, and a united America is bound to be victorious.

SUGGESTED FORMS OF TAXATION.

Without entering into details, concerning which opinions may differ, we recommend that, among the tax measures to be adopted for the war period, the following should be included:

(1) A tax which will take substantially all of the special war profits.

(2) A material lowering of the present income-tax exemption.

(3) A drastic increase in the rates of the income tax, with a sharper progression in rates as incomes become larger.

(4) High consumption taxes on luxuries.

HENRY W. FARNAM,
Professor of Economics, Yale University.
IRVING FISHER,
Professor of Economics, Yale University.
FRED ROGERS FAIRCHILD,
Professor of Economics, Yale University.
CLIVE DAY,
Professor of Economics, Yale University.
RAY B. WESTERFIELD,
Assistant Professor of Economics, Yale University.
H. G. HAYES,
Assistant Professor of Economics, Yale University.
GEO. P. COMER,
Instructor, Yale University.
E. O. FURNISS,
Instructor, Yale University.

Mr. JONES of Washington. I have a resolution from the City Council of Seattle, Wash., urging legislation to guarantee producers of food products minimum prices for their products, and also legislation protecting the consumers from exploitation by middlemen and speculators. I move that it be referred to the Committee on Agriculture and Forestry.

The motion was agreed to.

Mr. HUSTING. I present resolutions adopted at a patriotic mass meeting of citizens at Edgerton, Wis., which I ask to have printed in the RECORD.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

Edgerton, Wis., patriotic resolutions.

Whereas the Government of our country has entered into a titanic military struggle with a great world power which may demand the concerted outpourings of the Nation's best in treasure and men and the loyal cooperation of all its citizens to bring to victorious conclusion, making apparent to all of us the great necessity to conserve the food supply of the country and to enhance the production of the necessities of life and to economize in their use as we have never had to do in this land of plenty; and

Whereas we recognize the present war as primarily a death grapple between military despotism and free democratic governments, and believe that upon this country, the world's greatest exponent of freedom, equality, and humanity, logically rests an obligation not only to preserve her own honor and her own flag untarnished, but to champion the vital cause of popular liberty throughout the earth; and

Whereas we realize the indispensable necessity of maintaining one citizenship, one allegiance, and one flag, and will not tolerate disloyalty among the residents of our community, yet we desire to value at their true worth the many citizens of German birth who have gained our deepest regard by years of residence among us, and we express our belief that the great majority of these foreign-born Americans are true patriots and that they will contribute of their substance and their lives in the defense of a Nation as dear to them by adoption as it is to the majority of us by birth, even though in so doing they must make the added sacrifice which most of us can not measure or comprehend of pledging themselves to aid in making war on their own kinsmen: Therefore

Resolved by the residents of this community, That we individually pledge ourselves to the earnest endeavor to produce in gardens and on farms more of the necessities of life than ever before, and all that it is within our power to produce, and that we pledge ourselves to the elimination of waste in the food supply of the community; and

Resolved further, That we urge our young men to enlist in the service of their country and petition the governing bodies of the Nation to provide adequate means of support for the dependents of breadwinners absent from their homes in the country's cause.

Resolved further, That we pledge ourselves unhesitatingly and unreservedly to the support of the Government of the United States of America and to its President and its Congress, without regard to race or color or creed or political belief, and to uphold and maintain any measures or actions which they may see fit to enact to bring the war to a successful conclusion as speedily as possible, and pledge ourselves to uphold and further any plans or policies which they may inaugurate within the country to aid in this consummation and for the public weal.

HAL. R. MARTIN, *Chairman*,
F. O. HOLT,
J. M. CONWAY,
F. W. JENSEN,
D. C. GILE,
JAMES KELLER,
Committee on Resolutions.

Mr. HUSTING. I present resolutions adopted at a patriotic mass meeting of citizens of Montello, Wis., which I ask may be printed in the RECORD.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

Patriotic resolution, Montello, Wis.

Resolved, That we, the people of Marquette County, Wis., in patriotic meeting assembled, at Montello, Marquette County, on the 4th day of May, 1917, hereby pledge ourselves to furnish such aid and assistance to the Nation, State, and any other county organization or defense league as may hereafter be demanded:

First. By the encouragement of more efficient production of food products;

Second. By way of aid and assistance to the Red Cross organization;

Third. By way of encouragement of recruiting and enlistment in our Army and Navy; and

Fourth. By way of organization of the people of the entire county into a unit of service ready to respond with treasure and men to the needs and demands of our country; and be it further

Resolved, That we recognize the patriotic, intelligent, unselfish devotion and magnificent leadership of our President, the Hon. Woodrow Wilson; and be it further

Resolved, That we fully recognize and appreciate the able, efficient service of our worthy junior Senator in the patriotic stand that he has taken in upholding the hands of our worthy President, and the fearless, whole-hearted, and single devotion to our country and our country's needs; and be it further

Resolved, That a copy of this resolution be mailed to the Hon. Woodrow Wilson, President of the United States, and the Hon. PAUL O. HUSTING, junior Senator from the State of Wisconsin.

D. W. MCNAMERA,
Rev. E. M. ELLIS,
President Endeavor Academy.
CHAS. BARRY,
Editor Montello Express.
H. A. MUELLER,
Banker.
D. H. REID,
County Superintendent.
E. H. COTTON,
Editor Westfield Union.

Mr. SHIELDS. I present a resolution passed by the Centenary Methodist Episcopal Church South, at Chattanooga, Tenn., and also a resolution adopted at a mass meeting at Athens, Tenn., in regard to food products and national prohibition. I ask that the resolutions may be printed in the RECORD without reading.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

CHATTANOOGA, TENN., *April 30, 1917.*

Hon. JOHN K. SHIELDS and
Hon. K. D. MCKELLAR,
Senate, Washington, D. C.

DEAR SIRS: Yesterday Centenary Methodist Episcopal Church South, whose membership numbers 1,400, held a church conference at the 11 o'clock service, and the following resolution was adopted unanimously:

"Whereas the prime minister of Great Britain, Lloyd-George, stated recently that the United States of America had never gone to war save for the cause of liberty; this great statesman but uttered the truth of history when he paid our country this high tribute and honor;

"Whereas for human liberty throughout the world America has entered the world war, and this country of ours must feed the world as well as feed its own people;

"Whereas food products must be conserved; there must be an elimination of waste; and everything useful for food must be diverted into channels where it may be used for feeding the country;

"Whereas millions of bushels of corn, barley, and rice and millions of gallons of molasses are being used by distillers and brewers—it is stated that last year at least $150,000,000 of foodstuffs were used by distillers and brewers of intoxicating liquors; and

"Whereas in times like these, not to speak of the fact generally, the man who would convert grain into drink is untrue to his country; he would be taking food from the mouths of men, women, and children; emergency legislation should be passed to prohibit absolutely the manufacture or sale of intoxicating liquors: Therefore be it

"*Resolved*, That the President and the Congress are hereby earnestly petitioned to take such action as shall be necessary to prevent the use of grain or other foodstuffs by distillers or brewers; let our great country stand for bread and against liquor."

As the chairman and the secretary of the church conference, we were requested to forward to you a copy of the resolution, and we take pleasure in inclosing it.

Very respectfully, your obedient servants,

J. W. MOORE, *Chairman.*
E. L. SWICK, *Secretary.*

ATHENS, TENN., *April 30, 1917.*

In a patriotic mass meeting held here on Sunday afternoon, April 29, the following resolutions were unanimously adopted:

"Whereas the United States has been drawn into the great world conflict now being waged; and

"Whereas the shortage of food supplies has been ascertained by our Government; and

"Whereas speculators are taking advantage of the conditions and have raised the prices on the necessities of life and are now fixing the prices of future supplies so high as to place a real burden upon the wage earners and, in many instances, deprive them of the necessities of life: Therefore be it

"*Resolved by the citizens of Athens, McMinn County, in a mass meeting*—

"First. That we most earnestly request our Congressman, Hon. JOHN A. MOON, and our United States Senators from Tennessee, Hon. J. K. SHIELDS and Hon. K. D. MCKELLAR, to vote for and use their influence for the passage of a bill regulating immediately the prices of the necessities of life.

"Second. That we earnestly request their very best efforts for the passage of a bill prohibiting the distillation of all grains so much needed at the present time to supply our people with food and avoid the real suffering which must follow the diverting of more than 600,000,000 bushels of grain into worse than useless channels."

A. M. TOMLINSON,
ELBERT WILSON,
J. H. JARVIS,
W. T. ROBERTS,
Prof. GRANNIS,
Committee.

Mr. FRANCE presented a petition of sundry citizens of Dorchester County, Md., pledging support to the President and praying for governmental aid in conserving and making more efficient the supply of farm labor, which was referred to the Committee on Agriculture and Forestry.

Mr. NELSON presented a petition of the Head Camp of the Woodmen of the World of Virginia, Minn., pledging support to the President, which was referred to the Committee on Foreign Relations.

He also presented a petition of sundry citizens of Minneapolis, Minn., praying for national prohibition as a war measure, which was referred to the Committee on the Judiciary.

He also presented a petition of the Federated Trade Assembly of Duluth, Minn., praying for the enactment of legislation to prohibit speculation in foodstuffs and the fixing of a maximum price on such goods, which was referred to the Committee on Agriculture and Forestry.

Mr. THOMPSON presented a petition of sundry citizens of Kanopolis, Kans., praying for national prohibition as a war measure and for the protection of military camps from vice, which was referred to the Committee on the Judiciary.

He also presented a petition of the congregation of the Methodist Episcopal Church of Piqua, Kans., praying for the prohibition of the consumption of food products in the manufacture of intoxicating liquor, which was referred to the Committee on Agriculture and Forestry.

Mr. WARREN presented a petition of Bighorn Lodge, No. 628, Brotherhood of Locomotive Firemen and Enginemen, of Sheridan, Wyo., praying for certain changes in the income-tax laws, etc., to produce the revenue to pay the war expenses, which was referred to the Committee on Finance.

He also presented a petition of the Council for National Defense of Goshen County, Wyo., praying for national prohibition as a war measure and for the enactment of legislation to protect the food supply, which was referred to the Committee on the Judiciary.

Mr. WEEKS presented petitions of sundry citizens of the State of Massachusetts, praying for national prohibition as a war measure, which were referred to the Committee on the Judiciary.

Mr. KNOX presented resolutions adopted by congregations of sundry churches in the State of Pennsylvania, and of sundry manufacturers of Warren, Pa., praying for national prohibition as a war measure, which were referred to the Committee on the Judiciary.

LEAGUE OF THE CROSS CADETS.

Mr. PHELAN. I desire to have printed in the RECORD, if there is no objection, a communication from a military company of San Francisco, Cal., volunteering their services.

Mr. SMOOT. Did I understand the Senator to say that it is a communication from some one in San Francisco offering his services to the Government?

Mr. PHELAN. It is a communication addressed to me from the First Regiment, League of the Cross Cadets, an organization of young men of San Francisco, declaring their intention to offer their services to the Government. I think it is a manifestation of their patriotic purpose and as a compliment to it rather than as information to the Senate I ask that it be printed in the RECORD.

Mr. SMOOT. I thought the Senator said it was from an individual. We all get thousands of such letters and we always refer them to the Navy Department or the War Department.

Mr. PHELAN. I can understand the objection of the Senator, but this is an organization equipped, uniformed, and ready for service.

There being no objection, the communication was ordered to be printed in the RECORD, as follows:

SAN FRANCISCO, CAL., *May 3, 1917.*

Hon. JAMES D. PHELAN,
United States Senate, Washington, D. C.:

First Regiment, League of the Cross Cadets, offers services to country as unit attached to regular service, subject to examination and acceptance. If permitted, could muster full regiment past and present officers and men. Many have already joined Regulars. Balance awaiting answer this wire.

JOHN J. FLYNN, *Colonel.*
H. J. SPRING, *Captain and Adjutant.*

WABASH RIVER BRIDGE, INDIANA.

Mr. SHEPPARD, from the Committee on Commerce. I report back favorably without amendment the bill (S. 2106) to authorize the county of Cass, in the State of Indiana, to construct a bridge across the Wabash River east of the city of Logansport, at a point known as Cedar or Rock Island in said Wabash River, and I submit a report (No. 34) thereon. I ask for the immediate consideration of the bill.

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed by third reading, read the third time, and passed.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SMOOT:

A bill (S. 2187) granting an increase of pension to John Curless (with accompanying papers); to the Committee on Pensions.

By Mr. SHERMAN:

A bill (S. 2188) authorizing the reinstatement of Harry Albert Giltner as an additional number in the grade of passed assistant surgeon of the United States Navy; to the Committee on Naval Affairs.

A bill (S. 2189) granting a pension to Myrtle M. Bush; to the Committee on Pensions.

By Mr. JONES of Washington:

A bill (S. 2190) granting a pension to John F. Simonson (with accompanying papers); and

A bill (S. 2191) granting an increase of pension to William Boyes (with accompanying papers); to the Committee on Pensions.

By Mr. SHAFROTH:

A bill (S. 2192) to provide for the acquisition of a site and the erection thereon of a public building at Salida, Colo.; to the Committee on Public Buildings and Grounds.

By Mr. STERLING:

A bill (S. 2193) granting an increase of pension to Oscar M. Dreibelbiss;

A bill (S. 2194) granting a pension to Patrick H. Guhin;

A bill (S. 2195) granting an increase of pension to Andrew E. Waterman;

A bill (S. 2196) granting a pension to Martin H. Rickman;

A bill (S. 2197) granting an increase of pension to Corydon M. Turnbull;

A bill (S. 2198) granting an increase of pension to George Wells; and

A bill (S. 2199) granting an increase of pension to Derrick Huck; to the Committee on Pensions.

By Mr. McCUMBER:

A bill (S. 2200) to establish a fish-cultural station in the State of North Dakota; to the Committee on Fisheries.

A bill (S. 2201) for the relief of Ethel M. Young; to the Committee on Public Lands.

A bill (S. 2202) for the relief of the legal representatives of the estate of Henry H. Sibley, deceased; to the Committee on Claims.

A bill (S. 2203) for the establishment of Northgate, in the State of North Dakota, as a port of entry and delivery for immediate transportation without appraisement of dutiable merchandise; to the Committee on Finance.

A bill (S. 2204) to correct the military record of A. M. Weller;

A bill (S. 2205) for the relief of Isaac J. Reese; and

A bill (S. 2206) authorizing the Secretary of war to donate to Richland County, N. Dak., three brass cannon, with carriages; to the Committee on Military Affairs.

A bill (S. 2207) to establish an Indian boarding school at or near the city of Rolla, in the State of North Dakota; and

A bill (S. 2208) for the relief of the estate of Israel Folsom; to the Committee on Indian Affairs.

A bill (S. 2209) granting an increase of pension to Nancy Howe;

A bill (S. 2210) granting a pension to S. W. Callahan;

A bill (S. 2211) granting an increase of pension to Betsy Ash;

A bill (S. 2212) granting a pension to Vesta M. Daniels;

A bill (S. 2213) granting a pension to John R. Beebe;

A bill (S. 2214) granting an increase of pension to Martina Morrow;

A bill (S. 2215) granting an increase of pension to David Keith;

A bill (S. 2216) granting an increase of pension to Marie L. Van Solen;

A bill (S. 2217) granting an increase of pension to John Leary;

A bill (S. 2218) granting a pension to Margaret D. Hardman;

A bill (S. 2219) granting a pension to Anna Irwin;

A bill (S. 2220) granting a pension to Mayme Chilson;

A bill (S. 2221) granting a pension to James Kenyon;

A bill (S. 2222) granting an increase of pension to James A. McConkey;

A bill (S. 2223) granting an increase of pension to Mary E. Lincoln;

A bill (S. 2224) granting an increase of pension to Abraham F. Carey;

A bill (S. 2225) granting an increase of pension to Haiver Anderson;

A bill (S. 2226) granting an increase of pension to William H. Makee;

A bill (S. 2227) granting an increase of pension to Seth Bailey;

A bill (S. 2228) granting an increase of pension to Thomas Lovell;

A bill (S. 2229) granting an increase of pension to D. F. Siegfried;

A bill (S. 2230) granting an increase of pension to Morris Dumas;

A bill (S. 2231) granting a pension to Abbie L. Lockwood;

A bill (S. 2232) granting an increase of pension to Charles Flack;

A bill (S. 2233) granting an increase of pension to Sarah Dolan;

A bill (S. 2234) granting an increase of pension to Ole Olson;

A bill (S. 2235) granting an increase of pension to H. J. Rowe;

A bill (S. 2236) granting an increase of pension to Sarah M. Thomas;

A bill (S. 2237) granting an increase of pension to E. G. Thompson;

A bill (S. 2238) granting an increase of pension to Mary Jones;

A bill (S. 2239) granting an increase of pension to Delia Stuart;

A bill (S. 2240) granting an increase of pension to John F. Pettit;

A bill (S. 2241) granting a pension to William Shoemaker;

A bill (S. 2242) granting a pension to Joseph Grunenwald;

A bill (S. 2243) granting an increase of pension to Orlinda A. Edick;

A bill (S. 2244) granting an increase of pension to Irwin M. Hill;

A bill (S. 2245) granting a pension to Mattie Jackson;

A bill (S. 2246) granting an increase of pension to Robert B. Stafford;

A bill (S. 2247) granting a pension to James C. Latimer;

A bill (S. 2248) granting an increase of pension to John W. McMillen (with accompanying papers);

A bill (S. 2249) granting an increase of pension to Bradford G. Ostrander (with accompanying papers); and

A bill (S. 2250) granting an increase of pension to Almont Barnes (with accompanying papers); to the Committee on Pensions.

AMENDMENT TO PENDING BILL.

Mr. ASHURST submitted an amendment intended to be proposed by him to the bill (H. R. 291) to punish acts of interference with the foreign relations, the neutrality, and the foreign commerce of the United States, to punish espionage, and better to enforce the criminal laws of the United States, and for other purposes, which was ordered to lie on the table and be printed.

THE NECESSITY FOR NATIONAL ORGANIZATION.

Mr. FRANCE. I introduce a joint resolution, which I ask may be read at length, and I desire to make a few remarks as to the purpose of the measure after it has been read.

The joint resolution (S. J. Res. 59) authorizing the President to enroll, according to age, status, and occupation, all male citizens, or male persons not alien enemies, between the ages of 18 and 45, inclusive, was read the first time by its title and the second time at length, as follows:

Resolved, etc., That the President of the United States be, and he is hereby, authorized to enroll, according to age, status, and occupation all male citizens, or male persons not alien enemies who have declared their intention to become citizens, between the ages of 18 and 45, inclusive; all such citizens or male persons to be liable for military or national service in such manner as may have been or may hereafter be provided by law: *Provided*, That the President be, and he is hereby, authorized to enroll all such citizens or male persons in the following classes according to age: Those of the ages from 18 to 20, inclusive, to be enrolled and denominated the "cadet corps"; those from 21 to 27, inclusive, to be enrolled and denominated as the "first line of defense"; those from 28 to 35, inclusive, to be enrolled and denominated the "second line of defense"; and those from 36 to 45, inclusive, to be enrolled and denominated the "first reserve corps."

For carrying out the purposes of this resolution there is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, available immediately and until expended, such sum as may in the judgment of the President be necessary.

Mr. FRANCE. Mr. President, I refrained from any discussion of the Military Establishment bill, S. 1871, and the amend-

ment which I offered to that bill because I was most anxious to see that measure advanced with the utmost possible speed to its enactment into law, but I deem it to be my duty to trespass somewhat upon the time of the Senate in order that I may discuss the subject matter and the purpose of the amendment which upon a previous occasion I submitted to your deliberation and which, in a slightly modified form, I now offer as a joint resolution.

The Military Establishment bill which passed the Senate, while drawn in recognition of those principles which have been tested and approved by the experience of this war, falls far short, in my judgment, of extending the application of those principles to the large and complex necessities of the present grave emergency. To this subject I desire to address myself as simply and as briefly as I may.

Sir, I hope that I have had no delusions about this war. I know that I have not shared many of the delusions which have been so generally and popularly expressed. I believe that I did not underestimate the many dangers of the situation upon which we entered on the 4th day of April last. I cast my vote for war because through the unrelenting iron walls of most unfortunate circumstance there was no other door. It is needless now to discuss the cause or the purpose of this war. We are all agreed that it is not to be a war of aggrandizement. Empires may wage such wars, but so absolutely incompatible in their natures are war and democracy that this Republic can never be justified in seizing weapons in any cause less holy than that of her own preservation. This is a war of self-defense. That can be its only justification. When it is realized, as soon it will be, by all our people that this is such a war, then they will arise without coercion or compulsion to meet the great occasion.

To me this war was no holy war until we entered it; now it has become such. I shall not weary you with my philosophy of history, but I do not believe, Mr. President, that we have stumbled on to this day down the blind paths of chance. There are no accidents in history. There would be no propriety in my attempting any expression of my conception of America's place in history and of the full part which our Republic should play in this the supreme crisis of the world's affairs. I must say, however, that I do not subscribe to any of the doctrines of materialism. I do not regard the universe as a fortunate or unfortunate but wholly fortuitous aggregation of forces. I do not see in history a series of disconnected and unsignificant acts. On the contrary, I believe that beneath all the seeming incoherence and confusion, the clamor and the uproar, the clash of arms, the conflict of armies, the shouting and the tumult, the onslaught and the retreat, beneath all the vast ebb and flow of human events, a divine purposiveness moves resistlessly on to the achievement of great and ethical ends. History reveals an endless striving, a great becoming, an orderly evolution. As we read history we find nothing static; all is dynamic and progressive. I believe that the logical and necessary culmination of a great series of historic movements was the establishment upon the Western Hemisphere of this Republic and that the signing of the Declaration of Independence marked the climax of long ages of failing and yet fruitful experimentation in the science of government, and that this act was also the harbinger of the new epoch to come in the history of mankind. The fathers of our Republic believed this, and he indeed is blind who can not see the inspiration in their words and works. In those early hazardous and trying days the careful deliberation of their acts subjected them to many a charge of incapacity and cowardice, but theirs was but the caution which conscientious statesmen in this country must ever exercise when controlled by the realization that into their keeping has been placed the sacred trust, the priceless heritage of that new democracy which is to be preserved and perpetuated by themselves and their sons for all humanity, for all time.

We deemed it to be our duty to declare war, and by so doing we decreed to hazard perhaps all that this Republic signifies in the vast scheme of history. The safety of our institutions, the genius and the mission in the world of this great democracy are all the ultimate stake. The hour for the supreme testing of our institutions has come. I have but one anxiety and that is that our people shall now be brought to face the hard realities and see things as they are, for when they shall do this they will meet the pending crisis with all of their innate capacity and heroism. We voted for war and now we should prepare to wage war, calmly, with clear vision, with purposes defined, with system, with science, with exact information, with perfect organization, with all the accumulated might and power of this great Republic. Only in that direction now do peace and safety lie. It is not the time to be stampeded into haste and rashness. We must act with deliberation, with precision, in order that the established and proven principles of our constitutional government, in all their wonderful pliability and adaptability, may be, without violence, shaped and applied to the achievement of these new ends.

We have pledged all of our resources to this war in what we hold to be a just cause. It is now for us to liberate, organize, and effectively utilize all of our vast latent and potential energies, and dedicate them to this great undertaking. For modern war there is no precedent. Gen. Joffre is reported to have said "The knowledge of war which we had three years ago is of no present practical value," and this is true not only of purely military operations but of all the collateral industrial activities which are directed to the same end. War as it is now waged is the unnatural and monstrous offspring of a new science and of that marvelously increased capacity for social and national organization which has been developed by mankind, most notably since the close of the last Franco-Prussian War.

While it is extremely important to raise at once sufficient military and naval forces, I feel that we are in immediate danger of overlooking, in the consideration of our war measures, the one great outstanding fact which has been demonstrated by this war, and that fact is this: War is no longer merely a combat between the armed forces of the belligerent powers. It has become in a large and literal sense a conflict between the nations themselves, each nation struggling as a mighty unit. The necessities of war on so huge a scale, for terrene, for munitions, for tonnage of ammunition and ordnance, for supplies, for food, for men, are so seemingly unlimited and so absolutely imperative that every form of national energy, resource, and reserve must be drawn upon and utilized to the very uttermost. War has become a grim, prolonged, supreme death grapple between national organizations themselves, organizations which have been so developed in some instances that all of the national strength and weight is made available for use with the greatest possible effectiveness.

War has passed from the physical into the mental stage, from the individual into the social, for science has supplanted physical strength, and the valor of troops at the front is all in vain unless supplemented and supported by an unwearying, unfailing cooperation between the civilian citizens of the nation, all of whom must be animated by a like high patriotic purpose and imbued with the same spirit of service and sacrifice.

This war can not be scientifically conducted, nor can we hope to bring it to a successful termination unless we quickly lay the broad foundations upon which we are to construct our complete national organization. So now as we have provided for a Military Establishment we must prepare to place back of it, to supply and support it, a unified and efficient Nation.

Germany by national organization has secured among her citizens a unification of purpose, a cooperation of effort, a social solidarity and efficiency which has enabled her to set up a new standard of national preparedness, a standard which we can emulate and approximate without, if we act with wisdom, any sacrifice of the cherished principles of our democracy. Social organization is not incompatible with democracy. On the contrary, true democracy is perfect social cooperation. I believe it to be one of the chief missions of America to demonstrate, now and for the future, to the world that efficiency, liberty, and social justice can all be successfully blended in the fabric of that finer democracy which is our ideal and aim. This war will not have been altogether in vain if in its fires our Nation can be purified of the dross of inefficiency and wastage, and if we can be welded into a better and stronger social and national unity. We have heard during recent weeks much vague and indefinite discussion upon the subject of agricultural, social, and industrial preparedness. Mobilization and organization are words upon every lip. In that inspiring address of President Wilson to his fellow countrymen, on April 16, he eloquently calls attention to the need of cooperation, summing up his stirring appeal in the often-quoted words "We must all speak, act, and serve together."

But, Senators, words, appeals, a common desire to serve are not enough. One hundred million people can not act together unless organized for harmony of action. We must, if we would efficiently cooperate, have the machinery which will make possible efficient cooperation. The task of supplying this machinery is a large but not a very difficult one. The first step toward securing it is a universal enrollment for State and National service of all of our men between the ages of 18 to 45 years, by name, age, status, and occupation. I need not try to prove to you, Senators, familiar as you are with the principles of organization that it is impossible to form an organization before you know who are to be the component parts. We invoke no new principle in organizing our Nation. Industrial,

social, fraternal, political, and national organizations all follow the same lines. The plan which I am urging is not theoretical. It has been proven in Europe to be preeminently practical and useful. This complete enrollment for national service could take place at the same time as the partial registration for the selective draft and without any resulting delay to it.

The designations which I have suggested in the joint resolution which has been read—I shall be very glad to have it modified in any way. I know the principle of it is absolutely sound, and that it is a principle which must be adopted before this war is over. I only hope that it may not be adopted too late—to repeat, the designations which I have suggested for the various classes into which those to be enrolled are to be divided indicate but slightly how the classes might be employed. Members of the "cadet corps," made up of those from 18 to 20, would be subject, under a system of universal training which we shall probably enact into law in the near future, to a certain number of hours of military drill and such broader training as might be later considered collateral thereto. From the "first line of defense" the selective draft would be made, while those not drafted from this class—those of the "second line of defense" and those of the "reserve corps"—would be registered chiefly for organization purposes, although some military drill might be voluntarily undertaken.

The Military Establishment bill as passed is, in my opinion, defective, because it makes *liable* for military service *only* those between the ages of 21 and 27, and the wording of the section is equivalent to giving notice that those younger or older are not to be considered even liable to be called to serve their country in any capacity at this the most critical time in our history.

I desire to illustrate, as briefly as I may, how such a general enrollment could be made of the utmost practical value. It is important to keep in mind that the enrollment which I propose is to be made with a classification according to occupation. The paramount problem of this war is beyond question the maintenance of the food supply of the world and particularly that of the allied nations. I agree with the Senators who have said that this is no time for hysteria, but I desire to say that it is much less a time for such complacency and self-deception as may prove fatal. There is, to be sure, room for some difference of opinion upon the present food situation, but a somewhat casual investigation, begun last February, has convinced me that the food situation in the allied countries and in our own is, to say the least, most disturbing. Two factors will determine the outcome of this war—food supply and national organization. A victory in this war will be secured by those nations which create the best national organizations and which most successfully solve the vital problem of the food supply. We should be warned by this time, Senators, that superior numbers and greater potential national resources will not be sufficient to enable us to overcome our enemies. I desire to say that with all the emphasis of which I am capable; I say it as one who knows the organization of the German Empire from having lived therein.

The superior numbers must be organized and all of the latent natural and national resources must be actually employed. Up until the present time Germany has demonstrated, without doubt, that she has the most efficient military and national organization of all of the belligerents, and there are clear indications that she may, if she has not already done so, solve her food problems more satisfactorily than the allied powers, including ourselves, can solve ours.

It is a most common error to assume that the food problem in this country is fundamentally a problem of distribution. It is very easy when the cost of food unreasonably increases to charge it to the system of distribution, and to then enact legislation which will make possible the criminal prosecution of conspicuous figures who are engaged in some of the many departments which have to do with food distribution. The food-supply problem, made so acute by this war, is not a new problem. It is as old as the history of government.

The Senator from Mississippi, Senator WILLIAMS, in discussing this subject the other day very aptly said:

> It is the bent of all civilized countries as they become more and more civilized to become more and more industrial and less and less agricultural.

This is true. The senior Senator from Mississippi might have added, what I believe he would have added, in a fuller discussion of this question, that the decline of agriculture in any country is the first certain symptom of a beginning of national decadence. This was true of Rome, and it will always be true. Washington said:

> It will not be doubted that, with reference either to individual or national welfare, agriculture is of primary importance. In proportion as nations advance in population and other circumstances of maturity this truth becomes more apparent and renders the cultivation of the soil more and more an object of public patronage.

A prominent statesman and economist has said that "wars are not won with powder and shot but with wheat."

It would not be an exaggeration to say that the present prowess of Germany which has astounded the world can, in a sense, be attributed to the fact that Bismarck was a farmer. If it had not been for the agrarian policy inaugurated and fostered by him, a policy which in spite of her enormous industrial development has maintained Germany's status as one of the great agricultural countries of the world, the central powers would have been starved and crushed in the first eight months of the war. True statesmanship must ever look to the far future, and Bismarck said, early in his career:

> Whenever I have come forward on behalf of landed property it has not been in the interest of the proprietors of my own class but because I see in the decline of agriculture one of the greatest dangers to our permanence as a State.

The rising cost of food in this country during recent years is no mystery, for it is due to causes which are only too evident to anyone who will give this subject even a superficial study. The decline of agriculture in this country during recent years has reached most alarming proportions. I am speaking of conditions which prevailed before the war and which, in certain respects, have been aggravated by it. Since 1870 there has been a marked decrease in the relative number of those engaged in tilling our soils. The natural deterioration of soils, the increase in farm wages, the mounting cost of all of the raw materials and machinery which the farmer must buy, besides many other factors, have caused a steady shrinkage in agricultural profits and a consequent continuous relative decline in agricultural production.

As the senior Senator from Mississippi said—

> For the last 30 or 40 years the powers of the world have been engaged in legislation the end of which was to hothouse out of agriculture into manufacturing the labor and consumers.

I can not go further into this great subject, and it must be enough to say that we enter into this war with the smallest food reserve in the history of the country and absolutely unprepared in that most important phase of preparedness, our agricultural activities.

I do not wish to exaggerate, but it would be criminal negligence in me, with the opinions which I hold, to underestimate the gravity of the situation.

There is a very serious shortage in the food supply of this country, such as can only be relieved by the production, during this season, of extraordinary crops, and while there has been an almost unlimited amount of agitation and discussion of the means by which such extraordinary production might be secured, no practical and systematic methods have been adopted. Precious time has been wasted, and all possibility of securing even an average crop of wheat has been lost. To anyone who will examine the figures it will be apparent that only by supreme efforts, and by unusual good fortune, can we prevent actual famine, with all its grizzly train of evils, from raising its hideous head over other lands and over our own. It would seem that the only means for preventing such a famine—and I use the word advisedly—as the world has never known is the planting in this country of an unprecedented acreage in corn, since corn must be, beyond a doubt, the chief grain food of ourselves and our allies between now and the next harvest. Since the subject of the next probable crop of wheat has been discussed in the Senate, and as the figures bearing upon the present and future wheat supply afford a very good illustration of the necessity for an immediate plan of action, I shall submit very briefly some figures for your consideration.

The winter-wheat crop for 1916 was 481,744,000 bushels. The spring-wheat crop for 1916 was 158,142,000 bushels. The total wheat crop for 1916 was 639,886,000 bushels.

The average condition of winter wheat on April 1, 1917, was 63.4 per cent as against 78.3 per cent of normal on April 1, 1916, and as against 86.2 per cent, the average condition for the past 10 years on April 1. Based upon this and other considerations, the Bureau of Crop Estimates predicts a winter-wheat crop this year of 430,000,000 bushels. The Bureau of Crop Estimates, in its report of May 1, predicts a crop of winter wheat for this year of only 366,116,000 bushels, or 63,884,000 bushels less than the report April 1.

On the basis of the crop report of the 1st of May, the following are the indications for the total crop of 1917: If the spring-wheat crop is the same as the spring-wheat crop of 1916—158,142,000 bushels—we would have for the year 1917 a total wheat crop of 524,258,000 bushels. If the spring-wheat crop is equal to the five-year average for the spring-wheat crop—

233,571,000 bushels—we would have a total wheat crop of 599,687,000 bushels. Even if the spring-wheat crop this year should equal the phenomenal spring-wheat crop of 1915—351,854,000 bushels—we would have a total wheat crop of but 717,970,000 bushels. Based on the April estimate, if the spring-wheat crop is the same as the spring-wheat crop of last year we shall have for the year of 1917 a total crop of only 588,142,000 bushels. If we should be fortunate enough to secure a spring-wheat crop equal to the average yield for the past five years—233,571,000 bushels—we would have a total crop of 663,571,000 bushels. This is more than we have any reason to expect, as there seems to be no indication of any substantial increase of spring-wheat acreage.

Mr. McCUMBER. Mr. President, will the Senator allow me to call his attention to the fact that the spring-wheat crop was two-thirds a failure last year, 1916?

Mr. FRANCE. I will answer that. I was just coming to that point.

If we assume the very best possible production of spring wheat, under ordinary conditions—a crop equal to the bumper crop of 1915, which was 351,854,000 bushels—we would then have a total crop of only 781,854,000 bushels. Such a crop as this is totally inadequate to meet the present situation. Assuming that we have a spring-wheat crop equal only to last year's, there will not be enough wheat in this country for our own needs, since we require between 600,000,000 and 650,000,000 bushels for all purposes, including seed. With the spring-wheat crop this year equal to the five-year average we would have only about 63,571,000 bushels for export. If we have a record-breaking spring-wheat crop, equal to that of 1915, which would give us a total crop of 781,854,000 bushels, we would have probably not much more than 131,854,000 bushels for export.

It is, of course, very difficult for you to comprehend these figures unless you have them before you. Perhaps all of you are familiar with them. I will say, however, that these figures are of absolutely vital importance as we consider our more active entrance upon this war.

In all human probability the amount of wheat available for export out of this year's crop will be somewhat less than 70,000,000 bushels and not more than 100,000,000 bushels, while our exports from the 1914 crop were 332,460,000 bushels, and from the 1915 crop they were 243,097,000 bushels. Thus it will be seen that we are in no position to take care of the probable needs of England and France, as far as wheat is concerned.

The total wheat crop for 1916 was 639,886,000 bushels, of which we have exported, up to February, 1917, 135,491,000 bushels, leaving a balance for the year for all purposes of 504,395,000 bushels. It is to be assumed that for the balance of the year the allies will require at least 90,000,000 bushels more of wheat, which would further reduce the total for the year for home consumption and for seed to the figure of 414,395,000 bushels, or approximately 200,000,000 bushels less than our actual requirements. This would indicate that there will be a very serious shortage of wheat before the next crop is available, and only by drawing upon reserves, which are not visible and which can not be computed, will we have enough wheat to carry us until that time. The statement made some months ago by an eminent authority on wheat that the masses of the people would be living upon corn bread before the next crop of wheat was ready for grinding was entirely justified by the available figures, although there may be some invisible reserves which will carry us over.

The necessity for a systematic and scientific campaign to insure an enormous corn crop, if a most serious shortage of grain food is to be avoided next year, must be obvious. The crisis can not be met by the small-garden movement, which, while in itself commendable, may obscure the imperative necessity for systematic national effort.

In the face of such a lack of foodstuffs we must remember that less than one-third of our tillable land is ordinarily tilled, the remainder not being put under cultivation because, chiefly, of the shortage of labor and the unprofitableness of farm operations upon the relatively less fertile farm lands of the first-settled portions of our country. While about two-thirds of our tillable land is idle because of the lack of men to till its acreage, it is quite probable—although we have no accurate figures available—that there are more than 2,000,000 absolutely idle men in this country.

Senators, I do not wish to unduly alarm the country, but we dare not close our eyes to the fact that because of the present food situation alone, without even considering the aggravation of that situation by submarine operations, the cause of the allies is in a most serious situation.

Sir, we can not hope to win this war against the perfect national organization of Germany with a national inefficiency which produces such an intolerable condition. I have said that there is no mystery in connection with the high cost of food. We all know that gold is but a barometer by which the abundance or scarcity of those articles indispensable for the preservation of life is indicated. It takes more gold to buy relatively less quantities of food because there is not and there has not been any sufficient general production of food in this country for several years, and this is because the production of food under usual conditions has become relatively unprofitable. Food speculators have taken advantage of the situation which a national inefficiency has created, these speculators being powerless to create any shortage themselves in the face of an abundant store.

To complete my illustration, a national enrollment by occupation would put in the hands of the Government the name and address of every farmer and every farm hand in the country, and it would be simple to devise quickly the machinery by which the Government could at once get into direct touch with our farmers for the giving and securing of suggestions and information. Within a very short time after the enrollment the most definite information could be secured with reference to the acreage which farmers contemplated seeding to corn. This whole work could be done so that vast tracts of land, particularly in the South, could be used for corn this year and for the raising of other food grains instead of for the production of other crops not so vitally necessary to the preservation of the Nation. This agricultural organization would, of course, of necessity be formed by counties and States. Every farmer and every farm laborer should be enrolled in the agricultural reserve corps. Awards of merit might be devised for those who, in this line of endeavor, rendered signal service. The general enrollment, would, moreover, give us accurate data with reference to the unemployed; and with this information, which would make possible long-needed extensions and improvements of our State and National employment bureaus, much could be accomplished without either the draft or coercion toward curing unfortunate conditions. A further consideration of the subject will enable you to suggest how the same methods could be applied in connection with other industries and to meet different kinds of agricultural and industrial emergencies.

I have already taken up too much time, and in closing I would repeat that it is my most profound conviction that this great national emergency can not be successfully met without efficient national organization, which organization can not proceed until we have a complete enrollment of the citizens of the Nation. It is a large task, but not a novel one, for the precedents for such an undertaking are both abundant and assuring.

I realize that my presentation of the subject has been most incomplete and fragmentary, because I have not been able to take sufficient time to prepare such more extended presentation as the importance of the subject deserves. With all the earnestness of which I am capable I plead for national organization, and urge the Senate to accept this measure, which provides for the first indispensable stage.

The problem of securing by constitutional means such effective organization as will make possible, now and in the future, the fuller realization in our national life of the American ideal and purposes of government is, of course, the one great problem for our country's statesmanship. I must not longer now discuss that question, for I would close with what I deem to be a most practical observation.

The central powers have hoped to triumph over much superior forces because of their more powerful and almost perfect organization. This Republic is devoted to the pursuits of peace. She has entered upon this war only to defend herself, to struggle and sacrifice for the prompt reestablishment of order in the world, and for the creation of conditions which will form the basis for an early and enduring peace. She is resolved to become no party to schemes of aggrandizement or world domination.

If, while declaring that we hold fast to our expressed ideals, we adopt a method of national organization the supreme value of which has been demonstrated by this war, the effect upon the immediate course of events must be profound. It will be "the handwriting on the wall" to Germany and to all the nations of the earth that it is vain for them to battle longer for ideals less exalted than our own. It will reveal to them that the great Republic beyond the Atlantic has not only the ideals and plans for world democracy but that she has the courage, the self-control, and the practical capacity to maintain those ideals, and to stand among the nations as the impartial and

invincible champion of justice and of right. It will inform them in unmistakable terms that if the time shall come when she must stand alone, she is strong enough to stand for these great principles, unbowed by any storm of war. Let us announce our devotion to this cause by calling to the national service our 20,000,000 men. I know that when our men shall learn the meaning and the mission of that call, they will come forth a mighty host, with joy and courage radiant upon their faces. We must not forget that, in a sense, America must ever stand alone in her own peculiar responsibilities and in her own individual mission.

Every age has had its seer and leader among the nations. Democracy is the spirit of our time, and America must be the Nation to interpret it and to demonstrate it to the world. We must not be diverted from our course by cross currents swift and strong. We must steer on by this great star of our own destiny, and lead the other nations by its light.

Sir, we are embarked upon a great adventure. Let us as an organized, efficient Nation rise greatly to meet all of its grave perils and emergencies; and may we not fail to see and measure up to the possibilities and opportunities which I trust may soon come for such a service as no nation yet has rendered to mankind.

I must apologize for taking so much of the time of the Senate. I would not have done so if I had not felt that this was a matter of supreme importance which should be brought to your attention.

The VICE PRESIDENT. The joint resolution will be referred to the Committee on Military Affairs.

THE COMMITTEE ON FINANCE.

Mr. SIMMONS submitted the following resolution (S. Res. 59), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Finance or any subcommittee thereof be, and hereby is, authorized, during the Sixty-fifth Congress, to administer oaths; to employ a temporary clerk, at $4 per diem, and a stenographer, at a cost not exceeding $1 per printed page, to report such hearings as may be had in connection with any subject which may be pending before said committee, the expenses thereof to be paid out of the contingent fund of the Senate, and that the committee or any subcommittee thereof may sit during the sessions or recess of the Senate.

HOUSE BILLS REFERRED.

H. R. 328. An act to amend an act entitled "An act to regulate commerce," as amended, in respect of car service, and for other purposes, was read twice by its title and referred to the Committee on Interstate Commerce.

H. R. 2343. An act granting consent to Ernest B. Denison, A. J. Barchfield, and Ethan I. Dodds to construct a bridge across the Wabash River within or near the city limits of the city of Vincennes, Ind., was read twice by its title and referred to the Committee on Commerce.

MISSISSIPPI RIVER BRIDGE.

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 1007) authorizing the city of Bemidji, Minn., to construct a bridge across the Mississippi River at or near that place, which was, on page 1, line 6, to strike out the word "highway."

Mr. NELSON. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

INCREASE OF MILITARY ESTABLISHMENT—CONFERENCE REPORT.

Mr. CHAMBERLAIN. I submit the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. 3545) to authorize the President to increase temporarily the Military Establishment of the United States.

The PRESIDING OFFICER (Mr. HOLLIS in the chair). The conference report will be received and lie on the table.

The report is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 3545) to authorize the President to increase temporarily the Military Establishment of the United States, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"That in view of the existing emergency, which demands the raising of troops in addition to those now available, the President be, and he is hereby, authorized—

"First. Immediately to raise, organize, officer, and equip all or such number of increments of the Regular Army provided by the national defense act approved June 3, 1916, or such parts thereof as he may deem necessary; to raise all organizations of the Regular Army, including those added by such increments, to the maximum enlisted strength authorized by law. Vacancies in the Regular Army created or caused by the addition of increments as herein authorized which can not be filled by promotion may be filled by temporary appointment for the period of the emergency or until replaced by permanent appointments or by provisional appointments made under the provisions of section 23 of the national defense act, approved June 3, 1916, and hereafter provisional appointments under said section may be terminated whenever it is determined, in the manner prescribed by the President, that the officer has not the suitability and fitness requisite for permanent appointment.

"Second. To draft into the military service of the United States, organize, and officer, in accordance with the provisions of section 111 of said national defense act, so far as the provisions of said section may be applicable and not inconsistent with the terms of this act, any or all members of the National Guard and of the National Guard Reserves, and said members so drafted into the military service of the United States shall serve therein for the period of the existing emergency unless sooner discharged: *Provided*, That when so drafted the organizations or units of the National Guard shall, so far as practicable, retain the State designations of their respective organizations.

"Third. To raise by draft as herein provided, organize and equip an additional force of 500,000 enlisted men, or such part or parts thereof as he may at any time deem necessary, and to provide the necessary officers, line and staff, for said force and for organizations of the other forces hereby authorized, or by combining organizations of said other forces, by ordering members of the Officers' Reserve Corps to temporary duty in accordance with the provisions of section 38 of the national defense act approved June 3, 1916; by appointment from the Regular Army, the Officers' Reserve Corps, from those duly qualified and registered pursuant to section 23 of the act of Congress approved January 21, 1903 (32 Stat. L., 775), from the members of the National Guard drafted into the service of the United States, from those who have been graduated from educational institutions at which military instruction is compulsory, or from those who have had honorable service in the Regular Army, the National Guard, or in the Volunteer forces, or from the country at large; by assigning retired officers of the Regular Army to active duty with such force with their rank on the retired list and the full pay and allowances of their grade; or by the appointment of retired officers and enlisted men, active or retired, of the Regular Army as commissioned officers in such forces: *Provided*, That the organization of said force shall be the same as that of the corresponding organizations of the Regular Army: *Provided further*, That the President is authorized to increase or decrease the number of organizations prescribed for the typical brigades, divisions, or army corps of the Regular Army, and to prescribe such new and different organizations and personnel for army corps, divisions, brigades, regiments, battalions, squadrons, companies, troops, and batteries as the efficiency of the service may require: *Provided further*, That the number of organizations in a regiment shall not be increased nor shall the number of regiments be decreased: *Provided further*, That the President in his discretion may organize, officer, and equip for each Infantry and Cavalry brigade three machine-gun companies, and for each Infantry and Cavalry division four machine-gun companies, all in addition to the machine-gun companies comprised in organizations included in such brigades and divisions: *Provided further*, That the President in his discretion may organize for each division one armored motor car machine-gun company. The machine-gun companies organized under this section shall consist of such commissioned and enlisted personnel and be equipped in such manner as the President may prescribe: *And provided further*, That officers with rank not above that of colonel shall be appointed by the President alone, and officers above that grade by the President by and with the advice and consent of the Senate: *Provided further*, That the President may in his discretion recommission in the Coast Guard persons who have heretofore held commissions in the Revenue-Cutter Service or the Coast Guard and have left the service honorably, after ascertaining that they are qualified for service physically, morally, and as to age and military fitness.

"Fourth. The President is further authorized, in his discretion and at such time as he may determine, to raise and begin

the training of an additional force of 500,000 men organized, officered, and equipped, as provided for the force first mentioned in the preceding paragraph of this section.

"Fifth. To raise by draft, organize, equip, and officer, as provided in the third paragraph of this section, in addition to and for each of the above forces, such recruit training units as he may deem necessary for the maintenance of such forces at the maximum strength.

"Sixth. To raise, organize, officer, and maintain during the emergency such number of ammunition batteries and battalions, depot batteries and battalions, and such artillery parks, with such numbers and grades of personnel as he may deem necessary. Such organizations shall be officered in the manner provided in the third paragraph of this section, and enlisted men may be assigned to said organizations from any of the forces herein provided for or raised by selective draft as by this act provided.

"SEC. 2. That the enlisted men required to raise and maintain the organizations of the Regular Army and to complete and maintain the organizations embodying the members of the National Guard drafted into the service of the United States, at the maximum legal strength as by this act provided, shall be raised by voluntary enlistment, or if and whenever the President decides that they can not effectually be so raised or maintained, then by selective draft; and all other forces hereby authorized shall be raised and maintained by selective draft exclusively; but this provision shall not prevent the transfer to any force of training cadres from other forces. Such draft as herein provided shall be based upon liability to military service of all male citizens, or male persons not alien enemies who have declared their intention to become citizens, between the ages of 21 and 30 years, both inclusive, and shall take place and be maintained under such regulations as the President may prescribe not inconsistent with the terms of this act. Quotas for the several States, Territories, and the District of Columbia, or subdivisions thereof, shall be determined in proportion to the population thereof, and credit shall be given to any State, Territory, District, or subdivision thereof, for the number of men who were in the military service of the United States as members of the National Guard on April 1, 1917, or who have since said date entered the military service of the United States from any such State, Territory, District, or subdivision, either as members of the Regular Army or the National Guard. All persons drafted into the service of the United States and all officers accepting commissions in the forces herein provided for shall, from the date of said draft or acceptance, be subject to the laws and regulations governing the Regular Army, except as to promotions, so far as such laws and regulations are applicable to persons whose permanent retention in the military service on the active or retired list is not contemplated by existing law, and those drafted shall be required to serve for the period of the existing emergency unless sooner discharged: *Provided*, That the President is authorized to raise and maintain by voluntary enlistment or draft, as herein provided, special and technical troops as he may deem necessary, and to embody them into organizations and to officer them as provided in the third paragraph of section 1 and section 9 of this act. Organizations of the forces herein provided for, except the Regular Army, shall, as far as the interests of the service permit, be composed of men who come, and of officers who are appointed from, the same State or locality.

"SEC. 3. No bounty shall be paid to induce any person to enlist in the military service of the United States; and no person liable to military service shall hereafter be permitted or allowed to furnish a substitute for such service; nor shall any substitute be received, enlisted, or enrolled in the military service of the United States; and no such person shall be permitted to escape such service or to be discharged therefrom prior to the expiration of his term of service by the payment of money or any other valuable thing whatsoever as consideration for his release from military service or liability thereto.

"SEC. 4. That the Vice President of the United States, the officers, legislative, executive, and judicial, of the United States and of the several States, Territories, and the District of Columbia, regular or duly ordained ministers of religion, students who at the time of the approval of this act are preparing for the ministry in recognized theological or divinity schools, and all persons in the military and naval service of the United States shall be exempt from the selective draft herein prescribed; and nothing in this act contained shall be construed to require or compel any person to serve in any of the forces herein provided for who is found to be a member of any well-recognized religious sect or organization at present organized and existing and whose existing creed or principles forbid its members to participate in war in any form and whose religious convictions are against war or participation therein in accordance with the creed or principles of said religious organizations, but no person so exempted shall be exempted from service in any capacity that the President shall declare to be noncombatant; and the President is hereby authorized to exclude or discharge from said selective draft and from the draft under the second paragraph of section 1 hereof, or to draft for partial military service only from those liable to draft as in this act provided, persons of the following classes: County and municipal officials; customhouse clerks; persons employed by the United States in the transmission of the mails; artificers and workmen employed in the armories, arsenals, and navy yards of the the United States, and such other persons employed in the service of the United States as the President may designate; pilots; mariners actually employed in the sea service of any citizen or merchant within the United States; persons engaged in industries, including agriculture, found to be necessary to the maintenance of the Military Establishment or the effective operation of the military forces or the maintenance of national interest during the emergency; those in a status with respect to persons dependent upon them for support which renders their exclusion or discharge advisable; and those found to be physically or morally deficient. No exemption or exclusion shall continue when a cause therefor no longer exists: *Provided*, That notwithstanding the exemptions enumerated herein, each State, Territory, and the District of Columbia shall be required to supply its quota in the proportion that its population bears to the total population of the United States.

"The President is hereby authorized, in his discretion, to create and establish throughout the several States and subdivisions thereof and in the Territories and the District of Columbia local boards, and where, in his discretion, practicable and desirable, there shall be created and established one such local board in each county or similar subdivision in each State, and one for approximately each 30,000 of population in each city of 30,000 population or over, according to the last census taken or estimates furnished by the Bureau of Census of the Department of Commerce. Such boards shall be appointed by the President and shall consist of three or more members, none of whom shall be connected with the Military Establishment, to be chosen from among the local authorities of such subdivisions or from other citizens residing in the subdivision or area in which the respective boards will have jurisdiction under the rules and regulations prescribed by the President. Such boards shall have power within their respective jurisdictions to hear and determine, subject to review as hereinafter provided, all questions of exemption under this act, and all questions of or claims for including or discharging individuals or classes of individuals from the selective draft, which shall be made under rules and regulations prescribed by the President, except any and every question or claim for including or excluding or discharging persons or classes of persons from the selective draft under the provisions of this act authorizing the President to exclude or discharge from the selective draft 'Persons engaged in industries, including agriculture, found to be necessary to the maintenance of the Military Establishment, or the effective operation of the military forces, or the maintenance of national interest during the emergency.'

"The President is hereby authorized to establish additional boards, one in each Federal judicial district of the United States, consisting of such number of citizens, not connected with the Military Establishment, as the President may determine, who shall be appointed by the President. The President is hereby authorized, in his discretion, to establish more than one such board in any Federal judicial district of the United States, or to establish one such board having jurisdiction of an area extending into more than one Federal judicial district.

"Such district boards shall review on appeal and affirm, modify, or reverse any decision of any local board having jurisdiction in the area in which any such district board has jurisdiction under the rules and regulations prescribed by the President. Such district boards shall have exclusive original jurisdiction within their respective areas to hear and determine all questions or claims for including or excluding or discharging persons or classes of persons from the selective draft, under the provisions of this act, not included within the original jurisdiction of such local boards.

"The decisions of such district boards shall be final, except that, in accordance with such rules and regulations as the President may prescribe, he may affirm, modify, or reverse any such decision.

"Any vacancy in any such local board or district board shall be filled by the President, and any member of any such local

board or district board may be removed and another appointed in his place by the President, whenever he considers that the interest of the nation demands it.

"The President shall make rules and regulations governing the organization and procedure of such local boards and district boards, and providing for and governing appeals from such local boards to such district boards, and reviews of the decisions of any local board by the district board having jurisdiction, and determining and prescribing the several areas in which the respective local boards and district boards shall have jurisdiction, and all other rules and regulations necessary to carry out the terms and provisions of this section, and shall provide for the issuance of certificates of exemption, or partial or limited exemptions, and for a system to exclude and discharge individuals from selective draft.

"SEC. 5. That all male persons between the ages of 21 and 30, both inclusive, shall be subject to registration in accordance with regulations to be prescribed by the President; and upon proclamation by the President or other public notice given by him or by his direction stating the time and place of such registration it shall be the duty of all persons of the designated ages, except officers and enlisted men of the Regular Army, the Navy, and the National Guard and Naval Militia while in the service of the United States, to present themselves for and submit to registration under the provisions of this act; and every such person shall be deemed to have notice of the requirements of this act upon the publication of said proclamation or other notice as aforesaid given by the President or by his direction; and any person who shall willfully fail or refuse to present himself for registration or to submit thereto, as herein provided, shall be guilty of a misdemeanor and shall, upon conviction in the district court of the United States having jurisdiction thereof, be punished by imprisonment for not more than one year, and shall thereupon be duly registered: *Provided*, That in the call of the docket precedence shall be given, in courts trying the same, to the trial of criminal proceedings under this act: *Provided further*, That persons shall be subject to registration as herein provided who shall have attained their twenty-first birthday and who shall not have attained their thirty-first birthday on or before the day set for the registration, and all persons so registered shall be and remain subject to draft into the forces hereby authorized, unless exempted or excused therefrom as in this act provided: *Provided further*, That in the case of temporary absence from actual place of legal residence of any person liable to registration as provided herein such registration may be made by mail under regulations to be prescribed by the President.

"SEC. 6. That the President is hereby authorized to utilize the service of any or all departments and any or all officers or agents of the United States and of the several States, Territories, and the District of Columbia, and subdivisions thereof, in the execution of this act, and all officers and agents of the United States and of the several States, Territories, and subdivisions thereof, and of the District of Columbia, and all persons designated or appointed under regulations prescribed by the President whether such appointments are made by the President himself or by the governor or other officer of any State or Territory to perform any duty in the execution of this act, are hereby required to perform such duty as the President shall order or direct, and all such offices and agents and persons so designated or appointed shall hereby have full authority for all acts done by them in the execution of this act by the direction of the President. Correspondence in the execution of this act may be carried in penalty envelopes bearing the frank of the War Department. Any person charged as herein provided with the duty of carrying into effect any of the provisions of this act or the regulations made or directions given thereunder who shall fail or neglect to perform such duty; and any person charged with such duty or having and exercising any authority under said act, regulations, or directions, who shall knowingly make or be a party to the making of any false or incorrect registration, physical examination, exemption, enlistment, enrollment, or muster; and any person who shall make or be a party to the making of any false statement or certificate as to the fitness or liability of himself or any other person for service under the provisions of this act, or regulations made by the President thereunder, or otherwise evades or aids another to evade the requirements of this act or of said regulations, or who, in any manner, shall fail or neglect fully to perform any duty required of him in the execution of this act, shall, if not subject to military law, be guilty of a misdemeanor, and upon conviction in the district court of the United States having jurisdiction thereof, be punished by imprisonment for not more than one year, or, if subject to military law, shall be tried by court-martial and suffer such punishment as a court-martial may direct.

"SEC. 7. That the qualifications and conditions for voluntary enlistment as herein provided shall be the same as those prescribed by existing law for enlistments in the Regular Army, except that recruits must be between the ages of 18 and 40 years, both inclusive, at the time of their enlistment; and such enlistments shall be for the period of the emergency unless sooner discharged. All enlistments, including those in the Regular Army Reserve, which are in force on the date of the approval of this act and which would terminate during the emergency shall continue in force during the emergency unless sooner discharged; but nothing herein contained shall be construed to shorten the period of any existing enlistment: *Provided*, That all persons enlisted or drafted under any of the provisions of this act shall as far as practicable be grouped into units by States and the political subdivisions of the same: *Provided further*, That all persons who have enlisted since April 1, 1917, either in the Regular Army or in the National Guard, and all persons who have enlisted in the National Guard since June 3, 1916, upon their application, shall be discharged upon the termination of the existing emergency.

"The President may provide for the discharge of any or all enlisted men whose status with respect to dependents renders such discharge advisable; and he may also authorize the employment on any active duty of retired enlisted men of the Regular Army, either with their rank on the retired list or in higher enlisted grades, and such retired enlisted men shall receive the full pay and allowances of the grades in which they are actively employed.

"SEC. 8. That the President, by and with the advice and consent of the Senate, is authorized to appoint for the period of the existing emergency such general officers of appropriate grades as may be necessary for duty with brigades, divisions, and higher units in which the forces provided for herein may be organized by the President, and general officers of appropriate grade for the several Coast Artillery districts. In so far as such appointments may be made from any of the forces herein provided for, the appointees may be selected irrespective of the grades held by them in such forces. Vacancies in all grades in the Regular Army resulting from the appointment of officers thereof to higher grades in the forces other than the Regular Army herein provided for shall be filled by temporary promotions and appointments in the manner prescribed for filling temporary vacancies by section 114 of the national-defense act approved June 3, 1916; and officers appointed under the provisions of this act to higher grades in the forces other than the Regular Army herein provided for shall not vacate their permanent commissions nor be prejudiced in their relative or lineal standing in the Regular Army.

"SEC. 9. That the appointments authorized and made as provided by the second, third, fourth, fifth, and sixth paragraphs of section 1 and by section 8 of this act, and the temporary appointments in the Regular Army authorized by the first paragraph of section 1 of this act, shall be for the period of the emergency, unless sooner terminated by discharge or otherwise. The President is hereby authorized to discharge any officer from the office held by him under such appointment for any cause which, in the judgment of the President, would promote the public service; and the general commanding any division and higher tactical organization or territorial department is authorized to appoint from time to time military boards of not less than three nor more than five officers of the forces herein provided for to examine into and report upon the capacity, qualification, conduct, and efficiency of any commissioned officer within his command other than officers of the Regular Army holding permanent or provisional commissions therein. Each member of such board shall be superior in rank to the officer whose qualifications are to be inquired into, and if the report of such board be adverse to the continuance of any such officer and be approved by the President, such officer shall be discharged from the service at the discretion of the President with one month's pay and allowances.

"SEC. 10. That all officers and enlisted men of the forces herein provided for other than the Regular Army shall be in all respects on the same footing as to pay, allowances, and pensions as officers and enlisted men of corresponding grades and length of service in the Regular Army; and commencing June 1, 1917, and continuing until the termination of the emergency, all enlisted men of the Army of the United States in active service whose base pay does not exceed $21 per month shall receive an increase of $10 per month; those whose base pay is $24, an increase of $8 per month; those whose base pay is $30, $36, or $40, an increase of $6 per month; and those whose base

pay is $45 or more, an increase of $5 per month: *Provided*, That the increases of pay herein authorized shall not enter into the computation of continuous-service pay.

"SEC. 11. That all existing restrictions upon the detail, detachment, and employment of officers and enlisted men of the Regular Army are hereby suspended for the period of the present emergency.

"SEC. 12. That the President of the United States, as Commander in Chief of the Army, is authorized to make such regulations governing the prohibition of alcoholic liquors in or near military camps and to the officers and enlisted men of the Army as he may from time to time deem necessary or advisable: *Provided*, That no person, corporation, partnership, or association shall sell, supply, or have in his or its possession any intoxicating or spirituous liquors at any military station, cantonment, camp, fort, post, officers' or enlisted men's club, which is being used at the time for military purposes under this act, but the Secretary of War may make regulations permitting the sale and use of intoxicating liquors for medicinal purposes. It shall be unlawful to sell any intoxicating liquor, including beer, ale, or wine, to any officer or member of the military forces while in uniform, except as herein provided. Any person, corporation, partnership, or association violating the provisions of this section or the regulations made thereunder shall, unless otherwise punishable under the Articles of War, be deemed guilty of a misdemeanor and be punished by a fine of not more than $1,000 or imprisonment for not more than 12 months, or both.

"SEC. 13. That the Secretary of War is hereby authorized, empowered, and directed during the present war to do everything by him deemed necessary to suppress and prevent the keeping or setting up of houses of ill fame, brothels, or bawdy houses within such distance as he may deem needful of any military camp, station, fort, post, cantonment, training, or mobilization place, and any person, corporation, partnership, or association receiving or permitting to be received for immoral purposes any person into any place, structure, or building used for the purpose of lewdness, assignation, or prostitution within such distance of said places as may be designated, or shall permit any such person to remain for immoral purposes in any such place, structure, or building as aforesaid, or who shall violate any order, rule, or regulation issued to carry out the object and purpose of this section shall, unless otherwise punishable under the Articles of War, be deemed guilty of a misdemeanor and be punished by a fine of not more than $1,000, or imprisonment for not more than 12 months, or both.

"SEC. 14. That all laws and parts of laws in conflict with the provisions of this act are hereby suspended during the period of this emergency."

And the Senate agree to the same.

GEO. E. CHAMBERLAIN,
G. M. HITCHCOCK,
F. E. WARREN,
Managers on the part of the Senate.

S. H. DENT, Jr.,
W. J. FIELDS,
PERCY E. QUIN,
Managers on the part of the House.

The VICE PRESIDENT. If there be no further bills or resolutions, morning business is closed.

PUNISHMENT OF ESPIONAGE.

Mr. OVERMAN. I move that the Senate proceed to the consideration of House bill 291.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 291) to punish acts of interference with the foreign relations, the neutrality, and the foreign commerce of the United States, to punish espionage, and better to enforce the criminal laws of the United States, and for other purposes.

The VICE PRESIDENT. The bill is in the Committee of the Whole and open to amendment.

Mr. OVERMAN. Mr. President, I ask for the adoption of the unanimous-consent order which I send to the desk and ask to have read.

The VICE PRESIDENT. The Secretary will read the proposed order.

The Secretary read as follows:

It is agreed by unanimous consent that after the adoption of this order speeches upon House bill 291 during the present calendar day and the calendar day of Friday, May 11, shall be limited to one hour each on the bill, the substitute, or amendments thereto, and no Senator shall speak more than once on the bill or the substitute or any amendments thereto.

It is further agreed that after the calendar day of Friday, May 11, unless the bill is otherwise disposed of, no Senator shall speak more than once, or more than 10 minutes upon the bill, the substitute, or any amendments thereto.

The VICE PRESIDENT. Is there any objection? [A pause.] The Chair hears none, and the unanimous-consent agreement is entered into.

The bill is in the Committee of the Whole and open to amendment. The question is on the committee amendment, which will be stated.

The SECRETARY. The committee amendment proposes to strike out all after the enacting clause and to insert certain words.

Mr. SMOOT. Mr. President, there are a number of Senators who are interested in the amendments that will be offered to this bill.

Mr. OVERMAN. Nobody is interested in this. This is a substitute committee amendment to the House bill, and therefore I hope it will be adopted.

Mr. CUMMINS. It will be all over, then, if we do that. It would not be open to amendment at all.

Mr. OVERMAN. The bill would then be open to amendment.

Mr. SMOOT. Not in the Committee of the Whole. For that reason, Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bankhead	Hollis	Norris	Sterling
Beckham	Husting	Overman	Stone
Borah	James	Owen	Swanson
Brandegee	Johnson, Cal.	Page	Thomas
Broussard	Jones, N. Mex.	Phelan	Thompson
Calder	Jones, Wash.	Pittman	Townsend
Culberson	Kellogg	Poindexter	Trammell
Cummins	Kendrick	Robinson	Vardaman
Curtis	King	Shafroth	Wadsworth
Fernald	Kirby	Sheppard	Walsh
Fletcher	Knox	Sherman	Warren
France	La Follette	Shields	Watson
Frelinghuysen	McCumber	Simmons	Weeks
Gallinger	McKellar	Smith, Ariz.	Williams
Gerry	McLean	Smith, Md.	Wolcott
Hale	Martin	Smith, Mich.	
Harding	Nelson	Smith, S. C.	
Hardwick	New	Smoot	

Mr. THOMPSON. I desire to announce that the Senator from Oregon [Mr. CHAMBERLAIN] is detained on official business.

Mr. FRELINGHUYSEN. I desire to announce the unavoidable absence of my colleague [Mr. HUGHES] on account of illness. I ask that this announcement may stand for the day.

Mr. WOLCOTT. I desire to announce the necessary absence of my colleague [Mr. SAULSBURY], who is absent on account of very important business. I will let this announcement stand for the day, although he may be here later.

Mr. GERRY. I have been requested to state that the senior Senator from Illinois [Mr. LEWIS] is absent on account of official business.

Mr. CURTIS. I desire to announce the absence of the senior Senator from Vermont [Mr. DILLINGHAM] on account of illness in his family. I will let this announcement stand for the day.

The VICE PRESIDENT. Sixty-nine Senators have answered to the roll call. There is a quorum present.

Mr. BORAH. Mr. President, what is the pending amendment?

The VICE PRESIDENT. The pending amendment is to strike out the House text and substitute Senate bill 2 as amended. As some Senators were not here at the time, perhaps it would be advisable for the Chair to state that a unanimous-consent agreement has been entered into limiting the debate for to-day and to-morrow to one hour.

Mr. THOMAS. I desire to give notice that I shall move to strike out all after the word "years," on page 37, line 5, down to and including the word "imprisonment," on line 18 of the same page, being what is popularly known as paragraph (c) of section 2 of Chapter II, the chapter on espionage.

Mr. BORAH. May I ask the Senator who has the bill in charge if we are now on Chapter XII?

Mr. OVERMAN. We are on the whole bill now.

Mr. BORAH. I understood that the Senator from Georgia [Mr. HARDWICK] was going to offer an amendment to Chapter XII.

Mr. HARDWICK. I will offer it now if in order.

Mr. BORAH. I wish to address some remarks to it.

The VICE PRESIDENT. No amendment has yet been offered. The amendment of the Senator from Georgia is in order.

Mr. FLETCHER. An amendment has been offered by the Senator from Colorado [Mr. THOMAS] to strike out subsection (c) on page 37.

The VICE PRESIDENT. No; he simply gave notice that he would offer it.

Mr. HARDWICK. I offer the following amendment, then.

The VICE PRESIDENT. The Senator from Georgia offers an amendment, which will be stated.

The SECRETARY. On page 38, lines 2 and 3, strike out the words "of a seditious, anarchistic, or treasonable character" and insert in lieu thereof the following:

Advocating or urging treason, insurrection, or forcible resistance to any law of the United States.

Mr. JONES of Washington. On what page of the bill as reported is that?

Mr. HARDWICK. There is a difference in the print, I understand, and I do not know just where.

Mr. LA FOLLETTE. On page 66.

Mr. HARDWICK. Yes; Chapter XII begins on page 66, and it would be in lines 2 and 3 on page 67.

The VICE PRESIDENT. The amendment will be stated as it will come in at that point.

The SECRETARY. On page 67, line 2, after the word "matter," strike out the words "of a seditious, anarchistic, or treasonable character" and insert in lieu thereof the following: "Advocating or urging treason, insurrection, or forcible resistance to any law of the United States."

Mr. THOMAS. Mr. President——

Mr. HARDWICK. I yield to the Senator from Colorado.

Mr. THOMAS. The Senator from Georgia very kindly yields to me to offer in writing the amendment of which I gave notice.

Mr. HARDWICK. In addition to the motion that I have submitted it is my purpose to move, when that is disposed of, to strike out section 1 of the chapter, section 3 of the chapter, and section 5 of the chapter. I think the Senator in charge of the bill will agree to the pending amendment; I hope he will; and also to the motion to strike out section 3; and also to the motion to strike out section 5; but I do not believe he will agree to the proposition to strike out section 1. That is the only difference as far as I understand his attitude.

Mr. OVERMAN. The Senator will offer them separately?

Mr. HARDWICK. I am going to offer them separately, and I wish to explain exactly what the amendment means and what it will be if the Senate acts either one way or the other, according to the plan I have suggested.

The language in section 2 is:

SEC. 2. Every letter, writing, circular, postal card, picture, print, engraving, photograph, newspaper, pamphlet, book, or other publication, matter or thing, of any kind, containing any matter of a seditious, anarchistic, or treasonable character, is hereby declared to be nonmailable.

Mr. President, I have moved an amendment substituting for the words "of a seditious, anarchistic, or treasonable character" the words "advocating or urging treason, insurrection, or forcible resistance to any law of the United States." I will state the reason why I have suggested that modification.

In conferring upon executive officers arbitrary power it is most important, where we confer it at all, that the power should be as sharply limited and as clearly defined as human language can limit and define it. The words "of a seditious, anarchistic, or treasonable character" are words in which there is large room for construction. Something that would not be accounted treason under the principles of law applicable to this question might be said to be, with some show of plausibility and reason, of a treasonable character. Something that might not amount to sedition or insurrection under the law and jurisprudence of this country might be said to be of a seditious or insurrectionary character.

Mr. OVERMAN. I will state to the Senator that if he offers that as a separate amendment I do not object to it.

Mr. HARDWICK. That is the first one?

Mr. OVERMAN. I will accept that amendment. I am glad to accept it.

Mr. HARDWICK. Then we agree on that, and of course I do not care to discuss it any further. If we use language that is already defined by the courts and has a precise and fixed meaning in the jurisprudence of every civilized country, there is less room for abuse of power than if this doubtful, vague language were left in.

Mr. BORAH. Now, I wish to ask the Senator——

Mr. HARDWICK. I yield.

Mr. LA FOLLETTE. The amendment has not been voted on.

Mr. BORAH. I thought the amendment had been disposed of.

Mr. OVERMAN. I have no objection to the amendment, as far as I am concerned.

Mr. HARDWICK. If there is no objection, let it be adopted. I am glad to know that the Senator in charge of the bill is agreeable to the amendment.

The PRESIDING OFFICER (Mr. HOLLIS in the chair). The question is on the amendment presented by the Senator from Georgia [Mr. HARDWICK].

The amendment was agreed to.

Mr. HARDWICK. I move to strike out section 3.

Mr. OVERMAN. I have no objection to striking out section 3.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 67 strike out lines 4 to 9, inclusive, being section 3, in the following words:

SEC. 3. The Postmaster General may, upon evidence satisfactory to him that any person, concern, association, or company is engaged in using the mails for the circulation or dissemination of any matter by this act declared to be nonmailable, forbid the use of the mails by any such person, concern, association, or company.

The PRESIDING OFFICER. Without objection, the amendment is adopted.

Mr. HARDWICK. I move to strike out section 5 of the chapter.

Mr. OVERMAN. I myself moved to strike out that.

Mr. HARDWICK. All right. The Senator can move the amendment.

Mr. OVERMAN. I asked to have it stricken out and I think it has been stricken out.

The PRESIDING OFFICER. The Senator from North Carolina moves to strike out section 5, which will be read.

The SECRETARY. On page 67 it is proposed to strike out lines 20 to 23, being section 5, in the following words:

SEC. 5. An order of the Postmaster General forbidding the use of the mails in any case under the provisions of this chapter shall be subject to review by injunction proceedings instituted in the Supreme Court of the District of Columbia.

The amendment was agreed to.

The PRESIDING OFFICER. Sections 3 and 5 have been stricken out.

Mr. HARDWICK. I move to strike out section 1, on page 66. Before I submit that motion I wish to say that the Senator from North Carolina has already consented to modifications that very materially improve this chapter and will make it a great deal less objectionable than it was as presented here, and it is one that I think possibly we can afford to vote for, even if this amendment does not prevail. Still I believe the amendment I now offer ought also to prevail, and I will tell Senators why.

I want to make it unlawful to mail matter of any kind urging or advocating treason, insurrection, or forcible opposition to any law of the United States. I want to make matter of that sort not only nonmailable but I want to make it a crime to mail it or attempt to mail it. I want to punish the man who mails that sort of matter, who uses the United States mails to send that sort of matter through the country.

Mr. WALSH. Mr. President, my attention was diverted when the first amendment offered by the Senator from Georgia was presented. It reads "forcible resistance to any law of the United States"?

Mr. HARDWICK. Yes, sir.

Mr. WALSH. Would not the Senate be quite willing to add "or of any State"? We should not be permitting the circulation of matter through the mails that would advocate the forcible violation of any law of a State.

Mr. HARDWICK. I certainly would be willing to accept that, but I want to suggest this thought to the Senator's mind: Ought we to deal at all with State matters in dealing with a purely Federal function?

Mr. WALSH. I venture to present the fact that we are making a provision concerning the use of the mails, and we simply deny to anyone the use of the mails for the purpose of circulating matter advocating a resistance to the laws of the United States.

Mr. HARDWICK. I believe the Senator is right about it, on first impression, and I will make no objection to that addition. If the Senator will make that suggestion later, I will vote for an amendment proposing it. The action we have already taken removes many of the most objectionable features of this chapter, in my opinion. Still, I must confess, Mr. President, I am always reluctant to give to any executive officer the right to take arbitrary action, according to his arbitrary opinion about matters of this sort. When it comes to convicting a person of treason, of insurrection, of urging forcible resistance to any law of the United States, and to incorporate the suggestion of the Senator from Montana, of any State as well, it does seem to me that before a man is convicted of conduct of that sort the issue ought to be determined in the courts of the country by a jury of his peers, and the questions of fact ought to be presented and determined there. That is the constitutional system of this country, and it is one of the sacred and fundamental rights of English-speaking peoples and of all peoples where free government prevails.

Mr. BORAH. May I ask the Senator a question?

Mr. HARDWICK. I yield to the Senator.

Mr. BORAH. I desire to ask the Senator a question in regard to section 1 and also with reference to section 2 as it has been amended. It says "every letter, writing, circular." Also, section 2 says "every letter, writing, circular, postal card," and so forth. How is the Postmaster General going to determine what the contents of a letter are? How is he going to ascertain that fact?

Mr. HARDWICK. Of course, this would have been true under section 3 if it had remained in the bill; there would be general power to exclude all the mail of such person in the future. Of course, when a person sends that sort of matter through the mail, written to an addressee who might give the department information of it, then the Postmaster General, under the authority of section 3, would hold that hereafter that person can not use the mail for any purpose.

Mr. OVERMAN. Will the Senator yield to me? Does he find authority in the bill for the Postmaster General to open any letter or paper or anything else?

Mr. HARDWICK. There is none; not in the express language of the bill.

Mr. BORAH. Then what is the meaning of the bill when it says "every letter"?

Mr. OVERMAN. It makes it a crime to send through the mail a letter of a treasonable character urging people to sedition, just like letters I have here now, which are treasonable in their nature.

Mr. HARDWICK. I expect the Senator from Idaho has this point in mind. Of course, that could not be determined unless they looked into the letter before it is mailed, and of course it would not then be admitted to the mail.

Mr. OVERMAN. Certainly, when the man has received the letter—

Mr. HARDWICK. It is already carried in the mails.

Mr. BORAH. Does the Senator in charge of the bill or the Senator from Georgia contend that under section 1 the Postmaster General could open the mails and find out the contents of the letter?

Mr. OVERMAN. He is authorized to do that.

Mr. BORAH. What I am trying to find out is whether or not this is supposed to be a dead letter or simply depends upon the possibility of finding the letter after it has reached the addressee and has been thus exposed.

Mr. OVERMAN. Under section 3 authority was given to open the letters and stop them.

Mr. HARDWICK. But when it has been discovered that a man has once committed this offense, then under section 3, in the future, all access to the mails could be denied him.

Mr. BORAH. Let us see about section 1. It says here:

SECTION 1. Every letter, writing, circular, postal card, picture, print, engraving, photograph, newspaper, pamphlet, book, or other publication, matter, or thing, of any kind, in violation of any of the provisions of this act, or intended or calculated to induce, promote, or further any of the acts or things by any provision of this act declared unlawful, is hereby declared to be nonmailable matter and shall not be conveyed in the mails or delivered from any post office or by any letter carrier.

That can not have reference to a letter after it has passed through the mails and has reached the addressee. That has reference to a letter which is offered for carrying purposes, and it presupposes that some one will investigate the contents of that letter to find out whether or not it is mailable.

Mr. OVERMAN. The cream of this section is that it declares unlawful the things that are mentioned.

Mr. FLETCHER. I think clearly it is not a question of ascertaining before the letter is mailed whether or not it is nonmailable. If the letter, after it is delivered, comes into the hands of the Post Office Department by the action of the addressee or in some other way, and if upon examination of that letter it is found that it is a letter which is nonmailable under this proposed law, then the person mailing it is subject to prosecution, and he is to be tried for that offense.

Mr. OVERMAN. I will read the language.

Mr. BORAH. That is not what section 1 says, it seems to me.

Mr. OVERMAN. Mr. President, if the Senator from Idaho will yield to me——

Mr. BORAH. I yield to the Senator.

Mr. OVERMAN. The section says:

Every letter, writing, circular, postal card, picture, print, engraving, photograph, newspaper, pamphlet, book, or other publication, matter, or thing, of any kind, in violation of any of the provisions of this act—

What provisions? The provisions as amended on motion of the Senator from Georgia—

or intended or calculated to induce, promote, or further any of the acts or things by any provision of this act—

That is, the provision contained in this section as amended on motion of the Senator from Georgia. The other portion provides the penalty—

or further any of the acts or things by any provision of this act declared unlawful——

Mr. BORAH. It reads further, "is hereby declared to be nonmailable."

Mr. OVERMAN. It reads further—

is hereby declared to be nonmailable matter and shall not be conveyed in the mails or delivered from any post office or by any letter carrier.

Such matter ought not to be conveyed; but the provision does not authorize anybody to open letters.

Mr. BORAH. Precisely; but how do you provide for ascertaining whether or not a letter contains nonmailable matter, except by opening the letter?

Mr. HARDWICK. Mr. President——

Mr. BORAH. I yield to the Senator.

Mr. HARDWICK. The Senator from Idaho, I think, has struck the very kernel of the matter, and I am going to discuss that very proposition in a moment.

Mr. STERLING. I desire to say to the Senator from Idaho or to the Senator from Georgia——

Mr. HARDWICK. I yield to the Senator from South Dakota.

Mr. STERLING. That the provision of the Federal statute in regard to obscene or lascivious literature contains practically the same expression. It makes matter of that kind contained in a letter, a circular, a print, or an engraving nonmailable matter. Turning over to the statute relative to lotteries, gift enterprises, and other prohibited matter, the statute is in this language——

Mr. HARDWICK. Will the Senator read the language? I should like to see whether the concluding sentence of this section of the bill is contained in the language of the statute.

Mr. STERLING. Very well. I wish to call attention to the section of the statute relative to obscene matter, which is as follows:

Every letter, packet, or package, or other mail matter containing any filthy, vile, or indecent thing, device, or substance, and every paper, writing, advertisement, or representation that any article, instrument, substance, drug, medicine, or thing may, or can be, used or applied * * * for any indecent or immoral purpose; and every description calculated to induce or incite a person to so use or apply any such article, instrument, substance, drug, medicine, or thing, is hereby declared to be nonmailable matter and shall not be conveyed in the mails or delivered from any post office or by any letter carrier.

In regard to lotteries, I may state, without reading it, that the language is somewhat different.

Mr. BORAH. I am myself familiar with both those statutes.

Mr. HARDWICK. If the Senator will pardon me, the statute which he has before him contains the exact authority in point and is in the precise words, even including the last sentence, which was in the main the most objectionable thing in the previous laws of this character which we have enacted. In the lottery statute and the statute against obscene and lascivious matter, the provision was that they should be nonmailable, and should not "be carried in the mails or delivered from any post office or by any letter carrier."

Mr. OVERMAN. If the Senator will allow me, I desire to have read into the RECORD in the hearing of the Senate the construction which the Postmaster General has placed on this section, in calling attention to this chapter, which is in the same language as previous statutes.

Mr. HARDWICK. I will yield to the Senator for that purpose.

Mr. OVERMAN. I will ask the Secretary to read the letter which I send to the desk.

The PRESIDING OFFICER. The Secretary will read as requested.

The Secretary read as follows:

POST OFFICE DEPARTMENT,
OFFICE OF THE SOLICITOR,
Washington, May 7, 1917.

Hon. LEE S. OVERMAN,
United States Senate.

MY DEAR SENATOR: I have read in the CONGRESSIONAL RECORD of Saturday's proceedings the discussion in the Senate with respect to the chapter of the so-called espionage bill, Senate bill No. 2, relating to the Post Office Department. I will not presume to discuss what the policy of Congress should be with respect to the matters covered by the discussion in the Senate, but it seems proper for me to call your attention to certain points in regard to which there seems to be an erroneous impression.

There is nothing to be found in the pending bill which in express terms authorizes the opening of sealed communications from the time they are dropped in the United States mails until they are actually delivered to the addressees, and there is nothing in existing law which authorizes such opening of sealed communications except sections 3936 and 3938 of the Revised Statutes. The first-named section provides as follows:

"The Postmaster General may regulate the period during which undelivered letters shall remain in any post office and when they shall be returned to the dead letter office; and he may make regulations

for their return from the dead letter office to the writers when they can not be delivered to the parties addressed."

The other section provides for the registration and return of valuable inclosures and of letters of value or importance to the party addressed or to the writer. These sections have been uniformly construed by the Post Office Department to authorize the opening of this particular class of sealed matter for the purposes specifically set forth in the statutes. No other class of sealed matter is authorized to be opened while in the United States mails. On the contrary, section 5890, Revised Statutes, now 195 of the Criminal Code, provides as follows:

"Whoever, being a postmaster or other person employed in any department of the Postal Service, shall unlawfully detain, delay, or open any letter, postal card, package, bag, or mail intrusted to him, or which shall come into his possession, and which was intended to be conveyed by mail, or carried or delivered by any carrier, messenger, agent, or other person employed in any department of the Postal Service, or forwarded through or delivered from any post office or station thereof established by authority of the Postmaster General; or shall secrete, embezzle, or destroy any such letter, postal, card, package, bag, or mail; or shall steal, abstract, or remove from any such letter, package, bag, or mail, any article or thing contained therein, shall be fined not more than $500 or imprisoned not more than five years, or both."

Sections 3892 and 5469 Revised Statutes, now 194 of the Criminal Code, provides as follows:

"Whoever shall steal, take, or abstract, or by fraud or deception obtain, from or out of any mail, post office, or station thereof, or other authorized depository for mail matter, or from a letter or mail carrier, any letter, postal card, package, bag, or mail, or shall abstract or remove from any such letter, package, bag, or mail, any article or thing contained therein, or shall secrete, embezzle, or destroy any such letter, postal card, package, bag, or mail, or any article or thing contained therein; or whoever shall buy, receive, or conceal, or aid in buying, receiving, or concealing, or shall unlawfully have in his possession, any letter, postal card, package, bag, or mail, or any article or thing contained therein, which has been so stolen, taken, embezzled, or abstracted, as herein described, knowing the same to have been so stolen, taken, embezzled, or abstracted; or whoever shall take any letter, postal card, or package out of any post office or station thereof, or out of any authorized depository for mail matter, or from any letter or mail carrier, or which has been in any post office or station thereof, or other authorized depository, or in the custody of any letter or mail carrier, before it has been delivered to the person to whom it was directed, with a design to obstruct the correspondence, or to pry into the business or secrets of another, or shall open, secrete, embezzle, or destroy the same, shall be fined not more than $2,000 or imprisoned not more than five years, or both."

The inviolability of the seal of letters and other first-class mail matter has always been strictly observed by the Postal Service. Inspectors in their work of detecting crime are not even permitted to examine letters which are opened by authority of law in the dead-letter office. I may add that during the present national exigency many suggestions have been made to the Postmaster General with respect to the advisability of having opened and inspected certain classes of sealed communications, and to his uniform reply that there was no authority of law for so doing, he has been urged to ask Congress for such specific authority. This he has declined to do, and I know, and am authorized to state, he is seriously opposed to such legislation.

It was contended in the discussion Saturday in the Senate that the fact that certain matter under seal was made nonmailable by the bill carried with it the necessary implication that some one was authorized to break the seal and determine the character of the matter. I do not think that such construction could properly be placed upon the language of the bill. It is a well-settled principle of statutory construction that where the legislative body has once dealt with a particular question and disposed of it in clear and unambiguous language, such as the statutes above quoted, with respect to the opening of mail, no subsequent statute of a general nature and in general terms can be construed to modify or repeal the specific provisions of the former statute. (Lewis' Sutherland on Statutory Construction, secs. 274, 275; United States *v.* Gear, 44 U. S., 131; Ex Parte Crow Dog, 109 U. S., 570; Petri *v.* Creelman Lumber Co., 199 U. S., 497; Reed *v.* The United States, 211 U. S., 529; in re Rouse, Hazard & Co., 91 Fed., 101; Great Northern Ry. Co. *v.* The United States, 155 Fed., 945 (affir. 208 U. S., 452), and cases there cited.)

This identical question was discussed in the House on last Friday and an amendment was proposed to the effect that nothing contained in the section should be construed to authorize the opening of sealed communications; but after some discussion, the general concensus of opinion appearing to be that there was no necessity for such provision, the author of the proposed amendment voluntarily withdrew it. There would appear to be no objection to such an amendment if deemed desirable, although it would seem to be entirely unnecessary.

The effect of the chapter relating to the mails in the pending bill is to make certain classes of matter unmailable. Under existing law second, third, and fourth-class matter, which is not under seal, is subject to inspection by postmasters, and if found to be nonmailable is taken from the mails and disposed of under the Postal Laws and Regulations. Unsealed matter prohibited by the pending bill would be treated in the same way. Under instructions from the Postmaster General if a postmaster has no doubt that the matter is nonmailable he may act upon his own responsibility. If he is in doubt he asks for instruction from the law officer of the department, submitting a copy of the questionable matter. As to all nonmailable matter under seal covered by the pending bill it would go as in the ordinary course of other first-class matter through the mails and be delivered, notwithstanding the fact that it was nonmailable in character, but it being nonmailable a criminal offense would be created by it being sent through the mails, and upon complaint of the person receiving it or upon any other satisfactory proof that it had been sent through the mails, the sender would be liable to indictment and to punishment for such misuse.

The foregoing represents the view and attitude of the Post Office Department in regard to the matter under discussion, and I trust that you will not think it out of place for me to put this information in your hands in this shape for such use as you may see fit to make of it.

Very truly, yours,

W. H. LAMAR, *Solicitor.*

Mr. HARDWICK. Mr. President, the pending section, as I said a moment ago, is in the terms of both the lottery statute and the statute against obscene literature——

Mr. LA FOLLETTE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Wisconsin?

Mr. HARDWICK. I yield to the Senator.

Mr. LA FOLLETTE. Mr. President, I wish merely to make an observation in respect to the communication which has just been read from the desk, regarding the practices of the Post Office Department.

I make no question, sir, but that the law has been correctly stated; but I do raise the question as to whether it has been the uniform practice of the Post Office Department to keep within the law. Under another administration I brought to the floor of the Senate a large number of letters addressed to me which had been opened in transit. They were passed around and examined by Senators. There was not any room for doubt, Mr. President, that the statutes had been violated by officials of the department in inspecting the contents of those letters. I had addressed a large number of letters to postal employees with regard to certain abuses in the service and certain acts of interference with their rights. The replies to those letters were opened in transit, and I exhibited upon this floor the evidence of the plain violation of the law.

It is all well enough for the department to quote these statutes for the protection of sealed mailable matter. The statutes are well understood. But they are not always observed. And when they are violated—as I personally know they have been by department officials—there is little or no redress for the citizen whose rights have been invaded. It would be next to impossible to prove who of the great force in the department handling and having access to the mails had opened letters in transit. Hence the statutes protecting mail may afford very little protection to the citizen.

For these reasons Congress ought to be very careful about enlarging the powers of department officials in dealing with the mail of the private citizens.

Mr. OVERMAN. Mr. President, will the Senator from Georgia yield to me for a moment?

Mr. HARDWICK. Yes.

Mr. OVERMAN. The Senator from Wisconsin was not in the Chamber probably a few days ago when I had read a communication from the department. The Senator says that the instance to which he referred occurred under the last administration.

Mr. LA FOLLETTE. I said it occurred under another administration.

Mr. OVERMAN. "Another administration." I had read into the RECORD a few days ago a statement as to the policy of this administration, under which practices of that kind have been abolished.

Mr. LA FOLLETTE. I was in the Chamber when that communication was read.

Mr. OVERMAN. That kind of thing has not been done under this administration.

Mr. LA FOLLETTE. But conceding that this administration has not violated the laws, that it has observed these statutes enacted for the protection of the privacy of sealed mail matter, does not meet the objection I make. This administration may not last any longer than its present term of office. I am inclined to think that we are writing upon the statute books at this time and in this session many laws that are likely to be quite effective in putting an end to the service of the present administration at the end of its term of office.

Mr. HARDWICK. Now, Mr. President, I want to conclude what I have to say about this matter, and I can do so in just a moment.

There is not the slightest reason on earth to retain section 1 in this bill unless the purpose is through inspectors or in one way or another to stop certain mail from being transmitted before the question is decided by any court.

Mr. BORAH. Mr. President, the Senator has stated the exact purport of this section. It can not have any reason for existence in reality unless it is proposed to examine the mail.

Mr. HARDWICK. That is it, of course. There is no other reason for it at all. Why? Because section 1 provides—and that is the section I have moved to strike out—

> Every letter, writing, circular, postal card * * * intended or calculated to induce, promote, or further any of the acts or things by any provision of this act declared unlawful is hereby declared to be nonmailable matter.

I am going to stop there and read no more of section 1. Section 2 says that these same things, and defines the things, namely—

> Every letter, writing, circular, postal card * * * containing any matter urging or advocating treason, insurrection, or forcible resistance to any law of the United States is hereby declared to be nonmailable.

What is the need of repeating that language? Section 1 has no earthly significance; it has no reason in this bill, unless it means that power more than that advocated by the Senator from North Carolina is conveyed and is intended to be conveyed by it.

Mr. FALL. Mr. President——

Mr. OVERMAN. That does not make the act unlawful.

Mr. HARDWICK. Yes, it does; and I will tell the Senator why.

Mr. OVERMAN. It does not make it unlawful at all.

Mr. FALL. Mr. President, I merely want to ask a question there.

Mr. HARDWICK. I will yield to the Senator in a moment. I will come right back to that. I am going to show you why. Now, leave out section 1 and what do you get? Section 2, which would become section 1, and which would read:

Every letter * * * containing any matter urging or advocating treason, insurrection, or forcible resistance to any law of the United States is hereby declared to be nonmailable.

Section 2, which is the old section 4:

Whoever shall use or attempt to use the mails or Postal Service of the Government for the transmission of any matter declared by this chapter to be nonmailable shall be fined—

Or "imprisoned." Now, there is the complete statute without any more, without the addition of a single word, without the conferring of a single unnecessary power.

Section 1, I say, therefore, has no meaning. The only thing in section 1 that is not in section 2 is this, the last sentence:

Is hereby declared to be nonmailable matter—

You notice I stopped there before—

and shall not be conveyed in the mails or delivered from any post office or by any letter carrier.

Now, that is the only reason for section 1. It is the only excuse for its existence. It is the only necessity whatever for it.

Mr. FLETCHER. Mr. President, I think the Senator has not quite grasped the full meaning of section 1. It covers the whole act. The language is "in violation of any of the provisions of this act."

Mr. HARDWICK. Is there anything in this act except section 2?

Mr. FLETCHER. The Senator is thinking of the chapter, I am afraid. It does not say "in violation of any of the provisions of this chapter"; it says "in violation of any of the provisions of this act," meaning the whole act, from beginning to end.

Mr. HARDWICK. Oh, well, if that is true, then undoubtedly it ought to go out. I thought it meant "chapter." Does the Senator construe that to mean everything in the whole act and not just in this chapter?

Mr. FLETCHER. It is the question of whether you want to prohibit going through the mails any matter which purposes a violation of the law as defined in this act.

Mr. HARDWICK. The Senator from North Carolina construes this to mean the chapter, and he drew it and brought it here.

Mr. OVERMAN. There is nothing else in the bill except this mail matter.

Mr. HARDWICK. In this chapter.

Mr. FLETCHER. There is a great deal in this bill besides this mail matter.

Mr. HARDWICK. There is not a Senator of the United States, in my judgment, who would vote for that broad a proposition—not one—at least I think not. I hope not.

Mr. FLETCHER. Well, here is the exact language. It says "act." It does not say "chapter."

Mr. HARDWICK. I know, but it means "chapter." We would not put a blanket provision like that in any law we would enact; at least I hope not.

Mr. OVERMAN. It ought to be amended in that respect.

Mr. HARDWICK. The Senator does not mean that?

Mr. OVERMAN. When it was sent to us, it was sent to us as a separate act, and we put it in here as a chapter.

Mr. HARDWICK. Yes; as a chapter. That is what the language means; and if it meant what the Senator from Florida thought it meant, he would not vote for it to save his life. It would be all the more objectionable.

Mr. FLETCHER. It is not a question of what I think about it. That is the exact language of the section.

Mr. HARDWICK. Well, I know; but the Senator from North Carolina has explained how that happened. These propositions were brought here as separate acts, and then they were made into chapters, and when this consolidation took place they ought to have changed the verbiage so as to make this provision refer only to the acts prohibited in this particular chapter and not in the entire act, consisting of some 12 separate and distinct chapters, most of which have no direct and immediate connection with each other.

Mr. FLETCHER. I called attention to the fact that the Senator seemed to think that section 1 and section 2 were practically identical.

Mr. HARDWICK. Well, they are. The Senator from Florida can see, with that explanation, why the mistake was made.

Mr. FLETCHER. Of course, if we should strike out the word "act" and insert "chapter," the situation would be entirely different.

Mr. OVERMAN. Let us correct that right now. I suggest that we amend it by making it read, on line 20, "any provision of this chapter."

Mr. STERLING. Mr. President——

The PRESIDING OFFICER. The Presiding Officer feels that he must admonish Senators. We have had as many as three Senators talking at once, and it is hard on the reporters. The Senator from Georgia is recognized. Does he yield to the Senator from South Dakota?

Mr. HARDWICK. Yes.

Mr. STERLING. I just wanted to suggest, if I may be permitted to do so—I do it with some hesitancy, too—that the Senator from North Carolina withhold that proposition for the time being, and not agree to substitute the word "chapter" for the word "act."

Mr. HARDWICK. Of course, that can be done later; and it will be done and ought to be done if this section is retained at all, because we do not want to confer on any executive department of this Government a blanket power of this sort, that may cover a thousand things to which our attention is not specifically directed in this connection. I hope no Senator on either side of this Chamber would vote for such a proposition. It means, of course, as the Senator from North Carolina suggests, "chapter" instead of "act"; but it was put here "act" because these chapters all came in as separate acts, and were finally consolidated.

Now, giving it that construction, what have you got? You are up against this proposition: Section 1 means nothing on earth more than what section 2 already means and what section 2 will mean without it, unless it is given a different signification by the concluding words:

And shall not be conveyed in the mails or delivered from any post office or by any letter carrier.

Now, of course, if those words are not construed to give to the inspectors of the United States the power to pry into the mails, the power to decide in advance questions that ought to be decided by courts and juries in this country, then there is no reason on earth for keeping section 1 in the bill.

The Senator from North Carolina thought, I am afraid, that the bill would be left unbalanced and incomplete if we struck out section 1. It would not, unless these words have a meaning different from what the letter of the Postmaster General gives them.

Mr. OVERMAN. No; I agree that the construction of the Senator from Georgia is right about it. It would stop from going through the mails, according to his amendment, treasonable matter, matter arousing the people to insurrection and violence. That is what it means, I think, as the Senator says it does; and that is what I want to stop.

Mr. HARDWICK. I understand; but the other section will stop that.

Mr. OVERMAN. No; it will not.

Mr. HARDWICK. Well, there is this difference: The concluding words in section 1 could be construed by the Post Office Department, if it construes them in the way that it says in this letter it will not, and if it construes them differently from the way it has construed similar language in other statutes, to authorize the prying into and opening of letters and other matter, hunting for evidence to see whether this law is being violated or not. I am not for that. I am opposed to that. I am opposed to any such policy as that. I am opposed to conferring any such power as that. What I want to do is to declare that it shall be unlawful to send any matter of this kind, advocating or urging treason, insurrection, or forcible resistance to any law of the United States or of any State, if the sensible suggestion of the Senator from Montana is adopted, also; and then, when that is declared, I want to say that if people violate this law, they shall not be tried and condemned by the Post Office Department, but they shall be tried in the courts of the Republic and before juries of their peers. I do not care what a man is charged with, whether it is treason, insurrection, or anything else; that right ought to remain to him forever. It is funda-

mental; it is constitutional. We ought not to commit to anybody else the power to take any action of a drastic character with respect to this sort of a matter, in advance of a court's decision, and the verdict of a jury.

Now, I do not know whether section 1 should be kept in the bill if it is to be given a construction that authorizes mail of all sorts to be pried into in a hunt to discover whether or not this law is being violated. If it does not mean that—and the Postmaster General says it does not, and contends that he has never construed these other statutes which are in identical verbiage, as the Senator from South Dakota pointed out, with this bill—if it does not mean that, then there is no reason for the section in the bill.

If it does mean that, then there is still less reason for us to retain it.

Mr. BORAH. Mr. President, I quite agree with the argument of the Senator from Georgia, that section 1 can have no effect at all, and can be of no practical worth, unless it presupposes that you are to get inside of these letters in some way.

The section is as follows:

> Every letter, writing, circular, postal card, picture, print, engraving, photograph, newspaper, pamphlet, book, or other publication, matter, or thing, of any kind, in violation of any of the provisions of this act, or intended or calculated to induce, promote, or further any of the acts or things by any provision of this act declared unlawful, is hereby declared to be nonmailable matter and shall not be conveyed in the mails or delivered from any post office or by any letter carrier.

Now, that can not contemplate the discovery of the contents of the letter after it shall have passed through the mails and gone into the hands of the addressee. It must contemplate, if it is to be effectual and to work out any results, an investigation as to the contents of that letter at some time after it has left the hands of the writer and before it finally leaves the post office. This is not a statute which declares it an offense to mail such literature. If so, you might very well say that it was contemplated that the addressee might deliver up the letter and thereby inform the department, and the department could proceed under the criminal law to prosecute; but this is purely a nonmailing statute and nonmailable literature, and all that it seeks to do is to render it nonmailable. You can not render it nonmailable for its contents unless you know what its contents are, and you can not know what its contents are unless you break the seal before the time when it is no longer to be carried in the mails at all.

Mr. HUSTING. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Wisconsin?

Mr. BORAH. I yield.

Mr. HUSTING. The Senator's objections to that section, of course, only apply to sealed letters?

Mr. BORAH. Precisely.

Mr. HUSTING. They would not apply to the other writings, circulars, postal cards, and so forth, the contents of which could be readily discovered before the time they were put into the mails?

Mr. BORAH. My argument at the present moment only applies to that which is sealed, either a package or a letter. Anything that is closed by seal would come under the purview of my present statement.

Mr. HUSTING. Mr. President, may I suggest to the Senator possibly what this is trying to reach? There are headquarters or bureaus that are constantly sending out letters that are identical in their substance and in their form. Even the envelopes are identical. I want to say that for the last year and a half I have been the recipient of letters coming from a certain bureau, and I know without looking in them what is inside them. That is, I know where they emanate from. I am merely suggesting that the authorities know these bureaus, know the kind of stuff they are sending out, and, in fact, it is no secret, and perhaps this is designed merely to reach the propaganda and reach it in such a way as would not constitute a violation of the postal laws.

I merely suggest that as perhaps what we are trying to arrive at.

Mr. BORAH. Well, it is possible that an institution would become so notorious in the mail that is being sent out, by reason of the fact that the contents had been gathered up from the addressees, and so forth, that it had established a character with reference to that kind of literature; and in that instance it might be possible to proceed without actually breaking the seal. But if that were true they could be just as well prosecuted under the other section of the statute, because you have the conclusive evidence.

Mr. HUSTING. I just want to say to the Senator that I believe that section 1, as I construe it, providing as it does that all letters, and so forth, in violation of any of the provisions of the act are declared to be nonmailable, is much broader than section 2. I should construe this as meaning what it says—that anything in violation of the provisions of this act is unmailable, because it is the desire to cover this propaganda, as I understand it, and to cover all violations of the provisions of the various chapters of this act.

Mr. BORAH. Mr. President, I ask the attention of the Senator who has charge of this bill to the statement of the Supreme Court in the case of Ex parte Jackson (96 U. S.), the principle of which, it seems to me, has not been observed in drawing this bill, particularly with reference to section 1. This is a question of nonmailable matter before the court, and the court says:

> In their enforcement a distinction is to be made between different kinds of mail matter, between what is intended to be kept free from inspection, such as letters and sealed packages subject to letter postage, and what is open to inspection, such as newspapers, magazines, pamphlets, and other printed matter, purposely left in a condition to be examined. Letters and sealed packages of this kind in the mail are as fully guarded from examination and inspection, except as to their outward form and weight, as if they were retained by the parties forwarding them in their own domiciles. The constitutional guaranty of the right of the people to be secure in their papers against unreasonable searches and seizures extends to their papers, thus closed against inspection, wherever they may be. Whilst in the mail they can only be opened and examined under like warrant issued upon similar oath or affirmation, particularly describing the thing to be seized, as is required when papers are subjected to search in one's own household. No law of Congress can place in the hands of officials connected with the Postal Service any authority to invade the secrecy of letters and such sealed packages in the mail, and all regulations adopted as to mail matter of this kind must be in subordination to the great principle embodied in the fourth amendment of the Constitution.

Mr. OVERMAN. Mr. President, that is what I contended. The Postmaster General had not the right, or would not have the right, and he says he would not, to open any sealed packages. He stated that, and I say under the law he can not do it; and this only makes it a crime for a man to send treasonable matter through the mails. But as to papers and things like that, I think he has the right to stop them, and they are what we want to stop. It is the treasonable papers, papers with treasonable matter in them, that are denounced by the statute.

Mr. BORAH. Of what possible advantage can section 1 be, as stated by the Senator from Georgia [Mr. HARDWICK], when it does not do anything but declare that certain matter is nonmailable?

Mr. HUSTING. Mr. President——

Mr. BORAH. Just a moment. It says that every letter "is hereby declared to be nonmailable" if it has certain contents.

Mr. OVERMAN. That is right.

Mr. BORAH. And the contents can not be known.

Mr. OVERMAN. They can be known at one end of the line.

Mr. BORAH. They can be known at the other end of the line.

Mr. OVERMAN. Why, of course they can.

Mr. BORAH. But, of course, the nonmailable matter has passed by at that time.

Mr. OVERMAN. It says to the citizen of the United States that any man who writes a letter containing treasonable matter, or matter calculated to arouse the people to insurrection or anarchistic doctrines, shall not be allowed to mail it. If he mails it, he violates the law, and it is made a crime here in section 4.

Mr. HUSTING. Mr. President——

Mr. BORAH. I yield to the Senator from Wisconsin.

Mr. HUSTING. I want to call the Senator's attention to section 4 of this bill, which, it seems to me, provides that, as follows:

> Whoever shall use or attempt to use the mails or postal service of the Government for the transmission of any matter declared by this chapter to be nonmailable, shall be fined not more than $5,000 or imprisoned not more than five years, or both.

That contemplates the punishment of the offense of putting nonmailable matter into the mails, even though it had not been intercepted or stopped; in other words, in case some one had received what is declared to be, under chapter 1, an unmailable piece of matter or an unmailable letter.

Mr. BORAH. That is just precisely what the chapter ought to be, and nothing more. It ought to provide a punishment for those who shall have been convicted of mailing such matter; but it ought not to assume to put it into the power of the Postmaster General, or anyone else, to say that a sealed letter or a sealed package shall be nonmailable.

Mr. HUSTING. Nonmailable, seditious, treasonable, unlawful matter is punishable under section 4.

Mr. BORAH. Section 4 and section 2 are complete within themselves.

Mr. HUSTING. I merely want to say once more, if the Senator will permit me, that section 1 is broader and likewise pro-

vides for the punishment of those who mail nonmailable matter, punishable likewise under section 4.

Mr. HARDWICK. If the Senator will pardon me, precisely the same provision is made in section 2.

Mr. HUSTING. I can not agree with the Senator. I think section 1 is broader than section 2, because it relates to individual acts.

Mr. HARDWICK. The Senator from North Carolina has already explained it.

Mr. HUSTING. I can not accept the interpretation of the Senator from North Carolina. It is still in the bill, and my understanding of that section is that it is broader.

Mr. BORAH. Mr. President, am I speaking under a limit of time?

The PRESIDING OFFICER. The Senator from Idaho has the floor and is speaking in his own time.

Mr. BORAH. I would not object to being interrupted if I were not speaking under a limit of time, which I understand is the case.

Mr. President, I have said upon this particular phase about all that I desire to say. The Senator who has the bill in charge says that it is not intended to confer any such power. In the letter which we have just had read from the solicitor I understand he says it does not give express power. The writer of the letter disclosed his capacity for a proper distinction when he said it does not give express power because it does inevitably give implied power if we are going to make the statute workable at all.

Mr. THOMAS. I do not wish to trench upon the Senator's time, but I wish to remind him that Congress has previously passed statutes using plain and simple phraseology which have gone through a wonderful transformation under the construction afterwards given to them by the courts, either by making them say what we never intended them to say or by the addition of words which had been expressly declared previously not to be in the act. What I am afraid of is that in the enactment of this measure we may, by construction by the department and afterwards by the courts, give a power which under their construction we never intended to give, but which once given can not be withdrawn.

Mr. BORAH. I will simply add, without, of course, referring to the present incumbents of office, that the most dangerous thing in legislation is to leave a statute with any looseness whatever which is to be construed by the head of a bureau or a department. A construction is always indulged in to get as much power as is possible under any possible construction which can be given to it. That is the characteristic of a bureau in a bureaucratic form of government, regardless of those who happen to hold the office at the particular time. If some gentleman happens to hold it who regards it as essential to keep within the letter of the law, he is generally such an exception to the rule that it does not establish any precedent for his successor to follow.

Mr. THOMAS. I am reminded that a clause in the revenue act of 1913, which made an exception of incomes——

The PRESIDING OFFICER. The Chair will inquire of the Senator from Colorado if he is speaking once in his own time.

Mr. THOMAS. I shall occupy the Senate only for a moment in illustration of the suggestion which I made to the Senator from Idaho. I will illustrate what I had in mind by a clause in the tariff law of 1913, in the income-tax chapter, where an exemption of 5 per cent of the gross value of ore taken from the mines was allowed because of the character of the mines as an offset against income. The words "gross value," in their application by the Treasury Department, were held to be "net value," a process of reasoning which I have never been able to accept. That is but one of many of a number of instances which I have observed in the course of a few years past, both from the department and from the courts that will compel me to vote against this chapter in toto. I think it ought to go out.

Mr. OVERMAN. Mr. President, I merely wish to remind the Senator again that this is copied from two statutes now upon the statute books as read by the Secretary, one in regard to obscene matter and the other relating to nonmailable matter. What we want to stop is literature and papers of the kind that I want to put in the RECORD; and I put it in the RECORD so that the Senators may see the kind of stuff that is going through the mails. I think everybody has discovered it.

I have a letter here from a distinguished North Carolinian, a very prominent man, who belongs to the Quaker Church. Of course they take him to be an easy subject and they are sending him communications which I think are treasonable. I ask to put his letter in the RECORD now. Let it be read in order that Senators may hear what he has to say to the secretary of this organization. I want the Secretary to read also what I have marked.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the Secretary will read as requested.

The Secretary read as follows:

HIGH POINT, N. C., *May 9, 1917.*

PAULINE K. ANGEL, Secretary,
Washington, D. C.

DEAR MISS or MADAM: I have received several communications from your organization making various suggestions in opposition to our Government.

I wish to state plainly to you that I have no sympathy with your methods. I have a profound faith in the judgment of our great President, Woodrow Wilson, and sincerely believe that it is the patriotic duty of every citizen of the United States to give him his or her loyal support. I further believe that the ends you profess to be working for will be obtained sooner and more permanently by giving support to the President and Congress, and I further believe that your efforts to divide and dissipate public sentiment at this time is giving comfort to our enemies, and the tone of your letter seems to me little short of treason.

Please take my name off your mailing list, for I believe you are hindering and not helping the real cause of a permanent peace.

Yours, very truly,

W. T. PARKER.

Mr. OVERMAN. I want to say that they asked also for names all over my State, and to every name they can get they send literature of the character which I ask the Secretary to read. Let him read the paragraph marked and then on the next page.

The PRESIDING OFFICER. The Secretary will read the marked paragraph.

The Secretary read as follows:

I inclose a copy of our war-time program on the basis of which we are working to build up a national organization. The enemy is organized. We can not hope to win the battle until we are equally well organized.

Mr. OVERMAN. Now, let the Secretary read the program near the bottom of the next page.

The SECRETARY. Under date of May 1, "War-time program," there is a subheading, "Our immediate program," which reads as follows:

OUR IMMEDIATE PROGRAM.

1. To oppose by all legal means any and all forms of compulsory military training and service.

2. To fight for the complete maintenance in war time of the constitutional rights of free speech, free press, and assembly.

3. To organize the people throughout the United States for international fellowship after the war; cooperating actively with similar organizations of the people in other countries.

Mr. OVERMAN. Now, read the fourth paragraph.

The Secretary read as follows:

4. To demand full publicity by the Government of all agreements or understandings with other nations; and exact statements in advance of the terms on which the United States will make peace.

Mr. HARDWICK. What is there wrong in that? That is the constitutional right of the humblest citizen of the United States.

Mr. OVERMAN. I ask the Secretary also to read the further correspondence marked.

The Secretary read as follows:

THE ARIZONA SOCIALIST BULLETIN,
Phoenix, Ariz., March 28, 1917.

Workers, refuse to take up arms against the workers of any country. If the Government forces you into the Army use their guns against them to overthrow their power and to emancipate yourselves from slavery.

Mr. OVERMAN. Now, I ask the Secretary to read the other paper sent to the desk.

The Secretary read as follows:

THREE FLAGS.

At the time when the masses of Europe are busy with insane destruction, when every corner is full of horrors and sorrow, when for almost three years blood is streaming incessantly, at this very time the American capitalists are busy making fortunes.

European blood is turned into gold here and is ever pouring into the insatiable pockets of American capitalists.

The rich are triumphant!

Yet they are ever more enthusiastic now, scenting bloody gold in their own country. They feel that the sharp sword, already existing, will sooner or later descend upon the heads of the working class. And new streams of blood turned into gold will pour into their incombustible safes.

The rich are triumphant!

While triumphing they decorate their luxurious homes, banks, and offices with national flags: "America, I love you."

Wall Street, too, is not asleep. This beautiful nook where millions wrung out of the workers are safeguarded, where blood turned into gold is lying in heaps—blood of European and American workers.

Wall Street! The symbol of deceit, violence, crime, plunder, depravity. The place where the dollar reigns supreme; where every swindler, every base dealer can become the ruler of millions only because he is able to fool and rob at the stock exchange.

This corner is unusually decorated with national flags that speak of the protection of national pride, honor, democracy.

The rich are triumphant!

And in the poor quarters, there where are sheltered the creators of the wealth of the world, where the raw material is prepared, where labor creates gold and the nonsensical luxuries for the rich; in that section where numbers of unfortunate laborers roll in the mire; where poverty, hunger, cold, ignorance, disease, prostitution reign supreme; where people lead the most loathsome existence; there, in these dirty, horrible quarters, the national flags hang also.

But alas, here are two flags.

One colored with stars and stripes, and side by side a black one with a white inscription: "Men wanted for the Army." That is, food for the cannon is wanted to protect the colored, useless rag.

What is the significance of a national flag?

Every national flag is a symbol of bondage, oppression, an attack on other nations, rape, force, and fratricide.

Before us is the American flag. On it are represented 48 stars; that is, 48 States, in each of which blood of the workers was shed because they dared to demand a better living. In each of these States the capitalists, under the guise of the national flag, shot down women and children unmercifully, crushed with the heel of the soldier and policeman every free impulse of the worker.

We well remember the bloody baths to which the workers of Colorado were treated by Rockefeller; also Ludlow, West Virginia, Bayonne, and other places.

Every stripe of this flag represents the shooting down of numbers of men who struggled to free the workers. We will remember the Chicago martyrs who were hung under the American flag. We remember the poet, Joe Hill, who was shot by the American capitalists. We also remember Caplan and Schmidt, imprisoned for life; the brothers McNamara and the tragedy in San Francisco resulting in the death sentence of Thomas Mooney. And many more things we remember.

All this is happening under the American flag, which we are called upon to protect.

What a brazen lie, what hypocrisy!

Comrades!

Is it possible that even one of us will join the Army to protect this dirty rag?

No; a thousand times no.

We well understand that the time is not far off when the masses of all nations will wake up, gather together their national flags, and burn them. And out of the smoke will rise the black flag, the flag of strife and vengence, the flag of contempt and hatred to the whole existing régime. On it will be written with burning red letters—

Mr. OVERMAN. In addition I want to state, as I said the other day, that the Senator from Louisiana had some letters circulated in his State urging the colored people of that State—and I suppose all through the South——

Mr. SMITH of Georgia. I think the Senator had better take it all out of the RECORD instead of putting more in the RECORD.

Mr. OVERMAN. If the Senator objects, I will take it out.

Mr. SMITH of Georgia. I do not object; I merely make the suggestion.

Mr. OVERMAN. No; let it go in the RECORD. Here were papers circulated all through the South urging negroes to rise up against the white people during this war.

Mr. THOMAS. Let me ask the Senator whether the laws of the United States are not now ample, and the laws of the States as well, to meet that situation?

Mr. OVERMAN. How? By stopping it from going through the mails?

Mr. THOMAS. Yes.

Mr. OVERMAN. How? What is the law now that prevents it from going through the mails?

Mr. THOMAS. Let me assume there is nothing, certainly the transmission of such matters through the mails is indicative of a conspiracy or is indicative of an act of which the thing circulated is evidence, and certainly the laws of the State of North Carolina, the laws of Georgia, and the laws of the other Southern States will be found ample to meet that evil. If it be said these were conspiracies having their origin elsewhere, the laws of extradition can be invoked.

Mr. OVERMAN. Does the Senator think that such matter ought to go through the mails?

Mr. THOMAS. I do not, but as I said the other day, in attempting to meet a difficulty of that kind which we can not discriminate against and mention specifically in a law we are apt to inflict a far greater injury upon a hundred million people by giving a power to the Post Office Department that can be utilized, and during war time probably will be utilized, in such a way as to produce a far greater evil than the evil which is sought to be prevented. That is my fear about the operation of this proposed enactment.

Mr. OVERMAN. It applies to nonmailable matter, treasonable in character, anarchistic in character, matter that is trying to arouse the people to insurrection.

Mr. THOMAS. Mr. President, of course I realize what the Senator and the committee are trying to do, and it is most commendable. I realize that they have done the best they could to meet the situation. I am satisfied that if I were to attempt—although I am an objector—to prepare something as a substitute for it in order to eliminate from the phraseology used the things which I fear may result from its enactment into legislation my task would be quite as hopeless as that of the committee seems to have been. But I am not willing, if the larger evil is involved in a lesser one, to strike a blow at the lesser one when the result of it would be to increase the larger. For instance, if a burglar is in a great building in New York or a great building in this city I should hate to set fire to the building in order to secure the arrest of the burglar, in order to apprehend the criminal that the law demands; and yet this attempted legislation appeals to me as something of that sort. In the effort to arrest the creation of one crime we are apt to make all the people of the United States criminals under this law.

Mr. OVERMAN. Would not the same argument the Senator makes against the passage of this law apply to the law preventing obscene literature or lottery tickets going through the mails?

Mr. THOMAS. No, I think not; because obscenity is susceptible of a definite understanding or meaning. Treason is not; it never was. Treason depends upon a statute. I defy anyone to give a comprehensive definition of sedition or anarchy. If there was a concrete thing susceptible in phraseology of exact definition so that we could meet that evil, yes; but you might as well try to detect that coloring in the ocean which makes the water blue to the eye but which does not appear at all when a small portion of it is examined in a vessel as through a law of this kind to make it applicable to concrete things and concrete conditions.

Mr. OVERMAN. What the Senator might think was obscene matter I might not.

Mr. THOMAS. Oh, no; the legal definitions of the term are well known.

Mr. OVERMAN. So are the legal definitions of every word in this bill.

Mr. THOMAS. I have never yet been able to find a comprehensive definition of such general terms as sedition or anarchy. Many years ago a republic was regarded as anarchistic.

Mr. OVERMAN. That has been stricken out.

Mr. HUSTING. Before the Senator gets from that subject, may I invite his attention to this fact? I am in possession of what purports to be a true copy of resolutions adopted by the Socialist Party of St. Louis some time ago, and among other things the resolutions provide, in substance—and these are majority resolutions adopted—for mass resistance to the draft if one should be instituted. The term "mass resistance" in socialistic parlance, as I understand it, means assembly, forcible resistance, rioting, and things of that kind; in other words, mass resistance means forcible resistance to the draft. I am also informed upon good authority that there is being circulated among the Socialists of the United States a referendum which, if adopted, will stand as the policy of the Socialist Party.

I merely cite that as an instance of something that is now going on in the country by which the Socialist Party, or the representatives of the party assembled in St. Louis, is counseling forcible resistance to the draft when it shall be instituted. Before this discussion is ended I am going to have this set of resolutions entered in the RECORD.

Mr. OVERMAN. Along that line I wish to say I am informed that patriotic postmasters all over this country are informing the Postmaster General here that matters of this kind are being mailed of a most treasonable and outrageous character, and they want to know what to do, whether to stop them or not. I could bring loads of this stuff in here, but I do not want to encumber the RECORD. At this very day and during the war people are having this stuff sent to them, arousing their minds against the Government. Are we going to let that go on or are we going to stop it?

Mr. BORAH. Of course, we all agree that certain kinds of material which we have been discussing ought not to go through the mails, yet at the same time it is perfectly useless to talk about stopping the dissemination and interchange of thought and views upon these questions among the people of the United States, and the more you dam up the stream the more liable you are to have a flood when it breaks over.

They tried this proposition during the Civil War, and it is conceded now that every effort made at that time to suppress a free expression upon questions with reference to the draft and other questions wrought a greater evil than would have resulted if their discussion had been permitted.

Mr. OVERMAN. We ought to stop this stuff from going through the mail. The Postmaster General admits, as he has said in this letter, that he is not authorized to do it, and he wants this authority.

Mr. BORAH. Just a word. One of the wise things——

The PRESIDING OFFICER. The Senator from Idaho has already spoken once on this amendment.

Mr. BORAH. I was not in the Chamber when the unanimous-consent agreement was adopted.

The PRESIDING OFFICER. It provides that no Senator shall speak more than once on any amendment, and the Senator has already spoken.

Mr. BORAH. I shall ask a question of a Senator, then, at some other time.

Mr. STERLING. Mr. President, I hope that section 1 of Chapter XII will remain in the bill just as it is.

This section has been the subject of some severe criticism. It has been urged that it is unconstitutional, that it confers unprecedented powers on the head of the Department, that it violates or will lead to a violation of the rights and liberties of the individual. So far no section of the bill has been more vigorously condemned unless it is that part of section 2 of the espionage chapter commonly called the censorship provision.

The section under consideration forbids the use of the mails for the purpose of inducing, promoting, or furthering the violation of any of the many offenses described in the preceding sections of the bill. The offenses are all offenses against the United States—the Federal Government. The mails are an instrumentality of the General Government. Is it proper or reasonable that Congress having, in the public interest, and for the national safety, and within its constitutional authority, declared certain acts to be crimes against the United States should at the same time proceed to declare that the mails over which it has control shall not be used to aid in the commission of such crimes? I think this is a fair statement of the proposition involved. These protests against restrictions upon individual liberties, this fear that in the stress of war we may do something that will imperil that liberty, I heartily appreciate, but I am solicitous to know whether there will be in the enactment of this section any real danger to liberty and whether the criticisms and protests so eloquently made will stand the test of reason.

I shall not have time to cover the whole ground by any means, but I propose to examine a few of the sections of the bill, point out briefly the nature of the offense set forth, and then submit the proposition as to whether section 1, relating to the use of the mails, is reasonable and justifiable.

The first offense described in the bill is one which arises from a violation of the proclamation or Executive order of the President or of the rules or regulations of the Secretary of the Treasury made in pursuance of such proclamation or order. The occasion for the proclamation is best stated in the terms of the bill itself:

> Whenever the President of the United States shall by proclamation or Executive order declare a national emergency to exist by reason of actual or threatened war, insurrection, or invasion, or threatened disturbance to the international relations of the United States.

It is then on the making of such proclamation or order that the Secretary of the Treasury is authorized and empowered to make, subject to the approval of the President, rules and regulations governing the anchorage and movement of vessels, foreign and domestic, in the waters of the United States, to inspect such vessels, to place guards on the same; and if necessary to preserve such vessels from injury, or if necessary to prevent obstruction or injury to any harbor or waters of the United States, or if necessary to secure the obligations of the United States under the law of nations, the Secretary of the Treasury is, by the terms of the bill, further empowered with the consent of the President to take possession and control of such vessels and to remove therefrom the officers and crew.

The offense consists in the refusal or failure by any owner, agent, master, or person in charge, or member of the crew of any such vessel to comply with the proclamation or order of the President or any regulation, rule, or order of the Secretary of the Treasury, or the obstruction or interference of the exercise of any power conferred upon the Secretary. The commission of the offense is limited by the terms of the bill to the persons named. The commission of the offense involves seizure and forfeiture of the vessel to the United States, it involves punishment as for an infamous crime.

Let us remember the conditions and the elements of the offense and ask ourselves the question as to whether the mails of the United States should be open and free for any communication from one person to another for the purpose of inducing, promoting, or furthering this grave offense, an offense committed in violation of a proclamation and of regulations made in a case of great emergency or to avert possible or probable national danger and to secure the public safety. What is our answer? Should the United States mails be used to further the commission of this offense?

Offense No. 2 is another offense relating to vessels within the territorial waters of the United States. It can be committed by the owner or master or any other person in charge or command of any private vessel, foreign or domestic, or by any member of the crew of such vessel. The offense itself consists in willfully causing or permitting the destruction or injury of such vessel or willfully permitting such vessel to be used as a place of resort for persons conspiring to commit a crime against the United States or in violation of the treaties of the United States or of the obligations of the United States under the law of nations or knowingly to permit such vessels to be used in violation of the rights of the United States under the law of nations. The penalty; the seizure and forfeiture of the vessel so used and the punishment of the owner, master, or person in charge or command thereof by fine and imprisonment.

There then is the law, meant to protect ships in our ports from wanton, willful destruction, meant in a time of peril and of need to protect transportation facilities, meant to protect the commerce for a hungry world, meant to enable us to fulfill our sacred treaty obligations or our obligations under the law of nations.

What is your answer? Shall the mails of the United States, this great instrumentality of government for the convenience and welfare of the people, be made a vehicle to circumvent the law, to aid conspirators and traitors in violating the law? That is the simple question, as it occurs to me, with reference to nearly every offense named in this act.

Now come—passing over this briefly, and I shall not undertake, of course, to discuss all of these numerous offenses—the offenses under the famous espionage chapter of the bill. The first relates to the attempt to obtain information respecting the national defenses (now note the words), "With intent or knowledge that the information to be obtained is to be used for the injury of the United States or to the advantage of any foreign nation." Anyone who commits any of the acts specified in the first subdivision of section 1 of said chapter shall be punished by a fine of not more than $10,000 or by imprisonment for not more than two years or both. Numerous acts are specified, any one of which will constitute the offense, but the essential thing is that the acts are committed in the attempt to secure information to be used to the injury of the United States, to secure information respecting the national defenses to be used to the injury of the United States or to the advantage of any foreign nation.

Subdivision (b) of said section makes it an offense subject to like penalty to make or obtain or attempt to make or obtain copies, sketches, photographs, and so forth, of anything connected with the national defense with the like intent or knowledge that the information so obtained is to be used to the injury of the United States or to the advantage of any foreign nation.

Subdivision (c) of the same section is directed against the act of receiving or obtaining or agreeing or attempting or aiding another to receive from any person or from any source any document, writing, code book, signal book, sketch, photograph, and so forth, of anything connected with the national defense, with the like intent or knowledge that the information thus afforded is to be used to the injury of the United States or to the advantage of any foreign nation, and the person committing such offense is, under the terms of the bill, to be punished as in the other cases provided. It might be said that none of these acts of espionage are strictly treasonable, since they do not involve the levying of war against the United States; nor do they necessarily involve, although I think they may involve, the adhering to the enemies of the United States and giving them aid and comfort. If not strictly treasonable, they are all acts, when committed with the knowledge and intent defined in the bill, which approach the treasonable, because they relate to information in regard to the national defense obtained that the same might be used to the injury of the United States or to the benefit of a foreign nation. It is difficult to conceive of the information being used to the injury of the United States without its being of advantage to a foreign nation between which and our own Nation there is a state of war, actual or imminent.

What objection can there be to prohibiting the use of the mails of the United States for the purpose of inducing, promoting, or furthering any of such treasonable or near treasonable acts? Many of these acts belong to that peculiar category of acts in the commission of which the mails would be most likely to be used—in the transmission of writings, plans, sketches, photographs, and so forth, and communications and directions in regard to the procurement of the same. With the Government supreme in the matter of the transmission, regulation, and control of the mails, why should it not exercise its power in the interests of national safety and deny the use of the mails to the furtherance of any treacherous scheme which in any way imperils that safety?

The next two subdivisions of section 1 of the espionage chapter are related to the foregoing. They refer to the possession or

control of documents, photographs, signal books, sketches, code books, prints, and so forth, relating to the national defense and the communication of the same or their contents to any person not lawfully entitled to receive them and to the refusal to deliver the same to any officer or employee of the United States entitled to receive them and to permission wrongfully given for the removal of the same from its proper place of custody in violation of a trust, and so forth. For any such act or omission, the party guilty is subjected to a fine of not less than $10,000 or by imprisonment for not more than two years. The element of intent or knowledge that the information to be used to the injury of the United States or advantage of any foreign nation is omitted from these two subdivisions.

But it must be remembered that the writing, signal books, code books, and so forth, described in these subdivisions all relate to the national defense; that their absolute secrecy, so far as any foreign nation is concerned, may be absolutely vital to the success and safety of that defense at any time. The revelations made of the network of German espionage in this country from the time of the beginning of the war and before, the extreme anxiety of German emissaries to know the extent of our national resources and our national defenses, illustrate the necessity of strictly safeguarding all information of the character described in these subdivisions, and Congress would be remiss in its duty unless it prescribed severe penalties for willfully communicating or transmitting such information to any person not entitled to receive it or who, even through gross negligence, permits the same to be removed from its proper place of custody. If anything should, by law, be made criminal negligence, it is the act or omission described in subdivision (e).

Is it unreasonable that in a matter of so much importance to the national welfare Congress should deny the use of the mails of the United States to those unlawfully seeking or furnishing such information?

Mr. President, I forbear taking up the other offenses named in this bill, but they are, in the main, we may say, of the same general character. If the use of the mails should be prohibited with reference to inducing or promoting one offense, it should be to all the rest.

Why, Senators, shall we do less for the General Government in the enforcement of its laws than we are willing to do for the States in helping them to enforce theirs? The mere publication of any obscene or indecent print, writing, model, or figure is not made an offense against the United States. It is an offense only against the laws of the State in which committed. It is to aid in the observance and enforcement of the State law that the use of the mail for the transmission of offensive publications is denied.

Again, the maintenance of a lottery or gift enterprise is prohibited by no law of the United States, but I venture that every State in the Union now makes, under severe penalty, the lottery business unlawful. To forbid the carrying of lottery tickets by mail is to supplement and fortify the State law, but the control and regulation of the mails is an exclusively Federal function, and most properly is that function exercised as an aid to the State and to good morals of the people of the State as they find expression in the State laws.

It is a State law, which provides for the most part a mere civil remedy against the fraud within its jurisdiction by which its citizens or others are injured; but the Federal statute prohibits the use of the mails in the furtherance of fraudulent enterprises carried on within a State.

What Congress has done in aid of the prohibition laws of the various States is analogous to the situation here, and but recently we enacted a law forbidding the use of the mails to carry liquor advertisements into those States which prohibited such advertising.

What reason exists for not protecting the General Government by denying the use of the mails for the purpose of inducing or aiding in the violation of Federal law?

Referring to what was said this morning, Mr. President, about the peculiar language of section 1, Chapter XII, prohibiting the use of the mails for any communication intended to induce, promote, or further any of the crimes named in this act, the expression used providing that this matter shall be nonmailable is essentially the same as that in the Federal statute relating to obscene matter; it means the same thing exactly as does the language in the lottery statute; it means the same thing exactly as does the language of the Federal statute in regard to the promotion of frauds through the mails.

It has been urged here in opposition to this measure that the Postmaster General will have the right to intercept mail, to break the seal and open the mail, to read the mail, and thus interfere with the business and liberties of the individual citizen. Mr. President, under the lottery statute, under the obscene-literature statute, under the fraud statute, the Postmaster General is not directed, is not commanded, and is not even authorized to open the mail of anybody in order to prevent a violation of any of those several statutes. Senators in their opposition to this section seem to assume that section 1 is meaningless and absolutely without force unless the Postmaster General has the authority to open mails generally or to direct the opening of mails as they pass through the various post offices of the country. Nothing can be further from the truth. Again and again have convictions been had for using the mails with intent to promote a fraudulent enterprise; likewise convictions for using the mails to permit lottery or gift enterprise schemes, without the opening of the mails but upon the testimony furnished by some one who saw the letter mailed or by the party to whom the mail was sent and to whom it was delivered by the postmaster.

The statute has been read here this morning at the instance of the acting chairman of the committee in charge of the bill, showing the penalties visited upon post-office authorities, agents, and clerks in interfering or tampering with the mail, and in any case under this statute the opening of the mail or any of it by the Postmaster General or by any postmaster in the United States under his direction, he not having been authorized to open it, would be at his peril.

A man of straw is set up in an argument of that kind. As I have said, practically the same language is used in regard to other Federal statutes, and no substantial charge has yet been made to the effect that the power has been abused, or rather that the Postmaster General has assumed a power that he did not have under a like statute.

So, Mr. President, it appeals to me as most reasonable that in the class of offenses described in this act aimed, as they are at the national defense and safety, treasonable in character, as many of them are, the use of the mails, that great instrumentality of government, should be prohibited to those who, through them, would promote and further crimes of this kind against the Government.

Mr. SHERMAN. Mr. President, before the Senator concludes, will he permit me to make an inquiry?

The PRESIDING OFFICER. Does the Senator from South Dakota yield to the Senator from Illinois?

Mr. STERLING. I yield to the Senator.

Mr. SHERMAN. Chapter XI, section 1, provides for the issuance of search warrants to discover any papers "intended to be held, secured, or used in violation of or in aid of a violation of any penal law of the United States." What does the Senator interpret the phrase "penal law" to mean? Does it include the violation of any of the excise laws, the internal-revenue laws, the laws relating to the income tax, or the laws relating to the elections of the country? I allude to sections of the United States Statutes under which certain prosecutions have been had, notably in Terre Haute, Ind. Does the term "penal law" include such laws or others?

Mr. STERLING. Mr. President, not having given particular study to the word "penal" as used here, and knowing, too, that it is perhaps susceptible of different constructions, I am inclined to think that it not only includes criminal statutes, properly so called, but that it includes those statutes in which a penalty, as, for example, a forfeiture, is imposed.

Mr. SHERMAN. Or fine or imprisonment?

Mr. STERLING. I think so. That would be my view.

Mr. SHERMAN. Mr. President——

The PRESIDING OFFICER. The Senator from Illinois.

Mr. SHERMAN. Mr. President, I think the Senator from South Dakota [Mr. STERLING] applies the right interpretation when he says that it would include any act containing a penal section. It would include all of the internal-revenue laws of the country and all of the laws relating to customs duties. It would include the laws relating to the income tax, to the returns made or required to be made under the income-tax law, and generally all excise laws. It would include any of the provisions of the revenue act passed at the last session of the Sixty-fourth Congress. It would include any violation of the election laws of the United States; it would include all violations contrary to the section relating to conspiracies against the United States in which any two or more persons who combine to do an act injurious to the United States shall be deemed to have violated the portion of the statute in which this section is found. Under that section certain persons were indicted in Terre Haute, Ind., and convicted. It was an interpretation applied for the first time in those cases of an illegal act in elections committed so as to injure the United States. It was contended that corrupt elections or practices at the general election

in November, 1912, were injurious to the United States. Possibly the gentleman who drew the original bill, which afterwards passed into the law, many district attorneys who interpreted and applied it, and some courts, after its passage, did not think that this section related to illegal elections; but it was so applied by Judge Anderson in the Terre Haute cases, in the trials held at Indianapolis, and the judgments imposed were sustained by the court of appeals for the seventh district in an opinion written by Judge Alschuler, of Chicago, in the court of appeals, concurred in by his associate judges. It was held that corrupt practices at elections for United States officers had injured the United States, and so had violated that provision. So it would include in the penal statutes certain acts that refer to the November elections. It might have referred to things that occurred in November, 1916. I refer to these matters because this widens considerably the scope of the supposed violations referred to in this bill.

The bill heretofore considered by the Senate before striking out all after the enacting words and substituting the House bill had even a wider application than the present section. Section 1 of Chapter II, the section referring to the same matter before the Senate in the original Senate bill No. 2, refers to the violation of any law of the United States. That has been somewhat narrowed or limited by the phrase "violation of any penal law of the United States." I am seeking to interpret the phrase "penal law," so that we may properly know the scope of this section before it shall finally pass into the statutes of the United States.

I have indicated by a very cursory reference to certain general statutes, not apparently, but which really are, within the scope of this bill, the very wide territory covered by this expression.

Relating now to the part of the bill referring to the use of the mails, it is provided in section 1, Chapter XII, that "every letter, writing, circular, postal card," and so forth, describing many other forms of written matter, "or thing, of any kind, in violation of any of the provisions of this act, or intended or calculated to induce, promote, or further any of the acts or things by any provision of this act declared unlawful," shall be nonmailable, to summarize it.

The section I have referred to in Chapter II provides for the issue of search warrants "to discover any property or papers, held, secured, or used, or intended to be held, secured, or used, in violation of or in aid of a violation of any penal law of the United States." I would have no objection, Mr. President, to extending the penalty to any act, any property, or any document to be used in aid of or in giving comfort to an enemy in time of war; but not only does this section cover the particular inhibition named but it covers a vast scope of penal statutes or sections that are penal in character in the revenue laws, both as relating to the internal revenue and the customs revenue, the election laws, conspiracies, and a great many other statutes of the United States containing provisions that are penal in character and providing for either fine or imprisonment, some of them merely misdemeanors and some of them made felonies.

So this provision covers a great deal more than the punishment of those adhering to or giving aid and comfort to the public enemy in time of war. It goes further than the punishment of mere treason. I am willing to support all reasonable measures designed to punish treason, designed to punish or to prohibit the performance of acts that will give any material help to the enemy in time of war. What I now inquire is the practical application of section 1 of Chapter XII in connection with the sweeping language in section 1 of Chapter XI, "in violation of any penal law of the United States."

Section 1 of Chapter XI provides not only that a search warrant may be issued upon complaint and affidavit in the usual way but that any premises or persons may be searched to discover any property or papers held or intended to be held not only for the maintenance of the public enemies, or giving them encouragement, but papers or premises intended to be used in violation of any penal law of the United States.

Mr. McCUMBER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from North Dakota?

Mr. SHERMAN. Yes, sir.

Mr. McCUMBER. Going to the genesis of that word as used in this particular section, the Senator will remember that as the bill was introduced in the Senate it read in this way:

> In aid or violation of any law of the United States.

That meant civil laws of the United States and criminal or penal laws of the United States, and it was thought, on a discussion in the Senate, that it ought to be limited to those laws which were of such gravity as to be denominated criminal laws or for which a penalty had been established. Therefore, the use of the word "penal" was simply restrictive of the law as it was introduced in the first instance.

Mr. SHERMAN. Yes, sir; the Senator, I think, is correct about that. That is the way I would interpret the language, and I think that is what it fairly means, and that the change was made for that purpose. I think it ought to be further restricted so that it would confine the inhibited acts to what is ordinarily comprised in the word "treason" or in adhering to the public enemies in time of war and giving them material assistance or information.

Mr. STERLING. Mr. President——

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from South Dakota?

Mr. SHERMAN. Yes, sir.

Mr. STERLING. I should like to ask the Senator from Illinois, he undoubtedly having considered the several acts or offenses described in this bill, whether there would be objection to limiting it, considering the nature of the offenses described in the bill, to those offenses?

Mr. SHERMAN. I should be very glad if it would be limited in that way, so that we might in this bill provide punishment for treason. I think the public have in mind, and I think many of the Senators have in mind, the definition and punishment of acts which constitute treason. Now, under the guise of that, somebody has drawn this bill and presented it here. It was not drawn by Senators entirely. The inspiring motive came from elsewhere, and the language of the bill came from somewhere else. Under the cover of the indignation and the public spirit there is against acts which constitute treason they have enlarged the provisions of the proposed law until it embraces many things that relate only to the ordinary penal laws that are in operation in time of peace.

If it were limited to acts that are treasonable in character, I would have no criticism. I think if it were merely treasonable acts we could constitutionally as well as properly, in view of the circumstances, go further than we could in ordinary times; that the seizure of persons, the search of places, and the seizing of property and documents might properly in times of war go much further than in times of peace, and still I think the courts would find a way to interpret and apply such laws as being within constitutional limitations. However, when we undertake to go beyond what is ordinary treason, and to apply to the laws that are civil in character, with penal sections in them, provisions of this kind, to extend search warrants to such cases, and to make the papers that are connected with such violations of the ordinary laws in time of peace nonmailable, we are attempting, under the guise of public peril, to legislate in matters that are purely private and that are made for the purpose of safeguarding persons and property in time of peace.

Mr. STERLING. Mr. President, I hope the Senator will have in mind the fact that the remedy, if it may be called a remedy, by search warrant has been largely extended by special statutes. For instance, search warrants are allowed in cases of obscene publications, in cases of gambling, and for the purpose of seizing liquor sold in violation of the law, so there seems to be some tendency to extend the use of the search warrant to other offenses.

Mr. SHERMAN. In proper cases search warrants may be used.

Mr. THOMAS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from Colorado?

Mr. SHERMAN. Yes, sir; I yield.

Mr. THOMAS. We have those laws independently of the pending bill.

Mr. SHERMAN. Certainly.

Mr. STERLING. No; we have not, independently of statutes—United States statues, of course.

Mr. McCUMBER. Mr. President——

The PRESIDING OFFICER. It is impossible to make a record when two Senators are talking at once. To whom does the Senator yield?

Mr. SHERMAN. To the Senator from Colorado, until he concludes his inquiry.

Mr. THOMAS. I merely wish to add to what has been said by the Senator from South Dakota that such statutes are ample for those particular purposes, and no Federal law is needed.

Mr. McCUMBER and Mr. STERLING addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from North Dakota?

Mr. SHERMAN. I yield first to the Senator from South Dakota, and afterwards I will yield to the Senator from North Dakota.

Mr. STERLING. I did not cite these cases as examples of Federal statutes at all, but to show that in our States and State legislation the tendency is to extend the use of the search warrant.

Mr. SHERMAN. I now yield to the Senator from North Dakota.

Mr. McCUMBER. I simply wanted to suggest to the Senator that that whole matter was debated at length when that section was before the Senate before, and it was sustained practically, as I understood the arguments, upon the assumption that inasmuch as the States provided for search warrants in almost every class of crime or proposed crime, the United States Statutes should be sufficiently broadened to allow the use of search warrants for the discovery of any intended criminal offense against the United States as well in peace as in war times; and that was the basis on which it was adopted before.

Mr. SHERMAN. I heard a large part of the discussion; not all of it. I wish to say in that connection—not with any desire of going over the arguments again, because it serves no useful purpose here—that I make to that the same objection I made to the other proposed measure in this bill. In all of the conditions or the threatened acts that are sought to be reached by this additional legislation, if they relate to treason or to acts that encourage the public enemy, I am not disposed to criticize a fair extension of the right of search warrants so as to apprehend any threatened commission of the crime of treason. I think, as the Senator from South Dakota has said, that if we can search for counterfeit money, counterfeting apparatus, nonmailable matter, such as lottery tickets, obscene literature, and the like, if this bill were confined to acts that constitute treason if executed, or that contemplate by some person or number of persons the perpetration of acts which, if executed, would constitute treason, search warrants might properly issue in such cases in anticipation of the commission of the crime, in order to prevent it.

Mr. STERLING. Mr. President, just one suggestion, if the Senator will permit me.

Mr. SHERMAN. I yield.

Mr. STERLING. Many of these offenses will not be, perhaps, committed by any who can commit treason, because the persons do not owe allegiance to the United States to begin with, and it is only a person who owes allegiance in the first place that can be guilty of treason. I think present conditions or very recent conditions in our country, anyhow, in regard to the work of certain spies and emmissaries would go to show that, and that with reference to persons of that class search warrants should issue, although because of alienage they could not be convicted of treason.

Mr. SHERMAN. Aliens not citizens of the United States, or those who have not declared their intention to become citizens—by the way, the Army bill includes as subject to military service those who have declared their intention to become citizens, although not taking out their final papers, so that narrows the class of aliens somewhat—but aliens are subject to the municipal law of the sovereignty in which they live. If any existing law or any law enacted in this Congress or hereafter should be broken by an alien, he is liable. If there is any statute either of the State or of the United States Government now broken by an alien, he is liable to punishment. He is not exempt by reason of the mere fact that he owes his allegiance to some other sovereignty. The only thing is that he would not himself be guilty of treason, because he owes us no allegiance, as stated by the Senator; but he can be fully punished, to the extent of death or any term of imprisonment in the penitentiary or any fines or forfeitures that may be sought to be inflicted upon him, if he violates the law of the country in which he is found. If, however, a citizen of this country commits the same act, it may or may not be treason, according to the nature of the final wording of this bill, or under existing laws.

I doubt very much whether there is any law in this country at the present time that would punish anybody for treason outside of State laws. I think that was pretty fully ascertained at the close of the Civil War. There was a good deal of talk about prosecuting Jefferson Davis when he was confined at Fortress Monroe. Horace Greeley, who was then the editor and principal owner of the New York Tribune, signed Jefferson Davis's bail bond, and he was set at liberty. The question was about the prosecution of many of those who had borne arms against the United States, or held office in the Confederate Government, and had been arrayed, by their civil acts, against the maintenance of the Union. There was, it is sufficient to say, no prosecution for treason growing out of the Civil War. There was no statute in existence, many good lawyers said at that time, that would punish anybody for treason, although setting up a separate government known as the Confederate States of America and levying war against the United States would be as much treason, if statutes had existed at that time or any law known to our Constitution had been violated, as if a citizen now gave help to the public enemy.

So I anticipate that it takes some kind of affirmative legislation to create the crime of treason in this country, even as against a citizen of the United States. What I do not approve, so far as I have a voice in the matter, is that these violations are not confined to treason. The matter that is to be excluded from the mails refers back to the violation of the various sections and inhibitions of the printed bill. If it should refer merely in the bill to the violations for treason, I might reconcile myself with the support of such a measure. It does not, however. It is sought to put that on a level with nonmailable matter, such as lottery tickets, and other matters that I need not enumerate. That is true; but the senior Senator from Colorado [Mr. THOMAS] has very properly called attention to the fact that all those matters are now sufficiently provided for by law.

Mr. WALSH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from Montana?

Mr. SHERMAN. Yes, sir; I do.

Mr. WALSH. I think it is altogether regrettable, if the Senator will pardon me for so saying, that we should go back and thrash over these matters that we supposed had been disposed of. The suggestion that the Senator makes was all talked over at that time. It was discussed here, and the sentiment of the Senate was taken upon it. The trouble about it is that it is not taken care of by local laws. At the time the search-warrant chapter was before the Senate attention was called to the fact that crimes are often committed in this country in places under the exclusive jurisdiction of the United States, and you can not prosecute those crimes under the local statutes, and you can not have a search warrant under any local or State statute.

Take an Indian reservation, for instance. Property is stolen on an Indian reservation and is held on an Indian reservation. You can not get out any search warrant under the local laws to seize that property. That matter was all talked of and discussed here and debated until the Senate finally reached a conclusion upon the matter.

So, Mr. President, with reference to the suggestion of the Senator from Illinois now about confining this matter of search warrants to cases of treason. It was shown at that time that the laws of the various States now permit a search warrant to seize property that is intended to be used in the violation of law, of a penal law particularly; and we simply want to give to the Federal authorities exactly the same right to issue search warrants that is given by general statutes to States. I fear the Senator from Illinois was not here when that subject was debated.

Mr. SHERMAN. I will say to the Senator that I read it in the CONGRESSIONAL RECORD. I was not in condition at that time to hear everything.

Mr. WALSH. If the Senator will pardon me, at that time the attention of the Senate was called to——

Mr. SHERMAN. I trust I do not lose the floor. This is not in the nature of an interrogatory, but I apprehend the rule will not be very strictly applied.

The PRESIDING OFFICER. The rule will not be enforced until some Senator asks that it be enforced.

Mr. WALSH. The attention of the Senate at that time was called to the penal code of the State of California, which is the basis of the code of practically every Western State, which provides that—

> A search warrant may be issued to seize property when it is in the possession of any person with the intent to use it as a means of committing a public offense.

Now, if the State of California and every other Western State authorizes the issuance of a search warrant to seize property that is to be used in the commission of a public offense, why should not the Federal law authorize the issuance of a search warrant to seize property to be utilized in the commission of a public offense against the United States?

Mr. SHERMAN. Mr. President, I was not aware, in my virgin ignorance, that any discussion had foreclosed and settled beyond a peradventure, before a final roll call on a bill, any matter of discussion here. I was laboring under the somewhat frivolous impression that in an open forum and in the United States Senate no Senator settled for me the discussion of the provisions of any penal statute, and I think so yet; and I deny the right of any Senator or combination of Senators to foreclose by dis-

cussion my right, when I get the floor, to say what I think about certain provisions. I will get to this matter about your State laws in a moment.

Mr. WALSH. Mr. President, will the Senator pardon me?

Mr. SHERMAN. Yes, sir.

Mr. WALSH. I rose to speak to the Senator, because I know that he does not always hear what transpires in the Senate.

Mr. SHERMAN. That is correct; but I can still read the English language and understand rudimentary expressions.

Mr. WALSH. I simply feared that the Senator was not aware that the subject had been debated and discussed and a vote been taken upon that question.

Mr. SHERMAN. It was in executive session, a part of it. All that was published in the CONGRESSIONAL RECORD, I heard, and some of my friends, who are Members of the Senate, gave me fairly accurate reports of what I did not hear. I think I am fairly well informed about the proceedings in executive session, although I was not here during all of them; and sometimes I could not, because of what I hope is a temporary infirmity, it is true, hear the arguments that were offered. But however that may be, I have not understood that these matters have been finally disposed of. I know of no conference by Republican Senators seeking to foreclose all further action upon this measure, and if there had been such a conference it would not bind me. I would still do as I pleased. I do not apprehend, if that is so, that any conference of Democratic Senators could bind me. In fact, whatever might have been done in executive session—and I did not understand that that could be talked about——

Mr. WALSH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Illinois further yield to the Senator from Montana?

Mr. SHERMAN. Yes, sir.

Mr. WALSH. I want to correct the Senator. The discussion did not take place in executive session at all. The search-warrant chapter was discussed and debated and voted upon in open session.

Mr. SHERMAN. All of that I have read long before this, and it is "love's labor lost." I supposed something had taken place here in executive session of great pith and moment, that was of such paramount importance that it could not be discussed by vulgar tongues and heard by vulgar ears. Therefore, I was willing, for my part, to be instructed. I have not heard anything yet that has added to the light that might be shed upon this particular question.

Mr. THOMAS. Mr. President——

Mr. SHERMAN. I yield to the Senator from Colorado.

Mr. THOMAS. Of course, the Senator is aware also that we are now discussing another bill, which was introduced yesterday as a substitute.

Mr. SHERMAN. Yes, sir.

Mr. THOMAS. And, consequently, nobody could be foreclosed.

Mr. SHERMAN. I have understood that all after the enacting words were stricken out and the House bill was inserted. That was done in order to expedite legislation, or was supposed to be done for that purpose.

Mr. THOMAS. The Senate bill was inserted.

Mr. SHERMAN. Yes, sir.

The conditions under which search warrants may be issued under the statutes of various States lend no significance to the proposed legislation in this bill. The search warrants of different States are for certain enumerated crimes that are defined in the criminal codes of the several States. Under existing State statutes, even if they are to be construed in harmony with acts of Congress, and the act of Congress might be supplementary, if we could adopt the laws of the States, as we sometimes do codes of procedure or matters of written pleadings, it might be that that would supplement the matter somewhat. Penal laws can not be so enacted usually. But that is not intended by this bill. It is said that there is nothing known to existing United States statutes under which treason can be punished, and that it is sought to provide that by extending the right of issuing search warrants and of declaring certain crimes to be violations of the laws of the United States.

Suppose that to be the condition. We must first declare, in a statute to be made here and in the House, what the crime of treason is. I do not care how much it has been discussed here; this is the first time I have had the floor on this question, and I do not intend to take it again, unless it is necessary in explanation of what I say here this afternoon. There is no crime of treason now. Assume that. It is sought by the bill to create such a crime and to issue search warrants so that such crime may be prohibited and properly punished. If that be the intention, then write this bill so as to define treason and provide for its punishment. So write the bill that search warrants shall then be limited to taking documents and searching the places and persons so as to prevent or punish the commission of treason. Then you have limited the bill considerably.

I undertake to say that I can not use the United States mails under the section on nonmailable matter if it should become a law. Under section 1 of Chapter XI, extending search warrants to all of the penal laws of the United States, I will write a letter that will be nonmailable and will express my solemn convictions upon such a section if it be enacted into a statute. There are the excise laws. When a cigar box is used, the excise laws require the retail dealer to cancel the revenue stamp on the lid of the box or on the box itself when he breaks the package. Not to do so is punishable by a fine. There is a similar provision with regard to the use of a stamp on a beer barrel, and punishment is prescribed for allowing it to be taken off or not to be canceled at the time it is used, and in like manner with all malt or alcoholic liquors. Suppose I have in my safe the evidence on which I could be convicted, if I be a saloon keeper, of not canceling one of the stamps on the cigar box or some original container of intoxicating liquor. I have violated, it is true, the excise laws of the United States. Suppose I have not made a correct return of my income tax. Suppose I violated the election law last November, the section referred to in the Terre Haute (Ind.) prosecutions, and that the ballots or the correspondence or telegrams or memoranda are in my safe in my office at home or in the city of Washington in the Senate Office Building. It is a violation of a penal law of the United States. It is in no way connected with the war question. As the senior Senator from Colorado [Mr. THOMAS] suggested, they are laws that were enforced before war was declared, relating to the ordinary civil affairs of the country, having penal provisions for fine, imprisonment, jail, or penitentiary, running all the way from misdemeanors to felonies.

Now, with these in mind, suppose some irresponsible man in the United States attorney's office in the fifth internal-revenue district of Illinois, in which I live, swears out on me a search warrant. It is put in the hands of a deputy marshal or a marshal. He goes to my place of business, and whether I am present or absent makes no difference. He breaks down my office door, he blows open my safe, he abstracts my papers. He takes from my safe all stocks, bonds, securities, and investments of every kind, and impounds them in a court room in the custody of a clerk of the United States district court. He keeps them there at pleasure until the United States attorney has me indicted, gets ready for trial, and tries me, and uses my papers so taken against me.

Not one step under the provisions of this section has been taken under any war measure or under any changed condition brought about because of the declaration of war. It is a condition that existed whether war was declared or not. It is a part of the ordinary civil and penal procedure of the country in time of peace.

Under those conditions what are the rights of a citizen of the United States? I say here with a due sense of the responsibility that if I am in my law office under the provisions of section 1 of Chapter XII, and advice is sought, I know how to give it. If a client's private papers are to be abstracted, if his safe is to be broken open, if his desk is to be rifled, if his person is to be seized when he is charged with crime other than treason, if his pockets shall be searched, the contents of his pocket removed and impounded to be used as evidence against him; if a client under those conditions, Mr. President, asks me for advice, I will give it. I will tell him to load his firearms and shoot any United States marshal who crosses his threshold for such purposes, if he desires to proceed to that extremity. That is the kind of advice I will give him in my office, and it is the kind of advice I will write him in a letter and put in the United States mail if he asks me for advice by mail.

Mr. THOMAS. Mr. President——

Mr. SHERMAN. I yield to the Senator.

Mr. THOMAS. Of course, the Senator is familiar with the provisions of section 3, under which a warrant under certain conditions may be served in the nighttime, and under such a warrant a man's house may be invaded and his wife's wardrobe and other articles of clothing, her bureau, and all those articles of furniture which are common in a domestic dwelling can be subject to search in the nighttime, independently of the illus-

tration which the Senator has given as to what may occur to a man at his office.

Mr. SHERMAN. Certainly. Mr. President, there is no limitation in the bill as to the time the search or seizure is to be made, either of the place or property or the person. Under the arbitrary provisions of this bill any man's wife may be taken under a warrant sworn out by an irresponsible person in the United States attorney's office and searched at night, his home may be broken down, if this bill be good law, and every paper in his house may be removed and impounded and offered in evidence against him on an offense that may be punishable by death under the provisions of other chapters of the bill.

That is the kind of a bill that is written here and carried far beyond the war measure. It is not merely a question of punishing a person in defending against the public enemy, but under the guise of this very necessary thing, and about which I apprehend there will be no substantial difference of opinion here, there is the most irresponsible exercise of power sought to be used that has ever been seen proposed in the Senate Chamber since it was organized.

Mr. WALSH. Mr. President——

Mr. SHERMAN. I yield to the Senator.

Mr. WALSH. I feel loath to interrupt the Senator again to say to the Senator that the necessity for a statute in relation to search warrants did not address itself to the Judiciary Committee in connection with the war at all.

The necessity for a statute of that character was impressed upon us by reason of a bill introduced by the Senator from Oklahoma [Mr. OWEN] more than two years ago. From that time down to this we have been endeavoring to frame a search-warrant statute. The statute before us although it was incorporated in the general bill originated before the war began, and was not intended at all to apply only to war conditions. It arose before the war was entered on.

Mr. SHERMAN. The mere fact——

Mr. WALSH. Mr. President, will the Senator pardon me a little further?

Mr. SHERMAN. Certainly.

Mr. WALSH. I think the Senator in studying the first section of the bill will scarcely want us to take seriously the views that his papers can be rifled. The only paper that can be taken like the property that can be taken is a paper or property, not that contains evidence that the crime is going to be committed, but that it is actually used or to be used in the commission of the crime.

Mr. SHERMAN. I have no objection to any evidence of that kind.

Mr. WALSH. That is the statute.

Mr. SHERMAN. The bill is not so written. That is the difficulty.

Mr. WALSH. The Senator is arguing upon the basis that it is not, but a study of it will prove that it was. The Senator from Iowa [Mr. CUMMINS], I think, perhaps has some views upon that subject which he expressed the other day. It was carefully studied by him and I think he is satisfied that that is the case.

Mr. SHERMAN. The bill as it is now inserted after the enacting words contains no such limitations, and especially the part that relates to the nonmailable matter, which relates back to all the penal provisions of the bill.

Mr. WALSH. Of course, I am speaking now about the search-warrant statute, not the nonmailable statute. The proposed search-warrant statute reads——

Mr. SHERMAN. I have that before me.

Mr. WALSH (reading)—

> A search warrant may be issued in conformity with the provisions of this act for the purpose of searching any premises or person to discover any property or papers held, secured, or used, or intended to be held, secured, or used, in violation of or in aid of a violation of any law of the United States, or of a treaty of the United States, or of the rights or obligations of the United States under the law of nations.

The very paper, just like the very piece of property, must be intended to be used in the commission of a crime. It is not the evidence that the crime was committed at all that the statute refers to.

Mr. SHERMAN. The Senator has read correctly the section to which the nonmailable section refers, because it refers back to all the other sections, to any provision of the bill. So it necessarily includes Chapter XI, does it not?

Mr. WALSH. Chapter XI does not define any offense at all, except in paragraph——

Mr. SHERMAN. In section 1, Chapter XII.

Mr. WALSH. Section 1 does not define any offense at all. Section 7 of that chapter defines an offense; that is all.

Mr. SHERMAN. Section 1 uses the following language:

> Every letter, writing, circular, postal card, picture, print, engraving, photograph, newspaper, pamphlet, book, or other publication, matter, or thing, of any kind in violation of any of the provisions of this act, or intended or calculated to induce, promote, or further any of the acts or things by any provision of this act declared unlawful, is hereby declared to be nonmailable matter, and shall not be conveyed in the mails or delivered from any post office or by any letter carrier.

This section is not a penal section, except it excludes from the United States mails any of the matter that is in violation of the provisions of the bill, and that goes back over Chapter XI and all the preceding chapters in which there is any prohibited thing, any prohibited act, or any prohibited document.

The search-warrant provision applies in express terms to "papers used * * * in violation of any law of the United States." This relates specifically to past acts. The offenses are completed and documentary evidence in the possession of the accused is sought to be taken by such a warrant. It is not merely papers that relate to contemplated crimes not yet committed.

To recur now to the language of section 1 of Chapter XI, it not only refers to the newly created offenses under the provisions of this bill, but it refers to any penal statute of the United States.

Now, keeping that in mind, I am going back to where I left off the application under many penal statutes or penal sections in civil law which are in force by way of prosecution, by information or indictment on the criminal side of the district courts. There are a multiplicity of things that are referred to and prohibited now, without any regard to the provisions of this bill. The search warrants contemplated by this section are carried over to existing law, and the provisions of the search warrants that are now illegal are sought by this bill to be made illegal upon acts committed in violation of laws that exist at this time and which have existed for many years, not in a state of war but in a state of peace. This application is sought to be made, and not only the penal laws but for a violation of a treaty of the United States.

I have no criticism to make of that. I would not. Some violations inevitably would be made that would disturb our international relations or would interfere with our ability to successfully conduct our war, or in violation of the rights or obligations of the United States under the law of nations.

I would like to stop here a moment and ask if any Senator in the United States Senate knows what the law of nations is to-day. There is not a diplomatic authority in Parliament, not one in the French Chamber of Deputies; there is not an international authority in this country that knows what the international law of the world is to-day. Who can tell what it is on submarines? Who can tell what it is on the use of aircraft or poison gas or poisoning water or food or glass bullets or the law against killing noncombatants? Who knows? You refer to The Hague convention and to various declarations made at different capitals of Europe in the last 15 or 20 years. The law of nations depends upon the nation that is furnishing the interpretation. What we insist is the international law; England, our ally, insists it is not. What is the law of nations on the shipment of peaceable merchandise to a neutral country? We say it is one thing, and England says it is another.

A short time ago a maister in Chicago was under contract to deliver a large quantity of malt in Argentina, which was to be used in the brewing of beer. That is a neutral country. It is all in the Western Hemisphere. It touches no part of the troubled waters of the danger zone created by any order in council or by any imperial decree of the Prussian Government. After we leave our marginal waters every league that a vessel makes in pursuing her appointed voyage is on the open sea of the world until she reaches the marginal waters of the Republic of Argentina.

What was done? Great Britain interdicted the shipping of the cargo—prohibited it. No letters of assurance could be obtained from the British Legation in this capital. The maister was unable to deliver his merchandise because of this embargo laid by a foreign power, now our ally. I am not particularly attempting to promote the brewing of beer. I vote dry myself all the time, both here and at home, but it is merchandise. It was forbidden to be delivered. The embargo stopped its delivery. The contract was turned over to another, who was agreeable to England, who filled the contract at considerable loss to the Chicago maister. The foreigner pocketed the profits. Great Britain is extending her trade in Argentina at our expense and, as I think, in violation of international law; but her admiralty court and her authorities interpret it to be strictly within her right as a belligerent nation.

If we were tried in the courts of England under this section, we would be guilty. If we were tried in the courts of the United States, nobody can tell at this time whether we would be guilty or innocent. We would go to the State Department. We would obtain an interpretation. It would be read as authority; it would be filed in the brief submitted to the court; and we would try to ascertain what the international law of the world was. We would find when we summed it up that the strong nations of the world make the international law of the world to suit their sovereign powers. If we were strong enough, we can make any law and ingraft it as a section in the international law of the world.

Here is a violation in section 1 of chapter 11 that is so indefinite, so vague, so perambulating, so open to construction that I am not willing to enact in penal form any such section. All penal laws are sufficiently difficult of application in specific cases that arise, and this would be made doubly so.

I now wish to return to what I was adverting a while ago. I was temporarily turned aside from it. It is on the nonmailable portion of what might be my correspondence. Does anyone think, under this section, that by a search warrant not connected with treason or any misprision of treason or anything connected with the public enemy in the war in which we are engaged a search warrant can be taken out on my premises and my person and property searched, and both my property and my papers and myself seized for anything not connected with treason or giving aid and comfort to the public enemy? I think not. This bill is in here anew. Whatever discussion has been made of that is connected with the nonmailable provision of the section in question, in the last chapter, and that opens up, by its wide terms, every penal provision or every prohibition there is in any of the substitute bills after the enacting words.

If that be a proper restriction in penal law of the United States, my office can be searched in my absence and all my papers can be taken. For my part, if a client asks me whether that is a valid regulation, if it goes into the United States statutes, I propose to tell him if the offense charged is not connected with treason or in aid of the public enemy it is an invalid section of the law. I propose to advise him by letter or orally if in my office that such a provision is invalid, that he has a right to resist a United States marshal by force to protect the privacy of his home, the sanctity of his person, or his wife, and the protection of his private papers against unwarrantable seizure under the law of the land, superior to the puny fiats of Congress made by the people when they adopted the organic charter under which we live and superior to any attempted artifice or extension of laws in violation of the personal rights secured by the Constitution under which we live. He can carry that defense of his personal property to the extent he sees fit; that is a matter for the person advised; but my own opinion is if he carries it to the stage of inflicting death upon the marshal or deputy marshal seeking to break into his house and take away his papers to be used against him, or to search his person, he is acting strictly within his rights and it is not murder, and he ought to be acquitted under the laws of my country. That is sought to be made, however, a bill worthy to be passed by this Congress.

Many years ago, when John Wilkes was seized under a John Doe warrant, this was settled as a part of the constitution of the mother country. His desk was rifled, his private papers were taken, he was accused of criminal libel in publishing what was known as No. 45 of the North Briton, a paper that criticized many acts of the Government. In the criminal proceedings instituted against him under writs issued under the seal of the secretary, carrying authority equivalent to our Secretary of State at that time, the papers were taken out of his desk and they were sought to be used against him. They were excluded from admission as testimony by the court. He sued the high constable, representing the Crown, for damages. He recovered damages. They were illegally seized.

The VICE PRESIDENT. The Senator from Illinois has exhausted his hour. The amendment of the Senator from Georgia [Mr. HARDWICK] to strike out section 1 is before the Senate.

Mr. WALSH. Mr. President, I wish to speak briefly upon the amendment proposed by the Senator from Georgia [Mr. HARDWICK]. I should like to say, without intending to be critical at all, that there are many provisions of the bill which everyone considers, I think, as exceedingly meritorious—provisions that are urgent in their character. We ought, if possible, to expedite the final disposition of the bill, and every Senator ought to be moved, as it seems to me, to assist in perfecting the bill rather than concerning himself with pointing out defects in it without any constructive suggestions in connection with his criticism.

The particular provision under consideration in relation to postal regulations has met with much virulent condemnation. It has been charged that these provisions are violative of the fundamental principles of liberty; that they run counter to our notions of freedom, and that they are entirely unheard of in any of the legislation of this country.

I have before me a copy of the Postal Laws and Regulations, and referring to page 479 thereof I find that nonmailable matter embraces obscene matter made nonmailable by express provision of statute, libelous and indecent matter—bear in mind libelous matter is nonmailable—lottery matter, fraudulent matter, and publications which violate copyrights granted by the United States. All these already are made nonmailable, and, Mr. President, being made nonmailable it is of course within the power of the officers of the postal department to refuse transmission of matter of that character through the mails.

Now, what is proposed by section 1 of the chapter under consideration? I am very glad the Senator from Idaho [Mr. BORAH] has come into the Chamber, because I want to say a word with respect to some criticism he makes of this chapter. I was inviting the attention of the Senate, I will repeat for the information of the Senator, to the fact that under existing law as disclosed by the work I hold in my hand, the Postal Laws and Regulations, the following is nonmailable matter: Obscene matter, libelous and indecent matter—libelous matter, bear in mind—lottery matter, fraudulent matter, and publications which violate copyrights granted by the United States. Being thus nonmailable the officers of the Postal Department are authorized to exclude this matter from the mails, and by an express permission of the statute to which the Senator from South Dakota [Mr. STERLING] invited our attention, and to which I shall advert presently, the officers of the Post Office are directed not to transmit any such matter nor to deliver to anybody to whom it may be addressed. Accordingly we intrust to the Postmaster General and his subordinates the right to say whether a certain letter transmitted through the mails is a libel upon me.

Mr. BORAH. Mr. President——

The VICE PRESIDENT. Does the Senator from Montana yield to the Senator from Idaho?

Mr. WALSH. He is authorized likewise to determine whether matter which is transmitted through the mails is in violation of a copyright which I have. He is authorized under the existing law to determine whether certain matter transmitted through the mails is calculated to defraud; and we all know that it is sometimes the most difficult thing for a court to determine whether particular matter is condemned by that statute or not.

I yield to the Senator from Idaho.

Mr. BORAH. How does the Postmaster General determine the contents of a letter prior to the time that it reaches the addressee?

Mr. WALSH. I am going to speak of that in just one moment, if the Senator will pardon me, and if I do not I shall be glad to have him again direct my attention to it.

Section 1 of the chapter under consideration provides, and provides only, that any matter which is put into the mail, the putting of which into the mail constitutes an offense under this act, shall be nonmailable. In other words, that the mail shall not be used for the purpose of committing the crimes denounced by this proposed act, which we are endeavoring to pass, nor shall any matter be mailable which is intended or calculated to induce or excite the commission of those crimes. I dare say that even the Senator from Idaho will not insist that matter of that kind ought to be allowed to go through the mails.

Now, I will answer the question of the Senator from Idaho. The Senator from Idaho finds no means of determining whether or not the matter is of the character denounced by the statute except by opening the envelope before it reaches the person to whom it is addressed.

Mr. BORAH. No; the Senator from Idaho does not take that positioin; but the Senator from Idaho says that he discovers in this particular statute no means provided except that of the opening of the mails. There is a method by which it can be done, of course, but it is not provided for in this bill.

Mr. WALSH. Mr. President, it will be agreed upon all hands that the proof in such cases is not easy at all. What I want to say in this connection is, that there is nothing in this proposed statute which in any way militates against the general statute, which makes it a crime upon the part of anyone, except an employee of the dead-letter office, to open any envelope for the purpose of determining what is in the mail; but, Mr. President, I am going to propose an amendment which will leave the proposed statute not subject to the general law,

but will expressly provide as we provided in the case of these other statutes.

Now, let me answer the Senator from Idaho. It does not by any means follow that, when we declare that matter which is libelous or indecent shall not be mailable, we authorize the opening of letters for the purpose of determining whether or not they contain that kind of matter. You could very easily conceive that there is a corporation or an association of persons or an individual engaged in sending out letters generally that are nonmailable under the provisions of section 1 of this proposed act; and that the Government has ingratiated into the business of that company some member of its investigating force. He knows just exactly what is in such letters. Those letters go into the post office, and he, knowing that they constitute the commission of a crime, the people who send those letters and put them in the mail are immediately arrested and subjected to trial and prosecution. Would the Senator from Idaho, however, then say that those letters ought to be permitted to go broadcast throughout the country?

Mr. BORAH. Mr. President, the Senator from Idaho has taken no such position as that at all. The Senator from Idaho made the simple inquiry, how, under this proposed statute, the Postmaster General could acquire the information as to the contents of the letters except by opening them? I conceded in my argument that there might be cases in which certain institutions had established a character with reference to the kind of mail which they were sending out, such as the Senator from Montana is now referring to, by which the Postmaster General could be sufficiently certain to stop them. I do not contend that that might not be true with reference to numerous institutions; but so far as this proposed statute upon its face is concerned, so far as any provision therein contained is concerned, what provision is there which authorizes the examination of the contents of such letters except that of opening them?

Mr. WALSH. There is not the authorization of opening the envelope or examining it. The proof must be secured in some other way than by opening the letter.

Mr. BORAH. Then the Senator from Montana and I are not disagreeing.

Mr. WALSH. Just a moment. Why should we put into this proposed statute the particular way in which the evidence shall be secured?

Mr. BORAH. Mr. President——

Mr. WALSH. If the Senator will pardon me, I rose not for the purpose of entering into a controversy with the Senator, but for the purpose of proposing an amendment, which I think will make him quite willing to accept the provisions of this bill.

Mr. BORAH. If the Senator will pardon me, just one suggestion; then I shall not interrupt him again, although it is always an advantage to interrupt the Senator, because it makes the discussion more pointed as to the matter in which we are engaged in discussing.

Mr. WALSH. I do not object at all.

Mr. BORAH. But when this bill was introduced in the Senate, as it came here it had in it this section:

SEC. 3. The Postmaster General may, upon evidence satisfactory to him that any person, concern, association, or company is engaged in using the mails for the circulation or dissemination of any matter by this act declared to be nonmailable, forbid the use of the mails by any such person, concern, association, or company.

Now, I say that that section was in direct violation of the fourth amendment to the Constitution, because there is only one way in which the Postmaster General can secure such information, except where general reputation has been established, and that is by a search warrant, the same as if he should undertake to find a letter upon my person and to examine the contents of it.

Mr. WALSH. But section 3 has gone out of the bill.

Mr. BORAH. Exactly.

Mr. WALSH. I am discussing section 1, and I am insisting that under section 1 no authority is given to open any mail; and it is a crime under the general statute to open the mail even for the purpose of discovering whether or not it contains nonmailable matter.

But, Mr. President, in these statutes, which declare a particular kind of matter as nonmailable, the precaution has been taken of inserting a clause which expressly forbids that, and I think it would be quite wise to insert a similar provision in the section now under consideration.

Mr. CUMMINS. Mr. President——

The VICE PRESIDENT. Does the Senator from Montana yield to the Senator from Iowa?

Mr. WALSH. I do.

Mr. CUMMINS. I desire to suggest to the Senator from Montana that the search-warrant chapter and the postal chapter, taken together, do furnish a way in which a letter can be seized. Undoubtedly a search warrant could be issued and the letter seized in the hands of a postmaster or in the hands of a letter carrier. I ask the Senator what would become of the letter when so seized? Would there not be a right to open it under those circumstances, and is it not contemplated that it will be opened under those circumstances?

Mr. WALSH. Mr. President, I am not prepared to say whether or not a search warrant would authorize such seizure. I dare say it would; I see no reason at all why it should not.

Mr. President, one of these statutes prohibits the transmission through the mails of instruments that are used in the commission of crimes. We have now a statute which prevents the transmission through the mails of opium, for instance. It is denounced as a crime to transmit opium through the mails. Now, suppose one of the opium inspectors has information that a certain individual has mailed a package containing opium to be sent to some one; he goes before a judge or a United States commissioner, and he swears out a search warrant, in which he avers that that particular letter, mailed by that particular person, is now in the mails and contains opium, and he asks for a search warrant to search and seize that letter. Why should he not have it?

Mr. CUMMINS. I did not argue the matter. We have no search-warrant process now that would authorize anyone to seize the mails in the hands of the postmaster or the carrier. It is now proposed to enlarge the search-warrant process so that any mail matter of which it is alleged that it violates any statute of the United States, or is in aid of the violation of any statute of the United States, may be seized and opened.

Mr. WALSH. Mr. President, I think that we get a little confused by tangling up these two chapters of the bill. I am addressing myself to section 1 of Chapter XII. I am calling attention to the fact that it does not authorize the opening of mail at all for the purpose of determining whether or not the letters contain nonmailable matter. The proof that the matter is nonmailable must be secured in some other way. But lest anybody should attempt to assume authority to open the mail, I propose an amendment, and I intend to call attention to the general nonmailable-matter statutes. Take the statute in reference to obscene matter.

Mr. KING. Mr. President, will the Senator from Montana yield to me?

Mr. WALSH. I shall be glad to do so.

Mr. KING. It might explain the question suggested if I should read merely a line or two from the case of Ex parte Jackson:

The constitutional guaranty of the right of the people to be secure in their papers against unreasonable searches and seizures extends to their papers, thus closed against inspection, wherever they may be. Whilst in the mail they can only be opened and examined under like warrant, issued upon similar oath or affirmation, particularly describing the thing to be seized, as is required when papers are subjected to search in one's own household.

Mr. REED. Mr. President, I am interested in the statement of the Senator from Montana [Mr. WALSH] that no right exists to open the mails. In the case of a fraud order, which is frequently issued, does the Senator from Montana understand that the post-office inspectors do not open such mail?

Mr. WALSH. Oh, Mr. President, I do not understand anything of the kind. In fact, we all know—it was disclosed in the debate here—that some years ago the private letters of a Senator of the United States were opened by the inspectors, and that a high officer of the Government boastfully referred to the fact that that had been done.

Mr. REED. Yes; Mr. Roosevelt. But I do not think the Senator from Montana caught the import of my question or else I do not quite catch the import of his answer.

Mr. WALSH. Well, I answer the Senator, yes. My information is that such letters have frequently been opened.

Mr. REED. I think it is the custom. I think whenever Mr. Post Office Inspector concludes that he wants to open anybody's mail, he just opens it; and if he has made a mistake and got hold of something that has no evidence of any character in it which he wants, he seals the letter up. I think he frequently seals it up, sends it on to its destination, watches, then, to see what transpires, gets the reply letter, and opens it. I think such inspectors flagrantly violate the law with reference to all of these matters at all times. I am inclined to the view that it would be a good deal better to provide a legal means for opening such mail than to permit the present illegal practices.

While I am on my feet, however—not that I am speaking in a controversial spirit at all—the Senator gave an illustration a few moments ago of something in this line: Suppose that opium is being sent through the mail, and suppose that an inspector

has reason to believe that opium is being so sent through the mail, and it becomes necessary to open the mail, and he accordingly makes application before a proper officer under this bill and has the mail opened, thus disclosing the existence of the opium. The Senator inquires what is there wrong about that. We must all answer in that supposed case, where the opium is in the mail and where the crime is actually being committed, there is nothing wrong in detecting the crime. The difficulty that I see is this—and I can express it by changing the illustration: Suppose that a post-office inspector, desiring to see my mail, proceeds to open my mail under the pretext that he thinks I am sending through the mail some criminal message. The power to examine it is so likely to be abused that I think we ought in granting it to be very careful.

Mr. WALSH. Mr. President, the Senator of course is talking about the search-warrant statute.

Mr. STONE. Mr. President, if I may interject myself into the discussion at this point, I confess myself ignorant of any law which authorizes the post-office inspectors to open the mail passing in the course of correspondence between citizens of the United States. Is there any statutory authority for that?

Mr. FLETCHER. No; it is just the other way.

Mr. WALSH. The statute expressly forbids it.

Mr. STONE. My colleague stated—and that is what startled me a little bit—that he had no doubt that inspectors of the Post Office Department exercised the prerogative of opening the mail of a citizen sent one way, and, if they found nothing criminal in it, would seal it up, let it go, and watch the developments, and possibly open the reply to it, and so on. Now, how does an inspector get possession of such letters for such purposes without the cooperation of postmasters or mail carriers? An inspector has no possession of mail in transit from the time it is dropped in the post office until it is delivered; and so, if he takes letters and opens them, it must be done with the consent and aid of other post-office officials. I am just wondering if in these blessed United States an espionage of that kind is being practiced at this day, and has been practiced for years in the past. My colleague seems to think that is true. Now, if that is true, and there is no statutory authority for it, it must be a felony. Is there no remedy for it?

Mr. WALSH. The Senator from Missouri may not have been present when I stated that it was disclosed here quite a good many years ago—some 8 or 10 years ago, according to my recollection—in the course of the debates in the Senate that the private letters of a Member of this body were thus opened by an inspector.

Mr. STONE. What was done with the inspector?

Mr. WALSH. Not a thing.

Mr. STONE. Was he known individually?

Mr. WALSH. I am not sure that it was ever disclosed what particular inspector had done it.

Mr. STONE. I was not present when the Senator spoke; but I am deeply interested in this development, for it is news to me. How was it known that an inspector of the Post Office Department did this, and how did the post-office inspector happen to secure the opportunity to open the letters?

Mr. WALSH. The details have escaped my recollection. I am not familiar with them.

Mr. STONE. Did the Senator ever read the details of the incident?

Mr. WALSH. I was not a Member of this body at that time. I speak simply from my recollection of the newspaper reports of what transpired here in the Senate.

Mr. STONE. Of course, I am not catechizing the Senator. I thought perhaps he knew the details.

Mr. WALSH. I speak only from a general recollection of the incident.

Mr. STONE. The Senator thinks that intolerable and inexcusable, does he not?

Mr. WALSH. It was a plain violation of the law.

Mr. STONE. Yes; a plain violation of the law and a violation, it seems to me, that demonstrates an evil that ought not to be tolerated. Now, mind you, I am not talking of what might be done in extraordinary and perilous times, but even in the most extraordinary and perilous times, unless the law of the land authorizes it, I think any man who invades the mail of the United States in that high-handed manner ought to be sent to the penitentiary, and if any official whose duty it is to prosecute him does not do so, he ought to be sent to the penitentiary.

Mr. WALSH. I am sure, Mr. President, that the Senator from Missouri understands that I am neither attempting to justify nor to excuse any such procedure.

Mr. STONE. I am sure of that.

Mr. WALSH. Indeed, I arose for the purpose of proposing an amendment which would expressly forbid any practice of that character.

Mr. REED. Mr. President, while we are on this subject, if the Senator will pardon me, and since I am in some degree responsible for its intrusion here, I will say to the Senator that I have known through my connection with offices that have indirectly——

Mr. WALSH. Mr. President, if the Senator will pardon me, I understand that my time is very rapidly slipping away, and I trust the Senator will be brief.

Mr. REED. Certainly. I will not interrupt the Senator any further.

Mr. WALSH. Mr. President, I was about to invite the attention of the Senate to the provisions of existing law in relation to nonmailable matter. One of the statutes forbids the circulation through the mails of certain classes of drugs and advertisements of such drugs. Then, it is provided:

> * * * And every description calculated to induce or incite a person to so use or apply any such article, instrument, substance, drug, medicine, or thing is hereby declared to be nonmailable matter and shall not be conveyed in the mails or delivered from any post office or by any letter carrier.

I find exactly the same provision of law with reference to lottery advertisements, lottery tickets, and everything of that kind, which are declared to be nonmailable, and the mailing of matter of that kind is declared to be punishable. And then section 484 provides:

> All matter the deposit of which in the mails is by this act made punishable is hereby declared nonmailable.

That includes obscene matter, indecent literature, libelous matter, matter that is violative of copyright, fraudulent matter, and all that kind of thing. But, Mr. President, the statute continues:

> But nothing in this act shall be so construed as to authorize any person other than an employee of the Dead Letter Office, duly authorized thereto, to open any letter not addressed to himself.

I am sorry the Senator from Idaho [Mr. BORAH] has left the Chamber. I was going to ask him if his objection to this section would not be entirely obviated by the incorporation in it of an amendment in the language of that statute? However, Mr. President, I offer that amendment to section 1 of the chapter under consideration, as follows:

> Nothing in this section shall be so construed as to authorize any person other than an employee of the Dead Letter Office, duly authorized thereto, to open any letter not addressed to himself.

Mr. CUMMINS. Mr. President, I call attention to the fact that there is an amendment pending to strike out the section.

Mr. WALSH. A motion to strike out?

Mr. CUMMINS. A motion to strike out the section.

Mr. WALSH. Then I presume my motion would be in order, because we have a right to perfect the section before the motion to strike out is in order.

Mr. CUMMINS. I do not know whether that rule is applicable in the case simply of a motion to strike out or whether it is limited to a motion to strike out and insert.

Mr. BORAH. Mr. President, the motion of the Senator from Georgia [Mr. HARDWICK] is simply a straight motion to strike out section 1.

Mr. WALSH. I inquire of the Chair whether I am not correct in assuming that before that motion could be put my amendment to perfect the section would be in order?

The VICE PRESIDENT. That is the opinion of the Chair. He does not know whether it is the law or not.

Mr. CUMMINS. Mr. President, what is the ruling of the Chair?

The VICE PRESIDENT. The Chair does not know whether that is the law or not; but it seems to the Chair that if any Senator wants to perfect the text before the motion to strike out is submitted he ought to have an opportunity to do so. That ought to be the law.

Mr. CUMMINS. I think that is eminently equitable, anyway.

Mr. SMOOT. But it is not the rule.

The VICE PRESIDENT. The Chair holds the amendment of the Senator from Montana to the text in order.

Mr. BORAH. I ask that the amendment be stated.

The VICE PRESIDENT. The Secretary will state the amendment.

The SECRETARY. At the end of section 1, Chapter XII, it is proposed to add the following:

> But nothing in this act shall be so construed as to authorize any person other than an employee of the Dead Letter Office, duly authorized thereto, to open any letter not addressed to himself.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Montana.

The amendment was agreed to.

The VICE PRESIDENT. The question recurs upon the motion of the Senator from Georgia [Mr. HARDWICK] to strike out section 1 as amended.

Mr. CUMMINS. I suggest the absence of a quorum before we vote on that amendment.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Harding	McKellar	Smith, Mich.
Bankhead	Hardwick	Myers	Smoot
Beckham	Hollis	Nelson	Stone
Borah	Husting	New	Sutherland
Brandegee	Johnson, Cal.	Norris	Swanson
Broussard	Jones, N. Mex.	Overman	Thomas
Calder	Kellogg	Page	Thompson
Cummins	Kendrick	Phelan	Trammell
Curtis	Kenyon	Pittman	Underwood
Fletcher	King	Poindexter	Vardaman
France	Kirby	Reed	Wadsworth
Gallinger	Knox	Robinson	Walsh
Gerry	La Follette	Shafroth	Williams
Gronna	Lewis	Sheppard	Wolcott

Mr. SUTHERLAND. I desire to announce the absence of my colleague, the senior Senator from West Virginia [Mr. GOFF], on account of illness. I will let this announcement stand for the day.

The VICE PRESIDENT. Fifty-six Senators have answered to the roll call. There is a quorum present. The pending question is the motion of the Senator from Georgia [Mr. HARDWICK] to strike out section 1.

Mr. BORAH. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. SMITH of Maryland (when his name was called). Owing to the absence of my pair, the senior Senator from Vermont [Mr. DILLINGHAM], I withhold my vote.

Mr. STERLING (when his name was called). I am paired with the junior Senator from South Carolina [Mr. SMITH]. In his absence I withhold my vote.

Mr. WILLIAMS (when his name was called). I wish to announce, and have the announcement stand for the day, that I have a pair with the senior Senator from Pennsylvania [Mr. PENROSE], and that pair is transferred to the senior Senator from New Jersey [Mr. HUGHES]. I vote "nay."

The roll call was concluded.

Mr. WEEKS (after having voted in the affirmative). I have a general pair with the senior Senator from Kentucky [Mr. JAMES]. I find that he is not in the Chamber, and I therefore withdraw my vote. I wish to announce also that my colleague [Mr. LODGE] is unavoidably detained from the Chamber.

Mr. SMITH of Georgia (after having voted in the negative). I have a general pair with the senior Senator from Massachusetts [Mr. LODGE]. As I do not know that he would have voted as I have upon this subject, I withdraw my vote.

Mr. KELLOGG (after having voted in the affirmative). I voted inadvertently. I have a general pair with the senior Senator from North Carolina [Mr. SIMMONS], and therefore withdraw my vote.

Mr. MYERS (after having voted in the negative). I observe that my pair, the junior Senator from Connecticut [Mr. MCLEAN], is not present. I transfer that pair to the junior Senator from Oklahoma [Mr. OWEN] and will allow my vote to stand.

Mr. STERLING. I transfer my pair with the junior Senator from South Carolina [Mr. SMITH] to the junior Senator from New Jersey [Mr. FRELINGHUYSEN] and vote "nay."

Mr. OVERMAN (after having voted in the negative). I notice that the senior Senator from Wyoming [Mr. WARREN] has not voted. I have a general pair with that Senator, which I transfer to the senior Senator from Nebraska [Mr. HITCHCOCK] and will allow my vote to stand.

Mr. VARDAMAN (after having voted in the affirmative). I have a general pair with the junior Senator from Idaho [Mr. BRADY]. I transfer that pair to the senior Senator from Louisiana [Mr. RANSDELL] and will let my vote stand.

Mr. CURTIS. I have been requested to announce the following pairs:

The Senator from Rhode Island [Mr. COLT] with the Senator from Delaware [Mr. SAULSBURY];

The Senator from West Virginia [Mr. GOFF] with the Senator from South Carolina [Mr. TILLMAN]; and

The Senator from Maine [Mr. FERNALD] with the Senator from South Dakota [Mr. JOHNSON].

The result was announced—yeas 28, nays 39, as follows:

YEAS—28.

Borah	Gronna	La Follette	Smith, Mich.
Brandegee	Hale	New	Smoot
Calder	Hardwick	Norris	Sutherland
Cummins	Johnson, Cal.	Page	Thomas
Curtis	Jones, Wash.	Phelan	Townsend
France	Kenyon	Sherman	Vardaman
Gallinger	Knox	Smith, Ariz.	Watson

NAYS—39.

Ashurst	Husting	Overman	Stone
Bankhead	Jones, N. Mex.	Pittman	Swanson
Beckham	Kendrick	Poindexter	Thompson
Broussard	King	Pomerene	Trammell
Chamberlain	Kirby	Reed	Underwood
Fletcher	McCumber	Robinson	Wadsworth
Gerry	McKellar	Shafroth	Walsh
Gore	Martin	Sheppard	Williams
Harding	Myers	Shields	Wolcott
Hollis	Nelson	Sterling	

NOT VOTING—29.

Brady	Hitchcock	McLean	Smith, Md.
Colt	Hughes	Newlands	Smith, S. C.
Culberson	James	Owen	Tillman
Dillingham	Johnson, S. Dak.	Penrose	Warren
Fall	Kellogg	Ransdell	Weeks
Fernald	Lane	Saulsbury	
Frelinghuysen	Lewis	Simmons	
Goff	Lodge	Smith, Ga.	

So Mr. HARDWICK's amendment was rejected.

Mr. THOMAS. Mr. President, I desire to call up the amendment which I offered this morning.

The VICE PRESIDENT. The Secretary will state the amendment.

The SECRETARY. On page 37, in line 5, after the word "years," it is proposed to strike out the semicolon and down to and including the word "imprisonment," on line 18, in the following words: "and (c) whoever, in time of war, in violation of reasonable regulations to be prescribed by the President, which he is hereby authorized to make and promulgate, shall publish any information with respect to the movement, numbers, description, condition, or disposition of any of the armed forces, ships, aircraft, or war materials of the United States, or with respect to the plans or conduct of any naval or military operations, or with respect to any works or measures undertaken for or connected with, or intended for the fortification or defense of any place, or any other information relating to the public defense calculated to be useful to the enemy, shall be punished by a fine of not more than $10,000 or by imprisonment for not more than 10 years, or by both such fine and imprisonment."

Mr. THOMAS. Mr. President, the amendment is aimed at subdivision (c) of section 2 of Chapter II of the bill. I made a similar motion when the other bill was before the Senate, which was defeated. At the same time the provision of the section was very materially modified by an amendment offered by the senior Senator from Georgia [Mr. SMITH] and accepted.

I said, at the time the other amendment was before the Senate, practically all that I have to say upon the subject, and I shall not weary the Senate by its repetition. It is true that the amendment as it now stands is very much better than the section as reported by the committee; but it is still obnoxious to me, and largely because it enables the President to establish regulations the violation of which, without regard to the question of intent, is made a very serious crime, punishable by a heavy penalty and by a long period of imprisonment as a maximum.

I am aware, Mr. President, of the need for some power on the part of the President to make regulations with regard to certain matters which may become of importance as this war proceeds, and without which we might be exposed to considerable injury, or at least be face to face with a menace which the President might feel powerless to meet without some provision in this or some other bill giving him authority to make regulations to meet the crisis should it present itself; but I do not think the authority should be as broad as that which is covered by the objectionable part of the section.

Yesterday the Senator from Iowa [Mr. CUMMINS] offered an amendment to the bill to which I have given considerable attention to-day, the junior Senator from Minnesota [Mr. KELLOGG] having directed me to it, with a view of meeting the possible emergency which might confront the administration and going as far as would seem to be essential if we are able at all to anticipate the general course of events. Upon conferring with the Senator from Iowa, he has expressed willingness that I should offer his amendment, with some changes, as a substitute for the verbiage which my amendment is designed to do away with. I will read the amendment of the Senator from Iowa with the additions that have been suggested, the principal one

coming from the junior Senator from Montana [Mr. WALSH], who is one of the strong advocates of the bill.

This amendment provides that—

In time of war the President is hereby authorized to prescribe and promulgate rules and regulations for the purpose of preventing the disclosure to the public, and thereby to the enemy, of information with respect to the movements, numbers, description, and disposition of any of the armed forces of the United States in naval or military operations, or with respect to any works intended for the fortification or defense of any place—

The last phrase being the suggestion of the Senator from Montana—

and whoever in time of war shall willfully violate any such rule or regulation shall be punished by a fine of not more than $10,000 or by imprisonment for not more than five years, or by both such fine and imprisonment: *Provided, however,* That no such rule or regulation shall apply to the proceedings of the Congress of the United States nor to the debates therein.

It will be seen that this inhibition is very broad, but it is at the same time specific, something which is always desirable in statutes, when it is possible to be specific. It arms the President with power to protect the movements of troops in all land and naval operations. It also gives him ample power, by regulation, to throw the same mantle of protection around fortified places generally. Now, that is something to which the press could not well object, and I do not think they would object, and which at the same time is sufficiently comprehensive to anticipate any possible situation not covered by the laws and for the safeguarding of which the announcement of a regulation might be necessary.

Mr. HARDWICK. Mr. President, I want to ask the Senator, with his permission, if the last proviso in the text is also included in the substitute?

Mr. THOMAS. No; not in my motion.

Mr. HARDWICK. Ought it not to be included, or will the Senator strike that out?

Mr. THOMAS. My attention has not been called to that, but I think that should remain.

Mr. CUMMINS. Mr. President, may I say that the amendment which has just been suggested by the Senator from Colorado is substantially the amendment that I offered——

Mr. THOMAS. Why, it is the Senator's amendment. I lay no claim to its authorship.

Mr. CUMMINS (continuing). That I offered to the chapter before it was adopted, before we passed it, when we were considering the Senate bill. It does not strike out the proviso about comment or criticism.

Mr. HARDWICK. It is offered as a substitute——

Mr. CUMMINS. It is only offered as a substitute down to that point.

Mr. THOMAS. It is only offered as a substitute for that part of the section which includes and ends with the word "imprisonment."

Mr. OVERMAN. Will the Senator give the page and line?

Mr. THOMAS. It is subdivision (c), down to the proviso on line 18. It begins on line 5, page 37.

Mr. OVERMAN. Page 37, line 5?

Mr. THOMAS. Down to and including the word "imprisonment" on line 18 of the same page.

Mr. OVERMAN. The amendment does not say that, however. The amendment just says "insert," without stating the place.

Mr. SMITH of Michigan. What line and page?

Mr. OVERMAN. The Senator, in drawing the amendment, said "insert," without stating where.

Mr. CUMMINS. If I had offered the amendment I intended to point out the place in the bill to which the amendment would apply. I will do it now for the information of the Senator from North Carolina.

Mr. OVERMAN. I just want to get it straight. I am inclined to accept it.

Mr. CUMMINS. It begins immediately after the word "years," in line 5, page 37.

The VICE PRESIDENT. One moment. The Chair has just a little compassion for the Reporter of the Senate. It is impossible for him to take this conversation. There are half a dozen Senators speaking.

Mr. OVERMAN. I want to get it straight.

Mr. CUMMINS Mr. President, perhaps I was guilty of audible conversation just then——

The VICE PRESIDENT. Does the Senator from Colorado yield to the Senator from Iowa?

Mr. THOMAS. I do.

Mr. CUMMINS. I do not ask him to yield.

Mr. THOMAS. Then, Mr. President, I will yield the floor myself, because I have said practically all that I care to say. I want to amend my motion, which is simply a motion to strike out, by adding to it a motion to substitute for the part stricken out the amendment of the Senator from Iowa as amended, or rather with the changes which have been suggested.

The VICE PRESIDENT. The Secretary will state the amendment as modified.

The SECRETARY. On page 37 of the House bill, beginning on line 5, after the word "years," it is proposed to strike out the semicolon and all of the bill down to and including the word "imprisonment," on line 18, and to insert in lieu thereof the following:

In time of war the President is hereby authorized to prescribe and promulgate rules and regulations for the purpose of preventing the disclosure to the public, and thereby to the enemy, of information with respect to the movements, numbers, description, and disposition of any of the armed forces of the United States in naval or military operations, or with respect to any works intended for the fortification or defense of any place; and whoever, in time of war, shall willfully violate any such rule or regulation shall be punished by a fine of not more than $10,000, or by imprisonment for not more than five years, or by both such fine and imprisonment: *Provided, however,* That no such rule or regulation shall apply to the proceedings of the Congress of the United States, nor to the debates therein.

Mr. OVERMAN. Mr. President, so far as I am able to do so, I will accept this amendment.

The VICE PRESIDENT. The question is on the amendment——

Mr. STONE. Well, wait; I do not want it accepted.

Mr. WALSH. Mr. President——

The VICE PRESIDENT. The Senator from Montana.

Mr. JOHNSON of California. Mr. President——

The VICE PRESIDENT. The Chair has recognized the Senator from Montana.

Mr. STONE. The Senator from North Carolina is not able to accept this amendment, and I object to his accepting it.

Mr. WALSH. Mr. President, I hope the proponent of this amendment will be moved to take out that provision which in terms excepts the debates here in Congress. I do not care anything at all about it, but I think it is hardly in keeping with the dignity of the Senate to enact a provision of that character.

That was not the reason why I rose, however, Mr. President. I rose simply to call the attention of the Senate to one of the things which those of us who are advocating this portion of the bill would like to see curbed to some extent. I am going to read this because quite a good many of the Members of this House, and I daresay of the other House, believe that there is no necessity whatever of any legislation upon this subject; that the press of the country may be trusted not to print anything whatever that ought to be kept in inviolate secrecy.

One of the leading metropolitan papers of the country printed on last Sunday the following:

NARROWS CLOSED BY GREAT NET OF STEEL—NEW YORK HARBOR PROTECTED AGAINST ATTACK BY SUBMARINES IN THE NIGHT.

New York Harbor is now protected at night by a steel net, which is stretched across the channel from Fort Wadsworth on the Richmond side to Fort Hamilton on the Brooklyn side. The net has a 900-foot "gate" or section which is opened in the morning so as to permit ships to enter or depart. At night the harbor is sealed absolutely and no vessel, except a warship, can pass.

The big net was dropped into position early yesterday morning by a force of workmen from the navy yard. Three tugs and three lighters, chaperoned by the odd looking old monitor *Amphitrite*, worked busily for two hours before the submarine bar was finally got satisfactorily into place. It was no easy job, because the various sections of the great steel mesh approximate a mile in length and practically touch the shores on either side of the Narrows. The net is anchored strongly at the bottom and a line of buoys keeps its top at or near the surface of the water.

For the present it will be kept in position only between sunset and sunrise. All merchant ships are barred from leaving or entering the harbor in the night. Hitherto destroyers have sentineled the port gates and have been busy stopping this vessel and interrogating that. Hereafter the work of the destroyers will be made much easier. The net will do more work than half a dozen of Uncle Sam's vicious mosquitoes. Beginning last night all vessels making for the harbor were compelled to anchor outside, the Ambrose Channel Lightship being designated as a suitable place. At daybreak or soon after the net "gate" will be opened and the vessels will be permitted to flow through.

The construction of the net—

To this I invite the special attention of the Senate:

The construction of the net had been one of the Navy Department's big secrets. Yesterday Government officials declined to discuss it, except to say that it had been put in place and that similar action is being taken at other ports.

Mr. WILLIAMS. What was the paper?

Mr. WALSH. I do not think it is necessary to disclose the paper, but I think all will agree that the less that kind of information is thus published the better it will be.

Mr. THOMAS. I think the amendment which I have offered will cover that and similar publications, and, in order to get it properly before the Senate, I move its adoption.

Mr. WALSH. I am sure the amendment of the Senator does cover it.

Mr. OVERMAN. I understand the Senator from Colorado says he will strike out the last clause.

Mr. THOMAS. Yes, sir.

Mr. STONE. I do not quite understand the idea of moving the adoption of an amendment which is pending. That is the very question before the Senate.

Mr. THOMAS. I will withdraw the suggestion for the present.

DEATH OF HON. JOSEPH BENSON FORAKER.

Mr. HARDING. Mr. President, I am sorry to announce to the Senate the very regrettable news of the death of ex-Senator Joseph Benson Foraker, who represented the State of Ohio in this body from 1897 until 1909.

I know that those in this body who had the satisfaction of serving with him will testify that his 12 years of public life in the Senate were characterized by very notable contributions to the debates of this body, by a very worth-while constructive work in the legislation of the Nation, always marked by his notably admirable personal character and the fine qualities of his noble manhood.

It would not be becoming here perhaps to allude to his distinguished services as governor of the great State of Ohio and his still more youthful services in the war for the preservation of the Union, but from boyhood to his 71 years or more his life has been distinguished by high character, great courage, abiding honesty, and most able and brilliant public service; and I can believe that in his great and inspiring personal and political leadership he has made a contribution to the good of both State and Nation which will leave him a memory that most nobly befits a man of his character and ability.

I do not know the custom, Mr. President, but I have thought because of his distinguished character and his very exceptional services it would at least be becoming in me to call the attention of the Senate to his death.

Mr. GALLINGER. Mr. President, following several precedents already established by the Senate, I move, as a mark of respect to the memory of the late Senator from Ohio, that the Senate do now adjourn until 11 o'clock to-morrow morning.

The motion was unanimously agreed to; and (at 5 o'clock and 5 minutes p. m.) the Senate adjourned until to-morrow, Friday, May 11, 1917, at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES.

THURSDAY, *May 10, 1917.*

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Almighty God, our Heavenly Father, to whom we are indebted for life and all that makes it dear to our hearts and to whom the devout of every age have turned for inspiration and guidance, so we come in faith and confidence praying for inspiration that we may be guided to a happy solution of all the great and complicated problems which confront us. Give us wisdom, strength, and courage that we may meet all the exigencies of the hour and quit ourselves like men worthy of such preferment. In the spirit of the Lord Jesus Christ. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, its enrolling clerk, announced that the Senate had insisted upon its amendment to the bill (H. R. 3673) to amend the act approved December 23, 1913, known as the Federal reserve act, as amended by the acts of August 4, 1914, August 15, 1914, March 3, 1915, and September 7, 1916, with an amendment to strike out all after the enacting clause and to substitute therefor the bill (S. 1796) to amend the act approved December 23, 1913, known as the Federal reserve act, as amended by the acts of August 4, 1914, August 15, 1914, March 3, 1915, and September 7, 1916, had requested a conference with the House of Representatives upon the bill and amendment, and had appointed Mr. OWEN, Mr. HITCHCOCK, and Mr. MCLEAN as the conferees on the part of the Senate.

AMENDMENT OF FEDERAL RESERVE ACT.

Mr. GLASS. Mr. Speaker, I ask to take from the Speaker's desk the bill H. R. 3673, disagree to all of the Senate amendments, and ask for a conference.

The SPEAKER. The gentleman from Virginia asks unanimous consent to take from the Speaker's table the bill H. R. 3673, disagree to all the Senate amendments, and agree to the conference asked by the Senate. Is there objection?

Mr. MANN. Reserving the right to object, I believe there is only one Senate amendment, and that is to strike out all after the enacting clause and insert a new bill. I have the Senate amendment in my hand, and have glanced over it very hastily, but as the Senate amendment is entirely a new bill it is impossible to tell by casual glance at it by one who is not thoroughly familiar with the subject what the Senate proposition is.

Mr. GLASS. It is not an entirely new bill.

Mr. MANN. It is an entirely new bill in form. It is a substitute.

Mr. GLASS. I have not had time to examine all of the Senate amendments.

Mr. MANN. There is only the one amendment.

Mr. GLASS. I have not had time to examine the Senate amendment, which contains many provisions.

Mr. HARRISON of Mississippi. If the gentleman will permit, let me say one word, there was an amendment offered by Senator HARDWICK that is an amendment to the original amendment.

Mr. MANN. That is all incorporated. There is only one Senate amendment, as it comes to us. What the change may be in that shape, of course one can not tell without very careful examination. I do not know whether there is anything in it that ought to be submitted to a vote of the House in any way or not.

Mr. GLASS. The Senate amendment reduces the reserve requirements with the Federal reserve banks to 6 per cent instead of 7 per cent, as the House bill does.

Mr. MANN. Are there any new features?

Mr. GLASS. It contains a provision authorizing the exchange of Federal reserve notes for gold, which, in my view, involves a reduction of the commercial security behind the Federal reserve notes by 40 per cent. It contains a provision relating to the custody of all the securities with the Federal reserve agent. It contains a provision relating to the bond to be given by the assistants to the Federal reserve agent—somewhat different from the House provision. It contains a provision relating to check collection and exchange charges, and various other provisions that I have not had time to examine.

Mr. MANN. Does the gentleman recall whether there is any other entirely new matter, apart from the subject matter in the House bill?

Mr. GLASS. I think the chief new matter is that relating to the exchange of Federal reserve notes for gold.

Mr. MANN. I shall not object.

Mr. BORLAND. Reserving the right to object, a good many, I think, would be interested in that amendment about the exchange charges on checks. Would it be possible for us to have a separate consideration of that in the House? My understanding is that that went out repeatedly in this House as not germane to that particular bill. It seems to me it ought to be taken up as a separate matter.

Mr. MANN. It is not possible to get a separate vote on any proposition except by instructions to the House conferees, because it is all one Senate amendment.

The SPEAKER. Is there objection?

Mr. RAGSDALE. I object, Mr. Speaker.

Mr. GLASS. Mr. Speaker, I make the point the objection came too late. The Chair had said there is no objection, I think.

The SPEAKER. No; I think not.

Mr. MANN. It is not a Union Calendar bill.

Mr. GLASS. Mr. Speaker, I move to disagree to all the Senate amendments and ask that the conference asked for be granted.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

H. R. 3673. An act to amend the act approved December 23, 1913, known as the Federal reserve act, as amended by the acts of August 4, 1914, August 15, 1914, March 3, 1915, and September 7, 1916.

Mr. CANNON. Is the Senate amendment in print?

Mr. HARRISON of Mississippi. It is in the RECORD this morning.

Mr. CANNON. Nobody, in this light, can read it in the RECORD.

Mr. MANN. I can furnish my colleague in four or five minutes with a copy of it by sending to my office. It is in print.

Mr. CANNON. I may be able to get it at the document room.

Mr. MANN. No. I have a copy of the engrossed Senate amendment, but it is not available otherwise.

Mr. RAGSDALE. A point of order, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. RAGSDALE. Until this bill is printed, can it be referred to conference except upon a vote of the House?

The SPEAKER. He can ask to do what he has asked to do by unanimous consent. The gentleman moves to take this bill from the Speaker's table.

Mr. CANNON. After all, Mr. Speaker, if the Chair will indulge me, I do not know what is in this Senate amendment.

Mr. MANN. I think it would be wise to let it go over until morning and have it printed.

The SPEAKER. What does the gentleman from Virginia say?

Mr. GLASS. I would be very glad if we could proceed with the matter, Mr. Speaker. I have been here on this matter now for three weeks constantly, and I would like to get through with it. The Senate amendment is printed in the RECORD.

I will explain to the gentleman from Illinois [Mr. CANNON] just what the Senate amendments are. The chief Senate amendment, the new matter, is authorizing the Federal Reserve Board to exchange Federal reserve notes for gold, which, as I stated, involves the reducing of the commercial security behind the Federal reserve notes about 40 per cent. The reserve required by the Senate bill with the Federal reserve bank is only 6 per cent, as against 7 per cent required by the House bill. There is a provision in the Senate amendment authorizing certain charges on check collections.

Mr. CANNON. What certain charges?

Mr. GLASS. Charges not exceeding one-tenth of 1 per cent.

Mr. CANNON. On collections?

Mr. GLASS. Yes; on collections.

Mr. CANNON. What do you mean—collections through the Federal reserve bank, or through all banks?

Mr. GLASS. Through all banks.

Mr. CANNON. Well, will the House have an opportunity to vote on that amendment to-day?

Mr. GLASS. There is but one amendment.

Mr. CANNON. I know, but do you mean an opportunity to consider it after the whole thing is in print, either by putting it over until to-morrow or by a report from the conference committee without an agreement?

Mr. GLASS. There is no way by which it can be separately considered, I will say to the gentleman.

Mr. CANNON. I understand that; but there is a way by which the conferees can be instructed.

Mr. FITZGERALD. Not at this stage of the proceedings.

Mr. CANNON. Well——

Mr. FITZGERALD. Well! [Laughter.]

Mr. CANNON. I do not know. Why not at this stage of the proceedings?

Mr. FITZGERALD. Because this is before the stage of disagreement. That motion is only in order when I offer it. [Laughter.]

Mr. CANNON. I think the House is entitled to some assurance that it can intelligently consider the Senate amendment; and while I do not desire to delay by objection, I am not sure but that time would be saved by letting it go over until to-morrow morning, and in the absence of that, at least the House ought to have an opportunity before it is tied up by a conference report, in what we all hope will be the closing hours of the session [applause], when it can not be very intelligently considered, although it might contain much that the House is not in fact in favor of.

Mr. GLASS. I will say to the gentleman that the only new provisions upon which there might be any division of opinion at all are the provisions that I have just indicated.

Mr. CANNON. Very well. In my judgment the House is not for that amendment or for the provisions in the Senate amendment.

Now, while I think the gentleman from Virginia knows more about this matter than anybody else in the House—and I measure my words when I say that—and I prize his opinion highly, yet this covers a large country and a very large part of the business of the country, and I do not believe the House, for instance, is for the last amendment that the gentleman speaks of, limiting to one-tenth of 1 per cent the charge for collections between 25,000 and 30,000 banks.

Mr. GLASS. That is all that the American Banking Association itself asked for.

Mr. ADAMSON. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. ADAMSON. Will it not be in order, after this motion of the gentleman from Virginia has been adopted and before the conferees are named, for any gentleman to move to instruct?

The SPEAKER. Not at this stage of the proceedings.

Mr. ADAMSON. I say after the motion is adopted and before the conferees are appointed?

The SPEAKER. The gentleman from Virginia moves to take this bill from the Speaker's table, disagree to the Senate amendments, and agree to the conference asked by the Senate. The question is on agreeing to that motion.

Mr. MANN. The Senate amendment must be read before that is voted on.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Strike out all after the enacting clause and insert:

"That section 4 of the act approved December 23, 1913, known as the Federal reserve act, be amended by striking out the sentence reading as follows: 'One of the directors of class C, who shall be a person of tested banking experience, shall be appointed by the Federal Reserve Board as deputy chairman and deputy Federal reserve agent, to exercise the powers of the chairman of the board and Federal reserve agent in case of absence or disability of his principal,' and by adding in place thereof the following:

"'Subject to the approval of the Federal Reserve Board, the Federal reserve agent shall appoint one or more assistants. Such assistants, who shall be persons of tested banking experience, shall assist the Federal reserve agent in the performance of his duties and shall also have power to act in his name and stead during his absence or disability. The Federal reserve agent may require such bonds of his assistants as he may deem necessary for his own protection. Assistants to the Federal reserve agent shall receive an annual compensation to be fixed and paid in the same manner as that of the Federal reserve agent. One of the directors of class C shall be appointed by the Federal Reserve Board as vice chairman to exercise the powers of the chairman of the board in case of the absence or disability of the Federal reserve agent; in case of the absence of the chairman and vice chairman, the third class C director shall preside at meetings of the board.'"

"SEC. 2. That section 9 of the Federal reserve act be amended to read as follows:

"'SEC. 9. Any bank incorporated by special law of any State, or organized under the general laws of any State or of the United States, desiring to become a member of the Federal Reserve System may make application to the Federal Reserve Board for the right to subscribe to the stock of the Federal reserve bank organized within the district in which the applying bank is located. Such application shall be for the same amount of stock that the applying bank would be required to subscribe to as a national bank. The Federal Reserve Board, in accordance with such rules and regulations and subject to such conditions as it may prescribe, may permit the applying bank to become a stockholder of such Federal reserve bank.

"'In acting upon such applications the Federal Reserve Board shall consider the financial condition of the applying bank, the general character of its management, and whether or not the corporate powers exercised are consistent with the purposes of this act.

"'Whenever the Federal Reserve Board shall permit the applying bank to become a stockholder in the Federal reserve bank of the district its stock subscription shall be payable on call of the Federal Reserve Board, and stock issued to it shall be held subject to the provisions of this act.

"'All banks admitted to membership under authority of this section shall be required to comply with the reserve and capital requirements of this act and to conform to those provisions of law imposed on national banks which prohibit such banks from lending on or purchasing their own stock, which relate to the withdrawal or impairment of their capital stock, and which relate to the payment of unearned dividends. Such banks and the officers, agents, and employees thereof shall also be subject to the provisions of and to the penalties prescribed by section 5209 of the Revised Statutes, and shall be required to make reports of condition and of the payment of dividends to the Federal reserve bank of which they become a member. Not less than three of such reports shall be made annually on call of the Federal reserve bank on dates to be fixed by the Federal Reserve Board. Failure to make such reports within 10 days after the date they are called for shall subject the offending bank to a penalty of $100 a day for each day that it fails to transmit such report, such penalty to be collected by the Federal reserve bank by suit or otherwise.

"'As a condition of membership such banks shall likewise be subject to examinations made by direction of the Federal Reserve Board or of the Federal reserve bank by examiners selected or approved by the Federal Reserve Board.

"'Whenever the directors of the Federal reserve bank shall approve the examinations made by the State authorities, such examinations and the reports thereof may be accepted in lieu of examinations made by examiners selected or approved by the Federal Reserve Board: *Provided, however*, That when it deems it necessary the board may order special examinations by examiners of its own selection and shall in all cases approve the form of the report. The expenses of all examinations, other than those made by State authorities, shall be assessed against and paid by the banks examined in the same manner and at the same rate that national banks are assessed for such expenses.

"'If at any time it shall appear to the Federal Reserve Board that a member bank has failed to comply with the provisions of this section of the regulations of the Federal Reserve Board made pursuant thereto, it shall be within the power of the board after hearing to require such bank to surrender its stock in the Federal reserve bank and to forfeit all rights and privileges of membership. The Federal Reserve Board may restore membership upon due proof of compliance with the conditions imposed by this section.

"'Any State bank or trust company desiring to withdraw from membership in a Federal reserve bank may do so, after six months' written notice shall have been filed with the Federal Reserve Board, upon the surrender and cancellation of all of its holdings of capital stock in the Federal reserve bank: *Provided, however*, That no Federal reserve bank shall, except under express authority of the Federal Reserve Board, cancel within the same calendar year more than 10 per cent of its capital stock for the purpose of effecting voluntary withdrawals during that year. All such applications shall be dealt with in the order in which they are filed with the board. Whenever a member bank shall surrender its stock holdings in a Federal reserve bank, or shall be ordered to do so by the Federal Reserve Board, under authority of law, all of its rights and privileges as a member bank shall thereupon cease and determine, and after due provision has been made for any indebted-

ness due or to become due to the Federal reserve bank it shall be entitled to a refund of its cash paid subscription with interest at the rate of one-half of 1 per cent per month from date of last dividend, if earned, the amount refunded in no event to exceed the book value of the stock at that time, and shall likewise be entitled to repayment of deposits and of any other balance due from the Federal reserve bank.

"'No applying bank shall be admitted to membership in a Federal reserve bank unless it possesses a paid-up unimpaired capital sufficient to entitle it to become a national banking association in the place where it is situated under the provisions of the national-bank act.

"'Banks becoming members of the Federal Reserve System under authority of this section shall be subject to the provisions of this section and to those of this act which relate specifically to member banks, but shall not be subject to examination under the provisions of the first two paragraphs of section 5240 of the Revised Statutes as amended by section 21 of this act. Subject to the provisions of this act and to the regulations of the board made pursuant thereto, any bank becoming a member of the Federal Reserve System shall retain its full charter and statutory rights as a State bank or trust company, and may continue to exercise all corporate powers granted it by the State in which it was created, and shall be entitled to all privileges of member banks: *Provided, however*, That no Federal reserve bank shall be permitted to discount for any State bank or trust company notes, drafts, or bills of exchange of any one borrower who is liable for borrowed money to such State bank or trust company in an amount greater than 10 per cent of the capital and surplus of such State bank or trust company, but the discount of bills of exchange drawn against actually existing value shall not be considered as borrowed money within the meaning of this section. The Federal reserve bank, as a condition of the discount of notes, drafts, and bills of exchange for such State bank or trust company, shall require a certificate or guaranty to the effect that the borrower is not liable to such bank in excess of the amount provided by this section, and will not be permitted to become liable in excess of this amount while such notes, drafts, or bills of exchange are under discount with the Federal reserve bank.

"'It shall be unlawful for any officer, clerk, or agent of any bank admitted to membership under authority of this section to certify any check drawn upon such bank unless the person or company drawing the check has on deposit therewith at the time such check is certified an amount of money equal to the amount specified in such check. Any check so certified by duly authorized officers shall be a good and valid obligation against such bank, but the act of any such officer, clerk, or agent in violation of this section may subject such bank to a forfeiture of its membership in the Federal Reserve System upon hearing by the Federal Reserve Board.'

"SEC. 3. That the first paragraph of section 13 be amended so as to read as follows:

"'Any Federal reserve bank may receive from any of its member banks, and from the United States, deposits of current funds in lawful money, national-bank notes, Federal reserve notes, or checks and drafts payable upon presentation, and also, for collection, maturing notes and bills; or, solely for purposes of exchange or of collection, may receive from other Federal reserve banks deposits of current funds in lawful money, national-bank notes, or checks upon other Federal reserve banks, and checks and drafts, payable upon presentation within its district, and maturing notes and bills payable within its district; or, solely for the purposes of exchange or of collection, may receive from any nonmember bank or trust company deposits of current funds in lawful money, national-bank notes, Federal reserve notes, checks and drafts payable upon presentation, or maturing notes and bills: *Provided*, Such nonmember bank or trust company maintains with the Federal reserve bank of its district a balance sufficient to offset the items in transit held for its account by the Federal reserve bank.'

"SEC. 4. That the fifth paragraph of section 13 be, and is hereby, amended so as to read as follows:

"'Any member bank may accept drafts or bills of exchange drawn upon it having not more than six months' sight to run, exclusive of days of grace, which grow out of transactions involving the importation or exportation of goods; or which grow out of transactions involving the domestic shipment of goods, provided shipping documents conveying or securing title are attached at the time of acceptance; or which are secured at the time of acceptance by a warehouse receipt or other such document conveying or securing title covering readily marketable staples. No member bank shall accept, whether in a foreign or domestic transaction, for any one person, company, firm, or corporation to an amount equal at any time in the aggregate to more than 10 per cent of its paid-up and unimpaired capital stock and surplus, unless the bank is secured either by attached documents or by some other actual security growing out of the same transaction as the acceptance; and no bank shall accept such bills to an amount equal at any time in the aggregate to more than one-half of its paid-up and unimpaired capital stock and surplus: *Provided, however*, That the Federal Reserve Board, under such general regulations as it may prescribe, which shall apply to all banks alike, regardless of the amount of capital stock and surplus, may authorize any member bank to accept such bills to an amount not exceeding at any time in the aggregate 100 per cent of its paid-up and unimpaired capital stock and surplus: *Provided further*, That in no event shall a bank accept for any one person, company, firm, or corporation to an amount equal at any time in the aggregate to more than 20 per cent of its paid-up and unimpaired capital stock and surplus.'

"SEC. 5. That section 16, paragraphs 2, 3, 4, 5, 6, and 7, be further amended and reenacted so as to read as follows:

"'Any Federal reserve bank may make application to the local Federal reserve agent for such amount of the Federal reserve notes hereinbefore provided for as it may require. Such application shall be accompanied with a tender to the local Federal reserve agent of collateral in amount equal to the sum of the Federal reserve notes thus applied for and issued pursuant to such application. The collateral security thus offered shall be notes, drafts, bills of exchange, or acceptances, rediscounted under the provisions of section 13 of this act, or bills of exchange indorsed by a member bank of any Federal reserve district and purchased under the provisions of section 14 of this act, or bankers' acceptances purchased under the provisions of said section 14, or gold or gold certificates; but in no event shall such collateral security, whether gold, gold certificates, or eligible paper, be less than the amount of Federal reserve notes applied for. The Federal reserve agent shall each day notify the Federal Reserve Board of all issues and withdrawals of Federal reserve notes to and by the Federal reserve bank to which he is accredited. The said Federal Reserve Board may at any time call upon a Federal reserve bank for additional security to protect the Federal reserve notes issued to it.

"'Every Federal reserve bank shall maintain reserves in gold or lawful money of not less than 35 per cent against its deposits and reserves in gold of not less than 40 per cent against its Federal reserve notes in actual circulation: *Provided, however*, That when the Federal reserve agent holds gold or gold certificates as collateral for Federal reserve notes issued to the bank such gold or gold certificates shall be counted as part of the gold reserve which such bank is required to maintain against its Federal reserve notes in actual circulation. Notes so paid out shall bear upon their faces a distinctive letter and serial number, which shall be assigned by the Federal Reserve Board to each Federal reserve bank. Whenever Federal reserve notes issued through one Federal reserve bank shall be received by another Federal reserve bank, they shall be promptly returned for credit or redemption to the Federal reserve bank through which they were originally issued or, upon direction of such Federal reserve bank, they shall be forwarded direct to the Treasurer of the United States to be retired. No Federal reserve bank shall pay out notes issued through another under penalty of a tax of 10 per cent upon the face value of notes so paid out. Notes presented for redemption at the Treasury of the United States shall be paid out of the redemption fund and returned to the Federal reserve banks through which they were originally issued, and thereupon such Federal reserve bank shall, upon demand of the Secretary of the Treasury, reimburse such redemption fund in lawful money or, if such Federal reserve notes have been redeemed by the Treasurer in gold or gold certificates, then such funds shall be reimbursed to the extent deemed necessary by the Secretary of the Treasury in gold or gold certificates, and such Federal reserve bank shall, so long as any of its Federal reserve notes remain outstanding, maintain with the Treasurer in gold an amount sufficient in the judgment of the Secretary to provide for all redemptions to be made by the Treasurer. Federal reserve notes received by the Treasurer otherwise than for redemption may be exchanged for gold out of the redemption fund hereinafter provided and returned to the reserve bank through which they were originally issued, or they may be returned to such bank for the credit of the United States. Federal reserve notes unfit for circulation shall be returned by the Federal reserve agents to the Comptroller of the Currency for cancellation and destruction.

"'The Federal Reserve Board shall require each Federal reserve bank to maintain on deposit in the Treasury of the United States a sum in gold sufficient, in the judgment of the Secretary of the Treasury, for the redemption of the Federal reserve notes issued to such bank, but in no event less than 5 per cent of the total amount of notes issued less the amount of gold or gold certificates held by the Federal reserve agent as collateral security; but such deposit of gold shall be counted and included as part of the 40 per cent reserve hereinbefore required. The board shall have the right, acting through the Federal reserve agent, to grant, in whole or in part, or to reject entirely the application of any Federal reserve bank for Federal reserve notes; but to the extent that such application may be granted the Federal Reserve Board shall, through its local Federal reserve agent, supply Federal reserve notes to the banks so applying, and such bank shall be charged with the amount of notes issued to it and shall pay such rate of interest as may be established by the Federal Reserve Board on only that amount of such notes which equals the total amount of its outstanding Federal reserve notes less the amount of gold or gold certificates held by the Federal reserve agent as collateral security. Federal reserve notes issued to any such bank shall, upon delivery, together with such notes of such Federal reserve bank as may be issued under section 18 of this act upon security of United States 2 per cent Government bonds, become a first and paramount lien on all the assets of such bank.

"'Any Federal reserve bank may at any time reduce its liability for outstanding Federal reserve notes by depositing with the Federal reserve agent its Federal reserve notes, gold, gold certificates, or lawful money of the United States. Federal reserve notes so deposited shall not be reissued, except upon compliance with the conditions of an original issue.

"'The Federal reserve agents shall hold such gold, gold certificates, or lawful money available exclusively for exchange for the outstanding Federal reserve notes when offered by the reserve bank of which he is a director. Upon the request of the Secretary of the Treasury the Federal Reserve Board shall require the Federal reserve agent to transmit to the Treasurer of the United States so much of the gold held by him as collateral security for Federal reserve notes as may be required for the exclusive purpose of the redemption of such Federal reserve notes, but such gold when deposited with the Treasurer shall be counted and considered as if collateral security on deposit with the Federal reserve agent.

"'Any Federal reserve bank may at its discretion withdraw collateral deposited with the local Federal reserve agent for the protection of its Federal reserve notes issued to it, and shall at the same time substitute therefore other collateral of equal amount, with the approval of the Federal reserve agent, under regulations to be prescribed by the Federal Reserve Board. Any Federal reserve bank may retire any of its Federal reserve notes by depositing them with the Federal reserve agent or with the Treasurer of the United States, and such Federal reserve bank shall thereupon be entitled to receive back the collateral deposited with the Federal reserve agent for the security of such notes. Federal reserve banks shall not be required to maintain the reserve or the redemption fund heretofore provided for against Federal reserve notes which have been retired. Federal reserve notes so deposited shall not be reissued except upon compliance with the conditions of an original issue.'

"All Federal reserve notes and all gold, gold certificates, and lawful money issued to or deposited with any Federal reserve agent under the provisions of the Federal reserve act shall hereafter be held for such agent, under such rules and regulations as the Federal Reserve Board may prescribe, in the joint custody of himself and the Federal reserve bank to which he is accredited. Such agent and such Federal reserve bank shall be jointly liable for the safe-keeping of such Federal reserve notes, gold, gold certificates, and lawful money. Nothing herein contained, however, shall be construed to prohibit a Federal reserve agent from depositing gold or gold certificates with the Federal Reserve Board, to be held by such board subject to his order, or with the Treasurer of the United States for the purposes authorized by law.

"SEC. 6. That section 16 be further amended by adding at the end of the section the following:

"'That the Secretary of the Treasury is hereby authorized and directed to receive deposits of gold coin or of gold certificates with the Treasurer or any Assistant Treasurer of the United States when tendered by any Federal reserve bank or Federal reserve agent for credit to its or his account with the Federal Reserve Board. The Secretary shall prescribe by regulation the form or receipt to be issued by the Treasurer or Assistant Treasurer to the Federal reserve bank or Federal reserve agent making the deposit, and a duplicate of such receipt

shall be delivered to the Federal Reserve Board by the Treasurer at Washington upon proper advices from any Assistant Treasurer that such deposit has been made. Deposits so made shall be held subject to the orders of the Federal Reserve Board and shall be payable in gold coin or gold certificates on the order of the Federal Reserve Board to any Federal reserve bank or Federal reserve agent at the Treasury or at the Subtreasury of the United States nearest the place of business of such Federal reserve bank or such Federal reserve agent: *Provided, however*, That any expense incurred in shipping gold to or from the Treasury or Subtreasuries in order to make such payments, or as a result of making such payments, shall be paid by the Federal Reserve Board and assessed against the Federal reserve banks. The order used by the Federal Reserve Board in making such payments shall be signed by the governor or vice governor, or such other officers or members as the board may by regulation prescribe. The form of such order shall be approved by the Secretary of the Treasury.

"'The expenses necessarily incurred in carrying out these provisions, including the cost of the certificates or receipts issued for deposits received, and all expenses incident to the handling of such deposits shall be paid by the Federal Reserve Board and included in its assessments against the several Federal reserve banks.

"'Gold deposits standing to the credit of any Federal reserve bank with the Federal Reserve Board shall, at the option of said bank, be counted as part of the lawful reserve which it is required to maintain against outstanding Federal reserve notes, or as a part of the reserve it is required to maintain against deposits.

"'Nothing in this section shall be construed as amending section 6 of the act of March 14, 1900, as amended by the acts of March 4, 1907, March 2, 1911, and June 12, 1916, nor shall the provisions of this section be construed to apply to the deposits made or to the receipts or certificates issued under those acts.'

"SEC. 7. That section 17 be, and is hereby, amended so as to read as follows:

"'SEC. 17. So much of the provisions of section 5159 of the Revised Statutes of the United States, and section 4 of the act of June 20, 1874, and section 8 of the act of July 12, 1882, and of any other provisions of existing statutes as require that before any national banking association shall be authorized to commence banking business it shall transfer and deliver to the Treasurer of the United States a stated amount of United States registered bonds, and so much of those provisions or of any other provisions of existing statutes as require any national banking association now or hereafter organized to maintain a minimum deposit of such bonds with the Treasurer is hereby repealed.'

"SEC. 8. That section 19 be amended and reenacted so as to read as follows:

"'SEC. 19. Demand deposits within the meaning of this act shall comprise all deposits payable within 30 days, and time deposits shall comprise all deposits payable after 30 days, all savings accounts and certificates of deposit which are subject to not less than 30 days' notice before payment, and all postal savings deposits.

"'Every bank, banking association, or trust company which is or which becomes a member of any Federal reserve bank shall establish and maintain with its Federal reserve bank reserves as follows:

"'(a) If not in a reserve or central reserve city, as now or hereafter defined, it shall hold and maintain with the Federal reserve bank of its district actual net reserves equal to not less than 6 per cent of the aggregate amount of its demand deposits and 3 per cent of its time deposits.

"'(b) If in a reserve city, as now or hereafter defined, it shall hold and maintain with the Federal reserve bank of its district actual net reserves equal to not less than 10 per cent of the aggregate amount of its demand deposits and 3 per cent of its time deposits.

"'(c) If in a central reserve city, as now or hereafter defined, it shall hold and maintain with the Federal reserve bank of its district an actual net reserve equal to not less than 13 per cent of the aggregate amount of its demand deposits and 3 per cent of its time deposits.

"'Every member bank shall maintain in its own vaults an amount of specie or currency equal to at lenst 4 per cent of its demand deposits less the amount of those reserves with the Federal reserve bank which are in excess of the minimum reserves required by this section.

"'No member bank shall keep on deposit with any nonmember bank a sum in excess of 10 per cent of its own paid-up capital and surplus. No member bank shall act as the medium or agent of a nonmember bank in applying for or receiving discounts from a Federal reserve bank under the provisions of this act except by permission of the Federal Reserve Board.

"'The required balance carried by a member bank with a Federal reserve bank may, under the regulations and subject to such penalties as may be prescribed by the Federal Reserve Board, be checked against and withdrawn by such member bank for the purpose of meeting existing liabilities: *Provided, however*, That no bank shall at any time make new loans or shall pay any dividends unless and until the total reserve required by law is fully restored.

"'In estimating the reserves and the cash in vault required by this act, the net balance of amounts due to and from other banks shall be taken as the basis for ascertaining the bank deposits against which reserves with Federal reserve banks and cash in vault shall be determined.

"'National banks or banks organized under local laws located in Alaska or in a dependency or insular possession or any part of the United States outside the continental United States may remain nonmember banks, and shall in that event maintain reserves and comply with all the conditions now provided by law regulating them; or said banks, except in the Philippine Islands, may, with the consent of the Federal Reserve Board, become member banks of any one of the reserve districts, and shall, in that event, take stock, maintain reserves, and be subject to all the other provisions of this act.'

"SEC. 9. That that part of section 22 which reads as follows: 'Other than the usual salary or director's fees paid to any officer, director, or employee of a member bank and other than a reasonable fee paid by said bank to such officer, director, or employee for service rendered to such bank, no officer, director, employee, or attorney of a member bank shall be a beneficiary of or receive, directly or indirectly, any fee, commission, gift, or other consideration for or in connection with any transaction or business of the bank,' be, and hereby is, amended and reenacted so as to read as follows:

"'Other than the usual salary or director's fee paid to any officer, director, employee, or attorney of a member bank, and other than a reasonable fee paid by said bank to such officer, director, employee, or attorney for services rendered to such bank, no officer, director, employee, or attorney of a member bank shall be a beneficiary of or receive directly or indirectly any fee, commission, gift, or other consideration for or in connection with any transaction or business of the bank: *Provided, however*, That nothing in this act contained shall be construed to prohibit a director, officer, employee, or attorney from receiving the same rate of interest paid to other depositors for similar deposits made with such banks: *And provided further*, That notes, drafts, bills of exchange, or other evidences of debt executed or indorsed by directors or attorneys of a member bank may be discounted with such member bank on the same terms and conditions as other notes, drafts, bills of exchange, or evidences of debt upon the affirmative vote or written assent of at least three-fourths of the members of the board of directors of such member bank.'

Mr. GLASS. Mr. Speaker——

The SPEAKER. The gentleman from Virginia is entitled to an hour.

Mr. GLASS. Mr. Speaker, I do not care to discuss the matter. I move the previous question on the motion.

The SPEAKER. The question is on the motion of the gentleman from Virginia [Mr. GLASS] to take this bill from the Speaker's table and disagree to the Senate amendments and agree to the conference. The question is on agreeing to that motion.

The motion was agreed to.

Mr. McFADDEN. Mr. Speaker, I offer the following motion.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

Motion by Mr. McFADDEN:

"I move that the managers on the part of the House be instructed to agree in conference to the substance of the following provision in the Senate amendment, being the last five lines on page 8 and the first five lines on page 9, which read as follows:

"'*Provided*, Such nonmember bank or trust company maintains with the Federal reserve bank of its district a balance sufficient to offset the items in transit held for its account by the Federal reserve bank: *Provided further*, That nothing in this or any other section of this act shall be construed as prohibiting a member or nonmember bank from making reasonable charges, in no case to exceed 10 cents per $100 or fraction thereof, based on the total of checks and drafts presented at any one time, for collection or payment of checks and drafts and remission therefor by exchange or otherwise.'"

Mr. GLASS. Mr. Speaker, I make the point of order that that motion is not in order at this time.

The SPEAKER. Why not?

Mr. GLASS. The conferees have not been appointed.

The SPEAKER. I know; but if you are ever going to instruct them at all, you must instruct them before they are appointed.

Mr. FITZGERALD. The stage of disagreement has not yet been reached.

Mr. MANN. We have disagreed to the Senate amendment and the Senate has insisted on its disagreement. The stage of disagreement has been reached.

Mr. WINGO. That is the pending motion—to disagree.

The SPEAKER. The disagreement has been adopted.

Mr. WINGO. It has not been adopted. The previous question has been ordered.

Mr. MANN. The Speaker submitted the motion, and it was agreed to.

Mr. FITZGERALD. There is no doubt about the parliamentary rule. The stage of disagreement has not been reached until after a free conference and the two Houses have not been able to agree.

Mr. MANN. Oh, the gentleman is clear off his base.

Mr. FITZGERALD. Oh, well, I am not clear off my base. The gentleman may fool some people on that side, but he can not deceive me.

Mr. MANN. The gentleman will know better if he thinks, and he is foolish to talk in that way.

The SPEAKER. Only one at a time. The Chair will hear the gentleman from New York on this point of order.

Mr. FITZGERALD. Until after the managers on the part of the House and the managers on the part of the Senate have attempted to agree and have reached the stage of disagreement, it is not in order to instruct the conferees. The very same question came up on the Philippine bill. I made the motion, but nobody raised the question of order. The situation was the same. The gentleman from Illinois [Mr. MANN] and myself discussed it thoroughly and were in agreement as to what would happen if the point of order was interjected. The stage of disagreement has not been reached between the two Houses in this matter.

Mr. MANN. Now, Mr. Speaker, I will give the Speaker information.

The SPEAKER. The Chair will be very glad to get it. [Laughter.]

Mr. MANN. On the Philippine bill, to which the gentleman from New York refers, I suggested to him to offer a motion to instruct the conferees before the stage of disagreement had been reached. There was a case where the House had amended a Senate bill and before the stage of disagreement had been reached the conferees were instructed by a motion, which was subject to a point of order; but that is not this case. This is a case where there is a House bill with a Senate amendment, upon which amendment the Senate has made an insistence, and the House has disagreed to the Senate amendment, and we have

reached the stage of disagreement. It is not conferees who disagree. It is the Houses of Congress which disagree. I have stated the case correctly.

Mr. FITZGERALD. The gentleman has not stated the case correctly.

Mr. MANN. I remember the circumstance, because in the immigration bill some years ago, when the House struck out all of the Senate amendments and inserted the House bill, a motion was made to instruct the conferees, and I made the point of order that the motion was not in order because the Houses were not in disagreement, and that the action of one House would not put the two Houses in disagreement. The Speaker sustained the point of order. That was what I called to the attention of the gentleman from New York on the Philippine bill; but here both Houses have acted, and they are in disagreement.

Mr. FITZGERALD. They are not.

Mr. MANN. The gentleman, when he stops to think, will know I am right about it. He is too good a parliamentarian to say that they are not in disagreement, when both Houses have disagreed.

Mr. FITZGERALD. They have not.

Mr. MANN. The gentleman just happens to be wrong; that is all.

Mr. FITZGERALD. They have not disagreed in the present instance. There is no disagreement when the Senate sends an amendment over here with the request for a conference before action by the House.

Mr. MANN. When both Houses have ordered conferees, they are in disagreement. Otherwise they could not order a conference.

Mr. GARNER. Has the motion to disagree been agreed to?

Mr. MANN. It has been agreed to, and the Speaker will find in the Manual—not on this point—what the Speaker already knows, that the motion to instruct the managers should be offered after the vote to ask for or agree to a conference and before the managers are appointed. That is the present situation.

The SPEAKER. It is this way: If they can not be instructed now, they never can be.

Mr. MANN. That is correct.

The SPEAKER. All the Members who have been here any length of time know that when a conference report is brought in here it is almost absolutely impossible to beat it. The Members hesitate about it, and therefore the point of order made by the gentleman from New York [Mr. FITZGERALD] is overruled. The question is——

Mr. WINGO. The disagreement has not yet been reached, because the Chair has never put the question on the motion of the gentleman from Virginia to disagree.

The SPEAKER. The gentleman is mistaken. The previous question was never moved on this, and was never put.

Mr. WINGO. If the Speaker will pardon me, I know the gentleman from Virginia moved the previous question.

Mr. MANN. It was not put.

Mr. WINGO. As soon as the Chair put it, the gentleman from Pennsylvania [Mr. MCFADDEN] offered a motion, and the query at once arose in my mind as to whether he knew what he could do under that.

The SPEAKER. I do not know anything about what the gentleman from Pennsylvania knew. What I know is that the motion to disagree was put and carried.

Mr. MANN. Undoubtedly.

Mr. ADAMSON. A parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. ADAMSON. Then I was correct in my assumption a few minutes ago that after the disagreement was ordered and before the conferees were appointed they could be instructed.

The SPEAKER. That is exactly what the Chair has held.

Mr. ADAMSON. I am much obliged to you.

The SPEAKER. The gentleman is under no obligation. [Laughter.] The question is on the motion of the gentleman from Pennsylvania [Mr. MCFADDEN] to instruct the conferees.

The question being taken, on a division (demanded by Mr. GLASS) there were—ayes 111, noes 63.

Mr. GLASS. I demand the yeas and nays, Mr. Speaker.

Mr. BORLAND. I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Missouri makes the point of order that there is no quorum present. Evidently there is none. The Doorkeeper will lock the doors——

Mr. CRISP. Mr. Speaker, I ask unanimous consent that the motion of the gentleman from Pennsylvania be again read by the Clerk.

The SPEAKER. In a minute. Evidently there is no quorum present. The Doorkeeper will lock the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll. Before he does that, without objection, the motion of the gentleman from Pennsylvania [Mr. MCFADDEN] will be reported again.

There was no objection.

The motion of Mr. MCFADDEN was again read.

The SPEAKER. The Clerk will call the roll.

The question was taken; and there were—yeas 240, nays 118, answered "present" 4, not voting 69, as follows:

YEAS—240.

Almon	Fields	Lazaro	Sanders, La.
Anderson	Fisher	Lee, Ga.	Sanders, N. Y.
Anthony	Flood	Lehlbach	Schall
Aswell	Fordney	Lenroot	Scott, Iowa
Austin	Frear	Lesher	Scott, Mich.
Bacharach	French	Lever	Sells
Bacon	Fuller, Ill.	Little	Shallenberger
Bankhead	Garland	Longworth	Sims
Barkley	Garner	Lundeen	Sinnott
Barnhart	Garrett, Tenn.	McClintic	Sisson
Black	Godwin, N. C.	McCormick	Slayden
Bland	Good	McFadden	Slemp
Blanton	Goodall	McKenzie	Sloan
Brand	Goodwin, Ark.	McKeown	Small
Brodbeck	Gould	McKinley	Smith, Mich.
Browne	Graham, Ill.	McLaughlin, Mich.	Snell
Burnett	Graham, Pa.	McLaughlin, Pa.	Snook
Butler	Gray, Ala.	McLemore	Steagall
Byrnes, S. C.	Green, Iowa	Magee	Stedman
Byrns, Tenn.	Greene, Vt.	Mansfield	Steenerson
Campbell, Kans.	Griest	Martin, La.	Stephens, Miss.
Campbell, Pa.	Hadley	Mason	Sterling, Ill.
Candler, Miss.	Hamilton, Mich.	Mays	Sterling, Pa.
Cannon	Hamilton, N. Y.	Miller, Minn.	Stevenson
Contrill	Harrison, Miss.	Miller, Wash.	Strong
Caraway	Harrison, Va.	Mondell	Sweet
Carter, Okla.	Hastings	Moon	Switzer
Chandler, Okla.	Haugen	Morgan	Taylor, Ark.
Church	Hayden	Mott	Temple
Clark, Fla.	Heaton	Mudd	Templeton
Collier	Heflin	Nicholls, S. C.	Thomas
Comstock	Hersey	Norton	Thompson
Connelly, Kans.	Hicks	Oldfield	Tillman
Crago	Hilliard	Oliver, Ala.	Timberlake
Crisp	Holland	Osborne	Towner
Dale, Vt.	Hollingsworth	Overmyer	Treadway
Dallinger	Hood	Overstreet	Van Dyke
Davidson	Hull, Iowa	Paige	Venable
Decker	Hull, Tenn.	Park	Vestal
Denison	Humphreys	Parker, N. Y.	Vinson
Dent	Hutchinson	Peters	Volstead
Dewalt	Ireland	Polk	Waldow
Dill	Jacoway	Price	Walker
Dillon	Johnson, Ky.	Purnell	Ward
Dixon	Johnson, Wash.	Quin	Watkins
Doughton	Jones, Tex.	Ragsdale	Watson, Pa.
Dowell	Juul	Raker	Watson, Va.
Drane	Keating	Ramsey	Weaver
Dunn	Kehoe	Ramseyer	Webb
Dupré	Kelly, Pa.	Rankin	White, Me.
Edmonds	Kettner	Rayburn	White, Ohio
Ellsworth	Kiess, Pa.	Reavis	Williams
Elston	Kincheloe	Robbins	Wilson, Ill.
Esch	King	Roberts	Wilson, La.
Estopinal	Kinkaid	Robinson	Wingo
Evans	Kitchin	Rose	Wise
Fairfield	Kraus	Rouse	Wood, Ind.
Farr	La Follette	Rowland	Woods, Iowa
Ferris	Langley	Rucker	Young, N. Dak.
Fess	Larsen	Sanders, Ind.	Young, Tex.

NAYS—118.

Adamson	Dies	Houston	Platt
Alexander	Dominick	Howard	Rainey
Ashbrook	Dooling	Hulbert	Randall
Ayres	Doolittle	Husted	Riordan
Bathrick	Doremus	Igoe	Rogers
Bell	Drukker	James	Romjue
Blackmon	Dyer	Jones, Va.	Rowe
Booher	Eagan	Kahn	Rubey
Borland	Fitzgerald	Kelley, Mich.	Russell
Britten	Foss	Kennedy, R. I.	Sanford
Brumbaugh	Foster	LaGuardia	Sherley
Caldwell	Freeman	Lea, Cal.	Sherwood
Carew	Gallagher	Linthicum	Smith, C. B.
Carter, Mass.	Gallivan	Lobeck	Smith, T. F.
Cary	Gard	Lonergan	Snyder
Classon	Gardner	Lunn	Stafford
Claypool	Garrett, Tex.	McArthur	Steele
Connally, Tex.	Gillett	Madden	Stephens, Nebr.
Cooper, Ohio	Glass	Mann	Stiness
Cooper, W. Va.	Glynn	Mapes	Sumners
Cooper, Wis.	Gordon	Mecker	Tague
Copley	Greene, Mass.	Montague	Tilson
Cox	Griffin	Moores, Ind.	Walsh
Cramton	Hamlin	Neely	Wason
Crosser	Hardy	Nichols, Mich.	Welling
Curry, Cal.	Heintz	Nolan	Welty
Darrow	Helm	Oliver, N. Y.	Whaley
Dempsey	Helvering	Padgett	Wilson, Tex.
Denton	Hensley	Parker, N. J.	
Dickinson	Hill	Phelan	

ANSWERED "PRESENT"—4.

Browning	Emerson	Johnson, S. Dak.	London

NOT VOTING—69.

Bowers	Clark, Pa.	Eagle	Fuller, Mass.
Bruckner	Coady	Fairchild, B. L.	Gandy
Buchanan	Costello	Fairchild, G. W.	Gray, N. J.
Capstick	Currie, Mich.	Flynn	Gregg
Carlin	Dale, N. Y.	Focht	Hamill
Chandler, N. Y.	Davis	Francis	Haskell

Hawley	Martin, Ill.	Sabath	Taylor, Colo.
Hayes	Moore, Pa.	Saunders, Va.	Tinkham
Huddleston	Morin	Scott, Pa.	Vare
Kearns	Nelson	Scully	Voigt
Kennedy, Iowa	Olney	Sears	Walton
Key, Ohio	O'Shaunessy	Shackleford	Wheeler
Knutson	Porter	Shouse	Winslow
Kreider	Pou	Siegel	Woodyard
Littlepage	Powers	Smith, Idaho	Zihlman
McAndrews	Pratt	Sullivan	
McCulloch	Reed	Swift	
Maher	Rodenberg	Talbott	

So the motion to instruct the conferees was agreed to.

The following pairs were announced:

Until further notice:

Mr. GANDY with Mr. JOHNSON of South Dakota.

Mr. TALBOTT with Mr. BROWNING.

Mr. DALE of New York with Mr. HASKELL.

Mr. BRUCKNER with Mr. CHANDLER of New York.

Mr. BUCHANAN with Mr. CLARK of Pennsylvania.

Mr. CARLIN with Mr. COSTELLO.

Mr. COADY with Mr. CURRIE of Michigan.

Mr. EAGLE with Mr. DAVIS.

Mr. FLYNN with Mr. BENJAMIN L. FAIRCHILD.

Mr. GREGG with Mr. GEORGE W. FAIRCHILD.

Mr. HAMILL with Mr. FOCHT.

Mr. HUDDLESTON with Mr. FRANCIS.

Mr. KEY of Ohio with Mr. GRAY of New Jersey.

Mr. LITTLEPAGE with Mr. HAWLEY.

Mr. MCANDREWS with Mr. HAYES.

Mr. MAHER with Mr. KEARNS.

Mr. MARTIN of Illinois with Mr. KENNEDY of Iowa.

Mr. O'SHAUNESSY with Mr. KREIDER.

Mr. POU with Mr. MCCULLOCH.

Mr. ROMJUE with Mr. MOORE of Pennsylvania.

Mr. SABATH with Mr. MORIN.

Mr. SEARS with Mr. PRATT.

Mr. SHOUSE with Mr. RODENBERG.

Mr. SULLIVAN with Mr. SIEGEL.

Mr. TAYLOR of Colorado with Mr. SMITH of Idaho.

Mr. WALTON with Mr. TINKHAM.

Mr. SHACKLEFORD with Mr. WINSLOW.

Mr. OLNEY with Mr. WOODYARD.

Mr. SCULLY with Mr. ZIHLMAN.

Mr. JOHNSON of South Dakota. Mr. Speaker, I voted "yea," but I find I am paired with the gentleman from South Dakota, Mr. GANDY, and I will withdraw that vote and answer "present."

Mr. FRENCH. Mr. Speaker, my colleague, Mr. SMITH of Idaho, is prevented from being present to-day on account of critical illness in his family.

The result of the vote was then announced as above recorded.

A quorum being present, the doors were opened.

The Chair appointed as conferees on the part of the House Mr. GLASS, Mr. PHELAN, and Mr. PLATT.

RECRUITING THE NATIONAL GUARD (H. DOC. NO. 136).

Mr. CALDWELL. Mr. Speaker, I ask unanimous consent that there may be printed as a House document the order of the War Department of May 5, 1917, with reference to the recruiting of the National Guard, and that 5,000 additional copies be printed, to go to the folding room.

The SPEAKER. The gentleman from New York asks unanimous consent that the order of the War Department touching the recruiting of the National Guard be made a public document and that 5,000 extra copies be printed, to go to the folding room. Is there objection?

Mr. MANN. Reserving the right to object, how long is the order and what is the need of it?

Mr. CALDWELL. The order is very short. It will probably be in the shape of a folder. It has not been made public by the War Department, but it is something necessary for the information of the National Guard and people who want to organize additional units.

The SPEAKER. Is there objection?

There was no objection.

EXTENSION OF REMARKS.

Mr. OSBORNE. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by including a statement adopted at a mass meeting of the Friends of Irish Freedom.

The SPEAKER. Is there objection?

There was no objection.

THE REVENUE BILL.

Mr. KITCHIN. Mr. Speaker, I ask unanimous consent that 12,500 copies of the revenue bill, H. R. 4280, together with the report, be printed, 2,000 copies to go to the document room, 8,000 copies to the folding room, and 2,500 copies to the Committee on Ways and Means.

The SPEAKER. The gentleman from North Carolina asks uannimous consent that 12,500 copies of the revenue bill be printed, 8,000 copies to go to the folding room, 2,000 copies to the document room, and 2,500 copies to the Committee on Ways and Means. Is there objection?

There was no objection.

Mr. KITCHIN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 4280) to provide revenue to defray war expenses, and for other purposes. Pending that, I would like to see if we can not come to some agreement in respect to the time for general debate.

Mr. FORDNEY. Mr. Speaker, I will say to the gentleman from North Carolina that I have requests already for about eight hours of general debate, and they have only commenced coming in. I wish that we could run along under general debate without any agreement at all until we see where we can land. I think we can spend some two or three days in general debate.

Mr. KITCHIN. Mr. Speaker, I ask unanimous consent that the time for general debate be divided between that side and this, the gentleman from Michigan [Mr. FORDNEY] to control one half of the time and I to control the other half.

The SPEAKER. The gentleman from North Carolina asks unanimous consent that general debate be controlled one half by himself and the other half by the gentleman from Michigan [Mr. FORDNEY]. Is there objection?

Mr. FORDNEY. Mr. Speaker, I will say that both the gentleman from North Carolina and myself are going to support the bill, but I will be glad to alternate the time with gentlemen who want to speak against the bill.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I suppose the gentleman from North Carolina would also yield to gentlemen who are opposed to the bill?

Mr. KITCHIN. Yes.

Mr. MANN. It is quite evident that we can not finish general debate upon this bill to-day, and it seems to be equally evident that we can not finish it to-morrow. Why would it not be a good plan to run right along to-morrow into a night session, with an effort to finish general debate by Saturday night?

Mr. KITCHIN. I was in hopes that we could finish the general debate in two days and begin under the five-minute rule on Saturday morning.

Mr. MANN. That is impossible, I think.

Mr. KITCHIN. Let us, then, get unanimous consent to close general debate on Saturday night when we adjourn.

Mr. MANN. I do not think we had better make any agreement now, but let us have an understanding that we will run along to-morrow night.

Mr. KITCHIN. We will run on to-morrow and Saturday morning, and as to to-morrow night——

Mr. MANN. I think we ought to have at least three days on this bill under the five-minute rule.

Mr. GARNER. Mr. Speaker, would not the gentleman from Illinois rather have more extended debate under the five-minute rule when active amendments are offered than to have such long general debate when no one is in the Chamber listening to it? Is it not more effective?

Mr. MANN. I am not so sure about that. I think if we have three days general debate that we ought to have three days debate under the five-minute rule. That is about all we can stand on that.

Mr. GARNER. Would not two days under general debate be all that you could stand?

Mr. MANN. No; I could stand a week of that and not be hurt at all.

Mr. GARNER. No; because you do not have to stay in the Chamber.

Mr. MANN. But I do stay in the Chamber.

Mr. FORDNEY. Let us try it for a couple of days.

Mr. KITCHIN. We will run along and see.

Mr. MANN. Will the gentleman then sit to-morrow night?

Mr. KITCHIN. We will see how we get along.

Mr. MANN. But Members ought to know.

Mr. KITCHIN. We do not know.

Mr. MANN If you do not say before the day is over, you will have to keep a quorum if you try it.

Mr. KITCHIN. I would be willing, and I reckon everyone else would, if we could close debate Friday night.

Mr. MANN. I do not think we can close debate on Friday night.

Mr. KITCHIN. We will just see how it goes along. We do not know whether we will hold to-morrow night or not. I am not inclined to stay to-morrow night.

Mr. MANN. Members who want to talk and get in before will not want to stay, but Members who have the right to talk and do not get in will want to stay. Of course, the Ways and Means Committee gets in any time it pleases.

Mr. KITCHIN. Oh, that is not the situation at all.

Mr. MANN. It is the situation.

Mr. KITCHIN. If the House should want to stay I shall have no objection to staying here until 10 or 11 o'clock to-morrow night; but we do not want to agree now that we shall hold a session to-morrow night. The House may be so broken down it would rather not do it. If there is any inclination of Members to have a night session, I am perfectly willing to have it to-morrow.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina that he control one-half of the time in general debate and the gentleman from Michigan [Mr. FORDNEY] control the other half, with the understanding that the gentleman from North Carolina is to yield a reasonable amount of time to those who are opposed to the bill and that the gentleman from Michigan shall do the same?

Mr. LONGWORTH. Mr. Speaker, reserving the right to object, I desire to ask the gentleman from North Carolina if he ought not to include in his request that debate be confined to the bill?

Mr. KITCHIN. Yes; I will ask that, too.

Mr. MANN. I shall object to that.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina that he and the gentleman from Michigan shall control the time in general debate?

There was no objection.

The SPEAKER. The question is on the motion of the gentleman from North Carolina that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of this bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 4280, with Mr. FOSTER in the chair.

The CHAIRMAN. The House is in the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 4280, the title of which the Clerk will report.

The Clerk read as follows:

A bill (H. R 4280) to provide revenue to defray war expenses, and for other purposes.

Mr. KITCHIN. Mr. Chairman, I ask unanimous consent that the first reading of the bill may be dispensed with.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. FORDNEY. Mr. Chairman, I can not finish my remarks to-night, and I would rather have the opportunity to make a connected and continuous speech. Will the gentleman from North Carolina put on somebody who will occupy the time for the remainder of to-day? I would thank him very much if he would, and I will go on in the morning.

Mr. KITCHIN. I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. FOSTER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 4280) to provide revenue to defray war expenses, and for other purposes, and had come to no resolution thereon.

HOUR OF MEETING TO-MORROW—11 A. M.

Mr. KITCHIN. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock to-morrow.

The SPEAKER. The gentleman from North Carolina asks unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock a. m. to-morrow. Is there objection?

There was no objection.

ADJOURNMENT.

Mr. KITCHIN. I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 31 minutes p. m.) the House, under its previous order, adjourned until to-morrow, Friday, May 11, 1917, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of War, recommending an increase in the pay of certain civilian employees at the Military Academy (H. Doc. No. 134); to the Committee on Military Affairs and ordered to be printed.

2. A letter from the Secretary of the Navy, recommending that records of proceedings of examining boards for promotion of officers of the Navy may be finally acted on by the Secretary of the Navy instead of the President (H. Doc. No. 135); to the Committee on Naval Affairs and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. ADAMSON, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 4050) to amend an act entitled "An act to authorize the establishment of a Bureau of War-Risk Insurance in the Treasury Department," approved September 2, 1914, and for other purposes, reported the same with amendment, accompanied by a report (No. 48), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. KALANIANAOLE: A bill (H. R. 4347) to further regulate the leasing of land in the Territory of Hawaii; to the Committee on the Territories.

By Mr. EVANS: A bill (H. R. 4348) for the enlargement of the Federal building at Butte, Mont.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 4349) providing for the enlargement of the Federal building at Missoula, Mont.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 4350) giving the right to an additional homestead to all persons who have exhausted or who shall exhaust their original right of entry through the purchase of Indian lands; to the Committee on the Public Lands.

Also, a bill (H. R. 4351) providing for an additional judge for the district of Montana; to the Committee on the Judiciary.

Also, a bill (H. R. 4352) relating to the duties of registers of United States land offices and the publication in newspapers of official land-office notices; to the Committee on the Public Lands.

Also, a bill (H. R. 4353) to enlarge, extend, remodel, and so forth, public buildings at Helena, Mont.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 4354) to provide for the purchase of a site and the erection of a public building thereon at Anaconda, in the State of Montana; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 4355) to increase the limit of cost for the Federal building and site therefor at Billings, Mont., and to authorize the provision of quarters for United States courts in said building; to the Committee on Public Buildings and Grounds.

By Mr. RANDALL: A bill (H. R. 4356) to conserve the agricultural food products of the United States and to prohibit their manufacture into alcoholic liquors, except in certain cases, and for other purposes; to the Committee on the Judiciary.

By the SPEAKER (by request): Memorial from the Legislature of the State of Michigan, favoring national prohibition amendment; to the Committee on the Judiciary.

By Mr. KALANIANAOLE: Memorial of Legislature of the Territory of Hawaii, requesting Congress to amend section 421 of the revised laws of Hawaii; to the Committee on the Territories.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BARNHART: A bill (H. R. 4357) granting an increase of pension to Thomas J. Clark; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4358) granting an increase of pension to James Miller; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4359) granting an increase of pension to John Kinney; to the Committee on Invalid Pensions.

By Mr. CLAYPOOL: A bill (H. R. 4360) granting an increase of pension to Sanford Smith; to the Committee on Invalid Pensions.

By Mr. EVANS: A bill (H. R. 4361) for the relief of A. J. Lowary; to the Committee on the Public Lands.

By Mr. HASTINGS: A bill (H. R. 4362) granting a pension to Thomas Lee; to the Committee on Invalid Pensions.

By Mr. KIESS of Pennsylvania: A bill (H. R. 4363) granting a pension to Mary M. Fessler; to the Committee on Invalid Pensions.

By Mr. SHERWOOD: A bill (H. R. 4364) granting an increase of pension to John E. Spangler; to the Committee on Invalid Pensions.

By Mr. STEVENSON: A bill (H. R. 4365) to increase the pension now being paid Henry Langley; to the Committee on Pensions.

Also, a bill (H. R. 4366) to increase the pension now being paid to Mrs. Hessie M. McCarley; to the Committee on Pensions.

Also, a bill (H. R. 4367) to grant a pension to Lawrence Hubschman; to the Committee on Pensions.

By Mr. WELTY: A bill (H. R. 4368) granting an increase of pension to John W. Barnett; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BACHARACH: Memorial of Defense Security League, of Newark, N. J., favoring national control of food supply, etc.; to the Committee on Agriculture.

Also, memorial of Manufacturers' and Merchants' Association of Newark, N. J., opposing national prohibition; to the Committee on the Judiciary.

By Mr. COOPER of Wisconsin: Memorial of Pattern Makers' Association, of Milwaukee, Wis., favoring tax on incomes for war expenses; to the Committee on Ways and Means.

By Mr. COOPER of West Virginia: Petition of members of Local No. 447, Cigarmakers' Union, Kenosha, Wis., against an increase in the tax on cigars; to the Committee on Ways and Means.

By Mr. DALE of New York: Petitions of the Crockery Board of Trade and Louis Bossert & Sons, of New York, favoring bill for revision of postal rates; to the Committee on the Post Office and Post Roads.

Also, petition of Cigarmakers' Local Union No. 132, Brooklyn, N. Y., against any material increase in the tax on cigars; to the Committee on Ways and Means.

By Mr. DALE of New York: Petition of James Olwell & Co., of New York, against tax on rectified spirits; to the Committee on Ways and Means.

Also, petition of New York Newspaper Web Printing Pressmen's Union, No. 25, New York City, against bill to increase the postage rates on second-class matter; to the Committee on the Post Office and Post Roads.

Also, memorial of board of trustees of the American Defense Society, urging the sending to France of a force of United States troops in command of best available general officer of the United States Army; to the Committee on Military Affairs.

Also, petition of the Meader Atlas Co., of New York, against prohibition as war measure; to the Committee on the Judiciary.

By Mr. FULLER of Illinois: Petition of M. N. Nelin, of Rockford, Ill., opposing a tax on soft drinks; to the Committee on Ways and Means.

Also, petition of James Olwell & Co., protesting against tax on rectified spirits; to the Committee on Ways and Means.

Also, petition of National Piano Manufacturers' Association of America, protesting against an excess tax on pianos; to the Committee on Ways and Means.

Also, petition of Metz Co., Centralia, Ill., opposing tax of 5 per cent on automobiles; to the Committee on Ways and Means.

Also, petitions of the Detroit Mail Advertising Association and Bunte Bros., of Chicago, and of the Rockford Malleable Iron Works, of Rockford, Ill., favoring bill to revise postage rates; to the Committee on the Post Office and Post Roads.

By Mr. GALLIVAN: Petition of committee on public safety, of Weston, Mass., favoring national prohibition as war measure; to the Committee on the Judiciary.

By Mr. GRIFFIN: Petition of the Meador Atlas Co., New York, against prohibition as war measure; to the Committee on the Judiciary.

Also, petition of National Mode License League, relative to pay of enlisted men, etc.; to the Committee on Military Affairs.

Also, petition of National Piano Manufacturers' Association of America, against special tax on pianos; to the Committee on Ways and Means.

Also, petition of mayor's committee on national defense, committee on hospital and medical facilities, asking that interns be exempted from conscription; to the Committee on Military Affairs.

Also, petition of the Farm Journal, of Philadelphia, Pa., against increase in postage rates; to the Committee on the Post Office and Post Roads.

By Mr. HASTINGS: Memorial of mass meeting of 5,000 people at Woodward, Okla., pledging loyalty and support to the Government in war with Germany; to the Committee on Military Affairs.

By Mr. KIESS of Pennsylvania: Petition of sundry citizens of Ulysses, Pa., favoring national prohibition; to the Committee on the Judiciary.

By Mr. LONERGAN: Memorial of Hartford Central Labor Union, asking investigation of explosion on July 22, 1916, in San Francisco, Cal.; to the Committee on Labor.

By Mr. MANN: Petition of council of the Chicago Medical Society, urging abrogation of patents on salvarsan, etc.; to the Committee on Patents.

Also papers to accompany House bill 4287, for the relief of legal representatives of George H. Riley, deceased; to the Committee on Claims.

By Mr. MORIN: Petition of the board of trustees of the American Defense Society, urging the President to send to France an expeditionary force of United States troops in command of best available officer of the United States; to the Committee on Military Affairs.

By Mr. NOLAN: Petitions of California Electric Railway Association, Los Angeles, Cal., protesting against proposed tax on passenger fares and commutation tickets, and asking the same tax on motor-bus line fares as on steam and electric railways; to the Committee on Ways and Means.

Also, petition of Zellerbach Paper Co., of San Francisco, Cal., against proposed new second-class zone postal rates; to the Committee on the Post Office and Post Roads.

Also petition of California Cotton Mills Co., of Oakland, Cal., recommending substantial increase in import duty on burlaps and protesting against placing of a duty on raw jute; to the Committee on Ways and Means.

By Mr. RAKER: Petition of J. J. Pfister Knitting Co., of Berkeley, Cal., urging support of bill to revise the postal rates; to the Committee on the Post Office and Post Roads.

Also, petition of Theater Owners' Association, of Los Angeles, Cal., against proposed tax on motion-picture theaters; to the Committee on Ways and Means.

Also, petitions of Cuyler Lee & Dubroy Motor Co., of San Francisco, and Metz Co., of Los Angeles, Cal., protesting against the 5 per cent tax on automobiles; to the Committee on Ways and Means.

By Mr. REED: Memorial of Mount Carmel Baptist Church of West Virginia, favoring prohibition as war measure; to the Committee on the Judiciary.

By Mr. SNELL: Resolutions of citizens of Jay, Keene, and Upper Jay, N. Y., urging upon the President of the United States and Congress the advisability of prohibiting during the war the manufacture and sale for beverage purposes of all alcoholic liquors; to the Committee on the Judiciary.

By Mr. STEELE: Petition of certain residents of Ackermanville, Pa., asking for national prohibition as war measure; to the Committee on the Judiciary.

By Mr. WARD: Memorial of Schoharie County Farm Bureau, Cobleskill, and O. C. Stevens and other citizens of Greenville, N. Y., favoring prohibition as war measure; to the Committee on the Judiciary.

SENATE.

FRIDAY, *May 11, 1917.*

The Senate met at 11 o'clock a. m.

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, our lives are in Thy hands. Thou hast taught us that Thou hast in view the making of a completed and perfect life. Thou dost bid us bide Thy time and put our trust in Thee. We come before Thee with the mighty problems of life. We come with our hearts full of anxiety and unrest; yet we triumph through our faith. We believe that out of the strife and toil of life will come the peace and calm of a victory that is higher than the victory that this world wins—the establishment of peace and order among men and the establishment of a universal brotherhood. Guide us, we pray Thee, with a divine passion to fulfill God's great plan of life. For Christ's sake. Amen.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. OVERMAN and by unanimous consent, the further reading was dispensed with and the Journal was approved.

Mr. JONES of Washington. Mr. President, I think probably we would save time by having a quorum. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Brady	Johnson, Cal.	Norris	Smith, Mich.
Chamberlain	Jones, Wash.	Overman	Smith, S. C.
Culberson	Kellogg	Owen	Smoot
Cummins	Kendrick	Page	Sterling
Curtis	Kenyon	Pittman	Sutherland
Fernald	King	Poindexter	Thomas
France	Kirby	Pomerene	Thompson
Frelinghuysen	Knox	Reed	Trammell
Gerry	La Follette	Robinson	Underwood
Hale	McLean	Saulsbury	Vardaman
Harding	Martin	Shafroth	Walsh
Hardwick	Nelson	Sheppard	Watson
Husting	New	Sherman	Williams
James	Newlands	Smith, Ga.	

Mr. KENYON. I desire to announce the absence of the Senator from Oklahoma [Mr. GORE] on official business of the Senate, in attendance upon a hearing before the Committee on Agriculture and Forestry.

Mr. ROBINSON. The Senator from Nevada [Mr. NEWLANDS], the Senator from Ohio [Mr. POMERENE], the Senator from Iowa [Mr. CUMMINS], and the Senator from Washington [Mr. POINDEXTER] are absent from the Chamber attending a meeting of the Committee on Interstate Commerce.

Mr. GERRY. I desire to announce the absence of the Senator from New Mexico [Mr. JONES] and the Senator from Michigan [Mr. TOWNSEND], due to their attendance on a Finance Committee meeting.

Mr. CURTIS. I desire to announce the absence of the Senator from Vermont [Mr. DILLINGHAM] on account of illness in his family. I will let this announcement stand for the day.

Mr. SUTHERLAND. I wish to announce the absence of my colleague, the senior Senator from West Virginia [Mr. GOFF], on account of illness. I will let this announcement stand for the day.

Mr. FRELINGHUYSEN. I desire to announce the absence of my colleague [Mr. HUGHES] on account of illness. I will let this announcement stand for the day.

Mr. CHAMBERLAIN. My colleague [Mr. LANE] is absent owing to illness.

Mr. HUSTING. I desire to announce that the junior Senator from South Dakota [Mr. JOHNSON] is necessarily absent. He has a general pair with the senior Senator from Maine [Mr. FERNALD]. I ask that this announcement may stand for the day.

I also desire to announce that the Senator from Louisiana [Mr. RANSDELL] is detained from the Senate on official business.

The VICE PRESIDENT. Fifty-five Senators have answered to the roll call. There is a quorum present.

ESTIMATES OF APPROPRIATIONS.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of War, submitting a special estimate of appropriation under the head of appropriation, "Pay, etc., of the Army," for temporary employment of messengers for headquarters of the several territorial departments, districts, divisions, and brigades, and service schools, $72,000 (S. Doc. No. 27), which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Treasury, transmitting estimates of appropriations for contingent expenses, Treasury Department, furniture, etc., $10,000; contingent expenses, Treasury Department, file holders and cases, $4,000; and contingent expenses, Treasury Department, miscellaneous items, $3,000, etc. (S. Doc. No. 26), which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

MANUFACTURE OF CONVICT-MADE GOODS.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting reports from the consuls at Alexandria, Egypt; Saloniki, Greece; Venice, Italy; and Madras, India, relative to the extent to which prisoners, paupers, or detained persons are utilized in the production or manufacture of the commerce of various countries, which, with the accompanying paper, was referred to the Committee on Printing.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT. The Chair lays before the Senate a joint memorial of the Legislature of the Territory of Alaska, which will be incorporated in the RECORD and referred to the Committee on Territories.

The joint memorial is as follows:

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY FOR THE TERRITORY OF ALASKA,
Juneau, Alaska, April 28, 1917.

Hon. THOMAS R. MARSHALL,
Vice President of the United States, Washington, D. C.

DEAR SIR: By direction of the Alaska Territorial Legislature, now in session, I am sending you herewith a certified copy of senate joint memorial No. 7.

Yours, very respectfully, CHARLES E. DAVIDSON,
Secretary of Alaska.

Senate joint memorial 7.

To the President of the United States, United States Senate, and House of Representatives.

We, your memorialists of the Legislature of the Territory of Alaska, do most respectfully request that—

Whereas there are in the Territory of Alaska very extensive and valuable oil fields, the principal of which are: (1) Katalla-Chilkat, (2) Nuchawak, (3) Yakatage, the former containing 26½ square miles; the second 4¾ square miles and the third 21¼ square miles, but in all 52½ square miles, which is only a small fraction of the known area of oil lands, all of which have been thoroughly investigated and reported upon by the most competent oil experts in the United States. These reports show very rich yields, high-grade product, and easily accessible territory, being on the coast of Alaska near Kayak Island; numerous heavy surface seepage of oil at Katalla meadow, Burt's Creek, the Barrett Claim, and Chilkat, all in the Katalla field and the Yakatage, Yukon, and Cathleen Creeks all in the Nuchawak field and at Oil, Crooked, Poul, and Johnstone Creeks in the Yakatage field; and

Whereas the laboratory tests of the samples taken from these oil fields show a very high percentage of distillate and gas oil; and

Whereas the people of Alaska residing in close proximity to these fields use annually more than 7,000,000 gallons of distillate and gasoline in the general course of their industrial and maritime pursuits for which they are forced to pay exorbitant prices, owing to long distances from point of supply and heavy demand for product; and

Whereas as these oils are seeping away and going to waste without any possibility of ultimate recovery: Now, therefore, be it

Resolved, That we, your memorialists, would respectfully urge that your honorable body give earnest attention to the formulation of a plan leasing these oil lands according to the terms of the bill (H. R. 406) or on the usual basis of one-eighth royalty or under whatever provisions or restrictions you may deem it proper to impose. Thereby releasing to the people of Alaska and the entire western coast of the United States a product of one of our richest resources of which there is at this time dire need; and be it further

Resolved, That a copy hereof be presented to the President of the United States, the Vice President of the United States, to the Speaker of the United States House of Representatives, to the chairman of the Committee on Public Lands in the United States Senate, to the chairman of the Committee on the Public Lands in the United States House of Representatives, the Delegate to Congress from Alaska, and the Secretary of the Interior.

Passed the Senate, April 18, 1917.

O. P. HUBBARD,
President of the Senate.

Attest:

W. M. EDDY,
Secretary of the Senate.

Passed the House, April 25, 1917.

LUTHER C. HESS,
Speaker of the House.

Attest:

A. H. ZIEGLER,
Chief Clerk of the House.

UNITED STATES OF AMERICA,
Territory of Alaska, ss.:

I, Charles E. Davidson, Secretary of Alaska, do hereby certify that the above and foregoing is a full, true, and correct copy of Senate Joint Memorial No. 7, of the Alaska Territorial Legislature, passed at the third session thereof.

Witness my hand and the seal of the Territory of Alaska, affixed at Juneau, the capital, this 28th day of April, A. D. 1917.

[SEAL.] CHARLES E. DAVIDSON,
Secretary of Alaska.

The VICE PRESIDENT. The Chair lays before the Senate a joint memorial of the Legislature of the Territory of Alaska, which will be incorporated in the RECORD and referred to the Committee on Territories.

The joint memorial is as follows:

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY FOR THE TERRITORY OF ALASKA,
Juneau, Alaska, April 28, 1917.

The PRESIDENT OF THE SENATE,
Washington, D. C.

DEAR SIR: By direction of the Alaska Territorial Legislature, now in session, I am sending you herewith a certified copy of senate joint memorial No. 8.

Yours, very truly, CHARLES E. DAVIDSON,
Secretary of Alaska.

Senate joint memorial 8. (By Senator Sutherland.)

To the Secretary of War, the Signal Service Bureau, and the Congress:

Your memorialists, the Legislature of the Territory of Alaska in session assembled, do most respectfully represent—

That the section of Alaska embracing the valley of the Kuskokwim River is rapidly developing into an important commercial section of this Territory;

That the mining and fishing industries have now reached a stage where more rapid communication with the other business sections of Alaska, as well as with the United States, is necessary;

That at present there is no means of communication with the outside world furnished the residents of the Kuskokwim Valley other than the inadequate overland mail service:

Therefore your memorialists do most respectfully request that a wireless telegraph station be established at Bethel or some other station on the Kuskokwim River;

And your memorialists will ever pray.

Passed the senate April 18, 1917.

O. P. HUBBARD,
President of the Senate.

Attest:

W. M. EDDY,
Secretary of the Senate.

Passed the house April 25, 1917.

LUTHER C. HESS,
Speaker of the House.

Attest:

A. H. ZIEGLER,
Chief Clerk of the House.

UNITED STATES OF AMERICA,
Territory of Alaska, ss:

I, Charles E. Davidson, secretary of Alaska, do hereby certify that the above is a full, true, and correct copy of senate joint memorial No. 8, of the Alaska Territorial Legislature, passed at the third session thereof.

Witness my hand and the seal of the Territory of Alaska, affixed at Juneau, the capital, this 28th day of April, A. D. 1917.

[SEAL.] CHARLES E. DAVIDSON,
Secretary of Alaska.

The VICE PRESIDENT. The Chair lays before the Senate a joint memorial of the Legislature of the Territory of Alaska, which will be incorporated in the RECORD and referred to the Committee on Territories.

The joint memorial is as follows:

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY FOR THE TERRITORY OF ALASKA,
Juneau, Alaska, April 26, 1917.

PRESIDENT OF THE SENATE,
Washington, D. C.

DEAR SIR: By direction of the Territorial legislature, now in session, I am sending you herewith a certified copy of house joint memorial No. 7.

Yours, very truly,

CHARLES E. DAVIDSON,
Secretary of Alaska.

House joint memorial 7. (By Mr. Coombs.)

Petition to the Congress of the United States for the appropriation of sufficient funds for the establishment and maintenance of an insane asylum and sanitarium within the Territory of Alaska, for the purpose of caring for the insane of the Territory and the abolition of the present contract system at Morningside, near Portland, Oreg.

To the honorable Senate and House of Representatives in Congress of the United States assembled:

Your petitioners, the Legislature of the Territory of Alaska, represent as follows:

That the system now in vogue of caring for the insane of the Territory of Alaska under contract with an asylum and sanitarium located near Portland, Oreg., is productive of great harm to the unfortunate inmates of said sanitarium, and that for many years last past numerous complaints have been filed with the legislature, with the governor of the Territory and other Territorial officials, and with various organizations in the Territory, which said complaints have all been investigated from time to time, and the facts set forth therein have been fully verified; that persons of unimpeachable veracity have been interviewed who have personally visited the said sanitarium and asylum and talked with many of the inmates and investigated the conditions which exist in said institution, and such information has disclosed the fact that the care and treatment of the insane patients of the Territory of Alaska has been commercialized, to the great detriment, both physical and mental, of all the insane who have been committed to said institution. It has been proved to the entire satisfaction of the legislature and of the other officials of the Territory of Alaska that an absolute lack of any humanitarian spirit in the conduct and management of said asylum prevails; that quarters provided for the inmates are wholly inadequate; that the sanitary conditions are bad, and that there is absolutely no regard for the welfare of the patients; that there is not sufficient space nor room for the patients to enjoy sufficient fresh air in inclement weather, and that no provision is made for physical exercise for those patients who are able to exercise, except when employed by the institution for its own profit.

It has been brought to the attention of your petitioners that many of the inmates of this asylum when committed have been suffering from very mild forms of mental derangement, and that by continued confinement in this institution their condition has become greatly worse until they become hopelessly insane and physical and mental wrecks.

Your petitioners desire to again call your attention to the report of a committee of the House of Representatives of Alaska of the second session of the Alaska Legislature, dated March 24, 1915, a copy of which is hereto attached and made a part of this petition.

Wherefore, your petitioners pray that the contract system for the caring of the insane of Alaska be abolished, and that an institution for the care of the Alaska insane patients be established in Alaska at some convenient and desirable location, any number of which can be obtained where the climate and facilities are conducive to the proper treatment, care, and welfare of the insane patients; and it is

Resolved by the Third Legislative Assembly of the Territory of Alaska, That this petition be forwarded to Congress of the United States with an urgent request that the same be given immediate consideration and that immediate steps be taken for the abrogation of the present contract system and for the establishment of an asylum and sanitarium for the insane in the Territory of Alaska. It is further

Resolved, That the secretary of the Territory of Alaska be, and he hereby is, instructed to forthwith transmit copies of this memorial and petition, properly authenticated, to the President of the United States, to the Secretary of the Interior, and to the Delegate to Congress from Alaska.

Passed the house April 17, 1917.

LUTHER C. HESS,
Speaker of the House.

Attest:

A. H. ZIEGLER,
Chief Clerk of the House.

Passed the senate April 23, 1917.

O. P. HUBBARD,
President of the Senate.

Attest:

W. M. EDDY,
Secretary of the Senate.

UNITED STATES OF AMERICA,
Territory of Alaska, ss:

I, Charles E. Davidson, secretary of Alaska, do hereby certify that the foregoing is a full, true, and correct copy of house joint memorial No. 7 of the Alaska Territorial Legislature, passed at the third session thereof.

Witness my hand and the seal of the Territory of Alaska, affixed at Juneau, the capital, this 26th day of April, A. D. 1917.

[SEAL.] CHARLES E. DAVIDSON,
Secretary of Alaska.

The VICE PRESIDENT. The Chair lays before the Senate a joint memorial of the Legislature of the Territory of Alaska, which will be incorporated in the RECORD and referred to the Committee on Territories.

The joint memorial is as follows:

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY FOR THE TERRITORY OF ALASKA,
Juneau, Alaska, May 1, 1917.

PRESIDENT OF THE SENATE,
Washington, D. C.

DEAR SIR: By direction of the Alaska Territorial Legislature, now in session, I am sending you herewith a certified copy of house joint memorial 8.

Yours, very truly,

CHARLES E. DAVIDSON,
Secretary of Alaska.

House joint memorial 8. (By Mr. Snow.)

To the Senate and House of Representatives of the United States in Congress assembled:

We your memorialists, the Legislative Assembly of the Territory of Alaska, respectfully and earnestly petition that the provisions of section 2324 of the Revised Statutes of the United States, which require that on each claim located after the 10th day of May, 1872, and until patent has been issued therefor, not less than $100 worth of labor shall be performed or improvements made during each year, be suspended in the case of any locator or claim holder who has enlisted in the service of the United States against any country with which the United States may at this time be at war, during the time that such person shall serve in the armed forces of the United States: *Provided*, That the claimant or claimants of any mining location, in order to secure the benefits of such act, shall cause to be recorded in the office of the commissioner and ex-officio recorder in whose recording district the claim is located, a notice that he or they have enlisted in the armed forces of the United States.

Passed the house, April 25, 1917.

LUTHER C. HESS,
Speaker of the House.

Attest:

A. H. ZIEGLER,
Chief Clerk of the House.

Passed the senate, April 27, 1917.

O. P. HUBBARD,
President of the Senate.

Attest:

W. M. EDDY,
Secretary of the Senate.

UNITED STATES OF AMERICA,
Territory of Alaska, ss:

I, Charles E. Davidson, secretary of Alaska, do hereby certify that the foregoing is a full, true, and exact copy of house joint memorial 8 of the Alaska Territorial Legislature, passed at the third session thereof.

Witness my hand and the seal of the Territory of Alaska, affixed at Juneau, the Capital, this 30th day of April, A. D. 1917.

[SEAL.] CHARLES E. DAVIDSON,
Secretary of Alaska.

The VICE PRESIDENT. The Chair lays before the Senate a joint memorial of the Legislature of the Territory of Alaska, which will be incorporated in the RECORD and referred to the Committee on Territories.

The joint memorial is as follows:

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY FOR THE TERRITORY OF ALASKA,
Juneau, Alaska, May 1, 1917.

PRESIDENT OF THE UNITED STATES SENATE,
Washington, D. C.

DEAR SIR: By direction of the Alaska Territorial Legislature, now in session, I have the honor to send you herewith a certified copy of house joint memorial 11.

Yours, very truly,

CHARLES E. DAVIDSON,
Secretary of Alaska.

House joint memorial 11. (By Mr. T. C. Price.)

To the Senate and House of Representatives of the United States of America in Congress assembled:

We, your memorialists, the Legislature of the Territory of Alaska, do most respectfully and earnestly represent that—

Whereas by law residents of Alaska are permitted, among other things, to kill each year a certain limited number of game food animals, including moose, deer, caribou, and sheep; and

Whereas certain fees, in some cases almost prohibitive in character, are charged to residents of Alaska on shipments outside of all trophies of such food game animals above described; and
Whereas great waste results from carrying out of such policy in that the heads of such animals have to be cast away; and
Whereas a check on such shipments could continue to be kept by a shipping permit being required to be taken out on each shipment out of the Territory: Now, therefore,

The Legislature of the Territory of Alaska, in this their third session assembled, respectfully urges upon the Congress of the United States an amendment to the act of May 11, 1908 (35 Stats. L, 102), permitting the free shipment of trophies of the above-named food animals by residents of the Territory out of Alaska, subject, however, to permit or license through the United States customhouse, such trophies not to exceed in number for each person the limit of any particular class of animals permitted by law to be killed during the proper season.

Passed the house April 20, 1917.

LUTHER C. HESS,
Speaker of the House.

Attest:

A. H. ZIEGLER,
Chief Clerk of the House.

Passed the senate April 28, 1917.

O. P. HUBBARD,
President of the Senate.

Attest:

W. M. EDDY,
Secretary of the Senate.

UNITED STATES OF AMERICA,
Territory of Alaska, ss:

I, Charles E. Davidson, secretary of Alaska, do hereby certify that the foregoing is a full, true, and correct copy of house joint memorial 11 of the Alaska Territorial Legislature, passed at the third session thereof.

Witness my hand and the seal of the Territory of Alaska, affixed at Juneau, the capital, this 1st day of May, A. D. 1917.

[SEAL.] CHARLES E. DAVIDSON,
Secretary of Alaska.

The VICE PRESIDENT. The Chair lays before the Senate a joint memorial of the Legislature of the Territory of Alaska, which will be incorporated in the RECORD and referred to the Committee on Territories.

The joint memorial is as follows:

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY FOR THE TERRITORY OF ALASKA,
Juneau, Alaska, May 1, 1917.

PRESIDENT OF THE SENATE,
Washington, D. C.

DEAR SIR: By direction of the Alaska Territorial Legislature, now in session, I am sending you herewith a certified copy of House joint memorial No. 12.

Yours, very truly, CHARLES E. DAVIDSON,
Secretary of Alaska.

House joint memorial 12. (By Mr. Allan.)

To the honorable the Senate and House of Representatives of the United States:

Your memorialists, the Senate and House of Representatives of Alaska, most respectfully represent that—

Whereas the Seward Peninsula is one of the greatest gold-producing sections of Alaska, its total output almost totaling $100,000,000, and contains the largest and richest auriferous deposits in America; and
Whereas the development of such deposits has been retarded and the production of gold has been greatly curtailed by the excessive cost of transportation from tidewater points to the interior due to the lack of roads; and
Whereas vast deposits of low-grade gold-bearing gravel necessitate the use of hydraulic mining and dredging and the construction of roads is an imperative necessity for the hauling of machinery and fuel; and
Whereas the interior of the Seward Peninsula is rich not only in placer gold but has immense deposits of gold-bearing quartz and also copper, tin, antimony, iron, graphite, coal, tungsten, and nearly every minor metal known, and such deposits have been prospected to the extent as to demonstrate that they exist in paying quantities; and
Whereas the roads that have been constructed on the Seward Peninsula by the Alaska Road Commission have been of inestimable value in its development, yet such roads, being limited in extent owing to the limited appropriations, are insufficient to supply the needs for transportation facilities in the Seward Peninsula, which is in area larger than the State of New York; and
Whereas owing to storms and ice conditions mail service and transportation of goods via the circuitous coast route to Candle and Arctic ports is extremely uncertain and dangerous; and
Whereas the construction of a trunk-line post road from Nome, the distributing point of the peninsula, to Candle via the Kougarok and Imnachuk mining districts will open up the greater part of the interior and is an absolute necessity to the development of this great mining country: Now, therefore,

The Senate and House of Representatives of the Territory of Alaska most earnestly pray that an appropriation be made sufficient to build and construct a trunk-line post road from Nome to Candle in the Seward Peninsula via the Kougarok and Imnachuk mining districts.

Your memorialists will ever pray.

Passed the house April 23, 1917.

LUTHER C. HESS,
Speaker of the House.

Attest:

A. H. ZIEGLER,
Chief Clerk of the House.

Passed the senate April 27, 1917.

O. P. HUBBARD,
President of the Senate.

Attest:

W. M. EDDY,
Secretary of the Senate.

UNITED STATES OF AMERICA,
Territory of Alaska, ss:

I, Charles E. Davidson, secretary of Alaska, do hereby certify that the above is a full, true, and exact copy of house joint memorial No. 12 of the Alaska Territorial Legislature, passed at the third session thereof.

Witness my hand and the seal of the Territory of Alaska, affixed at Juneau, the capital, this 30th day of April, A. D. 1917.

[SEAL.] CHARLES E. DAVIDSON,
Secretary of Alaska.

The VICE PRESIDENT. The Chair lays before the Senate a resolution of the National Association of State Universities, which will be incorporated in the RECORD.

The resolutions are as follows:

NATIONAL ASSOCIATION OF STATE UNIVERSITIES,
Burlington, Vt.

Resolutions.

The National Association of State Universities in special meeting assembled announces that the State universities, believing that they represent the spirit and sentiment of their several States, are ready to put all their institutional resources—material and human—at the disposal of the National Government in the service of the country for the entire period of the war on which our Nation has entered.

This declaration of patriotic purpose is made without any reservation whatsoever, and means that the State universities, as public institutions, are to be used to the utmost limit of their possibilities in faculties and equipment for the preparation of efficient soldiers, for the training of skilled educational, scientific, technical, and professional workers and for the conduct of all scientific instruction that may aid in the successful prosecution of the war.

Therefore the President of the United States and his advisors, and the Congress, are hereby notified that the State universities of America are willing to undertake the readjustment of their curricula and the rearrangement of all their activities, in time and content, so far as may be necessary, to bring to ultimate triumph the righteous conflict for universal democracy.

Unanimously adopted at Washington, D. C., the 4th day of May, 1917.

Attest:

GUY POTTER BENTON, *President.*

The VICE PRESIDENT presented a petition of Washington Council, No. 1, Junior Order United American Mechanics, of Germantown, Pa., praying for the enactment of legislation to prohibit speculation in foodstuffs, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the congregation of the First Unitarian Church of Pittsburgh, Pa., praying for national prohibition as a war measure, which was referred to the Committee on the Judiciary.

Mr. POINDEXTER presented petitions of the Commonwealth Club, of Seattle, and of the City Council of Seattle, Wash., praying for the enactment of legislation to guarantee a minimum price for this year's crops, which were referred to the Committee on Agriculture and Forestry.

Mr. CURTIS presented a petition of Larrabee Post, Grand Army of the Republic, of Russell, Kans., praying for increased pensions, which was referred to the Committee on Pensions.

He also presented a petition of the students of the Western Dental College, of Kansas City, Mo., praying for the establishment of a dental corps in the Army, which was referred to the Committee on Military Affairs.

He also presented a petition of the Young Men's Christian Association of the State of Kansas, praying for national prohibition as a war measure and for the protection of soldiers from vice, which was referred to the Committee on the Judiciary.

Mr. McLEAN presented petitions of sundry citizens of Branford, Orange, and New Haven, all in the State of Connecticut, praying for national prohibition as a war measure, which were referred to the Committee on the Judiciary.

He also presented a petition of Local Union No. 71, International Molders' Union, and of the Central Labor Union, of Hartford, Conn., praying for an investigation by the Federal Government of the explosion during the San Francisco, Cal., preparedness parade of July 22, 1916, which were referred to the Committee on Education and Labor.

He also presented a petition of the Connecticut State Council of Defense, praying for the enactment of legislation to save daylight and to provide standard time for the United States, which was referred to the Committee on Interstate Commerce.

Mr. TRAMMELL. I present a telegram from W. A. McRae, State commissioner of agriculture of Florida, which I ask to have printed in the RECORD.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

TALLAHASSEE, FLA., *May 9, 1917.*

Hon. PARK TRAMMELL,
United States Senate, Washington, D. C.:

The agricultural question is paramount. Can not exemptions be made of the expert help of the agricultural departments where their knowledge and assistance are essential to handling the food question promptly and successfully in this department? It will deprive it of a great proportion of expert and trained assistance which can not be replaced in months or years. I strongly urge and advocate those exemptions. Under the present stressed conditions can not you and

Senator FLETCHER consult with the President and Secretary Houston and secure these exemptions? It should be done in all the States.

W. A. MCRAE,
Commissioner of Agriculture.

Mr. TRAMMELL. I present resolutions adopted at the Florida State convention of educators, indorsing the Susan B. Anthony amendment to the Constitution, which I ask to have printed in the RECORD.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

Resolutions indorsing the Susan B. Anthony amendment passed at the Florida State convention of educators.

Whereas we men and women, composing the State convention of county superintendents of education, school principals, and school-board officials, meeting this 26th day of April, 1917, at Lake City, Fla., believe in the loyalty, courage, and devotion of the women of our State, affirm our desire to see long-delayed justice done them during this trying time when war is actually upon us, attest our conviction that love of liberty is a natural instinct inherent in the human race, no less in women than in men, we do affirm a deep sense of gratitude to our women of the South who stood so nobly by us during the trying times of the Civil War: Therefore be it

Resolved, That we urge the President of the United States to speak to the leaders of the majority party in Congress, asking them to pass on to the several States for ratification, as a war measure, the amendment enfranchising all the women of our country, known as the Susan B. Anthony amendment; and be it further

Resolved, That we call upon the Florida delegation, both in the Senate and House, to help secure by every means in their power the adoption of the Anthony amendment; and be it still further

Resolved, That the entire Congress be urged to pass the amendment at the earliest possible moment as a war measure, so that the women of our Nation may have, added to their sense of loyalty and their willingness to serve their country, the deep sense of personal appreciation that will follow recognition by their Government and that the Government prove to them that the men of America deem them as worthy of trust as they do of sacrifice; and be it finally

Resolved, That copies of these resolutions be sent to the President of the United States, the party leaders in both Houses of Congress, and the entire Florida delegation with the request that the resolutions be read into the CONGRESSIONAL RECORD.

W. N. SHEATS,
State Superintendent Public Instruction, Chairman.

Mr. TRAMMELL. I present a telegram from the Blue Poster Advertising Co., of Gainesville, Fla., which I ask may be printed in the RECORD.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

GAINESVILLE, FLA., *May 10, 1917.*

Senator TRAMMELL,
Washington, D. C.:

Proposed tax on poster advertising business will work undue hardship on the poster men of Florida, with other tax and license they now have to pay, and drive many out of business. Help us save our business by reducing same.

BLUE POSTER ADVERTISING CO.,
ARCHIE W. BLUE.

Mr. TRAMMELL presented a petition of Cuesta, Rey & Co., of Tampa, Fla., suggesting a system of taxation on cigars, which was referred to the Committee on Finance.

Mr. GALLINGER presented a memorial of the Shoe and Leather Reporter and the Shoe Retailer, of Boston, Mass., remonstrating against an increase in second-class postage rates, which was referred to the Committee on Finance.

He also presented a memorial of the Abbott Auto Co., of Derry, N. H., remonstrating against a tax on the gross sales of automobiles, which was referred to the Committee on Finance.

REPORTS OF COMMITTEE ON NAVAL AFFAIRS.

Mr. SWANSON, from the Committee on Naval Affairs, to which was referred the bill (H. R. 3330) to temporarily increase the commissioned and warrant and enlisted strength of the Navy and Marine Corps, and for other purposes, reported it with amendments and submitted a report (No. 36) thereon.

He also, from the same committee, to which was referred the bill (H. R. 2337) to amend an act entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1917, and for other purposes," relative to enrollments in the Naval Reserve Force, reported it without amendment and submitted a report (No. 35) thereon.

RELIEF OF OWNERS OF MINING CLAIMS.

Mr. WALSH. From the Committee on Mines and Mining, I report back favorably without amendment the joint resolution (S. J. Res. 33) to relieve the owners of mining claims who have been mustered into the military or naval service of the United States as officers or enlisted men from performing assessment work during the term of such service. As this is a matter which probably will not consume any time and can be considered without opposition, I ask unanimous consent for the present consideration of the joint resolution.

There being no objection, the joint resolution was considered as in Committee of the Whole, and it was read as follows:

Resolved, etc., That the provisions of section 2324 of the Revised Statutes of the United States, which require that on each mining claim located after the 10th day of May, 1872, and until patent has been issued therefor, not less than $100 worth of labor shall be performed or improvements made during each year, shall not apply to claims or parts of claims owned by officers or enlisted men who have been mustered into the military or naval service of the United States, so that no mining claim or any part thereof owned by such person which has been regularly located and recorded shall be subject to forfeiture for nonperformance of the annual assessments until six months after such owner is mustered out of the service or until six months after his death in the service: *Provided*, That the claimant of any mining location, in order to obtain the benefits of this resolution, shall file, or cause to be filed, in the office where the location notice or certificate is recorded, within 90 days from and after the passage and approval of this resolution, a notice of his muster into the service of the United States and of his desire to hold said mining claim under this resolution.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. STERLING:

A bill (S. 2251) granting a pension to Henry L. Henrysen (with accompanying papers); to the Committee on Pensions.

By Mr. SHAFROTH:

A bill (S. 2252) for the relief of the city of Pueblo, Colo.; to the Committee on Claims.

By Mr. SHEPPARD:

A bill (S. 2253) to enable the Secretary of Agriculture to study the application of machinery to the various processes of the farm; to the Committee on Agriculture and Forestry.

A bill (S. 2254) authorizing the Secretary of the Interior to make further survey of the Pecos River and Valley in Texas and New Mexico to determine the feasibility and cost of an irrigation project thereon; to the Committee on Irrigation and Reclamation of Arid Lands.

By Mr. POINDEXTER:

A bill (S. 2255) granting an increase of pension to Hannah Hagan (with accompanying papers); to the Committee on Pensions.

By Mr. CURTIS: A bill (S. 2256) granting an increase of pension to Nannie Johnson Veale;

A bill (S. 2257) granting an increase of pension to John R. Merideth; and

A bill (S. 2258) granting a pension to John Preston Fairchild (with accompanying papers); to the Committee on Pensions.

A bill (S. 2259) for the relief of Jacob Samuel Weaver (with accompanying papers); to the Committee on Claims.

By Mr. SMITH of Maryland:

A bill (S. 2260) to protect the Lord's Day, commonly called Sunday, from desecration and to secure its observance as a day of rest in the District of Columbia; to the Committee on the District of Columbia.

By Mr. CHAMBERLAIN:

A bill (S. 2261) for the relief of Henry von Hess; to the Committee on Military Affairs.

By Mr. WARREN:

A bill (S. 2262) to authorize the President of the United States to appoint William Lee Karnes a captain of Cavalry; to the Committee on Military Affairs.

By Mr. SUTHERLAND:

A bill (S. 2264) granting a pension to Nancy Walker; to the Committee on Pensions.

By Mr. SWANSON:

A bill (S. 2265) authorizing the Secretary of the Treasury to pay interest and expenses incurred to and by the owners of lots, pieces, or parcels of land acquired by the United States for the enlargement of the Capitol Grounds; to the Committee on Claims.

By Mr. TOWNSEND:

A bill (S. 2266) authorizing the President to recommission in the Regular Army as additional numbers certain former officers; to the Committee on Military Affairs.

By Mr. SHEPPARD:

A joint resolution (S. J. Res. 60) authorizing and directing the Director of the Census to collect and publish statistics of marriage and divorce; to the Committee on the Census.

PUNISHMENT OF MONOPOLIES.

Mr. GORE. I am directed by the subcommittee of the Committee on Agriculture and Forestry to introduce the following bill, and I suggest that it be referred to that committee. I also ask that it be printed in the RECORD. It is one of the emergency measures.

The bill (S. 2263) to provide further for the national security and defense, to conserve foods, feeds, and fuels, and to prevent monopolies, conspiracies, and other evil practices respecting the same, and for other purposes, was read twice by its title, re-

ferred to the Committee on Agriculture and Forestry, and ordered to be printed in the RECORD, as follows:

Be it enacted, etc., That by reason of the existence of the state of war there is a national emergency, and it is essential for the national security and defense further to assure an adequate supply and equitable distribution and to facilitate the movement of foods, feeds, and fuel, hereafter in this act called necessaries, for the Government and people of the United States, and to protect them against injurious speculation, manipulations, and controls affecting such supply, distribution, and movement. For such purposes the powers, authorities, obligations, and prohibitions hereinafter set forth are conferred and prescribed.

SEC. 2. That the Secretary of Agriculture is authorized to investigate and ascertain the demand for, the supply, consumption, costs, and prices of, and the basic facts relating to the ownership, production, transportation, manufacture, storage, and distribution of foods, food materials, feeds, seeds, fertilizers, agricultural implements and machinery, and any article required in connection with the production, distribution, or utilization of food. It shall be the duty of any person, when requested by the Secretary of Agriculture, or any agent acting under his instructions, to produce books, letters, papers, documents, or reports, or to answer correctly, to the best of his knowledge, all questions necessary to carry into effect the provisions of this section. Any person who shall refuse or willfully neglect to produce such books, letters, papers, documents, or reports, or who shall refuse or willfully neglect to answer any such question, or who shall willfully give answers that are false, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine not exceeding $1,000 or by imprisonment not exceeding one year, or both.

SEC. 3. That the Secretary of Agriculture may, from time to time, establish and promulgate standards for grade and other classification of foods, food materials, feeds, seeds, other agricultural products, and fertilizers, hereafter in this section called commodities, by which their quality and value may be judged or determined, and standards for receptacles for commodities, by which the capacity of such receptacles may be judged or determined, and may make regulations governing the marks, brands, and labels used or to be used upon receptacles for commodities, for the purpose of showing the name and address of the producer or packer and the quality, nature, or quantity of the contents, and for the purpose of preventing deception with reference thereto. Before promulgating any standard under this section the Secretary of Agriculture may make such investigation and hear such representatives of trade interests concerned as he deems essential. Whenever the Secretary of Agriculture deems it essential to establish a standard for any commodity or receptacle, and a standard therefor shall then be effective under any act of Congress, such standards shall be promulgated as the standard for such commodity or receptacle under this section. Whenever any standard for grade or other classification of any commodity becomes effective under this section, no person thereafter shall pack for sale, offer for sale, consign for sale, or sell any such commodity by any grade or other classification other than that of such standard: *Provided*, That any person who packs for sale, offers for sale, consigns for sale, or sells any such commodity without regard to grade or other classification shall specifically describe such commodity or plainly mark the receptacle thereof in accordance with the regulations of the Secretary of Agriculture, in such manner as to indicate that such commodity is ungraded or unclassified. Whenever any standard for a receptacle becomes effective under this section no person thereafter shall pack for sale, offer for sale, consign for sale, or sell, in a receptacle, any commodity to which such standard for a receptacle is applicable, unless the receptacle conform to the standard, subject to reasonable variations therefrom permitted in the regulations of the Secretary of Agriculture, or unless the receptacle be so different in form, shape, and capacity as upon ordinary observation clearly to be distinguishable from the standard. Whenever any regulation governing the marking, branding, or labeling of a receptacle for a commodity becomes effective under this section, no person thereafter shall pack for sale, offer for sale, consign for sale, or sell any such commodity in a receptacle to which such regulation is applicable, except in accordance with such regulation. This section shall not apply to offers for sale, consignments for sale, or sales in the original package of foods or feeds imported from a foreign country. Any person who violates any provision of this section, or of the regulations of the Secretary of Agriculture thereunder, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine not exceeding $1,000, or by imprisonment for not exceeding one year, or both.

SEC. 4. That whenever the Secretary of Agriculture shall ascertain and publicly announce that any specified mixture of wheat, wheat flour, or other wheat product with any other cereal or cereal flour or other material of vegetable origin is wholesome and economically fit for food, such mixture, if marked or labeled so as plainly to disclose the kinds and relative amounts of the ingredients of the mixture and prepared in accordance with regulations made by the Secretary of Agriculture, shall not be deemed to be adulterated or misbranded within the meaning of the act of June 30, 1906, as amended, commonly known as the food and drugs act, or to be subject to the provisions of the act of June 13, 1898, as amended, commonly known as the mixed-flour law.

SEC. 5. That whenever the Secretary of Agriculture shall find it necessary, in order to carry out the provisions of this act, he may license the manufacture, storage, or distribution of foods, food materials, feeds, and fuels, and, after having publicly announced such necessity, no person shall, after a date fixed in such announcement, engage in or carry on any business specified in such announcement of manufacture, storage, or distribution of such articles, or any of them, unless he shall secure and hold a license issued by the Secretary of Agriculture. For the purposes of this section the Secretary of Agriculture is authorized to prescribe such reasonable regulations governing the conduct of the business of licensees as he may find to be necessary. Such regulations may include requirements for systems and auditing of accounts to be kept by licensees, submission of reports by licensees, and the entry and inspection by the Secretary of Agriculture, or his duly authorized agents, of the places of business of licensees. Any person who, without a license issued by the Secretary of Agriculture, shall engage in or carry on any business for which a license is required under this section, or willfully violates any provision of this section or any regulation of the Secretary of Agriculture under this section, or willfully fails or refuses to comply with any order of the Secretary of Agriculture under this section, shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, be punished by a fine not exceeding $1,000 and by imprisonment not exceeding one year.

SEC. 6. That it is hereby made unlawful for any person to commit or permit preventable waste or deterioration of any necessaries, to hoard, or to hold, or enter into any contract or agreement for any necessaries in excess of any amount reasonably needed to supply his individual or business requirements for a reasonable time; to monopolize or attempt to monopolize, either locally or generally, any such necessaries; to engage in any discriminatory and unfair or any deceptive practice or device in handling or dealing in or with such necessaries; to enter into any contract, arrangement, or conspiracy to restrict the supply or, except as permitted by law, for preventing gluts and for effecting equitable apportionment of perishable products among markets, to restrict distribution, or to enhance the prices of any such necessaries; to exact excessive prices for any such necessaries; or to aid or abet the doing of any act made unlawful by this section: *Provided*, That this section shall not apply or extend to any accumulating or withholding by any farmer, gardener, or other person, of the products of any farm, garden, or other land cultivated by him.

SEC. 7. That no person shall conspire, combine, agree, or arrange with any other person to limit the facilities for transporting, producing, manufacturing, supplying, storing, or dealing in any necessaries, or to restrain or injure trade or commerce in relation to any necessaries, or to prevent, limit, or lessen the manufacture or production of any necessaries, or to enhance the price thereof, or to prevent or lessen competition in the production, manufacture, purchase, barter, sale, transportation, insurance, or supply of any necessaries.

SEC. 8. That any person who violates any of the provisions of this act, except as otherwise provided, shall, upon conviction thereof, be punished by a fine not exceeding $5,000 or by imprisonment for not exceeding five years, or both.

SEC. 9. That words used in this act shall be construed to import the plural or the singular, as the case demands. The word "person," wherever used in this act, shall include individuals, partnerships, associations, and corporations. When construing and enforcing the provisions of this act, the act, omission, or failure of any official, agent, or other person acting for or employed by any partnership, association, or corporation within the scope of his employment or office shall, in every case, also be deemed the act, omission, or failure of such partnership, association, or corporation as well as that of the person.

SEC. 10. That the sum of $1,500,000 is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, available immediately and until expended, for the carrying out of the purposes of this act, including the payment of such rent, the expense of such printing and publications, and the employment of such agencies in the Department of Agriculture, such persons, and such means, in the city of Washington and elsewhere, as the Secretary of Agriculture may deem necessary.

SEC. 11. That this act shall cease to be in effect when the national emergency resulting from the existing state of war shall have passed, the date of which shall be determined and proclaimed by the President; but such date shall not be later than one year after the termination, as ascertained by the President, of the present war between the United States and Germany.

AMENDMENTS TO PENDING BILL.

Mr. GORE submitted two amendments intended to be proposed by him to the bill (H. R. 291) to punish acts of interference with the foreign relations, the neutrality, and the foreign commerce of the United States, to punish espionage, and better to enforce the criminal laws of the United States, and for other purposes, which were ordered to lie on the table and to be printed.

BUREAU OF MANUFACTURE.

Mr. SHEPPARD submitted the following resolution (S. Res. 60), which was referred to the Committee on Manufactures:

Whereas the further development of manufacturing processes is one of the most important and powerful means of increasing the Nation's efficiency, wealth, and prosperity; and

Whereas departments of the Government are now devoted to agriculture, commerce, and labor, but so far no department has been established for manufacture, the other fundamental source of national progress; and

Whereas there is a wide field for the making of useful articles by hand and without machinery, a field which should have especial study; and

Whereas the distribution of knowledge among the people as to the practicability of conducting manufacturing processes, both with and without machinery, on the cooperative plan and otherwise, will open up new channels of popular occupation and achievement; and

Whereas the adaptation of modern machinery to small factories in rural districts, villages, small towns, and in the home itself will open up an avenue of economic independence of incomparable value to the people; and

Whereas the farm is of itself a factory, and its higher profits and possibilities will be unrealized until its processes are carried to the finished state within its own limits or as near thereto as practicable; and

Whereas one of the principal needs of the United States is the conversion of its raw materials into finished products within its own boundaries, it being a source of national shame that we ship such enormous quantities of our basic raw materials abroad to be made by foreign countries into finished products and resold by them to us and others at a great profit; and

Whereas the conversion of raw material into finished products should be effected as near the place of production as may be consistent with access to markets for finished products: Now, therefore, be it

Resolved, That the Committee on Manufactures is hereby authorized and directed to investigate the practicability of establishing a bureau of manufacture at the seat of government for the purpose of studying manufacture in all its forms and diffusing information relating thereto among the people of the United States.

The said committee is hereby authorized and directed to report to Congress the result of its investigation during the second session of the present Congress; and if the committee finds such a bureau desirable, to submit a plan and bill to Congress therefor.

GARDEN CITY MOVEMENT.

Mr. SHEPPARD submitted the following resolution (S. Res. 61), which was referred to the Committee on Agriculture and Forestry:

Whereas the garden city and garden suburb movement in Europe has made wonderful progress during the first eight years of its existence; and

Whereas the object of this movement is to secure permanent and comfortable homes for the people, on terms within the reach of the average income, and to combine the advantages of town and country in the same community; and

Whereas this movement is contributing materially to the health, comfort, and prosperity of the people who have experienced its benefits; and

Whereas the movement, in the estimation of many, points the way to the long-sought goal of a contented, home-owning population; and

Whereas a beginning along this line is claimed to have been made in the United States; and

Whereas thousands of American citizens have petitioned Members of Congress for an investigation of the movement both in Europe and the United States: Therefore be it

Resolved, That the Senate Committee on Agriculture and Forestry be authorized and requested to hear and consider such testimony as may be produced before said committee in Washington regarding this movement both in Europe, in the United States, and elsewhere, and to report its findings to the Senate.

EMPLOYMENT OF ADDITIONAL CLERK.

Mr. POMERENE submitted the following resolution (S. Res. 62), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Privileges and Elections be, and it is hereby, authorized to employ an additional clerk at the rate of $100 per month, for a period lasting from May 16, 1917, until the end of the present session of the Sixty-fifth Congress, to be paid out of the miscellaneous items of the contingent fund of the Senate.

IMPROVEMENT OF TENNESSEE RIVER.

Mr. UNDERWOOD submitted the following resolution (S. Res. 63), which was referred to the Committee on Printing:

Resolved, That there be printed 350 additional copies of House Document No. 1262, Sixty-fourth Congress, first session, entitled "Tennessee River between Browns Island and Florence, Ala.," for the use of the Senate document room.

PUNISHMENT OF ESPIONAGE.

The VICE PRESIDENT. The morning business is closed.

Mr. OVERMAN. I ask the Senate to proceed to the consideration of the unfinished business, House bill 291.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 291) to punish acts of interference with the foreign relations, the neutrality, and the foreign commerce of the United States, to punish espionage, and better to enforce the criminal laws of the United States, and for other purposes.

Mr. SHAFROTH. I have a bill here somewhat similar to the joint resolution which the Senator from Montana [Mr. WALSH] had considered, except that it relates to homesteads. It gives service in the Army as an equivalent to residence on homesteads. I ask unanimous consent that it may be considered. I do not think there will be any objection to it whatever.

Mr. OVERMAN. If there is, I shall object to its consideration.

Mr. SHAFROTH. All right. I ask the Senate to proceed to the consideration of Order of Business 33 on the calendar, Senate bill 1811——

Mr. OVERMAN. The bill is on the calendar, and I must object to its consideration. We can not take up bills from the calendar now.

Mr. SHAFROTH. There are very few bills on the calendar.

Mr. OVERMAN. I can not consent to take up calendar bills. If I would agree to do that, some one else would make a similar request. The joint resolution which the Senator from Montana had passed was reported to-day from the Committee on Mines and Mining, and I object to calling up a bill from the calendar.

Mr. HUSTING. Mr. President, we have been considering for several days the so-called espionage bill. Yesterday I made a statement that I would submit to the Senate what purports to be a true copy of resolutions adopted by the recent Socialist convention at St. Louis and some letters and newspaper clippings explaining the meaning of the resolutions. I am not addressing myself to any provision of the bill in particular but to the scope and purpose of it generally, and I also arise for the purpose of discussing the necessity of taking measures calculated to protect ourselves from disloyal and treasonable utterances and publications and disloyal actions and agencies and combinations and organizations.

It has been said here that these are extraordinary measures. They are extraordinary measures, and I would not support them as peace measures, but we are now in extraordinary times. This is an extraordinary period, and some American citizens, or some of those claiming to be American citizens, are taking an extraordinary position at this time, and it would seem that some extraordinary remedies are necessary if we want to maintain the integrity and the safety of this Nation.

Some time ago there was a Socialist convention held in St. Louis, and certain resolutions were adopted. I am going to ask that a copy of the resolutions be printed in the RECORD. I am not going to take the time of the Senate to read the resolutions, but I am going to read parts of them and point out parts of them which are calculated to stir up and incite active resistance to the war measures which this country is about to undertake and which it deems necessary for its safety.

The resolutions recite, first, in a general way that the Socialist Party "reaffirms allegiance to the principle of internationalism and working class solidarity the world over, and proclaims its unalterable opposition to the war just declared by the Government of the United States."

Then the resolutions go on to state that this war was caused, as other wars were caused, by the commercial and financial rivalry and intrigues of the capitalistic interests. They state that these wars breed a sinister spirit of passion, unreason, race hatred, and false patriotism. The resolutions then state that the Socialist Party of the United States is unalterably opposed to a system of exploitation and class rule, which is upheld and strengthened by military power. After going along in that strain for some time, and stating sentiments that I hope very few Americans will subscribe to, they finally say this:

We brand the declaration of war by our Government as a crime against the people of the United States and against the nations of the world.

In all modern history there has been no war more unjustifiable than the war in which we are about to engage.

No greater dishonor has ever been forced upon a people than that which the capitalist class is forcing upon this Nation against its will.

In harmony with these principles the Socialist Party emphatically rejects the proposal that in time of war the workers should suspend their struggle for better conditions. On the contrary, the acute situation created by war calls for an even more vigorous prosecution of the class struggle, and we recommend to the workers and pledge ourselves to the following course of action:

1. Continuous, active and public opposition to the war, through demonstrations, mass petitions, and all other means within our power.

2. Unyielding opposition to all proposed legislation for military or industrial conscription. Should such conscription be forced upon the people, we pledge ourselves to continuous efforts for the repeal of such laws and to the support of all mass movements in opposition to conscription.

I want to call the attention of the Senate particularly to those words—"mass movements." The resolutions continue:

3. Vigorous resistance to all reactionary measures, such as censorship of press and mail, restriction of the right of free speech, assemblage, and organization, or compulsory arbitration, and limitation of the right to strike.

4. Consistent propaganda against military training and militaristic training in the public schools.

5. Extension of the campaign of education among the workers to organize them into strong, class-conscious, and closely unified political and industrial organizations, to enable them by concerted and harmonious mass action to shorten this war and to establish lasting peace.

6. Widespread educational propaganda to enlighten the masses as to the true relation between capitalism and war, and to rouse and organize them for action, not only against present war evils, but for the prevention of future wars and for the destruction of the causes of war.

7. To protect the masses of the American people from the pressing danger of starvation which the war in Europe has brought upon them, and which the entry of the United States has already accentuated, we demand—

(a) The restriction of food exports so long as the present shortage continues, the fixing of maximum prices, and whatever measures may be necessary to prevent the food speculators from holding back the supplies now in their hands.

(b) The socialization of the great industries concerned with the production, transportation, storage, and marketing of food and other necessaries of life.

(c) The socialization of all agricultural land which is now held out of use for monopolistic or speculative profit.

These measures are presented as means of protecting the workers against the evil results of the present war. The danger of recurrence of war will exist as long as the capitalist system of industry remains in existence. The end of war will come with the establishment of socialized industry and industrial democracy the world over. The Socialist Party calls upon all the workers to join it in its struggle to reach this goal, and thus bring into the world a new society in which peace, fraternity, and human brotherhood will be the dominant ideals.

Here are the recommendations made in the majority resolutions, which were approved by the St. Louis convention:

1. We recommend that the convention instruct our elected Representatives in Congress, in the State legislatures, and in local bodies, to vote against all proposed appropriations or loans for military, naval, and other war purposes.

2. We recommend that this convention instruct the national executive committee to extend and improve the propaganda among women, because they as housewives and mothers are now particularly ready to accept our message.

3. We recommend that the convention instruct the national executive committee to initiate an organized movement of Socialists, organized workers, and other anti-war forces for concerted action along the lines of our program.

These resolutions were signed by Kate Richards O'Hare (chairman), Victor L. Berger, Job Harriman, Morris Hillquit, Dan Hogan, Frank Midney, Patrick Quinlan, C. F. Ruthenberg, Maynard Shipley, George Spiess, jr., and Algernon Lee (secretary).

I will here insert the resolutions in full.

COMPLETE TEXT OF RESOLUTIONS ON WAR AND MILITARISM ADOPTED BY SOCIALIST CONVENTION AT ST. LOUIS.

[NOTE.—This is an exact copy of the resolution reported by the majority of the committee to the St. Louis Emergency Convention of the Socialist Party. It was adopted substantially as it is given, with minor changes, which do not affect the meaning or intent.]

RESOLUTIONS ON WAR AND MILITARISM.

1. The Socialist Party of the United States in the present grave crisis solemnly reaffirms its allegiance to the principle of internationalism and working-class solidarity the world over and proclaims its unalterable opposition to the war just declared by the Government of the United States.

Modern wars as a rule have been caused by the commercial and financial rivalry and intrigues of the capitalist interests in the different countries. Whether they have been frankly waged as wars of aggression or have been hypocritically represented as wars of "defense," they have always been made by the classes and fought by the masses. War brings wealth and power to the ruling classes and suffering, death, and demoralization to the workers.

They breed a sinister spirit of passion, unreason, race hatred, and false patriotism. They obscure the struggles of the workers for life, liberty, and social justice. They tend to sever the vital bonds of solidarity between them and their brothers in other countries, to destroy their organizations, and to curtail their civil and political rights and liberties.

2. The Socialist Party of the United States is unalterably opposed to the system of exploitation and class rule which is upheld and strengthened by military power and sham national patriotism. We, therefore, call upon the workers of all countries to refuse to support their governments in their wars. The wars of the contending national groups of capitalists are not the concern of the workers. The only struggle which would justify the workers in taking up arms is the great struggle of the working class of the world to free itself from economic exploitation and political oppression. As against the false doctrine of national patriotism we uphold the ideal of international working-class solidarity. In support of capitalism we will not willingly give a single life or a single dollar; in support of the struggle of the workers for freedom we pledge our all.

3. The mad orgy of death and destruction which is now convulsing unfortunate Europe was caused by the conflict of capitalist interests in the European countries.

In each of these countries the workers were oppressed and exploited. They produced enormous wealth, but the bulk of it was withheld from them by the owners of the industries. The workers were thus deprived of the means to repurchase the wealth which they themselves had created.

The capitalist class of each country was forced to look for foreign markets to dispose of the accumulated "surplus" wealth. The huge profits made by the capitalists could no longer be profitably reinvested in their own countries; hence they were driven to look for foreign fields of investment. The geographical boundaries of each modern capitalist country thus became too narrow for the industrial and commercial operations of its capitalist class.

The efforts of the capitalists of all leading nations was therefore centered upon the domination of the world markets. Imperialism became the dominant note in the politics of Europe. The acquisition of colonial possessions and the extension of the spheres of commercial and political influence became the object of diplomatic intrigues and the cause of constant clashes between nations.

The acute competition between the capitalist powers of the earth, their jealousies and distrusts of one another, and the fear of the rising power of the working class forced each of them to arm to the teeth. This led to the mad rivalry of armament, which, years before the outbreak of the present war, had turned the leading countries of Europe into armed camps with standing armies of many millions, drilled and equipped for war in times of "peace."

Capitalism, imperialism, and militarism had thus laid the foundation of an inevitable general conflict in Europe. The ghastly war in Europe was not caused by an accidental event, nor by the policy or institutions of any single nation. It was the logical outcome of the competitive capitalist system.

The 6,000,000 men of all countries and races who have been ruthlessly slain in the first 30 months of the war, the millions of others who have been crippled and maimed, the vast treasures of wealth that have been destroyed, the untold misery and sufferings of Europe, have not been sacrifices exacted in a struggle for principles or ideals, but wanton offerings upon the altar of private profit.

The forces of capitalism which have led to the war in Europe are even more hideously transparent in the war recently provoked by the ruling class of this country.

When Belgium was invaded, the Government enjoined upon the people of this country the duty of remaining neutral, thus clearly demonstrating that the "dictates of humanity," and the fate of small nations and of democratic institutions were matters that did not concern it. But when our enormous war traffic was seriously threatened, our Government calls upon us to rally to the "defense of democracy and civilization."

Our entrance into the European war was instigated by the predatory capitalists in the United States who boast of the enormous profit of $7,000,000,000 from the manufacture and sale of munitions and war supplies and from the exportation of American foodstuffs and other necessaries. They are also deeply interested in the continuance of war and the success of the allied arms through their huge loans to the Governments of the allied powers and through their commercial ties. It is the same interests which strive for imperialistic domination of the Western Hemisphere.

The war of the United States against Germany can not be justified even on the plea that it is a war in defense of American rights or American "honor." Ruthless as the unrestricted submarine war policy of the German Government was and is, it is not an invasion of the rights of American people as such, but only an interference with the opportunity of certain groups of American capitalists to coin cold profits out of the blood and sufferings of our fellow men in the warring countries of Europe.

It is not a war against the militarist régime of the central powers. Militarism can never be abolished by militarism.

It is not a war to advance the cause of democracy in Europe. Democracy can never be imposed upon any country by a foreign power by force of arms.

It is cant and hypocrisy to say that the war is not directed against the German people but against the Imperial Government of Germany. If we send an armed force to the battle fields of Europe, its cannon will mow down the masses of the German people and not the Imperial German Government.

Our entrance into the European conflict at this time will serve only to multiply the horrors of the war, to increase the toll of death and destruction and to prolong the fiendish slaughter. It will bring death, suffering, and destitution to the people of the United States, and particularly to the working class. It will give the powers of reaction in this country the pretext for an attempt to throttle our rights and to crush our democratic institutions, and to fasten upon this country a permanent militarism.

The working class of the United States has no quarrel with the working class of Germany or of any other country. The people of the United States have no quarrel with the people of Germany or of any other country. The American people did not and do not want this war. They have not been consulted about the war and have had no part in declaring war. They have been plunged into this war by the trickery and treachery of the ruling class of the country through its representatives in the national administration and National Congress, its demagogic agitators, its subsidized press, and other servile instruments of public expression.

We brand the declaration of war by our Government as a crime against the people of the United States and against the nations of the world.

In all modern history there has been no war more unjustifiable than the war in which we are about to engage.

No greater dishonor has ever been forced upon a people than that which the capitalist class is forcing upon this Nation against its will.

In harmony with these principles, the Socialist Party emphatically rejects the proposal that in time of war the workers should suspend their struggle for better conditions. On the contrary, the acute situation created by war calls for an even more vigorous prosecution of the class struggle, and we recommend to the workers and pledge ourselves to the following course of action:

1. Continuous, active, and public opposition to the war, through demonstrations, mass petitions, and all other means within our power.

2. Unyielding opposition to all proposed legislation for military or industrial conscription. Should such conscription be forced upon the people, we pledge ourselves to continuous efforts for the repeal of such laws and to the support of all mass movements in opposition to conscription.

3. Vigorous resistance to all reactionary measures, such as censorship of press and mail, restriction of the right of free speech, assemblage, and organization, or compulsory arbitration and limitation of the right to strike.

4. Consistent propaganda against military training and militaristic training in the public schools.

5. Extenson of the campaign of education among the workers to organize them into strong, class conscious, and closely unified political and industrial organizations, to enable them by concerted and harmonious mass action to shorten this war and to establish lasting peace.

6. Widespread educational propaganda to enlighten the masses as to the true relation between capitalism and war, and to arouse and organize them for action not only against present war evils but for the prevention of future wars and for the destruction of the causes of war.

7. To protect the masses of the American people from the pressing danger of starvation which the war in Europe has brought upon them and which the entry of the United States has already accentuated, we demand—

(a) The restriction of food exports so long as the present shortage continues, the fixing of maximum prices, and whatever measures may be necessary to prevent the food speculators from holding back the supplies now in their hands.

(b) The socialization of the great industries concerned with the production, transportation, storage, and marketing of food and other necessaries of life.

(c) The socialization of all agricultural land which is now held out of use for monopolistic or speculative profit.

These measures are presented as means of protecting the workers against the evil results of the present war. The danger of recurrence of war will exist as long as the capitalist system of industry remains in existence. The end of war will come with the establishment of socialized industry and industrial democracy the world over. The Socialist Party calls upon all the workers to join it in its struggle to reach this goal, and thus bring into the world a new society in which peace, fraternity, and human brotherhood will be the dominant ideals.

RECOMMENDATIONS.

1. We recommend that the convention instruct our elected Representatives in Congress, in the State legislatures, and in local bodies to vote against all proposed appropriations or loans for military, naval, and other war purposes.

2. We recommend that this convention instruct the national executive committee to extend and improve the propaganda among women, because they as housewives and mothers are now particularly ready to accept our message.

3. We recommend that the convention instruct the national executive committee to initiate an organized movement of socialists, organized workers, and other antiwar forces for concerted action along the lines of our program.

Kate Richards O'Hare (chairman), Victor L. Berger, Job Harriman, Morris Hillquit, Dan Hogan, Frank Midney, Patrick Quinlan, C. F. Ruthenberg, Maynard Shipley, George Spiess, jr., Algernon Lee (secretary).

There was a minority report submitted at that time by those loyal members of the convention who believed in supporting the United States in this war, who are opposed to lending aid and comfort to the German autocracy and to help fasten that autocracy upon the world. And right here let me pause and say that I hope and trust that this minority of patriotic Socialists who fought the resolution represent the great mass of Socialists of America. Let us hope and trust that the Socialists of America in the referendum now pending will not adopt the recommendations of the majority and thus go on record against law and order and in favor of forcible resistance thereto, which of course would constitute treason and insurrection.

The men, among others, who opposed this majority resolution were Winfield R. Gaylord and A. M. Simons, both of Milwaukee, Wis. I have a letter from Mr. Gaylord, which I wish to read.

I desire to say, Mr. President, that Mr. Winfield R. Gaylord was a member of the State Senate of Wisconsin while I had the honor of being a member of that body. I know him well. I do not think there is a more active Socialist in the United States than he is. I do not think there is a more thoroughgoing believer in socialism than he. He is a man of standing in Milwaukee; he ran on the Socialist ticket during the last campaign for Congress and came within 400 or 500 votes of being elected in Milwaukee. He is a loyal American citizen. I want to read a letter which I received from Mr. Gaylord dated April 17, 1917. I shall only read parts of it, but I shall ask to have the entire letter printed further on in my remarks:

APRIL 17, 1917.

Hon. PAUL HUSTING,
Washington, D. C.

MY DEAR SENATOR: In the midst of this general hurly-burly of the war situation, there has been thrust upon me another and more immediate perplexity growing out of the situation resulting from the action of the Socialist convention at St. Louis.

The inclosed copies of documents will help you to understand the gist of the opposing positions as expressed at the convention. The clipping from the Milwaukee Journal will give you some insight into my attitude on the general questions involved.

I want to say here that I am indebted to Mr. Gaylord for a copy of the resolutions adopted at St. Louis, for the correctness of which he vouches. I cite him as my authority, as a member of that convention, for the authenticity and correctness of the resolutions. Mr. Gaylord says:

But there is another issue coming to the fore, and on this I feel that I must act, for the saving of the lives of some of my well-meaning but short-sighted comrades with whom I do not agree.

It is a significant fact that up to date the majority resolution, adopted by the convention on the subject of war and militarism, has not been printed in its complete form, nor in any form which includes the statements as to "mass" action, in the Milwaukee Leader.

In other words, the leading Socialist organ of the Northwest did not up to that time print this part of the resolution which pertains to mass action.

Nevertheless, from statements which I overheard Victor L. Berger and Emil Seidel make on the train returning from St. Louis I know that they expect that there will be "resistance" by the "fanatics" along the lines indicated.

Let me call the attention of the Senate to these statements of Mr. Victor L. Berger, the editor and, I think, the proprietor of the Milwaukee Daily Leader. He was a Member of Congress a few years ago. Emil Seidel was for several years mayor of Milwaukee. He has been the Socialist candidate for United States Senator in Wisconsin. I merely say this so that the Senate may know that these are no irresponsible members of the Socialist Party who are making these statements. Mr. Gaylord quotes them as saying that on the train returning from St. Louis they expected that there will be "resistance" by the "fanatics" along the lines indicated. He says further:

Most significant just now is the fact that this irregularly called convention, having only 185 delegates out of a possible 300, by a majority vote ordered printed for distribution generally the majority resolution before it is acted upon by the referendum of the party.

When they desire to take party action on any matter the Socialists hold a referendum. No one, however representative he may be, no convention, however representative it may be, can commit that party to this propaganda until a referendum first is had by the members of the Socialist Party, and then, and not until then, when the proposed action is approved at the referendum does it become the action of the Socialist Party. But here it seems that they proposed to distribute these seditious and inflammatory resolutions broadcast at once among the people before they were acted upon by the party. Mr. Gaylord goes on to say:

The only purpose of this must be to secure "action" against the Government in some "mass" form to embarrass the administration in its prosecution of the measures necessary for carrying on the war.

It is not my desire to prevent the majority resolution being put to the test of the referendum. That should be done. I am frank to say that if it is adopted I shall have to leave the party organization that can put forth such a statement.

It is not my belief that this will be adopted if it is fairly put before the party membership and the issue is made clear.

But meanwhile much harm may have been done by the stirring up of ignorant prejudices among the syndicalist element on the one hand and the racial pro-German and pro-Austrian elements on the other hand by the circulation of this leaflet. In my opinion it will certainly lead to exactly what is spoken of in the text, namely, "mass action."

Now, this is significant. Mr. Gaylord says:

This phrase is well known among the syndicalist and anarchist element in this and every other country to mean "extra political," i. e., action by force through the gathering of large crowds.

There should be no need of abridging the customary liberties of free speech, free assemblage, and freedom of the press. But this thing is tricky, unauthorized by any proper organization, furtive in its handling—as in the failure to print it here—and is calculated to play directly into the hands of the enemies of our Government.

* * * * * * *

Victor L. Berger did not take the floor in the convention in support of this measure. Nor did any other open advocate of nationalism, but Morris Hilquitt, and he reported for the committee. But they voted with the syndicalist element solidly.

By the close of the convention there were 60 delegates who had so far recovered from their hysteria that they signed the petition for the submission of the alternative declaration to the referendum along with the other. There were only five who stood for an opposite position on the first test vote.

I shall print here this letter from Mr. Gaylord which I have been quoting from:

MILWAUKEE, WIS., *April 17, 1917.*

The Hon. PAUL O. HUSTING,
Washington, D. C.

MY DEAR SENATOR: In the midst of this general hurly-burly of the war situation there has been thrust upon me another and more immediate perplexity, growing out of the situation resulting from the action of the Socialist convention at St. Louis.

The inclosed copies of documents will help you to understand the gist of the opposing positions, as expressed at the convention. The clipping from the Milwaukee Journal will give you some insight into my attitude on the general questions involved.

But there is another issue coming to the fore, and on this I feel that I must act, for the saving of the lives of some of my well-meaning but short-sighted comrades with whom I do not agree.

It is a significant fact that up to date the majority resolution, adopted by the convention, on the subject of war and militarism, has not been printed in its complete form, nor in any form which includes the statements as to "mass" action, in the Milwaukee Leader.

Nevertheless from statements which I overheard Victor L. Berger and Emil Seidel make on the train returning from St. Louis, I know that they expect that there will be "resistance" by the "fanatics" along the lines indicated.

Most significant, just now, is the fact that this irregularly called convention, having only 185 delegates out of a possible 300, by a majority vote ordered printed for distribution generally the majority resolution, before it is acted upon by the referendum of the party.

The only purpose of this must be to secure "action" against the Government in some "mass" form, to embarrass the administration in its prosecution of the measures necessary for carrying on the war.

It is not my desire to prevent the majority resolution being put to the test of the referendum. That should be done. I am frank to say that if it is adopted I shall have to leave the party organization that can put forth such a statement.

It is not my belief that this will be adopted if it is fairly put before the party membership and the issue is made clear.

But meanwhile much harm may have been done by the stirring up of ignorant prejudices among the syndicalist element on the one hand and the racial pro-German and pro-Austrian elements on the other hand by the circulation of this leaflet. In my opinion, it will certainly lead to exactly what is spoken of in the text, namely, "mass action." This phrase is well known among the syndicalist and anarchist element in this and every other country to mean "extra political," i. e., action by force through the gathering of large crowds.

There should be no need of abridging the customary liberties of free speech, free assemblage, and freedom of the press. But this thing is tricky, unauthorized by any proper organization, furtive in its handling—as in the failure to print it here—and is calculated to play directly into the hands of the enemies of our Government.

What should be accomplished, in the interests of fairness and for the protection of the public peace, is the withholding from circulation generally, for any purposes other than the referendum of the party members, of this majority-resolution document.

* * * * * * *

There is no need of estranging the great mass of socialists and those who sympathize with them by any drastic action. There is occasion for the discreet use of authority for the prevention of general circulation of this pernicious propaganda.

Victor L. Berger did not take the floor in the convention in support of this measure. Nor did any other open advocate of nationalism but Morris Hilquitt, and he reported for the committee. But they voted with the syndicalist element solidly.

By the close of the convention there were 60 delegates who had so far recovered from their hysteria that they signed the petition for the submission of the alternative declaration to the referendum along with the other. There were only five who stood for an opposite position on the first test vote.

* * * What I am concerned about is the fact that the distribution of this document prior to its submission to the party referendum will not only commit the socialist movement to a doctrine which it has nowhere adopted, but will probably lead fanatical and uninformed members and sympathizers to undertake the thing that is called for in the program, and so lead to bloodshed. As usual, those who will suffer most will not be those whose brains planned the thing.

Some of our socialist attorneys have considered the possibility of a restraining order along these lines. That would be expensive and take time to get the movement for it organized. We have started some correspondence about that, but meanwhile the orders are probably going to the printer.

* * * * * * *

Yours, very sincerely,

W. R. GAYLORD.

I have read this and agree with it, and join in the hope that some action may be taken to prevent violence.

A. M. SIMONS.

That is all that is pertinent to this particular matter. I have another letter from Mr. Gaylord, under date of April 28, in which he says:

I can not express the regret and sense of humiliation which comes over me as I see the position taken by these men—whether they are conscious of its meaning or not. That 15 of the best years of my life should have gone into an organization which now is used to strengthen the hands of an autocracy that represents—even more than China does to-day—the reactionary powers of the earth is something bitter.

I have some clippings here from the Milwaukee Journal containing interviews by Mr. W. R. Gaylord along the same line and by Mr. A. M. Simons. Mr. Simons, the writer of several of these articles, is known internationally as a social-democratic editor and lecturer. I may say that Mr. Simons was one of the

organizers of the Socialist Party in Milwaukee. He was editor of the Workers' Call—now Chicago Socialist—from 1899 to 1900, of the International Socialist Review from 1900 to 1906, and of the Coming Nation from 1910 to 1913. He is the author of several volumes, and is a frequent contributor to the New Republic and other magazines. He also was sent as a delegate from the United States to the Socialist International Conventions at Copenhagen and Stuttgart. So he also is not only a Socialist of standing, but a man of standing, and an author of repute and ability. He describes in these articles how the Socialists of America are attempting to play Berlin's game, meaning Germany's game. It seems that at a meeting held in Stuttgart in 1907 the question of militarism arose and there the German Socialists were called upon to vote down the militarism of Germany. Mr. Simons points out that this resolution defining the Socialist attitude in that respect failed of passage because of the opposition of the German Socialists, and that the Socialists refused to go on record against militarism in Germany, and that in that stand the American pro-German Socialists were the ones who stood by the Germans in refusing to vote down militarism. I call your attention to Mr. Simons's interview in the Milwaukee Journal of April 29, 1917. He points out how at St. Louis, when it applied to this country, when the question of militarism and defense of this country came up, they took the very opposite position and again voted with Germany and against militarism here, showing that as to Germany, with the German Socialists, they stood by what the German Government wanted, while at St. Louis they again stood for what appeared to be what the German Government wants. In other words, our pro-German Socialists in America went on record for German militarism at the Stuttgart convention, thus helping German autocracy, and at the St. Louis convention voted to help German autocracy again by reversing themselves and voting against preparedness here even when we are at war with Germany. I ask to have the articles by Mr. Simons and Mr. Gaylord printed in the RECORD.

The VICE PRESIDENT. Without objection, permission is granted.

The matter referred to is as follows:

[From Milwaukee Journal, Tuesday Apr. 17, 1917.]

RADICALS JOIN PRO-GERMANS—PLATFORM ACTION OF SOCIALISTS—OLD PRINCIPLES DISCARDED FOR "MASS ACTION."

[A. M. Simons, the writer of this article, is known internationally as a Social-Democratic editor and lecturer. He was editor of the Workers' Call (now Chicago Socialist) from 1899 to 1900, of the International Socialist Review from 1900 to 1906, and of the Coming Nation from 1910 to 1913. He is the author of several volumes and is a frequent contributor to the New Republic and other magazines.]

[Written for the Journal.]

There is a dangerous and dishonest phase of the resolutions adopted by the special Socialist convention at St. Louis that has escaped public notice. It is not simply that this resolution indorses a narrow jingoistic nationalism stamped with the Prussian double eagles. That indorsement was secured only by an alliance between the friends of German militarism and the semianarchistic elements in the Socialist Party. That alliance consummated as despicable a piece of treachery as was ever perpetrated.

FAVOR ANARCHISTIC TERM.

The so-called "impossibility," "syndicalist," or extra-political faction has hitherto been most bitterly fought by the nationalistic Germans. This extreme faction was in a minority at St. Louis, as it has been in all other Socialist conventions. There are certain phrases that this faction had always sought to have incorporated in socialist declarations. These called for "mass movements" and "mass action." These phrases are a part of the anarchistic literature of the world. They are always understood to mean extra-political activity, such as riots, general strikes, great processions, and violent revolt. They never appeared in any socialist document in this country until they were placed in the resolution upon war at the St. Louis convention.

They were placed in that resolution by pro-German nationalists, hitherto their most virulent opponents, as a means of gaining the support of the extremists. This extreme faction understood that these phrases pledged the party to the use of violent measures against the war and the means of carrying it on. The adherents of this faction are sincere, devoted fanatics. Many of them would willingly sacrifice liberty or even life in defense of their principles. Hitherto they have accepted the decision of the Socialist majority against such methods. They left the St. Louis convention believing their opponents to have been converted and that violent resistance to war had been indorsed and would be waged by all. This would be bad enough if true.

NATIONALISTS NOT CONVERTED.

But the Prussian nationalists were not converted to anarchy. They are only willing to sacrifice these poor devils to help Prussianism. These politicians will lead no antienlistment riots. They will organize no prohibited processions to protest war and meet machine guns. They will give out interviews from their offices regretting such violence.

These German jingoes wrote these resolutions. They know better than any others the traditional meaning and implication of such phrases. They placed them where they are to lure fanactics to death in the interest of German imperialism.

This charge is fully justified by the fact that these same men fought most bitterly in international congresses to prevent the adoption of similar phrases when their adoption might have blocked the road of this same German imperialism. They were serving the same masters in Stuttgart, Copenhagen, and St. Louis.

I would be a traitor to America, to democracy, to socialism, and to humanity if I left unexposed this murderous treason to all these things on the part of men whose only excuse must be their mad devotion to German autocracy.

A. M. SIMONS.

[The committee's report included the following declaration: "Extension of the campaign of education among the workers to organize them into strong, class-conscious, and closely unified political and industrial organizations, to enable them by concerted and harmonious mass action to shorten this war and to establish lasting peace." Another revolutionary passage adopted by the convention is as follows:

"Unyielding opposition to all proposed legislation for military or industrial conscription. Should such conscription be forced upon the people, we pledge ourselves to continuous efforts for the repeal of such laws and to the support of all mass movements in opposition to conscription."]

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[From the Milwaukee Journal, Thursday, Apr. 26, 1917.]

"DECEIVE PARTY"—CHARGE THAT IS MADE AGAINST SOCIALISTS.

From the latest issue of the American Socialist, the official organ of the Socialist Party, and from a recent copy of the Milwaukee Leader, it is evident that the pro-German nationalists who obtained the adoption by the Socialists at the St. Louis convention of resolutions treasonable alike to the Nation and the cause of socialism, "are trying to deceive the rank and file of the Socialists as to the purport of those resolutions," says A. M. Simons, Milwaukee. "One official form of the resolutions was published in the American Socialist in the week following the convention. A few days later the Leader published another edition, edited for Milwaukee consumption. The current issue of the American Socialist contains still another version, with the most treasonable words omitted.

"Meanwhile the semianarchistic syndicalists and sincere pacifists, who were caught with the bait of the violent phrases in the copy as first prepared by Morris Hilquit and Victor Berger, are circulating the original resolution in the belief that they are being supported by those who led in its adoption by the convention. But the pro-Kaiser nationalists have now prepared an alibi if their impossibilist dupes should 'start something.'

"Consequently the entire membership of the Socialist Party in Milwaukee is being deceived concerning the action really taken at St. Louis.

"The following, under the head, 'Run out of town,' is from the American Socialist of April 28:

"'A. E. Welch writes from Waco, Tex.: "I was mobbed last night and egged by the home guards, escorted to the train, and virtually run out of town. My assailants numbered between 30 and 40. I had distributed leaflets against war issued by the national office."'

"This is apparently what happens to those who do not have the revised edition or do not 'distribute' from office chairs."

—

[From the Milwaukee Journal, Sunday, May 6, 1917.]

WHAT HAPPENED IN ST. LOUIS—SOCIALIST COMMENTS ON BERGER DEFENSE—SEES A NEW WORLD REPUBLIC RISING.

[By Mr. W. R. Gaylord.]

Now that after three weeks of silence on the subject Victor L. Berger has seen fit in an editorial in the Milwaukee Leader to recognize the fact that something happened at St. Louis and has been happening since which calls for some defense on his part, it is proper for me to answer his references to these matters at least so far as they concern my part in them.

Mr. Berger accuses me of several things, such as "changing front on the war question," a "turnabout" for which he says he can see no reason; that I have not gone to the county central committee with my grievances; that I have gone to the capitalist press; and then intimates that this is paralleled only by the work of the "agents provocateur" in the Russian revolutionist circles.

NO SECRETS OF ORIGIN.

As to the last, there are no secrets about my origin, my coming into the Socialist Party, my activities and my attitude in the party and its work, and in this later development. Mr. Berger will do well to withdraw any such charge. It savors of an attitude of mind not at all agreeable to American conditions, and does not fit my case, whatever may be said of others whom I know.

I was frankly opposed to war on general principles—to all war—until recently. In this I was in agreement with Mr. Berger during the time he was circulating Mr. Bryan's peace program. For a while I thought myself a pacifist; but I found that to be an "impossibilist" attitude, however ideally correct, and I am constructive in the bent of my mind.

Then several things happened. First, the announcement of the savage ruthlessness of the German U-boat campaign. That presented to my mind the possible results for civilization if some nation should happen to have the qualities required to carry out such a program successfully, and I saw that our Nation would inevitably be dragged into the world mêlée.

Then came the Russian revolution, the unseating of the Czar, and the lining up of the newest republic with that of France and with the practical democracy of England against a union of autocracies.

NO LONGER NEUTRAL.

Then war was declared by the United States, and it became impossible as a practical proposition to maintain a neutral attitude.

Within a week thereafter the Socialist convention at St. Louis met to consider questions relative to war and militarism. At that convention this declaration of war was branded as the "greatest dishonor ever forced upon any nation"; the Socialist Party was lined up against any kind of even "alleged defensive" wars; and then the party was pledged to "mass action" against the Government in matters relating to the war, and the national executive committee was instructed to "initiate concerted action with all antiwar forces" to carry out this program.

And—war had already been declared!

In that convention I saw those whom Mr. Berger called "fanatics" following their pacifist doctrines to the logical limit. I heard the syndicalist group denouncing all government and declaring that they had no choice between Kaiser and President. And this was not so unexpected. But when Morris Hillquitt and Victor L. Berger, tacitly renouncing their nationalist positions, joined hands with those other elements, gave up their constructive policies of many years, let the "fanatics" take the lead, and helped to bulldoze the convention into doing things which it could not be gotten ever to do again, I at least did not lose my sense of the meaning of English words. I warned members of the convention. I made such a fight as I was able to make.

NO CHANCE FOR REFERENDUM.

I secured the drafting of an alternative declaration and the signing of it by enough delegates to entitle it to be submitted to the party referendum.

Mr. Berger did not approach me on the subject during the convention, nor afterwards. He did not invite me to state my position in the Milwaukee Leader then or afterwards. I had been informed by one in authority to make the statement, before the convention, that there would be no use of my giving any statement to the Leader, as "it would not be printed."

Mr. Berger did express in my hearing his anticipation that the "fanatics would resist" when it came to carrying out the program of the convention. This decided any doubts I had as to my duty to the members of the Socialist Party, and especially those in Wisconsin and vicinity.

The St. Louis convention was not intended by those who called it to be the rehearsal of a comic opera. It was evidently intended that the outcome of it should be "concerted action with other antiwar forces" along the lines of "mass action," and it was expected, at least by Victor L. Berger, that "the fanatics would resist."

WHAT WAS DREAMED OF?

We have had reports of what happened in Brazil. And we have reason to believe that something similar was at least dreamed of here. What part the Socialist Party was expected to play, if any, why the St. Louis convention was called as it was, what the program of "concerted action" may have been, how far and where and when the "fanatics would resist"—well, perhaps these are among the things which Mr. Berger says are not secret. In which case he ought to be perfectly willing—much more willing than he has thus far shown himself—to discuss them frankly.

My purpose in going to the "capitalist press" was to sound a warning to all my comrades who could be reached that they were endangering themselves for a purpose which I believed to be foreign to the Socialist movement. This could not have been accomplished by taking up the matter in the county central committee, where Mr. Berger and his paper would simply cry me down.

If the Socialist Party fulfills a need in the political life of this country, it will live.

If the present organization and policy of that party does not meet the conditions of political life in this country, it will fade away.

No mere act of one man, not even of Victor L. Berger, can determine the history of the Socialist Party. But if the Socialist Party shall show that it is not only un-American but anti-American, its present organization will pass into the condition known as that of innocuous desuetude, and some other movement will interpret the truths of socialism for American political life.

NEW INTERNATIONAL BODY.

Meanwhile, I see rising among the democratic nations, amid the whirlwind and crash of war, the framework of an international body of finance, industry, and commerce, which may furnish the absolutely necessary soil for the growth of the long-dreamed-of, much-desired republic of the world. When, even for the purposes of war, the nations of the earth are forced to lay aside the old method of industry and trade for profit, and to save the very heart's blood of civilization must build a foundation of social production and distribution to fit the uses of mankind, I know that I am in the presence of something like that which Huxley described when he saw under the microscope the line forming in the protoplasm which indicated the evolution of the spinal column of the vertebrate.

It seems quite true that Mr. Berger and many others—why are so many of them of German blood?—see no significance in all these things. They can not even see the difference between a kaiserdom and a republic. Well, I see a difference, and seeing, would deem myself criminal indeed, with a treason to those forbears who helped to make this land in all its wars, to those of my tribe who are to follow me, and to the principles of socialism, if I should permit my mind and hand to be neutral in the presence of such a combat.

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[From the Milwaukee Journal, Sunday, Apr. 29, 1917.]

SOCIALISTS PLAY BERLIN'S GAME—TAKE PACIFIST STAND IN AMERICA—REFUSED TO DO SAME AT MEETING IN GERMANY.

[By A. M. Simons.]

[A. M. Simons, the writer of this article, is known internationally as a Social-Democratic editor and lecturer. He was editor of the Workers' Call (now Chicago Socialist) from 1899 to 1900, of the International Socialist Review from 1900 to 1906, and of the Coming Nation from 1910 to 1913. He is the author of several volumes, and is a frequent contributor to the New Republic and other magazines.]

There is a story of the last two international Socialist congresses often whispered between Socialists, but hitherto unpublished. The capture of the recent special Socialist convention at St. Louis by pro-German nationalists now not only adds a final and convincing chapter to that story, but makes its publication in this country imperatively necessary.

This story may be hotly denied by pro-German Socialists here. But every delegate to Stuttgart or Copenhagen in 1907 and 1910 knows it to be true.

The great issue of the Stuttgart congress was militarism. Leading the antimilitarist forces was the brilliant, erratic Herve, whose single aim was to secure a resolution pledging the Socialists of the world to a general strike in case of war. Against him was pitted the entire German-Austrian bloc, led by August Bebel and supported by pro-German delegates from the United States.

For nearly a week the struggle went on in committee. Then suddenly the word was passed about that a compromise had been reached and a resolution adopted by unanimous vote.

THE GERMAN PROMISE.

That unanimity rested upon the pledge of honor by the German Social Democracy that if a formal resolution was not adopted they would lead in any general strike or other concerted move against war.

Because that pledge was made directly to me by prominent representatives of the German Social Democracy my experience is important.

The Socialists of other countries had been assured that the Imperial German Government had guaranteed freedom of discussion to the gathering. If any such assurance had been given, it was most outrageously violated when Harry Quelch, an English delegate, was given 24 hours to pass the frontiers because he had reflected upon the Hague Peace Congress, which included some of the Kaiser's personal friends.

On the evening of the day following his speech I was with Quelch when a secret-service man handed him the formal order of expulsion. With the remark that the document would make an interesting souvenir, he passed on into a room where an entertainment for the delegates was in progress.

THREATENED WITH POLICE.

I sat down beside Ledebour and Paul Singer, both members of the Reichstag and asked what would be done about the Quelch incident. Singer vehemently vetoed any protest, lest the police dissolve the congress.

Surprised at such supineness, I raised the question of the militarism responsible for it and the resolution then before the congress. Very loudly and emphatically Singer declared that the adoption of a resolution indorsing the general strike or other violent action against war would outlaw the great German Social Democracy. I then asked how, if such a position were maintained, there could ever be any international action against war.

Singer's voice sank, he gave a furtive glance around such as I had learned introduced any radical statement in a public place in Germany, and said slowly and impressively: "The German Social Democracy will never be found lacking in international solidarity. It never has been. We will act without resolutions."

LEDEBOUR REPEATS PLEDGE.

Recognizing the tremendous significance of this statement, I turned to Ledebour for confirmation. Singer had spoken in German. Ledebour changed to English and said: "I can pledge you that we will not be found lacking. We were not lacking when help was needed for the general strikes in Belgium and Denmark. We will not need a resolution to bind us."

Of course, after nearly 10 years I can not swear to exact words. But they made a deep impression at the time. I have repeated them many times. I know that the above is as nearly verbatim as it is possible to recall a spoken conversation without notes. Singer has since died. Ledebour has fought the war up to the present moment and has done his best to keep his pledge.

But the complete confirmation came next morning. I found that many similar statements had been made to other delegates by Germans, and that the entire congress was preparing to act upon the strength of those statements.

"EVERY STEP POSSIBLE."

If further confirmation is needed, it exists in indisputable form in the resolution adopted and in the speeches made at the time. The resolution calls upon the working class "to take every step possible to avoid the occurrence of war." Every delegate understood this to include the general strike and revolt, and that this phrase was used to record the pledge of the German Social Democrats without using the exact words that would doom the politicians.

Complete proof is found in the stenographic report of the final speeches on its adoption. The resolution was reported by Vandervelde, who moved the cloture. Herve demanded the floor. The Germans feared to have him speak, because they knew he would so word his knowledge of methods to avoid German police censorship, insisted upon having his instructions that debate must be confined to the question of putting the cloture, translated into French. Herve laughingly informed Singer in German that he, Herve, understood German. "No," insisted Singer, "these instructions must be translated."

HERVE FOR GENERAL STRIKE.

This was done. Herve then, in spite of continuous "calls to order," succeeded in saying that he had obtained everything he wished, that he would return to Paris perfectly satisfied, and, finally, that he "would vote for the resolution with both hands in the air," which he did. Herve came to the congress to secure just one thing—the adoption of a resolution pledging the Socialists of the various nations to revolt or general strike in case of war. He returned thinking he had succeeded.

No sooner had the war broken out and the German Socialists failed to keep their pledge than their American defenders seized upon the omission of the words "general strike" in the resolution to deny that Social Democrats of Germany were pledged to any violent opposition to war. Some who so wrote knew these facts. Others perhaps wrote in ignorance.

By 1910 and the Copenhagen congress the feeling that it was dangerous to trust to an indefinite pledge had grown. Kier Hardie then joined with Edouard Vaillant, of France, to make the pledge formal. Again the German politicians pleaded that such action would outlaw them. But Ledebour, with some other German Socialists, had already begun to suspect these politicians of double dealing and supported the Hardie-Vaillant resolution. But the political machine of Germany, assisted, as at Stuttgart, by their German allies in the American delegation, was able to secure a reference to a committee to report at the next congress. On the date set for that congress German Socialists in arms were in Belgium by virtue of the votes of other German Socialists in the Reichstag.

I do not raise the question of the efficacy or desirability of the general strike and domestic revolt against war. I only call attention at this time to the fact that the very pro-German delegates from the United States who opposed such methods at Stuttgart and Copenhagen indorsed them at St. Louis to be used against the Government of the United States. German imperialism desired the defeat of such a resolution at the international congresses. German imperialism desired its adoption by the Socialist Party of the United States.

Mr. HUSTING. I desire also to refer to a letter written by Mr. Gaylord to Mr. Adolph Germer, who is secretary of the Socialist national executive committee, in which he again protests against the action taken by the Socialists at St. Louis. That letter is dated April 26. He calls their attention to the fact that this is a treasonable resolution. By the way, I am reliably informed that when this resolution came up before the editorial staff of the Milwaukee Leader, every editorial writer on that staff, with the exception of Mr. Victor L. Berger himself, said that the paper had no business to publish resolutions of that kind; that they were treasonable in character; but, notwithstanding that, Mr. Berger published them. I am informed the gentlemen who are now fighting Mr. Berger and

his crowd in the Socialist Party make no bones about charging Mr. Berger with pro-Germanism to the extent that he goes back on the tenets of his party and the very teachings of socialism in this country in order to uphold the German Government.

I also have here the reply of Mr. Germer to Mr. Gaylord, which I ask to have placed in the RECORD with Mr. Gaylord's letter, in order to make the record complete.

The VICE PRESIDENT. Without objection, permission is granted.

The letters referred to are as follows:

GAYLORD'S LETTER TO GERMER.

APRIL 26, 1917.

Mr. ADOLPH GERMER,
Secretary, and the National Executive Committee,
Socialist Party, Chicago, Ill.

COMRADE GERMER: You will please take notice, and convey the same to the members of the national executive committee—

That I protest against the sending out of the resolution containing the declaration on war for general distribution in advance of the referendum as—

(a) Contrary to good faith with the party membership and the public;

(b) The spread of treasonable matter in the name of socialism;

(c) Making the party organization the tool of a foreign enemy government now at war with this country.

I also protest against the sending out of the same resolution in any altered form as being treachery to the innocent but fanatical comrades who are blindly following the lead of the convention action.

Your attention is again called to the fact that the convention was not called in accordance with the provisions of the party constitution; that it was not attended by a representative set of delegates, there being only 185 out of a possible 300.

Your attention is also called to the fact that while this treasonable matter is proposed to be sent out in the name of a political party organized for political action in the United States, a controlling percentage of the actual dues-paying party membership has come to be composed of persons who are not citizens of the United States, together with many others who have taken part actively in a propaganda carried on for the benefit and to the advantage of the feudal government of a nation with which this Nation is now at war.

I hereby serve notice upon you and the members of the national executive committee that the action proposed in the circulation of the resolution on war, either in the original or in an amended form, will place all socialists who are citizens of the United States in danger of intolerable hardship and risk, not to be justified under existing conditions by any proper demand which could be made upon them as socialists, subjects them to irreparable injury, and causes irreparable damage to the name and cause of the American socialist movement by linking them forever with a cause which has become a bissing and a byword in all democratic nations of the earth, namely, the cause of the autocrats of the central European Empires—Prussian, Austrian, Bulgar, and Turk.

I further demand that you, as the executives of the Socialist Party, in all your actions relating to these matters, obey the laws of the Socialist Party, the laws of the land, and the dictates of good faith with the vast army of those in this and other lands who have espoused the cause of socialism.

In view of the instructions of the St. Louis convention, that "the national executive committee initiate an organized movement * * * of antiwar * * * forces"; and in view of the further fact that the antiwar forces in this country include the syndicatlists, the anarchists, the German-American Alliance, and the secret service of the Imperial German Empire, I demand that the party executives of the Socialist Party shall forthwith declare what "antiwar forces" they have been cooperating with, or propose to cooperate with; this to the end that those members of the Socialist Party who refuse to be implicated in treason may have opportunity to repudiate any actions or alliances entered into without their consent and without their purpose or intent.

That organized action against constituted governments may be justified by conditions existing within the scope of such governments, is demonstrated by the history of this Republic; but that such organized action against this Government should inure to the benefit of the decadent aristocracies of a type of civilization holding over from the Middle Ages, is intolerable to a socialist who is American born.

As a delegate to the St. Louis convention, I further call your attention to the fact that in the issue of the American Socialist, under date of April 28, 1917, there is printed what purports to be a copy of the program contained in the resolution on war, above referred to, in which the paragraph No. 2 is printed in a form different in content and meaning from the same paragraph as contained in the official copy printed in a previous issue of the same publication.

And I demand that if this modification in the form and content of this paragraph has been made because of any warning given to your office directly or indirectly, and to protect the party executives, that the same warning be given out to the membership and sympathizers of the party at large for their protection also.

It can not be emphasized too strongly that any word of explanation or justification which the party executives may have to offer will be gladly received and will be given full consideration; and especially that, in view of the great number of persons concerned and the peculiar and weighty personal considerations involved for thousands of these persons, such explanations and statements of justification should be given at the earliest possible moment.

Yours, very truly, WINFIELD R. GAYLORD.

GERMER'S REPLY TO GAYLORD.

CHICAGO, ILL., *April 27, 1917.*

WINFIELD R. GAYLORD,
Milwaukee, Wis.

MY DEAR GAYLORD: Your favor of the 26th instant has just been received, and I note with interest what you say. As per your request, I am to-day sending a copy of your letter to every member of the national executive committee.

It is perhaps my misfortune not to have been born in the United States, or perhaps yours to have been born here. That, however, should have little or no bearing on considering a fact.

Let me call your attention to the fact that it was agreed at the convention (Goebel speaking for your side), and no one objecting to it, that we should immediately proceed to distribute the resolution on militarism and war. It was understood that if the minority report is finally adopted by referendum that it would be the official declaration of the party. Perhaps you were not in the hall when this understanding was arrived at, but I am quite sure the record will show it.

You call it treasonable matter. Treasonable to whom? Surely it can not be treasonable to the people of America to keep them from being shot by others with whom they have no difference. No matter where one is born, he ought to be able not to assume an irrational view on this subject. If the Socialists of every nation would take the same view that you do, there would be no rumbling in the respective governments. The ruling class would have the full support of the Socialists.

You further say that we are making the party organization the tool of a foreign enemy government now at war with this country. Let me ask you, my dear Gaylord, Do you take the position of Stephen Decatur "My country, may it ever be right; but right or wrong, my country"? Of course, if that is your position, then your protest is not in harmony with the international Socialist movement.

You speak of the autocratic government of Germany, Austria, Bulgaria, and Turkey. How about the autocratic government of Serbia, Roumania, Italy, Japan, and Belgium, and until very recently the despotism of Russia? Do you know of any degree of democracy existing in any of these countries? Do you know of the ruling class of these countries fighting for democracy and civilization? Why single out a few of the autocratic countries who happen to be allied on one side of this war? Besides, as one living in America, my greatest concern is to establish a degree of democracy and liberty in the United States instead of meddling and taking sides in the European war. I can see no difference between the autocracy of Germany and the other empires and kingdoms. I hate them all, and I hope that the people of the respective countries, before the war is over or after the war, will manifest good sense and be courageous enough to connect over all the crowns in Europe.

You speak further of the propaganda we are carrying on to the advantage of a feudal government of a nation with which this Nation is now at war. Isn't it a fact that so long as we are furnishing guns and ammunitions and foodstuffs to the allies, that we are not only actively engaged in a propaganda to the advantage of those feudal governments, but are an active part of the war? I hate the words "kaiser" and "sultan," but I also hate the word "king," and I further hate to be engaged in a propaganda that will actively strengthen one side or the other. After all, as our antiwar proclamation well says, we are not conducting a war against the "Kaiser," but we will shoot the German people who are now struggling within their own country to establish a degree of democracy.

One more point, and I am going to leave you. You call our attention to the fact that there were only 185 delegates out of a possible 300 present. I must remind you that a national referendum was pending when the convention was called, providing for a convention to be called in September to be attended by 200 delegates instead of 300 as per the constitution. The emergency convention was called on the same basis as the referendum provided for the September convention. If you say that it was not a representative convention, then you must confess that you were not a representative delegate. Surely you wouldn't claim that you and a few who shared your views were the only representative delegates and the others were not.

Let us forget for a while that we were born in America or Germany or England or elsewhere, and let us remember that we now live in this country, and let us try to solve the problems of the workers here at home. By doing so we might succeed in keeping this country out of international entanglements, even though it might interfere with the profits of Wall Street.

As stated in the outset, I am submitting your letter to the executive committee.

With all good wishes, I remain, as ever, fraternally, yours,

ADOLPH GERMER,
Executive Secretary.

Mr. HUSTING. This morning I received a letter from the postmaster at Delavan, Wis., Mr. C. M. Tallman, which is as follows:

DELAVAN, WIS., *May 9, 1917.*

Hon. PAUL O. HUSTING,
United States Senate, Washington, D. C.

DEAR SENATOR: I am inclosing herewith for your perusal a letter of warning recently sent out by the Sherman Detective Agency, of Chicago, to its clients, to which is attached a duplicate copy of the Internationalist, an ultraradical Socialist organ, the object of which seems to be to discourage patriotism in the form of enlistments and to resist and refuse such compulsory military service as is prescribed by the new conscription act.

You will note the pledge at the bottom of the sheet, and also the fact that at the recent convention of the party held in St. Louis that the article in their constitution relating to the nonindorsement of sabotage, violence, etc., was repealed.

The letter and paper inclosed was handed me by Mr. J. J. Phoenix, president of the Bradley Knitting Co., of this city, and it is the opinion of many in this community, including myself, that the espionage bill should at least be broad enough to prohibit the circulation of such plainly disloyal stuff.

There are now approximately 60 young men of Delavan who have recently enlisted in the National or State service and others are coming right along, we also have over 600 gardens now planted within the city limits, and vacant lots are very scarce.

With very kind personal regards, I am,

Very truly, yours, C. M. TALLMAN.

I ask to have printed the letter of the Sherman Detective Agency.

The VICE PRESIDENT. In the absence of objection, that will be done.

The matter referred to is as follows:

CHICAGO OFFICE, *April 31, 1917.*

TREASURER BRADLEY KNITTING CO.,
Delavan, Wis.

DEAR SIR: We are inclosing a duplicate copy of the Internationalist, headed as being published by the Socialist Propaganda League of America.

This copy is an exact reproduction with the exception of red being used in place of black where we desire to emphasize certain paragraphs.

Article 2, section 6, in the last paragraph, which is mentioned as being repealed, originally related, we are informed, to the nonindorsement of sabotage, violence, etc.

This material is sent to inform you of the necessity for watchfulness.

Very truly, yours,

SHERMAN DETECTIVE AGENCY,
JOHN F. SHERMAN,
General Manager.

Mr. HUSTING. I also ask to have this copy of the Workers of the World Internationalist of April 7, 1917, published at Boston, Mass., put in the RECORD.

I am going to take the time to read just a few extracts from this. I want to say that these parts that are colored in red ink here were not so colored in the original weekly; but that this is an exact copy is vouched for by the Sherman Detective Agency. These are resolutions of the Socialist Propaganda League, assembled in conference at Boston, Mass., April 1, 1917, and referred to the Socialist Party convention at St. Louis, April 7, 1917.

This is what they say:

Resolved, That the S. P. withdraws its general support from the A. F. of L., which can not be recognized any longer as the representative of organized labor on the economic field.

I just want to point out there that they recommend breaking away from the American Federation of Labor.

Now, here comes the significant part of the resolution:

Resolved, That the Socialist Party pledges itself to support every action on the economic field against capital in such a way as to further the interests of the working class as a whole by advocating industrial organization instead of craft unionism, encouraging every tendency toward organized mass action and mass democracy on the economic field, so expressed and practiced by the Industrial Workers of the World; be it further

Resolved, That the Socialist Party will participate in every class fight which is fought in the interest of the working class against capital and the State, each Socialist to be pledged to participate in the economic actions and to advocate in his organization the principles of general democratic mass action.

Here, again:

Resolved, The Socialist Party will support and organize mass demonstrations and political strikes and will instruct its delegates to support such mass actions and to act as spokesmen in the representative bodies to voice the demands of the working class and to fight for freedom of speech, action, and organization as fundamental for every form of political mass action toward the overthrow of capitalism and the building up of a socialist commonwealth.

There are a good many just as significant as these, but I just want to read the colored portions now:

The Socialist movement is not neutral in a war nor does it simply adopt passive measures of protest; it fights the war continually, relentlessly, and by all the means of action in its power.

In other words, they want to be understood as saying that they are not neutral in this country; that they are going to fight against this war in this country by all means of action in their power. They do not say "by all proper means" or "all lawful means," but they say by "all the means of action in their power."

Now, here, again:

We call upon the working class, organized and unorganized, to institute strikes against the mobilization of industry and military forces under the guise of which the ruling class deprives the people of its civil and industrial rights, and we pledge ourselves to encourage and support these strikes and develop them into a general revolutionary movement against war and capitalism.

Mr. REED. Who says that?

Mr. HUSTING. That is published in The Internationalist, No. 11, volume 1, Boston, Mass., April 7, 1917.

Mr. REED. But who publishes it?

Mr. HUSTING. It is signed by Charles W. Fitzgerald, conference chairman; Samson Frieman, conference secretary; and Alfred S. Edwards, secretary of the Socialist Propaganda League of America.

Mr. REED. What is that?

Mr. HUSTING. I do not know. I am telling you that this comes through the mails. It purports to be a periodical. It is published by the Socialist Propaganda League of America.

Mr. OVERMAN. Do I understand the Senator to say that that circulates in the mail?

Mr. HUSTING. That circulates in the mail; yes.

Mr. REED. The Senator is not advised who constitutes the league?

Mr. HUSTING. Why, I suppose this is one of these conferences that we have so many of through the country. We had an embargo conference that flooded us here with telegrams, and we have leagues of various kinds, some of whom it is known have been furnished with German money.

Mr. REED. And we also have a league to promote the draft.

Mr. HUSTING. The difference between one and the other, as I understand it, is that the league to promote the draft is doing something to sustain the action of Congress, to aid and not to restrict the enforcement of its laws and its policies.

Mr. REED. One of them is not nonpatriotic, although it may be mistaken, while the other is clearly of a seditious character. I am only asking the Senator in order to try to get the source of it. I think the Senator is doing good work in advising us of this.

Mr. HUSTING. I do not know whether the Senator was here or not, but I stated some time ago what I was reading from. If these excerpts that I have been reading appear to be so commonplace that they can be put on a plane with a great many others, then I will say that the same rule ought to be adopted with the others. I do not care whether anybody is in favor of draft or against draft as an academic proposition, but I do say that I am against any paper going through the mails or being circulated or any body of men getting together and conspiring together to put before the people resolutions and statements that incite rebellion, that urge and recommend war against the authorized authorities of the United States and especially so while we are at war with a foreign nation. I do not care whether it comes from the Socialist Party or whoever else it comes from.

Mr. REED. Mr. President——

Mr. HUSTING. I want to say that this is only in line with the resolutions adopted by the Socialist convention at St. Louis. They advocate mass action, mass resistance to the draft.

Mr. REED. Mr. President——

The VICE PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Missouri?

Mr. HUSTING. I do.

Mr. REED. I think the Senator probably in some way misapprehended what I said. Surely, the Senator knows that I do not think any such movement as he is now discussing is tolerable. I think the Senator is doing good work in calling our attention to this matter. The whole purport of my question was this: I desired to know, if possible, the source of this circular. I was anxious to know whether it came from a large body or a small body of men, whether it was the effusion of a few cranks or a few scoundrels, or whether it came from a considerable body of people who might be numerous enough to become dangerous.

Mr. HUSTING. I will state that here at the head of the paper there is given a description of this organization, and it will appear in the RECORD, so that it will speak for itself. My purpose in referring to these things on the floor of the Senate is to show that there are influences at work, financed sometimes as this may be, I do not know through whom, through which the German Government has an opportunity to work its baneful influence among the American people. It is, as I understand it and look at it, purely the continuance of a propaganda that has been going on here ever since the war began. We have record of many propagandas; we do not know whence they come, who pays for them, or anything about them; and yet we know that the mails have been flooded with this kind of stuff, and if the Senator has received what I have received he knows that he has received thousands of circulars having for their ultimate object and their design the undermining of the institutions of this country, the setting of one man against another and one race against another; and I say its ultimate design is to destroy this country.

I want to repeat here and now that I do not like to have our own instruments used for the purpose of destroying ourselves or our country. I do not want to feel that we are the unconscious instruments of carrying and aiding a propaganda that is directed against us by our enemies, and it ought to be stopped. I do not feel as though alleged constitutional rights ought to be invoked to protect the propaganda of a country that is aiming to destroy us, and that is the reason why I am bringing this matter again to the attention of the Senate.

Now, here they say:

We declare that we shall carry on this propaganda and action, even should the Government declare it illegal.

If not legally, then illegally!

Here is another paragraph:

Resolved, That article 2, section 6, be withdrawn from the party constitution.

That is the article prohibiting sabotage and these other things I have read.

Now, here comes the pledge:

I, the undersigned, solemnly protesting against the working class and the country of my birth (or adoption) being caught in the steel trap of militarism, will refuse to render any kind of military service when informed that 10,000 male citizens of the United States (or those who have declared their intention to become citizens) of an age between 18 and 45 have signed this pledge.

Name ———.
Address ———.

And so forth.

Now, I said that that was sent through the mails. The detective agency, I find when I come to look at the letter, does not say that it went through the mails. I assume that it did, however, and I have no doubt that it is being sent through the mails.

Here is a blank pledge held out to its readers whereby they undertake to resist the call of the country when conscripted, upon the condition that 10,000 male citizens of military age join with them in the pledge. Why wait until 10,000 associates or fellow conspirators join them if not because of a purpose to join with this 10,000 in an insurrection when the word is passed that 10,000 of military age are ready? Can anything be clearer than this is, inviting rebellion and an attempt to mobilize discordant elements to make war on their own country and to aid our enemy Germany?

[From the Internationalist, weekly of the Left-Wing Socialists, Boston, Mass., Apr. 7, 1917.]

RESOLUTIONS REFERRED TO THE PARTY CONVENTION—THE SOCIALIST PROPAGANDA LEAGUE SENDS GREETINGS TO COMRADES AT ST. LOUIS, WITH RESOLUTIONS COVERING ALL ESSENTIAL POINTS OF THE "MANIFESTO" FOR ACTION.

It was a working body of delegates from branches of the Socialist Propaganda League that assembled in Boston last Sunday, April 1, in response to call for a special conference to consider matters of extraordinary importance in their bearing upon the emergency convention of the Socialist Party to open at St. Louis to-day, April 7. The action of the conference was practically unanimous on all issues discussed and passed upon, and if the printing in this issue of the paper of the definite policies of the league, which must be placed in the hands of convention delegates at St. Louis, excludes a full report of the conference, the members throughout the country may look for it next week.

The series of resolutions appended express the deliberate convictions of the conference. Under instruction from the body they are referred to our comrades of the Socialist Party convention as the embodiment of views held by thousands of earnest men and women in this country, whose sole desire is that the banner of international revolutionary socialism may be upheld at St. Louis.

Attest:

CHAS. W. FITZGERALD,
Conference Chairman.
ALFRED S. EDWARDS,
Secretary Socialist Propaganda League of America.

SAMSON FRIEMAN,
Conference Secretary.

RESOLUTION ON INDUSTRIAL ACTION.

Whereas the American Federation of Labor by advocating a harmony of interest between capital and labor does not represent the interests of the working class as a whole;

Whereas the American Federation of Labor by its criminal neglect to organize and to support the action among unskilled labor is largely responsible for the ruthless suppression of labor conflicts and murder of the workers by the capitalists;

Whereas the convention of presidents and officials of the unions constituting the American Federation of Labor has pledged support to the exploiters and committed itself to war, with Samuel Gompers participating in the National Counsel of Defense: Therefore be it

Resolved, That the Socialist Party withdraws its general support from the American Federation of Labor, which can not be recognized any longer as the representative of organized labor on the economic field; Be it further

Resolved, That the Socialist Party pledges itself to support every action on the economic field against capital, in such a way as to further the interests of the working class as a whole, by advocating industrial organization instead of craft unionism, encouraging every tendency toward organized mass action and mass democracy on the economic field, as expressed and practiced by the Industrial Workers of the World: Be it further

Resolved, That the Socialist Party will participate in every class fight, which is fought in the interest of the working class against capital and the State. Each socialist to be pledged to participate in the economic actions and to advocate in his organization the principles of general democratic mass action.

RESOLUTION ON POLITICAL ACTION.

Whereas political action constitutes the general class action of the workers; and

Whereas political power can only be based on class power of the working masses; Therefore be it

Resolved, The Socialist Party will support and organize mass demonstrations and political strikes and will instruct its delegates to support such mass actions and to act as spokesmen in the representative bodies to voice the demands of the working class, and to fight for freedom of speech, action, and organization, as fundamental for every form of political mass action toward the overthrow of capitalism and the building up of a socialist commonwealth.

RESOLUTION ON PARLIAMENTARY ACTION.

Whereas the present stage of imperialism shows that capitalist parties develop more and more into one reactionary mass and lean to centralization of political power into the hands of executive and judicial bodies under the control of financial and monopolistic capital and abandoning the rights and prerogatives of bourgeois parliaments: Therefore, all the hopes of socialists for the legal conquest of political power through parliamentary action vanishing, be it

Resolved, That our parliamentary campaigns shall be conducted on strictly Socialist lines, without compromise with bourgeois parties or issues, for education and propaganda toward mass action, illustrating our principles and tactics on every-day facts and issues; and be it further

Resolved, That elected Representatives shall use their office for criticism and propaganda and the support of mass action, regarding themselves as spokesmen of the working class under control of the Socialist Party and bound to resign rather than to act or support action detrimental to the interests of the working class.

RESOLUTION ON MILITARISM AND WAR.

The Socialist movement is not neutral in a war, nor does it simply adopt passive measures of protest; it fights the war continually, relentlessly, and by all the means of action in its power.

Realizing that there is a division in the international movement on the problem of action against war; realizing, moreover, that this problem is crucial in the reconstruction of socialism, the Socialist Party declares against participation in a war waged under any and all conditions of imperialistic capitalism, including wars of national defense and democracy, so called.

The Socialist Party can not compromise its unrelenting opposition to war; it seeks to use every opportunity that may arise to transform a war into the social revolution to the proletariat.

In conformity with and applying these general principles, the Socialist Party of America lays down the following program of action during the war:

(1) Representatives of the Socialist Party in the various governing bodies shall refuse to vote for war credits or any other measures of war. Action shall immediately be taken to expel party members violating this decision.

(2) We pledge ourselves and our organization to resist all efforts at recruiting by means of meetings, an aggressive educational propaganda, mass demonstrations, and by any other means in accord with revolutionary Socialist principles and tactics.

(3) We call upon the working class, organized and unorganized, to institute strikes against the mobilization of industry and military forces under the guise of which the ruling class deprives the people of its civil and industrial rights, and we pledge ourselves to encourage and support these strikes and develop them into a general revolutionary movement against war and capitalism.

(4) In the event of conscription being forced upon the people of this country by the ruling class we shall initiate a movement for the refusal of military service; moreover, we shall support by all means mass movements of the people organized to resist and refuse compulsory military service.

(5) Aside from these special measures against the war, we declare that we shall not allow the class struggle to relax; moreover, we affirm that the general revolutionary class shall proceed with new vigor and increased intensity during the period of war along the lines of general mass action of the working class.

6. The Socialist Party of America, in short, declares war upon the war and the measures adopted by the Government for purposes of war. No "civil peace!" No truce with the ruling class! War does not change the issue, but emphasizes it: War against capitalism. On with the class struggle!

7. We declare that we shall carry on this propaganda and action even should the Government declare it illegal—if not legally, then illegally!

RESOLUTION ON INTERNATIONAL ORGANIZATION.

Whereas the second international has failed and is broken down when mostly needed; and

Whereas the period of internationalism and world wars makes it imperative to have a strong and effective international organization of the Workers of the World to resist the capitalist aggressions and capitalist wars: Therefore be it

Resolved, That the Socialist Party of America will participate only in a new third international of parties and socialists, who denounce a true or Burgfrieden during a war of whatever nature, and who are willing to propagate and participate in mass action as a means to resist militarism and war, including so-called defensive wars of capitalist States and to build up an organized democratic mass power to overthrow the capitalist State.

RESOLUTION ON ARTICLE 2, SECTION 6, OF THE PARTY CONSTITUTION.

Whereas article 2, section 6, of the present constitution is contrary to the very principles of revolutionary socialism, and constitutes a danger to the Socialist Party, especially under the development of capitalism in the period of imperialism, in which organized mass action is the most effective weapon against the solid autocratic power of financial and monopolistic interests, organized in the modern capitalist State; and

Whereas organized mass action against the reactionary forces of modern imperialism, using illegal and brutal means of violence and murder in the class struggle, can not always be carried on without the use of force by the working class: Therefore be it

Resolved, That article 2, section 6, be withdrawn from the party constitution.

THE PLEDGE.

I, the undersigned, solemnly protesting against the working class and the country of my birth (or adoption) being caught in the steel trap of militarism, will refuse to render any kind of military service when informed that 10,000 male citizens of the United States (or those who have declared their intention to become citizens), of an age between 18 and 45, have signed this pledge.

Name _____
Address _____
Male_____ Female_____ Age_____ Alien_____

Now, Mr. President, I have brought the Socialist resolutions, adopted at St. Louis, to the attention of the Senate. I have pointed out here that by a majority vote they were ordered printed for distribution generally, and before they were acted upon by a referendum; so it is plain that to-day the mails of the United States are being used for the purpose of furthering propaganda that has for its object and purpose forcible resistance to the authorized officers of the United States. If they are drafted, they say in as plain English as English can be that they are going to resist, and that now a referendum is being carried on through the mails to bring that about.

I do not cite these things because of any particular provision in this espionage bill, although it may pertain particularly or more directly to the question of nonmailable matter; but this whole bill, and bills of this character such as we are now con-

sidering, are not aimed at legitimate newspaper business. They are not aimed at legitimate correspondence or legitimate business. They are being directed against an influence which ought to be routed out, which ought to be stopped in this country. Ever since this war began we have suffered great harm at the hands of agents and instruments of a country with which we are now at war, namely, Germany. This harm has been done to us by many ways and means. It has been done through newspapers, speeches, letters, circulars, pamphlets, and we have aided and abetted these agencies, hostile to us and inimical to the welfare of the country, through our mails; in other words, Germany has turned our own mail service into an instrument for her benefit, to our own undoing. What I am saying here to-day is more about the object and purpose of this bill than the particular provisions of the bill. This bill is not aimed at any forces that are legitimate and loyal, but only against forces and influences that are disloyal, treasonable, and illegitimate. If the interpretation which some of the Senators put upon certain chapters of this bill is correct, I would vote against these sections myself, but the trouble is that their construction, in my judgment, is entirely erroneous and unjustified. The trouble has been in the discussion of this bill and other bills calculated to give power to the President to wage this war successfully against Germany, and which were calculated to strengthen him in his negotiations with this same country that Members of Congress, certain newspapers, and certain people have always imputed to our Government the most sinister motives and purposes.

Senators here in discussing this bill are constantly talking about the danger of our constitutional rights being invaded instead of presupposing that the President is as anxious to uphold the Constitution as Senators are. Not only that, but in the discussion of these bills where it is perfectly plain that no unconstitutional power is delegated to the President, Senators trouble themselves to discover opportunities afforded where the President might act unconstitutionally. It ought to be a sufficient answer that the bill delegates no unconstitutional powers, but if that is not enough, let me add that President Wilson has never yet exercised his functions unconstitutionally and, in my judgment, never will. Every President has the opportunity, if he is so minded, to disregard the Constitution, but Senators should remember that President Wilson has never been so minded, and I want to say that there is no Senator in this Chamber who is more careful to keep within his constitutional powers and prerogatives than the President himself whom they profess to fear so much.

Now, in dealing with the matter of carrying seditious and treasonable matters, is not it unthinkable, in a time of war, that we should permit a foreign government to use an agency of the United States, namely, the United States mails, to wage war upon ourselves here through her own organizations, sympathizers, and publicity facilities? Is not it absurd, to say the least, that we should be tying ourselves up in such a manner as not only to hinder us, but actually to facilitate the carrying out of the foreign enemy's own cunning and dangerous designs and purposes?

It seems to me that in attempting to protect what we conceive to be the constitutional rights of the people, Senators, gratuitously and without warrant and justification, are taking it for granted that every instrument put into the hands of the President is going to be used for sinister purposes. On the embargo here we have been told by the opponents of the bill that if this power were given to the President he would violate treaties. One Senator even said that he might lead us to the commission of the same acts that were committed by Germany. Referring to all these things and all these arguments that have been brought up, I say that in these extraordinary times, to accomplish these extraordinary purposes that we have in mind, in order to get our hands and our feet free to fight an enemy that scruples and hesitates at nothing to gain its ends, it is necessary temporarily to put into the hands of the Commander in Chief of the Army all the powers necessary to bring this war to a successful conclusion.

When we declared war, and thereby put the Army and the Navy and all the resources of the country at the disposal of the President, we gave or impliedly promised him all the powers we possessed to carry it on successfully. We ought not declare war in one breath, and then in the next breath say that we are not going to give the President power to wage war. Do we want to declare war and then lie down supinely and let our enemy overcome us without resistance? Shall we deliberately put ourselves, and our very liberties, in jeopardy, and then refuse to defend them or permit a defense of them? We do not want to tie the President down, we do not want to hamstring him, we do not want to sit here in the Senate every time some measure which is necessary to our defense comes up and then debate whether or not we are going to let him do it. We have got to have some faith in the President of the United States. We have got to rely on the patriotic judgment and ability of our Commander in Chief.

It is said here that we are trying to muzzle the press and that a constitutional right is invaded. Mr. President, when we passed the conscription bill, by which we conscript a man, conscript the happiness of his family, conscript his earning capacity, conscript his life, I want to know if we can go any further than that in taking away constitutional liberties and rights, if it is a taking of constitutional liberty and rights. But it is not. It is a thing that is necessary for every country to exact from its citizens when it gets into war; but it seems to me that it does not lie in the mouth of those who only in a small measure are restrained of what they conceive to be their full constitutional rights in time of peace to complain and to fight and to obstruct on every hand every movement calculated to strengthen the arms of the President—yes; calculated to strengthen our own arms and our own might. I want to say right here that neither the administration nor any Senator supporting this bill, and certainly not myself, want to muzzle the press or want to hinder and obstruct the fullest intelligence, discussion, and comment in times of war consistent with our public safety. If there is anything in this bill that encroaches on this, I do not know where it is; in fact, one proviso expressly negatives it. What I favor and what the administration favors and the primary and sole object of the bill, as I understand it, is to tear out and uproot this disloyal propaganda that has been going on throughout the country for the purpose of protecting ourselves against sinister influences initiated from without but manifested from within. In short, the object to be attained is to prevent disloyal and illegitimate publicity calculated to give aid, comfort, and information to the enemy, and is not aimed at publication or publicity whatsoever which has for its purpose the welfare of the country. What the President wants by these sort of bills is to be able to deal with disloyalty and sedition and not to hinder or obstruct legitimate publicity.

For instance, take the power to be given the President in regard to the embargo. When that was up for discussion in this bill Senators immediately jumped to the unjustified conclusion that the President if given this power would use it in violation of the Constitution and our solemn treaties. If I thought that the President of the United States was going to violate any solemn treaty or to break our word with any country, I would not have voted for the embargo no matter how much we may need it. One of the Senators said here upon the floor that "perhaps, in time of necessity, he might be obliged to vote for the sinking of boats by submarines without warning." Let me at least put myself on record in that regard. May the hands of any officer of the United States be palsied before he will ever sign his name to the infamous order directing the discharge of a torpedo at a boat loaded with helpless men, women, and children without warning and without observing the rules of international law, and may no man who ever has the honor to belong to the American Navy put the foul blot upon his country which now brands Germany as an outlaw nation. May I never live to see the day when our glorious Navy will make war on men, women, and children, and in sinking a *Lusitania* sink itself to the infamous level of the German Navy. We can afford to lose, if must be. But we can not afford to be unjust; we can not afford to break our word; we can not afford to lose our honor; we can not afford to lose the trust and confidence in which the nations of the world hold us. We can not afford to do the things that our enemy has done, to do that which we have denounced and condemned over and over again on the floor of the Senate and elsewhere. I would not vote to do that; but I am voting for this embargo, and I am voting for these other powers that are put in the hands of the President of the United States, because I know they will not be abused, because I know he will not do those things, because I know also that he would do nothing not lawful under this bill. I know that he will use the powers conferred herein in accord with the rights of neutrals; yes, I will go further and say with rights of our enemies, and that they will be used only to do what we manifestly have a right to do and no more.

I do not believe that there is any treaty written of the kind which says we must feed our enemies, or which provides either in letter or spirit that we must aid and abet our enemies in their efforts to destroy us or which prohibits the use and shipment of our own resources for our own defense, and I want to take particular issue with the charge of the Senator from Michigan when he said that we were doing or attempting to do the things which Germany had done, and against which we have complained, for which we went to war with her. I do not think

that we have ever complained because Germany had used her own resources for her own armies and naval forces. We complained because Germany refused to let us, a neutral Nation, sell and deliver our foodstuffs to another neutral country. An embargo under this bill does not contemplate for a moment that we are to interfere with neutral trade from one neutral country to another or to sink and destroy boats and kill noncombatants, men, women, and children, because of our attempt to stop one neutral country from trading with another, but this is what Germany did and against which we complained. She told us "If you take a boat across this dead line from one neutral port to another neutral port I shall sink your boats, take your lives and your property." We propose to do nothing of the kind. Here it is only a question of what we shall do with our own foodstuffs and resources and supplies. We simply say that we will do with our foodstuffs, with our own supplies, and with our own resources that which is necessary for our defense.

And there is no other excuse or justification necessary in the levying of an embargo upon our own foodstuffs than to say that in waging this war and since we have entered into the war our first duty to ourselves is to arm and feed and supply our Army and our Navy and the armies and navies cooperating with us and whose aid and assistance is necessary for our defense. There is no duty incumbent upon us to supply any other country when we are at war, under treaty or any other obligation, which is paramount to that.

This does not violate any rule of international law; this can violate no treaty. There is no power in this bill which Mr. Woodrow Wilson, the President of the United States, will or can properly use in the way that Germany has used her powers, which we have condemned. There is nothing in Woodrow Wilson's make-up that warrants or justifies anyone in believing he will use these powers in a way which no one better or more vigorously than he has condemned beyond measure.

Is it not strange, Mr. President, that whenever measures of this kind come up to be discussed we impute to our own Government the most sinister motives; that we fear every power we may momentarily, because of extraordinary circumstances, relinquish or delegate to one of our branches of our Government is going to be used by a scoundrel, by a man bereft of every human attribute—that these powers will be used as a tyrant would use them? What country has ever acted more upon the square than this Government has in war or in peace? We would have to go back on every tradition and every paragraph of American history to take for granted that our Government or any men who represent our Government are going to use their powers contrary to the rules of civilized nations and of civilized warfare. I for one refuse to believe it, and I propose to proceed upon the theory in this war that a President such as we have will not violate the traditions of his country or violate its laws or its Constitution and will do nothing to bring dishonor to his Nation or to his own name.

We know, however, on the other side, that every instrument than can be used or seized upon by our enemies is being used ruthlessly and without regard to the rules of civilized nations or civilized warfare. There is no law for Germany but Germany's necessity; and she is the sole judge of her own necessity. So Germany's necessity is not only Germany's law, but she would make it the law of the whole world.

I say that we have entered into this war to challenge her right to impose her necessities upon the world, and we should strengthen our Government so that our Government may fight this war to a successful conclusion, and thus make good our challenge and vindicate the right of democracies to live. I say there is nothing in our history, there is nothing in the history of the President or of any man of influence at the head of our Government that warrants any Senator in believing that a President of the United States will misuse his powers contrary to the rules of law or justice and right.

So, it seems to me, Mr. President, we should not be spending days and weeks here in debate while our boats are going down, while every newspaper brings us news of some more men, women, and children who are being murdered in cold blood upon the high seas. We should make haste, in the face of a world's famine, when we know that Germany is sinking cargoes to the bottom of the sea; when she is not only inflicting damages upon her enemies, not only sinking our ships, not only destroying millions of dollars' worth of property, but she is doing worse than that—she is committing a crime against the world by destroying foodstuffs and the ships wherewith to supply the world. She has set out and boasts that she is doing what she set out to do, to starve the world into submission. For every ship that goes down puts beyond reach of the hungry people of the world the food to feed the world. And when she sinks millions upon millions of bushels of wheat and other foods, she diminishes the world's supply, and thereby not only aggravates the drive upon but shoots the prices skyward upon the remaining and fast-vanishing supplies that must feed the whole world, if the world is to be fed. In other words, for every boatload of food that is sent down to feed the fishes, a blow is struck at the table of the world as well as at her enemies.

Yet while she is doing these things, while she is trying not only to starve her enemies but to starve the whole world, we sit here and argue for hours and hours about the construction of this phrase or that instead of going direct to the purpose sought and imperatively needed; that is, giving the authority, the obvious necessary power, to the President, so that he may do that which we declare he shall do and which he must do under his constitutional oath of office.

I say it seems to me that we should close this thing up in a hurry. There is no danger of this reacting on ourselves after this war. It is only going to be for the period of the war. I would not stand for these bills for a second after the war is over. I would be glad to have a paragraph put in every bill that as soon as the war shall cease these laws shall become inoperative. I do not want any authority to be delegated to take away our constitutional rights, but I want the authority to be given the President so that he shall have the legal right and power to do what is necessary to be done to properly defend ourselves. I want it done, because if this Government is put out of business you can toss the Constitution in the stove if you want and burn it up, because there will not be any constitutional rights left to anyone of us if the autocracy of Germany prevails in the world. Do you not think we would better in times like these even circumscribe our rights just a little bit in order that we may save them all? Is it not better to fight and fight to win than to refuse to deny and restrict ourselves a little in this crisis, and thus in trying to save alleged rights lose these and all the rest?

Mr. President, I wanted to say these things, because I have felt keenly that we are losing time, that we are wasting our time on nonessentials when we ought to be getting ready for war. We ought to be mobilizing the resources of this country instead of talking. We ought to be saving this country instead of saving something that some Senators fear may possibly be used as long as the war lasts to the detriment of the American people.

It seems to me that all the provisions of the pending bill within reasonable safeguards ought to be enacted as speedily as possible, and we ought to enact all the other necessary bills as speedily as possible, and give the President of the United States at least the confidence that we must extend to any commander upon the battle field. We ought to give the authority which I think has been given to any President of the United States in any war we ever fought. As far as I know, they received every power they asked in so far as was necessary to carry out the war in which the country was engaged.

I say now as to the President of the United States, whose entire record as President and as a man does not warrant a misgiving or a belief that he will usurp any power or use any authority contrary to the laws of society and good order and morality and decency, the presumption ought to be when he asks for it that he is asking for it for the good of the Government, not for himself, but for the good of the whole world, including the good of the United States. Instead of the constant presumption that he is asking these things as a favor for himself, as a desire to gather more power to himself, is it not a fair presumption that he is doing it out of some love for the country?

What Senator in this body, what citizen of the United States, can justly profess a greater love for his country than the President of the United States? His intellect is not challenged; his record is not challenged. He has been right in all the steps he has taken. But we have heard these same things before. Every step that he has sought to take in the interest of the safety of his country has been obstructed. He has been halted. He has been obstructed, and so far he has never been defeated, and even those who have opposed him on other occasions would not have it any differently now. The presumption and his record are in his favor, and when he comes here I think we ought at least presume that he ought to have it, instead of presuming all the time that when he is asking for it he ought not to have it.

I am voting for these bills, some of them that I think are drastic, because unity in this country is essential for the safety of the country and for the perpetuation of its institutions. It is necessary for us to pull together. It is necessary to have teamwork, and we can not have teamwork and we can not put power in the hands of the President unless Congress primarily and the people also primarily stand back of him in all that is necessary to carry the war to a successful issue.

I trust and I pray that the President may be given these powers, and with the thought that even if some Senators think

the proposed legislation goes too far they may be sure that the President will not go too far in using it, even if he has the authority, which I contend he has not under the provisions of this bill.

Mr. JOHNSON of California obtained the floor.

Mr. REED. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Harding	Martin	Smith, Mich.
Bankhead	Hardwick	Nelson	Smith, S. C.
Beckham	Husting	New	Smoot
Borah	James	Newlands	Sterling
Brady	Johnson, Cal.	Norris	Stone
Brandegee	Jones, N. Mex.	Overman	Sutherland
Broussard	Jones, Wash.	Page	Thomas
Chamberlain	Kellogg	Poindexter	Thompson
Culberson	Kendrick	Pomerene	Townsend
Cummins	Kenyon	Ransdell	Trammell
Curtis	King	Reed	Underwood
Fernald	Kirby	Robinson	Vardaman
Fletcher	Knox	Shafroth	Walsh
France	Lodge	Sheppard	Watson
Frelinghuysen	McCumber	Shields	Wolcott
Gallinger	McKellar	Smith, Ga.	
Hale	McLean	Smith, Md.	

Mr. GALLINGER. I was requested to announce that the Senator from North Carolina [Mr. SIMMONS] is unavoidably absent, presiding over a hearing before the Committee on Finance.

Mr. CHAMBERLAIN. I wish to state that my colleague [Mr. LANE] is absent on account of illness.

Mr. JONES of New Mexico. The Senator from Rhode Island [Mr. GERRY] and other Members of the Senate are in attendance upon the Finance Committee.

Mr. SMITH of Georgia. The Finance Committee is in session conducting hearings upon the revenue bill. I bring the fact to the attention of the Senate that the Senator from North Carolina and most of the members of the committee are present at the hearings.

Mr. SMOOT. I ask that the members of the Committee on Finance be excused from attendance upon the Senate during this day.

The VICE PRESIDENT. Sixty-six Senators have answered to their names. There is a quorum present. There is a request that the members of the Committee on Finance be excused from further attendance on the session of the Senate to-day. Is there objection? The Chair hears none, and the committee is excused.

Mr. JOHNSON of California. Mr. President, some 10 days ago I gave notice while the Senate bill was pending that I would move to strike out the parenthetical c clause that has been termed here the censorship provision of the bill. I wish for a very brief time to demonstrate, if I can, that the mischief we seek to remedy here both by various amendments and by the motion can only be reached finally by eliminating the particular features of the bill relating to censorship.

In speaking now upon this subject very briefly, I want to make plain at the outset that I do not speak for the metropolitan press at all, and I am not concerned at all with the attitude of the newspapers of the country. They are sufficiently powerful, sufficiently rich, sufficiently influential to care for their own interests; and, no matter what laws we may pass, they doubtless, with their power and their riches and their influence, will go forward as they see fit and doubtless be true to their traditions.

It is for the man who reads and who is entitled to read the truth; it is for the man and the woman who see their boy conscripted and taken from their arms to do a man's war work; it is for the boys who constitute the Nation's Army and are entitled to the fostering care of that Nation; it is for the humble man with his sacred American right to express himself as he sees fit—it is for all of these and for the right of free speech for and on behalf of all these that I plead with you to-day.

I want to make plain at the outset of what little I say that I am talking to you of the right of free speech in this Nation, the right that is mine and the right that belongs to every man and to every woman to express, within the limitations of the Constitution and answerable for the wrong that they may do, the opinions that are theirs and to communicate those opinions unto their neighbors.

In this day the preservation of free speech and the preservation of a free press are of more than ordinary importance. Of transcendent importance is it whenever there is a time of stress, whenever there is excitement, whenever there are enthusiasms in which we lose our judgment, that we should protect these fundamentals of democracy. To-day not only is that stress present in this land, but there is another reason that has been voiced upon this floor again and again in the last two weeks that makes it more important now than ever to preserve the right of free speech and the right of a free press—more important than at any other time in the history of our Nation. I have heard distinguished and revered Senators upon this floor within the past two weeks deplore—deplore in terms that went to my very heart—the abdication of the functions of the popular branch of the government of this land. I have heard them not alone up this side but upon the other side of the Chamber, continuously in the debates that have transpired in the last few weeks, say—and say with a feeling and a pathos that could not be denied—that that which formerly was the popular branch of the government of our land has abdicated much of its functions and to-day passes only the policies and registers only the will of the Chief Executive. I do not question either the wisdom or the unwisdom of this; I seek not the causes of it, nor do I criticize at all that that may be the attitude; but it is a fact, a fact which has been admitted upon this floor again and again in the past few weeks, that this branch—the legislative branch of the United States Government—has forgotten much of its initiative and has abdicated much and many of its functions. If this be so, how much more tenderly and how much more preciously should we guard the right of our people to free speech and the right of our press, within legal and legitimate limits, to publish what may be read by the people of this land?

So at the outset the premise that I make to you is the premise of the Senators here in debate, extending over some weeks, that we have forgotten, in a degree at least, the obligation that might have been ours in the past; and so it is more essential now than at any other time for the preservation of the rights and liberties of our people that we guard the fundamentals upon which our Government rests.

I have listened, as well, during these debates to the very eloquent and distinguished Senator from North Carolina [Mr. OVERMAN], to the eloquent Senator from Wisconsin [Mr. HUSTING] this morning, and to many others solemnly conjuring us that in the passage of laws of this sort we should stand by the President. I will not yield even to the distinguished Senator from North Carolina in my desire, in a time of war like this, to stand by the President. I have vied with him—this side of the Chamber, indeed, has vied with the other side of the Chamber—in passing every law that the national administration has asked of the Congress of the United States, all animated by a common purpose and the same patriotic design of accomplishing just one thing—the country's welfare and the successful prosecution of the war.

We followed our President in his desire for a declaration of war; we followed him when he asked for the appropriation of $7,000,000,000, and we appropriated it with fewer restrictions than a municipality or a county or a State would appropriate any portion of its revenues; we followed him when he asked of us that, for the first time in the history of the Anglo-Saxon race, we conscript at the beginning of the war; that we take our youth by conscription to fight that war. I will follow him, and I have no doubt the other Members on this side of the Chamber will follow him, in the future in conscripting not only the blood of the Nation but its resources and its wealth; but I insist that we should not follow anybody into autocracy. We should not, no matter whence comes the request—and none of the sort that I indicate is here from the President in this bill, as I will demonstrate to you—we should follow none in the destruction of the very fundamentals of democracy, the very pillars upon which this Government of ours rests. I insist that in acting in relation to this bill as I do and proposing to eliminate subdivision (c) in relation to the censorship problem, I act in accord with the written declaration of the President of the United States, and that under his written declaration, if you desire to follow the President with the enthusiasm and the equanimity and the cheerfulness and the zeal and the assiduity and the pertinacity with which we have followed him in the last few weeks, it is impossible for you to do otherwise than to strike out this particular section and this particular obnoxious clause.

But before coming to that matter, let me suggest to you that it is no answer to the objections that we make to censorship and the censorship clause, to say that the President himself will make the particular regulations and rules. Already there is a consorship existing in this Nation; already every means of communication between our land and lands outside have been taken charge of by the United States Government; already everything has been done beyond the mere passage of a law of this sort which will attain the desired result. In what has been done, we may learn the mode of what may be done under the particular provisions of this specific bill. Senators are aware, I take it—and therefore very hastily I run over it—that Secretaries Lansing, Baker, and Daniels on the 14th day of April last requested the President to appoint a committee on public information. Their communication was:

Premature or ill-advised announcements of policies, plans, and specific activities, whether innocent or otherwise, would constitute a source of danger * * *.

It is our opinion that the two functions—censorship and publicity—can be joined in honesty and with profit, and we recommend the creation of a committee on public information. The chairman should be a civilian * * *. Other members should be the Secretary of State, the Secretary of War, and the Secretary of the Navy, or an officer or officers detailed to the work by them.

We believe you have the undoubted authority to create this committee on public information without waiting further legislation, and, because of the importance of the task and its pressing necessity, we trust that you will see fit to do so.

The committee, upon appointment, can proceed to the framing of regulations and the creation of machinery that will safeguard all information of value to an enemy, and at the same time open every department of Government to the inspection of the people as far as possible.

The President thereupon made an Executive order, in the following course:

I hereby create a committee on public information, to be composed of the Secretary of State, the Secretary of War, the Secretary of the Navy, and a civilian who shall be charged with the executive direction of the committee.

As civilian chairman of the committee, I appoint Mr. George Creel.

The Secretary of State, the Secretary of War, the Secretary of the Navy are authorized each to detail an officer or officers to the work of the committee.

It is perfectly obvious—and that is contemplated by the very proclamation—that it is the subordinates of Government who will devise the censorship rules; that it is the subordinates of Government, however good they may be—and I criticize none of them—who will prescribe the requisite regulations; it will be the subordinates of Government, I know not how high or low, who will say whether I shall write or I shall speak my sentiments or whether a newspaper shall write or publish its views. Not alone have we this demonstration by the particular censorship which is now in operation, but on May 1, you will recall, that there was a proclamation by the President in these words:

PROCLAMATION OF THE PRESIDENT.

Whereas the existence of a state of war between the United States and the Imperial German Government makes it essential to the public safety that no communication of a character which would aid the enemy or its allies shall be had.

Therefore by virtue of the power vested in me under the Constitution and by joint resolution passed by Congress April 6, 1917, declaring the existence of a state of war, it is ordered that all companies, or other persons, owning controling, or operating telegraph or telephone lines or submarine cables are hereby prohibited from transmitting messages to points without the United States and from delivering messages received from such points except those permitted under rules and regulations to be established by the Secretary of War for telegraph and telephone lines and by the Secretary of the Navy for submarine cables.

To these departments, respectively, is delegated the duty of preparing and enforcing rules and regulations under this order to accomplish the purpose mentioned. This order shall take effect from date.

According to the news dispatches of that day, May 1, to one single individual and to those who were employed by him was left the sole duty of deciding whether a dispatch should be sent or whether or not there should be any communication made through the particular agencies described in this order.

You will observe that, of necessity, because of his onerous duties and the multifarious burdens that are his, the President must leave to subordinate officials of the Government the preparation of rules and regulations and the enforcement of the rules and regulations relating to particular censorship matters.

There is no necessity to-day for such a law as you ask us to enact. Three thousand miles are we from the seat of actual conflict. There is no battle that rages on our borders. There are no boundaries within the confines of our country which must be protected, as they had to be protected during the particular period of the Civil War. To-day we are far removed overseas from this conflict. If it be needed in the future to sacrifice democracy for the safety of the Nation, we will all go as far as we ought to go; but at this particular time legitimate argument can not be advanced why, with the war in its present state, at the very commencement of the conflict, we must enact the most drastic censorship law that any nation on the face of the earth has.

I quote, not only with approval but with profound respect, the views of the President of the United States on this particular question. I read to you the letter written by him to Mr. Arthur Brisbane, the well-known journalist, because in these views thus expressed I insist to the Senate of the United States that I but follow the President when I urge that we eliminate subdivision (c) of the particular clause relating to censorship. The President's letter to Mr. Brisbane is as follows:

MY DEAR MR. BRISBANE: I sincerely appreciate the frankness of your interesting letter of April 20 with reference to the so-called espionage bill now awaiting action by Congress.

I approve of this legislation, but I need not assure you and those interested in it that whatever action the Congress may decide upon, so far as I am personally concerned, I shall not expect or permit any part of this law to apply to me or any of my official acts or in any way to be used as a shield against criticism.

What process of ratiocination, what peculiar kind of reasoning is it by which you would apply this law to the captain, the major, and the general and not apply it to the Commander in Chief? When the Commander in Chief says to us, to our Nation, and to all, that he would not permit this law to be applied to him under any circumstances, he writes the death knell of the law, and he writes as well that it ought not to be passed by the Congress of the United States. When he says to us, as here he says, "I shall not expect or permit any part of this law to apply to me," he abrogates the law before it is passed so far as the Chief Executive of the Nation is concerned; but you who favor this law would say to us, "If there is a commander incompetent or worse in charge of a part of the armies of this Nation, if he shall lead into death and slaughter the boys that we take from our homes, if he shall permit pestilence to decimate their ranks, if he shall be guilty of every offense and every crime that a general can be guilty of, this law shall apply to the general, and my lips and yours are closed against comment or criticism, but it shall not apply and will not apply to the Commander in Chief of that general."

It was generous, it was unselfish, it was patriotic for the President to write as he did. I can not commend too highly the position that he takes; and I am glad that it is a position that enables me to do, in connection with this bill, what I have done in connection with every other bill which has been presented by the administration in this Congress—to follow the President and to do as he desires, because it is obvious to me that, if he does not desire this law to be applicable to him and that he will abrogate its provisions so far as he is concerned, he would not have us make it applicable to a poor or a lame or a halt subaltern or subordinate, and then protect that particular subordinate where he himself would not ask protection.

The President proceeds in his letter to Mr. Brisbane:

I can imagine no greater disservice to the country than to establish—

What?—

a system of censorship that would deny to the people of a free republic like our own their indisputable right to criticize their own public officials.

I ask the Senators upon the other side who have spoken so feelingly and eloquently of following the President, who follows the President in this particular crisis and in connection with this particular bill? They who would muzzle the press and gag our people or we who insist that there shall be no censorship provision, who insist in the very language, indeed, of our honored and exalted and respected Chief Magistrate, that there shall not be established "a system of censorship that would deny to the people of a free republic like our own their indisputable right to criticize their own public officials"?

The letter proceeds then—and I will read it all, that you may have it before you, if you desire:

While exercising the great powers of the office I hold I would regret in a crisis like the one through which we are now passing to lose the benefit of patriotic and intelligent criticism.

And, oh, is not that all that is pleaded for here—patriotic and intelligent criticism that may enable our people to know exactly what is transpiring and to know whether that for which they are giving all that they hold dear and all that they have shall be carried forward in the fashion that they desire and in the fashion that it ought to be carried forward?

The letter concludes:

In these trying times one can feel certain only of his motives, which he must strive to purge of selfishness of every kind, and wait with patience for the judgment of a calmer day to vindicate the wisdom of the course he has tried conscientiously to follow.

Thanking you for having written to me,

Cordially and sincerely, yours, WOODROW WILSON.

I insist to our friends upon the other side, I insist to all, that there is the best argument that has been made against the espionage bill since its presentation to the Congress of the United States; and upon that argument we who do not believe in the sort of thing that would be fastened upon democracy to-day by this law might well rest our case and leave with you the determination. But beyond that, in a nation like ours, you can not have and preserve liberty and freedom with undefined and indefinable crimes. You can not make the right of the moment the offense of the next. You can not by legislation say that the virtue of to-day shall be the crime of to-morrow; and when you leave to the uncertain determination of any man overnight the power to write a new criminal code, when you give to any individual the power by rules and by regulations to define penal offenses as he may see fit to define them, then you do the very thing that we inveigh against. You make this hour's virtue the next hour's crime. In a republic—in a nation such as ours—that ought never to be done. It ought never to be done, I will say, even as an extreme measure; but assuredly it

ought not to be done when the necessity does not exist and when here at our very elbow the necessity can not be seen.

I read not very long ago a declaration made by the War Department, and it is so naïve, so refreshingly frank, and furnishes so distinctly and clearly one of the reasons for this law that I read to you a particular portion of it. I read a paragraph from the pamphlet issued by the Army War College entitled "The Proper Relationship Between the Army and the Press in War," and this is it:

By criticism of the conduct of campaigns, the action of certain officers and the exploiting of others, the people will be led to lose their confidence in the Army, with the result that the moral support of the people is lost; they cry for and obtain new generals and new plans of campaign, not based on expert knowledge and thought, with a consequent lengthening of the war or even defeat.

How refreshing in a land of the free! Why, the logical conclusion is that the only thing to do in time of war is to permit no criticism or comment at all. The only rational reason that can be advanced for a paragraph such as that is that criticism and comment in war are so harmful that the strong arm of the law at all costs should prohibit them.

See where this leads us, please. If you should run a newspaper and during war you publish of Gen. Bloss—we will take that as a fictitious name by way of illustration—that Gen. Bloss is a most astonishing strategist, that he unites in himself not alone Alexander and Hannibal and Cæsar but also all of the soldierly and masterly qualities of Napoleon, you may publish that in columns, you may publish it wide to the world, and with equanimity and ready acquiescence and indeed with the utmost pleasure these gentlemen will see that publication. But if you say that Gen. Bloss, in leading his army along the Potomac, had so little sense that he led it into a morass and half of his men were drowned; if you say he is inefficient and incompetent or that he went into action drunk, and thus sacrificed the lives of your fellow citizens, then you are guilty of a crime and you will be put into prison for it, and this without regard to the truth.

Now, let us assume that Gen. Bloss is inefficient and is incompetent. Let us assume that he is not fit to lead any number of men. Let us assume that he leads his men to their slaughter, and you see these 21-year-old boys that are taken from their homes paying the penalty of his inefficiency and his incompetency. We assume these to be the facts; and if you say that the general, in leading his men, did it in masterful fashion and with an efficiency that has never before been witnessed upon the field of battle, that he went forth to the conflict and he fought the good fight, and that he did all that could have been done by any strategist in any age of the world, then a ticket of merit is yours for what you say of the general. But if you say to the heartbroken man and woman back home from whom you have taken their one boy, if you say to those whom you love in your particular territory, if you say—as it is the American right to say—to your fellow citizens and to mine, "This man is inefficient and incompetent, and led his boys to slaughter," to jail you go, and a censorship closes your mouth, gags you, and muzzles your newspaper.

Why, it puts a premium upon the false publication; it makes a crime of the truth; and this is exactly what I insist is the very purpose of this law. The very purpose of it is to render impossible legitimate criticism, by word of mouth or otherwise, of those who may lead during this war, and lead in incompetency and in inefficiency.

Mr. OVERMAN. Mr. President, will the Senator yield to me?

Mr. JOHNSON of California. Certainly.

Mr. OVERMAN. Does not the Senator think the proviso will cover that case? I will read it:

Provided, That nothing in this section shall be construed to limit or restrict, nor shall any regulation herein provided for limit or restrict, any discussion, comment, or criticism of the acts or policies of the Government or its representatives, or the publication of the same.

Mr. JOHNSON of California. Why, of course it does not, sir. I answer the Senator in rather dogmatic fashion, and he will pardon me for the emphasis of my response. Of course, it does not cover what is designed by this law. Would you have me think, sir, that you have written one provision and then nullified it by the next? Would you have us believe that you have prevented criticism and comment in the first 16 lines of an act, and then, in the last 4, you have permitted criticism and comment? And the very language itself, if you construe it as it ought to be construed, is language, I am certain, that does not for one instant reach the remedy that we ask, and does not for one instant repair the injury or undo the mischief of this particular enactment. Behind a law such as this will be buttressed inefficiency and incompetency.

Mr. LODGE. Mr. President——

The PRESIDING OFFICER (Mr. POMERENE in the chair). Does the Senator from California yield to the Senator from Massachusetts?

Mr. JOHNSON of California. I do.

Mr. LODGE. The power of regulation is left in the hands presumably of the censors appointed by the President. Now, the President has told all the world that he does not wish himself to avoid criticism, and I have not any question that he means every word of it; but who constitutes that board? The Senator has stated it. There are three Cabinet officers upon it.

Mr. JOHNSON of California. And their subordinates are of necessity selected for the task.

Mr. LODGE. How much criticism affecting any one of those departments, no matter how just, would ever get by that board?

Mr. JOHNSON of California. The constitution of the particular censorship board is "another story," as Mr. Kipling would say, and some time perhaps I may have the opportunity to express a view concerning at least one of the component parts of that particular board.

Mr. SMITH of Michigan. Mr. President——

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from Michigan?

Mr. JOHNSON of California. I yield.

Mr. SMITH of Michigan. If the Senator will permit me—I have been very much interested in what he has said—I want to call his attention to the fact that if this bill should pass, it would be a violation of law for the newspapers of the country or any newspaper to print the crop reports of the country, which is intimately related to our military efficiency and the national defense; and the most illuminating speech made by the distinguished Senator from Maryland [Mr. FRANCE] yesterday, if carried in the public press, showing our utter lack of appropriate food supply, would come within the prohibitions of this law, because it would give comfort and encouragement to the enemies of our country, while at the same time the publication of such information might be vital to the people of our country.

Mr. JOHNSON of California. I have purposely refrained, Mr. President, from a discussion of the legal aspects of this law; I mean by that, concerning its constitutionality. I take it that where there are so many constitutional lawyers as there are in this assemblage, it would ill become me to express any view concerning the constitutionality or unconstitutionality of this particular enactment; and I take it, too, that with so many distinguished lawyers, the view of any one will hardly be controlling with very many others. So I leave the question of constitutionality with those distinguished attorneys, learned in the law, who have presented it. I am speaking of fundamental principle of this Nation. I am talking of a policy, whether it be a policy of war or of peace. I am speaking of that which those of us who fought in the past, and fought against odds, have understood—those who have had the iron enter their soul in years and years of struggle, who know what power is that is held over a community or a State. I am speaking with a knowledge of that which I know, in protesting here against this inroad upon democracy and this excursion into autocracy. I am speaking here of policy concerning this law, rather than constitutionality; and I may stand, I repeat, upon the utterances of the President of the United States.

Buttressed by this law, the public officials of this land will be greater than the people, their creator. Buttressed by this law, inefficiency and incompetency may stalk unquestioned and undenied. Buttressed by this law, even dishonestly may skulk in the secrecy that it imposes. All these are fatal objections.

But there is another objection that is greater still, and that appeals to me with a force that would not permit me to remain silent during this debate. We have talked of democracy here since the 2d day of April. We have looked across the water at Russia, just emerging from centuries of oppression and centuries of despotism. We have seen Russia enter upon her new career, come at last into the light, and, entering upon her new career, we have seen this Russia tear from her Czar and her rulers the very insignia that we take up to-day and would put upon our people. We say to the world, we who lead in democracy, in this struggle for democracy we have just entered, "Democracy can not be trusted; when democracy enters a world war and a world crisis you must throttle democracy." That is the answer that we send across the seas to benighted Russia, looking here to us, looking to this beacon light that has been so eloquently described upon this floor.

Ah, yes! This Nation is the beacon light for the democracies of the world. It is the beacon on the summit of the mountain to which the eyes of all mankind may turn. It is the light of

admonition to the rulers of men. It is the light of salvation to all the oppressed. Would you here take this beacon that is ours, and of which we boast, and would you dim or quench it when democracy, by war and crisis, comes to the test?

It is for the historic past, it is for the present that is ours and is glorious, it is for the fruition of the hopes that were the hopes of the fathers, and it is for that of which we boast as our inspiration and our aspiration that those of us who oppose this law ask you to eliminate from it the clauses that make the attack—insidious it may be, but the attack—from which, for generations, it will be difficult to recover, upon the very fundamentals of democracy.

Mr. STONE. Mr. President, I desire to read the provision of the bill which is the subject of our immediate consideration:

Whoever, in time of war, in violation of reasonable regulations to be prescribed by the President, which he is hereby authorized to make and promulgate, shall publish any information with respect to the movement, numbers, description, condition, or disposition of any of the armed forces, ships, aircraft, or war materials of the United States, or with respect to the plans or conduct of any naval or military operations, or with respect to any works or measures undertaken for or connected with, or intended for the fortification or defense of any place, or any other information relating to the public defense calculated to be useful to the enemy, shall be punished by a fine of not more than $10,000 or by imprisonment for not more than 10 years, or by both such fine and imprisonment: *Provided*, That nothing in this section shall be construed to limit or restrict, nor shall any regulation herein provided for limit or restrict, any discussion, comment, or criticism of the acts or policies of the Government or its representatives, or the publication of the same.

I read this because I desire to have this exact provision appear as a part of my remarks. This provision concerns newspapers and other publications, such as magazines and the like.

I send now to the desk a collection of the letters and addresses of Thomas Jefferson and ask the Secretary to read the article headed "On the conduct of a newspaper," which is a letter of Thomas Jefferson to John Norvell.

The PRESIDING OFFICER. Without objection, the Secretary will read as requested.

The Secretary read as follows:

ON THE CONDUCT OF A NEWSPAPER.

WASHINGTON, *June 11, 1807.*

TO JOHN NORVELL:

To your request of my opinion of the manner in which a newspaper should be conducted so as to be most useful, I should answer, "By restraining it to true facts and sound principles only." Yet I fear such a paper would find few subscribers. It is a melancholy truth that a suppression of the press could not more completely deprive the Nation of its benefits than is done by its abandoned prostitution to falsehood. Nothing can now be believed which is seen in a newspaper. Truth itself becomes suspicious by being put into that polluted vehicle. The real extent of this state of misinformation is known only to those who are in situations to confront facts within their knowledge with the lies of the day. I really look with commiseration over the great body of my fellow citizens who, reading newspapers, live and die in the belief that they have known something of what has been passing in the world in their time; whereas the accounts they have read in newspapers are just as true a history of any other period of the world as of the present, except that the real names of the day are affixed to their fables. General facts may indeed be collected from them, such as that Europe is now at war, that Bonaparte has been a successful warrior, that he has subjected a great portion of Europe to his will, etc., but no details can be relied on. I will add that the man who never looks into a newspaper is better informed than he who reads them, inasmuch as he who knows nothing is nearer to truth than he whose mind is filled with falsehood and errors. He who reads nothing will still learn the great facts, and the details are all false.

Perhaps an editor might begin a reformation in some such way as this: Divide his paper into four chapters, heading the first, Truths; second, Probabilities; third, Possibilities; fourth, Lies. The first chapter would be very short, as it would contain little more than authentic papers and information from such sources as the editor would be willing to risk his own reputation for their truth. The second would contain what, from a mature consideration of all circumstances, his judgment should conclude to be probably true. This, however, should rather contain too little than too much. The third and fourth should be professedly for those readers who would rather have lies for their money than the blank paper they would occupy.

Such an editor, too, would have to set his face against the demoralizing practice of feeding the public mind habitually on slander and the depravity of taste which this nauseous aliment induces. Defamation is becoming a necessary of life; insomuch that a dish of tea in the morning or evening can not be digested without this stimulant. Even those who do not believe these abominations still read them with complaisance to their auditors, and instead of the abhorrence and indignation which should fill a virtuous mind betray a secret pleasure in the possibility that some may believe them, though they do not themselves. It seems to escape them that it is not he who prints but he who pays for printing a slander who is its real author. (Letters and Addresses of Thomas Jefferson, pp. 175 et seq.)

Mr. STONE. Mr. President, I am a great believer in Thomas Jefferson. He is the father of the Democratic Party. He has always ranked as the greatest of American Democrats and as one of the wisest and most philosophical advocates of popular government of all the world and of all history. I have always believed and still believe that estimate of him to be true. With great attention, pleasure, and especially with great advantage, I have read Jefferson's life and sayings. There are few things done or said by him in his public life I do not agree to. I have such a high respect for his opinion on all subjects that I am loath to disagree with anything he has said. But as to this letter to John Norvell I am disposed to think that Jefferson's indictment or criticism was somewhat too broad and general. I have no doubt that in his day and time there were, as in this day and time there are, editors and managers of newspapers and other publications whose thought, expressions, and general conduct and policy were on a plane so much above the general level of publishers as justly to exempt them from this criticism and indictment of one of the wisest, most just, and discriminating men who ever lived.

Mr. MARTIN. Will the Senator from Missouri yield to me for a few moments on a matter which I consider to be urgent and important?

Mr. STONE. The Senator breaks in on me at a very inopportune time.

Mr. MARTIN. I thought the Senator would yield, but I withdraw the request.

Mr. STONE. The Senator's business can certainly wait a few minutes.

Mr. MARTIN. It can wait. I shall certainly not ask the Senator to yield.

Mr. STONE. But in the main I believe Jefferson was right in what he said about publishers of his day, and in that general sense and within the limitations and exceptions I have indicated, I believe his indictment would just as well apply to this day as to his own. However, I apprehend that Jefferson was so exasperated by things said about him and about the public men of that period and about the Government of that time with which he was connected that he may have spoken with some degree of well-justified resentment and even passion.

ABUSE OF WASHINGTON.

As an example of what was done by publishers at that time in this behalf, and as explaining Jefferson's attitude, let me lay before you a brief and imperfect résumé of the attacks made through these sources even upon George Washington, in whose Cabinet Thomas Jefferson served. Now I am going to quote from history as it is written in books which are everywhere regarded as authentic and reliable.

While Genet, of France—called Citizen Genet, as was the custom at the time of the French Revolution—was in the United States as a representative of the then so-called French Government, his activities and general conduct made him obnoxious to the Government at Washington. It is recorded that on one occasion Genet made some complaint to the Secretary of State in a manner most offensive—in a manner well described by the historian as being "in the language of a Jacobin orator." While Genet was waiting for a reply to his insolent communication, a public dinner was given him at Philadelphia by his American sympathizers. This demonstration was in substance an open revolt under foreign influence against President George Washington and his administration. Previous to that there had been angry demonstrations at Philadelphia and at other cities against the President. Bands of men had paraded the streets, damned Washington, and threatened to make the Government declare war on England in the interest of France. History records that at one time 10,000 men gathered in meetings and paraded the streets of Philadelphia, where the Government was then located, threatening to drag the President from the Executive residence, and to do other violent things. Adams, in alarm, had muskets carried into his house by a back way to defend it. At one of these anti-Washington feasts, given in honor of Genet, many toasts were proposed and numerous songs were sung. The last stanza of one of these songs I shall quote, and when that stanza was sung the historian recounts that "the whole company, with one accord, joined hands around the red cap"—which had been set on the table—"and shouted the last stanza till the ceiling rang." I quote as follows:

Rejoice, ye patriot sons,
With festive mirth and glee;
Let all join hands around
The cap of liberty,
And in full chorus join the song,
May France ne'er want a Washington.

All these proceedings were duly recorded under appropriate headlines in the press of that day, with varying editorial comments. The press practices of that day were very similar to those of the present.

Among the most influential editors of that day and time were Philip Freneau and Benjamin Franklin Bache, the latter being a grandson of the Benjamin Franklin who is deservedly commemorated as one of our great men. Their papers were very bitter against Washington. Among other things they said of him was that "He was fast debauching the country. He was seeking a crown. He was passing himself off as an honest man," and so forth. Now, the President was vilified in a poem written by Genet, and now attacked with varying vilifications in

prose. McMaster, the historian, says that for a while Washington met this abuse with cold disdain. Driven at last, as he was more than once, into exasperation, he wrote to Henry Lee that—

The publications in Freneau's and Bache's papers are outrages on common decency, but I have a consolation within that no earthly effort can deprive me of, and that is that neither ambition nor interested motives have influenced my conduct. The arrows of malevolence, therefore, however barbed and well pointed, never can reach the most vulnerable part of me, though, while I am up as a mark, they will be continually aimed.

One of Washington's outbursts of resentment against the cruel attacks made upon him took place at a Cabinet meeting, and has been described by Thomas Jefferson. At this meeting Mr. Knox spoke of the libels on the President.

In a moment—

It is recorded—

the face of Washington put on an expression which it was seldom given his friends to see. He got into one of those passions when he can not command himself, ran on much on the personal abuse which had been bestowed on him, and defied any man on earth to produce one single act of his since he had been in the Government which had not been done on the purest motives. (McMaster, vol. 2, p. 111.)

On what was declared to be the authority of the Clerk of the House of Representatives, Washington was charged in terms as being a thief. I am almost ashamed to repeat this. This charge was based on a statement given out that Washington had fraudulently overdrawn and misused his official allowances. He was also charged with being a murderer. I am almost ashamed to repeat this. The proof of this charge was based on letters said to have been written by Washington and captured by certain British forces from his body servant. These alleged letters were proven to be forgeries, but Washington himself was so sensitive on the subject that he left a solemn statement among his papers to the effect that every one of the letters published was an absolute forgery.

These opposition newspapers, in exploiting the false charge that Washington had misused the public moneys to his personal advantage, sent broadcast such statements as that I now quote:

How can the people—

They said—

feel respect for the rulers who trample on the laws and Constitution of the land? What will posterity say of the man who has done this thing? Will it not be said that the mask of political hypocrisy has been worn by Cæsar, by Cromwell, and by Washington alike?

These things were going out in the newspapers of that day.

Let me quote something more that went abroad through the immaculate columns of the press. I quote this:

With the Constitution in one hand and the Word of God in the other, George Washington swore to defend a system of republican government that abhors the insidious machinery of royal imposture. Has he done so? What have been the fruits of this solemn oath? The seclusion of a monk and the supercilious distance of a tyrant. Old habits on a sudden have been thrown away. Time was when he, more than any other, indulged the manly walk and rode the generous steed. Now, to behold him on horseback or afoot is the subject of remark. The concealing carriage, drawn by supernumerary horses, expresses the will of the President and defines the loyal duty of the people. He receives visits; he returns none. Are these republican virtues? Do they command our esteem?—

And so forth.

That is enough. All this kind of stuff was intended to belittle Washington and lower the public esteem for him, and thus minimize, if not destroy, his influence with the people.

In this connection I quote from another historian, as follows:

The enemies of the administration perceived that the attempt to execute their plans would be vain unless they could first weaken Washington's influence by diminishing his popularity. The task was hard and repelling; and it may reasonably be presumed that a supposed political necessity, rather than cordial good will, led them to engage in so ungrateful a work. It was pursued with a perseverance, and sometimes with an acrimony, for which the best of causes could hardly afford an apology. (Life of Washington by Sparks, pp. 449–450.)

Sparks further says in this connection—

that even the motives and character of Washington did not escape a full measure of the abuse which was poured out upon all who approved the acts of the administration. Regardless of truth and decorum, his detractors assailed him with a license and malignity which showed an utter despair of accomplishing their ends by honest means.

That sort of thing, as I have said, is familiar to the people of this day and generation. It is the old assassin's idea of getting rid of one who can not be used and who stands in the way by killing him or destroying him.

Mr. President, these attacks on Washington grew in violence and virulence up to the very end of his public life and even afterwards. Washington's Farewell Address was issued shortly before he left office and surrendered the Presidency to John Adams, who succeeded him. But this great parting message of Washington to the American people, which is now reverently read at public gatherings on Washington's Birthday, was assailed through the press with a malignancy which now excites both universal amazement and execration.

A historian summarizes the published attacks made on Washington at that time in this language:

Had it [the Farewell Address] been a second proclamation of neutrality or an open declaration of war against the French, it could not have provoked more angry or ill-timed replies. His character, said one—

Now, listen to this—"his character," Washington's character—

having been founded on false appearances, can only be respectable while it is not known. His temper is arbitrary. His disposition is avaricious. He has a great passion for being seen. Without any skill as a soldier, he has crept into fame by the places he has held and by the success of the cause he espoused. Nor will the schemes of finance he has favored add much to his renown. If it be a merit to have laid a tax that raised an insurrection, then he shares it with the British ministers who provoked the Revolutionary War. If it be a merit to have burdened the many to enrich the few, then he shares it with that infatuated monarch who brought about the present state of France. If it be a merit to have bound the American aristocracy to its Government by a large and everlasting debt, then he shares it with that British monarch who drove the Stuarts from their throne. History will yet tear the page devoted to his praise. It was France and his country that, in defiance of England, gave him fame, and it is France and his country that will, in defiance of England, take that fame away. Once his conduct had been guided by candor. Of late he had sadly departed from that wise course. He had refused to the representatives of the people the papers they had a right to see. From that moment the brightness of his countenance faded. The glory that once shone around him dissolved in mist. The enemies of liberty and his country claimed him as their own and the name of Washington sank from the high level of Solon and Lycurgus to the mean rank of a Dutch stadtholder or the insignificance of a Venetian doge. Posterity would look in vain for any marks of wisdom in his administration. They would, instead, behold a funding system, the worst of all diseases that ever inflict a state. They would see an excise arming freemen against their fellow men, and they would say the great champion of American liberty retained the barbarous usages of the feudal system by keeping men in livery, and 20 years after the founding of the Republic still owned 500 slaves.

Mr. BORAH. Mr. President, from whom was the Senator from Missouri quoting?

Mr. STONE. I am quoting from MacMaster's History of the United States.

It was this sort of evil, widespread and general, which I think may have possibly excited the passion of the great Jefferson to such an extent as to somewhat blur his usually extraordinarily clear and discriminating judgment. He was human, as we are. I indulge the apprehension that possibly he spoke with passion.

Mr. President, the evil of this sort of thing has increased rather than diminished in the long stretch of years between the days when Washington and Jefferson served the country and the days in which we live and serve. The only difference between that time and this is that the evil is more aggravated now than then.

FREEDOM OF SPEECH AND PRESS.

The Constitution guarantees freedom of speech and freedom of the press. That is one of the most important provisions of that great charter upon which is founded the integrity of our institutions and the liberties of our people. No man more than I is more ardently in favor of maintaining that provision in the Constitution; and I say this with full knowledge that this boon of freedom—freedom of the press—has been perverted into a license for doing evil. It is fair to assume that the men who threw this protection over and around the freedom of the press did not do so with the idea that newspapers and magazines would become the avenues of mendacity and libel against public officials or the Government of the country, but that they would deal with public men, public measures, and the Government with a patriotic regard for decency and right conduct.

Mr. SMITH of Michigan. Mr. President, will the Senator from Missouri permit me to interrupt him?

Mr. STONE. I would rather not yield for my time is running short.

The PRESIDING OFFICER. The Senator from Missouri declines to yield.

Mr. SMITH of Michigan. I simply desire to say that at that very time when they were guaranteeing freedom of speech and of the press, they were receiving the most abuse, according to the Senator's citations.

Mr. STONE. The things that I have read happened after the Constitution was adopted.

Mr. SMITH of Michigan. Were not the very men who made the Constitution complaining?

Mr. STONE. Some of them, but they abused George Washington; and this was after the Constitution had been adopted and Washington had been elected President.

Mr. SMITH of Michigan. There was no censorship at that time.

Mr. STONE. No. But I do not wish to be led off into that. We know that now, as in former days, both men and the Government are assailed and charges made against them calculated and intended, often without reason, to impair the usefulness of the public official and to weaken the public confidence in the integrity of the Government. Men are maligned and the Government is maligned on allegations without foundation in fact, and thus public opinion is poisoned and misled. This sort of thing is done deliberately. It may be later shown that the charges made are false and unfounded, but it is the rarest thing that any newspaper or magazine will retract, much less apologize. Deliberately the malignant poison of defamation is spread, and the authors of it are content to leave it there, and content to leave the victims to devise their own means of counteracting the evil effects. Nevertheless, I would have it understood that I would not change the Constitution in this respect. I recognize the great evil against which Thomas Jefferson and George Washington leveled their indictments, but I think it would be better that we should endure the ills we have than fly to those we know not of. It would be an exceedingly dangerous thing, as I see it, except in extraordinary circumstances, such as face us to-day, to restrain freedom of speech or freedom of the press.

However, we may reach a point in times of national peril when, for the protection of the public interests and to safeguard the national welfare, some restraint must be imposed upon what ordinarily we hold to be the freedom of speech and the freedom of the press. We have reached that point now. There is no more reason for saying that a restriction should be placed on the freedom of speech than on the freedom of the press. In fact, an unrestrained press in a time like this might well be regarded as more dangerous than unrestricted freedom of speech. We are at war with some of the most stupendous and puissant powers of the world. When, in the opinion of the Government, it would be unwise, hurtful, perhaps dangerous, to have the secret plans of the Government published to the world it should not be permitted. Recently I have read in the newspapers elaborate accounts of two things that it seemed to me, if true, the height of unwisdom to make public in the midst of war. One of these things is to the effect that it is the intention of this Government and the Government of Great Britain to cover the North Sea with submerged floating mines, in order to prevent German submarines from coming out into the open Atlantic; and the other is a statement to the effect that scientists employed by the Government had invented some machine or devised some method for successfully combating the submarine. I do not know whether these statements are true; but if true, they should not have been published to the world. The publication could do no good to this country or its allies, but it would put our enemy on guard. It would not only put our enemy on guard, but it would spur him to use all his power to find out the plans of this Government and better enable him to watch their development. These publications of themselves are sufficient to indicate the necessity of conferring upon the Government in the circumstances of this time the power to exercise some control over publications in newspapers and magazines with respect to matters of vital concern in the conduct of the war.

Mr. President, holding to this view I shall vote to retain the particular provision now in question as a very essential part of the bill we are considering. I believe this provision as reported from the committee should be enacted into law.

STAND BY THE PRESIDENT.

Mr. President, only a word more. CHAMP CLARK is reported to have said the other day that as the newspapers appear to have adopted "Stand by the President" as their pet particular slogan, he wondered why they did not themselves stand by the slogan. But, Mr. President, that question of the Speaker is answered by the trite old saying that it makes a difference whose ox is gored. Human nature is much the same all over the world and among all classes of people. Men are generally amused when they hear a squeal emitted from a man whose toes have been stepped upon, but it is a very different thing for one to feel the pressure of a heavy foot upon his own corns. Because this bill would subject publishers to the same general rules which they insist the public safety requires should be applied to all others, the publishers cry out in protest. They regard themselves as a favored class who should be exempt from the restrictions upon liberty imposed on all other people. They regard themselves as sacred white oxen, who should be permitted to roam at pleasure horning fences, trampling flowers, feeding in forbidden fields, and chewing their sacred cud around the very springs of life without fear of molestation. They alone are to be immune from all hampering restraint and from the burdens of war. Can it be possible that publishers claim the right, or that we would grant it if claimed, that they might print what a citizen could not speak?

Mr. President, newspapers and magazines represented the most powerful influence which operated to involve the United States in this European war. In a large sense—a very large sense—this is a war provoked and brought on, so far as the United States is concerned, by the newspapers. Now they not only object to any restraint upon their liberty of action enjoyed in normal times, but we are having protests against the features of the revenue bill which lays additional burdens of taxation on publishers. We now have before Congress a new war-tax measure intended to provide approximately $2,000,000,000 of additional revenue necessary to the prosecution of our part in the war. Practically every interest seeks a hearing before the Finance Committee, of which I have the honor to be a member, to protest in some form against the tax provided for with respect to that particular interest, and among these protestants are the publishers. I know full well that this revenue bill hits the publishers pretty hard, but it hits everybody else pretty hard. This is the old story of each class looking sharply after its own particular interests; it is mere expression of the old desire to have the tax burdens shifted onto other shoulders than one's own; but we had a right to expect that our great patriotic editors, who have done more perhaps, as I have said, than anybody else to persuade the country into war, would have been the last to complain against sharing to the fullest limit the burdens of the war which the President and the Congress felt it would be just to lay upon them in the distribution of various ills that a nation must bear while passing through the storm peril of war. Again, I call the attention of the publishers to their slogan, so often heralded through the land, "Stand by the President." Both this espionage bill and the revenue bill referred to are distinctively administrative measures. The passage of each of them is urged by the President. Do not forget that the rules for the government of the press espionage are to be prescribed by the President. My friend the Senator from California [Mr. JOHNSON] said—I made a note of his comment, and will see if I can decipher it—that the subordinates of the President will prepare the censorship rules.

Mr. SMITH of Michigan. Subalterns.

Mr. STONE. Subalterns or subordinates would prepare the rules for the President, as if that made any difference. I say it makes no difference, for the reason that the President must sign and promulgate the rules, and it must be assumed that he will know what he is signing and promulgating. Is not that a fair inference? In the end, at least, whatever may be done, it will be the President's act; and I assume that whatever he does will be done intelligently.

The Senator from California also says that the President approves this legislation we are considering, including the very section I have read to the Senate. The President approves it, the Senator says—indorses it and asks the Senate to pass it. But then the distinguished Senator proceeded to read from a letter of the President to Mr. Brisbane and declared that that letter was the most forceful argument that had ever been made against the censorship. In other words, it is alleged that in the same letter the President strongly indorsed this very legislation and yet at the same time made the strongest argument ever made against it. I can not accept this view of the distinguished Senator.

Ah, gentlemen of the press, why do you not set your countrymen an inspiring example? May not even I assume to plead with you to do that great thing by yourselves standing up for the President, standing up in manly support of the slogan promulgated by you to your countrymen—"Stand by the President."

AMENDMENT OF THE FEDERAL RESERVE ACT.

Mr. MARTIN. Mr. President——

The PRESIDING OFFICER. The Senator from Virginia.

Mr. MARTIN. As preliminary to a motion which I will submit, I send to the desk a letter written by the governor of the Federal Reserve Board——

Mr. HARDWICK. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Georgia will state his parliamentary inquiry.

Mr. HARDWICK. Is not the pending question before the Senate the espionage bill?

The PRESIDING OFFICER. The present occupant of the chair understands that it is.

Mr. MARTIN. Then, I ask the acting chairman of the committee in charge of that bill to yield to me merely to enter a motion, which I do not think will take many minutes of time. It is a matter of urgent importance, and I simply desire to enter the motion because the time in which the motion may be made will expire shortly.

Mr. OVERMAN. I yield to the Senator.

Mr. HARDWICK. Mr. President, the Senator from North Carolina can not do that except by unanimous consent. I shall object, and, besides, I will say to the Senator from North Carolina that the matter the Senator from Virginia has in mind can not be disposed of without considerable debate.

Mr. OVERMAN. If the Senator chooses to object, I can not help it.

Mr. MARTIN. Mr. President, I shall make a motion, but as preliminary to the motion I will read the letter.

Mr. HARDWICK. I rise to a question of order, namely, that the espionage bill being the pending proposition before the Senate, no motion relating to another matter is now in order.

Mr. MARTIN. I have the floor.

Mr. HARDWICK. I know that; but I am raising a question of order.

Mr. MARTIN. I do not think the Senator can take me off of the floor by such a point of order as he is making.

Mr. HARDWICK. I am making a point of order against the Senator's motion.

Mr. MARTIN. I have not yet made any motion.

The PRESIDING OFFICER. The Chair will reserve the consideration of the point of order until the Senator from Virginia states the motion.

Mr. MARTIN. I will read a letter that was addressed by the governor of the Federal Reserve Board to the Hon. CARTER GLASS, of the House of Representatives, and handed to me a few moments ago by Mr. GLASS. It reads as follows:

FEDERAL RESERVE BOARD,
OFFICE OF THE GOVERNOR,
Washington, May 10, 1917.

Hon. CARTER GLASS,
House of Representatives, Washington, D. C.

DEAR MR. GLASS: Since you were in my office this afternoon, Mr. Delano tells me that he just had a talk over the telephone with Gov. Strong, of the Federal reserve bank of New York, who calls attention to the possibility, if not strong probability, of the Government having to pay bankers a million dollars exchange charges in connection with subscriptions to the liberty loan, assuming that the Hardwick amendment, which the House has instructed its conferees to agree to, becomes a law.

This estimate is based upon the assumption that one-half of the total issue of bonds will be placed outside of New York. Subscribers are permitted to make payment by their checks upon local banks properly certified, and under authority given by Congress many of these banks would undoubtedly avail themselves of the opportunity to charge one-tenth of 1 per cent. Should this exchange charge apply to one-half of the subscriptions, the expense to the Government would be $1,000,000.

I would suggest therefore that you call the attention of Senator OWEN to this and suggest that he ask the Senate to reconsider the Hardwick amendment with a view of changing it so as to prevent it from applying to transactions connected with Government bonds. This, I think would give you the opportunity that you desire to handle the matter in conference.

Very truly, yours, W. P. G. HARDING,
Governor.

Mr. President, that letter has brought to the attention of the Senate a condition which seems to be entitled to serious consideration; and, in view of it, I move that the vote whereby the Senate passed House bill 3673 be reconsidered; and, in connection with that motion, I move that the House be requested to return House bill No. 3673 to the Senate.

Mr. HARDWICK. Mr. President——

The PRESIDING OFFICER. Does the Senator from Virginia enter that motion?

Mr. MARTIN. I do enter that motion, and I call attention to the fact that the last motion under the rules is required to be voted on first, voted on immediately, and without debate.

Mr. HARDWICK. I raise the point of order against the motion, first, that the motion is not in order, because the Senate has now before it, and has not displaced, another matter. The Senate can not act indiscriminately and at random, jumping about from one matter to another; it must get rid of the matter pending before it takes up something else. If the Senator wants the parliamentary authority, he will find it in the Manual.

I want to say, first, however, because the Senator from Virginia has discussed the merits of this matter and there will be no earthly objection in conference to putting in a provision—and the action of the House has authorized it—that this collection charge shall not apply to the loans of the Government. The House conferees intend—in fact, the conferees of both bodies, I think, intend—to attend to that matter, and nobody need be swept off his feet by the statement that any bank in this country wants to charge, or would be permitted to charge, any exchange in connection with any of these Government loans.

Mr. REED. Mr. President, I think——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Missouri?

Mr. REED. I think the Senator rose to make a point of order——

Mr. HARDWICK. But the Senator from Virginia argued the merits of the matter.

Mr. REED. Against a motion, and now he proceeds very clearly——

Mr. HARDWICK. I have the floor; the latitude of debate here is considerable, and it is a pretty stiff proposition for Senators on one side of this matter——

Mr. REED. I rise——

Mr. HARDWICK. I decline to yield to the Senator.

Mr. REED. I do not ask the Senator to yield. I raise the point of order——

Mr. HARDWICK. I have the floor.

Mr. REED. I raise the point of order that the Senator is out of order.

Mr. HARDWICK. I submit that I am not.

Mr. REED. Very well. I make the point of order that the Senator is out of order.

Mr. HARDWICK. Now, Mr. President, on that point I desire to be heard.

The PRESIDENT pro tempore. The Chair will say that the present occupant of the chair has only been in the chair for a moment, and is not able to decide the point of order now raised by the Senator from Missouri, but will have to leave it to the Senate whether the point of order can be made at this time. The present occupant of the chair has not heard what the Senator from Georgia said.

Mr. HARDWICK. I am perfectly willing to have the question submitted to the Senate. If a statement on one side of the merits of this question can be made, and then, when a statement is sought to be made on the other side, opportunity is denied, I want to see it done in the Senate, by a vote of the Senate.

Mr. REED. Nobody has asked to do that.

Mr. HARDWICK. That is exactly what the Senator from Missouri has done.

Mr. REED. It is not what the Senator from Missouri has been trying to do.

Mr. HARDWICK. That is the effect of the Senator's action, then.

Now, Mr. President, the Senator from Missouri sat in his seat and heard the Senator from Virginia base his motion on the proposition that certain things will be done with reference to Government loans, and then when I raise a point of order against the Senator's motion and undertake merely to reply to the statement by the Senator from Virginia the Senator from Missouri thinks that is not in order.

The PRESIDENT pro tempore. Does the Senator from Missouri insist on his point of order?

Mr. REED. I undoubtedly insist on the point of order.

The PRESIDENT pro tempore. The Chair will have to submit the point of order made by the Senator from Missouri to the Senate.

Mr. WALSH. Mr. President——

The PRESIDING OFFICER. The Senator from Montana.

Mr. WALSH. Mr. President, before it is submitted I desire to read from subdivision 2 of Rule XIII:

When a bill, resolution, report, amendment, order, or message, upon which a vote has been taken, shall have gone out of the possession of the Senate and been communicated to the House of Representatives, the motion to reconsider shall be accompanied by a motion to request the House to return the same; which last motion shall be acted upon immediately, and without debate, and if determined in the negative shall be a final disposition of the motion to reconsider.

Mr. MARTIN. Mr. President, that is the motion that I made and which is submitted to the Senate, and on which I ask immediate action in accordance with that rule.

Mr. HARDWICK. The point of order made by the Senator from Missouri, I suppose, need not be passed on, unless the Senator from Missouri wants a vote on it. If so, I am willing to have it. The point of order I am making is this, that the Senate has before it as its unfinished business the pending espionage bill, and that as long as that bill is before it the motion of the Senator from Virginia is not in order.

Mr. BORAH. Mr. President, may I suggest to the Senator from Georgia also that the Senate has the bill before it under a unanimous-consent agreement.

Mr. HARDWICK. Undoubtedly.

Mr. THOMAS. Under which no other business can be transacted.

Mr. HARDWICK. Exactly. Now, I insist that under the condition of the Senate's business, that motion is not now in order.

Mr. REED. Mr. President, a parliamentary inquiry. What is the unanimous-consent agreement we are proceeding under? I should like to have it stated.

The PRESIDENT pro tempore. The Chair is endeavoring to ascertain just exactly what the agreement provides.

Mr. REED. I observe that it is on the calendar.

The PRESIDENT pro tempore. The Secretary will state the unanimous-consent agreement.

The Secretary read as follows:

It is agreed by unanimous consent that after the adoption of this order speeches upon H. R. 291 during the present calendar day, and the calendar day of Friday, May 11, shall be limited to one hour each on the bill, the substitute, or amendments thereto, and no Senator shall speak more than once on the bill, or the substitute, or any amendments thereto.

It is further agreed that after the calendar day of Friday, May 11, unless the bill is otherwise disposed of, no Senator shall speak more than once, or more than 10 minutes upon the bill, the substitute, or any amendments thereto.

Mr. REED. Now, I inquire whether there is anything in that which prohibits the laying aside of that bill by the taking up of other business?

Mr. ROBINSON. Mr. President, I suggest that the unanimous-consent agreement does not bind the Senate to proceed to the consideration of this measure to its determination, to the exclusion of other business; and that, notwithstanding the unanimous-consent order, it is within the power of the Senate, upon a motion to proceed to the consideration of other business, to displace, temporarily or otherwise, the pending bill.

The unanimous-consent agreement, I repeat, does not bind the Senate to dispose of the espionage bill, the matter now under consideration, or to take a final vote upon it at any given time; and therefore it does not preclude the consideration of other business.

Mr. HARDWICK and Mr. THOMAS addressed the Chair.

The PRESIDENT pro tempore. The Chair will ask Senators to indulge the Chair until he can read carefully the unanimous-consent agreement. [A pause.] The Chair is able, he thinks, to answer the parliamentary inquiry of the Senator from Missouri, as he understands it, in regard to the unanimous-consent agreement. We will dispose of one thing at a time. The Chair sees no reason why it is not within the power of the Senate to displace the present bill at any time under the unanimous-consent agreement.

Mr. HARDWICK. Before the Chair makes that as a ruling will the Chair hear a short argument against it?

The PRESIDENT pro tempore. The Chair will be very glad to do so.

Mr. HARDWICK. There is a very strong reason in fairness and in morals against it, because we agreed that the discussion should end at a certain time, and at that time debate should be forever foreclosed on this great measure. If we entered into this sort of an agreement, that the Senate was to debate this bill until Friday at 11 o'clock, and then proceed to vote, would it be good faith by a majority vote to lay aside the pending bill and cut off the opportunity for debate? That would violate the spirit, if not the letter, of the unanimous-consent agreement. Would it be right, if we agreed to debate this bill until a certain time, to lay it aside and take up the time of the Senate, as this proposition will, with other matters, instead of giving to the consideration of the espionage bill and to the debate on it the time that we all agreed should be given to it?

Mr. ROBINSON. Mr. President, will the Senator yield for an inquiry?

Mr. HARDWICK. I will.

Mr. ROBINSON. If the Senate should find that it was necessary to lay aside the bill and proceed with something else, why would it not be right to do so, the Senate not having bound itself to keep the espionage bill before it?

Mr. HARDWICK. Simply because an agreement as to debate was obtained on that basis, with that understanding.

Mr. ROBINSON. But, if the Senator will pardon me, that is the point I am making. The agreement does not preclude the Senate, if it desires to do so, from suspending debate and proceeding to the consideration of other matters.

Mr. HARDWICK. If the Senator is right——

The PRESIDENT pro tempore. Senators must address the Chair.

Mr. HARDWICK. Well, of course, I yielded to the Senator from Arkansas.

The PRESIDENT pro tempore. Yes; the Chair was not calling especial attention to the Senator from Georgia.

Mr. REED. Mr. President, may I ask the Senator a question?

Mr. HARDWICK. Just let me answer this question first. The Senator is absolutely wrong. If that is the fair view of it, and the Senate can lay it aside for 1 hour, it can lay it aside for 10 hours, and take up as many matters as other Senators think are important; and what, then, becomes of the spirit of your agreement that we will have until a certain time to debate this bill?

Mr. ROBINSON. Mr. President, does the Senator yield?

Mr. HARDWICK. Yes; I yield to the Senator.

Mr. ROBINSON. I point out to the Senator again that the unanimous-consent agreement entered into does not fix any specific time for debate on this bill. It merely provides a very reasonable limitation on debate, that no Senator shall speak longer than an hour. That is practically the only effect of the agreement.

Mr. HARDWICK. Mr. President, that is arguing in a circle. This agreement says that we shall debate this bill until a certain time Saturday.

The PRESIDENT pro tempore. No; if the Senator will permit the Chair——

Mr. HARDWICK. I should like the Chair to have it read.

The PRESIDENT pro tempore. The Chair will say that there is no time fixed when the debate on this bill shall conclude. There is only a limitation on the time allowed each Senator in debate, and a special provision is made in case the debate shall go on after to-day, in this wise——

Mr. HARDWICK. Well, let us see what it is.

The PRESIDENT pro tempore (reading)—

It is further agreed that after the calendar day of Friday, May 11, unless the bill is otherwise disposed of, no Senator shall speak more than once, or more than 10 minutes, upon the bill, the substitute, or any amendments thereto.

Mr. THOMAS. Mr. President——

Mr. REED. There is no time fixed to vote at all.

Mr. THOMAS. Mr. President——

The PRESIDENT pro tempore. The Senator from Georgia has the floor.

Mr. HARDWICK. The substantial rights of debate will be different after Friday, May 11, under this agreement. In other words, "it is further agreed that after the calendar day of Friday, May 11, unless the bill is otherwise disposed of, no Senator shall speak more than once, or more than 10 minutes, upon the bill, the substitute, or any amendments thereto." Now, I say that if the letter of this agreement sustains any such contention as Senators are making, certainly its spirit does not. We did not intend to lay aside this matter to inject another matter into it that may be the subject of sharp controversy. We did not intend to do anything but to devote this time—and that was the condition on which this consent was given—to the consideration of this measure; and after to-day Senators are sharply limited in their right to debate. Now, when they all agree to be so sharply limited in their rights after to-day, I submit to the Senate, is this good faith?

Mr. THOMAS and Mr. REED addressed the Chair.

The PRESIDENT pro tempore. The Chair must inquire, in justice to the Chair and to the Senate, just precisely what were the terms of the point of order made by the Senator from Missouri?

Mr. HARDWICK. The point of order made by the Senator from Georgia was——

The PRESIDENT pro tempore. No; the Senator from Missouri made the point of order. The Chair is inquiring now in order to get in touch with the exact parliamentary situation, in view of the fact, as Senators know, that the present occupant of the chair has been in the chair for only a short time.

Mr. REED. Mr. President, I think it is not necessary for me to insist upon my point of order. I was objecting to the Senator from Georgia discussing the merits of a matter, and the Senator from Georgia has desisted in discussing it, and I do not care to insist on the point of order further.

Mr. HARDWICK. "The Senator from Georgia" has stated as much as he wanted to about that, because it was absolutely necessary to state it in reply to a statement made by the Senator from Virginia; but we have passed away from that.

I simply wanted to say that one thing in answer to the suggestion of the Senator from Virginia and to the letter that was read. Now, the point of order pending is that there is one matter already before the Senate, namely, the espionage bill, under a unanimous-consent agreement, and that the motion of the Senator from Virginia is not now in order.

Mr. THOMAS, Mr. REED, and Mr. SWANSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado has addressed the Chair many times. He will be recognized first.

Mr. THOMAS. I shall detain the Senate only a moment. If the construction which the Senator from Arkansas suggests should be given to this unanimous-consent agreement should prevail, it will destroy the spirit and the effect of the agreement. I should not have consented to it under any circumstances if I had supposed that it would permit the interjection of other business to the exclusion of the consideration of this

business before the time arrived when speeches were limited to 5 minutes or to 10 minutes.

Mr. HARDWICK. Mr. President, will the Senator yield to me for just a moment?

Mr. THOMAS. One moment, Mr. President. If it be true that under this agreement the Senate is at liberty to take up the measure suggested in the motion made by the Senator from Virginia, then it is equally true that when that has been disposed of, if it does not occupy the rest of the day—as it probably will—some other business may be interjected, and the right of Members of the Senate to speak for an hour at a time upon the espionage bill will be utterly destroyed through a construction that certainly does violate, as the Senator from Georgia says, the spirit of this agreement, and which precludes any further extended debate upon it, however anxious Senators may be to occupy the time.

Mr. HARDWICK and Mr. OVERMAN addressed the Chair.

The PRESIDENT pro tempore. Does the Senator from Colorado yield, and if so, to whom?

Mr. THOMAS. I yield first to the Senator from Georgia.

Mr. HARDWICK. I just want to get this in, if the Senator will pardon me. I also have other objections and make other points of order to the motion of the Senator from Virginia. I make the point that there is nothing before the Senate, no bill or papers, to which the motion of the Senator from Virginia can apply. If the Senator will pardon me, I want to say this so that the Chair will not rule on the question without understanding that there are some other things—will the Senator yield further?

Mr. THOMAS. Yes; I yield, provided I do not lose the floor.

Mr. HARDWICK. There are some other things involved in it besides the point of order about the consideration of the espionage bill. The Senate amended a certain bill from the House in certain particulars, and asked for a conference with the House. The House granted the conference, retaining the papers, which are now in the possession of the House conferees. They are in the possession of neither House of Congress. They are in the possession of the conferees—that is to say, the conferees of the House of Representatives, as agents of that body, and as members of a body representing both Houses. Now, I submit also that any motion respecting a bill that is not before the Senate in any form, that is not even before the House of Representatives, is not now in order; and I submit that the only way in which the Senate can again act on this bill is when the Senate conferees, the agents of the Senate, report to this body, and in that way bring up to the Senate again the entire question connected with this bill, or possibly by concurrent resolution to which the House agrees.

Mr. OVERMAN. Mr. President——

Mr. THOMAS. I now yield to the Senator from North Carolina.

Mr. OVERMAN. I want to say that we are now acting upon a bill which, by the order of the Senate, is the unfinished business.

Mr. HARDWICK. Yes.

Mr. OVERMAN. Now, can the unfinished business be laid aside except by unanimous consent? I consented, but the Senator from Georgia objected. The question, then, is, It having been made the unfinished business, and a unanimous-consent agreement having been made in regard to it, can the unfinished business be laid aside except by unanimous consent? It has invariably been held by the Senate and by the Presiding Officer that it can not be laid aside. It can be laid aside by a motion agreed to by the Senate, but not unless some other bill is taken up in its place.

Mr. THOMAS. Mr. President, I realize the great importance of the motion made by the Senator from Virginia. I think we ought to proceed with it as soon as it is possible. I do not want to be understood as objecting, except upon the sole ground that the spirit of this unanimous-consent agreement is not only violated but destroyed if we are going to set it aside for the consideration of other business prior to the time when debate not to exceed one hour by each Senator can be made, and of course that time would expire with the present calendar day.

I hope therefore that, independently of the question whether the unanimous-consent agreement does or does not permit the taking up of other business, it will not be done so long as any Senator wants to address the Senate upon the merits of the pending measure.

Mr. REED and Mr. SWANSON addressed the Chair.

The PRESIDENT pro tempore. The Senator from Missouri.

Mr. REED. Mr. President, this is not an ordinary unanimous-consent agreement which we have here. It is not an agreement to vote at any time. It is not an agreement to close debate at any time. If Senators will glance at this unanimous-consent agreement, they will see that all that is agreed to in the world is that after to-day they shall not be permitted to talk more than one hour each.

Mr. BRANDEGEE. Mr. President, a parliamentary inquiry. I simply wanted to ask, for my own information and that of one or two colleagues about me, whether or not the Chair has actually submitted the point of order to the Senate?

The PRESIDENT pro tempore. No; the Chair has had a parliamentary inquiry addressed to him, which he endeavored to answer, and which he was hearing Senators discuss; but the Chair is entirely willing and ready to decide the question, with due courtesy.

Mr. REED. I shall be very brief.

Mr. BRANDEGEE. I do not want to interfere with the Senator at all.

Mr. REED. I simply want Senators to read this unanimous-consent agreement. We do not agree to vote at any time. We simply agree that after the 11th day of this month, which has now arrived, Senators shall be limited to one hour each in speaking on this bill. Now, the bill is the unfinished business merely because a Senator rose in his place and moved to proceed to the consideration of H. R. 291. That bill can be immediately displaced by a motion to take up any other matter.

If we were proceeding under a unanimous-consent agreement which provided that a bill should be held before the Senate and considered and that a vote should be taken at a certain time, that would be quite a different question; but under a unanimous-consent agreement which provides that a bill shall be voted upon at a given hour of a given day it has been the custom continually in this body to take up any other matter and consider any other matter, at the will of the Senate, unless the unanimous-consent agreement contains the words "shall remain the business of the Senate."

Mr. HARDWICK. Mr. President, will the Senator yield?

Mr. REED. I do, for a question; yes.

Mr. HARDWICK. When the Senator realizes that after the calendar day of to-day has expired, the rights of Senators have all been materially abridged by this unanimous-consent order, and that they will be different from what they are under the general rules of the Senate, and different from what they would have been but for this unanimous-consent agreement, does he think it is fair, on this last day, to inject in here another matter that will take a great deal of the time that is left?

Mr. REED. The hour rule is already on the Senators, is it not?

The PRESIDENT pro tempore. The Chair is entirely ready to rule on these various matters.

Mr. REED. I ask, Is not the hour rule already on the Senators, and has it not been since yesterday?

The PRESIDENT pro tempore. The Chair so understands.

Mr. REED. Yes. Then what limitation is put upon a Senator, except that he does not get to speak at a particular time?

Mr. HARDWICK. Here is the limitation:

> It is further agreed that after the calendar day of Friday, May 11, unless the bill is otherwise disposed of, no Senator shall speak more than once, or more than 10 minutes.

So it seems that there is another very sharp restriction after the day is over.

Mr. REED. Yes; after to-day.

Mr. SWANSON. Mr. President, I should like to make a suggestion.

The PRESIDENT pro tempore. Does the Senator from Missouri yield to the Senator from Virginia?

Mr. REED. I do.

Mr. SWANSON. Just a minute. As I understand, the Senator from Virginia [Mr. MARTIN] has submitted a motion to the Senate. Now, that is a privileged motion. It must be made within two days. The rule specifically states that it is privileged.

Now, if it is privileged, then the question comes up whether you shall consider it now or consider it later; but as I understand the rule, it has been so decided in the precedents that within that two days, as a privileged matter, a motion to reconsider is in order. Now, that motion having been made and accepted and received——

Mr. HARDWICK. Will the Senator yield for a question?

Mr. SWANSON. I will.

Mr. HARDWICK. Can that motion be made by a Senator who is on the side that lost?

Mr. SWANSON. The rule says that it must be made by a Senator who voted on the prevailing side.

Mr. HARDWICK. The Senator from Virginia, I think, voted against this proposition.

Mr. MARTIN. There was no record vote on it.

Mr. McCUMBER. Mr. President, I rise to a point of order. The point of order is that the point of order raised is not de-

batable, and that the Chair ought to rule on it and have it disposed of.

The PRESIDENT pro tempore. The Chair sustains the point of order made by the Senator from North Dakota. The motion under consideration is not debatable. The condition of matters, so far as the Chair is called upon to decide, is this——

Mr. GALLINGER. Mr. President, just one word. I assume that that refers simply to recalling the bill from the House?

The PRESIDENT pro tempore. It does.

Mr. GALLINGER. The motion to reconsider, of course, is debatable.

The PRESIDENT pro tempore. It was the intention of the Chair so to rule.

Mr. HARDWICK. I am perfectly willing for the Chair to rule on the proposition as to whether or not this is in order under the unanimous-consent agreement. I do not want to discuss that any further, but I have some observations that I want to submit and some arguments that I want to make to the Senate itself on the proposition as to whether the motion can be made at all, in the existing parliamentary status.

Mr. SWANSON. Mr. President, I shall object to anybody arguing unless I am given the same privilege. I do not intend to be excluded from the privilege of making an argument if others are allowed to do so.

Mr. MARTIN. All this debate is out of order, and I ask the Chair to enforce the rule, and rule on this point.

The PRESIDENT pro tempore. The Chair thinks it is necessary to enforce the rule, although the Chair has been endeavoring to show every courtesy to Senators.

A parliamentary inquiry was made as to whether, under the unanimous-consent agreement, such a motion could be considered. The Chair rules that it is not contrary to the unanimous-consent agreement that such a motion should be considered. That is an answer to the parliamentary inquiry.

In regard to the point of order made against the motion of the Senator from Virginia by the Senator from Georgia, the Chair——

Mr. HARDWICK. That is debatable, Mr. President.

The PRESIDENT pro tempore. The Chair overrules the point of order, and the Chair desires to state this: The Chair deems it to be the duty of the Chair to see that the business of the Senate progresses, and it is the chief duty of the Chair to see that the business of the Senate is not unnecessarily delayed. The Chair, as the Members of the Senate understand, has no pride of opinion, and would be glad to submit to any appeal from the decision of the Chair at any time.

Mr. HARDWICK. Mr. President, on the point of order that this motion is in order under the parliamentary status, I am going to appeal from the ruling of the Chair; and on that appeal I am entitled to be heard, and want to be heard.

The PRESIDENT pro tempore. The Chair does not think the Senator from Georgia is entitled to be heard on the question when the main motion is to ask for the return of a bill, which is not debatable.

Mr. MARTIN. The rule says that distinctly.

Mr. HARDWICK. Will the Chair cite me to the authority for that? I did not catch the citation.

The PRESIDENT pro tempore. The Chair thinks the rule of the Senate is clear that a motion to request the return of a bill, such as that made by the Senator from Virginia [Mr. MARTIN], is not debatable, and that debate can not be raised on that motion by any side issue or appeal or point of order.

Mr. HARDWICK. The Chair did not let me argue that at all. I do not think the Chair even understands the point I have made.

The PRESIDENT pro tempore. The Chair thinks he does.

Mr. MARTIN. It is not debatable.

Mr. HARDWICK. Possibly I am in error. Pardon me.

The PRESIDENT pro tempore. However that may be, in the interest of the dispatch of business the Chair overrules the point of order.

Mr. HARDWICK. And from that ruling "the Senator from Georgia" appeals.

The PRESIDENT pro tempore. Then the question before the Senate is——

Mr. HARDWICK. On that question, Mr. President, I demand the yeas and nays.

The PRESIDENT pro tempore. The question is, Shall the ruling of the Chair stand as the judgment of the Senate? On that the Senator from Georgia requests the yeas and nays. Is there a second? Evidently a sufficient number have seconded the call for the yeas and nays. The Secretary will call the roll.

The Secretary proceeded to call the roll.

The PRESIDENT pro tempore (when Mr. SAULSBURY's name was called). I decline to vote on this matter.

Mr. SMITH of Maryland (when his name was called). I transfer my pair with the Senator from Vermont [Mr. DILLINGHAM] to the Senator from Nebraska [Mr. HITCHCOCK] and vote "yea."

The roll call was concluded.

Mr. SMITH of South Carolina. I wish to inquire whether the senior Senator from South Dakota [Mr. STERLING] has voted?

The PRESIDENT pro tempore. He has not voted.

Mr. SMITH of South Carolina. I have a general pair with that Senator, and therefore withhold my vote.

Mr. MYERS (after having voted in the affirmative). I observe that the Senator from Connecticut [Mr. MCLEAN], with whom I am paired, is not present. I transfer my pair to the Senator from Oklahoma [Mr. OWEN] and allow my vote to stand.

Mr. GERRY. I should like to ask if the Senator from New York [Mr. CALDER] has voted?

The PRESIDENT pro tempore. He has not voted.

Mr. GERRY. I am paired with the Senator and will withhold my vote.

Mr. WILLIAMS (after having voted in the affirmative). I forgot to announce my pair with the senior Senator from Pennsylvania [Mr. PENROSE] and its transfer to the Senator from New Jersey [Mr. HUGHES]. I will let my vote stand.

Mr. GERRY. I transfer my pair with the Senator from New York [Mr. CALDER] to the Senator from Oregon [Mr. LANE] and vote "yea."

The result was announced—yeas 30, nays 39, as follows:

YEAS—30.

Ashurst	Jones, N. Mex.	Reed	Swanson
Beckham	King	Robinson	Thompson
Brady	Martin	Shafroth	Trammell
Chamberlain	Myers	Sheppard	Walsh
Fletcher	Newlands	Simmons	Williams
Gerry	Phelan	Smith, Ariz.	Wolcott
Hollis	Poindexter	Smith, Md.	
Husting	Ransdell	Stone	

NAYS—39.

Bankhead	Gallinger	Knox	Smith, Ga.
Borah	Gronna	La Follette	Smith, Mich.
Brandegee	Hale	Lodge	Smoot
Broussard	Harding	McCumber	Sutherland
Colt	Hardwick	McKellar	Thomas
Cummins	Johnson, Cal.	McLean	Townsend
Curtis	Jones, Wash.	Nelson	Underwood
Fall	Kellogg	Overman	Vardaman
France	Kenyon	Page	Watson
Frelinghuysen	Kirby	Shields	

NOT VOTING—27.

Calder	Hughes	Norris	Smith, S. C.
Culberson	James	Owen	Sterling
Dillingham	Johnson, S. Dak.	Penrose	Tillman
Fernald	Kendrick	Pittman	Wadsworth
Goff	Lane	Pomerene	Warren
Gore	Lewis	Saulsbury	Weeks
Hitchcock	New	Sherman	

The PRESIDENT pro tempore. The Senate decides that the decision of the Chair does not stand. The point of order made by the Senator from Georgia [Mr. HARDWICK] is sustained by the Senate, that the motion of the Senator from Virginia [Mr. MARTIN] is out of order.

Mr. REED. Was the point of order that the motion itself was out of order and could not be made or was it that it could not be considered. Because if the Senate has decided that a motion to recall a bill from the House of Representatives can not even be filed and made of record, then the Senate has absolutely put it out of its own power to ever preserve any right with reference to a bill that has once left it, if we happen to be proceeding under a unanimous-consent agreement. If that is laid down as a rule in the Senate, there will be no more unanimous-consent agreements, because we can not afford to tie our hands in that way. If the ruling is merely to the extent that a motion can be filed and not now considered, of course a different proposition is presented.

I know there is a good deal of feeling about this particular bill. This particular bill may be very dear to the hearts of some of our Senators; but it ought not to be dear enough to the heart of anybody so that he wants to establish a rule here that will prohibit the Senate from taking proper action to recall bills which may have passed temporarily from the hands of the Senate.

Mr. HARDWICK. Will the Senator yield?

Mr. GALLINGER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Missouri yield; and if so, to whom?

Mr. REED. I am through.

Mr. HARDWICK. Mr. President, I just want to suggest my own judgment is that had the Senate voted otherwise it would have violated the spirit of the unanimous-consent agreement.

Mr. REED. Do you object to the motion being filed?

Mr. HARDWICK. I object to its being filed, because I contend that it is out of order now, and will be whenever made, unless the present parliamentary status changes and until it does change.

Mr. SHEPPARD. Mr. President, a point of order.

The PRESIDENT pro tempore. The Senator from Texas will state his point of order.

Mr. SHEPPARD. I wish to make the point of order that the question raised by the Senator from Georgia was that the point of order on the motion to recall the bill is debatable.

Mr. HARDWICK. No.

The PRESIDENT pro tempore. The Senator from Texas is mistaken. The point of order was that the motion of the Senator from Virginia [Mr. MARTIN] was not in order.

Mr. SHEPPARD. The Chair ruled that the point of order was not debatable inasmuch as the motion itself was not debatable, and we voted on an appeal from that ruling. I ask that the reporter's notes be read.

Mr. HARDWICK. On the contrary, I made the point of order that the motion of the Senator from Virginia was not in order.

Mr. GALLINGER. Mr. President——

Mr. HARDWICK. I yield to the Senator from New Hampshire. I yield the floor.

Mr. GALLINGER. Mr. President, I have taken very little part in the discussion of the rules of late, but I do not like to see them violated ruthlessly. This bill is before a conference committee. A simple resolution of the Senate can not recall the bill. It will require a concurrent resolution to get it out of the hands of the conference committee. So the motion would be futile if it should be carried.

I wish further to suggest, with all deference to my good friend the Senator from Virginia, whom I rarely ever feel like antagonizing, that he voted in the negative on this question, and he has not any right to move a reconsideration. Even if his motion was made in good faith, a point of order against it would lie, because the rule specifically says that a motion to reconsider can only be made by a Senator voting in the majority.

Mr. MARTIN. If the Senator knows that I voted that way, he knows more than I do. I voted on the amendment, but on the passage of the bill there was no roll call, and my impression is that I did not vote at all.

Mr. GALLINGER. I understood that the Senator wanted to reconsider the vote by which the amendment was adopted.

Mr. MARTIN. I have made no such motion. I have moved to reconsider the vote by which the bill was passed.

Mr. GALLINGER. I did not understand the Senator, then; so I withdraw the suggestion I made. There was no record as to the vote on the passage of the bill, but I distinctly understood the Senator to refer, and the letter he read had reference to, the amendment made on motion of the Senator from Georgia.

Mr. MARTIN. That was the ultimate object in view, but my motion was to reconsider the vote by which the bill was passed, and I am sure I did not vote at all on that question.

Mr. GALLINGER. I simply rest my suggestion on the fact that the bill is in the hands of the committee of conference and can not be recalled by a simple resolution of the Senate.

Mr. MARTIN. If the Senate will excuse me, after a little consideration on his part he will hardly entertain that view. The committee is but the hand of the House, and the House controls the bill that is in the hands of the committee.

Mr. GALLINGER. It does not control the conferees on the part of the Senate.

Mr. MARTIN. When the Senate makes a communication to the House the House will control their conferees; and surely when the bill is in the hands of the conference Congress in both branches can control the conferees.

Mr. REED. Mr. President, I am more interested in the question whether we are establishing a bad precedent now than I am in the main question.

The PRESIDENT pro tempore. If the Senator from Missouri will pardon the Chair for a moment, the Chair wishes to inquire whether the Chair, under the instruction of the Senate, shall keep the list of Senators and the time consumed on this matter, because the Chair is very desirous that the Senate shall have its own view with regard to the unanimous-consent agreement and with regard to the construction of the rule, but does not think it is fair without notice to do that.

Mr. BORAH. We are undoubtedly proceeding under the unanimous-consent agreement whatever we may discuss, and the Chair ought to keep the time of Senators on this matter.

Mr. REED. I propose to count the remarks the Senator just made as a speech, cutting him out of any further right to speak.

Mr. BORAH. That is perfectly safe, for I have already spoken.

Mr. REED. I ought to have known the Senator had thought of that.

I do not care anything about the question just raised, as far as I am concerned. The rule of the Senate provides that—

> When a bill, resolution, report, amendment, order, or message, upon which a vote has been taken, shall have gone out of the possession of the Senate and been communicated to the House of Representatives, the motion to reconsider shall be accompanied by a motion to request the House to return the same, which last motion shall be acted upon immediately, and without debate, and if determined in the negative shall be a final disposition of the motion to reconsider.

Mr. President, this bill was passed and did go to the House of Representatives, and a motion to reconsider must be filed within two days.

I only want to state this case and then I am through with it. The motion now was made or attempted to be made to recall the bill. That motion is a privileged motion. If the rule is established that a unanimous consent having been given to debate a bill under certain rules and limitations, which is the unanimous consent we are proceeding under, no motion of any kind can be even filed with the Senate, no privileged motion can be filed with the Senate, then every time we enter into a unanimous-consent agreement we cut off the right of the Senate to recall any bill that has passed from its possession. We cut off the right to move to reconsider any bill, however important, or whatever the emergency may be. I understand the Senate has absolutely voted here to overrule a ruling of the Chair that the right to recall a bill may be preserved, and the right to make a motion to reconsider may be preserved. Both of those rights have been cut off by the ruling of the Senate, and hereafter we are to understand, if this precedent is to be allowed to remain, that whenever we enter into a unanimous consent either to vote upon a bill at a given time or to debate a bill in a certain way we have destroyed the right of the Senate to even have a motion entered to reconsider any matter that has once passed the Senate.

Now, that is not good parliamentary law, in my judgment. It is fraught with a great deal of evil for us in the future. It illustrates the evil that has been growing here in the Senate of voting upon points of order not with reference to the merits of the point of order, but with reference to the desire of the Senator as applied to the particular subject matter the point of order happens to relate to at that time. I think if the Senate proceeds much longer in that way we might as well wipe out our rules altogether, because if a rule is to give way every time the desire of a Senator finds itself interfered with by the rule, if we are to vote not upon a correct construction of the rule but upon our judgment with reference to some subject matter that the point of order may relate to, we wipe out our rules and we have nothing left. It is really a pity that we are doing this. The Senate boasts that it is the greatest deliberative body on earth, and yet if any man will take the trouble to compare the rulings of the Senate upon points of order for the past year I think he will be astonished at the number of times the Senate has reversed itself.

Mr. BORAH. May I interrupt the Senator?

The PRESIDENT pro tempore. Does the Senator from Missouri yield to the Senator from Idaho?

Mr. REED. I yield.

Mr. BORAH. I voted to sustain the point of order with the understanding that I was voting to sustain the unanimous-consent agreement. I want to call the Senator's attention to a statement which was made by the Senator who has charge of the bill at the time when we were discussing the unanimous-consent agreement:

> Mr. OVERMAN. I will say to the Senator that I will keep this bill before the Senate.
> Mr. CUMMINS. For both discussion and action?
> Mr. OVERMAN. Yes.
> Mr. CUMMINS. I have faith enough in the Senator from North Carolina to accept his statement.

I do not see how we can displace this unanimous-consent agreement with that understanding before us.

Mr. REED. Does the Senator go to the extent of saying that even if that had been written in the unanimous-consent agreement a motion can not be filed?

Mr. BORAH. No; I am not discussing that. That is not what I voted on.

Mr. REED. That is the point I am discussing, that a motion can be filed, so that when the unanimous-consent debate is over a motion having been filed within time provided by the rule of the Senate it can be taken up for consideration.

Mr. BORAH. I did not understand that I was voting against filing it. I understood that I was voting against considering it, and I understand that that is what the Senate understood it was doing.

Mr. REED. I suggest now that that matter might be raised by the Senator from Virginia simply asking the privilege of filing the motion. If the Senator who desires to make a motion to reconsider will ask the privilege of filing that motion, then the Senate can rule on that question merely.

Mr. OVERMAN. I do not think there is any objection to lodging a motion to reconsider; that is a privileged motion; but you can not proceed to its consideration except by unanimous consent.

Mr. SWANSON. It has been decided repeatedly that a motion to reconsider is a privileged motion. It was decided as early as February 3, 1850, that a motion to reconsider may be entered as a privileged motion, like a motion to adjourn, recess, or anything else, but its consideration must be determined by a vote of the Senate. Now, it seems to me it is clear——

Mr. HARDWICK. Let me say if I may——

Mr. SWANSON. Wait until I get through.

Mr. OVERMAN. If the Senator from Virginia will yield now, we can agree on it, allowing the motion to be entered.

Mr. SWANSON. First, the Senator from Virginia entered his motion, and the Senator from Georgia made a point of order against its being filed. The second step would be to move to proceed to its consideration.

Mr. OVERMAN. I think we can agree on it now.

Mr. HARDWICK. I think we can get unanimous consent to have the motion entered. The motion is not in order, but I am willing to have it filed so that the parliamentary question involved can be settled hereafter.

Mr. MARTIN. Let my motion to reconsider be entered. Let it be accompanied by a motion to reconsider the vote by which the bill was passed. I accompanied it by such a motion, and the Senator from Georgia made a point of order that it was not in order at all.

Mr. HARDWICK. I am willing that the motion shall be made, with the understanding that it is not to be disposed of.

Mr. OVERMAN. All right.

Mr. BRANDEGEE. Mr. President, a parliamentary inquiry. What is the matter before the Senate at present?

The PRESIDENT pro tempore. The matter before the Senate is the unfinished business.

Mr. BRANDEGEE. I ask for the regular order.

Mr. SWANSON. I will speak to that.

Mr. President, there is no doubt that a motion to reconsider is privileged; that is conceded. The rule requires a motion to return the papers. It says that the latter motion, which is the motion to return the papers, shall be voted on immediately.

It seems to me it is clear that a motion to reconsider, which is privileged, can be entered. The question of consideration would not come up, because the rule provides that the latter motion, which is for a return of the papers to accompany a motion to reconsider, shall be voted on immediately. There is no doubt that a motion to reconsider is a privileged motion. If the contention made by the Senator from Georgia is right, you can not move to reconsider; you can not do anything except debate the bill under the unanimous consent until it is disposed of. A motion to reconsider is privileged like the others named and can be filed, but the question of consideration could be raised against it except when accompanied with a motion for a return of the papers; and the rule says the latter motion shall be voted on immediately.

Mr. HARDWICK. Mr. President, I am going to make a brief statement about this matter and then I am not going to say any more about it for the present. I want the Senate to understand exactly the situation and I will give my opinion about some of these things.

The Senate voted for an amendment relating to the exchange on bank checks. I believe that the gentlemen who thought they would be conferees believed it would be lost in conference, but instead of that happening our friends in the House of Representatives took it up and agreed on that one proposition to instruct the House conferees. They decided upon this by a vote. The Senator in charge of the bill let it go to the House of Representatives with my amendment. Now the gentlemen who are making this move are trying their best to get the Senate to strike out the provision. That is the bottom of all this business. That is what it means.

I do not think you can do it in that way. They did not make the motion to reconsider the bill when it was before the Senate. I do not see how that they can make any motion relating to the bill when the Senate has not control of the bill. The bill was in the custody of the other House until they agreed to send it to the conference the Senate had requested. By agreement between the two Houses the bill is now in the custody of the conferees representing both Houses. I think the Senator from New Hampshire is correct in that it will take a concurrent resolution of the two Houses to get the bill out of the position it is in.

Mr. SWANSON. Will the Senator permit me to ask him a question?

Mr. HARDWICK. I yield.

Mr. SWANSON. I understand that the House agreed to the conference and carried the papers into conference.

Mr. HARDWICK. That is true, but——

Mr. SWANSON. If the Senator will let me finish my question, the conferees of the House are the agents of the House. The House can discharge them and can compel them to bring the papers back and do what they please with their own servants. If this resolution should go over there, and the House desires, they can tell their conferees to bring the papers back to the House, and the House can send them back to the Senate.

Mr. HARDWICK. I understand all that, if that is all the Senator wants to say.

I think I will finish making my statement. I do not believe the Senate will agree to this proceeding. We can not afford to act hastily about this matter. We knew what we were doing when we passed the amendment. Nothing has happened to change my views about it. The House instructed its conferees to agree to this amendment The trouble is there is an amendment substantially agreed to by both Houses, and the gentlemen who are conferees do not want it, and they are trying to get rid of it; hence all this row.

Mr. SHAFROTH Mr. President, the statement of the Senator from Georgia may be correct, but by appealing to the House he would deprive a Senator of the right to move a reconsideration and have the bill considered again.

Mr. HARDWICK. You did not move for reconsideration, because you thought you would lose it in conference. I know that is true.

Mr. SHAFROTH. The Senator from Virginia has moved a reconsideration, and yet by reason of the point of order which the Senator has made it can not be considered within the two days that are given by the rule. Are you going to abolish that rule? The Senator says undoubtedly it shall be submitted.

Mr. HARDWICK. Let me ask the Senator a question. Can we reconsider a bill that is not before the Senate?

Mr. SHAFROTH. Yes; you can. I will read the rule.

Mr. HARDWICK. If the Senator will pardon me, you must move to get it from the possession of those who have custody of it. If the House of Representatives has custody of it, you might get it from them, if they will agree to it.

Mr. SHAFROTH. Here is the rule, Rule XIII:

1. When a question has been decided by the Senate, any Senator voting with the prevailing side may, on the same day or on either of the next two days of actual session thereafter, move a reconsideration; and if the Senate shall refuse to reconsider, or upon reconsideration shall affirm its first decision, no further motion to reconsider shall be in order unless by unanimous consent. Every motion to reconsider shall be decided by a majority vote, and may be laid on the table without affecting the question in reference to which the same is made, which shall be a final disposition of the motion.

Second paragraph:

2. When a bill, resolution, report, amendment, order, or message, upon which a vote has been taken, shall have gone out of the possession of the Senate and been communicated to the House of Representatives—

It does not say whether it has been acted upon by the House conferees or even by the House itself if it shall have been sent to the House of Representatives—

the motion to reconsider shall be accompanied by a motion to request the House to return the same; which last motion shall be acted upon immediately and without debate, and if determined in the negative shall be a final disposition of the motion to reconsider.

If the vote had been taken by the Senate on the question as to whether or not this paper should be returned or the bill should be returned and it was voted down, of course that would be a final disposition of it; but the Senator's point of order was made; upon the ruling of the Chair the point of order was not well taken; and then an appeal from the decision of the Chair was taken and the vote of the Senate sustained the appeal. It seems to me if we are going to obey the rules of the Senate, this being a privileged motion, we are entitled to vote upon the question as to whether the papers shall be returned to the Senate.

Mr. BRANDEGEE. Mr. President, I will be very brief. I simply want to express this opinion: The point made by the Senator from Colorado, in my opinion, is not well taken, for this reason: The Senator thinks the House of Representatives can control its own conferees on the conference committee. It can not do so. The bill is in conference. If the bill was in

the House of Representatives what the Senator says might be true. The bill is in the conference committee, which is the creation of both the Senate and the House together. If the Senate passes a concurrent resolution and the House concurs in it, that, of course, would take the bill out of conference, but nothing less than a concurrent resolution of both branches or the action of the conference committee itself in voluntarily reporting it could get the bill back to the Senate.

Mr. SHAFROTH. Let me ask the Senator a question.

Mr. BRANDEGEE. Just wait a moment. The House can not pass a resolution instructing the House conferees to grab the bill and take it away from the conference committee, ignoring the Senate conferees, and send it back to the Senate; and the Senate can not pass a resolution instructing its conferees to grab the bill away from the House conferees and report it to the Senate. The only way the bill can get out is by the conference committee reporting it or else the adoption of a concurrent resolution of both Houses instructing them to bring it out.

Mr. SWANSON. Will the Senator from Connecticut permit me to interrupt him?

Mr. BRANDEGEE. I will.

Mr. SWANSON. It has been decided repeatedly that the conferees hold the original papers simply for consideration; the papers can not be passed to the conferees. The conferees are the mere agents of the House.

Mr. BRANDEGEE. I will yield to the Senator from Virginia for a question, but not for a speech.

Mr. SWANSON. I am asking the Senator his view of the matter. The conferees have not the original papers; they belong to the House which had the original papers last in their possession.

Mr. BRANDEGEE. Oh, no.

Mr. SWANSON. The papers can not be passed to the conferees.

Mr. BRANDEGEE. If the Senator asks me that question, I will say that I think his position is entirely wrong about the matter. The question of who has possession of the papers for the purpose of making a conference report and to which House they shall first go is not under discussion here at all. That is not the question about which we are talking.

Mr. SHAFROTH. Mr. President——

Mr. SWANSON. The Senator from Connecticut makes a mistake. It has been decided repeatedly——

Mr. BRANDEGEE. I do not yield to the Senator for the purpose of laying down the law. If he wants to ask a question, I will yield.

Mr. SWANSON. The Senator may understand the law better than I understand it, but it has been decided repeatedly that the conferees are the agents of the respective Houses by whom they are appointed. If they come in with the original papers, they may be compelled to carry them back to the House which is entitled to them.

Mr. BRANDEGEE. The Senator has merely stated over again what he said before, to which I disagree. I do not care, however, to reply to that. That is all I have to say, Mr. President.

Mr. SHAFROTH. Mr. President, the defect in the argument of the Senator from Connecticut [Mr. BRANDEGEE], in my judgment, is that he does not observe the language of the rule. The rule reads:

> When a bill, resolution, report, amendment, order, or message upon which a vote has been taken shall have gone out of the possession of the Senate and been communicated to the House of Representatives—

There is no limitation as to how far the House shall have gone in the matter. There is no statement here that if it is referred to a conference committee that that is the end of it. There is no limitation of that kind, but the rule continues:

> the motion to reconsider shall be accompanied by a motion to request the House to return the same.

Mr. OVERMAN. Mr. President, we now have the espionage bill before us under a unanimous-consent agreement that a Senator can speak but once, and I make the point of order.

Mr. SHAFROTH. It seems to me that the rule is being violated if we do not give consideration to the motion of the Senator from Virginia [Mr. MARTIN].

PUNISHMENT OF ESPIONAGE.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 291) to punish acts of interference with the foreign relations, the neutrality, and the foreign commerce of the United States, to punish espionage and better to enforce the criminal laws of the United States, and for other purposes.

Mr. BRANDEGEE and Mr. HARDWICK. Regular order!

The PRESIDENT pro tempore. The Chair does not know what the question is.

Mr. OVERMAN. The question is on what is known as the Cummins amendment.

The PRESIDENT pro tempore. The Secretary will state the pending amendment.

The SECRETARY. The pending amendment is the amendment offered by the Senator from Colorado [Mr. THOMAS], which is found on page 37.

Mr. CUMMINS. Mr. President, before the amendment is voted upon I wish to submit some observations.

Mr. NELSON. I wish the Senator would ask to have the entire paragraph stated before he speaks.

Mr. CUMMINS. I intended to do that, of course, in my speech, which will be very brief. I feel that I ought to say a single word upon this subject before the vote is taken, inasmuch as the present situation is rather a peculiar and extraordinary one.

When this subject was before the Senate a few days ago, while we were considering the Senate bill, I submitted certain observations to the Senate with regard to it, both from the standpoint of its constitutionality and the standpoint of its policy. I then said, and I now repeat, that the subsection was perilously near, if not entirely in, collision with the Constitution, and that I did not believe that the time had come, even though we had the power to do it, that a censorship of the press should be established. I am of the same opinion still.

I would much rather that there should be in this bill no provision with regard to the regulation of the press or of speech; but it will be remembered that during the debate upon the Senate bill the Senator from Colorado [Mr. THOMAS] offered an amendment proposing to strike out the subsection. Thereupon, upon a vote, the Senate refused to strike it out. I offered at that time an amendment, substantially the one that is now before the Senate as offered by the Senator from Colorado. I offered the amendment because I believed that it mitigated the severity of the proposal as it came from the committee; I offered it because it limited the scope of the Executive power with regard to the publication of information.

The committee proposal not only permitted the Executive to make rules and regulations for the suppression of information regarding the movements of the Army and the Navy and all our military forces, but it authorized the President to make rules and regulations with regard to everything which pertained to or was related to the national defense. I hoped by my amendment to eliminate that broad, vague field that was covered by the phrase "national defense," and to limit the power of the President to matters which concerned the movement, the disposition, and the operation of our military forces. I have not changed in the least degree the views that I expressed upon a former occasion.

I am not satisfied that any legislation is necessary upon the subject, but I earnestly hope, if we are to legislate upon it, if we are to establish rules and regulations which will control the publication of information in this country, that the authority may be restricted to the limits that I have provided in the amendment which has been offered by the Senator from Colorado, but which, as he said yesterday, is the amendment which I proposed, and of which I gave notice after the change in the order of procedure was had.

With regard to the matter suggested by the Senator from Minnesota [Mr. NELSON], this amendment does not affect the proviso which came into the bill, as I remember it, upon the suggestion or motion of the Senator from Massachusetts; that is to say, that the amendment which has been proposed by the Senator from Colorado, and which I earnestly hope will be adopted—because whatever may be the fate of subsection (c), it would seem to me that everyone who has taken a considerate view of the subject must believe that the amendment which bears my name is wiser; that is, if we believe in a narrow limitation of the power of the President—is wiser than the provision as it now is, or as it was reported by the committee.

I referred a moment ago to this proviso:

> *Provided*, That nothing in this section shall be construed to limit or restrict, nor shall any regulation herein provided for limit or restrict, any discussion, comment or criticism of the acts or policies of the Government or its representatives, or the publication of the same.

If the amendment now before the Senate is adopted, this proviso remains in the bill. The amendment does not propose to eliminate it. Referring to the print of the House bill, the amendment begins with the word "and," in line 5, page 37, and ends at the word "imprisonment," in line 18, page 37. Therefore I hope that when we come to vote upon the amendment it will be understood by all Senators that the limited operation of the

amendment, if it be adopted, is still qualified or modified by the proviso which I have just read, namely:

Provided, That nothing in this section shall be construed to limit or restrict, nor shall any regulation herein provided for limit or restrict, any discussion, comment, or criticism of the acts or policies of the Government or its representatives, or the publication of the same.

Without regard to what may be done finally with the subsection, whether it is entirely eliminated or further modified, it seems to me that those who believe in the freedom of speech and the freedom of the press ought to favor the amendment which has been proposed, because in it the President's authority is limited to military matters and is not extended to every phase of national life which is embraced within the term "public defense" or "national defense."

Mr. WALSH. I desire to inquire of the Senator from Iowa whether it has been agreed that there shall be eliminated the last proviso in the amendment tendered by him, as adopted by the Senator from Colorado [Mr. THOMAS], as follows:

Provided, however, That no such rule or regulation shall apply to the proceedings of the Congress of the United States nor to the debates therein.

Mr. CUMMINS. I do not know. I do not feel that I have any control over the amendment at all, inasmuch as it has been offered by the Senator from Colorado; but, personally, I care nothing about that proviso. It was inserted originally because in the amendment when first offered there was an explicit provision that nothing should be done that would abridge the freedom of speech or of the press. I do not regard the last proviso as essential to the amendment.

Mr. WALSH. Mr. President, I think the proviso ought to come out of the amendment.

Mr. OVERMAN. The Senator who presented the amendment told me he was going to strike it out.

Mr. WALSH. So that we may have action on it, I move to amend the amendment by striking out the proviso.

The PRESIDING OFFICER (Mr. KING in the chair). The Senator from Montana moves to amend the amendment by striking out the proviso which the Secretary will state.

The SECRETARY. On page 2 of the amendment offered by Mr. THOMAS, it is proposed to strike out the last proviso, reading as follows:

Provided, however, That no such rule or regulation shall apply to the proceedings of the Congress of the United States nor to the debate therein.

Mr. WALSH. Mr. President, I need not say that I make this motion, because I can not conceive that any regulation should apply to the proceedings of Congress, and I should not like to have it suggested by the amendment that anyone thought any regulation might so apply.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Montana to the amendment offered by the Senator from Colorado.

The amendment to the amendment was agreed to.

Mr. WALSH. I have another inquiry to address to the Senator from Iowa. The original draft of this amendment as it was tendered by the Senator from Iowa [Mr. CUMMINS] read, in line 6 thereof:

The disposition of any of the armed forces of the United States or the plans of naval or military operations—

And so on. As tendered by the Senator from Colorado the words "or the plans of" were stricken out and the word "in" substituted therefor. My information about the matter was that that change was made upon the suggestion of the Senator from California [Mr. JOHNSON], who indicated that if that change were made the amendment would meet his approval. Can the Senator from Iowa advise me as to that?

Mr. CUMMINS. The Senator from Montana has been misinformed. Before the Senator from Colorado offered the amendment I submitted it to the Senator from California, and he very emphatically and promptly said that the amendment did not meet his approval as compared with the entire elimination of the subsection, but that the amendment would be improved if the words "or the plans of" were stricken out and the word "in" substituted. He did not indicate, however, to me at least, in any way whatever that the amendment would then command his approval.

Mr. WALSH. Mr. President, I simply desire to say that if the amendment were to be adopted without further discussion and without a roll call upon it, I should be quite willing to allow it to stand as it is; but I take it from the very able address of the Senator from California this morning that that will not be done. I accordingly move, Mr. President, to strike out the words in line 6 and to restore the language of the amendment as it was originally proposed by the Senator from Iowa, substituting the words "or the plans of."

The PRESIDING OFFICER. The Senator from Montana moves an amendment to the amendment tendered by the Senator from Colorado, which the Secretary will state.

The SECRETARY. It is proposed to strike out the word "in" heretofore inserted in line 6 of the amendment of Mr. THOMAS and to restore the former language of the amendment, the words "or the plans of."

Mr. CUMMINS. Mr. President, I hope the amendment offered by the Senator from Montana will not prevail. It is quite true that the words he seeks to reincorporate in the amendment are the words that were originally there, but it is manifest and more apparent to me upon reflection than when I framed the amendment that the word "plans" is too comprehensive. It embraces things not military in their character; and I thought that the objection which the Senator from California made to the word was well founded and that the amendment would cover everything that was intended to be embraced in it if the word "in" should be employed. That is to say, it provides that these rules and regulations may be made:

For the purpose of preventing the disclosure to the public, and thereby to the enemy, of information with respect to the movement, numbers, description, and disposition of any of the armed forces of the United States in naval or military operations.

Now, everything that pertains to "the movement, numbers, description, and disposition of" our armed forces in their military operations or naval operations will come within the purview of the amendment if the word "in" is used rather than the other words.

Mr. NELSON. Mr. President, will the Senator allow me to make a suggestion there?

Mr. CUMMINS. I yield to the Senator from Minnesota.

Mr. NELSON. Does not the Senator think the language is too broad and might include a lot of extraneous matters unless we follow it up with the words "of campaign," so as to read "the plans of campaign"? Why not put those words in? Certainly we would not want such information to be published. I suggest that the language be amended to read "plans of campaign."

Mr. CUMMINS. I think the Senator from Minnesota is right in that construction, but the plan of a military campaign is covered, anyhow.

Mr. NELSON. I think not.

Mr. CUMMINS. The words used are "with respect to the movement, numbers, description, and disposition of any of the armed forces of the United States in naval or military operations." Everything that this Army may do, everything that the force may do, wherever they may move, whatever disposition may be ordered all come within the terms of the amendment.

Mr. NELSON. Mr. President, if the Senator will allow me, with all due respect to him, I think he is mistaken. The war board, or the War College, or the naval board may formulate a plan of campaign, providing where troops should be landed on the enemy's shore, what they should do when they got there, and how the operations should be conducted. Those matters are planned in advance; they are formulated and prepared here in the War and the Navy Departments. Why should such plans be published? Why should the newspapers have immunity for publishing information regarding such plans?

Mr. CUMMINS. I do not differ from the Senator from Minnesota in that particular instance. I only say that every plan that has to be carried out by some movement or some disposition of the armed forces of the United States is already covered by the use of the word "in."

Mr. NELSON. If the Senator will allow me, why not make it clear by using the words "plan of campaign"? Certainly there can be nothing objectionable about that language, unless it is desired that the newspapers shall have an opportunity to publish information concerning the plan of campaign.

Mr. CUMMINS. I repeat, I do not believe that the time has come when any such drastic legislation is necessary. I have already given my reasons for so believing. My only concern now is that if we are to have a statute which limits or restricts the right of free speech and the right of publication, I am very anxious that it shall be confined to matters purely military in character.

I hope the Senator from Montana [Mr. WALSH] will not press his amendment; but if he does, I hope it will not prevail.

Mr. NELSON. Mr. President, will the Senator allow me to interrupt him once more?

Mr. CUMMINS. I yield the floor.

Mr. NELSON. I simply want to say, without taking undue time of the Senate, that my anxiety in this matter, Mr. President, is to protect our soldiers in the field and our sailors at sea. I think that they are entitled to some consideration as well as the newspapers. I do not want them to be handicapped or ham-

strung by reports in the newspapers specifying their movements, where they are going, how numerous they are, how well they are equipped, and all that. I think that would be a great detriment to the service, and the result might be that we would suffer defeat, and in some instances a good many sailors and soldiers might lose their lives. As an old soldier of the Civil War, I can not help saying, Mr. President, that my heart goes out to the soldiers and sailors who are to fight the battles of this gigantic war, and I think they, instead of the newspapers, are entitled to our first consideration.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Montana [Mr. WALSH] to the amendment of the Senator from Colorado [Mr. THOMAS].

Mr. GALLINGER. Mr. President, important amendments are being acted upon and I think they ought not to be acted on by a handful of Senators. I therefore suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum is suggested. The Secretary will call the roll.

The Secretary called the roll, and the following Members answered to their names:

Ashurst	Gerry	Nelson	Smoot
Bankhead	Gore	New	Sterling
Beckham	Gronna	Norris	Sutherland
Borah	Hale	Overman	Thomas
Brady	Harding	Page	Thompson
Brandegee	Hardwick	Pittman	Townsend
Broussard	Hollis	Poindexter	Trammell
Chamberlain	Husting	Pomerene	Underwood
Colt	Johnson, Cal.	Ransdell	Vardaman
Culberson	Jones, Wash.	Reed	Wadsworth
Cummins	Kellogg	Robinson	Walsh
Curtis	Kendrick	Shafroth	Warren
Fall	Kenyon	Sheppard	Watson
Fernald	King	Sherman	Weeks
Fletcher	Kirby	Shields	Wolcott
France	Knox	Smith, Ariz.	
Frelinghuysen	La Follette	Smith, Ga.	
Gallinger	McKellar	Smith, Mich.	

The PRESIDING OFFICER. Sixty-nine Senators have answered to their names. A quorum is present. The question is on the amendment offered by the Senator from Montana [Mr. WALSH], which will be stated.

The SECRETARY. The Senator from Montana proposes to strike out the word "in," which has heretofore been substituted for the words "or the plans of," in line 6 of the amendment of the Senator from Colorado [Mr. THOMAS].

Mr. STERLING. Mr. President, may we not have the whole amendment reported?

The PRESIDING OFFICER. The Secretary will state the amendment, together with the proposed amendment to it.

The SECRETARY. The Senator from Colorado [Mr. THOMAS] proposes to strike out, on page 37, line 5, all after the word "years" down to and including the word "imprisonment," in line 18 of page 37, and to insert in lieu thereof the following:

In time of war the President is hereby authorized to prescribe and promulgate rules and regulations for the purpose of preventing the disclosure to the public, and thereby to the enemy, of information with respect to the movements, numbers, description, and disposition of any of the armed forces of the United States in naval or military operations, or with respect to any works intended for the fortification or defense of any place; and whoever, in time of war, shall willfully violate any such rule or regulation shall be punished by a fine of not more than $10,000, or by imprisonment for not more than five years, or by both such fine and imprisonment.

The Senator from Montana [Mr. WALSH] proposes to strike out the word "in" and to restore the former language of the amendment, so that it would read as follows:

And disposition of any of the armed forces of the United States or the plans of naval or military operations, or with respect to any works intended for the fortification or defense of any place—

And so forth.

Mr. NELSON. Mr. President, there is a proviso in that paragraph, which I ask may be read.

Mr. THOMAS. The proviso has been eliminated.

Mr. NELSON. No; there is another proviso that follows this in that same paragraph of the bill. I ask to have that read, because that will be a part of the amendment.

The PRESIDING OFFICER. The Chair advises the Senator from Minnesota that one of the provisos was stricken out upon motion of the Senator from Montana.

Mr. THOMAS. Mr. President, the proviso in the bill is not covered by my amendment.

Mr. NELSON. I know, but it is a part of the paragraph. It will be a part of it, and that is why I want it read.

Mr. THOMAS. I do not object to its being read. I simply wanted to correct the misapprehension, if possible.

The PRESIDING OFFICER. The Secretary will state the other proviso.

The Secretary read as follows:

Provided, That nothing in this section shall be construed to limit or restrict, nor shall any regulation herein provided for limit or restrict, any discussion, comment, or criticism of the acts or policies of the Government or its representatives, or the publication of the same.

The PRESIDING OFFICER. The question recurs upon the amendment of the Senator from Montana.

The amendment was rejected.

Mr. OVERMAN. Now, Mr. President, as to the amendment of the Senator from Colorado [Mr. THOMAS], I am authorized to accept that amendment so far as I can.

The PRESIDING OFFICER. The question recurs upon the amendment offered by the Senator from Colorado, which has just been read.

Mr. BORAH. Mr. President, as I understand the amendment of the Senator from Colorado is the amendment which has just been read with the words "or plans" left out.

The PRESIDING OFFICER. Yes; that is the way the Chair understands it—with the word "in" inserted.

Mr. THOMAS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Colorado will state it.

Mr. THOMAS. Does the adoption of this amendment preclude the entertainment of a motion to strike out the entire section? There seems to be a misapprehension upon that subject.

Mr. HARDWICK. Mr. President, if the Senator will yield——

Mr. THOMAS. I yield.

Mr. HARDWICK. Is not the rule that we may first perfect the text; that even before a motion to strike out, a motion to perfect the text is in order?

The PRESIDING OFFICER. The statement of the Senator from Georgia accords with the understanding of the Chair.

Mr. THOMAS. It accords with my understanding, too; but I wanted to clear up that matter before a vote was taken.

Mr. JOHNSON of California. Mr. President, may we please have a statement as to what the understanding of the Chair is? We did not hear it here.

The PRESIDING OFFICER. The understanding of the Chair is that this section, as proposed to be amended by the Senator from Colorado, may be perfected before it is finally acted upon, and a motion to strike it out would then be entertained.

The question recurs upon the amendment offered by the Senator from Colorado.

The amendment was agreed to.

Mr. JOHNSON of California. Mr. President, I move to strike out, beginning with the word "and," in line 5, page 37, down to and including the word "same," in line 23, page 37; or, if the amendment has been substituted by the adoption just now of the matter presented by the Senator from Colorado, to strike out all that shall succeed the word "years," in line 5, page 37, to the conclusion of the particular section.

Mr. HARDWICK. In other words, if the Senator will yield to me, so that I may understand his motion, he moves to strike out subsection (c) as the Senate has now amended it. Is that it?

Mr. JOHNSON of California. Yes, sir; I move to strike out the entire subsection (c).

Mr. HARDWICK. As the Senate has now amended it.

Mr. JOHNSON of California. Yes, sir.

The PRESIDING OFFICER. The Senator from California moves to strike out the entire subsection (c) as amended.

Mr. WALSH. Mr. President, that signifies, as a matter of course, that there is to be no restriction whatever upon the publication of any matter concerning the naval or military forces, or the disposition or movement of the troops, or works intended for the fortification or defense of any place, or anything else the publication of which is unlawful, unless, as provided in subdivision (b), it is intended that it shall get to the enemy. I do not desire to say anything upon that, but I merely desire to inquire of the Senator from California if he was present in the Chamber last night when I inserted in the RECORD the publication in the New York paper of all about the Navy secret, the spreading of a net across New York Harbor to intercept the entrance of submarines?

Mr. JOHNSON of California. Mr. President——

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from California?

Mr. WALSH. I do.

Mr. JOHNSON of California. In response to the Senator, I will state that I was present. The purpose is to strike out all of subsection (c); and the bill contains ample powers, ample

crimes, and ample penalties to reach any intentional design to do aught that is wrong.

Mr. WALSH. Now I desire to ask the Senator another question.

Mr. BORAH. Mr. President, may I interrupt for a minute?

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Idaho?

Mr. WALSH. I do.

Mr. BORAH. I simply desire to interrupt for a moment in order to know how we are proceeding under this unanimous-consent agreement. Do I understand that under this unanimous-consent agreement each Senator is limited to one speech upon the bill, the substitute, or the amendments? I have no desire to stop the Senator from Montana. I hope that it will be ruled that we are entitled to several speeches.

The PRESIDING OFFICER. The present occupant of the Chair has not seen the unanimous-consent agreement.

Mr. WALSH. I will say that my interpretation is that a Senator is entitled to speak on each amendment.

Mr. GALLINGER. Undoubtedly.

Mr. BORAH. An hour?

Mr. WALSH. An hour, while the hour provision lasts.

Mr. OVERMAN. That was my intention; but an occupant of the Chair, I was told, stated that he was going to rule differently.

Mr. BORAH. The reason why I asked the question was because I was notified yesterday that my time had been consumed, and, of course, I thought it was not a fair ruling—that is to say, not a ruling which the agreement justified. At the same time, I thought we ought to know before we proceeded further.

Mr. POINDEXTER. Mr. President——

Mr. OVERMAN. In drafting the unanimous-consent agreement, it was my intention that we should have an hour on the bill, on the substitute, and on the amendments.

Mr. POINDEXTER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Washington?

Mr. WALSH. I yield.

Mr. POINDEXTER. Do I understand the Senator from North Carolina to say that the Chair has made a ruling on the construction of this agreement?

Mr. OVERMAN. Not the Vice President; another occupant of the chair said he thought he would rule so. I told him I did not so intend the agreement when I wrote it, and I did not think it meant that.

Mr. GALLINGER. Mr. President——

Mr. POINDEXTER. Just a moment and then I will yield to the Senator.

Mr. GALLINGER. Certainly.

Mr. POINDEXTER. A very peculiar construction, if I may be allowed to use that word, was placed on the unanimous-consent agreement which the Senate entered into in regard to debate on another bill here the other day—the Army bill—under which a Senator was not allowed to speak 15 minutes upon the bill until all the amendments had been disposed of, and the result was that he was not allowed to speak at all. Now it seems, from what the Senator from North Carolina says, that an equally strained and I think unwarranted construction is about to be placed on this unanimous-consent agreement——

Mr. OVERMAN. I do not think it will be placed upon it now.

Mr. POINDEXTER (continuing). Utterly in conflict with the plain language of the agreement, which says that speeches "shall be limited to one hour each on the bill, the substitute, or amendments thereto"; and if the construction suggested by the Senator from North Carolina should be adopted the word "each" would be utterly meaningless in the agreement.

Mr. OVERMAN. I think the Senator is right. I told the Chair he was wrong, and that it was not the intention.

Mr. POINDEXTER. I just thought it was wise to take the precaution of calling attention to it, and to say that if it was proposed by some occupant of the chair to place such a construction on it, I want to protest against it and object to it. I do not know that I shall want to speak at all, but I may want to.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER. The Chair is ready to rule upon the inquiry. The Senator from New Hampshire.

Mr. GALLINGER. As I understand the matter, no occupant of the chair has publicly announced that he intended so to rule.

Mr. OVERMAN. Not at all.

Mr. GALLINGER. So that this is an academic question that is hardly worth discussing. I will venture the observation that if any occupant of the chair does so rule he will be promptly overruled by the Senate——

Mr. OVERMAN. Why, of course, he will.

Mr. GALLINGER. Because the terms of the agreement are very plain.

Mr. WALSH. Now, Mr. President, I want to propound a further inquiry to the Senator from California. I want to inquire of him whether, in his judgment, the publication of such information as that to which I called the attention of the Senate last night should be prohibited?

Mr. JOHNSON of California. That is not the question. The question is one of balancing disadvantages and wrongs. It would be infinitely better that there be such a publication than that the mouths of the citizens of the United States be gagged or the press be muzzled.

Mr. WALSH. I am obliged to assume that the Senator answers "no"; that there are contrary considerations of a public nature of so weighty a character as that we ought not to prohibit the publication of information of this character. Have I interpreted the Senator correctly?

Mr. JOHNSON of California. I assume that the Senator has in part. It is exceedingly difficult to hear over here.

The PRESIDING OFFICER. The Senator will suspend for a moment. The Senate will be in order.

Mr. JOHNSON of California. The Senator may interpret my conclusion to be this—that there are crimes sufficiently described in this particular bill, there are in it enough provisions, to meet every requirement that is present in this Nation, and that there is no occasion at this particular time to gag either the press or the people of this country.

Mr. WALSH. Of course that is general, and is no answer to my question as to what the view of the Senator is as to whether the publication of information of this character should be prohibited. I take it that his answer is that, in his judgment, it should not be; that the papers should be free to publish information of this character if they see fit to do so.

Mr. JOHNSON of California. The distinguished Senator may take it just exactly as he intellectually determines it to be. The answer I have made to him, and the answer is, I repeat, that while there may be things done that ought not to be done, things that we would not justify and would not desire to be done, the harm that is done by an act of this sort infinitely transcends the harm that would be done by the other sort of act.

Mr. WALSH. I so understand the Senator; that is to say, that there are public considerations of so weighty a character that we ought not to attempt to prohibit the publication of matter of this character. That is the question on which the Senate is now called upon to vote.

Mr. NORRIS. Mr. President, may I ask the Senator a question?

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Nebraska?

Mr. WALSH. I am very glad to yield.

Mr. NORRIS. I wanted to ask the Senator in regard to the proviso commencing on line 18, page 37. I want to get his judgment on whether or not that proviso—which I understand remains in the bill as it stands now——

Mr. WALSH. If the Senator will pardon me, will he identify the proviso again?

Mr. NORRIS. The proviso commencing on line 18, page 37, which reads as follows:

Provided, That nothing in this section shall be construed to limit or restrict, nor shall any regulation herein provided for limit or restrict, any discussion, comment, or criticism of the acts or policies of the Government or its representatives, or the publication of the same.

I wanted to ask the Senator if, in his judgment, that proviso would not permit the very publication that he read yesterday and to which he is calling the attention of the Senator from California?

Mr. WALSH. I should say not.

Mr. NORRIS. The Senator referred to the publication with regard to the putting of a net at the mouth of the Harbor of New York. That would be an act of the Government or its officials. Would not that proviso, if it means anything, permit the publication of the fact or of any comment that any newspaper desired to make on it?

Mr. WALSH. I should say not. The paper is not commenting on it at all. It is giving the information. It is telling the facts. It is not commenting on whether that is a wise or an unwise policy to pursue.

Mr. NORRIS. But this proviso says the act shall not limit or restrict "any discussion, comment, or criticism of the acts or policies of the Government or its representatives."

Mr. LA FOLLETTE. "Or the publication."

Mr. NORRIS. "Or the publication of the same."

Mr. WALSH. Yes; but there is not in this any discussion of or comment upon or criticism of the acts of the administration——

Mr. LA FOLLETTE. There need not be.

Mr. WALSH. Unless it be that they say they are disclosing one of the great secrets of the Navy. To that extent there is some comment on the fact, but the article is no comment or criticism or discussion. It is a bare statement of facts.

Mr. NORRIS. That is, it is a publication of the facts.

Mr. WALSH. Exactly.

Mr. NORRIS. Is not that permitted by the last clause in this proviso?

Mr. WALSH. Clearly not.

Mr. NORRIS. I refer to the clause which says "or the publication of the same."

Mr. WALSH. Clearly not.

Mr. NORRIS. I do not see how you can give any effect to those words unless they would permit the publication of that fact.

Mr. WALSH. That is perfectly easy.

Mr. WATSON. Mr. President——

Mr. WALSH. You go to the news columns of the paper to get the facts—the information.

Mr. WATSON. That is what I was about to say.

Mr. WALSH. You go to the editorial columns to get the comment and criticism

Mr. NORRIS. Exactly; but the publication of the fact that a net had been strung there, it seems to me, would be permitted by the very proviso that the Senator desires to retain in the bill.

Mr. WALSH. Well, I must disagree with the Senator. The language of the proviso is perfectly plain to me.

Mr. WATSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Indiana?

Mr. WALSH. I do.

Mr. WATSON. My understanding of the position taken by the Senator from Montana is that if this publication appears in the news columns it is contrary to the provisions of this proviso, whereas if it appears in the editorial columns, and comment is made on it, it is not contrary to the provisions of the proviso.

Mr. WALSH. The Senator has misunderstood "the Senator from Montana." My statement is that you would go to the news columns to get your information; you would go to the editorial columns to get comment upon that information given in the news columns. Of course, information might be conveyed through the editorial columns as well as through the news columns.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Idaho?

Mr. WALSH. I do.

Mr. BORAH. It seems to me that the Senator from Montana has overlooked one of the phrases in this proviso when he is of the opinion that the publication to which he refers would not come within the proviso:

Provided, That nothing in this section shall be construed to limit or restrict, nor shall any regulation herein provided for limit or restrict, any discussion, comment, or criticism of the acts or policies of the Government or its representatives, or the publication of the same.

Mr. OVERMAN. The publication of what?

Mr. BORAH. I take it to be the acts or policies of the Government.

Mr. WALSH. Oh, by no means; the publication of discussions, comments, or criticisms.

Mr. OVERMAN. That is it.

Mr. BORAH. Then there is very little consolation in the proviso.

Mr. WALSH. However, Mr. President, the Senators who are opposing any regulation of the matter at all certainly ought not to complain that the proviso is too comprehensive.

Mr. BORAH. No; we do not complain that it is too comprehensive. We complain that it is nebulous and insincere and worthless on its face.

Mr. WALSH. Of course, the Senator probably could not be reconciled to any provision at all on the subject, and he therefore finds it quite easy to criticize what is provided.

Mr. WATSON. Mr. President——

Mr. WALSH. I yield to the Senator from Indiana.

Mr. WATSON. I wanted to ask this question: The President has already appointed, as I understand, the board of censorship. Is it the understanding of the Senator from Montana that that board of censorship is to pass upon the acts that would fall within the purview of this act which we are now passing or about to pass?

Mr. WALSH. The Senator from Montana has no understanding at all upon the matter. The board of censorship to which the Senator has referred is a thing that exists outside of the law so far as it has any existence whatever.

Mr. WATSON. Precisely.

Mr. WALSH. I stated on yesterday and the day before my understanding of the so-called board of censorship. It exists for the purpose of giving to the public information concerning the activities of the Army and Navy and of the State Department to such an extent as those departments feel that the public ought to have that information.

Mr. WATSON. That is quite true.

Mr. WALSH. That is to say, that heretofore the newspaper men have come there, and almost anybody has given them information. Now they have a means through which the information that ought to go out is given out.

Mr. WATSON. What I was seeking to find out was whether or not the enforcement of the provisions of this bill was to be left to that board of censorship as appointed by the President.

Mr. WALSH. Why, Mr. President, there is not anything to enforce here except to make rules and regulations.

Mr. WATSON. Precisely; but are those rules and regulations, and the enforcement of the rules and regulations, to be left to that particular board of censorship?

Mr. WALSH. Why, I do not know upon whom the President will call for advice and counsel in the drafting of these rules and regulations. I have not the slightest doubt in the world that he will call in representatives of the press, who are very honorable men, generally speaking, and that he will get the best ideas he can from them, and that he will then frame those rules and regulations. So far as the enforcement of those rules and regulations is concerned, that will be with the Department of Justice. Anybody who violates those rules and regulations will be subject to prosecution just the same as he is subject to prosecution for the commission of any other crime. That is my understanding about the matter; and the idea of a censorship or a board of censors which is going to blue-pencil editorial or any other comment is a good thing to talk about upon the hustings, but it has not very much relevancy to anything that is before the Senate.

Mr. WATSON. Well——

Mr. WALSH. If the Senator from Indiana will pardon me, since I have referred to the representatives of the press, Mr. President, the purpose of those who are advocating some regulation of this matter is simply to give legal force and sanction to a patriotic agreement that now exists between the great newspapers of this country that they will not print any information that in their judgment is inimical to the best interests of the country in the prosecution of the war. But, Mr. President, any one of those newspapers may at any time violate that agreement, and the remainder of them have no protection whatever. It is for the purpose of giving to every newspaper that desires honestly and conscientiously to live up to that agreement and to help out the Government in the prosecution of this war the assurance that they will not be jeopardized in their interest by some paper that will not so scrupulously adhere to the agreement that is entered into.

Mr. SHERMAN. Before the Senator yields will he permit an inquiry? This extra official board of censors is in existence now, is it not?

Mr. WALSH. I have just been trying to explain to the Senate my idea about it. If you speak of it in that way——

Mr. SHERMAN. There is practically a board of censors now, is there not?

Mr. WALSH. Not in any sense such as has been suggested in debate here, so far as my information about the matter goes. I understand that a board of censors, as it is usually accepted, undertakes to pass in advance upon everything that shall appear in a newspaper, and in the countries of Europe the newspaper publishers are required in times of peace as well as in times of war in some of those countries to submit their columns to the board of censors, which passes upon it in advance. Nothing of that kind is in existence here so far as I know. Nothing of that kind is contemplated by this bill.

Mr. SHERMAN. Let me inquire further if George Creel, a former newspaper correspondent, is not now acting practically in that capacity?

Mr. WALSH. I have just told the Senate what I understand to be the capacity in which he is acting, and it is not in that capacity.

Mr. SHERMAN. If it would affect the conversion of Mr. Creel from his muck-raking propensities, I have no doubt it would be a sufficeint reformation.

Mr. UNDERWOOD. Mr. President, undoubtedly the country to-day is in an inflamed state of mind. It is natural that it should be so. We have just entered the greatest war the world has known, and the excitement, the patriotic enthusiasm, which is going over the country is to be commended, and yet it should be guarded against.

I thoroughly believe the Congress of the United States owes it to the Nation to sustain the President of the United States in his effort to conduct the war in every respect that it is possible to do so, but I do not believe the time has come when it is necessary for the Congress to betray the fundamental principles of government in order to carry on the war at this time.

This vote seems to turn on the question, by way of illustration, of the stretching of a net in New York Harbor, the criticism of a newspaper that published the fact that a net was stretched across the mouth of that harbor. I think it goes without saying that any commander of a German submarine lying off New York Harbor, whether he was informed or not, would assume that if war had been declared this Government would act as all other Governments would under those circumstances, and that the Government had already stretched a net across the mouth of the greatest harbor in the United States.

But I do not know that this newspaper is to be condemned for the news it prints. I do not hold a commission to defend the newspaper fraternity. I am free to admit that they make mistakes sometimes, and sometimes publish matters that should not be published, especially when they publish the secret proceedings of the United States Senate; but I think we can acquit the New York newspaper of any violation of its duty to the Government in this instance, because I recall very distinctly, as I am a member of the committee, that about a month ago, before this publication appeared—I think it was before the publication appeared in the New York paper—officers of the Government appeared before the subcommittee of the General Appropriation Committee on the sundry civil appropriation bill, and asked for an appropriation to buy the quarantine station at New York, stating as one of their reasons why this quarantine station should be bought that it was necessary for the Government to stretch a net across the mouth of New York Harbor; that one end of it would be at the quarantine station, and they wanted to control that end of the net. That was stated in an open hearing before the Committee on Appropriations by Government officials; it was made public, and I take it for granted that under those circumstances the Government itself did not regard that statement of fact as a dangerous one to be made by a newspaper or anyone else, as the first statement came from the Government itself. That is true in reference to a great many other statements that are made.

If we were across the English Channel from the German line, I would vote for very much greater restrictions along the line proposed in this bill than I am willing to vote for when 3,000 miles of sea separate us from the enemy's country, when we know with absolute positiveness that no troops can leave the Continent of Europe that belong to the enemy, that no ship can sail the seas of the enemy except a submarine, for which there is no place to land in our harbors; when we know that the Government of the United States and the British Government combined control every cable and every wireless apparatus on this continent, and that no matter what is published in the newspapers of America to-day it can not get out of this country except by some spy returning on a ship, and it would take days for it to travel, unless it is allowed to go through the cables and the wireless-telegraph machines that are absolutely controlled by the United States Government.

Mr. WALSH. I should like to ask the Senator from Alabama if he was in the Chamber a couple of days ago when the Senator from Arizona [Mr. ASHURST], upon what seemed to be quite reliable information, made the statement that there are 16 wireless stations in the adjacent Republic of Mexico and that communication is constant between that country and Germany?

Mr. UNDERWOOD. We control the border. There is no immediate communication that can go to Mexico.

Mr. WALSH. Let me inquire of the Senator whether American papers do not cross the line as a matter of course?

Mr. UNDERWOOD. They do, of course; but spies cross the line, as far as that is concerned. We have no doubt, we know that the Government of France and the Government of England have spies in Germany to-day, and I think in all human probability, although I do not know the fact, the Government of the United States has spies in Germany. Is it to be presumed for one minute that the German Government has not spies in the United States? These spies are not men who throw bombs and make a noise or publish their information in the papers. They are men who accumulate their information, hold it within themselves, and take an opportunity, the best opportunity that affords itself to them, to carry it to their home government.

Whether a matter of this kind, the stretching of the net or the movement of a regiment of troops was in a newspaper or outside of a newspaper, if it was a matter of moment, I have no doubt that a German spy in this country would know it, and if it were possible communicate it to his Government, and the question of its publication in a newspaper would not be of any moment one way or the other. If I believed it was of moment and it was necessary to gag the newspapers of the United States in order to successfully carry on this war, without hesitation I would vote for the gag.

Mr. OVERMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from North Carolina?

Mr. UNDERWOOD. I yield.

Mr. OVERMAN. Suppose the great commercial vessels sailing from the ports of the United States were to have the dates of their departure published in the newspapers, and then the news is sent by the papers down into Mexico, and Mexico delivers it to Germany, does the Senator think it would be right to have that information in the possession of Germany, to know that the ships sailed on certain dates so that the submarines would know when they were to arrive? Does the Senator think that would be proper?

Mr. UNDERWOOD. Certainly not. But what are you effecting by this legislation? If the only means of a German spy or anybody else to secure this information that was needed was through the columns of the American press, I would say the Senator was right.

Mr. OVERMAN. A lady said to me the other day a pretty wise thing. She was talking to me about German spies being here. She said they would need but one German spy. I asked why. She said, "Because he could get all the knowledge he wants from the newspapers by reading them."

Mr. UNDERWOOD. That may be true or it may not.

Mr. OVERMAN. I do not say it is true, but I say spies do not get all the information. The newspapers are constantly publishing the dates of sailing of vessels. The Senator knows that when we tried to keep the date of the sailing of the *St. Louis* a secret it was published to the world.

Mr. UNDERWOOD. We were not at war then, and I have a higher opinion of the character and the patriotism of the men who are in the newspaper profession of this country to-day, and their love of their country, than my colleague from North Carolina seems to have.

Mr. OVERMAN. The Senator can not put me in that position, for he knows as well as I know that there are many patriotic high-toned honorable men in the newspaper business. But there are some who are not patriotic and who would sell out.

Mr. UNDERWOOD. But they do not control the columns of the papers.

Mr. OVERMAN. All sorts of papers are published in this country. The Senator knows as well as I know that there are many papers that ought not even to be allowed to go through the mails. There are many irresponsible newspaper correspondents in this country, and the Senator can not put me in the position of charging that the newspaper men of this country are dishonorable; they are as honorable as any other class of our citizens.

Mr. UNDERWOOD. I am sure I did not attempt to put the Senator in that position.

Mr. OVERMAN. I did not put myself in that position.

Mr. UNDERWOOD. The Senator can interpret his own position; I certainly can not.

But the position I am taking is that this legislation is unnecessary, that information of any moment is going to be obtained anyhow, and if it can be gotten out it is going to be carried, and if it is not of moment, then it is immaterial whether it is sent out or not. I say, if we were within a few miles where there was easy communication of the enemy's border I might be willing to vote for as drastic legislation as is contained in this bill, but knowing that we control the cables and the wireless lines and that communication going to Germany can not precede the sailing of our ships by any means, I am not willing at this time to take a position that appears to me to be drastic, so far as the fundamental principles of the Government are concerned.

Mr. SMITH of Michigan. Will the Senator from Alabama permit me?

Mr. UNDERWOOD. I yield.

Mr. SMITH of Michigan. There have been a number of references to the article which was quoted by the Senator from

Montana. I have read the article several times. I do not believe it would have been possible for that information to have come from other than official sources. If it came from official sources and was printed in the paper, it must have been intended to be printed.

Mr. UNDERWOOD. I ask the Senator not to interrupt my argument for that statement, because if the Senator desires to know where it came from I have already made the statement.

The PRESIDING OFFICER. The Senator from Alabama declines to be interrupted.

Mr. UNDERWOOD. It was published by the Government. It was given to the Committee on Appropriations in a hearing a month ago.

Mr. SMITH of Michigan. I understood the Senator, of course.

Mr. UNDERWOOD. Therefore certainly it could not have been regarded as a matter of moment.

Mr. SMITH of Michigan. Evidently it was an official statement. It was not anything that could have been observed from the shore. It dealt with the intricacies of that harbor and it must have been official.

Mr. UNDERWOOD. It was in a statement made by officers of the Government before the Appropriations Committee. So there really could have been nothing in the instance. But the position I take with reference to this matter is that I may vote for the bill if it is properly amended. If it is not properly amended, I intend when the final vote comes to vote against the entire bill; but I hope that it may be modified so that I may have an opportunity to vote for some of the features of the bill that I believe should be put on the statute book. However, I am not willing, so far as I am concerned, to violate what I consider to be fundamental rights of the American people to obtain as an incident thereto some legislation which may be necessary.

We should sustain the hands of the President of the United States in every way that is required in conducting this war abroad. Give him men and give him money, but it should be conducted for the American people. If the American people were not in favor of war, then we as their Representatives made a mistake in voting for it. I believe the verdict of Congress was sustained by the American people, but I also believe if the day should come when the American people desire to know the facts and on those facts have the Congress of the United States declare peace, no censor gag of the American press should keep the people of this country from having a clear understanding as to the conditions here and abroad.

This paragraph has been greatly modified. It has been very much improved since it was reported to the Senate, but the paragraph as it stood in the bill reflected the sentiment of the proponents of the bill. When this paragraph is modified it will go to conference in a modified way and be subject to the action of that conference. I feel that this matter is of too much importance, too vital to the great interests of the American people, freedom of thought, freedom of speech, freedom of the press, to allow this item to go to conference at all.

In my judgment there is no necessity whatever for the enactment of this law to-day, and if it is not necessary, if existing conditions do not require its enactment into law to-day, then it should be stricken out of the bill; and if conditions arise in the future which require legislation of this kind, when the time comes there will be ample opportunity for Congress to act.

We are giving more and more power to the administration in every bill that comes before this Congress. Where those powers are needed I am willing to give them; but there are only two checks on those powers. One is to write in the bills themselves that when a treaty of peace is signed these laws shall be wiped off the statute books. The other is, so far as it is possible to do so, to give the American people a full and free opportunity to know exactly what their Government is doing.

I may be answered by saying that the paragraph as amended does not cut off that right. In many respects it does not; it is very much limited from its original conception; but yet, as it goes to conference, it carries an unnecessary power.

It has been stated here that the press of this country has entered into an agreement with the administration that they will not violate any war secrets which the administration deems it necessary to keep secret. I believe that the press can be trusted to live up to that agreement; they can be trusted to live up to that high standard of patriotism that is expected of every loyal citizen of the United States. The time may come in this Republic before this war is over when it may be necessary that the limelight of publicity shall throw the real facts before the Nation in order that proper public sentiment may be formed.

Mr. OVERMAN. Mr. President, what is there in this bill that would hinder the press doing that? Even when originally reported, it referred only to military and naval operations, aircraft operations, and fortifications.

Mr. UNDERWOOD. Well, the Senator himself referred a moment ago, as a part of his argument, to the necessity of our concealing the fact of the movements of merchant ships.

Mr. OVERMAN. That was as to the movements of war vessels.

Mr. UNDERWOOD. That is not the movement of war vessels.

Mr. OVERMAN. I merely gave that as an example; but the Senator reiterates that it is proposed to prevent all criticism, when, as a matter of fact, in this proviso it is expressly stated that one can indulge in as much criticism as he pleases about anything.

Mr. UNDERWOOD. Yes; you can criticize, but not publish; and how far does your criticism go when you can not publish it?

Mr. OVERMAN. Mr. President, I think the Senator from Alabama will not construe the language in that way when he carefully reads it. It reads:

> *Provided*, That nothing in this section shall be construed to limit or restrict, nor shall any regulation herein provided for limit or restrict, any discussion, comment, or criticism of the acts or policies of the Government or its representatives, or the publication of the same.

Of what? Of comment or discussion or criticism.

Mr. UNDERWOOD. Certainly you can publish the criticism all you want to, but you are to gag the facts.

Mr. OVERMAN. Facts about what? Let us see what the facts are about.

Mr. UNDERWOOD. The Senator might want to suppress facts——

Mr. OVERMAN. What facts? Facts as to the Army and Navy and fortifications? That is all it comprises, and the Senator is traveling far afield when he talks about after the war, and when peace comes, and criticism about that. What has that got to do with the provisions of this bill?

Mr. UNDERWOOD. I am glad that the Senator recognizes that there is some force in my argument. I wish he would recognize my reasoning to the full extent of voting with me. I was a Member of the other branch of Congress during a time of war. There was no such gag on the press proposed at that time; and I remember a great scandal arose in the country because rotten beef was sold to the soldiers.

Mr. OVERMAN. Mr. President, I ask the Senator would this bill prevent the publication of information regarding such a condition as that?

Mr. UNDERWOOD. I do not know how far this bill would go.

Mr. OVERMAN. Mr. President, this provision was submitted by the press. They saw the point.

Mr. BORAH. Mr. President, what does this provision have reference to when it says "operations of the Army"?

Mr. OVERMAN. The press can criticize the Government and its policies and conditions as much as they please. They themselves submitted this provision. Now, the Senator talks about "gag." Did he not vote for this very bill when it was pending here and passed in the last Congress on a yea-and-nay vote?

Mr. UNDERWOOD. No.

Mr. OVERMAN. We did not hear the Senator's voice then.

Mr. UNDERWOOD. I do not recall having voted for it. I do not think I did.

Mr. OVERMAN. The Senator did not vote against it, and did not say anything against it. Something has come over the minds of some Senators since they voted for that bill, which was more drastic than the bill pending here now.

Mr. UNDERWOOD. I may not have been in the Senate when the bill was passed.

Mr. OVERMAN. I will say to the Senator that twice a yea-and-nay vote has been taken in the Senate on this very clause, only in a more drastic form than it is now, and there was no voice lifted against it. When the Senator from Iowa [Mr. CUMMINS] stood here and fought it for weeks and weeks, we did not hear the voice of the Senator then. When we had it up subsequently, we did not hear the voice of the Senator, but here lately something has come over the spirit of his dreams.

Mr. UNDERWOOD. Well, I will say to the Senator that I do not think anything has come over the spirit of my dreams. I probably sat in my seat and voted, or probably the bill went through when I was absent from the Senate.

Mr. SHERMAN. Mr. President——

Mr. UNDERWOOD. I will yield to the Senator in a moment.

Mr. SHERMAN. Will the Senator from Alabama yield to me a moment before he goes further with his argument?

Mr. UNDERWOOD. Very well.

Mr. SHERMAN. Not long ago a contract for the furnishing of shoes to the French Army was let in the United States. There was a defect in the footgear furnished, and the French Government canceled the contract; but the publicity that was

given by the press of the United States led directly to the improvement of the character of merchandise of that kind delivered on all future contracts and had a very beneficial effect.

Mr. UNDERWOOD. I think the suggestion of the Senator from Illinois is correct. Under this bill information in reference to contracts that are made for Army and Navy supplies might be gagged by the censor, and yet it might be greatly to the public interest that the newspapers of the country should give full publicity to the contracts that were being made in order to protect the Government itself against injury and possible destruction. Now, this bill provides—

And (c) whoever, in time of war, in violation of reasonable regulations to be prescribed by the President, which he is hereby authorized to make and promulgate, shall publish any information with respect to the movement, numbers, description, condition, or disposition of any of the armed forces, ships, aircraft, or war materials of the United States, or with respect to the plans or conduct of any naval or military operations, or with respect to any works or measures undertaken—

Undoubtedly under this bill, as it originally stood, a newspaper which published any items in regard to the movement of troops or the condition of the troops might be severely punished. There might be an epidemic in camp of some kind, the doctors might not be giving the necessary attention, and yet the people of the country might be deprived of that information, and possibly the Congress of the country might be deprived of it. But the position that I take is not one of captious criticism. I care not for the mere words of the statute. I say that a law to suppress the press and free speech at this time is unnecessary.

Mr. OVERMAN. If the Senator will yield to me, I wish to say that I thought I was right in my statement as to the Senator's former position. I have sent for the CONGRESSIONAL RECORD, and I find that the Senator voted for this bill. His name is recorded in the affirmative.

Mr. UNDERWOOD. Well, I have obtained information in reference to the bill since the Senator spoke to me. I understand the bill was driven through in the closing hours of the last Congress.

Mr. OVERMAN. No, Mr. President; the Senator is mistaken about that.

Mr. UNDERWOOD. Then when was it passed?

Mr. OVERMAN. It was here for some time. It seems to me that we spent about three weeks on the bill then.

Mr. UNDERWOOD. Well, I am sorry that the eloquence of my distinguished friend from North Carolina was not so penetrating as to reach the impediments in my brain. I was not aware of his arguments on the subject.

Mr. OVERMAN. I was wondering why the Senator should change his view.

Mr. UNDERWOOD. I will say to the Senator that I have many a time made a mistake. I have sometimes in the rush of business voted without an opportunity for full consideration of the purport of a bill; but certainly, if I voted for this bill under the circumstances that the Senator relates, I made a mistake, and I am glad of the opportunity to correct that mistake, now that I have full information on the subject.

Mr. OVERMAN. Great men change their minds sometimes.

Mr. UNDERWOOD. Yes; and small ones do, too; and that is our class.

Mr. President, I am not going to delay the Senate in further discussion of this particular question. When I rose I did not intend to extend my remarks to the extent that I have. I merely desired to give the reasons why I intended to vote for the amendment offered by the Senator from California, and, further, to say that I think in matters of this kind we should act slowly, deliberately, and with careful, matured judgment before we commit ourselves to drastic and unnecessary legislation which sometimes others may attempt to drive us to by reason of the stress of circumstances that rest upon the country.

Mr. STERLING. Mr. President, I do not intend to speak at any length. I rise more particularly to call attention to a clipping I have here in my hand. It seems to me that the opposition to subdivision (c) is of a kind that out-Herods Herod, judged from the statements in the clipping to which I call attention. This is taken from a German newspaper. I received it in the mail this morning, and am not quite certain from what paper it is taken, but I think from the Staats-Zeitung, because a part of the last word of the name of that journal appears on the opposite side of the statement from which I read. The statement is entitled:

Free speech—Petition to Congress—Opposing the espionage bill.

It was evidently sent to me by German-American friends in South Dakota and is signed by three of them residing in one of the most populous counties in the State, settled almost wholly by citizens of German birth. I call attention to this first statement in the petition:

To the Congress of the United States:

Your petitioners earnestly and respectfully ask the Congress not to pass any censorship act that shall extend beyond military and naval news of value to the enemy.

And we are not proposing, Mr. President, to pass any censorship act that extends beyond that. The right of full criticism of the policies of the Government, of the acts of the Government, or of the representatives of the Government is reserved in subdivision (c) itself.

I call attention now to the very last paragraph in this petition, as follows:

Concealment of military plans and operations during their execution is always necessary, but concealment of the result of those operations, of failures or reverses or past mistakes, or of incompetence or dishonesty is inexcusable in a republic, where the people govern, and must know the truth in order to govern wisely and well.

There is in this bill no prohibition on criticism, or censure, or even ridicule of any of the acts or operations or polices of the Government, or any of its representatives.

Mr. President, while I have the floor I desire to read an extract or two from the Outlook of day before yesterday, the 9th of May. I do not think there is in the United States a stronger champion of free institutions, the free press among them, than that great periodical. I shall not attempt to read the whole of the article, but it is under the heading, "War and a free press." It says among other things:

The liberty of the press in a free country differs in no essential respect from other forms of liberty. Democracy assumes the truth of an aphorism attributed to Augustine, "Please to do right, and then do as you please." It assumes that most men please to do right, and it generally leaves them free to do as they please. But the country may define what is right and may punish the individual or prevent him from doing what is wrong. He has liberty to use his hands as he pleases, but if he uses his fist to knock his neighbor down the law punishes him. He has liberty to use his tongue as he pleases, but if he uses his tongue to slander his neighbor the law punishes him. Liberty and anarchy are not synonyms. The country retains the right to define the limits within which the individual may do as he pleases.

Further, and a little more to the point:

If a newspaper libels the President, the editor should be liable to punishment. An American citizen does not lose his rights to the protection accorded to other American citizens because the Nation has made him its President.

If a newspaper incites a mob to violence, or if in time of war—

Note this—

it publishes statements the obvious effect and probable purpose of which are to give aid and comfort to the enemy, its editor should be liable to punishment. There is no sacredness in type which makes immune from punishment the men who use it for a criminal purpose.

Preventive law is legitimate in time of war as in time of peace. Whatever information is given by the newspapers to the country is also given to the enemies of the country. The great majority of newspapers will voluntarily refrain from such publication. But one newspaper which does not refrain may inflict on the country irreparable injury. The country has a right to protect itself against this peril by prohibiting the publication of any information which will do injury to the country or give aid and comfort to its enemies.

And that, Mr. President, is all that this bill proposes to do. It invites, we might say, criticism; and the President of the United States has, in the letter read this morning by the distinguished Senator from California [Mr. JOHNSON], generously invited criticism of any executive act of his. Whether the subordinates of the President, the Secretary of State, or the Secretary of War or of the Navy, or any censorship board invite criticism or not, they are, nevertheless, subject to criticism under the terms of this bill.

Continuing the reading:

And it may take such measures as it deems wise for giving to the press and to the public the information which is consistent with the public interests, and may prohibit the publication of information which it regards as perilous to the Nation. Such prohibition is only the application to the newspapers 'n time of war of a principle long since recognized and acted upon in time of peace.

* * * * * * *

It will sometimes be difficult to draw the line between legitimate and illegitimate criticism. But honestly patriotic editors will rarely find it difficult to draw that line for themselves, and others must be content, as their fellow citizens are content, to leave the line between the lawful and unlawful in doubtful cases to be defined for them by the courts.

The concluding paragraph:

Congress ought to protect the right of the administration to prevent the publication of news which it deems injurious to the public interest, and it ought to protect the right of the public through the press to criticize freely the public acts and public policies of the administration.

And that, Mr. President, from the Outlook, is in line with the petition itself put out for signing by one of the greatest German newspapers in the United States, the Staats-Zeitung. So from these two quite opposite sources you have the recognition of the right of Congress to pass a censorship act that shall extend to military and naval operations, and prevent the disclosure of information that will interfere with or impede in any way those operations, or furnish information that will be useful to the enemy.

Mr. POINDEXTER. Mr. President, I think I have heard it stated on the floor of the Senate in argument against this bill that the exposure of what some people regard as the failure of the Dardanelles expedition would not have been possible under such a law as this, and that the great campaign which Lord Northcliffe made in Great Britain for the overthrow of the ministry that at that time had control of the conduct of the war could not have been carried on, resulting in the improvement of conditions and the elevation of Lloyd-George to the premiership.

I have here an article written by Lord Northcliffe; and surely he ought to know the interest of newspapers in such a matter as this. I understand that he is probably the largest newspaper proprietor in Great Britain, and he always has been, of course, the champion of the liberty of the press, and zealous in defense of all of the privileges which are essential to the successful conduct of newspapers. Now, he says in this article over his own signature—I am quoting now—

> That strict naval and military censorship is essential is obvious to any person who has ever been in a submarine or on a battleship or close to the firing line; but censorship is a dangerous weapon when it is used to conceal scandals of supply or of military direction.

That is his view in regard to it. Now, I fail to see how it would be possible for any board of censors, under the authority which is given by this act, to exclude from publication in newspapers or circulation through the mails the exposure of inefficiency in the Government or of the failure of campaigns or of scandals in regard to Army or naval supplies. No information in regard to those things which have already taken place can be of any aid or benefit to the enemy. They may be of tremendous benefit to the country in remedying those conditions and in preventing a repetition of those failures. There is not a word or a syllable in this bill that could by any proper construction be used to prohibit the exposure to the country of all of those matters, and the framers of the bill have taken the precaution to go to the extent of putting in an express proviso in order to save those things.

I only want to say a word, as this may be the only opportunity before voting upon this matter, in view of the public interest in it and the extent of the discussion which has taken place in regard to it.

Mr. NORRIS. Mr. President, may I ask the Senator a question?

Mr. POINDEXTER. I yield to the Senator from Nebraska.

Mr. NORRIS. I have become somewhat interested in the proviso, and for information I should like to get the Senator's idea as to the kind of publication or publicity or discussion to which the proviso applies. Is the proviso confined entirely to editorial comment or comment of individuals on facts, if they be facts, relating to the movements of the Army, or any order made by any of its officials?

Mr. POINDEXTER. No; not in my judgment. I do not think it could be seriously contended by anybody that the distinction between an editorial and a news article was the proper basis of distinction between what is authorized and what is not authorized.

Mr. NORRIS. Well, to make a concrete case of it——

Mr. POINDEXTER. I will yield again if the Senator will just let me finish this part of my answer.

Mr. NORRIS. All right.

Mr. POINDEXTER. I would say, if I were called on to advise what this permitted and what it did not permit, that this proviso permitted the publication of everything in regard to military or political affairs that was not expressly prohibited in the preceding part of the paragraph. Now, it may be said in regard to such a construction that it would be the case, anyhow, and of course it would be; so I presume that the proviso is put in out of extra precaution as a definition, and to make it clear to everyone who reads the bill that it was not intended to prohibit matters of that kind, and that the language of the section is not intended to go any further than the words necessarily imply.

Mr. NORRIS. Would it not follow, then, if the Senator's construction is right, that the proviso, as a matter of fact, is useless?

Mr. POINDEXTER. I do not think it is useless. I think it is very well to make the declaration. I do not think it is necessary.

Mr. NORRIS. Well, I can see how it might be advisable to put in an explanatory clause, as I judge the Senator considers this proviso——

Mr. POINDEXTER. I think very largely so.

Mr. NORRIS. But if we were going to be real technical it would not be necessary, and the effect of the law would be just the same if the proviso were left out.

Mr. POINDEXTER. The effect of it, in my judgment, would be the same, because in the absence of any other limitation on the press they would have a right to publish anything except that which is prohibited.

Mr. NORRIS. All the claim that is made, then, by those who are making it, that the proviso is a relief and gives substantial rights, is, in the judgment of the Senator, unfounded?

Mr. POINDEXTER. If they mean by that that it limits the prohibited matters in the preceding part of the article, I think it is unfounded. I do not think it qualifies, or is intended to qualify, what precedes it. It tends to define, however, the preceding words.

Mr. NORRIS. As I understand the construction put upon it by those who are advocating the bill—and I am not criticizing that construction, for the purpose of the question; I am assuming it to be correct—it applies only to discussion, comment, or criticism, and the publication of such discussion, comment, or criticism of the acts of the Government or its representatives, and has no application to the publication of an item of news.

Mr. POINDEXTER. I do not construe it in that way at all. I think there are many items of news that could be published so long as they do not come within the express terms of this section which precedes the proviso.

Mr. NORRIS. So long as they are not prohibited by the preceding language?

Mr. POINDEXTER. Yes. My understanding of the purpose and reason of putting in that proviso is that there was a tendency to misconstrue that language. It is somewhat in the nature of a congressional construction of the statute.

Mr. NORRIS. The preceding language gives the President the authority to make certain regulations, and prohibits the publication of news in regard to the movements of troops and the actions of the Army or of the Navy. Now, if the proviso only permits comments on such movements, and the preceding language prohibits the publication of the fact of there being such movements or actions, then would it ever be possible to publish, under the proviso, any comment, editorial or otherwise, if as a matter of fact the preceding language prohibited the publication of the news on which it was based?

Mr. POINDEXTER. The preceding language does not prohibit the publication of the news upon which it is based unless it is news as to the movements of troops.

Mr. NORRIS. I am referring to something that is prohibited.

Mr. POINDEXTER. The number, description, or disposition, and, of course, as to those matters the publication is prohibited.

To say that because we are a free people and have in our Constitution a guaranty of the liberty of the press we must have going along with our headquarters newspaper reporters, news gatherers, who, under this constitutional guaranty claim the constitutional right to spread that information abroad to the world, is to say that democracy is inefficient and incapable of preserving itself, because that would be the inevitable result. If we do not, by some such law as this, provide the machinery by which the spreading of that information may be prohibited, what is the alternative going to be? The alternative would be an effort on the part of those who were directing the military affairs of the Government to exclude newspaper men from participation in all information in regard to the conduct of the Government which might even indirectly bear upon military movements. The alternative would be that newspapers would be deprived of information which otherwise, under reasonable censorship, they would have and might use, to the improvement of the service, without any objection.

It seems to me that to say that there can be no reasonable censorship, in the name of freedom of discussion and the exposure of inefficiency and of scandals and of scandalous conditions, is to defeat the very purpose of the argument. It would be utterly futile and impossible to undertake to conduct a war unless there is some means somewhere vested in the Government which is carrying it on of imposing secrecy in regard to those things which are of vital importance to the success of a military movement, and if this secrecy can not be preserved by a reasonable censorship self-preservation will require that all war information be withheld.

The Senator from Alabama [Mr. UNDERWOOD] said a moment ago that there was no occasion to invoke this censorship at this time. Well, why not at this time? He seems to admit that at some time in the conduct of the war these principles which I have just undertaken to express would be applicable, and that a censorship ought to be imposed. I judge from the statement of the Senator from Alabama that he is of the opinion that this is not the time to begin to carry on the war. Well, how long is the Senator from Alabama going to wait before we begin to carry it on?

I hear a good deal of criticism here and there, in Congress and out of Congress, because we have waited as long as we have since we have declared war against Germany. There are a great many policies that have been undertaken by the Government which no steps have been taken to carry out, and yet the Senator from Alabama seems to be of the opinion that there is no hurry at all about it, and that next month or six months from now or in perhaps a year we should begin to do these things, and then we could adopt a censorship. He also says there is no occasion for a censorship, because there is not any danger of German troops coming to the shores of the United States. Now, that is not the only thing in the nature of a military movement the publication of which it might be advisable to prevent. My opinion about this war is that, as is very often the case, the best defensive is an offensive. At any rate that might possibly be determined upon, and it would be desirable to prevent the publication of news not of German troops landing in America but of American troops landing in Europe, or news of an expedition to that effect. I only mention that by way of illustration.

He seemed to regard with some horror that it was proposed to limit the publication of news of the sailing of merchant ships. In other words, he advocates that in the face of a submarine war which has developed into the central feature of this struggle, which has for its purpose the destruction of every merchant ship which sails to Europe from our ports, newspapers should be allowed to publish the date of their sailing, the route which they take, and the date on which they are to arrive in Europe, and thereby furnish a ready-made program and detail of the places and the times when the submarines could find their prey.

But it is said that if the newspapers do not publish it, spies will furnish the information. According to that argument there would never be occasion to have censorship anywhere, because there are always spies in war maintained by all countries.

So it seems to me that it amounts to saying that all the censorships that have ever been imposed and that which the Senator from Alabama himself suggests might well be imposed when we get ready to begin to make war, would be wholly unnecessary, because there will be spies then, probably more of them than there are now, who could furnish this information.

Mr. UNDERWOOD. Mr. President, as the Senator referred to me——

Mr. POINDEXTER. In just a moment, to complete the sentence and conclude the point which I was making. If we by the refusal to pass this act tacitly give legislative consent to the publication by industrious news gatherers of vitally military and naval secrets, you constitute every enterprising reporter of a newspaper, to all intent and purposes, a spy for the enemy, and you could relieve them of the expense of maintaining a spy system of their own.

Mr. UNDERWOOD. If the Senator will yield, surely he would be correct if his supposition was correct, but it is not. The only military information of any great value which can be given out at the great distance we are away from the enemy's country is the movement of ships, and a dozen men in a dozen ports, if they are able to establish communication with the German Government, can give this information, whether it is published in the newspapers or not. I stated in my argument, if the Senator heard it, that if it was necessary to protect military secrets I would go as far as any man in protecting those military secrets; but what military secrets we will have on the battle fields of France will not be affected by this legislation. The question of our raising a great army and building a great navy and making great preparations for war I do not think is a military secret that we want to conceal. I think it would be advisable for the German Government to know it and to know the effect of it; and I wish that the German people realized fully that this country is going to use every exertion within its power to bring the war to a successful conclusion.

Mr. LODGE. The Senator from Alabama seems to overlook the Navy entirely, the movements of which it is most desirable to conceal.

Mr. POINDEXTER. I should think so. It seems to be generally regarded so even by the newspapers of the country.

It has been stated here time and time again that the newspapers have voluntarily refrained from publishing these military and naval matters. If the newspapers have voluntarily refrained from publishing them, undoubtedly it is not a matter which is very damaging to the newspapers, at least it is not damaging to such an extent that they do not put their patriotism above the mere matter of news advantage. And, furthermore, the fact that they have voluntarily refrained from publishing these facts is an indication that, in the judgment of the newspaper managers of the country, it is advantageous to the conduct of the war not to publish it. If they believed that it would do no harm to our naval and military movements they would say so and insist upon that view, but the judgment of the newspapers themselves contradicts the argument of the Senator from Alabama that the publication of information as to the movements of our Navy and our Army is of no detriment to the military success of the war.

Now, I wish to add one word more, and that is this: A good deal has been said about the invasion of the principles of free government and the fundamental principles of liberty—I think that was the phrase which was used in the debate this afternoon—because it is proposed to provide here some governmental machinery for the purpose of excluding vital military secrets from publication. That argument seems to be based upon the assumption that newspapers must be allowed under the principle of the liberty of the press to publish anything that they choose to publish, whether it is detrimental to the vital interests of the country or not. That is what that argument amounts to. But that is not what freedom of the press means. That is not what the Constitution of the United States provides, as is shown by the constant practice of the Government in a great many other respects.

I in times past as an officer of the law have assisted in suppressing certain publications. They did not have liberty of the press. I undertook to stop their publication, and I did stop their publication, because they were obscene and indecent publications, and the law of the State prohibited publications of that kind. It was not in violation of the Constitution of the United States to suppress them. No more is it a violation of the Constitution of the United States to suppress a publication which may be a veiled friend of the enemies of this country, publishing facts to be used by the enemy, using the force of their reporters and news gatherers to get news and publish it in a form in which it can be disseminated for the purpose of injuring the United States and helping its enemies.

Mr. President, we have given the Postmaster General power to exclude publications from the mails if they are fraudulent. That is not a violation of the Constitution of the United States. We passed here not very long ago a law which infringed not upon the liberty of the press but protected the country against the license of the press. There is liberty and there is an abuse of liberty. It is not very long since the Senate voted to censor the newspapers. I think the Senator from Alabama did object to it, but there was no objection on the part of many of those who are now objecting to this censorship to the provision when we proposed that any newspaper carrying liquor advertisements should not be allowed to circulate in the post office. That was a limitation upon what some people call the liberty of the press, but in effect it was but a restraint of the abuse of the liberty, of license that is not liberty.

I want before sitting down just to add this word upon that subject. In my opinion, whether consciously or unconsciously, the worst enemy of liberty and of the freedom of the press is he who advocates unrestricted and unrestrained license, even though it should go to the extent of treason against the United States.

Mr. BORAH. Mr. President, I discussed this bill in the beginning of the debate, and I am not going to enter again upon a discussion of those features of the matter which I then covered. I have this to say, however, that when the debate opened there seemed to be much doubt as to whether we really were undertaking to lay the basis for a true censorship of the press. It seemed to be conceded at that time that there was no authority under the Constitution to establish a law upon which censorship could rest and that this bill was not undertaking to do anything of that kind; that it was simply defining certain crimes and not undertaking in any sense to control the press prior to the publication.

It is conceded now, however, both in the public discussions and here upon the floor of the Senate, conceded by the President in his letter to Mr. Brisbane, and conceded upon all hands that this law is to serve as the basis upon which to erect a censorship, and I presume we should proceed from this time on upon that theory, because it is no longer a controverted proposition in this debate.

As to our power under the Constitution to do that, I discussed it before, and I am not, as I said, going to discuss it again; but the issue is now made clear that we are going against the express terms of the Constitution that Congress shall pass no law abridging the freedom of the press in undertaking to establish a censorship, which has always been held from time immemorial and by our own Supreme Court to be an invasion of that provision of the Constitution. There is not a single decision to be cited anywhere but holds that any law which undertakes to control the publication previous to its publication is in vio-

lation of that provision of the Constitution, and that is precisely what we are proceeding to do by this proposed law. We are boldly, brazenly, indifferently disregarding a plain, vital provision of our fundamental law and a provision in which the people are deeply interested.

The Senator from Washington [Mr. POINDEXTER] has just referred to the fact that we authorized the Postmaster General to exclude certain material from the mails for the reason that it was obscene, and so forth. But the Supreme Court held in that particular case in construing that law that if Congress should proceed so far that the circulation could not take place outside of the mails it would be a limitation upon the freedom of the press; that while you could exclude it from the mails, because that was a Government agency and it was only a partial control of it, you could not proceed to the point where you would prevent distribution entirely.

However, I am not going to discuss that. I want to come to the policy of this matter. Once before in the history of the Government we undertook to establish something in the nature of an abridgment of speech and of the press. It was a complete and ignominious failure. It did not serve the objects and purposes of those who fathered it It accomplished nothing in the way of that which they desired to accomplish. That was in 1798. Then during the Civil War we undertook again, in an indirect way, to establish a censorship by suppressing certain publications and to prevent the distribution of certain printed material coming supposedly, and in fact at that time conceded to be, from those who were in sympathy with the southern side of the contention. That was an ignominious failure, conceded to be such. It served no purpose whatever and accomplished no good whatever. The historians writing upon the subject and some of the men who enforced it, even, before they died conceded and acknowledged that their attempt to suppress these publications served no benefit and in no way aided the Government in its work.

Mr. STERLING. Will the Senator yield for a question?

Mr. BORAH. Yes, sir.

Mr. STERLING. Is the Senator able to state to what the censorship extended during 1798 or the Civil War? To what matter did it extend? Did it extend to the publication of matters of fact or did it go beyond that and extend to criticism and comment upon the action of the Government?

Mr. BORAH. In 1798, as the Senator knows without my taking time to repeat it, it was incorporated in what was known as the sedition law. It did not go nearly so far as this act goes, because it only condemned that which was false and malicious and in criticism of public officers, and so forth.

Mr. STERLING. The sedition law expressly prohibited the criticism of acts of government. That law was not aimed at the publication of facts concerning the movement of troops or the disposition of the armed forces of the United States. It was a sedition law and prevented criticism of the Government. It was aimed at that.

Mr. BORAH. I was speaking of that which they desired to accomplish. That which they desired to bring about by reason of the enactment of that law they never did accomplish, even along the line in which they were attempting to accomplish it; that it did not have the effect which they supposed it would have; and no law which has ever been passed in this country attempting to interfere with the freedom of the press or free speech has ever been successful along the line which those who established it supposed would be successful.

Let me call your attention to a later period. When the war came in Europe they established a censorship—an almost universal censorship in England—for the purpose of protecting and concealing the movements of their troops and the action of the Government with reference to military affairs. They have had it there ever since. I challenge any Senator upon this floor to find a single expression from any disinterested party in commendation of that censorship or of the advantage which it has been to the Government. It is almost universally condemned as a failure; and not only that, but as concealing facts and preventing the public from getting hold of facts which it was essential for the public to have.

Mr. POINDEXTER. Mr. President——

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Oregon?

Mr. BORAH. I do.

Mr. POINDEXTER. Why do the Government of Great Britain and the Government of France continue censorship if it is such a failure? They have been at war now for nearly three years; they have had the benefit of all its experience, and they are perfectly free to abandon it at any time they see fit; yet they continue it.

Mr. BORAH. They do not abandon it for the same reason that those who are so anxious to have it here are urging it. It is a protection in certain quarters. It is a certain shield or cover for mistakes for a time at least.

Mr. LEWIS. Mr. President, will the Senator from Idaho allow me at this point to tender him a suggestion in response to the inquiry of the eminent Senator from Washington?

Mr. BORAH. I will very gladly yield.

Mr. LEWIS. The censor laws of England were modified four times. Finally they were altogether abandoned and a single phraseology left in of preventing the circulation or the expression of any news or information without the consent of a department, and then they put in whatever department had to be consulted.

Mr. POINDEXTER. Mr. President——

Mr. LEWIS. I will say to the able Senator from Washington that, as it now stands, the regulation governing publication permits the publisher of the paper to make publication upon obtaining the consent of the particular department having the subject matter in charge. The law to which the eminent Senator refers has practically been repealed by the new form of regulation.

Mr. POINDEXTER. It has been repealed and a far more drastic one substituted in its place evidently. The distinguished Senator from Illinois, whose reputation as a brilliant lawyer I knew when he resided in the State which I in part represent, can see, from the reading of the paragraph which he has just read, that it is an absolute unconditional authority to censor newspapers, regardless of whether or not what they publish is of benefit to the enemy or is a disclosure of vital military secrets, as our bill is limited. As the Senator has just read it, it authorizes the department of the Government——

Mr. BORAH. I do not want to yield for a discussion.

Mr. POINDEXTER. I will merely add this: It authorizes the department of the Government to whom it applies to prevent the publication of any news or information.

Mr. LEWIS. I thank the Senator for yielding. I only wanted to call attention to the fact that there is now prevailing in England something which they adopted a very short time ago, vesting in the different department heads the power to regulate the subject.

Mr. BORAH. Mr. President, I have gathered during the last month or so a great many comments upon the censorship in Europe. I have not time, and I do not propose to take the time of the Senate now, to read them, but I do want to call attention to a statement by Mr. Bullard, who is an author of note and distinction, and who is now, as I understand, in the employ of the Government. He has spent the last two years in Europe observing conditions and studying the situation. He has written a book, in which he has given his views upon some of these matters. He is a very earnest advocate of this war and a very pronounced sympathizer with the administration. I take it that he has not written in mere prejudice to this bill or to the general principles upon which it is founded. He says:

> Doubtless the devil could contrive some worse impediment to the mobilization of public opinion than a censorship of the press, but I doubt if he ever did. The blunders of the French and British censors have been so stupid that it is hard to escape the conviction that the idea itself is inherently stupid.

There is the fundamental principle upon which we base this idea of censorship; that the censors will be clothed with immaculate knowledge; that they will never make any mistakes; that they will only conceal that which should be concealed, and will always permit that to be published which should be published. Take an illustration. Suppose we should have a censorship and a censorship board, of whom would it likely be composed? It would be composed undoubtedly of those whose acts ought to be criticized, if any criticism is due; and is there any human being who would not feel that it was unfair and unjust and of benefit to the enemy or seditious to criticize the heads of the departments in their efforts to carry on the war? They would naturally believe that a criticism of their department and of the manner of carrying on the war would be of benefit to the opposing forces.

Mr. WALSH. Mr. President——

Mr. BORAH. Just a moment. Mr. Bullard continues:

> Free discussion is the lifeblood of democracy. Stop one and you stop the other. The people of France and Britain wanted a more efficient war than they were getting, but the censors forbade criticism. If British newspaper men had not at last dared to risk imprisonment their army would still be short of shells. The censorship in Russia made it impossible to drive traitors out of office except by bloodshed.

Now, I yield to the Senator from Montana.

Mr. WALSH. I should like to follow the Senator from Idaho. This bill reposes in the President—and we will assume that he is going to constitute a board—the power, and the

power only, to make rules and regulations concerning what shall be published.

Mr. BORAH. The violation of which shall constitute a crime.

Mr. WALSH. Exactly; to be prosecuted by the Department of Justice.

Mr. BORAH. A man will not know for the coming morning what the law is, even if he knew what it was the day before.

Mr. WALSH. That is what I want to ascertain from the Senator. After these rules and regulations have been promulgated, what else is there to be done?

Mr. BORAH. The "else" is that another set may come next morning.

Mr. WALSH. Oh, well, there are the rules and regulations just the same.

Mr. BORAH. Exactly; they are rules and regulations; but no newspaper man, no private individual, and no one else can know what they will be 24 hours after the promulgation is made.

Mr. WALSH. That is what the Senator is afraid of?

Mr. BORAH. Oh, no; that is not all. I am afraid of the whole unconstitutional, un-American, unwise, and unnecessary scheme. It is fundamentally and essentially wrong, and, being wrong in principle, no one can foresee all the evils to flow from it.

Mr. SHIELDS. Let me suggest to the Senator from Idaho that, under these rules and regulations, anyone who desires to publish a matter may be required by those rules and regulations to first present it to some officer and get his permission to publish it.

Mr. BORAH. Certainly. Every newspaper in the land would have to trek its way to the heads of the departments or to the head of one department before it could publish at all. That would likely be the best regulation; that is, that they should not publish anything concerning the wide range of subjects until after they had consulted a certain individual. I presume that would be the first regulation which would be made.

Mr. WALSH. Certainly; the wide range of subjects expressed in the bill and nothing else, because the regulations must be confined to those particular things.

Mr. BORAH. Mr. President, I can take this bill and, with far less ingenuity than the Senator from Montana has in drawing such things, draw a set of regulations which will stop all publication concerning the vital questions in which the people of the United States will be interested in this war. When you take the entire subject matter covered by the bill and then base upon that the regulations, they might be so drawn as to control absolutely the publication in this country of any information upon the most vital questions with which the people would be concerned in this war.

Mr. Bullard continues:

> Military "experts" do not like civilian criticism. Generals are not used to reasoning with their subordinates, they do not argue about their orders, and so they do not like to explain to the Nation. They bitterly resent criticism. But it does them good. They need not only our criticism but our help. Our General Staff is asking for authority to install an exceedingly drastic censorship. But even if they forget it, let us at least keep this lesson of the European war in mind: In France and Britain the censorship system devised by the military authorities did not work. Nominally intended to keep information from the enemy, they succeeded mainly in keeping news from the people at home. They proved themselves most efficacious in sheltering dishonest army furnishers and in hiding from the public the ineptitude of some in high command.
>
> If the British military censor had had his way, the failure of the ordnance officers to reorganize the munition industry would not have been discovered in time.
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> * * * * * * *
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> At best the censorship in its effect at home is purely negative—an effort to keep dangerous and misleading ideas from the public. But even those who are strongest in their advocacy of protecting the sheep from pernicious or seditious ideas admit to-day that the censor has had only negative—and meager—success. Bolder spirits have trusted democratic common sense even in the heat of war, and have tried the positive method of combating dangerous movements of opinion by publicity, by constantly giving the man in the street something wholesome to think about.
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> * * * * * * *
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> While there are still old fogies in uniform who cling to "the-public-be-damned" theory and would rather lose a battle than accept help from a mere civilian, a type of officer who is being produced by this war, educated not in a school of theory but on the field, realizes that victory nowadays depends not only on armies but on civilians as well.

Nothing, Mr. President, could be truer than that in this Government of ours. You must carry along with you in this war from day to day, from month to month, and, if it continues, from year to year, public opinion. You must take the people into your confidence; and you must secure, if possible, their confidence in return. I do not believe that there is any possible way to do it other than to permit the free interchange of opinion upon all questions that concern the interests of the people and of the Government.

I admit that there may be a publication such as that to which the Senator from Montana has called attention, which ought not to be made, but I think, as the Senator from California has said, that is a weighing of benefits and disadvantages; that, while the enactment of such a law as is proposed might result in the preventing of the publication of that particular article or some article like it, yet, on the other hand, we must take into consideration that there are items of information which will be suppressed which the people ought to know and which they will be concerned to know, and which they must know if they are going to support the Government in this war.

Mr. WADSWORTH. Mr. President, will the Senator yield for a question?

Mr. BORAH. I yield.

Mr. WADSWORTH. Does the Senator think that the amendment offered by the Senator from Colorado, which I believe has been accepted and adopted, would operate to prevent the free interchange of opinion?

Mr. BORAH. Mr. President, I must say that, with all due respect to those who drew that amendment, I have not found any two Senators who agree upon what it means. That does not militate against the capacity of the Senator who drew it; but it simply shows that it is not within the ingenuity of the human mind to formulate a rule of censorship which is workable. Now, to my mind no one can tell precisely what would come under this bill; but, taking into consideration the fact that it is to be construed by the heads of bureaus, I am very much of the opinion that, if this bill passes, the Senator from New York will agree with me in a year from now that we might just as well have passed the bill as it was originally written, for the power which is not given by the bill they will have reached out and taken possession of by construction.

However, I want to say to the Senator further than that, that this proposition is fundamental with me. I am opposed to any form of censorship. I think the evils which flow from publication are infinitely less than the evils which flow from a censorship. Besides, we have no constitutional right to establish a censorship.

Mr. WADSWORTH. That is the Senator's conviction; and I do not intend for a moment to question the sincerity of his conviction; but does the Senator believe that it would be to the advantage of the people of the United States if the newspapers, or if one newspaper, announced that on yesterday a brigade of American troops left the port of Baltimore bound for France?

Mr. BORAH. Mr. President, I think if that factor stood alone, and you would ask me whether or not if I knew those troops were going to leave, I would publish the information, I would say no; but if you intermingle that with all the other conditions and circumstances which relate to the carrying on of the war and the necessity of information going to the people which they would not get, I should say it was infinitely more important that they should have the information which they would not get than that this particular information should not be published.

Mr. WADSWORTH. My reading of the language of this amendment convinces me that it would apply to information of that character—the movement and disposition of troops and military plans of campaign.

Mr. BORAH. "Disposition of troops," Mr. President, covers almost every conceivable thing which could relate to troops in war. What does "the disposition of troops" mean?

Mr. WADSWORTH. Where they are placed.

Mr. BORAH. Precisely; where they are placed; in other words, whether they have in a sense been used properly.

Mr. WADSWORTH. No.

Mr. BORAH. That is what the Senator thinks; and if the Senator from New York were writing the regulations, that is perhaps what he would say; but when you include the disposition of troops, the movement of troops, the condition of troops, and so forth, you have all that relates to troops.

Mr. REED. Mr. President——

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Missouri?

Mr. BORAH. I do.

Mr. REED. I should like to make this suggestion: Suppose that a general had lost a battle, and he had lost it by reason of having placed his troops in the wrong position, and it was forbidden to say anything about the disposition of troops, how could a speaker or a writer tell how the general lost the battle without telling how he had placed his troops, and if the writer told how he had placed his troops why might he not come within the inhibitions of this bill?

Mr. BORAH. I presume that the Senator from South Dakota [Mr. STERLING] would write an editorial in the nature of a criticism, without giving any facts particularly about it.

Mr. STERLING. Mr. President, the remark made by the Senator from Idaho is wholly unwarranted. If he will permit me, I will venture a word in answer to the suggestion made by the Senator from Missouri.

Mr. BORAH. I did not mean any disrespect to the Senator; but the Senator, as I understood him, thought when he was discussing the bill that he could do that thing.

Mr. STERLING. If the Senator will permit me, the publication referred to by the Senator from Missouri would be after the fact. It could not be calculated to benefit the enemy particularly, and there would be no objection under this bill to any criticism of that kind.

Mr. BORAH. That is a most strained construction.

Mr. STERLING. I do not think it is.

Mr. BORAH. If the publication were designed to expose the incompetency of the general or the incompetency of those who had in charge the situation, does the Senator from South Dakota think for a moment that they would not construe it as coming under this clause?

Mr. STERLING. Indeed they could not under the language of this bill or under any fair construction that would be put upon it by any lawyer.

Mr. BORAH. Of course, that is the Senator's judgment of it. I think, however, he will find when the bill goes into effect that he will be mistaken. I read one more paragraph from Mr. Bullard:

> Public opinion can not be sane and wholesome without freedom to discuss and argue, to criticize and oppose. The creation of a censorship over political debate, in speech or printed word, is like putting a "nigger on the safety valve." It means a vast and appalling ultimate risk for a small immediate gain. The appearance of unanimity which the Czar won by imprisoning the opposition, the semblance of content which is gained by silencing discontent, the order which comes from tyranny, is fraudulent, unstable, and dangerous. It is utterly undemocratic. And if this is not to be a democratic war in the widest and noblest sense it is not worth waging.

As I said a moment ago, there are other comments upon the censorship in the European countries, which I have, and which I may ask to insert in the RECORD. I call attention to them only briefly, however, to show that such a system does not work; it does not effectuate results; it is not satisfactory; and the only way in which the press have served the cause in England has been by breaking over or by refusing to abide by the regulations established under the censorship. Those who have found conditions they thought ought to be criticized have, regardless of censorship and regardless of the law, gone forward and performed their duty to the Government and the country.

Mr. POINDEXTER. Mr. President, will the Senator allow me to interrupt him?

Mr. BORAH. I yield.

Mr. POINDEXTER. Does the Senator think that the author of the book from which he has just quoted has had better opportunities for observation or any more reason for giving attention to the matter than Lord Northcliffe, who publishes a number of papers, and who has been vigorous in his attacks on the administration?

Mr. BORAH. Precisely; and Lord Northcliffe simply ignored the regulations of the censorship when he performed that service.

Mr. POINDEXTER. And yet Lord Northcliffe says:

> That strict naval and military censorship is essential is obvious to any person who has ever been in a submarine or on a battleship or close to the firing line.

Mr. BORAH. Will the Senator read what follows?

Mr. POINDEXTER. Certainly:

> But censorship is a dangerous weapon when it is used to conceal scandals of supply or of military direction.

Mr. BORAH. Exactly.

Mr. POINDEXTER. I think everyone will agree to that; at least I do.

Mr. BORAH. But you are establishing here a power which I maintain could be used for that very purpose; and that, of course, is the evil and that is the danger of censorship.

Mr. KELLOGG. Mr. President, does the Senator know whether or not Lord Northcliffe was prosecuted under the censorship law?

Mr. BORAH. I do not know whether he was prosecuted or not; but I know that when he began his work of exposing the situation in the army of England he was understood to be acting in violation of the censorship, and that his own papers carried the fact that it was in violation of the censorship, and that he was taking his chances of being imprisoned for performing his duty to his country.

Mr. WADSWORTH. Mr. President, that was a much wider and more drastic censorship than this provision carries, was it not? In other words, if I may put the question in another way, in the judgment of the Senator from Idaho, would the action of Lord Northcliffe have been in violation of this act?

Mr. BORAH. I have no doubt that it would—not a particle of doubt.

Mr. WADSWORTH. I think not.

Mr. BORAH. Well, of course, there is the difficulty of the situation. You have here terms which men may sincerely and conscientiously construe either narrowly or broadly. But when you take into consideration the exposé which Lord Northcliffe made of the ineptitude of the men in charge of the army, and the ineptitude of those who had to do with the military situation, I can not see why he would not come clearly within the provisions of this act, as it would be construed by those who would draw these regulations.

Now, Mr. President, I have detained the Senate too long.

Mr. POMERENE. Mr. President——

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Ohio?

Mr. BORAH. I yield.

Mr. POMERENE. I think I agree with the Senator from Idaho that if it became a question between no restriction at all and too much restriction I would prefer no restriction; but I have in mind now a publication which is owned one half by a man living in Germany and who is himself a German subject; the other half of the paper—that is, the stock in the publication—is owned, as I understand, in this country. The paper is edited by an unnaturalized German, and at times he has been positively villainous in his criticism of all things American. Now, does not the Senator think that some one ought to be clothed with some power to make rules and regulations with respect to such a publication as that, rather than to leave that publication without any restriction whatsoever when it comes to printing matter with respect to the movements of our troops and other similar matters?

Mr. BORAH. Mr. President, the Senator puts a concrete proposition.

Mr. POMERENE. I do.

Mr. BORAH. Of course, as I said a moment ago, if that particular matter were standing alone, and in no wise associated with what I conceive to be the general evil of censorship of the press, I would likely agree with the Senator, waiving for the present the legal questions; but let me say to the Senator that one of the wise things that the President has said, among many other wise things, was that when you were dealing with a fool or a demagogue, or a man with a dangerous idea, the best thing to do was to rent him a hall and let him expose his ideas; that the people would take care of him.

Mr. POMERENE. Mr. President, I agree entirely with the Senator and with the President on that specific matter, but when it comes to the dangers to which we may be subjected by having a publication of the type that I have mentioned disclosing our preparation, disclosing the location of our naval forces and of our military forces, it does seem to me that we ought to place some restriction upon that publication, rather than to subject our boys in the Navy or in the Army to improper disclosures.

Mr. BORAH. Mr. President, I went back here, as a matter of enlightenment, and as a guide somewhat for the present situation, and reread some of the editorials and some of the publications which were published from 1861 to 1864 in the North, some of which journals are yet great journals in this country. I will venture to say that the Senators will not produce anything during this war so bitter, so denunciatory, so utterly unguarded in truth and in fact, as were those denunciations of Lincoln and his Cabinet and those who had in charge the Civil War.

Mr. POMERENE. Oh, Mr. President——

Mr. BORAH. Just a moment.

Mr. POMERENE. I beg pardon.

Mr. BORAH. Mr. President, they expended their force without effect. It accomplished nothing; but when Mr. Lincoln, through the ill advice of Gen. Burnside and what I conceive to be the bad advice of Secretary Stanton, undertook to suppress some of those publications opposition spread like wildfire over the country, and came very near defeating Mr. Lincoln for reelection.

Mr. POMERENE. Mr. President, I do not want to protect the President or any other officer of the Government from criticism, whether it be fair or unfair.

Mr. BORAH. I was not making the reference particularly with regard to the President. I simply meant to say that these

journals were publishing everything which was calculated to discourage the people at home from sustaining the war; and while centering their fire, of course, upon the President, calling him an insensate fool and a clown and a disgrace to the White House, and all such things as that, so long, as the present President says, as they had a hall and could speak freely and unrestrainedly it seemed to have but little effect; but the moment it was undertaken to restrain them and to destroy a fundamenal principle it had the very opposite effect.

Mr. POMERENE. As a general proposition, I agree with the Senator from Idaho; but if it comes to the movement of our troops across the Atlantic in transports, I insist that there shall be no publication and there ought to be no publication as to the movements of those transports. I agree with the Senator exactly that most of the great publications of this country would respect the movements of those transports; but there are a few of them, of the type of the paper that I have in mind now, which if they could sink some of those transports to the bottom of the deep would not hesitate to do it.

Mr. BORAH. Well, Mr. President, I will venture to say that as agile and as successful and as expert as the gentlemen are who represent the newspapers here in this city, they would have the news 48 hours after those across the sea who are more interested in having those ships sunk. A Senator near me says he does not understand what I mean. What I mean is that this news is in the possession of the enemy before it is in the possession of the people of the United States, through newspapers, nine times out of ten. The publication in these newspapers comes long after the information has passed into the hands of private individuals, and it will be in the possession of those who are more interested in it, likely, long before it is published.

Mr. WALSH. Mr. President, I inquire of the Senator from Idaho, then, if I understand him correctly in assuming that he means that the newspaper men ought to get diligently to work now to find out all they can for the information of the public about the military secrets, because they will be known to the spies of the enemy anyhow?

Mr. BORAH. Mr. President, I have not nearly as much appreciation for the Senator's sarcasm as I have for his legal knowledge. The Senator from Idaho has made no such suggestion. He has intimated nothing of the kind.

Mr. WALSH. Let me inquire, then, if the Senator believes that it would be to the best interest of the public that they should not be published?

Mr. BORAH. That the facts should not be published?

Mr. WALSH. Yes; the facts that these diligent and enterprising young gentlemen can easily accumulate.

Mr. BORAH. If they can easily accumulate the facts from the officers who have possession of the facts, I take it that they will be published, and should be published. These facts with reference to the movements of troops, and so forth, are in the hands of officers in the first instance, and must come from them.

Mr. WALSH. That is what I say. If the spies can get them as well as the newspaper men, then they might just as well be published.

Mr. BORAH. Certainly, so far as concerns the protection to which the Senator from Ohio had reference; that is true. So far as protecting ships is concerned, they had just as well be published. But, Mr. President, that is aside from the question, because the newspapers have been, I think, exceedingly careful about these publications. I have not heard any complaint about the newspapers thus far; and I have thought that before any censorship bill was passed here, we might well wait, as a matter of policy, until there is some manifestation upon the part of the newspapers of a disposition to publish these facts.

The Senator from Montana read this morning an article as it if had been purloined or secretly gotten hold of and published in a newspaper, and as if that was a great revelation. It was a known fact by the time the newspapers published it.

Mr. WALSH. Mr. President, I called attention to the fact that the newspaper boasted that it was then disclosing a great secret of the Navy Department.

Mr. BORAH. Oh, Mr. President, that is a statement often made by newspapers—that they are revealing some fact for the first time. That is natural; but the Senator from Alabama [Mr. UNDERWOOD] has disclosed the fact that it was a matter of common knowledge, in the possession of many people, long before it was published in that newspaper. But we should not change the principles upon which free government rests, defy the Constitution, and do injury to a whole people because of an ill-advised publication by one or a few newspapers. What I object to in this bill can not be remedied by amendments. There is a principle here which is wrong and I do not try to compromise with fundamental principles.

Mr. LEWIS. Mr. President, before the colloquy is ended, may I be permitted to invite the attention of the Senator from Montana [Mr. WALSH] to a feature of this matter, and ask him at this time, in connection with what the Senator from Idaho has said, for some information? It was this—and this interests me much:

The paragraph under discussion prevents the publication of information that would acquaint the enemy with the movement of the troops. Now, let us assume that the troops have moved from America and are in Europe. The American papers are forbidden to publish anything concerning their movement. It is assumed that such information would work to the advantage of the enemy. But, being in Europe, the information of all of that movement is communicated to the enemy, which is the neighbor to the field where our troops are. Thus, the enemy obtains all this information, if there be any information obtained, from its own representatives there in Europe; yet here in America we are forbidden to publish the matter, notwithstanding the fact that the enemy could have all the information without regard to whether it is published in any wise whatever in an American paper.

Now, I ask the Senator from Montana, whom I treat as the counsel of the committee—and I do so upon the theory that the committee has very excellent counsel—whether the able Senator from Montana assumes that that provision would punish an American paper for publishing information after the troops landed in Europe and were there?

Mr. WALSH. Mr. President, I am glad to respond to the Senator from Illinois. I had intended to propose an amendment to the pending bill as follows, that the disclosure should not be made prior to the publication, communication, or disclosure of the facts by the Government directly, or by its authority; but I am perfectly satisfied that that is implied in the act as it stands, and moreover I can not conceive that the regulations would forbid anything of the kind. That is to say, the regulations will undoubtedly provide that after the information is given to the public by the Government, it will be subject to publication as a matter of course.

Mr. LEWIS. But the able Senator would concede that the present language would comprehend just such a situation, and punish an American paper that would publish the movements of troops even after they were in Europe, unless something is done to avoid that offense?

Mr. WALSH. I do not think the amendment necessary at all, but I would be quite willing that it should be incorporated in the bill.

Mr. LEWIS. I think it would aid the matter very much.

I thank the Senator for allowing me to obtain this information.

Mr. OVERMAN. Mr. President, I want to remind the Senate that under the unanimous-consent agreement speeches after to-day will be limited to 10 minutes. They are limited now to 1 hour. If any Senator desires to speak as much as an hour at this time, I will hold the Senate in session; but if not, I will ask for a recess until 11 o'clock to-morrow. I ask the Senators if anyone desires to make as long a speech as that? [A pause.] I do not want to take any advantage of any Senator. Under the agreement Senators can not speak more than 10 minutes on any amendment or the substitute or the bill after to-day.

RECESS.

The VICE PRESIDENT. The Senator from North Carolina moves that the Senate take a recess until 11 o'clock to-morrow.

The motion was agreed to; and (at 5 o'clock and 55 minutes p. m.) the Senate took a recess until to-morrow, Saturday, May 12, 1917, at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES.

FRIDAY, *May 11, 1917.*

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

We bless Thee, infinite and eternal Spirit, Father of all souls, for the moral order established in the earth which Thou didst write in the hearts of men before the Laws of Sinai were written on the tables of stone. Help us, we pray Thee, to establish our laws in accordance with that order and to conform our lives to them; that Thy kingdom may come and Thy will be done in our hearts and all hearts, to the glory and honor of Thy Holy Name. Amen.

The Journal of the proceedings of yesterday was read and approved.

CALL OF THE HOUSE.

Mr. MANN. Mr. Speaker, we are going to have a very important matter come up, and I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Illinois makes the point of order that no quorum is present, and evidently there is not.

Mr. KITCHIN. Mr. Speaker, I move a call of the House.

The motion was agreed to, and the Doorkeeper was ordered to close the doors and the Sergeant at Arms to notify absentees.

The Clerk called the roll, and the following Members failed to answer to their names:

Anthony	Fitzgerald	London	Scott, Iowa
Blackmon	Flynn	McAndrews	Scott, Pa.
Borland	Francis	McFadden	Scully
Bowers	Gandy	Maher	Sells
Browne	Godwin, N. C.	Martin, Ill.	Shackleford
Capstick	Graham, Pa.	Meeker	Shouse
Carew	Griffin	Miller, Minn.	Siegel
Carter, Mass.	Hamill	Moore, Pa.	Small
Church	Harrison, Miss.	Morin	Smith, Idaho
Clark, Fla.	Harrison, Va.	Nelson	Smith, T. F.
Coady	Haskell	Nichols, Mich.	Stevenson
Currie, Mich.	Hawley	Nolan	Sullivan
Dale, N. Y.	Hayden	Oliver, N. Y.	Tague
Davis	Hayes	Olney	Talbott
Dewalt	Huddleston	O'Shaunessy	Taylor, Colo.
Dooling	Hulbert	Porter	Tilson
Drukker	Hull, Tenn.	Pou	Venable
Dupré	Kearns	Pratt	Voigt
Eagan	Key, Ohio	Price	Ward
Eagle	Kreider	Riordan	Winslow
Estopinal	Lee, Ga.	Rodenberg	
Fairchild, G. W.	Linthicum	Rowland	
Farr	Littlepage	Saunders, Va.	

The SPEAKER. On this roll call 342 Members have answered to their names, a quorum.

Mr. KITCHIN. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The doors were opened.

EXTENSION OF REMARKS.

Mr. LANGLEY. Mr. Speaker, I ask unanimous consent to print in the RECORD a suggested basis for a just war-tax levy by the Kentucky Manufacturers and Shippers' Association, which, I think, contains some very good ideas.

The SPEAKER. The gentleman from Kentucky asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, its enrolling clerk, announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 2106. An act to authorize the county of Cass, in the State of Indiana, to construct a bridge across the Wabash River east of the city of Logansport, at a point known as Cedar or Rock Island, in said Wabash River.

The message also announced that the Senate had agreed to the amendment of the House of Representatives to the bill (S. 1007) authorizing the city of Bemidji, Minn., to construct a bridge across the Mississippi River at or near that place.

ENROLLED BILL PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bill:

H. R. 13. An act making appropriations for the support of the Army for the fiscal year ending June 30, 1918, and for other purposes.

TEMPORARY INCREASE OF THE MILITARY ESTABLISHMENT.

Mr. DENT. Mr. Speaker, I submit a conference report on the temporary increase of the Military Establishment, to be printed under the rule.

Mr. MANN. May I ask the gentleman from Alabama when he intends to call up the conference report for action?

Mr. DENT. It is my intention to call it up to-morrow immediately after the reading of the Journal.

Mr. MANN. When does the gentleman expect to have the House meet?

HOUR OF MEETING TO-MORROW.

Mr. KITCHIN. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet at 10.30 a. m. to-morrow.

The SPEAKER. The gentleman from North Carolina asks unanimous consent that when the House adjourns to-day it adjourn to meet at 10.30 o'clock a. m. to-morrow. Is there objection?

There was no objection.

TEMPORARY INCREASE OF MILITARY ESTABLISHMENT.

Mr. MANN. I understand from the gentleman from Alabama that the conference report will come up the first thing in the morning.

Mr. DENT. Yes; immediately after the reading of the Journal and the disposition of papers on the Speaker's table.

Mr. AUSTIN. Mr. Speaker, I reserve all points of order on the conference report.

Mr. DENT. Mr. Speaker, I ask unanimous consent that two hours' general debate be had on the conference report, one half to be controlled by myself and the other half by the gentleman from California [Mr. KAHN].

The SPEAKER. The gentleman from Alabama asks unanimous consent that general debate on the conference report shall be limited to two hours, one half to be controlled by himself and the other half by the gentleman from California. Is there objection?

Mr. CAMPBELL of Kansas. Mr. Speaker, reserving the right to object, how is it proposed to divide the time?

The SPEAKER. One half to be controlled by the gentleman from Alabama and the other half by the gentleman from California [Mr. KAHN].

Mr. CAMPBELL of Kansas. The gentleman from Alabama and the gentleman from California agree as to what shall be done with the conference report.

Mr. KAHN. I will say, Mr. Speaker, that so far as the time which I shall have is concerned, I shall be pleased to give it to those who are opposed to the report.

The SPEAKER. Is there objection?

Mr. GARDNER. Reserving the right to object, I should like to ask first if this is a proper time to reserve points of order.

The SPEAKER. Points of order have been reserved by the gentleman from Tennessee [Mr. AUSTIN].

Mr. GARDNER. The gentleman's request is for one or two hours on a side?

Mr. DENT. Two hours altogether.

Mr. GARDNER. I think it ought to be longer than that. [Cries of "No!" "No!"]

Mr. GARDNER. Well, everybody knows what the fight is going to be to-morrow, and to shut off the Roosevelt proposition to one hour on a side seems to me unwise.

Mr. BRITTEN. Everybody knows all about it.

The SPEAKER. Has the gentleman from Massachusetts any suggestion to make to the gentleman from Alabama?

Mr. GARDNER. Certainly. I suggest that we should have two hours on a side.

Mr. SHERLEY. Mr. Speaker, I shall not agree to that. The whole conference on this bill has been held up for nearly two weeks looking to a solution of this problem, and it is time now for action and not for talk.

Mr. LANGLEY. But the House has not had a chance to be heard upon it.

Mr. GARDNER. This has been held up for nearly three years, so far as that goes.

Mr. LANGLEY. The Members of the House have not had a chance to be heard upon that proposition at all. The committee has taken up all of the time.

Mr. CANNON. Mr. Speaker, if the gentleman will permit, inasmuch as the committee of conference has taken two weeks to agree upon the matter, it seems to me that the whole House should be entitled to a little more than an hour on a side in which to discuss it. [Applause.]

Mr. DENT. Mr. Speaker, in reply to the statement of the gentleman from Illinois [Mr. CANNON], he is mistaken. The conferees have been in conference these two weeks on three different bills—the regular annual Army appropriation bill, the Military Academy bill, and this new bill—and we have spent only from Saturday until Thursday on this new bill. I think two hours' debate is plenty.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

Mr. GARDNER. Mr. Speaker, I object.

THE REVENUE BILL.

Mr. KITCHIN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 4280) to provide revenue to defray war expenses, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 4280, with Mr. FOSTER in the chair.

The CHAIRMAN. The Chair recognizes the gentleman from Michigan [Mr. FORDNEY]. [Applause.]

Mr. FORDNEY. Mr. Chairman and gentlemen, this matter now under consideration is one of great importance. As the gentleman from North Carolina [Mr. KITCHIN] yesterday well said, there has never been a bill presented to any legislative body in the world raising through direct taxation upon the people a sum of money equal to that provided for in this bill. Therefore, to the people of the United States this is a matter of great importance.

First, let me say that the Committee on Ways and Means in considering this matter and selecting the items upon which they thought a tax could be placed did so absolutely free from politics. There was no partisan feeling brought into the consideration of this matter by members of that committee, every man realizing that he had a duty to perform, and he endeavored to perform that duty as a public-spirited American citizen, free from partisanship. [Applause.]

At the threshold of the Civil War, in 1861, our Treasury was depleted and the people of the country were much divided upon the great question that then confronted them. At that time, as at this time, it was the banks of the country that came to the relief of the Nation, and if I am correctly informed it was the National City Bank of New York that first subscribed to a Government loan for the people of the North in the Civil War.

Mr. MANN. The National Bank of Commerce.

Mr. MASON. The National Bank of the Republic.

Mr. FORDNEY. Perhaps my information is not correct; but, at least, that was one of the first to subscribe. The banks of the country came to the relief of the administration to the extent that the Government's credit was restored and they made it possible for the Government to engage in one of the greatest civil wars the world had ever known. There were then, in round numbers, in the United States some 31,000,000 people, two-thirds of whom resided north of Mason and Dixon's Line, or about 21,000,000 people from which to draw money and men to successfully carry on that war on the part of the North. The entire cost to those 21,000,000 people for the total expense of the Civil War was $6,190,000,000, not including money contributed by the various States o the Union. At this session of Congress we are appropriating from direct taxation upon the people and from the proceeds of the sale of bonds more money than the entire Civil War cost the people of the North. It has been my opinion, and is now, that we are making a mistake in imposing upon the people at this time such a large portion of the expense of this war. [Applause.]

Mr. MADDEN. Mr. Chairman, will the gentleman yield right there? I have a question or two that I would like to ask that might be appropriate at this time.

Mr. FORDNEY. I will be glad to yield to the gentleman.

Mr. MADDEN. I have been giving some little consideration to this question, and what I have to say, I think, will be apropos. I want to ask the gentleman from Michigan if the Ways and Means Committee held any public hearings in connection with this bill?

Mr. FORDNEY. The Ways and Means Committee heard a few gentlemen who came in at the request of some Senator or Member of the House.

Mr. MADDEN. But there were no public hearings?

Mr. FORDNEY. We gave no public hearings.

Mr. MADDEN. Was any Government official before the Committee on Ways and Means stating the use to which the money proposed to be raised in this bill is to be put?

Mr. FORDNEY. The Secretary of the Treasury consulted some members. I believe he did not come before the full committee and express himself, but he certainly did express himself. I know that he sent for me, and I went to his office, and he explained at some length the necessity for this money.

Mr. GARNER. Mr. Chairman, will the gentleman yield?

Mr. FORDNEY. Yes.

Mr. GARNER. Was not the Secretary of the Treasury before the entire committee when it first met, as to the consideration of this policy of how much money we should raise?

Mr. MADDEN. But that is not what I am asking. I want to know what the Secretary said in regard to the use to which the money is to be put.

Mr. FORDNEY. Only in a general way has the committee had any information as to just where this money is to go.

Mr. MADDEN. What is the gentleman's judgment as to the use to which this money is to be put?

Mr. FORDNEY. Oh, my good friend, I can not tell you just where that money ought to go; but if we are to put 2,000,000 men in the field, and spend a billion dollars in the construction of ships to carry men and provisions and supplies abroad, and to spend a billion dollars in strengthening our Navy, God only knows how much money is going to be required to conduct the war.

Mr. MADDEN. I know; but that is not the question here.

Mr. FORDNEY. What question does the gentleman want to ask? Does he want me to detail the amount of money that is going to be used by the Army and the Navy for the next 12 months? If he does, I can not give him the information.

Mr. MADDEN. What is the judgment of the committee as to the use to which this money is to be put?

Mr. FORDNEY. I believe the judgment of the committee is based on the information given to it by the administration—that this money will be needed.

Mr. MADDEN. That is all?

Mr. FORDNEY. That is about all.

Mr. MADDEN. Is it supposed that it will be necessary to use any of this money to defray the civil expenses of the Government during the present or the next fiscal year?

Mr. FORDNEY. If the gentleman will be patient, I will try to give that.

Mr. MADDEN. I would just like to ask these questions here, because——

Mr. FORDNEY. I can not answer all these questions at once, and I ask the gentleman to be courteous enough to let me get these questions one at a time.

Mr. MADDEN. I think I can show the gentleman and other gentlemen——

Mr. FORDNEY. Oh, I know the gentleman from Illinois can throw light upon the mind of the gentleman from Michigan, but just wait until we reach that ray of sunshine.

Mr. KITCHIN. Mr. Chairman, I suggest that the gentleman proceed without interruption for an hour and then answer such questions as may be asked him, if he so desires. [Applause.]

Mr. MADDEN. I am rather inclined to think members of the Committee on Ways and Means ought to be glad to furnish information to the House and the country as to what this money is to be used for.

Mr. FORDNEY. Let me say to my beloved friend I will be glad to give to him or any other man any information in my possession, if in my power to do so.

Mr. MADDEN. I did not think the gentleman showed any inclination to give information.

Mr. FORDNEY. I trust the gentleman does not think I wished to be discourteous——

Mr. MADDEN. I did not think the gentleman intended to be discourteous, but the information I was seeking was information that ought to be in the possession of every Member of the House, and before I get through asking the gentleman questions I intend to show that there is a billion two hundred millions levied by this bill that is not needed for the ordinary expenses of the Government or the conduct or maintenance of the Army or Navy. [Applause.]

Mr. FORDNEY. I will yield time to the gentleman from Illinois, and would be very glad indeed to have him show that to the House, if I am unable to do so in my humble and feeble way.

Mr. Chairman, I started to say we needed a very large sum of money to carry on this great war. I am afraid we have taken on a much greater undertaking than any man realizes. It is a matter of great seriousness. I say we should raise a larger proportion of the money needed by a bond issue. [Applause.] It is not reasonable that we should pay so heavily in human blood and money at this time in order that something may be done that is going to bring great benefits to the people of this country for all time to come. In the Civil War that was not requested. We yet are paying some of the Civil War debt. These bonds we are about to dispose of are going to be issued for a length of time from 30 to 40 years. We have, in round numbers, in this country at the present time 100,000,000 people. The population of this country will double in the next 25 years. Before any of these bonds, that are now being issued for a period of not less than 30 years, will mature we will have from two hundred to two hundred and fifty million people to pay them.

If we fight the battles of this Nation in this great world's war and pay a reasonable share of the expenses, in my opinion that is all we should be asked to do at this time. [Applause.] My friends, the entire Civil War, I say, cost this Nation $6,190,000,000, and during the session of Congress last winter

and this extra session of Congress, including the loan of $3,000,000,000 to the allies, which we must pay whether they, the allies, pay or not, we have authorized and are taxing the people twelve and a half billion dollars. Let me describe that to you. Under existing law it is estimated that the taxes that will be collected by the Government this fiscal year are $1,570,000,000. While this bill proposes to raise $1,800,000,000, I will show you that the estimates are entirely too low, and if this bill is put into law as it is now prepared it will yield more than $2,000,000,000. Therefore by direct taxes this coming year we will raise more than three and a half billion dollars. Including the Panama Canal bonds, $240,000,000, and other bonds authorized by Congress at its last session, Congress authorized $790,000,000 of bonds to be sold. A few days ago we passed a bond issue here carrying $7,063,000,000, three billions of which is to be loaned to the allies. We are now appropriating by direct taxes $2,000,000,000 more. Put these sums together and you have $12,400,000,000, a sum beyond all comprehension, gentlemen. At a dollar a minute working night and day, Sundays and week days, it would require 2,000 years to create a fund of $1,000,000,000. Just $1,000,000,000. Multiply that by 12 and see the enormous sum of money we are calling upon the people of this country to pay now. If we need it, good and well; I am ready to pay my share so far as my income will permit me to pay it, as is every other public-spirited citizen. The most amusing thing in this whole situation in the preparation of this bill is that I have not received a single communication in person, by wire or by mail, from anybody who is satisfied with the way he is going to be taxed by this bill. [Laughter.] They want it put on some other man or levied in some other way. I assure you, gentlemen, that to put a tax of $2,000,000,000 upon the people in addition to the taxes now imposed by law is no easy task. In my opinion there are some injustices in this bill, and if I am permitted to have the time and can call to memory as I go along the things which I would like to discuss I will point them out to you. But as a whole I do not know where we could go to get that amount of money without levying the tax as provided in this bill. I have in mind one means of raising revenue which I am opposed to, but which would yield an enormous sum of money and would not be a very great burden upon the people. The intention of the members of the committee, who are conscientious men, is to place the taxes where they will be the least burden upon the masses of the people. We have put a stamp tax upon some articles—mortgage notes, bonds, and such like—which were in the law which was repealed a year ago, but we have left off the stamp tax from bank checks.

We have placed in this law a tax upon promissory notes, 2 cents per hundred or fractional part thereof, or 20 cents per thousand. If we were to place a tax of that kind upon bank checks—which I do not recommend—it would yield this Government from $500,000,000 to $900,000,000 at 2 cents per hundred or fractional part thereof, or 20 cents per thousand. Such a tax would not burden anybody, but it would cause more complaint than any other form of taxation.

My Democratic friends, let me say to you that I never thought it laid in your ingenious minds to search with a fine-tooth comb and find so many ways to raise revenue as you have devised. You have outwitted any Republican I ever heard of in that respect. [Applause.] But, as an old story goes, no man on the committee was satisfied with everything that went into this bill. I know I am not satisfied. But the answer to the whole thing is that we must have the money. And it is like the old story that I have told you many times of the boy that was digging potatoes. A man came along and said, "My son, what are you getting for doing this?" He replied, "I get nothing for doing it, but I will get hell if I do not do it." [Laughter.] And so it is, my friends, that I am going to enter my objection to the items in this bill of which I disapprove, but I am going to vote for the bill when the vote comes.

Now, in reference to the income tax. I want to tell you what the committee intended doing, and call your attention to the amount of tax imposed upon each and every person with a given income under existing law and the amount that will be imposed under this law and the total of the two; also the percentage of incomes that will pay taxes. I give you here the tax upon a single person. A married person pays $20 less on all these sums, because the exemption for a single person is $1,000, on which no tax is to be paid, and on a married person the exemption is $2,000. Therefore a single person is taxed at $20 on $1,000 of his $2,000 income, and then the two begin to travel along together. Under existing law, take any given sum called for and I will show the amount of taxes that would be paid. For instance, take a Congressman's salary of $7,500.

Mr. SWITZER. I would like to know whether or not the exemption carried in this bill changes the exemption of the existing law?

Mr. FORDNEY. It in no way changes the old law in any respect whatever. This law is in addition to the old law. A man whose income is $7,500 under the old law would pay $90 of tax—2 per cent on $4,500, there being an exemption of $3,000 under the old law. He will pay under this law an additional $155, or a total of $245, or 3.26 per cent of his income.

Now, let us go to a higher sum. I have it worked out here in many items. Suppose a person's income is $20,000. He would pay under the old law $340. Under this law he would pay an additional $880, or a total of $1,220, or 6.10 per cent of his income.

The following table shows: (a) The tax imposed on various incomes under existing law; (b) the additional tax on various incomes to be added under the operation of the proposed new rates; (c) the aggregate tax; (d) the per cent of total tax to the various incomes:

Incomes.	(a) Tax under existing law.	(b) Additional tax under new law.	(c) Aggregate tax under both laws.	(d) Per cent.
$2,000		$20	$20	1.05
$2,500		30	30	1.20
$3,000		40	40	1.33
$4,000	$20	60	80	2.00
$5,000	40	80	120	2.40
$7,500	90	155	245	3.26
$10,000	140	255	395	3.95
$12,500	190	380	570	4.56
$15,000	240	530	770	5.13
$20,000	340	880	1,220	6.10
$30,000	640	1,680	2,320	7.73
$40,000	940	2,480	3,420	8.56
$60,000	1,740	4,480	6,220	10.35
$80,000	2,740	7,080	10,820	13.52
$100,000	3,940	10,280	14,220	14.22
$150,000	7,440	19,780	27,220	18.02
$200,000	11,440	30,780	42,220	21.11
$250,000	15,940	43,780	59,720	23.88
$300,000	20,940	58,280	79,220	26.41
$500,000	42,940	122,280	165,220	33.04
$600,000	54,940	157,280	212,220	35.37
$700,000	66,940	192,280	259,220	37.03
$800,000	78,940	227,280	306,220	38.25
$900,000	90,940	262,280	353,220	39.24
$1,000,000	102,940	297,280	400,220	40.02
$1,500,000	167,940	472,280	640,220	42.65
$2,000,000	237,940	647,280	885,220	44.25
$3,000,000	387,940	997,280	1,385,220	46.14

Estimate of revenue to be produced by proposed income-tax law.

Average incomes.	Number making returns.	Tax per person.	Total tax.
$3,500	70,000	$60	$4,200,000
$4,500	59,000	100	5,900,000
$7,500	120,500	245	30,122,000
$12,500	35,000	570	19,450,000
$17,500	16,500	995	16,317,000
$22,500	10,000	1,495	14,950,000
$27,500	6,200	2,045	12,679,000
$35,000	7,000	2,870	19,090,000
$45,000	4,100	4,120	16,892,000
$62,500	4,800	6,670	32,016,000
$87,500	2,000	12,470	25,688,000
$125,000	1,800	20,720	37,296,000
$175,000	724	34,720	25,137,000
$225,000	386	50,970	19,674,000
$275,000	216	69,470	15,005,000
$350,000	254	100,720	25,583,000
$450,000	122	134,720	16,337,000
$750,000	209	280,720	58,670,000
$2,200,000	120	980,220	117,626,000
Total			513,233,000
20 per cent to be added			102,646,000
Total			615,879,000
By reduction of exemption			85,000,000
Total estimate based on present incomes			700,879,000

Mr. AUSTIN. May I ask the gentleman a question while he is discussing the income tax?

Mr. FORDNEY. Yes, sir.

Mr. AUSTIN. What exemptions are there under this bill?

Mr. FORDNEY. One thousand dollars for a single person and $2,000 for a married person.

Mr. AUSTIN. What public officials are exempted from the operation of this bill?

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 4280, with Mr. FOSTER in the chair.

The CHAIRMAN. The Chair recognizes the gentleman from Michigan [Mr. FORDNEY]. [Applause.]

Mr. FORDNEY. Mr. Chairman and gentlemen, this matter now under consideration is one of great importance. As the gentleman from North Carolina [Mr. KITCHIN] yesterday well said, there has never been a bill presented to any legislative body in the world raising through direct taxation upon the people a sum of money equal to that provided for in this bill. Therefore, to the people of the United States this is a matter of great importance.

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At the threshold of the Civil War, in 1861, our Treasury was depleted and the people of the country were much divided upon the great question that then confronted them. At that time, as at this time, it was the banks of the country that came to the relief of the Nation, and if I am correctly informed it was the National City Bank of New York that first subscribed to a Government loan for the people of the North in the Civil War.

Mr. MANN. The National Bank of Commerce.

Mr. MASON. The National Bank of the Republic.

Mr. FORDNEY. Perhaps my information is not correct; but, at least, that was one of the first to subscribe. The banks of the country came to the relief of the administration to the extent that the Government's credit was restored and they made it possible for the Government to engage in one of the greatest civil wars the world had ever known. There were then, in round numbers, in the United States some 31,000,000 people, two-thirds of whom resided north of Mason and Dixon's Line, or about 21,000,000 people from which to draw money and men to successfully carry on that war on the part of the North. The entire cost to those 21,000,000 people for the total expense of the Civil War was $6,190,000,000, not including money contributed by the various States o the Union. At this session of Congress we are appropriating from direct taxation upon the people and from the proceeds of the sale of bonds more money than the entire Civil War cost the people of the North. It has been my opinion, and is now, that we are making a mistake in imposing upon the people at this time such a large portion of the expense of this war. [Applause.]

Mr. MADDEN. Mr. Chairman, will the gentleman yield right there? I have a question or two that I would like to ask that might be appropriate at this time.

Mr. FORDNEY. I will be glad to yield to the gentleman.

Mr. MADDEN. I have been giving some little consideration to this question, and what I have to say, I think, will be apropos. I want to ask the gentleman from Michigan if the Ways and Means Committee held any public hearings in connection with this bill?

Mr. FORDNEY. The Ways and Means Committee heard a few gentlemen who came in at the request of some Senator or Member of the House.

Mr. MADDEN. But there were no public hearings?

Mr. FORDNEY. We gave no public hearings.

Mr. MADDEN. Was any Government official before the Committee on Ways and Means stating the use to which the money proposed to be raised in this bill is to be put?

Mr. FORDNEY. The Secretary of the Treasury consulted some members. I believe he did not come before the full committee and express himself, but he certainly did express himself. I know that he sent for me, and I went to his office, and he explained at some length the necessity for this money.

Mr. GARNER. Mr. Chairman, will the gentleman yield?

Mr. FORDNEY. Yes.

Mr. GARNER. Was not the Secretary of the Treasury before the entire committee when it first met, as to the consideration of this policy of how much money we should raise?

Mr. MADDEN. But that is not what I am asking. I want to know what the Secretary said in regard to the use to which the money is to be put.

Mr. FORDNEY. Only in a general way has the committee had any information as to just where this money is to go.

Mr. MADDEN. What is the gentleman's judgment as to the use to which this money is to be put?

Mr. FORDNEY. Oh, my good friend, I can not tell you just where that money ought to go; but if we are to put 2,000,000 men in the field, and spend a billion dollars in the construction of ships to carry men and provisions and supplies abroad, and to spend a billion dollars in strengthening our Navy, God only knows how much money is going to be required to conduct the war.

Mr. MADDEN. I know; but that is not the question here.

Mr. FORDNEY. What question does the gentleman want to ask? Does he want me to detail the amount of money that is going to be used by the Army and the Navy for the next 12 months? If he does, I can not give him the information.

Mr. MADDEN. What is the judgment of the committee as to the use to which this money is to be put?

Mr. FORDNEY. I believe the judgment of the committee is based on the information given to it by the administration—that this money will be needed.

Mr. MADDEN. That is all?

Mr. FORDNEY. That is about all.

Mr. MADDEN. Is it supposed that it will be necessary to use any of this money to defray the civil expenses of the Government during the present or the next fiscal year?

Mr. FORDNEY. If the gentleman will be patient, I will try to give that.

Mr. MADDEN. I would just like to ask these questions here, because——

Mr. FORDNEY. I can not answer all these questions at once, and I ask the gentleman to be courteous enough to let me get these questions one at a time.

Mr. MADDEN. I think I can show the gentleman and other gentlemen——

Mr. FORDNEY. Oh, I know the gentleman from Illinois can throw light upon the mind of the gentleman from Michigan, but just wait until we reach that ray of sunshine.

Mr. KITCHIN. Mr. Chairman, I suggest that the gentleman proceed without interruption for an hour and then answer such questions as may be asked him, if he so desires. [Applause.]

Mr. MADDEN. I am rather inclined to think members of the Committee on Ways and Means ought to be glad to furnish information to the House and the country as to what this money is to be used for.

Mr. FORDNEY. Let me say to my beloved friend I will be glad to give to him or any other man any information in my possession, if in my power to do so.

Mr. MADDEN. I did not think the gentleman showed any inclination to give information.

Mr. FORDNEY. I trust the gentleman does not think I wished to be discourteous——

Mr. MADDEN. I did not think the gentleman intended to be discourteous, but the information I was seeking was information that ought to be in the possession of every Member of the House, and before I get through asking the gentleman questions I intend to show that there is a billion two hundred millions levied by this bill that is not needed for the ordinary expenses of the Government or the conduct or maintenance of the Army or Navy. [Applause.]

Mr. FORDNEY. I will yield time to the gentleman from Illinois, and would be very glad indeed to have him show that to the House, if I am unable to do so in my humble and feeble way.

Mr. Chairman, I started to say we needed a very large sum of money to carry on this great war. I am afraid we have taken on a much greater undertaking than any man realizes. It is a matter of great seriousness. I say we should raise a larger proportion of the money needed by a bond issue. [Applause.] It is not reasonable that we should pay so heavily in human blood and money at this time in order that something may be done that is going to bring great benefits to the people of this country for all time to come. In the Civil War that was not requested. We yet are paying some of the Civil War debt. These bonds we are about to dispose of are going to be issued for a length of time from 30 to 40 years. We have, in round numbers, in this country at the present time 100,000,000 people. The population of this country will double in the next 25 years. Before any of these bonds, that are now being issued for a period of not less than 30 years, will mature we will have from two hundred to two hundred and fifty million people to pay them.

If we fight the battles of this Nation in this great world's war and pay a reasonable share of the expenses, in my opinion that is all we should be asked to do at this time. [Applause.] My friends, the entire Civil War, I say, cost this Nation $6,190,000,000, and during the session of Congress last winter

and this extra session of Congress, including the loan of $3,000,000,000 to the allies, which we must pay whether they, the allies, pay or not, we have authorized and are taxing the people twelve and a half billion dollars. Let me describe that to you. Under existing law it is estimated that the taxes that will be collected by the Government this fiscal year are $1,570,000,000. While this bill proposes to raise $1,800,000,000, I will show you that the estimates are entirely too low, and if this bill is put into law as it is now prepared it will yield more than $2,000,000,000. Therefore by direct taxes this coming year we will raise more than three and a half billion dollars. Including the Panama Canal bonds, $240,000,000, and other bonds authorized by Congress at its last session, Congress authorized $790,000,000 of bonds to be sold. A few days ago we passed a bond issue here carrying $7,063,000,000, three billions of which is to be loaned to the allies. We are now appropriating by direct taxes $2,000,000,000 more. Put these sums together and you have $12,400,000,000, a sum beyond all comprehension, gentlemen. At a dollar a minute working night and day, Sundays and week days, it would require 2,000 years to create a fund of $1,000,000,000. Just $1,000,000,000. Multiply that by 12 and see the enormous sum of money we are calling upon the people of this country to pay now. If we need it, good and well; I am ready to pay my share so far as my income will permit me to pay it, as is every other public-spirited citizen. The most amusing thing in this whole situation in the preparation of this bill is that I have not received a single communication in person, by wire or by mail, from anybody who is satisfied with the way he is going to be taxed by this bill. [Laughter.] They want it put on some other man or levied in some other way. I assure you, gentlemen, that to put a tax of $2,000,000,000 upon the people in addition to the taxes now imposed by law is no easy task. In my opinion there are some injustices in this bill, and if I am permitted to have the time and can call to memory as I go along the things which I would like to discuss I will point them out to you. But as a whole I do not know where we could go to get that amount of money without levying the tax as provided in this bill. I have in mind one means of raising revenue which I am opposed to, but which would yield an enormous sum of money and would not be a very great burden upon the people. The intention of the members of the committee, who are conscientious men, is to place the taxes where they will be the least burden upon the masses of the people. We have put a stamp tax upon some articles—mortgage notes, bonds, and such like—which were in the law which was repealed a year ago, but we have left off the stamp tax from bank checks.

We have placed in this law a tax upon promissory notes, 2 cents per hundred or fractional part thereof, or 20 cents per thousand. If we were to place a tax of that kind upon bank checks—which I do not recommend—it would yield this Government from $500,000,000 to $900,000,000 at 2 cents per hundred or fractional part thereof, or 20 cents per thousand. Such a tax would not burden anybody, but it would cause more complaint than any other form of taxation.

My Democratic friends, let me say to you that I never thought it laid in your ingenious minds to search with a fine-tooth comb and find so many ways to raise revenue as you have devised. You have outwitted any Republican I ever heard of in that respect. [Applause.] But, as an old story goes, no man on the committee was satisfied with everything that went into this bill. I know I am not satisfied. But the answer to the whole thing is that we must have the money. And it is like the old story that I have told you many times of the boy that was digging potatoes. A man came along and said, "My son, what are you getting for doing this?" He replied, "I get nothing for doing it, but I will get hell if I do not do it." [Laughter.] And so it is, my friends, that I am going to enter my objection to the items in this bill of which I disapprove, but I am going to vote for the bill when the vote comes.

Now, in reference to the income tax. I want to tell you what the committee intended doing, and call your attention to the amount of tax imposed upon each and every person with a given income under existing law and the amount that will be imposed under this law and the total of the two; also the percentage of incomes that will pay taxes. I give you here the tax upon a single person. A married person pays $20 less on all these sums, because the exemption for a single person is $1,000, on which no tax is to be paid, and on a married person the exemption is $2,000. Therefore a single person is taxed at $20 on $1,000 of his $2,000 income, and then the two begin to travel along together. Under existing law, take any given sum called for and I will show the amount of taxes that would be paid. For instance, take a Congressman's salary of $7,500.

Mr. SWITZER. I would like to know whether or not the exemption carried in this bill changes the exemption of the existing law?

Mr. FORDNEY. It in no way changes the old law in any respect whatever. This law is in addition to the old law. A man whose income is $7,500 under the old law would pay $90 of tax—2 per cent on $4,500, there being an exemption of $3,000 under the old law. He will pay under this law an additional $155, or a total of $245, or 3.26 per cent of his income.

Now, let us go to a higher sum. I have it worked out here in many items. Suppose a person's income is $20,000. He would pay under the old law $340. Under this law he would pay an additional $880, or a total of $1,220, or 6.10 per cent of his income.

The following table shows: (a) The tax imposed on various incomes under existing law; (b) the additional tax on various incomes to be added under the operation of the proposed new rates; (c) the aggregate tax; (d) the per cent of total tax to the various incomes:

Incomes.	(a) Tax under existing law.	(b) Additional tax under new law.	(c) Aggregate tax under both laws.	(d) Per cent.
$2,000		$20	$20	1.05
$2,500		30	30	1.20
$3,000		40	40	1.33
$4,000	$20	60	80	2.00
$5,000	40	80	120	2.40
$7,500	90	155	245	3.26
$10,000	140	255	395	3.95
$12,500	190	380	570	4.56
$15,000	240	530	770	5.13
$20,000	340	880	1,220	6.10
$30,000	640	1,680	2,320	7.73
$40,000	940	2,480	3,420	8.56
$60,000	1,740	4,480	6,220	10.35
$80,000	2,740	7,080	10,820	13.52
$100,000	3,940	10,280	14,220	14.22
$150,000	7,440	19,780	27,220	18.02
$200,000	11,440	30,780	42,220	21.11
$250,000	15,940	43,780	59,720	23.88
$300,000	20,940	58,280	79,220	26.41
$500,000	42,940	122,280	165,220	33.04
$600,000	54,940	157,280	212,220	35.37
$700,000	66,940	192,280	259,220	37.03
$800,000	78,940	227,280	306,220	38.25
$900,000	90,940	262,280	353,220	39.23
$1,000,000	102,940	297,280	400,220	40.02
$1,500,000	167,940	472,280	640,220	42.68
$2,000,000	237,940	647,280	885,220	44.23
$3,000,000	387,940	997,280	1,385,220	46.14

Estimate of revenue to be produced by proposed income-tax law.

Average incomes.	Number making returns.	Tax per person.	Total tax.
$3,500	70,000	$60	$4,200,000
$4,500	59,000	100	5,900,000
$7,500	120,500	245	30,122,000
$12,500	35,000	570	19,450,000
$17,500	16,500	995	16,317,000
$22,500	10,000	1,495	14,950,000
$27,500	6,200	2,045	12,679,000
$35,000	7,000	2,870	19,690,000
$45,000	4,100	4,120	16,892,000
$62,500	4,800	6,670	32,016,000
$87,500	2,000	12,470	25,088,000
$125,000	1,800	20,720	37,296,000
$175,000	724	34,720	25,137,000
$225,000	386	50,970	19,674,000
$275,000	216	69,470	15,005,000
$350,000	254	100,720	25,583,000
$450,000	122	134,720	16,337,000
$750,000	209	280,720	58,670,000
$2,200,000	120	980,220	117,626,000
Total			513,233,000
20 per cent to be added			102,646,000
Total			615,879,000
By reduction of exemption			85,000,000
Total estimate based on present incomes			700,879,000

Mr. AUSTIN. May I ask the gentleman a question while he is discussing the income tax?

Mr. FORDNEY. Yes, sir.

Mr. AUSTIN. What exemptions are there under this bill?

Mr. FORDNEY. One thousand dollars for a single person and $2,000 for a married person.

Mr. AUSTIN. What public officials are exempted from the operation of this bill?

Mr. FORDNEY. All those that are exempt under the old law—State, municipal, or county officials, and certain Federal officers.

Mr. AUSTIN. What certain Federal officers are exempt?

Mr. FORDNEY. I can not name all of them, but I believe the members of the Supreme Court and many others, and the President of the United States.

Mr. LONGWORTH. If the gentleman will permit, I think he is in error. It is exactly the same, because we do specifically state local officials who were exempted under the old law.

Mr. FORDNEY. That was stricken out of the bill because it was held to be wholly unconstitutional, as has been shown by the Supreme Court decisions.

Mr. AUSTIN. Unconstitutional for a member of the Supreme Court to pay an income tax?

Mr. FORDNEY. Well, I am not a lawyer, but that is existing law, and we did not change that law for fear we might put some unconstitutional provision into this law.

Mr. AUSTIN. How much does the President pay under this bill?

Mr. FORDNEY. He does not pay anything. He is taxed like everybody else, except on the salary for the term for which he is elected. There is a provision of the Constitution which says that the Congress of the United States has no right to change the salary of the President for the term for which he has been elected, and it was supposed that a tax upon his salary would be a violation of this provision of the Constitution, and therefore we let it alone.

Mr. AUSTIN. How about Members of Congress?

Mr. FORDNEY. A Member of Congress comes in for every devilish thing on earth.

Mr. AUSTIN. Why should an exception and a distinction be made in the President's case? I understood the gentleman from North Carolina [Mr. KITCHIN] yesterday in a question I propounded to him to state that the President was not exempt from the provisions of this bill.

Mr. FORDNEY. He is not exempt except for whatever his salary may be for the term for which he is elected. He pays on all other income. His exemption is on the salary for the term beginning the 4th of March this year.

Mr. STERLING. He will pay on his salary under the old law?

Mr. FORDNEY. Yes. Let me go along further. Let us take an income of $100,000. I will hurry along, because to detail all these various amounts will take too much time. If a man's income was $100,000, he paid $3,940 under the old law. Under this law he will be taxed $10,280, or a total under both laws of $14,220, or 14.22 per cent of his income.

The tax increases until we get to $500,000. Under the old law a man having such an income pays a tax of $42,940. Under this bill he will pay an addition of $122,280, or a total of $165,220, or 33.04 per cent of his income. When you get to an income of $500,000, those supertaxes stop, do not go any further; but as the greater incomes are paying additionally the higher rates of supertax the percentage of income taxes increases until it reaches nearly 50 per cent, because under the old law the supertax is 13 per cent, and a normal tax of 2 per cent, or a total of 15 per cent.

Under this law there is an additional 2 per cent normal tax and 33 per cent supertax, making a total of 35 per cent under this law, and 15 under the other, which is a maximum of 50 per cent, so that, no matter what a man's income may be, the combined tax will never reach 50 per cent of his income because of the lower rate and because of the fact that the combined maximum rate is 50 per cent, computed on the excess income above $500,000.

Mr. POWERS. Mr. Chairman, will the gentleman yield for a question?

The CHAIRMAN. Does the gentleman yield?

Mr. FORDNEY. In a minute—going to a million dollars, if a man's income is a million dollars—and last year let me say that 120 men in the United States paid a tax on an income above $1,000,000—if a man's income is $1,000,000, he paid under the old law $102,920. Under this newly proposed law he will pay in addition $297,280, or a total tax of $400,220, or 40.2 per cent of his total income. When it reaches a million and a half dollars his tax is 42.66 per cent; when it reaches $3,000,000 it is 46.14 per cent.

Mr. POWERS. Will the gentleman yield?

Mr. FORDNEY. First let me say I know of a man, a resident of the State from which I have the honor to come, whose income is more than $30,000,000, as published in the annual report of the company of which he is president; and an income of $30,000,000 will pay in round numbers $15,000,000 under this law, or one-half of the income. Now I yield to the gentleman from Kentucky.

Mr. POWERS. I wanted to ask the gentleman about the President's salary and the salaries of Members of Congress. I understand the gentleman has stated that the President's salary was exempted from the operation of this income tax because to tax it would be regarded as changing or reducing his salary, which you have no right to do during his term. Is that correct?

Mr. FORDNEY. That is the argument as to why he is not taxed.

Mr. POWERS. If the President's salary can not be legally taxed, certainly the same reasoning would apply to a Member's salary.

Mr. FORDNEY. The Constitution has no such provision in regard to a Congressman, but it has in reference to the President.

Mr. LANGLEY. Did the retroactive provision apply to the President's salary prior to the beginning of the present term?

Mr. FORDNEY. No; I think not.

Mr. LANGLEY. Well, I guess that is right, in view of the fact that "he kept us out of war."

Mr. SCOTT of Michigan. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. SCOTT of Michigan. Different Members get up and address questions to the gentleman speaking without getting permission from him.

The CHAIRMAN. The point of order is well taken.

Mr. FORDNEY. I will be glad to answer all questions asked, because I am here to give, if possible, information to the Members of the House.

Mr. DOWELL. Mr. Chairman, will the gentleman yield?

Mr. FORDNEY. Yes.

Mr. DOWELL. The gentleman has stated that upon an income of $1,000,000 50 per cent is taken for taxes, or about 42 per cent.

Mr. FORDNEY. In round numbers.

Mr. DOWELL. What would it be on an income of $100,000?

Mr. FORDNEY. I gave that, but I will give it to you again.

Mr. DOWELL. I mean what per cent of the income?

Mr. FORDNEY. On $100,000, $14,220, or 14.22 per cent of the income.

Mr. DOWELL. Now, the question that I was getting at was this: That the 50 per cent did not occur until the income became a million dollars.

Mr. FORDNEY. No; half a million dollars. When the income has reached one-half million dollars, that sum has reached the maximum amount of both normal and super tax under both laws. But as the income increases above $500,000 all those increased incomes pay the higher rate, as you will see, and consequently brings up the general average of income tax based on the total income. But the tax will never reach 50 per cent, because of the lower rate, and because of the fact that 50 per cent is the maximum under both laws.

Mr. GOODWIN of Arkansas. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Michigan yield to the gentleman from Arkansas?

Mr. FORDNEY. Yes.

Mr. GOODWIN of Arkansas. A great many Members would like to hear the gentleman from Michigan conclude his remarks without interruption.

The CHAIRMAN. The gentleman from Michigan has control of his own time. If he does not desire to be interrupted, the Chair will endeavor to protect him.

Mr. FORDNEY. I feel it my duty to answer questions as we go along, because a man may have something come into his mind while I am discussing a point that he would forget before I could conclude my remarks. I would like to be interrupted as little as possible, but I will aim to answer every question that is presented.

Mr. BLAND. Mr. Chairman, will the gentleman yield?

Mr. FORDNEY. Yes.

Mr. BLAND. Since the gentleman was interrupted at this time, I would like to ask a question.

Mr. FORDNEY. I will yield to the gentleman from Indiana.

Mr. BLAND. Is the gentleman familiar with the provisions of the bill with reference to where the money goes that you raise by the law—particularly the money that is taken in by the increase of postage?

Mr. FORDNEY. I will state to the gentleman this: The gentleman from Indiana called my attention to that matter yesterday. As fourth-class postmasters are permitted to retain all their cancellations up to a certain amount of the receipts of their offices, the fourth-class postmasters would get all of the cancellations up to a certain amount; and as the postmasters in first, second, and third class offices are paid a salary based upon

the receipts of the office, a very large portion of these increased receipts would go to the postmasters of the country. The gentleman has well suggested, as he did yesterday or the day before, that some provision of law be placed in this bill to provide that none of this increased revenue from postal receipts shall go to either until this war is over. [Applause.] That is justifiable and should go into the law, and I believe the chairman of the committee, the gentleman from North Carolina [Mr. KITCHIN], is willing to have such a provision written into the law, and I am in favor of it.

Mr. CRISP. Mr. Chairman, will the gentleman yield?

Mr. BLAND. Mr. Chairman, will the gentleman yield again?

Mr. FORDNEY. I will in a minute.

Mr. BLAND. I would like to state to the gentlemen of the committee that prior to the report of the committee I waited on two or three members of the committee with this suggestion, thinking probably that it would go into the bill, but as soon as it came out and did not contain that provision I immediately sought out members of the committee and talked with them about the advisability of it. They suggested that I go to the Post Office Department and get the Post Office Department to assist in drafting an amendment, which I did, and I have here a copy of the amendment that I would like to ask the gentleman if he thinks would meet the requirements.

I will say in advance that, the Post Office Department and myself having worked out this amendment, I find that the chairman of the committee [Mr. KITCHIN] has an exact copy of the amendment, which he proposes to offer as a committee amendment.

Mr. FORDNEY. I believe I have a copy of it. I will ask the gentleman to read it, because mine is a dim print.

Mr. BLAND. It reads:

And provided further, That the salaries of all postmasters in offices of the first, second, and third classes shall not be increased after July 1, 1917, during the existence of the present war: *And provided further*, That the compensation of postmasters in offices of the fourth class shall continue to be computed on the basis of the present rate of postage.

I will ask the gentleman from Michigan if he thinks that to add that at the end of the last section on the subject of postal rates would cure the difficulty?

Mr. FORDNEY. I rather think it would. If I understood the chairman of the committee [Mr. KITCHIN] yesterday, I think he and other members of the committee propose an amendment of that kind to the bill.

Mr. CRISP. Will the gentleman from Michigan yield?

Mr. FORDNEY. I yield to the gentleman from Georgia.

Mr. CRISP. I want to call my colleague's attention to the fact that it was the intention of the committee, several days ago, and the committee then agreed, that they would put into the bill a provision that all this increase should go to war expenses and not to the postmasters; and further, I wish specifically to call attention to the fact that the chairman of our committee [Mr. KITCHIN], in his speech yesterday, expressly and explicitly stated to the House that he would offer an amendment to carry that into effect.

Mr. FORDNEY. He did. I had forgotten, however, that it was discussed in the committee.

Mr. STAFFORD. That was decided on several days ago.

Mr. GARNER. Will the gentleman yield?

Mr. FORDNEY. I yield to the gentleman from Texas.

Mr. GARNER. I merely want to call the attention of the gentleman from Wisconsin [Mr. BLAND] to the fact that the committee had already decided to do that, and the only reason why it has not been put into the bill is that we were waiting for the Post Office Department to prepare the amendment that the gentleman just called attention to.

Mr. BLAND. The Post Office Department did not have this under consideration until I took it up with them, but the committee had had it under consideration, and when I took it up with the Post Office Department they were very glad to prepare the amendment.

Mr. GARNER. Undoubtedly the gentleman from Indiana killed the bear. There is not any doubt about that.

Mr. FORDNEY. At all events I want that provision to go into the law, and I believe the members of the Ways and Means Committee are agreed upon it.

Mr. GARLAND. I will suggest to members that this is not the time to discuss amendments. There will be plenty of opportunity to do that afterwards. I think we want to hear the gentleman from Michigan, and his time is being consumed by these questions about amendments. [Applause.]

Mr. FORDNEY. Thank you, sir. Now, gentlemen, in reference to the income tax. I believe we will raise more money than it is estimated will be raised, and I will tell you why. It is estimated by the Treasury Department that under existing law the corporation income tax and individual income tax will yield $330,000,000 on last year's incomes, to be paid before June 30. To satisfy the members of the committee that we were going to raise enough money for the purposes of the administration, after much hesitation and argument, and much dissatisfaction among members of the committee, we decided to tax last year's incomes an additional 33⅓ per cent of the amount those incomes will pay in June. Some have already paid. One-third of $330,000,000 will amount to $110,000,000. I see by the report that it is estimated that the amount will be $108,000,000. Now, the Treasury Department advised me that the reports on incomes this year show an increased collection over incomes last year of 20 per cent; therefore basing it not upon theory or upon an estimate, but upon actual returns already made, we will raise more money this year. So it seems to me that we will raise not only one-third more than the full amount raised last year, but 20 per cent more than the amount raised last year based on the old rate, and an additional one-third more based on the increased rate.

I have figured up here the amount that we will raise on incomes. I have taken the report of the Commissioner of Internal Revenue as to the number of people who pay taxes upon a given income, and then have figured out the amount that each one would pay, and have multiplied it by the number of people who paid an income tax last year. Based upon those figures, which are absolutely correct, I find we will raise this year $1,030,000,000 from incomes, not including the excess profits tax, which is $226,000,000. By doubling the excess profits tax, as we have in this bill, making it 16 per cent on excess profits as against 8 per cent under existing law, we will get $452,000,000 this year not including any increase in the amount of excess profits. That is a very large sum of money. In my judgment this bill is going to raise more than $2,000,000,000, and I believe I can justify such a statement. For instance, last year this Government collected $153,000,000 on distilled spirits. The year before there was collected from that source $133,800,000, showing an increase of more than $12,000,000 last year over the previous year. The tax on alcohol in the existing law is $1.10 a gallon. We have added $1.10 more, or just doubled it up. If the same quantity of spirits is withdrawn from bond this coming year that was withdrawn last year, we will raise an additional $153,000,000. But it is reasonable to suppose that because of prohibition laws there will be a reduction in the consumption of liquor this year as against last year. But in the estimates here you will notice the receipts from the tax on distilled spirits are estimated at $83,000,000 and not $153,000,000. Conceding that the figures of the Treasury Department are correct in the falling off of consumption to 120,000,000 gallons as against 138,000,000 or 140,000,000 gallons last year, then $1.10 on 120,000,000 gallons is a sum far in excess of the estimates given in this report, viz, $83,000,000.

Now, let me go further. Rectified spirits is alcohol mixed with some adulterated, chiefly water, oil to put a bead on it, and a flavoring extract; that is all. By drinking rectified spirits you get less alcohol in your stomach than you would to drink the pure alcohol. We will raise a certain sum of money from this source, say from $8,000,000 to $10,000,000.

But let us go to brewed liquors. Last year there was collected by the Government on beer in round figures $88,000,000, at $1.50 per barrel. Figure that out, and you will find that the consumption last year was 60,160,000 barrels of beer. I did not drink my share of that beer. [Laughter.] I never drank a glass of beer in my life, and never expect to. I do not know that I am any better off for that. I may have other bad habits to make up for that, but that question is not in this argument. The estimated amount to be collected on beer under this bill is only $37,500,000. We add $1.25 war tax on 59,000,000 barrels of beer, and figure that we will only receive an income of $37,500,000 in addition to last year's receipts.

Do you believe that the falling off in the consumption of beer this next year will bring the receipts down to thirty-seven and one-half million dollars? Not at all. If the consumption of beer this year is equal to last year, which was 10.6 per cent above the year before, the amount of the tax collected under this bill will be $74,000,000 and not thirty-seven and one-half million dollars as here estimated. I mention these things because as I go along I want to point out to you that, in my candid judgment, we are going to raise more than $2,000,000,000 under this bill, which, I think, is a mistake, although I will vote for it when it comes to a vote.

We have doubled up the tax on all wines except dry wines, and so on. Now, when we get to cigars and cigarettes, it is shown here that we will collect this year $25,000,000 on ciga-

rettes in addition to the amount collected last year. We collected last year in round numbers $35,000,000, with a greater consumption of cigarettes last year over the previous year's consumption. With the population of the country increasing I am sorry to say that the consumption of cigarettes and tobacco increases. I have not used my share. I never smoked a cigar or a cigarette in my life. I never voted the prohibition ticket in my life but once, and that was last fall, when the constitutional amendment was submitted in Michigan.

On manufactured tobacco we collected more last year than the estimate will show here, and we double that tax.

Now, on telegrams and telephone messages, where the message was more than 15 cents, under the old law we collected two and one-half million dollars at 1 cent per message. In this bill the amount is fixed at 5 cents, or twelve and a half million dollars. I notice that the estimate in this bill is $7,000,000. I know of no good reason why that estimate should not be twelve and a half million dollars. I know of no man that will decline to send a telegram because there is a tax of 5 cents instead of 1 cent on that message, and I believe the full amount of $12,500,000 will be collected.

Now, we come to express companies. The committee looked around to raise money where it would not injure some particular industry or the great mass of the people. We placed a 10 per cent tax on all passenger tickets—Pullman car tickets, chair car tickets, and all other kinds. When you go to the ticket office, if this bill becomes a law as now written, you will pay in addition to the regular railroad fare 10 per cent. From Washington to my home a ticket costs $17, so that I will be required to pay in addition $1.70 into the Treasury of the United States to carry on this war. It is not going to hurt me. I would not walk that distance for $1.70; neither would you. This tax does not include railroad fares below 25 cents, for we did not want to burden the man that lives out of town and goes back and forth to his work on the cars. We placed a 10 per cent tax on all express charges, and as express charges are larger than freight charges the committee thought it wise to put a larger tax on express charges than on freight bills. So we put 10 per cent on express charges. We have placed 3 per cent on all freight charges.

Let me show you what that will raise. Last year there was collected in passenger fares for railroad and steamboat lines, in round numbers, $800,000,000. Ten per cent on that sum is $80,000,000. There was collected last year in freight charges by the railroads of the country $2,444,000,000, and, in round numbers, $200,000,000 by water freight. These collections last year were $400,000,000 by the railroads in excess of freight collected the year before. Therefore it is reasonable to suppose that the freight paid this coming year will be in excess of the freight paid last year, which was $2,444,000,000.

I have taken two and a half billion dollars for easy figuring. Three per cent on two and a half billion dollars is $75,000,000.

Therefore the freight collected on that basis would be $75,000,000, and $80,000,000 on passenger fares.

Now, that is a tax that will not burden anybody. It was suggested by some members of the committee that we should make the railroads of the country pay a tax on the proceeds of the sale of both passengers and freight. If the House will bear with me a minute I will tell you why I opposed a tax of that kind. The railroads of the country to-day are unable to supply themselves with the necessary rolling stock and equipment to handle the business of the country, and every manufacturing institution in this country is suffering at this time for the want of more cars. Prices are high on every article produced in the country. For instance, I am engaged in the manufacture of lumber. I mention that, because I am familiar with the particulars. Every lumber yard in this country is overstocked, and prices have not been so high in four or five years as they are to-day. But freight can not be moved because of a lack of cars. A lumber yard in which I am interested to-day has nearly 13,000,000 feet of lumber piled up, when our normal stock is only 5,000,000 feet. Higher prices are prevailing, as I have said, than at any time within the past five years. Of course we would move that lumber quickly and get the high prices if the railroad companies could handle the product, but they can not. Drastic railroad legislation by Congress and the various legislative bodies in the various States of this country has gone to the extreme, and there never was a time in the history of this country when as many railroads were in the hands of receivers as within the last year. I received a few days ago information concerning the value and number of miles of railroad which are in the hands of receivers, and to my surprise found that 14.9 per cent of all the railroad mileage of the United States is this minute in the hands of receivers.

Let me say the power to fix the maximum rates for railroads to charge rests in the Interstate Commerce Commission, and beyond rates they fix the railroads can not go. That fixes their income. Recently the Congress of the United States fixed by law the minimum wage scale that the railroads shall pay. Consequently the railroads of this country are between those two great powers—a political body on the one side, the Congress of the United States, and the Interstate Commerce Commission on the other. The power to fix the minimum wage scale and the maximum income for the railroads ought to be placed in one body, the Interstate Commerce Commission.

Let me show you what our railroads are doing as compared with foreign railroads. I am making this argument because I have been informed that an amendment will be offered to this bill before it passes to put a tax upon the freight rates of the railroads of the country, and I want to give you at this opportune time the information. I have taken the last yearly statistics of the railroads of the principal countries of the world that were available and have compared them with ours, and here is what I find. Nineteen hundred and thirteen is the last year for which I am able to get reliable statistics as to the railroads in Europe. The pay to all railway employees in France was $5 per week and the freight charge was 1.30 cents per ton per mile. The wages paid in England were $7 per week and the freight charge 2.23 cents per ton per mile. In Austria the wage is $6.35 per week and the freight rates 1.34 cents per ton per mile. It is exactly the same in Hungary, except that the wages there are $5.77 per week. In Russia the wages are $4.06 per week and the freight rates 1.94 cents per ton per mile. In Japan the wages are $2.17 per week and the freight rates 0.87 cent per ton per mile. The Government of Japan owns nearly all of the railroads in that country.

Now let us take Germany, where 95 per cent of all of the railroads are owned by the Government. The wages there are $7 per week and the freight rates 1.37 cents per ton per mile. In the United States the wages are $16.52 per week and the freight rates 0.71 cents per ton per mile. Our railroad wages are more than double those of any other country in the world and the freight charges one-half those of any other country in the world, except Japan, where the wage scale is but 31 cents per day. Is there anything in that argument that would influence you to have the Government of the United States own and operate our railroads? Our wage scale is double that of Germany and our freight rates one-half. In Germany the Government owns the railroads and in the United States the individuals do. Go to Government-owned railroads and you will have the greatest political machine ever created in this country, and you will pay double the freight rates that you pay to-day.

Mr. HARDY. Mr. Chairman, will the gentleman yield?

Mr. FORDNEY. Yes.

Mr. HARDY. Does not the gentleman think that in order to be fair he ought to state the fact that the mileage, the average distance haul of tonnage, in Germany is a very great deal shorter than it is in this country?

Mr. FORDNEY. I believe that is true, but that does not cut any very great figure.

Mr. HARDY. The gentleman understands that if you take a ton of freight and haul it a hundred miles you can do it for a great deal less per ton per mile than you can if you haul it only 10 miles?

Mr. FORDNEY. But, my friend, Russia has 6,000 miles of railroad across Siberia and her rate is 1.94 cents per ton per mile. She hauls freight a great distance. That does make some difference, but it does not make up the great difference that I have demonstrated.

Mr. STAFFORD. Mr. Chairman, should not the further fact be considered that in Germany there is a density of traffic which is greater than here, and freight rates should be less accordingly, whereas they are greater than in this country? The suggestion of the gentleman from Texas [Mr. HARDY] does not hold, because in compactly settled countries the freight rate naturally comes down per ton per mile.

Mr. FORDNEY. Yes; that is right. The greater the volume of business done by the railroad the greater the profit and the less the rate which can be profitably charged by the railroads. In Germany the Government-owned railroads, with labor costs less than half our own, cost $113,000 a mile to construct and equip, and their equipment is not as good as ours. Our roads have cost $76,000 per mile with labor double what it is in Germany or in any other country in the world. The cheapest constructed railroads in the world per mile are the railroads of the United States, and the best equipped roads in the world are in the United States. [Applause.]

Mr. SMITH of Michigan. Mr. Chairman, will the gentleman yield?

Mr. FORDNEY. Yes.

Mr. SMITH of Michigan. I understand that the Government of the United States owns the Panama Railroad. Can the gentleman tell us what it costs the Government per ton per mile to operate that railroad—to draw freight over it?

Mr. FORDNEY. No; I can not tell you that, but I can give you an illustration of what the Government does. For the district that I have the honor to represent, in the State of Michigan, I received an appropriation at the courtesy of this House amounting to $70,000 with which to build a post office. Ten thousand dollars of that money was expended in a site, and it cost $50,500 to put up the building. Eight thousand nine hundred dollars went to the superintendent and for drawing the plans. Great God! In their extravagance they just managed to keep out of State prison, and that is all—robbed the Government. That is the percentage of cost that it costs the Government of the United States to do anything in proportion to that of an individual. The Government of the United States, with the red tape and the loose management that must come from politicians, can not do anything; can not carry on any great enterprise as cheaply as it can be carried on by private individuals or well-conducted corporations.

Mr. SMITH of Michigan. I will just make a guess that it costs the Government 2½ cents a mile to draw a ton of freight on the Panama Railroad.

Mr. DECKER. Mr. Chairman, will the gentleman yield?

Mr. FORDNEY. Yes.

Mr. DECKER. Is the gentleman familiar with the railroad owned by the city of Cincinnati, and can he give us any information as to the equipment and success of that enterprise? I am asking for information.

Mr. FORDNEY. No; I can not; but let me ask the gentleman is that a belt line?

Mr. DECKER. No; that is a long railroad. I forget just where it runs.

Mr. STAFFORD. Mr. Chairman, if the gentleman will permit, any person having an acquaintance with that line knows that it runs from Cincinnati to Chattanooga, and it is operated by a private corporation—leased by the city of Cincinnati for a number of years.

Mr. AUSTIN. It is the Queen & Crescent Line, that runs from Cincinnati to Chattanooga. It is not owned by the city of Cincinnati.

Mr. FESS. Mr. Chairman, will the gentleman yield for a question?

Mr. FORDNEY. Yes.

Mr. FESS. As I recall, reverting back to the Panama Canal Railroad, when I was down there the Government charged 5 cents a mile for passenger transportation.

Mr. FORDNEY. The gentleman from Ohio says the Panama Canal Railroad charges 5 cents a mile.

Mr. FESS. That is my remembrance.

Mr. FORDNEY. If they do that, they charge for freight in proportion. Let me go back a minute.

I had not concluded in reference to the income tax. There is a limit to where we can go in taxing incomes in this country, and especially corporations. It was suggested by some members of the committee we ought to put a higher rate than 16 per cent on excess-profits tax. Others wanted a higher rate on normal taxes. One per cent on normal taxes will amount to more money than 4 per cent on excess-profits taxes, because you begin at the very base of a man's income there in normal taxes. There is a limit to which you can go and take from a man his income until he begins to evade the law. If you make him mad, he is going to get the best of you if he can. Let me tell you how he can do it. There is no law in this country or any other that compels a corporation to pay dividends.

I know of a corporation in a city in Michigan where the stockholders are quarreling among themselves trying to make the president of that company pay a dividend, and he will not do it, although their profits are very great. So the very minute you have taxed the corporation to the point where the stockholders see you are about to confiscate their property, they will pass to surplus their earnings instead of paying it in dividends, and the next year get the benefit of the deduction of 5 per cent on capital and surplus used, or 8 per cent on capital and surplus. So in making up these rates the committee was mindful of these possibilities. Another thing—it was stated that we ought to tax some men of this country whose incomes are very great, not from industrial institutions but from inheritance. There are men in the city of New York who have inherited from their forefathers great and valuable property. Suppose a case, I am only supposing a case, but it seems to be reasonable, that a man owned the Waldorf-Astoria in New York and had it leased to a corporation. He knows their note is good, and instead of collecting his earnings this year he will say, "I have no use for the money; could you use it at 3 per cent? If so, give me your note for four or five years at 3 per cent." That is not income until the note is paid, and you can not make them pay it, at least I do not know of any way you can. So, you see, he will begin to dodge the very minute you begin to put a burden upon him that is an excessive burden. Some gentlemen came to individual members of the committee, to the chairman and myself and some other members, and advocated the taking of 98 per cent of all the incomes above $50,000 or $100,000 or various amounts. Simmered down, I will bet a dollar to a doughnut their income was below the amount they proposed to exempt. They were after the other fellow. I never knew a man in my life who wanted free trade on his own product. He wanted free trade on something he wanted to buy. He wanted protection for himself. I never knew a man, although one did come before the committee and said, "My father's income is very great, and he sends me here to tell you that you ought to take all income above $100,000." You put that into the law, and I will bet you 10 to 1 he would divide up his stock with his children and make his income below the amount suggested. [Laughter.] I never saw a man do anything of that kind, although it has been suggested. Now, my friends——

Mr. HARRISON of Mississippi. Mr. Chairman, I do not want to divert the continuity of the gentleman's thoughts——

Mr. FORDNEY. I am glad to yield.

Mr. HARRISON of Mississippi. There is a clause here giving a definition of capital invested. I want to inquire of the gentleman, Is it the intention of the committee in defining the capital invested to give credit to those persons or corporations that have invested their money or earnings in timber lands or mining properties where they have increased in value as a credit on their income?

Mr. FORDNEY. My friend, I did not intend to say anything about that matter, but as the gentleman has opened up the question I feel at liberty to discuss it.

Mr. HARRISON of Mississippi. I was anxious to know what the intention of the committee was under that definition. It is found on page 7—bottom of the page.

Mr. FORDNEY. My good friend, we had considerable discussion over that very point in the committee. I took one position and my friend Mr. KITCHIN another. The only reason in my opinion he won out was that they needed the money, not because of the justice of the argument on his side. Let me tell you what that is. That paragraph says:

SEC. 202. That for the purpose of this title actual capital invested means (1) actual cash paid in, (2) the actual cash value of property paid in otner than cash for stock or shares in such corporation or partnership at the time of such payment.

Now, this bill permits a bank to use its capital, its surplus, and its undivided profits as capital used, and on that the corporation can deduct $5,000 and 8 per cent in paying excess profits taxes. I used this argument and I want to use it now, but I vote for the bill with all the inequalities in it because I am a Roman and I stand by the majority. Let me call your attention to this fact: Suppose a case—and I know of an instance of a man in California who, in January, 1887, 30 years ago last January, purchased a piece of property for a fraction less than $20,000. That property to-day is worth from $250,000 to $300,000 because of the enhanced value in the 30 years, being a timber property. Suppose that man builds a sawmill to-day that costs him $100,000, or built it last year, before this bill becomes a law. What is his capital? Is it $100,000 he put into the mill and $20,000 invested in the property 30 years ago, making $120,000 in all, or is it the capital put in the mill and the actual market value of that timber to-day? I say it is the actual value as of to-day.

If his property is worth $250,000 and he puts $100,000 in the mill, his capital is $350,000, on which he should be entitled to deduct 8 per cent before he pays an excess profits tax, and not $120,000.

Suppose that 20 years ago some gentlemen joined with me and we purchased a lumbering institution in the South, or anywhere, for which we paid $200,000. We have taken our profits each year, took a living out of it, nothing more, put back into the business money with which to purchase timber time and again, until to-day our property is worth $1,000,000, although we only put in originally $200,000. What is our capital? Is it $200,000 or is it $1,000,000?

Let me go a little further. Suppose a gentleman here and I own that property jointly. Some man comes along and says to me, "I will give you half a million dollars for your interest,

Mr. FORDNEY," and I take it. He wants to buy the other man's interest, but he will not sell, because he thinks it is worth more money. There are two men now who are partners, one old one and one new one; one put in originally $100,000 and the other has put in $500,000. What is the capital on which they can deduct 8 per cent? Ought they not both to be treated alike? Certainly they had. The other man could have sold his for half a million. It is the market value to-day. That is the gauge that ought to be used as to capital. That is the market value to-day.

Mr. FESS. Will the gentleman yield for a question?

Mr. FORDNEY. I wish to explain that further, but I will yield.

Mr. FESS. I wanted to ask just here, what is capital in the illustration you have used in the bill?

Mr. FORDNEY. The capital originally invested, not the value of to-day.

Mr. FESS. Not the market value?

Mr. FORDNEY. No; for the reason, as the gentleman from North Carolina argues, it would be impossible to take physical value to-day. A man's assets are his capital. You make a statement every year, or every practical man does, and he shows his assets and liabilities. He must do that. Every merchant takes an inventory of the goods on the shelves once a year, and shows what his assets are and what his liabilities are, and the difference is his property over and above his debts. Everybody makes that statement. Everybody makes a sworn statement now to the Government in paying their income tax and their corporation tax, and there can be heavy penalties placed in the law for a violation of an oath in that report, and they are placed there; and other countries have that provision of law.

Mr. SMITH of Michigan. Suppose a person paid $200,000 for his property when he purchased it and to-day it was worth $100,000?

Mr. FORDNEY. I was just going to refer to that. I know of an instance in the State of Louisiana where a firm has been in operation for 20 years. In March I visited that concern. They have only about four years more cut of timber when they will be out of business. There is no more timber to buy in that vicinity. Their capital was $1,500,000 when they started in. The value of the standing timber to-day is but a quarter of a million dollars. Are you going to let that firm deduct 8 per cent on its original capital, $1,500,000, when its assets are to-day a quarter of a million? That would not be right. Uncle Sam would be robbed in that case.

In our stamp tax upon stocks the law that we passed at the last session of Congress, that 50 cents per thousand stock tax, is to be based upon actual value of that stock, not the par value, because we know there are many stock companies in this country to-day whose property is worth but 25 cents on the par value of their stock. And we know there are many corporations in the country whose real property value is five to ten times the par value of their stock when that company was first organized. The provision of law, in my opinion, my good friend, is not right and ought to be written differently.

Mr. HARRISON of Mississippi. Is the difference upon the part of the members of the Ways and Means Committee one merely of the construction of language?

Mr. FORDNEY. No.

Mr. HARRISON of Mississippi. Or do you differ as to the objects?

Mr. FORDNEY. We differ as to the objects, because it is claimed that if you permit corporations to-day to deduct 8 per cent on the real value of the property this excess profits tax will very materially dwindle and you will not get nearly so much money. And we need the money.

Mr. HARRISON of Mississippi. I thought I understood the chairman of the committee yesterday to contend the same thing that the gentleman is contending for, but that it was merely a difference as to the construction of the language—as to the definition of the capital invested.

Mr. FORDNEY. I have here the language that I offered.

Mr. HARRISON of Mississippi. I would like to ask the gentleman what he would think of this language as definition of capital invested, namely—

That for the purpose of this title actual capital invested shall be taken to be the fair market price or value of all assets, real, personal, or mixed, owned and used in connection with the business at the beginning of each accounting period for which the tax is to be computed.

Mr. FORDNEY. That is the language I offered as an amendment to the bill, and the committee voted it down because we need the money, not because it was not just.

Mr. BATHRICK. Will the gentleman yield?

Mr. FORDNEY. Yes, sir.

Mr. BATHRICK. Let me ask the opinion as to the effect of this law in this illustration: Suppose a corporation buys a piece of land for $10,000 and erects a building on it—although the value of the building is not necessary to my illustration—and after a term of years the land itself increased in value so it is worth $100,000 more, would this bill as it stands require his exemption to rest upon the $10,000 and not consider the $100,000 at all?

Mr. FORDNEY. Absolutely. The original capital invested, not its value to-day or during the taxable year.

Mr. STAFFORD. Will the gentleman yield?

The CHAIRMAN. Does the gentleman from Michigan yield to the gentleman from Wisconsin?

Mr. FORDNEY. I do.

Mr. STAFFORD. I desire to ascertain the gentleman's construction of this section as to what is capital, on this state of facts: Suppose a corporation invests some of its surplus in buildings and purchase of equipment, would that be considered capital on which they would be entitled to deduct the 8 per cent exemption?

Mr. FORDNEY. My friend, if you put in your undivided profits and put that addition into the business it is considered capital. For instance, we will say a bank organizes with a capital of $100,000. It runs along until it has a surplus of $100,000 and undivided profits of $100,000. The capital of that bank is $300,000, and on that 8 per cent can be deducted before excess profits begin. But it is only in the case of a bank and not with an industrial institution.

Mr. STAFFORD. Mr. Chairman, if the gentleman will permit, the gentleman from North Carolina—and I would like to have the attention of the gentleman from North Carolina—when I put that concrete case to him yesterday he stated it would be considered as capital and would be considered as the basis for the 8 per cent deduction.

Mr. FORDNEY. Yes; only in the case of a bank.

Mr. STAFFORD. My instance yesterday was in the case of an industrial corporation that uses some of its profits in the purchase of equipment, of machinery, or buildings, and the like, which is really capital, and I asked the gentleman from North Carolina the question whether that would be the basis of the 8 per cent deduction, and he said under his construction it would be.

Mr. KITCHIN. In the case the gentleman put yesterday and to-day it would be considered capital and would have the deduction. It distinguishes the part of profit from wear and tear or depreciation.

Mr. STAFFORD. I am not talking about the question of depreciation. I am talking about the diversion of part of its capital in the purchase of equipment, of machinery, of stock, or of buildings, and whether under the new phraseology that would be the basis of the 8 per cent deduction?

Mr. FORDNEY. As I understand the gentleman's question, if the surplus is put into the buildings it is capital, but increased values are not capital under the provisions of this bill.

Mr. SNYDER. Mr. Chairman, will the gentleman yield?

Mr. FORDNEY. Yes.

Mr. SNYDER. Take the case of a corporation that was originally capitalized at $50,000, and where at several periods since that time, out of the surplus earnings, additional capital has been created. Now, of course, that, under this law, stands as capital as well as surplus and undivided profits on which the 8 per cent can be deducted. Is that right?

Mr. FORDNEY. Any money paid in as capital or any money put aside as surplus account and used as capital is considered capital under the terms of this bill.

Mr. SNYDER. Whether earned or paid in?

Mr. FORDNEY. No; not whether earned. You have got to put it to surplus.

Mr. SNYDER. And then be declared into capital stock?

Mr. FORDNEY. Yes; and put into actual use.

Mr. BRITTEN. Mr. Chairman, will the gentleman yield?

Mr. FORDNEY. Yes.

Mr. BRITTEN. Under a condition of that kind, where the surplus is created and put into capital stock and distributed, the tax is levied upon that distribution, the same as any other dividend, is it not?

Mr. FORDNEY. Whenever a profit is about to be distributed in dividends, if it is distributed as a stock dividend, it does not come in as capital.

Mr. BRITTEN. But it is taxed?

Mr. FORDNEY. Of course it is taxed.

Mr. GRAY of New Jersey. Mr. Chairman, will the gentleman yield?

Mr. FORDNEY. Yes.

Mr. GRAY of New Jersey. Would it not be rather difficult to administer a law that would reckon increased values? Would it not be almost impracticable?

Mr. FORDNEY. If you are a business man and engaged in manufacturing, you know that every year, at the end of the year, you make a statement showing your assets and your liabilities. You know you make a report to the Commissioner of Internal Revenue, and you certify to the correctness of that report, that the value of your property is so much.

If you make a false statement, you commit perjury; and under the provisions of the law you can be punished for making a false statement. Every man makes a statement now who pays an income tax or a corporation tax, and he certifies to the correctness of the statement. Every corporation must show its assets and its liabilities and show what the income is, and must pay the tax; so that there is no effort required at all on the part of the Government to revalue property. Everybody values their own property and has to certify to its correctness.

Mr. GREEN of Iowa. Mr. Chairman, will the gentleman yield?

Mr. FORDNEY. Yes; I yield.

Mr. GREEN of Iowa. The gentleman will remember that this same argument that has just been mentioned was to some extent used in the committee, that it would be entirely impracticable for the Secretary of the Treasury to appraise and value all the property of these various corporations and partnerships. But it seems to me that there might be a provision that would do away with a great deal of that and perhaps avoid this entire objection, though I agree with the gentleman from Michigan as to his construction of the provision as it now stands. If the provision is left as it is now, but with a provision that in case the owner of the property claimed that the amount actually invested was larger than the amount originally paid in, he could have the privilege of showing that to the Secretary of the Treasury; and on the other hand, in the case which the gentleman from Michigan mentioned a short time ago, when the assets had greatly depreciated below the amount originally invested, the Treasury might have an opportunity of showing that, if they saw fit, and taking its valuation. It seems to me there would not be one case in a thousand when there would be a revaluation, but that a correct balance would be struck.

Mr. FORDNEY. Yes; because when you make your statement the Government either accepts it or rejects it and sees whether you make your statement correctly. The Government has the right to prove whether you make your statement correctly; if you value your property too high, they will make you come down to what it ought to be; and if you make it less than it should be, they will make you raise it up.

Mr. GREEN of Iowa. The work would be upon the party concerned?

Mr. FORDNEY. Yes; and not upon the Government.

Mr. HICKS. Mr. Chairman, will the gentleman yield?

Mr. FORDNEY. Yes.

Mr. HICKS. A few minutes ago the gentleman used an illustration, the leasing of the Waldorf Hotel, as an example, by which the owner might escape the income tax.

Mr. FORDNEY. Yes.

Mr. HICKS. As I understood the statement, the owner might lease the property and then, instead of actually receiving the rent, leave it for a period of years to the lessees and thus escape the tax. That does not seem a fair proposition or a correct interpretation of the word income. It seems to me the question hinges on the meaning of the word income, whether it is money actually received or money earned. Let me read Webster's definition of income. It is, among other things, "that gain which proceeds from labor, business, property, or capital." Would it not be income gained from property, but not received in actual cash?

Mr. FORDNEY. Yes; for instance——

Mr. HICKS. That man might have a gain, but did not receive any actual income?

Mr. FORDNEY. Yes; for instance, suppose you take my note for four years——

Mr. HICKS. I would be glad to take it.

Mr. FORDNEY. I question whether you would get your pay unless I put up collateral——

Mr. HICKS. I would be glad to take my chances on that.

Mr. FORDNEY. Because there is some doubt whether a four-year note will be paid, no matter who gives it, because God only knows what is going to happen to values in this country, or men's ability to pay, in the next four years.

Mr. HICKS. If the property earns an income, can it not be considered income whether the owner of the property actually receives it or whether he loans it? If the rent is loaned, then in reality the owner of the property has received it; otherwise he could not loan it, and it is income subject to the tax.

Mr. FORDNEY. He has not received it. It may be splitting hairs; but, as I said, to start with, the minute you begin to punish a fellow, he will begin to try to evade the law, and he will beat you if he can. I only gave that as one illustration of a possible way for a man to evade paying his taxes. I do not believe that would happen.

Mr. SNYDER. Using the same illustration, supposing the man who leased the Waldorf-Astoria was unable to pay for two years. Then there would not be any income received.

Mr. FORDNEY. No.

Mr. SNYDER. And it could not be considered that there was any income.

Mr. FORDNEY. No.

Mr. SNYDER. And the case is exactly the same, whether he was able to pay or whether he was not, so long as he did not pay.

Mr. FORDNEY. It would be exactly the same whether he was able to pay or unable, so long as you took his note for it.

Mr. HUSTED. What would be the situation of a corporation which purchased a tract of land, say, 50 years ago, and on that tract of land from time to time erected buildings and improvements as the necessities of its business demanded, but never kept any accurate track on its books of the actual cost of those buildings and improvements, but carried them at the appraised valuation. How would the surplus of such a corporation be determined for the purposes of taxation under this act?

Mr. FORDNEY. I can only give you my opinion. I should say, if the man was a practical business man he would enter on his books the amount of money invested in the plant from time to time and his books would show how much money he had actually put in in addition to the original value of the property, what buildings had been placed on it, and the capital invested in those buildings, and he would be permitted to deduct that amount; but if his father gave him the property originally and he paid nothing for it, that is not capital, and under the provisions of this bill he could not deduct anything for that as capital.

Mr. PLATT. Is there not danger of getting the income-tax rates so high as to kill reinvestments and stop the prosperity of the country?

Mr. FORDNEY. There is such danger, but I do not believe the rates in this bill will do that. Take, for instance, a man whose income is a million dollars and above that, you are going to take practically half his income. Well, if he is economical he can live on half a million dollars a year, and it is only the very large incomes that are very heavily taxed.

Mr. PLATT. Suppose he had an income of $2,000,000 and spent $1,000,000 and reinvested the other. If the Government takes the other million he will not have it to reinvest.

Mr. FORDNEY. He will have to cut down his expenses and live on a little less than a million dollars, that is all. I would try it mighty hard if my income was equal to that sum.

Mr. REED. How far back is your tax on corporation incomes retroactive?

Mr. FORDNEY. One year only; for the calendar year 1916.

Mr. REED. Let us presume that a corporation has made a little money, and on the 1st of April distributed it, and then sold out to somebody else. Who is penalized in the payment of this retroactive tax?

Mr. FORDNEY. With the ability of the Democratic Party to find revenue here, I leave it to them to find that money. I believe they will get it. Before I came into the room this morning a gentleman asked me a question about the tax upon insurance policies. I was in error. I had in mind then that the stamp tax upon these policies would be placed upon the policy at the home office; but instead of that, as I have once before informed him, that provision was not changed in this bill, and they will not be required to put on the stamps, but they will pay proportionately a lump sum of money, based on the value of the stamp. That is to avoid placing the stamp there. That is so also in the case of soft drinks. The tax is there placed upon the liquid gas and upon the sirups used, and so on.

Mr. REED. In the case I mentioned the corporation continuing in business would have to pay the tax, would they not?

Mr. FORDNEY. They would be called on to pay it, and they would have to take it out of the business, or out of the profits next coming due, I presume.

Mr. FESS. Will the gentleman yield on that?

Mr. FORDNEY. Yes.

Mr. FESS. That retroactive provision is simply adding one-third to the tax of this year.

Mr. FORDNEY. One-third of the tax on last year's income under the old law, and that is the end of that tax—33⅓ per cent of the money that will be collected on last year's incomes. That will yield $110,000,000 revenue.

Mr. HAMILTON of Michigan. I want to ask my friend about a corporation engaged in the manufacture of pianos or musical instruments. They pay an excess profits tax, and then I understand they pay 5 per cent on their sales.

Mr. FORDNEY. Yes; on all musical instruments valued above $10.

Mr. HAMILTON of Michigan. A delegation called on me this morning; I suppose they called on other Members; and they said that a good deal of their business of manufacturing and selling pianos involved sales on time, and they said if they had to pay that 5 per cent on sales it would amount to more than the whole of the first installment, and the burden of carrying that 5 per cent would very greatly injure their business and perhaps destroy it. What does the gentleman say about that?

Mr. FORDNEY. I think it is a wrong principle of taxation to tax the gross proceeds of sales.

Mr. HAMILTON of Michigan. Is it not a little unfair to single out certain industries and tax them 5 per cent in that way?

Mr. FORDNEY. Yes; but the whole business is unfair, on musical instruments and automobiles especially. I think we are burdening them. I think we will put several institutions out of business, which will work to the benefit of some other institutions that are engaged in making automobiles. For instance, a 5 per cent tax upon the gross sales of the product of any factory is usually equivalent to 50 or 75 per cent of the net profits of that concern, and sometimes more than 100 per cent of the net profits, because there are many institutions in the country that do not make 5 per cent profit on the capital invested. Therefore that is a wrong principle. We are going at the thing wrong, and the only excuse for it is that we need the money.

Mr. HAMILTON of Michigan. We could afford to be fair.

Mr. FORDNEY. I would like to be fair with everybody. Let me tell you something. I quarreled and fought and sometimes came near using profanity. I took my hat and left the room three times, but never went farther than the screen and then came back. [Laughter.] I am black and blue from my head to my heels by the punishment the committee has inflicted upon me. I am discussing the things now. I do not believe they are right, but they are here in the bill, and I do not know how we are going to get them out. Some of us tried to get them out in committee and could not do it. What the House will do I do not know, what the Senate will do I do not know, but to put a tax on gross sales of a private business, or any institution in this country, is the wrong way to collect a tax.

Mr. FESS. Will the gentleman yield?

Mr FORDNEY. Yes.

Mr. FESS. Is there any danger that we will defeat the very purpose we are trying to reach if we put the tax to a certain point that will be prohibitive so that we will fail to get the revenue, and destroy business?

Mr. FORDNEY. Yes; that is the danger.

Mr. BRITTEN. Will the gentleman yield?

Mr. FORDNEY. I will.

Mr. BRITTEN. The retroactive feature in the bill applies to the income tax for the period of 1916. It places an additional tax on the income of last year and that is payable in June of this year.

Mr. FORDNEY. Yes.

Mr. BRITTEN. In many instances the tax has already been paid, and in some cases large amounts. What becomes of those particular cases; are they reassessed, or is the additional amount prescribed, provided in this bill, called in?

Mr. FORDNEY. There is no language in the bill upon that point; it simply taxes incomes of last year; and I notice here an estimate of $108,000,000 instead of $110,000,000, which would be one-third of that already assessed, and which we know will be collected. I think the framers of the language of the bill figured on the loss of a little money, because they have dropped off $2,000,000 in the estimated receipts. I do not know how they are going to catch it where a corporation has distributed its profits last year and discontinues business and is gone. That money is lost. How they will get it from corporations and institutions in existence unless they go back and say you have to pay it, I do not know. If it is to pay no dividends hereafter, it comes out of the value of the stock, and I presume the Government can collect it.

Mr. BRITTEN. The case I had in mind is where a Chicago concern paid several hundred thousand dollars taxes in advance of the period prescribed. Will the Government go after that particular concern for the increase?

Mr. FORDNEY. The gentleman can rest assured that the Government will go after every nickel that it can collect, because they need the money.

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. FORDNEY. I will yield to the gentleman.

Mr. GREEN of Iowa. Either the gentleman from Michigan or myself misunderstood one of the questions asked by the gentleman from Illinois [Mr. BRITTEN]. He asked if the so-called retroactive tax would not be paid in June. It is not payable until September.

Mr. FORDNEY. No. I misunderstood the gentleman. The provision in the bill is that the one-third of the income tax imposed by this bill is not payable until the 15th of September.

Mr. BRITTEN. So that he may pay it in two installments, one in June and one in September.

Mr. FORDNEY. Under the old law one in June, and he pays the other in September.

Mr. MASON. Will the gentleman yield?

Mr. FORDNEY. I will yield to the gentleman from Illinois.

Mr. MASON. I agree with the gentleman that the tax on gross incomes may work a great hardship. I want to ask if the gentleman's attention was called to the fact that when you tax the gross income, for instance, of a billposter, or advertiser outside of a newspaper there are difficulties. The billposter may contract for a display for $100, and it may cost him $98 to get that $100. I can understand how you can take it out of street car space, because they rent out the space, and I can see how that would not work a great hardship, because the space is there. But to take a man who is to fill the space with his labor or the labor of the artist whom he hires to paint the advertisement—that plan of taxation is in violation of every good principle. You put a tax on every cent he takes in, whether he makes any profit or not.

Mr. FORDNEY. I will tell you. We tax the man who advertises on what it costs him to get it, whether it is a billboard advertiser or whatever it may be. Somebody has got to pay the tax, and it falls on the man that pays for the advertising. At one time it was thought wise to tax advertisers in the newspapers, but we get the newspapers the other way, by putting additional postage on them, and you thus catch the fellow in postage. But those who advertise on the billboards we put a tax of 5 per cent on its cost, because you can not catch them by putting on additional postage. Such advertising does not go through the mail.

Mr. MASON. In that way you make no discrimination as to the question of cost. A man may receive $1,000 for rent of space in front of his lot for advertising purposes, and he pays 5 per cent; the other man may get a contract for $1,000 and spend $999 for the painting and labor.

Mr. FORDNEY. It is a tax on the gross proceeds of the business, and it is just as equitable as the automobile tax or the taxing of musical instruments; none of them are equitable taxes. They are out of joint.

Mr. CANNON. Will the gentleman yield?

Mr. FORDNEY. I will yield to the gentleman.

Mr. CANNON. I think the gentleman has anticipated, perhaps, my question. If you tax the sales of automobiles, musical instruments, pianos, and so forth, it is all covered by the same principle as taxing the advertiser because the advertising by billboard is only one means of making the sale. It is the same principle that covers both.

Mr. FORDNEY. Exactly the same principle. It is taxing the gross proceeds of your sales, and I say that is not a correct principle of taxation, but it is in this bill, and I have got to swallow it, because I can not get it out.

Mr. REAVIS. Will the gentleman yield?

Mr. FORDNEY. Certainly.

Mr. REAVIS. You get at the party that advertises on the billboard, and you increase the postage on the newspapers, but how can you reach the man that advertises exclusively in the newspaper?

Mr. FORDNEY. No; except to get him through increased cost of advertising. Yesterday the gentleman from New York [Mr. CHANDLER] presented a copy of the Outlook here to my good friend from North Carolina [Mr. KITCHIN]. I received one of those same circulars through the mail this morning, and I read it, and it is to this effect: The Outlook is sending this little slip around to everyone, whether he be a patron of the Outlook or not, showing the subscriber how much this increase in postage is going to cost him for his subscription. The Outlook does not propose to pay it—not on your life! They are just notifying you that if you live so far away from where the Outlook is published it is going to cost you 54 cents or a dollar

or $2.70 for this increased postage, or some other sum. No, no; not the Outlook.

Mr. DOWELL. Mr. Chairman, will the gentleman yield?

Mr. FORDNEY. But just let me conclude with this: That notice is going out to everyone to induce him to appeal to his Congressman to strike out this extra postage on second-class mail matter that the consumer has to pay.

Mr. HAMILTON of Michigan. Mr. Chairman, will the gentleman yield?

Mr. FORDNEY. They can pass it along to the consumer, and they are showing that they are going to do it. I yield to the gentleman from Michigan.

Mr. HAMILTON of Michigan. I would ask if there would not be a falling off of the subscription list on account of the increase?

Mr. FORDNEY. I do not think so; but let me tell you why. The Outlook and the Saturday Evening Post, as I understand it, are getting as high as $6,500 a page for advertising matter, and they are going to charge a little more for advertising. They have to pay 1 cent a pound now for sending magazines through the mails from one point to another all over this land—1 cent for sending the paper to Alexandria, and 1 cent for sending it to San Francisco. The zone system is now proposed in this bill, and the committee has thought it wise to double up the tax and make it 2 cents a pound in the first and second zones, which covers a distance of 150 miles, 3 cents for the third and fourth zones, and then 1 cent for each zone until it reaches the eighth zone, 7 cents, and for all distances beyond the eighth zone, which is 1,800 miles, 7 cents a pound. What the periodical publisher will undoubtedly do is just exactly what Sears, Roebuck & Co. and Marshall-Field & Co. and many other great mail-order houses do. They will send by freight, as they did to my home city last spring. Sears, Roebuck & Co. sent one carload of their catalogues by rail and distributed them through the local post office.

Mr. HAMILTON of Michigan. But there is a difference between a catalogue and a publication which is distributed and sent out once a week, or once a day for that matter.

Mr. BRITTEN. Not so far as the advertising is concerned.

Mr. FORDNEY. The great metropolitan newspapers and the magazines are the ones that are going to pay this large increased postage. The average country newspaper in a town of 50,000 or 75,000 people sends a very small percentage of its papers a distance further than 150 miles away from the point of publication. It is the large metropolitan papers, as the Postmaster General in his report shows, that travel a distance on an average of 300 miles from the point of publication, and the magazines go from 1,000 to 1,150 miles away, and undoubtedly they will send those out by freight and distribute them through the local post offices where they are delivered to their patrons.

Mr. PLATT. But there is a proviso to prevent that, for the bill provides that second-class mail matter mailed to subscribers from an office other than that of publication shall pay the same rate as if mailed from the office at the place of publication.

Mr. FORDNEY. Suppose there is. What is there in the law to prevent the Saturday Evening Post being published so far as its California list is concerned in San Francisco instead of in Philadelphia? They can send manuscripts out there and have it put through the press out there and delivered from there at the lower rate.

Mr. PLATT. I think that is just what will happen. Now, in the case of the Outlook they state that it will cost them $1.25 additional.

Mr. FORDNEY. Oh, no; they do not.

Mr. PLATT. To deliever in the West.

Mr. FORDNEY. No; they do not. They tell you that it will cost you that—not them.

Mr. PLATT. That is the extra postage upon it.

Mr. FORDNEY. Oh, yes; but they say that it is going to cost you that and not them.

Mr. PLATT. If it is going to cost me that I will stop it, and that is what everyone else will do.

Mr. FORDNEY. Oh, bless your soul, no. You will want to find out about what the Outlook has to say about some automobile manufactured somewhere.

Mr. PLATT. You still have left a provision in the bill that nothing shall affect the existing law as to the free circulation and rates on second-class mail matter within the county of publication.

Mr. FORDNEY. Yes.

Mr. PLATT. And people will get their information more from their home papers instead of from the metropolitan papers?

Mr. FORDNEY. Yes; and they are struggling along now between life and death.

Mr. STAFFORD. Mr. Chairman, I would like to get the viewpoint of the committee in placing a ban upon publishing houses from utilizing other facilities than the mail in connection with the distribution of mailable matter. It has been the practice for years to permit these publishing houses to utilize other agencies in their distribution, such as express companies or the railroads, through freight. They have then used the mail at the immediate point of distribution.

Mr. FORDNEY. Yes.

Mr. STAFFORD. What is the theory of the committee in absolutely forbidding these large publishing houses the freedom of business in the means of distributing their publications by the cheapest possible way as under existing law?

Mr. FORDNEY. Because Uncle Sam needs the money, and you are going to tax them to the fullest extent and get that money. There is no other excuse for it that I know of.

Mr. STAFFORD. The gentleman is placing a penalty upon the dissemination of information.

Mr. FORDNEY. Wait a minute, my friend.

Mr. STAFFORD. You are, certainly, if you keep in the bill this provision which says they must pay the higher rate——

Mr. FORDNEY. Let me answer the gentleman. It has been shown by every Postmaster General since I have been a Member of this House—18 years—that it costs this Government 9½ cents a pound to handle the magazines of this country and the Government is getting 1 cent a pound for doing the delivering. Therefore, the Government is losing 8½ cents a pound for every pound of magazines handled by mail in this country. Now, this is an opportune time for the periodicals of this country—which I said the other day have done as much as any other institution in this country to bring on this war—to come forward now and pay a fair share to maintain the war. [Applause.] My son has already enlisted—I hope God will bring him back safely uninjured—and to send my son to the front with an empty gun and an empty knapsack, without anything to eat and without ammunition, is to send him to the slaughter, and I am ready to pay, and every public-spirited man in this country ought to be ready to pay, his fair share of taxes to support my son at the front fighting his country's foes. [Applause.] The magazines of this country have been getting a subsidy out of this Government and they ought to come up without complaint now like brave, public-spirited men and pay a fair share of the maintenance of this war to supply your boy and my boy and other boys out in the trenches fighting the enemy under the Stars and Stripes. They will do it. They are kicking now; they will complain severely now; but, as the good chairman of the committee said yesterday, the only reason why this tax has not been imposed heretofore is because it was lack of nerve of men in this House to do it. Now, we think it is a just and equitable time to place this tax with less complaint than at any other time.

Mr. STAFFORD. Will the gentleman yield further?

Mr. FORDNEY. I will.

Mr. STAFFORD. I wish to say, if the gentleman will permit me, that during 18 years of service on the Committee on Post Offices and Post Roads I always advocated an increase of the postage rate on second-class mail matter, but I never advocated any increase of postage rates on second-class mail matter that would result in the curtailment of publications. Now, you are placing here a ban of rates that will be absolutely confiscatory upon publishing houses. We send these magazines and publications by freight now under the new car-space plan. The freight rate in carload lots on this class of merchandise from New York City to Salt Lake City is $2.38 a hundred pounds, and $3.39 when shipped in less quantities, and yet you are proposing to charge these publishing houses that send their publications bagged up and carried in many instances without expense to the Postal Service to the terminal stations $6 a hundred pounds, and yet you will not permit them to utilize the freight service and then the Postal Service for local delivery, but say, you must send by mail entirely if you want to have the mail facilities at all.

Mr. FORDNEY. Wait a minute; the gentleman has made a speech and an effective one, too, but let me tell you something the gentleman has not brought into his argument. The Postmaster General advises the committee that it costs Uncle Sam 4½ cents overhead charges in handling this mail, to say nothing about transportation. Does the gentleman want the magazines to send their stuff through the mail at 1 cent postage and this Government lose 3½ cents handling it?

Mr. STAFFORD. The Postmaster General can not show that it costs 4½ cents a pound or anything approaching that amount for overhead charges for the carriage of bag-magazine mail. They are usually carried in bag lots.

Mr. FORDNEY. The gentleman knows what the man said to the fellow in jail, "They can not put you in jail." "Why, my good friend, they can, because I am in jail." [Applause.]

Mr. STAFFORD. Nevertheless there are no figures by the Postmaster General to show that it costs 4½ cents overhead charges for the carriage of magazines of the country carried in bag lots.

Mr. SLOAN. Will the gentleman yield?

Mr. FORDNEY. The Postmaster General shows exactly that, I tell you. Whether it is right or wrong I do not know, because I have not gone through the Government's books to find out. I yield now to the gentleman from Michigan.

Mr. CRAMTON. The gentleman has just stated, as I understand, that the average cost to the Government for transportation of second-class mail matter is about 9 cents a pound—the transportation for long distances would be about 9 cents, but assuming it is 9 cents to carry it, say, to San Francisco. Under this bill is provided a charge of 6 cents and then, for fear that the company will not ship at the rate of 6 cents for that which the Government must pay 9 cents, you have a proviso that will prevent their using freight for carrying that until it comes to the local office.

Mr. FORDNEY. Now, a great many gentlemen have advised me, Members on this side of the House, that it would be a wise provision to put in the law for the increase of postage on second-class mail matter that this stuff can not be sent any other way than through the mails. Now, there is a very large sentiment here in favor of that sort of thing.

Mr. CRAMTON. If my colleague will yield——

Mr. FORDNEY. I will.

Mr. CRAMTON. I am not arguing against the increase in rates. I think there should be some increase, but I do not believe the figures are correct that the department has so industriously peddled, that the cost is 15 cents, or it costs the Government 15 cents, or that the average is 9 cents. And the committee shows that they do not believe it costs the Government 9 cents by providing language requiring these companies to ship at 6 cents, thereby causing the Government to lose the 3 cents.

Mr. FORDNEY. You are wrong about that.

Mr. CRAMTON. And cause the Government a loss of 3 cents.

Mr. FORDNEY. It has been a long time, I will say, since we have had a Republican Postmaster General—the time is too long to suit me altogether—but Mr. Hitchcock's last report when Postmaster General gave the figures that I have given you, and the present Postmaster General verifies them by making practically the same statement. And I have never seen any report by any Postmaster General that varied much from Mr. Hitchcock's report. I do not know whether that is right or not. I do not carry the mail. I do not run the Post Office Department. I never was Postmaster General, but I am going to take it for granted that the man making those reports knows something of what he is talking about, and I must be guided somewhat by his judgment.

Mr. CRAMTON. Then, accepting the cost as 9 cents a pound, you provide that the Saturday Evening Post, for instance, instead of sending a publication at their own expense by freight, must send it at a cost of 6 cents a pound to them and cause the Government a loss of 3 cents? I think the committee is inconsistent.

Mr. FORDNEY. We are not asking the newspapers to pay all the cost. We are like the Irishman that said in regard to his dog: He cut his ears off a little bit at a time because it would not hurt so much.

Mr. CRAMTON. And at the same time others are taking off a few chunks, as, for example, the print-paper people.

Mr. FORDNEY. Oh, print paper! The chairman yesterday spoke of Mr. CANNON'S loyalty and good judgment in that matter. There came before the Ways and Means Committee when the Payne tariff law was being framed a man whose name was Ridder—I believe he is dead—and a man by the name of John Norris, who, I understand, also is dead, and they claimed they were paying then $32 or $38 or $40 a ton for print paper, and if we would remove the duty then upon print paper it would be very much cheaper from Canada and elsewhere. All right. The House passed a bill based upon the report made by the committee, of which the gentleman from Illinois [Mr. MANN] was chairman. After thorough investigation that committee, as I now remember, recommended a duty of $2.50 a ton on print paper. The bill went through the House with that rate in it, just as recommended by the committee. It went to the Senate, and the Senate increased the rate to $4.50 a ton. When the bill went to conference the rate was reduced by the conferees to $3.75 per ton, and every newspaper publisher was mad because print paper did not go on the free list and flayed every man who voted for that duty and put some of my best friends out of Congress.

I received a letter a short time afterwards from a gentleman at Niagara Falls who purchased pulp in Canada and imported it to this country and made print paper from it, and he begged my pardon for coming before the committee and making any such fool statement as he had, namely, that if the duty on pulp were removed he could get his raw material cheaper, while, as a matter of fact, the price had gone up. And he said,

> I am purchasing my print paper to-day from the same firm at Quebec, Canada, that I purchased it from before you reduced the duty, and I am paying $10 per ton more now than I did before Congress reduced the duty and wish to acknowledge I made a fool of myself.

Where is the price of print paper to-day? It is $80 to $100 per ton. Congress has done everything in its power the newspapers of this country have asked in reference to the duty on print paper, and there is no way that I know of to please the newspapers and magazines in this country except to give them free transportation through the mails and free print paper. I expect to be flayed by the newspapers and magazines for my position on this matter, but I will vote now for what I think is right and do what I think is my duty now, and then stay at home if necessary.

Mr. FOCHT. Just to get that question of the tariff on paper right, let me ask the gentleman a question. In section 2 of the reciprocity treaty which was passed by this Congress and sent to Canada, where it was turned down on a popular vote, was it not, after all, the trick of that whole proposition to get through the repeal of the tariff on print paper, costing less than 4 cents a pound, and after we were all through with it, it was repudiated by Canada, and the only thing that was left standing on that bill was the repeal of the tariff under 4 cents?

Mr. FORDNEY. In reply to the gentleman I will say that I saw a letter purporting to come from the Secretary of State at that time, addressed to this man, John Norris, whose name I have mentioned, before the reciprocity message was presented to Congress and before it was presented to the public, notifying Mr. Norris that every provision he wanted in that reciprocity treaty was already in.

Mr. FOCHT. You will permit me to state, gentlemen, to get the right understanding, that we had a big excitement here and all over the country by the newspapers and newspaper publishers that we wanted this reciprocity, and that the then Republican President of the United States came to Congress and in coalition with the Democrats passed the bill with over 200 Republicans against it.

Do you not understand that was the farce and joke and trick of the whole thing, that this same reciprocity was to cover this farce of repealing the tariff on paper; and now the result is just as the gentleman says, that the paper companies are going out of business in this country, and they are all up in Canada, and the United States Government has to come to the rescue of the newspapers; and those of us who publish newspapers in the country have got to get cheap paper or go out of business. We have had to appeal to the Government for help. We would have had to pay 6½ cents a pound for print paper but for the intervention of the Government in our behalf, and that brought it down to 4½ cents a pound. I want to get that straightened out and emphasize the fact that all things are not as they appear to be. [Laughter.]

Mr. FORDNEY. Yes; yet you can not believe all you hear, and only about half what you see, these days. [Laughter.]

Mr. HULL of Iowa. Mr. Chairman, will the gentleman yield?

Mr. FORDNEY. Yes.

Mr. HULL of Iowa. I want to inquire if it was the intention of the committee to raise the rate that an individual pays when he mails a newspaper? Was it the intention of the committee to raise the rate that you and I pay when we mail a single-wrapped newspaper?

Mr. FORDNEY. Well, it is pretty hard to answer that question and give you the real definition to it. But it was the intention of the committee to get more money, because we needed it. Now, if you pass it along to the consumer, good and well. That is what I think the printer will do.

I received a letter day before yesterday from a constituent of mine, appealing to me to have the postage on first-class mail matter reduced to 1 cent. I replied to him that I was then engaged with other members of the Ways and Means Committee in trying to readjust the postal rates of this country, and that it was the effort of the Democrats to put the rate up to 4 cents, while I was doing everything in my power to keep it down to 3 cents, and I hoped to succeed. [Laughter.]

Mr. HULL of Iowa. Will the gentleman yield again?

Mr. FORDNEY. Yes.

Mr. HULL of Iowa. This committee is a great committee, and it ought to know when it raises a rate what it is doing. Yesterday I asked the chairman of the committee a question; and he replied, I think, by asking me three questions; but when he got through he yielded the floor to another gentleman. [Laughter.]

Mr. FORDNEY. Tell me what you want.

Mr. HULL of Iowa. You answered my question by asking another question, which had no relation to the question that I asked of you.

Mr. FORDNEY. You want to know, do you, whether or not we intended you or somebody else should pay the bill when we increased the postage on second-class matter?

Mr. HULL of Iowa. No. When I pay the rate of 1 cent for every 4 ounces, I want to know if that rate is to be raised to the individual as well as to the publisher.

Mr. FORDNEY. Yes; when we put the postage at 3 cents instead of 2.

Mr. HULL of Iowa. It is subject to the zone rate?

Mr. FORDNEY. Oh, I am talking about first-class mail matter.

Mr. HULL of Iowa. Oh, no; we are talking about second-class mail matter.

Mr. FORDNEY. You evidently are talking about one thing and I another. You mean you are talking about sending a newspaper under 2-cent postage? are you?

Mr. HULL of Iowa. I am talking about sending it at 1-cent postage, 1 cent for every 4 ounces.

Mr. FORDNEY. If this bill becomes a law you will have to pay 2 cents, because we need the money.

Mr. HULL of Iowa. Oh, no.

Mr. FORDNEY. Yes; you will. Maybe I am wrong, but maybe not. Whatever is the rate we have put in this bill will have to be paid if the same is enacted into law.

Mr. HULL of Iowa. Wait a moment.

Mr. FORDNEY. Oh, no; I will not wait a moment. Whatever rate is put in this bill for first or second class mail matter is adding to the existing law, my friend, as we thought, in the most equitable manner to get the money that the increased rate will raise. As the Government must raise more money, we thought this increase in postage would place upon the people a burden in the least vexatious manner. To require everybody who sends a newspaper or a letter through the mails to pay the increased rate and give the Government an increased amount therefor is an equitable distribution of the tax.

Mr. HULL of Iowa. Then the committee understood they were raising the individual mailing rate?

Mr. FORDNEY. You can call it the individual or the association or whatever else you desire. But we decided to double it up.

Mr. HULL of Iowa. You have not raised the third-class rate.

Mr. FORDNEY. No; we did not touch that class of mail.

Mr. HULL of Iowa. Supposing a newspaper publishing house is sending out a newspaper that does not weigh over 2 ounces, and it desires to mail it out as a circular. Have you provided anything in there to prevent that?

Mr. FORDNEY. If it is not in this bill, you evidently can not find it. [Laughter.] But I have explained to you, my friend, that we propose to double up the rate on second-class mail matter and add 50 per cent on the rate on first-class matter. Now, I decline to yield further. The gentleman does not listen to me when I reply to his questions.

Mr. LANGLEY. Mr. Chairman, will the gentleman yield?

Mr. FORDNEY. Yes.

Mr. LANGLEY. The gentleman stated that the purpose is to get all the money possible——

Mr. FORDNEY. Yes; and in the least burdensome manner.

Mr. LANGLEY. I have had a number of complaints from dealers in soft drinks. [Laughter.] They contend that the increase in the cost of the various ingredients used, as a result of this bill, will make it impossible for a great many of them to continue in the business. Now that the country is going "dry" so rapidly, the soft-drink industry is becoming relatively more important. What does the gentleman say about that?

Mr. FORDNEY. I will tell you what they will do. They will do just what the man does who sells beer. He will give less in the glass. [Laughter.]

Mr. LANGLEY. They certainly could increase the price above the universal rate now prevailing.

Mr. BRITTEN. They increase the bubbles. [Laughter.]

Mr. FORDNEY. Yes.

Mr. CANNON. Mr. Chairman, will the gentleman yield?

Mr. FORDNEY. Yes.

Mr. CANNON. Is Coca-Cola a soft drink?

Mr. FORDNEY. It is considered a soft drink.

Mr. LANGLEY. If it is not "spiked," I guess it is.

Mr. CANNON. I have seen it mentioned in medical journals and many others, and I have never heard it disputed, that the contents, the factors that make the Coca-Cola, beget the drug habit. Now, does the gentleman know whether that is true or not?

Mr. FORDNEY. No; I do not. I can not say to the gentleman whether it begets the drug habit or not; but let me say this: The law provides that all these drinks that contain less than one-half of 1 per cent alcohol shall go into one class and those containing more alcohol go into another class.

Mr. CANNON. I suppose this is something akin to opium.

Mr. FORDNEY. I do not know as to that, but Coca-Cola was considered as one of the soft drinks. Let me say to the men who put up those soft drinks, Coca-Cola and pop and seltzer waters and drinks of that kind, that a manufacturer of such goods, a Member of the House, came before the committee with samples. The committee had an expert, Mr. McCoy, a chemist in the employ of the Treasury Department, with them, and there was a difference of opinion as to how much liquid gas is used in the charging of a gallon of water for soft drinks. It was claimed by one man that there could be only charged 4 gallons of water with a pound of liquid carbonic gas. Another man claimed that from 20 to 30 gallons could be charged with a pound of that liquid gas. But here is what happened when we got the two men together: One man had a bottle of seltzer water and a bottle of ginger ale and a bottle of vichy water, or something of that kind, and presented a letter he had received from an expert over in New York, whose name, I believe, was Smith, who said that 1 pound of liquid gas would thoroughly charge 4 gallons of water. Before the expert in the Treasury Department came in I asked the gentleman, "What is the difference between a gallon of thoroughly charged water and a gallon of charged water?" He did not know just what the difference is; but when the expert came in he showed that Excelsior water is charged at a pressure of 180 pounds, and an ordinary glass bottle would not stand that pressure, but would burst; but the glass of the bottles in which Excelsior water is contained is a quarter of an inch thick and will stand that pressure, and many of the soft drinks are charged at 20, 30, 40, 50, and 60 pounds pressure instead of 180 pounds pressure, as in the case of Excelsior water. Do not drink too much of that Excelsior water, gentlemen, or you will blow up. It seems to me that some Members in this House are pretty thoroughly charged. [Laughter.] That was what made the difference. Now, if you thoroughly charge 4 gallons of water, 1 pound of liquid gas will be consumed; but if you charge the water under a pressure of 20 pounds instead of 180 pounds, you can charge from 20 to 30 gallons of water with 1 pound of liquid gas. It just depends upon the pressure, which determines the amount of gas that goes into the water; so that the committee, to tax it as correctly as possible, put a 2-cent tax upon a gallon of soft drinks in order to get the amount of tax wanted from that source without putting a hardship on the manufacturers of the liquid gas.

Mr. LANGLEY. Going back to my original question, then, you do not think this tax that you are proposing will put any soft-drink manufacturers out of business?

Mr. FORDNEY. Oh, no. There will, in my opinion, be more soft drinks sold next year than ever before.

Mr. LANGLEY. I hope you are correct, but I doubt it.

Mr. BENJAMIN L. FAIRCHILD. How about the manufacturers of liquid gas?

Mr. FORDNEY. The manufacturer of liquid gas pays the tax at the factory, and instead of paying a stamp tax it is proposed to let him pay on the volume of his business, equal to the sum the stamp tax would amount to for the reason that labor is very scarce, and it costs about as much money to put the stamp on the bottle as the stamp itself costs.

Mr. BENJAMIN L. FAIRCHILD. But I am informed that some manufacturers of this liquid gas have contracted a year ahead to deliver their product at 5½ cents a pound, and you are going to tax them 8 cents a pound.

Mr. FORDNEY. Yes; and the Outlook Co. have, and other magazines have, contracted to deliver copies of their publications a year ahead, but they also must pay the increased postal tax. I admit this feature in this bill is a serious matter for some people. Men who make contracts in advance and do not throw safeguards about them are liable to find themselves in a bad fix.

Mr. MOON. Will the gentleman yield?

Mr. FORDNEY. I yield to the gentleman from Tennessee.

Mr. MOON. I want to make a statement of fact or two to the gentleman from Michigan, which he is aware of, but to which I desire to call his attention, and then to ask him a

question or two in reference to the postage proposition that he has been discussing. It is known to the House, of course, that we have four classes of postal matter, and that the first class is carried at 32 cents a pound and the second class at 1 cent a pound. Nearly all of our revenue comes out of the first class, the third and fourth class matter taken together being barely self-sustaining, if they are even that. Now it is unquestionably correct that the second class ought to bear a larger proportion of the burden of the Post Office Department than it does. Last year the second-class mail matter amounted to 1,240,000,000 pounds, which this Government carried for 1 cent a pound.

Mr. FORDNEY. Or for $11,000,000.

Mr. MOON. There is a difference between the calculations of the committee and of the department and of the Hughes Commission and other commissions as to the actual cost of transportation, but I take it the most conservative figure would be that we pay about 8¼ cents a pound and get 1 cent, and therefore that we lost $80,000,000 or $90,000,000 on second-class matter last year.

Mr. FORDNEY. That is the estimate.

Mr. MOON. I assume that your committee want to recoup that loss in part, and the Post Office Committee are willing to yield their jurisdiction upon this question to the Ways and Means Committee. Now I make this statement in order to get to the point as to what is the best method of recouping. In considering this question you can not afford to overlook the well-fixed and established policy of this Government in postal affairs for more than a hundred years, that the Government ought to lay the least possible burden upon that class of literature through which knowledge and information are disseminated to the people. It is the weekly papers and the daily papers, and they alone practically which give that knowledge of the affairs of government and of our lives that is essential to the welfare and interest of the country. Therefore the Committee on the Post Office and Post Roads have been seeking all along to find some method by which we would not violate the well-established principle of the Government in the interest of a free press and of the dissemination of knowledge, and at the same time make that class of matter pay more than it now pays. It once paid 2 cents a pound, and then was reduced to 1 cent. Now the radius of the circulation of a daily newspaper is shown by all the reports to be a little less than 300 miles. But newspapers carry not only information, but they carry an immense amount of advertising. Now that advertising matter is commercial; it does not fall within the purview of the policy of the Government, of maintaining a system by which knowledge of governmental affairs and general information are carried to the people. Can you not arrange some way by which you can let the papers that give information to the public be carried at a low rate, and tax that part of the paper which is purely commercial in its nature?

We have pending here a bill introduced at this session in which it is provided that within a fixed zone of 250 miles the present rate upon papers is maintained, and after you have passed that zone you apply the parcel-post rate to the paper so far as it contains advertising. In other words, the publisher is required to separate the advertising matter from the purely literary matter and weigh the advertising matter and furnish to the Government a statement of the amount, and while he will continue to pay for the literary part the present rate, he will pay a sum equal to the cost of transportation upon the purely commercial part of his paper. That we thought was fair, because that is a purely business proposition. There is no such principle involved as there is in the carrying of literature and information, and the advertisements ought to be carried just like merchandise, and pay as much. I am not making any objection to the position of the committee on this matter, but I want to suggest whether it would not be wise to amend this part of your bill so as to provide for the preservation of that principle that has been maintained so long as to the press, within a limited first zone, and as to all zones make the part that carries advertisements pay the cost of the carriage of the advertisements.

There is a bill pending here that is intended to cover that, proposing an increase, perhaps not so high as it ought to be. I merely make the suggestion to the gentleman without any desire to interfere with the views expressed by the committee or the gentleman's argument. The question of postage is one of many sides and many difficulties, and you can not go at it with one fell stroke and do justice to all that are interested and to the Government, nor can you do justice to yourself without some discrimination along the line that pertains to the whole matter.

Mr. HULL of Iowa. If the gentleman from Michigan will yield, may I ask the gentleman from Tennessee one question. I think that he falls into the same error that I think the committee has, and that is that postage on second-class mail matter is not always paid by the publisher. He said that it was paid at 1 cent a pound. Now, there is a class of second-class mail matter that is mailed by the individual that pays 1 cent for every 4 ounces.

Mr. MOON. That is not what we are talking about.

Mr. HULL OF Iowa. You never intended to raise that rate, did you?

Mr. MOON. I think there ought to be a little raise along that line too.

Mr. FORDNEY. Mr. Chairman, I am glad to get the information from the gentleman from Tennessee. He is chairman of the Committee on the Post Office and Post Roads and has given the matter much more study than has any member of the Ways and Means Committee, for our committee have never had those questions to deal with. But the Ways and Means Committee have studied it from all angles, and to the best of their judgment the rates recommended in the bill were the best they could figure out. If anybody else can offer an amendment to the bill to make the rates more just and equitable and still get the money, I am ready to accept such an amendment. Bring it along, gentlemen.

Mr. SLOAN. Will the gentleman yield?

Mr. FORDNEY. Certainly.

Mr. SLOAN. I desire to say that the gentleman from Michigan made an error of statement about the zones. The gentleman from Tennessee [Mr. MOON] has straightened it out. The gentleman from Michigan said inadvertently that the third and fourth zones were to pay a rate of 3 cents. The third zone in this bill, which is 150 to 300 miles, pays a rate of 3 cents; the fourth and fifth zones a 4-cent rate. In that connection I wanted to call the gentleman's attention to the fact that Judge Moon said that the newspaper circulation was carried an average distance of 255 miles. So the average newspaper is carried well within the first, second, and third zones, which is 300 miles, which seems to me pretty nearly the standard for other zones.

Mr. FORDNEY. The gentleman does not mean the average newspaper.

Mr. SLOAN. Yes; the average newspaper.

Mr. FORDNEY. I think the gentleman is mistaken.

Mr. SLOAN. I am quoting from the Hughes commission.

Mr. FORDNEY. The metropolitan papers——

Mr. SLOAN. I am talking about the daily newspapers.

Now, the fourth and fifth zones, running from 300 to 1,000 miles, are only raised 1 cent, which shows the injustice to the newspapers as compared with other publications.

Mr. FORDNEY. I believe I have gone over that ground pretty thoroughly as to the newspapers, and I believe I have covered most of the items in this bill except one particular proposition that I want to mention.

I have always been in favor of a protective tariff on imports. I am now. If I were permitted to write a tariff law personally, I would not put some of the rates in the law as high as this bill is going to put them. I will give you an illustration. Under the Dingley tariff law the duty on rough lumber was $2 a thousand feet. In the Payne tariff law that duty was reduced to $1.25 a thousand. The imports of lumber last year averaged about $22.50 per thousand feet. This bill, if put into law, will put a 10 per cent ad valorem duty on all imports, whether dutiable or free. This bill proposes 10 per cent ad valorem on lumber, and at $22.50 per thousand that amounts to $2.25 a thousand. If that lumber is dressed and made into flooring—tongued and grooved, first-class flooring—when imported into this country from Canada it sells for abut $50 per thousand feet. Add the 10 per cent ad valorem duty and you have $5 per thousand feet on that grade of lumber. Shingles imported at $2.50 a thousand will pay 25 cents duty. That is about what the tax was under the Payne tariff law, or, I think, 30 cents a thousand. If this bill goes into effect there will be nothing imported into this country free from any country in the world. It must all pay a duty in addition to the rates fixed in the Underwood tariff law.

There are many articles of raw material that ought to be brought into the country free of duty. I have never been in favor of putting a duty on noncompetitive products, such as tea, coffee, raw rubber, or hemp, for the reason that we do not produce tea and coffee and crude rubber in this country, and yet practically everybody uses these articles. Therefore it is a Republican principle to bring into this country free of duty articles that we must have but do not produce.

But under the provisions of this bill if put into law, coffee now imported at an average value of 9 cents a pound will have to pay nine-tenths of 1 per cent per pound duty. Last year the importations of tea averaged 18 cents a pound, and therefore the duty will be 1.8 cents per pound. That will not hurt anybody. I believe tea and coffee could stand a higher rate of duty; but whether you put the import tax on articles that are

not produced in this country, or whether you call it a consumption tax, it is a consumption tax pure and simple, for it is a tax on a noncompetitive article. I am not in favor of that kind of taxes. But neither the Committee on Ways and Means nor anybody else can sit here without extended hearings and fix scientific rates of duty to be added to existing law, or substitute for existing law, and get them anywhere near correct. At the present time it would be a very difficult matter, for the reason that prices are abnormal all over the world, as regards the value of manufactured articles, agricultural products, and labor. I want to assure you gentlemen that, with my long experience on that committee, it is my candid belief that no body of intelligent men, conscientiously working together, can now sit down and put a scientific rate of duty on imports in less than from five to seven months of effort.

Mr. COX. Mr. Chairman, will the gentleman yield?

Mr. FORDNEY. Yes.

Mr. COX. If these rates which the committee has reported be finally written into the law, how much will that amount to in the way of general average on all imports?

Mr. FORDNEY. Mr. Chairman, I am very glad the gentleman has asked that question. Under existing law the imports last year amounted to $2,391,000,000. That was the value of all imports, dutiable and free; of this amount, 30 per cent paid and 70 per cent were on the free list.

Mr. SMITH of Michigan. Mr. Chairman, will the gentleman yield?

Mr. FORDNEY. Just let me finish this suggestion. On that amount of imports the Government collected import duties to the amount of $210,800,000 in round numbers, or a fraction over 9 per cent ad valorem on the total imports. If these same imports continued for the coming year, and 10 per cent ad valorem were added to all imports, dutiable and free, we would collect an average of 19.1 per cent duty on all imports, and therefore collect in customs dues from imports about $450,000,000 in the next year. But let me say to the gentleman that our imports at the present time are surprisingly great. Undoubtedly gentlemen will be surprised to learn that they are greater now than ever before. For the month of March last our imports were $270,000,000, and taking as an average the first three months, January, February, and March, if the same rate of imports continues during the next nine months, we will import this year $2,845,000,000 worth of goods, and this added import duty of 10 per cent ad valorem will yield in revenue, in addition to the amount to be collected under existing law, $284,000,000. The most surprising thing about those imports is that 27 per cent, or $633,000,000, of the imports of last year came from Europe, and the greater percentage of this came from England, and a little over 10 per cent came from Canada, or a total of $884,000,000 out of an importation of $2,391,000,000 came from Europe (chiefly England) and Canada combined.

Mr. COX. Mr. Chairman, will the gentleman yield for another question?

Mr. FORDNEY. Yes.

Mr. COX. I am asking for information, because the gentleman knows more about this subject than I do or ever expect to. Suppose this rate which the committee has incorporated in the bill finally becomes a law, just as you have prepared it; how would that rate compare with the rate of duty that was put upon goods that came in under the Payne tariff law? In other words, which would be the highest on the sum total of goods imported?

Mr. FORDNEY. This rate will be higher than the Payne tariff law to this extent. During the life of the Payne tariff law the average ad valorem rates upon all imports, dutiable and free, was 18½ per cent. These rates, based upon last year's imports, will amount to, in round numbers, 19½ per cent, and therefore we will collect more duty under this proposition than we collected on the same amount of imports under the Payne law.

Mr. SNYDER. Mr. Chairman, will the gentleman yield?

Mr. FORDNEY. Yes.

Mr. SNYDER. Under the title "War tax on manufactures," in that section referring particularly to tennis rackets, golf balls, baseball bats, etc., there is the phrase "balls of all kinds." I would like to ask the gentleman if he knows, which of course he does, that there are many millions of steel balls made in the country that are used for ball bearings. I would like to know if that tax would apply against steel balls used for ball bearings?

Mr. FORDNEY. No; it is intended to be applied to golf balls, and so forth, and steel balls are not used in playing golf. I think steel balls the gentleman refers to would come under manufacturers of steel, and so forth, and would pay a 10 per cent ad valorem tax in addition to whatever the duty is upon such articles under the existing law.

Mr. PLATT. Mr. Chairman, referring again to the rates on second-class mail matter, as it reads now I take it that the rates of postage on one class of second-class matter will be reduced. For instance, if you take a newspaper and wrap it up and put a 1-cent stamp upon it yourself you can send 4 ounces for 1 cent, which makes 8 ounces for 2 cents. Under this bill, in the first zone you can send 10 ounces for 2 cents.

Mr. FORDNEY. That depends on whether you or the publisher sends it.

Mr. PLATT. Exactly. Did the committee intend to include that? Apparently the bill includes that kind of second-class matter.

Mr. FORDNEY. If there is any language in the law that would permit that to be done, it is an oversight, for the reason that the committee intended to double up those rates and add 50 per cent to all second-class mail matter. That was the real substance of the argument.

Mr. PLATT. This is one of the classes of second-class mail matter, and there ought to be an amendment in the bill to cover that.

Mr. FORDNEY. If the gentleman will prepare an amendment of that kind and convince my good friend from North Carolina that you are right about it, and he tells me to vote for it, I shall do so; for you see I am absolutely under his control. [Laughter.]

Mr. SMITH of Michigan. Mr. Chairman, will the gentleman yield?

Mr. FORDNEY. Yes.

Mr. SMITH of Michigan. I see that the bill provides for an increase in freight, express, pipe-line rates, for a tax upon articles transported thereby. I would like to know whether there is any increased rate for sending merchandise by parcel post?

Mr. FORDNEY. No. The parcel-post rates are not changed at all.

Mr. SMITH of Michigan. Why is that? That comes in competition with the express companies.

Mr. FORDNEY. It was thought that those rates were nearer equitable than the second-class mail matter, and it is a different class of mail altogether. A great deal of bread and butter and flour are going through the mails by parcel post, and the committee thought it was not wise to change those rates.

Mr. STERLING of Illinois. And it is more than paying its way now.

Mr. FORDNEY. It is claimed the parcel post now is not dependent upon the Post Office Department for financial aid, but is paying its own way.

Mr. SMITH of Michigan. But the express companies pay their way.

Mr. FORDNEY. The express companies are taxed because they must pay the corporation and income taxes. We double up the corporation tax and make it 4 per cent instead of 2 per cent, as under existing law they must pay the excess-profits tax as well, and they have to pay all other taxes that every other corporation in the country has to pay, and we are putting a burden upon the man who sends goods through the express companies just the same as we put a burden upon the man who sends freight by the railroads.

Mr. SMITH of Michigan. Can the gentleman tell how much merchandise is transported by the parcel post each year?

Mr. FORDNEY. No; that question did not come before our committee; we did not look that matter up.

Mr. SMITH of Michigan. Is not there more than there is by express?

Mr. FORDNEY. I do not know anything about that; we did not consider that question.

Mr. CRAMTON. Will the gentleman yield?

Mr. FORDNEY. I will.

Mr. CRAMTON. Permit me, in connection with what the gentleman from New York [Mr. PLATT] said in regard to this second-class mail matter, to call the gentleman's attention and the attention of his committee to what, I think, perhaps is an oversight entirely—the effect of it upon the newspapers and magazines published upon the border. As the gentleman knows, he and I are very near the Canadian border. The parcel-post law, in dividing the country into zones, has divided the United States and its possessions, and the same mileage does not apply on publications going into Canada. There is a provision that the eighth-zone rate of postage shall apply to such parcel post, and I assume that if this provision as written goes into the law the eighth-zone rate of postage would apply on the ship-

ment of newspapers published, say, in Port Huron or Saginaw or Detroit, going 50 miles into Canada.

Mr. FORDNEY. Oh, the gentleman ought to know we can not do that. This Government can not fix the rates charged in foreign countries.

Mr. CRAMTON. This fixes the rates that will have to be paid by the publications.

Mr. FORDNEY. But in the United States; not in Mexico, not in Canada, nor any other foreign country; only in the United States.

Mr. CRAMTON. It does fix in the parcel-post law that the eighth zone of postage, no matter what the mileage is, shall apply to all parcel-post matter mailed in the United States for delivery in Canada, and I desire to see if the committee has given that question any consideration.

Mr. FORDNEY. If I get the sense of the gentleman's argument, suppose the newspaper is nearer the border than 50 miles——

Mr. CRAMTON. Say, Port Huron.

Mr. FORDNEY. That this increase of zone rate may be extended to that class of mail matter?

Mr. CRAMTON. My point is a newspaper published at Detroit or Port Huron on the border that shall send into Canada, say, 25 miles, instead of paying the first-zone rate, as we would naturally anticipate they would, would be classified as being in the eighth zone and pay 6 cents a pound instead of 2 cents a pound. I do not believe the committee intended it, but I think that is the situation.

Mr. FORDNEY. If a paper is posted at Port Huron, although on the banks of the St. Clair River, and the boundary line is in the middle of that river, it pays the rate within the first zone and no more? No, we could not change that, even though we might have some zone arrangement with Canada on parcel-post mail matter. We can not change the Canadian rates on any other class of mail matter without some treaty or agreement with Canada, and therefore this committee assumed that the rate in the first zone applied only to whatever portion of the zone is in the United States, and not abroad.

Mr. CRAMTON. But the provisions of the parcel-post act and the regulations place it in the eighth zone, even if they only go 10 miles.

Mr. FORDNEY. Oh, that applies to the United States, and not in foreign countries. We could not change that question. We have no authority to do that, and that could be done only by some arrangement between the representatives of this Nation and the representatives of a foreign Government.

Mr. CRAMTON. However, I think the gentleman will find samething there that ought to be corrected.

Mr. ROSE. Will the gentleman yield?

Mr. FORDNEY. Yes.

Mr. ROSE. Like every other Member of the House I have received earnest protests against this bill by automobile dealers, manufacturers, manufacturers of musical instruments, bill-posting companies, and so on, and I have been waiting patiently here to get an answer to the questions and protests that have been put to me. Now, are we to explain that while a great many members of this committee are of the opinion, and have so expressed themselves, that, although it is unjust and unfair, and in many cases it is discriminatory, our only answer would be "that we need the money"?

Mr. FORDNEY. My good friend, I have stated over and over again that I do not believe the proper principle of taxation is upon the gross receipts from sales. It is, however, thought that the automobile business of the country is generally prosperous and has been. It is known that many men engaged in the business have made immense fortunes. Now comes the time when it is necessary for this Government to raise a very large sum of money. I am not in favor of as high a rate of tax as fixed in this bill upon automobiles, because I believe 5 per cent on gross sales is more profit than some automobile concerns are making. If we are going to impose that kind of taxes, I would be in favor of starting at a much lower per cent.

Mr. LONGWORTH. Will the gentleman yield?

Mr. FORDNEY. I will yield.

Mr. LONGWORTH. I simply want to ask the gentleman this question: Whether it be true or not the rate of 5 per cent on the sales of automobiles is too high or too low, there is not anything in this point that is so continually brought out that it is a discriminating tax.

There are thousands upon thousands of articles produced in this country that will bear precisely this tax, practically everything in the nature of a luxury, and it is absolutely unfounded to say it is discriminating as to automobiles and in favor of other business.

Mr. FORDNEY. What applies to automobiles also applies to other articles of manufacture, where the committee has put a tax upon the manufacturers' products, of course. Let me say that a representative of one concern who came to interview a few members of the committee as best he could when he got a chance—he was not permitted to have a full hearing, because we could not do that—stated it would be absolute ruin to that concern to put 5 per cent upon the gross sales of their product, although they were paying 25 per cent commission to the agent for selling their machines.

Mr. JOHNSON of Washington. Is not the fellow who gets caught now the agent away out in the country where automobiles are not manufactured? An agent has a warehouse full of automobiles and is undertaking to make sales. He has borrowed money from the bank. He may find little sale this year, and next year he will have a dead stock on his hands. That is where the automobile business gets pinched in this bill.

Mr. FORDNEY. Suppose your automobile sells for $4,000?

Mr. JOHNSON of Washington. That is too high for my part of the country.

Mr. FORDNEY. No. You pay more than that for many makes of automobiles out there.

Mr. JOHNSON of Washington. Oh, a few.

Mr. FORDNEY. You get out there Packards and Pierce-Arrows and cars of that grade, and they sell from $3,500 to $4,500 each. Take a $2,000 car for instance. The selling agent gets $500 for selling that car if he gets 25 per cent. Five per cent on $2,000 is $100.

Mr. JOHNSON of Washington. Out of which he pays his warehouse charges, his rent, and his advertising, as well as the cost of borrowing money for his season's operations.

Mr. FORDNEY. As I stated to my good friend, I believe that 5 per cent on sales of many manufacturers of automobiles in this country is going to be confiscatory. I do not believe that many of them make 5 per cent on gross sales. Therefore this is going to be a hardship.

Mr. KELLEY of Michigan. Speaking about the profits of the agents who sell the cars, I think my colleague will readily understand that in a very large number of cases they take back old cars as a part of their purchase price, and those old cars have to be disposed of, and in many cases they suffer great loss on them. The agency business is one of the hazardous ends of the business.

Mr. FORDNEY. There is no doubt about that.

Mr. HICKS. Will the gentleman yield?

Mr. FORDNEY. Yes.

Mr. HICKS. I am probably anticipating what the gentleman will refer to a little bit later; but I was wondering if any provision was going to be made to meet a situation of this kind: For instance, a firm in my district has contracted to buy a large amount of low-grade lumber in Canada. I presume the gentleman would disapprove of that from the start, personally; but that has been done, and contracts have been made to sell that lumber in America. Both ends of the deal are closed now, and yet that concern is now confronted with that extra tax on the lumber. Is there any provision made to take care of anything of that kind where both ends of the transaction are closed?

Mr. FORDNEY. I will say to the gentleman that any firm that has already purchased and imported——

Mr. HICKS. This has not been imported yet.

Mr. FORDNEY. If it has not been imported, the buyer will suffer to the extent of that tax

Mr. HICKS. But the contract for sale has been made.

Mr. FORDNEY. A man that imports that article must pay it.

Mr. JOHNSON of Washington. Why should this exporter in Canada be in better position than many lumber manufacturers in the State of Washington, who are behind delivery on 40,000 cars of lumber for want of cars—the lumber sold f. o. b. St. Paul, and find themselves caught with a 15 per cent increase in freight rates?

Mr. HICKS. I am not interested in the Canadian exporter; I am interested in the American business man and feel he should not be unfairly dealt with.

Mr. JOHNSON of Washington. He is worse off than the Canadian lumberman.

Mr. HICKS. Of course, I am not a lumber producer.

Mr. FORDNEY. Let me say to the gentleman that in our great wisdom here last year, we—Congress, not myself—voted for the Adamson bill, and imposed upon the railroads of this country, as railroad representatives stated before a commission in this city last week, $350,000,000 to $400,000,000, and the 15 per cent additional freight rate the Interstate Commerce Commission now offers to give to the railroads will not yield more than $350,000,000. It will not give the railroads a

sufficient sum to meet that additional expense that Congress imposed upon the railroads by passing the Adamson bill. Men forget that we vote here for such matters, and that if their vote goes into effect the people are the ones who must pay the fiddler. Every time you increase the cost of production or the cost of transportation the man that consumes must pay that increased cost. You voted here last fall, as I said, to get votes at the polls, and it got them, but you put a burden upon the consumers of the country. Now, then, we must not complain in giving the railroads an additional 15 per cent in freight rates to meet the very expense that was imposed by the Adamson law.

Mr. BORLAND. Will the gentleman yield right there?

Mr. FORDNEY. Yes.

Mr. BORLAND. On that particular point does the gentleman from Michigan concede that this statement of the railroads that it will cost them $350,000,000 is correct?

Mr. FORDNEY. I have no reason to doubt it, because I have no other information. These experienced railroad men say it is so. Who else can I go to to find out facts in this line? If I want to know anything about making a watch I will go to the man who makes watches, and not to a blacksmith. I will go every time to an experienced railroad man if I want correct information about railroad business, and not to a politician.

Mr. BORLAND. There is no such testimony.

Mr. FORDNEY. There is such statement, I tell you——

Mr. BORLAND. Yes; there have been plenty of statements.

Mr. FORDNEY. Do you know what it is costing them? You are not a railroad man. What do you know about the management of railroads?

Mr. BORLAND. I have been a railroad man——

Mr. FORDNEY. Oh, let me tell you——

Mr. BORLAND. And it will cost them less than $100,000,000.

Mr. FORDNEY. Wait a minute. I will not listen to you until I answer your first question. You remind me of a student in college, one who said to a professor: "Professor, I would like to be a manager of a great railroad system. How much of my money and how much of my time will it take to educate me so that I will be competent to manage one of the great railroad systems of this country?" The professor looked into the face of the student and said: "As intelligent as you are, sir, it will take 20 years of your time and $20,000 of your money. But, sir, it will require but three months of your time and about $300 of your money to elect you to Congress, and once there you will feel competent to direct, not the management of one but of all the great railroad systems in the country." That is your case exactly. [Laughter.]

Mr. BORLAND. There are several of us in that position.

Mr. FORDNEY. Your question would lead me to believe that you are that fellow. [Laughter.]

Mr. BORLAND. I am sure that it would take more than $300, I am sorry to say. [Laughter.]

Mr. FORDNEY. I do not know what it cost to send you to Congress.

Mr. JOHNSON of Washington. Mr. Chairman, will the gentleman yield now concerning another paragraph in this bill?

Mr. FORDNEY. Yes.

Mr. JOHNSON of Washington. I want to ask the gentleman if he can tell us something about section 504, which provides for a limited tax equivalent to 5 per cent, to be paid by any person, and so on, to any other person or corporation, and so on, for advertising and advertising space other than in periodicals and newspapers. Is it designed to catch outdoor advertising solely?

Mr. FORDNEY. It is designed to catch every manner of advertising except that through the periodicals and newspapers. In the case of the periodicals and newspapers, we felt we would catch them hard enough on this additional postage rate. It catches the billboards and the signs in the street cars, and it catches advertising wherever it may be posted, and requires a payment of 5 per cent on the actual cost of advertisement.

Mr. JOHNSON of Washington. How will it catch the man who advertises in the moving pictures or the great concern which puts up its own billboards? I venture to say it will catch less than 50 per cent of all the men engaged in the business.

Mr. FORDNEY. If the gentleman knows any better way than the Democrats are figuring out, for Heaven's sake let him tell it. They beat me in finding methods of taxation. [Laughter.]

Mr. JOHNSON of Washington. I think it would be better to put a tax of, say, one-half of 1 per cent on all advertisers, or any other small sum.

Mr. FORDNEY. The gentleman is a newspaper man?

Mr. JOHNSON of Washington. Yes.

Mr. FORDNEY. Can the gentleman tell us a better way to catch newspapers than by this additional postage rate?

Mr. JOHNSON of Washington. Yes; indeed, I can. I will say to the gentleman that the volume of advertising in the United States is computed to amount to $800,000,000.

Mr. FORDNEY. The estimate I have on the advertising is from $800,000,000 to $1,000,000,000.

Mr. JOHNSON of Washington. But the outdoor advertising is only a part of it.

Mr. FORDNEY. Yes; but we can not catch the billboards in the mails. But we do catch the others in the mails. If it is fair to catch one in one way it is fair to catch others in some other way.

Mr. JOHNSON of Washington. This does not catch the other fellow. It catches only the organized branch of outdoor advertising. It lets advertisers in competition with that branch go scot-free.

Mr. FORDNEY. It is intended to catch every branch of advertising except that in the newspapers and magazines. If you can invent some way to catch the other fellows I will vote for it.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. FORDNEY. Yes.

Mr. MANN. The gentleman says this bill catches all forms of advertising either by the percentage or by the increase of postage on periodicals and magazines. Is not the gentleman mistaken about that? Does it catch any advertising in the local papers, or does it catch any advertising in the metropolitan papers?

Mr. FORDNEY. It catches them on their postage.

Mr. MANN. Their postage is only nominal.

Mr. FORDNEY. They complain that it is being doubled.

Mr. MANN. It catches the advertising in magazines that are transferred by mail, but does it in fact catch any advertising to speak of in any of the newspapers of the country?

Mr. FORDNEY. I do not understand that it does. It was not intended to, except on the postage.

Mr. MANN. I mean either way. They do not pay any postage. Very little of their issues are sent out by second-class mail.

Mr. FORDNEY. The little country newspaper does not pay.

Mr. MANN. Neither the little newspaper nor the big.

Mr. FORDNEY. Then it does not catch them.

Mr. MANN. The gentleman said they were caught one way or the other.

Mr. FORDNEY. It was intended to. I do not see how you can discriminate between the big newspaper and the little paper that is distributed in the county where it is published.

Mr. MANN. If the gentleman wants to catch all advertising, would it not be a fairer way to put the tax on all advertising instead of putting an additional postage rate on second-class mail matter so as to catch everybody on equal terms and not discriminate between them?

Mr. FORDNEY. Let me tell the gentleman from Illinois the advertising is on the amount of business done, and it would be a tax on the volume of business, like the tax on automobiles, and I think that is an unjust tax, an unscientific tax. But I am firmly of the opinion that the newspapers of the country have not paid their fair share of postage heretofore, and I want them to pay now, and I hope this provision in the bill will never be repealed. I want them to pay in the future a fair share of what it is costing the Government to-day to handle this class of mail.

Mr. JOHNSON of Washington. The gentleman says the newspapers, but means principally the magazines.

Mr. MANN. A great majority of the newspapers—I am not speaking of trade journals and magazines—do not send one-tenth of their output through the mails.

Mr. FORDNEY. Oh, yes; they claim so.

Mr. MANN. Oh, no; they do not claim so.

Mr. FORDNEY. They have made such claims to me. I do not know what they say to you.

Mr. MANN. The county papers do, but the big daily papers do not send their papers through the mail.

Mr. BACHARACH. Mr. Chairman, will the gentleman yield?

Mr. KELLEY of Michigan. Mr. Chairman, will my colleague yield?

The CHAIRMAN. Does the gentleman yield, and to whom?

Mr. FORDNEY. I will yield to the gentleman from Michigan first. Then I will yield to the gentleman from New Jersey [Mr. BACHARACH].

Mr. KELLEY of Michigan. I wanted to ask my colleague about the question of the 5 per cent tax.

Mr. FORDNEY. Yes, sir. I have talked entirely too long. I will yield.

Mr. KELLEY of Michigan. I would like to know whether, in computing the 4 per cent tax, the normal tax——

Mr. FORDNEY. On corporations?

Mr. KELLEY of Michigan. Yes; the 5 per cent gross-sales tax is first deducted from the profits.

Mr. FORDNEY. No; my understanding of the law would be this, and I think I am correct: First, before charging the excess-profits tax all other taxes will be deducted, all other taxes of every kind. Then, whatever the net profit is beyond that, the excess-profits tax must be paid on.

Mr. KELLEY of Michigan. I do not think my colleague quite understands my question.

Mr. FORDNEY. Your normal tax at the present time under the law is 2 per cent.

Mr. KELLEY of Michigan. Will my colleague explain to the House just how these taxes will be levied—in what order?

Mr. FORDNEY. Yes; I will try to do that.

Mr. CANNON. Did not the gentleman do that at the beginning of his speech, and will it not be in the RECORD?

Mr. FORDNEY. I do not think I brought out that point. I will try to do it now. For instance, suppose if a corporation. It is called upon to pay first under existing law the normal tax of 2 per cent. That is the present law. That is the end of your tax, except the excess-profits tax, which is 8 per cent. After deducting all charges, after deducting from their income all taxes of every description and all charges of every kind, then on what is left they are called upon to pay 8 per cent on their excess-profits tax. Let me give you an illustration. Suppose you had $1,000,000 invested and on that, after paying all manner of taxes of every description, you have made 18½ per cent. or $185,000 on an investment of $1,000,000. Now, before you are called upon to pay your excess-profits tax you are permitted to deduct from that $185,000 an exemption of $5,000. Then you are permitted to deduct 8 per cent on your $1,000,000 capital, or $80,000. The two combined is $85,000. I take that sum because it is easy for me to figure and illustrate to you. You have then left $100,000 net profit after paying all taxes and all expenses. On that $100,000 you are called upon to pay 8 per cent, and under this law an additional 8 per cent, or a total excess-profits tax of $16,000. That leaves you $84,000 of the $100,000, and it leaves also your $5,000 exemption and 8 per cent on your capital, which leaves $169,000 out of the $185,000. Your excess profits tax, then, on your net profit after all other taxes are paid is $16,000. That leaves you 16.9 per cent instead of 18.5 per cent profit on your capital when invested, when based on the 18.5 per cent earnings. That is an illustration of what the excess-profits tax imposes upon a corporation.

Mr. KELLEY of Michigan. Let me put my question just as I had it in mind.

Mr. FORDNEY. Yes.

Mr. KELLEY of Michigan. Which is the first tax levied—the 4 per cent?

Mr. FORDNEY. Yes; the normal tax.

Mr. KELLEY of Michigan. The normal tax. Then what comes next—your exemption?

Mr. FORDNEY. Then comes your exemption.

Mr. KELLEY of Michigan. Then you deduct 8 per cent on your capital invested.

Mr. FORDNEY. Yes.

Mr. KELLEY of Michigan. Then you put on the 5 per cent gross-sales tax on that.

Mr. FORDNEY. No; the 5 per cent gross-sales tax would come first of all, or at the beginning.

Mr. KELLEY of Michigan. That is what I wanted to know.

Mr. LONGWORTH. The gentleman's colleague is trying to get him in the position of saying that the automobile companies will pay that tax themselves, instead of passing it on to their customers.

Mr. FORDNEY. No; what the gentleman wants to know is where that 5 per cent gross-sales tax is going to be placed, first or last.

Mr. KELLEY of Michigan. Yes; where is it going to be placed?

Mr. FORDNEY. Right upon your gross sales, first.

Mr. KELLEY of Michigan. Then the normal tax will be computed after that.

Mr. FORDNEY. Yes; and then your excess-profits tax, if you are lucky enough to have any excess profits left.

Mr. KELLEY of Michigan. I would like to ask one more question. The gentleman from Illinois [Mr. MADDEN], who sits beside me, wants the question asked directly whether the 5 per cent gross-sales tax would be charged up as a part of operating expenses.

Mr. FORDNEY. That applies to your sales.

Mr. MADDEN. In other words, you do not tax the man at all. You simply take it out of him, because you do not allow him to put it into his expenses.

Mr. FORDNEY. Yes; that is about it; you take his money away from him and then send him to war—busted.

Mr. KELLEY of Michigan. I am not quite clear yet about that 5 per cent gross-sales tax, unless he can deduct it from his net income.

Mr. FORDNEY. No; his income has nothing to do with that 5 per cent gross-sales tax.

Mr. KELLEY of Michigan. Has it got something to do with the 4 per cent tax?

Mr. FORDNEY. Wait a minute. If he produces an automobile that sells wholesale for $1,500, he must pay Uncle Sam 5 per cent on that $1,500, or $75; and if he has anything left after this he pays the balance of his taxes.

Mr. KELLEY of Michigan. Does he deduct the 5 per cent before he pays the 4 per cent?

Mr. FORDNEY. He pays that 5 per cent first of all, and then if he has any money left with which to pay taxes, well and good; and if not, then he is busted.

Mr. KELLEY of Michigan. Can he deduct that 5 per cent?

Mr. FORDNEY. No.

Mr. STERLING. Yes; he can. Everyone knows that a man can deduct the taxes that he pays, as a part of his expenses.

Mr. KELLEY of Michigan. Where is there anything in this bill which provides that?

Mr. STERLING. The original income-tax law provides that, and this bill follows that.

Mr. BACHARACH. Will the gentleman yield?

Mr. FORDNEY. I yield to the gentleman from New Jersey.

Mr. BACHARACH. I want to find out whether you are going to levy the 5 per cent automobile tax on the list price or the manufacturer's price?

Mr. FORDNEY. Whatever price he sells the machine for.

Mr. BACHARACH. Certain automobile manufacturers have agencies and others do not. It would seem to me to be an unfair way to tax them. Take, for instance, the Ford Co. They have their own agencies.

Mr. FORDNEY. The whole tax is unfair, my friend.

Mr. BACHARACH. I know, but this particular portion of it certainly is discriminatory.

Mr. FORDNEY. The 5 per cent is computed on whatever the machine sells for. The list price has nothing to do with it. Whatever the manufacturer sells the machine for, whether he cuts his list price or whether he raises his list price, whatever he has sold it for he must report to the Government and on that he must pay 5 per cent.

Mr. BACHARACH. A great many automobile companies have selling agencies.

Mr. FORDNEY. Yes.

Mr. BACHARACH. For which there is a deduction of 20 or 25 per cent.

Mr. FORDNEY. Yes.

Mr. BACHARACH. In other words, they would be paying only $18.75 for a car which sells for $2,500.

Mr. FORDNEY. Whatever the manufacturer gets for it, that is his selling price, as I understand it.

Mr. BACHARACH. There is no way in which you can tax the agent.

Mr. FORDNEY. No.

Mr. BACHARACH. There are several automobile concerns that have their own agents and they sell to their subagents.

Mr. FORDNEY. If he sells to an agent at a sacrifice price to defraud the Government, I would leave it to the fellow down at the other end of the Avenue to catch him.

Mr. BACHARACH. I do not refer to any fraudulent sale. Take, for instance, the high-grade cars—the Packard, the Winton, and others—the manufacturers dispose of the cars to the subagent.

Mr. FORDNEY. It makes no difference what the method or cost of selling is. Whatever the manufacturer gets for that machine, no matter where it is sold or how it is sold or to whom it is sold, he pays the tax on what he gets.

Mr. LONGWORTH. It makes no difference what the agent gets, it is what the manufacturer gets.

Mr. FORDNEY. Exactly.

Mr. CANNON. Will the gentleman yield to me 30 seconds to ask a question?

Mr. FORDNEY. I will.

Mr. CANNON. Judging from the number of telegrams I receive daily—and some in the nighttime—everybody whom it is proposed to tax, or, at least, the most of them, are sending these telegrams, and I do not see how in time or eternity we will ever be enabled to pass a revenue bill, because it is all the while an attempt to put the boil on the other fellow's face. [Applause.]

Mr. FORDNEY. The gentleman from Illinois is right in his suggestion. Everybody wants the tax put on the other fellow.

Mr. MADDEN. Will the gentleman yield?

Mr. FORDNEY. I will.

Mr. MADDEN. I want to ask this question: Suppose the gentleman from Michigan is an automobile manufacturer. It will be assumed, and I suppose admitted, that he has a right to charge off as a part of the expense everything that went into the cost of making automobiles.

Mr. FORDNEY. Yes.

Mr. MADDEN. And if he paid 5 per cent tax on the gross sales of the machines, what I want to know is whether that 5 per cent on the gross sales would be added to the cost of making the machines as a part of the expense?

Mr. FORDNEY. I should assume, if I was a manufacturer of automobiles, and I would contend, that all the legitimate charges, whether direct or overhead expenses, whatever they might be, should be charged up to the cost of manufacturing the article.

Now, in answer to the gentleman from Illinois [Mr. CANNON], I have received telegrams in bundles. A messenger boy came into my office yesterday with 93 telegrams in one delivery. I said to him, "My son, the Western Union Telegraph Co. pays you 3 cents a telegram, does it not, for delivery?" He answered, "Yes; and I have made $21 so far to-day."

Now, the longer we can keep this up the more money the telegraph companies are going to make. Telegrams are coming by the hundreds and by the thousands. I received one telegram from a druggist in the city of Detroit, Mich., who is objecting to this proprietary medicine tax. He wound up his long telegram of complaint by saying, "Tax the well and not the sick." I answered him and said, "This tax levied by the Democratic Party makes everybody sick." [Laughter and applause.] But I must vote for the bill just the same.

Mr. KNUTSON. Will the gentleman yield?

Mr. FORDNEY. Yes.

Mr. KNUTSON. In regard to the postal rates, there are very few periodicals in this country but that have been operating at a loss for the last few years. Is not that true?

Mr. FORDNEY. I do not know, I have no knowledge of that. I am not a publisher.

Mr. KNUTSON. I have been in the publishing business nearly all my life, or since I arrived at man's estate, and there are things that enter the making up of a newspaper that have increased 1,100 per cent since the war broke out. I am receiving letters from publishers saying that if the new postal rates go into effect they will be driven out of business. Is it the intention of the gentleman to drive the publishers out of business?

Mr. CANNON. Will the gentleman allow me to answer the gentleman from Minnesota?

Mr. FORDNEY. Yes.

Mr. CANNON. The census of 1900, and I presume the census of 1909, shows that the publishers' industry was the second industry in the United States and that the profits going to the publishers was third in all the industries.

Mr. KNUTSON. Does the gentleman refer to the country press or the rural press?

Mr. CANNON. I refer to the whole thing as shown by the census.

Mr. FORDNEY. Let me say that I have no desire, and never have had, to tax anybody out of existence or out of business. It is a wrong principle. It is a wrong thing for any intelligent man to do. But here we are, my good friends, facing a proposition to raise, in addition to existing laws, $2,000,000,000 cash out of the pockets of the people in the next 12 months. I have racked my brain night and day to find something on which I could suggest that our committee could raise a goodly sum of money without placing great burdens on any one class of our people. If there is any man on the floor of this House that can suggest something upon which we can put a tax that will raise the necessary money that will not be a burden on the people, or a less burden than the burden as provided in this bill if put into law, I want him to suggest it, and I will give earnest consideration to it and try to adopt it if in my power to see it as he does.

If there are any publishers in this country that this increased postage will put out of business without getting an increased price for his paper or advertising, I believe the patriotic public of this country will pay the additional sum for that periodical or paper and save the institution from ruin, provided that institution can show to its subscribers that it will be ruined unless they get an added price for their products. I believe subscribers will respond and help pay the tax.

Mr. STEENERSON. Will the gentleman yield?

Mr. FORDNEY. Yes.

Mr. STEENERSON. Does the gentleman know how much they expect to raise by the increase on second-class rates of postage?

Mr. FORDNEY. Second-class mail matter last year paid $11,385,000. It is expected that these increased rates—and the figures are furnished by the Post Office Department—will raise a little over $19,000,000 additional, or a total of $32,000,000 next year, from second-class mail matter.

Mr. STEENERSON. I think that is an overestimate in the increased estimate, because of the short average distance that newspapers and periodicals are carried. Newspapers are carried only an average of 258 miles.

Mr. FORDNEY. And 1 cent a pound did raise last year $11,385,000.

Mr. STEENERSON. Now, as to the increase of the advertising and subscriptions, they would be unable to get that. I am informed that nearly all newspapers, in order to circulate and have the benefit of the second-class rate, must be paid in advance, and that contracts for advertising are also made in advance, and that, therefore, it is impossible for nine-tenths of these periodicals and newspapers——

Mr. FORDNEY. Every institution in the country that is selling an article, which has made a contract for future delivery, is going to suffer, and there is no way that I know of to protect them in that contract.

Mr. STEENERSON. If the gentleman will excuse me a little further——

Mr. FORDNEY. I will ask the gentleman to be as brief as he can, because I am getting very tired.

Mr. STEENERSON. A proposition to increase the mail rates three or four or five or six hundred per cent will undoubtedly drive a large number out of business.

Mr. FORDNEY. I have said that a half a dozen times.

Mr. STEENERSON. Does not the gentleman think that instead of raising nineteen millions in this way—which I think is elusive, because if they go out of business they can not pay—it will be better to tax advertising, as suggested by the gentleman from Illinois, Mr. MANN?

Mr. FORDNEY. Better to do what?

Mr. STEENERSON. To put a tax of 2 per cent on advertising instead of 5.

Mr. FORDNEY. Oh, you will catch them twice, then?

Mr. STEENERSON. No; you eliminate this. You will raise just as much money, and you will drive nobody out of business.

Mr. FORDNEY. I do not believe that, because if you increase their outlay in any way they will get it out of the consumer, and will not pay it out of their own pocket; and the Outlook, in its little circular which it is sending around this morning, a copy of which I received, points out to you how much more you will have to pay for the Outlook. They do not propose to pay it—oh, no; they are going to put it on you, the subscriber, so they say.

Mr. STEENERSON. Two-thirds of the advertising escapes anything.

Mr. FORDNEY. It does not make any difference what it is. They are going to make you pay it. They do not propose to pay it.

Mr. WOOD of Indiana. Mr. Chairman, will the gentleman yield?

Mr. FORDNEY. Yes.

Mr. WOOD of Indiana. It is estimated that we have got about 20,000,000 business men in this country, including farmers. Did the committee take into consideration the advisability of putting a business man's tax upon every business man?

Mr. FORDNEY. My good friend, I believe the business man is taxed now to the limit.

Mr. WOOD of Indiana. Here is the proposition. I presume it has been the effort of the committee to have everyone contribute something?

Mr. FORDNEY. Yes.

Mr. WOOD of Indiana. There are thousands of business men, small business men, who contribute nothing. If there are 20,000,000 business men in this country and each of them contribute $1 it would make $20,000,000, and, if they contributed $2, $40,000,000. That would be more equitable and everyone would contribute something.

Mr. FORDNEY. But $20,000,000 is but a drop in the bucket. One man came in the other day very much excited, and he said to the chairman, Mr. KITCHIN, "Why, I know where you can

get $8,000,000." The chairman replied, "For Heaven's sake, go out there and talk to the porter about a sum of that kind; it is eighteen hundred million dollars that I want to raise." [Laughter.]

Mr. LANGLEY. Mr. Chairman, the gentleman asked for suggestions of something else. I am not going to suggest anything, because I think the committee has already covered everything on the face of the earth; but one objection I see to the bill is that there is so much double taxation. Some people are going to be taxed twice and others not at all. Could not the committee remedy that? Could not the committee devise some way by which the tax could be imposed more equitably and so as to put less burden on those who can barely live now?

Mr. FORDNEY. I have worked industriously, and upon my word and honor I know there are many injustices in this tax, but let me repeat, as I have said 20 times since I have been on my feet, a tax upon the product, the gross sales of your product, is a wrong method of taxation, and yet there is a lot of it in this bill, but I know of no class of men that we are taxing anywhere nearly as much as we are taxing the business man and the corporation. We are taxing them the full limit, in my opinion, and when you take half of a man's profit you are taking a whole lot of the sweat of his brow. In the Civil War the first income tax imposed upon the people was 3 per cent upon all incomes over $800 and up to $5,000, and 10 per cent on all incomes above $5,000. That tax brought in $32,000,000 or $33,000,000 the first full taxing year. Congress met in 1862 in the midst of that great Civil War and lowered the exemption from $800 to $600 and increased the tax upon those lower incomes from 3 to 5 per cent but made no change on the incomes above $5,000, and immediately collected $72,000,000, or an additional $40,000,000 by an increase of 2 per cent on small incomes and lowering the exemption from $800 to $600. I have figures here and I will put them in my remarks showing the total amount. Three hundred and forty-six million dollars were collected from 1863 to 1873, inclusive, on the income tax upon that basis:

INCOME TAX DURING THE CIVIL WAR.

[From Dewey's Financial History of the United States, p. 305.]

First tax on incomes authorized August 5, 1861; rate, 3 per cent on all incomes above $800 per year and not above $5,000. Tax was increased in 1862 and again in 1863 until incomes between $600 and $5,000 were taxed at 5 per cent and above $5,000 at 10 per cent. As the immediate war necessities became less pressing the exemption was raised to $1,000 and in 1867 to $2,000. In 1872 the tax was abolished.

Table showing operation of tax.

Year.	Number of persons.	Amount collected.
1863	.....	$2,741,000
1864	.....	20,294,000
1865	.....	32,050,000
1866	460,170	72,982,000
1867	266,135	66,014,000
1868	254,617	41,455,000
1869	272,843	34,791,000
1870	276,661	37,775,000
1871	74,775	19,162,000
1872	72,949	14,436,000
1873	.....	5,062,000
Total	.....	346,762,000

Total expenses growing out of the Civil War were $6,190,000,000.

And I believe that by lowering the exemption on single men and women from $3,000 to $1,000 and on married people from $4,000 to $2,000 it will bring in 4,000,000 people to pay a tax that do not pay under existing law, and that this will yield to this Government from $85,000,000 to $100,000,000.

Mr. GOOD. Mr. Chairman, will the gentleman yield?

Mr. FORDNEY. Yes.

Mr. GOOD. I observe that by the report of the committee it is proposed to raise $118,750,000 by a tax of 5 per cent upon manufactures of automobiles, automobile tires, musical instruments, motion-picture films, jewelry, pleasure boats, athletic goods, proprietary medicines, perfumery and cosmetics, and chewing gum. The gentleman from Michigan has made this observation: That the levying of that tax will undoubtedly drive to the wall a great many manufacturers engaged in manufacturing articles of that kind.

Mr. FORDNEY. That is what they say.

Mr. GOOD. That will be an injustice and it ought to be avoided. What I want to ask the gentleman is this: Did the committee consider the question of increasing the excess-profits tax to manufacturers engaged in that kind of merchandise to an extent sufficient to yield an equal amount of money rather than by levying a tax upon those sales which will unquestionably drive many of these concerns to the wall?

Mr. FORDNEY. It was suggested by gentlemen on the committee that we increase the excess-profits tax to 20 per cent. That suggestion did not get a majority vote of the members of the committee. It was then suggested to increase the normal tax upon corporations, individuals, and so forth, but a majority of the members on the committee felt that we had taxed them to the limit.

Now let me tell you what this tax will do: Last year there were sold in the United States 1,303,400 automobiles; 1,227,533 of those sold at an average value of $746; the remainder of the 1,303,400 sold at an average value of $2,069 a car. One per cent on the total sales of that 1,303,400 automobiles would raise $10,000,000 in taxes. Every 1 per cent means $10,000,000. Five per cent would raise $50,000,000. In addition it is estimated that next year's sales will far exceed those of last year. I would like to see that tax reduced materially, because I think it is going to work a hardship upon some of the automobile companies and will consequently inure to the benefit of the automobile concerns that can afford that tax, for it will reduce their competition.

I see by the Ford Motor Co.'s annual report, dated July 31, 1916, that that company manufactured 508,000 cars, and their profits were $59,994,118, or $118.10 per car. That machine sells, I believe, for $400.

Mr. WOOD of Indiana. Three hundred and sixty dollars.

Mr. FORDNEY. Of course, that company can afford to pay on the $400 machine 5 per cent, or $20, and still survive; but how about other motor-car companies less fortunate? The annual statement of the Ford Motor Co. for the fiscal year ending July 31, 1916, shows their capital stock and surplus to be $113,960,000 and the profits to be $59,994,000; and Mr. Ford, so I am informed, owns 57 per cent of the stock of that company, therefore his income from that company's last year's business was, in round numbers, $34,000,000. Now, if this bill is put into law, Mr. Ford will pay an income tax of some $17,000,000 on this year's income. The fabulous earnings of the Ford Motor Co. and certain other automobile companies prompted the committee to put this provision in this bill; but I believe his individual profits are greater than those of any other automobile manufacturer.

Mr. GOOD. Mr. Chairman, the statement of the gentleman is interesting and instructive, but it does not answer my question. I think the Members of the House are not opposed to taxing these automobile manufacturers to the limit, but when you drive a man out of business you tax him a little beyond the limit. Nobody is opposed to levying a tax——

Mr. FORDNEY. I am in favor of a tax, but I want it small enough so it will not put anyone out of business, thereby eliminating competition for the big manufacturer, who could afford to pay a high tax and still make money.

Mr. GOOD. What I was trying to secure is some information along this line as to whether or not the committee attempted to find some plan by which this $118,700,000 that is proposed to be collected from the manufacturers of luxuries could not be secured by an additional excess-profits tax on these same manufacturers so as to drive none out of business?

Mr. FORDNEY. You can not put an excess profits tax on them unless you put it on everybody.

Mr. GOOD. Why not?

Mr. FORDNEY. How can you pick me out and tax me and not tax the other fellow if we are both in the same business and avoid having it class legislation? Such taxation would, in my opinion, be wholly unconstitutional.

Mr. GOOD. You would not have class legislation if you placed a larger excess-profits tax on all manufacturers of automobiles than you place it, say, for instance, on the manufacturer of cereals.

Mr. FORDNEY. Let me answer the gentleman. Why not follow the suggestions of Amos Pinchot: Take 98 per cent of incomes. He came before our subcommittee and wanted us to put into this bill a provision that would take 98 per cent of all incomes above a given amount.

Mr. GOOD. But the gentleman has gone Amos Pinchot better, and says take all of it and drive them to the point of bankruptcy——

Mr. FORDNEY. Oh, you can not tax one man in the same line of business without taxing everybody in that line of business and not have class legislation. That is to say, you can not tax one corporation without putting the same ratio of taxes upon all corporations, and the same rule must apply to individuals. But, my friend, I would like to have somebody point out to me something on which we could place a tax

that is not mentioned in this law on which a large sum of money can be raised without being a burden upon the people.

Mr. ROBBINS. Will the gentleman yield?

Mr. FORDNEY. I will.

Mr. ROBBINS. Did the gentleman's committee consider in this inheritance tax to be levied or taken one-half of 1 per cent of an inheritance up to $50,000 running on up to 15 per cent when the amount exceeds $15,000,000 any idea whether those inheriting were the descendants of American citizens or foreigners? There is a great amount of money passing out of the United States every year, and the gentleman was asking in reference to additional sources of taxing. Did the gentleman's committee take that into consideration?

Mr. FORDNEY. I know that we have taxed every person who dies, or at least we impose a tax on his estate. I have always been opposed to taxing dead men; by doing so the widow and orphans are taxed; better far to tax the living.

Every man on our committee is just as much dissatisfied with this bill as I am. No one man can have his own way. We are here in a great body of 435 men, and I have never yet found a man that could force his views on the whole Membership of this House. Every tariff law, every revenue measure framed since I have been a Member of this body has been equitable in the judgment of some men, but I have stood by the majority and I am going to do it now. [Applause.]

Now, gentlemen, I have talked entirely too long. I am quite tired. I have intended to be courteous to everybody. I wish I could explain more to your satisfaction the effect of this bill and the reasons for putting those rates into the proposed law.

Mr. WILSON of Texas. Will the gentleman permit one question?

Mr. FORDNEY. I yield.

Mr. WILSON of Texas. I understand that last year the Post Office establishment showed a profit of about $15,000,000. Is that true?

Mr. FORDNEY. Let me tell my friend my information is that there is not a year but there is paid out through the Treasury Department some $20,000,000 to $30,000,000 for the expense of maintaining the Postal Department, and that money is not shown in the expenditures of that department. And that has always been the case. Let me say to the gentleman that 8 or 10 years ago I had occasion to look up the expenditures and the receipts of the Post Office Department for a term of years, 20 or 30 years back, and in not one single instance in all that time did the report show a profit. I do not believe there ever has been a time in many years when the postal receipts of the Government were equal to the expenditures.

Mr. WILSON of Texas. Nevertheless, last year they reported, did they not, a $15,000,000 profit?

Mr. FORDNEY. Oh, yes; but they did not, as every other Postmaster General did not, show the expenditures through the Treasury Department that I am speaking of.

Mr. WILSON of Texas. Be that as it may, assume that they left it on a paying basis, or that there was a postage that partly took care of the deficit that has been talked so much about, what class of postage took care of this ninety million and odd dollars of deficit that was created?

Mr. FORDNEY. I will tell you. I have not studied last year's report, although I have it on my desk, but previous statements of the Postmaster General, Mr. Hitchcock—and I remember one in particular in which I became very much interested—and during his last year as Postmaster General made a statement that was very interesting to me. He showed that in the handling of second-class mail matter that year the Government lost $64,000,000 and on first-class mail matter, which means postal cards and on all 2-cent letters, there was a profit, in round numbers, of $54,000,000, making up within $10,000,000 the total loss on second-class matter.

Mr. WILSON of Texas. Now, from what is that made up? From what class is the deficit taken care of to the extent it is taken care of?

Mr. FORDNEY. By first-class mail matter; that class pays more than cost—very largely so. It is claimed now, but I think that is an error, that the parcel post more than pays its cost. As I said, I believe that is an error in estimating.

Mr. WILSON of Texas. It practically does.

Mr. FORDNEY. Yes.

Mr. WILSON of Texas. Now, here is the point I wanted to get to: You stated a while ago in your argument that it had been demonstrated that the Government, on account of the politician and on account of red tape—I do not care anything about the politician part of it——

Mr. FORDNEY. I do not wish to be political; do not wish to be so understood——

Mr. WILSON of Texas. I know. It had proven itself incapable of that efficiency and economy and success in conducting a business that the individual is capable of.

Mr. FORDNEY. Yes. I believe that is right.

Mr. WILSON of Texas. Will you permit me now to just make this statement in that connection?

Mr. FORDNEY. Yes.

Mr. WILSON of Texas. I think an injustice is done the Government irrespective of whether it is Hitchcock or Burleson. You are bound to admit that the Government is in the business of conducting the mails, and that is the only business that it, strictly speaking, is in, and if it was not conducting it, why, such organizations as express companies and others would be conducting it, and that the only revenue it does get with which it overcomes this deficit, which has been mentioned so much, is a matter of carrying, for instance, packages like that letter——

Mr. FORDNEY. Two-cent postage.

Mr. WILSON of Texas. For 2 cents they carry it across the United States, more than 2,000 miles, and if it is not delivered they will bring it back to you for the 2 cents, and yet they conduct that business so scientifically that it creates a fund by which they overcome the deficit in a great measure and show a profit. Now, are you willing to say——

Mr. FORDNEY. Now, do not make the question too long. I can not answer a whole speech.

Mr. WILSON of Texas. I know. Are you willing to say that when a Government renders that sort of service for that sort of pay, when, if you hire a boy to go over here and take a note you would not think of paying him less than 10 cents——

Mr. FORDNEY. Wait a minute. You should not bring that sort of an argument here. That is not reasonable.

Mr. WILSON of Texas. Just a suggestion.

Mr. FORDNEY. No; I am going to answer you now before I listen any more.

Mr. WILSON of Texas. Now, is not the great trouble—

Mr. FORDNEY. No; I am going to answer. I have tried to be courteous, but you have got to wait a minute.

Mr. WILSON of Texas. All right.

Mr. FORDNEY. You are talking about carrying a letter for 2 cents from here to San Francisco and hiring a boy to deliver a message for 10 cents. There is no argument in that comparison. It is on the volume of business that is done on which a profit depends. Further, my friend, that 2 cents is also charged on a fraction of an ounce, not a pound; 2 cents per ounce or fraction thereof; whereas the newspapers and magazines are carried for 1 cent per pound to all points in the United States. For instance, I purchase in my home town a mineral water that flows out of the ground only 32 miles from my home, and the cost of that water for delivering it to my home, putting it in barrels, and transporting it 32 miles is small; yet I pay 10 cents a gallon for it. But I can buy kerosene that is pumped out of the ground a thousand miles from my home—crude petroleum, then refined—and because of the great volume of business which the Standard Oil Co. and other oil companies do in this country, they deliver that kerosene at my home at 9 cents a gallon—less than I can buy that mineral water which flows out of the ground only 32 miles from my home. It is the volume of business that enables them to do it for so small a sum.

Mr. WILSON of Texas. The express companies will carry that letter for you. Do you know what they will charge you?

Mr. FORDNEY. No; I do not care, because I send it by mail so much more cheaply, and I do not go to the express companies with mail.

Mr. WILSON of Texas. Does it not come to this question, not the inefficiency of the Government in conducting the business, but does it not come from the fact, as Mr. KITCHIN said yesterday, and as you said, the limitations that are put upon the department by the politicians here in not having the nerve to vote this tax on these periodicals and newspapers?

Mr. FORDNEY. Wait a minute. You have made quite a speech, my friend.

Mr. WILSON of Texas. It occasioned quite a speech. You were jumping on the Government administration as being quite inefficient and incapable.

Mr. FORDNEY. Listen to me a minute. I listened quite a long time to you, and I am getting quite fatigued. What you are trying to get at is to show by my statement I am saying it costs this Government more to do something than it costs an individual is wrong. I am not criticizing Mr. Burleson or any other man in particular. It has always been so, whether the Government is under a Democratic administration or under a Republican administration. The Government can not manage those institutions, because of the great volume of business and the great territory covered, as efficiently as an individual

can. I gave you as an illustration this morning, my good friend, the freight cost of carrying a ton of freight per mile in a country where the Government owns the railroads as compared with the cost in our country, where the railroads are not owned by the Government; and, although the wages of railroad men in this country are almost double those of the wages of the railroad men in Germany, where the railroads are Government owned, our freight rates are half what the freight rates are in Germany per mile. That, I believe, illustrates the fact that a Government institution, under Government management, does not and can not do business as cheaply as an individual or a well-conducted corporation. It is not within their power to do it; too much red tape, generally.

Mr. LANGLEY. Mr. Chairman, will the gentleman yield?

Mr. FORDNEY. Yes.

Mr. LANGLEY. I know that the gentleman is tired, and I will make my question brief, and then I will not trouble the gentleman further.

Mr. FORDNEY. All right, sir.

Mr. LANGLEY. At the outset of the gentleman's address to-day I understood him to say, in answer to the gentleman from Illinois, as to what this money is to be used for, that, among other things, it was for the raising and maintaining in the field of an army of 2,000,000 men. Do I correctly understand the gentleman's purpose to be to convey the idea that the committee has information such as that—that it is the plan of the administration to raise and put into the field an army of that size? Is that what part of the money is to be used for?

Mr. FORDNEY. The committee has no detailed information as to where this money is going to be spent. In a general way the Secretary of the Treasury came before our committee some time ago, and sent for the members of the committee to come to his office at different times, when they could, and pointed out that from the best estimate he could get they would need at least $1,800,000,000 in addition to the money that will now be raised under existing revenue laws and in addition to the amount of money they will receive from the proceeds of the sale of bonds. That is general information, and that is all that I have, my friend; and on that, having confidence and faith in the judgment and honesty of men, I believe the Secretary of the Treasury, when he came and asked our committee to raise this amount of money, conscientiously believed we would need that amount of money. And if we do raise that much money and the Government does not need it, I do not believe that the Secretary of the Treasury and the administration will throw it away.

Mr. LANGLEY. Nobody else believes that; but ought we not to keep the burden down as much as possible? Ought we not to know something about it? And ought we to raise more than we are certain we need?

Mr. FORDNEY. Oh, the other evening I had a very pleasant conversation with Mr. Balfour, and he was somewhat surprised to find that during the recesses of Congress, between sessions, such a long period of time went by without Congress throwing around the Treasury of the United States some greater safeguards than leave it to the Secretary of the Treasury. Over in England, he said, nothing of the kind is done. He said, "We suspicion"—that was not the word he used, but—"We doubt the wisdom of the man," the finance keeper—whatever his title is—the minister of finance over there, the chancellor of the exchequer. He said, "By the way, I was chancellor of the exchequer for a number of years, and they watched me like a hawk watches a chicken to see whether I spent that money judiciously, and every little while some one suspicioned that we were using the money in an extravagant manner." He was rather surprised to find that we left the use of this great volume of money to the Secretary of the Treasury and the administration without other safeguards being thrown around it when Congress was not in session.

Mr. LANGLEY. I think there are a great many taxpayers in the country who have the same feeling that the Englishman expressed. It is their money. They have the right to know what is going to be done with it. They have a right to be suspicious, too, under such circumstances.

Mr. FORDNEY. Well, until I find out to the contrary, I want to believe that my colleagues and my neighbors are honest. I want to look every man in the face and hope I am looking into the face of an honest man.

Mr. LANGLEY. I quite agree with the gentleman on that, but my point does not involve a reflection upon one's honesty. It is rather a question of good business methods. The gentleman has extensive business interests. If, for example, the superintendent of one of his lumber mills should ask him for $50,000 more than he had planned to put into it, saying merely the money was needed in the business, the gentleman would naturally ask where it was needed and why.

Mr. PLATT. Mr. Chairman, will the gentleman yield?

Mr. FORDNEY. Yes.

Mr. PLATT. Did the committee give any consideration to the facts as to the rates of interest or the effect on the bond market?

Mr. FORDNEY. That was discussed. For instance, it was claimed by myself that if we taxed too extremely the capital of the country, and called upon this same capital to purchase Government bonds and furnish us money to carry on this war, but having taxed these same people unjustly, we might be killing the goose that lays the golden egg, because we have to go to the capital of the country to-day, to the financiers, to the people who have the money, and ask them to purchase these bonds.

Let me say to you that it was the most surprising thing to me to learn that, although France in her war with Germany in 1870 and 1871 paid Germany that great indemnity quickly, not one dollar of those bonds have been paid by the French Government. These bonds are all outstanding yet. The Government has kept up the interest on the bonds, but not one dollar of the principal has yet been paid.

Mr. Balfour said that he thought it a wise thing to keep the people of a government in debt. I do not know; he is a wiser man than I. He has been longer connected with these matters of great finance than I, but I differ with him. I know I have been in debt all my life and never expect to get out of debt, but I believe it is a good thing to get away from a bank once in a while; pay your debts and wind up the clock and clean matters up once in a while.

But I do believe, gentlemen, and I say it in all seriousness, that this great legislative body should be just in its taxation on the people, no matter in what class those people walk. [Applause.] I believe the people of this country should be treated fairly. I believe that any man who leads labor to believe that capital is its enemy, or vice versa, is an enemy to both capital and labor. I never entertained such sentiments. I would like to see the laboring men and the business men of this country in closer touch and in greater harmony than they are to-day. I believe, my good friends, that we must look to the great capitalists of this country right now to come forward and put up the money to finance the administration in fighting this great war, and, as I have said, let me repeat again, your son is going, my son is going. While it will be a great sacrifice to send my sons to Europe and see them fill a grave in a foreign land, it is your duty and it is my duty, no matter whose son goes there, my friends, to furnish them with food, ammunition, clothing, and every manner of equipment that will put them on an equal footing with their enemy, so that the enemy may have no advantage. [Applause.]

Mr. PLATT. Will the gentleman yield?

Mr. FORDNEY. Yes; I will yield briefly, and then I want to close.

Mr. PLATT. Does not the bill in a sense penalize the wife and children of the man who goes to war and is killed and leaves $25,000? Why should she be penalized when, if he stayed at home, he might have lived?

Mr. FORDNEY. I am now and always have been opposed to an inheritance tax on small incomes. I believe it is an injustice to the widow and children.

Mr. PLATT. But it penalizes the man who fights for his country.

Mr. CRAMTON. Will the gentleman yield?

Mr. FORDNEY. I will yield to the gentleman, and then I must close. I have tried to be courteous and answer all the questions that were asked me.

Mr. CRAMTON. My colleague has spoken of the amounts that he anticipated would be raised by this measure somewhat higher than that estimated by the committee.

Mr. FORDNEY. Yes.

Mr. CRAMTON. Would it be agreeable to my colleague to insert in his remarks in the RECORD an extension of his statement giving his estimate in detail?

Mr. FORDNEY. I would like to do that. I may be wrong in my estimate, yet if we raise a little more than we need it will not matter. But what the Senate will do with the bill the Lord only knows. I do hope that they will put a little more justice in it in some particulars, in some things.

Now, I want to appeal to you, for I want to close. I have tried to answer all the questions asked. Let me appeal to you, both Republicans and Democrats. This is a matter of great seriousness. Your friends and my friends and our sons are going to war. They are going to fight in the greatest war the world ever experienced. Although there are some inequalities in this bill, there are no politics in it. I want to appeal to every

man here to cast aside his little prejudices because of some injustice in this bill, and I appeal to you, my colleagues, my Republican friends, as intelligent as I am, as able to judge for yourself as I am for myself, to stand by the Congress of the United States in raising this money to be used in prosecuting this war. [Applause.]

Mr. KITCHIN. Mr. Chairman, I yield 30 minutes to the gentleman from Mississippi [Mr. COLLIER].

Mr. GREEN of Iowa. Mr. Chairman, I yield to the gentleman from Massachusetts [Mr. GARDNER] such time as he may desire.

Mr. GARDNER. Mr. Chairman, I am ready now to close debate and proceed to read this bill under the five-minute rule. I guess we all feel about that way. I am only going to talk on that part of the bill which relates to the increase in postage rates on newspapers and magazines, second-class mail matter as we call it. That is the provision of this bill which is going to cause us to be abused from one end of the country to the other. About 30 years ago the newspapers clubbed Congress into agreeing to make Uncle Sam pay a great part of their bill for postage, and they have managed to scare us into continuing that policy down to the present day. As a matter of fact, when Congress first agreed to allow the newspapers to mail their output at less than cost there was a good deal more excuse for it than there is now. There were not so many newspapers and magazines, education was more difficult to obtain, newspapers were not to such an extent media for advertisements, there were no automobiles to be heralded to the public in competitive flamboyance, political advertising was as yet in its infancy, and corset pictures lacked their latter-day piquancy. Nowadays when you glance at the average magazine you find that it is made up largely of corset and automobile advertisements, with a few unimportant stories and a little solid reading matter thrown in. One of the members of the Committee on Ways and Means, Mr. HILL, said that he always tore off the automobile and other advertisements before he read the rest of a magazine. I am afraid that I am mighty apt to throw away the part which Mr. HILL keeps.

Uncle Sam has been subsidizing those newspapers and magazines to the extent of $89,000,000 a year. It costs us a hundred million dollars to carry and distribute them, and all we get back is a beggarly $11,000,000 in postage. In other words, we say to the publishers, "You go ahead and make your money and Uncle Sam will pay the bill." That is all very well in times of peace. In ordinary times we are glad to go ahead and help these folks out. It is always pleasant to be free with other people's money, and, besides, it is agreeable to have the newspapers and magazines back us up around election time. But the time has now come when Uncle Sam needs his money. If we have any money to spare to transport goods for our people free of charge or at less than cost, I confess that I should rather transport food for poor people at a reduced rate rather than tons of strictly educational corset advertisements. If Uncle Sam has got any money to spare for subsidizing, he had better use that money to subsidize something which really needs subsidizing. Well, the Ways and Means Committee started to make the newspapers and magazines pay a fair share of their cost of carriage and distribution, but we did not go so very far along that line. Uncle Sam loses eighty-nine millions a year on this second-class mail matter and we finally determined to reduce that amount by nineteen millions. In other words, if this bill passes in its present form the newspapers and magazines will pay thirty millions toward the cost of their carriage and distribution, while Uncle Sam will lose seventy millions in handling it.

Mr. Koons, the First Assistant Postmaster General, appeared before the Committee on Ways and Means and gave certain testimony, which I took down in writing. The gentleman from Indiana [Mr. DIXON] then read this testimony to Mr. Koons and that gentleman answered that I had correctly taken down his words. Following is the memorandum:

At present the total cost of handling second-class mail matter is $100,000,000 per year.
At present the revenue is $11,000,000 per year.
Under the proposed rates, according to Mr. Stewart's estimate, the revenue from second-class mail matter will be $30,000,000 per year unless there is a falling off in the amount mailed. Accordingly under the proposed rates, if the present quantity holds up, there will be an annual loss of $70,000,000 in handling second-class mail matter.

Some of the newspapers and magazines appear to think that we are making them pay out of spite. Others say that we are revenging ourselves because the newspapers favored this war. Certainly that can not be my motive, for I believe that this is a just and holy war. A newspaper friend of mine came to me and said, "Congressman, how do you justify this increase in the postage on newspapers?" I said, "I can not justify it, I am sorry to say, because I know it ought to be twice as great, if not more." [Applause.] If I had my way, the postage on newspapers would be very much greater and even then Uncle Sam would be stuck for most of the bill.

Some magazine people came to see me yesterday. They said, "Do not you know that we have been knocking the administration, and now, instead of standing by us, you are going back on us? This is nothing but a set-up job and the Democrats are out to revenge themselves. This is nothing but just plain, ordinary revenge." I said, "I certainly am not out to knock you. You have been mighty good to me. Yet I voted for that increase in postage just the same." They said, "Did you not let the newspapers off cheaper than you did us?" I said, "Yes; but there was a reason for it, my friends. It is true that you are hit in this bill harder than newspapers are hit, but you have been reaping a great deal bigger comparative benefit than the newspapers hitherto. Up to the present time the newspapers have come nearer to paying their scot than you have. It is true that we have taken away from you more of your comparative advantage than the newspapers are forced to give up, nevertheless we have not yet restored the balance, so that you and the newspapers are on the same basis."

In other words, after we have passed this bill—and I hope that we shall pass it about as it stands—the magazines will still receive a subsidy from the Government larger in proportion than that which the newspapers will receive.

Mr. COLLIER. Mr. Chairman, I ask unanimous consent to revise and extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Mississippi asks unanimous consent to revise and extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. COLLIER. Mr. Chairman and gentlemen of the committee, after listening to the lengthy, illuminating, and exhaustive arguments made by both the gentleman from North Carolina [Mr. KITCHIN] and the gentleman from Michigan [Mr. FORDNEY], who have covered the bill in all its details, I am not going to venture into all the details of this bill, but speak briefly on a few of the matters and schedules connected with the bill.

I do not suppose this measure in all of its particulars suited any member of the Ways and Means Committee. It certainly does not suit me, and there are some taxes imposed that I would like to see out of the bill. If I had had my way, those schedules would have been changed, and I have no doubt every member of the committee feels about this as I do. But, unfortunately for me and every other individual member of the committee, a large majority of the committee would, in the instances when the tax was believed by the individual member to be unwise and injudicious, overrule the individual objection. I do not feel that I am violating any confidence of the committee when I tell you that, as strenuously as I could, up to the last moment, I opposed with all my power the section of this bill relating to the customs duties. There are other sections equally distasteful to other members. I honestly believe that this is the very best bill that the 23 members of the Ways and Means Committee could frame. We are at war with perhaps the greatest military power upon the face of the earth. We need men and money to carry on this war to a successful conclusion. The administration has asked us to bring in a bill to provide, in addition to the bond bill of a few days ago, $1,800,000,000. It is contended by the Commander in Chief of our Army and our Navy and by the War Department and by the Secretary of the Treasury that this money is needed—that it must be raised at once. This was no time for us to delay because of personal views we may have in regard to the different items suggested to be taxed. It was no time for us to indulge in partisan politics nor to insist upon the adoption of those methods of taxation which the party to which we owe allegiance had made a practice to adopt. The representatives of three political parties were present at the deliberations of the committee. We have been for about 10 days earnestly considering this bill. Eighteen hundred millions of dollars is a large amount to raise by taxation in addition to the present taxes now imposed.

It is the largest tax bill ever presented to an American Congress. It is the best bill we could frame. It does not suit any of us in its entirety, and yet it suits all of us better than any other bill the committee could write.

There were many different opinions expressed, and freely expressed, during the consideration of this measure, but, as the gentleman from North Carolina [Mr. KITCHIN] and the gentleman from Michigan [Mr. FORDNEY] have said, no partisanship ever crept into our deliberations. We all realized that it was far more important for us to present a bill and supply our country with the needed sinews of war than to insist upon the adoption or the rejection of certain kinds of taxation to which

we may have held allegiance in the past. No war can be carried to a successful conclusion without the necessary funds to finance that war. This is the hour of our country's trial, this is the time of her need, and the bill we present to you for your consideration is the very best bill we could frame.

The revenue derived from this bill can be roughly estimated as coming from a dozen different sources of taxation. Owing to the present high prices of foodstuffs, the committee has for the most part kept away from consumption taxes, and the money to be derived from this bill comes from incomes, excess profits, beverages—vinous, spirituous, and alcoholic, as well as what are commonly called soft drinks—cigars, tobacco, and cigarettes; advertising, insurance, and facilities furnished by public utilities, manufacture, admissions to theaters and other places of amusement, and dues or membership fees of any social or athletic or sporting club or organizations; increase in postage and customs duties.

A great part of the amount sought to be collected by this bill comes from incomes and excess profits. Of the $1,810,420,000 estimated to be derived from the bill, $840,000,000 comes from these two sources alone.

The Underwood Act provided for a normal tax on incomes of 1 per cent with an exemption of $3,000 for a single man and $4,000 for a married man, and graduated to a maximum tax of 6 per cent upon the amount by which the total net income exceeded $500,000. The act approved September 8, 1916, considerably increased the income tax, doubling the normal tax, and graduated to a maximum tax of 13 per cent above total net incomes of $2,000,000, but the exemptions remained unchanged. This bill presents a still more drastic change in the income-tax law. The normal tax has again been doubled, the rate now being 4 per cent. In addition to this, the exemptions have been considerably lowered—$1,000 for a single man and $2,000 for a married man. The increase is still more marked in the graduations. The rates on incomes as fixed by this bill will be as follows:

Two per cent per annum upon the amount by which the total net income exceeds $1,000 in the case of a single person and $2,000 in the case of a married person and does not exceed $4,000.

One per cent per annum upon the amount by which the total net income exceeds $5,000 and does not exceed $7,500; making a total tax of 5 per cent; 4 per cent being the normal rate and 1 per cent which is carried in the present bill.

Two per cent per annum upon the amount by which the total net income exceeds $7,500 and does not exceed $10,000; making a total tax of 6 per cent; 4 per cent being the normal rate and 2 per cent carried in the present bill.

Three per cent per annum upon the amount by which the total net income exceeds $10,000 and does not exceed $12,500; making a total tax of 7 per cent; 4 per cent being the normal rate and 3 per cent carried in the present bill.

Four per cent per annum upon the amount by which the total net income exceeds $12,500 and does not exceed $15,000; making a total tax of 8 per cent; 4 per cent being the normal rate and 4 per cent carried in the present bill.

Five per cent per annum upon the amount by which the total net income exceeds $15,000 and does not exceed $20,000; making a total tax of 9 per cent; 4 per cent being the normal rate and 5 per cent carried in the present bill.

Six per cent per annum upon the amount by which the total net income exceeds $20,000 and does not exceed $40,000—making a total tax of 11 per cent—four per cent being the normal rate, 1 per cent by the revenue act of September 8, 1916, and 6 per cent carried by the present bill.

Eight per cent per annum upon the amount by which the total net income exceeds $40,000 and does not exceed $60,000—making a total tax of 14 per cent—4 per cent being the normal rate, 2 per cent by the revenue act of September 8, 1916, and eight per cent carried by the present bill.

Eleven per cent per annum upon the amount by which the total net income exceeds $60,000 and does not exceed $80,000—making a total tax of 18 per cent—4 per cent being the normal rate, 3 per cent by the revenue act of September 8, 1916, and 11 per cent carried by the present bill.

Fourteen per cent per annum upon the amount by which the total net income exceeds $80,000 and does not exceed $100,000—making a total tax of 22 per cent—4 per cent being the normal rate, 4 per cent by the revenue act of September 8, 1916, and 14 per cent carried by the present bill.

Seventeen per cent per annum upon the amount by which the total net income exceeds $100,000 and does not exceed $150,000—making a total tax of 26 per cent—4 per cent being the normal rate, 5 per cent by the revenue act of September 8, 1916, and 17 per cent carried by the present bill.

Twenty per cent per annum upon the amount by which the total net income exceeds $150,000 and does not exceed $200,000—making a total of 30 per cent—4 per cent being the normal rate, 6 per cent by the revenue act of September 8, 1916, and 20 per cent carried by the present bill.

Twenty-four per cent per annum upon the amount by which the total net income exceeds $200,000 and does not exceed $250,000—making a total of 35 per cent—4 per cent being the normal rate, seven per cent by the revenue act of September 8, 1916, and 24 per cent carried by the present bill.

Twenty-seven per cent per annum upon the amount by which the total net income exceeds $250,000 and does not exceed $300,000—making a total tax of 39 per cent—4 per cent being the normal rate, 8 per cent by the revenue act of September 8, 1916, and 27 per cent carried by the present bill.

Thirty per cent per annum upon the amount by which the total net income exceeds $300,000 and does not exceed $500,000—making a total tax of 43 per cent—4 per cent being the normal rate, 9 per cent by the revenue act of September 8, 1916, and 30 per cent carried by the present bill.

Thirty-three per cent per annum upon the amount by which the total net income exceeds $500,000 and does not exceed $1,000,000, making a total tax of 47 per cent, 4 per cent being the normal rate, 10 per cent by the revenue act of September 8, 1916, and 33 per cent carried by the present bill.

Thirty-three per cent per annum upon the amount by which the total net income exceeds $1,000,000 and does not exceed $1,500,000, making a total tax of 48 per cent, 4 per cent being the normal rate, 11 per cent by the revenue act of September 8, 1916, and 33 per cent carried by the present bill.

Thirty-three per cent per annum upon the amount by which the total net income exceeds $1,500,000 and does not exceed $2,000,000, making a total tax of 49 per cent, 4 per cent being the normal rate, 12 per cent by the revenue act of September 8, 1916, and 33 per cent carried by the present bill.

All incomes in excess of $2,000,000: The tax rate will be 50 per cent, 4 per cent being the normal rate, 13 per cent by the revenue act of September 8, 1916, and 33 per cent carried by the present bill.

In addition to these taxes on individual incomes there shall be collected from the incomes received from corporations an additional tax of 2 per cent, making a total tax of 4 per cent on the incomes from corporations. This tax is not graduated like the tax on individuals.

We expect to raise additional revenue from this tax on the incomes of individuals and corporations to the amount of $532,700,000, while the war tax on 1916 incomes will yield $108,000,000, making a total additional amount to be received from incomes for a 12-month period of $640,700,000.

We have increased the excess profits tax 100 per cent, making the tax 16 per cent on all profits in excess of 8 per cent, and leaving $5,000 exempt as provided for in the present bill—we expect to raise $200,000,000 by this tax.

The excess profits tax was first adopted by Congress on March 3, 1917, and provided for a tax of 8 per cent on all net profits after deducting an exemption of $5,000 and 8 per cent on the capital and all money invested. A corporation having a capital and undivided profits or surplus of $150,000 would be entitled to 8 per cent on the $150,000, which would be $12,000. To this would be added the $5,000 exemption, making $17,000; then, if, say, $3,000 were paid in salaries and other running expenses, the total exemption would then be $20,000. If the corporation declared a net profit of $25,000, then the tax would apply to the difference between the $20,000 exemption and the $25,000 profit, or $5,000, and the tax would only be $40.

It might be interesting at this time to note the amount of this tax Canada has imposed. The old Canadian tax has been changed and is now 25 per cent on profits above 7 per cent and up to 15 per cent. On profits between 15 per cent and 20 per cent the tax is 50 per cent, and on all profits in excess of 20 per cent the tax is 75 per cent. The tax imposed in the bill is extremely moderate as compared with the tax in Canada.

We have raised the tax on whisky from $1.10 per gallon to $2.20 per gallon. While this increase may appear large, yet it is nothing like so much an increase as Canada or the United Kingdom has imposed. It is estimated that we will raise on this increase $107,500,000, but due regard should be had for the gradual decrease in consumption of intoxicating liquors by reason of recent prohibition laws which will curtail the consumption of this beverage.

The tax on beer has been raised from $1.50 per barrel to $2.75 per barrel and should bring in $37,500,000.

In addition to the tax on distilled and rectified spirits and fermented liquors there is an additional tax on wines which

should yield $6,000,000, making a total additional revenue from these liquors of $151,000,000.

The committee met with considerable difficulty in framing a tax on those beverages commonly known as soft drinks. Many of these drinks are sold at the soda fountain, and it would be almost an impossibility to tax those sold in that manner, because the burden of keeping track of such drinks would be intolerable. The tax on sirups paid at the source by the manufacturer, producer, or importer would still permit much of these drinks to escape taxation. We placed a tax of 10 per cent of the price on sirups or extracts intended for use in the manufacture or production of these beverages. This tax is to be paid by the manufacturer, producer, or importer. And we also placed a tax of 8 cents per pound upon all carbonic-acid gas in drums or other containers intended for use in the production or manufacture of carbonated water or other drinks. The tax of 8 cents per pound upon the carbonic-acid gas will be paid at the source by the manufacturer, producer, or importer thereof, and they can make such terms as are satisfactory to the retailers and themselves. Carbonated water is the principal part of nearly all of these soft drinks which are sold in open glasses at the fountain. These beverages will not escape taxation but will bear their proportionate part of the burdens brought about by the war.

There is also a tax of 1 cent per gallon upon all natural mineral waters or table waters sold by the producer, bottler, or importer thereof, in bottles or other closed containers at over 10 cents per gallon, while 2 cents per gallon is imposed upon all grape juice, artificial mineral waters and fermented liquors containing less than one-half per cent alcohol sold by the manufacturer, producer, or importer, and also upon all ginger ale, root beer, sarsaparilla, pop, and other carbonated water or beverages.

We expect to derive $20,000,000 in revenue from these soft drinks.

This, however, is, in my opinion, an estimate based on conjecture. I believe that the revenue from this source will be nearly double the estimate we have made in the report on this bill.

The tax on tobacco, cigars, snuff, and cigarettes in this bill is practically twice as much as the present law. The higher grades of cigars, however, have been raised to a rate much more than 100 per cent. We expect to raise by these taxes $57,400,000, of which amount $11,000,000 will be received from cigars, $25,000,000 from cigarettes at $1.25 per thousand, $30,000,000 from tobacco at 8 cents per pound, $2,000,000 from snuff at 8 cents per pound, and $400,000 from cigarette papers and tubes at 1 or 2 cents per hundred.

Mr. HICKS Will the gentleman from Mississippi yield for a question?

Mr. COLLIER. I yield with great pleasure to the gentleman from New York.

Mr. HICKS. Was any provision thought of for putting a tax on candy, a commodity which is a pure luxury, and which I imagine would produce a large revenue if there was only a small tax levied against it?

Mr. COLLIER. There was some talk about putting a tax on candy, but I think most of it went up in talk. I do not recall whether there was any serious suggestion made on that or not. I will say that candy might well have been included in this bill.

Mr. HICKS. Would it not produce a very large revenue, based on the consumption of candy in this country?

Mr. COLLIER. I have no doubt that the gentleman is absolutely right, and candy would have produced a great deal of revenue; but I will say to the gentleman from New York that the main reason why we did not put a tax on it was that we tried to keep away from consumption taxes so far as we could. We first decided that we would raise as much of this money as we could on the wealth of the country, and then we would tax those articles on which the tax would be least burdensome to the people, keeping away as far as we could from all kinds of consumption taxes. For instance, we did not put an excise tax on sugar, which would have raised a large revenue. There are a great many other articles which, if we had put an excise tax on them, would have raised considerable revenue. I want to say a word now about the tax upon insurance policies which will be good news to the insurance agents throughout the country. While the tax remains the same that it was during the Spanish-American War, yet there has been a change in the administrative features of that tax, which will be very grateful to the local insurance agents. Under the old law the local agent had to get the stamp and put it on the policy. In case, as happens very often in fire-insurance policies, the policy was canceled, then they had to go to the extra bookkeeping of canceling the stamp and making proper entry on the books. In order to obviate that we adopted this plan: The home office, which paid the tax before and pays it now, will make sworn monthly statements to the collector of the internal revenue in the district where the home office is domiciled, and every 30 days that money will be paid. I want to say for myself that we are very much indebted to the gentleman from California [Mr. KETTNER] who happens to be in the insurance business, who gave me in particular some very valuable information about this, and also I would like to refer in this connection to the gentleman from Connecticut [Mr. LONERGAN].

Mr. EAGAN. The gentleman is now speaking of fire insurance policies?

Mr. COLLIER. Yes; but this refers to fire, life, marine, inland, and casualty insurance. I was speaking particularly of fire insurance when I spoke of the cancellation. I understand it frequently happens that the renewal of a policy is not continued because that policy was placed through some other agent. Of course, the agent who took the first policy naturally renewed it and forwarded it to the party whom he had insured, and if the policy was returned all of this cancellation had to be made, which took a great deal of time and extra booking.

We have levied a tax of 8 cents upon each hundred dollars or fractional part thereof on each life insurance policy except those issued by fraternal beneficiary societies or orders, or farmers' purely local cooperative companies or associations, or employees' relief associations operated on the lodge system or local cooperative plan and conducted solely for the exclusive benefit of its members and not for profit.

On marine, inland, casualty, and fire insurance there shall be collected 1 cent on each dollar or fractional part thereof on each insurance premium. We expect to collect $5,000,000 from these taxes.

The bill provides for a tax of 5 per cent on the amount paid for all advertising on billboards, street cars, and the like, but it does not refer to the newspapers and periodicals. We expect to receive $7,500,000 from these advertisements.

The bill provides for a tax of 3 per cent of the amount paid for the transportation by rail or water of freight consigned from one point in the United States to another. This tax is expected to raise $77,500,000. It is further provided that a tax of 10 per cent of the amount paid for transportation of persons by rail or water with certain exceptions where the fare does not exceed 25 cents and a commutation or season ticket is for trips of less than 30 miles, shall be collected. The amount estimated to be received from this tax, including seats and berths, is $75,750,000. A like tax of 10 per cent on the amount paid for the transportation of property is levied upon the express companies, and we expect to raise $15,000,000 from this source.

These taxes are all collected at the source by the companies from those using the service or facilities rendered, and the money so collected is turned over to the collector of the district in which the office of the company is located by the transportation or express companies upon monthly returns itemized and sworn to by the common carriers.

A tax of 5 per cent of the amount paid for the transportation of oil by pipe lines is also included in the present bill. It is estimated that we will receive $4,500,000 from this source. The question may be asked why is it that we lay a tax of 3 per cent on freight or oil carried by rail and a tax of 5 per cent on oil carried by pipe line. This charge is borne by the shippers of oil, and I understand the pipe lines will not receive shipments in quantities less than 100,000 barrels. Receiving such immense shipments permits these pipe-line companies to charge in some instances 50 per cent less than the railroads. For this reason these shippers can well afford to pay an additional tax of 2 per cent.

A tax of 5 per cent of the amount paid for electric power and gas for domestic use and telephone service other than that for personal use shall be collected. It is believed that this tax will amount to $30,000,000.

A tax of 5 cents each shall be imposed upon each telegraph message and telephone conversation or message for which a charge of 15 cents or more is made. We expect to raise $7,000,000 by this tax. This tax shall be paid at the source by the telephone and telegraph companies collecting the tax from the persons, corporations, or associations paying for the services and making returns similar to the transportation companies. The committee placed a tax of 5 per cent upon the selling price of all automobiles and automobile trucks, wagons, and motorcycles which is expected to bring in $68,000,000. This tax is to be paid by the manufacturer or importer of these vehicles. There is also a like tax on tires and tubes, which is estimated will yield $12,500,000. But this tax shall not be imposed on tires and tubes on auto vehicles upon which the tax has been

paid and the value of the tires and tubes computed in the payment of the tax on such vehicles.

A like tax of 5 per cent shall be imposed upon the price of all musical instruments and records and phonographs sold by the manufacturer, producer, or importer for more than $10 each. This tax is expected to yield $7,000,000 in revenue.

On moving-picture films a tax of one-half of 1 per cent per linear foot has been levied on those films which have not been exposed, and on those ready for projection a tax equivalent to 1 cent per linear foot. We except to raise $7,000,000 by this tax. On jewelry, sporting goods, pleasure boats, yachts, perfumes and cosmetics, proprietary medicines, and chewing gum a tax of 5 per cent has been imposed. We expect to raise $24,250,000 from these sources.

We have placed a tax of 5 per cent on the price sold of all cosmetics, drugs, proprietary medicines, oils, essences, and the like.

There is one feature of this tax on cosmetics, drugs, and like articles which will appeal to the retail druggists. Under the stamp-tax acts of the Spanish-American War and the act of October, 1914, the retail druggists were required to place a stamp on all medicines, cosmetics, chewing gum, and proprietary medicines which were sold over the counter. It was not only a source of much annoyance to the druggist as some of these taxes were in denominations as small as one-eighth of a cent, but it was impossible for this tax to be handed down to the consumer. I received, and I have no doubt all of you received, a great many protests from the retail druggists throughout the country saying they did not object to the amount of the tax, but that what they did object to was the way they had to put it on. For instance, if there was a tax of one-fourth of a cent on a dollar's worth of bay rum, and a customer asked for 50 cents' worth of bay rum, the druggist had to look up the tax and then get a one-eighth of a cent stamp and put it on. We have adopted the same plan that was pursued in reference to the tax on insurance policies. The manufacturer or the importer makes an invoice, a sworn statement, and pays the tax monthly, and they can make any arrangements they see fit with the retail druggists.

Mr. MASON. And no stamps at all?

Mr. COLLIER. No stamps at all; nor are there any stamps on insurance policies or freight bills. A tax equivalent to 1 cent for each 10 cents or fraction thereof shall be paid on the admission price to any place where admission is charged and a tax of 5 cents on all persons who are admitted free. No tax shall be charged where the admission price does not exceed 5 cents and children under 12 years of age are admitted upon the payment of 1 cent. Of course, this tax does not apply on admissions to those places where the proceeds go to religious, charitable, or eleemosynary institutions. Sixty million dollars is expected to be realized from this tax.

A tax of 10 per cent of the amount paid as dues or membership fees to any social, sporting, or athletic club or association shall be collected from the member paying such dues. One million five hundred thousand dollars is estimated by the report to be raised by this tax. Again, however, I believe that the amount received from this tax will be largely in excess of that amount.

We have substantially reenacted the stamp tax of the Spanish-American War and the act of October 22, 1914. There is no tax on checks. A tax on checks would raise considerable revenue, but it is such an annoying tax that the committee decided to leave it out of the bill.

The principal subjects of taxation and the rates imposed are as follows:

SOURCE OF REVENUE.	PROPOSED TAX.
1. Bonds of indebtedness	5 cents on each $100.
2. Bond, indemnity, and surety	50 cents each, or 1 per cent of premium.
3. Capital stock, issued	5 cents on each $100.
4. Capital stock, sales or transfers	2 cents on each $100.
5. Produce, sales of, on exchange	2 cents for each $100.
6. Promissory notes, including drafts or checks payable otherwise than at sight or on demand.	2 cents for each $100 or fraction thereof.
7. Conveyances	50 cents for each $500 or fraction thereof.
8. Entry of goods at customhouse for consumption or warehousing.	25 cents to $1, according to value.
9. Entry for withdrawal of goods from customs bonded warehouse.	50 cents.
10. Passage ticket	$1 to $5, according to cost.
11. Proxies	10 cents each.
12. Power of attorney	25 cents each.
13. Playing cards, in addition to existing duty.	8 cents per pack.

We have increased the estate or inheritance tax. The exemption of $50,000 has been reduced to $25,000.

I will insert a schedule showing the increased tax as proposed by this bill and the additions imposed by the act of March 3, 1917. One per cent of the amount of such net estate not in excess of $25,000.

One-half of 1 per cent of the amount of such net estate not in excess of $50,000, making a total tax of 2 per cent—1½ per cent by the act of March 3, 1917.

One per cent of the amount by which such net estate exceeds $50,000 and does not exceed $150,000, making a total tax of 4 per cent—3 per cent by act of March 3, 1917.

One and one-half per cent of the amount by which such net estate exceeds $150,000 and does not exceed $250,000, making a total tax of 6 per cent—4½ per cent by act of March 3, 1917.

Two per cent of the amount by which such net estate exceeds $250,000 and does not exceed $450,000, making a total tax of 8 per cent—6 per cent by act of March 3, 1917.

Two and one-half per cent of the amount by which such net estate exceeds $450,000 and does not exceed $1,000,000, making a total tax of 10 per cent—7½ per cent by act of March 3, 1917.

Three per cent of the amount by which such net estate exceeds $1,000,000 and does not exceed $2,000,000, making a total tax of 12 per cent—9 per cent by act of March 3, 1917.

Three and one-half per cent of the amount by which such net estate exceeds $2,000,000 and does not exceed $3,000,000, making a total tax of 14 per cent—10½ per cent by act of March 3, 1917.

Four per cent of the amount by which such net estate exceeds $3,000,000 and does not exceed $4,000,000, making a total tax of 16 per cent—12 per cent by act of March 3, 1917.

Four and one-half per cent of the amount by which such net estate exceeds $4,000,000 and does not exceed $5,000,000, making a total tax of 18 per cent—13½ per cent by the act of March 3, 1917.

Five per cent of the amount by which such net estate exceeds $5,000,000 and does not exceed $8,000,000, making a total tax of 20 per cent—15 per cent by act of March 3, 1917.

Seven per cent of the amount by which such net estate exceeds $8,000,000 and does not exceed $11,000,000, making a total tax of 22 per cent—15 per cent by act of March 3, 1917.

Ten per cent of the amount by which such net estate exceeds $11,000,000 and does not exceed $15,000,000, making a total tax of 25 per cent—15 per cent by act of March 3, 1917.

Fifteen per cent of the amount by which such net estate exceeds $15,000,000, making a total tax of 30 per cent—15 per cent by act of March 3, 1917.

Perhaps the most vigorous protests the committee received during the consideration of this bill came from the publishing houses and the newspapers and periodicals which for years had been receiving a subsidy of about 90 per cent of the cost of the carriage and delivery of these publications. It costs the Government, in round numbers, $99,000,000 to handle and deliver the second-class mail. The rate is 1 cent per pound, and these publishers pay to the Government in postage about $11,000,000, making a net loss to the Government of $88,000,000. Some of these publications—newspapers and periodicals, periodicals especially—are composed of about 20 per cent reading or news matter and the balance, or 80 per cent, is in advertisements. It might be interesting to relate that some of these periodicals, 80 per cent of which are composed strictly of advertising matter, at a cost in some instances to the advertiser of $5,000 to $10,000 a page, that these periodicals and journals which have been receiving from the Government for years a subsidy amounting to hundreds of millions of dollars, have been the most hysterical in denouncing as "pork-barrel" legislation any sort of much-needed improvements of rivers and harbors or the erection of a post-office building in a town where the facilities are such that the public interest demands the Government's ownership of such building.

The tax proposed in this bill, in so far as it refers to second-class mail matter, will secure only $19,000,000 of the $88,000,000 now lost to the Government; but the tax of 3 cents on first-class letter postage and 2 cents on postal cards will bring in $70,000,000 additional.

The rate on second-class mail matter has been changed from the flat rate of 1 cent a pound to a zone system, in which the rates of postage are as follows:

That on and after June 1, 1917, the zone system applicable to parcel post shall apply to mail matter of the second class, and the rates of postage shall be as follows: Two cents a pound or fraction thereof when for delivery within the first or second zones, 3 cents a pound or fraction thereof when for delivery within the third zone, 4 cents a pound or fraction thereof when for delivery within the fourth or fifth zones, 5 cents a pound or fraction thereof when for delivery within the sixth or seventh zones, 6 cents a pound or fraction thereof when for delivery within the eighth zone: *Provided*, That the rate of postage on daily newspapers, when the same are deposited in a letter-carrier office for delivery by its carriers, shall be the same as now provided by law: *Provided further*, That nothing herein shall affect existing law as to free circulation and existing rates on second-class mail matter within the county of publication: *Provided further*, That the Postmaster General may hereafter require publishers to separate or make up to zones in such manner as he may direct all mail matter of the second class when offered for mailing: *Provided further*, That second-class mail matter mailed to subscribers from an office other than that of publi-

cation shall pay the same rate as if mailed from the office at the place of publication: *And provided further*, That in the case of newspapers and periodicals entitled to be entered as second-class matter and maintained by and in the interests of religious, educational, philanthropic, agricultural, labor, or fraternal organizations not organized for profit and none of the net income of which inures to the benefit of any private stockholder or individual, the second-class postage rate shall be 1½ cents a pound or fraction thereof, irrespective of the zone in which delivered, except when the same are deposited in a letter-carrier office for delivery by its carriers, in which case the rate shall be the same as now provided by law. The publisher of such newspapers or periodicals before being entitled to the foregoing rates shall furnish the Postmaster General, at such times and under such conditions as he may prescribe, satisfactory evidence that none of the net income of such organization inures to the benefit of any private stockholder or individual: *And provided further*, That the Postmaster General, on or before the 10th day of each month, shall pay into the general fund of the Treasury an amount equal to the difference between the estimated amount received during the preceding month for the transportation of first and second class matter through the mails under this title and the estimated amount which would have been received under the provisions of the law in force at the time of the passage of this act.

A tariff of 10 per cent on all articles on the free list and an additional tariff of 10 per cent on all dutiable articles is imposed by this bill. It is estimated that $200,000,000 will be raised from these duties. I am sure that it will be much nearer $300,000,000 than $200,000,000. The reason this tax was placed in the bill was solely because we needed the money. I regret that the revenue derived from this source could not have been secured in some other way.

As I stated a few moments ago, I do not believe I violate any confidence when I say that as strenuously as was in my power I opposed this feature of the bill which put a 10 per cent tax on dutiable articles and those upon the free list. I recall the many occasions upon this floor in attempting to answer my good friend from Connecticut [Mr. HILL] and in attempting to answer my good friend the gentleman from Michigan [Mr. FORDNEY], and others who are wedded to protection. I have sworn that by my vote I would never permit certain articles ever to bear a tax. I remember how I have stood upon this floor and demanded that the great basic materials—coal, iron, lumber, and others—given us not by the ingenuity of man but through the goodness of God, should be free from taxation. I have sent out to my constituents free-list speeches in which I stated that lumber should be free and that I would forever stand between the tax gatherer and an American citizen who wanted to build a home for his family, a schoolhouse for his children, and a church for his God. I can see now that when I cast my vote for this bill sometimes chickens come home to roost. [Laughter.] But, my friends, the question with us now is above party politics. All legislation is more or less the result of compromise. I would never vote for this measure in times of peace. I opposed it in the committee, but I was overruled. The necessity for early action on this bill is great. The question confronting us now is how we can at this time best raise $1,800,000,000 in order to defray the expenses of this war and take care of our soldiers who are going to the front; and, though I am opposed to many schedules in this bill, yet I shall support the bill substantially without amendment. We have by a practically unanimous vote declared this war. We have by a large vote adopted the selective-draft plan whereby the young manhood of our country will be practically conscripted; and by this bill, my friends, we are going to conscript the dollars necessary to carry on this war. I believe when we send our young men to the front to bear the brunt of battle those who are beyond the fighting age and who will not fall within the selective draft should make no complaint when they are called upon to help defray the expenses of this war.

I have received more telegrams in the last two weeks than I ever received during the consideration of any other bill. I have received telegrams worded patriotically, that each and every person whom we intend to tax is willing to pay his share to carry on this war; but as has been stated by the gentleman preceding me [Mr. FORDNEY], they all think some other fellow ought to pay the tax.

This is a large tax bill we are presenting to the American people. It has followed other revenue measures larger than this, and there may be others yet to come. There is no need for us to appeal to the patriotism of our people in order to get them to support the enormous tax bills we are enacting to carry on this war. We did not bring on this war. We are engaged in no war for conquest. We are waging no war for territorial expansion, nor are we fighting for the aggrandizement of our country.

The American people are a peace-loving, liberty-seeking people, and we tried as best we could to keep out of this great conflict which now seems to have convulsed the entire universe. We did not draw the sword until patience had ceased to be a virtue and forebearance had become a repudiation of those principles of free government, the exercise of which has made our country the wonder and the admiration of the world. [Applause.] We have drawn the sword in defense of humanity and the inalienable rights of mankind. We have drawn the sword to perpetuate and to preserve those principles of free government so dear to the hearts of all lovers of human liberty. We have drawn the sword to maintain the freedom of the seas. The great highways of ocean traffic given to all by the goodness of God should be kept open to the argosies of the world, and as long as American ideals and American traditions endure they shall not be syndicated by any one country on the face of the earth. [Applause.]

Less than 10 days ago here in this historic Chamber we heard that gallant and eloquent Frenchman, M. Viviani, in impassioned tone call upon the immortal shades of Washington and Lafayette to again behold the spectacle of the two mightiest Republics on the face of the earth as they marched shoulder to shoulder, side by side, struggling against military despotism, and fighting for the rights, the happiness, the prosperity, and the liberties of all mankind.

We are now a great country, a united country, a rich and a powerful country. We can well afford to pay the tax bill that we are bringing in here to carry on this war to a speedy and victorious end, and I say to you, Mr. Chairman and gentlemen of the House, that we do not have to appeal to the patriotism of the American people in order to get them to support the bill which we have brought in. Every day come thousands of letters, telegrams, and messages from these offering to dedicate their lives and their fortunes to the cause of our country; and if we have in the future to bring in more tax bills, I say to you again that we will never have to appeal to the patriotism of our people in order to get their support for these measures, because they are more than willing, not only to offer their lives to the cause of universal liberty, but they are willing to give of their means to carry on this war to a speedy and victorious conclusion. [Applause.]

Mr. KITCHIN. Mr. Chairman, I yield to the gentleman from Missouri [Mr. BORLAND].

Mr. BORLAND. Mr. Chairman, it is one of the most remarkable things that could have occurred in any popular assembly that a bill to levy a tax of this size upon people should be received with such unanimity or near unanimity as this bill is received. Certainly it is a compliment of the very highest order to the membership of the committee that framed the legislation.

Evidently while the burden of taxation has been heavy, because the need was imperative and the demands were heavy, the bill has been so framed as to distribute that burden of taxation with practical equality, not only upon every line of human activity which ought to respond for the protection of the Government, but upon every section of the country. Manifestly, if there were any great discrimination, either sectional or otherwise, more echo would have been heard in this House, because this is, after all, in the last analysis, an extremely representative body. I sometimes think it is more representative of kicks and complaints than it is representative of the great benefits of a free government. We are more apt to hear as representatives of our people of the complaints, the difficulties, the discriminations, or alleged discriminations, that occur in legislation than an appreciation of its good features. I have had, as every Member here has, an enormous number of complaints against specific items in this bill, and yet I have answered each one of those complaints with practically the same statement, that the burden of taxation caused by the present war unfortunately will be enormous upon every line of business, and that the committee would not permit any line of business to escape. Not only would the committee not permit any discrimination, but they would not overlook any possible and reasonable source of taxation for the raising of these imperatively needed funds. And that is the only reply that can justly be given to any of these complaints of specific industries against the tax which is levied against their industry. This is a huge bill, and yet it must be measured not by its own size, but by the demands that it is intended to meet.

In the opening speech in this debate the gentleman from North Carolina [Mr. KITCHIN] referred to the fact that this war must not be financed by putting the burden upon unborn generations. I thoroughly agree with him in that, yet I would go further and say that this war could not be financed by putting the burden upon unborn generations. However many bonds we may issue, if we issued the full limit that the reserve capital of this country would be able to absorb, we would still need for the proper conduct of this war an enormously increased supply of cash taxes, and they are represented by this bill. I undertake to say that the administration officials are correct in estimating that close to $2,000,000,000 of cash collections must be made to meet the cash needs of the Government, exclusive of the sale of bonds.

Mr. HILL. Will the gentleman pardon me?

Mr. BORLAND. Certainly.

Mr. HILL. May I inject right into the gentleman's remarks for the benefit of the other Members that I personally visited a high official of the administration before I went into the committee meeting to help frame this bill and had a full, frank talk with him, and when I came away the result was this: "I ought to have $2,000,000,000 in cash; I must have $1,800,000,000"? That was the inspiring motive of this committee from the start to finish in reaching the amount.

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. BORLAND. I will be very glad to do so.

Mr. GREEN of Iowa. In the committee room.

Mr. HILL. In the committee room, and that did not include the supplementary proposition that has now come in for a billion dollars for building ships, and did not provide for the interest on the bonds we have got to meet, nor the additional pay of the Army which was adopted by this House on the Saturday night preceding. Gentlemen, if you offer any amendment to this bill, I beg of you as an American citizen do not offer an amendment reducing the revenue by one single penny unless you offer a substitute at the same time providing money to take its place. [Applause.]

Mr. BORLAND. I am very glad to yield to the distinguished member of the Ways and Means Committee, that framed this legislation, for that illuminating and interesting statement, and it inspires me to say that one of the most remarkable and one of the best signs in this whole legislation has been the nonpartisan, high-minded, and patriotic way in which members of the minority of that great committee have taken hold of this great national problem and have looked upon it as their problem as well as the problem of the administration. I compliment the gentleman from Connecticut [Mr. HILL] and his associates on the minority for the splendid work they have done.

But I want to say, huge as is this bill, even measured into the demands that will be made upon it, we have another measure of comparison we must not lose sight of or the country must not lose sight of. This is a huge country. In the last few years, especially during the continuance of the European war, it has been growing in wealth by leaps and bounds. It not only has been growing in actual industrial operations, but it has been growing in invested capital, in accumulations of capital, and at such a rate that no other country under the sun has ever equaled it. When we come to measure this bill into the resources of the American people we find it is a smaller burden than we have frequently placed upon the people in the history of the Republic. Measured into the ability to pay, this is not such a tremendous burden after all. I am glad to see the committee have undertaken at the very outset to do what some of the excitable individuals have written me ought to be done, namely, to conscript wealth. Some critics seem to overlook the fact that we do conscript wealth, and that we propose to conscript wealth equally with human endeavor in this war. We propose to make wealth pay its just share of this war, and for that purpose there has been an increase in the inheritance tax and in the normal income tax and in the surtax on incomes.

In addition to that, the committee has turned, and very properly, to that great list of luxuries which, I am glad to say, adorns the life of the American people. A more luxurious people the world has never seen, indulging in all manner of luxuries, from the simple chewing gum up to the $10,000 automobile. Every form of luxury is susceptible of taxation, especially in an emergency of this kind, and the committee has very wisely placed a very large share of the burden upon that class of luxuries.

Mr. GREEN of Iowa. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Missouri yield to the gentleman from Iowa?

Mr. BORLAND. Yes; I yield to the gentleman.

Mr. GREEN of Iowa. Something has been said on the floor here with reference to the extreme burdens placed on the manufacturers of these articles. Does the gentleman think the manufacturers will pay those taxes, or will they be passed on down to the consumers?

Mr. BORLAND. No. The gentleman and I agree in that principle of economics whereby it happens that if an article is in general demand the burden of the extra cost will be passed on to the consumer. If, however, the burden is so heavy as to check the demand, it reduces automatically the amount of the tax that we can collect. But as long as the article is in general demand the extra cost eventually goes on to the ultimate consumer or purchaser. I may say that we Democrats on this side have always contended for that principle in our discussions of the protective tariff, but we were never able to induce the gentleman from Iowa and his colleagues to agree with us. I congratulate the gentleman upon the fact that he has arrived at our position.

Mr. GREEN of Iowa. Oh, we on this side wanted to pass the burden over to the party across the seas. That is what we were doing and what we were contending for.

Mr. BORLAND. When the gentleman from Iowa gets rid of that idea, that the foreigner pays the tax, he will make another advance in economic attainment.

Now, I want to say this, gentlemen, that these taxes will not be a serious burden if we place them on those who are able to bear them. The committee has so endeavored to do. Much has been said here in regard to taking up the "slack" in the Postal Service. That matter has been gone into so fully that I would not care to take the time to comment on it, except to say that in this crisis of our national history, when this burden is placed on our young men and on our business men, for any institution or activity to enjoy a special subsidy at the hands of the General Government is inexcusable and indefensible. No patriotic body in the country ought to insist that the Government should subsidize its business by doing for it special services that are not done for the rank and file of our citizens. It is but right to bring up the second-class mail rate somewhere near the cost of the actual service rendered in carrying that mail. In my judgment your committee was wise in doing so in this case.

If I were making up a bill on my own theories of economics, I would like to see all the burdens placed upon a direct tax, on an income tax. Not only do I believe that it is the fairest and best medium of taxation and the best barometer of the taxation powers of the country; I believe it not only distributes the tax more fairly than any other but I believe it has a remarkably fine influence on the expenditure of the money that it has raised. When a man sees directly in his tax bill how much he has paid for specific expenses or for the operation of a specific administration or activity of the Government, he is very apt to hold that administration or that particular activity accountable for his increase of taxes. I think one of the greatest difficulties we have contended with in this country has been that our sources of revenue were so long concealed from the ordinary taxpayer in the form of indirect taxes.

I am opposed to these stamp taxes in so far as we can get rid of them, and I am opposed to these special taxes except in cases of articles of luxury, where they can afford to pay it.

Mr. PLATT. Mr. Chairman, will the gentleman yield?

Mr. BORLAND. Yes.

Mr. PLATT. In order to make the gentleman's argument good, would he not have to make his income tax reach everybody?

Mr. BORLAND. Scientifically and theoretically that is true. It ought to reach everybody. The only question involved, however, is the practical question of the cost of collection. There is no use in imposing a tax when the cost of collection exceeds, equals, or approaches the amount produced. I think when you put into operation a new system it is well to put the limit high in order that not too many people will have to be brought in at first while the system is in an experimental state, but after the system is in operation it is very easy to lower the limit until the burden falls upon practically all income producers. For after all the real source of Government revenue is the producing toil of its citizens. The real source of strength of the Government and its financial support is in the earnings of its citizens, and any other form of reaching those through indirect taxation is almost certain to produce lack of uniformity, discrimination, and injustice.

Mr. SLOAN. Mr. Chairman, will the gentleman yield there?

Mr. BORLAND. Yes; I yield.

Mr. SLOAN. Would the gentleman at any time and under any circumstances reduce the exemption below the average living expense of the average family or the average individual in the country?

Mr. BORLAND. I will say to the gentleman that that question can not be answered, because no one can say what is an average living expense. I have heard that question debated, as to what was the average cost for a family. There is no such thing. You can not approach living conditions from that standpoint. All expenses are relative to the expenses of other men—wage in one country or in one age would not be a living wage in another. No; it is not a question of that. It is a question of every man who is earning an income supporting his Government financially, as he is compelled also to support it by his military services in times of need. This burden ought to fall and will fall upon those members of the community who can not offer their bodies, their lives, their health, and their strength as a sacrifice for the redemption of their country. A certain number of citizens in war must go out and offer their

lives as a sacrifice. Certain families must send their bread winners. Those people give their all.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BORLAND. I should like about three minutes more.

Mr. KITCHIN. I yield to the gentleman three minutes.

Mr. BORLAND. Those men give all they have. They lay upon the alter of their country a priceless sacrifice. The wife who stays at home, the infant children who stay at home, and see the breadwinner—the husband and father or the son—go to the trenches, baring his breast to the thrusts of the foe, make a sacrifice that can not be measured in money. They make a sacrifice upon the altar of patriotism which is sacred beyond the conception of mere man, which rises as an incense to heaven, as the great tribute of patriotism to the life and well-being and perpetuity of our institutions. When men are willing to do that, when they are willing to face the foe and say, "For this flag, for the free institutions of my country, for the land that gave me birth and gave me opportunity, I am willing to go to the front to fight, to die, to offer my life, my future, my prospects, and my career," the men who stay at home should be willing to sacrifice their money on the altar of their country's need. Possibly some are engaged in activities that are being accelerated and expanded by the very fact of war. Some are men whose property is being protected, whose invested wealth is being protected, and the only sacrifice that they can lay upon the altar of their country is the sacrifice of taxation to provide for the needs of that Government. No soft-fingered hand should be laid upon the sacrifice of the men who stay at home and are safely protected. We should make them respond in the full measure necessary to properly equip and care for those who go to the front. The capitalized wealth that is protected by the fleet and by the Army in the field should make its sacrifice. It is only a question of justice and of lack of discrimination between different forms of taxation. No man at this hour and in this crisis of our career should complain of a burden of taxation which protects him, his home, his life, his property, his institutions and future from the assaults which are being made upon the very existence of democracy. [Applause.]

Mr. GREEN of Iowa. Mr. Chairman, I yield 20 minutes to my colleague, the gentleman from Iowa [Mr. HULL.]

Mr. LONGWORTH. Mr. Chairman, before the gentleman begins, may I ask the gentleman from North Carolina how long he expects the debate to run to-day?

Mr. KITCHIN. I have no one except the gentleman from Indiana [Mr. Cox] who wishes to speak this afternoon.

Mr. GREEN of Iowa. I have one 10-minute speech after this.

Mr. KITCHIN. All right.

Mr. FORDNEY. Then will you adjourn for the day?

Mr. KITCHIN. Yes.

Mr. HULL of Iowa. Mr. Chairman and gentlemen of the committee, in what I shall say I am not inclined to handicap the committee in its great work that they are to perform. I have no selfish motive. There is one thing, however, that I have heard a great deal about since I came to Congress and about which I think most Congressmen make a mistake. I think I have had some opportunity not afforded to every Congressman to make some observations in regard to a matter that is brought to our attention in this bill. I refer to the raise in postal rates on second-class mail matter.

I have no newspaper that will be seriously affected in my district, and so I can claim that I am only trying to set the committee right in whatever I say, but as a postmaster for some 12 or 13 years I have observed some things in regard to the handling of mail matter that is not given to the ordinary citizen. I have heard it charged and reiterated on the floor of this House, not only by this committee but by the great Post Office Committee, and I believe they are backed by the Post Office Department, that it costs anywhere from 4 to 9 cents, according to whatever investigating committee made the figures that you take, to handle second-class mail matter.

I want to say that whoever makes this assertion does not understand the situation that prevails in the Post Office Department. The plain, practical facts are that it does not cost the Post Office Department any such amount of money. The fact is that it does not cost as much as you get if you figure as any business man would.

Mr. COX. Will the gentleman yield?

Mr. HULL of Iowa. Yes.

Mr. COX. Has the gentleman ever read the report of Postmaster General Hitchcock, made to Congress in 1909, and ex-President Taft's recommendation?

Mr. HULL of Iowa. Yes; I was in the post office at the time and know that the conclusions drawn from that report were absolutely inaccurate.

Mr. COX. Does the gentleman know that Postmaster General Hitchcock, after one year's complete, thorough, and exhaustive investigation, said that it costs 9 cents a pound to carry and transport and deliver second-class mail matter?

Mr. HULL of Iowa. Yes; and, as I say, he was absolutely wrong.

Mr. HILL. Will the gentleman yield?

Mr. HULL of Iowa. Yes.

Mr. HILL. I do not understand that the department claims any such thing. If I understand the statement made to our committee, the overhead charges were practically the same in all zones, but there was a difference in railroad transportation that made the necessity for the change.

Mr. HULL of Iowa. Oh, they say one thing in one place and another thing in another place, but you can never run it all down. As a matter of fact, I want to say to this committee that for the next fiscal year you would not handle one pound of second-class mail matter mailed by the publisher that you would lose money on. In other words, I challenge any Member of this House to point out the items in the statement of expenses as shown by the Auditor of the Post Office Department which can be reduced $11,000,000, provided no second-class mail is handled at publishers' rate. I want to introduce those figures now. If we lose $80,000,000 per year, it must be paid out in some of these items, and I want some of these gentlemen who are so sure of this to tell us where it goes. Here are the figures:

APPROPRIATION AND EXPENDITURE ACCOUNTS—SERVICE OF THE POST OFFICE DEPARTMENT.

Audited expenditures from July 1, 1915, to June 30, 1916.

OFFICE OF THE POSTMASTER GENERAL.

Rent of buildings Post Office Department	$24,000.00
Electric power, light, etc	3,708.85
Post-office inspectors:	
Salaries	749,857.94
Per diem	225,882.00
Clerks, division headquarters	132,453.41
Traveling expenses	37,019.62
Livery hire	35,172.80
Miscellaneous expenses, division headquarters	4,946.18
Payment of rewards	2,450.00
Information	1,121.47
Travel expenses, etc., Postmaster General	432.13

OFFICE OF THE FIRST ASSISTANT POSTMASTER GENERAL.

Compensation to postmasters	31,086,525.59
Compensation to assistant postmasters	2,992,106.11
Clerks, first and second class post offices	45,402,431.14
Printers, mechanics, and skilled laborers in post offices	40,064.74
Watchmen, messengers, and laborers in post offices	1,304,875.64
Clerks, contract stations	1,045,771.08
Vacation service, first and second class post offices	290,083.14
Temporary and auxiliary clerks in post offices	1,468,652.18
Separating mails, third and fourth class post offices	662,797.36
Unusual conditions at post offices	77,466.06
Clerks, third-class post offices	1,637,151.15
Assistant postmasters	62,572.63
Rent, light, and fuel	5,129,310.81
Miscellaneous items, first and second class post offices—Services	295,671.22
Mechanical and labor-saving devices	25,153.21
City delivery carriers	37,533,394.30
City delivery carriers, substitute, auxiliary, and temporary	2,916,077.75
City delivery carriers, new offices	22,228.60
City delivery horse hire	2,067,536.40
Car fare and bicycle allowance	504,581.29
Street care collection service	7,580.00
Detroit River postal service	6,500.00
City delivery, incidental expenses	78,920.01
Special delivery car fare	10,610.93
Special delivery fees	2,201,421.46
Village delivery service	125,645.18
Travel expenses, etc., First Assistant Postmaster General	28.25

OFFICE OF THE SECOND ASSISTANT POSTMASTER GENERAL.

Star-route service—Alaska	227,934.69
Power-boat service	856,958.50
Mail messenger service	1,972,198.17
Pneumatic-tube service	881,781.40
Wagon service	2,703,025.21
Railroad transportation	52,819,826.84
Special terminal service, St. Louis	9,730.35
Freight on stamped paper and mail bags	386,323.52
Railway post office car service	3,688,677.14
Railway mail service—Salaries	26,449,744.20
Railway postal clerks—Travel allowances	1,312,974.08
Railway Mail Service—Emergency	59,353.63
Railway Mail Service—Vacation	110,851.36
Postal employees—Injured	88,774.12
Railway Mail Service—Traveling expenses	35,572.25
Railway Mail Service—Miscellaneous expenses	389,264.63
Railway Mail Service—Per diem and expenses, assistant superintendents:	
Per diem	1,866.00
Expenses	623.41
Electric and cable car service	610,942.29
Usual conditions	6,026.88
Foreign mail transportation	2,102,356.60
Sea post office service	53,576.97
Harbor transfer service	72,408.26
Assistant superintendent, division of foreign mails	2,500.00
Balances due foreign countries	94,748.52
Travel expenses, etc., Second Assistant Postmaster General	239.55

OFFICE OF THE THIRD ASSISTANT POSTMASTER GENERAL.

Manufacture of postage stamps	$749,784.32
Manufacture of stamped envelopes and newspaper wrappers	1,316,379.36
Distribution of stamped enevelopes and newspaper wrappers	14,313.99
Manufacture of postal cards	347,149.30
Ship, steamboat, and way letters	28.34
Indemnities, domestic mail	169,284.94
Indemnities, international registered mail	315.68
Travel expenses, etc., Third Assistant Postmaster General	400.11
Travel expenses, etc., Postal Savings System	
Unpaid money orders more than 1 year old	301,294.02

OFFICE OF THE FOURTH ASSISTANT POSTMASTER GENERAL.

Stationery	$119,262.31
Official and registry envelopes	49,571.25
Supplies, money order service	118,903.46
Supplies, registry system	746.50
Supplies, Postal Savings System	13,295.12
Inspection agency, Cincinnati, Ohio	2,746.45
Supplies, City Delivery Service	117,590.69
Stamping appliances	33,349.40
Letter balances, scales, etc	59,651.44
Wrapping paper	6,642.61
Twine and tying devices	220,333.05
Facing slips, etc	72,353.37
Office appliances	114,679.32
Supplies, Rural Delivery Service	9,900.13
Shipment of supplies	100,503.48
Intaglio seals, etc	4,267.11
Post route maps	8,960.17
Miscellaneous items, first and second class post offices—purchases	77,116.20
Canceling machines	257,890.75
Mail bags	445,778.59
Mail-bag repair shop, labor	98,996.81
Mail locks, etc	11,392.54
Mail-lock repair shop, labor	39,024.83
Star route service	7,726,975.57
Rural Delivery Service	51,866,415.92
Clerks, substations	10,684.08
Travel expenses, etc., Fourth Assistant Postmaster General	668.43
Total	297,637,128.87

Mr. RANDALL. How much per pound does the first-class mail matter yield to the Government?

Mr. HULL of Iowa. It is pretty hard to say.

Mr. RANDALL. As a matter of fact, the first-class mail matter, with 40 letters to a pound, pays 80 cents. The second-class mail matter pays 1 cent a pound. Now, either 1 cent is too low or 80 cents is too high, and there ought to be an average that would be the actual cost.

Mr. HULL of Iowa. The trouble with the gentleman's logic is the trouble with all that I have heard in regard to this matter. The Post Office Department was created to carry the correspondence of the people, and it was built up with that idea. The first and second class matter are not handled alike at all. For instance, your first-class matter is always given preference and your second-class practically is the last class considered. The first-class matter is always forwarded, and it may cost 30 or 50 cents to forward the letters, and you get nothing for it, but the second class is dead at the office of delivery. If it is returned or forwarded it costs the sender from 3 cents on up.

There is another thing, and this is the point I want to make. The first-class mail is picked up around the city. Take it in the city of Washington, you pick it up by carriers, and it costs a great deal of money to do that. Then it is carried to the post office and made up and billed. That costs money. How is the second-class matter handled? Take the Geographic Magazine. That is made up by the publishers, billed through, and nobody in the post office handles it. I presume it never goes into the post office to be handled at all. Take the Ladies Home Journal. They make that up in Philadelphia in packages of 150 pounds, take it to the train, put it on the train, and the Post Office Department pays nothing for it. That is billed clear through in the 150-pound package, say, to the city of Davenport, and no postal clerk drawing the higher salaries ever handles it. It is carried to the terminal, dumped out there, and then is put on a car to go to Davenport. It is carried to the Davenport post office, and there, if made up properly, it goes by the clerks in the post office to the carriers in an original package, say, to carrier No. 3; and no clerk has given any of his time, practically, to its distribution; he has passed it along as originally made up to the carrier who distributes it to his route when he is not busy handling first-class mail.

Mr. RANDALL. Will the gentleman yield?

Mr. HULL of Iowa. Yes.

Mr. RANDALL. I do not want to be personal, but I spent 15 years in a mail train. Davenport is an exception. It is a very large town. Packages of the Ladies Home Journal are made up as the gentleman states, but there are 50,000 other post offices for which they are not made up. Now, then, the letters mailed in Philadelphia are also tied up for Davenport and other large cities, and are not handled on the mail trains.

Mr. HULL of Iowa. Not by the man who mails them; they are collected by carriers all over the city, carried to the post office, and again rehandled by clerks.

Mr. RANDALL. Oh, no; but that is a small percentage.

Mr. HULL of Iowa. It costs a great deal of money to collect this mail around the city of Washington and take it to the post office. To prove that, as I say, take out of the post office tomorrow, and run your post-office system for one year without the second-class mail matter, and you will have cut the receipts $11,000,000; and I want the gentleman—and I will put the figures into the RECORD—to take and pick out the last auditor's report where he is going to save $11,000,000 next year if you do not handle this second-class mail. That is the real acid test in this matter.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. HULL of Iowa. Yes.

Mr. MANN. Do we not pay more than $11,000,000 to the railroads for the transportation of the second-class mail matter?

Mr. HULL of Iowa. No.

Mr. MANN. How do you differentiate it?

Mr. HULL of Iowa. You are not paying anything by weight now. You are paying for mileage and space.

Mr. MANN. That is just it. The second-class matter takes up the space.

Mr. HULL of Iowa. Not a great deal.

Mr. MANN. Yes; it does. It takes a great deal more space. It is bulkier. I used to be in the Railway Mail Service indirectly myself, and I know something about it.

Mr. RANDALL. In a 60-foot car, 10 feet of the space is devoted to the letters and 50 feet of the space to the papers.

Mr. HULL of Iowa. You send a lady's hat from the city of Baltimore to the city of Washington, and it will take up as much space as 150 pounds of second-class mail matter, and you will get a dollar and a half for carrying the second-class mail matter and only 7 or 8 cents for carrying the lady's bonnet.

Mr. MANN. One cent for carrying the second-class mail matter.

Mr. HULL of Iowa. Oh, no; a dollar and a half for carrying 150 pounds, and the hat will take up as much space as the 150 pounds.

Mr. MANN. But the gentleman's statement was, and that is what interested me, that if you cut out the second-class mail matter the Post Office would not gain anything by it on the present expenses. I wanted to know if we do not now pay to the railroads in excess of actually $11,000,000 for the transportation of second-class mail matter, regardless of all other expenses?

Mr. HULL of Iowa. Not as I understand it.

Mr. MANN. What percentage of the mail is second-class matter in weight?

Mr. HULL of Iowa. In size? It is the space that counts.

Mr. MANN. In weight.

Mr. HULL of Iowa. In space?

Mr. MANN. Nobody can tell what it is in space. You can tell what it is in weight.

Mr. HULL of Iowa. That is just the point that I am making.

Mr. MANN. Does the gentleman know what it is? I do not.

Mr. HULL of Iowa. I do not think anybody knows. Nobody could know.

Mr. MANN. They may not know, but they will figure it out down to the eighth of a pound in the Post Office Department.

Mr. STAFFORD. I think it is 80 per cent of the total mail carried.

Mr. MANN. Of the second-class mail?

Mr. STAFFORD. Yes.

Mr. MANN. The gentleman assumes it is less than one-quarter of the space. We pay the railroads over $44,000,000 a year for transportation.

Mr. HULL of Iowa. Yes.

Mr. COX. It is $61,000,000 a year.

Mr. MANN. A part of that is for terminals.

Mr. HULL of Iowa. It is about $52,000,000 a year.

Mr. COX. It is $61,000,000 a year.

Mr. MANN. The gentleman is assuming that 80 per cent of the weight is only about one-fifth of the space; that 80 per cent of the weight occupies only about one-fifth of the space. The gentleman may be right. I do not know. I think he ought to go into it a little more fully.

Mr. HULL of Iowa. I am sure of this, that you are not paying the railroads of this country any too much. You are really paying them for service in running the railroad trains and carrying the mail. It is really done for the first-class mail. The weight they carry for the Government is not now used as basis

for pay. That is figured out on space in cars used, mileage, and terminal charges.

Mr. MANN. For instance, I do not thing I am in favor of the provision in this bill—I never have been in favor of increasing the second-class rates—but the gentleman knows that out of my city, for instance—and that is true of a number of other cities—trains are run for the express purpose of carrying second-class mail matter at a time when there would be no need to carry first-class mail or anything else.

Mr. HULL of Iowa. There are very few such trains; they most always carry mail and express, and many of the newspapers use the express to carry their papers, as it is cheaper than the Government's rate, now so low you claim it is losing money, and yet the same Government claims it can carry merchandise cheaper than the express companies, and have lowered its rates very materially.

Mr. MANN. And they carry papers to Davenport and sell them in competition there.

Mr. HULL of Iowa. Then, as I understand it, both the Government and the railroads make a profit in running these trains.

Mr. MANN. I have always understood it was a dead loss and that there was no money received at all by the Government for it, but I do not know.

Mr. HULL of Iowa. I never could understand why they ran them, unless they show a profit to the Government.

Mr. MANN. They run them because it is our business to carry second-class mail, and it is carried at the request of the newspapers for the additional purpose of giving enlightenment to the people of Iowa through the Chicago daily papers.

Mr. HULL of Iowa. That is a false assumption. The people of Chicago need enlightenment much more than those of Iowa.

Mr. MANN. No; I do not think so.

Mr. HILL. Will the gentleman yield for a question?

Mr. HULL of Iowa. I will.

Mr. HILL. I have my views on this question. I am in favor of making the newspapers and magazines pay every cent of cost to the Government for carrying their products. Is it fair to the American people that the publishers of this country should have the advertisements which they have sold carried practically free to the farmers who are compelled to pay freight on their products? Now, I will tell the gentleman where I stood on this matter and I do not believe I am revealing any of the secrets of the committee in doing so. I made the proposition to tax every one of the advertisements 10 per cent, which would have meant in the total volume of the advertising receipts of this country of $100,000,000, which would have paid this loss to the Government and let the postage alone. The papers could have passed that tax on to the advertisers. Now, that is where I stood, and I am in favor of it now. I do not believe it is the business of the people of this country to give to any one branch of industry the right to have their products carried free all over the United States at the expense of the rest of the people.

Mr. HULL of Iowa. I am perfectly willing to yield, but I do wish a few minutes for myself.

Mr. REED. Do not they carry the farmer's congressional seeds free?

Mr. HILL. I have always voted against that for 20 years, and I shall as long as I stay here.

Mr. SLOAN. I hope the gentleman will. I would like to ask if, as a matter of fact, the newspapers carried 255 miles, as an average, can not be with as little trouble and effort distributed as ordinary packages of parcel post?

Mr. HULL of Iowa. Why, they certainly can and they certainly are, and the fact is for the space they occupy they pay more to-day than the parcel post.

Mr. SLOAN. In the short zone. According to this bill they pay a great deal more than the parcel post in the short zone.

Mr. HILL. And in the long zones a great deal less.

Mr. SLOAN. Just the reverse, and I was wondering why.

Mr. HULL of Iowa. I would not object to the gentleman's suggestion of there being a tax on advertising——

Mr. HILL. Let me suggest to the gentleman that if he will move to strike "except newspapers and periodicals" out of that section he will get it.

Mr. HULL of Iowa. I am simply suggesting to the committee and to the gentlemen of Congress that there is an erroneous impression in regard to the cost, and outside of railroad transportation there is not an item in this list here of audited expenditures of the department for the last fiscal year that I can figure where they are going to save any money if they do not carry this second-class mail. And, as I look at it, the Post Office Department is created to carry first-class mail, and then it picks up the second, third, and fourth class mail, the same as a manufacturing institution picks up something to do when they have a light load. The whole post-office system is built on the principle of giving enough service to handle the first-class mail. It is on the same principle as an electric light company, which is probably as good illustration as I can find. An electric light company goes to work and builds an electric light plant in a city.

Now, it sells its light for 10 to 15 cents per kilowatt when the load is on in the evening. That same company sells the same electricity for 1 to 3 cents when the load is not on.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HULL of Iowa. I would like a few minutes more—5 minutes or 10.

Mr. GREEN of Iowa. I yield to the gentleman five minutes more.

Mr. GORDON. Will the gentleman yield?

Mr. HULL of Iowa. For a question.

Mr. GORDON. What do you estimate it costs this Government a pound to carry second-class mail?

Mr. HULL of Iowa. I am trying to get at that very thing.

Mr. GORDON. Have you any figures to show what it costs a pound?

Mr. HULL of Iowa. I do not think it costs as much as they are getting. I will say that.

Mr. GORDON. What do you think it costs?

Mr. HULL of Iowa. I think it costs about 70 or 75 per cent of what they are getting.

Mr. GORDON. I understand that, but they do not get down to the brass tacks of handling the mail. That is the trouble.

Mr. HILL. Let me repeat the statement that the Postmaster General said it was not a question of handling, but it was a question of railroad transportation.

Mr. HULL of Iowa. It is a question of railroad transportation, too, but you are not paying anything for the weight. You may be paying a little for space, but you are really paying for mileage.

Mr. PLATT. Will the gentleman yield?

Mr. HULL of Iowa. I will.

Mr. PLATT. If it is a question of railroad transportation, why in the name of common sense did they put an item in the bill that the publishers should not pay railroad transportation? You give the whole thing away by putting that in there.

Mr. HULL of Iowa. Please allow me to proceed. An electric-light company has built up a plant here, and it sells its electric light a certain time for 10 or 15 cents and at another time for from 1 to 3 cents. Why? Does it lose money? The average cost of electricity at the end of the year is probably 4 or 5 cents, and it has received 6 or 7 cents, and it is sold during the day at from 1 to 3 cents. Now, is it losing money on that electricity it sells at from 1 to 3 cents? Go and ask any electric-light man, and he will tell you if it was not for that business that goes on there at the time the load is not on they could not do business. And it is the same way with the post-office system.

Mr. GORDON. Explain the analogy, though.

Mr. HULL of Iowa. You carry the mail matter at the time the post-office clerks are not busy. That is the point. Every office handles second, third, and fourth class mail when it is not handling first class. The Railway Mail Service does the same thing. They handle only about 10 per cent, probably, of the second-class mail. They simply pile it up in the corner of the car, and it goes through to its destination.

Mr. RANDALL. Will the gentleman yield?

Mr. HULL of Iowa. No; I can not. That is the real fact in regard to the distribution of second-class mail.

Now, I was in an office, and I have had a great deal to do with it, and I have seen 150 pounds of mail come into the post office there, and if you could not handle it you laid it aside. You pay a great deal of attention to your letters when you do not pay so much attention to your second-class mail matter. And if any of the gentlemen do not think that is correct, I ask them if they are getting any papers from their home district, and do they all come through? I am getting a great many papers, and I am losing about 25 per cent all the while. Why? Because the Post Office Department does not pay the same attention to the second class as it does to the first class. The post-office system is built upon this proposition, that it must take care of the first-class mail, the correspondence of the people.

Now, I want to say this—and I believe that it is true, and I think you will find it out—that when you increase the first-class mail rate you will decrease, or come very close to decreasing, the amount you will raise by the amount that you increase the rate. In other words, you will not have any more pennies in the till at the end of the year than you did before you increased that rate from 2 cents to 3 and from 1 cent to 2.

It is evident by the reading of this bill that the committee did not understand that there were two classes of second-class mail matter. One paid by the publisher and the rate paid by the general public. The committee will have to change the language or else they have materially increased the rate made to the general public, which has long been established, that of 1 cent for every 4 ounces or fraction thereof, which can be easily done, but I want to call to the attention of the committee that they will have to cut down the rates that they made to the fifth, sixth, seventh, and eighth zones to the publishers or else they will be in the position of charging more to the publisher than they do to the general public. I do not think that they intended to charge more at wholesale than they did at retail. That would be the effect of the committee bill as it is at present.

There is another thing the committee should do, providing this bill should become a law. Some provision should be made to avoid the loss that newspapers will be compelled to face unless they are given time to adjust their existing contracts. Practically all newspaper contracts are for one year, and most of them are paid in advance. As the newspapers that are circulated to-day are compelled to carry out those contracts many of them will face bankruptcy the minute this law becomes operative.

Future liabilities will be in the excess of their assets. I sincerely hope the committee will see the justness of this suggestion and introduce an amendment to cover the same.

In this bill you strike at the very thing that has made us a great people and you defeat the very purpose of your bill, for the effect of this increase of postal rates, in my opinion, will be a net loss in revenue, and the people will be deprived of that which educates and benefits them in all ways.

There is another point that I want to make before I close, and that is in regard to the increase of this second-class mail matter and its effect on farm journals. I have but one farm journal in my district, but that is of minor importance. But I tell you that it is my judgment that you are making a great mistake in increasing the rate on these journals. I do not care any thing about the Saturday Evening Post or the Ladies' Home Journal, but I do know that in this country to-day there is a class of farm journals that are doing more to induce the farmers to produce food in this country than any other single agency. [Applause.]

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. HULL of Iowa. I ask unanimous consent, Mr. Chairman to revise and extend my remarks in the RECORD.

The CHAIRMAN. The gentleman asks unanimous consent to revise and extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. GREEN of Iowa. Mr. Chairman, I now yield 10 minutes to the gentleman from New York [Mr. PLATT].

The CHAIRMAN. The gentleman from New York is recognized for 10 minutes.

Mr. PLATT. Mr. Chairman, it seems to me this bill is, generally speaking, perhaps as good a one as could be framed under the circumstances.

However, it is unscientific in many ways. The 10 per cent increase in the tariff on all imports is utterly unscientific, of course. The 5 per cent rate that runs through the bill, on automobiles, and so forth, is utterly unscientific. There is no more reason why you should take 5 per cent and run it through a whole lot of commodities than there would be for taking some other percentage, except that it is handy, I suppose. [Laughter.] But I do think that the zone increase on second-class mail matter is not only unscientific but unfair and not based on revenue principles. It is a working off of old grudges under the guise of a war measure, and it is not put in primarily for the purpose of raising revenue. Now, I think the gentleman from Iowa [Mr. HULL] was very largely, if not entirely, right in the economics of the situation. It does not cost the Government anything like what the Post Office Department says it does to carry second-class mail matter, and you can use the same arguments that they use, for instance, about letters paying 80 cents a pound, and apply them to freight rates all the way through. You do not have the same freight rates on gravel and coal that you have on wheat. If you did, you would not carry any gravel or coal. You do not charge as much for the carrying of lumber as for the carrying of wheat. If you did, you would not carry any lumber. You do not charge the same for carrying wheat as you charge for carrying dry goods. If you did, you would not carry any wheat. If you put the first-class rates on the lower classes of freights, you would not carry any freights of the lower classes, and you can argue that all the profits come from the higher classes and that the lower are carried at a loss. Freight has to be carried according to what it will bear, and some of it is carried at a very slight advance above actual cost of hauling, without any allowance, to speak of, for overhead costs. The railroad is there. It has its tracks, and its locomotives, its overhead charges, and its rolling stock, and it is figured that some business can be done that does not make nearly as much profit as other lines of business, and that it will pay better to carry it than not to carry it.

Now, it is very much the same way with the postal business, and, as the gentleman from Iowa [Mr. HULL] said also, the publications that have second-class rates are all put up in the offices of the publishers and inclosed in sacks and tagged and delivered at the post offices, and they go right straight through and are not handled until they get to the end of the journey or to the particular railway post office where they are to be distributed to small local offices. If the cost of this class of postal business is a question of railroad transportation, as has been stated here, why has the Committee on Ways and Means put in the bill a provision saying that the publisher shall not pay the railroad transportation to the point of distribution? There are a good many funny things in the way the mail is carried. My town is located on the Hudson River, which is about a half mile wide. There is a ferry crossing it every 15 minutes, and there is a railroad bridge across it. On the other side of the river there is a town of a couple of thousand people. How do you suppose the Post Office Department carries the mail from my city to that town directly across the river? They send it to Albany, 75 miles away, and then send it down on the other side again, on the West Shore Railroad, another 75 miles. Now, if it is a question of railroad transportation, what in the name of common sense do they do that for? I publish a newspaper. We do not think that is the best way to send it. We send our paper across on the ferry and put it in the post office over on the other side of the river in order to get it out with the early morning mails and onto the rural delivery mail routes. The transportation on the railroad, when they have got the space and the men to handle the mail, does not seem to cut any figure at all. The Government itself sends mail 150 miles to get it 2 miles, and evidently they think it is cheaper than to send it direct. They used to carry it by ferry, and all the four years I have been here I have been trying to get them to restore that route across the river. There is a trolley road which comes down to the ferry on the other side of the river, which could take the mail up to the post office, but on account of a little extra handling that would be required they think it is better to send that mail to Albany and back again, 150 miles. So it is perfectly plain that it is not a question of railroad transportation in these things. It is chiefly the question of handling.

I think this bill has been reasonably fair to the newspapers. So far as the local newspapers are concerned, they have retained their free privilege in the counties of publication, and although I benefit by that privilege, I am not altogether sure that something could not be said in favor of charging the local papers something for that service, though probably there are a good many little weekly newspapers that are kept alive by that very privilege.

I do not know whether any of the men who have made estimates with regard to the losses on second-class mail have shown how much of it comes from handling a considerable part of the mail absolutely free and how much comes from transporting magazines, for instance, from New York to Chicago or New York to San Francisco. The great percentage of all the newspapers in the country, so far as numbers are concerned, are little papers of small circulation, circulating almost wholly in their own counties.

Mr. COX. Will the gentleman yield?

Mr. PLATT. I yield to the gentleman from Indiana.

Mr. COX. The total volume of second-class mail matter is 1,240,000,000 pounds. Of that total amount there was approximately 60,000,000 pounds handled in the counties of publication, of free circulation.

Mr. PLATT. That seems a rather small proportion. I am glad to have those figures. Can the gentleman tell me how large a proportion of the weight of mail is franked mail, that goes out from Government departments and congressional offices free?

Mr. COX. Do you mean about what per cent?

Mr. PLATT. Yes.

Mr. COX. It is something like 3 per cent—between 3 and 5 per cent. At least, that is Mr. Hitchcock's estimate after an exhaustive study of it, and his figures have never been disputed.

Mr. PLATT. All these arguments are based on Mr. Hitchcock's figures?

Mr. COX. He started an investigation in 1908, and his figures have never been disputed. They have been revised and verified from time to time since he made those figures public.

Mr. RANDALL. Let me say that the free matter circulated in the county of publication is only hauled on an average of about 7 miles, whereas magazines on an average are hauled 922 miles.

Mr. PLATT. There is a point where I can apply my local illustration. My newspaper goes all over my county free. If it goes across the river it pays. But in order to get it across the river the department hauls it 150 miles, while I can get it across by hauling it 2 miles. The transportation of that matter is not an item in the Government consideration, it is the handling of it. In sending the paper through the county and putting it in the hands of the rural delivery carrier, they are handling it more than they are by going to Albany and back.

Mr. COX. Will the gentleman yield?

Mr. PLATT. Yes.

Mr. COX. Does the gentleman avail himself of the post-office privilege of transporting the newspaper across the river, or private conveyance?

Mr. PLATT. Well, since the gentleman asked me, we avail ourselves of private conveyance across the river through a fiction of the Post Office Department, which they call a non-paying route. The trolley conductor on the other side is considered a mail carrier, but he gets no pay except that which he gets from us. We pay somebody, but the Government pays nobody.

Mr. COX. The gentleman sends it by the express company?

Mr. PLATT. No; we use the ferry and railroad trolley line.

Mr. COX. That is all right, there is no monopoly by the Government on carrying second-class matter.

Mr. PLATT. No; and it is perfectly well known that papers and magazines are sent by freight and by express at lower rates than the Government carries them. If the Government would put a monopoly on second-class matter as they have on first-class matter—nobody can carry letters except the Government——

Mr. COX. That is right, it is a complete monopoly.

Mr. PLATT. If it should apply to newspapers and magazines—the law that they have in relation to first-class matter—they would get back a considerable part of what is now lost in the handling of papers and magazines.

Mr. COX. There is no question about that.

Mr. PLATT. But there is still another argument connected with second-class matter and perhaps the strongest argument. It seems to me that we do not want to be doing things that will pull the country apart. We have too much sectionalism and provincialism now. We want to be a great Nation and live together in harmony. We want information from New York to go to San Francisco and from San Francisco to New York. In the East we want to take the magazines from the West and we do not want to have to pay an exorbitant charge.

Mr. HULL of Iowa. And this zone system would have that tendency?

Mr. PLATT. Yes. The newspapers and magazines are certainly educational. I think there are more magazines and newspapers than we really need, but I do not think in legislation of this kind we ought to try to drive them out of business. We are supposed to be seeking revenue. [Applause.]

Mr. RAINEY. Mr. Chairman, I yield 15 minutes to the gentleman from Indiana [Mr. Cox].

Mr. COX. Mr. Chairman and gentlemen of the committee. I intend to support this bill and every provision in it, because I think it is based on justice and equity. But I shall address myself this evening to the second-class postage increase. I feel like quoting the old familiar hymn:

> This is the day I long have sought,
> And mourned because I found it not.

I have been a member of the Post Office Committee for eight years, have attended the hearings, and have had something to do in framing all the legislation of that committee. Almost from the moment I became a member of that committee the question of second-class postage has been a burning issue in our committee.

The gentleman from North Carolina [Mr. KITCHIN] has expressed many great truths on the floor of the House that will live long after he is dead and gone, but he made one statement yesterday that will pyramid every statement he ever made, and that is, that every Member of this House who had ever looked into the second-class postage question knew that the rate ought to be increased, but that we did not have the nerve to go up against it.

Now, that is the whole situation in a nutshell. We have simply been a bunch of cowards. Over our heads like the sword of Damocles has hung the newspapers and magazines in the country to prevent Congress from coming to the front as it ought to have done, lo, these many years, and increase the rate of postage on second-class matter. I undertake to say that we have worse than squandered $500,000 in investigating the question of second-class postage in the last 20 years. It began about 20 years ago when Congress had to go up against it. The graft was so severe, it was so nauseating that it had to do something, and, just as Congress always does when it gets hard pressed on a proposition, it pleads in confession and avoidance and appoints a commission to investigate it; and nine times out of ten that is the end of the matter. The commission either chloroforms it or Congress fails to follow its recommendations.

The Loud Commission, appointed 20 years ago, when there were not many of these second-class newspapers and magazines as compared with what there are now, recommended an increase, but it got nowhere. I do not know how many commissions have been appointed since, but a large number of them. In 1908, shortly after Mr. Hitchcock was appointed Postmaster General—and by the way he was a great Postmaster General—he began the inauguration of great reforms in the Postal Service. He did not serve long enough to see them all consummated, but he started them, and this was one of them.

After one year of careful, painstaking, industrious work, looked after by the most skilled employees that the Government has, and they are the postal experts, they arrived at a positive, definite conclusion that it cost the Government of the United States 9 cents a pound to transport and deliver second-class mail matter, and that has never been denied except by the newspapers and the magazines themselves. It has been confirmed and reaffirmed time and time again by practically the same set of postal experts under the present administration, and with these facts confronting us Congress never down until this good hour has had the nerve to go up against the proposition. It has been graft, pure and simple, and everybody who has ever looked into the question knows that it is graft. It has been a subsidy, pure and simple, and I have wondered why the Democratic Party has stood for it. I have challenged the Democrats in our committee for standing for this subsidy when we as a party have opposed a high protective tariff upon the ground that we say that it is a subsidy. I have attended these hearings in my committee until I finally announced three years ago that never again would I sit in another Post Office Committee room and hear evidence upon this question of second-class mail matter, because we did not have the nerve to report the thing out. I am in favor of talking plain to you.

My Republican friends, how in the world are you going to go back on this increase? How are you going to side-step what is known as the Hughes Commission report—headed by a great lawyer and a great man, your nominee for the Presidency last year, a man of vast and varied experience in all the walks of life. Justice Hughes was the chairman of a commission that sat for three months and heard testimony. He was not guessing at it. He heard testimony and he took the evidence that Congress had taken for the last 20 years and analyzed it as only a judge can analyze a proposition, and as a result of his keen, analytical mind he recommended to Congress that the rates be doubled; that is, made 2 cents a pound instead of 1 cent per pound. He got nowhere with that, and the proposition died aborning.

Mr. PLATT. Mr. Chairman, will the gentleman yield?

Mr. COX. For a question.

Mr. PLATT. Is not that just what ought to be done now?

Mr. COX. Never on your life. I want to compliment the Ways and Means Committee, and I undertake to say that they would not have had the nerve to do it if necessity had not driven them to it. But I also want to call upon the Ways and Means Committee to help us out, for there are bills pending before our committee now to increase the salaries of the post-office employees to such an extent that it will absorb every dollar of the $19,000,000 that you propose to raise here, and unless you are on the floor helping some of us fight that increase of salary you are liable to lose every dollar that you save in this way.

Mr. GREEN of Iowa. Mr. Chairman, will the gentleman yield?

Mr. COX. Yes.

Mr. GREEN of Iowa. In the committee there was a suggestion, and I understand every member agreed to it, that there would be an amendment providing that none of this money shall go for salaries.

Mr. COX. I thank the gentleman. There is one bill pending before our committee, and judging by the large number of Members who appeared in favor of it, it must be very popular. A great many Members had their names registered

in favor of it, and I am sure not one-half of them had ever read it. If enacted into a law this one bill will increase salaries in the Post Office Department upward of $16,000,000 per year. There are several bills pending before our committee proposing to increase salaries. The total increase of salaries carried by the bills now pending before it would increase the appropriation for the Post Office Department $18,000,000 per year, and between $70,000,000 and $75,000,000 in the next four years. I would especially call upon and urge the Ways and Means Committee to be on the floor of the House next winter to oppose those bills increasing salaries. Judging by the number of Members who appeared before our committee in behalf of these measures, and knowing the composition of the House Committee on Post Offices and Post Roads, it would not surprise me to see them reported out and placed on the calendar. They will never come out of the committee by my vote.

The only criticism I have of the Ways and Means Committee in reporting this increase of postage on second-class matter is that it did not make it high enough. Prior to 1875 the rate of postage on second-class matter was 3 cents per pound. Between 1875 and 1885 it was 2 cents per pound, and from 1885 to the present it has been 1 cent per pound.

The total number of second-class publications, as shown by the following figures furnished me by the Post Office Department May 12, 1917, is 29,638, of the following frequency of issue:

Daily	2,625
Triweekly	77
Semiweekly	632
Weekly	17,236
Semimonthly	647
Monthly	5,632
Bimonthly	325
Quarterly	2,069
Others	395
Total	29,638

I listened with a great deal of interest to the gentleman from Connecticut [Mr. HILL], who always both illuminates and elucidates any proposition he discusses. His idea is both intelligent and defendable, and that is, the true theory on which to increase the postage is to charge a certain per cent upon straight advertising. He said that if a straight 10 per cent is charged upon straight advertising this would yield $100,000,000 in revenue per year to the Government, and if a straight 5 per cent was charged on advertising it would yield fifty millions of revenue per year. I take it that his figures are correct. How much the public annually pays newspapers, magazines, and periodicals for advertisement I do not know, nor do I have any means of knowing; but this much has been ascertained by the Post Office Department, that during the fiscal year 1916 the Government transported 1,240,000,000 pounds of second-class mail matter. Of this amount upward of 400,000,000 pounds was straight advertising matter.

Mr. Chairman, it would not be my purpose, wish, or will to ruthlessly destroy any valuable publication which tended to educate or enlighted the people, but many hundreds, yes, thousands, of these second-class publications can not defend their position to-day.

They are in a position of grafting on the Post Office Department, accepting subsidy from the people, and compelling them to pay it. Many of these second-class publications constitute the greatest trust ever foisted upon the American people. Nothing like it has ever made its appearance in the Halls of Congress. There is no reason why the Government should be required to haul, carry, deliver, and distribute these second-class publications at such an enormous loss. Publishers of literature should stand upon the same ground, have the same rights as any other man, company, or corporation who produces things. These publications have the same rights that private individuals have. If it is right to subsidize a publisher of second-class matter, it is equally right to subsidize a private individual, company, or corporation. If it is wrong to subsidize men and corporations in pursuits other than in the publishing business, then it is equally wrong to subsidize men and companies engaged in the publishing business. If it is wrong to take the earnings of one man and give it to another without due compensation in private life, it is equally wrong to take from many men in private life and give to men engaged in the publishing business. Second-class newspaper publishers have no more right, legal or moral, to ask that their goods and wares be hauled at a loss to the Government than has the farmer engaged in raising foodstuffs to ask that his wheat, corn, barley, and live stock be carried by common carriers at a loss to the Government. Equality of opportunity should be the watchword. This should be the guiding principle to govern Congress in the enactment of all laws, and this principle is openly and brazenly defeated when the Government subsidizes second-class publishers by hauling their goods and wares at a tremendous loss. Many hundreds, yes, thousands, of these concerns or corporations are hooked and bound together by legal bands of steel that make it almost impossible for the Government to tear them apart.

In 1916 the actual loss to the Government in the handling of second-class matter was nearly eighty-five millions, as shown by the following figures furnished me by the Post Office Department:

SECOND-CLASS MAIL INCREASE BY DECADES.

Under subsidy of $0.07 per pound:	
Pays	$0.01
Costs	.08
	Pounds.
Total volume in 1875	40,000,000
Total volume in 1880	61,000,000
Total volume in 1890	204,000,000
Total volume in 1900	450,000,000
Total volume in 1910	873,000,000
Total volume in 1916	1,202,000,000

Unless law is changed amount will be 2,000,000,000 pounds per annum within 10 years, all handled at enormous loss.

OCULAR DEMONSTRATION—FIRST AND SECOND CLASS MAIL REVENUE AND WEIGHT COMPARED.

Revenue, first class: About 70 per cent of total revenue.
Revenue, second class: Under $12,000,000; less than 4 per cent of expense.
Weight, first class: About 225,000,000 pounds; about 13 per cent of volume.
Weight, second class: Over 1,200,000,000 pounds; about 63 per cent of volume.

PERTINENT POSTAL FACTS, 1916.

Total revenue	$315,000,000
Total expense	306,000,000
First-class mail is one-eighth of volume:	
Paid, about	190,000,000
Cost, about	100,000,000
Profit, about	90,000,000
Second-class mail is nearly five-eighths of volume:	
Paid, about	11,383,500
Cost, about	95,000,000
Loss, nearly	85,000,000

First-class mail costs four times as much per pound.
First-class mail pays eighty-four times as much per pound.

No guesswork about these figures. They are accurate. They have been tested. They have stood the test. They have been verified and reverified time and time again and never disputed, except by the bold, bald, audacious statement of newspapers and magazines when confronted with these figures say "they are not true."

Take the Curtis Publishing Co. in the city of Philadelphia as an illustration. They publish three publications. Their two headliners are the Saturday Evening Post and the Ladies' Home Journal. Fully half of the Saturday Evening Post is advertising.

A MEMBER. More.

Mr. COX. I would be conservative and put it at half. The cost of advertising per page is $4,500, except the last page, for which they charge $7,000.

Mr. SHERWOOD. Does the gentleman mean $500 or $5,000?

Mr. COX. Four thousand five hundred dollars. The Ladies' Home Journal is fully one-half devoted to advertising. It charges $6,000 a page for advertising, except the last page, and for this it charges $11,000.

Mr. Chairman, I forgot the superintendent of these publications, who testified before our committee——

Mr. RAINEY. Mr. Curtis.

Mr. COX. No; it was Mr. Collins, the advertising manager, who testified before our committee a couple of years ago, said that the Ladies' Home Journal was earning net for the Curtis Publishing Co. $500,000 per year. Between 1908 and 1914 these two publications, the Saturday Evening Post and Ladies' Home Journal, doubled the cost of their advertising. The Saturday Evening Post jumped from $2,500 per page to $5,000 per page, and the Ladies' Home Journal jumped from $3,000 per page to $6,000 per page, and for its last page jumped from $5,500 to $11,000. Yet they had the nerve, the audacity, the cunningness, to appear before our committee in 1914 to oppose a little insignificant increase of postage from 1 to 2 cents per pound, which the Hughes Commission recommended after weeks and months of toil and study.

What do these two papers pay the Government in the way of postage? As shown by the hearings before our committee the Ladies' Home Journal paid to the Government in the way of postage $174,201.22. This, mark you, is the same publication which Mr. Collins admitted before our committee that a few years ago netted the company $500,000 per year. The Ladies' Home Journal has a paid subscription of 1,600,000 subscribers, and the Saturday Evening Post has a subscription of 2,225,000. The Saturday Evening Post, with its two million and a quarter subscribers, with its millions upon millions of income by virtue of its subscribers and chiefly through its advertising, last year paid to the Government in the way of postage $442,271.79. Mr. Curtis, the head of the great Curtis

Publishing House, and its manager, Mr. Collins, both appeared before our committee three years ago, and both benevolently told our committee that if the rate of postage was increased from 1 to 2 cents per pound they would pass this increase on to their subscribers. Oh, patriotism, you are a jewel, indeed you are!

The gentleman from Iowa [Mr. HULL] mentioned a newspaper, a periodical that was published in his district. I do not know whether he had reference to a paper published in Des Moines, Iowa, by the name of Successful Farming or not. If he did, I want to quote some statements made before our committee three years ago by Mr. Meridith, the sole owner of this publication.

I cross-questioned Mr. Meridith myself. He admitted his paper was incorporated for $75,000 in capital stock. About two-thirds of his paper is devoted to advertising purposes, and when asked the question if he could absorb the extra 1 cent per pound without increasing the price to his subscribers and still make money, he said of course he could do it but he would not do it. He would shove it on the shoulders of the readers of his paper.

The CHAIRMAN. The time of the gentleman has expired.

Mr. COX. I would like to have about three minutes more.

Mr. RAINEY. I yield the gentleman five minutes additional.

Mr. COX. There are many of these papers. I would like to take them up in logical order. For instance, there is a great string of these strictly advertising journals. They carry no reading matter; exclusively advertising; weighty and bulky; going through the mails at the rate of 1 cent per pound—many of them, weighing 1, 2, 3, 4, and even 5 pounds per piece.

The following are the names of some of these advertising papers:

The Dry Goods Economist, New York; The Dry Goods Reporter, Chicago; The Drygoodsman, of St. Louis; The Boot and Shoe Recorder, of Boston; The Motor Age, of Chicago; The Automobile and the Motor World, of New York; and the Iron Age, the Hardware Age, the Metal Worker and Building Age, of New York.

I think there are 11 of them all told. Every one of these 11 advertising periodicals are corporations. I "corkscrewed" it out of Mr. Root, the president of these concerns, when he appeared before our committee that every one of these 11 corporations made a large per cent upon the capitalization, in some instances reaching as high as 110 per cent on the capital stock. Each one of these 11 corporations is held by a holding company, or corporation called the Newspaper Publishers' Association, located in the city of New York, capitalized for $5,000,000, with Mr. Root (not ex-Senator Root) as president of the holding company and incidentally of the subsidiary companies. In addition to the earnings of the subsidiary companies, the holding, or parent, company made approximately 50 per cent on its total capitalization of $5,000,000.

Mr. Chairman, here is a case to which the attention of the Department of Justice should be called. Here is a case, so far as trusts are concerned, which puts to shame the Standard Oil Trust, the Sugar Trust, Steel Trust, Tobacco Trust, Leather Trust, Packers' Trust, and every other trust which is to-day eating the vitals out of the American people, yet they have been permitted to go on unassailed by the Department of Justice and not even interfered with by Congress. They have been able and powerful enough to keep Congress from increasing the rate of postage from 1 cent to 2 cents per pound, yet Members of the House get up and defend such a system of graft and trustism, as beyond doubt is displayed in this particular instance.

It can only be put upon the ground of political cowardice. That is all there is to it. The man who undertakes to defend this graft and subsidy on the floor of the House is afraid of the influence of newspapers and magazines back home. Look at it in this way. It is the only way to look at it. It is the only way it can be accounted for.

Mr. PLATT. Do not the newspapers back home all circulate over the entire county free? How are they going to be taxed?

Mr. COX. I would tax them if I had my way about it. There are a few of the second-class publications that this proposed increase in rates may drive out of business. God knows some of them ought to be driven out of business. These publications have increased at the rate of 11 per day for the past 15 years. I have one of these publications called the Hartford Courant, a little paper published up in Vermont. It takes 101 of them to weigh a pound. The average haul of all publications, including this one, is 615 miles. The Government, on an average, must haul 101 pieces of this one publication 615 miles before it gets 1 cent, and yet each one of these publications, on an average, must be handled ten times before it reaches its final destination. This means that while the Government is hauling these 101 pieces of this publication and distributing them, they have been handled upward of one thousand times. Talk about such publications as this being educational! This is not an extreme case by any means. There are many hundreds—yes, thousands—of them. To contend that publications of this kind are educational is preposterous.

Sometimes the goodness of men's hearts compels them to do justice, and sometimes necessity drives them to. Justice will come. The day of judgment will overtake the man who is not doing right, and the day of judgment will overtake the business man, be he publisher or otherwise, who is not doing right in his business. While publishers of newspapers and magazines, through threats, intimidations, and bulldozing, have kept Congress from compelling them to pay at least a part of what they should pay, the time has come, at least I trust it has, when Congress will do justice to this class of publishers who have been doing an injustice to the Government for the past 25 years, and compel them to pay at least a part of the cost of transportation and delivery of their periodicals. We are face to face with a great war. We must have men and money, and it looks as though it was a much easier task to get men than to get money, although you can easily replace money by earning it; you can never replace a human life taken in war. It would be no task to prove by any special interest hit by this revenue bill that the measure is entirely wrong—that is, proceeds upon an erroneous basis; that the tax in the proposed bill on the other fellow is all right, but it is outrageous on the man protesting against it. This, in the main, holds good with the publishers of newspapers and magazines. With them the bill is all right, except where they are hit. The income tax, the inheritance tax, the increased tax on intoxicating liquors, amusements, and so forth, but that it is a most unholy, unrighteous, and unjust tax so far as the newspapers are concerned, from their viewpoint. Before this item in the bill is finally disposed of publishers of second-class matter will spend many thousands of dollars in telegrams to Members of Congress protesting against this increased rate of postage.

The mails will be laden with cunning, specious, and peculiar arguments tending to prove from their viewpoint that they should be relieved from doing their "bit" and contributing their part toward raising money for the support of the war. This item proposes to raise the postage on letters from 2 cents to 3 cents and on postal cards from 1 cent to 2 cents. It is estimated that by this increase in postage on first-class matter that the Government will receive $70,000,000 additional next year. This is approximately 80 cents per capita on each man, woman, and child in the United States. I have not received one protest from the great mass of people who will to some extent be burdened by this increase of postage in first-class mail, but I have received telegrams, letters, and circulars galore from various concerns in the United States protesting against the increase of postage on second-class matter. We can expect this scientifically organized trust to go to any extreme to defeat this measure. While our committee was giving hearings on second-class postage, attempting to follow out the Hughes Commission's recommendation to increase the rate of postage on second-class matter from 1 cent to 2 cents per pound, the following telegram was sent to the Hon. JOHN A. MOON, chairman of the House Committee on the Post Office and Post Roads:

MADISON, WIS., *February 8, 1917.*

Hon. JOHN A. MOON,
Chairman House Post Office Committee, Washington, D. C.:

If you desire to bring the same fate upon your party which befell the Taft administration and caused its downfall, increase the second-class postage rates and you will successfully accomplish that result. The great Republican forces which helped to slug its own party for its many injustices in these matters, and beyond question this is the most unfair proposition imaginable, and second only (?) to the blunder of Hitchcock's freight-train order for transporting publications. You will hear Rome howl North and South (?) if you carry this policy into effect.

B. B. CLARK,
Editor of the American Threshermau.

We can expect similar telegrams from this highly organized newspaper and magazine trust before this item is finally written in this bill.

Mr. PLATT. It seems to me the gentleman is fortifying my argument that this is not primarily a revenue-raising bill.

Mr. COX. It is absolutely a revenue-raising measure, pure and simple.

The trouble is as I said a moment ago, it does not raise revenue enough from publishers of second-class matter.

Mr. PLATT. That makes it true.

Mr. COX. That is the trouble with it. There has been a fight going on many years between users of first-class mail matter and second-class mail matter. We have compelled doctors, lawyers, merchants, bankers, manufacturers, and all kinds of business men, together with the public at large who use first-class mail to pay a tribute to the publishers of second-class mail matter. We have compelled the public to make up a deficit of $85,000,000 lost by the Government in transportation

and delivery of second-class matter. The reason is plain, easily understood. It requires no philosopher to analyze it and tell us why. It is because the people are disorganized on their side and the publishers of second-class matter are thoroughly organized on the other. People through lack of organization are unable to concentrate their power and energy upon a few men charged with the responsibility of righting these wrongs, while the newspapers and magazines are compactly organized, able within a few hours' notice to concentrate their tremendous power upon the man charged with the responsibility of administering the Government.

Yet men stand on the floor of the House and beg the question that we are hurting the newspapers and magazines, when it has been conclusively and scientifically proven and never disproven that the publishers of second-class matter are now getting a "rake-off" and "shakedown" at the public's expense.

Mr. Chairman, I make as a part of my remarks some statements made by certain newspaper and magazine publishers before our committee three years ago. These statements are startling; they are not my statements, but statements made by the men themselves. A large number of these publishers own no plant, no type; they exist only on paper. For instance, take the United Publishers Association and its 11 subsidiary corporations. Not one of them own their own factory, printing presses, or type. All their publications are farmed out.

All these men whose statements I put in the RECORD frankly admitted that they could take on an extra increase of 1 cent a pound for their publications and still do business, and still make money, but every one of them said they would shove it out on the shoulders of their readers. These publications which I have selected are in no way exceptional. Hundreds, yes, thousands, I may say, of similar publications can be found in the United States doing business at the old stand, and doing business at public expense, taxing every man, woman, and child in order that they might reap unbounded rewards in the way of dividends. I give this bill my hearty, undivided, loyal support in every paragraph of it, but I give the paragraph increasing the rate of postage my most hearty and enthusiastic support.

In February, 1914, one Charles R. Root, of New York, representing the joint postal committee of the American Newspaper Publishers' Association, Periodical Publishers' Association, and Federation of Trade Press Associations in the United States, while before our committee, stated that he was president of the Newspaper Associations of New York, which had to do with trade papers, papers in several lines—textile lines, furnishing goods, boots and shoes, and some lines like that—purely commercial papers; and while before our committee he made the following statements in response to the following questions:

Mr. STAFFORD. Are you, yourself, engaged in the publishing business?
Mr. ROOT. I am, sir.
Mr. STAFFORD. For how long have you been so engaged?
Mr. ROOT. Since 1877.
Mr. STAFFORD. How many papers or magazines or periodicals are you connected with the publication of?
Mr. ROOT. Twelve, I think.
Mr. STAFFORD. What position do you occupy toward them?
Mr. ROOT. I am the president of the company which is interested in all the different companies publishing these different papers.
Mr. STAFFORD. Will you kindly name them or give some general description of them?
Mr. ROOT. I will be glad to. In the dry-goods line, the Dry Goods Economist, of New York; the Dry Goods Reporter, of Chicago; the Drygoodsman, of St. Louis; in the boot and shoe line, the Boot and Shoe Recorder, of Boston; in the automobile line, the Motor Age, of Chicago; the Automobile and Motor World, of New York; and in the iron and steel line, the Iron Age, the Hardware Age, the Metal Worker and Building Age, of New York.
Mr. STAFFORD. How do you build up these papers or build up your subscription lists? They are all allied in a general way; they are akin; and they represent certain lines of industry or commerce?
Mr. ROOT. Yes, sir.
Mr. STAFFORD. Now, after you founded some of these magazines, or your company——
Mr. ROOT (interposing). The Dry Goods Economist is older than I am. It was founded in 1846 and is the oldest trade paper in the world.
Mr. STAFFORD. How did you go about getting subscribers to those magazines? What is the basis for it? Do you send them out to the trade, and do they pay a nominal subscription price?
Mr. ROOT. They pay $5 per year for the Dry Goods Economist.
Mr. STAFFORD. Does that include membership in any association?
Mr. ROOT. Not at all.
Mr. STAFFORD. What is your policy about getting advertising with reference to these business papers?
Mr. ROOT. We get all we can of a respectable and germane character. We do not carry general advertising.
Mr. STAFFORD. Do you have the same advertising man for each paper, or do they cover them all?
Mr. ROOT. They are as separate and independent as the Washington Star and the New York Herald.
Mr. STAFFORD. What is the percentage of advertising matter to reading matter?
Mr. ROOT. We endeavor to keep it about 2 to 1; that is, one-third reading matter and two-thirds advertising matter, and when we fail in doing that we do not make any money.
Mr. STAFFORD. What was the characteristic 10 years ago, as far as reading matter and advertising is concerned, with regard to these trade papers?
Mr. ROOT. I think it is almost the same. You may take that roughly throughout the publishing business. If they do not include one-third reading matter and two-thirds advertising there must be very peculiar conditions surrounding the paper to make money.
Mr. COX. Is your concern a corporation?
Mr. ROOT. Yes; it is a good many corporations. It is very important to the good will of a paper that it shall not be apparently controlled by or too closely connected with another.
Mr. COX. What do you mean by saying it is a good many corporations?
Mr. ROOT. For example, the Chicago Dry Goods Reporter Co. is one, That circulates among the Chicago dry goods merchants.
Mr. COX. That is a corporation?
Mr. ROOT. That is a corporation—one corporation.
Mr. COX. You are the president of that, too?
Mr. ROOT. I am not. I am president of the newspaper association. I am president of the United Publishers' Association, of New York, which is interested in all these trade papers, publishing these noncompeting papers.
Mr. COX. Do you know what the capitalization of the Chicago concern is?
Mr. ROOT. It is not large. I can not remember off-hand, but I should say, roughly, it was $100,000.
Mr. COX. Can you give the names of its directors?
Mr. ROOT. I think I can. Mr. McDonald, Mr. Fisk, Mr. Cowan. I think there is one more that I do not remember. It is a small board in each case.
Mr. COX. Can you tell us anything about how much profits they made last year?
Mr. ROOT. They did not make as much as they did in previous years, because the last two years have been very poor for all publications, but my impression is that they made a matter of $17,000 or $18,000.
Mr. COX. On a $100,000 investment?
Mr. ROOT. Well, yes; nominal capital. It does not make any difference what it is.
Mr. COX. You said, I believe, that you represented some automobile publication.
Mr. ROOT. Yes, sir.
Mr. COX. Who is president of that?
Mr. ROOT. Mr. H. M. Swetland.
Mr. COX. Where is that published?
Mr. ROOT. The automobile publication?
Mr. COX. Yes.
Mr. ROOT. The Class Journal Co., of New York City.
Mr. COX. What two papers does that corporation own?
Mr. ROOT. The Automobile, of New York, and Motor Age, of Chicago.
Mr. COX. What is the capitalization of the Automobile?
Mr. ROOT. That is the Class Journal Co. The Automobile is not capitalized separately.
Mr. COX. What is the capitalization, then, of the two papers combined?
Mr. ROOT. Thirty thousand dollars.
Mr. COX. Can you give me the names of the directors of that company?
Mr. ROOT. I do not know that I could remember them all. Mr. Swetland is the president; Mr. Roth is vice president; Mr. Charles D. Phillips is a director; and, I think, Mr. Taylor is a director; and there may be one or two others. It is a small directorate.
Mr. COX. Can you tell us anything about how much profit they made last year?
Mr. ROOT. I think the two papers made somewhere near $40,000.
Mr. COX. What was their capitalization?
Mr ROOT. It is nominal—$30,000. That is the way it was started and they never increased it.
Mr. COX. And they made about $40,000?
Mr. ROOT. That is my remembrance.
Mr. COX. Out of that $30,000 investment they made 110 per cent; yet you think they would have to go out of business if Congress increased the rate of postage from 1 cent to 2 cents per pound?
Mr. ROOT. I do not know. That would depend very largely upon how much of that we could pass along—how much we could pass along to the advertisers or how much we could pass along to the subscribers.
Mr. COX. You say, then, if Congress should make this raise from 1 cent to 2 cents a pound, a company making 133 per cent—as I have been prompted—on its investment would undertake to shove that out on its advertisers and subscribers?
Mr. ROOT. That does not represent the cost. The last time those two papers sold there was $1,000,000 paid for them.
Mr. COX. I asked you the capitalization.
Mr. ROOT. The capitalization is $30,000.
Mr. COX. You said to me, if I remember correctly—and I do not want to misquote you at all—your impression was last year they made about $40,000.
Mr. ROOT. Yes, sir.
Mr. COX. That would be showing a profit of 133 per cent.
Mr. ROOT. On what?
Mr. COX. On the $30,000 capitalization.
Mr. ROOT. But the capitalization does not represent its value. The capital stock sold for a million dollars, Mr. Cox.
Mr. COX. I do not care what it has been in the past. I repeat the question to you: If Congress should raise the rates from 1 cent to 2 cents a pound, do you believe that the corporation would undertake to shove that extra cost out to its subscribers?
Mr. ROOT. Unquestionably; either the subscribers or the advertisers. They have not any fund out of which to pay it.
Mr. COX. Let us go ahead and see about some more of these concerns. How many subscribers has the Automobile got?
Mr. ROOT. My impression is that it is 10,000.
Mr. COX. What class of people are subscribers to that paper?
Mr. ROOT. That is the most technical of all the automobile papers.
Mr. COX. That does not answer my question, quite. What class of people subscribe to it?
Mr. ROOT. If you will be patient for a moment I will tell you. I say that it is the most technical of all of them. Engineers, automobile manufacturers, and accessory manufacturers, and the more scientific motorists themselves. Of course, motorists vary very much in the amount of attention they give to the construction of their machines. The class of people who are interested in every detail of construction are the people who take that paper. After that comes the Motor Age. That is a different class. Again, when it comes to a commercial vehicle it is a different class again.

Mr. COX. What is the name of the company or paper you said was owned by the same corporation that also included this automobile paper?

Mr. ROOT. The Motor Age.

Mr. COX. The Motor Age. What is the subscription of that paper?

Mr. ROOT. The number of subscribers?

Mr. COX. Yes.

Mr. ROOT. I think it exceeds 25,000.

Mr. COX. What class of people usually subscribe to that paper?

Mr. ROOT. People who are motorists, but who are not the more technical kind. They do not care to know all the details of their construction. All they want to know is what the routes are, the rules of the road, and what the automobile laws of the different States are. They want to know the history of every contest or every race run or whatever it is; they want all the news of the trade.

Mr. COX. Then the class of people that usually subscribe to these two kinds of papers have automobiles?

Mr. ROOT. Yes, sir.

Mr. COX. Either manufacturers, owners, or buyers of automobiles. Is that correct?

Mr. ROOT. That is correct.

Mr. COX. And about the shoe paper you mentioned a moment ago. What do you have to do with that?

Mr. ROOT. Well, I am interested in it, though I am not the president of the company.

Mr. COX. In what way are you interested in it?

Mr. ROOT. I am interested in it as president of the New York Publishers' Corporation of the Root Securities Co. The Root Securities Co. owns nearly all the stock in that corporation.

Mr. COX. Is that a corporation?

Mr. ROOT. Yes, sir.

Mr. COX. What is its capitalization?

Mr. ROOT. I do not recall; I have forgotten.

Mr. COX. Can you approximate it?

Mr. ROOT. You know frequently in these days the capitalization has no relation to the value.

Mr. COX. I am not asking you about that. I am putting a simple question.

Mr. ROOT. I do not know what it is. If you want to know what the value is, I can tell you.

Mr. COX. I am asking you whether you can approximate the capital stock?

Mr. ROOT. I can not tell you what the capital stock is.

Mr. COX. You do not know whether it is a thousand or a hundred thousand?

Mr. ROOT. It is near $100,000, but I do not know.

Mr. COX. How much profit did you make out of that last year?

Mr. ROOT. I could not remember that for last year.

Mr. COX. Did you have anything to do with figuring up the profits?

Mr. ROOT. No, sir.

Mr. COX. Did you get any part of the profits?

Mr. ROOT. I presume I did.

Mr. COX. Do you remember how much your part of it was?

Mr. ROOT. No, sir.

Mr. COX. Who is president of that concern?

Mr. ROOT. Mr. Charles G. Phillips.

Mr. COX. Could we get him here?

Mr. ROOT. No; I think you would have difficulty in doing so.

Mr. COX. Why?

Mr. ROOT. I think he is in Florida.

Mr. COX. Where should the committee send in order to get the books of that concern so as to find out how much profit they did make last year?

Mr. ROOT. The books are in Boston.

Mr. COX. Who would be the proper man for us to send a subpœna to for those books; who is the custodian of them?

Mr. ROOT. I presume the manager of that company.

Mr. COX. Who is he?

Mr. ROOT. Mr. Terhune.

Mr. COX. What is his first name?

Mr. ROOT. E. B.

Mr. COX. E. B. Terhune; and he lives in Boston, does he?

Mr. ROOT. He lives in Boston.

Mr. COX. And he would be the proper person for us to subpœna here for the purpose of showing how much profit that concern made last year?

Mr. ROOT. Yes, sir.

Mr. COX. You do not know anything about it?

Mr. ROOT. I do not know anything about it. I do not come as close to that paper as I do to some of the others that you mentioned.

Mr. COX. How much profit has that Boot and Shoe Recorder?

Mr. ROOT. That is a small paper. I do not think that exceeds $9,000.

Mr. COX. And what class of people take that?

Mr. ROOT. Mostly the retailers and shoe people throughout the country; also the manufacturers, to a great extent.

Mr. COX. Is it not true that all of these seven or eight papers form practically one corporation?

Mr. ROOT. Yes; they all are jointly interested.

Mr. COX. What is the name of the holding company?

Mr. ROOT. The holding company is the United Publishers' Association.

Mr. COX. The United Publishers' Association?

Mr. ROOT. Yes, sir

Mr. COX. How much stock has that in it? What is that capitalized at?

Mr. ROOT. I think that is about $5,000,000.

Mr. COX. Has that ever declared a dividend?

Mr. ROOT. Yes.

Mr. COX. What dividend did that corporation pay last year?

Mr. ROOT. I think it was about $160,000. There never has been any dividend on its common stock. I think its preferred stock paid perhaps $160,000 or $175,000.

Mr. COX. How much preferred stock does it have?

Mr. ROOT. It has about $2,500,000, I think, of preferred stock.

Mr. COX. And $2,500,000 of common stock?

Mr. ROOT. Yes.

Mr. COX. You think last year it paid something like $160,000 or $175,000 dividends on its preferred stock?

Mr. ROOT. In round numbers.

Mr. COX. How much did it pay year before last?

Mr. ROOT. About the same.

Mr. COX. And the third year back?

Mr. ROOT. It was not in existence then.

Mr. COX. Do you think you are safe in saying that in one year the profits were $160,000 or $170,000 on the $2,500,000 of preferred stock?

Mr. ROOT. I think so.

Mr. COX. Then there would be no necessity to subpœna the books here on that proposition?

Mr. ROOT. I should think not.

Mr. COX. How many stockholders are there who own that stock, do you know?

Mr. ROOT. Three hundred or four hundred.

Mr. COX. Is that stock divided up and held by these other various concerns, the names of which you have given to the committee here?

Mr. ROOT. No; no concern; only individuals.

Mr. COX. How is that?

Mr. ROOT. Only individuals. No concern owns any part of the stock.

Mr. COX. But the individuals who own the stock in the concern you have just mentioned—do they own the stock in the concern you have just mentioned, these other papers the names of which you have given us?

Mr. ROOT. No; they do not.

Mr. COX. They do not?

Mr. ROOT. Now, Mr. Chairman, what is the object of this? What has this got to do with the question of second-class matter?

Mr. COX. We will see later on what it has got to do with it. You are contending all the time that it would shove the extra cost on the publishers of your paper.

Mr. ROOT. It certainly would.

Mr. COX. And you made that contention utterly regardless of whatever dividends you are making. I would concede, so far as I am concerned, that you are entitled to a reasonable profit, and I think the country would back that up.

Mr. ROOT. I think so.

Mr. COX. But I do not think it would back you up in making 133⅓ per cent profit a year?

Mr. ROOT. How do you make it 133⅓ per cent a year?

Mr. COX. So far as my position is concerned, at any rate, I would not

Mr. ROOT. Taking $2,500,000 and making a profit of $165,000 or $170,000——

Mr. COX (interposing). Do you claim, then, that the $2,500,000 of preferred stock in the company you represent has $2,500,000 worth of tangible property behind it?

Mr. ROOT. No, sir.

Mr. COX. How much tangible property is behind the $2,500,000 preferred stock?

Mr. ROOT. I have not got the figures here.

Mr. COX. Well, what would be your judgment on it?

Mr ROOT. Almost all its work is contracted out; its tangible property is comparatively small.

Mr. COX. Will you give this committee some idea about the tangible property that is actually represented by this $2,500,000 of preferred stock?

Mr. ROOT. Well, I would not venture to go into the bookkeeping without any preparation.

Mr. COX. I did not understand you.

Mr. ROOT. I say I would not venture to go into the bookkeeping or accounting without any preparation; I do not think it would be right.

Mr. COX. You could not tell whether it would represent $1,000 or $100,000?

Mr. ROOT. I suppose I could come closer than that to it.

Mr. COX. I am giving you any latitude that you want yourself.

Mr. ROOT. I prefer that any figures that are given——

Mr. COX (interposing). Will you write the chairman of the committee and tell him how much tangible property there is behind that $2,500,000 of preferred stock?

Mr. ROOT. Well, I do not know that I would.

Mr. COX. Why would you not?

Mr. ROOT. Because I do not think it is germane to this discussion.

Mr. COX. You do not?

Mr. ROOT. Of course, if the United States subpœnas me I will be obliged to do it. I am willing to do anything that is fair; but it looks to me as if that would be allunde, as the lawyers say.

Mr COX. It might be allunde, but it might be very important.

Mr. ROOT. I would not do it unless I was compelled to do it.

Mr. COX. Then you refuse to write the chairman that letter?

Mr. ROOT. I do.

The CHAIRMAN. Mr. Root, how much did this Boot and Shoe Recorder—that is one of your papers, is it not?

Mr. ROOT. Yes, sir.

The CHAIRMAN. How much did it save in 1912–13 by not having to pay 2 cents postage?

Mr. ROOT. I do not think it saved anything. I do not see how you can save what you never had.

The CHAIRMAN. I know. But suppose you had had to pay 2 cents postage, how much less would your receipts have been?

Mr. ROOT. Now, there is something I will find out if you want to know, because that comes right in here with this question.

The CHAIRMAN. There seems to be a sort of contest between the National One Cent Letter Postage Association, and your association. There is an article which the stenographer will put in the record. Will you look at it [handing paper to witness] and see what sort of an answer you have to make to it? You can do that before it is put in the record. That shows that you got a subsidy on that one paper of $20,000 during one year.

The statement referred to is as follows:

BOOT AND SHOE RECORDER.

In this periodical (June 4, 1913) its editor says:

"Some dishonest methods are used by a '1-cent postage' association, which is apparently obsessed with the idea that all that is needed to promote business prosperity is the chopping in two of the present very low letter rates."

We challenge the editor to prove that any dishonest methods have been used by this association or that we have made misleading statements.

Furthermore, the names of the gentlemen appearing on this letterhead warrant the assumption that they would not be connected with the movement if such methods were pursued.

Doesn't the Boot and Shoe Recorder fear that to reduce letter postage to 1 cent will mean a revision of postal rates so that each class shall pay cost of service, which would take away its subsidy?

In this connection the following information, based on copy of the Boot and Shoe Recorder for June 4, 1913, in which the editorial appeared, is interesting. That issue contained 123 pages, the proportions of advertising and reading being as follows:

Reading matter, 48 pages.

Advertising matter, 75 pages.

Circulation per week, 8,250 copies.
Weight of this number, per copy, 1 pound.
Advertising rates, one page, $60 each issue.
Advertising rates, one page one year (52 issues), $38.47 each issue.
While $38.47 is their minimum charge for a page of advertising, advertisers who take small space are charged as high as $105 per page, but our estimates are based on $38.47 per page per issue.
Figuring on this lowest rate of $38.47 per page, we have:

Income from advertising for one issue	$2,885.25
Income from advertising for one year	$150,033.00
Income from subscriptions for one year, at $2.50 per year (providing subscriptions are paid for)	$20,625.00
Total number of pounds mailed per year	429,000

They pay the Post Office Department about $4,290 per year.
It costs the Post Office Department about $25,740 per year.
The loss to the Post Office Department is about $21,450 per year.
The above figures are only approximate, as some of their issues are larger.
Is it not singular that a periodical which is receiving a subsidy from the Government of over $20,000 per annum should object to paying the department the cost of distributing its publication?

NATIONAL ONE CENT LETTER POSTAGE ASSOCIATION,
GEORGE T. MCINTOSH, *Secretary-Treasurer.*

Mr. COX. I want to ask this question also: Do I understand that you represent the Iron Age also here before the committee?
Mr. ROOT. Yes. I am willing to answer your questions, but I do not want you to think that I am here in the interest of any institution. I am here in behalf of second-class matter simply. We are all in the same boat.
Mr. COX. But we are entitled to the facts.
Mr. ROOT. You can have them as far as I have got them and as far as I think they are germane.
Mr. COX. Who are the directors of this Iron Age?
Mr. ROOT. Mr. Taylor, Mr. Robins, Mr. Griffith, Mr. Frank, and Mr. Finley.
Mr. COX. Where is that published?
Mr. ROOT. It is published in New York.
Mr. COX. What is its capitalization?
Mr. ROOT. I do not know.
Mr. COX. Can you not approximate; give us some idea about it?
Mr. ROOT. Yes; I know what it was, but I do not know what it is now; it has been reduced.
Mr. COX. What was it?
Mr. ROOT. I think it was $1,500,000.
Mr. COX. When was it reduced?
Mr. ROOT. Probably within a couple of years.
Mr. COX. And how much was it reduced?
Mr. ROOT. I do not know that it has been reduced. I think perhaps that has not been reduced; I think that still remains the same.
Mr. COX. Then, your judgment is that the capitalization of that concern is $1,500,000?
Mr. ROOT. Yes, sir.
Mr. COX. Have you any stock in it?
Mr. ROOT. No; not personally.
Mr. COX. What do you mean by "not personally"?
Mr. ROOT. I have an interest in it on behalf of the United Publishers' Association.
Mr. COX. How much stock does the United Publishers' Association hold of the Iron Age?
Mr. ROOT. Practically all of it.
Mr. COX. How much did your concern pay for it?
Mr. ROOT. My impression is that we paid $2,000,000.
Mr. COX. When did you buy it?
Mr. ROOT. In 1911.
Mr. COX. Your impression is now that you paid $2,000,000 for it?
Mr. ROOT. Yes.
Mr. COX. Did you pay that in cash or did you pay it in stock or in bonds?
Mr. ROOT. Partly in bonds and partly in cash and partly in stock.
Mr. COX. How much in bonds did you issue for it?
Mr. ROOT. Well, I do not think it is necessary for me to answer as to all of these details. I do not know that there is anything discreditable about it, but it does not seem to have anything to do with this question.
Mr. COX. How much profit did you make last year on the Iron Age?
Mr. ROOT. I make no estimate as to that.
Mr. COX. Did you make any profit?
Mr. ROOT. I make no estimate.
Mr. COX. Did you strike any dividends at all?
Mr. ROOT. I make no estimate.
Mr. COX. Do you recollect whether you received any dividends or not?
Mr. ROOT. Yes; I recollect.
Mr. COX. Then how much did you receive?
Mr. ROOT. I decline to make any answer to that.
Mr. COX. Why do you decline?
Mr. ROOT. Because I do not think it has anything to do with the question of rates.
Mr. COX. Would you write the chairman of this committee solely for the purpose of giving him and this committee information and state in your letter how much dividend, if any, was paid last year from the Iron Age?
Mr. ROOT. Not unless I am required to do so.
Mr. COX. Who has the books of this concern?
Mr. ROOT. The A. B. Williams Co., the publishers.
Mr. COX. If we wanted to send a subpœna for those books, who would be the proper man to subpœna?
Mr. ROOT. You could subpœna the president of the company.
Mr. COX. Who is he?
Mr. ROOT. Mr. William H. Taylor.
Mr. COX. And where is he located?
Mr. ROOT. No. 231 West Thirty-ninth Street, New York City.
Mr. COX. And he would be in possession of the facts that would give us that information?
Mr. ROOT. He would.
Mr. COX. Well, it was a money-making concern last year, was it not?
Mr. ROOT. Well, I do not think I will answer any questions along that line.
Mr. COX. You will refuse, then, to give the committee any information along that line at all?
Mr. ROOT. I will.
Mr. COX. That is all, then.

On the 10th of February, 1914, a Mr. E. T. Meridith, of Des Moines, Iowa, appeared before House Committee on the Post Office and Post Roads and made the following statement to the following questions, to wit:

The name of my paper is Successful Farming. It has a circulation of 700,000. It averages from 40 to 116 pages per issue. About 45 per cent of it is devoted to advertising. I make about $500,000 per year from advertising and about $150,000 per year from subscriptions. My subscription price is 25 cents per year.
Mr. COX. In that connection, I believe you said, in answer to a question by Mr. STAFFORD a moment ago, that you sold this paper to your subscribers for 25 cents per year?
Mr. MERIDITH. Yes; 2 cents a copy.
Mr. COX. Suppose this rate of postage was increased from 1 cent to 2 cents; what would be your rate of subscription?
Mr. MERIDITH. Fifty cents a year, three years for $1.
Mr. COX. Would you have to do that?
Mr. MERIDITH. I do not say that I would have to, but I would.
Mr. COX. Is your paper a corporation?
Mr. MERIDITH. Yes, sir.
Mr. COX. What is it capitalized at?
Mr. MERIDITH. Seventy-five thousand dollars.
Mr. COX. Who is its board of directors?
Mr. MERIDITH. I am the whole thing.
Mr. COX. You own all the stock, do you?
Mr. MERIDITH. I own all the stock; yes.
Mr. COX. Would you be willing to tell this committee how much you made last year from your paper?
Mr. MERIDITH. I do not see that that is essential. It is a paying proposition, and a very satisfactory one from my standpoint; and, as I say, I can absorb this increase of postage. But I do not think it is essential for me to give the amount of my profits.
Mr. COX. Can you pay the increase of postage from 1 cent to 2 cents a pound and still make a profit on your $75,000 investment?
Mr. MERIDITH. Let me ask you a question: Can you pay $100 for a $50 suit of clothes and still have something left out of your salary?
Mr. ALLEN. I will answer that, that I could not. [Laughter.]
Mr. MERIDITH. I can; yes; and still make a profit.
Mr. COX. You can pay the increase and still make a profit?
Mr. MERIDITH. Yes.
Mr. COX. And yet you are not willing to tell this committee how much profit you made last year?
Mr. MERIDITH. I do not see that that enters into the question. I am doing business with more than 600,000 people; and, say, I am making 10 cents per year off of each one of them; that is $60,000 a year.
Mr. COX. Will you write to the chairman of this committee and inform him how much profit you made last year?
Mr. MERIDITH. I do not object to that, but——
Mr. COX (interposing). I wish you would do so.
Mr. MERIDITH. I do not see the necessity for it. I am doing business with more than 600,000 farmers——
Mr. COX. Your farmers would not object to your giving that information.
Mr. MERIDITH. Say that I am making 10 cents per year out of each one of them; some other publisher is doing business with 5,000 farmers and making $1 per year out of them and still he is only making $5,000.
Mr. COX. Now, I hand you a copy of your paper and invite your attention to page 9 of it, and will ask you how much you get for that page [handing paper to witness].
Mr. MERIDITH. $1,350.
Mr. COX. For one issue?
Mr. MERIDITH. Yes; one issue.
Mr. COX. Yes. Then you get $1,350 for that issue of the advertisement on page 9?
Mr. MERIDITH. And the postage alone on that issue was $4,000.
Mr. COX. And that went out to 600,000 subscribers?
Mr. MERIDITH. Yes. That is the reason we charged so much.
The CHAIRMAN. For how many pages?
Mr. COX. For only one page.
Mr. MERIDITH. That is only one publication. If it was one of the Curtis publications, he would charge more; if it was a county paper, they would charge very much less.
Mr. COX. But you say you charged $1,350 for that one page?
Mr. MERIDITH. Yes; and I am paying about 200 salaries.
Mr. COX. Now, your total income from advertisements is $600,000?
Mr. MERIDITH. Between $550,000 and $600,000.
Mr. COX. What is your total income from subscriptions?
Mr. MERIDITH. $150,000.
Mr. COX. Your total income is between $700,000 and $800,000, is it?
Mr. MERIDITH. Yes, sir.
Mr. COX. Do you have your own plant?
Mr. MERIDITH. Yes.
Mr. COX. You have your own printing presses, type, etc.?
Mr. MERIDITH. Yes.
Mr. COX. And it is published by a corporation, and you own the stock?
Mr. MERIDITH. Yes, sir.
Mr. COX. And yet you think if this postage was increased from 1 to 2 cents per pound you would jump the price of your paper up to your subscribers to 50 cents per year—
Mr. MERIDITH. I know I would.
Mr. COX. You know you would. You would take the chances of their paying the increase?
Mr. MERIDITH. Yes; because there would be a lot of publishers who would go out of business, and I would go after that business that much harder; and that would be the excuse for raising the rate and laying it on the Post Office Department.
Mr. COX. You would say it was raised because the department had increased the cost of carrying the publication, would you?
Mr. MERIDITH. Absolutely so.
Mr. COX. And yet you admit you can carry that increase?
Mr. MERIDITH. Oh, yes.

The CHAIRMAN. The time of the gentleman has expired.
Mr. COX. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.
The CHAIRMAN. Is there any objection?
There was no objection.
Mr. KITCHIN. Mr. Chairman, I move that the committee do now rise.
The motion was agreed to; and the Speaker having resumed the chair, Mr. FOSTER, Chairman of the Committee of the Whole

House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 4280) to provide for revenue to defray war expenses, and for other purposes, and had come to no resolution thereon.

LEAVE TO PRINT.

Mr. GLASS. Mr. Speaker, I ask leave to print in the RECORD a letter from Gov. Harding, of the Federal Reserve Board, and other letters and telegrams relating to the action of the House on yesterday on the Federal reserve amendment.

The SPEAKER. The gentleman from Virginia asks unanimous consent to extend his remarks in the RECORD. Is there objection?

Mr. RAGSDALE. Reserving the right to object, what is the nature of these telegrams? In the way of criticism of the action of the House?

Mr. GLASS. Did I understand objection was made?

The SPEAKER. The gentleman from South Carolina reserved his objection.

Mr. GLASS. There is a letter from Gov. Harding pointing out to me that the action of the House on yesterday would very likely involve the Government itself in an expenditure of more than a million dollars for exchange in placing what is known as the "Liberty loan" of $2,000,000,000, and a telegram to the same effect from Mr. Long, of the Federal reserve bank of New York, and certain resolutions passed by the National Grange and by the Farmers' Union.

Mr. RAGSDALE. I object, then, Mr. Speaker.

The SPEAKER. The gentleman from South Carolina objects.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 2106. To authorize the county of Cass, in the State of Indiana, to construct a bridge across the Wabash River east of the city of Logansport, at a point known as Cedar or Rock Island, in said Wabash River; to the Committee on Interstate and Foreign Commerce.

ENROLLED BILLS SIGNED.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 1007. An act authorizing the city of Bemidji, Minn., to construct a bridge across the Mississippi River at or near that place; and

S. 1006. An act authorizing the county of Morrison, Minn., to construct a bridge across the Mississippi River in said county.

ADJOURNMENT.

Mr. KITCHIN. I move, Mr. Speaker, that the House do now adjourn.

The SPEAKER. The gentleman from North Carolina moves that the House do now adjourn. The question is on agreeing to the motion.

The motion was agreed to; accordingly (at 5 o'clock and 40 minutes p. m.) the House adjourned, pursuant to the order previously made, until to-morrow, Saturday, May 12, 1917, at 10.30 o'clock a. m.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. WEBB, from the Committee on the Judiciary, to which was referred the bill (H. R. 2316) to promote export trade, and for other purposes, reported the same with amendment, accompanied by a report (No. 50), which said bill and report were referred to the House Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. ADAMSON: A bill (H. R. 4369) to amend an act entitled "An act to codify, revise, and amend the penal laws of the United States," approved March 4, 1909, as amended, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. EVANS: A bill (H. R. 4370) for the purchase of a site and erection thereon of a public building at Lewistown, Mont.; to the Committee on Public Buildings and Grounds.

By Mr. SCULLY: A bill (H. R. 4371) authorizing the Secretary of War to donate General William S. Truex Post, No. 57, Grand Army of the Republic, Department of New Jersey, South Amboy, N. J., two condemned cannon, with a suitable outfit of cannon balls; to the Committee on Military Affairs.

By Mr. HULBERT: A bill (H. R. 4372) to amend the act providing for the organization of the militia in the District of Columbia; to the Committee on the District of Columbia.

By Mr. HARDY: A bill (H. R. 4373) to authorize the President to suspend operation of section 4347, and other laws in whole or in part during an emergency, and for other purposes; to the Committee on the Merchant Marine and Fisheries.

By Mr. SULZER: A bill (H. R. 4374) to regulate the killing and sale of certain game animals in northern Alaska during the existing state of war, and for other purposes; to the Committee on the Territories.

By Mr. DILLON: A bill (H. R. 4375) to amend section 22 of the Federal farm loan act, approved July 17, 1916; to the Committee on Banking and Currency.

By Mr. PADGETT: Joint resolution (H. J. Res. 84) relative to suspension of provision of section 355 of the Revised Statutes requiring cession of jurisdiction by a State over lands acquired therein by the United States, and for other purposes; to the Committee on Naval Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BLANTON: A bill (H. R. 4376) to pay W. M. G. Mackechney the sum of $150.82, being the amount of post-office funds lost by him in a robbery of his safe on April 16, 1915, and which as postmaster he was forced to pay to the Government; to the Committee on Claims.

By Mr. COMSTOCK: A bill (H. R. 4377) granting a pension to Mary E. Beitzell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4378) granting an increase of pension to Amos Huddleston; to the Committee on Invalid Pensions.

By Mr. DILLON: A bill (H. R. 4379) for the relief of William H. Gunsul; to the Committee on Claims.

Also, a bill (H. R. 4380) for the relief of Fred N. Bunham; to the Committee on Claims.

By Mr. DYER: A bill (H. R. 4381) granting a pension to Joseph Glass; to the Committee on Pensions.

By Mr. FREEMAN: A bill (H. R. 4382) granting a pension to Francis H. Johnson; to the Committee on Pensions.

Also, a bill (H. R. 4383) granting an increase of pension to William J. Gleason; to the Committee on Pensions.

Also, a bill (H. R. 4384) to correct the military record of Charles H. Brown; to the Committee on Military Affairs.

By Mr. KNUTSON: A bill (H. R. 4385) granting an increase of pension to Robert Watson; to the Committee on Invalid Pensions.

By Mr. MONDELL: A bill (H. R. 4386) granting a pension to Samuel M. Deets; to the Committee on Pensions.

By Mr. POLK: A bill (H. R. 4387) granting an increase of pension to Miers B. Betts; to the Committee on Invalid Pensions.

By Mr. POWERS: A bill (H. R. 4388) granting a pension to Thomas M. McDonald; to the Committee on Pensions.

Also, a bill (H. R. 4389) granting a pension to John Storms; to the Committee on Pensions.

Also, a bill (H. R. 4390) granting a pension to Wiley T. Cook; to the Committee on Pensions.

Also, a bill (H. R. 4391) granting a pension to Susan Murphy; to the Committee on Pensions.

Also, a bill (H. R. 4392) granting a pension to Robert Strong; to the Committee on Pensions.

Also, a bill (H. R. 4393) granting a pension to William N. Frost; to the Committee on Pensions.

Also, a bill (H. R. 4394) granting a pension to James Hubbard; to the Committee on Pensions.

Also, a bill (H. R. 4395) granting an increase of pension to Samuel D. Ballou; to the Committee on Pensions.

By Mr. ROSE: A bill (H. R. 4396) granting an increase of pension to Jacob Snook; to the Committee on Invalid Pensions.

By Mr. RUSSELL: A bill (H. R. 4397) granting an increase of pension to Mark T. Campbell; to the Committee on Invalid Pensions.

By Mr. STEELE: A bill (H. R. 4398) granting an increase of pension to Samuel Reinhart; to the Committee on Invalid Pensions.

By Mr. ZIHLMAN: A bill (H. R. 4399) granting an increase of pension to John T. Plummer; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Memorial of Division 37, Ancient Order of Hibernians, Fitchburg, Mass., pledging loyalty

and support to the Government; to the Committee on Military Affairs.

Also (by request), memorial of sundry citizens of Mokane, Mo., and the Chicago Theosophical Association, asking legislation fixing food prices; to the Committee on Agriculture.

Also (by request), memorial of National Association of State Universities, pledging support to the President and Government; to the Committee on Military Affairs.

By Mr. BROWNING: Memorial of congregation of First Methodist Episcopal Church of Camden, N. J., declaring for abolition of the liquor traffic as war measure; to the Committee on the Judiciary.

By Mr. CARY: Petition of O. R. Piper Co., against coffee and tea tax; to the Committee on Ways and Means.

Also, petition of H. R. McLogan, against increase of postage on various periodicals; to the Committee on the Post Office and Post Roads.

Also, petition of Emil O. Schmidt and W. A. Gaulke, against 5 per cent taxes on musical instruments; to the Committee on Ways and Means.

Also, petition of Milwaukee Theatrical Managers' Association against tax on theaters; to the Committee on Ways and Means.

By Mr. CLARK of Florida: Petition of Florida State Convention of Educators, indorsing Susan B. Anthony amendment; to the Committee on the Judiciary.

By Mr. DALE of New York: Petition of the Mail Advertising Service Association, of Chicago, Ill., against any increase in first-class postage; to the Committee on the Post Office and Post Roads.

Also, petition of C. H. Selick, of New York City, against reenactment of Schedule B of war revenue; to the Committee on Ways and Means.

Also, petition of Stewart E. Bruce & Co., of New York, relative to levying tax for war revenue; to the Committee on Ways and Means.

Also, memorial of Music Industries Chamber of Commerce of America, against any excise tax on pianos and piano players; to the Committee on Ways and Means.

By Mr. FULLER of Illinois: Petition of American Farming Publishing Co., protesting against zone system for second-class mail; to the Committee on the Post Office and Post Roads.

Also, petition of W. B. Pusey and others, of Ottawa, Ill., favoring prohibition as a war measure; to the Committee on the Judiciary.

Also, memorial of the Board of Trustees of the American Defense Society, urging that an expeditionary force be sent to France at the earliest practicable moment; to the Committee on Military Affairs.

Also, petition of Music Industries Chamber of Commerce of America, against proposed tax on musical instruments; to the Committee on Ways and Means.

Also, petition of the Chicago Real Estate Board, favoring universal compulsory military service; to the Committee on Military Affairs.

Also, petition of George W. Cushman & Co., of Champaign, Ill., favoring bill to revise rates of postage; to the Committee on the Post Office and Post Roads.

Also, petition of 75 members United Mine Workers, of Peru, Ill., asking legislation to bring prices in food back to normal; to the Committee on Agriculture.

By Mr. GALLIVAN: Memorial of Division 37, Ancient Order of Hibernians, Fitchburg, Mass., pledging loyalty and support to the President of the United States; to the Committee on Military Affairs.

By Mr. HUTCHINSON: Memorial of men and women and student body of Flemington, N. J., for prohibition for war measure; to the Committee on the Judiciary.

Also, memorial of New Brunswick district stewards of the Methodist Episcopal Church, favoring national prohibition; to the Committee on the Judiciary.

By Mr. LINTHICUM: Petition of sundry people of Baltimore, Md., against 5 per cent tax on automobiles; to the Committee on Ways and Means.

Also, petition of sundry citizens of Baltimore, Md., against 5 per cent tax on musical instruments; to the Committee on Ways and Means.

Also, petition of Maryland Coca-Cola Bottling Co., against 10 per cent tax on soft drinks; to the Committee on Ways and Means.

Also, petition of J. F. Obrecht & Co., Baltimore Md., favoring small tax on net earnings; to the Committee on Ways and Means.

Also, petition of Williams & Wilkins Co., of New York, and Baltimore Club of Printing House Craftsmen, against increasing rates on second-class mail matter; to the Committee on the Post Office and Post Roads.

Also, petition of Fillmore Cook, of Baltimore, Md., against tax on bowling alleys and pool rooms; to the Committee on Ways and Means.

By Mr. MORIN: Petition of First Unitarian Church of Pittsburgh, Pa., asking the President and the Congress of the United States to enact a law establishing national prohibition as a war-conservation measure; to the Committee on the Judiciary.

By Mr. NOLAN: Memorial of California State Conference of Social Agencies, asking legislation prohibiting use of grain or any other foodstuff for manufacture of liquors during war; to the Committee on Agriculture.

Also, petition of citizens of San Francisco, Cal., favoring national prohibition; to the Committee on the Judiciary.

By Mr. RAKER: Memorial of American Defense Society, urging the President to send an expeditionary force of United States troops to France; to the Committee on Military Affairs.

Also, memorial of California State Conference of Social Agencies, favoring prohibition as a war measure; to the Committee on the Judiciary.

Also, petition of Herbert W. Hill, New York City, against any excise tax on pianos and piano players; to the Committee on Ways and Means.

Also, memorial of Local No. 31, Bridge and Structural Iron Workers, relative to income tax, etc.; to the Committee on Ways and Means.

By Mr. ROGERS: Memorial of Christian Endeavor Society of Union Congregational Church of Ballard Vale, Mass., favoring prohibition as a war measure; to the Committee on the Judiciary.

By Mr. ROWE: Memorial of the Presbytery of Brooklyn, N. Y., favoring prohibition as a war measure; to the Committee on the Judiciary.

Also, memorial of the National Association of Cotton Manufacturers, relative to lowering exemption from income tax; to the Committee on Ways and Means.

Also, petition of E. Fougera & Co., against reenactment of Schedule B of the war-revenue law of 1898; to the Committee on Ways and Means.

Also, petition of Colgate & Co., of New York, favoring passage of House bill 2609, daylight-saving bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of Misha Appelbaum, of New York, favoring suffrage for women; to the Committee on the Judiciary.

Also, memorial of citizens of New York, favoring amendment to abolish polygamy; to the Committee on the Judiciary.

Also, memorial of Chamber of Commerce of the State of New York, pledging loyalty and support to the Government; to the Committee on Military Affairs.

Also, petition of Oakley & Co., of New York, against stamp tax; to the Committee on Ways and Means.

Also, petition of S. M. Bixby & Co., of Brooklyn, N. Y., against tax of 25 cents per gallon on denatured alcohol; to the Committee on Ways and Means.

By Mr. SHOUSE: Petition of Mennonite congregation of Meade, Kans., asking exemption from compulsory military service; to the Committee on Military Affairs.

By Mr. SNOOK: Memorial of Blakesley Woman's Christian Temperance Union of Edon, Ohio, favoring prohibition as a war measure; to the Committee on the Judiciary.

By Mr. STEENERSON: Petition of George Leimers, of Thief River Falls, Minn., favoring legislation to punish food speculating and to reduce the cost of living; to the Committee on Agriculture.

Also, memorial of Vang Church, of Fergus Falls, Minn., favoring prohibition as a war measure; to the Committee on the Judiciary.

Also, memorial of Reading Club, of Fergus Falls, Minn., urging immediate action toward ridding the Army of the saloon and the prostitutes; to the Committee on Military Affairs.

By Mr. TOWNER: Petition of Rev. R. J. Rutt, A. E. Moore, R. A. Smith, Charles W. Gay, and A. McGaffin, representing churches of Corning, Iowa, for prohibiting the manufacture of grain into liquor during the continuance of the war; to the Committee on the Judiciary.

By Mr. VARE: Petition of Vegetarian Club of Philadelphia, Pa., asking exemption of vegetarians from military service on the ground of conscientious objections and scruples; to the Committee on Military Affairs.

By Mr. ZIHLMAN: Memorial of farmers of Charles County, Md., favoring placing production and distribution of the food supply of the Nation upon a war basis; to the Committee on Agriculture.

JAN 3 1918